CONGRESSIONAL RECORD.

PROCEEDINGS AND DEBATES OF THE FIFTY-SEVENTH CONGRESS.

SECOND SESSION.

SENATE.

MONDAY, *December 1, 1902.*

The first Monday of December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the second session of the Fifty-seventh Congress commenced this day.

The Senate assembled in its Chamber at the Capitol.

The PRESIDENT pro tempore (Mr. WILLIAM P. FRYE, a Senator from the State of Maine) took the chair and called the Senate to order at 12 o'clock noon.

PRAYER.

Rev. F. J. PRETTYMAN, of the city of Washington, offered the following prayer:

Almighty God, our Heavenly Father, at the threshold of the solemn duties of this time and place we bow reverently before Thee and lift up our hearts to Thy throne. As the representatives of the nation we make humble acknowledgment of our sense of gratitude to Thee for Thy marvelous goodness to us. Thou hast kept us in the hollow of Thy hand. The generous earth has yielded the fruits in their season; the elements have been kind; the people enjoy domestic tranquillity; peace abounds. In all that gives meaning to life, in all that inspires hope, in all that establishes government, and in all that gives dignity to office and honor to authority, we recognize Thy purpose in us as a chosen people.

Now we pray that Thou wouldst look upon us in Thy mercy. Grant that more and more we may be conscious of the Divine guidance. We pray that where authority is exercised it may be by Thy consent; where counsel is taken it may be under Thine own direction; where power is used it may be chastened and sanctified by Thy grace.

Let Thy blessings be upon Thy servants in this honorable Senate. Give to them a sense of the Divine power. Rule through them in the execution of Thine own righteous will. We ask for Christ's sake. Amen.

SENATORS PRESENT.

The PRESIDENT pro tempore. The Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

From the State of—
Alabama—John T. Morgan and Edmund W. Pettus.
Arkansas—James H. Berry and James K. Jones.
California—Thomas R. Bard and George C. Perkins.
Colorado—Thomas M. Patterson.
Connecticut—Orville H. Platt.
Florida—Stephen R. Mallory.
Georgia—Augustus O. Bacon and Alexander S. Clay.
Idaho—Fred T. Dubois and Henry Heitfeld.
Illinois—Shelby M. Cullom and William E. Mason.
Indiana—Albert J. Beveridge and Charles Warren Fairbanks.
Iowa—William B. Allison and Jonathan P. Dolliver.
Kansas—Joseph R. Burton.
Kentucky—Joseph C. S. Blackburn.
Louisiana—Murphy J. Foster and Samuel Douglas McEnery.
Maine—William P. Frye and Eugene Hale.
Maryland—Louis E. McComas and George L. Wellington.
Massachusetts—George F. Hoar and Henry Cabot Lodge.
Michigan—Julius C. Burrows.
Minnesota—Knute Nelson.
Missouri—Francis M. Cockrell and George G. Vest.
Montana—Paris Gibson.
Nebraska—Charles H. Dietrich and Joseph H. Millard.
Nevada—William M. Stewart.
New Hampshire—Henry E. Burnham and Jacob H. Gallinger.
New Jersey—John F. Dryden and John Kean.
New York—Chauncey M. Depew and Thomas C. Platt.
North Carolina—Jeter C. Pritchard and Furnifold McL. Simmons.
North Dakota—Henry C. Hansbrough and Porter J. McCumber.
Ohio—Joseph B. Foraker and Marcus A. Hanna.
Oregon—John H. Mitchell.
Pennsylvania—Boies Penrose and Matthew S. Quay.
Rhode Island—Nelson W. Aldrich and George P. Wetmore.
South Carolina—John L. McLaurin and Benjamin R. Tillman.
South Dakota—Robert J. Gamble and A. B. Kittredge.
Tennessee—Edward W. Carmack.
Texas—Joseph W. Bailey.
Utah—Thomas Kearns.
Vermont—William P. Dillingham and Redfield Proctor.
Virginia—John W. Daniel and Thomas S. Martin.
Washington—Addison G. Foster.
West Virginia—Stephen B. Elkins and Nathan B. Scott.
Wisconsin—Joseph V. Quarles.
Wyoming—Francis E. Warren.

The PRESIDENT pro tempore. Senators, 70 Senators have responded to their names. There is a quorum present, and the Senate is ready for the transaction of business.

NOTIFICATION TO THE HOUSE.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

NOTIFICATION TO THE PRESIDENT.

Mr. PLATT of Connecticut submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two Senators be appointed, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that a quorum of each House is assembled and that Congress is ready to receive any communication he may be pleased to make.

By unanimous consent, the President pro tempore was authorized to appoint the committee on the part of the Senate; and Mr. PLATT of Connecticut and Mr. JONES of Arkansas were appointed.

HOUR OF MEETING.

Mr. CULLOM submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

DEATH OF SENATOR JAMES M'MILLAN.

Mr. BURROWS. Mr. President, it becomes my painful duty to formally announce to the Senate the death of my esteemed colleague, the Hon. JAMES MCMILLAN. He took leave of this life on the 10th day of August last, from his summer residence by the sea, at Manchester, Mass., where he had repaired at the close of the last session of Congress for rest and recuperation.

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His death was as sudden as it was unexpected. Only the day previous he was in usual health and spirits, participating in the sports of the field, to which he was devoted. But a sudden indisposition reminded him of the enfeebled condition of his heart, which had existed for some years, and admonished him to desist from further physical exertion. Retiring to his residence, with rest and medical assistance, he soon recovered his normal condition and spent the evening with his family and friends in that delightful social intercourse which gave such a charm to his home life. Later in the evening, however, there came a recurrence of the disorder so serious and persistent as to baffle the skill of physicians, and at 4 o'clock on the Sabbath morning of August 10 "the silver cord was loosed" and his spirit freed.

In his death the State of Michigan has suffered an irreparable loss, and the Senate will miss a wise counselor and painstaking legislator. But I am aware, Mr. President, that this is not the time for eulogy. On some future occasion I hope for the opportunity to pay, with other Senators, a fitting tribute to his memory. For the present I offer the following resolutions, and I ask their immediate consideration.

The PRESIDENT pro tempore. The Senator from Michigan offers resolutions, which will be read to the Senate.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. JAMES MCMILLAN, late a Senator from the State of Michigan.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The resolutions were considered by unanimous consent, and unanimously agreed to; and (at 12 o'clock and 14 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 2, 1902, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 1, 1902.*

This being the day fixed by the Constitution of the United States for the annual meeting of the Congress of the United States, the House of Representatives of the Fifty-seventh Congress met in its Hall at 12 o'clock m. for the second regular session; and was called to order by the Speaker, Hon. DAVID B. HENDERSON, a Representative from the State of Iowa.

Prayer was offered as follows by the Chaplain of the House, Rev. HENRY N. COUDEN, D. D.:

Infinite and Eternal Spirit, God, our Heavenly Father, we approach Thee with profound gratitude and unfeigned love, mindful of that overruling Providence which has shaped and guided the progress of our nation through all the shifting scenes and vicissitudes of the past; and we most fervently pray that Thou wilt continue to uphold and protect us, that our sacred institutions may be preserved unsullied to all generations, that the emblem of liberty and Union may float on in triumph forever, that the coming of Thy kingdom may be hastened in all the earth. To this end let Thy blessing descend in full measure upon our President and his advisers, the Congress now convened, and upon the judicial department, that in all these branches Thy will may be done and righteousness, peace, and prosperity prevail, to the honor and glory of Thy holy name.

And now, O God, quicken by Thy spirit the mind and heart of him who presides over this body, that with unbiased judgment he may rule with justice and equity, and inspire each member with patriotic zeal and religious fervor that he may "render unto Cæsar the things that are Cæsar's and unto God the things that are God's."

With our hearts deeply touched by the vacant seats, we fervently pray for the colleagues, friends, and families left desolate, that Thy comforting arms may be about them, that the star of hope may shine in their hearts and enable them to look beyond the veil, where in brighter realms they shall meet their loved ones to dwell forever in their presence. And thine be the praise and the glory. Through Jesus Christ our Lord. Amen.

CALL OF THE ROLL.

The SPEAKER. The Clerk will call the roll.

The Clerk proceeded to call the roll of members by States; and the following-named members answered:

ALABAMA.

George W. Taylor.
Ariosto A. Wiley.
Henry D. Clayton.
Charles W. Thompson.
John H. Bankhead.
John L. Burnett.
William Richardson.
Oscar W. Underwood.

ARKANSAS.

Philip D. McCulloch.
John S. Little.
Hugh A. Dinsmore.
Stephen Brundidge, jr.

CALIFORNIA.

Frank L. Coombs.
Victor H. Metcalf.
Eugene F. Loud.
James C. Needham.

COLORADO.

John C. Bell.
E. Stevens Henry.
Nehemiah D. Sperry.

CONNECTICUT.

Ebenezer J. Hill.

DELAWARE.

L. Heisler Ball.

FLORIDA.

Stephen M. Sparkman.
Robert W. Davis.

GEORGIA.

Rufus E. Lester.
James M. Griggs.
Elijah B. Lewis.
William C. Adamson.
Leonidas F. Livingston.
Charles L. Bartlett.
John W. Maddox.
William H. Fleming.
William G. Brantley.

ILLINOIS.

James R. Mann.
John J. Feely.
Henry S. Boutell.
George E. Foss.
Albert J. Hopkins.
Robert R. Hitt.
George W. Prince.
Walter Reeves.
Joseph G. Cannon.
Vespasian Warner.
Joseph V. Graff.
J. Ross Mickey.
Thomas J. Selby.
Ben F. Caldwell.
James R. Williams.
Frederick J. Kern.
George W. Smith.

INDIANA.

James A. Hemenway.
William T. Zenor.
Francis M. Griffith.
Jesse Overstreet.
George W. Cromer.
Charles B. Landis.
Edgar D. Crumpacker.
George W. Steele.
James M. Robinson.

IOWA.

Thomas Hedge.
David B. Henderson.
Gilbert N. Haugen.
Robert G. Cousins.
John F. Lacey.
John A. T. Hull.
William P. Hepburn.
Walter I. Smith.
James P. Conner.
Lot Thomas.

KANSAS.

Charles F. Scott.
Charles Curtis.
Justin D. Bowersock.
James M. Miller.
Wm. A. Calderhead.
William A. Reeder.
Chester I. Long.

KENTUCKY.

Charles K. Wheeler.
Henry D. Allen.
McKenzie Moss.
David H. Smith.
Harvey S. Irwin.
D. Linn Gooch.
South Trimble.
George G. Gilbert.
James N. Kehoe.
Vincent Boreing.

LOUISIANA.

Robert F. Broussard.

MAINE.

Amos L. Allen.
Charles E. Littlefield.
Edwin C. Burleigh.
Llewellyn Powers.

MARYLAND.

Frank C. Wachter.
Charles R. Schirm.
Sydney E. Mudd.
George A. Pearre.

MASSACHUSETTS.

George P. Lawrence.
Frederick H. Gillett.
Ernest W. Roberts.
Samuel W. McCall.
Joseph A. Conry.
Henry F. Naphen.
Samuel L. Powers.
William C. Lovering.
William S. Greene.

MICHIGAN.

Henry C. Smith.
Washington Gardner.
William Alden Smith.
Samuel W. Smith.
Edgar Weeks.
Joseph W. Fordney.
Roswell P. Bishop.
Henry H. Aplin.
Archibald B. Darragh.
Carlos D. Shelden.

MINNESOTA.

James A. Tawney.
Fred C. Stevens.
Loren Fletcher.
Page Morris.
Frank M. Eddy.

MISSISSIPPI.

Ezekiel S. Candler, jr.
Thomas Spight.
Andrew F. Fox.
Frank A. McLain.
Charles E. Hooker.

MISSOURI.

James T. Lloyd.
William W. Rucker.
John Dougherty.
Charles F. Cochran.
William S. Cowherd.
David A. De Armond.
James Cooney.
Champ Clark.
Richard Bartholdt.
Charles F. Joy.
Edward Robb.
Mæcenas E. Benton.

NEBRASKA.

Elmer J. Burkett.
David H. Mercer.
William L. Stark.

NEW HAMPSHIRE.

Cyrus A. Sulloway.
Frank D. Currier.

NEW JERSEY.

Henry C. Loudenslager.
John J. Gardner.
Benjamin F. Howell.
James F. Stewart.
Richard Wayne Parker.
Allan L. McDermott.
Charles N. Fowler

NEW YORK.

Frederic Storm.
John J. Fitzgerald.
Harry A. Hanbury.
George H. Lindsay.
Montague Lessler.
Thomas J. Creamer.
Henry M. Goldfogle.
George B. McClellan.
William H. Douglas.
Jacob Ruppert, jr.
Cornelius A. Pugsley.
John H. Ketcham.
George N. Southwick.
Lucius N. Littauer.
Louis W. Emerson.
Charles L. Knapp.
James S. Sherman.
Michael E. Driscoll.
Sereno E. Payne.
Charles W. Gillet.
James W. Wadsworth.
James Breck Perkins.
William H. Ryan.
De Alva S. Alexander.
Edward B. Vreeland.

NORTH CAROLINA.

John H. Small.
Charles R. Thomas.
William W. Kitchin.
John D. Bellamy.
Theodore F. Kluttz.
Spencer Blackburn.

OHIO.

William B. Shattuc.
Jacob H. Bromwell.
Robert M. Nevin.
John S. Snook.
Charles Q. Hildebrant.
Thomas B. Kyle.
James H. Southard.
Stephen Morgan.
Charles H. Grosvenor.
Emmett Tompkins.
William W. Skiles.
Henry C. Van Voorhis.
Joseph J. Gill.
John W. Cassingham.
Robert W. Tayler.
Charles Dick.
Jacob A. Beidler.
Theo. E. Burton.

OREGON.

Malcolm A. Moody.

PENNSYLVANIA.

Galusha A. Grow.
Henry H. Bingham.
Henry Burk.
James R. Young.
Thomas S. Butler.
Howard Mutchler.
Henry D. Green.
H. Burd Cassel.
William Connell.
Henry W. Palmer.
Marlin E. Olmsted.
Charles Fred. Wright.
Elias Deemer.
Thaddeus M. Mahon.
Robert J. Lewis.
Alvin Evans.
Summers M. Jack.
John Dalzell.
William H. Graham.
Ernest F. Acheson.
Joseph B. Showalter.
Arthur L. Bates.
Joseph C. Sibley.
James K. P. Hall.

RHODE ISLAND.

Melville Bull.

SOUTH CAROLINA.

William Elliott.
Asbury C. Latimer.
Joseph T. Johnson.
A. F. Lever.

SOUTH DAKOTA.

Charles H. Burke.
Eben W. Martin.

TENNESSEE.

Walter P. Brownlow.
Henry R. Gibson.
John A. Moon.
James D. Richardson.
John W. Gaines.
Lemuel P. Padgett.
Thetus W. Sims.
Rice A. Pierce.
Malcolm R. Patterson.

TEXAS.

Sam B. Cooper.
Choice B. Randell.
Dudley G. Wooten.
Robert L. Henry.
Samuel W. T. Lanham.
Albert S. Burleson.
George F. Burgess.
John H. Stephens.

UTAH.

George Sutherland.

VERMONT.

David J. Foster.
Kittredge Haskins.

VIRGINIA.

William A. Jones.
Harry L. Maynard.
John Lamb.
Francis R. Lassiter.
Claude A. Swanson.
James Hay.
John F. Rixey.
William F. Rhea.
Henry D. Flood.

WASHINGTON.

Wesley L. Jones.

WEST VIRGINIA.

Blackburn B. Dovener.
Alston G. Dayton.
Joseph Holt Gaines.
James A. Hughes.

WISCONSIN.

Henry A. Cooper.
Herman B. Dahle.
Joseph W. Babcock.
Theobold Otjen.
Samuel S. Barney.
James H. Davidson.
John J. Esch.
Edward S. Minor.
Webster E. Brown.
John J. Jenkins.

The following-named Delegates from Territories also responded as present:

ARIZONA.

Mark A. Smith.

NEW MEXICO.

Bernard S. Rodey.

OKLAHOMA.

Dennis T. Flynn.

The SPEAKER (at the conclusion of the roll call). The roll call shows the presence of a quorum.

RESIGNATIONS OF MEMBERS.

The SPEAKER laid before the House resignations of members of the House; which were read, as follows:

NORWICH, N. Y., *September 25, 1902.*

To the governor and to the secretary of state of New York; and also to the Speaker and Clerk of the House of Representatives of the United States of America:

I have resigned and hereby do resign my position and office as Representative in the Fifty-seventh Congress of the United States in and for the Twenty-sixth Congressional district of the State of New York.

Most respectfully,

GEO. W. RAY,
As Representative in the Fifty-seventh Congress of the United States in and for the Twenty-sixth Congressional District of the State of New York.

HOUSE OF REPRESENTATIVES,
Washington, November 29, 1902.

Hon. DAVID B. HENDERSON,
Speaker of the House of Representatives, Washington, D. C.

DEAR SIR: I hereby resign as a member of the House of Representatives in the Fifty-seventh Congress of the United States.

Very respectfully,

J. K. P. HALL,
Twenty-eighth District of Pennsylvania.

The SPEAKER. These resignations will be entered on the Journal.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed the following resolutions:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Also—

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that Congress is ready to receive any communication he may be pleased to make.

The message also announced that, in compliance with the foregoing, the President pro tempore had appointed as said committee Mr. PLATT of Connecticut and Mr. JONES of Arkansas.

The message further announced the adoption of the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. JAMES MCMILLAN, late a Senator from the State of Michigan.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

SWEARING IN OF MEMBERS-ELECT.

The SPEAKER. Any members present with credentials, who have not been sworn in, will step forward, and their credentials will be read.

The credentials of Hon. Frank B. Brandegee, member-elect from the Third Congressional district of Connecticut; of Hon. James J. Butler, member-elect from the Twelfth Congressional district of Missouri; of Hon. Alexander Billmeyer, member-elect from the Seventeenth Congressional district of Pennsylvania; of Hon. Augustus P. Gardner, member-elect from the Sixth Congressional district of Massachusetts, and of Hon. Carter Glass, member-elect from the Sixth Congressional district of Virginia, were read; and thereupon Mr. Brandegee, Mr. Butler of Missouri; Mr. Billmeyer, Mr. Gardner of Massachusetts, and Mr. Glass were duly qualified by taking the oath prescribed by law.

Mr. PAYNE. Mr. Speaker, at the last general election in the State of New York, Mr. John W. Dwight was elected to fill the vacancy caused by the resignation of Hon. George W. Ray, from the Twenty-sixth district of New York. There is no question about the election of Mr. Dwight by a large majority; but under our laws the State canvassers have not yet met, and Mr. Dwight has not yet his certificate of election. Under the circumstances I ask unanimous consent that he now be sworn in as a member. I understand that there are other gentlemen in behalf of whom a similar request is to be made.

Mr. RICHARDSON of Tennessee. I understand the gentleman from New York [Mr. PAYNE] to state that there is no contest in this case.

Mr. PAYNE. There is no contest or controversy over the election.

Mr. MCCLELLAN. I believe there is another gentleman from New York to be sworn in under similar circumstances—the gentleman elected to fill the vacancy caused by the death of Hon. Amos J. Cummings.

Mr. PAYNE. If that gentleman is present—I do not know whether he is or not—I request that he also be sworn in.

Mr. MCCLELLAN. I am informed that he is not here now.

Mr. LANHAM. Mr. Speaker, at a special election held November 4, Hon. J. G. Russell was elected to fill the vacancy occasioned by the death of Hon. R. C. De Graffenreid, and on the 15th of November a special election was held to fill the vacancy occasioned by the death of Hon. John L. Sheppard, and Hon. Morris Sheppard was elected to fill that vacancy. Under our law the certificates of election have not yet been issued by the governor of Texas. There is no question, however, that the two gentlemen named have been elected. There is no contest in either case, and I am informed the governor of my State has telegraphed the Speaker of this House to the effect that these gentlemen have been elected to fill the respective vacancies. I therefore ask unanimous consent that these two gentlemen, Mr. Sheppard and Mr. Russell, be now sworn in as members of the House of Representatives.

The SPEAKER. Before submitting the request for unanimous consent the Chair will ask to have read a telegram received from Governor Sayers, of Texas.

The Clerk read as follows:

AUSTIN, TEX., *November 30, 1902.*

The Hon. SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.:

Entirely reliable information reaches me that at an election regularly held, Morris Sheppard, a citizen of Bowie County, Tex., has been elected to succeed John L. Sheppard, who was a Representative in the Fifty-seventh Congress from the Fourth Congressional district of Texas, and is now deceased, and that J. G. Russell, a citizen of Smith County, Tex., has been elected to succeed R. C. De Graffenreid, who was a Representative in said Congress from the Third Congressional district, and is now deceased. Both gentlemen received large majorities in their respective districts, and there is no

contest pending as to either. Under the law of this State official returns of the election can not be opened and counted until after the expiration of forty days from the date of the election.

JOSEPH D. SAYERS,
Governor of Texas.

The SPEAKER. If there is no objection these two requests—that of the gentleman from New York [Mr. PAYNE] and that of the gentleman from Texas [Mr. LANHAM]—will be submitted at one time. [A pause.] The Chair hears no objection. Is there objection to the swearing in of Mr. Dwight of New York and Mr. Russell and Mr. Sheppard of Texas? [A pause.] The Chair hears no objection. The gentlemen will step forward and take the oath of office.

Mr. LANHAM. Mr. Russell is not now present; he will be here, I understand, to-morrow.

The SPEAKER. He will be sworn in when he appears.

Mr. John W. Dwight, a member-elect from the Twenty-sixth district of New York, and Mr. Morris Sheppard, a member-elect from the Fourth district of Texas, were duly qualified by taking the oath prescribed by law.

CARTER GLASS.

Mr. TAYLER of Ohio. Mr. Speaker, I offer the following privileged resolution, which I will send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the credentials this day presented by Carter Glass, esq., as Representative in the Fifty-seventh Congress from the Sixth district of Virginia be, and they are hereby, referred to Committee on Elections No. 1, with direction to inquire and report with all convenient speed, whether they are based upon returns of a lawful election for members of Congress, held in Virginia, November 4, 1902, and upon what character of registration lists, and under color of what constitution or ordinances said election was held; and whether at said election the right of franchise was accorded to all citizens of Virginia alike, without regard to race or color; and whether any citizens of the United States who were entitled to vote for members of Congress at said election were, under color of any constitution, law, statute, or ordinance, unlawfully deprived of their rights, privileges, and immunities secured to them under the Constitution and laws.

Resolved, That said committee be empowered to hold its sessions at such times and places in or out of the State of Virginia as to it may seem best, and to summon before it and examine any and all persons and papers which it may deem necessary to the investigation hereby provided for, and to employ such stenographers and clerks as may be necessary to perform its business; and the expenses of such inquiry and investigation shall be paid out of the contingent fund of the House on the voucher of the chairman of said committee.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to make a point of order. This is not a privileged resolution and must be referred under the rule.

Mr. TAYLER of Ohio. Mr. Speaker, I would state that I ask no action on this resolution, but that it be referred to Elections Committee No. 1.

The SPEAKER. The gentleman from Ohio states that he asks no action on this resolution, except that it be referred to Elections Committee No. 1. The gentleman from Tennessee states that he desires to make a point of order.

Mr. RICHARDSON of Tennessee. It should go to the committee.

The SPEAKER. This will be referred to Elections Committee No. 1, without objection.

Mr. RICHARDSON of Tennessee. Mr. Speaker, may I ask to what committee the resolution is to be referred?

The SPEAKER. Elections Committee No. 1.

Mr. RICHARDSON of Tennessee. I do not know that there is any advantage sought to be obtained by this reference, but I am informed that Virginia contests went to some other committee. They went to Committee No. 3, as I am informed.

Mr. TAYLER of Ohio. Mr. Speaker, I will say to the gentleman from Tennessee that the Committee on Elections No. 1 will only consider the propriety of the adoption of this resolution, and if there is any intimation from the other side of a desire that the resolution should go to another committee it will be so referred.

Mr. RICHARDSON of Tennessee. There is no objection to its going to Committee No. 1, as I am informed.

NOTIFICATION TO THE PRESIDENT.

Mr. BINGHAM. Mr. Speaker, I submit the following resolution, which I will send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That a committee of three members be appointed on the part of the House to join the committee appointed by the Senate to wait upon the President and inform him that a quorum of the two Houses has assembled and that Congress is ready to receive any communication he may have to make.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

The Chair announced the following gentlemen as members of said committee:

Mr. BINGHAM of Pennsylvania, Mr. HITT of Illinois, and Mr. RICHARDSON of Tennessee.

NOTIFICATION TO THE SENATE.

Mr. CANNON. Mr. Speaker, I offer the following resolution, which I will send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the Clerk of the House inform the Senate that a quorum of the House of Representatives has appeared, and that the House is ready to proceed to business.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution agreed to.

HOUR OF DAILY MEETING.

Mr. DALZELL. Mr. Speaker, I offer the following resolution, which I will send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That until otherwise ordered the hour of daily meeting of the House of Representatives shall be 12 o'clock meridian.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FLANAGAN, indefinitely, on account of sickness.

To Mr. NEVILLE, for twenty days, on account of sickness.

To Mr. HAMILTON, indefinitely, on account of illness.

To Mr. MORRELL, for one hour, on account of death of friends.

To Mr. GLENN, for three days, on account of illness.

To Mr. KLEBERG, indefinitely, on account of important business.

To Mr. KAHN, indefinitely, on account of important business.

To Mr. KNOX, for one week, on account of important business.

DEATH OF REPRESENTATIVE CHARLES A. RUSSELL.

Mr. BRANDEGEE. Mr. Speaker, it becomes my sad duty to announce to the House the death of my predecessor, Hon. CHARLES ADDISON RUSSELL, of Killingly, Conn. He died at his home on the 23d day of October, 1902. I do not at this time desire to enter upon any extended remarks upon that most unfortunate event. At some future time I shall ask the House to name a day when proper and customary tribute of respect to his memory may be paid.

At this time, as supplementing what I have said, I offer the following resolutions, which I will send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the House has heard with deep regret and profound sorrow of the death of Hon. CHARLES A. RUSSELL, late a Representative from the State of Connecticut.

Resolved, That the Clerk of the House communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect, the House do now adjourn.

The SPEAKER. The question is on agreeing to the resolutions.

The question was taken; and the resolutions were agreed to.

Accordingly, in pursuance of the resolution, at 12 o'clock and 50 minutes the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Smithsonian Institution, transmitting a detailed statement of the expenditures of the Smithsonian Institution under certain appropriations for the year ending June 30, 1902—to the Committee on Appropriations, and ordered to be printed.

A letter from the Civil Service Commissioners, transmitting a response to the inquiry of the House in relation to the appointment to office of persons who have ranked No. 1 in civil-service examinations—to the Committee on Reform in the Civil Service, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a recommendation for a new relief light-vessel in the Third light-house district—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, relating to the selection of a site for a light-house on the ledges called "The Graves," in Boston Harbor—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Sergeant-at-Arms of the House, transmitting a list of the property in his charge on December 1, 1902—to the Committee on Accounts, and ordered to be printed.

A letter from the Sergeant-at-Arms of the House, transmitting an account of the receipts and disbursements of his office—to the Committee on Accounts, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a report of the expenditures of the contingent fund of his Department—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

A letter from the Clerk of the House, submitting the report required by law as to the number of employees, their compensation, etc., and the accounts of expenditures of the contingent fund, balance of the stationery account, etc.—to the Committee on Accounts, and ordered to be printed.

A letter from the Comptroller of the Currency, transmitting his annual report for the year 1902—to the Committee on Banking and Currency, and ordered to be printed.

A letter from the Librarian of Congress, transmitting his annual report—to the Committee on the Library, and ordered to be printed.

A letter from the Commissioner of Fish and Fisheries, transmitting statement of expenditures in his department during the fiscal year ended June 30, 1902—to the Committee on Appropriations, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 12575) granting an increase of pension to Edward A. Branham, of Alexandria, Va., and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. CONNELL: A bill (H. R. 15364) for the purchase of a site and erection of a public building thereon at Carbondale, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. BROWNLOW: A bill (H. R. 15365) to provide for the erection of a public building at Johnson City, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. RIXEY: A bill (H. R. 15366) to forbid distilleries in local option communities—to the Committee on Ways and Means.

Also, a bill (H. R. 15367) to amend paragraph 33 of section 7 of "An act making appropriations for the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes"—to the Committee on the District of Columbia.

By Mr. LOVERING: A bill (H. R. 15368) to encourage the sale and exportation of articles of domestic manufacture—to the Committee on Ways and Means.

By Mr. BROWNLOW: A bill (H. R. 15369) to create in the Department of Agriculture a bureau to be known as the Bureau of Public Roads, and to provide for a system of national, State, and local cooperation in the permanent improvement of the public highways—to the Committee on Agriculture.

By Mr. JENKINS: A bill (H. R. 15370) to amend an act entitled "An act to amend an act entitled 'An act relating to tax sales and taxes in the District of Columbia,'" approved May 13, 1892—to the Committee on the District of Columbia.

By Mr. GAINES of Tennessee: A bill (H. R. 15371) to remove the duty on coal—to the Committee on Ways and Means.

By Mr. CANNON: A bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners—to the Committee on Appropriations.

By Mr. HENRY C. SMITH: A bill (H. R. 15373) to amend the tariff act of 1897, and so forth—to the Committee on Ways and Means.

By Mr. SCOTT: A bill (H. R. 15374) to provide for the purchase of a site and the erection of a public building thereon at Iola, in the State of Kansas—to the Committee on Public Buildings and Grounds.

By Mr. JOY: A bill (H. R. 15375) to punish frauds at elections of Representatives and Delegates in Congress, and for other purposes—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. BURTON: A bill (H. R. 15376) for a light-house and fog signal on Rock of Ages, Lake Superior—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 15377) for a light-house and fog signal on Middle Island, Lake Huron—to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT: A bill (H. R. 15378) to erect a monument in memory of the Union soldiers who are interred in the national cemetery at Fort Scott, Kans.—to the Committee on Military Affairs.

By Mr. PEARRE: A bill (H. R. 15379) directing the Commissioners of the District of Columbia to refund certain moneys received by the collector of taxes of the said District—to the Committee on the District of Columbia.

By Mr. MUDD: A bill (H. R. 15380) to amend sections 415 and 523 of the act approved July 24, 1897, entitled "An act to provide revenue for the Government and to encourage the industries of the United States"—to the Committee on Ways and Means.

By Mr. BISHOP: A bill (H. R. 15381) to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902—to the Committee onPublic Buildings and Grounds.

By Mr. NAPHEN: A bill (H. R. 15382) to remove the import duty on anthracite, bituminous, and shale coal, and on every other quality and description of coal, including coke and coal slack or culm—to the Committee on Ways and Means.

By Mr. HEPBURN: A bill (H. R. 15383) to enforce the anti-trust laws of the United States—to the Committee on the Judiciary.

By Mr. SNOOK: A bill (H. R. 15384) in relation to testimony in cases or proceedings under or connected with an act entitled "An act to protect trade and commerce against unlawful restraint and monopolies, approved July 2, 1890, and amendments thereto"—to the Committee on the Judiciary.

By Mr. FEELY: A joint resolution (H. J. Res. 211) proposing an amendment to the Constitution of the United States granting to Congress the power to establish uniform laws on the subject of divorces throughout the United States—to the Committee on the Judiciary.

By Mr. HENRY C. SMITH: A joint resolution (H. J. Res. 212) proposing an amendment to the Constitution of the United States conferring power on Congress to define, regulate, prohibit, and dissolve trusts, monopolies, and so forth—to the Committee on the Judiciary.

By Mr. BURLEIGH: A joint resolution (H. J. Res. 213) authorizing the Secretary of the Treasury to acquire additional land for the enlargement of the post-office building in the city of Augusta, Me.—to the Committee on Public Buildings and Grounds.

By Mr. MANN: A joint resolution (H. J. Res. 214) declaring the tunnels under the Chicago River in the city of Chicago obstructions to navigation—to the Committee on Interstate and Foreign Commerce.

By Mr. HEPBURN: A concurrent resolution (H. C. Res. 60) directing the Secretary of the Treasury to transmit to Congress statement of appropriations and expenditures—to the Committee on Appropriations.

By Mr. ALLEN of Maine: A resolution (H. Res. 338) to pay the mother of Samuel H. Harrison, late an employee in the Clerk's office of the House, a sum equal to six months' pay and a further sum, not exceeding $250, for expenses of sickness and burial—to the Committee on Accounts.

By Mr. MOODY of Oregon: Memorial of the legislative assembly of the State of Oregon, asking Congress for aid in holding a centennial exposition in honor of the Lewis and Clarke expedition to the Pacific coast—to the Committee on Industrial Arts and Expositions.

Also, memorial of the legislative assembly of the State of Oregon, making application to Congress for the submission of an amendment to the Constitution of the United States making United States Senators elective by popular vote—to the Committee on Election of President, Vice-President, and Representatives in Congress.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ADAMS: A bill (H. R. 15385) for the relief of Alfred J. Sellers—to the Committee on Invalid Pensions.

By Mr. ALLEN of Maine: A bill (H. R. 15386) granting a pension to Mary J. Cleaves, widow of George S. McCorrison—to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 15387) granting an increase of pension to Lot Van Nordstrand—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 15388) for the relief of the heirs of Margaret Kennedy—to the Committee on Claims.

Also, a bill (H. R. 15389) for the relief of Emma H. Worley, widow, and the heirs at law of Nathaniel T. Worley, deceased—to the Committee on Claims.

Also, a bill (H. R. 15390) granting a pension to Pleasant P. Bates, Company F, First Tennessee Volunteer Cavalry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15391) granting a pension to Margaret Cotter, widow of John A. Cotter, Company B, Second Tennessee Volunteer Cavalry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15392) granting a pension to M. I. Burton, widow of Thomas Burton—to the Committee on Pensions.

Also, a bill (H. R. 15393) granting an increase of pension to Alwilda A. Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15394) to correct the military record of Thomas Ownby—to the Committee on Military Affairs.

By Mr. BULL: A bill (H. R. 15395) to place C. J. MacConnell, chief engineer, United States Navy, retired, on the retired list of the Navy with the rank and pay of a rear-admiral—to the Committee on Naval Affairs.

By Mr. BURLEIGH: A bill (H. R. 15396) granting an increase of pension to George H. Stone—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 15397) granting an increase of pension to Cinly Diehl—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15398) granting an increase of pension to Andrew W. Miller—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 15399) granting an increase of pension to Harry C. Fay—to the Committee on Invalid Pensions.

By Mr. FEELY: A bill (H. R. 15400) granting an increase of pension to Enos Turner—to the Committee on Pensions.

Also, a bill (H. R. 15401) for the relief of Emma R. Wallace—to the Committee on Invalid Pensions.

By Mr. HENDERSON: A bill (H. R. 15402) granting a pension to James Mattingly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15403) granting an increase of pension to Milton C. Norton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15404) granting an increase of pension to William M. Hattery—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 15405) granting an increase of pension to Henry Gaskill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15406) granting an increase of pension to James F. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15407) granting an increase of pension to W. H. Hoxie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15408) granting an increase of pension to Mathew Kline—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15409) granting an increase of pension to James Claybourn—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 15410) granting a pension to James M. Baker—to the Committee on Invalid Pensions.

By Mr. JOY: A bill (H. R. 15411) granting a pension to Emma Fitch—to the Committee on Invalid Pensions.

Also, a bill (H. R 15412) granting an increase of pension to Rinehart A. Bausman—to the Committee on Pensions.

By Mr. KNAPP: A bill (H. R. 15413) to correct the military record of Adolphus Sterling—to the Committee on Military Affairs.

By Mr. LITTAUER: A bill (H. R. 15414) for the relief of Daniel Mosher—to the Committee on Military Affairs.

Also, a bill (H. R. 15415) granting an increase of pension to William Hawley—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 15416) granting an increase of pension to William Thompson—to the Committee on Invalid Pensions.

By Mr. McDERMOTT: A bill (H. R. 15417) granting a pension to Elise Sigel, widow of Maj. Gen. Franz Sigel—to the Committee on Invalid Pensions.

By Mr. NORTON: A bill (H. R. 15418) granting a pension to Lyman Abbott—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 15419) granting a pension to Maria Elizabeth Horner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15420) for the relief of the trustees of Warrenton, Va.—to the Committee on War Claims.

By Mr. RUCKER: A bill (H. R. 15421) granting an increase of pension to Elizabeth Palmer—to the Committee on Pensions.

By Mr. SCOTT: A bill (H. R. 15422) granting an increase of pension to John Mosgrove—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15423) granting an increase of pension to Stephen B. Morehouse—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 15424) granting a pension to John Reithmaier—to the Committee on Pensions.

Also, a bill (H. R. 15425) for the relief of Myron C. Bond—to the Committee on War Claims.

Also, a bill (H. R. 15426) granting relief to Guy M. Claflin—to the Committee on War Claims.

Also, a bill (H. R. 15427) for the relief of Edwin A. Wells—to the Committee on War Claims.

Also, a bill (H. R. 15428) granting an increase of pension to William R. Hibbord—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15429) granting an increase of pension to George W. Rogers—to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 15430) granting an increase of pension to Andrew Lybold—to the Committee on Invalid Pensions.

By Mr. SELBY: A bill (H. R. 15431) granting an increase of pension to Elias Simpson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15432) granting an increase of pension to Col. Jerome B. Nulton—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 15433) granting an increase of pension to William Heywood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15434) granting an increase of pension to James K. Blye—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15435) granting an increase of pension to Elizabeth Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15436) granting an increase of pension to William O. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15437) granting an increase of pension to Sarah A. Gerry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15438) granting an increase of pension to Thomas E. Peabody—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15439) granting an increase of pension to Jane P. Chester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15440) granting an increase of pension to John Fullerton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15441) granting an increase of pension to Josiah Stackpole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15442) granting an increase of pension to Andrew B. Andrews—to the Committee on Pensions.

By Mr. WARNER: A bill (H. R. 15443) granting a pension to Eudora Wells—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROWNLOW: Petition of Wilson Manley, of Grainger County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Absalom Roach, of Grainger County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Emeline McWilliams, of Claiborne County, Tenn., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BULL: Petition of the Art Club of Providence, R. I., to place works of art on the free list—to the Committee on Ways and Means.

By Mr. CURRIER: Petitions of Mead & Co., of Hanover; George F. Underhill and 9 others, of Concord; The Bullard & Shedd Company and 4 others, of Keene, N. H., asking for favorable action upon the bill reducing the tax on liquor—to the Committee on Ways and Means.

By Mr. FEELY: Papers to accompany House bill 15401, granting a pension to Emma R. Wallace—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 15400, granting an increase of pension to Enos Turner—to the Committee on Pensions.

By Mr. HITT: Protest of Barnhart Brothers & Spindler, of Chicago, Ill., against the passage of the eight-hour bill—to the Committee on Labor.

Also, resolutions of the National Machine Tool Builders' Association, of Rockford, Ill., against the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. JOY: Papers to accompany House bill 15412, granting a pension to Rinehart A. Bausman—to the Committee on Pensions.

Also, papers to accompany House bill 15411, granting a pension to Emma Fitch—to the Committee on Invalid Pensions.

By Mr. LITTAUER: Papers to accompany House bill 15414, for the relief of Daniel Mosher—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: Petition of citizens of the First Congressional district of New Jersey, for the passage of service pension or per diem bill, known as Senate bill 1890—to the Committee on Invalid Pensions.

By Mr. RIXEY: Petition of F. J. Pollard, of Alexandria County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of John J. Wigfield, deceased, late of Fauquier County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, paper to accompany House bill 15420, for the relief of the trustees of Warrenton, Va., for the use and destruction of Warrenton Academy—to the Committee on War Claims.

By Mr. SNOOK: Paper to accompany House bill 15430, granting an increase of pension to Andrew Lybold, of Scott, Ohio—to the Committee on Invalid Pensions.

By Mr. WARNER: Petition of the First Baptist Church of Urbana, Ill., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

SENATE.

TUESDAY, *December 2, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

MOSES E. CLAPP, a Senator from the State of Minnesota; JOSEPH SIMON, a Senator from the State of Oregon, and JOHN C. SPOONER, a Senator from the State of Wisconsin, appeared in their seats to-day.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM MICHIGAN.

Mr. BURROWS. Mr. President, as a privileged matter, I present a certificate from the executive of the State of Michigan, appointing Russell A. Alger to fill the vacancy existing in that State. I ask that the credentials be read and that the oath of office be administered to Mr. Alger.

The PRESIDENT pro tempore. The credentials will be received and read by the Secretary.

The Secretary read the credentials of Russell A. Alger, appointed by the governor of the State of Michigan a Senator from that State to fill, until the next meeting of the legislature thereof, the vacancy caused by the death of James McMillan in the term ending March 3, 1907.

The PRESIDENT pro tempore. The credentials will be placed on file, and, if there be no objection, the Senator appointed will present himself at the desk and take the oath required by law.

Mr. Alger was escorted to the Vice-President's desk by Mr. BURROWS, and, the oath prescribed by law having been administered to him, he took his seat in the Senate.

MESSAGE FROM THE HOUSE.

Mr. WILLIAM J. BROWNING, the Chief Clerk of the House of Representatives, appeared below the bar of the Senate and delivered the following message:

Mr. President, I am directed by the House of Representatives to inform the Senate that a quorum of the House of Representatives has appeared and that the House is ready to proceed to business.

I am further directed to inform the Senate that the House has passed the following resolution:

Resolved, That a committee of three members be appointed on the part of the House, to join the committee appointed by the Senate, to wait upon the President of the United States and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication he may have to make.

I am also directed to inform the Senate that the Speaker has appointed Mr. BINGHAM of Pennsylvania, Mr. HITT of Illinois, and Mr. RICHARDSON of Tennessee as the committee on the part of the House.

I am further directed to communicate to the Senate the intelligence of the death of Hon. CHARLES A. RUSSELL, late a Representative from the State of Connecticut, and to transmit resolutions of the House thereon.

NOTIFICATION TO THE PRESIDENT.

Mr. PLATT of Connecticut and Mr. JONES of Arkansas, the committee appointed in conjunction with a similar committee of the House of Representatives to wait upon the President of the United States, appeared below the bar, and

Mr. PLATT of Connecticut said: Mr. President, the committee appointed by the Senate to join with a like committee on the part of the House of Representatives to wait upon the President and inform him that a quorum of each House of Congress is now in session and ready to receive any communication he wishes to make, have performed that duty and were advised by the President that he would communicate with Congress in writing immediately.

PRESIDENT'S ANNUAL MESSAGE.

Mr. B. F. BARNES, one of the secretaries of the President of the United States, appeared below the bar and said:

Mr. President, I am directed by the President of the United States to deliver to the Senate a message in writing.

The message was received from the Secretary and handed to the President pro tempore.

The PRESIDENT pro tempore. The Chair lays before the Senate the message of the President of the United States, which the Secretary will read.

The Secretary read the message, as follows:

To the Senate and House of Representatives:

We still continue in a period of unbounded prosperity. This prosperity is not the creature of law, but undoubtedly the laws under which we work have been instrumental in creating the conditions which made it possible, and by unwise legislation it would be easy enough to destroy it. There will undoubtedly be periods of depression. The wave will recede; but the tide will advance. This Nation is seated on a continent flanked by two great oceans. It is composed of men the descendants of pioneers, or, in a sense, pioneers themselves; of men winnowed out from among the nations of the Old World by the energy, boldness, and love of adventure found in their own eager hearts. Such a nation, so placed, will surely wrest success from fortune.

As a people we have played a large part in the world, and we are bent upon making our future even larger than the past. In particular, the events of the last four years have definitely decided that, for woe or for weal, our place must be great among the nations. We may either fail greatly or succeed greatly; but we can not avoid the endeavor from which either great failure or great success must come. Even if we would, we can not play a small part. If we should try, all that would follow would be that we should play a large part ignobly and shamefully.

But our people, the sons of the men of the Civil War, the sons of the men who had iron in their blood, rejoice in the present and face the future high of heart and resolute of will. Ours is not the creed of the weakling and the coward; ours is the gospel of hope and of triumphant endeavor. We do not shrink from the struggle before us. There are many problems for us to face at the outset of the twentieth century—grave problems abroad and still graver at home; but we know that we can solve them and solve them well, provided only that we bring to the solution the qualities of head and heart which were shown by the men who, in the days of Washington, founded this Government, and, in the days of Lincoln, preserved it.

No country has ever occupied a higher plane of material well-being than ours at the present moment. This well-being is due to no sudden or accidental causes, but to the play of the economic forces in this country for over a century; to our laws, our sustained and continuous policies; above all, to the high individual average of our citizenship. Great fortunes have been won by those who have taken the lead in this phenomenal industrial development, and most of these fortunes have been won not by doing evil, but as an incident to action which has benefited the community as a whole. Never before has material well-being been so widely diffused among our people. Great fortunes have been accumulated, and yet in the aggregate these fortunes are small indeed when compared to the wealth of the people as a whole. The plain people are better off than they have ever been before. The insurance companies, which are practically mutual benefit societies—especially helpful to men of moderate means—represent accumulations of capital which are among the largest in this country. There are more deposits in the savings banks, more owners of farms, more well-paid wage-workers in this country now than ever before in our history. Of course, when the conditions have favored the growth of so much that was good, they have also favored somewhat the growth of what was evil. It is eminently necessary that we should endeavor to cut out this evil, but let us keep a due sense of proportion; let us not in fixing our gaze upon the lesser evil forget the greater good. The evils are real and some of them are menacing, but they are the outgrowth, not of misery or decadence, but of prosperity—of the progress of our gigantic industrial development. This industrial development must not be checked, but side by side with it should go such progressive regulation as will diminish the evils. We should fail in our duty if we did not try to remedy the evils, but we shall succeed only if we proceed patiently, with practical common sense as well as resolution, separating the good from the bad and holding on to the former while endeavoring to get rid of the latter.

In my Message to the present Congress at its first session I discussed at length the question of the regulation of those big corporations commonly doing an interstate business, often with some tendency to monopoly, which are popularly known as trusts. The experience of the past year has emphasized, in my opinion, the desirability of the steps I then proposed. A fundamental requisite of social efficiency is a high standard of individual energy and excellence; but this is in no wise inconsistent with power to act in combination for aims which can not so well be achieved by the individual acting alone. A fundamental base of civilization is the inviolability of property; but this is in no wise inconsistent with the right of society to regulate the exercise of the artificial powers which it confers upon the owners of property, under the name of corporate franchises, in such a way as to prevent the misuse of these powers. Corporations, and especially combinations of corporations, should be managed under public regulation. Experience has shown that under our system of government the necessary supervision can not be obtained by State action. It must therefore be achieved by national action. Our aim is not to do away with corporations; on the contrary, these big aggregations are an inevitable development of modern industrialism, and the effort to destroy them would be futile unless accomplished in ways that would work the utmost mischief to the entire body politic. We can do nothing of good in the way of regulating and supervising these corporations until we fix clearly in our minds that we are not attacking the corporations, but endeavoring to do away with any evil in them. We are not

hostile to them; we are merely determined that they shall be so handled as to subserve the public good. We draw the line against misconduct, not against wealth. The capitalist who, alone or in conjunction with his fellows, performs some great industrial feat by which he wins money is a welldoer, not a wrongdoer, provided only he works in proper and legitimate lines. We wish to favor such a man when he does well. We wish to supervise and control his actions only to prevent him from doing ill. Publicity can do no harm to the honest corporation; and we need not be overtender about sparing the dishonest corporation.

In curbing and regulating the combinations of capital which are or may become injurious to the public we must be careful not to stop the great enterprises which have legitimately reduced the cost of production, not to abandon the place which our country has won in the leadership of the international industrial world, not to strike down wealth with the result of closing factories and mines, of turning the wage-worker idle in the streets and leaving the farmer without a market for what he grows. Insistence upon the impossible means delay in achieving the possible, exactly as, on the other hand, the stubborn defense alike of what is good and what is bad in the existing system, the resolute effort to obstruct any attempt at betterment, betrays blindness to the historic truth that wise evolution is the sure safeguard against revolution.

No more important subject can come before the Congress than this of the regulation of interstate business. This country can not afford to sit supine on the plea that under our peculiar system of government we are helpless in the presence of the new conditions, and unable to grapple with them or to cut out whatever of evil has arisen in connection with them. The power of the Congress to regulate interstate commerce is an absolute and unqualified grant, and without limitations other than those prescribed by the Constitution. The Congress has constitutional authority to make all laws necessary and proper for executing this power, and I am satisfied that this power has not been exhausted by any legislation now on the statute books. It is evident, therefore, that evils restrictive of commercial freedom and entailing restraint upon national commerce fall within the regulative power of the Congress, and that a wise and reasonable law would be a necessary and proper exercise of Congressional authority to the end that such evils should be eradicated.

I believe that monopolies, unjust discriminations, which prevent or cripple competition, fraudulent overcapitalization, and other evils in trust organizations and practices which injuriously affect interstate trade can be prevented under the power of the Congress to "regulate commerce with foreign nations and among the several States" through regulations and requirements operating directly upon such commerce, the instrumentalities thereof, and those engaged therein.

I earnestly recommend this subject to the consideration of the Congress with a view to the passage of a law reasonable in its provisions and effective in its operations, upon which the questions can be finally adjudicated that now raise doubts as to the necessity of constitutional amendment. If it prove impossible to accomplish the purposes above set forth by such a law, then, assuredly, we should not shrink from amending the Constitution so as to secure beyond peradventure the power sought.

The Congress has not heretofore made any appropriation for the better enforcement of the antitrust law as it now stands. Very much has been done by the Department of Justice in securing the enforcement of this law, but much more could be done if the Congress would make a special appropriation for this purpose, to be expended under the direction of the Attorney-General.

One proposition advocated has been the reduction of the tariff as a means of reaching the evils of the trusts which fall within the category I have described. Not merely would this be wholly ineffective, but the diversion of our efforts in such a direction would mean the abandonment of all intelligent attempt to do away with these evils. Many of the largest corporations, many of those which should certainly be included in any proper scheme of regulation, would not be affected in the slightest degree by a change in the tariff, save as such change interfered with the general prosperity of the country. The only relation of the tariff to big corporations as a whole is that the tariff makes manufactures profitable, and the tariff remedy proposed would be in effect simply to make manufactures unprofitable. To remove the tariff as a punitive measure directed against trusts would inevitably result in ruin to the weaker competitors who are struggling against them. Our aim should be not by unwise tariff changes to give foreign products the advantage over domestic products, but by proper regulation to give domestic competition a fair chance; and this end can not be reached by any tariff changes which would affect unfavorably all domestic competitors, good and bad alike. The question of regulation of the trusts stands apart from the question of tariff revision.

Stability of economic policy must always be the prime economic need of this country. This stability should not be fossilization. The country has acquiesced in the wisdom of the protective-tariff principle. It is exceedingly undesirable that this system should be destroyed or that there should be violent and radical changes therein. Our past experience shows that great prosperity in this country has always come under a protective tariff; and that the country can not prosper under fitful tariff changes at short intervals. Moreover, if the tariff laws as a whole work well, and if business has prospered under them and is prospering, it is better to endure for a time slight inconveniences and inequalities in some schedules than to upset business by too quick and too radical changes. It is most earnestly to be wished that we could treat the tariff from the standpoint solely of our business needs. It is, perhaps, too much to hope that partisanship may be entirely excluded from consideration of the subject, but at least it can be made secondary to the business interests of the country—that is, to the interests of our people as a whole. Unquestionably these business interests will best be served if together with fixity of principle as regards the tariff we combine a system which will permit us from time to time to make the necessary reapplication of the principle to the shifting national needs. We must take scrupulous care that the reapplication shall be made in such a way that it will not amount to a dislocation of our system, the mere threat of which (not to speak of the performance) would produce paralysis in the business energies of the community. The first consideration in making these changes would, of course, be to preserve the principle which underlies our whole tariff system—that is, the principle of putting American business interests at least on a full equality with interests abroad, and of always allowing a sufficient rate of duty to more than cover the difference between the labor cost here and abroad. The well-being of the wage-worker, like the well-being of the tiller of the soil, should be treated as an essential in shaping our whole economic policy. There must never be any change which will jeopardize the standard of comfort, the standard of wages of the American wage-worker.

One way in which the readjustment sought can be reached is by reciprocity treaties. It is greatly to be desired that such treaties may be adopted. They can be used to widen our markets and to give a greater field for the activities of our producers on the one hand, and on the other hand to secure in practical shape the lowering of duties when they are no longer needed for protection among our own people, or when the minimum of damage done may be disregarded for the sake of the maximum of good accomplished. If it prove impossible to ratify the pending treaties, and if there seem to be no warrant for the endeavor to execute others, or to amend the pending treaties so that they can be ratified, then the same end—to secure reciprocity—should be met by direct legislation.

Wherever the tariff conditions are such that a needed change can not with advantage be made by the application of the reciprocity idea, then it can be made outright by a lowering of duties on a given product. If possible, such change should be made only after the fullest consideration by practical experts, who should approach the subject from a business standpoint, having in view both the particular interests affected and the commercial well-being of the people as a whole. The machinery for providing such careful investigation can readily be supplied. The executive department has already at its disposal methods of collecting facts and figures; and if the Congress desires additional consideration to that which will be given the subject by its own committees, then a commission of business experts can be appointed whose duty it should be to recommend action by the Congress after a deliberate and scientific examination of the various schedules as they are affected by the changed and changing conditions. The unhurried and unbiased report of this commission would show what changes should be made in the various schedules, and how far these changes could go without also changing the great prosperity which this country is now enjoying, or upsetting its fixed economic policy.

The cases in which the tariff can produce a monopoly are so few as to constitute an inconsiderable factor in the question; but of course if in any case it be found that a given rate of duty does promote a monopoly which works ill, no protectionist would object to such reduction of the duty as would equalize competition.

In my judgment, the tariff on anthracite coal should be removed, and anthracite put actually, where it now is nominally, on the free list. This would have no effect at all save in crises; but in crises it might be of service to the people.

Interest rates are a potent factor in business activity, and in order that these rates may be equalized to meet the varying needs of the seasons and of widely separated communities, and to prevent the recurrence of financial stringencies which injuriously affect legitimate business, it is necessary that there should be an element of elasticity in our monetary system. Banks are the natural servants of commerce, and upon them should be placed, as far as practicable, the burden of furnishing and maintaining

a circulation adequate to supply the needs of our diversified industries and of our domestic and foreign commerce; and the issue of this should be so regulated that a sufficient supply should be always available for the business interests of the country.

It would be both unwise and unnecessary at this time to attempt to reconstruct our financial system, which has been the growth of a century; but some additional legislation is, I think, desirable. The mere outline of any plan sufficiently comprehensive to meet these requirements would transgress the appropriate limits of this communication. It is suggested, however, that all future legislation on the subject should be with the view of encouraging the use of such instrumentalities as will automatically supply every legitimate demand of productive industries and of commerce, not only in the amount, but in the character of circulation; and of making all kinds of money interchangeable, and, at the will of the holder, convertible into the established gold standard.

I again call your attention to the need of passing a proper immigration law, covering the points outlined in my Message to you at the first session of the present Congress; substantially such a bill has already passed the House.

How to secure fair treatment alike for labor and for capital, how to hold in check the unscrupulous man, whether employer or employee, without weakening individual initiative, without hampering and cramping the industrial development of the country, is a problem fraught with great difficulties and one which it is of the highest importance to solve on lines of sanity and far-sighted common sense as well as of devotion to the right. This is an era of federation and combination. Exactly as business men find they must often work through corporations, and as it is a constant tendency of these corporations to grow larger, so it is often necessary for laboring men to work in federations, and these have become important factors of modern industrial life. Both kinds of federation, capitalistic and labor, can do much good, and as a necessary corollary they can both do evil. Opposition to each kind of organization should take the form of opposition to whatever is bad in the conduct of any given corporation or union—not of attacks upon corporations as such nor upon unions as such; for some of the most far-reaching beneficent work for our people has been accomplished through both corporations and unions. Each must refrain from arbitrary or tyrannous interference with the rights of others. Organized capital and organized labor alike should remember that in the long run the interest of each must be brought into harmony with the interest of the general public; and the conduct of each must conform to the fundamental rules of obedience to the law, of individual freedom, and of justice and fair dealing toward all. Each should remember that in addition to power it must strive after the realization of healthy, lofty, and generous ideals. Every employer, every wage-worker must be guaranteed his liberty and his right to do as he likes with his property or his labor so long as he does not infringe upon the rights of others. It is of the highest importance that employer and employee alike should endeavor to appreciate each the viewpoint of the other and the sure disaster that will come upon both in the long run if either grows to take as habitual an attitude of sour hostility and distrust toward the other. Few people deserve better of the country than those representatives both of capital and labor—and there are many such—who work continually to bring about a good understanding of this kind, based upon wisdom and upon broad and kindly sympathy between employers and employed. Above all, we need to remember that any kind of class animosity in the political world is, if possible, even more wicked, even more destructive to national welfare, than sectional, race, or religious animosity. We can get good government only upon condition that we keep true to the principles upon which this Nation was founded, and judge each man not as a part of a class, but upon his individual merits. All that we have a right to ask of any man, rich or poor, whatever his creed, his occupation, his birthplace, or his residence, is that he shall act well and honorably by his neighbor and by his country. We are neither for the rich man as such nor for the poor man as such; we are for the upright man, rich or poor. So far as the constitutional powers of the National Government touch these matters of general and vital moment to the Nation, they should be exercised in conformity with the principles above set forth.

It is earnestly hoped that a secretary of commerce may be created, with a seat in the Cabinet. The rapid multiplication of questions affecting labor and capital, the growth and complexity of the organizations through which both labor and capital now find expression, the steady tendency toward the employment of capital in huge corporations, and the wonderful strides of this country toward leadership in the international business world justify an urgent demand for the creation of such a position. Substantially all the leading commercial bodies in this country have united in requesting its creation. It is desirable that some such measure as that which has already passed the Senate be enacted into law. The creation of such a department would in itself be an advance toward dealing with and exercising supervision over the whole subject of the great corporations doing an interstate business; and with this end in view, the Congress should endow the department with large powers, which could be increased as experience might show the need.

I hope soon to submit to the Senate a reciprocity treaty with Cuba. On May 20 last the United States kept its promise to the island by formally vacating Cuban soil and turning Cuba over to those whom her own people had chosen as the first officials of the new Republic.

Cuba lies at our doors, and whatever affects her for good or for ill affects us also. So much have our people felt this that in the Platt amendment we definitely took the ground that Cuba must hereafter have closer political relations with us than with any other power. Thus in a sense Cuba has become a part of our international political system. This makes it necessary that in return she should be given some of the benefits of becoming part of our economic system. It is, from our own standpoint, a short-sighted and mischievous policy to fail to recognize this need. Moreover, it is unworthy of a mighty and generous nation, itself the greatest and most successful republic in history, to refuse to stretch out a helping hand to a young and weak sister republic just entering upon its career of independence. We should always fearlessly insist upon our rights in the face of the strong, and we should with ungrudging hand do our generous duty by the weak. I urge the adoption of reciprocity with Cuba not only because it is eminently for our own interests to control the Cuban market and by every means to foster our supremacy in the tropical lands and waters south of us, but also because we, of the giant republic of the north, should make all our sister nations of the American Continent feel that whenever they will permit it we desire to show ourselves disinterestedly and effectively their friend.

A convention with Great Britain has been concluded, which will be at once laid before the Senate for ratification, providing for reciprocal trade arrangements between the United States and Newfoundland on substantially the lines of the convention formerly negotiated by the Secretary of State, Mr. Blaine. I believe reciprocal trade relations will be greatly to the advantage of both countries.

As civilization grows warfare becomes less and less the normal condition of foreign relations. The last century has seen a marked diminution of wars between civilized powers; wars with uncivilized powers are largely mere matters of international police duty, essential for the welfare of the world. Wherever possible, arbitration or some similar method should be employed in lieu of war to settle difficulties between civilized nations, although as yet the world has not progressed sufficiently to render it possible, or necessarily desirable, to invoke arbitration in every case. The formation of the international tribunal which sits at The Hague is an event of good omen from which great consequences for the welfare of all mankind may flow. It is far better, where possible, to invoke such a permanent tribunal than to create special arbitrators for a given purpose.

It is a matter of sincere congratulation to our country that the United States and Mexico should have been the first to use the good offices of The Hague Court. This was done last summer with most satisfactory results in the case of a claim at issue between us and our sister Republic. It is earnestly to be hoped that this first case will serve as a precedent for others, in which not only the United States but foreign nations may take advantage of the machinery already in existence at The Hague.

I commend to the favorable consideration of the Congress the Hawaiian fire claims, which were the subject of careful investigation during the last session.

The Congress has wisely provided that we shall build at once an isthmian canal, if possible at Panama. The Attorney-General reports that we can undoubtedly acquire good title from the French Panama canal company. Negotiations are now pending with Colombia to secure her assent to our building the canal. This canal will be one of the greatest engineering feats of the twentieth century; a greater engineering feat than has yet been accomplished during the history of mankind. The work should be carried out as a continuing policy without regard to change of Administration; and it should be begun under circumstances which will make it a matter of pride for all Administrations to continue the policy.

The canal will be of great benefit to America, and of importance to all the world. It will be of advantage to us industrially and also as improving our military position. It will be of advantage to the countries of tropical America. It is earnestly to be hoped that all of these countries will do as some of them have already done with signal success, and will invite to their shores commerce and improve their material conditions by recognizing that stability and order are the prerequisites of successful development. No independent nation in America need have the slightest fear of aggression from the United States. It behooves each

one to maintain order within its own borders and to discharge its just obligations to foreigners. When this is done, they can rest assured that, be they strong or weak, they have nothing to dread from outside interference. More and more the increasing interdependence and complexity of international political and economic relations render it incumbent on all civilized and orderly powers to insist on the proper policing of the world.

During the fall of 1901 a communication was addressed to the Secretary of State, asking whether permission would be granted by the President to a corporation to lay a cable from a point on the California coast to the Philippine Islands by way of Hawaii. A statement of conditions or terms upon which such corporation would undertake to lay and operate a cable was volunteered.

Inasmuch as the Congress was shortly to convene, and Pacific-cable legislation had been the subject of consideration by the Congress for several years, it seemed to me wise to defer action upon the application until the Congress had first an opportunity to act. The Congress adjourned without taking any action, leaving the matter in exactly the same condition in which it stood when the Congress convened.

Meanwhile it appears that the Commercial Pacific Cable Company had promptly proceeded with preparations for laying its cable. It also made application to the President for access to and use of soundings taken by the U. S. S. *Nero*, for the purpose of discovering a practicable route for a trans-Pacific cable, the company urging that with access to these soundings it could complete its cable much sooner than if it were required to take soundings upon its own account. Pending consideration of this subject, it appeared important and desirable to attach certain conditions to the permission to examine and use the soundings, if it should be granted.

In consequence of this solicitation of the cable company, certain conditions were formulated, upon which the President was willing to allow access to these soundings and to consent to the landing and laying of the cable, subject to any alterations or additions thereto imposed by the Congress. This was deemed proper, especially as it was clear that a cable connection of some kind with China, a foreign country, was a part of the company's plan. This course was, moreover, in accordance with a line of precedents, including President Grant's action in the case of the first French cable, explained to the Congress in his Annual Message of December, 1875, and the instance occurring in 1879 of the second French cable from Brest to St. Pierre, with a branch to Cape Cod.

These conditions prescribed, among other things, a maximum rate for commercial messages and that the company should construct a line from the Philippine Islands to China, there being at present, as is well known, a British line from Manila to Hongkong.

The representatives of the cable company kept these conditions long under consideration, continuing, in the meantime, to prepare for laying the cable. They have, however, at length acceded to them, and an all-American line between our Pacific coast and the Chinese Empire, by way of Honolulu and the Philippine Islands, is thus provided for, and is expected within a few months to be ready for business.

Among the conditions is one reserving the power of the Congress to modify or repeal any or all of them. A copy of the conditions is herewith transmitted.

Of Porto Rico it is only necessary to say that the prosperity of the island and the wisdom with which it has been governed have been such as to make it serve as an example of all that is best in insular administration.

On July 4 last, on the one hundred and twenty-sixth anniversary of the declaration of our independence, peace and amnesty were promulgated in the Philippine Islands. Some trouble has since from time to time threatened with the Mohammedan Moros, but with the late insurrectionary Filipinos the war has entirely ceased. Civil government has now been introduced. Not only does each Filipino enjoy such rights to life, liberty, and the pursuit of happiness as he has never before known during the recorded history of the islands, but the people taken as a whole now enjoy a measure of self-government greater than that granted to any other Orientals by any foreign power and greater than that enjoyed by any other Orientals under their own governments, save the Japanese alone. We have not gone too far in granting these rights of liberty and self-government; but we have certainly gone to the limit that in the interests of the Philippine people themselves it was wise or just to go. To hurry matters, to go faster than we are now going, would entail calamity on the people of the islands. No policy ever entered into by the American people has vindicated itself in more signal manner than the policy of holding the Philippines. The triumph of our arms, above all the triumph of our laws and principles, has come sooner than we had any right to expect. Too much praise can not be given to the Army for what it has done in the Philippines both in warfare and from an administrative standpoint in preparing the way for civil government; and similar credit belongs to the civil authorities for the way in which they have planted the seeds of self-government in the ground thus made ready for them. The courage, the unflinching endurance, the high soldierly efficiency, and the general kind-heartedness and humanity of our troops have been strikingly manifested. There now remain only some fifteen thousand troops in the islands. All told, over one hundred thousand have been sent there. Of course, there have been individual instances of wrongdoing among them. They warred under fearful difficulties of climate and surroundings; and under the strain of the terrible provocations which they continually received from their foes, occasional instances of cruel retaliation occurred. Every effort has been made to prevent such cruelties, and finally these efforts have been completely successful. Every effort has also been made to detect and punish the wrongdoers. After making all allowance for these misdeeds, it remains true that few indeed have been the instances in which war has been waged by a civilized power against semicivilized or barbarous forces where there has been so little wrongdoing by the victors as in the Philippine Islands. On the other hand, the amount of difficult, important, and beneficent work which has been done is well-nigh incalculable.

Taking the work of the Army and the civil authorities together, it may be questioned whether anywhere else in modern times the world has seen a better example of real constructive statesmanship than our people have given in the Philippine Islands. High praise should also be given those Filipinos, in the aggregate very numerous, who have accepted the new conditions and joined with our representatives to work with hearty good will for the welfare of the islands.

The Army has been reduced to the minimum allowed by law. It is very small for the size of the Nation, and most certainly should be kept at the highest point of efficiency. The senior officers are given scant chance under ordinary conditions to exercise commands commensurate with their rank, under circumstances which would fit them to do their duty in time of actual war. A system of maneuvering our Army in bodies of some little size has been begun and should be steadily continued. Without such maneuvers it is folly to expect that in the event of hostilities with any serious foe even a small army corps could be handled to advantage. Both our officers and enlisted men are such that we can take hearty pride in them. No better material can be found. But they must be thoroughly trained, both as individuals and in the mass. The marksmanship of the men must receive special attention. In the circumstances of modern warfare the man must act far more on his own individual responsibility than ever before, and the high individual efficiency of the unit is of the utmost importance. Formerly this unit was the regiment; it is now not the regiment, not even the troop or company; it is the individual soldier. Every effort must be made to develop every workmanlike and soldierly quality in both the officer and the enlisted man.

I urgently call your attention to the need of passing a bill providing for a general staff and for the reorganization of the supply departments on the lines of the bill proposed by the Secretary of War last year. When the young officers enter the Army from West Point they probably stand above their compeers in any other military service. Every effort should be made, by training, by reward of merit, by scrutiny into their careers and capacity, to keep them of the same high relative excellence throughout their careers.

The measure providing for the reorganization of the militia system and for securing the highest efficiency in the National Guard, which has already passed the House, should receive prompt attention and action. It is of great importance that the relation of the National Guard to the militia and volunteer forces of the United States should be defined, and that in place of our present obsolete laws a practical and efficient system should be adopted.

Provision should be made to enable the Secretary of War to keep cavalry and artillery horses, worn-out in long performance of duty. Such horses fetch but a trifle when sold; and rather than turn them out to the misery awaiting them when thus disposed of, it would be better to employ them at light work around the posts, and when necessary to put them painlessly to death.

For the first time in our history naval maneuvers on a large scale are being held under the immediate command of the Admiral of the Navy. Constantly increasing attention is being paid to the gunnery of the Navy, but it is yet far from what it should be. I earnestly urge that the increase asked for by the Secretary of the Navy in the appropriation for improving the marksmanship be granted. In battle the only shots that count are the shots that hit. It is necessary to provide ample funds for practice with the great guns in time of peace. These funds must provide not only for the purchase of projectiles, but for allowances for prizes to encourage the gun crews, and especially the gun pointers, and for perfecting an intelligent system under which alone it is possible to get good practice.

There should be no halt in the work of building up the Navy, providing every year additional fighting craft. We are a very rich country, vast in extent of territory and great in population; a country, moreover, which has an Army diminutive indeed when compared with that of any other first-class power. We have deliberately made our own certain foreign policies which demand the possession of a first-class navy. The isthmian canal will greatly increase the efficiency of our Navy if the Navy is of sufficient size; but if we have an inadequate navy, then the building of the canal would be merely giving a hostage to any power of superior strength. The Monroe Doctrine should be treated as the cardinal feature of American foreign policy; but it would be worse than idle to assert it unless we intended to back it up, and it can be backed up only by a thoroughly good navy. A good navy is not a provocative of war. It is the surest guaranty of peace.

Each individual unit of our Navy should be the most efficient of its kind as regards both material and personnel that is to be found in the world. I call your special attention to the need of providing for the manning of the ships. Serious trouble threatens us if we can not do better than we are now doing as regards securing the services of a sufficient number of the highest type of sailormen, of sea mechanics. The veteran seamen of our war ships are of as high a type as can be found in any navy which rides the waters of the world; they are unsurpassed in daring, in resolution, in readiness, in thorough knowledge of their profession. They deserve every consideration that can be shown them. But there are not enough of them. It is no more possible to improvise a crew than it is possible to improvise a war ship. To build the finest ship, with the deadliest battery, and to send it afloat with a raw crew, no matter how brave they were individually, would be to insure disaster if a foe of average capacity were encountered. Neither ships nor men can be improvised when war has begun.

We need a thousand additional officers in order to properly man the ships now provided for and under construction. The classes at the Naval School at Annapolis should be greatly enlarged. At the same time that we thus add the officers where we need them, we should facilitate the retirement of those at the head of the list whose usefulness has become impaired. Promotion must be fostered if the service is to be kept efficient.

The lamentable scarcity of officers, and the large number of recruits and of unskilled men necessarily put aboard the new vessels as they have been commissioned, has thrown upon our officers, and especially on the lieutenants and junior grades, unusual labor and fatigue and has gravely strained their powers of endurance. Nor is there sign of any immediate let-up in this strain. It must continue for some time longer, until more officers are graduated from Annapolis, and until the recruits become trained and skillful in their duties. In these difficulties incident upon the development of our war fleet the conduct of all our officers has been creditable to the service, and the lieutenants and junior grades in particular have displayed an ability and a steadfast cheerfulness which entitles them to the ungrudging thanks of all who realize the disheartening trials and fatigues to which they are of necessity subjected.

There is not a cloud on the horizon at present. There seems not the slightest chance of trouble with a foreign power. We most earnestly hope that this state of things may continue; and the way to insure its continuance is to provide for a thoroughly efficient navy. The refusal to maintain such a navy would invite trouble, and if trouble came would insure disaster. Fatuous self-complacency or vanity, or short-sightedness in refusing to prepare for danger, is both foolish and wicked in such a nation as ours; and past experience has shown that such fatuity in refusing to recognize or prepare for any crisis in advance is usually succeeded by a mad panic of hysterical fear once the crisis has actually arrived.

The striking increase in the revenues of the Post-Office Department shows clearly the prosperity of our people and the increasing activity of the business of the country.

The receipts of the Post-Office Department for the fiscal year ending June 30 last amounted to $121,848,047.26, an increase of $10,216,853.87 over the preceding year, the largest increase known in the history of the postal service. The magnitude of this increase will best appear from the fact that the entire postal receipts for the year 1860 amounted to but $8,518,067.

Rural free-delivery service is no longer in the experimental stage; it has become a fixed policy. The results following its introduction have fully justified the Congress in the large appropriations made for its establishment and extension. The average yearly increase in post-office receipts in the rural districts of the country is about two per cent. We are now able, by actual results, to show that where rural free-delivery service has been established to such an extent as to enable us to make comparisons the yearly increase has been upward of ten per cent.

On November 1, 1902, 11,650 rural free-delivery routes had been established and were in operation, covering about one-third of the territory of the United States available for rural free-delivery service. There are now awaiting the action of the Department petitions and applications for the establishment of 10,748 additional routes. This shows conclusively the want which the establishment of the service has met and the need of further extending it as rapidly as possible. It is justified both by the financial results and by the practical benefits to our rural population; it brings the men who live on the soil into close relations with the active business world; it keeps the farmer in daily touch with the markets; it is a potential educational force; it enhances the value of farm property, makes farm life far pleasanter and less isolated, and will do much to check the undesirable current from country to city.

It is to be hoped that the Congress will make liberal appropriations for the continuance of the service already established and for its further extension.

Few subjects of more importance have been taken up by the Congress in recent years than the inauguration of the system of nationally-aided irrigation for the arid regions of the far West. A good beginning therein has been made. Now that this policy of national irrigation has been adopted, the need of thorough and scientific forest protection will grow more rapidly than ever throughout the public-land States.

Legislation should be provided for the protection of the game, and the wild creatures generally, on the forest reserves. The senseless slaughter of game, which can by judicious protection be permanently preserved on our national reserves for the people as a whole, should be stopped at once. It is, for instance, a serious count against our national good sense to permit the present practice of butchering off such a stately and beautiful creature as the elk for its antlers or tusks.

So far as they are available for agriculture, and to whatever extent they may be reclaimed under the national irrigation law, the remaining public lands should be held rigidly for the home builder, the settler who lives on his land, and for no one else. In their actual use the desert-land law, the timber and stone law, and the commutation clause of the homestead law have been so perverted from the intention with which they were enacted as to permit the acquisition of large areas of the public domain for other than actual settlers and the consequent prevention of settlement. Moreover, the approaching exhaustion of the public ranges has of late led to much discussion as to the best manner of using these public lands in the West which are suitable chiefly or only for grazing. The sound and steady development of the West depends upon the building up of homes therein. Much of our prosperity as a nation has been due to the operation of the homestead law. On the other hand, we should recognize the fact that in the grazing region the man who corresponds to the homesteader may be unable to settle permanently if only allowed to use the same amount of pasture land that his brother, the homesteader, is allowed to use of arable land. One hundred and sixty acres of fairly rich and well-watered soil, or a much smaller amount of irrigated land, may keep a family in plenty, whereas no one could get a living from one hundred and sixty acres of dry pasture land capable of supporting at the outside only one head of cattle to every ten acres. In the past great tracts of the public domain have been fenced in by persons having no title thereto, in direct defiance of the law forbidding the maintenance or construction of any such unlawful inclosure of public land. For various reasons there has been little interference with such inclosures in the past, but ample notice has now been given the trespassers, and all the resources at the command of the Government will hereafter be used to put a stop to such trespassing.

In view of the capital importance of these matters, I commend them to the earnest consideration of the Congress, and if the Congress finds difficulty in dealing with them from lack of thorough knowledge of the subject, I recommend that provision be made for a commission of experts specially to investigate and report upon the complicated questions involved.

I especially urge upon the Congress the need of wise legislation for Alaska. It is not to our credit as a nation that Alaska, which has been ours for thirty-five years, should still have as poor a system of laws as is the case. No country has a more valuable possession—in mineral wealth, in fisheries, furs, forests, and also in land available for certain kinds of farming and stockgrowing. It is a territory of great size and varied resources, well fitted to support a large permanent population. Alaska needs a good land law and such provisions for homesteads and preemptions as will encourage permanent settlement. We should shape legislation with a view not to the exploiting and abandoning of the territory, but to the building up of homes therein. The land laws should be liberal in type, so as to hold out inducements to the actual settler whom we most desire to see take possession of the country. The forests of Alaska should be protected, and, as a secondary but still important matter, the game also, and at the same time it is imperative that the settlers should be allowed to

cut timber, under proper regulations, for their own use. Laws should be enacted to protect the Alaskan salmon fisheries against the greed which would destroy them. They should be preserved as a permanent industry and food supply. Their management and control should be turned over to the Commission of Fish and Fisheries. Alaska should have a Delegate in the Congress. It would be well if a Congressional committee could visit Alaska and investigate its needs on the ground.

In dealing with the Indians our aim should be their ultimate absorption into the body of our people. But in many cases this absorption must and should be very slow. In portions of the Indian Territory the mixture of blood has gone on at the same time with progress in wealth and education, so that there are plenty of men with varying degrees of purity of Indian blood who are absolutely indistinguishable in point of social, political, and economic ability from their white associates. There are other tribes which have as yet made no perceptible advance toward such equality. To try to force such tribes too fast is to prevent their going forward at all. Moreover, the tribes live under widely different conditions. Where a tribe has made considerable advance and lives on fertile farming soil it is possible to allot the members lands in severalty much as is the case with white settlers. There are other tribes where such a course is not desirable. On the arid prairie lands the effort should be to induce the Indians to lead pastoral rather than agricultural lives, and to permit them to settle in villages rather than to force them into isolation.

The large Indian schools situated remote from any Indian reservation do a special and peculiar work of great importance. But, excellent though these are, an immense amount of additional work must be done on the reservations themselves among the old, and above all among the young, Indians.

The first and most important step toward the absorption of the Indian is to teach him to earn his living; yet it is not necessarily to be assumed that in each community all Indians must become either tillers of the soil or stock raisers. Their industries may properly be diversified, and those who show special desire or adaptability for industrial or even commercial pursuits should be encouraged so far as practicable to follow out each his own bent.

Every effort should be made to develop the Indian along the lines of natural aptitude, and to encourage the existing native industries peculiar to certain tribes, such as the various kinds of basket weaving, canoe building, smith work, and blanket work. Above all, the Indian boys and girls should be given confident command of colloquial English, and should ordinarily be prepared for a vigorous struggle with the conditions under which their people live, rather than for immediate absorption into some more highly developed community.

The officials who represent the Government in dealing with the Indians work under hard conditions, and also under conditions which render it easy to do wrong and very difficult to detect wrong. Consequently they should be amply paid on the one hand, and on the other hand a particularly high standard of conduct should be demanded from them, and where misconduct can be proved the punishment should be exemplary.

In no department of governmental work in recent years has there been greater success than in that of giving scientific aid to the farming population, thereby showing them how most efficiently to help themselves. There is no need of insisting upon its importance, for the welfare of the farmer is fundamentally necessary to the welfare of the Republic as a whole. In addition to such work as quarantine against animal and vegetable plagues, and warring against them when here introduced, much efficient help has been rendered to the farmer by the introduction of new plants specially fitted for cultivation under the peculiar conditions existing in different portions of the country. New cereals have been established in the semi-arid West. For instance, the practicability of producing the best types of macaroni wheats in regions of an annual rainfall of only ten inches or thereabouts has been conclusively demonstrated. Through the introduction of new rices in Louisiana and Texas the production of rice in this country has been made to about equal the home demand. In the Southwest the possibility of regrassing overstocked range lands has been demonstrated; in the North many new forage crops have been introduced, while in the East it has been shown that some of our choicest fruits can be stored and shipped in such a way as to find a profitable market abroad.

I again recommend to the favorable consideration of the Congress the plans of the Smithsonian Institution for making the Museum under its charge worthy of the Nation, and for preserving at the National Capital not only records of the vanishing races of men but of the animals of this continent which, like the buffalo, will soon become extinct unless specimens from which their representatives may be renewed are sought in their native regions and maintained there in safety.

The District of Columbia is the only part of our territory in which the National Government exercises local or municipal functions, and where in consequence the Government has a free hand in reference to certain types of social and economic legislation which must be essentially local or municipal in their character. The Government should see to it, for instance, that the hygienic and sanitary legislation affecting Washington is of a high character. The evils of slum dwellings, whether in the shape of crowded and congested tenement-house districts or of the back-alley type, should never be permitted to grow up in Washington. The city should be a model in every respect for all the cities of the country. The charitable and correctional systems of the District should receive consideration at the hands of the Congress to the end that they may embody the results of the most advanced thought in these fields. Moreover, while Washington is not a great industrial city, there is some industrialism here, and our labor legislation, while it would not be important in itself, might be made a model for the rest of the Nation. We should pass, for instance, a wise employer's-liability act for the District of Columbia, and we need such an act in our navy-yards. Railroad companies in the District ought to be required by law to block their frogs.

The safety-appliance law, for the better protection of the lives and limbs of railway employees, which was passed in 1893, went into full effect on August 1, 1901. It has resulted in averting thousands of casualties. Experience shows, however, the necessity of additional legislation to perfect this law. A bill to provide for this passed the Senate at the last session. It is to be hoped that some such measure may now be enacted into law.

There is a growing tendency to provide for the publication of masses of documents for which there is no public demand and for the printing of which there is no real necessity. Large numbers of volumes are turned out by the Government printing presses for which there is no justification. Nothing should be printed by any of the Departments unless it contains something of permanent value, and the Congress could with advantage cut down very materially on all the printing which it has now become customary to provide. The excessive cost of Government printing is a strong argument against the position of those who are inclined on abstract grounds to advocate the Government's doing any work which can with propriety be left in private hands.

Gratifying progress has been made during the year in the extension of the merit system of making appointments in the Government service. It should be extended by law to the District of Columbia. It is much to be desired that our consular system be established by law on a basis providing for appointment and promotion only in consequence of proved fitness.

Through a wise provision of the Congress at its last session the White House, which had become disfigured by incongruous additions and changes, has now been restored to what it was planned to be by Washington. In making the restorations the utmost care has been exercised to come as near as possible to the early plans and to supplement these plans by a careful study of such buildings as that of the University of Virginia, which was built by Jefferson. The White House is the property of the Nation, and so far as is compatible with living therein it should be kept as it originally was, for the same reasons that we keep Mount Vernon as it originally was. The stately simplicity of its architecture is an expression of the character of the period in which it was built, and is in accord with the purposes it was designed to serve. It is a good thing to preserve such buildings as historic monuments which keep alive our sense of continuity with the Nation's past.

The reports of the several Executive Departments are submitted to the Congress with this communication.

THEODORE ROOSEVELT.

WHITE HOUSE,
December 2, 1902.

The PRESIDENT pro tempore. The message will lie on the table and, with the accompanying documents, will be printed.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

LOWER BRULE INDIANS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the claims of the members of the Lower Brule band of Sioux Indians for loss of property resulting from the forcible removal from their homes south of the White River, South Dakota, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

REPORT OF THE ATTORNEY-GENERAL.

The PRESIDENT pro tempore laid before the Senate the annual report of the Attorney-General for the fiscal year ended June 30, 1902; which was referred to the Committee on the Judiciary, and ordered to be printed.

REPORTS OF SECRETARY OF SENATE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Senate, transmitting, pursuant to law, a full and complete statement of the receipts and expenditures of the Senate; which, with the accompanying papers, was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of the Senate, transmitting a full and complete account of all property, including stationery, belonging to the United States in his possession on the 1st day of December, 1902; which, with the accompanying papers, was ordered to lie on the table and be printed.

REPORT OF THE PUBLIC PRINTER.

The PRESIDENT pro tempore laid before the Senate the annual report of the operations of the Government Printing Office for the fiscal year ended June 30, 1902; which was referred to the Committee on Printing.

REPORT OF THE COMPTROLLER OF THE CURRENCY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Comptroller of the Currency for the year ended October 31, 1902; which was referred to the Committee on Finance, and ordered to be printed.

REPORT OF THE COMMISSIONER OF FISH AND FISHERIES.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioner of Fish and Fisheries, transmitting, in compliance with law, a statement showing expenditures under all appropriations for propagation of food-fishes during the fiscal year ended June 30, 1902, etc.; which, with the accompanying papers, was referred to the Committee on Fisheries, and ordered to be printed.

REPORTS OF SERGEANT-AT-ARMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Sergeant-at-Arms of the Senate, transmitting a statement of the receipts from the sale of condemned property in his possession since December 3, 1901; which, with the accompanying papers, was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Sergeant-at-Arms of the Senate, giving a full and complete account of all property belonging to the United States in his possession December 1, 1902; which, with the accompanying papers, was ordered to lie on the table and be printed.

ONE HUNDREDTH MERIDIAN.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, the preliminary report of Arthur D. Kidder, examiner of surveys, relative to the intersection of the true one hundredth meridian with the Red River and the establishment of a permanent monument to mark such determination, etc.; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

REPORT OF LIBRARIAN OF CONGRESS.

The PRESIDENT pro tempore laid before the Senate the annual report of the Librarian of Congress for the fiscal year ended June 30, 1902; which was referred to the Committee on the Library, and ordered to be printed.

RESIGNATION OF CHAPLAIN MILBURN.

The PRESIDENT pro tempore laid before the Senate the following communication; which was read, and ordered to lie on the table:

1724 GARDEN STREET, SANTA BARBARA, CAL.,
November 20, 1902.

Hon. WILLIAM P. FRYE,
President United States Senate.

MY DEAR MR. PRESIDENT: The infirm state of my health makes it necessary for me to ask you to present my resignation to the Senate. It is with deep sorrow that I have come to this decision, as it was my cherished wish that under favor of the Senate I should conduct its religious service during the remainder of my days.

A friend will take my place until the Senate finds it convenient to accept my resignation.

With sentiments of profound regard for every member of the body, and for none more than for yourself,

I am, my dear Mr. President, faithfully, yours,

W. H. MILBURN,
Chaplain United States Senate.

PETITIONS AND MEMORIALS.

Mr. MALLORY presented a petition of sundry citizens of St. Petersburg, Fla., praying that an appropriation be made for the improvement of the channel at that city; which was referred to the Committee on Commerce.

Mr. DRYDEN presented a memorial of the National Machine Tool Builders' Association, of Newark, N. J., remonstrating against the adoption of the so-called metric system of measurement; which was referred to the Select Committee on Standards, Weights, and Measures.

He also presented a petition of the Home Missionary Society of the Presbyterian Church of Metuchen, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Glass Bottle Blowers' Association, of Woodbury, N. J., and a petition of the Immigration Restriction League, of Boston, Mass., praying for the enactment of legislation to regulate the immigration of aliens into this country; which were ordered to lie on the table.

He also presented a petition of Local Union No. 87, International Brotherhood of Electrical Workers, of Newark, N. J., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

Mr. LODGE presented a petition of 20 citizens of Nantucket, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. HOAR presented the petition of Luther D. Goddard, of Worcester, Mass., praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

He also presented a petition of the Board of Trade of Brockton, Mass., praying for the enactment of legislation to provide an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Nantucket, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented a memorial of the National Woman's Christian Temperance Union of Evanston, Ill., remonstrating against the admission of Arizona and New Mexico as States into the Union; which was referred to the Committee on Territories.

Mr. COCKRELL presented a petition of the Commercial Club of Kansas City, Mo., praying for the admission to statehood of Oklahoma, New Mexico, Arizona, and Indian Territories; which was referred to the Committee on Territories.

Mr. FRYE presented a petition of the General Conference of Congregational Churches in the State of Maine, praying for the enactment of legislation to establish a laboratory in the Department of Justice for the study of the criminal, pauper, and defective classes; which was referred to the Committee on the Judiciary.

He also presented a petition of the Maritime Association of the port of New York, praying for the appointment of an additional United States district judge for the southern district of New York; which was referred to the Committee on the Judiciary.

He also presented a petition of the Merchants and Manufacturers' Board of Trade of New York, N. Y., praying for the appointment of a permanent tariff commission; which was referred to the Committee on Finance.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 6320) for the relief of Philip Loney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6321) granting a pension to Ely L. Jones; and

A bill (S. 6322) granting a pension to William Hinsell.

Mr. CULLOM introduced a bill (S. 6323) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. LODGE introduced a bill (S. 6324) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902; which was read twice by its title, and referred to the Committee on the Philippines.

He also introduced a bill (S. 6325) granting an increase of pension to Anderson L. Gill; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 6326) granting an increase of pension to Luther D. Goddard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WELLINGTON introduced a bill (S. 6327) granting a pension to Julia Nolan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6328) granting an increase of pension to Nathaniel S. Wheeler;

A bill (S. 6329) granting an increase of pension to Mary A. Noyes; and

A bill (S. 6330) granting an increase of pension to Allen M. Ripley (with the accompanying papers).

Mr. GALLINGER introduced a bill (S. 6331) to provide for laying a single electric-railway track across the Aqueduct Bridge, in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PROCTOR introduced a bill (S. 6332) to increase the efficiency of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PETTUS introduced a bill (S. 6333) to divest out of the United States all its right, title, and interest of, in, and to certain real estate situated at and near the city of Montgomery, State of Alabama, and to vest the same in the Southern Cotton Oil Company, Bessie R. Maultsby, James S. Pinckard, trustee, M. V. B. Chase, and Edwin Ferris; which was read twice by its title.

Mr. PETTUS. I will explain that this bill is a compromise of a lawsuit made by the Attorney-General, with the authority of the Secretary of the Treasury. I move that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. PATTERSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6334) granting a pension to Mary Ellen Beebe (with the accompanying papers);

A bill (S. 6335) granting an increase of pension to Harriet E. Worthington;

A bill (S. 6336) granting an increase of pension to Clarence B. Granteer (with an accompanying paper); and

A bill (S. 6337) granting an increase of pension to James L. Small.

Mr. GIBSON introduced a bill (S. 6338) granting a pension to Albert M. Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6339) to confirm certain forest lien selections made under the act approved June 4, 1897 (30 Stats., 36); which was read twice by its title, and referred to the Committee on Public Lands.

Mr. COCKRELL introduced a bill (S. 6340) granting an increase of pension to David Bartlett; which was read twice by itstitle.

Mr. COCKRELL. To accompany the bill I present the petition for increase of pension of David Bartlett, Company D, Sixteenth Regiment Missouri Cavalry Volunteers, with affidavits of Dr. D. A. Williams, Jesse F. Enloe, and W. M. Garner. I move that the bill and accompanying papers be referred to the Committee on Pensions..

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 6341) for the relief of George A. Detchemendy; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6342) for the relief of John N. Boffinger; which was read twice by its title, and referred to the Committee on Claims.

Mr. DRYDEN introduced a bill (S. 6343) granting an increase of pension to George A. Harris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRYE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6344) granting an increase of pension to Henry F. Waldron (with the accompanying papers);

A bill (S. 6345) granting an increase of pension to Gilbert M. Small (with an accompanying paper);

A bill (S. 6346) granting an increase of pension to George P. Underwood (with an accompanying paper);

A bill (S. 6347) granting a pension to Carrie G. Pulsifer (with an accompanying paper); and

A bill (S. 6348) granting an increase of pension to Napoleon B. Stockbridge (with the accompanying papers).

DISTRICT OF COLUMBIA REPRESENTATION.

Mr. GALLINGER introduced a joint resolution (S. R. 132) proposing an amendment to the Constitution of the United States respecting the District of Columbia; which was read the first time by its title, the second time at length, and referred to the Committee on the District of Columbia, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution of the United States be proposed for ratification by the legislatures of the several States, which, when ratified by legislatures in three-fourths of the United States, shall be valid as a part of the said Constitution, namely:

"ARTICLE XVI.

"The District of Columbia shall be considered a State in so far as shall entitle it to representation in the Congress of the United States and in the electoral college, and in said District of Columbia Senators and electors shall be chosen by direct vote of the people."

AMENDMENTS TO BILLS.

Mr. LODGE submitted an amendment providing for the reorganization of the consular service of the United States, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $5,000 to pay the heirs of Thomas T. Prentis, late United States consul at Martinique, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. FAIRBANKS submitted two amendments, intended to be proposed by him to the bill (H. R. 12199) to regulate the immigration of aliens into the United States; which were ordered to lie on the table and to be printed.

INTEROCEANIC SHIP CANAL.

On motion of Mr. MORGAN, it was

Ordered, That the maps, charts, and other memoranda relating to the construction of an interoceanic ship canal, accompanying the Report of the Isthmian Canal Commission, 1899-1901, be returned to said Commission for its temporary use.

BILLS AND DEBATES RELATING TO TRUSTS.

Mr. MORGAN. I submit a concurrent resolution for reference to the Committee on Printing, and I wish to make an observation about it.

The Attorney-General has caused to be compiled a book on bills and debates in Congress relating to trusts. The book has been printed in the Public Printing Office, but only to the extent of about 60 copies, I understand, and they have all been distributed, so that there remains in the Attorney-General's office but one copy. I make mention of this fact so that the Committee on Printing will please take the matter into consideration immediately.

The PRESIDENT pro tempore. The concurrent resolution submitted by the Senator from Alabama will be read.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 1,600 copies of the compilation recently prepared by direction of the Attorney-General, entitled "Bills and Debates in Congress Relating to Trusts," of which 500 copies shall be for the use of the Senate, 1,000 copies for the use of the House of Representatives, and 100 copies for the use of the Department of Justice; and that the Attorney-General shall cause an index to be prepared to said volume, compensation therefor not to exceed $500.

Mr. McCOMAS. I ask the Senator from Alabama to accept an amendment to his resolution.

Mr. LODGE. The resolution is to go to the Committee on Printing.

Mr. McCOMAS. It is an amendment to embrace a copy of all Federal decisions respecting trusts or the Sherman antitrust law.

Mr. MORGAN. The amendment can go with the resolution to the committee, and let them consider it. I had not thought about it.

The PRESIDENT pro tempore. The concurrent resolution will be referred to the Committee on Printing.

AGATHA W. VEST.

Mr. COCKRELL submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Agatha W. Vest, widow of George Pugh Vest, late clerk to the Senate Committee on Public Health and National Quarantine, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

CLAIMS FOR ARMY STORES AND SUPPLIES.

Mr. COCKRELL. I ask for the present consideration of a resolution to reprint Senate Document No. 53, containing reports from the Quartermaster-General and Commissary-General in regard to claims filed before them under the law of July 4, 1864. The supply of the document is about exhausted, and the resolution provides for a reprint of it.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed for the use of the Senate 500 copies of Senate Document No. 53, second session Fifty-fifth Congress, being letters of the Quartermaster-General and Commissary-General of Subsistence, United States Army, War Department, showing the number of claims presented under the law of July 4, 1864, for stores and supplies furnished or taken during the late war, the action had thereon, their present status, and the law of July 4, 1864, and amendatory acts, and the rules and regulations of the War Department in regard to such claims.

MILITARY AND NAVAL RECORDS.

Mr. HOAR submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Committee on Printing be directed to consider and report on the propriety of publishing the military and naval records of the war of 1812, of the Mexican war, and the military records of the several Indian wars, in the same general style as that of the Rebellion Records.

SALARIES OF POSTMASTERS IN MASSACHUSETTS.

Mr. HOAR submitted the following resolution; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads:

Resolved by the Senate, That the Postmaster-General be, and hereby is, directed to report to the Senate the amounts of salaries of all postmasters in the State of Massachusetts for the terms of service specified, whose names and terms of service appear on the schedule of such cases in said State hereto attached, adjusted under the act of 1854, and the amount of the salary of each such postmaster adjusted and paid under the act of 1864, so that the difference, if any, between the salary paid and the amount of salary ordered paid by the act of 1883 shall appear in each case specified on the said schedule.

DEATH OF REPRESENTATIVE CHARLES A. RUSSELL.

Mr. PLATT of Connecticut. Mr. President, I ask that the resolutions of the House of Representatives communicating the intelligence of the death of Hon. CHARLES A. RUSSELL be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the House has heard with deep regret and profound sorrow of the death of the Hon. CHARLES A. RUSSELL, late a Representative from the State of Connecticut.

Resolved, That the Clerk of the House communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. PLATT of Connecticut. I desire that the resolutions of the House may lie on the table for the present, and I present the following resolutions, which I ask may be immediately considered.

The PRESIDENT pro tempore. The resolutions submitted by the Senator from Connecticut will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. CHARLES A. RUSSELL, late a Representative from the State of Connecticut.

Resolved, That as an additional mark of respect to the memory of the deceased the Senate do now adjourn.

The resolutions were considered by unanimous consent, and unanimously agreed to; and (at 1 o'clock and 52 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 3, 1902, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate December 2, 1902.

MEMBER OF PHILIPPINE COMMISSION.

James F. Smith, of California, now serving as a member of the supreme court of the Philippine Islands, for appointment as a member of the Philippine Commission and secretary of public instruction in the government of the Philippine Islands, to date from January 1, 1903, vice Bernard Moses, resigned.

DIRECTOR OF THE CENSUS.

William R. Merriam, of Minnesota, who was appointed July 9, 1902, during the recess of the Senate, to be Director of the Census, under the act of Congress approved March 6, 1902.

REGISTERS OF LAND OFFICES.

John F. Armstrong, of Placerville, Cal., who was appointed August 8, 1902, during the recess of the Senate, to be register of the land office at Sacramento, Cal., vice John Fraser, deceased.

Peter Campbell, of Colorado, who was reappointed September 11, 1902, during the recess of the Senate, his term having expired, to be register of the land office at Akron, Colo.

David R. Crosby, of Grand Junction, Colo., who was appointed August 21, 1902, during the recess of the Senate, to be register of the land office at Montrose, Colo., vice James A. Layton, term expired.

Harry J. Syms, of Mountainhome, Idaho, to be register of the land office at Boise, Idaho, vice James King, term expired.

Neal J. Sharp, of Idaho, to be register of the land office at Hailey, Idaho, his term having expired. (Reappointment.)

John B. West, of Idaho, who was reappointed September 13, 1902, during the recess of the Senate, his term having expired, to be register of the land office at Lewiston, Idaho.

Selwyn Douglas, of Oklahoma, Okla., who was appointed September 25, 1902, during the recess of the Senate, to be register of the land office at Oklahoma, Okla., vice Anton H. Classen, resigned.

Archibald W. Munger, of Eau Claire, Wis., who was appointed August 12, 1902, during the recess of the Senate, to be register of the land office at Eau Claire, Wis., vice Alfred Cypreansen, resigned.

RECEIVERS OF PUBLIC MONEYS.

Richard Fysh, of Independence, Cal., who was appointed October 11, 1902, during the recess of the Senate, to be receiver of public moneys at Independence, Cal., vice Frank E. Densmore, resigned.

George W. Warner, of Colorado, who was reappointed September 11, 1902, during the recess of the Senate, his term having expired, to be receiver of public moneys at Akron, Colo.

Charles H. Garby, of Idaho, to be receiver of public moneys at Lewiston, Idaho, his term having expired. (Reappointment.)

R. B. Kennedy, of Louisiana, to be receiver of public moneys at New Orleans, La., vice Charles P. Johnston, term expired.

PENSION AGENTS.

Daniel R. Collier, of Kentucky, who was appointed November 21, 1902, during the recess of the Senate, to be pension agent at Louisville, Ky., vice Leslie Combs, resigned.

John R. King, of Baltimore, Md., who was appointed October 3, 1902, during the recess of the Senate, to be pension agent at Washington, D. C., vice William L. Soleau, who was temporarily appointed, vice Sidney L. Willson, deceased.

INDIAN AGENT.

Shepard Freeman, of Oshkosh, Wis., who was appointed August 19, 1902, during the recess of the Senate, to be agent for the Indians of the Green Bay Agency in Wisconsin, vice Dewey H. George, resigned.

ASSOCIATE JUSTICE OF THE SUPREME COURT.

Oliver Wendell Holmes, of Massachusetts, to be associate justice of the Supreme Court of the United States, vice Horace Gray, resigned.

JUDGE OF THE COURT OF CLAIMS.

Francis M. Wright, of Illinois, to be judge of the Court of Claims, vice John Davis, deceased.

UNITED STATES DISTRICT JUDGE.

George W. Ray, of New York, to be United States district judge for the northern district of New York, who was appointed during the last recess of the Senate, vice Alfred C. Coxe, appointed to be circuit judge.

ASSOCIATE JUDGE OF THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

Ashley M. Gould, of the District of Columbia, to be associate justice of the supreme court of the District of Columbia, vice Andrew C. Bradley, deceased.

UNITED STATES ATTORNEYS.

Lunsford L. Lewis, of Virginia, to be United States attorney for the eastern district of Virginia, vice Edgar Allan, whose term will expire December 19, 1902.

Thomas R. Roulhac, of Alabama, to be United States attorney for the northern district of Alabama, who was appointed during the last recess of the Senate, vice William Vaughan, removed.

William Michael Byrne, of Delaware, to be United States attorney for the district of Delaware, who was appointed during the last recess of the Senate, vice William Michael Byrne, resigned.

Morgan H. Beach, of the District of Columbia, to be United States attorney for the District of Columbia, vice Ashley M. Gould, nominated to be associate justice of the supreme court of the District of Columbia.

Solomon H. Bethea, of Illinois, to be United States attorney for the northern district of Illinois. A reappointment, his term expiring December 19, 1902.

William J. Youngs, of New York, to be United States attorney for the eastern district of New York, vice George H. Pettit, whose term will expire December 19, 1902.

UNITED STATES MARSHALS.

C. F. Lloyd, of Montana, to be United States marshal for the district of Montana, who was appointed during the last recess of the Senate, vice Joseph P. Woolman, whose term expired May 11, 1902.

Dewey C. Bailey, of Colorado, to be United States marshal for the district of Colorado. A reappointment, his term having expired June 5, 1902.

Edson S. Bishop, of Connecticut, to be United States marshal for the district of Connecticut, who was appointed during the last recess of the Senate. A reappointment, his term having expired August 7, 1902.

William H. Mackey, jr., of Kansas, to be United States marshal for the district of Kansas, who was appointed during the last recess of the Senate in the place of Littleton S. Crum, deceased.

B. F. Oneal, of Louisiana, to be United States marshal for the western district of Louisiana, who was appointed during the last recess of the Senate, vice Lemuel Gustine, deceased.

CIRCUIT JUDGE OF THE TERRITORY OF HAWAII.

John T. De Bolt, of Hawaii, to be first judge of the circuit court of the first circuit of the Territory of Hawaii, who was appointed during the last recess of the Senate, vice Abram S. Humphreys, resigned.

COMMISSIONER OF THE DISTRICT OF COLUMBIA.

Henry L. West, of the District of Columbia, to be a Commissioner of the District of Columbia, for the term of three years, to which office he was appointed during the recess of the Senate, vice John W. Ross, deceased.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

Charles Page Bryan, of Illinois, to be envoy extraordinary and minister plenipotentiary to Switzerland, to which office he was appointed during the recess of the Senate, vice Arthur S. Hardy, appointed envoy extraordinary and minister plenipotentiary to Spain.

Leslie Combs, of Kentucky, to be envoy extraordinary and minister plenipotentiary to Guatemala and Honduras, to which office he was appointed during the recess of the Senate, vice W. Godfrey Hunter, resigned.

Arthur S. Hardy, of New Hampshire, to be envoy extraordinary and minister plenipotentiary of the United States to Spain, to which office he was appointed during the recess of the Senate, vice Bellamy Storer, appointed ambassador extraordinary and plenipotentiary to Austria-Hungary.

John B. Jackson, of New Jersey, to be envoy extraordinary and minister plenipotentiary of the United States to Greece, Roumania, and Servia, to which office he was appointed during the recess of the Senate, vice Charles B. Francis, resigned.

William B. Sorsby, of Mississippi, to be envoy extraordinary and minister plenipotentiary of the United States to Bolivia, to which office he was appointed during the recess of the Senate, vice George H. Bridgman, appointed consul at Kingston, Jamaica.

David E. Thompson, of Nebraska, to be envoy extraordinary and minister plenipotentiary of the United States to Brazil, to which office he was appointed during the recess of the Senate, vice Charles Page Bryan, appointed envoy extraordinary and minister plenipotentiary to Switzerland.

AMBASSADORS EXTRAORDINARY AND PLENIPOTENTIARY.

Robert S. McCormick, of Illinois, to be ambassador extraordinary and plenipotentiary to Russia, to which office he was appointed during the recess of the Senate, vice Charlemagne Tower, appointed ambassador extraordinary and plenipotentiary to Germany.

Bellamy Storer, of Ohio, to be ambassador extraordinary and plenipotentiary of the United States to Austria-Hungary, to which office he was appointed during the recess of the Senate, vice Robert S. McCormick, appointed ambassador extraordinary and plenipotentiary to Russia.

Charlemagne Tower, of Pennsylvania, to be ambassador extraordinary and plenipotentiary of the United States to Germany, to which office he was appointed during the recess of the Senate, vice Andrew D. White, resigned.

SECRETARY OF EMBASSY.

H. Percival Dodge, of Massachusetts, to be secretary of the embassy of the United States at Berlin, Germany, to which office he was appointed during the recess of the Senate, vice John B. Jackson, appointed envoy extraordinary and minister plenipotentiary to Greece, Roumania, and Servia.

SECOND SECRETARY OF EMBASSY.

R. S. Reynolds Hitt, of Illinois, to be second secretary of the embassy of the United States at Berlin, Germany, to which office he was appointed during the recess of the Senate, vice H. Percival Dodge, appointed secretary of the embassy at Berlin, Germany.

THIRD SECRETARY OF EMBASSY.

Peter Augustus Jay, of Rhode Island, to be third secretary of the embassy of the United States at Paris, France, to which office he was appointed during the recess of the Senate, vice R. S. Reynolds Hitt, appointed second secretary of the embassy at Berlin, Germany.

CONSULS-GENERAL.

Edward S. Bragg, of Wisconsin, to be consul-general of the United States at Hongkong, China, to which office he was appointed during the recess of the Senate, vice William A. Rublee, appointed consul-general at Habana, Cuba.

William A. Rublee, of Wisconsin, to be consul-general of the United States at Habana, Cuba, to which office he was appointed during the recess of the Senate, vice Edward S. Bragg, appointed consul-general at Hongkong, China.

Alfred A. Winslow, of Indiana, to be consul-general of the United States at Guatemala City, Guatemala, to which office he was appointed during the recess of the Senate, vice James C. McNally, appointed consul at Liege, Belgium.

CONSULS.

David R. Birch, of Pennsylvania, to be consul of the United States at Malaga, Spain, to which office he was appointed during the recess of the Senate, vice Benjamin H. Ridgely, appointed consul at Nantes, France.

George H. Bridgman, of New Jersey, to be consul of the United States at Kingston, Jamaica, to which office he was appointed during the recess of the Senate, vice William B. Sorsby, appointed envoy extraordinary and minister plenipotentiary to Bolivia.

William F. Doty, of New Jersey, to be consul of the United States at Tahiti, Society Islands, to which office he was appointed during the recess of the Senate, vice Jacob L. Doty, resigned.

Franklin D. Hale, of Vermont, to be consul of the United States at Coaticook, Quebec, Canada, to which office he was appointed during the recess of the Senate, vice George N. Dale, resigned.

E. Scott Hotchkiss, of Wisconsin, to be consul of the United States at Brockville, Ontario, Canada, to which office he was appointed during the recess of the Senate, vice Charles W. Merriman, resigned.

James C. McNally, of Pennsylvania, to be consul of the United States at Liege, Belgium, to which office he was appointed during the recess of the Senate, vice Albert A. Winslow, appointed consul-general at Guatemala City, Guatemala.

William A. McKellip, of Maryland, to be consul of the United States at Magdeburg, Germany, to which office he was appointed during the recess of the Senate, vice Max J. Baehr, appointed consul at Cienfuegos, Cuba.

Mason Mitchell, of New York, to be consul of the United States at Zanzibar, Zanzibar, to which office he was appointed during the recess of the Senate, vice Charles B. Rogers, resigned.

Albert R. Morawetz, of Arizona, to be consul of the United States at Nogales, Mexico, to which office he was appointed during the recess of the Senate, vice James F. Darnall, resigned.

John B. Richardson, of Kansas, to be consul of the United States at Utilla, Honduras, to which office he was appointed during the recess of the Senate, vice Benjamin Johnston, appointed consul at Ceiba, Honduras.

POSTMASTERS.

Eli J. McBride, to be postmaster at Dixon, in the county of Solano and State of California, in place of Eli J. McBride. Incumbent's commission expired March 9, 1902.

Philo Handy, to be postmaster at Ukiah, in the county of Mendocino and State of California, in place of Lafayette Van Dusen. Incumbent's commission expired January 10, 1902.

Frederick H. Lewis, to be postmaster at Vacaville, in the county of Solano and State of California, in place of Maury Robinson. Incumbent's commission expired March 16, 1902.

Bradley S. Keith, to be postmaster at Norwalk, in the county of Fairfield and State of Connecticut, in place of Bradley S. Keith. Incumbent's commission expired June 22, 1902.

Charles W. Lewis, to be postmaster at Fernandina, in the county of Nassau and State of Florida, in place of Charles W. Lewis. Incumbent's commission expired July 7, 1902.

Charles A. Camp, to be postmaster at Henry, in the county of Marshall and State of Illinois, in place of John Kline. Incumbent's commission expired May 24, 1902.

Robert C. Boehm, to be postmaster at White Hall, in the county of Greene and State of Illinois, in place of Robert C. Boehm. Incumbent's commission expired June 14, 1902.

Thomas Rudd, to be postmaster at Butler, in the county of De Kalb and State of Indiana, in place of Thomas Rudd. Incumbent's commission expired July 7, 1902.

William B. Means, to be postmaster at Boone, in the county of Boone and State of Iowa, in place of William B. Means. Incumbent's commission expires December 14, 1902.

John McKay, sr., to be postmaster at Des Moines, in the county of Polk and State of Iowa, in place of Lewis Schooler. Incumbent's commission expires December 21, 1902.

James F. Mentzer, to be postmaster at Knoxville, in the county of Marion and State of Iowa, in place of Thomas G. Gilson. Incumbent's commission expired January 10, 1902.

Frank L. Averill, to be postmaster at Oldtown, in the county of Penobscot and State of Maine, in place of John P. Woodman. Incumbent's commission expired May 16, 1902.

Garrett S. De Grange, to be postmaster at Frederick, in the county of Frederick and State of Maryland, in place of Garrett S. De Grange. Incumbent's commission expired May 10, 1902.

Martin Hickey, to be postmaster at Grafton, in the county of Worcester and State of Massachusetts, in place of Martin Hickey. Incumbent's commission expired July 1, 1902.

Althamer E. Chamberlain, to be postmaster at Holliston, in the county of Middlesex and State of Massachusetts, in place of Althamer E. Chamberlain. Incumbent's commission expired June 3, 1902.

Charles H. Pulver, to be postmaster at Dundee, in the county of Monroe and State of Michigan, in place of Charles H. Pulver. Incumbent's commission expired May 4, 1902.

Lawson E. Becker, to be postmaster at Fenton, in the county of Genesee and State of Michigan, in place of Lawson E. Becker. Incumbent's commission expired May 24, 1902.

Timothy Smith, to be postmaster at Howell, in the county of Livingston and State of Michigan, in place of Timothy Smith. Incumbent's commission expired May 5, 1902.

Fred O'Neil, to be postmaster at Malone, in the county of Franklin and State of New York, in place of Fred O'Neil. Incumbent's commission expired July 7, 1902.

Theodore M. Giffin, to be postmaster at Haddonfield, in the county of Camden and State of New Jersey, in place of Theodore M. Giffin. Incumbent's commission expired May 5, 1902.

Wallace W. Roach, to be postmaster at Bellefontaine, in the county of Logan and State of Ohio, in place of Isaac N. Zearing. Incumbent's commission expired May 24, 1902.

Jacob C. Irwin, to be postmaster at Degraff, in the county of Logan and State of Ohio, in place of Solomon E. Loffer. Incumbent's commission expired May 24, 1902.

James K. McDonald, to be postmaster at West Liberty, in the county of Logan and State of Ohio, in place of Don C. Bailey. Incumbent's commission expired May 24, 1902.

William L. Bixler, to be postmaster at Ephrata, in the county of Lancaster and State of Pennsylvania, in place of William L. Bixler. Incumbent's commission expired June 13, 1902.

William D. Hamilton, to be postmaster at Freedom, in the county of Beaver and State of Pennsylvania, in place of William D. Hamilton. Incumbent's commission expired July 7, 1902.

Isaac T. Klingensmith, to be postmaster at Leechburg, in the county of Armstrong and State of Pennsylvania, in place of Isaac T. Klingensmith. Incumbent's commission expired June 24, 1902.

Albert Secor, to be postmaster at Sheffield, in the county of Warren and State of Pennsylvania, in place of Albert Secor. Incumbent's commission expired June 24, 1902.

Charles S. Robinson, to be postmaster at Lonsdale, in the county of Providence and State of Rhode Island, in place of Charles S. Robinson. Incumbent's commission expired June 23, 1902.

Albert C. Landers, to be postmaster at Newport, in the county of Newport and State of Rhode Island, in place of Albert C. Landers. Incumbent's commission expires December 14, 1902.

Arthur W. Stedman, to be postmaster at Wakefield, in the county of Washington and State of Rhode Island, in place of Arthur W. Stedman. Incumbent's commission expired June 14, 1902.

Wilber H. Webber, to be postmaster at Lampasas, in the county of Lampasas and State of Texas, in place of Wilber H. Webber. Incumbent's commission expired May 5, 1902.

William T. Black, to be postmaster at Mount Pleasant, in the county of Titus and State of Texas, in place of William T. Black. Incumbent's commission expired July 4, 1902.

Harry H. Cooper, to be postmaster at Nacogdoches, in the county of Nacogdoches and State of Texas, in place of Harry H. Cooper. Incumbent's commission expired January 10, 1902.

Theodore Miller, to be postmaster at Rusk, in the county of Cherokee and State of Texas, in place of Theodore Miller. Incumbent's commission expired May 10, 1902.

George A. Packard, to be postmaster at Bayfield, in the county of Bayfield and State of Wisconsin, in place of George A. Packard. Incumbent's commission expired June 24, 1902.

J. F. Fuller, to be postmaster at Cumberland, in the county of Barron and State of Wisconsin, in place of Bennie Johnson. Incumbent's commission expired June 10, 1902.

Linn L. Shaw, to be postmaster at Santa Ana, in the county of Orange and State of California, in place of Thomas J. Alexander. Incumbent's commission expired June 22, 1902.

H. S. Buntin, to be postmaster at Bushnell, in the county of McDonough and State of Illinois, in place of John R. Camp. Incumbent's commission expired March 22, 1902.

George Y. Downing, to be postmaster at Camp Point, in the county of Adams and State of Illinois, in place of Richard Seaton. Incumbent's commission expired January 10, 1902.

Omer Guyton, to be postmaster at Cambridge City, in the county of Wayne and State of Indiana, in place of Frank C. Mosbaugh. Incumbent's commission expired May 4, 1902.

Clifford L. Benedict, to be postmaster at Mankato, in the county of Blue Earth and State of Minnesota, in place of Lewis P. Hunt. Incumbent's commission expired May 4, 1902.

Jesse B. Ross, to be postmaster at Springfield, in the county of Greene and State of Missouri, in place of Jeremiah Fenton. Incumbent's commission expired March 9, 1902.

Marshel E. Merwin, to be postmaster at Independence, in the county of Polk and State of Oregon, in place of John A. Wheeler. Incumbent's commission expired May 19, 1902.

Allen C. W. Mathues, to be postmaster at Media, in the county of Delaware and State of Pennsylvania, in place of Harriet F. Gault. Incumbent's commission expired June 10, 1902.

Charles L. Ferrebee, to be postmaster at St. Clair, in the county of Schuylkill and State of Pennsylvania, in place of George W. Heinbach. Incumbent's commission expired January 10, 1902.

C. J. Shannon, to be postmaster at Camden, in the county of Kershaw and State of South Carolina, in place of George G. Alexander. Incumbent's commission expired July 7, 1902.

W. L. Harris, to be postmaster at Charleston, in the county of Charleston and State of South Carolina, in place of George I. Cunningham. Incumbent's commission expired June 14, 1902.

George D. Shore, to be postmaster at Sumter, in the county of Sumter and State of South Carolina, in place of Emily E. Whittemore. Incumbent's commission expired June 3, 1902.

Dallas Harbert, to be postmaster at Commerce, in the county of Hunt and State of Texas, in place of Charles W. Rush. Incumbent's commission expired March 31, 1902.

George S. Ziegler, to be postmaster at Eagle Lake, in the county of Colorado and State of Texas, in place of Lucy L. Norris. Incumbent's commission expired May 10, 1902.

Edward M. Crane, to be postmaster at Oshkosh, in the county of Winnebago and State of Wisconsin, in place of Ole Oleson. Incumbent's commission expired February 22, 1902.

Louise C. Tyler, to be postmaster at Eastland, in the county of Marin and State of California. Office became Presidential October 1, 1902.

Abiel D. Cook, to be postmaster at Despatch, in the county of Monroe and State of New York. Office became Presidential October 1, 1902.

Wilson C. Johnson, to be postmaster at Granite, in the county of Greer and Territory of Oklahoma. Office became Presidential April 1, 1902.

Bayles E. Cobb, to be postmaster at Canyon, in the county of Randall and State of Texas. Office became Presidential October 1, 1902.

Edwin S. Drury, to be postmaster at Encampment, in the county of Carbon and State of Wyoming. Office became Presidential October 1, 1902.

Adolph Bluestone, to be postmaster at Canaseraga, in the county of Allegany and State of New York. Office became Presidential October 1, 1902.

Winfield S. Vandewater, to be postmaster at Cedarhurst, in the county of Nassau and State of New York. Office became Presidential July 1, 1902.

Clarence M. Bates, to be postmaster at Cherry Valley, in the county of Otsego and State of New York. Office became Presidential October 1, 1902.

Henry W. Kellogg, to be postmaster at Katomah, in the county of Westchester and State of New York. Office became Presidential July 1, 1902.

William Smith, to be postmaster at Livingston Manor, in the county of Sullivan and State of New York. Office became Presidential July 1, 1902.

William A. Mace, to be postmaster at Beaufort, in the county of Carteret and State of North Carolina. Office became Presidential October 1, 1902.

Elijah C. Shearin, to be postmaster at Enfield, in the county of Halifax and State of North Carolina. Office became Presidential October 1, 1902.

J. Walter Jones, to be postmaster at Northwilkesboro, in the county of Wilkes and State of North Carolina. Office became Presidential October 1, 1902.

George C. Chambers, to be postmaster at Churchs Ferry, in the county of Ramsey and State of North Dakota. Office became Presidential October 1, 1902.

Maggie C. Doran, to be postmaster at Sheldon, in the county of Ransom and State of North Dakota. Office became Presidential October 1, 1902.

Willie M. English, to be postmaster at Hobart, in the county of Kiowa and Territory of Oklahoma. Office became Presidential October 1, 1902.

Josiah T. White, to be postmaster at Lawton, in the county of Comanche and Territory of Oklahoma. Office became Presidential October 1, 1902.

Marshall A. Younkman, to be postmaster at McLoud, in the county of Pottawatomie and Territory of Oklahoma. Office became Presidential October 1, 1902.

Louis A. Githens, to be postmaster at Athena, in the county of Umatilla and State of Oregon. Office became Presidential July 1, 1902.

Henry Procter, to be postmaster at Elgin, in the county of Union and State of Oregon. Office became Presidential July 1, 1902.

Fletcher E. Wilcox, to be postmaster at Milton, in the county of Umatilla and State of Oregon. Office became Presidential January 1, 1902.

Rosella M. Russell, to be postmaster at Glassport, in the county of Allegheny and State of Pennsylvania. Office became Presidential July 1, 1902.

Joseph M. Brothers, to be postmaster at Knox, in the county of Clarion and State of Pennsylvania. Office became Presidential October 1, 1902.

Adam Laubach, to be postmaster at Siegfried, in the county of Northampton and State of Pennsylvania. Office became Presidential July 1, 1902.

John L. Murray, to be postmaster at Lexington, in the county of Henderson and State of Tennessee. Office became Presidential October 1, 1902.

Arthur W. Parker, to be postmaster at Sparta, in the county of White and State of Tennessee. Office became Presidential October 1, 1902.

Charles A. Gwinn, to be postmaster at Garfield, in the county of Whitman and State of Washington. Office became Presidential October 1, 1902.

William H. Somers, to be postmaster at Berkeley Springs, in the county of Morgan and State of West Virginia. Office became Presidential October 1, 1902.

Alice S. Rumrill, to be postmaster at Hartland, in the county of Waukesha and State of Wisconsin. Office became Presidential October 1, 1902.

Sheridan G. Berger, to be postmaster at Ontario, in the county of San Bernardino and State of California, in place of John T. Lindley, resigned.

Arthur B. Jelliffe, to be postmaster at Saugatuck, in the county of Fairfield and State of Connecticut, in place of Gould D. Jelliffe, deceased.

Nettie A. Dill, to be postmaster at Columbus Junction, in the county of Louisa and State of Iowa, in place of Willis H. Letts, deceased.

E. P. Delander, to be postmaster at Madrid, in the county of Boone and State of Iowa, in place of George A. Young, deceased.

William Harrington, to be postmaster at East Jordan, in the county of Charlevoix and State of Michigan, in place of Elisha N. Clink, resigned.

James C. Poole, to be postmaster at Eveleth, in the county of St. Louis and State of Minnesota, in place of William D. Ellsworth, removed.

William D. Hale, to be postmaster at Minneapolis, in the county of Hennepin and State of Minnesota, in place of Stephen B. Lovejoy, deceased.

Thomas E. Hardgrove, to be postmaster at Elmhurst, in the county of Queens and State of New York, in place of John T. Robinson, resigned.

John A. McKee, to be postmaster at Newcastle, in the county of Lawrence and State of Pennsylvania, in place of John B. Brown, resigned.

George Richardson, to be postmaster at Farmville, in the county of Prince Edward and State of Virginia, in place of Samuel H. Bliss, removed.

Albert C. Helmick, to be postmaster at Thomas, in the county of Tucker and State of West Virginia, in place of Kate Helmick, deceased.

John S. Webb, to be postmaster at Tuskegee, in the county of Macon and State of Alabama, in place of Joseph O. Thompson, resigned.

Samuel Iden, to be postmaster at Bourbon, in the county of Marshall and State of Indiana, in place of Daisy D. Erwin, resigned.

William R. Nesbit, to be postmaster at Sullivan, in the county of Sullivan and State of Indiana, in place of Arthur A. Holmes, resigned.

Walter S. Mellor, to be postmaster at Coalgate, in the Choctaw Nation, Indian Territory, in place of Theodore von Keller, removed.

A. M. Hansen, to be postmaster at Fulton, in the county of Whiteside and State of Illinois, in place of Robert E. Moon, resigned.

Le Roy E. Cox, to be postmaster at Belle Plaine, in the county of Benton and State of Iowa, in place of Fred W. Browne, resigned.

Joseph A. Rominger, to be postmaster at Bloomfield, in the county of Davis and State of Iowa, in place of Beryl F. Carroll, resigned.

Clyde E. Hammond, to be postmaster at Dows, in the county of Wright and State of Iowa, in place of Horatio E. Smith, removed.

J. B. Callen, to be postmaster at Junction City, in the county of Geary and State of Kansas, in place of William H. Mackey, jr., resigned.

Frank E. Posey, to be postmaster at Baton Rouge, in the parish of East Baton Rouge and State of Louisiana, in place of James B. Burnett, deceased.

Frankie McFarland, to be postmaster at Homer, in the parish of Claiborne and State of Louisiana, in place of J. W. McFarland, deceased.

Edward L. Wells, to be postmaster at Leesville, in the parish of Vernon and State of Louisiana, in place of James Durham, removed.

Frank L. Field, to be postmaster at Belfast, in the county of Waldo and State of Maine, in place of Arthur I. Brown, resigned.

Fred H. Torrey, to be postmaster at Groton, in the county of Middlesex and State of Massachusetts, in place of Christina D. Fosdick, deceased.

Oliver D. Carson, to be postmaster at Galesburg, in the county of Kalamazoo and State of Michigan, in place of Corydon Beach, deceased.

Charles E. Patterson, to be postmaster at Marshall, in the county of Lyon and State of Minnesota, in place of Frank W. Sickler, resigned.

Lizzie E. Breckenridge, to be postmaster at Pine City, in the county of Pine and State of Minnesota, in place of John Y. Breckenridge, resigned.

Frank B. Barnard, to be postmaster at Dunkirk, in the county of Chautauqua and State of New York, in place of Fred C. Nagle, removed.

Frank E. Colburn, to be postmaster at Medina, in the county of Orleans and State of New York, in place of Irving L'Hommedieu, resigned.

Minnie N. Slaight, to be postmaster at Tottenville, in the county of Richmond and State of New York, in place of Isaac S. Slaight, deceased.

James H. Moran, to be postmaster at White Plains, in the county of Westchester and State of New York, in place of John P. Moran, deceased.

Homer A. Jackson, to be postmaster at Fessenden, in the county of Wells and State of North Dakota, in place of John A. Regan, resigned.

William W. Johns, to be postmaster at Bellville, in the county of Richland and State of Ohio, in place of Carlton A. Lafferty, removed.

William W. Morgan, to be postmaster at Slatington, in the county of Lehigh and State of Pennsylvania, in place of John R. Roberts, deceased.

Jefferson F. Richardson, to be postmaster at Greenville, in the county of Greenville and State of South Carolina, in place of Frank Nichols, removed.

Elias J. M. Hopkins, to be postmaster at Rockdale, in the county of Milam and State of Texas, in place of Esta Witcher, resigned.

Henry C. Beattie, to be postmaster at Manchester, in the county of Chesterfield and State of Virginia, in place of Benjamin B. Weisiger, removed.

G. F. Peck, to be postmaster at Algona, in the county of Kossuth and State of Iowa, in place of Harvey Ingham, resigned.

John W. Dooling, to be postmaster at Clayton, in the county of Gloucester and State of New Jersey, in place of Richard T. Beckett, resigned.

John McGauvran, to be postmaster at Langdon, in the county of Cavalier and State of North Dakota, in place of Patrick McHugh, deceased.

Josiah S. Anderson, to be postmaster at Pocahontas, in the county of Randolph and State of Arkansas. Office became Presidential October 1, 1902.

Presentation M. Soto, to be postmaster at Concord, in the county of Contra Costa and State of California. Office became Presidential October 1, 1902.

Renaldo E. Taylor, to be postmaster at Gridley, in the county of Butte and State of California. Office became Presidential October 1, 1902.

Charles W. Munsinger, to be postmaster at Coscob, in the county of Fairfield and State of Connecticut. Office became Presidential October 1, 1902.

John S. Alley, to be postmaster at Chipley, in the county of Washington and State of Florida. Office became Presidential October 1, 1902.

William M. Wilson, to be postmaster at Blue Ridge, in the county of Fannin and State of Georgia. Office became Presidential October 1, 1902.

Terrell C. Peterson, to be postmaster at Fort Gaines, in the county of Clay and State of Georgia. Office became Presidential October 1, 1902.

Charles D. Clark, to be postmaster at Utica, in the county of La Salle and State of Illinois. Office became Presidential July 1, 1902.

William A. De Vault, to be postmaster at Churubusco, in the county of Whitley and State of Indiana. Office became Presidential July 1, 1902.

Charles W. Elliott, to be postmaster at Middlebury, in the county of Elkhart and State of Indiana. Office became Presidental October 1, 1902.

F. W. Hall, to be postmaster at Owensville, in the county of Gibson and State of Indiana. Office became Presidental October 1, 1902.

Richard H. Everett, to be postmaster at Madill, in the Chickasaw Nation, Indian Territory. Office became Presidential October 1, 1902.

Lora L. Smith, to be postmaster at Poteau, in the Choctaw Nation, Indian Territory. Office became Presidential October 1, 1902.

Charles O. Frye, to be postmaster at Sallisaw, in the Cherokee Nation, Indian Territory. Office became Presidential October 1, 1902.

Harvey S. Givler, to be postmaster at Wakeeney, in the county of Trego and State of Kansas. Office became Presidential October 1, 1902.

George H. Bonney, jr., to be postmaster at Kingston, in the county of Plymouth and State of Massachusetts. Office became Presidential October 1, 1902.

Margaret Duncan, to be postmaster at Au Sable, in the county of Iosco and State of Michigan. Office became Presidential October 1, 1902.

Albert J. Capen, to be postmaster at Fennville, in the county of Allegan and State of Michigan. Office became Presidential October 1, 1902.

Josephus C. Mustard, to be postmaster at Scottville, in the county of Mason and State of Michigan. Office became Presidential October 1, 1902.

Oscar E. Linquist, to be postmaster at Dassel, in the county of Meeker and State of Minnesota. Office became Presidential October 1, 1902.

Edward F. Gummer, to be postmaster at Frazee, in the county of Becker and State of Minnesota. Office became Presidential October 1, 1902.

Andrew J. Siebert, to be postmaster at Ste. Genevieve, in the county of Ste. Genevieve and State of Missouri. Office became Presidential October 1, 1902.

Nathaniel B. Petts, to be postmaster at Warsaw, in the county of Benton and State of Missouri. Office became Presidential July 1, 1902.

Joseph D. Whitaker, to be postmaster at Penn Grove, in the county of Salem and State of New Jersey. Office became Presidential October 1, 1901.

Samuel Bartlett, to be postmaster at Pleasantville, in the county of Atlantic and State of New Jersey. Office became Presidential October 1, 1902.

Ebenezer S. Nesbitt, to be postmaster at Seabright, in the county of Monmouth and State of New Jersey. Office became Presidential July 1, 1902.

Edward Hall, to be postmaster at Stuttgart, in the county of Arkansas and State of Arkansas, in place of Albert H. Soekland. Incumbent's commission expired July 7, 1902.

George S. Mott, to be postmaster at Telluride, in the county of San Miguel and State of Colorado, in place of George S. Mott. Incumbent's commission expired March 9, 1902.

Hezekiah S. Van Dervort, to be postmaster at Warren, in the county of Jo Daviess and State of Illinois, in place of Hezekiah S. Van Dervort. Incumbent's commission expired July 1, 1902.

J. H. Dunlap, to be postmaster at Clarinda, in the county of Page and State of Iowa, in place of Charlie A. Lisle. Incumbent's commission expired March 17, 1902.

Cornelius L. Robberts, to be postmaster at Grinnell, in the county of Poweshiek and State of Iowa, in place of Cornelius L. Robberts. Incumbent's commission expires December 21, 1902.

J. W. Jones, to be postmaster at Brookfield, in the county of Linn and State of Missouri, in place of Josiah V. Martin. Incumbent's commission expired June 13, 1902.

John W. Scott, to be postmaster at Moberly, in the county of Randolph and State of Missouri, in place of Thomas S. Kelly. Incumbent's commission expired March 30, 1902.

William H. Foley, to be postmaster at Bordentown, in the county of Burlington and State of New Jersey, in place of William H. Foley. Incumbent's commission expired May 5, 1902.

Donald G. McIntosh, to be postmaster at St. Thomas, in the county of Pembina and State of North Dakota, in place of Donald G. McIntosh. Incumbent's commission expired June 3, 1902.

Frank M. Emanuel, to be postmaster at Bennettsville, in the county of Marlboro and State of South Carolina, in place of Frank M. Emanuel. Incumbent's commission expired November 3, 1897.

Horace C. Whiteman, to be postmaster at Sanford, in the county of Orange and State of Florida, in place of Charles S. Partridge, deceased.

Frank P. Mitchell, to be postmaster at Americus, in the county of Sumter and State of Georgia, in place of Salathiel A. Smith, deceased.

James A. Eaton, to be postmaster at Erie, in the county of Neosho and State of Kansas, in place of Seth G. Wells, resigned.

John C. Pierce, to be postmaster at Forest, in the county of Hardin and State of Ohio, in place of Wilbur F. Pierce, deceased.

Lilly Watters, to be postmaster at Evans City, in the county of Butler and State of Pennsylvania, in place of John Watters, resigned.

Robert R. Hubbard, to be postmaster at Douglas, in the Territory of Alaska. Office became Presidential January 1, 1902.

A. E. Meigs, to be postmaster at Oceanpark, in the county of Los Angeles and State of California. Office became Presidential July 1, 1902.

William L. Hagan, to be postmaster at Marietta, in the Chickasaw Nation, Indian Territory. Office became Presidential January 1, 1902.

Rolla V. Claxton, to be postmaster at French Lick, in the county of Orange and State of Indiana. Office became Presidential July 1, 1902.

Samuel G. Hanson, to be postmaster at Berea, in the county of Madison and State of Kentucky. Office became Presidential January 1, 1902.

Samuel B. Sickelsmith, to be postmaster at Newhaven, in the county of Fayette and State of Pennsylvania. Office became Presidential October 1, 1900.

J. P. Murphy, to be postmaster at Bamberg, in the county of Bamberg and State of South Carolina. Office became Presidential January 1, 1899.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 2, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF MEMBERS.

Mr. LANHAM. Mr. Speaker, Mr. Russell is now present, and I ask that he be sworn in.

The SPEAKER. Let him come forward. Unanimous consent was given yesterday that he be sworn in.

Mr. McCLELLAN. Mr. Speaker, my colleague, Mr. Swann, chosen to fill the vacancy caused by the death of the late Amos J. Cummings, is here and desires to be sworn in. He has not his credentials, but there is no contest, and I therefore ask unanimous consent that he be permitted to take the oath.

The SPEAKER. The gentleman from New York asks unanimous consent that his colleague-elect, Mr. Swann, successor of Mr. Cummings, be sworn in, not having his credentials with him, but there being no contest. Is there objection to the request?

There was no objection.

The SPEAKER. These two gentlemen will step forward and take the oath of office.

Mr. Russell and Mr. Swann appeared, and the oath of office was administered to them.

COMMITTEE ON WAYS AND MEANS.

The SPEAKER announced the appointment of Mr. HILL as a member of the Committee on Ways and Means, to be numbered 11 on the list, and the majority members below the vacancy caused by the death of Mr. Russell to be advanced one number each.

COMMITTEE ON THE JUDICIARY.

The SPEAKER also announced the appointment of Mr. PALMER as a member of the Committee on the Judiciary, to be numbered 11 on the list, and the other majority members to be advanced one number each.

SUNDRY APPOINTMENTS.

The SPEAKER also announced the following appointments:

Director of the Columbian Institution for the Instruction of the Deaf and Dumb, Mr. FOWLER of New Jersey, vice Mr. Russell of Connecticut, deceased.

Consulting trustee of the Reform School of the District of Columbia, Mr. JENKINS of Wisconsin.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JACKSON of Kansas, indefinitely, on account of sickness.

To Mr. WILLIAMS of Mississippi, for six days, on account of important business.

To Mr. SHAFROTH, for one week, on account of sickness.

REPORT OF COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. BINGHAM, Mr. HITT, and Mr. RICHARDSON of Tennessee, the committee appointed on the part of the House to join the committee appointed by the Senate to wait upon the President and inform him that a quorum of the two Houses has assembled

and that Congress is ready to receive any communication he may have to make, appeared at the bar of the House.

Mr. BINGHAM. Mr. Speaker, the committee appointed under resolution of the House to join a like committee appointed by the Senate to wait upon the President and inform him that a quorum of the two Houses were assembled and the Congress ready to receive any communication he might desire to send, report that your committee has obeyed the order of the House, and, further, the President at an early hour will send to the Congress a message in writing.

Mr. PAYNE. Mr. Speaker, I move that the House be in recess until half past 12.

The motion was agreed to.

Accordingly (at 12 o'clock and 9 minutes p. m.) the House took a recess until 12.30 p. m.

AFTER THE RECESS.

The recess having expired, the House, at 12.30 o'clock p. m., resumed its session.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House by Mr. BARNES, one of his secretaries.

The SPEAKER laid before the House the message from the President; which was read by the Clerk.

[For the message see Senate proceedings of this day.]

[Loud applause on the Republican side on the conclusion of the reading of the message.]

Mr. PAYNE. Mr. Speaker, I move that the message and accompanying papers be referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

The SPEAKER. The gentleman from New York moves that the message be referred to the Committee of the Whole House on the state of the Union, and be printed.

Mr. GROW. A parliamentary inquiry, Mr. Speaker.

Mr. PAYNE. I yield to the gentleman from Pennsylvania.

Mr. GROW. On this motion to refer, is the message itself debatable?

Mr. PAYNE. I would like to say to the gentleman——

The SPEAKER. The Chair thinks that is not the practice.

Mr. PAYNE. I would like to say to the gentleman from Pennsylvania that later the Committee on Ways and Means will report a resolution distributing the message and ask the House to go into Committee of the Whole House on the state of the Union to consider the resolution and the message, when debate will be in order; and I hope that will suit the purposes of the gentleman from Pennsylvania.

Mr. GROW. That will suit me just as well as now.

The motion of Mr. PAYNE was agreed to; and the message and accompanying papers were referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

EXPENSES AND COMPENSATION OF ANTHRACITE COAL STRIKE COMMISSION.

Mr. CANNON. Mr. Speaker, by direction of the Committee on Appropriations, I report the following bill.

The SPEAKER. The gentleman from Illinois, by direction of the Committee on Appropriations, reports the following bill. Does the gentleman desire the bill read or reported by its title?

Mr. CANNON. Only by title.

The Clerk read as follows:

A bill (H. R. 15372) to provide for the expenses and compensation of the Anthracite Coal Strike Commission, appointed by the President of the United States at the request of certain coal operators and miners.

Mr. CANNON. Mr. Speaker, I desire to ask unanimous consent that on to-morrow, after the reading of the Journal, the bill be considered in the House as in Committee of the Whole House on the state of the Union, under the five-minute rule.

The SPEAKER. The gentleman from Illinois asks unanimous consent that on to-morrow, after the reading of the Journal, the bill which has been reported by its title be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

Mr. GAINES of Tennessee. Pending that request, I would like to ask the Chair if that bill will be open for amendments?

The SPEAKER. If considered in the manner requested, it will be open to amendment.

Mr. GAINES of Tennessee. To-morrow?

The SPEAKER. Certainly.

Mr. RICHARDSON of Tennessee. I desire to ask the gentleman from Illinois if he will not modify his motion or request for unanimous consent so that the bill be considered in Committee of the Whole House and not in the House as in Committee of the Whole? Why not consider it in Committee of the Whole and have opportunity to offer amendments under the five-minute rule?

Mr. CANNON. If the gentleman would prefer it that way.

The SPEAKER. The gentleman from Illinois, on the suggestion of the gentleman from Tennessee, modifies his request, so that the bill be considered in Committee of the Whole. Is there objection?

Mr. CANNON. One word. I would like to fix, if we can, the time of general debate.

Mr. RICHARDSON of Tennessee. I would say to the gentleman that I have not had opportunity to consult with all the members of the minority on the Committee on Appropriations. I do not think there will be any disposition to debate at any great length. I hope the gentleman will consent to go into Committee of the Whole House, so as to give opportunity for reasonable debate and reasonable opportunity to amend the bill.

Mr. CANNON. I am content.

The SPEAKER. The Chair hears no objection, and the bill will be considered in Committee of the Whole House on the state of the Union.

Mr. CANNON. This agreement involves calling it up to-morrow.

Mr. RICHARDSON of Tennessee. How is that?

Mr. CANNON. To go into Committee of the Whole under the agreement had.

Mr. RICHARDSON of Tennessee. Oh, yes; and that we have the opportunity to make points of order against any part of it or any provision in it.

Mr. CANNON. I do not believe any points of order would lie.

Mr. RICHARDSON of Tennessee. Any points of order that we might have the right to make to any parts of it.

Mr. CANNON. I do not believe any points of order will lie. If it was a general appropriation bill they might lie, but a bill reported by the committee other than a general appropriation bill, I think is not subject to points of order.

Mr. RICHARDSON of Tennessee. All I want to say is, that we do not want to waive the right to make any point of order that would lie.

DEATH OF HON. R. C. DE GRAFFENREID AND HON. JOHN L. SHEPPARD.

Mr. LANHAM. Mr. Speaker, since the first session of the Fifty-seventh Congress adjourned death has laid a heavy hand upon the delegation in this House from the State of Texas. Two of our honored Representatives have passed away. On August 30 last, at the Riggs House, in this city, the Hon. R. C. DE GRAFFENREID, late a Representative from the Third Congressional district of Texas, died suddenly. On the 11th of October last, at Eureka Springs, Ark., after a long and painful illness, the Hon. JOHN L. SHEPPARD, late a Representative from the Fourth Congressional district of Texas, died.

These were true and worthy men. They were faithful Representatives in this House. This is not the time to enter upon any extended tribute to their memories or to speak at length of their lives and characters. On some suitable occasion hereafter we shall ask the House to designate a time when we can pay such tribute as we believe these good men deserve at our hands. For the present, Mr. Speaker, I send to the desk the following resolutions, and I ask that they be adopted.

The SPEAKER. The gentleman from Texas submits resolutions for the present consideration of the House, which the Clerk will read.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. R. C. DE GRAFFENREID, late a Representative from the Third Congressional district of Texas, and of Hon. JOHN L. SHEPPARD, late a Representative from the Fourth Congressional district of Texas.

Resolved, That a copy of these resolutions be communicated to the Senate.

Resolved, That as a further mark of respect to the memory of these deceased members the House do now adjourn.

The SPEAKER. The question is on agreeing to the resolutions.

The question was put, and the resolutions were unanimously agreed to; and in accordance therewith (at 1 o'clock and 40 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Lucy*, George Gilbert, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Active*, Samuel Whitehouse, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French

spoliation cases relating to the brig *Dispatch*, Thomas Lunt, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases in relation to the schooner *Success*, Jonathan Glover, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases in relation to the brig *Betsey*, Alexander C. Atwood, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Despatch*, Elias Nulen, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brigantine *Nancy*, John Moulton, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Sally*, Robert Askins, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Polly*, John Allen, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the Commissioner of Labor, submitting a statement of moneys expended under his direction during the year ended June 30, 1902—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for electrical protection for vaults—to the Committee on Appropriations. and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for storehouse at Washington Navy-Yard—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting a withdrawal of an estimate of appropriation for increase of salary for minister to Sweden and Norway—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for rent, etc., for the Navy Department—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting report of the determination of the intersection of the one-hundredth meridian with Red River—to the Committee on the Public Lands, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Ulalia*, James Clifton, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Betsy*, John Choate, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a response to the inquiry of the House, as to certain claims of the Lower Brule band of Sioux Indians—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. CANNON, from the Committee on Appropriations, to which was referred the bill of the House (H. R. 15372) to provide for the payment of the expenses of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners, reported the same without amendment, accompanied by a report (No. 2751); which said bill and report were referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. TAYLOR of Alabama: A bill (H. R. 15444) amending the statutes relating to patents, relieving medical and dental practitioners from unjust burdens imposed by patentees holding patents covering methods and devices for treating human diseases, ailments, and disabilities—to the Committee on Patents.

By Mr. FLEMING: A bill (H. R. 15445) to authorize the construction of a bridge across the Savannah River at Sand Bar Ferry, below the city of Augusta, Ga.—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: A bill (H. R. 15446) to organize the field artillery of the United States Army—to the Committee on Military Affairs.

By Mr. PERKINS: A bill (H. R. 15447) to repeal the duties on coal and meat—to the Committee on Ways and Means.

Also, a bill (H. R. 15448) to repeal the duties on lumber and hides—to the Committee on Ways and Means.

By Mr. HULL: A bill (H. R. 15449) to increase the efficiency of the Army—to the Committee on Military Affairs.

By Mr. HAY: A bill (H. R. 15450) providing for the erection of a public building in the city of Winchester, Va.—to the Committee on Public Buildings and Grounds.

By Mr. DAVIS of Florida: A bill (H. R. 15451) to increase the limit of cost of the public building at Gainesville, Fla.—to the Committee on Public Buildings and Grounds.

By Mr. LOVERING: A bill (H. R. 15452) to appropriate the sum of $40,000 to the Cape Cod Pilgrim Memorial Association, to be used in erecting, at Provincetown, Mass., a suitable memorial of the landing of the Pilgrims—to the Committee on the Library.

By Mr. BROWNLOW: A bill (H. R. 15453) to provide for a United States Reform School, and for other purposes—to the Committee on the Judiciary.

By Mr. BELL: A bill (H. R. 15454) to amend an act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902—to the Committee on Irrigation of Arid Lands.

By Mr. MAYNARD: A bill (H. R. 15455) to provide for acquirement, by condemnation, of lands at Cape Henry, Virginia, for the purpose of fortification and coast defense—to the Committee on Appropriations.

By Mr. DAVIS of Florida: A bill (H. R. 15456) to authorize the location of a Branch Home for Disabled Volunteer Soldiers, Sailors, and Marines in the State of Florida—to the Committee on Military Affairs.

By Mr. SMITH of Kentucky (by request): A bill (H. R. 15496) for the reference of the claims of certain volunteer soldiers to the Court of Claims—to the Committee on War Claims.

By Mr. BUTLER of Pennsylvania: A joint resolution (H. J. Res. 215) to provide for the printing of 6,000 copies of the consolidation reports of the Gettysburg National Park Commission, 1893 to 1901, inclusive—to the Committee on Printing.

By Mr. DEEMER: A joint resolution (H. J. Res. 216) extending the provision granting to the State of Pennsylvania the use of the United States court-house at Scranton and Williamsport, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. MORRELL: A joint resolution (H. J. Res. 217) proposing to appropriate the sum of $250,000 for enforcement of the antitrust laws—to the Committee on the Judiciary.

By Mr. PAYNE: A resolution (H. Res. 340) distributing the annual message of the President of the United States to the several standing committees of the House—to the Committee on Ways and Means.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROWNLOW: A bill (H. R. 15457) for the relief of the heirs of Daniel Linebaugh—to the Committee on Claims.

By Mr. BURKE of South Dakota: A bill (H. R. 15458) granting a pension to Mary J. Bradley—to the Committee on Invalid Pensions.

By Mr. BEIDLER: A bill (H. R. 15459) granting an increase of pension to John G. Fairchild—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15460) for the relief of Ann Kinney—to the Committee on Claims.

By Mr. BENTON: A bill (H. R. 15461) for the relief of Daniel F. Lee—to the Committee on Military Affairs.

Also, a bill (H. R. 15462) granting an increase of pension to Matthew Bickford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15463) granting a pension to Elisha Painter—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: A bill (H. R. 15464) granting a pension to Belle Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15465) granting an increase of pension to Mariam Bell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15466) granting an increase of pension to John H. Robson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15467) granting an increase of pension to James Carr—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 15468) granting an increase of pension to George Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15469) granting an increase of pension to Alpheus Converse—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 15470) granting an increase of pension to Joseph S. Brazee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15471) granting an increase of pension to William G. Cronkite—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 15472) granting a pension to William H. Chamberlin—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 15473) granting an increase of pension to Winthrop W. Wolcott—to the Committee on Invalid Pensions.

By Mr. LESSLER: A bill (H. R. 15474) for the relief of Mary A. A. Cervantes, executrix, and so forth—to the Committee on Claims.

Also, a bill (H. R. 15475) for the relief of Charles A. Holloway—to the Committee on Naval Affairs.

By Mr. MORRELL: A bill (H. R. 15476) for the relief of Eliza C. Fink—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15477) granting an increase of pension to Richard P. Nichuals—to the Committee on Invalid Pensions.

By Mr. OTJEN: A bill (H. R. 15478) granting an increase of pension to Henry Atkinson—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 15479) granting an increase of pension to Stimpson L. Hubbard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15480) granting an increase of pension to William S. Barker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15481) granting an increase of pension to A. Paul Horne—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 15482) granting a pension to William Rusling—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 15483) granting a pension to Lucinda J. Pratt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15484) granting a pension to J. C. Horton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15485) granting a pension to Henry Star—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15486) granting a pension to Aaron M. Dalrymple—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15487) granting a pension to Decatur Harmon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15488) granting a pension to Charles F. Ballard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15489) granting a pension to Benjamin Holben—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15490) to remove charge of desertion from record of Henry Fuller—to the Committee on Military Affairs.

Also, a bill (H. R. 15491) granting to Sumner H. Tarbell pay for bearing military dispatches for headquarters of the District of Minnesota, St. Paul, during the Sioux outbreak of 1862—to the Committee on Claims.

Also, a bill (H. R. 15492) for the relief of Z. E. Allen and C. C. Allen or heirs—to the Committee on Claims.

By Mr. SMITH of Kentucky: A bill (H. R. 15493) granting an increase of pension to William Petit—to the Committee on Pensions.

Also, a bill (H. R. 15494) granting an increase of pension to Lot C. Read—to the Committee on Pensions.

Also, a bill (H. R. 15495) granting an increase of pension to N. R. Brasheor—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 15497) granting a pension to Hiram A. Sheldon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15498) granting an increase of pension to Abel Woods—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15499) granting an increase of pension to John C. Cavanaugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15500) for the relief of the Medical College of Alabama—to the Committee on Claims.

Also, a bill (H. R. 15501) for the relief of the Selma and Meridian Railroad Company—to the Committee on Claims.

Also, a bill (H. R. 15502) for the relief of the Mobile Marine Dock Company—to the Committee on War Claims.

Also, a bill (H. R. 15503) for the relief of the creditors of the Deposit Savings Association of Mobile, Ala.—to the Committee on Claims.

Also, a bill (H. R. 15504) to confer jurisdiction upon the Court of Claims to adjudicate the claim of Augustine Meaher and Daniel J. McDonald, as administrators of the estates of James M. and Timothy Meaher, and to remove the bar of the statute of limitations therefrom—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Papers from citizens of Waterloo, Iowa, to accompany House bill 15402, granting a pension to James Mattingly—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 15403, for an increase of pension to Milton C. Norton—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 15404, granting an increase of pension to William M. Hattery—to the Committee on Invalid Pensions.

By Mr. ALLEN of Kentucky: Petition of H. G. Overstreet and other citizens of Daviess County, Ky., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BENTON: Affidavits to accompany House bill granting a pension to Elisha Painter—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Matthew Bickford—to the Committee on Invalid Pensions.

Also, testimony in support of bill for the relief of Daniel F. Lee—to the Committee on Military Affairs.

By Mr. BOREING: Petition of David Adkins, of Breathitt County, Ky., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BULL: Resolution of the Rhode Island Chapter of the American Institution of Architects, in favor of placing works of art on the free list—to the Committee on Ways and Means.

By Mr. CAPRON: Resolution of the Rhode Island Chapter, American Institution of Architects, in favor of placing works of art on the free list—to the Committee on Ways and Means.

By Mr. CASSINGHAM: Papers to accompany House bill 15464, granting a pension to Belle Wells—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 15467, granting a pension to James Carr—to the Committee on Invalid Pensions.

By Mr. DARRAGH: Papers to accompany House bill 15470, granting an increase of pension to Joseph S. Brazee—to the Committee on Invalid Pensions.

By Mr. ESCH: Affidavits to accompany House bill 15472, granting an increase of pension to William H. Chamberlin—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of Nicholas Lukin and other citizens of Brooklyn, N. Y., for a reduction of the tax on alcohol to 70 cents per proof gallon—to the Committee on Ways and Means.

Also, resolutions of the Manufacturers' Association of New York, favoring an educational qualification for immigrants as embodied in House bill 12199—to the Committee on Immigration and Naturalization.

By Mr. JACK: Petition of retail duggists of Brookville, Pa., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. OTJEN: Petition of committees of the Chamber of Commerce and Merchants and Manufacturers' Association of Milwaukee, Wis., to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Kentucky: Papers to accompany bill granting a pension to William Petit, a soldier of the Mexican war—to the Committee on Pensions.

Also, paper to accompany bill for a pension to Mrs. Lot C. Read, of Hodgensville, Ky.—to the Committee on Pensions.

By Mr. ZENOR: Papers to accompany House bill 15329, granting an increase of pension to Elizabeth Rosenbarger—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *December 3, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

WILLIAM B. BATE, a Senator from the State of Tennessee; A. J. MCLAURIN, a Senator from the State of Mississippi; JOSEPH L. RAWLINS, a Senator from the State of Utah, and JAMES P. TALIAFERRO, a Senator from the State of Florida, appeared in their seats to-day.

The Journal of yesterday's proceedings was read and approved.

REPORT OF THE SECRETARY OF THE TREASURY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1902; which was referred to the Committee on Finance, and ordered to be printed.

ORDERS OF GOVERNOR-GENERAL OF CUBA.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of June 28, 1902, copies of the orders issued by the governor-general of Cuba from the date of the beginning of his administration up to May 20, 1902; which will be printed.

There is a very large volume of papers accompanying the communication, and the Chair thinks it is better to send them without printing to the Committee on Relations with Cuba, and then the committee can make such suggestion as it pleases.

Mr. CULLOM. I myself was about to make that suggestion, Mr. President.

REPORT OF MARITIME CANAL COMPANY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a copy of the report of the Maritime Canal Company of Nicaragua; which, with the accompanying papers, was referred to the Committee on Interoceanic Canals, and ordered to be printed.

GOVERNMENT PRINTING OFFICE.

The PRESIDENT pro tempore laid before the Senate a communication from Brig. Gen. G. S. Gillespie, Chief of Engineers, United States Army, transmitting the report of operations upon the new building for the Government Printing Office for the year ended November 30, 1902; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LIST OF JUDGMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, pursuant to law, a statement of all judgments rendered by the court for the year ended November 29, 1902; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law, filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel schooner *Success*, Jonathon Glover, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and law, filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel brigantine *Nancy*, John Moulton, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and law, filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel ship *Active*, Samuel Whitehouse, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and law, filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel sloop *Despatch*, Elias Hulen, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and law, filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel brig *Dispatch*, Thomas Lunt, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and law, filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel sloop *Lucy*, George Gilbert, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and law, filed under the act of January 20, 1885, in the French spoliation claims, set out in the findings by the court relative to the vessel brig *Betsey*, John Choate, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and law, filed under the act of January 20, 1885, in the French spoliation claims, set out in the findings by the court relative to the vessel schooner *Sally*, Robert Atkins, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and law, filed under the act of January 20, 1885, in the French spoliation claims, set out in the findings by the court relative to the vessel schooner *Polly*, John Allen, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and law, filed under the act of January 20, 1885, in the French spoliation claims, set out in the finding by the court relative to the vessel schooner *Ulalia*, James Clifton, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, communicated to the Senate the intelligence of the deaths of Hon. R. C. DE GRAFFENREID and Hon. JOHN L. SHEPPARD, late Representatives from the State of Texas, and transmitted resolutions of the House thereon.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of the Illinois Chapter of the American Institute of Architects, praying for the enactment of legislation to admit free of duty into the United States paintings, statuary, etc., when more than fifty years old; which was referred to the Committee on Finance.

He also presented a petition of the Trades and Labor Council, American Federation of Labor, of Streator, Ill., praying for the passage of the so-called Grosvenor anti-injunction bill; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Catholic Order of Foresters of St. Paul's Church, Chicago, Ill., remonstrating against the alleged treatment of friars in the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a memorial of Local Union No. 16, United Brotherhood of Carpenters and Joiners, of Springfield, Ill., remonstrating against the action of the military department of California in employing regular soldiers to do work which should be done by mechanics; which was referred to the Committee on Military Affairs.

He also presented a memorial of the National Woman's Christian Temperance Union of Evanston, Ill., remonstrating against the admission into the Union of the Territories of Arizona and New Mexico; which was ordered to lie on the table.

He also presented the petition of Prof. Frank Russell, of Harvard University, Cambridge, Mass., praying for the restoration of the Bureau of American Ethnology to its former independence; which was referred to the Committee on the Judiciary.

Mr. BLACKBURN presented a petition of sundry citizens of Kentucky, praying for a reduction of the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. KEAN presented a petition of the James Harksen Association, of Hoboken, N. J., and a petition of Local Lodge No. 239, Brotherhood of Railroad Trainmen, of Trenton, N. J., praying for the enactment of legislation to increase the salaries of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Typographical Union No. 71, American Federation of Labor, of Trenton, N. J., praying for the enactment of legislation providing for the control and operation

of coal mines by the United States Government; which was referred to the Committee on the Judiciary.

Mr. BURROWS presented a petition of the Farmers' Club of Howell, Mich., praying for the enactment of legislation to regulate the manufacture of shoddy goods; which was referred to the Committee on Manufactures.

He also presented a petition of the Woman's Christian Temperance Union of Detroit, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of Local Union No. 70, United Association of Journeymen Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers, of Grand Rapids, Mich., remonstrating against the enactment of legislation relative to the tax on beer in eighths; which was referred to the Committee on Finance.

He also presented a petition of Local Union No. 145, International Brotherhood of Electrical Workers, of Saginaw, Mich., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a memorial of the board of control of the State house of correction and branch prison, of Marquette, Mich., remonstrating against the enactment of legislation to restrict or prohibit the interstate transportation or manufacture of prison-made products; which was referred to the Committee on Education and Labor.

He also presented a memorial of the National Woman's Christian Temperance Union, of Evanston, Ill., remonstrating against the admission into the Union of the Territories of Arizona and New Mexico unless there is a restriction against the practice of polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 255, Retail Clerks' National Protective Association, of Traverse City, Mich., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Michigan, praying for the enactment of legislation relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of the Southwestern Michigan Dental Society, of Lawton, Mich., praying for the enactment of legislation providing for the appointment of dental surgeons in the Navy; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Charlesworth, Mich., and a petition of Local Grange No. 754, Patrons of Husbandry, of Kinney, Mich., praying for the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

Mr. NELSON presented sundry papers in support of the bill (S. 4429) granting a pension to Alvira Randall; which were referred to the Committee on Pensions.

Mr. PERKINS presented a petition of the Manufacturers and Producers' Association of San Francisco, Cal., praying for the appointment of a permanent tariff commission; which was referred to the Committee on Finance.

Mr. BARD presented petitions of the Board of Trade of Los Angeles, the Merchants' Association of San Francisco, and the Ship Owners' Association of the Pacific Coast, all in the State of California, praying for the enactment of legislation to provide an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a petition of the Manufacturers and Producers' Association of San Francisco, Cal., praying for the establishment of a permanent tariff commission; which was referred to the Committee on Finance.

Mr. MITCHELL presented the petition of Dr. Elmore Y. Chase, of Salem, Oreg., praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition of Mortimer Hallet, of Washington County, Oreg., praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition of Henry H. Woodward, of Roseburg, Oreg., praying for the enactment of legislation to reimburse him for losses sustained by Indian depredations; which was referred to the Committee on Indian Depredations.

He also presented the petition of Avery E. Long, of Vancouver Barracks, Wash., praying for the enactment of legislation authorizing the Secretary of War to credit him with his actual service in the U. S. Army as continuous service; which was referred to the Committee on Military Affairs.

Mr. PLATT of Connecticut presented a petition of sundry citizens of Shelton, Conn., praying for the appointment of a permanent tariff commission; which was referred to the Committee on Finance.

Mr. FRYE presented a petition of the New York Board of Trade and Transportation, and a petition of the Merchants and Manufacturers' Board of Trade of New York, praying for the appointment of an additional United States district judge for the southern district of New York; which were referred to the Committee on the Judiciary.

CRIMINAL, PAUPER, AND DEFECTIVE CLASSES.

Mr. PLATT of New York. I present a paper prepared by Arthur MacDonald, specialist in the Bureau of Education, on statistics of crime, suicide, insanity, and other forms of abnormality in connection with the bills to establish a laboratory for the study of the criminal, pauper, and defective classes. I move that the paper be printed as a document.

The motion was agreed to.

CHAPLAINS IN THE NAVY.

Mr. HALE. I present a letter by a former Secretary of the Navy, Hon. John D. Long, relating to chaplains in the Navy, their rank and pay. I move that the letter be printed as a document.

The motion was agreed to.

I. WINSLOW AYER.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 1904) for the relief of I. Winslow Ayer, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

DUPLICATE BILLS FROM COMMITTEE ON CLAIMS.

Mr. WARREN. By order of the Committee on Claims, I report back adversely from that committee and move the indefinite postponement of some forty-three claims bills, all of which have the same status. They are now before the Court of Claims, and therefore these duplicates should be so reported. I submit a report upon the bills. I move the indefinite postponement of all of them. If there is no objection, I ask that they may be separately noted in the RECORD without being read by title at the desk.

Mr. GALLINGER. They ought to be acted on separately.

The PRESIDENT pro tempore. The Chair thinks the bills should be separately laid before the Senate.

Mr. HOAR. It seems to me that the final disposition of any measure ought to be made in open Senate, and that every bill should be read by title. It would do no harm in this case, but the establishment of a different practice might be very serious.

Mr. WARREN. Very well; let that course be taken.

The PRESIDENT pro tempore. The Chair would so hold.

The bills were severally read by title and postponed indefinitely, as follows:

A bill (S. 2602) for the relief of the estate of Mrs. Nancy Eddins, deceased;

A bill (S. 84) for the relief of Emilie L. Major;

A bill (S. 211) for the relief of Secor & Co., Perine, Secor & Co., and the executors of Zenor Secor;

A bill (S. 348) for the relief of Horace Resley;

A bill (S. 386) for the relief of W. S. Atwood;

A bill (S. 433) for the relief of Mary Ann Nagle;

A bill (S. 434) for the relief of Achilles M. Haraway;

A bill (S. 435) for the relief of Jordan Broadway;

A bill (S. 442) for the relief of the estate of of Alice Hardaway, deceased;

A bill (S. 764) for the relief of the estate of J. S. Douglass, deceased;

A bill (S. 771) for the relief of the estate of Turner Merritt;

A bill (S. 779) for the relief of John B. Boggs;

A bill (S. 837) for the relief of Whitty S. Miller, administrator of Whitty M. Sasser, deceased;

A bill (S. 852) for the relief of James A. Verret, administrator of Adolphe Verret, deceased;

A bill (S. 853) for relief of Simon Witkowski;

A bill (S. 859) for the relief of Mrs. Ozeine Boudreau;

A bill (S. 860) for the relief of Lemuel Tanner;

A bill (S. 862) for the relief of Mrs. Matilda M. Fairex, administratrix of Daniel Fairex, deceased;

A bill (S. 869) for the relief of Catherine M. Pritchard or her legal representatives;

A bill (S. 1081) for the relief of William Fowler, administrator de bonis non of Hickman Fowler, deceased;

A bill (S. 1462) for the relief of Jennie E. Haller, widow and administratrix of Samuel M. Haller, deceased;

A bill (S. 1583) for the relief of D. W. and Minna H. Glassie and Joseph C. Nash;

A bill (S. 1691) for the relief of the Seaboard and Roanoke Railroad Company;

A bill (S. 1702) for the relief of the estate of Henry M. Baker, deceased;

A bill (S. 1715) for the relief of George W. Rosenberger;

A bill (S. 1788) for the relief of R. M. Lay, administrator of Henry Lay, deceased;

A bill (S. 1854) for the relief of Thomas Dixon;
A bill (S. 1855) for the relief of Eugene L. Derr, administrator of the estate of John Derr, deceased;
A bill (S. 1860) for the relief of the estate of Elijah Thompson, deceased;
A bill (S. 1862) for the relief of William A. Gordon, administrator of the estate of William D. C. Murdock, deceased;
A bill (S. 1867) for the relief of Anna M. Anderson and Charles Y. G. Anderson, executors of George W. Anderson, deceased;
A bill (S. 1870) for the relief of Anna M. Anderson and Charles L. G. Anderson, executors of George W. Anderson, deceased;
A bill (S. 1871) for the relief of George Brewer;
A bill (S. 2139) for the relief of John Q. Everson and others;
A bill (S. 2144) for the relief of Catherine Winters;
A bill (S. 2146) for the relief of inspectors of customs who performed double duty;
A bill (S. 2147) for the relief of the heirs of Gottlieb C. Grammer, deceased;
A bill (S. 2150) for the relief of Lorenzo Thomas, jr., and Henry C. Thomas;
A bill (S. 2154) for the relief of the heirs and legal representatives of John Clemson and John C. Cookson;
A bill (S. 2235) for the relief of customs inspectors;
A bill (S. 2278) for the relief of George W. Craig;
A bill (S. 3295) for the relief of Louise Stewart;
A bill (S. 3698) for the relief of Clement Calhoun;
A bill (S. 5110) for the relief of Stephen Bird, executor of John Bird, deceased; and
A bill (S. 5340) for the relief of William Flannery.

OMNIBUS STATEHOOD BILL.

Mr. NELSON. I am instructed by the Committee on Territories, to whom was referred the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States, to report it back with an amendment in the nature of a substitute providing for the admission of Oklahoma and Indian Territory as one State.

Mr. BATE. I wish the Senator from Minnesota would speak louder. We can not hear him on this side.

Mr. NELSON. I am instructed by the Committee on Territories to report back the House bill providing for the admission of Oklahoma, Arizona, and New Mexico as States of the Union with an amendment in the nature of a substitute providing for the admission of Oklahoma and Indian Territory as one State.

Mr. BATE. There is no report accompanying the bill?

Mr. NELSON. There is no written report. The committee have not had time to prepare a report.

Mr. BATE. Do I understand that the committee will yet prepare a report?

Mr. NELSON. The chairman of the committee will respond to that question.

Mr. BATE. The minority also desire time to prepare a report, as I presume there will be a report presented by the majority of the committee.

Mr. BEVERIDGE. It is certainly the expectation of the majority to present their views as soon as possible and that the minority will do the same.

Mr. BATE. The report should be made as soon as possible. On the 10th I understand the bill is to come up for action. It becomes the order of business on that day.

The PRESIDENT pro tempore. The Senator from Minnesota reports from the Committee on Territories a bill which will be read by its title.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

The PRESIDENT pro tempore. The Chair hears no objection, and leave will be given to the committee later on to file a report, and also for the minority to submit their views. The bill will be placed on the Calendar.

HEARINGS ON PROPOSED EIGHT-HOUR LAW.

Mr. MCCOMAS, from the Committee on Education and Labor, reported the following resolution; which was referred to the Committee on Printing:

Resolved, That the hearings on House bill 3076 had before the Committee on Education and Labor during the Fifty-seventh Congress be printed as a document, and that 300 additional copies be printed for the use of the committee.

THE COMMITTEE ON EDUCATION AND LABOR.

Mr. MCCOMAS, from the Committee on Education and Labor, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Education and Labor be given leave to print hearings had before that committee.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. DOLLIVER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6349) granting a pension to Mary D. Perry;
A bill (S. 6350) granting a pension to Inez McCullom; and
A bill (S. 6351) granting a pension to Ira K. Eaton.

Mr. HALE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (S. 6352) for the relief of laborers and mechanics injured, and the families of those killed, while employed at navy-yards or naval stations, through negligence on the part of other persons in the service of the United States;
A bill (S. 6353) fixing the age of admission to the Naval Academy;
A bill (S. 6354) increasing the number of boatswains, gunners, and warrant machinists to be appointed annually as ensigns in the Navy; and
A bill (S. 6355) to amend section 3648 of the Revised Statutes, relating to advances of public money in cases of contract and otherwise.

Mr. FAIRBANKS introduced a bill (S. 6356) granting an increase of pension to Idah I. Miller; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 6357) relating to currency for the Philippine Islands; which was read twice by its title, and referred to the Committee on the Philippines.

He also introduced a bill (S. 6358) to permit officers of the United States Army to serve as chief and assistant chiefs of the constabulary of the Philippine Islands; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WELLINGTON introduced a bill (S. 6359) for the relief of Mrs. S. C. Mitchell; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6360) granting a pension to Henry J. Hardy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 6361) granting a pension to Emma Dean Powell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 6362) for the relief of William L. Best; which was read twice by its title, and referred to the Committee on Claims.

Mr. QUARLES introduced a bill (S. 6363) to repeal the act providing for the sale of timber and stone lands, the desert-land act, and the commutation provision of the homestead act; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MCCUMBER introduced a bill (S. 6364) granting an increase of pension to Austin Almy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURNHAM introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6365) granting an increase of pension to John W. Currier;
A bill (S. 6366) granting an increase of pension to John Bartlett;
A bill (S. 6367) granting an increase of pension to Edmund P. Fox;
A bill (S. 6368) granting a pension to George D. Epps; and
A bill (S. 6369) granting a pension to Robert E. Wheeler.

Mr. BERRY introduced a bill (S. 6370) granting a pension to Alice F. Smalley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 6371) to provide relief for personal injuries sustained by the destruction of the United States battle ship *Maine;* which was read twice by its title, and referred to the Committee on Claims.

Mr. MCENERY introduced a bill (S. 6372) granting an increase of pension to Pauline M. Roberts; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BATE introduced a bill (S. 6373) granting an increase of pension to Joseph D. Lockhart; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES of Arkansas introduced a bill (S. 6374) for the relief of the heirs of Benjamin F. Ball, deceased, late of Independence County, State of Arkansas; which was read twice by its title, and referred to the Committee on Claims.

Mr. CARMACK introduced a bill (S. 6375) for the relief of N. F. Palmer, jr., & Co.; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 6376) to amend section 764 of an act entitled "An act to establish a code of law for the

District of Columbia;" which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6377) to comfirm the name of Seward place for the space formed by the intersection of C street south and Pennsylvania and North Carolina avenues, District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. QUAY introduced a bill (S. 6378) for the relief of the estate of Richard W. Meade, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 6379) granting an increase of pension to Thomas P. Wentworth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 6380) to amend an act approved March 3, 1899, entitled "An act to amend an act entitled 'An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain,' approved July 8, 1898," and so forth, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BURTON introduced a bill (S. 6381) to provide for the erection of a monument to the heroes of the civil and other wars; which was read twice by its title, and referred to the Committee on the Library.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6382) granting an increase of pension to Samuel Skelton;

A bill (S. 6383) granting an increase of pension to James H. Beddow;

A bill (S. 6384) granting an increase of pension to Alpheus Elliott (with an accompanying paper);

A bill (S. 6385) granting an increase of pension to Thomas G. Covell;

A bill (S. 6386) granting an increase of pension to Joseph Smith;

A bill (S. 6387) granting an increase of pension to Jonathan R. Blair;

A bill (S. 6388) granting an increase of pension to R. F. Nugent (with an accompanying paper);

A bill (S. 6389) granting an increase of pension to Luther Scott;

A bill (S. 6390) granting an increase of pension to Daniel Fike;

A bill (S. 6391) granting an increase of pension to Samuel McNinch (with an accompanying paper);

A bill (S. 6392) granting an increase of pension to James M. Murphy (with an accompanying paper);

A bill (S. 6393) granting a pension to C. E. Jones (with the accompanying papers); and

A bill (S. 6394) granting a pension to Mrs. Evart Ewing Munn (with an accompanying paper).

Mr. BURTON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 6395) to pay certain bounties to enlisted men afterwards promoted to be commissioned officers;

A bill (S. 6396) to restore John F. Lewis to the United States Army, with the rank of captain of infantry, and place him upon the retired list;

A bill (S. 6397) to remove the charge of desertion against William T. Grady (with the accompanying papers); and

A bill (S. 6398) to correct the military record of William Davidson (with an accompanying paper).

Mr. BURROWS introduced a bill (S. 6399) to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also (by request) introduced a bill (S. 6400) for the regulation of scientific experimentation upon human beings and animals in the District of Columbia and elsewhere upon men belonging to the Army and Navy of the United States; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MITCHELL introduced a bill (S. 6401) for the relief of homestead entrymen upon the lands formerly included in the Siletz Indian Reservation in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 6402) authorizing the Secretary of War to credit Avery E. Long, first sergeant, Twenty-sixth Battery Field Artillery, United States Army, with his actual service from the date of his first enlistment; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6403) granting a pension to Henry A. Ridgeway (with an accompanying paper);

A bill (S. 6404) granting an increase of pension to Elmore Y. Chase; and

A bill (S. 6405) granting an increase of pension to Mortimer Hallet.

Mr. MITCHELL introduced a bill (S. 6406) for the relief of Henry H. Woodward; which was read twice by its title, and referred to the Committee on Indian Depredations.

Mr. PERKINS introduced a bill (S. 6407) to provide for the establishment of a life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, California; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6408) to provide for a site for a depot for the Revenue-Cutter Service; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DANIEL (by request) introduced a bill (S. 6409) for the relief of Robert G. Griffin, Catharine H. Harris, and Isaac P. Cromwell, administrator of Hannah T. Cromwell, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6410) for the relief of the trustees of Braddock Street Methodist Episcopal Church, at Winchester, Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of Connecticut introduced a bill (S. 6411) granting an increase of pension to James Cox; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of Connecticut. On behalf of my colleague [Mr. HAWLEY], who is unable to be in the Senate, I introduce four bills.

The bills were severally read by their titles, and referred to the Committee on Pensions, as follows:

A bill (S. 6412) granting an increase of pension to John Adamson (with an accompanying paper);

A bill (S. 6413) granting a pension to Harold P. Waldo;

A bill (S. 6414) granting a pension to Nellie N. Taft; and

A bill (S. 6415) granting an increase of pension to Samuel J. Ratcliffe (with an accompanying paper).

Mr. GALLINGER introduced a bill (S. 6416) for the establishment and organization of a nurse corps of trained women nurses in the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. SCOTT introduced a joint resolution (S. R. 133) creating a commission to investigate the present pension laws; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS introduced a joint resolution (S. R. 134) to provide for the refitting of the revenue cutter *Fessenden;* which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a joint resolution (S. R. 135) to provide for the construction of a new lock in the St. Marys Falls Canal, Michigan; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment proposing to increase the salary of the United States consul at Breslau, Germany, to $3,000, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. QUAY submitted an amendment proposing to appropriate $10,000 for the purchase from Prof. Francis N. Thorpe of the manuscript for a new edition of charters, constitutions, and organic laws of all States, Territories, and colonies now or heretofore forming the United States, and any acts of Congress relating thereto, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

DECISIONS RELATING TO TRUSTS.

Mr. MCCOMAS. I submit a concurrent resolution for the printing of decisions respecting trusts and ask that it be referred to the Committee on Printing.

The concurrent resolution was read by title, as follows:

A concurrent resolution relative to the printing of certain decisions of the Supreme Court and of the inferior Federal courts relating to trusts.

Mr. CULLOM. I will inquire of the Senator from Maryland if any provision is made for collecting the decisions?

Mr. MCCOMAS. The resolution directs the Attorney-General forthwith to make a compilation and to print it forthwith. It can be done within a week.

Mr. CULLOM. I made the inquiry only because there did not seem to be anything read which indicated that it would be done.

Mr. MCCOMAS. It can be done in a week.

The concurrent resolution was referred to the Committee on Printing, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be prepared forthwith under the direction of the Attorney-General a compilation of all the decisions of the Supreme Court and of the inferior Federal courts relating to trusts or to the act known as the Sherman antitrust law, of which compilation 3,000 copies shall be for the use of the Senate, and 7,000 shall be for the use of the House of Representatives, and 1,000 for the use of the Department of Justice.

MALINE JOHNSON.

Mr. NELSON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Maline Johnson, widow of Edward Johnson, late a messenger in the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

OMNIBUS STATEHOOD BILL.

Mr. PENROSE. I move that the Senate proceed to the consideration of the bill (H. R. 12199) to regulate the immigration of aliens into the United States.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves that the Senate proceed to the consideration of the following bill——

Mr. QUAY. Before the question is put, for my own information, I desire to put a question to my colleague. As he knows, on Wednesday next, by the unanimous agreement of the Senate, what is known as the omnibus statehood bill comes up for consideration after the morning hour. The bill which he is now proposing to take up will undoubtedly occupy some time and create a good deal of discussion. I should be glad to know whether he proposes in any way to interrupt the unanimous-consent agreement made in regard to the statehood bill should this bill carry over that day.

Mr. PENROSE. I took it for granted that of course the agreement, made before our adjournment last spring, would hold and that this bill would yield. I am heartily in favor of the statehood bill, and of course would not desire to press this bill in a manner that would conflict in any way with the prompt consideration of that measure.

Mr. QUAY. Then I have no objection.

Mr. HOAR. Has there been a unanimous-consent agreement to take up the statehood bill?

The PRESIDENT pro tempore. There has—to make it the unfinished business December 10.

Mr. LODGE. It comes up at 2 o'clock on Wednesday?

The PRESIDENT pro tempore. At 2 o'clock, and not before.

Mr. HALE. It comes up as unfinished business?

The PRESIDENT pro tempore. As unfinished business.

Mr. HALE. There is no agreement as to the continuation of the business. It is then in the hands of the Senate.

The PRESIDENT pro tempore. It is then in the hands of the Senate.

Mr. HALE. But nothing can prevent it from coming up as the unfinished business on that day. I so understand it. I was present at the time the agreement was made, and it was fully understood then that at that time the bill would be laid before the Senate as the unfinished business. It is then in the power of the Senate.

Mr. HOAR. The reason of my inquiry had nothing to do with the particular bill to which the question related, but I supposed it was the practice to print on the Calendar, for the information of the Senate, all such understandings.

Mr. GALLINGER. It is printed on the Calendar.

Mr. HOAR. Is that upon the Calendar?

Mr. LODGE. It is on the first page.

The PRESIDENT pro tempore. On the first page of the Calendar a transcript from the RECORD will be found.

Mr. HOAR. The copy of the Calendar in my hands does not contain it.

Mr. HALE. Some of the copies do not have it.

Mr. HOAR. Then there are different editions of the Calendar. I have one which has no such note. It is not like the copy shown me by my colleague.

Mr. QUAY. Mr. President, my understanding was that not only the bill should come up at 2 o'clock on the 10th of December, but that it should be continued in order until disposed of. I would be glad to have the unanimous-consent agreement read.

Mr. NELSON. The RECORD shows it.

Mr. HALE. Let me say that I was present when the proposition was made, and it was not proposed in connection with it that the bill should be continued from day to day, but the Senate made it the unfinished business. I spoke to one or two Senators at the time and said that there would be nothing which could prevent its coming up, but it would be then in the power of the Senate to do what it chose with it. The Senate did not make it a continuing order from day to day.

Mr. QUAY. I should be glad to have the RECORD read.

The PRESIDENT pro tempore. The RECORD has been sent for.

Mr. LODGE. It is here on the Calendar.

Mr. QUAY. My recollection is different.

Mr. HALE. It is copied here on the Calendar.

Mr. QUAY. Let us see the original.

Mr. HALE (reading):

Thereupon the Senator from Pennsylvania [Mr. QUAY] asked unanimous consent that on the tenth day, if the Senate is in session, and on the first day thereafter it may be in session if not on the tenth, the bill shall be made the unfinished business; and by unanimous consent the order was made.

The PRESIDENT pro tempore. The RECORD is now in the Senate, and if there be no objection the Secretary will read the RECORD.

Mr. CULLOM. Let it be read.

The Secretary read from the proceedings of June 25, 1902, as follows:

Mr. QUAY. I desire to mention, Mr. President, in connection with the notice I gave yesterday that hereafter no business should proceed in the Senate by unanimous consent while I was present in the Senate, that I had no desire nor have the majority of the Senate, who are with me upon this subject, any desire, nor have the minority of the Committee on Territories any desire, if it can be at all avoided, to interfere with the ordinary conduct of business and a speedy adjournment. We desire nothing from the majority of the Committee on Territories except some assurance of a day in court. It matters not to us if the committee will report the statehood bill at this session negatively, or without recommendation, or favorably. I appeal to the Senator from Indiana [Mr. BEVERIDGE] to say whether that can be done at the present session.

Mr. BEVERIDGE. Mr. President, as I stated the other day, the majority of the committee have already taken affirmative action looking to a consideration and report on the bill at an early day at the next session, and that resolution was made by the majority of the committee in perfect good faith. If what the Senator means is the fixing of a definite time early in the next session, I am willing to say that the committee will report on the bills now before it on the third day of the next session, if that is satisfactory to the Senator.

Mr. QUAY. That is satisfactory so far as I am concerned, and I speak for at least the Republicans who are disposed to vote with me to discharge the committee. It will be satisfactory to all, I think, and I will withdraw my motion, if there is connected with it the unanimous consent of the Senate to take up the bill on the 10th of December and make it the special order until disposed of.

Mr. ALDRICH. To make it the regular order, not a special order.

Mr. QUAY. Making it the regular order until disposed of.

Mr. BERRY. Making it the unfinished business.

Mr. QUAY. Making it the unfinished business until disposed of. The idea is to give it the right of way until we get rid of it. I ask the unanimous consent of the Senate to that arrangement, that it be made the unfinished business, and with that understanding I will withdraw the motion.

The PRESIDENT pro tempore. The Senator from Indiana has stated in open Senate that the Committee on Territories will report on the bill referred to by the Senator from Pennsylvania on the third day of the next session.

Mr. BEVERIDGE. That is correct.

The PRESIDENT pro tempore. Thereupon the Senator from Pennsylvania asks unanimous consent that on the 10th day of December——

Mr. QUAY. If the Senate is not in session on the 10th, then on the next session of the Senate thereafter.

Mr. BATE. That is on Wednesday.

Mr. ALDRICH. The Senate will be in session.

The PRESIDENT pro tempore. If the Senate is in session on that day, and if not the next day following when it is in session, the bill reported shall be made the unfinished business.

Mr. ALDRICH. That is right.

The PRESIDENT pro tempore. Is there objection?

Mr. BAILEY. Mr. President——

Mr. BATE. Mr. President, in reply to what was said by the Senator from Pennsylvania, as he seems to speak for the other side of the Chamber, I desire to say for the Democrats on this side of the Chamber, and I feel authorized to do so—that we are a unit in favor of the bill and desire immediate action if we could get it. Now, it seems that we can not get immediate action, and failing in that, I hope the proposition of the Senator from Pennsylvania will be accepted. I am upon that Committee on Territories, being the first named among the Democrats upon it, and I feel that I can, with both propriety and authority, speak for them in this behalf. Therefore we accept the proposition, as we can get no vote on the bill this session. I repeat that every Democrat in the Senate favors immediate admission into statehood of the Territories of Oklahoma, Arizona, and New Mexico, and regret we can not get immediate action on the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. SPOONER. Mr. President, I intend, so far as I am concerned, to consent, but I consent, as one member of the Senate, because I think it is a fair proposition that a time should be fixed for considering the bill and not at all in view of the threat of the Senator that if this consent be not given the business of the Senate will be interfered with during the session. I hope the Senator from Pennsylvania will not put it in that way.

Mr. QUAY. The Senator from Pennsylvania did not put it in that way. I did give notice that I would insist upon taking up the bill and at the proper time would use all parliamentary rights to secure a vote on it. That was the notice yesterday. It was simply fairly and openly made in the Senate, that I would do what was done yesterday under the eyes of the Senator from Wisconsin.

Mr. SPOONER. I was not referring to what the Senator said yesterday, but I referred to what he said a moment ago.

Mr. QUAY. I certainly conveyed no threat, but simply asked unanimous consent to consider the bill.

Mr. ALDRICH. Has the agreement been made?

The PRESIDENT pro tempore. It has not. The Chair has been requested to restate it, and will state it again.

The Senator from Indiana, the chairman of the Committee on Territories, has stated in open Senate to-day that the committee will report on the Territorial bill, so called, on the third day of the next session of Congress. Thereupon the Senator from Pennsylvania asks unanimous consent that on the

tenth day, if the Senate is in session, and on the first day thereafter it may be in session if not on the tenth, the bill shall be made the unfinished business.

Mr. ALDRICH. That is right.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the order is made. (CONGRESSIONAL RECORD, June 25, 1902, p. 7357.)

Mr. QUAY. Well, Mr. President, the reading of the RECORD shows that thrice within five minutes I stated the proposition that this bill being taken up was to be the special order until disposed of. It was certainly my understanding, and I have no doubt it was the understanding of the members of the Senate at that time that that course was to be taken. Either the President of the Senate in stating the agreement to the Senate or the RECORD reporters omitted that portion of the agreement; that is all there is of it.

Mr. HALE. If the Senator will allow me, my recollection is very distinct that the Senator did propose, as stated, that the bill should not only be taken up, but kept before the Senate until finished; but objection to that arose, as the reading of the RECORD shows. I should not have given consent to that and the Senator from Rhode Island [Mr. ALDRICH] would not have agreed to it; but we did agree that the bill should be made the unfinished business, leaving it in the power of the Senate to deal with it when it came up. Upon that the President pro tempore of the Senate three times stated the proposition as it was finally journalized and as it finally appears; and the Senator from Pennsylvania, whether or not he intended to do so, did not further insist upon adding continuous action to that request.

Mr. JONES of Arkansas. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Arkansas?

Mr. HALE. Certainly.

Mr. JONES of Arkansas. The Senator has just made the statement that there was objection made to this proposition, but the Senator from Pennsylvania has shown by the RECORD that there was nothing of that sort in the RECORD.

Mr. QUAY. There was no objection.

Mr. HALE. The request was put as I have stated, and that was the reason there was no objection.

Mr. JONES of Arkansas. There was no objection, as shown by the RECORD; but the Senator from Tennessee [Mr. BATE] stated that the reason why he gave his assent to the proposition of the Senator from Pennsylvania was because we could not get an immediate vote on the bill. He at least understood the proposition of the Senator from Pennsylvania to mean that we should have a vote when the bill was taken up under the agreement; and there is not a word to the contrary in the RECORD.

Mr. HALE. I should certainly not have assented to a unanimous-consent agreement that the bill should be any more than the unfinished business. It was clearly so stated and it was so journalized.

Mr. FORAKER. Mr. President, we have heard the RECORD read and we know what it discloses. Whatever else may have been agreed upon, or may have been thought to have been agreed upon, it is made perfectly clear by this reading of the RECORD that the bill was made the unfinished business.

What is the meaning of "unfinished business?" Of course the Senate will have the right, if it sees fit to do so, to displace the unfinished business, but the unfinished business remains the business of the Senate until that is done.

I understood, I am frank to say, that at the time this agreement was entered into we made this matter not only the unfinished business, but we agreed that it should remain under consideration until disposed of. I got that impression from what the Senator from Pennsylvania so particularly stated. I was not aware at that time—and it has never been suggested until now—that "unfinished business" did not mean that a bill made the unfinished business should be before the Senate until the Senate disposed of it. Of course we can at any time cease to further consider it by voting it down, or otherwise disposing of it.

But it seems to me that the true intent of this agreement, as disclosed by the RECORD certainly—and that is fortified by the impression that I think Senators generally have—is that we made this bill the unfinished business, and that our agreement was to take it up and pursue its consideration until we finally disposed of it.

Mr. BATE. Mr. President, it was certainly my understanding that the bill was to be taken up and considered until it was finished—until a vote had been had upon it. We were struggling to get a vote upon it. The object of the Senator from Pennsylvania in making the motion was to secure a vote on the bill. He had the right to press the motion to secure a vote on the bill, but he waived that right until the 3d of December arrived, which is to-day. There can be no question in my mind that that was the intention. I participated somewhat in that debate, and the statement of the case by the Senator from Pennsylvania was made twice in my hearing. It was then near the close of the session, and it was impossible to secure a final vote on the bill at that time.

I should like to have a construction of the language of the agreement by the Chair, as there seems to be a difference of opinion here, according to what the Senator from Ohio [Mr. FORAKER] says. Does it mean that the consideration of the bill shall only last one day, or that it shall continue until disposed of? I should like to have the opinion of the Chair as to what was agreed upon, because that will settle this question. The only question now, as I see it, arises from the fact that the Chair, in repeating the proposition of the Senator from Pennsylvania, left out from it the words "until concluded," as it was stated by the Senator from Pennsylvania two or three times. I should like to hear what the Chair has to say as to that.

The PRESIDENT pro tempore. The unfinished business will remain the unfinished business and be placed before the Senate every day at 2 o'clock, unless by a majority vote something else shall be made the unfinished business in its place.

Mr. BATE. That is the way I understand it.

Mr. BAILEY. Mr. President, I recall very distinctly what transpired in the Senate at that time, and I also recall that there was a slight difference between the request as preferred by the Senator from Pennsylvania and the request as stated by the Chair. I remember also that I arose to call the attention of the Chair to the fact that he was not stating the request precisely as it had been submitted by the Senator from Pennsylvania; but just as I rose to call attention to that fact the Senator from Tennessee [Mr. BATE] was recognized for the purpose of making the statement which the RECORD recites; then some one near me here inquired what I intended to do, or probably without any inquiry, I stated that there was a discrepancy between the statement as submitted by the Chair to the Senate and as preferred by the Senator from Pennsylvania. The general understanding here was that the request proposed by the Senator from Pennsylvania would prevail. Still, the request for unanimous consent as finally proposed to the Senate by the Presiding Officer and consented to by the Senate omitted that important qualification.

Mr. HALE. I think, if the Senator will allow me, as his mind always runs very fairly, that he will see that it would be a very extreme case, almost never agreed to, where the Senate would tie itself up and declare that, whatever the Senate might want to do at a given time, it shall only consider one matter until it is ended. The majority, if it is a majority, or the Senator from Pennsylvania, gets everything that any side of this Chamber ought to ask in having a bill made the unfinished business which is before the Senate and continues before the Senate until the Senate says it will take up some other matter. That is a very great privilege. It is very much more than having a special order made. Any of us who have dealt in legislation and parliamentary law in the Senate have found that a bill being made a special order amounts to nothing; that gives it no precedence; it may be ignored and passed over by anything; but the utmost that is ever asked or ever ought to be asked is that a subject be made the unfinished business. There it holds its place until the Senate, which has the power, as it ought to have, says that something else shall take its place.

I can only speak for myself. I saw all of this at the time. I should never have consented that the proposition as originally submitted by the Senator from Pennsylvania should have been agreed to so that we should tie ourselves up. Several Senators talked about it and said, "We can not agree to that." Finally, when the proposition was put, I clearly understood the Senator from Pennsylvania, when it was stated the last two times to the Senate, did not further make his point of having the bill continued from day to day; and upon that we all assented to the proposition. The RECORD is very clear. It is not very important, however, for if the Senator has the Senate with him he can hold this bill before the Senate ad infinitum.

Mr. CARMACK. But the question is, Did the Chair modify the request as originally preferred by the Senator from Pennsylvania?

Mr. HALE. The Senator from Pennsylvania did not insist upon his original request.

Mr. CARMACK. Was the request made by the Senator from Pennsylvania the request put by the Chair, or had the Chair any right to put it in any other form than that in which it had been proposed?

Mr. HALE. Of course the RECORD is the thing which controls in this matter. This thing went as a great many things go. It was, as it frequently is, difficult to get a positive unanimous-consent agreement about considering this subject-matter. It was understood at the time and talked over by Senators; and when finally the Chair put the proposition without the added clause, and put it twice, the Senator from Pennsylvania did not insist. A Senator near me says it was not for us to understand what the Senator from Pennsylvania thought or what anybody else thought, but we did understand what the Chair said. It is so journalized,

and it so appears in the RECORD, and I fancy nothing more can be done about it now. The Senator has got all the advantage, and if he has a majority of the Senate with him he can hold the bill before the Senate.

Mr. TILLMAN. Mr. President, with all due deference to my colleagues who know more about these matters than I do, it seems to me we are discussing a quibble. If unfinished business, as the Chair just announced, is not unfinished business, then what is the meaning of "unfinished business?" As the Senator from Maine [Mr. HALE] has just said, if a majority of the Senate want to continue this as the matter under discussion the minority can not take it away from them, and it is a question merely of a majority voting this matter out of the Senate or leaving it before the body.

Mr. HALE. That is right.

Mr. TILLMAN. So we are wasting time.

Mr. PETTUS. Mr. President, I do not desire to discuss this question, but I want some parliamentary information. A bill came from the House of Represenatives, and on the motion of the Senator from Pennsylvania [Mr. QUAY] that bill was made the special unfinished business for a certain day. Is that the bill which is now before the Senate? Is not this a different bill to accomplish only a part of the same purpose? Is not this a bill—as its title was read—which might probably be called a Senate bill to admit one State instead of three States, and to take different territory from that proposed to be taken by the bill from the House? Has the Senate consented to consider this bill as the unfinished business, or was it rather not a bill of an entirely different origin?

Mr. HALE. Mr. President, some of us are very strongly opposed to this measure as it came from the other House, but we do not make any such point as that suggested by the Senator from Alabama [Mr. PETTUS]. This agreement, which has been journalized, should apply to whatever bill the Committee on Territories report to the Senate. We make no point that the agreement does not apply to the subject-matter that will appear before us on the 10th of this month.

Mr. QUAY. I think, Mr. President——

The PRESIDENT pro tempore. The debate is proceeding by unanimous consent. There is no question before the Senate.

Mr. QUAY. Mr. President, I think it is probable that the Senator from South Carolina [Mr. TILLMAN] and the Senator from Ohio [Mr. FORAKER] are correct, that practically it makes no difference whether the agreement, as I stated to the Senate, is or is not enforced by the Senate and placed upon the record. I have no desire at all, nor is it the desire of any of the friends of this bill, to occupy the time of the Senate with the proposition unless the majority of the Senate favor it. We shall be ready at the earliest time we are permitted to do so to take a test vote upon the bill. If a majority of the Senate signify their disapproval of the omnibus bill as it came from the other House, so far as I am concerned, I will abandon it; and I shall be very glad to take that vote in some form or other on the first day the bill appears here in the Senate—the 10th of December.

As to the proposition of the Senator from Alabama [Mr. PETTUS], the bill is, in its present shape, the bill which came from the House, with the Senate committee amendment striking out all after the enacting clause and inserting a proposition to admit the Territory of Oklahoma, one of the three Territories which were provided for in the House bill, and adding to it the Indian Territory. It is the same bill practically with that amendment, and it will come before the Senate as the original omnibus bill and take its place. That is my understanding. The first question will be on the amendment reported by the committee.

The PRESIDENT pro tempore. The Chair did not put the request made by the Senator from Pennsylvania in the form in which he originally proposed it, because if that request had been granted and the bill had been made a special order, any unfinished business would have displaced the special order. The Chair put the request which he supposed the Senator from Pennsylvania desired in the interest of the side he represented, and put it distinctly three times, so that if there had been any objection to it it could have been urged at the moment.

FIRST REGIMENT OHIO LIGHT ARTILLERY.

Mr. PENROSE obtained the floor.

Mr. FORAKER. I ask the Senator from Pennsylvania to yield to me for a moment.

Mr. PENROSE. For what purpose?

Mr. FORAKER. In order that I may make a motion for the appointment of a conference committee.

Mr. PENROSE. I yield to the Senator from Ohio for that purpose.

Mr. FORAKER. On one of the last days of the last session House bill 619 was considered by the Senate and passed with an amendment. The House has refused to concur in the amendment, has asked for a conference, and appointed conferees. I ask the Chair to lay before the Senate the action of the House of Representatives.

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House of Representatives, disagreeing to to the amendment of the Senate to the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FORAKER. I move that the Senate insist on its amendment disagreed to by the House of Representatives, and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. FORAKER, Mr. PROCTOR, and Mr. COCKRELL were appointed.

REGULATION OF IMMIGRATION.

Mr. PENROSE. I renew my motion that the Senate proceed to the consideration of the bill (H. R. 12199) to regulate the immigration of aliens into the United States.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Pennsylvania to proceed to the consideration of the bill named by him. [Putting the question.] The "ayes" appear to have it, and the bill is before the Senate.

Mr. ELKINS. I should like to have the question again put on taking up the immigration bill.

Mr. PENROSE. The question was put and the Chair announced the decision.

The PRESIDENT pro tempore. Does the Senator from West Virginia demand another vote?

Mr. ELKINS. I should like to have the question again put.

Mr. LODGE. What is the question, Mr. President?

The PRESIDENT pro tempore. The question is on proceeding to the consideration of the bill known as the immigration bill, and the Chair will again put the question to the Senate. Will the Senate, on the motion of the Senator from Pennsylvania, proceed to the consideration of the bill known as the immigration bill? [Putting the question.] The "ayes" clearly have it, and the bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. PENROSE. I ask unanimous consent that the formal reading of the bill be dispensed with, and that it be read for the purpose of considering the committee amendments.

Mr. BATE. Has that bill been printed and placed upon the tables of Senators?

Mr. PENROSE. The bill was printed last spring.

Mr. BATE. That is a long time ago.

Mr. LODGE. The bill was reported last spring, was placed on the Calendar, and has been there with the report of the committee ever since.

Mr. BATE. Then I presume we can get copies of the bill. I suppose nearly everybody has forgotten about the bill in the meantime.

Mr. PENROSE. It is a House bill, and is altered very little from the form in which it came from the House. I ask unanimous consent that the formal reading of the bill be dispensed with and that the committee amendments be considered as they are reached in the reading of the bill.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the amendments reported to it by the Committee on Immigration shall first receive consideration. Is there objection?

Mr. BACON. Do I understand that under that proposition the bill will be read by sections for amendment?

Mr. PENROSE. Yes.

The PRESIDENT pro tempore. The bill will be read.

Mr. ELKINS. I want the bill read at length. I want to see what is in the bill.

Mr. PENROSE. The bill will be read.

The PRESIDENT pro tempore. Does the Senator from West Virginia object to the request of the Senator from Pennsylvania [Mr. PENROSE]?

Mr. ELKINS. I object, Mr. President.

The PRESIDENT pro tempore. Objection is made to the request of the Senator from Pennsylvania, and the bill will be read in full.

Mr. PENROSE. Then I make the motion.

Mr. GALLINGER. The Senator can not do that.

The PRESIDENT pro tempore. The bill will be read.

Mr. ELKINS. I withdraw my objection, as the bill has to be read anyway, and I have now a copy of it.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Pennsylvania [Mr. PENROSE] that the formal reading of the bill be dispensed with, that it be

read for amendment, and that the amendments proposed by the committee shall first receive consideration? The Chair hears none, and that order is made.

The Secretary proceeded to read the bill, which had been reported by the Committee on Immigration with amendments.

The first amendment was, on page 1, section 1, after the words "duty of," at the end of line 3, to strike out "$1.50" and insert "$3;" so as to read:

That there shall be levied, collected, and paid a duty of $3 for each and every passenger not a citizen of the United States, or of the Dominion of Canada, the Republic of Cuba, or of the Republic of Mexico, etc.

Mr. GALLINGER. I presume the question is on that amendment. Am I correct, Mr. President?

The PRESIDENT pro tempore. That is correct.

Mr. GALLINGER. I want to make an inquiry of the chairman of the committee or some member of the committee touching the necessity for increasing the amount from $1.50 to $3. I want, furthermore, to ask, who is to pay this $3? I think under existing law the steamship companies are to pay it. Whilst I should judge from a casual reading of the first page of this bill that if this amount is increased and the bill is enacted into law as it stands, the railroads transporting passengers across the Canadian border, for instance, will have to pay $3 for each immigrant that they transport, I would ask the chairman if that is correct?

Mr. PENROSE. This increase would practically fall upon the transportation companies, as it does now. The amount was increased because of the fact that the duties and labor imposed upon the Immigration Bureau under this bill are considerably increased and consequently the expenses are increased. It is not a vital principle of the bill whether the per capita tax is $1.50 or $3. The provisions of the bill will be enforced whether the amount is fixed at one figure or the other.

Mr. LODGE. Of course, as the Senator will understand, it comes out of the alien passenger. It is all charged to him, as a matter of fact, now.

Mr. PENROSE. I imagine that matter can be left to adjustment between the two Houses when the bill goes into conference.

Mr. GALLINGER. Well, Mr. President, I think I can agree with the Senator on that proposition. At the same time, there should be a well-defined reason given why this amount is increased from a dollar and a half to $3, which is double the amount provided for in the House bill and double the amount that is now charged. I apprehend that we are not running in debt in this matter under existing law, and I do not think we ought to undertake to make money either out of the alien passengers or out of the transportation companies in a matter of this kind. I think I will agree with the Senator that the matter may be left to conference.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The amendment will be agreed to in the absence of objection.

Mr. GALLINGER. I had not concluded my sentence, if the Chair will indulge me a moment.

Mr. PENROSE. Mr. President——

Mr. GALLINGER. I will yield to the Senator when I conclude my sentence.

Mr. FORAKER. Is the bill now under consideration for amendment? A few moments ago when I went out of the Senate Chamber I understood the bill was taken up to be read for information. Now, if I correctly understood the statement from the Chair, we are considering the amendments to the bill with a view to adopting them.

The PRESIDING OFFICER. As the Chair understands, the present status of the bill is that it is before the Senate as in Committee of the Whole, and the committee amendments are to be acted upon as they are reached in the reading.

Mr. PENROSE. There are some amendments here which the committee will ask to have rejected.

Mr. FORAKER. Those amendments can be passed over, of course, if we are not prepared to act upon them.

Mr. PENROSE. Of course.

Mr. MCCOMAS. Do I understand that the bill is now being read for action upon the committee amendments and after they have been acted upon that other amendments will be in order?

Mr. LODGE. Exactly the same as is the case with every appropriation bill.

Mr. PENROSE. There is nothing unusual in the unanimous-consent agreement.

I will say for the benefit of the Senator from New Hampshire [Mr. GALLINGER] that I do not consider myself unalterably pledged to this amount of $3. I shall be glad to consider the matter in conference and to do what is fair and proper under the circumstances.

Mr. GALLINGER. I will now conclude my sentence, if I can recall just what I was saying when the Chair took me from the floor.

I think, under the circumstances, I will not make any contention over this matter, although I can not for the life of me see the necessity for it. I will, however, leave it to the careful consideration of the conference committee, and I am especially pleased to do so upon assurance of the chairman of the committee that he is not unalterably of opinion that this change ought to be made.

The PRESIDING OFFICER. Without objection, the first amendment reported by the committee will be regarded as agreed to.

Mr. HOAR. I wish to call the attention of the Senator having the bill in charge to a matter wherein I have no doubt he will agree with me. It is a point on which I think the bill, possibly, is not quite clear. That is, whether it is intended to impose this tax upon the minor children or the wife of an alien already here who has declared his intention to become a citizen.

Mr. LODGE. That is the law now. The tax is now collected on every immigrant.

Mr. HOAR. Very well. I think it should not be collected on the wife or minor children of such an alien. The provision in section 3 is that such alien lawfully admitted here—

may bring into the United States to join him as members of his family his wife, his children under 18 years of age, and his parents or grandparents over 50 years of age, if they are otherwise admissible, whether they are so able to read or not.

My proposition is that under our naturalization laws a person who has in good faith declared his intention to become a citizen has a right to have his wife and minor children become citizens, too, and that the tax should not be imposed on them.

Mr. PENROSE. I will state for the information of the Senator from Massachusetts that the suggestion he makes would be an alteration of existing law.

Mr. HOAR. It ought to be altered.

Mr. PENROSE. If he will prepare such an amendment as he has in mind, I feel safe, speaking for the Committee on Immigration, in saying that we shall be very glad to consider it carefully, and if it is found desirable to insert it in the bill we will recommend it.

Mr. HOAR. I think the proper place to put that amendment would be in the amendment already proposed as section 3. Where it says that an alien lawfully resident in the United States may bring into the United States his wife and minor children, it should provide that he may bring them in without such payment. The language here is——

Mr. PENROSE. Mr. President——

Mr. HOAR. I should like to state my point.

Mr. PENROSE. Certainly.

Mr. HOAR. The alien who is here, with the authority or permission of the United States, on conducting himself properly for five years, to become an American citizen, and who is here in all respects conducting himself properly, ought not certainly to have such a tax put upon him. It is very hard on the immigrant to have a tax put on him in order to bring in his wife and minor children. We regard a person who has made his preliminary declaration as entitled to the national protection, so that the whole Army and the whole Navy are pledged to his protection. We settled that many years ago in the case of Martin Koszta, where we compelled an Austrian man-of-war to give him up, if I recollect aright the circumstances.

To levy a tax on such an alien to bring in his wife or children is an outrage. This immigration law, while it is popular in some quarters, contains enough in it, necessarily I dare say, for I am not criticising it, to constitute a pretty severe strain when we consider that after all the people who are coming in are human beings and not cattle, and to add to it the additional burden of imposing on a man who, for many purposes, is virtually a United States citizen if he comply with some conditions subsequent, a tax to bring in his wife and minor children seems to me utterly wrong.

Mr. PENROSE. I will ask the Senator from Massachusetts to prepare his amendment and offer it on the floor of the Senate, and I am sure we will give it every consideration.

Mr. HOAR. I suppose the Senate will.

Mr. PENROSE. The Senate will, too; but the committee would like to look into its effect and general scope.

Mr. GALLINGER. Before the first amendment is formally adopted, I wish a little information.

Mr. SPOONER. Will the Senator from New Hampshire permit the amendment to be again reported? I was not in the Chamber when it was stated.

Mr. GALLINGER. Certainly.

The PRESIDING OFFICER. The amendment now under consideration will again be stated for the information of the Senate.

The SECRETARY. It is proposed, in section 1, line 4, page 1, of the bill, to strike out the words "one dollar and fifty cents" and insert in lieu thereof "three dollars;" so as to read:

That there shall be levied, collected, and paid a duty of $3 for each and every passenger not a citizen of the United States.

Mr. GALLINGER. I suggest that the amendment go over. I should like a little time to look into it.

Mr. LODGE. I ask that the amendment may be passed over.

Mr. PENROSE. All right.

The PRESIDING OFFICER. The amendment will be passed over. The reading of the bill will be proceeded with.

Mr. HOAR. I think a more proper place to consider the suggestion I made, although it is pertinent here, is section 3, printed in italics on the sixth page, and if the Senator will kindly agree that that shall go over with the other I will be obliged to him.

Mr. LODGE. When we reach it.

Mr. HOAR. I mean when we reach it.

Mr. PENROSE. When we reach it.

Mr. HOAR. We will have the understanding, then, that it shall be passed over.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

Mr. LODGE. I ask permission of the chairman to insert a committee amendment. After the word "not," in line 5, page 1, I move to insert "a resident or."

Mr. PENROSE. I accept the amendment.

Mr. COCKRELL. What is the amendment?

Mr. LODGE. The clause will then read:

For each and every passenger not a resident or a citizen of the United States.

Mr. HOAR. That will require looking after the Dominion of Canada. I suppose it is not proposed to except their residents who are not citizens.

Mr. LODGE. Oh, no.

Mr. HOAR. You will have to change that also.

Mr. LODGE. Yes. The amendment ought to read:

Not a resident of the United States or a citizen of the United States.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. After the word "not," in section 1, line 5, page 1, it is proposed to insert "a resident or."

Mr. MORGAN. I move to amend by inserting in section 1, page 1, after the word "Mexico," in line 6, the following:

Or inhabitants of the Philippine Archipelago.

My reason for that is this: At the last session of Congress we passed a law for the government of the Philippine Islands, in which we denominated and enacted that the people of those islands were citizens of the Philippine Islands. Well, they are nondescripts. There are no such people known in the world except them. There is no one who is a citizen of an island any more than there is a citizen of a corn crib or a stock house. We put those words in. Those people are not within the exception to this section although they belong to us in some fashion or another. We have a bill of sale for them under the Paris treaty, but we do not know whether they are slaves or citizens or subjects or what they are.

Mr. BACON. I suggest to the Senator from Alabama that the same thing is true of the residents of Porto Rico, as similar legislation has been had with reference to them.

Mr. MORGAN. Let it read "or inhabitants of the Philippine Archipelago or Porto Rico." I will put in those words.

Mr. LODGE. They are not alien immigrants.

Mr. FORAKER. Mr. President, whatever else may be said as to the status of the Philippines and Porto Rico, it can not be said that their ports are foreign ports.

Mr. LODGE. They are not foreign ports.

Mr. FORAKER. The Supreme Court has decided that they are not foreign ports within the meaning of the revenue laws, and the reasoning and the conclusion I should think would be the same as to this matter. I call attention to the fact that the bill imposes this entrance fee only upon those who come as immigrants from foreign ports.

Mr. PLATT of Connecticut. Mr. President——

Mr. FORAKER. If the Senator from Connecticut will permit me for a moment, I wish to make a request with respect to this bill.

We have just assembled after a long vacation, and no one has had time, I take it, in the last day or two, in the hurry to which we have all been subjected, to read the bill and the report and the amendments as I should like to do before being called upon to act upon them. The bill has been taken up, and it can be taken up again to-morrow; and if the Senator who has the bill in charge would agree to let the bill go over until to-morrow, we should all have an opportunity to read the bill and the report and to study the questions raised by these amendments, and, as a result, we could act far more intelligently. I do not believe the Senator will make any substantial progress with the bill if he insists upon considering these amendments at the present time. In a hurried glance through the bill I observe quite a number of amendments on which I am not prepared to vote unless I can get light, as no doubt I would to some extent from their discussion. But it would be far more satisfactory to me and, I think, to Senators generally if we had time to read the bill and report and to know just what we were doing.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDING OFFICER. The senior Senator from Alabama [Mr. MORGAN] is entitled to the floor. Does he yield to the Senator from Connecticut?

Mr. MORGAN. Certainly.

Mr. PLATT of Connecticut. I was about to inquire whether the amendment of the Senator from Alabama is in order at this time. It is not a committee amendment, and the order of the Senate was that the first reading of the bill should be dispensed with and the bill read for committee amendments.

Mr. MORGAN. No; it is to be read for amendments, committee amendments having preference.

Mr. LODGE. Yes.

Mr. PLATT of Connecticut. I do not think——

Mr. CULLOM. May I be allowed to say a word?

The PRESIDING OFFICER. The bill is in the Senate as in Committee of the Whole, the Chair understands, for the purpose of considering amendments proposed by the committee.

Mr. LODGE and Mr. CULLOM. Considering them first.

The PRESIDING OFFICER. After the bill has been read through and the committee amendments disposed of, individual amendments will be in order.

Mr. PENROSE. All I ask now, I will state for the information of the Senator from Ohio, is that the reading of the bill shall be proceeded with for the purpose of considering the very few amendments proposed to the bill as it passed the House. I shall not press it any further to-day.

Mr. FORAKER. But the amendments proposed——

Mr. LODGE. Any amendment can be passed over, but we can dispose of a great many formal amendments.

Mr. PENROSE. I am willing to pass over any amendment as to which question is raised.

Mr. CULLOM. I have no objection to that course.

Mr. PLATT of Connecticut. If I can get the floor for a moment, I wish to state that I fully agree with the Senator from Ohio. This is an important bill, and it is also important to know what the amendments are which have been proposed by the committee. I venture to say that no Senator has read this bill, certainly not until it was taken up, and if since, only in the most cursory manner, and no Senator is prepared to vote on the amendments. Some of them are extremely important, and we ought to have a little time to consider this matter before it is taken up and we are asked to vote upon these amendments.

I do not know any reason why we should be hurried in this way with the pending bill. I believe every Senator desires to improve our immigration laws, so far as they can be improved, but every Senator ought to know just what we are doing and he ought to have the opportunity to know it.

Mr. SPOONER. Mr. President——

Mr. PENROSE. If that is the opinion of several Senators, I ask unanimous consent that the bill may now go over, to come up for consideration immediately after the conclusion of the morning business to-morrow morning.

Mr. SPOONER. I rose for the purpose of inquiring how the bill got before the Senate to-day.

Mr. LODGE. On motion.

Mr. CULLOM. It was taken up on motion.

Mr. PENROSE. On motion.

The PRESIDING OFFICER. By a vote of the Senate. The senior Senator from Pennsylvania asks unanimous consent that the bill may go over until to-morrow, to be taken up immediately after the conclusion of the morning business.

Mr. HOAR. I desire to inquire of the Chair, although I suppose there is no doubt about it, whether when the committee amendments are considered amendments to them will be in order.

Mr. PENROSE. Of course.

The PRESIDING OFFICER. The Chair so understands. Is there objection to the request made by the senior Senator from Pennsylvania? The Chair hears none, and the bill will go over temporarily until to-morrow.

DEATH OF REPRESENTATIVES DE GRAFFENREID AND SHEPPARD.

Mr. BAILEY. I ask the Chair to lay before the Senate the resolutions of the House of Representatives relative to the death of Representatives DE GRAFFENREID and SHEPPARD.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Chair lays before the Senate the resolutions indicated by the Senator from Texas, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, *December 2, 1902.*

Resolved, That the House has heard with profound sorrow of the death of Hon. R. C. DE GRAFFENREID, late a Representative from the Third Congressional district of Texas, and of Hon. JOHN L. SHEPPARD, late a Representative from the Fourth Congressional district of Texas.

Resolved, That a copy of these resolutions be communicated to the Senate.

Resolved, That as a further mark of respect to the memory of these deceased members the House do now adjourn.

Mr. BAILEY. Mr. President, I move, as a mark of respect to the memory of the deceased members of the House, that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 1 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 4, 1902, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 3, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

The SPEAKER announced the appointment of Mr. SHEPPARD of Texas to be a member of the Committee on Public Buildings and Grounds.

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. RUMPLE until after the holiday recess, on account of sickness.

ORDER OF BUSINESS.

The SPEAKER. By the order of the House of yesterday, after the approval of the Journal, the House was to go into the Committee of the Whole for the consideration of House bill 15372.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess for ten minutes.

The motion was agreed to. Accordingly the House was in recess until 12 o'clock and 15 minutes.

The recess having expired, the House resumed its session.

VISITORS TO THE UNITED STATES NAVAL ACADEMY.

The SPEAKER announced the following appointments:

Visitors to the Naval Academy: Mr. JAMES E. WATSON, Mr. ROBERT ADAMS, and Mr. CHAMP CLARK.

Committee to visit the Military Academy: Mr. J. A. T. HULL, Mr. GEORGE W. STEELE, and Mr. D. A. DE ARMOND.

ANTHRACITE COAL STRIKE COMMISSION.

Mr. CANNON. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union to consider House bill 15372.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GROSVENOR in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of House bill 15372, of which the Clerk will read the title.

The Clerk read as follows:

H. R. 15372. A bill to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission, appointed by the President of the United States at the request of certain coal operators and miners.

Mr. CANNON. Mr. Chairman, the bill is short, and I suggest that it be reported in full.

The Clerk read as follows:

Be it enacted, etc., That the sum of $50,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the payment of such expenses as have been, or may be, incurred by the Anthracite Coal Strike Commission in the performance of its duties, such commission having been appointed by the President to "inquire into, consider, and pass upon the questions in controversy in connection with the strike in the anthracite region and the causes out of which the controversy arose," and for such compensation of the seven members of said commission, its employees, and the two assistant recorders as may be fixed by the President, such compensation to be paid notwithstanding the provisions of sections 1763, 1764, and 1765 of the Revised Statutes, or section 3 of the act of June 20, 1874, chapter 328.

A disbursing agent for the commission is hereby authorized, and the expenses and compensation herein provided for shall be paid by him on vouchers certified by the recorder and approved by the chairman of the commission, and the accounting officers of the Treasury shall credit the said disbursing agent with the amounts so certified and paid.

Mr. GAINES of Tennessee. Mr. Chairman, I desire to offer an amendment and have it read and considered as pending.

Mr. CANNON. I have no objection to having it read.

The CHAIRMAN. It is not in order except by unanimous consent. General debate is now in order.

Mr. GAINES of Tennessee. Under the ruling of the Chair yesterday, I understood——

Mr. CANNON. It will be in order, let me say to my friend, under the five-minute rule.

Mr. GAINES of Tennessee. I simply wish to have it read and considered as pending.

Mr. CANNON. I have no objection to its being read, as far as I am concerned, for the information of the committee.

The CHAIRMAN. If there is no objection, the amendment will be read for the information of the committee.

There was no objection.

The Clerk read as follows:

Be it further resolved, That all import duties on anthracite coal containing less than 90 per cent of fixed carbon be, and the same are hereby, abolished, and on and after the passage of this resolution all such anthracite coal imported into the United States shall be admitted free of all duty or tax.

Mr. CANNON. I suppose the eleventh commandment might be read for the information of the committee also. [Laughter.] I do not care to consume any time in general debate myself at this time, but I want to ask the gentleman from Tennessee what is his desire upon that subject.

Mr. RICHARDSON of Tennessee. I will say that I do not desire to use time myself, but I ask the gentleman from Illinois to permit the minority of the Committee on Appropriations to take charge of the time. Mr. BENTON, of Missouri, has signified to me a desire to make some remarks on the bill, and I also understood that the gentleman from Georgia, Mr. LIVINGSTON, would like some time.

Mr. CANNON. I will reserve my time, Mr. Chairman, and ask my friend from Georgia how much time he wants?

Mr. BENTON. The gentleman from Georgia does not seem to be here at the present time.

Mr. CANNON. Then I will ask my friend from Missouri if he suggests any time for general debate, or does he desire to be recognized and take such time as he chooses?

Mr. BENTON. I desire to be recognized, and I do not think I want over ten minutes. Mr. Chairman, I stated in the committee when this bill was brought up for consideration that I would not vote for it. I thought it was proper to the majority of the committee, and especially to the chairman, who was to report it, to give notice before it was reported that I would not vote for it. If the bill was presented to the House of Representatives in a regular way, authorizing the President of the United States to appoint a commission for this purpose, I am of opinion that I would vote for it. I did vote for a bill last spring somewhat along this line.

As I say, if as an original proposition the bill was before this House authorizing the President of the United States to appoint a commission to arbitrate between the operators and the miners, I am of opinion I would vote for it. There is no man more anxious to see capital and labor get along without a row than am I. This particular bill authorizes the President of the United States to control in his own way $50,000 in money to pay a commission and its officers already appointed by him and at work. In the first place, there is no authority that I know of, statutory or constitutional, permitting the President to make any such commission.

If this bill was creating this commission, or giving the President power to appoint it, and appropriating this money to pay the commission, I think I should vote for it. My objection is not to the commission or its work, but is to appropriating money from the public Treasury to pay a body of men appointed by the President without any legal warrant, and when such body of men are unable to exercise any legal authority or make effective any of their conclusions, and until the President has legal authority to make such commission, and their decisions can be binding, I do not feel disposed to vote for this character of bill. If the President of the United States has the right to appoint this commission without authority of law, I see no reason why he has not the right to appoint a commission to settle reciprocal trade relations between this Government and Germany, or any other kind of a commission that might seem good to him.

I know that to call attention to the Constitution is to put one's self in the rôle of a "back number." Nevertheless, I have been so educated as to have some respect in my own mind for the Constitution and the law, and in spite of the times, and lack of respect for law, I believe in constitutional and legal authority for all acts of the people's servants.

Mr. HEMENWAY. Will the gentleman yield for a question?

Mr. BENTON. Yes, sir.

Mr. HEMENWAY. Does the gentleman think that under the then existing circumstances the President ought to have waited till Congress convened to pass some law authorizing this commission?

Mr. BENTON. I think that if the President wanted such authority it would not have taken very long to convene Congress and call its attention to this matter.

Mr. HEMENWAY. Does the gentleman think that Congress ought to have been convened to enable the President to take this action?

Mr. BENTON. I think the President ought not to have acted without the authority of law. That answers the gentleman's question.

Mr. HEMENWAY. Does the gentleman think that the President in acting as he did acted wrong?

Mr. BENTON. I think the President acted without authority of law; and when he does that he acts wrongly.

Mr. HEMENWAY. But do you think that the President ought to have waited until Congress had taken action on the question?

Mr. BENTON. I have answered your question directly and positively—that without the authority of law the President had no right to appoint such a commission.

Mr. HEMENWAY. But do you think that the President acted wrong?

Mr. BENTON. Exactly; when he acts without authority of law he acts wrongfully.

Mr. HEMENWAY. When he promptly brought about a settlement of this strike, which had resulted in such great suffering

to the people of the United States, do you think the President was mistaken in that action?

Mr. BENTON. Oh, the gentleman now wants to inject a speech here. That may be all right; but I think he had better make it in his own time, especially as he assumes that the President has brought about a settlement, which he has not done. The gentleman asked me a question, and I have answered it—that when the President acts without law, then, like any other man who acts without authority of law, he acts wrongfully. That is my answer to the question.

I have stated my first and most serious objection to this bill—that there is no authority for the appointment of the commission. My second objection is that it is proposed here to put $50,000 into the hands of the President without any sort of limitation upon his right to expend the money in such manner as seems to him good. If we are to pay members of this commission and their secretaries and to pay the other expenses of this proceeding, there ought to be a specific sum set apart for that business, and we should know how much each person is to receive and for what service. That is my opinion about the matter. There should not be a lump sum appropriated—$50,000, $20,000, $100,000, nor any other sum should be appropriated with no limitation whatever upon the manner in which the President is to expend the money. I am opposed to the bill for that reason, too.

I am opposed to it for another reason. Four members of this commission are now serving the United States Government on salaries. There is a law now permitting men who are serving the Government on salaries and who are given extra work to do to receive a certain compensation in addition to their salaries. I do not think that this bill ought to set aside laws already on the statute book in any such way as is done by the second provision of this bill. Those are my objections to the bill. Those are the reasons I can not vote for it.

I say again, as I said at the beginning, that I think arbitration a wise way to settle this disturbance, and I think that the personnel of this commission is perhaps as good as could have been found by the President for this purpose. I believe that the American people desire a settlement of this unfortunate strike, but I also believe that the President and this commission, like all other people in this country, ought to be subject to law, and when we propose to give money to pay the salaries and expenses of this commission certain sums ought to be set apart for specific purposes and a lump sum ought not to be given. In other words, we should legalize this commission first, and pay each member of it a stated sum and the expenses of the body, and no one of them should be paid in violation of established law. I reserve the balance of my time.

Mr. LIVINGSTON rose.

The CHAIRMAN. The gentleman from Georgia.

Mr. CANNON. The gentleman from Missouri [Mr. BENTON], our colleague, has an hour.

Mr. BENTON. I stated that I reserved the balance of my time.

Mr. CANNON. Then I will take the floor and yield to the gentleman from Georgia [Mr. LIVINGSTON] if he desires.

Mr. LIVINGSTON. Just for a moment.

Mr. CANNON. How much time does the gentleman wish?

Mr. LIVINGSTON. Five or ten minutes.

Mr. BENTON. The gentleman from Georgia was not here when we opened. Of course he can have whatever time he wants.

Mr. LIVINGSTON. Mr. Chairman, I was unavoidably absent when the House opened.

Mr. CANNON. Mr. Chairman, does the gentleman from Missouri yield to his colleague, the gentleman from Georgia?

Mr. BENTON. I shall turn over my time to the gentleman from Georgia.

The CHAIRMAN. Does the gentleman from Georgia take the floor in his own right?

Mr. LIVINGSTON. Yes.

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. LIVINGSTON. Mr. Chairman, while some of the objections urged by the gentleman from Missouri [Mr. BENTON] may look plausible and under ordinary circumstances, perhaps, ought to have the attention of the House, I simply wish to say this, that under the circumstances I believe the repeal of the statute forbidding a person having two salaries to be pardonable, if not justifiable, and certainly the conditions of the country at the time justified the President in doing what he did without authority. Of course he had no law. Of course he had no authority to appoint this commission, but there was an emergency upon the country. It was a serious condition, and what he did he did with the best of motives, and I think that this side of the House had better stand by the bill and vote for it.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield for a question?

Mr. LIVINGSTON. Yes.

Mr. COCHRAN. The gentleman says he thinks that probably the statute prohibiting two salaries to be drawn by one person should be repealed for this purpose. Will the gentleman state his reasons for thinking there is such a probability?

Mr. LIVINGSTON. Yes. In answer to that question, Mr. Chairman, the duties to be performed by these three gentlemen on this commission who are receiving a salary at the hands of the Government are not only arduous and trying, but extraordinarily so. That is the reason why I think that in this instance we might just as well vote for this measure and let this be an exception to the rule. They are duties which every member on this floor, if he will think for just a moment, would not want to perform. They have to go down into those mines; they have to examine in detail everything there; they take their lives in their own hands when they do it. That is the reason why I would suggest in this instance this be granted. That is all.

Mr. SMITH of Kentucky. I would like to ask the gentleman from Georgia a question.

The CHAIRMAN. Does the gentleman yield?

Mr. LIVINGSTON. Yes.

Mr. SMITH of Kentucky. I would like to know what reason the gentleman from Georgia can give for Congress delegating an authority to the President to fix the salaries of the gentlemen who serve on this commission? We have plenty of time; we have nothing else to do, particularly just now at the beginning of the session. Why can not Congress go on and fix the exact pay that each of the members of this commission ought to receive?

Mr. LIVINGSTON. The answer to that question is simply this: That there is not a member on this floor who knows the amount of work and the kind of work in detail that these commissioners have to perform, and nobody can know it fully until the work has been completed. It has been left to the President for that reason, I presume.

Mr. SMITH of Kentucky. I will ask the gentleman if Congress has not the same means of ascertaining in detail the work that they do which the President has?

Mr. LIVINGSTON. I suppose Congress has; if we wait long enough to get it, we can get it.

Mr. SMITH of Kentucky. Would it not be judicious at least to wait until it can be known definitely exactly what has been rendered by these gentlemen on the commission?

Mr. LIVINGSTON. Why, Mr. Chairman, it would take months and months. This session would have passed away and the Fifty-eighth Congress would be in life; and then I do not know whether or not we could ascertain it satisfactorily to all on the floor of the House. One can see the difficulty in getting that kind of information and the difficulty in this House agreeing, if we ever get it, as to what ought to be done.

Mr. BARTLETT. Mr. Chairman, I would ask the gentleman if he will yield me five minutes.

The CHAIRMAN. Does the gentleman yield?

Mr. LIVINGSTON. In a moment I will, yes. Do I understand——

Mr. BARTLETT. I want to ask the gentleman a question.

Mr. LIVINGSTON. If I yield to the gentleman five minutes he can ask the question at that time.

Mr. BARTLETT. I shall not ask the gentleman to yield five minutes if I may be permitted to ask the question. Congress has already passed a law which provides for the settlement of strikes between employer and employees of railroads engaged in interstate-commerce business, and in passing that law has fixed the salaries of the arbitrators and provided for the payment of the expenses and how they should be paid.

Now, why not? Would it not be a good rule to follow to adopt the statute as to the amount of pay and the manner of paying both the salary and the expenses which Congress has already provided in case of arbitration between employers and employees upon the railroads engaged in interstate commerce?

Mr. LIVINGSTON. Mr. Chairman, I think I have answered that question. I will repeat my answer.

Mr. BARTLETT. I heard the gentleman's answer.

Mr. LIVINGSTON. The kind of work and the conditions and surroundings of this commission are perhaps different from any work that has ever been done by any commission, or by any set of men, for the Government, and for that reason perhaps the rule that the gentleman refers to would not be a liberal one in this instance.

Mr. BARTLETT. Does not the gentleman think $10 a day, exclusive of traveling expenses and hotel bills, would be sufficient pay for the gentlemen of this commission? This bill which establishes an arbitration law between railroad employer and employee provides for $10 a day. Does not the gentleman think that Judge Gray and these other gentlemen, who already draw five or six thousand dollars a year from the Government, if they get $10 a day and all their expenses in addition to that, would be

receiving sufficient compensation; and does not the gentleman think that Congress had better fix that now than to leave it to be determined by the President?

Mr. LIVINGSTON. Mr. Chairman, in the first place, there is no ten-dollar proposition before the House.

Mr. BARTLETT. I have an amendment which I propose to offer.

Mr. LIVINGSTON. That may be. It may come before the House; and when it comes, if I have an opportunity, I will express myself on it; but I want to ask the gentleman from Missouri [Mr. BENTON] a question. I understand that he yielded time to me. Is that correct, or am I speaking in my own right?

Mr. BENTON. I thought you were on my side of the case. [Laughter.]

Mr. LIVINGSTON. Then, Mr. Chairman, I yield to the gentleman from Alabama [Mr. UNDERWOOD] five minutes, and reserve the balance of my time.

Mr. UNDERWOOD. Mr. Chairman, I intend to vote for this bill, and, as I see there is some difference of opinion, I desire to have the RECORD show why I intend to vote for the bill.

At the time that this arbitration was first suggested I thought that possibly it was a dangerous proposition for the President of the United States to engage in, considering that he had no authority to enforce his desires in the settlement of this strike or the carrying on of this arbitration and that possibly he might bring a loss of prestige to his great office; but I desire to congratulate the President of the United States and the country on the fact that, notwithstanding the dangerous position in which he was placed, he succeeded in bringing about a settlement of the most dangerous and distressing strike that has ever occurred in the United States. [Applause on the Republican side.]

Now, Mr. Chairman, I do not see that there is any question of law involved in this case. I do not know that anyone contends that there was warrant of law behind the President's action. He did not so contend. I merely understand that the great mass of the people of the United States were desirous of having this strike settled, because on the one hand it was bringing distress to the homes of the laborers, and on the other hand it was bringing distress into the homes of thousands of the people of the North; and under those circumstances it was suggested that arbitration might produce the remedy desired.

Arbitration is not a question of law. Arbitration itself steps beyond the law, and the President, of course, was not resting on law when he asked these parties to come together and agree to an arbitration of their difficulties. He did not contend that he had the right of law when he asked that these gentlemen should act as arbitrators, should come in here and settle these differences. It was a mutual agreement between the contending parties.

There is no question of double salaries here. There is no question of salaries at all. Here are a number of gentlemen who voluntarily, at the request of the President of the United States, gave their time and their labor to the settling of a difficult problem. Now, the question before the Congress of the United States is not one of carrying out law. It is a question as to whether, when these men have rendered a great public service, we shall say to them, "You shall spend your time and your money and pay your own expenses in working for the public without compensation," or whether the great Government of the United States shall say, "You have done well, and we will not let you be at a personal loss." That is all there is in this bill, and therefore I think these gentlemen ought to be paid for their time and for their expenses. [Applause on the Republican side.]

Mr. LIVINGSTON. I yield five minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I do not rise for the purpose of asserting that the gentlemen engaged in the settlement of this anthracite coal strike should not be paid and liberally paid. I do not rise for the purpose of questioning the act of the President in appointing this commission, while I might do so with good reason. I think he acted as a patriotic American citizen, and I think he deserves the thanks of the American people for what he did in endeavoring to bring to an end that most disastrous state of affairs which existed when this commission was appointed.

I think that not only the President, but the great head of the labor organizations, John Mitchell, who aided him in bringing about a cessation of this strike, deserves the indorsement and approbation of the people of the United States; and I also believe that the men who fought so long to prevent a settlement, the coal operators—the coal barons—deserve the condemnation of the American people for what they did in delaying so long the settlement of the strike. But it is not just to the President, just to the American people whose money we spend, it is not just to ourselves, that we shall pass bills like this, indefinite in amount and not providing what shall be paid these men engaged in doing this work, and without fixing the amount, or a limit to it. Doubtless the President will do that which is proper, doubtless he will not pay them any more than they should receive; but it is the duty of Congress; and because it is the duty of Congress to see to it that the people's money is expended in a manner that they shall direct, I shall offer an amendment fixing the compensation to be paid.

Now, Congress already has had the matter of fixing the pay for arbitrators up before it. Congress, in 1898, passed a law, approved June 1, 1898, known as the "arbitration law," to arbitrate differences between employer and employee of the great railroads in the country engaged in interstate commerce. It provides how that shall be done. Of course, there was nothing in it to compel the arbitration of the differences between labor and capital; that could not be done. But it provided how the arbitration could be had, fixed how the arbitrators should be appointed, how they could carry on the business and determine the differences, how they could make an award, and how that award could be enforced in the United States courts, giving the sanctity and validity of a judgment of the courts; and that law, which most of us who were here then voted for—I believe it passed almost unanimously; I voted for it, and I believe almost everyone else did—that law provided for and fixed the compensation of the arbitrators.

Now, why may we not do the same? Is there anything so sacred about the body or personality of these gentlemen who constitute this arbitration board appointed by the President that the Congress of the United States may not say how much they shall receive? Are they above the Congress of the United States? Three of them already receive salaries from the Treasury of the United States—one as circuit court judge, one as the Commissioner of Labor, and one as a retired Army officer. Now, I think it is bad policy to repeal a law now upon the statute book, which provides that men shall not receive double pay for their services, and the legislative mind and bent has been against permitting that to be done. It ought not to be done.

The gentleman from Georgia, my colleague [Mr. LIVINGSTON], has served for years on a commission known as the Industrial Commission, and so have members of this House and the Senate, without a dollar's compensation. I do not ask that in this case, but I do think and insist, and shall offer an amendment at the proper time to that effect, that members of this commission shall receive a compensation of $10 per day for the time actually employed and their traveling and other necessary expenses, to be ascertained as now provided in this bill we are now considering. On this commission are Judge Gray, Mr. Wright, and General Wilson, who are already receiving salaries from the Government, and other distinguished and patriotic gentlemen. I think that they ought to be patriotic enough to be content with the same pay as would be paid to arbitrators who should settle the differences between railroad companies and their employees. It certainly is as large a salary as the ordinary American citizen would be content to receive—$10 a day and expenses—and I think we ought to fix it at that before the bill leaves the House.

Mr. LIVINGSTON. I yield five minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Chairman, the action of the President in reference to the great strike in Pennsylvania is not unprecedented. In several States, when great labor controversies have occurred, governors have acted similarly. This was recently done by the governor of Missouri. Such action on the part of an executive, State or National, can not be regarded as essentially official, and therefore no constitutional question is involved. It is natural, however, that the public should look to the Chief Executive for any aid within his power in matters so important, and altogether commendable when an effort is made to meet this just expectation.

Therefore the country approves the action of the President and commends him for securing a settlement of the Pennsylvania coal strike.

In my opinion few entertain the opinion that his action is to be regarded as something prescribed by the Constitution or laws or as in any sense official. He followed the example of governors, mayors, and eminent divines who, in similar situations, at divers times, have volunteered their services.

By the passage of this bill we merely approve of this unofficial action of the President, and signify the opinion that the matter involved is one so important, and the work of the commission one in which the whole country is so vitally interested, that it is right that the public Treasury should foot the bills.

I agree with my colleague [Mr. BENTON] that the bill is objectionable in form, and hope that he or some other member of the Appropriation Committee who agrees with me will give us an opportunity to vote for amendments prohibiting those members of the commission who are now in the public service from drawing two salaries, and at least subjecting them to the general statutes covering cases where extraordinary duties are imposed on the servants of the country.

The gentleman from Georgia says the duties of the commissioners are very arduous. Yes; and the salaries they are receiving are proportionately large. I do not believe their new duties are so oppressive that under the general statutes their compensation will not be all that they deserve.

For the President or any other executive officer to have at his disposal large sums of money to be expended according to his own personal discretion, paying such sums as he may see fit to his appointees, is a vicious practice, and one that sooner or later will lead to scandal and misfortune.

Therefore I do not believe it is a sound policy to make such appropriations. Recent history justifies this criticism, for under laws permitting this kind of expenditures we have seen a governor-general of Porto Rico living in the splendor of an Indian prince, with a Government yacht at his disposal, with a palace for a residence, and enjoying revenues three times as large as the salary of the Chief Justice of the United States. The same scandalous system has prevailed also in the Philippine Islands and in Cuba. I hope amendments will be offered covering these points, so that we may have an opportunity to vote upon a bill providing for payment of the expenses of the commission without lending seeming approval to the obnoxious features I have mentioned.

Mr. LIVINGSTON. I yield five minutes to the gentleman from Illinois [Mr. FEELY].

Mr. FEELY. Mr. Chairman, intending as I do to vote for this bill, I ask the indulgence of the House to make a few suggestions expressing my opinion upon it.

No one can gainsay the statement of the gentleman from Missouri [Mr. BENTON] that the President of the United States acted without express or implied authority under the Constitution in what he did; but it certainly was an extraordinary occasion; and if he did not have the mandate of the Constitution supporting him, he certainly had the mandate of the united public opinion of the people of the United States. Granted that he had no legal authority, the acts of the arbitration commission were not intended to have any legal sanction. But it remains for us by our action upon this bill to place the stamp of approval or ratification upon his action in constituting this commission.

For myself, I am in favor of liberal compensation for the arbitrators, and while I agree with the suggestion of the gentleman from Missouri that there ought to be a limit and determination upon that compensation fixed by this House, I will not be at all niggardly in insisting upon that limitation. I am satisfied for myself to leave to the integrity and the discretion that was able to pick out a commission of such a grand personnel the duty of determining what the compensation of the arbitrators should be.

It seems to me that all the people of the United States are interested in placing the formal and legal ratification of the action of Congress upon that act of the President of the United States. I think, Mr. Chairman, that representing, as I believe I do, a district that has in it more men who are affiliated with organized labor than any other district in the United States, I am voicing their sentiments when I say that I shall vote here upon this bill in favor of the ratification of the action of the President and in favor of recognizing the great ability of the arbitrators by voting them a respectable and decent compensation for their services given to the whole people of the United States.

I believe that out of the work of this commission and its report will come a new era in unionism, and that capital and labor will be brought more clearly to recognize the positions which they hold relatively to each other in society. It is with great pleasure that I state my intention to support this bill.

Mr. LIVINGSTON. I yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, it is admitted by some of my colleagues on this side of the House who oppose this bill that as an original proposition Congress could have created this commission. It is admitted that the President has committed no moral wrong, no criminal act, in this matter. The effect of this bill when enacted will be to ratify what you might term an unauthorized act; an act performed, not by the President (because not empowered as President to perform such an act), but by Mr. Roosevelt, because he was, when thus acting, President. As an individual he failed—but he implored the controlling spirit to intervene and stop the trouble and negotiate for at least peace and a suspension of bloodshed.

As a result, coal is being furnished the people, though in inadequate amounts; yet with winter on this is better than none. We have peace, no bloodshed, some coal, and peaceful negotiations pending.

The question being considered by this commission involves, in part at least, interstate commerce; hence Congress could have created this commission while the public is enjoying the fruits of the President's labors. On these grounds I shall support this bill.

Mr. Chairman, as a matter of public policy I am opposed to an officer receiving more than one salary, unless authorized by law, but who will for a moment say, for instance, that the duties of Judge Gray, as one of these commissioners, are not a thousandfold more arduous, laborious, far-reaching, and oppressive to him mentally and physically than the labor he performs when sitting on the woolsack with a salary of $5,000 a year.

So, while I demur to the proposition unauthorized by law, rather than that this bill should fail, I will support even that. These commissioners can not work for nothing. If they stop working, this "strike," this "controversy," this "crisis" may be reopened with horrible results.

Mr. Chairman, I want to go a little further. I want to show the governor of Pennsylvania is, in a great measure at least, to blame for this trouble. He has flagrantly failed to enforce the laws of Pennsylvania.

On October 13 last a distinguished Republican Senator, Mr. SPOONER, in a speech, in speaking of this anthracite trouble, said:

The coal combination is one, gentlemen, which exists in violation of the constitution of the State of Pennsylvania, which prohibits any railroad company from owning or operating coal mines. If that constitutional provision has not been enforced, it is not the fault of the Republican party in the United States; it is the fault of the Commonwealth of Pennsylvania.

"The Commonwealth of Pennsylvania." What did the Senator here mean? He meant the governor of Pennsylvania, if no more.

Mr. Chairman, I am willing here to rescue the people from the results of the delinquent acts of the governor of Pennsylvania, Mr. Stone, whose voice I have heard in defense of trusts and combinations on the floor of this House.

Here is this great Senator and gifted lawyer who denounces "the Commonwealth of Pennsylvania," which means the governor of that State, whose duty it is under oath to enforce the constitution and laws of that State, regardless of individuals. One of the main causes of this trouble has been the nonenforcement of this constitution that Governor Stone was sworn solemnly to uphold and enforce. He is at fault for not enforcing the antitrust laws of that great State.

The effect of this trouble has been felt all over this Republic. It is a fact that to-day in the city of Washington people with money to buy can not buy coal. It is a fact that yesterday we were heating this House with wood instead of coal, and why? It is not to be had, because of this trouble, in the main. But conditions could have been worse had not the President kindly and patriotically intervened, and we should in legal bounds stand by him.

[Here the hammer fell.]

Mr. LIVINGSTON. Mr. Cnairman, I yield five minutes to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Chairman, while I do not think the raising of this Commission was authorized by law, and while I thought, and still think, it operated to bring about political advantage, if not so intended at the time, yet it is conceded on all sides that the gentlemen contributing to the movement have performed a great public service; and although I am a partisan among partisans and, to my regret, seldom find anything good to commend in the action of the other side, yet I can not oppose the proposal for our Government to requite and indemnify those who have so signally promoted the public good.

I believe in arbitration as a remedy for strikes in all cases where this Government can constitutionally provide for arbitration. While arbitration can not make contracts, but must ordinarily confine its operation to construing contracts, yet Federal conditions, legislative and otherwise, often assume aspects analogous and equivalent to contractual status and both justify and demand adjustment of differences.

In addition to controversies arising in interstate commerce, which Congress has constitutional authority to control, where similar controversies arise in any enterprise in this country in which protection as a bounty or bonus granted by this Government is a controlling element in the profits, Federal arbitration should control and settle such disputes, because where a government creates a bounty, whether contributing directly from its own treasury or providing for its exaction from the people, it is a bounty provided by the government, and the government, without doubt being entitled to administer its own bounty, should see that there is a fair participation and division of the profits and benefits of its largess between capital and labor.

I believe, Mr. Chairman, that when the eminent gentlemen concerned entered upon this enterprise they knew it was not provided for by law. I do not believe that one of them charged a cent against the Treasury of the United States. On the contrary, I presume that each one of them stands willing to answer for his own responsibility and defray his own expenses, if provision be not otherwise made. But this great Government can not afford to ignore the fact and magnitude of the situation and leave to their own loss and expense the gentlemen who have embarked in this great and beneficent work.

Mr. LIVINGSTON. Mr. Chairman, I reserve the balance of my time.

Mr. CANNON. Mr. Chairman, I yield to the gentleman from Indiana [Mr. HEMENWAY] such time as he desires to consume.

Mr. HEMENWAY. Mr. Chairman, the cobwebs ought all to be brushed away from this controversy. Here was a great strike going on, the greatest in the history of the United States. People all over the country were being assessed to pay the cost of this strike, and in every mining district in the United States men who needed the money for the support of their own families were being assessed to support the strikers in Pennsylvania. There seemed to be no end to it. On the one hand Mr. Mitchell, on the side of labor, was contending for one proposition; on the other hand the railroads and operators were contending for another proposition. They could not be brought together. Great factories were being closed because there was no coal supply, and it looked as though distress were going to reach all over the country and industry be paralyzed. But in place of acting the part of some of my Democratic friends and talking about the matter, the President of the United States did as the Republican Presidents always do—he acted, and went to work to settle the strike. His action brought about this commission. A commission was appointed. Some of our friends on the other side seemed to think that the President ought to have hunted around for some men who would work for $10 a day and fix some price at which these men should perform the services they had to perform, but the President of the United States was not hunting for cheap men. He was hunting for the best men he could find to form a commission to settle the strike. The question of pay did not enter his mind for a moment. It was simply a question of finding men with brains and ability sufficient to handle this great strike which was in progress.

He found them, or at least he thought he found them, and appointed seven men, all of high character, all well known to the people of the United States. One of them was Carroll D. Wright, who happens to be in office now. Who could have selected a better man than Carroll D. Wright to aid in the settlement of this strike?

This commission was appointed. The whole country applauded the action of the President. Everybody in these United States was glad that the President had brought about a settlement of this strike. The miners went to work again, coal began to be produced again, and in place of disaster and factories shutting down we see prosperity continuing and everybody in the country happy except a few nine-by-ten politicians, and I am glad to know that there are very few of them in the United States who are sorry that the strike was settled at the time it was settled.

Now, it simply remains for the Congress of the United States to put the seal of its approval upon the action of the President. The people of the country have already put their seal of approval upon it, and everybody all over the country applauds the courage of Theodore Roosevelt in going to work to settle this strike as he did. There ought not to be any controversy here about the question whether a man shall have $2 a day, or $5 a day, or $25 a day. The President can settle that question, and I have no doubt, from the character of men who serve upon this commission, that the question will be settled properly, and that the Treasury of the United States will not be looted by these distinguished gentlemen who have been appointed on this commission. It is a question that ought not to be discussed here at this time. This House ought promptly, within the next thirty minutes, to pass this bill by a unanimous vote, and thus approve the patriotic and courageous action of Theodore Roosevelt in so promptly settling this great strike. [Applause.]

Mr. CORLISS. Before the gentleman takes his seat I wish to ask him a question. I desire to call his attention to the language of the bill. I am very heartily in favor of the bill, but I think it ought to provide that this commission shall complete its work. The language of the bill does not make it obligatory upon the commission to inquire into and ascertain all the facts and report the facts to Congress or to the President, whether a settlement is made or not, and I submit that the language of the bill leaves it in such a way that should the operators and the miners agree between themselves the commission would be powerless to go on and report the facts, and that this language would leave the commission without power, and that the people would be without the information that they should have in reference to this matter. The public are interested. I ask the gentleman if his attention has been called to the language of the bill?

Mr. HEMENWAY. I suggest to the gentleman that all these questions can be met in the future as we come to them. It is the duty of Congress now promptly to pass this bill, and to provide the means to pay the expenses of this commission in their work.

Mr. CORLISS. Do you not admit that the language of the bill does not require a report?

Mr. HEMENWAY. I want to say to the gentleman that if we go into all these details at this time, and undertake to look into the future and to ascertain all the questions that may arise in reference to this matter, we shall not reach any conclusion during this Congress.

Mr. CORLISS. Are not the committee willing that when Congress appropriates $50,000 it shall have a report from the commission?

Mr. HEMENWAY. Why, certainly, we shall have a report.

Mr. CORLISS. Then why not put it in the bill and provide that we shall have a report and some information upon the subject?

Mr. CANNON. I yield to the gentleman from Iowa [Mr. LACEY] five minutes.

Mr. LACEY. Mr. Chairman, this is no time to discuss the merits of the great coal strike. The fact remains that 147,000 workingmen laid down their tools and for more than five months remained out of employment. The further fact remains that during that time these men, after consuming the earnings that they had accumulated, were supported by their fellow-workmen in other parts of the United States. Let me say in behalf of those workingmen, in Iowa, at least, that they had contracts running until next April. They stood by their contracts and refused to go into a strike, but gave 10 per cent of their gross earnings to support their brethren who were engaged in this struggle in Pennsylvania. Coal rose in value, and yet these men continued under their annual contract to work at the same old price. It was an unfortunate affair, which deprived many families of adequate support for all those months. Demand was made in many quarters for an extra session of Congress. One party in a great State in the Union, in a political convention assembled, declared in favor of State socialism in the coal-mining business as a remedy for the strike.

Mr. FLEMING. Declared in favor of national ownership.

Mr. LACEY. Not only State ownership, but national ownership.

Mr. FLEMING. And that was worse still.

Mr. LACEY. That was socialism in its wildest form. In this acute situation the President of the United States did one of the boldest acts ever performed by a National Executive. He called together the contesting parties, called attention to the sufferings of the consumers, of the people who were not parties to this controversy, and asked the operators and miners to agree to an arbitration. The effort for a time was unsuccessful.

But arbitration followed later on. In a tactful way success was brought about, and the arbitration is now going on. Congress would have unhesitatingly, if in session at the time, have made provision for the expenses of such an arbitration. Now, when it has come together, it is fitting that the first act of the session should be a recognition and approval of the President's action in this matter. So, Mr. Chairman, I am glad to see there seems to be no politics in this House upon this question, and that fairly and honestly both sides are ready to back up the Executive in this wise performance of duty on his part. I do not mean his official duty, for he only acted in an unofficial way, but a duty cast upon him in the great position to which the American people called him, and I trust that even my friend from Missouri [Mr. BENTON] on the Democratic side, who has spoken against this bill, will yield to the views of his colleagues, so that we may have a unanimous vote in favor of this measure. The adjustment of so great a question by arbitration marks an epoch in our industrial history. It should be treated as above and beyond party politics.

Mr. CANNON. I reserve my time.

Mr. LIVINGSTON. I yield ten minutes to the gentleman from New Jersey [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Chairman, the question of the amount to be paid to the arbitration commission is of little consequence when it is considered in its relation to the great interests involved. It is hardly worth while spending a moment upon it; but I want to suggest to the committee that reported this bill that it has gone but a single step, and that in the most inefficient direction. The commission was not appointed by the President of the United States acting as such. It was appointed by the incumbent of the office of President and receives its dignity because of the high station of the gentleman who made the appointment.

During the closing hours of the last session of this House there was under debate a bill, reported by the Labor Committee, which provided that wherever there existed or was threatened a difference between labor and capital affecting interstate commerce the President of these United States should have the right to appoint a commission; that on the part of the employers there should be suggested one, that on the part of the employees there should be suggested another, and accepting these two as members of the commission, the President should add five. That commission was to be given power. Your commission to-day is absolutely without power. It is a commission of suggestion by the

President, and in the performance of all its duties it is merely a commission of suggestion.

That bill provided that the power of the courts of this country should be used, that process should issue, that the men appointed to arbitrate, or rather to investigate, should have power to obtain the information necessary to present to the great forum of public opinion their views concerning the differences between capital and labor. That bill was reported unanimously by the Labor Committee. It was drawn in the light of the then threatened extension of a strike that had been in existence for six weeks, and in advocating it I said on the floor of this House that unless power was given to intervene and present to the people of this country the truth of the then existing differences in the State of Pennsylvania, the people of Washington would shiver during the coming winter. That bill is now on the Calendar of this House and its provisions are as follows:

A bill (H. R. 15157) to authorize the appointment of boards of investigation and arbitration, and to define their powers and duties.

Be it enacted, etc., That whenever the President of the United States shall be informed, by petition or otherwise, that there exists in any State or States of the United States a dispute between any employer and employees engaged in any business affecting commerce between the States, it shall be lawful for him, if he shall deem such action necessary and expedient, to appoint a board of investigation and arbitration to investigate the matters in difference between such employer and employees, and to make report thereon. The report of such board shall be made to the President, and shall be accompanied by the evidence taken during such investigation, and shall (together with all other things which the board, or any member thereof, may decide to report) include full statements upon the following points, namely:

First. A comprehensive account of the matters in dispute between the parties concerned.

Second. An account, in detail, of the wages offered to such employees, and of the cost of living in the locality in which they reside.

Third. If the employer is a corporation, a statement of its funded and floating debt, stock (authorized, and issued and outstanding), assets, surplus, profits during the five years immediately preceding such investigation, dividends earned or paid, a true valuation of the tangible property of the corporation (which shall, when practicable, be based upon the cost of reproduction), and the value of all franchises owned or controlled by such corporation.

Fourth. The opinion of each member of the board upon the justice of the demands and claims made by each party to the dispute, and the recommendation of each member of the proper course to be pursued by each party.

The existence of each board shall terminate with the filing of its final report upon the matter referred to it.

SEC. 2. That each board of investigation and arbitration shall be composed of seven members. If an employer concerned in such dispute shall designate a person whom he desires appointed to such board, the President shall appoint the person so designated. If the employees shall (either by the action of a majority of them, taken at a meeting or meetings called for that purpose, or through the officers of any labor organization of which a majority of such employees are members) designate a person whom they desire appointed to such board, the President shall appoint the person so designated. Such designation shall be made only upon request made by the President. If either or both parties to any dispute shall not, when requested so to do, designate a person to be appointed to such board, the President shall fill the vacancy caused by such failure to designate. Each of the members of such board shall, before entering upon his duties, take and subscribe to an oath or affirmation that he will faithfully and impartially examine the matters in dispute and make report in accordance with the provisions of this act, which oaths or affirmations shall be annexed to the report of such board.

SEC. 3. That each board shall hold its first meeting at such time and place as shall be designated by the President, and shall determine the rules of its proceedings and appoint such officers and agents as may be necessary for the transaction of its business. It shall be lawful for any district court of the United States, upon application for that purpose made by the chairman or any member of such board, to issue process to compel the attendance of witnesses to give evidence and the production of books and papers before such board. Disobedience to such process shall be adjudged a contempt of the court issuing the same. The board shall summon as a witness any person whose testimony is desired by any member of the board, and each party to any dispute shall be entitled to be represented by counsel, who may examine witnesses and present printed arguments under such rules as may be made by the board. Witnesses shall be entitled to the same fees that are provided for witnesses attending a district court of the United States.

SEC. 4. That each board shall conclude the taking of testimony within twenty days after its first meeting and shall report to the President within five days after the testimony is closed: *Provided*, That the President may extend the time within which testimony may be taken upon application of said board.

SEC. 5. That if after the appointment of such board the parties to any dispute between employer and employees shall desire to end such dispute by arbitration it shall be lawful for them to submit all matters in difference to the arbitration of such board, which submission shall be made under such rules as may be adopted by the board. Upon the submission of any matter in dispute, as authorized by this section, the board shall consider the testimony offered by the parties and shall give judgment upon all matters submitted. Each side to any dispute thus submitted shall be represented by counsel, and a copy of the findings of the board shall be served upon the counsel of the respective parties within ten days after the closing of testimony. A report of all proceedings had under this section shall be made to the President.

SEC. 6. That oaths and affirmations shall be administered by the chairman or clerk of the board, and any person who shall testify falsely shall be deemed guilty of perjury. The term "employer," as used in this act, shall be held to include "employers," "association," "company," and "corporation" as fully as if each of said terms had been herein expressed in each place where the term "employer" is used.

The President suggested that certain gentlemen should make a certain investigation. That was right. It is undoubtedly proper that we should recognize the public aspect of that investigation—recognize the public relation of the duties to be performed on the suggestion of the President and compensate the gentlemen; but if we are going to do it on the ground that a great service may possibly be rendered, why not go a step further? What does your commission amount to? They have not the power to ask a single question of the officers of the Philadelphia and Reading Railroad and demand an answer. They have not the right to examine a book of any coal company in Pennsylvania. They have not the right to demand of the leaders of the other side that they produce evidence.

What is their arbitration worth? They have no power to act officially. Arbitration is as nothing unless you can make it a rule of court or otherwise enforce it. A agrees with B to settle their private differences by arbitration. Unless you can give their agreement force from entry in judicial records that arbitration amounts to nothing. This arbitration is what? It has reached a position that the arbitrators want the disputants to get together and relieve the arbitrators. Why? Because they can not ask a question with any force back of the asking; because they can not examine a document unless it is submitted by the grace of one of the parties.

I suggest to the committee this proposition. We are to pay $50,000—and it matters very little whether it is $50,000 or $200,000, because right here in the city of Washington that strike has cost very nearly half a million of dollars to the people and to those who are engaged in businesses that demand the consumption of large quantities of coal. I suggest that if you are about to spend $50,000 to reward these gentlemen for their patriotic services in accepting the invitation of the President to make a scrutiny of the affairs of Pennsylvania you go a step further and give them power to find the facts and then direct them to report those facts to the President of the United States. Then we will know the truth about the matter.

Let it be a board of investigation. To call it a board of arbitration is nonsense. To call it a board of arbitration is nonsense; to call it a court of arbitration is to make the word court ridiculous, because it is a court that can not enforce its judgment, that can not even find out the truth. It seems to me it is pressing upon us to make the appropriation, and I think it ought to be liberally made; but it is also pressing on us to go a step further than the President of the United States went, and provide a commission that shall have the power to investigate and then have the duty to make a report under which the people of this country can understand the truth of the conditions in Pennsylvania. [Applause.]

Mr. CANNON. Mr. Chairman, I introduced this bill on Monday. It was referred to the Committee on Appropriations, and properly so. It carries an appropriation for the purpose specified in the bill. I think the bill ought to pass as it is, without amendment. Gentlemen have talked as to how this body of eminent gentlemen got together. We all understand how it happened. The country understands it. It did not get together at once; it was not appointed at once. There was no law authorizing it; that is true. The President, or the man who holds the executive office, in the emergency tendered his good offices to bring these people together so that work could begin. Gentlemen will recollect that at first they did not wish the suggestion of the President, and then all over the country there arose a tidal wave of sentiment. It came rolling in; it increased in size, and then they did agree.

Gentlemen say that there is no constitutional power in the possession of the President; that it is without law and without authority, and therefore without approval. Well, after all, I sometimes think that when there arises a just and righteous public sentiment over a great country, a sentiment which pervades 80,000,000 people, that perhaps for that express purpose it is larger than the Constitution or the statute might be under other conditions. We were all glad of it. These men accepted service. One of them is a judge—Judge Gray. The others are John M. Wilson, a retired Army officer; Bishop John L. Spaulding, E. W. Parker, D. E. Clark, Thomas Watkins, and Carroll D. Wright. Some of them are in civil life and some of them hold official positions. Then there are two deputy assistant recorders, Mr. Moseley and Mr. Neal.

Now, they are performing their duties to-day not by virtue of a statutory provision, but they are performing them by agreement between the parties interested, the coal operators on the one part and the miners on the other part, and in pursuance of a universal public sentiment which pervades the country. Now, one of the commission, Carroll D. Wright, writes a letter and transmits this bill, presumably by authority, and I will put his letter in the RECORD. They make a draft of this bill and transmit it. I take the bill exactly as they send it and introduce it and the committee reports it. The gentleman from New Jersey [Mr. MCDERMOTT] says that there was a bill pending at the last Congress to provide for arbitration or arbitrators in cases like this or similar to this, providing for compensation, giving power to send for witnesses, calling the courts in to issue process for witnesses so they could be compelled to come and testify.

That legislation is not now pending, or at least was not enacted,

but this commission is performing its functions, called into existence by the request of the two contending forces, and up to this time the commission has not made complaint that it is not making headway. It may be that there is wisdom in the House, wisdom in the Senate, with the President, acting as a legislative body, to create and put in shape a law for legal arbitration. This proceeding, however, is voluntary; it follows our old-fashioned idea of arbitration. It may be that there is a power by legislation to provide that awards when made shall be enforced by the courts against the operators and against the miners, but no such legislation has been enacted.

I am not here to express an opinion about that. I am not here to say that such legislation, if we should enact it, would be desirable or undesirable. I am not here to say that it might not be apt, if the commission desired it, that power to issue process be given to the commission or power to call upon a court to issue process. But that has not been asked. It has not so far been indicated as necessary. Congress is in session. It will remain in session until the 4th of March next, and these gentlemen only ask us now, or suggest to us, that we make suitable compensation for their clerical force and such compensation as in the judgment of Congress should be given themselves for their services.

Nor can you very well tell just how much that compensation should be. We all hoped a few days ago that the labors of this commission would be dispensed with by a voluntary agreement between the contending parties, in which the rights of the public to the supply of this necessary article would incidentally be cared for; but, judging from the public prints, that seems, if it is to come about at all, to be some time in the future.

How long this commission is to continue to perform its duty in investigating and making the award which was provided for by agreement between these parties it is impossible to tell. It may be the 1st of January; it may be the 4th of March. In the meantime production goes on, and I have no doubt they will make all convenient speed. Sometimes great haste is not speed.

Now, if it becomes necessary to have legislation along the line that the gentleman suggests, then the committee of which he is a member, having jurisdiction thereof, can report a general bill, and it can be considered. And I make the same remark to the gentleman from Michigan. It seems to me that if we now meet the suggestions that are made to us, we go as far as it is necessary to go now, because many of us are lawyers, or used to be; many are great lawyers; but if in providing this money now asked we pause to settle by legislation all questions that might arise in the minds of partisans or of statesmen, it would be after the 4th of March before we would have arrived at a settlement.

In my judgment, at least, and in that of a majority of the committee reporting this bill, it is fitting to pass the bill as reported, which is substantially, in fact, in hæc verba, the bill that was forwarded to us by the recorder of this commission, a member of the commission.

I am quite willing to trust to the President. Some civilians from civil life might receive more pay from the Treasury than some officials who are on the commission. The President can take that matter into consideration.

Somebody says that there is no precedent for this action. Why, sir, we are full of precedents. I call the attention of the gentleman from Iowa to the fact that the isthmian canal bill provides for a commission, leaving it to the discretion of the President to fix the salaries of the commissioners. So I could give many other instances. The bill providing for the deep-waterway commission provided for compensation for the officials to make a survey over and above their regular salaries. The same thing may be said with reference to the United States and Mexican boundary survey. So in the case of the Eleventh Census—the census of 1890—the work was transferred to the Department of Labor; and the gentleman at the head of that department drew his salary as an officer of that department and also drew half as much as the Commissioner of the Census had been drawing for several years by provision of law.

There is nothing extraordinary about this; there is nothing dangerous about it. I trust that all the committees of the House will not seek to exhaust their jurisdiction by amending this little bill, which is now needed. We will take care of the other matters when it is necessary to take care of them, and under the rules of the House in the ordinary way.

Now, Mr. Chairman, I ask that general debate may be closed.

The following is the letter referred to by Mr. CANNON:

ANTHRACITE COAL STRIKE COMMISSION,
Washington, D. C., November 24, 1902.

Hon. JOSEPH G. CANNON, M. C.,
Chairman Committee on Appropriations,
House of Representatives, Washington, D. C.

DEAR SIR: I hand you herewith a bill in the form of a joint resolution for the payment of the expenses and compensation of the Anthracite Coal Strike Commission, appointed by the President of the United States at the request of certain coal operators and miners. The propriety of such a joint resolution has been considered by the commission, and I am authorized to recommend it to the consideration of your committee and the House.

The necessary expenses attending a proper performance of the duty imposed upon us, while not large in view of the work to be done, are nevertheless of such moment as to be beyond the power of the members to defray, and the character of the work to be done is such as to justify its designation as a public service, to be properly provided for by the Congress. The amount appropriated should be such as fairly to cover the expenses and personal sacrifices of those employed in this duty. Of course, it does not necessarily follow that the amount named will be exhausted, but so much of it as may be needed for the purpose, under the direction of the President, will be economically applied in the manner stated.

I am, very respectfully,

CARROLL D. WRIGHT, *Recorder.*

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that general debate be now closed. Is there objection?

Mr. CORLISS. Just a moment. I ask the gentleman from Illinois to yield to me ten minutes. I wish to discuss this matter, and prefer not to do so under the five-minute rule.

Mr. CANNON. I ask, then, that general debate be closed in ten minutes.

Mr. HAY. I object.

Mr. McDERMOTT. I wish to ask the gentleman from Illinois [Mr. CANNON] a question.

Mr. CANNON. Certainly.

Mr. McDERMOTT. Does the gentleman understand that under the provisions of this bill these commissioners will owe any duty to the United States Government?

Mr. CANNON. I understand that the commission as constituted, as has been explained, is proceeding to perform its functions at the request of the contending parties, and it owes a duty not only to the contending parties, but the highest kind of duty to all the people to patiently inquire by virtue of the agreement and when they have inquired to come to a conclusion.

Mr. McDERMOTT. I trust the gentleman from Illinois does not misapprehend the trend of my question. I understand they owe a duty to all humanity. Do they owe any official duty now, or will they owe any official duty after we have passed this bill, to the Government of the United States of America?

Mr. CANNON. Does the gentleman mean by which they could be mandamused or punished for contempt?

Mr. McDERMOTT. Or held liable for nonperformance or misperformance.

Mr. CANNON. There has been no refusal thus far. They have not asked for process, and we can not frame a bill that may wander about in the head of the gentleman from New Jersey and every other statesman who is interested in these questions in time enough for the purposes of this commission, in the meantime withholding the money to pay the ordinary expenses of the commission.

Mr. McDERMOTT. I understand, then, that the gentleman from Illinois admits that no member of this commission has any relation to the Government which is about to appropriate $50,000 to pay for it.

Mr. CANNON. It is not necessary for me to deny or admit. The gentleman understands the situation quite as well as I do. I approve of the commission; I approve of the agreement; I approve of the action of Theodore Roosevelt, who now is President; and as long as he continues to act as well as he did in this and in other matters, I hope he will be President a long time. [Applause on the Republican side.] Now, let us be practical and pay these men. Somebody ought to pay them. It may be that we might take up a subscription from eminent citizens. I think that is not necessary. I believe the public sentiment of the people of the United States will justify this appropriation, and so believing, and believing it ought to be made, I reported the bill.

Now, Mr. Chairman, I ask unanimous consent that general debate be closed in ten minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that general debate be closed in ten minutes. Is there objection. [After a pause.] The Chair hears none, and it is so ordered.

Mr. CANNON. I now yield ten minutes to the gentleman from Michigan [Mr. CORLISS].

Mr. CORLISS. Mr. Chairman, I desire to commend most heartily the action of the President in this great crisis. I appreciate as much as any other man the importance of it. There are four parties interested in this controversy—the miners, the operators, the railways and transportation companies hauling the product, and last, but not least, the public at large. The latter interest justified the President in assuming to act in the manner he did, and he has the unanimous approval of our people for his conduct. The commission, created without authority of law, composed of great and good men, should have some authority to act intelligently and effectively for the people.

My friend from Illinois, the chairman of the committee, says let us give them the money that they want. I say give them the money and as much more if they want it, but let them give in

return, as they are evidently willing to do, some information upon which the public can rely, not only in this difficulty, but in any other that may arise in the future. We are appropriating money that belongs to the people. They will unanimously uphold the expenditure of the money, but every citizen is interested to know the facts. The truth and the right must be ascertained. The right or the wrong is not all on one side of the controversy. There are interests involved, and the controversy must be settled, and I hope wisely and effectively and in a judicial manner; but the public have a right to know the facts upon which the commission base their conclusions—what they recommend from the investigation of the facts; and I want to offer an amendment to the bill which certainly will do no harm and which will give the public information. I am confident that the President and the commission would prefer when they have completed their investigations and conclusions that the public know the facts. Publicity, in my judgment, is necessary. I ask the Clerk to read the amendment in my time. It is very short. It covers the whole subject, and I hope the committee in the interests of the people will accept it.

The Clerk read as follows:

Amend by adding to line 14, page 2, the following: "Said commission is hereby empowered to summon and examine witnesses and make a full investigation, in accordance with the recommendation of the President, and shall make a report of the facts and their findings thereon to Congress."

Mr. CORLISS. I am trying to clothe this commission with power to act effectively and wisely for the public welfare. Are you not willing to give them power to summon witnesses and examine them? Are you not willing to give them power to ascertain the facts and report on them? Are you going just to give them some money and then leave them powerless? Suppose the parties to the controversy get together and settle. Suppose the miners and operators conclude they do not want to fight any more. What could the commission do? They must come back to Congress if they are going to get any facts upon which to report. Why not look into the future a little? Why not cast our searchlight upon coming events and disclose the dangers that surround our people? These difficulties are liable to occur again. We are all human. Let us know what caused the strike and the differences between the parties. Let us have the facts. They will be valuable and enable us to avoid such dangers in the future. We want knowledge. We want a disclosure of the truth. We want no concealment by agreement. We want a revelation under the sunlight of noonday. In that way we shall get the truth. Then the people will uphold the expenditure of this money. They will rejoice in the act of the President. I desire to appeal to the committee to accept this amendment, and to give the people the benefit of the investigation and report on the facts.

Mr. CANNON. I ask for the reading of the bill.

The CHAIRMAN. The gentleman from Illinois asks for the reading of the bill.

The Clerk read the bill.

Mr. CANNON, Mr. CORLISS, and Mr. GAINES of Tennessee addressed the Chair.

Mr. CORLISS. Mr. Chairman, I desire to offer the amendment which was read.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. CANNON. I was going to move that the committee rise; but if the gentleman desires to offer an amendment, that is his right.

Mr. CORLISS. I just want to go through the form of offering the amendment and having it voted upon. I will ask the Clerk to read my amendment again.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amend by adding to line 14, page 2, the following:
"Said commission are hereby empowered to summon and examine witnesses, to make a full investigation in accordance with the recommendation of the President, and shall make a report of the facts and their findings thereon to Congress."

Mr. CANNON. Does the gentleman desire to say anything?

Mr. CORLISS. Not at present. I reserve my time.

Mr. CANNON. I should be glad if the gentleman would not press that amendment. No doubt it would be followed by others and we should be engaged in legislation that we are not properly prepared for. The truth is this commission is proceeding under agreement between the parties, and I suppose the parties are in honor bound, if not legally bound, to abide by the award of the commission. I do not want to commence to legislate here in the dark without any suggestion that would give anybody a moral excuse to throw up his hands and say, "We will quit." We have gotten along wonderfully well. Everybody is at work and coal is being produced. If legislation should be necessary in the future, let us consider it after full examination by the proper committee.

Mr. GAINES of Tennessee. Will the gentleman yield for a question?

Mr. CANNON. Yes.

Mr. GAINES of Tennessee. Could not this commission, as the matter now stands, take their report and put it in the pockets of the parties to the controversy—the laborers on one side and the coal trusts and railroads on the other—and the public never get the benefit of it?

Mr. CANNON. Oh, my friend——

Mr. GAINES of Tennessee. Now, can they not do that?

Mr. CANNON. My friend, who never, never, never, under any condition, fails to put his light outside of the half bushel, may have an idea that he monopolizes all that kind of thing, but there is no trouble about the public getting full information.

Mr. GAINES of Tennessee. Mr. Chairman, I should like to have the distinguished gentleman, who has a "half bushel" of brains on his shoulders, give me an answer to my question.

Mr. CANNON. I mean that there is no trouble about this report.

Mr. GAINES of Tennessee. Could not the gentlemen put it in their pockets and take it home and keep it away from the public?

Mr. CANNON. Ask me something easy, something that is probable. Ask me whether the world is coming to an end next month.

Mr. GAINES of Tennessee. I think it will, if the Republicans stay in power in Pennsylvania.

Mr. CANNON. Oh, how cheap that is for a man who comes from Tennessee.

Mr. GAINES of Tennessee. I mean just what I say.

Mr. CANNON. I am not in the habit of reflecting upon any State. I suspect that things have happened in Pennsylvania, in her coal fields, that we all deplore; but while they have happened there, fourfold worse than any record in Pennsylvania is the record in the gentleman's own State.

Mr. GAINES of Tennessee. The gentleman does not state the fact. Mr. Chairman, the gentleman does not state the facts. His statement is gratuitous and unwarranted. The governor of Tennessee has not been criticised by Senator SPOONER or anyone for not enforcing the constitution of Tennessee. The governor of the State has not done anything in contravention of the constitution. He has vigorously upheld the laws of Tennessee in their strength and dignity.

Mr. CANNON. I rather hope and believe that the level-headed people of Tennessee, upon this matter, would ask to be relieved from the remarks of the gentleman touching labor outrages. [Applause on the Republican side.] Now I ask for a vote on the amendment.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Michigan.

The question was taken; and the amendment was rejected.

Mr. BARTLETT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend by striking out on page 2, line 2, the words "As may be fixed by the President," and insert after the word "recorders" the following: "each member of said commission shall receive a compensation of $10 per day for the time he is actually employed and his traveling and other necessary expenses."

Mr. BARTLETT. Mr. Chairman, I gave notice that I intended to offer that amendment, and the precedent for the amendment, and for the amount which is fixed in the amendment, has been taken from a law now on the statute books of the United States, a law which passed in 1898, I believe introduced by the present occupant of the chair, and almost if not quite unanimously adopted by the House, providing for the arbitration of differences between employers and employees who are engaged in interstate railroad business. This act to which I call attention was approved June 1, 1898. It is to be found in the United States Statutes at Large, volume 30, pages 424 to 429. It is a very wholesome statute, one that I think this Congress ought to recognize with reference to the disputes between employers and employees in all matters when the business is one affecting interstate commerce. I think if this statute had been so made heretofore as to express that this ought to be done with reference to the coal operations of the country, that the coal strike would have been ended and the Presinent would not have been called upon to do that most commendable thing which he did, as an American citizen, exercising the power of the Government and his great position to bring these parties to a position where the strike could be settled.

Now, Congress in providing for the compensation of such arbitrators as might be used, in the statute provided that the arbitrators, only three in number, are to be compensated, to be paid the sum fixed in this amendment. I am not particularly wedded

to the sum of $10 and all expenses, although that is a reasonable compensation. It is more compensation than any member of Congress receives—$10 a day and all expenses, both hotel bills and traveling expenses. I do not think it is an effort to get cheap men, as suggested by the distinguished gentleman from Indiana, or that the President ought to be expected to go and hunt cheap men, as suggested, but there are good and patriotic men who are to be obtained for that compensation. Why, the chairman of this commission, Justice Gray, of Delaware, when he leaves his circuit to go off and hold court in any other circuit, or on the court of appeals, receives $10 a day extra compensation. This is fixed by Congress. I say I am not wedded to the particular amount, although it is sufficient, amply sufficient; but what I do think and do insist is that Congress itself should fix this compensation in the bill and not leave it unsettled and undisposed of.

Mr. CANNON. A word, and then I am ready for a vote.

Mr. GAINES of Tennessee. I have an amendment that I offered this morning.

The CHAIRMAN. The question is upon the amendment now pending, offered by the gentleman from Georgia, and the Chair has recognized the gentleman from Illinois.

Mr. CANNON. This, at best, is but a temporary commission. It is not like the Canal Commission, that is to run through years, where the President fixes the salary. The gentleman's provision would be entirely inequitable. There is Bishop Spalding, on the one hand, and others of these commissioners that are drawing no salaries from the Government. Here is Justice Gray, who is drawing a salary; here is Carroll D. Wright, drawing a much smaller salary, and so on. Without very considerable examination and careful provision the matter can not be fixed by the House equitably. I trust for this temporary commission, under all the conditions, that we can find it in our minds to trust the President to do equitably about this matter. I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

Mr. GAINES of Tennessee. Mr. Chairman, I now offer the amendment which I send to the Clerk's desk and which has already been read for the information of the committee.

The Clerk again read the amendment offered by Mr. GAINES of Tennessee.

Mr. CANNON. Mr. Chairman, I make the point of order that this amendment is not germane. The bill provides money for the payment of a commission which has been described here several times. Efforts have been made to amend it. The committee has rejected various amendments that have been proposed, and wisely so, in my judgment. This is entering on a revision of the tariff. What else may be roaming around in my friend's head I do not know—whether it will go to bituminous coal or the whole tariff schedule, I can not say. [Laughter.] Evidently, Mr. Chairman, it is not germane, and as I want to provide for the payment of this commission I am compelled to make the point of order, and if the point of order is sustained it will still leave the matter in the amendment penned up in the brain of the gentleman from Tennessee.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to be heard on the point of order. It will be seen, Mr. Chairman, that this whole bill is based upon a project being carried out by the President. He appointed these commissioners, and he is now, in effect, asking Congress to pay for this, his machinery by which he is undertaking to settle this anthracite coal-strike controversy, find its "causes," and look into the whole "controversy." Let us see if this commission is not empowered to report that the 67 cents duty on anthracite coal is not one of the "causes" of this "controversy."

Take the body of this bill and see if the amendment which I have offered is not germane, because the effect of it will be to aid this commission in arriving at one of the "causes" which that commission is directed by the President to ascertain:

Be it enacted, etc., That the sum of $50,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the payment of such expenses as have been, or may be, incurred by the Anthracite Coal Strike Commission in the performance of its duties, such commission having been appointed by the President—

To do what?—

to "inquire into, consider, and pass upon the questions in controversy in connection with the strike in the anthracite region and the causes out of which the controversy arose."

My amendment is to put not "all coals," but anthracite coal only, on the free list in fact and law.

The President in unmistakable language recommends, in my judgment, that the tariff on anthracite coal shall be removed, because one of the "causes" and to cure this "crisis." He says:

In my judgment the tariff on anthracite coal should be removed and anthracite put actually, where it now is nominally, on the free list. This would have no effect at all save in crises; but in crises it might be of service to the people.

Now, to meet a "crisis," Mr. Chairman, to meet the "crisis" in the "anthracite" region, to meet the "crisis" in the "anthracite" mining business, to meet the "crisis" in the "anthracite" coal business in the State of Pennsylvania, and find out the cause or causes of the same, this commission is in existence to-day, and by the President's dicta as an individual, of course. This commission is called upon to inquire into the "causes" of this "crisis" in the "anthracite region."

It is contended by some of the ablest men of this country that one of the "causes" of this "crisis" is the tariff on "anthracite" coal, and the most remarkable surgical operation, Mr. Chairman, was performed when that tariff of 67 cents a ton was placed in the Dingley tariff bill.

I digress a moment to explain how this law operates. All anthracite coal within the United States has less than 92 per cent of fixed carbon in it. All anthracite coal outside of the United States has less than 92 per cent of fixed carbon in it. The law so operates that in order for coal to get in "free" it must have at least 92 per cent of fixed carbon in it, when there is no such coal, as I am informed. This law is to be found in two separate and distinct paragraphs in the tariff act of June 24, 1897—one, section 415, and the other section 523. They read as follows:

415. Coal, bituminous, and all coals containing less than 92 per cent of fixed carbon, and shale, 67 cents per ton of 28 bushels, 80 pounds to the bushel; coal slack or culm, such as will pass through a half-inch screen, 15 cents per ton of 28 bushels, 80 pounds to the bushel.

523. Coal, anthracite, not specially provided for in this act, and coal stores of American vessels, but none shall be unloaded.

Paragraph 523 is found in the "free list," and hence all anthracite is ostensibly "free," but having less than 92 per cent carbon is taxable by paragraph 415.

Now, the coal operators referred to in this bill are backed up by this tariff. They are sheltering themselves underneath it. It is one of the "causes" of this "controversy." Therefore the President, with his keen intellect and sharp pen, says, "Remove this tariff," and between the lines he says it is one of the "causes" of the present "crisis in the anthracite region," which this commission was created to consider, and for the payment of its expenses this bill is to be passed and approved by the President himself.

Is not this amendment and this bill on the same subject, and will not this amendment, if made law, help this commission along this hard road to travel? It is germane because it aims at the interstate coal-region crisis or trouble, and appertains to one of the causes of that trouble, behind which, as I say, the coal operators lurk and stand there, like great giants, fighting the labor unions on the other side.

This is a proposition, Mr. Chairman, to appropriate money to do exactly the thing that the repeal of this 67-cent tariff on a ton of anthracite coal would aim at and aid in doing. One is to find the "causes" of the trouble and the other is to remove one of the "causes."

You can not possibly separate the crisis that exists in the industry of the coal regions—the very thing that this bill is called upon to appropriate money to eliminate and to inquire into the cause of; not only the cause of the strike, but the "causes" of the "controversy in the anthracite coal region"—I say, Mr. Chairman, it is impossible to separate the tariff on anthracite coal from the very purpose for which this money is to be appropriated. This appropriation is for the purpose of creating a machine, as it may be called, to ascertain the causes of the existing trouble, and this anthracite coal tariff is one of the causes, as we contend.

Now, Mr. Chairman, I have not been able to investigate to find whether or not there is any Congressional decision in favor of the position I now take. The distinguished son of North Carolina and adopted son of Illinois [Mr. CANNON] makes a point of order against this propitious, beneficent, and, may I not say, patriotic proposition. It stands indorsed by the President, and Mr. Secretary Moody has declared that this tax "was smuggled into the tariff bill in a sneaking and cowardly way and ought to be at once repealed." Let me read his language.

The CHAIRMAN. The Chair must inform the gentleman that that question has nothing to do with the question of order.

Mr. GAINES of Tennessee. I will confine myself entirely to the question. The object of the rule now invoked is purely technical—to protect the House from being imposed upon in the conduct of its business; to prevent "cowardly and sneaking" legislation. Now, nobody can be imposed upon in this matter. We all agree that this tax on anthracite coal should be repealed. The Republicans claim that it was inserted in the tariff bill without anyone understanding the effect of it, although it imposes great hardships upon the people of this country.

Now, when my distinguished friend from Illinois makes a point of order against my proposition, and therewith, in effect, defend-

vice and repels virtue—shutting out the American people, who to-day, in this city and elsewhere, are shivering with cold, from receiving the relief which this proposition would give——

The CHAIRMAN. The gentleman from Tennessee will understand the distinction between the discussion of the point of order now pending and a speech upon the subject of the suffering in Washington.

Mr. GAINES of Tennessee. I understand that. Mr. Chairman, if this proposition is subject to a point of order, then I appeal to the members of this House, regardless of party, to break through this technical rule and give the shivering people of this city and country relief from this trouble which has been brought about by legislation knowingly or ignorantly adopted by Congress.

The CHAIRMAN. The bill under consideration provides a simple appropriation of $50,000 to pay, under the direction of the President, the expenses of a certain commission heretofore appointed by him to "inquire into, consider, and pass upon the questions in controversy in connection with the strike in the anthracite coal region, and the causes out of which the controversy arose."

The gentleman from Tennessee [Mr. GAINES] moves to amend the bill by adding a clause repealing the duty upon anthracite coal. The Chair takes it for granted that if there were here a proposition to investigate, through the Medical Department of the Army, the cause of a contagious disease it would hardly be claimed to be germane to appropriate, in connection with that provision, money to build ships and quarantine stations and light-houses and to regulate and control the coming into the country of persons afflicted with contagious diseases.

One is a question of inquiry as to the cause of a difficulty; the other is the matter of providing a remedy for a trouble which is understood to exist, and upon which it is expected that this commission will at some time report. The house is asked to assume that the commission will report that the tax on anthracite coal is one of the causes of the strike.

In the opinion of the Chair, it would be quite as germane to provide a great many other remedies for the causes that may be reported to exist as for the House to assume what the report of that commission will be, and thereupon to proceed by appropriation of money, or by repeal of some existing statutes, or by the enacting of some other statute to provide against the contingencies that may be reported in that measure. The proposition is distinct in every particular from the bill here pending.

The Chair will cite to the House two decisions which have been made upon questions, in the opinion of the Chair, analogous in principle to that under consideration. The first will be found by reference to page 1097 of the book on parliamentary procedure, by Mr. Hinds; the gentleman from Georgia [Mr. LESTER], now a member of this House, made the following ruling as chairman of the Committee of the Whole:

The paragraph to which this amendment is offered proposes to appropriate money for the building of a mint in the city of Philadelphia. The amendment deals with the general question of the coinage of money. It occurs to the Chair that the amendment is obnoxious to paragraph 7, Rule XVI, because it is not germane to the subject under consideration.

And the amendment was ruled out on a point of order.

There was a proposition to build a mint, and the amendment proposed was to supply some business for the mint after it should be erected. Later on Speaker Crisp, in the Fifty-second Congress, made the following rule:

To a proposition for the coinage of the silver bullion in the Treasury an amendment providing, among other things, for the deposit of silver bullion in the Treasury in exchange for certificates was offered and held not to be germane.

The policy has been under all circumstances to distinguish and keep separate the provisions of a bill which by no means depend upon each other or which relate to the same subject-matter. In this case the Chair is of opinion that the proposition to repeal a clause in the existing tariff law is wholly an independent question, a question that may arise with equal propriety upon any economic question which may be presented in the House and any question of national policy relating to taxation or anything else. But the policy of the House having been to separate and keep distinct the several matters of legislation, the Chair is compelled to sustain the point of order.

Mr. GAINES of Tennessee. Will the Chair pardon me a moment? I ask unanimous consent to have it inserted in the bill.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that his amendment may be introduced into the bill. Is there objection?

Mr. CANNON. I object.

The CHAIRMAN. Objection is made by the gentleman from Illinois.

Mr. GRIFFITH. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend by adding after the word "commission," in line 1, page 2, the following words, to wit: "including Hon. John Mitchell, representative of the United Mine Workers' Union."

Mr. CANNON. Mr. Chairman, I—no, I will not make the point of order. I would ask the gentleman if he is going to include other attorneys also?

Mr. GRIFFITH. No. Mr. Chairman, I offer this amendment in good faith. I am going to vote for this measure, with or without the amendment. I approve of the conduct of the President in bringing together the representatives of the two contending parties. I likewise approve his conduct in the appointment of this commission. I believe, though, that as much has been done toward bringing about the approaching of a final settlement of this matter by John Mitchell as any other one human being. This has been done not in his capacity as president, not in his capacity as attorney, but in his capacity as a representative of the great interests of the mine workers. It is a great interest. He has rendered incalculable service, not only to the mine workers, but to the public at large in the settlement of this question; and while I believe this legislation is proper, I believe that owing to the part he has contributed toward bringing about an amicable settlement and solution of the matter he should be recognized by the payment of a sum for his services, to be fixed by the President. It is not now as an attorney, nor even as president of the United Mine Workers' Association, but as a public representative. At all times he has acted in a spirit of arbitration, in a spirit of compromise, and his course has been wise, prudent, and conciliatory, and but for the suggestions which he has made we would be much farther from the solution of the question than we are to-day.

Mr. CANNON. Mr. Chairman, John Mitchell is from my own State, and as a citizen of that State I am proud to claim him as a fellow-citizen—a man of good ability, a coal miner in the beginning. He has performed, in my judgment, a great service. He represents one of the great parties to this great contest, and he is big enough and broad enough and has common sense and patriotism enough not to appreciate that amendment. The law knows not the great, the small, the rich, or the poor. It would be quite as germane to offer to pay the salaries of the other parties to this contest, and when I ask the committee to vote this down I will assume to represent my fellow-citizen from Illinois, John Mitchell, and state that he does not and would not appreciate such cheap-john propositions from anybody. [Applause and laughter on the Republican side.]

Mr. GRIFFITH. Mr. Chairman, just a word. It is not my habit to indulge in a cheap-john proposition. I notice, though, that the same gentlemen, many of them, who now applaud the statement of the gentleman from Illinois, received this amendment with derision and treated it lightly when the name of John Mitchell was mentioned, as though Mr. Mitchell was a paid attorney or something of that kind. While I am not the representative of Mr. John Mitchell, I want it to go upon record that his services in this matter ought to be appreciated. If a fair settlement of this controversy is reached it will be by the intelligent, manly, and wise influence exerted by Mr. Mitchell, and to no one, not even excepting the President of the United States, will more credit be due.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Indiana [Mr. GRIFFITH].

The amendment was rejected.

Mr. SMITH of Kentucky. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Amend by striking out all thereof from and after the word "compensation," in line 11, on page 1 of the printed bill, down to and including the word "twenty-eight," in line 8, page 2, thereof.

Mr. CANNON. Let us see what the amendment is.

The words proposed to be stricken out were read by the Clerk, as follows:

Of the seven members of said commission, its employees, and the two assistant recorders as may be fixed by the President, such compensation to be paid notwithstanding the provisions of sections 1763, 1764, and 1765 of the Revised Statutes, or section 3 of the act of June 20, 1874, chapter 328.

Mr. SMITH of Kentucky. Mr. Chairman, I desire very briefly to say that no man accords more credit to this commission for the service that it is rendering to the country than I do, but I apprehend that the question of compensation will have but little to do with the net result of its services to the people of the United States. As a general principle to guide me in legislative work I will say that I do not believe in the duplication of salaries and compensation to public officials. It is contrary to what has been

the general policy of the Congress of the United States from time immemorial.

While there may have been exceptions, those exceptions, as the old adage goes, but prove the existence of the general rule. I believe it is wrong in principle to pay a man two salaries. I believe in paying him liberally for performing any public service that he may render, but I believe that the compensation attached to the offices or positions held by the three members of this commission, who are now drawing salaries from the Federal Treasury, is sufficient to pay them for their services. I may add that if this amendment is adopted it is my purpose to offer another amendment fixing the compensation of the unofficial members of the commission and the recorders. I believe it to be wise legislation to incorporate this amendment in the bill.

Mr. CANNON. Mr. Chairman, I hope the amendment will be voted down, and I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Kentucky [Mr. SMITH].

The amendment was rejected.

On motion of Mr. CANNON, the committee rose; and the Speaker having resumed the chair, Mr. GROSVENOR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission, appointed by the President of the United States at the request of certain coal operators and miners, and had directed him to report the same back to the House without amendment and with the recommendation that the same do pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

ADJOURNMENT UNTIL FRIDAY NEXT.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourn to-day it adjourn to meet on Friday next.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendment to the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery; disagreed to by the House of Representatives; had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FORAKER, Mr. PROCTOR, and Mr. COCKRELL as the conferees on the part of the Senate.

CONFEREE ON THE ANARCHY BILL.

The SPEAKER. The Chair desires to announce that Mr. George W. Ray, one of the conferees on the bill (S. 3653) known as the anarchy bill, having resigned, there is a vacancy upon the conference committee. The Chair appoints on that conference committee Mr. JENKINS, of Wisconsin.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, on motion of Mr. WILLIAM W. KITCHIN, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Edward Henry, Fifty-sixth Congress, no adverse report having been made thereon.

And then, on motion of Mr. PAYNE (at 2 o'clock and 34 minutes p. m.), the House, in accordance with the order previously made, adjourned until Friday, December 5, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting his annual report for the fiscal year ended June 30, 1902—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Hawaii submitting an estimate of appropriation for Territorial expenses—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for protection of mail matter in public buildings—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting response to the inquiry of the House as to the purchase of land by nonresidents in Cuba—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting report of the Maritime Canal Company of Nicaragua—to the Committee on Interstate and Foreign Commerce.

A letter from the Chief of Engineers of the Army, submitting report of operations on the new building for the Government Printing Office—to the Committee on Printing, and ordered to be printed.

A letter from the Doorkeeper of the House, submitting a statement of the sale of waste paper—to the Committee on Accounts, and ordered to be printed.

A letter from the Board of Managers of the National Home for Disabled Volunteer Soldiers, transmitting the report for the fiscal year ended June 30, 1902—what refers to appropriations to the Committee on Appropriations; remainder to Committee on Military Affairs, and ordered to be printed.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. MERCER, from the Committee on Public Buildings and Grounds, to which was referred the resolution of the House (H. Res. 225) requesting the Secretary of the Treasury to transmit to the House copies of all contracts entered into relating to the Chicago post-office building, reported the same adversely, accompanied by a report (No. 2752); which said resolution and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 15412) granting an increase of pension to Rinehart A. Bausman; and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HENRY of Connecticut: A bill (H. R. 15505) for the free transport of books printed in raised characters for the use of the blind—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLESON: A bill (H. R. 15506) to amend section 14 of an act entitled "An act to divide the State of Texas into four judicial districts"—to the Committee on the Judiciary.

By Mr. CONRY: A bill (H. R. 15507) to authorize the Secretary of the Navy to exercise a discretion in certain cases—to the Committee on Naval Affairs.

By Mr. BATES: A bill (H. R. 15508) granting to the rural free-delivery carriers an annual leave of absence of not to exceed fifteen days with pay—to the Committee on the Post-Office and Post-Roads.

By Mr. POWERS of Massachusetts: A bill (H. R. 15509) to repeal the law providing for the sale of timber and stone lands, the desert-land law, and the commutation provisions of the homestead law—to the Committee on the Public Lands.

By Mr. COOPER of Wisconsin: A bill (H. R. 15510) to promote the efficiency of the Philippine constabulary, to establish the rank and pay of its commanding officers, and for other purposes—to the Committee on Insular Affairs.

By Mr. JACKSON of Kansas: A bill (H. R. 15511) for the purchase of a site and erection of a building thereon at Winfield, Kans.—to the Committee on Public Buildings and Grounds.

By Mr. WILEY: A bill (H. R. 15512) to divest out of the United States all of its right, title, and interest of, in, and to certain real estate situated at and near the city of Montgomery, State of Alabama, and to vest the same in the Southern Cotton Oil Company, Bessie R. Maultsby, James S. Pinckard, trustee; M. V. B. Chase, and Edwin Ferris—to the Committee on the Judiciary.

By Mr. HOPKINS: A bill (H. R. 15513) to increase the limit of cost for the purchase of site and the erection of a public building at Dekalb, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. GILLETT of Massachusetts: A bill (H. R. 15514) to extend and regulate the liability of certain classes of employers to make compensation for personal injuries suffered by employees in their service—to the Committee on the District of Columbia.

Also, a bill (H. R. 15515) granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment—to the Committee on the Judiciary.

By Mr. RIXEY (by request): A bill (H. R. 15516) to develop

the agricultural resources of the Mississippi Valley—to the Committee on Agriculture.

By Mr. STEPHENS of Texas: A bill (H. R. 15517) to amend section 14 of an act entitled "An act to divide the State of Texas into four judicial districts," approved March 11, 1902—to the Committee on the Judiciary.

By Mr. THOMPSON: A bill (H. R. 15518) to amend the Bowman Act, volume 22, Statutes at Large, page 485—to the Committee on War Claims.

By Mr. WEEKS: A bill (H. R. 15519) to prevent the manufacture or sale for transportation from one State into another State of certain machines to be used for purposes of gaming—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: A bill (H. R. 15520) to establish a standard of value and to provide for a coinage system in the Philippine Islands—to the Committee on Insular Affairs.

By Mr. DAVIS of Florida: A bill (H. R. 15521) to increase the limit of cost of the public building at Gainesville, Fla.—to the Committee on Public Buildings and Grounds.

By Mr. BULL: A bill (H. R. 15522) providing for the promotion of warrant officers in the Navy—to the Committee on Naval Affairs.

By Mr. BELL (by request): A bill (H. R. 15523) providing for an increase in the number of pharmacists in the Navy—to the Committee on Naval Affairs.

By Mr. WANGER: A bill (H. R. 15592) to enlarge the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. ELLIOTT: A joint resolution (H. J. Res. 218) providing for a survey and report as to the feasibility of connecting the waters of the Santee and Cooper rivers, in the State of South Carolina, for the purposes of navigation—to the Committee on Rivers and Harbors.

By Mr. MORRELL: A joint resolution (H. J. Res. 219) proposing an appropriation of the sum of $500,000 for the rehabilitation of agriculturists in the Philippine Islands—to the Committee on Appropriations.

By Mr. BULL: A resolution (H. Res. 341) for the appointment of additional folders during the present session—to the Committee on Accounts.

By Mr. WM. ALDEN SMITH: A resolution (H. Res. 342) requesting the Secretary of State to furnish the House of Representatives the circumstances which resulted in the death of William A. Fitzgerald, an American citizen, in the city of Guatemala, South America—to the Committee on Foreign Affairs.

By Mr. STEELE: A resolution (H. Res. 343) providing for printing 500 additional copies of Report of Board of Managers of the National Home for Disabled Volunteer Soldiers, etc.—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ACHESON: A bill (H. R. 15524) granting a pension to George W. Robb—to the Committee on Invalid Pensions.

By Mr. BABCOCK: A bill (H. R. 15525) granting an increase of pension to Alexander J. Hood—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 15526) granting an increase of pension to David W. Davison—to the Committee on Invalid Pensions.

By Mr. BURKETT: A bill (H. R. 15527) granting an increase of pension to L. H. Ashton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15528) granting an increase of pension to J. C. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15529) granting an increase of pension to J. O. Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15530) granting an increase of pension to John W. Snowden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15531) granting an increase of pension to Edmund N. Melton—to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 15532) granting an increase of pension to Charles Shugart—to the Committee on Invalid Pensions.

By Mr. CROWLEY: A bill (H. R. 15533) granting an increase of pension to William H. France—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15534) granting an increase of pension to Sarah J. Ford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15535) granting an increase of pension to Milton Kibler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15536) granting an increase of pension to Peter F. Polk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15537) granting an increase of pension to James Breeze—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15538) granting an increase of pension to William H. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15539) granting an increase of pension to Thomas W. Dodge—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 15540) to correct the military record of Thomas Riley—to the Committee on Military Affairs.

By Mr. CURTIS: A bill (H. R. 15541) granting an increase of pension to Albert G. Cluck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15542) granting an increase of pension to Dennis Dunn—to the Committee on Pensions.

Also, a bill (H. R. 15543) granting an increase of pension to George Brown—to the Committee on Pensions.

By Mr. DWIGHT: A bill (H. R. 15544) granting an increase of pension to C. W. Chargo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15545) granting an increase of pension to Jerusha H. Wiles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15546) granting an increase of pension to Nathan Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15547) to remove the charge of desertion from the military record of Samuel Gordon—to the Committee on Military Affairs.

Also, a bill (H. R. 15548) granting a pension to Catharine A. Osborn—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 15549) granting an increase of pension to John Wright—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 15550) granting a pension to Mary A. Hinkle—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 15551) granting an increase of pension to M. A. Shelton—to the Committee on Invalid Pensions.

By Mr. FOX: A bill (H. R. 15552) granting an increase of pension to Capt. Thomas B. Franks—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 15553) granting an increase of pension to Mathew H. Bevan—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 15554) for the relief of John D. Myers—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 15555) granting an increase of pension to Edwin H. Atwood—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 15556) for the relief of the estate of John M. Miller, deceased, late of Rockingham County, Va.—to the Committee on War Claims.

By Mr. HEMENWAY: A bill (H. R. 15557) granting a pension to Mary Ettie Osborn—to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 15558) granting an increase of pension to David A. Baldwin—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 15559) granting a pension to Emma Dean Powell—to the Committee on Invalid Pensions.

By Mr. JOY: A bill (H. R. 15560) for the relief of the contractor, or his legal representatives, for the construction of the light-draft monitor Etlah—to the Committee on War Claims.

By Mr. PUGSLEY: A bill (H. R. 15561) to remove the charge of desertion against the military record of John S. Boyd and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. POWERS of Massachusetts: A bill (H. R. 15562) granting an increase of pension to Samuel Niles Dickerman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15563) for the relief of Charles F. Wood—to the Committee on Claims.

By Mr. PEARRE: A bill (H. R. 15564) granting a pension to Andrew Strube—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15565) granting an increase of pension to C. H. Remington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15566) granting an increase of pension to David Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15567) granting an increase of pension to John Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15568) to remove the charge of desertion from the record of David Smith—to the Committee on Military tary Affairs.

By Mr. RYAN: A bill (H. R. 15569) granting an increase of pension to John Gary, alias John Adams—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 15570) granting an increase of pension to Samuel Parmley—to the Committee on Pensions.

By Mr. ROBERTS: A bill (H. R. 15571) granting an increase

of pension to John Macfarlane—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 15572) granting a pension to Charles W. Bracken—to the Committee on Pensions.

Also, a bill (H. R. 15573) granting a pension to Cynthia Thomas—to the Committee on Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 15574) granting an increase of pension to Sarah A. Robinson—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 15575) granting a pension to Lorenzo Buck—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 15576) for the relief of William H. Thedford—to the Committee on Military Affairs.

By Mr. STEVENS of Minnesota: A bill (H. R. 15577) granting an increase of pension to Francis W. Seeley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15578) granting a pension to Sarah E. Tripp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15579) granting a pension to Augusta Albrecht—to the Committee on Invalid Pensions.

By Mr. SCHIRM: A bill (H. R. 15580) for the relief of Louisa Lindenstruth—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 15581) granting an increase of pension to Luther May—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 15582) granting an increase of pension to William A. Cover—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 15583) granting a pension to Mary Bell—to the Committee on Pensions.

Also, a bill (H. R. 15584) granting a pension to George M. Horton—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 15585) granting an increase of pension to Solomon S. Shaner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15586) for the relief George Rushberger—to the Committee on Claims.

By Mr. LESSLER: A bill (H. R. 15587) granting an increase of pension to Eliza Flynn—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 15588) granting an increase of pension to Samuel S. Smith—to the Committee on Pensions.

By Mr. LAWRENCE: A bill (H. R. 15589) granting an increase of pension to Robert F. McCurdy—to the Committee on Invalid Pensions.

By Mr. McCLELLAN: A bill (H. R. 15590) granting an increase of pension to Bridget Stevens—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 15591) granting an increase of pension to Elizabeth J. Murphy—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BATES: Affidavit to accompany House bill granting an increase of pension to David W. Davison—to the Committee on Invalid Pensions.

By Mr. BURGESS: Petition of Kathinka P. M. Sichel, of Galveston, Tex., for a pension—to the Committee on Invalid Pensions.

By Mr. BURKETT: Papers to accompany House bill granting a pension to S. H. King—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 15527, for the relief of T. H. Ashton—to the Committee on Invalid Pensions.

By Mr. BURLESON: Petition of members of the bar of Austin, Tex., relating to holding sessions of the United States courts in the western district of Texas—to the Committee on the Judiciary.

By Mr. CANNON: Petition of ex-Union soldiers of Kankakee, Ill., and vicinity, favoring the enactment of a graded service pension bill—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 15540, relating to the correction of the military record of Thomas Riley—to the Committee on Military Affairs.

By Mr. DARRAGH: Papers to accompany House bill 15471, granting an increase of pension to William G. Cronkite—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: Papers to accompany claim for increase of pension of M. A. Shelton—to the Committee on Invalid Pensions.

By Mr. DEEMER: Petitions of retail druggists of Wellsboro, Galeton, Arnot, Lock Haven, Loganton, and Coudersport, Pa., for a reduction of the tax on alcohol to 70 cents per proof gallon—to the Committee on Ways and Means.

By Mr. DWIGHT: Papers to accompany House bill 15547, to correct the military record of Samuel Gordon—to the Committee on Military Affairs.

Also, papers to accompany House bill 15548, granting a pension to Catharine A. Osborn—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: Paper to accompany House bill 15553, for increase of pension of Matthew H. Bevan—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 15572, granting a pension to Cynthia Thomas—to the Committee on Pensions.

By Mr. HAY: Petition of Jacob Lickliter, of Shenandoah County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Abraham H. Barbee, of Shenandoah County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. HILL: Letter of Carrie B. Hatch to accompany House bill granting an increase of pension to C. G. Hatch—to the Committee on Invalid Pensions.

By Mr. HOPKINS: Papers to accompany House bill 15559, granting a pension to Emma Dean Powell—to the Committee on Invalid Pensions.

By Mr. HOWELL: Petitions of Screwmakers' Union of Elizabeth, N. J., and Brotherhood of Railroad Trainmen of Trenton, N. J., favoring increase of letter carriers' pay—to the Committee on the Post-Office and Post-Roads.

Also, petition of Home Missionary Society of the Presbyterian Church of Metuchen, N. J., favoring antipolygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. JOY: Memorial of citizens of the Twelfth Congressional district of Missouri, in relation to the contested election case of George C. R. Wagoner *v.* James J. Butler—to the Committee on Elections No. 2.

By Mr. MAHONEY: Petition of Robert Alexander, of Chicago, Ill., for reimbursement of private funds expended in the service of the country in 1863 and 1864—to the Committee on Claims.

By Mr. McCALL: Petition of members of the Grand Army of the Republic in Massachusetts, asking that a hearing be granted in the case of Joseph H. Burrows, of Boston, Mass., upon his cause of complaint against the War Department of the United States—to the Committee on Military Affairs.

By Mr. PUGSLEY: Petitions of retail druggists of Dobbs Ferry and New Rochelle, N. Y., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolutions of Yonker's Branch No. 39, National Steam and Hot Water Fitters of America, indorsing the proposed eight-hour law—to the Committee on Labor.

Also, resolutions of the Manufacturers' Association of New York, favoring an educational qualification for immigrants as embodied in House bill 12199—to the Committee on Immigration and Naturalization.

By Mr. ROBB: Petition of L. W. Pritchett, of St. Francis County, Mo., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROBERTS: Paper to accompany House bill 15571, granting an increase of pension to John Macfarlane—to the Committee on Invalid Pensions.

By Mr. RYAN: Resolutions of the Buffalo Lumber Exchange, of Buffalo, N. Y., favoring bill to grant permission to the Mather Power Bridge Company to erect experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT: Resolutions of the Commercial Club of Kansas City, Mo., favoring the admission to Statehood of the Territories of Oklahoma, Arizona, and New Mexico—to the Committee on the Territories.

By Mr. STEVENS of Minnesota: Petition of Acker Post, Grand Army of the Republic, St. Paul, Minn., to accompany claim for pension of Miss Martha Acker—to the Committee on Invalid Pensions.

Also, resolutions of St. Paul Chamber of Commerce, in favor of organizing Alaska into a Territory of the United States—to the Committee on the Territories.

Also, resolutions of St. Paul Chamber of Commerce, in favor of improving the Ohio and Mississippi rivers from Pittsburg to New Orleans—to the Committee on Rivers and Harbors.

Also, petition of several citizens of St. Paul, Minn., and the Commercial Club of Duluth, Minn., favoring the appointment of a tariff commission—to the Committee on Ways and Means.

By Mr. WILLIAMS of Illinois: Petition and papers of William A. Cover, of Johnson County, Ill., for increase of pension—to the Committee on Invalid Pensions.

By Mr. YOUNG: Petition of C. H. Elliott and other citizens of Philadelphia, Pa., for the enactment of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

SENATE.

THURSDAY, *December 4, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

Mr. WILLIAM J. DEBOE, a Senator from the State of Kentucky, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

HEIRS OF SILAS BURKE.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of James T. Porter, Nannie M. Porter, Lillie F. Porter, Fannie Porter Marks, sole heirs of Silas Burke, deceased, *v.* The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law, filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel sloop *Polly*, William D. Wilson, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law, filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel schooner *Hattie*, William Manson, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law, filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel ship *Rainbow*, William Smith, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 15372) to provide for the payment and compensation of the Anthracite Coal Strike Commission, appointed by the President of the United States at the request of certain coal operators and miners; in which it requested the concurrence of the Senate.

The message also announced that the Speaker of the House had appointed Mr. JENKINS as one of the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (S. 3653) for the protection of the President of the United States and for other purposes, Mr. George W. Ray having resigned.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Merchants and Manufacturers' Board of Trade, of New York, N. Y., praying for the appointment of an additional United States district judge for the southern district of New York; which was referred to the Committee on the Judiciary.

He also presented a petition of the Manufacturers' Association of New York, N. Y., and a petition of the board of trustees of the Chamber of Commerce of Albany, N. Y., praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented a petition of the Manufacturers' Association of Jamestown, N. Y., praying for the appointment of a permanent tariff commission; which was referred to the Committee on Finance.

Mr. QUARLES presented a petition of the Madison Presbytery, of Madison, Wis., praying for the enactment of legislation to provide for the establishment of a laboratory for the study of the criminal, pauper, and defective classes; which was referred to the Committee on the Judiciary.

He also presented a petition of the Associated Charities of Milwaukee, Wis., praying for the enactment of legislation to provide an educational test for immigrants to this country; which was ordered to lie on the table.

Mr. KEAN presented a petition of sundry citizens of Hackettstown, Danville, and Beatyestown, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. PROCTOR presented a petition of the Reunion Society of Vermont Officers, of Vermont, praying for the enactment of legislation to commission Bvt. Maj. Gen. William F. Smith a major general in the Regular Army, with the emoluments of a retired officer of that rank; which was referred to the Committee on Military Affairs.

Mr. MCCOMAS presented a petition of the Board of Trade of Baltimore, Md., praying for the passage of the so-called Ray bankruptcy bill; which was referred to the Committee on Finance.

He also presented a petition of Lafayette Council, No. 106, Junior Order United American Mechanics, of Baltimore, Md., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

Mr. FRYE presented a petition of the Reunion Society of Vermont Officers, of the State of Vermont, praying that Gen. W. F. Smith be raised to the rank of major-general of the Regular Army; which was referred to the Committee on Military Affairs.

ADMISSION OF OKLAHOMA AND INDIAN TERRITORIES.

Mr. BEVERIDGE. Mr. President, I rise to an inquiry. Under the first call is a communication which it is desired shall be laid before the Senate in order. It is in the nature of a memorial.

The PRESIDENT pro tempore. It is in order.

Mr. BEVERIDGE. I present a telegram, and ask that it be read and referred to the Committee on Territories.

The PRESIDENT pro tempore. Is there objection to the reading of the telegram?

There being no objection, the memorial was read, and referred to the Committee on Territories, as follows:

[Telegram.]

OKLAHOMA CITY, O. T., *December 3, 1902.*

Senator ALBERT J. BEVERIDGE,
United States Senate, Washington, D. C.:

At the nonpartisan interterritorial single statehood convention held here to-day, participated in by delegates representing every section of Oklahoma and Indian Territories, the following resolutions were unanimously adopted:

"We, the people of Oklahoma and Indian Territory, in convention assembled, confident that organic union is our manifest destiny, again proclaim to the Congress that we favor the creation of a single State out of the area now embraced within both these Territories, and we offer the following reasons in support of our position:

"First. Neither Territory alone has sufficient area for separate statehood—Oklahoma's area is 39,000 square miles; that of the Indian Territory, only 31,000 square miles. The average area of the States and Territories west of the Mississippi is more than 100,000 square miles, while that of Texas, our next-door neighbor, is 265,000. Our combined area will make a State less than 70 per cent of the size of the average Western State, while taken separately we will be the two Rhode Islands of the West.

"Second. The resources of the two Territories complement each other. Oklahoma is almost wholly agricultural, while the Indian Territory is richly endowed with mineral wealth, and the combination will make a State of unsurpassed variety and abundance of natural resources.

"Third. Single statehood insures larger taxable values and consequently lower taxation.

"Fourth. Single statehood eliminates a crooked, wandering, and fantastic boundary line, which now divides the two Territories.

"Fifth. Single statehood confirms and cements a social fellowship already established by interterritorial organizations of the Methodist Episcopal Church South, the Methodist Episcopal Church, the Episcopal Church, the Presbyterian Church, the Catholic Church, the Federation of Women's Clubs, and the Masonic and other fraternities.

"Sixth. Single statehood confirms and cements a business fellowship already established by interterritorial organizations of the cotton-seed oil manufacturers, the lumber dealers, the ice manufacturers, the grain dealers, the flour manufacturers, and other business organizations.

"Seventh. Single statehood, finally, insures a State which will quickly take high rank in this Union, and which we can bequeath to our posterity with pride and satisfaction.

"We are opposed to the passage of either the omnibus or the Moon bill, because their enactment into law means either double statehood or single statehood long deferred, and accomplished, if at all, by the attachment process. We oppose the attachment process because it is not necessary for the Territories, being ready for immediate statehood; because it is unfair to the Indian Territory to deprive its people of all participation in the constitutional convention and the framing of the laws and from a voice in the location of our public institutions. We oppose the attachment process for the further reason that its effect will tend to create a sectional line of cleavage in the State which might not be obliterated for generations.

"We think we are entitled to immediate statehood:

"First. Because it is a right guaranteed us by the treaty with France at the time of the Louisiana purchase.

"Second. Because it is a right that Congress ought not to deny to a million free and intelligent citizens.

"Third. Because both Territories are ready for statehood.

"Fourth. Because Congress has the legal right to grant statehood not only to Oklahoma but also to the Indian Territory (Thomas *v.* Gay, 169 U. S., 264).

"Fifth. Because both Territories have the necessary population, each having about 500,000, 90 per cent of whom are American citizens.

"Sixth. Because both Territories have the soil, resources, and climate to sustain this population and insure large and steady increase.

"Seventh. Because both have sufficient taxable property to support a State government without excessive taxation.

"Eighth. Because the work of the Dawes Commission has been so nearly completed as to no longer interfere with immediate statehood; that commission has concluded treaties with all the Indian tribes, providing for the allotment in severalty of their lands, and authorizing the sale of all except the homestead. These allotments will probably be completed by the time a State government can be organized. The lands of the Creek and Seminole nations have all been allotted.

"In the Cherokee, Choctaw, and Chickasaw nations the lands have all been

surveyed and classified, and the work of allotment is now simply clerical and should be completed within twelve months. After allotment these lands are subject to taxation excepting the homesteads, which aggregate less than 25 per cent of the total. The mineral and asphalt lands of the Choctaw and Chickasaw nations are to be sold by the Secretary of the Interior, and as soon as sold will of course be taxable. It therefore is beyond controversy that the work of the Dawes Commission no longer interferes with statehood, and that there is an abundance of taxable property.

"Ninth. Congress can reserve such power over Indian affairs as it desires, and statehood will in no way interfere with the free action of the Interior Department in carrying out all the treaties between the Government and the several tribes. In this opinion we are supported by a recent holding of Judge Hosea Townsend, of the southern district of the Indian Territory.

"We favor the creation of a school fund for the Indian Territory. Congress is bound by precedent and principle to do this. It can be done by purchasing a portion of the coal lands which are already ordered sold by the existing treaties, or, if Congress prefer, it can purchase the excess lands of the Choctaws and Chickasaws, made subject to sale by the recent treaties, and donate these to the States for school purposes. In this connection we call the attention of Congress to the fact that Congress has heretofore uniformly donated school lands to new States. In Oklahoma these school lands were bought from the Indians, and we now simply ask Congress to follow that precedent in creating the last State to be organized out of the Louisiana purchase.

"The foregoing resolutions express our firm conviction relative to the situation, but if Congress is doubtful about our being prepared for immediate statehood, then we ask that the boundaries of Oklahoma be extended around the Indian Territory and that another Delegate be provided for, who shall be selected from the area now embraced within that Territory.

"It is in accordance with the spirit of American institutions that the people that are to constitute a State should be consulted relative to its boundaries, and if Congress has any doubt about the desire of the people of these Territories for single statehood, then we request that Congress submit that issue to the people of both Territories at a special election called for that purpose alone.

"Finally, and emphatically, we assert that the statehood question is not one of politics, but that it is a business, social, and economic question, in which our people are most profoundly interested, even unto the remotest generation, and we do most solemnly protest against any settlement of this question based on political advantage, partisan greed, or local selfishness."

J. T. TAYLOR, *Chairman.*
R. E. STAFFORD, *Secretary.*

NEW ENGLAND FISHERIES.

Mr. LODGE. I present some papers and statistics in regard to the fisheries of New England and of Gloucester, Mass. I move that the papers be referred to the Committee on Foreign Relations, and that they be printed as a document.

The motion was agreed to.

PROPOSED EXECUTIVE SESSION.

Mr. HOAR. Mr. President, I desire the attention of the Senator from Pennsylvania [Mr. PENROSE]. I wish to give notice that immediately on the conclusion of the routine morning business I shall ask for a brief executive session. I suppose it will not occupy more than five minutes.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 2d instant, proposing to appropriate $5,000 to pay the heirs of Thomas T. Prentis, late United States consul at Martinique, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 3d instant, proposing to increase the salary of the consul at Breslau, Germany, to $2,000, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. PROCTOR. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 15345) to promote the efficiency of the militia, and for other purposes, to report it without amendment, and to submit a report thereon.

I wish to give notice that I shall ask consideration of the bill at an early day, I hope early next week.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

BILLS AND DEBATES RELATING TO TRUSTS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. MORGAN on the 2d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 1,600 copies of the compilation recently prepared by direction of the Attorney-General, entitled "Bills and Debates in Congress Relating to Trusts," of which 500 copies shall be for the use of the Senate, 1,000 copies for the use of the House of Representatives, and 100 copies for the use of the Department of Justice; and that the Attorney-General shall cause an index to be prepared to said volume, compensation therefor not to exceed $500.

DECISIONS RELATING TO TRUSTS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted yesterday by Mr. MCCOMAS, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be prepared forthwith under the direction of the Attorney-General a compilation of all the decisions of the Supreme Court and of the inferior Federal courts relating to trusts or to the act known as the Sherman antitrust law, of which compilation 3,000 copies shall be for the use of the Senate, and 7,000 shall be for the use of the House of Representatives, and 1,000 for the use of the Department of Justice.

BILLS INTRODUCED.

Mr. MASON introduced a bill (S. 6417) granting an increase of pension to William C. Cox; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6418) granting an increase of pension to Louise Chandler; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 6419) granting an increase of pension to William Stall; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6420) granting an increase of pension to Samuel E. Nichols; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 6421) to amend an act entitled "An act to amend an act entitled 'An act relating to tax sales and taxes in the District of Columbia,' " approved May 13, 1892; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6422) granting an increase of pension to Ann A. Hersum; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAILEY introduced a bill (S. 6423) for the relief of Sidney Markham, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. QUAY introduced a bill (S. 6424) to provide for the purchase of a site and the erection of a public building thereon at Nome, in the Territory of Alaska; which was read twice by its title.

Mr. QUAY. I should be glad to have the bill referred to the Committee on Territories for indorsement before sending it to the Committee on Public Buildings and Grounds.

The PRESIDENT pro tempore. If there be no objection, that reference will be made.

Mr. QUAY introduced a bill (S. 6425) granting an increase of pension to John B. Penrose; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 6426) for the purchase of a portrait of the late President William McKinley; which was read twice by its title, and referred to the Committee on the Library.

Mr. KEARNS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6427) granting a pension to Henry B. Burton;
A bill (S. 6428) granting a pension to Isaac D. Gregg;
A bill (S. 6429) granting a pension to W. H. Hackney; and
A bill (S. 6430) granting an increase of pension to Peter Burns.

Mr. QUARLES introduced a bill (S. 6431) granting an increase of pension to James Greenman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 6432) granting an increase of pension to William Geyser; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 6433) to provide for the erection of a public building at Yankton, in the State of South Dakota; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PERKINS introduced a bill (S. 6434) to provide relief for such employees in United States navy-yards as may be disabled by accident while in the performance of duty, and, in the event of fatal casualties, for the relief of surviving dependents; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. SPOONER introduced a bill (S. 6435) granting an increase of pension to Melvina A. Reed; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6436) granting an increase of pension to Mary E. Wilson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MALLORY introduced a bill (S. 6437) granting a pension to Frederick S. Woodward; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of Connecticut introduced a bill (S. 6438) to provide for the modification of the project for the improvement of Bridgeport Harbor, Bridgeport, Conn.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FRYE introduced a bill (S. 6439) for the refund of certain tonnage taxes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. HOAR introduced a bill (S. 6440) granting a pension to Lillian Garside; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 6441) to amend section 4921 of the Revised Statutes, relating to injunctions in certain patent causes; which was read twice by its title, and referred to the Committee on Patents.

REGULATION OF IMMIGRATION.

Mr. HOAR. I submit an amendment to the immigration bill, House bill 12199, which is the unfinished business. I should like to have the amendment read, so that it will go into the RECORD, and referred to the Committee on Immigration.

The amendment was read, and referred to the Committee on Immigration, as follows:

Insert the following:

"Whenever an alien shall have taken up his permanent residence in this country and shall have filed his preliminary declaration to become a citizen, and thereafter shall send for his wife or minor children to join him they shall be admitted without the payment of any tax or fee.

"If said wife or either of said children shall be found to be affected with any contagious disorder, and it seems that said disorder was contracted on board the ship in which they came, such wife or children shall be held, under such regulations as the Secretary of the Treasury shall prescribe, until it shall be determined whether the disorder will be easily curable or whether they can be permitted to land without danger to other persons; and they shall not be deported until such facts have been ascertained.

"If it shall be found that they are cured, or curable by a brief detention, and they can be detained without danger of infection, they shall be kept in custody, under such regulations, at the cost of the carrier or company who have brought them into the country: and they shall thereafter be deported or set at liberty, as the facts may require."

Mr. CLAPP submitted an amendment intended to be proposed by him to the bill (H. R. 12199) to regulate the immigration of aliens into the United States; which was referred to the Committee on Immigration, and ordered to be printed.

THE HAGUE CONVENTION.

Mr. STEWART. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of State be directed to send to the Senate the report and accompanying papers of the agent of the United States in the case of The United States *v.* Mexico, before the Permanent Court of Arbitration under The Hague convention.

Mr. HOAR. I suppose there is not the slightest objection to the resolution submitted by the Senator from Nevada, but it is my impression—the Senator will know better than I do—that it is the custom of the Senate in all cases of this kind, when making a direction relating to our intercourse with a foreign government, to leave the matter to the discretion of the Secretary of State or the President without an absolute order. However, the Senator from Nevada will know better than I do about it.

Mr. STEWART. I did not suppose in drawing the resolution that it was a matter to be left to the discretion of the State Department. The report is in the Department and is one of public interest, as it was the first case presented to the Permanent Court of Arbitration under The Hague convention of 1899. But I have no objection to a modification of the resolution as suggested by the Senator from Massachusetts.

Mr. HOAR. I think the better practice is that the President shall communicate the information, if not, in his judgment, incompatible with the public interest.

Mr. STEWART. All right; let the resolution be modified in that respect.

The PRESIDENT pro tempore. That is the practice in the Senate, and the resolution will be modified accordingly. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the President be requested, if not incompatible with the public interest, to send to the Senate the report and accompanying papers of the agent of the United States in the case of The United States *v.* Mexico before the Permanent Court of Arbitration under The Hague convention.

HOUSE BILL REFERRED.

The bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission, appointed by the President of the United States at the request of certain coal operators and miners, was read twice by its title, and referred to the Committee on Appropriations.

REGULATION OF IMMIGRATION.

Mr. HOAR. Mr. President——

The PRESIDENT pro tempore. The Senator from Massachusetts will allow the Chair, under the unanimous-consent agreement, to lay the immigration bill before the Senate.

Mr. HOAR. Certainly.

The PRESIDENT pro tempore. The bill will be read by title.

The SECRETARY. A bill (H. R. 12199) to regulate the immigration of aliens into the United States.

EXECUTIVE SESSION.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened, and (at 1 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, December 8, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 4, 1902.

INDIAN INSPECTOR.

Frank C. Churchill, of New Hampshire, to be an Indian inspector, vice John E. Edwards, resigned.

SECRETARY OF LEGATION.

George W. Ellis, of Kansas, to be secretary of the legation of the United States at Monrovia, Liberia, vice James R. Spurgeon.

CONSUL.

William Bardel, of New York, now commercial agent at that place, to be consul of the United States at Bamberg, Bavaria.

CONSUL-GENERAL.

Robert M. McWade, of Pennsylvania, now consul at that place, to be consul-general of the United States at Canton, China.

INTERSTATE COMMERCE COMMISSIONER.

Martin A. Knapp, of New York, to be an Interstate Commerce Commissioner for the term of six years from January 1, 1903. (Reappointment.)

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

To be colonel.

Lieut. Col. Argalus G. Hennisee, Eleventh Cavalry, September 13, 1902, vice Rafferty, Fifth Cavalry, deceased.

To be lieutenant-colonels.

Maj. Edgar Z. Steever, Third Cavalry, July 15, 1902, vice Kerr, Ninth Cavalry, detailed as assistant adjutant-general.

Maj. William Stanton, Eighth Cavalry, September 13, 1902, vice Hennisee, Eleventh Cavalry, promoted.

To be majors.

Capt. Hoel S. Bishop, Fifth Cavalry, July 8, 1902, vice Wainwright, Fifth Cavalry, detailed as assistant adjutant-general.

Capt. Edwin P. Andrus, Fifth Cavalry, July 15, 1902, vice Steever, Third Cavalry, promoted.

Capt. Frederick W. Sibley, Second Cavalry, July 30, 1902, vice Tutherly, Eleventh Cavalry, detailed as inspector-general.

Capt. Benjamin H. Cheever, Sixth Cavalry, September 13, 1902, vice Stanton, Eighth Cavalry, promoted.

Capt. Homer W. Wheeler, Fifth Cavalry, October 29, 1902, vice Wright, Ninth Cavalry, retired from active service.

To be captains.

First Lieut. Harry O. Williard, Second Cavalry, July 8, 1902, vice Bishop, Fifth Cavalry, promoted.

First Lieut. Lucius R. Holbrook, Fourth Cavalry, July 15, 1902, vice Andrus, Fifth Cavalry, promoted.

First Lieut. John P. Wade, Second Cavalry, July 25, 1902, vice Irwin, Second Cavalry, detailed as paymaster.

First Lieut. Elvin R. Heiberg, Sixth Cavalry, July 25, 1902, vice Slocum, Seventh Cavalry, detailed as quartermaster.

First Lieut. Stephen M. Kochersperger, Second Cavalry, July 30, 1902, vice Sibley, Second Cavalry, promoted.

First Lieut. Ola W. Bell, Third Cavalry, August 22, 1902, vice McCormick, Seventh Cavalry, detailed as commissary.

First Lieut. Abraham G. Lott, Eighth Cavalry, September 13, 1902, vice Cheever, Sixth Cavalry, promoted.

First Lieut. Edward L. King, Eleventh Cavalry, October 4, 1902, vice Fuller, Second Cavalry, deceased.

First Lieut. Samuel F. Dallam, Fifth Cavalry, October 29, 1902, vice Wheeler, Fifth Cavalry, promoted.

First Lieut. William Kelly, jr., Fourth Cavalry, November 22, 1902, vice McBlain, Ninth Cavalry, deceased.

To be first lieutenants.

Second Lieut. Winston Pilcher, Fourteenth Cavalry, February 17, 1901, vice Walker, Ninth Cavalry, promoted.

Second Lieut. Frederick M. Jones, Second Cavalry, February 19, 1901, vice Pattison, Third Cavalry, promoted.

Second Lieut. Christian Briand, First Cavalry, February 28, 1901, vice Sawtelle, Second Cavalry, promoted.

Second Lieut. John A. Wagner, Tenth Cavalry, February 28, 1901, vice F. Le J. Parker, Fifth Cavalry, promoted.
Second Lieut. Archie Miller, Second Cavalry, February 28, 1901, vice Hamilton, Tenth Cavalry, promoted.
Second Lieut. William S. Wells, jr., Tenth Cavalry, February 28, 1901, vice Paine, Second Cavalry, promoted.
Second Lieut. William H. Clopton, jr., Thirteenth Cavalry, February 28, 1901, vice Craig, First Cavalry, promoted.
Second Lieut. Robert M. Nolan, Third Cavalry, February 28, 1901, vice Berkeley, First Cavalry, promoted.
Second Lieut. William O. Reed, Third Cavalry, February 28, 1901, vice Saxton, Eighth Cavalry, promoted.
Second Lieut. Henry Gibbins, Tenth Cavalry, March 1, 1901, vice Hawkins, Fourth Cavalry, promoted.
Second Lieut. Charles O. Thomas, jr., First Cavalry, March 1, 1901, vice Frank Parker, Fifth Cavalry, promoted.
Second Lieut. Casper W. Cole, Ninth Cavalry, March 9, 1901, vice Carson, Fourth Cavalry, promoted.
Second Lieut. Edmond R. Tompkins, Eleventh Cavalry, March 24, 1901, vice Vidmer, Tenth Cavalry, promoted.
Second Lieut. Arthur Poillon, Third Cavalry, April 3, 1901, vice Crabbs, Eighth Cavalry, who resigned his line commission only.
Second Lieut. Gordon N. Kimball, Third Cavalry, April 23, 1901, vice Conrad, Seventh Cavalry, promoted.
Second Lieut. George A. Purington, Third Cavalry, April 29, 1901, vice White, Sixth Cavalry, promoted.
Second Lieut. George W. Biegler, Seventh Cavalry, May 29, 1901, vice Averill, Seventh Cavalry, promoted.
Second Lieut. Francis W. Glover, First Cavalry, May 31, 1901, vice Cavenaugh, Tenth Cavalry, promoted.
Second Lieut. Lawrence S. Carson, Eighth Cavalry, June 30, 1901, vice Bigelow, Eighth Cavalry, promoted.
Second Lieut. Alexander B. Coxe, Eighth Cavalry, July 9, 1901, vice Sills, Eighth Cavalry, promoted.
Second Lieut. Timothy M. Coughlan, Second Cavalry, August 1, 1901, vice Nissen, Sixth Cavalry, promoted.
Second Lieut. Leonard L. Deitrick, Thirteenth Cavalry, September 17, 1901, vice Hawkins, Seventh Cavalry, promoted.
Second Lieut. Richard B. Going, Second Cavalry, October 15, 1901, vice Parker, Sixth Cavalry, promoted.
Second Lieut. Hamilton Bowie, Ninth Cavalry, October 29, 1901, vice Herron, Eighth Cavalry, promoted.
Second Lieut. Frederick G. Turner, Sixth Cavalry, November 12, 1901, vice Dixon, Eighth Cavalry, promoted.
Second Lieut. Frederick J. Herman, Tenth Cavalry, December 6, 1901, vice Pritchard, Ninth Cavalry, promoted.
Second Lieut. Ben Lear, jr., Fifteenth Cavalry, December 9, 1901, vice Anderson, Sixth Cavalry, promoted.
Second Lieut. George P. Tyner, Seventh Cavalry, December 18, 1901, vice Saltzman, Ninth Cavalry, who resigned his line commission only.
Second Lieut. Albert J. Woude, Sixth Cavalry, January 17, 1902, vice Sievert, Fourth Cavalry, promoted.
Second Lieut. Walter F. Martin, Second Cavalry, January 31, 1902, vice Jervey, Tenth Cavalry, promoted.
Second Lieut. Philip Mowry, Fourth Cavalry, February 6, 1902, vice Eltinge, Sixth Cavalry, promoted.
Second Lieut. Henry J. McKenney, Seventh Cavalry, February 22, 1902, vice Christian, Ninth Cavalry, promoted.
Second Lieut. Oscar A. McGee, Ninth Cavalry, March 31, 1902, vice Moses, Fourth Cavalry, promoted.
Second Lieut. John S. E. Young, Eighth Cavalry, June 9, 1902, vice Stodter, Ninth Cavalry, promoted.
Second Lieut. Raymond S. Enslow, Fifteenth Cavalry, June 20, 1902, vice Miller, Ninth Cavalry, promoted.
Second Lieut. Oliver P. M. Hazzard, Third Cavalry, June 28, 1902, vice Drake, First Cavalry, promoted.
Second Lieut. Charles C. Winnia, Fifth Cavalry, July 8, 1902, vice Williard, Second Cavalry, promoted.
Second Lieut. Frank T. McNarney, Ninth Cavalry, July 15, 1902, vice Holbrook, Fourth Cavalry, promoted.
Second Lieut. Thomas M. Knox, Second Cavalry, July 25, 1902, vice Wade, Second Cavalry, promoted.
Second Lieut. Basil N. Rittenhouse, Eleventh Cavalry, July 25, 1902, vice Heiberg, Sixth Cavalry, promoted.
Second Lieut. William R. Taylor, Third Cavalry, July 30, 1902, vice Kochersperger, Second Cavalry, promoted.
Second Lieut. John P. Hasson, Sixth Cavalry, August 22, 1902, vice Bell, Third Cavalry, promoted.
Second Lieut. William E. W. MacKinlay, Ninth Cavalry, September 13, 1902, vice Lott, Eighth Cavalry, promoted.
Second Lieut. Gordon Johnston, Tenth Cavalry, October 4, 1902, vice King, Eleventh Cavalry, promoted.
Second Lieut. William A. Austin, Seventh Cavalry, October 29, 1902, vice Dallam, Fifth Cavalry, promoted.

ARTILLERY CORPS.

To be colonels.

Lieut. Col. Samuel M. Mills, Artillery Corps, September 11, 1902, vice Burbank, retired from active service.
Lieut. Col. John P. Story, Artillery Corps, October 15, 1902, vice Rodgers, appointed brigadier-general.

To be lieutenant-colonels.

Maj. William F. Stewart, Artillery Corps, July 22, 1902, vice Day, retired from active service.
Maj. Anthony W. Vogdes, Artillery Corps, July 30, 1902, vice Ennis, detailed as assistant adjutant-general.
Maj. Frank Thorp, Artillery Corps, September 20, 1902, vice Chase, deceased.
Maj. Louis V. Caziarc, Artillery Corps, assistant adjutant-general, October 15, 1902, vice Story, promoted.

To be majors.

Capt. William B. Homer, Artillery Corps, July 22, 1902, vice Stewart, promoted.
Capt. George L. Anderson, Artillery Corps, July 30, 1902, vice Vogdes, promoted.
Capt. Lotus Niles, Artillery Corps, September 11, 1902, vice Chase, promoted.
Capt. William H. Coffin, Artillery Corps, September 20, 1902, vice Thorp, promoted.
Capt. Albert Todd, Artillery Corps, November 6, 1902, vice Williams, detailed as assistant adjutant-general.

To be captains.

First Lieut. Alfred S. Morgan, Artillery Corps, November 3, 1901, vice Wilson, retired from active service.
First Lieut. Charles H. Hilton, jr., Artillery Corps, November 3, 1901, vice Wisser, promoted.
First Lieut. Edward L. Glasgow, Artillery Corps, January 31, 1902, vice Townsley, detailed as quartermaster.
First Lieut. Leo F. Foster, Artillery Corps, February 21, 1902, vice Harrison, promoted.
First Lieut. Percy Willis, Artillery Corps, April 5, 1902, vice Carbaugh, appointed judge-advocate.
First Lieut. William F. Stewart, jr., Artillery Corps, June 3, 1902, vice H. E. Smith, resigned.
First Lieut. Joseph B. Douglas, Artillery Corps, June 18, 1902, vice Williams, promoted.
First Lieut. Hudson T. Patten, Artillery Corps, July 22, 1902, vice Homer, promoted.
First Lieut. Harrison Hall, Artillery Corps, July 30, 1902, vice Anderson, promoted.
First Lieut. Edward Kimmel, Artillery Corps, September 11, 1902, vice Niles, promoted.
First Lieut. Wright Smith, Artillery Corps, September 20, 1902, vice Coffin, promoted.
First Lieut. John R. Procter, jr., Artillery Corps, November 6, 1902, vice Todd, promoted.

To be first lieutenants.

Second Lieut. Robert W. Collins, Artillery Corps, August 23, 1901, vice Ward, promoted.
Second Lieut. Samuel D. McAlister, Artillery Corps, September 21, 1901, vice Volkmar, retired from active service.
Second Lieut. Robert J. Arnold, Artillery Corps, October 29, 1901, vice Armistead, promoted.
Second Lieut. William A. Covington, Artillery Corps, November 4, 1901, vice Mitchell, promoted.
Second Lieut. Francis W. Griffin, Artillery Corps, November 4, 1901, vice Morgan, promoted.
Second Lieut. Elisha G. Abbott, Artillery Corps, November 4, 1901, vice Hilton, promoted.
Second Lieut. Roy I. Taylor, Artillery Corps, January 31, 1902, vice Glasgow, promoted.
Second Lieut. Samuel M. English, Artillery Corps, February 21, 1902, vice Foster, promoted.
Second Lieut. Marion B. Wilhoit, Artillery Corps, March 4, 1902, vice Allen, deceased.
Second Lieut. Alfred Hasbrouck, Artillery Corps, April 5, 1902, vice Willis, promoted.
Second Lieut. Guilford S. Garber, Artillery Corps, June 3, 1902, vice Stewart, promoted.
Second Lieut. John M. Dunn, Artillery Corps, June 18, 1902, vice Douglas, promoted.
Second Lieut. Carroll Power, Artillery Corps, June 21, 1902, vice Black, detailed in the Ordnance Department.
Second Lieut. James L. Long, Artillery Corps, June 21, 1902, vice Schull, detailed in the Ordnance Department.
Second Lieut. Garrison Ball, Artillery Corps, July 22, 1902, vice Patten, promoted.
Second Lieut. Robert S. Welsh, Artillery Corps, July 30, 1902, vice Hall, promoted.

Second Lieut. Ralph M. Mitchell, Artillery Corps, August 7, 1902, vice Brower, deceased.
Second Lieut. Frederick L. Dengler, Artillery Corps, September 10, 1902, vice Gaines, resigned.
Second Lieut. Richard H. Williams, Artillery Corps, September 11, 1902, vice Kimmel, promoted.
Second Lieut. Walter V. Cotchett, Artillery Corps, September 17, 1902, vice Patterson, resigned.
Second Lieut. Alfred M. Mason, Artillery Corps, September 20, 1902, vice Smith, promoted.
Second Lieut. John J. Lipop, Artillery Corps, November 6, 1902, vice Procter, promoted.

INFANTRY ARM.

To be colonels.

Lieut. Col. Theodore F. Forbes, Twenty-ninth Infantry, July 14, 1902, vice Stretch, Twenty-seventh Infantry, retired from active service.
Lieut. Col. Walter T. Duggan, Tenth Infantry, October 3, 1902, vice McKibbin, Twenty-fourth Infantry, appointed brigadier-general.
Lieut. Col. Leon A. Matile, Fifteenth Infantry, October 7, 1902, vice Quinton, First Infantry, appointed brigadier-general.
Lieut. Col. Butler D. Price, Fourth Infantry, October 18, 1902, vice Hood, Sixteenth Infantry, appointed brigadier-general.

To be lieutenant-colonels.

Maj. Frederick A. Smith, United States Infantry, inspector-general, July 14, 1902, vice Forbes, Twenty-ninth Infantry, promoted.
Maj. Thomas C. Woodbury, Nineteenth Infantry, July 30, 1902, vice Smith, Twenty-ninth Infantry, detailed as inspector-general.
Maj. George Le R. Brown, Tenth Infantry, October 3, 1902, vice Duggan, Tenth Infantry, promoted.
Maj. Edward B. Pratt, Twenty-third Infantry, October 7, 1902, vice Matile, Fifteenth Infantry, promoted.
Maj. Calvin D. Cowles, Seventeenth Infantry, October 18, 1902, vice Price, Fourth Infantry, promoted.

To be majors.

Capt. Harry L. Bailey, Twenty-seventh Infantry, June 28, 1902, vice Maus, Second Infantry, promoted.
Capt. John S. Mallory, Second Infantry, July 8, 1902, vice Waltz, First Infantry, detailed as assistant adjutant-general.
Capt. Jonas A. Emery, Sixteenth Infantry, July 10, 1902, vice Webster, Twenty-seventh Infantry, retired from active service.
Capt. George Palmer, Ninth Infantry, July 15, 1902, vice Frederick, Twenty-first Infantry, detailed as assistant adjutant-general.
Capt. Samuel W. Miller, Fifth Infantry, July 30, 1902, vice Woodbury, Nineteenth Infantry, promoted.
Capt. Henry H. Benham, Second Infantry, September 24, 1902, vice Bonesteel, Twenty-third Infantry, deceased.
Capt. Robert C. Van Vliet, Tenth Infantry, October 3, 1902, vice Brown, Tenth Infantry, promoted.
Capt. Eaton A. Edwards, Twenty-seventh Infantry, October 7, 1902, vice Pratt, Twenty-third Infantry, promoted.
Capt. William L. Buck, Thirteenth Infantry, October 11, 1902, vice Walker, Eighteenth Infantry, deceased.
Capt. Charles R. Tyler, Nineteenth Infantry, October 18, 1902, vice Cowles, Seventeenth Infantry, promoted.

To be captains.

First Lieut. John Robertson, Sixth Infantry, June 28, 1902, vice Bailey, Twenty-seventh Infantry, promoted.
First Lieut. James V. Heidt, Sixth Infantry, July 4, 1902, vice Shollenberger, Tenth Infantry, deceased.
First Lieut. Charles S. Lincoln, Twenty-fourth Infantry, July 8, 1902, vice Mallory, Second Infantry, promoted.
First Lieut. Patrick H. Mullay, Fourteenth Infantry, July 10, 1902, vice Emery, Sixteenth Infantry, promoted.
First Lieut. Robert McCleave, Second Infantry, July 15, 1902, vice Palmer, Ninth Infantry, promoted.
First Lieut. Monroe C. Kerth, Twenty-third Infantry, July 17, 1902, vice Stephens, Tenth Infantry, retired from active service.
First Lieut. Lambert W. Jordan, jr., First Infantry, July 30, 1902, vice Miller, Fifth Infantry, promoted.
First Lieut. William F. Nesbitt, Sixth Infantry, September 24, 1902, vice Benham, Second Infantry, promoted.
First Lieut. James B. Gowen, Sixteenth Infantry, October 3, 1902, vice Van Vliet, Tenth Infantry, promoted.
First Lieut. Harvey W. Miller, Thirteenth Infantry, October 7, 1902, vice Edwards, Twenty-seventh Infantry, promoted.
First Lieut. Thomas F. Maginnis, Eleventh Infantry, October 11, 1902, vice Buck, Thirteenth Infantry, promoted.
First Lieut. Daniel G. Berry, First Infantry, October 18, 1902, vice Tyler, Nineteenth Infantry, promoted.
First Lieut. Harold Hammond, Ninth Infantry, October 21, 1902, vice Freeland, Second Infantry, retired from active service.
First Lieut. Ralph E. Ingram, Fifth Infantry, November 8, 1902, vice Seyburn, Twenty-second Infantry, retired from active service.

To be first lieutenants.

Second Lieut. Ernest H. Agnew, Twenty-sixth Infantry, February 28, 1901, vice Smith, Twentieth Infantry, promoted.
Second Lieut. Robert O. Ragsdale, Third Infantry, February 28, 1901, vice Nuttman, Fourteenth Infantry, promoted.
Second Lieut. Albert J. Bright, Second Infantry, February 28, 1901, vice Davis, Twelfth Infantry, promoted.
Second Lieut. Granville L. Chapman, Tenth Infantry, February 28, 1901, vice Hutton, Fourth Infantry, promoted.
Second Lieut. Austin A. Parker, Twenty-fourth Infantry, February 28, 1901, vice Brookes, Eighteenth Infantry, promoted.
Second Lieut. William E. Mould, Sixteenth Infantry, February 28, 1901, vice Dwyer, Eighteenth Infantry, promoted.
Second Lieut. Rhees Jackson, Twelfth Infantry, February 28, 1901, vice F. W. Smith, Twelfth Infantry, promoted.
Second Lieut. Charles M. Gordon, jr., Sixteenth Infantry, February 28, 1901, vice McBroom, Eighteenth Infantry, promoted.
Second Lieut. Fred Van S. Chamberlain, Second Infantry, February 28, 1901, vice Simmons, Sixteenth Infantry, promoted.
Second Lieut. William N. Hughes, jr., Thirteenth Infantry, March 1, 1901, vice Sturtevant, Fifth Infantry, promoted.
Second Lieut. Sylvester Bonnaffon, 3d, Thirteenth Infantry, March 2, 1901, vice Bash, Thirteenth Infantry, promoted.
Second Lieut. Robert C. Humber, Tenth Infantry, March 4, 1901, vice Springer, Twenty-first Infantry, promoted.
Second Lieut. Hunter Kinzie, Twentieth Infantry, March 5, 1901, vice Watson, Nineteenth Infantry, promoted.
Second Lieut. Joseph C. Brady, Fourth Infantry, March 9, 1901, vice Charles, Tenth Infantry, promoted.
Second Lieut. William K. Armstrong, Twenty-third Infantry, March 11, 1901, vice Edwards, Fourteenth Infantry, who resigned his line commission only.
Second Lieut. Robert S. Clark, Ninth Infantry, March 14, 1901, vice Pearce, Fifth Infantry, promoted.
Second Lieut. John H. Page, jr., Third Infantry, March 19, 1901, vice Campbell, Fourth Infantry, resigned.
Second Lieut. Parker Hitt, Twenty-second Infantry, March 21, 1901, vice Simonds, Eighth Infantry, promoted.
Second Lieut. Paul W. Beck, Fifth Infantry, March 25, 1901, vice Allen, Fourteenth Infantry, promoted.
Second Lieut. John W. Norwood, Twenty-third Infantry, April 1, 1901, vice Ryther, Sixth Infantry, promoted.
Second Lieut. Robert I. Rees, Third Infantry, April 9, 1901, vice Creary, Twelfth Infantry, promoted.
Second Lieut. Edward C. Bolton, Seventeenth Infantry, April 11, 1901, vice Hartmann, Nineteenth Infantry, promoted.
Second Lieut. Jesse M. Cullison, Second Infantry, April 13, 1901, vice French, Seventeenth Infantry, promoted.
Second Lieut. William E. Bennett, jr., Thirteenth Infantry, April 15, 1901, vice Shaw, Nineteenth Infantry, promoted.
Second Lieut. William H. Noble, Thirteenth Infantry, April 16, 1901, vice Cochran, Sixteenth Infantry, promoted.
Second Lieut. Sidney S. Burbank, Sixth Infantry, April 19, 1901, vice Rethers, Ninth Infantry, promoted.
Second Lieut. Albert C. Osborn, Twentieth Infantry, April 22, 1901, vice Berry, Tenth Infantry, promoted.
Second Lieut. Andrew C. Wright, Twelfth Infantry, April 26, 1901, vice Hampton, Twenty-third Infantry, promoted.
Second Lieut. Wilbur A. McDaniel, Third Infantry, May 1, 1901, vice Tupes, First Infantry, promoted.
Second Lieut. Evert R. Wilson, Tenth Infantry, May 4, 1901, vice Shelton, Eleventh Infantry, promoted.
Second Lieut. Frank W. Ball, Eighteenth Infantry, May 13, 1901, vice Newell, Twenty-second Infantry, promoted.
Second Lieut. Henry A. Wiegenstein, Twenty-fifth Infantry, May 20, 1901, vice Lieber, Twenty-fourth Infantry, resigned.
Second Lieut. Haywood Robbins, Fifteenth Infantry, June 1, 1901, vice Whitman, Second Infantry, promoted.
Second Lieut. Clenard McLaughlin, Twenty-first Infantry, June 10, 1901, vice Purdy, Sixth Infantry, promoted.
Second Lieut. Edward B. Mitchell, Twenty-fourth Infantry, June 12, 1901, vice Stewart, Eighth Infantry, promoted.
Second Lieut. James H. Como, Twenty-fifth Infantry, June 23, 1901, vice Downes, First Infantry, killed in action.
Second Lieut. Harol D. Coburn, Twenty-fifth Infantry, July 1, 1901, vice Lewis, Eighth Infantry, promoted.
Second Lieut. Allen J. Greer, Fourth Infantry, July 1, 1901, vice McClure, Thirtieth Infantry, deceased.
Second Lieut. Robert Whitfield, Twenty-second Infantry, July 5, 1901, vice Russell, Eighth Infantry, promoted.
Second Lieut. Louis McL. Hamilton, Fourteenth Infantry, July 6, 1901, vice Nolan, Thirteenth Infantry, promoted.

Second Lieut. Edwin E. Carroll, First Infantry, July 11, 1901, vice Pickering, First Infantry, promoted.

Second Lieut. Arthur W. Brown, Twenty-seventh Infantry, July 13, 1901, vice Ramsay, Twenty-first Infantry, died of wounds received in action.

Second Lieut. Abraham U. Loeb, Ninth Infantry, July 23, 1901, vice Burnside, Fourteenth Infantry, promoted.

Second Lieut. Charles J. Nelson, Seventeenth Infantry, July 23, 1901, vice Burt, Twenty-fifth Infantry, promoted.

Second Lieut. William B. Baker, Eighteenth Infantry, July 26, 1901, vice Langdon, Third Infantry, promoted.

Second Lieut. Constant Cordier, Fifth Infantry, September 22, 1901, vice Tebbetts, First Infantry, promoted.

Second Lieut. Frank A. Awl, Sixth Infantry, September 24, 1901, vice Evans, Sixth Infantry, promoted.

Second Lieut. James M. Loud, Seventh Infantry, September 27, 1901, vice Kerwin, Thirteenth Infantry, promoted.

Second Lieut. Edmund S. Sayer, jr., Twenty-first Infantry, September 28, 1901, vice Goodale, Twenty-third Infantry, promoted.

Second Lieut. J. De Camp Hall, Twenty-fifth Infantry, September 28, 1901, vice Bumpus, Ninth Infantry, killed in action.

Second Lieut. Robert G. Rutherford, jr., Twenty-fourth Infantry, October 5, 1901, vice Hartshorne, Seventh Infantry, promoted.

Second Lieut. Davis C. Anderson, Sixth Infantry, October 7, 1901, vice Bolles, Sixth Infantry, promoted.

Second Lieut. Robert D. Carter, Twelfth Infantry, October 15, 1901, vice Clinton, Twenty-second Infantry, promoted.

Second Lieut. Douglas Potts, Eighteenth Infantry, October 15, 1901, vice Ovenshine, Twenty-third Infantry, promoted.

Second Lieut. Charles H. Whipple, jr., Twelfth Infantry, October 16, 1901, vice Eames, Eleventh Infantry, promoted.

Second Lieut. Kent Browning, Thirteenth Infantry, October 30, 1901, vice Crawford, First Infantry, deceased.

Second Lieut. Stephen O. Fuqua, Twenty-third Infantry, November 4, 1901, vice Field, Fourteenth Infantry, promoted.

Second Lieut. Vincent M. Elmore, jr., Fifth Infantry, November 7, 1901, vice Conrad, Twenty-third Infantry, promoted.

Second Lieut. Augustus F. W. Macmanus, Twenty-fifth Infantry, November 8, 1901, vice Franklin, Twenty-third Infantry, who vacates his line commission only.

Second Lieut. Benjamin R. Wade, Tenth Infantry, November 8, 1901, vice Giddings, Third Infantry, promoted.

Second Lieut. George E. Goodrich, Thirteenth Infantry, November 11, 1901, vice Byroade, First Infantry, retired from active service.

Second Lieut. Charles W. Barber, Second Infantry, November 11, 1901, vice Reeves, Sixteenth Infantry, retired from active service.

Second Lieut. Edwin S. Hartshorn, Fourteenth Infantry, November 11, 1901, vice Walton, Eighteenth Infantry, promoted.

Second Lieut. Clark R. Elliott, Tenth Infantry, November 29, 1901, vice Mitchell, Twelfth Infantry, resigned.

Second Lieut. William P. Screws, Nineteenth Infantry, December 4, 1901, vice Todd, Twentieth Infantry, retired from active service.

Second Lieut. Ralph B. Lister, Tenth Infantry, December 4, 1901, vice Bradford, Seventeenth Infantry, resigned.

Second Lieut. Harry E. Comstock, Twenty-seventh Infantry, December 17, 1901, vice A. T. Smith, Twelfth Infantry, promoted.

Second Lieut. William R. Standiford, Second Infantry, December 17, 1901, vice Merchant, Eighth Infantry, promoted.

Second Lieut. Frederick S. Young, Seventeenth Infantry, December 17, 1901, vice McNulta, Twenty-third Infantry, resigned.

Second Lieut. Richard W. Buchanan, Ninth Infantry, January 2, 1902, vice Munson, Ninth Infantry, promoted.

Second Lieut. Thomas S. Moorman, jr., Seventeenth Infantry, January 11, 1902, vice Anderson, Thirteenth Infantry, promoted.

Second Lieut. Charles H. Morrow, Eighteenth Infantry, January 12, 1902, vice Fiscus, Nineteenth Infantry, deceased.

Second Lieut. Lorenzo D. Gasser, Twenty-first Infantry, January 14, 1902, vice Hunt, Twenty-fifth Infantry, promoted.

Second Lieut. Brady G. Ruttencutter, First Infantry, January 22, 1902, vice Lyon, Sixteenth Infantry, resigned.

Second Lieut. Jennings B. Wilson, Seventeenth Infantry, January 31, 1902, vice Roberts, Seventeenth Infantry, promoted.

Second Lieut. Charles B. Stone, jr., Sixteenth Infantry, March 8, 1902, vice Moore, Fifteenth Infantry, promoted.

Second Lieut. Howard G. Young, Sixth Infantry, March 10, 1902, vice Miller, Twenty-sixth Infantry, promoted.

Second Lieut. Augustus H. Bishop, Second Infantry, March 12, 1902, vice Fiske, Eighteenth Infantry, promoted.

Second Lieut. William O. Smith, Seventh Infantry, March 12, 1902, vice Hughes, Fourth Infantry, promoted.

Second Lieut. Clarence K. La Motte, Eighteenth Infantry, March 21, 1902, vice Helms, Nineteenth Infantry, promoted.

Second Lieut. George M. Holley, Fourth Infantry, March 28, 1902, vice Longan, Eleventh Infantry, promoted.

Second Lieut. Edgar S. Stayer, Twenty-third Infantry, April 2, 1902, vice Savage, Fourteenth Infantry, promoted.

Second Lieut. Charles H. Errington, Eleventh Infantry, April 3, 1902, vice Avery, Fourteenth Infantry, deceased.

Second Lieut. George C. Shaw, Thirteenth Infantry, April 5, 1902, vice Frissell, Third Infantry, promoted.

Second Lieut. William H. Plummer, Third Infantry, April 14, 1902, vice Roche, Fifteenth Infantry, promoted.

Second Lieut. Charles E. Reese, Fifteenth Infantry, April 14, 1902, vice Fassett, Fifth Infantry, promoted.

Second Lieut. Charles S. Tarlton, First Infantry, April 15, 1902, vice Dichmann, Seventh Infantry, promoted.

Second Lieut. Robert S. Knox, Twenty-fourth Infantry, May 2, 1902, vice Vicars, Twenty-seventh Infantry, killed in action.

Second Lieut. William A. Castle, Sixteenth Infantry, May 5, 1902, vice Dorey, Fourth Infantry, promoted.

Second Lieut. Arthur F. Halpin, Eighth Infantry, May 9, 1902, vice Baltzell, Fifth Infantry, promoted.

Second Lieut. Harry D. Blasland, Twenty-sixth Infantry, May 26, 1902, vice Conley, Twenty-first Infantry, promoted.

Second Lieut. Robert K. Spiller, Twenty-sixth Infantry, May 28, 1902, vice Collins, Eighth Infantry, promoted.

Second Lieut. Charles C. Allen, Thirtieth Infantry, May 28, 1902, vice Chiles, Eleventh Infantry, promoted.

Second Lieut. Edward H. Andres, Eighth Infantry, May 28, 1902, vice Welch, Twentieth Infantry, promoted.

Second Lieut. John W. Ward, Twentieth Infantry, June 9, 1902, vice Brown, Second Infantry, promoted.

Second Lieut. Robert O. Patterson, Twenty-ninth Infantry, June 13, 1902, vice Barlow, Fifteenth Infantry, promoted.

Second Lieut. Thomas J. Rogers, Twenty-eighth Infantry, June 15, 1902, vice Hagedorn, Twenty-eighth Infantry, dismissed.

Second Lieut. Edwin J. Bracken, Twentieth Infantry, June 21, 1902, vice Penfield, First Infantry, detailed in Ordnance Department.

Second Lieut. George W. England, Sixth Infantry, June 23, 1902, vice Workizer, Second Infantry, promoted.

Second Lieut. Edwin J. Nowlen, First Infantry, June 28, 1902, vice Bridges, Twenty-second Infantry, promoted.

Second Lieut. Clyde B. Parker, Sixth Infantry, June 28, 1902, vice Robertson, Sixth Infantry, promoted.

Second Lieut. Alvin C. Voris, Second Infantry, July 4, 1902, vice Heidt, Sixth Infantry, promoted.

Second Lieut. Frank R. Curtis, Sixth Infantry, July 8, 1902, vice Lincoln, Twenty-fourth Infantry, promoted.

Second Lieut. John M. Kelso, jr., Thirteenth Infantry, July 10, 1902, vice Mullay, Fourteenth Infantry, promoted.

Second Lieut. Fred L. Davidson, Fourth Infantry, July 15, 1902, vice McCleave, Second Infantry, promoted.

Second Lieut. George E. Kumpe, Twenty-eighth Infantry, July 17, 1902, vice Kerth, Twenty-third Infantry, promoted.

Second Lieut. Leonard T. Baker, Nineteenth Infantry, July 30, 1902, vice Jordan, First Infantry, promoted.

Second Lieut. George R. D. MacGregor, Eighteenth Infantry, September 2, 1902, vice Watterson, Twenty-ninth Infantry, resigned.

Second Lieut. Milo C. Corey, Thirtieth Infantry, September 5, 1902, vice Trent, Eighth Infantry, resigned.

Second Lieut. Rowland S. Pike, Twentieth Infantry, September 18, 1902, vice Admire, Twenty-second Infantry, resigned.

ADJUTANT-GENERAL'S DEPARTMENT.

Lieut. Col. Thomas H. Barry, assistant adjutant-general, to be assistant adjutant-general with the rank of colonel, July 15, 1902, vice Carter, appointed brigadier-general.

Lieut. Col. Henry O. S. Heistand, assistant adjutant-general, to be assistant adjutant-general with the rank of colonel, July 22, 1902, vice Ward, appointed brigadier-general.

INSPECTOR-GENERAL'S DEPARTMENT.

Lieut. Col. Charles H. Heyl, inspector-general, to be inspector-general with the rank of colonel, July 23, 1902, vice Sanger, appointed brigadier-general.

QUARTERMASTER'S DEPARTMENT.

Lieut. Col. Daniel D. Wheeler, deputy quartermaster-general, to be assistant quartermaster-general with the rank of colonel, October 2, 1902, vice Kimball, appointed brigadier-general.

Maj. James W. Pope, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, July 5, 1902, vice Barnett, deceased.

Maj. Crosby P. Miller, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, October 2, 1902, vice Wheeler, promoted.

Capt. Thomas Cruse, quartermaster, to be quartermaster with the rank of major, July 5, 1902, vice Pope, promoted.

Capt. Daniel E. McCarthy, quartermaster, to be quartermaster with the rank of major, October 2, 1902, vice Miller, promoted.

SUBSISTENCE DEPARTMENT.

Capt. William H. Bean, commissary, to be commissary with the rank of major, July 21, 1902, vice Bliss, appointed brigadier-general.

MEDICAL DEPARTMENT.

Lieut. Col. Joseph B. Girard, deputy surgeon-general, to be assistant surgeon-general with the rank of colonel, September 7, 1902, vice O'Reilly, appointed Surgeon-General.

Maj. Edward T. Comegys, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel, September 7, 1902, vice Girard, promoted.

Capt. Thomas U. Raymond, assistant surgeon, to be surgeon with the rank of major, August 12, 1902, vice Wood, retired from active service.

Capt. Henry D. Snyder, assistant surgeon, to be surgeon with the rank of major, September 7, 1902, vice Comegys, promoted.

Capt. Philip G. Wales, assistant surgeon, to be surgeon with the rank of major, October 27, 1902, vice Merrill, deceased.

Capt. Allen M. Smith, assistant surgeon, to be surgeon with the rank of major, November 23, 1902, vice Reed, deceased.

PAY DEPARTMENT.

Capt. William B. Rochester, jr., paymaster, to be paymaster with the rank of major, July 24, 1902, vice Baker, retired from active service.

INFANTRY ARM.

Maj. George P. Borden, Fifth Infantry, to be lieutenant-colonel, November 28, 1902, vice Wittich, Second Infantry, retired from active service.

Capt. Wallis O. Clark, Twelfth Infantry, to be major, November 28, 1902, vice Borden, Fifth Infantry, promoted.

First Lieut. Robert C. Davis, Seventeenth Infantry, to be captain, November 28, 1902, vice Clark, Twelfth Infantry, promoted.

Second Lieut. Arthur M. Ferguson, Fourteenth Infantry, to be first lieutenant, September 24, 1902, vice Nesbitt, Sixth Infantry, promoted.

Second Lieut. Thomas B. Crockett, Twenty-fourth Infantry, to be first lieutenant, October 3, 1902, vice Gowen, Sixteenth Infantry, promoted.

Second Lieut. David A. Snyder, Sixth Infantry, to be first lieutenant, October 7, 1902, vice Miller, Thirteenth Infantry, promoted.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. James P. Castleman, from the Infantry Arm to the Cavalry Arm, September 9, 1902, with rank from August 15, 1902.

Second Lieut. Emmet R. Harris, from the Artillery Corps to the Cavalry Arm, September 26, 1902, with rank from June 12, 1902.

Second Lieut. Adam F. Casad, from the Cavalry Arm to the Artillery Corps, September 26, 1902, with rank from June 12, 1902.

APPOINTMENTS IN THE ARMY.

MEDICAL DEPARTMENT.

To be assistant surgeons with the rank of first lieutenant.

Robert Moore Blanchard, of Ohio, contract surgeon, United States Army, July 16, 1902.

James Bourke, of Illinois, contract surgeon, United States Army, September 9, 1902.

Samuel Middleton De Loffre, of the District of Columbia, contract surgeon, United States Army, September 10, 1902.

Louis Casper Duncan, of Kansas, late first lieutenant and assistant surgeon, Twenty-second Kansas Infantry Volunteers, October 27, 1902.

Edward Melville Talbott, of Virginia, October 27, 1902.

John Alexander Clark, of the District of Columbia, October 27, 1902.

Samuel Jonathan Morris, of Ohio, October 27, 1902.

Noel Irby Barron, of Alabama, October 27, 1902.

Jacob Morgan Coffin, of Pennsylvania, October 27, 1902.

John Wesley Hanner, of Tennessee, October 27, 1902.

Levy Millspaugh Hathaway, of Kentucky, October 27, 1902.

Alexander Murray, of Virginia, October 27, 1902.

Philip Weatherly Huntington, of Connecticut, October 27, 1902.

James Carroll, of the District of Columbia, contract surgeon, United States Army, October 27, 1902.

James Douglas Fife, of Virginia, October 27, 1902.

William Aden Powell, of Georgia, October 27, 1902.

Leon Theodore Le Wald, of New York, October 27, 1902.

Jesse Ralph Harris, of New York, October 27, 1902.

George Hoskins Scott, of Pennsylvania, October 27, 1902.

Edwin Dearborn Kilbourne, of Illinois, October 27, 1902.

Robert Lee Carswell, of Tennessee, October 27, 1902.

INFANTRY ARM.

Nicholas Campagnoli, of New Mexico, to be second lieutenant, December 2, 1902, vice Elmore, Fifth Infantry, promoted.

TO BE CHAPLAINS.

Rev. John Thomas Axton, of Utah, July 25, 1902, vice Hammond, retired from active service.

Rev. John Alvey Mills, of Massachusetts, October 15, 1902, vice Nichols, resigned.

Rev. Joseph Lawrence Hunter, of Pennsylvania, late chaplain Tenth Pennsylvania Volunteers, July 7, 1902, to fill an original vacancy.

MEDICAL DEPARTMENT.

To be Surgeon-General with the rank of brigadier-general.

Col. Robert M. O'Reilly, assistant surgeon-general, September 7, 1902, for a period of four years, vice Forwood, retired from active service.

GENERAL OFFICERS.

To be brigadier-generals.

Col. Thomas Ward (since retired from active service), assistant adjutant-general, July 22, 1902, vice Smith, retired from active service.

Col. Joseph P. Sanger, inspector-general, July 23, 1902, vice Ward, retired from active service.

Col. Amos S. Kimball (since retired from active service), assistant quartermaster-general, October 1, 1902, vice Bisbee, retired from active service.

Col. Chambers McKibbin (since retired from active service), Twenty-fourth Infantry, October 2, 1902, vice Kimball, retired from active service.

Col. William Quinton (since retired from active service), First Infantry, October 6, 1902, vice McKibbin, retired from active service.

Col. John I. Rodgers (since retired from active service), Artillery Corps, October 14, 1902, vice Quinton, retired from active service.

Col. Charles C. Hood (since retired from active service), Sixteenth Infantry, October 18, 1902, vice Rodgers, retired from active service.

Col. Henry C. Hasbrouck, Artillery Corps, December 1, 1902, vice Hood, retired from active service.

TO BE SECOND LIEUTENANTS.

Cavalry Arm.

Harold B. Johnson, of Illinois, late corporal, Troop A, First Cavalry, August 14, 1902.

Artillery Corps.

Malcolm Peters Andruss, of New York, October 16, 1902.

Infantry Arm.

Deshler Whiting, of New York, late private, Company G, Sixty-fifth New York Volunteers, and corporal, Company M, Forty-second Infantry, United States Volunteers, September 23, 1902.

George Audley Derbyshire, of Virginia, late first lieutenant, Porto Rico Provisional Regiment of Infantry, October 28, 1902.

Townsend Whelen, of Pennsylvania, late second lieutenant, First Pennsylvania Volunteers, October 28, 1902.

John Riordan Doyle, of Pennsylvania, October 28, 1902.

Charles S. Hamilton, at large, late sergeant, One hundred and eighteenth Company, Coast Artillery, October 28, 1902.

Oscar Kemp Tolley, of Maryland, October 28, 1902.

Robert Patten Updyke, of Minnesota, October 28, 1902.

Jennings Cropper Wise, of New York, October 28, 1902.

David Roy Gump, of Missouri, late corporal, Artillery Corps, October 28, 1902.

Joseph Fulton Ware, of Virginia, October 28, 1902.

Harry Lightfoot Jordan, of Virginia, October 28, 1902.

Dean Halford, of New York, October 28, 1902.

Ralph Willcox Kingman, at large, October 28, 1902.

Donald Davie Hay, of Pennsylvania, October 28, 1902.

Philip Graeme Wrightson, of Illinois, October 28, 1902.

George Watkins Ewell, of Kentucky, October 28, 1902.

Bowers Davis, at large, October 28, 1902.

Henry Wyatt Fleet, of Indiana, October 28, 1902.

Francis Henry Burr, of Vermont, October 28, 1902.

John Chowning Ashburn, of Ohio, October 28, 1902.

Robert Truman Phinney, of Vermont, October 28, 1902.

Charles E. T. Lull, of New Jersey, October 28, 1902.

Hugh Marsh Kelly, of Kentucky, October 28, 1902.

John Wesley Hyatt, of Virginia, October 28, 1902.

Horatio Knight Bradford, of the District of Columbia, October 28, 1902.

Charles Haynes Mason, of Minnesota, November 3, 1902.

TO BE SECOND LIEUTENANTS, WITH RANK FROM OCTOBER 17, 1902.

Cavalry Arm.

Sergt. Arthur Roy Jones, Troop F, Fourth Cavalry.
Corpl. Albert Hecker Mueller, Troop G, Second Cavalry.
Sergt. LeRoy Danby Lewis, Troop L, First Cavalry.
First Sergt. James Wilmer Devall, Troop H, Twelfth Cavalry.
Sergt. Allan Francis McLean, Troop D, Fourth Cavalry.
First Sergt. Herman Stahlschmidt Dilworth, Troop A, Eighth Cavalry.
Sergt. David Bell Talley, Troop D, Eighth Cavalry.
Corpl. Orson Leon Early, Troop B, First Cavalry.

Artillery Corps.

Sergt. Offnere Hope, Twenty-fourth Company, Coast Artillery.
First Sergt. Franc Lecocq, Eighty-seventh Company, Coast Artillery.
First Sergt. John O'Neil, Seventy-fourth Company, Coast Artillery.
Sergt. Thomas Edward Murtaugh, One hundred and tenth Company, Coast Artillery.

Infantry Arm.

Sergt. Gulielmus Villard Heidt, One hundred and eighteenth Company, Coast Artillery.
Private Samuel James Sutherland, Company E, Twenty-second Infantry.
Corpl. Edmund Berkeley Iglehart, Troop I, Thirteenth Cavalry.
Sergt. Emory Sherwood Adams, Company G, Second Infantry.
Corpl. Ralph Willard Drury, Company E, Fourteenth Infantry.
Sergt. John Carlyle Fairfax, Company D, Eleventh Infantry.
Corpl. Fred Charles Miller, Company C, Fourteenth Infantry.
Sergt. Walter Joseph Büttgenbach, Sixtieth Company, Coast Artillery.
Sergt. Charles Leslie Mitchell, Forty-first Company, Coast Artillery.
Battalion Sergt. Maj. Alfred Brandt, Second Battalion, Tenth Infantry.
Sergt. Robert John West, Company D, First Infantry.
Sergt. Seeley Arthur Wallen, Company I, Fifth Infantry.
Corpl. Eugene Chester Ecker, Company A, Fifth Infantry.
Battalion Sergt. Maj. Morton Russell, Third Battalion, Sixteenth Infantry.
Corpl. Odiorne Hawks Sampson, Company C, Twelfth Infantry.
Hosp. Steward Charles Gates Sturtevant, United States Army.
Corpl. Albert Hardman, One hundred and fifteenth Company, Coast Artillery.
Private John Sanborn Hamilton, Company E, Fourteenth Infantry.
Sergt. Win Fernleigh Kutz, Company G, Fifth Infantry.
Sergt. William Edgar Holliday, Thirty-fifth Company Coast Artillery.
Sergt. Frank Blair Kobes, Company E, Tenth Infantry.
Sergt. Norman Harry Davis, Troop C, Eighth Cavalry.
Private Jesse Morton Holmes, Company G, Second Infantry.
Sergt. Maynard Ames Wells, Forty-seventh Company Coast Artillery.
Sergt. James Andrew Roane, Company K, Seventeenth Infantry.
Sergt. Joseph Hines Hall, Eighteenth Battery Field Artillery.
Sergt. Hans Oscar Olson, Troop C, Eighth Cavalry.
Corpl. Charles Augustine Thuis, Fifty-first Company Coast Artillery.
Corpl. Claremont Aymar Donaldson, Company B, Twenty-ninth Infantry.
Sergt. Franklin Thomas Burt, One hundred and eighteenth Company Coast Artillery.
Private Rutherford Scott Hartz, Fourth Battery Field Artillery.

POSTMASTER.

James W. Hunt, to be postmaster at Worcester, in the county of Worcester and State of Massachusetts, in place of J. Evarts Greene, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 4, 1902.

ASSOCIATE JUSTICE OF THE SUPREME COURT.

Oliver Wendell Holmes, of Massachusetts, to be associate justice of the Supreme Court of the United States.

DISTRICT COMMISSIONER.

Henry L. West, of the District of Columbia, to be a Commissioner of the District of Columbia, for the term of three years.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 5, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Wednesday's proceedings was read and approved.

PENSION APPROPRIATION BILL.

Mr. BARNEY, from the Committee on Appropriations, reported the bill (H. R. 15593) making appropriations for the payment of invalid and other pensions for the fiscal year ending June 30, 1904; which, with the accompanying report, was ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to reserve all points of order upon the bill.

The SPEAKER. The gentleman from Tennessee reserves all points of order upon the bill.

Mr. BARNEY. Mr. Speaker, I desire to give notice at this time that I shall ask recognition for the consideration of this bill at the next session of the House, if no special order be made.

CLAIMS.

Mr. GRAFF. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar, in accordance with the special rule in that behalf.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Claims, moves that the House resolve itself into Committee of the Whole House for the purpose of considering bills reported from that committee under the rules.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. HEMENWAY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the purpose of considering bills on the Private Calendar, and the Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 10469) for the relief of Mrs. Eleonora G. Goldsborough, widow of the late Surg. Charles B. Goldsborough.

Mr. GRAFF. Mr. Chairman, I understand that this bill was introduced by the gentleman from Maryland [Mr. SCHIRM]. I do not see him now, and I ask that the bill be passed without prejudice.

The CHAIRMAN. The gentleman from Illinois asks that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

CAPT. B. H. M'CALLA AND OTHERS.

Mr. PERKINS. Mr. Chairman, I rise to make a parliamentary inquiry. Have I the right to call up bill H. R. 11576, on page 24 of the Calendar? I understand, under the rule, that this being Friday, the day set apart for the consideration of private bills, I am entitled to move that that bill be taken up for consideration.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 11576) granting permission to Capt. B. H. McCalla and others to accept presents and decorations tendered to them by the Emperor of Germany and others.

Mr. PERKINS. I move that the bill be put upon its passage.

The CHAIRMAN. Is there objection to the request to take this bill out of its order? [After a pause.] The Chair hears none. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That Capt. B. H. McCalla, United States Navy, be, and he is hereby, authorized to accept the decoration, including a diploma and insignia, of the Order of the Second Class of the Red Eagle, with swords, tendered him by the Emperor of Germany through the Department of State of the United States.

SEC. 2. That Dr. Eugene Wasdin and Dr. H. D. Geddings, both of the United States Marine-Hospital Service, be, and they are hereby, authorized to accept, respectively, the decoration of the Cross of Officer of Saints Maurizio e Lazzaro and the decoration of the Cross of Chevalier of Saints Maurizio e Lazzaro, tendered to them by the Government of Italy through the Department of State of the United States.

SEC. 3. That Gen. John M. Schofield, retired, United States Army, be, and he is hereby, authorized to accept the decoration of the Cross of Commander of the National Order of the Legion of Honor, tendered him by the French Republic through the Department of State of the United States.

SEC. 4. That Lieut. W. P. Scott, United States Navy, be, and he is hereby, authorized to accept a medal of merit tendered him by the Sultan of Turkey through the Department of State of the United States.

SEC. 5. That Capt. Stephen L'H. Slocum, United States Army, late United States military attaché in South Africa, be, and he is hereby, authorized to accept a South African war medal tendered him by the King of England through the Department of State of the United States.

SEC. 6. That Commander James M. Miller, United States Navy; Surg. Oliver D. Norton, United States Navy, and Edwin V. Morgan, formerly secretary of the Samoan Commission and now secretary of the legation of the United States at Seoul, Korea, be, and they are hereby, authorized to accept, respectively, a gold watch and chain, a marine glass, and a silver writing table, tendered to them by the Emperor of Germany through the Department of State of the United States.

SEC. 7. That Capt. N. M. Brooks, Superintendent of Foreign Mails of the Post-Office Department, be, and he is hereby, authorized to accept the decoration of the Order of the Red Eagle of the Third Class, tendered to him by the Emperor of Germany through the Department of State of the United States.

SEC. 8. That George W. Hill, chief of the Division of Publications of the Department of Agriculture, be, and he is hereby, authorized to accept the decoration of Officer of the "Merite Agricole," tendered to him by the French Republic through the Department of State of the United States.

SEC. 9. That Capt. C. DeW. Willcox, United States Army, be, and he is hereby, authorized to accept the diploma and decoration of Officier d'Académie, tendered to him by the French Republic through the Department of State of the United States.

SEC. 10. That Hubbard T. Smith, secretary of the commissioner of the United States to China, and consular clerk of the United States, be, and he is hereby, authorized to accept the decoration of the first class of the third grade, tendered to him by the Government of China through the Department of State of the United States.

SEC. 11. Lieut. Commander Asher C. Baker, United States Navy, and Frank W. Clark, curator, United States National Museum, be, and they are hereby, authorized to accept the decoration of the Cross of the Knight of the Legion of Honor; and that Henry E. Alford, chief of the Dairy Division, Department of Agriculture; G. B. Brackett, pomologist, Department of Agriculture; William A. Taylor, assistant pomologist, Department of Agriculture; H. W. Wiley, Chief of the Bureau of Chemistry, Department of Agriculture; M. A. Carleton, cerealist, Department of Agriculture, and John I. Shulte, assistant agriculturist, Department of Agriculture, be, and they are hereby, authorized to accept the decoration of the Ordre du Merite Agricole, tendered to them by the French Republic through the Department of State of the United States.

SEC. 12. That John A. Okerson, a member of the Mississippi River Commission; Casper S. Crowninshield, commercial agent of the United States at Castellamare de Stabia, Italy, and Miss Anna Tolman Smith, translator of the Bureau of Education, be, and they are hereby, authorized to accept the decoration of the Officier de l'Instruction Publique, tendered to them by the French Republic through the Department of State of the United States.

SEC. 13. That Lieut. Col. F. H. Phipps, commandant at the United States armory, in Springfield, Mass., be, and he is hereby, authorized to accept the medal of merit, tendered to him by the Sultan of Turkey through the United States legation at Constantinople.

SEC. 14. That the Department of State is hereby authorized to deliver to the various persons named the presents and decorations herein specified.

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation?

Mr. SMITH of Kentucky. Mr. Chairman, I rise for the purpose of making a point of order that this bill has not been reported by the proper committee. I do not understand how the Committee on Foreign Affairs gets jurisdiction of this bill.

Mr. PERKINS. This bill is regularly on the Calendar, in its order now. It is a private bill.

Mr. SMITH of Kentucky. But I do not understand how it has got there. The bill seems to have been reported by the Committee on Foreign Affairs, and I do not understand how the Committee on Foreign Affairs gets jurisdiction of this kind of bill.

Mr. PERKINS. They are always sent to the Committee on Foreign Affairs. That is the uniform practice.

Mr. SMITH of Kentucky. I make the point of order that, whatever may have been the practice, this bill at least ought to have been considered by the Committee on Naval Affairs.

Mr. PERKINS. No; the gentleman from Kentucky is mistaken. This refers to decorations of various orders. There are some for the Army, some for the Navy, and some for the various branches of the Government, and as they are bestowed by foreign Governments it has been the uniform practice to send them to the Committee on Foreign Affairs. We have reported one bill covering all these cases in order to save the time of the House, which would otherwise be required to pass some 15 or 20 separate bills. The bill was reported unanimously by the Committee on Foreign Affairs.

The CHAIRMAN. Does the Chair understand the gentleman from Kentucky to withdraw his point of order?

Mr. SMITH of Kentucky. No; I do not. I believe bills of this character ought to go to another committee.

The CHAIRMAN. Has the gentleman anything to say on the point of order?

Mr. SMITH of Kentucky. No; I only make the point of order.

The CHAIRMAN. Has the gentleman from New York anything to say?

Mr. PERKINS. I can only say, Mr. Chairman, that it has been the uniform procedure to send bills of this character to the Committee on Foreign Affairs.

The CHAIRMAN. Does the gentleman from Kentucky wish to say anything further?

Mr. SMITH of Kentucky. No, Mr. Chairman, I desire to say nothing further.

The CHAIRMAN. It has been the uniform practice of the House to refer all bills of this character to the Committee on Foreign Affairs, and for that committee to report the bills. Therefore, the Chair overrules the point of order.

Mr. ROBINSON of Indiana. Mr. Chairman, I would like to ask the gentleman in charge of the bill whether this is a provision of law made necessary by reason of the Constitution now forbidding officers in the United States service receiving badges or decorations or titles?

Mr. PERKINS. This bill is rendered requisite, Mr. Chairman, on account of the provision of the Constitution which provides that no employee or servant of the United States shall receive any mark of recognition from foreign governments without the consent of the Congress of the United States.

Mr. ROBINSON of Indiana. I desire to ask the gentleman upon that proposition how usual has been the custom of Congress in the granting of permission in such cases as is presented to the House in this bill?

Mr. PERKINS. It has been the uniform custom to grant the permission when the Committee on Foreign Affairs was of the opinion, or when Congress was of the opinion, that the person who received the mark of recognition from the foreign government had deserved it.

I do not care to go through the list of names, but the first man mentioned will illustrate the principle upon which the committee has reported this bill. The first man named is Captain McCalla. Captain McCalla, as the gentleman knows, showed great bravery in the Chinese war, and for that reason the German Government, which had officers in the Chinese war, desired to show some mark of recognition of Mr. McCalla's bravery in connection with the German Army. It is proper, certainly, Mr. Chairman, that Congress should allow bravery to be recognized by any government. The other cases are all deemed to be meritorious cases.

Mr. ROBINSON of Indiana. The gentleman will recognize the fact that if this bill passes there will be great pressure for other similar cases. I desire to know how this class of legislation is growing and whether we can not eliminate a certain class of cases.

Mr. PERKINS. I do not think it is growing, and the committee has endeavored to eliminate cases without merit and report only cases which in their opinion possess merit.

Mr. ROBINSON of Indiana. Can the gentleman give the record of this Congress as compared with the number of such cases in former Congresses?

Mr. PERKINS. This is the only bill reported at this Congress.

Mr. ROBINSON of Indiana. This provides for a large number of persons; and is not the number growing?

Mr. PERKINS. No; there has been quite a large number of bills introduced, but this is the only one reported in this Congress. We have reported but this one bill, in which we have put all the cases which in our judgment possess merit.

Mr. ROBINSON of Indiana. It rests entirely in the judgment of the Committee on Foreign Affairs whether one has been brave and is entitled to the medal?

Mr. PERKINS. Yes.

The bill was laid aside, to be reported to the House with a favorable recommendation.

Mr. PERKINS. Mr. Chairman, in order to clear the Calendar, I move that the ten special reports covered by this bill be stricken from the Calendar. They are disposed of by the action of the committee just taken, reporting this bill to the House. There is no necessity of carrying the bills on the Calendar for the remainder of the session.

The CHAIRMAN. Will the gentleman from New York indicate the Calendar numbers?

Mr. PERKINS. Nos. 127, 128, 129, 130, 131, 132, 133, 135, and 136. I move that they be stricken from the Calendar.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the bills with the Calendar numbers of 127, 128, 129, 130, 131, 132, 133, 135, and 136 be stricken from the Calendar. Is there objection? [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. MIERS of Indiana. Mr. Chairman, I would like to ascertain the order of business. There is so much confusion I could not hear.

The CHAIRMAN. The committee will be in order. The committee is proceeding to take up bills covering private claims on the Calendar in their order, and the gentleman from Illinois is recognized.

Mr. GRAFF. Mr. Chairman, I want to say something to clear up some doubt about the manner in which bills will be considered. As I understand it, under the special rule under which we went into Committee of the Whole, bills upon the Private Calendar, from whatever committee they come, will be taken up in their order according to their numerical order on the Calendar, with the exception of the bills reported from the Committees on War Claims and Pensions. All other private bills will be considered in their regular order. The bill which has just been considered was considered under the regular order and not by any special consent of the committee. It is my purpose, so far as I am personally concerned, to take up these bills as they appear on the Calendar in their regular order with the exception of one bill.

I propose to ask unanimous consent at this time that that bill may be taken up and considered. My reason for doing so is that I have received so many requests from both sides of the House to secure consideration of this bill; and a further reason is that it seems to have more than a personal or individual importance. It

is the bill for the purpose of paying the architects of the Congressional Library an amount in addition to what they have heretofore received. The parties interested—the claimants—are Smithmeyer & Pelz; the number of the bill on the Calendar is 1473, and the number of the bill——

Mr. MIERS of Indiana. Will the gentleman yield for a question?

Mr. GRAFF. The gentleman will pardon me for a moment. The number of the bill is S. 167. After the consideration of this bill, I propose that we go on in regular order.

Mr. MIERS of Indiana. That is what I wanted to ask—whether it is proposed to proceed in regular order after this is disposed of.

Mr. GRAFF. Yes, sir. I ask unanimous consent for the consideration of Senate bill 167.

Mr. MANN. I should like to know whether there are any special reasons for taking up this bill out of its regular order?

The CHAIRMAN. The Chair can not answer that question. He will submit the request for unanimous consent. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (S. 167) for the relief of John L. Smithmeyer and Paul J. Pelz.

The CHAIRMAN. The gentleman from Illinois [Mr. GRAFF] asks unanimous consent that the bill just read by title be taken up for consideration. Is there objection?

Mr. MANN. Reserving the right to object, I should like to know whether there are any special reasons for the payment of this claim or the consideration of this bill ahead of everything else on the Calendar.

Mr. GRAFF. My reason for asking this consent of the House is that so large a number of members on both sides have expressed a desire that these men should receive long-deferred justice, as it seems to them. But the merits of the matter can, of course, be discussed, when we come to consider the bill. My reason for asking unanimous consent is the general interest manifested in the measure.

Mr. MANN. May I ask whether these architects have ever had a settlement with the Government?

Mr. GRAFF. Yes, sir; they have.

Mr. MANN. Does this bill provide for a payment to them directly, or——

Mr. GRAFF. The committee proposes to have passed an amendment to the Senate bill. The Senate bill provides for a reference of the claim to the Court of Claims under instructions which would practically impose upon the Court of Claims the duty of going through the mathematical process of figuring the compensation according to the rates laid down by the Architects' Association. It seems to me that such a proceeding would allow to these people an undue amount—an amount in excess of what they are entitled to. Therefore, after consultation upon the subject, and after a very thorough hearing, we have recommended an amendment to the Senate bill, providing for a direct appropriation of $50,000 instead of a reference to the Court of Claims, which would allow $111,000.

Mr. MANN. I suppose this means that they will come in hereafter with another claim for the balance.

Mr. GRAFF. Not at all; they have expressed before the committee a willingness to accept this amount.

Mr. MANN. Did they not before, when they made the settlement, express a willingness to accept the amount then paid them?

Mr. GRAFF. No; they did not. They went into the Court of Claims, and they of course accepted the money for which the judgment was rendered. They were largely indebted by reason of the expenses which they had incurred in employing a large number of persons in connection with the preparation of the plans. They submitted to the committee having in charge the building of this great structure no less than ten different plans, and one of the claimants made a trip to Europe for the purpose of inspecting there the great public buildings of this character, preparatory to entering into this contract. They did enter into a competitive contest for the design, away back in 1873, with 27 competitors, and were awarded the prize for their design. After they were thus awarded the prize for that design they were told to make new plans. They went on and made ten different plans, that work extending over a period of thirteen years, covering practically the whole range of architecture, and finally the committee settled down upon the present plan under which the building was constructed—the Italian renaissance.

Mr. WM. ALDEN SMITH. I should like to ask whether this claim or allowance is based upon any legal obligation of the Government? Is it the outgrowth of any contract, or is it an equitable claim?

Mr. GRAFF. It is an equitable claim. The fact is that after they entered into this competition for the design with 27 others and submitted their plan, which was accepted, and a prize of $1,500 awarded them for that sketch or design, which was selected by the committee that passed upon the various designs submitted and which they had been requested to prepare at one time by the Senate committee and again by the committee which had in charge the enterprise itself under legislation of Congress. But at no time was there any contract entered into between these architects and those who had in charge the receiving of plans for the erection of the structure.

Mr. WM. ALDEN SMITH. Mr. Chairman, just one other question. I would ask the gentleman from Illinois [Mr. GRAFF] whether, eliminating the features that are complained of in the Senate bill, he is not willing that this matter should go to the Court of Claims unhampered by any particular regulation?

Mr. GRAFF. If it went to the Court of Claims unhampered, of course they could recover nothing, because the matter is res adjudicata.

Mr. WM. ALDEN SMITH. It would be passed on upon its merits if we give them an enabling act.

Mr. GRAFF. Yes; but the fact is no contract was made.

Mr. WM. ALDEN SMITH. The doctrine of res adjudicata would apply on their contract.

Mr. GRAFF. Well, Mr. Chairman, I ask for a submission of the question.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to take up out of its order Senate bill 167, for the relief of John L. Smithmeyer and Paul J. Pelz. Is there objection?

Mr. WANGER. I object.

The CHAIRMAN. The gentleman from Pennsylvania objects.

SMITHMEYER & PELZ.

Mr. GRAFF. Then, Mr. Chairman, I move that we take up the bill found upon the Calendar, being Calendar No. 1473, for the relief of Smithmeyer & Pelz.

The question was taken; and upon a division (demanded by Mr. WANGER) there were—ayes 87, noes 31.

So the motion was agreed to.

The Clerk read as follows:

Be it enacted, etc., That the United States Court of Claims be, and hereby is, given jurisdiction to rehear and render judgment in the claim of John L. Smithmeyer and Paul J. Pelz for compensation for their services in preparing the plans for the building for the Library of Congress, and no prior settlement or adjudication thereunder of their claim for compensation for said services shall be a bar: *Provided, however*, That the measure of compensation shall be awarded upon a quantum meruit basis for all services rendered until such plans were accepted by the United States; and in the absence of express contract the rate of compensation subsequently paid to the claimants for services in the construction of the Library building shall not be evidence of the value of the services of claimants in preparing such plans: *And provided further*, That the measure of compensation shall not exceed the rates and rules established by the custom and usage of the profession of architects for such services; and the evidence heretofore taken and used by either party in the Court of Claims shall be competent in this suit and considered with such other evidence as either party may introduce.

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John L. Smithmeyer and Paul J. Pelz, the sum of $50,000, to reimburse them to that extent for expenses estimated to have been incurred by them in the preparation of the plans and drawings for the Library of Congress."

Mr. GRAFF. Mr. Chairman, as I stated, in reply to the questions concerning this bill, it came to the committee from the Senate in the form in which it has been read by the Clerk in the House. By the provisions of that bill, should we pass it in the same form that the Senate has passed it, it would be equivalent to sending it back to the Court of Claims, with directions that the Court of Claims take the rules of the Architects' Association, which is 2½ per cent upon the cost of the building, and give that to these people for services rendered in the plans and specifications, deducting the sum of $48,000, which they have already received, which would give to Smithmeyer & Pelz the sum of $111,000.

Your committee concluded that the reasons why the court allowed them so small a sum was on account of their own neglect and their failure to follow ordinary business shrewdness in the management of their business relations with the Government. The facts are that these services were of an extraordinary character. They were rendered by two prominent architects, Messrs. Smithmeyer & Pelz. The beginning of the services was away back in 1873; and when they submitted their design for a Congressional Library building in competition with 27 others, the committee which passed upon these designs paid to Smithmeyer & Pelz $1,500, the prize offered for the design. The design itself, of course, was simply a sketch of the proposed building and not at all a full and complete set of plans and specifications. After the year 1873, as is well known by those Representatives who served back in those days, the Congressional Library enterprise was a matter which came up in various forms before Congress, until the year, 1886.

From 1873 to 1886, at the instance and request of Senatorial committees, committees of the House, and finally committees having charge by legislation of Congress of the enterprise itself,

Smithmeyer & Pelz, having been selected by winning the prize on the design in the first instance, were requested from time to time to make plans on the various styles of architecture known to art. Some ten different designs were made up in detail, involving during that period of thirteen years almost the entire time, and involving also the employment of clerks and men to do the mechanical work as they were directed from time to time by those various committees. We know that is true because when the matter was tried before the Court of Claims and witnesses were before that court and the question was examined into exhaustively, the court itself arrived at the conclusion that these two men put in solid time to the extent of some eight or nine years of that thirteen in making up their estimates for their final allowance.

But unfortunately for Smithmeyer & Pelz they were enthusiasts in their art, and there was not a scratch of a pen on paper to give them any assurance of what amount they were to receive for the work which they were rendering. Indeed, there could have been no contract drawn in the beginning of that thirteen years, because no one could have anticipated how much work or how many plans and specifications they were called upon to draw.

Mr. WM. ALDEN SMITH. All of these payments were made on the quantum meruit, were they not?

Mr. GRAFF. I will reach that point in just a few minutes. Now, according to the testimony before our committee, Senators Voorhees and Morrill, who, I think, were on this Library Committee, were in conversation with Smithmeyer & Pelz, and Smithmeyer & Pelz told Senators Voorhees and Morrill that they ought to have some contract for their work.

This was after they had put in a period of seven or eight years traveling abroad, producing these plans, having their entire force in the architect's office at the call of Congress from time to time. These two Senators said to them that if they put in a bill for 2½ per cent for the making of the plans and 2½ per cent for supervision, according to the rules of the Architects' Association, the legislation which was at that moment pending before the House and Senate for the initiation of the enterprise, which had been in a tentative condition for a period of years, might be defeated. They asked them to wait, and assured them that the Government would do the right thing by them. Mind you, there was no contract, no sum set, up to that time——

Mr. WM. ALDEN SMITH. Was there not a prize offered?

Mr. GRAFF. That was only a little insignificant prize of $1,500, which they received away back in 1873, but not a cent had they received up to 1886 for any of these services which had been rendered, and members who were present in 1886, when the bill finally passed for this great enterprise, for the actual laying of the stone and the erection of the structure, will remember that it did not pass the House by a unanimous vote. There was a very sharp division upon the subject.

Finally the plan, the last of the ten, the Italian Renaissance, drawn and prepared by these two architects, was finally chosen, and the building that stands across the way in these grounds is a reproduction of those plans.

In 1886 no move was made by them yet to determine what they were to receive for this long series of work. No doubt these men thought that if they were fortunate enough to be chosen as the designers and architects of the greatest architectural structure in the round, round world for the purposes for which it is used, the fame which would come to them by reason of having secured that work would make the compensation which they received for the work insignificant in comparison, and that they would have work crowding upon them on all hands as the result of their fame.

Mr. WM. ALDEN SMITH. Do you think that is true?

Mr. GRAFF. That might be true. I am simply drawing an inference——

Mr. DINSMORE. Is it not true that they have lost a great deal of the celebrity to which they are entitled by reason of the action of the Government in not paying them up to this time?

Mr. GRAFF. I think that is true also.

Mr. CLARK. Will it interrupt the gentleman to ask him two or three questions now?

Mr. GRAFF. No.

Mr. CLARK. First I want to ask if this claim has not been passed upon once by the Court of Claims?

Mr. GRAFF. Oh, yes.

Mr. CLARK. And an award of $48,000 given?

Mr. GRAFF. Yes.

Mr. CLARK. And they accepted that?

Mr. GRAFF. Yes; they took it.

Mr. CLARK. Well, then, what kind of an excuse have they for coming in here again after the matter is res judicata?

Mr. GRAFF. I am just attempting to explain that, and I am now reaching the very point you are talking about, if you will permit me.

Mr. CLARK. One other question?

Mr. GRAFF. Yes.

Mr. CLARK. You say these men would have got this money long ago if it had not been for their own negligence?

Mr. GRAFF. I am inclined to think that is true, yes.

Mr. CLARK. Do you know of any place on the face of the earth where a man can come in and plead his own negligence as an excuse to get a new trial except in the Congress of the United States in the case of a claim against the Government?

Mr. GRAFF. That may be true, but I think it is well known that men who have the genius to design great structures like the Library building, or to write poems, or to deliver magnificent speeches, like those delivered by my friend from Missouri, seldom have any business sense.

Mr. CLARK. I have sense enough to get some pay for my speeches outside of Congress. [Laughter.]

Mr. GRAFF. Well, I do not know whether you are to be congratulated the most, or your listeners.

But now we reach a point where these gentlemen yet had filed no bill, and no cent had been paid to them, and no agreement made for their recompense. They supposed that when the dream became a realization in marble there would be no difficulty about their being rewarded for their great work. Finally they went before the Court of Claims to recover an amount which was due them. When they commenced before the Court of Claims they had no scrap of paper upon which to found any contract——

Mr. HEPBURN. What was the amount of their claim?

Mr. GRAFF. The amount of their claim was some $150,000.

Mr. HEPBURN. What is it now?

Mr. GRAFF. It is the same amount, less what they received; but the Committee on Claims cut it down to $50,000, or some $60,000 less.

Now, then, when they went before the Court of Claims they attempted to show that according to the usage of architects there was a regular scale of rates under the Architects' Association, and by that scale 2½ per cent upon the value of the structure itself was the usual and customary price for making the plans and specifications, and that 2½ per cent was the usual and customary price for supervising and superintending the erection of the building afterwards in accordance with the plans. The court stated that after 1886, after the final plan was accepted, that they themselves had accepted employment under the Government at a salary of $5,000 a year for one and $3,000 a year for the other in connection with the work of supervising the actual erection of the building under the plans and specifications; and the Court of Claims stated that by the act of these gentlemen, in 1886, in accepting employment at $5,000 a year and $3,000 a year, respectively, for supervising the erection under the plans that they themselves had set a rate for making the plans and specifications.

Afterwards an appeal was taken, and it went to the Supreme Court of the United States, and the Supreme Court, taking the same theory, that it was not on account of any conduct of theirs prior to 1886, it was not because the architects would not be allowed ordinarily under a quantum meruit to show the customary price, but because they had afterwards accepted employment at $5,000 a year and $3,000 a year, respectively, they were barred from recovering on other basis than the rate of their subsequent employment.

Mr. WM. ALDEN SMITH. Upon that point. Was the judgment of the Court of Claims based on the theory of quantum meruit?

Mr. GRAFF. It was based on the argument which I have stated.

Mr. WM. ALDEN SMITH. As a test of the services rendered?

Mr. GRAFF. No; they stated that they themselves had fixed the rule by their conduct in accepting employment after this period of thirteen years for future employment in connection with this work at the same rate that they had contracted for after 1886.

Mr. WM. ALDEN SMITH. Is not the equity in the Senate bill based on the fact that they had received this?

Mr. GRAFF. I do not know that is on what the Senate bill is based.

Mr. GILLETT of Massachusetts. Is this $8,000 a year contained in the $48,000 that they were paid?

Mr. GRAFF. It was paid to them for the work they did after 1886, as superintendents.

Mr. GILLETT of Massachusetts. But the amount is not contained in the $48,000 that they received—that they also received other sums. For what period did they receive this $8,000?

Mr. GRAFF. I think but two or three years.

Mr. GILLETT of Massachusetts. Do you know how much they received?

Mr. GRAFF. About $13,000 under this annual contract. But, mind you, it was not pretended that that annual employment had anything to do with the services which they had rendered for a period of thirteen years prior to 1886 in getting up the plans and specifications.

Mr. WM. ALDEN SMITH. I would like to ask the gentleman

from Illinois if he does not consider it a little dangerous to base our action upon a supposed promise made by two Senators to these architects so many years ago?

Mr. GRAFF. I do not base it upon that promise.

Mr. WM. ALDEN SMITH. That was the equitable feature of it.

Mr. GRAFF. No, sir; the equitable feature is the amount of value which the country has received from their services, and the further fact, strange as it may seem, that in figuring in the decision the Court of Claims and the Supreme Court have taken no account of the fact that when employed annually they had no clerical expense, but while getting up the plans and specifications that they were keeping their own office and employing their own clerks, and yet the courts took that annual employment as the basis of the services that they had rendered in bringing not simply the work of hands, not the rough work, not in carrying out lines already designed, but in a creation of art.

Mr. PAYNE. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. GRAFF. Certainly.

Mr. PAYNE. I understand that this claim was for services rendered prior to 1886.

Mr. GRAFF. Yes, sir.

Mr. PAYNE. Now, on what amount of cost of building is this a percentage?

Mr. GRAFF. It was figured upon a basis of $6,000,000.

Mr. PAYNE. Does not the gentleman know that, under the plans they presented prior to 1886, it was estimated that the building was to cost $3,000,000, and that the plans were elaborated afterwards by the builders over the plans of the first architect until the building cost over $6,000,000, and part of that cost was the cost of buying the land, the approaches, and the street?

Mr. GRAFF. And I know also——

Mr. PAYNE. Does the gentleman know that?

Mr. GRAFF. That may be true; but under the prevailing rules of the Architects' Association, as any man knows who has built a private residence, they are based, not upon the estimate of what the building will cost, but what the building subsequently costs to erect.

Mr. PAYNE. Exactly. Now, is it not a fact that the plans in detail were not prepared by these gentlemen prior to 1886, but merely rough plans—plans that were perfected afterwards by them or by others?

Mr. GRAFF. There was some detailed work that was afterwards rendered—after the period of 1886—but the structure itself, the conception of the great work, had all been accomplished and had been accepted, not simply from one plan that had been drawn, but from ten different plans.

Mr. PAYNE. Does not the gentleman know that the great claim made for office expenses could not have been incurred from the mere general plans without presenting specifications and details—detailed plans for every part of the structure; that the great office work is in making details and detailed specifications?

Mr. GRAFF. If the gentleman from New York wants to leave the impression that the larger part of the work was done after 1886, that is not true.

Mr. PAYNE. The clerical work. Is it not a fact that one of these gentlemen was employed by the Light-House Board and drew a salary from the Government a greater portion of this time?

Mr. GRAFF. If that is true, I do not know it.

Mr. PAYNE. It has been so stated to me.

Mr. GRAFF. I never heard of it.

Mr. PAYNE. The gentleman contends that these men spent most of their time for thirteen years upon these plans. Now, is it not true that they were conducting an office in the city, and doing business for other people during this time?

Mr. GRAFF. That is true. We do not have to rely on inferences or speculation as to the part of the thirteen years that was devoted to these plans. The court took the evidence and reached the conclusion that they used eight years' solid time.

Mr. PAYNE. Yes; but does not the gentleman know that the greater part of that time was spent in explaining these plans and this building to committees and members of Congress—of course, in a legitimate way, looking to the adoption of the plans?

Mr. GRAFF. I do not know whether that is true, but if it is true, I do not see how that should militate against the claim; I should think it would tend to support it.

Mr. PAYNE. It is the gentleman's idea that a man should be paid for his efforts in securing a good job. [Laughter.]

Mr. GRAFF. Oh, no; on the question of securing the job there can be no question about who was employed. These gentlemen were recognized all the time for a period of thirteen years as the sole and only people who were the architects of this scheme; after the year 1873, when they had the competition over the original design.

Mr. PAYNE. The original design was presented within the three months after advertisements?

Mr. GRAFF. In 1873.

Mr. PAYNE. Within three months after the advertisements?

Mr. GRAFF. I am not certain about that, but if that were true——

Mr. PAYNE. A prize was offered?

Mr. GRAFF. I think so.

Mr. PAYNE. And that closed that incident?

Mr. GRAFF. It closed the incident, but it seemed to be a determined factor on the part of Congress as to what architect they should select.

Mr. PAYNE. They selected their plans, we will say; that is the way I understand it. Now, for thirteen years after that they want pay for some indefinite service in presenting these plans to Congress. The details were worked out after 1886, when Congress adopted a general plan and went to work on the building.

Mr. GRAFF. Congress adopted a general plan, but it was a plan that had been prepared by these gentlemen, and one of them went over to Europe and traveled and made investigations and observations on this subject, and they put in as facts before the Court of Claims, and which I stated a little while ago, that by actual computation the major portion of the thirteen years was spent upon these plans. Besides that, they were compelled to wait Congress's beck and call during that period of thirteen years, and it resulted, as I am told by members of Congress here upon the floor, in the absolute financial ruin of these people, and it does seem to me that there is some sentiment—a little sentiment—in this matter.

Mr. PAYNE. I think it is most all sentiment.

Mr. GRAFF. I think not. It is not very much a matter of sentiment to the unfortunate designers of this building who are to-day bankrupt because they did not treat the Congress in the same hard-fisted and suspicious manner that they might treat some capitalist who was going to erect a set of buildings in which to inaugurate a manufactory.

Mr. PAYNE. They were allowed this salary in 1886, as I understand, and from that time on. The law was passed in 1886?

Mr. GRAFF. Yes, sir.

Mr. PAYNE. When did they first make their claim for this indefinite service prior to 1886?

Mr. GRAFF. About three or four years after.

Mr. PAYNE. They did not make any claim at the time?

Mr. GRAFF. They had not been paid anything.

Mr. PAYNE. But they did not ask anything, did they, at that time?

Mr. GRAFF. Oh, there was no question about their being entitled to pay.

Mr. PAYNE. But they did not ask anything from the Government at that time or until three or four years afterwards?

Mr. GRAFF. They kept waiting and talking with the leading men upon this side of Congress who were making themselves prominent with regard to the progress of the building in its plans and afterwards in its construction.

Mr. PAYNE. Did the Government have another architect after 1886 who assisted in the construction of this building?

Mr. GRAFF. I understand that some three years after 1886 one of these gentlemen—either Mr. Smithmeyer or Mr. Pelz—refused to accept some cement which was tendered by some one for construction of the building over there; and the maker of the cement went before the War Department, which, I believe, had supervision of the matter, and made complaint that either Mr. Smithmeyer or Mr. Pelz—I think the former—had unjustly refused to accept the cement; that Mr. Smithmeyer had complained that the cement was not good and did not fulfill the requirements of the building, when, in fact, it did meet the requirements; and I know that a short time after that Mr. Smithmeyer's services were discontinued under his annual salary.

Mr. PAYNE. By whom? By Congress?

Mr. GRAFF. By the War Department, under his annual employment during the period of three years from 1886 to 1889.

Mr. PAYNE. And the man who had charge of the construction of this building was General Casey, was it not?

Mr. GRAFF. Yes, sir. I think, as a matter of fact——

A MEMBER. That was afterwards.

Mr. GRAFF. I think that was afterwards.

Mr. PAYNE. Oh, no; from the very beginning.

Mr. GRAFF. No.

Mr. PAYNE. I so understand.

Mr. GRAFF. I think you will find that Congress tried first one plan and then another, and finally proposed to put the work under the direct supervision of an engineer of the Regular Army—General Casey, perhaps, whom you mentioned—who finally completed the structure.

Mr. PAYNE. Now, after the appointment of this new archi-

tect were not the plans materially changed and details partly worked out?

Mr. GRAFF. Oh, there were some changes in the plans; that is true. I have had some little experience in building, and I never knew a building to be completed when there were not some changes.

Mr. PAYNE. In this case the details and specifications were largely worked out.

Mr. GRAFF. Oh, there were some mechanical details worked out——

Mr. PAYNE. Mechanical details and details in art.

Mr. GRAFF. Not at all; the artistic portion, and, indeed, almost all the mechanical portion of the work, were complete in 1886, when they commenced the actual work of laying stone and mortar.

Mr. PAYNE. Is the gentleman able to inform the House just how much these gentlemen have been paid?

Mr. GRAFF. Yes, sir.

Mr. PAYNE. How much?

Mr. GRAFF. They were paid $13,000 for their annual employment, about which there was no question.

Mr. PAYNE. You say they were employed for three years at $8,000 a year, which would be $24,000?

Mr. GRAFF. I think one of them did not work quite so long as the other. They were working independently after 1886.

Mr. PAYNE. Did they not receive over $70,000, including the $48,000 paid under the judgment of the Court of Claims?

Mr. GRAFF. No; they received $13,000; and then the firm received a lump sum of $48,000 for thirteen years' work. And out of that they had to pay for the maintenance of their office and clerical force during that time.

Mr. PAYNE. I read the report some time ago, and I obtained the idea that the amount they had paid out for clerical force was very indefinite; that the books or other papers were either never kept or were destroyed; that they had not any memoranda showing the amount that they had paid for clerical force or the amount that they had received.

Mr. GRAFF. The only difficulty about that was this: The firm was engaged in the whole field of architectural work—in making plans for manufacturing plants and for residential structures; they were serving private patrons, and at the same time they were reaching out and performing the scattered and irregular service which was demanded of them at the hands of the Government. One reason for this irregular service was the indecision of Congress concerning the commencement and actual initiation of the work, and it was well that this delay occurred, for I think that the time taken to determine what plans should be adopted and how the work should proceed was one of the main reasons why it has been such a splendid success in every particular.

Mr. PAYNE. As I understand, it appeared before the Court of Claims that they could not fix this amount they had paid out; they made the best evidence they could on the subject. And is it not true that, while they had every latitude before the Court of Claims, the Government defense was more a formal defense than anything else, without the summoning of many witnesses or of producing much evidence?

Mr. GRAFF. It was a legal defense—it was a technical defense. It was not a question of evidence. It was a question of strict law—a question that these men had bound themselves by a subsequent action after the work had been rendered, had fixed a measure of payment by reason of the rates they had fixed for themselves in their annual employment.

Mr. PAYNE. Of course these gentlemen had to have drawings, after the 1886 drawing, of details and figures on estimates and all that sort of thing; and, as I understand it, this $8,000 a year paid all the office expenses for that kind of work, did it not? Is that correct?

Mr. GRAFF. Now I remember something by which I can answer the gentleman on that. That matter, I remember now clearly, was before the Court of Claims, and they deducted $3,000 for the insignificant service which was subsequently rendered by other parties for the making out of these mechanical details which the gentleman talks about, showing that the Court of Claims itself determined that the amount of service rendered in that subsequent preparation of those little details was absolutely insignificant in actual value as compared with the great work which was performed by these people. I am glad that the gentleman refreshed my recollection.

Mr. PAYNE. The gentleman's inspiration does not answer my question.

Mr. GRAFF. Yes; it does.

Mr. PAYNE. That was as to whether the $8,000 a year covered the work that these gentlemen did in the office through their hired help, as well as their own service.

Mr. GRAFF. Oh, no.

Mr. PAYNE. Did the Government pay them additional to the $8,000 a year?

Mr. GRAFF. No.

Mr. PAYNE. For the work in their offices?

Mr. GRAFF. No, no; they had no expense.

Mr. PAYNE. Why, the gentleman does not pretend to tell this committee, does he, that in working out these plans, building this building from the foundation, these gentlemen were at no expense in their office for drawing working drawings of the plans and in making specifications?

Mr. GRAFF. The Government paid that.

Mr. PAYNE. Does not the gentleman know that the expense of doing that sort of thing is much greater than making the original plans?

Mr. GRAFF. But the evidence shows that the Government paid that expense, providing the clerical help, so that they had no expense themselves. That furnished a marked contrast to the kind of employment they had before 1886. After 1886 they simply furnished their personal services and the Government itself provided the clerical work.

Mr. MANN. Now, Mr. Chairman, may I ask my colleague a question? As I understand him, that decision of the Court of Claims was based upon the fact that these men set the price for their own work by accepting salaries.

Mr. GRAFF. While it was different kind of work, that is true; yes, as a matter of law, that is true, but there is a dissenting opinion in the Court of Claims on that subject.

Mr. MANN. Well, that is preliminary. And that the committee now favor paying the claim based partially at least upon the scale fixed by the National Architects' Association.

Mr. GRAFF. No; we did not base it upon the scale of the Architects' Association. If we had, we would have given them $111,000.

Mr. MANN. Well, you based it upon the fact that they should be paid more than the salary, and partially based it upon the scale of the National Architects' Association.

Mr. GRAFF. Yes; we did so because we did not think it was a fair basis to pay these men at that rate.

Mr. MANN. What I want to get at is, whether this will constitute a precedent for any other case. We have a public building being constructed in the city of Chicago, which may be finished some time during the present century, if we have good luck. The architect is employed at a salary. It might happen that the building would be finished in time enough so that the yearly salary would not amount to as much as the 5 per cent that the National Architects' Association fixes upon; and I want to know whether he would be entitled to come into Congress and state this case as a precedent.

Mr. GRAFF. No; he would not, because that architect, and every other architect that has anything to do with public buildings under the rules and regulations of the War Department, has to enter into a written contract, and he knows when he enters the service just what he is going to get, and there can not be any misunderstanding about it.

Mr. MANN. This man, as I say, has not entered into a written contract; not at all. It is not the ordinary case of a Government architect at all. He is employed as these architects were, by act of Congress, and is paid a salary per year.

Mr. GRAFF. That is all right.

Mr. MANN. Now, can he come up later under this precedent and claim that he ought to be paid what the National Association of Architects determine upon?

Mr. GRAFF. Is not that a contract, if Congress passes an act appropriating so much money to a man to do the work, and he commences work under that appropriation? Is not that an acceptance of the contract?

Mr. MANN. No more than it is where a man works and receives his pay, and no more than it is when a judgment is rendered in favor of a man and he accepts the money and then comes in later and wants more.

Mr. GRAFF. No; these people rendered this service at the request of the Government and at the instance of the Government, without having any contract, for which the Government was just as much to blame as they were.

Mr. MANN. The gentleman knows that I, like himself, am anxious to have the public building in Chicago finished.

Mr. GRAFF. Yes.

Mr. MANN. I should dislike very much to see a precedent established here that would prolong it so that it would still be under construction after the end of the twentieth century. [Laughter.]

Mr. CANNON. May I ask my colleague a question?

Mr. GRAFF. Yes.

Mr. CANNON. As I have been listening I have been trying to revive my recollection about this. As I understand my colleague, in 1871 or 1872 Congress offered something for the best plan.

Mr. GRAFF. The best design.

Mr. CANNON. For the best design.

Mr. GRAFF. Yes; in 1873.

Mr. CANNON. Now, these parties competed and won the prize?

Mr. GRAFF. Yes.

Mr. CANNON. From 1873 up to the time of the enactment into law of the provisions for the public library——

Mr. GRAFF. In 1886.

Mr. CANNON. In 1886. Is there anything upon the statute book that authorizes these parties to go on and perfect those plans from 1873 to 1886?

Mr. GRAFF. There was no law passed by both Houses of Congress authorizing the employment of these parties during that time, but the Government got the benefit of the services of these parties. They were rendered at the instance and request of the Government, and afterwards, in 1886, the passage of that legislation was a ratification of the services of these people in the acceptance of the final plan of the ten which they drew, which, by the way, was entirely different from the designs on which they won a prize in 1873.

Mr. CANNON. If my friend will allow me, that is the very core of the whole thing, it seems to me. From 1873 to 1886 there was no line of legislation, I understand my friend to say, that recognized or authorized these parties to work for the Government.

Mr. GRAFF. I think there were committees appointed, perhaps, by separate Houses. Of course that is true.

Mr. CANNON. I suspect my friend will find that if there is any basis whatever for this claim from 1873 to 1886 it was upon the request of one or two Senators, à la the magnificent action of the Senate that took council of itself and begot upon itself this great Capitol extension scheme.

Mr. GRAFF. Is the gentleman through with asking me a question?

Mr. CANNON. Well, I want to know if that is not the fact.

Mr. GRAFF. I want to say that that is very adroit.

Mr. CANNON. No; I want to get at the fact.

Mr. GRAFF. But the trouble about it is, that there was never any question in the Court of Claims about the legal status of these people and about their having a valid claim against the Government. There never was any question of that and never could be, on account of the subsequent ratification of the enterprise; and in 1886, when that legislation was finally passed and their plan was accepted, when they subsequently went into court, there was no question about their legal right to recover against the Government. The trouble was that there was no contractual relation so far as the actual amount that they were entitled to receive for their services was concerned. There was no question about the Government owing them something, and there was no question about the Government owing them for the services rendered during this period of thirteen years, because in the Court of Claims that very period is the only period which the court takes cognizance of in determining what services were rendered, first, and secondly, what they were entitled to under the law.

Mr. CANNON. My friend and myself both want to get at the facts. Is not this true—that they recovered $48,000 in the Court of Claims? Is it not additionally true that they had other pay from the Government, by salary or otherwise, making altogether $70,000? Is not this another additional truth—that after the commencement of the construction Congress stepped in and placed this whole work under the Chief of Engineers, and that all the working plans were made at the expense of the Government under the direction of the Chief of Engineers—that is, the whole construction was under his direction and approval, and that this amount of 2½ per cent would cover, if it had been given, all the working plans, all the architectural superintendence, every particle of which these parties did not furnish?

Mr. GRAFF. I stated that the question of the subsequent finishing up of the small details was a matter of evidence, was a matter which had been considered by the courts, and the Court of Claims determined that $3,000 ought to be deducted from the amount outside of this $8,000 a year which they afterwards received, should be deducted from that actual amount, so that these people actually paid for that subsequent service and work in making the detailed plans.

Mr. CANNON. Is it not a fact that the working plans and specifications have cost the Government under the administration of the Chief of Engineers over $30,000?

Mr. GRAFF. Oh!

Mr. CANNON. And not one particle of which was at the expense of these men; and that if they are to have the percentum, if the universal custom is not that they shall furnish the working plans at their expense?

Mr. GRAFF. If that was done, even if $30,000 was deducted from the amount, they would be entitled to more than our committee has recommended that they shall receive. For instance, accepting the statement as true of $30,000, at the 2½ per cent, we have deducted $61,000 from the 2½ per cent, and they would be entitled with the $48,000 they have received, if they are to receive the 2½ per cent, deducting the $30,000 which the gentleman from Illinois states was subsequently paid out for changed plans instead of mere details—they would be entitled to seventy odd thousand dollars instead of $50,000, which the Committee on Claims recommends.

Mr. WANGER. But that would only have been in the event that their supervision continued until the completion of the building.

Mr. GRAFF. Oh, no; the 2½ per cent under the Architects' Association is for making the plans and specifications, and not for the supervision.

Mr. LESSLER. Have you the provision of the Architects' Association?

Mr. GRAFF. I have it by memory. It is 2½ for making plans and specifications, and 2½ in addition for supervision.

Mr. LESSLER. Is there not a sliding scale on large amounts that does not come to 2½ per cent exactly?

Mr. GRAFF. That may be.

Mr. LESSLER. But it does not figure 2½ per cent.

Mr. GRAFF. But at all events, according to the evidence introduced before the Court of Claims, they would be entitled to something like $125,000 to $150,000.

Mr. LESSLER. Are not all the actual working plans in existence to-day?

Mr. GRAFF. Yes.

Mr. LESSLER. Would not you as a lawyer in a court of law, if you were prosecuting such a claim, get expert evidence to show how much time would be required to draw these plans, and would not that be the usual way of finding out how much work the men were paid for who drew the plans, instead of putting it at a half? I can tell you that in a great enterprise in New York to-day the architect says that it only takes one-third of the sum they get to draw the plans, instead of one-half, as you suggest. But I would like to know from the gentleman if he knows whether or not we could arrive at the amount that was paid in the way I have suggested?

Mr. GRAFF. There was something else doubtless done by them, and the Court of Claims reached the decision upon the statements that were made. Of course during these thirteen years they did some private work, but that private work continued to decrease until they lost their private business.

Mr. LESSLER. But here are the plans in existence.

Mr. GRAFF. Of course I did not try the case in the Court of Claims or I would have won it, and I know if I had had the assistance of the gentleman from New York I would.

Mr. LESSLER. I know that if I had been in the case and had your help we would have won.

Mr. RIXEY. If the gentleman will permit me, I was a member of the Committee on Claims during two Congresses when this claim was before that committee, and my recollection is that all that Smithmeyer & Pelz desired was that they might be permitted to go back to the Court of Claims for a new trial.

Mr. GRAFF. Yes.

Mr. RIXEY. And the question was to be one of quantum meruit. I remember the bill was amended so that they were to go back to the court for a new trial under the law and evidence. That bill was not satisfactory to them. I have no doubt the chairman of the committee united in that report at that time; and now I ask him if he does not think a bill of that character is a better one than a bill of this character giving them a lump sum, when there is no evidence before the House that they are entitled to a dollar.

Mr. GRAFF. I think the evidence is very clear, and I am not in favor of sending them back to the Court of Claims and then going to work to draw up a set of instructions to the Court of Claims to find in accordance with the Architects' Association. I have no quarrel with the decision of the Supreme Court and the Court of Claims about the law. I think they construed the law properly. I think it was exceedingly unfortunate that these people put themselves in that position by accepting an annual employment and thereby fixed the rate for the payment of work rendered for thirteen years prior to that time. But to send them back to the Court of Claims without certain instructions would be sending them back for a trial in accordance with the law, and it could only result in having the same decision that was rendered before.

Now, I think this claim arises above and higher than an ordinary claim. I think these people were very unwise, from a business standpoint, in having gone on for a period of thirteen years rendering services without having a strict understanding; but we must remember that there is such a thing as enthusiasm in art; that there is such a thing as ambition. There is a little of it here, I presume, that is not governed by financial considerations. These people were led on; each session of Congress was looked forward to by many people as the time when they were going to

begin operations on the Congressional Library. It did not come. In the meantime these services were not valueless; they were very valuable, and finally entered into and made a part of the final decision which was made as to the plan upon which the building was finally erected.

Mr. RIXEY. Will the gentleman let me make a statement?

Mr. GRAFF. Certainly.

Mr. RIXEY. My recollection is distinct that parties representing Smithmeyer & Pelz before the committee contended that they had been taken by surprise on the trial and the ruling of the court was wrong, and it was for that reason, to give the court another opportunity to consider the law, that we were willing to give them a new trial before the court. I think there is a wide difference between giving them that and a lump sum.

Mr. GRAFF. I have no hesitation in differing with them about that. But it makes no difference to me what the House does with this matter. I am here to perform my duty. I think I violate no confidence when I say that the Committee on Claims at first recommended a lump sum of $75,000. I think I was the only member of the committee that did not coincide with that amount. I thought they ought to be paid something, something somewhere near in proportion to the magnificent thing they have given to the Government and to the world and to art, and finally we cut the sum down, reconsidered our action, and recommended $50,000. The committee took the trouble to send for these claimants and ask them if they would be satisfied with that amount. As a matter of fact I had a conversation to-day in the committee room, in the presence of others, with a Senator from the opposite side of the Chamber, in which he thought that we had been very niggardly in the matter. I stated that if the House passed this bill amending the Senate bill and cutting it down to $50,000, so far as I was personally concerned, I never would consent to its being raised over that amount. Now I would like to have the House or the committee pass upon the matter.

Mr. HOOKER. Mr. Chairman, I want to ask the gentleman a question. Is it not true that originally Congress proposed the construction of this Library and appropriated $4,000,000; that subsequently they agreed to appropriate $5,500,000, and finally the building cost $6,500,000? Is it not also true that we are indebted to the talent of Smithmeyer & Pelz, as architects, for the character of the building that we now have?

Mr. GRAFF. That is true.

Mr. HOOKER. It seems to me, Mr. Chairman, that their compensation as architects for devising the plan is one thing and their compensation as inspectors of the structure to see that the appropriate materials went into it when they were paid $8,000 a year is altogether another thing. They are entitled to pay for the talent which designed this most magnificent structure, the most magnificent on this side of the ocean and, gentlemen tell me, as magnificent as there is on the other side of the ocean.

They are entitled to compensation for that which enabled them to put in shape this building, more superb than any building there is in this or in the Old World. The $8,000 which they got—one being paid five thousand and the other three thousand—was simply an insignificant and unsatisfactory compensation to these two intelligent architects for supervising the structure of the building.

Mr. Chairman, I avail myself of the courtesy of the Committee of the Whole to extend my remarks in the RECORD to present the true history of the legislation of Congress in regard to the new Congressional Library.

The first movement toward a separate building for the Library of Congress was in the year 1872, whenthe annual report of the Librarian of Congress, Mr. A. R. Spofford, was submitted to Congress setting forth its necessity and outlining a general plan for such an edifice.

This led to an examination of the subject in Congress, and a commission was appointed by act of March 3, 1873, consisting of the chairman of the Committee on the Library, Senator T. O. Howe, of Wisconsin; the chairman of the Committee on Public Buildings, Justin L. Morrill, of Vermont; and A. R. Spofford, the Librarian of Congress.

This commission was empowered to invite competitive plans for a suitable building, and the sum of $5,000 was appropriated to defray expenses.

Twenty-eight designs were submitted by as many architects, and out of this number the first prize of $1,500 for the best design was awarded by the commission to Messrs. Smithmeyer & Pelz, architects, of Washington City, D. C.

After many delays and differences between the Senate and the House as to site and costs, an act was passed, April 15, 1886, authorizing the construction of a building "substantially according to the plan submitted by John F. Smithmeyer," and $500,000 was appropriated to begin the construction of the building.

The next year, 1887, a limitation of cost to four millions was voted by Congress; but in 1888, upon a report by Gen. T. L. Casey, Chief of Engineers (under whom the construction was placed), that $4,000,000 limitation would provide only sufficient room for less than forty years' growth of the Library, Congress repealed the limitation and appropriated the sum of $5,500,000, which, with sums previously appropriated, made a total of $6,347,000 as the total actual cost of the building, exclusive of the cost of the ground, which was $585,000.

When the new Library building was approaching completion Mr. A. R. Spofford published a pamphlet giving a description of the building, to which I am largely indebted for the information I have on this subject, though I was in Congress at the time of these appropriations and voted for them all.

In this pamphlet Mr. Spofford states: "The entire massive building will be completed early in 1897." He further states: "This building is constructed after the architectural plans prepared by Smithmeyer & Pelz, with considerable modification." He further states: "The order of architecture is the Italian renaissance."

Even when the completion of the building was placed under the supervision and direction of General Casey, the Chief Engineer of the Army, and his able and accomplished assistant, Green, these gentlemen retained the services of Mr. Pelz as supervising architect.

These architects, Smithmeyer & Pelz, who conceived the design by their wonderful architectural talent, devoted twelve of the best years of their lives to this work, have given a work which, combining utility with beauty, has given us the finest library building in the world.

Driven by necessity, and unwilling to trust the child of their own brain to strangers' hands to fashion and put into marble, they did accept the meager stipend of $8,000 a year to superintend its construction, and were driven to resort to the courts of the country to obtain this.

The compensation for the brainwork which fashioned and conceived this marvelous dream of architectural beauty, of which every American citizen must be proud, must not be confounded with the work of construction and supervision merely.

These architects are entitled to every dollar they claim, and should be paid with generous and liberal hand and not niggardly and parsimoniously. To the original commission, composed of the late Senators Howe, of Wisconsin, and Morrill, of Vermont, and A. R. Spofford, the Librarian of many decades, who lives to witness the realization of his life dream, and to the late Senator Daniel W. Voorhees, of Indiana, who devoted many days and nights of arduous work to the new Library building, and to Smithmeyer & Pelz, the architects of this "dream of beauty," America is indebted for this combination of "utility and beauty," the grand climax of all architectural excellence.

Mr. CLARK. Mr. Chairman, I want to find out how I can get some time of my own.

Mr. GRAFF. I would like to close this up, but how much time does the gentleman want?

Mr. CLARK. I want to find out when the gentleman is through and get some time of my own.

Mr. GRAFF. I will yield the gentleman half an hour.

Mr. CLARK. I only want ten minutes.

Mr. GRAFF. I will yield the gentleman fifteen minutes.

The CHAIRMAN. The gentleman from Illinois has only seven minutes remaining.

Mr. GRAFF. Then, Mr. Chairman, I will reserve the balance of my time.

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] is recognized.

Mr. CLARK. For how long?

The CHAIRMAN. For an hour.

Mr. CLARK. I will take the hour; but I am not going to use it all myself.

Mr. Chairman, I find myself to-day in very distinguished company in fighting this claim. I find myself in company with my eminent friend from New York [Mr. PAYNE], and the chairman of the Appropriations Committee [Mr. CANNON], the predestined Speaker of the House, and my eloquent friend from Michigan [Mr. WM. ALDEN SMITH], and divers and sundry other gentlemen. At the begining of this Congress, in the long session, I announced that I had made up my mind, ungracious as the task might be, to try to save to the United States Government some money while I served in this House. I do not think that I am niggardly in my ideas of public expenditure. I do not believe that I have proved in this House that I am stingy about the expenditure of public money. But I will tell you what I do believe. It is a great deal easier to be generous with other people's money than with your own.

I am in favor of paying every man that does anything for the United States Government a liberal compensation, but I am not in favor of permitting every man who has transactions with the United States Government to loot the Treasury. I am in favor of paying every man that the Government owes every cent honestly

due him once, but I object to paying any man twice or to paying him two or three times as much as he is entitled to. About twenty years ago I received a very short but important lesson as to public expenditures. I happened to be in the office of the governor of Missouri, Thomas T. Crittenden being then governor. Some man brought in a bill for repairs about the State capitol. Governor Crittenden looked over the account from top to bottom, and then, taking up his pen, he allowed just one-half of the amount claimed, saying, "Every man who has a claim against the State of Missouri wants twice as much money for doing a given amount of work as he would ask for doing similar work for a private citizen." I have thought about that remark ten thousand times here. I believe that a good business man could take charge of the United States Government and run it as well as it is run now for one-half the money which we appropriate here.

So much for the general view. Mr. Chairman, these people—Smithmeyer & Pelz—have no standing whatever in this House with this claim, either in law or equity.

Here is their case in a nut shell: From 1873 to 1886 they drew up various plans for the Library building without any contract as to compensation. After that they rendered certain services in superintending the construction, these latter services being paid for on contract. Their total claim was $150,000. All told they have received $84,345.

The Committee on Claims now asks this House to pay them $50,000 more, having reduced the amount voted in the Senate bill by $19,000, for which we are duly grateful.

In the name of the taxpayers of the land I solemnly protest against the payment of that $50,000 or any part thereof.

My friend the chairman of the committee [Mr. GRAFF] has had much to say about art and genius and grew ecstatic in speaking of them.

I do not pretend to be a judge of art; but, in my judgment, genius and brains have a marketable value, just like anything else. These people claim $150,000. That may be too much, or it may be too little. If I were going to guess, I would say that it is too much. But that has nothing whatever to do with the case at bar—whether they have received too much or too little. To have the value of their services between 1873 and 1886 fixed, they went into the Court of Claims; and, while I have never practiced in the Court of Claims, I have a general idea that the proceedings there are sometimes one-sided performances; that is, that the plaintiffs always have their cases fully prepared and introduce all their evidence and that the United States Government, for lack of evidence, is frequently left "in the soup"—to use a very common expression. However that may be, these gentlemen elected to go into the Court of Claims. They did go thither; and the Court of Claims, which is maintained at great expense for the hearing of cases of this kind, allowed them $48,000 for their services from 1873 to 1886. They appealed to the highest judicial tribunal on the face of the earth, the Supreme Court of the United States; and the Supreme Court affirmed that judgment of the Court of Claims for $48,000, and these people took the money.

They have that $48,000 in their pockets; they got the rest of the money for services under contract subsequent to 1886, amounting in all to $84,345. The matter is res judicata. There ought to be an end of litigation. They are estopped from coming to Congress for more. Whether they got too much or too little, if we pass this bill, then every man that goes into the Court of Claims and does not get as much as he thinks he is entitled to, after the question is passed on in the Supreme Court of the United States, will be here clamoring for us to give him another chance at the public crib.

I have observed—and I think every member of the House will bear me out in this statement—that this is the only place on earth where a man can come in and say, "I ought to be paid a certain sum of money, because I did not make as much as I thought I ought to make," and have any attention paid to him.

And there is another thing about this. My distinguished friend from Illinois [Mr. GRAFF], the chairman of this committee, says that on account of these men being men of genius they were negligent as to their claim, and for that reason insists that the House out of sympathy ought to vote them $50,000 of the public money. I know there is a poetic saying to the effect that genius is akin to madness; but there are plenty of lawyers in this delectable city who, while not men of genius, are hard-headed men of common sense, learned in their noble profession, and who could in ten minutes have informed these claimants what their rights were in the years from 1873 to 1886.

Since I have been practicing law, and I was admitted to the bar in 1875, it is the first time that I ever heard that a man can go into any court—and we seem to be sitting here as a sort of revisionary court of the Supreme Court of the United States; at least, that is our function here to-day—and ask for a new trial or a rehearing by reason of his own negligence. That would not go in a court of a justice of the peace anywhere. Now, this thing ought to be settled. I served on that Committee on Claims for two years and I always sympathize with the chairman and all the members of it.

If I had my choice, as far as pleasure of work is concerned, I would as soon be in State prison for two years as to serve on that committee two years again. It is the most unsatisfactory work a man ever did. You get no thanks from any human being. You get no credit out of the House or in the House, and if I had my way about it I would abolish it. I will tell you what I have been in favor of for a long time. I have not had leisure to formulate the plan, nor has anyone else, but I am in favor of establishing some kind of a tribunal where these private claims can be taken and heard. Why, think of it—367 men supposed to be fit to be in the Congress of the United States, drawing $5,000 a year each, sit here and sometimes spend an entire day adjudicating the rights to and the value of a mule!

Mr. CANNON. May I ask my friend a question?

Mr. CLARK. Certainly.

Mr. CANNON. I quite agree with him in what he says, but I wish to call his attention to the fact that in this exact case, before a tribunal that is provided for by law, there has been an adjudication, a recovery, and an acceptance of the amount of judgment, and under our Constitution, as there is no statute of repose or anything which prevents action by Congress, they come and appeal again to the discretion, or the conscience, or the judgment of Congress, notwithstanding that the tribunal has been provided for and has acted.

Mr. CLARK. My distinguished friend from Illinois has evidently been out eating his lunch, because I just went over that whole ground.

Mr. CANNON. Well, I have just been doing that and did not know that my friend had gone over the ground, or I should not have interrupted him.

Mr. CLARK. Yes, that was part of my speech.

Mr. CANNON. Then I think that my friend and myself agree, both of us having made it, that it is a good one. [Laughter.]

Mr. CLARK. I am glad to be reenforced by the chairman of the Committee on Appropriations. This House is utterly unfit to pass on these claims. Any one of us, sitting as a judge, in all human probability would be fairly competent to pass on them, because we would hear the evidence and the arguments of counsel and would have the authorities presented; but we have ten thousand different things to look after here. When I was a member of that Committee on Claims there was so much business—and I suppose it is the same way yet—that they divided it up, and gave a case to each member. The member would go and figure on it, and then he would report to a subcommittee. The chances are ten to one that the subcommittee would take his report as all right. Then he is authorized to report it to the full committee, and the full committee takes it usually as a matter of course, and then he reports it to the House. While I was on that Committee on Claims I passed on more money value than nearly any circuit judge in any ordinary circuit of the United States would pass on in the same length of time.

Mr. GRAFF. Mr. Chairman, will the gentleman permit an interruption?

Mr. CLARK. Certainly.

Mr. GRAFF. Regarding this particular claim—and I want to treat the gentleman as though he were not endeavoring merely to occupy time——

Mr. CLARK. I am not trying to do that. I am nearly through, anyway.

Mr. GRAFF. What I wanted to say was that we really examined this claim, spreading over a period of a number of meetings, very exhaustively in the committee, as well as in the subcommittee, and we had before us the exhaustive report of the Senate, the decision of the Supreme Court and of the Court of Claims, and several witnesses. This was before the entire committee, in addition to the examination which was given it by the subcommittee and by the particular member on the subcommittee who had the bill in charge.

Mr. CLARK. Now, Mr. Chairman, I think that the members of the House feel that Congress appropriates too much money year in and year out. The President, in his recent message, made one suggestion looking toward economy, and I thoroughly indorse what he said. That was as to the curtailment of the enormous amount of public printing which is done. Ask any member of the House in a general way and he will say that Congress is extravagant in its appropriations. That does not do a particle of good. You might make general speeches on the subject of economy until the world came to an end, and you would not save a single, solitary nickel.

Mr. COOPER of Wisconsin. Will the gentlemen from Missouri permit a question?

Mr. CLARK. Yes.

Mr. COOPER of Wisconsin. I would like to direct his attention

to this statement. I should like to read a few lines from the report of the Senate committee, and to get a reply to that statement of the Senate committee from the gentleman from Missouri, if possible.

Mr. CLARK. Very well.

Mr. COOPER of Wisconsin. This is what the committee states:

Under the decision of the courts the acceptance by the claimants of a salary for superintendence of the building constituted in law an implied waiver of their right to the usual and established percentage rate of the American Institute of Architects for plans and drawings. It is obvious that the claimants were totally unaware that they had by any act or omission of theirs made such a waiver. They unwittingly made themselves the victims of a legal technicality. * * *

Without their knowledge or intention, and without any motive for doing so, they entangled themselves in a mere technicality of law, which operated to deprive them of the greater portion of the compensation to which the courts say they would otherwise have been entitled. We do not believe any honorable man would consent to enjoy the benefit of such an accident, and we therefore belive that the Government should be unwilling to retain in its Treasury the money which only an accident entitles it to, and which in good faith and in fairness and equity belongs to the claimants.

Mr. CLARK. Mr. Chairman, that extract from the Senate report simply states in elaborate form the fact that these men are pleading their own negligence. That is all there is to it, and as far as I am individually concerned, I do not believe that their negligence entitles them to another opportunity to raid the Treasury. They are great architects. They were prominent men in this city. The chances are a thousand to one that they had a lawyer in their employ; and if the rest of us can not take advantage of our own negligence, why should these men be allowed to do it? That is the question. I want to repeat it that I do not know whether they got too much or too little, but they must stand on the same plane that other people stand on. They have had their day in court and ought to be satisfied.

I will tell you what happens in this House time and time again. Architects and contractors underbid each other on the estimates submitted by the Departments for public work. One contractor will bid too low on a Government work, and he either does not make anything at all, or he loses money, or he does not make as much as he thinks he ought to make. Then he comes in here and asks the House to recoup him for the amount that he lost through his own ignorance, or his own greed, or his own negligence. It is not right.

As to what the Senate has to say about it is concerned, I hope I can say this and keep within the rules of order, that every man on the floor of this House knows that a large part of the money squandered by Congress is squandered because of appropriations that are forced upon this House by the Senate. That is absolutely true. Time and time again I have seen the chairman of the Committee on Appropriations [Mr. CANNON] make heroic fights in this House to prevent the Treasury of the United States from being saddled with appropriations that the Senate had fastened onto general appropriation bills. A few times I have seen him win out. Many times I have seen him lose out. Sometimes I have seen him achieve what we call in the Western country a "dog fall."

Mr. WM. ALDEN SMITH. You never saw him back out.

Mr. CLARK. I never saw him back out. That much is true; and while I do not agree with the gentleman in politics, whenever he is advocating economy I follow his white plume as the white plume of Henry of Navarre was followed.

If we really want to economize, this is the accepted time, this is the day of salvation, and you will never find a better opportunity as long as you live to begin economy than by defeating this bill. I warn you now that if you pass this bill, then every time a man loses in the Court of Claims, or does not get as much there as he thinks he ought to have, he will be back here clamoring for us to overrule the Court of Claims and to override the Supreme Court of the United States and to give him some more money out of the public Treasury. To pass this bill would be to establish a vicious, a dangerous, an indefensible precedent, which in the lapse of years would cost the people countless millions.

Mr. Chairman, I reserve the remainder of my time.

Mr. MIERS of Indiana. Mr. Chairman, as I understand the status of this claim, these claimants asked for two and a half per cent as the schedule price fixed by architects. That claim was presented to Congress and referred by Congress to the Court of Claims. The court made a finding upon the facts. The controversy was whether they should be allowed two and a half per cent or whether they should be confined to a salary. The per cent would be $159,000; the salary carried a much smaller sum.

The court says:

According to that schedule the claimants would be entitled to 2½ per cent up to the point where the suit brings their service, and to another 2½ per cent if that service should continue until the completion of the building.

Now, the court said:

Instead of the latter the defendants elected to give, and the claimants consented to take, two annual salaries, amounting to $8,000 a year, as an equivalent for the percentage they would be entitled to according to the schedule. The claimants—

I am still quoting from the decisions and findings of the court—

The claimants having thus "departed from the general rule of architects of measuring their compensation by the customary fees of their profession," as is insisted by the counsel for the Government, and having done this with no express agreement or reservation as to the preceding part of their service—

Mr. Chairman, with reference to the preceding part of their services, the court further says:

The court is of opinion that that part should be estimated according to the same rule which the parties themselves have adopted.

Not in the language of the report of the committee of the Senate, that they had let it go by mistake, but that which they have adopted. Following that the court rendered a judgment for $48,000. From that opinion of the Court of Claims these claimants appealed to the Supreme Court of the United States, and presented the question of whether they should have 2½ per cent, which would make $159,000, or whether they should have a salary of $8,000, making $48,000. The Supreme Court of the United States affirmed the decision of the Court of Claims, and rendered a judgment for $48,000. These claimants have gone to the Court of Claims; they have gone to the Supreme Court. The Supreme Court rendering a judgment for $48,000, they went into court, receipted for the judgment, and then did what? After accepting the judgment of the court, no appeal further lying, they come to Congress. Come to Congress for what? For the difference between $48,000 and $159,000, while the claim for $111,000 had been adjudicated against them in the highest tribunal known to any civilized nation; and what is that claim?

Allow me to read just a little bit further from the report. The distinguished chairman of the committee says that this House should pay the expenses. What are they? They say they can not furnish an itemized statement. He says we should pay it because they did not understand at the time that they were making out the claim what their expenses were. If they were making expenses and paying out money for the purpose of educating themselves or otherwise that they intended to present against the Government, it looks to me they would have given an itemized statement, kept at the time; but the chairman says:

The claimants say they can not furnish an itemized statement of their expenses, but the committee in making an estimate of those expenses have kept far within the expert testimony above referred to. That testimony, that these expenses are usually about 50 per cent of the 2½ per cent of the cost of the building, is equivalent to estimating the claimants' expenses at $79,600, which is 50 per cent of their claim, or $159,200, based on the 2½ per cent rule.

That is asking members of this House to readjudicate the claim and overrule the Court of Claims, where the evidence was presented; overrule the Supreme Court of the United States, where it was reviewed in presence of counsel, and ask us to vote $69,000 to these men on expenses that they say they kept no account of and have no knowledge of the amount they expended, because perchance some architect under that rule has said probably the expenses would have been $69,000. The Supreme Court of the United States has followed the decision of the Court of Claims and said that they accepted willingly, without reservation, a salary of $8,000, and that they should be bound by it. Whether they spent $10,000, $50,000, or $69,000, are we, the representatives of the people, to vote to them $59,000 or $69,000 in the face of the decision of the court, when the court has decided the amount and they have accepted it and gone hence with it, and are not now able to say what their expenses were?

I want to say to you, following along the line of the distinguished chairman of the Committee on Appropriations [Mr. CANNON] and the gentleman from Missouri [Mr. CLARK], I believe in the Government paying every dollar that it owes, but when it has paid it once and the court has adjudicated it and the parties to the controversy have accepted the amount, when they come and ask us as a matter of gratuity, and it is nothing less, it is not a matter of exuberance, as said by the chairman of the committee, but simply asking us in some kind of generosity to vote out of the Treasury of the United States $69,000 on expenses, the amount of which was never kept, allowed to run fifteen years, presented to the Court of Claims and afterwards affirmed by the Supreme Court of the United States, what shall we say when we go to our constituency criticising each other for extravagance? We have already appropriated during this Fifty-seventh Congress more money than has been appropriated by any other Congress—almost a billion of dollars. If there is any place along this record where a yea-and-nay vote can be taken, and any gentleman wants to put on record his yea vote in favor of this bill, for one I propose to say that he shall have a chance to do it. I do not believe the Government owes these gentlemen a dollar. They performed a great service; they have been paid. The courts have adjudicated the amount, and for one I am willing to leave it where the courts have stopped with it. [Applause.]

Mr. GRAFF. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation. In the first place, I will

move that the amendment recommended by the committee, which the Clerk has, be adopted. I will say that the amendment is the proposition of the House committee which cuts the amount down to $50,000.

The question was taken; and the amendment was agreed to.

Mr. GRAFF. I now move, Mr. Chairman, that the bill be laid aside to be reported to the House with a favorable recommendation.

The question was taken; and upon a division (demanded by Mr. GRAFF) there were—ayes 27, noes 59.

So the motion was lost.

JULIUS A. KAISER.

Mr. ROBERTS. Mr. Chairman, I now call up the House bill 6649, for the relief of Julius A. Kaiser.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Julius A. Kaiser upon the retired list of the Navy, in the grade of passed assistant engineer, as of the date he was entitled by law or navy regulations to examination for promotion from assistant engineer to said grade.

Mr. GRAFF. This bill is not the next one in the regular order.

The CHAIRMAN. The next Calendar number is 479.

Mr. GRAFF. Mr. Chairman, I ask that that be passed without prejudice.

The CHAIRMAN. Is there objection that the Calendar No. 479 be passed without prejudice? [After a pause.] The Chair hears none.

Mr. GRAFF. I will ask that the next one be passed without prejudice. I am informed that the gentleman who reported the bill from the committee requests that that should be done.

The CHAIRMAN. The gentleman from Illinois asks that Calendar No. 581 be passed without prejudice. Is there objection? [After a pause.] The Chair hears none. That leaves the next Calendar No. 583, and the gentleman from Massachusetts is recognized.

Mr. ROBERTS. Mr. Chairman, the facts of the case are fully set forth in the report of the committee; and unless some member objects, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to, and the bill was laid aside to be reported to the House with a favorable recommendation.

Mr. GRAFF. I think, Mr. Chairman, the Calendar is in error with reference to No. 611.

WILLIAM A. TREADWELL.

Mr. PARKER. Mr. Chairman, may I ask whether Calendar No. 609 is now in order?

Mr. GRAFF. It is in order, Mr. Chairman.

The CHAIRMAN. The bills reported from the Committee on Military Affairs are not in order except on pension days.

Mr. PARKER. But this is not to remove a charge of desertion. It is to grant an honorable discharge to an officer which in this case can only be done by special bill.

The CHAIRMAN. The bill would be in order, then, to-day, and the Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 3787) to grant honorable discharge to William A. Treadwell.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue to William A. Treadwell, late captain of Company G, Fourteenth Regiment New York Heavy Artillery Volunteers, an honorable discharge, to date from December 14, 1864.

The following amendment was recommended by the committee:

Add at the end thereof the words—

"*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. PARKER. Mr. Chairman, in this case Captain Treadwell applied for a discharge on a surgeon's certificate of disability. A report had been made against him, without his knowledge, accusing him of not going to the front in battle, and he was dismissed, without trial, for cowardice. He appealed to a military commission sitting in Washington. The case was thoroughly heard, with evidence. It was proved that he was with his company in front of the battle all the day and all the night, and a report was made in his favor, after hearing the evidence, by the military commission that he should be granted an honorable discharge.

That report was concurred in by Judge-Advocate-General Holt after an exhaustive review of the facts. The President then issued an order revoking the dismissal and granting him an honorable discharge. It is held by the War Department that that order was of no validity because he was already out of the service, and they acknowledged that it ought to have been done. This bill makes the order valid and grants him an honorable discharge, with the proviso against any pay becoming due by virtue of the act. I think it ought to pass.

The amendment recommended by the committee was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

Mr. GRAFF. Calendar No. 611, House bill No. 678, was reported by our committee, and it seems that the claimant went to the Senate and secured this item to be put into the omnibus bill which passed both Houses of Congress and was signed by the President. Under these circumstances, I move that that bill lie on the table.

Mr. CUSHMAN. Mr. Chairman, I would like to ask the gentleman if the bill (H. R. 678) introduced before our committee was not for the sum of $840?

Mr. GRAFF. It was.

Mr. CUSHMAN. The item inserted in the omnibus bill was for $504. Would there be any objection to our asking that the present bill be amended so as to provide for that difference?

Mr. GRAFF. There would be objection, for the reason that at the last session of Congress the claimant sought his two remedies at the same time; he got the benefit of the "omnibus bill" first and accepted the amount therein appropriated. I think he ought to be satisfied with his success in that matter. Therefore I insist upon my motion, that the bill be laid aside with the recommendation that it do lie on the table.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. GRAFF].

The motion was agreed to.

JOHN DONAHUE.

Mr. GRAFF. Mr. Chairman, with reference to the next bill on the Calendar, House bill 10143, for the relief of John Donahue, the RECORD of the last session of Congress shows, as I understand, that this selfsame bill was considered and the enacting clause stricken out.

The CHAIRMAN. That appears to be the fact.

Mr. GRAFF. Therefore I suppose there is nothing for us to do about the matter except to pass the bill over.

WILLIS BENEFIELD.

The next business in order was the bill (H. R. 2559) for the relief of Willis Benefield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Willis Benefield, of Sullivan, Ind., the sum of $1,300, with interest thereon from the 22d day of February, 1855, at 6 per cent per annum, for the improvements made by said Willis Benefield upon NW. ¼ sec. 21, T. 9 N., R. 9 W., in Sullivan County, Ind., under a patent issued June 10, 1849, to said Benefield in the name of Willis Benefoel, under land warrant 5202, act of 1847, held by him as a soldier in the Second Regiment of Indiana Volunteers for service in the Mexican war, which said location, patent, and record were canceled by the United States on the 2d day of March, 1855, said NW. ¼ sec. 21, township and range aforesaid, having been selected under the act giving certain lands for the construction of the Wabash and Erie Canal prior to said date.

The amendments reported by the Committee on Claims were read, as follows:

Strike out all after the word "of," in line 5, page 1, to word "said," in line 8, page 1, and insert "$1,400 for land and improvements made by;" and strike out the word "Benefoel," in line 12, and insert "Benefield."

Mr. GRAFF. Mr. Chairman, the report in this case was presented by the gentleman from Virginia, now deceased, Mr. Otey. The bill was introduced by the gentleman from Indiana [Mr. MIERS], to whom I now yield, that he may make an explanation.

Mr. MIERS of Indiana. Mr. Chairman, this claimant was a Mexican soldier. In 1847 a land warrant was issued to him for 160 acres of land in Sullivan County, Ind. In 1849 he entered upon the land and began improvements, and he continued in possession until 1854, when it was ascertained that prior to the time when the warrant was issued to him a warrant had been issued to the Wabash and Erie Canal Company, so that the canal company had an older claim than his. The Government called upon him to surrender his warrant. In the meantime he had made improvements upon the land by clearing and fencing, and also by building a house. In response to the request of the Government he surrendered his warrant. In 1854 Mr. Davis, then a member of the House, presented to the House the claim of this man, and it was referred to the Court of Claims. The report contains in full the finding of the court, which is as follows:

Loring, J., delivered the opinion of the court.

The petitioner, a soldier in the Mexican war, held a land warrant, No. 5202, for 160 acres, which, on the 31st December, 1847, he located on the northwest quarter of section 21, township 9 north, range 9 west, Vincennes district, Indiana, and he received a patent for the same June 10, 1849. He entered upon the possession of the land and made improvements thereon which are described in the evidence as consistent "of about 70 acres being inclosed and near 60 cultivated, with comfortable buildings thereon." In 1854 it was ascertained that the land thus located by the petitioner had been previously disposed of by the United States, and on the 12th July, 1854, the petitioner was informed of the fact. On the 7th January, 1855, he requested that his warrant might be returned to him, and, on his releasing to the United States the land located, the patent which had been issued to him was canceled, and the original warrant was redelivered to him. The evidence in the record shows that the land increased in value while the petitioner held it by the sum of $2,200. And the value of the improvements made by petitioner, apart from the value of the land, was $1,200. And the plaintiff claims of the United States $3,400.

But the plaintiff has no legal ground of claim. The patent or grant of the

United States contains no warranty or covenant of title, and the contract can not be carried beyond its turn. By the settled rule of the common law those terms do not make or imply a warranty or covenant of title. (Kent Com., 4 vol., pages 471 and 474 and notes.) Admitting that the petitioner was led into error and loss by the mistake of the officers in the land office, the United States are not liable in damages for the mistakes of their officers.

If the United States were liable, as on a covenant of warranty of title, the rule of damages would be the value of the land when the warrant was made, or $1.25 per acre and no more. The petitioner has received that or its equivalent in the return of his warrant for a new location at $1.25 per acre. He can not hold this and have a claim for damages.

The return of the warrant was tantamount to the return of the purchase money for lands erroneously located; and this is the only measure of relief the statutes of the United States prescribe for lands purchased and for which the title fails. (4 Stat., 80, c. 5, Jan. 12, 1825.)

On the whole case we are of the opinion that the petitioner is not entitled to relief.

In other words, it appears by this finding of the court that, notwithstanding this claimant, relying upon an act of the officer of the United States, entered upon and improved the land, there is no legal liability of the Government to reimburse him for the loss which he suffered by reason of the act of the public officer. Thus we are left to the clear implication that the proper place for this man to come for remuneration was the Congress of the United States.

The Committee on Claims has stricken out that part of the bill which provided for the payment of interest. More than that, the committee has stricken out the provision for repayment of $2,200, the value of the improvements which this man made upon the land; and they recommend that he be allowed only $1,400 for the house and other buildings erected by him upon the ground from which he was subsequently evicted.

I confess, Mr. Chairman, I can scarcely conceive the distinction made between allowing this man the money expended by him on the house and the allowance of money for the ground. Yet I am not here for the purpose of complaining of the committee, for I know how hard it is for a claimant to get his just dues from "the best Government in the world," that of the United States. I am therefore willing to accept on behalf of this old soldier, now 77 years old—he was younger in 1847, when he went into the Mexican war, and received as part compensation for his services to the Government the land warrant which was subsequently taken from him by reason of a mistake of a Government officer—I am willing, under the circumstances, to accept in his behalf in the closing years of his life $1,400, notwithstanding he actually spent $3,400. If this were any other creditor than a creditor of the United States he would be entitled not only to the $3,400, but also to the interest thereon. Who will gainsay this small allowance?

Mr. GAINES of Tennessee. How much did the improvements enhance the value of the land?

Mr. MIERS of Indiana. Three thousand four hundred dollars. He improved it away back in 1849.

Mr. GAINES of Tennessee. He put $3,400 on it?

Mr. MIERS of Indiana. A $1,200 house on it and $2,200 in the way of clearing and improving the land. That was so found by the Court of Claims.

Mr. GAINES of Tennessee. How much have his improvements appreciated the value of the land—not how much the improvements cost, but how much they improved the value of the land. That is the rule of law, as I understand.

Mr. MIERS of Indiana. As I read before, the value of improvements made by petitioner apart from the value of the land was $1,200, and the plaintiff's claim therefore is $3,400, thereby appreciating the value by reason of the building alone $1,200. The house added to the value of the land $1,200, is what I tried to say.

Mr. GRAFF. May I ask the gentleman a question?

Mr. MIERS of Indiana. Certainly.

Mr. GRAFF. The committee cut the amount down?

Mr. MIERS of Indiana. Yes.

Mr. GRAFF. And the gentleman is willing to accept the amendment of the committee?

Mr. MIERS of Indiana. Yes. As I said, I thoroughly believe it ought to be $3,400, but realizing all these difficulties, I am content. I ought to say that it passed this House at the last session of the Fifty-sixth Congress for $3,400, but did not reach the Senate in time for action, and we have lost $2,200 by reason of that fact.

I move, Mr. Chairman, that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JULIA L. HALL.

The next business was the bill (H. R. 1727) for the relief of Mrs. Julia L. Hall.

The Clerk read the title of the bill.

Mr. GRAFF. Mr. Chairman, I ask that the bill be passed without prejudice.

Mr. COWHERD. Mr. Chairman, I would ask if the gentleman intends to take that bill up again to-day?

Mr. GRAFF. I will say to the gentleman from Missouri that this was done partly as——

Mr. COWHERD. It is not the intention of the gentleman to call it up again to-day?

Mr. GRAFF. It is not, unless the gentleman from Missouri receives notice from me.

The CHAIRMAN. Without objection, the bill will be passed without prejudice. [After a pause.] The Chair hears none, and it is so ordered.

LEAVE TO EXTEND REMARKS.

Mr. HOOKER. Mr. Chairman, I ask unanimous consent to extend my remarks on the bill (S. 167) for the relief of John L. Smithmeyer and Paul J. Pelz.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

HEIRS OF AARON VAN CAMP AND VIRGINIUS P. CHAPIN.

The next business was the bill (S. 342) ror the relief of the heirs of Aaron Van Camp and Virginius P. Chapin.

The Clerk read as follows:

Be it enacted, etc., That the claim of Aaron Van Camp and Virginius P. Chapin against the United States (Congressional case No. 1049), the findings of fact in which were transmitted to the House of Representatives by House Miscellaneous Document No. 81, Fifty-first Congress, second session, is hereby referred to the Court of Claims to hear and determine the question of the liability of the United States for the losses found by said court in its said sixth finding of fact, with jurisdiction to hear and determine the same upon the principles of law and equity and in compliance with the rules and regulations of said court.

And in the event the said court shall be of the opinion that the United States are justly liable, under all the circumstances of the said case, for the losses and damages sustained by the said decedents by reason of the acts of their officers in the premises, the said court shall render judgment in favor of the claimants for the amount found to be due by its sixth finding of fact in the said Congressional case No. 1049, as set forth in the report of said court to the Speaker of the House of Representatives on January 8, 1891: *Provided*, That no statute of limitations shall be pleaded in bar of the recovery of said claim: *And provided further*, That in determining the question of the liability of the United States the said court shall consider the testimony submitted to it in the investigation of said Congressional case No. 1049, together with all affidavits, documents, and reports of Congressional committees touching the question of liability of the United States and heretofore filed in any of the departments of the Government; also the reports of officers of the State and Treasury departments of the United States in the settlements of accounts of the officers of the United States in connection with the said claim.

And furthermore, that if the judgment shall be rendered against the United States for the amount found and fixed by said court in said sixth finding of fact, to wit, the sum of $80,100, the same shall be paid, out of any money in the Treasury of the United States not otherwise appropriated, to the legal representatives of the said Aaron Van Camp, deceased, and the said Virginius P. Chapin, deceased, as their respective interests may appear, and the new action to be brought under the provisions of this act shall be in the name of said legal representatives.

The committee amendment was read, as follows:

Strike out all after the word "claim," on page 2, in line 12 of said page, to and including the word "claim," in line 22 of said page, and that so amended the bill do pass, and give as the reasons therefor those set out in the report No. 2277 above referred to and made a part hereof.

Mr. GRAFF. Mr. Chairman, I understand that this bill is simply a reference to the Court of Claims of this case, and that all of the portion of the bill which attempts to guide or direct the court is stricken out of the bill and it is simply a flat, unqualified reference to the Court of Claims.

Mr. PAYNE. Is the defense of the statute of limitations left out?

Mr. GRAFF. That is not left out, but there is a whole lot of other material which was in the bill as introduced, which attempted to instruct the court how to find. That is all left out.

Mr. PAYNE. That is a pretty important part of the bill and I should like to know why we should take away the statute of limitations.

Mr. GRAFF. I yield to the gentleman from Vermont, Mr. FOSTER.

Mr. FOSTER of Vermont. This case, as I understand it, has been before the Court of Claims and all the facts were found excepting the question which the claimants now ask to be presented to the Court of Claims. That is not a question of fact, but it is a question of law, the question of law as to whether the United States Government is responsible for the acts of its agents, where the claimants claim they were unlawfully deprived of their property. Now, the committee recommend that this bill be referred back to the Court of Claims for the determination of the legal question as to liability.

Mr. GRAFF. As well as the facts?

Mr. FOSTER of Vermont. The facts have been found already by the Court of Claims in a former hearing, through a former reference by Congress.

Mr. GRAFF. In my judgment, I would say to the gentleman

from Vermont, the court will decide that they have no legal status.

Mr. FOSTER of Vermont. I also think so.

Mr. GRAFF. From an examination on a former occasion I came to that conclusion. That is the reason why we struck out all of that portion of the bill which was calculated to make the court find for the claimants.

Mr. PERKINS. Did the Court of Claims pass on this bill before?

Mr. GRAFF. No; it was simply referred to them, I think, under an act of Congress, in such a way that they need not do anything except make a finding of facts. They had no power to render a judgment of law and there was no judgment rendered. The court never passed on the legal phases of it at all. It seems to me there can be no objection to this.

Mr. PAYNE. Did the court find on this question of the agent of the Government?

Mr. GRAFF. Oh, no. The gentleman from Vermont [Mr. FOSTER] was not using that in a legal sense.

Mr. PAYNE. Did they find the fact on that?

Mr. GRAFF. I think they did not find legal agency. They found that the man was acting in an official capacity.

Mr. FOSTER of Vermont. There is no contention about the fact that the man who is alleged to have deprived them of their property was acting in a legal capacity as consular agent.

Mr. GRAFF. But that, in my judgment, would not make him a legal agent of the Government so as to bind the Government for his torts or illegal acts.

Mr. PAYNE. If we have the facts in respect to that, and these two gentlemen, both of whom are eminent lawyers, believe there is no liability on the part of the Government, why go through the farce of sending the case to the Court of Claims? Why not reject the bill, and let the people who bring claims here that are bogus or that have no foundation or merit understand that Congress is taking a hand in discouraging that sort of thing?

Mr. GRAFF. A little while ago the gentleman from New York [Mr. PAYNE] had great respect for the courts and thought that there was the proper place for the adjudication of legal questions. Now, here is the first opportunity this man has to go to court, and we send him there stripped of every aid excepting what he may have in law without this bill, except the power to have the court pass upon the question.

Mr. PAYNE. "The gentleman from New York" has never favored the reporting of any bill where the gentlemen on the committee have examined into the facts of the case and declare that there is no legal liability on the part of the Government.

The gentleman will remember that the State of Pennsylvania came in here with some war claims a few years ago, and "the gentleman from New York" opposed sending those to the Court of Claims or any other court, as was desired, because he did not believe that Congress ought to give any semblance of standing to a claim that was not a legal liability against the Government.

Mr. GRAFF. I do not know what the gentleman means by "semblance" to a claim from a legal standpoint. A man either has a claim or he has not, and if he has a legal right, he has, and if has no legal right, then he has none.

Mr. PAYNE. My friend, in whose judgment as a lawyer I have the utmost confidence, tells me he thinks there is no legal liability in the case.

Mr. GRAFF. That is a very fine sarcasm. I think there is one better lawyer in the House than I am, and that is the gentleman from New York.

Mr. PAYNE. I am sorry that the gentleman does not take in earnest what I said.

Mr. GRAFF. I am sure there is one better, and I have always said that.

Mr. PAYNE. I have great confidence in the legal ability of my friend.

Mr. GRAFF. I have had my ambitions and aspirations, but of course I never expect to leap beyond the limitations of the gentleman from New York.

Mr. PAYNE. I would suggest to the gentleman that he had better enlarge his ambition.

Mr. GRAFF. Mr. Chairman, I move that the bill be laid aside, as amended by the committee, to be favorably reported.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

REFUND OF CERTAIN CUSTOMS DUES.

The next business was the bill (S. 3083) providing for the adjudication of certain claims by the Court of Claims.

The bill was read, as follows:

Be it enacted, etc., That jurisdiction be, and is hereby, given to the Court of Claims (notwithstanding any statutory bar of limitation, and notwithstanding the requirements of the statutes as to payment under protest, appeal to the Secretary of the Treasury, and notice of suits before bringing suits ordinarily in such cases, as prescribed in Title XXXIV (collection of duties), chapters 6, 7, and 8, Revised Statutes) to hear, try, determine, and render judgment as in an original suit, with right of appeal as in other cases, the claims of J. F. Bailey & Co.; H. E. Collins & Co.; Edgar Thompson Steel Works, Limited; Carnegie Brothers & Co., Limited; James Lee & Co.; Downing Sheldon & Co.; R. F. Downing & Co.; Albany and Rensselaer Iron and Steel Company; Joliet Steel Company; Cleveland Rolling Mill Company; O. L. Garrison, for Vulcan Steel Company and St. Louis Ore and Steel Company; St. Albans Iron and Steel Company; Godeffroy & Co., for the Albany and Rensselaer Iron and Steel Company; Oliver L. Garrison; A. E. Godeffroy & Co.; James Johnston; Clarke, Post & Martin, agents for Springfield Iron Company; Post, Martin & Co., agents for Springfield Iron Company, Springfield Iron Company, of Springfield, Ill., Charles W. Matthews; Harry C. Arbuckle, and Brown Brothers & Co., agents for Charles W. Matthews; E. Samuels & Co.; Henry W. Oliver, jr.; A. H. Childs, agent for Henry W. Oliver, jr.; Lewis, Oliver & Phillips; Schrader & Ellery; Peter Wright & Sons, agents for Cambria Iron Company; Diamond State Iron Company; Brown Brothers & Co. and C. B. Smyth, agents for Diamond State Iron Company; Interstate Improvement and Construction Company; Baltimore and Ohio Railroad Company, agents for Interstate Improvement and Construction Company; Charles H. and Eugene Odell, agents for Sandusky Rolling Mill and Manufacturing Company and Northern Pacific Railroad Company; Northern Pacific Railroad Company; Drexel, Morgan & Co.; A. H. Barney and Robert Garrett & Son, agents for Northern Pacific Railroad Company; E. S. Wheeler & Co., and Edgemore Iron Company, for refund of import duties paid by them in excess of the duties imposed by law on steel blooms imported by them during the years 1879 to 1882, both years inclusive; and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the amount of such judgment as shall be rendered by the Court of Claims under the provisions of this act: *Provided*, That the adjudication shall be for such sums only as were paid in excess of legal duty: *And provided further*, That their petition shall be filed in said court within six months after the passage of this act.

Mr. GRAFF. Mr. Chairman, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. PAYNE. I should like to understand something about this, Mr. Chairman. I understand it is a bill to refund certain duties. I do not know anything about the amount, but I think we ought to have some good reason for it.

Mr. GRAFF. The facts about the bill are very simple. A number of manufacturers in the country, making articles from steel, entered upon the importation of steel blooms, a new form of importing steel. The bloom is a large roll or bar of steel, and there was no known classification of steel imported in that form. There came up a contest before the Board of Appraisers, I believe, or at all events at the port of New York, where, I understand, these steel blooms came into the United States, as to the schedule under which they should be classified.

The question was which of three rates of ad valorem duty they should pay, as I remember it, the three rates being perhaps 45 per cent, 30 per cent, and some other lower rate. The importers contended that it came in under the lower classification. The parties who passed upon the question for the Government held that it came under the middle or medium rate of classification. The evidence before the committee shows that there was a protest as to this classification. Subsequently the same question, as to the rate under which these importations should be classified, was adjudicated under the same law in the Federal courts of the United States.

Under the same law shortly afterwards the Federal courts of the United States held that they properly came under the lesser classification, and that the importers of steel blooms were entitled to recover from the Government the difference between the higher rates which they had been unlawfully compelled to pay and the rates which they were not really bound to pay in fact. This bill is simply to refer these claims to the Court of Claims for the purpose of adjusting to these parties their rights in the premises.

Mr. PAYNE. Why did not they make their protest at the time under the law?

Mr. GRAFF. Well, some of them did make protests. I do not know whether these parties perfected their appeal or not.

Mr. PAYNE. If they had, they would not have had to come to Congress.

Mr. GRAFF. These parties could at that time have gone ahead, but I am told by at least one of the importers, with whom I happen to be personally acquainted, that as a matter of fact they were threatened that if they insisted upon prosecuting an appeal and were not content with the adjudication of it by imposing upon them the schedule rates which were imposed that the higher rate would be imposed—the maximum of the three which had been considered as possibly covering the importations in question.

Mr. GAINES of Tennessee. What kind of an officer was that who made such a threat, and who was that officer?

Mr. GRAFF. I do not care to discuss that.

Mr. GAINES of Tennessee. As I understand it, he told this gentleman to keep his mouth shut and pay the rate, which he did; and if he did not keep his mouth shut he would make him pay a higher rate. That is the most extraordinary administration of the tariff law I ever heard of.

Mr. GRAFF. Still, the question for this House is to determine whether these parties shall have the right to recover from the

Government the difference between that which they wrongfully were compelled to pay and that which they were legally bound to pay.

Mr. GAINES of Tennessee. Will my friend tell the committee how much these claims amount to on their face?

Mr. GRAFF. Yes.

Mr. GAINES of Tennessee. How much?

Mr. GRAFF. I think the entire number of claims amount to something like $400,000, provided that these people mentioned in the bill can establish their claims by evidence, and provided that the court, as a matter of law, determines that they are, each one of them, entitled to the amount. Now, then, I myself asked the question why there were so large a number of claimants involved in the bill, and it seems strange that there should be so many covering comparatively such a small amount of money, for it must be remembered that the shipment of steel involved the tying up of an immense amount of capital, and I was told that, for instance, the firm of Ridgely & Co., at Springfield, Ill., one of the claimants, who have about $75,000 involved, that they are represented, in fact, by three or four different people, and the reason for it is that these importations were sometimes made in the name of a bank for the purpose of facilitating their procuring the large amount of money necessary for the purpose of importing goods of this kind and for the manufacture of goods of this character. There are three or four of these names included in cases where, as a matter of fact, there is but one party in real interest, but, of course, as a matter of law, the suit would have to be commenced in the name of the parties who were nominally the importers for the use of the manufacturer himself, for whose use it was really imported.

Mr. GAINES of Tennessee. I would ask my friend from Illinois if this is a proper provision to be contained in a bill like this, carrying so large an amount for adjudication? You say it is $400,000?

Mr. GRAFF. I do not think it is that much. That is the very maximum. I have been told by gentlemen who are familiar with the matter that it will not probably reach $350,000. In my endeavor to give you all the truth, I stated it as I did.

Mr. GAINES of Tennessee. I asked you the face value of the claims, and you said $400,000. But that is not the matter I wanted to call your attention to. Does not my friend think that this kind of a provision is, if not unprecedented, a little bit dangerous, to wit:

> And the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the amount of such judgment as shall be rendered by the Court of Claims under the provisions of this act.

In other words, after having adjudicated these claims, the Court of Claims can shut out, as it were, Congress entirely from the consideration of the judgment of the Court of Claims, and direct the Secretary of the Treasury to pay them outright.

Mr. GRAFF. This is the safest sort of legislation that could be adopted. The House said a little while ago by its action in the Smithmeyer & Pelz case that they would prefer to trust the court rather than themselves—that they were not well equipped themselves to pass upon the question—and I am not sure that I do not think that is true generally. I am quite sure that when a claimant comes here and asks simply for the machinery of the court to have his claims adjudicated under existing law, that certainly he should be allowed to have it.

Mr. PAYNE. They have that now.

Mr. GRAFF. With the exception of waiving the statute of limitations and the technical protest.

Mr. PAYNE. Let me ask the gentleman a question. Of course all the evidence in regard to the payment of these duties is in the Government vouchers. The goods were entered at some port; the duty was assessed and paid. They have not got to produce any evidence except what comes from the Government records. Why is not this bill in effect—why does it not have the same result as if it authorized the Treasurer to pay A, B, and C so much money?

Mr. GRAFF. No, it would not.

Mr. PAYNE. Because you take away all the bars of the statute. These men did not protest; they did not bring an action within the time limited, and the only excuse they made for their laches is that somebody said that if they did not pay the rate assessed, but insisted on a lower rate, they would have to pay a still higher rate. Now, the result will be that they will go to the Court of Claims, and you have taken away all the legal defense that the Government has. The evidence can not be controverted, because it is in the record, and the Government is bound and estopped there. So, in effect, it amounts to a mere farce, submitting it to the Court of Claims. It is merely a question for the clerk in the custom-house to figure up and see how much the Government shall pay.

Mr. GRAFF. But the great point in the case remains undetermined.

Mr. PAYNE. What is that?

Mr. GRAFF. Whether these parties paid the wrong amount or the right amount?

Mr. PAYNE. No; because, I understand the gentleman, that none of these parties took the risk of the frown of the collector under the threat to assess a higher amount. One party did protest and under the statute went into the court and got a judgment for the difference. The court said the lower rate was the proper rate, and not the higher rate.

Mr. SIBLEY. I would like to ask the gentleman a question.

Mr. PAYNE. Very well, if the gentleman from Illinois will yield.

Mr. GRAFF. I yield to the gentleman from Pennsylvania.

Mr. SIBLEY. The gentleman from New York is at the head of the great committee that fixes the tariff duties of the United States. Now, when the importers of products into the United States have paid the higher rate of duty than the law provides the money to be refunded to them is simply an act of justice, which I trust the great chairman of that great committee will not deny. He is the last one that ought to stand up and object to a strict construction of the law, the proper rate of duty to be assessed on imports into the United States. I am astonished that the distinguished gentleman should object to this measure.

Mr. PAYNE. The gentleman from Pennsylvania seems to have lost sight of the fact that the great Government of the United States has provided a simple way for these people in such cases.

Mr. SIBLEY. These parties protested——

Mr. PAYNE. No; if they did protest and had brought their claims into court they would have received the difference. This bill relieves them from the fact that they did not protest, and it would not be here if they had protested.

Mr. SIBLEY. Does the gentleman wish to say that any importer of goods into the United States has paid a rate of duty that is not a legal rate of duty, and because he has paid that duty he should not have it refunded? Do you hold that that money so paid into the Treasury ought not to be returned to the parties who have the right to claim it, and who are entitled to it? I want to have that settled. I am something of a tariff man myself, but if that is the construction of the gentleman, I should like to know it. I should like to know if after the legal rate is fixed by the committee and some subaltern puts in another rate, which compels the importer to pay a higher rate, he is not entitled to receive a refund of that difference?

Mr. PAYNE. This committee and Congress have provided laws that all these importers understand, every one of them, that if they are assessed an improper duty, there is a simple way in which to recover it back. We give them that opportunity; to be sure, we require them to do something and not to sleep on their rights for ten or twelve years.

Mr. SIBLEY. The gentleman wants the Federal Treasury to reap an advantage in excess of the legal rates of duty.

Mr. PAYNE. I want the claimants against the United States to settle their claims according to law.

Mr. SIBLEY. That is all that is asked by this bill, to refer it to the Court of Claims, to be determined according to law.

Mr. PAYNE. No; you ask us to set aside the statute.

Mr. DALZELL. Mr. Chairman, the gentleman from New York is standing, of course, on the strict legal right of the Government. Two things are absolutely sure, two facts that can not be denied. First, there is in the Treasury of the United States money illegally collected by the United States officers from citizens of the United States; secondly, that money has been in the United States Treasury ever since 1889. Whatever use it was capable of being put to, the United States Government has had the benefit of it. Now, certain parties from whom these collections were made went into court and it was determined that the collections were illegal. The proposition here is that the United States shall put all parties in the like situation, those who sued and those who did not. They are all in like condition except this, that one of the parties took advantage of the legal proceedings promptly and the other relied upon the good sense and good conscience of Congress for justice.

There is no possible defense here, except the most technical defense in the world. It is admitted that the United States has the money belonging to these citizens—has had the use of it all these years; and now it is proposed that it shall keep that money because the parties did not make a protest—the merest technicality.

Mr. HEPBURN. How do you know that a mistake has been made? The Government officers fixed a rate of duty; the other parties to the transaction confessed, by not making their protest, that that rate of duty was right.

Mr. DALZELL. No——

Mr. HEPBURN. So that all the parties have agreed that the right rate was fixed.

Mr. DALZELL. No; I think the gentleman misunderstands.

Mr. HEPBURN. The only way that an importer can dissent from the rate of duty which the officer imposes is by filing his protest; and where he fails to do that it amounts to a consent that the rate fixed is the right one. A great many years have elapsed since this transaction; and now these gentlemen want another "hold." That is all there is in it.

Mr. DALZELL. I think my friend from Iowa does not understand the situation. Here A, B, C, and D are all in like condition; they are all importers of certain materials. The Government imposed in each case a certain rate of duty.

Mr. HEPBURN. I desire to say that these parties are not all in the same condition; and I appeal to the importer—the man who was content with the rate—who did not protest.

Mr. DALZELL. Still I have not made myself understood; the gentleman does not catch my idea. Here is a class of persons, consisting of a number of men, whom we will designate A, B, C, and D. They are all importers of certain materials upon which the Government levies the same rate of tax. Now, instead of A, B, C, and D all going into court, A goes into court and contests the case for the whole of them; and the court decides that in his case the money was illegally exacted. If it was illegally exacted from him, it was illegally exacted from the others. They are all in like condition, so far as that matter is concerned. The only difference is that one of them went into court, and the others did not. But when A's case was decided, it was a test case; and it decided the equity of all the cases and fixed the rights of the other parties. Some of these parties did not go into court because they were certain that if they did so there would be a higher rate of duty exacted; and, according to the report here, one of these parties actually paid a higher rate of duty.

This bill has been favorably reported a great many times——

Mr. PERKINS. I wish to ask the gentleman from Pennsylvania one question. What does this bill provide with reference to interest? Does it provide that interest shall be paid to these claimants by the Government?

Mr. DALZELL. There is no allowance for interest at all.

Mr. PERKINS. The bill simply provides for repayment——

Mr. DALZELL. Repayment of the amount they actually paid.

Mr. PERKINS. Without any interest?

Mr. DALZELL. That is what the bill provides.

Mr. PERKINS. Then it is right.

Mr. DALZELL. The bill allows the difference between 30 per cent and 45 per cent.

Mr. PERKINS. These claimants are not allowed 50 per cent from the Government for all these years?

Mr. DALZELL. There is no allowance for interest at all.

Mr. PERKINS. It is simply for repayment of the amount overpaid?

Mr. DALZELL. Simple repayment of the illegal exaction.

Mr. HEPBURN. But if they had protested, these parties would have had their 6 per cent interest.

Mr. DALZELL. I suppose so.

Mr. GAINES of Tennessee. I ask the gentleman from Illinois [Mr. GRAFF] to yield to me.

Mr. GRAFF. Very well, I yield to the gentleman from Tennessee five minutes.

Mr. GAINES of Tennessee. I would like to be recognized in my own right; but if I can not get such recognition, I will accept the five minutes.

The CHAIRMAN. The gentleman from Illinois has control of the floor.

Mr. GAINES of Tennessee. Have I not any right to time of my own?

Mr. GRAFF. I will say to the gentleman that I will yield him more time if he wishes.

Mr. GAINES of Tennessee. All right.

Now, Mr. Chairman, I am very anxious to pay every honest claim that this Government owes. The Government of the United States pays her debts to private individuals very slowly. No one will deny that. But when she pays, she pays liberally.

Now, what is this bill? What are these claims? Here are a number of importers of steel rails or steel products, we are informed. It is not stated that they paid all of this tax under protest. Indeed, it does not appear that any one of the claimants paid under "protest." Those who did not pay under protest, if any, and those who did pay under protest, are all mixed together.

Now, Mr. Chairman, when a claim is paid without any protest being made at the time, it is considered a legal payment, and the party has no right in law to recover. Yet not a single one of the distinguished gentlemen who are trying to pass this bill have put a finger on a single claimant and said that that claimant had paid his tariff under protest.

Now, why have they mixed up those who have paid under protest, if there are any, with those who did not pay under protest? Why this omnibus bill? Why one bill for all these claims? Why no explanation of each claim? The gentleman from Pennsylvania [Mr. DALZELL] says that this bill is to recover duties "illegally collected." They were collected by the regular officers in the regular way we must presume. He told them what the law was. The law fixed the rate and he executed the law. They paid it voluntarily. They abided by his decision for years—about thirteen, I think.

Now, I say they have no standing here. It seems to me—and I do not want to be captious about this—that the distinguished gentlemen should have put their fingers on the names of the claimants who paid under protest and those who did not. Again, they refer this matter to the Court of Claims, and I think very properly; but we should in this class of cases have the claims and the opinions of the court brought back to us before payment.

I have objection to that part of the bill which orders the Secretary of the Treasury to pay the judgment of the Court of Claims without the further intervention of Congress.

In other words, if a judgment of $400,000 is rendered, the Treasury of the United States is ordered by the lines in the last page of this bill that I have already read to pay those claims without a further appropriation from or action of Congress. There is no question but what the Court of Claims is capable of passing on this matter, but we know that Congress repeatedly refuses to pay the claims that are passed upon by the Court of Claims, because Congress thinks that they should not be paid.

If that provision is eliminated from the bill, which directs the Secretary of the Treasury to pay the claim as soon as it is adjudged by the Court of Claims, so that Congress shall have a chance to pass upon the claim itself, there would be some guard thrown around the Treasury; but as it is, there is absolutely none. The Court of Claims settles the question and the Secretary of the Treasury must pay it immediately, whether Congress would have paid it if it were to look into the matter or not. Not one of the merits of these claims have been explained. This should be done in each case. We have taken it for granted that some were paid under protest and some were not. I am rather impressed with the idea that a great many of them were voluntarily paid. I would ask my friend from Illinois how many of those claims were paid under protest.

Mr. GRAFF. There was a protest. They all protested, but not in legal form.

Mr. GAINES of Tennessee. My friend is too good a lawyer to say that that is a protest.

Mr. GRAFF. The gentleman uses the word "protest." I would say that there was a conflict between them all regarding the subject of discussion.

Mr. GAINES of Tennessee. Was there a single legal protest made when those duties were paid?

Mr. GRAFF. There were a number of them. The fact is, if they had imposed the highest rates of duty which were threatened to be imposed in certain cases, it would have amounted to a confiscation of the importation itself and would have wronged some of these parties.

Mr. GAINES of Tennessee. Well, if they protested, why did they not appeal to the Department?

Mr. DALZELL. Mr. Chairman, let me say to my friend from Tennessee that "protest" in its application to this particular state of facts has two different meanings. There is a protest which is a technical protest provided for by the statute. Now, some of these parties made their protest, went into court, and got a decision in their favor.

Mr. GAINES of Tennessee. How many did this, and who?

Mr. DALZELL. Others only protested, denying the right.

Mr. GAINES of Tennessee. If they got a decision in their favor, why do you want to go to the Court of Claims?

Mr. DALZELL. We do not want to, so far as those are concerned. We want to so far as the others are concerned, who did not go to the court.

Mr. GAINES of Tennessee. Is there a claimant in this bill whose claims were paid under protest sued on and judgment recovered? I understand the gentleman to say there is?

Mr. DALZELL. There is nobody in this bill at all that recovered. It is for the relief of the parties who did not recover.

Mr. GAINES of Tennessee. Now, I say, in all fairness, and I shall conclude with this statement, that when $400,000 are to be paid out to these people who were intelligent enough to protest under law at the time and who did not, who were able physically, mentally, and morally and had the legal right to protest and who did not, we at least should eliminate the provision which directs the Secretary of the Treasury to pay these judgments outright upon the finding of the Court of Claims.

These claimants paid this tariff tax. They added the amount of this tax to the price of their goods and sold them, sold the

goods, and in this way got their tax or tariff money back into their fat pocketbooks. What have they lost? This is a peculiar class of claims, unlike the ordinary claim, where property is taken and not returned. Hence we should be cautious in paying this class of claims.

The provision of which I complain and which I think, under the circumstances, should be eliminated from the bill, is this:

And the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the amount of such judgment as shall be rendered by the Court of Claims under the provisions of this act.

I want to ask my friend from Illinois if that is not an unusual provision?

Mr. GRAFF. Not at all. It is a very usual proceeding.

Mr. GAINES of Tennessee. When has such a bill as this, in such a case as this, passed this House?

Mr. GRAFF. If it were a case where we were in doubt concerning the facts, and desired to refer it to the Court of Claims to have that court make a finding of facts and return it to this House, so that we might take those facts and reach our own conclusions as to the amount due, in such a case as that we would not have any provision in the bill for enforcing the judgment after it was obtained.

But here the simple proposition is this: Did these parties pay more than the legal amount of tariff upon the goods which they imported? How much in quantity of those goods were imported in that manner? What was the difference between the amount of tariff paid and the amount which was legally due under the law? That difference being ascertained upon the amount of goods imported, if that conclusion is reached by the court, a conclusion both of law and of fact, then the court will render a judgment.

This is simply a proposition to have the court ascertain under the law whether there was a certain amount of money paid unlawfully into the United States Treasury which now belongs in law to these parties. We simply give the parties this instrumentality for the purpose of having that question investigated, the court being unhampered except by the law, and to render a judgment and have it paid. If there is not any money in the United States Treasury which was wrongfully paid under the law by these importers into that Treasury, then of course the court will render a judgment against the plaintiffs. There is no instruction in this bill to find for the plaintiffs.

Mr. GAINES of Tennessee. In a case like this, where the party does not protest, where he pays the rate that the officer says is leviable and collectible upon the article, is that an illegal payment? My friend has stated what the Court of Claims will be called upon to find, but not all of the things. One of the questions is whether these parties paid these duties voluntarily or not. If they paid them voluntarily, and the Court of Claims finds that as a fact, then should the Court of Claims adjudge that the money should be refunded? That is the way we understand the bill over on this side. We have no bill or report and we could not hear the Clerk distinctly when he read it, nor the remarks of the gentleman from Illinois [Mr. GRAFF] who reports it. Certainly the question of voluntary or involuntary payment should be passed on by the court.

Mr. HOPKINS. If my friend will allow me, would not this be a better way to put it——

Mr. GAINES of Tennessee. Possibly, for your side.

Mr. HOPKINS. If the Congress passed a law fixing a certain rate of duty to be imposed, and the customs officer at the port of New York exacted a different rate, ought Congress to exact the rate fixed by the custom-house officer or the rate fixed by law?

Mr. GAINES of Tennessee. Why, of course the rate fixed by law; but the gentleman is accused of being a good lawyer, and I confess it for him——

Mr. HOPKINS. Now, all this is simply to fix it so that the law of the land will be administered in the collection of the amount of duty imposed, rather than the exaction that was enforced by the officer in violation of the law.

Mr. GAINES of Tennessee. Not in violation of the law at all. Now will the gentleman let me ask him a question?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. I hope you will give me two or three minutes more.

Mr. GRAFF. I yield to the gentleman one minute.

Mr. GAINES of Tennessee. If the court finds these claims were all paid voluntarily, can the Court of Claims find in favor of the claimants?

Mr. HOPKINS. That is not the proposition.

Mr. KLUTTZ. Did not the foreigner pay the tax?

Mr. HOPKINS. The proposition is whether this Congress will seek to enforce the keeping of the money that was taken from these parties by a custom-house officer in violation of the law.

Mr. GAINES of Tennessee. Who paid the duty in this case?

Mr. HOPKINS. That is not the proposition. I take the gentleman's statement. He says it is a tax. On the gentleman's own assumption these people ought to get it back.

Mr. GAINES of Tennessee. Will the gentleman tell me who paid the duty in these cases?

Mr. HOPKINS. It is not necessary for me to make that statement. I will take yours for that.

Mr. GAINES of Tennessee. Was it paid by the foreigner in this case?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAFF. I was surprised to find the gentleman from Tennessee is not only in favor of a high tariff, but in favor of a higher one than the law.

Mr. GAINES of Tennessee. It is very hard to administer a Republican tariff act. That is the trouble.

Mr. GRAFF. I now yield to the gentleman from Ohio.

Mr. GROSVENOR. Mr. Chairman, it seems to me that, stripped of all the flow of language, this case resolves itself into about this: The Government of the United States, having supreme power over the question of the introduction of foreign goods into our markets, fixed the price upon which importations can be made. Certain importers came into the country with their property. The Government of the United States seizes possession of it and holds it with a lien upon it for a charge of duty fixed by the law of the country, and then finally surrenders it after they have seized from the importer an illegal rate of duty. Then he has got his property; and ultimately the Government stands admitting that by a process not of intentional highway robbery, but accidental highway robbery, they have taken a lot of money out of the pocket of the importer that the law did not authorize, and this importer comes to the tribunal that is alone vested with power to do the right thing to the citizen, and when he comes with his case it is set up against him that he did not protest in the right language.

How much better is the Government thus championed than the robber who seizes your pocketbook and then tells you that in your demand for it you did not use the right phrase when you asked him to hand it back? What is the difference in morals between a seizure under pretence of law from the importer and seizure from the individual by the robber? I do not believe that this Government can afford to stand upon a technicality of that character. All the facts in the case stand admitted. First, the importation; second, the overcharge; third, the payment; fourth, that it has never been paid back. It is the money of the importer in the pocket of the Government, and it ought to be refunded in the shortest possible process that an honest man would refund money under like circumstances.

Mr. GAINES of Tennessee. I would like to ask the gentleman who has just taken his seat a question.

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. GAINES of Tennessee. Were these duties paid illegally?

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. POWERS of Maine. I should like to ask the gentleman from Illinois a question or two.

Mr. GRAFF. The gentleman from Maine has asked me a question.

Mr. GAINES of Tennessee. Will you yield to me?

Mr. GRAFF. I do not want to discuss the question of high tariff and the still higher one advocated by the gentleman from Tennessee.

Mr. POWERS of Maine. I want to ask the gentleman two or three questions, so that I may be better able to vote intelligently upon the bill.

Mr. GRAFF. I yield to the gentleman for a question.

Mr. POWERS of Maine. How many years does it show they were paying this extra duty of 15 per cent?

Mr. GRAFF. I will ask the gentleman from Pennsylvania to answer that question.

Mr. DALZELL. This schedule extended over the years 1879, 1880, 1881, and 1882.

Mr. POWERS of Maine. Some three or four years?

Mr. GRAFF. Yes, sir.

Mr. POWERS of Maine. And these men paid this duty?

Mr. GRAFF. Yes, sir.

Mr. POWERS of Maine. The duty was added to the cost of the article?

Mr. GRAFF. I can not tell you about that.

Mr. POWERS of Maine. And they used the steel and manufactured it, and we poor fellows paid the price, and so did the people all over the country.

Mr. GRAFF. I think that is not true. On the contrary, these people shipping steel in the form of blooms discovered that it was unprofitable. It had never been done prior to that time. As I understand, it was imported in that form in the hope that they would secure a classification under the tariff which would give them a reasonable rate, and the importation in blooms made it

easier to ship and handle it; but they discovered it could not be profitably done, and it ceased. It was during this period of three years that these importations took place—this controversy about which of the three rates should properly apply under the law occurred; but since that time, as I understand it, no blooms have been imported. Prior to that time none had been imported.

Mr. POWERS of Maine. They continued this importation some three or four years.

Mr. GRAFF. I think the record shows it was three or four years.

Mr. POWERS of Maine. Is it reasonable to suppose that they would have continued so long if the rate of duty was not right?

Mr. DALZELL. It was not the same parties.

Mr. POWERS of Maine. And during all that time they never filed any protest.

Mr. DALZELL. But the duty continued during 1879, 1880, 1881, and 1882, and applies to different people.

Mr. POWERS of Maine. I understand something about the collection of duties, having fortunately or unfortunately been a collector of customs where we collected some duties. It is an easy matter to file a protest. There is often a very great doubt as to what the real duty is on an article. If the party sees fit not to pay it, if he is not satisfied with the duty that the collector or appraiser puts upon it, he has simply to file a written protest, and the matter goes to the Secretary of the Treasury, and then the importer can bring suit afterwards and get his money back.

Mr. GRAFF. But that involves the payment of the duty.

Mr. POWERS of Maine. Yes; but he gets it right back.

Mr. GRAFF. He gets it right back when there is a final adjudication of the case. It involves the payment of a large sum of money. In some of these cases I happen to know—one of them, at least, in the State of Illinois, where they were people who were not well able to advance great sums of money as are involved in this question—it ties up large sums of money.

Mr. POWERS of Maine. They have to pay the duty anyhow, but they did not file a written protest. Had they filed a written protest they would have had the matter heard and have got their money back. They have waited thirteen years——

Mr. GRAFF. Oh, no; they have not.

Mr. DALZELL. They have been knocking at the doors of Congress ever since.

Mr. POWERS of Maine. They have waited thirteen years, or, at any rate, thirteen years have elapsed.

Mr. GRAFF. No; they did not wait, they began immediately.

Mr. POWERS of Maine. They did not see fit to take the simple, plain way that the law prescribes in which you may recover duty that you think you ought not to pay. I think we may fairly presume that they charged their customers the additional duty, and that the customers, rather than the importers, are the persons out of the pockets of whom the additional duty has to come. Had these importers taken the necessary steps they could have ascertained, probably within a month or two, the fact that they were paying too much.

Mr. GRAFF. You think, as a protectionist, that the consumer always pays the tax?

Mr. POWERS of Maine. I think that when you import an article and add 45 per cent duty that you sell it for 45 per cent more than you would if you did not pay the duty.

Mr. GRAFF. You do, if you can. But you have to sell it in competition with all other steel products.

Mr. POWERS of Maine. There are probably millions of dollars in the United States Treasury that have been paid in where a different rate of duty might have been paid if it had been carried up under protest. I do not know if gentlemen get my idea. If the importer adds the price of duty to the article, the consumer has to pay that additional price, and so the consumer pays the duty, and not the importer.

Mr. BUTLER of Pennsylvania. That is good Democratic doctrine.

Mr. POWERS of Maine. It is a pretty fair doctrine. I say that the consumer pays the additional duty if he can not buy it at a less rate in the market.

Mr. GRAFF. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. GAINES of Tennessee. Mr. Chairman, I move to amend the bill by striking out that portion of it which directs the Secretary of the Treasury to pay the judgments as soon as the Court of Claims adjudicates them.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, line 8, strike out the following:
"And the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the amount of such judgment as shall be rendered by the Court of Claims under the provisions of this act."

Mr. GAINES of Tennessee. Mr. Chairman, if this bill passes it will put this matter entirely beyond the control of Congress. Here is a bill carrying a reference to the Court of Claims and appropriating the money at the same time to pay every dollar of the claims allowed by this court. It seems to me that if these doubtful claims should be allowed by the Court of Claims they should be sent back to Congress, as nine-tenths of the judgments of that court are, so that Congress can pass upon whether or not it will pay these claims. Hence I make the motion, Mr. Chairman, not captiously at all, but that that part may be stricken out, so that Congress can pass upon the merits of these claims, since we know nothing about them here to-day, not even a report being here to inform this body of the merits or demerits of any one of these twenty or thirty claims.

The CHAIRMAN. The question is upon the adoption of the amendment.

Mr. GRAFF. I hope that everybody will vote "no."

The question having been taken,

The CHAIRMAN. The noes appear to have it.

Mr. GAINES of Tennessee. I call for a division.

The question being again taken, there were—ayes 33, noes 68.

So the amendment was rejected.

Mr. GAINES of Tennessee. Has a quorum voted?

The CHAIRMAN. There is a quorum voting. The question is now upon laying the bill aside to be reported to the House with a favorable recommendation.

The question was decided in the affirmative.

WILLIAM LEECH.

The next business was the bill (H. R. 5357) for the relief of William Leech.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to William Leech the sum of $10,000 as full compensation for permanent injuries received by the said Leech in falling in the elevator shaft of the Treasury building, without any contributary negligence and while in discharge of his official duties, on the 29th day of March, 1888; and an amount sufficient to pay the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The amendment reported by the Committee on Claims was read, as follows:

In lines 4 and 5 strike out "$10,000" and insert "$2,500."

Mr. GRAFF. I move that the amendment be agreed to, and the bill as amended be reported to the House with a favorable recommendation.

Mr. CLARK. I should like to hear some explanation of the bill.

Mr. GRAFF. I will give an explanation, if it is desired.

Mr. Leech is the gentleman employed upon one of the elevators in the Treasury Department. He has been there for a number of years. He is a widower with three small children. A good many gentlemen here will remember him as having charge of the elevator at the entrance nearest to the corner made by Pennsylvania avenue sweeping around the Treasury Department.

Without asking for the reading of the report, I will state the circumstances of the case; for we have examined into the matter very exhaustively. This man was in the habit of going up into the Treasury building and stepping into the elevator and commencing his morning duty. It was the duty of the janitor to leave the elevator at that floor in such a position that Mr. Leech could walk into it. It had been the unvarying custom through a number of years for the lights—the electric lights, I suppose—in that vicinity to be turned on in the morning. In this case the janitor left the sliding door or entrance to the elevator shaft open, but the elevator was lowered to the bottom of the shaft; so that Mr. Leech, coming up early in the morning, when it was somewhat dark—so dark that he was unable to see into the doorway of the elevator shaft—stepped into what he supposed was the elevator itself, and fell a distance of one-story down the shaft, receiving the injuries stated in the bill.

Mr. Leech has had this claim pending in the House through a period of some three or four years. I have had occasion to visit the Treasury Department every week on business of my constituents; I have constant business with the Commissioner of Internal Revenue and other officers, as no doubt, many other members have. I usually take this elevator, because it is the most convenient; hence I have seen this man every week for the past two or three years, and every time I have seen him his condition has impressed me and filled me with sympathy. He is not in a condition to-day to be performing the duty that he is performing; he is simply doing it because he has no other service, and the Secretary of the Treasury keeps him there because of the fact that he has faithfully performed his duty for some years, and he has no means accumulated enabling him, otherwise than from this position, to meet the responsibility of supporting his small children, who are without any mother to aid in their support.

Mr. Leech has insisted upon receiving $5,000. This bill, as introduced by the gentleman from Michigan [Mr. WM. ALDEN

SMITH], proposed to pay $10,000. Of course there is no Representative from this district to whom Mr. Leech could go.

I have examined this man. He is not able to walk without the assistance of two canes, and even then he walks with great difficulty. He is performing his service in the elevator there, as some of you have seen him no doubt, sitting down all the time; and this service is performed with great pain and tends to aggravate his injuries.

The committee has cut down the amount specified in the bill to $2,500, which it is proposed to pay this man "as full compensation for permanent injuries received" by him "in falling in the elevator shaft of the Treasury building, without any contributory negligence on his part and while in the discharge of his official duty."

The report itself contains a letter from Mr. Gage, who was then Secretary of the Treasury, addressed to the gentleman from Illinois [Mr. BOUTELL], who was at that time a member of our committee, and who made a favorable report on the bill. I will read the letter:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 8, 1901.

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant, transmitting the bill (H. R. 786) now before your committee, for the relief of William Leech, together with the report of the Senate committee on a similar bill. You request an expression of my opinion as to the merits of this case.

Without saying what amount ought or ought not to be allowed to this claimant, I will merely recite the facts in the case so far as known to the Department, and from them the committee will no doubt reach a just conclusion.

Mr. Leech, on attempting to enter the elevator in the southeast corner of the Treasury building March 29, 1893, was injured by falling down the shaft, a distance of one story, from the basement to the subbasement. He was severely injured, as fully described in the papers transmitted with your letter. At the time of the accident, for a long time before, and ever since Mr. Leech had been an elevator conductor. The injury was received on the elevator to which he was accustomed, which had been in his charge for years. His case might, therefore, be looked upon in somewhat different light than that of a man not similarly employed nor in charge of that particular elevator.

The papers in the case are returned herewith, and your attention is invited to an indorsement signed by Mr. W. H. Hills, acting chief clerk, who was familiar with the circumstances of Mr. Leech's action and made an investigation immediately following it.

I find, also, that he was absent from the Department during 1893 a total of ninety-one days. Of this he was allowed thirty days as annual leave and sixty days as sick leave—in all, ninety days for which he received pay, so that his loss in time was one day. His record for sick leave has been good ever since, and he is still regarded as capable of managing an elevator, and is thus now employed on the one at the northeast corner of the Treasury building.

That is true, but it is also true that this man is compelled to manage the elevator or give up the fight of life and his duty to maintain his family. The man has no one to go to to exert any influence over. He is a poor man and he simply came to the committee, and I confess that he enlisted my sympathies, and I think that it is such a case where if a private individual or a corporation had been involved and he the employee and he should sue that the facts are sufficient for him to recover for this injury through the negligence of the defendant.

W. L. Hills, acting chief clerk, makes the following report:

Respectfully submitted to the Secretary of the Treasury with the information that I have carefully read the statements of Mr. William Leech relative to the injury received by him in the Treasury building March 29, 1893, by falling down an elevator shaft, and find that the same correspond with the facts established by me from an investigation made immediately following the accident.

From inquiries made to-day I find that Mr. Leech has to depend upon a cane in going about, but I am unable to state definitely, from personal observation, as to the extent of his injuries, but would place full confidence in any statement that might be made by J. Ford Thompson, M. D., in relation thereto.

I am of the opinion that Mr. Leech is physicially injured for life to an extent which would materially interfere with his securing employment outside of the Department.

Now, I have seen this man's condition ever since this accident occurred, and no doubt many of you have. He further says:

While the sum of $5,000 may appear excessive, still, when taking into consideration the fact that some time in the future Mr. Leech will have to relinquish his present position in the Department, either from old age or from his disability, and from the further fact that if it were a case against a railroad company or other large corporation a jury would, in all probability, find a verdict for a larger sum, I am disposed to think that the payment of the amount named, $5,000, would be an equitable settlement of the matter.

But the committee cut the amount to $2,500. We had before us the affidavits of the physicians showing that he is permanently disabled and maimed, and that this affects his general constitution and health and nervous system. He is to-day a wrecked man who ought not to be engaged in the performance of the duty which he is performing, and he is doing it every day to his own injury.

Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The bill as amended by the committee amendment was ordered to be laid aside to be reported to the House with a favorable recommendation.

ESTATE OF M. J. GREALISH.

The next business was the bill (H. R. 3502) for the relief of the estate of M. B. Grealish, deceased.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, directed to pay, out of any moneys in the Treasury not otherwise appropriated, to the estate of M. J. Grealish, deceased, late a captain in the United States Army, the sum of $1,180, balance remaining due for service rendered by said Captain Grealish as assistant commissary of subsistence from December 1, 1867, to September 30, 1879.

The committee amendments were read, as follows:

Amend the bill by striking out the words "December first, eighteen hundred and sixty-seven," in lines 9 and 10, and insert "July fifteenth, eighteen hundred and seventy."

In lines 10 and 11 strike out the words "September thirtieth, eighteen hundred and seventy-nine," and insert in lieu thereof the words "March twentieth, eighteen hundred and seventy-eight."

Mr. GRAFF. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER of Pennsylvania. Mr. Chairman, this bill should be amended so as to conform to the amendment that has already been made. I therefore move that the words in lines 6 and 7, "one thousand one hundred and eighty dollars," be stricken out and that there be substituted in their place the words "seven hundred and sixty-six dollars and sixty-four cents." When this bill was considered in the Committee on Claims it was agreed to amend the bill as it is presented here, and further it was agreed to amend it in the manner in which I have just suggested. The failure to amend it was undoubtedly an oversight, and for that reason I have made the motion. The facts are all set out in the report, and are as well given there as could be stated by anybody here.

Mr. SMITH of Kentucky. Mr. Chairman, I would ask the gentleman to make a brief statement of what the bill is for.

Mr. BUTLER of Pennsylvania. Capt. Michael J. Grealish was a soldier in the Regular Army. Beginning some time in the year 1867, he served as an acting commissary of subsistence. An act of Congress, passed a good many years ago, entitled an officer having rank below that of captain to the extra pay of $100 a year when he served as an acting commissary of subsistence. In 1870 Congress passed a supplementary or another law, in which it was provided that officers having rank above that of first lieutenant, and including the rank of captain, were entitled to receive the $100 when acting as a commissary of subsistence. The correspondence with the Department had by the Committee on Claims consisted of a communication signed by the Commissary-General, J. F. Weston, the Acting Paymaster-General of the Army, and by Judge Davis, Judge-Advocate-General of the Army.

Michael J. Grealish served continuously as an acting commissary of subsistence from 1867 to 1885. He brought suit in the Court of Claims and recovered judgment for $600, and it is to remove the bar of the statute of limitations that this bill has been presented, so that he may recover his full pay covering a period of more than thirteen years. There is no doubt, as the Judge-Advocate-General says in his letter to the Committee on Claims, that he performed the service and that he recovered a judgment in the Court of Claims for $600, but was unable to recover the amount owing him because of the imposition of the bar of the statute of limitations by the Government at that time. I will say further to my friend that Judge Davis says, in his communication, that if the bill is amended as was amended by the committee, and as I have proposed to have it amended here, he sees no objection to a favorable report thereon. I state to my friend that it is by reason of these communications and these facts that the committee reported this bill favorably.

Mr. SMITH of Kentucky. This bill, then, just pays him for the time that the statute barred him from?

Mr. BUTLER of Pennsylvania. Yes, it covers the period from 1870 to 1877.

Mr. SMITH of Kentucky. That is all right.

Mr. BUTLER of Pennsylvania. Seven years, eight months, and some days. The amendment which I have offered is in accordance with the statement of fact made by the Judge-Advocate-General of the Army.

The amendment of Mr. BUTLER of Pennsylvania was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PAYNE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed the following resolutions; in which the concurrence of the House was requested.

Senate concurrent resolution 50.

Resolved by the Senate (the House of Representatives concurring), That there be printed 1,600 copies of the compilation recently prepared by direction of the Attorney-General, entitled Bills and Debates in Congress Relating to Trusts, of which 500 copies shall be for the use of the Senate, 1,000 copies

for the use of the House of Representatives, and 100 copies for the use of the Department of Justice; and that the Attorney-General shall cause an index to be prepared to said volume, compensation therefor not to exceed $500.

Senate concurrent resolution 51.

Resolved by the Senate (the House of Representatives concurring), That there be prepared forthwith, under the direction of the Attorney-General, a compilation of all the decisions of the Supreme Court and of the inferior Federal courts relating to trusts or to the act known as the Sherman antitrust law, of which compilation 3,000 copies shall be for the use of the Senate, and 7,000 shall be for the use of the House of Representatives, and 1,000 for the use of the Department of Justice.

The committee resumed its session.

HENRY M. HOLMES.

The next business was the bill (H. R. 1193) to correct the military record of Henry M. Holmes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the records of the War Department in the case of Henry M. Holmes, late of Company A, First New Mexico Cavalry Volunteers, and issue to him an honorable discharge from said organization.

The following committee amendment was read:

Add at the end of the bill the following:

"*Provided*, That no pay, bounty, or other emoluments shall become due or payable by reason of the passage of this act."

Mr. GROSVENOR. Mr. Chairman, how does that bill get here to-day?

The CHAIRMAN. This is not a bill to remove a charge of desertion. It is in order under the rule.

Mr. GRAFF. I have not charge of the bill. Does the gentleman from Ohio desire to make any remarks?

Mr. GROSVENOR. I do not know anything about it. I only wanted to know how it got here to-day. I supposed it was a bill to remove a charge of desertion.

Mr. SMITH of Kentucky. Let us have some explanation of it.

Mr. GRAFF. The gentleman from Wyoming [Mr. MONDELL] reported the bill. If it is desired to have any explanation, he can make it. If not, I move that it be laid aside to be reported to the House with a favorable recommendation.

Mr. SMITH of Kentucky. Let us have an explanation of the bill.

Mr. MONDELL. This soldier served almost continuously in the Regular Army from 1851 until 1871, according to the records of the War Department. In 1862, according to those records, he was dismissed the service in order to enable him to accept a commission in the New Mexico volunteers. He was commissioned a lieutenant in the First New Mexico Volunteers, and a short time after, on the 4th of July, 1862, a street brawl occurred at Albuquerque. It was alleged that during this brawl this officer conducted himself in a manner unbecoming an officer and a gentleman.

The evidence is to the effect that in the row, which occurred between soldiers and Mexicans, this officer attempted to separate the combatants. Some of his fellow-soldiers who testified against him claimed that in doing so he did not conduct himself as an officer should, that he put himself on a level with the common soldiers, and that his conduct was prejudicial to the service. He was therefore discharged the service. Immediately after that discharge he reenlisted and served from that time until 1871 as a sergeant-major. He was a good soldier during his entire service of about twenty years. The bill removes the charge of conduct unbecoming an officer and a gentleman and gives him an honorable discharge from the New Mexico regiment of volunteers.

Mr. SMITH of Kentucky. Was this discharge a dishonorable one?

Mr. MONDELL. He was discharged by order of a court-martial, and sentenced to be dismissed from the service. There is no question in my mind, and there was no question in the minds of the members of the committee but that there was a good deal of jealousy and prejudice against this man. Coming from the ranks of the Regular Army as he did, he was not in favor with the officers of this volunteer company. They did not seem to take kindly to the fact that a soldier of the Regular Army was to receive a commission in their company.

Mr. SMITH of Kentucky. Is the report in the case unanimous?

Mr. MONDELL. Yes.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN G. ROSE.

The next business was the bill (H. R. 2664) for the relief of John G. Rose.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to amend the records of the Navy Department so as to place the name of John G. Rose on the roll as an acting master's mate from the time of his second enlistment, February 10, 1865, to the time of his discharge, January 30, 1868, and to cause an honorable discharge to be delivered to the said Rose as an acting master's mate, to take the place of the discharge as seaman which he now holds.

SEC. 2. That the proper accounting officer of the Treasury Department be, and he is hereby, authorized and directed to open and adjust the account of John G. Rose as an officer in the United States Navy, and to allow and pay to him the difference between the pay of seaman and acting master's mate from February 10, 1865, to January 30, 1868.

Mr. BUTLER of Pennsylvania. Mr. Chairman, the gentleman from Indiana [Mr. WATSON], the member of the Committee on Naval Affairs who reported this bill, is not here. The gentleman from New Jersey [Mr. PARKER], who introduced the bill, is here.

Mr. PARKER. The gentleman from Missouri [Mr. VANDIVER], who reported the bill in the last Congress, is here.

Mr. BUTLER of Pennsylvania. Does the gentleman from Missouri know anything about the facts?

Mr. VANDIVER. Mr. Chairman, I can only say that in the Fifty-sixth Congress I, as a member of a subcommittee of the Committee on Naval Affairs, reported this bill to the committee, and the committee reported it to the House, but it was not reached on the Calendar.

I can not say at this time that I am perfectly familiar with all the details of the case; but I remember, in a general way, after investigating the matter I became convinced that it was perfectly proper and just that this bill should pass. I conversed with Mr. Rose himself and was impressed with the candor and honesty of the man. The bill proposes to restore to Mr. Rose his rank of master's mate, and with that the difference between the pay of a master's mate and an ordinary seaman for a term of about three years—I think from 1865 to 1868. The bill was reported favorably by the Committee on Naval Affairs in the Fiftieth Congress, again in the Fifty-first, Fifty-second, and Fifty-third Congresses, and then again in the Fifty-sixth Congress. It is now reported favorably by this Committee.

Mr. SLAYDEN. Will the gentleman allow me to ask him a question?

Mr. PARKER. I think I will answer the question the gentleman may desire to ask. John G. Rose was a master's mate in the United States Navy. There was a standing order that any master's mate who reenlisted at the end of his term of service should retain the same rank.

Mr. SLAYDEN. What kind of an order?

Mr. PARKER. A standing order of the Navy Department that any master's mate who reenlisted immediately at the expiration of his term of service should retain the rank of master's mate and be reenlisted as master's mate. Rose stayed from his first enlistment without reenlistment for a month or so.

Mr. SLAYDEN. Exhausted his privilege.

Mr. PARKER. Exhausted his privilege. Then, after remaining about a month or so after discharge, he reenlisted, expecting to receive the same rank. Instead of that, he was rated as an ordinary seaman. He always reported and insisted upon his rating as a master's mate. He greatly excited the interest of my predecessor [Mr. Lehlbach], who was a most careful man, and the bill, I think, once passed through both the House and the Senate, but did not get through with the President.

Mr. SLAYDEN. Was it vetoed by the President?

Mr. PARKER. No. I was in error; it did not get through the Senate. But it went first through one House and then through the other at different terms, but never got all the way. The simple question in this bill is the difference in the amount of pay as master's mate and as ordinary seaman, and the report in his favor in the matter in the Fifty-first Congress was signed by Mr. C. A. Boutelle, Mr. H. A. Herbert. Mr. WILLIAM ELLIOTT, Mr. W. McAdoo, Mr. H. W. Rusk, Mr. William B. Wallace, and Mr. J. P. DOLLIVER, after full consideration of the question. It had the recommendation of one gentleman who became Secretary of the Navy, one who became Assistant Secretary of the Navy, and two gentlemen who were in different Congresses chairman of the Committee on Naval Affairs. The statement of the Auditor of the Navy is that the difference is $834 and some cents.

I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

Mr. GRAFF. Mr. Chairman, I move that the committee now rise and report the respective bills to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEMENWAY, Chairman of the Committee of the Whole House, reported that that committee had had under consideration sundry bills on the Private Calendar and had directed him to report some back without amendments, some with amendments, and had also directed him to report sundry bills with the recommendation that they be laid on the table.

The SPEAKER. The Clerk will report the first bill.

CAPT. B. H. M'CALLA AND OTHERS.

The first business reported from the Committee of the Whole was the bill (H. R. 11576) granting permission to Capt. B. H. McCalla and others to accept presents and decorations tendered to them by the Emperor of Germany and others.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

JULIUS A. KAISER.

The next business reported from the Committee of the Whole House was the bill (H. R. 6649) for the relief of Julius A. Kaiser.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BUTLER of Pennsylvania, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN G. ROSE.

The next business reported from the Committee of the Whole House was the bill (H. R. 2664) for the relief of John G. Rose.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM A. TREADWELL.

The next bill reported from the Committee of the Whole was the bill (H. R. 3787) to grant honorable discharge to William A. Treadwell.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

WILLIS BENEFIELD.

The next bill reported from the Committee of the Whole was the bill (H. R. 2559) for the relief of Willis Benefield.

The amendment recommended by the committee was agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. MIERS of Indiana, a motion to reconsider the last vote was laid on the table.

WILLIAM LEECH.

The next business reported from the Committee of the Whole House was the bill (H. R. 5357) for the relief of William Leech.

The amendment recommended by the committee was agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

M. J. GREALISH.

The next bill reported from the Committee of the Whole was the bill (H. R. 3502) for the relief of the estate of M. J. Grealish, deceased.

The amendment recommended by the committee was agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

HENRY M. HOLMES.

The next business reported from the Committee of the Whole was the bill (H. R. 1193) to correct the military record of Henry M. Holmes.

The amendment recommended by the committee was agreed to.

The bill was ordered to be engrossed and read the third time; was read the third time, and passed.

ADJUDICATION OF CERTAIN CLAIMS BY COURT OF CLAIMS.

The next bill reported from the Committee of the Whole House was the bill (S. 3083) providing for the adjudicating of certain claims by the Court of Claims.

The bill was ordered to be read a third time; was read the third time, and passed.

HEIRS OF AARON VAN CAMP AND VIRGINIUS P. CHAPIN.

The next bill reported from the Committee of the Whole was the bill (S. 342) for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin.

The amendment was agreed to.

The bill was ordered to be read the third time; was read the third time, and passed.

BILLS LAID ON THE TABLE.

The following Senate and House bills and joint resolution, reported from the Committee of the Whole House with the recommendation that they lie on the table, were severally read and the recommendation of the committee agreed to:

S. 1670. An act granting permission to Capt. B. H. McCalla, United States Navy, to accept a decoration tendered to him by the Emperor of Germany;

S. R. 28. Joint resolution granting permission to Dr. Eugene Wasdin and Dr. H. D. Geddings, both of the United States Marine-Hospital Service, to accept decorations tendered to them by the Italian Government;

S. 1956. An act granting permission to Lieut. Gen. John M. Schofield, retired, United States Army, to accept the decoration of the Cross of Commander of the National Order of the Legion of Honor, conferred upon him by the President of France;

S. 1958. An act granting permission to Capt. C. DeW. Willcox, United States Army, to accept the diploma and decoration of Officier d'Académie, awarded to him by the Government of France;

S. 1954. An act to authorize Capt. N. M. Brooks, Superintendent of Foreign Mails, Post-Office Department, to accept a decoration tendered him by the Emperor of Germany;

S. 1955. An act to authorize George W. Hill, Chief of the Division of Publications of the Department of Agriculture, to accept a decoration tendered to him by the Government of the French Republic;

S. 1957. An act granting permission to Mr. Hubbard T. Smith, secretary of the United States commissioner to China and consular clerk of the United States, to accept a decoration conferred upon him by the Government of China;

S. 1959. An act granting permission to Capt. Stephen L'H. Slocum, United States Army, to accept a medal conferred upon him by the King of England;

S. 1960. An act granting permission to Lieut. W. P. Scott, United States Navy, to accept a medal of merit presented to him by the Sultan of Turkey; and

H. R. 678. A bill for the relief of the heirs of the late Charles P. Culver.

On motion of Mr. GRAFF, a motion to reconsider the several votes whereby the bills were passed, where no specific motion was made for reconsideration, was laid on the table.

SENATE CONCURRENT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate concurrent resolutions were taken from the Speaker's table and referred to their appropriate committees as indicated below:

Senate concurrent resolution 50:

Resolved by the Senate (the House of Representatives concurring), That there be printed 1,600 copies of the compilation recently prepared by direction of the Attorney-General, entitled "Bills and Debates in Congress Relating to Trusts," of which 500 copies shall be for the use of the Senate, 1,000 copies for the use of the House of Representatives, and 100 copies for the use of the Department of Justice; and that the Attorney-General shall cause an index to be prepared to said volume, compensation therefor not to exceed $500—

to the Committee on Printing.

Senate concurrent resolution 51:

Resolved by the Senate (the House of Representatives concurring), That there be prepared forthwith under the direction of the Attorney-General a compilation of all the decisions of the Supreme Court and of the inferior Federal courts relating to trusts or to the act known as the Sherman antitrust law, of which compilation 3,000 copies shall be for the use of the Senate, and 7,000 shall be for the use of the House of Representatives, and 1,000 for the use of the Department of Justice—

to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BURKE of South Dakota, for two days, on account of sickness in his family.

To Mr. WOOTEN, indefinitely, on account of sickness.

To Mr. THAYER, indefinitely, on account of sickness.

Mr. GRAFF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 5 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting a copy of a report from the Commissioner of Indian Affairs relative to the necessity of additional land for the Moapa Indians of Nevada—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting reports of inspectors of disbursements by officers of the Army during the past fiscal year—to the Committee on Expenditures in the War Department.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Allen J. Moses against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, the Postmaster-General, and the Attorney-General, submitting a report as to the post-office building at Watertown, N. Y.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a statement of the expenditures of the contingent fund of the Department—to the Committee on Expenditures in the Interior Department, and ordered to be printed.

A letter from the Secretary of the Interior, submitting a

report of the Director of the Geological Survey showing the work done under the law providing for the reclamation of arid lands—to the Committee on Irrigation of Arid Lands, and ordered to be printed.

A letter from the superintendent of the buildings and grounds, Library of Congress, submitting his annual report—to the Committee on the Library, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting a combined report of receipts and expenditures of the Government for the year ended June 30, 1902—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a statement of expenditures at the Springfield (Mass.) Armory and of arms, etc., fabricated there—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Postmaster-General submitting an estimate of appropriation for certain deficiencies in the postal service—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting explanations of certain estimates of appropriations for foreign intercourse—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an additional estimate of appropriations for the National Home for Disabled Volunteer Soldiers—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, Postmaster-General, and Attorney-General, reporting in regard to the Government building at Knoxville, Tenn.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, reporting, with a favorable recommendation, a draft of a bill providing for the refund of tonnage taxes levied on steamers *Santiago de Cuba*, *Santiago*, *Cienfuegos*, and *Olinda*—to the Committee on Claims, and ordered to be printed.

A letter from James Seldon Cowdon, contestant, transmitting a copy of his notice of contest for the seat occupied by Hon. Carter Glass, of the Sixth Congressional district of Virginia—to the Committee on Elections No. 3.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Trustees of Trinity Episcopal Church of Portsmouth, Va., against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. G. Rogers, administrator of estate of John Rogers, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John C. Middlekauff, administrator of the estate of John J. Middlekauff, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John, Richard, Philip, and Simon Mayer against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Kirby Wade and James Snyder, executors of estate of William Wade, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for the work of the Catalogue of Scientific Literature—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting item of disallowances in the account of Capt. Marion P. Mauss—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an item of disallowance in the accounts of Col. John Simpson—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusion of fact and law in the French spoliation cases relating to the schooner *Resolution*, John Crandon, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with copies of the reports of the Commissioner of the General Land Office, estimates for the survey of the Walker River Reservation, in Nevada; the Uintah Reservation, in Utah, and the Spokane Reservation, in Washington—to the Committee on the Public Lands, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Charles W. Hoffman, administrator of estate of William C. Hoffman, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Favorite*, Thomas McConnell, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Hetty*, William Manson, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Midget*, Lewis Hudgins, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Polly*, William D. Wilson, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Industry*, William Massey, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Nymph*, Thomas Corbett, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Rainbow*, William Smith, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Two Sisters*, William Worth, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Interior, submitting a statement of the disbursements in the States and Territories in aid of colleges of agriculture and the mechanic arts—to the Committee on Agriculture, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *John Eason*, John Cowper, master, against The United States—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BARNEY, from the Committee on Appropriations, to which was referred the bill of the House (H. R. 15593) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1904, and for other purposes, reported the same without amendment, accompanied by a report (No. 2753); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LANHAM, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 15506) to amend section 14 of an act entitled "An act to divide the State of Texas into four judicial districts," reported the same without amendment, accompanied by a report (No. 2754); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Ccmmerce, to which was referred the bill of the House (H. R. 15445) to authorize the construction of a bridge across the Savannah River at Sand Bar Ferry, below the city of Augusta, Ga., reported the same with amendment, accompanied by a report (No. 2755); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred, as follows:

A bill (H. R. 9814) granting an increase of pension to Mary Williams, Monroe, Mich.—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15153) granting an increase of pension to Susan De Lamor—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. BARNEY, from the Committee on Appropriations: A bill (H. R. 15593) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1904, and for other purposes—to the Union Calendar.

By Mr. HENRY C. SMITH: A bill (H. R. 15594) to amend the tariff laws of 1897—to the Committee on Ways and Means.

By Mr. LITTLE: A bill (H. R. 15595) ceding jurisdiction to the State of Arkansas over certain lands in the city of Fort Smith, in said State—to the Committee on the Judiciary.

Also, a bill (H. R. 15596) authorizing the Independent Order of B'nai B'rith to erect and maintain a hospital and bath house upon certain Government property in the city of Hot Springs, Ark.—to the Committee on the Public Lands.

By Mr. HILL: A bill (H. R. 15597) to provide for the modification of the project for the improvement of the harbor of Bridgeport, Conn.—to the Committee on Rivers and Harbors.

By Mr. JENKINS: A bill (H. R. 15598) to amend the act entitled "An act to better define and regulate the rights of aliens to hold and own real estate in the Territories," approved March 2, 1897—to the Committee on the District of Columbia.

By Mr. HANBURY: A bill (H. R. 15599) to amend the act of August 8, 1888 (25 Statutes at Large, chapter 787)—to the Committee on the Judiciary.

By Mr. BURKETT: A bill (H. R. 15600) to amend section 1 of an act of Congress entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902—to the Committee on Public Buildings and Grounds.

By Mr. ACHESON: A bill (H. R. 15601) to increase the limit of cost for the purchase of site and the erection of a public building at Washington, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. GREENE of Massachusetts: A bill (H. R. 15602) authorizing a survey for the harbor of New Bedford and Fairhaven, Mass., for the purpose of increasing the width of the channel and depth of the harbor and providing increased anchorage grounds—to the Committee on Rivers and Harbors.

By Mr. PERKINS: A bill (H. R. 15603) to provide for the erection of an addition to the public building at Rochester, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. DAYTON: A bill (H. R. 15604) to amend section 1107 of an act of Congress approved March 3, 1901, entitled "An act to establish a code of law for the District of Columbia"—to the Committee on the District of Columbia.

By Mr. BROUSSARD: A bill (H. R. 15605) to authorize and empower the Southwest Louisiana Rice Growers' Association, of the State of Louisiana, to construct a lock or locks and a dam in Bayou Vermilion, in the State of Louisiana—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 15606) to authorize and empower the Rice Irrigation and Improvement Association, of the State of Louisiana, to construct a lock or locks and a dam in Mermenteau River, in the State of Louisiana—to the Committee on Interstate and Foreign Commerce.

By Mr. REEVES (by request): A bill (H. R. 15607) for the amendment of section 4921 of the Revised Statutes—to the Committee on Patents.

Also (by request), a bill (H. R. 15608) to effectuate the provisions of the additional act of the International Convention for the Protection of Industrial Property—to the Committee on Patents.

By Mr. PEARRE: A bill (H. R. 15609) to amend an act entitled "An act to extend the free-delivery system of the Post-Office Department, and for other purposes," approved January 3, 1887—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 15610) to amend paragraph 33 of section 7 of an act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes, approved July 1, 1902—to the Committee on the District of Columbia.

Also, a bill (H. R. 15611) to provide for the erection of a public building in the city of Hagerstown, Md.—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 15612) to authorize the President of the United States, in conjunction with the State of Texas, to run and mark the boundary lines between the Territories of Oklahoma and New Mexico and the State of Texas—to the Committee on the Judiciary.

By Mr. HILL: A bill (H. R. 15613) to amend an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans"—to the Committee on Ways and Means.

By Mr. TONGUE: A bill (H. R. 15614) for the establishment of a food bureau in the Department of Agriculture, and for preventing the adulteration and misbranding of foods in the District of Columbia and the Territories, and for regulating interstate commerce therein, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: A bill (H. R. 15615) to authorize the settlement of the accounts of officers of the Army—to the Committee on War Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 15702) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902—to the Committee on Ways and Means.

By Mr. BROMWELL: A joint resolution (H. J. Res. 220) providing for a survey of the Ohio River from the mouth of the Big Miami to the mouth of the Ohio—to the Committee on Rivers and Harbors.

By Mr. TOMPKINS of Ohio: A joint resolution (H. J. Res. 221) dedicating to the city of Columbus, in the State of Ohio, for uses and purposes of the public streets, part of property conveyed to the United States by Robert Neil by deed dated February 17, 1863, recorded in deed book 76, page 572, and so forth, Franklin County records—to the Committee on Military Affairs.

By Mr. MANN: A resolution (H. Res. 344) relative to the interior work of the Chicago post-office—to the Committee on Public Buildings and Grounds.

By Mr. MIERS of Indiana: A resolution (H. Res. 345) appointing a messenger—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. APLIN: A bill (H. R. 15616) granting an increase of pension to John W. Dings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15617) granting an increase of pension to William Keith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15618) granting an increase of pension to William O. Boughton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15619) granting an increase of pension to Charles Strong—to the Committee on Invalid Pensions.

By Mr. ALEXANDER: A bill (H. R. 15620) granting a pension to James Redshaw—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 15621) granting an increase of pension to Louise Ward—to the Committee on Invalid Pensions.

By Mr. BOWIE: A bill (H. R. 15622) granting an increase of pension to Ben Cardwell—to the Committee on Invalid Pensions.

By Mr. CLARK: A bill (H. R. 15623) granting a pension to John Rohy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15624) granting a pension to Charles B. Stough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15625) granting a pension to William A. Gibbs—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 15626) granting a pension to Mary E. Tolbert—to the Committee on Invalid Pensions.

By Mr. CROWLEY (by request): A bill (H. R. 15627) granting a rerating of pension to John B. Mitchell—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 15628) for the relief of Gideon C. Corley—to the Committee on Claims.

Also, a bill (H. R. 15629) granting an increase of pension to Edward Tattersall—to the Committee on Pensions.

By Mr. DRAPER: A bill (H. R. 15630) granting a pension to Louis Dye—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15631) granting an increase of pension to S. E. Scott—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 15632) granting a pension to Walter Cunningham—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 15633) granting a pension to Lydia A. Irwin—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 15634) granting a pension to John P. Williams—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 15635) granting an honorable discharge to Thomas J. Cable—to the Committee on Military Affairs.

By Mr. FOSTER of Illinois: A bill (H. R. 15636) granting a pension to Matilda Tunison—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 15637) to provide an American register for the steam lighter Pioneer—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRIFFITH: A bill (H. R. 15638) granting an increase of pension to Elisha Brown—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 15639) for the relief of Annie H. Quill—to the Committee on Claims.

By Mr. HEMENWAY: A bill (H. R. 15640) granting an increase of pension to John Bilderback—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15641) granting an increase of pension to James E. Chappell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15642) granting a pension to Phœbe Clark—to the Committee on Pensions.

Also, a bill (H. R. 15643) granting a pension to Col. Alfred Dale Owen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15644) granting an increase of pension to Joseph C. Overell—to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 15645) granting a pension to Capt. Wilson French—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 15646) granting an increase of pension to Ellen F. Clark—to the Committee on Invalid Pensions.

By Mr. HILDEBRANT: A bill (H. R. 15647) granting an increase of pension to David M. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15648) granting an increase of pension to Col. Lester H. Salsbury—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15649) granting an increase of pension to Thomas B. Jones—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 15650) granting a pension to Catharine A. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15651) granting a pension to Mary E. Horton—to the Committee on Invalid Pensions.

By Mr. HANBURY: A bill (H. R. 15652) granting an increase of pension to David A. Thompson—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 15653) granting an increase of pension to Charles E. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15654) granting an increase of pension to Elmina P. Spencer—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 15655) granting an increase of pension to Maggie H. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15656) granting an increase of pension to James H. Pemberton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15657) for the relief of William Large—to the Committee on War Claims.

By Mr. LLOYD: A bill (H. R. 15658) granting a pension to William B. Kerby—to the Committee on Invalid Pensions.

By Mr. LESSLER: A bill (H. R. 15659) granting a pension to Elise Sigel—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 15660) to provide relief for personal injuries sustained by the destruction of the United States battle ship Maine—to the Committee on War Claims.

By Mr. NORTON: A bill (H. R. 15661) granting an increase of pension to James M. Marshall—to the Committee on Invalid Pensions.

By Mr. POWERS of Maine: A bill (H. R. 15662) granting a pension to John E. Faulkner—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 15663) granting a pension to George Wood—to the Committee on Invalid Pensions.

By Mr. RUMPLE: A bill (H. R. 15664) granting a pension to Susan Fenno—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 15665) granting an increase of pension to John H. Carr—to the Committee on Pensions.

Also, a bill (H. R. 15666) granting an increase of pension to J. D. Riley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15667) granting an increase of pension to Cornelius Buckley—to the Committee on Invalid Pensions.

By Mr. RHEA: A bill (H. R. 15668) for the relief of Shelby Lodge, No. 161, Ancient Free and Accepted Masons, Bristol, Va.—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 15669) granting an increase of pension to George Beer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15670) granting an increase of pension to Joseph M. Richardson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15671) granting an increase of pension to S. C. Hilleary—to the Committee on Invalid Pensions.

By Mr. SHATTUC: A bill (H. R. 15672) granting a pension to Barbara Ruths—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15673) granting a pension to Annie E. Doss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15674) granting an increase of pension to John A. T. McPherson—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 15675) granting an increase of pension to George W. Howard—to Committee on Invalid Pensions.

Also, a bill (H. R. 15676) granting an increase of pension to Noah Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15677) granting an increase of pension to David W. Bush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15678) granting an increase of pension to Sylvester Gordon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15679) granting an increase of pension to John H. Davidson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15680) granting an increase of pension to Ezra House—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15681) granting an increase of pension to Harvey S. Norton—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 15682) granting an increase of pension to Jared P. Hubbard—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 15683) granting a pension to Charlotte A. Dubry—to the Committee on Invalid Pensions.

By Mr. STARK: A bill (H. R. 15684) granting an increase of pension to Joseph R. Prentice—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 15685) granting a pension to John R. Wyckoff—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky (by request): A bill (H. R. 15686) for the relief of the legal representatives of Samuel Schiffer—to the Committee on Claims.

By Mr. STEWART of New York: A bill (H. R. 15687) granting an increase of pension to James H. Townsend—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 15688) granting an increase of pension to Franklin Williams—to the Committee on Pensions.

Also, a bill (H. R. 15689) for the relief of Ella L. Demouy—to the Committee on Claims.

By Mr. THOMAS of Iowa: A bill (H. R. 15690) granting an increase of pension to Claudius Tifft—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 15691) granting a pension to Sarah McClelland—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 15692) to correct the muster and authorize the pay of Frederick R. Eastman—to the Committee on Military Affairs.

By Mr. WILEY: A bill (H. R. 15693) granting an increase of pension to Deletha Cook—to the Committee on Pensions.

Also, a bill (H. R. 15694) granting a pension to Bessie Ledyard—to the Committee on Pensions.

By Mr. NORTON: A bill (H. R. 15695) granting an increase of pension to William Rossitter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15696) granting an increase of pension to Milton D. Wells—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 15697) granting an increase of pension to William J. Hart—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 15698) granting an increase of pension to T. F. Love—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 15699) granting a pension to Joseph Goodwin—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 15700) granting an increase of pension to John Hanley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15701) granting an increase of pension to Matthew Marvin—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Resolutions of the Buffalo Lumber Exchange, of Buffalo, N. Y., favoring bill to grant permission to the Mather Power Bridge Company to erect experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM: Resolutions of the Clothing Cutters and Trimmers' Union, No. 110, of Philadelphia, Pa., favoring an increase of pay for letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Master Builders' Exchange of Philadelphia, Pa., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BROMWELL: Petitions of Leo Wertheimer, W. D. Henderson, and other citizens of Cincinnati, Ohio, asking for favorable action upon the bill reducing the tax on liquor—to the Committee on Ways and Means.

Also, protest of Bradford Milling Company and Rahn Mayer Carpenter Company, Cincinnati, Ohio, against the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. BULL: Resolutions of the Department of Rhode Island, Grand Army of the Republic, in favor of the erection of a statue of Maj. Gen. Ambrose E. Burnside in Washington, D. C.—to the Committee on the Library.

By Mr. BUTLER of Pennsylvania: Petition of A. S. Haines and others, of Westtown School, Chester County, Pa., favoring the establishment of a national forest reserve in the Southern Appalachians—to the Committee on the Public Lands.

By Mr. DALZELL: Five petitions of sundry citizens of the Twenty-second Congressional district of Pennsylvania, for the enactment of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DARRAGH: Papers to accompany House bill 15633, granting a pension to Lydia A. Irwin—to the Committee on Invalid Pensions.

By Mr. DAYTON: Petition of John W. Smith, of Jefferson County, W. Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of heirs of James Watson, deceased, late of Jefferson County, W. Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. DOVENER: Papers to accompany House bill granting a pension to Walter Cunningham—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: Paper to accompany House bill 13639, granting an increase of pension to Hannah Riley—to the Committee on Invalid Pensions.

By Mr. HILDEBRANT: Petition of C. W. Montgomery and other citizens of Bethel, Williamsburg, and Batavia, Ohio, for a reduction of the tax on alcohol to 70 cents per proof gallon—to the Committee on Ways and Means.

Also, paper to accompany House bill 15647, granting an increase of pension to David M. Harris—to the Committee on Invalid Pensions.

By Mr. HILL (by request): Resolutions of the Thumb Tack Club, of Bridgeport, Conn., asking for the repeal of duty on imported works of art fifty years or more of age—to the Committee on Ways and Means.

Also, papers to accompany House bill granting a pension to Capt. Wilson French—to the Committee on Invalid Pensions.

By Mr. HULL: Papers to accompany House bill relating to the claim of A. J. Workman, of Knoxville, Iowa—to the Committee on War Claims.

By Mr. KAHN: Memorials of the Board of Trade and Builders' Exchange of San Francisco, Cal., for the enactment of liberal laws for the district of Alaska, to open the land to settlement, etc.—to the Committee on the Territories.

By Mr. KEHOE: Petition of sundry citizens of Cynthiana, Ky., favoring House bills 178 and 179—to the Committee on Ways and Means.

By Mr. LACEY: Petition of O. H. Vance and others, of Oskaloosa, Iowa, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. LLOYD: Petition of Missionary Society of the Park Methodist Episcopal Church, Hannibal, Mo., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, petition of 43 citizens of Canton, Mo., asking for reduction of tax on spirituous liquors—to the Committee on Ways and Means.

By Mr. MOON: Petition of Pleasant Doughty, of Hamilton County, Tenn., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. OTJEN: Petition of W. Priester, A. Ruloff, and others, of the State of Wisconsin, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. SHERMAN: Petition of florists of Utica, N. Y., asking for the removal of the tariff on certain glass products—to the Committee on Ways and Means.

By Mr. HENRY C. SMITH: Petition of A. H. Bump and others, of Adrian, Mich., for increase of pay to rural-delivery carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. SLAYDEN: Papers to accompany House bill 15572, granting a pension to Cynthia Thomas—to the Committee on Pensions.

By Mr. SNOOK: Resolutions of the Lima Presbyterian Synod, of Ohio, favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. STEWART of New York: Resolutions of Klock Post, No. 70, Grand Army of the Republic, favoring the passage of pension bill 13986—to the Committee on Invalid Pensions.

By Mr. POWERS of Maine: Paper to accompany House bill granting an increase of pension to John E. Faulkner—to the Committee on Invalid Pensions.

By Mr. RUMPLE: Petition of H. S. Daudell, of Andrew, Iowa, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. RYAN: Papers to accompany House bill 15569, granting an increase of pension to John Gary, alias John Adams—to the Committee on Invalid Pensions.

By Mr. TAWNEY: Papers to accompany House bill granting an increase of pension to Matthew Marvin—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: Papers to accompany House bill granting a pension to Sarah McClelland—to the Committee on Invalid Pensions.

By Mr. WARNER: Petition of the First Methodist Episcopal Church and Parks Chapel Methodist Episcopal Church of Urbana, Ill., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. WILLIAMS of Illinois: Petition and papers of Joseph Goodwin, of Richland County, Ill., for increase of pension—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December 6, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

Mr. TOMPKINS of Ohio, by unanimous consent, obtained leave of absence for one week, on account of important business.

COMMITTEE APPOINTMENTS.

The SPEAKER announced the following committee appointments:

Mr. BUTLER of Missouri, to the Committee on Expenditures in the Navy Department and the Committee on Mileage.

Mr. FLANAGAN of New Jersey, to the Committee on Claims.

Mr. SWANN of New York, to the Committee on Railways and Canals.

Mr. BILLMYER of Pennsylvania, to the Committee on Mines and Mining.

Mr. RUSSELL of Texas, to the Committee on Territories.

Mr. GLASS of Virginia, to the Committee on Pacific Railroads and the Committee on Expenditures in the Post-Office Department.

Mr. BURGESS of Texas, to the Committee on Pensions.

PENSION APPROPRIATION BILL.

Mr. BARNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the bill (H. R. 15593) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1904, and for other purposes.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. METCALF in the chair) and proceeded to the consideration of House bill 15593.

Mr. BARNEY. I ask unanimous consent that the first reading of the bill be dispensed with.

There being no objection, it was ordered accordingly.

Mr. BARNEY. I will say, Mr. Chairman, that this bill carries practically the same amount of appropriation as the pension bill of last year. The appropriation for the payment of invalid pensions is exactly the same, being $138,500,000. The only difference in this bill as compared with the last is, in the first place, an increase of something like $1,200 for the payment of rent of the pension agency here in the city of Washington. The old building having been condemned, it became necessary to move into new quarters, where the rent is increased. There is likewise an increase of $5,000 for stationery and incidentals, an expenditure

made necessary, as claimed, by the fact that if certain mechanical appliances should be purchased, the office would be enabled to make its calculations more rapidly and cheaply, so that in the end a considerable amount of money would be saved.

I would say further, Mr. Chairman, that there is no new legislation in this bill, except on page 3, where we have inserted the word "hereafter," which will make permanent certain legislation which was enacted one year ago (having been put on by an amendment in the Senate) prohibiting the receiving of compensation for securing the passage of special pension bills through Congress.

Mr. RICHARDSON of Tennessee. In what line on page 3 does that change appear?

Mr. BARNEY. In line 8. The word "hereafter" has been there inserted for the purpose of making that legislation permanent, there being some question whether it would be permanent without that change.

Now, if there are no further questions to be answered, I ask unanimous consent that general debate be now closed and the bill be read under the five-minute rule.

Mr. ROBINSON of Indiana. I wish to ask the gentleman from Wisconsin whether any part of the appropriation made last year for pensions has been covered back into the Treasury, as was the case with the appropriation of the previous year?

Mr. BARNEY. Only a very small amount has been covered back. The amount of last year's appropriation was just about sufficient for the payment of pensions. I have not the exact figures, but we have been told that there was only about $6,000 appropriated beyond the amount which has proved sufficient for the payment of pensions and the expenses of pension agencies. Of the appropriation for the prior year $5,000,000 was turned back.

Mr. ROBINSON of Indiana. For the fiscal year 1901 somewhere between five and six million dollars was turned back into the Treasury.

The CHAIRMAN. Unanimous consent is asked that general debate be now closed. Is there objection? The Chair hears none. The Clerk will now read the bill by paragraphs, under the five-minute rule, for amendment.

The Clerk read the bill.

Mr. BARNEY. Mr. Chairman, I move that the committee do now rise and report the bill to the House, with the recommendation that the same do pass.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. METCALF, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15593) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1904, and for other purposes, and had directed him to report the same with the recommendation that it do pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. BARNEY, a motion to reconsider the last vote was laid on the table.

CONTESTED-ELECTION CASE OF WAGNER AGAINST BUTLER.

Mr. OLMSTED. Mr. Speaker, I present a privileged report and resolution of the Committee on Elections No. 2 in the contested-election case of Wagner against Butler, for the Twelfth district of Missouri, and give notice that it will be called up for consideration on Wednesday next.

The SPEAKER. This will be referred to the House Calendar and printed.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I reserve all points of order against this measure and do not consent that it is privileged.

LONDON DOCK BILL.

Mr. TAWNEY. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Minnesota demands the regular order, which will be the call of committees. The call rests with the Committee on Interstate and Foreign Commerce, the unfinished business being what is known as the London dock bill, in respect to which the gentleman from Minnesota has one hour yielded to him by the gentleman in charge of the bill, Mr. FLETCHER, of Minnesota, and the gentleman from Minnesota [Mr. TAWNEY] had seventeen minutes remaining. The Chair will recognize the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, before I speak to the bill I wish to ask those representing the minority of the committee if it would not be possible at this time to agree upon a time when the vote shall be taken, and then divide the time for discussion equally between those in favor and those against the bill?

Mr. HEPBURN. Mr. Speaker, the views of the minority upon this bill were presented by Mr. SHERMAN, who is now absent from the city. I am just informed by a colleague of his that he is on his way here, but has been detained by the inclement weather, because of a snowstorm. He will not be here until some time between 4 and 5 o'clock this afternoon. I think that for a correct understanding of a matter of this importance it is proper that Mr. SHERMAN should be here. I therefore ask the gentleman from Minnesota to let this matter pass over until he can be here. He is thoroughly conversant with the subject, he prepared the report, and he can be more useful to the House in arriving at a correct conclusion than any other person. Therefore I think it is only fair that he should have an opportunity to get here. It is not his fault that he is not present. He started in time, but has been delayed by the storm.

Mr. TAWNEY. Mr. Speaker, the understanding was that this bill was to be taken up on Wednesday with the demand for the regular order, but unfortunately Mr. SHERMAN was unexpectedly called to New York on Tuesday evening, and I was asked by the friends of Mr. SHERMAN to allow it to go over until Friday. I then consented that there would be no demand for the regular order, as far as I was concerned, for the purpose of considering this bill until Friday. With that understanding the House adjourned over from Wednesday until Friday. Yesterday the Committee on Claims, having that day set apart by the rules for the consideration of bills reported from that committee, occupied the entire day. I knew nothing about the absence of Mr. SHERMAN until this morning. Now, the House was convened to-day, or there was no adjournment over until Monday taken yesterday, because it was understood that the opportunity would be given to-day for the consideration of this bill and that Mr. SHERMAN would be here. I do not want to take advantage of Mr. SHERMAN or of any other man in this House; but in view of all these facts I can not well see how I can consent to permit the bill to go over unless the House will give unanimous consent that this bill may be taken up on Monday immediately after the reading of the Journal.

Mr. BABCOCK. Mr. Speaker, I would suggest to the gentleman from Minnesota that Monday is set apart for District day, and I shall object unless some other day is set apart for District day.

Mr. TAWNEY. The whole week will probably be occupied with business.

Mr. PAYNE. I think not, Mr. Speaker.

Mr. BINGHAM. We will not be ready with the legislative bill until about Thursday.

Mr. HEPBURN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAWNEY. There is a special order set for Wednesday, and Monday will be occupied by District business. That will leave only Tuesday.

Mr. PAYNE. Why not take Tuesday?

Mr. HEPBURN. A parliamentary inquiry. Is it competent now to raise the question of consideration?

Mr. TAWNEY. That question was raised when the bill was called up at the last session.

Mr. HEPBURN. This is another day.

Mr. PAYNE. I suggest to both gentlemen that the bill might go over until Tuesday, and an agreement be made to take a vote at a certain hour on that day. I do not see that there is anything else to come before the House on Tuesday. Nothing is likely to come up that will interfere with this bill.

Mr. TAWNEY. I ask unanimous consent that this bill be taken up immediately after the reading of the Journal on Tuesday next and that the vote be taken at half past 4 o'clock, the time to be equally divided between the two sides.

Mr. BABCOCK. I may be able to aid the House and the gentlemen concerned in this bill by offering an amendment to that request, that the day be made Monday instead of Tuesday, and that the Monday following be set aside for District day instead of next Monday. That will give the gentlemen Monday.

The SPEAKER. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent that House bill 9059, the one now being considered by the House, be made the special order for Tuesday next immediately after the approval of the Journal; that the vote be taken at half past 4, and that the time for discussion be equally divided between the two sides. The gentleman from Wisconsin [Mr. BABCOCK] asks, as an amendment to this request, that the matter be taken up on Monday next, and that the following Monday be given to the Committee on the District of Columbia instead of next Monday.

Mr. TAWNEY. I accept the amendment of the gentleman from Wisconsin.

The SPEAKER. Is there objection to the request?

Mr. MANN. Mr. Speaker, my recollection is that the gentleman from Minnesota has already occupied about one hour in favor of this bill, and that no time has been occupied in opposition to

the bill. It seems to me that the gentleman lacks his usual modesty in wishing to have an even division of the time.

Mr. TAWNEY. The House has very little recollection of the debate that occurred.

Mr. MANN. I could not agree with the gentleman——

Mr. TAWNEY. It was in the interest of fairness——

The SPEAKER. The gentleman from Minnesota, as the Chair has already stated, occupied all but seventeen minutes of one hour on the day when this bill was previously under consideration.

Mr. TAWNEY. I am aware of that.

The SPEAKER. Does the gentleman from Illinois object to the request?

Mr. MANN. I object to that portion of the request which relates to the even division of the time. Let the question of the division of time come up later. That can easily be arranged when the gentleman from New York [Mr. SHERMAN] returns.

The SPEAKER. The gentleman from Illinois objects to that part of the request which provides for an equal division of the time between the two sides.

Mr. TAWNEY. Inasmuch as the request for postponement has been made in the interest of the friends of the gentleman from New York [Mr. SHERMAN], I would ask if it would be satisfactory to the gentleman from Illinois if the matter of the division of the time be left to the gentleman from New York [Mr. SHERMAN] and myself?

Mr. MANN. Perfectly, so far as I am concerned.

Mr. TAWNEY. Very well, we will omit that from the request.

The SPEAKER. With that understanding, the Chair repeats the question. Is there objection? [After a pause.] The Chair hears none, and the order is made in accordance with the statement of the gentlemen. The Clerk will call the next committee.

COMMITTEE ON THE JUDICIARY.

The Committee on the Judiciary was called.

Mr. LANHAM. I do not see the gentleman from Wisconsin [Mr. JENKINS], chairman of the committee, in his seat. I suppose he will be here in a little while. I have a bill reported from the Committee on the Judiciary, and I am authorized by that committee to call up that bill.

The SPEAKER. The gentleman will send up his bill.

AMENDMENT OF ACT TO DIVIDE THE STATE OF TEXAS INTO FOUR JUDICIAL DISTRICTS.

Mr. LANHAM. Mr. Speaker, I call up the bill (H. R. 15506) to amend section 14 of the act entitled "An act to divide the State of Texas into four judicial districts."

The bill was read, as follows:

Be it enacted, etc., That section 14 of an act entitled "An act to divide the State of Texas into four judicial districts," passed at the first session of the Fifty-seventh Congress, approved March 11, 1902, and known as chapter 183, be so amended as that said section 14 shall hereafter read as follows:

"SEC. 14. That the United States circuit and district courts for the western district of Texas shall be held in each year at the times and places as follows:

"At Austin, in the county of Travis, on the fourth Monday of January and the second Monday of June.

"At Waco, in the county of McLennan, on the second Monday of November and the fourth Monday of February.

"At San Antonio, in the county of Bexar, on the third Monday of December and the first Monday of May.

"At El Paso, in the county of El Paso, on the first Monday of October and the first Monday of April."

SEC. 2. That this act shall take effect on the 31st day of March, A. D. 1903.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LANHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. LANHAM. Mr. Speaker, I am not aware that there are any other bills from the committee of which consideration is desired.

The SPEAKER. The gentleman from Georgia has another bill. The Chair is not advised whether he has authority of the committee to call the bill up.

Mr. LANHAM. I understand there is another bill which the chairman of the committee desires to have considered.

The SPEAKER. The chairman of the committee is now present. The Chair recognizes the gentleman from Wisconsin.

AMENDING SECTION 828 OF THE REVISED STATUTES.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary, I desire to call up House bill 9041.

The bill was read, as follows:

A bill (H. R. 9041) to amend section 828 of the Revised Statutes of the United States of America.

Be it enacted, etc., That section 828 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 828. For issuing and entering every process, commission, summons, capias, execution, warrant, attachment, or other writ, except a writ of venire or a summons or subpœna for a witness, $1.

"For issuing a writ of summons or subpœna, 25 cents.

"For filing and entering every declaration, plea, or other paper, 10 cents.

"For administering an oath or affirmation, except to a juror, 10 cents.

"For taking an acknowledgment, 25 cents.

"For taking and certifying depositions to file, 20 cents for each folio of 100 words.

"For a copy of such deposition furnished to a party on request, 10 cents a folio.

"For entering any return, rule, order, continuance, judgment, decree, or recognizance, or drawing any bond, or making any record, certificate, return, or report, for each folio, 15 cents.

"For a copy of any entry or record, or of any paper on file, for each folio, 10 cents.

"For making dockets and indexes, issuing venire, taxing costs, and all other services, on the trial or argument of a cause where issue is joined and testimony given, $3.

"For making dockets and indexes, taxing costs and all other services, in a cause where issue is joined, but no testimony is given, $2.

"For making dockets and indexes, taxing costs, and other services, in a cause which is dismissed or discontinued, or where judgment or decree is made or rendered without issue, $1.

"For making dockets and taxing costs in cases removed by writ of error or appeal, $1.

"For affixing the seal of the court to any instrument, when required, 20 cents.

"For every search for any particular mortgage, judgment, or other lien, 15 cents.

"For searching the records of the court for judgments, decrees, or other instruments constituting a general lien on real estate, and certifying the result of such search, 15 cents for each person against whom such search is required to be made.

"For receiving, keeping, and paying out money, in pursuance of any statute or order of court, 1 per cent on the amount so received, kept, and paid.

"For traveling from the office of the clerk, where he is required to reside, to the place of holding any court required by law to be held, 5 cents a mile for going and 5 cents for returning, and $5 a day for his attendance on the court while actually in session.

"All papers and books in the offices of the clerks of the circuit and district courts containing the docket or minute of the judgments or decrees thereof shall, during office hours, be open to the inspection of any person desiring to examine or copy the same, without any fees or charge therefor."

The amendment recommended by the committee was read, as follows:

Make the last paragraph of said section, which now reads—

"All books in the offices of the clerks of the circuit and district courts containing the docket or minute of the judgments or decrees thereof shall, during office hours, be open to the inspection of any person desiring to examine the same, without any fees or charge therefor," read as follows, viz:

"Under such rules and regulations as the courts may prescribe, all papers and books in the offices of the clerks of the circuit and district courts containing the docket or minute of the judgments or decrees thereof shall, during office hours, be open to the inspection of, and may be copied by, any person desiring to examine or copy the same, without any fee or charge therefor."

The SPEAKER. The question is on agreeing to the amendment.

Mr. WM. ALDEN SMITH. I desire to ask the gentleman from Wisconsin a question.

Mr. JENKINS. I yield to the gentleman.

Mr. WM. ALDEN SMITH. I would like to know what becomes of the provision in reference to the fee upon any moneys paid into or out of court? That is a very important item.

Mr. JENKINS. Mr. Speaker, I desire to yield to the gentleman from Illinois who reported the bill.

Mr. WM. ALDEN SMITH. Well, Mr. Speaker, I desire to interrogate the gentleman from Illinois.

The SPEAKER. What gentleman from Illinois?

Mr. JENKINS. My associate, Mr. WARNER.

Mr. WARNER. Well, I will say to the gentleman that my attention has just been called to the bill. I did not know it was to be called up to-day, and I have not thought of it since last session. But I will look over it.

Mr. WM. ALDEN SMITH. I will say for the information of the gentleman, and the gentleman from Illinois, that the question of the fee allowed a clerk of the circuit or district court of the United States for any money received by that clerk, paid into his hands and paid out by him, is a matter of great importance, and I do not want it to be passed over without explanation.

Mr. WARNER. Is that made a part of the bill?

Mr. WM. ALDEN SMITH. I understand there was a provision of that character.

Mr. JENKINS. Mr. Speaker, I desire to ask unanimous consent that this bill may be temporarily laid aside, without prejudice, and that we proceed with other bills from the committee.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill be passed over without prejudice. Without objection this will be done.

There was no objection.

JURISDICTION OF INDIAN RESERVATIONS IN SOUTH DAKOTA.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary I desire to call up the bill (H. R. 10300) conferring jurisdiction upon circuit and district courts for the district of South Dakota in certain cases, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the circuit and district courts of the United States for the district of South Dakota are hereby given jurisdiction to hear, try, and determine all actions and proceedings in which any person shall be charged with the crime of murder, manslaughter, rape, assault with intent to kill, arson, burglary, larceny, or assault with a dangerous weapon committed within the limits of any Indian reservation in the State of South Dakota.

SEC. 2. That any person convicted of the crime of murder, manslaughter, rape, arson, or burglary committed within the limits specified in section 1 of this act shall be subject to the same penalties and punishment as are all other

persons convicted of the commission of any of said crimes within the sole and exclusive jurisdiction of the United States: *Provided, however*, That any Indian who shall commit the crime of rape within the limits of any Indian reservation mentioned in this act shall be punished by imprisonment at the discretion of the court.

SEC. 3. That any person convicted of the crime of assault with intent to kill, assault with a dangerous weapon, or larceny committed within the limits specified in section 1 of this act shall be subject to the same penalties and punishment as are all other persons convicted of either of said crimes under the laws of the State of South Dakota.

SEC. 4. That this act is passed in pursuance of the cession of jurisdiction contained in chapter 105, Laws of South Dakota, 1901.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

WESTERN JUDICIAL DISTRICT OF MISSOURI.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary, I desire to call up Senate bill 3316.

The bill was read, as follows:

A bill (S. 3316) to amend an act entitled "An act to create a new division in the western judicial district of the State of Missouri," approved January 24, 1901.

Be it enacted, etc., That the above-entitled act be, and the same is hereby, amended so as to read as follows:

"That a new division of the western judicial district of the State of Missouri, to be known as the southwestern division of the western district of Missouri, be, and the same is hereby, established, to be composed of the following counties, to wit: Jasper, Newton, Barton, Vernon, Barry, Lawrence, McDonald, and Stone; and said counties be, and the same are hereby, transferred to said southwestern division of said western district of Missouri, but no additional clerk or marshal shall be appointed in or for said division of said district.

"SEC. 2. That terms of the circuit court and of the district court of the southwestern division of the western district of Missouri shall be held at Joplin, in said State, each year, on the first Mondays of January and June after this amended act goes into effect.

"SEC. 3. That the clerk of the district and circuit courts for the southern division of the western district of Missouri and the marshal and attorney of the United States for said district shall perform the duties appertaining to their offices, respectively, for said courts of said southwestern division, and the clerk's office of said courts shall be at Springfield, where all records of said courts may be kept and all duties performed except when court is in session at Joplin; and new books and records shall be provided and opened for the courts herein created; and should the business of said courts, in the judgment of the district judge, hereafter warrant the appointment of a deputy clerk at Joplin, Mo., such deputy clerk may be appointed, to reside and keep his office at Joplin, as well as the books and records pertaining to said division."

The SPEAKER. The question is on the third reading of the bill.

Mr. JENKINS. I would like to yield to the gentleman from Missouri [Mr. BENTON].

The SPEAKER. How much time?

Mr. JENKINS. The gentleman from Missouri says it interferes with his district.

Mr. BENTON. I wish it to be passed for a little while. I did not know it was reported.

The SPEAKER. Does the gentleman desire recognition?

Mr. BENTON. I would like to ask that it be passed over for this time.

Mr. JENKINS. I ask unanimous consent that it be temporarily laid aside.

The SPEAKER. Without objection, this will be done.

There was no objection.

AMENDING SECTION 828 OF THE REVISED STATUTES.

Mr. JENKINS. Mr. Speaker, I desire again to call up House bill 9041. The bill has already been read, and I now yield to the gentleman from Illinois.

Mr. WARNER. Mr. Speaker, the gentleman from Michigan [Mr. WM. ALDEN SMITH] asked a question relating to the 1 per cent allowed clerks for receiving moneys.

Mr. WM. ALDEN SMITH. I asked whether this bill proposes any change in the present law.

Mr. WARNER. None whatever. The only change proposed is that persons can examine the records at proper times and make copies of them themselves instead of being compelled to pay the clerk for making copies where they want a copy for unofficial purposes or for memoranda which they want; then they may examine the records and make copies. Under the law as it exists now they have no right to make copies of anything from the record, but they must pay for everything.

Mr. WM. ALDEN SMITH. This is a privilege that is given?

Mr. WARNER. This is a privilege given attorneys to go in and copy the record for their own information. If they want official copies, of course they must pay the clerk for the certification. It makes no other change in the law.

The SPEAKER. The Clerk will read the bill again by its title.

The Clerk read as follows:

A bill to amend section 828 of the Revised Statutes of the United States of America.

The amendments recommended by the committee were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

WESTERN JUDICIAL DISTRICT.

Mr. JENKINS. Mr. Speaker, I now desire to call up again the bill (S. 3316) to amend an act entitled "An act to create a new division in the western judicial district of the State of Missouri," approved January 24, 1901, which was temporarily laid aside. The gentleman from Missouri [Mr. BENTON] says that he has no objection to the immediate consideration of the bill.

The SPEAKER. The Chair will inform the gentleman from Wisconsin that he finds this bill is upon the Union Calendar.

Mr. JENKINS. It carries no appropriation, Mr. Speaker.

The SPEAKER. It can not be considered now except by unanimous consent of the House.

Mr. JENKINS. Inasmuch as the gentleman from Missouri says that it is perfectly satisfactory, I will ask unanimous consent of the House for the present consideration of the bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent of the House that this bill may be considered now under this order, notwithstanding it is on the Union Calendar.

Mr. UNDERWOOD. Mr. Speaker, I ask that the bill be reported again.

The SPEAKER. The Clerk will again report the bill.

The Clerk again read the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

PREVENTION OF COUNTERFEITING, ETC.

Mr. JENKINS. Mr. Speaker, by direction of the Judiciary Committee I desire to call up the bill (H. R. 13075) to amend section 3 of the "Act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing," etc., approved February 10, 1891.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 of an act entitled "An act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing, and providing penalties therefor, and providing for the issue of such warrants in certain cases," approved February 10, 1891, be, and it hereby is, amended so as to read as follows:

"SEC. 3. That every person who makes, or who causes or procures to be made, or who brings into the United States from any foreign country, or who shall have in possession with intent to sell, give away, or in any other manner use the same, any business or professional card, notice, placard, token, device, print, or impression, or any other thing whatsoever, in such likeness or similitude as to design, color, or the inscription thereon, as to be apt for use in counterfeiting the same, of any of the coins of the United States or of any foreign country that have been or hereafter may be issued as money, either under the authority of the United States or under the authority of any foreign government, shall, upon conviction thereof, be punished by a fine not to exceed $100. But nothing in this act shall be construed to forbid or prevent the printing and publishing of illustrations of coins and medals, or the making of the necessary plates for the same, to be used in illustrating numismatic and historical books and journals and the circulars of legitimate publishers and dealers in the same."

The following amendments were recommended by the Judiciary Committee:

Page 2, line 2, strike out the word "such."

Page 2, line 4, strike out the words "as to be apt for use in counterfeiting the same."

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

INCORPORATION OF THE ASSOCIATION OF MILITARY SURGEONS OF THE UNITED STATES.

Mr. JENKINS. Mr. Speaker, by direction of the Judiciary Committee I desire to call up House bill 15066, to incorporate the Association of Military Surgeons of the United States.

The Clerk read the bill, as follows:

Be it enacted, etc., That George M. Sternberg, of the District of Columbia; Presley Marion Rixey, of the District of Columbia; Walter Wyman, of the District of Columbia; Nicholas Senn, of Illinois; Jefferson Davis Griffith, of Missouri; John Van Rensselaer Hoff, of New York; Robert A. Blood, of Massachusetts; Leonard B. Almy, of Connecticut; Nelson H. Henry, of New York; J. Francis Calef, of Connecticut; George Henderson, of the District of Columbia; Charles F. W. Myers, of New Jersey; John V. Shoemaker, of Pennsylvania; Angelo Festorazzi, of Alabama; Edmund C. Brush, of Ohio; Frederick W. Byers, of Wisconsin; James T. Priestley, of Iowa; James Evelyn Pilcher, of Pennsylvania; Marshall O. Terry, of New York; Winslow Anderson, of California; Charles H. Alden, of Pennsylvania; William W. Grant, of Colorado; Robert Harvey Reed, of Wyoming; Thomas C. Clark, of Minnesota; Robert A. Marmion, of the District of Columbia; Miles Standish, of Massachusetts; John C. Wise, of Maryland; George T. Vaughan, of Virginia; Albert H. Briggs, of New York; William C. Borden, of New York; Otis H. Marion, of Massachusetts, and their associates and successors, are hereby created a body corporate and politic in the District of Columbia, by the name of the Association of Military Surgeons of the United States, for the purpose of advancing the knowledge of military surgery, medicine, and sanitation in the medical departments of the Army, the Navy, and the Marine-Hospital Service of the United States and of the militia of the different States, and to increase the efficiency of the different services by mutual

association and the consideration of matters pertaining to the medico-military service of the United States in peace and in war.

SEC. 2. That the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Surgeon-General of the Marine-Hospital Service shall be ex officio members of the Association of Military Surgeons of the United States, and, with the president of the association, shall act as an advisory board to the said association.

SEC. 3. That said association is authorized to hold real and personal estate in the United States, so far only as may be necessary to its lawful ends, to an amount not exceeding $100,000, and may adopt a constitution and make by-laws not inconsistent with law, and may adopt a seal and an insignia which may be worn by its members.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

Mr. JENKINS. Mr. Speaker, that is all that the Committee on the Judiciary has to report this morning.

AMENDING SECTION 4386, REVISED STATUTES.

The Clerk proceeded with the call of committees, and when the Committee on Interstate and Foreign Commerce was called—

Mr. MANN. Mr. Speaker, I would like to call up House bill 12002, reported from the Committee on Interstate and Foreign Commerce.

The SPEAKER. Does the gentleman have authority from the committee to call this bill up?

Mr. MANN. I have.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 12002) to amend section 4386 of the Revised Statutes of the United States, striking out "twenty-eight consecutive hours" and "twenty-eight hours" and inserting "forty consecutive hours" and "forty hours."

Be it enacted, etc., That section 4386 of the Revised Statutes of the United States be, and hereby is, amended by striking out, in the sixth and seventh lines, the words "twenty-eight consecutive hours" and inserting in lieu thereof "forty consecutive hours," and by striking out, in the thirteenth and next to the last line, the words "twenty-eight hours" and inserting "forty hours."

Mr. MANN. Mr. Speaker——

Mr. COWHERD. I should like to ask the gentleman from Illinois [Mr. MANN] a question in connection with this bill. Is it a bill regulating the shipping of cattle?

Mr. MANN. It is.

Mr. COWHERD. Then I wish to ask whether it is not a fact that this bill has been protested against by many societies of the country on the ground of cruelty to animals?

Mr. MANN. The bill has been pending at different times before the Committee on Interstate and Foreign Commerce ever since I have been a member of that committee, and so far as I remember no protest has ever been presented to the committee against the bill. On the contrary, all the live-stock associations have favored it. This morning I called upon the chairman of the Interstate Commerce Commission and asked him whether he had any views with regard to the bill. He stated that he had never heard any protest against the bill, but believed that the live-stock interests were all practically in favor of it, so far as he has ever heard.

The bill was introduced by the gentleman from Texas [Mr. STEPHENS]. It has the support of the National Live Stock Association. There were several hearings upon the bill before the committee. There are a great many letters on file from stock raisers and from different associations, including, if I am not mistaken, the live-stock association in the gentleman's own State—all favoring the bill.

A MEMBER. What does the bill provide?

Mr. MANN. It extends the time during which live stock may be kept in cars without unloading from twenty-eight to forty hours.

Mr. COWHERD. I should like to ask the gentleman whether Government experts have any information on the question whether the bill would be injurious to stock?

Mr. MANN. All the testimony we have had before us shows that the only cattle affected at all by the law as it now stands are wild range cattle, which, under the existing law, have to be unloaded after twenty-eight hours to rest during their transit to market. The process of unloading and reloading these cattle is much more injurious to them, according to the universal testimony, than it is to leave them in the cars and carry them through to their destination.

Mr. COWHERD. I know that this bill was protested against at one time by a number of societies in different parts of the country.

Mr. MANN. I will say to the gentleman from Missouri [Mr. COWHERD] that I had a similar idea in regard to the bill when it was first brought to my attention, and I then sent a copy of it to a number of humane societies throughout the country, including one in my own city which is quite prominent, and in not one of those cases was there a protest received against the bill; so I apprehend that the humane societies themselves were of the opinion that it would be much more humane to carry these wild range cattle through to their destination than to unload and reload them, permitting them in the meanwhile to "rest" in muddy pens by the side of shrieking railroad locomotives, where no rest is possible.

Mr. FLEMING. Does this amendatory bill apply only to cattle of the description named by the gentleman, or does it not also apply to the shipment of horses and stock of every sort—sheep, etc.?

Mr. MANN. That may be true to a certain extent; but the law does not in fact apply to horses, because in no case are horses shipped the distances which are contemplated by this bill.

Mr. FLEMING. Oh, yes, they are.

Mr. MANN. Our information was that they are not.

Mr. FLEMING. I know of cases where horses have been injured during transportation in this way, and suit has been brought, based on the violation of this law.

Mr. MANN. That may be possible; I do not know as to that; but such cases, if they have occurred, must have been rare. They are not in accordance at all with the practice.

Mr. FLEMING. I wish the provisions of the bill could be confined in some way to those wild range cattle.

The question being taken, the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

BRIDGE ACROSS MISSOURI RIVER AT OACOMA, LYMAN COUNTY, S. DAK.

Mr. MANN. By authority of the Committee on Interstate and Foreign Commerce, I desire to call up the bill (S. 911) authorizing the Federal Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the village of Oacoma, Lyman County, S. Dak.

The bill was read.

Mr. MANN. This bill is designed simply to authorize the construction of a bridge across the Missouri River. It has the unanimous approval of the Committee on Interstate and Foreign Commerce. The bill was submitted to the Secretary of War and reported upon favorably by the Chief of Engineers. It has also the support of both the gentlemen from South Dakota, and I have called it up this morning at the instance of one of those gentlemen [Mr. MARTIN].

Mr. WHEELER. Is there not a general provision of law authorizing the construction of bridges over the Missouri River?

Mr. MANN. There is not.

Mr. WHEELER. I know that there is a general provision applying to the Ohio and Mississippi rivers, and I supposed that it applied also to the Missouri.

Mr. MANN. Mr. Speaker, the Ohio River has a special statute in relation to the construction of bridges over it. That is a statute which applies to the Ohio River. There is no similar statute applying either to the Mississippi River or to the Missouri River, or, so far as I know, to any other river in the country.

Mr. WHEELER. I just wanted to find out why the gentleman reported this bill when I could not get past him last session.

Mr. MANN. I understand the gentleman's inquiry, and it is a perfectly reasonable inquiry.

Mr. WHEELER. I wanted to say something about it if it was not all right.

Mr. MANN. There is a special statute, as I say, which applies to the Ohio River, which does not apply to any other—a statute adopted, I understand, at the request of the people along the Ohio. The bill has all the usual safeguards.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read the third time, read the third time, and passed.

On motion of Mr. MANN, a motion to reconsider the votes by which the last two bills were passed was laid on the table.

BRIDGE ACROSS THE SAVANNAH RIVER AT SAND BAR FERRY, GEORGIA.

Mr. ADAMSON. Mr. Speaker, I call up from the same committee the bill (H. R. 15445) to authorize the construction of a bridge across the Savannah River at Sand Bar Ferry, below the city of Augusta, Ga., which I will send to the desk and ask to have read.

The Clerk read the bill and committee amendments thereto.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER, ETC.

Mr. SHACKLEFORD. Mr. Speaker, I call up the bill (S. 6070) to authorize the construction of a bridge across the Missouri River at a point to be selected within 5 miles north of the Kaw

River, in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route, which I will send to the desk and ask to have read.

The Clerk read the bill.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

On motion of Mr. SHACKLEFORD, a motion to reconsider the last vote was laid on the table.

The Clerk proceeded with the call of committees.

RIGHT OF WAY FOR TELEGRAPH AND TELEPHONE LINES IN ALASKA.

Mr. LACEY (when the Committee on the Public Lands was called). Mr. Speaker, by direction of the Committee on the Public Lands, I call up the bill (H. R. 14733) granting right of way for telegraph and telephone lines in the district of Alaska, which I will send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of right of way through the public lands and reservations, for whatsoever purpose established, in the district of Alaska, by any individual or association of individuals who are citizens of the United States or who have declared their intention to become such citizens, or by any corporation organized under the laws of the United States, or of any State or Territory, for telegraph or telephone purposes, to the extent required for the construction, maintenance, and care of such line, not exceeding 25 feet on each side of the center line thereof: *Provided*, That such permits shall be allowed within or through any reservation only upon the approval of the head of the department under whose supervision such park or reservation falls, under such conditions, limitations, and restrictions as may be deemed proper, and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provisions of title 65 of the Revised Statutes of the United States and amendments thereto, regulating rights of way for telegraph companies over the public domain, said laws being hereby made applicable to such telegraph and telephone lines.

SEC. 2. That within two years from the date of such permission the telegraph or telephone lines authorized shall be completed and actually used for the purpose contemplated by this act; but if the permission given to any applicant shall involve more than 200 miles of line, then 200 miles shall be completed and actually used during the first two years after the date of such permission, and 100 miles thereof in addition during each subsequent year. If such right of way be abandoned, or if no substantial work be done thereon in good faith during two consecutive years, all rights under said permission shall be at an end, and the land shall not thereafter be subject to such right of way, no further act on the part of the United States being required. If it shall be shown to the satisfaction of the Secretary of the Interior that the parties have in any way failed to prosecute the enterprise in good faith and with due diligence he may at any time revoke such permission.

SEC. 3. That upon the filing of satisfactory evidence of the completion and use of the lines within the time allowed the Secretary of the Interior shall confirm such permission as an easement. If such easement shall at any time thereafter be abandoned, or if it is not used in good faith for the purposes authorized for three consecutive years, such easement shall be at an end, and the land shall not thereafter be in any way subject thereto, no further act on the part of the United States being required. There is hereby reserved to the Secretary of the Interior the right to revoke, amend, or suspend such permission or easement upon satisfactory showing made to him of any violation of law or the regulations made in pursuance thereof, or of any injury done or likely to be done within any reservation.

SEC. 4. That the right to alter, amend, or repeal this act is hereby reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

RELIEF OF SETTLERS UPON WISCONSIN CENTRAL RAILROAD, ETC.

Mr. LACEY. Mr. Speaker, I now call up from the same committee the bill (H. R. 11572) for the relief of certain settlers upon Wisconsin Central Railroad and The Dalles military road land grants, which I will send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That all qualified homesteaders who, under an order issued by the Land Department bearing date October 22, 1891, and taking effect November 2, 1891, made settlement upon and improved any portion of an odd-numbered section within the conflicting limits of the grants made in aid of the construction of the Chicago, St. Paul, Minneapolis and Omaha Railway, and the Wisconsin Central Railroad, and were thereafter prevented from completing title to the land so settled upon and improved by reason of the decision of the Supreme Court in the case of Wisconsin Central Railroad Company v. Forsythe, 159 United States, page 46; and all qualified homesteaders who made settlement upon and improved any portion of an odd-numbered section within the conflicting limits of the grants made in aid of the construction of the Northern Pacific Railroad and The Dalles military wagon road, under orders issued by the Land Department treating such lands as forfeited railroad lands, and were thereafter prevented from completing title to the land so settled upon and improved by reason of the decision of the Supreme Court in the case of Wilcox v. Eastern Oregon Land Company, 176 United States, page 51, shall, in making final proof upon homestead entries made for other lands, be given credit for the period of their bona fide residence upon, and the amount of their improvements made on the lands for which they were unable to complete title; but no patent shall issue upon any such entry except upon proof of residence upon and improvement and cultivation of the land so entered for at least one year: *Provided*, That no such person shall be entitled to the benefits of this act who shall fail to make entry within two years after the passage of this act: *And provided further*, That this act shall not be considered as entitling any person to make another homestead entry who shall have received the benefits of the homestead law since being prevented, as aforesaid, from completing title to the lands as aforesaid settled upon and improved by him.

The committee amendments were read, as follows:

On page 2, line 3, after the words "United States," insert the word "page;" on page 2, line 13, after the words "United States," insert the word "page."

Mr. LACEY. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. ESCH] for a brief explanation of the bill.

Mr. ESCH. Mr. Speaker, this bill has the indorsement of the Commissioner of the General Land Office and the Secretary of the Interior. It simply grants to certain settlers a right to make new entries on vacant lands subject to homestead entry, and allowing them credit on the new entries for the length of time they were on their original entries, and for their improvements; but in no event shall anyone secure a patent who had not resided on them at least one year.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. ESCH, a motion to reconsider the last vote was laid on the table.

WIND CAVE NATIONAL PARK.

Mr. LACEY. Mr. Speaker, I call up the bill (S. 3138) to set apart certain lands in the State of South Dakota as a public park, to be known as the Wind Cave National Park. This bill is identical with a House bill that has also been reported.

The bill was read, as follows:

Be it enacted, etc., That there are hereby reserved from settlement, entry, sale, or other disposal, and set apart as a public park, all those certain tracts, pieces, or parcels of land lying and being situate in the State of South Dakota and within the boundaries particularly described as follows: Beginning at the southeast corner of section 13, township 6 south, range 5 east, Black Hills meridian, South Dakota; thence westerly to the southwest corner of the southeast quarter of section 16, said township; thence northerly along the quarter-section lines to the northwest corner of the northeast quarter of section 4, said township; thence easterly to the southwest corner of section 34, township 5 south, range 5 east; thence northerly to the northwest corner of said section; thence easterly to the northeast corner of section 31, township 5 south, range 6 east; thence southerly along the section lines to the southeast corner of section 7, township 6 south, range 6 east; thence westerly to the southwest corner of said section; thence southerly to the southeast corner of section 13, township 6 south, range 5 east, the place of beginning: *Provided*, That nothing herein contained shall be construed to affect any valid rights acquired in connection with any of the lands embraced within the limits of said park.

SEC. 2. That said park shall be known as the Wind Cave National Park and shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to prescribe such rules and regulations and establish such service as he may deem necessary for the care and management of the same.

SEC. 3. That the Secretary of the Interior be, and is hereby, authorized, in the exercise of his discretion, to rent or lease, under rules and regulations to be made by him, the cavern underlying the above-described lands, and also pieces and parcels of ground within said park for the erection of such buildings as may be required for the accommodation of visitors.

SEC. 4. That all funds arising from such rentals or leases shall be covered into the Treasury of the United States as a special fund to be expended in the care and improvement of said park.

SEC. 5. That in cases in which a tract covered by an unperfected bona fide claim or by a patent is included within the limits of this park, the settler or owner thereof may, if he desires to do so, relinquish the tract to the Government and secure other land, outside of the park, in accordance with the provisions of the law relating to the subject of such relinquishment of lands in forest reserves in the State of South Dakota.

SEC. 6. That all persons who shall unlawfully intrude upon said park, or who shall without permission appropriate any object therein or commit unauthorized injury or waste in any form whatever upon the lands or other public property therein, or who shall violate any of the rules and regulations prescribed hereunder, shall upon conviction be fined in a sum not more than $1,000 or be imprisoned for a period not more than twelve months, or shall suffer both fine and imprisonment, in the discretion of the court.

During the reading of the bill the following occurred:

Mr. UNDERWOOD. Mr. Speaker, I should like to ask on what Calendar this bill is?

The SPEAKER. It is upon the Union Calendar.

Mr. UNDERWOOD. I have no objection to the bill, but I think unanimous consent ought to be asked for its consideration.

The SPEAKER. The gentleman from Iowa understands that only House Calendar bills can be called up under this order.

Mr. LACEY. It is on the House Calendar.

The SPEAKER. The Clerk reports that it is on the Union Calendar.

Mr. UNDERWOOD. It evidently ought not to be on the House Calendar. I have no objection to the bill coming up by unanimous consent.

The SPEAKER. The bill is upon the Union Calendar.

Mr. LACEY. The House bill is upon the House Calendar, but by mistake the Senate bill was referred to the Union Calendar. This is a reservation of the public lands. Perhaps it involves an expenditure.

Mr. UNDERWOOD. Clearly it belongs on the Union Calendar. There is no doubt about that.

Mr. LACEY. I ask unanimous consent for its consideration. One bill is on one calendar, and one bill on the other.

The SPEAKER. The gentleman from Iowa asks unanimous consent that this bill be considered under this order, notwithstanding the fact that it is upon the Union Calendar. Is there objection?

There was no objection.

The Clerk resumed, and completed the reading of the bill.

Mr. LACEY. Mr. Speaker, this bill sets apart as a national park what is known as the Wind Cave region of South Dakota. That region is substantially what the Yellowstone country would be if the geysers should die. It has been excavated by hot water in the same manner that the geyser land is now being excavated in the Yellowstone. The active forces are no longer in operation there; there is no hot water, and the conditions that formerly prevailed there have ceased; but a series of very wonderful caves remain, and the Land Department has withdrawn this tract from settlement. A portion of it, however, is already in a forest reserve, and it is desired to set it apart as a permanent reservation under this act.

The bill was drawn in the Interior Department and introduced by me at the request of that Department. I think it is a very meritorious proposition, and that this tract of land ought to be reserved to the American people.

Mr. CANNON. What is the size of it?

Mr. LACEY. In the neighborhood of 9,000 acres altogether, of which three or four sections are already in a forest reserve. The land is mainly rough, mountainous land.

Mr. CANNON. What amount of it is owned by private parties?

Mr. LACEY. A very small amount. There are a few claims, the exact amount I am not able to state; but the most of it has been reserved for some time, in order to prevent the question of lieu lands from arising. I am told that a few hundred acres would cover all that.

Mr. CANNON. Of course, the gentleman is aware of one very serious objection, leading to great abuse, which is the issuing of lieu script.

Mr. LACEY. Certainly.

Mr. CANNON. But the amount in this instance seems to be very small.

Mr. LACEY. No one is more earnestly interested in that question than the Department of the Interior, and they have attempted to guard this by limiting the lieu to the State of South Dakota.

Mr. CANNON. I am not very clear about the irrigation legislation which we passed at the last session. From a general recollection of it I understand that the proceeds of the public lands are devoted to that fund.

Mr. LACEY. Yes, by the irrigation act of the last session of this Congress.

Mr. CANNON. I will ask the gentleman whether under that act any claim could arise where we make reservations now and devote them to other uses; whether there is a claim, good in law, or any substantial equitable claim that may arise, that that fund should be reimbursed from the Treasury, for lands that are devoted to some other use?

Mr. LACEY. I should think not. That bill is limited absolutely to the receipts from public lands, and, as I understand, the gentlemen who are very much in favor of that bill are now very anxious to have the commutation clause of the homestead law repealed, so as to cut off that large source of supply of irrigation money. I do not see how any possible question of reimbursement could arise. I can see, however, where the irrigation burden may ultimately lodge upon the United States Treasury——

Mr. CANNON. I am not speaking about that.

Mr. LACEY (continuing). When the land is exhausted.

Mr. CANNON. I am not speaking about that. I do not recollect, except in a general way, the provisions of the irrigation act, but while the bill was being read the question came to my mind whether, where the United States other than for homesteads devotes lands already granted to another use, there would be either a legal or implied obligation to reimburse the irrigation fund.

Mr. LACEY. I should think not. The fund set apart for irrigation purposes is expressly limited to actual receipts from the sales of lands in certain States and Territories.

Mr. CANNON. Yes.

Mr. LACEY. That is in the arid and semiarid regions.

Mr. CANNON. The lands are not devoted for that purpose.

Mr. LACEY. It is the proceeds. The lands are not set apart. It is the receipts from the sales of these lands which may be taken by homestead settlers proving up, and any other receipts growing out of lands go into that fund.

Mr. CANNON. The gentleman's answer is satisfactory.

Mr. LACEY. Now, Mr. Speaker, I ask for a vote on the Senate bill.

The Senate bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The SPEAKER pro tempore (Mr. DALZELL). Without objection, House bill 15086, on the same subject, will lie on the table.

There was no objection.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

HOMESTEADS IN ALASKA.

Mr. LACEY. Mr. Speaker, I ask unanimous consent at this time to call up House bill 12098. It is upon the Union Calendar.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska."

Be it enacted, etc., That section 1 of the act of Congress approved May 14, 1898, entitled "An act to extend the homestead laws and providing for a right of way for railroads in the district of Alaska," be amended by striking out the word "eighty" in the last line thereof and inserting in lieu thereof the words "three hundred and twenty."

The SPEAKER pro tempore. Is there objection?

Mr. UNDERWOOD. I would like an explanation of the bill before unanimous consent is given.

Mr. LACEY. Mr. Speaker, this bill only does one thing. Under the Alaska right of way and homestead act which this House passed several years ago—I think it was in 1899—it was provided that a homestead should be taken in the district of Alaska of 160 acres. The Senate cut that down to 40 acres. In conference, however, a compromise was effected, and the homestead in the district of Alaska now is limited to 80 acres. In the territory adjoining Alaska on the British side a homestead or donation of 640 acres may be taken; and the House committee was of the opinion that the homestead ought to be increased in the district of Alaska to 320 acres. Of necessity a homestead there must be mainly or partly a grazing homestead.

The President, in his message, has called attention to the necessity of amending these laws for Alaska, and of the necessity, under certain circumstances, of increasing the size of the homestead. This bill, which was reported last March by the Committee on Public Lands, is strictly in line of the message, and also in harmony with the universal demand from the Alaskan country for the modification of the homestead law, so that the homesteader or settler may take land there. At present hardly any such settlers will go there. A man would not go to Alaska simply for the chance of 80 acres of land.

Mr. SLAYDEN. Will the gentleman permit me to ask him a question?

Mr. LACEY. Certainly.

Mr. SLAYDEN. You said, as I understand you, that these lands are practically or altogether grazing lands.

Mr. LACEY. Not altogether.

Mr. SLAYDEN. Substantially.

Mr. LACEY. Any man who settles in that country must of necessity depend upon grazing to a considerable extent to support life if he goes into agricultural pursuits.

Mr. SLAYDEN. Does not the gentleman know that in a country devoted to grazing—where they rely upon the indigenous grasses—not 80, nor 160, nor 320 acres would be sufficient for a grazing homestead?

Mr. LACEY. Maybe 640 acres would be the proper amount, but we have to reach this question in a practical way here. Certainly 80 acres are not enough for a homestead in Alaska, and they ought to have 160 acres, but perhaps half a section is about all that could be agreed upon, and all that will probably be allowed, and that will meet the existing conditions.

Mr. SLAYDEN. Is that satisfactory to the people?

Mr. LACEY. I understand it will be.

Mr. ROBINSON of Indiana. Does the gentleman's provision make any distinction between the arable land and the grazing land?

Mr. LACEY. None whatever. It simply changes the homestead law from 80 acres to 320 acres.

Mr. ROBINSON of Indiana. Now, there are some lands in Alaska that can be farmed generally aside from grazing. I see some mention in the President's message of the distinction between those lands. What condition is there imposed as to those lands in distinction from the grazing land?

Mr. LACEY. I say that any man who will go to Alaska for the purpose of making settlement ought to have half a section of land.

Mr. ROBINSON of Indiana. If it is good farming land.

Mr. LACEY. If it is good farming land; if it is the best sort of land. And I undertake to say that 320 acres of land would be as small a temptation as any man ought to have to induce him to go to that country for actual settlement.

Mr. ROBINSON of Indiana. Does the gentleman think the

President's suggestion as to other lands would not obtain in Alaska?

Mr. LACEY. That involves another proposition as to the provisions of the homestead law in the arid and semiarid regions, where homesteaders of necessity must rely practically altogether on grazing.

Mr. ROBINSON of Indiana. I wanted to know if the gentleman thought it was applicable to Alaska and he would consider that it would be if there were farming lands in Alaska suitable for general farming. Are there such lands?

Mr. LACEY. There are such lands.

Mr. ROBINSON of Indiana. To what extent, if the gentleman knows?

Mr. LACEY. The extent is unknown. This is experimental, and in order to carry out that experiment a sufficient tract of land ought to be given to each homesteader to justify him in making the attempt.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

GRANTS OF LAND TO THE TERRITORY AND STATE OF WASHINGTON.

Mr. LACEY. Mr. Speaker, by direction of the committee, I now call up House bill 11845, relating to grants of land to the Territory and State of Washington for school purposes.

The Clerk read the bill at length.

Mr. LACEY. Mr. Speaker, I now yield to the gentleman from Washington [Mr. JONES].

Mr. JONES of Washington. Mr. Speaker, I desire to ask unanimous consent that bill S. 4204 be substituted for this bill. It has been reported by the Committee on the Public Lands and is on the Union Calendar.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to substitute the Senate bill for the House bill.

Mr. UNDERWOOD. I understand this bill ought to be on the Union Calendar, and ought to be submitted to the House by unanimous consent.

The SPEAKER pro tempore. The Chair will state that the Senate bill is on the Union Calendar.

Mr. UNDERWOOD. I so understand, and the House bill ought to be on the Union Calendar.

Mr. LACEY. This, Mr. Speaker, is the same question we had up before. One bill is on one Calendar and the other bill is on the other. I am inclined to think that the House bill ought to be on the Union Calendar, for it does involve indirectly an appropriation.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent that the bill be considered, notwithstanding the fact that it is on the Union Calendar.

Mr. UNDERWOOD. Pending that request, Mr. Speaker, I would like to have the explanation of the gentleman from Washington.

Mr. JONES of Washington. Mr. Speaker, the bill simply confirms the title of the State of Washington to certain lands. It seems that in 1853 and in 1859 certain grants were made to the Territory of Washington, with the provision that the Territory should provide a method for the selection of these lands, and in case settlers had made settlement on the lands granted before the lands were surveyed, then the State or Territory should make a new selection.

The legislature of the Territory provided that the county commissioners should make these selections, and this was done in many cases. Then the act of 1889, that admitted the State into the Union, made similar grants of land in sections 16 and 36, with provisions also that where settlement had been made prior to selection new selections might be made. New selections have been made by the State under these acts, but the question as to the effect of the grant to the State and the Territory has been raised at different times by different parties, although the Secretary of the Interior and the Land Department have uniformly held in favor of the State. The matter has been submitted to the supreme court of the State and it has held in favor of the State. These have been the uniform rulings of the Secretary of the Interior, and he recommends the passage of the bill simply as a legislative construction of these grants.

The Senate in their report made the following statement:

A similar holding has been made by the supreme court of the State of Washington, but as the matter has been questioned in several instances, as above stated, it is desirable that a legislative construction of the acts referred to should be had, and this is the only purpose of this bill.

That is all the bill; simply a confirmation of the title and grants to the State.

Mr. UNDERWOOD. I understand the gentleman from Washington that this is not a bill to grant new lands, but to confirm the title to lands already granted the State of Washington.

Mr. JONES of Washington. That is all.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington to substitute the Senate bill for the House bill? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. Without objection, House bill 11845 will lie on the table.

There was no objection.

SELECTIONS OF SCHOOL LAND IN MINNESOTA.

Mr. LACEY. I call up the joint resolution (H. J. Res. 196) empowering the State of Minnesota to file its selections for indemnity school lands upon public lands in Minnesota, otherwise undisposed of in townships, immediately upon the survey thereof in the field and prior to the approval and filing of the plat and survey thereof.

The joint resolution, as proposed by the committee to be amended by a substitute, was read, as follows:

Be it enacted, etc., That the State of Minnesota is hereby empowered and authorized to make selections of indemnity school lands in lieu of lands in sections 16 and 36, granted to said State for school purposes and lost by reason of prior disposition of same by the United States, or other causes, of any public lands in said State of which the survey thereof has been made in the field and which have not been otherwise disposed of, and to which no valid settlement right has attached; and any selections made prior to the approval and filing of the plat of survey shall be, and are hereby, declared as valid and binding upon the United States as though the plat of survey of any such township had been approved and filed as aforesaid: *Provided*, That within thirty days from the date of filing of such selections the State shall cause notice to be published in some newspaper of general circulation, to be designated by the proper district land officers within the vicinity of the lands selected, setting forth that the State has applied for the lands designated, and that the same are reserved thereby from any adverse appropriation, by settlement or otherwise, which publication shall be continued for thirty days from the first publication: *And provided further*, That such indemnity school-land selections shall be subject to any modification or alteration of description and area rendered necessary by subsequent correction of the survey of any township wherein the lands so selected are situated.

Mr. LACEY. This joint resolution is upon the House Calendar; but there is some question in this case, as in the last, whether it should not have gone upon the Union Calendar. I ask unanimous consent, however, that it be considered at this time.

There was no objection.

Mr. LACEY. I yield to the gentleman from Minnesota [Mr. EDDY] to explain this resolution.

Mr. EDDY. Mr. Speaker, at the time of the cession of the Indian reservations in Minnesota, under the law of 1889, that State claimed sections numbered 16 and 36. The question went to the Supreme Court of the United States, which decided that the State was not entitled to those lands, but also decided at the same time, by inference, that it was entitled to select indemnity lands in lieu of the lands embraced in the reservations.

This resolution simply provides that when a survey has been made the State may, prior to the filing and approval of the plat by the Secretary of the Interior, make these selections, putting them on the same footing as selections by private settlers.

I will add that since the introduction of the bill most of the lands to which the State was entitled have been selected, so that the present measure covers only 2,000 acres. I may state also that the measure has received the approval of the Secretary of the Interior and the Commissioner of the General Land Office.

The question being taken, the amendment by way of substitute as reported by the committee was agreed to.

The joint resolution as amended was then ordered to be engrossed and read the third time; and it was accordingly read the third time, and passed.

On motion of Mr. EDDY, a motion to reconsider the last vote was laid on the table.

WEIGHT OF SILVER COINS.

Mr. SOUTHARD. Mr. Speaker, I ask unanimous consent that the Committee on Coinage, Weights, and Measures be returned to, in order that I may call up the bill (H. R. 12705) to amend section 3536, Revised Statutes.

Mr. BELL. We should like to hear that bill read in full before unanimous consent is granted.

The Clerk read as follows:

Be it enacted, etc., That section 3536 of the Revised Statutes be, and the same is hereby, repealed and the following enacted in lieu thereof:

"SEC. 3536. In adjusting the weight of the silver coins the following deviation shall not be exceeded in any single piece: In the dollar, the half and quarter dollar, and the dime, 1½ grains."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio [Mr. SOUTHARD]?

Mr. SOUTHARD. I will state to the gentleman from Colorado [Mr. BELL] that this bill is the unanimous report of the

Committee on Coinage, Weights, and Measures, which includes, as the gentleman knows, his colleague [Mr. SHAFROTH].

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. SOUTHARD, a motion to reconsider the last vote was laid on the table.

LARCENY OF HORSES, ETC., IN INDIAN TERRITORY.

Mr. CURTIS (when the Committee on Indian Affairs was called). I call up the bill (H. R. 13404) fixing the punishment for the larceny of horses, cattle, and other live stock in the Indian Territory, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That any person, whether an Indian or otherwise, who shall hereafter be convicted in the Indian Territory of stealing any horse, mare, gelding, filly, foal, mule, ass, or jenny, or of stealing, or marking, killing, or wounding with intent to steal, any kind of cattle, pigs, hogs, sheep, or goats, shall be punished by a fine of not more than $1,000, or by imprisonment for not more than fifteen years, or by both such fine and imprisonment, at the discretion of the court.

SEC. 2. That all acts and parts of acts inconsistent with this act are hereby repealed: *Provided, however*, That all such acts and parts of acts shall remain in force for the punishment of all persons who have heretofore been guilty in the Indian Territory of the offense or offenses herein mentioned: *And provided further*, That this act shall not affect or apply to any prosecution now pending or the prosecution of any offense already committed.

Mr. CURTIS. Mr. Speaker, this bill was introduced at the request of the Department of Justice. I should like to have read the letter of the Attorney-General giving the reasons for the passage of the measure.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., March 28, 1902.

SIR: I desire to call to your attention, with a view of obtaining legislation in the matter, the question of the penalty for the larceny of horses and cattle in the Indian Territory. A copy of certain laws which have heretofore been in effect, and which are now in effect in the Indian Territory concerning this offense, is inclosed, as well as a copy of a letter of this Department to Senator HOAR.

By referring to the copy of the laws herewith you will observe that under the act of February 15, 1888, no minimum was fixed for horse theft, and the maximum penalty was imprisonment of not more than fifteen years or a fine of not more than $1,000, or both fine and imprisonment; that under the act of May 2, 1890, certain Arkansas statutes were made applicable to the Indian Territory, with a provision that in all cases where the laws of the United States and the criminal laws of Arkansas have provided for the punishment of the same offenses the laws of the United States shall govern as to such offenses; that under the act of March 1, 1895, the same law was reenacted, with a provision excepting therefrom the crime of larceny, the punishment for which shall be that prescribed by the laws of Arkansas; that under section 1628 of the Criminal Code of Arkansas larceny of cattle is punishable by imprisonment for not less than one year nor more than five years; and that under section 1629 the crime of horse theft is punishable by imprisonment for not less than five nor more than fifteen years.

It is evident from very numerous letters and reports from the United States attorneys and judges that the minimum penalty of five years in the penitentiary is excessive in many cases of horse stealing.

I agree with the district attorneys and judges in their conclusions in this matter, and think that there should be remedial legislation. It appears to me that the reenactment of the portion of the act of February 15, 1888, relating to larceny of horses, with an additional and similar section governing the larceny of cattle, would be a solution of the question.

Respectfully,

P. C. KNOX, *Attorney-General.*

Hon. CHARLES CURTIS,
House of Representatives.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CURTIS, a motion to reconsider the last vote was laid on the table.

The Clerk proceeded with the call.

Mr. DAVIDSON (when the Committee on Railways and Canals was called). Mr. Speaker, I ask unanimous consent that the Committee on Railways and Canals be passed without prejudice.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the Committee on Railways and Canals be passed without prejudice. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk proceeded with the call.

ANNUAL ASSESSMENT ON OIL-MINING CLAIMS.

Mr. EDDY (when the Committee on Mines and Mining was called). Mr. Speaker, by direction of the Committee on Mines and Mining, I call up the bill (H. R. 15198) defining what shall constitute and providing for assessments on oil-mining claims, which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That where oil lands are located under the provisions of Title XXXII, chapter 6, Revised Statutes of the United States, as placer mining claims, the annual assessment labor upon such claims may be done upon any one of a group of claims lying contiguous and owned by the same person or corporation, not exceeding five claims in all: *Provided*, That said labor will benefit or tend to the development of such contiguous claims.

The committee amendment was read, as follows:

In line 9 strike out the words "benefit or," and after the word "development" insert "or to determine the oil-bearing character."

Mr. EDDY. Mr. Speaker, I yield to the gentleman from Utah [Mr. SUTHERLAND].

Mr. SUTHERLAND. Mr. Speaker, this bill provides that assessment labor upon oil-mining claims may be done to any one of a group of claims, not exceeding five in all, provided that the claims lie contiguous to one another. These oil-mining claims are now located under the provisions of the placer-mining act, under an act of Congress so providing. Now, it has been found that in prospecting for oil upon these lands it can not be determined from an inspection of the surface whether oil will be located in driving the wells or not, so that very often it turns out that a number of experimental wells are driven before the oil-bearing character of the land is determined. It is thought by those who are engaged in this business and by the committee itself, which has had the subject under investigation, that it is a great deal better that the assessment work of $100 per annum upon each claim should be done upon one of a group of claims, thereby allowing $500 worth of work to be done upon one well, than it is to distribute the work in five different wells, and thereby do $100 worth of work upon each of these claims. It is thought that it will be in the interests of the oil-mining industry itself. The bill is unanimously reported from the committee, is desired by the people in the Rocky Mountain mining States who are engaged in this business, and in its present form is, I understand, not objectionable to the Commissioner of the General Land Office.

Mr. STEPHENS of Texas. Does this apply to the first work, the location work, as it is known?

Mr. SUTHERLAND. It has nothing to do with the question of location or location work. The law provides that on each of these claims $100 worth of work shall be done every year in order to keep the location good.

Mr. STEPHENS of Texas. I mean the first work. Does it require to be location work—that is, the sinking of a well 10 feet, I believe is the law?

Mr. SUTHERLAND. There is no provision of the Federal law which requires any amount of work to be done before making a location upon any mining claim, so far as I understand. There are in some of the States local laws which provide that a certain amount of work shall be done.

Mr. STEPHENS of Texas. How does this affect the local laws?

Mr. SUTHERLAND. Those laws are subsidiary to the Federal laws. In my own State there is no such provision that I know of.

Mr. STEPHENS of Texas. Many of the States have local laws which require what they call location "work" to be done.

Mr. SUTHERLAND. Yes; many of the States have such laws. This bill would not interfere with those laws. It simply has reference to the assessment labor required to be done under the Federal law.

Mr. STEPHENS of Texas. There would have to be $100 worth of work done on each claim, and the claim, as I understand it, is 20 acres.

Mr. SUTHERLAND. Each claim is 20 acres——

Mr. STEPHENS of Texas (interrupting). It amounts to that——

Mr. SUTHERLAND. When located by one individual.

Mr. STEPHENS of Texas. That is correct.

Mr. SUTHERLAND. There may be 160 acres located by an association of not less than eight persons.

Mr. STEPHENS of Texas. One individual can locate only 20 acres. Does your bill permit five individuals to put down one well upon five claims and hold those claims?

Mr. SUTHERLAND. The bill allows one well to be put down on a claim, and the assessment labor may be done for the entire group, not exceeding five claims, upon the one well.

Mr. STEPHENS of Texas. Notwithstanding the man may not form a company?

Mr. SUTHERLAND. Oh, no; the bill itself says a group of claims lying contiguous and owned by the same person or corporation. They must all be owned by the same person or corporation, of course.

Mr. LACEY. Suppose five separate associations should have made locations under the placer-mining law. Now, under this proposition could the work on all five of those groups be done upon one group?

Mr. SUTHERLAND. No, sir; I think not.

Mr. LACEY. In other words, this only provides for not exceeding $500 worth of work?

Mr. SUTHERLAND. Not exceeding $500 worth of work. It provides that the claims must be contiguous and owned by the same person or corporation.

Mr. BURKETT. This is for oil, as I understand.

Mr. SUTHERLAND. Yes.

Mr. BURKETT. Would not this have a tendency to make fewer holes in the ground?

Mr. SUTHERLAND. Yes; and I think that is a very good tendency, because as it is now we are distributing the experimental work among a number of different wells, when it ought to be concentrated upon one, or a less number than it is now.

Mr. BURKETT. There is nothing in this bill to compel any person to designate what particular 20 acres this work is done for. It is done upon one, but it is done for five, and there is nothing here to say that they must designate what the other four are. Now, does not that leave an opening for some confusion? Supposing a claim is let go, that it never has been really followed up, and somebody goes at it and says, "I will take up that claim," and then somebody else comes in and says, "I did the work for that on this other claim."

Mr. SUTHERLAND. No; I think the local laws in all the mining States provide that a certificate of the labor must be recorded. Now, when the individual or the corporation does the assessment work upon any one particular claim for the benefit of the others, he must designate those claims in his certificate, and that certificate must be made of record, so that everybody is advised by an inspection of the public record that the work has been done for the benefit of these particular five claims which are named in the certificate.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. SUTHERLAND, a motion to reconsider the last vote was laid on the table.

The call of committees was resumed.

GENERAL EDUCATION BOARD.

Mr. GROW (when the Committee on Education was called). Mr. Speaker, I call up the bill (S. 4419) to incorporate the general education board.

The bill was read, as follows:

Be it enacted, etc., That William H. Baldwin, jr., Jabez L. M. Curry, Frederick T. Gates, Daniel C. Gilman, Morris K. Jesup, Robert C. Ogden, Walter H. Page, George Foster Peabody, and Albert Shaw, and their successors, be, and they hereby are, constituted a body corporate of the District of Columbia; that the name of such body corporate shall be General Education Board, and that by such name the said persons and their successors shall have perpetual succession.

SEC. 2. That the object of the said corporation shall be the promotion of education within the United States of America, without distinction of race, sex, or creed.

SEC. 3. That for the promotion of such object the said corporation shall have power to build, improve, enlarge, or equip, or to aid others to build, improve, enlarge, or equip, buildings for elementary or primary schools, industrial schools, technical schools, normal schools, training schools for teachers, or schools of any grade, or for higher institutions of learning, or, in connection therewith, libraries, workshops, gardens, kitchens, or other educational accessories; to establish, maintain, or endow, or aid others to establish, maintain, or endow, elementary or primary schools, industrial schools, technical schools, normal schools, training schools for teachers, or schools of any grade, or higher institutions of learning; to employ or aid others to employ teachers and lecturers; to aid, cooperate with, or endow associations or other corporations engaged in educational work within the United States of America, or to donate to any such association or corporation any property or moneys which shall at any time be held by the said corporation hereby constituted; to collect educational statistics and information, and to publish and distribute documents and reports containing the same, and in general to do and perform all things necessary or convenient for the promotion of the object of the corporation.

SEC. 4. That the said corporation shall further have power to have and use a common seal and to alter and change the same at its pleasure; to sue or be sued in any court of the United States or other court of competent jurisdiction; to make by-laws for the admission or exclusion of its members, for the election of its trustees, officers, and agents, and otherwise; for the casting of votes by its members or trustees by proxy; for the purchase, management, sale, or transfer of its property; the investment and control of its funds and the general transaction of its business; to take or receive, whether by gift, grant, devise, bequest, or purchase, any real or personal estate, or to hold, grant, convey, hire, or lease the same for the purposes of its incorporation; to accept and administer any trust of money or of real or personal estate for any educational purpose within the object of the corporation as aforesaid; to prescribe by by-laws or otherwise the terms and conditions upon which money, real estate, or personal estate shall be acquired or received by the said corporation, and for the grant, transfer, assignment, or donation of any or all property of the said corporation, real or personal, to any society or corporation for any of the said purposes for which the said corporation is hereby incorporated, and otherwise generally for the management of the property and the transaction of the business of the corporation.

SEC. 5. That the members of the corporation shall be not less than nine in number and not more than seventeen, as may be prescribed by the by-laws of the corporation: *Provided, however*, That if and when the number of members shall be less than nine the members remaining shall have power to add and shall add to their number until the number shall be not less than nine: *And provided*, That no act of the corporation shall be void because at the time such act shall be done the number of the members of the corporation shall be less than nine; that all the members of the corporation shall be its trustees; that no member of the said association shall, by reason of such membership or his trusteeship, be personally liable for any of its debts or obligations; that each member of the corporation shall hold his membership for a term of three years and until his successor shall be chosen: *Provided, however*, That the members shall be at all times divided into three classes numerically, as nearly as may be, and that the original members shall, at their first meeting, or as soon thereafter as shall be convenient, be divided into three classes, the members of the first class to hold their membership and office until the expiration of one year from the 1st day of January next after the enactment of this law, the members of the second class until the expiration of two years thereafter, and the members of the third class until the expiration of three years thereafter, and that in every case the member shall hold office after the expiration of his term until his successor shall be chosen: *And provided further*, That in case any member shall, by death, resignation, incapacity to act, or otherwise, cease to be a member during his term, his successor shall be chosen to serve for the remainder of such term and until his successor shall be chosen; and that the principal office of the said corporation shall be in the city of Washington, D. C.: *Provided*, That meetings may be held elsewhere within the United States as may be determined by the members or provided for by the by-laws.

SEC. 6. That all real property of the corporation within the District of Columbia which shall be used by the corporation for the education or other purposes of the corporation as aforesaid, other than the purpose of producing income, and all personal property and funds of the corporation held, used, or invested for educational purpose as aforesaid, or to produce income to be used for such purposes, shall be exempt from taxation: *Provided, however*, That this exemption shall not apply to any property of the corporation which shall not be used for, or the income of which shall not be applied to, the educational purposes of the corporation: *And provided further*, That the corporation shall annually file with the Secretary of the Interior of the United States a report in writing, stating in detail the property, real and personal, held by the corporation, and the expenditure or other use or disposition of the same or the income thereof during the preceding year.

SEC. 7. That this charter shall be subject to alteration, amendment, or appeal at the pleasure of the Congress of the United States.

Mr. GROW. This is a Senate bill, passed unanimously by that body, to provide for a corporation in the District of Columbia that may receive donations or gifts for educational purposes which any citizen or anyone else desires to make. That is its sole object—to have a corporation in the District of Columbia with the power to receive money or gifts of any kind from liberally disposed people, to be used for educational purposes in any State.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. GROW, a motion to reconsider the last vote was laid on the table.

EMPLOYMENT OF ENLISTED MEN IN COMPETITION WITH LOCAL CIVILIANS.

Mr. BARTHOLDT (when the Committee on Labor was called). Mr. Speaker, by direction of the Committee on Labor, I call up for consideration House joint resolution No. 9.

The joint resolution was read, as follows:

Joint resolution (H. J. Res. 9) in reference to the employment of enlisted men in competition with local civilians.

Resolved, etc., That hereafter no enlisted man in the service of the United States, the Army and Navy, respectively, whether a noncommissioned officer, musician, or private, shall be detailed, ordered, or permitted to leave his post to engage in any pursuit, business, or performance in civil life for emolument, hire, or otherwise, when the same shall interfere with the customary employment and regular engagement of local civilians in their respective arts, trades, or professions.

Mr. UNDERWOOD. Mr. Speaker, I would like the gentleman from Missouri to explain the object of this bill.

Mr. BARTHOLDT. Mr. Speaker, I ask that the report be read. It contains as brief an explanation as I could make.

The report (by Mr. BARTHOLDT) was read, as follows:

The Committee on Labor, to whom was referred the resolution (H. J. Res. 9) in reference to the employment of enlisted men in competition with local civilians, beg leave to submit the following report, and recommend that said resolution do pass without amendment:

The legislation herein proposed has for its object the protection of civilian musicians against the competition of enlisted men. Its enactment is demanded by every consideration of justice and fairness in behalf of those citizens and taxpayers who are depending upon their profession as musicians for the support of themselves and families. Under existing conditions the members of Army and Navy bands are allowed to freely compete with civilian musicians and with private bands in the matter of securing engagements and contracts to furnish music for all occasions. They are under the pay of the Government; their subsistence is provided for by the Government; their uniforms and instruments and all the necessary sheet music and other paraphernalia are paid for out of the National Treasury, all of which affords them a considerable advantage, and easily enables them to underbid the citizen musicians on all occasions where music is to be furnished under contract. The chances of the latter for employment and to earn the means for their support are thereby correspondingly reduced.

"Localities in which no military bands are located are, of course, not affected either by this competition or the proposed remedy, but the extent of that competition, wherever it exists, may be measured by the fact that engagements to furnish music are invariably made under contract, and just as invariably awarded to the lowest bidder, which, under the unequal conditions above described, is usually the military band. But even if the figures of the civilian band were not higher, experience teaches that preference is usually being given to the military band because it is looked upon as a special attraction. This is due to a strong prejudice on the part of many people in favor of military organizations, and the present system nurtures this prejudice, thus indirectly promoting what both parties abhor, the spirit of militarism.

"Simple justice demands that a citizen musician, as a citizen, is entitled to the same consideration as men of any other trade or vocation. The Government does not allow soldiers to compete with citizens as bakers, bricklayers, masons, blacksmiths, doctors, or lawyers, and it does not dream of ordering out the artisans of any particular craft in case of labor troubles to take the place of ordinary workmen, and the same measure of protection against Government competition should be extended to civilian musicians."

This resolution, if passed, will in no wise interfere with regimental bands furnishing music at official occasions or social functions at the Executive Mansion or other places where their services may be required by the President or other officials of the Government, nor will the inhibition extend to any free concerts given by Army and Navy bands. The committee is, on the contrary, of opinion that these governmental bands should be more frequently utilized for such purposes in order to give the people an equivalent for the pay they are receiving, which pay should be sufficiently increased to render unnecessary the competition with civilians which this resolution is intended to prohibit and which remuneration would attract the best musical talent of the country.

Mr. GROSVENOR. Mr. Speaker, I have no objection to the general purpose of this bill, and I think perhaps it is well enough to pass it; but I call the attention of the gentleman in charge of the bill to the fact that there are perhaps now some contracts, one or more, already in existence, which have for a very long time

been recognized and allowed by the War Department or the Navy Department, or both, and that there ought to be some provision that this law shall not apply to existing contracts.

Mr. BARTHOLDT. Mr. Chairman, I am perfectly willing to accept such an amendment.

Mr. GROSVENOR. I can dictate the words of the amendment very easily if the Clerk will send me the resolution. [After a pause.] I offer the following amendment:

The Clerk read as follows:

Add at the end of the section the following:

"*Provided*, That nothing in this resolution shall in any way affect or render unlawful any contracts now existing and which are to be completed within twelve months from this date."

The question was taken, and the amendment was agreed to.

Mr. UNDERWOOD. Mr. Speaker, before a vote is taken on the bill, I desire recognition. The gentleman from Missouri has yielded the floor.

Mr. BARTHOLDT. I am perfectly willing to yield the floor to the gentleman from Alabama—for how much time?

Mr. UNDERWOOD. I desire to be recognized in my own right.

The SPEAKER pro tempore. The gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, this is a small bill, probably not of very much importance; but it is that class of legislation that in recent years has grown very rapidly in the Congress of the United States and that I think is clearly vicious. It is legislation for one man against the other. It is Congress taking up one side and legislating the other side out of business. Now, the citizens of the United States have some rights. When they propose to hire a band they ought to have the privilege of hiring whatever band they want. There is no reason why we should say that one set of musicians should be prohibited from giving their services to a citizen when the citizen wants to pay for them, and that he must buy his music from another set of men. Now, that is all there is in this bill.

We want in the Army and in the Navy just as good musicians as we can get. They are not paid very high wages; they have to give the great bulk of their time to the Government. Now, if these men at a time when they are at leisure can receive some additional compensation from private individuals it may be some inducement for the best men to go into the Army and Navy bands; and there certainly can be no good reason why they should be prohibited from hiring their services to other people, except that we want to say there is one set of citizens that is better than another set of citizens, and we propose to discriminate against anybody who goes into the United States Army.

Mr. BARTHOLDT. Will the gentleman permit me to ask him a question?

Mr. UNDERWOOD. Certainly.

Mr. BARTHOLDT. Would my friend from Alabama be just as willing to detail a carpenter, a mason, or a shoemaker or tailor who happened to be an enlisted man, and detail him to do work for a private citizen in the same way these musicians are doing the work of others?

Mr. UNDERWOOD. I will say to the gentleman from Missouri, I am not in favor of the Government detailing men to do work for anybody, but after a man has performed his duties and is willing to sell his idle time, whether he be a musician, a carpenter, a tailor, or anybody else, if he wants to sell his idle time to some private citizen I think he should have the right to do so in any way that he pleases.

Mr. WACHTER. Will the gentleman allow me to ask him a question? Does not the gentleman consider it unfair competition by reason of the fact that the Government musician has regular pay all the time, and in that way it is unfair competition from the fact that he can work cheaper, because he has a permanent salary from the Government, while a private citizen gets nothing, but has to rely entirely upon his ability to secure employment in the community where he resides.

Mr. UNDERWOOD. My understanding of this matter is that these Government bands are hired out to private citizens because the private citizens want them. As a matter of fact they are employed because the persons who employ them favor them. They think they are better bands than the private bands, and they pay them more money than they pay to private bands.

But it does not make any difference whether they are paid more or whether they are paid less, for the time belongs to the man after he has rendered his service to the Government, and if the individual citizen wants to employ him he has a right to do it. I do not believe in this business of legislating one company out of business to make room for another. I do not believe in this legislation that legislates one man out of his right to work in order to give the privilege of working to another man. This is a free country, and every man should have the right to work for whom he pleases without the law preventing him from doing so.

Mr. WACHTER. Let me ask the gentleman from Alabama. When a man enlists, from the date of his enlistment to the date of the expiration of it, is he not always in the service of the Government?

Mr. UNDERWOOD. No; not when he is off duty.

Mr. WACHTER. Does the gentleman know that the Marine Band never makes a contract unless it places a clause in the contract which relieves them from the contract if they are interfered with by the Government engagements?

Mr. UNDERWOOD. Oh, certainly.

Mr. WACHTER. That shows that they are always in the service of the Government, and so consider themselves, and they will not make an engagement unless that clause is put in.

Mr. UNDERWOOD. I may work for the gentleman for eight hours a day, but I have a right to my time after the expiration of those eight hours. There is some leisure that I have, and if I want to hire out during that leisure to a third party, I have a perfect right to do so.

Mr. WACHTER. Oh, well, that is in private life; in the Army and in the Navy you are a soldier or a sailor all the time.

Mr. UNDERWOOD. And so in private life I am subject to your call until you give me my vacation.

Mr. WACHTER. There are limited hours in private life, which is not the fact in the Government service.

Mr. UNDERWOOD. Oh, we know perfectly well that these men have idle time; if they had not there would be no demand for this bill. It is simply this, and the gentleman knows it: It is simply that a lot of men want these particular musicians legislated out of the way so they can get the money that the people are paying to them. In other words, we are legislating one set of men out of business to give the money to another set of men. It is not democratic, it is not republican, it is not in keeping with the spirit of our Government. This is not the beginning of this legislation, it is only a small portion of it, and it is that line of legislation that is driving directly to socialism, and it is socialism that stands behind it to-day.

Mr. GROSVENOR. May I ask the gentleman from Alabama if he does not think this is somewhat supplemental, just barely supplemental in part, to legislating one industry out of existence for the benefit of another?

Mr. UNDERWOOD. Yes. I suppose the gentleman refers to the oleomargarine bill?

Mr. GROSVENOR. Which the gentleman from Alabama voted for.

Mr. UNDERWOOD. Oh, no; I did not. I voted against reporting the resolution and the gentleman from Ohio voted to report it.

Mr. GROSVENOR. I voted against the bill.

Mr. BARTHOLDT. Mr. Speaker, when this bill was brought to my notice I was inclined to take the same view of it as the gentleman from Alabama. I thought it might possibly be looked upon as class legislation. But since I have fully understood the conditions which exist in the large cities of our country I have come to the conclusion that legislation of this kind is absolutely necessary for the protection of the American citizen, and in my judgment this is not un-American legislation, but legislation in the interest and for the protection of the American citizen who honestly strives to make a living by honest labor, as every civilian musician in this country does.

In St. Louis, for instance, before the military band came there, there existed five or six excellent orchestras, composed of civilians, who furnished the music on all occasions. As soon as the Government band was located at Jefferson Barracks they bid for all the contracts for music for public and private occasions, and because of the fact that the Government furnishes the instruments, pays for the sheet music, feeds and pays those men, and shelters them, the regimental band has always been enabled to underbid the civilian band and the civilian musician, and the result is that five different civilian bands have been put out of business.

Mr. WM. ALDEN SMITH. I would like to ask the gentleman from Missouri if we ought not to make this apply to other departments of the public service?

Mr. BARTHOLDT. Oh, this has nothing to do with letter-carrier bands, if that is what my friend refers to, because these bands would not undertake to furnish private music under private contracts. It is only regimental bands of the country that are interfering with the music of the civilian bands.

Mr. MANN. May I ask the gentleman from Missouri a question?

Mr. BARTHOLDT. Certainly.

Mr. MANN. What is the pay of the musicians in the service of the Government as compared with the union scale for musicians outside of the Government service?

Mr. BARTHOLDT. In answer to that question let me say that the Marine Band in Washington occupies an exceptional position, for the reason that Congress has provided by special law that the

pay of the members of that band shall be from $50 to $60 a month. I have the statements of musicians all over the country—civilian musicians—that they are ready, all of them, to come to Washington and become members of the Marine Band at that rate of wages, because under present conditions they are unable to make as much in private life.

Mr. MANN. The head of the Marine Corps told me less than a year ago that it was very difficult to obtain first-class men for the Marine Band. Now, what are the wages at the Jefferson Barracks, for instance, as compared with the wages of ordinary musicians?

Mr. BARTHOLDT. I think they receive the pay of enlisted men, with something additional in the form of rations.

Mr. MANN. Does not the gentleman know, or believe, that it would not be possible for the Government to secure good musicians for the Army and Navy bands at the wages now paid unless the men were permitted to earn money outside?

Mr. BARTHOLDT. I am willing to admit that. I would go farther, and would be in favor of increasing the pay of the members of the regimental bands.

Mr. MANN. Why does not the gentleman ask to have that done in connection with this measure, instead of absolutely cutting off the bands of the Army and Navy from the privilege of accepting this outside employment after they have enlisted under the supposition, and with the hope, that they would be entitled to earn money outside?

Mr. BARTHOLDT. That will of necessity follow. But that question has nothing to do with this bill.

Mr. MANN. Such a measure might cause a large increase in the appropriation.

Mr. BARTHOLDT. It would not amount to very much to allow every musician in our regimental bands $50 or $60 a month. The total increase would be very small.

I wish to say, in addition, that the principle of this bill has been recognized by several Secretaries of War and several Secretaries of the Navy, who have issued orders forbidding the members of regimental bands to compete for private employment. But these orders have been subject to many exceptions. All that has been necessary when anyone wished to obtain military music has been merely to write a letter to the Secretary of War or the Secretary of the Navy and an exception would be granted; so that finally the rule has become obsolete. For this reason the National Association of Musicians has come to Congress asking for this legislation. The bill is also supported by the American Federation of Labor, which, at its last national convention, indorsed the provisions of the measure.

Mr. GRAFF. I wish to ask the gentleman whether the members of these bands are now entirely without restraint so far as being permitted to be employed for outside service at any time?

Mr. BARTHOLDT. So far as I know they are not restrained to furnish music for anybody at times when they are not needed by the Government.

Mr. GRAFF. And private individuals, desiring to employ such a band, go to the head of the band and make arrangements, just as if it were a private band?

Mr. BARTHOLDT. Just the same; and sometimes the band is divided up into two or three sections, so that when the Government needs the services of the Marine Band, or any other Government band, only one-third, possibly, of the band are sent out for public service, while the other two-thirds are employed by private individuals, and are receiving pay in that way.

Mr. GRAFF. Is this private employment extensive? Do the members of these Government bands do a great deal of private work?

Mr. BARTHOLDT. They furnish almost all of the military music, because most persons prefer these organizations on account of the uniforms. The gentleman knows the weakness of the people for uniforms.

Mr. SLAYDEN. Will the gentleman allow me a remark?

Mr. BARTHOLDT. I am glad to yield to the gentleman.

Mr. SLAYDEN. Allow me to say that gentlemen who do not live in the vicinity of military posts can hardly appreciate the importance of the competition of the military musicians with those who pursue this vocation in private life. The rate charged for services of this sort has been so repeatedly and so severely cut by military bands that in the city of San Antonio, where I reside, they have found it practically impossible to compete, and where in the absence of this competition from these musicians who are supported by the Government we would have most excellent bands of our own, it has been difficult to maintain them because of the uncertainty of making a livelihood out of it.

These musicians have their association in the city of San Antonio, and have had for years, and have been appealing to the department commanders and to myself and other Representatives in Congress, to the Secretary of War, to prevent this competition. Under existing conditions it seems impossible to do it. Some Secretaries of War have issued, as the distinguished gentleman from Missouri [Mr. BARTHOLDT] has said, orders forbidding this competition. Others may not see it in that light and will not do so, and I believe that legislation of this kind is necessary to protect musicians in private life who depend upon their art for their living from this competition, and I sincerely hope that the resolution will pass.

Mr. BUTLER of Pennsylvania. Mr. Speaker, in making the usual annual appropriation for the salaries of the Marine Corps Band at Washington, I do know that it has always been anticipated that the members of the band would have an opportunity individually of obtaining employment outside. If this resolution passes, in my judgment, it will be necessary to increase the appropriation, so that this band may be properly remunerated.

Mr. HOPKINS. Will the gentleman state what the appropriations are per capita for the band at the present time?

Mr. BARTHOLDT. I will answer the gentleman. It is between $50 and $60 a month. It was stated before the Committee on Labor, by the president of the American Musicians' Union, that if there ever was any lack of men in the Marine Corps they would send any time in the year 500 men here who would take the job at that rate.

Mr. HOPKINS. Yes. If that is not the amount, the Government can give it better than to allow this unlawful competition.

Mr. BARTHOLDT. I yield now to the chairman of the committee [Mr. GARDNER of New Jersey].

Mr. GARDNER of New Jersey. Mr. Speaker, the objections that are being suggested to this bill by the members around me would be forcible if they were applicable. The bands of the United States, to begin with, are composed of enlisted men. They have no contract more favorable than other enlisted men. The practice of allowing them to go outside and play here and there, to satisfy social fads and to make extra money, is one that has grown up independent of law, independent of anything in the contemplation of the law, and is an anomaly upon everything else in the military system, whether of this or any other country. There is no more reason for it and no more justification for it than there would be for the soldiers from Fort Myer, at every hour not required for military duty, to come into the city of Washington and run as messenger boys or do any other work they can find to do.

Now, gentlemen are talking about the additional expense of these bands to the country if they are not allowed to play outside. They have gone so far as to allege that they are enlisted with the idea that they will have an opportunity to make money in private employment to eke out their salaries, to the relief of the Government. Where does that lead you? It absolutely puts the Government of the United States in positive competition with private employment for the purpose of lessening its salary roll. That is where the gentlemen have put the Government. Is that an alluring idea for the House to contemplate? Further, this thing is wrong in practice. These, as I have said, are enlisted men.

My friend on the right suggested that people want to hear the Government bands. Yes, they do advertise the great Marine Band of the United States, and it is a fact that when they go to a town the people fancy that in having the United States band they have something very superior, perhaps, and all that; but we have in the city of Camden, for instance, the great Jennings Band. Every important town has its band, and under the existing practice of the War Department, under the theories advocated by gentlemen here, these bands are wholly at the mercy of the mere accident of whether the United States shall to-morrow or next month locate a military band there or not.

If the Government does, then the private band goes out of employment, and the members may leave their homes and go to New York, Pittsburg, or elsewhere to seek employment in new locations.

I know of nothing much more abhorrent in basic principle than for the United States, by accident, to be transferring itinerant military bands around the country, which, for the time being, deprive local musicians of their employment and absolutely drive them from their homes.

My friend from Michigan suggests the letter carriers might organize bands. There is no possible comparison between the two. The letter carrier lives in the city where he is such carrier. There is his home. There he maintains his family. There are his interests. There he is identified, as any other citizen is identified, and if in the evening or at times when he is off duty he enters into such employment it is a thing identified with the town. It is entirely different from a band of enlisted men, coming from all quarters of the country, permanently lodged nowhere, and being itinerantly put somewhere in barracks. The question has been asked if these enlisted men can be gotten whenever they are wanted. The circumstances govern the case largely. Music, in eight-tenths of all the cases, is required in the evening. In the evening United

States forces, other than guards, etc., are not upon duty. The military band is always at leisure, in that sense, in the hours when music is most in demand.

The committee may do what they please with this bill, but I want to assert again that as a matter of principle the present practice is wrong, that it is an anomaly and an excrescence upon everything else connected with the military service of the Government, and that there is no more reason for it, as I have said, than that the soldiers stationed around Washington should, when off duty, come in here and seek employment as messenger boys or laborers. There is no difference in principle between the musicians around Washington taking private employment and the soldiers at Fort Myer coming over here on Monday and taking the work of the men who are digging for culverts in the city of Washington.

This bill ought to pass because of the principle involved. It ought to pass because of the very widespread demand for it that does not reach this House, as do the influences which surround it here in consequence of the location of the Marine Band in Washington. It ought to be passed for the good of the service of the United States. And if it be true, as has been said here to-day by members in the presence of the world, that $50 and $60 a month, as compared with the $13 and $16 of the enlisted man, is insufficient pay for the musicians employed in a military band, and that the Government of the United States is employing musicians for less than they are worth, less than they acknowledge them to be worth, with the idea that poor old Uncle Sam will be relieved by putting his employees in off hours in competition with civilians—if that is true, and the world has heard it stated here to-day, then in the name of Heaven let it not be true to-morrow after this House has acted upon this measure.

Mr. WACHTER. Mr. Chairman, this is a very live question in the city of Baltimore. We have there Fort McHenry, which, as every member of this House knows, is the historic spot where the "Star Spangled Banner" was written. Fort McHenry so long as I can remember has always been a military post with a band. I remember when I was quite a boy the location of the Second Artillery Band there. I remember seeing it march through the streets of Baltimore in every St. Patrick's Day parade. As I have said, Fort McHenry has had a band ever since I can remember up to and including 1899, when the three batteries of the Sixth Artillery then stationed there were ordered to the Philippines and took their band with them. Since that time the war has been on and public attention to the military band at Fort McHenry has been on the wane; but recently the question has been revived with regard to having another military band stationed there. There are located there to-day five companies of Coast Artillery, sufficient to warrant a band being placed there.

And yet the entire community of Baltimore, I might say, is arrayed against the location of a military band there. And when you gentlemen take into consideration the fact that when that band was located there, by reason of the beautiful location of the fort on the water front, the beautiful grounds contained therein, and the evening concerts, together with the historical relation it bears to the "Star Spangled Banner," you can very readily understand it is something that the people want. Yet in the face of that, rather than to have that band in competition with the private bands of the city, I have been importuned by committee after committee not to ask that it be declared a military post and not to ask the War Department to place a band there. We do not want a military band there if that band is going to take the bread and butter out of the mouths of our private musicians. We do not want soldiers of the United States Army placed in competition with the breadwinners in the musical world of Baltimore. I hope, therefore, that this bill will prevail. If it passes, I serve notice on the House that I shall ask that a military band be again placed in that fort which marks the historic location of the birth of the "Star Spangled Banner," and I feel, on these grounds, that the War Department will accede to my request.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from Missouri in charge of the bill whether this is to apply to anything except musicians?

Mr. BARTHOLDT. The terms of the bill are general and possibly it does apply to others.

Mr. MANN. Under the terms of this bill an army ambulance is prohibited from picking up a wounded or distressed person on the street, and in the case of a flood a general of the Army or an enlisted man is prohibited from being ordered to do any work in connection with that. It is an absolute prohibition against any enlisted man being ordered to do any work which a civilian could do.

Mr. GARDNER of New Jersey. Done in competition.

Mr. BARTHOLDT. Well, the Committee on Labor, after a very thorough consideration of this question, have arrived at this conclusion. No sane man would hold that if an enlisted man should perform some of the humanitarian services such as mentioned by my friend from Illinois it would be a violation of this law if placed on the statute books.

Mr. MANN. But the gentleman makes a very violent presumption when he supposes that all of these cases will be presented to sane men in the Government, or the gentleman has not had experience in the red tape of the departments about sanity or insanity in the service of the Government in reference to little matters that are contained in the laws. [Laughter.]

Mr. BARTHOLDT. The gentleman's experience is more extended than mine, I have no doubt.

Mr. MANN. Here is a positive prohibition from doing anything that a civilian can do.

Mr. GARDNER of New Jersey. It is when done in competition.

Mr. MANN. It does not say anything about "competition." It is—

not permitted to leave his post to engage in any pursuit, business, or performance in civil life for emolument or hire or otherwise when the same shall interfere with the customary employment and regular engagement of local civilians in their respective arts, trades, or professions.

The words "arts, trades, or professions" cover everything. I do not suppose it is the intention of the gentleman to ask the Secretary of War or the chief of the Army to violate the law in order to accomplish something. This bill would prevent a sergeant, a corporal, or an enlisted man writing anything for pay for a newspaper, or writing a book, or doing anything else in the world. He is allowed to do nothing under this bill. Now, I apprehend there are many cases——

Mr. BARTHOLDT. Does the gentleman imagine that a judge or chief of a department or member of the Cabinet would construe it to be actual competition with private labor if an enlisted man should write an article for a newspaper or do the things just mentioned?

Mr. MANN. If he does it for pay, certainly.

Mr. BARTHOLDT. I would not say so.

Mr. PAYNE. That would certainly be in competition.

Mr. MANN. It is a prohibition absolutely.

Mr. BARTHOLDT. It would not be competing with civilian labor, in my judgment.

Mr. MANN. But there are those who write for pay who insist that that is their trade or profession or art, and they are asking legislation from the Government against other people.

Mr. UNDERWOOD. If I recollect aright, all these military posts have a newspaper and a printing office. If we should pass this bill, then they would have to hire printers from the outside to come in and run their newspapers and printing offices.

Mr. MANN. They would not be permitted to edit newspapers, because that is something that can be done by civilians.

Mr. SLAYDEN. Mr. Speaker, is this resolution open to amendment?

The SPEAKER pro tempore. It is.

Mr. SLAYDEN. Then I move to amend the resolution by inserting between the words "emolument" and "hire," in the seventh line, the word "or;" and to further amend by striking out the word "otherwise," in line 8, and striking out the word "or" at the end of the seventh line.

The Clerk read as follows:

In line 7, after the word "emolument," insert the word "or;" and in line 8 strike out the word "otherwise."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution as amended.

Mr. MERCER. Mr. Speaker, I should like to have the bill as amended read as it will go into effect.

The SPEAKER pro tempore. Without objection, the resolution as amended will be read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter no enlisted man in the service of the United States, the Army and the Navy, respectively, whether a noncommissioned officer, musician, or private, shall be detailed or ordered or permitted to leave his post to engage in any pursuit, business, or performance in civil life for emolument or hire or when the same shall interfere with the customary employment and regular engagement of local civilians in their respective arts, trades, or professions: *Provided*, That nothing in this resolution shall in any way affect or render unlawful any contracts now existing and which are to be completed within twelve months from this date.

Mr. GARDNER of New Jersey. Mr. Speaker, it was intended by the amendment to strike out the word "or" at the end of line 7. That ought to be done now.

The Clerk read as follows:

At the end of line 7, strike out the word "or."

Mr. MERCER. Mr. Speaker, I desire to say that from my district, and from different parts of the West, information has come to me favoring a proposition of this kind. I know that the musicians located in my own city are very much interested in it, and I am in favor of the proposition and sincerely trust that it will pass the House.

The amendment offered by Mr. GARDNER of New Jersey was agreed to.

Mr. WM. ALDEN SMITH. Mr. Speaker, I would like to ask the gentleman in charge of the bill a question. I would like to know if this would deprive the Army and Navy from laying a cable, when so directed by the Government?

Mr. HOPKINS. No; the language is not broad enough.

Mr. WM. ALDEN SMITH. I think it is broad enough. Is it so intended?

Mr. BARTHOLDT. If the gentleman will read the bill carefully——

Mr. WM. ALDEN SMITH. I have read it carefully.

Mr. BARTHOLDT (continuing). He will find that it is simply to prevent enlisted men from leaving their posts and entering into competition with private labor.

Mr. WM. ALDEN SMITH. It says "emolument, labor, or hire."

Mr. HOPKINS. In the case the gentleman puts, they are working for the Government, and it would not be for hire within the meaning of this language.

Mr. WM. ALDEN SMITH. But the word "otherwise" means something.

Mr. HOPKINS. That has been stricken out.

Mr. WM. ALDEN SMITH. I did not understand that that word had been stricken out.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the resolution.

The question was taken; and on a division (demanded by Mr. WM. ALDEN SMITH) there were—ayes 40, noes 29.

Mr. WM. ALDEN SMITH. Mr. Speaker, I make the point that there is no quorum.

The SPEAKER pro tempore. The gentleman from Michigan makes the point of order that there is no quorum.

Mr. UNDERWOOD. Mr. Speaker, it is perfectly evident that there is no quorum present.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

LEAVE TO WITHDRAW PAPERS FROM FILE.

Pending the motion of Mr. PAYNE, by unanimous consent Mr. WARNOCK was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Marion T. Downey, Fifty-seventh Congress, no adverse report having been made thereon.

The motion of Mr. PAYNE was then agreed to; and accordingly (at 3 o'clock and 13 minutes p. m.) the House adjourned until Monday next at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Acting Attorney-General, transmitting a list of judgments rendered in favor of claimants and against the United States and defendant Indian tribes—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. OLMSTED, from the Committee on Elections No. 2, to which was referred the memorial of George C. R. Wagoner, contestant in the contested-election case of Wagoner against Butler, from the Twelfth Congressional district of Missouri, reported a resolution (H. Res. 346), accompanied by a report (No. 2780); which said resolution and report were referred to the House Calendar.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 15510) to promote the efficiency of the Philippine constabulary, to establish the rank and pay of its commanding officers, and for other purposes, reported the same without amendment, accompanied by a report (No. 2781); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3516) granting an increase of pension to Ozro F. Cheney, reported the same with amendment, accompanied by a report (No. 2756); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15636) granting a pension to Matilda Tunison, reported the same without amendment, accompanied by a report (No. 2757); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8152) granting an increase of pension to W. S. Hutchinson, reported the same with amendments, accompanied by a report (No. 2758); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14963) granting an increase of pension to Herman Tuerk, reported the same with amendments, accompanied by a report (No. 2759); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7368) granting a pension to Thomas Morris, reported the same with amendment, accompanied by a report (No. 2760); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13477) granting an increase of pension to Jason Stevens, reported the same with amendments, accompanied by a report (No. 3761); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12322) granting a pension to William F. Wilcox, reported the same with amendments, accompanied by a report (No. 2762); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7510) granting an increase of pension to E. M. Gammon, reported the same with amendments, accompanied by a report (No. 2763); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11311) granting an increase of pension to A. J. Hertzog, reported the same with amendments, accompanied by a report (No. 2764); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2616) granting a pension to Mary J. Goodrich, reported the same without amendment, accompanied by a report (No. 2765); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4454) granting a pension to James H. Watts, reported the same with amendments, accompanied by a report (No. 2766); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15480) granting an increase of pension to William S. Barker, reported the same with amendments, accompanied by a report (No. 2767); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7736) granting an increase of pension to Albert W. Allen, reported the same with amendment, accompanied by a report (No. 2768); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5718) granting an increase of pension to James M. Blades, of McLeansboro, Ill., reported the same with amendments, accompanied by a report (No. 2769); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11594) granting an increase of pension to Sarah E. Morrow, reported the same with amendments, accompanied by a report (No. 2770); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15399) granting an increase of pension to Harry C. Fay, reported the same with amendment, accompanied by a report (No. 2771); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2264) granting an increase of pension to George H. Higgins, reported the same without amendment, accompanied by a report (No. 2772); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions,

to which was referred the bill of the House (H. R. 14388) granting an increase of pension to Graham McClosson, reported the same with amendment, accompanied by a report (No. 2773); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12638) granting a pension to John W. Day, reported the same with amendments, accompanied by a report (No. 2774); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5324) granting an increase of pension to C. L. Randall, reported the same with amendments, accompanied by a report (No. 2775); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5119) granting an increase of pension to Samuel S. Walck, reported the same without amendment, accompanied by a report (No. 2776); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3715) granting an increase of pension to Henry Weaver, reported the same without amendment, accompanied by a report (No. 2777); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4067) granting an increase of pension to Julia L. Gordon, reported the same without amendment, accompanied by a report (No. 2778); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6045) granting an increase of pension to Charles Sprague, reported the same without amendment, accompanied by a report (No. 2779); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 12317) for the relief of John W. Neville—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 14095) granting a pension to John H. Leslie—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15622) granting an increase of penson Ben Cardwell—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15552) granting an increase of pension to Capt. Thomas B. Franks—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KYLE: A bill (H. R. 15703) for the remodeling and enlarging of the Government building at Springfield, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. SCOTT (by request): A bill (H. R. 15704) for raising revenue for other purposes—to the Committee on Ways and Means.

By Mr. JONES of Washington: A bill (H. R. 15705) making an appropriation for surveys in Alaska—to the Committee on Appropriations.

By Mr. TAYLOR of Alabama: A bill (H. R. 15706) to establish a fish-hatching and fish station in the State of Alabama—to the Committee on the Merchant Marine and Fisheries.

By Mr. McCULLOCH (by request): A bill (H. R. 15707) to provide for postal banks, furnish a safe place of deposit, provide a sufficient currency, and equalize and reduce the rates of interest throughout the country—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLE: A bill (H. R. 15708) to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation—to the Committee on the Public Lands.

By Mr. RUSSELL: A bill (H. R. 15709) to detach the county of Upshur, in the State of Texas, from the Jefferson division of the eastern district of Texas, and to attach said county to the Tyler division of said district, and providing that all process issued against defendants residing in said county shall be returnable to Tyler—to the Committee on the Judiciary.

By Mr. LLOYD: A bill (H. R. 15710) to provide for the purchase of a site and the erection of a public building thereon at Macon, in the State of Missouri—to the Committee on Public Buildings and Grounds.

By Mr. GIBSON: A bill (H. R. 15711) to authorize the construction of a bridge across the Clinch River, in the State of Tennessee, by the Knoxville, La Follette and Jellico Railroad Company—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 15712) for the erection of a public building at Knoxville, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. JONES of Washington: A joint resolution (H. J. Res. 222) to provide for the appointment of a commission to investigate and report upon the conditions and needs of the district of Alaska—to the Committee on the Territories.

By Mr. DAYTON: A joint resolution (H. J. Res. 223) authorizing the Secretary of the Navy to reimburse certain of the employees in the United States navy-yard and naval gun factory at Washington, D. C., for lost time due to deficit it naval appropriation—to the Committee on Naval Affairs.

By Mr. PAYNE: A concurrent resolution (H. C. Res. 61) providing for adjournment on December 20 until 12 o'clock m., Monday, January 5, 1903—to the Committee on Ways and Means.

By Mr. OLMSTED, from the Committee on Elections No. 2: A resolution (H. Res. 346) providing for the taking of testimony in the contested-election case of Wagoner *v.* Butler, from the Twelfth Congressional district of Missouri—to the House Calendar.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BENTON: A bill (H. R. 15713) granting a pension to Walter P. Mitchell—to the Committee on Invalid Pensions.

By Mr. CROWLEY: A bill (H. R. 15714) granting an increase of pension to Isaac W. Waters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15715) granting an increase of pension to Samuel Engle—to the Committee on Invalid Pensions.

By Mr. COONEY: A bill (H. R. 15716) granting a pension to Elizabeth Arnett—to the Committee on Pensions.

By Mr. CURTIS: A bill (H. R. 15717) granting a pension to E. E. Munn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15718) granting a pension to Georgeann Wolf—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 15719) granting an increase of pension to George W. Tupper—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 15720) granting a pension to Michael Deegan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15721) granting an increase of pension to Walter A. Porter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15722) granting an increase of pension to John G. Vassar—to the Committee on Invalid Pensions.

By Mr. DAHLE: A bill (H. R. 15723) granting a pension to William Seitz—to the Committee on Invalid Pensions.

By Mr. DAVIS of Florida: A bill (H. R. 15724) to remove charge of desertion from James E. Dickerson and grant him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 15725) granting a pension to Mary A. Bishop—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 15726) granting an increase of pension to Hiram Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15727) granting an increase of pension to Jacob S. Kimball—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15728) granting an increase of pension to Joseph M. Allison—to the Committee on Invalid Pensions.

By Mr. EDDY: A bill (H. R. 15729) granting an increase of pension to Abner M. Judkins—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 15730) granting an increase of pension to Hans A. Grove—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15731) granting an increase of pension to Alvin S. Dean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15732) granting an increase of pension to Edwin H. Tyler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15733) granting an increase of pension to M. G. Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15734) granting an increase of pension to Charles H. Bryant—to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 15735) granting an increase of pension to John H. Wheeler—to the Committee on Pensions.

By Mr. JOY: A bill (H. R. 15736) to correct the military record of John Watson—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: A bill (H. R. 15737) granting a pension to Cornelia M. Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15738) granting a pension to Priscilla A. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15739) granting a pension to Joshua Daggett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15740) granting a pension to Catherine M. Savory—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15741) granting an increase of pension to Algernon E. Castner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15742) granting an increase of pension to Joseph G. Maddocks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15743) granting an increase of pension to Marcellus M. Parker—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 15744) granting an increase of pension to Robert H. McBlain—to the Committee on Invalid Pensions.

By Mr. METCALF: A bill (H. R. 15745) granting an increase of pension to William E. Campbell—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 15746) granting an increase of pension to Daniel R. Lucas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15747) directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others—to the Committee on Claims.

By Mr. SNODGRASS: A bill (H. R. 15748) granting an increase of pension to William Whitlock—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 15749) granting an increase of pension to Thomas James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15750) granting an increase of pension to Leonard J. Whitney—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 15751) granting an increase of pension to Elbert M. Saxton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15752) granting an increase of pension to John A. Reeds—to the Committee on Invalid Pensions.

By Mr. TONGUE: A bill (H. R. 15753) granting an increase of pension to Augustus L. Kidder—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 15754) granting a pension to Frances Cowie—to the Committee on Pensions.

By Mr. HULL: A bill (H. R. 15755) granting an increase of pension to Charles D. Overstreet—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 15756) granting a pension to Green W. Hodge—to the Committee on Pensions.

By Mr. JONES of Washington: A bill (H. R. 15757) granting a pension to Frances C. Broggan—to the Committee on Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 15758) granting an increase of pension to Samuel M. Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15759) granting an increase of pension to John Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15760) granting an increase of pension to Jasper N. Jennings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15761) to remove the charge of desertion from W. P. Fowler—to the Committee on Military Affairs.

Also, a bill (H. R. 15762) granting a pension to Nancy J Rice—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CROMER: Resolutions of Bricklayers and Masons' International Union No. 16, of Alexandria, Ind., indorsing the proposed eight-hour law—to the Committee on Labor.

By Mr. CROWLEY: Papers to accompany House bill 15533, graning an increase of pension to William H. France—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 15535, granting an increase of pension to Milton Kibler—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 15536, granting an increase of pension to Peter F. Polk—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 15537, granting an increase of pension to James Breeze—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 15538, granting an increase of pension to William H. Taylor—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Truman Case and others, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. EDDY: Resolutions of St. Paul Chamber of Commerce, in favor of organizing Alaska into a Territory of the United States—to the Committee on the Territories.

Also, resolutions of St. Paul Chamber of Commerce, in favor of improving the Ohio and Mississippi rivers from Pittsburg to New Orleans—to the Committee on Rivers and Harbors.

By Mr. GIBSON: Petition of Robert Brice, executor of N. B. Brice, deceased, of Knox County, Tenn., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. GRAFF: Papers to accompany House bill 10543, relating to the claim of William Wheeler Hubbell—to the Committee on War Claims.

By Mr. HEPBURN: Petition of Missionary Union, of Shenandoah, Iowa, in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. JONES of Washington: Petition of J. J. Williams, Paul Allen, and others, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. JOY: Papers to accompany House bill to correct the military record of John Watson—to the Committee on Military Affairs.

By Mr. KERN: Petition of sundry citizens of Washington County, Ill., asking for favorable action upon the bill reducing the tax on liquor—to the Committee on Ways and Means.

By Mr. LLOYD: Petition of the women of Calvary Baptist Church, Hannibal, Mo., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. OVERSTREET: Papers to accompany House bill 15746, for increase of pension of Daniel R. Lucas—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 15747, directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, et al.—to the Committee on Claims.

By Mr. SMITH of Kentucky: Papers to accompany House bill 1580, to correct the military record of Joseph Metcalf—to the Committee on Military Affairs.

By Mr. SNODGRASS: Papers to accompany House bill 15748, granting an increase of pension to William Whitlock—to the Committee on Invalid Pensions.

By Mr. THOMAS of Iowa: Papers to accompany House bill 15690, granting a pension to Claudius Tifft—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Petition of citizens of Hardin County, Ill., for the improvement of the Ohio River—to the Committee on Rivers and Harbors.

SENATE.

MONDAY, *December 8, 1902.*

Prayer by Rev. J. W. DUFFEY, D. D., of the city of Washington.

CLARENCE D. CLARK, a Senator from the State of Wyoming; WILLIAM A. HARRIS, a Senator from the State of Kansas, and HERNANDO D. MONEY, a Senator from the State of Mississippi, appeared in their seats to-day.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. HOAR and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

AGRICULTURAL COLLEGES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the disbursements for the fiscal year ending June 30, 1902, made in the States and Territories under the provisions of an act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agricultural and mechanic arts, etc.; which, with the accompanying paper, was referred to the Committee on Public Lands, and ordered to be printed.

INDIAN DEPREDATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, pursuant to law, a list of judgments rendered in favor of claimants against the United States and defendant Indian tribes and not heretofore appropriated for; which, with the accompanying papers, was referred to the Committee on Indian Depredations, and ordered to be printed.

REPORT ON THE CONGRESSIONAL LIBRARY BUILDING.

The PRESIDENT pro tempore laid before the Senate a communication from the superintendent of the Library building and grounds, transmitting the annual report on the care and maintenance of the Library building and grounds; which, with the accompanying paper, was referred to the Committee on the Library, and ordered to be printed.

EXPENDITURES AT SPRINGFIELD ARMORY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a statement of the expenditures at the Springfield Armory, Springfield, Mass., for the year ended July 30, 1902; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

ADDITIONAL LANDS FOR MOAPA INDIANS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a report from the Commissioner of Indian Affairs relative to the necessity for additional lands in amount of 231,086 acres for the Moapa Indians in southern Nevada; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

LANDS IN UTAH, NEVADA, AND WASHINGTON.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting estimates for the survey of certain reservations in the States of Utah, Nevada, and Washington, together with copies of reports of the Commissioner of the General Land Office; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

ESTATE OF JOSEPH R. WILLIAMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Edmund W. Williams, executor of Joseph R. Williams, deceased, *v.* The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

HEIRS OF ALLEN J. POLK.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Anna F. Polk, Susan H. Keesee, Anna Lee Pepper, Griselda Hargrave, and Robin A. Polk, heirs of Allen J. Polk, deceased, *v.* The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims, set out in the findings by the court relating to the vessel sloop *Friendship*, Henry Brookins, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims, set out in the findings by the court relating to the vessel sloop *Industry*, Thomas Parsons, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims, set out in the findings by the court relating to the vessel schooner *John*, Edmund Lewis, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims, set out in the findings by the court relating to the vessel schooner *Resolution*, John Crandon, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims, set out in the findings by the court relating to the vessel schooner *John Eason*, John Cowper, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Industry*, William Riddle, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Polly*, Elisha Caswell, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Polly*, Russell Doan, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law, filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Juno*, Jonathan Thompson, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law, filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel sloop *Hope*, Ezra Merrill, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law, filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Success*, Robert Clark, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law, filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Eagle*, Thomas Gray, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law, filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Midget*, Lewis Huggins, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law, filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Nymph*, Thomas Corbett, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Two Sisters*, William Worth, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Industry*, William Massey, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Favorite*, Thomas McConnell, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 911) authorizing the Federal Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the village of Oacoma, Lyman County, S. Dak.;

A bill (S. 3083) providing for the adjudication of certain claims by the Court of Claims;

A bill (S. 3316) to amend an act entitled "An act to create a new division in the western judicial district of the State of Missouri," approved January 24, 1901;

A bill (S. 4419) to incorporate the general education board;

A bill (S. 6070) to authorize the construction of a bridge across the Missouri River at a point to be selected, within 5 miles north of the Kaw River, in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route; and

A bill (S. 6138) to set apart certain lands in the State of South Dakota as a public park to be known as the Wind Cave National Park.

The message also announced that the House had passed with amendments the following bills in which it requested the concurrence of the Senate:

A bill (S. 342) for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin; and

A bill (S. 4204) relating to grants of land to the Territory and State of Washington.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1193) to correct the military record of Henry M. Holmes;

A bill (H. R. 2559) for the relief of Willis Benefield;

A bill (H. R. 2664) for the relief of John G. Rose;

A bill (H. R. 3502) for the relief of the estate of M. J. Grealish, deceased;

A bill (H. R. 3787) to grant honorable discharge to William A. Treadwell;

A bill (H. R. 5357) for the relief of William Leech;

A bill (H. R. 6649) for the relief of Julius A. Kaiser;

A bill (H. R. 9041) to amend section 828 of the Revised Statutes of the United States of America;

A bill (H. R. 10300) conferring jurisdiction upon the circuit and district courts for the district of South Dakota in certain cases, and for other purposes;

A bill (H. R. 11572) for the relief of certain settlers upon Wisconsin Central Railroad and The Dalles military road land grants;

A bill (H. R. 11576) granting permission to Capt. B. H. McCalla and others to accept presents and decorations tendered to them by the Emperor of Germany and others;

A bill (H. R. 12002) to amend section 4386 of the Revised Statutes of the United States, striking out "twenty-eight consecutive hours" and "twenty-eight hours" and inserting "forty consecutive hours" and "forty hours;"

A bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska;"

A bill (H. R. 12705) to amend section 3536, Revised Statutes;

A bill (H. R. 13075) to amend section 3 of the "Act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing," etc., approved February 10, 1891;

A bill (H. R. 13404) fixing the punishment for the larceny of horses, cattle, and other live stock in the Indian Territory, and for other purposes;

A bill (H. R. 14733) granting right of way for telegraph and telephone lines in the district of Alaska;

A bill (H. R. 15066) to incorporate the Association of Military Surgeons of the United States;

A bill (H. R. 15198) defining what shall constitute and providing for assessments on oil-mining claims;

A bill (H. R. 15445) to authorize the construction of a bridge across the Savannah River at Sand Bar Ferry, below the city of Augusta, Ga.;

A bill (H. R. 15506) to amend section 14 of an act entitled "An act to divide the State of Texas into four judicial districts;"

A bill (H. R. 15593) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1904, and for other purposes; and

A joint resolution (H. J. Res. 196) empowering the State of Minnesota to file its selections for indemnity school lands upon public lands in Minnesota, otherwise undisposed of in town sites, immediately upon the survey thereof in the field and prior to the approval and filing of the plat and survey thereof.

PETITIONS AND MEMORIALS.

Mr. HOAR presented a memorial of the board of aldermen of Boston, Mass., remonstrating against the use of Castle Island for light-house purposes; which was referred to the Committee on Commerce.

Mr. QUARLES presented the petition of Herman Toser and 39 other citizens of Milwaukee, Wis., praying for the enactment of legislation to amend the internal-revenue laws relative to a reduction of the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of the F. Mayer Boot and Shoe Company, of Milwaukee, Wis., praying for the adoption of certain amendments to the bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of the La Crosse Presbytery, of La Crosse, Wis., praying for the enactment of legislation to provide for the establishment of a laboratory for the study of the criminal, pauper, and defective classes; which was referred to the Committee on the Judiciary.

Mr. NELSON presented a petition of Somerville & Olsen, of Sleepy Eye, Minn., praying for the adoption of a certain amendment to the Federal judiciary act of August 13, 1888; which was referred to the Committee on the Judiciary.

Mr. SCOTT presented a petition of sundry ex-Union soldiers of Kirksville, Mo., praying for the enactment of legislation to increase the pensions of soldiers and sailors who have lost limbs in the service; which was referred to the Committee on Pensions.

Mr. GALLINGER presented a memorial of the East Washington Heights District Association, of the District of Columbia, remonstrating against the location of correctional institutions in East Washington; which was referred to the Committee on the District of Columbia.

Mr. CLAPP presented a petition of sundry citizens of Worthington and Rushmore, Minn., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of the Young People's Christian Union of the Universalist Church of Boston, Mass., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented a petition of the National Young People's Christian Union of the Universalist Church of Boston, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors at United States immigrant stations; which was ordered to lie on the table.

Mr. CULLOM presented the petition of J. J. Bamick and 51 other citizens of Toluca, Ill., praying for the enactment of legislation to amend the internal-revenue laws relative to a reduction of the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of the Paint Grinders' Association of New York, N. Y., praying for the enactment of legislation providing for a reclassification of freight rates; which was referred to the Committee on Interstate Commerce.

Mr. FAIRBANKS presented a petition of the Bar Association of Indianapolis, Ind., praying for the enactment of legislation to provide for the establishment of a laboratory for the study of the criminal, pauper, and defective classes; which was referred to the Committee on the Judiciary.

Mr. MCCOMAS. I present a joint resolution of the legislature of Maryland, relative to the Secretary of the Treasury requiring the use of Maryland granite in the construction of the United States custom-house at Baltimore, Md. I move that the joint resolution be printed in the RECORD, and referred to the Committee on Public Buildings and Grounds.

There being no objection, the joint resolution was referred to the Committee on Public Buildings and Grounds, and ordered to be printed in the RECORD, as follows:

Joint resolution No. 3. Joint resolution of the general assembly of Maryland requesting the Secretary of the Treasury of the United States Government to require the use of Maryland granite in the construction of the United States custom-house at Baltimore, Md.

Whereas a new custom-house is to be constructed by the United States Government at Baltimore, Md.; and

Whereas the State of Maryland produces as fine and durable a granite as there is produced elsewhere: Therefore,

Be it resolved by the general assembly of the State of Maryland, That the Secretary of the Treasury of the United States Government be, and he is hereby, requested to require that in the construction and erection of the United States custom-house at Baltimore, Md., granite stone produced from the quarries of the State of Maryland be used.

Be it further resolved, That the secretary of state be, and he is hereby, authorized to transmit a copy of these resolutions under the seal of the State, to the said Secretary of the Treasury of the United States, and to each of the Senators and Representatives now in Congress from this State.

Witness our hands, February 19, 1902.

NOBLE L. MITCHELL,
Speaker of the House of Delegates.
JOHN HUBNER,
President of the Senate.

THE STATE OF MARYLAND, EXECUTIVE DEPARTMENT.

I, John Walter Smith, governor of the State of Maryland and having control of the great seal thereof, do hereby certify that the foregoing is a true copy of joint resolution No. 3 of the general assembly of Maryland of 1902.

Witness my hand and the great seal of Maryland. Done at the city of Annapolis on the —— day of ——, in the year of our Lord 190—.

JOHN WALTER SMITH.

By the governor.
[SEAL.]

WILFRED BATEMAN,
Secretary of State.

Mr. McCOMAS presented a petition of sundry citizens of Baltimore, Md., and a petition of the Boilermakers and Iron-ship Builders' Local Union No. 193, American Federation of Labor, of Baltimore, Md., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented petitions of Stone Pavers' Local Union No. 7314, of Baltimore; of Local Union No. 193, Brotherhood of Boilermakers and Iron-ship Builders, of Baltimore, and of the Paper Carriers' Local Union No. 9675, of Baltimore, all of the American Federation of Labor, in the State of Maryland, praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented a petition of Lodge No. 432, Brotherhood of Locomotive Firemen, of Baltimore, Md., and a petition of Lodge No. 438, Brotherhood of Railroad Trainmen, of Baltimore, Md., praying for the enactment of legislation to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Maryland, praying for the enactment of legislation to amend the internal-revenue laws relating to a reduction of the tax on distilled spirits; which were referred to the Committee on Finance.

He also presented a petition of O. A. Honer Post, No. 70, Department of Maryland, Grand Army of the Republic, of Rockville, Md., praying for the enactment of legislation placing the age limit of ex-Union veterans at 60 years; which was referred to the Committee on Pensions.

He also presented a petition of the American Committee on Human Rights and Justice, of Philadelphia, Pa., praying for the enactment of legislation to prohibit further criminal outrages and robberies on the Christian people of the Philippines; which was referred to the Committee on the Philippines.

Mr. BLACKBURN presented sundry petitions of citizens of Kentucky, praying for the enactment of legislation to amend the internal-revenue laws relating to a reduction of the tax on distilled spirits; which were referred to the Committee on Finance.

INDIAN TERRITORY.

Mr. QUAY. I present resolutions adopted by the Indian chief executives of the Five Tribes and leading Indians of the Indian Territory; and also resolutions adopted at a joint meeting of Indian Territory executive committee on Territorial legislation. These resolutions bear upon the same subject which was covered by the long telegram read at the instance of the chairman of the Committee on Territories a few days ago, and I should be glad to have them read. They are not long.

There being no objection, the resolutions were read and referred to the Committee on Territories, as follows:

Resolutions adopted by caucus of Indian chief executives of the Five Tribes and leading Indians of Indian Territory.

EUFAULA, IND. T., *Friday, November 28, 1902.*

Whereas the Five Civilized Tribes of the Indian Territory have by agreements made and entered into with the United States provided for the dissolution of their tribal governments; and

Whereas the changed conditions brought about by such agreements require a complete revolution in our land tenure and new laws and usages unknown to the Indians composing the Five Tribes of the Indian Territory, which conditions will require time for the new citizen to adapt himself to the changed order of things; and

Whereas these changes were apparent to the contracting parties at the time of the making of the said agreements, which is evidenced by the fact that a separate political organization was provided for the Indian Territory, and the period for dissolution as said tribal governments was fixed at March 4, 1906; and

Whereas citizens of the United States, and not Indians, now resident in and upon the lands of the Five Tribes, are making, by petition and lobby influence, efforts to induce the Congress of the United States to ignore the spirit and letter of agreements by placing the Indian Territory under the laws of Oklahoma Territory; failing in that, to organize a regular United States Territory out of the present judicial organization known as the Indian Territory, either of which propositions would delay the work of the Government as now organized and satisfactorily proceeding under the direction of the Secretary of the Interior in our Territory for the fulfillment of the agreements referred to: Now, therefore, be it

Resolved, By the duly authorized representatives of the Five Civilized Tribes in convention assembled at Eufaula, Ind. T., November 28, 1902:

That we affirm our confidence in the purpose of the United States Government to faithfully discharge the obligation she has assumed in her treaties with the Five Civilized Tribes in the Indian Territory.

We are opposed to and protest against any legislation by Congress that contemplates the annexation of the Indian Territory, or any part thereof, to the Territory of Oklahoma or to any State, and we insist upon our tribal government continuing intact and our tribal conditions remaining unchanged until March 4, 1906, at which time, should Congress deem it wise to change the present form of government in Indian Territory, we ask that a State be formed out of the territory composing the Indian Territory, without the preliminary steps of a Territorial form of government.

That the authority and supervision of the Department of the Interior over Indian affairs in the Indian Territory and the duties imposed on the Dawes Commission by such authority in the distribution of the land belonging to the Five Civilized Tribes are sufficient for the present demand of government and satisfactory to the owner of the soil.

That it is incumbent on us as self-governing people to propose a State form of government and take part in the establishment of the same for the country owned by us, to take effect at the dissolution of tribal government in 1906.

We most earnestly protest against the misrepresentations found in the petitions presented by the people assembling in conventions at different places in the Indian Territory purporting to represent the wishes of the Indian Territory, firmly believing as we do that they represent no part of the Indian population and a very small part of the white population of the Indian Territory in so far as they represent the people of the Indian Territory as asking for Territorial form of government or statehood jointly with Oklahoma.

Resolutions adopted at joint meeting of Indian Territory executive committee on Territorial legislation.

HOLDENVILLE, IND. T., *Tuesday, November 25, 1902.*

The following resolutions were then reported and unanimously adopted:

"*Resolved*, That this convention of the several executive committees of the Indian Territory, while sympathizing with the people of the Territory of Oklahoma in their efforts to secure statehood and sincerely hoping they may attain it, is unalterably opposed to that portion of what is known as the omnibus statehood bill, now pending before the Senate of the United States, which contemplates and provides for the gradual absorption of the Five Civilized Tribes by the future State of Oklahoma.

"*Resolved*, That we are in favor of, and beg that Congress will enact immediately, a law giving to the people of the Indian Territory some form of local self-government, and we believe that what is known as the Moon bill meets the present requirements of our situation, both as to the noncitizen and the Indian, whose treaty rights it respects, and we heartily indorse said bill."

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3291) granting an increase of pension to Arthur P. Lovejoy;

A bill (H. R. 3672) granting a pension to Emily S. Barrett;

A bill (H. R. 8237) granting an increase of pension to John Robinson;

A bill (S. 6330) granting an increase of pension to Allen M. Ripley;

A bill (S. 6329) granting an increase of pension to Mary A. Noyes;

A bill (S. 6262) granting an increase of pension to Charles C. Chesley;

A bill (S. 6263) granting a pension to Rachel E. Bullard;

A bill (S. 6422) granting an increase of pension to Ann A. Hersum; and

A bill (S. 4702) granting an increase of pension to Ephraim Cunningham.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 699) granting an increase of pension to Franklin Chase;

A bill (S. 3708) granting a pension to Nannie M. Kimberly;

A bill (S. 4305) granting an increase of pension to Daniel G. Towle;

A bill (S. 6107) granting an increase of pension to Hattie Connell; and

A bill (S. 6026) granting an increase of pension to Eliza Little.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1043) granting an increase of pension to Harriet Hatch;

A bill (S. 1166) granting an increase of pension to Charles W. Colby;

A bill (S. 5244) granting an increase of pension to William H. Maxwell;

A bill (S. 6050) granting an increase of pension to Charles H. Barnes; and

A bill (S. 6151) granting an increase of pension to Henry E. Burton.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2129) granting an increase of pension to Patrick Mattimore, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (S. 6338) granting a pension to Albert M. Smith, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5723) granting an increase of pension to Ole Hexom;

A bill (S. 2007) granting a pension to Mary A. Everts; and

A bill (S. 5874) granting an increase of pension to Catharine A. Russell.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1978) granting a pension to Wesley S. Potter; and

A bill (S. 5355) granting an increase of pension to George A. King.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4412) granting an increase of pension to John J. Rees; and

A bill (H. R. 12039) granting an increase of pension to Nelson Brown.

Mr. SIMON, from the Committee on Pensions, to whom was referred the bill (S. 6066) granting a pension to Edward Straub, reported it with an amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6257) granting an increase of pension to Mary B. Keller; and

A bill (S. 6276) granting a pension to Mary E. Russell.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5841) granting an increase of pension to John A. Barcus; and

A bill (S. 5733) granting an increase of pension to John W. Slack.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2223) granting an increase of pension to John Laughlin;

A bill (H. R. 7021) granting an increase of pension to Henry Forcht; and

A bill (H. R. 1530) granting an increase of pension to Eliza A. Rickards.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6155) granting an increase of pension to William Markle;

A bill (H. R. 14416) granting an increase of pension to Albert H. Phillips; and

A bill (S. 1194) granting an increase of pension to Thomas J. George.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (H. R. 699) granting an increase of pension to Robert Miller, reported it without amendment, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3912) granting an increase of pension to John T. Dewees;

A bill (S. 3573) granting an increase of pension to John C. Post;

A bill (S. 5642) granting an increase of pension to Nicholas Smith; and

A bill (S. 5205) granting an increase of pension to Grace E. Ash.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4359) granting an increase of pension to John S. Milam;

A bill (S. 3574) granting an increase of pension to Henry R. Bennett; and

A bill (S. 4806) granting an increase of pension to Frank A. Olney.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11748) granting an increase of pension to Samuel Ashmore;

A bill (H. R. 3755) granting an increase of pension to Lawson Williams;

A bill (H. R. 12132) granting an increase of pension to Allen C. Davis; and

A bill (S. 5359) granting an increase of pension to Hampton B. Farmer.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4123) granting a pension to Eliza Gallaher;

A bill (S. 4607) granting an increase of pension to Oliver G. Wright;

A bill (S. 5835) granting an increase of pension to Joel C. Shepherd;

A bill (S. 6182) granting an increase of pension to Lila L. Egbert;

A bill (S. 6012) granting a pension to Hattie Blanche Sears; and

A bill (S. 5846) granting an increase of pension to Thomas G. Forrester.

ANTHRACITE COAL STRIKE COMMISSION.

Mr. ALLISON. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners, to report it with certain amendments. I give notice that to-morrow morning, after the routine morning business, I shall ask the Senate to consider the bill. I will not ask for its consideration to-day.

Mr. LODGE. Does the Senator desire to have it considered to-morrow?

Mr. ALLISON. To-morrow morning. I hope there will be no objection to it.

Mr. LODGE. Certainly not. I did not know but that the Senator wanted to go on with the bill now.

Mr. ALLISON. I have said to one or two Senators that I would not call the bill up to-day.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. SCOTT introduced a bill (S. 6442) granting a pension to Mary D. Duval; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6443) granting a pension to John Moulton; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. KEARNS introduced a bill (S. 6444) granting an increase of pension to Samuel H. W. Riter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 6445) granting an increase of pension to John F. Briggs; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 6446) to provide for the construction of a bridge across Rainy River, in Minnesota; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CULLOM introduced a bill (S. 6447) to amend section 1706, Revised Statutes, relating to consuls; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also introduced a bill (S. 6448) making an appropriation, to be expended under the direction of the Commissioner of Indian Affairs, for the purpose of purchasing tire-setting machines for the repair of wagons, and so forth, in the Indian service; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HOAR introduced a bill (S. 6449) extending the provisions of section 1 of act of July 1, 1902, for the further distribution of reports of the Supreme Court, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 6450) granting an increase of pension to Alice W. Stoodley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 6451) relating to the liability of common carriers by railroad in the District of Columbia and Territories and common carriers by railroad engaged in commerce between the States and between the States and foreign nations to their employees; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 6452) granting a pension to S. Josie Hill; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6453) granting an increase of pension to John Macfarlane; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 6454) for the relief of the legal representatives of George W. Soule; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6455) granting an increase of pension to Charles F. Holt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6456) granting an increase of pension to Solomon M. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 6457) granting an increase of pension to Henry D. Grewell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 6458) granting an increase of pension to Harriet L. Ford; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 6459) granting a pension to Oren M. Fletcher; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCOMAS introduced a bill (S. 6460) making an appropriation for the improvement of the Patapsco River and channel to Baltimore, Md.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. NELSON introduced a bill (S. 6461) providing for an additional district judge in the district of Minnesota; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 6462) to amend an act entitled "An act to protect trade and commerce against unlawful restraints," approved July 2, 1890; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. KEAN introduced a bill (S. 6463) granting a pension to Ella Hatfield; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 6464) to authorize the construction of a bridge across the Savannah River at Sand Bar Ferry, below the city of Augusta, Ga.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6465) granting an increase of pension to Alonzo Gilbert (with accompanying papers);

A bill (S. 6466) granting an increase of pension to Willard A. Jackson; and

A bill (S. 6467) granting an increase of pension to Sarah E. Ropes.

Mr. McENERY introduced a bill (S. 6468) granting an increase of pension to Alexander Gaal; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES of Arkansas (by request) introduced a bill (S. 6469) for the relief of the estate of Asa Crow, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 6470) for the relief of the estate of T. H. Goodloe, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 6471) granting an increase of pension to Joseph Goss; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 6472) granting an increase of pension to Daniel R. Lucas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6473) granting an increase of pension to Charles H. Fessenden; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CARMACK introduced a bill (S. 6474) to authorize the Knoxville, La Follette and Jellico Railroad Company to construct, maintain, and operate a bridge across Clinch River near Dossett, Tenn.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6475) for the relief of the estate of George W. Reeves; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6476) for the relief of the estate of Benjamin Adams, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6477) for the relief of the estate of Bryant Wheeler, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURTON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6478) granting an increase of pension to Charles Disbrow;

A bill (S. 6479) granting an increase of pension to John Spriggs (with an accompanying paper);

A bill (S. 6480) granting an increase of pension to Marshall Ray (with the accompanying papers); and

A bill (S. 6481) granting an increase of pension to William Goodwin.

Mr. BURTON introduced a bill (S. 6482) to correct the military record of Thomas J. McBride; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MONEY introduced a bill (S. 6483) for the relief of Henry Jones; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 6484) for the relief of the legal representatives of the members of the late firm of Child, Pratt & Fox; which was read twice by its title, and referred to the Committee on Claims.

Mr. WARREN introduced a bill (S. 6485) for the relief of Col. James N. Wheelan, United States Army, retired; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FORAKER introduced a bill (S. 6486) to provide for the appropriate marking of the graves of the soldiers of the Confederate Army and Navy, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR introduced a joint resolution (S. R. 136) authorizing the purchase of a marble bust of General Lafayette, executed by David d'Angers; which was read twice by its title, and referred to the Committee on the Library.

Mr. NELSON introduced a joint resolution (S. R. 137) proposing an amendment to the Constitution of the United States relating to trusts; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HARRIS introduced a joint resolution (S. R. 138) authorizing the Secretary of War to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth, at Leavenworth, Kans.; which was read twice by its title, and referred to the Committee on Military Affairs.

REGULATION OF IMMIGRATION.

Mr. McCUMBER submitted two amendments intended to be proposed by him to the bill (H. R. 12199) to regulate the immigration of aliens into the United States; which were ordered to lie on the table, and be printed.

HEIRS OF AARON VAN CAMP AND VIRGINIUS P. CHAPIN.

Mr. McCUMBER. I ask that the Chair lay before the Senate the action of the House of Representatives on Senate bill No. 342.

The PRESIDENT pro tempore laid before the Senate the amendment to the bill (S. 342) for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin.

Mr. McCUMBER. I move that the Senate nonconcur in the amendment of the House of Representatives.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. WARREN, Mr. McCUMBER, and Mr. TALIAFERRO were appointed.

LAND GRANTS TO TERRITORY AND STATE OF WASHINGTON.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4204) relating to the grants of lands to the Territory and State of Washington for school purposes; which were, on page 2, line 15, to strike out all after "eighty-nine" down to and including the word "Washington" in line 16; and on page 3, line 13, to strike out all after "eighty-nine" down to and including the word "State" in line 15.

Mr. FOSTER of Washington. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 2664) for the relief of John G. Rose; and

A bill (H. R. 6649) for the relief of Julius A. Kaiser.

The following bills and joint resolution were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 11572) for the relief of certain settlers upon Wisconsin Central Railroad and The Dalles military road land grants;

A bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska;"

A bill (H. R. 14733) granting right of way for telegraph and telephone lines in the district of Alaska; and

A joint resolution (H. J. Res. 196) empowering the State of Minnesota to file its selections for indemnity school lands upon public lands in Minnesota otherwise undisposed of in townships immediately upon the survey thereof in the field and prior to the approval and filing of the plat and survey thereof.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 9041) to amend section 828 of the Revised Statutes of the United States of America;

A bill (H. R. 10300) conferring jurisdiction upon the circuit and district courts for the district of South Dakota in certain cases, and for other purposes;

A bill (H. R. 13075) to amend section 3 of the "Act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing," etc., approved February 10, 1891; and

A bill (H. R. 15506) to amend section 14 of an act entitled "An act to divide the State of Texas into four judicial districts."

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 1193) to correct the military record of Henry M. Holmes;

A bill (H. R. 3787) to grant honorable discharge to William A. Treadwell; and

A bill (H. R. 15066) to incorporate the Association of Military Surgeons of the United States.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 2559) for the relief of Willis Benefield;

A bill (H. R. 3502) for the relief of the estate of M. J. Grealish, deceased; and

A bill (H. R. 5357) for the relief of William Leech.

The bill (H. R. 11576) granting permission to Capt. B. H. McCalla and others to accept presents and decorations tendered to them by the Emperor of Germany and others was read twice by its title, and referred to the Committee on Foreign Relations.

The bill (H. R. 12002) to amend section 4386 of the Revised Statutes of the United States, striking out "twenty-eight consecutive hours" and "twenty-eight hours" and inserting "forty consecutive hours" and "forty hours," was read twice by its title, and referred to the Committee on Interstate Commerce.

The bill (H. R. 12705) to amend section 3536, Revised Statutes, was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 13404) fixing the punishment for the larceny of horses, cattle, and other live stock in the Indian Territory, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 15198) defining what shall constitute and providing for assessments on oil mining claims was read twice by its title, and referred to the Committee on Mines and Mining.

The bill (H. R. 15445) to authorize the construction of a bridge across the Savannah River at Sand Bar Ferry, below the city of Augusta, Ga., was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 15593) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1904, and for other purposes, was read twice by its title, and referred to the Committee on Pensions.

THE ISTHMIAN CANAL.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Interoceanic Canals, and ordered to be printed:

To the Senate:

I transmit herewith a report from the Acting Secretary of State, with accompanying papers, in response to the Senate's resolution of June 30, 1902, requesting the Secretary of State "to send to the Senate a statement of the expenditures of the Isthmian Canal Commission, under the act approved March 3, 1899, 'making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' as the same are accounted for by said Isthmian Canal Commission, and also whether there is any deficit in the appropriation which is to be or has been provided for by further appropriations."

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, December 8, 1902.

LOUISIANA PURCHASE EXPOSITION COMPANY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Select Committee on Industrial Expositions, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State covering a statement showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the months of May, June, July, August, September, and October, 1902, furnished by the Louisiana Purchase Exposition Commission, in pursuance of section 11 of the "Act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory," etc., approved March 3, 1901.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 8, 1902.*

THE AMERICAN RAILROAD COMPANY OF PORTO RICO.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance approved by me on October 27, 1902, granting the consent of the executive council of Porto Rico to the assignment by the Compañía de los Ferrocarriles de Puerto Rico to Henry De Ford, his heirs, executors, and assigns, and to a proposed corporation to be designated and known as "The American Railroad Company of Porto Rico, Central Aguirre Operator," of the right to construct, operate, and maintain the railroad line from Ponce to Guayama, authorized by the executive council of Porto Rico on October 28, 1901, and to construct and operate a branch line from Ponce to the Ponce Playa and a branch line from Guayama to Arroyo.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 8, 1902.*

SPANISH TREATY CLAIMS COMMISSION.

Mr. PETTUS. I ask unanimous consent for the present consideration of the bill (H. R. 12764) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain," etc.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent for the present consideration of a bill, which will be read to the Senate for its information.

The Secretary read the bill.

Mr. LODGE. Does the bill refer to the Spanish Treaty Claims Commission?

The PRESIDENT pro tempore. It was referred to the Committee on the Judiciary and reported favorably by that committee.

Mr. LODGE. I ask whether it refers to the Spanish Treaty Claims Commission? Does it provide for an appeal from the Spanish Treaty Claims Commission to the Supreme Court?

The PRESIDENT pro tempore. It does.

Mr. LODGE. I should like to have an opportunity to examine the bill, Mr. President, and I must object to its present consideration.

The PRESIDENT pro tempore. The Senator from Massachusetts objects. The bill will retain its place on the Calendar, if there be no objection.

REGULATION OF IMMIGRATION.

Mr. PENROSE. Mr. President, I ask that the unfinished business be laid before the Senate.

The PRESIDENT pro tempore. The Chair is of opinion that the Senator will be obliged to make a motion to proceed to the consideration of the bill.

Mr. PENROSE. Then I move that the Senate proceed to the consideration of the bill (H. R. 12199) to regulate the immigration of aliens into the United States, which is the unfinished business before the Senate.

The PRESIDENT pro tempore. There can be no unfinished business in the morning hour. The unfinished business at 2 o'clock next Wednesday is the statehood bill. The Senator from Pennsylvania moves that the Senate proceed to the consideration of the bill known as the "immigration bill."

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The Chair holds that the unanimous consent originally granted that the bill should be read informally for amendment and that the committee amendments should first receive consideration attaches to the bill. So it will be read for amendment.

The Secretary proceeded to read the bill and stated the first amendment reported by the Committee on Immigration, which was in section 1, page 1, line 4, to strike out "one dollar and fifty cents" and insert "three dollars;" so as to read:

That there shall be levied, collected, and paid a duty of $3 for each and every passenger not a citizen of the United States, or of the Dominion of Canada, the Republic of Cuba, or of the Republic of Mexico.

Mr. GALLINGER. Mr. President, it seems to me that before we proceed with the consideration of this very important measure it is due to the Senate that the chairman of the committee should make a general statement as to the changes in existing law that are made by the bill.

I will venture the further suggestion that inasmuch as the junior Senator from Massachusetts [Mr. LODGE] stated to the Senate that he proposed to offer certain amendments, it would be well for the Senate to know what those amendments are. I am not satisfied with the bill as it stands and will contest some of its provisions, but I do not want to be put in the attitude of opposing proposed amendments that possibly are to be cured by the action of the Senator from Massachusetts representing, as I apprehend he does, the Committee on Immigration.

Now, Mr. President, I think it would facilitate the passage of the bill if that procedure should be taken and the chairman of the committee first make a general statement as to what changes are contemplated, and then the Senator from Massachusetts state to

the Senate what the proposed amendments are that he intends to offer.

Mr. PENROSE. Mr. President, I think the bill should be read before a statement is made as to its character. At the proper time I shall be very glad to comply with the Senator's request.

This bill has been before Congress for many years. It has been known before the country as the Lodge bill. It is a codification of existing Treasury regulations and law, and contains the educational test, which is considered the most practical and effective method of preventing the undesirable class of immigration. The passage of the bill is recommended by the President of the United States specifically in his message to Congress.

If the Senator from New Hampshire will permit the bill to be read and have the somewhat unimportant committee amendments considered and agreed to, the members of the Committee on Immigration will, I am sure, be very glad to explain at length the character and details of the measure.

Mr. GALLINGER. Now, Mr. President, there is just the difficulty. The Senate has given consent, as I understand it, that the bill shall be read and that committee amendments shall be considered as the bill is proceeded with. I have no objection to the bill itself being read, but——

Mr. LODGE. The committee amendments are to be considered first.

Mr. GALLINGER. Yes; the committee amendments have precedence; but I am quite unwilling that those amendments shall be adopted without a full understanding as to their purport, and I would also like to know in advance if the committee proposes to stand by the amendments as reported.

It has been frequently stated that this is but a codification of existing laws, and it is now for the first time said that the President of the United States recommends the passage of this bill. I do not think the President of the United States has done anything of the kind. So far as its being a codification is concerned, this little pamphlet that I hold in my hand contains all the legislation now on the statute books relating to immigration. It does not require any special codification for any intelligent man to understand what the laws are, but it is a very important matter to a great many interests in this country to understand fully and definitely what changes are proposed to be made by this proposed statute. I for one am unwilling that we should rush blindly through it and adopt amendments that will be troublesome without understanding what they signify.

Mr. LODGE. Mr. President, I do not think there is any proposition to rush blindly through the bill. I know no way of dealing with a bill reported by a committee and being read for amendment, except to take up the amendments as they arise and discuss them. That seems to me to be the business-like way of doing it.

I think the Senator from New Hampshire will find that the committee is prepared to explain all the amendments as they are reached. The language of the President to which the Senator from New Hampshire referred is as follows:

> I again call your attention to the need of passing a proper immigration law, covering the points outlined in my message to you at the first session of the present Congress; substantially such a bill has already passed the House.

That, I think, justifies the statement made by the Senator from Pennsylvania.

The changes proposed by the committee in the House bill, as the Senator from Pennsylvania stated, are not very serious; but it seems to me the only way to get at it is to take the bill up and read it and discuss the amendments and the bill as we go along. That is the only way we ever legislate here, and I do not see any other way to do it.

Mr. GALLINGER. Mr. President, I beg the Senator's pardon. It is not an unusual procedure here for the Senator in charge of a bill to first make a general statement as to the proposed changes. However, I am not insistent upon that course. If the Senator thinks it desirable to proceed in the way in which he suggests, I will not interpose any special objection and will take occasion as the amendments are reached to ask for some such information as I desire to secure.

Mr. PENROSE. The course which I desire I believe to be the usual course, to have the measure read before further consideration is given to it. I therefore ask that the reading of the bill be proceeded with.

The PRESIDENT pro tempore. The question is on agreeing to the first amendment reported by the committee.

Mr. GALLINGER. Mr. President, I want some information concerning that amendment. I have been unable, in the limited time that I have found it possible to give to the consideration of this bill, to discover any valid reason why this tax should be increased from $1 to $3. It is what is known as the head tax. The House of Representatives, in its wisdom or otherwise, increased the tax from $1 to $1.50, and the Senate in its judgment recommends a further increase to $3.

I find, Mr. President, among my papers that during the last session, when this bill was under consideration, or was about to be considered, I made some notes on this particular point, which I will take the liberty to inflict upon the Senate. As I understand the matter, the head tax is a charge against the transportation company and not against the alien, so that it has no influence in restricting immigration.

Under the present law the head tax is charged only against the steamship companies bringing aliens to seaports of the United States. The following are the provisions of law in respect thereto:

> That there shall be levied, collected, and paid a duty of 50 cents for each and every passenger, not a citizen of the United States, who shall come by steam or sail vessel from a foreign port to any port within the United States. The said duty shall be paid to the collector of customs of the port to which such passenger shall come, or, if there be no collector at such port, then to the collector of customs nearest thereto, by the master, owner, agent, or consignee of every such vessel, within twenty-four hours after the entry thereof into such port. (Sec. 1, act approved August 3, 1882.)

That statute was amended August 18, 1894, so as to read:

> That the head money from alien passengers on and after the 1st day of October next, collected under the act of August 3, 1882, to regulate immigration, shall be $1 in lieu of the 50 cents as provided in said act. (An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes. Approved August 18, 1894.)

Mr. President, this has been the uniform practice, as I understand the matter, since the passage of the first immigration law; and it seems to me ill advised, to say the least, to make this change arbitrarily without the most careful study and investigation of the subject.

Mr. MORGAN. Mr. President, may I ask the Senator from New Hampshire a question right there for information?

Mr. GALLINGER. Certainly.

Mr. MORGAN. Is there any law making any special disposition of this head tax for a special purpose, or does it go into the Treasury generally?

Mr. GALLINGER. My opinion is that it goes into the Treasury generally. The suggestion, I think, is made in the report of the committee that there will be some extra expenses connected with the administration of the amended law, and hence they think it is desirable to get more money out of what is called the head tax. I think there is very little force in the suggestion.

The committees of both Houses seem to have assumed that the failure of Congress in the past to impose the head tax on aliens crossing the frontier was an oversight, whereas as a matter of fact Congress for twenty years has refused to make this charge for good and sufficient reasons; and in 1884 Congress took notice of the fact that the head tax did not apply to aliens entering the country by land carriage.

Mr. President, that is one of the objections I have to this proposed legislation, that while heretofore the tax has been charged against the steamship companies—and the railroads, as I understand, have some understanding with the steamship companies—now it is proposed to impose it upon every alien that crosses the frontier in a railroad train or by any other mode of carriage. I think I shall be able to show that it is not only to be a great burden, but it is to be an inconvenience that the traveling public on the northern border will not submit to with very good grace.

The provision of the law to which I have just called attention is:

> That until the provisions of section 1, chapter 376, of the laws of 1882, shall be made applicable to passengers coming into the United States by land carriage—

Which never has been done—

> said provisions shall not apply to passengers coming by vessels employed exclusively in the trade between the ports of the United States and the ports of the Dominion of Canada or the ports of Mexico. (Sec. 22 of the act approved June 26, 1884.)

To understand the effect of the imposition of the head tax on passengers coming overland, let me cite an illustration, and if I do not state it correctly some member of the committee will of course point out the mistake that I shall make.

A tourist coming over the Canadian border is usually not a citizen or resident of Canada, and the railroad company will be taxed $3 every time a tourist crosses the line into the United States. I ask the chairman of the committee if that is his understanding of the bill?

Mr. PENROSE. That is not my understanding, Mr. President, of the effect of the bill.

Mr. GALLINGER. Is the Senator clear on that point?

Mr. PENROSE. I am perfectly clear on it, Mr. President.

Mr. GALLINGER. Now, let us see what the bill says:

> That there shall be levied, collected, and paid a duty of $3 for each and every passenger not a citizen of the United States or of the Dominion of Canada, the Republic of Cuba or of the Republic of Mexico * * * who shall come by steam, sail, or other vessel from any foreign port to any port within the United States, or by any railway or any other mode of transportation from foreign contiguous territory to the United States.

Now, Mr. President, if my contention is not correct, then certainly I fail to grasp the meaning of that language; but it is so clear that I must insist that my interpretation of the language is the correct interpretation.

Mr. LODGE. Will the Senator allow me?

Mr. GALLINGER. Certainly.

Mr. LODGE. The law makes the same application to persons coming over the border that it makes to other persons coming into this country. A tourist coming into this country from a foreign country is not an alien immigrant. For instance, the tourist coming from England by way of the port of New York does not come within the law applying to alien immigrants coming into this country.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER (Mr. PETTUS in the chair). Does the Senator from New Hampshire yield to the Senator from Ohio?

Mr. GALLINGER. I yield with pleasure to the Senator from Ohio.

Mr. FORAKER. I simply want to make an inquiry. I understood the Senator from Massachusetts [Mr. LODGE] to make a statement just now to the effect that this provision if enacted will not apply to any but alien immigrants. I do not find any provision in this bill that so restricts its application. The provision is that there shall be a tax of $3 paid by every passenger——

Mr. GALLINGER. Every passenger; certainly.

Mr. FORAKER. That may come into the United States. That, as I understand it, will include every kind of person—tourists, business men, and everybody else—all classes. Is it the purpose of the framers of the bill that the tax shall be imposed on all classes, or is it to be restricted to immigrants?

Mr. GALLINGER. Just there I want to emphasize that. The Senator from Massachusetts [Mr. LODGE], I fear, has not read the bill, although the Senator from Pennsylvania [Mr. PENROSE] has told us that it is the Lodge bill, which it is not.

Mr. LODGE. I have read the bill a great many times. It does not follow that I have not read the bill because my interpretation of it is not the same as that of the Senator from New Hampshire.

Mr. GALLINGER. Certainly not; but nevertheless the bill says:

That there shall be levied, collected, and paid a duty of $3 for each and every passenger.

That is what it says. It does not say "alien immigrant" or immigrant of any description, but a "passenger." I insist that my interpretation of the bill is the correct interpretation, and I want to give an illustration.

A railroad company under that bill would be taxed $3 every time a tourist crossed the line into the United States, and as a glaring instance of the injustice that would result let me say that if a party of tourists wished to go from Toronto, in Canada, to Niagara Falls, N. Y., the fare for the round trip being 50 cents by boat, under the proposed law the transportation company would have to pay $3 for every passenger.

Now, I will make another illustration——

Mr. PENROSE. Will the Senator permit me to interrupt him there?

Mr. GALLINGER. Certainly.

Mr. PENROSE. If the committee had had an opportunity to perfect the bill by proceeding with the reading of it and having the committee amendments and other amendments which I have, as chairman of the committee, to offer acted upon, there could have been no misapprehension regarding the matter. I had intended putting the word "alien" before "passenger," it having been inadvertently omitted there, as is shown by the fact that that language occurs in line 13—"alien" passenger—thereby removing the apprehension which the Senator has, and very properly has, from the present wording of the bill.

Mr. GALLINGER. The Senator has received light, Mr. President. A moment ago, when I asked the Senator to make a statement as to the purpose of the bill and to tell the Senate what amendments were proposed, it was declined, and we were told that we must proceed with this bill and act upon these amendments. Now the Senator discovers that the bill is imperfect in its very first sentence almost, and he proposes to amend it, and I hope he will offer his amendment. I do not think, however, that his proposed amendment will cure the difficulty.

Mr. PENROSE. I have not had an opportunity to offer the amendment.

Mr. GALLINGER. The Senator had all the opportunity in the world. I asked the Senator to offer his amendment, and I asked the Senator from Massachusetts [Mr. LODGE] to tell the Senate what his amendments were to be, and they declined, on the ground that the proper procedure was to read the bill and act upon the amendments that are proposed by the committee.

Mr. LODGE. I think that is the proper procedure, if the Senator will allow me.

Mr. GALLINGER. It is not the proper procedure. It is almost the universal practice in the Senate when amendments are to be offered to have them sent to the desk, read, and printed for the information of the Senate.

I am going to give one further illustration——

Mr. FORAKER. Will the Senator allow me to interrupt him there?

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Ohio?

Mr. GALLINGER. Certainly.

Mr. FORAKER. The suggestion I want to make is that the amendment which the Senator from Pennsylvania says he proposes to offer will not help the matter.

Mr. GALLINGER. Not a particle.

Mr. FORAKER. As the bill now stands, it applies only to those who are aliens, for the language of the bill is that "every passenger not a citizen of the United States"——

Mr. GALLINGER. Exactly.

Mr. FORAKER. That would describe any alien. To put in "alien passengers, who are not citizens of the United States," would not change the effect of it, I submit. I think there ought to be some such language as "all immigrant passengers." if that is a broad enough term to cover the purpose we have in mind. But certainly some limitation of that kind ought to be imposed.

Mr. LODGE. Will the Senator allow me?

Mr. GALLINGER. I yield to the Senator from Massachusetts.

Mr. LODGE. If the Senator will kindly allow us to go on with the amendments, I think he will see that there is no intention on the part of the committee to leave any such point doubtful. I do not myself think that tourists would be interfered with any more than they are under the present law; but to avoid any danger of that it is my intention to offer on behalf of the committee, on page 2, at the end of this section, the following:

The head tax herein provided for shall not be levied upon aliens in transit through the United States, nor upon aliens who have once been admitted into the United States and have paid the head tax who later shall go in transit from one port of the United States to another through foreign contiguous territory.

The first sentence of that amendment covers entirely, I think, any objection of the Senator from Ohio [Mr. FORAKER] and of the Senator from New Hampshire [Mr. GALLINGER].

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Ohio?

Mr. GALLINGER. Certainly.

Mr. FORAKER. If the Senator from Massachusetts will allow me, I want to insist that the word "immigrant" is a much more expressive and appropriate term to accomplish what is desired than any other that has been suggested. The language employed by the Senator, which he proposed to put at the end of this section, is open to construction. That of itself is enough, I think, to lead to its rejection. If you insert the word "immigrant," everybody will understand what is meant; that is a fixed and definite term, and all who come as immigrants within the meaning of this law would pay whatever tax we see fit to impose, whether $3 or $1.50. But if you propose to put in any other kind of language there, you will very likely impose that tax upon those on whom we do not desire to impose it.

Mr. HOAR. If the Senator from New Hampshire will permit me to make a suggestion in the line of what the Senator from Ohio has just said, if it does not inconvenience the Senator from New Hampshire, I should like to do so now.

Mr. GALLINGER. I yield to the Senator with pleasure.

Mr. HOAR. I understand the committee having this bill in charge is in session. I suppose no member of the committee will understand that any suggestion that is now made amounts either to criticism of the work of the committee or a desire to embarrass it in any way. Mechanism of this kind is like a great mechanical machine. No matter how careful the inventor was to perfect it, difficulties will come up in regard to its workings, great or small, when it is submitted to other hands than those of the inventor. If the committee are, as I understand, in session while this bill is going on from day to day, perhaps they will at their next session give some consideration to these matters.

The immigrant who comes here in an emigrant ship is, with the exception of the Englishman, including passengers from Scotland and Wales, covered by this language if he is a person of a different nationality from ours. So you do not have so much difficulty. But in making a system for the Canadian border, where, in some cases, people cross and recross from Montreal into New York or Boston, it is a very different thing.

If the officials at all these ports are to collect this tax, to use the language of the bill as it is now, for each and every passenger, with the exception of citizens of the United States or Canadian citizens, or citizens of the Republic of Cuba or of the Republic of Mexico, or bona fide residents, etc., how are they going to ascertain the facts in the brief time that a railroad train is detained at the border? In the case of a ship you can examine the passengers; you have got the ship's registry. But in the case of passengers by rail you have not got any registry, you have not got

any detention of the vehicle in which they are brought into the United States, and you have not got any mode of ascertaining the facts. How, then, are you going to settle the question of citizenship?

The Commissioner-General of Immigration, under the thirty-fourth section, is to provide rules for the entry and inspection of aliens, but that is a pretty large power to give to a subordinate officer in the control of and interference with passengers by rail along our Canadian border. It seems to me that the bill itself should contain some solution of that problem and not leave it to this official. Very likely, on consideration, the committee will think that it is not practicable to go any farther, but I make this suggestion for their consideration at their meeting.

Mr. FAIRBANKS. The Senator will observe that the rules which are to be made by the Commissioner-General of Immigration are to be made under the direction and with the approval of the Secretary of the Treasury.

The PRESIDING OFFICER. The Senator from Indiana is out of order.

Mr. HOAR. I will yield, if I may, vicariously to the Senator from Indiana and make him in order.

The PRESIDING OFFICER. The Senator from Massachusetts yields to the Senator from Indiana.

Mr. FAIRBANKS. I beg pardon of the Chair. I have already said all I desire to say.

The PRESIDING OFFICER. The rule is that Senators should address the Chair.

Mr. HOAR. Mr. President, I think the committee ought to find, if they can, some other method of dealing with this question than that of allowing an official in the Department, whether with or without the approval of the Secretary of the Treasury, to stop indefinitely every railroad train that comes over the border from Canada, or to take out of a railroad train any passenger that he may see fit, while he is settling or deciding a disputed question about his residence or his domicile or his citizenship.

Mr. GALLINGER. I take it, Mr. President, that I am strictly within the rules of the Senate if I indulge upon this amendment in a discussion that will be somewhat broader than the amendment itself; and I am glad that the Senator from Massachusetts [Mr. HOAR] has called attention to the fact that if this bill becomes a law it will impose all sorts of difficulties and wrongs upon transportation companies that are plying between the Dominion of Canada and the New England States.

Mr. HOAR. And New York and Michigan.

Mr. GALLINGER. And New York, and also Michigan. In Europe, before a steamship sails——

Mr. FAIRBANKS. Will the Senator allow me to interrupt him?

Mr. GALLINGER. Certainly.

Mr. FAIRBANKS. I am not fully advised upon that point, but does the Senator know whether that is not practically the system that is in vogue now?

Mr. GALLINGER. As I read the existing law, this matter is now determined with the steamship companies, and it is not imposed upon the transportation companies that carry these alien immigrants or passengers, or whatever they may be called, across the Canadian border.

Mr. FAIRBANKS. But are not the regulations arranged between the Immigration Bureau, steamship companies, and railroad companies subject to the approval of the Secretary of the Treasury?

Mr. GALLINGER. There may be some regulations that I am not familiar with——

Mr. FAIRBANKS. I think they are subject to approval.

Mr. GALLINGER. I will call attention before I get through to section 10 of this bill, which I think imposes a burden which is not only oppressive, but unjust in the highest degree, upon the transportation companies. Of course if it is the purpose—and I take it it is not the purpose; and I want to withdraw any suggestion I have made which might seem to be a criticism upon the committee for the work they have done; I know how intelligent, how laborious, and how faithful they are to the trust imposed upon them in considering this great question; but nevertheless they may have made mistakes, as I make mistakes in the work of the committee that I chance to be in charge of—I was about to say that if it is intended to abolish the present inspection as it is now carried on in the ports of the United States, as the immigrant authorities have suggested in some publication it is intended to do, and move it to the frontier, why, then, Mr. President, those of us who are interested in the frontier traffic, or rather interested in behalf of our constituents in that matter, have a right to know that this is not going to work the great disadvantage and wrong that it appears to me it will necessarily do.

If the inspection is to be made on the line that divides Canada from New England, for instance, or from Michigan, or from New York, it is very important that we should understand the precise consequences that will flow from that change. At the present time it is, I believe, made at Quebec in the summer and St. Johns, New Brunswick, and Halifax, Nova Scotia, during the winter; and there it is determined whether these people shall enter the United States or not. If it is to be transferred to the border, we want some protection to our transportation interests, and we have a right to demand it.

As an illustration, let me call your attention to section 10 of this bill. It may be something of a digression, but I am going to talk about this matter in a desultory way, and perhaps talk a little more definitely as the different sections are reached. Section 10 says:

> That it shall be unlawful for any transportation company or the owner, master, agent, or consignee of any vessel to bring to any port within the United States any alien afflicted with a loathsome or with a dangerous contagious disease; and if it shall appear to the satisfaction of the Secretary of the Treasury that any alien so brought to a port of the United States was afflicted with such a disease at the time of foreign embarkation, and that the existence of such disease might have been detected by means of a competent medical examination at such time, such transportation company or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $100 for each and every violation of the provisions of this section.

Now, Mr. President, I want to know, as a matter of information, how the Boston and Maine Railroad, for instance, is going to ascertain when they sell a ticket to a passenger at Sherbrooke, Canada, which is almost on the border, for any port in the United States, whether the passenger is afflicted with a disease or not? The railroad company has no power to compel an examination on Canadian soil; and if the railroad company had such power, I submit it would be an extraordinary spectacle to compel every immigrant, or, as this bill says, "every passenger," to submit to such examination to ascertain whether he had a disease or not. As I read the bill, it is going to be a tremendous burden upon some transportation companies, if, indeed, it does not become absolutely unendurable. It does seem to me that this distinguished committee, with its wisdom and its earnestness for the passage of improved immigration measures, might devise a bill that would be less burdensome on the transportation companies on the New England border.

Recurring to the first amendment, I am not disposed to contest it any further. I presume the Senate will adopt it and it will go into conference, but I want to say that in my investigations, which have not been very thorough, because I have been busy in other matters, I have utterly failed to discover any valid reason why at the present time the head tax should be increased from $1 to $3. The House has increased it from $1 to $1.50, and I submit that unless some evidence is forthcoming showing that there is a necessity for a head tax higher than that, unless it can be shown that the Treasury is suffering in some way and that we need this $2 extra above what the present law imposes, then we ought not to impose it upon these people or upon these transportation companies.

With that statement, Mr. President, and with the knowledge that if the amendment shall be adopted by the Senate it will go into conference between the two Houses, where it very likely will be satisfactorily adjusted, I shall interpose no further objection. But as other sections of the bill are reached I shall endeavor to get some further light on the subject.

The proposed amendment to which the junior Senator from Massachusetts [Mr. LODGE] has called attention will undoubtedly to some extent remedy the difficulties of which I complain, but I quite agree with the Senator from Ohio [Mr. FORAKER] that the term "alien passenger" will not cover the difficulty and that it would be very much better to use the term "immigrant." I think the definition of the term "immigrant" is a person who comes into the country for the purpose of remaining.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Ohio?

Mr. GALLINGER. Certainly.

Mr. FORAKER. If it will not interrupt the Senator, I will read the definition of the term.

Mr. GALLINGER. It will not interrupt me at all. I should like to know just what it is.

Mr. FORAKER. The Century Dictionary gives as one of the definitions of the word "immigrant" a foreigner who enters a country to settle there.

Mr. GALLINGER. That is what I supposed.

Mr. FORAKER. That is its well-settled meaning, and it seems to me to insert the word "immigrant" before the word "passenger" makes all else unnecessary. It is simplest; this is denominated an immigration bill; and the term, aside from the dictionary definition, has a well-understood meaning in the statutory law of the country and in the practice of regulating immigration.

Mr. LODGE. Mr. President, in regard to the last point raised by the Senator from Ohio [Mr. FORAKER] and the Senator from New Hampshire [Mr. GALLINGER], I will say that this bill of

course is intended to affect only immigrants, and it seems to me that in order to make it clear beyond a doubt it is better to use that word. The immigrant whom we desire to reach is the man who comes with the intention of remaining. We are not seeking to hamper tourists, but we seek to reach the immigrant class, and I think it would be just as well, in fact, I think it would be better, to use that word.

Now, Mr. President, as to the head tax. The committee were satisfied last spring that the present head tax, although it has hitherto proved sufficient, would very soon prove insufficient, and that it was necessary to have an increase of that tax, and their opinion has been justified by the course of events. The State of New York has refused very recently to take any more diseased immigrants into its hospitals. So many have come that it has become an immediate necessity of the Government to have proper hospital accommodation at the port of New York. That alone adds heavily to the necessary expenditures of the immigration department.

In the second place, it is absolutely necessary to increase the force along the border. That is in the interest of the transportation companies quite as much as it is in the interest of the immigrants and of the Government. At this moment and for months passed diseased immigrants, persons afflicted with loathsome and contagious diseases, insane persons, idiots, epileptics, who, under the laws, have been rejected at our ports on those grounds, have gone around through Canada and come into the United States in that way, owing to the absence of proper inspection at the border.

I am quite as much interested in the welfare of the transportation companies of New England as is the Senator from New Hampshire, as he well knows, but I do not believe it is for the welfare of those companies or for the welfare of the people of New England or of the United States that immigrants afflicted with contagious and loathsome diseases, who have been rejected at the port of New York, should be brought around into this country over the Mexican or Canadian border. We were told this very morning by the Commissioner of Immigration that immigrants now come over the Mexican border because we have been absolutely unable to place inspectors there, and if we can have a proper amount of money we can furnish a suitable inspection, which will be in the interest of all concerned. The Commissioner-General of Immigration, Mr. Sargent, and the inspector at the port of New York both testified before the committee this morning in the strongest terms that it was absolutely necessary that they should have more money from the head tax; that they had to supply not only the needs of the present, but had to have an eye to the future; that a very small decline in immigration at the present rate would produce a deficit. Hitherto there has been a surplus.

Mr. President, it has been the uniform policy of the United States to make the immigrants pay this small tax in order to meet the expenses which their own coming causes. The transportation companies and the steamship companies do not pay this out of their own pockets. They are admirable enterprises, but they are not philanthropic enterprises. They get back every cent of this tax out of their charge to the passenger. It all comes, ultimately, out of the immigrant. It is a very small tax, indeed. If we do not raise the money from the immigrants who come into the country, we shall have to tax the American people for it. It has been the policy of the Government to make the immigrants pay their own expenses, and I think it is a just policy.

We have this very year to spend in the neighborhood of a million dollars to supply proper buildings for the immigrant service at the ports of New York and Boston alone, owing to the great increase in the coming of immigrants. We are giving to those people the greatest privileges in the world in admitting them to this country and to the opportunities of American citizenship, and it seems to me it is only just that they and not the people of the United States should be taxed to meet those expenses. But to enforce the existing law, whether or not we pass a line of additional legislation, you must increase your head tax or tax the people of the United States. It seems to me only proper in this matter to be guided by the distinct declaration of the Commissioner-General of Immigration and the commissioner at the port of New York that they must have more money if they are to meet these expenses properly, and that the increase of diseased immigrants requires absolutely large additional expenditures at the port of New York for hospital service alone.

Mr. President, I can only rely on those gentlemen who are charged with this duty. I believe they are conscientious, careful men, and when they state to the committee that they regard it as of the utmost importance that there should be this slight increase—that is, not slight in increase, but the total amount is slight—I think it will be completely justified by the facts. I think we ought to give to the immigration service this increased amount of money. We must raise it in one way or the other, and I think it is only justice to impose it upon the immigrants themselves.

Now a word as to the transportation companies over the border, to which the Senator from New Hampshire has alluded.

Mr. GALLINGER. Will the Senator permit me for just a moment?

Mr. LODGE. Certainly.

Mr. GALLINGER. For information I wish to ask the Senator if there is a statute prohibiting the Treasury officials from using other money than that derived from the head tax for the purpose contemplated in this bill in the respect the Senator has been discussing?

Mr. LODGE. They can use no money except that derived from the immigration fund, into which the head tax is paid, together with certain sums that come from the sale of licenses for different purposes, and money directly appropriated by Congress.

Mr. GALLINGER. Just there, Mr. President, I will ask the Senator if he really apprehends that if there was a slight deficit in this matter there would be any difficulty in getting an appropriation from Congress for this purpose?

Mr. LODGE. I do not apprehend that there would be any difficulty. It is not that I fear the service is going to stop. I have not any doubt that we shall appropriate this year out of the Treasury, paid by the people of the United States, $500,000 to build a hospital at Ellis Island, $90,000 to give them a ferryboat, and $40,000 to give them a tugboat, all of which are absolutely necessary at that great port; and that we shall spend some money to make at Boston a place where we can absolutely shelter immigrants, which does not exist to-day; but I do think it is a matter of justice that those people who come in and get so much should pay something toward their own expenses.

I am not so tender about taxing the immigrant. I think he can afford to pay something when he comes into this country, and I can not see why the alien should be relieved and the citizens of the country who carry the whole burden should also have the burden of providing for him. It is not that I fear that we shall not get the money for the immigration service. It is because I believe the money ought to be got in the proper way, along the general line of policy which the Government has always pursued hitherto in all its immigration legislation.

Mr. President, in regard to the matter of which the Senator from New Hampshire spoke, about immigrants coming over the border from Canada, I should be the last to wish to put any obstruction or any difficulties in the way of those transportation companies. Those great companies are of the utmost importance, and their business is of the utmost importance, not only to my State, but to New England, for all our interests there are bound up together, but I do think it is all wrong that immigrants rejected at the port of New York should be enabled to come around through Canada and slip in over the border there. There is not the slightest desire on the part of any of the committee—and I am sure the Senator from New Hampshire realizes that—to put burdens or annoyances in the way of the transportation companies. All we desire to do is to shut out at the borders the same class of people that everybody agrees it is well to shut out at the port of New York.

We impose heavy burdens upon the steamship companies coming to New York, Boston, Philadelphia, Baltimore, and New Orleans in regard to this matter of incoming immigrants. Now, the effect of the present situation is to turn the immigrants away from the lines plying directly to our own ports and to send them around by the Canadian lines. If that were all it would merely be a matter of competition between different lines of transportation; but the injustice of it is that men come over the border whom the best opinion of the United States, formulated in law, has decided should be excluded from this country. The commissioner of immigration at New York testified this very morning before the committee that men rejected at New York on account of loathsome and contagious diseases and others who were excluded under existing law were slipping around by Canada in increased numbers all the time, defeating in that way the very purpose of our legislation.

The committee desires only to make the bill practical, not to make it burdensome on the railroads. The object is to secure some proper inspection, so that immigrants whom it is and has been the policy of this country for years to exclude shall not get in at one door when another door has been shut to them. That is the whole purpose of the bill.

Mr. HALE. I am interested in what the Senator from Massachusetts says. How does the immigrant who comes to the port of New York and is there rejected get an opportunity to come through Canada? Where does he go?

Mr. LODGE. He is deported under the law.

Mr. HALE. That is, sent back to his place?

Mr. LODGE. To the port of departure. He then takes a Canadian steamship and comes through.

Mr. HALE. The port of departure is in Europe?

Mr. LODGE. In Europe.

Mr. HALE. So he must go back to Europe and then start again and land again on this side?

Mr. LODGE. I suppose that is the way. I did not ask the Commissioner what line the immigrant took.

Mr. HALE. As the Senator stated it, it is a very objectionable thing, but it struck me that probably it is not often done, because the course to be pursued and the pains to be taken would deter an immigrant.

Mr. LODGE. The Senator will understand that they have found persons who have done just that thing, who have gone around; that is, actual persons who have been rejected at New York and who have worked around through Canada. Of course they are a comparatively small number.

Mr. HALE. Yes, I suppose so.

Mr. LODGE. But the effect is to increase the coming of that class of persons directly through Canada. They take the lines from Europe to the St. Lawrence and come down. It has become so bad, it has become such an abuse, that within a very few days Canada has passed some very stringent regulations in regard to that class of immigrants, which, I think, will be of great service to us. That shows how much that practice has extended. It is advertised abroad, as we are informed by the commissioners of immigration, that persons can get into the United States over the border without an examination. They are publicly notified. It is turning the stream of objectionable immigrants—I am speaking of those objectionable under existing law and not under any change proposed here—over the border instead of through the ports, where the inspection is pretty thorough.

Mr. HALE. I am interested in this matter because my own State projects into Canada and New Brunswick and has a great length of international border line. Now, is it the fact, the actual fact, the dangerous fact, that transit from Canada to this country by an immigrant is easy without proper examination?

Mr. LODGE. It is to-day. It is an easy thing. At the Mexican border there is no inspection at all, and it is an easy thing, as I understood from the Commissioner-General of Immigration this morning; and he also said it was an easy thing to get in from the Canadian border. They have been improving the service this summer. They have been putting more inspectors along the Canadian line. They have put on a special man, Mr. Watchorn, to take charge of the whole line of frontier on the north. That is one of the reasons for the additional expenditures to which I have alluded.

Mr. HALE. I am aware they have done that.

Mr. LODGE. They have done that because the abuse became so great.

Mr. CARMACK. How does this bill propose to deal with that matter?

Mr. LODGE. The bill proposes to deal with it only by giving the department additional money and by certain small administrative arrangements. There is very slight change in the law in that way.

Mr. HALE. The main thing is to give more money to provide a proper force.

Mr. LODGE. Yes.

Mr. HALE. That is it.

Mr. LODGE. It will have to be provided by Government appropriations or from the head tax.

Mr. HALE. I should like to see some legislation which would secure a proper enforcement of the provisions of the law on the land, not at the seaports. They are taken care of.

Mr. LODGE. The seaports are taken care of. That is the only purpose here. There is no purpose of persecuting a railroad or interfering with its legitimate business or holding up its passenger trains. The only object is to keep out immigrants who are kept out at other ports and for whose admission the border is being used. As I said, it has become such a serious abuse that Canada herself has passed some very strict laws in regard to it, because the looseness of the administration on our border—I do not mean at this moment, but within a year or two—was such as to turn the stream of objectionable immigration into Canada.

Mr. GALLINGER. Mr. President, my opinion is that there is to-day less need of money for this purpose than there was a year ago. The Senator from Massachusetts [Mr. LODGE] says that upon the authority of the Commissioner-General of Immigration he can say that immigrants rejected at the port of New York are deported to Europe and then return through Canada and get into the United States.

Mr. LODGE. The Senator will excuse me for a minute. I did not mean to say they came in that way. I expressly said that I did not know how they did it. What I did say was that the commissioner of immigration of the port of New York had stated explicitly to the committee this morning that immigrants rejected at New York came into this country through Canada. How they did it he did not explain, and I did not think to ask him.

Mr. GALLINGER. Of course they were deported, if the United States officials did their duty, and then they purchased another ticket and came through Canada and got into the United States.

I quite agree with the Senator from Maine [Mr. HALE] that those cases must be very small in number—about as frequent as angels' visits are to people who have no communion with angels. I think it is simply a visionary fear and that there is nothing to substantiate it.

I think we need less head-tax money than we are now collecting, rather than more. The Senator from Massachusetts has called attention to the fact that Canada has legislated on this subject. He said Canada legislated a few days ago. It was not long ago. Canada, on the 8th day of September of the present year, issued a proclamation which I should like to have read, in order that it may go into the RECORD. It will be seen that because of the action Canada has taken there is now very much less danger of infected or diseased immigrants getting into the United States over the Canadian border than there was prior to the 8th day of September. In fact, if Canada enforces that provision of law, as Canada is in the habit of enforcing her laws, the danger will be reduced to a minimum, as there will be under that law an almost absolute impossibility of any diseased immigrants reaching the United States from Canada. I should like to have the Secretary read the proclamation.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

CANADA.

Edward the Seventh, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, King, Defender of the Faith, Emperor of India, to all to whom these presents shall come or whom the same may in any wise concern, greeting:

A PROCLAMATION.

E. L. NEWCOMBE,
Deputy of the Minister of Justice, Canada:

Whereas in and by an act of the parliament of Canada passed in this second year of our reign, and entitled "An act to amend the immigration act," the said immigration act is amended by inserting the following section immediately after section 24 thereof:

"24A. The governor-general may, by proclamation or order, whichever he considers most expedient, and when ever he deems it necessary, prohibit the landing in Canada of any immigrant or other passenger who is suffering from any loathsome, dangerous or infectious disease or malady, whether such immigrant intends to settle in Canada or only intends to pass through Canada to settle in some other country.

"2. Such prohibition may be absolute or may be accompanied by permission to land for medical treatment only, for a period to be determined as provided by order or proclamation."

And whereas in and by the said first-mentioned act it is further in effect provided that any person landed in Canada from a vessel in contravention of the immigration act or any order in council or proclamation lawfully issued thereunder, or any person landed for medical treatment who remains in Canada in contravention of such order or proclamation, may be apprehended, without a warrant, by any immigration agent or other government officer, any may be compelled to return or be taken on board the vessel, and by force, if necessary; and every owner or master of a vessel who violates the provisions of this act, or who aids or abets any immigrant or passenger in acting in contravention of such order or proclamation, or who refuses or neglects to take back on board the vessel any such immigrant or passenger, shall incur a penalty not exceeding ten hundred dollars and not less than one hundred dollars in the case of each and every of such immigrant or passenger.

Now know ye that by and with the advice of our privy council for Canada we do hereby absolutely prohibit the landing in Canada of any immigrant or other passenger who is suffering from any loathsome, dangerous, or infectious disease or malady, whether such immigrant or passenger intends to settle in Canada or only intends to pass through Canada to settle in some other country, and who in the opinion of our minister of the interior of Canada, or of any officer to whom he intrusts the matter, should be so prohibited: *Provided*, That any such immigrant or passenger may be permitted to land in Canada for medical treatment only, for such period as the said minister or such officer may deem reasonable and sufficient to effect his cure.

Of all which our loving subjects and all others whom these presents may concern are hereby required to take notice and to govern themselves accordingly.

In testimony whereof we have caused these our letters to be made patent and the great seal of Canada to be hereunto affixed.

Witness our right trusty and right well-beloved cousin and councilor the Right Honorable Sir Gilbert John Elliot, Earl of Minto and Viscount Melgund of Melgund, County of Forfar, in the peerage of the United Kingdom: Baron Minto of Minto, County of Roxburgh, in the peerage of Great Britain: Baronet of Nova Scotia, Knight Grand Cross of our most distinguished Order of St. Michael and St. George, etc., Governor-General of Canada.

At our government house in our city of Ottawa this 8th day of September, in the year of our Lord 1902, and in the second year of our reign.

By command.

JOSEPH POPE,
Under Secretary of State.

Mr. GALLINGER. Inasmuch as Canada has within three months legislated on this subject and proposes to have as strict a supervision over immigrants as the United States has, a much smaller number of these people will reach our borders, and hence there will be occasion to expend less rather than more money than we have done in the past.

Mr. FAIRBANKS. Mr. President, the action of the Canadian government, to which reference is made, was before the Commissioner-General of Immigration when he advised the committee that the increase of the head tax was necessary to enable our Government to properly execute the immigration laws. The

Commissioner-General, in his report for the year ending June 30, 1902, says:

It is with unmixed gratification that the Bureau reports recent action by the parliament of the Canadian Dominion excluding from admission thereto aliens afflicted with loathsome and dangerous contagious diseases. This legislation has not as yet been put into operation by order in council, but it is learned that it soon will be, and the Bureau feels assured that when such action is taken the most discouraging factor in the administration of the provisions of the immigration laws for the exclusion of disease will have been removed.

Mr. President, the junior Senator from Massachusetts [Mr. LODGE] has expressed in the main the views I entertain upon the measure now under consideration. I do not believe the head tax should be onerous or that it should be imposed for any ulterior purpose. I do believe that the immigrant should himself bear all of the expense necessary to administer our immigration laws. If buildings are needed for an immigrant station; if hospitals are necessary at ports of entry for the purpose of caring for the aliens afflicted, I believe the expense should be borne, not by the people of the United States, but by those who are desirous of entering this country and enjoying our hospitality. There is an equity in it, Mr. President. It seems to me it would be unjust were we to impose this burden upon our own people.

What is $3 for admission into all the privileges which Americans enjoy? It is certainly a very moderate tax, and one which can be easily borne and which will be cheerfully paid when it is remembered that it is to be used to maintain the immigration service. The fact is shown by testimony before the committee, as stated by the junior Senator from Massachusetts, that largely increased expenses will be incurred in the enforcement of the laws along the Canadian border and along the Mexican border as well.

Then it will be observed that there is an imperative demand for additional facilities at the port of New York and also at the port of Boston. Permit me to read a paragraph from the report of the Commissioner-General of Immigration as to the necessity of increased facilities at Boston:

The port next in importance to New York is that of Boston. Not near so many aliens seek an entrance there as at the former port, but the number is nevertheless large, and the conditions involved in the enforcement of the law there are in some respects more embarrassing than at any other Eastern port. It receives, as New York also receives, alien passengers coming there at regular intervals by trans-Atlantic lines; but it also has what New York does not have to contend with—the embarrassment of handling passengers brought from Canadian ports.

Some of the latter are Canadians, of whom no head tax can be collected under the provisions of law, and some are Europeans who have resided a greater or less time in the Dominion. Besides these there is an unceasing flow of countless small craft, schooners, etc., coming from various points in maritime Canada and arriving at all times, inspection of each one of which must be made to detect and prevent violations of the immigration laws. It requires no argument to prove that these conditions are such as to tax the ingenuity, industry, patience, and good sense of the inspection officers, even if every aid in the power of Congress to provide were furnished at that port.

As a matter of fact, nothing has been furnished at Boston except a few office rooms on Long Wharf as a central meeting place for the officers, the conduct of clerical work and official correspondence, and the filing of records. The result is thus graphically stated in a report of Commissioner Billings, to whose unflagging energy and fidelity to the service it is a pleasure to bear witness:

"For the fiscal year ending June 30 instant, we shall have examined between 42,000 and 43,000 alien immigrants from trans-Atlantic ports. We shall also have examined about 20,000 aliens from Nova Scotian ports. These figures do not include American citizens in either case, which would swell the total by about 30,000. * * *

"At New York the immigrants are landed at one place. The boarding officers at that port examine (only) the cabin passengers aboard ship. At Philadelphia and Baltimore the passenger ships stop at one place. At Boston we examine the cabin passengers on the ship. But instead of discharging the immigrants at one central point, we have to go to at least eight different, widely separated docks to make our examinations.

"We also have to examine the Nova Scotia passengers at their docks and have to sign cattlemen at different places, so that we are liable to be at South Boston, East Boston, Charlestown, Chelsea, and the city proper the same day."

This condition seems sufficiently serious to call for reform simply in the interest of an effective economy of the services of administrative officers; but the importance of erecting a landing station is reenforced by the fact that detained immigrants must be kept on board the various vessels on which they were brought until their cases are finally disposed of. This means serious discomfort to the immigrants themselves, the wide separation at the same time of the inspectors and other officers, and the chance of a defeat of the purposes contemplated by the law through communication with and coaching by outside persons interested in landing proscribed aliens or their escape.

I have therefore to recommend that the subject be called to the attention of Congress, with the urgent request that an appropriation be made for the building of a suitable immigrant station at the port of Boston.

Mr. President, how much will be required to carry out the recommendation of the Commissioner-General I do not know, but, judging from our experience at Ellis Island, the sum will necessarily be large. In the interest of the service I visited Ellis Island a few weeks ago. There I discovered that the conditions are such as to call loudly and imperatively for a very large appropriation by Congress. Several hundred thousand dollars will be needed to enlarge the buildings and improve the facilities there in the interest of the immigrants themselves. Who, Mr. President, should bear all of this expense? It seems to me in all fairness and all kindness it should be borne by those who enter our ports from abroad for permanent residence in the United States.

There is no disposition, as I said before, to impose onerous conditions. Only those which are equitable and fair should be considered. I share the sentiment expressed by the junior Senator from Massachusetts that there is no purpose to impose hard terms upon the transportation lines doing business between Canada and the United States. There should be no provision of this law which would interrupt the freest possible passage across the border of the citizens of Canada and the United States. The bill is aimed at only one class of those who may seek to cross the Canadian border, and that is those immigrants from noncontiguous countries who may seek to violate the expressed prohibitions contained in the laws of the United States.

If the bill presented by the committee is unduly restrictive, if it tends to interrupt the ready communication of citizens of contiguous territory with the United States, I know the committee will be obliged to the gentlemen who raise the question for any suggestions which will make the provisions entirely fair and adequate.

Mr. HOAR. I should like to ask the Senator from Indiana a question before he sits down, if it will be agreeable to him.

Mr. FAIRBANKS. Oh, entirely; it is entirely agreeable.

Mr. HOAR. I should like to preface it with a word or two. The Senator from Indiana, as I am glad to hear from him, has taken unusual pains to inform himself as to the mechanism by which the existing law is enforced. He has visited Ellis Island for that purpose, and his report is an interesting one.

Now, I understand that nobody is to be admitted over the border without the payment of this duty except citizens of the United States, Mexico, Canada, or Cuba, or bona fide residents "of the said Dominion or Republics for one year, continuously, prior to application for admission." Those exceptions are to be enforced when a railroad train comes into the United States with passengers.

Then, in addition to that, as now at seaports, the classes enumerated in section second—idiots, insane persons, the person who has a dangerous contagious disease, the person who has been convicted of a felony, polygamists, anarchists, persons who have been induced to come in by an agreement or contract for labor, and so on—are to be kept out absolutely. The others, not of the excepted classes, are to be kept out until they pay $3 apiece. That is to be done when a railroad train which crosses the border four times, perhaps, a day comes in from Canada.

Now, what I want to know, if the Senator will tell me, is what is the mechanism by which that is to be done? Is it proposed to have a mechanism like that which is established at a seaport, which the Senator has described, with its buildings, its physicians, its hospital service, its protracted examination in the case of a contagious disease? There is to be the ascertainment in some way of the question whether the man who presents himself has been a bona fide resident in Canada for a year and whether he is one of the persons prohibited by reason of his opinions or character or previous life?

Is there any existing mechanism which is adapted to a railroad train by which all the men who paid for their tickets over the border are to be sifted out? If not, is it safe, within any legislative precedent, to give practically to the Commissioner-General of Immigration the vast power to construct all this mechanism and incur all this expense?

Now, there is my trouble with this matter, which I suppose the Senator can remove.

Mr. FAIRBANKS. The Senator will appreciate that it is impossible, by any statute, to prepare all of the details and mechanism necessary to carry into effect a great law like this. We can lay down certain general principles, but when we come to carrying those principles into effect we must repose somewhere a very large discretion.

The Senator will recall the amendment read a few moments ago by his colleague which he proposes to offer to the bill on behalf of the committee.

Mr. HOAR. I did not hear it.

Mr. FAIRBANKS. As it bears upon the matter concerning which the Senator interrogates me, I will read it to him:

On page 24, section 26, add at the end of the section the following:

"*Provided*, That nothing in this section or in this act shall be construed to prevent the Secretary of the Treasury from arranging from time to time, and it shall be his duty so to arrange, in accordance with existing contracts with railroad and steamship lines in foreign contiguous territory, or in accordance with such contracts as he may enter into in the future with such or other transportation lines, for the examination and payment of head tax of aliens landing in ports in said foreign contiguous territory and destined for the United States, such examination to be held at such ports or places in said foreign contiguous territory as the Secretary of the Treasury may designate. Such examination shall, in the discretion of the Secretary of the Treasury, dispense with the necessity for further examination at United States border ports under this act."

I think that meets the Senator's difficulty.

Mr. HOAR. Now, that is a good thing in itself. But suppose my honorable friend from Indiana goes to Toronto one afternoon from Buffalo, and looks around the city and comes back the same afternoon, as he did, and he happens to meet probably the only

man in the United States of whom it could be true, a customs officer who is not acquainted with his picture, which is represented so often in newspapers and periodicals. He is on his way from Toronto to Buffalo. What is he going to do to show that he is a citizen of the United States, that he is one of these excepted classes, and that he has not some microbe that will promote contagious disease? What is going to happen to him that minute, I should like to know?

Mr. FAIRBANKS. I think under the provisions of the proposed amendment that is a matter to be arranged——

Mr. HOAR. Will he be examined at Toronto?

Mr. FAIRBANKS. That is a matter the Secretary of the Treasury will determine.

Mr. HOAR. Very well.

Mr. FAIRBANKS. My understanding now is, and I make the statement subject to correction, that by arrangement or contract between the Treasury Department and the transportation lines doing an inter-Canadian and United States business, passengers on the trains are not subjected to the minute examination contemplated by the law. I think the Senator from New Hampshire [Mr. GALLINGER] is advised about that.

Mr. GALLINGER. I would not agree to that at all, Mr. President. It is made obligatory to see that they are not diseased, and I do not think——

Mr. FAIRBANKS. If the Senator will permit me——

Mr. GALLINGER. Certainly.

Mr. FAIRBANKS. Our officers are not stationed at the border.

Mr. GALLINGER. Oh, yes; they are going to be.

Mr. HOAR. They are going to be. That is the proposed law.

Mr. FAIRBANKS. While they may be stationed there, the amendment proposed by the junior Senator from Massachusetts expressly provides that all that international traffic shall be conducted under such rules as may be established between the transportation lines and the Treasury Department.

Mr. GALLINGER. But if the Senator from Massachusetts will permit me, I should like to suggest that the Secretary of the Treasury can not make a regulation that will govern the case the Senator from Massachusetts has cited, applying to the Senator from Indiana. He can only make general regulations, and if it is necessary to make those regulations why put the provision in the bill at all?

Mr. HOAR. I do not mean to say that I shall vote against the bill. We have heard nothing as yet from the committee, and I am merely raising questions as we go along for the sake of having it well protected, and not in any hostile spirit. But if my friend from Indiana will pardon me one moment and hear what I have to say, although it is only a repetition, I am rather an obscure person compared to my friend from Indiana, and if I go across to Toronto as he did once, which is the case I put, I do not quite like to have the question whether I have got to stay in quarantine until I can send home and get the evidence about my character depend on some regulation or contract which has been made between a railroad company and the Secretary of the Treasury. I do not think that would be a very safe thing to do.

Mr. FAIRBANKS. I should like to ask my distinguished and honorable friend from Massachusetts what would be his suggestion? Shall we exercise no control at the border? Shall we have no supervision? If we are to have any, what shall it be?

Mr. HOAR. I do not think I am bound to answer that question at this moment. I am not on the committee. I have not framed a bill. I have not undertaken to deal with this subject with the responsibility of enacting the form of a bill. All I ask is whether the committee do not think that there should be something more in the bill.

I confess I would rather have the existing law as it is applied to Canada, and as it has stood for a hundred or more years, except with certain modifications, continue ten years more than to have the things which it seems may occur under this measure happen to American citizens who are coming back from Canada. In the due course of business I ask the Senator whether the committee can not frame some mechanism which will prevent leaving that large and dangerous discretion to the Secretary of the Treasury, who has got ten thousand other important matters on his mind and who must of necessity practically take his direction and advice in this matter from subordinate officers? That is my query.

Mr. FAIRBANKS. Mr. President, the committee have no purpose that is in conflict with the object the Senator has in mind. They do not want to put anything in this bill that will interfere with the freest intercommunication between the people of the United States and the people of Canada. I am speaking only as an humble and obscure member of the committee, but it has been my opinion that the bill does not infringe upon that free communication.

We think we have left the door wide open. We have given the Secretary of the Treasury discretion so that while we are accommodating the free intercommunication of the citizens of the two countries we establish safeguards against the admission of aliens who are debarred by the provisions of our immigration laws. We do not wish that there should be an avoidance of our immigration laws by way of Canada. We have observed, as has been stated by the junior Senator from Massachusetts [Mr. LODGE], that many of those who have been excluded at the port of New York have subsequently entered the United States by way of Canada. The Senator agrees with me that that is wrong; that our laws must be enforced; that there must be no evasion of them. He agrees with me and with the committee that the distinctly prohibited classes here are properly excluded.

Now, what we want to accomplish by this law is to prevent these objectionable classes from coming across our northern border. It is not an easy subject to control, because we will have two classes seeking admission from the Dominion of Canada; first, the citizens of the Dominion who come upon proper missions, and then we will have those from Europe who are seeking to avoid our laws. The two classes offer themselves for admission into the United States at the Canadian border.

Mr. CULLOM. At the same time.

Mr. FAIRBANKS. Yes, sir; at the same time. There must rest in some authority, Mr. President, the discretionary power to say which shall be admitted and which shall be excluded.

I know it is a difficult subject to deal with. The committee, after giving careful consideration to the matter, have felt that there was no better and wiser or more effective way than to leave in the administrative officers the discretionary power to make such rules and regulations with the transportation lines crossing the border as would admit the one class and exclude the other without undue or vexatious interruption.

If we have not accomplished the desired result, the committee will be glad to receive from the honorable Senator from Massachusetts any suggestions which will make the law perfect. The honorable Senator has good opinions, much knowledge, and great facility in using the English language to accomplish the popular desire, and the committee will be delighted to receive from him any draft of an amendment to accomplish the object we all have in view.

Mr. FORAKER. Mr. President, before the Senator from Indiana quits this subject, I desire to ask of him, or of some one else who has been having this bill in charge, a question. I want to premise, however, by saying that I am not opposed to this measure. I believe that we ought to have some improvement in our immigration laws, and I hope this bill affords it. I am willing to be governed, as far as I can, by the judgment of the committee in that respect, but before I vote for this bill or any of the controverted propositions in it I want to understand it. That is the only reason why I rise to make some inquiry.

Before I put the question, I wish, however, to remark that I am not opposed, at least not as at present advised, to the sum fixed, of $3, to be paid by each immigrant who comes. I take it the committee have investigated that subject, and that they know the expenses to our Government to provide suitable regulations for immigrants coming into this country, and that they have fixed this amount with reference to that sum, as they have told us. I am not disposed to question their judgment in that respect.

Neither am I disposed to question the judgment of the committee that there should be some kind of suitable regulation of immigrants coming across the border from Canada and from Mexico. Just what those suitable regulations should be I do not know. It would seem from the remarks made by the Senator from Indiana that he has not any very well-defined idea except only that we should leave it to the administrative officers to work out the details. It may be that that is all that can be done by legislation.

But what I observe that gives rise to the question I want to ask is that in this bill it is provided that its provisions shall not apply to immigrants coming into the country from Canada or Mexico or Cuba who are citizens of those countries or who have lived there in good faith as residents of those countries for a period of one year prior to the time when they undertook to come into this country.

Now, what I want to know is whether or not the committee have considered one point. I suppose they have, and I should like to have their answer to the question that arises in my mind. Have the committee considered the question whether that provision is not in violation of the most-favored-nation clause of all our treaties of commerce and amity? It seems to me that it is.

I do not know, in the first place, Mr. President, why there should be any exemption of the provisions of this law in its application to objectionable classes of immigrants from Canada and Mexico and Cuba. I do not understand why a different rule should be applied to them from that which we are now establishing to be applied to immigrants from every other country. If a man be of the objectionable character which we are undertaking to legislate about in this bill, he ought to be excluded, no matter from what country he may come. That does not help his cause any.

I, as I said, rose simply to ask the question whether or not that has been considered and whether or not the committee are satisfied that it is competent for us to exempt immigrants coming from those countries from the application of this statute without violating our treaty obligations in the respect I have mentioned.

Mr. PENROSE. Mr. President, the committee has given some consideration to the point raised by the Senator from Ohio, and in the opinion of the committee this provision does not conflict with our treaty or international obligations. A point in relation to our treaty obligations was raised in connection with the legislation pertaining to the exclusion of the Chinese. This legislation is in the nature of police regulation. It is an effort on our part to keep out elements which will not assimilate with our population—alien elements, which lead to disorder if they get into our country. This legislation is for the protection of our domestic peace and upon broad lines of that character, regardless of treaty obligations or international obligations. As a matter of national self-preservation and national well-being we have a right to say who shall enter and who shall not.

Of course it would be possible to strike out these exceptions, but it would lead up to great inconvenience and discomfort. On the broad lines upon which this measure is based we are enacting legislation for our own domestic tranquillity and for the protection of American citizenship.

Mr. MORGAN. I wish to inquire whether it would be now in order to offer an amendment to the first section in the nature of a proviso. I wish to offer it and have it printed.

Mr. PENROSE. It can be offered by unanimous consent, I suppose, Mr. President.

Mr. CULLOM. Let it be printed, anyway.

The PRESIDENT pro tempore. Any amendment is legitimate if it be to a committee amendment; otherwise, under the unanimous-consent agreement, it would not be in order until the committee amendments are completed.

Mr. CULLOM. I think it would be well to allow the amendment to be printed, at any rate, so that we may know what it comprehends before we get to the point where the question is to be disposed of.

The PRESIDENT pro tempore. Undoubtedly it can be received and printed.

Mr. MORGAN. I give notice, then, that I will at the proper time offer the proviso which I send to the desk as an amendment to the first section of the bill, and I ask that it be printed.

The PRESIDENT pro tempore. Does the Senator desire to have it read?

Mr. MORGAN. I think it had better be read.

The PRESIDENT pro tempore. The proposed amendment will be read.

The SECRETARY. At the end of section 1 it is proposed to add the following:

Provided, That the several State and Territorial governments are authorized to deposit in the Treasury of the United States, from time to time, sums of money to be applied to the payment of the license tax of such immigrants as shall find homes within their borders; the money so deposited to be applied under regulations to be prescribed by the Secretary of the Treasury.

The PRESIDENT pro tempore. The amendment will be ordered to be printed and lie upon the table.

Mr. FORAKER. Mr. President, I have no desire at this time to enter upon a discussion of the question which I asked of the Senator having this bill in charge, but at a later time in the consideration of this bill I probably shall do so. I make that announcement simply because the answer the Senator from Pennsylvania [Mr. PENROSE] has made does not satisfy my mind on the subject. I have a very distinct recollection of the Chinese-exclusion bill and the discussion that we had when that bill was under consideration, but I do not remember that any such question as this was involved in that legislation. The legislation which we were then enacting was legislation under our treaty with China, and it was legislation the purpose of which was to give effect to our reservations of rights under our treaty stipulations with China. We had clearly an undoubted right in the exercise of our police power to enact the kind of legislation that was enacted in that instance. But this is not that kind of a case, as I understand it. I do not say this in a controversial sense, but only to apprise the Senator having the bill in charge of what is passing in my mind and why it is that I may want later to detain the Senate a few minutes to say something on the subject.

Here we are enacting legislation that is as broad as all the countries of the world combined, for it is to apply to all, and the exemption which we make in favor of Canada and Cuba and Mexico is not an exemption that can be said to be based on the exercise of the police power; but it is an exemption to one country in the nature of a favor, which is not extended to any other country excepting those countries that are named. We do not say that people of a certain class coming from Mexico or coming from Cuba or coming from Canada shall be subjected or shall not be subjected, as the case may be, to the provisions of this act; but we say this act shall have no application whatever to people, no matter of what class they may be, coming from those particular countries. In other words, it is a favor to those countries which, in the exercise of our police power, we deny to other countries, and it seems to me that it is a violation of that clause of our treaty.

I do not wish, however, to detain the Senate further at this time with regard to that matter, but later, if I should desire upon examination of the question to speak, I shall take the liberty of doing so.

Mr. PENROSE. Mr. President, I did not intend to convey to the Senator from Ohio the impression that the point raised by him was identical with the points raised in reference to the Chinese-exclusion legislation. I am fully aware of the fact that the questions were different. I meant to say that they were both questions pertaining to treaty obligations and international obligations, and that the answer to those objections was contained in the fact that this legislation is based upon broad principles of national self-preservation, and in the opinion of the committee it can be sustained on those grounds.

As regards the $3 head tax, after the explanations which have been given by the Senator from Massachussets [Mr. LODGE] and the Senator from Indiana [Mr. FAIRBANKS], it is hardly necessary for me to detain the Senate by any further remarks upon that subject; but it is a matter of absolute fact—whether it is the opinion of the Senator from New Hampshire [Mr. GALLINGER] or not—that the expenses of the Immigration Bureau can not be met by a per capita tax of $1.50. If the Senate is prepared to abandon the time-honored policy of the Government, which has been that the cost of the administration of this law should be defrayed from a fund collected from those benefited thereby, namely, the immigrants themselves, and if our own people are to have imposed upon them additional burdens in order to have this law executed, then I say let us continue the tax at $1.50; but if we are to adhere to that policy it must be made at least $3. Only this morning the Commissioner-General of Immigration and the commissioner of Ellis Island stated positively that the work of the bureau could not be continued at the present per capita tax.

Mr. GALLINGER. I would ask the Senator, with his permission, whether the tax is not now $1?

Mr. LODGE. It is $1 at present. The House of Representatives raised it to $1.50, and the Senate committee propose to make it $3.

Mr. PENROSE. If this bill should be enacted into law, the number of immigrant aliens admitted into the United States would be materially reduced, because that is the purpose of the legislation, and it is obvious that the immigration fund would be proportionately reduced. That reduction must be met, even if the fund is only to be kept at its present amount, by an increase in the tax. The Commissioner-General of Immigration does not rely upon theory or argument as to the future, but states positively that he will need for the running expenses of Ellis Island $315,000; that for the administration of the contract-labor laws he will require $150,000; that for the expenses relative to the Canadian border he will require $300,000; that for new buildings at Ellis Island $500,000 will be required; for new buildings at Boston, most urgently required, as the Senator from Massachusetts knows, $500,000 will be needed; for a ferryboat, $90,000; and for a tugboat, in connection with the Ellis Island station, $40,000—there are other items which I do not happen to have contained upon this memorandum which I hold in my hand—making an amount of $1,895,000 absolutely required to carry out the work of the bureau for the ensuing year.

Mr. President, the items which I have read do not include the expenses at Philadelphia, San Francisco, and other ports. The revenues from all sources to the immigration fund last year were some $912,000, hardly half of the amount requisite to carry on the work of the bureau for the ensuing year, particularly if by the reduction of the number of aliens admitted the amount received from the per capita tax is necessarily reduced.

Mr. Goodwin Brown, the counsel for the lunacy commission for the State of New York, testified before the Immigration Committee this morning that over 50 per cent of the insane in the State of New York were aliens coming in under the lax provisions of the present law, and that that great State is put to an expense of $5,000,000 annually to support the insane population of the State. What that amounts to throughout the country at large it is difficult to tell, but it is an enormous figure; and certainly the people of the United States are subjected to enormous burdens enough of a financial character in order to support the criminals, the insane, and those unfit to become part of our population without adding to the burden and requiring them to appropriate over $1,000,000 annually on the work of this immigration restriction.

There is another point which was not referred to by either of the Senators, members of the committee, who explained this increase, and that is, that in the opinion of the immigration officials

this increase of the head tax to $3 will very largely tend to keep out the most objectionable and undesirable classes of immigrants; that the increase in the cost of their admission to the country will tend as a prohibition, and in that way work in harmony with the general purpose of the bill.

The PRESIDENT pro tempore. The question is on the amendment.

The amendment was agreed to.

Mr. LODGE. After the word "every," in line 4 of section 1, I move to strike out the word "passenger" and insert "alien immigrant."

The amendment was agreed to.

Mr. LODGE. Now, the amendment which I heretofore offered will be unnecessary. I want it to read "and every alien immigrant not a citizen of the Dominion of Canada," striking out the words "of the United States," because the definition of "alien immigrant" makes any reference to the United States unnecessary.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 1, in section 1, line 5, after the words "of the," it is proposed to strike out the words "United States or of the;" so as to read "not a citizen of the Dominion of Canada."

The amendment was agreed to.

Mr. LODGE. The next committee amendment is printed in the bill.

Mr. GALLINGER. I ask unanimous consent to offer, for the purpose of having it printed, a proposed amendment to the first section of the bill.

The PRESIDENT pro tempore. The proposed amendment will be received, printed, and laid upon the table.

Mr. GALLINGER. I should like to have it read.

The PRESIDENT pro tempore. The proposed amendment will be read.

The SECRETARY. It is proposed to amend the first section of the bill by adding:

Provided further, That nothing contained in this act shall be held to interfere with the power of the Secretary of the Treasury to examine alien immigrants at Canadian ports of entry instead of at border ports of the United States along the Canadian border.

The PRESIDENT pro tempore. The amendment will be received, printed, and laid upon the table for the present. The Secretary will report the next amendment.

The SECRETARY. On page 1, line 6, it is proposed to insert——

Mr. LODGE. I withdraw that amendment.

The reading of the bill was resumed. The next amendment of the Committee on Immigration was, on page 1, section 1, after the word "Mexico," at the end of line 6, to insert "or a bona fide resident of the said Dominion or Republics for one year continuously prior to application for admission;" so as to read:

Or a bona fide resident of said Dominion or Republics for one year continuously prior to application for admission who shall come by steam, sail, or other vessel from any foreign port to any port within the United States, or by any railway or any other mode of transportation, from foreign contiguous territory to the United States.

The amendment was agreed to.

The next amendment was, on page 2, section 1, line 14, after the word "vessel," to insert "or the property of the transportation line;" and in line 17, after the word "vessels," to insert "or transportation lines;" so as to read:

The duty imposed by this section shall be a lien upon the vessel or the property of the transportation line which shall bring such aliens to ports of the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels or transportation lines, and the payment of such duty may be enforced by any legal or equitable remedy.

Mr. LODGE. I ask that that amendment be disagreed to.

The amendment was rejected.

The next amendment was, on page 2, section 1, line 19, after the word "remedy," to strike out:

And if any such alien seeking admission overland refuses or neglects to pay such duty as hereinbefore provided he shall be refused admission to the United States, and if found subsequently to have obtained admission thereto after such neglect or refusal, he shall be deemed and adjudged to be unlawfully therein and may be deported, as is provided hereinafter for the deportation of other aliens found unlawfully in the United States.

Mr. LODGE. In lieu of the words stricken out after the word "remedy," I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "remedy," in line 19, section 1, page 2, it is proposed to insert:

The head tax herein provided for shall not be levied upon aliens in transit through the United States, nor upon aliens who have once been admitted into the United States and have paid the head tax, who later shall go in transit from one port of the United States to another through foreign contiguous territory.

The PRESIDENT pro tempore. Does the Senator desire the amendment striking out the words beginning in line 19 agreed to, and to have inserted in their place what has been read?

Mr. LODGE. Yes.

The PRESIDENT pro tempore. The question is on the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Immigration was, on page 3, section 1, line 4, before the word "transportation," to strike out "foreign," and in the same line, after the word "section," to strike out "thirty-three" and insert "thirty-four;" so as to read:

Provided, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, by agreement with transportation lines, as provided in section 34 of this act, may arrange in some other manner for the payment of the duty imposed by this section upon, etc.

The amendment was agreed to.

The next amendment was, on page 3, section 1, line 6, after the word "upon," to insert "railway or other transportation lines bringing."

Mr. LODGE. I ask that that amendment be disagreed to, to conform to the previous section.

The amendment was rejected.

The next amendment was, on page 3, section 1, line 7, after the word "aliens," to strike out "seeking admission overland" and insert "from Canada, Mexico, or Cuba."

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I desire simply to say that I am very much gratified to have adopted the amendment offered by the Senator from Massachusetts. I think it greatly removes the objections that some of us have had to the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Immigration was, on page 4, section 2, line 1, after the word "kind," to insert "skilled or unskilled;" so as to read:

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: "All idiots, insane persons, epileptics, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; persons afflicted with a loathsome or with a dangerous contagious disease; persons who have been convicted of a felony or other crime or misdemeanor involving moral turpitude; polygamists, anarchists, or persons who believe in or advocate the overthrow by force or violence of all government or of all forms of law, or the assassination of public officials; prostitutes, and persons who procure or attempt to bring in prostitutes or women for the purpose of prostitution; persons whose migration to the United States has been induced by offers, solicitations, promises, or agreements, parole or special, express or implied, of labor or work, or service of any kind, skilled or unskilled, in the United States, and those who have been, within one year from the date of the application for admission to the United States, deported as being under offers, solicitations, promises, or agreements to perform labor or service of some kind therein; and also any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes; but this section shall not be held to prevent persons living in the United States from sending for a relative or friend who is not of the foregoing excluded classes, etc.

The amendment was agreed to.

The reading of the bill was continued to the end of section 2.

Mr. LODGE. I ask that section 3 and the substitute amendment offered by the committee be passed over. That is a section and amendment which will give rise to more or less discussion. My object to-day is simply to get through with the formal amendments.

The PRESIDENT pro tempore. If there be no objection, the section and the proposed amendment will be passed over for the present.

The reading of the bill was resumed and continued to the end of section 4.

Mr. LODGE. In line 10, page 8, section 4, I move to strike out "knowingly and willfully;" in line 12 I move to strike out the words "knowingly or willfully," and in line 14 I move to strike out the words "or contract or agreement." These are amendments requested by the Commissioner-General of Immigration.

The PRESIDENT pro tempore. The amendments proposed by the Senator from Massachusetts will be stated.

The SECRETARY. In line 10, page 8, section 4, it is proposed to strike out the words "knowingly and willfully;" in line 12 it is proposed to strike out the words "knowingly or willfully," and in line 14 it is proposed to strike out the words "or contract or agreement;" so as to make the section read:

SEC. 4. That the importation into the United States of any woman for the purposes of prostitution is hereby forbidden; and whoever shall import or attempt to import any woman into the United States for the purposes of prostitution, or shall hold or attempt to hold any woman for such purposes in pursuance of such illegal importation, shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned not less than one nor more than five years and pay a fine not exceeding $5,000.

The amendments were agreed to.

Mr. LODGE. In line 9, section 4, after the word "woman:" in line 11, after the word "woman," and in line 13, after the word "woman," I move to insert "or girl."

The SECRETARY. It is proposed, in section 4, line 9, after the word "woman," to insert "or girl;" in line 11, after the word "woman," to insert "or girl," and in line 13, after the word "woman," to insert "or girl;" so as to read in each case "woman or girl."

The amendments were agreed to.

The reading of the bill was resumed and continued to the end of section 5.

Mr. LODGE. In section 5, page 8, line 21, after the word "alien," I move to strike out "or aliens, any foreigner or foreigners;" in line 25, I move to strike out "or aliens, foreigner or foreigners."

The amendments were agreed to.

The next amendment of the Committee on Immigration was, on page 9, section 5, line 1, after the word "kind," to insert "skilled or unskilled;" so as to make the section read:

SEC. 5. That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to assist or encourage the importation or migration of any alien into the United States in pursuance of any offer, solicitation, promise, or agreement, parole or special, expressed or implied, made previous to the importation of such alien to perform labor or service of any kind, skilled or unskilled, in the United States.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of section 6.

Mr. LODGE. In section 6, line 7, page 9, I move to strike out the words "or aliens, foreigner or foreigners;" in line 15, I move to strike out the words "or foreigner." It is mere surplusage. And in line 18, after the word "alien," I move to strike out "or foreigner."

The SECRETARY. In line 7, section 6, page 9, it is proposed to strike out "or aliens, foreigner or foreigners;" in line 15 to strike out the words "or foreigner;" and in line 18, after the word "alien," to strike out "or foreigner;" so as to make the section read:

SEC. 6. That for every violation of any of the provisions of section 5 of this act the person, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any alien to the United States to perform labor or service of any kind by reason of any offer, solicitation, promise, or agreement, express or implied, parole or special, to or with such alien or aliens, foreigner or foreigners, shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States; and separate suits may be brought for each alien thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

The amendments were agreed to.

The reading of the bill was resumed and continued to the end of section 7.

Mr. LODGE. In section 7, line 24, before the word "bring," I move to insert the word "willfully;" after the word "shall," in line 2, page 10, to insert "willfully;" and in line 9, to strike out the words "exceeding one year" and insert "less than three months nor more than two years."

The PRESIDENT pro tempore. The amendments proposed by the Senator from Massachusetts will be stated.

The SECRETARY. In line 24, section 7, page 9, before the word "bring," it is proposed to insert the word "willfully;" in line 2, page 10, after the word "shall," it is proposed to insert the word "willfully;" in line 9, after the word "not," it is proposed to strike out "exceeding one year" and insert "less than three months nor more than two years;" so as to read:

SEC. 7. That any person, including the master, agent, owner, or consignee of any vessel, who shall willfully bring into or land in the United States, by vessel or otherwise, or who shall willfully attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector, or not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding $1,000 for each and every alien so landed or attempted to be landed, or by imprisonment for a term not less than three months nor more than two years, or by both such fine and imprisonment.

The amendments were agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Immigration was, on page 10, section 8, line 21, before the word "subject," to strike out "place" and insert "places;" so as to read:

Provided, That this section shall not apply to States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the indudements they offer for immigration thereto, respectively.

The reading of the bill was continued to the end of section 10.

Mr. LODGE. In the first line of section 10, page 11, before the word "transportation," I move to insert the words "person, including any;" so as to read:

That it shall be unlawful for any person, including any transportation company, etc.

The amendment was agreed to.

Mr. LODGE. Before the word "alien," in line 15, section 10, I move to insert "idiot or insane alien, or any;" in line 14, I move to strike out the words "any port within," so that it will simply read "to the United States;" and in line 21, after the word "such" where it occurs the second time, I move to insert "person or;" so as to read "such person or transportation company."

The amendments were agreed to.

Mr. LODGE. In section 10, line 2, page 12, I move to strike out the words "fine imposed upon it" and insert the word "sum;" and in line 3 I move to strike out the words "such fine" and insert "the same;" so as to read:

And no vessel shall be granted clearance papers while any such sum remains unpaid, nor shall the same be remitted.

The amendment was agreed to.

Mr. MALLORY. I should like to inquire of the Senator from Massachusetts what is the effect of the language that such fine or sum shall not be remitted?

Mr. LODGE. It means that where the owner or consignee of a vessel has been found guilty of this offense and has been charged with this sum of money—for it is not strictly a fine—the vessel can not get clearance papers until the debt is paid. The Commissioner-General asked to have the language changed.

Mr. MALLORY. It is customary in such cases, I believe, to impose a penalty, which is called a fine, for a violation of the rule.

Mr. LODGE. Yes. I offered the amendment, I will say frankly, because the commissioners of immigration at all ports and the Commissioner-General asked the committee to make the change.

Mr. MALLORY. I think the language is pretty much the same now in the present law. But what I wanted to learn is whether this precludes a remission of the fine in any case; as, for instance, in the event that the President wished to remit it. It is a penalty, and he has the power to remit it.

Mr. LODGE. No; it certainly ought not to. There ought to be an opportunity to have it remitted on representation, I suppose, to the Secretary of the Treasury. I think there is an omission there. I will be very glad if the Senator from Florida will prepare an amendment to meet that view.

Mr. MALLORY. I would leave it out entirely if I were preparing an amendment.

Mr. LODGE. I am glad the Senator has called my attention to it, for it seems to me there ought to be some method of making proper representation to the head of the Department if necessary.

The PRESIDENT pro tempore. The reading of the bill will be proceeded with.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Immigration was, on page 12, section 11, line 10, after the word "person," to strike out "is" and insert "are."

The amendment was agreed to.

Mr. LODGE. In section 11, line 7, page 12, I move to strike out the words "a person" and insert "another alien;" in line 10, I move to strike out "person" and insert "alien;" and in line 11, I move to strike out the word "person" and insert "alien."

The SECRETARY. In line 7, section 11, page 12, it is proposed to strike out the words "a person" and insert the words "another alien;" in line 10, after the word "accompanying," to strike out the word "person" and insert "alien;" and in line 11 to strike out "person" and insert "alien;" so as to read:

SEC. 11. That upon the certificate of a medical officer of the United States Marine-Hospital Service to the effect that a rejected alien is helpless from sickness, physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Immigration was, on page 12, line 18, after the word "disease," to insert "or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section 2 of this act;" so as to make the section read:

SEC. 12. That the decision of the board of special inquiry, hereinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens afflicted with a loathsome or with a dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section 2 of this act.

The amendment was agreed to.

The reading of the bill was continued to the end of line 16 on page 13.

Mr. LODGE. In section 13, line 25, page 12, after the word "alien," I move to strike out the words "or aliens;" and in line 3, page 13, after the word "alien," I move to strike out the words "or aliens."

The amendments were agreed to.

Mr. LODGE. In line 7, section 13, page 13, I wish to transpose the words so as to have them read:

The nationality; the race; the last residence.

That is simply to make it conform to the existing manifests.

The amendment was agreed to.

Mr. LODGE. In line 13, section 13, page 13, I move to strike out the word "money" and insert "$50;" and in line 14 I move to strike out the word "so" and insert "less;" so as to read:

Whether in possession of $50, and if less, how much.

The amendment was agreed to.

Mr. LODGE. In the same section, line 14, after the word "relative," I move to insert "or friend;" in line 15, after the word "relative," I move to insert "or friend," and in the same line, before the word "address," I move to insert "complete;" so as to read:

Whether going to join a relative or friend, and if so, what relative or friend, and his name and complete address.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Immigration was, on page 13, section 13, line 17, after the word "almshouse," to insert "or an institution or hospital for the care and treatment of the insane;" so as to read:

Whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity.

The amendment was agreed to.

The next amendment was, on page 15, section 16, line 19, after the word "alien," to strike out "qualified to enter the United States;" so as to make the section read:

SEC. 16. That in the case of the failure of the master or commanding officer of any vessel to deliver to the said immigration officers lists or manifests of all aliens on board thereof, as required in sections 13, 14, and 15 of this act, there shall be paid to the collector of customs at the port of arrival the sum of $10 for each alien concerning whom the above information is not contained in any list as aforesaid.

The amendment was agreed to.

Mr. LODGE. In line 18, section 16, after the word "act," I move to strike out "there" and insert "he," and in the same line, after the word "shall," I move to strike out "be paid" and insert "pay;" so as to read "he shall pay."

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of section 17.

Mr. LODGE. In section 17, line 13, page 16, after the word "shall," I move to insert the word "there;" so as to read:

Shall there take charge of such aliens.

The amendment was agreed to.

Mr. LODGE. In line 16 of the same section, after the word "detention," I move to insert the word "thereafter;" so as to read:

For their detention thereafter.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of section 18.

Mr. LODGE. In section 18, line 2, page 17, I move to strike out the words "or aliens."

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 22, section 19.

Mr. LODGE. In section 19, line 9, page 17, before the word "officers," I move to insert the word "owners;" in line 10 to strike out the words "or aliens;" in the same line, after the word "to," to strike out "any port of;"' in line 12, before the word "alien," to insert "such;" in line 13 to strike out "at the port of arrival;" in the same line, before the word "officer," to insert "owner," and in line 17 to strike out "at the port of arrival."

The PRESIDENT pro tempore. The amendments proposed by the Senator from Massachusetts will be stated.

The SECRETARY. In section 19, page 17, it is proposed, in line 9, after the word "the," to insert the words "owners;" in line 10 to strike out the words "or aliens;" in the same line to strike out "any port of;" in line 12, before the word "alien," to insert "such;" in line 13 to strike out the words "at the port of arrival;" in line 14, before the word "officer," to insert "owner," and in line 17 to strike out "at the port of arrival;" so as to read:

SEC. 19. That it shall be the duty of the owners, officers, and agents of any vessel bringing an alien to the United States to adopt due precautions to prevent the landing of any such alien from such vessel at any time or place other than that designated by the immigration officers, and any such owner, officer, agent, or person in charge of such vessel who shall land or permit to land any alien at any time or place other than that designated by the immigration officers shall be deemed guilty of a misdemeanor, and shall on conviction be punished by a fine for each alien so permitted to land of not less than one hundred nor more than one thousand dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

The amendment was agreed to.

The next amendment was, on page 17, section 19, after the word "imprisonment," at the end of line 22, to insert "and every such alien so landed shall be deemed to be unlawfully in the United States and shall be deported, as provided by law."

The amendment was agreed to.

The reading of the bill was continued to line 15, page 18.

Mr. LODGE. In section 20, line 9, after the word "thereof" I move to insert "or of any other vessel owned by the same interest;" so as to read:

And if any master, person in charge, agent, owner, or consignee of any vessels shall refuse to receive back on board thereof, or of any other vessel owned by the same interest, such aliens, or shall neglect to detain them thereon, etc.

The amendment was agreed to.

The next amendment of the Committee on Immigration was, on page 18, section 20, line 16, before the word "such," to strike out "any" and insert "no," and in the same line, after the word "shall," to strike out "not;" so as to read:

And shall, on conviction, be punished by a fine not less than $300 for each and every such offense, and no such vessel shall have clearance from any port of the United States while any such fine is unpaid, etc.

The amendment was agreed to.

The next amendment was, in section 20, page 18, line 22, after the word "alien," to strike out "or aliens," and in line 24, after the word "alien," to strike out "or aliens;" so as to read:

That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, may suspend, upon conditions to be prescribed by the Commissioner-General, the deportation of any alien found to have come under promise or agreement of labor or service of any kind if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against the provisions of sections 5 and 6 of this act.

The amendment was agreed to.

The reading of the bill was continued to line 16, page 19.

Mr. LODGE. In line 15, section 21, after the word "transportation," I move to strike out the words "to the port of deportation."

The amendment was agreed to.

The next amendment of the Committee on Immigration was, in section 23, page 21, line 8, after the word "aid," to strike out the period and the word "All" and insert a semicolon and the word "all;" so as to read:

And shall have authority to enter into contracts for the support and relief of such aliens as may fall into distress or need public aid; all under the direction or with the approval of the Secretary of the Treasury.

The next amendment was, on page 22, line 6, section 25, after the date "1883," to insert the following proviso:

Provided, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation bill approved August 18, 1894.

Mr. LODGE. I move to amend the amendment by inserting at the end the words "or the official status of such commissioners heretofore appointed."

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. In line 9, the words "appropriation bill" should read "appropriation act."

Mr. LODGE. Yes; it should read "sundry civil appropriation act." I move to strike out "bill" and insert "act" in line 9.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. LODGE. After the word "testimony," in line 14, page 22, I move to strike out the period and to insert:

and any person to whom such an oath has been administered under the provisions of this act who shall knowingly or wilfully give false testimony or swear to any false statement in any way affecting or in relation to the right of an alien to admission to the United States shall be deemed guilty of perjury and be punished as provided by section 5392, United States Revised Statutes.

The amendment was agreed to.

The next amendment of the Committee on Immigration was, on page 22, line 18, section 25, before the word "board," to strike out "the" and insert "a;" so as to read:

and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation.

The amendment was agreed to.

Mr. LODGE. I now offer a substitute for section 26, which is a pure administrative section and which the Department of the Treasury wishes somewhat changed. I offer a section in the nature of a substitute. It comprises mere matters of detail and covers the whole section.

The PRESIDENT pro tempore. Does the Senator propose to strike out the entire section or the proposed amendment to it and insert?

Mr. LODGE. I move to insert what I send to the desk as a substitute for the entire section.

The PRESIDENT pro tempore. The amendment will be read.

The Secretary read as follows:

SEC. 26. Such boards of special inquiry shall be appointed by the commissioners of immigration at the various ports of arrival as may be necessary for the prompt determination of all cases of aliens detained at such ports under the provisions of law. Such boards shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall from time to time designate as qualified to serve on such boards: *Provided*, That at ports where there are fewer than three immigrant inspectors the Secretary of the Treasury, upon recommendation of the Commissioner-General of Immigration, may designate other United States officials for service on such boards of special inquiry. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or be deported, and in all cases the burden shall be on the alien to show clearly and beyond a doubt that he is entitled to land. All hearings before boards shall be separate and apart from the public; but the said boards shall keep complete permanent records of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail and be final, but either the alien or any dissenting member of said board may appeal through the commissioner of immigration at the port of arrival and the Commissioner-General of Immigration to the Secretary of the Treasury, whose decision shall then be final; and the taking of such appeal shall operate to stay any action in regard to the final disposal of the alien whose case is so appealed

until the receipt by the commissioner of immigration at the port of arrival of such decision: *Provided*, That nothing in this section or in this act shall be construed to prevent the Secretary of the Treasury from arranging from time to time, and it shall be his duty so to arrange, in accordance with existing contracts with railroad and steamship lines in foreign contiguous territory, or in accordance with such contracts as he may enter into in the future with such or other transportation lines, for the examination and payment of head tax of aliens landing in ports in said foreign contiguous territory and destined for the United States, such examination to be held at such ports or places in said foreign contiguous territory as the Secretary of the Treasury may designate. Such examination shall, in the discretion of the Secretary of the Treasury, dispense with the necessity for further examination at United States border ports under this act.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed as a substitute for section 26.

The amendment was agreed to.

The reading of the bill was continued to the end of section 31, page 25, line 14.

Mr. LODGE. On page 25, at the end of section 31, line 14, I move to insert, "*And provided further*"—the typewritten section which I send to the desk.

The SECRETARY. Insert at the end of line 14, page 21, the following:

And provided further, That all receipts accruing from the disposal of such exclusive privileges as herein provided shall be paid into the United States Treasury to the credit of the immigrant fund provided for in section 1 of this act.

The amendment was agreed to.

Mr. FAIRBANKS. I move that the entire section 32 be stricken out.

The PRESIDENT pro tempore. Is that a committee amendment?

Mr. LODGE. That is a committee amendment. I sent my copy of the bill to the desk. That is the reason why I lost the run of the committee amendments.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to strike out section 32, in the following words:

SEC. 32. That all steamship and transportation companies and other owners of vessels regularly engaged in transporting aliens to the United States shall twice a year file a certificate with the Secretary of the Treasury that they have furnished, to be kept conspicuously exposed to view in the office of each of their agents in foreign countries authorized to sell emigrant tickets, a copy of this law and of all subsequent laws of this country relative to immigration, printed in large letters in the language of the country where a copy of the law is to be exposed to view, and that they have instructed their agents to call the attention thereto of all persons contemplating emigration before selling tickets to them; and in case of the failure for sixty days of any such company or any such owners to file such a certificate, or in case they file a false certificate, they shall pay a fine of not exceeding $500, to be recovered in the proper United States court; and said fine shall also be a lien upon any vessel of said company or owners found within the United States.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I rise to ask the Senator from Massachusetts if he will permit me to make a request.

Mr. LODGE. Certainly.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. There are on the Calendar of the Senate a considerable number of pension bills that came over from the last session, and a great many Senators and Members of the other House have suggested that they would like to have them passed. I ask consent that at the conclusion of the consideration of the immigration bill for to-day, which is evidently going to occur in a few minutes, the Senate shall proceed to the consideration of the pension bills on the Calendar.

Mr. PENROSE. I will ask the Senator from New Hampshire how long a time he expects to consume with the consideration of the pension bills.

Mr. GALLINGER. I should think half an hour, possibly.

Mr. PENROSE. After that we can have an executive session, I suppose. There are a large number of nominations.

Mr. GALLINGER. Oh, yes; it will not take very long.

Mr. FORAKER. I should like, now, to make a suggestion here. It is that the immigration bill may be reprinted with the committee amendments.

Mr. LODGE. I was going to make that request in one moment. I wanted to finish the reading of the bill, so that we could get a reprint. I think we have covered everything that the committee had to present. I believe the next committee amendment is at the top of page 27.

Mr. GALLINGER. Has consent been given to my request?

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that on the completion of the reading of the pending bill the unobjected pension cases may receive consideration. Is there objection? The Chair hears none.

REGULATION OF IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12199) to regulate the immigration of aliens into the United States.

The reading of the bill was continued to the end of section 34, page 27, line 5.

The next amendment of the Committee on Immigration was, in section 34, page 27, line 2, after the word "transportation," to strike out "company" and insert "line;" so as to make the proviso read:

Provided, That any such transportation line shall agree, as far as practicable, to assume all the obligations imposed by this act on the masters, agents, and owners of vessels bringing aliens to ports of the United States.

The amendment was agreed to.

The next amendment was, on page 27, after line 10, to strike out section 36, in the following words:

SEC. 36. That no intoxicating liquors of any character shall be sold within the limits of the Capitol building of the United States.

Mr. LODGE. I ask that that amendment be passed over, as a Senator not now present requested me to allow it to be passed over.

The PRESIDING OFFICER (Mr. PENROSE in the chair). Without objection, the amendment will be passed over.

Mr. LODGE. I refer to section 36 as it stood originally in the bill. The committee reported that it be stricken out. To the new section 36 I offer an amendment.

Mr. MALLORY. I should like to inquire if it is understood that section 36, commencing in line 11 and ending in line 13, is not to be acted upon now?

Mr. LODGE. It is so understood. It is to be passed over. I was requested by a Senator on the other side of the Chamber to pass it over. He is not here at this time.

The next amendment of the Committee on Immigration was, on page 27, after line 13, to insert as a new section the following:

SEC. 36. That the deportation of aliens, provided for in this act, shall be to the trans-Atlantic or trans-Pacific ports from which said aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which said aliens embarked for such territory.

The PRESIDENT pro tempore. The amendment offered by the Senator from Massachusetts will be stated.

The SECRETARY. On page 27, after the word "aliens," in line 14, insert "arrested within the United States after entry and found to be illegally therein;" so as to make the section read:

SEC. 36. That the deportation of aliens arrested within the United States after entry and found to be illegally therein, provided for in this act, shall be to the trans-Atlantic or trans-Pacific ports from which said aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which said aliens embarked for such territory.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 27, line 24, section 37, after the word "Chinese," to insert "persons;" so as to make the section read:

SEC. 37. That all acts and parts of acts inconsistent with this act are hereby repealed: *Provided*, That this act shall not be construed to repeal, nor in any wise interfere with the administration of, laws relating to the immigration, or exclusion, of Chinese persons or persons of Chinese descent.

The amendment was agreed to.

The next amendment was, on page 27, section 38, line 25, after the word "effect," to strike out "at the end of sixty days from and after its passage" and insert "October 1, 1902;" so as to make the section read:

SEC. 38. That this act shall take effect October 1, 1902.

Mr. LODGE. I think section 38 had better be stricken out. I make that motion.

The motion was agreed to.

Mr. LODGE. Now, I wish to ask for the renumbering of certain sections before we come to the reprinting.

Mr. CLAY. I will state to the Senator from Massachusetts that we have not yet disposed of section 37.

Mr. LODGE. Yes; that has been disposed of.

Mr. CLAY. There is an amendment pending in the committee to section 37. I think the amendment was offered after the Senator left the committee this morning; and there is also an amendment pending to section 3.

Mr. LODGE. There are a number of amendments pending to section 3; I have some myself. But we have adopted now all the committee amendments. I thought it would be a convenience to the Senate to have the bill printed as amended by the committee, and of course it is now open to amendment on the motion of anyone.

Mr. CLAY. I know that there is an amendment pending to section 37; and it was practically agreed to after the Senator left the committee room this morning.

Mr. LODGE. Oh, yes; I did not observe it. As proposed to be amended the proviso to section 37 will read:

Provided, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent.

Mr. CLAY. That is the Chinese legislation?

Mr. LODGE. Certainly.

Mr. CLAY. I think there is an amendment pending to section 3.

Mr. LODGE. That section we passed over.

Mr. CLAY. Very well; that is all right.

Mr. LODGE. I omitted this amendment: In line 22, page 27,

after the word "repeal," I move to strike out "nor in any wise interfere with the administration of" and to insert "alter, or amend existing."

The PRESIDENT pro tempore. The Senator from Massachusetts proposes an amendment to section 37, which will be read.

The SECRETARY. In section 37, line 22, after the word "repeal," strike out "nor in any wise interfere with the administration of" and insert in lieu "alter, or amend existing;" so as to make the section read:

That all acts and parts of acts inconsistent with this act are hereby repealed: *Provided*, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent.

The amendment was agreed to.

Mr. LODGE. Now, before requesting a reprint, I ask that section 7 as it stands in the bill may be numbered section 9; that section 8 be numbered section 7, and that section 9 be numbered section 8.

The SECRETARY. Transpose the sections so that section 7 will be section 9, section 8 will be section 7, and section 9 will be section 8.

Mr. LODGE. That is right.

The PRESIDENT pro tempore. The sections will be so numbered, in the absence of objection.

Mr. LODGE. Now, I ask——

Mr. CLAY. Will the Senator let me ask him a question? In section 12 I understood there was to be no change. I may have misunderstood the committee. It provides:

That the decision of the board of special inquiry, hereinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens afflicted with a loathsome or with a dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section 2 of this act.

I understood that the law was to stand as it is now, and that there could be an appeal from this special board to the Secretary of the Treasury in the event that there was dissatisfaction with their decision.

Mr. LODGE. That must have been after I left the committee room. No such amendment was handed to me by the chairman.

Mr. CLAY. This section, though, seems to refer to a special class set forth in section 2. The law as it stands now allows the immigrant, if he is dissatisfied with the decision of the special board, to appeal to the Secretary of the Treasury.

Mr. LODGE. It leaves the decision final with the Immigration Bureau.

Mr. CLAY. This section makes final the decision of the special commission who make the examination and does away with the appeal. I will ask the Senator if he thinks that is a wise policy?

Mr. LODGE. It is limited only, as the Senator will notice, to cases involving diseases, either physical or mental. The appeal remains as to everything else.

Mr. CLAY. The bill reads, "or with a dangerous contagious disease, or with any mental or physical disability."

Mr. LODGE. Exactly. That is, the decision shall be final only when they are the matters passed upon by the medical board.

Mr. CLAY. Then section 12 does not change the general law except as to those classes?

Mr. LODGE. That is all.

I move that sections 11 and 12 be transposed.

The motion was agreed to.

Mr. LODGE. Now I move that the bill as it has been amended by the Senate be reprinted for the use of the Senate.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the bill as amended and the sections passed over shall be reprinted.

Mr. LODGE. Reprinted as they now are.

Mr. PENROSE. Mr. President, I would suggest that a thousand copies of the bill be printed. I am informed at the Secretary's desk that only some 200 copies of the House bill was printed, and that certainly will not meet the demand for the reprint of this bill from all over the country.

The PRESIDENT pro tempore. Six hundred and twenty-five is the usual number printed.

Mr. PENROSE. But some are for the use of the House and some for the use of the Senate. I ask for a reprint of a thousand copies.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order is made.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. I now ask that the Senate proceed with the consideration of pension bills.

The PRESIDENT pro tempore. The Chair understands that the Senator from New Hampshire simply asks that the immigration bill, so called, be temporarily laid aside. Now it is in the position of unfinished business.

Mr. GALLINGER. Exactly. That was my purpose.

The PRESIDENT pro tempore. The private pension bills will now be considered in their order on the Calendar.

MARTHA A. HOLLINGSEAD.

The bill (H. R. 5883) granting a pension to Martha A. Hollingsead was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha A. Hollingsead, widow of Joseph Hollingsead, late of Company A, Fifteenth Regiment United States Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH E. JAMES.

The bill (S. 5019) granting an increase of pension to Hannah E. James was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment in line 8 before the word "dollars," to strike out "thirty," and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah E. James, widow of Charles C. James, late of Company K, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES W. POOR.

The bill (H. R. 3653) granting an increase of pension to James W. Poor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Poor, late of Company B, Third Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEON KING.

The bill (H. R. 8856) granting an increase of pension to Leon King was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Leon King, late of Company G, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE BAKER.

The bill (H. R. 12009) granting an increase of pension to George Baker was considerd as in Committee of the Whole. It proposes to place on the pension roll the name of George Baker, late of Company K, Twenty-third Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN G. HEISER.

The bill (H. R. 13646) granting an increase of pension to John G. Heiser was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John G. Heiser, late of Company A, Seventh Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLOTTE E. BAIRD.

The bill (H. R. 10679) granting an increase of pension to Charlotte E. Baird was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charlotte E. Baird, widow of George Baird, late first lieutenant Company K, Fourth Regiment Minnesota Volunteer Infantry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN LUDWIG.

The bill (H. R. 1931) granting an increase of pension to John Ludwig was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Ludwig, late of Company A, Ninth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY STONE.

The bill (H. R. 6003) granting a pension to Mary Stone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Stone, widow of George A. Stone, late colonel Twenty-fifth Regiment Iowa Volunteer Infantry, and to pay her a pension of $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL HYMAN.

The bill (H. R. 11638) granting an increase of pension to Samuel Hyman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Hyman, late of the Baltimore Battery, Maryland Volunteer Light Artillery, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FANNIE S. CROSS.

The bill (H. R. 14144) granting an increase of pension to Fannie S. Cross was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fannie S. Cross, widow of William Cross, late colonel Third Regiment Tennessee Volunteer Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN HARRIS.

The bill (H. R. 3517) granting an increase of pension to Stephen Harris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen Harris, late of Company I, Ninety-first Regiment New York Volunteer Infantry, and Company C, Seventh Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $14 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES E. BATES.

The bill (H. R. 1090) granting a pension to James E. Bates was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James E. Bates, late of Company C, Thirty-eighth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS WILKINSON.

The bill (H. R. 5453) granting an increase of pension to Thomas Wilkinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Wilkinson, late of Company G, First Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARVIN CHANDLER.

The bill (H. R. 1745) granting an increase of pension to Marvin Chandler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marvin Chandler, late of Company G, One hundred and forty-third Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES BROWN.

The bill (H. R. 11890) granting an increase of pension to James Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Brown, late of Company D, Eleventh Regiment New York Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILLEN M'MILLEN.

The bill (H. R. 6481) granting an increase of pension to Millen McMillen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Millen McMillen, late of Company E, One hundred and twenty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHARLES K. BATEY.

The bill (H. R. 13052) granting an increase of pension to Charles K. Batey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles K. Batey, late of Company A, Second Regiment New York Volunteer Infantry, Company D, Seventieth Regiment New York Volunteer Infantry, and Company C, Eighty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT M. SCOTT.

The bill (H. R. 14098) granting an increase of pension to Albert M. Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert M. Scott, late of Company B, Second Regiment Maine Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BAILEY O. BOWDEN.

The bill (H. R. 12632) granting an increase of pension to Bailey O. Bowden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bailey O. Bowden, late of Company A, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADRIAN M. SNYDER.

The bill (H. R. 2598) granting an increase of pension to Adrian M. Snyder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adrian M. Snyder, late of Company A, Twenty-third Regiment Kentucky Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILTON FRAZIER.

The bill (S. 5976) granting an increase of pension to Milton Frazier was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to strike out "Infantry" and insert "Engineers:" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton Frazier, late of Company A, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY R. GIBBS.

The bill (S. 4075) granting a pension to Henry R. Gibbs was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry;" and in line 8, before the word "dollars," to strike out "sixteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry R. Gibbs, late of Company G, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORYDON MILLARD.

The bill (S. 4528) granting a pension to Corydon Millard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

amendments, in line 7, before the word "Heavy," to insert "Colored Volunteer;" and in line 8, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitat ons of the pension laws, the name of Corydon Millard, late chaplain Fourth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Corydon Millard."

ELIZABETH D. HARDING.

The bill (H. R. 12932) granting a pension to Elizabeth D. Harding was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth D. Harding, widow of Isaac N. Harding, late of Company H, Fortieth Regiment Indiana Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABBIE BOURKE.

The bill (H. R. 11196) granting a pension to Abbie Bourke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abbie Bourke, widow of David Bourke, late master at arms, United States Navy, and to pay her a pension of $12 per month and $2 per month additional on account of the minor child of said David Bourke until he reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALLEN W. MERRILL.

The bill (H. R. 6823) granting an increase of pension to Allen W. Merrill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Allen W. Merrill, late of Company C, Sixty-fifth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN GRINNELL.

The bill (H. R. 7040) granting an increase of pension to Benjamin Grinnell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin Grinnell, late of Company H, Thirty-first Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. PLEASANT.

The bill (H. R. 7041) granting an increase of pension to Thomas J. Pleasant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Pleasant, late of Company G, Ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID E. HALL.

The bill (H. R. 6401) granting an increase of pension to David E. Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David E. Hall, late of Company E, First Regiment Maryland Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPPA KING.

The bill (H. R. 6968) granting a pension to Cappa King was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cappa King, helpless and dependent daughter of John W. King, late of Company D, Eighth Regiment Illinois Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIAS BREWSTER.

The bill (S. 3035) granting an increase of pension to Elias Brewster was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias Brewster, late of Company K, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. PETERS.

The bill (H. R. 14701) granting a pension to Mary A. Peters was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Peters, widow of Augustus C. Peters, late second lieutenant Company K, Sixteenth Regiment Maine Volunteer Infantry, and to pay her a pension of $15 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TIMOTHY DONOHOE.

The bill (H. R. 14355) granting an increase of pension to Timothy Donohoe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Timothy Donohoe, late of Company B, Sixty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES M. GRAINGER.

The bill (H. R. 13943) granting an increase of pension to Charles M. Grainger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles M. Grainger, late first lieutenant Company B, Eighty-eighth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. HUDSON.

The bill (H. R. 5038) granting an increase of pension to William H. Hudson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Hudson, late captain Company H, Third Regiment Kentucky Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FANNIE M'HARG.

The bill (S. 6132) granting an increase of pension to Fannie McHarg was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Infantry," to strike out "Volunteer;" in line 8, before the word "and," to insert "war with Mexico;" and in line 9, before the word "dollars," to strike out "twenty-four" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie McHarg, widow of John McHarg, late of Company B, Sixth Regiment United States Infantry, war with Mexico, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. M'KNIGHT.

The bill (H. R. 11436) granting an increase of pension to James H. McKnight was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. McKnight, late of Company E, One hundred and second Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH H. WOODRUFF.

The bill (H. R. 13467) granting a pension to Joseph H. Woodruff was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph H. Woodruff, late of Company E, Fourth Regiment Iowa Volunteer Infantry, and to pay him a pension of $15 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ETTA A. WHITEHOUSE.

The bill (S. 5816) granting a pension to Etta A. Whitehouse was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Etta A. Whitehouse, widow of Turner W. Whitehouse, late captain Company K, Twenty-second Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NANCY M. GUNSALLY.

The bill (H. R. 12279) granting a pension to Nancy M. Gunsally was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy M. Gunsally, former widow of Lyman M. Richmond, late of Company G, First Regiment Michigan Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES E. BROWN.

The bill (H. R. 13352) granting an increase of pension to Charles E. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles E. Brown, late of Company G, First Regiment Massachusetts Volunteer Heavy Artillery, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HULDAH A. CLARK.

The bill (H. R. 931) granting a pension to Huldah A. Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Huldah A. Clark, widow of William L. Clark, late of Company B, First Regiment Indiana Infantry, war with Mexico, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE FREEMAN.

The bill (H. R. 11453) granting a pension to Catharine Freeman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catharine Freeman, dependent mother of Daniel W. Freeman, late of Company E, Third Regiment Pennsylvania Volunteer Heavy Artillery, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL MULLIN.

The bill (H. R. 2618) granting an increase of pension to Michael Mullin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Mullin, late of Company C, United States Mounted Rifles, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Michael Mullin."

JENNIE M. SAWYER.

The bill (H. R. 10174) granting a pension to Jennie M. Sawyer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jennie M. Sawyer, former widow of John E. Sawyer, late of Company H, Second Regiment Colorado Volunteer Cavalry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COLMORE L. NEWMAN.

The bill (H. R. 9219) granting an increase of pension to Colmore L. Newman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Colmore L. Newman, late of Company G, First Regiment United States Voltigeurs, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALVIN DUCKWORTH.

The bill (H. R. 3330) granting a pension to Calvin Duckworth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Calvin Duckworth, late of Company H, Sixty-third Regiment Missouri Volunteer Infantry (Enrolled Militia), and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE M. STONE.

The bill (H. R. 12165) granting an increase of pension to Caroline M. Stone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline M. Stone, widow of William M. Stone, late colonel Twenty-second Regiment Iowa Volunteer Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS M. OWENS.

The bill (H. R. 8146) granting an increase of pension to Thomas M. Owens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas M. Owens, late of Company G, Forty-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL BROWN.

The bill (H. R. 14055) granting an increase of pension to Samuel Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Brown, late of Company B, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JENNETT STEWART.

The bill (H. R. 14377) granting an increase of pension to Jennett Stewart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jennett Stewart, widow of Alfred Stewart, late of Company L, Seventh Regiment Illinois Volunteer Cavalry, and to pay her a pension of $20 per month in lieu of that she is now receiving: *Provided, however*, That in the case of the death of the helpless child, Josephine Stewart, on whose account the pension of Jennett Stewart is increased, the pension of said Jennett Stewart shall continue only at the rate of $8 per month from and after the date of death of said helpless child.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STANTON L. BRABHAM.

The bill (H. R. 7109) granting an increase of pension to Stanton L. Brabham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stanton L. Brabham, late of Companies H and D, Seventy-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. KIRKHAM.

The bill (H. R. 12326) granting a pension to John A. Kirkham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Kirkham, late of Captain Young's company, Fourth Regiment Indiana Legion, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE KERR.

The bill (H. R. 3745) granting an increase of pension to George Kerr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Kerr, late of Company G, Fifth Regiment Ohio Volunteer Infantry, and first lieutenant Company A, Eighty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM JANES.

The bill (H. R. 9807) granting on increase of pension to Hiram Janes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram Janes, late of Company A, First Regiment Wisconsin Volunteer Heavy Artillery,

and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time and passed.

JOSEPH MOTE.

The bill (H. R. 10876) granting an increase of pension to Joseph Mote was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Mote, late of Company G, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting an increase of pension to Joseph Mote."

JOHN A. WRIGHT.

The bill (H. R. 11579) granting an increase of pension to John A. Wright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Wright, late of Company F, Eleventh Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN S. CROSSER.

The bill (H. R. 13457) granting an increase of pension to John S. Crosser was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John S. Crosser, late of Company C, Ninety-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN Q. A. RIDER.

The bill (H. R. 14421) granting an increase of pension to John Q. A. Rider was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Q. A. Rider, late first lieutenant Company E, Ninety-first Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREEMAN R. GOVE.

The bill (H. R. 13690) granting an increase of pension to Freeman R. Gove was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Freeman R. Gove, late of Company K, Fourth Regiment Vermont Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM KELLEY.

The bill (H. R. 9883) granting an increase of pension to William Kelley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Kelley, late of Company B, Seventeenth Regiment Maine Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONORA STIMSON.

The bill (H. R. 6970) granting an increase of pension to Monora Stimson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Monora Stimson, widow of Charles P. Stimson, late captain Company I, Forty-sixth Regiment Illinois Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM CLARK.

The bill (H. R. 832) granting an increase of pension to William Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Clark, late captain Company C, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEWTON W. ELMENDORF.

The bill (H. R. 5758) granting an increase of pension to Newton W. Elmendorf was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Newton W. Elmendorf, late of Company C, Sixth Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. JOSEPH.

The bill (H. R. 9691) granting an increase of pension to James H. Joseph was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Joseph, late of Company D, Third Regiment Delaware Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. NELSON.

The bill (H. R. 5480) granting an increase of pension to John C. Nelson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Nelson, late captain Company I, Eleventh Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE R. BALDWIN.

The bill (H. R. 13665) granting an increase of pension to George R. Baldwin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-five" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George R. Baldwin, late of Company C, Eighth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM A. HENDERSON.

The bill (H. R. 10005) granting an increase of pension to William A. Henderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Henderson, late of Company C, Second Regiment North Carolina Volunteer Mounted Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM S. FROST.

The bill (S. 1739) granting an increase of pension to William S. Frost was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Frost, late of Company A, Thirteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BETSEY JONES.

The bill (S. 4752) granting a pension to Betsey Jones was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Betsey Jones, widow of Joseph Jones, late chaplain, Twentieth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Betsey Jones."

ROBERT P. M'RAE.

The bill (S. 5852) granting a pension to Robert P. McRae was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert P. McRae, late of Company M, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Robert P. McRae."

SUSAN J. TAYLOR.

The bill (H. R. 1523) granting a pension to Susan J. Taylor was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan J. Taylor, widow of Charles E. Taylor, late captain Company I, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARY A. MUNSON.

The bill (H. R. 10462) granting an increase of pension to Mary A. Munson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Munson, widow of Morrison B. Munson, late first lieutenant Company A, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE H. YOUNG.

The bill (H. R. 12777) granting an increase of pension to George H. Young was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Young, late captain Company H, One hundred and fifty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH STONESIFER.

The bill (H. R. 10325) granting an increase of pension to Joseph Stonesifer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Stonesifer, late of Company I, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. RUGGLES.

The bill (H. R. 10394) granting a pension to William H. Ruggles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Ruggles, late of Company H, First Regiment Pennsylvania Volunteer Infantry, and Battery G, Second Regiment United States Artillery, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES S. YOUNG.

The bill (H. R. 8712) granting an increase of pension to James S. Young was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James S. Young, late of Company I, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GRACE M. READ.

The bill (H. R. 14732) granting an increase of pension to Grace M. Read was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Grace M. Read, widow of Frank D. Read, late lieutenant, United States Navy, and to pay her a pension of $25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES A. CLIFTON.

The bill (H. R. 2483) granting a pension to James A. Clifton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James A. Clifton, late of Company F, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONATHAN WALBERT.

The bill (H. R. 13367) granting an increase of pension to Jonathan Walbert was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonathan Walbert, late of Company F, Seventy-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DANIEL J. BYRNES.

The bill (H. R. 10263) granting an increase of pension to Daniel J. Byrnes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel J. Byrnes, late of Company D, Thirty-fifth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. DURHAM.

The bill (S. 5639) granting a pension to William H. Durham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "of," to strike out "son" and insert "helpless and dependent child;" and in line 9, before the word "dollars," to insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Durham, helpless and dependent child of Tolford Durham, late of Company A, Fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REUBEN ANDREWS.

The bill (S. 6101) granting an increase of pension to Reuben Andrews was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Reuben Andrews, late of Company G, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES H. WEBB.

The bill (H. R. 1347) granting an increase of pension to Charles H. Webb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Webb, late of Company B, Second Regiment California Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIZZIE I. RICH.

The bill (H. R. 3825) granting an increase of pension to Lizzie I. Rich was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lizzie I. Rich, widow of William H. Rich, late of Companies I and B, Thirty-first Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. CLARKE.

The bill (H. R. 14774) granting a pension to John C. Clarke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Clarke, late of Company K, Sixty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM BARRETT.

The bill (S. 4093) granting an increase of pension to William Barrett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Barrett, late of Company E, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed,

WALLACE FAIRBANK.

The bill (S. 5812) granting a pension to Wallace Fairbank was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wallace Fairbank, late of Company H, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Wallace Fairbank."

PRESTON W. BURFORD.

The bill (S. 5814) granting a pension to Preston W. Burford was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Missouri," to insert "Enrolled;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Preston W. Burford, late of Company B, Twenty-sixth Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY ELIZABETH FALES.

The bill (S. 3970) granting an increase of pension to Mary Elizabeth Fales was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "late," to strike out "a seaman on the steamer *Tallapoosa*" and insert "of United States steamer *Tallapoosa*, United States Navy;" and in line 9, before the word "dollars," strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Elizabeth Fales, widow of William R. Fales, alias William Webb, late of U. S. S. Tallapoosa, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM W. ANDERSON.

The bill (H. R. 11979) granting an increase of pension to William W. Anderson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Anderson, late of Company F, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. CHEDESTER.

The bill (H. R. 13848) granting an increase of pension to James H. Chedester was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Chedester, late of Company E, Fourth Regiment Tennessee Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. YOUNG.

The bill (H. R. 3513) granting increase of pension to James W. Young was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Young, late of Company B, Second Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. SNYDER.

The bill (H. R. 13355) granting an increase of pension to William H. Snyder was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Company," to strike out the initial "C" and insert "E," and in line 8, before the word "pay," to strike out "to;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Snyder, late of Company E, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM D. SMITH.

The bill (H. R. 2440) granting an increase of pension to William D. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William D. Smith, late of Company E, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SANDERS R. SEAMONDS.

The bill (H. R. 4261) granting an increase of pension to Sanders R. Seamonds was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sanders R. Seamonds, late of Company M, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

OLE THOMPSON.

The bill (H. R. 5951) granting an increase of pension to Ole Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ole Thompson, late of Company C, Eighth Regiment Missouri Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS P. MAY.

The bill (H. R. 4246) granting an increase of pension to Thomas P. May was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas P. May, late of Company G, Seventeenth Regiment Michigan Volunteer Infantry, and to pay him a pension of $60 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS SHERIDAN.

The bill (H. R. 7618) granting an increase of pension to Thomas Sheridan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Sheridan, late captain Company K, Eighty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH D. BEREMAN.

The bill (S. 4866) granting an increase of pension to Sara D. Bereman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah D. Bereman, widow of Alvah H. Bereman, late captain Company C, Eighteenth Regiment United States Infantry, and colonel Forty-fifth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Sarah D. Bereman."

ELIZA E. LITTLEFIELD.

The bill (S. 3020) granting an increase of pension to Eliza E. Littlefield was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza E. Littlefield, widow of John J. Littlefield, late of Company F, Twenty-fourth Regiment Michigan Volunteer Infantry, and assistant surgeon, Eighteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM J. REMINGTON.

The bill (H. R. 7878) granting an increase of pension to William J. Remington was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Remington, late of Company E, First Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES F. COLES.

The bill (H. R. 5961) granting an increase of pension to Charles F. Coles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles F. Coles, late of Company H, Tenth Regiment Michigan Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER POUTNEY.

The bill (H. R. 5888) granting an increase of pension to Peter Poutney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Poutney, late of Company E, Eighth Regiment Michigan Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW ADY.

The bill (S. 4296) granting a pension to Andrew Ady was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew Ady, late of Company E, Sixty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNE BRONSON.

The bill (H. R. 10761) granting a pension to Anne Bronson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anne Bronson, mother of Theodore Bronson, late of Company A, Second Regiment Wisconsin Volunteer Infantry, war with Spain, and to pay her a pension of $12 per month.

Mr. GALLINGER. Let the word "dependent" be inserted before the word "mother" in line 6.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. In line 6, before the word "mother," it is proposed to insert the word "dependent."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed

GEORGE ATKINSON.

The bill (H. R. 8414) granting an increase of pension to George Atkinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Atkinson, late of Company M, First Regiment Wisconsin Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAHAM PARK.

The bill (S. 4943) granting an increase of pension to Abraham Park was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham Park, late of Company H, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALMOND PARTRIDGE.

The bill (S. 2353) granting an increase of pension to Almond Partridge was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Almond Partridge, late of Company B, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARVEY B. LINTON.

The bill (H. R. 8145) granting an increase of pension to Harvey B. Linton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harvey B. Linton, late of Company I, Sixth Regiment Iowa Volunteer Infantry, and

to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 9, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 8, 1902.

DISTRICT JUDGE.

Albert B. Anderson, of Indiana, to be United States district judge for the district of Indiana, vice John H. Baker, resigned.

PENSION AGENT.

Richard P. Clarkson, of Iowa, to be pension agent at Des Moines, Iowa, vice Emery F. Sperry, whose term will expire December 14, 1902.

REGISTER OF LAND OFFICE.

Thomas Scadden, of Michigan, to be register of the land office at Marquette, Mich., his term having expired. (Reappointment.)

SECOND SECRETARY OF EMBASSY.

Leonard M. Thomas, of Pennsylvania, to be second secretary of the embassy of the United States at Rome, Italy, vice Richard C. Parsons, jr., resigned.

ASSISTANT TREASURER.

A. Lincoln Dryden, of Maryland, to be assistant treasurer of the United States at Baltimore, Md., to succeed James M. Sloan, whose term of office has expired by limitation. Mr. Dryden is now serving under a temporary commission issued during the recess of the Senate.

COLLECTORS OF INTERNAL REVENUE.

Joseph O. Thompson, of Alabama, to be collector of internal revenue for the district of Alabama, to succeed Julian H. Bingham, resigned. Mr. Thompson is now serving under a temporary commission issued during the recess of the Senate.

Micah J. Jenkins, of South Carolina, to be collector of internal revenue for the district of South Carolina, in place of George R. Koester, failed of confirmation by the Senate, and who was serving under a temporary commission, in place of Eugene A. Webster, deceased. Mr. Jenkins is now serving under a temporary commission issued during the recess of the Senate.

William E. Howell, of Louisiana, to be collector of internal revenue for the district of Louisiana, to succeed Louis J. Souer, resigned. Mr. Howell is now serving under a temporary commission issued during the recess of the Senate.

ASSAYER.

Frank M. Downer, of Colorado, to be assayer in charge of the mint of the United States at Denver, Colo., to succeed James L. Hodges, removed. Mr. Downer is now serving under a temporary commission issued during the recess of the Senate.

MELTER.

Joseph W. Milsom, of Colorado, to be melter of the mint of the United States at Denver, Colo., to succeed Henry Brady, resigned. Mr. Milsom is now serving under a temporary commission issued during the recess of the Senate.

SUPERINTENDENT OF MINT.

Hugh S. Suthon, of Louisiana, to be superintendent of the mint of the United States at New Orleans, La., to succeed Charles W. Boothby, resigned. Mr. Suthon is now serving under a temporary commission issued during the recess of the Senate.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Robert W. McNeely, to be a lieutenant in the Navy from the 5th day of March, 1902, vice Lieut. Edwin H. Tillman, promoted.

Lieut. (Junior Grade) Daniel M. Garrison, to be a lieutenant in the Navy from the 4th day of July, 1902, vice Lieut. Wilfrid V. N. Powelson, retired.

Commander Leavitt C. Logan, to be a captain in the Navy from the 11th day of July, 1902, vice Capt. William W. Reisinger, deceased.

Lieut. (Junior Grade) Franklin D. Karns, to be a lieutenant in the Navy from the 11th day of July, 1902, vice Lieut. William Truxtun, promoted.

Commander Alexander B. Bates, to be a captain in the Navy from the 17th day of September, 1902, vice Capt. William A. Windsor, retired.

Commander Conway H. Arnold, to be a captain in the Navy from the 17th day of September, 1902, vice Commander Alexander B. Bates, an additional number in grade.

Lieut. Commander Reginald F. Nicholson, to be a commander in the Navy from the 17th day of September, 1902, vice Commander Alexander B. Bates, promoted.

Lieut. Commander Edmund B. Underwood, to be a commander in the Navy from the 17th day of September, 1902, vice Commander Conway H. Arnold, promoted.

Lieut. Edward Simpson, to be a lieutenant-commander in the Navy from the 17th day of September, 1902, vice Lieut. Commander Edmund D. Underwood, promoted.

Lieut. (Junior Grade) William R. Cushman, to be a lieutenant in the Navy from the 17th day of September, 1902, vice Lieut. Harry Hall, promoted.

Lieut. William C. P. Muir, to be a lieutenant-commander in the Navy from the 23d day of September, 1902, vice Lieut. Commander James M. Pickrell, retired.

Commander William S. Cowles, to be a captain in the Navy from the 2d day of November, 1902, vice Capt. Washburn Maynard, retired.

Lieut. Commander William F. Halsey, to be a commander in the Navy from the 2d day of November, 1902, vice Commander William S. Cowles, promoted.

Lieut. Thomas W. Kinkaid, to be a lieutenant-commander in the Navy from the 2d day of November, 1902, vice Lieut. Commander William F. Halsey, promoted.

Commander Robert W. Milligan, to be a captain in the Navy from the 7th day of November, 1902, vice Capt. Fernando P. Gilmore, retired.

Lieut. Commander Frank A. Wilner, to be a commander in the Navy from the 7th day of November, 1902, vice Commander Robert W. Milligan, promoted.

Lieut. Commander Henry Morrell, to be a commander in the Navy from the 7th day of November, 1902, vice Commander Edward D. Taussig, promoted.

Lieut. John H. Rohrbacher, to be a lieutenant-commander in the Navy from the 7th day of November, 1902, vice Lieut. Commander Henry Morrell, promoted.

Lieut. (Junior Grade) William H. Standley, to be a lieutenant in the Navy from the 7th day of November, 1902, vice Lieut. William H. Alderdice, promoted.

Lieut. (Junior Grade) Arthur T. Chester, to be a lieutenant in the Navy from the 7th day of November, 1902, vice Lieut. John H. Rohrbacker, promoted.

Commander John E. Pillsbury, to be a captain in the Navy from the 21st day of November, 1902, vice Commander Richard Inch, an additional number in grade.

Lieut. William S. Sims, to be a lieutenant-commander in the Navy from the 21st day of November, 1902, vice Lieut. Commander William Winder, promoted.

Commander William H. Reeder, to be a captain in the Navy from the 2d day of December, 1902, vice Capt. Frederick M. Symonds, retired.

Lieut. Commander Ten Eyck DeW. Veeder, to be a commander in the Navy from the 2d day of December, 1902, vice Commander William H. Reeder, promoted.

Gunner Louis J. Connelly, to be an ensign in the Navy from the 30th day of July, 1902, in accordance with an act of Congress approved March 3, 1901.

Asst. Surg. William L. Bell, to be a passed assistant surgeon in the Navy from the 16th day of November, 1901, to fill a vacancy existing in that grade on that date.

To be assistant surgeons in the Navy to fill vacancies in that grade:

Morton W. Baker, a citizen of Virginia, from the 10th day of July, 1902.

James H. Holloway, a citizen of Kentucky, from the 26th day of September, 1902.

John L. Neilson, a citizen of Massachusetts, from the 4th day of October, 1902.

Robert H. Michels, a citizen of Illinois, from the 8th day of October, 1902.

Harry Shaw, a citizen of Massachusetts, from the 28th day of October, 1902.

Burt F. Jenness, a citizen of Massachusetts, from the 11th day of November, 1902.

Passed Assistant Paymaster Ulysses G. Ammen, to be a paymaster in the Navy, from the 28th day of April, 1902, vice Paymaster John C. Sullivan, promoted.

Assistant Paymaster Trevor W. Lentze, to be a passed assistant paymaster in the Navy, from the 28th day of April, 1902, vice Passed Assistant Paymaster Ulysses G. Ammen, promoted.

Assistant Paymaster McGill R. Goldsborough, to be a passed assistant paymaster in the Navy, from the 1st day of June, 1902, vice Passed Assistant Paymaster Abel B. Pierce, resigned.

Pay Inspector Henry T. B. Harris, to be a pay director in the Navy, from the 13th day of June, 1902, vice Pay Director Henry M. Denniston, retired.

Paymaster John R. Martin, to be a pay inspector in the Navy, from the 13th day of June, 1902, vice Pay Inspector Henry T. B. Harris, promoted.

Passed Assistant Paymaster George Browne, jr., to be a paymaster in the Navy, from the 13th day of June, 1902, vice Paymaster John R. Martin, promoted.

Assistant Paymaster David V. Chadwick, to be a passed assistant paymaster in the Navy from the 13th day of June, 1902, vice Passed Assistant Paymaster George Brown, promoted.

Passed Assistant Paymaster Walter B. Izard, to be a paymaster in the Navy from the 1st day of July, 1902, vice Paymaster Charles M. Ray, promoted.

Assistant Paymaster Eugene C. Tobey, to be a passed assistant paymaster in the Navy from the 1st day of July, 1902, vice Passed Assistant Paymaster Walter B. Izard, promoted.

Paymaster Mitchell C. McDonald, to be a pay inspector in the Navy from the 9th day of September, 1902, vice Paymaster Josiah R. Stanton, retired.

Passed Assistant Paymaster David Potter, to be a paymaster in the Navy from the 9th day of September, 1902, vice Paymaster Mitchell C. McDonald, promoted.

Paymaster Eustace B. Rogers, to be a pay inspector in the Navy from the 21st day of September, 1902, vice Pay Inspector Arthur Peterson, resigned.

Passed Assistant Paymaster Samuel Bryan, to be a paymaster in the Navy from the 21st day of September, 1902, vice Paymaster Eustace B. Rogers, promoted.

Assistant Paymaster Jonathan Brooks, to be a passed assistant paymaster in the Navy from the 21st day of September, 1902, vice Passed Assistant Paymaster Samuel Bryan, promoted.

Pay Inspector Lawrence G. Boggs, to be a pay director in the Navy from the 28th day of September, 1902, vice Pay Director Edwin Putnam, retired.

Paymaster Leeds C. Kerr, to be a pay inspector in the Navy from the 28th day of September, 1902, vice Pay Inspector Lawrence G. Boggs, promoted.

Passed Assistant Paymaster George M. Lukesh, to be a paymaster in the Navy from the 28th day of September, 1902, vice Paymaster Leeds C. Kerr, promoted.

Assistant Paymaster Dexter Tiffany, jr., to be a passed assistant paymaster in the Navy from the 9th day of November, 1902, vice Passed Assistant Paymaster Charles W. Penrose, dismissed.

Paymaster Richard T. M. Ball, to be a pay inspector in the Navy from the 22d day of November, 1902, vice Pay Inspector Samuel R. Colhoun, promoted.

Passed Assistant Paymaster John W. Morse, to be a paymaster in the Navy from the 22d day of November, 1902, vice Paymaster Richard T. M. Ball, promoted.

Assistant Paymaster Franklin P. Sackett, to be a passed assistant paymaster in the Navy from the 22d day of November, 1902, vice Passed Assistant Paymaster John W. Morse, promoted.

To be assistant paymasters in the Navy to fill vacancies in that grade.

Donald W. Nesbit, a citizen of Missouri, from the 30th day of June, 1902.

Arthur M. Pippin, a citizen of New York, from the 30th day of June, 1902.

John S. Higgins, a citizen of Massachusetts, from the 30th day of June, 1902.

Ignatius T. Hagner, a citizen of the District of Columbia, from the 15th day of July, 1902.

George P. Auld, a citizen of Vermont, from the 15th day of October, 1902.

James S. Beecher, a citizen of Minnesota, from the 15th day of October, 1902.

Henry A. Wise, jr., a citizen of Virginia, from the 15th day of October, 1902.

Henry de F. Mel, a citizen of California, from the 1st day of November, 1902.

John F. Fleming, a citizen of Rhode Island, to be a chaplain in the Navy, from the 11th day of July, 1902, to fill a vacancy existing in that grade on that date.

Assistant Naval Constructor John D. Beuret, to be a naval constructor in the Navy, from the 1st day of July, 1902, to fill a vacancy existing in that grade on that date.

Assistant Naval Constructor Homer L. Ferguson, to be a naval constructor in the Navy from the 1st day of July, 1902, to fill a vacancy existing in that grade on that date.

Cadets to be assistant naval constructors in the Navy.

William McEntee.
William B. Ferguson, jr.
John A. Spilman.

SECOND LIEUTENANTS IN THE MARINE CORPS.

Sergts. Cleyburn McCauley, Harvey C. Egan, and Thomas C. Turner, all noncommissioned officers of the Marine Corps, to be second lieutenants in said corps from the 27th day of August, 1902, to fill vacancies existing in that grade on that date.

COLLECTORS OF CUSTOMS.

John W. Howell, of Florida, to be collector of customs for the district of Fernandina, in the State of Florida. (Reappointment.)

Fred C. Cubberly, of Florida, to be collector of customs for the district of St. Marks, in the State of Florida, to succeed Samuel P. Anthony, whose term of office will expire by limitation December 22, 1902.

Thomas B. George, of Florida, to be collector of customs for the district of St. Augustine, in the State of Florida. (Reappointment.)

William H. Lucas, of Florida, to be collector of customs for the district of St. Johns, in the State of Florida. (Reappointment.)

Henry McCall, of Louisiana, to be collector of customs for the district of New Orleans, in the State of Louisiana, to succeed A. T. Wimberley, whose term of office will expire by limitation on December 21, 1902.

NAVAL OFFICER OF CUSTOMS.

Elmer E. Wood, of Louisiana, to be naval officer of customs in the district of New Orleans, in the State of Louisiana, in place of John Webre, deceased. Mr. Wood is now serving under a temporary commission issued during the recess of the Senate.

SURVEYOR OF CUSTOMS.

Elijah W. Adkins, of Tennessee, to be surveyor of customs for the port of Knoxville, in the State of Tennessee, to succeed J. C. Ford, resigned, Mr. Adkins is now serving under a temporary commission issued during the recess of the Senate.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Charles C. Fengar, to be a captain in the Revenue-Cutter Service of the United States, to succeed William H. Hand, retired. Mr. Fengar is now serving under a temporary commission issued during the recess of the Senate.

First Lieut. Orin D. Myrick, to be a captain in the Revenue-Cutter Service of the United States, in place of William J. Herring, deceased. Mr. Myrick is now serving under a temporary commission issued during the recess of the Senate.

First Lieut. Worth G. Ross, to be a captain in the Revenue Cutter Service of the United States, to succeed Albert Buhner, retired. Mr. Ross is now serving under a temporary commission issued during the recess of the Senate.

Joseph M. Simms, to be a captain in the Revenue-Cutter Service of the United States on the permanent waiting-orders list, in accordance with the act of Congress approved June 30, 1902. The pay of the said Joseph M. Simms under this appointment shall not be above that of a first lieutenant on the retired list in said service, to wit, $1,890. Mr. Simms is now serving under a temporary commission issued during the recess of the Senate.

First. Lieut. John V. Wild, to be a captain in the Revenue-Cutter Service of the United States, to succeed W. D. Roath, retired. Mr. Wild is now serving under a temporary commission issued during the recess of the Senate.

Second Lieut. James G. Ballinger, to be a first lieutenant in the Revenue-Cutter Service of the United States, to succeed O. D. Myrick, promoted.

Second Lieut. Francis A. Levis, to be a first lieutenant in the Revenue-Cutter Service of the United States, to succeed Charles C. Fengar, promoted. Mr. Levis is now serving under a temporary commission issued during the recess of the Senate.

Second Lieut. Francis S. Van Boskerck, jr., to be a first lieutenant in the Revenue-Cutter Service of the United States, to succeed John V. Wild, promoted. Mr. Van Boskerck is now serving under a temporary commission issued during the recess of the Senate.

Second Lieut. Samuel B. Winram, to be a first lieutenant in the Revenue-Cutter Service of the United States, to succeed W. G. Ross, promoted.

Third Lieut. Benjamin L. Brockway, to be a second lieutenant in the Revenue-Cutter Service of the United States, to succeed S. B. Winram, promoted.

Third Lieut. Harold D. Hinckley, to be a second lieutenant in the Revenue-Cutter Service of the United States, to succeed Francis A. Levis, promoted. Mr. Hinckley is now serving under a temporary commission issued during the recess of the Senate.

Third Lieut. Thomas M. Molloy, to be a second lieutenant in

the Revenue-Cutter Service of the United States, to succeed J. G. Ballinger, promoted.

Third Lieut. Henry W. Pope, to be a second lieutenant in the Revenue-Cutter Service of the United States, to succeed Francis S. Van Boskerck, jr., promoted. Mr. Pope is now serving under a temporary commission issued during the recess of the Senate.

First Assistant Engineer Levin T. Jones, to be a chief engineer in the Revenue-Cutter Service of the United States, to succeed Wesley J. Phillips, retired. Mr. Jones is now serving under a temporary commission issued during the recess of the Senate.

First Assistant Engineer Charles W. Zastrow, to be a chief engineer in the Revenue-Cutter Service of the United States, to succeed S. H. Magee, retired. Mr. Zastrow is now serving under a temporary commission issued during the recess of the Senate.

Second Assistant Engineer John I. Bryan, to be a first assistant engineer in the Revenue-Cutter Service of the United States, to succeed Charles W. Zastrow, promoted. Mr. Bryan is now serving under a temporary commission issued during the recess of the Senate.

Second Assistant Engineer Frank G. Snyder, to be a first assistant engineer in the Revenue-Cutter Service of the United States, to succeed Levin T. Jones, promoted. Mr. Snyder is now serving under a temporary commission issued during the recess of the Senate.

Second Assistant Engineer Charles A. Wheeler, to be a first assistant engineer in the Revenue-Cutter Service of the United States, to succeed William L. Maxwell, retired. Mr. Wheeler is now serving under a temporary commission issued during the recess of the Senate.

California C. McMillan, of California, to be a second assistant engineer in the Revenue-Cutter Service of the United States. Mr. McMillan is now serving under a temporary commission issued during the recess of the Senate.

William L. Maxwell, of California, to be a second assistant engineer, with the rank of a third lieutenant, in the Revenue-Cutter Service of the United States, to succeed John I. Bryan, promoted.

PROMOTIONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

P. A. Surg. James B. Stoner, of Pennsylvania, to be a surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from September 16, 1902. Mr. Stoner is now serving under a temporary commission issued during the recess of the Senate.

Richard H. Creel, of Missouri, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States. Mr. Creel is now serving under a temporary commission issued during the recess of the Senate.

Ruel E. Ebersole, of Virginia, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States. Mr. Ebersole is now serving under a temporary commission issued during the recess of the Senate.

Albert D. Foster, of Michigan, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States. Mr. Foster is now serving under a temporary commission issued during the recess of the Senate.

Holcombe McRobertson, of Virginia, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States. Mr. McRobertson is now serving under a temporary commission issued during the recess of the Senate.

William C. Rucker, of Wisconsin, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States. Mr. Rucker is now serving under a temporary commission issued during the recess of the Senate.

Arthur M. Stimson, of New York, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States. Mr. Stimson is now serving under a temporary commission issued during the recess of the Senate.

John W. Trask, of Michigan, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States. Mr. Trask is now serving under a temporary commission issued during the recess of the Senate.

William K. Ward, of the District of Columbia, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States. Mr. Ward is now serving under a temporary commission issued during the recess of the Senate.

POSTMASTERS.

Harvey S. Abel, to be postmaster at Stafford Springs, in the county of Tolland and State of Connecticut, in place of Joseph W. Chandler. Incumbent's commission expired January 10, 1902.

Nemie F. Awtrey, to be postmaster at Lagrange, in the county of Troup and State of Georgia, in place of Nemie F. Awtrey. Incumbent's commission expired March 22, 1902.

James A. Lauder, to be postmaster at Carterville, in the county of Williamson and State of Illinois, in place of James A. Lauder. Incumbent's commission expires December 21, 1902.

John C. Louden, to be postmaster at Lebanon, in the county of St. Clair and State of Illinois, in place of John C. Louden. Incumbent's commission expires December 21, 1902.

Joseph M. Myers, to be postmaster at Forreston, in the county of Ogle and State of Illinois, in place of Joseph M. Myers Incumbent's commission expires December 21, 1902.

James E. Ellwood, to be postmaster at Sycamore, in the county of De Kalb and State of Illinois, in place of James E. Ellwood. Incumbent's commission expires December 21, 1902.

Robert Ross, to be postmaster at East Chicago, in the county of Lake and State of Indiana, in place of Robert Ross. Incumbent's commission expires December 21, 1902.

John D. Seaman, to be postmaster at Tulsa, in the Creek Nation, Indian Territory, in place of John D. Seaman. Incumbent's commission expires December 20, 1902.

Adelbert J. Weeks, to be postmaster at Correctionville, in the county of Woodbury and State of Iowa, in place of Adelbert J. Weeks. Incumbent's commission expires December 21, 1902.

Charles E. Carmody, to be postmaster at Mapleton, in the county of Monona and State of Iowa, in place of Charles E. Carmody. Incumbent's commission expires December 14, 1902.

Thomas H. Earnest, to be postmaster at Cherryvale, in the county of Montgomery and State of Kansas, in place of Leo C. Veeder. Incumbent's commission expires January 7, 1903.

Edwin Foster, to be postmaster at Independence, in the county of Montgomery and State of Kansas, in place of Edwin Foster. Incumbent's commission expired June 3, 1902.

A. Clay Whiteman, to be postmaster at La Crosse, in the county of Rush and State of Kansas, in place of A. Clay Whiteman. Incumbent's commission expires December 21, 1902.

Leonard M. Sellers, to be postmaster at Cedar Springs, in the county of Kent and State of Michigan, in place of Leonard M. Sellers. Incumbent's commission expired March 9, 1902.

Milo N. Johnson, to be postmaster at Northville, in the county of Wayne and State of Michigan, in place of William H. Hutton. Incumbent's commission expired January 10, 1902.

John S. Kennedy, to be postmaster at Corning, in the county of Steuben and State of New York, in place of John S. Kennedy. Incumbent's commission expires December 20, 1902.

Edward Reed, to be postmaster at Glens Falls, in the county of Warren and State of New York, in place of Edward Reed. Incumbent's commission expired May 24, 1902.

Fred A. Edwards, to be postmaster at Holley, in the county of Orleans and State of New York, in place of Fred A. Edwards. Incumbent's commission expires December 15, 1902.

George L. Thompson, to be postmaster at Kings Park, in the county of Suffolk and State of New York, in place of George L. Thompson. Incumbent's commission expires December 15, 1902.

Robert Murray, to be postmaster at Warrensburg, in the county of Warren and State of New York, in place of Robert Murray. Incumbent's commission expired June 14, 1902.

William H. Tucker, to be postmaster at Toledo, in the county of Lucas and State of Ohio, in place of William H. Tucker. Incumbent's commission expires December 20, 1902.

W. H. Jeffries, to be postmaster at Bellwood, in the county of Blair and State of Pennsylvania, in place of Alexander M. Cornmesser. Incumbent's commission expired January 9, 1900.

John H. Holmes, to be postmaster at Freeport, in the county of Armstrong and State of Pennsylvania, in place of John H. Holmes. Incumbent's commission expired June 24, 1902.

George F. Stackpole, to be postmaster at Lewistown, in the county of Mifflin and State of Pennsylvania, in place of George F. Stackpole. Incumbent's commission expired June 13, 1902.

J. Wersler Thomson, to be postmaster at Phoenixville, in the county of Chester and State of Pennsylvania, in place of Robert J. Henderson. Incumbent's commission expired July 7, 1902.

George C. Wagenseller, to be postmaster at Selinsgrove, in the county of Snyder and State of Pennsylvania, in place of George C. Wagenseller. Incumbent's commission expired June 22, 1902.

Silas E. Dubbel, to be postmaster at Waynesboro, in the county of Franklin and State of Pennsylvania, in place of Silas E. Dubbel. Incumbent's commission expired May 28, 1902.

Jessie S. Rose, to be postmaster at Manchester, in the county of Hartford and State of Connecticut, in place of Charles H. Rose, deceased.

Peter A. Nelson, to be postmaster at Lamont, in the county of Cook and State of Illinois, in place of George G. Losey, deceased.

Harry W. McDowell, to be postmaster at Winamac, in the county of Pulaski and State of Indiana, in place of Francis M. McDowell, resigned.

Charles C. Pugh, to be postmaster at Adel, in the county of Dallas and State of Iowa, in place of Clarence B. Roberts, resigned.

Jonathan Bateman, to be postmaster at Manville, in the county of Providence and State of Rhode Island, in place of Frank X. Roberts, removed.

George H. Few, to be postmaster at Flandreau, in the county of Moody and State of South Dakota, in place of Patrick W. Carr, deceased.

H. F. Brimberry, to be postmaster at Albany, in the county of Dougherty and State of Georgia, in place of Benjamin F. Brimberry. Incumbent's commission expired February 1, 1902.

Nathan L. Colby, to be postmaster at Pecatonica, in the county of Winnebago and State of Illinois, in place of Nathan L. Colby. Incumbent's commission expires December 21, 1902.

William W. Lingle, to be postmaster at Paoli, in the county of Orange and State of Indiana, in place of William W. Lingle. Incumbent's commission expires December 21, 1902.

C. M. Graham, to be postmaster at South Whitley, in the county of Whitley and State of Indiana, in place of Edward E. Hissem. Incumbent's commission expires December 21, 1902.

Joseph H. Butler, to be postmaster at Vinita, in the Cherokee Nation, Ind. T., in place of Joseph H. Butler. Incumbent's commission expires December 20, 1902.

George A. Danforth, to be postmaster at Hamburg, in the county of Fremont and State of Iowa, in place of George A. Danforth. Incumbent's commission expires December 21, 1902.

David E. McClelland, to be postmaster at Chanute, in the county of Neosho and State of Kansas, in place of David E. McClelland. Incumbent's commission expired May 4, 1902.

Jesse Forkner, to be postmaster at Columbus, in the county of Cherokee and State of Kansas, in place of Clarence R. Aitchison. Incumbent's commission expired June 3, 1902.

E. C. Reid, to be postmaster at Allegan, in the county of Allegan and State of Michigan, in place of E. C. Reid. Incumbent's commission expired May 24, 1902.

George Simonds, to be postmaster at Victor, in the county of Ontario and State of New York, in place of George Simonds. Incumbent's commission expires December 20, 1902.

O. A. Wilson, to be postmaster at McIntosh, in the county of Polk and State of Minnesota, in place of Thomas S. Berg, deceased.

Annie G. Davenport, to be postmaster at Gordonsville, in the county of Orange and State of Virginia, in place of John T. Davenport, deceased.

Charles W. Poole, to be postmaster at Chelsea, in the Cherokee Nation, Indian Territory. Office became Presidential October 1, 1902.

William H. Campbell, to be postmaster at Anadarko, in the county of Caddo and Territory of Oklahoma. Office became Presidential October 1, 1902.

Luther P. Ross, to be postmaster at Saxton, in the county of Bedford and State of Pennsylvania. Office became Presidential January 1, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 8, 1902.

AMBASSADORS.

Charlemagne Tower, of Pennsylvania, to be ambassador extraordinary and plenipotentiary of the United States to Germany.

Bellamy Storer, of Ohio, to be ambassador extraordinary and plenipotentiary of the United States to Austria-Hungary.

Robert S. McCormick, of Illinois, to be ambassador extraordinary and plenipotentiary to Russia.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

Charles Page Bryan, of Illinois, to be envoy extraordinary and minister plenipotentiary to Switzerland.

Leslie Combs, of Kentucky, to be envoy extraordinary and minister plenipotentiary to Guatemala and Honduras.

Arthur S. Hardy, of New Hampshire, to be envoy extraordinary and minister plenipotentiary of the United States to Spain.

John B. Jackson, of New Jersey, to be envoy extraordinary and minister plenipotentiary of the United States to Greece, Roumania, and Servia.

William B. Sorsby, of Mississippi, to be envoy extraordinary and minister plenipotentiary of the United States to Bolivia.

David E. Thompson, of Nebraska, to be envoy extraordinary and minister plenipotentiary of the United States to Brazil.

SECRETARIES OF EMBASSIES.

H. Percival Dodge, of Massachusetts, to be secretary of the embassy of the United States at Berlin, Germany.

R. S. Reynolds Hitt, of Illinois, to be second secretary of the embassy of the United States at Berlin, Germany.

Peter Augustus Jay, of Rhode Island, to be third secretary of the embassy of the United States at Paris, France.

CONSULS.

John B. Richardson, of Kansas, to be consul of the United States at Utilla, Honduras.

Albert R. Morawetz, of Arizona, to be consul of the United States at Nogales, Mexico.

James C. McNally, of Pennsylvania, to be consul of the United States at Liege, Belgium.

E. Scott Hotchkiss, of Wisconsin, to be consul of the United States at Brockville, Ontario, Canada.

Franklin D. Hale, of Vermont, to be consul of the United States at Coaticook, Quebec, Canada.

CONSULS-GENERAL.

Edward S. Bragg, of Wisconsin, to be consul-general of the United States at Hongkong, China.

William A. Rublee, of Wisconsin, to be consul-general of the United States at Habana, Cuba.

Alfred A. Winslow, of Indiana, to be consul-general of the United States at Guatemala City, Guatemala.

DIRECTOR OF THE CENSUS.

William R. Merriam, of Minnesota, who was appointed July 9, 1902, during the recess of the Senate, to be Director of the Census, under the act of Congress approved March 6, 1902.

MEMBER OF PHILIPPINE COMMISSION.

James F. Smith, of California, now serving as a member of the supreme court of the Philippine Islands, for appointment as a member of the Philippine Commission and secretary of public instruction in the government of the Philippine Islands, to date from January 1, 1903.

ASSOCIATE JUSTICE.

Ashley M. Gould, of the District of Columbia, to be associate justice of the supreme court of the District of Columbia.

DISTRICT JUDGES.

George W. Ray, of New York, to be United States district judge for the northern district of New York.

Albert B. Anderson, of Indiana, to be United States judge for the district of Indiana.

UNITED STATES ATTORNEY.

Thomas R. Roulhac, of Alabama, to be United States attorney for the northern district of Alabama.

INDIAN AGENT.

Shepard Freeman, of Oshkosh, Wis., to be agent for the Indians of the Green Bay Agency in Wisconsin.

PENSION AGENT.

Daniel R. Collier, of Kentucky, to be pension agent at Louisville, Ky.

POSTMASTERS.

James W. Hunt, to be postmaster at Worcester, in the county of Worcester and State of Massachusetts.

Horace C. Whiteman, to be postmaster at Sanford, in the county of Orange and State of Florida.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 8, 1902.*

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Our Father who art in heaven, infinite source of life and light and love, sensible of our dependence upon Thee and conscious of our daily needs, we humbly and reverently bow in Thy presence that by the uplift of the moment our minds may be illumined and our hearts quickened that we may be prepared for the duties and the obligations of the hour. Mindful of the great souls whom from time to time Thou hast raised up as leaders among men and who have breathed their spirits into the institutions of our country, we bless Thee and pray that we may strive to emulate their virtues. Profoundly moved by the sudden and unexpected death of one who for years was a conspicuous and dominant spirit upon the floor of this House, and who presided with dignity and force over its deliberations, we pray that his influence for good may be potent to coming generations. And now, O Heavenly Father, comfort a mourning people and the bereaved family with the bright promises of the gospel of Jesus Christ our Lord. Amen.

The Journal of Saturday's proceedings was read and approved.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

AMERICAN RAILROAD COMPANY OF PORTO RICO.

The SPEAKER laid before the House the following message, in writing, from the President of the United States; which was ordered printed, and referred to the Committee on Insular Affairs:

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance approved by me October 27, 1902, granting the consent of the executive council of Porto Rico to the assignment by the Compania de los Ferrocarriles de Puerto Rico to Henry De Ford, his heirs, executors and assigns, and to a proposed corporation to be designated and known as "The American Railroad Company of Porto Rico, Central Aguirre Operator," of the right to construct, operate, and maintain the railroad lines from Ponce to Guayama, authorized by the executive council of Porto Rico on October 28, 1901, and to construct and operate a branch line from Ponce to the Ponce Playa, and a branch line from Guayama to Arroyo.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 8, 1902.*

ACCOUNTS OF LOUISIANA PURCHASE EXPOSITION COMPANY.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Select Committee on Industrial Arts and Expositions, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State covering a statement showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the months of May, June, July, August, September, and October, 1902, furnished by the Louisiana Purchase Exposition Commission, in pursuance of section 11 of the "Act to provide for celebrating the one-hundredth anniversary of the purchase of the Louisiana Territory," etc., approved March 3, 1901.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 8, 1902.*

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

Mr. LONG, indefinitely, on account of important business.

Mr. ALLEN of Maine, for four days, to accompany the remains of ex-Speaker Reed to his old home in Portland, Me.

Mr. TALBERT, indefinitely, on account of sickness.

Mr. CURTIS, indefinitely, on account of important business.

ORDER OF BUSINESS.

Mr. TAWNEY. I ask unanimous consent that the special order fixed by the House on Saturday last for to-day be made the special order for to-morrow.

The SPEAKER. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent that the special order, known as the London dock bill, which was set for to-day be continued and made the special order for to-morrow. Is there objection? The Chair hears none; and it is so ordered.

DEATH OF HON. THOMAS B. REED.

Mr. SHERMAN. Mr. Speaker, the life of ex-Speaker Reed ended yesterday. Its span measured many years less than the allotted life of man, and yet there was within it so much of moment that his fame became great, and will be lasting. He was a citizen of my State since his retirement from public life, although it was as a Representative from the State of Maine that he rendered his service to the public; and it is in the State of Maine that he will have his final resting place.

To have served with Mr. Reed was an honor; to have been in close touch with him, an inspiration; to have enjoyed his confidence and his friendship, a delight. He was so great, his service to his country so valuable, that it seems to me we may fitly depart from what is the usual custom of the House when one not in public life dies. I therefore, Mr. Speaker, offer the resolution which I send to the Clerk.

The Clerk read as follows:

Resolved, That the following minute be spread upon the record of the House of Representatives:

Hon. Thomas Brackett Reed died in Washington, December 7, 1902. For twenty-two years he had been a member of this House; for six years its Speaker. His service terminated with the Fifty-fifth Congress. Within this Chamber the scene of his life's great activities was laid. Here he rendered services to his country which placed him in the front rank of American statesmanship. Here he exhibited characteristics which compelled respect and won admiration. Forceful ability, intrinsic worth, strength of character brought him popular fame and Congressional leadership. In him depth and breadth of intellect, with a full and well-rounded development, had produced a giant who towered above his fellows and impressed them with his power and his wisdom. A distinguished statesman, a lofty patriot, a cultured scholar, an incisive writer, a unique orator, an unmatched debater, a master of logic, wit, satire, the most famous of the world's parliamentarians, the great and representative citizen of the American Republic has gone into history.

Resolved, That in honor of the distinguished dead the House do now adjourn.

The SPEAKER. Is there objection to the present consideration of these resolutions? [A pause.] The Chair hears none.

The question being taken, the resolutions were adopted; and then, in accordance therewith, the House (at 12.15 p. m.) adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *John*, Edmund Lewis, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Industry*, James Parsons, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Friendship*, Henry Brookins, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Polly*, Russell Doan, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Juno*, Jonathan Thompson, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Success*, Robert Clark, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Hope*, Ezra Merrill, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Eagle*, Thomas Gray, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Industry*, William Reddle, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Polly*, Elisha Caswell, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James H. Green, administrator of estate of John L. Green, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Ezra Marker, surviving executor of estate of James Marker, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of H. Taylor Garrison, administrator of estate of John Gammel, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Charles R. Carder against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Julia Ann Faught, William T. Shirrod, Leander K. Shirrod, Susan G. Wright, Louisa J. Wheeler, and Robert K. Shirrod against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Eliza A. Duffield against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of

Charles F. Elgin, administrator of estate of William S. Elgin, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Warwick Hutton, administrator of the estate of Samuel Morrison, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, Postmaster-General, and Attorney-General, submitting a report as to the Federal building at Jersey City, N. J.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Postmaster-General submitting an estimate of appropriation for rent, fuel, and light for second-class post-offices for the current year—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for subsistence for the Army for the fiscal year ending June 30, 1904—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for damages to private property by gun firing—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for powder depot at Dover, N. J—to the Committee on Appropriations, and order to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect urging appropriation for his office authorized to be paid from appropriation for skilled draftsmen—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for purchase of land at Sullivans Island, South Carolina—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of Agriculture, transmitting a statement of expenditures in his Department for the year ended June 30, 1902—to the Committee on Expenditures in the Department of Agriculture.

A letter from the Secretary of the Treasury, transmitting an abstract of the official emoluments of officers of the customs service during the year ended June 30, 1902—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

A letter from the Commissioner of the Freedman's Savings and Trust Company, transmitting his annual return for the year ended December 1, 1902—to the Committee on Banking and Currency, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 15747) directing the issue of a check in lieu of a lost check drawn by George A. Bartlett, disbursing clerk, in favor of Fannie T. Sayles, executrix, and others, reported the same without amendment, accompanied by a report (No. 2782); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HAMILTON: A bill (H. R. 15763) modifying the existing project for the improvement of South Haven Harbor, Michigan, and making appropriation therefor—to the Committee on Rivers and Harbors.

By Mr. LACEY: A bill (H. R. 15764) to repeal the commutation provision of the homestead laws—to the Committee on the Public Lands.

Also, a bill (H. R. 15765) to repeal the desert-land law—to the Committee on the Public Lands.

By Mr. HENRY C. SMITH: A bill (H. R. 15766) to amend the tariff law of 1897, and so forth—to the Committee on Ways and Means.

By Mr. ACHESON: A bill (H. R. 15767) to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: A resolution (H. Res. 347) calling upon the Secretary of War to furnish certain information—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. APLIN: A bill (H. R. 15768) granting an increase of pension to William J. Jubb—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 15769) granting a pension to May Shields Mitchell—to the Committee on Invalid Pensions.

By Mr. BELLAMY: A bill (H. R. 15770) for the relief of R. L. Hutchins and others, for work done and material furnished in the construction of the post-office building at Wilmington, N. C.—to the Committee on Claims.

By Mr. CROWLEY: A bill (H. R. 15771) granting an increase of pension to Adam Kohlhauff—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 15772) to correct the military record of Andrew J. Drake—to the Committee on Military Affairs.

By Mr. FOERDERER: A bill (H. R. 15773) granting an increase of pension to Charles Dalrymple—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15774) granting an increase of pension to Ella P. Kerstetter—to the Committee on Invalid Pensions.

By Mr. GILLET of New York: A bill (H. R. 15775) for the relief of James N. Wheelan, United States Army—to the Committee on Military Affairs.

By Mr. HEMENWAY: A bill (H. R. 15776) granting an increase of pension to Idah I. Miller—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 15777) granting a pension to Aaron Woodruff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15778) granting a pension to Mary I. Wood—to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 15779) for the relief of Israel Roll—to the Committee on Invalid Pensions,

By Mr. MIERS of Indiana: A bill (H. R. 15780) granting a pension to John R. Ward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15781) granting a pension to Sampson Parker—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 15782) for the relief of Patrick H. Kelley—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 15783) granting an increase of pension to Joseph Mort—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 15784) granting an increase of pension to Vint Anderson—to the Committee on Invalid Pensions.

By Mr. OTJEN: A bill (H. R. 15785) for the relief of Eugene H. Wood—to the Committee on War Claims.

By Mr. SMITH of Kentucky: A bill (H. R. 15786) granting a pension to James A. Mattingly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15787) granting an increase of pension to John Daly—to the Committee an Invalid Pensions.

Also, a bill (H. R. 15788) for the relief of the lawful heirs of G. W. Upton, deceased—to the Committee on War Claims.

By Mr. STEELE: A bill (H. R. 15789) granting a pension to Benjamin Cooper—to the Committee on Invalid Pensions.

By Mr. TOMPKINS of New York: A bill (H. R. 15790) for the relief of Horace E. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15791) for the relief of Abram Wilson—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 15792) granting a pension to Fred Payne, alias Henry Foreman—to the Committee on Invalid Pensions.

By Mr. WARNER: A bill (H. R. 15793) granting an increase of pension to George Skinner—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petitions of the Second Presbyterian Church and the Home Missionary Society of the First Presbyterian Church, of Washington, Pa., in favor of an amendment to the Constitution

defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. ADAMSON: Petition of Georgia State Sociological Society, of Atlanta, Ga., favoring a laboratory in the Department of Justice—to the Committee on the Judiciary.

By Mr. ALLEN of Kentucky: Petition of T. B. Darne and others, of Hanson, Ky., for the removal of tax upon tobacco—to the Committee on Ways and Means.

By Mr. ALEXANDER: Petition of E. G. Benninger and others, of Buffalo, N. Y., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BOWERSOCK: Papers to accompany House bill 7222, for increase of pension of Nathan Goodman—to the Committee on Invalid Pensions.

By Mr. BURLESON: Petition of C. L. Woodward and others, favoring House bills 178 and 179—to the Committee on Ways and Means.

By Mr. BUTLER of Pennsylvania: Petitions of Woman's Christian Temperance Unions of Cochranville and Atglen, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. ESCH: Petition of La Crosse Presbytery, Galesville, Wis., for the establishment of a laboratory in the Department of Justice at Washington for the study of the criminal classes—to the Committee on the Judiciary.

By Mr. GRIFFITH: Petition of S. M. Fish and J. M. Tobias, of Paris Crossing, and druggists of Rising Sun, Ind., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. HAY: Papers to accompany House bill relating to the claim of James H. Hottel—to the Committee on War Claims.

Also, paper relating to the claim of Noah Royer—to the Committee on War Claims.

By Mr. KETCHAM: Petition of E. F. Terwilliger and other druggists of Dutchess County, N. Y., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. LACEY: Petition of W. M. Avery and others, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. MIERS of Indiana: Papers to accompany House bill granting a pension to Sampson Parker—to the Committee on Invalid Pensions.

Also, paper to accompany bill for a pension to John R. Ward—to the Committee on Invalid Pensions.

By Mr. MOON: Papers to accompany House bill for increase of pension of Israel Roll—to the Committee on Invalid Pensions.

By Mr. NEVIN: Paper to accompany House bill to correct the naval record of William F. Dammuer—to the Committee on Naval Affairs.

Also, petition of florists of Butler County, Ohio, asking for the removal of the tariff on certain glass products—to the Committee on Ways and Means.

Also, papers to accompany House bill granting a pension to Maria L. Randall and others—to the Committee on Invalid Pensions.

By Mr. OTJEN: Resolution of Milwaukee common council, in favor of House joint resolution 144—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON of Tennessee: Petition of Thacher Medicine Company, Chattanooga, Tenn., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of heir of Thomas Hord, deceased, late of Rutherford County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. SMITH of Kentucky: Papers to accompany House bill granting a pension to James A. Mattingly—to the Committee on Invalid Pensions.

Also, petition of the heirs of G. W. Upton, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. STEELE: Paper to accompany House bill granting an increase of pension to Benjamin Cooper—to the Committee on Invalid Pensions.

By Mr. TOMPKINS of New York: Petition of Horace E. Davis for increase of pension—to the Committee on Invalid Pensions.

Also, paper to accompany bill for a pension to Abram Wilson—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill 15762, granting a pension to Nancy Rice—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *December 9, 1902.*

Prayer by Rev. J. W. DUFFEY, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *William*, Nathaniel Curtis, jr., master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel pilot boat *Zephyr*, Edward Hansford, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 215) regulating the duties and fixing the compensation of the customs inspectors at the port of New York.

MEMORIAL ADDRESSES ON THE LATE SENATOR WILLIAM J. SEWELL.

Mr. KEAN. Mr. President, I desire to give notice that on Wednesday, the 17th of December, at some convenient hour, I shall submit resolutions in regard to the death of my late colleague, WILLIAM J. SEWELL, in order that appropriate tribute may be paid to his memory. Circumstances have been such that I have heretofore been unable to present the resolutions.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore. The Chair lays before the Senate a telegram in the nature of a petition, which will be read:

The telegram was read, and ordered to lie on the table, as follows:

[Telegram.]

GUTHRIE, OKLA., *December 8, 1902.*

Hon. PRESIDENT OF SENATE, *Washington, D. C.:*

Commercial Club and citizens generally mass meeting to-day earnestly and unanimously urge passage omnibus statehood bill. Single statehood advocates agree conditions not ripe for Beveridge bill.

K. E. BALL,
Mayor.
C. M. BARNES,
President Commercial Club.
FRANK B. LUCAS,
Secretary.

Mr. BLACKBURN presented a petition of sundry citizens of Kentucky, praying for the enactment of legislation to amend the internal-revenue laws relative to a reduction of the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. BURTON. I present resolutions unanimously adopted at a meeting of the Commercial Club of Kansas City, November 25, 1902, which I ask may be read and lie on the table, the bill on this subject having already been reported from the Committee on Territories.

There being no objection, the resolutions were read and ordered to lie on the table, as follows:

Resolutions unanimously adopted at the meeting of the Commercial Club of Kansas City, November 25, 1902.

Resolved, That the Commercial Club of Kansas City is in favor of the admission to statehood of Oklahoma, New Mexico, Arizona, and Indian Territory as soon as practicable.

We believe that the rapid growth in population, the increase in wealth and commercial importance, and the energy and patriotism of the people of those Territories will make their admission as States beneficial to the country at large as well as to the Territories themselves. We believe that the time has come when Congress should speedily provide that all the Territories upon the continent, except the District of Columbia and Alaska, should be organized as States, and thus be given equal rights and equal opportunities.

Resolved further, That the secretary be requested to send a copy of these resolutions to the United States Senators and Members of the House of Representatives from Missouri and Kansas.

Attest: E. M. CLENDENING,
Secretary.

Mr. GALLINGER presented a petition of the Citizens' Northwest Suburban Association of Washington, D. C., praying for the enactment of legislation providing that current revenues be applied only to current expenditures, and that extraordinary public improvements made necessary for the development of the

future and greater Washington be paid for out of advances from the Treasury of the United States, to be reimbursed by annual installments from District revenues; which was referred to the Committee on the District of Columbia.

Mr. FOSTER of Washington presented the petition of R. I. Elliott, of Tacoma, Wash., praying for the enactment of legislation to amend section 4921 of the Revised Statutes, relating to patents; which was referred to the Committee on Patents.

Mr. WETMORE presented petitions of Prescott Post, No. 1, of Providence; of Ballou Post, No. 3, of Central Falls; of Arnold Post, No. 4, of Providence; of Reno Post, No. 6, of East Greenwich; of Farragut Post, No. 8, of Riverside; of Smith Post, No. 9, of Woonsocket; of Slocum Post, No. 10, of Providence; of Thomas Post, No. 11, of Appenang; of Rodman Post, No. 12, of Providence; of Eves Post, No. 13, of Providence; of Charles C. Baker Post, No. 16, of Wickford; of Tower Post, No. 17, of Pawtucket; of Budlong Post, No. 18, of Westerly; of J. C. Nichols Post, No. 19, of Rockland; of Bucklin Post, No. 20, of East Providence; of Gen. G. K. Warren Post, No. 21, of Newport; of R. F. Tobin Post, No. 24, of Warren, and of George H. Browns Post, No. 25, of Providence, Department of Rhode Island, Grand Army of the Republic, in the State of Rhode Island, praying that an appropriation be made for the erection of a suitable statue of General Burnside in one of the public parks in the city of Washington, D. C.; which was referred to the Committee on the Library.

Mr. MASON presented a petition of the congregation of the Parks Chapel Methodist Episcopal Church, of Urbana, Ill., praying for the enactment of legislation to regulate immigration and to prohibit the sale of intoxicating liquors in United States Government stations and buildings; which was ordered to lie on the table.

He also presented a petition of the congregation of the First Baptist Church of Urbana, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the congregation of the First Methodist Episcopal Church of Urbana, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in United States immigrant stations; which was ordred to lie on the table.

He also presented a petition of sundry citizens of Illinois, praying for the enactment of legislation to amend the internal-revenue laws relative to a reduction of the tax on distilled spirits; which was referred to the Committee on Finance.

ESTATE OF LEO L. JOHNSTON.

Mr. BLACKBURN. I present papers to accompany the bill (S. 2666) for the relief of the estate of Leo L. Johnston, deceased. I move that the papers be printed as a document and referred to the Committee on Claims for the use of that committee.

The motion was agreed to.

CLAIMS FOR RENT AND USE OF PROPERTY.

Mr. COCKRELL. I move that letters from the Quartermaster-General, United States Army, and from the Auditor for the War Department, relative to claims for the use and rent of property during the civil war, be printed as a Senate document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. FOSTER of Washington (for Mr. TURNER), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5953) granting a pension to Ann M. Green; and

A bill (S. 5508) granting an increase of pension to George J. Cheney.

Mr. FOSTER of Washington (for Mr. TURNER), from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (S. 4023) granting an increase of pension to Alman J. Houston; and

A bill (H. R. 5321) granting a pension to Lillie May Fifield.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 5909) for the extension of Euclid avenue, reported it with an amendment, and submitted a report thereon.

DANIEL L. MALLICOAT.

Mr. COCKRELL. I move that the Committee on Pensions be discharged from the further consideration of the bill (S. 4262) granting a pension to Daniel L. Mallicoat, and then that the bill be indefinitely postponed, as a House bill has already been enacted into a law for the same purpose.

The PRESIDENT pro tempore. The Senator from Missouri moves that the Committee on Pensions be discharged from the further consideration of the bill indicated by him. Is there objection? The Chair hears none. Without objection, the bill will be indefinitely postponed.

FRANK SMITH.

Mr. COCKRELL. I move that the same order be made in regard to the bill (S. 882) granting an increase of pension to Frank Smith, on the ground that the pensioner has died since these proceedings.

The PRESIDENT pro tempore. The Senator from Missouri moves that the Committee on Pensions be discharged from the further consideration of Senate bill No. 882. Is there objection? The Chair hears none, and the order is made. The bill will be indefinitely postponed.

BILLS INTRODUCED.

Mr. CLARK of Wyoming introduced a bill (S. 6487) relating to crimes against Indians, wards of the United States, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DEPEW introduced a bill (S. 6488) to regulate and make uniform the rights of persons furnishing to or for vessels supplies, repairs, or other necessaries; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. SCOTT introduced a bill (S. 6489) granting a pension to Frances E. Fitz-Gerald; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 6490) amending section 896 of the Revised Statutes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. McENERY introduced a bill (S. 6491) for the relief of H. Gibbes Morgan and other coowners of Cat Island, in the Gulf of Mexico; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. TALIAFERRO introduced a bill (S. 6492) granting an increase of pension to Thomas Starrat; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FOSTER of Louisiana introduced a bill (S. 6493) to authorize and empower the Southwest Louisiana Rice Growers' Association, of the State of Louisiana, to construct a lock or locks and a dam in Bayou Vermilion, in the State of Louisiana; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6494) to authorize and empower the Rice Irrigation and Improvement Association, of the State of Louisiana, to construct a lock or locks and a dam in Mermentau River, in the State of Louisiana; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FAIRBANKS introduced a bill (S. 6495) to correct the military record of William F. Lynn; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6496) granting an increase of pension to John R. Thatcher; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 6497) for the relief of the legal representatives of Margaret A. Russell, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. QUAY introduced a bill (S. 6498) to establish a permanent military camp ground in the vicinity of Somerset, in Somerset County, Pa.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PRITCHARD introduced a bill (S. 6499) to effectuate the provisions of the additional act of the International Convention for the Protection of Industrial Property; which was read twice by its title, and referred to the Committee on Patents.

Mr. GALLINGER introduced a bill (S. 6500) granting an increase of pension to Caroline W. Bixby; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 6501) for the relief of the widow of Joseph Culley; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a joint resolution (S. R. 139) to authorize Lieutenants Jackson, Rhett, Poole, and Chapin, Gen. H. V. N. Boynton, and Hon. H. Clay Evans to accept, respectively, a photograph of His Royal Highness Prince Henry of Prussia, tendered to each of them by the Prince; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also introduced a joint resolution (S. R. 140) to authorize Capt. Richardson Clover, United States Navy, to accept a souvenir

coronation medal tendered to him by the King of Great Britain; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also introduced a joint resolution (S. R. 141) to authorize Capt. Dorr F. Tozier to accept a sword from the King of Great Britain; which was read twice by its title, and referred to the Committee on Foreign Relations.

ANTHRACITE COAL STRIKE COMMISSION.

Mr. BERRY. I desire to offer an amendment to the bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners, reported yesterday from the Committee on Appropriations. I ask that the amendment lie on the table and be printed. I understand from the Senator from Iowa [Mr. ALLISON] that the bill will go over until to-morrow.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

JOHN KENNEDY.

On motion of Mr. BLACKBURN, it was

Ordered, That John Kennedy have leave to withdraw his petition and papers from the files of the Senate, there having been no adverse report thereon

EMMA I. GRAVES.

Mr. KEARNS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Emma I. Graves, mother of George G. Graves, late a clerk in the office of the Secretary of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

FUNERAL OF THE LATE SENATOR JAMES M'MILLAN.

Mr. BURROWS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the President pro tempore of the Senate in arranging for and attending the funeral of the late Senator from Michigan, Hon. James McMillan, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

ARTHRACITE COAL STRIKE COMMISSION.

Mr. ALLISON. Yesterday I gave notice that I would request the Senate this morning to consider House bill 15372, making an appropriation for the Anthracite Coal Commission, so called, but to suit the convenience of the Senators, I will ask that the bill go over until to-morrow.

Mr. MASON. I could not hear the request of the Senator from Iowa.

Mr. ALLISON. I make no request, except to give notice that to-morrow morning, instead of this morning, I will ask the Senate to consider the Anthracite Coal Commission bill.

THE HAGUE CONVENTION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

In response to the Senate resolution of the 4th instant, I transmit herewith a report from the Secretary of State forwarding the report of the agent of the United States in the case of the United States *v.* Mexico before the Permanent Court of Arbitration under The Hague Convention.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 9, 1902.*

The PRESIDENT pro tempore. The Senator from Nevada [Mr. STEWART] asks that 200 extra copies be printed for the use of the State Department. Is there objection? The Chair hears none, and it will be so ordered.

ANNUAL REPORT OF GOVERNOR OF PORTO RICO.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State accompanying the second annual report of the governor of Porto Rico, and indorse the suggestion that the interest attaching to it may warrant its being printed for the use of Congress.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, December 9, 1902.

BRITISH SCHOONER LILLIE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the determination of Congress as to whether relief should not be afforded to the owners of the British schooner *Lillie*, a report of the Secretary of State, with accompanying papers, showing that the vessel sustained damages by a fire which broke out within her while she was being disinfected with sulphur and while she was in charge of the United States quarantine officer at Ship Island, near Biloxi, Miss.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, December 9, 1902.

EFFICIENCY OF THE MILITIA.

Mr. PROCTOR. I ask unanimous consent that H. R. 15345, being the militia organization bill, be laid before the Senate.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent for the consideration of a bill, the title of which will be read,

Mr. QUAY. I will object for the moment.

The PRESIDENT pro tempore. The Senator from Pennsylvania objects.

Mr. QUAY. I desire to call the attention of the Senator from Iowa [Mr. ALLISON] to the fact that to-morrow, as a special order, the bill for the admission of the Territories of Oklahoma, New Mexico, and Arizona comes before the Senate.

Mr. LODGE. At 2 o'clock.

Mr. QUAY. Is it the intention of the Senator from Iowa to interfere with the special order on that day?

Mr. ALLISON. In no respect, Mr. President. I think the statehood bill comes up at 2 o'clock.

Mr. QUAY. It does.

The PRESIDENT pro tempore. That bill will come up at 2 o'clock, and there can be no interference with it, because it comes up as the unfinished business.

Mr. QUAY. But the bill the Senator from Iowa has in charge is an appropriation measure.

The PRESIDENT pro tempore. That will not interfere with the statehood bill, unless by a majority vote of the Senate.

Mr. QUAY. Then I withdraw my objection to the request of the Senator from Vermont.

The PRESIDENT pro tempore. The Senator from Vermont [Mr. PROCTOR] asks unanimous consent for the present consideration of the bill (H. R. 15345) to promote the efficiency of the militia, and for other purposes.

There being no objection, the bill was considered as in Committee of the Whole.

The Secretary read the bill.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. PROCTOR. Mr. President, the present militia law is 110 years old, having been passed in 1792. It is substantially obsolete, ridiculously so in some respects. Nearly every President since its adoption has recommended further legislation. Washington in six annual messages and Jefferson in six made such recommendations. I will read an extract from one of Jefferson's recommendations, which states the question tersely in three lines. In 1805 he said:

I can not, then, but earnestly recommend to your early consideration the expediency of so modifying our militia system as, by a separation of the more active part from that which is less so, we may draw from it, when necessary, an efficient corps for real and active service.

That is just what this measure proposes to do. The old law makes every able-bodied man in the country a member of the militia, and provides no further organization. This bill separates and makes a class which can be called into active service.

The bill, I think, was very carefully considered in the other House, and in the House report it is stated that it was unanimously recommended by the committee. It was passed with substantial unanimity.

At a convention of the adjutants-general of the United States, which was very fully attended, this matter was the special subject of consideration and was gone over very carefully, and this bill was, as I understand, unanimously recommended by them.

For a brief statement of what is proposed by the bill I can not do better than ask the Secretary to read the extract from the last report of Secretary Root which I have marked, commencing on the second page of the committee's report. I make my statement as brief as possible, in order to save time.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

The bill which has now passed the House is the result of extensive and painstaking conference among representatives of all the classes of citizens especially interested in the subject and especially qualified to express opinions upon it. It does not represent fully anyone's view, but it contains many important provisions upon which a general agreement has been reached, and it will, I am sure, if enacted, be a great step in advance toward effective preparation for war otherwise than by the maintenance of a standing army.

The fundamental idea of the bill is to recognize the value to the National Government of the National Guard, which is capable of being utilized, first, as active militia when called out by the President for the specific purposes enumerated in the Constitution; second, as an already organized volunteer force when its organizations respond as such to calls for volunteers for general military purposes under authority of Congress, and, third, as the great school of the volunteer soldier, the benefits of which are received by the country when the members of the guard respond individually to calls for volunteers. The bill undertakes to regulate and provide for these various relations of the National Guard and its members to the general system; to conform the organization, armament, and discipline of the guard to that of the Regular and Volunteer armies of the United States; to establish closer relations and better cooperation between the National Guard and the Regular Army; to promote the efficiency and dignity of the guard as a part of the military system of the United States.

To aid in accomplishing these objects and in recognition of the benefits to the General Government that come from the guard altogether outside of its service to the individual States, the bill provides that the General Government shall furnish to the guard the same arms which it furnishes to the Regular Army, and for the voluntary participation by the guard with the Regular Army in maneuvers and field exercises for brief periods in each year. The bill also contains provisions making the National guard organizations which choose voluntarily to go beyond the limitations of militia service in effect a First Volunteer Reserve, and further provisions for the enrollment of a Second Volunteer Reserve not exceeding 100,000, to be composed of trained men who have served in the National Guard or in the Regular Army or the volunteer armies of the United States. These would constitute the first volunteer regiments after the National Guard Volunteers under any call by Congress. It also provides for ascertaining by practical tests, in advance of a call for volunteers, the fitness of members of the National Guard, graduates of the military schools and colleges, and other citizens with military training, to hold volunteer commissions, thus constituting an eligible list from which in case of a call for volunteers the officers of the Second Reserve must be taken, and the officers of the general body of volunteers may be taken. With the system provided for by the bill carried into effect we should be able while maintaining a standing army of but 60,000 men to put a force of at least 250,000 well-trained men into the field instantly upon a declaration of war, and the cost would be less than to maintain but a few additional regiments of regular troops.

The military force of the United States would then be as follows:

First. The Regular Army, capable of enlargement by the President, when he sees war coming, to 100,000.

Second. Such of the organized militia (already trained as a national guard and just as valuable, when used in the manner hereinafter indicated, as any other troops) as the President shall see fit to call into the service of the United States for not exceeding nine months, to repel invasion.

Third. A First Volunteer Reserve, composed of such companies, troops, and regiments of the organized militia already trained as a national guard as volunteer by organizations with all their officers and men.

Fourth. A Second Volunteer Reserve, composed of men previously enrolled and having previous military training in the National Guard, the Regular Army, or the Volunteer Army, and commanded by officers whose fitness has been previously ascertained by practical tests under the provisions of the militia act.

Fifth. Such further volunteers as it may be necessary to call forth from the States, according to their respective quotas, and commanded by regimental officers appointed by the governors of the States.

A conservative estimate of the number which would be included in the first four classes of troops, who have already had military service and will be available for immediate action, is from 250,000 to 300,000.

The number of the fifth class—volunteers who may or may not have had previous service—has no limit, except the possibilities of transportation and supply.

The capacity of the National Guard organizations in general to serve effectively as organizations, either militia or volunteer, in the National Army in case of war depends very largely upon the aid which they receive from the National Government. The guard is now armed with a variety of weapons of different kinds and calibers, including two different calibers of the obsolete Springfield rifle, the Lee, the Remington-Lee, the Winchester, and the Krag-Jörgensen. In several instances different National Guard organizations of the same State are armed with different weapons of different calibers. Among all the 115,000 National Guardsmen of the different States and Territories only about 4,000 have the modern service rifle of the United States Army. With the exception of these 4,000 rifles, the arms of the guard would be practically worthless in time of war, not merely because they are inferior, but because the guard would have to look to the United States Government for their ammunition, and the Government will have no ammunition for the kind of rifles they carry; they would have to look to the Government to replace the arms lost or broken in service, and the Government will be unable to supply the same kind. The militia and the volunteer National Guard organizations in general would therefore be obliged to throw away their present arms at the beginning of a war and get reequipped with weapons the use of which they have never learned.

Mr. PROCTOR. Mr. President, I have no desire to hasten action unduly upon this measure, but there are special reasons why it should be acted on, if possible, before the holidays. It is probable that if adopted nearly every State, probably every one that has a militia establishment, will modify its laws somewhat to conform to this enactment. It, therefore, is very desirable that the bill shall be acted on before the meeting of the State legislatures. It relieves the States from some of the expense to which they have been subjected. Heretofore the States have had their proportionate allowance out of the appropriation of $1,000,000 annually, whether they took it in arms or equipments. Under this measure the National Government furnishes the rifles without charging it to that appropriation, leaving that appropriation entire for the use of the States for other materials.

I thought it important to bring the matter up and to have the bill read; and if anything is required in the way of perfecting it by any amendments to be offered I had hoped they might be so offered. I should be very glad, indeed, if action could be taken on the bill, but, as I said, I do not wish to hurry it.

Mr. CULLOM. I was not in when the bill was taken up, and I desire to inquire whether any amendments to the bill have been reported by the committee?

Mr. PROCTOR. None whatever.

Mr. CULLOM. The bill, then, has been reported as it came from the other House?

Mr. PROCTOR. It has been reported precisely as it passed the House.

Mr. CULLOM. Mr. President, I desire to say but a word. I have had many letters urging attention to this bill and asking that it be passed. My judgment is that it ought to be passed. I shall favor it, and I hope that the Senator from Vermont will press it to a conclusion at once if he can.

Mr. BATE. Mr. President, I simply wish to suggest that I was not aware that this bill was to be called up when unanimous consent was asked. Knowing that there were some objections to it on the part of certain Senators, two or three of whom had spoken to me of their desire to investigate the subject and look into it more fully, I should have asked that it be postponed to accommodate them, but the Senate having acted with unanimity upon it, I shall make no objection.

I desire to say, however, that it is a bill of very grave importance, that there is some objection to it, and that some amendments, in my opinion, are required. I do not think, therefore, that it ought to be now pushed. The bill came from the Committee on Military Affairs on Thursday of last week, and now, only a day or two after, it is called up for passage. Three Senators have spoken to me about it. They not having read it and not knowing what it is, came to me, as a member of the committee, to ascertain certain facts about it.

As I have said, I do not think the bill ought to be now pushed by the Senator in charge of it, but that we ought to have some time to look into it and examine it, as it affects the rights both of States and of citizens.

I do not ask for its postponement, but I should be glad to have it deferred until some suitable time when the Senators who have spoken to me, as a member of the committee, may have had an opportunity to look into the matter and determine what they will do.

Mr. PROCTOR. As I said, Mr. President, I certainly have no desire to unduly hasten the consideration of the bill. The Senator from Tennessee will bear in mind that on last Thursday when I reported the bill I gave notice that it was my purpose to call it up at the earliest day possible; I hoped early this week. It was strictly in accordance with that notice that I called up the bill.

Mr. BACON. Mr. President, I am gratified to hear of the disposition of the Senator from Vermont to give an opportunity to Senators to examine the bill. I did not hear the announcement which he made or I certainly should have endeavored in the time which has intervened to have at least read the bill. I quite agree with the Senator from Vermont that the bill ought to be acted upon if possible before the holidays, and I shall, so far as I am concerned, endeavor to cooperate with him in accomplishing that end.

I am in thorough sympathy with what I understand to be the purpose of the bill. I think it is of the utmost importance that the militia of the country should be so organized and so perfected as to justify what must be the main reliance of the country upon it for its defense, and also with a view to make unnecessary a large standing army. At the same time, as suggested by the Senator from Tennessee, it is a matter of very grave importance and nearly touches the people of every State. For that reason I am gratified by the suggestion of the Senator from Vermont that there will be no vote taken on the bill to-day.

I do not know whether there is anything in the bill to which I shall object. Certainly I shall make no capricious objection, and I trust that there may be no reason for any amendment whatever. If there is none of a vital character, I certainly shall not endeavor to offer any amendment which might not in my opinion be absolutely necessary. I had communicated to some Senators privately my objection to the present consideration of the bill, and I simply take advantage of this opportunity to indicate further that while I do have this objection to its present consideration it is not due to any hostility of the bill, but merely to a desire that a matter which is so closely of concern to the people of my State, as well as to the people of every other State, shall be put in a position where we can all have the opportunity to at least examine it carefully before being called upon to vote on it.

Mr. WARREN. Mr. President, I think the request by the chairman of the Committee on Military Affairs, that this bill have early consideration, is a very reasonable one, because the legislatures in a large number of States, in fact, in most of them, meet either on the first or second Tuesday in January. The legislative term is limited in many of the States. In some States the constitutional limit is forty days, so that the legislative bodies will adjourn in February in a number of States. If the bill is to be amended, then there would be all the more necessity, in my judgment, to complete consideration and final action before the holiday adjournment. I trust that those who feel a particular interest in this

bill—and I assume that all Senators do—will give the bill early and careful consideration, in order that the Senator from Vermont in charge of the bill can call it up some day this week and have it finally disposed of before we adjourn for the holidays.

Mr. SCOTT. Mr. President, I understand that in a majority of the States the men who take an interest in military matters, and who are a part of the National Guard, so called, have had this bill under consideration for a year, and have thrashed it over thoroughly; and, furthermore, that they are almost unanimous in the recommendation of its passage. I have been told that there was only one adjutant-general in the United States who offered any objection to the bill, and that was a very slight one.

I think the Senator from Wyoming [Mr. WARREN] makes a very important suggestion when he says that we should act on the bill in time to get it before the legislatures of the different States so that they may enact laws to put the act into operation in a proper and forceful manner.

Mr. BACON. Will the Senator from West Virginia permit me to inquire of him whether a copy of the bill has been furnished to the adjutant-general of each State?

Mr. SCOTT. It has.

Mr. BATE. When?

Mr. SCOTT. It was before them at their meeting; and, as I understand it, this is really a bill that was perfected by them and submitted to the House. I will ask the Senator from Vermont if that is not correct?

Mr. PROCTOR. Yes.

Mr. BATE. I presume, Mr. President, that the bill in its present shape has not had time to go to the adjutants-general of the States. They certainly ought to have an opportunity to see it as it is now.

Mr. SCOTT. It passed the House on the 30th of June, if the Senator will allow me.

Mr. BATE. Yes; but the action of the Senate committee was had only last week. It was reported last Thursday morning.

Mr. COCKRELL. Mr. President, if the Secretary will please turn to section 7 of the bill, I want to offer an amendment there in order that it may be printed with the bill when it is laid aside.

In section 7, page 4, after the word "militia," in line 18, I move to insert "who shall be;" in the same line, after the word "called," to insert "forth;" after the word "forth," so inserted, to strike out "into the service of the United States;" in line 19, after the word "prescribed," to strike out "shall be held to be in such service from the date of the publication of such call" and insert "and shall be found fit for military service, shall be mustered or accepted into the United States service by a duly authorized mustering officer of the United States;" in line 20, after the word "call," to strike out "and" and insert "*Provided, however*, That;" in line 21, before the word "man," to insert "enlisted;" in the same line, after the word "man," to insert "of the militia;" in line 21, after the word "to," to strike out "obey such call" and insert "present himself to such mustering officer upon being called forth as herein prescribed."

I now ask the Secretary to read the section as it will be as I have proposed to amend it.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

SEC. 7. That every officer and enlisted man of the militia who shall be called forth in the manner hereinbefore prescribed and shall be found fit for military service shall be mustered or accepted into the United States service by a duly authorized mustering officer of the United States: *Provided, however*, That any officer or enlisted man of the militia who shall refuse or neglect to present himself to such mustering officer upon being called forth as herein prescribed shall be subject to trial by court-martial, and shall be punished as such court-martial may direct.

Mr. COCKRELL. Mr. President, that amendment simply fixes very clearly the process of induction into the United States service. There has been for a good many years a controversy between the States and the United States as to when the man became a United States soldier, and it has always been considered that the United States had the right to examine the man and pass upon his fitness.

This amendment simply requires an examination and that the United States officers shall pass upon the man's fitness before he shall become entitled to the rights and privileges of a soldier. The question of pay and the date of pay, as a matter of course, is fixed in section 11. You muster a man to date back of the time. So the amendment would not change anything of that kind. The mustering was always done during the civil war, and since musters have been made, to date back sometimes a week or six weeks—in fact, I have known them to be dated back six months. I have known many instances where the United States, after soldiers have been actually discharged and out of the service, mustered them back to a certain date and then discharged them as of a certain date, in order to fix the length of their service; but they did it after an examination.

I think this is essential. It will not cause any delay in the final passage of the bill, because it can be disposed of in a very few moments, and it settles an important question. I hope it will be agreed to, and that those who do not feel favorable to action upon the bill to-day will examine it at the earliest day possible, because I think it ought to become a law in some form. I think it is in very good form now, and it ought to be acted upon in time, so that the legislatures of the various States will have an opportunity of conforming their laws to it and making them harmonize with it, in order that they may enjoy its benefits. This proposed law gives to the States far greater benefits than any militia law ever enacted or proposed, and lightens the burdens of the State in many instances. I hope the amendment will be agreed to.

Mr. PROCTOR. Does the Senator from Missouri ask to have his amendment acted upon now, or to have it printed?

Mr. COCKRELL. I should like to have it acted upon now, so that it may be printed in the bill.

Mr. BATE. It ought to be printed before it is acted upon.

Mr. PROCTOR. I will not object to that course.

I wish merely to say that this measure will surely be welcomed by the States, as it enables them to have a more efficient militia and relieves them from some of the cost—for instance, the cost of arms entirely. Now, most of the legislatures, I think, meet but once in two years, and, as the Senator from Wyoming says, with some the session is limited to forty days.

Mr. WARREN. They have biennial sessions.

Mr. PROCTOR. They have biennial sessions. It seems to me quite important that the measure should be acted upon before the holidays, and as there evidently will be one amendment and the bill will have to go into conference it ought to be acted upon during the present week. I should like to ask the Senator from Tennessee and the Senator from Georgia if it would be agreeable to them to have me call up the bill in the morning hour Thursday or Friday of this week?

Mr. BATE. I hope the Senator will not press it so early as that. It will not give adequate time. I am not going to throw any obstacle in the way of the consideration of and action upon the bill.

Mr. PROCTOR. The Senator is aware that we are to adjourn over from next week.

Mr. BATE. Perhaps we shall do so. We have an order set for to-morrow—an unfinished business. We have one matter on hand.

Mr. BACON. I wish to say to the Senator from Vermont that, so far as I am concerned, I am perfectly willing for him to call up the bill on Thursday if it is understood that for any special reason—for instance, lack of information on the part of any Senator—the bill will go over until the next day.

Mr. PROCTOR. Certainly.

Mr. BAILEY. I desire to inquire what would become of the bill to admit the Territories?

Mr. COCKRELL. It would not be affected.

Mr. BAILEY. I understand the request is that this bill shall be taken up in the morning hour.

Mr. PROCTOR. That is all I propose.

Mr. BAILEY. It does not interfere with that order. I merely wish to have it understood now. I would not consent to anything that would displace that bill or interfere with it.

Mr. PROCTOR. I merely propose to call up this bill during the morning hour.

Mr. LODGE. I understand the Territorial bill can be displaced only by a vote of the Senate.

The PRESIDENT pro tempore. That is the only way.

Mr. BAILEY. It could be displaced by unanimous consent, because that is a vote of the Senate.

Mr. LODGE. Oh, certainly; that would be a vote of the Senate.

Mr. BAILEY. I was engaged in conversation with a friend at my right, and did not understand that the request was limited to the morning hour.

Mr. PROCTOR. It was.

Mr. BACON. I did not understand the Senator from Vermont to ask for unanimous consent. He said he would call up the bill.

The PRESIDENT pro tempore. The Senator from Vermont simply gave notice. The Chair did not understand the Senator from Vermont to ask for unanimous consent.

Mr. PROCTOR. No, sir.

The PRESIDENT pro tempore. The Chair understood the Senator from Vermont to give notice that on Thursday, with the consent of the Senators from Tennessee and Georgia, he would move that this bill be considered in the morning hour.

Mr. BAILEY. My attention was diverted, and I did not hear it thoroughly. I did not want to be mistaken.

Mr. BATE. Would it not serve the purpose to say Monday? That would give Senators a chance to look at the matter very thoroughly.

Mr. PROCTOR. I have a personal reason for not saying Monday.

Mr. BATE. Very well.

Mr. PROCTOR. It is because I expect to be away.

Mr. BATE. I withdraw the suggestion, sir.

The PRESIDENT pro tempore. Does the Senator from Missouri ask action on his amendment now?

Mr. COCKRELL. Yes, sir.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

Mr. COCKRELL. Let the bill be printed with the amendment.

The PRESIDENT pro tempore. The Senator from Missouri asks that the bill may now be printed as amended. Is there objection? The Chair hears none, and it is so ordered. Shall the bill go back to the Calendar?

Mr. LODGE. I move that the Senate proceed to the consideration of the immigration bill.

The PRESIDENT pro tempore. The pending bill will go back to the Calendar.

FIRST REGIMENT OHIO VOLUNTEER LIGHT ARTILLERY.

Mr. FORAKER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

J. B. FORAKER,
REDFIELD PROCTOR,
F. M. COCKRELL,
Managers on the part of the Senate.

ADIN B. CAPRON,
CHARLES DICK,
JAMES HAY,
Managers on the part of the House.

The report was agreed to.

REGULATION OF IMMIGRATION.

Mr. LODGE. I move that the Senate proceed to the consideration of the bill (H. R. 12199) to regulate the immigration of aliens into the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. LODGE. The change of language in the first section of the bill, by which for the word "passenger" were substituted the words "alien immigrant," makes the exceptions unnecessary. The exceptions were necessary when the word "passenger" was there. They are not necessary now, and if continued they would involve us in trouble in regard to the favored-nation clause. I move, therefore, to strike out, beginning in line 4, page 1, the words:

not a citizen of the Dominion of Canada, the Republic of Cuba, or of the Republic of Mexico, or a bona fide resident of the said Dominion or Republics for one year continuously prior to application for admission.

The amendment was agreed to.

Mr. LODGE. On page 2, line 20, there are some verbal mistakes which I desire to have corrected. After the word "nor" I move to strike out the word "to" and insert the word "upon."

The amendment was agreed to.

Mr. LODGE. On page 3, line 2, I move to strike out the word "four" and insert the word "three;" so as to read "section 33."

The amendment was agreed to.

Mr. LODGE. On page 3, line 4, I move to strike out the letter "s" in the word "aliens" and to insert, after the word "alien," the word "immigrant;" so as to read "alien immigrant."

The amendment was agreed to.

Mr. LODGE. On page 11, line 6, after the word "company," I move to insert the words "other than railway lines entering the United States from foreign contiguous territory."

The amendment was agreed to.

Mr. LODGE. In line 8, page 11, in the first word, strike out the "s;" so as to read "idiot." That is a misprint.

The amendment was agreed to.

Mr. LODGE. In lines 20 and 21, page 11, strike out the words "nor shall the same be remitted." This is the section to which the Senator from Florida [Mr. MALLORY] directed our attention yesterday. The Commissioner-General of Immigration stated to the committee this morning that it was entirely unnecessary and had better be stricken out.

The amendment was agreed to.

Mr. LODGE. On page 27 there was an accidental omission of a description. In line 9, after the word "territory," insert the word "waters;" so as to read "United States, any waters, territory, or other place subject to the jurisdiction thereof."

The amendment was agreed to.

Mr. LODGE. I wish to ask to perfect the amendment passed over. In section 3, page 7, of the new print, after the word "Richford," in line 16, I move to insert the words "Norton's Mills;" and I think it ought to be "Rouse's Point," not "Rouse Point."

Mr. PROCTOR. "Rouse's Point."

Mr. LODGE. It ought to be Rouse's Point. Change it to "Rouse's Point."

Mr. PROCTOR. The possessive case.

Mr. LODGE. Yes, the possessive case—"Rouse's Point."

After the word "Buffalo," in line 18, I move to insert "Moore's Junction;" after the word "Michigan," in line 20, to insert "Duluth, St. Vincent, Warroad, Minn."

Mr. PENROSE. I should like to ask the Senator from Massachusetts whether he is sure those names should be inserted where he has suggested them? I notice the amendment of the Senator from Minnesota says——

Mr. LODGE. I called his attention to it. It is simply to follow the order of States. It comes after Michigan. He said that was a better place to put it.

Mr. PENROSE. All right. His amendment offered in the Senate read otherwise. That is the reason why I made the suggestion.

Mr. LODGE. Yes, he placed it after New York; but of course as we are going westward I think it more orderly to insert it here. In line 19 strike out "or," and then after "Pembina," in line 20, insert "Neche, Portal."

Mr. PENROSE. I would ask the Senator from Massachusetts whether Portal should follow or precede Neche. I notice in the amendment offered by the Senator from North Dakota it precedes.

Mr. LODGE. It ought to precede it. I gave it as given to me.

Mr. PENROSE. It ought to be Portal, then Neche.

Mr. LODGE. Strike out the word "or," in line 21, between "El Paso" and "Eagle Pass;" strike out the word "or," before "Nogales," and insert after the word "Arizona" the words "and such other additional ports as the Secretary of the Treasury may from time to time designate."

Mr. CLAY. Mr. President, I desire to call the Senator's attention to section 1. It was amended when for the moment I was not closely observing the proceedings. As a member of the committee, I do not agree to the amendment. I do not know whether the Senator offered it as a Senator or offered it on behalf of the committee. I refer to this part of the section:

That there shall be levied, collected, and paid a duty of $3 for each and every alien immigrant not a citizen of the Dominion of Canada, the Republic of Cuba, or of the Republic of Mexico, or a bona fide resident of the said Dominion or Republics for one year continuously prior to application for admission, who shall come by steam, sail, or other vessel, etc.

Mr. LODGE. Mr. President——

Mr. CLAY. One moment.

Mr. LODGE. I beg pardon. I thought the Senator had finished.

Mr. CLAY. I understood the Senator to move to strike out Canada, the Republic of Mexico, and Cuba. Now, I hold in my hand the report of the committee, which I understand was drawn by the distinguished chairman, and he says in that report:

The exemption from the payment of a head tax on citizens of Canada and Mexico coming into the United States, adopted obviously for the purpose of avoiding any unnecessary obstacles to free intercourse between peoples who, by reason of close proximity and intimate commercial and social relations, have reciprocal interests in maintaining the privilege of unobstructed passage to and fro across our land boundaries, is extended in section 1 to bona fide residents of those countries for a continuous period of one year, such residence being assumed as evidence of permanent location therein, and the same reasoning against the payment of a head tax by citizens being applicable to such payment by actual residents therein.

I desire to ask the Senator whether it is not true that we would have serious troubles by imposing a head tax on immigrants coming from Canada, the Republic of Mexico, and Cuba, countries so close to this country, and whether the reasoning and logic of the chairman of the committee are not good as against that amendment?

Mr. LODGE. I think the Senator does not quite appreciate the important change which was made yesterday. That language of the report applied to the old language of the bill, which was "passenger." Of course to have put a head tax on every passenger coming from foreign contiguous territory—that is, from Mexico and Canada and Cuba—would have been an intolerable burden. It was absolutely necessary to make those exemptions. But the Senate yesterday changed the word "passenger" to "alien immigrant," which is a term of art and describes a particular class of persons.

Now, if there is an immigrant from Cuba, Canada, or Mexico who desires to come to the United States with the intention of remaining—that is, if he comes within the definition of the term "immigrant"—there is no reason why he should not be subjected to precisely the same laws as are immigrants coming from

any other friendly country. It does not interfere with the citizens of those countries coming back and forth into the United States for the purpose of business or pleasure, because they are not alien immigrants, and it does not touch them at all.

Moreover, Mr. President, and this objection is absolutely fatal, if we keep in those exceptions we at once violate the favored-nation clause in regard to citizens of other countries, and the entire legislation will become nugatory.

Mr. CLAY. I desire to ask the Senator whether he did not give as his reason for retaining in that section of the bill the very language referred to the fact that the location of these people and the intimate commercial and business relationship existing between those people and ours absolutely demanded that they be excepted from this $3 head tax? It is stated in the report that it would cause serious business complications to place this head tax upon those immigrants.

Now, we have no objection to the people of Canada coming into this country, and in view of the close business relationship existing between those countries and this country, in my opinion the adoption of this amendment will cause serious business troubles between the people of Mexico and Cuba and Canada and the people of the United States, and in my opinion the logic and reasoning of the Senator was good in the report which he originally made to the Senate.

Mr. LODGE. Mr. President, I fear I utterly failed to make my meaning clear. As applied with the word "passenger" in the bill, those exceptions were absolutely necessary, for the reasons given in the report. As it now stands, no citizen of Mexico, Cuba, or Canada will be in the slighest degree interfered with. They will pay no tax; they will be liable to no tax; they will not be touched in any way. The only persons who will be affected will be the alien immigrant, and an immigrant from Cuba, Mexico, or Canada must be included in the same legislation as is the immigrant from Germany or from France or from England or from Italy, because otherwise we will run up against the favored-nation clause, which is in almost all of our treaties. It is impossible to have the legislation if you do not make it general and uniform. When the word "passenger" was used it would have affected all those persons coming in on business or pleasure with the intention of returning to their country.

It was then an absolute necessity, but now that the term has been changed to "alien immigrant" it is no longer a necessity, because the great mass of the people who come over the border are not alien immigrants and are not affected by the law at all. But an alien immigrant, no matter from what country he comes, must fall under the law, because we can not draw a distinction between one country and another unless we make special treaties to that effect.

Mr. CLAY. There certainly has been a shifting of positions in regard to this feature of the bill. The Senator from Pennsylvania in his argument in regard to an inquiry from the Senator from Ohio took the position that this bill did not violate the favored-nation clause of our treaties with other nations, and the junior Senator from Massachusetts has never contended on this floor that the word "passenger" referred to anything except immigrants coming from a foreign country. It was not intended to include tourists. The Senator took the position that this bill never intended to include tourists; that the word "passenger" simply meant an immigrant.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER (Mr. PETTUS in the chair). Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. CLAY. With pleasure.

Mr. LODGE. I was entirely convinced, I must say, by the statements and arguments made yesterday that under the term "passenger" tourists could be included, and not only tourists, but citizens of the Dominion of Canada and of the Republics of Cuba and of Mexico, who come back and forth over the border for business purposes, but have no intention of remaining. It seemed to me a very important change when we made it read "alien immigrant."

I confess that the proposition of the Senator from Ohio with regard to the favored-nation clause had not occurred to me, but when he called my attention to it I saw at once that it was absolutely valid; that we could not possibly discriminate in favor of the citizens of certain countries as against other countries, and that if we retained the clause the bill would become nugatory. Now, it places no burden upon the citizens of Cuba or of the Dominion of Canada or of the Republic of Mexico—not the slightest; no more than it does on the citizens of France or of England. It places the same burden on the alien immigrant from those countries as upon the alien immigrant from all other countries; and it ought to be so. It could not be otherwise.

Mr. CLAY. The Senator, if I am not mistaken, and I do not think I am, and I believe the RECORD will bear me out, in reply to an inquiry from the Senator from New Hampshire stated on the floor of the Senate yesterday that the word "passenger" did not mean "tourist," that it meant simply an immigrant coming into this country. The Senator contended that the bill as it came from the committee, without this amendment, meant the same thing that it does mean now, with the word "passenger" stricken out and "immigrant" inserted in lieu thereof.

Mr. LODGE. I certainly stated that that was my idea of the intention of the bill yesterday, but I have not the slightest objection to saying that I think I was wrong. I think the word "passenger" was broad enough to be obnoxious to the suggestion of the Senator from New Hampshire. I have not the least objection in the world to stating that I think I was wrong, and that I have been convinced and led to change my mind.

Mr. STEWART. I should like to call the attention of the Senator from Massachusetts to one statement he has made, which, I think, must have been inadvertent. I refer to his statement that the bill would be nugatory or void or would amount to nothing if it conflicted with the favored-nation clause. Would it not repeal the favored-nation clause pro tanto? It would be the last act on that subject.

Mr. LODGE. It would repeal it, I suppose, and when I said it would be nugatory I meant it would involve us in many difficulties with other countries which would claim the right to have their citizens come here on the same terms as did citizens of Mexico.

Mr. STEWART. It would have that effect.

Mr. LODGE. It would have that effect. In that way I mean it would be nugatory.

Mr. CLAY. Mr. President, I do not believe this bill would have received the vote in the committee room of a single member of the committee if it had been stated that it was intended not only to affect immigrants coming into this country, but tourists and passengers who were simply visiting this country for pleasure. It was the object and purpose of this bill to prevent undesirable immigrants from coming into this country. That was the purpose of it before this amendment was made, and every single member of the committee construed it to mean just exactly what the bill says now. The Senator may have been mistaken; we may all have been mistaken in regard to what it meant; but certainly we intended at the time the bill came from the committee that "passenger" should mean "immigrant" and that citizens of Mexico, Canada, and Cuba should be excepted from the restrictions herein imposed.

Now, it was the consensus of opinion in the committee, in view of the fact that these Republics joined so closely to ours and were so closely connected with us in business relations, Canada being right here at our door, our neighbor and our friend, and Cuba being almost our ward, that this stringent immigration law should not apply to either of them; and I do not hesitate to say that the report made by the chairman of the committee, pointing out the danger to our business interests by reason of these restrictions applying to these three neighbors of ours, is able and can not be answered.

Mr. FAIRBANKS. Mr. President, if the Senator will allow me——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. CLAY. With pleasure.

Mr. FAIRBANKS. Does the Senator object to the bill as it is amended by the Senator from Massachusetts [Mr. LODGE]?

Mr. CLAY. I say that we ought to be extremely careful about disturbing our friendly and commercial relations with either Canada, Mexico, or Cuba.

Mr. FAIRBANKS. Mr. President, may I interrupt the Senator again?

Mr. CLAY. Certainly.

Mr. FAIRBANKS. The language used in the bill originally presented might be open to a difference of opinion as to the effect of it, but it seems to me that the first section, as modified by the amendment of the Senator from Massachusetts, is certainly free from any ambiguity or uncertainty, and it accomplishes in clear and distinct terms the very object the honorable Senator has in mind. It does not put any limitation upon the citizens of Canada or of Mexico or of Cuba who desire to visit the United States or who desire to come for some temporary commercial or business purpose. It only imposes a tax upon alien immigrants; that is to say, upon those who are coming from different foreign countries for permanent residence in the United States. The term "alien immigrant" does not comprehend or embrace the mere passenger or tourist coming here for temporary comfort or pleasure.

Mr. CLAY. I do not think there is any misunderstanding between the Senator and myself. I have never understood that this bill intended in any of its features to refer to anyone except immigrants. The bill never was intended to refer to the passenger or the tourist. The Senator from New Hampshire [Mr.

GALLINGER] called attention to the word "passenger," and in order to remove doubt the word "passenger," in my opinion, was properly stricken out and "immigrant" inserted in lieu thereof. Undoubtedly the committee from which this bill comes intended the bill to mean just what it means now with that change, and the committee intended that the restrictions thrown around other countries should not apply to Canada, Mexico, or Cuba.

I do not contend that the bill would prevent a passenger or a tourist from coming from Canada or Cuba or Mexico to this country. Certainly it would not. But to the immigrant who steps over the line into this country from Canada, or who comes from Cuba to Florida or Georgia or any other State in the Union, the same restrictions will apply that apply to immigrants from Italy, Germany, France, or any other foreign country.

The committee intended, when they had this matter under consideration, that these, our next-door neighbors, should be our special favorites, and that the tax of $3 per capita should not apply to immigrants coming from either of these countries. That is the distinction which I wish to place before the Senate.

Now, Mr. President, the chairman of the committee, reflecting the views of every member of the committee, simply said that in applying this stringent restriction law (and I have nothing to say against its being strict except in regard to these countries) these our neighbors should not be affected by it.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. CLAY. With pleasure.

Mr. PENROSE. As chairman of the committee I should like to state to the Senator from Georgia, who is, I believe, as sincerely interested as any other member of the committee in perfecting the bill so that it may be an effective method of immigration restriction, that at the time this provision was retained in the bill the point had not been raised as to whether it conflicted in any way with our treaty or international obligations. I am not prepared to say at this time whether the arguments made upon that question are, as far as I am concerned, valid or not. I am not one of those disposed to lay that stress upon international or treaty obligations that others would be disposed to give them who are perhaps much better versed than I upon international law and international obligations.

But the question has been raised since the report of the bill and since the framing of the report of the committee. It has recently been raised and ably presented by the Senator from Ohio [Mr. FORAKER] and by other Senators and in other quarters. In deference to the raising of that question and in consideration of the fact that there is something in it, in their opinion at any rate, and their opinion is entitled to the greatest respect, and in view of the fact that the alteration in the bill made upon the motion of the Senator from Massachusetts [Mr. LODGE] by which the word "passenger" was stricken out and "alien immigrant" inserted will remove to a very large extent the inconvenience that would follow from unduly harassing our neighbors upon the Mexican and Canadian border, I feel sure if the Senator from Georgia will consider carefully the bill as it stands at present there is not much in his objection, and it gives no great inconvenience to our neighbors in Canada or in Mexico or in any way diminishes the effectiveness of the measure. As far as I am concerned, I have never had any timidity about the indictment of inconsistency. I am always ready to be inconsistent or to change my mind upon a presentation of facts warranting such a course in my judgment.

Mr. CLAY. Mr. President, just a minute and then I am done. I have been exceedingly anxious to assist in perfecting this bill and I have been willing to give my support to every feature in the bill except one or two. The most important feature of the bill, the educational test, which is the third section, is yet to be discussed and to be passed upon. I did think that when Canada, Mexico, and Cuba were exempted the exception was a good one, and I think so now.

Thus far if there has been an argument presented that the favored clause would prevent these exceptions from being inserted, outside of the statement made by my friend the Senator from Ohio, I am not aware of it. The Senator did raise the question, and in a very intelligent way, as he always does. The Senator also stated that he was going to present authority on the question and that he was going to discuss it.

At the same time the Senator from Pennsylvania [Mr. PENROSE] stated that he was clear it was not a violation of our favored clause or our treaty relations. In my opinion it is not. At this time I am not prepared to present the argument I would present to show that it is not because the question has arisen here to-day. I do not believe that the question has even been discussed in the committee room. When the bill gets into the Senate out of the committee it will be in order, I presume, to move to insert it and we can discuss it.

For my part, at present I feel that the clause ought not to be stricken out. I am anxious to give the bill my support. I believe that if there is any question the American people are deeply and vitally interested in it is the question of foreign immigration. The last report shows that over 600,000 people from other countries came into this country last year, and 80 per cent of them located in four cities. So every American citizen is deeply and vitally interested in this important question. But above all things, with Canada and Cuba right at our doors, let us be extremely careful how we deal with either of those countries.

Mr. FORAKER. Mr. President, I am not a member of the Committee on Immigration. I did not, therefore, have the benefit of the discussions that occurred in the committee room. I do not know, therefore, what may have been in the mind of the committee except only as members of the committee have spoken here in the Senate Chamber as to what they understood the provisions of the bill to mean.

But, Mr. President, it is so clear that argument is unnecessary that the bill as brought into the Senate not only restricted the immigration into this country of aliens who were seeking to come as immigrants, but it also applied to all persons not citizens of the United States who might come from any country, no matter in what character they might come. The language of the bill was that this tax of $3 a head should be levied and collected on every passenger not a citizen of the United States coming into this country.

Now, it did not seem to me that we ought to impose a tax upon people who are coming into this country simply as tourists or for temporary and proper purposes, but only on immigrants. When attention was called to that provision, the members of the committee agreed that a change should be made, and when that was corrected by the insertion of the words "alien immigrant" instead of "passenger" the further question arose as to why we should exempt from the operation of the bill alien immigrants from Mexico, Canada, and Cuba, and as soon as attention was called to that it was manifest that the one change made absolutely necessary the other change.

Canada, Cuba, and Mexico were exempted from the operation of the bill upon the theory—and they could not have been exempted upon any other intelligent theory—that we ought not to seek to tax under the provisions of the bill every passenger who might come here from Cuba, Mexico, or from Canada. As soon as the bill was restricted by the first amendment agreed to in its application only to aliens, then ceased at once the necessity for exempting the countries that are mentioned.

The reason was that stated by the Senator from Massachusetts, namely, that the purpose of this bill is to regulate the coming into this country of alien immigrants, and it ought to apply to an alien immigrant without regard to the country from which he may come. There is no reason why we should apply one rule to an alien immigrant coming from Mexico or Canada and another rule to an alien immigrant coming from some other country.

So much, therefore, for the purpose of the bill and the policy that we are seeking to establish and to subserve.

But I had in view another thought which was at the bottom of the objection I made to the bill as it was originally framed. I stated yesterday what that objection was. I said at the same time I did not care at that moment to enter upon a discussion of it and that I might not care to discuss it at any stage of the consideration of the bill. I supposed it had become unnecessary to discuss it in view of the striking out of the words exempting these three countries. They were stricken out, in the first place, because the purpose of the bill would not be subserved with those words remaining in; and they were stricken out, in the second place, because, as the Senator from Massachusetts well said, not to strike them out would be to make the whole bill an absolute nullity. Now, let me state why.

I have before me here our treaty with Japan, framed in 1894. It is a fair example, I take it, of the provisions, in the respect in which I shall call attention to this treaty, to be found in all our treaties where we have the most-favored-nation clause.

Mr. CLAY. Will the Senator from Ohio permit me to ask him a question?

Mr. FORAKER. Certainly.

Mr. CLAY. How many treaties have we with the favored-nation clause in them?

Mr. FORAKER. I do not know how many there are, but I know we have a number.

Mr. CLAY. Very few.

Mr. FORAKER. The Senator may have looked it up and may be aware of the number; but if we have only one, to that extent the rule applies.

Now, I call your attention to this provision of the first paragraph of the first article of the treaty of 1894 with Japan:

> The citizens or subjects of each of the two high contracting parties shall have full liberty to enter, travel, or reside in any part of the territories of

the other contracting party, and shall enjoy full and perfect protection for their persons and property.

Then omitting some of the intervening passages—

They—

The citizens—

shall not be compelled, under any pretext whatsoever, to pay any charges or taxes other or higher than those that are, or may be, paid by native citizens or subjects, or citizens or subjects of the most favored nation.

That is not all.

Article 14 reads as follows:

The high contracting parties agree that, in all that concerns commerce and navigation, any privilege, favor, or immunity which either high contracting party has actually granted, or may hereafter grant, to the Government, ships, citizens, or subjects of any other State shall be extended to the Government, ships, citizens, or subjects of the other high contracting party, gratuitously, if the concession in favor of that other State shall have been gratuitous, and on the same or equivalent conditions if the concession shall have been conditional; it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other upon the footing of the most favored nation.

In other words, Mr. President, whatever we do in this general legislation in the way of extending a gratuitous favor—I mean a favor for which there is no compensation coming to us—we are compelled to concede to every other nation with which we have a treaty stipulation of the character to which I have referred.

The Senator from Georgia has asked me to state how many such treaties we have. I am unable to answer him, but he is aware, as other Senators are, that we have quite a number of such treaties. The very first treaty ever entered into between this country and France contained a similar provision. The first treaty ever entered into between this country and Prussia, between this country and Holland, between this country and Sweden, contained the same provision, not, perhaps, in the same identical language, but the same provision in effect.

I mention those because I was reading only this morning in Wharton's International Digest an extract from instructions given by President Jefferson to the commissioners charged with negotiating a treaty with Spain, in which he called attention to this clause of the treaty and recommended that they negotiate a similar stipulation with Spain as a part of their treaty, reciting in that respect that it would be not only of advantage to Spain, but also of advantage to us.

We may have treaties, we doubtless have, in which that clause does not occur. As to all countries with which we have such a treaty stipulation as that which I have read from our treaty with Japan, if we were to leave this exemption in the law as to Canada, Mexico, and Cuba, all they would have to do in order to have their citizens enter without any restriction whatever would be simply to say, "Here is our treaty; it is the supreme law of the land, and as the supreme law of the land, we have the right, you having granted this favor to these specified countries, to come in on the same terms." In other words, to the extent we have treaties of that kind we would absolutely nullify the law which we are so diligently seeking to enact.

Now, Mr. President, there is another idea which, it seems to me, the Senator from Georgia has overlooked. If these words go in the bill, then everybody from Mexico and Canada and Cuba can come in without regard to any of the provisions found in the bill, without the payment of the $3, or without answering the questions that alien immigrants are required to answer—without any restriction or any impediment whatever being imposed upon them.

Certainly, if the Senator is in favor of restricting immigration to this country, and improving our immigration laws in that respect, he can not desire that Canada, Mexico, and Cuba shall be allowed to send their alien immigrants into this country without any let or hindrance whatever. And yet that is the effect of leaving in the bill these exemptions.

In other words, Mr. President, to come back to the point at which I started, so long as the word "passenger" was the only word used to describe the individual upon whom this tax was to be laid, there was a propriety in exempting contiguous territory from the application of the law, because we would be overwhelmed in undertaking to collect such a tax. A man not a citizen of the United States could not come from Quebec or Montreal to the city of Boston on a railroad without having to pay $3.

Mr. CLAY. Will the Senator permit me to ask him a question?

Mr. FORAKER. And that is not all. Allow me to add what I had in my mind and then I will yield with pleasure. He could not come from Montreal or Quebec to Boston without not only having to pay $3, but he would have to answer a lot of questions prescribed in this proposed act as to whether he is a bigamist, as to whether he is a polygamist, as to whether he is an anarchist, as to whether he has any loathsome or contagious disease. It would be an absolute burden upon all communication between Mexico on the one hand and Canada on the other with the United States.

Mr. CLAY. Mr. President, I understood the Senator to say that unless that amendment was adopted people from Canada, Cuba, and Mexico could come to this country without any restriction whatever; that the door would be open, and that the diseased, the insane, and every class, regardless of merit, could come to this country. The Senator certainly has not made himself familiar with the entire bill. If this amendment is adopted and the words stricken out the balance of the bill would apply to Cuba, Mexico, and Canada, and the only feature affecting either of those countries will simply be that they will not have to pay the tax of $3 per capita.

Mr. FORAKER. Mr. President, I am not a member of the committee, and it was not expected that I should have read the bill until it was brought before the Senate for consideration; but inasmuch as the Senator has seen fit to say that evidently I have never read the bill——

Mr. CLAY. I did not say that.

Mr. FORAKER. I am at liberty to retort that I think he never read it, either in committee or outside. Now, look at the provisions of the bill, and let us see whether or not there is a justification for the Senator's statement.

Mr. CLAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. FORAKER. Certainly.

Mr. CLAY. I did not say the Senator had not read the bill. I said he was not familiar with the bill if he understood that by simply striking out those words every other feature affecting those countries would be likewise affected.

Mr. FORAKER. That is a misapprehension on the part of the Senator from Georgia, or else I do not understand this bill. Now, let us see where the misapprehension is. Let me read. It is not possible that we can not understand the English language when it is spread out before us in as simple a form as this is. The first provision is:

That there shall be levied, collected, and paid a duty of $3 for each and every alien immigrant not a citizen of the Dominion of Canada, the Republic of Cuba, or of the Republic of Mexico, or a bona fide resident of the said Dominion or Republics for one year continuously prior to application for admission.

Now, can anything be more clear than that if we enact this statute with those words it would not have any application whatever to persons coming as alien immigrants from Canada, Mexico, and Cuba into the United States? They are expressly exempted. So much for the per capita tax.

Now, let us turn to section 3. It reads as follows:

That to the classes of aliens now excluded by law from admission into the United States there shall be added all aliens other than citizens of the Dominion of Canada, or the Republic of Mexico, or the Republic of Cuba, or bona fide residents of the said Dominion or Republics for a continuous period of at least one year prior to seeking entrance to the United States, who have attained the age of fifteen years, etc.

In other words, Mr. President, as to these crucial provisions of the bill aliens coming——

Mr. CLAY. That section has not been adopted.

Mr. FORAKER. Well, the section has not been adopted, but it is a proposed section of this bill. The bill has not been adopted, but that section, although in the form of an amendment, is the work, as I understand it, of the committee. If I do not misunderstand this bill—and I do not see how I can—according to the provisions of it any persons can come from Canada or Cuba or Mexico without paying one red copper cent, although they may be as objectionable a class of immigrants as can come from any country. That surely the Senator from Georgia does not desire. If I do not misunderstand the bill, they can come without answering any of the questions that are propounded to other alien immigrants and which other alien immigrants are required to answer.

There was a propriety, so long as the bill was broad enough to apply to every passenger without regard to whether he was an immigrant or not, in exempting our neighbors who occupy territory contiguous to us, and from which territory there is a constant stream of people coming by every railroad train that crosses the border line. But when this bill, with proper language, was restricted to immigrants, as it was intended to be restricted to immigrants in the beginning, it became appropriate to strike out the exemption of those countries from the operation of the measure, because, in the first place, there is no reason founded in policy why an alien immigrant who can not read, or who has a loathsome disease, or who is unfit in our opinion to become an American citizen on any account, should be admitted when coming from one country rather than another. There is no reason that I know of why alien immigrants of an objectionable character coming from Canada or Mexico should not be treated as alien immigrants of an objectionable character coming from Italy or Germany or any other country on the face of the globe.

But, Mr. President, there is another reason, and that is the one, as I said, that is at the foundation of my objection to this language, and that is it is unquestionably a violation of that clause with respect to the most-favored nation found in every treaty

that has that clause in it. If the effect of that clause in a treaty with another country is to give that country a right to have their immigrants come here on the same terms and conditions that they come here from Canada or Mexico, and we prescribe no terms or conditions as to them, then they come in free of terms and conditions from every such other country. It is an opening of the door, a letting down of the bars, a negation absolute of all that is intended to be accomplished by this bill, in so far as we may have treaties of that kind.

I do not know with how many countries we have those treaties, but we have enough to make it so serious that we ought not to provide an open door for their immigrants.

The PRESIDENT pro tempore. The amendments offered by the Senator from Massachusetts to section 3 will be stated. There are quite a number of them.

The SECRETARY. In section 3, page 7, line 16, after the word "Richford," insert the words "Norton's Mills;" in the same line, after "Rouse," insert an apostrophe and an "s," so as to read "Rouse's Point;" in line 18, after the word "Buffalo," insert "Moore's Junction;" in line 19, after "Port Huron," strike out the word "or;" in the same line, after "Sault Ste. Marie, Mich.," insert "Duluth, St. Vincent, Warroad, Minn.;" in line 20, after the word "Pembina," insert "Portal, Neche;" in line 21, after "El Paso," strike out the word "or;" in the same line, after the word "Texas," strike out the word "or;" in the same line, after the the word "Arizona," at the end of the line, insert the following:

And such other additional ports as the Secretary of the Treasury may from time to time designate.

The PRESIDENT pro tempore. If there be no objection those amendments will be regarded as agreed to. They are agreed to.

Mr. MALLORY. I should like to inquire if those are all the amendments proposed by the committee to section 3?

Mr. FAIRBANKS. No; they are not; I will answer. I have now an amendment to propose to section 3. On line 24, page 6, after the word "type," I move the insertion of what I send to the desk.

The PRESIDENT pro tempore. The Senator from Indiana, on behalf of the committee, offers an amendment, which will be stated.

The SECRETARY. On page 6, line 24, after the word "type," insert:

Or in correspondingly distinct type or characters in the case of languages in printing which roman type is not employed.

The amendment was agreed to.

Mr. FAIRBANKS. In lines 20 and 21 on page 11, I move to strike out the words "nor shall the same be remitted."

The PRESIDENT pro tempore. Those words have already been stricken out.

Mr. FAIRBANKS. I was not aware that that amendment had been moved. Have all the amendments offered by the Senator from Massachusetts [Mr. LODGE] been agreed to?

The PRESIDENT pro tempore. The Chair had the impression that the Senator from Massachusetts moved to strike out the language touching Mexico, the Dominion of Canada, etc., in this amendment. The Chair may be mistaken, however.

Mr. FAIRBANKS. In the third section?

The PRESIDENT pro tempore. In the third section. That was the impression of the Chair, but he may be wrong.

Mr. FAIRBANKS. I ask that that amendment be laid over until the Senator from Massachusetts returns to the Senate.

Mr. BURTON. I desire to offer what I send to the desk as an amendment to section 3. I wish to offer it now in order that it may be printed. I do not ask for a vote upon it at this time.

The PRESIDENT pro tempore. Does the Senator offer his amendment as an amendment to the committee's amendment?

Mr. BURTON. Yes, sir. I ask that it may now be read.

The PRESIDENT pro tempore. The Senator from Kansas offers an amendment to the committee amendment to section 3. It will be read.

The SECRETARY. It is proposed to add at the end of section 3 the following:

And provided further, That nothing contained in this section shall be understood as applying to the Territory of Hawaii, but that whenever it can be shown to the satisfaction of the Secretary of Agriculture and of the Secretary of the Treasury that the number of agricultural laborers are insufficient for the proper agricultural development of the Territory then the Secretary of the Treasury shall authorize and allow the admission to the said Territory of Hawaii a number of Chinese laborers sufficient in his judgment to supply the demands for such labor under regulations to be issued by him and under the following conditions, to wit: That the said Chinese agricultural laborers shall be permitted to enter the Territory of Hawaii for the sole purpose of performing agricultural labor, and shall not be allowed to go from the said Territory of Hawaii to any other portion of the territory of the United States; that the persons or corporations in whose service said Chinese agricultural laborers are engaged shall first give a good and sufficient bond, to the satisfaction of the Secretary of the Treasury, to defray the necessary expenses of the said Chinese laborer's deportation to China in case he deserts the labor for which he was permitted to come to the said Territory.

The PRESIDENT pro tempore. The amendment offered by the Senator from Kansas will lie on the table, and be printed.

Mr. FAIRBANKS. I ask that section 3 be passed over until the Senator from Massachusetts [Mr. LODGE] returns.

The PRESIDENT pro tempore. That course will be taken, in the absence of objection.

Mr. MCCUMBER. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from North Dakota offers an amendment, which will be stated.

The SECRETARY. In section 2, page 3, line 11, after the word "change," it is proposed to insert "professional beggars;" so as to read:

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, insane persons, epileptics, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with a loathsome or with a dangerous contagious disease.

The amendment was agreed to.

Mr. FAIRBANKS. On page 6, after the word "aliens," in line 5, I move to strike out all of the committee amendment down to the word "who," in line 9, on the same page.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. In section 3, page 6, line 5, after the word "aliens," it is proposed to strike out:

Other than citizens of the Dominion of Canada, or the Republic of Mexico, or the Republic of Cuba, or bona fide residents of the said Dominion or Republics for a continuous period of at least one year prior to seeking entrance to the United States.

The amendment was agreed to.

Mr. FAIRBANKS. On page 7, line 8, after the word "alien," I move to strike out the committee amendment down to the word "whether," in line 11, on the same page.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 7, section 3, line 8, after the word "alien," in the amendment of the committee, it is proposed to strike out:

Other than a citizen of the Dominion of Canada or of the Republic of Mexico, or a bona fide resident of the same Dominion or Republic, for a continuous period of at least one year.

The amendment was agreed to.

Mr. FAIRBANKS. On page 6, section 3, line 5, after the word "all," I propose to strike out the letter "s" in the word "aliens," and to insert the word "immigrants."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. In section 3, page 6, line 5, after the word "all," it is proposed to strike out the letter "s" in the word "aliens" and to insert the word "immigrants," so as to read "all alien immigrants."

The amendment was agreed to.

Mr. FAIRBANKS. After the word "alien," on page 7, line 8, I move to insert the word "immigrant."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 7, section 3, line 8, after the word "alien," it is proposed to insert the word "immigrant," so as to read:

Provided, That any alien immigrant, other than a citizen of the Dominion of Canada, etc.

The amendment was agreed to.

Mr. PENROSE. The senior Senator from Massachusetts [Mr. HOAR] has offered an amendment, which in his absence he has requested me to look out for and to which I see no objection, with the striking out of the words exempting the peculiar class referred to from the payment of the tax. I ask the Secretary to state the amendment proposed by the Senator from Massachusetts as changed by me.

The PRESIDENT pro tempore. The Senator from Massachusetts through the Senator from Pennsylvania offers an amendment, which will be stated.

The SECRETARY. It is proposed to insert the following:

Whenever an alien shall have taken up his permanent residence in this country and shall have filed his preliminary declaration to become a citizen and thereafter shall send for his wife or minor children to join him, if said wife or either of said children shall be found to be affected with any contagious disorder, and it seems that said disorder was contracted on board the ship in which they came, such wife or children shall be held under such regulations as the Secretary of the Treasury shall prescribe until it shall be determined whether the disorder will be easily curable or whether they can be permitted to land without danger to other persons; and they shall not be deported until such facts have been ascertained.

The amendment was agreed to.

The PRESIDENT pro tempore. Where does the Senator from Pennsylvania desire the amendment to be inserted?

Mr. PENROSE. It is indicated on the amendment, is it not?

The PRESIDENT pro tempore. It is not.

Mr. PENROSE. Then I will ask the Secretary to insert it at the proper point.

Mr. McCUMBER. At this time I should like to have the chairman of the committee explain to me the meaning of the provision on page 4, in lines 10, 11, and 12, which reads:

And provided further, That skilled labor may be imported, if labor of like kind unemployed can not be found in this country.

I should like to have the Senator from Pennsylvania inform me who is to determine the question whether skilled labor of any particular class can be found in this country, how that provision is to be enforced, and how it is to be applied by the Department in the exclusion of a certain character of alien labor?

Mr. PENROSE. I understand that the details of this measure, or of any elaborate measure like this, must be left to the regulations of the Treasury Department; and I believe there will be no trouble whatever in their formulating such adequate regulations as will cover the point entirely. It is easy to imagine classes of skilled labor which might not exist in this country, and as such emergencies arise from time to time the Secretary of the Treasury will frame regulations to meet them. I do not recall just at this moment what kinds of skilled labor at the present time ought to be admitted under this exemption, but it is certainly very easy to imagine that such cases might arise, and this exemption is meant to meet them.

Mr. McCUMBER. I confess, Mr. President, I do not quite understand how that provision could possibly be enforced, or who is finally to determine it, or the method by which it is to be determined.

Mr. PENROSE. The Secretary of the Treasury, as I understand, would have to designate the kind of skilled labor which would be admitted. A mechanic in some particular line of industry or an artisan in some industry would be designated by the Secretary of the Treasury, as I understand, and admitted.

Mr. McCUMBER. There might be a case of this kind, Mr. President: There might be a strike of skilled labor at that time; then, there might be laborers who would be unemployed. The strike might be declared off at any moment, and then these same skilled laborers might be employed. Perhaps you would have encouraged or allowed skilled laborers to land in the interim during the time these people were unemployed, because there were few or none in the country.

Mr. PENROSE. I do not imagine for a single moment that this bill is intended to cover such a case. If skilled labor in any branch of industry in the form of organized labor was on a strike, this bill certainly is not intended to permit skilled laborers in that line of industry to be imported into this country. If the Senator has any apprehension on this ground, I would accept in a moment any amendment to make that point absolutely sure and certain. It is only meant to cover this case. I imagine the cases are very few and far between, but certainly they are possible. I recollect that in the past they have occurred, although I can not recall just at this juncture the character of the skilled labor which was brought into the country. But such cases have occurred in the past and may occur in the future. Take the case where an industry is established here and where certain forms of skilled labor do not exist in the country, and without them the industry could not be continued.

Mr. McCUMBER. I understand the proposition, but at the same time I do not yet understand from the Senator how this provision is to be carried into effect.

Mr. PENROSE. The nearest explanation I can give the Senator is that the Secretary of the Treasury will designate the forms of skilled labor which will be exempt under the law.

Mr. BAILEY. I suggest to the Senator from Pennsylvania, if it will not interfere with the object the committee have in mind, that he could render the contingency suggested by the Senator from North Dakota impossible by striking out the word "unemployed." Then, if there was no labor of that particular kind in this country and some new enterprise was inauguated in a foreign country, and it was sought to establish a similar one here, it would be easy enough to import that labor under this bill. Of course it might happen that after they had brought some of that labor into this country there would still not be enough to extend the new enterprise.

Mr. PENROSE. I will accept the suggestion of the Senator from Texas.

Mr. LODGE. To strike out the word "unemployed?"

Mr. PENROSE. Striking out the word suggested by the Senator from Texas.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Texas will be stated.

The SECRETARY. In section 2, line 11, page 4, after the word "kind," it is proposed to strike out the word "unemployed;" so as to make the proviso read:

And provided further, That skilled labor may be imported, if labor of like kind can not be found in this country.

Mr. PENROSE. I will accept the amendment on behalf of the committee.

The amendment was agreed to.

Mr. FAIRBANKS. In section 3, page 6, line 12, after the word "alien," I move to insert the word "immigrant."

The amendment was agreed to.

Mr. FAIRBANKS. In section 3, page 6, line 13, after the word "alien," I move to insert the word "immigrant."

The amendment was agreed to.

Mr. FAIRBANKS. At the end of line 19, on the same page, after the word "alien," I move to insert the word "immigrant."

The amendment was agreed to.

Mr. FAIRBANKS. In section 3, page 7, line 1, after the word "alien," I move to insert the word "immigrant."

The amendment was agreed to.

The PRESIDENT pro tempore. Are there further amendments to the bill?

Mr. LODGE. There is one amendment which was passed over, Mr. President, if I may call attention to it. It is section 36 of the old bill, and to it I ask the attention of the Senator from Arkansas [Mr. BERRY], as it was at his request that I asked that the amendment be passed over.

The PRESIDENT pro tempore. Section 36 of the new bill?

Mr. LODGE. Section 36 of the new bill also. The committee recommend that that section be stricken out; and I ask the attention of the Senator from Arkansas to it, because it was passed over at his request.

Mr. BERRY. What amendment is it?

Mr. LODGE. It is the amendment relating to the sale of liquors in the Capitol building.

Mr. BERRY. Mr. President, I understand that this amendment prohibiting the sale of liquor in the grounds of the Capitol was put in the bill by the House and is in the bill at this time. I ask the Senator from Massachusetts if that is correct?

Mr. LODGE. That provision was put in the bill by the House, and the Committee on Immigration of the Senate recommend that it be stricken out.

Mr. BERRY. The committee recommends that it be stricken out by the Senate, but it has not yet been voted upon.

Mr. President, I do not know, although I think it probable, that such a provision is somewhat out of place in a bill of this character; but it is there; the House of Representatives has put it there; in my judgment it ought to be in some bill, and I am not willing to vote to strike it out, it having been put in this bill by the House of Representatives. If I had offered such a provision, I would have offered it to some other bill. The House of Representatives seek to stop the sale of liquor in this Capitol; they have passed that kind of a bill; and now the Senate committee proposes to strike out that provision. I do not believe that the Capitol is the proper place in which to sell liquor. I do not believe it is the proper place in which to run a saloon. Whatever one's opinion may be on sumptuary laws or prohibition laws, I for one think that this Capitol is not a proper place in which to run a saloon. It belongs to all the people of the country, and is visited by people from every section of the Union, thousands of whom do not believe that liquor should be sold here; and I agree with that view. Therefore I for one propose to vote against striking out the provision, it having been put in the bill by the House of Representatives.

Mr. PENROSE. Mr. President, the Committee on Immigration left out this provision as contained in the bill as it came from the other House because in the opinion of the committee it did not belong in the measure. I will not at this time enter into a discussion with the Senator from Arkansas regarding the propriety of prohibiting the sale of liquor in the Capitol; but I am willing, for the sake of the argument, to agree with him in all he has said and to promise him that if he will introduce a separate measure to accomplish his purpose I will vote for it.

The Committee on Immigration did, however, go as far as was proper and pertinent to the purposes of the present measure in inserting a provision prohibiting the sale of liquor at immigrant stations against the recommendation of some of those engaged in the administration of the law in connection with the Immigration Bureau. I think that provision of the bill has entirely satisfied the advocates of temperance and of the prohibition of the sale of liquor in connection with Government buildings as being all that could be reasonably asked, because it is all that is pertinent to the purpose of the measure. I hope, therefore, the bill will not be embarrassed by the insertion of a provision which does not pertain to the bill and regarding which there is a diversity of opinion.

Mr. BERRY. It is not a proposition to insert it in the bill. It is already in the bill. This is a proposition on the part of the committee to strike it out of the bill.

I repeat that I was somewhat surprised to see it placed in this particular bill, but the House of Representatives had the matter

under consideration and they put it in the bill. Now, if the Senate votes to strike it out, it seems to me that we go upon the record as being in favor of having a saloon in the Capitol.

I do not know where one now exists in this building. The only one I have ever heard of as being kept here was on the side of the House of Representatives. I take it for granted they have become tired of it and want to get rid of it, and therefore they placed this provision in the bill. They having put it there, I am not willing that the Senate should strike it out. The House probably knew what they wanted. The provision is in the bill and if it remains there it will be a valid law.

I repeat what I said a while ago, that whatever one's opinion may be about a temperance law or prohibition, I do not believe that the people of this country want a saloon kept in the Capitol of the United States. If Senators, or Representatives, or men who are employed in this Capitol want to get whisky they can step beyond the Capitol grounds and get it; but I do not think it speaks well for the United States for the Senate to say they will knock out a provision already put in the bill by the House of Representatives and thereby open up this Capitol for the purpose of selling liquor. Therefore, for one I will not vote to strike it out.

Mr. PENROSE. Mr. President, I do not oppose the provision of the House bill upon the intrinsic merits of the proposition. I have not favored its retention in the bill because, as I said, it did not seem to me pertinent to the general purposes of the bill. I will ask that the question be put, and will leave it to the Senate to determine whether or not the provision shall be put into the measure.

Mr. BAILEY. Before the Senator from Pennsylvania resumes his seat, I should like to ask if, as a matter of law, any legislation of the two Houses is necessary to suppress the sale of liquor at either end of the Capitol. Is it not true, as a matter of law, that each House has absolute control over what shall be sold in its restaurant?

Mr. PENROSE. I think the Senator's contention is absolutely right—that each House has entire control over those matters, and does exercise control at present.

Mr. BAILEY. Then I would be perfectly willing to take my responsibility either for permitting or suppressing the sale of it at this end of the Capitol. It seems to me gentlemen in the other House ought to take their responsibility there without enacting into a law a perfectly useless performance.

Now, I believe that as to a part of the Capitol there is probably a joint commission or some joint authority between the two bodies, but I take it that the Senate would not recognize the right of the House to a voice in what is done in this Chamber or in the committee rooms above or in its restaurant below. And I for one would not want to see the Senate assume any such right to a voice in what is permitted at the House end of the Capitol. It looks to me a little singular that what either body can do they want them both to do, in order to divide the responsibility. I think each body ought to take its own responsibility on a question of this kind. If a man looks for the law, without a very carefully prepared index he would be a little puzzled, to say the least, to find a liquor prohibitory law affecting the National Capitol in an immigration statute.

Mr. BERRY. In regard to the last remark of the Senator from Texas, I will state, as stated by the chairman of the committee, that the bill already contains a prohibition of the sale of liquor at immigration stations where the immigrants are landed. Therefore it would not be altogether so difficult to find it as the Senator from Texas intimated.

Mr. BAILEY. The Senator from Arkansas understands that neither House of Congress alone has any power over that question, and therefore, on the subject of immigration, all matters, both main and collateral, may properly be thus dealt with. I mean, and I was unfortunate if I did not make my meaning plain, that to find a prohibitory law affecting the National Capitol building in such an act would be puzzling.

Mr. BERRY. It is not very material where it is, so it is in the law.

Now, of the right of the House to control its side of the building and the Senate its side, I suppose there can be no question. But the House have spoken in this bill by putting in it a provision to the effect that they want to stop the sale of liquor in the Capitol. The Senator says that either House can stop it in the space over which they have peculiar jurisdiction. The Senator will not deny that both of them uniting together and putting it in a law can prohibit it at both ends of the Capitol.

Mr. RAWLINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Utah?

Mr. BERRY. Certainly.

Mr. RAWLINS. I should like to ask the Senator whether he understands that if this provision remains in the bill and is violated, its violation would constitute a punishable offense? That is, could either the House or the Senate be arraigned, and if so, before whom, for a violation of it?

Mr. BERRY. I understand if it is the law it will prohibit the sale, and I suppose its violation can be punished as other violations of laws are punished.

Mr. BAILEY. I imagine that the man who permitted it to be sold could be arraigned. But permit me to say, just in that line, that for one I am not willing to concede the right of the other branch of Congress to a voice in what is done on this side, just as I am not willing as a member of this body to assume any control over what is done at the other end.

Now, if you select a peculiar and sensitive question like the prohibition question, then the next one becomes less sensitive, until after a while it will require the joint action of the two bodies to determine what either body will do. We are supreme over our end of the Capitol, and I am perfectly willing to meet the responsibility that comes from that fact, and I insist that gentlemen at the other end shall meet their responsibility. I will not vote for any proposition that recognizes the right of either House to interfere with what is within the exclusive jurisdiction of the other, either on prohibition or on any other question.

Mr. TILLMAN. Mr. President, I should like to get a little light on this interesting subject, and I wish somebody who is informed would tell me whether any liquor is sold at the Senate end of the Capitol now. I have been informed that there is not any liquor so sold, and that the House (this is an old question, which has been coming over here spasmodically and at intervals ever since I have been here; I think this is the third time) is simply playing a hypocritical game before the people of the country and endeavoring to make the Senate attend to its morals and its virtues. I am opposed to any such proposition. I should like to see the House get what it seems to want and which it has the right to get without this legislation, and yet it continues to parade its morality or temperance or whatever you call it before the country, while endeavoring to make the Senate save it from itself.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

The PRESIDENT pro tempore. If there be no further amendment to the bill as in Committee of the Whole, the bill will be reported to the Senate as amended.

Mr. PLATT of Connecticut. Mr. President, before the bill is reported to the Senate, I should like to understand, if I may, what the effect of this bill is as to the exclusion of aliens. It has been very much amended; so much so that I am in doubt as to what its effect will be. If I understand the bill, it now proposes to exclude from the United States only alien immigrants and that all other persons who are not immigrants can come into the United States freely without the payment of the head tax. I do not think that will exclude a great many from the United States if the language is construed according to its meaning. It was stated here yesterday in debate, I see, that an immigrant is a person who comes from a foreign country with the intention to settle in this country.

Mr. LODGE. Not to settle.

Mr. GALLINGER. To remain. However, that would mean to settle.

Mr. PLATT of Connecticut. I certainly think I am not mistaken in my recollection of the definition as quoted from the Century Dictionary by the Senator from Ohio [Mr. FORAKER]. I will find it in a minute. However that may be, whether it means to settle in the United States or to remain in the United States, it will not reach a great class of undesirable immigration to this country. The Senator from Ohio [Mr. FORAKER] said:

> The Century Dictionary gives as one of the definitions of the word "immigrant" a foreigner who enters a country, to settle there.

I thought I was not mistaken in my recollection.

Mr. LODGE. Will the Senator allow me to ask him a question?

Mr. PLATT of Connecticut. Certainly.

Mr. LODGE. I suppose the class of undesirable immigrants to whom the Senator refers are those known as birds of passage, who come here for a short time and return, taking their money with them. But the word "immigrant" is the word now used in all our laws on the subject; it is perfectly defined, and the classes it covers are perfectly well known; and I think its meaning has been established by decisions. I think the Senator will find that it will cover all the undesirable classes if I guess rightly the classes he has in mind.

Mr. PLATT of Connecticut. That is what I wanted to know. I am not familiar with the decisions. I simply know that yesterday it was stated in the Senate that the Century Dictionary definition of immigrant is a person who comes here to settle. It does not seem to me that it is worth while to leave this matter so indenite as it will be left by this bill.

I apprehend that after this bill has passed there will be very

few alien persons coming to this country who will admit that they have come here to settle or remain. They will all claim they have been informed that there is plenty of work to be had in this country at good wages, and what they have come here for is to work until they get a little money, and then take themselves home and better their condition at home. Now, how in the practical enforcement of this bill, is that question to be met? Take the Italians. They do not come here intending to remain and settle in this country. They come, as do the Chinese, to work a while, get American wages, and then go back to their country and buy a little farm or a little business there, and so better their condition at home. The question will immediately arise whether they are immigrants in the true meaning of that word.

Mr. FAIRBANKS. Mr. President——

Mr. PLATT of Connecticut. Excuse me for just a moment. They will say, "We have not come to the United States to settle here. We heard that there was labor here, and we wanted to earn a little money and go back with it."

Mr. FAIRBANKS. I was merely going to ask the Senator from Connecticut whether the word "immigrant" has not appeared frequently in the statutes of the United States and whether it has been used in any different sense from that in which it is now used?

Mr. PLATT of Connecticut. I was trying to find what an immigrant is within the meaning of the statutes of the United States.

Mr. FAIRBANKS. My understanding is that an immigrant within the meaning of the statutes is a person who comes here not for temporary abode, but for permanent residence.

Mr. PLATT of Connecticut. Has it been held that a person who comes to the United States intending to work for one season and go back is an immigrant within the meaning of the statutes against immigration? Are there any decisions to that effect? I do not know about this matter. I think the committee ought to give us definite information on the subject, because if we leave open any question here as to what an immigrant is, it will make a great deal of disturbance in the enforcement of the law.

Mr. FAIRBANKS. I do not understand, speaking for myself, that the meaning of the word "immigrant" is enlarged or restricted by the proposed act. It is used in precisely the same sense in which it has been used in previous acts. I suppose it will be construed by the administrative officers, after the enactment of the bill into law, in the same manner in which it has been construed heretofore.

Mr. PLATT of Connecticut. Has it been construed heretofore that a person coming into this country of his own volition for the purpose of working here temporarily and going back is subject to the prohibitions contained in our present immigration law?

Mr. FAIRBANKS. I can not speak from positive knowledge upon that matter, but my very strong impression is it has not been so applied.

Mr. PLATT of Connecticut. I think, Mr. President, the passage of the pending bill will raise this question. Some person will apply at the Canadian border and say, "I heard that there was farm work in New England; that they want some help to get in the harvest. I have come down temporarily for that purpose, and when the harvest season is over I am going back." You will find that all along, in Minnesota and elsewhere; and unless that class of people can be excluded under the provisions of this law, they will all come in in that way. Who is going to determine that question? Who is going to say that they have come here for any other purpose than for that of temporary employment?

Mr. PENROSE. Will the Senator permit me to state that there is nothing in this bill which alters the present law in its relation to the point raised by the Senator from Connecticut? The same condition prevails at present as to the construction of the word "immigrant" and as to the application of the present restriction to the peculiar class which he has in mind. This proposed law, therefore, raises no question on that point, and I have not heard that any complaints have been made by Senators or Representatives from the border States as to the administration of the present law by the Bureau of Immigration.

Mr. PLATT of Connecticut. I should like to inquire, if the Senator will permit me, whether the words "alien immigrant" now appear in any law of the United States?

Mr. PENROSE. I could not state positively to the Senator.

Mr. PLATT of Connecticut. I think they do not. The word is "alien."

Mr. PENROSE. I confess I do not see how that enlarges the scope of the present law.

Mr. PLATT of Connecticut. We have by statute provided for certain excluded classes. If I am not mistaken we speak in that exclusion act of "aliens," not "alien immigrants." I do not think that term has ever before been in our statute books. However, I am not familiar enough with them to assert this positively. The exclusion act reads in this way:

> The following classes of aliens shall be excluded from admission into the United States in accordance with existing acts regulating immigration other than those concerning Chinese labor.

I know we call our law the immigration law, but I think you will not find in any act now on the statute books any provision for excluding "alien immigrants" as distinguished from "aliens" generally. Inserting the word "immigrant" raises a new question. It is not to be decided on the question whether or not a person is an alien as it is now to be decided. Certain aliens are not permitted to come into this country. [A pause.] I find I am mistaken. The Senator from New Hampshire [Mr. GALLINGER] has called my attention to the act of 1893, where the term "alien immigrant" is used. But in my judgment you will have to meet the question whether persons coming here for temporary service which they expect to obtain are alien immigrants. I think there will be a great deal of difficulty under this proposed law in excluding persons who come claiming that that is their intention. I do not know whether the point has ever been raised or whether it has been decided in any court, but I am quite sure that the point will be made.

Mr. PENROSE. As I have said, the point as raised by the Senator from Connecticut is raised under the laws as they exist at present. There is nothing in this bill to cause that question to be raised by reason of the fact that there is anything new contained herein. I should imagine that persons coming in temporarily along the New England border, if they are found to be insane, if they are found to have contagious and infectious diseases, if they come under the bars contained in this bill, ought to be kept out. In any event, I doubt if the Senator from New Hampshire, who represents one of the border States, has had brought to his attention any complaints of inconvenience or hardship resulting from the present administration of the immigration laws as regards this transient immigration.

Mr. GALLINGER. Will the Senator from Pennsylvania permit me?

Mr. PENROSE. Certainly.

Mr. GALLINGER. I am gratified to have him state, from his knowledge of the immigration law, that the proposed law makes no change in that regard. Almost every mill in New England is dependent upon people who come from Canada to New England. In every brickyard in New England the workingmen are men who come temporarily from the Dominion of Canada, with the intention on the part of most of them of returning.

Mr. HOAR. So of the farmers and woodchoppers.

Mr. GALLINGER. The senior Senator from Massachusetts suggests so with respect to woodchoppers and farmers. They are almost all French Canadians. I have been a little troubled myself, and thought of asking this question, so that it might go into the RECORD with a disclaimer from the chairman of the committee that the provisions of this bill changed existing law, or that there was any danger of that class of people being interrupted in their coming to New England and departing to their Canadian homes when their employment was at an end. It would be not only a hardship, but absolutely the means of stopping business to a very large extent in the line of manufacturing and otherwise in the New England States. I am sure the committee had no such purpose, and I have no fear that any decision will be rendered by the officials of the Treasury Department which would accomplish so disastrous a result.

Mr. LODGE. If the Senator from New Hampshire will allow me, I think with us the great body of the French who come here become citizens. There are comparatively few who come and go back. But the ones who do come and go back have never been interfered with, and I do not think they ever would be under the proposed law.

Mr. PLATT of Connecticut. Does that apply to those who come from Italy?

Mr. LODGE. No; I do not think it does. I think they are treated differently.

Mr. PLATT of Connecticut. How do they make the discrimination? Suppose an Italian comes to this country, and he is questioned, and in reply to the question whether he is going to remain here he says, "No; I have come over here to get temporary work, to earn a little money for myself, and I am going back as soon as I have done it." How are you going to make the discrimination? How are you going to say it is proper when the person comes in from Canada and that it is not proper when the person comes from Italy?

Mr. LODGE. As a matter of fact, they have discriminated between those classes of immigrants.

Mr. PLATT of Connecticut. If they have, the law does not provide for any such discrimination, and some day the question will be raised and will go into the courts.

Mr. PENROSE. The reason is found in the fact that these laws are administered with discretion and judgment. It is very easy to criticise these laws from a theoretical standpoint. A question was raised the other day upon the floor of the Senate by some Senator objecting to the measure. He said it was ridiculous to put a whole carload of visitors to the inconvenience and hardship of an examination at the border where the train may be only a few minutes at a station and then rush on. As a matter of fact, the inspector goes ahead perhaps 50 or 100 miles. He does not harass every passenger in the car. He does not inconvenience American citizens returning to their homes or persons who are not subject to the operations of this bill.

These laws are administered with tact, judgment, and discretion, and the fact that this bill does not in any way add any additional discrimination or affect this particular class in any manner different from the conditions under which they at present come into the country and leave it, and the fact that no complaint is made about the administration of the immigration laws in this respect, would seem to me to render it perfectly safe to pass this proposed law so far as this objection is concerned without any apprehension of difficulty or trouble.

Mr. PLATT of Connecticut. I made my inquiry from the standpoint of desiring to restrict immigration. I think there is altogether too much of it now in this country, and I wanted to be sure that in passing this law there had been restrictions put upon immigration rather than that the possibility of immigration had been enlarged. I hope it will be found, when the law shall come to be put into practical operation, that such has been the effect of this law; but I doubt it very much.

Mr. PENROSE. I desire to offer a substitute for section 21.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Pennsylvania will be stated.

The SECRETARY. It is proposed, on page 19, to strike out all of section 21 and substitute in lieu thereof the following:

That any alien who shall come into the United States in violation of law or who shall be found a public charge therein from causes existing prior to landing shall be deported, as hereinafter provided, to the country whence he came at any time within two years after arrival, at the expense, including one-half of the cost of inland transportation to the port of deportation, of the person bringing such alien into the United States, or, if that can not be done, then at the expense of the immigrant fund referred to in section 1 of this act. Any alien who becomes a public charge by reason of lunacy, idiocy, or epilepsy within two years after arrival will be presumed to have become such from causes existing prior to landing unless the contrary be affirmatively shown.

The amendment was agreed to.

Mr. RAWLINS. I should like to ask the chairman of the committee if the clause in the bill of the last session found in section 13, which provides for taking the immigrant before the immigration officer at the port of arrival, precludes any physical examination being made of the proposed immigrant in the foreign country?

Mr. PENROSE. What page does the Senator refer to?

Mr. RAWLINS. In the original bill it is found in section 13. It is that provision of the bill which changes existing law by causing the immigrant to be taken before the immigration officer at the point of arrival, and thereby excluding any physical examination of the immigrant in the foreign country.

Mr. PENROSE. As I understand it, Mr. President, the alien immigrant is examined by the medical officers of the transportation companies prior to his embarkation. That examination is necessary for the protection of the companies as much as for any other purpose, as they are subject to certain penalties, disabilities, fines, and expenses for immigrants improperly brought into this country.

Mr. RAWLINS. Mr. President, the Senator is familiar with the subject, but as I understand the practice of these transportation companies it is that they employ every inducement by way of advertisement in foreign countries to persons to emigrate to the United States; that they charge these immigrants for transportation about $40, while the cost to the companies is something less than $2 per capita; and that it is the practice of these companies to make no inspection with a view of excluding any person from transportation to the United States.

It seems to me that we ought to insert in the bill a provision which would obviate that difficulty. I understand that now there is no such provision, and the existing law is modified to this extent, that it is now left entirely to the transportation companies to determine who shall be admitted to their ships for transportation to the United States.

It is an exceeding great hardship to poor and ignorant people in foreign countries to be brought to this country, paying for their transportation, and upon their arrival and examination to be excluded and forced to return. The hardship does not fall upon the transportation companies, but it falls upon the proposed immigrant. If there is anything which requires any sort of an examination abroad, other than that made unofficially by the transportation companies, I would ask the chairman of the committee if he will kindly state it.

Mr. PENROSE. I do not understand that the bill contains any change in the present system in that respect so far as examination on the other side of the water is concerned. That opens up a very wide question as to how far the Government can and should conduct its inspection at the point of embarkation. It implies radical departures from present methods and a very large increase in the force of the Immigration Bureau. Various methods have been suggested, as consular inspection, an increased force connected with the Immigration Bureau, but it has not been thought necessary or wise at this time to go into any radical departure of that character.

Mr. BAILEY. May I ask the Senator from Pennsylvania if the law as it now exists does not provide for inspection at the port of departure?

Mr. PENROSE. As I understand it, Mr. President, it is simply an examination by the ship's officers, it being supposed to be to the interest of these transportation companies not to go to the expense of bringing over immigrants who would be barred by the law and thereby putting the transportation companies to the inconvenience and expense of returning them.

Mr. LODGE. If the Senator from Texas will allow me, I will say that the matter of consular inspection was very carefully considered in previous years. There is a great deal to be said for it, but we found it impossible to establish it owing to the objections made by countries in which our consuls were; they would not permit a consular inspection.

Mr. BAILEY. I have a recollection that the matter was debated in the other House.

Mr. LODGE. Yes; it has been debated here and considered at great length, and that was the conclusive objection.

Mr. BAILEY. I was not certain of the conclusion, but I was certain that the weight of the argument favored that inspection at the port of departure. The practical difficulty had not occurred to me. Then, I understand, this bill makes no change whatever in that respect?

Mr. PENROSE. Only that it makes a little more efficient and effective the present system.

Mr. RAWLINS. Mr. President, I would suggest to the Senator in charge of this bill that the bill, with all amendments that have been adopted up to this time, be reprinted. There have been quite a number of amendments. The bill is a very important one. Then let it go over, in order that we may have further time to inspect it and determine upon these amendments.

Mr. PENROSE. Well, Mr. President, I will make the request that the bill be reprinted.

Mr. LODGE. There are other amendments.

Mr. PENROSE. I will first ask the Senate to consider a few amendments which Senators desire to have considered at the present time. That will probably perfect the bill. It can then be reprinted and considered on another day by the Senate.

Mr. PLATT of Connecticut. Before we pass from the consideration of the bill, I should like to ask one other question. I should like to have the last clause of the first section read as it now stands.

The PRESIDENT pro tempore. The clause referred to will be read.

The Secretary read as follows:

Provided, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, by agreement with transportation lines, as provided in section 33 of this act, may arrange in some other manner for the payment of the duty imposed by this section upon alien immigrants from Canada, Mexico, or Cuba, either as to all or as to any such aliens.

Mr. PLATT of Connecticut. What I wanted to inquire—I presume it is easily explained, but I do not quite understand it—is why that proviso was inserted. The immigrants who come from foreign countries to ports in the United States have to pay $3 a head, and it is to be charged to the steamship lines and paid by them. Now, why should there be any different method? What is the necessity of making a different arrangement as to the immigrants who come from Canada or Mexico?

Mr. LODGE. In a subsequent section of the bill authority is given to the Secretary of the Treasury to make special arrangements with railroad and steamship lines coming from foreign contiguous territory. That has been found to facilitate the execution of the laws very much. It is already the practice in the case of Chinese immigrants, and it has been found that it was better to be able to make special arrangements with railroad and steamship companies from foreign contiguous territory, and to allow the Secretary of the Treasury to do that; that it was greatly for the convenience of the companies and of the Government also.

Mr. PLATT of Connecticut. In what respect do those arrangements differ from the arrangements made with foreign steamships coming to a port of the United States?

Mr. LODGE. They make an arrangement with a railroad company in regard to the collection and payment of the head tax, for example, so as to prevent the delay of the trains and to arrange for any of the details. It is the desire of the railroad and steamship companies to be allowed to make those arrangements. They take the responsibility in the case of railroads, and by making arrangements with the Government they are enabled to do it in a much more speedy and better fashion. There is no need of making an arrangement with a vessel coming into port. You have it all there on one ship, and it is going to stay a week; but with a passing train it is very important to be able to make an arrangement with the company.

Mr. PLATT of Connecticut. Is it that as the trains pass the number of immigrants shall be determined, and then at a certain time, a month afterwards, it is all charged up and paid in a lump?

Mr. LODGE. The railroad company takes the responsibility and pays the Government. The Secretary of the Treasury makes the arrangement.

The PRESIDENT pro tempore. Are there further amendments to the bill as in Committee of the Whole?

Mr. MALLORY. The Senator from Alabama [Mr. MORGAN] had an amendment which he intended to offer. I do not know whether he intended to offer it in Committee of the Whole or after the bill is reported to the Senate. I believe it would be in order to offer it in the Senate.

The PRESIDENT pro tempore. The amendment can be offered in the Senate.

Mr. MALLORY. Perhaps that is his intention.

The PRESIDENT pro tempore. The bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. Shall the vote on concurring in the amendments be taken in gross?

Mr. FORAKER. Has the bill just been reported to the Senate?

The PRESIDENT pro tempore. It has just been reported to the Senate.

Mr. FORAKER. I rose to make an inquiry. I understood that the Senator from Kansas [Mr. BURTON] had an amendment which he was to offer before the bill was reported to the Senate.

Mr. BURTON. I rose for that purpose, and I will call up the amendment, if it is in order, at this time and ask the Senate to consider it. I introduced the amendment to-day and it was ordered to be printed, but I see no reason why it should not be considered at this time.

Mr. HOAR. Let the amendment be read.

Mr. BURTON. I ask that the amendment be read and that it be considered at this time.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Add at the end of section 3 the following additional proviso:

And provided further, That nothing contained in this section shall be understood as applying to the Territory of Hawaii, but that whenever it can be shown to the satisfaction of the Secretary of Agriculture and of the Secretary of the Treasury that the number of agricultural laborers are insufficient for the proper agricultural development of the Territory, then the Secretary of the Treasury shall authorize and allow the admission to the said Territory of Hawaii a number of Chinese laborers sufficient in his judgment to supply the demands for such labor under regulations to be issued by him, and under the following conditions, to wit: That the said Chinese agricultural laborers shall be permitted to enter the Territory of Hawaii for the sole purpose of performing agricultural labor, and shall not be allowed to go from the said Territory of Hawaii to any other portion of the territory of the United States; that the persons or corporations in whose service said Chinese agricultural laborers are engaged shall first give a good and sufficient bond to the the satisfaction of the Secretary of the Treasury to defray the necessary expenses of the said Chinese laborer's deportation to China in case he deserts the labor for which he was permitted to come to the said Territory.

Mr. HOAR. I think that should go over.

Mr. MITCHELL. Mr. President, it seems to me that the proposition involved in the proposed amendment is one that ought not to be considered by the Senate until it has been referred to the appropriate committee and considered by that committee. I hope the honorable Senator from Kansas who offered the amendment will agree to that course.

Mr. BURTON. Mr. President, I am not solicitous about the present consideration of this amendment, provided it can go over and be considered by the committee; but I want to raise this question on the pending bill. I brought it up at this time because the bill was about to be reported. If the chairman is willing that the bill shall go over so that the committee can consider this amendment and that Senators may have an opportunity to study it, I have no objection at all, but I do think that it is germane to this bill.

I will say that I am very much in favor of this proposed legislation. I did not want to bring up this question before the Senate until after our committee—I mean the committee that investigated conditions in Hawaii—had reported; but this is a matter that is easily understood, and I have decided, for myself, that it is the kind of legislation that ought to be enacted.

Hawaii to-day is in a state of industrial and economic depression, just the opposite exactly from conditions that prevail in this country, and well-nigh everybody there attributes it to the fact that they can not get Chinese labor. I think it will be admitted by anyone who has carefully studied the situation in Hawaii that the native Hawaiian will not perform agricultural labor. The white man will not perform it there. They have attempted the importation of negroes, and that is a failure. It must be performed by either Chinese or Japanese, and as between the two everybody prefers Chinese. I think I am safe in saying that the merchants, the planters, the tradespeople, the manufacturers, and the skilled laborers as well are all in favor of this proposed legislation.

Mr. BACON. Will the Senator from Kansas permit me to ask him a question?

Mr. BURTON. Certainly.

Mr. BACON. Did the Senator make inquiry to know what was the desire of the native Hawaiians on the subject of the admission of Chinese?

Mr. BURTON. Yes, sir; they are in favor of it. I would not say all, for that would take in everybody, but certainly a very large majority of them are in favor of it.

Mr. HOAR. May I ask the Senator from Kansas a question?

Mr. BURTON. Certainly.

Mr. HOAR. Does this amendment come by authority of the Committee on Hawaii?

Mr. BURTON. No, sir. The Senator refers to the Committee on Pacific Islands and Porto Rico?

Mr. HOAR. The standing committee which includes Hawaii in its jurisdiction. Has that committee considered and recommended this amendment?

Mr. BURTON. No, sir; it has not been considered by the committee. It has been considered very carefully by the subcommittee which was sent to Hawaii to investigate conditions there, and that committee has not reported. I may say, since the question has been asked, that probably the members of that committee would not agree about this matter. Hence I hesitated to raise the question at this time, but seeing that this bill was up and about to be put upon its passage, as I thought the subject was germane, I brought it before the Senate for the Senate's consideration. There is much more——

Mr. BACON. Will the Senator permit me?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Georgia?

Mr. BURTON. Certainly.

Mr. BACON. I do not desire to unduly interrupt the Senator. Of course I recognize the fact that the Senator had an opportunity to ascertain the wishes of the native population, and his opportunity was very much greater than mine. Mine was extremely limited, but in the limited opportunity which I had the information which came to me was that the native people did not desire the Chinese to be brought in, whatever may be said as to other classes of the population of those islands.

Mr. BURTON. Well, I think, Mr. President, I risk nothing in saying that a very large majority of the natives, and especially the more intelligent natives, are in favor of restricted Chinese immigration to that Territory. This amendment, as Senators will observe, I think, has been drawn with very great care. It provides for the deportation of a Chinaman as soon as he leaves the plantation or as soon as he quits agricultural labor.

Mr. PERKINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from California?

Mr. BURTON. Certainly.

Mr. PERKINS. I should like very much to ask the Senator from Kansas a question.

Mr. BURTON. Certainly.

Mr. PERKINS. Is it not a fact that those who advocate the admission of Chinese into the Hawaiian Islands do so for the reason that their labor is very much cheaper than that of any other contract labor that it is possible for them to obtain?

Mr. BURTON. Yes, sir.

Mr. PERKINS. In other words, the planters are now making from 15 to 30 per cent on their sugar plantations in the Hawaiian Islands, while the Kansas farmer makes 6 per cent and the California farmer the same. If they can get Chinese labor they can double their income. That is the whole kernel in the nut. The whole question is one of cheap labor.

Mr. BURTON. The Senator asked me a question?

Mr. PERKINS. That is all.

Mr. BURTON. I will state to the Senator that every plantation in Hawaii I heard of, except one, has passed its dividends within the last two years instead of making the profits the Senator speaks of. The Senator is mistaken when he says that the owners of the plantations there are making money. They are not making money. They can not make money at the present

price of sugar and the present price of labor. It is the Japanese who have raised the price of labor higher than the traffic will bear, and they are not as good citizens as the Chinamen. That is the universal testimony, so far as I could get it, of all persons in Hawaii.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from South Carolina?

Mr. BURTON. Certainly.

Mr. TILLMAN. I believe we now admit the Japanese without restriction, the same as we admit Frenchmen?

Mr. BURTON. Yes, sir.

Mr. TILLMAN. And we do not admit Chinamen?

Mr. BURTON. No, sir.

Mr. TILLMAN. Yet the Senator says that it is the universal testimony that the Chinese make better citizens than the Japanese. Now, there is a contradiction out here somewhere, or else we have been legislating in the dark, and I should like the Senator to explain that.

Mr. BURTON. Well, I am speaking about the kind of Japanese who go to Hawaii and the kind of Chinamen who go to Hawaii, as they tell me. I do not think I talked to a single employer of labor who did not speak about the fact that the Chinese are preferable.

Mr. HOAR. May I ask the Senator a question?

Mr. BURTON. Certainly.

Mr. HOAR. Who is to deport the Chinese laborer who does not do his work, according to this amendment?

Mr. BURTON. The employer must give a bond, and the Senator will observe that it is placed in the discretion or under the control of the Secretary of Agriculture and the Secretary of the Treasury. I do not know that that is the best way to do it.

Mr. HOAR. Then if a man—you call a person a man under these circumstances—does not do his work to the satisfaction of his employer, somebody is to be given the power to take him and deport him. Who has that power?

Mr. BURTON. I do not think that the Senator from Massachusetts, if he will pardon me, states the matter just as it is.

Mr. HOAR. Let me read the amendment. It is as follows:

Mr. BURTON. Very well.

Mr. HOAR (reading):

That the persons or corporations in whose service said Chinese agricultural laborers are engaged shall first give a good and sufficient bond, to the satisfaction of the Secretary of the Treasury, to defray the necessary expenses of the said Chinese laborer's deportation to China in case he deserts the labor for which he was permitted to come to the said Territory.

Now, my question is, Who is to deport him?

Mr. BURTON. The employer gives a bond to the Secretary of the Treasury, and I suppose that the Secretary of the Treasury would, through his officers, deport him.

Mr. HOAR. Where is the authority to deport by law a man who is lawfully there because he does not do his work?

Mr. BURTON. Well, the Senator will observe that is to be done when he does not do a particular kind of work.

Mr. HOAR. Exactly; when he does not do a particular kind of work.

Mr. BURTON. This amendment would permit Chinese immigration for agricultural purposes only. It would not allow them to go into the mills or perform any kind of skilled labor. If the Chinaman should leave the plantation, or the rice field, or should leave agricultural work, then he would be subject to deportation.

Mr. HOAR. Who is going to deport him? I want to understand about this taking a man by the nape of the neck, on what is now American soil, and carrying him out if he does not do his work to the satisfaction of his employer. It is an example which, I suppose, the Senator from Kansas thinks a good one; but I want to understand all the bearings and relations of it, if I can.

Mr. BURTON. Just how the Secretary of the Treasury would proceed, or what machinery would be brought into play to send the Chinaman back, I have not fully considered.

Mr. FORAKER. Mr. President, would it interrupt the Senator if I should inject a remark there?

Mr. BURTON. Not at all.

Mr. FORAKER. The Senator from Massachusetts makes an inquiry upon that point as though deportation was something new.

Mr. BURTON. I was just about to say that.

Mr. FORAKER. We have been deporting Chinamen for a good many years when they were here under circumstances that warranted it. It is done, I believe, by the Treasury Department, acting through officials charged with that duty in proper cases.

Mr. HOAR. Yes; they are deported. I do not comment upon that law now one way or the other; but, at any rate, they are deported as persons who have no right to be here and had no right to come here, and that is a well-settled system on which we agreed. Now, when a man has lawfully come within our borders under a contract and is lawfully at work under his contract, it is said if he does not work he may be deported. It may be that the reason he does not work is because he is cruelly treated: it may be because he claims the employer has not kept his contract: it may be because he is sick and can not work; but whatever may be the reason, somebody, not a judge, and, so far as I am aware, not the Secretary of the Treasury in person, for he is 5,000 miles away, is to take that man by a summary process and carry him back to China. I have not suggested to anybody whether that is right or wrong, but I think the Senate should know the machine.

Mr. FORAKER. Will the Senator from Kansas yield to me for a moment?

Mr. BURTON. With pleasure.

Mr. FORAKER. Mr. President, I have never seen this amendment until just this moment, when it has been put into my hands. I never heard it read until it was read at the desk a few moments ago, therefore the phraseology of it may be such, when I come to examine it, that possibly I should want to change it. My interest in this amendment is due to the fact that I happen to be the chairman of the Committee on Pacific Islands and Porto Rico. The Senate, by resolution adopted just before the vacation, authorized a subcommittee of that committee to visit the Hawaiian Islands and there make investigation and then make report to us as to the results of their investigation of a number of subjects. That subcommittee has returned. They were in the islands some weeks. I understand they investigated many subjects, and that they are preparing an elaborate report of their investigations.

I am told that they found the industrial condition of the islands very much depressed; that instead of sugar planters making 15 and 20 per cent profit upon their plantations, as stated by the Senator from California, they are operating at a loss. I do not know what the fact may be, but that is what the members of the subcommittee have informally reported to me; that the trouble is not that they can not get cheap labor, but rather that they can not get enough labor. The natives are not satisfactory laborers, on the plantations at least, and many of them will not labor at all. The only satisfactory labor they have been able to get is the Chinese labor. They want to be saved from the consequences of this ruinous depression, and in that behalf they want us so to legislate as to allow, in a restricted and safe way, some Chinese labor. I say restricted and safe, having in view our legislation on the general subject of bringing into that island Chinese laborers.

Mr. HOAR. Mr. President——

Mr. FORAKER. Now, I come to answer the Senator from Massachusetts, if he will bear with me just a moment.

Mr. HOAR. I desire to ask the Senator a question, but I will wait.

Mr. FORAKER. Very well. Under our treaty stipulations with China no laborers can come into this country on any account. The Congress, in pursuance of our treaty stipulations, has so enacted that they can not come to work on plantations or on farms or in shops or in mills or anywhere. In view of the conditions in Hawaii and the absolute necessity for Chinese labor, according to the report that has been informally made to me, it is sought by this amendment, or by some amendment that we may be able to approve, to allow a limited number of Chinese laborers to come in to Hawaii.

That will make their coming lawful. Any condition as to their remaining, after they have been lawfully brought in, it is competent for us to provide. We propose to provide as a condition—that is, the Senator does who has offered this amendment, if I correctly understand it—that they shall be brought under certain terms and conditions that will prevent their becoming a charge on that community, and under certain terms and conditions that prescribe what their employment shall be while they are there, namely, that they shall be brought and brought only to work as laborers on sugar plantations and farms where they are needed; and the language of this amendment, as I understand it, is that if after having been so brought they desert their employment or refuse to pursue it they may be deported.

It is not necessary to go into detail in this legislation as to how they shall be deported, because deportation is something with which we are familiar; we already have machinery for that purpose. It is a machinery that operates only when a Chinaman is found who is unlawfully here, as the Senator from Massachusetts suggests. But the Chinaman who comes here lawfully on the condition that he will pursue while here a particular vocation and then refuses to pursue it, will be here, after condition broken, unlawfully just as much as though he had come unlawfully in the first place. Then deportation will apply to him, if we so enact, the same as to any other Chinaman unlawfully found here.

Mr. TILLMAN. Mr. President——

Mr. HOAR. Mr. President, I understand——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. I yield to the Senator from Massachusetts and then I shall get in later.

Mr. HOAR. I want to ask the Senator from Ohio whether his committee received this report and considered this particular amendment?

Mr. FORAKER. No.

Mr. HOAR. That is the question I previously put, and I so understand. Now I want——

Mr. FORAKER. Will the Senator allow me to say a word in answer to that?

Mr. HOAR. Certainly.

Mr. FORAKER. Our committee has not received a report. The report has not yet been fully prepared. I was about to inquire whether it had been prepared as to this point, namely, as to the industrial conditions obtaining at this time in Hawaii.

Mr. HOAR. But as to the legislation in this particular amendment, I understand it does not come with the authority of the Senator's committee.

Mr. FORAKER. No; it does not, because we have not had any opportunity to consider it.

Mr. HOAR. Perhaps it is a very old-fashioned notion, but my point is that whatever be right or wrong in regard to dealing with a man who has got unlawfully into this country—and I am not speaking about that now—when you come to take a human being and drag him or carry him against his will 5,000 miles from a place where he lawfully is on the ground that he has broken a contract or that he has no valid excuse for failure to work at a particular occupation, you are violating the fundamental and decent principles of all human justice or law; and it is an outrage to do it without surrounding that transaction with some security for its justice and its propriety. Whether this transaction is so surrounded now the Senator from Ohio does not know, and the Senator introducing the amendment does not know, and the Senate does not know.

Mr. BURTON. The Senator did not allow me to answer that part, and I will do it. I will wait, however, until the Senator from Ohio [Mr. FORAKER] is through.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. Certainly.

Mr. TILLMAN. I understood the Senator to say that this amendment had its origin in the fact that a subcommittee of the committee of which he is chairman had been appointed to visit Hawaii during the recess to examine conditions, and that those conditions are such that they have given rise to this proposed legislation. It seems to me that it would be fairer to the Senate that that committee should be allowed to formulate its ideas and submit them to us, so that we could examine some of the reasons instead of having one member of the committee rush in, although he tells us that there will probably be opposition from some other member. I say I think it would be fairer to us if this matter was brought in in an orderly way by letting the full committee pass upon the action of the subcommittee so as to get it before us in a proper manner.

Mr. FORAKER. Mr. President——

Mr. TILLMAN. I have another question, but I will not press it now.

Mr. FORAKER. Mr. President, it is not necessary for me to explain the action of the Senator from Kansas, for he has already explained it, and it is not necessary, certainly, for me to defend him against the charge of having rushed in prematurely. The Senator stated that he was loath to introduce this amendment to the pending bill simply because the subcommittee had been unable to prepare and lay before the Senate their report; that he had been holding his amendment back until that report could be laid before the Senate, but had been compelled to offer it now or not at all, because this bill was about to be put upon its passage.

I called attention to the fact, when the bill was about to be reported to the Senate from the Committee of the Whole, that the amendment had not yet been offered, because the Senator and those associated with him on the subcommittee had told me, quite naturally, I being chairman of the committee, something of what they had found to be the existing conditions in Hawaii, and the necessity for some such legislation as this. I had been told that they contemplated preparing an amendment and having it offered to this bill. I thought that if it was to be offered at all it ought to be offered now; and I called attention to it, because, being chairman of that committee, I feel a responsibility with respect to it.

We ought not to allow the islands of Hawaii to suffer for want of legislation which we may enact, if we find upon consideration that this legislation should be enacted. I am taking no position now as to that, one way or the other, but I feel it my duty, before this matter passes from consideration, to give this proposition a chance to be heard. I should much rather have the benefit of the committee's report, as the Senator from South Carolina suggests; but I do not regard that as indispensable.

Mr. TILLMAN. Mr. President, will the Senator permit me?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. Certainly.

Mr. TILLMAN. I desire to clear up any idea that I am criticising the Senator from Kansas. I have no purpose or desire to pass any strictures upon that Senator's action. He has a right to introduce any amendment he pleases. The only question that presents itself to my mind is that we had up the whole subject of Chinese immigration to the United States proper and to the United States improper, as some of us consider the Philippines, and everything else last spring; we discussed it exhaustively, and I thought any question as to the conditions in Hawaii and the necessities of that insular annex was sufficiently considered then to make it unnecessary for us six months afterwards to rush forward under the claim that there is a terrible dearth of labor in the Hawaiian Islands and that they are about to get into a condition of industrial collapse and all that kind of thing.

It has occurred to me also that there might be other parts of the United States that would want labor and want it now and want it badly, and I do not really see why we should be discriminating in favor of a few corporations which own sugar plantations in the Hawaiian Islands and leaving out of consideration the millions—well, millions is not big enough—of acres of Southern lands that need drainage and need cultivation. I should like to have some explanation as to why these sugar planters in the Hawaiian Islands are such pets of ours that we can not pass a Chinese-exclusion bill at one session but that we must come along and modify it at the next.

Mr. MITCHELL. Mr. President——

Mr. FORAKER. Will the Senator allow me to say one word in answer to the Senator from South Carolina?

Mr. MITCHELL. Certainly.

Mr. FORAKER. This amendment has no reference to sugar planters, as a class, to the exclusion of other people in Hawaii. It is intended for the benefit of all the people in Hawaii. There are a few sugar planters there, I do not know how many; it is a great industry in the Hawaiian Islands and when it languishes, when sugar plantations can not be conducted except at a loss, and such I understand is the fact now, there is poverty and distress in the whole of the islands; all classes suffer.

Mr. TILLMAN. Then there is another question I should like to ask the Senator.

Mr. FORAKER. I should like to be permitted to answer that first and then I will yield to the Senator.

Mr. TILLMAN. The Senator is so prolific of ideas in my mind that I must beg his pardon if I respond too quickly.

Mr. FORAKER. The Senator from South Carolina starts all my ideas.

Mr. TILLMAN. It is the same with me.

Mr. FORAKER. This is not intended for the benefit of any class. It is proposed upon the theory that it will benefit all classes.

Now, what I wanted to say in answer to the Senator, before I quit on that point, is that a few moments ago I asked the subcommittee whether this portion of their report had yet been prepared, and if so, I will now ask that it may be at once printed, in order that we may have the benefit of it before we do act finally on this bill.

Mr. MITCHELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Oregon?

Mr. FORAKER. Certainly.

Mr. MITCHELL. Mr. President, I happen to be the chairman of the subcommittee. Only three members of the subcommittee appointed were able to visit the Hawaiian Islands—the Senator from Kansas [Mr. BURTON], the Senator from Washington [Mr. FOSTER], and myself. Under the authority imposed on us by the resolution of the Senate we investigated quite a number of rather important matters in Hawaii.

A great amount of testimony was taken, some 176 witnesses were examined in all, and a great many memorials and petitions were presented to the subcommittee for their consideration.

Among the subjects investigated was this one of labor in the islands. On that subject we received a great deal of testimony and a number of memorials, petitions, and letters, all bearing upon the question of labor in the islands.

The Senate will see that necessarily a considerable amount of work was imposed on the subcommittee in undertaking to digest the large amount of testimony we brought home with us. It was not convenient for the subcommittee to meet as a whole in Washington until a few days before the meeting of the Senate. We have been diligently at work trying to digest the testimony on the various subjects and in the preparation of what we desire to say to the Senate and to the committee of which we are a part.

There are several subjects that we have completed and acted

upon. So far as this particular subject is concerned, it has not been completed; it has been very little discussed in the subcommittee, and only in an informal and perfunctory way. It certainly, so far as I am concerned, has not been decided upon by the subcommittee one way or another, and as chairman of the subcommittee I frankly say to the Senator from Ohio that I am unable to say now what the report of the subcommittee will be on this particular question. That it will be, judging from what has occurred here, a divided report I have no doubt; but on which side there will be two and on which side one I do not yet know.

Mr. FORAKER. Mr. President——

Mr. MITCHELL. One moment, if the Senator will allow me.

Mr. FORAKER. I only want to ask the Senator from Oregon for some information on the point he is just touching upon.

Mr. MITCHELL. Certainly; I yield to the Senator.

Mr. FORAKER. The Senator from Oregon says the report will, he thinks, be a divided report on that point.

Mr. MITCHELL. I should judge so from what has occurred here to-day.

Mr. FORAKER. Will the Senator allow me to ask him whether he refers to the industrial condition now obtaining or to the question of admitting Chinese labor?

Mr. MITCHELL. I refer to the question of admitting Chinese labor.

Mr. FORAKER. There is no division, I understand, on the industrial condition.

Mr. MITCHELL. I agree that there is at present great industrial depression in the islands.

Mr. BAILEY. Will the Senator from Oregon permit me to interrupt him?

Mr. MITCHELL. Certainly.

Mr. BAILEY. I wish to inquire whether the committee will take the trouble to enlighten the country as to the wisdom of acquiring territory that can only be rescued from an industrial collapse by an importation of Chinese labor?

Mr. MITCHELL. That is a question we have not reached. As I said, I find no fault with the course taken by the Senator from Kansas [Mr. BURTON]. He has a perfect right to offer any amendment, as any other Senator has, to any bill which comes up here for consideration. Still, it does seem to me that so far as any action is concerned by the Senate upon this particular proposition as to whether or not it will loosen up the existing legislation on the subject of Chinese and admit them into Hawaii, it should not be decided until, in the first place, the committee of which we are a part, and then the Senate, shall hear what we, as a subcommittee, have to say on the subject.

Now, another thing. The Senator from Kansas states, and his statement is confirmed by the Senator from Ohio, that this is the proper time and place for this proposed legislation. I deny that. The history of legislation from the earliest period of Chinese restriction in the United States shows that legislation in regard to Chinese immigration has always been kept separate and distinct from general legislation on the subject of immigrants.

The question of excluding Chinese laborers because they are Chinese, because of their race, is a question that has never been considered in connection with a general law on immigration, or, if considered, provisions of that character have never been incorporated into legislation which relates to immigration generally.

Therefore I say that the particular subject involved in the amendment introduced by the distinguished Senator from Kansas is one that ought to be considered separately and apart from the bill now pending instead of in connection with it.

Our subcommittee, as I have stated, have not yet considered this particular question, except in a most informal manner, and will not until we have thoroughly digested all the testimony and memorials, affidavits, and letters presented to us relating to this particular branch of our inquiry.

Therefore, Mr. President, it does seem to me that this is a matter that can not be considered now in connection with the pending bill, and that it ought not to be considered now in connection with this bill, but that the amendment of the Senator from Kansas should go to the appropriate committee, of which the distinguished Senator from Ohio [Mr. FORAKER] is chairman, and it should there await the report of the subcommittee which has been investigating this matter in the Hawaiian Islands, for our report will be accompanied by an appendix showing all the testimony taken by us, so that the committee will have the full benefit of all we learned on the subject.

While the subcommittee, I presume, under the rules of the Senate, have authority to report directly to the Senate instead of to the full committee, it has been my intention, so far as one member of the subcommittee is concerned, that as to this particular branch of the inquiry at least we should report our conclusions to the full committee; and if I can have my way that will be done, so that the full Committee on Pacific Islands and Porto Rico may look into this question in all its various phases and then report to the Senate their conclusions as to what ought to be done or what ought not to be done in regard to this particular proposition.

Mr. BURTON. Mr. President, when this bill was being discussed the other day I made inquiry of some of the Senators who have had a great deal more experience than I in this body—and among them the chairman of the committee—and obtained the advice that I would have plenty of time to present this amendment, even perhaps weeks from now. I did not expect to present the amendment until after our report was in. As I said once before to-day, this bill was up and was about to be put upon its passage, and several of the older Senators who knew that I had prepared the amendment suggested that I call it up.

I can not agree with my friend the Senator from Oregon [Mr. MITCHELL] that this proposed legislation is not germane to the pending measure. This is an immigration bill. In my way of looking at it there is a section of American territory that is in a state of industrial and economic depression; merchants, lawyers, doctors, manufacturers, planters, farmers, all are suffering. There is some cause for it.

Mr. MITCHELL. Will the Senator allow me to interrupt him for a moment?

Mr. BURTON. Certainly.

Mr. MITCHELL. Mr. President, I did not mean to say that the proposition submitted by the Senator is not germane to this bill in the sense of being subject to a point of order, or anything of that kind. What I meant to say, and what I did say, was simply that to place this amendment on the pending bill would be a departure from the policy of Congress upon this subject, for the reason that heretofore and always the policy of the Congress of the United States, when legislating on the subject of Chinese immigration, excluding Chinese on account of their race, has been to deal with it separate from other legislation and independent of it.

Mr. BURTON. I will state to the Senator from Oregon that there is a provision in the bill to prohibit the sale of intoxicating liquors in the Capitol.

Mr. LODGE. That was put in in the other House.

Mr. BURTON. At any rate, when we have an immigration bill under consideration, certainly the regulation of Chinese immigration is a proper subject for consideration.

I know, and I think Senators will agree with me, that unless we can have consideration of this amendment on the pending bill it will not be practical to get a law of this kind passed during the present session of Congress.

Let us suppose, for the sake of argument, that this is wise legislation. If it is, then this amendment is properly offered and pressed now. I am perfectly willing that the bill shall go over, and I hope that it will go over, until after our report is in and has been considered by the full committee. The Senator from Oregon will bear me out in saying that I had advised him before now that I had prepared this amendment and proposed to offer it. So it does not come as a surprise to him. Other Senators knew that I wanted this kind of legislation, that I believed in it.

The Senator from Texas says he wants to know whether or not we can subjugate or civilize a country only by Chinese labor. My answer is that we have acquired possessions in the Tropics, and we have acquired possessions that we intend to keep. The Territory of Hawaii is the paradise of the Pacific. It is the crossroads of the Pacific. It is the strategic point of all the trade in that great ocean, and the development of the trade of the Pacific will excel in reality, in my opinion, in the next few years what the wildest imagination now may conceive it to be.

For the last fifty years the better thought of the people of this country has been looking for the possession of Hawaii. The Democratic Administration of Franklin Pierce directed a treaty to be made for the acquisition of the Hawaiian Islands. It is now American territory. Our flag floats over it. The islands are in a state of industrial depression. In a short time, when our report is in, evidence will be presented showing that skilled laborers, the same as planters and merchants, want Chinese immigration, restricted to agricultural purposes. Nearly everybody who lives there wants it.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from South Carolina?

Mr. BURTON. Certainly.

Mr. TILLMAN. Does the industrial fabric of Hawaii rest on a condition which requires that there should be some ignorant mudsills there?

Mr. BURTON. I do not know what the Senator means by "ignorant mudsills." I am treating this question seriously, and, if the Senator from South Carolina will pardon me, I do not see exactly how to answer his question.

That Territory is susceptible of great development if we will give those people the aid we ought to give them, because we are

responsible for their being under the American flag. If we will aid those people in the way we ought to aid them, it will be a splendid acquisition to this country, and for one I want to help them in every way in my power, and I do not want any parliamentary practice to intervene here that will prevent the passage of legislation which, in my judgment, Mr President, will be beneficial to all the people of these islands.

Now, one word in regard to the Chinese laborers who may be brought there. It is the experience of everybody that it is beneficial to the Chinese who come there and labor for a time and go back; it is to the benefit of those who employ them; it is to the benefit of skilled labor, because there is a great deal more going on when they are there; it is to the benefit, so far as I can see, of everybody to allow Chinese immigration, restricted to the purposes of agricultural labor only.

As to the question the senior Senator from Massachusetts [Mr. HOAR] raised, about the right to deport under certain circumstances a man who has lawfully been allowed to come on our territory——

Mr. HOAR. If the Senator will allow me, I raised no such question.

Mr. BURTON. Then I misunderstood the Senator.

Mr. HOAR. I wanted to know what was the machinery or method of doing it.

Mr. BURTON. Then I misunderstood the Senator. I thought he intended to raise the question of our right to do that.

Mr. HOAR. I distinctly said I did not raise it.

Mr. BURTON. Very well. Then I misunderstood the Senator. With regard to their deportation——

Mr. MCCOMAS. Will the Senator allow me?

Mr. BURTON. Certainly.

Mr. MCCOMAS. I listened with interest to the statement of the Senator from Massachusetts, and I also misunderstood him. Will the Senator from Kansas permit the Senator from Massachusetts to state what he did say with respect to the deportation of persons who are aliens.

Mr. HOAR. As I recollect what I said, it was that without discussing or raising the question of right, if we were going to deport a man from a place where he was lawfully found, I should like to know what the mechanism was, the tribunal which would determine whether he had complied with his contract, and so on. That is what I believe I said.

Mr. BURTON. The universal testimony is that the Chinaman who comes to do work in that Territory does the work; that he is commercially honest; that he keeps his contract; that his employer wants to keep him and will keep him as long as he will stay. It is the very best labor that the islands have ever had and the most satisfactory to the employer and to the employee for this particular kind of labor.

Mr. FORAKER. Will the Senator allow me to interrupt him to ask him two or three questions as a member of the subcommittee?

Mr. BURTON. Certainly.

Mr. FORAKER. I understand there is no difference of opinion among the members of the subcommittee on the point that there is an industrial depression in Hawaii from which all classes are suffering.

Mr. BURTON. That is obvious to anybody.

Mr. FORAKER. There is no difference of opinion upon that point. Is there any difference of opinion on this further point that it is due to the lack of labor and that the importation of Chinese would supply that want?

Mr. BURTON. I think it is due——

Mr. FORAKER. What I want to know is whether there is any difference of opinion among the members of the subcommittee?

Mr. BURTON. There is some difference of opinion in regard to that, I will say.

Mr. FORAKER. I want to get at the point whether the difference is as to whether the Chinese ought to be brought in——

Mr. MITCHELL. If the Senator from Ohio will allow me, I think there is room for considerable difference of opinion.

Mr. FORAKER. I can not hear the Senator from Oregon.

Mr. MITCHELL. I think there is room, under the evidence, for considerable difference of opinion, perhaps, on the question as to whether the real cause of the depression is attributable to the scarcity of labor——

Mr. FORAKER. That is what I wanted to know.

Mr. MITCHELL. And from this fact I will state—I am sure the Senator from Kansas will not disagree with me—the census figures show that there are in the islands to-day a fraction over 25,000 Chinese laborers, and that there are in the islands a fraction over 61,000 Japanese, or a total of over 86,000 Orientals.

The testimony shows that the sum total of Orientals, Chinese and Japanese, employed on plantations, in the field, is about 38,000. Deduct 38,000 from 86,000, the total number of Orientals in the islands (and it is a fraction over that), and you have about 48,000 Orientals not on the plantations to be accounted for. Those 48,000 are either engaged in doing nothing, and are therefore a curse to the country, or otherwise they are engaged in vocations requiring skilled labor, and therefore not only coming in competition with skilled labor, but absolutely excluding skilled labor.

Mr. BURTON. I think there is room for disagreement as to what has caused the hard times in Hawaii; but not very much room. I think also that a careful investigation will change the figures somewhat as given by the Senator from Oregon. The Chinese have been leaving Hawaii, and none of them have been coming in, since annexation. The Japanese have been coming in by the shipload, and it is the Japanese who have worked into other callings there to a great extent.

There are some Chinese there who are citizens who can not be deported. They were first citizens of the kingdom, then of the provisional government and the republic, and of course became citizens at the time of annexation. There is a scarcity of Chinese labor for agricultural purposes in the islands, and the Japanese have raised the price, as I said a while ago, to more than the traffic will bear in view of the very low price of sugar.

Again, if the Chinese are admitted for agricultural purposes it will drive the Japanese off the farms and plantations. Everybody says that the Chinese are better laborers and better people for the country.

Mr. MALLORY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Florida?

Mr. BURTON. Certainly.

Mr. MALLORY. It is to make an inquiry. I should like to know if the Senator from Kansas in his inquiries in the islands ascertained whether there had ever been any serious effort to induce immigration into the islands from anywhere else than from China and Japan?

Mr. BURTON. Yes, sir; there has been a great deal of effort made to get laborers from a great many different places and countries.

Mr. MALLORY. Has there been any effort to secure them from the United States?

Mr. BURTON. Yes, sir; there has been an effort to get white laborers there, and an effort to get negroes there, and an effort to get Portuguese there, and an effort to get Porto Ricans there.

Mr. MALLORY. I should like to ask the Senator why it is that colored laborers of this country, for instance, or white laborers from this country could not go there and compete with other laborers in that country and make a success as agricultural laborers?

Mr. BURTON. I do not know why colored laborers could not work there upon the plantations. I only know that the experiments they have made have been failures. They can not get them to go there and remain upon the plantations or upon the farms. The Porto Ricans that they took there are failures. I think I can safely say that. The Portuguese were measurably a success. The white man will not work in the sun in any tropical country on this globe, in my opinion. The native——

Mr. MCCOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Maryland?

Mr. BURTON. Certainly.

Mr. MCCOMAS. Before the Senator leaves the point on which he is now, I should like to ask him why the Porto Ricans can not and do not succeed in working in Hawaii? Why is it that they have failed as he says they have failed?

Mr. BURTON. I can not tell exactly, Mr. President. I can not answer the question fully. I do not know that the evidence, when printed, will show that fully, but I can give the Senator my opinion about it.

In the first place, I doubt very much if the best class of laborers were taken from Porto Rico, although the effort was made to get the best class of labor, because it was an expensive thing to those who were employing them. But for some reason they are a complete failure. They did not give satisfaction at all. If you will remember, Hawaii, when it was a kingdom, spent a great deal of money, made large appropriations to bring people from other countries there to try to get the right kind of labor.

If Chinese are permitted to come into that Territory for agricultural purposes only, I believe it will solve the labor question for that Territory. I believe it will not be opposed by skilled labor on the mainland. I believe it will not hurt the cause of labor, because no Senator and no man in this country wants to do anything that will injure the cause of labor. I was going to suggest——

Mr. BACON. Will the Senator permit me for a moment?

Mr. BURTON. Certainly.

Mr. BACON. I understand the proposition as formulated by the Senator, and even as considered by the committee, to be predicated upon the condition that the Chinese must be brought in there for a certain purpose, under bonds limiting them to certain kinds of labor?

Mr. BURTON. Yes, sir.

Mr. BACON. The question I desire to ask the learned Senator is this: When you take a man into a country on a bond permitting him to do only a certain kind of labor, under penalty of deportation if he engages in any other kind of labor, is not that a species of bondage? The word "bondage" comes from being under bond. There may be bonds of different kinds; there may be bonds of slavery; there may be bonds imposed by pecuniary considerations; but nevertheless in each case it is a consideration which limits a man's liberty.

Now, I desire to know from the Senator from Kansas, and I hope other Senators who agree with him will enlighten us upon that question, if it is not an approach to the slavery so often denounced here, and properly denounced, and which this country has absolutely repudiated, and with respect to which it has embodied in the fundamental law a declaration that it shall not exist in any manner, shape, or form in any place under the flag of the United States and the jurisdiction of its laws?

Mr. BURTON. I do not think it is any species of slavery whatever. If the Chinaman wants to come to Hawaii, he knows before he comes that he can come there and perform a certain kind of work. He is permitted to come for that purpose and that only. It remains with him to decide whether he will engage in that kind of work in Hawaii. If he does, he elects to do it as a free man, and agrees to go away if he does not do it.

Mr. BACON. If the Senator will allow me, he elects to become a bondsman.

Mr. BURTON. Oh, no.

Mr. FORAKER. The bond is nothing more nor less than an undertaking on the part of the employer that if the employee deserts the employment for which he is brought there, the employer will see that he is deported without any expense to the government.

Mr. BURTON. It is in no sense slavery, nor can it be tortured to mean that.

Mr. HOAR. May I ask the Senator from Kansas a question?

Mr. BURTON. Certainly.

Mr. HOAR. Is not the man to be brought there by somebody else? Is there any security that it is not pure cooly labor, brought over from China without the consent of the laborer when he starts? The phrase of the bill is——

Mr. BURTON. There is nothing in the amendment that speaks about how he is to come there.

Mr. HOAR. No.

Mr. BURTON. The question is the employment when he comes.

Mr. HOAR. That is my exact proposition—whether there is anything in this measure such as we used to have in our old labor laws and have now to a large extent in our immigration laws, to prevent the taking over there of cooly labor, pure and simple?

Mr. BURTON. I will say to the Senator that if the amendment does not cover that fully, I have no objection at all to any kind of an amendment that may be drawn, or this amendment may be changed in any way, to prevent laborers being brought into the country in that way.

Mr. HOAR. Then the amendment possibly needs further amendment. The phraseology of it is that the persons or corporations in whose service said Chinese agricultural laborers have been engaged shall give a good and sufficient bond, etc., to defray the deportation of such Chinese.

Now, my question is a pretty serious one, as the Senator recognizes by the seriousness of his answer. Is the Senator now prepared to assure the Senate that if this amendment passes, cooly labor, pure and simple, being the taking against their will from China, where it is permitted by the Six Companies or anybody else, of a number of laborers and carrying them over to Hawaii will not be employed?

Mr. BURTON. If the amendment were adopted, would not the general immigration laws apply, so as to prevent anything of the kind being done? I ask the Senator as a lawyer.

Mr. HOAR. It seems to me I should ask the Senator as a committeeman if he knows whether it will or not. The Senator's amendment should not be adopted unless the gentlemen on whose recommendation we take it know that and do not have to inquire.

Mr. BURTON. The Senator's answer, of course, is clever.

Mr. HOAR. Well, it is all I can answer. I do not know. I have not in my head at this moment, as a lawyer or in any other way, the memory of the detail of our existing laws so that I can tell the Senator the answer to the question I have put to him. I ought to know, but I do not.

Mr. BURTON. I will ask the Senator if the present immigration laws do not prohibit the bringing of contract labor into any part of American territory?

Mr. HOAR. I do not know whether or not it includes Hawaii.

Mr. BURTON. It certainly includes all parts of our territory.

Mr. HOAR. This amendment certainly proposes their coming into Hawaii, while our law and the proposed law with which we are dealing prohibits the admission of any man under any contract to labor. So, if that law now applies to Hawaii, this amendment is absolutely nugatory, because nobody can come in under a contract to labor.

Mr. BURTON. Is it not the purpose of the amendment——

Mr. FORAKER. Will the Senator allow me a moment's interruption?

Mr. BURTON. Certainly.

Mr. FORAKER. It has been stated here two or three times that no one has read this amendment except only the Senator who offered it. No one has had any opportunity to study its language. A great many questions have been asked, and one, a very important one, just now by the Senator from Massachusetts [Mr. HOAR], I think we would all feel better satisfied in our consideration of it if we could now suspend the further consideration of the bill and let it all go over until to-morrow.

Mr. HOAR. I should like to ask one more question of the Senator from Kansas.

Mr. FORAKER. Then the amendment can be printed and we can have it before us.

Mr. HOAR. With the leave of the Senator from Ohio, I should like to put a question to the Senator from Kansas before he drops the subject for to-day, if he has no objection.

Mr. LODGE. I think the Committee on Immigration, in charge of the bill, would like to say something before this movement is carried through.

Mr. FORAKER. I have the floor, and I yielded to the Senator from Massachussets to ask a question.

Mr. HOAR. It will take only a moment.

Mr. FORAKER. Very well.

Mr. HOAR. I want to ask the Senator from Kansas whether if these precise conditions at any time should be found to exist in any part of the United States, namely, that there is an agricultural or other business depression, caused by a scarcity of labor, and the price of laborers who can be got is so great that you can not manufacture or carry on your farm at a profit, and the community want it, would he be in favor of admitting Chinese labor to any part of this country?

Mr. BURTON. No.

Mr. HOAR. Very well. Then are you doing to Hawaii as you would be done by?

Mr. BURTON. Yes. I will answer the Senator. The white man will labor on the mainland and he will not in Hawaii.

Mr. HOAR. Put him in a case where he will not.

Mr. BURTON. I understood the Senator to ask whether if we had a scarcity of labor on the mainland I would favor Chinese immigration for agricultural purposes.

Mr. HOAR. In Louisiana, for instance.

Mr. BURTON. No; because the labor can be supplied by Anglo-Saxon or other white men. But it can not be so supplied in Hawaii. The labor in the fields in Hawaii will never be supplied by the native Hawaiian or by the white man. It will be performed either by Chinese or Japanese. It will be performed by Orientals. Notwithstanding that the Hawaiian is a native there; notwithstanding that he makes the finest kind of a laborer in many directions, such as longshoreman, and is a splendid worker in the mills, and as a fisherman, and performs labor in many other fields, he will not go out and work in the sun in the cane field and on the farm. So the question is whether, if they are to have labor of this kind there at all, it shall be performed by Chinese or Japanese. That is the practical question. It matters not what legislation you enact or whether you enact any legislation at all or not, the work of the plantation will either be performed by Chinese or Japanese.

Mr. BAILEY. Will the Senator from Kansas permit me to interrupt him for a moment?

Mr. BURTON. Certainly.

Mr. BAILEY. What does the Senator say to a proposition which declares that a human being may come to a certain country and remain there as long as he pursues the cheapest labor, but the moment he aspires to rise to a condition higher than that of the cheapest labor, he must be expelled as unfit to reside there? It occurs to me that that is a strange kind of doctrine in this age, where every tendency is to uplift the laborer, to make the unskilled laborer's child of to-day the skilled laborer of to-morrow. That is my theory of dealing with the labor question; and I will never consent to vote that a man can stay in this country as long as he pursues but the cheapest and least skilled of employments, and that the moment he aspires to become a skilled laborer he must be deported under the provisions of a law like this.

Mr. BURTON. That is because the political policies of the distinguished Senator are provincial. It is because he did not favor the acquisition of Hawaii. He did not favor the acquisition of the Philippines. He does not favor the acquisition of any tropical country.

Mr. TILLMAN. He does not favor slavery.

Mr. BURTON. Therefore he is in favor of a certain rule that is applicable only to people who live in a temperate zone. Now, if the Senator can show me that the Chinaman who would be permitted to come there to perform agricultural labor is injured in any way instead of being benefited; if he can show me that skilled labor is injured in any way by his coming, and if he can show me that labor in any way is injured by the Chinaman being permitted to come there for that purpose, then I shall be ready to withdraw this amendment. But until he can do that I think a fair investigation will force the conclusion upon everybody that it is to the benefit of the Chinaman who is allowed to come, and who wants to go away after staying a limited number of years, and it is to the benefit of the men who are building houses, who are building manufactories, who are building mills, and who are trading, and who are growing cane, and who are growing or want to grow coffee, pineapples, rice, and other products. It is to the benefit of everybody and to the injury of no one except that it comes in conflict with a preconceived political theory; that is all.

Now, Mr. President, I have said very much more than I expected to say. Indeed, I did not expect to say anything on the subject at this time.

Mr. BAILEY. One more question, if the Senator will permit me.

I have an idea that the early settlers of New England and the later settlers of some of the Southern States did the African a distinct good when they caught him in the jungles of his native country and brought him to this country and put him in slavery, but I hardly think the Senator from Kansas or any other Senator in this Chamber would argue that in extenuation of slavery to-day. I have no doubt that a Chinaman in the less thickly settled islands of Hawaii would be somewhat better off than he would be in the densely settled Kingdom of China.

I am not one of those who have always professed friendship for labor. I have not always been able to support the demand of the advocates of labor. I have never been able to support the eight-hour law, which denies a citizen of the United States the right to contract for his personal services, and I never will. But I do think that I am as sincere a friend of labor as any good citizen can conscientiously be, though I may not be such a good friend as some profess to be.

However, what I object to is the moral, or rather the immoral, feature—the writing in a statute book of this country a law that condemns an unskilled laborer to be unskilled forever, which says to them as long as they will work for a cheap wage and at a vocation so laborious and so burdensome that the people who are native in that country will not, as the Senator admits, pursue it, so long as these people brought there will pursue that vocation which none others will take up, they can remain: but the moment they lift their eyes to a higher plane of labor that moment they must be banished under a deportation law. I never will consent to write that kind of a law against the labor employed in any part of this country.

Mr. BURTON. The comparison the Senator makes is a complete answer to his argument. In the first place, we did go to the jungles of Africa and we bound some and brought them to this land. We are not going to China to bind anybody to bring here. So the comparison is not a comparison, but a contrast.

Under this amendment the Chinaman would come here of his own free will, and he would come permitted to do only a certain kind of work. The African came here because he was captured and forced to come and was then put into slavery. What comparison could anyone except the learned Senator from Texas make between the existing condition of things in the old régime and this proposed amendment?

Now, Mr. President, as I said before, answer this question: Does not the Chinaman get a distinct benefit if you allow him to come? He does not want to stay. He will not stay. He wants to come and engage in a certain kind of work for a term of years and go back. He of his own volition contracts to come and to do certain work, just as much as any laborer is employed to do any specific kind of work. The only difference is that we say he shall not come unless he will contract to do only that specific work.

Now, he can stay in China if he wants or he can come, and he will come, as he wants to come, because it is a benefit to him to come and a great blessing to allow him to come. It is an improvement to the Chinaman. He carries back to his country something of a knowledge of our wise laws and our better civilization, and the employer, instead of being mean to the Chinaman, instead of being small with him, wants to keep him, because he is commercially honest. He wants to keep him because he does keep his contract. He wants to keep him because it is beneficial both to the employer and to the employed.

Now, Mr. President, I ask the chairman of the committee if he is not willing that this bill shall go over, so that this amendment may be considered in connection with the bill? We can not hope to get this kind of legislation enacted during the present session unless we can have it considered in connection with the pending bill. Since that is true, and since it is perfectly apparent that the bill which is being considered will pass—I do not mean my amendment, but I mean the bill generally—and since it does not endanger its passage, I ask the chairman if he is not willing that the bill shall go over until such time as the Committee on Pacific Islands and Porto Rico can consider it and report so that we may have a better consideration of this amendment?

I know all Senators will acquit me of any purpose to suddenly inject this amendment into the bill or to take any snap judgment on anybody. I am earnestly in favor of this legislation. I believe it is necessary for one of our American Territories, and I see that this is the only practical way to get it during the present session.

Mr. PENROSE. Mr. President, as chairman of the Committee on Immigration, I could not favorably consider the request of the Senator from Kansas a moment, nor do I think any member of that committee would do so, because in my opinion this amendment does not belong in the bill. Whether it is theoretically germane or not I will not attempt to argue; but, as a matter of fact, Chinese legislation has always been kept separate and distinct from other general immigration legislation. It does not belong here and it is evidently premature. I would suggest——

Mr. BURTON. May I ask the Senator from Pennsylvania a question?

Mr. PENROSE. Certainly.

Mr. BURTON. The Senator speaks of general Chinese legislation. This is not general Chinese legislation. It relates only to one Territory of the United States.

Mr. PENROSE. It should come in the form of an amendment to the Chinese-exclusion law, which was passed at the last session of the present Congress. It does not belong in this bill, which is general immigration legislation, and to attempt to put it in is to depart from the universal practice of Congress, which is not to mix up the two kinds of legislation.

The amendment is evidently premature. The committee has not reported it. The committee is apparently divided upon it.

When the Committee on Immigration had this question up in reference to the restricted admission of Chinamen in the Philippine Islands and in the Hawaiian Islands they decided not to let down the bars. As late as last spring, in the opinion of the Committee on Immigration of the Senate, it was thought better to delay the development of the Philippine Islands and the Hawaiian Islands rather than to let down the bars for the admission of Chinamen even under restriction. As far as that committee is concerned, therefore, it has already taken a position against such an amendment, and no evidence has been submitted to it to alter its opinion.

I move, Mr. President, that this amendment be laid upon the table, so that when the Senator's committee is ready to report he can bring it up or introduce an amendment to the Chinese-exclusion act to carry out the purpose he has in mind. I therefore make the motion.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves to lay on the table the amendment proposed by the Senator from Kansas. [Putting the question.] By the sound the ayes have it. The ayes have it. The amendment is laid on the table.

Mr. McCOMAS. I ask the attention of the chairman of the committee for a moment to page 3, line 16. There the bill defines who are anarchists. I want to suggest an amendment in line 16, that after the word "violence" there be inserted "of any government, of the Government of the United States, or" so that it may read:

> Polygamists, anarchists, or persons who believe in or advocate the overthrow by force or violence of any government, of the Government of the United States, or of all government.

A man may come here who will say, "I have advocated the overthrow by violence of a czar or of a king," but, he may say, "I have never advocated the overthrow by violence of the head of a republic." I suggest that those words are very helpful, and I hope the chairman will consider the amendment favorably.

Mr. PENROSE. I will accept the amendment.

Mr. CULLOM. Will the Senator yield that I may move an executive session?

Mr. HOAR. I should like to have the amendment carefully reported. I think the amendment goes farther than the Senator himself intends, if the Senator will hear it.

Mr. PENROSE. Very well.

The PRESIDENT pro tempore. The proposed amendment will be read.

The SECRETARY. On page 3, line 6, after the word "violence," insert the words "of any government, of the Government of the United States or," so that, if amended, the paragraph will read——

Mr. HOAR. If the Senator will allow me to call his attention to it, he certainly, I think, on reflection, will not wish to retain the words "of any government," because there are governments in the world that ought to be overthrown by force or violence. What does the Senator say as to the government of the Moros at this moment?

Mr. McCOMAS. I think that that remote insular proposition need not be interpolated in a definition of the propagandist of anarchy by violence.

Mr. HOAR. I do not know that I, as a member of the Senate of the United States, want to particularize all the governments; we may be on very friendly relations with them; but there are governments in this world that I for one would overthrow by force and violence very quickly if I could.

Mr. McCOMAS. I think perhaps the Senator from Massachusetts having disposed of the Moros——

Mr. HOAR. Suppose the Senator makes it read, "the Government of the United States or of all government."

Mr. McCOMAS. In order to get substantially the amendment that I want accepted I will leave out the words "or any government," although I do not agree with the Senator.

Mr. CULLOM. Pending that amendment, I move that the Senate proceed to the consideration of executive business.

Mr. PENROSE. I hope the Senator from Illinois will withhold his motion.

Mr. LODGE. I hope the Senator will allow us to get a reprint of the bill and not cut us off at this stage to-night.

The PRESIDENT pro tempore. Does the Senator from Illinois withdraw his motion?

Mr. McCOMAS. I make the point of order that I had not yielded the floor. I suspended that the Secretary might read the amendment just offered, and I submit that the Senator from Illinois can not take me off my feet in the midst of the reading of the amendment. If the Senator will bear with me for a moment the amendment will be disposed of.

Mr. CULLOM. If the Senator will bear with me, I will desist from attempting to make the motion at this moment.

Mr. McCOMAS. I will modify my suggestion to the chairman of the committee so as to insert in line 16, after the word "violence," the words "of the Government of the United States or."

Mr. PENROSE. It will then read, "of the Government of the United States or of all government." There can be no objection to that amendment, Mr. President.

The PRESIDENT pro tempore. The amendment will be read to the Senate.

The SECRETARY. On page 3, line 16, after the word "violence," insert the words "of the Government of the United States or;" so as to read, if amended:

Polygamists, anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government or of all forms of law.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PENROSE. I now ask for a reprint of the bill, with all amendments.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks that the bill be reprinted with all the amendments. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session, the doors were reopened, and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 10, 1902, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate December 9, 1902.

CONSUL.

Thomas P. Moffatt, of New York, to be consul of the United States at Turks Island, West Indies, vice Henry H. Ellis, resigned.

RECEIVERS OF PUBLIC MONEYS.

William A. Hodgman, of Idaho, to be receiver of public moneys at Hailey, Idaho, his term having expired. (Reappointment.)

Edward E. Garrett, of Idaho, whose term will expire December 14, 1902, to be receiver of public moneys at Boise, Idaho. (Reappointment.)

E. D. Owens, of Cozad, Nebr., to be receiver of public moneys at North Platte, Nebr., vice Frank Bacon, deceased.

APPOINTMENT, BY TRANSFER, IN THE ARMY.

Second Lieut. John V. Spring, jr., from the Artillery Corps to the Cavalry Arm, with rank from October 18, 1902.

APPOINTMENTS IN THE ARMY.

Infantry Arm.

Nicholas W. Campagnoli, of New Mexico, to be second lieutenant, December 2, 1902, vice Elmore, Fifth Infantry, promoted.

[NOTE.—The nomination of Nicholas Campagnoli for the above appointment, which was delivered to the Senate December 4, 1902, is withdrawn, and this nomination submitted to correct an error in his name.]

John Gordon Macomb, at large, to be second lieutenant, December 5, 1902, vice Macmanus, Twenty-fifth Infantry, promoted.

PROMOTIONS IN THE ARMY.

Artillery Corps.

Capt. Edward T. Brown, Artillery Corps, to be major, December 3, 1902, vice Davis, detailed as assistant adjutant-general.

First Lieut. Frederick W. Phisterer, Artillery Corps, to be captain, December 3, 1902, vice Brown, promoted.

Second Lieut. Lewis S. Ryan, Artillery Corps, to be first lieutenant, December 3, 1902, vice Phisterer, promoted.

Infantry Arm.

First Lieut. Joseph F. Janda, Eighth Infantry, to be captain, subject to examination required by law, December 3, 1902, vice Vogdes, First Infantry, detailed as quartermaster.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 9, 1902.

CONSUL-GENERAL.

Robert M. McWade, of Pennsylvania, now consul at that place, to be consul-general of the United States at Canton, China.

UNITED STATES ATTORNEYS.

William J. Youngs, of New York, to be United States attorney for the eastern district of New York.

Solomon H. Bethea, of Illinois, to be United States attorney for the northern district of Illinois.

Lunsford L. Lewis, of Virginia, to be United States attorney for the eastern district of Virginia.

MARSHAL.

William H. Mackey, jr., of Kansas, to be United States marshal for the district of Kansas.

PENSION AGENT.

John R. King, of Baltimore, Md., to be pension agent at Washington, D. C.

POSTMASTERS.

William B. Means, to be postmaster at Boone, in the county of Boone and State of Iowa.

Bradley S. Keith, to be postmaster at Norwalk, in the county of Fairfield and State of Connecticut.

Frank L. Averill, to be postmaster at Oldtown, in the county of Penobscot and State of Maine.

James F. Mentzer, to be postmaster at Knoxville, in the county of Marion and State of Iowa.

John McKay, sr., to be postmaster at Des Moines, in the county of Polk and State of Iowa.

Fred O'Neil, to be postmaster at Malone, in the county of Franklin and State of New York.

Althamer E. Chamberlain, to be postmaster at Holliston, in the county of Middlesex and State of Massachusetts.

Martin Hickey, to be postmaster at Grafton, in the county of Worcester and State of Massachusetts.

Albert C. Landers, to be postmaster at Newport, in the county of Newport and State of Rhode Island.

Charles S. Robinson, to be postmaster at Lonsdale, in the county of Providence and State of Rhode Island.

Theodore M. Giffin, to be postmaster at Haddonfield, in the county of Camden and State of New Jersey.

Nettie A. Dill, to be postmaster at Columbus Junction, in the county of Louisa and State of Iowa.

Arthur B. Jelliffe, to be postmaster at Saugatuck, in the county of Fairfield and State of Connecticut.

Arthur W. Stedman, to be postmaster at Wakefield, in the county of Washington and State of Rhode Island.

Charles W. Munsinger, to be postmaster at Coscob, in the county of Fairfield and State of Connecticut.

Thomas E. Hardgrove, to be postmaster at Elmhurst, in the county of Queens and State of New York.

E. P. Delander, to be postmaster at Madrid, in the county of Boone and State of Iowa.

Samuel Bartlett, to be postmaster at Pleasantville, in the county of Atlantic and State of New Jersey.

Joseph D. Whitaker, to be postmaster at Penn Grove, in the county of Salem and State of New Jersey.

George H. Bonney, jr., to be postmaster at Kingston, in the county of Plymouth and State of Massachusetts.

Joseph A. Rominger, to be postmaster at Bloomfield, in the county of Davis and State of Iowa.

Le Roy E. Cox, to be postmaster at Belle Plaine, in the county of Benton and State of Iowa.

Ebenezer S. Nesbitt, to be postmaster at Sea Bright, in the county of Monmouth and State of New Jersey.

Fred H. Torrey, to be postmaster at Groton, in the county of Middlesex and State of Massachusetts.

G. F. Peek, to be postmaster at Algona, in the county of Kossuth and State of Iowa.

Clyde E. Hammond, to be postmaster at Dows, in the county of Wright and State of Iowa.

Minnie N. Slaight, to be postmaster at Tottenville, in the county of Richmond and State of New York.

Frank E. Colburn, to be postmaster at Medina, in the county of Orleans and State of New York.

Frank B. Barnard, to be postmaster at Dunkirk, in the county of Chautauqua and State of New York.

Frank L. Field, to be postmaster at Belfast, in the county of Waldo and State of Maine.

John W. Dooling, to be postmaster at Clayton, in the county of Gloucester and State of New Jersey.

James H. Moran, to be postmaster at White Plains, in the county of Westchester and State of New York.

William H. Foley, to be postmaster at Bordentown, in the county of Burlington and State of New Jersey.

Cornelius L. Robberts, to be postmaster at Grinnell, in the county of Poweshiek and State of Iowa.

J. H. Dunlap, to be postmaster at Clarinda, in the county of Page and State of Iowa.

Adolph Bluestone, to be postmaster at Canaseraga, in the county of Allegany and State of New York.

Abiel D. Cook, to be postmaster at Despatch, in the county of Monroe and State of New York.

James A. Eaton, to be postmaster at Erie, in the county of Neosho and State of Kansas.

Henry W. Kellogg, to be postmaster at Katonah, in the county of Westchester and State of New York.

Clarence M. Bates, to be postmaster at Cherry Valley, in the county of Otsego and State of New York.

Winfield S. Vandewater, to be postmaster at Cedarhurst, in the county of Nassau and State of New York.

Jesse Forkner, to be postmaster at Columbus, in the county of Cherokee and State of Kansas.

Thomas H. Earnest, to be postmaster at Cherryvale, in the county of Montgomery and State of Kansas.

William Smith, to be postmaster at Livingston Manor, in the county of Sullivan and State of New York.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 9, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

CUSTOMS INSPECTORS AT PORT OF NEW YORK.

Mr. DALZELL. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (S. 215) regulating the duties and fixing the compensation of customs inspectors at the port of New York was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to increase the compensation of inspectors of customs at the port of New York as he may think advisable and proper, by adding to their present compensation a sum not exceeding $1 per day, which additional compensation shall be for work now performed by them at unusual hours, for which no compensation is now allowed, and shall include work performed by said inspectors at night in examining passengers' baggage, and also as reimbursement for expenses incurred by them for meals and transportation while in the discharge or performance of their official duties.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. MCCLELLAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

RECORDING OF LEGAL INSTRUMENTS IN INDIAN TERRITORY.

Mr. STEPHENS of Texas. I ask unanimous consent for the consideration of the bill which I ask the Clerk to read.

The bill (H. R. 7956) providing additional districts for the recording of all instruments required by law to be recorded in the Indian Territory was read, as follows:

Be it enacted, etc., That each place where a court of record is now held in the Indian Territory shall be a recording district, with jurisdiction to record all instruments permitted or proper to be recorded under the laws now in force in said Territory. The deputy clerk in charge of said court shall keep in his office all necessary books of record for the purpose of recording said instruments. The same fees shall be allowed said deputy clerk for such services as are now allowed the clerks of the recording districts in said Territory.

The deputy clerk at each place of holding said court shall be, and is hereby, made the ex officio recorder thereof. Said three recording districts now existing are hereby continued, but their jurisdiction is hereby limited to the actual limits of the jurisdiction of the court held in their respective districts. The new recording districts hereby created shall have jurisdiction over all of the Territory covered by the jurisdiction of their respective courts.

The amendment reported by the Committee on Indian Affairs was read, as follows:

At end of bill add the following:

"The judges of said respective courts shall immediately after the passage of this act define, by an order duly entered on their court dockets, the boundaries of each recording district herein provided for, and shall also make all orders necessary to carry into effect the provisions of this act—and chapter 27 of the Digest of the Statutes of Arkansas, known as Mansfield's Digest of 1884, is hereby extended to the Indian Territory, so far as the same may be applicable and not inconsistent with any law of Congress: *Provided*, That the clerk or deputy clerk of the United States court of each of the courts of said Territory shall be ex officio recorder for his district and perform the duties required of recorder in the chapter aforesaid, and use the seal of such court in cases requiring a seal, and keep the records of such office at the office of said clerk or deputy clerk.

"It shall be the duty of each clerk or deputy clerk of such court to record in the books provided for his office all deeds, mortgages, deeds of trust, bonds, leases, covenants, defeasances, bills of sale, and other instruments of writing of or concerning lands, tenements, goods, or chattels; and where such instruments are for a period of time limited on the face of the instrument they shall be filed and indexed, if desired by the holder thereof, and such filing for the period of twelve months from the filing thereof shall have he same effect in law as if recorded at length. The fees for filing, indexing, and cross indexing such instruments shall be 25 cents, and for recording shall be as set forth in section 3243 of Mansfield's Digest of 1884.

"That the said clerk or deputy clerk of such court shall receive as compensation as such ex officio recorder for his district all fees received by him for recording instruments provided for in this act, amounting to $1,800 per annum or less; and all fees so received by him as aforesaid amounting to more than the sum of $1,800 per annum shall be accounted to the Department of Justice, to be applied to the permanent school fund of the district in which said court is located.

"Such instruments heretofore recorded with the clerk of any United States court in Indian Territory shall not be required to be again recorded under this provision, but shall be transferred to the indexes without further cost, and such records heretofore made shall be of full force and effect, the same as if made under this statute.

"That wherever in said chapter the word 'county' occurs there shall be substituted therefor the word 'district,' and wherever the words 'State' or 'State of Arkansas' occur there shall be substituted therefor the words 'Indian Territory,' and wherever the words 'clerk' or 'recorder' occur there shall be substituted the words "clerk or deputy clerk of the United States court.'

"All acknowledgments of deeds of conveyance taken within the Indian Territory shall be taken before a clerk or deputy clerk of any of the courts in said Territory, a United States commissioner, or a notary public appointed in and for said Territory.

"All instruments of writing the filing of which is provided for by law shall be recorded or filed in the office of the clerk or deputy clerk at the place of holding court in the recording district where said property may be located."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PAYNE. Mr. Speaker, I would like to have an explanation of this bill.

Mr. STEPHENS of Texas. Mr. Speaker, this bill provides for additional districts in the Indian Territory for recording all instruments necessary to be recorded there. At present there is but one place in each nation where instruments may be recorded. We are placing upon the market town lots and alloting lands among the Indians of that entire country, and many deeds are being made by the United States Government to the Indians and purchasers of town lots. Many commercial transactions are made in that country evidenced by written contracts that require recording, and it is a very great hardship upon the citizens there to have only one place of recording in each Indian nation. For instance, Ardmore, one of the places of record at present, is situated about 150 miles by railroad from every point upon the Rock Island Railroad, and citizens now have, in order to record a deed or mortgage, to travel 150 miles, and there are two places of holding court on that road. This bill simply provides that at every place where a court is held in that Territory, that place shall also be a place of record, and that the boundaries of that place of record shall be the same as the jurisdiction of the court at that particular place, and the judges of the court are required to define, by an order entered in the minutes of their courts, the boundaries of each recording district.

Mr. PAYNE. How many new places of record does it give, practically?

Mr. STEPHENS of Texas. As many as there are places of holding court, and I do not remember the exact number. There are but five at the present time, as I understand it.

Mr. PAYNE. Is this recording officer paid by fees, entirely?

Mr. STEPHENS of Texas. Yes.

Mr. PAYNE. So that there is no additional expense to the Government of the United States?

Mr. STEPHENS of Texas. None whatever. It simply provides additional facilities by which the citizens of the Territory may have their legal instruments recorded.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the last vote was laid on the table.

DISTRIBUTION OF PRESIDENT'S MESSAGE.

Mr. PAYNE. Mr. Speaker, I am directed by the Committee on Ways and Means to report back House resolution No. 340, for the distribution of the President's message.

The resolution and report are as follows:

Resolved, That so much of the annual message of the President of the United States to the two Houses of Congress at the present session as relates to the revenue, the bonded debt of the United States, and the treaties affecting the revenue be referred to the Committee on Ways and Means.

That so much as relates to the foreign affairs, the consular and diplomatic service, including appropriations therefor, be referred to the Committee on Foreign Affairs.

That so much as relates to the appropriations of the public revenue for support of the Government as herein provided, namely, for the legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for pensions; for the District of Columbia, and for all deficiencies, be referred to the Committee on Appropriations.

That so much as relates to the judiciary of the United States, to the administration of justice, to the punishment and prevention of crime and the organization of courts be referred to the Committee on the Judiciary.

That so much as relates to banks and banking and the currency be referred to the Committee on Banking and Currency.

That so much as relates to the mints of the United States and to the coinage of gold and silver bullion be referred to the Committee on Coinage, Weights, and Measures.

That so much as relates to the commerce of the United States, domestic and foreign, except so far as it affects the revenue, to intercolonial railways and cables, and the isthmian canal be referred to the Committee on Interstate and Foreign Commerce.

That so much as relates to agriculture and appropriations therefor and to forestry be referred to the Committee on Agriculture.

That so much as relates to the merchant marine and fisheries be referred to the Committee on the Merchant Marine and Fisheries.

That so much as relates to the military establishment and appropriations therefor be referred to the Committee on Military Affairs.

That so much as relates to the naval establishment and to the construction of additional vessels for the Navy, and appropriations therefor, be referred to the Committee on Naval Affairs.

That so much as relates to the post-offices and post-roads and to the carrying of the foreign mails, and appropriations therefor, be referred to the Committee on the Post-Office and Post-Roads.

That so much as relates to the public domain be referred to the Committee on the Public Lands.

That so much as relates to the relations of the United States to the Indian tribes, and appropriations therefor, be referred to the Committee on Indian Affairs.

That so much as relates to the Territories, Alaska, and the Hawaiian Islands be referred to the Committee on the Territories.

That so much as relates to the islands which came to the United States through the treaty of 1899 with Spain, and to Cuba (except so much as relates to the revenue and the appropriations), be referred to the Committee on Insular Affairs.

That so much as relates to the irrigation of arid lands be referred to the Committee on the Irrigation of Arid Lands.

That so much as relates to labor be referred to the Committee on Labor.

That so much as relates to the militia of the several States be referred to the Committee on Militia.

That so much as relates to the civil service be referred to the Committee on Reform in the Civil Service.

That so much as relates to foreign immigration be referred to the Committee on Immigration and Naturalization.

That so much as relates to printing be referred to the Joint Committee on Printing on the part of the House.

That so much as relates to the affairs of the District of Columbia (excepting appropriations) be referred to the Committee on the District of Columbia.

REPORT.

The Committee on Ways and Means, to whom was referred House Resolution No. 340, for the distribution of the President's message, report the same back without amendment and recommend its passage.

The SPEAKER. Does the gentleman desire to call it up for consideration?

Mr. PAYNE. I ask that it be referred to the Committee of the Whole House on the state of the Union, and I desire at this time to give notice that I shall attempt to call it up after the conclusion of the special order to-morrow.

The resolution, with the accompanying report, was ordered printed and referred to the Committee of the Whole House on the state of the Union.

ADJOURNMENT OVER THE HOLIDAYS.

Mr. PAYNE. Mr. Speaker, by direction of the Committee on Ways and Means, I also report back the following resolution, which I will send to the desk and ask to have read.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 20, they stand adjourned until 12 o'clock meridian, Monday, January 5, 1903.

The report is as follows:

The Committee on Ways and Means, to whom was referred concurrent resolution No. 61, for adjournment over the holidays, report the same back without amendment and recommend its passage.

Mr. PAYNE. Mr. Speaker, I ask the adoption of the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN, from the Committee on Indian Affairs, reported the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes; which was read a first and second time, and, together with the accompanying report thereon, ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Tennessee reserves all points of order.

LONDON LANDING CHARGES.

Mr. TAWNEY. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Minnesota demands the regular order, which is the further consideration of the bill (H. R. 9059) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property."

Mr. TAWNEY. Mr. Speaker, before taking up the bill for consideration, I wish to state that I have just received a telegram from Representative OLMSTED, of Pennsylvania, who on Saturday last gave notice that he would call up the Butler election contest resolution to-morrow immediately after the reading of the Journal. For the information of the House, I will ask unanimous consent that I may read the telegram, so that the members may understand that it will not be possible for him to do so.

The SPEAKER. Without objection, the telegram will be read.

Mr. TAWNEY read the telegram, as follows:

HARRISBURG, PA., *December 9, 1902.*

HON. JAMES A. TAWNEY,
House of Representatives, Washington, D. C.:

Chill early this morning. High temperature later, now going down. Doctor won't let me travel to-day. Thinks can possibly leave here to-morrow morning 9 o'clock, reaching House of Representatives about 2. Will that do for Butler case? Would prefer putting over until Thursday, if satisfactory all around. Doctor says can surely be there then. Please have somebody wire me.

M. E. OLMSTED.

The SPEAKER. The gentleman from Minnesota [Mr. TAWNEY] is recognized on the bill H. R. 9059—the London dock bill.

Mr. TAWNEY. Mr. Speaker, since the consideration of the bill which is now before the House the Senate has passed a bill identical in form, purpose, and language to the bill under consideration. If this bill should pass the House, it would go to the Senate and would there have to be considered the same as the bill which is now in the House and has already passed the Senate.

I therefore desire to make this parliamentary inquiry, first stating that it is my purpose to move to substitute the Senate bill for the House bill. My parliamentary inquiry is, at what stage of the proceedings, or of the consideration of the pending bill, would it be competent for me to make that motion—at this time, or at the close of the debate on the present bill?

The SPEAKER. If the House were in Committee of the Whole on the state of the Union, we should have a division between general debate and debate under the five-minute rule; but we are proceeding under the morning hour. There is no five-minute rule and there is no general debate, unless by unanimous agreement. It seems to the Chair that the bill is up for consideration, and that any motion can be made that is proper under the parliamentary law of the House.

Mr. TAWNEY. At any time during the consideration of the bill?

The SPEAKER. The Chair sees no other method.

Mr. TAWNEY. Mr. Speaker, I give notice that before the conclusion of the general debate I shall move to substitute the Senate bill for the House bill, and in that way avoid the delay incident to the final passage of this measure which would necessarily follow if the House passed this bill. In that case each House will have passed the bill, but one or the other would have to pass it again before it could become a law.

Before addressing myself to the bill under consideration, I desire to say that when the special order was adopted on Saturday for the consideration of this bill, it was agreed by the House that the division of time should be arranged between the gentleman from New York [Mr. SHERMAN] and myself; and I wish to state, for the information of members, that we have agreed that the

time shall be divided equally, the gentleman from New York [Mr. SHERMAN] to control the time on behalf of the negative, and myself on behalf of the affirmative side of the question.

Mr. HEPBURN. Mr. Speaker, of course that means that you are to count on your side the time that you have already occupied.

Mr. TAWNEY. No; the arrangement between the gentleman from New York [Mr. SHERMAN] and myself is that the time for debate to-day is to be divided equally between the two sides.

Mr. HEPBURN. You have jockeyed my friend then to that extent.

Mr. TAWNEY. That is impossible. [Laughter.]

The SPEAKER. Without objection, this division of time will be recognized by the Chair.

There was no objection.

Mr. UNDERWOOD. I should like to ask the gentleman from Minnesota if the time for the vote on this bill has been fixed.

Mr. TAWNEY. Half past 4 o'clock.

Mr. Speaker, this is an important measure and there is a very general and widespread demand for its enactment into law. The conflict of interest which has led to the somewhat strenuous controversy over the passage of this bill is between the North Atlantic steamship companies and the export interests of the United States. The American exporters and business men generally have testified to their desire to have this bill enacted into law, through numerous commercial organizations and boards of trade. These organizations have adopted resolutions and forwarded the same to the members of this House and to the Committee on Interstate and Foreign Commerce, some of which are printed in the hearings on this bill before that committee.

For the information of the House I will say that some of these organizations urging the passage of this bill in this manner are the Minneapolis Chamber of Commerce, the Duluth Produce Exchange, the Chicago Board of Trade, the Kansas City Board of Trade, the St. Louis Merchants' Exchange, the Baltimore Chamber of Commerce, the Winter Wheat Millers' League of the United States, the Millers' Club of Minneapolis, St. Louis, and Kansas City, and the Michigan State Millers' Association. All of these organizations represent a very large proportion of the business men of the United States engaged in the exportation of American products to the port of London.

In addition to these resolutions I have here a petition, signed by the great packers of the city of Chicago, urging the passage of this measure. Inasmuch as the grounds upon which these packers petitioned this House for the passage of this bill are practically the same upon which the commercial bodies referred to have adopted their resolutions, I will read the petition of the packers of Chicago, who represent practically all of the exporters of meat products of this country.

CHICAGO, *February 13, 1902.*

To the Committee on Interstate and Foreign Commerce of the House of Representatives:

The undersigned packers and provision dealers in the city of Chicago respectfully represent that for many years they have been subjected to unjust discrimination by virtue of what is known as the "London clause" being incorporated in the bills of lading issued by steamship companies operating between the United States and London, England.

The undersigned respectfully beg to urgently protest against the continuance of this action on the part of shipowners who have been, and now are, inserting special clauses in bills of lading whereby products manufactured by us are subjected to charges in direct contravention of acts of Parliament which guarantee free landing for such products into the port of London.

The undersigned further object to, and protest against, any form of bill of lading which contravenes the intent and purpose of said acts of Parliament, whereby the city of London was made a free port; and we beg to suggest such amendment to the Harter Act of 1893 as will restrain shipowners from inserting in their bills of lading clauses by which the shippers of the United States are practically compelled to contract themselves out of the freedom of the port of London.

The undersigned also object to the imposition upon them by shipowners of the restrictions and disabilities now enforced by the bill of lading at present in use, for the reason that the clauses inserted and used to their detriment are unjustly discriminative, being exclusively applied to shipments from this country, while similar products shipped from Russia, Australia, and other countries are exempt therefrom, to the very serious injury and detriment of the export trade of the United States, which is thus deprived of the advantage of free delivery into barges, which is enjoyed by its foreign competitors in the city of London.

SWIFT & Co.,
By L. F. SWIFT, *Second Vice-President.*
LIBBEY, MCNEIL & LIBBEY,
By ALBERT H. VEEDER, *Attorney.*
A. S. WHITE & CO.
BOYD, LIMHAUR & Co.,
By HENRY ZEISS.
FRIEDMAN MANUFACTURING COMPANY,
By A. B. FRIEDMAN, *President.*
ARMOUR & Co.,
By J. OGDEN ARMOUR, *President.*
NELSON MORRIS & COMPANY.
PLANKINTON PACKING COMPANY.
By D. O. BOOTH, *First Vice-President.*
THE CUDAHY PACKING COMPANY,
By GEORGE MARKLES,
Manager Foreign Department.
STEVENS & CO.
HARTLEY BROTHERS.

Mr. BINGHAM. Who are the undersigned?

Mr. TAWNEY. Swift & Co., Libbey, McNeil & Libbey, Armour & Co., Nelson Morris, and others.

Mr. HEPBURN. I should like to ask the gentleman if those firms are the firms that are popularly known in the United States as the beef trust?

Mr. TAWNEY. I am unable to answer the question of the gentleman from Iowa.

Mr. MANN. Will the gentleman permit me to state for his information that I hold telegrams from these companies whose statements he has quoted in favor of this bill, withdrawing their support of the bill and stating that, in their judgment, its passage would be very injurious to American trade.

Mr. TAWNEY. The gentleman may have telegrams of that kind, as there are members of this House who hold telegrams from another exporting interest of the United States, received quite recently, withdrawing their support of this bill.

Mr. BINGHAM. What interest is that?

Mr. TAWNEY. The National Lumberman's Export Association. I have had telegrams within a week from the officers of this association, first wanting to withdraw their support, next denying they had withdrawn their support, and then again withdrawing their support; and I have a letter from one officer which may explain why they have now finally withdrawn their support.

Mr. BURLESON. Read it.

Mr. TAWNEY. I will print these telegrams and the paragraph from the letter I referred to as a part of my remarks.

In this letter, dated November 10, the author says:

I will state to you confidentially that the ocean carriers have approached us in several ways with the idea of having us withdraw our support and to call off our friends in Congress, so that the bill may be defeated. * * * The reason I give you in confidence the last maneuver of the steamship people is because I do not think this is just the proper time to spring it on them.

Telegrams from members of the National Lumber Exporters' Association.

MEMPHIS, TENN., *December 3, 1902.*

Hon. JAS. A. TAWNEY, M. C., *Washington, D. C.:*

Careful consideration of very recent advices forces decision that passage of London clause bill be prejudicial to our best interests. Must therefore withdraw our support.

ELLIOTT LANG, *Secretary.*

MEMPHIS, TENN., *December 5, 1902.*

Hon. JAS. A. TAWNEY, M. C., *Washington, D. C.:*

Our obligations to flour interests will not permit us to withdraw. Have just wired our friends. Please continue support of London clause bill.

ELLIOTT LANG.

NEW YORK, *December 3, 1902.*

J. A. TAWNEY,
House of Representatives, Washington, D. C.:

After serious consideration our members have decided that passage of bill H. R. 9059 would be very prejudicial to their interests. If we can honorably withdraw it is our desire to do so, but I want your telegraphic advices before final action. This message has been kept strictly secret.

ERNEST M. PRICE,
President National Lumber Exporters' Association.

To this last telegram I sent the following answer:

WASHINGTON, *December 4, 1902.*

ERNEST M. PRICE,
President National Lumber Exporters' Association, 18 Broadway, New York City:

Impossible to withdraw bill. What change has occurred at London or in steamship methods to reverse effect of passage of bill on your interests?

J. A. TAWNEY.

NEW YORK, *December 4, 1902.*

Hon. J. A. TAWNEY,
House of Representatives, Washington, D. C.:

Additional and more careful investigation has led our members to fear greater hardships and heavier expenses if clause abolished. Considering our obligations to flour interests, if we can honorably withdraw our support of the bill it is our desire to do so.

ERNEST M. PRICE, *President.*

NEW YORK, *December 5, 1902.*

Hon. J. A. TAWNEY,
House of Representatives, Washington, D. C.:

If any of our friends in House have telegraphic request from Secretary Lang to vote against bill and he has omitted to state that the request is made only provided our obligations to honorably support flour people is a condition precedent to request, it is through misunderstanding my wired instructions. I wired him last night to correct same. If they have not yet received same, please show them this telegram.

ERNEST M. PRICE,
President National Lumber Exporters' Association.

BALTIMORE, MD., *December 9, 1902.*

Hon. J. A. TAWNEY,
Riggs House, Washington, D. C.:

I am now instructed by my association, confirming my previous telegrams, to wire you as follows: Withdraw support our association to bill 9059, provided, in your judgment, we can do so consistently with our relations with the millers' association. If your decision is favorable to such a withdrawal, the association requests you to notify all our friends in House.

ERNEST M. PRICE.

To the gentleman from Illinois I will say that I said the paragraph in the letter referred to was confidential, but the author of

the letter informed me that the only reason he desired it to be regarded as confidential was because he did not think that was the proper time—November 10—to "spring" the fact stated in the letter on the steamship companies.

But, Mr. Speaker, independent of whether the packers of Chicago and the National Lumber Exporters' Association have withdrawn their support of this measure or not, independent of any consideration of whether or not special privileges may have been granted by the steamship companies to the lumber exporters, the question for this House to determine is not whether this or that interest has withdrawn its support and now repudiates all arguments it has heretofore made and denies the existence of facts it has heretofore urged in favor of the passage of this bill, but whether or not the bill is right and should be enacted into law. That question addresses itself to the good sense, intelligence, and mature judgment of the members or this House after a thorough investigation of the facts as disclosed by the testimony presented to the Committee on Interstate and Foreign Commerce by the steamship companies and by the American exporter.

Mr. Speaker, the purpose of this bill is to make it unlawful for steamship companies to incorporate in their bills of lading certain clauses whereby they impose upon the American exporter or upon the cargo owned by the American exporter the payment of certain charges for the doing of that which by the law of Great Britain at the port of London they are required themselves to pay. If all of the steamship companies transporting cargo to the port of London included this clause there would still be objections to it for reasons which I will explain later, but they do not. It is only steamship companies carrying cargo from the Atlantic ports of the United States and Canada that use this so-called "London clause" or that make the charge covered by this clause in addition to the charge for transporting the cargo from North Atlantic ports to the port of London.

This bill does not contemplate the first exercise of the power which Congress has in the matter of regulating bills of lading, one of the most important instruments of foreign commerce. It is not a departure from any previous act of Congress. It contemplates merely an amendment to a law known as the Harter Act, enacted by Congress in February, 1893. The Harter Act provides "that it shall not be lawful for the manager, agent, master, or owner of any vessel transporting merchandise or property from or between ports of the United States and foreign ports to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby it, he, or they shall be relieved from liability for loss or damage arising from negligence, fault, or failure in the proper loading, stowage, custody, care, or proper delivery of any and all lawful merchandise or property committed to its or their charge."

The act then provides that clauses of this nature, if inserted in bills of lading, shall be null and void, and suitable penalties are imposed for the violation of the act.

Prior to the enactment of this law these same steamship companies were imposing upon the American exporter by compelling him to accept a bill of lading containing clauses which would exempt the steamship companies from any common-law liability for damages sustained by the consignee or consignor in consequence of the negligence of the steamship company, its agents, or servants. The bill under consideration does not change this law in the least. It simply adds to that part of the act which I have just read a further provision making it unlawful also for the steamship company to incorporate any clause in their bills of lading that will exempt them from the payment of those charges or that expense connected with the landing of the cargo which, by the laws of the country to which the goods are shipped, is imposed upon the shipowner or shipmaster. It is true this bill is general in its terms, but in effect, if it becomes a law, it will apply to only one port in the world—the port of London—and will make it unlawful for the steamship companies carrying goods from the United States to the port of London to incorporate in their bills of lading what is to-day known as the "London landing clause."

Mr. Speaker, in view of the fact that this subject is one with which the members of this House who are not members of the Committee on Interstate and Foreign Commerce have had very little opportunity to consider or obtain information upon, it is important that I should state what this clause is and say something concerning its history, the charges covered by it, and its effect upon the export trade of the United States to the London port. The best evidence of what the clause is is the clause itself, and inasmuch as it is comparatively brief, I will read it:

London clause (A).—The steamer owners shall, at their option, be entitled to land the goods within mentioned on the quays or to discharge them in craft hired by them immediately on arrival and at consignee's risk and expense, the steamer owners being entitled to collect the same charges on goods entered for landing as the docks as on goods entered for delivery to lighters. Consignees desirous of conveying their goods elsewhere shall, on making application to the steamer's agents or to the dock company within seventy-two hours after the steamer shall have been reported, be entitled to delivery into consignee's lighters at the following rates, to be paid, with the freight, to the steamer's agents against release, or to the dock company, if so directed by the steamer's agents, viz: Following wooden goods in packages:

Clothes pegs, spade handles, blind rollers, hubs, spokes, wheels, and oars, 1s. 3d. per ton measurement; hoops, 2s. 9d. per ton weight; lumber and logs, 2s. per ton measurement or 2s. 6d. per ton weight, at ship's option. All other general cargo, except slates, 1s. 9d. per ton, weight or measurement, at steamer's option; minimum charge, 1 ton. Slates to pay 2s. per ton weight. Cheese may also be removed by consignee's vans within one week after ship shall have reported, subject to a like payment of 3s. 3d. per ton weight, such sum to include loading up and wharfage. Any single article weighing over 1 ton to be subject to extra expense for handling, if incurred. All measurement freight to be on the intake calliper measurement, as stated in the margin. Freights by weight (grain excepted) to be paid upon the weight stated in margin or at steamer's option upon landing weight. If weight has been understated, the cost of weighing to be a charge upon the goods. All shipments of lumber and logs which are sent forward on a weight rate will pay freight on the railroad weights furnished at the port of shipment. No alteration will be permitted in any weight or freights included in this bill of lading except at steamer's option.

(*b*) Grain for overside delivery is to be applied for within twenty-four hours of steamer's docking, or thereafter immediately it becomes clear. In the absence of sufficient consignee's craft, with responsible persons in charge, to receive as fast as steamer can discharge overside into lighters during dock working hours, the master or agent may land or discharge into lighters at the risk and expense of the consignee. The steamer owners may land or discharge continuously day and (or) night any grain landed or discharged for ship's convenience during dock hours, consignee's craft being duly in attendance, and any grain that may be landed or discharged before or after usual dock hours (whether craft are then in attendance or not) is to be given up free to consignee's craft applying for same within seventy-two hours from its landing or discharge; otherwise it will be subject to the usual dock charges. An extra freight of 7d. per ton shall be paid to the steamer owners on each consignment of grain whether any portion be landed or not, the grain to be weighed at time of discharge, either on deck, quay, or craft, at steamer's option. Working-out charges (including weighing) for grain in bulk and (or) steamer's bags to be paid by the consignee with the freight to the steamer's agents, or to the dock company, if so directed by the steamer's agents, in exchange for release, at the rate of 1s. 9d. per ton on wheat, maize, and heavy grain, 1s. 11d. per ton on barley, and 2s. per ton on oats. Neither party shall be liable for any interference with the performance of the contract herein contained which is caused by strikes or lockout of seamen, lightermen, or shore laborers, whether partial or otherwise, nor for any consequences of such strikes or lockout; but in such case the steamer owners shall be entitled to land or put into craft at the risk and expense of the consignee. In case the grain shipped under this bill of lading forms part of a larger bulk, each bill of lading to bear its proportion of shortage and damage, if any.

These London clauses "a" and "b" are to form part of this bill of lading, and any words at variance with them are hereby canceled.

Craft which are in attendance for delivery under above clauses and stipulations shall wait, free of demurrage, their regular turn to receive goods or grain as required by steamer owners, either from steamer or quay or captain's entry craft.

The steamer owners shall have the same lien, rights, and remedies on goods or grain referred to in the above clauses or under any other clauses of the bills of lading as they have by law in respect to freight.

Hay, illuminating and lubricating oil clause.—Consignees to have craft in attendance immediately on steamer's docking to take delivery from steamer or quay at steamer owner's option, working continuously day and (or) night, paying in any case 1 shilling 3 pence per ton weight, or otherwise the goods will be put into captain's entry craft at consignee's risk and expense.

The above clause overrules anything in the body of this bill of lading at variance therewith.

Notification clause.—Also no claim shall, under any circumstances whatever, attach to the steamer or her owners for the failure to notify consignees of arrival of goods.

From this it will be seen that these steamship companies, in addition to the freight received by them for transportation of the cargo to the port of London, receive from 1 shilling 9 pence to 3 shillings 3 pence per ton. What service in addition to carrying the merchandise do they perform in consideration of the payment of this 1 shilling 9 pence on flour? I speak of flour because that is the principal export from the State which I have the honor in part to represent upon this floor. Last year almost one-quarter of all the flour exported from the United States was exported from that great milling center of the world, the city of Minneapolis. This charge is to compensate the steamship companies for doing what? For delivering the merchandise at the port of London to the consignees. This, I venture, is the only instance where common carriers include in their waybills or bills of lading clauses covering charges or expenses incident to the unloading of the cars or the vessels or placing the merchandise where it can be conveniently obtained by the consignee. It is comparatively recent that this clause has been inserted in bills of lading for the transportation of merchandise from the United States to the port of London.

Until 1888 the consignee or the cargo did not have this charge to pay. Until that time the expense incident to the unloading of the vessel was paid by the steamship owner out of the freight received for the transportation of the cargo from American ports. The labor incident to the unloading of their vessels up to that time was, for their convenience, performed by the London and East India Docks Company. For that service the docks company charged the steamship company, and the steamship company paid this charge, as by the law of Great Britain it is compelled to do to-day, and will have to do to-day if we make it unlawful for it to incorporate this clause in its bill of lading whereby it transfers the obligation imposed upon it by the law of Great Britain to the exporter of the United States.

Mr. COOPER of Wisconsin. Will the gentleman allow me an interruption?

Mr. TAWNEY. Certainly.

Mr. COOPER of Wisconsin. Will the gentleman explain what he means by using the term "delivery?" Does he mean cartage?

Mr. TAWNEY. No; delivery on the quay or dock or unloading the ship and sorting the cargo for the consignee, either on the dock or overside into the lighter.

Mr. LAWRENCE. If the gentleman from Minnesota will allow me, I have seen a statement made, perhaps in the minority report, that the charge is not made for transportation of goods from the vessel to the dock, but for the special care of the cargo after it is on the dock.

Mr. TAWNEY. The best evidence of what this charge is made for is contained in the clause itself. I will not quibble with the minority or with the steamship companies as to what this London landing clause covers; it speaks for itself. Now, the first clause that was adopted in 1888 was very simple, and is very different from the clause that is in force to-day. The original London landing clause reads as follows:

The shipowners shall be entitled to land these goods on the quays of the dock for the steamer discharges immediately on her arrival, and upon the goods being so landed the shipowners' responsibility shall cease. This clause is to form a part of this bill of lading and any words at variance with it are hereby canceled.

Now, at that time it was for their own convenience in the landing of their cargoes that they incorporated this clause giving them the right to land the same on the quays or dock and there was no charge made originally for that. Then there is a note—

N. B.—Delivery into lighters—

and I will say here that 76 per cent of all cargoes that go to London is landed into lighters, either direct or over the quay or the dock to the lighter. One of these docks, the Tilbury dock, is 30 miles from the wharf houses of London, and the other, the Victoria and Albert, is 7 miles from London. Necessarily the cargoes are transported up the River Thames by means of barges and lighters and craft of that kind.

N. B.—Delivery into lighters: Consignees desirous of conveying their goods elsewhere shall, on making application to the dock company within seventy-two hours after the steamer's report (instead of twenty-four hours, as previously), be entitled to delivery into lighters at the following low rates: Grain, rice, flour, coffee, oil cake, sugar in bags, cotton seed, bacon, beef, and pork (not canned), one-half; other goods in packages, 1s. 6d.; deals and lumber, 2s., all per ton of 2,240 pounds.

(This rate was afterwards increased to 1s. 6d. per ton.)

Now, the London clause of to-day is altogether different from the one first used. Then it imposed no charge for landing on the quay or dock. Then if they chose to do so it was for their convenience and the expense thus incurred in landing the cargo was paid out of the freight, but this is not so under the present London clause. Now they compel the shipper to bear this expense in addition to the freight, as will be seen from Clause A, which I will read:

(A) The steamer owners shall, at their option, be entitled to land the goods within mentioned on the quays, or to discharge them in craft hired by them, immediately on arrival, and at consignee's risk and expense, the steamer owners being entitled to collect the same charges on goods entered for landing at the docks as on goods entered for delivery to lighters. Consignees desirous of conveying their goods elsewhere shall, on making application to the steamer's agents or to the dock company within seventy-two hours after the steamer shall have been reported, be entitled to delivery into consignee's lighters at the following rates, to be paid with the freight to the steamer's agents against release, or to the dock company, if so directed by the steamer's agents, viz:

And then it goes on to enumerate the various items of merchandise and the rates per ton for the delivery or the landing of that merchandise from the hold of the ship onto the quay or dock, or over side into the lighter.

Mr. Speaker, this matter has been considered and passed upon by the English Parliament, and not very long ago—in 1894—the merchant shipping act was amended. That act now provides as follows:

If at any time before the goods are landed or unshipped—

Mark the language—

If at any time before the goods are landed or unshipped the owner of the goods is ready or offers to land or take delivery of the same, he shall be allowed to do so; and his entry shall, in that case, be preferred to any entry which may have been made by the shipowner.

Now, mark this:

4. If any goods are, for the purpose of convenience in sorting the same, landed at the wharf where the ship is discharged, and the owner of the goods, at the time of that landing, has made entry and is ready and offers to take delivery thereof, and to convey the same to some other wharf or warehouse, the goods shall be assorted at landing, and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment.

Thus it will be seen that, according to the law of Great Britain, the consignee has twenty-four hours after the goods are sorted and piled within which to obtain the same free from any charge except the freight charge.

And the expense of and consequent upon that landing and assortment shall be borne by the shipowner.

Now, these steamship companies that use this London landing clause are, as I am informed, with one exception, incorporated under the laws of Great Britain. The reason for that was stated by their representative before the Interstate and Foreign Commerce Committee. When asked by the gentleman from Georgia [Mr. ADAMSON] why they incorporated under the laws of Great Britain, he answered by saying that it was because it was more profitable for them to do so, and to sail under the English flag than to sail under the American flag. He also admitted that practically all the stockholders were American stockholders.

Now, here is the law of Great Britain protecting the consignee, and thereby directly protecting the exporters of the United States, and both are deprived of that benefit by these English corporations transferring the obligation to pay these charges imposed upon them by the law of the country under whose flag they sail to the American exporter. The expense incident to this landing and sorting is, at common law, a part of the contract of the carrier, and should be paid out of the freight; but the statute of Great Britain, in addition to that, imposes this charge directly upon the shipowner. And how do the shipowners evade it? By incorporating in the bill of lading—into the contract of shipment entered into with citizens of the United States—a clause which compels the consignee to pay the charge for unloading or landing the cargo in addition to the freight.

The inland shipper has no means whatever of knowing what clauses there are in the contract of shipment from the seaboard. A gentleman from Milwaukee, Mr. Madgeberg, when before the Committee on Interstate and Foreign Commerce, read to the committee that clause which is contained in the inland bill of lading. I read from the testimony of Mr. Madgeberg, on page 38 of the hearing:

We, under a clause in our bill of lading that inland shippers must take or take nothing, contract ourselves out of the right which we would have otherwise on the other side of the water under the act of Parliament which prohibits any charge except the freight charge for delivery at or over the rail. This clause is as follows:

"Also, that the property covered by this bill of lading is subject to all the conditions expressed in the approved forms of bills of lading used by steamship companies at the time of shipment, and to all local rules and regulations at the port of destination not expressly provided for by the clauses herein."

So that the inland shipper is not only at the mercy of the carrier; he must either accept such bills of lading as the steamship companies may present or not export his goods at all, and when he receives his bill of lading from the inland carrier he has no means of knowing what obligation the ocean bill of lading may impose on his merchandise in respect to the delivery thereof at the port of London, and in addition to the freight he agrees to pay. It is absolutely within the arbitrary power of these steamship companies to make this landing charge anything that they see fit to make it. They have increased it from 1 shilling 2 pence to 1 shilling 9 pence, and they undertook less than a year ago to increase it to 2 shillings on flour, and were prevented only because of the storm of protests from the importing merchants of the city of London.

Mr. WANGER. Mr. Speaker, I would like to ask the gentleman a question, as to what the volume of American flour was which was exported to London in 1888 at the time the landing clause was first inserted.

Mr. TAWNEY. I am unable to answer the gentleman in respect to the amount of American flour exported to the port of London. I will say, however, that I am informed that the statement made in a minority report that there was only about 178,000 hundredweight of flour imported at the port of London in 1900 from all other countries is a mistake. My information is there was 1,100,000 hundredweight imported from Australia alone.

Mr. WANGER. Will my friend permit me another question? Has not the number and capacity of steamers engaged in the business of carrying American products to London been multiplied several times over since 1888?

Mr. TAWNEY. I do not know whether they have been multiplied several times over. I know they have materially increased in number.

Mr. WANGER. And in capacity.

Mr. TAWNEY. And their size and capacity have been increased, as I believe every stockholder of every steamship company knows that it is more to their advantage and profit to carry a large cargo than it is to carry a small one. I do not see how that is any argument that should appeal to the representatives of American shippers in favor of their incorporating a clause in the bill of lading providing for charges which, when added to the freight, makes an exorbitant freight charge.

Mr. WANGER. If it had become desirable to ship American

products to the port of London, is there not a substantial reason for it?

Mr. TAWNEY. Yes; there is a substantial reason for it, and for the information of the gentleman and of the House I will read a paragraph from Choate's report, which shows what the substantial reason for this landing clause is.

In giving evidence before the Royal Commission on the port of London May 6, 1901, Mr. Scott, who is the president of the London and East India Docks Company, says in reply to Sir John Wolfe Barry:

Q. Under the conditions of the Northern American trade, the shipowner has done his work when he puts the cargo on the quay?

A. Yes; but the shipowner under the North American bill of lading by his bill of lading is entitled to make a charge for doing that, and there is a considerable amount of profit hanging on to that, so that the shipowner is anxious to put it on the quay.

That is the substantial reason for incorporating the London landing clause in the bill of lading. It is the profit they make under the clause that prompted them to insert it, and this profit they enjoy in addition to the profit realized out of the freight paid by the shipper.

Mr. WANGER. But if this charge was oppressive, would it not tend to the diminution of exports to that port instead of to their multiplication?

Mr. TAWNEY. Not necessarily. Let me answer the gentleman by giving him a few facts. Last June or last spring the export millers of Minneapolis attempted to ship their flour to the port of London without this additional freight charge. They shipped to London via New Orleans, and the steamship company carrying their flour did not incorporate in its bill of lading this clause imposing upon the cargo an extra charge for unloading and landing the cargo. What was the result?

Mr. GAINES of Tennessee. Mr. Speaker, will the gentleman permit an interruption? Is it not a fact, and if it is a fact, why is it, that the exports from the United States and Canada are the only exports which are charged this extra money for being taken off the ship?

Mr. TAWNEY. If the gentleman will wait a moment I will reach the point of discrimination.

Mr. GAINES of Tennessee. Is it a fact that they are so charged?

Mr. TAWNEY. It is a fact. If this charge is made by any other steamship company in the world except the North Atlantic lines it is paid out of the freight by the steamship companies. I want to show to the gentleman from Pennsylvania [Mr. WANGER] just how the American exporter is trying and has tried to get American exports into that port of London on an equal basis with like exports from other parts of the world, and then he can answer his own question as to the effect of this extra charge upon American exports. I have said that the Minneapolis millers commenced shipping their flour to London via New Orleans by a steamship company running directly from New Orleans to the port of London, and in that steamship company's bill of lading there was no landing clause. There was no clause imposing an additional charge for unloading the vessel either on the quay or overside into the lighter. On the 9th of June, my colleague [Mr. FLETCHER] received the following telegram from Washburn-Crosby Company, of Minneapolis, the largest export millers in the United States:

MINNEAPOLIS, MINN., *June 9, 1902.*

Hon. LOREN FLETCHER, *House of Representatives, Washington, D. C.:*

Just received cable from London stating certain London steamship lines attempting to force Cuban steamship line from granting flour receivers free overside delivery. We had chosen New Orleans route and Cuban steamship line in an attempt to avoid London landing charge, but you can see from this the desire on the part of the other London lines to cut off every chance of our entering London without paying landing charge. We hope you will be successful in the passage of the Harter Act, which will adjust this abuse. Have written full particulars.

WASHBURN-CROSBY COMPANY.

Now, Mr. Speaker, how did these Atlantic steamship companies attempt to prevent this Cuban line from carrying American exports without using a bill of lading such as they demanded?

First they went to the proprietors of the Cuban steamship line themselves—and I have this upon the authority of the man who conversed with the officers of that line—they first threatened them and endeavored in every possible way to induce them to incorporate the London clause into their bill of lading, but they were refused. What did they do next? They went to the dock company and threatened to build wharves farther up the river if the dock company did not compel the Cuban line to adopt the North Atlantic bill of lading, and then the dock company demanded of this steamship line that it incorporate the London landing clause in its bill of lading, otherwise it would have difficulty in getting suitable facilities for unloading its vessels at that dock. It was also stated that means of delay in handling its ships and cargo would be found if this demand was refused. It was under these circumstances, as I am informed, that the Cuban line was finally obliged to compromise and did compromise by charging against the cargo half the amount charged by the North Atlantic steamship companies under the London landing clause for landing the cargo.

Mr. HEPBURN. Will the gentleman permit a question?

Mr. TAWNEY. Yes.

Mr. HEPBURN. Does the gentleman mean to inform the House that, after all, the London dock companies are the parties who control this situation?

Mr. TAWNEY. No; I do not mean to say that they——

Mr. HEPBURN. They did in this instance.

Mr. TAWNEY. Does the gentleman mean to ask whether they control the situation with respect to this clause?

Mr. HEPBURN. Yes.

Mr. TAWNEY. If the North Atlantic steamship companies demand it, as they did in this instance, then the London Dock Company is strong enough to compel any smaller line to agree to the concession demanded.

Mr. HEPBURN. What authority has the gentleman for saying that the London Dock Company compels the New Orleans steamship line and does not compel the North Atlantic steamship lines?

Mr. TAWNEY. To do what?

Mr. HEPBURN. To pay these charges; to insert this provision.

Mr. TAWNEY. The North Atlantic steamship companies inserted this provision originally for their own benefit and convenience, and the testimony of the president of the dock company, which I read a moment ago, explains that the benefit is the added profit they derive. How was it inserted? Up until 1888 the dock company unloaded the vessel. The dock company paid the expense incident thereto and collected it from the steamship companies. The charge of the dock company for this service was 10 pence per ton. From 1888 down to 1890, even after this London clause was adopted by the North Atlantic steamship companies, the dock company continued to unload the steamships of the North Atlantic steamship companies as theretofore, and continued to charge them this 10 pence per ton. What did the steamship companies during that time charge the cargo or the consignee under this clause? One shilling 2 pence, realizing, after paying the dock company for doing the work which the steamship companies are now doing, a net profit of 4 pence per ton. Speaking of this phase of the matter, our ambassador to England, Mr. Choate, in his report on it, says:

For a considerable period prior to the introduction into the bills of lading of the London clause, the steamship companies discharging cargo on the dock quays (including the North Atlantic lines) had been paying the dock companies for flour at the rate of 10 pence (20 cents) per ton, which they bore themselves, without any attempt, so far as I have been able to learn, to put the whole or any part of it upon the owners of the cargo.

Mr. WANGER. When you say——

Mr. TAWNEY. Just one minute. Now, let us see. The north Atlantic steamship companies have entered into a combination for the purpose of inserting in their bills of lading, and insisting upon its acceptance by the consignor, this "London landing clause." The dock company, of course, has more power in the matter of handling the docks than these steamship companies, because the former has complete control of the docks and the landing of vessels, but it is nevertheless true that to a very great extent the dock company is under the influence and can be controlled by these North Atlantic steamship lines. Hence, when the latter failed to induce the Cuban Line, carrying Minneapolis flour to the port of London, to incorporate their "London landing clause" in its bills of lading, they secured the interposition of the dock company by threatening to withdraw their business and erect wharves of their own. Why? Because they know that the dock company has complete control of the docks and wants their business and can seriously embarrass shipowners in the matter of landing and unloading their vessels, without denying their legal right of entry, without denying them the right of a berth for their vessel or any other legal right, thereby causing steamship companies like the Cuban Line serious delay and a great deal of extra expense; so that rather than submit to this embarrassment and loss, as I am informed, the Cuban Steamship Company finally agreed to a compromise with the dock company by paying one-half of the amount paid under this "London clause" by the consignees to the steamship companies sailing from North Atlantic ports. Therefore the millers of Minneapolis and the Southwest as well are obliged to pay this landing charge or not ship their flour to London as the result of this North Atlantic steamship combination.

Mr. WANGER. When you said the dock companies charged 10 pence per ton, you meant for goods removed within twenty-four hours?

Mr. TAWNEY. Yes; within twenty-four hours after they were unloaded, sorted, and piled.

Mr. WANGER. But if they were not removed within twenty-four hours, then the charge was very much higher, was it not?

Mr. TAWNEY. Yes.

Mr. WANGER. And the steamship companies got an extension of the twenty-four-hour period to seventy-two hours, did they not?

Mr. TAWNEY. Yes.

Mr. WANGER. In order that there might be an additional time for unloading?

Mr. TAWNEY. Yes; and the consignees at London say that that extension of time is of no advantage to them whatever, because under the law and prior custom of the port the consignee has twenty-four hours after the goods are landed on the quay, or docked, sorted, and piled, to come and get them, without any additional charge to him, while under the present arrangement the seventy-two hours commence to run when the steamer is reported at Gravesend. If the dock company makes any charge for the time that the goods remain after they are sorted and before the expiration of the twenty-four hours, the steamship companies, under the law of Great Britain, must pay whatever that charge is.

Again, it is claimed that these North Atlantic steamship companies have extended the time for the consignee to obtain his goods from twenty-four to seventy-two hours, but, as I have said before, this statement is misleading. The seventy-two hours' time commences to run when the steamer is reported—that is, when it is reported at Gravesend—and it is eight, twelve, and sometimes eighteen hours thereafter before the vessel reaches the dock. Here is practically one-fourth of your boasted seventy-two hours gone. Then, in addition to this, the wharves and docks are always crowded. A ship comes up and unloads on the quay. While unloading another is waiting, and before the consignee of the goods of the first ship has an opportunity to obtain his goods the other ship has dumped its cargo on top or in the way of the first one, so that it frequently happens that there is a delay of from one to three weeks—aye, more than a month—before the consignee is able to obtain all his goods. The seventy-two hours having elapsed, the dock charges attach and must be paid. It is for this reason that the consignees at London claim that this extension of time is of no practical benefit to them.

When I was interrupted a moment ago I was about to read from Mr. Choate's report, showing why the American exporter is absolutely within the arbitrary power of these steamship companies in the matter of increasing freight rates on American exports by increasing the landing charge provided for in the "London landing clause." Mr. Choate says:

> The notice issued by the combined steamship companies on the 26th of November, 1900, by which, from the 1st of January, 1901, the rate of dock charges on flour was raised from 1s. 6d. to 1s. 9d., well illustrates the method of which the shippers and importers complain. The entire body of North Atlantic lines running to London, without consulting the shippers and consignees from whom the extra charge is exacted or giving them a chance to be heard, issue a joint notice raising the rates. This increase is unrestrained by any possibility of competition, and is imposed by the mere will of one of the parties to the contract, upon the plea that the increase only represents a portion of the extra outgoings, and will, they think, under the circumstances, be considered reasonable; *but if unreasonable, the shippers and consignees have no means of resisting it.*

From this we see that this landing charge covered by the "London clause" was arbitrarily increased from 1s. 6d. to 1s. 9d. per ton. Arbitrarily, without notice to the consignees or consignors, and without opportunity to be heard as to the reasonableness of the charge, the increase was effected by the combined action of these North Atlantic steamship companies. And we also observe from this statement of Mr. Choate, and from the practice of these steamship companies, that this and all other increases in this charge "is unrestrained by any possibility of competition and is imposed by the mere will of one of the parties to the contract."

This illustrates very forcibly the methods by which the freight rate upon American exports to the port of London can be increased and the opportunity which this "London clause" affords these steamship companies to thus arbitrarily increase to an unreasonable extent these rates, and the absolute helplessness of the American exporter to resist such arbitrary increase.

Again Mr. Choate says:

> The owners of these great steamers found it cheaper to pay themselves the cost of the use of the quay and the labor thus done by the dock owners in the delivery of the cargo to barges than to incur the loss consequent upon long detention of their valuable steamers while discharging overside. Of course there is a mutual convenience and advantage as between ship and cargo in the quick discharge of the latter; but it is claimed by the merchants that from causes over which they have no control, in the arrangements in the docks, there is no considerable benefit accruing to them in the way of quick delivery—that the goods come out of the ship fast enough, but do not reach their hands any earlier than they would if discharged overside.

From this you will see, gentlemen, that it was merely for the convenience and benefit of the steamship companies, and not for the benefit of the consignor or consignee, that this method of discharging and collecting was adopted. Of course there is to a certain extent a mutual convenience and advantage as between a ship and cargo in having it quickly discharged, but it is claimed by the merchants and by those who control the docks that there is no considerable benefit accruing to the consignee in the matter of quickening the delivery of the goods by having them discharged on the quay out of the ship or discharged overside. If, for the convenience of a shipowner, they are discharged into lighters by way of the quay or dock, this, as Mr. Choate in another part of his report says, is merely using the quay or dock or extending the deck of the ship to the extent to which the quay or dock is employed for that purpose. In the event that the quay or dock is thus employed by the shipowner, the merchants' shipping act of Great Britain expressly provides that—

> If any goods are, for the purpose or convenience in assorting the same, landed at the wharf where the ship is discharged, the same being ready to take, deliver, and carry them elsewhere, the goods shall be assorted at landing and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment, and the expense of and consequent on that landing and assortment shall be borne by the shipowner.

It is this charge which the bill under consideration provides shall not be included in the bill of lading for two reasons. First, because it is a part of the carrying charge and should be included in the freight and thus open to competition; and second, because by the law of Great Britain this charge is imposed upon the shipowner or the shipmaster.

Again Mr. Choate says:

> We accordingly find that until the introduction of the London clause into the bills of lading of the North Atlantic lines running to London, in April, 1888, and since then in all other trade, all such expenses in that port have been paid by the shipowner. It comes out of the freight, as all expense of discharge and delivery has always done.

Mr. Speaker, if this bill passes and becomes a law, and these steamship companies are not allowed to embody this special clause in their contracts of shipment or bills of lading, thereby imposing upon the cargo the expense of unloading the vessel, what will happen? The steamship companies tell us they will simply add the amount of this charge to the freight, and what, they ask, is the difference? The cargo must pay it in the end. Our answer is, first, that there is where this charge belongs. It is made by the steamship companies now, in addition to the freight for the doing of that which the ocean carrier by his contract, in the absence of this clause, is bound to perform in consideration of the amount received for carrying the cargo, and by the statute of Great Britain they are bound to pay for. While it may be true that at certain periods when there is a large amount of freight to be carried, and consequently a large demand for vessel space, the freight could be so increased as to cover this landing charge, but when cargo is scarce and in demand, competition between the ocean carriers would absorb this landing charge, and the American exporter would then get the benefit for this part of the freight charge, being then in competition with ocean carriers, as well as the rest of the freight charge. On the other hand, if, when competition for freight was strong and these steamship companies added this landing charge, which on flour amounts to 42 cents a ton, or 3½ cents per barrel—more than the miller's profit—the steamship companies say themselves that it would make the published freight rates between New York and London appear so high as compared with the published rates between New York and Liverpool, a competing point, that competition would be invited, and that this competition would result in a material reduction of the published freight rates between New York and London.

That, Mr. Speaker, is the very reason why the steamship companies should be deprived of the opportunity of segregating a part of the freight rate, taking it out of competition and making it a fixed charge, and it is the reason, too, why the American exporter to the port of London is demanding the passage of this bill, for it will then be unlawful for these steamship companies to divide the expense of carrying cargoes to that port, leaving one part of it open to competition and making the other part a fixed charge.

Mr. Choate, in his report, well states the position of the American exporter and the London consignee when he says:

> What the merchants claim is that the freight should pay the cost of discharge and delivery of the cargo, as it has done from time immemorial in the absence of special agreement; that if the freight is not sufficient to cover this, the freight should be enlarged instead of imposing an extra landing charge, so that when the mill owner in Minnesota or the consignee in England sells the flour at a price based upon cost, insurance, and freight, both parties may understand exactly what they are doing. Under the present method of charge this 1s. 9d. landing charge is not regarded as between buyers and sellers as part of the freight.

Another reason why the American exporter asks for the passage of this bill is the fact that this charge of 42 cents a ton on flour, for example, for the cost of handling it until actually delivered to the consignee's barge, when added to the freight for carrying the cargo, results in an exorbitant freight charge for the carrying and unloading of American merchandise at the port of London. This is shown by a comparative statement of the freight rates on flour from New York to London, Liverpool, and Glasgow during the year 1900, when ocean freights were abnormally high. A

statement of these rates, taken from page 134 of report of the New York Produce Exchange, 1901, I will publish as a part of my remarks.

Comparative freight rates per ton on flour from New York to London, Liverpool, and Glasgow during 1900.

[Taken from p. 134 of Report of New York Produce Exchange.]

Monthly average.	London.	Liverpool.	Glasgow.
	s. d.	s. d.	s. d.
January	14 4½	12 6	11 3
February	15 11½	15 0	14 4½
March	16 8½	14 9	14 0
April	16 6½	14 8½	13 9
May	17 2½	13 1½	12 9½
June	15 0	10 1	12 3
July	13 9	9 0	10 11½
August	16 10½	13 9½	14 4½
September	21 3	15 0	16 3
October	18 1½	14 0½	15 7½
November	17 6	10 7½	14 4½
December	17 0	9 1½	13 4½
Total	200 3	154 9½	163 4½
General average for year	16 8½	12 10½	13 7½
Or in American money	$4.16½	$3.21½	$3.40

When analyzed in connection with the landing charge at the port of London, we see how the freight to London is increased.

Landing charge (flour)	$0.42
Total charge to London	4.58½
To Liverpool	3.21½
Excess	1.37
Total charge to London	4.58½
Total charge to Glasgow	3.40
Excess	1.18½

In the case of a vessel of 14,000 tons this excess amounts to $19,180 over Liverpool and $16,590 over Glasgow.

	Miles.
New York to London	3,740
New York to Liverpool	3,540
Difference	200
New York to London	3,740
New York to Glasgow	3,375
Difference	365

Therefore, in the case of a vessel of 14,000 tons, this London landing charge amounts to $5,580, or that is the amount in addition to the freight which these steamship companies receive for landing the cargo either over side into lighters or on the quay or dock, at the rate of 1s. 9d.

It may be said that because this bill is general in its terms it will apply to every port in the world, and that inasmuch as we do not know the conditions governing the landing of cargo at any other port than the port of London that we might by the passage of this measure seriously jeopardize our commerce to these other foreign ports.

As I said in the outset, the bill is general in its terms, but it is specific in its application in that it provides that it shall be unlawful to incorporate in any bill of lading a clause imposing upon the consignee or consignees the payment of any port, harbor, dock, landing, elevating, weighing, or sorting charges "the payment of which is, by the laws, statutes, or customs of a foreign country or countries to which such merchandise or property shall be transported, imposed on such manager, agent, master, or owner or any persons or agencies other than the consignee or the consignees thereof." It was conceded before the Senate Committee on Commerce and before the House Committee on Interstate and Foreign Commerce that there is only one port in the world where it is known that the charges covered by the "London clause" are by the law of the port or the country in which the port is situated imposed upon the shipowner or the shipmaster. Therefore, while the bill is general in its terms, it would apply to no other port in the world except the port of London. The best evidence of this is the fact that in no bill of lading for the carrying of American goods to any other port in the world is there a clause covering these or like charges.

Mr. Speaker, there is another fact which I wish to call to the attention of the House. It is with respect to the discrimination against American exports at the port of London which the use of this "London clause" creates. The gentleman from Tennessee [Mr. GAINES] a few moments ago inquired if these landing charges included in the "London clause" were made against consignees receiving goods from other ports except North Atlantic ports. They are not. There is no steamship company in the world carrying exports from any country to the port of London that adds by clauses in its bill of lading a specific charge for the landing and delivering of the cargo to the consignees at the port of London except the steamship companies sailing between North Atlantic ports and that port. In the other cases the expenses incident to the unloading or landing of the cargo are paid by the steamship owner out of the freight which he receives for the carrying of the cargo.

Here is a clear discrimination against American products at this port and in favor of like products from other countries, and this discrimination operates as a restriction upon American commerce destined for the port of London, because it favors the exporter of like products from other countries to the extent that the charges included in this "London clause" are absorbed in the competition between carriers from all other ports to the port of London, while on merchandise coming from North Atlantic ports to that port these landing charges are fixed and arbitrary and are always made in addition to the freight paid for the transportation of the goods.

On this point Mr. Choate, in his report, says:

As to discrimination, whatever discrimination there is, arising from the system of charge complained of, is not against the United States alone, but against the United States and Canada, the Canadian steamship lines having adopted the "London clause."

There is undoubtedly a discrimination as against flour from the United States and Canada in favor of flour coming to London from all other parts of the world. Flour is brought to London from many other parts of the world and is landed and delivered from large steamers in much the same way, and whatever cost attaches to this mode of delivery is paid by the shipowners out of the freight, no such clause as the "London clause" having been adopted.

Mr. Speaker, I maintain that, independent of every question, independent of every other fact in favor of the passage of this bill, the fact that the use of this London clause operates as a discrimination against American products at the port of London is sufficient to justify the enactment of this bill into law by an American Congress.

Mr. BELLAMY. Is there any demand for the insertion of this clause in the bills of lading by the exporters of grain or the producers of grain?

Mr. TAWNEY. I do not know that there is. Grain is unloaded overside entirely. It does not go on the quay or on the dock. Now, the charge being in addition to the freight, and it being for a service the carrier is bound to perform under his contract to carry and reimburse himself for the expense out of the freight, we are not asking anything unreasonable when we say the charge should be put where it belongs—in the freight. If they can segregate this item of freight from the published freight rate, thus showing a lower rate than the rate actually is, they can segregate some other item and put that in a special clause, and thus practically prevent competition in carrying between New York and London, if they can, as they have in respect to this London clause, form a combination for that purpose.

Now, the two competing points in England are Liverpool and London. If to the published ocean freight rates—rates which are always published—from the various North Atlantic ports you add 42 cents a ton on flour, you will see exactly what the effect would be.

From the statement of the average freight rates to which I referred a few moments ago, it appears that the average rate between New York and London in 1900 was $4.16¼ without the London clause; to Liverpool, $3.21½; to Glasgow, $3.40 a ton. Now add 42 cents a ton to the London rate and you have $4.58½ a ton, or $1.37 a ton more freight on flour to London than to Liverpool.

Mr. MANN. What is the gentleman reading from?

Mr. TAWNEY. A statement taken from the comparative freight rates on flour from New York to London, Liverpool, and Glasgow for 1900, from page 134 of the report of the New York Produce Exchange.

Mr. MANN. Does the gentlemen know what the rate is now?

Mr. TAWNEY. It is very much less now.

Mr. MANN. Less than one-half?

Mr. TAWNEY. Yes; but that does not change the principle.

Mr. MANN. It changes the facts.

Mr. TAWNEY. Yes, it is a fact; but it does not change the principle.

Mr. MANN. It changes the whole application of the principle.

Mr. TAWNEY. Oh, no; if the gentleman will pardon me, there is no reduction in the London landing charge, is there, except to increase it?

Mr. MANN. No; there is no change in that.

Mr. TAWNEY. Has the gentleman ever known any change except to increase it since it was adopted?

Mr. BINGHAM. But the freight has been reduced.

Mr. TAWNEY. Yes; but the London dock charge has never been reduced.

Mr. MANN. The gentleman from Minnesota knows that the freight to London with the London dock charge is less than the rate to Liverpool.

Mr. TAWNEY. It is not. The same relative proportion between the rates to Liverpool and London exists to-day that existed in 1900.

Mr. MANN. Not at all.

Mr. TAWNEY. I say the same relative proportion. Now, you add 42 cents a ton to the published freight rates from New York to London and this freight rate will seem so high as to invite competition. That is why they do not want to put the London landing charge into the freight, because it would invite competition in the carrying of freight between New York and London.

Mr. MANN. I suppose the gentleman himself believes that, or he would not state it.

Mr. TAWNEY. If this charge is incorporated as a part of the freight it becomes as much a matter of competition between the carriers as the carrying charge is, and the gentleman will admit that our salvation as exporters depends upon our ability to keep freight charges in competition with carrying companies, does he not?

Mr. MANN. It depends on our ability to get cheap rates.

Mr. TAWNEY. How can you do that without competition?

Mr. MANN. We have now the cheapest freight rates in the world.

Mr. TAWNEY. How are you going to maintain them without competition? The great English vessels that in 1900 were engaged in carrying traffic from Europe to South Africa since the close of Boer war are again engaged in the carrying trade between the North Atlantic ports, and to a very large extent that has lowered ocean freights. Are we not entitled to have all the charge for carrying our goods put into competition in order that we may get as low rates as possible?

Mr. MANN. If the gentleman wants me to answer, I say that it is our duty to get the cheapest possible rates——

Mr. TAWNEY. Yes; and here is a restriction upon our opportunity to do that. As Mr. Choate says, there is absolutely no competition in the matter of this landing charge at the port of London.

Mr. CANNON. May I ask a question purely for information? I do not claim to understand this question fully, though I have been listening as carefully as I could. As I understand, this special provision in the charter party to London does not apply to Glasgow or Liverpool?

Mr. TAWNEY. No, sir.

Mr. CANNON. It applies to the landing at London. Now let me see whether I understand the matter. If a charter party were made for transportation of goods from the United States to London, and if it stopped there, these charges, the dock charges the gentleman speaks of——

Mr. TAWNEY. They are not dock charges; they are landing charges.

Mr. CANNON. Well, these landing charges would have to be paid by the steamship company?

Mr. TAWNEY. Yes, sir; in the absence of this special agreement.

Mr. CANNON. I mean that if the charter party were simply from New York or Chicago to London and stopped there, these charges that the gentleman objects to would have to be paid by the steamship company. Therefore the steamship company, by a special stipulation, relieves itself from that which it would be obliged to pay; and the object of this bill is to prevent the steamship company from so relieving itself.

Mr. TAWNEY. Exactly; the object is also to compel them to obey the laws of the country under which they are incorporated.

Mr. MANN. That is their duty, I suppose.

Mr. HULL. I have been trying to get some information on this subject. It was asked a few moments ago why these charges were not included in the freight charges, and the gentleman answered because it would invite competition. Now, I suggest to him that these peculiar charges are known by all the transportation lines; and why are not the companies now just as much liable to competition when the charge is imposed in this way as if it were added to the freight? There is no secret about these charges; they are well known. I understood the gentleman to say that if these charges were included in the freight, the freight would appear unduly high.

Mr. TAWNEY. The freight from New York to London as compared with the freight to Liverpool would appear so high as to invite competition.

Mr. HULL. But every shipper practically knows that these dock charges are imposed in the bill of lading as an additional charge. Now, I can not see the difference, so far as competition is concerned, between putting them in in this way and putting them directly into the freight. I would like to have this matter explained.

Mr. TAWNEY. The steamship companies that use this clause run between North Atlantic ports and the port of London, and by a combination between them have all agreed to this London clause, a means of compelling the cargo or consignee to pay these charges in addition to the freight, so that the amount of the freight charge covered by this clause is not in competition between them. The clause is not employed by any steamship company in the world except these North Atlantic lines. This charge is not even imposed when goods are shipped from the Pacific coast. Goods going from San Francisco to London do not pay this charge.

Mr. HULL. But it is put in the freight.

Mr. TAWNEY. It is put in the freight, or the expense of doing the work is paid out of the freight. But flour, for example, coming from Australia goes into the port of London without the payment of these charges.

Mr. HULL. In other words, they are put in the freight.

Mr. TAWNEY. Whatever expense there is incident to the unloading of the vessel is paid out of the freight by the shipowner. So it is in every port in the world.

Now, the London landing clause is put in the bills of lading from the North Atlantic ports, as I have said, by a combination or agreement between the shipowners. If an independent steamship line were organized that did not add the expense of landing the cargo to the freight and collect the same by a special clause, as the North Atlantic steamship lines do, the latter would immediately attempt and, as they have in the past, would succeed in forcing such independent lines into their combination for the imposition of these landing charges in addition to the freight and the collection thereof by the "London landing clause" incorporated in their bill of lading or force them out of business entirely.

Hence there is no opportunity for the American exporter to be relieved from this additional burden on his exports to the port of London than by Congress making it unlawful for any steamship company to incorporate in its bill of lading a clause for the payment of that which by the law of the country to which the goods are shipped is imposed upon the shipowner or the shipmaster, and which at common law the shipper is entitled to have paid out of the freight he pays for the transportation and delivery of his goods at the port of destination.

Mr. SHERMAN. If the gentleman prefers to proceed further now, I have no objection.

Mr. TAWNEY. I do not care to proceed further at this time, although I have been interrupted so frequently that I have had no opportunity to follow the line of remark that I had intended.

Mr. SHERMAN. I desire, then, to yield to the gentleman from Georgia [Mr. ADAMSON], my colleague on the committee.

Mr. RICHARDSON of Alabama. One moment, if the gentleman pleases. I should like to know how much time the affirmative side has left, as there are two or three members of the committee who favor this bill and would like to be heard.

The SPEAKER. That side has one hour and five minutes remaining. The gentleman from New York [Mr. SHERMAN] yields how much time to the gentleman from Georgia?

Mr. SHERMAN. As much time as he desires.

Mr. ADAMSON. Mr. Speaker, as the time is limited, I wish, for the accommodation of others, to yield back as much time as possible, and to consume as little as possible myself. Therefore I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent to extend his remarks in the RECORD. Is there objection? The Chair hears none, and leave is granted.

Mr. ADAMSON. Mr. Speaker, I have no disposition to appear as the champion of either side in this controversy. I have very little pride of individual opinion about this question. I do not know anything about the charges and countercharges which have been made in regard to the two trusts that are represented as engaged in this titanic struggle. If there be a flour trust or a shipping trust, or any other number of trusts, neither I nor the school of politics to which I belong in this country are responsible for them.

I would be willing to stamp out both or all and allow commerce to be free and untrammeled by any conditions, beginning at our own ports, rather than commence tinkering with small matters at foreign ports. I concurred in the minority report and failed to vote with the majority on the committee, because those advocating the bill failed to convince my mind that there was either necessity or reason for its enactment.

I understood at first that some lumbermen were clamoring before our committee for the passage of the bill, but upon examination it appeared that the proponents of the bill were composed exclusively of flour men. The distinguished gentleman from Minnesota [Mr. TAWNEY] concedes that the lumbermen are either out or in—he does not exactly know which—and whether they say they are out or say they are in, he seems to have satisfied himself that he has successfully impeached them, and if he can manage to do the same for the flour interests we will be rid of both, and there will be no demand for this measure.

Now, Mr. Speaker, my first objection to the bill is that it seeks to curtail the liberty of contract and say that an American citizen, at the demand of one interest in our great and magnificent commerce, shall be prohibited, under pains and penalties, from making any contract, not only as to domestic affairs—which

would be odious enough—but as to foreign transactions, which would affect our vast commercial relations and interests—interests so great and grand that they should ramify every ocean and bring back boundless profits from every port of the earth to our people. In the second place, I oppose the bill for the reason referred to—that it is supported by one interest alone.

Mr. SHACKLEFORD. Mr. Speaker, before the gentleman passes from the first proposition, I desire to ask him a question. I desire to know if his position is that great corporations, like carrying companies, ought not to be limited in their power to make contracts with shippers to the damage of the shippers.

Mr. ADAMSON. Unfortunately, Mr. Speaker, it has not been my good fortune since I have been in politics to be permitted to say effectively what I think ought to be done as to great corporations. I was coming to the phase of the case to which the gentleman's question relates, on the question of competition——

Mr. SHACKLEFORD. Pursuing the question further, if that does not meet the gentleman's approval, I desire to know whether he is opposed to legal regulations limiting contracts which a carrier of freight or passengers may exact from the shippers.

Mr. ADAMSON. Mr. Speaker, I will be in favor of taking off all shackles from commerce, beginning at home, and encourage competition in this as in all other lines; and I declare here and now that if the trouble at the port of London were all that interfered with the wealth and prosperity of our commerce it would flourish in every sea and prosper like a trust. Let us begin at home with regulating great corporations and destroy the conditions which we have produced to support trusts, shackle commerce, and rob our people.

Mr. SHACKLEFORD. Does not the gentleman know that all the ships coming from these North Atlantic ports have entered into a combination by which they have agreed that they will not ship this freight unless this condition is contained in this bill of lading, and that the shipper is powerless to ship except by those ships, and he must sign whatever contract is presented?

Mr. ADAMSON. It was not only matter of general information, but was elicited by a question of my own on the hearings, that people who are willing to go into business can compete with these ships. The flour men are not paupers; they are able to go out and build, buy, or charter ships, and the testimony was that the effort had been made to operate outside the provisions of this clause which is sought to be set aside, that independent ships were used without the objectionable clause, that the results were not satisfactory, and all who had attempted it subsequently acquiesced in this arrangement.

Mr. LAWRENCE. Mr. Speaker, will the gentleman yield to a question?

Mr. ADAMSON. Certainly.

Mr. LAWRENCE. The statement has been made that this provision is a discrimination against American consignors alone?

Mr. SHACKLEFORD. North American.

Mr. LAWRENCE. I want to ask if any reasons were given for that discrimination against American consignors; whether we get any special benefits or privileges by reason of this clause which is inserted in the contract?

Mr. ADAMSON. The matter was thoroughly explained in the hearings—that if there are provisions in the bills of lading from North Atlantic ports different from provisions in bills of lading from other ports, they are to be accounted for in various ways.

There are different conditions; there are different sized ships; the character of the freight carried is largely different; freight charges are higher than from our ports; the volume of business is largely different, and in addition to that the question raised by another gentleman about its not prevailing at other ports of Europe was accounted for in this way: That at all the other ports inquired of where ships were arriving there were other charges and conditions tantamount in the general average to these charges and conditions; and as the gentlemen have asked those questions, I will say just now that if we were to believe half of the terrible things said by the proponents of this bill about the conditions at London, or believed half their prophecies about what they imagine their profits would be if this bill were passed, the trade of that metropolis would perish. There would not be half a dozen ships unloading there in a year.

They would go to the other ports, if such great advantage existed in favor of those other ports. But the instance cited by the gentleman from Minnesota [Mr. TAWNEY] about New Orleans and Cuba demonstrates that all these commercial interests are alert, looking out for the slightest difference in cost or advantage at different ports and by different lines. These things are not done in a corner. They would be discovered, and to my mind this constitutes an unanswerable argument against the overweening demands and supposed reasons given for the passage of this bill.

Mr. GAINES of Tennessee. I should like to ask the gentleman a question. I understood my friend to say just now that the flour men are the only men interested in this bill.

Mr. ADAMSON. Yes.

Mr. GAINES of Tennessee. Now, I will ask the gentleman to turn to page 4 of the minority report and he will see this language:

> The agents and attorneys for the millers and lumbermen, who alone advocated this bill before the committee, stated several times.

And so forth. This report is signed by the gentleman from Georgia. I will ask him to explain now how it is that he says that the wheat men or flour men are the only advocates of this bill if his other statement be true.

Mr. ADAMSON. The wheat men are not advocating it.

Mr. GAINES of Tennessee. The flour men, then?

Mr. ADAMSON. My understanding is that the flour industry, imagining, from the shape in which their goods are prepared for shipment and the way they are handled, that they can not, perhaps, have as much advantage from existing shipping arrangements as all the other interests in our vast commerce that are acquiescing in it, imagining that it is cheaper for them to come to Congress to pass a bill to feed and clothe them and trim their corns and cut their toe nails than it is to come out honestly and get some ships and go into the business on a better basis, are advocating the passage of this bill.

Mr. GAINES of Tennessee. My friend signed a minority report in which he states that the lumbermen are also interested in it.

Mr. ADAMSON. The gentleman certainly did not hear my remarks. I began by saying that the lumbermen originally appeared before the committee.

Mr. Speaker, as I have said this much I will say further that as I understand the difference between existing conditions and proposed conditions at London, it is tantamount to the celebrated difference between "tweedle dee and tweedle dum."

In the years agone, when limited commerce sent small ships and very few of them to the London docks, which under certain immemorial customs, usages, and statutes were unloaded through small craft and antiquated methods, local tribute was levied and collected on all incoming cargoes, which, when delivered over the ship's rail, relieved the carriers of responsibility.

Those conditions would still prevail but for the fact that larger commerce and larger vessels, making time more valuable, have justified the carrying trade in compounding with local authorities and interests on such terms as enable them to contract with our exporters, not only for the freight, but for the unloading, assorting, safe-keeping, and delivery in drays, vans, boats, or cars within a much longer time and at a much smaller cost than ever prevailed before or could prevail now outside the provisions of the contract sought to be prohibited by this bill.

If the contract of lading be not made, consignees may receive their goods free of terminal charges, if ready to receive them, along ship side in twenty-four hours after the arrival of the ship. If after twenty-four hours, which is usual, they pay 4s. per ton. The contract avoids the 4s. and collects 1s. 9d., extends the time, and preserves, assorts, and delivers the goods. It is conceded that if contract be prohibited carriers can add either the 1s. 9d. or the 4s., or both, or any other sum, to the freight rate. It is immaterial and hacknied to inquire who pays any tax on commerce. It is easily shifted.

The investigations of Ambassador Choate and the report of the royal commission are conclusive to my mind.

If all the people with all the capital engaged in our magnificent foreign commerce, except the millers, are satisfied with existing conditions, I think the miller ought to be content without seeking to jeopardize all other interests in their transactions around the world.

The earth is large and round, the ocean wide and open, shipbuilders, shipowners, and ship operators are alert and anxious for work; the mill owners could manage to build, buy, or charter ships and demonstrate the facility with which they could enter the port of London and distribute therefrom to the discomfiture, if not the annihilation, of the present carrying sharks and trusts, instead of abusing the powers of Congress to discourage resort to honest competition.

Not only an enthusiastic admirer of our commerce, great even as now handicapped, but also languishing for lost opportunities and grieving in contemplation of our incomparable greatness, wealth, and glory, cut off by the emasculation deliberately, wickedly, and sordidly inflicted by the policies inaugurated and persistently continued by the Republican party, I oppose this bill because the obstacles to our prosperous commerce do not exist in the port of London nor any other foreign port, but are found armed, insuperable, and suicidedly self-imposed at every port of our own country and on every inch of our border. Among all our people supporting this condition, whether from avarice or ignorance, none can be found more stolid and persistent nor more indifferent to the interest of their fellowman than the promoters of this foolish measure.

If men who pretend to statesmenship and profess patriotism would cease to stick in the bark when the heart of the tree is

involved I would invite them to go with me to London with a cargo of flour, on a voyage fraught with more promise to their constituents than ever signalized any of the seafaring ventures of old, when fabulous fortunes rewarded the accidental investments of obscure persons. We would carry a shipload of flour on one of the modern ships of mammoth capacity, carrying more flour than a century ago could cross the ocean in a year in all ships.

If our friends were dubious about signing a contract, I would consent that we charter a ship or build or buy one. When we entered the Thames and came as near London as the mighty ship could approach, we would yet be many miles from the ports and harbors governed in antiquity by the ancient customs, statutes, and craft, contended for here. We would not stop, however, to strain at gnats while we were swallowing whole troupes of camels without any trouble.

We could afford to pay anything that anybody charged from mid ocean to the warehouses in London, and if we had sense and honesty enough to recognize the old adage that "fair exchange is no robbery," we could demonstrate to our people, some of whom have been long deluded, that if we buy from other people at a fair price we could sell our flour much more rapidly and at a much better price.

In a short time, having loaded our ship from the proceeds of our flour with goods of every kind valuable to our people and calculated to make profitable returns for the venture and insuring wealth and independence to those engaged in the enterprise, we would set sail on the return voyage. Until we sought to enter a port of our native land, "The land of the free and the home of the brave," so called, the land where great States and Territories present the most perfect example and unanswerable argument for free trade the world ever saw—a land whose administration professes more honesty and practices more hypocrisy than any the world ever saw, which offers less encouragement and demands more concessions from others than any the world ever saw, all of us flour men, reveling in the wealth afforded by that cargo rare and novel in our waters, would be richer than Crœsus; but, alas, when we seek to domesticate our wealth we are barred from home and can only communicate our riches to our native land by parting with from 50 to 75 per cent thereof.

When in our chagrin we look around for somebody to reproach we find that all the fellows who are cutting up about the condition have persistently and insistently, and either maliciously or stupidly, contributed to bring it about. If they could rid their minds and hearts of the cupidity or stolidity, whichever it be, which blunts their sentimentality I would remind them that the stricken eagle stretched on the plain finds that—

> Keen were his pangs, but keener far to feel
> He nursed the pinion that impelled the steel.

If that proud bird, pierced by the shaft of death, had been endowed with a human soul, claiming kinship with the skies, neither his own death nor his conscious responsibility therefor could have produced half the poignant remorse that would have come to him if he had realized that either his wickedness or folly had involved in his own destruction the ruin of his fellow-creatures. He who tinkers and temporizes with small and doubtful difficulties at the port of London, while favoring at our own ports barriers between our trade and the commerce of the world, whether wickedly or stupidly, robs his fellow-men and robs himself also, unless he be one of the favored beneficiaries in whose behalf the functions of government are prostituted to the robbery of others. While others may vote as they will, unless additional light illumines my mind, my vote shall emphasize the theory that when Congress undertakes to change port conditions for the benefit of commerce, it should begin not at London, but at home. Verily, if our people would sell to others, we must also buy something. "The liberal soul shall be made fat."

Mr. SHERMAN. Mr. Speaker, how much time did the gentleman consume?

The SPEAKER. Fifteen minutes.

Mr. SHERMAN. I yield ten minutes to the gentleman from Pennsylvania [Mr. WANGER], a member of the committee.

Mr. WANGER. Mr. Speaker, I should be most happy if I could contribute substantially to the information of the House respecting this question. I confess with considerable humility that I fail to comprehend this question thoroughly in all its details, nor do I understand why there is such vigorous insistence upon improved conditions for American producers if this measure passes. So far as I have been able to comprehend the question, it seems to me that the logic of facts is strictly against this measure; that the interests of American farmers and millers and all other American exporters have been most substantially served by the adoption of the so-called London clause in bills of lading, and that we are taking a leap in the dark, the effect of which no man can foresee, if we legislate to prohibit the freedom of contracting as is provided in the measure.

Now, let us consider what led to the adoption of this clause. There are but few dock companies in London. They have monopolistic privileges conferred by acts of Parliament, the terms of which are uncertain and are variable except that they are extreme, largely by reason of the endeavor of Parliament to encourage and reward the construction of the great docks and to confer still higher privileges upon the barge men in maintaining the time-honored preference which was accorded to these people. The result was that the shipping conditions of the port of London were so uncertain as to the charges which might be imposed upon steamers, that it was an undesirable port for shipowners, and as a result the American exporter was not offered the same shipping opportunities and favors to London as he was in other ports. The ship companies of this country believing that it was a desirable port of entry, sought to overcome the difficulty and to remove the uncertainty, and therefore formed a combination, as has been suggested, and came to an agreement with the dock companies whereby a great reduction of dock charges was secured.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. WANGER. Certainly.

Mr. TAWNEY. What proportion of the number of ships entering the port of London come from the United States as against the rest of the world?

Mr. WANGER. Well, not nearly as large a proportion of ships as there is proportion of tonnage, because the ships which go from the United States have grown to be the great monsters among the carrying ships, whereas the numbers which come from other countries are largely small craft and tramp steamers.

Mr. TAWNEY. What proportion of the cargoes?

Mr. WANGER. Why, in the item of flour in the year 1900 1,170,000 hundredweight was carried there from North American ports under these conditions, and only 178,000 hundredweight was brought from all the other quarters of the world, Australia included.

Mr. TAWNEY. Will the gentleman pardon an interruption? Last year our exports of flour to the port of London fell off 1,800,000 barrels, while there was imported from Australia 1,100,000 hundredweight.

Mr. WANGER. One million barrels of American flour is a mere figment in the large volume of American shipments to the port of London, and at the time to which the gentleman refers—and if his statement amounts to anything it means that our trade with London has declined—which is disproven by the fact that during that year the Atlantic Transport Company contracted for the construction in this country of two of the mightiest of freight ships to engage in the world's commerce, and these ships are now on the stocks building.

Mr. TAWNEY. For what companies?

Mr. WANGER. For the Atlantic Transport Line. Now, let me resume where I was when interrupted. In order to make shipping to London desirable, the North American steamship companies got special rates from the dock companies, so that there might not be this freedom from charge on the one hand and exorbitant charges if the goods did not happen to be delivered within twenty-four hours. That there might be an intermediate reasonable charge, and the American ship companies, or, more accurately speaking, the companies engaged in shipping from North American ports, contracted with the dock companies that they would enlarge the capacity of their steamers and multiply their numbers if these concessions were conferred by the dock companies; and it was on account of that very London clause that shipping to London became popular, that shipowners were willing to undertake to carry cargoes there, and that American flour manufacturers and other exporters got more favorable conditions than they had enjoyed theretofore, and that London became a favorite instead of an undesirable port of destination.

Mr. TAWNEY. Will the gentleman answer a question?

Mr. WANGER. Why, certainly, if I have time.

Mr. TAWNEY. What concession has the London Dock Company made to the steamship companies by or under the London landing clause?

Mr. WANGER. They have agreed to a uniformity of expense under seventy-two hours and to certain other conditions which affect ordinary ships.

Mr. TAWNEY. How does that condition, then, affect the freight under the London landing clause? Was the shipper charged for what the steamship companies prior to it were paid 10 pence to do and now they are paid 1 shilling and 9 pence to do it? How does that help the American shipper?

Mr. WANGER. When the dock companies only charged 10 pence per ton it was for goods taken away within twenty-four hours, and when those goods were not removed within twenty-four hours the charge was quadrupled or quintupled.

Mr. WILLIAMS of Mississippi. Four shillings per ton.

Mr. WANGER. Yes; 4 shillings per ton. The gentleman is right. In other words, the shipping people under the conditions prevailing in the port of London were in a position of not knowing

whether the charges would be nominal or whether they would be confiscatory, and naturally charged the exporters a rate of freight to guarantee them against loss under the most adverse conditions, whereas at this time exporters and shipowners know that only a reasonable charge will be made. I say reasonable, because no testimony has been offered to show that it is unreasonable, and the entire opposition has been based upon the insidious argument that the London clause is exceptional, without the candid acknowledgment that the conditions which led to its adoption were exceptional, and that it secured freedom and was in liberation instead of being in oppression of American trade with the port of London.

[Here the hammer fell.]

Mr. SHERMAN. Mr. Speaker, I now yield to the gentleman from Pennsylvania [Mr. ADAMS] for ten minutes.

Mr. ADAMS. Mr. Speaker, I ask the attention of my colleagues while I submit a few reasons why this legislation should not prevail. It is a sound doctrine of legislation that existing statutes should neither be repealed nor amended unless they are working badly and in response to some large demand on the part of the people who are interested in the operation of the law.

Let us look and see if any such reason exists under the present circumstances. The gentleman from Minnesota [Mr. TAWNEY] in his opening remarks says that this was a conflict between the shippers and the common carriers at sea, in which their respective interests are at stake. I do not think that statement will bear investigation. In fact, inside of two minutes after the statement was made it was contradicted by the pertinent question by members on the floor of the House, in which it was shown that some of the interests whom he quoted—the packers at Chicago and the exporters of lumber—were not interested in this legislation.

Mr. TAWNEY. It shows that they changed their minds.

Mr. ADAMS. I have but ten minutes, Mr. Speaker, and I ask not to be interrupted. There is no demand from all the exporters in the United States for the amendment which is proposed by this bill. When we come down to the hard facts, there is no interest asking that this amendment be made except by the exporters of flour in a certain locality of our country.

In support of this statement it is significant that after all the publicity given to the proposed legislation no shipper of any other class than that of the exporters of flour appeared personally or by representative before the committee to which the bill was referred. Some petitions were filed from commercial bodies in several American cities and from boards of trade interested especially in the shipment of flour. The methods by which such petitions from such bodies to Congress are prepared are too well understood to require comment. In a broad business question of this sort it seems to me that the statements of those who represent every species of export are the ones to carry most weight.

In this connection I will quote the resolutions of the Philadelphia Maritime Exchange, which is composed of all the leading shippers and exporters from the city which I have the honor in part to represent, and which certainly should have great weight, representing their views, with the members of this House:

THE PHILADELPHIA MARITIME EXCHANGE.

To the honorable the Senate and the House of Representatives of the United States in Congress assembled:

At a stated meeting of the board of directors of the Philadelphia Maritime Exchange, held the 27th day of January, 1902, the following preamble and resolution were unanimously adopted:

Whereas the attention of the Philadelphia Maritime Exchange has been directed to Senate bills 1791 and 1792 and to corresponding bills in the House of Representatives, 4424 and 9059, having for their object the amendment of the act of February 13, 1893, commonly known as the Harter Act; and

Whereas the Philadelphia Maritime Exchange is of the opinion that the legislation sought by the bills is unnecessary, and the terms of the measure are so drastic as to be of questionable policy, and, furthermore, in the opinion of this exchange, it would be of doubtful expediency for Congress to intervene in a question of this kind, which appears to be one particularly connected with usages at different ports not within the jurisdiction of this country: Therefore, be it

Resolved, That it is the sense of the Philadelphia Maritime Exchange that the passage of bills S. 1791 and 1792 and corresponding bills H. R. 4424 and 9059 now before Congress would not be in the best interests of the commerce of this country, and the defeat of these measures is therefore earnestly recommended.

GEO. E. EARNSHAW, *President.*

Attest:
[SEAL.] E. R. SHARWOOD, *Secretary.*

PHILADELPHIA, *January 27, 1902.*

Now, Mr. Speaker, the Harter Act was passed with the consent of both the common carriers and the shippers in 1893. It has worked successfully without complaint and has been satisfactory to all parties. We should hesitate a long time before we upset conditions so favorable, and which have prevailed for ten long years in our export trade.

There is another reason, and that is that this bill is practically to regulate the port charges in the city of London. There are other ports in England where there is no complaint made. It is proposed that the Congress of the United States shall enact an amendment to our statutes as they exist to-day to regulate the local port charges of the city of London. I doubt myself the propriety of the Congress of the United States legislating for English port charges. Have we any protest here from English consignees? None whatever. The millers are their own consignees in London, and so are the lumbermen.

So you have your own people simply coming to the American Congress to upset the regulations of trade. These charges in London are not imposed for the benefit of the steamship companies; they have grown out of the peculiar conditions that exist in the Thames. Owing to the smallness of that river and to its want of depth, the great steamships which have come into competition in the transportation of goods can not unload with barges in the Thames. For that reason these docks have been built, and they can only enter at high tide, and they must wait until the recurrence of high tide before they can go out. While they are in these docks the old method of delivering freight in conformity with the rule that when the cargoes went over the ships' side the responsibility of the carrier ceased became impossible. With the enlargement of the ocean-going steamers goods must be put in the hold as soon as received, and when taken out and placed on the dock they must be sorted, and it is for this extra work that this compensation has been made by the party.

Owing to the changed conditions in commerce this work on the dock has increased. Years ago, when steamers were much smaller in size, the cargo was limited in the variety of its consignments and therefore more easily delivered to the consignees. With the increased tonnage of ships, one shipper of to-day on the modern steamer will have in one lot a greater shipment than could be put aboard a small ship of the past. It frequently happens now that a steamer will have a cargo from as many as eight hundred or a thousand shippers and intended for a thousand or more consignees. These have to be assorted in order that they may more quickly be distributed to their respective destinations. The dock charges cover all this at a much lower rate than the individual consignees could perform the similar work at their individual cost, and the practical result is that the dock charges are less to-day than they formerly were. To take away the individual right of contract from the shipper and common carrier, to exclude these dock charges, in the minds of many would be unconstitutional and utterly unwarranted.

To refer to some of the legal aspects of this case, the millers claim that under the Harter Act the vessel can not contract against her duty to make proper delivery; and that as proper delivery implies separating the various consignments, the vessel owner can not contract against his obligation to perform that duty. But it must be remembered that the Harter Act considers only loss or damage arising from improper delivery. If the goods are specifically injured through an improper delivery, the vessel is bound to pay for the damage; but there is nothing in the act to prevent the parties from making any contract they please as to the payment of the expense of making a proper delivery; the act is concerned simply with losses caused by negligence.

They say that the law of England requires that all cargo shall be delivered free of charge. This is not so. The act of Parliament provided that the waters in artificial docks should at all times be as free to barges and lighters as were the waters of the river Thames, and that the goods discharged into the lighters and barges should be exempt from any payment. The court of Queen's bench division in the case of Borrowman, Phillips & Co. *v.* Wilson held that the London clause, which puts the charge complained of on the consignees, was enforceable because the parties had agreed to it in the bill of lading, and that they could contract themselves out of the custom of London or out of the statutory right if they wished to do so.

The court did not put it on the ground which the shippers mention, viz, that the contract having been made in America the courts of England were bound to enforce it at London, although against the laws of England. Neither the courts of England nor of any other country would do such a thing. The law which governs a contract as to performance, certainly so far as public policy is concerned, is the law of the place of performance, and the courts of that place would not enforce provisions against the public policy of that place because they were not prohibited in the place where the contract was made. Our Federal courts habitually refuse to enforce in this country the most express stipulations made in foreign countries where they are perfectly valid that the carrier shall not be responsible for the negligence of his servants.

In the particular case referred to Mr. Justice Day went much further, and declared that the provisions of the London clause were very reasonable, and that it would be ridiculous to apply to modern steamers old customs which might have been very proper for small vessels and small cargoes.

The shippers of flour further claim that the London dock charges are discrimination against American shippers. As a matter of

fact this does not exist in the case under consideration, because all North American exports are treated alike whether they go by American or Canadian lines. In further evidence, despite all statements to the contrary, the Peninsular and Oriental Steam Navigation Company, one of the largest steam navigation companies plying to the Orient, the Continent, and England, have a similar clause to the "London landing clause" on their bills of lading. A bill of lading of that company of as recent date as February 1, 1902, issued at Marseille, contains the following clause: "The expense of discharging from the steamer and manipulating to be borne by the goods at the rate of three-sixths per 1,000 kilos (the equivalent of a ton.)" It will be noted that this is a greater charge than the London landing clause. The term "manipulating" covers the work equivalent to that done under the London clause.

But there is a stronger reason than all this. It is proposed to compel the common carriers to put the charge on the cargo and make it a part of it. If you did this, you would put it in the power of any unfriendly nation wishing to enhance the interests of its steamship companies, by putting on local port charges, to compel our people, should they be forbidden to exempt that by a contract or bill of lading, to make a discrimination against the American exportation and against the American steamship companies that would ruin us in competing with vessels flying a foreign flag. This, to my mind, is one of the most serious questions involved in this amendment.

Why, sir, taking into consideration the one interest that has complained, where can be the great hardship in the exportation of flour when from 1890 up to 1900 the exportation of flour to the port of London has increased 70 per cent? There is not a man within the sound of my voice who does not know that under such conditions as the gentleman from Minnesota would have us believe exist no such increase could take place at the port of London; for if such conditions existed, the importation would be driven to other ports of Great Britain.

It is a self-evident proposition that where conditions are onerous prosperity can not exist. But they are not onerous. They are for the advantage of the shippers, who are deriving advantages from the London dock charge, from warehousing, and from the assortment of the freight, whereby the cost of assorting freight is reduced to what it was under former conditions. In the old days each consignee had to send his stevedores to the dock and receive the freight by lighters and take it away. Under present conditions it is allowed to remain seventy-two hours, and when it comes to taking it away, either by rail or by barge——

Mr. TAWNEY. Will the gentleman permit a correction right there? The consignee is not allowed seventy-two hours after the goods are assorted, but seventy-two hours from the time the ship is reported.

Mr. ADAMS. How long does it take the ship to come up?

Mr. TAWNEY. From eight to eighteen hours.

Mr. ADAMS. Then I take eight from seventy-two and it leaves sixty-four hours. The gentleman will have to advance some stronger reason for overturning the existing rules of transportation——

Mr. TAWNEY. No——

Mr. ADAMS. I can not yield further.

Mr. TAWNEY. I desire to correct the gentleman.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. ADAMS] decline to yield?

Mr. ADAMS. I decline. I did not interrupt the gentleman when he was speaking.

Mr. Speaker, in conclusion, there is another point to which I will call the attention of my colleagues. Our country is passing through a period of territorial and commercial expansion. With the increase in our manufactures and agricultural products it is essential that we obtain new markets. We are legislating and doing everything in our power toward this end. We are inaugurating reciprocal trade relations. We are enacting laws to enlarge the trade with our insular possessions. We are doing everything in a financial way to facilitate the transactions of our merchants, and it especially behooves us that we pass no legislation that would hamper in any way the facilities of our shippers and exporters, which, after all, would be the greatest factor in the promotion of the increase of the commerce of our country. [Applause.]

Mr. SHERMAN. I yield ten minutes to the gentleman from Texas [Mr. BURLESON]. Will that be sufficient for the gentleman?

Mr. BURLESON. I think so; but it may not be.

Mr. Speaker, prior to 1888 the antiquated methods and customs which had obtained in the port of London for more than three centuries controlled the unloading and landing of all freight. At that time the shipping interests of America in this port had developed to such an extent that the officials or authorities in charge of the port found themselves unable to grapple with the problem of handling this freight.

The volume of commerce and the manner of its transportation from the North Atlantic ports going to London had assumed phases presented by the shipping interests of no other country upon earth. Colossal vessels had been constructed for the purpose of carrying this volume of commerce, which was flowing from the United States to the port of London. So large were these vessels that if old methods of unloading were to continue it would require weeks to unload one cargo. If these antiquated customs with reference to the unloading and handling of freight were to continue it was patent it would be impossible for this volume of trade from the North Atlantic ports to London to continue. At this time the American shipowners——

Mr. TAWNEY. Will the gentleman kindly describe the conditions which existed prior to 1888, so that we may see whether he understands what they were?

Mr. BURLESON. The conditions, as far as the physical facts are concerned, which existed prior to 1888 were substantially what they are now, with the exception of the marked changes which were brought about by the union of American shippers——

Mr. TAWNEY. What were those changes?

Mr. BURLESON. They are changes in the method of handling the freight at the port; its unloading and landing and provision for it are embodied in every bill of lading now given by one who wants to ship through freight to London.

Mr. TAWNEY. Is the gentleman aware that this change simply means that instead of the steamship company paying the dock company for doing the work, the steamship company does identically the same work itself and charges more for it than was charged before?

Mr. BURLESON. I am not aware of that.

Mr. TAWNEY. That is the fact.

Mr. BURLESON. On the contrary, I will show that there is absolutely no complaint, so far as freight charges are concerned, from any person in America attempting to ship goods from the North Atlantic ports to the port of London. On the contrary, the American shipowners took up this matter with the owners of the London docks, and after great persuasion prevailed upon them to enter into certain contracts which have brought about present conditions, one of these conditions being that the so-called "London landing clause" is embodied in every bill of lading given to a shipper in the United States who wants to ship from a North Atlantic port to the port of London.

Mr. RICHARDSON of Alabama. Will the gentleman allow me a question?

Mr. BURLESON. Certainly.

Mr. RICHARDSON of Alabama. Does not the gentleman know it to be a fact that the shipowners, a long time before the London clause was adopted, paid those charges themselves without complaint—paid them by agreement?

Mr. BURLESON. Certainly; and right now the 1s. 9d. does not cover all the cost of unloading, landing, assorting, and sheltering freight preparatory to its delivery; in fact, the hearings disclose it covers only 60 per cent of this cost, and 40 per cent of the same enters into and constitutes part of the freight charges between North Atlantic ports and the port of London.

That is unquestionably true; and I hope to demonstrate, if I can proceed without further interruption, that the sole ground of complaint is to the character of the charge, and not to the charge itself; in fact, an objection to a mere method of bookkeeping; and that if existing conditions are disturbed it will disarrange the traffic arrangements existing between the shipowners in this country and the dock owners at the port of London to such an extent that 70 or 75 per cent of all character of goods and produce going to London will be materially affected; in fact, all freight going from this country to London, with the exception of flour.

As I was stating, these colossal vessels were constructed, and if these antiquated methods with reference to the unloading and landing of the freight were to obtain, it would take from two to three weeks to unload one of them.

[Here the hammer fell.]

Mr. BURLESON. Mr. Speaker, I will ask the gentleman from New York to yield me an additional five minutes.

Mr. SHERMAN. I yield five minutes more to the gentleman.

Mr. BURLESON. The American shipowners, with a view of overcoming this trouble, took the matter up with the owners of the London docks and, as I have stated, matters culminated in the execution of a contract out of which has grown this custom or practice with reference to the London landing clause in American bills of lading. One of the arguments used by the American shipowner as a means of persuasion to the London dockowner to enter into the contracts I have mentioned was the assurance that it would materially increase the freight from the North Atlantic ports to the London port. How well that expectation has been realized.

Since 1888 there has been such a material increase that whereas then there were only ten millions of hundredweight going from

American ports in 1900 from the North Atlantic ports there were seventeen millions of hundredweight going to Great Britain through the port of London. For thirteen years these contracts have been executed, the London landing clause placed in each bill of lading, and no complaint has been heard from any quarter with reference thereto. Now, suddenly it is all wrong. Why? What is the basis of complaint? Is it that by virtue of these contracts embracing the London clause that an excessive freight tariff is levied on flour between the North Atlantic ports and the London port? No.

On the contrary, in the hearings before the Interstate and Foreign Commerce Committee on this bill, the gentleman who was selected by the flour-milling interests of this country to speak for them in advocacy of this measure had the statement repeatedly made in his presence, and he did not attempt to controvert it, that the freight rate on flour, having added to it the 1 shilling and 9 pence provided for in the London clause, between the North Atlantic ports and the London port was lower than from any other port in the world.

When asked the question then why, if they did not want a reduction in the charge, they wanted a change, the only reason that was assigned—and I challenge the gentleman now to give an additional one—as stated by this witness, was that the 1 shilling and 9 pence, as stipulated for by the London clause, was a fixed charge, and that they were perfectly willing to have it added to the freight charge; but they did not want it to remain a fixed and inflexible charge, but wanted it added as part of the freight charge, so as to place it upon a competitive basis.

When the question was put to him direct as to whether or not the objection was not merely as to the form of the charge, a mere matter of method of bookkeeping, the gentleman who was there representing the milling interests failed to satisfy the questioner, the gentleman from New York [Mr. SHERMAN], that that was not the only objection which he had or could make. If they have no objection to the rate, then what is their objection? Do they object because they have not sufficient time to unload and land their freight?

Under these contracts now they are given three times the time, seventy-two hours, instead of twenty-four hours, which they were formerly given. Is it that unnecessary delay is occasioned at the port in the delivery of flour to London consignees? On the contrary, it has been conclusively demonstrated that one of these great ships can be unloaded under the present methods in four times as short a time as formerly obtained, or would obtain if this bill passes and a return was had to the antiquated customs and methods of the old days.

Mr. TAWNEY. Mr. Speaker, I know the gentleman does not wish to misrepresent the facts.

Mr. BURLESON. Certainly not.

Mr. TAWNEY. But the gentleman knows that they have not seventy-two hours after a ship is unloaded to come and get their goods.

Mr. BURLESON. Certainly I do, and I did not so state; I speak of the unloading of the ship.

Mr. TAWNEY. That they had twenty-four hours after the ship was unloaded and the cargo was sorted, prior to the London clause.

Mr. BURLESON. Oh, no.

Mr. TAWNEY. Then why does the gentleman state that they have three times as much time now to get their goods after they are unloaded as before?

Mr. BURLESON. I did not say after they were unloaded. I said they had three times as much time to unload these vessels, and that they could be unloaded in one-third or one-fourth the time that they could be unloaded if old conditions obtained.

Mr. MANN. Let me suggest to the gentleman from Texas not to yield everything the gentleman from Minnesota claims, because a part of what he has stated is inconsistent with the facts.

Mr. BURLESON. I understand the gentleman from Minnesota. I will attempt to make myself more clear. One of these great vessels, under the terms of this contract with the London Dock Company, under present methods, can be unloaded within two or three days and can be reloaded and started back to New York upon schedule time. It would be impossible to do this if the act insisted upon by the gentleman from Minnesota were passed and we were compelled to return to ancient methods.

But, Mr. Speaker, what is the real grievance of the mill men, the flour manufacturers, against the London landing clause? As I have stated—and I want to be perfectly fair to them—they contend that they desire to convert this fixed or inflexible charge of 1s. 9d. into a flexible charge by requiring it to be added to the freight charge, thereby placing it on a competitive basis.

But I fear that is not their only reason for urging this bill. Let us see. Flour constitutes, as I now recollect it, a little less than 30 per cent of the North American imports into the London port. We are all aware that flour is prepared for market in either barrels or sacks, and when exported and it reaches its port of destination it is easily separable from other parts of the vessel's cargo.

Now, in ordinary course of trade, a ship carrying freight charges simply for carrying the freight, and when it reaches port and places its freight on the dock there its responsibility ends, and the dock company assorts and delivers the freight thus unloaded and makes dock charges for same.

Under the operation of the London landing clause the ships assume responsibility for the cargo after placing the same on the docks and do all the work commonly done by the dock company. Now, if this bill is passed, flour, because it is easily separable, might be able to escape the 4 shillings per ton dock charge which would almost surely attach to the other 70 or 75 per cent of American goods and produce which is not so easily separated, but would require days for proper assortment and delivery.

The return to antiquated methods might benefit the flour trade, but we should not legislate in the interest of one class.

Let us see further.

It is an admitted fact that there is great rivalry between the exporters of wheat and the millers who are engaged in exporting flour.

What effect will the passage of this bill have on the respective interests of these rivals, and, indirectly, on another man who is interested and who is asking for no change of existing conditions, in this particular at least—the producer of wheat?

I will give you the answer to this query from the lips of the gentleman who appeared before the Committee on Interstate and Foreign Commerce representing the millers in advocacy of this bill. This gentleman, Mr. Herbert Bradley, of New York, was introduced as one perhaps more familiar with the actual workings of the London docks than anyone else in this country. Hear what he says. Mr. MANN, a member of the committee, interrogated him:

Mr. MANN. Do you think if the commercial clause—

And he meant the London landing clause—

were taken out that that would increase the shipments of flour and decrease the shipments of wheat?

Mr. BRADLEY. Yes, sir.

Mr. RICHARDSON. That is the effect of it?

Mr. BRADLEY. Yes.

The CHAIRMAN. In other words, you would buy wheat cheaper in the United States—the millers would?

Mr. BRADLEY. No, sir; I do not think we would buy wheat cheaper, but we would be put on a better basis.

The CHAIRMAN. How? Please explain that.

Mr. BRADLEY. Because the consignees of the grain or the consignees of the flour figure on the total cost of that commodity laid down in London, we will say. Now, the freight rate averages, I think I am pretty close to it, at least 5 and 6 cents and higher than that a hundred pounds cheaper than flour.

The consequence is that every burden that is put upon the flour is so much of a greater burden. We have got to compete with the world. It is not like any other market. For instance, you take the Australian flour. It is true there is a comparatively small quantity of Australian flour coming into London, but the price of Australian flour makes the price of our flour.

This explanation, I contend, does not explain. The fact remains that Mr. Bradley says if we pass this bill there will be less wheat exported. If so, there will be more wheat on the American market. It is a fundamental principle of economics which governs in a case like this. Unquestionably, if less wheat was exported and more wheat was thrown on the American market it would be to the millers' advantage and to the detriment of the American farmer who produces the wheat.

For these reasons, Mr. Speaker, I oppose this bill. In the interest of the shippers of 70 or 75 per cent of the goods and produce going into the London port, who will surely be saddled with the 4 shillings per ton in dock charges on a large part of each shipment if this bill passes, and in the interest of the producers of wheat, whose opportunity to export same will surely be measurably endangered, I resist its passage.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHERMAN. I should like to suggest to the gentleman from Minnesota [Mr. TAWNEY] that he occupy some of his time now.

Mr. TAWNEY. How much time has the gentleman from New York occupied?

Mr. SHERMAN. Forty-five minutes.

The SPEAKER pro tempore. The gentleman from New York has one hour and thirty-two minutes remaining.

Mr. TAWNEY. I have consumed an hour.

Mr. SHERMAN. Four gentlemen in succession have already spoken on this side, and I should prefer that somebody on the other side should speak now.

Mr. TAWNEY. There are very few on this side who wish to speak. There are two members of the committee who wish to speak on the affirmative side.

Mr. SHERMAN. Will not one of them speak now? Then we will balance it up after that.

Mr. TAWNEY. I think the negative side should occupy as much time as we have before we occupy any more time.

Mr. SHERMAN. Very well. I will yield, then, ten minutes to the gentleman from Texas [Mr. BURGESS].

Mr. BURGESS. Mr. Speaker, I will ask the Clerk to read a letter which I send to the desk, and after it is read I wish to comment upon it.

The SPEAKER pro tempore. The gentleman from Texas presents a letter in his time, which will be read by the Clerk.

The Clerk read as follows:

GALVESTON DEEP-WATER COMMITTEE,
CORNER STRAND AND TWENTY-SECOND STREETS,
Galveston, Tex., December 3, 1902.

Hon. GEORGE F. BURGESS, M. C.,
House of Representatives, Washington.

DEAR SIR: As the representatives of the commercial organizations of the city of Galveston we beg to call your attention to House bill No. 9059, which seeks to amend the Harter Act, and to ask that you use your influence to secure its defeat. We submit the following as some of the reasons why this bill should not become a law:

First. No nation, particularly one striving for commercial supremacy, should restrict its merchants and ship agents in their right to contract against onerous duties imposed in a foreign port.

Second. The bill, which it is claimed will apply only to the port of London and is aimed only at ship owners, is so sweeping in its scope that it will affect American exports in a great number of ports.

Third. The American merchant should not thus be handicapped while his commercial rivals in other nations are unrestricted in their right of contract.

Fourth. Hardly any two ports are alike in their surroundings or are governed by similar laws and customs; for these reasons the shippers and the shipowners from time immemorial, under the right of contract, have limited their ability to delivery at the end of the ship's tackle.

Fifth. All legislation tending to subject shippers or shipowners to foreign port charges will inevitably result in higher freight rates upon exports, and these increased charges must primarily be borne by the American shipper.

Sixth. The exports through this port being largely of agricultural products, the increased ocean freight rates caused by such a law would ultimately have to be borne by the American producer.

Seventh. The effect of this bill, should it become a law, would be to shift the burden of onerous laws and customs from consignees in foreign ports to the American shipper, notwithstanding the fact that the consignees in such ports understand much better the local situation and are in a better position to protect themselves than their consignors.

These are only some of the disadvantages that our experience as shippers convince us will arise from the enactment of such a law.

Very respectfully,

R. WAVERLEY SMITH,
Chairman Galveston Deep-Water Committee and President Chamber of Commerce.
I. H. KEMPNER,
Vice-President Galveston Cotton Exchange and Board of Trade.
B. ADOUE,
President Galveston Maritime Association.

Mr. BURGESS. Mr. Speaker, this letter comes from a high commercial source in my section. It is written by men of character and ability, who have no interest at stake other than the furtherance of a great commerce from a great port, and that being the case the letter is entitled to weight.

Among the reasons thus briefly given in the letter one strikes me with peculiar force. This tinkering by legislation with the right of private contract is always dangerous and can not be defended except upon the ground that the limitation sought to be placed upon the unlimited right of contract seeks to prevent a stipulation which is oppressive and unconscionable. Safe and wise statesmanship would go no further. The Harter Act prevents a stipulation which would limit the liability of a steamship company against its own negligence, but this bill provides that it shall be prohibited from contracting with its shipper as to the method alone by which freight shall be handled in foreign ports, for there is no contention here that these charges are oppressive, that they are unjust, that they ought not to be paid, that they are injurious to commerce. The contrary has been judicially ascertained to be true.

This very question, three years after the process was established, was taken in the English courts and this clause tested, and the courts decided that it was a contract in furtherance of the shipping interests involved, that it worked to the advantage of both, that it was not unreasonable, that it was not oppressive, that it was not injurious to the shipper or to those involved, but almost necessary, the court says, to the expeditious transaction of the commerce of the port of London.

Now, I would be the last one, if I knew it, to fail to vote for a bill that would add to the interests of the country to which I belong; but before I go to tinkering with the rights of steamship lines, railroads, or individuals, I wish to see that I will benefit the commerce of the country I serve. The argument that it is a steamship company or a railroad company or a corporation has no weight with a well-balanced judicial mind. It cuts no ice with any man who wishes to do what is fair and right and best for his country. We ought not to refer either to the flour interest or the shipping interest or any other particular interest here on a great proposition of this kind.

The question is, What good will be done to commerce and shipping by the passage of this bill? After a careful investigation of all the arguments that have been written in its favor, and of the report which has been written in its favor, I fail to see anything whatever beyond the bare contention that if you blend the necessary existing charges, built up by fourteen years of successful operation, into the ocean freights, possibly competition will lessen these charges. That is impossible, for the reason that these charges are fixed in a foreign port by conditions over which no steamship line can possibly have any control, and it is a mere question of changing existing business conditions, prosperous and healthy, in a wild effort to benefit some particular class of shippers by fixing a limitation upon the right of private contract.

The English courts have determined that this is unwise, that it is unreasonable and injurious. Doubtless the American courts would determine the same. Then why shall the American Congress by legislative enactment infringe the right of private contract when the courts say and the facts show nobody is injured by it? Shall we legislate so as to possibly promote competition that may benefit a particular class? If we commit ourselves to that policy, where shall we stop in legislation of this character?

Mr. STEWART of New Jersey. Will the gentleman yield for a moment?

Mr. BURGESS. Yes.

Mr. STEWART of New Jersey. Is it not an outrage and violence upon private contract to impose this London clause in the contracts against the consent of the North Atlantic shippers?

Mr. BURGESS. Do you contend that your shippers will not have this to pay if this bill passes?

Mr. STEWART of New Jersey. That is not an answer to my question.

Mr. BURGESS. I think it is.

Mr. STEWART of New Jersey. My question is whether it is in violation of private contract to impose this obnoxious London dock clause on the North Atlantic shipper?

Mr. BURGESS. We have got no contract until one is made, have we?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TAWNEY. I yield thirty minutes to the gentleman from Alabama [Mr. RICHARDSON], a member of the committee.

Mr. RICHARDSON of Alabama. Mr. Speaker, I have listened with attention to the remarks made by a number of gentlemen who oppose the passage of this bill, and the result of their contention seems to me to be this—that the will of the shipowners should be substituted for the law that governs the foreign port in the country where these ship companies were incorporated and whose flag they carry. That seems to me to be the contention. My purpose and my object, Mr. Speaker, so far as I can do so in the limited time allowed to me, is to present what I believe to be the law in this case and what the effect of this London landing clause is as opposed to the law. When that is done and submitted fairly to the honest judgment and opinion of this House, then I have no further interest in the subject, for it is solely my idea of justice and right that influences me in this important matter.

The bill under consideration and reported favorably by a majority of the Committee on Interstate and Foreign Commerce proposes to amend the first section of an act known as the "Harter Act," passed by Congress in 1893. The first section of the Harter Act, among other things, provides that it shall be unlawful for any shipowner, agent, or master to insert into any bill of lading any clause, covenant, or agreement which exempts the shipowner from damages for negligence, and the absence of which clause in the bill of lading would make the shipowner liable for the damages under the provisions of the common law. This bill proposes to amend said first section of the Harter Act by enlarging the same by making it unlawful for any shipowner, manager, or agent to insert in any bill of lading or other shipping document any clause, covenant, or agreement whereby there is imposed on the merchandise or consignees the payment of dock, landing, or sorting charges, or charges of any kind for the discharge or delivery of the cargo of the ship, the payment of which is imposed on the shipowner, his agent, or master, or any person other than the consignees, by the laws or statutes or customs of the foreign country or countries to which such merchandise shall be transported.

In other words, this bill proposes to prevent the shipowner from so using a bill of lading as to transfer from his shoulders the burdens of certain landing charges—outside of and in addition to freight charges—to the consignees of his ship's cargo, which charges the laws of certain foreign ports require the shipowner himself to pay. This bill has, in fact, Mr. Speaker, a specific, well-defined application. And while it reads upon its face as applicable to all foreign ports, yet in truth it is intended to correct a trouble and mitigate an evil that alone exists at the port of London, England, in connection with North Atlantic ship lines.

Now, Mr. Speaker, in order to make myself plain and understood, it becomes my duty to refer briefly to the history which creates the necessity and the reason for which this bill is presented, and the object it has in view and the evil it proposes to remedy. Hundreds of years ago the King of England, under his

royal license, granted to certain bargemen and lightermen certain immunities, privileges, and exemptions from the payment of certain charges and costs, by reason of services that these lightermen and bargemen rendered the King on the waters of the Thames. That exemption of costs and payment of charges was that these lightermen and these bargemen should enjoy the right in the waters of the Thames to carry their lighters and their barges along the side of the ships and have an overside or over-rail discharge of their cargoes of the ships into these barges and lighters without the payment of other costs or charges save the freight bill.

The first dock company of London was incorporated nearly two hundred years ago by the Parliament of Great Britain. These bargemen and lightermen, in view of the privileges that had been extended to them by the King of England, had sufficient power and influence in the Parliament of Great Britain to insert in the charter of the first dock company ever incorporated the same privileges and the same exemptions that they had enjoyed from the license of the King of England from time immemorial.

Mr. GILBERT. What was the difference between the charges of the dock companies and the lightermen?

Mr. RICHARDSON of Alabama. There was no dock company at the time that the King first granted this license. The dock companies were incorporated many years after these bargemen had enjoyed the license of the King. In order to make myself intelligent, I will read what this privilege was. I read from the act of Parliament the provision which was inserted in the first dock charter, and which required the dock waters to be as free as had been the waters of the Thames:

186. All lighters and craft entering into the docks, basins, locks, or cuts to discharge or receive ballast or goods to or from on board of any ship or vessel lying therein shall be exempt from the payment of any rates so long as the craft or lighter is bona fide engaged in so discharging the ballast or goods, and also all the ballast or goods so discharged or received shall be exempt from any payment whatever.

This simply perpetuated the custom granted by the King to bargemen and lightermen.

That was inserted in the first dock company's charter. That is the law to-day, and no man denies it.

Now, in view of the fact that there had been a wonderful improvement and development in the transportation facilities of the seas, in the matter of commerce and the enlargement of the shipping facilities, the use of large steamships, etc., these shipowners, looking only to their own interests, in view of the fact that it was a great trouble and inconvenience to have the sorting of the cargo—as they were required under the old custom to do—on the decks of the ship; in view of the fact, looking to their own interests, that it caused delay when these barges and these lighters came alongside of the vessel and had an overside delivery; desiring to expedite the delivery of their cargoes in order that they would save time and money to themselves in returning for another load; looking to these facts, the shipowners themselves adopted a plan, a policy of unloading their cargoes upon the quays of the docks, and doing that for their own convenience. It was done by an agreement between the shipowner and the master of the dock. The shipowner bought so much space on the docks on which to discharge and deliver the cargo to the consignees. There the goods were parceled out or sorted, and he employed dock men to sort the goods, setting each consignee's parcel off to itself. The shipowner paid out of his own pocket all of these charges just as if he had delivered his cargo overside his vessel into the barges and lighters under the freedom granted by the King of England. For their own pecuniary advancement and interest they did all of this. The London clause, as stated in the minority report, was the immediate result of this concurrence of delivery and discharge on the quays of the dock between the shipowner and the dock company. That is not the fact. Mr. Choate in his report comments on it properly. He says:

We accordingly find that until the introduction of the London clause into the bills of lading of the North Atlantic lines running to London, in April, 1888, and since then in all other trade, all such expenses in that port have been paid by the shipowner. It comes out of the freight, as all expense of discharge and delivery has always done.

For a considerable period prior to the introduction into the bills of lading of the London clause, the steamship companies discharging cargo on the dock quays (including the North Atlantic lines) had been paying the dock companies for flour at the rate of 10d. (20 cents) per ton, which they bore themselves without any attempt, so far as I have been able to learn, to put the whole or any part of it upon the owners of cargo.

The shipowners adopted that policy. What does Mr. Choate say in connection with that in connection with section 4 of the shipping act of the Parliament of Great Britain, 1899, which I will read?

Mr. SMITH of Kentucky. I would like to ask the gentleman a question. I want to understand that point.

Mr. RICHARDSON of Alabama. It is one of the strong points in this case, I think.

Mr. SMITH of Kentucky. I understand the large ships had been in the habit of unloading their cargoes onto lighters and barges?

Mr. RICHARDSON of Alabama. Yes.

Mr. SMITH of Kentucky. After the organization of the dock companies they stopped doing that and unloaded onto the dock, and then they paid these charges themselves?

Mr. RICHARDSON of Alabama. They did; they paid them until the charge reached 20 cents per ton on flour. The bargemen and lightermen, still active and acute and farseeing as to their interest, got this clause further enacted by the Parliament of Great Britain, known as section 4 of the shipping act of Great Britain. It reads as follows:

Extract from merchant shipping act, 1894, chapter 60, 57 and 58 Victoria, section 493.

(4) If any goods are, for the purpose of convenience in assorting the same, landed at the wharf where the ship is discharged, and the owner of the goods at the time of that landing has made entry and is ready and offers to take deilvery thereof, and to convey the same to some other wharf or warehouse, the goods shall be assorted at landing, and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment, and the expense of and consequent upon that landing and assortment shall be borne by the shipowner.

Then it was that these discharges were made on the quays and docks for a long time in advance of the London clause to promote the interests of the shipowners themselves.

Mr. GILBERT. Since the enactment of that statute what are the facts? Do the ships go up and unload themselves onto the dock, and are the services of the lighters and barges dispensed with?

Mr. RICHARDSON of Alabama. The services of the lighters and barges are dispensed with. It is a substitute for the custom of over delivery into barges, and a substitute that the shipowners resorted to in order to benefit their own interests in matter of convenience and saving time.

Mr. GILBERT. And the cargoes are unloaded on the dock?

Mr. RICHARDSON of Alabama. They are unloaded on the dock. What does Mr. Choate say about that, Mr. Speaker? He made a judicial investigation; an investigation requested by our State Department. He made it as our ambassador to England. He says:

While such was the custom of the port, if for his own convenience the shipowner discharged the cargo, or any part of it, on the dock quay, the dock owners had a right to levy a charge upon it, and this charge, so far as I can learn, in the absence of any agreement to the contrary with the owner of cargo, has uniformly been paid by the shipowner, who, for his own convenience, preferred to discharge it there instead of over side.

Then, the law as it stands now regulating the discharge of cargoes from ships at the port of London is: First, the consignee has the right to demand an over-side or over-rail delivery of his goods into the barges or lighters that come along the side of the vessel, and this he is entitled to without the payment of any costs or charges for delivery. He pays the freight bill. Second, if the shipowner discharges the cargo on the quays of the docks, then the consignee has the right, within twenty-four hours after his goods have been sorted on the dock, to demand his goods, paying no costs or charges save the freight bill. No gentleman on this floor will deny this to be the law of Great Britain.

Then the question is, What did the shipowners do to get rid of these two frowning and easily understood statutes that caused them to pay landing charges? They put their heads together and they devised—they concocted the most unjust, inequitable, and unfair clause that I have ever known to be put into any bill of lading, an outrageous imposition on the industries of our country—what is known as the "London landing clause." That simply does this; it pretends to be a contract which I want to discuss for a little while. I will first read the London clause:

London clause (A).—The steamer owners shall, at their option, be entitled to land the goods within mentioned on the quays or to discharge them into craft hired by them immediately on arrival and at consignee's risk and expense, the steamer owners being entitled to collect the same charges on goods entered for landing at the docks as on goods entered for delivery to lighters. Consignees desirous of conveying their goods elsewhere shall, on making application to the steamer's agents or to the dock company within seventy-two hours after the steamer shall have been reported, be entitled to delivery into consignee's lighters at the following rates, to be paid, with the freight, to the steamer's agents against release, or to the dock company, if so directed by the steamer's agents, viz:

Following wooden goods in packages: Clothes pegs, spade handles, blind rollers, hubs, spokes, wheels, and oars, 1s. 3d. per ton measurement; hops, 2s. 9d. per ton weight; lumber and logs, 2s. per ton measurement, 2s. 6d. per ton weight, at steamer's option; all other general cargo, except slates, 1s. 9d. per ton, weight or measurement, at steamer's option; minimum charge 1 ton. Slates to pay 2s. per ton weight. Cheese may also be removed by consignee's vans within one week after steamer shall have reported, subject to a like payment of 3s. 3d. per ton weight, such sum to include loading up and wharfage. Any single article weighing over 1 ton to be subject to extra expenses for handling, if incurred. All measurement freight to be on the intake caliper measurement, as stated in margin. Freights by weight (grain excepted) to be paid upon the weight stated in margin, or, at steamer's option, upon landing weight. If weight has been understated, the cost of weighing to be a charge upon the goods. All shipments of lumber and logs which are sent forward on a weight rate will pay freight on the railroad weights furnished at port of shipment. No alteration will be permitted in any weight or freights included in this bill of lading except at steamer's option.

The sole object and aim of the shipowner, as shown in this clause, is to evade the laws of Great Britain in a pretended contract and free themselves from the payment of any costs or

charges of landing and put the payment upon the consignee, whom the law of Great Britain exempts from paying it.

Mr. WM. ALDEN SMITH. May I ask the gentleman a question?

Mr. RICHARDSON of Alabama. Certainly.

Mr. WM. ALDEN SMITH. Is it the gentleman's opinion that this charge is valid upon the consignee or consignor?

Mr. RICHARDSON of Alabama. It is my opinion that the London clause, framed in the way it is, is invalid in every respect as a contract.

Mr. WM. ALDEN SMITH. I agree with the gentleman and favor the bill. But who pays it, the consignee or the consignor?

Mr. RICHARDSON of Alabama. Why, the consignee pays it, and if the consignee pays it on the other side of the water, as a matter of course the shipper or the consignor over here suffers accordingly; because if I buy a barrel of flour over there, knowing the London clause, I will make the shipper here pay for the additional charge under the London clause by including it in the amount I pay.

Now, it is a clear proposition that the shipowners got together and formed and concocted this London clause simply to relieve themselves and make the shipper or importer pay these charges.

Many efforts have been made in the courts of England and in the Parliament of England to annul or amend the statutes that I have read and which the London clause, as framed by the North Atlantic ship lines, virtually annuls on the theory that the shipper agrees to the bill of lading, and the same is a contract; but all these efforts on the other side of the waters have signally failed. It is true that a stated case was tried in London before Justices Day and Wilson in the Queen's Bench Division, but the decision of these eminent judges merely decided that the shippers of this country had contracted the consignors out of the rights that the laws of England gave them. That is the evil that this bill proposes to correct. Mr. Choate in his report comments quite caustically on the report or decision of the Queen's Bench Court. He says:

The shipowners rely very strongly on this judgment and on the opinion as establishing their side of the case, but it will be noticed that the only point decided was that the plaintiffs were bound by their contract, and that they had contracted themselves out of the right they claimed, and that beyond that the opinion is largely obiter. There was no evidence whatever, so far as I can see, of the moderateness or reasonableness of the charge, which is the most important point. The report of the case is among the accompanying papers.

Although it is stated by the special case and by the judge that the introduction of the London clause was in pursuance of an arrangement made at a meeting of shipowners and merchants held in London in December, 1887, this is stoutly denied by the merchants here, who insist that the only meeting ever held on the subject was a meeting of shipowners and consignees, not of cargoes, but of ships, who were, of course, only the agents of the shipowners.

And the question now is on the subject of the contract. In this connection I wish to refer to the principle of law bearing upon the question—the law as taught by Chitty on Contracts—that there must be a mutuality or concurrence of wills in order to make a valid contract. Does any gentleman contend on this floor for a moment that where the arbitrary power exists on the part of one of the contracting parties to raise the London charges as they have done since 1888, from 1s. 2d. to 1s. 6d., and next to 1s. 9d., making 42 cents, without ever consulting the other party to the contract—do you call that a valid and a binding contract? That is what they are contending here for, and that is all.

Why, Mr. Speaker, I will not be so unkind as to refer to it here as being in the nature of a "hold-up" on a public highway. But what refuge have these shippers? Why, sir, Mr. Hemphill, the attorney for the ship interests, in his statement before the committee, said:

Of course, if they are in business and want to ship to London they have to ship by our boats or hire boats of their own, or do something else of that kind; but there is no law that compels them to do this business that I know of.

Is that a contract born of mutual consent? The rule is different in a case like this and a contract between my friend across the aisle and myself. I ask gentlemen to listen to the language of Judge Bradley of the Supreme Court of the United States. I read from the case of the New York Central Railroad Company *v.* Lockwood, 17 Wallace:

The carrier and his customer do not stand on a footing of equality. The latter is only one individual of a million. He can not afford to higgle or stand out and seek redress in the courts. His business will not admit such a course. He prefers, rather, to accept any bill of lading or sign any paper the carrier presents; often, indeed, without knowledge what the one or the other contains. In most cases he has no alternative but to do this, or abandon his business.

That is the case with these shippers.

If the customer had any real freedom of choice, if he had a reason and practicable alternative, and if the employment of the carrier were not a public one, charging him with the duty of accommodating the public in the line of his employment, then if the customer assumes the risk of negligence it could with more reason be said to be his private affair and no concern of the public. But the condition of things is entirely different, and especially so under the modified arrangements which the carrying trade has assumed. The business is mostly concentrated in a few powerful corporations whose position in the body politic enables them to control it.

I ask, Mr. Speaker, whether that is not the condition of these North Atlantic lines running to London? They have formed this combination. No matter whether there is one interest or whether there are more represented before this House, that makes no difference. No matter whether it be a fact, as gentlemen have said here, but which I do not concede, that nobody appears here except the lumbermen and flour men. It is a principle we are contending for. A man admits his case away when he says that he contends that the bill ought to be defeated because there is nobody here but the millers and the lumbermen contending for it.

Now, Mr. Speaker, in the time left to me I shall direct my attention further in this matter to my specific objections to this London landing clause. First, this London clause is in the nature of a duty imposed upon American products, not by the British Government, but by a corporation for its own benefit. Second, it is an arbitrary charge made by reason of a combination.

A MEMBER. A combination of corporations.

Mr. RICHARDSON of Alabama. Yes. I put that question to any gentleman on either side of the House to answer it. Is not this in the nature of a duty imposed exclusively upon American products, not by the British Government, but by a corporation or combination of corporations, whose steamships run from the North Atlantic ports to the port of London?

Mr. ADAMS. Will the gentleman permit me——

Mr. RICHARDSON of Alabama. I have but a few minutes.

Mr. ADAMS. The gentleman asked a question, and I should like to answer it.

Mr. RICHARDSON of Alabama. Very well.

Mr. ADAMS. I wish to state that this sort of an agreement is not limited to the steamships running from the North Atlantic ports. The Peninsular and Oriental Steamship Company, as I happen to know, has the same clause in its bills of lading, as has every other steamship company whose steamers run to England.

Mr. RICHARDSON of Alabama. There is no port in the world, so far as I have found, that has the conditions gathered around it to-day that the trade from the North Atlantic seaports to London has. There are no other ports in the world save the port of London that this bill directly applies to in actual effect.

But why do I say that this charge is in the nature of a duty? Mr. Choate plainly says in his report that there can be no question that there is a discrimination against flour, and that it amounts to 3½ cents a barrel. Why should that be? The gentleman from Massachusetts [Mr. LAWRENCE] asked the question of the gentleman from Georgia. Could he give any explanation of why it is? Three and one-half cents a barrel on flour going from our North Atlantic ports that does not attach to flour from France or Australia—a charge on this one industry which, since 1888, has amounted to $1,500,000, which these shipowners have taken from the pockets of the flour men of this country by transferring this charge from their own shoulders to these flour interests. Yet gentlemen stand on this floor and say, "Oh, there is nobody complaining except the flour interest."

About this Mr. Ambassador Choate says:

There is undoubtedly a discrimination as against flour from the United States and Canada in favor of flour coming to London from all other parts of the world. Flour is brought to London from many other parts of the world and is landed and delivered from large steamers in much the same way, and whatever cost attaches to this mode of delivery is paid by the shipowners out of the freight, no such clause as the "London clause" having been adopted.

Then why, I ask, should the Congress be expected to perpetuate this wrong? No man can say that this is right, that it is just and fair. No valid reason is given for it. Some contend that the lumbermen and flour men do not know what their interests are. That the shipowners are the real guardians of the interests of the flour and lumber men. But the fact is this London clause applies to all merchandise shipped from North Atlantic ports to London and not exclusively to flour and lumber.

Mr. Choate says that there can be no question that there is a discrimination against flour. Why, it is a known fact that there is a close competition in the shipment of wheat from this country to foreign countries, especially to France, and yet under this London clause as it is enforced now, the French miller can come to this country, buy his wheat, carry it to France, have it ground up into flour, and bring it to the port of London and be exempt entirely from the payment of 3½ cents per barrel, and then it competes with American flour.

Mr. GILBERT. I would ask if the gentleman has time to explain why the discrimination is made against this country especially? I understand the gentleman to say that that rate does not apply to flour brought in from France, from Australia, or from any other foreign port; that is applied exclusively to flour brought in from this country.

Mr. RICHARDSON of Alabama. From North American Atlantic ports.

Mr. GILBERT. Why is that?

Mr. RICHARDSON of Alabama. Simply because these shipowners have formed a combination and it is to their interest to make the shippers pay that.

My third objection to this clause is because the American shipper is morally coerced to accept the contract containing the London clause or give up his business and his export trade with London.

Mr. GAINES of Tennessee. Have they bought a quay to land this freight?

Mr. RICHARDSON of Alabama. Yes. That is all there is in it, and when we fail to pass this bill as it is to-day, in my humble judgment, with the law facing us as it does, we will make a great mistake. These shipowners, according to the ipse dixit of their own sweet will, come here and flood the House with communications and literature asking you not to allow this bill to become a law. Why is that? It is because they say, and those who support the minority report say, it is a reasonable charge. Mr. Speaker, who is the most suitable man in a contract to determine whether the charge is reasonable or not? Is there simply one side to a contract, as in this? That is all there is in this case.

Why, my friend from Minnesota [Mr. TAWNEY] could have gone one step farther in illustrating the differences between the charges at the port of London and at the port of Liverpool. Let us see just for one moment. We have immense ships now which will carry from twelve to fourteen thousand tons. Take one of 14,000 tons sailing from a North Atlantic port to the port of London. Because of the charges there the shipowner makes $19,180 more than he makes in carrying the same load to the port at Liverpool. Why is that? Let those gentlemen answer. That shipowner makes $19,180 on a ship of the same tonnage more than he does if he carries the same cargo to the port of Liverpool. He makes $16,220 more than by carrying it to the port of Glasgow.

Mr. SMITH of Kentucky. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. RICHARDSON of Alabama. Certainly.

Mr. SMITH of Kentucky. I would like to know why they do not exact this same clause in their contract of shipments to ports other than the London port. They, according to the contention of the gentleman from Alabama, seem to be making money out of this business.

Mr. RICHARDSON of Alabama. Why, the London port is the greatest consumer of the goods of America.

Mr. SMITH of Kentucky. If they can make so much money by having this clause in their contract to the port of London, why not have it in the contract of shipments to other ports?

Mr. RICHARDSON of Alabama. They have better opportunities to make money by their combination and control the flour and lumber trade of the North Atlantic ports with port of London.

Mr. SMITH of Kentucky. Why do they not exact the same stipulation in their contracts for shipments to Liverpool and other places.

Mr. RICHARDSON of Alabama. I do not know. I can not tell. I am talking about the facts of this case. I am not speculating upon what might be done otherwise. This is what they have done. This is what we see they have done.

Mr. MANN. Does the gentleman claim they make $16,000 more on shipments to London——

Mr. RICHARDSON of Alabama. Yes; I do, according to the estimates and figures that we have made, and that is a fact.

Mr. MANN. On a ship which carries 14,000 tons?

Mr. RICHARDSON of Alabama. Yes.

Mr. MANN. On freight that they make an extra charge of 42 cents a ton for, and that that makes $16,000?

Mr. RICHARDSON of Alabama. There are, of course, other things connected with it, but those are the statistics. That I have no time to explain. There is no question about that.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RICHARDSON of Alabama. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. SHERMAN. Mr. Speaker, to save time, I ask that all speakers on this measure have leave for five days to extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that all persons speaking on this measure have leave for five days to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. SHERMAN. I yield to the gentleman from Illinois [Mr. MANN] thirty minutes.

Mr. MANN. Mr. Speaker, this bill is known among us as the London dock bill. Its friends claim that it will affect no other port in the world except London. The terms of the bill are much broader than that and might, in fact, prohibit some of the clauses now inserted in every foreign bill of lading, no matter to what port the consignment is made. Practically all of the vessels which carry freight from this country and Canada to London, and certainly all of the great steamship lines, now insert in their bills of lading what is entitled the London clause. That clause provides, in effect, that the shipowner may disregard in the port of London the old custom of transferring the goods from the vessel direct to a barge or lighter alongside, and may land the freight at once upon the dock, assort it there, and then deliver it, after assorted, from the dock to the barge, and that for this service the consignee of the goods shall pay a certain fixed charge, which, for most articles of freight, is 1s. 9d. per ton.

The design of the pending bill, as explained by its advocates, is to prohibit the insertion in bills of lading of this so-called London clause. A full understanding of the merits of the bill requires a full understanding of the customs of the port of London, of the charter of the London Dock Company, of the laws of Great Britain in regard to the port of London and in regard to the general subject of shipping, and also of the actual practice in regard to the shipment of freight to London, the carrying of the freight there, and the unloading and delivery of it when it arrives there.

Mr. Speaker, I come to the discussion of this subject with a good deal of hesitation and with a knowledge of the meagerness of my information in regard to it.

I have always found that where a custom has grown up in commercial business there was some reason for it. When this bill was presented before the Committee on Interstate and Foreign Commerce, it was with the claim, made by the very genial and able gentleman from Minneapolis [Mr. FLETCHER], whom we all greatly admire, and the brilliant and indefatigable gentleman from Minnesota [Mr. TAWNEY], whom we often like to follow, that all of the merit and favorable arguments were upon one side. It occurred to me at that time that possibly the London landing clause was not agreed upon by all the trans-Atlantic steamship lines unless there was some good apparent reason for it. This seemed especially likely because transportation across the Atlantic is not like transportation between two railroad points. Anybody has the permission and opportunity to construct and operate a steamship. There can be no natural monopoly in transportation on the sea. The flour millers in Minnesota are not prevented from constructing their own steamships and carrying flour to London. It requires no special grant of charter or franchise from the city or legislature to run a steamship line. Anybody has the power. Aye, more—there are plenty of tramp steamers at all times carrying freight across the Atlantic Ocean. The Minneapolis millers who come before Congress with this complaint made an effort to engage tramp steamers to carry their flour across the Atlantic, but they discovered that it would cost them far more in freight without the London clause than it does now with the London clause.

Mr. TAWNEY. Will the gentleman permit me an interruption right there?

Mr. MANN. I will if it is brief.

Mr. TAWNEY. The men who employed tramp steamers gave it up, not because of the increase of freight, but because the tramp steamers were not regular in their shipments to that market, and they want regular shipments in order to accommodate their business.

Mr. MANN. Ah, Mr. Speaker, the shipments would be regular if they could get the business. There would be no trouble about the regularity of tramp steamers, for they would readily unite in forming a new company at once if they could get the business.

Mr. TAWNEY. They would not be tramp steamers if they formed a line.

Mr. MANN. The gentleman is mistaken as to the reason for not shipping by tramp steamers. His own witness stated in our hearings that the reason they did not employ tramp steamers was because when they endeavored to do so they found that the freight by the tramp steamers would be about 50 per cent higher than by the regular liners.

Mr. RICHARDSON of Alabama. Will the gentleman permit me to ask him a question right there?

Mr. MANN. I yield to the gentleman.

Mr. RICHARDSON of Alabama. Is it not a fact that that witness further stated that the reason these tramp steamers could not succeed was because there was a combination made between the North Atlantic liners and the dock managers in London that prohibited the tramp steamers from getting a fair show?

Mr. MANN. My friend from Alabama is mistaken. The witness did not so state. I think I speak with a thorough knowledge of the testimony in the case.

Mr. RICHARDSON of Alabama. I think I do, too.

Mr. MANN. I have merely answered the question the gentleman asked me.

Now, Mr. Speaker, I will endeavor in a few words to show the House why the London clause was inserted and why the abolition of the London clause would be the abolition of a discrimination in favor of American ports. The gentleman from Minnesota and the gentleman from Alabama have stated that the London landing clause is a discrimination against North Atlantic ports. On the contrary, Mr. Speaker, I am prepared to assert that it is a discrimination in favor of the North Atlantic ports.

Now, what are the facts? There are four great ports in Great Britain to which the freight from this country is consigned—Glasgow, Liverpool, Southampton, and London. London is the greatest city of consumption of goods, but up to within a few years little of the freight business went directly to the port of London. Freight for London was consigned to Liverpool or Southampton. Liverpool is on the side next to us, and is the nearest; Southampton is on the south coast of England, and London is on the easterly side. London is a little farther away than the other two ports. The railway charges from Liverpool and Southampton to London are quite high, and the freight going from this country to London by way of these other ports was paying a higher rate of freight than was justified by the situation. Not much of it was going directly to the port of London. Why was this?

Mr. Speaker, freight that goes to the port of London by vessel can not pass up the Thames River to the city warehouses without being unloaded from the vessel onto barges or lighters. The river has not depth sufficient to enable large ships to pass up to the city warehouses.

The expense of lightering all the freight is naturally very heavy under any circumstonces, but the expense at London was, and still is, much enhanced by the customs and special laws and charters applicable to that port which confer certain monopolies. For instance, the London and India Dock Company is a monopoly. It has exclusive control of all docks on the river Thames which foreign vessels can reach.

Mr. GILBERT. Do you mean it has control of the barges?

Mr. MANN. No; not the barges. It has control of all the docks. That company was chartered something over a century ago. Before the building of the docks the universal delivery of frieght was to deliver it overside midstream onto barges. The lighters or barges were controlled by the Watermen's Company. There was inserted in the dock company's charter a provision that the barges should be permitted not only to take freight overside from vessels midstream, but they should also be permitted to enter the docks for the same purpose without charge. It should be remembered that the tide has a rise and fall of about 15 feet on the Thames River and the vessels which go up the river go into the docks at high tide and are locked in.

The custom of the port of London is that a consignee of freight, desiring to obtain the same, can send a barge down the river to meet the incoming vessel within twenty-four hours after it is first reported, and that such barge is entitled to receive the goods from the vessel without paying any charges to the dock company. These barges have no power of propulsion. They go neither by steam nor wind. They float up and down the river on the current caused by the tide. If the barge reaches the vessel in time, it is entitled to be locked in the large dock with the vessel and is entitled to make use of the dock and receive the freight without paying any expense therefor. If the incoming vessel lies in midstream and discharges its cargo onto barges, there is, of course, no possible expense to be paid to the dock company.

If the vessel, however, enters the dock and discharges its cargo overside onto barges, the expense to the vessel is 1 shilling per ton for the rated tonnage of the vessel, which is the charge for entering the docks. If the vessel discharges its cargo onto the quay or wharf of the dock, the shipowner must pay to the dock company various additional charges for landing the goods, etc.; but the consignee, if his barge has come alongside the ship within twenty-four hours of her report, is entitled to have the goods delivered to his barge free of charge against him, dock or landing charges. If, however, the consignee has failed to have the barge alongside within twenty-four hours, then the shipowner, under the charter of the dock company, is entitled to land all of the goods on the quay, and the dock company becomes immediately entitled to assess a charge against the goods, if it so wishes, of 4 shillings per ton, though there are various rates for various articles and services.

This was the system which was in force in London until within a very recent period. A vessel going from this country to the port of London entered one of the docks, say Tillbury dock, 14 miles below London. The vessel had been reported, of course, some hours before it reached the dock. The consignee, by watching the list of reported vessels, could know that the vessel which had his goods would soon be at the dock. By making arrangements with the owner of a barge at or near the dock he could have the barge report alongside the vessel within twenty-four hours of her report, and he himself could make entry of his goods at the custom-house and obtain permission to take possession of them and give notice to the shipowner or the dock company that he desired to obtain the goods. The notice and the entry would have to be made within twenty-four hours of the report of the ship, and the barge must be alongside within that time. If this were done, he became entitled to receive his goods without paying any charge to the dock company. The vessel might deliver the goods overside the barge directly, or it might land the goods on the quay and deliver them to the barge from the quay. In either case all of the charges of the dock company were paid by the shipowner and not by the consignee.

If the goods were delivered overside they would, of course, have to be sorted on the deck of the vessel. When there were only a few consignees and a few classes of goods on the vessel this was not such a difficult thing to do, and when the vessels consisted of sailing vessels their time was not so valuable but that they might easily lie in the dock long enough to deliver overside all of the goods which had been demanded within the twenty-four hours. In fact this was the general practice at the port of London until within a comparatively recent time.

But, Mr. Speaker, with the increase in the amount of freight and the enlargement of the size of the vessels it became an impossibility to deliver the goods overside.

The big trans-Atlantic liners have a tonnage of from ten to twelve thousand tons. They carry twelve to fourteen thousand tons of freight, the amount of freight exceeding the tonnage of the vessel. They have from 500 to a thousand consignors and from 500 to a thousand consignees. They sometimes carry 75,000 sacks of flour which belong to gentlemen of Minnesota in one vessel. Now, these sacks of flour and other articles in the ship are not loaded separately by themselves. They are not put off in a part of the vessel by themselves. When the Washburn people, in Minneapolis, are manufacturing flour on the order of a dozen different people in London, they keep no account of the sacks of flour. Every sack, it is true, has a special label, but the flour is put into the sacks indiscriminately. The sacks for A and the sacks for B are not kept by themselves, but the sacks for the whole alphabet are thrown together. They are loaded on the cars indiscriminately, put into the vessels indiscriminately, and a part may be put in one portion of the vessel and another part in another portion of the vessel. It is absolutely impossible to load a big vessel with flour and load the flour in only one portion of the vessel, because it must be distributed around so as to make an even weight over the ship. The result is that when the articles arrive in London in the ship it becomes an absolute necessity that they be landed before they can be sorted and delivered.

It is quite impossible to land them overside. It is true that it might be possible to land flour overside if the vessel carried only flour, and that is why I suggested to the brilliant gentleman from Minnesota that he have his people send over flour in one vessel, and then it could all be landed overside without any London charge, without going into the dock.

Now, this method of doing business interfered with the trade at the port of London. The shipments of flour to London have nearly doubled since the landing clause was inserted in the bill of lading in 1888. There were shipped to London a little over 500,000 tons of flour in 1888, and the shipments to London from this country have gone up to over 850,000 tons of flour in 1900. The gentleman from Minnesota stated erroneously that the flour shipment from Australia was 500,000 tons. The fact is that the shipments of flour from this country are ten times as much to London, with the London landing clause in, as they are from all the rest of the world put together, with the London landing clause out as to the rest of the world.

This provision was put into the bill of lading—I have not the time to explain the matter as fully as I would like—but this provision was put into the bill of lading because under the old system it became, as I say, impossible to land the goods over side; they must be put on the dock. Under the charter of the London Dock Company the moment the goods were placed on the dock for any reason whatever the dock company became entitled to charge four shillings a ton as the consolidated dock rate.

Mr. RICHARDSON of Alabama. Does Mr. Choate ascribe the increase of trade at the port of London to the London dock charge?

Mr. GILBERT rose.

Mr. MANN. It was not Mr. Choate's place to make any statement one way or the other, and the gentleman from Alabama surely knows that Mr. Choate did not pass upon the matter one way or the other.

Mr. RICHARDSON of Alabama. Oh, the gentleman is mistaken. I have it here in my hand.

Mr. MANN. I will now yield to the gentleman from Kentucky.

Mr. GILBERT. The gentleman is making an intelligent and

interesting statement, but for my own information I want to ask why that rule should apply only to vessels coming from American ports?

Mr. MANN. I will reach that immediately. It became absolutely impossible to unload the goods from a ship carrying 14,000 tons of freight scattered indiscriminately throughout the hold of a vessel and consigned to 500 different consignees without landing them on the quay. As I say, under the London dock charter, the moment the goods were landed on the quay they became subject to a charge of 4 shillings a ton.

I do not mean to say that in every case the dock company exacted the charge of 4 shillings a ton the moment the goods were landed on the quay, but the shipowner became subject to a very high charge from the dock company. The shipowner was, of course, compelled to deliver free to the barges all of the goods which were called for within twenty-four hours, under the custom of the port. The shipowner could not, of course, tell what goods would be called for within the twenty-four hours and what would not be called for within that time. On the goods which were called for within twenty-four hours the shipowner was compelled to pay all the charges to the dock company. On the goods not called for within twenty-four hours all the shipowner was required to do under the custom of the port was to land the goods on the quay, when they became subject to the control of the dock company and the dock charges were paid by the consignee. In fact, up to 1890 the shipowner was not even permitted to do the work of landing the goods on the quay from the hold of the vessel except so far as that might be done by the men on board the vessel. Practically all the work of taking the goods out of the vessel and landing them on the quay was done, prior to 1890, by the dock company itself. Since 1891 it is done by the shipowner by making contracts with stevedores who handle the business.

As I have stated, the shipowner was compelled to stand the dock charges on all the goods which were landed on the quay and delivered to the barges, where the barges had reported alongside within twenty-four hours; and since the shipowner could not tell which goods would be called for within twenty-four hours, it became necessary to make the rate of freight high enough on all goods to cover the dock charges, even though as to a large portion of the goods the shipowner did not have to pay the dock charges at all. This made the rate of freight to London very high, and made the freight rates from our Atlantic ports to London so high that the greater portion of our shipments destined for London were made to Liverpool or Southampton to go across England by rail. This made both a higher freight rate and a longer delay than was desirable.

In November, 1884, there was a meeting of dealers interested in the provision trade in London which passed a resolution protesting against the delays and method of handling provisions at that port, and against the extra expense caused by the method of handling business there, and appointing a committee to confer with the dock and shipping companies on the subject of these grievances. This meeting expressed the sentiments of dealers in other articles in London. It was largely as a result of that meeting in 1884, or of the difficulties which inspired that meeting, that in 1888 the London landing clause was agreed upon. The shipowners interested in the carrying trade from this country to London saw that they were losing the carrying of much freight because of the unsatisfactory conditions in London in the method of delivery there, and they represented to the London Dock Company that if satisfactory arrangements could be made between the shipowners and the dock company, a very heavy increase in business could be expected between the North American ports and London.

The shipowners desired to have a reduction in the charges of the dock company. The dock company desired to have as much freight as possible landed on its docks. The shipowner desired also that the consignee might obtain a benefit of reduction in the freight rate as to those goods which were called for under the custom of the port, within twenty-four hours, and they desired that the time for bringing barges alongside might be extended and made considerably greater than twenty-four hours.

The result of these negotiations between the dock company and the interested shipowners was that they reached a basis of settlement upon terms like these: The dock charges should be very materially reduced to the shipowners. The shipowners themselves should pay the dock charges on all goods which were not turned over to the dock company by reason of failure to be called for in proper time. The consignees should have seventy-two hours instead of twenty-four hours in which to report alongside with their barges to receive the goods without additional dock charges. If the consignees reported with their barges within seventy-two hours then all the dock charges should be paid by the shipowners to the dock company, but the ordinary full rate should not be charged.

Here was a great concession on the part of the dock company to both the shipowners and the consignees. The concession in return to the dock company was that all the goods which came in the ship should pay something toward the dock charge, irrespective of whether it was landed on the quay or not. Theretofore if goods were not landed on the quay the dock company received nothing as a charge against such goods, but under the agreement which was made, the dock company is to a certain extent the beneficiary of charges levied on all the goods which go into the ship.

The ordinary charge agreed upon was 7 pence for grain unloaded overside and 1 shilling and 9 pence on most of the articles which might be landed on the quay. The agreement between the shipowners and the dock company was that there should be inserted in all the bills of lading this provision, known as the London clause, which provides that the various consignees of all the goods shall pay this fixed charge. With the payment of this charge the consignees became entitled to take their goods away by barge, van, or rail if called for within seventy-two hours of report of the ship, without additional dock charge. This clause permits the shipowner to make a rate of freight to the American shipper based solely upon the carrying of the goods to the dock in London, while the goods still remain in the hold of the ship.

Under the old system the rate of freight had to include the consolidated dock charges for goods which remained uncalled for within twenty-four hours, although, as a matter of fact, the goods might be called for and there be no consolidated dock charge levied against the goods. Under the present clause all goods pay something, but the goods which are called for within seventy-two hours do not in any case pay a high charge. The goods which are called for within seventy-two hours under the London clause pay a total cost between the time of starting them in the ship on this side of the Atlantic and the time of putting them on the barge in the Thames, much less than they would under the old system without the London landing clause.

The London clause was designed to benefit the trade from North America. It was not a discrimination against, it was a discrimination in favor of, our side of the water as against the rest of the world.

Everybody knows that in the end the goods pay the freight. It is to our interest in this country, as well as to the interest of London, to have the total of the charges of transportation between the time of leaving here and the time of landing in the warehouse there as low as possible. And that system which makes the total charge lower is better than the system which makes a particular charge lower but makes the total higher, because in the end the goods must stand the charges.

Now, under the London landing clause, the charges which are paid by the big Atlantic transports to the dock company are less than the charges paid by ships coming from other parts of the world. The 1 shilling and 9 pence per ton charges to consignees is far less than the goods pay which come from other parts of the world. The moment a vessel from Australia or India or China enters the Thames River and unloads at the quay, the goods which they land have levied upon them by the dock company a higher charge than do the goods landed by the American freighter under the London landing clause.

Mr. TAWNEY. Will the gentleman allow me one moment?

Mr. MANN. Very well.

Mr. TAWNEY. Is it not a fact that the charge, whatever it is, is imposed by the law of Great Britain upon the shipowner and not upon the cargo?

Mr. MANN. If the gentleman had contained his soul in patience he knows that I would not have finished my speech without answering that question.

Mr. TAWNEY. I thought you might forget it.

Mr. MANN. The gentleman from Minnesota says that if the goods come from Australia the shipowner pays the dock charges, but if the goods come from the United States, then, under the London landing clause, the consignee pays these charges. The gentleman looks no further than the end of his well-proportioned nose. In the end the goods pay the charges. Does the gentleman from Minnesota, or any other gentleman here, believe that the cost of carrying freight from Australia will be made lower or higher because the shipowner pays the dock charges instead of the consignee paying them?

Does any gentleman here believe, as contended for by the gentleman from Minnesota, that the total carrying expense will be made less by having the shipowner pay a higher dock charge than is now paid by the consignee? Some gentlemen may say: But why will the shipowner be compelled to pay any higher charge than the consignee does now? The London Dock Company is a monopoly. It has absolutely refused, as stated in the sworn testimony before us, to make any agreement with the Atlantic freight lines, giving the present low dock charges, unless the London landing clause is inserted in the bills of lading.

The elimination of the London clause from the bills of lading

would result in increased dock charges to be paid to the dock company by some one, and that means to be paid by the goods, and eventually that increased charge would fall either upon the consumer or purchaser, or upon both. Now, the custom of the port of London, as I have stated, is that the barge must meet the ship and be ready to take delivery of the goods within twenty-fours hours after report of the vessel, in order for the consignee to escape the payment of the dock charges when the London clause is not inserted. The able gentleman from Minnesota [Mr. TAWNEY], in his argument a while ago, stated that it was not necessary to have the barge alongside the ship within twenty-four hours; but in that respect he differs with some of his own witnesses, who state that it is necessary.

In the statement made by Mr. Kingsford, president of the London Flour Trade Association, which is attached to the report of Ambassador Choate and presented to the committee by the advocates of the bill, it is stated on page 80 of the hearings:

It should be mentioned that if the merchant's barge is not alongside the ship within twenty-four hours from the date of the vessel's report, the right of obtaining free delivery is forfeited, and the dock company have the right to levy their quay dues upon the scale charged to the merchant, a right which in all circumstances is rigidly enforced.

Ambassador Choate, in his report upon the subject, makes the same statement. Some of the witnesses in behalf of the advocates of the bill have claimed that the consignee needed only to make entry of the goods at the custom-house and demand delivery within twenty-four hours, and need not have the barges alongside the ship. But Mr. McKelvey, one of the principal witnesses for the advocates of the bill, in his testimony before the committee (p. 65 of the hearings), stated that except for the agreement between the shipowners and the dock company in regard to the London landing clause the dock charge of 4 shillings a ton would attach against the goods the moment the goods are landed on the dock.

It is practically impossible for consignees either to have the barge alongside the incoming ship or to make entry of the goods and demand delivery thereof within twenty-four hours of the report of the ship in a large percentage of cases. The gentleman from Minnesota, in his statement to the House, said that it took from twenty-four to thirty-six hours after the report of the ship before she got to the dock.

Mr. TAWNEY. From eight to eighteen hours.

Mr. MANN. Now, Mr. Speaker, this clause was put in the bill of lading because it is absolutely necessary to land the goods on the quay in order that they may be assorted and delivered, or else necessary to keep the ship in the stream or the dock from one to three weeks assorting the goods on the deck of the ship.

Gentlemen speak of this clause as if it were a matter purely in the interest of the shipowners. I think, Mr. Speaker, that it is as much in the interest of the shipper to have low transportation charges as it is to the interest of the shipowner. Under the operation of the London clause we get lower freight rates between this country and London than does any other part of the world. Why? Because we can build great big ships of 12,000 tons burden. We send them across the water to the Tillbury docks on the Thames. They can be unloaded onto the quay at once, loaded immediately, and start back without waiting either in the stream or the docks for barges to obtain the delivery of the goods overside. If the London clause were abolished these ships would either be compelled to spend days or weeks in the docks making delivery overside or else pay exorbitant charges to the dock company for the privilege of landing the goods on the quay. Either way would make a considerable increase in the total cost of transportation.

At the time of the hearings before us last winter the freight rate from Australia was 30 shillings a ton on the same class of goods which from New York to London paid less than 8 shillings per ton. This difference is not warranted by the difference in distance. How do my friends on the opposite side explain this difference in freight rates? There is no London landing clause in the Australian shipment. Why does not the trade from there vastly increase if the theory of my friends on the other side is correct?

No, Mr. Speaker, the fact is that the London clause saves somebody, whether the shipper, the consignee, or the shipowner, from paying a much heavier and exorbitant dock charge for the right to land the freight on the quay. What difference does it make in the long run whether the immediate payment to the dock company is made by the shipowner or the consignee? The amount is increased. In the end the increased cost falls upon the goods.

Now, I have no doubt that some of the milling people believe that the abolition of the London clause would be of advantage to them. One of their chief witnesses before our committee stated that one of the reasons the millers wanted the London clause abolished was because the abolition of it would give a preference to the flour shipper over the wheat shipper. I do not know how that may be, but there have been no grain dealers asking for the abolition of the London clause.

Mr. FLEMING. Will the gentleman permit a question for information?

Mr. MANN. Very gladly.

Mr. FLEMING. Can the gentleman give the House any statistics or figures as to what proportion of the freight cargo of an average vessel is taken off that dock within the twenty-four hours' limit?

Mr. MANN. Practically not any of it is taken off within the twenty-four-hour limit.

Mr. FLEMING. Then it is all subject to the dock charge, is it not?

Mr. MANN. Under the London clause all of the freight is subject to the charge provided for in that clause whether it is taken off within the twenty-four hours or not. The moment any of the freight is landed on the dock without the London clause it becomes subject to a dock charge, though, under the custom of the port, if it is called for in compliance with the custom within twenty-four hours, that charge is paid not by the consignee but by the shipowner. But the steamers from this country do not lie in the dock to discharge freight overside at all, except grain, which is taken out by the usual process of floating elevators, and grain pays a special charge under the London clause of 7 pence a ton. All of the rest of the freight is unloaded onto the quay for assortment on the quay or in the sheds back of the quay and delivery after assortment.

Now, the gentleman from Minnesota claims that if the London clause were abolished the consignees would be permitted to obtain their freight free of dock charges if called for within twenty-four hours after the assortment of the goods irrespective of whether their barges were alongside or they had made entry within twenty-four hours of the report of the vessel. I deny this. The gentleman from Minnesota is mistaken. He has cited here a provision of the act of Parliament of 1894. I may say that is not a new provision of law. The act of 1894, as to this provision, was a reenactment of the act of 1862, and that was a reenactment of the act of 1854, so that there is nothing new in this provision of the act of 1894. The act of 1894 provides in effect that if the consignee has his barge alongside the ship and is ready and willing to take delivery of the goods off the ship within twenty-four hours after her report, and the shipowners, instead of delivering the goods overside, choose to place them on the quay, that that must be at the expense of the shipowners; but mark you, that requires the consignee to have his barge down at the Tillbury docks, 14 miles from London, within twenty-four hours of the date of report of the ship, and keep his barge at that place until he receives the goods, which may not be for several days, and which, according to the gentleman from Minnesota [Mr. TAWNEY], is sometimes not for three weeks.

Mr. TAWNEY. The statute itself is the best evidence of what it contains.

Mr. MANN. I will call the attention of the gentleman from Minnesota to a provision in the statute which probably his usually very keen eye has not yet discovered. The provision of the statute to which he refers says—

and the owner of the goods, at the time of that landing, has made entry and is ready and offers to take delivery thereof.

That means the barge alongside. But the gentleman has not read the statute clear through. That is his difficulty.

Mr. TAWNEY. Read the first two lines of that same paragraph and the gentleman will see that it does not apply to overside delivery at all.

Mr. MANN. Well, I was not applying it to overside delivery. I was applying it to landing the goods on the quay.

The section reads:

If any goods are, for the purpose of convenience in assorting the same, landed at the wharf where the ship is discharged, and the owner of the goods at the time of that landing has made entry and is ready and offers to take delivery thereof, and to convey the same to some other wharf or warehouse, the goods shall be assorted at landing, and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment, and the expense of and consequent upon that landing and assortment shall be borne by the shipowner.

That means a barge alongside. The section of the statute which I have read very nearly states the custom of the port of London, but this provision of the statute itself has no application to the port of London. The difficulty with the gentleman from Minnesota is that he has seen something brilliant and picked it up and taken it home in the fond belief that it is pure gold, but he will now find it was only quartz.

The act of 1894 is known as the consolidated merchants' act. Section 501 of that act is as follows:

Nothing in this part of this act shall take away or abridge any powers given by any local act to any harbor authority, body corporate, or persons, whereby they are enabled to expedite the discharge of ships or the landing or delivery of goods; nor shall anything in this part of this act take away or diminish any rights or remedies given to any shipowner or wharfinger or warehouseman by any local act.

Now, it is claimed by the shipowners that this provision of the statute absolutely excepts the port of London from the provision relied upon by the gentleman from Minnesota. London has a special charter for the dock company, and under that charter it has special provisions designed to expedite the discharge of ships and the landing and delivery of goods, and also certain rights conferred upon shipowners, etc.

All the testimony in this case given by residents of London is to the effect that under the London local custom and law it is necessary to have the barge alongside within twenty-four hours of report of the vessel, and that the provision of the statute which the gentleman from Minnesota relies upon does not, therefore, apply to the port of London.

The advocates of this bill have given the impression that the charge made under the London clause was simply for the landing of the goods upon the dock, but the charge includes much more than that. First, it includes seventy-two hours' time instead of twenty-four in which to make entry and demand delivery of the goods. Upon the subject of what this charge was for, Ambassador Choate, in his report upon this matter, states:

The 1 shilling 9 pence charge which is the subject of the present contention is made not for discharging the goods from the ship onto the quay, which is still borne by the steamship companies and is a heavy cost, but for the accommodation, shelter, and care of the goods upon the quay and for all the labor done upon them from the moment they touch the quay until they are delivered to the barges, including sorting, piling, and removing.

I might add, on the matter of removal, that under the London clause shipowners not only put the goods upon the dock, assort them, and take care of them, but deliver them from the dock to the side of the barge when called for.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Speaker, I would like to have at least ten minutes more, and I ask the gentleman from New York if he will yield me that much time?

Mr. SHERMAN. I yield to the gentleman from Illinois ten minutes more.

Mr. MANN. Mr. Speaker, I have asked this additional ten minutes' time because the gentleman from Minnesota [Mr. TAWNEY] read to the House a petition from the export provision trade of the city of Chicago. I may say to the House that that was a petition which I presented here myself and laid before the Committee on Interstate and Foreign Commerce. It was a petition strongly urging the passage of this bill. But when I presented that petition I had been sitting in the committee room listening to the hearings upon this bill, and had about come to the conclusion that it was to the interest of the American shipper to have the London landing clause remain in the bill of lading rather than to have it taken out; and although I had this petition presented to me, signed by such houses as Armour & Co., Swift & Co., Libby, McNeill & Libby, and other exporting companies, including the largest exporters in the provision trade in our country, I questioned to myself their judgment as to the bill, and I requested some of the gentlemen who had signed the petition to make a reinvestigation of the subject which so concerned the American export trade and then inform me, after their reinvestigation, what their new judgment was. I expected to be largely guided in my action upon this bill by the judgment of the actual exporters of goods from this country to London.

I have here letters and telegrams addressed to me from nearly all of the gentlemen who signed the petition which my friend from Minnesota has read to the House, and I will read these to the House for information. Here is one from the attorneys for Swift & Co. and Libby, McNeill & Libby:

Swift & Co., by its second vice-president, Mr. Louis F. Swift, and Libby, McNeill & Libby by its general counsel, Albert H. Veeder, signed a petition addressed to the Committee on Commerce of the United States Senate, dated February 13, 1901, and which was in support of an amendment to the Harter bill, now generally known as the London landing clause bill, and which amendment has, we understand, passed the Senate and is now before the House and will be up to-morrow. This petition was signed by these companies before they had given the matter due consideration, and they have now become convinced, after careful investigation, that the passage of the bill will be detrimental to their interests, and we wish that you would have the names of these companies stricken from the petition, or take such action as will indicate that these companies are not in favor of the amendment.

Sincerely, yours,

ALBERT H. & HENRY VEEDER.

Under date of February 13, 1902, we signed a petition, and used our influence with other packers for their signatures to the same, addressed to the Committee on Commerce of the United States Senate, in which we favored legislation, now pending before Congress, for an amendment to the Harter Act, which we believe is commonly known as the London landing clause bill.

Since that time we have investigated and have obtained further information on the subject, and are now of the opinion that the passage of this amendment to the Harter Act would cause a reversion to a very antiquated and unsatisfactory state of affairs with reference to the discharge of cargo at London, and possibly at other ports.

In changing our position on this legislation, it is because we feel that our interests and those of the general shipping trade of the United States would be injured rather than benefited by this legislation.

We ask your very careful consideration of this matter, and hope you will see fit to use your influence in opposing the measure, which we understand is still pending in the House.

Yours, respectfully,

BOYD, LUNHAM & CO.
HENRY ZEISS.

Here is a telegram from another of the petitioners:

We consider passage amended Harter Act would be very injurious our export trade, and earnestly request your effort to defeat same.

FRIEDMAN MANUFACTURING CO.

Here is another from Armour & Co.:

Having given the subject covered by the bill known as the "London clause" bill, which passed the Senate during the first session of the present Congress, and which will come before the House during the ensuing session, considerable investigation, we feel that we should advise you that we desire to withdraw our name from the petition in its favor heretofore presented.

We believe from information we have received from our London house and others that the advantages that have been claimed for the proposed change in bills of lading would be more than offset by the unsatisfactory service necessarily incident to new conditions, and in view of this we do not, ourselves, wish to further advocate any change from the existing custom.

Regretting that we are obliged to recede from a position in which we solicited your valuable aid, and thanking you for the assistance then afforded by you, we are,

Yours, truly,

ARMOUR & CO.

Here is another to the same effect from another one of the petitioners, A. S. White & Co., in which they say:

Our consignees have made no complaints, and the existing charges at the port of London, in comparison with other ports, are very fair, etc.

I have various other telegrams and letters here from other of the petitioners which I will not take time to read, but they are all of the same import.

I wish to call the attention of the House, however, to a letter from one of the principal exporting and importing agents in the United States—George W. Sheldon & Co.—men who do not export or import on their own account, but act only as agents, and hence are interested only in favor of the people whose agency they accept. There is no one in the country whose considered judgment I would more readily accept upon a subject relating to exports or imports than this firm. Their letter is as follows:

We are the shipping agents for a large number of manufacturers who are shipping their products to London, and having our own offices in London come in direct contact with the delivery of the goods at destination and the charges incident thereto. Franklin's testimony in connection with London dock charges is in exact accord with the facts under present conditions, and clearly sets forth what will happen if the proposed law in connection therewith is enacted. We are personally acquainted with the dock officials in London and had personal conference with them there in November, and we know they will hail with much satisfaction the enactment of the proposed legislation. On behalf, therefore, of hundreds of exporters whom we represent we most vigorously protest against the enactment of a law which will increase the present cost of delivery of goods in London.

We are the largest shippers in the United States from New York to London of manufactured goods, and are therefore in a position to state that if the proposed legislation is enacted, our customers, who number hundreds, will pay annually to the London and India Dock Company thousands of dollars, which they will not have to pay if this proposed legislation is defeated.

At our London office we are in daily, in fact we may say in hourly contact, with the London and India Dock Company, and we are therefore able to make our statements positive, and to ask you to lend your assistance to defeat a measure which would put into the pockets of the Britishers thousands of dollars per annum, which, if it occurs, must of a necessity be contributed by the manufacturers of this country.

In the interest, therefore, of the exporting industries of the United States, we implore you to use every possible effort to defeat the measure.

Yours truly,

G. W. SHELDON & CO.

Mr. Speaker, in 1891 some ships were sent from Chicago through to the port of London. The gentleman who organized the company is one of the principal grain exporters of Chicago, Mr. Charles Counselman. His theoretical experience led him to believe with the advocates of this bill. It was stated by one of the witnesses in his testimony that Mr. Counselman did not insert the London landing clause in his bill of lading. When my attention was called to this statement I thought that here was an opportunity to get at some real experience, and I wired to Mr. Counselman asking him to state his experience in the matter. Here is the reply, which was sent to a good many members of the House at the same time:

Before loading steamers last year Chicago London I considered the landing clause for manipulating cargo on dock in London after discharging from steamers obnoxious, and proposed not inserting same in bills of lading, but after steamers arrived there found it impracticable attempt handle steamers and cargo without such conditions; therefore consider passage of Tawney bill would be very disadvantageous to shippers and the export trade of the United States, as well as steamship owners.

Mr. Speaker, I am sorry to have detained the House so long upon such a dry subject, and beg to thank the members for their considerate attention. [Applause.]

Mr. SHERMAN. Mr. Speaker, I yield to the gentleman from Pennsylvania fifteen minutes.

Mr. DALZELL. Mr. Speaker, this bill has been so thoroughly discussed upon the side of its opponents that I should hesitate to say anything about it did I not desire to call the attention of the House to some matters that have not been referred to. The gentleman who opened the debate said that there was nothing new in the policy of this bill, that it was simply an amendment to the Harter Act. It seems to me that an examination of the

bill discloses the fact that there is no similarity at all between the Harter Act and its provisions.

The Harter Act provides that it shall not be lawful for a common carrier to insert in a bill of lading an agreement that relieves him from the performance of his common-law obligations; in other words, an agreement that secures him against the payment of damages for acts which are the results of his own negligence. The Harter Act simply enforces by statute the obligation of the common carrier that existed by the common law. This proposes, on the other hand, to make that unlawful and punishable which is now lawful. The language of the bill is:

That it shall not be lawful for the manager, agent, master, or owner of any vessel transporting merchandise or property from or between ports of the United States and foreign ports to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby there is imposed on any such merchandise or property, or on the consignee or consignees thereof, the payment of any port, harbor, dock, landing, or sorting charges, or charges of any kind for the discharge and delivery thereof, the payment of which is imposed on the manager, agent, master, or owner, or any persons or agencies other than the consignee or consignees thereof, by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported, etc.

In other words, this is a proposition to make it unlawful to enter into a contract that is now lawful though the parties thereto be competent and willing. It is therefore, in my judgment, an unconstitutional limitation of the right of private contract.

Now, the only answer made to that is the answer made by the gentleman from Alabama, who cites to us the decision of the Supreme Court in the case of a common carrier which had put into its bills of lading a condition which the shipper had to accept upon the alternative of not shipping his goods.

But that is not this case. It appears that the contract sought to be inhibited has been voluntarily entered into for fourteen years by shippers of merchandise to the port of London by these North Atlantic steamships, and of all these shippers, thousands of them, who have entered into that contract, only a very few citizens of Minnesota say that the contract is an unfair one.

Mr. RICHARDSON of Alabama. Will the gentleman allow me to ask him a question?

Mr. DALZELL. Certainly.

Mr. RICHARDSON of Alabama. Is it not a fact that since 1888 the millers and lumber interests have been protesting against this?

Mr. DALZELL. I have read this record thoroughly, and I am unable to find any protest or anything to contradict the statement I have made—that thousands of shippers of merchandise have voluntarily entered into this engagement and are still willing to enter into it.

In other words, of all the thousands of shippers engaged in the export of goods from the various ports of the United States only a few—only the shippers of flour—are now here asking us to declare that it shall be unlawful for the great majority of shippers to make this contract, though they are perfectly willing to enter into it. Without dwelling further on that proposition, I submit that this is an unconstitutional limitation of the right of private contract.

But, furthermore, this is not such a bill as its advocates have discussed. How many gentlemen are there in this House, I ask, who understand that this is not a bill that relates simply to the port of London? I know that the argument has been made by all its advocates that this is a bill that relates only to the port of London. But where, I ask my friend, do you find within the four corners of the bill anything that justifies that assertion? It relates not to the port of London alone, but to every port in the United States and to every port in the world, civilized and uncivilized, between which ports ships go.

Mr. TAWNEY. Provided the law of the country to which the goods are shipped imposes these charges.

Mr. DALZELL. I am coming to that in a moment. It relates to the transportation of merchandise or property between the ports of the United States and foreign ports, and beyond that there is no limitation in it. It is not confined to London or to any other port in the world. But more than that, it does not refer to London customs, London dock charges, or any particular charges whatever. It relates to the payment of any port charges, harbor charges, dock charges, landing or sorting charges, charges of any kind for discharge or delivery in any port of the world.

Mr. SHACKLEFORD. Will the gentleman allow me a question? Is not the bill better for that? If it does include all these other places besides London, is it not better for that reason? Does it not on a larger scale prevent people from entering into contracts that are injurious?

Mr. DALZELL. It extends to every port in the world and to all the various kinds of charges mentioned here—port charges, and others—and it denies to the American carrier the right to reimburse himself for such various charges in every part of the world; and they are probably as varied and as many as there are ports in the world.

Mr. TAWNEY. Now, if the gentleman will allow me, I do not think he wants to misstate the facts.

Mr. DALZELL. I can not yield; my time is limited.

Mr. TAWNEY. The qualification is ports where, by the law of the country, these charges are imposed on the steamship company, and it is only to those ports that this bill applies.

Mr. DALZELL. Very well. Then it refers to every port in the civilized and uncivilized world the government of which may see fit to impose on the American shipowner a charge that ought to be paid by the consignee, and that London is the only port in the world where that is done or may be done, we have no information.

Suppose, for example, a case where the port charge for entry or any other of these named charges should be equal to the whole amount of the freight received by the American carrier, this bill denies him the right in such case to reimburse himself for that charge in addition to his freight, for, as I have said, it includes all charges of every possible kind. So that this bill, instead of being a bill for a special case, as has been argued, is a general bill, and the result of its passage no man living can foresee. If the bill be such as its advocates contend, then it is an attempt under the guise of general legislation to enact special legislation of the most dangerous character. It is the most dangerous piece of legislation, in my judgment, that has come under my observation since I have been a member of this House.

Now, Mr. Speaker, I have not time to dilate further on that proposition, and I have not the time, as I expected to have, to go into the reasons why it is fair to impose these charges on the consignee. By reason of an ancient custom of London, and by reason of a Parliamentary statute of England, it has been made impossible to transact modern commercial business in the port of London according to modern methods. It is a fair deduction from a decision of the high court of justice of England that the only way by which the trammels that by English custom and law are put upon the transaction of modern business according to modern methods in the port of London can be avoided is by making just such a contract as is made here.

I quote from the report of our ambassador to the Court of St. James, Mr. Choate, made to the State Department:

In 1891, after the rate of this dock charge on flour had been advanced to 1s. 6d. per ton, Borrowman, Phillips & Co., London merchants, consignees of flour under one of these bills of lading, wishing to contest it, brought suit against the Wilson Line in the high court of justice, Queen's Bench division, to recover the 1s. 6d. paid under protest, after an offer to take the goods overside by lighter. The case was tried before two eminent judges, Mr. Justice Day and Mr. Justice Lawrence, and judgment was given against the plaintiff.

In the opinion of the court, delivered by Mr. Justice Day, it was held that although there was no doubt that by the custom of the port of London the owner of goods is entitled, if he makes application within twenty-four hours, to have his goods delivered into lighters, yet this right was subject to special agreement, and here the parties had otherwise agreed.

In answer to the claim of the same right by statute, he said: "If you can contract yourself out of the common law—i. e., customary right—so also you can contract yourself out of the statute law;" and he held that the plaintiffs had done so, and that it was perfectly clear that the plaintiffs could not recover.

The learned judge who rendered the opinion said:

The "London clause" has been entered into, it is stated, by shipowners and merchants in London for the purpose of expediting business. It contains most reasonable provisions which are almost necessary for the conduct of commercial business in these times, and when one finds immense vessels coming into the port of London, it is ridiculous to have applicable to such vessels and to such cargoes the old custom of the port of London, which was no doubt very applicable to small vessels containing very limited cargoes indeed. * * *

If the shipowner had entered into this contract for the purpose merely of pecuniary benefit, he would have been entitled to the benefit of the contract. It is quite clear, however, that it is not merely for pecuniary benefit, but that it is to the interest of all parties concerned that their goods should be delivered in the most convenient manner, and so as to enable them always to get their goods within the shortest possible time.

It is conceded by the advocates of this measure—and therein, as it seems to me, they give away their whole case—that the consignees might still be compelled to pay these charges if the carrier would include them in his freight, but it is said that if included in the freight an opportunity for competition would be given that does not now exist.

Why, sir, there could be no more unfounded statement. Opportunity for competition exists now. Suppose, for example, that under the present method A, B, C, and D are steamship companies carrying goods to London. Each and every one of them has a London dock clause in its bill of lading. There is nothing to prevent A saying, "B carries your freight at 8 cents a ton to London; we will carry it at 7 cents a ton, or at 6 cents a ton." So you see that competition is as fully open to-day under this method of doing business as it would be if the charges were included in the freight rates.

Now, just one word more. This method of doing business conforms business methods at London to the business as it is done in all the ports of Great Britain. The simple difference is that the result is accomplished at London through the medium of this agreement, whereas in the other ports it is accomplished through the medium of a statute of Parliament.

The same charges that are paid by the consignees at London under the contract made with the shipowners are paid by the consignees at Glasgow, Liverpool, Southampton, and Bristol, by reason of Parliamentary statutes which regulate the whole business. So that, in a single word, the effect of this agreement is to strike down the antiquated methods of doing business in the port of London in the interest of the American shippers and to make them conform to modern methods. Pass this bill, and you pass a bill in the interest of the foreign consignee and against the American exporter and the American shipowner.

Mr. SHERMAN. Will the gentleman from Minnesota [Mr. TAWNEY] now occupy some portion of his time?

Mr. TAWNEY. Mr. Speaker, how much time has the affirmative side?

The SPEAKER pro tempore (Mr. DALZELL). The gentleman from Minnesota [Mr. TAWNEY] has thirty-five minutes and the gentleman from New York [Mr. SHERMAN] fifteen minutes.

Mr. TAWNEY. The gentleman from Missouri [Mr. SHACKLEFORD] desires to close the debate, he being a member of the Committee on Interstate and Foreign Commerce. I said at the outset that I intended to ask for the substitution of the Senate bill for the House bill, the Senate bill having passed that body and having been reported to the House. I desire now to make that motion. I do not want to interrupt the debate. I wish to ask the Chair whether, under the rules, if that motion is made at 25 minutes past 4 o'clock, time will be given for the disposition of the question before the final vote on the bill, or whether the final vote would interrupt the proceedings for the substitution of the Senate bill?

The SPEAKER pro tempore. Under the special order of the House the vote is to be taken at half past 4 o'clock.

Mr. TAWNEY. My inquiry of the Chair is whether, if the motion to substitute the Senate bill for the House bill should not be disposed of at half past 4 o'clock, the vote would be taken at once on the bill, or whether the proceedings for substitution would be concluded?

Mr. MANN. Is it not the order that at half past 4 the vote is to be taken on the pending motion?

The SPEAKER pro tempore. In the judgment of the Chair, the vote under the order of the House is to be taken at half past 4 upon whatever may be pending at that time. In the order there is no mention made of amendments, but evidently, if amendments were offered, they would be in order and would be voted upon at half past 4.

Mr. MANN. The order was not to take the vote on the bill at half past 4, but to take "the vote" at half past 4.

Mr. TAWNEY. I will then ask unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from the further consideration of the Senate bill, and that that bill be substituted for the House bill, and the final vote taken upon the House bill.

Mr. SHERMAN. To that, Mr. Speaker, I object.

Mr. TAWNEY. Then, Mr. Speaker, I move that the Committee on Interstate and Foreign Commerce be discharged from the further consideration of Senate bill 1792 and that the Senate bill be substituted for the House bill.

Mr. SHERMAN. Mr. Speaker, do I understand the gentleman from Minnesota makes that motion now, or gives notice that he intends to make it?

Mr. TAWNEY. I make the motion now, and ask that it be considered as pending during the remainder of the debate.

Mr. SHERMAN. Well, Mr. Speaker, I desire to make a motion which has precedence over that. I move to strike out the enacting clause of the bill.

Mr. TAWNEY. And that it be understood that that motion is pending?

Mr. SHERMAN. If the gentleman makes this motion now, I desire my motion to be acted upon, as it takes precedence of his. Further, I raise the point of order on the gentleman's motion to substitute the Senate bill for the House bill. No such motion can be made until the Senate bill is either on the Speaker's table or in possession of the House. It is now in the possession of the Committee on Interstate and Foreign Commerce, and I raise the point of order.

Mr. TAWNEY. Then I move that the Committee on Interstate and Foreign Commerce be discharged from the further consideration of the Senate bill.

The SPEAKER pro tempore. Does the gentleman desire his motion put now?

Mr. TAWNEY. Yes.

Mr. SHERMAN. Then I move to strike out the enacting clause of the pending bill.

Mr. HEPBURN. Mr. Speaker, I desire to interpose a point of order against the motion that the gentleman from Minnesota makes. It is not competent at this time to move that question, in my judgment.

The SPEAKER pro tempore. The Chair will pass on the point of order when the proper time comes. The motion of the gentleman from New York takes precedence. The gentleman from New York moves to strike out the enacting clause of the pending bill.

Mr. TAWNEY. Mr. Speaker, I ask the gentleman from New York if he will not consider both motions as pending and proceed with the remainder of the debate?

Mr. MANN. Mr. Speaker, I make the point of order on both motions that the order of the House is that a vote shall be taken at half past 4, and that debate should continue until that time.

Mr. SHERMAN. There is nothing in the order with reference to debate, if I remember correctly.

The SPEAKER pro tempore. There is nothing to prevent the House taking any action it sees fit.

Mr. MANN. Is it within the province of the House now to change the unanimous-consent order?

Mr. TAWNEY. Certainly.

The SPEAKER pro tempore. The Chair thinks so. Does the gentleman from New York insist on his motion?

Mr. SHERMAN. I think we may as well dispose of it now, inasmuch as we have it up. I believe the House is ready.

The SPEAKER pro tempore. The gentleman from New York moves to strike out the enacting clause of the pending bill.

Mr. TAWNEY. Mr. Speaker, is that debatable?

The SPEAKER pro tempore. The Chair would state that it is not. The question is on the motion of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. TAWNEY) there were—ayes 92, noes 87.

Mr. TAWNEY and Mr. MORRIS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 132, answered "present" 3, not voting 83; as follows:

YEAS—137.

Acheson,	Evans,	Kyle,	Powers, Me.
Adams,	Feely,	Lacey,	Prince,
Adamson,	Fleming,	Landis,	Ransdell, La.
Babcock,	Foss,	Lawrence,	Reeves,
Ball, Del.	Foster, Vt.	Lester,	Roberts,
Ball, Tex.	Fowler,	Lewis, Pa.	Russell,
Bell,	Gardner, Mass.	Lindsay,	Schirm,
Bellamy,	Gardner, N. J.	Littauer,	Shattuc,
Bingham,	Gillet, N. Y.	Livingston,	Sheppard,
Blackburn,	Gillett, Mass.	Loud,	Sherman,
Boreing,	Glass,	Loudenslager,	Showalter,
Bowie,	Glenn,	McAndrews,	Sibley,
Brandegee,	Gordon,	McCall,	Smith, Ill.
Bristow,	Graham,	McClellan,	Sparkman,
Broussard,	Green, Pa.	McLachlan,	Sperry,
Brownlow,	Greene, Mass.	McLain,	Spight,
Bull,	Haskins,	Mahon,	Steele,
Burgess,	Hay,	Mahoney,	Storm,
Burk, Pa.	Hedge,	Mann,	Sulloway,
Burleson,	Henry, Conn.	Mercer,	Swann,
Butler, Mo.	Henry, Miss.	Metcalf,	Tayler, Ohio
Butler, Pa.	Henry, Tex.	Meyer, La.	Tirrell,
Candler,	Hepburn,	Mickey,	Tongue,
Capron,	Hill,	Miers, Ind.	Van Voorhis,
Cassel,	Hitt,	Moody, N. C.	Vreeland,
Cooper, Tex.	Hopkins,	Moody, Oreg.	Wachter,
Currier,	Howard,	Mudd,	Wadsworth,
Dalzell,	Howell,	Mutchler,	Wanger,
Davis, Fla.	Hull,	Nevin,	Warnock,
Dayton,	Irwin,	Norton,	Watson,
Deemer,	Jack,	Overstreet,	Williams, Miss.
Draper,	Jones, Va.	Parker,	Young.
Driscoll,	Kern,	Payne,	
Dwight,	Ketcham,	Pearre,	
Emerson,	Knapp,	Perkins,	

NAYS—132.

Alexander,	Dougherty,	Lever,	Selby,
Allen, Ky.	Douglas,	Lewis, Ga.	Shackleford,
Aplin,	Dovener,	Little,	Shafroth,
Barney,	Eddy,	Lloyd,	Shallenberger,
Bartholdt,	Elliott,	Lovering,	Sims,
Bartlett,	Esch,	McCleary,	Skiles,
Beidler,	Finley,	McCulloch,	Smith, Iowa
Benton,	Fitzgerald,	Marshall,	Smith, Ky.
Billmeyer,	Fletcher,	Martin,	Smith, H. C.
Bishop,	Fox,	Maynard,	Smith, S. W.
Bowersock,	Gaines, Tenn.	Miller,	Smith, Wm. Alden
Brantley,	Gardner, Mich.	Minor,	Snodgrass,
Breazeale,	Gibson,	Moon,	Snook,
Brown,	Gilbert,	Morris,	Southard,
Brundidge,	Gooch,	Needham,	Stark,
Burkett,	Graff,	Otjen,	Stephens, Tex.
Burnett,	Griffith,	Padgett,	Stevens, Minn.
Caldwell,	Haugen,	Patterson, Tenn.	Stewart, N. J.
Cannon,	Hemenway,	Pierce,	Sutherland,
Clark,	Hildebrant,	Pou,	Tate,
Clayton,	Holliday,	Powers, Mass.	Tawney,
Cochran,	Jenkins,	Randell, Tex.	Taylor, Ala.
Conner,	Jett,	Reeder,	Thomas, Iowa
Cooney,	Johnson,	Rhea,	Thomas, N. C.
Cooper, Wis.	Jones, Wash.	Richardson, Ala.	Trimble,
Corliss,	Joy,	Richardson, Tenn.	Underwood,
Cowherd,	Kitchin, Claude	Rixey,	Vandiver,
Cromer,	Kitchin, Wm. W.	Robb,	Warner,
Crowley,	Kluttz,	Robinson, Ind.	Weeks,
Crumpacker,	Lamb,	Rucker,	Wheeler,
Cushman,	Lanham,	Ryan,	Wiley,
Darragh,	Latimer,	Scarborough,	Williams, Ill.
Dick,	Lessler,	Scott,	Zenor.

ANSWERED "PRESENT"—3.

Coombs,	Griggs,	Kehoe.

NOT VOTING—83.

Allen, Me.	De Armond,	Knox,	Rumple,
Bankhead,	Dinsmore,	Lassiter,	Ruppert,
Bates,	Edwards,	Littlefield,	Shelden,
Belmont,	Flood,	Long,	Slayden,
Blakeney,	Foerderer,	McDermott,	Small,
Boutell,	Fordney,	McRae,	Southwick,
Brick,	Foster, Ill.	Maddox,	Stewart, N. Y.
Bromwell.	Gaines. W. Va.	Mondell,	Sulzer,
Burke, S. Dak.	Gill,	Morgan,	Swann,
Burleigh,	Goldfogle,	Morrell,	Swanson,
Burton,	Grosvenor,	Moss,	Talbert,
Calderhead,	Grow,	Naphen,	Thayer,
Cassingham,	Hamilton,	Neville,	Thompson,
Connell,	Hanbury,	Newlands,	Tompkins, N. Y.
Conry,	Heatwole,	Olmsted,	Tompkins, Ohio
Cousins,	Hooker,	Palmer,	White,
Creamer,	Hughes,	Patterson, Pa.	Wilson,
Curtis,	Jackson, Kans.	Pugsley,	Woods,
Dahle,	Jackson, Md.	Reid,	Wooten,
Davey, La.	Kahn,	Robertson, La.	Wright.
Davidson,	Kleberg,	Robinson, Nebr.	

So the motion to strike out the enacting clause was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. COOMBS with Mr. DAVEY of Louisiana.

Mr. KAHN with Mr. BELMONT.

Until further notice:

Mr. BURLEIGH with Mr. GRIFFITH.

Mr. RUMPLE with Mr. ROBINSON of Nebraska.

Mr. LONG with Mr. NEWLANDS.

Mr. FORDNEY with Mr. KLEBERG.

Mr. KNOX with Mr. NEVILLE.

Mr. BOUTELL with Mr. GRIGGS.

For this day:

Mr. JACKSON of Maryland with Mr. FOSTER of Illinois.

Mr. ALLEN of Maine with Mr. REID.

Mr. WRIGHT with Mr. FLOOD.

Mr. CALDERHEAD with Mr. BANKHEAD.

Mr. BURTON with Mr. DINSMORE.

Mr. BATES with Mr. CONRY.

Mr. BRICK with Mr. CREAMER.

Mr. COUSINS with Mr. EDWARDS.

Mr. GAINES of West Virginia with Mr. GOLDFOGLE.

Mr. GILL with Mr. HOOKER.

Mr. GROW with Mr. JACKSON of Kansas.

Mr. HAMILTON with Mr. MCDERMOTT.

Mr. HANBURY with Mr. LASSITER.

Mr. LITTLEFIELD with Mr. NAPHEN.

Mr. HUGHES with Mr. PUGSLEY.

Mr. MORGAN with Mr. SLAYDEN.

Mr. SHELDEN with Mr. SULZER.

Mr. SOUTHWICK with Mr. SWANSON.

Mr. STEWART of New York with Mr. WILSON.

Mr. TOMPKINS of Ohio with Mr. WHITE.

Mr. PATTERSON of Pennsylvania with Mr. THAYER.

Mr. CONNELL with Mr. DE ARMOND.

Mr. OLMSTED with Mr. ROBERTSON of Louisiana.

Mr. TOMPKINS of New York with Mr. THOMPSON.

Mr. WOODS with Mr. WOOTEN.

Mr. HEATWOLE with Mr. MADDOX.

Mr. DAVIDSON with Mr. MCRAE.

On this bill:

Mr. GROSVENOR with Mr. KEHOE.

Mr. FOERDERER with Mr. SMALL.

Mr. MORRELL with Mr. TALBERT.

Mr. CURTIS with Mr. RUPPERT.

Mr. BURKE of South Dakota with Mr. MONDELL.

The result of the vote was announced as above recorded.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

CHARLES W. FRANKLIN.

On motion of Mr. BINGHAM, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Charles W. Franklin, Fifty-seventh Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HAMILTON, indefinitely, on account of sickness.

To Mr. LASSITER, for one week, on account of sickness in his family.

To Mr. ROBERTSON of Louisiana, for fifteen days, on account of important business.

MARGARET KENNEDY.

By unanimous consent, on motion of Mr. BOREING, it was ordered that House Report No. 95, first session Fifty-second Congress, in the claim of Margaret Kennedy, be reprinted for the use of the House.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 8414) granting an increase of pension to George Atkinson;

A bill (H. R. 5888) granting an increase of pension to Peter Poutney;

A bill (H. R. 5961) granting an increase of pension to Charles F. Coles;

A bill (H. R. 7878) granting an increase of pension to William J. Remington;

A bill (H. R. 7618) granting an increase of pension to Thomas Sheridan;

A bill (H. R. 4262) granting an increase of pension to Thomas P. May;

A bill (H. R. 5951) granting an increase of pension to Ole Thompson;

A bill (H. R. 2440) granting an increase of pension to William D. Smith;

A bill (H. R. 3513) granting increase of pension to James W. Young;

A bill (H. R. 8145) granting an increase of pension to Harvey B. Linton;

A bill (H. R. 13848) granting an increase of pension to James H. Chedester;

A bill (H. R. 14774) granting a pension to John C. Clarke;

A bill (H. R. 3825) granting an increase of pension to Lizzie I. Rich;

A bill (H. R. 1347) granting an increase of pension to Charles H. Webb;

A bill (H. R. 10263) granting an increase of pension to Daniel J. Byrnes;

A bill (H. R. 2483) granting a pension to James A. Clifton;

A bill (H. R. 14732) granting an increase of pension to Grace M. Read;

A bill (H. R. 10394) granting a pension to William H. Ruggles;

A bill (H. R. 10325) granting an increase of pension to Joseph Stonesifer;

A bill (H. R. 12777) granting an increase of pension to George H. Young;

A bill (H. R. 10462) granting an increase of pension to Mary A. Munson;

A bill (H. R. 10005) granting an increase of pension to William A. Henderson;

A bill (H. R. 5480) granting an increase of pension to John C. Nelson;

A bill (H. R. 9691) granting an increase of pension to James H. Joseph;

A bill (H. R. 5758) granting an increase of pension to Newton W. Elmendorf;

A bill (H. R. 832) granting an increase of pension to William Clark;

A bill (H. R. 6970) granting an increase of pension to Monora Stimson;

A bill (H. R. 9883) granting an increase of pension to William Kelley;

A bill (H. R. 13690) granting an increase of pension to Freeman R. Gove;

A bill (H. R. 14421) granting an increase of pension to John Q. A. Rider;

A bill (H. R. 13457) granting an increase of pension to John S. Crosser;

A bill (H. R. 11579) granting an increase of pension to John A. Wright;

A bill (H. R. 9807) granting an increase of pension to Hiram Janes;

A bill (H. R. 3745) granting an increase of pension to George Kerr;

A bill (H. R. 12326) granting a pension to John A. Kirkham;

A bill (H. R. 7109) granting an increase of pension to Stanton L. Brabham;

A bill (H. R. 14377) granting an increase of pension to Jennett Stewart;

A bill (H. R. 14055) granting an increase of pension to Samuel Brown;

A bill (H. R. 8146) granting an increase of pension to Thomas M. Owens;

A bill (H. R. 12165) granting an increase of pension to Caroline M. Stone;
A bill (H. R. 3330) granting a pension to Calvin Duckworth;
A bill (H. R. 9219) granting an increase of pension to Colmore L. Newman;
A bill (H. R. 10174) granting a pension to Jennie M. Sawyer;
A bill (H. R. 11453) granting a pension to Catharine Freeman;
A bill (H. R. 931) granting a pension to Huldah A. Clark;
A bill (H. R. 13352) granting an increase of pension to Charles E. Brown;
A bill (H. R. 12279) granting a pension to Nancy M. Gunsally;
A bill (H. R. 13467) granting a pension to Joseph H. Woodruff;
A bill (H. R. 11436) granting an increase of pension to James H. McKnight;
A bill (H. R. 5038) granting an increase of pension to William H. Hudson;
A bill (H. R. 13943) granting an increase of pension to Charles M. Grainger;
A bill (H. R. 14355) granting an increase of pension to Timothy Donohue;
A bill (H. R. 14701) granting a pension to Mary A. Peters;
A bill (H. R. 6968) granting a pension to Cappa King;
A bill (H. R. 6401) granting an increase of pension to David E. Hall;
A bill (H. R. 7041) granting an increase of pension to Thomas J. Pleasant;
A bill (H. R. 7040) granting an increase of pension to Benjamin Grinnell;
A bill (H. R. 6823) granting an increase of pension to Allen W. Merrill;
A bill (H. R. 11196) granting a pension to Abbie Bourke;
A bill (H. R. 12932) granting a pension to Elizabeth D. Harding;
A bill (H. R. 2598) granting an increase of pension to Adrian M. Snyder;
A bill (H. R. 12632) granting an increase of pension to Barley O. Bowden;
A bill (H. R. 14098) granting an increase of pension to Albert M. Scott;
A bill (H. R. 13052) granting an increase of pension to Charles K. Batey;
A bill (H. R. 11890) granting an increase of pension to James Brown;
A bill (H. R. 1745) granting an increase of pension to Marvin Chandler;
A bill (H. R. 5453) granting an increase of pension to Thomas Wilkinson;
A bill (H. R. 1090) granting a pension to James E. Bates;
A bill (H. R. 3517) granting an increase of pension to Stephen Harris;
A bill (H. R. 14144) granting an increase of pension to Fannie S. Cross;
A bill (H. R. 11638) granting an increase of pension to Samuel Hyman;
A bill (H. R. 6003) granting a pension to Mary Stone;
A bill (H. R. 1931) granting an increase of pension to John Ludwig;
A bill (H. R. 10679) granting an increase of pension to Charlotte E. Baird;
A bill (H. R. 13446) granting an increase of pension to John G. Heiser;
A bill (H. R. 12009) granting an increase of pension to George Baker;
A bill (H. R. 8856) granting an increase of pension to Leon King;
A bill (H. R. 3653) granting an increase of pension to James W. Poor; and
A bill (H. R. 5883) granting a pension to Martha A. Hollingsead.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:
A bill (S. 5019) granting an increase of pension to Hannah E. James;
A bill (S. 5976) granting an increase of pension to Milton Frazier;
A bill (S. 4075) granting a pension to Henry R. Gibbs;
A bill (S. 4528) granting a pension to Corydon Millard;
A bill (S. 4296) granting a pension to Andrew Ady;
A bill (S. 3035) granting an increase of pension to Elias Brewster;
A bill (S. 6132) granting an increase of pension to Fannie McHarg;
A bill (S. 5816) granting a pension to Etta A. Whitehouse;
A bill (S. 1739) granting an increase of pension to William S. Frost;
A bill (S. 4752) granting a pension to Betsey Jones;
A bill (S. 5852) granting a pension to Robert P. McRae;
A bill (S. 5639) granting a pension to William H. Durham;
A bill (S. 6101) granting an increase of pension to Reuben Andrews;
A bill (S. 4093) granting an increase of pension to William Barrett;
A bill (S. 5812) granting a pension to Wallace Fairbank;
A bill (S. 5814) granting a pension to Preston W. Burford;
A bill (S. 3970) granting an increase of pension to Mary Elizabeth Fales;
A bill (S. 4866) granting an increase of pension of Sara D. Bereman;
A bill (S. 3020) granting an increase of pension to Eliza E. Littlefield;
A bill (S. 4943) granting an increase of pension to Abraham Park; and
A bill (S. 2353) granting an increase of pension to Almond Partridge.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:
A bill (H. R. 10761) granting a pension to Anne Bronson;
A bill (H. R. 4261) granting an increase of pension to Sanders R. Seamonds;
A bill (H. R. 13355) granting an increase of pension to William H. Snyder;
A bill (H. R. 13367) granting an increase of pension to Jonathan Walbert;
A bill (H. R. 8712) granting an increase of pension to James S. Young;
A bill (H. R. 1523) granting a pension to Susan J. Taylor;
A bill (H. R. 13665) granting an increase of pension to George R. Baldwin;
A bill (H. R. 6481) granting an increase of pension to Millen McMillen;
A bill (H. R. 11979) granting an increase of pension to William W. Anderson;
A bill (H. R. 10876) granting an increse in the pension of Joseph Mote; and
A bill (H. R. 2618) granting an increase of pension to Michael Mullin.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4204) relating to grants of land to the Territory and State of Washington for school purposes.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 342) for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. MCCUMBER, and Mr. TALIAFERRO as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIX, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5019. An act granting an increase of pension to Hannah E. James—to the Committee on Invalid Pensions.
S. 5976. An act granting an increase of pension to Milton Frazier—to the Committee on Invalid Pensions.
S. 4075. An act granting a pension to Henry R. Gibbs—to the Committee on Invalid Pensions.
S. 4528. An act granting a pension to Corydon Millard—to the Committee on Invalid Pensions.
S. 6132. An act granting an increase of pension to Fannie McHarg—to the Committee on Pensions.
S. 5816. An act granting a pension to Etta A. Whitehouse—to the Committee on Invalid Pensions.
S. 1739. An act granting an increase of pension to William S. Frost—to the Committee on Invalid Pensions.
S. 4752. An act granting a pension to Betsey Jones—to the Committee on Invalid Pensions.
S. 5852. An act granting a pension to Robert P. McRae—to the Committee on Invalid Pensions.
S. 5639. An act granting a pension to William H. Durham—to the Committee on Invalid Pensions.
S. 6101. An act granting an increase of pension to Reuben Andrews—to the Committee on Invalid Pensions.
S. 4093. An act granting an increase of pension to William Barrett—to the Committee on Invalid Pensions.
S. 5812. An act granting a pension to Wallace Fairbank—to the Committee on Invalid Pensions.
S. 5814. An act granting a pension to Preston W. Burford—to the Committee on Invalid Pensions.
S. 3970. An act granting an increase of pension to Mary Elizabeth Fales—to the Committee on Invalid Pensions.

S. 4866. An act granting an increase of pension to Sara D. Bereman—to the Committee on Invalid Pensions.

S. 3020. An act granting an increase of pension to Eliza F. Littlefield—to the Committee on Invalid Pensions.

S. 4943. An act granting an increase of pension to Abraham Park—to the Committee on Invalid Pensions.

S. 2353. An act granting an increase of pension to Almond Partridge—to the Committee on Invalid Pensions.

S. 3035. An act granting an increase of pension to Elias Brewster—to the Committee on Invalid Pensions.

S. 4296. An act granting a pension to Andrew Ady—to the Committee on Invalid Pensions.

BRITISH SCHOONER LILLIE.

The SPEAKER laid before the House the following message from the President of the United States; which was read, ordered to be printed, and referred to the Committee on Claims:

To the Senate and House of Representatives:

I transmit herewith for the determination of Congress as to whether relief should not be afforded to the owners of the British schooner *Lillie*, a report of the Secretary of State, with accompanying papers, showing that the vessel sustained damages by a fire which broke out within her while she was being disinfected with sulphur and while she was in charge of the United States qaurantine officer at Ship Island, near Biloxi, Miss.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, December 9, 1902.

SECOND ANNUAL REPORT OF THE GOVERNOR OF PORTO RICO.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, ordered to be printed, and referred to the Committee on Printing:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, accompanying the second annual report of the governor of Porto Rico, and indorse the suggestion that the interest attaching to it may warrant its being printed for the use of Congress.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, December 9, 1902.

CASH B. HERMAN.

Mr. HENRY C. SMITH. Mr. Speaker, I call up a resolution from the Committee on Accounts.

The resolution was read, as follows:

Resolved, That the Clerk of the House is hereby directed to pay out of the contingent fund of the House miscellaneous items, 1901, the sum of $57.50 to Cash B. Herman, for services rendered under the Doorkeeper of the House from March 1 to March 23, 1901, inclusive.

The resolution was agreed to.

On motion of Mr. HENRY C. SMITH, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 20 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Postmaster-General, transmitting a report of the expenditures, the liabilities, and engagements of his Department—to the Committee on Expenditures in the Post-Office Department, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting a supplemental estimate of appropriation for Metropolitan police of the District of Columbia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for transcript of records and plats, General Land Office—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, Postmaster-General, and Attorney-General, submitting a report as to the Federal building at Houston, Tex.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, Postmaster-General, and Attorney-General, submitting a report as to the Federal building at Grand Rapids, Mich.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, Postmaster-General, and Attorney-General, submitting a report as to the Federal building at Lima, Ohio—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, Postmaster-General, and Attorney-General, submitting a report as to the Federal building at Duluth, Minn.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, Postmaster-General, and Attorney-General, submitting a report as to the Federal building at South Bend, Ind.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the pilot boat *Zephyr*, Edward Stansford, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *William*, Nathaniel Curtis, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a letter from the Assistant Commissioner of the Land Office requesting that the appropriation for the resurvey of the boundary between Colorado, New Mexico, and Oklahoma be made available for the year ending June 30, 1904—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars named therein, as follows:

Mr. ROBERTS, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 1099) authorizing the Secretary of the Navy to return to Harvard University certain colors, silver cup, and Nordenfelt gun, reported the same without amendment, accompanied by a report (No. 2783); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 62) to authorize the Secretary of the Navy to donate to the Minnesota Historical Society the steering wheel of the former ship *Minnesota*, reported the same without amendment, accompanied by a report (No. 2787); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes, reported the same with amendments, accompanied by a report (No. 2788); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred, as follows:

A bill (H. R. 15686) for the relief of the legal representatives of Samuel Schiffer—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 15419) granting a pension to Maria Elizabeth Horner—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11546) granting a pension to Edward Bryan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12602) granting an increase of pension to Amanda Burke—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15744) granting an increase of pension to Robert H. McBlain—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. PAYNE: A bill (H. R. 15794) to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890—to the Committee on Ways and Means.

By Mr. WILCOX: A bill (H. R. 15795) to pay the judgments rendered under an act of the legislative assembly of the Territory of Hawaii for property destroyed in suppressing the bubonic plague in said Territory in 1899 and 1900—to the Committee on the Territories.

By Mr. KNAPP: A bill (H. R. 15796) providing for the erection of a public building at Watertown, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. HAY: A bill (H. R. 15797) to authorize the reenlistment of Charles Parker, late hospital steward, United States Army—to the Committee on Military Affairs.

By Mr. PRINCE: A bill (H. R. 15798) making an appropriation, to be expended under the direction of the Commissioner of Indian Affairs, for the purpose of purchasing tire-setting machines for the repair of wagons, and so forth, in the Indian service—to the Committee on Indian Affairs.

By Mr. JENKINS: A bill (H. R. 15799) to confirm the name of Seward place for the space formed by the intersection of C street south and Pennsylvania and North Carolina avenues, District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 15800) extending the provisions of section 1 of act of July 1, 1902, for the further distribution of Reports of the Supreme Court, and for other purposes—to the Committee on the Judiciary.

By Mr. LITTLE: A bill (H. R. 15801) to authorize an exchange of sites for the public buildings of Garland County, Ark.—to the Committee on the Public Lands.

By Mr. WILEY: A bill (H. R. 15802) to authorize the register of the land office at Montgomery, Ala., to give certificates empowering certain persons to enter and take up public lands in certain contingencies, upon surrender by such persons by deeds of conveyance of all claims against homestead entries made on lands to aid in the construction of the Mobile and Girard Railroad of Alabama—to the Committee on the Public Lands.

By Mr. SHERMAN: A bill (H. R. 15803) to regulate and make uniform the rights of persons furnishing to or for vessels supplies, repairs, or other necessaries—to the Committee on the Merchant Marine and Fisheries.

By Mr. SHERMAN, from the Committee on Indian Affairs: A bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes—to the Union Calendar.

By Mr. SPERRY: A bill (H. R. 15805) to provide for the modification of the project for the improvement of the harbor of New Haven, Conn.—to the Committee on Rivers and Harbors.

By Mr. SAMUEL W. SMITH: A bill (H. R. 15806) granting an extension of Euclid avenue—to the Committee on the District of Columbia.

By Mr. HOPKINS: A bill (H. R. 15807) providing for the taking of the statistics of cities by the Census Bureau every two years—to the Select Committee on the Census.

By Mr. STEWART of New Jersey: A bill (H. R. 15861) to increase the pensions of widows and minor children of soldiers of the war of the rebellion, and also the widows of the soldiers of the war with Mexico—to the Committee on Invalid Pensions

By Mr. BELL: A bill (H. R. 15877) requiring corporations doing interstate business to file reports with the Secretary of State, and for other purposes—to the Committee on the Judiciary.

By Mr. TAYLER of Ohio: A bill (H. R. 15878) authorizing and directing the Secretary of the Treasury to acquire a site for a public building in East Liverpool, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. STEVENS of Minnesota: A bill (H. R. 15879) providing for an additional district judge in the district of Minnesota—to the Committee on the Judiciary.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOWERSOCK: A bill (H. R. 15808) granting an increase of pension to W. J. Lockhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15809) granting an increase of pension to Clifford Fetters—to the Committee on Invalid Pensions.

By Mr. BURKETT: A bill (H. R. 15810) granting an increase of pension to Joseph A. McCormick—to the Committee on Invalid Pensions.

By Mr. CLARK: A bill (H. R. 15811) granting a pension to David Copenhaver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15812) granting a pension to Lucien B. Love—to the Committee on Pensions.

By Mr. CANDLER: A bill (H. R. 15813) for relief of heirs of Coleman Rogers, deceased—to the Committee on War Claims.

By Mr. CANNON: A bill (H. R. 15814) granting a pension to William H. Bird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15815) granting a pension to Hattie A. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15816) to increase the pension of Andrew J. Millman—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 15817) granting an increase of pension to Albert Sriver—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 15818) granting a pension to Frances E. Fitz-Gerald—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 15819) granting an increase of pension to John W. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15820) granting an increase of pension to James R. Werts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15821) granting a pension to Julia Wysong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15822) granting a pension to Michael Hoffman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15823) granting a pension to Andrew Dibert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15824) granting a pension to Ella S. Plank—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15825) to correct the military record of John H. Arford—to the Committee on Military Affairs.

By Mr. FLYNN: A bill (H. R. 15826) providing for the payment of certain money out of town-lot sales to Jacob Crew—to the Committee on Claims.

By Mr. FOWLER: A bill (H. R. 15827) granting a pension to Grace Ashton Negley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15828) granting a pension to Emma Cortright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15829) granting an increase of pension to William Van Riper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15830) granting an increase of pension to George H. Sweet—to the Committee on Pensions.

Also, a bill (H. R. 15831) granting an increase of pension to Mary A. Dishon—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 15832) granting a pension to Sarah A. Bargar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15833) granting a pension to Maggie A. Trimmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15834) granting an increase of pension to Matthew S. Priest—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 15835) for the relief of the trustees of the Evangelical Lutheran Church, of Strasburg, Va.—to the Committee on War Claims.

By Mr. HILDEBRANT: A bill (H. R. 15836) granting a pension to Levi G. Fessenden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15837) in behalf of C. C. Shearer—to the Committee on Claims.

Also, a bill (H. R. 15838) in behalf of Lisette Miller, widow of Andrew C. Miller, second lieutenant Company B, Twelfth Regiment Ohio Volunteer Infantry—to the Committee on Claims.

By Mr. JACKSON of Kansas: A bill (H. R. 15839) granting an increase of pension to Luther Scott—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 15840) granting an increase of pension to Rudolph B. Weyenith—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 15841) granting an increase of pension to John Da Silva—to the Committee on Pensions.

By Mr. LAWRENCE: A bill (H. R. 15842) granting a pension to Mary M. Talcott—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 15843) granting an increase of pension to Louis W. Rowe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15844) granting a pension to Lula V. Harris—to the Committee on Invalid Pensions.

By Mr. MARSHALL: A bill (H. R. 15845) granting an increase of pension to Andrew C. Ranard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15846) for the relief of Charles B. Thimens—to the Committee on Claims.

By Mr. MERCER: A bill (H. R. 15847) granting a pension to Thomas Cosgrove—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 15848) authorizing the Secretary of State to pay the claim of the Cuba Submarine Telegraph Company for compensation on account of expenses incurred in repairing the damage done to its cables and property by the United States forces during the war with Spain—to the Committee on War Claims.

Also, a bill (H. R. 15849) authorizing the Secretary of State to pay the claim of the Eastern Extension Australasia and China Telegraph Company, Limited, for compensation on account of expenses incurred in repairing its Manila-Hongkong and Manila-Capiz cables, which were cut by United States forces during the war with Spain—to the Committee on War Claims.

Also, a bill (H. R. 15850) authorizing the Secretary of State to pay the claim of the "Compagnie Française des Cables Telegraphiques" for compensation on account of expenses incurred in repairing the damage done to its cables and property by the military and naval authorities of the United States in Cuba during the Spanish-American war—to the Committee on War Claims.

By Mr. NORTON: A bill (H. R. 15851) granting an increase of pension to Jacob Hoover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15852) granting an increase of pension to Cyrus G. Norton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15853) granting an increase of pension to John L. Milliman—to the Committee on Invalid Pensions.

By Mr. NEVILLE: A bill (H. R. 15854) granting an increase of pension to James F. Lambson—to the Committee on Invalid Pensions.

By Mr. POWERS of Maine: A bill (H. R. 15855) granting a pension to Ambrose W. Severance—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 15856) granting an increase of pension to Joseph Chetney—to the Committee on Invalid Pensions.

By Mr. STARK: A bill (H. R. 15857) granting a pension to Frances A. Hinson—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 15858) granting an increase of pension to Watson Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15859) granting an increase of pension to John S. Mullen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15860) granting an increase of pension to Ebenezer L. Beach—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 15862) granting a pension to Michael Cribbins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15863) granting a pension to George W. Mower—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 15864) granting an increase of pension to Benjamin Knestrict—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 15865) granting an increase of pension to William A. Cover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15866) granting a pension to Caleb Ellis—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 15867) granting an increase of pension to Jacob A. Geiger—to the Committee on Invalid Pensions.

By Mr. GOOCH: A bill (H. R. 15868) granting a pension to Stephen Rickey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15869) granting a pension to William F. Blanchard—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 15870) granting an increase of pension to John Smith and repealing an act granting an increase of pension to John Smith approved June 7, 1902—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 15871) granting an increase of pension to William S. Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15872) granting an increase of pension to Albert H. Noble—to the Committee on Pensions.

Also, a bill (H. R. 15873) granting a pension to Minerva Murphy—to the Committee on Pensions.

By Mr. HENDERSON: A bill (H. R. 15874) granting a pension to Rebecca R. Greer—to the Committee on Invalid Pensions.

By Mr. WARNER: A bill (H. R. 15875) granting an increase of pension to William F. Benefiel—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 15876) granting an increase of pension to Henry M. Wight—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Woman's Home Missionary Society of the First Presbyterian Church of Washington, Pa., opposing the seating of Reed Smoot, of Utah, in the Senate of the United States, and in relation to the admission to statehood of New Mexico and Arizona, and antipolygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of James Noble Post, No. 348, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 13986, introduced by Mr. BALL of Delaware—to the Committee on Invalid Pensions.

By Mr. ADAMSON: Resolutions of the Board of Trade of Columbus, Ga., for the enactment of liberal laws for the district of Alaska, to open the land to settlement, etc.—to the Committee on the Territories.

By Mr. ALEXANDER: Petition of Presbytery of Rochester, N. Y., for the establishment of a laboratory in the Department of Justice at Washington for the study of the criminal classes—to the Committee on the Judiciary.

By Mr. BROWN: Petition of citizens of Shawano, Wis., favoring the passage of Senate bill 3620, relating to Stockbridge Indians of Wisconsin—to the Committee on Indian Affairs.

Also, resolution of Milwaukee common council, in favor of House joint resolution 144—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Butternut, Wis., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BURKETT: Papers to accompany House bill 15528, granting a pension to J. C. Williams—to the Committee on Invalid Pensions.

By Mr. CANDLER: Papers to accompany bill for the relief of the heirs of Coleman Rogers, deceased, of Giles County, Tenn.—to the Committee on War Claims.

By Mr. CANNON: Papers to accompany House bill for increase of pension of Andrew J. Milliman—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Mrs. B. Matilda Taylor—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for increase of pension of Granville Henderson Bishop—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 15129, granting an increase of pension to Ira Bacon—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to William H. Bird—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Hattie A. Smith—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: Papers to accompany House bill 15465, granting a pension to Mariam Bell—to the Committee on Invalid Pensions.

By Mr. CROMER: Petition of Indianapolis (Ind.) Bar Association for the establishment of a laboratory in the Department of Justice at Washington for the study of the criminal classes—to the Committee on the Judiciary.

Also, petition of Samuel J. Mack and others, of Alexandria, Ind., asking for reduction of tax on spirituous liquors—to the Committee on Ways and Means.

By Mr. DAYTON: Papers to accompany House bill granting a pension to Frances E. Fitzgerald—to the Committee on Invalid Pensions.

By Mr. HILDEBRANT: Papers to accompany House bill relating to the claim of Lisette Miller—to the Committee on Claims.

Also, petition of C. C. Shearer, of Xenia, Ohio, for the payment of funeral expenses of John G. Kyle, late first lieutenant, First Regiment United States Cavalry—to the Committee on Claims.

Also, paper to accompany House bill granting a pension to Levi G. Fessenden—to the Committee on Invalid Pensions.

By Mr. KETCHAM: Petition of citizens of Ulster County, N. Y., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. KNAPP: Petition of retail druggists and citizens of the Twenty-fourth Congressional district of New York in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. LITTAUER: Petition of retail druggists of Johnstown, N. Y., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MANN: Petition of J. W. Allison and other citizens of Chicago, Ill., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MARSHALL: Paper relating to the claim of Charles B. Thimens—to the Committee on Claims.

By Mr. McCLEARY: Petition of Rev. Wilson Aull and other citizens of Worthington, Minn., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, resolutions of St. Paul Camp I, Sons of Veterans, favoring the erection of a monument to Baron Steuben—to the Committee on the Library.

By Mr. OTJEN: Petition of L. Lowe Company and others, urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of George Moon and others, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. POWERS of Maine: Paper to accompany House bill granting an increase of pension to Ambrose W. Severance—to the Committee on Invalid Pensions.

By Mr. RIXEY: Petition of H. L. Briscoe, heir of Maria Shirley, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. SHERMAN: Petition of citizens of Rome, N. Y., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SKILES: Petition of Joseph Barnett and others, for

reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Papers to accompany House bill 7077, granting a pension to Felix Lindsay—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Resolutions of the Chamber of Commerce of St. Paul, Minn., in favor of a tariff commission—to the Committee on Ways and Means.

Also, resolutions of the Winona County Medical Society and Minnesota Unitarian Conference, favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. STEWART of New York: Petition of retail druggists of Cooperstown, Catskill, and vicinity, New York, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. WARNOCK: Papers to accompany House bill granting a pension to Benjamin Knestrict—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill for increase of pension of William S. Morris—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to William A. Cover—to the Committee on Invalid Pensions.

Also, papers to accompany bill for a pension to Caleb Ellis—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Minerva Murphy—to the Committee on Pensions.

Also, papers to accompany House bill granting a pension to Albert H. Noble—to the Committee on Pensions.

SENATE.

WEDNESDAY, *December 10, 1902.*

Prayer by Rev. J. W. DUFFEY, D. D., of the city of Washington.

Mr. HENRY M. TELLER, a Senator from the State of Colorado, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

SALES OF OSAGE INDIAN LANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of May 10, 1902, a report from the Acting Commissioner of the General Land Office relative to the money received from the sale of the Osage ceded and the Osage trust and the diminished reserve lands in the State of Kansas; which, on motion of Mr. HARRIS, was, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 7956) providing additional districts for the recording of all instruments required by law to be recorded in the Indian Territory; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution providing that when the two Houses adjourn on Saturday, December 20, they stand adjourned until 12 o'clock meridian Monday, January 5, 1903; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Creditmen's Association, of Rochester, N. Y., praying for the passage of the so-called Ray bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New York, praying for the enactment of legislation relative to a reduction of the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. LODGE. I present several telegrams, in the nature of petitions, from business firms of Boston, Mass., relative to the tea duty as affected by a recent decision of the circuit court. The matter is pressing and demands immediate action. I move that the names of the firms be printed in the RECORD and that the telegrams be referred to the Committee on Finance.

The motion was agreed to.

The names of the firms referred to are as follows: Cobb, Bates & Yerka Company, Boston, Mass.; Thomas Wood & Co., Boston, Mass.; Dudley Hall, Boston, Mass.; Winslow, Rand & Watson, Boston, Mass.; Howard W. Spurr Coffee Company, Boston, Mass.; Briggs Seaver Company, Boston, Mass.; H. S. Brown & Co., Boston, Mass.

Mr. LODGE presented a petition of 15 ex-Union soldiers of Massachusetts, praying for the enactment of legislation to increase the pensions of soldiers and sailors who lost limbs in the service; which was referred to the Committee on Pensions.

He also presented a petition of the State Board of Trade of Massachusetts, praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented a petition of the State Board of Trade of Massachusetts, praying for the enactment of legislation for the Territory of Alaska to open the land to settlement and the mineral wealth of that district to the industry of the United States; which was referred to the Committee on Territories.

Mr. QUARLES presented the petition of A. M. Grau and 94 other citizens of Milwaukee, Wis., praying for the enactment of legislation to amend the internal-revenue laws relative to a reduction of the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a memorial of the Woman's Christian Temperance Union of Marshfield, Wis., remonstrating against the admission into the Union of the Territories of Arizona and New Mexico; which was ordered to lie on the table.

He also presented the petition of George McKerrow, superintendent of the Farmers' Institute of the University of Wisconsin, Madison, Wis., praying that an appropriation be made for the establishment of a bureau of farmers' institutes in the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the common council of Milwaukee, Wis., praying for the enactment of legislation to provide for the commemoration of the semicentennial anniversary of the commencement of the construction of the ship canal between Lake Huron and Lake Superior, at the falls of the St. Marys River, in the State of Wisconsin; which was referred to the Committee on Commerce.

Mr. PATTERSON presented a memorial of the Business Men's Association of Pueblo, Colo., remonstrating against the enactment of legislation to exclude from the United States all aliens over 15 years of age who can not read or write; which was ordered to lie on the table.

Mr. DRYDEN presented the petition of H. M. Nevius, of Redbank, N. J., and the petition of Joseph C. Stevens, of Bloomfield, N. J., praying for the enactment of legislation to increase the pensions of soldiers and sailors who lost limbs in the service; which were referred to the Committee on Pensions.

He also presented the petition of A. M. Cory, of New Providence, N. J., praying for the enactment of legislation granting pensions to contract surgeons in the war of 1861; which was referred to the Committee on Pensions.

He also presented memorials of the Young Woman's Christian Temperance Society of Haddonfield; of William W. Casselberry, of Haddonfield, and of Samuel J. Curran, of Haddonfield, all in the State of New Jersey, remonstrating against the admission into the Union of the Territories of Arizona, New Mexico, and Oklahoma; which were ordered to lie on the table.

He also presented the petition of D. K. Bayne, president of the Trenton Potteries Company, of Trenton, N. J., praying for the admission into the Union of the Territories of Arizona, New Mexico, and Oklahoma; which was ordered to lie on the table.

He also presented the petition of H. B. H. Sleght, of Newark, N. J., praying for the enactment of legislation to regulate the immigration of aliens into the United States; which was ordered to lie on the table.

He also presented the petition of James F. Rustling, of Trenton, N. J., praying for the enactment of legislation providing for the purchase of Temple Farm, at Yorktown, Va., for the purposes of a national park; which was referred to the Committee on the Library.

He also presented the memorial of P. Sanford Ross, of Jersey City, N. J., remonstrating against the enactment of legislation extending the hydraulic dredge patents of A. B. Bowers for a period of seventeen years; which was referred to the Committee on Patents.

He also presented the petition of Joseph Smolinski, representing the Polish-American organization of America, of Washington, D. C., praying for the erection of a bronze equestrian statue to the memory of the Revolutionary hero Pulaski; which was referred to the Committee on the Library.

OKLAHOMA AND INDIAN TERRITORY.

Mr. QUAY. Mr. President, I have received a very large number of resolutions and telegrams relating to the statehood bill, which will come up this afternoon, with the request that they be read in the Senate and entered in the RECORD.

I do not think it is worth while to go to the trouble of having them read. I would be glad to have a few of them, which are

typical in their character, read, and the rest may go into the RECORD or not, as the Senate shall determine. I prefer that they should go in if there be no objection, as telegrams have been printed in the RECORD on the other side of the question.

The PRESIDENT pro tempore. Will the Senator from Pennsylvania first send to the desk those he desires to have read?

Mr. QUAY. I will do so.

The PRESIDENT pro tempore. Is there objection to the reading of the telegrams sent to the desk? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

POND CREEK, OKLA., *November 29, 1902.*

At a mass meeting of the citizens of Grant County held at the court-house in Pond Creek on this 29th day of November, 1902, the following resolution was offered and unanimously passed:

"*Resolved*, That the people of Grant County, Okla., having a population of over 20,000, do ignore the so-called statehood convention to be held at Claremore December 3, because it is a deception to miscarry the will of the people of this Territory in their desire for immediate admission to statehood. We refuse to send any delegates to such a meeting. We desire the passage of the 'omnibus bill' just as it passed the House. We desire statehood for New Mexico and Arizona as well as for ourselves. It is the just right of the pioneers of these Territories to have the blessings of full American citizenship now. They have added hundreds of millions of wealth to the nation; they have offered blood in the defense of its flag. They pay tribute in a vast trade to the States whose Senators would deprive them of the rights that they inherit from the founders of this Republic. We vote our heartfelt thanks to the Senators on the floor who rise to a plane of statesmanship equal to that of our fathers and who would hail new stars in the flag of the greatest and most progressive nation on earth. That we send a copy to our Delegate for Senator QUAY."

J. N. DECK, *President.*
H. J. WASSON, *Secretary.*

ELRENO, OKLA., *December 8, 1902.*

Hon. MATTHEW S. QUAY,
Senate, Washington, D. C.:

At a mass meeting of citizens of Elreno, Okla., the following resolutions were adopted:

"*Resolved, first*, That, in our judgment, nine-tenths of the people of Oklahoma, irrespective of party affiliations, favor the immediate passage of the omnibus statehood bill, and are opposed to the substitute bill.

"*Resolved, second*, That the people of Elreno earnestly request our Delegate to Congress, Senator MATTHEW S. QUAY, and all other friends of Oklahoma to use all honorable means to secure the passage of the omnibus statehood bill."

DICK T. MORGA, *Chairman.*
D. W. PEERY, *Secretary.*

GUTHRIE, OKLA., *December 9, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

Oklahoma is with you in your fight for the omnibus bill. The people declared for this bill when it was the sole issue at the last election. They are unalterably opposed to the substitute bill.

FRANK H. GEER,
Editor Daily State Capital.

HOLDENVILLE, IND. T., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

As a resident of Creek Nation, I protest against passage of Senate amendment to statehood bill and recommend passage without including Indian Territory.

J. W. SINGLETON.

KINGFISHER, OKLA., *December 10, 1902.*

Senator QUAY, *Washington, D. C.:*

Republicans in recent election indorsed omnibus statehood bill. We urge its passage.

A. J. SEAY,
Ex-Governor.
AMOS A. EWING,
Chairman County Republican Committee.
F. L. WINKLER,
Territorial Council.
F. A. BELL,
President Commercial Club.
F. L. WINNER
(And 100 others).

PERRY, OKLA., *December 9, 1902.*

Senator QUAY, *Washington, D. C.:*

Political platforms should now be as sacred as they were then solemn. Reminding both parties that their national honor is now at test, we hope, ask, and beg for the omnibus bill's immediate passage.

William T. Little, postmaster; A. E. Smyser, mayor; R. E. Wade, president Commercial Club; C. D. Jensen, secretary Perry Commercial Club; Farmers and Merchants' Bank, Perry, Okla.; Exchange Bank; Noble County Bank; L. G. Shoop, register of deeds; H. A. Smith, probate judge; H. P. Larsh, county clerk; W. W. Faulds, county treasurer; W. T. Little.

HOLDENVILLE, IND. T., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

For best interest of all, would request that you urge passage of omnibus bill without Senate amendment.

W. S. HASTON.

HOBART, OKLA., *December 10, 1902.*

We are in favor of omnibus bill.

JOHN D. APPLEBY.
S. I. COMBS, *News-Republican.*
CHAS. H. LAMBA.
H. H. HADLOCK.

Hon. M. S. QUAY, *Washington, D. C.*

HOLDENVILLE, IND. T., *December 10, 1902.*

I earnestly protest against the passage of Senate amendment to omnibus bill and recommend passage of statehood bill without embracing Indian Territory.

L. WALKER.

Hon. M. S. QUAY,
United States Senate, Washington, D. C.

ELRENO, OKLA., *December 9, 1902.*

The people of Canadian County, Okla., demand the passage of the omnibus statehood bill, in accordance with promises held forth during the campaign, and are greatly alarmed at press reports, indicating a delay and showing a purpose to substitute some different measure.

CANADIAN COUNTY REPUBLICAN CENTRAL COMMITTEE,
By HENRY LASSEN, *Chairman.*

Senator MATT. QUAY, *Washington, D. C.*

GUTHRIE, OKLA., *December 9, 1902.*

The substitute statehood bill should not pass; Indian Territory entirely unprepared. People of Oklahoma are almost unanimous for the omnibus bill.

CHAS. E. BILLINGSLEY,
President Capital National Bank.

Senator MATT. QUAY, *Washington, D. C.*

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

The following resolutions were unanimously adopted by the common council of the city of Elreno relative to the omnibus statehood bill now pending in the Senate:

"*Be it resolved by the mayor and council of the city of Elreno in special session assembled*, Whereas we are informed that certain parties are endeavoring to make it appear to the Senate that the people of Oklahoma are opposed to the passage of the omnibus statehood bill: Therefore,

"*Be it resolved*, That we as a body and as individuals hereby denounce such representations as untrue and calculated to mislead the Senate as to the wishes of the people of Oklahoma as regards statehood: Therefore,

"*Be it further resolved*, That we hereby declare ourselves in favor of the passage of the omnibus bill and are unalterably opposed to the substitute therefor; and, further, we believe these sentiments are shared in by nineteen-twentieths of the people of Oklahoma."

Passed and approved this the 9th day of December, 1902.

T. F. HENSLEY, *Mayor.*
SIDNEY L. CLUTE, *Clerk.*

HOLDENVILLE, IND. T., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

Please urge passage of omnibus bill, and defeat, if possible, Senate amendment, as to best interests of Indian Territory.

NATIONAL BANK OF HOLDENVILLE.

RIPLEY, OKLA., *December 10, 1902.*

Senator MATTHEW S. QUAY, *Washington, D. C.:*

City officials and business men of Ripley indorse the Flynn bill; we wish you godspeed in your able fight for the passage of measure.

GEO. H. FOSTER, *Mayor.*
W. H. BOWDLAR, *Clerk.*
JOHN P. HINKEL.
W. G. PATTON.
W. B. COOK.

GUTHRIE, OKLA., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

The Beveridge bill would make a hopelessly Democratic State—locates Federal court at leading Democratic towns and takes it from leading Republican towns.

Mr. QUAY. That telegram got in by mistake, Mr. President. [Laughter.]

The Secretary resumed the reading, as follows:

NORMAN, OKLA., *December 9, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

The Republicans of Cleveland County favor immediate statehood along lines of omnibus bill.

JAY SHERMAN,
Territorial Committeeman.
JOHN A. MCCARTNEY,
Chairman County Committee.
C. C. WILLIAMS,
Secretary.
D. L. LARSH,
Executive Committee.
J. J. BURKE,
Editor Transcript.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

Omnibus bill our desire. Beveridge bill opposed.

N. S. ENGLE.

The PRESIDENT pro tempore. These resolutions and telegrams in the nature of petitions will lie on the table, the bill having been reported.

Mr. QUAY. I now send——

Mr. PLATT of Connecticut. If they are in the nature of petitions, why are they read to the Senate and put in the RECORD?

The PRESIDENT pro tempore. On the request of the Senator from Pennsylvania, to whose request unanimous consent was asked and given.

Mr. QUAY. I now send to the clerks' desk some that I do not desire to have read.

Mr. PLATT of Connecticut. Mr. President, I desire to say merely a word on this practice. I would prefer to have said it when the telegrams related to something else, and therefore I do not make any particular objection with reference to this matter, but it seems to me that at the same time we have got to consider whether every telegram which any person in the United States sees fit to send to a Senator is to be read to the Senate and printed in the RECORD.

Of course all know what the rules are. I know that the Senator who has a telegram, if objection is made, can rise and read it himself and that it will go into the RECORD; but I can not help thinking that this practice has been somewhat extended beyond any proper limits.

While, as I said, I would very much prefer to have made these remarks in relation to telegrams upon some other subject—one that did not excite particular interest—I think it is quite timely that attention should be called to the practice. If it goes on by the time we get to the end of the session we shall have anywhere from 300 to 1,000 pages of the RECORD filled with telegrams. I do not think we ought to burden our CONGRESSIONAL RECORD in that way. By the rules petitions are not to be put into the RECORD. The exception made is in the case of memorials of State legislatures and resolutions passed by State legislatures.

While, as I said, I make no special objection in this case, because I know there is feeling in the Senate upon the subject to which the telegrams relate, I hope that some action may be taken so that hereafter it will not be understood that every telegram which is sent can be presented to the Senate and the time of the Senate taken up in reading them and have the RECORD filled with that sort of petitions.

Mr. HOAR. Mr. President, I was in my seat when the Senator from Pennsylvania presented these petitions, and the thought which the Senator from Connecticut has expressed occurred to me. But where a people are petitioning for self-government, involving a matter so important as the question under what government they shall live, whether it shall remain Territorial, or what shall be the limits of their State if it came in, it seemed to me that the importance and interest of the question and the peculiar relation of the people, they having no representative on the floor of the Senate, warranted an exception to the ordinary practice in this case.

So I did not object; but, on the contrary, I thought the course taken by the Senator from Pennsylvania was absolutely right. Although I am not in favor of the view taken by the petitioners, it does seem to me that they are entitled to a special and peculiar hearing other than that which is accorded ordinarily to petitioners.

Mr. BATE. Besides, Mr. President, it will be remembered by the Senate that at least one telegram, which was very long and which it required a great while to read, was presented by the chairman of the Committee on Territories the other day on the other side of this question. I thought myself it was eminently proper that these telegrams should come in as an offset to that one and enlighten the Senate as to the opinions of those people. I believe the course taken was right, and the idea thrown out by the Senator from Massachusetts is certainly a correct one, that this is a case which involves the life of their government, the question being whether they ought to come into the Union as a State.

The PRESIDENT pro tempore. The Senator from Pennsylvania has sent to the desk a very large number of telegrams, which he asks shall be printed in the RECORD. That question was not put to the Senate at all. Does the Senate consent that these telegrams shall be printed in the RECORD? Is there objection?

Mr. PLATT of Connecticut. I wish to say that hereafter with relation to other matters I shall make objection to this course of procedure. I do not object to this particular matter.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

The telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

GUTHRIE, OKLA., *December 10, 1902.*

MATTHEW QUAY,
United States Senate, Washington, D. C.:
Irrespective of political opinion, the omnibus bill should pass.
J. J. ABELL.

GUTHRIE, OKLA., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*
Passing omnibus bill would be best for business interests Oklahoma.
CHAS. F. EISENSCHMIT.

GUTHRIE, OKLA., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*
Pass omnibus bill and Oklahoma will always be your friend.
O. A. FARQUHARSON.

GUTHRIE, OKLA., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*
Citizens of Oklahoma, regardless of politics, prefer omnibus bill.
E. A. DOUGLASS.

GUTHRIE, OKLA., *December 10, 1902.*

Senator S. M. QUAY, *Washington, D. C.:*
Sentiment of Oklahoma people in favor of omnibus bill.
J. B. MORRIS.

GUTHRIE, OKLA., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*
Citizens of Oklahoma indorse your stand for omnibus bill.
RAMSEY BROTHERS.

GUTHRIE, OKLA., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*
Oklahoma people indorse omnibus bill and stand by you.
J. WHEELER & SON.

GUTHRIE, OKLA., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*
Oklahomans, regardless of politics, prefer omnibus bill. Urge its passage
S. T. FRANKLIN.

GUTHRIE, OKLA., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*
Omnibus bill best for Oklahoma. Your position greatly favored here.
J. H. COTTERELL.

GUTHRIE, OKLA., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*
Regardless of politics, people here prefer omnibus bill to substitute.
N. S. CHEADLE.

HOLDENVILLE, IND. T., *December 10, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*
Hope you will urge omnibus bill regardless of Senate amendment.
W. R. SCOTT.

PERKINS, OKLA., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*
Use every possible means to secure passage of omnibus statehood bill.
PERKINS REPUBLICAN CLUB.

HOLDENVILLE, IND. T., *December 10, 1902.*

M. S. QUAY, *Washington, D. C.:*
As a resident of Indian Territory, I protest against the Senate amendment to omnibus statehood bill, and recommend that the Indian Territory be not now attached.
CHARLES DEWATTEVILLE.

GUTHRIE, OKLA., *December 8, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:
Business men and artisans generally, mass meeting here to-day, unanimously and earnestly support omnibus bill. Conditions of Indian Territory not ripe for statehood now.
J. E. BALL, *Mayor.*
C. M. BARNES, *President Commercial Club.*
F. B. LUCAS, *Secretary.*

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:
Hurrah for omnibus bill. Western Oklahoma all favor it.
J. E. JONES.

ELRENO, OKLA., *December 9, 1902.*

Senator M. S. QUAY,
United States Senate, Washington, D. C.:
Our greatest desire, immediate statehood by omnibus bill.
L. C. VAN NESS.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senator, Washington, D. C.:
Earnestly urge passage of Flynn bill; Oklahoma opposes Beveridge bill.
THOS. JENSEN.

ELRENO, OKLA., *December 9, 1902.*

Senator M. S. QUAY,
United States Senate, Washington, D. C.:
As member of the Territorial Democratic central committee, I insist that loyal Oklahomans want immediate statehood by omnibus bill and oppose substitute.
S. G. HUMPHREYS.

ELRENO, OKLA., *December 9, 1902.*

Senator M. S. QUAY,
United States Senate, Washington:
We want statehood bad, but never with the Indian Territory.
J. E. BONEBRAKE.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:
Your fight for statehood approved by all. Keep it up.
WINNINGHAM BROS.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*
I favor the Flynn statehood bill.

V. D. TINKELHANGER.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*
The people of Oklahoma unqualifiedly indorse the omnibus bill.

ELRENO STATE BANK.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*
Hope you will succeed in passing omnibus bill.

PEACH BROS.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:
All West Side favor omnibus bill for Oklahoma.

S. D. SPIKER.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:
Your good work in favor of the Flynn bill for Oklahoma will be highly appreciated by our people.

HENRY SCHAFER.

ELRENO, OKLA., *December 9, 1902.*

Senator M. S. QUAY,
United States Senate, Washington, D. C.:
Your great fight for omnibus bill eagerly watched and applauded.

PRUITT BAKING CO.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*
Oklahoma citizens favor omnibus bill and appreciate your grand work.

GEO. W. BELLAMY,
Member Territorial Council, Seventh District.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*
We want immediate statehood without Indian Territory.

McCLEAN BROS.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*
Your support will be highly appreciated by the business people of El Reno.

J. C. HANOWSKI.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*
Ninety per cent of our people favor the omnibus bill.

C. A. VAN NESS.

ELRENO, OKLA., *December 9, 1902.*

Senator M. S. QUAY,
United States Senate, Washington, D. C.:
Our greatest desire, immediate statehood by omnibus bill.

L. C. VAN NESS.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:
Immediate statehood our desire. Your efforts applauded.

RHOADES & COOK.

ELRENO, OKLA., *December 9, 1902.*

Senator MATT. QUAY, *Washington, D. C.:*
The Oklahoma Export Company, of Oklahoma City, Okla., assure you that the business interests of Oklahoma demand the passage of the omnibus statehood bill.

HENRY LASSEN, *President.*

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:
We want the omnibus bill to pass.

J. A. HATCHER.
H. C. HUTT.

ELRENO, OKLA., *December 9, 1902.*

Senator MATT. QUAY, *Washington, D. C.:*
The Canadian County Mill and Elevator Company, through its board of directors, take the liberty to telegraph you its urgent expression of opinion that the commercial interests of Oklahoma Territory insist upon the passage of the omnibus statehood bill before the Senate, and that all substitutes be defeated.

C. M. JACKMAN, *Secretary.*

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:
Our people here largely favor passage of omnibus statehood bill.

C. E. PHILLIPS.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*
Push the omnibus bill for Oklahoma. Everybody wants it.

A. L. THAUSEN & KLATSKEN.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*
Citizens of Canadian County favor omnibus bill. We urge its passage.

CHAMBER OF COMMERCE,
J. E. JONES, *President.*

ELRENO, OKLA., *December 9, 1902.*

Senator M. S. QUAY,
United States Senate, Washington, D. C.:
Sentiment here universal in favor of omnibus bill statehood now.

H. K. RICKER.

ELRENO, OKLA., *December 9, 1902.*

Senator QUAY, *Washington, D. C.:*
We earnestly desire immediate statehood.

J. G. NOLAND.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:
Keep up your great fight for omnibus bill.

SANFORD & SANDERS.

ELRENO, OKLA., *December 9, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*
Everyone here applauding your great fight for immediate statehood.

FRANK NAEYER.

ELRENO, OKLA., *December 9, 1902.*

Senator QUAY,
United States Senate, Washington, D. C.:
We earnestly desire passing of omnibus bill. Your gallant fight applauded.

FERGUSSON & BOWMAN.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:
We want immediate statehood, omnibus bill. Formerly from Beaver County.

A. D. BOGGS.

GUTHRIE, OKLA., *December 9, 1902.*

Senator MATT. QUAY, *Washington, D. C.:*
People of Indian Territory not ready for statehood. We favor passage of omnibus bill.

CHAS. E. BILLINGSLEY,
President National Bank of Holdenville, Ind. T.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:
We desire immediate statehood without Indian Territory.

JOHN KOSSUTH.

ELRENO, OKLA., *December 9, 1902.*

Hon. MATTHEW S. QUAY,
United States Senator, Washington, D. C.:
We urge the support of omnibus statehood bill, and oppose Senate substitute.

W. A. EDGER.

GUTHRIE, OKLA., *December 9, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*
The people of Oklahoma Territory have declared for statehood, and we should have it upon lines House bill. While we are for ultimate single statehood, we should not be compelled to bear the expenses of a single State at this time. It is also a grave political mistake.

W. C. GUSS, *A Pennsylvanian.*

ELRENO, OKLA., *December 8, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*
The people of Oklahoma are unit for passage of omnibus statehood bill as passed by the House.

C. F. GREER.

GUTHRIE, OKLA., *December 9, 1902.*

Hon. MATT. QUAY,
United States Senate, Washington, D. C.:
People unanimous in favor of the omnibus bill. Please oppose the substitute statehood in Senate.

HENRY F. BENT,
Manager National Life and Trust Co., of Des Moines, for Oklahoma and Indian Territory.

ELRENO, OKLA., *December 9, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*
Oklahoma desires immediate and separate statehood; no compromise.

JNO. A. GOODWIN.

ELRENO, OKLA., *December —, 1902.*

Hon. MATTHEW QUAY, *Washington, D. C.:*
The Elreno Light and Power Company, by its board of directors, has directed its manager to telegraph you to insist upon the immediate passage of the omnibus statehood bill in behalf of the business and commercial interests of this Territory.

JOHN A. MASTERS.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*
Heartily indorse omnibus bill; hope you will succeed.

R. J. WILLIAMS.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*
Nearly entire population Canadian County and southwest want omnibus bill.
C. K. IMMELL.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington D. C.:*
Omnibus Bill good driver; thousands willing to ride with him.
SAM TANNEBAM.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*
Nine-tenths of my people favor omnibus bill; oppose substitute.
CHAS. BRANDLY.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:
Passage of omnibus bill our greatest desire. Your efforts great.
DR. A. P. OWENS.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:
Keep up your great fight for omnibus bill and statehood.
F. D. GRIFFING.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:
Omnibus bill our desire. Beveridge bill opposed.
H. S. ENGLE.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:
Our earnest desire immediate statehood by omnibus bill. No compromise.
ARRINGTON & STRONG.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
Senator, Washington, D. C.:
We are in favor immediate statehood.
KITSCHEN & MORSE, *Druggists.*

ELRENO, OKLA., *December 9, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*
Urge passage omnibus statehood bill. Everybody here opposes substitute.
HENRY C. HICKS.

ELRENO, OKLA., *December 9, 1902.*

Senator M. S. QUAY,
United States Senate, Washington, D. C.:
Immediate statehood by omnibus bill desired. No substitute.
J. A. ABBOTT.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:
Am enthusiastically in favor of omnibus bill. Hope you succeed.
EHLEY & CO.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:
Sentiment in favor of omnibus bill. We applaud your efforts.
GEO. H. WHEELER & CO.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:
We all want omnibus bill passed; push it hard.
HEINRICH & STOLTZ.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:
Omnibus bill preferred to any substitute; your efforts sincerely appreciated.
L. N. WILSON.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*
We are universally in favor of the omnibus bill.
J. W. CLARK.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:
Immediate statehood universally desired by omnibus bill.
CODY & FOWLER.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*
Our people are in favor of omnibus bill.
CITIZENS' NATIONAL BANK,
H. T. SMITH, *President.*

ELRENO, OKLA., *December 9, 1902.*

Senator M. S. QUAY,
United States Senate, Washington:
Keep up your great fight for immediate statehood.
E. C. YOUNG.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington:
We believe all of our people favor omnibus bill.
SHAW & KINTZLEY.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*
Pass the omnibus bill by all means. Oklahoma needs it.
J. T. PARSENS.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:
Keep up your great fight for omnibus bill and statehood.
F. D. GRIFFING.

HOLDENVILLE, IND. T., *December 10, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:
I urge passage of omnibus bill and defeat of Senate amendment as to best interest of Indian Territory.
R. M. MCFARLIN.

GUTHRIE, OKLA., *December 9, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*
Interest of Oklahoma best served by passage of omnibus bill.
SPENCER HARDWARE CO.

GUTHRIE, OKLA., *December 9, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*
The omnibus bill serves interests of Oklahoma best. Urge passage.
I. B. LEVY.

HOLDENVILLE, IND. T., *December 10, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*
Would respectfully request you to urge passage of omnibus bill, and protest against Senate amendment.
M. J. MYERS.

HOLDENVILLE, IND. T., *December 10, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*
I urge passage of omnibus bill without Senate amendment.
B. P. MCFARLIN.

HOLDENVILLE, IND. T., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*
I request that you urge passage of omnibus bill, and defeat if possible Senate amendment as to interest of Indian Territory.
E. A. EDMONDSON.

HOLDENVILLE, IND. T., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*
Please urge passage of omnibus bill without Senate amendment.
JOHN A. BARNARD.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 2d instant, providing for a reorganization of the consular service of the United States, intended to be proposed to the diplomatic and consular appropriation bill, reported it with an amendment, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (S. 6290) to extend the provisions of section 2455 of the Revised Statutes of the United States as amended by act of February 26, 1895, relating to public lands, reported it without amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (H. R. 3269) granting a pension to Ida M. Kinney, reported it without amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 532) granting an increase of pension to Merritt Young;

A bill (S. 1738) granting a pension to Thomas Doyle;

A bill (S. 3607) granting an increase of pension to Oliver P. Helton;

A bill (S. 3081) granting an increase of pension to Leonard A. Norton; and

A bill (S. 4134) granting an increase of pension to Timothy Laughlin.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5040) granting an increase of pension to Stephen G. Cole;

A bill (H. R. 13324) granting an increase of pension to John J. Cross;

A bill (H. R. 13815) granting an increase of pension to James J. Wilson;

A bill (H. R. 14381) granting an increase of pension to George Riddle;

A bill (H. R. 13621) granting an increase of pension to Anson Greenman;

A bill (H. R. 3304) granting an increase of pension to William Burke; and

A bill (H. R. 14312) granting an increase of pension to John W. Huckelberry.

HEARINGS ON PROPOSED EIGHT-HOUR LAW.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the resolution submitted by Mr. McCOMAS on the 3d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the hearings on House bill 3076 had before the Committee on Education and Labor during the Fifty-seventh Congress be printed as a document, and that 300 additional copies be printed for the use of the committee.

AGATHA W. VEST.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. COCKRELL on the 2d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Agatha W. Vest, widow of George Pugh Vest, late clerk to the Senate Committee on Public Health and National Quarantine, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

MALINE JOHNSON.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. NELSON on the 3d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Maline Johnson, widow of Edward Johnson, late a messenger in the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

FUNERAL OF THE LATE SENATOR JAMES M'MILLAN.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. BURROWS on the 9th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the President pro tempore of the Senate in arranging for and attending the funeral of the late Senator from Michigan, Hon. James McMillan, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

EMMA I. GRAVES.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. KEARNS on the 9th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Emma I. Graves, mother of George G. Graves, late a clerk in the office of the Secretary of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

BILLS INTRODUCED.

Mr. DUBOIS introduced a bill (S. 6502) relating to ceded lands on the Fort Hall Indian Reservation; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PETTUS introduced a bill (S. 6503) for the relief of Mary A. Green and Loula C. Green; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of Connecticut introduced a bill (S. 6504) to provide for the modification of the project for the improvement of the harbor of New Haven, Conn.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6505) for the relief of Miss Eliza A. White; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 6506) for the relief of the heirs of Jenkins and Havens; which was read twice by its title, and referred to the Committee on Claims.

He also (for Mr. HAWLEY) introduced a bill (S. 6507) granting an increase of pension to Nicholas Fitzgerald; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 6508) granting a pension to Stephen K. Fuson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 6509) granting an increase of pension to Marion F. White; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WELLINGTON introduced a bill (S. 6510) to remove the charge of desertion from the military record of Charles E. Mitchell; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 6511) to exempt from taxation certain property of the American Institute of Architects in Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. QUAY introduced a bill (S. 6512) to extend the jurisdiction of the United States courts, and for other purposes; which was read twice by its title.

Mr. QUAY. The bill relates merely to Indians, but I think I will ask to have it referred to the Committee on the Judiciary originally.

The PRESIDENT pro tempore. The bill will be referred to the Committee on the Judiciary.

Mr. DEPEW introduced a bill (S. 6513) granting a pension to Thomas Allen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 6514) granting an increase of pension to Stephen J. Houston; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 6515) to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GALLINGER introduced a joint resolution (S. R. 142) authorizing the Secretary of the Navy to receive for instruction at the Naval Academy, Annapolis, Eduardo Mario Saez, of Uruguay; which was read twice by its title, and referred to the Committee on Naval Affairs.

SOPHIA BOWIE.

Mr. GALLINGER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Sophia Bowie, widow of Albert Bowie, late an employee in the Senate stables, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

SALARIES OF POSTMASTERS IN CONNECTICUT.

Mr. PLATT of Connecticut. I have been requested to introduce the following resolution and I comply with the request not because I wish to be committed to the project which is embraced in the resolution, but because I wish to comply with all reasonable requests.

The resolution was referred, with the accompanying papers, to the Committee on Post-Offices and Post-Roads, as follows:

Resolved by the Senate, That the Postmaster-General be, and hereby is, directed to report to the Senate the amounts of salaries of all postmasters in the State of Connecticut, for the terms of service specified, whose names and terms of service appear on the schedule of such cases in said State hereto attached, adjusted under the act of 1854, and the amount of the salary of each such postmaster adjusted and paid under the act of 1864, so that the difference between the salary paid and the amount of salary ordered paid by the act of 1883 shall appear in each case specified on the said schedule.

SALARIES OF POSTMASTERS IN MICHIGAN.

Mr. BURROWS submitted the following resolution; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads:

Resolved by the Senate, That the Postmaster-General be, and hereby is, directed to report to the Senate the amounts of salaries of all postmasters in the State of Michigan, for the terms of service specified, whose names and terms of service appear on the schedule of such cases in said State hereto attached, adjusted under the act of 1854, and the amount of the salary of each such postmaster adjusted and paid under the act of 1864, so that the difference between the salary paid and the amount of salary ordered paid by the act of 1883 shall appear in each case specified on the said schedule.

ISTHMIAN CANAL.

Mr. MORGAN. I ask for the printing as a document of a part of Document No. 188, first session, Fifty-sixth Congress, and the latter part of the isthmian canal report, which contains the correspondence between M. Hutin and Admiral Walker. The first part consists of letters addressed by the New Panama Canal Company to the President and the Secretary of State. Document No. 188 has been printed, but it is out of print now, and it contains a number of maps. It would be quite expensive to print that document, so I combine the two. This document was printed for the use of the Committee on Interoceanic Canals and is in type and it will require nothing but to strike it off.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent for printing as a document certain papers which he sends to the desk. Is there objection? The Chair hears none.

HOUSE BILL REFERRED.

The bill (H. R. 7956) providing additional districts for the recording of all instruments required by law to be recorded in the Indian Territory was read twice by its title and referred to the Committee on Indian Affairs.

HOLIDAY RECESS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was read and referred to the Committee on Appropriations:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 20, they stand adjourned until 12 o'clock meridian, Monday, January 5, 1903.

OMNIBUS STATEHOOD BILL.

Mr. QUAY. Mr. President, the statehood bill will come before the Senate this afternoon. I understand that the chairman of the Committee on Territories has in the course of preparation a report, but it has not yet appeared in this body. The Senator who represents the thought of the gentlemen upon the other side of the Chamber is also preparing a report, but he seems to be disposed to await the pleasure of the chairman of the committee. I am a sort of political orphan upon that committee, and as a dissenting member of the committee, certainly from the majority report, and it may be, possibly, from some of the conclusions of the minority, I have drawn a report of my own, which I now present to the Senate, and I should like to have the report read.

The PRESIDENT pro tempore. The Senator from Pennsylvania presents a report touching the omnibus statehood bill and asks that it be read. Is there objection? The Chair hears none. Does the Senator desire to have the House report, which is embodied in it, read?

Mr. QUAY. Yes.

The PRESIDENT pro tempore. The Secretary will read.

The Secretary read as follows:

VIEWS OF MR. QUAY.

As a member of the Committee on Territories, I dissent from the report of the majority on House bill No. 12543, and assent to the able and unanimous report submitted on this bill by the Committee on the Territories of the House of Representatives, which I adopt and make a part of this report, as follows:

[House Report No. 1309, Fifty-seventh Congress, first session.]

ADMISSION OF CERTAIN TERRITORIES INTO THE UNION.

"April 1, 1902. Committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

"Mr. KNOX, from the Committee on the Territories, submitted the following report (to accompany H. R. 12543):

"The Committee on the Territories, to whom was referred H. R. 2, "To enable the people of New Mexico to form a constitution and State government and to be admitted into the Union on an equal footing with the original States;" H. R. 152, "To enable the people of Oklahoma to form a constitution and State government and to be admitted into the Union on an equal footing with the original States;" H. R. 2015, "To enable the people of Arizona to form a constitution and State government and to be admitted into the Union on an equal footing with the original States;" H. R. 4570, "To authorize single statehood for Oklahoma and Indian Territories as the State of Oklahoma, and for other purposes;" H. R. 9675, "To provide for the union of Oklahoma Territory and the Indian Territory, and to enable the people thereof to form a constitution and State government, and to be admitted into the Union as the State of Oklahoma on an equal footing with the original States, and to make donations of public lands to said State;" H. R. 11802, "To enable the people of Oklahoma to form a constitution and State government and to be admitted into the Union on an equal footing with the original States;" H. R. 11992, "To enable the people of Arizona to form a constitution and State government and to be admitted into the Union on an equal footing with the original State;" H. R. 11995, "To enable the people of New Mexico to form a constitution and State government and to be admitted into the Union on an equal footing with the original States;" H. R. 12543, "To enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States," have considered said bills and report back H. R. 12543 without amendment and recommend that it pass.

"The bill provides enabling acts for the admission of Oklahoma, Arizona, and New Mexico. It is similar to former enabling acts enacted by Congress with the exception, perhaps, that as to New Mexico the constitutional convention is empowered to designate the name by which the new State shall enter the Union. And in the case of Oklahoma it is provided that the constitutional convention shall by irrevocable ordinance express the consent of the State of Oklahoma that Congress may attach all or any part of the Indian Territory to the State of Oklahoma. The enabling acts differ from each other chiefly in reference to the public lands appropriated for educational and public purposes.

"There is no rule of law or uniform precedent that determines when a Territory may become a State in the Union, but it has never been questioned that all the continental Territories, with perhaps the exception of Alaska, were at some time to be admitted to the Union upon equality with the other States, and that such a termination of Territorial existence, which has been considered as probationary, was in the nature of a right possessed by the people of the Territories. Political partisanship has played quite a part in the admission of some of the Territories—generally with a result quite opposite to the calculations of the party in power in Congress, which sought to gain advantage by such admission. Fortunately political considerations are eliminated from the discussion of the bill for the admission of the Territories of Oklahoma, New Mexico, and Arizona as States, as both the great parties of the country, in the platforms of the last two national conventions, have declared in favor of such legislation.

"The case, then, may be decided upon the merits, and the time has come when the people of these Territories may, as of right, ask that the merits of their claim for statehood be passed upon by Congress.

"New Mexico has been a Territory for more than half a century; Arizona for more than a generation, and previous to its organization as a Territory was a county of New Mexico. No one of the Territories that have been admitted as States remained so long under Territorial government. Even Oklahoma, the last of the Territories to be organized, has been a Territory for twelve years. If lapse of time is essential to qualify a Territory for statehood, those under consideration have more than served out their probation. Their efforts in the past to attain this end may not be of much weight upon the justice and reasonableness of their claim now, but those efforts do certainly show the earnest and persistent striving of the people of the Territories to become American citizens in reality as well as in name.

"American citizenship is not enjoyed in its fullness in the possession of personal liberty and the protection of law. Among its priceless attributes is the right to choose rulers and representatives and those who make and administer the law. Undoubtedly the deprivation of this right is more keenly felt by the people of the Territories now than ever before, on account of the late acquisitions of the United States beyond the mainland. Hawaii has a full Territorial government; Porto Rico has a governor and other officers appointed by the President, and limited local representation in the legislature of the islands, a representative in Washington, and a United States court. It is proposed to give substantially the same form of government to the Philippine Islands when civil government shall be established there.

"The comparison is not an inviting one when the newcomers to the national fold—the Hawaiian, the Porto Rican, and the Filipino—are placed side by side as to political rights with the pioneers of American civilization in the great West, those who were born under the flag, and have lived under it, fought for it, and under its protection have made American homes, founded American towns and cities, built schoolhouses and churches and public buildings, brought the soil to cultivation, opened the mines, cleared the forests, and made States in fact if not in name. It is often said that the Territories have their own legislatures and make their own laws. But the laws so made can be unmade by Congress. The right to make laws that some one else can unmake is not a high privilege.

"It is no greater than the right possessed by the leading English and French colonies. One of the high attributes of American citizenship is that of equal opportunity under the law with all others; the chance to start fairly in the race for the rewards which enterprise, industry, and thrift may bring. The material advancement of the inhabitants of the Territory depends largely upon the rapid development of the resources of the Territory. The one essential for such development is capital, but it hesitates to enter the Territories and invest in enterprises otherwise promising. Legal certainties and fixed conditions are necessary to attract it.

"With the absolute control of Congress over Territorial legislation, there can never be certainty that rights and privileges conferred may not be taken away. The power of Congress is a constant menace to progress, and there is no way a Territory may escape it. This is not a mere general statement. Abundant and positive testimony was before the committee that ample commitments of capital could be had were the Territories States. Untold riches, abundance of all that makes for human happiness, and prosperous and populous Commonwealths await emancipation from the thraldom of Territorial existence.

"Apart from general considerations, if we look at the actual conditions of the Territories to-day to determine their fitness to become States we shall probably say that it depends upon three propositions:

"(1) Do the people desire statehood?

"(2) Is the population of such number and character as to justify admission?

"(3) Do the Territories possess sufficient taxable wealth to maintain State governments according to the standard of American Commonwealths?

"No time need be spent in answering the first interrogatory. That answer must be overwhelmingly in the affirmative. So general is this desire that it may be said to be unanimous. The representatives of the people in Congress are active and earnest. The public press of the Territories, consisting of hundreds of publications—daily, weekly, and monthly—is without a discordant note.

"Territorial conventions, county conventions, and wherever men in assembly have recorded their opinions, have declared for statehood. And the representatives of the Territories in national conventions of the great political parties have successfully urged that the platforms adopted should make emphatic the right of the Territories to immediate admission to the Union. It is not too much to say that no man can doubt that the people of Oklahoma, Arizona, and New Mexico are practically a unit for admission as States.

"Is the population of the Territories sufficiently large for admission as States? By the last census the population of Oklahoma in 1900 was 398,331; of Arizona, 122,211; of New Mexico, 195,310. The governor of each of the Territories claims in his annual report that the census enumeration does injustice to the Territory, and gives very reasonable grounds for such claim.

"The governor of Oklahoma claims that the population to-day is in excess of 500,000; of Arizona, that the population is 135,000; of New Mexico, that it is 313,191. Probably the true number is between that of the census returns and the estimates of the governors. Whatever the fact may be, Oklahoma has a larger population than any other Territory previous to admission; Arizona and New Mexico larger than many. According to the precedents of the past, their population is ample. But what shall be said of this population in the future? In the last decade the increase of population in Oklahoma was 544.2 per cent; in Arizona, 104.9; in New Mexico, 27.2. Who can estimate the increase in the next decade if they now become States? With a single exception, every Territory after admission has increased with wonderful rapidity in wealth and population.

"What shall be said of the character of this population? In Oklahoma 95 per cent are native Americans, coming from the States. In Arizona, of the 70,000 white population 22,000 are foreign born. The governor asserts that not more than half the foreign-born population is Mexican, the balance being immigrants largely employed in the mines and coming from western and northern Europe. In New Mexico immigration from the Central, Western, and Northern States is rapidly increasing, and more than 7,000 homesteaders have been added to the population during the past year.

"In all the Territories the population is distinctively American and the best type of American, made up of those who seek life's prizes by toil and patience. Of what manner of men this population is made up let their works speak. Cities and towns, with all that modern civilization demands, homes of culture and refinement, schools and higher institutions of learning, public and private charitable institutions, everywhere the free church and free press. These are not the monuments of the Indian nor the Mexican, the idle nor the vicious. The past legislation of the Territories has recorded forever the wisdom the justicee of the people. It can be safely said that they can not be unfavorably compared with the people of any State of the Union.

"What of the taxable wealth of the Territories? Oklahoma is the young giant of the Territories, rich in a soil yielding with nature's most lavish hand all the products of the Temperate Zone. This soil is now almost entirely under cultivation and little of the public lands remain. More fortunate than her sister Territories, Oklahoma has an adequate rainfall. This fair land about equals in size the State of Ohio. If the figures were not at hand to show the valuation of property for taxation, could anyone doubt the ability of the new State to support the best State government? New Mexico and Arizona are an imperial domain. New Mexico is larger than Great Britain, Scotland, and Ireland. Arizona is nearly as large. They differ in topography from the

rich prairie lands of Oklahoma, with their mountains, valleys, and high tablelands.

"They lack sufficient rainfall, but the hand of man will supply this lack, and in its place are ever the sunshine and cloudless skies. To compensate for the portions of their lands that are arid they have exhaustless supplies of coal, the one necessity of modern industrial progress, vast forests of virgin timber, great grazing grounds, rich mines of copper and the precious metals. Did not the official figures of the assessed value of property of these Territories answer authoritatively the last interrogatory in the affirmative, the slightest examination of their marvelous resources would place beyond doubt their ability to maintain State governments.

"There is neither justice nor reason in longer denying statehood to the Territories which are here through their representatives petitioning as they have again and again in the past. Always refused or thwarted by the tricks and devices of legislative procedure, the feeling of disappointment is deepening into a sense of wrong inflicted. "Equality of rights is the first of rights." Inseparable from it is the right of equality of opportunity. These boons, the common heritage of all, are now asked by almost a million American citizens. From the islands of the sea, new possessions of the United States, comes the cry for home rule. The American people hasten to announce to the world their purpose to grant it. There is but one kind of home rule possible in the United States. It is that of sovereign States. What we readily grant to the land but lately foreign, and to the alien race, let us not withhold from our own.

"OKLAHOMA.

"The Territory of Oklahoma contains 39,030 square miles, or 24,979,200 acres, an area about equal to the State of Ohio. It lies between the thirty-fourth and thirty-seventh parallels north latitude, and mainly between 96° 30' and 100° west longitude. North and south its location corresponds with that of Tennessee, and east and west with that of central Kansas. The altitude above sea level is from 800 to 3,000 feet. A large portion of the Territory is composed of productive agricultural lands, corresponding in fertility with the rich prairie lands of Kansas, Nebraska, and Iowa.

"The first settlement was made on April 22, 1889, and the census of the following year (1890) showed a population of 61,834. By the census of 1900 the population was 398,331, or more than six times as large as it was ten years before, the increase being 544.2 per cent. The number of persons of voting age was 109,191, and of school age 147,656. Only 3.5 per cent of the total population was foreign born. The following table shows the population by counties for 1900 and 1890:

Population of Oklahoma by counties.

Counties.	1900.	1890.
Beaver	3,051	2,674
Blaine	10,658	----------
Canadian	15,981	7,158
Cleveland	16,388	6,605
Custer	12,264	----------
Day	2,173	----------
Dewey	8,819	----------
Garfield	22,076	----------
Grant	17,273	----------
Greer	17,922	5,398
Kay	22,530	----------
Kingfisher	18,501	8,332
Lincoln	27,007	----------
Logan	26,563	12,770
Noble	14,015	----------
Oklahoma	25,915	11,742
Pawnee	12,366	----------
Payne	20,909	7,215
Pottawatomie	26,412	----------
Roger Mills	6,190	----------
Washita	15,001	----------
Woods	34,975	----------
Woodward	7,469	----------
Kaw Indian Reservation	768	----------
Kiowa, Comanche, and Apache Indian Reservation	4,968	----------
Osage Indian Reservation	6,717	----------
Wichita Reservation	1,420	----------
Total	398,331	61,834

"Since the census of 1900 the increase of population in all parts of the Territory and the growth of the cities and towns have been phenomenal, and is estimated by the governor of Oklahoma in his report for the year ending June 30, 1901, at not less than 60,000. To this must be added the large influx of population into the Kiowa and Comanche and Wichita reservations, opened to settlement in August, 1901, when 13,000 homesteads were opened for settlement. So there seems to be no doubt but what the present population of Oklahoma is not less than 500,000.

"The increase in the value of property has kept pace with the rapid increase in the population. The following from the governor's report shows the total taxable valuation by counties for the last three years, the character and valuation of the different classes of property taxed, the tax levy for 1901, and the purposes for which the same was made:

"'The total valuation of all property of the Territory as returned for taxation in 1901 was $60,464,696, an increase of $11,126,035 over 1900. Of this amount $4,538,375 was railway property, $17,279,809 farm lands, $8,062,567 town property, $2,552,932 moneys and credits, and $28,631,013 other personal property.

"'Farm lands were returned at an average of $3.45 per acre, cattle at $12.58, horses at $17.14, sheep at $1.30, and hogs at $2.46, which shows that property is returned at a very small part of its real value.

"'The total assessment of each of the counties is given below for three years for comparison.'

Taxable valuations for three years past.

County.	1899.	1900.	1901.
Beaver	$1,341,268	$1,573,563	$1,614,072
Blaine	505,711	633,775	996,096
Canadian	4,356,858	5,591,056	4,971,229
Cleveland	1,775,142	1,844,744	2,177,522
Custer	1,051,638	1,278,194	1,651,724
Day	399,668	435,012	477,913
Dewey	498,995	674,200	810,725
Garfield	2,034,001	2,325,294	3,105,801
Grant	1,830,615	1,864,393	2,725,624
Greer	$1,622,404	$2,049,585	$3,363,101
Kay	2,192,071	2,647,044	3,404,931
Kingfisher	2,086,002	2,576,510	3,261,709
Lincoln	1,835,070	1,967,596	2,626,587
Logan	4,131,921	4,432,980	4,690,417
Noble	1,576,576	1,647,120	2,029,942
Oklahoma	4,421,699	4,386,337	4,738,133
Pawnee	1,600,708	1,920,093	1,674,296
Payne	2,169,851	2,277,618	3,215,641
Pottawatomie	1,784,448	1,933,734	2,951,073
Roger Mills	679,558	738,150	913,713
Washita	892,953	1,124,241	1,433,309
Woods	2,321,394	3,030,963	4,848,204
Woodward	1,883,864	2,386,459	2,079,114
Total	42,982,414	49,338,661	60,464,696

"The Territorial tax levy for 1901 is 7½ mills, divided as follows:

Territorial tax levy, 1901.

	Mills.
General fund	3
University support	.5
University building	.7
University preparatory school	.2
Normal, Edmond, support	.5
Normal, Alva, support	.5
Alva normal building	.25
Agricultural and mechanical college support	.1
Agricultural and mechanical college building	.3
Agricultural and normal university support	.1
Agricultural and normal university building	.3
Southwest normal building	.4
Deaf and dumb institute	.4
Bond interest	.25
Total	7.5

"This is an increase of 2.35 mills over last year's rate, the increase being wholly for the erection and payment of buildings for the various educational institutions.

"The total outstanding Territorial indebtedness on June 30, 1901, was $466,220.13. Of this amount $48,000 is in bonds contracted for educational purposes in the early history of the Territory, and the balance is in warrants drawing interest at the rate of 6 per cent. On the same day the amount of cash in the Territorial treasury was $258,590.02. The financial credit of Oklahoma has never been questioned, and all of its obligations have been promptly met.

"The district school system prevails in the Territory. There were 2,096 districts in July, 1901, and 2,343 teachers, with an enumeration of pupils 114,737. It is estimated that the districts formed since that date in the new counties and along the western border have increased the number to nearly 2,500.

"More than $1,000,000 were expended last year for the support of the common schools. High schools are maintained in nearly all the county seat towns, and the graduates from these schools are admitted to the Territorial university and to the universities of the surrounding States.

"Oklahoma has a Territorial university, two normal schools, an agricultural and mechanical college, and a normal university for colored students. All of these institutions are in a prosperous condition. They are liberally supported by the Territory and are attended by upward of 3,000 young men and women.

"The last Territorial legislature appropriated $90,000 for additional buildings for the university, $54,000 for the Agricultural and Mechanical College, and $50,000 for the erection of a third normal school in the southwestern part of the Territory. A university preparatory school is to be established in Kay County, at a cost of $20,000. There are a large number of private and sectarian schools and colleges established in different sections of the Territory.

"The railroad mileage in the Territory is about 1,200. New lines are now being built by several companies, and others are projected and under contract. Before the end of the present year it is probable that more than 400 miles will be added to the present mileage. The railroads already constructed reach 23 out of the 26 county seats in the Territory. During the year ending June 30, 1901, the railroads shipped to markets outside of the Territory 49,011 carloads of live stock and agricultural products, and 238,222 bales of cotton. There are 50 incorporated cities and towns in the Territory, and most of them are connected by railroad and telephone lines, and all the larger towns are supplied with electric light and sewer systems.

"On September 30, 1901, there were 31 national and 113 Territorial banks in the Territory, with $16,494,650 resources and $12,512,016 deposits. Since that time 24 national and 34 Territorial banks have been established, making the total number of banks of both classes now in the Territory 202.

"Twenty-two daily, 168 weekly, 20 monthly, and 4 semimonthly newspapers and periodicals are published in the Territory.

"At the election in 1900, 72,352 votes were cast for Delegate to Congress. This number was in excess of the total vote in each of the following States: Delaware, Florida, Idaho, Louisiana, Mississippi, Montana, Nevada, North Dakota, Rhode Island, South Carolina, Vermont, and Wyoming.

"In reviewing the remarkable progress of Oklahoma during the short period of its existence, the governor says in his last report:

"'Had any man dared ten years ago to foretell for Oklahoma but a small portion of what is to-day a reality he would undoubtedly have been classed with Munchausen, or adjudged a fit subject of restraint in some asylum for the insane.

"'And in view of what has been accomplished in these ten years in a new and untried land by a people who had little capital save their strong right arms and active brains, who dares predict for the future, now that the success of all lines of agriculture and business are assured? The lesson of experience has been learned, and not only people, but capital and wealth, are coming and taking hold on every hand to make the future far eclipse the rapid progress of the past.

"'Here to-day is a growing, progressive American community of more than half a million people, successful in all lines of life work, with schools and colleges and universities beyond those of half the States; with a code of laws equal to those of any State; with a taxable wealth sufficient to carry on all of the functions and institutions of self-government without burdening the people.

"'Who, then, can give any good reason why all the rights and privileges of self-government should not be accorded these people?

"'Let him who disputes the claim of Oklahoma to a place in the galaxy of States carefully peruse the pages of this report, as showing the past progress, present conditions, and future possibilities of the Territory, and he can not but be convinced, even against his will, of her right to statehood.

"'With a population much greater than that of any Territory ever admitted to statehood and greater than that of twelve different States of the Union at this time; with a taxable valuation greater than that of any State of the Union at its admission; with a school population almost double the average population of all of the States when granted self-government; with an area almost equal to that of the State of Ohio and greater than that of other States; with a free school within easy distance of every home and a higher college or university education offered without price to all of the youth of the Territory, of whatever race or sex or condition; with well-governed cities and counties and laws enforced in every way; with a people 96 per cent American born and all loyal and patriotic citizens; with an annual production of 25,000,000 bushels of wheat, 60,000,000 bushels of corn, 150,000 bales of cotton, other agricultural products in proportion, and herds that pass the million mark; with a financial record without a stain of default or repudiation; with a financial, commercial, and business growth equaled by no other State or Territory, is not Oklahoma clearly entitled to admission to the sisterhood of States?'

"The July issue of Bradstreet's contained the following résumé of business conditions and progress in Oklahoma:

"'During the past ninety days 1,200 new firms have opened in business and 760 firms have sold out or discontinued, leaving a net gain of 441 new firms in business in the Territory over the number in business three months ago.

"'Twelve small towns and post-offices have been wiped off the slate during the three months, owing to railway extensions and local conditions rendering their location valueless, and in the same ninety days 28 new towns have been started, making 16 more towns and business centers in Oklahoma than were in existence three months ago.

"'In connection with the above information it may not be uninteresting to know that Oklahoma has now 681 towns and cities listed on the mercantile reports.'

"The bill as reported contains all the usual provisions of the enabling acts under which most of the Territories have heretofore been admitted as States.

"In the third section it is provided that the constitutional convention shall by an irrevocable ordinance express the consent of the State of Oklahoma that Congress may at any time, or from time to time, attach all or any part of the Indian Territory to the State of Oklahoma. This leaves Congress free to add the Indian Territory to Oklahoma without obtaining the consent of the State, should the events of the future justify such action.

"Section 7 of the bill provides for granting to the State sections 16 and 36 in every township in the Territory, or indemnity land equivalent thereto, for the support of the common schools. These lands are to be disposed of only at public auction to the highest bidder, preference right to purchase being given to the lessee at time of sale, the proceeds to constitute a public-school fund, the interest of which only shall be expended in the support of such schools; but it is provided that the lands may be leased for a period not to exceed five years under such regulations as the legislature may provide.

"In section 8 of the bill, section 13 in every township is granted to the State under the same conditions for the equal use and benefit of the university, the normal schools, and the agricultural and mechanical college.

"Section 33 in every township is granted for charitable and penal institutions, and is to be disposed of as the legislature of the State may provide.

"All of these lands have heretofore been reserved to the Territory under various acts of Congress.

"In addition to these grants, the bill provides that, in lieu of grants of land for the purpose of internal improvements heretofore made new States by acts of Congress, the following grants shall be made to Oklahoma: For the benefit of the Territorial University, 200,000 acres; for the benefit of the agricultural and mechanical college, 250,000; for the benefit of the colored agricultural and normal university, 100,000 acres; for the benefit of normal schools, 250,000, and to be disposed of as the legislature may provide, 650,000 acres, all of said land to be selected by the State with the approval of the Secretary of the Interior.

"The bill provides that until the next general census the State shall be entitled to two Representatives in the lower House of Congress. The constitutional convention is authorized to provide for the election of officers for a full State government, members of the legislature, and Representatives in Congress, but said State government shall remain in abeyance until the State shall be admitted into the Union.

"In view of the large population, the remarkable development, the abundant financial resources, and of every necessary qualification to exercise the functions of a State government, your committee believe that there should be no hesitancy on the part of Congress to promptly admit Oklahoma into the Union as a State.

"ARIZONA.

"Arizona lies along the northern boundary of Sonora, and is the extreme southwestern political division of the United States. It is 378 miles in length by 339 in width, and contains an area of 113,929 square miles, or 73,000,000 acres, a large part of which is capable of producing every variety of fruit, vegetable, and cereal known to the Temperate zones; mines of gold, silver, copper, iron, and coal inexhaustible in extent; lakes of salt, springs of petroleum, and forests of pine, cedar, spruce, juniper, ash, and oak of as great extent as any State or Territory of the Union. That part of Arizona lying north of the thirty-fourth parallel, embracing only four counties, is greater in area than the six New England States combined. The part lying south of that parallel is destined to become the most famously productive portion of the globe. Within that area the date, olive, fig, grape, lime, lemon, and orange grows, under proper husbandry, in prodigal profusion. Ascending from the lower valleys, every fruit of the Temperate zones is produced in perfection.

"*Population.*—By the national census of 1900 the population of Arizona is placed in round numbers at 125,000, but the census was confessedly badly taken. The wide range of territory over which the enumerators were compelled to go to take a proper census, and the low price paid for taking the census, prevented the possibility of accuracy. The population of Arizona, from the best obtainable statistics, school census, number of school children, etc., is 175,000. This population has a greater proportion of native-born inhabitants than probably any other subdivision of the United States. Arizona maintains a splendid common-school system, as well as normal schools, and a splendid Territorial university. The inhabitants of the Territory are as well educated, if not better, than in any other Congressional district in the United States. The people are highly progressive and very prosperous.

"The total assessed valuation of the taxable property in the Territory, as ascertained by the Territorial board of equalization in August, 1900, was $39,000,000 in round numbers. The net increase for the year 1901 was over $5,000,000. This low result is had by assessing the property throughout the counties at less than half of its cash salable value, and from it is excluded the great mining properties owned by different individuals and corporations throughout the Territory, and the railroads pay a tax on an estimated value of $7,000 a mile, when they are paying a fair profit on a bonded debt per mile of over $30,000. The copper and gold mines of the Territory are easily worth $100,000,000, the railroads, $20,000,000.

"From the governor's report, 1901, and from other sources, it is learned that Arizona produced in 1900 125,000,000 pounds of fine copper, against 48,000,000 pounds in 1895. Large new producers are developed, and it is safe to say that in the next fiscal year Arizona will produce 150,000,000 pounds. This, at 10 cents a pound, would be $15,000,000. The gold and silver product reached last year about $10,000,000.

"*Agriculture.*—The agricultural lands of the Territory of Arizona sustained by irrigation are at present confined largely to the waters of the Salt, the Gila, and the Colorado rivers.

"There are 880 miles of irrigating canals now in operation in the Territory, and the lands supplied by these canals can in the near future be easily doubled in area by a proper conservation of the waters of the streams by impounding the flood waters and erecting supply reservoirs for storage purposes.

"*Railroads.*—Railroad building has been especially active in Arizona during the year. The Arizona and Southeastern has been extended from Bisbee, Ariz., to Nacosari, Mexico. It crosses the international line at the town of Douglas, in Cochise County. A line extends east from Douglas to El Paso, Tex. A line is also projected from a point on the Arizona and Southeastern to the famous mining camp of Tombstone. The Rock Island Railroad is arranging to extend west from El Paso across Arizona to the coast, which will give through that Territory three transcontinental trunk lines.

"The Arizona and New Mexico, from Clifton to Lordsburg, has been widened to a standard gauge during the year and is being extended from Lordsburg to connect with the line from Bisbee to El Paso. Another road has been constructed from Williams, on the Santa Fe, to the Grand Canyon of the Colorado, a distance of 65 miles. The Prescott and Eastern Railroad is building a branch from Mayer to Big Bug Creek, and another branch has been surveyed a distance of 25 miles from Mayer into the Bradshaw Mountains, a rich mining district, which branch will undoubtedly be built in the near future. The survey of a line from Phoenix, the capital of Arizona to Benson, to connect with the Southern Pacific Transcontinental line, and with the New Mexico and Arizona, which runs south from Benson through Nogales to Guaymas, on the Gulf of California, has been completed, and the road will soon be built. The 1,558 miles of road now in successful operation within the Territory, with these projected lines, will give to every portion of the Territory a quick outlet to the markets of the world.

"*Timber lands.*—Arizona has the largest unbroken pine forest in the United States, covering an area of over 10,000 square miles, or 6,400,000 acres. The principal forests are in Coconino County and border on the Grand Canyon of the Colorado, although Gila, Apache, and Yavapai counties have large bodies of timber. In the Mogollon Mountains, in Yavapai, Coconino, Apache, and Gila counties there are large bodies of oak timber suitable for the manufacture of farm machinery, wagons, etc. The ash, black walnut, and oak are found in the lower valleys and ravines. Besides these are the cottonwood, alder, cedar, manzanita, maple, mesquite, wild cherry, and ironwood, the last a tree peculiar to Arizona and Sonora, which has a specific gravity greater than water and, it is said, creates a furnace heat equal to the best coke.

"*Public buildings.*—The public buildings of the Territory comprise the capitol, situated at Phoenix, recently erected at a cost of $130,000; the university at Tucson, Territorial prison at Yuma, the Asylum for the Insane at Phoenix, and splendid normal-school buildings at Tempe and Flagstaff, and a reform school for young offenders is now in course of erection at Benson, in Cochise County. Besides these, nearly every county has a splendid modern courthouse, jail, and fireproof vaults for public records, and every town and village has public schoolhouses that would do honor to any school district of the older States. Many of these schoolhouses are large, expensive, and architecturally beautiful.

"*School lands.*—The bill for the admission of Arizona and New Mexico demands four sections in each township for common-school purposes, instead of the two sections heretofore given to other States. New Mexico has received the two sections and is now asking two more. Arizona has received none and is asking for four sections. This, the committee thinks, should be allowed. There is no better purpose to which the public lands could be applied than to the education of the people. The committee estimates that this increased donation will not exceed in value the lands given to other States for similar purposes, as much of the land is of a desert character that can never be reclaimed; much of it in volcanic mountains, which can never be of value to the schools. Arizona has the most liberal school system in the country, and has borne without complaint a heavier tax for school purposes than any other known to your committee, paying at many times and in many places as much as $5 per month for each child in the schools. Attendance is compulsory.

"*Customs.*—Arizona, by act of Congress, 1892, was made a customs district. The chief port is Nogales, a railroad town on the international line.

"The foregoing is merely a summary of the many facts presented to your committee, from which it is concluded that no valid objection to Arizona's admission to statehood now exists. Many of the greatest States of the Union have been admitted with much less population and half the resources that Arizona possesses. Peace and quiet are everywhere supreme. The law is respected and enforced. Life and property are as safe there as in the capital of the nation. The population of Arizona, by every rule of virtue, education, property, patriotism, and industry, fills to the fullest measure every requirement of citizenship.

"NEW MEXICO.

"The Territory of New Mexico was acquired from the Republic of Mexico under the treaty made between the United States and Mexico at Guadelupe-Hidalgo on the 2d day of February, 1848, and the Gadsden treaty of December 30, 1853. It was organized as a Territory under an act of Congress of September 30, 1850.

"Bills have been reported favorably in the House of Representatives admitting New Mexico to statehood by the Committee on Territories in six or more Congresses, commencing with the Forty-third, and three favorable reports have been made by the Committee on Territories of the Senate in different Congresses.

"New Mexico has an area of 122,580 square miles. It is larger than New York and Pennsylvania combined, or the two States of Iowa and Illinois; three times as large as the State of Ohio, and, if admitted, will be the fourth State in the Union in size, Texas, California, and Montana being the only ones that are larger. Its area in acres is 78,451,200, and of this 23,353,666 acres are included in Spanish, Mexican, and United States railroad land grants and in homesteads and private holdings, leaving still as public domain 55,097,534 acres, a tract considerably larger than the area of the States of Massachusetts and Pennsylvania combined.

"Its population in 1900, according to the census, was 195,310 people. It is claimed, and on what seems to be good authority, that the census report is incorrect and incomplete, and that the actual population at the time the census was taken was nearly 300,000 people, and that the Territory has gained some 30,000 people in population since the time the census was taken. The

records show that at the election for Delegate to Congress, which occurred in the fall of the year 1900, that there were registered 59,297 voters, so that according to the usual ratio of votes to population it would appear that the Territory then contained a much larger number of inhabitants than is shown by the census.

"From the Government statistics it may be learned that five of the original States, and twenty-six States that have since been admitted, had a less population than New Mexico now has, even though it should be admitted that the census returns are correct.

"The assessed valuation of the property in the Territory for last year was $38,227,878. There seems to be no question from the hearings and the governor's report that the actual value of the property is at least $150,000,000. The census of 1890 showed an estimate of property values in the Territory of $231,459,897, and all agree that the property interests of the Territory are more valuable now than they were at that time. The evidence presented before this committee, roughly tabulated, shows the present property of the Territory that will be subjected to taxation when it is admitted as a State as follows:

7,000,000 acres of railroad land, with its coal, iron, and timber, at $5	$35,000,000
7,000,000 acres of private patented land grants, with its timber and, in some instances, its minerals, at $5	35,000,000
2,000,000 acres agricultural land, at $10	20,000,000
3,000 miles of railroad, with its franchises, equipment, machinery, shops, etc., at $20,000	60,000,000
Patented mines and plants	25,000,000
7,000,000 sheep and goats, at $2	14,000,000
21,000,000 pounds of wool, at 8 cents	1,680,000
1,700,000 head of cattle, at $20	34,000,000
50,000 head of horses, at $10	500,000
100,000 head of burros, at $2	200,000
City lots and buildings	25,000,000
Stocks of goods	12,500,000
Household furniture of all kinds	4,120,000
Jewelry	2,000,000
Cash, bonds, stocks, mortgages, etc	5,500,000
Produce of mines—coal, iron, gold, silver, copper, lead, etc	5,000,000
Produce of farms—alfalfa, wheat, and other crops	2,500,000
All other kinds of property	1,000,000
Total	283,000,000

"The corporations alone of the Territory are capitalized at $89,735,925.

"The indebtedness of New Mexico at the close of the last fiscal year was $1,205,100, and the cash on hand to meet outstanding obligations was $246,264.96. So that to pay every debt it must expend $958,825.04. Last year, according to the report of the governor of the Territory, all current obligations were met, including interest, and $89,437 was paid on the principal of the bonded debt. If his report can be relied on—and we know of no reason why it should not—the financial condition of the Territory is good and presents an encouraging situation.

"And this is all the more creditable when it is considered that not only has the Territory been self-sustaining, but in addition has built all of the Territorial institutions and instituted its splendid school system without one dollar of aid from Congress, save that which is common to all Territories—the payment of its legislature and judiciary. However, as the revenue laws extend over the Territory the same as anywhere else, and the receipts are all turned into the National Treasury, it perhaps is true that the Territory has never been a burden upon the nation.

"The Territory has an attractive capitol building, which cost $400,000. Its penitentiary is valued at $500,000. Its College of Agriculture and Mechanical Arts is estimated at $100,000. Its asylum for the insane cost $80,000. Its school of mines is an investment of $65,000. Its university made an outlay of $60,000. Its normal school represents $60,000 of capital. Its military institute cost over $50,000. Other public institutions which are now in operation have secured appropriations for over $60,000.

"The educational system of the Territory, based upon the public schools, is creditable indeed.

"The Delegate for the Territory has just presented the committee with an advanced report of statistics for the scholastic year 1900-1901, made by the Territorial superintendent of education, which shows a school population of 66,064 children, being an increase over the previous year as given in the governor's report of 13,056, or 24.63 per cent. This fact would seem to corroborate the claim made by the witnesses who appeared before the committee that New Mexico, owing to the enterprises now on foot there, is increasing in population, and has increased, since the census was taken, proportionately faster than any other part of the nation.

"This same report shows that about three-fourths of the school population are enrolled as pupils, and all save a small per cent are in daily attendance; that the number of teachers is 1,046, and the number of schools 800; that the receipts for school purposes for the year ending October 1, 1901, was $839,018.70, and that of this sum $403,700.28 was paid in teachers' wages; that the value of all school property is $2,071,703.25. Besides the public schools and the Territorial institutions, there are over 50 sectarian schools, conducted by all religious denominations, with an enrollment of nearly 4,000 pupils. It is a creditable fact also that in thirty years the per cent of illiteracy has been reduced more than three-fourths.

"Its mining industry is rapidly developing. Last year's product of the mines is estimated at $6,000,000, and consists mainly of gold, silver, copper, and coal. It is claimed, however, that not to exceed one-third of the actual mineral output is taken account of so as to be available for statistical purposes, because the Territory has no reduction works for minerals within its borders, so that its output when shipped in the shape of ores goes to swell the output of other jurisdictions. The Territory mined last year about 1,300,000 tons of bituminous coal.

"In manufacture and industrial enterprise it shows a healthful development. Its banks, of which there are quite a good number, are doing a prosperous business. Its commercial enterprises are a success. There were only three failures reported last year out of 1,662 business concerns. It had a better record in this regard than any other State or Territory in the Union.

"The Territory had more sheep than any other State or Territory April 1, 1900, as shown by the Agricultural Yearbook, and not alone have they been successful in raising sheep, but they have an abundance of horses and cattle, as well as other property, as can be seen by the foregoing tabulated statement and as is fully shown by the governor's report.

"There are published within the limits of the Territory 75 newspapers, 5 or 6 of the daily ones being of such size and make-up as to be a decided credit to the Territory.

"The Territory has, according to the governor's report, about 2,000 miles of railroad, represented by 12 different corporations, and evidence was submitted to the committee showing that several hundred miles of new road have since been completed and that several hundred miles additional are being constructed and in contemplation.

"*School lands.*—On June 21, 1898, Congress passed an act granting something over 4,000,000 acres of land to the Territory. About 1,000,000 acres of this was for Territorial institutions and the balance was for the benefit of the common schools, and is made up by a grant of two sections, 16 and 36, in each township in the Territory where public land can be had. That act provided, section 7:

"'That this act is intended only as a partial grant of the lands to which said Territory may be entitled upon its admission into the Union as a State, reserving the question as to the total amount of lands to be granted to said Territory until the admission of said Territory as a State shall be determined by Congress.'

"The bill which your committee has reported provides for a grant embracing about the same amount of land as was given by the former act, and designates sections 13 and 33 in each township as school sections. This donation of land, considering that a large quantity of the really good lands are included within land grants, forest reserves, etc., and that the quality of the remaining public lands available is not of the best, is not considered unreasonable, nor will it, in the opinion of your committee, be of any more value to the schools of the future State than would one-fourth or one-third as much land in a place like eastern Kansas or Oklahoma.

"Finally, the committee concludes that the Territory is in every way prepared to maintain itself and do credit to the country at large by its progress.

"It has a patriotic people. When the first call to arms was made in 1898 it furnished a greater number of men, according to population, than any other Commonwealth enjoying the full benefits of American citizenship. There can be no question of its loyalty to country and its devotion to the Republic.

"It has always been a question whether New Mexico should not have been admitted to statehood in 1850, when California was accepted. It is a well-known fact that it then framed a constitution, elected officers thereunder, and sent its Senators and Representatives here at that time, but, after a long struggle, they were returned without the recognition of their right to seats in the legislative body at the Capitol.

"In 1876 a bill for the statehood of New Mexico passed both Houses of Congress, but for some cause was not agreed to in conference between the two Houses. Again, after repeated attempts, it is pushing its claims for statehood. Fifty years has elapsed since its first futile effort. The passage of the bill is urged by both political parties of the Territory; the press is unanimously for it, and the people are demanding it. Why should it not be given?

"If population determines her right, then by nearly every precedent heretofore made her claim is established. If area is to be a factor in its determination, then no question can arise as to her right to statehood. If natural resources and material development are to be the criterion of action, then, upon investigation, she can safely rely upon statehood. If education, integrity, and devotion to American institutions make the bulwark that insures recognition, then Congress, in our judgment, should by legal enactment admit her to the sisterhood of States. If patriotism and a burning desire to enjoy the full benefits of citizenship and to control their own domestic affairs should guide the action of Congress, then the bill enabling her to enjoy these rights should be passed at once."

The Republican national convention of 1900 unanimously passed the following resolution:

"We favor home rule for and the early admission to statehood of the Territories of New Mexico, Arizona, and Oklahoma."

President Roosevelt was a delegate to that convention. There were also present as delegates the following-named members of this body: Mr. A. J. BEVERIDGE, Mr. C. W. FAIRBANKS, Mr. J. R. BURTON, Mr. L. E. MCCOMAS, Mr. H. C. LODGE, Mr. KNUTE NELSON, Mr. J. H. GALLINGER, Mr. T. C. PLATT, Mr. C. M. DEPEW, Mr. J. C. PRITCHARD, Mr. H. C. HANSBROUGH, Mr. P. J. MCCUMBER, Mr. J. B. FORAKER, Mr. BOIES PENROSE, Mr. M. S. QUAY, Mr. THOMAS KEARNS, Mr. F. E. WARREN, and Mr. C. D. CLARK.

Senator GALLINGER was upon the subcommittee which passed upon this resolution and reported it to the committee on resolutions.

Senator FAIRBANKS was the chairman of the committee on resolutions and this resolution was unanimously adopted by that committee and reported to the convention by Senator FAIRBANKS.

The amendment reported by the majority of the Committee on Territories provides for the admission of the Territory of Oklahoma in conjunction with the Indian Territory as a single State, and excludes from statehood the Territories of Arizona and New Mexico. In respect to these last-named Territories it is in direct violation of the pledge made by the Republican platform. No resolution was ever adopted in any convention of any party for the assimilation of the Indian Territory in any form to the body of the States. No such proposition was ever seriously considered in either branch of Congress until the improvisation of the majority report now before this Senate.

The Indian Territory should not be included in the State of Oklahoma at present because:

First, under the treaties and agreements between the United States and the Five Tribes a separate political organization was provided for the Indian Territory, and the jurisdiction of the tribal governments extended to 1906. In the agreement with the Choctaws and Chickasaws the following provision was made:

"It is further agreed, in view of the modification of legislative authority and judicial jurisdiction herein provided, and the necessity of the continuance of the tribal governments so modified, in order to carry out the requirements of this agreement, that the same shall continue for the period of eight years from the fourth day of March, eighteen hundred and ninety-eight. This stipulation is made in the belief that the tribal governments so modified will prove so satisfactory that there will be no need or desire for further change till the lands now occupied by the Five Civilized Tribes shall, in the opinion of Congress, be prepared for admission as a state of the Union. But this provision shall not be construed to be in any respect an abdication by Congress of power at any time to make needful rules and regulations respecting said tribes."

Agreements with the Creeks and Cherokees contain the same pledge on the part of the United States, and it would be dishonorable on the part of Congress to violate the treaties and agreements with the Indians.

Second. Because the Indian governments and the entire membership of the Five Tribes are opposed to becoming a part of the State of Oklahoma, and earnestly protest against such action on the part of Congress.

Third. Because the whole body of the land in the Indian Territory is held by the Indian tribes by a fee-simple title, and not a single acre of land outside of a few town lots segregated by the town-site provisions of the Curtis Act is now subject to taxation. All allotments to be made to 85,000 Indians for homesteads are to be exempted from taxation for a period of twenty-five years. No greater injustice could be perpetrated against the people of Oklahoma than to require them to bear the burdens of the Indian Territory with its nontaxable land and anomalous conditions.

Fourth. Because the illiteracy and crime within the limits of the Five Tribes presents a record more deplorable than exists in any other section of the United States. The educational, social, and orderly life of the people of Oklahoma, with their splendid common-school system, colleges, and normal schools, would be seriously impaired by union with the Indian Territory.

By the census of 1900 20 per cent of the entire population of that Territory is reported illiterate. Of the 97,361 persons of voting age, 15.9 per cent are given as illiterate, while of the 109,191 persons of voting age in Oklahoma only 5.9 per cent belong to the illiterate class. Mr. Frank C. Churchill, special agent of the Secretary of the Interior, made an extensive examination of the condition of affairs in the Indian Territory under the direction of the Secretary, as required by act of Congress approved March 3, 1901, and the following is quoted from his report which was transmitted to Congress at the last session. On page 2, House Document No. 522, Mr. Churchill says:

"In all this Territory, the extent and area of which will be given elsewhere in detail, there is not a school maintained by taxation outside of the few incorporated towns which are authorized by the act of Congress approved June 28, 1898 (Curtis Act), to levy a tax not exceeding 2 per cent for all purposes."

Speaking of Indian education, he says, on page 18—

"But perhaps the most startling fact is that, so far as I can learn, not a dollar of tribal funds has ever been appropriated toward the erection of a day or neighborhood schoolhouse in any of the nations."

Mr. Churchill also gave much attention to illiteracy and crime in the Indian Territory, and reports as follows:

"The Territory is divided into three judicial districts, and such is the demand upon the time of the four Federal judges that much civil business has to be pushed aside from time to time in order that the court may give attention to the enormous number of misdemeanor and felony cases.

"This statement is introduced for the purpose of calling your attention to the fact that a large percentage of the young criminals who appear in courts never saw the inside of a schoolhouse, and, as I believe, would never have landed in jail had they received the ordinary advantages offered in the common schools of the States.

"On this subject I have the testimony of numerous court officers, who declare that many of the persons arrested for the lesser crimes are not naturally vicious, but through ignorance and idleness drift into ways that bring them into trouble, much of which could be averted by popular education in elementary schools.

"On October 2, 1901, I visited the United States jail in the northern judicial district, and of the 264 inmates on that day 65 who could speak English admitted to me that they could neither read nor write, and nearly all of these were young men and women, and the same condition of affairs can be found in the other jails of the Territory.

"But to my mind a worse feature still is that a large part of the jurors and witnesses who try these cases are illiterate, as proven by the books of the United States marshal's office, where these persons receipt for their fees.

"I am informed by one United States commissioner that of 4,000 witnesses examined by him since he assumed his duties in this Territory 23 per cent could not read or write.

"One-sixth of the male population of 21 years and upward are illiterate, and a much greater percentage of the younger men are illiterate, as many of those more advanced in years have come from States where they enjoyed some school privileges; and I have the testimony of several persons whose judgment is worthy of credence that not less than 50 per cent of the criminals are illiterate persons, and criminals are being shipped from this Territory to the several United States prisons and reformatories in carload lots at very frequent intervals."

In this summary of the situation he says:

"I find that upward of 100,000 persons of school age reside in the Indian Territory without free schools."

Fifth. In the various treaties and agreements with the Five Tribes no land or money has been reserved for common schools or for penal and charitable institutions of the future State. No public lands exist in that Territory. The clause in the substitute bill proposing to select for these purposes in Oklahoma lands equal to four sections in each township in the Indian Territory will be practically inoperative, because all the available public lands in Oklahoma of any value have already been reserved by acts of Congress or settled upon by settlers.

Sixth. Without any land subject to taxation, the expense of the courts in the Indian Territory would be unduly oppressive.

"As reported by the Attorney-General of the United States, there were pending in the courts of the Indian Territory on July 1, 1901, 2,548 penal prosecutions. Of this number 1,169 were in the northern district, 570 in the central district, and 992 in the southern district. * * * The expenses of the courts for the fiscal year ending June 30, 1901, were for the northern district, $185,297.22; for the central district, $134,634.30, and for the southern district, $163,455.85, making the total cost of the three courts $483,383.40."

Seventh. Since the Five Tribes occupied the Indian Territory all kinds of spirituous liquors have been excluded by law, and the introduction of liquors into that Territory has been punished as a serious crime. If united with Oklahoma, saloons would be instituted and the Indian tribes would be demoralized and destroyed.

Eighth. Because a large majority of the people of both Territories are unalterably opposed to the union of the two Territories as proposed by the bill. The so-called single-statehood convention recently held in Claremore, in the Indian Territory, was in no sense a representative meeting, was attended by only a few persons, and the resolutions passed and presented to the Senate were inspired by considerations of a local character and to advance individual interests.

Ninth. Oklahoma is ready for statehood. The Indian Territory is unfit in all respects to enter the Union. Oklahoma will make a great and prosperous State, and is capable of supporting 2,000,000 people. Its prosperity of to-day is not due to a fictitious boom, but to the fertility of the soil and to its abundant resources and favorable climatic conditions. Until the unfortunate conditions which exist in the Indian Territory are corrected, and the land becomes subject to taxation and a common-school system is instituted and funds are provided for its support, it would be scarcely less than an outrage to require the people of Oklahoma to pay the taxes to support a State government for the Indian Territory.

Tenth. With the exception of the country owned by the Creeks and Seminoles, which constitutes only a small portion of the Indian Territory, no provision has been made for public roads, and the land for the same will have to be purchased from the Indians at the cost of several million dollars. This condition alone would make a most oppressive rate of taxation for the people of Oklahoma.

Recurring to New Mexico, the faith of the nation was plighted to the people of that Territory at the time of its original occupancy by the troops of the United States, when Kearny, without opposition, occupied Santa Fe, in 1846. He proclaimed that "it was the wish and intention of the United States to provide the people of New Mexico with a free government, with the least possible delay, similar to those in the United States." This proclamation pacified the Territory. The ninth article of the treaty of Guadalupe Hidalgo, of February 21, 1848, provided as follows:

"The Mexicans who, in the Territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution, and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property and secured in the free exercise of their religion without restriction."

Acting upon these assurances, the people of New Mexico in 1850 held a constitutional convention and adopted a constitution. Afterwards, in the same year, they elected State officers and a legislature, and also elected William S. Messervy as a Representative in Congress. Later the legislature elected R. H. Weightman and F. C. Cunningham as United States Senators. With the Representative-elect they proceeded to this city. They were not admitted to seats, because the compromise act of 1850, which admitted California to statehood, relegated New Mexico to the condition of a Territory. Amongst the many efforts of New Mexico to be admitted as a State since that date one is especially of note.

In the Forty-third Congress a bill for the admission of the Territory was passed in the House of Representatives by a vote of 160 to 54, and afterwards, on the 24th of February, a few days previous to final adjournment, passed the Senate, with a slight amendment, by a vote of 32 to 11. When returned to the House for concurrence in the amendment of the Senate it was found impossible to take it up for concurrence. The bill fell, although favored by three-fourths of each branch of Congress, because of that slight Senate amendment. In an address delivered by Hon. L. Bradford Prince, ex-chief justice and ex-governor of New Mexico, before the trans-Mississippi congress, at Cripple Creek, Colo., July 19, 1901, in reference to the character of the population of New Mexico, he said:

By many the people are looked upon as foreign and not in harmony with American institutions. It is strange that this objection should arise in a land which absorbs half a million of foreigners every year and which manages to assimilate the very worst elements of continental Europe. It should be remembered that New Mexico was acquired in 1846; that all of its inhabitants, except the oldest, were born on American soil, and that its people belonged to a sister Republic with institutions similar to ours, and so needed no new education in free government. For almost half a century they have been electing their legislatures, making their laws, and carrying on their local government under the American system.

The people have shown themselves as loyal as any in the nation. During the rebellion out of her total population of 93,567 she sent 6,561 into the Army. Her volunteers fought at Valverde, Peralta, and on other fields, and at Glorieta, together with their comrades of Colorado, defeated the enemy and turned back the column which was advancing northerly from Texas with the intention of cutting off the Pacific slope from the remainder of the country. The value of that service to the Union cause can scarcely be overestimated. The total number of volunteers from the Territories now composing the six new States of North Dakota, South Dakota, Washington, Montana, Idaho, and Wyoming was 1,170. Colorado sent but 4,903; and Nebraska, Oregon, and Nevada, taken together, did not contribute but 6,047, being 500 less than New Mexico alone.

In the recent war with Spain the people showed equal patriotism, no less than 1,089 volunteers enlisting, including about 500 "Rough Riders," who gained a high reputation at Las Guasimas and on San Juan Hill.

If we look at the foreign element in the population, we will find it smaller in New Mexico than anywhere in the country, except in certain Southern States. A comparison with Territories recently admitted is instructive in this regard. The figures are those of the census of 1890, which are the latest available on this point.

New Mexico contained 11,259 foreign inhabitants out of a total of 153,593, or 7⅓ per cent.

Idaho had 21 per cent; Wyoming, 24; Washington, 25; Montana, 43, and North Dakota, 45.

Even in the older States, New York and Michigan had 23 per cent; Massachusetts, 29; Rhode Island, Wisconsin, and California, 30, and Minnesota, 38.

So that New Mexico looms up as a specially native American community.

But to the uninformed the large number of voters of Spanish descent is looked upon as a grave misfortune. There could not be a greater mistake. It is the possession of that conservative element in connection with the energetic and enterprising American from the East which gives New Mexico her special advantages as a self-governing community over most other Territories. Everyone familiar with the far West knows that the principal danger in new communities arises from the unsettled and irresponsible character of much of the population.

They have energy, general intelligence, vigor, and enterprise, and we recognize them in those respects as good State builders; but at the same time they have some characteristics not so desirable. One is that they are continually "on the move." The number of men through all that region with whom two years is a long residence in any one place is astonishing. The habit of moving is upon them, and they are always looking for some new place to which to migrate. Of course there are many solid, substantial citizens; but this restless, nomadic population constitutes an element that is always active, aggressive, and noisy.

They are eager for office, ready to vote for any amount of bonds and taxation, and to their irresponsible action is principally due the heavy indebtedness and not infrequent bankruptcy of so many Western cities and counties. They do the mischief and are gone before its effects are felt. The chief danger in many a new community comes from this class of men and from the overenthusiasm of others who think that life in the West is a continual boom, and many a State and Territory has suffered from it. But New Mexico runs no such risk. She has a solid, stable, responsible, and conservative element in her native population which counteracts the danger. They are attached to the soil and have no thought of leaving. They are identified with the country and naturally opposed to rash schemes which involve extravagant expense and debt. Mixed with the overzealous American, they form an admirable combination. Another objection which has been urged against us is that of illiteracy.

Some years ago there may have been some force in this argument, but it is fast disappearing. In no respect has New Mexico been making such rapid progress as in public education. Even under the crude system which existed before the public-school law of 1891 the number of children under instruction had increased in a ratio far in advance of the population. The census developed the fact that while the population of the Territory increased 28 per cent during the decade from 1880 to 1890, the number of children enrolled in the schools increased 283 per cent, or ten times as rapidly.

During the last decade the gain has been equally gratifying. The school law of 1891 gave a great impetus to public instruction. Under its beneficent provisions the educational system is improving with great rapidity.

It should be remembered that all this has to be done by direct taxation, as we have had no school fund whatever. Should you deprive all of the States of their school funds a lamentable condition of affairs would result in many of them. If the educational matter is to be considered it should be weighed in the direction of giving us statehood, which will increase our means for public education rather than in depriving us of it.

I submit a table showing the population of these Territories in comparison

with a number of the States of the Union at the dates of their admission to statehood:

Arizona, 1900, population	122,931
New Mexico, 1900, population	195,310
Oklahoma, 1900, population	398,331
Montana, admitted November 8, 1889; population, 1890	132,159
North Dakota, admitted November 2, 1889; population, 1890	182,719
South Dakota, admitted November 2, 1889; population, 1890	328,808
Utah, admitted January 4, 1896; population, 1900	276,749
Vermont, admitted March 4, 1791; population, 1790	85,425
Idaho, admitted July 3, 1890; population, 1890	84,385
Wyoming, admitted July 10, 1890; population, 1890	60,705
Ohio, admitted November 29, 1802; population, 1800	45,365
California, admitted September 9, 1850; population, 1850	92,597
Indiana, admitted December 11, 1816; population, 1810	24,520
Illinois, admitted December 3, 1818; population, 1820	55,211
Washington, admitted November 11, 1889; population, 1890	349,390
Minnesota, admitted May 11, 1858; population, 1860	172,023
Nebraska, admitted March 1, 1867; population, 1870	122,993
Oregon, admitted February 14, 1859; population, 1860	52,465
Alabama, admitted December 14, 1819; population, 1820	127,901
Florida, admitted March 3, 1845; population, 1850	87,445
Iowa, admitted December 28, 1846; population, 1850	192,214
Delaware, one of original 13 States; population, 1900	184,735

For the reasons, therefore, that the Republican party in 1900 promised statehood to the Territories of Arizona, New Mexico, and Oklahoma, while no such pledge was made or promised in the national convention for the Indian Territory, which is not now fit for statehood, and that these Territories compare favorably in number and character of population, as well as in resources and territorial extent, with nearly all of the States admitted to the Union for many years past, and in accordance with the precedents of our history, I recommend that House bill No. 12543 be passed without amendment.

M. S. QUAY.

INTERNAL-REVENUE TAXES ON PRIVATE DIES.

Mr. LODGE. Mr. President, as it is not yet 2 o'clock, I ask unanimous consent for the present consideration of the bill (S. 3975) to refund internal-revenue taxes paid by owners of private dies.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. MORGAN. Is there any report accompanying the bill?

Mr. LODGE. Yes; there is a report from the Committee on Claims. I have the report here.

Mr. ALLISON. How were the amounts ascertained?

Mr. LODGE. They were ascertained from the Treasury Department. A similar bill has passed the Senate twice.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OMNIBUS STATEHOOD BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole. As submitted by the Committee on Territories, there is a proposition to strike out all after the enacting clause of the bill and to insert a substitute. The Chair wishes to know whether it is the desire of the Senate that the language proposed to be stricken out shall be read.

Mr. LODGE. That is the bill, is it not?

The PRESIDENT pro tempore. It is a House bill, and the committee reports to strike out the text of the bill as passed by the House.

Mr. LODGE. I think the bill ought to be read for amendment in the usual way.

Mr. NELSON. I desire to ask the Senator from Pennsylvania [Mr. QUAY] to allow the bill to be laid aside for a few minutes. I expect the chairman of the committee in a few moments with his report. I only ask to have the bill temporarily laid aside for a few minutes in order that he can present his report on the bill. No report has been made.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent that the bill be laid aside until the chairman of the committee presents his report.

Mr. QUAY. We have been waiting for six months for this report, and I suppose it does not make much difference whether we wait a few moments longer or not. But I suggest to the Senator from Minnesota that the formal reading of the bill be proceeded with; that is, merely reading the text of the bill as passed by the House, which has been stricken out by the majority of the Committee on Territories.

Mr. LODGE. And the substitute proposed by the committee.

Mr. QUAY. And the substitute. It is nothing but the formal reading, and we may as well go on with it.

Mr. NELSON. Let the reading of the House bill proceed. I have no objection to that.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill.

The PRESIDENT pro tempore. The amendment reported by the Committee on Territories will be read.

The Secretary proceeded to read the amendment, and read to the end of the second paragraph of section 3.

Mr. BEVERIDGE. At this juncture, in view of the hour, I ask that the reading of the remainder of the amendment be temporarily suspended while the committee presents to the Senate its report in support of the amendment which the committee reports back to the Senate.

Mr. QUAY. I feel it to be my duty to object to that.

Mr. BEVERIDGE. Very well.

Mr. QUAY. I think in a very few moments the Secretary will complete the reading of the substitute, and then we can receive the report.

The Secretary resumed and concluded the reading of the amendment reported by the Committee on Territories, which was to strike out all after the enacting clause and insert:

That the inhabitants of all that part of the area of the United States now constituting the Territory of Oklahoma and the Indian Territory as at present described may adopt a constitution and become the State of Oklahoma as hereinafter provided: *Provided*, That nothing contained in the said constitution shall be construed to limit or impair the rights of person or property pertaining to the Indians of said Territories so long as such rights shall remain unextinguished, or to limit or affect the authority of the Government of the United States to make any law or regulation respecting such Indians, their lands, property, or other rights which it would have been competent to make if this act had never passed.

SEC. 2. That all male persons over the age of 21 years who are citizens of the United States, or who have declared their intention to become citizens of the United States as required by law or who are members of any Indian nation or tribe in said Indian Territory and who have resided within the limits of said proposed State for at least six months, are hereby authorized to vote for and choose delegates to form a constitutional convention for said proposed State; and all persons qualified to vote for said delegates shall be eligible to serve as delegates; and the delegates to form such convention shall be 120 in number, 60 of whom shall be elected by the people of the Territory of Oklahoma and 60 by the people of Indian Territory. The 60 delegates to be elected by the people of the Territory of Oklahoma shall be apportioned among the several counties of that Territory as near as may be to the population in each of said counties, and such apportionment shall be made by the governor, the chief justice, and the secretary of said Territory; and the delegates to be elected by the people of Indian Territory, as aforesaid, shall be apportioned among the several districts of said Territory in proportion to the population as near as may be by the judges of the United States courts in said Territory; and the governor of said Oklahoma Territory, together with the chief justice or senior judge of the United States courts in Indian Territory, shall by proclamation order an election of the delegates aforesaid in said proposed State at a time designated by them within sixty days after the approval of this act, which proclamation shall be issued at least thirty days prior to the time of holding said election of delegates. That the judges of the United States courts in Indian Territory shall for the purposes of said election establish and define the necessary election precincts and appoint three judges of election for each precinct, which judges may appoint the necessary clerk or clerks; that the said judges of election, so appointed, shall supervise the election in their respective precincts, and canvass and make due return of the vote cast to the judges of the United States courts in said Indian Territory, who shall constitute the ultimate and final canvassing board of said election and whose certificate of election shall be prima facie evidence as to the election of delegates; and the election for delegates in the Territory of Oklahoma shall be conducted, the returns made, the result ascertained, and the certificates of all persons elected to such convention issued in the same manner as is prescribed by the laws of said Territory regulating election for Delegate to Congress.

SEC. 3. That the delegates to the convention thus elected shall meet at the seat of government of said Oklahoma Territory on the fifth Tuesday after their election, excluding the day of election in case such day shall be Tuesday, and, after organization, shall declare, on behalf of the people of said proposed State, that they adopt the Constitution of the United States; whereupon the said convention shall be, and is hereby, authorized to form a constitution and State goverement for said proposed State. The constitution shall be republican in form and make no distinction in civil or political rights on account of race or color, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide, by ordinance irrevocable without the consent of the United States and the people of said State:

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship: *Provided*, That polygamous or plural marriages are forever prohibited.

Second. That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title in or to any unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian tribe or nation; and that until the title to any such public land shall have been extinguished by the United States the same shall be and remain subject to the disposal and control of the United States. And said Indian land shall remain under the jurisdiction and control of the Congress of the United States, as at present; that land belonging to citizens of the United States residing without the limits of said State shall never be taxed at a higher rate than the lands belonging to the residents thereof; that no taxes shall be imposed by the State on lands or property belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing herein, or in the ordinances herein provided for, shall preclude the said State from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States, or from any person, a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress or treaty containing a provision exempting the land thus granted from taxation; but such ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress or treaty may prescribe.

Third. That the debts and liabilities of said Territory of Oklahoma shall be assumed and paid by said State.

Fourth. That provision shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of said State and free from sectarian control; and said schools shall always be conducted in English: *Provided*, That this act shall not preclude the teaching of other languages in said public schools.

SEC. 4. That in case a constitution and State government shall be formed in compliance with the provisions of this act the convention forming the same shall provide by ordinance for submitting said constitution to the people

of said proposed State for its ratification or rejection at an election to be held at a time fixed in said ordinance, at which election the qualified voters for said proposed State shall vote directly for or against the proposed constitution, and for or against any provisions separately submitted. The returns of said election shall be made to the secretary of the Territory of Oklahoma, who, with the chief justice thereof and the chief justice or senior judge of Indian Territory, shall canvass the same; and if a majority of the legal votes cast on that question shall be for the constitution the governor of Oklahoma Territory and the chief justice or senior judge of Indian Territory shall certify the result to the President of the United States, together with the statement of the votes cast thereon, and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances. And if the constitution and government of said proposed State are republican in form, and if the provisions in this act have been complied with in the formation thereof, it shall be the duty of the President of the United States, within twenty days from the receipt of the certificate of the result of said election and the statement of the votes cast thereon and a copy of said constitution, articles, propositions, and ordinances from said commission, to issue his proclamation announcing the result of said election; and thereupon the proposed State of Oklahoma shall be deemed admitted by Congress into the Union, under and by virtue of this act, on an equal footing with the original States from and after the date of said proclamation.

The original of said constitution, articles, propositions, and ordinances, and the election returns, and a copy of the statement of the votes cast at said election shall be forwarded and turned over by the secretary of the Territory of Oklahoma to the State authorities of said State.

SEC. 5. That the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for defraying the expenses of said election and convention, and for the payment of the members thereof under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial legislature of the Territory of Oklahoma.

SEC. 6. That until the next general census, or until otherwise provided by law, the said State of Oklahoma shall be entitled to four Representatives in the House of Representatives of the United States, And the said Representatives to the Fifty-eighth Congress, together with the governor and other officers provided for in said constitution, may be elected on the same day of the election for the ratification or rejection of the constitution; and until said officers are elected and qualified under the provisions of such constitution, and the said State is admitted into the Union, the Territorial officers of Oklahoma Territory shall continue to discharge the duties of their respective offices in said Territory.

SEC. 7. That upon the admission of the State into the Union sections Nos. 16 and 36 in every township in Oklahoma Territory, and other lands, equivalent to sections 16 and 36, in every township in Indian Territory, shall be granted from the public domain in Oklahoma Territory, in lieu of sections 16 and 36 in every township in Indian Territory, except sections 16 and 36 in either Territory, or parts thereof, that have been reserved, sold, or otherwise disposed of by or under the authority of any act of Congress: *Provided*, That said indemnity lands, in lieu of sections 16 and 36 of the townships in the Indian Territory, shall be selected in such manner as the legislature may provide, with the approval of the Secretary of the Interior, and shall be granted for the support of the common schools of said proposed State of Oklahoma: *Provided further*, That sections 16 and 36 embraced in permanent reservations for national purposes shall not at any time be subject to the grant nor to the indemnity provisions of this act; nor shall any lands embraced in Indian, military, or other reservations of any character be subject to the grants or to the indemnity provisions of this act until the reservations shall have been extinguished and such lands be restored to and become a part of the public domain.

SEC. 8. That section 13, reserved by the President of the United States by proclamation issued August 19, 1893, opening to settlement the land known as the Cherokee Outlet, the Tonkawa Indian Reservation, and the Pawnee Indian Reservation, and by any act or acts of Congress since said date, and in all other lands to be opened to settlement in the Territory of Oklahoma or the State to be formed hereunder, is hereby reserved and granted to said State for the equal use and benefit of the University of Oklahoma, the normal schools, and the agricultural and mechanical college of said State, one-third to each, the same to be disposed of as the legislature of said State may prescribe: *Provided*, That the said lands so reserved or the proceeds of the sale thereof shall be safely kept or invested and held by said State, and the income thereof, interest, rentals, or otherwise, only shall be used exclusively for the benefit of said educational institutions. Such educational institutions shall remain under the exclusive control of said State, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes or the income or rentals thereof shall be used for the support of any religious or sectarian school, college, or university.

That section 33, heretofore reserved under said proclamation and acts for charitable and penal institutions and public buildings, shall be apportioned and disposed of as the legislature of the said State may prescribe.

SEC. 9. That said sections 16 and 36, and lands taken in lieu thereof, herein granted for the support of the common schools, shall be disposed of only at public sale, after due appraisal and at not less than $10 per acre, preference right to purchase being given to the lessee at the time of such sale, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of such schools. But said lands may, under such regulations as the legislature may prescribe, be leased for periods not to exceed five years; and such lands shall not be subject to homestead entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

SEC. 10. That said sections 13 and 33 aforesaid when sold shall be disposed of at public sale as the legislature of said State may prescribe, but only after due appraisal and at not less than $10 per acre, preference right to purchase being given to the lessee at the time of such sale; but the same may be leased for periods of not more than five years, under such rules and regulations as the legislature shall prescribe, and shall not be subject to homestead entry or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for designated purposes only, and until such time as the legislature shall prescribe the same shall be leased under existing rules.

SEC. 11. That 10 per cent of the proceeds of the sales of public lands lying within said State which shall be sold by the United States shall be paid to the said State, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said State.

SEC. 12. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September 4, 1841, which section is hereby repealed as to said State, and in lieu of any claim or demand of the State of Oklahoma under the act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands, which grant it is hereby declared is not extended to the State of Oklahoma, the following grant of land is hereby made to said State for the purposes indicated, namely:

For the benefit of the Oklahoma University, 200,000 acres; for the benefit of the Agricultural and Mechanical College, 250,000 acres; for the benefit of the Colored Agricultural and Normal University, 100,000 acres; for the benefit of normal schools, 250,000 acres, and 650,000 acres to be disposed of as the legislature may provide, said lands to be selected in such manner as the legislature may provide, with the approval of the Secretary of the Interior.

SEC. 13. That said State, when admitted as aforesaid, shall constitute two judicial districts, to be known as the eastern district of Oklahoma and the western district of Oklahoma. The said Indian Territory shall constitute the eastern district and the said Oklahoma Territory shall constitute the western district. The circuit and district courts for the eastern district shall be held at Muscogee, and the circuit and district courts for the western district shall be held at Oklahoma City for the time being. And the said districts shall, for judicial purposes, until otherwise provided, be attached to the eighth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal. The judges of said districts shall each receive a yearly salary of $5,000, payable in four equal installments on the 1st days of January, April, July, and October of each year, and shall reside in their districts. There shall be appointed a clerk for each of said districts, who shall keep their offices in the cities where court is held. The regular terms of said courts shall be held at the places designated in this act on the first Monday in January and the first Monday in June in each year, and only one grand jury and one petit jury shall be summoned in each of said circuit and district courts. The circuit and districts courts for each of said districts, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerk of each of the circuit and district courts of said districts, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully required to be performed by similar officers in other districts of the United States.

SEC. 14. That all cases of appeals or writs of error heretofore prosecuted and now pending in the Supreme Court of the United States or the circuit court of appeals for the eighth circuit upon any record of the supreme courts of said Territories, or that may hereafter lawfully be prosecuted upon any record from either of said courts, may be heard and determined by said Supreme Court of the United States and the said circuit court of appeals. And the mandate of execution or other proceeding shall be directed by the Supreme Court of the United States, or said circuit court of appeals, to the circuit or district courts hereby established within the said State succeeding the Territories from which such record is or may be pending, or to the supreme court of said State, or other State court therein established, as the nature of the case may require.

SEC. 15. That the said circuit and district courts and the courts of said State shall, respectively, be the successors of the courts of Oklahoma and Indian Territories as to all such cases arising within the limits of the Territories described in the first section of this act, with full power to proceed with the same and award mesne or final process therein; and that from all judgments and decrees of the supreme courts of said Territories or the United States courts for said Territories in any case arising within the limits of said State prior to admission, the parties to such judgments or decrees shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States or to the circuit court of appeals for the eighth circuit as they shall have had by law prior to the admission of said State into the Union.

SEC. 16. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of said Territories at the time of admission as a State and arising within the limits of such State whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts each, respectively, shall be the successors of said supreme and district courts of said Territories, and in respect to all other cases and matters pending in the supreme or district courts of said Territories or in the United States courts for said Territories at the time of the admission of such State arising within the limits of said proposed State, the courts of said State shall, respectively, be the successors of said supreme and district Territorial courts and the United States courts in said Territories. And all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and State courts, respectively, and the same shall be proceeded with there in a due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of said State shall be pending, in any Territorial court of said Territories or the United States courts for said Territories shall abate by the admission of said State into the Union; but the same shall be transferred and proceeded with in the proper United States, circuit, district, or State court, as the case may be: *Provided, however*, That in all civil actions, causes, and proceedings in which the United States is not a party transfer shall not be made to the circuit and district courts of the United States, except it be a case which under existing laws might be transferred from a State court to the courts of the United States, and upon written request of one of the parties to such action or proceeding filed in the proper court as now by law required, and in the absence of such request such cases shall be proceed with in the proper State court.

SEC. 17. That the constitutional convention may by ordinance provide for the election of officers for a full State government, including members of the legislature and four Representatives to Congress, and shall designate, define, and divide the Osage and Kaw Indian reservations and the area now constituting the Indian Territory into counties not to exceed in number 24, and name and designate the county seats thereof, and shall provide rules and regulations and define the manner of conducting the first election for officers in said counties, and shall designate and define four Congressional districts in said State for the election of Representatives. Such State government shall remain in abeyance until the State shall be admitted into the Union and the election for State officers held as provided for in this act. The State legislature, when organized, shall elect two Senators of the United States in the manner now prescribed by the laws of the United States, and the governor and secretary of said State shall certify the election of the Senators and Representatives in the manner required by law. And said Senators and Representatives shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the State government formed in pursuance of said constitution as provided by said constitutional convention shall proceed to exercise all the functions of such State officers; and all laws of said Territories in force therein at the time of their admission into the Union shall be in force in said State, except as modified or changed by this act or by the constitution of the State, and the laws of the United States not locally inapplicable shall have the same force and effect within said State as elsewhere within the United States.

Mr. BACON. Mr. President, I ask leave at this time to present an amendment which I will subsequently offer, in order that the same may now be read and ordered to be printed.

The PRESIDENT pro tempore. The Senator from Georgia offers an amendment and asks that it be read. If there be no objection it will be read.

The Secretary read as follows:

Amendment intended to be proposed by Mr. BACON to the bill (H. R. 12543) entitled "An act to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States."

Amend the amendment proposed by the committee on page 46, section 1, line 6, as follows: Strike out "Oklahoma" and insert "Jefferson" in lieu thereof.

Amend further said amendment proposed by the committee wherever the words "State of Oklahoma" occur by striking out "Oklahoma" and inserting "Jefferson" in lieu thereof.

Amend further the amendment proposed by the committee on page 57, in section 13, line 11, by striking out the word "Oklahoma" in each place where the same occurs and inserting the word "Jefferson" in lieu thereof.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. BEVERIDGE. Mr. President——

Mr. QUAY. Will the Senator from Indiana yield to me, that I may make a parliamentary inquiry of the Chair?

Mr. BEVERIDGE. Certainly.

Mr. QUAY. Mr. President, I desire to understand distinctly the parliamentary position of the bill before the Senate. As I understand it, the question pending now is upon the adoption of the amendment of the committee.

The PRESIDENT pro tempore. The understanding of the Senator from Pennsylvania is correct.

Mr. QUAY. I will now yield to the Senator from Indiana. I may have something to say after he presents his report.

Mr. BEVERIDGE. I send to the desk and ask to have read two telegrams.

The PRESIDENT pro tempore. The Senator from Indiana sends to the desk two telegrams which he asks may be read. Without objection, the Secretary will read them.

Mr. LODGE. Before the telegrams are read, in regard to what the Senator from Pennsylvania stated, I suppose it is understood that both the substitute and the original bill are open to amendment.

The PRESIDENT pro tempore. Undoubtedly, amendments offered to the original bill taking precedence of those offered to the substitute. The Secretary will read the telegrams.

The Secretary read as follows:

ARDMORE, IND. T., *December 9, 1902.*

Senator BEVERIDGE,
Portland, Washington, D. C.:

At mass meeting held here resolutions sent you from Ada favoring single statehood with Oklahoma were unanimously indorsed.

SIDNEY SUGGS,
President Chamber of Commerce.

MUSKOGEE, IND. T., *December 10, 1902.*

Senator ALBERT J. BEVERIDGE,
Chairman Committee on Territories,
United States Senate, Washington, D. C.:

At an enthusiastic meeting of the citizens of Muskogee, held to-night in rooms of Chamber of Commerce, the following resolutions were unanimously adopted and a copy ordered wired to you:

"*Resolved by this nonpartisan meeting of citizens of Muskogee, Ind. T.*, That we hereby indorse the Oklahoma statehood bill, now pending in the Senate, H. R. 12543, as reported to the Senate by Senator NELSON on December 3, 1902. We believe this bill is the most equitable measure to the people of all classes in the Indian Territory ever offered in Congress. This bill will afford relief badly needed here and give confidence to outsiders contemplating residence in this country, and above all it will speedily give public schools for the education of all children, whether Indians or not."

Hon. A. Grant Evans was elected delegate, and leaves to-morrow to represent our wishes in Washington.

THOMAS P. SMITH, *President.*
CLARENCE B. DOUGLASS, *Secretary.*

Mr. BEVERIDGE. Mr. President, from the Committee on Territories I present the following report.

The PRESIDENT pro tempore. If there be no objection, the report will be received at this time. The Senator from Indiana, on behalf of the Committee on Territories, submits a report, which will be read.

The Secretary proceeded to read the report.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 15794) to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890; in which it requested the concurrence of the Senate.

OMNIBUS STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

The Secretary resumed the reading of the report of the Committee on Territories.

Mr. ALDRICH. I ask unanimous consent that the reading of the report may be further interrupted to allow a House bill to be laid before the Senate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Rhode Island?

Mr .QUAY. I will object unless it is understood that there is to be no discussion which will interrupt the reading of the report. I desire, in accordance with the unanimous-consent understanding of the Senate, to proceed as rapidly as possible with the consideration of the statehood bill.

Mr. ALDRICH. I think there will be no discussion of the House bill, which I desire to have put on its passage.

Mr. QUAY. If the Senator from Indiana [Mr. BEVERIDGE] will agree to have his report printed in the RECORD without further reading, I shall have no objection.

The PRESIDENT pro tempore. The Chair will exercise the right to lay before the Senate the communication from the House of Representatives.

Mr. ALDRICH. All right. I ask that the bill may be read.

MERCHANDISE IN BONDED WAREHOUSES.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 15794) to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890; which was read the first time by its title.

Mr. ALDRICH. I ask that the bill may be read at length.

Mr. QUAY. Now, Mr. President, I object, if the bill is to provoke any discussion.

Mr. ALDRICH. It will not provoke any discussion, I am sure, and it is a bill which must be passed immediately, in the public interest.

Mr. QUAY. If it does provoke any discussion, I will withdraw my consent; that is all. I do not desire to interfere with the passage of the bill.

The PRESIDENT pro tempore. The unfinished business will then be temporarily laid aside. Does the Senator from Rhode Island ask for the consideration of the bill?

Mr. ALDRICH. I shall, after it has been read.

The PRESIDENT pro tempore. The bill will be read.

The bill was read the second time at length, as follows:

Be it enacted, etc., That section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, be, and the same is hereby, amended so as to read as follows:

"SEC. 20. That any merchandise deposited in any public or private bonded warehouse may be withdrawn for consumption within three years from the date of original importation on payment of the duties and charges to which it may be subject by law at the time of such withdrawal: *Provided*, That the same rate of duty shall be collected thereon as may be imposed by law upon like articles of merchandise imported at the time of the withdrawal: *And provided further*, That nothing herein shall affect or impair existing provisions of law in regard to the disposal of perishable or explosive articles."

Mr. ALDRICH. I have consulted with the members of the Finance Committee who are present in the city and they all agree that this bill should be passed and passed promptly. I therefore ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent for the present consideration of the bill which has been read. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the the third time, and passed.

THE COFFEE INDUSTRY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Agriculture and Forestry, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying papers, relative to the proceedings of the International Congress for the Study of the Production and Consumption of Coffee, which, in pursuance of a resolution adopted by the Second International Conference of American States, was in session at the city of New York from October 1 to October 31, 1902, investigating the causes which are producing the crisis through which that industry is passing.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 10, 1902.*

OMNIBUS STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

The PRESIDENT pro tempore. The Secretary will resume the reading of the report.

The Secretary resumed and concluded the report this day submitted from the Committee on Territories.

[Senate Report No. 2206, Fifty-seventh Congress, first session.]

The Committee on Territories, to whom was referred House bill 12543 admitting the Territories of New Mexico, Arizona, and Oklahoma as States of the Union, reported back said bill on the 3d instant with an amendment in the nature of a substitute, striking out all after the enacting clause and inserting instead a bill for the admission of Oklahoma and Indian Territory as a single State.

In support of that action the committee present to the Senate the following reasons:

QUALIFICATIONS FOR STATEHOOD.

The Constitution provides that "new States may be admitted by Congress into this Union." Constitution, Art. IV, sec. 3.

This gives Congress discretionary power as to what qualifications shall be required for the admission of new States.

But it is apparent that some qualification must be required. The admission of a new State involves—

First. The interests of the people of the proposed new State; and

Second. The interests of the remainder of the Republic.

The second consideration is of at least equal weight with the first, since the new State has equal voting power in the upper branch of Congress with all the other States, and therefore the welfare of the Nation is permanently affected. If the admission of a new State is considered the formation of a contract between the Nation and the new State, the least that can be said is that the Nation is as much entitled to consideration as the new State. If the admission of a new State means its absorption into the body and being of the active and political Nation, the consideration becomes all the stronger. Therefore the qualifications of the community asking for statehood are of vital concern. These qualifications involve—

First. The number of people asking for admission;

Second. The condition of those people as to educational, moral, and other elements of citizenship;

Third. The extent of territory occupied by them;

Fourth. The extent to which they have developed the resources of that territory; and

Finally. The extent and character of all natural resources, both developed and undeveloped.

The people must be sufficient in number; they must be on an equality with the rest of the people of the Nation in all that constitutes effective citizenship; they must have developed the resources of the land they occupy, and have further resources susceptible of like development to bring their proposed new State up to the average of the rest of the nation.

These requirements grow out of the nature of our form of Government.

Upon all of these qualifications Congress is, of course, the judge. If Congress saw fit it might admit 50,000 people covering 500,000 square miles of territory as a State. Conversely, Congress might reject the application of 5,000,000 people within a limited area. There is no limit on its constitutional power.

RULE AS TO POPULATION.

But while the preparedness of a community asking statehood is left to the good sense of Congress, we are not without an established rule. When the Constitution was adopted no such development as we have experienced was contemplated, but still the Republic was then in possession of the Northwest Territory and the formation of States out of that Territory was contemplated.

The last work performed by the Continental Congress relates to this, and, as Daniel Webster declared, is second in the importance, value, and wisdom of its provisions only to the Constitution itself. This was the famous ordinance of 1787 for the government of the Northwest Territory.

This ordinance provides for the future division of said Territory into not more than five nor less than three States, and it fixed the boundaries of three of them, namely, Ohio, Indiana, and Illinois. The fifth article of that ordinance provides that—

"Whenever any of said States shall have 60,000 free inhabitants therein such State shall be admitted, by its Delegates, into the Congress of the United States on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government."

It is thus seen that the fathers, even in the eighteenth century, provided:

First. For very large States as to area and resources (for it was then well known that the Northwest Territory was rich in agricultural resources and the natural home of a mighty population); and

Second. That each of these States must have a population which, in comparison with the population of the rest of the Republic at that time, was very heavy indeed.

This rule was referred to by President Washington in his message transmitting to Congress the constitution of Tennessee, and President Washington added that:

"As proofs of the several requisites to entitle all the Territories south of the Ohio River to be admitted as a State into the Union, Governor Blount has transmitted a return of the enumeration of its inhabitants," etc.

"SIXTY-THOUSAND RULE" BASIS FOR SLIDING SCALE.

This number, however, was not intended to be a permanent requisite, but a standard referring to the population of the rest of the nation at the time. By comparing 60,000 (the number of people required for statehood in 1787) with the population of the nation at that time we find the ratio which statesmen of that day deemed essential as between communities applying for statehood and the nation itself. At that time the population of the United States was less than 4,000,000. If 60,000 were required as the first requisite for statehood when the population of the nation was less than 4,000,000, the same rule would require a population at the present time of over 1,153,000; and every reason supporting the rule of 60,000 established by the fathers' ordinance of 1787 requires as many more than 60,000 now as the population of the nation itself at present is larger than it was one hundred and twenty years ago.

In fixing the boundaries of three of the States of the Northwest Territory the authors of that ordinance also established a precedent in favor—

First, of large areas in any future State and against small areas; and

Second, in favor of natural and scientific boundaries and against accidental and eccentric boundaries.

Could the vast development west of the Mississippi River have been foreseen at that time, it is plain from the precedent established in fixing the boundaries of the States of the Northwest Territory that the fathers would have indicated yet much more comprehensive boundaries, for if States as large as Illinois, Indiana, and Ohio were the least which the nation required of any communities coming into it at a time when the nation was confined to the thirteen original States, it is plain that still larger areas would be required when the nation has grown as it has grown during the successive periods of its history.

"UNIT OF REPRESENTATION" RULE.

This rule was observed down to the admission of Michigan and was referred to by President Jackson in his message of December 9, 1835. That the rule of 60,000 was not considered permanent, because too small, is shown by the fact that in the matter of the admission of Kansas the new rule was introduced that the population of the new State shall at least equal the unit of representation in the House of Representatives. This rule has not been observed and was neither scientific nor based upon the principle of a popular government for the nation.

For, despite the fact that the different sizes of the 13 colonies and the insistence by ambitious men from the smaller States for an equal representation in the Senate with the larger ones compelled the anomalous compromise by which small States secured as large a vote in the Senate as the large ones, nevertheless the general theory, of course, was that there should be a government by population and not by area. It was intended that the Senate should never be a large body, but yet that, remaining a small body, it should still stand for a quantity of people and not a quantity of land. For it was universally agreed that the Senate should always remain as small as possible numerically, the reasons for its existence and the elements of its usefulness in our scheme of government demanding this.

ARIZONA FAILS ON EITHER RULE; NEW MEXICO JUST WITHIN THE LATTER RULE AND NO MORE.

But measured even by the rule adopted in the case of Kansas, unscientific as it is and negativing as it does the very purpose and reasons of the organization of the Senate, Arizona is not (and New Mexico is only just within the rule) at present entitled to admission into the Union. For the unit of representation according to the census of 1900 is 194,182; and Arizona by the census of 1900 has 122,931, and New Mexico 195,310.

Measured by the statesmanlike rule laid down in the ordinance of 1787 as applied to existing conditions, both Arizona and New Mexico fall far short of the required population, while Oklahoma and the Indian Territory about measure up to it, but no more, for the population of Arizona by the census of 1900 is 122,931, that of New Mexico is 195,310, while that of Oklahoma is 398,331, and the Indian Territory 392,060, or together 790,391, and it requires only a personal inspection of those two Territories to demonstrate that since the census of 1900 was taken tens of thousands of immigrants have arrived there and established homes.

NEW RULE SUGGESTED.

But if neither of the above guides be observed in forming our judgment as to the number of people required to make a new State and the whole subject be submitted anew to the good sense of Congress, the committee are quite as emphatic in their opinion that neither New Mexico nor Arizona are at the present moment entitled to statehood. For the Republic is now a nation of nearly 80,000,000 people; every policy which affects the national well-being of these 80,000,000 is within the power of each State equally with every other State, because every measure must pass the Senate as well as the House before becoming a law; and matters of vital national concern are determined by the Senate alone, in conjunction with the Executive Department. While, therefore, it is not contended that any new State should be as large in population as any existing State, it is contended that it should be large enough to bear some fair proportion to the population of the rest of the Republic.

Indeed, it would have been well and would now be well if the rule could be adopted that any new State should have a population equal to the average population of the rest of the States. This rule would require a population for any proposed new State, at the present time, of 1,650,000, and, as has been stated, New Mexico's population is 195,310 and that of Arizona is 122,931.

OTHER QUALIFICATIONS.

But not only are numbers of people requisite. The advancement of that people, their state of life, their familiarity and sympathy with our institutions, their educational condition, and all of the elements that go to make up good citizenship are to be equally considered. So, as we have seen, are the resources of their Territory and the present development of those resources.

What, then, of these qualifications as applied to the Territories under consideration? Acting under the power given by the resolution adopted by the Senate at the close of the last session, a subcommittee of the Committee on Territories visited all of them and diligently examined on the ground these various matters.

NEW MEXICO.

CENSUS SUBSTANTIALLY ACCURATE.

As to New Mexico, the committee believes that the census of 1900 is substantially accurate. In view of the attempt to impeach the census by those favoring the admission of New Mexico, particular attention was given to this subject. (Testimony of witnesses Pablo Ulibarri, Las Vegas; Barbara Perea y Resarri, Santa Fe; Joseph P. Conklin, Santa Fe.)

It may be that a few thousand people have entered the Territory since the census was taken, but not in sufficient numbers to affect appreciably the total given.

ANALYSIS OF NEW MEXICAN POPULATION.

Of these the great majority are native New Mexicans of Spanish (and mixed Spanish and Indian) descent, and of these practically all speak Spanish in the affairs of daily life and the majority speak nothing but Spanish. (Testimony of census enumerators, justices of the peace, and census for 1900.)

COURTS CONDUCTED THROUGH INTERPRETERS.

All courts are conducted through the medium of an interpreter, and it is impossible to conduct the machinery of justice without this official. (Testimony of Judge W. J. Mills, Nepomuceno Segura, William E. Gortner, Judge McFie, Judge Baker, Judge McMillan, Judge Parker, Jose D. Sena.)

The interpreter interprets the testimony of witnesses to the jury, the argument of counsel to the jury, and the charge of the court to the jury. (Testimony of witnesses above.)

Occasionally the interpreter must be sent by the judge to the jury room in order to enable the jury to reach a verdict, since it sometimes happens that some of the members of the jury are English speaking, some Spanish speaking, and no member of the jury can speak both languages. (Testimony of Nepomuceno Segura, Judge McFie, Judge Parker, Judge McMillan, Jose D. Sena, Nestor Montoyo.)

In the majority of cases it is true that some member of the jury is able to speak both languages and can then act as interpreter for the others. (Testimony of witnesses above.)

JUSTICES OF THE PEACE, SPANISH.

Coming to the "courts of the people"—justices of the peace—practically all of them speak Spanish and the proceedings of their courts are conducted in Spanish. The dockets of nearly all justices of the peace are kept almost exclusively in Spanish. The statutes of the Territory in the offices of practically all justices of the peace are printed in Spanish. (Testimony of Jesus Maria Tefoya, Felipe Baca y Garcia, Francisco Anaya, Chas. M. Conklin, Jose Maria Garcia, Juvencio Quintana, Leonardo Duran, Seferino Crollott, and Manuel Lopez.)

Practically all subpœnas, summonses, and other processes from justice of the peace courts are in Spanish. The same is true in criminal cases in the Federal and Territorial courts. (Testimony of above.)

POLITICAL CONVENTIONS AND SPEECHES BY INTERPRETER.

In political campaigns almost all political speeches are made either in Spanish or in English through an interpreter, and interpreters are used

in practically all (it may even be said in all) political conventions. (Testimony of C. M. Foraker, H. S. Wooster, Felipe Baca y Garcia.)

This is true even in the "American" town of Albuquerque. (Testimony of C. M. Foraker.)

An interpreter was used in the last Republican Territorial convention, which nominated the present Delegate to Congress, and nominating speeches were made through that medium. (Testimony of Jose D. Sena.)

An interpreter is used in the legislature, and both council (senate) and house have official interpreters. (Testimony of Jose D. Sena.)

SPANISH AND ENGLISH TAUGHT IN SCHOOLS.

Until recently (historically speaking) no English was taught in the common schools. At present both Spanish and English are taught in most of the schools. (Testimony of Miss Francesca Zaña, Enrique Armijo, J. Francisco Chaves, Rafael Gallegos.)

Spanish is taught through the second reader and no further, because a person who has learned Spanish sufficiently to go through Manella's Second Spanish Reader can speak and write that language fluently, and no further instruction for practical purposes is necessary. (Testimony of Enrique Armijo.)

In some schools, as in those at Santa Fe, no Spanish is taught. (Testimony of J. Francisco Chaves.)

IN SOME SCHOOLS SPANISH IS TAUGHT EXCLUSIVELY.

In some schools Spanish is taught exclusively and history, arithmetic, and geography are translated from American text into Spanish. (Testimony of J. Francisco Chaves, superintendent public instruction for New Mexico.)

In some high schools, such as the high school at East Las Vegas, the "American" town, as distinguished from Las Vegas proper, the so-called "Mexican" town, Spanish is taught only in the last two years of the course, *and the reason it is taught in these higher grades is because the graduates must understand that language for the active affairs of daily life.* (Testimony of Maggie J. Bucher.)

CHILDREN TEND TO RELAPSE INTO SPANISH.

Of all schools (save probably the high schools at Albuquerque and East Las Vegas and the purely "American" towns of Carlsbad, Roswell, and Rowan), the children at play during the recess or going home from school speak Spanish instead of English. (Personal observation of subcommittee and testimony of Francesca Zana, Georgia Murray, Enrique Armijo.)

When the children finish their school career, or leave school for good, their tendency is to relapse into the Spanish, that being the language in their homes and in the affairs of their daily life. (Testimony of H. S. Wooster and Georgia Murray.)

Some witnesses testified to the contrary; but the observations of the committee do not confirm this.

In the elections it is necessary to print ballots in Spanish as well as in English. (Testimony of H. S. Wooster and Pablo Ulibarri.)

There are towns (some even when surrounded by heavily predominating American conditions and influences, such as at Las Vegas) where the signs at grocery stores, meat markets, and all the mercantile establishments are printed exclusively in Spanish. (Testimony of Enrique E. Salasar.)

The above are the conditions even in the larger towns; and this is intensified, of course, in the little country settlements, where the people are usually bunched together, their occupation being principally that of herding sheep and goats and with little or practically no communication with the outer world. (Testimony of H. S. Wooster and Rafael Gallegos.)

A portion of the population, even including justices of the peace, have little understanding of our institutions. (Testimony of Felipe Baca y Garcia and Leonardo Duran.)

ILLITERACY.

The remainder of the 195,310 people in New Mexico are called in that Territory "Americans," as contradistinguished from the class above spoken of, who are there termed "Mexicans." But the "Americans" are made up from every other nationality except Mexicans. Germans, Italians, French, and all other nationalities are called "Americans," and yet of the entire population of New Mexico 33.2 per cent are illiterates—that is, that *portion can neither read nor write Spanish, English, or any other language.* (Census of 1900.)

If the test of illiteracy were confined to the English language only, the committee is of the opinion that the percentage of illiterates would be much more than doubled.

JURYMEN SOMETIMES SIGN BY THEIR MARK.

Even members of grand and petit juries sometimes sign their names by their marks; and the testimony shows instances where 19 out of 21 jurors signed by their mark, and another instance of 21 out of 24 who signed by their mark. (Testimony of C. M. Foraker.)

What the illiteracy of the people of New Mexico (also Arizona) means is shown by comparisons with Oklahoma and the Indian Territory, as set out in the following statement:

PERCENTAGE OF ILLITERATES.

Percentage of illiterates of the aggregate population, 1900: Arizona, 29 per cent of a total population of 123,931; Indian Territory, 19 per cent of a total population of 392,060; New Mexico, 33.2 per cent of a total population of 195,310; Oklahoma, 5.5 per cent of a total population of 398,331.

From all the foregoing the Senate will understand why the subcommittee was compelled to use an official interpreter, whose services were never employed when it was at all possible fairly to understand the witness in English. A great many of the witnesses taken without the interpreter spoke very broken English, and were occasionally helped out by the interpreter. Many could give testimony only through the interpreter. It was also frequently impossible to subpœna witnesses except by the aid of the committee's official interpreter.

A FAIR START EDUCATIONALLY.

As to educational progress, and especially advance in the speaking of English, the committee, after having made every possible allowance, are of the opinion that the very most that can be said is that New Mexico is beginning to get a fair start and no more. In saying this the committee have in mind the excellent schools, and particularly the high schools, of East Las Vegas and Albuquerque, for which too much can not be said, and also the devoted work of Superintendent Wood, of Santa Fe, and the corps of teachers under him.

UNIVERSITY OF NEW MEXICO.

The Territory has at Albuquerque university buildings worthy of high praise. The university is presided over by a competent president, under whom is a corps of efficient instructors. The university is attended by 110 students, of whom a large percentage are from the town of Albuquerque itself. This institution is, of course, growing in power and influence and in time will make itself felt for the good of the Southwest.

THE FUTURE OF THE "MEXICAN" ELEMENT.

Nothing is said against the patriotism or the native intelligence of the great mass of people who constitute the so-called "Mexican" population of New Mexico. They have many excellent qualities. The "Mexican" class, as a body, have also many characteristics not familiar to the mass of the American people, and, to the hypercritical, not perhaps admirable, though this is a question of point of view. There are of course among them men and women of high education, culture, and all the best qualities of good citizenship.

On the whole, the committee feel that in the course of time, when education, now only practically beginning, shall have accomplished its work; when the mass of the people or even a majority of them shall in the usages and employment of their daily life have become identical in language and customs with the great body of the American people: when the immigration of English-speaking people who have been citizens of other States does its modifying work with the "Mexican" element—when all these things have come to pass, the committee hopes and believes that this mass of people, unlike us in race, language, and social customs, will finally come to form a creditable portion of American citizenship. And when that time arrives no one, least of all the members of the committee who have studied the situation on the ground, will object to statehood for this people so far as this particular consideration is concerned.

THE "AMERICAN" ELEMENT.

As to the remaining, or "Americans," some of them are not as good citizens as the Mexican element. (Testimony of Judge Mills.) Such are the "riffraff," to use the expression of United States Judge Mills (testimony, p. 1), who first follow the introduction of railroads, and certain other elements always seen on any country's extending frontier, but these are, of course, disappearing. The majority of "Americans," however, are good material for citizenship, and of a large number of them absolutely too much can not be said.

In the "American" town of East Las Vegas, and in the "American" town of Albuquerque, there are men and women of culture, refinement, ability, energy, and all the best qualities of human character, unexcelled by the most favored section, either in country or city, of this or any other land. This is true of the "American" element of Sante Fe, of the little town of Carlsbad (population from 800 to 1,000), of the flourishing town of Roswell (population, 2,500), both on the Pecos River, and, as the committee are informed, of Alamogordo and Deming, and perhaps one or two other points.

DWELLINGS OF THE PEOPLE.

Aside from these towns, practically all development is Mexican. For example, the Mexican population universally live in adobe or mud houses, just as they did a hundred years ago. Even in the capital city of Santa Fe practically all the residences and most of the schools are in these earth structures. These houses are built of mud (sometimes plastered), of bricks of sod (this is not the true adobe house, however). These to-day resemble to a striking extent the common and usual homes of the Chinese people, both in city and country.

It is said that these adobe habitations are surprisingly comfortable and well adapted to the country; but it is a striking fact that wherever Americans have taken up their abode they seldom are content with that condition, and therefore in the American towns and "American" section of any towns homes and business buildings of wood, brick, and stone quite as beautiful and commodious as that of any portion of the United States are always to be found.

Such, briefly, is the extent and condition of the population of New Mexico.

What now of their occupations, natural resources, and the developments thereof?

There are practically only three occupations for the people as a whole—agriculture, stock raising, and mining.

INDUSTRIES, AGRICULTURE.

Agriculture is conducted exclusively by the aid of irrigation (the so-called dry farming is so inconsiderable as not to be an appreciable quantity). The irrigation, of course, can only be along the water courses. Of these there are three—the San Juan on the northwestern side of the Territory, where a little irrigation has developed, the Rio Grande on the western side of the Territory, and the Pecos on the eastern side of the Territory.

IRRIGATION ON RIO GRANDE.

The irrigation on the Rio Grande is precarious because of the small quantity of water in that stream, for from one to six months each year it is practically dry from Albuquerque to below El Paso, Tex. (Testimony of Professor Newell and others.)

At El Paso, Tex., the committee found people going across the dry bed of the stream by paths which had already become dusty. At Las Cruces the irrigation ditches observed by the committee had no water in them. Until the storage system is established, irrigation along the Rio Grande is not only uncertain but very limited. (Testimony of Professor Newell and others.)

In recognition of this, the Interior Department, through its representative at the Agricultural College at Las Cruces, has begun the experiment of sinking wells. Whether this experiment will prove successful is problematical. (Testimony of John J. Vernon.)

IRRIGATION ON THE PECOS.

At Carlsbad, which is a thoroughly "American" town, there are 12,500 acres under irrigation. The water is derived from the Pecos by means of dams. At Roswell, also a thoroughly "American" town, some distance north of Carlsbad, there is a considerably larger portion under successful irrigation. The water for this is derived from the Pecos River and from wells, several of which are in successful operation at that place. (Testimony of Professor Newell; also Francis Gallitin Tracy.)

The permanent success of irrigation from the waters of the Pecos is affected by the gypsum with which the water is charged. This is, for the first year or two, a fertilizer, but thereafter cakes the soil and is harmful to agriculture. The soil of the ranches is frequently injured—"ruined," some say—by it. (Testimony of Professor Newell.)

FURTHER IRRIGATION A PROBLEM OF THE FUTURE.

The above is the extent of agriculture by irrigation in New Mexico as at present developed. It is hoped that a system for the impounding of waters, not only of the flood waters in streams, but also of the water from rains, will enable the people to more largely indulge in successful agriculture. This, however, is declared by scientists who have given the subject special and practical study to be a question of a generation, or even more. (Testimony of Professor Newell.)

Agriculture by irrigation is very largely an adjunct to stock raising, although fruits and the cereals are also successfully grown by means of it

STOCK RAISING—ITS LIMIT.

The second industry and first in point of importance is herding and stock raising. For cattle this is successful for a space of 5 miles on either side of a stream, or on what are called "water holes," in the foothills. (Testimony of Martinez Amador and others.)

The capacity of the Territory for stock raising can therefore be determined with comparative accuracy. For horses a still wider range is possible, while sheep thrive where neither horses nor cattle can prosper. But when sheep are introduced into a region it seriously interferes with the grazing of cattle, for the reason that the sheep closely crop all edible herbage, leaving nothing for the cattle to subsist upon.

The extent and value of the agriculture and live stock of New Mexico at present are shown by the following table, prepared by the Statistician of the Agricultural Department:

Acreage, production, and value of farm products in 1901, and number and value of live stock in 1900, Twelfth Census.

	Acres.	Quantity.	Value.
		Bushels.	
Wheat	44,295	952,342	$685,686
Corn	36,544	1,154,790	889,188
Oats	16,749	529,268	317,561
Barley	1,108	35,124	22,831
Rye	.....	.....	.....
Buckwheat	.....	.....	.....
Potatoes	1,177	58,850	69,443
		Tons.	
Hay	79,205	182,964	1,891,848
		Bales.	
Cotton	.....	.....	.....
		Number.	
Horses	.....	131,153	2,220,469
Mules	.....	5,311	183,132
Milch cows	.....	519,640	10,364,072
Other cattle	.....	472,219	7,613,859
Sheep	.....	4,899,487	10,643,514
Swine	.....	20,426	81,644

The comparative value of the above is illustrated in the following table:

Acreage, quantity, and value of wheat and corn in 1901.

WHEAT.

	Acreage.	Quantity.	Value.
Oklahoma	1,253,583	20,558,761	$12,952,019
Illinois	1,707,503	30,052,053	20,735,917
Minnesota	6,209,506	80,102,627	48,061,576
Kansas	5,355,638	99,079,304	58,456,789
North Dakota	4,527,532	59,310,669	32,027,761
Washington	1,185,793	34,518,968	16,213,915

CORN.

Oklahoma	1,414,262	10,324,113	$7,846,326
Illinois	9,253,538	198,025,713	112,874,656
Minnesota	1,361,120	35,797,456	16,108,855
Kansas	7,885,389	61,503,034	38,748,801
North Dakota	67,236	1,519,534	698,986
Washington	9,818	171,815	99,653

RAINFALL.

The want of water in the streams and the desert-like dryness of the territory away from the streams is caused by the aridity of this region. The average rainfall in the region of Carlsbad is 13.16 inches in the course of an entire year; in the region of Mesilla Park, 9.24 inches; in the region of Roswell, 15.92 inches; in the region of Socorro, 9.15 inches; in the region of Santa Fe, 14.25 inches. The average annual rainfall for the Territory is 10 to 15 inches. What this shortage of water and rainfall means appears from a few comparisons here given:

Average annual precipitation for thirty-two years—1870-1901.

	Inches.
Arizona	10 to 15
New Mexico	10 to 15
Oklahoma	25 to 30
Indian Territory	35 to 40
Indiana	40
Ohio	40
New York	35 to 40
Illinois	35 to 40
Pennsylvania	40
Iowa	30 to 35

CHARACTER AND RESULTS OF ARID-REGION RAINFALL.

Even this does not indicate the true situation; for, whereas the rains in non-arid regions are usually gentle and continuous, so that the ground may take up the rain as it falls, in the arid regions it is heavy and precipitous, running off of the ground or being evaporated almost immediately and leaving the soil within a few hours as dry as before the shower. (Report Governor of New Mexico.)

The ineffectiveness of such insufficient rainfall as occurs in New Mexico and Arizona is further set out in the following letter from F. H. Newell, hydrographer of the United States Geological Survey:

"DEPARTMENT OF THE INTERIOR,
"UNITED STATES GEOLOGICAL SURVEY,
"*Washington, D. C., December 6, 1902.*

"Hon. ALBERT J. BEVERIDGE.

"DEAR SIR: In reply to your inquiry regarding the rainfall in arid and semi-arid regions and the effect of this in the formation of rivers, I should first explain that the data concerning the amount and time of the occurrence of rain are collected by the Weather Bureau and are obtained from their publications. The study of these figures in connection with those of the flow of various streams has brought out several facts of interest, particularly that the quantity of water available for storage and for irrigation is not directly dependent upon the quantity of rain which falls during the year. The slope of the ground and the rate at which the rain falls each have often a very large influence on the behavior of the rivers.

"To illustrate this two extreme cases may be taken. In the first a rain falling upon a nearly level surface, such as the plains of western Kansas or the 'Panhandle' of Texas, may be entirely soaked into the ground or stand in pools on the surface and be completely evaporated; thus, over hundreds of square miles there are no water courses, the prairie sod being too tough to permit young streams to be formed. Here is a region of moderate rainfall from which there is no run-off. On the other extreme, take a high granite peak. The rains falling upon this at once flow down the smooth sides and a very trifling amount is evaporated or absorbed by the rocks, practically all of the rainfall being available for water storage.

"As an example of the way in which rain falls, on one extreme we can take the gentle, long-continued shower in which several inches of rain falls, but descends at about the rate at which the earth can receive it, and thus upon even the rolling hills all of the water goes into the ground to be subsequently evaporated or transmitted to springs at a lower altitude.

"The same amount of rain falling on the same region in a sudden cloudburst or heavy downpour does not have time to soak into the ground, and hence a flood occurs from a rainfall of the same quantity as that above noted, and which does not appreciably swell the streams.

"It is characteristic of arid regions that the rain which falls is usually torrential. For months or even years there may be scarcely appreciable precipitation and then comes a sharp shower of two or three inches of rain. The dry soil is deluged so quickly that the surface is packed and little of the rain sinks in, the greater part instantly flowing off into stream channels and coming down as a destructive flood, valueless for irrigation and dangerous to curb in the ordinary storage reservoir.

"A statement of annual rainfall does not bring out this fact of the erratic distribution of rain in the arid regions, of which, say, 10 inches may fall during the year; the greater part may be in one or two showers at short intervals and cause temporary floods. This renders it essential to guard carefully against conclusions drawn from a single statement of the total annual rainfall in any locality, particularly if this has to do with the probable amount of water available for use. There are regions which have the same annual rainfall, one of which has no streams, and the ground is covered with valuable nutritious grasses; the other is a nearly barren desert, intersected with stream channels, the size of whose boulders indicate that at long intervals powerful floods plow their way through the desolate waste.

"Very truly, yours,

"F. H. NEWELL, *Hydrographer.*"

MINING.

The third occupation is mining. This is not yet largely developed, though a number of mines are under more or less active operation. Great "claims" are made, however, as to vast deposits of coal, iron, copper, gold and other ore, and these "claims" are supported by more or less "indications." The existence of ore deposits in the quantities claimed is not yet an established fact. The committee hopes and is inclined to believe that these "claims" will probably be at least partly verified at some future time. But no railroads have been run into the region where it is asserted these vast deposits exist, and this fact affords a striking contrast to the condition in Indian Territory, where the absence of even a territorial form of government has not prevented railroads from penetrating to the mining regions which are already in extensive operation.

MINING OUTPUT.

The mining output of the Territory, as given by the census, is as follows:

Products.	1899.	1900.	1901.
Portland cement.....barrels..	1,500	.....	.....
Clay products	.....	.....	.....
Coal.....short tons..	1,050,714	1,299,299	1,086,546
Coke.....do....	44,134	44,774	41,643
Copper.....pounds..	3,935,441	4,169,400	.....
Lead.....short tons..	4,856	.....	1,124
Marble	.....	.....	.....
Mineral waters.....gallons..	.....	29,000	73,500
Sandstone	.....	.....	.....
Gold.....fine ounces..	28,256	40,292	33,302
Silver.....do....	503,300	434,300	563,400

The comparative value of the above table is illustrated when it is borne in mind that at the same time Colorado, Montana, and California produced the following:

GOLD, FINE OUNCES.

State.	1899.	1900.	1901.
California	735,194	765,109	817,121
Colorado	1,256,920	1,394,622	1,339,673
Montana	230,270	227,266	229,495

SILVER, FINE OUNCES.

California	824,300	941,400	925,600
Colorado	22,262,900	20,483,900	18,437,800
Montana	16,096,000	14,195,400	13,131,700

Such, then, is New Mexico as to the people, their character, condition, and educational progress, and such is the Territory in its resources and the occupation of its inhabitants.

ARIZONA.

Arizona has a population of 122,931 (census 1900). Of these the considerable majority are Americans, as distinguished from the native or "Mexican" population, although more than 25,000 (26,863) are "Mexicans." Schools are conducted in English with few or practically no exceptions, and while interpreters are used in the courts, it is to a limited extent compared with New Mexico. (Testimony of Judge —— at Tucson.)

CENSUS SUBSTANTIALLY CORRECT.

The census has been earnestly attacked by those asking for the immediate admission of Arizona upon two grounds—first, that the enumerators did not count the prospectors in the mountains, and, second, that it is so exceedingly hot in summer in the region of Phoenix and Tucson that those who can afford

it leave during the heated season for the California seashore or other summer resorts.

Careful inquiry convinces the committee that such omissions were not serious and that the census is substantially correct. As to the "prospectors," they, of course, are not a permanent class of citizens, and it would be impossible to consider them even if they could be found. As to those who leave Phoenix and Tucson and other portions of the Territory during the excessive heat of summer, the committee was unable to find an estimate by enumerators of more than 104 such omissions. Conceding that a thousand were sufficiently well-to-do to enjoy this luxury, the results of the census would not be substantially disturbed. Even if 5,000 went away during the summer and were omitted by the enumerators, still the general total of the census would not be seriously affected for the purpose of this discussion.

EDUCATIONAL PROGRESS—CHARACTER OF THE PEOPLE.

As to the educational progress of the people of the Territory, taken as a whole, it may be considered fair. Of course, in towns like Prescott (population, 3,559) or Phoenix (population, 5,554) or Tucson (population, 7,531) the schools are altogether admirable. School buildings in these three towns compare favorably with much larger towns even in the best portions of the entire country. It is also true that nowhere in the Republic are to be found men and women of higher quality in all that makes good citizenship than the people in these localities.

Many of them, as in New Mexico, have been drawn to these towns because of their illness and the healthful condition of these regions; for it is well known that no place in the world is better for certain kinds of ailment, particularly consumption, than the high altitude, dry air and perpetual sunshine of Arizona and New Mexico. Many of the best citizens of these Territories went there on this account, recovered their health in full measure and are among the most enterprising and valuable of the population of the Territories. They are almost without exception men and women of superior education and culture and bring with them the best customs and traditions of the American people. Others have been attracted to the valley which surrounds Phoenix because of the exceeding beauty of the spot. Still others, mostly the young, earnest, and adventurous spirits, have gone to certain of the towns of these Territories hoping to find there advantages and circumstances of fortune not obtained with equal ease in the more densely settled portions of the country.

But while these elements are important and invaluable to the Territory, and while their influence is altogether for good and will steadily grow, it can not be truthfully said that at the present time they are in sufficient number to dominate the mass of the inhabitants of the Territory. This is proved by the fact that saloons and gambling establishments are, by the statutes of the Territory, permitted openly to run at night and by day, on Sunday as well as week days, and attempts to repeal this law have been futile. (Testimony.)

But even were all the people of the Territory of the admirable class above described, they still would be far too few to justify statehood.

ILLITERACY.

Twenty-nine out of every 100 can not read or write any language whatever. Schools in the Territory outside of the towns mentioned, and perhaps three or four others, while active, have not yet accomplished great results. This is proved by the fact that of the entire population of Arizona 29 per cent can neither read nor write any language. Twenty-nine per cent of illiteracy in a population of 122,000, substantially all of whom are Caucasians, is a condition whose seriousness is appreciated by no one more than by the progressive people of that Territory themselves. In addition to the immigrants from the other States of the Union for reasons of health, pleasure, or profit, there is a considerable and constant immigration from Mexico. This is illustrated by the fact that of the whole population of the Territory 12,000, who can speak no English, are of Old Mexican parentage, and out of the entire population 28,911, or 23.52 per cent, speak no English whatever.

UNIVERSITY OF ARIZONA.

At Tucson, Arizona has a Territorial university worthy of praise. Its buildings are excellent, its president and instructors efficient, and its attendance, while small, is nevertheless encouraging. As is the case with the University of New Mexico, it is a promising mark of development.

As in New Mexico, the occupations of the people of Arizona are confined to agriculture, grazing, and mining.

INDUSTRIES: AGRICULTURE.

As in New Mexico also, the agriculture is absolutely dependent upon irrigation. The chief regions where irrigation is employed are in the valley of the Salt River, near Phoenix, and the valley of the Gila and a portion of land near Yuma, in the valley of the Colorado. Of these, the region around Phoenix is the most extensive and by far the most perfect. Here an elaborate system of canals has been constructed and agriculture is carried to the highest point yet developed in the Southwest; and yet agriculture has here reached its limit (until the storage or impounding system is successfully established) simply from lack of water in the river.

The volume of water in this stream is not only insufficient but uncertain. Two or three years of scanty rainfall or of snowfall in the mountains shrinks the available water to a compass greatly insufficient for the lands already served by the system of canals. Many ranches are at present unproductive, and, some of the less hopeful think, actually ruined by this absence of water. For example, Mr. Fowler, of Phoenix, was this year able actually to irrigate only 40 acres of a ranch of nearly 400 acres, and he was able to do this only by paying for water for 160 acres. (Statement of Mr. Fowler.)

This illustration, given by one of the most effective advocates for statehood for Arizona who appeared before the subcommittee, is a fair illustration of actual conditions.

The total amount of land actually under cultivation by irrigation in the whole Territory for the present year is in the neighborhood of 185,000 acres. (Testimony of Dwight B. Heard, F. H. Newell, and others.)

The whole area under irrigation canals, were there water enough to serve the canals already constructed, is 0.25 per cent of the entire area of the Territory, which is 72,268,800 acres. (Testimony of Professor Newell.) Aside from the portions now under irrigation little remains for like treatment "except in the contingency of very extensive storage in the future." (Testimony of Professor Newell.)

RESULTS OF SUCCESSFUL IRRIGATION.

For this limited and precarious condition of agriculture there is no remedy except the impounding of waters, which is problematical and a matter for the future. Should the great scheme for the impounding of flood waters as well as of rainfall be a success, great future possibilities exist in both the Territories of Arizona and New Mexico, for the soil in the river valleys, when under irrigation, is surprisingly productive, all kinds of semi-tropical fruits thriving luxuriantly, the cereals being produced in great abundance, and alfalfa, which is a superior fodder for cattle, being produced to the extent of six and even eight cuttings a year. All this, however, is absolutely and utterly dependent upon the artificial application of water by irrigation. (Testimony of Mr. Fowler, Mr. Heard, and others.)

RAINFALL IN ARIZONA.

That no relief can be expected by rainfall is admitted. (Testimony of Mr. Fowler, Mr. Heard and others.)

This also is shown by the precipitation throughout the Territory, which is:

	Inches a year.
Fort Mohave	5.99
Gila Bend	5.86
Phoenix	7.22
Tucson	12.11
Yuma	2.97

In the neighborhood of the mountains, of course, it is heavier, being:

	Inches a year.
Bisbee	17.06
Fort Apache	20.94
Flagstaff	22.24
Fort Defiance	13.12
Prescott	15.62

These mountain precipitations are no substantial aid to agriculture except in affording water for the streams.

The same observations as to the nature of this rainfall that have been made as to New Mexico are even more true as to Arizona. (Letter of Professor Newell, above.)

STOCK RAISING.

In Arizona, as in New Mexico, grazing leads agriculture, to which, indeed, agriculture is chiefly an adjunct. But the same grazing limit of distance from water courses or "water holes" (5 miles on either side for cattle and a greater distance for horses and sheep) applies alike to the two Territories.

The extent and value of the agriculture and live stock of Arizona at present are shown by the following table, prepared by the statistician of the Agricultural Department:

Acreage, production, and value of farm products in 1901, and number of live stock in 1900, Twelfth Census.

	Acres.	Bushels.	Value.
Wheat	26,047	567,825	$482,651
Corn	9,871	177,678	159,910
Oats	1,780	62,300	37,380
Barley	13,280	381,136	259,172
Rye	----------	----------	----------
Buckwheat	----------	----------	----------
Potatoes	----------	----------	----------
		Tons.	
Hay	70,938	202,173	1,855,948

	Number.	Value.
Horses	125,063	$1,701,905
Mules	4,077	123,539
Milch cows	375,684	6,479,657
Other cattle	366,951	4,887,809
Sheep	924,761	1,901,764
Swine	18,103	80,587

The comparative value of the above is illustrated when we reflect that Minnesota produced at the same time 80,102,627 bushels of wheat and 35,797,456 bushels of corn, and Michigan 13,702,939 bushels of wheat and 45,536,550 bushels of corn.

The assessed valuation of property last year in Arizona was $38,853,831. Compare this assessed valuation with the valuation of property in Oklahoma for the same year, which was $60,464,696; or with Rhode Island, whose assessed valuation for 1901 was $413,209,603.

ARIZONA FORESTS.

Like New Mexico, Arizona has an extensive and valuable forest belt, and the same observations heretofore made concerning the forests of New Mexico apply equally to those of Arizona and need not be again repeated.

MINING.

But the great occupation of the people of Arizona is mining, and the great resources of Arizona are its mineral deposits. In this much development has already occurred; and it is asserted that immense bodies of ore, notably copper and gold, exist in various portions of the Territory. (Testimony of Judge Sloan and others.)

As is the case in all mining communities, verification of these claims is uncertain and a matter for the future. All that can be taken into account is the present development. Of this the chief is the mining of copper, in the production of which Arizona stands third, Michigan and Montana alone being ahead of it. Of the copper mines, the Verde mines, belonging to Senator Clark, of Montana; the Copper Queen, belonging to Phelps, Dodge & Co., of New York; the mines of the Shannon Copper Company; the Black Warrior Company's mines, and the properties of a great Scotch corporation are the principal. Of the gold mines, the Pierce mine, the Congress mine, and the Commonwealth mine are probably among the most remarkable.

The actual output at present is shown by the following table:

	1899.	1900.	1901
Clay products	$101,954.00	$112,737.00	----------
Raw clay	----------	2,000.00	----------
Copper	[a] 15,966,583.20	[a] 14,198,131.68	----------
Gypsum	----------	----------	----------
Lead	----------	----------	----------
Marble	----------	5,000.00	$300.00
Limestone	960.00	165.00	300 00
Sandstone	4,168.00	64,000.00	202,500 00
Gold	2,596,100.00	4,193,400.00	4,083,000 00
Silver	----------	1,857,210.00	1,687,440 00
Total	[a] 18,693,765.20	[a] 20,432,643.68	6,066,526.00

[a] Estimated at 12 cents per pound.

The comparative value of the above table is illustrated when it is borne in mind that at the same time Colorado, Montana, and California produced the following:

GOLD.

	1899.	1900.	1901.
California	$15,197,800	$15,816,200	$16,891,400
Colorado	25,982,800	28,829,400	27,693,500
Montana	4,760,100	4,698,000	4,744,100

SILVER.

	1899.a	1900.	1901.
California	$1,065,762	$583,668	$555,360
Colorado	29,301,527	12,700,018	11,062,680
Montana	20,810,990	8,801,148	7,879,020

a Coining value; all other estimates at commercial value.

UNCERTAIN FUTURE OF MINING CAMPS—HISTORY OF TOMBSTONE.

The greatest mining center of the Territory is Bisbee, near the Mexican line. Cochise County, in which this town, or "mining camp," as the mining town is universally termed, is located, has 9,251 population, although many more are "claimed." (Bisbee not being incorporated in 1900, its separate census was not taken.) The committee does not think that the purely mining population, at least of so limited extent as that of Arizona, is sufficient basis for a State.

The fortunes of this kind of population are as uncertain as the extent of the ore deposit they seek—one day thriving, prosperous, full of enterprise and hope, the next day the "city" deserted by a dejected population. "Boomers," speculators, and even mine owners will assert with enthusiasm that the ore deposits are sufficient for a century and even for centuries, and this may be true; but the reliability of such claims when considered in so grave a matter as the basis for population for statehood is illustrated by the melancholy history of Tombstone, Ariz. This place only a few years ago was a city of thousands of inhabitants, prosperous with the sudden richness of its mines. To-day its mines are not in operation, and but 646 people remain. Efforts are now being made to operate the mines again.

All who have noted the exciting career of purely mining towns, and especially those who have been through numbers of abandoned "cities," which only a year before were filled with a people intoxicated with the peculiar enthusiasm of the "mining camp," will appreciate the comparative certainty and uncertainty of that industry.

RAILROAD DEVELOPMENT.

The railroad development in Arizona, which is considerable, has been due almost entirely to the mining development, and even more lines, short, it is true, but not to be overlooked, are in construction or contemplation.

MINING POPULATION TRANSIENT; STATEHOOD FOREVER.

But should it be conceded that the mines now being worked will last for a century and that others even richer will be opened, that circumstance is not sufficient basis for a population for the purposes of statehood, for statehood is not a thing of to-day or to-morrow. It is not a thing for a century to come. It is a thing for all centuries and all time to come. And after a State is admitted, if for any reason its population decreases even to a hundred or to fifty, or indeed, to use an extravagant example, to the three necessary to represent it as Senators and Congressman in the National Legislature, there are no means at present known to our Constitution to remedy that serious condition. That decreasing population is not an imaginary contingency will occur to anyone who will reflect that not all States which in the past have been admitted to the Union have grown in population, but, on the contrary, actual decrease has occurred. People go where they may thrive and prosper, and they leave when those reasons fail. The absence of statehood will not prevent them coming. The presence of statehood will not induce them to come. Its existence will not cause them to remain.

TERRITORIAL GOVERNMENT DOES NOT RETARD LEGITIMATE AND PERMANENT DEVELOPMENT.

This suggests the consideration most seriously urged for New Mexico and Arizona that their development is retarded by the absence of statehood and will be increased by its bestowal. But Oklahoma has not needed statehood for its development. The people have poured into that Territory by the hundred thousands, built excellent homes, developed splendid farms, and erected busy, substantial, and permanent cities.

The Indian Territory even with no form of government at all has nevertheless attracted hundreds of thousands of American citizens from the other States of the Union, who have opened its mines, worked its fields, and built up towns which astonish the observer and confound even the most confident believer in the energy of the American people when the untoward conditions of the Indian Territory are considered.

Statehood was not required for this extraordinary development. Even the absence of Territorial form of government did not prevent it. It was caused by the natural conditions under which the people prosper. Soil, climate, rainfall, abundant water courses, timber, mines of coal, marble, and ore—these were the sufficient inducement for immigration, and these and these alone are the only basis for permanent population.

OKLAHOMA'S ARGUMENT AGAINST IMMEDIATE STATEHOOD.

Statehood has not been required by Oklahoma and Indian Territory to induce the building of railroads. Opportunities for profitable traffic did that, and no other honest cause can exist for such development. There are large numbers of citizens of substance, character, and intelligence in Oklahoma who now protest against statehood upon the ground of the exceeding present prosperity of the people of both country and city, and who declare that if statehood is granted at present the people now free from debt, and kept so by the 4 per cent limitation beyond which a Territory may not go, will be induced by railroad promoters to vote bonds in aid of their enterprises, thus burdening the coming generation with a heavy debt, as was the case in some other new States. And it is contended that if the people are permitted to remain for a few years longer in their present happy condition they will secure all the railroads needed, built by capital invested by the owners of the lines instead of money taken from the pockets of the people. (Testimony of A. H. Classen and others.)

IF "CLAIMS" OF DEVELOPMENT TRUE, TERRITORIAL GOVERNMENT HAS NOT PREVENTED DEVELOPMENT.

That Territorial government does not prevent immigration and development and is not needed to induce it is proved by the immigration in the last decade into the Territories of Arizona and New Mexico, which is equal to that of Idaho and other States, notwithstanding the fact that they are States, while Arizona and New Mexico are Territories. If it be said that a sudden torrent of population came down on these States immediately upon admission, the answer is that a great flood of population even more permanent poured over the prairies of Dakota before statehood, and that the same human deluge inundated the rolling farm land of Oklahoma. The further answer is that even if there was a sudden accession of population in certain States immediately after their admission, it is certain that the same population, if it is permanent, would have also come, not less healthfully because more slowly, if natural conditions actually justified it.

The contention that Territorial government retards immigration and development is further negatived by the "claims" of those who urge statehood for Arizona and New Mexico, for if these claims be true it can not also be true that the absence of statehood has retarded population, investment, or development, since those claims are very generous indeed.

STATEHOOD A REWARD OF, NOT AN INDUCEMENT FOR, DEVELOPMENT.

The argument that statehood should be conferred to aid development betrays a profound and fundamental misconception of the nature of a State and its relations to the nation, for statehood should come as the reward of development and not as its inducement. Development and population should precede statehood, and not the reverse. Statehood should be granted as a great prize well earned, not as an instrument of the speculator, the "boomer," or the politically ambitious, for, be it remembered, not only are the interests of the proposed State concerned, but the destinies of the entire nation are involved.

THE ARGUMENT OF SELF-GOVERNMENT.

This compels consideration of a much-used argument that the people of a Territory are deprived of self-government and are entitled as of right to this great privilege. This argument is refuted by the fact that the people of Territories enjoy all of the substance of self-government that the people of the States enjoy, save only the power of creating unlimited debt. They may not burden themselves and their children without the consent of Congress beyond the fixed limit of 4 per cent. It is easy to see how persons interested in enterprises which they hope for aid from the people's pockets might want this restriction removed; but it is not easy to see what advantage it will be to the people themselves to have it removed.

THE PEOPLE HAVE "SELF-GOVERNMENT;" THE JUDICIARY.

In other respects the people are self-governing; they have their own legislature, which they themselves elect. This legislature passes all, or practically all, laws which a State legislature may pass. Their taxes are fixed and levied by themselves. Their schools are established and maintained by themselves. Their crimes and rights are determined, punished, and enforced by themselves. Their governors are appointed by the President of the United States, but under the practice now established this governor is always one of themselves; and no Administration would at this day in the Republic's history keep in office a governor seriously distasteful to the majority of the people.

The judges also are appointed by the President, but the character and ability of the judges in the Territories, with few exceptions, are now equal to those of the judiciary of the rest of the country, State or national. The general opinion on this subject is that the present judiciary of these Territories is singularly high in point of excellence and satisfactory to the litigants and the people. (Testimony of Messrs. Fowler, Kibbey, Childers, Clawson.)

The committee does not believe that so excellent a judiciary would be secured by a popular vote at the present time in the Territories of New Mexico and Arizona as that which at present distinguishes its bench. And this will be the case for many years to come.

IF THE TERRITORIAL FEDERAL JUDICIARY IS DENIAL OF SELF-GOVERNMENT THE SUPREME AND FEDERAL COURTS ARE SUCH A DENIAL ALSO.

If the appointment of judges is a deprivation of self-government, then the Supreme Court of the United States and the entire Federal judiciary of the United States is much more such a deprivation, for they are appointed for life, whereas Territorial judges are appointed for four years. The decided and growing sentiment in favor of a permanent judiciary in the States similar to the Federal judiciary does not indicate that appointment of judges is considered by the people a necessary element of self-government. It is a question of serious importance among the most thoughtful whether the elective judiciary, holding office for short terms, subject to the vicissitudes of party fortunes, and more or less under obligation to professional politicians, is as good for the people as a permanent judiciary above the seductions of favor or the menace of fear.

REPRESENTATION IN HOUSE AND SENATE ALL THAT IS SOUGHT.

So that upon the question of self-government the whole matter is narrowed down to a voting representation in Congress, and this affects the people of the Territory only as it has to do with the shaping of the various policies of the entire nation; and thus this argument is reduced to the crux of the whole matter, to wit, the requisites entitling a body of territory to a participation in the formation of great national policies.

So that we come back again to a discussion of the number of people thus required, of their preparedness, and of the considerations already discussed.

The committee does not think that any of the requisites for such absorption into the national body, affecting the whole future history of the other 76,000,000 of people constituting the nation, exist in the case of either Arizona or New Mexico. Some comparisons will strikingly show this so far as the number of people are concerned and will demonstrate the wisdom of the rule established by the ordinance of 1787, when applied in its relative proportions to the conditions of the country to-day. We have seen that if the proportion which the fathers fixed for future States were applied to the population of the Republic to-day in the question of admission of Territories applying for statehood, a population of over 1,153,000 would be required.

COMPARISONS.

And we have seen that Arizona has 122,931, or 1.1 to the square mile; and New Mexico has 195,310 people, or 1.6 to the square mile.

Consider now that the population of New Mexico is less than that of Jersey City, N. J.; less than Louisville, Ky.; less than Memphis, Tenn.

Consider that New Orleans alone has over 90,000 more people than the entire Territory of New Mexico; Detroit has 90,000 more people; so has Milwaukee; and Washington has over 80,000 more people.

Newark, N. J., could replace every man, woman, and child in New Mexico and still have 50,000 left.

COMPARISONS WITH LARGER CITIES.

And yet the above-named cities are not considered large. Compare the population of the Territories with the next classes of cities. Cleveland, Ohio, has almost twice as many people as New Mexico. Buffalo, N. Y., has 150,000 more people than New Mexico and over 25,000 more than New Mexico and Arizona put together.

San Francisco alone has over 140,000 more people than New Mexico and over 20,000 more than New Mexico and Arizona put together.

Cincinnati, Ohio, has more people than New Mexico and Arizona put together, and so has Pittsburg, Pa.

COMPARISONS WITH STILL LARGER CITIES.

To go to a still more populous class of cities, St. Louis has over 380,000 more people than New Mexico and more than 250,000 more than New Mexico and Arizona put together.

Boston has over 360,000 more people than New Mexico and nearly 240,000 more than New Mexico and Arizona combined.

COMPARED WITH NEW YORK AND CHICAGO.

When we compare the population of these two Territories with the great cities the contrast becomes startling. New York is hundreds of thousands more than ten times as large as both New Mexico and Arizona put together.

Chicago is over a hundred thousand more than five times as large as New Mexico and Arizona put together. The population of Chicago alone would make eight States as large as New Mexico and have enough left to make one larger than Arizona.

PHILADELPHIA AND PENNSYLVANIA COMPARISONS.

Philadelphia alone would make six States as large as New Mexico. So that if we do not utterly abandon the idea of government by population instead of a government of square miles, a citizen of New Mexico would have six times the voting power in the Senate of the United States that the citizen of Pennsylvania would, *even were Pennsylvania confined entirely to the limits of Philadelphia alone.*

Philadelphia would make more than ten States as large as Arizona, so that the citizen of Arizona would have in the Senate of the United States nearly eleven times the voting power of the citizens of Pennsylvania *were Pennsylvania confined to the limits of Philadelphia alone*, and Philadelphia would make four States as large as New Mexico and Arizona put together.

COMPARISONS WITH WARDS OF OUR GREAT CITIES.

Indeed, we need not go to the cities. We can even go to their wards. One ward alone in New York has a population only 1,600 less than the whole Territory of Arizona, and there are large numbers of wards in New York and Chicago any three of which are more populous than all of New Mexico.

COMPARISONS WITH MINOR CITIES.

The contrast becomes more vivid when we take the minor cities of the Republic. For example:

Providence, R. I., has over 50,000 more people than all of Arizona and nearly 20,000 less than all of New Mexico.

Indianapolis has 45,000 more people than all of Arizona and only 25,000 less than all New Mexico.

Each of the following cities have more population than Arizona: Allegheny, Pa.; Rochester, N. Y.; Toledo, Ohio; Denver, Colo.; Kansas City, Mo.; St. Paul, Minn.; Columbus, Ohio.

The entire Territory of Arizona is less than 5,000 more than Worcester, Mass.

SYRACUSE, N. Y., NEARLY EQUAL TO ARIZONA.

Syracuse, N. Y., has only about 15,000 less than Arizona.

Fall River, Mass., has within 20,000 as many people as Arizona.

St. Joseph, Mo., Los Angeles, Cal., Memphis, Tenn., Scranton, Pa., each have within 22,000 as many people as Arizona.

Scranton, Pa., and St. Joseph, Mo., combined, are larger than the entire Territory of New Mexico.

The city of New York is more than fifteen times as large as the entire Territory of New Mexico, over twenty-five times as large as Arizona, over ten times as large as New Mexico and Arizona put together.

STATE COMPARISONS.

The State of Indiana would make ten States as populous as New Mexico and have enough left to make two as populous as Arizona, and still have enough left to double the population of Phoenix and Tucson, the principal towns in that Territory.

Were population alone considered a requisite for representation in the Senate of the United States, if Arizona should have two Senators, Ohio should have more than thirty, Illinois nearly forty, and Pennsylvania fifty.

COMPARISON WITH SMALLER CITIES.

The disparity of voting power is still more startling when we consider that Evansville, South Bend, and Fort Wayne, Ind., have a much greater population than all of Arizona; and if you add to these Lafayette, Marion, Richmond, Muncie, and Terre Haute you have over 40,000 more people in these towns than in the entire Territory of New Mexico.

And there are numbers of towns in the State of Indiana any twenty of which outvote the entire Territory of New Mexico.

Kansas has four cities which combined have more people than the entire population of the Territory of Arizona, namely, Topeka, Wichita, Leavenworth, and Kansas City.

Maine has six towns which put together have considerably more than Arizona, namely, Auburn, Augusta, Bangor, Biddeford, Lewiston, and Portland.

Texas is covered with towns many groups of which outvote either New Mexico or Arizona. For example, San Antonio, Houston, Galveston, Fort Worth, Dallas, and Austin are more populous than New Mexico, while Waco, Sherman, Laredo, and El Paso, if added to San Antonio, would be nearly equal in population to Arizona.

COMPARISONS WITH TOWNS IN NEWER STATES.

Or take towns in a newer State—Washington, for example. *The State of Washington has three cities exceeding in population the entire Territory of Arizona, namely, Seattle, Spokane, and Tacoma.* If to these are added Walla Walla, Port Townsend, New Whatcom, Everett, Fairhaven, Ballard, and Aberdeen, we have a population exceeding the entire population of New Mexico.

PURPOSE OF ABOVE ILLUSTRATIONS.

These illustrations are, of course, not given to prove that there should be an equality of population in all of the States, *but to demonstrate the reasonableness of the proposition that a new State must have a population bearing some just proportion to the population of the nation as a whole*, and they illustrate the serious disparity in power in national legislation between the rest of the nation and these two Territories, mighty in area, but scanty in people.

They emphasize the inherent injustice to the rest of the nation involved in placing the policies of the country, both foreign and domestic, and the destiny of the Republic for all time to come in the hands of so small a number of fellow-citizens, even though every individual in these Territories were the finest possible type mentally, morally, and in the educational qualifications.

How much greater is the force of these considerations when to them are added the alien speech of the great majority of the people of New Mexico and many of the people of Arizona and the high rate of illiteracy, diminishing though that illiteracy may happily be.

OKLAHOMA AND INDIAN TERRITORY.

In striking contrast to the unpreparedness for statehood of Arizona and New Mexico is the preparedness of Oklahoma and Indian Territory. The population of Oklahoma, according to the census of 1900, was 398,331; of the Indian Territory, 392,060. Personal inspection will convince anyone that the tide of immigration since that census was taken has swollen the population of these two Territories combined to at least a million, and in all probability over that. Excellent lands still unoccupied in Oklahoma in 1900 have been taken up with amazing rapidity every day since, and the progress continues, while the immigration into the Indian Territory can not be appreciated nor even believed until the evidences of it are witnessed.

And of the hundreds of thousands of people in the Indian Territory less than 87,000 are Indians. This fact is important to those who have taken it for granted that the population of the Indian Territory is of the latter race.

All the conditions prevail which work for the absorption of this heterogeneous element into the body of our homogeneous citizenship.

While no comparison is made of the Indians of the Indian Territory to the so-called Mexicans of New Mexico (although the latter are of Mexican, Indian, and Spanish people), this comparison can be justly made, that whereas in New Mexico out of an aggregate population of 195,310 a great majority are Spanish-speaking natives, belonging by descent, tradition, instinct, and speech to another civilization and system of institutions, in the Indian Territory out of an aggregate population between 400,000 and 500,000, less than 87,000 are Indians, the overwhelming body of the people being immigrants from other States of the Union, the children and product of our institutions, "bone of our bone and blood of our blood."

OKLAHOMA'S DEVELOPMENT.

The great body of Oklahoma is magnificently developed. It is a farming land unsurpassed in fertility and loveliness by any section of the Union. Thriving towns, quite equal to those of the Central States, are the universal rule, instead of the oasis-like exception. Four or five of Oklahoma's cities are beyond praise in the solidity of their business houses, the affluent solvency of their banks, the enterprise of their newspapers, the beauty and perfection of their homes.

There is one daily newspaper in Oklahoma with a bona fide daily circulation of 18,000. There are wholesale houses that do a business of $1,500,000 a year and one or two that reach the proportions of over $2,000,000 annually. Railroad traffic, both passenger and freight, is unsurpassed by any similar agricultural region of the United States. The school development throughout the Territory is superb. The homes and barns of the farmers in the older portions of the Territory (and no portion of the Territory is much older than a decade) are commodious, handsome, and not surpassed, if, indeed, on the average they are equaled, elsewhere in the whole country.

The resources of Oklahoma Territory are purely agricultural and all cereals are raised with ease and abundance, and cotton is one of the staple products of this region.

OKLAHOMA ALONE INADMISSIBLE.

But the proposition to admit this Territory as a single State is not tenable. Its size is much below that of any Western State. It must not be forgotten that originally Oklahoma was taken piecemeal from the Indian Territory. Its boundaries are unscientific, accidental, and grotesque. And above all, the committee are convinced that a majority of its people are opposed to statehood at present except by a union with its natural complement, the Indian Territory.

OKLAHOMA AND INDIAN TERRITORY A NATURAL UNIT.

For the Indian Territory has been made by nature the ideal mate to Oklahoma. What Oklahoma lacks the Territory supplies, and the reverse. Oklahoma is practically without coal and minerals and building stone; Indian Territory is rich in all these. Oklahoma is practically without timber; the Indian Territory bears great forests. Its timber, stone, quarries of marble, mines of coal and ore afford unanswerable natural reasons for a union with its western neighbor.

Commerce has recognized this natural union, and railroads have been built and still others are building, and others still are projected in recognition of the natural union of these two industrial empires.

PEOPLE OF OKLAHOMA AND INDIAN TERRITORY UNITED.

But most of all, the people themselves have recognized this great fact. The commercial life of the two Territories are one. The Wholesalers' Association of Oklahoma and Indian Territory are the same. Their religion is a unit. The Catholic Church has the same bishop for the two Territories; the Episcopal Church has the same bishop, while the Epworth League, common to the two Territories, is building a noble structure for university purposes by funds contributed alike by its members throughout the two Territories as if there were no artificial dividing line. In natural resources, commercial affairs, social intercourse, and in religious life, the Territories are a unit.

What nature, commerce, and all human conditions have decreed the Congress of the United States should confirm. The two Territories should be made one State and immediately admitted to the Union. Together they make a State about the size of Kansas or Nebraska, and much smaller than the average State west of the Missouri River. As a single State they would make a noble addition to the nation of which their people and the citizens of the whole Republic would be justly proud.

NO REASON AGAINST REUNION OF OKLAHOMA AND INDIAN TERRITORY.

On the other hand, for Congress deliberately to rend asunder this already united people, either for political reasons or because of the existence of an accidental dividing line between them, would be an act violent to every reason of the situation and grotesque and absurd to future generations. The statesmen of the future would rightly survey such an act in disgust; while the historian would find it hard to explain the causes for a performance so unnatural and unjustified. Against the confirmation by Congress of the union of these Territories no constitutional reason can be urged, nor can any reason of expediency be suggested. The lands of the Indians have already been allotted in enormous quantities and the allotment is proceeding with celerity. Before statehood government can be organized the quantity of Indian land remaining will not be appreciable.

If it be said that Indian lands thus allotted are free from taxation for five years and that this throws an unjust burden on Oklahoma, the answer is that this period of exemption will, by the time required to establish a State government, be reduced in great part to three and even two years; and even if this exemption from taxation were a matter worthy of the consideration of statesmanship in so large a problem, it is more than offset by the provision of the bill which shares the burden of existing debt of Oklahoma with the Indian Territory. If it be said that this debt be insignificant, the answer is that the period of exemption from taxation of Indian lands together with the amount first received from them are proportionately insignificant.

In short, the Indian Territory and Oklahoma combined have a numerous people of culture, progress, and of resources already considerably developed, and thus every requisite for statehood which can suggest itself to the thoughtful and conservative mind is present. To deny such a people in such a region admission into the Union is wrong, and to divide them for reasons of partisan expediency is disgraceful.

OKLAHOMAN'S ARGUMENT AGAINST ANY STATEHOOD FOR THE PRESENT.

The committee has reached this conclusion after considering the argument presented by the citizens appearing before the committee against the present

admission of either or both Territories as a State, although the committee is profoundly impressed with the solidity of this argument.

We have heretofore in this report called attention to the contention of the citizens of Oklahoma that their condition is highly prosperous; that the people are happy and out of debt; that the Federal officials are satisfactory to the point of popular applause; that railroads exist in gratifying mileage, built by the money of legitimate investors and not as the scheme of ephemeral promoters, and that more are building and will be built by the same laudable means; that if the Territory remains in its present felicitous condition a few years will give it all the railroads it will need without burdening the people to build them; but that, on the contrary, if admitted to statehood the history of other States will be repeated—that the people will be induced to bond their future to construct roads which should be built by the money of legitimate investors, who alone will reap their profits; that other roads will be projected and constructed by unsubstantial promoters, deriving their means from popular contributions, which they know so well how to secure; and that those people and their children will be oppressed for a generation with an unnecessary and wicked burden of taxation.

No thoughtful mind can deny the force of this reason. And yet, in spite of it, it seems to the committee that these two Territories should be admitted to the Union as a single State. They have reached their manhood and should take on manhood's responsibilities. They do not need incorporation into the active political nation more than the active political nation needs them.

APPLICATION OF OKLAHOMA'S REASONS ELSEWHERE.

The argument against the admission of Oklahoma made by her own citizens also applies to the Territories of Arizona and New Mexico. With the immature development of those Territories; with the peculiar conditions of their people, and particularly those of New Mexico; with the docile and easily persuaded character of the native population of the latter Territory, it is as certain as the future that they will be induced—and that with great ease—to vote enormous subsidies to proposed railroads, sadly impoverishing themselves while enriching the enterprising promoters. This is not an imaginary forecast, but a future certainty, and it is a certainty from which the innocent people of New Mexico should be protected. As they are, the shield of the national limitation of 4 per cent upon their indebtedness stands between them and exploiters. Remove it, and they are defenseless in their ignorance and confiding simplicity against that masterful vigor and artful craft which the exploiter always brings to his aid.

MANY NEW MEXICANS AGAINST STATEHOOD.

In conclusion, the truth must be stated that many of the people of New Mexico do not want statehood. The testimony of Martinez Amador, a Mexican farmer, who (unsubpœnaed and unasked, because unknown to us) sought out the committee at Las Cruces and who impressed every member with his sincerity, wisdom, and truthfulness, proves this. The testimony is as pathetic as it is convincing, and we call to it particular attention.

The committee is further convinced that this opposition to statehood for New Mexico is by no means confined to this simple Mexican farmer and the great class for whom he spoke. It is true that no other rancher, farmer, or merchant appeared before the committee to the same effect; but the committee has sound reasons for believing that large numbers of them are earnestly against the proposition of New Mexican statehood. It is not believed that any advocate of New Mexican statehood competent to speak will testify under oath that there is unanimity in favor of the proposition even among the most substantial business men, farmers and cattlemen of the Territory.

It is the further belief of the committee that a large portion of the people are indifferent to and ignorant of the question. If it be said that they voted in favor of it, the answer is that nothing is easier than to appeal to a people like the native New Mexican with a statement that there is something which he has not (and which will be of value to him) in order to make him desire it, without understanding in the least just what it is that he is deprived of. It is a cheap and familiar device, formerly used in our own States, but now happily abandoned before the enlightenment and independence of civic action which comes with increased education and highly developed civilization. If it be said that this argument is not sound, the answer is that the people have more than once rejected a constitution for statehood.

This suggests another and final grave condition, common alike to New Mexico and Arizona, namely, not only the smallness of their population, but the thin scattering of the same over enormous distances of vast domain. Arizona has 1.1 persons for each square mile; New Mexico has 1.6 persons for each square mile. Among this scattered population the means of communication are few and ineffective. The gravity of this in political campaigns and in that close association which is the prime factor in a high civilization will be appreciated when you reflect that in Massachusetts the population is 348 to the square mile; in Pennsylvania 140 to the square mile; in New Jersey 250.3 to the square mile.

In addition to the above, the House bill, known as the "Omnibus bill," is defective in many important particulars, some of which are worthy of note as indicating ideas prevailing there of a State under the constitutional form of government. For example, that portion of the so-called omnibus bill providing for the admission of Arizona makes in the bill itself an apportionment for the constitutional convention. The following representatives in the constitutional conventions are given with the following counties, with the population of each county:

County.	Delegates.	Population.
Apache	2	8,297
Cochise	4	9,251
Coconino	2	5,514
Gila	2	4,973
Graham	3	14,162
Maricopa	5	20,457
Mohave	2	3,426
Navajo	2	8,829
Pima	3	14,689
Pinal	3	7,779
Santa Cruz	2	4,545
Yavapai	4	13,799
Yuma	2	4,145

This apportionment requires either no comment or else extended explanation. The apportionment becomes more puzzling the more it is studied. The omnibus bill also is singularly inharmonious in methods provided for the admission of the respective Territories; and this lack of harmony in its provisions can be accounted for by the committee only upon the principle that the admission of each Territory is a proposition standing by itself and that they are incapable of consideration bunched together. If this is not the explanation, the true explanation can probably be given by those who favor the so-called "Omnibus bill."

In conclusion, the committee asks the Senate to consider the following:

If it is a mistake not to admit these Territories at the present time, it is a mistake which can be remedied by any future Congress. *If it is a mistake to admit them, and that mistake is consummated, it never can be undone.*

The committee feel that it is wiser and better for the Territories themselves, and for the Nation, that they shall wait that development which the resources claimed by their advocates will justify. When that occurs, when all of the requisites for statehood shall have been supplied, the members of the committee who are against the present admission of these Territories in their present state will be as enthusiastic and earnest for their admission as their most ardent advocates.

Mr. NELSON. Mr. President, I desire at this time to withdraw the amendment to the bill which I reported the other day for the purpose of perfecting it; and I give notice that I shall again offer it at a future day.

The PRESIDENT pro tempore. The Senator has the right to withdraw the amendment.

Mr. QUAY. Not without the action of the committee. That is a committee amendment, as I understand it.

The PRESIDENT pro tempore. The Chair recognizes the Senator having made the report as the mouthpiece of the committee, and he has the right to withdraw the amendment until it has been amended or the yeas and nays have been ordered on it.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

Mr. BEVERIDGE. Will the Senator permit me to present the testimony taken by the committee?

Mr. GALLINGER. Certainly.

Mr. BEVERIDGE. In connection with the report, I desire to present the testimony taken by the committee.

The PRESIDENT pro tempore. What request does the Senator make regarding the testimony?

Mr. BATE. Does the Senator want to have it printed?

Mr. BEVERIDGE. It is the desire of the committee to have both the report and the testimony printed.

The PRESIDENT pro tempore. They will be printed, in the absence of objection.

Mr. ALLISON. Before this subject passes away, I suggest that a certain number of extra copies of the report ought to be printed, as also the views of the Senator from Pennsylvania [Mr. QUAY] who made a report on his own motion. I have already had some letters requesting copies of the report.

Mr. GALLINGER. Let a thousand extra copies be printed.

Mr. ALLISON. I suggest that 5,000 extra copies be printed.

Mr. KEAN. What is the number?

Mr. ALLISON. I suggest that 5,000 extra copies be printed, though that may not be enough.

The PRESIDENT pro tempore. The Chair would like to inquire of the Senator from Indiana whether he desires to have the report and the testimony printed together?

Mr. BEVERIDGE. The suggestion of the Senator from Colorado [Mr. PATTERSON] and other Senators is that the report and the testimony be printed separately.

The PRESIDENT pro tempore. The order then will be made that the report and the testimony be printed separately.

Mr. BATE. I desire it to be understood that this does not deprive the minority of the right to submit their views at any time, if they desire to do so.

Mr. BEVERIDGE. Certainly not.

The PRESIDENT pro tempore. Certainly not.

Mr. QUAY. It seems to me the motion of the Senator from Iowa [Mr. ALLISON] ought to include the minority report, which will undoubtedly proceed from the Senator from Tennessee [Mr. BATE].

Mr. ALLISON. My idea was that the minority report, if there be a minority report, could be easily prepared and printed with the report of the majority.

Mr. ALDRICH. If the Senate is to wait a day or two for a minority report, it will necessarily delay the consideration of this bill for that length of time.

Mr. BATE. I do not ask that. I only ask permission at any time to submit the views of the minority, and have them printed.

Mr. BEVERIDGE. Certainly.

Mr. ALDRICH. They can be printed separately.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. ALLISON] asks unanimous consent that 5,000 copies of the report of the committee and the testimony be printed. Is there objection?

Mr. QUAY. Both reports.

Mr. GALLINGER. I understood the Senator from Iowa [Mr. ALLISON] to include the report made by the Senator from Pennsylvania [Mr. QUAY]. I think they ought to be printed jointly.

The PRESIDENT pro tempore. Including the report made by the Senator from Pennsylvania.

Mr. QUAY. Printed jointly.

Mr. BEVERIDGE. I think it only fair that the hearings had by the committee before adjournment at the last session should also be included in the testimony to be printed as supplemental to it.

Mr. ALLISON. They should be included. The testimony is somewhat voluminous, and I do not know that it will be necessary to print as many as 5,000 copies of that.

Mr. ALDRICH. Say 3,000 copies.

Mr. ALLISON. I will suggest that a smaller number than 5,000 copies may be sufficient.

Mr. GALLINGER. Say 1,000.

Mr. KEAN. I suggest that the number be made 2,500 copies.

Mr. ALLISON. I accept the suggestion of the Senator from New Jersey [Mr. KEAN] that 2,500 copies of the testimony be printed separately.

Mr. QUAY. And that the two reports from the committee be printed jointly.

Mr. ALLISON. Certainly.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. ALLISON] asks that 5,000 copies of the report, together with the views of the Senator from Pennsylvania [Mr. QUAY] submitted to-day, be printed.

Mr. BATE. And the minority report, when it comes in.

The PRESIDENT pro tempore. Consent for that was given some time ago——

Mr. ALLISON. And also the evidence.

The PRESIDENT pro tempore. And that there be also printed 2,500 copies of the evidence taken. Is there objection?

Mr. ALLISON. Of all the evidence taken, including the testimony taken before the committee last year.

Mr. PATTERSON. Will the report introduced by the Senator from Pennsylvania be printed?

The PRESIDENT pro tempore. That is included.

Mr. PATTERSON. And the one of the Senator from Indiana [Mr. BEVERIDGE] be printed separately? I think they ought to be printed separately.

Mr. QUAY. I think they had better be included in one document; but it is a matter of no consequence.

The PRESIDENT pro tempore. What is the wish of the Senate in relation to that matter?

Mr. QUAY. I should prefer that they be printed jointly; but I have no special feeling about it.

The PRESIDENT pro tempore. Is there objection to the request as now made by the Senator from Iowa [Mr. ALLISON]? The Chair hears none, and the order is made.

Mr. QUAY. Now, Mr. President, I should like to know exactly what is the parliamentary condition of this bill? What is the question now pending upon the bill?

The PRESIDENT pro tempore. The House bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. QUAY. With no amendment pending?

The PRESIDENT pro tempore. There is no amendment pending now, because the amendment offered by the committee has been withdrawn.

Mr. BEVERIDGE. But with notice that it will be offered, I understand, at the proper time.

Mr. QUAY. I desire to give notice that when it shall be offered, I shall move to lay it upon the table.

EXECUTIVE SESSION.

Mr. GALLINGER. I now renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seventeen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 11, 1902, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate December 10, 1902.

INDIAN INSPECTORS.

Cyrus Beede, of Iowa, whose term will expire December 19, 1902, to be an Indian inspector. (Reappointment.)

James McLaughlin, of North Dakota, whose term will expire January 19, 1903, to be an Indian inspector. (Reappointment.)

Arthur M. Tinker, of Massachusetts, whose term will expire December 19, 1902, to be an Indian inspector. (Reappointment.)

COLLECTOR OF CUSTOMS.

Ellery H. Wilson, of Rhode Island, to be collector of customs for the district of Providence, in the State of Rhode Island. (Reappointment.)

PROMOTION IN THE REVENUE-CUTTER SERVICE.

First Lieut. John F. Wild, to be a captain in the Revenue-Cutter Service of the United States, to succeed W. D. Roath, retired. Mr. Wild is now serving under a temporary commission issued during the recess of the Senate. This nomination is made in lieu of that of December 8, 1902, in which an error was made in the initials of Mr. Wild, he being nominated as John V. instead of John F.

PROMOTION IN THE NAVY.

Lieut. (Junior Grade) Frederic N. Freeman, to be a lieutenant in the Navy from the 2d day of November, 1902, vice Lieut. Thomas W. Kinkaid, promoted.

APPOINTMENTS IN THE NAVY.

John A. B. Smith, jr., a citizen of New York, to be an assistant paymaster in the Navy from the 10th day of December, 1902, to fill a vacancy existing in that grade on that date.

Felix R. Holt, a citizen of Maryland, to be an assistant paymaster in the Navy from the 10th day of December, 1902, to fill a vacancy existing in that grade on that date.

Eugene E. McDonald, a citizen of New Jersey, to be a chaplain in the Navy from the 12th day of December, 1902, to fill a vacancy existing in that grade on that date.

POSTMASTERS.

Jonah E. Nickols, to be postmaster at Atwood, in the county of Rawlins and State of Kansas. Office became Presidential January 1, 1902.

Alexander Jolley, to be postmaster at Elma, in the county of Chehalis and State of Washington. Office became Presidential January 1, 1902.

John W. Short, to be postmaster at Fresno, in the county of Fresno and State of California, in place of John W. Short. Incumbent's commission expired May 5, 1902.

George W. Lovie, to be postmaster at Redwood City, in the county of San Mateo and State of California, in place of George W. Lovie. Incumbent's commission expired January 10, 1902.

Helen C. Thompson, to be postmaster at Stanford University, in the county of Santa Clara and State of California, in place of Samuel J. Brun. Incumbent's commission expires December 15, 1902.

John McGinley, to be postmaster at New London, in the county of New London and State of Connecticut, in place of John McGinley. Incumbent's commission expires December 20, 1902.

Asa E. S. Bush, to be postmaster at Niantic, in the county of New London and State of Connecticut, in place of Asa E. S. Bush. Incumbent's commission expires December 20, 1902.

John E. Thomas, to be postmaster at Belleville, in the county of St. Clair and State of Illinois, in place of John E. Thomas. Incumbent's commission expires December 21, 1902.

Benjamin McKeen, to be postmaster at Collinsville, in the county of Madison and State of Illinois, in place of William D. Smith. Incumbent's commission expires December 21, 1902.

William H. Gostlin, to be postmaster at Hammond, in the county of Lake and State of Indiana, in place of Mary L. Woods. Incumbent's commission expires December 21, 1902.

James E. Wheelock, to be postmaster at Hartley, in the county of O'Brien and State of Iowa, in place of James E. Wheelock. Incumbent's commission expires December 21, 1902.

Benjamin H. Tamplin, to be postmaster at Hull, in the county of Sioux and State of Iowa, in place of Benjamin H. Tamplin. Incumbent's commission expires December 21, 1902.

William M. Catron, to be postmaster at Somerset, in the county of Pulaski and State of Kentucky, in place of Henry G. Trimble. Incumbent's position expired June 22, 1902.

Lewis C. Flagg, to be postmaster at Berwick, in the county of York and State of Maine, in place of Lewis C. Flagg. Incumbent's commission expires December 14, 1902.

William M. Stuart, to be postmaster at Newport, in the county of Penobscot and State of Maine, in place of Albert C. Bradbury. Incumbent's commission expired May 8, 1902.

Fred A. Tower, to be postmaster at Concord, in the county of Middlesex and State of Massachusetts, in place of Fred A. Tower. Incumbent's commission expires December 20, 1902.

John M. Jarboe, to be postmaster at Oakland, in the county of Garrett and State of Maryland, in place of John M. Jarboe. Incumbent's commission expired May 10, 1902.

Orrin T. Hoover, to be postmaster at Chelsea, in the county of Washtenaw and State of Michigan, in place of W. F. Reimenschneider. Incumbent's commission expired June 3, 1902.

Everett N. Clark, to be postmaster at Wyandotte, in the county of Wayne and State of Michigan, in place of Fred S. Johnson. Incumbent's commission expired January 10, 1902.

George W. Stratton, to be postmaster at Addison, in the county of Steuben and State of New York, in place of George W. Stratton. Incumbent's commission expires December 20, 1902.

Charles F. Neerman, to be postmaster at Stillwater, in the county of Payne and Territory of Oklahoma, in place of William W. Walker. Incumbent's commission expired June 2, 1902.

John D. McCarley, to be postmaster at Somerville, in the county of Fayette and State of Tennessee, in place of John D. McCarley. Incumbent's commission expired March 9, 1902.

William Drawe, to be postmaster at Cuero, in the county of Dewitt and State of Texas, in place of William Drawe. Incumbent's commission expired June 7, 1901.

Barney Cannon, jr., to be postmaster at Bellows Falls, in the county of Windham and State of Vermont, in place of Barney Cannon, jr. Incumbent's commission expires December 14, 1902.

Fred M. Taylor, to be postmaster at Titusville, in the county of Brevard and State of Florida, in place of James T. Bassett, resigned.

Daniel Swanson, to be postmaster at Fremont, in the county of Dodge and State of Nebraska, in place of Ross L. Hammond, resigned.

Richard King, to be postmaster at Chardon, in the county of Geauga and State of Ohio, in place of Julius O. Converse, deceased.

Uriah J. Favorite, to be postmaster at Tippecanoe City, in the county of Miami and State of Ohio, in place of Thomas W. Ashworth, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 10, 1902.

CONSULS.

Mason Mitchell, of New York, to be consul of the United States at Zanzibar, Zanzibar.

William A. McKellip, of Maryland, to be consul of the United States at Magdeburg, Germany.

SECRETARIES OF LEGATION.

George W. Ellis, of Kansas, to be secretary of the legation of the United States at Monrovia, Liberia.

Leonard M. Thomas, of Pennsylvania, to be second secretary of the embassy of the United States at Rome, Italy.

PROMOTION IN THE MARINE-HOSPITAL SERVICE.

P. A. Surg. James B. Stoner, of Pennsylvania, to be a surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from September 16, 1902.

APPOINTMENTS IN THE MARINE-HOSPITAL SERVICE.

Richard H. Creel, of Missouri, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

Albert D. Foster, of Michigan, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

John W. Trask, of Michigan, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

APPOINTMENTS IN THE REVENUE-CUTTER SERVICE.

William L. Maxwell, of California, to be a second assistant engineer, with the rank of a third lieutenant, in the Revenue-Cutter Service of the United States.

California C. McMillan, of California, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

Joseph M. Sims, to be a captain in the Revenue-Cutter Service of the United States on the permanent waiting-orders list, in accordance with the act of Congress approved June 30, 1902.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Assistant Engineer Charles A. Wheeler, to be a first assistant engineer in the Revenue-Cutter Service of the United States.

Second Assistant Engineer Frank G. Snyder, to be a first assistant engineer in the Revenue-Cutter Service of the United States.

Second Assistant Engineer John I. Bryan, to be a first assistant engineer in the Revenue-Cutter Service of the United States.

First Assistant Engineer Charles W. Zastrow, to be a chief engineer in the Revenue-Cutter Service of the United States.

First Assistant Engineer Levin T. Jones, to be a chief engineer in the Revenue-Cutter Service of the United States.

Third Lieut. Henry W. Pope, to be a second lieutenant in the Revenue-Cutter Service of the United States.

Third Lieut. Thomas M. Molloy, to be a second lieutenant in the Revenue-Cutter Service of the United States.

Third Lieut. Harold D. Hinckley, to be a second lieutenant in the Revenue-Cutter Service of the United States.

Third Lieut. Benjamin L. Brockway, to be a second lieutenant in the Revenue-Cutter Service of the United States.

Second Lieut. Samuel B. Winram, to be a first lieutenant in the Revenue-Cutter Service of the United States.

Second Lieut. Francis S. Van Boskerck, jr., to be a first lieutenant in the Revenue-Cutter Service of the United States.

Second Lieut. Francis A. Levis, to be a first lieutenant in the Revenue-Cutter Service of the United States.

Second Lieut. James G. Ballinger, to be a first lieutenant in the Revenue-Cutter Service of the United States.

First Lieut. Charles C. Fengar, to be a captain in the Revenue-Cutter Service of the United States.

First Lieut. Orin D. Myrick, to be a captain in the Revenue-Cutter Service of the United States.

First Lieut. Worth G. Ross, to be a captain in the Revenue-Cutter Service of the United States.

First Lieut. John F. Wild, to be a captain in the Revenue-Cutter Service of the United States.

RECEIVERS OF PUBLIC MONEYS.

Richard Fysh, of Independence, Cal., to be receiver of public moneys at Independence, Cal.

George W. Warner, of Colorado, to be receiver of public moneys at Akron, Colo.

REGISTERS OF THE LAND OFFICE.

John F. Armstrong, of Placerville, Cal., to be register of the land office at Sacramento, Cal.

Peter Campbell, of Colorado, to be register of the land office at Akron, Colo.

David R. Crosby, of Grand Junction, Colo., to be register of the land office at Montrose, Colo.

Selwyn Douglas, of Oklahoma, Okla., to be register of the land office at Oklahoma, Okla.

Thomas Scadden, of Michigan, to be register of the land office at Marquette, Mich.

MARSHAL.

C. F. Lloyd, of Montana, to be United States marshal for the district of Montana.

PENSION AGENT.

Richard P. Clarkson, of Iowa, to be pension agent at Des Moines, Iowa.

NAVAL OFFICER OF CUSTOMS.

Elmer E. Wood, of Louisiana, to be naval officer of customs in the district of New Orleans, in the State of Louisiana.

SURVEYOR OF CUSTOMS.

Elijah W. Adkins, of Tennessee, to be surveyor of customs for the port of Knoxville, in the State of Tennessee.

COLLECTORS OF CUSTOMS.

William H. Lucas, of Florida, to be collector of customs for the district of St. Johns, in the State of Florida.

Thomas B. George, of Florida, to be collector of customs for the district of St. Augustine, in the State of Florida.

John W. Howell, of Florida, to be collector of customs for the district of Fernandina, in the State of Florida.

POSTMASTERS.

Charles A. Gwinn, to be postmaster at Garfield, in the county of Whitman and State of Washington.

Maggie C. Doran, to be postmaster at Sheldon, in the county of Ransom and State of North Dakota.

George C. Chambers, to be postmaster at Churchs Ferry, in the county of Ramsey and State of North Dakota.

Harvey S. Abel, to be postmaster at Stafford Springs, in the county of Tolland and State of Connecticut.

Jessie S. Rose, to be postmaster at Manchester, in the county of Hartford and State of Connecticut.

Frederick H. Lewis, to be postmaster at Vacaville, in the county of Solano and State of California.

Philo Handy, to be postmaster at Ukiah, in the county of Mendocino and State of California.

Eli J. McBride, to be postmaster at Dixon, in the county of Solano and State of California.

Garrett S. De Grange, to be postmaster at Frederick, in the county of Frederick and State of Maryland.

Robert C. Boehm, to be postmaster at White Hall, in the county of Greene and State of Illinois.

Charles A. Camp, to be postmaster at Henry, in the county of Marshall and State of Illinois.

Timothy Smith, to be postmaster at Howell, in the county of Livingston and State of Michigan.

Lawson E. Becker, to be postmaster at Fenton, in the county of Genesee and State of Michigan.

Charles H. Pulver, to be postmaster at Dundee, in the county of Monroe and State of Michigan.

Clifford L. Benedict, to be postmaster at Mankato, in the county of Blue Earth and State of Minnesota.

H. S. Buntin, to be postmaster at Bushnell, in the county of McDonough and State of Illinois.

Linn L. Shaw, to be postmaster at Santa Ana, in the county of Orange and State of California.

Sheridan G. Berger, to be postmaster at Ontario, in the county of San Bernardino and State of California.

Louise C. Tyler, to be postmaster at Eastland, in the county of Marin and State of California.

Jesse B. Ross, to be postmaster at Springfield, in the county of Greene and State of Missouri.

William D. Hale, to be postmaster at Minneapolis, in the county Hennepin and State of Minnesota.

James C. Poole, to be postmaster at Eveleth, in the county of St. Louis and State of Minnesota.

William Harrington, to be postmaster at East Jordan, in the county of Charlevoix and State of Michigan.

William M. Wilson, to be postmaster at Blue Ridge, in the county of Fannin and State of Georgia.

Renaldo E. Taylor, to be postmaster at Gridley, in the county of Butte and State of California.

Presentation M. Soto, to be postmaster at Concord, in the county of Contra Costa and State of California.

Margaret Duncan, to be postmaster at Au Sable, in the county of Iosco and State of Michigan.

Harvey S. Givler, to be postmaster at Wakeeney, in the county of Trego and State of Kansas.

Charles D. Clark, to be postmaster at Utica, in the county of La Salle and State of Illinois.

Oscar E. Linquist, to be postmaster at Dassel, in the county of Meeker and State of Minnesota.

Josephus C. Mustard, to be postmaster at Scottville, in the county of Mason and State of Michigan.

Albert J. Capen, to be postmaster at Fennville, in the county of Allegan and State of Michigan.

Nathaniel B. Petts, to be postmaster at Warsaw, in the county of Benton and State of Missouri.

Andrew J. Siebert, to be postmaster at Ste. Genevieve, in the county of Ste. Genevieve and State of Missouri.

Edward F. Gummer, to be postmaster at Frazee, in the county of Becker and State of Minnesota.

Nathan L. Colby, to be postmaster at Pecatonica, in the county of Winnebago and State of Illinois.

H. F. Brimberry, to be postmaster at Albany, in the county of Dougherty and State of Georgia.

A. E. Meigs, to be postmaster at Oceanpark, in the county of Los Angeles and State of California.

E. C. Reid, to be postmaster at Allegan, in the county of Allegan and State of Michigan.

David E. McClelland, to be postmaster at Chanute, in the county of Neosho and State of Kansas.

George A. Danforth, to be postmaster at Hamburg, in the county of Fremont and State of Iowa.

Oliver D. Carson, to be postmaster at Galesburg, in the county of Kalamazoo and State of Michigan.

J. B. Callen, to be postmaster at Junction City, in the county of Geary and State of Kansas.

A. M. Hansen, to be postmaster at Fulton, in the county of Whiteside and State of Illinois.

John McGauvran, to be postmaster at Langdon, in the county of Cavalier and State of North Dakota.

Homer A. Jackson, to be postmaster at Fessenden, in the county of Wells and State of North Dakota.

Lizzie E. Breckenridge, to be postmaster at Pine City, in the county of Pine and State of Minnesota.

Donald G. McIntosh, to be postmaster at St. Thomas, in the county of Pembina and State of North Dakota.

John W. Scott, to be postmaster at Moberly, in the county of Randolph and State of Missouri.

Hezekiah S. Van Dervort, to be postmaster at Warren, in the county of Jo Daviess and State of Illinois.

Joseph M. Myers, to be postmaster at Forreston, in the county of Ogle and State of Illinois.

John C. Louden, to be postmaster at Lebanon, in the county of St. Clair and State of Illinois.

James A. Lauder, to be postmaster at Carterville, in the county of Williamson and State of Illinois.

Charles E. Carmody, to be postmaster at Mapleton, in the county of Monona and State of Iowa.

Adelbert J. Weeks, to be postmaster at Correctionville, in the county of Woodbury and State of Iowa.

James E. Ellwood, to be postmaster at Sycamore, in the county of De Kalb and State of Illinois.

Leonard M. Sellers, to be postmaster at Cedar Springs, in the county of Kent and State of Michigan.

A. Clay Whiteman, to be postmaster at La Crosse, in the county of Rush and State of Kansas.

Edwin Foster, to be postmaster at Independence, in the county of Montgomery and State of Kansas.

Jonathan Bateman, to be postmaster at Manville, in the county of Providence and State of Rhode Island.

Charles C. Pugh, to be postmaster at Adel, in the county of Dallas and State of Iowa.

Milo N. Johnson, to be postmaster at Northville, in the county of Wayne and State of Michigan.

COMMERCIAL RELATIONS WITH NEWFOUNDLAND.

The injunction of secrecy was removed from the following treaty December 10, 1902: A convention with Great Britain, signed at Washington on November 8, 1902, for the improvement of commercial relations with Newfoundland.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 10, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

REVENUE BILLS.

Mr. PAYNE. Mr. Speaker, by direction of the Committee on Ways and Means, I report the following.

The Clerk read as follows:

A bill (H. R. 15794) to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved July 10, 1890.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of revenue bills.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of revenue bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. GILLETT of Massachusetts in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of revenue bills.

AMENDMENT OF ADMINISTRATIVE CUSTOMS ACT.

Mr. PAYNE. Mr. Chairman, I call up the bill H. R. 15794.

The bill was read, as follows:

A bill (H. R. 15794) to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved July 10, 1890.

Be it enacted, etc., That section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, be, and the same is hereby, amended so as to read as follows:

"SEC. 20. That any merchandise deposited in any public or private bonded warehouse may be withdrawn for consumption within three years from the date of original importation on payment of the duties and charges to which it may be subject by law at the time of such withdrawal: *Provided*, That the same rate of duty shall be collected thereon as may be imposed by law upon like articles of merchandise imported at the time of the withdrawal: *And provided further*, That nothing herein shall affect or impair existing provisions of law in regard to the disposal of perishable or explosive articles."

Mr. PAYNE. Mr. Chairman, this bill is brought here to give a legislative interpretation to what is known as section 20 of the customs administrative act. Section 20 of that act as it now stands in the law is as follows:

Any merchandise deposited in any public or private bonded warehouse may be withdrawn for consumption within three years from the date of the original importation on payment of the duties and charges to which it may be subject by law at the time of such withdrawal: *Provided*, That nothing herein shall affect or impair existing provisions of law in regard to the disposal of perishable or explosive articles.

Under that section of the statute it has been the invariable custom and ruling of the Treasury Department that when goods were imported from a foreign country and placed in a bonded warehouse for a period of time that at the time of their withdrawal the duty upon them should be the rate of duty then existing; that is, the rate of the duty existing at the time of the withdrawal from the bonded warehouse and not at the time of their importation, when they were placed in the bonded warehouse; and nobody had ever discovered but what this section of the statute meant just that and no more. But last week a case was decided in the district court of the southern district of New York, Judge Wallace rendering the opinion, in which the contrary was held. That case arose in regard to the importation of a cargo of sugar from Porto Rico into the United States prior to the 11th of April. The date of the ratification of the Paris treaty was on the 11th, I think, and the importation was on the 4th of April prior to the ratification of the treaty with Spain.

Of course after the ratification of that treaty, as is well known, the Treasury Department held that the rates under the Dingley bill applied to all merchandise imported into the United States from the insular possessions, and they collected the full rates of duty, whether the goods were withdrawn from the bonded warehouse or imported after the 11th of April, and after the ratification of the treaty. As is also well known to every member of the House, the decision of the Supreme Court in the insular cases was that after the ratification of the treaty the islands were no longer a foreign country and that there was no rate of duty on goods imported from those possessions to the United States, but that they should come in free. These importers, who had paid the full Dingley rates on this cargo of sugar under protest, brought action to recover back the duties. They paid some $1,400 or $1,500 when they were withdrawn. They set up these facts in their bill.

The Government interposed a demurrer, and the question came up on the demurrer; and there Justice Wallace held, for the first time since the history of this law, that these goods were dutiable

at the rate of the duty existing at the time they were placed in the bonded warehouse. They were placed in the bonded warehouse on the 6th of April, before the ratification of the treaty, and while Porto Rico was yet a foreign country according to the decision of the Supreme Court. So he held that they were dutiable at the full Dingley rate which they had paid and he sustained the demurrer. This introduced a new rule, a new element, into the law as it has hitherto been construed. The Secretary of the Treasury found himself in this dilemma. He had notified the importers, and it had been the constant and uniform ruling of his Department, that these goods similarly situated should pay the rate existing at the time they were taken from the bonded warehouse.

Then he decided that inasmuch as the court had construed the law and held that the duty assessable was the duty at the time they were imported and put into the warehouse, he must observe this ruling and conform the practice of the department to it; and he promptly gave notice to this effect. Now, the parties immediately concerned in this matter are the importers of tea. As the House will remember, we passed at the last session a bill repealing all the war taxes. In the war-revenue act was a provision for a duty of 10 cents a pound on tea. We also enacted that this repeal as to teas should take effect on the 1st day of January next.

Under the former rulings of the Secretary of the Treasury, and I believe under the special instructions of the Treasury Department in regard to tea, importers had imported large cargoes of tea. It is even said that there are 70,000,000 pounds of tea now in the bonded warehouses, all of which have been imported previous to this date, and all of which have expected to take out that tea from the bonded warehouse in January free of duty. The importers have gone on under this ruling, or this practice of the Government, and have sold these teas to the jobbers and the retailers throughout the country with direct reference to their being imported free of duty.

The teas themselves have gone out in bonded cars by the carload into different parts of the country to be ready to be put on the market after the 1st day of January free of duty. The result is the importers of the country have sold these teas free of duty. Many of them have bought teas, have put them in bond, relying on being taken out free of duty on the 1st of January.

I do not know what telegrams other members of the House have had, but here are a few that I have had from different parts of the country. Everybody is excited upon the tea question as to whether they will have to pay the duty of 10 cents a pound upon all the tea in bond. Of course, if they did, it would create a great deal of distress. The only relief they could receive would be in exporting the tea and reimporting it after the 1st day of January. And, by the way, although Judge Wallace holds that the duty attached at the time the teas came into the bonded warehouse and were imported, and remained a lien upon the property, yet it remains a fact undisputed that they could export these teas and get rid of the lien and then bring them in from a foreign country on reimportation free of duty. But if they are obliged to do this it delays them in putting the teas on the market, and would cost them a million or two dollars, of which nobody would get the benefit except the steamship lines, and it would be partially recouped from the customers who had the teas throughout the United States.

In addition to this, Mr. Chairman, large quantities of teas would come in free from Canada and Great Britain without having paid any duty after the first day of January, and they would get the benefit of this—one class of customers with a large block of teas which they must pay duty on or reexport them and reimport them, and another class of teas free of duty. Of course this would work great injustice and great harm.

Further than that, Mr. Chairman, it was doubtless the intention of Congress, as it was construed by the Treasury Department and by all officials who had anything to do with this law since the time it was enacted in 1890, and this provision of the law existed before and was reenacted in 1890, that these duties were to be collected at the rate existing at the time the goods were taken from the bonded warehouse and entered into the consumption of the country. And it is right that they should pay the duty at the time they are taken from the bonded warehouse because it is only then that they come into direct competition with other goods of a like character coming in and not going into the bonded warehouse. We can not do exact justice in this case unless we amend this law, and amend it so that the courts will understand it as we understand it.

It may be said that when the question goes to a higher court that court may reverse the decision of Judge Wallace. But that proceeding takes time; and in the meanwhile here is this large amount of tea which should go into consumption—this large amount of tea upon which these duties must be paid—paid under protest. So, Mr. Chairman, there seems to be no way to relieve the present situation except by this amendment of the existing law.

But we have reported this bill in the form of a general amendment of the law so as to apply to all goods going into the bonded warehouses—a general amendment that will carry out the purposes of this administrative act as we intended at the time Congress passed it.

We have inserted another proviso in this section, and this is the only amendment that we have made to this section of the law of 1890:

Provided, That the same rate of duty shall be collected thereon as may be imposed by law upon like articles of merchandise imported at the time of the withdrawal.

That leaves everybody on an equal footing; that carries out the object of the law; that relieves the present situation; that allows our merchants throughout the country to start in on an even basis with their teas after the 1st of January; that carries out the intention of Congress in repealing this duty last spring, to take effect on the 1st day of January next. The Committee on Ways and Means was unanimous in reporting this bill, and it seems to me there can hardly be any objection to it upon the part of anybody in this House.

This measure is urged with a great deal of insistency by gentlemen interested in this trade throughout the country. Many members have shown me telegrams from persons in their local trade, and I have received a great many such telegrams myself, all urging the importance of immediate legislation. It is important that this legislation be passed, not only before the 1st of January, not only before the holiday recess of Congress, but it is important that it be passed before the 15th of the present month. Why, sir, there are a great many contracts outstanding for delivery on the 15th day of December—for the delivery of tea now in bonded warehouses—so that the new owner may take it out free of duty. The new owner wants to know what duty he is to pay or whether the tea is to come in free.

The failure to pass some legislation in reference to these contracts will lead to confusion, and it seems to me the House will cheerfully conform to the wishes of the entire tea trade of the United States in passing this bill. Although persons engaged in this line of business have in the past been divided as to the question whether there should be any duty on tea or not, yet, fortunately, in this instance, they are all united for the passage of this bill.

Mr. GAINES of Tennessee. How will this bill affect existing contracts?

Mr. PAYNE. Some people have contracts to deliver tea now in bonded warehouse on the 15th day of December. Of course, those who have contracted to do that under the idea that they were not to pay the duty and those who have contracted to sell under the idea that the tea was to be free from duty, will be in favor of breaking away from their contracts and seeking some legal loophole by which they may get out of those contracts, thus causing litigation. In other words, this may make imported goods cost more to the importer and the consumer than if——

Mr. GAINES of Tennessee. Why should we adopt legislation—a tariff—which will make tea, a commodity that you say we do not produce in the United States, cost more?

Mr. PAYNE. Right there, if the gentleman wants to inject a little politics into this debate, I want to say to him that I have heard a great deal of evidence on this question of the duty on tea. That duty is 10 cents a pound; and my friend jumps to the conclusion that the price of tea to the consumer is thereby increased to the amount of 10 cents a pound. But that is a mistake. Exporters of tea from China and Japan—some of them American houses and some English—all unite in the testimony that the exporters have been compelled to pay at least half of that duty—that they can get back from their American customers only 5 cents of the 10 cents duty.

Mr. GAINES of Tennessee. How much does the gentleman say is the rate of duty?

Mr. PAYNE. Ten cents a pound.

Mr. GAINES of Tennessee. And we do not produce a particle of this tea in the United States. Why, then, impose this duty?

Mr. PAYNE. I have just stated that the exporters have had to pay half of the duty. They have not been able to force up the price of tea by adding 10 cents a pound. They did force it up 5 cents a pound in sales to wholesalers.

The testimony was divided upon another question; that was, whether the consumer of tea, the drinker of tea, did not get his tea just as cheaply with this duty of 10 cents a pound imposed upon it as he would if there were no duty. In other words, it would appear that the 5 cents a pound paid by the importer in this country was lost sight of in the passage of the tea through the hands of the wholesaler, the jobber, and the retail merchant, before it reaches the consumer, so that the consumer obtains his tea of a given grade at the same old price.

Mr. GAINES of Tennessee. Does not my friend think that we had better now put anthracite and bituminous coal on the free list, so as to give the suffering people fuel to warm this tea for the

people who drink it? [Laughter and applause on the Democratic side.]

Mr. PAYNE. I do not know whether there is any more debate desired on this bill or not.

Mr. GAINES of Tennessee. On this side of the House we are perfectly willing to put anthracite coal on the free list, indeed, "all coals," to meet and overcome the present coal famine. This should be done at least while this coal crisis is inflicting the people.

Mr. PAYNE. That is not the question now. The question is about reforming the customs and administrative act.

Mr. GAINES of Tennessee. I would like to call my friend's attention to just one sad thing which I read in the paper this morning, which occurred in New Jersey yesterday. It relates to a case where a poor woman sold her infant child for $5 to get coal to keep from freezing.

Mr. PAYNE. I suppose the gentleman knows what the trouble is in regard to the anthracite coal situation. He has read the newspapers. If there is no further debate on this question——

Mr. GAINES of Tennessee. Mr. Chairman, I would like to read that extract from the New York Sun of this morning's issue.

The CHAIRMAN. Does the gentleman yield?

Mr. PAYNE. The gentleman has stated it.

Mr. GAINES of Tennessee. Here it is in the New York Sun of this morning's issue.

The CHAIRMAN. Does the gentleman from New York yield?

Mr. PAYNE. Yes; I have no objection.

Mr. GAINES of Tennessee then read as follows:

SOLD HER CHILD FOR $5—WIDOWED BY COAL RIOTS, MRS. URHOUSE COULD NOT SUPPORT HER BABE.

PASSAIC, N. J., *December 9, 1902.*

By means of an advertisement inserted in a Passaic newspaper, Mrs. Fannie Urhouse, of this city, has succeeded in selling her 3-weeks-old son. Mrs. Urhouse's husband was killed in the recent strike in Pennsylvania. She was able to take care of herself by working for $2 a week until the child came. Friends advised her to get some one to adopt it.

The advertisement was inserted, but for three days no response came. Mrs. Urhouse became discouraged and threatened to kill herself and child. This morning, however, Mrs. John Urban, of Wallington, offered to pay $5 for the child. The offer was accepted and little Steven was taken to his new home.

Mr. ADAMS. Will the gentleman yield to be interrogated?

The CHAIRMAN. Does the gentleman from New York yield?

Mr. PAYNE. I do not yield to the gentleman from Pennsylvania.

Mr. GAINES of Tennessee. I say, if for no other reason, as a matter of charity, we ought to give the people at this time free coal to keep the people from freezing.

Mr. PAYNE. Does the gentleman from Tennessee [Mr. RICHARDSON] desire some time?

Mr. RICHARDSON of Tennessee. This bill was reported unanimously from the Committee on Ways and Means, and I think it is proper.

Mr. PAYNE. If there is no further debate, I move to amend the title and substitute the word "June" for the word "July." There seems to have been a mistake made.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In the title strike out the word "July" and insert the word "June."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I ask unanimous consent to extend my remarks on this bill by adding the report of the committee and having it printed in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks upon the bill H. R. 15794 by including the report of the committee. Is there objection?

There was no objection.

The report of the committee is as follows:

[House Report No. 2802, Fifty-seventh Congress, second session.]

The Committee on Ways and Means, to whom was referred the bill (H. R. 15794) to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," report the same back without amendment, recommending its passage.

This bill proposes to amend section 20 of said act, which reads as follows:

"SEC. 20. Any merchandise deposited in any public or private bonded warehouse may be withdrawn for consumption within three years from the date of original importation, on payment of the duties and charges to which it may be subject by law at the time of such withdrawal: *Provided*, That nothing herein shall affect or impair existing provisions of law in regard to the disposal of perishable or explosive articles."

Under this section the Secretary of the Treasury has invariably held that on a withdrawal of bonded merchandise from the warehouse the duties to be collected are at the same rate as those existing at the time of the withdrawal and not at the time of the importation. Last week a case was decided in the circuit court of New York, which has been called to the attention of the committee by the following letter of the Secretary of the Treasury, viz:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, December 8, 1902.

MY DEAR SIR: Section 20 of the customs administrative act is in the following language:

"Any merchandise deposited in any public or private bonded warehouse may be withdrawn for consumption within three years from the date of the original importation, on payment of the duties and charges to which it may be subject by law at the time of such withdrawal."

Relying upon this section, it has been the practice of the Department to collect duty at the rate imposed by law at the time the goods are withdrawn from warehouse.

I inclose herewith a copy of the decision rendered by the district court of the United States for the southern district of New York, where it is held that warehoused goods on withdrawal for consumption are dutiable at the same rate as when warehoused.

By the recent act of Congress tea is admitted free after December 31, 1902. There is now in the several warehouses of the United States a very large amount of tea imported under the impression that it could be warehoused and withdrawn free after the 31st of December, 1902. It does not lie with this Department to question the correctness of the decision quoted, and it must therefore collect duty according to the terms of the statute now in force.

The question is of so great importance and so many merchants, both wholesale and retail, are interested therein that the Department deems it important to call special attention of Congress thereto, and it recommends a modification of the law, either by amending section 20, above quoted, or by special act allowing the free withdrawal of tea now in warehouse. Unless this is done it probably will be exported and much delay and litigation will ensue, for much of it has been sold to be delivered January 1, 1903, at a price ruinous to wholesale merchants.

Very respectfully,

L. M. SHAW.

HON. SERENO E. PAYNE,
Chairman Ways and Means Committee, House of Representatives.

The case was argued on November 5, 1902, and the decision therein was handed down on December 2, instant.

The importation in this case consisted of sugar, by the steamship *Caracas*, on April 4, 1899, entered on that day for warehouse under the usual bond, duties unpaid. The goods remained in bonded warehouse until May 6, 1899, when they were withdrawn for consumption and duties then paid by the plaintiffs under protest. The protest claimed that the goods were not dutiable because the treaty of cession with Spain had been ratified before the date of such withdrawal and that at the time of such withdrawal Porto Rico was not a foreign country, and that goods in warehouse were only liable to duty under laws existing at the time of their withdrawal. The amount of duties paid by the plaintiffs and sought to be recovered in this action of the defendant as collector of the port of New York was $1,442.24 with interest.

To the complaint of the plaintiffs in this action I nterposed a demurrer on behalf of the defendant, that the said complaint did not state facts sufficient to constitute a cause of action.

The question of law in the case was whether the goods that were dutiable at the time of their original entry under the laws then existing were made nondutiable by being warehoused under bond and not withdrawn for consumption until after Porto Rico had been ceded to the United States by treaty with Spain.

After hearing argument, Judge Wallace reserved his decision until December 2 instant, when he handed down the following opinion:

"Wallace, circuit judge.

"The demurrer to the complaint presents the question whether, under section 20 of the customs administrative act (act of June 10, 1890, as amended October 1, 1890), the collector of the port of New York was justified in requiring payment of duties upon imported merchandise at the rate and amount to which the goods were subject at the time of their importation and deposit in the bonded warehouse, or whether he was justified only in requiring payment of such duties as they would have been subject to if imported at the date of their withdrawal for consumption. The goods consisted of sugars imported from Porto Rico. They were imported and entered for warehouse and bonded April 4, 1899. The collector liquidated the duties thereon at $1,442.24, and it is to be assumed, in the absence of averments to the contrary, that at the time the goods were subject to duty in that amount.

"Subsequently, and on May 6, 1899, they were withdrawn for consumption, and the collector required payment for the duties as liquidated. The complaint avers that they were not subject or liable to any duty at that date because they were not imported from a foreign country into the United States within the meaning of any valid statute or Executive order of the United States. It is conceded by counsel that this averment means that before the sugars were withdrawn for consumption, the treaty of peace between the United States and Spain having been ratified, the sugars, being importations of Porto Rico, were not dutiable because Porto Rico was no longer a foreign country within the meaning of the tariff acts, according to the decisions of the Supreme Court of the United States.

"Section 20 of the customs administrative act provides as follows: 'That any merchandise deposited in bond in any public or private warehouse may be withdrawn for consumption within three years from the date on which they were originally imported on payment of the duties and charges to which it may be subject by law at the time of such withdrawal.'

"It is not disputed that the goods were subject to duty in the amount exacted of the plaintiffs when they were deposited in bond. Being then subject to these duties, they remained so in the absence of any treaty or statute of Congress relieving them from duty. No such treaty or statute is invoked, but the argument is that the section means to allow the withdrawal of dutiable goods upon the payment of such duties as they would have been subject to if they had been imported at the time of the withdrawal. The language of the section does not require such a construction. It requires payment of the duties to which the goods are lawfully subject at the time of the withdrawal. This means the duties which have become an accrued liability. Duties accrue at the date of the importation and entry of merchandise, and on that date a lien attaches to the goods and a debt for the amount accrues from the importer to the Government. Warehousing is a privilege given by statute to which the section relates by which, in lieu of compelling the importer to make immediate payment of his debt, he is permitted to postpone payment until he withdraws the merchandise from the warehouse for consumption. The privilege is not conferred in order that he may thereby escape, by some contingency, the payment of his debt. It does not contemplate giving him an advantage in that regard over other importers who pay their duties upon the entry of their goods.

"Warehoused goods on withdrawal for consumption pay duties at the same rate and amount as provided by law when imported and entered, unless there is some provision of the existing tariff laws, or in subsequent legislation by Congress, providing for the payment of a different rate or amount, and applicable to the goods in warehouse. The United States have never been divested of their right to the duties which accrued when the goods were imported and warehoused, because neither the treaty of peace by any of its provisions, nor any statute passed subsequently to the one imposing the duty, has impaired or affected that right.

"None of the decisions of the Supreme Court cited for the plaintiffs conflict with the conclusions thus reached. The observations in the opinions are to be read as addressed to the facts of the particular case under consideration by the court, and so read contain nothing to sanction the argument for the plaintiffs.

"Judgment is ordered for the defendant."

In repealing the war tax at the last session there was included in that repeal a duty of 10 cents a pound upon tea, which is to take effect by the terms of said repealing act on the 1st day of January, 1909. Under the practice of the Treasury Department this would have relieved entirely from duty all teas imported and remaining in bonded warehouses and withdrawn after the 1st of January. But under the decision of the court and the change in the policy of the Treasury Department, on account of said decision, such teas would now have to pay the duty of 10 cents a pound, unless such legislation as is proposed in the pending bill shall be enacted by Congress before the 1st of January.

Large quantities, and the committee is informed whole cargoes, of teas have been put in bonded warehouses since the passage of the repealing act, ready to be shipped after the 1st of January to supply the trade of the country. Wholesale and retail dealers, relying upon the construction heretofore placed upon section 20 by the Department, have run their stocks down to a very low point and must replenish them. It would seem that quantities of these teas have been sold in bond, so that the loss would affect not so much the importers as the wholesale and retail dealers in teas, as is evidenced by the following telegram received by the chairman of the committee, viz:

NEW YORK, *December 9, 1902.*

SERENO E. PAYNE,
House of Representatives, Washington, D. C.:

Secretary of Treasury Shaw's late decision regarding duty to be collected upon teas in bond most serious matter, and would be disastrous to the tea and grocery trade in this country, who have purchased teas at 5 and 7 cents per pound advance over previous year, and would now be compelled to pay 10 cents additional. Importers have largely protected themselves by selling in bond, but merchants through the country have agreed to deliver teas free after January 1.

CARTER, MACY & CO.

New teas will be coming in early in the year, and without change in the existing law unequal burdens would be thrown upon the trade.

The bill simply endeavors to conform the language of the section to the primary meaning and intent of the law and to accord with the custom and ruling of the Treasury Department. There is no reason why any merchandise imported and placed in bonded warehouses should pay a higher or different rate of duty than that imposed upon like merchandise imported at the time of the withdrawal of the former, as both enter the market under the same circumstances and conditions of trade. The contrary rule would be liable at any time, in case of a change in tariff rates, to be a disturbing factor and result in great loss.

The bill should be put upon its passage at the earliest opportunity in order that the intention of Congress both in the repeal of this war duty and in originally enacting what is known as the customs administrative act may have their intended effect.

Mr. PAYNE. I move that the bill as amended be laid aside with a favorable recommendation.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

REFUND OF CERTAIN CUSTOMS DUTIES.

Mr. PAYNE. I now call up the bill (H. R 15155) to refund the amount of duties paid on merchandise brought into the United States from Porto Rico between April 11, 1899, and May 1, 1900, and also on merchandise brought into the United States from the Philippine Islands between April 11, 1899, and March 8, 1902, and for other purposes, which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That authority be, and the same is hereby, given the Secretary of the Treasury to refund and repay from the appropriation "To repay to importers the excess of deposits for unascertained duties, or duties or other moneys paid under protest," made by section 3689 of the Revised Statutes, moneys paid to the United States without protest as duties and as fines on merchandise brought into the United States from Porto Rico between April 11, 1899, when the ratifications of the treaty of peace of December 10, 1898, with Spain were exchanged, and May 1, 1900, when the act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, went into effect, and also on merchandise brought into the United States from the Philippine Islands between April 11, 1899, and March 8, 1902, the date of the passage of "An act temporarily to provide revenue for the Philippine Islands, and for other purposes."

The committee amendment was read, as follows:

On page 2, line 14, after the word "purposes," insert, "*Provided*, That such claims shall be presented under such rules and regulations as the Secretary of the Treasury shall prescribe and within one year from the date of the passage of this act."

Mr. PAYNE. Mr. Chairman, this bill was reported unanimously from the Committee on Ways and Means at the last session of Congress, but there was not time in the closing hours of the House to consider it. These duties were collected between the 11th of April, the time of the ratification of the Paris treaty, and the time of the passage of the act enforcing 15 per cent of duties upon goods coming from Porto Rico to the United States, and also from the 11th of April and the time of the passage of the act imposing 75 per cent of the Dingley rates upon goods coming from the Philippine Islands.

Much of those duties were paid under protest, and the parties were in position to bring an action against the collector and recover the duties back, with interest upon the amount paid. The House will remember that the Committee on the Judiciary reported a bill at the last Congress to pay back these duties which had been imposed and were paid under protest, but it did not cover the duties that were paid without protest. Nearly the entire amount was paid under protest, and in that case the parties were allowed to go to the Court of Claims. The statute of limitations was taken out of the way, and they were permitted to recover the amount of duty paid under protest, with interest from the time of payment. That took care of that part of these duties, but, as I say, a small amount, the Secretary of the Treasury says in his letter, amounting to nearly $38,000, was paid on goods imported from these different islands during these periods into the United States and no protest was made.

Of course there can be no refund of these duties unless legislation is passed. This bill simply provides for the refund of these duties, and the amendment that it should be done under the rules and regulations made by the Treasury Department. That is all there is in this bill, and unless some one desires to debate it, I ask that the amendment be reported.

The Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken and the amendment agreed to.

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise and report both bills to the House as amended with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GILLETT of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15794) to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved July 10, 1890, and the bill (H. R. 15155) to refund the amount of duties paid on merchandise brought into the United States from Porto Rico between April 11, 1899, and May 1, 1900, and also on merchandise brought into the United States from the Philippine Islands between April 11, 1899, and March 8, 1902, and for other purposes, and had directed him to report the same back to the House with amendments, and with the recommendation that as amended the bills do pass.

AMENDMENT TO CUSTOMS ADMINISTRATIVE ACT.

The first business was the bill (H. R. 15794) to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved July 10, 1890.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

The amendment to the title recommended by the Committee of the Whole was agreed to.

REFUND OF CERTAIN CUSTOMS DUTIES.

The next business was the bill (H. R. 15155) to refund the amount of duties paid on merchandise brought into the United States from Porto Rico between April 11, 1899, and May 1, 1900, and also on merchandise brought into the United States from the Philippine Islands between April 11, 1899, and March 8, 1902, and for other purposes.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the votes by which the above two bills were passed was laid on the table.

DISTRIBUTION OF THE PRESIDENT'S MESSAGE.

On motion of Mr. PAYNE, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House resolution 340, relating to the distribution of the President's message, with Mr. LACEY in the chair.

The resolution was read, as follows:

Resolved, That so much of the annual message of the President of the United States to the two Houses of Congress at the present session as relates to the revenue, the bonded debt of the United States, and the treaties affecting the revenue be referred to the Committee on Ways and Means.

That so much as relates to the foreign affairs, the consular and diplomatic service, including appropriations therefor, be referred to the Committee on Foreign Affairs.

That so much as relates to the appropriations of the public revenue for support of the Government as herein provided, namely, for the legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for pensions; for the District of Columbia, and for all deficiencies, be referred to the Committee on Appropriations.

That so much as relates to the judiciary of the United States, to the administration of justice, to the punishment and prevention of crime and the organization of courts be referred to the Committee on the Judiciary.

That so much as relates to banks and banking and the currency be referred to the Committee on Banking and Currency.

That so much as relates to the mints of the United States and to the coinage of gold and silver bullion be referred to the Committee on Coinage, Weights, and Measures.

That so much as relates to the commerce of the United States, domestic and foreign, except so far as it affects the revenue, to intercolonial railways and cables, and the Isthmian Canal, be referred to the Committee on Interstate and Foreign Commerce.

That so much as relates to agriculture and appropriations therefor and to forestry be referred to the Committee on Agriculture.

That so much as relates to the merchant marine and fisheries be referred to the Committee on the Merchant Marine and Fisheries.

That so much as relates to the military establishment and appropriations therefor be referred to the Committee on Military Affairs.

That so much as relates to the naval establishment and to the construction of additional vessels for the Navy, and appropriations therefor, be referred to the Committee on Naval Affairs.

That so much as relates to the post-office and post-roads and to the carrying of the foreign mails, and appropriations therefor, be referred to the Committee on the Post-Office and Post-Roads.

That so much as relates to the public domain be referred to the Committee on the Public Lands.

That so much as relates to the relations of the United States to the Indian tribes and appropriations therefor be referred to the Committee on Indian Affairs.

That so much as relates to the Territories, Alaska, and the Hawaiian Islands be referred to the Committee on the Territories.

That so much as relates to the islands which came to the United States through the treaty of 1899 with Spain, and to Cuba (except so much as relates to the revenue and the appropriations), be referred to the Committee on Insular Affairs.

That so much as relates to the irrigation of arid lands be referred to the Committee on the Irrigation of Arid Lands.

That so much as relates to labor be referred to the Committee on Labor.

That so much as relates to the militia of the several States be referred to the Committee on Militia.

That so much as relates to the civil service be referred to the Committee on Reform in the Civil Service.

That so much as relates to foreign immigration be referred to the Committee on Immigration and Naturalization.

That so much as relates to printing be referred to the Joint Committee on Printing, on the part of the House.

That so much as relates to the affairs of the District of Columbia (excepting appropriations) be referred to the Committee on the District of Columbia.

Mr. PAYNE. Mr. Chairman, this is the usual resolution distributing the President's message. It is identical in language with that passed a year ago, except that there were two or three subjects in the last message that are not considered in this, and that part is left out. Otherwise the two resolutions are identical.

My friend from Pennsylvania [Mr. GROW] desires to address the committee, and I reserve my time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GROW] is recognized.

Mr. GROW. Mr. Chairman, the President in his message says:

Organized capital and organized labor alike should remember that in the long run the interest of each must be brought into harmony with the interest of the general public.

This declaration involves the question of the true relation of labor to capital.

Of all the baneful influences which lead to national decay, the most pernicious is a policy that degrades or impoverishes labor. The real strength of a nation consists not alone in fleets and armies, but in the manly spirit of an independent yeomanry and in the intelligence, comfort, and happiness of its laboring people.

Of all industrial questions, the one that most directly affects the general welfare is the relation of American labor to capital. In the prosecution of business of any magnitude three things are necessary—capital, supervision, and labor. For success, wise supervision is quite as important as either. Without capital and wise supervision it would be impossible for labor alone to accomplish any great result. Yet labor, whether of brain or muscle, is entitled to receive out of the accumulations of wealth in proportion to what it contributes toward the accumulation. While this theory is just, the difficulty in reducing it to practice is to devise a satisfactory method by which it could be done.

Copartnerships in all cases are based on the principle that whoever shares in net profits must in the same proportion be responsible for losses. But profit or loss in a business can not be ascertained until after the expiration of a period in the business. Yet labor must be paid in current expenses whether there is any net profit or not. Reliable statistics show that a large percentage of all kinds of business ends in bankruptcy, thus sinking the amount of capital invested. In such cases it is clear that labor receives all that it could possibly be entitled to under any theory of profit sharing. As wages are paid in current expenses, and capital takes all risk of losses, some method ought to be provided for the repayment of the capital invested. Even in successful business there would be no additional accumulation of capital until the money already invested should be repaid.

Copartnership between the owner of the capital in any business and its laborers would not be practicable, for the risk of losses and investment of money would all be on one side without investment or responsibility on the other. Incorporation of associations of laborers could not change these conditions. Incorporating individuals or associations without capital would be a mere fiction of law, like John Doe and Richard Roe in legal proceedings. Business can not be prosecuted successfully on mere legal fictions. Therefore corporations or associations for business must be based on actual capital.

To work is a right of every self-supporting, law-abiding person under any form of government, and the highest duty of free government is to protect individuals in this right. To invest money or not to invest is the right of the owner of capital. But whenever it is invested in business or any lawful pursuit it is entitled to the protection of law the same as labor is entitled to protection for its rights.

Law can not create or compel the investment of capital any more than it can compel labor to work outside of penal and charity institutions, but unwise legislation can prevent the investment of capital and may destroy it. Unreasonable demands by labor upon capital, if persisted in, can do the same thing.

Voluntary arbitration of disagreements between employer and employee—well enough in itself—only settles, however, the existing dispute, which may occur again in the same or a different form as often as the old disagreement may have been settled.

Compulsory arbitration between employer and employee would be a usurpation of the inherent rights of both by the lawmaking power. And could it lawfully be done, the tendency would be on one side to prevent the investment of capital, and on the other to a final establishment by law of a system of peonage for all labor. Law can no more compel capital to pay to labor a specified rate of wages than it can compel labor to work at a fixed rate of wages.

But if the proportion that ought to be paid to labor out of the net profits in a business could be ascertained with mathematical exactness it would not be a determination of the real relation of American labor to capital. The great question in this country in addition to that of profit sharing, is to determine how high the wages of labor can go without destroying labor itself.

The higher the wages of labor, and retain the market for its products, the better it is for everybody. To that point in all cases the employer can go. But beyond that point it is an impossibility. For labor can not be paid in the production of an article more than the article itself will sell for in the market. The market price for an article and the wages of labor in its production are not fixed by this country alone.

In respect to both market price and wages, this country is in competition with the markets and the labor of the world. A wise adjustment of tariff duties on the importations of the products of foreign labor can, to a certain extent, prevent the reduction of prices in this country to a point ruinous to labor. But the wages of labor can reach a point so high as to be beyond the power of tariff duties to overcome the competition of the poorly paid labor of the world. Free trade with the nations would give to labor everywhere the lowest wages paid anywhere.

In the countries of Europe there are to-day 20,000,000 or more of laborers and artisans producing articles for human consumption, and their daily wages are greatly less than those paid to labor in this country in like employments. It would cost any one of these laborers or artisans to remove from his home in the Old World to one in the New not to exceed $50 or $60. For every such person who should come there would be room for one less American laborer, provided there is American labor enough to supply the demand for labor.

The great attraction heretofore for emigration to this country has been that it is the land of liberty, home for the oppressed, and asylum of the exile. In addition, make it by undue stimulation the most attractive country for high wages and short hours for a day's work, and how long would it be before our home labor market would be overstocked from these beehives of industry beyond the power of legislation or the capacity of consumption to save American labor from the low wages of the Old World. To determine the point to which the increase of wages in this country can go and not produce such a result is the real solution of the problem of American wages.

The employee is entitled in all cases to a fair compensation for the time he uses his brain or muscle or both for the benefit of another. The time thus consumed and paid for belongs to the employer, and he has the right to direct the mode and manner of its use; the time not paid for belongs to the employee to do with it within legal limits as he pleases, and the employer has no more right to say how it shall be spent than has the employee to say to the employer whom he shall hire or how he shall conduct his business.

The right of the employer to control the time or the acts of the employee ends where payment ends. These are the relative rights of employer and employee and they can not be violated by either without injury to both. Either has the right to organize for the purpose of improving their condition or prospects in life. But no voluntary organization or association has any greater power or rights than the individuals composing it. Any attempt to exercise any greater power or rights than those possessed by the individual becomes an organized attack upon society itself, which, in self-defense, if there was no other reason, orderly governments must repel and prevent if they would preserve their own existence. [Applause.]

Labor, whether of brain or muscle, has two indefeasible rights, both entitled to full absolute protection under any form of government. One is to contract for employment on such terms as may be satisfactory; the other to refuse all employment, provided no application is made on the community for personal support. Every person self-supporting and law abiding has a right to work or not to work. This is an individual right which the laws of a free government are bound to protect. But no person has a right to prevent another person who desires to work from doing

so. Every person has the right to work without molestation, hindrance, or intimidation of any kind. The rights of one man end where the rights of another begin. [Applause.]

In free government there is no right in any citizen to combine for the injury of the general welfare, whether capitalist or day laborer. In this respect law applies alike to both. The primary object in the establishment and maintenance of free government is the general welfare, and in its administration that is paramount to all else. While all have the right to work or not, no one has the right to prevent, or attempt to prevent, by word, act, or deed, the prosecution by others of any lawful pursuit or the development of any industry useful and beneficial to mankind. Nor has anyone a right, by word or deed, to aid or abet in any way persons engaged in obstructing or in hindering the prosecution or development of enterprises and industries calculated to promote the general welfare.

Boycotting, as it is called, in any business rests on the assumption that nobody has any rights except the boycotter, and that he is privileged to fix the terms on which labor may earn its daily bread by its daily toil, and the conditions on which all business in a community must be conducted. The fundamental principle upon which free governments rest, and without which they can not exist, is the protection of the inalienable right of every person to life, liberty, and the pursuit of happiness. [Applause.]

The inalienable right of life and liberty is of little consequence without the inalienable right of the pursuit of happiness. The pursuit of happiness includes the right in the individual to pursue any legal employment in a lawful way without hindrance, molestation, or intimidation in any form. Laws in just governments are made for the protection of these fundamental rights, and whoever violates them or attempts to is subverting the spirit and genius of free institutions. Whoever prevents or attempts to prevent the development of an industry beneficial to mankind, or prevents or attempts to prevent the prosecution of such industry by others, becomes a conspirator against the general welfare just the same as a combination of capitalists might become injurious to the general welfare in their combinations.

A disagreement between the employer and the employee as to the wages of labor is no more a war between capital and labor than is a disagreement between the merchant and his customer as to the price of articles offered for sale a war between the producer and the consumer.

There can be no war or even conflict between capital and labor when their real interests are rightly understood and fully appreciated. They are mutually dependent on each other, and neither can accomplish any great results without the other. Of what use is labor beyond the supplying of mere physical wants by the cultivation of the soil without capital to furnish transportation to market for the products of labor as well as for the development of all industries? And of what use would capital be without labor? In the world's commerce the locomotive is of no use without cars filled with the products of labor, and such cars would be of no use without capital to build the railroad and buy the locomotive.

In the old system of mining in Mexico the peon dug the ore deep down in the earth, filled a sack of rawhide with the material, and throwing the sack over his shoulder, with a leather strap across his forehead to hold the sack, while he used his hands in climbing a single upright pole with notches cut into it like stairs for his feet. On reaching the top he emptied the sack of ore into larger ones suspended on either side of a donkey, and the donkey transported them along a zigzag path down the mountain side to a smelting furnace erected on the bank of the nearest stream of water.

Capital drives a tunnel through the mountain, lays an iron or steel track, and puts upon it a locomotive and cars, into which the peon loads the ore as he digs it, and in as many minutes as it took hours before the ore is transported to the furnace, and the peon is transformed from a drudge, doing the work of a beast of burden, into a man, with wages sufficient to make a home comfortable. Instead of the hovel of the peon, side by side with the stable of the donkey, there springs up comfortable dwellings, homes of happy childhood. So in all the pursuits of life, in order to accomplish the best results for the individual happiness of all, capital and labor must go hand in hand, mutually dependent on each other, and each respecting the rights of the other. [Applause.]

All manual laborers can not be equally successful any more than can all professional or business men. There is no possible way by which incapacity or improvidence can be made equally successful with capacity, prudence, and economy in the struggles of life. If this inborn inequality of capacity in individuals be an evil, it must be charged as a fault in the wisdom of creation.

Whoever is contented with sufficient means for making himself and those dependent upon him comfortable has attained all there is of real happiness in the accumulation of wealth and has therefore no reason to complain of his lot. All can not be poets, painters, or sculptors any more than all can be lawyers, doctors, or merchants, or tradesmen of any kind. Yet in this country every business pursuit or calling is within the reach of all. The highways to honorable distinction lead from the lowly cot of honest industry the same as from the gilded palaces of wealth or the halls of learning, and they are all open alike to the humblest child of the sons of toil, from whom have sprung most of the historic characters of our country and in which the passing generation has not been deficient. [Applause.]

The great soldier who sleeps on the banks of the Hudson, and who will through all time hold a foremost rank with the great captains who have led mighty armies over victorious battlefields, began life as a day laborer in a tanyard.

Our first martyr President was born in abject poverty, and to his mature manhood earned his daily bread by his daily toil. Yet of all the world's civic rulers in peace or war, he will forever hold no inferior niche in the pantheon of human greatness. [Applause.] His two martyred successors, each without wealth or family influences, achieved honorable distinction in all the pathways of life, and won the highest honors in the gift of a free people. In all the great enterprises of this generation, as well as of preceding ones, the individuals who have achieved the greatest success in the world's estimation have, in most cases, commenced active life with the smallest of pecuniary means.

The grievances of labor in free elective governments like ours are to be removed in the same way as any other grievance is removed, by an appeal to the intelligent judgment of public opinion. In free elective governments, with free speech, free press, and universal ballot, there can be no excuse for a resort to lawless violence for the correction of any grievance. In such governments obedience to the commands of law and the mandates of duly organized courts is paramount to all else.

No matter what the grievance complained of may be, a resort to lawless violence is an attack on the rights of every law-abiding citizen and upon organized society itself, and if successful it would be the first step in the road that leads to anarchy and national ruin. An enlightened public opinion in a free government will in the end correct all real grievances, if peaceable means only are employed. It may require time and patience. But that is the case with all attempts to remove long-standing abuses or to establish improved conditions.

No cause, great or small, was ever yet benefited by the violation of fundamental principles of right. God rules the universe by immutable laws of justice, and it is in vain for man to attempt to nullify them. One person's rights end where another's begin is a fundamental principle of all just laws and is the basis of civilized society. Liberty is the right of every person to engage in any lawful pursuit for a livelihood, and to continue therein without hindrance or molestation by any other person. And it is despotism in its worst form that deprives him of this right, a crime against humanity scarcely less than the taking of life itself. Shylock said to the judge, whose sentence of confiscation spared to him only his house and his life:

> You take my house, when you do take the prop
> That doth sustain my house; you take my life,
> When you do take the means whereby I live.

The discontents and complaints of indviduals in this country as to their lot in life spring in most cases from a mistaken notion as to life's most desirable aims and ends. No matter what the condition may be, there is more or less uneasy longing for something different. And when that something is reached or obtained the longing is not satisfied and there is still something a little ahead, almost within reach. Like the child who hastens toward the place where the rainbow seems to touch the earth, no matter how near he approaches the apparent spot, the distance still remains the same.

Most of man's discontents in life, whatever may be his pursuit, is either from impatience or for a longing for something which, if attained, would add little or nothing to his real happiness.

> We scorn to wait for the thing worth having;
> We want high noon at the day's dim dawn;
> We find no pleasure in toiling and saving,
> As our forefathers did in the good times gone.

The man of immense wealth is no happier than the man with moderate means, provided each is equally contented with his lot. Comfort and contentment are the two essentials for happiness in this world's pilgrimage, and whoever possesses them has no occasion to envy any other condition in life. Riches are not necessary to man's enjoyment, but the means to prevent starvation are. Nor is a splendid palace essential to his real happiness, but a shelter against the storm and the winter's blast is.

These indispensable requisites to man's comfort can be secured only by labor. Divine wisdom in the economy of creation made labor a necessity for human existence, and also made health and happiness dependent upon it. Labor, therefore, is not an evil to

be shunned, but is the means for the attainment of the most desirable ends and aims in life. [Applause.] "In the sweat of thy face shalt thou eat bread" was not a malediction against the race, but was a statement of the condition on which man could still be happy in his fallen state. All labor useful to man is equally honorable and is entitled to public consideration, and in all cases is entitled to something more than mere living wages.

If the foregoing views as to the rights of labor and the relation of American labor to capital are correct, then it is important that some feasible plan mutually satisfactory to employer and employee should be adopted for profit sharing by labor. It is obvious that as a business proposition it would be wholly impracticable to make the laborers employed in any business stockholders of the association or corporation. But it could be a part of the contract of employment that all persons employed by the association or corporation should be paid out of net profits, at stipulated periods, on the amount of wages or salary received for such period. the same percentage as shall be paid for such period to any stockholder on a like amount in stock.

Such a plan or something like it would remove the complaint made that labor does not receive a fair share in the accumulation of wealth. Labor contributes no part of the money capital invested and takes no risk of losses; yet it would be paid out of net profits the same percentage on every dollar of wages received as would be paid to any stockholder on a dollar in stock. Some such plan would seem to give to labor its full proportion of the net profits of the business in which it might have been employed. It certainly is entitled to share in net profits at some rate of percentage, if not the same that may be declared on capital stock.

Such a method, or any other mutually satisfactory to employer and employee that would avoid labor strikes, would save for general distribution a vast amount of money now wasted in such strikes, saying nothing of the enormous losses to the whole community in all branches of business or of the sacrifice of human life by lawless violence in such strikes. It has been estimated that the losses in the late anthracite coal strike in the State of Pennsylvania were over two hundred millions of dollars. The following statement by items shows an estimate of $197,390,000:

Strike began May 12, 1902, duration, days	154
Miners and others thrown out of work	183,500
Details of the total losses by reason of the strike.	
Loss in miners' wages	$29,350,000
Loss of operators	68,800,000
Loss of merchants in mining towns	22,750,000
Loss of mills and factories closed	7,520,000
Loss of merchants outside district	16,000,000
Loss of railways	34,000,000
Loss of business permanently	8,000,000
Cost of troops in field	1,850,000
Cost of coal and iron police	3,500,000
Loss to railway men in wages	275,000
Cost of maintaining idle men	545,000
Damage to mines and machinery	5,000,000
Total	197,390,000

A labor strike is an unequal contest at best. It is a contest of endurance between the hunger and thirst of the human stomach and the income of capital. Capital in such contests loses none of its accumulation of wealth, unless an industry itself should be destroyed, and in such case labor would be the greatest sufferer. The income of capital would be temporarily lessened. That would be all. The existence of labor itself is dependent upon constant employment, and its condition can not be improved by idleness or by lawless violence or a disregard of the rights of any law-abiding citizen.

The obligations of both capitalists and laborers, like that of all citizens, is to promote the general welfare, or at least to do nothing to its injury. The paramount object in the establishment and maintenance of free government is to promote the general welfare. Some method of profit sharing between employer and employee that would secure a harmonious cooperation of both, so as to prevent labor strikes and improve the condition of labor, is of vital importance to the general welfare; for the pillars of the Republic rest upon the comfort of the home and the happiness of the fireside of labor. [Loud applause.]

Mr. PAYNE. Mr. Chairman, if no one else desires to debate the resolution, I move that the committee rise and report it to the House and recommend its adoption.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House resolution 340, and had directed him to report the same back without amendment, and with the recommendation that the resolution be agreed to.

The resolution was agreed to.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

PURE FOOD.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent for the consideration of the following order.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of the following, which the Clerk will report.

The Clerk read as follows:

Ordered, That House bill No. 3109, a bill for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments, in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, be the special and continuing order until finally disposed of: *Provided, however*, That the consideration of said bill shall not interfere with the consideration of appropriation bills, conference reports, or special orders, or other subjects given privilege under the rules of the House.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. RICHARDSON of Tennessee. Mr. Speaker, reserving the right to object, we would like to have some statement of what this bill is, and what its object is. I could not understand it from the reading of the order.

Mr. HEPBURN. This bill, Mr. Speaker, has been on the Calendar since the 2d day of April last. Substantially it has been reported to two or three Congresses. It is the pure-food bill. It is a bill that has been recommended, in the main, by the three or four pure-food congresses that have assembled annually in this city. It has received a great deal of attention. For days and weeks it was the subject of consideration by the Interstate Commerce Committee. Hearings were had on the bill for weeks, and from all parts of the country persons in interest, scientists, and others, were heard before that committee. The hearings are voluminous and have been in print now for nearly a year, and I hope there will be no objection to fixing a time for the consideration of the matter.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. I would like to ask the gentleman from Iowa if this bill has the unanimous report of his committee?

Mr. HEPBURN. There are two gentlemen who have filed their views as a minority.

Mr. UNDERWOOD. Are those gentlemen in the Hall at present?

Mr. HEPBURN. I do not think that one of them is now in the city. The gentleman from Georgia [Mr. ADAMSON] was here.

Mr. UNDERWOOD. I would like——

Mr. HEPBURN. I do not think there is any objection on the part of either of those gentlemen.

Mr. UNDERWOOD. Has the gentleman notified those gentlemen that he desired to ask unanimous consent for the passage of this order?

Mr. HEPBURN. No; I have not.

Mr. UNDERWOOD. If the gentleman states that he is satisfied that the gentlemen who filed the views of the minority have no objection to this order, I have no objection.

Mr. HEPBURN. I can not speak about the gentleman from Michigan [Mr. CORLISS]; I think he is not in the city. But the gentleman from Georgia [Mr. ADAMSON], I am quite sure, has no objection.

Mr. RICHARDSON of Tennessee. In the absence of the members of the minority——

Mr. HEPBURN. There are gentlemen of the minority here. This is asking for an order to fix a time for the consideration of what we call the pure-food bill.

Mr. RICHARDSON of Tennessee. I could not hear the colloquy between the gentleman from Iowa and the gentleman from Alabama.

Mr. HEPBURN. I do not think there is any objection.

Mr. RICHARDSON of Tennessee. I think that a request of this kind ought to be made on the part of the committee. Have the members of the minority agreed that a request be made to make this measure a special order?

Mr. HEPBURN. I can not say that there has been any agreement on the part of the committee, but I am of the opinion that no gentleman will object to the adoption of this resolution.

Mr. SHACKLEFORD. I am a member of this committee, and if there is any objection to that order being made I have not heard it.

Mr. RICHARDSON of Tennessee. I understand the gentleman from Georgia [Mr. ADAMSON] submitted the views of the minority, and I hope the gentleman will permit the matter to stand over until I can confer with him.

Mr. HEPBURN. The gentleman will understand that if I permit it to stand over I may not be fortunate in getting the Speaker's eye, as the gentleman knows. [Laughter.] Therefore I do not like to do it. Without the gentleman really has an objection, I say to him that, in my opinion, the gentleman for whom he speaks

will, if present, vote for the adoption of this resolution. I believe that.

Mr. RICHARDSON of Tennessee. There are two members of the minority present, who say there is no objection, and I shall not interpose any, and if there is anyone who does object to it he can do so.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the order just read.

The question was taken, and the order was agreed to.

NELLIE ETT HEEN.

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 12240.

The bill was read, as follows:

A bill (H. R. 12240) granting to Nellie Ett Heen the south half of the northwest quarter and lot 4 of section 2, and lot 1 of section 3, in township 154 north, of range 101 west, in the State of North Dakota.

Whereas one Lem A. Heen did, on the 28th day of May, A. D. 1895, make homestead entry for the following described tract, to wit: South half of northwest quarter and lot 4 of section 2, and lot 1 of section 3, in township 154 north, of range 101 west, in the Minot land district, in the State of North Dakota, which application to enter was accepted and the entry placed of record, filing fee accepted, and receipt duly issued therefor to the said entryman, Lem A. Heen, by the officials of the said United States land office at Minot, in the said State of North Dakota; and

Whereas under and by virtue of the same the said entryman, Lem A. Heen, did thereafter enter upon said tract and has resided thereon continuously since said date, and is now residing thereon with his family, and has complied fully with the law relative to residence upon, cultivation, and improvement of Government homesteads, and has valuable and substantial improvements thereon; and

Whereas the said entryman did, on the 14th day of July, 1900, offer final proof for the tract above described, which proof was rejected on the 26th day of September, A. D. 1901, for the reason that the said entryman was not a citizen of the United States, neither could he become one, being born in China, and a Chinaman, and was not a qualified entryman and patent could not issue to him; and

Whereas the said entryman did emigrate to the United States on or about the year 1876, prior to the date of taking effect of the Chinese-exclusion act, and did thereafter marry one Nellie Ett Parker, a white woman and a citizen of the United States, and that there is issue of said marriage now living, and that under the ruling of the said United States land office patent can not issue to the said entryman, nor to the wife of the said entryman, nor to the child of the said entryman for the reasons stated aforesaid; and

Whereas in this a great hardship will be worked upon the said entryman and his said family and will deprive them of a home and of the fruits of their labor, for which under the law there is no remedy: Therefore,

Be it enacted, etc., That the following-described land is hereby granted to Nellie Ett Heen, to wit: The south half of the northwest quarter and lot 4 of section 2, and lot 1 of section 3, in township 154 north, of range 101 west, situate in the Minot United States land district, in the State of North Dakota.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON of Tennessee. Reserving the right to object, I would be glad if the gentleman will tell us how much there is of this land.

Mr. MARSHALL. One hundred and sixty acres.

Mr. RICHARDSON of Tennessee. Will you state why it is necessary to pass this bill, and what committee of the House reported it?

Mr. MARSHALL. It was unanimously reported by the Committee on Public Lands.

Mr. RICHARDSON of Tennessee. Has it the recommendation of the Commissioner of the General Land Office?

Mr. MARSHALL. Yes, sir.

Briefly, this bill provides for deeding 160 acres of land to a white woman, the wife of a Chinaman. The Chinaman was bona fide allowed to file on a homestead at Minot, N. Dak.; he paid his filing fee and the receipt was duly issued. The papers were passed by the General Land Office in Washington through error, for the reason that no Chinaman has the right, not being a citizen of the United States, and not being able to become a citizen of the United States, to file a homestead entry. This man has lived there with his wife and family since 1895 and made valuable improvements on this land. He has tendered final proof, which was rejected for the reason that he was not a citizen and could not become such. Under these circumstances it is deemed nothing more than right to deed the land to his wife for her benefit and that of her children.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MARSHALL, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN F. BRANSFORD.

Mr. LAMB. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4083.

The Clerk read as follows:

A bill (S. 4083) for the relief of Surg. John F. Bransford, United States Navy.

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and empowered to transfer Surg. John F. Bransford, of the retired list of the United States Navy, from the half-pay list to the 75 per cent pay list of retired officers, under section 1588 of the Revised Statutes of the United States, the original appointment and retirement of the said John F. Bransford under the provisions of the act of Congress approved February 5, 1901, having been authorized because of disability incurred while in discharge of duty as passed assistant surgeon during the Spanish war. The said transfer shall take place as of the date of the passage of this act.

The SPEAKER. Is there objection?

Mr. PAYNE. Reserving the right to object, I should like the gentleman to give us an explanation of the bill.

Mr. LAMB. This bill, Mr. Speaker, simply advances a gentleman now on the retired list from the 50 per cent grade to the 75 per cent grade. The bill has the unanimous report of the House committee and the Senate committee.

The SPEAKER. The Chair hears no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. LAMB, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 1 o'clock and 33 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an additional estimate of appropriation for site for a new building for police court in the District of Columbia and preparation of plans therefor—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for the construction of Army General Hospital, District of Columbia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation, under "Armament of fortifications," for cast steel top carriages for 12-inch mortars—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Agriculture submitting an estimate of emergency appropriation to enable the Bureau of Animal Industry to eradicate the foot-and-mouth disease in New England States—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of deficiencies in appropriations for the fiscal year ending June 30, 1903, and for prior years—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13727) granting a pension to Fannie E. Strohauer, reported the same with amendments, accompanied by a report (No. 2790); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1015) granting an increase of pension to Isaac F. Russell, reported the same with amendment, accompanied by a report (No. 2791); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15473) granting an increase of pension to Winthrop W. Wolcott, reported the same without amendment, accompanied by a report (No. 2792); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5007) granting an increase of pension to James W. Messick, reported the same with amendment, accompanied by a report (No. 2793); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12981) granting a pension to Sarah A. Waltrip, reported the same with amendments, accompanied by a report (No. 2794); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15391) granting a

pension to Margaret Cotter, widow of John A. Cotter, Company B, Second Tennessee Volunteer Cavalry, reported the same with amendments, accompanied by a report (No. 2795); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4983) granting an increase of pension to Lucy L. Smith, reported the same with amendments, accompanied by a report (No. 2796); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14058) granting a pension to Maj. Emil Pfeiffer, reported the same with amendments, accompanied by a report (No. 2797); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13353) granting an increase of pension to George Thompson, reported the same with amendment, accompanied by a report (No. 2798); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13485) granting a pension to Louisa Josephine Stanwood, reported the same with amendments, accompanied by a report (No. 2799); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14027) granting an increase of pension to Thomas J. Winfred, reported the same with amendment, accompanied by a report (No. 2800); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13472) granting an increase of pension to Lewis E. Wilcox, reported the same with amendment, accompanied by a report (No. 2801); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (S. 5944) granting an increase of pension to Frederick W. Willey, alias William F. Willey, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. PEARRE: A bill (H. R. 15880) to allow the resubdivision of lots or blocks, recorded in the surveyor's office of the District of Columbia, where a proposed street of the permanent system of highways affects the same—to the Committee on the District of Columbia.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 15881) to amend "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia"—to the Committee on the District of Columbia.

By Mr. NEVIN: A bill (H. R. 15882) to increase the limit of the appropriation for a public building at Hamilton, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. BREAZEALE: A bill (H. R. 15883) to provide for a public building at Natchitoches, La.—to the Committee on Public Buildings and Grounds.

By Mr. WANGER: A joint resolution (H. J. Res. 224) to provide for the printing of 6,000 copies of the consolidated report of the Gettysburg National Park Commission, 1893 to 1902, inclusive—to the Committee on Printing.

By Mr. COCHRAN: A joint resolution (H. J. Res. 225) suspending the operation of all laws imposing a tariff on bituminous and anthracite coal—to the Committee on Ways and Means.

By Mr. STORM: A concurrent resolution (H. C. Res. 62) authorizing the Secretary of War to submit an estimate of the cost of obtaining a channel 14 feet deep and 100 feet from deep water in East River to the lower bridge at Flushing, N. Y.—to the Committee on Rivers and Harbors.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BALL of Delaware: A bill (H. R. 15884) granting an increase of pension to William W. Lackey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15885) granting a pension to David Clower—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15886) granting a pension to M. Elizabeth Kent—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15887) granting a pension to Daniel McCusker, jr.—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 15888) for the relief of the heirs of Henry Ware—to the Committee on War Claims.

By Mr. BEIDLER: A bill (H. R. 15889) granting an increase of pension to Chester A. Abbott—to the Committee on Invalid Pensions.

By Mr. CROWLEY: A bill (H. R. 15890) granting an increase of pension to John W. Brooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15891) granting an increase of pension to Samuel Engle—to the Committee on Invalid Pensions.

By Mr. COWHERD (by request): A bill (H. R. 15892) granting an increase of pension to Eli Titus—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 15893) granting an increase of pension to John A. Keenor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15894) granting an increase of pension to Lewis P. Everett—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 15895) granting an increase of pension to Andrew Ivory—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 15896) granting an increase of pension to John W. Smith—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 15897) granting an increase of pension to James F. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15898) granting an increase of pension to Greenberry Sexton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15899) granting an increase of pension to Ferguson Logan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15900) granting a pension to Frank G. Himes—to the Committee on Invalid Pensions.

By Mr. MICKEY: A bill (H. R. 15901) granting an increase of pension to James F. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15902) granting a pension to Norris H. Taylor—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 15903) granting an increase of pension to William B. Shepard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15904) granting an increase of pension to Jeremiah Burchett—to the Committee on Invalid Pensions.

By Mr. SHOWALTER: A bill (H. R. 15905) granting a pension to Adam Wiles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15906) granting a pension to Joseph Grennue—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15907) granting a pension to John McKeever—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 15908) granting a pension to Addison Arnold—to the Committee on Invalid Pensions.

By Mr. TOMPKINS of New York: A bill (H. R. 15909) for the relief of Charles M. Everett—to the Committee on Invalid Pensions.

By Mr. WOODS: A bill (H. R. 15910) granting an increase of pension to James A. Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15911) granting an increase of pension to George N. McMurry—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 15912) granting an increase of pension to Cloyd C. Maulding—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15913) granting a pension to David W. West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15914) granting a pension to John Foruts—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 15915) granting an increase of pension to Frank Stoppard—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 15916) granting a pension to May Shields Mitchell—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BEIDLER: Papers to accompany House bill granting a pension to Chester W. Abbott—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: Papers to accompany House bill 15466, granting a pension to John H. Robson—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 15464, granting a pension to Belle Wells—to the Committee on Invalid Pensions.

By Mr. CROWLEY: Paper to accompany House bill 15539, granting an increase of pension to Thomas W. Dodge—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Samuel Engel—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to John W. Brooks—to the Committee on Invalid Pensions.

By Mr. DALZELL: Papers to accompany House bill granting an increase of pension to Andrew Ivory—to the Committee on Invalid Pensions.

By Mr. EVANS: Paper to accompany House bill 15820, granting an increase of pension to James R. Werts—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 15823, granting a pension to Andrew Dibert—to the Committee on Invalid Pensions.

By Mr. GREENE of Massachusetts: Resolutions of the Massachusetts State Board of Trade for the enactment of liberal laws for the district of Alaska, to open the land to settlement, etc.—to the Committee on the Territories.

Also, resolutions of the Massachusetts State Board of Trade for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KEHOE: Petition of the Board of Trade of Maysville, Ky., relative to Alaskan legislation—to the Committee on Territories.

Also, petition of sundry citizens of Maysville, Ky., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. KETCHAM: Petition of citizens of Chatham, N. Y., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. MERCER: Papers to accompany House bill 15847, granting a pension to Thomas Cosgrove—to the Committee on Invalid Pensions.

By Mr. SHOWALTER: Papers to accompany House bill granting a pension to Enos M. McDonald—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to John McKeever—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to Joseph Grennue—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill granting a pension to David W. West—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to John Foruts—to the Committee on Invalid Pensions.

By Mr. WOODS: Papers to accompany House bill granting an increase of pension to James A. Hale—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to George N. McMurry—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *December 11, 1902.*

Prayer by Rev. J. W. DUFFEY, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

LEASING OF UNOCCUPIED GOVERNMENT PROPERTY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the leasing for a period not exceeding five years of certain unoccupied and unproductive property of the United States under his control, for the leasing of which there is no authority under existing law, etc.; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC FOREST RESERVATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a draft of a proposed bill providing for the sale of timber and other material growing or being on public forest reservations, and for the renting or leasing of lands therein; which, with the accompanying paper, was referred to the Committee on Forest Reservations and the Protection of Game, and ordered to be printed.

CHARLES S. LOBDELL.

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Charles S. Lobdell *v.* The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Conrad*, John Osborn, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Hope*, Ephraim Hutchins, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4083) for the relief of Surg. John F. Bransford, United States Navy.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 12240) granting to Nellie E. H. Heen the south half of the northwest quarter and lot 4 of section 2 and lot 1 of section 3, in township 154 north, of range 101 west, in the State of North Dakota; and

A bill (H. R. 15155) to refund the duties paid on merchandise brought into the United States from Porto Rico between April 11, 1899, and May 1, 1900, and also on merchandise brought into the United States from the Philippine Islands between April 11, 1899, and March 8, 1902, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 15794) to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York. I present a petition of the Chamber of Commerce of New York, N. Y., represented by Mr. Morris K. Jessup, president, praying for the ratification of a reciprocal treaty with the Government of France. The petition is very short, and I ask that it may be read.

There being no objection, the petition was read and ordered to lie on the table, as follows:

[Chamber of Commerce of the State of New York, founded A. D. 1768.]

To the honorable Senate and House of Representatives of the United States in Congress assembled:

May it please your honorable body, the Chamber of Commerce of the State of New York respectfully represents:

That the extension of our export trade with foreign countries is now a pressing question, as enlarged markets for the products of our manufacturers, of our agricultural and other industries, have become most necessary for our commercial well-being;

That to secure such enlarged markets for our products, and to obtain the advantages that we seek for our own trade, we must depart from our policy of exclusiveness, and must offer certain reciprocal concessions in our duties on imports to those nations whose trade we desire to cultivate.

That among the treaties negotiated by our Government in the furtherance of this enlightened commercial policy the reciprocity convention with the Republic of France offers concessions of the greatest value to the export trade of the United States, and will open to our trade and manufactures a large and remunerative field.

That under the terms of this treaty the reductions from the French maximum to the minimum tariff average about 48 per cent, including oils, and about 26 per cent excluding them, and apply to the whole French tariff list, excluding 19 articles, whereas the reductions conceded on the part of the United States average only 6⅞ per cent, and apply to only 126 numbers out of 463 dutiable items, showing the greater advantage to be on our side.

That the important concessions to our great export trade obtained by our Government through the negotiation of this convention far outweigh the apprehension of possible slight injury to any isolated special interest.

Your memorialists respectfully urge upon your honorable body the early and favorable consideration of this most important subject; and your memorialists will ever pray.

[SEAL.] MORRIS K. JESSUP, *President.*
GEO. WILSON, *Secretary.*

NEW YORK, *December 8, 1902.*

Mr. CULLOM presented a petition of the congregation of the Parks Chapel Methodist Episcopal Church, of Urbana, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all immigrant stations; which was ordered to lie on the table.

He also presented a petition of the Live Stock Exchange of the National Stock Yards of Illinois, praying for the enactment of legislation amending section 4386, Revised Statutes, regulating the shipping of cattle; which was referred to the Committee on Interstate Commerce.

Mr. FOSTER of Washington presented a petition of sundry business firms of Seattle, Wash., praying for the enactment of legislation making tea in bond free after January 1, 1903; which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce and Board of Trade of Tacoma, Wash., praying for the enactment of

legislation for the district of Alaska, to open the land to settlement and the mineral wealth of that district to the industry of the United States; which was referred to the Committee on Territories.

Mr. NELSON presented a petition of sundry citizens of Worthington and Brewster, in the State of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. JONES of Arkansas presented a memorial of the Five Civilized Tribes convention of Eufaula, Ind. T., remonstrating against the enactment of legislation contemplating the annexation of the Indian Territory, or any part thereof, to the Territory of Oklahoma or to any State; which was ordered to lie on the table.

Mr. QUAY. I present resolutions of the Five Civilized Tribes of the Indian Territory, adopted at a convention held at Eufaula, in the Indian Territory, remonstrating against the passage of the bill to attach the Indian Territory to Oklahoma. This organization is in the nature of a Territorial government, and I ask that the resolutions be read.

There being no objection, the resolutions were read, and ordered to lie on the table, as follows:

McALESTER, IND. T., *December 8, 1902.*

Hon. MATTHEW S. QUAY,
Senate Chamber, Washington, D. C.

SIR: By direction of the Hon. P. Porter, chairman of the Five Civilized Tribes convention, held at Eufaula, Ind. T., November 28 last, I hand you herewith a certified copy of the resolutions adopted at the said convention, and would respectfully request that you present the same to the Senate, so that the wishes of the Indians in the Indian Territory with reference to statehood may be known.

Very respectfully,

HENRY ANSLEY,
Secretary Five Civilized Tribes Convention.

Whereas the Five Civilized Tribes of the Indian Territory have by agreements made and entered into with the United States provided for the dissolution of their tribal governments; and

Whereas the changed conditions brought about by such agreements require a complete revolution in our land tenure and new laws and usages unknown to the Indians composing the Five Tribes of the Indian Territory, which conditions will require time for the new citizen to adapt himself to the changed order of things; and

Whereas these changes were apparent to the contracting parties at the time of the making of the said agreements, which is evidenced by the fact that a separate political organization was provided for the Indian Territory and the period for dissolution as said tribal governments was fixed at March 4, 1906; and

Whereas citizens of the United States, and not Indians, now resident in and upon the lands of the Five Tribes, are making, by petition and lobby influence, efforts to induce the Congress of the United States to ignore the spirit and letter of agreements by placing the Indian Territory under the laws of Oklahoma Territory; failing in that, to organize a regular United States Territory out of the present judicial organization known as the Indian Territory, either of which propositions would delay the work of the Government as now organized and satisfactorily proceeding under the direction of the Secretary of the Interior in our Territory for the fulfillment of the agreements referred to: Now, therefore, be it

Resolved, By the duly authorized representatives of the Five Civilized Tribes in convention assembled at Eufaula, Ind. T., November 28, 1902:

That we affirm our confidence in the purpose of the United States Government to faithfully discharge the obligation she has assumed in her treaties with the Five Civilized Tribes in the Indian Territory.

We are opposed to and protest against any legislation by Congress that contemplates the annexation of the Indian Territory, or any part thereof, to the Territory of Oklahoma or to any State, and we insist upon our tribal government continuing intact and our tribal conditions remaining unchanged until March 4, 1906, at which time, should Congress deem it wise to change the present form of government in Indian Territory, we ask that a State be formed out of the territory composing the Indian Territory, without the preliminary steps of a Territorial form of government.

The authority and supervision of the Department of the Interior over Indian affairs in the Indian Territory and the duties imposed on the Dawes Commission by such authority in the distribution of the land belonging to the Five Civilized Tribes are sufficient for the present demand of government and satisfactory to the owner of the soil.

It is incumbent on us as self-governing people to propose a State form of government and take part in the establishment of the same for the country owned by us, to take effect at the dissolution of tribal government in 1906.

We most earnestly protest against the misrepresentations found in the petitions presented by the people assembling in conventions at different places in the Indian Territory purporting to represent the wishes of the Indian Territory, firmly believing as we do that they represent no part of the Indian population and a very small part of the white population of the Indian Territory in so far as they represent the people of the Indian Territory as asking for Territorial form of government or statehood jointly with Oklahoma.

Delegates present.—Creek Nation: P. Porter, principal chief; Roley McIntosh, John R. Goat, Cheesie McIntosh, Alex. A. Davis, A. P. McKellop. Cherokee Nation: Wash Swimmer, A. L. Lacie, George Sanders, J. G. Schrimsher, L. B. Bell. Choctaw Nation: H. P. Ward, L. C. Leflore, Hampton Tucker, Henry Ansley.

I hereby certify that the above and foregoing is a true and correct copy of the resolutions adopted by the Five Civilized Tribes' convention, held at Eufaula, in Creek Nation, Ind. T., November 23, 1902.

HENRY ANSLEY,
Secretary of said Convention.

Mr. QUAY presented sundry papers to accompany the bill (S. 6512) to extend the jurisdiction of the United States courts, and for other purposes; which were referred to the Committee on the Judiciary.

Mr. FORAKER. I present sundry letters, telegrams, and petitions from various individuals and firms in the State of Ohio, favoring the enactment of legislation to reduce the tax on distilled spirits, and also to extend the outage allowance so as to include all liquors in bond. I ask that the petitions be referred to the Committee on Finance, and that the names of the several senders of the telegrams and letters be printed in the RECORD.

The PRESIDENT pro tempore. That is contrary to the usual practice.

Mr. FORAKER. I mean the persons from whom they come. I think that has been done.

The PRESIDENT pro tempore. Did the Senator request that the telegrams be printed?

Mr. FORAKER. No; the names.

The PRESIDENT pro tempore. There is a general rule that where petitions are printed in the RECORD the names of the petitioners shall not be printed. The rule, however, would not apply to simply one signature.

Mr. FORAKER. I know that is the general rule, and therefore I made the request.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Ohio?

There being no objection, the petitions were referred to the Committee on Finance and the names ordered to be printed in the RECORD, as follows:

The Hauser Brenner & Fath Company, of Cincinnati, Ohio; Henry Tecklenburg, of Loramie, Ohio; T. W. Voss & Co., of Cincinnati, Ohio; I. Levi & Co., of Portsmouth, Ohio; The Marietta Distillery Company, of Marietta, Ohio; W. W. Lesher, of Pomeroy, Ohio; The Henderson Lithographing Company, of Cincinnati, Ohio; Ferdinand Westheimer & Sons, of Cincinnati, Ohio; The Beech Hill Distilling Company, of Cincinnati, Ohio; V. E. Shields & Co., of Cincinnati, Ohio; The Standard Distilling and Distributing Company, of Cincinnati, Ohio; The Duroy & Haine Company, of Sandusky, Ohio; Mihalovitch, Fletcher & Co., of Cincinnati, Ohio; Ferdinand Westheimer & Sons, of Cincinnati, Ohio; The Edgewood Distilling Company, of Cincinnati, Ohio; H. Rosenthal, of Cincinnati, Ohio; Mayer Brothers, of Cincinnati, Ohio; The G. & B. Gerdes Company, of Cincinnati, Ohio; Fleischmann & Co., of Cincinnati, Ohio; Klein Brothers, of Cincinnati, Ohio; Joseph Silverman & Co., of Cincinnati, Ohio; Mihavritch Flocher & Co., of Cincinnati, Ohio; The Star Distilling Company, of Cincinnati, Ohio; Walter Frieberg, of Cincinnati, Ohio; The Diamond Distillery Company, of Cincinnati, Ohio; Sunny Side Distilling Company, of Cincinnati, Ohio; J. & A. Freibery, of Cincinnati, Ohio; The Hoffheimer Brothers Company, of Cincinnati, Ohio; Levi & Ottenheimer, of Cincinnati, Ohio; The Old 76 Distilling Company, of Cincinnati, Ohio; The Mountain Distilling Company, of Cincinnati, Ohio; Freiberg & Workum, of Cincinnati, Ohio; Ullman Einstein & Co., of Cleveland, Ohio; The Clifton Distilling Company, of Cincinnati, Ohio; C. Hossfield & Son, of Hamilton, Ohio; Fleischmann & Co., of Cincinnati, Ohio; Rheinstrom, Bellman, Johnson & Co., of Cincinnati, Ohio; E. Bloch & Co., of Cleveland, Ohio; Isaac Winkler & Bro., of Cincinnati, Ohio; The Union Distilling Company, of Cincinnati, Ohio; The James Walsh Company, of Cincinnati, Ohio; Franc Heyn & Co., of Toledo, Ohio; Joseph A. Magnus & Co., of Cincinnati, Ohio; H. W. Avier & Bro., of Cincinnati, Ohio; L. Kahn & Co., of Cleveland, Ohio; Fred Rauh & Co., of Cincinnati, Ohio; S. Kuhn & Sons, of Cincinnati, Ohio; A. C. Kaplan, of Cincinnati, Ohio; H. Rosenthal & Sons, of Cincinnati, Ohio; The Turner Looker Company, of Cincinnati, Ohio; William Edwards & Co., of Cleveland, Ohio; The McCart Christy Company, of Cleveland, Ohio; William C. Biles & Co., of Cincinnati, Ohio; Guggenheim Brothers, of Cleveland, Ohio; Kaufmann, Baer & Co., of Cincinnati, Ohio; Strauss, Pritz & Co., of Cincinnati, Ohio; The Weidman Company, of Cleveland, Ohio; A. E. Clarkson & Sons, of Cincinnati, Ohio; J. Frager & Co., of Cincinnati, Ohio; The Kayser & Hegner Company, of Cincinnati, Ohio; J. Debard & Co., of Cincinnati, Ohio, and J. Michelson & Bros., of Cincinnati, Ohio.

Mr. HOAR presented a petition of sundry ex-Union soldiers of Massachusetts, praying for the enactment of legislation to increase the pensions of soldiers and sailors who lost limbs in the service; which was referred to the Committee on Pensions.

He also presented a petition of the Selectmen of Winthrop, Mass., praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Second Corps Cadets of Salem, Mass., remonstrating against the passage of the so-called Dick bill, to promote the efficiency of the militia, and praying for the adoption of certain amendments thereto; which was referred to the Committee on Military Affairs.

Mr. DEPEW presented a petition of the Presbyterian Ministers' Association of New York, praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

Mr. COCKRELL presented the petition of Adolph Lippman, of Maryville, Mo., praying for the passage of House bills 178 and 179, relative to a reduction of the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. DOLLIVER presented sundry papers to accompany the bill (S. 6351) granting a pension to Ira K. Eaton; which were referred to the Committee on Pensions.

He also presented a petition of the Presbytery of Dubuque, Iowa, praying for the establishment of a laboratory for the study of criminals, etc.; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Manning and Mahaska County, in the State of Iowa, praying for the enactment of legislation providing for a reduction of the tax on distilled liquors; which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the bill (H. R. 11576) granting permission to Capt. B. H. McCalla and others to accept presents and decorations tendered to them by the Emperor of Germany and others, reported it with an amendment.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 15445) to authorize the construction of a bridge across the Savannah River at Sand Bar Ferry, below the city of Augusta, Ga., reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (S. R. 134) to provide for the refitting of the revenue cutter *Fessenden*, submitted an adverse report thereon, which was agreed to; and the joint resolution was postponed indefinitely.

Mr. BERRY subsequently said: I reported a few moments ago Senate joint resolution 134, and it was indefinitely postponed. At the request of the Senator from Michigan [Mr. BURROWS] I should like to have the order indefinitely postponing the joint resolution reconsidered and the joint resolution placed upon the Calendar with the adverse report. The Senator from Michigan desires to look into the matter, and I told him that I would make a motion to reconsider the order indefinitely postponing the joint resolution.

Mr. BURROWS. I hope that will be done.

The PRESIDENT pro tempore. If there be no objection, the vote by which the adverse report on Senate joint resolution 134 was agreed to and the joint resolution indefinitely postponed will be reconsidered, and on the request of the Senator from Arkansas the joint resolution will be placed on the Calendar with the adverse report.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (S. 6231) authorizing Robert A. Chapman, of Alabama, his associates and assigns, to use the waters of the Coosa River, in Alabama, for the purpose of generating electricity, reported it with amendments, and submitted a report thereon.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (S. 5891) to authorize the President to appoint Brig. Gen. H. C. Merriam to the grade of major-general in the United States Army on the retired list, reported it with an amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 10095) for the relief of Levi L. Reed, reported it with an amendment, and submitted a report thereon.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (H. R. 14801) to make Wilmington, N. C., a port through which merchandise may be imported for transportation without appraisement, reported it without amendment.

Mr. FOSTER of Louisiana, from the Committee on Claims, to whom was referred the bill (H. R. 4471) for the relief of James M. Chisham, reported it without amendment.

Mr. CLAY, from the Committee on Commerce, to whom was referred the bill (S. 6228) to establish Portal, N. Dak., a subport of entry and extend thereto the privileges of the first section of the act approved June 10, 1880, reported it without amendment, and submitted a report thereon.

OFFICE RENT AT CONSULATES.

Mr. CULLOM. I am directed by the Committee on Foreign Relations, to whom was referred the bill (S. 6447) to amend section 1706, Revised Statutes, relating to consuls, to report it favorably without amendment, and as it is a very short measure, and I think there will be no objection to it, I ask that it be considered now.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 1706 of the Revised Statutes so as to read:

SEC. 1706. The President may allow consuls-general, consuls, and commercial agents who are not allowed to trade actual expenses of office rent, not to exceed in any case $1,800 per annum, whenever he shall think there is sufficient reason therefor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REFUND OF TONNAGE TAXES.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6439) for the refund of certain tonnage taxes, to report it back favorably without amendment, and I ask for its immediate consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to refund additional tonnage taxes, at the rate of $1 per ton, amounting to $7,352, heretofore levied on the steamers *Santiago de Cuba*, *Santiago*, *Cienfuegos*, and *Olinda* on entry at New York from Cuban ports.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SIMMONS introduced a bill (S. 6516) providing for an additional circuit judge in the fourth judicial circuit; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MARTIN introduced a bill (S. 6517) to provide for rebuilding the Aqueduct Bridge, District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6518) for the relief of the personal representatives of Sewell B. Corbett, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6519) for the relief of the Free and Accepted Order of Masons in the town of Keysville, Charlotte County, Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6520) granting a pension to Maria Elizabeth Horner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 6521) granting a pension to Mary B. Coolidge; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 6522) granting a pension to Elise Sigel; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 6523) granting an increase of pension to James P. Wallace; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SIMON introduced a bill (S. 6524) granting an increase of pension to John M. Drake; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 6525) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia;" which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6526) granting an increase of pension to Orin T. Fall; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 6527) for the relief of Parmenas Taylor Turnley; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6528) for the relief of M. C. Kerth; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 6529) for the relief of Herrera's Nephews and Gallego, Messa & Co.; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. BURTON introduced a bill (S. 6530) granting an increase of pension to Austin L. Tapliff; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6531) to correct the military record of John Minster; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 6532) granting an increase of pension to Asia Burgess; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition for an increase of pension of Asia Burgess, soldier of the Mexican war, now pensioned at $12 per month, together with the affidavits of W. F. Perry and George L. Sherman and that of Dr. Joseph Mather. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. HOAR introduced a bill (S. 6533) granting a pension to Thomas O'Connor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 6534) providing for the construction of a vessel of the first class for the Revenue-Cutter Service, to be stationed with headquarters at Honolulu, Hawaii; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6535) providing for the construction of light-house and fog-signal stations in Alaskan waters; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6536) providing for the construction of a tender for the Twelfth light-house district; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6537) providing for rank and pay of certain retired officers of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 6538) providing for the construction of an oil house on Yerba Buena Island, California; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. TELLER introduced a bill (S. 6539) for the relief of Mary B. Spencer, administratrix of Albert G. Boone, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6540) granting an increase of pension to George W. Richardson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 6541) granting a pension to Eleanor Gregory; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 6542) to provide for the construction of a revenue cutter of the first class for service on the coast of Maine; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. KITTREDGE introduced a bill (S. 6543) granting an increase of Pension to David C. Morgan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAILEY introduced a bill (S. 6544) to establish a permanent military camp ground in the vicinity of Fort Sam Houston, Department of Texas, in the State of Texas; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DOLLIVER introduced a bill (S. 6545) granting an increase of pension to John Weaver; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6546) granting an increase of pension to Peter Peterson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MASON introduced a joint resolution (S. R. 143) for the establishment of a military sanitarium at Fort Bayard, N. Mex.; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. LODGE submitted an amendment proposing to appropriate $3,000 for preparing and reprinting a new edition of the Consular Regulations, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

EUGENE F. HARDING.

On motion of Mr. HARRIS, it was

Ordered, That Eugene F. Harding have leave to withdraw his petition and papers from the files of the Senate, there having been no adverse report; the same being in connection with Senate bill No. 3163, first session Fifty-seventh Congress, now pending before the Committee on Pensions of the Senate.

HOUSE BILLS REFERRED.

The bill (H. R. 12240) granting to Nellie Ett Heen the south half of the northwest quarter, and lot 4 of section 2 and lot 1 of section 3, in township 154 north of range 101 west, in the State of North Dakota, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 15155) to refund the amount of duties paid on merchandise brought into the United States from Porto Rico between April 11, 1899, and May 1, 1900, and also on merchandise brought into the United States from the Philippine Islands between April 11, 1899, and March 8, 1902, and for other purposes, was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

ANTHRACITE COAL STRIKE COMMISSION.

Mr. ALLISON. I ask unanimous consent that the Senate proceed to the consideration of House bill 15372, the bill making appropriations for the Anthracite Coal Arbitration Commission.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners, which had been reported from the Committee on Appropriations with amendments.

The PRESIDENT pro tempore. The amendments of the committee will be stated in their order.

Mr. ALLISON. Before taking a vote upon the amendment—although there appear to be several, it is, in fact, but one amendment—I wish to modify a portion of the amendment, beginning in line 9, page 2, after the word "*Provided*," by omitting the words printed in italics and inserting what I send to the desk.

The PRESIDENT pro tempore. The amendment as modified will be stated.

The SECRETARY. On page 2 of the bill, line 9, after the word "*Provided*," strike out the amendment proposed by the committee in the following words:

That the members of said commission shall be allowed the sum of $15 per day each while employed in such service in lieu of traveling and all other expenses.

And insert:

That the members of said commission shall be allowed the sum of $15 per day each, the assistant recorders $10 per day each, and the other employees of the commission in the service of the Government $6 per day each, while employed in the work of the commission, in lieu of traveling and all other expenses.

The PRESIDENT pro tempore. The Senator from Iowa withdraws the committee amendment?

Mr. ALLISON. I withdraw the amendment printed in italics and wish to substitute what has been read.

The PRESIDENT pro tempore. In lieu of the amendment of the committee the amendment which has just been read is substituted.

Mr. BERRY. I offered an amendment and had it printed, and it is on the desk, I presume. It is an amendment to the amendment as originally reported by the committee. I do not know whether it is so worded now that it would come at the proper place, since the Senator from Iowa has changed the committee amendment. It was offered to the amendment as reported by the committee. I should like to have it read and to get a vote upon it.

Mr. ALLISON. I suggest that by unanimous consent the words I sent to the desk be substituted for the words printed in italics. Then the amendment of the Senator from Arkansas will apply to the amendment as now proposed.

Mr. BERRY. I simply said that as I sent the amendment up before the Senator made the change, I did not know whether it was properly worded as an amendment to the amendment.

Mr. CULLOM. Let it be read and then we can tell.

Mr. BERRY. I ask that the amendment to the amendment may be read.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the amendment which has just been offered may take the place of the amendment originally reported by the committee. Is there objection? The Chair hears none, and that order is made. Now, the Senator from Arkansas offers an amendment to that amendment. All it will need, perhaps, will be a change of place, or something of that kind.

Mr. HALE. Let us have the amendment to the amendment read.

The PRESIDENT pro tempore. It will be read.

The SECRETARY. In line 4, page 2, after the word "President," insert the words "not to exceed $4,000 per annum."

Page 2, line 10, after the word "allowed," strike out the words "the sum of $15 per day" and insert the words "their actual expenses."

Lines 11 and 12, strike out the words "in lieu of traveling and all other expenses" and insert the words "not to exceed $10 per day."

Mr. BERRY. Mr. President, I desire to say a few words in reference to my amendment to the amendment.

This bill as it came from the House of Representatives appropriated $50,000 for the payment of the salaries and expenses of the Anthracite Coal Strike Commission. It left it entirely in the discretion of the President as to how much should be paid to the commissioners, how much should be paid to the different clerks, and the amount of expenses which should be allowed. He was only limited by the sum of $50,000. The bill also expressly repealed the law now in existence which prohibits an officer of the Government from receiving two salaries at the same time. As it came from the House the President could pay those now in the service of the United States and on this commission, or doing work under the commission, such salary as in his discretion he deemed best.

I do not know whether it is now the case, as the amendment has been changed; but as it was reported by the committee that part of those connected with the commission who are now in the Government service were prohibited, as I understand it, from receiving any salary; in other words, the committee struck out that portion of the bill as passed by the House which repealed the

present statute on the subject. I should like to ask the Senator from Iowa whether as he changed it this morning that part is changed?

Mr. ALLISON. There was no change made this morning except simply the change I suggested to the Senator from Arkansas a day or two ago. The change simply provides for the payment of a per diem to the assistant recorders and the employees in lieu of a general accounting for expenses.

Mr. HALE. But the feature which prohibits additional pay to men who are now drawing salaries is still retained.

Mr. BERRY. It is still retained in the bill?

Mr. ALLISON. Yes, sir.

Mr. BERRY. That is all right.

Now, Mr. President, the question raised by my amendment is whether the Congress of the United States shall determine how much salary shall be paid to these commissioners, or whether that shall be left to the President of the United States.

I want to say that I am opposed to Congress giving what sometimes—improperly, I suppose—is called a "slush fund" to the Executive to pay out alone in his discretion. I think it will not be contended by anyone that there is any authority in the Constitution or the law which authorized the President to appoint this Coal Strike Commission, nor did he claim that he had any such authority. He simply claimed that a great emergency had arisen, which he believed justified him in taking the action he did.

But the question as to whether the members of the commission shall be paid at all or not rests with Congress. There is no legal obligation upon the Congress of the United States to appropriate one dollar. However, if Congress determines to pay the commissioners, then I say Congress should say how much shall be paid them. It should not be left to the President of the United States to give one of them $10,000 or $20,000 if he sees proper, but the responsibility should be taken by Congress and the salary should be fixed at a specified sum, or at least there ought to be a maximum fixed beyond which the President could not go in paying the commissioners.

I do not believe it is a proper precedent to permit the Chief Executive to fix salaries. I will not refer to past transactions. There has been legislation of this kind heretofore. There have been commissions appointed where it was left alone to the President to determine how much they should be paid, and no report has ever been made upon the amount that was so paid.

Therefore I believe it to be the duty of the Senate to amend the bill and fix some sum by way of salaries for the commissioners, who are not now in the service of the Government of the United States. In the amendment which I have offered I have fixed it at $4,000 a year. It seems to me that that is reasonable pay to the commissioners. However, if the Senate should think that amount too small, let them strike out the $4,000 and insert some larger sum. But what I insist upon is that Congress shall determine the salary, and it should not be left solely to the discretion of any executive officer to say how much salary shall be paid. That is the first proposition.

Now, the committee in its amendment provides that the President shall be authorized to pay each of the commissioners, including those who now hold office under the Government of the United States, the sum of $15 a day in lieu of traveling and all other expenses.

I submit, Mr. President, that that is an unreasonable sum. Fifteen dollars a day for their expenses amounts to more than the salary of a member of the lower House of Congress or a member of the United States Senate during the year. Bear in mind that the committee propose to give that in addition to such salary as the President may in his discretion think they are entitled to receive. I believe that it is an improper sum. I do not believe that their expenses will amount to one-half of $15 a day. If you intend to give them a salary and cover it up under the name of expenses, I submit that that is not the proper way to legislate by the Congress of the United States. We all know that it will not cost the commissioners $15 a day in the way of expenses while at this work. You can board, I think I heard a distinguished member of the Senate say yesterday, at the Waldorf-Astoria probably for $15 a day. It is an unreasonable sum for expenses. It sets a precedent which ought not to be set by the Congress of the United States.

I do not wish to cramp this commission. I do not wish to interfere with them in any way in the discharge of their duties. But I do say that when instead of allowing them specifically for their expenses the amount of $5 a day, or $2 a day, or $3, or whatever it may be, to give them arbitrarily $15 a day and then leave it to the President to give them so much more as he deems proper, is legislating in a way that was never intended by the people of this country or by those who framed the Constitution.

I therefore shall ask for a vote on my amendment, which, as I said, limits the salary to not exceeding $4,000 a year and provides for the payment of their actual expenses, provided they shall not exceed $10 a day. It is unfair and unjust to cover up by a specific sum, under the head of expenses, the amount they receive. They ought to file vouchers and show what their real expenses are. That they ought to be paid; and then they ought to be paid a reasonable salary, which I believe should be fixed, not by the executive department, but by the Congress of the United States.

The PRESIDENT pro tempore. The first amendment offered by the Senator from Arkansas is to the committee's proposed amendment, commencing at line 4 on page 2.

Mr. COCKRELL. Let the amendment be divided, so that we can vote on each proposition.

The PRESIDENT pro tempore. That will divide the amendment. The question is on agreeing to the first amendment to the amendment, which will be read.

The SECRETARY. Page 2, line 4, after the word "President," insert the words "not exceeding $4,000 per annum."

Mr. HOAR. Have the words in italics in the second and third lines been adopted?

The PRESIDENT pro tempore. No; those words have not been acted upon. None of the committee amendments have been acted on.

Mr. ALLISON. Mr. President, I understand the effect of the amendment to be——

Mr. DANIEL. I ask that the amendment to the amendment may be stated.

The PRESIDENT pro tempore. The amendment to the amendment will be again stated.

The SECRETARY. Page 2, line 4, after the word "President," insert the words "not exceeding $4,000 per annum;" so that if amended it will read:

And for such compensation of the members of said commission, its employees, and the assistant recorders, who are not officers or clerks in the civil or military service of the Government, as may be fixed by the President, not exceeding $4,000 per annum.

Mr. HOAR. I desire to suggest to my honorable friend from Arkansas a consideration about the phraseology of his amendment. It implies that Congress contemplates a long and permanent service. It speaks of the compensation as a salary per annum.

I suppose it is true in our past experiences that where these special boards have been established they very often prolong their service a great while at an annual and not a per diem compensation. They have not their report quite ready, and they will get it in at the beginning of the next Congress, and then afterwards there is constant delay. I do not think that would apply at all to gentlemen of such high character as those who are on this board, but I do not think it is a good precedent to put into a temporary board the suggestion that a salary of so much per annum shall be paid, as if the board was expected to last at least a year. I think it would be better to have a per diem rather than an annual compensation fixed. The fixing of a per diem only shows that Congress is thinking of a day, and not of a year, as the measure of their time; but also in that case they are not paid except for the day when they are actually at work, while an annual salary runs when they may be doing something else. I do not want to meddle with the amendment of the Senator from Arkansas, but I make that suggestion.

Mr. BERRY. I will modify the amendment so as to make it a per diem rate corresponding to $4,000 per year.

Mr. BAILEY. Say $12 a day.

Mr. BERRY. I will say "$12 per day for the time they are actually employed." I will modify the amendment in that way to meet the suggestion which has been made.

The PRESIDENT pro tempore. The Senator from Arkansas [Mr. BERRY] modifies his amendment so as to make it read "not exceeding $12 per day for the time employed."

Mr. ALLISON. Mr. President, I do not regard this question of compensation as of any very great importance one way or the other. This is an extraordinary commission, appointed under extraordinary circumstances, and is composed of gentlemen who have other pressing occupations, whether they are in the service of the United States or out of it. Some of the members of the commission have consented—one of them has, I know—reluctantly to enter upon this service, because, of course, it is impossible to know the tenure of the appointment and the length of the service. I do not think that a commission of this character should be tied down to a per diem compensation.

If it is not the wish of the Senate to leave this question to the discretion of the President, which the committee, I believe, thought it a safe discretion to lodge in him as respects these commissioners, then, I think, instead of allowing the commissioners a per diem compensation we should give them a fixed sum for the service they are performing. Nobody can tell, I agree, whether it will be a service of two months or three months or six months, but if Congress is to fix the compensation of those gentlemen who are not now in official station we

should allow them, I think, a lump sum. For one, I should be willing to allow them $4,000 apiece for this service; or if the Senate should think that too much, let it be made $2,500.

I think the President, if the discretion were left with him, would allow them a reasonable sum for the service. We all know that it is an extraordinary service, an exceptional one, and I think we should not for a moment stop short of giving the commissioners not only a reasonable compensation, but a full compensation, for the services they are rendering the country.

Mr. DANIEL. May I interrupt the Senator by a question?

Mr. ALLISON. Certainly.

Mr. DANIEL. Does the Senator propose that the per diem salary which he suggests should apply to those who are already in the service of the United States?

Mr. ALLISON. I do not. It will only apply to the three commissioners who are not now holding office under the authority of the United States. The bill, as sent to us from the House of Representatives, fails to provide compensation for those members of the commission now in public employment.

Mr. TELLER. I am a member of the Committee on Appropriations, but I was not present when this bill was considered. I want to know whether the committee considered the propriety of making an allowance, for instance, to the chairman of the commission, who is a judge of a United States court and who is absent from his judicial district, for his expenses while he is so absent?

Mr. ALLISON. We propose to allow the expenses of all the commissioners.

Mr. TELLER. All of them are to receive an allowance for expenses?

Mr. ALLISON. All of them.

Mr. TELLER. But compensation is to be paid only to those who are not Government officials. It seems to me that the bill ought to be a little more definite in that particular.

Mr. ALLISON. I think if the Senator will examine the bill carefully he will see——

Mr. TELLER. I have only had a moment in which to examine it.

Mr. ALLISON. The Senator will see that the compensation is to be fixed by the President.

Mr. TELLER. I do not think that is a very wise thing to do.

Mr. ALLISON. All the members of the commission not holding official station will receive compensation for their services. Of course, those who hold official positions will receive no compensation, because the committee have proposed to strike out the provision of the bill to allow compensation to them.

Mr. TELLER. It seems to me that it is a proper thing for Congress to fix the compensation and not for the President to do so. I suggest to the chairman of the committee that it would be much better, if $4,000 is the right sum—I do not say whether it is or not; I do not know—we should fix that or some definite sum. It is not, however, a matter of very much consequence to us whether we give these people $4,000 or $5,000; but whatever we give them they are rendering service that we hope will be of great value, but it is only a temporary service, and we do not want to give the commissioners such a salary as would induce them to continue indefinitely this investigation. We want it to terminate some day, and the sooner it terminates the better for all concerned.

Mr. HALE. Mr. President, the Committee on Appropriations, as a matter of fact, tried to take a conservative course upon this really very important bill. It is important because it is a clear innovation. It should be guarded so that it shall not be too much a precedent. The House of Representatives sent us the bill with all the bars taken down. They sent us a bill that left the entire question of compensation—not only of the members of the commission who hold office, but the outside members—entirely at the control of the President, and in terms placed a fund in his hands, to be treated in that way, without any intervention on the part of Congress. We did not think that a good thing to do, and I do not think that it is a good thing to do. In the first place, it committed to the President the tremendous power of taking men already holding distinct civil offices requiring their time and attention, who are paid a definite sum, and adding at his pleasure any amount to that salary already fixed.

The practice, Mr. President, of selecting officers of the Government for special duty, to be designated by the President, outside of their regular duties, is a pernicious practice. In itself it is bad. The Senate has had this question before it at a past day and expressed itself very clearly that this should not be generally allowed. It becomes all the more a departure from the spirit of our laws and an objectionable thing when to that is added the power of the President to fix any compensation that he chooses in addition to what the officers already draw. I should not like to see any precedent established under which the President should constitute a commission, even under the law—under a framed and passed and existing law—and should be authorized to select members of the judiciary, of the executive department, of the Senate, or of the House of Representatives, and make them a commission constituted by him with the indefinite power of giving them whatever salary he pleased.

The Senate Committee on Appropriations have proceeded to cut that up by the roots, and without thinking it desirable now to protest against the selection of these gentlemen who do hold office, who are competent and worthy men, who are engaged earnestly in their work, we did think it desirable to put a restriction by striking out the provision that the House had put in, especially repealing the sections of the Revised Statutes that prohibited two salaries, and leaving those sections in standing force. That is the answer to the Senator from Colorado [Mr. TELLER]. We thought we did it in the most efficacious way by striking out the provision of the House that lets open the door.

That carried us another step. It was a monition to the President not to give extravagant salaries to the men selected by him outside of the officers of the Government—three or four of them—when we said that a circuit judge of the United States, who receives $6,000; a retired brigadier-general, who, with allowances, receives about $5,500; the Commissioner of Labor, who has a regular salary, and the assistant recorder, who is an officer of the Government. Mr. Moseley, should only receive the pay fixed by law for the offices which they now hold. It was notice to the President, which I have no doubt he will take, that the other members should not be given extravagant salaries, which would be wrong to the other members of the commission, who are confined to their present official salaries.

Therefore we had no question that the President, in fixing these other salaries, would fix them at four or five thousand dollars, certainly at not more than $6,000, which the highest officer gets; and that is an answer to the Senator from Arkansas [Mr. BERRY], who wants to fix the salary in terms. In effect, in spirit, we have fixed it, and I look upon it as a matter of congratulation that Congress has the opportunity, and that the Senate has seized that opportunity, of not letting this go as a general sluiceway with the whole power given to the President. I do not fear that the President would unduly exercise it. He is a man who is responsive to suggestions that are made, either here or elsewhere, by sensible persons; but it is not well to leave the matter as the House has sent it to us.

Mr. BERRY. Will the Senator permit me to ask him a question in reference to the point he is just now considering?

Mr. HALE. Certainly.

Mr. BERRY. If I understand the Senator correctly, he said the action of the committee in providing that those members of the commission who are in office should not receive any additional salary was an intimation as to the amount the President should fix in paying the others. Now, I should like the Senator to tell me if it would be an intimation to the President to pay the remainder of the commissioners $6,000 a year, which is the salary received by Judge Gray, or $5,500, which is the salary received by General Wilson, or the $5,000 received by Commissioner Wright, or the $2,500 or $4,000 which is received by Mr. Moseley—which one of these salaries would the President feel called upon to take as the rule by which he shall pay the remainder of the members of the commission?

Mr. HALE. I think if the Senator or I were President—which we probably never shall be—we would take a fair average and make the compensation about $5,000. That would be the natural and customary way of fixing it, and I have no doubt that is what the President will do—that he will fix it at just about $5,000.

The suggestion has come out here in debate, and there is something in the suggestion that has been made that we do not want this an annual salary to go on from year to year. We do not intend that. I would not object to putting it in terms that the outside commissioners shall have $5,000 for their entire services, whatever time they take. I should say they would probably not take a year.

I should say also, with regard to expenses, that this should not be left entirely to one-man power. We ought not to be subjected to the reproach that we mean to be niggardly. I do not think $15 a day would be too much for all the expenses of these commissioners. They are not constantly engaged in this work. They hold sessions; then they go to their homes, and then they go back; and the allowance for expenses includes not only their hotel bills, but their traveling expenses. Senators know how soon $10 a day is eaten up. I do not think that the scale of $15 a day to these commissioners—they have to live at the best hotels in the places where they sit—will enable them to save a dollar. The proposition is not open, in my mind, to the objection suggested by the Senator from Arkansas [Mr. BERRY] that it is piecing out their salaries. They will get nothing out of it.

I do not know but that the suggestion came from the Senator in charge of the bill himself that it will satisfy everybody to

make this compensation $5,000 in all, letting no question arise about how long the commission shall continue, and then fix a per diem for expenses, as we have put it, and pass the bill.

I am glad the opportunity has been given here in the Senate for some expression to the effect that this unlimited and uncontrolled power shall not as a precedent be left to any one man.

Mr. BACON. Mr. President, I have been very much interested in what the Senator from Maine [Mr. HALE] has said, and I am very much gratified both by what has fallen from him and from the Senator from Iowa [Mr. ALLISON]. What they have said is a full recognition of the principle embodied in the amendment offered by the Senator from Arkansas [Mr. BERRY]. So far as the details of the bill are concerned, I think they are of comparatively little importance.

The important thing is to maintain that which is emphasized by the remark of the Senator from Maine that in the appropriation of money Congress shall everywhere definitely prescribe what shall be expended for given purposes.

Mr. President, we have had at one time, it will be remembered, action by this Senate and by Congress which might be deemed to be in conflict with this principle, but that was under very exceptional circumstances. I refer to the time when Congsess put $50,000,000 at the discretion of the President, to be expended for the public defense and safety in a time of very great emergency, just prior to the declaration of war against Spain. But that can not be said to be a precedent for anything less grave than the situation which was then presented. It was a matter which was recognized by all as of paramount necessity, and Senators who were then here will remember the fact that the action of the Senate, and I think also of the House of Representatives, though I was not present in the House when the bill was passed and can not say with certainty, but the action of the Senate was absolutely unanimous. Not only so, but it required no argument or suggestion from anybody to satisfy every Senator that that was the proper action at that time; and it is a historic fact that when that bill for the appropriation of $50,000,000 for the public defense, placed without limitation at the disposal of the President, was submitted to the Senate there was not a word said by any Senator either pro or con, and it passed by the absolutely unanimous vote of the Senate. No Senator upon that occasion then said anything on the floor of the Senate in advocacy of the appropriation, because nothing was necessary to be said. We were all of one mind in support of the appropriation.

It is probably proper that I should allude to another enactment which has been more recently made by Congress, in which there may seem to have been a departure from this general principle. That was in the bill providing for the construction of the isthmian canal. It is true that in that bill as it became a law there is a provision—a provision contained in the amendment drawn and offered by myself—which authorizes the President of the United States to fix the salary of the commissioners; but that even is limited by the qualification "until otherwise directed by Congress." The circumstances there were peculiar. We had to go to a tropical country; it was impossible to say what would be the conditions presented at the time, when possibly it would not be practicable to wait for the action of Congress—conditions which might lay upon the President the duty of determining the matter of salary in such a way as would enable him to get the benefit of the labor of persons whose skill and experience would make them proper persons for that great work.

I quite agree with the suggestion which the Senator from Iowa makes, or that of the Senator from Maine. I care not whether it is a limitation of amount, whether it is a per diem, or anything, so it is specified by Congress. I do not want in any way to express any want of confidence in the President. I simply desire to say that that which is intended as the peculiar and exclusive function of Congress, the appropriation of money, shall not in any way be frittered away by conferring the same upon the President, even though what is done under it may not amount to any very large amount in the expenditure of money.

I simply desire before taking my seat, however, to ask the Senator from Iowa, under the suggestion made by him as to the payment of salary, whether he still proposes to retain the provision in the bill which fixes the per diem expenditure at $15, or has he accepted the suggestion made by Senators for a reduced amount?

Mr. ALLISON. No; the committee believe, under all the circumstances that surround this commission, that $15 a day is a fair compensation for all the expenses they incur, including traveling expenses. It is a liberal allowance, I agree.

Mr. COCKRELL. Has there ever been any officer of the Government allowed such a sum?

Mr. ALLISON. I think not.

Mr. COCKRELL. It is a dangerous precedent, then.

Mr. ALLISON. But there is no officer of the Government of whom I know who has ever been engaged in such a temporary service. For instance, we allow judges $10 a day, covering their expenses when away from home in the service of the court; but this is a temporary service and has to be performed under exceptional circumstances. Therefore I think, if the Senator will permit me, and I believe the majority of the committee think, that is a fair compensation. It is a liberal one, I agree, but we all expect that this work will be completed in from four to six months, certainly in six months. Therefore we can well afford to pay these gentlemen liberally not only for their services, but for their expenses.

Mr. BACON. Mr. President, I hope the Senator from Iowa will agree to such an amount as will command the entire unanimous vote of the Senate. We all desire that there shall be a liberal amount for this allowance, but the amount fixed by the committee seems to many of us to be excessive. I think it would be a proper illustration of the conservatism and liberality at the same time of the Senate, not only as to money, but as to sentiment, if in a matter of this kind there should be no division among us and we could all agree upon the bill to be passed.

This is a matter unique, without any parallel, arising, as it did, out of what was a great public emergency, and I might say a great public necessity. It would be very gratifying if the details of this measure should be so framed as to have no division among us as to what should be done. Speaking for myself, I desire to say that, while it was not warranted by law, I think the action of the President was one highly to be commended, and I believe that it was instrumental in the aversion of a very great disaster. Of course it was not within the scope of the power of the President to appoint the commissioners and clothe them with any powers or to make any contract with them, and I do not understand that he undertook so to do. The payment of this commission, as stated by the Senator from Arkansas [Mr. BERRY], is an entirely voluntary matter on the part of Congress, and while there is, as suggested by him, no legal obligation there is a very high moral obligation. So I should be extremely glad if the Senator from Iowa would so modify the amount proposed by him for expenses, as other matters of detail have been almost practically agreed upon, as to command the vote of the entire Chamber without division in the passage of this bill.

Mr. TILLMAN. Mr. President, I was not present in the Appropriations Committee when this matter was considered, and therefore I am more or less ignorant as to the reasons which governed that committee in its action. I have been struck with the cogency of the argument and position taken by the Senator from Maine [Mr. HALE], but there have presented themselves to my mind some other questions which are cognate, and I should like to ask the chairman of the committee, or some other member of the Senate who is willing, to give me information, or at least a guess, as to how many of these commissions we are going to have in the near future.

The coal strike was, of course, a very grave situation, precipitated by peculiar conditions, which, according to the newspapers, were caused by an absolute disregard and trampling under foot of the constitution of the State of Pennsylvania. The question as to the punishment or control of trusts or combinations of capitalists who seek to monopolize the necessaries of life is one with which we are all deeply concerned, and we have various prescriptions, or attempts at prescriptions, for the disease, which all regard as a dangerous one, without anyone being willing apparently to make anybody take any physic. The last doctor that prescribed, I believe, merely wanted light—"publicity."

If we are going to stop short as a legislative assembly, clothed with the power, or supposed to be clothed with the power, to protect our constituents, I want to know when the next acute condition is produced by reason of these monopolies, whether the President is going to authorize the appointment of another commission, or rather appoint one, and then come to us with, you might say, the precedent established, as well as the unavoidable faith on his part that we will give him money in order that he may continue indefinitely to salve, to pour oil, so to speak, on this disturbed condition, to temporize with this unknown quantity in our public matters which assumed so threatening an aspect in the recent past.

Are we going to handle these things by commission, or are we going to endeavor to have an arbitration court appointed by the President without any authority other than a voluntary one assumed by his agents or those whom he requests to act? That is the view I should like to have some Senator express himself upon, and let us determine, while we are going along and laying down a rule, just how much or how little this thing is going to cost and how often we are going to be called on to take up the question of the settlement of the expenses of commissions appointed by the Executive contrary to the Constitution, and outside of his duty and authority, to deal with matters which belong to us peculiarly and which we shirk.

That is the condition, so far as I can understand it. I may be alone in my opinion, but it appears that we are dealing here in

a euphemistic or some kind of a soft-hearted way with a very serious disease. We are endeavoring to postpone the time when we shall have to stick in the surgeon's knife and cut out the ulcer. I confess I do not like poultices of this kind, and I should like to get some information from those who are in the class of rulers, those who control and direct the Government, those who are responsible for the situation and in whom the people have reposed responsibility and power, as to whether we are to go along during this session of Congress and do nothing more than this.

Will we merely turn on some "light," or pretend to open some window to give some light, or light a dark lantern to furnish light, or shall we repeat Diogenes's programme of going around to find an honest man or a brave man to take up and uproot this thing? Are capitalists who are monopolists and who seize upon the necessaries of life and rob the people being, you might say, encouraged to do so by our failure to do what is our plain duty?

Mr. LODGE. I wish merely to ask the Senator from Iowa a question. Does he understand that the recorder is included among the commissioners?

Mr. ALLISON. I do so understand.

Mr. LODGE. He does not have to be specifically named?

Mr. ALLISON. He does not. The Commissioner of Labor, Mr. Wright——

Mr. LODGE. Yes.

Mr. ALLISON. Was appointed recorder, and then afterwards made commissioner, as I understand; so that the bill covers it.

Mr. HALE. There is no doubt about it.

Mr. LODGE. I observed in the proviso that the recorder was not mentioned, and I merely wished to inquire.

Mr. ALLISON. Mr. President, a word as respects the question of compensation and also respecting the amendment proposed by the Senate committee to the bill as it came to us from the House.

We regarded the precedent sought to be set here, of repealing those provisions of the Revised Statutes which forbid public officers from receiving compensation so as to allow them to receive double pay, as a mistake, and therefore we struck that out. Hence all those holding office must be content with their present compensation. I do not know, but I am of the opinion that the President of the United States would be very glad if we would relieve him of the duty of fixing the compensation of the remainder of the commissioners. I do not think he seeks that service or has any wish to fix the compensation.

I think that under the circumstances the President was justified in looking around and selecting the public officers whom he did select for this service. He does not pretend, as I understand, that this commission is authorized by law or that he had any authority under the statutes or under the Constitution, if you please, to appoint it. But he was confronted with what an eminent citizen once said was a condition and not a theory, and he undertook the solving of the problem of the anthracite coal strike when probably no other person could have done so. I believe the strike began as early as May.

Mr. KEAN. Yes.

Mr. ALLISON. The whole summer passed away with an endeavor to reconcile the differences between the laborers and the corporations owning the mines.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. ALLISON. I do.

Mr. TILLMAN. Is the Senator informed, or is he prepared to answer the inquiry, whether the coal combinations, the operators, are mining coal according to law? Have they trampled the constitution of Pennsylvania under foot or not; and if they have, was it in the power of the Attorney-General under the antitrust act of Congress to give relief; and if not, is it not the duty of Congress to clothe somebody somewhere with authority to relieve the people from such oppressions and dangers and discomforts and actual suffering as now exist by reason of this unlawful and unconstitutional condition?

Mr. ALLISON. Mr. President, that is a question which my mind fails to grasp at a single stroke. It involves so many questions, and so many questions which are not involved in the matter we now have before us, that I trust the Senator will excuse me from entering upon its discussion.

Mr. TILLMAN. Mr. President——

Mr. ALLISON. If the Senator will allow me, I think in a general way that this body has jurisdiction to deal by and large with the great question of corporations, as respects what are called trusts, etc., but that subject has no relation whatever to this appropriation. And I will say——

Mr. TILLMAN. Mr. President——

Mr. ALLISON. The Senator will allow me to answer him so far as I can. I will say to the Senator that I have no knowledge, except that which is gained by general reading, of the statutes of Pennsylvania and the constitution of Pennsylvania. The Senator from Pennsylvania [Mr. QUAY] undoubtedly is entirely familiar with that subject. Nor have I any other knowledge of the condition in the coal fields than that gained by reading the newspapers.

I only know, Mr. President, that the anthracite coal field is embraced within an area, it is said, of about 450 miles. I know that it furnishes fuel for more than 30,000,000 people. I know that it requires or has required in the past from 50,000,000 to 60,000,000 tons to supply that want, and owing to the difficulties between those who own the coal and those who produce it from the mines becoming very serious, production ceased.

The President naturally took an interest in the subject. He tried in various ways to deal with it as a citizen. He asked the Commissioner of Labor to go into those fields and inquire into the situation. That fact I gather from the newspapers, and I believe it is published in the report. He tried so far as he could, as I suppose did every other citizen interested in the subject, to settle this question. Finally the President found, or believed at least, that if he would interpose he could secure in some way an adjustment of this difficulty.

He tried to bring the operators and the miners together, and they were brought together in a way. In the selection of this commission the President was largely, I am sure, governed by the conditions of the voluntary agreement made between the operators and the miners. In a general way they designated who should be appointed, and I have no doubt that accounts for the appointment of that eminent jurist, Mr. Justice Gray. I have no doubt we all agree that he, as chairman of the commission, will probe the facts to the bottom and will make a fair and just decision as respects the questions which have been submitted to the commission by the operators and the miners, and not the President, except in the way suggested by the miners and the operators.

Now, what is true of Judge Gray is also true of Commissioner Wright, who has made a life study of labor questions, and although he was a public officer, I think it was well enough that he should have been selected as one of the commission. So of Mr. Moseley, who is familiar with transportation matters. I have no doubt, Mr. President, that the President of the United States hesitated to make these selections from gentlemen occupying public stations, but he found, under the circumstances surrounding this special case, that they were the people who were satisfactory to the two sides to the question.

Now, the only point we have to consider is not what the future will bring forth, but whether or not this was a question of serious difficulty at the moment, and whether the President as an eminent citizen was justified in authorizing this tribunal, and then whether or not these eminent citizens did the right or the wrong thing in accepting this service. It is a remarkable service and it is an exceptional service, one that will occupy only a few weeks or a few months. I have no fear of any precedent being set by it.

Mr. MORGAN. May I ask the Senator from Iowa a question?

Mr. ALLISON. Certainly.

Mr. MORGAN. Would it not be a very much better plan to appropriate this sum of money, $50,000, or whatever sum is requisite, as a contingent fund to the President of the United States, to be used in the domestic service? We are appropriating every year, and we appropriated in the last appropriation bill, I understand, $250,000 for contingent purposes to the President, to be used in respect to our foreign relations. He does not have to account for it in any way, and Congress is not legislatively committed in any way at all to the application he may make of it.

So it seems to me in this case this honorable committee should prepare and present a substitute for the bill, providing that $50,000 be appropriated for the contingent fund to the President of the United States for domestic uses or uses within the United States. Of course he would understand what it means. The difficulty I encounter, if the Senator will pardon me a moment, is this: We are starting upon a legislative recognition of this manner of settling disputes. If we establish the precedent and put some pretty high price upon the salaries of commissioners we may expect that disputes will originate for the purpose of having such arbitration and such payments made. So if we put the money in the contingent fund, I think it would be a very much safer course. I merely submit this to the Senator as my suggestion upon the subject.

Mr. ALLISON. The Senator suggested that to me in conversation a while ago, and it struck me as a very good way of reaching the question, but on reflecting for a few moments on this subject I think it would not be a wise thing, but would be the very reverse of it, because if we get into the habit of giving the President a sum for domestic purposes which he is not required to account for, I think it will be very difficult to get rid of such an appropriation.

As this is a domestic matter and an exceptional matter, as I tried

to show, I think there can be no precedent in this case, because there can be no other cases like it unless the same thing should happen again in reference to the anthracite coal regions. It constitutes no precedent. But whatever is done about it should be done in an open way, and whatever we appropriate we should appropriate as we appropriate for other extraordinary conditions; for a famine, if you please, or an overflow of the Mississippi River, or for any other great emergency which suddenly comes up and requires a large expenditure.

So I think we had better adhere to the plan we have suggested. I am willing that a specific sum shall be put in this bill for those who are not holding office, and I am quite content to take the suggestion made by the Senator from Maine as to the amount, although I think $4,000 would be an ample allowance.

Mr. COCKRELL and Mr. TILLMAN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Missouri.

Mr. COCKRELL. I yield to the Senator from South Carolina.

Mr. TILLMAN. Mr. President, I have listened very carefully to the Senator from Iowa [Mr. ALLISON], and while he complained that I asked a long question and so many questions in a bunch that he would not undertake to answer all of them, I do not see that he answered any of them. And while I have always had the greatest admiration for that distinguished Senator, for the placidity and agility with which he pooh-poohs things sometimes and shoves them aside, I must confess that to my mind the substance of this whole contention has been more or less avoided by him—at least my contention.

I want an answer from that Senator or any other Senator who is willing to reply first as to the fact whether or not the coal barons, who brought on this trouble, are mining coal contrary to the laws and constitution of Pennsylvania; and if so, is there any existing remedy? I will ask that question as a concrete proposition. If the Senator from Iowa is ready to answer that question or is not ready to answer it, I would be glad for him to say yes or no.

Mr. ALLISON. Now, Mr. President, if the Senator will yield to me, he requires me to answer "yes" or "no," which I will respectfully decline to do. If he will allow me I will answer him in my own way.

Mr. TILLMAN. With pleasure I will listen to the Senator. I do not want to have the appearance of coercing—I could not do that—or of corkscrewing any statement from the Senator.

Mr. ALLISON. Certainly not.

Mr. TILLMAN. I merely desire, if I can, to have him, if he is willing, and if he is unwilling, any other man who is willing or able, to reply "yes" or "no" as to whether or not what I have asked is true.

Mr. ALLISON. I know that somebody is mining coal in Pennsylvania, and I know that they resumed the mining of coal after this commission was appointed, and as a result of that mining we are receiving coal here now at the rate of a few tons a week, which is being doled out to us.

The people who are mining that coal are, I presume, engaged in a lawful enterprise. If they are miners, they are receiving compensation. If they are owners, they are selling the product. Now, whether what they may be doing is in accord with the statutes and the constitution of Pennsylvania or in violation of them it is impossible for me to know, as I am not familiar either with the constitution or the statutes of Pennsylvania. That is as far as I can answer the question. But I can not answer him as respects the questions which he now submits unless it would be to say that the committees of this body having the subjects in hand are, I have no doubt, dealing with them as best they can.

Mr. TILLMAN. Mr. President, having failed to get from the Senator from Iowa the information which I sought, I now submit the question to any Senator and all the Senators on the other side. I am perfectly willing to get light from this side, from anywhere, as to the facts. Is it true that these unlawful combinations and corporations have seized on an article of vital necessity to the people in their everyday life and comfort, involving almost their existence; and are they making it so dear that the conditions now existing are so uncomfortable and so unpleasant and dangerous that we, who are face to face with it, content ourselves with assisting the President in putting on what I may term merely a poultice? I do not criticise the President for his action at all. I think it was very laudable, having no power as the Executive, he should endeavor to bring about some compromise or arrangement by which the people first should get coal. But does that relieve us of our duty to see that this thing does not happen again?

Mr. ALLISON. Does the bill propose to relieve us of our duty in any way?

Mr. TILLMAN. Oh, this bill, as I have characterized it two or three times, is merely the appropriation of money for a purpose, laudable in itself possibly, but merely as a confession of our imbecility or our inability or our cowardice to take the question up and deal with it ourselves as it is our duty to deal with it. We are postponing and putting it off and leaving it to an unconstitutionally constituted commission, which we recognize and make lawful by our action here in appropriating money for it, and thereby set a precedent which, as the Senator from Maine has pointed out, is a very dangerous one.

I want to ask Senators if they are going to be content to have this session of Congress pass out of existence and end and leave the country liable to have another coal strike in the bituminous regions or in the anthracite and bituminous regions both, and enable those who may feel that they have the power and the right to monopolize that business or those producing facilities to lay the people of the country under tribute, and we who are the representatives and protectors of the people stand here idle and adjourn and go away and only turn on some "light?" We do not even, so far as I see, expect to get much light from this commission in time for the present session of Congress to do anything. These people will take testimony, under the ordinary experience we have had with such bodies, indefinitely. At least, we will certainly have gone away before we will receive any benefit whatever or any intelligence or any information from the facts which they will elicit. Their report will come to us next December. I should like to have——

Mr. MASON. Mr. President——

The PRESIDING OFFICER (Mr. ALDRICH in the chair). Does the Senator from South Carolina yield to the Senator from Illinois?

Mr. TILLMAN. With pleasure.

Mr. MASON. I wish to make a brief statement in regard to what seems to worry the Senator somewhat, and possibly I can bring him peace of mind, and he may go on and let the Government pay for the commission which has been appointed, waiving the question as to whether the President had any power to do it. I simply wish to make the statement that it was done with the approval of all the people, and there can be no possible doubt that the people are entirely willing to trust the Executive to make due and proper allowance or compensation.

I want to say to the Senator that if he has confidence in the gentleman who now has the floor—and I am sure he has in some ways—I have prepared a bill which I intend to present to the Senate within the next few days and have referred to the Judiciary Committee, which, I think, will relieve his anxiety, temporarily at least. Without taking the time of the Senate to explain either the intention of the bill or its merits, I will say it simply provides that when these great mines are not being operated the Government of the United States, through its Attorney-General, may ask for the appointment of a receiver to operate the same for the benefit of the people; and under that clause of the Constitution which provides that we may pass laws for the general welfare, I believe it to be a bill entirely within the power of Congress to pass.

While I quite agree with the Senator from Iowa [Mr. ALLISON] that the matter has no special place in this discussion, yet when the Senator from South Carolina, in that vigorous way he has, turns to every gentleman upon this side of the Chamber and wants an answer, I feel that I owe it to myself to state that in response to the petitions of over 50,000 people in Illinois that bill has been prepared and will be submitted in good faith, and it will have the very best effort I can give to secure its adoption as a law of this country.

I think I can satisfy the members of the committee and the Senate that it is clearly within the power of Congress, under decisions already rendered by the Supreme Court, to pass such a law, so that the thing which the Senator from South Carolina now fears may not happen again. Then, when the time comes that, either through the cupidity of one side or the stupidity of the other side, the great mines of the country are stopped, the Government, as it has in many other cases, may go into a court of equity and ask for the appointment of a receiver, who shall operate the mines not in the interest of labor, not in the interest of capital, but in the interest of the third party, the public, accounting both to labor and capital in a proper way. I have answered the Senator, so far as I can, and I hope he will be satisfied and will let us pass this bill to pay the obligations we have already incurred for the distinguished men who are now giving their services.

Mr. TILLMAN. Mr. President, as between the distinguished Senator from Illinois and a distinguished gentleman, formerly a Senator from New York, one of whom proposes to seize the mines and operate them by the Government and the other of whom proposes to buy them and control them absolutely, I will not enter upon a discussion of the ownership or control by the Government, by orders of courts of equity or from other sources, of the coal mines. I hope to get a reply from somebody in denial of the oft-repeated assertion which we hear every day or have heard for months that the coal barons of Pennsylvania are now and have been operating those mines contrary to the constitution and

laws of that State, and I wanted somebody somewhere to tell me whether or not under the Sherman antitrust act the Attorney-General of the United States could have gone into some court somewhere and given relief.

I still wait for an answer to that inquiry. First, is the statement true as to the unconstitutional possession and working of these mines? Secondly, if it be true, is there in existence a statute which would enable our Attorney-General to give the people relief?

Now, I have two prongs up here in the air, and any gentleman who wants to get on either of them is welcome. I will not say that they are the prongs of a pitchfork, but they are certainly problems. They present a dilemma, and I still ask for a reply to either question, or both, from the assembled wisdom and the trusted agents of the people who, in the last election, were authorized to continue possession and administration of the Government. If the people are satisfied with this condition, as they seem to be, I surely am not dissatisfied, or I have no right to be.

I have no criticism to make of the President for endeavoring in his capacity as a public official, as well as an eminent citizen, to bring about some condition of amelioration. I am ready to pay the men who have been appointed anything reasonable and proper, but I do not get any light or any encouragement to hope that there will be any relief from the conditions which produced this situation and which may produce another.

I would ask, further, if it is the purpose to encourage the obtaining of information and the reaching of some basis of compromises between labor and capital, why it would not be a good thing for the Congress to have a commission, constituted under its own regulations and with its own instructions, to take up this whole question of the conflict between labor and capital and the combinations which exist now, the destruction of competition by monopoly under the protection of the tariff, and all those things, and let us see whether some scheme of practical relief and statesmanlike dealing with this subject can not be reached.

Mr. COCKRELL. Mr. President, I hope the Senator from Iowa will accept the amendment and agree to reduce the per diem expenses to $10 a day. I claim that $15 a day is an outrageous price. It is more, and we know it, than any one of those men will expect. They are not occupied every day. They are at home several days at a time. They do not have to travel any great distance. If we establish the precedent of paying over $10 a day for the expenses of any officer of the United States it is a dangerous one and will come back to haunt us hereafter.

We provide a per diem for a great many officers and the per diem for traveling expenses is an enormous charge upon the Government. In order to prevent the necessity of every little item being subjected to the scrutiny of the accounting officers of the Treasury Department, who would suspend about two-thirds of the accounts that would be presented as not being necessary, we fix a given amount.

There are persons who are in the service of the Government on very important interests who are traveling all the time—there is scarcely a day when they are not traveling—and not one solitary one of them gets over $10 a day, and very few get $10 a day. The rule is $3 and $4, and some few of them get $5 and pay their expenses. The highest per diem for expenses is given to United States judges, and that is when they are away from home.

Mr. BACON. And that is limited.

Mr. COCKRELL. That is limited, not exceeding $10 a day. But here, when men are performing duties within a short distance—most of them, at least—from home, we are setting a precedent that is dangerous. I can not vote for it, and I will not do it under any circumstances.

Mr. McLAURIN of Mississippi. Mr. President, I desire to make a suggestion to the Senator from Iowa in charge of the bill. I see by the bill as it was proposed to be amended by the Senate committee there is provision made for the payment of the expenses of the members of the commission who are not officers in the civil or military service of the Government, but there is no provision made for the payment of the reasonable expenses of the employees and assistant recorders. It seems to me that it is proper——

Mr. ALLISON. I will say to the Senator from Mississippi that the Senate has already adopted an amendment providing $10 per day each for the assistant recorders.

Mr. McLAURIN of Mississippi. I did not know that that had been done.

Mr. ALLISON. That amendment has already been adopted.

Mr. McLAURIN of Mississippi. I have an amendment which I wanted to offer, to make some provision for the clerks.

Mr. TELLER. Mr. President, it seems to me the debate is getting a great way from this simple appropriation bill. What struck me was that we ought to fix the salary absolutely. I do not care myself to go into a discussion of the power of the President in this matter. The President found a very unpleasant condition existing. Nearly 150,000 men quit their labor last May and continued away from work until October. The controversy was whether they were being properly compensated for their labor. That was a question between the operators of the mines and the people. I do not understand that the President claimed, as President of the United States, the slightest authority. On the contrary, he disclaimed it. Simply as a citizen, I understand, he approached this subject. I happen to know that just at that time a very distinguished citizen of the State of New York had attempted to do the same thing—to negotiate, as he thought, with some prospect of success. Whether or not his expectations would have been realized no one knows.

I believe everybody in the country was delighted when the President of the United States used his great influence to bring about some arrangement between the coal miners and the coal operators. I was not present, of course, and I do not know, but I think the President must have been a man of a good deal of patience and good temper that he did not lose his temper by the way he was treated by the coal operators, and if the laboring people had not been better represented by their representatives than the coal men seemed to be, it appears to me that there would not have been any arrangement made.

I do not know what the power of the President may be to appoint a commission. I think he may appoint a commission for acquiring information, perhaps, whenever he sees fit. Of course, he has no power to pay the commission. That is a question to be determined by Congress. If we think the commission was wisely and properly appointed, there is a moral obligation at least to make proper compensation and provision for the support of the commission.

I do not know whether the coal operators of Pennsylvania are violating any Pennsylvania statutes or the constitution of the State, and if I did know that they are doing it I am not sufficiently informed myself as a lawyer as to the method by which we are to resent their failure to comply with the statutes or the constitution of Pennsylvania. That seems to me to belong to Pennsylvania, and I doubt very much whether under the general welfare clause we can invade the jurisdiction of Pennsylvania and take it out of their hands.

I suppose we might amend the Constitution and provide for all such things, but we have not done that. However, the President appointed a commission which it has been said is satisfactory to everybody. I have heard no complaint of the commission myself. I think the President was somewhat restricted in appointing the commission, owing to the fact that both sides put a limitation upon the character of the appointees. Therefore, the President, perhaps, did not make such a selection as he might have made. Yet I do not think anyone ought to raise any question about the selection. They are able men, they are good men, and they are doing an excellent service for the Government and for the country.

I do not know whether, as has been suggested, there is to be a repetition of this strike. I do not know, if that is to occur, but that the sovereignty of Pennsylvania may be called into operation to take the property out of the hands of these people and put it into the hands of the State or somewhere where the public will be properly relieved. But none of those questions are here now. The only question before us is as to whether we will make proper compensation to the members of the commission, who have left their business, and some of them their private business, to perform this duty.

I think the public ought to feel a sense of gratitude to some of the gentlemen who have gone on that commission and who have entered upon a very unpleasant service, and have done so simply in the interest of the public. I do not think we ought to higgle very much about the price we shall pay them. I should like to have it fixed, because I do not believe in allowing the President or anybody else to fix salaries. That, in my judgment, belongs to Congress.

I think it would not be out of the way to put a moderate restriction as to the time when the commission shall report; not because I am afraid of this commission, but as a general principle I think the appointment of commissions ought not to be for an indefinite time. It ought to be fixed and determinate. But all those things ought to have been considered and determined in the committee.

It seems to me that the best thing we can do is to accept the proposition which I now understand comes from the chairman of the committee—fix the salary definitely, at least so far as the amount is per day, and quit. If we give these people $10 a day or $12 a day, which I think was the last suggestion, we will give them only a trifle over $4,000—$4,380—provided they sit a year. If we should give them $15 a day we would be paying them $5,475 per annum. The commission is one of great importance and some of the men on it of such character that I believe it will actually be a sacrifice to them if we give them $15 a day. I do not believe we should go beyond a reasonable compensation for this public service, and I think we had better not attempt to bring into this discussion very difficult and unsettled questions, and question-

which will be unsettled for a long time, as to trusts, etc., but we should dispose of this one question as a business proposition and quit.

OMNIBUS STATEHOOD BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. ALLISON. I ask the Senator from Pennsylvania [Mr. QUAY] having charge of the regular order, or at least who is pressing it, whether he will not consent now to finish the Coal Strike Commission bill? I think it can be closed up in a short time.

Mr. HALE. Temporarily laying aside the pending bill.

Mr. ALLISON. Yes; temporarily laying aside the regular order.

Mr. QUAY. I regret to say that I feel it to be my duty to resist the request of the Senator from Iowa for the present. I think, however, later in the day he will have an opportunity to complete the bill he has in charge.

Mr. ALLISON. Very well.

The PRESIDENT pro tempore. The bill which is the unfinished business is before the Senate as in Committee of the Whole and open to amendment.

Mr. QUAY. We are ready for a vote. What is the question upon the bill, Mr. President?

The PRESIDENT pro tempore. The amendment of the Committee on Territories having been withdrawn, the question is on the bill as it came from the House of Representatives.

Mr. JONES of Arkansas. On the passage of the bill.

Mr. QUAY. Let us have the question.

Mr. BEVERIDGE and Mr. NELSON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Indiana.

Mr. BEVERIDGE. Mr. President, do I understand that the Senator from Pennsylvania is ready now to go on with the discussion of the bill which he champions?

Mr. QUAY. We are ready to proceed to vote now on the bill and pass it finally this afternoon, if a majority of the Senate are in favor of it.

Mr. BEVERIDGE. I did not hear the Senator.

Mr. QUAY. I said that the friends of the bill now pending are prepared to take the vote upon it this afternoon and pass it finally this afternoon, if the gentlemen who are opposed to it are ready to proceed to the issue.

Mr. BEVERIDGE. Mr. President, all the majority members of the committee, and in addition to them a number of other Senators, desire to address the Senate upon this measure and upon the substitute which was yesterday withdrawn with notice that it would be at a later time offered. I do not suppose the Senator means that he and those who are with him are willing or desire to stand up and be counted upon a measure of so grave consequence without regard to the facts in the case or the arguments upon them. The reason why I can not understand that to be the Senator's attitude is that that would be to pay to those who are with him a sorry compliment.

Mr. GALLINGER. Not at all.

Mr. BEVERIDGE. The view that is taken by ourselves, and which is, I suppose, shared by the Senator from Pennsylvania, is that this is a measure which, without unnecessary delay, ought to be and will be discussed in good faith, each Senator who desires to lay before the Senate his views upon the matter having an opportunity to do it. That, at least, Mr. President, is the attitude of the majority of the committee.

With reference to those who wish to speak upon this measure, every member, as I said, of the majority of the committee desires to express his views. Possibly the Senator from Vermont [Mr. DILLINGHAM] will open the debate upon our side. He was ill the first two days of the week, though able to get here, and is to-day ill in bed, although he is making such preparation as circumstances permit. Every member of the majority of the committee has been at work with a diligence to which even the Senator from Pennsylvania will testify, and they have also been at work faithfully preparing to present to the Senate their views upon this question. Some of them are here, and will speak for themselves. The Senator from Minnesota [Mr. NELSON] who offered the committee substitute desires to address the Senate. The Senator from New Hampshire [Mr. BURNHAM] is now preparing for the same purpose. Outside of the committee a number—I may say a large number—of Senators have expressed to me their desire to address the Senate so soon as they can possibly examine the facts in the case, the data on both sides to which they have access, and the report of the committee.

But none of them, Mr. President, are ready to proceed to-day. Both reports were made but yesterday. The evidence in support of the report of the committee was ordered to be printed yesterday and the printing will not be done until to-night. So there has been no opportunity, as the Senator will readily see and as the Senate will see, for any person to inform himself upon this question. Therefore, we are not ready now to proceed. However, I can say to the Senator from Pennsylvania, and to the rest of the Senate, that without any unnecessary delay at all, but with all diligence, Senators who desire to address the Senate upon this measure will do so at the earliest possible moment.

Mr. QUAY. Mr. President, I have no reply whatever to make to the insinuation that the friends of the bill are ignorant as to the conditions in these Territories or that they are expected to derive wonderful light on the subject from the report of the majority of the committee. As to me, as I said before, I understand the position as well as does the Senator from Indiana or his colleagues of the majority of the Committee on Territories, and I am ready to vote now. I am inclined to the opinion that a majority of the Senate, who are in favor of the bill, are sufficiently intelligent and well informed to act upon it this afternoon.

There is no desire, however, to unduly press the Senator from Indiana or the majority of the Committee on Territories into a discussion of the bill if we can have any assurance that at any time in the near future we shall have a vote upon it. If we can not do this, but have to fight constantly for a vote, we may as well fight this afternoon. If the Senator from Indiana will name any time in the future—I will not say even in the near future—when a vote can be reached upon this bill, I am ready to agree to any date he may suggest.

Mr. BEVERIDGE. The Senator says, "if they have to fight constantly for a vote." In answer to that, I think it is proper for me to say that that is hardly appropriate now, when the discussion has not yet begun, nor has there been an opportunity for it to begin.

I have said to the Senator that this measure shall proceed without unnecessary delay, except such as is required by Senators to express their views and prepare to express them. The Senator knows, and no one so well, that it would be perfectly impossible at this day, and a thing perhaps unprecedented in the Senate, certainly so during the very brief time I have been here, that at the beginning of a discussion, before a single speech has yet been made on either side, a day should be fixed when the vote shall be taken. It is perfectly impossible for the Senator and myself, or any Senator, to say how many Senators desire to speak, how long they wish to speak, or what preparation they require. The only thing that the Senator should require from me and that he has a right to require, and I recognize it without his asking, is that the matter shall proceed as rapidly as Senators can prepare to present their views. It is manifestly impossible at this time for any person to intelligently fix a day for the final vote.

Mr. LODGE. Mr. President, I have not the honor to be a member of the Committee on Territories, but in the few years I have been here I have seen a great many bills brought into the Senate which there was great anxiety to pass with speed, and I have seen a number of very hardly contested bills in which there was great interest felt on one side or the other. But I confess that this is the first time I have ever heard a request made to fix a time for a vote and to insist upon the discussion of a bill when the report of the committee is not even yet in print, nor is the testimony which the committee has taken in print.

This bill may be a perfectly simple one and one that ought to go through on reading, but it would seem to me to be a measure of great importance. I do not desire to be unreasonable at all, but I should like to have an opportunity to read the report of the committee. I should like to have an opportunity to read the minority report. I should like to have an opportunity to look at the testimony.

It seems to me that the admission of three States into the American Union is a matter of sufficient importance to allow us a reasonable time to inform ourselves. I have had neither the time nor the opportunity as yet. I should like not only to look into the question, but I hope to discuss it, if my views remain as to two of the Territories what they are to-day. However, it is utterly out of the question for me to deal with the subject, upon which the report of the committee is not yet upon our tables and the testimony in regard to which is not yet printed.

I am sure that I sympathize with the impatience of the Senator from Pennsylvania. At the last session there were two bills which fell to me to take charge of. One was the Philippine tariff bill, a measure as simple as possible. The other was the Philippine government bill, which was a measure not only of much importance, but of large complication. We spent twelve weeks in discussing those two measures. The Senators who had charge of the minority measure were kind enough to say at the end of the discussion that they thought I had been considerate in the matter of debate. But, whether I was considerate or impatient, I

certainly did not come into the Senate and ask the Senate to fix a time to take a vote before a report had been printed, before a line of the testimony was in print, or before a single speech had been heard.

It seems to me that it is a well-recognized privilege of the Senate that the members of a committee who are presenting an important measure of this kind should have at least the opportunity to defend their report, and it does not seem to me that the suggestion of the Senator from Indiana is unreasonable at all. I have not the least desire to delay this bill unduly; far from it. I should like, however, to have an opportunity to examine the facts and the report and an opportunity to prepare myself to speak upon it, as I hope to do.

Mr. BATE. Mr. President, speaking for the minority of the committee, I desire to say that they are ready to vote now on this question. They feel that they are sufficiently informed. And a majority of those on the other side of the Chamber are ready to vote now. We do not desire, however, to suppress any discussion that may be desired and that may be proper to be given on either side of the Chamber, but we certainly ought to facilitate this matter.

I appreciate what was said by the Senator from Massachusetts who has just taken his seat, when he said we ought to have the report here to examine and to learn the facts in connection with this matter. I think so, too.

It will be remembered, Mr. President, that on yesterday, and even on a former occasion, I asked that the report from the committee should be made, in order that the minority—and I am one of them—might make their minority report. Now, that report was made yesterday, and it was read. Nearly an hour and a half was spent, or two hours, in the reading of it. That report has gone to the printer. It is not in the RECORD. We have not seen it and can not see it, notwithstanding I have been urging it. How can the minority reply to a report that has been presented by the majority, if they desire to do so, unless they see that report? To my surprise, after having been read yesterday, instead of being published, as I think it should have been, in the RECORD, I find right at the termination of this question yesterday by the Senate the following note:

[The report is withheld for revision and will be published hereafter.]

Giving no indication as to when it will be published I should like to have the Senator from Massachusetts gratified in seeing that report and to hear the minority report, but he can not expect the minority to present their report until all the points are shown them in the report of the majority, which, as I said, was read yesterday, but it is not published.

Mr. HALE. Mr. President, I think we all understand that, whatever may be said outside about the Senate, in the end on all important matters we do business. We take our way of doing it. The newspapers say we ought to have the previous question. We do not think so, and in our own way, after full discussion, we never fail to come to a vote upon every contested large matter.

It is rather the habit to say that the Senate is too much of a deliberative body; that it wastes time in speech-making; but the record shows that out of it the Senate's way is a good way to do the public business. We do not have the crowding, the forcing, and obliging men to vote without discussion that they have in some other bodies. Not only have we no previous question, but nobody undertakes on a controverted question to push matters unduly and to the inconvenience of Senators.

I am sorry that the veteran Senator from Pennsylvania [Mr. QUAY], in charge of this bill, has intimated that he can not consent to any further delay for debate, and that if a Senator is ill and can not speak, we shall not adjourn——

Mr. QUAY. The Senator is mistaken. I did not so intimate.

Mr. HALE. The Senator's general intimation, while he did not refer to the Senator from Vermont being ill, was that his side was ready for the vote this afternoon, and he suggested what I think must have struck every other Senator as it did the Senator from Massachusetts, as a remarkable thing, that now, before the lists are open, we should agree upon a time when the vote shall be taken; and I am sorry that the venerable Senator from Tennessee [Mr. BATE], urging against any kind of reasonable delay, should say to us that his side of the Chamber wanted to vote now.

Why, Mr. President, that side of the Chamber is more interested than any other Senators here in not being unduly pushed or crowded. There have been times heretofore, and there will be times hereafter, when that Senator and other Senators upon the minority side, the Democratic side, will be appealing to this side not by force of arms to push the decision of a matter until it has been thoroughly exhausted by debate.

Mr. BATE. The Senator does not quote me correctly when he says that I said that we were ready to vote. I meant after discussion.

Mr. HALE. I do not understand that the Senator made any threat, but he said his side was ready to vote now and willing to go upon record.

Mr. BATE. I said distinctly that we on this side are not divided on this question, however it may be with Senators on that side.

Mr. HALE. I am quoting the Senator correctly in saying that he said his side was ready to vote. I was sorry that he should say that, because I have never been in favor, when the lines were drawn the other way and the Senator was in the minority, of not giving every opportunity for debate.

Now, here is a remarkable case—I appeal to the good sense of the Senators—which has just come up for action. No one has had any chance whatever to examine either of the reports. I have not. I know I can say nothing to illumine the subject, but I am very much interested in it, and I want to help discuss it. I have not seen a shred of testimony, I am not ready, nor can any Senator be ready, to act upon this matter now.

Mr. President, we have been ready for a speech to-day, which would have taken perhaps only an hour or two. If the Senator from Vermont [Mr. DILLINGHAM] had not been ill and had been able to be here he would have been ready to open the debate, as properly he would as representing the majority of the committee.

Now, what we ought to do is not to let any person have his own way in this matter. We are situated here where we want to get at the facts, and want the time to do it, not that we expect to prevent a vote, but we want time to present to the Senate and to the country the reasons why some of us think this is a wrong bill. There are a thousand things that are pushing upon Senators; they have business before the departments, and the thing for us to do, and what we ought to do, is to adjourn over from to-day until Monday, and then let everybody be in readiness with his speech, and let it be understood that Senators shall then be ready to debate this question.

Mr. JONES of Arkansas. Will the Senator allow me a suggestion?

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Arkansas?

Mr. HALE. Certainly.

Mr. JONES of Arkansas. I did not understand the proposition of the Senator from Pennsylvania [Mr. QUAY] as the Senator from Maine [Mr. HALE] evidently understood it. I did not understand the Senator from Pennsylvania to insist on a day being fixed for a vote, but what I understood him to say was that if there was any assurance that we could have a vote in any reasonable time he would not insist upon the bill being kept constantly before the Senate. We are assured by the chairman of the committee that we shall have debate, but it seems to have been carefully avoided on the part of the Senators who are on that side of the question to make any statement that there should be a vote.

So far as I am concerned, I do not think there ought to be any effort to suppress debate. I believe that every member of the Senate who wishes to discuss the question ought to have an opportunity to do so; but we all know that if both sides on this question are willing to say there shall be a vote in a reasonable time that will mean a good deal; and I believe that was what the Senator from Pennsylvania asked for.

Mr. HALE. Has the Senator ever known, in his large experience, that the Senate has been asked in any way to designate the time when a vote should be taken upon a subject-matter that had not been up? It seems to me to be rather unduly pushing matters that before a question is even up, before it is opened——

Mr. JONES of Arkansas. But a good many months ago the Senate agreed that this bill should come up on Wednesday of this week.

Mr. HALE. It has come up.

Mr. JONES of Arkansas. It has, in a way. It has been made the regular order; but the committee has not been ready to take a solitary step in the matter. While there has been a technical compliance with the agreement, the bill has not been before the Senate in the sense of being ready for consideration and discussion.

Mr. HALE. It could not be before the Senate until yesterday.

Mr. ALDRICH. Will the Senator from Maine allow me?

Mr. HALE. Certainly.

Mr. ALDRICH. The Committee on Territories were instructed to investigate this question, which they have done thoroughly, as I understood. The testimony and report were submitted to the Senate for the first time yesterday, and no Senator here has had an opportunity of even reading it.

Mr. JONES of Arkansas. The report was read to the Senate.

Mr. ALDRICH. The report was read to the Senate, but the testimony has not been read, and no Senator knows what is in it.

Mr. JONES of Arkansas. If the Senator will pardon me a moment further, this is exactly the condition, as I understand it. The Senator from Pennsylvania, or some one, grew apprehensive from this indefinite talk of a vote as being in the future, without a solitary word being said by any man in the Senate that there

should be a vote at any time between now and the 3d of March. So far as I am concerned, if the chairman of the committee, the Senator from Maine, or the Senator from Rhode Island will say that there shall be a vote on this question by the 3d of March, it would be considered quite a boon so far as my own individual feeling is concerned.

Mr. HALE. The Senator knows that as to a measure which has not been launched, in charge of the Senator from Indiana or anybody else, or if the Senator from Arkansas was in charge of a tariff bill, or if he were opposing a tariff bill, he would not want to state that there should be a vote at a certain time before the bill had been discussed. Nobody expects to get a vote on this bill to-day or to-morrow. Here we are confronted with the fact that the Senator who expected to make a speech is ill. To-morrow will be Friday and the next day Saturday. There is no end to the business that Senators have to attend to in the early part of the month of December at the departments. I have never known any instance thus early in a session when we did not adjourn over from Thursday until Monday to give Senators an opportunity to attend to departmental business. On Monday we can come in here and let the Senator from Indiana and the Senator from Pennsylvania fight it out on the bill. That is the fair thing.

Mr. JONES of Arkansas. As suggested by the Senator, I will say that were I in charge of the opposition to a bill and were I satisfied that I was in the minority, that my side would be beaten on a vote, and I was very much in favor of beating the bill, I would resort to exactly the tactics that are now being adopted in regard to this matter.

Mr. HALE. This is as to debate and not as to tactics. The tactics have not yet begun. [Laughter.] We are simply asking now that the Senate do what it invariably does in a case of this kind.

Mr. HOAR. May I interrupt the Senator from Maine to ask a question?

Mr. HALE. Yes.

Mr. HOAR. I have been out of the Chamber, and perhaps what I ask has been stated already; but I understood the Senator just now to say that the Senator who was ready to speak to-day is ill. Now, I ask the Senator from Maine if the Senator who was to speak is not the member of the committee who had charge of opening the debate and explaining the views of the committee to the Senate?

Mr. HALE. It was settled that the Senator from Vermont should open the debate.

Mr. HOAR. I did not know that had been stated.

Mr. HALE. I did not state that.

Mr. President, I am inclined to see what the Senate thinks at this particular stage, under these conditions, of insisting upon going on, by moving that the Senate, when it adjourns to-day, adjourn to meet on Monday next.

Mr. QUAY. I rise to discuss that question, Mr. President.

The PRESIDENT pro tempore. It is not debatable.

Mr. QUAY. It is a motion to adjourn to meet on Monday next, and not a mere motion to adjourn.

The PRESIDENT pro tempore. The Senator from Maine [Mr. HALE] moves that when the Senate adjourn to-day——

Mr. HALE. I will withdraw that motion if the Senator from Pennsylvania desires to speak. We have been talking on in this informal way; I do not want to shut the Senator off, and therefore for the present I withdraw the motion.

Mr. QUAY. My understanding was that gentlemen upon this side of the Chamber and gentlemen upon the other side had agreed that there should be a session to-morrow. Now, what is the exact proposition of the Senator from Indiana—to go on to-morrow?

Mr. BEVERIDGE. No, Mr. President, I have made no proposition. I have simply stated the condition, and stated that it is the expectation of the members of the committee to proceed just as soon as they can get ready to address the Senate. Some of the Senators on the committee are here now, and I have no doubt can speak for themselves. I see other Senators here now who have told me they intended to address the Senate on this bill. I have made no proposition, but I have stated the conditions. Senators will go on at the earliest possible moment they can prepare to do so and without unnecessary delay, but they are not ready to go on now.

Mr. QUAY. Mr. President, this bill has been made the regular order, the unfinished business. My actual intendment when the arrangement was made and the actual agreement made, not probably on this floor, but outside, was that it should continue in order until it was disposed of and be displaced by nothing. That was in June last. From that day to this these gentlemen have been considering this question, and if they are going to debate it in the Senate, they certainly ought to be ready now.

The question is not a new one; it is not unknown to the country or the Senate. For fifty years New Mexico has been hammering here for admission, and for fifty years its clamor has been heard in the Senate almost winter after winter. As to the admission of the other Territories, that question was thoroughly considered in the national conventions of both parties and argued out before the American people, and it is remarkable, it is wonderful, that the Senator from Indiana [Mr. BEVERIDGE], who was a delegate in the Republican national convention of 1900, and the Senator from Maine [Mr. HALE], who is familiar with all that transpired in this body, and the Senator from Massachusetts [Mr. LODGE], who presided in that national convention and put the question on this resolution for the admission of these Territories, is not now ready to proceed to debate the question and has not yet made up his mind whether he was right or not in advocating and supporting that measure in that convention. If the Republican party in their platform can lie to the people about the admission of the Territories, they can lie as to any other proposition in their platforms and are unworthy of popular confidence.

The air is full, Mr. President, of rumors as to the method of the defeat of this bill. It is rife in the corridors around the Senate that it is to be defeated, not by votes, but by obstruction; that from day to day debate is to be postponed or protracted until the patience of the advocates of statehood is wearied out, until one by one its votes are picked off, until other great questions, appropriations, trusts, probably national questions come before the Senate, which will force it to the rear. It is therefore not surprising that those who think with me on this question insist upon using every practicable moment that we can possibly consume in its consideration.

As to the suggestion of the Senator from Massachusetts [Mr. HOAR], that the Senator from Vermont [Mr. DILLINGHAM], who is to be put forward in assertion of the views of the majority on this bill, is unwell and unfit to proceed, that is, of course, an argument that appeals to the personality of every Senator. I do not wish to attempt to force a debate under these circumstances, but I think there ought to be some understanding, or some agreement with the Committee on Territories as to the actual course of proceeding upon this bill. It is now before us, and under the agreement will be before us from day to day, and it ought to be discussed and disposed of as soon as possible. That was the agreement of the Senate.

As to the motion to adjourn over to-morrow, we may as well take a test vote upon that motion as on any, to ascertain what this agreement of the Senate is supposed to have meant. If the Senator wishes the yeas and nays upon the motion, I am willing.

Mr. PROCTOR. Mr. President, as the illness of my colleague [Mr. DILLINGHAM] has been referred to, I would state that for two or three days he has been quite indisposed, and last night he called in a physician. From what the physician says, I think that within two days he will be all right again. He will not be ready to speak to-morrow, but his physician says that his indisposition is such that it will require only a day or two of rest and treatment to remedy.

Mr. FORAKER. Mr. President, I think we can all appreciate the situation, as it has been explained by the Senator from Indiana [Mr. BEVERIDGE]. I think we can all understand that there will really be no time lost in the consideration of this bill if we can now agree that it shall go over until Monday, to which time it is proposed by the Senator from Maine that the Senate shall adjourn when we adjourn to-day. That will give everybody an opportunity to read all of these reports; and I think that is important, for while it is true, as the Senator from Pennsylvania [Mr. QUAY] has stated, that this is an old question with which we are all in a general way familiar, yet it is true that it is now presented somewhat differently from what it has ever been presented before.

We have a very elaborate report, which was read at the desk only yesterday. I heard a part of it. Our attention has been called to the fact that it does not appear to-day in the RECORD. I presume it will appear in the next edition of the RECORD, and the Senator from Indiana confirms me in that opinion. I should like to read that report. I expect to take some part in the discussion of this question. I should like to be familiar with all of the facts as they are to be presented on this hearing. I want to know what is in the report that was read yesterday and what is to be in the other reports that are to be submitted. So I hope the Senator from Pennsylvania will agree that we may adjourn over until Monday, and that this bill shall be taken up on that day with the understanding—and that certainly will be fair—that on Monday we shall be ready to proceed with it and discuss it and continue to discuss it from day to day until we get to a vote in the ordinary way.

Mr. COCKRELL. Mr. President, I notice in the RECORD that the report of the majority of the committee, which was read yesterday, is not printed, but a note by the reporter explains that it is withheld for correction. I do not exactly understand that. When a report has been written and read to the Senate, it ought to appear just as it was read.

Mr. BEVERIDGE. I can enlighten the Senator upon that point, Mr. President. The report, I have no doubt, will appear in to-morrow morning's RECORD. I call the Senator's attention to the fact that there were a large number of tables of figures in that report, which, on account of the limited time that the committee had, were gotten immediately and put in as soon as they came from the Department. I wanted to see that all of those figures were compared and verified, because I do not know whether the stenographer made any mistake or not. They were gotten just as fast as might be. Besides, I did not myself get an opportunity until 12 o'clock last night—I do not know why the reporter put in that it was withheld for revision; but it was his own motion—to look over the proofs, as I always do, and, I presume, as the Senator from Missouri always does. There will not be any delay in the printing of the report, and, further, the report ordered to be printed yesterday, on the suggestion of the Senator from Iowa [Mr. ALLISON], I think, will be done by to-morrow; and even if the proofs are not ready the testimony will, I think, be printed by to-morrow, anyhow. The Printing Office has not gotten through with it.

Mr. COCKRELL. Does the Senator think, then, that the report will be printed so that it can be seen to-morrow?

Mr. BEVERIDGE. Oh, yes; not only in the RECORD, but also in more convenient and larger form.

Mr. COCKRELL. How about the minority report?

Mr. BATE. We will bring that in as soon as possible. The report of the majority of the committee seems to have been kept out of the RECORD for the purpose of revision, but I do not know that there is any authority for doing that. After a report has been read to the Senate, it seems to me, it passes from the hands of the committee and can not be withheld for revision.

Mr. BEVERIDGE. Well, that has been explained as clearly as it can be.

Mr. BATE. Pardon me. As to the minority report, as soon as we get hold of the revised majority report we shall at once go to work upon it, and I think we shall have it ready to print on the next morning or the morning after.

Mr. COCKRELL. Mr. President, I want to make a suggestion to facilitate business. I do not think this is the time to fix a day when this question can be voted upon. I do not think that has ever been done; but we ought to be able to fix now the time when we can get the information which all Senators desire for the discussion of this question.

Mr. BEVERIDGE. I think it will be in print to-morrow.

Mr. COCKRELL. Then I think we ought to adjourn over until Monday. But if we adjourn over until Monday and the minority report has not been made, it will not be in print, and will not even be presented to the Senate, unless leave is given to present it and have it printed in the meantime.

Mr. BATE. I have already gotten leave to print it at any time during the proceedings on this question. I will prepare it as soon as the report of the majority is printed. I think it will be ready in time to appear in Sunday morning's RECORD.

Mr. BEVERIDGE. There will be no objection, so far as we are concerned.

Mr. COCKRELL. I want to have an understanding, so that we shall have no trouble. I do not think it unreasonable under the circumstances to ask that this matter shall be postponed until Monday. There never has been any trouble heretofore to pass any measure that ought to be passed by the Senate, and I think we shall be able to act upon this bill without any trouble when full and fair opportunity has been given to Senators to be heard upon it.

Mr. QUAY. This measure, Mr. President, ought to pass; yet the Senator from Missouri [Mr. COCKRELL] will find that it will not pass without a great deal of trouble, unless I am mistaken about its future progress in this Senate.

I have said, however, that the suggestion of the Senator from Massachusetts was one that appealed to the personality of every Senator. The Senator from Vermont [Mr. DILLINGHAM] who was to lead the debate is sick. There is no question as to whether or not we ought to otherwise proceed; but he is sick abed. If that is the case, and if it is the fact that he can not be in the Senate to-morrow to initiate the debate, I have no objection to the bill going over until Monday afternoon and then coming up in its regular order; but I will expect the opposition to the bill to have some one ready to take the floor on Monday, and I will insist on a vote if there is any further delay.

Mr. HALE. I think the Senator from Pennsylvania is right about that. There ought to be somebody ready to go on with the debate on Monday, and I have no doubt somebody will be found to do so. Therefore, I now move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. QUAY. Will the Senator pardon me a moment?

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Pennsylvania.

Mr. HALE. Certainly.

Mr. QUAY. While I consented that the bill might go over, I do not want the status of the bill interfered with.

The PRESIDENT pro tempore. The bill will remain the unfinished business if it is in the power of the Chair to keep it there; and the Chair thinks it is.

The question is on the motion of the Senator from Maine [Mr. HALE], that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

Mr. QUAY. I desire to have an order made that the statehood bill be reprinted as it now stands before the Senate.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks for a reprint of the bill known as the statehood bill. Is there objection? The Chair hears none, and the order is made.

ANTHRACITE COAL STRIKE COMMISSION.

Mr. ALLISON. Mr. President, I ask unanimous consent that the regular order may be informally laid aside so that we may proceed with the appropriation bill which was under consideration.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of House bill 15372. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners.

The PRESIDENT pro tempore. The pending question is on the amendment submitted by the Senator from Arkansas [Mr. BERRY], which will be stated.

The SECRETARY. On page 2, line 4, after the word "President," it is proposed to insert "not exceeding $12 per day for the time employed;" so as to read:

> And for such compensation of the seven members of said commission, its employees, and the two assistant recorders, as may be fixed by the President, not exceeding $12 per day for the time employed.

Mr. ALLISON. Mr. President, I suggest to the Senator from Arkansas [Mr. BERRY] that as respects the commissioners who are not in the public employ there shall be a fixed sum, and the Senator from Colorado [Mr. TELLER], in the remarks made by him, suggested that the sum ought to be $4,000. I am willing to accept that.

Mr. JONES of Arkansas. At the rate of $4,000?

Mr. ALLISON. No; I mean that they shall have $4,000 each for their services.

Mr. BERRY. Will the Senator permit me to interrupt him?

Mr. ALLISON. Certainly.

Mr. BERRY. If the Senator will let it read "a sum not to exceed $4,000," it seems to me that would be the proper thing to do. Then, if they are engaged only for a very short time, if they got through in a month, the President would have it in his discretion to pay them a less sum than that. If the work of the commission continued for a year, then he would probably pay them the $4,000. I think there would be no objection to that, and I would accept such a provision in lieu of my amendment. At any rate, it seems to be the opinion of Senators on both sides of the Chamber that some amount should be fixed, and it seems to me that the bill ought to read "a sum not to exceed $4,000." If you want to give them a lump sum, then the President can determine. If the commission conclude their labors very soon, I take it for granted he would not pay them so much as $4,000; and I think he ought not to pay them so much as that. I submit to the Senator from Iowa that that would be the proper way to arrange it.

Mr. ALLISON. If the President is to fix the salaries I hope he will be allowed to fix them—I am quite sure his discretion can be relied upon—and I think if we are to fix these salaries we ought to fix them. We should fix some sum. I think $4,000 is a reasonable sum for the work the commissioners will be called upon to do.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. BERRY].

The amendment was rejected.

Mr. ALLISON. I move to insert, "The members of said commission shall receive as compensation $4,000 each for their services."

Mr. BERRY. As I understood the Secretary in reading the bill, although I may have misunderstood him, he read "the seven members." Now, I submit to the Senator that notwithstanding he has stricken out the provision repealing that law, if it is left to read "seven members," then the men who are at present holding office would also get the compensation.

Mr. ALLISON. The word "seven" has been stricken out.

Mr. BERRY. The Secretary read it "seven."

The PRESIDENT pro tempore. No amendment has yet been adopted to the bill.

Mr. ALLISON. I suggest that we proceed regularly to consider the amendments as they appear in the print.

The PRESIDENT pro tempore. The first amendment will be stated.

The SECRETARY. On page 1, line 3, after the word "dollars," it is proposed to insert "or so much thereof as may be necessary;" so as to read:

That the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, etc.

The amendment was agreed to.

The next amendment was, on page 1, to strike out, at the end of line 12, the word "seven;" on page 2, line 1, after the word "the," to strike out "two;" and in line 2, after the word "recorders," to insert "who are not officers or clerks in the civil or military service of the Government;" so as to read:

And for such compensation of the members of said commission, its employees, and the assistant recorders, who are not officers or clerks in the civil or military service of the Government, as may be fixed by the President.

The amendment was agreed to.

The next amendment was, on page 2, line 4, after the word "President," to strike out:

Such compensation to be paid notwithstanding the provisions of sections 1763, 1764, and 1765 of the Revised Statutes, or section 3 of the act of June 20, 1874, chapter 328.

The PRESIDENT pro tempore. Does the Senator from Iowa wish to offer an amendment to the amendment?

Mr. ALLISON. The amendment to strike out, beginning in line 4 and ending in line 8 with the word "twenty-eight," should be agreed to. That strikes out the provision inserted by the House.

The amendment was agreed to.

Mr. ALLISON. Now, if I can have the approval of the Senate, I will ask that, in line 1, page 2, the words "its employees and the two assistant recorders" be stricken out.

The PRESIDENT pro tempore. On page 2, lines 1 and 2, the word "two" has already been stricken out. Does the Senator from Iowa offer an amendment?

Mr. ALLISON. What I wish to do is to fix the salaries of the members of the commission who are not Government officers. So I move to strike out those words for the time being and will have them reinserted elsewhere.

The PRESIDENT pro tempore. The Senator from Iowa offers an amendment, which will be stated.

The SECRETARY. On page 2, line 1, after the word "commission," it is proposed to strike out the words "its employees and the assistant recorders."

The amendment was agreed to.

Mr. ALLISON. Then I move to strike out of the amendment as it stands now the words "or clerks in the civil or military service of the Government."

The amendment was agreed to.

Mr. ALLISON. I move to insert "$4,000 each" after the word "commission," in line 1, page 2. Then I will arrange the subsequent phraseology to meet that amendment, if it is agreed to.

The SECRETARY. On page 2, line 1, after the word "commission," it is proposed to insert "$4,000 each."

The amendment was agreed to.

Mr. ALLISON. That does not complete it. Is that agreed to?

Mr. BERRY. I do not agree to it, but the Senate has agreed to it.

Mr. COCKRELL. I should like to suggest to the Senator from Iowa that on the first page, line 12, the last line, where it says "and for such compensation," the word "such" be stricken out.

Mr. ALLISON. Let the word "such" be stricken out.

Mr. COCKRELL. And let the word "the" be inserted; so as to read "for the compensation."

Mr. ALLISON. Yes; "for the compensation."

The PRESIDENT pro tempore. Without objection, that amendment will be agreed to. The amendment in lines 2 and 3, on page 2, has been agreed to, and is now, in Committee of the Whole, a part of the bill.

Mr. ALLISON. It should be modified so as to read:

And for the compensation of the members of said commission who are not officers in the civil or military service of the Government, $4,000 each.

I move to insert those words after the word "commission."

The PRESIDENT pro tempore. If there be no objection, that amendment will be agreed to.

Mr. ALLISON. Then it will read:

And for the compensation of the members of said commission who are not officers in the civil or military service of the Government, $4,000 each.

The PRESIDENT pro tempore. That has been agreed to.

Mr. ALLISON. Then I move to amend the bill by inserting after the words "four thousand dollars each" the words:

And for the employees of the said commission who are not officers or clerks in the civil or military service of the Government such compensation as may be fixed by the President—

or "by the commission." Perhaps the commission might fix the pay of the minor officers. However, I suggest that it be left where it is, so that the President will fix it.

The amendment was agreed to.

Mr. FORAKER. I think the Senator from Iowa having this bill in charge made a very proper suggestion a moment ago, and I am sorry he did not adhere to it, namely, that the compensation of all the subordinate officials should be fixed by the commission rather than that the fixing of their compensation should be imposed upon the President. It seems to me they would know a great deal more about what the compensation ought to be, and that the President ought to be relieved from a matter of that kind.

Mr. ALLISON. I do not like to take the responsibility of so changing the bill without the suggestion of the committee. However, I am indifferent. I think perhaps the commission would do quite as well without burdening the President.

Mr. FORAKER. Yes; the Senator had the expression a moment ago, or I would formally offer an amendment. I move that the bill be amended as suggested by the Senator a moment ago, so as to put that duty upon the commission.

Mr. COCKRELL. Let it read "as may be fixed by said commission."

Mr. FORAKER. Yes.

Mr. COCKRELL. Strike out "President" and insert "said commission."

Mr. ALLISON. I will make that amendment, or accept it if it is offered by the Senator from Ohio.

Mr. FORAKER. I offer the amendment.

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to. Will the Secretary please state it, so that there may be no mistake?

Mr. ALLISON. Let it be read as amended.

The SECRETARY. In line 2, page 4, strike out the word "President" and insert "said commission;" so that the clause will read:

As may be fixed by the said commission.

The PRESIDENT pro tempore. The amendment is agreed to.

Mr. COCKRELL. The proviso has not been acted upon.

The PRESIDENT pro tempore. No. It has not been acted upon.

Mr. COCKRELL. I hope the Senator will put that down to $10.

Mr. ALLISON. I ask that the bill may be read, beginning with line 12, on page 1.

The Secretary read as follows:

And for the compensation of the members of said commission who are not officers in the civil or military service of the Government, $4,000 each, and for the employees of the said commission who are not officers or clerks in the civil or military service of the Government such compensation as may be fixed by the said commission.

Mr. COCKRELL. The proviso comes next.

Mr. ALLISON. That is the text down to the proviso. Now I ask that the proviso may be read.

The Secretary read as follows:

Provided, That the members of said commission shall be allowed the sum of $15 per day each, the assistant recorders $10 per day each, and the other employees of the commission in the service of the Government $6 per day each, while employed in the work of the commission, in lieu of traveling and all other expenses.

Mr. COCKRELL. I move to strike out "fifteen" and insert "ten."

Mr. ALLISON. I ask the Secretary to reread the last clause of that proviso.

The Secretary again read the proviso.

The PRESIDENT pro tempore. The Senator from Missouri moves to amend by striking out, in line 10, "fifteen" and inserting "ten."

Mr. ALLISON. The Senator from Missouri?

Mr. COCKRELL. I made that motion, and I hope it will prevail, too. I wish the Senator from Iowa would accept the amendment, because I think it would be an outrage to pass a bill providing for any other amount. It is the highest amount ever paid for the expenses of any one in the Government service.

Mr. BAILEY. I suggest, Mr. President, that the expenses ought to be commensurate with the salary. If you are going to give a man $4,000 for probably two months' work, he ought to be permitted to spend $15 a day. I think, myself, that $4,000 is an outrageous allowance.

Mr. BERRY. So do I.

Mr. ALLISON. The observation of my friend the Senator from Texas persuades me to leave this question to the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

The amendment was agreed to.

Mr. FORAKER. Is the proviso, since the amendment has been adopted, in form so that it can go into the bill?

The PRESIDENT pro tempore. An amendment has just been agreed to, on motion of the Senator from Missouri, striking out "fifteen" and inserting "ten." The rest of the proviso stands.

Mr. FORAKER. The rest of it stands, but there is a repetition. Now, as it stands the allowance per day for expenses would be the same to the commissioners as to all the others——

The PRESIDENT pro tempore. It would be the same to the assistant recorders.

Mr. FORAKER. Except one class. I should think the proviso might be improved, now that the same allowance is to be made to the commissioners as to the recorders. Does not the Senator from Iowa want to change the proviso?

Mr. ALLISON. I think it would perhaps be a little better not to separate the assistant recorders.

Mr. COCKRELL. Not to separate the men who are officials.

Mr. ALLISON. But if the proviso can again be read I will perhaps suggest a modification.

Mr. FORAKER. It should read:

Provided, That the members of said commission and the assistant recorders shall be allowed the sum of $10 per day each.

The Secretary read as follows:

Provided, That the members of said commission shall be allowed the sum of $10 per day each and the assistant recorders $10 per day.

Mr. ALLISON. I accept the suggestion of the Senator from Ohio.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It will then read:

Provided, That the members of said commission and the assistant recorders shall be allowed the sum of $10 per day each.

Mr. ALLISON. That is right.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. DANIEL. I desire to offer an amendment to come in after line 18, on page 2.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Virginia will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

It is hereby further provided that no officer or employee of the United States, and no Senator or Member of the House of Representatives shall be assignable to service in any commission or office, or shall have any duties imposed upon him other than those imposed by law.

Mr. DANIEL. Mr. President, I do not view or consider the action of the President in reference to the coal strike and the appointment of a commission in any spirit of criticism whatsoever. I believe it is the general sentiment of this country—it is certainly my own—that the President acted with great wisdom and discretion, and instead of criticising him I commend him for the good sense and patriotism which no doubt dictated his conduct.

Without intending to be at all critical, I would, however, make the remark that I regretted that any officer of the United States was included among those selected by him to consider this matter. I believe that when a citizen of the United States is elected by the people or by the general assembly or the legislative body of a State or is appointed under executive authority to fill any particular function whose duties are defined by the nature of our Government, its Constitution and laws, he should be dedicated solely to the discharge of those duties.

There is no office under this Government and there is no representative relation to this Government that has not imposed upon it duties and responsibilities great enough to absorb all the intellect and all the energies that any one man can bring to their fulfillment.

Apart from that fact there is an abundance of intellect, of character, of learning, and of wisdom among the people of this country, outside of those who hold any kind of position or official relation to the Government, to fill every office that exists or which may be created. Indeed, such is the genius and such the character of our people that there is an embarrassment of riches in the offerings or in the possibilities of places which it is utterly beyond the power of appointment to reach or even but partially to consider. I do not blame the President or apply any term of reproach to him because he selected officials. It is a good-natured habit that has grown upon all Administrations. Its promptings have in themselves been, as a rule, and for aught I know, altogether pure and just. Nevertheless, it seems to me to be a bad practice, and it ought to be forbidden by law.

The executive authority should know, and all of those who are in the employments to which they have been appointed should at the same time know, that they are dedicated to the discharge of those duties which the law has imposed upon them. I have therefore offered an amendment to the pending bill to declare by law that no civil, military, or naval officer of the United States and no employee of the United States shall be assignable to other duties than those which the law has imposed and put upon him.

It may be that in cases the compensation is small. The greater officers and functionaries of our Government do not get large compensation. At the same time, Mr. President, they hold positions of honor, and the time has not arrived in our Government—I trust it may never arrive—when honor will not be considered in itself a great reward for those who desire and those who seek it. And those who seek great honor and accept it must be content with that portion which has been allotted to them by their own seeking and by their own consent.

I hope, Mr. President, that this amendment will be adopted. It may be said that it might more appropriately come in a statute independent to itself. Such matters, Mr. President, are difficult of passage, and it is timely and apropos in connection with this matter. This is a case in which there is a judge of a great court, in which there is a general officer of the Army, in which there is a head of a bureau, and one other officer I know, who have been taken away from the bench, from the bureau, and have had duties imposed upon them which are totally disconnected with their professional lives. Those of them who have active duties to perform can not perform them while this responsibility is with them, and they ought not to have brought to them the condition where they may say "noblesse oblige"—"I am obliged to accept this place because of the importance of the position. The dignity of the appointment and the importance of the work are such that I feel called upon to accept."

There is not much remuneration in such places as these for gentlemen of the character and position of those who are naturally called to fill them, but it is a diversion from that which they have made their life's work and which the Government and the people have alike put upon them to do.

Judges of the Supreme Court have been translated to foreign nations. Senators upon this floor, where there can be at no time more than two representatives of a State, have had such calls made upon them and have been translated afar from the Government. I am not speaking words of reproach for them, nor do I intend to deliver criticism in any direction, except upon the practice, which is in itself not to be commended, but, on the contrary, ought to be deprecated and forbidden by law.

For these reasons, Mr. President, I think it is appropriate to put in this statute that plain and distinct provision; and I do it out of a mind that is not bent in any degree upon criticism of the Administration for that which in the main was an honorable, a just, and, in my judgment, a wise act on the part of the President.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Virginia.

Mr. PLATT of Connecticut. I should like to have it read again.

The PRESIDENT pro tempore. The amendment will again be read.

The SECRETARY. It is proposed to add at the end of the bill the following:

It is hereby further provided that no officer or employee of the United States and no Senator or Member of the House of Representatives shall be assignable to service in any commission or office or shall have any duties imposed upon him other than those imposed by law.

Mr. PLATT of Connecticut. Mr. President, I do not now know how other Senators may feel about the matter, but I shall vote against this amendment. I do not think it is germane to this proposition, in the first place. In the second place, I do not think it is a wise proposition. If I may be permitted to express my opinion, I think the President's selection of Judge Gray was the most appropriate that could have been made; it was almost a necessary one to make. While it is true, I believe, that judges are not included in the amendment——

Mr. DANIEL. Yes; they are.

Mr. PLATT of Connecticut. Are they? I understand, then, that in case a precisely similar crisis and emergency should arise hereafter it might be impossible to meet that crisis and emergency except by doing just what the President did—appointing a judge of the standing and character of Judge Gray, in whom everybody connected with the controversy had confidence.

Now, Mr. President, I believe it would be a very unwise matter so to tie the hands of the President of the United States that in a great emergency, arising where a Senator or a judge was admitted to be the one man who could be selected to perform the most efficient service for the United States he could not be appointed.

I agree that it is a practice which ought not to be enlarged, but I am not willing to say that in no condition which may arise in this country hereafter, in no great question which may arise for settlement, the one man who in the judgment not only of the President, but of all the people of the United States, is most fitted to meet that crisis and to compose that difficulty can not be appointed because he happens to be a member of the Senate or House of Representatives.

I do not wish to recur to the past. I would not wish to put it out of the power of the President of the United States, if a great question arose like that which resulted in sending the Senator from Alabama [Mr. MORGAN] to Paris, that it could not be done. I believe when Senators come to think of it they will see that in the future of this country it is quite likely that circumstances will arise which will make it not only justifiable and proper, but almost essential and necessary, that some person, a member of the Senate or a member of the House of Representatives, or a judge of the Supreme Court of the United States, or a judge of some district or circuit court, shall be appointed to bring, by reason of his peculiar characteristics and ability, the best possible result out of those circumstances.

I do not know how the Senate may feel about it, but I wish to vote against this amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Virginia [Mr. DANIEL]. [Putting the question.] The noes appear to have it.

Mr. TILLMAN. We had just as well have the yeas and nays on it.

Mr. ALLISON. I hope the Senator from South Carolina will not insist on calling for the yeas and nays. He will have ample opportunity to test the sense of the Senate on this question.

Mr. TILLMAN. No; we shall not have an opportunity to test the sense of the Senate on this peculiar proposition, because it is not likely that we are going to have any independent bill, and as we are dealing with the appointment by the President of men already occupying high official position who have duties to perform, and under this appointment they neglect them, I think we can establish the principle which the Senator from Virginia contended for so cogently—that it is unwise. If we simply put a mark against such things in the future, there are plenty of our citizens of ability, as the Senator has shown and as we all know, who are able to fill the places on all commissions.

Mr. BERRY. And are willing.

Mr. TILLMAN. And are willing and anxious. I really do not see why we could not, as a lawmaking body, now say that we think that it is unwise and improper. I should like to have the yeas and nays on the amendment if I can get a second.

Mr. DANIEL. I second it.

Mr. ALLISON. In a general way I am in sympathy with the proposition of the Senator from Virginia. Perhaps the rule ought to be observed that members of either House or persons holding high judicial office shall not be selected to serve on commissions. But the Senator from Connecticut [Mr. PLATT] has very well stated that exceptional cases may arise. Now, this is an exceptional case, and I do not want to impliedly censure either the President or Judge Gray, who holds the high position which he occupies, by saying that he ought not to have been appointed on this commission and by giving other Senators an opportunity of saying that he is not doing a wise thing by staying upon the commission, because that will be the implication. I think the controversy has now assumed such a character that it is absolutely essential to the conclusion of the business that every gentleman who has accepted a place on the commission shall continue to serve on it until the matter is concluded.

I do not think the proposition is germane to the pending bill, and if it is to be considered it ought to be considered on fuller debate and with such modifications and changes as debate will disclose ought to be made. I hope the Senator from Virginia will withdraw his amendment. I did not suppose, as I listened to the viva voce taken, that it was generally regarded as a proper amendment to be put upon this bill, and I hope the Senator from Virginia will withdraw it. I think as a separate and independent measure I should vote for it, with some modification.

Mr. TILLMAN. Mr. President, if we could ever reach a time or a condition in which such legislation as this could be proposed without some condition antagonistic existing—in other words, if we could get around appearing to slap the President or to criticise his action, I would be willing to let the matter go.

Of course I understand that the amendment will be voted down; but Senators will remember that when three members of this body—its most distinguished members, members of the highest character and competence and all that kind of thing—were appointed on the Paris Peace Commission, this same question came up, and a resolution or a bill or an amendment of some kind was presented in this body by the Senator from Massachusetts [Mr. HOAR], if I recollect correctly, and I think possibly voted on. But it must have failed to become a law, and it seems that we will continue to have Presidents go into official positions and take men to occupy places on these commissions, which are growing in number every year, and the fact that the Senate then failed to take any action and the fact that the Senate now will fail to take any action is notice to the Executive that he may continue to detail judges, to detail generals, to detail this, that, and the other officer to perform duties entirely foreign to his official position, and necessarily causing the neglect of his official duties.

I say that condition is one which is unhealthy, and I do not see why we could not act right now and here—without any criticism of the President, because everybody recognizes the importance and apparent necessity of his action and no one is disposed to find any fault with it so far as I see, but we could in as kind a way as possible—if we can do it kindly at all—let him understand that men can not be detailed out of their official positions to fill places on commissions when, as has been pointed out, there are so many people who are fully competent who are not in official life and who would be glad to get the place for the prominence it gives them. I do not say that Judge Gray, whom I admire and respect, because we were here together in friendly association for several years, was the only man in this part of the world who could have gone on this commission, and who had the absolute confidence of every man in the United States.

Mr. PLATT of Connecticut. May I ask the Senator a question?

Mr. TILLMAN. Certainly.

Mr. PLATT of Connecticut. He knows Judge Gray? He knew him as Senator Gray?

Mr. TILLMAN. Yes.

Mr. PLATT of Connecticut. He knows of his high character, and how sensitive he is, and properly so. What does he think Judge Gray would do if we should adopt this amendment here? What does he think he might do? How would the Senator himself feel if he were upon the commission and the Senate of the United States should pass such an amendment? Would he not feel that he really ought to withdraw from the Commission?

Mr. TILLMAN. Surely——

Mr. PLATT of Connecticut. Well——

Mr. TILLMAN. Hold on now.

Mr. PLATT of Connecticut. Will not Judge Gray feel so?

Mr. TILLMAN. But Judge Gray is not responsible for being on the commission, except that possibly he made a mistake in accepting the place.

The question with us is whether or not it is wise and proper for this Government to grow into the habit of having the Executive take men who are in high official life and detail them out of their sphere, away from their recognized duties, and put them at work with which they have no other concern than that which obtains from the appointment. Are the regular judicial duties of Judge Gray going to be performed by somebody else, or will they be neglected?

Now, that is the situation, and we should consider whether we have an autocratic feeling growing among us as a people, or, rather, whether we are recognizing the existence of an autocracy which ignores what some of us regard as propriety. Of course, everybody here will have his own opinion as to the propriety or impropriety of this thing. Judge Gray's peculiar personal fitness may have suggested him, and the question of his judicial position and duties may not have occurred to the President.

I would, if it were possible, expressly declare that no criticism of the President's action is intended. I do not see how we could adopt the amendment without some implied objection to the practice. But after this bill has gone through will we have any Senators on the other side who will bring in an independent statute on its own merits which will deal with the question of taking officials from their places and putting them to other work extraneous and outside of their regular duties? No; we have no idea that such a thing will come. And so it will go on; this precedent and the one in regard to the appointment of our colleagues here on the Paris Commission, etc., will continue, and we shall have this practice to grow indefinitely.

Mr. SPOONER. Mr. President, I hope the Senator from Virginia [Mr. DANIEL] will not press this proposition as an amendment to the pending bill. I have, I am frank to say, very much sympathy with his reasons and his position, on general principles, although from the foundation of the Government it has been the practice to appoint Senators and others in official life to the discharge of duties outside of the particular sphere to which they have been assigned by the people, the President not even excluding judges.

I expressed here once my willingness to vote for a bill which would regulate this matter. There have been no commissions like this, if I understand it, and my friend from South Carolina [Mr. TILLMAN] is mistaken if he supposes that this so-called commission falls within the category of the "commissions provided for so often by Congress."

Mr. TILLMAN. If the Senator had been in the Chamber this morning he would have had considerable more light in regard to it.

Mr. SPOONER. Perhaps, and perhaps not.

Mr. TILLMAN. Well, I do not know that he would have received any light from so humble a source as I——

Mr. SPOONER. I do not presume that the Senator knows——

Mr. TILLMAN. But he would have had some knowledge of what has been under discussion here rather extensively to-day, and would at least be discussing this particular phase of the question with more intelligence.

Mr. SPOONER. Well, perhaps if the Senator had waited until I had stated my position he would be in a better position to pass intelligently upon my intelligence. I regret I was not in my seat this forenoon to have heard the Senator from South Carolina. This particular designation, or these designations, if I may use the plural, were made, as has been said here, in an exigency. I do not know of any law under which the President intervened in the matter. This is not a commission authorized by law.

Mr. TILLMAN. We all recognize that.

Mr. SPOONER. In any ordinary matter the President, of course, would not have intervened. Here was a menace to the whole country, involving not simply money losses, not simply a possible paralysis of commerce and of the industries of the country, but involving loss of life, hardship, and suffering throughout the whole country and among all classes of our people.

The President, in his statement to the parties to the controversy when they came before him on his invitation, informed them accurately that he had no authority to speak from the standpoint of either side—the operators, on the one hand, or the miners, on the other—but calling their attention to the existence of a third party vitally interested——

Mr. MORGAN. If the Senator will allow me, I wish to say that the President, as I understood it at the time, distinctly announced that he had no official connection with the controversy.

Mr. SPOONER. I have so stated.

Mr. MORGAN. None whatever.

Mr. SPOONER. I have so stated.

Mr. TILLMAN. And, Mr. President——

Mr. SPOONER. Allow me to finish my sentence. The President, stating that he acted in the interest of the people who were not only vitally interested in it, but with the approach of the winter were awfully menaced by it, brought the matter to their attention, and his courage in that respect, with the public sentiment of 80,000,000 people behind him, brought acquiescence. These men never could have agreed, undoubtedly, upon arbitrators, but they were willing under the circumstances to submit the controversy within limits to gentlemen named by the distinguished gentleman who is President.

Mr. PLATT of Connecticut. An arbitration.

Mr. SPOONER. An arbitration only.

Mr. TILLMAN. Now, Mr. President——

Mr. SPOONER. Congress creates commissions. It was the mere designation of these gentlemen as arbitrators or rather an invitation to act, for they could not be detailed. The President had no more power to set a judge or any other public officer at this work by detail than he had to detail the Senator from South Carolina or myself to it.

Mr. TILLMAN. Mr. President——

Mr. SPOONER. In a moment. But he invited these gentlemen, who were agreeable entirely in this emergency to the parties to the controversy, to hear the statements and the evidence and the arguments and report their conclusion as to what was fair between them; and by that they agreed to abide, and dissipated the blackest cloud of that sort, Mr. President, which has hung over this people since I have lived.

Mr. TILLMAN. I hope the Senator will let me get in some time.

Mr. SPOONER. Well, I yield to the Senator.

Mr. TILLMAN. If the Senator had been present this morning——

Mr. SPOONER. I was not.

Mr. TILLMAN. And therefore you have been defending the President here where every one of us has acknowledged that the conditions were of a character to warrant his action. We have commended him, and we are only discussing the action of Congress in coming forward now and by a legal statute setting a precedent which will return to pester us.

Mr. SPOONER. No, Mr. President, my friend is mistaken; I am not defending the President, because the President needs nowhere in the United States—North or South, East or West, here or anywhere else—any defense for what he did. I am simply endeavoring to show that this is not a bill in connection with which we should regulate the appointment by the President of public officials to commissions created by Congress.

Mr. TILLMAN. Mr. President——

Mr. SPOONER. Now, if the Senator will permit me, I wish to get through. I will be through in a minute.

Mr. TILLMAN. But the Senator is unfair to me.

Mr. SPOONER. I yield, then, if the Senator thinks that.

Mr. TILLMAN. The point I wish to ask the Senator to illuminate is how it is that a high officer of the Army accepts an invitation from the President to neglect his official duties and go about something else, and how does another head of a bureau accept an invitation from the President to neglect his official duties and go about another matter? If they are not detailed in actuality, they are detailed in essence, and the Senator need not quibble.

Mr. SPOONER. Mr. President, that word is not courteous.

Mr. TILLMAN. I beg the Senator's pardon. I do not want any controversy with the Senator from Wisconsin, whom I almost love, and all that kind of thing [laughter]; but he goes about the thing, you know, in such an unfair way sometimes, and jumps to conclusions, that I naturally resent the soft imputations which he casts on me.

Mr. SPOONER. Is the Senator through?

Mr. TILLMAN. Oh, for the present. I do not know; you may stir me up again. [Laughter.]

Mr. SPOONER. I am not going to make the Senator quit talking. I know the Senator too well to make such a large application of my question.

Now, the Army officer who is on this arbitration commission—I say it is not——

Mr. TILLMAN. I only take the phraseology of the bill.

Mr. SPOONER. I do not care about that. I am trying to get at the facts. You may call it a commission. General Wilson is the Army officer to whom the Senator referred. He is on the retired list. He is not absent from any duty whatever. He accepted an invitation from the President, being agreeable to the parties and a fit man to act as an arbitrator in this emergency, in which the public was so largely interested. Judge Gray was invited. He was at perfect liberty technically to decline, but, Mr. President, being agreeable to the parties to this controversy and keeping in mind the nature of the controversy and its relation to the people of the United States, I doubt if he was at liberty morally to decline.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Of course.

Mr. TILLMAN. Will the Senator quit discussing the personal phase of this proposition and bringing in the personality of the various members of the commission, on whom we are all agreed and whom we respect and whose opinion we will attach great weight to? Will he just leave all that out and come to the plain, concrete proposition as to whether it was right and proper and a good practice to have inaugurated and continued and broadened and deepened to have the President appoint men who are already filling official places and have official duties to go about something else?

Now, that is the whole thing involved in this amendment, and there is nothing else to it; and the personality of Judge Gray or of any member of the commission, or any reflection on the President's course, or anything connected with the strike is not really at issue. It is merely the settlement once for all of the proposition that we as a part of the legislative body of this country think that there are enough other citizens outside of the official world who can do all this kind of work without detailing or inviting or employing officials.

Mr. SPOONER. Mr. President, the Senator from South Carolina astonishes me. He always astonishes me when he makes so obvious a mistake as he has just made. I have uttered no word about the characteristics or the qualities or the reputation of any man designated by the President to act as an arbitrator in this matter. All I have said as to General Wilson was, in reply to the Senator from South Carolina, that he was a retired officer, and therefore not neglecting any public duties by accepting and discharging the duty as an arbitrator.

I was saying that Judge Gray, or almost any other man, I think, invited by the President of the United States in such an exigency, and found to be agreeable to the parties to the controversy, could hardly have felt himself at liberty to decline. It is not a new thing for judges to act as arbitrators; it has not been considered unjudicial. It may, perhaps, be subject to the narrow criticism that for the moment, or the day, or the week the judge is absent from the bench or absent from his chambers, but in this case the function is one that is judicial, essentially so.

I remember one case in which Justice Miller of the Supreme Court of the United States acted as an arbitrator, and made his award by the common consent of the parties. These men were not appointed by the President in the sense in which we use the word in laws or in which it is used in the Constitution. Here the parties agreed to submit their controversy to arbitrators, who should be chosen by Theodore Roosevelt, President of the United States. If we create a commission the President may appoint men to that commission.

I would vote with qualifications for this proposition as applied to such a commission; but this is no case of that kind. This amendment is simply a proposition that hereafter, should a case of this kind arise and the President in an exigency be put where he must find men who will act as arbitrators, who can act agreeably to the wishes of both parties to a great controversy affecting the public, he shall not appoint a Federal judge or any other man in public position under the United States. I do not favor it.

It seems to me—I may be wrong about it—that we ought not while Judge Gray is discharging this really self-imposed

function—he was not detailed or appointed, he was invited—as an arbitrator in this very important matter to pass as an amendment to this bill a Congressional declaration that he has no business to be discharging that duty or that there is impropriety in it.

Mr. BAILEY. Will the Senator allow me?

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. Certainly.

Mr. BAILEY. Mr. President, I agree with the Senator from Wisconsin that until this bill becomes a law the gentlemen who are arbitrating this question have no official character. The coal operators and the operatives simply agreed to submit the issues between them to a number of arbitrators named by the President of the United States. They might have agreed with equal propriety and equal safety to have submitted those issues to arbitrators named by the bishop of some church, or any other man whose character and standing assured an impartial selection of arbitrators. In that view of the matter this amendment would not really restrain the President, because he simply names men, not officially, but really unofficially designates them.

I rose to suggest—not to the Senator from Wisconsin, but to the chairman of the committee—that it would be an excellent idea to conform this bill to these facts, and to describe these gentlemen as arbitrators rather than as commissioners, because the law creates commissions, and commissioners are generally officials. I should much prefer, indeed, that they should be properly described as mere arbitrators selected by a disinterested person without regard to his office to perform a great service in allaying excitement and relieving distress that would have come out of a prolonged strike; and I should be willing to see the expenses paid out of the public Treasury, but I will not vote for a proposition to recognize the right of the President to create a quasi-official body without authority of law.

Mr. SPOONER. Well, Mr. President, I will say to my friend from Texas that before I rose I had expressed to the Senator from Iowa [Mr. ALLISON] the same view which the Senator from Texas now does. In view of the fact that this is a unique case, one which we all hope will not occur again in the country, there being no action of Congress behind it, I hope the Senator from Virginia will put his proposition in the form of a bill, such a one as the Senator from Missouri [Mr. VEST] introduced at a former session of Congress, which I was for, and not press it as to this particular appropriation to which it has not relevancy.

Mr. BACON. Mr. President, I am very thoroughly in sympathy with the purpose of the Senator from Virginia [Mr. DANIEL], and would certainly support a bill which would enact into a law that which he seeks to accomplish. I agree, however, with the Senator from Wisconsin [Mr. SPOONER] and with the suggestion of the Senator from Iowa [Mr. ALLISON], that there may be reasons why the amendment is not entirely appropriate on this particular occasion.

It is true, as stated by the Senator from Wisconsin, that this is not properly a commission; it is not the kind of commission to service upon which officials have heretofore been detailed; it is not a commission which has any powers; it is not a commission which can make any award which can be enforced in law. It is a purely voluntary body of men, selected by one who did not claim any legal authority to constitute it, and to the decision of which the parties have voluntarily consented they will submit. That is all there is in it.

So far as the creation of a commission which shall be clothed with legal power is concerned, I think there can be no principle which is rested upon a more solid foundation than that which would deny to the President the right to detail officials of the Government for service upon such a commission. Although, as stated in this debate, from the very earliest history of the Government that has been the practice, I have always thought it was a bad practice, a vicious practice, and to the extent of the opportunities which I have had I have endeavored to give my influence against it.

Something has been said here about a bill or resolution—I have forgotten which it was—in reference to this subject which was introduced by the senior Senator from Massachusetts [Mr. HOAR]. That was immediately after the return of the Spanish Treaty Commission, and was in substance the same as the amendment which is now offered by the Senator from Virginia [Mr. DANIEL].

That was referred to the Judiciary Committee, of which the Senator from Wisconsin [Mr. SPOONER], was then a member; and without betraying any secrets, or disclosing improperly what occurred in that committee, I desire to say, and I think I can do so with propriety, that a large majority of that committee favored what was sought to be accomplished by that bill or resolution; but no action was ever taken in the Senate, because the committee thought it was better to give a direction, which, while it would accomplish the purpose, would not have the effect of seeming to make any implied censure either upon the President or upon those who have served upon any of the commissions which had been within the recent past created. I know the conclusion was reached by the committee that there would be in the future no such appointments made, and there have been none since. I do not regard the appointment of this Anthracite Coal Strike Commission as a violation of the principle which was sought to be accomplished by the Hoar amendment.

Mr. President, I think there is a great deal in the suggestion made by the Senator from Iowa [Mr. ALLISON] and the Senator from Wisconsin [Mr. SPOONER] as to the personal application in this particular case which will be made of the action taken by the Senate if this amendment should be adopted. I will state a fact, which will doubtless be recalled by all Senators, and that is, not simply that Judge Gray was invited—and I think that term is proper, for it was simply an invitation—not only was he invited, but the coal miners in their proposition—because the proposition for arbitration originated with them—suggested that they desired that there should be upon the commission one of the judges of the Federal court of this particular circuit or of some adjoining circuit. Am I correct in that? I am quite sure I am.

Mr. ALLISON. I will say that it was either the coal miners or the coal operators.

Mr. BACON. It was the coal miners.

Mr. ALLISON. Very well. It was part of the proposition that a judge of the circuit court of Pennsylvania, or a member of the supreme bench of the State of Pennsylvania, should be selected.

Mr. BACON. Yes. The proposition did not originate with the President of the United States. It originated with the coal miners. Of course they were deeply interested in having not only impartial men, but able men to pass upon questions so vital to them, and when the question was up whether or not there should be such a commission appointed, or board of arbitrators, if that term is preferred, the stipulation was made by the coal miners that one of this board of arbitrators should be a judge of the Federal court within certain districts or circuits.

I repeat, sir, that so far as concerns the creation of a commission which is clothed with the power to arbitrate under a law, or to carry a decision into execution, or to negotiate a treaty, I most heartily agree with the proposition contained in the amendment—that the President ought not to be permitted to appoint any official of any department of the Government to the performance of such a duty; but this so-called commission was an entirely different thing, and I think there is great point in the suggestion that at this particular time for us to adopt this amendment would necessarily be construed by Judge Gray into the expression of an opinion by the Senate that there was an impropriety in his appointment and an impropriety in his serving; whereas I do not think there is either. I would think so if it were properly a commission, but I do not so regard this board.

In his opposition to this amendment the Senator from Connecticut [Mr. PLATT] went much further than I would go. I entirely agree with the view suggested by the Senator from Wisconsin, that this is not a commission clothed with any power, but that it is a body of men selected with a view to their intervening to avert what all considered to have been a great impending calamity; clothed with no power to make any award, except so far as it might be consented to by the parties; with no power to enforce it; and all we do in the way of compensation is to do that which I think we are morally and properly bound to do, but not legally bound to do; and my position is based on this view. But in discussing this question the Senator from Connecticut went a great deal further than I do, because he attacked the general proposition contained in the amendment offered by the Senator from Virginia [Mr. DANIEL]; and I think, if I recollect aright, the views now presented by the Senator were the same as those expressed by him at the time the Hoar resolution or bill was before the Senate.

I do not agree that there can be any emergency where it is of such importance that an official either of the executive, judicial, or legislative department shall be subject to be detailed by the President of the United States to other duties than those which are imposed upon him by law. I thought at the time of the remark of the Senator that in case we should have in the near future some complications with reference to Cuba it would make it very importent that the Senator from Connecticut, who has been the chairman of the Committee on Relations with Cuba, should be connected with it, and I recognize that; but that can be accomplished through his representation of this Senate as a committeeman as thoroughly as it can be by his representation of the executive department as a commissioner.

Mr. President, we all know Judge Gray. Many of us served with him in this Chamber. There is no man more sensitive than he to any suggestion of impropriety. I think he is now in a position where he should not be embarrassed by any such suggestion. I think it is important that the present board should proceed with

their work if there is any further work remaining for them to do, and while I am thoroughly in accord with the proposition as to the impropriety of the detailing of officials of the Government by the President to serve upon commissions, I think this is an occasion, Mr. President, which ought not to be availed of for the purpose of giving expression to that view.

I hope with the Senator from Wisconsin that we may not be called upon at this time to vote upon this proposition. I said early in the day, Mr. President, that I hoped upon this occasion we might vote upon this question without division; and before the Senator from Wisconsin came in, when that part of the debate was progressing, the Senator from Iowa, the Senator from Maine, and other Senators in charge of the bill on that side of the Chamber reciprocated that wish, and they had conceded various points in order that upon the consideration of this most important measure, growing out of this unusual and unique condition of affairs, the Senate might present an unbroken front and not be divided upon the main question or upon any of the details. Of course, I fully appreciate the sentiment and the wish which has animated the Senator from Virginia, and I am thoroughly in accord with what he desires to accomplish. I do think, however, that this is not the proper time to do it.

Mr. DANIEL. Mr. President, in the remarks which I made upon the offering of this amendment there was nothing which, by the most attenuated construction, could be supposed to contain a criticism either upon the President's action or the action of anyone else. So far as the President was concerned, his main action in the premises has met with the almost unanimous approbation of the American people, and his conduct, dignified, decided, and prompt in the face of an emergency which made the whole people feel exceedingly anxious, was, in my judgment, very commendable.

Most of the gentlemen who have spoken against the amendment have declared that in their own judgment it contains a correct principle. So far as their minds are concerned they admit the justice, the propriety, and the expediency of the doctrine which I commend. That is much greater censure than the act itself contains, for it implies that the putting of their principle into law is a criticism which the maintaining of the opinion does not carry. I can not make so fine a discrimination. I did not intend, nor do I now intend, either in expression of opinion or by declaration of law, to put a censure upon anyone connected with that matter.

Concatenations of circumstances come up in which one man is set in motion by a great and good motion, and where another is so connected with it that he is drawn into it by this influence or that, and finally, as a resultant, something is done which as a permanent system we would not be willing to welcome and to establish. So far as the President is concerned, and so far as is concerned any member of the board of arbitration or so-called commission, we are here and now called upon to deliver a vote of affirmative confidence and compliment. Wherein does this act involve the vote of confidence and compliment in embodying into law that which was not law and will not become law until Congress has enacted it as law and the President has approved it?

From the moment that that act becomes a law, the so-called inchoate, tentative arbitration or commission becomes an establishment of the Government of the United States, paid out of its Treasury, and, in effect, commissioned to perform duties for the whole people of the United States under compensation from them. So the word "commission" is used in this act, because when the act is passed the commission has arrived, is then created, and becomes a salaried commission of the United States; and knowing those whom the President has previously selected as members of that arbitration or commission, they will be themselves, per force of law, the recipients of the vote of confidence of Congress by being made salaried employees of the United States of America and a compensation provided for them.

It is very well for a public officer or a public agent to be sensitive about his public relation, but there is no reason in being supersensitive; there is no justification or ground for hunting around to see whether or not the persons who are confirming you and who are voting to pay you intended by some reflex, back action, to censure you for doing the thing which they propose to compliment and pay you for, because they reach into the future and say, "For the future we think another system of reaching employees is a wiser and better one."

The gentleman who is so supersensitive and who flinches so quickly when he is neither struck nor struck at, if he will go hunting through the world can find something to be sensitive about all the time; but no just ground of sensitiveness is contained in this declaration. If the honorable and intelligent gentlemen who have spoken in applause of the principle had felt that that principle was in itself a censure upon these gentlemen, they would never have uttered those words upon the Senate floor. It was the fact that they realized that that principle is no censure of any man here or there that caused them to get up and speak in its behalf; but they say somebody somewhere will make this construction and this imputation, and have this fancy or that. We are not responsible, Mr. President, for the foolish fancies of the world. We can not measure the sensitiveness of mankind and regulate our conduct here by that. If we know that we are right, all sensitiveness will settle itself in a perfectly satisfactory way.

The Senator from Wisconsin says that it is a declaration of Congress that these gentleman ought not to be in that business. On the contrary, it is a declaration of Congress to put them into that business and pay them for discharging it in the future as salaried employees of the United States.

Mr. SPOONER. Mr. President, if the Senator will permit me, does it not also prohibit it ever being done again?

Mr. DANIEL. Yes.

Mr. SPOONER. On what theory?

Mr. DANIEL. Because a thing may be all right when it is forbidden.

Mr. SPOONER. Upon the theory that it is not proper that it should be done?

Mr. DANIEL. Because it is wiser and best as a system of government to look elsewhere; and the Senator says that himself. Is he reflecting upon these gentlemen for having done in the past that which he does not propose to have anybody do in the future? If he does not want it done in the future, why not say so, not by mere word of mouth, but say it and seal it? The reflection is as great by the word as by the deed, but if the word is right the deed is also right.

On the other hand, there rises the Senator from Connecticut [Mr. PLATT]. He is not in accord with the distinguished Senator from Iowa [Mr. ALLISON] or the distinguished Senator from Wisconsin [Mr. SPOONER]. He thinks it is a wise and good system. He desires that the President of the United States may look into the halls of Congress, among the representatives of the States and the people and among the public officers of the United States and may put them in this inchoate way upon commissions. He thinks the time is coming in this country, different from the past, in which it will be better to mix things up in that sort of fashion.

I respectfully dissent from the Senator from Connecticut. I realize, Mr. President, that this practice is not a new one. The President of the United States who now holds that high and responsible position did not originate it. During Mr. Cleveland's Administration when he appointed a commissioner to Hawaii, although he was not an officer of the United States, I stood on this side of the Chamber and heard invective and diatribe upon the other against his power. I supported him in it. He had precedents back to the days of George Washington. It had been the fashion of our Government, and it will be even if this provision which I have had the honor to propose shall become a law, because we all realize that such things are purely tentative, that emergencies happen which no law can anticipate and no human wisdom provide for.

And in those cases where the act done has been a wise and a just one, the President may always confide in the wisdom of Congress, without the slightest scintilla of party relation to it, to substantiate and make good his veritable and patriotic act done for the interest of the whole people. All we propose to say is what is in the minds of Senators here on both sides of the Chamber. Indeed, if I may judge from the speeches which have been made, the most of them will vote against it because they are in favor of it.

Now, Mr. President, we should be practical in our attempts at legislation. I disclaim personal reflection upon anyone. I have not risen to offer this amendment with any kind of feeling against anyone. I have simply sought to embody a just principle which the great majority of the honorable gentlemen who have spoken against it recognize and applaud, but say, "Do not do it now. We fear somebody will be supersensitive." I take it that the gentlemen who are on this commission are sensible and experienced men. I think, when they read in an act of Congress that Congress has indorsed the action of the President, and more than that has gone further and made them a commission, which the President could not do, and has paid them a salary out of the Treasury of the United States, they will see in the act of Congress a thing done which precludes the fancies of criticism or the fancies from which a just sensitiveness might arise.

Our opportunities for legislation arise in such a case as this. This amendment is germane to the pending bill. It provides against a misconstruction of it. It does not relate to the past, which it proposes to confirm and to decree into law. It provides for the future, for the preservation of all the departments of this Government in their just independence of each other, in concentrating every mind in the Government to the performance of those duties which are provided by law.

I know, Mr. President, that every party which has ever been in

power in this country has made the same or a similar record. Some of the most distinguished Senators and Representatives who have honored the history of their country upon the floors of Congress have accepted such positions from executive authority and have made their names famous in the discharge of the duties which devolved upon them. I would put no blur upon their history; I would attribute no censure in a historical or a personal sense to anyone who was connected with such transactions; but because great and good men have been related to systems which the experience of time has shown us not to be the wisest, shall their names be evoked from the history of the past or brought up against us in the present to stop the wheels of a just measure of reform which gentlemen themselves say they desire to be perfected?

This, Mr. President, is making substance bow to form. It is making supersensitiveness and ceremony walk at the front when honest, practical legislation ought to have the right of way and go forward. I would be very glad indeed to accommodate the wishes of my distinguished and courteous friend the Senator from Wisconsin. If I saw the matter as he does, I would do so, because I do not think that this is an act or this an occasion in which, even if criticism or censure of any kind were proper, should be made the occasion for its utterance.

But not intending criticism or censure at this or at another time, I do not apprehend that the sentimentality which underlies that principle will be looked upon by any eye or be heard by any ear with any disposition to misunderstand or misconstrue it. I do not believe that the President himself would suppose that Congress or anyone in Congress intended thereby to imply a reflection upon him. In the main thing that he has done we are proud and glad to applaud him and in every way that is practicable to uphold his hands as the hands of a patriot and a statesman who was doing the wise and just thing for his country. And without disturbing that wise and just thing in any relation in which he chose to put it, we say, as to the future, "there is a rule which ought to be observed about such matters;" that is all.

Mr. HOAR. Mr. President, I wish my honorable friend the Senator from Virginia [Mr. DANIEL], for whose opinions on this as on all other subjects the entire Senate has such profound respect, would be willing to withdraw this amendment as a proposed amendment to the present bill and bring up the subject by itself in some appropriate bill, when the Senate may deal with it not only more deliberately, but having regard to some consideration which there is hardly time to urge now.

I make that appeal to him for two reasons. One is that I think he himself would like to limit—certainly I think many Senators who entirely agree with him in his general view, as I do very earnestly and heartily, would like to limit—the operation of this amendment as it is not now limited by its language. The amendment proposes that—

> No officer or employee of the United States * * * shall have any duties imposed upon him other than those imposed by law.

Now, I doubt whether my honorable friend himself would say, if we have to make a postal convention with some foreign country, that it would be well to exclude from the service of the country the best postmaster in the United States, the postmaster of one of our great cities, or anybody now in the public employ, who knows all about the subject, which is a difficult and technical subject.

Mr. DANIEL. Will the Senator from Massachusetts allow me to respond to him?

Mr. HOAR. Certainly.

Mr. DANIEL. I will say by no means, but, on the contrary, I would provide in the law by which the postal convention is attended by the United States that such persons might be put on.

Mr. HOAR. But these postal conventions are not always or frequently provided by law beforehand. There are I will not say a thousand arrangements, but a great many, that come up not through our ordinary diplomatic channels which can not be anticipated beforehand. Take a case like this. There are certainly a great many occasions when the President of the United States wants to summon to Washington somebody in the employ of the Government to take his advice, who is not compelled by law to come to Washington and advise him; and that is in essence and substance all that the President has done with this commission. He has asked them to go down and hear the parties and then give the parties and himself and also the country their account of the condition of things, with some recommendations.

It would be, in my judgment, a calamity to have the amendment of the Senator voted down, and I for one should be compelled to vote against it as it stands, because it would be taken hereafter, I am afraid, as a judgment of the Senate that what has happened in the past is approved or not disapproved by Congress. That is my other reason for hoping the Senator will withdraw the amendment.

Mr. DANIEL. Will the Senator from Massachusetts give me an opportunity to surrender?

Mr. HOAR. I yield to the Senator from Virginia.

Mr. DANIEL. When I was asked by several other gentlemen, for whose opinions and wishes I have great respect, to withdraw the amendment, I hoped that perhaps I might persist and get this matter through. But the Senator from Massachusetts has piled Ossa on Pelion, and I surrender to his request, so kindly made, and will seek a more fitting and more hopeful occasion. I might do the measure more harm than good by persisting now. For the present I give up.

Mr. HOAR. While I am up I should like to make one or two statements by way of history.

The President of the United States, on ten or a dozen occasions since I have been in public life, has nominated members of this body for important public services, either diplomatic or other, but generally diplomatic. In that he followed the precedent of Washington, who appointed John Jay, then Chief Justice of the United States, to make a treaty with Great Britain, perhaps the most famous single treaty in our annals. The first case which I remember was that of the monetary commission for the sake of dealing with the use of silver. There were two or three such commissions, in every one of which a member of the Senate was made a commissioner.

On the first occasion of that kind I made a very earnest protest against the inauguration of that practice, although the members of the Senate who were selected for that service were perhaps the very fittest men in the United States on either side. There was one commission, on the silver question, the bill for which did not go through, I think, on which, I believe, my honorable friend the Senator from Virginia was expected to be named. I do not mean that he had given his assent, but it was hoped by the country, I may say, at any rate, that he would be one of the commissioners.

Mr. DANIEL. I think that was one provided by law.

Mr. HOAR. Yes; one provided by law. But there have been others not provided by law. However, the objection in my mind does not——

Mr. DANIEL. Further, I beg leave to state to the Senator, it was not one of Executive appointment.

Mr. HOAR. No.

Mr. DANIEL. It was in the nature, if I remember correctly, of a delegation of the Senate.

Mr. HOAR. Perhaps with respect to that one it was so. But at any rate the question whether it is provided by law or is not is not decisive in my mind in regard to the matter of disapproving the practice. I do not think the President of the United States ought to take members from either House of Congress, whether by law or without, and impose upon them honorable and distinguished duties, for which they receive either a salary from the Government or compensation—sometimes pretty large—awarded by the President and an opportunity to go abroad and enjoy the great honor and pleasure of a visit and a residence at foreign capitals. It is a very conspicuous honor and a very conspicuous advantage and delight; and the President, who is prohibited by the Constitution from appointing a Senator or Representative to an office, ought not to come into this body and increase his Executive influence with Senators by the exercise of such a power.

In the next place, it puts the Senate in a most awkward situation. Here are members coming to this body responsible for a treaty, and then they are going to vote as Senators on the very treaty they themselves have negotiated under the absolute command or direction of the Executive. They are in no condition to listen to the arguments of their fellows, as the rest of us do. They are in no condition to consult with us as equals. Sometimes, I believe I have very good reason to say, Senators have voted as Senators on the floor for the ratification of treaties for which they never would have voted in the world except for their relation to the treaties as commissioners which they made under the direction of the President.

Mr. President, I do not think any blame or criticism is to be attached to the Senators who in recent years have accepted such employment. They acted upon a precedent established by General Washington and John Jay, and that is a pretty good precedent for anybody's action and a precedent which has been followed ever since. Although there was no vote of the body, yet I suppose from the time of the Jay treaty, which was the case of a judge, down to the Paris treaty, which was a case of Senators, the Senators who accepted commissions (and so in the case of the commission to Hawaii and others I could name) were the men whom all their associates would have delighted to have exercise those functions, as far as the individual was concerned and as far as the particular service was concerned. But when it comes to this practice, which has obtained so far, and we come to consider it as a matter of general principle, I think nearly every Senator who has acted under the old practice would say he thinks on the whole it would be better that it should not be continued.

I remember a very eminent member of the Judiciary Committee, not now in the Senate, who was at that time acting on a

commission to make a treaty with Canada. He stated that he was himself entirely convinced that the practice had better be discontinued. If I mistake not, he voted in the Judiciary Committee for a bill or resolution which would have the effect of discontinuing it in the future, although he had himself acted upon this service.

Now, this matter came up in the Judiciary Committee at the last Congress but one, I think. I suppose I am not betraying any confidence when I say that the committee were unanimous, I believe, with possibly one exception, in disapproving the practice. But we all thought that we did not want at that time to report a measure or resolution which might be construed by persons who did not know the facts into some possible censure or disapproval of the course of our associates in the Senate. Therefore we all agreed that it was better to leave any legislation or resolution on that subject to a time when there was no practical question which would affect anybody, and when everybody could deal with it without any seeming discourtesy or any prejudice.

But I, as chairman, was directed by the committee to wait upon President McKinley and recite to him what had happened and to say that it was the hope of the committee that the practice would not be further extended or continued. I waited upon President McKinley and communicated to him what I had been directed to say. President McKinley told me that, on reflection, he himself was entirely of that opinion, and that he did not think it was a practice which ought to be maintained.

But he added, what I suppose there is no great impropriety in saying, that it was hardly conceivable what difficulty he found in getting precisely the proper instrumentalities for diplomatic service, and that if he were excluded by law or by custom from availing himself of the capacities of the Senators who were familiar with the great subjects to be dealt with diplomatically, who were to act afterwards under their responsibility as Senators, it would increase very much indeed his difficulties in cases like those which had come up; that very nearly always the fittest men in the United States to go and cope with and struggle with and contend with skilled diplomatists abroad were very likely to be found in the Senate, as had been found in the very distinguished case in which the President of the Senate himself was one of the commission.

So there was absolutely no feeling on anybody's part that anything had been done by any of our associates or by President McKinley which was not in pursuance of very important precedents and in consonance with a practice which had prevailed almost from the beginning.

Now, I hope that at some convenient time the Senate will pass a law or resolution expressive of the feeling which I believe prevails almost without exception in this body. There are two or three exceptions, I know, but in general I believe the opinion of the body is almost unanimous that it is not well to allow the President of the United States so to appoint Senators. It is either appointing a committee for the Senate on the subject, when the Senate has the right to appoint its own, or is establishing a peculiar relation of confidence and control and interest between the Executive and some Senators that does not extend to the whole body.

Mr. McCOMAS. Mr. President, I merely wish to make one remark, as it is getting late.

I remember the occasion when this matter was up in committee and was discussed. I was one of the few persons, perhaps, on that occasion not fully convinced, but acquiescing. This question has been discussed at both ends of the Capitol many, many times. It has seemed to me that excellent men, because apprehensive of a particular result or opposed to a particular matter on principle, find fault with the method; and I think if, as the Senator from Massachusetts has said, this question is to be discussed, it had better arise upon a distinct proposition and there had better accompany it a list of the commissions which have been appointed by the Executives of this country from the days of Washington to McKinley.

Looking in the historic past and looking in the recent past if it be found that the commissions which have been appointed have been uniformly of the best selection and the work they have done has been the best work, then it may appear from the experience of a hundred and twenty-six years that the Executive, having the difficulty to which the Senator from Massachusetts referred, unless he did appoint a member of the judiciary or of either House of Congress, could not find some man with special fitness and aptitude for a delicate and important work, it would weaken the interest of the country and it would deprive the country of the services which were preeminently needed by the country to put this sort of a hamper upon the Executive discretion.

It has been said that in foreign mails you should have an expert. That is only one instance. In the foreign mail service you have for generations chosen employees exclusively from that service, because there are no other experts to be had. In respect to coinage, weights, and measures it has been the uniform custom in this country, and in respect of diplomatic subjects and many parliamentary questions. There is no other mode than to take from the ranks of the service, where the most experience resides, or those who have gained from their experience the most confidence of the people. Unless they can be taken the public suffers a loss.

Whenever this question shall come again before the Senate I hope that the gallant and wise Senator from Massachusetts, with the frankness and fairness so characteristic of him, may have compiled a list of all the commissions appointed from the days of Washington to the present. And if what we have done was well done and should not be undone, and if the men who have done it in the retrospect were the best men to do it, if there were among them men who could not have been equaled in performing that service, then why from this general notion of delicacy should the country lose substantial benefits?

Mr. HOAR. May I ask my honorable friend a question?

Mr. McCOMAS. Certainly.

Mr. HOAR. What does the Senator understand about the reason which induced the framers of the Constitution to provide that the President of the United States could not appoint a Senator or Representative to any office whatever of trust or profit under the United States, not even a village post-office, which would be consistent with his sending that Senator to a foreign capital to do exactly what an ambassador would do, to receive $20,000 or $30,000 as salary for the service, and have him spend a season there with the highest social position for the time on the face of the earth? I suppose the purpose of that constitutional provision which prevents the President of the United States from offering me the local post-office in my town is that there shall not be any Executive influence over the Senate.

Mr. McCOMAS. My answer is that the provision of the Constitution was not intended to apply to this sort of a case, for had it been so George Washington would not have quit the chair as President of the Convention which framed the Constitution, and then as the first President violated the spirit and letter of the Constitution by sending John Jay as a commissioner to perform the service he did.

Mr. HOAR. I am speaking of a Senator. What was the reason why the Constitution prohibited the President from appointing a Senator to office?

Mr. McCOMAS. And in further answer, Mr. President, when the Presidents lived in the time of the fathers and appointed Senators on some commissions of that sort, I apprehend that the fathers did not expect in the Constitution which they had just approved such a nicety, such a delicacy, such a sensitiveness as is now exhibited in this latter day, long after those men who made the Constitution did not make this application of it to commissions.

I say that in common sense and in the interest of the country we should not too much refine upon this matter. If the best man be a judge, if the best man be a Senator, if the best man be a member of the House, then the country is entitled to have the best man to represent it in something of that sort. In this particular case here, as has been said, these men are a commission in the sense that they are a board of conciliation made up by the friends of both sides. And what more natural than that an able judge who had won their confidence should be accepted by both sides as the chief arbitrator on that commission? There may have been hundreds of men in the same locality who would have been quite as good, but here was a man as chairman of a board of conciliation whose record and experience convinced both sides that they should quit their warring at this time and agree to take that man as one of the commissioners.

Therefore I say I think the time should not too early come when we should legislate to deprive the country of that which the Executives, from the first to the last, have found of very great service, honor, and profit to our common country.

The hour is late——

Mr. HOAR. My friend does not answer my question. Will he allow me to read this provision of the Constitution?

No Senator or Representative—

This does not apply to justices at all; it is speaking of Senators and Representatives.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

Now, what was the reason for that provision?

Mr. McCOMAS. That would prevent a Senator or Representative from holding an office; and I have in vain expressed my impression if a place on the commission is an office. I insist that it is not an office.

Mr. HOAR. I so understand, but my question is not whether it is an office. My question is, What is the reason for this provision of the Constitution?

Mr. SCOTT. Mr. President, I should like to ask the Chair a question, if the Senator from Maryland will allow me.

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from West Virginia?

Mr. MCCOMAS. I yield for a moment.

Mr. SCOTT. Was not the amendment offered by the Senator from Virginia withdrawn?

The PRESIDENT pro tempore. It was.

Mr. MCCOMAS. Now, Mr. President, I merely answer that the members of the commission of which we are now talking are not, in the purview of the Constitution, what the Senator intimates; and the general and uniform practice of the Executives and the approval of the legislative body seem to maintain the construction for which I contend.

Mr. HOAR. My question is not whether they are officers or not; my question is, What was the reason for that constitutional provision? Will the Senator answer that?

Mr. MCCOMAS. The reason of the framers of the Constitution upon that proposition I am not prepared to discuss at this late hour. I only desire to say that the thing which we are now asked to do ought not to be done hastily or as of common consent. I am glad the amendment has been withdrawn, and if the Senator from West Virginia had been present he would have observed that a little while ago, but the withdrawal of the amendment with the suggestion of renewing the question induced me as one of the younger members of this body to say that I want to have the history of the operation of these commissions brought up for a discussion of the practice, whether it be good or bad.

The PRESIDENT pro tempore. Shall the amendments be ordered to be engrossed and the bill to be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. Shall the bill pass?

Mr. BAILEY. I desire to know if it is still in order to offer an amendment?

The PRESIDENT pro tempore. It is not.

Mr. BAILEY. I lost my opportunity to offer it because I thought it was understood that the word "Commission" where it appears here should be stricken out and in its place either "Arbitration" or "Board of Arbitrators" should be adopted. Words are sometimes unimportant and sometimes when they are intended to describe things they are very important. This is not a commission. This is a board of arbitration, and as such the President was entirely justified in appointing it. If he had attempted to appoint a commission without the authority of law I should not ratify that appointment; and I do not intend with those words in the bill to vote for it.

Mr. ALLISON. The Senator from Texas suggested this change to me. I saw no especial objection to it, and I do not now, except that I am afraid if the words are changed this appropriation will not be available, and as I do not know what the designation is of the gentlemen who are now acting.

Mr. BAILEY. There can be no designation. There is no law under which they could have been designated.

Mr. ALLISON. I suppose they are designated as a commission.

Mr. BAILEY. When and how? There can be no official designation of them until this bill passes. Now the bill simply recognizes the propriety of the appointment of arbitrators, a voluntary operation entirely, and the only extent to which the bill commits Congress is that we are willing to pay the expenses of an arbitration.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Ohio?

Mr. BAILEY. Certainly.

Mr. FORAKER. I suggest that, following "Commission," the words "of Arbitrators" would be within any designation I have ever seen. It is true, as the Senator from Texas says, that we are now for the first time fixing a legal name. If he does not object to that amendment it seems to me that it ought to be made.

Mr. ALLISON. By unanimous consent it can be done.

The PRESIDENT pro tempore. By unanimous consent, of course, the vote by which the bill was ordered to a third reading and read the third time can be reconsidered. Is there objection to reconsidering the vote by which the bill was ordered to a third reading and read the third time?

Mr. MASON. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. BAILEY. I would be glad to have the chairman of the committee make a motion to reconsider. If he does not I shall move it.

Mr. ALLISON. I have no objection to reconsidering the vote and inserting those words. I hope the Senator from Illinois will withdraw his objection.

Mr. MASON. I withdraw the objection. I made the objection, Mr. President, because I can not see any difference. We make it whatever we make it. It has no power necessarily until we give it power, retroactive in a way. Whether we call it a rose or anything else it can not make any difference.

Mr. BAILEY. It is said—

> That which we call a rose
> By any other name would smell as sweet.

But all things are not roses, the Senator from Illinois will understand. When we deal with literature that kind of an expression is permissible, but when we deal with practical and industrial conditions it looks to me like it is desirable to call a thing exactly what it is. This is a board of arbitration, and it seems to me that when we come to——

Mr. MASON. Will the Senator permit me to interrupt him?

Mr. BAILEY. Certainly.

Mr. MASON. What more power has the President to appoint a board of arbitration than he has to appoint a commission?

Mr. BAILEY. The President has no more authority to appoint it than I have or the Senator from Illinois. If these parties had come and said "we will agree to abide by the decision of a board of arbitrators named by the Senator from Illinois, Mr. MASON," under the circumstances the Senator from Illinois would have undoubtedly named the arbitrators; and when they were saving the country such a serious menace as then threatened its industrial and commercial peace I would have voted to pay the expenses of a board of arbitration appointed even by the Senator from Illinois. That is precisely what I want to do here.

Mr. MASON. I suppose I ought not to take further time than to say if we talk any longer we can not have any coal next week. So I will save my speech until next week.

Mr. ALLISON. Do I understand correctly that the vote has been reconsidered?

The PRESIDENT pro tempore. Was the objection withdrawn?

Mr. MASON. It was withdrawn.

The PRESIDENT pro tempore. The objection being withdrawn, the vote ordering the bill to a third reading is reconsidered and the bill is open to amendment.

Mr. ALLISON. Now, in line 7, I move to strike out "Commission" and insert "Arbitration," and in line 8 the same.

Mr. BAILEY. I suggest, in line 8, the word "arbitrators" would be better than "arbitration;" so as to read, "such arbitrators having been appointed."

Mr. ALLISON. I accept that, Mr. President, if I have any power to do so.

Mr. BAILEY. Then, in line 1, page 2, where it reads "the compensation of the members of said commission," it should read "of said arbitrators."

Mr. ALLISON. I would say "the members of said arbitration."

Mr. BAILEY. That is entirely satisfactory.

Mr. ALLISON. Let it read "the members of said arbitration" in line 1, page 2.

The PRESIDENT pro tempore. The Senator from Iowa moves an amendment in line 7, page 1, which will be stated.

The SECRETARY. On page 1, line 7, strike out the word "commission" and insert in lieu thereof "arbitration."

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment will be stated.

The SECRETARY. In line 8, page 1, strike out "commission" and insert the word "arbitrators;" and on page 2, line 1, strike out "commission" and insert in lieu thereof the word "arbitration."

The amendment was agreed to.

Mr. ALLISON. The word "commission" occurs in the amendment which I offered in line 4, page 2.

The PRESIDENT pro tempore. It does.

Mr. ALLISON. Let it be changed to "arbitration," so as to read "members of said arbitration."

The SECRETARY. Line 4, where the Senate struck out "President" and inserted "said commission," strike out the word "commission" and insert "arbitration or arbitrators."

Mr. BAILEY. If you use the word "members" you ought to use the word "arbitration;" so as to read, "members of said arbitration."

Mr. ALLISON. I think in line 4 it would be just as well to say "arbitration;" so as to read, "as may be fixed by said arbitration."

The SECRETARY. Strike out "commission" and insert "arbitration." It occurs in the amendment following the word "Government," also where it reads "$4,000 each; and for the employees of the said commission." Strike out "commission" and insert "arbitration."

The amendment was agreed to.

The PRESIDENT pro tempore. The word "commission" occurs in line 13, on page 2.

The SECRETARY. It occurs in the proviso which precedes, offered by the committee:

Provided, That the members of said "commission," etc.

Strike out "commission" and insert "arbitration." It occurs three times in the proviso.

Mr. ALLISON. Wherever it occurs I ask that "commission" may be changed to "arbitration."

The amendment was agreed to.

The SECRETARY. In line 13, page 2, strike out "commission" and insert "arbitration." In line 16, page 2, strike out "commission" and insert "arbitration."

The amendment was agreed to.

The PRESIDENT pro tempore. That is all.

Mr. ALLISON. Now, Mr. President, I believe that completes the amendments.

The PRESIDENT pro tempore. Shall the amendments be engrossed and the bill be read a third time?

Mr. ALLISON. I hope so.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BAILEY. I suggest that the title be amended.

The PRESIDENT pro tempore. The title will be changed.

The title was amended so as to read: "A bill to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Arbitration appointed by the President of the United States at the request of certain operators and miners."

ARTHUR P. LOVEJOY.

Mr. GALLINGER. Mr. President, I ask consent to call up House bill 3291, an urgent pension bill.

The Secretary read the bill (H. R. 3291) granting an increase of pension to Arthur P. Lovejoy, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Arthur P. Lovejoy, late of Company C, First Regiment Vermont Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EFFICIENCY OF THE MILITIA.

Mr. PROCTOR. Mr. President, I had hoped to get up the militia bill this afternoon, but of course that is now out of the question. I therefore give notice that immediately after the routine morning business on Monday morning I shall ask that it be laid before the Senate for consideration.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, December 15, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 11, 1902.

CONSUL-GENERAL.

George Sawter, of New York, now consul at Antigua, to be consul-general of the United States at Guayaquil, Ecuador, vice Thomas Nast, deceased.

COLLECTORS OF CUSTOMS.

J. Rice Winchell, of Connecticut, to be collector of customs for the district of New Haven, in the State of Connecticut, in place of John W. Mix, deceased.

Henry Whiting, of Maine, to be collector of customs for the district of Frenchmans Bay, in the State of Maine. (Reappointment.)

POSTMASTER.

Selah H. Van Duzer, to be postmaster at Horseheads, in the county of Chemung and State of New York, in place of Frank S. Bentley. Incumbent's commission expires December 20, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 11, 1902.

CONSULS.

William F. Doty, of New Jersey, to be consul of the United States at Tahiti, Society Islands.

George H. Bridgman, of New Jersey, to be consul of the United States at Kingston, Jamaica.

COLLECTOR OF CUSTOMS.

Ellery H. Wilson, of Rhode Island, to be collector of customs for the district of Providence, in the State of Rhode Island.

REGISTERS OF THE LAND OFFICE.

Neal J. Sharp, of Idaho, to be register of the land office at Hailey, Idaho.

Harry J. Syms, of Mountainhome, Idaho, to be register of the land office at Boise, Idaho.

RECEIVER OF PUBLIC MONEYS.

Charles H. Garby, of Idaho, to be receiver of public moneys at Lewiston, Idaho.

MARSHAL.

Edson S. Bishop, of Connecticut, to be United States marshal for the district of Connecticut.

POSTMASTER.

John E. Thomas, to be postmaster at Belleville, in the county of St. Clair and State of Illinois.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 11, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

FIRST REGIMENT OHIO VOLUNTEER LIGHT ARTILLERY.

Mr. CAPRON. Mr. Speaker, I desire to present a conference report on the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery, for the purpose of having it printed in the RECORD.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Light Artillery, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

ADIN B. CAPRON,
CHARLES DICK,
JAMES HAY,
Managers on the part of the House.

J. B. FORAKER,
REDFIELD PROCTOR,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

This action places the proposed legislation as it passed the House June 20, 1902, and was approved by the Senate December 9, 1902.

ADIN B. CAPRON,
CHAS. DICK,
JAMES HAY,
Managers on the part of the House.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery.

The message also announced that the Senate had passed, without amendment, the bill (H. R. 15794) to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested:

S. 3975. An act to refund internal-revenue taxes paid by owners of private dies.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 3975. An act to refund internal-revenue taxes paid by owners of private dies—to the Committee on Claims.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 15794. An act to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890.

EULOGIES ON THE LATE REPRESENTATIVE CHARLES A. RUSSELL.

Mr. BRANDEGEE. Mr. Speaker, I desire to ask the House to fix a time for memorial addresses upon the life, services, and character of the Hon. CHARLES A. RUSSELL, deceased, late a member of this body. With this object in view I beg leave to offer the following resolution.

The Clerk read as follows:

Resolved, That the House meet on Sunday, the 25th day of January, 1903, at 12 o'clock noon, for eulogies upon the life, character, and services of the Hon. CHARLES ADDISON RUSSELL, deceased, late a member of this House.

The resolution was agreed to.

CONTESTED-ELECTION CASE OF WAGONER AGAINST BUTLER.

Mr. OLMSTED. Mr. Speaker, by direction of the Committee on Elections No. 2, to which was referred the petition of Wagoner, the contestant, in the contested-election case of Wagoner against Butler, from the Twelfth district of Missouri, I present the following supplemental report, and ask immediate consideration of the resolution.

The Clerk read as follows:

Further report of Committee on Elections No. 2, to which was referred the petition of George C. R. Wagoner, contesting the election of James J. Butler from the Twelfth Congressional district of Missouri.

After the preparation and adoption of the original report, but previous to its presentation to the House, Mr. Butler and one of the minority members of the committee claiming not to have received their notices in time to appear at the meeting, another meeting of the committee was duly called, at which both parties were present, their statements heard, and the report as originally prepared readopted, with some slight changes in the form of the resolution, and in said amended form immediately presented to the House, December 5, 1902.

The committee now desires to add that at said hearing Mr. Wagoner, the contestant, declared his ability to take the testimony necessary to make out his case within fifteen days. Mr. Butler, being asked what time he would require, declined any estimate and denied the power of the House to modify the time for reply to notice of contest, taking of testimony, filing of briefs, etc., as fixed by statute. We have no hesitation in saying that there is no statute which can fetter this House in the exercise of the high privilege and important duty devolved upon it by the constitutional declaration that "each House shall be the judge of the elections, returns, and qualifications of its own members."

The first legislative action upon the subject was taken in the Fifth Congress, and resulted in the act which was approved by the President January 23, 1798. That bill was reported to the House by Mr. Harper, of South Carolina, from a select committee of five appointed for the purpose. In their report the committee unanimously conceded that the provisions of such a statute could not be enforced on any future House of Representatives, and that its only proper and necessary function would be to provide the mode in which testimony should be taken and grant the powers for the compelling of attending of witnesses, leaving it for each House to determine when testimony thus taken should be presented, whether it would receive it or not, "while the constitutional rights of each House would be saved by its power to adopt or reject the rule for the admission of the testimony."

In the Senate, however, an amendment was inserted as the result of which the act expired at the end of the first session of the Sixth, or next, Congress. Two or three subsequent attempts were made to enact legislation upon the subject, but the majority of the House seemed to have considered that such legislation would be wholly unconstitutional, and from that time until 1851 there was no method of taking testimony until the first session of the Congress to which the opposing parties claimed to have been elected, thus in ordinary cases deferring for more than a year even the commencement of a contest.

To remedy this difficulty Mr. William Strong, of Pennsylvania, afterwards a justice of the supreme court of that State and later of the Supreme Court of the United States, prepared and championed to its passage the act of 1851. To the argument that it was wholly unconstitutional because infringing upon the privileges of the House, he made much such reply as was embraced in the report made by Mr. Harper's committee to the Fifth Congress, contending that the act, as framed, would not and could not interfere with the constitutional rights of any subsequent House, because, as he said, "there is no provision restraining the power of the House to proceed in another manner." (Congressional Globe, p. 109.)

In the Thirty-fifth Congress, in the case of Brooks *v.* Davis, the House having been asked to depart from the provisions of the act of 1851, a minority of the committee filed a report in favor of granting the request. In said report they said:

"If it is claimed that the act of 1851 prevents the House of Representatives from pursuing an investigation in any other manner than prescribed by that act, it would then be wholly inoperative, coming into conflict with the fifth section of the first article of the Constitution of the United States, which provides 'each House shall be the judge of the elections, returns, and qualifications of its own members.' No prior House of Representatives can prescribe rules on this subject of binding force upon its successor, nor can the Senate interfere to direct the mode of proceeding; the House of Representatives is not a continuing body, each body of Representatives having an independent and limited existence, and having the clear right to determine, in its own way, upon 'the elections, returns, and qualifications of its own members.' A like authority is given, and in similar terms, to each House to 'determine the rules of its proceedings, punish its members for disorderly behavior,' etc.; and no member will pretend that a general law, passed in such terms as the act of 1851, would restrain any House from acting on these subjects independently of the law."

That report was signed by four noted lawyers, among them Mr. L. Q. C. Lamar, of Mississippi, afterwards Attorney-General under President Cleveland and by him appointed a justice of the Supreme Court of the United States.

See also the decision in United States *v.* Ballin (141 U. S., 1), unanimous opinion of the court written by Mr. Justice Brewer, Mr. Lamar being at that time a member of the court.

The majority report, presented by Mr. Boyce, of South Carolina, agreed with the minority as to the powers of the House, but held that in that particular case it was inexpedient to depart from the provisions of the statute until the contestant had first exercised all his rights thereunder.

In Williamson *v.* Sickles (1 Bart., 288) Mr. Dawes, of Massachusetts, presented the report of the committee, holding that the act of 1851 had no binding force upon the House. The minority report raised the direct issue by declaring "that it is not competent for the committee to recommend any action to the House which involves a violation of the law of 1851, because as a law of Congress it is obligatory alike upon the House, the committee, and the contestant." The resolution reported by the majority was adopted by the House—yeas 80, nays 64.

Other cases upon the subject in addition to Benoit *v.* Boatner in the Fifty-fourth Congress, are: Reeder *v.* Whitfield, Dailey *v.* Morton, Coffroth *v.* Koontz.

The Kentucky cases in the Fortieth Congress, Congressional Globe, first session, p. 546: Bisbee *v.* Finley, 2 Ells., 172; Jones *v.* Shelly, 2 Ells., 681; Rowell's Digest, 394; Fuller *v.* Dawson, 2 Bart., 126; McGrorty *v.* Hooper, 2 Bart., 211; Thomas *v.* Arnell, 2 Bart., 162; Hunt *v.* Sheldon, 2 Bart., 530; Sheafe *v.* Tillman, 2 Bart., 907; Kline *v.* Verree, 1 Bart., 574; Chapman *v.* Ferguson, 1 Bart., 267; Howard *v.* Cooper, 1 Bart., 275; Vallandingham *v.* Campbell, 1 Bart., 223; Bell *v.* Snyder, Smith, 247. See also Paine on Elections, sections 996 and 1003.

We therefore recommend the adoption of the following preamble and resolution:

Whereas James J. Butler having been returned as elected to membership in this Congress from the Twelfth district of Missouri, his right to such membership was contested on the ground of gross frauds in his election, and having heard said contest this House, on the 28th day of June, 1902, declared said Butler not to have been elected; and

Whereas an election having been held November 4, 1902, to fill the vacancy resulting from the said action of this House, the said Butler was again returned as elected from the said district, took the oath of office December 1, 1902, and now occupies a seat in this House, and George C. R. Wagoner has, through a member of the House, presented a memorial or petition claiming that he, and not the said Butler, was duly elected, alleging gross frauds in the election and showing that he has served upon said Butler a notice of contest; and

Whereas the full time allowed by statute for the taking of testimony, filing of briefs, etc., in such cases would extend beyond the term of the present House, thus preventing it from judging of the merits of the said contest, and the said Wagoner in his petition prays that by appropriate action such time shall be so shortened as that the controversy may be determined before the expiration of the Fifty-seventh Congress; and

Whereas Committee on Elections No. 2, to which said petition was referred, has reported that it awarded a hearing to both parties and that the said Wagoner declares his ability to take the testimony upon his side in fifteen days, and the said Butler making no estimate of the time that will be required by him, and denies the power of this House to shorten the time as fixed by the act of 1851, and other statutes; and

Whereas it is the sense of the House that this contest should be heard and decided at this session: Therefore

Resolved, That in the contested-election case of George C. R. Wagoner *v.* James J. Butler, from the Twelfth Congressional district of Missouri, the contestee shall be required to serve upon contestant his answer to notice of contest on or before December 20, 1902, and that the time for taking and completing testimony in such case shall be limited as follows: The contestant shall be allowed from December 15, 1902, until and including January 3, 1903, in which to take testimony; the contestee shall be allowed from January 3, 1903, until and including January 27, 1903, for the taking of his testimony, and the contestant shall be allowed from January 27, 1903, until and including February 1, 1903, for the taking of testimony in rebuttal. As soon as the testimony shall have been received by the Clerk of this House it shall at once be referred to the Committee on Elections No. 2, and the said committee shall proceed to the consideration of the case; and, having first afforded to the parties an opportunity to be heard as to the merits of the same, shall report to this House its conclusions with respect to such case in time to afford to the House an opportunity to pass upon the same during the present session of Congress. Except so far as herein otherwise provided, this case shall be governed by the ordinary rules of procedure in contested Congressional election cases.

Mr. RICHARDSON of Tennessee. Is there any change in the resolution?

Mr. OLMSTED. There is no change in the resolution. It is a supplemental report; but there is no change in the resolution itself.

Mr. RICHARDSON of Tennessee. Has the supplemental report been printed?

Mr. OLMSTED. It has not. I will state further that it consists of citations of authorities simply for historical reference.

Mr. RICHARDSON of Tennessee. I think there ought to be some additional ones cited, for they are needed. I should like an opportunity to see the additional citations, for certainly the gentleman did not cite any which were sufficient in the original report. I hope the gentleman will not undertake to call up the case for action now, inasmuch as we have not seen the supplemental report and have not had our attention called to the authorities.

Mr. OLMSTED. I call up the resolution as privileged, and ask for its immediate consideration.

The SPEAKER. The gentleman calls up the resolution for the consideration of the House.

Mr. OLMSTED. I would like to ask, Mr. Speaker——

Mr. RICHARDSON of Tennessee. Before the case is entered upon for consideration, I want to ask the gentleman if he thinks we ought to be called upon to consider the case without any report?

Mr. OLMSTED. The report has been filed, there is no obligation upon the committee to file a supplemental report, and it simply files additional authorities for the information of the House at such time as any member may choose to read it.

The SPEAKER. Does the gentleman from Tennessee raise the question of consideration?

Mr. RICHARDSON of Tennessee. Yes, Mr. Speaker.

The question of consideration was taken; and the Speaker announced that the Chair was unable to decide, and appointed Mr. OLMSTED and Mr. RICHARDSON of Tennessee as tellers.

The question was again taken; and the tellers reported that there were—ayes 136, noes 114.

So the House decided to consider the resolution.

CONTAGIOUS DISEASES OF ANIMALS.

Mr. WADSWORTH. The gentleman from Pennsylvania consents to yield to me a moment. I desire to report, from the Committee on Agriculture, a bill (H. R. 15922) to enable the Secretary of Agriculture to more completely eradicate contagious diseases of animals. This is in the nature of an emergency measure. It will be printed and on file to-morrow morning, and I wish to give notice that I will ask for its immediate consideration at that time. I am so directed by the Committee on Agriculture.

The SPEAKER. The gentleman from New York, by direction from the Committee on Agriculture, reports a special appropriation bill in regard to stamping out diseases of cattle now spreading throughout the country, and he gives notice that he will call it up for consideration to-morrow. The bill will be printed with the report, and will go to the Calendar of the Committee of the Whole on the state of the Union.

Mr. RICHARDSON of Tennessee. I reserve all points of order on the bill.

CONTESTED-ELECTION CASE OF WAGONER AGAINST BUTLER.

Mr. OLMSTED. I wish to ask gentlemen on the other side whether we can make an arrangement as to the disposition of time to be consumed in this debate?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I wish to make a parliamentary inquiry. The resolution presented here, as I construe it, is directly in the teeth of more than one statute of the United States. I wish to raise that question now, if this is the proper time to do so, and to insist that it is not within the power of the House of Representatives to pass this resolution. I could not raise this point while the question of consideration was pending, but I now raise it, and I desire at this time to be heard on that point. I make the point that the resolution is not privileged because it is directly in the teeth of the statutes; and if it is privileged it ought not to be passed.

The SPEAKER. Answering the parliamentary inquiry of the gentleman from Tennessee, the Chair calls attention to several decisions holding that, the House having voted to consider a measure, a point of order against it comes too late. The gentleman from Pennsylvania is entitled to the floor.

Mr. ROBINSON of Indiana. Mr. Speaker, I desire at this time to offer an amendment to this resolution—to insert in line 5 of the printed copy——

The SPEAKER. The gentleman from Pennsylvania has the floor unless he yields.

Mr. ROBINSON of Indiana. I was simply stating my proposition. I ask the gentleman to yield for the purpose of allowing an amendment, to insert in line 5 of the printed resolution the word "twentieth" instead of "fifteenth."

The SPEAKER. Does the gentleman from Pennsylvania yield for that amendment?

Mr. OLMSTED. I prefer that the gentleman should make it a little later in the discussion.

Mr. ROBINSON of Indiana. Will the gentleman allow it to be offered now and considered pending?

Mr. OLMSTED. Yes.

Mr. ROBINSON of Indiana. And if the gentleman will permit——

The SPEAKER. With this understanding the amendment will be sent up and read, so that the House may comprehend it, and it will be considered as pending for consideration at the proper time.

The Clerk read as follows:

On page 1 strike out the word "fifteenth," in line 5, and insert the word "twentieth;" so as to read: "Notice of contest on or before December 20, 1902."

Mr. ROBINSON of Indiana. And with the permission of the gentleman from Pennsylvania, I desire to offer a substitute resolution, which I hope he will allow to be read now and considered as pending.

The SPEAKER. Does the gentleman from Pennsylvania yield for the purpose of having this proposition read?

Mr. OLMSTED. Yes, sir.

The Clerk read as follows:

Resolved, That after a reasonable time has been given by Election Committee No. 2 to contestee to file his answer to the notice of contest, that a subcommittee of five be appointed by the chairman of the Committee on Elections No. 2 to make a full and thorough investigation of the contested election case of George C. R. Wagoner against James J. Butler, from the Twelfth Congressional district of Missouri; to take and report all the evidence in regard to the methods of said election, and as to whether the contestant or the contestee or either of them was lawfully elected, and report such evidence to the said Committee on Elections, and said committee will report said evidence and its findings to the House for further action.

Said subcommittee is empowered to issue subpœnas for witnesses, to send for persons and papers, to employ a stenographer and deputy sergeant-at-arms, and to sit during sessions of the House. Said subcommittee may proceed to Missouri, if deemed necessary by them, to take any part of said testimony. That all expenses of said committee shall be paid out of the contingent fund of the House. That all vouchers or expenditures shall be certified by the chairman of the subcommittee of the said Committee on Elections. The Clerk of this House is authorized to advance the necessary funds to the chairman of said subcommittee upon his drafts therefor in sums not exceeding $1,000 at any one time, to be accounted for under the terms of this resolution, under the supervision of the Committee on Accounts.

The SPEAKER. Does the gentleman from Pennsylvania yield for the purpose of allowing this proposition to be pending for consideration?

Mr. OLMSTED. Yes, sir.

The SPEAKER. It will be so understood by the Chair.

Mr. OLMSTED. I now ask the gentleman from Indiana what arrangement can be made as to the amount of time to be consumed in the discussion of this matter.

Mr. ROBINSON of Indiana. Mr. Speaker, I think that two hours on a side would not be too much, and I ask the gentleman from Pennsylvania to propose that to the House.

Mr. OLMSTED. I would suggest to the gentleman that, as we do not propose to and could not, probably, in the discussion of this resolution, go into the merits of the election contest, it seems to me that that is too much time.

Mr. ROBINSON of Indiana. But the gentleman readily understands that this now is a case where the exigency requires consideration of the election contest in the life of this Congress—within three months—and it is important for Congress to know some of the matters that are involved in the case. In order to have that understanding and to properly judge of the merits of these two propositions, I think it is important that the matter should be thoroughly understood, with a statement of enough of the facts to enable the House to judge as to the merits of the respective propositions presented to it; and as this is the first time that Elections Committee No. 2 has asked the House of Representatives in six years for any time, except to confirm its unanimous action, I think the gentleman ought not to object to the two hours on a side.

Mr. OLMSTED. I will ask if the gentleman would then be willing to agree that the previous question be considered as ordered at the expiration of the time agreed upon for debate upon the resolution, the substitute, and the amendment.

Mr. ROBINSON of Indiana. The tendency, of course, would be to cut out all other amendments; and while I know of none, and my colleagues on the committee know of none, yet I think that rule at this time would be too drastic. I think there will be no difficulty about it, however.

Mr. OLMSTED. I think if we agree to so long a time, when I am sure this side of the House does not desire it, and our side having, of course, the burden, we ought to have a definite understanding that the matter close at the expiration of that time.

Mr. ROBINSON of Indiana. I think the gentleman has a right to close it at that time. He has a right to move it at the expiration of that time. Personally, I have no objection to it, but the tendency would be to cut off amendments that may be considered proper by the gentleman himself.

The SPEAKER. What is the request submitted by the gentleman from Pennsylvania?

Mr. OLMSTED. I ask unanimous consent that three hours be allotted to the discussion of this resolution, amendment, and substitute, now pending, one half to be controlled by myself and the other by the gentleman from Indiana.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the debate be limited to three hours, one half to be controlled by himself and the other by the gentleman from Indiana. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Chair recognizes the gentleman from Pennsylvania.

Mr. OLMSTED. Mr. Speaker, at the regular election at which members to the Fifty-seventh Congress were elected, James J. Butler was returned as elected from the Twelfth district of Missouri, composed of the city of St. Louis. He was sworn in as a member and his seat immediately contested upon the ground of gross frauds in the election. That contest was heard by the appropriate committee and by this House, which decided on the 28th day of June, 1902, that he had not been lawfully elected. It held that nobody had been elected. A special election was held on the 4th day of November, 1902, to fill the vacancy thus occasioned. As the result of that election Mr. Butler was again returned as having been chosen to fill the vacancy occasioned by his own unseating in this House. There has been presented through an honorable member of this body the petition of George C. R. Wagoner, claiming that he and not the said Butler was duly elected at said special election, for the remainder of this Fifty-seventh Congress. Mr. Wagoner accompanies his petition with

a copy of the notice of contest and with sworn statements, which convince your committee that his contest is made in good faith. But, according to the act of 1851 and the amendatory statutes of 1873, 1875, and 1887, the time allowed for the contestee, the sitting member, to serve his answer is thirty days.

The time for the taking of testimony is forty days upon the one side, then forty upon the other, and ten days in rebuttal, or ninety days in all. Then, under the law of 1887, sixty days more are allowed for filing briefs, so that, in the ordinary course, under these statutes this case could not be presented to this House for its consideration before the 1st of next July, whereas by constitutional limitation the term of this House, as well as the term for which Mr. Wagoner claims to have been elected, will expire in March. That being the case, the petitioner asks that by appropriate action the House will so shorten the time as to permit of the decision of the contest at this session.

Your committee had both parties before it. The contestant, upon whom, of course, rests the burden of proof, averred his ability to prove his case within fifteen days. The contestee, Mr. Butler, declined to make any estimate of the time required by him, but denied the power of the committee or of the House to shorten the time as fixed by statute. In other words, coming up here claiming to have been elected to fill the vacancy caused by our rejection of his former credentials, he points to the statute that prevents our consideration of his case, and, figuratively speaking, applies his thumb to his nose, gyrates his fingers in our direction, and asks, "What are you going to do about it?"

Now, the question is whether this House will exercise the high prerogative and privilege conferred upon it by the Constitution, which says that each House shall be the judge of the elections, returns, and qualifications of its own members. Taking the contestant at his word, the committee has recommended a resolution which allows him fifteen days, exclusive of Sundays and holidays, for the taking of testimony. We have then allowed the sitting member twenty days to take testimony in reply, and the contestant five days in rebuttal, upon the return of that testimony the committee to proceed immediately to the consideration of the case and report it to this House in time for its action at this session.

Now, it is claimed by the gentleman from Tennessee [Mr. RICHARDSON], and I have no doubt that a great deal of the burden of the argument upon the other side will be, that we propose to disregard the provisions of the statute of 1851. We do. We claim that right.

The Constitution is over and above and beyond the reach of any act of Congress. It imposes upon "each House" a duty to perform, and our position is that upon the performance of that duty no previous House could impose any restriction or condition whatever which, though concurred in by the Senate and approved by the President, is in any way binding upon this present House any further than it chooses to be bound.

I have taken some pains to examine into the history of such legislation, and of the action of successive Houses under it, and have found, as I supposed, that it never was intended, even by the framers of this legislation, that it could or should have any binding effect upon any future House, and also that the House itself has always, upon proper cause shown, claimed and exercised the power of disregarding and setting aside in any particular case the provisions and requirements of this statute, and of proceeding otherwise, as the requirements of the particular case seemed to demand, frequently in direct conflict with the provisions of the act of 1851.

The very first legislation upon the subject occurred in the Fifth Congress. Certain resolutions upon the subject were submitted and considered in Committee of the Whole. Mr. Sitgreaves, of Pennsylvania, and Mr. Gordon, of New Hampshire, and others, argued that such a resolution would not be binding upon any future House. The Committee of the Whole seems to have been very strongly of that opinion, as it rose without taking action, and leave was refused to sit again. It having been suggested, however, in debate that a bill might be passed to do away with the inconvenience arising from the fact that there was no law obliging witnesses to give their depositions in contested-election cases, a motion was made and carried for the appointment of a select committee of five—

to take the subject-matter itself under consideration and report their opinion generally to the House.

The entire membership of the committee is not given, but its report was submitted to the House December 15, 1797, by Mr. Harper, of South Carolina, a very prominent lawyer in his day.

That report, which appears to have been unanimously adopted, was presented by Mr. Harper, of South Carolina, a very eminent lawyer in his day. The committee recommended the passage of a law making provision for the taking of testimony, compelling the attendance of witnesses, etc., and in their report said:

As to the objection, that such a law could enact no sanctions by which the admission of testimony, taken in pursuance of its provisions, could be enforced on any future House of Representatives, the committee do not consider it as of sufficient weight to prevent the adoption of the measure; even the utility of which they do not suppose would be, in any considerable degree, diminished by this objection.

And I ask the gentleman from Tennessee [Mr. RICHARDSON] particularly to attend to this language:

The proper and the only necessary functions of such a law would be to prescribe the mode in which testimony should be taken, and to grant powers for compelling the attendance of witnesses. Whether testimony thus obtained should be admitted in any particular case, or whether further testimony should be required, must depend on the decision of that House before which such case should come for discussion; and it would be in the power of each House, at the commencement of its first session, to adopt a rule declaring that in all cases of contested elections to come before it testimony taken pursuant to such law should be received. This, it is presumable, would be done, and would gradually grow into a constant and well-known regulation, to which all persons engaged in contested elections might with safety conform. It would still be in the power of each House to refrain from passing such a resolution and to reject the testimony; but it ought not to be presumed that when the mode should have been perfected by experience, and becoming generally known, testimony fairly taken in conformity to it would be rejected. On the contrary, there would be a strong and well-founded presumption that such testimony would be received; and this presumption, joined to the aid which the law would afford in compelling witnesses to attend, would enable persons concerned in contested elections to come at first duly prepared for the trial, while the constitutional rights of each House would be saved by its power to adopt or reject the rule for the admission of the testimony.

To adopt this rule at the beginning of each Congress, before it should be known to what particular cases it was to apply, would, moreover, preclude those inconveniences which result from the discussion of general principles in connection with particular cases.

Conformably to these ideas the committee recommend that a law be passed prescribing the mode in which and the persons before whom testimony in cases of contested elections for this House shall be taken, and giving power to compel the attendance of witnesses for that purpose.

That report may be found in American State Papers, miscellaneous, volume 1, page 159, and the proceedings in relation to the matter in Annals of Congress, volume 5, part 1, Fifth Congress, first and second sessions.

On December 18 the House and Committee of the Whole agreed to the committee's report without debate, and directed that it bring in a bill in accordance with its recommendations. Such a bill was presented, and appears to have been passed by the House unanimously and without debate. It was entitled:

An act to prescribe the mode of taking evidence in cases of contested elections of members of the House of Representatives of the United States, and to compel the attendance of witnesses—

and was approved by the President January 23, 1798.

The Senate, however, appears to have had some doubts upon the subject, for the bill was referred to a select committee of three, which reported an amendment unanimously—

That this act shall continue and be in force until the end of the first session of the Sixth Congress and no longer.

From that time until 1851 there was no law providing for the taking of testimony, and in contested-election cases nothing could be done until the meeting of the Congress, more than a year after the election. The contestant then presented his memorial to the House, and a committee was sent from the House to examine witnesses and procure the necessary evidence. The result was that such contest could not be decided until a large part of the life of the Congress had passed away. A person not entitled to his seat frequently occupied it for many months, while the rightful occupant was as long excluded, and in the end the Government had frequently to pay the salaries of both the parties for the same period.

To remedy this evil and to expedite the decision of such cases by providing a method of taking testimony in advance of the sitting of Congress, the act of 1851 was prepared, introduced, and championed to its passage by Mr. William Strong, of my own State of Pennsylvania, afterwards a justice of the supreme court of that State, and later a justice of the Supreme Court of the United States.

During the consideration of the bill, objection was made to its constitutionality, particularly by Mr. Jones, of Tennessee, who denied the authority of the President or Senate to take any part whatever in relation to such contest, the Constitution providing, as he said, "That each House must be a law to itself with respect to the election and qualification of its members." Mr. Jones referred particularly to the provision requiring the contestant to serve his notice of contest within thirty days after the lawful determination of the result of the election. Upon this point, Mr. Strong said:

I heard it suggested the other day when this bill was read that it took away the power of the House to judge of its own elections. There is no such provision in it. There is one section of the bill which provides that every contestant shall give the notice and may take testimony in the mode prescribed. There is no provision restraining the power of the House to proceed in another manner. (Congressional Globe, p. 109.)

His entire remarks show that the intention of the framers of the law were to expedite the taking of testimony and preparation of cases for the consideration of the Elections Committee and of the House itself, so that, as he declared, instead of months of delay during which a person wrongfully occupying a seat might hold it to the exclusion of the rightful member, the country meanwhile paying the salaries of both, there could be a decision

soon after the meeting of Congress, the testimony having been previously taken.

It is manifest from his speech, taken as a whole, and from the remarks of others during the passage of the bill, that it was not the intention or expectation that its provisions would be binding upon any future House, but that if expressly or impliedly adopted by each succeeding House, the regulations thus provided would enable the contesting parties to take their testimony in advance of the meeting of the House in which they claim membership. "There is," said Mr. Strong, "no provision restraining the power of the House to proceed in another manner." In other words, the notion of the House in 1851 was the same as that which obtained in 1798, namely, that the regulations provided would not be binding upon any future House, but would be of great convenience to each future House that should choose to adopt or accept them. Their thought was that the statute would be binding upon all parties except the House.

In the Senate the act of 1851 does not appear to have been debated at all. Mr. Bradbury, who moved its passage, said:

I ask it as a matter of courtesy of the House. It affects them and can not go into operation without our action upon it.

The bill was thereupon passed by the Senate and afterward approved by the President.

The ruling, or at least the action of every House in which the question has been raised, from 1851 down to the present time, has been in entire accord with the views expressed, as I have already shown, by the framers of the act of 1798 and again by the framers of the act of 1851. The question was indeed raised a very few years after the passage of the act of 1851.

In the Thirty-fourth Congress, in 1856, in Archer *v.* Allen, the majority of the committee reported that they regarded the act of 1851 "as directory merely and not as absolutely controlling the action of the House or of the committee," and they permitted the contest to be governed outside of and in conflict with the provisions of the statute. The minority, however, in their report, held the act to be peremptory and binding.

The House sustained the majority and unseated the sitting member—94 to 90. The case is reported in 1 Bartlett, 169, and in Rowell's Digest, 762.

On February 14, 1856, Mr. A. H. Reeder gave his first notice of intention to contest the seat of Mr. Whitfield, a Delegate from Kansas, claiming to have been elected October 1, 1855. The act of 1851 requires notice of contest to be served within thirty days from the election and allows ninety days for the taking of testimony. Although nearly five months after the election Mr. Reeder had neither served notice of contest, nor taken testimony, nor in any other respect complied with the terms of the act of 1851, upon the presentation of his memorial that act was discussed in the House. It was claimed by some that while it in terms applied to States only, by implication it extended also to contested elections in Territories. But it was argued, apparently with prevailing effect, by Mr. Israel Washburne, of Maine, that even if it did apply to Territorial contests, the act of 1851 could not prevent the House, under the Constitution, from passing such orders and resolutions to procure testimony, whether by witnesses or depositions, as it might think proper. By resolution of the House, a special committee was appointed consisting of John Sherman of Ohio, William A. Howard of Michigan, and Mordecai Oliver of Missouri. The report of that committee was referred by the House to the Committee on Elections, whose report and the action of the House thereon unseated Mr. Whitfield by a vote of 110 to 92. A resolution to admit Mr. Reeder was defeated by a vote of 88 to 113, so the seat became vacant.

In the Thirty-fifth Congress, February 12, 1858, Henry P. Brooks, of Baltimore, addressed a memorial to Congress, stating that he had served notice of contest upon Henry Winter Davis, and setting forth reasons why he ought not to be required to proceed under the act of 1851, urged the House to decide the contest "By evidence summoned to the presence of the House or by full investigation by a committee with adequate powers." His memorial was referred to the Elections Committee, which reported that the reasons stated in the memorial were not sufficient to induce the House to go beyond the act of 1851. The minority presented a report in favor of granting his request. I desire to call the attention of gentlemen upon the other side of the Chamber to that report. It proceeds thus:

If it is claimed that the act of 1851 prevents the House of Representatives from pursuing an investigation in any other manner than prescribed by that act, it would then be wholly inoperative, coming into conflict with the fifth section of the first article of the Constitution of the United States, which provides "each House shall be the judge of the elections, returns, and qualifications of its own members." No prior House of Representatives can prescribe rules on this subject of binding force upon its successor, nor can the Senate interfere to direct the mode of proceeding; the House of Representatives is not a continuing body, each body of Representatives having an independent and limited existence, and having the clear right to determine in its own way upon "the elections, returns, and qualifications of its own members." A like authority is given, and in similar terms, to each House to "determine the rules of its proceedings, punish its members for disorderly behavior," etc.; and no member will pretend that a general law, passed in such terms as the act of 1851, would restrain any House from acting on these subjects independently of the law.

This report was signed by Henry M. Phillips, of Pennsylvania; Thomas L. Harris, of Illinois; John W. Stevenson, of Kentucky, and Lucius Q. C. Lamar, of Mississippi, afterwards Attorney-General under President Cleveland, and by him appointed a justice of the Supreme Court of the United States, which position he occupied to the day of his death. He was an active member of that court on the 29th day of February, 1892, when he concurred in the opinion that day filed by Justice Brewer in United States *v.* Ballin, reported in 144 United States Reports, commencing at page 1, in which, passing upon the rule adopted by this House in 1890 for the counting of a quorum by the Speaker, that court said:

The Constitution empowers each House to determine its rules of proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. But within these limitations all matters of method are open to the determination of the House, and it is no impeachment of the rule to say that some other way would be better, more accurate, or even more just. It is no objection to the validity of a rule that a different one has been prescribed and in force for a length of time. The power to make rules is not one which, once exercised, is exhausted. It is a continuous power, always subject to be exercised by the House, and, within the limits suggested, absolute and beyond the challenge of any other body or tribunal.

In the debate in the House, in Davis *v.* Brooks, Mr. Boyce, of South Carolina, who had presented the majority report, said:

I suppose there is no difference of opinion as to the law of the case. By the Constitution the House is made the "judge of the elections, returns, and qualifications of its own members." This power, being granted by the Constitution, is above all law, and can not be taken away or impaired by any law. * * * There is no doubt, then, as to the power of the House to proceed, independently of the act of 1851, in this case. If the House thinks proper, it can, through a committee or by a commission, take the testimony in this case. The only question is as to the expediency of so doing. The question for the House is not as to its power—that is conceded; the question is as to the propriety of the exercise of that power in this particular case. I am decidedly of opinion that the House should not interfere in the matter, but let the parties concerned prosecute the case under the act of 1851.

Mr. Phillips, of Pennsylvania, who had presented the minority report, said:

Attempts were made to enact similar laws in 1806, in 1810, and in 1820, and on all those occasions the power of Congress to regulate the mode of taking proof in inquiries into the validity of elections was denied by a majority of the body. In 1851 this law was passed. The minority of the committee * * * most emphatically deny that there is any power in this law, or that there is power in any law the Congress of this nation can pass, to restrict either the House of Representatives or the Senate from inquiring into the election, qualifications, and returns of its own members. The Constitution prevents it. It says that "each House shall be the judge of the elections, returns, and qualifications of its own members." Each House, the minority claim, has the right to judge of the elections, returns, and qualifications of its own members, just as each House may, by the grant of power in similar language, determine the rules of its own proceedings; and that an attempt upon the part of a prior Congress, or an attempt upon the part of a coordinate branch, to restrain and restrict this House from looking into the returns and elections of its own members would be as futile and vain as similar attempts would be to regulate the rules of proceedings of this House.

Mr. Wilson, of Indiana, in reply, said:

I think, and a majority of the committee agree, that this law of 1851 is not imperative; that it is not binding, and that is a sufficient answer to the position of the gentleman from Pennsylvania [Mr. Phillips] in regard to his constitutional objection. We do not consider the law of 1851 as imperative, but we do consider it a good, safe, and proper rule to be adopted by the House and by the committee in all contested-election cases.

Mr. Bowie, of Maryland, said:

But when you come to form it into a law, and the legislative power of the Government—the Congress—and the Executive come to tell us how we are to regulate the rules of our House, I pass it by as a usurpation, and it falls dead beneath my feet. The power of that law of 1851 is nothing—nothing as as a law, certainly.

Mr. Washburn, of Maine, said:

I think that the law of 1851, though I hold it to be merely directory, provides for taking testimony under it.

The House appears to have been nearly, if not quite, unanimously of the opinion that it was in no wise bound by the act of 1851, but it adopted the committee's resolution to the effect, in that particular case, there still being time for the taking of testimony under the act of 1851 it was inexpedient to adopt the other method desired by the contestant.

I have quite a long list of cases in which the House has disregarded the act of 1851. It would be a waste of time to discuss them all at length, but as matter of historical interest I shall, with the consent of the House, include some reference to them as part of my remarks. I wish now to invite attention to a very important ruling upon this precise point.

In the Thirty-sixth Congress, in 1860, the question whether the act of 1851 had any binding force upon a subsequent House was fairly and squarely presented for consideration in a case which has since been considered the ruling case upon the subject.

The seat of Daniel E. Sickles, of New York, was contested by Amor J. Williamson. He did not proceed under the act of 1851; he filed no notice of contest, as required by that act, and took no testimony. More than a year after the election he presented a petition to the House asking for a committee to take testimony.

The matter was referred to the Elections Committee. Mr. Dawes of Massachusetts presented its report, in which the majority said:

The committee do not consider the law of 1851 as absolute binding force upon this House, for by the Constitution each House shall be the judge of the elections, returns, and qualifications of its own members, and no previous House and Senate can judge for them. The committee, however, consider that act as a wholesome rule, not to be departed from except for cause.

The report was signed by five members. It recommended the adoption of a resolution providing that Williamson serve upon Sickles within ten days a particular statement of the grounds of his contest; that Sickles be required to serve his answer in twenty days, and that sixty days be allowed for the taking of testimony after the service of answer, the testimony to be taken before some justice of the supreme court of the State of New York, residing in the city of New York. This method was wholly at variance with the act of 1851.

Mr. John A. Gilmer presented the report of the minority, opposing the resolution and declaring squarely—

That it is not competent for the committee to recommend any action to the House which involves a violation of the law of 1851, because as a law of Congress it is obligatory alike upon the House, the committee, and the contestant; that the act relating exclusively to the initiation of the proceedings, the taking of testimony, and the preparation of the case for the decision of the House, does not infringe upon the constitutional prerogative of the House to judge of the election, return, and qualifications of its members.

The resolution reported by the majority was adopted by the House—yeas 80, nays 64. This case is reported in 1 Bartlett, page 288.

In the Thirty-seventh Congress, July 8, 1861, the House, without debate or division, passed the following resolution:

Resolved, That the papers in the case of the contested seat of the Delegate from the Territory of Nebraska be referred to the Committee on Elections, and that they be authorized to investigate and report on the same without regard to notice.

In the Thirty-ninth Congress, December 5, 1865, the governor of Pennsylvania having failed to certify which party had been elected, the House passed the following resolution:

Resolved, That the certificates and all other papers relating to the election in the Sixteenth Congressional district of Pennsylvania be referred to the Committee of Elections, when appointed, with instructions to report, at as early a day as practicable, which of the rival claimants to the vacant seat from that district has the prima facie right thereto, reserving to the other party the privilege of contesting the case upon the merits without prejudice from the lapse of time or want of notice.

The majority of the committee reported January 26, 1866, that Coffroth had the prima facie right to the seat, and recommended the adoption of the following resolution:

Resolved, That William H. Koontz, desiring to contest the right of Hon. Alexander H. Coffroth to a seat in this House as a Representative from the Sixteenth district of the State of Pennsylvania, be, and he is, required to serve upon the said Coffroth, within fifteen days after the passage of this resolution, a particular statement of the grounds of said contest, and that the said Coffroth be, and he is hereby, required to serve upon the said Koontz his answer thereto within fifteen days thereafter, and that both parties be allowed sixty days next after the service of said answer to take testimony in support of their several allegations and denials, notice of intention to examine witnesses to be given to the opposite party at least five days before their examination, but neither party to give notice of taking testimony within less than five days between the close of taking it at one place and its commencement at another, but in all other respects in the manner prescribed in the act of February 19, 1851.

The report of the majority was sustained, Coffroth was seated, and Koontz became the contestant. As the result of the contest, Coffroth was unseated and his seat given to Koontz.

It will be observed that both the majority and minority of the committee, and the entire House, appear without dissent to have considered the act of 1851 as of no binding force, the entire contest having been carried on outside of, and in conflict with, its provisions.

In the Fortieth Congress, July 9, 1867, Mr. Dawes, from the Committee on Elections, presented the following resolution, which was agreed to by the House:

Resolved, That in each of the cases of contested election from Kentucy the time for taking the testimony is hereby extended to the 1st day of December next, in all things conforming to existing law, except that such testimony may be taken before a notary public.

Mr. Randall of Pennsylvania participated in the debate. No one raised any question as to the competency of the last two lines, which were in direct conflict with the act of 1851. (See Congressional Globe, Fortieth Congress, first session, p. 546.)

In the case of Bisbee *v.* Finley, as reported in 2 Ellsworth, page 172, it was held that—

The provisions of the statute in reference to the taking of testimony in these cases are directory, constituting only convenient rules of practice; and the House is at liberty, in its discretion, to determine that the ends of justice require a different course.

In that case the minority report was presented by Mr. F. E. Beltzhoover, of Pennsylvania, a prominent lawyer and Democrat, now living in my own district. In that report this language is used:

The House is the exclusive judge of the qualifications, elections, and returns of its own members. In the exercise of this prerogative it is not bound by the technical rules of judicial procedure, nor even by its own precedents. These may be persuasive, and in so far as they embody the wisdom of experience, enlighten the mind and contribute to right conclusions. In the exercise of this attribute of sovereignty the House is charged in the ultimate with the maintenance of the right paramount and preservative of all other rights—the elective franchise. Therefore the House is absolutely untrammeled and answerable only to the sovereignty where this power emanates. The electors can and should accept no apology for any evasion or abuse; every case should be decided upon its own merits, and electors should accept no other conclusion than the vindication in fact of the right of representation.

In the Forty-seventh Congress a case arose analogous to the one in hand. A special election had been held in the Fourth Congressional district of Alabama November 7, 1882, to fill a vacancy caused by the unseating of Charles M. Shelley. The time for taking testimony, under the act of 1851, would extend beyond March 4, when Congress would expire by constitutional limitation. The contestant asked that some other mode of procedure be prescribed. January 22, 1883, Mr. Raney, from the Committee on Elections, reported in favor of appointing a special committee to take testimony, with power to send for persons and papers. Mr. Beltzhoover, from the same committee, in behalf of the minority, filed a report holding that no good cause had been shown and alleging negligence on the part of the contestant. The minority, however, admitted that the act of 1851 was not binding, and in its report said:

It is true that it has been held that the acts of Congress regulating contests are only directory and not imperative, and may therefore be disregarded by the House if it sees proper to do so; but all the best interests of fair trial and just judicial determination are largely subserved by adhering to the regular prescribed methods. McCrary says: "They (the statutes regulating the mode of contesting elections) constitute wholesome rules not to be departed from without cause" (sec. 349). This was settled by the House in the case of Williamson *v.* Sickles (1 Bartlett, 288). The contestant, through his memorial, asks Congress to take a short cut outside of the law for the disposition of the case by the appointment of a special committee, with summary powers and authority to act according to its own discretion. There are strong reasons why this extraordinary relief should be refused and the regular practice be adhered to.

First. The contestant complains that the time is insufficient to finish his contest in the way prescribed by the statute. But there is no evidence that this is so, and even if it were, he has been guilty of laches in conducting his case. He might have begun about thirty days sooner than he did and thereby saved a large portion of the brief time which of necessity remained to him to test his rights, and which he now complains is too short.

The case is reported in 2 Ellsworth, page 681, and in Rowell's Digest, page 394.

In Paine on Elections, section 996, referring to the act of 1851, the learned author says:

It is provided by law that a party proposing to contest the right to a seat in the House of Representatives of the United States shall, within thirty days after the determination of the result, serve upon the party in whose favor the result shall have been determined a notice specifying the grounds of the contest; but, while the failure to serve such notice will exclude the party from the privileges of a technical contest, it will not affect the power of the House, in its own discretion, to investigate the case and to award the seat to the party lawfully entitled thereto.

And, again, in section 1003, he says, concerning the same statute:

The statutory provision prescribing the time within which the notice of contest is to be served is not obligatory upon the House of Representatives. A mere failure to serve this notice within the period limited by the statute will not always result in the dismissal of the contest without a trial of the case on its merits. The Federal Constitution does not permit the House to be fettered by this statute. Since the enactment of the statute of 1851 no contest has been dismissed without a trial on the merits upon the sole ground that the notice was not served within the period of thirty days limited in the statute.

The following cases also have more or less bearing upon this question: Fuller *v.* Dawson, 2 id., 126; McGrorty *v.* Hooper, 2 Bart., 211; Thomas *v.* Arnell, id., 162; Hunt *v.* Sheldon, id., 530; Sheafe *v.* Tillman, id., 907; Kline *v.* Verree, 1 Bart., 574; Chapman *v.* Ferguson, id., 267; Howard *v.* Cooper, id., 275; Vallandigham *v.* Campbell, id., 223; Bell *v.* Snyder, Smith, 247.

And there is the very recent case of Benoil *v.* Boatner, in the Fifty-fourth Congress. There was no discussion of the question, but the action of the House was in conflict with the law of 1851 and the law of 1887.

I do not desire to consume time unnecessarily, and shall dwell no longer upon that aspect of the case. Here we are confronted by the proposition that if we adhere to these provisions of the act of 1851 we can not hear and determine this case at this session. The gentleman we have once rejected as not legally elected comes up here from the same district. Practically the same allegations are made as those which were proved in the first contest. The contestant shows evidence of some faith and claims to be able in fifteen days to prove his case. The only question is, Shall we hear him or shall we not? Shall we exercise the powers which the Constitution devolves upon us and obey the command which it places upon us to judge of the elections, qualifications, and returns of members of this House, or shall we sit here supinely and let this matter go?

If it is proper at this time to refer to the substitute resolution offered by the gentleman from Indiana [Mr. ROBINSON], the objection to it is that it provides a plan which would consume even more time than to proceed under the act of 1851. It authorizes a committee of this House to go to Missouri and take testimony. The statute now provides that testimony may be taken in two or more places at the same time. The taking of testimony can go

on at a dozen different places simultaneously. If this House appoints a committee, it can sit only in one place at one time. It would take ten times as long to take the testimony in that way as it would to take it in the usual way, and of course it could not come before the House in time for consideration at this session. Let us so proceed that the testimony may be concluded, the case heard, and justice done before the Fifty-seventh Congress passes into history. [Applause.]

Mr. ROBINSON of Indiana. Mr. Speaker, this contest is precipitated on the contestee, on the Committee of Elections No. 2, and on the House by the circumstances of the case, and in them only can a justification be found for these unusual proceedings.

It does not come to us in the usual and orderly way provided by law for the determination of election contests.

We do not deny the power of this House to make all needful rules and regulations to secure purity and regularity in the election of its members. This is fundamental and exists by virtue of the constitutional provision "each House shall be the judge of the election returns and qualifications of its own members."

This plenary right is not abridged by a former legislative enactment.

The House has the power in the modes outlined in the resolution presented and the substitute offered thereto to take such action as in its judgment will secure a determination of this contest, if possible, in the limited time allotted, measured by the life of this Congress.

Three questions appeal to our judgments at the very threshhold of this inquiry, when we come to fix what time would give a fair and judicial determination of this case within which it must be circumscribed to be decided at all.

Missouri, a sovereign State, has her laws to secure the fair election of her Representatives, and, the presumption attending the last election under the State laws, we have the contestee, her Representative, holding a certificate of her governor and a sitting member. The rights of individual citizens must be subordinated to the rights and interests of the State so far as to exclude this House and the Federal authority from deciding against the State till a case fully considered is made out against the regularity of the election.

The House is interested deeply for the security of its membership and the integrity of its proceedings to see that the fullest opportunity is given, the best efforts made, and the fullest time accorded to investigate, hear, and determine questions involving the rights of the State and the rights of the House.

The wisdom of Congress that has stood the test of half a century has given us the mode of procedure that governs in election cases.

The contestant has rights and interests in the contest as has the contestee, but these must be submerged to the other two great interests of the State and of the House.

Whoever holds a seat represents his State as he understands her interests to the best of his ability, and no State should have her accredited representative disturbed except upon the safest and surest grounds.

Nor should politics cloud our judgments on this proposition.

There is no politics in it. You can not get a proposition involving politics from Elections Committee No. 2, and I point with pride to its spotless record of six years in three Congresses, where this Elections Committee has never divided, but were always unanimous, and only occupied the attention of the House when it wanted the House to confirm, as it wisely and generously did, its conclusions, seating Democrats and Republicans alike. So there is no politics in the case in the committee. If politics entered into it, it would be Missouri politics, on the side of allowing the contest to go on. We know the results in districts of unseating sitting members. We find it here. Before I get through I will show you the condition that prevailed in the State of Missouri where a factional fight produced the result—the election of Mr. Butler by an overwhelming majority of 6,000.

The law governing election contests, so far as it concerns us, and which have been considered safe and wholesome procedure till now, was passed in 1851, and provides:

Whenever any person intends to contest an election of any member of the House of Representatives of the United States, he shall, within thirty days after the result of such election shall have been determined by the officer or board of canvassers authorized by law to determine the same, give notice in writing, to the member whose seat he designs to contest, of his intention to contest the same, and, in such notice, shall specify particularly the grounds upon which he relies in the contest. (R. S., sec. 105.)

Any member upon whom the notice mentioned in the preceding section may be served shall, within thirty days after the service thereof, answer such notice, admitting or denying the facts alleged therein, and stating specifically any other grounds upon which he rests the validity of his election, and shall serve a copy of his answer upon the contestant. (R. S., sec. 106.)

In all contested election cases the time allowed for taking testimony shall be ninety days, and the testimony shall be taken in the following order: The contestant shall take testimony during the first forty days, the returned member during the succeeding forty days, and the contestant may take testimony in rebuttal only during the remaining ten days of said period. (R. S., sec. 107.)

By the act of March 2, 1875, it is provided that section 107, Revised Statutes, shall be construed as requiring all testimony in cases of contested election to be taken within ninety days from the day on which the answer of the returned member is served upon the contestant. The law further provides that as soon as the testimony in any case is printed the Clerk shall forward by mail, if desired, two copies thereof to the contestant and the same number to the contestee; and shall notify the contestant to file with the Clerk, within thirty days, a brief of the facts and the authorities relied on to establish his case. The Clerk shall forward by mail two copies of the contestant's brief to the contestee with like notice.

These laws stand as a bulwark to State rights to the integrity of the State laws. You seek to change their entire scope and sphere and cramp within a narrow compass the consideration of an election case because some contestant is interested. How is this contest presented to the House? By a petition of a citizen of the State of Missouri, the contestant himself the only signer. The contestant is not a resident of the district for which he seeks to carry on this contest; but by a petition he presents to this House the points stated by the gentleman from Pennsylvania [Mr. OLMSTED], and asks us to fly in the face of long-established law, to determine in this unusual way a contest that can not be carefully prepared and determined in the time that the committee proposes to fix.

The last Butler contest, involving these same propositions, was heard on only one side, and there are 2,200 pages of testimony, and every question there involved is involved in the petition here presented. Was there surplusage in that case? Was the evidence not germane? I cite the language of the report of the distinguished gentleman from Ohio [Mr. TAYLER] in that case, where he says:

A vast amount of testimony was taken, a surprisingly large portion of which was relevant to the issue.

Yet, in the space of twenty days, where before the contestant alone had fifty days, this case must be cramped, and members must judicially determine this contest on that kind of an insufficiently prepared case.

What else do we find? About a thousand witnesses were examined on only one side. Look at their names [exhibiting pages containing names of witnesses], a thousand witnesses. Mr. Butler took no evidence, but the 2,200 pages of the record was the evidence of contestant only. Yet the House is asked to break down the law in order to give a hearing to this contest in this brief time in order to give a hearing to a contest of which the Elections Committee at the last session said:

It appears that about 5,000 votes were cast for the contestee, about 2,000 for the contestant, under names and addresses which careful canvass could not discover as representing actual residents. We can not apply one rule of inference to one side and refuse to apply it to the other; nor can we, when so many votes apparently tainted with fraud are involved, determine that he who has least benefited by them shall be declared elected.

That is the language of the committee in the contest involving the same questions that are in this. Then again they say:

In so far as the force of this particular item of testimony is alone considered, unaffected by the other evidence in the case, it would appear that the iniquity of the Republican managers differed from that of the Democratic managers only in degree.

This is the case presented to us. This is the kind of case in which it is proposed that we in an irregular manner shall unduly limit the time. If you open up the field on such considerations as are urged here and say that such a case is exceptional, how long a time would you give to the Delegate from Hawaii, who requires thirty days to go to his home and thirty days to return? How much time will you give to a Californian whose seat is questioned by the petition of a single citizen of his State? How long a time will you give him to take his evidence and prepare his case, when it takes him six or seven days to get to his home?

Will you adopt one rule for Maryland and Virginia, another for California, another for Missouri, another for the Hawaiian Islands? When we leave the strong, safe guide that the law establishes, we know not where we shall drift. Unless we take as our rule a full and fair time to prepare and hear the case we will have a shifting policy. It will be a rule of expediency and not a rule of fixed law to govern us. Under such a system, or rather no system, no member would feel safe during his term, and until time had sealed it there would be no security. I ask you to take this case to yourselves. The seat of any member may be questioned in like manner by a petition showing what is styled a prima facie case for the purpose of having a contest inaugurated. In my experience under the drastic provisions of the law abuses have arisen, but what will it be with the majority resolution as a precedent? Under the established law a contestant with but a thousand votes in a Philadelphia district, assuming probably that he had a prima facie case, pursued his contest and got his $2,000. Another from Louisiana, with a few hundred votes, tried to do so, and the next Congress is to be treated to the spectacle of a contestant from South Carolina with less than 200 votes trying to do so.

We are not without evidence as to the great importance of this contest and its great field of inquiry, with the vast number of

witnesses—a question in which not only the State is interested, but the House and the contestant and contestee, but in which there are other interests. Why should we undertake to determine a case of this kind in an injudicial way without the safeguards ordinarily observed in order to insure fair consideration? Tell me why?

Mr. Butler was elected on the face of the returns in November, 1900. He acted as a member from March, 1901, and took his seat in December, 1901. He sat in this body for a year and three months—until June 27, 1902—to enable Elections Committee No. 1 to pass upon this great question.

Mr. MANN. Will the gentleman pardon an interruption?

Mr. ROBINSON of Indiana. If the gentleman will be quick about it.

Mr. MANN. Why does the gentleman dwell upon the time spent by the Elections Committee No. 1 on this case, when he knows that the committee did not take up the question in this body until December?

Mr. ROBINSON of Indiana. But Mr. Butler was a member, and the election contest was filed.

Mr. MANN. But it was not pending before the committee.

Mr. ROBINSON of Indiana. It was pending seven months before the committee. I am making no criticism or aspersions, and I do not see why the gentleman should take up my time in this way, because I have perfect faith in him and the other members of his committee, as I have in all other members of the House. I am ready to concede that the Elections Committee No. 1, in accordance with its numerical style, "No. 1," is the best election committee in the House, composed of the best members, a committee that always performs its duty, working hard, and doing justice as it sees it.

But it took this committee seven long months with all its application to consider this case, and when they got through considering it, instead of seating the contestant, whose interests seem to be the special object of our solicitude and care, they refused to seat the contestant because there was a doubt on his side of the case as well as on the other. So I compliment the committee.

Mr. Speaker, I never have and I never shall in this House stand for irregularity and for fraud. I shall always stand for a fair determination of a case. We have not heretofore been surprised, nor will we hereafter be surprised, if irregularities and frauds do sometimes crop out in large cities the size of Philadelphia and St. Louis. It is incident to congested populations and the spirit in waging contests. It should be corrected, but I hope Congress never will go to the extent of denying fair and full consideration, for a judgment without a fair hearing never acted as a repressor. In the orderly procedure of the House in the care that it has for the sitting member's rights, as well as those of the contestant, I hope we will not carry to a hurried hearing and consideration the great questions here involved.

What are some of the questions involved in this case? Affidavits are presented with the petition to make a prima facie case. I will not be able to take them up in regular order or be able to refute them, except by evidence gathered from St. Louis in the greatest haste to meet the hurry imposed upon us, but I will tell the members of this House that the Twelfth Congressional district of Missouri, old and new, always was a Democratic district by from 2,500 to 3,000 majority until the questions of 1896 and 1898 changed it over, and in this last election, after the splendid Elections Committee No. 1 waiting seven months to consider this same case, which is on all fours with the one under consideration, giving their judgment sending both parties back to the people, the district voted, and when the election returns came in it was found that the supreme judge ran two or three thousand votes ahead of Mr. Butler, although Mr. Butler's majority is over 6,000.

Yet the regularity of Mr. Butler's vote is questioned, where it was less than the votes of other candidates. In apology to the House I will say that I can not present in regular order these various matters; they are presented now not on the merits, but to show the issues and to show the needs of evidence and time to meet them. I can show to the House some of the reasons why this contest can not best be determined in the time allotted by the manner proposed by the majority of the committee, and that the substitute resolution should be adopted. To the members of this House I exhibit some evidence why James J. Butler, after having been unseated last session, could go back to his people and return from that reliably Democratic district with a large majority.

In evidence of that I have copies of something like a dozen certificates, Republican, of nomination that were filed there. These cases must be inquired into in this contest. The Republican State committee ousted from office 20 out of 28 members of the Republican city central committee in St. Louis. Dissension and factional fights bristled all over the politics of St. Louis. The first petition that I present is a petition by Mr. Wagoner, contestant for the short term. That is one. Another petition is by Loffhagen for the long term, and another petition by Reynolds for the long term, and another petition by Reynolds for the short term.

Mr. COWHERD. Will the gentleman pardon me? He means that these are petitions in order to get their names on the ballots.

Mr. ROBINSON of Indiana. Petitions for nominations as Republican nominees. Here is a petition by the central committee to have Reynolds nominated for the short term—all matters of public record that we must go into. That is affirmative matter which Mr. Butler must file in his answer and about which he must take evidence, which in its character would be new to that taken in the old contest. Then the central committee filed another petition for nomination by Reynolds for the long term, all in the Twelfth district.

A regular convention was called, and that convention nominated Reynolds for the long term. Then another convention was called which nominated Reynolds for the short term. Remember, there had been a redistricting, and the districts were not the same. Neither Reynolds nor Wagoner are residents of either one of these districts; and while that is not material in their right to run, it may have some effect when it comes to the question of voters voting their choice. Then a regular minority convention nominated Wagoner for the short term and Loffhagen for the long term. Loffhagen then withdrew for the long term, and Reynolds withdrew for the short term.

Here again we have the record evidence under the law of Missouri that two separate committees were claiming to act as the Republican committee. Then here is a central committee nomination of Wagoner for the short term. Under those circumstances surely no one will claim that in a district which has been reliably Democratic for a long time, a Democrat would not have been elected. But we must prove it in this case, and it takes time to do these things. Mr. Speaker, I will ask to have read a newspaper article from the St. Louis Republic, a Democratic paper, always against Butler, which shows something of the situation which the contestee needs time to place in evidence.

The Clerk read as follows:

CLEAN HANDS NEEDED.

With all their fury of rhetoric about election laws the Republicans have failed to direct attention to the most flagrant violation of existing statutes that has occurred in recent years. Until Republican organs and politicians show that they have sincerity they are entitled to small consideration.

By the election laws of this State the Republican organization in St. Louis had absolute control of the fall primary. The city committee appointed the judges and clerks without interference from any source.

Party responsibility could go no further. Yet what was the practical result? The returns from the Third Ward were at the board of election commissioners an hour after the time for closing the polls. The vote was 932 to 62 in favor of the organization's candidate for city committeeman, showing that the officials in this ward hold the record for rapid counting.

In the second justice district Charles Boettger was counted out by a vote of 1,427 to 697. He instituted contest proceedings, and after a hearing in Judge Spencer's division of the circuit court a recount was ordered. It was found that about 800 more votes had been counted in two wards, the Seventh and Eighth, than had been cast, and that Boettger was entitled to the nomination by a majority of over a hundred.

These are only two of the worst cases of fraud which were practiced in the Republican primary. Only those who are familiar with the practices in that farcical proceeding can realize the extent of the underhand work which was done in electing a ticket favorable to the new city committee.

In view of those frauds what right has the Globe-Democrat to declare that "One of the first Republican reforms will be an honest vote for every citizen, without regard to his party and without asking him to consider honest elections a party favor?"

Until the Republican politicians can show clean hands there will be no public respect for those who prate of the robbery of the ballot. There may be faults in the present election law, but the people of this State and the members of the general assembly will not allow the men who displayed such crookedness in the primary and who are now preaching reform with such diligence to be labeled as patriots contending against a thieving majority.

IN THE THREE CITIES.

Sane Republicans in Missouri who hoped that the school fund settlement at the polls would relieve them of the incubus of lobster leadership are in a way to be disappointed. They are being forced into another two years of ridiculous party contortions before the State's voters. The election law issue is developing a lobster policy of making amendment of the law impossible and going into politics on villainous falsification of facts.

The Globe has constructed an elaborate table to show that the Republican vote fell away more noticeably in the three cities—St. Louis, Kansas City, and St. Joseph—than in the counties, and all on account of a statute.

Anybody would admit the fact, and anybody who reads about politics, even in the Globe, would have no trouble in assigning the cause where it belongs.

In St. Louis the rottenness of a Republican machine had caused the election of Democrats. Mayor Wells and Circuit Attorney Folk had splendidly justified the public verdict. Thousands of Republican voters in St. Louis voted the Democratic ticket this year in order to encourage good officials.

But that is not all. The Republican organization was more thoroughly disorganized than it has been since the war. The Globe had participated in a fight which defeated the old city committee. The old crowd controlled most of the established machinery. Impotence in getting out the vote succeeded. This was evident in the absolute absence of effort to register party voters. A great part of the old crowd joined hands with the Butler element and followed Jim Butler's orders. Democrats can not well boast of that coalition, but, at least, neither the election law nor a State board could be held to account for the indifference and treachery of Republican machine workers.

In Kansas City a somewhat similar condition operated. Kerens had been rebuked. His ambition to secure the minority nomination for United States Senator had been stricken by the Jackson County instruction for Warner. The Kerens crowd, headed by Dickey, were "sore" and not inclined to glorify

their rival spoils hunters. There was no semblance of a vigorous Republican campaign in Kansas City, while the Democrats were better united and more aggressive in campaign work than they had been for years.

St. Joseph presented a case not essentially different, though the sides were reversed. The Kerens fusion with the Public Ownership leaders was carried out there, though it fell to pieces in the other two cities. The public Ownership vote did not materialize—the voters refusing to be delivered like cattle to Kerens—and the majority of St. Joseph Akins men, or Silk Stockings, either quietly voted the Democratic ticket or did not vote at all.

The Globe and Republicans who read the Globe are familiar with these facts, for the Globe was in the fights and told about them. The fight for Akins being one of the few praiseworthy acts of the Globe, it should not now pretend that there was no fight.

The Republican party in the three cities can fully understand the drop in its vote without charging results to an election law.

Mr. ROBINSON of Indiana. Now, Mr. Speaker, this shows that there is no politics in it, surely, but that we ask only a fair consideration of this case.

Mr. OLMSTED. Will the gentleman yield for a question?

Mr. ROBINSON of Indiana. Surely.

Mr. OLMSTED. While he seems to be going somewhat into the merits of the contest rather than the merits of this resolution, and has read from the leading Democratic paper, I will ask the gentleman if it is not a fact that that Democratic paper holds and maintains and has published numerous articles to show that the sitting member here [Mr. Butler] was not honestly elected.

Mr. ROBINSON of Indiana. The gentleman states it correctly, but this is not a statement to go into the merits of the controversy. It is suggested to me by Mr. Butler that the paper has not made that statement of this contest, I would say in reply to the gentleman from Pennsylvania.

Mr. FEELY. If the gentleman will yield, I think I can answer the inquiry of the gentleman from Pennsylvania. Like several other members of the House, I have been memoralized during the last two weeks by the paper to which he refers, and articles have been cut from the paper, marked with a blue pencil, and sent to me for consideration; and in none of the articles that I have received was there the information that Mr. Butler had not been honestly and fairly elected a member of Congress from Missouri. But I was memorialized as a Democratic member of the House, and requested to use certain criticisms and insinuations against the character of Mr. Butler as a motive in deciding my vote in this contest. I would say, in answer to the gentleman, that in none of these memorials or clippings was the statement vouchsafed that Mr. Butler had not been honestly and fairly elected on the returns.

Mr. JOY. What paper is that?

Mr. FEELY. The St. Louis Republic.

Mr. ROBINSON of Indiana. Now, Mr. Speaker, I wish to correct my former answer. The fact is that in no instance that I know of has this paper said that Butler was not elected this time. These matters are simply shown to give the members of the House a fair view of the conditions that prevail, that must be ascertained by the evidence to warrant fair consideration.

The municipal ownership party in the large cities of Missouri desired a fusion with the Republican party. This was largely favored by the rank and file and opposed by the others. It caused a split in the Republican party in the large cities. It affected not only this district and caused it to have a large Democratic tendency, but it affected the districts of distinguished gentlemen from St. Louis who are now sitting upon the floor of the House, and throughout the cities of Missouri it had the same effect.

It is said by some, and not without show of reason, that the purpose of this contest is to secure an inspection of the ballots in the contest that can not be secured in a contest of a State or county officer; and on that inspection, by the law, where the voter is numbered on the polling book and the ballot is numbered to correspond, under this kind of an investigation it can be known who are traitors to the Republican party as it was known and published once before. Now, on page 41 of the report of the Election Committee in the last contest, we find this statement:

3. Discrepancy between testimony of witnesses and their ballots when examined.—Of the witnesses examined, 479 were asked how they voted on candidates for Congress. Of these, 120 testified that they had voted for Butler, 268 that they had voted for Horton, and most of the remaining refused to say for whom they had voted.

An effort was made to learn from the ballots how these persons appeared to have voted. It was disclosed that 113 were counted for Butler. Of the 268 who testified as voting for Horton the ballots show only 5 to be for Horton. The remainder were missing, or rejected, or had both names, or were marked for the third party candidate. On 54 of them Horton's name was scratched and no one was voted for for Congress.

What a splendid wedge to put in among these discordant, dissenting elements in St. Louis.

But these facts must be elaborated in evidence, and it took 2,200 pages of evidence to do it in the former case on the part of contestant alone. In addition to that we have the question of nomination in this contest. Unwisely, I think, there was no evidence taken by Mr. Butler before.

Now let us get down to some of the grounds of the contest, as shown by the petition presented which incorporates the notice of contest.

First. Because, although according to the abstract of votes forwarded to the secretary of state and proclaimed by the board of election commissioners of the city of St. Louis, Mo., there appears a prima facie majority of 6,294 votes in your favor, yet, when all the legal votes cast for me at said election shall have been properly counted, and all the illegal votes cast for you, and all the false, fraudulent, irregular, and illegal ballots heretofore counted for you shall have been rejected, and only those ballots which were cast in said election for said office by persons duly and legally qualified as electors are counted, it will appear that the undersigned contestant was legally elected to said office of Representative in Congress by a large majority of all votes legally cast for said office in said district at said election.

Second. Because the judges of election in many precincts of said district rejected legal and proper ballots proffered by duly qualified voters and placed them in the "rejected-ballot" envelopes and returned them to the board of election commissioners of the city of St. Louis, the acting returning and canvassing board of election commissioners in said district, and, further, refused to permit at least 500 legal voters of said city and district on said day, and who appeared at their proper polling places to vote for the undersigned, from casting votes at such election.

Third. Because a large number, to wit, over 10,000 illegal ballots were received and counted by the judges of election at said election, which ballots were cast for you by parties not entitled to vote at said election, for the reason that they were not residents of said district or the precinct in which they voted, or they assumed the names of voters who were dead or had removed, or the place where they purported to live were vacant lots. The parties so voting were not legally registered voters and entitled to vote at said election.

Fourth. Because a large number, to wit, 2,000 duly qualified voters living in said district who had theretofore been duly registered, were wrongfully and illegally stricken from the registration lists, and although they appeared at their proper precincts on said election day and proffered their votes for contestant for said office, their votes were refused and said voters were illegally deprived of their right to cast their votes.

Fifth. Because in each of the precincts of the wards composing said district, a large number of ballots, exceeding 100 in each precinct, were counted and returned for you by the judges of election, which ballots appeared from their numbers to have been the ballots of persons whose names were on the poll books, when in truth and in fact the names on said poll books whose numbers corresponded to the number of said ballots were the names of persons who did not appear at said polls on said day, being either dead or myths, or persons who had never lived in said ward or district, or had removed from said ward, and were for these and other reasons not entitled to vote, and whose names were voted upon by individuals unknown to me, and commonly called repeaters.

Sixth. Because the judges and clerks at many of the precincts did not correctly count the legal ballots, but counted in your favor and for you a total of 10,000 or more votes which were and are fraudulent and illegal.

That is a pretty wide range for this committee to determine and for the House to consider in the time that this committee limits. Then there are enumerations of 150 illegal votes in one precinct, 400 in another, and so on, giving a great many.

Seventh. Because in the first, second, third, fourth, fifth, sixth, seventh, and ninth precincts of the Fourth ward, and a number of others, the clerks of election, officiating at the polling places of said precincts, were in a combination and a conspiracy, the purpose of which was to make the returns of election in said precinct to show large majorities in your favor, and not only permitted repeaters and fraudulent voters to cast fraudulent ballots, but did make wholly false and fictitious returns.

Eighth. Because in the precints and wards mentioned in the paragraph last preceding large numbers of fraudulent ballots were placed in the boxes which were not even cast by persons claiming to be voters; that in the first precinct of the Twenty-second ward there were 395 votes counted by you and 8 for contestant, making a total of 404 votes, while, as a matter of fact, the total registered vote in said precinct was 208.

Now, my friends, this is matter presented as showing a prima facie case, and it is presented on the affidavit of a citizen, and another affidavit as to another precinct is made, and yet the true record shows that there were 459 registered voters in precinct 7 of the Twenty-second Ward, while this affidavit alleges that there were only 208 voters in it registered. In the two instances where the affidavits are presented the statements are false. In his affidavit this same citizen swears that there were but 169 persons duly registered in precinct 7, Ward 4, but the record shows a total registration of 670.

Ninth. Because of the returns of said election in most if not all of the voting precincts of the Fourth and Fifth wards, etc., are untrue and entirely false and that the returns therefrom should be rejected altogether.

Tenth. That persons whose names are to the contestant unknown entered into a combination and a conspiracy to place upon the registration list of voters the names of many unqualified persons, and that in pursuance of said conspiracy a large number of claims, to wit, not less than 10,000—

Butler's vote was 16,844, the contestant's 10,551.

That said names were wrongfully permitted to remain upon said books by the judges and clerks of the respective precincts in said district; that many of said judges and clerks were participants in the said unlawful combination and conspiracy.

Certainly this is a sweeping declaration that will require the calling of the Republican clerks and judges all along the line.

That according to the best information of the contestant the whole number of fraudulent and illegal votes cast is at least 10,000 votes.

Then he ends with the eleventh specification, the Nesbit election laws of Missouri.

The authority, the case of Benoit *v.* Boatner, is offered as justifying the action of the House. In that case the evidence had all been taken, ample opportunity had been given, and by the unanimous consent of the House, the consent of the contestee included, they waived the time of presenting briefs.

Now, Mr. Speaker, the resolution I offered provides, as was provided by the Committee on Elections, of which the gentleman

from Iowa [Mr. LACEY] was chairman, in the Fifty-first Congress, in the case of Clayton *v.* Breckinridge (Arkansas), twelve years ago, that a committee be appointed, composed of five members of Election Committee No. 2, whereby this taking of the testimony and the consideration of the contest will be facilitated.

In that way the majority of the committee will hear the evidence of the witnesses in the first instance, will exclude irrelevant evidence, and then the committee, returning to this city, by a fair presentation by argument can report to the House, and the House can determine fully and judicially this contest within the life of this Congress. That is the precedent set in this House. It is wise in the House to follow it. If this House means to break down the law in this special case and not afford the best means for a full hearing and determination, you open a floodgate which may come back to plague you in the future.

I think it is an unwise precedent to establish. I think it is not fair to the State of Missouri, it is not fair to the membership of this House; and the rights of the contestant are not superior to the rights of the House. It is impossible to secure the evidence and present the case to the committee or to the House in the fashion molded by the resolution of the majority of the committee. By the committee hearing the evidence saves the time for its consideration after it reaches here, and the evidence can be printed with expedition and be given to the other members of the House for inspection, and that time would be saved. This is in the interest of due consideration.

Is there a lawyer in the House who will say—will the majority of the committee say—that this method is not better than to take this mass of testimony by notaries? Mr. BUTLER authorizes me to say that he would be content with the determination of this case in the way that the substitute resolution provides. It is the best way it can be determined, as members of the House should determine an election contest. Without this, we are breaking away from a fixed system and not doing the best that we can do to secure fair consideration of this election contest.

I think there is no prima facie case presented on the petition that will commend the majority resolution or that will appeal to the judgment of the lawyers of the House who know the great difficulty that surrounds the taking of this evidence in the limited time. Mr. BUTLER may well welcome this contest and the hearing of it, whether as a sitting member or as a Democrat from Missouri, from a political standpoint; but I again want to show my confidence in the members of Elections Committee No. 2 when I say that I have perfect faith in the fairness of their final determination of the case, but with an equally fair judgment I say that they can not best determine this case in the manner they have prescribed. It is due to the House, it is due to Missouri, it is due to the sitting member to sacrifice the contestant, if need be, in the interest of the integrity and dignity of these House proceedings. With this, Mr. Speaker, I will ask the gentleman on the other side to occupy such time as he may desire. I reserve the balance of my time.

Mr. OLMSTED. Mr. Speaker, I would like to ask how much time I have remaining?

The SPEAKER pro tempore (Mr. PAYNE). The gentleman has seventy-one minutes.

Mr. OLMSTED. I now yield ten minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, as a Representative here from the city of St. Louis, and as a quasi witness of the crimes against the ballot which are alleged to have been committed in the Twelfth district of Missouri, I am perhaps expected to tell the House and the country all I know about it. I am aware that my constituents and all the citizens of St. Louis and Missouri, irrespective of party affiliations, who are interested in honest elections, expect me here and now to speak out in open denunciation of Nesbit law elections at St. Louis; but I understand that this is not the question now. This is not the time to try the case; the question is whether the case shall be tried at all. In accordance with the rules of procedure, I shall therefore confine myself to the question at issue.

The gentlemen who preceded me on this side of the House have left no doubt on this question. It is perfectly plain that a vote against the pending resolution will mean an absolute denial of the right of contest in this case—in other words, a denial of justice—and it will mean more.

Mr. FEELY. Will the gentleman permit me?

Mr. BARTHOLDT. Just one minute; I would like to finish this sentence. It will mean more; it means the abandonment of the constitutional right of the House to judge of the election, returns, and qualifications of its members. Now I will listen to the gentleman.

Mr. FEELY. I would like to ask the gentleman if there is not at least a relative possibility of determining this question by the adoption of the substitute resolution presented by the gentleman from Indiana? The gentleman from Missouri stated that a vote against the resolution would mean a denial of the right of contest. I submit to him that if the resolution presented by the gentleman from Indiana is adopted, would it not at least relatively result in getting at the truth of the matter in the contest here?

Mr. BARTHOLDT. Mr. Speaker, if the gentleman had carefully listened to the statement of the distinguished chairman of this committee, he would have understood the reason why this could not be done. If we allow testimony to be taken under the resolution as it now reads, and as it is presented by the majority of the committee, testimony can be taken in five, six, seven, eight, or ten different places at the same time; consequently, it is contended, and I think justly contended, that if that can be done the case can be finished in fifteen days, the time allotted the contestant. But if we send a committee to St. Louis to investigate these alleged crimes against the ballot, testimony can only be taken in one place at one time, and therefore it would be impossible to complete the contest and have the House decide it before the final adjournment of this Congress.

Now, Mr. Speaker, I insist that the pending resolution should be passed for two reasons. First, that a simple act of justice may be done; and secondly, that the House may protect its own integrity. I do not speak as a partisan; in fact, the gentlemen on the other side of the Chamber are more interested in this case than we are, because the alleged crimes, if crimes they be, were committed in the name of the Democratic party. As far as the Republican majority is concerned, Mr. Speaker, they do not need an additional member on this floor. They do not care whether Mr. Smith or Mr. Jones is sent here to represent a district on this floor. But they are concerned, as I earnestly believe, in the question whether a man who occupies a seat on this floor has been honestly elected or not, whether the title deed which he presents here is a clean certificate of the popular will, or whether it is stained with fraud. On this proposition it seems to me our Democratic friends should occupy common ground with the Republicans, and it is the only proposition here involved.

Mr. SHACKLEFORD. If the Republicans will occupy the ground of fair investigation with sufficient time to investigate the facts, and not cast odium upon the State without allowing fair opportunity for considering and investigating the conditions, the Democrats will stand with the Republicans always for a fair investigation. But if you propose to give only three days to file an answer to a blanket charge, like you have made here, and then only a few days in which to take testimony more comprehensive this time than before—when 2,000 pages of testimony were taken—then, no Democrat—and no Republican who wants fair play—can stand on any such proposition.

Mr. BARTHOLDT. The gentleman is probably not aware that if his argument were correct, it would simply mean nonaction on the part of this House, and it would be a denial of justice.

Mr. SHACKLEFORD. It is a denial of justice to set aside constituted authority in order to carry a point. You are attempting here to-day to set aside the law, to set aside established regulations and provisions, in order that you may hurry up this case without allowing proper time to take testimony.

Mr. BARTHOLDT. Well, Mr. Speaker, I thought this matter had been settled; I thought the lawyers on this floor had agreed that it can be done and should be done.

Mr. SHACKLEFORD. Does the gentleman class himself and myself as lawyers?

Mr. BARTHOLDT. I do not class myself as a lawyer, but I think I have studied law just as long as my friend, although I do not practice it. I may not have learned as much as my friend, but I have tried very hard to learn. [Laughter.]

A VOICE. You have learned enough.

Mr. SHACKLEFORD. In this matter it would appear you do not either practice it or adhere to it.

Mr. BARTHOLDT. If my friend will permit me to continue, I will do so; I have but a few words more to say.

All honest citizens of St. Louis, irrespective of party affiliations, appeal to this House to pass upon and decide this contest at this session. Since the supreme court of Missouri, by a formal decision, has sealed up the ballot boxes for all time to come, a contest is the only means to unearth fraud, and the House of Representatives is the only authority which can order the ballot boxes to be opened. The Democratic press, particularly the St. Louis Republic, extracts from which have been read on this floor, asserts that Republican as well as Democratic election officials were guilty of fraud. If this is so, Mr. Speaker, we want to know it. In a matter of this kind we do not want to draw the line between our opponents and members of our party family. We want to see all election frauds exposed, and we want to see the guilty ones punished, no matter whether they are Democrats or Republicans. And, in conclusion, Mr. Speaker, I will say——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BARTHOLDT. I would like to have a minute or two more.

Mr. MILLER. I yield the gentleman five minutes longer.

Mr. BARTHOLDT. Mr. Speaker, in conclusion I will now go on record as saying, in behalf of the honor and integrity of this House, that if all the facts in this contest were known there would not be a dissenting vote on this floor upon the pending proposition.

Now, sir, since extracts have been read from a Democratic paper, which really were irrelevant so far as the immediate issue is concerned, I ask the privilege of having read an extract bearing on this case from a Republican paper, the greatest Republican newspaper of Missouri, possibly of the country—the St. Louis Globe-Democrat.

The Clerk read as follows.

CONGRESS AND THE NESBIT LAW.

No question of greater importance to this country could be brought forward than the fair election of the legislative branch of the Government. If the deliberate cheats in St. Louis who expressly contrived the Nesbit law to steal elections should be imitated in other States there would quickly be a swarm of bogus claimants trying to make the laws of the United States. The power to arrest such a flood of villainy and national disintegration is in Congress, and there rests the responsibility of vigorous, emphatic action in this weighty matter. The Constitution makes each House "the judge of the elections, returns, and qualifications of its own members." Congress became acquainted with the Nesbit law at the recent session. The sworn evidence of its many infamies was printed in three large volumes, embracing 2,214 pages. Jim Butler was unseated, and a hundredth part of the testimony, all reeking with the most defiant fraud, a fraud in which the partisan police department and the criminal class were partners, would have sufficed to send him home in disgrace. His claim to reelection rests upon the same robber law, the same corrupted agencies, the same hardened scoundrelism as before, the only difference being that the alleged plurality was shoveled up higher for effect in another contest.

Specific evidence of the grossest frauds in the Twelfth district in the election of last month will be laid before Congress without delay. Before examining this great mass of particular proof Congress should consider certain general features of the Nesbit law, any one of which would invalidate a certificate of election under its swindling and thievish operation. One of these features is the holding back of the printed registration lists in the Twelfth district until too late for verification. This scheme was practiced in the year 1900, and many pages of the printed volumes relating to the former Jim Butler contest are filled with testimony on this point. Two years ago the lists were withheld until a few hours before the polls opened. This year they were again kept back until the last moment, the excuse being that the printer was slow. The election law in force before the passage of the Nesbit law required the posting of registration lists in the precincts as fast as the names were put on the books. They were open for a long period to every investigator. But the Nesbit law concentrated the registration at one central office, cut out the continuous posting of lists, and made it practically impossible to inspect the lists at all.

Another portion of the evidence that Congress can examine at once is the reports of St. Louis grand juries. One of these juries, that of December, 1900, set forth the partnership between the partisan police department and the criminals of St. Louis. The jury traced a band of 50 or 60 repeaters from precinct to precinct and said in its report: "It is a significant fact that in one of these precincts a squad of police arrived almost simultaneously with this band of men and remained at the polling place for about half an hour, and accompanied them when they left." The jury said the frauds "must have emanated from a carefully planned purpose." The grand jury that reported last week pointed out that the Nesbit law offers no safeguard whatever against padded registration. Jim Butler could have had 15,000 plurality last month as easily as 6,000. He has in his possession two more certificates ground out by the Nesbit law fraud mill, unlimited. The whole business is a vile insult to Congress, as well as a dangerous assault on its honest membership. As Congress finds a second lesson necessary, let it act decisively.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. MILLER. Mr. Speaker, I hope that gentlemen on the other side will now occupy some time. The chairman of our committee is not now on the floor.

Mr. ROBINSON of Indiana. We have occupied more time than the gentlemen on the other side; but I will yield five minutes to the gentleman from Pennsylvania [Mr. GREEN].

Mr. GREEN of Pennsylvania. Mr. Speaker, I do not hesitate to say that I believe this House has a right to take up and consider this election case irrespective of the provisions of the acts of Congress which usually govern the procedure in election contests. But if there ever was a case brought before this House which would justify adherence to the acts of Congress relative to this question, I believe such is the case before us to-day; and I wish to state the grounds upon which I base my belief.

First. This election contest seems to me rather a persecution than anything else. The result of the election was natural; any other would have been unexplainable and more than suspicious.

We must not forget, and it is not denied, that the man who presents this memorial—and it is a memorial signed not by people of the district, but by the single man who instituted the contest and presses it—comes from one who is not a resident of this district. Now, I admit that a district may have the right to choose a man from the outside to serve it in this body; but we all know that a man who runs under such conditions rarely receives the full, or nearly the full party vote in the district.

The preference always has been and the tide always has turned toward the man who is a resident there. The natural inference is that they were forced to seek a candidate outside because they had no one in their midst suitable and fit to fill the office; and pride gives, under such circumstances, many a vote to the home candidate which otherwise would be cast against him. But there are other reasons—one of them that the Republican primaries were so notoriously tainted with fraud that they could not agree upon a candidate. Not only were they so dishonest, but there was so much dissension and bitter antagonism among the Republican leaders and their active followers that only after a number of trials and repeated struggles candidates were chosen at all, and then they were chosen in such a manner that their nominations were discredited by their own party. What was the natural result of this? It certainly was not to increase the strength of the candidate chosen under such circumstances.

Then another fact which is notorious and which we must all hold in mind in taking up the consideration of this question—it is a fact published throughout the length and breadth of this land, of national public notoriety—the fact that previous to this election it was known to every citizen of St. Louis and of this country that there was a combination of legislative jobbers in the city of St. Louis by which legislation in its council was controlled and legislation in the State of Missouri was often controlled. Measures could only be passed by the payment of large sums of money, no matter of how trifling a character, often the mere permission to open a sewer in a street from a manufacturing plant. While there were a few Democrats in these frauds, the large majority of the jobbers were Republicans, and it is not denied that the city was controlled by the Republicans when the frauds were carried on.

The reflex of that could not be other than to give every Democratic candidate running in the city additional votes, and I have friends, as good men as ever served in this House, who suffered from these conditions so severely as to be defeated at the polls. I am satisfied they would have been elected if usual conditions had prevailed.

Mr. JOY. Will the gentleman pardon me for a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. GREEN of Pennsylvania. Certainly.

Mr. JOY. Does the gentleman know who was and is reputed to be the head of that municipal jobbery?

Mr. GREEN of Pennsylvania. I do not.

Mr. JOY. I do not propose to mention his name myself, but I wish the gentleman had not touched upon the question.

Mr. GREEN of Pennsylvania. I simply excused the nonelection of some of my friends and explained why the result in the case before us was natural.

Now, gentlemen, these are a few of many reasons which show why there is no merit, nay, even plausibility, in the contention of the man who files this memorial. Then we have another fact which is more convincing, and that is the fact that in this district the contestee had 6,293 majority out of a total vote cast of 23,395. Now, I say if there ever was a contest or a proposition of contest brought before this House in which it would be fair for this House to stand by its ordinary rules of procedure and close out this case, it is this one. The minority report, in speaking of this memorial, mildly states that in their opinion the contest is not frivolous and not without reasonable grounds. Such language damns the memorial with the faintest of faint praise. I do not believe in refusing to act.

I believe in fair and honest elections, and I believe that a man who strikes at the integrity of the ballot box strikes a blow at his country and its government. But I do say that these election contests ought to be carried on as serious affairs. As for myself, I have been on Election Committee No. 2, and I bear witness to the fact that those who are on the majority side of this House on that committee are the fairest men, and I believe they are as able lawyers as there are in the House. If I myself were interested in a contest, I do not know of any committee to which I would rather have that contest referred than to Elections Committee No. 2 as at present constructed, for I believe that there I would get a fair trial and a just verdict.

The conditions of this case are peculiar because there are not enough days between now and the time this Congress will be forced to adjourn to follow the rule laid down by the acts of assembly. Such being the case, I admit that it would be a denial of the constitutional right if this case could not be decided by the close of this Congress, but I do say that the committee should allow every latitude possible to both the contestant and the contestee, and especially the contestee, because he stands here as the attacked party, to have the evidence fairly taken and fairly presented, so that we may reach such a verdict as will be in accordance with the usual verdict reached by this committee—a fair one.

Now, the minority members do what? They present, I believe, the only practical way by which this case can be properly heard in the time at our disposal and justice done. In all my life I have never heard of such a nonsensical proposition, such an unfair proposition as that presented by the chairman and reiterated by the gentleman from St. Louis [Mr. BARTHOLDT], that the testimony could be taken fairly to these gentlemen in 6, 7, 8, 9, 10, 50,

or 100 or a thousand places at once. That is a proposition which shows on its face that the manner in which this testimony is to be taken will not be fair to the contestee or fair to the committee, so that it can arrive at a fair and righteous conclusion.

I do not not understand the contestant's case. He says he wants only fifteen days. I was for giving him more, and I do not believe he will get any case in unless it is the kind of a case that is based on glittering generalities, where the contestee will be forced to meet those glittering generalities by specific proof. If that is his game, if that is his proposition, every man must see very clearly that the man who will be injured by it will be the contestee.

Now, gentlemen, take this proposition. I believe that the laws now on the statute book say what should be the ordinary time in an ordinary case for a proper collection of evidence and a proper hearing of the case. I think this law was framed not all at once, but as an evolution from experience in many cases in this House, and I do not believe any man will deny that if there were time it would be proper to give every day of the time allowed by the statutes. We can not do that, and I claim that we should do the next best thing, which is to provide some means by which this testimony can be taken which will bring to this committee the gist of this case.

What is the usual way? When I was in the senate of Pennsylvania it became my fortune or misfortune to be obliged to sit on two election contests. In one case we were obliged to examine 8,000 witnesses and in the other we were obliged to examine some 4,000 witnesses. If we had gone over the testimony in the way that it is usually taken it would have taken us about three times as long to arrive at a conclusion as it did; but the committee went to the place to save the expense of bringing the witnesses to the capital, and they took this evidence in a very reasonable amount of time.

The contestant can not be hurt by the proposition of the minority here. The majority of the subcommittee will be from the majority side of this house, and if there is any attempt to string out the testimony, if there is any attempt to bring in irrelevant testimony, it can be promptly ruled out, and the testimony which will bear upon the case and nothing but that testimony will be taken, and the shortest practical day fixed to close. In view of the peculiar conditions I feel satisfied that the proposition in the substitute is fair to the contestant as well as to the contestee, as far as it can be made so. I do not believe anything short of the full time would be really fair to the contestee, but I admit that he can not have this. Therefore we ought to be as fair as possible to him. I believe the proposition of the substitute is the fairest one that can be made. I do not claim that the committee have undertaken to throttle this contestee by their action; but I do say that I think they should in all fairness agree to the proposition presented here by the minority as being the only fair proposition by which this House can be put into possession of the material and important facts in this case.

[Here the hammer fell.]

Mr. ROBINSON of Indiana. I ask the gentleman from Pennsylvania [Mr. OLMSTED] to use some time. We have consumed all but about thirty minutes.

Mr. OLMSTED. Mr. Speaker, I yield ten minutes to the gentleman from Massachusetts [Mr. POWERS].

Mr. POWERS of Massachusetts. Mr. Speaker, so far there have been two objections urged to the adoption of this resolution: First, that as long ago as 1851 Congress, by the enactment of a statute, waived its constitutional rights to consider a question which involved the question of the judging of the election, returns, and qualifications of its members.

The other objection is that the forty days allowed for taking evidence will not be sufficient. I understand from the statement made by the gentleman from Pennsylvania who has just taken his seat [Mr. GREEN] that the first objection is already waived, and it is conceded that this House has to-day its constitutional right to pass this resolution. But it is claimed by my friend from Pennsylvania that forty days are not sufficient in which to take the testimony. How does he know that forty days are not sufficient time? If there has been no fraud, then forty days are more than sufficient. If there has been as much fraud as is claimed by the contestant, then certainly forty days will be sufficient.

But you will bear in mind, Mr. Speaker, that after this testimony is in it comes back to this committee from which this resolution originated, and it will then be for the committee to say whether there has been sufficient testimony taken by which the committee can reach an intelligent determination and conclusion. And it also remains for the House, after the report of the committee, to say whether the evidence has been sufficiently well taken and enough testimony has been taken to pass intelligently upon this case.

Now, for one I desire that this case shall be considered in a judicial manner. I have no desire to unseat the contestee here simply because he is not of the same political faith that I am. Neither have I any desire to seat the contestant because he entertains the same political views upon some subjects that I do. And I think it is conceded here that this committee from which this resolution originates is a committee that always has considered questions from a judicial point of view.

Now, one thing is perfectly evident, that forty days is a long time in which to take testimony, and a particularly long time if the parties can take testimony before more than one magistrate.

It must be recollected that it is for the committee to say, when that testimony is completed, whether sufficient testimony has been taken by which this House can fairly judge the question of the election of the sitting member. The amendment offered by my friend from Indiana is one that contemplates a special subcommittee of five, taken from the election committee to which this case has been referred: that that committee shall go to St. Louis and take testimony. I think the gentleman who represents the district in St. Louis has made answer to that amendment by showing that that would be entirely futile. More than that, I think the members of this committee would somewhat distrust themselves in attempting to take that trip to St. Louis, a most generous and hospitable city, to be entertained by the friends of both the contestant and the contestee. I doubt very much if they would ever accomplish their work; and I sometimes think that my friend from Indiana, when he proposed that amendment that the committee should travel to St. Louis and be entertained by the generous citizens of St. Louis, knew perfectly well that they never would complete the work.

However, this is not a case at this time to be discussed on its merits. It is simply a question whether this House shall pass upon the case. With this memorial before us, with all the charges of fraud made in that memorial and supported by all the affidavits annexed thereto, it is the duty, in my judgment, of this House to pass upon this election case. I believe we can pass upon it in a way that will be judicial in its character and in a manner, I trust, that will be satisfactory to both sides of this House. [Applause.]

Mr. MANN. Mr. Speaker, it seems to me to be a very remarkable proposition that has been advanced by the gentlemen on the other side of the aisle, that this House has not the power to enact or pass a resolution of this sort because of its coming in conflict with the statute. Why, Mr. Speaker, it has been the invariable practice of the Committees on Elections of the House to disregard the strict provisions of the statute in reference to the time of taking testimony in contested-election cases, and in my judgment more than one gentleman has been seated or remained in a seat on the other side of the aisle because the Committee on Elections has disregarded the technicality of the length of time prescribed by the statute. The purpose of the statute in fixing the time for taking testimony was to permit testimony to be taken before the session of Congress commenced. The election is held in November in one year, the session of Congress begins on the first Monday of the December of the following year, thirteen months after its election. The statute prescribes the method by which the testimony can be taken during that period when Congress itself can make no prescription, because not in session.

Now, Mr. Speaker, to say that the statute binds the House of Representatives is to place the provision of the statute against the Constitution. Here is a proposition which merely permits the facts to be presented to the House. In no other way can the House determine the contest or the right of the gentleman from Missouri to a seat on the floor. In no other way can this House intelligently pass upon the question. The Committee on Elections might take this memorial and bring in a report to unseat the sitting member without having a single particle of evidence before the committee. It has power to make a report of that kind—the House has the right to unseat the gentleman from Missouri without listening to any evidence at all—but I say that would be grossly unfair, and no person would be justified in making a report of that kind; and no House would be justified in adopting tactics of that sort, unless through the opposition of the gentlemen themselves it became impossible to take testimony.

Now, to those gentlemen on that side who say that this side does not want the facts in a contested-election case presented, I ask them, Do they wish to claim that one of their members can be seated by fraud in this House and maintain his seat without any chance to turn him out on account of fraud? Do they wish to take the position that if a man happens to be elected to the House, and his title is questioned, that there shall be no investigation of the facts in the case? I am surprised, astonished, and shocked that gentlemen on the other side of the aisle should object to the taking of testimony in a case where fraud is charged against one of their members. They ought to be the first ones—the gentlemen from Missouri, all of them, ought to be in favor of a fair resolution for taking testimony.

Mr. VANDIVER. Will the gentleman yield to me for a question?

Mr. MANN. Certainly.

Mr. VANDIVER. I will ask the gentleman to give us the name of anyone who has objected to the taking of testimony. The gentleman has so stated, and I would be glad if he will state in his speech who it was.

Mr. MANN. If the gentleman will permit me, the distinguished leader whom he properly follows in this House made the claim that this House had no power to pass a resolution of this sort.

Mr. VANDIVER. Is that objecting to taking testimony?

Mr. MANN. That is objecting to taking testimony, because the gentleman knows as well as any other that there is no way under the law to complete the taking of the testimony until the power of this House has passed away by its dissolution. Perhaps the gentleman will be satisfied if testimony can be taken too late to be considered. Perhaps the gentleman would like to have testimony taken after the 4th of March, after this Congress has passed into history. I would prefer to have testimony taken which can be considered by the House. [Applause.]

[Here the hammer fell.]

Mr. OLMSTED. I now yield five minutes to the genttleman from Missouri [Mr. JOY].

Mr. JOY. Mr. Speaker, I do not propose to go into the questions involved in this case, except so far as to show the practicability of taking this testimony within the time provided for in the resolution. In the outset it is well to say that if the time is insufficient for making out a case by the contestant there will be no case here, so neither the Democrats nor the Republicans will have to worry about that.

The district in which this contest arises is a small, compact district in the center of the city of St. Louis, pretty nearly square, and 2½ miles would more than cover the whole extent of the district itself. It is not over 2½ miles long and not 2½ miles wide at its widest place. Any person can go from the center of the city, where the notaries and lawyers have their offices, the business part, to the farthest point in the district in twenty minutes by a street car. There is no difficulty in getting a witness to the place for taking testimony. Anyone can be brought in, if found in his place of business or at his home, within half an hour.

Now, as I have heard to-day (I have not read this memorial), and I understand that less than one-half of the precincts are challenged for irregularity in the contest, and inasmuch as only about 27,000 votes were cast in the whole district, I will state that one notary public in ten days can open and count every ballot of those charged to have been irregularly cast in all the precincts where fraud is alleged to have occurred.

I say that in earnestness, because in a former contest in the Fifty-third Congress, in which my own seat was contested, the contestant opened and counted every ballot in every precinct in the whole district, and there were within 200 of 30,000 ballots in the boxes. With one notary public taking testimony in one place, not only did he count every ballot cast—inspected every ballot—but took the testimony within his forty days and ten days additional of over 1,500 witnesses. Now, with two or three notaries, or half a dozen, which is thoroughly within the law, thoroughly within the recognized practice of these contests, there is no question in the world but that the testimony sought to be elicited can be taken, if the witnesses can be found within the jurisdiction, without any hardship upon anybody.

As to the merits of this controversy, I know nothing of my personal knowledge and have no interest except as a member of this Congress. My only interest goes to the question whether or not the Congress shall use what power it has to investigate an alleged fraud within one of the districts represented on the floor of this House.

I can not refrain, while disclaiming any intention to go into the facts of the case, from having knowledge of one fact, and only one. It is rather amusing to me, because it is brought pretty close home. Within the district represented by my colleague [Mr. Butler] there is a number, 1507 Chestnut street, occupied by a cheap boarding house, as I am told. It was formerly the residence of ex-Governor Charles P. Johnson, but is now inhabited by colored people altogether, and is a 25-cent lodging place. At that number, at that house, according to the registration published, is the name of Charles F. Joy, registered in full. I am informed that on the tally sheet that name—my name—was voted at that number on the 4th day of November last. That is the simple fact. That little fraud, if it is a fraud, can be shown in five minutes before a notary public, and any one of the other thousands can be shown as quickly by testimony as available as in this case.

Now, as I say, 30,000 votes were counted by opening the ballot boxes in 1892 by one notary, and 1,500 witnesses were examined before the same notary. If the House fails to get the testimony before it which will justify a consideration by the committee or by the House of this contest, no harm can be done to anyone, and the little expense and trouble to which the contestant and contestee will be put will be justified by the act of the Congress itself in allowing itself to purge its own membership and investigate any fraud that may have been practiced in the election of any of its members.

Now, Mr. Speaker, I trust this resolution will pass. It will practically be absolutely impossible for a committee of this House to give the necessary time; and if they had the time, it would be practically impossible for them to reach the facts with reference to the conditions in the Twelfth district of Missouri. The district, while compact, is composed of a shifting population. If the frauds alleged to have been committed, the registration alleged to have been fraudulently had, did really occur, a committee would never find the thousands who are supposed to have illegally registered. In no way could the facts of that matter be reached except by personal investigation, and then testimony taken before notaries public to any number that may be necessary. Therefore I say, if we as a body, if the House of Representatives of the Fifty-seventh Congress, intends to look into this matter at all, let us look into it in a way that is practicable and reasonable and fair to all parties concerned.

Mr. OLMSTED. I will ask the gentleman from Indiana [Mr. ROBINSON] now to consume the balance of his time.

Mr. ROBINSON of Indiana. I yield seven or eight minutes to the gentleman from Illinois [Mr. FEELY].

Mr. FEELY. Mr. Speaker, I am an optimist. Within the short term of my life I have looked to the millennium. I have looked to the day when the decalogue will be absolete on account of its uselessness. I have looked to the day when the criminal code will be repealed on account of its uselessness, and until a few moments ago I had always looked to the possibility of hearing my distinguished friend from Illinois [Mr. MANN] discuss a political question with judicial tranquillity.

I had not expected a blanket indictment against the Democratic party on account of the raising of a question of consideration which mainly dealt with a method of procedure. I am broad enough to believe, and my duty and my conscience direct me to believe, that this House at this short session of the Fifty-seventh Congress should determine the contested-election case of Wagoner *v.* Butler, if a prima facie case is presented.

For my part, I disclaim standing technically upon the statute of 1851, but I am not unmindful of the fact that this House and the Senate have a right to change the act of 1851 in a regular way, and the leader of the minority needs no defense in making the point of order which he did this morning. He was pursuing the regular parliamentary method and asking the House to stand by its established rules, so many times eulogized by members on the other side of the House.

It is a great privilege which I enjoy to occupy a seat on the Committee on Elections No. 2. During the period of my service on that committee I have seen all questions proceeded with in a spirit of judicial fairness, with a desire to give the widest latitude of procedure—always aiming at the substance of rectitude.

In this case I have no complaint to make against the majority of that committee, because I believe that, differing from the minority on the question of method, they are going about this question to determine it in a judicial manner. I believe the authorities warrant a determination of this question; and the broadest authority that is submitted to us is that of McCrary on Elections, in which various reports of committees of this House are quoted. That authority states that wherever, in an extraordinary case, a prima facie case is made out the House should depart from the statutory proceeding. The question that remains to be decided here to-day is, first, whether we have a prima facie case; and second, whether we ought to adopt the suggestion contained in the resolution of the gentleman from Indiana [Mr. ROBINSON], to send a committee to the scene of this election, instead of leaving the matter to the usual and often haphazard method of taking testimony simultaneously at different parts of a city or district.

The attention of the House is first called to this case by a memorial presented upon the request of the contestant. I will not go over the various grounds submitted here in support of that memorial, because it is not contended as to many of these grounds that they were relied upon seriously. The gentleman from Indiana went over sufficient of these charges to demonstrate that at least in the form submitted to us they are frivolous. My attention was particularly called to one frivolous charge contained in the notice of contest and also in the memorial to the House—that is, the charge of conspiracy. I quote from the grounds of contest set up in the notice, where the contestant says:

10. That, at some time prior to the registration of voters held for the purpose of said election, a number of persons, whose names are to the contestant unknown, entered into a combination and conspiracy, the purpose of which was to cause to be placed upon the registration lists of voters in the said city of St. Louis, in the said district, as legal voters the names of many unqualified persons.

I will not read further. It is sufficient to say that this whole

charge is of the blankest character, analogous to the declaration filed by a young lawyer who expected to recover about $400, but who laid the damages at $347,599. I say that when this House is called upon to determine a contest in such a short time and to depart from the usual method of procedure in so determining it, there ought to be the most unstinted candor in the memorial sent up to the House of Representatives.

There ought to be some other memorial besides that of the contestant himself. There ought at least to be a petition of a respectable number of voters in the district; but, waiving that, the statement is made by the gentleman from Missouri [Mr. BARTHOLDT], in answer to a question, that it is much easier to take the testimony at different places, before notaries public or other commissioners, than it would be before a committee of this House. The lawyers of this House know, and the business men of this House are sure, that when you want to expedite matters, when you want to determine judicially the truth of a stated fact, you can do it far better before men who have the training to compel the adduction of testimony according to the established rules of evidence and procedure than you can before a justice of the peace or a notary public.

I have had a little experience in this House, going over tomes of testimony for the purpose of proving, perhaps, that some Senegambian handed out a few sheckels of denomination 25 or 50 cents for a vote on election day. I believe that a committee carrying with it the power and the prestige of this House going to the city of St. Louis with the intention to insert a probe into the alleged rotten conditions of that, perhaps, unfortunate city, could find more of the truth and arrive better at an issue in this contest than we can by delegating practically to the contestant the power of going before a notary public and bringing evidence to support all these allegations within a period of fifteen days.

Eager to get before the House, grasping at the opportunity to accept fifteen days, the contestant may possibly be under at least the shade of the inference of a lack of bona fides in this case. If we are to determine this case honestly, as we will upon our oaths when the report of this committee is made, we ought to have the broadest latitude in arriving at these facts, and this House, by the adoption to-day of the majority resolution, practically says to notaries public, as suggested by the gentleman from Missouri, "Issue your subpœnas; hold your court in any barn, anywhere; compel the contestee to follow you, in order that he may cross-examine your witnesses, and to determine the possibility of the impeachment of those witnesses."

Say to the Democratic side of this House, if you can, that your proposed method of taking testimony all over the district, all over the city of St. Louis, compelling the contestee to chase around after these notaries public, and in all this haste to prepare to follow his case, is as fair a one as that of a committee of this House, sitting in its dignity, accepting no testimony but that which is relevant to prove the issues in this case. The minority of this House, weighs its honor as heavily and as fairly as the other side. It desires not to have its honor tarnished by an irregular certificate of election. It desires fairness.

If there is a man is this House who is not here by the law of the land and the desires of the legal voters of his district, he ought to get out; but do not, in the haste to respond to a partisan memorial, close out the possibility of getting the fullest and fairest investigation here. Place it upon your own shoulders and anticipate your own serenity, my friends, if you were called upon to hie yourselves around after various notaries public, to find them in order that you may cross-examine the witnesses presented and to discover the antecedents of those witnesses and try your case in a judicial manner.

I think, Mr. Speaker, that I have offered, perhaps, the main suggestions which I intended to make here this morning. I recognize the fact that going into a long discussion of things not material here would do no good to the House, would do no good to the contestee, would do no good to the dignity of the House or to anyone considering the question; but I believe, in the first instance, in the integrity of the gentleman from Indiana [Mr. ROBINSON] in submitting this resolution for a committee of investigation. I believe also that if the majority of this House in its judgment or in its power sees fit to reject that resolution the very widest latitude should be offered to the contestant, whether he likes it or not; and here and now, going into the realm of anticipation, I would say to the members of this House that they should mark down on the tablets of their brains this statement, that the contestant came before the committee—and that is important to the House—and stated that fifteen days was all that he required.

Let us not, when we get the testimony as provided by the resolution, if the majority resolution passes, on February 1 forget that more days remained for the taking of testimony, and let not the inference be made at that time that if more time could be had greater proof of frauds or irregularity would have been obtained. I say, Mr. Speaker, that in extraordinary cases the House has the right to amend the rules of procedure of the act of 1851, but it ought to be done only on extraordinary occasions, such an occasion where at least a respectable and creditable memorial is presented to this House. I hope that the majority of this House, having it in their power judicially to determine, without regard to partisanship or personality, the issues in this case, will determine them in such a way as to redound to their honor, glory, and credit. [Applause on the Democratic side.]

Mr. ROBINSON of Indiana. I yield fifteen minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, the first question is as to the power of Congress to take the action suggested. If that question should be decided in favor of the exercise of that power, the next question would be as to the propriety of exercising it. If it were decided that a proper case has been presented for its exercise, the third proposition would be in regard to the manner of exercising it.

My time being short, I shall direct the remarks which I shall make to the third of these propositions. I shall take no time to discuss whether the House, in a short session, possesses the constitutional power to proceed in ways not marked out in the statute to ascertain who is elected to a seat here. If the House does decide that it possesses this power, if it decides to exercise it, then it becomes practical and important to determine aright the method of exercising it, which certainly ought to be to arrive as nearly as may be possible under all the circumstances at an honest and correct conclusion in regard to the merits of the case.

That suggests a consideration of the plan proposed by the majority and that offered by the minority of the committee, the question whether testimony shall be taken in the form of depositions, or whether a subcommittee of the Committee on Elections shall be empowered to go to St. Louis, examine witnesses, ascertain the facts in the case as far as possible, and report the facts and its conclusions to the House for such decision as the House may see proper to make. It seems to me, Mr. Speaker, considering the limited time in which the investigation is to be made, that it is most likely that by sending a committee to St. Louis, clothed with power to make a full examination into the matters in controversy, the real facts can be ascertained and a correct conclusion arrived at.

Something has been suggested in the discussion about a disposition on the part of the Representatives from the State of Missouri to stifle investigation and shrink from a fair disclosure of facts. Gentlemen who take that view of the matter are entirely misinformed in regard to the facts, or they are indifferent in the conclusions which they draw and the suggestions which they make as to what the facts are. I take it that by the record of the past and the present, as well as by the conduct and bearing of the Representatives from Missouri on this side at this time, and in all times, it may be fairly assumed and reasonably concluded that we are about as anxious and about as willing as the average of the membership here that all questions of this kind be fairly investigated and honestly determined. That is simple justice to our membership in this House from the State of Missouri.

On the other hand, we do not belong to the class who take occasion, in season and out of season, to abuse the State and the institutions of the State. We do not belong to the band of busybodies, a large part of whose stock in trade consists in abuse and denunciation, in season and out of season, with cause or without cause, of those among whom they dwell, and of the laws of the great State from which we all hail.

It will be found, I think, Mr. Speaker, if a fair and impartial committee visit the city of St. Louis and fairly and impartially investigate this matter, that the proud State of Missouri has provided wise, broad, just laws for the conduct of elections; that in the main the officials appointed to administer those laws are men of reputation and standing in their several communities, St. Louis being no exception; and that, upon the whole, and upon the average, elections have been conducted in that State and in that city with as much regard for honesty and law and fairness and with as great a desire to get at the will of the electors as elsewhere in the Union. Much in this case, and all outside of it, injected through the perfunctory exertions of some gentlemen who desire to get in outside matter reflecting upon the people of the State and its institutions and laws, will be found, upon a fair investigation, to have very little, if any, foundation.

The election board of the city of St. Louis consists of three members appointed by the governor of the State. Two are Democrats and one is a Republican. I take it that no man will find upon investigation, and that no respectable man will take the responsibility of asserting, either upon investigation or without it, that any of these men are lacking in character or qualifications. No man who desires to be honest and fair will raise any question as to the party affiliation and party devotion of any of these men. The Republican member of that commission is an honorable and upright man of the city, a man who stands well, and deservedly so, in the councils of his party.

That the millennium has yet reached all the wards of St. Louis, not yet having arrived in other parts of the Union or of the world, it is not necessary to proclaim. But, upon the whole, that elections are conducted there as fairly—that the last one was conducted as fairly—as elections generally are conducted in great cities is not an extravagant assertion to make, nor a risky thing to predict, as something to be verified by the investigation of this committee, if sent to St. Louis.

One of the gentlemen voted for did not live in the district in which he stood as a candidate. However it may be in other parts of the Union, out in Missouri there is among the people a sentiment—or prejudice, if you please—that each district ought to be able somehow or other to find within its own borders some one for Representative in Congress. And there is, if you choose to call it, a prejudice, perhaps more correctly a sentiment, against electing in a particular district a gentleman who has kindly offered his services from some other adjacent, adjoining, or neighboring district.

The other candidate in the case lived in the district, was born in the district, was reared in the district, and in fact and in merit has a strong hold upon the voters of the district. I was told only a short time ago of a little instance indicating upon what a foundation and basis rests the strength this gentleman possesses among the plain people of his district.

Some time ago, some years ago, I believe, a man from a neighboring State came to St. Louis and was employed in the service of a street or other railway company. In a short time he sickened and soon died, in abject poverty. He left a widow and two little children desperately poor. Some of the neighbors started a subscription to raise money if possible to bury the dead husband and father so as to keep him from going to the potters' field. After a few dollars had been contributed it appears that a neighbor having the subscription paper in charge met an acquaintance of his to whom he presented the paper and related the circumstances in the case.

This gentleman furnished the money to procure the coffin and a decent suit of clothes for the corpse, hired a hearse to convey the casket to the railroad station, purchased a ticket for the corpse and tickets for the family to carry them to a distant State—the old home. For the widow and children he had a carriage ordered to convey them to the station, and he footed the whole bill, amounting to $150, for utter strangers—"Strangers in a strange land"—for the decent burial of a dead man whom he never knew in life, for the relief of a widow and orphans who never could help him. Thus were paid the expenses of conveying the humble dead, the mourning wife and the weeping children who accompanied their dead, to a distant State.

Not only that, but he gave the stricken ones money enough and to spare for their expenses during the trip, after supplying them with transportation. It is no wonder to me, Mr. Speaker, however it may seem to other gentlemen, that in a district made up very largely of laboring people, of poor people, the overwhelming majority of the qualified electors, exercising their suffrage, according to their own devices, according to their own free, unpurchased will, record their decision in favor of a man who can do such an act of charity, without the possibility or hope of reward or recognition. For this, I am told, is only one of his many such acts of charity and broad humanity.

I would like to see a subcommittee sent to the city of St. Louis to investigate this whole case fairly, and I expect that it would come back here then without any slander in its report or upon the tongues of any of its members for the good people of Missouri, without any low abuse of the Missouri laws, without any libels on the legislation of that grand State, and with the facts and conclusions upon which the man really elected—by a majority of the honest, legal voters of the district—might be permitted to retain his seat in this House. [Loud applause on the Democratic side.]

Mr. OLMSTED. Mr. Speaker, how much time have I remaining?

The SPEAKER. Thirty-seven minutes.

Mr. OLMSTED. Has the gentleman from Indiana consumed his time?

The SPEAKER. He has two minutes remaining.

Mr. OLMSTED (to Mr. ROBINSON of Indiana). Do you care to use it?

Mr. ROBINSON of Indiana. I waive the two minutes.

Mr. OLMSTED. I yield fifteen minutes to the gentleman from Kansas.

Mr. MILLER. Mr. Speaker, I have no desire at this time to take up the time of the House in discussing the question as to whether or not the laws of the State of Missouri have been violated by any portion of her people. I am not here for the purpose of casting any reflections upon the people of that great Commonwealth nor upon the people of the city of St. Louis. There is not any question at this time before the House of Representatives that would justify any member of this body in making an attack upon the people of St. Louis.

I have been somewhat surprised, and, I will admit, somewhat astonished at the remarks to which I have just listened, made by the distinguished gentleman from Missouri [Mr. DE ARMOND]. In my judgment this is no time to offer any funeral oration upon anyone who desires to have this body pass upon his right to a seat here. The contestee may be very charitable indeed, and may in the course of a lifetime have rendered aid to some family that was deserving of charity at his hands; but I am reminded at this hour that the record of this House shows that the gentleman has drawn from the Treasury of the United States in the neighborhood of about $10,000 that this House has decided by its vote he was not entitled to, and that amount of money might have been generously distributed to the people of St. Louis that needed charity at the hands of the contestee, who is now asking that he may be permitted to retain his seat in this House.

I want to say, Mr. Speaker, that the only question at this time to be determined by the House is whether or not the Committee on Elections No. 2 has granted sufficient time to investigate and determine whether the contestant in this case, Mr. Wagoner, or the contestee, Mr. Butler, or either of them, have been legally elected by the people of their district. The rule that has been adopted, and has been followed for many years, except in extraordinary cases, the Committee on Elections deemed not at this time proper for determining this particular case, and for the reason that, if that rule was to be applied, this Congress would have passed away and no determination made as to whether the gentleman who now occupies the seat from the St. Louis district is entitled to it or not. The fact is admitted on the other side of the Chamber that this determination can not be had under the ordinary rules of the House. Every speaker that has spoken virtually has admitted that fact.

Now, then, they ask us to adopt a different method from that suggested by the majority of the Committee on Elections No. 2. They say if you send a committee from this House to the city of St. Louis, that that committee, clothed with the power that it will be clothed with, can easily determine and report to this House, so that all questions can be determined before adjournment of this Congress. I want to call the attention of gentlemen on the other side of the Chamber to the fact that they know as well as we do that if a committee from this House was to go to St. Louis for the purpose of taking testimony in this case that the hospitality of the people of St. Louis tendered, as it would be to a committee of this kind, that that committee would be wined and dined during the most of the time from now until the close of this session of Congress, and they would not get back here to make a report until Congress had adjourned. [Laughter.] I want to say that I know something about the hospitality of the people in St. Louis. I know that our Democratic friends in that great city would not allow this committee to devote more time than was absolutely necessary to determine this case.

Now, I want to say, as far as the criminal laws of Missouri are concerned and the people who have violated them, I am willing to turn them over to the tender mercies of one of the ablest attorneys that this country has ever produced, the present efficient prosecuting attorney of St. Louis, who has shown the people of America that he has had the courage, under the most trying and unfavorable circumstances, to perform the duties of his high office, and I believe the members, upon this side of the Chamber at least, are willing to leave this question to the courts of the State of Missouri and the distinguished prosecuting officer, Mr. Folk, who has been so successful in securing the conviction of the men guilty of the open and notorious violation of the laws of that State. [Applause.]

I want to call the attention of the House to the argument of the gentleman from Indiana [Mr. ROBINSON], who says that if a committee of this kind could be appointed and sent out there, there can be no question but that at some time in the future they will make a report to this House, after they have fully investigated and examined all the questions growing out of the contested case. I want to say that they will report at some time, I have no doubt, in the future, but not in time to permit this House to vote on the question as to whether the people of that great district shall be represented by a man who is their choice or whether it shall be represented by a gentleman that they claim has no right to a seat in this body.

Mr. ROBINSON of Indiana. I would suggest to the gentleman that the resolution provides that the report shall be made in time for the House to determine the question.

Mr. MILLER. I understand that the resolution does make that provision; but if that committee has not determined that they can in that time make such a report as in their judgment ought to be made to this House I imagine that they will be back here again asking for further time, that they may go on and on until too late for action before the close of this session, and that seems to be

the desire of those opposed to the adoption of the report of your committee.

The gentleman from Indiana says that in extraordinary cases this kind of a rule might be adopted and ought to be. Now, I call the attention of the gentleman to the fact that if there was ever an extraordinary case presented to the American Congress this is such a case. Who is the contestee here? He is the distinguished gentleman who on the first day of the meeting of the Fifty-seventh Congress stood up in this House and took the oath as a member of this body, and who, after he had occupied a seat here, enjoying the rights and privileges of a member for a year and three months, was determined by the House of Representatives to be not entitled to a seat here. What would make an extraordinary case, gentlemen of the House of Representatives, in which we might adopt a different rule from that laid down in the statute of 1851, if this is not such a case?

I want to suggest to the gentlemen on this side of the Chamber that the only question at this hour for members of the House to determine is whether or not we will permit the contestee to retain a seat in this body until the close of this session without, in a legal and orderly way, inquiring into his right to such seat, and this, too, in view of the very serious charges alleged by contestant in his notice of contest.

I repeat that this is a most extraordinary case; and it justifies an extraordinary remedy, or at least one different from the ordinary rule in contest cases, because under the regular rule justice could not be secured in this case.

I want to say to members, especially those on this side of the House, that if you adopt the proposition presented here by the minority of the Committee on Elections No. 2 you will adjourn this body at the end of the present session without any report of any kind in reference to this contest; while if you adopt the majority report you will at the beginning of February, or before the middle of that month, have a report—a report which in my judgment will justify the American Congress in determining whether either of these gentlemen is entitled to a seat in this body—whether there was a legal election in that district.

I do not think any person here cares very much about the question of the nomination of these two gentlemen. That is a question to be determined by the evidence here, it is true; but if what these gentlemen say is true—that this contestant is without claim to the seat by reason of the fact that he was never regularly nominated—I assume that the burden of proof is upon him to show that he was legally nominated as well as legally elected. He has said to the Committee on Elections that he can do this within fifteen days.

After having heard from the lips of the distinguished gentleman from Indiana [Mr. ROBINSON] the splendid tribute to the political virtue possessed by the gentlemen composing Election Committee No. 2, I only wish to call your attention to the fact that that committee was so fair to the contestee that they changed the rule of the House so as to give him five days more than given to contestant to present his testimony in chief in this case.

There is no politics in this case, and there should be none in the discussion of it. The Republican members of the Committee on Elections desire that the case shall be heard at the first moment that it is possible to hear it. They have said that in their judgment fifteen days will be sufficient time for the contestant to present his case, he himself having said that he can do it in that time, and after that it is proposed to give twenty to the contestee to present his case, with five days additional for the presentation of evidence in rebuttal, and then the whole case can be presented to the full committee and to the judgment of this House. Gentlemen, if you want at this session to determine this question under the extraordinary circumstances prevailing in this particular case, I ask at your hands the adoption of the report of the Committee on Elections No. 2. [Applause on the Republican side.]

Mr. OLMSTED. Mr. Speaker, but little remains to be said in this case. The ground upon which the minority at first proposed to contest this resolution, as indicated by the gentleman from Tennessee [Mr. RICHARDSON], appears to have been wholly abandoned—I mean the contention that the House can not itself, by resolution, disregard the statute of 1851. The substitute resolution offered by the gentleman from Indiana [Mr. ROBINSON] abandons that principle.

Our resolution provides a certain time in which testimony shall be taken. My friend from Indiana contends that the testimony could not be taken in that time and then proposes a remedy by which not nearly as much testimony could be taken in the same time as under our plan.

Now, what is the proposition here? It is that a subcommittee of five, upon which presumably both political parties shall be represented, shall go to St. Louis and take this testimony. What would be the result? Banqueting, revelry, enjoyment of the proverbial hospitality of St. Louis, and very little attention to business. When a committee or subcommittee goes out to take testimony, somebody makes an offer to submit certain evidence. One member of the committee thinks it relevant, another thinks it is not. Half the time of the committee is taken up in debating such questions and little progress is made, particularly where, as in this case, there would be great inducement upon one side to consume all the time possible. Then, again, no committee sent out by this House will sit continuously, and of course it could not sit in more than one place at the same time.

What does the act of 1851 provide? Why, Mr. Speaker, it provides that testimony may be taken in two or more places at the same time. That is the provision of the law. That is the provision which the substitute resolution is attempting to evade or escape.

"Persecution" this is called. My friend from Pennsylvania and my friend from Indiana claim that it is an outrage to take testimony in different places at the same time—a great wrong to the contestee. Well, the contestee has the same privilege. I call the attention of those gentlemen to the fact that this has been the custom for more than fifty years. In every election case that comes here testimony has been taken at different places at the same time. It is always done. That is not provided in our resolution. It is provided in the act of 1851. We do not touch it.

Now, just a few words more. My friend from Pennsylvania [Mr. GREEN] and the gentleman from Illinois [Mr. FEELY], members of the committee, and also the gentleman from Missouri [Mr. DE ARMOND], have attempted to show that a prima facie case has not been made out by the contestant—that he has not shown that this is a contest in good faith. My learned and distinguished friend from Missouri [Mr. DE ARMOND] stated some reasons why Mr. Butler must have been elected, and the contest should therefore be treated as frivolous. He mentioned his great popularity. Among other things he had on one occasion helped a poor family to bury its dead. That was praiseworthy, but is that a reason why several hundred dead men should be voted in his support, as charged in this contest? [Laughter.] Then his great popularity because of his connection with the street railway. Is that a reason why, as shown by the sworn statements of third persons, 110 persons were registered and voted as living at 3865 Boulevard avenue, which this affidavit shows is a mule stable belonging to a relative of the sitting member? Is his great popularity evidenced by the fact shown in this sworn statement that in one precinct he received 330 votes, although there were only 169 persons entitled to vote at all?

That is a very forcible and valuable method of showing popularity, if such methods are not to be investigated by this House. But that kind of popularity hardly excuses an investigation. The contestee [Mr. Butler] has already during this Congress drawn his salary and served as a member of this House one year and three months without any legal authority, as was decided by the House on the 28th of June last. Our friends on the other side ask that he be permitted to sit three months longer. That is the substance of their resolution, because to adopt their substitute means that this contest can not be heard. I am authorized by the committee to accept the amendment of the gentleman from Indiana extending the time for five days for filing the answer. But the substitute providing a subcommittee to go to St. Louis is so manifestly intended to prevent the decision of this case by this House that we oppose it as strongly as possible.

Now, Mr. Speaker, without consuming further time of the House, I demand the previous question upon the resolution and substitute and all other amendments to its final passage.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania.

The question was taken, and the previous question ordered.

The SPEAKER pro tempore. The first question is on the amendment offered by the gentleman from Indiana, which the Clerk will report.

The Clerk again reported the amendment.

Mr. OLMSTED. To that amendment. Mr. Speaker, the committee authorizes me to state that we agree.

The question was taken, and the amendment agreed to.

The SPEAKER pro tempore. The question now is on the adoption of the substitute.

The question was taken; and on a division (demanded by Mr. ROBINSON of Indiana) there were—ayes 90, noes 99.

Mr. ROBINSON of Indiana. Mr. Speaker, I demand tellers.

Tellers were ordered.

The SPEAKER pro tempore. The gentleman from Pennsylvania, Mr. OLMSTED, and the gentleman from Indiana, Mr. ROBINSON, will act as tellers.

The House again divided; and the tellers reported—ayes 106, noes 126.

So the substitute was lost.

The SPEAKER pro tempore. The question now is on the original resolution.

Mr. OLMSTED. Upon that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 155, nays 118, answered "present" 10, not voting 71; as follows:

YEAS—155.

Acheson,	Dick,	Joy,	Pearre,
Adams,	Douglas,	Ketcham,	Perkins,
Allen, Me.	Dovener,	Knapp,	Powers, Me.
Aplin,	Draper,	Kyle,	Powers, Mass.
Babcock,	Dwight,	Lacey,	Prince,
Ball, Del.	Emerson,	Landis,	Reeder,
Bartholdt,	Esch,	Lawrence,	Reeves,
Bates,	Evans,	Lessler,	Roberts,
Beidler,	Fletcher,	Lewis, Pa.	Schirm,
Bishop,	Foss,	Littauer,	Scott,
Blackburn,	Foster, Vt.	Littlefield,	Shattuc,
Blakeney,	Gaines, W. Va.	Loud,	Shelder,
Boreing,	Gardner, Mass.	Loudenslager,	Sibley,
Bowersock,	Gardner, Mich.	Lovering,	Skiles,
Brandegee,	Gardner, N. J.	McCall,	Smith, Ill.
Brown,	Gibson,	McCleary,	Smith, Iowa
Brownlow,	Gill,	McLachlan,	Smith, Wm. Alden
Bull,	Gillet, N. Y.	Mann,	Southard,
Burk, Pa.	Gillett, Mass.	Marshall,	Southwick,
Burke, S. Dak.	Graff,	Martin,	Sperry,
Burkett,	Graham,	Mercer,	Steele,
Burton,	Greene, Mass.	Metcalf,	Stevens, Minn.
Butler, Pa.	Grow,	Miller,	Stewart, N. J.
Calderhead,	Hamilton,	Mondell,	Sulloway,
Cannon,	Hanbury,	Moody, N. C.	Sutherland,
Capron,	Haskins,	Moody, Oreg.	Tawney,
Cassel,	Haugen,	Morgan,	Tirrell,
Connell,	Hedge,	Morrell,	Tongue,
Conner,	Henry, Conn.	Morris,	Vreeland,
Coombs,	Hill,	Moss,	Wachter,
Cooper, Wis.	Hitt,	Mudd,	Wadsworth,
Corliss,	Holliday,	Needham,	Wanger,
Cromer,	Hopkins,	Nevin,	Warner,
Currier,	Howell,	Olmsted,	Warnock,
Cushman,	Hull,	Otjen,	Watson,
Dahle,	Irwin,	Overstreet,	Weeks,
Dalzell,	Jack,	Parker,	Woods,
Davidson,	Jenkins,	Patterson, Pa.	Young.
Deemer,	Jones, Wash.	Payne,	

NAYS—118.

Adamson,	Finley,	Lewis, Ga.	Rucker,
Allen, Ky.	Flood,	Lindsay,	Russell,
Ball, Tex.	Foster, Ill.	Little,	Scarborough,
Bankhead,	Fox,	Livingston,	Selby,
Bell,	Gaines, Tenn.	Lloyd,	Shackleford,
Bellamy,	Gilbert,	McAndrews,	Shafroth,
Benton,	Glass,	McClellan,	Shallenberger,
Billmeyer,	Glenn,	McCulloch,	Sheppard,
Brantley,	Goldfogle,	McLain,	Sims,
Breazeale,	Gooch,	McRae,	Slayden,
Broussard,	Gordon,	Maddox,	Snodgrass,
Brundidge,	Green, Pa.	Mahoney,	Snook,
Burgess,	Griggs,	Maynard,	Sparkman,
Burleson,	Hay,	Mickey,	Spight,
Burnett,	Henry, Miss.	Miers, Ind.	Stark,
Caldwell,	Henry, Tex.	Moon,	Stephens, Tex.
Candler,	Hooker,	Mutchler,	Sulzer,
Clark,	Howard,	Naphen,	Swann,
Clayton,	Jett,	Norton,	Swanson,
Cochran,	Johnson,	Padgett,	Taylor, Ala.
Cooney,	Jones, Va.	Pierce,	Thomas, N. C.
Cowherd,	Kern,	Pugsley,	Trimble,
Crowley,	Kitchin, Claude	Randell, Tex.	Underwood,
Davey, La.	Kitchin, Wm. W.	Ransdell, La.	Vandiver,
Davis, Fla.	Kluttz,	Rhea,	Wheeler,
De Armond,	Lamb,	Richardson, Ala.	Williams, Ill.
Dinsmore,	Lanham,	Richardson, Tenn.	Williams, Miss.
Dougherty,	Latimer,	Rixey,	Wooten.
Elliott,	Lester,	Robb,	
Feely,	Lever,	Robinson, Ind.	

ANSWERED "PRESENT"—10.

Barney,	Kehoe,	Showalter,	Tate,
Bowie,	Meyer, La.	Smith, Ky.	Zenor.
Griffith,	Ryan,		

NOT VOTING—71.

Alexander,	Dayton,	Kleberg,	Small,
Bartlett,	Driscoll,	Knox,	Smith, H. C.
Belmont,	Eddy,	Lassiter,	Smith, S. W.
Bingham,	Edwards,	Long,	Stewart, N. Y.
Boutell,	Fitzgerald,	McDermott,	Storm,
Brick,	Fleming,	Mahon,	Talbert,
Bristow,	Foerderer,	Minor,	Tayler, Ohio
Bromwell,	Fordney,	Neville,	Thayer,
Burleigh,	Fowler,	Newlands,	Thomas, Iowa
Butler, Mo.	Grosvenor,	Palmer,	Thompson,
Cassingham,	Heatwole,	Patterson, Tenn.	Tompkins, N. Y.
Conry,	Hemenway,	Pou,	Tompkins, Ohio
Cooper, Tex.	Hepburn,	Reid,	Van Voorhis,
Cousins,	Hildebrant,	Robertson, La.	White,
Creamer,	Hughes,	Robinson, Nebr.	Wiley.
Crumpacker,	Jackson, Kans.	Rumple,	Wilson,
Curtis,	Jackson, Md.	Ruppert,	Wright.
Darragh,	Kahn,	Sherman,	

So the resolution was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. SHERMAN with Mr. RUPPERT.

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. KAHN with Mr. BELMONT.

Until further notice:

Mr. HEATWOLE with Mr. TATE.

Mr. FOSTER of Vermont with Mr. POU.

Mr. BARNEY with Mr. THOMPSON.

Mr. FORDNEY with Mr. KLEBERG.

Mr. LONG with Mr. NEWLANDS.

Mr. GROSVENOR with Mr. KEHOE.

Mr. RUMPLE with Mr. ROBINSON of Nebraska.

Mr. TAYLER of Ohio with Mr. BOWIE.

Mr. BURLEIGH with Mr. GRIFFITH.

For this day:

Mr. CURTIS with Mr. REID.

Mr. HENRY C. SMITH with Mr. EDWARDS.

Mr. BOUTELL with Mr. CREAMER.

Mr. STORM with Mr. PATTERSON of Tennessee.

Mr. MINOR with Mr. LASSITER.

Mr. ALEXANDER with Mr. RYAN.

Mr. THOMAS of Iowa with Mr. SMITH of Kentucky.

Mr. VAN VOORHIS with Mr. SMALL.

Mr. WRIGHT with Mr. WILSON.

Mr. JACKSON of Maryland with Mr. WHITE.

Mr. HEMENWAY with Mr. COOPER of Texas.

Mr. FOWLER with Mr. KLUTTZ.

Mr. COUSINS with Mr. JACKSON of Kansas.

Mr. BRICK with Mr. CONRY.

Mr. HILDEBRANT with Mr. MCDERMOTT.

Mr. HUGHES with Mr. ROBERTSON of Louisiana.

Mr. KNOX with Mr. NEVILLE.

Mr. MAHON with Mr. TALBERT.

Mr. SAMUEL W. SMITH with Mr. THAYER.

On this bill:

Mr. SHOWALTER with Mr. WILEY.

Mr. DRISCOLL with Mr. FLEMING.

Mr. HEPBURN with Mr. BARTLETT.

Mr. CRUMPACKER with Mr. ZENOR.

Mr. BINGHAM with Mr. FITZGERALD.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, the preamble as amended will be considered as adopted.

There was no objection.

On motion of Mr. OLMSTED, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

PRODUCTION AND CONSUMPTION OF COFFEE.

The SPEAKER laid before the House the following message from the President of the United States; which was read by the Clerk:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying papers, relative to the proceedings of the International Congress for the Study of the Production and Consumption of Coffee, which, in pursuance of a resolution adopted by the Second International Conference of American States, was in session at the city of New York from October 1 to October 31, 1902, investigating the causes which are producing the crisis through which that industry is passing.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 10, 1902.*

The message and accompanying documents were ordered to be printed and referred to the Committee on Foreign Affairs.

COMMITTEE RESIGNATIONS AND APPOINTMENTS.

The SPEAKER laid before the House the following communications; which were read by the Clerk:

WASHINGTON, D. C., *December 3, 1902.*

Hon. D. B. HENDERSON,
Speaker of the House of Representatives, Washington, D. C.

SIR: I most respectfully tender to you my resignation as a member of the Committee on Irrigation of Arid Lands.

Yours, very truly,

JOHN J. JENKINS,
Member of Congress, Tenth District, Wisconsin.

WASHINGTON, D. C., *December 3, 1902.*

Hon. D. B. HENDERSON,
Speaker of the House of Representatives, Washington, D. C.

SIR: I most respectfully tender to you my resignation as a member of the Committee on the District of Columbia.

Yours, very respectfully,

JOHN J. JENKINS,
Member of Congress, Tenth District, Wisconsin.

The SPEAKER. Without objection, this gentleman will be excused from service on these committees.

There was no objection.

The SPEAKER also laid before the House the following:

WASHINGTON, D. C., *December 1, 1902.*

Hon. D. B. HENDERSON,
Speaker of the House of Representatives, Washington, D. C.

DEAR SIR: I hereby tender my resignation as a member of the Committee on Coinage, Weights, and Measures; also as a member of the Select Committee on Industrial Arts and Expositions.

Very respectfully, yours,

E. J. HILL.

The SPEAKER. With the approval of the House, these resignations will be accepted.

There was no objection.

The SPEAKER also laid before the House the following:

WASHINGTON, D. C., *December 11, 1902.*

Hon. D. B. HENDERSON,
Speaker of the House of Representatives, Washington, D. C.

DEAR SIR: I most respectfully tender to you my resignation as member of the Committee on Elections No. 2.

Truly, yours, SAMUEL L. POWERS.

The SPEAKER. The House approving, this resignation will be accepted.

There was no objection.

The SPEAKER also announced the following committee appointments; which were read by the Clerk:

In accordance with the law (28 Stat. L., p. 768) the Speaker announces the appointment of the following temporary Committee on Accounts: Mr. HILDEBRANDT of Ohio, Mr. HUGHES of West Virginia, and Mr. BARTLETT of Georgia.

Also the following committee assignments:

District of Columbia: Mr. POWERS of Massachusetts.

Coinage, Weights, and Measures: Mr. BRANDEGEE of Connecticut.

Select Committee on Industrial Arts and Expositions: Mr. GARDNER of Massachusetts.

Elections No. 2: Mr. DWIGHT of New York.

Expenditures in the War Department: Mr. BRANDEGEE of Connecticut.

Irrigation of Arid Lands: Mr. DWIGHT of New York.

Irrigation of Arid Lands: Mr. BRANDEGEE of Connecticut.

Committee on the Census: Mr. GARDNER of Massachusetts.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BOUTELL, for the remainder of this week, on account of sickness.

To Mr. ROBERTSON of Louisiana, for fifteen days, on account of important business.

VERONA HARRIMAN.

By unanimous consent, on motion of Mr. SULLOWAY, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Verona Harriman, Fifty-fifth Congress, no adverse report having been made thereon.

THOMAS O'CONNOR.

By unanimous consent, on motion of Mr. RIXEY, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Thomas O'Connor, Fifty-seventh Congress, no adverse report having been made thereon.

BAYOU VERMILION AND MERMENTAU RIVER, LOUISIANA.

By unanimous consent, on motion of Mr. BURTON, the reference of House bills 15605 and 15606, providing respectively for the construction of a lock or locks and a dam in Bayou Vermilion and the Mermentau River, in the State of Louisiana, was changed from the Committee on Interstate and Foreign Commerce to the Committee on Rivers and Harbors.

Mr. HEPBURN. Mr. Speaker, it was in connection with these two bills, the reference of which has been changed, that I desire recognition. I do not want to consent by this action to the idea that jurisdiction ordinarily in cases of this kind is lodged with the Committee on Rivers and Harbors, but in this instance, this stream being now in process of improvement and being the subject of appropriation, I think it would be better that the subject of this bill should be considered by that committee.

The SPEAKER. The Chair understands that the request just granted on the proposition of the gentleman from Ohio [Mr. BURTON] covered the two bills referred to by the gentleman.

Mr. HEPBURN. Yes, sir.

EULOGIES ON THE LATE HONS. JOHN L. SHEPPARD AND REESE C. DE GRAFFENREID.

Mr. BALL of Texas. Mr. Speaker, I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the House meet on Sunday, the 25th day of January, 1903, at 12 o'clock noon, for eulogies upon the life and character of Hons. JOHN L. SHEPPARD and REESE C. DE GRAFFENREID, deceased, late members of this House from the State of Texas.

The resolution was agreed to.

SAMUEL H. HARRISON.

Mr. BULL. Mr. Speaker, I present two privileged reports from the Committee on Accounts.

The Clerk read as follows:

House resolution 338.

Resolved, That the Clerk of the House is hereby authorized and directed to pay to the mother of Samuel H. Harrison, late an employee in the Clerk's office of the House, a sum equal to six months' pay at the rate of compensation received by him at the time of his death, and a further sum not exceeding $250 on account of expenses of his last illness and burial.

The question was taken, and the resolution was agreed to.

ADDITIONAL FOLDERS IN FOLDING ROOM OF THE HOUSE.

Mr. BULL. Also the following:

The Clerk read as follows:

House resolution No. 341.

Resolved, That the Doorkeeper of the House be, and is hereby, authorized to employ eight additional folders in the folding room of the House, at a compensation at the rate of $75 each per month, to be paid out of the contingent fund of the House, during the present session of Congress.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on Accounts, to whom was referred House resolution No. 341, authorizing the employment of eight additional folders during the present session of Congress, have had the same under consideration and recommend its adoption.

This resolution is recommended by the Doorkeeper of the House and the superintendent of the folding room in the following communication, and as it is customary to make provision for eight additional folders during the short session of Congress your committee ask that the resolution be agreed to.

OFFICE OF DOORKEEPER,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., December 3, 1902.

Hon. MELVILLE BULL, M. C.,
Chairman of Committee on Accounts, House of Representatives.

DEAR SIR: I transmit herewith a letter from the foreman of the folding room, containing certain recommendations relative to additional folders in his department. I most heartily approve of these recommendations, and it is my earnest hope that these recommendations will meet with the approval of your honorable committee, and that the relief asked for will be granted.

Very truly, yours,

F. B. LYON,
Doorkeeper House of Representatives.

WASHINGTON, D. C., *December 3, 1902.*

Hon. F. B. LYON,
Doorkeeper House of Representatives.

DEAR SIR: I respectfully request that an additional force of 8 folders be employed in the folding room during the present session of Congress, for reasons herein explained.

During the present year the work of this department has increased very much. Many thousands of new publications have been received, and many reports that in former years were complete in one or two volumes, are now issued in sets containing as many as 13 volumes. This not only means the folding of many thousands of books over and above the amounts formerly received, but it also means the tying and arranging of said volumes into sets, which is slow, laborious work, and must be done with much care. This work alone takes from our regular work of folding documents three or four men most of the time.

After the amount appropriated for the folding of speeches became exhausted we were compelled to put our regular force folding speeches, many thousands having been received after the said fund was exhausted—in fact, we were folding speeches up to October 30 of the present year. This delayed the folding of documents, so that at the present time we have a large amount of unfolded documents on hand, and it is for the folding of these documents and many more yet to be received that this extra force is requested, and I hope it will receive favorable consideration.

Respectfully,

J. MARTIN MCKAY,
Foreman Folding Room.

The question was taken, and the resolution was agreed to.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 55 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, submitting a report of leases of Government property—to the Committee on Ways and Means, and ordered to be printed.

A letter frem the Secretary of the Treasury, transmitting a report relating to accommodations for the post-office building at Yonkers, N. Y.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Jacob A. Fite against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. S. Ladd, administrator of estate of Thornton G. Ladd, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of E. L. Brien, administrator of estate of John W. Taylor, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Interior, submitting draft of a bill providing for the sale of timber in forest reserves and the renting or leasing of lands therein—to the Committee on the Public Lands, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French

spoliation claims relating to the schooner *Conrad*, John Osborn, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Olivia K. Williams, administratrix of estate of Seaborn J. Brown, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Isaiah Standifer against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of T. J., D. H., and Pauline Chamberlain against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. Menkus, administrator of estate of Sarah Marr, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of H. S. Watters, administrator of estate of Claiborn C. Watters, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and of law in the French spoliation cases relating to the schooner *Hope*, Ephraim Hutchins, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joseph C. Cooper against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Emily C. Richmond and Samuel P. Gibbons against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WADSWORTH, from the Committee on Agriculture, to which was referred the bill of the House (H. R. 15922) making an appropriation for the suppression and to prevent the spread of contagious and infectious diseases of live stock, and for other purposes, reported the same without amendment, accompanied by a report (No. 2819); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 13791) to quitclaim all interest of the United States of America in and to square 1131, in the city of Washington, D. C., to Sidney Bieber, reported the same with amendments, accompanied by a report (No. 2820); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 5678) providing for record of deeds and other conveyances and instruments of writing in Indian Territory, and for other purposes, reported the same with amendment, accompanied by a report (No. 2821); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 5659) granting an increase of pension to Melinda Heard, reported the same without amendment, accompanied by a report (No. 2803); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4957) granting an increase of pension to Stiles L. Acee, reported the same without amendment, accompanied by a report (No. 2804); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3180) granting a pension to Emma L. Ferrier, reported the same without amendment, accompanied by a report (No. 2805); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15588) granting an increase of pension to Samnel S. Smith, reported the same with amendment, accompanied by a report (No. 2806); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15300) granting a pension to Delania Preston, widow of William G. Preston, reported the same with amendments, accompanied by a report (No. 2807); which said bill and report were referred to the Private Calendar.

Mr. WILEY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11197) granting a pension to the minor children of Daniel J. Reedy, reported the same with amendments, accompanied by a report (No. 2808); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14258) granting a pension to Fletcher Duling, reported the same with amendment, accompanied by a report (No. 2809); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11093) granting a pension to Nannie M. Kimberly, reported the same with amendments, accompanied by a report (No. 2810); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13719) granting a pension to Nancy McGuire, reported the same with amendment, accompanied by a report (No. 2811); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12575) granting an increase of pension to Edward A. Branham, of Alexandria County, Va., reported the same with amendments, accompanied by a report (No. 2812); which said bill and report were referred to the Private Calendar.

Mr. BALL of Delaware, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13705) granting an increase of pension to Mary Ann Garrison, reported the same with amendment, accompanied by a report (No. 2813); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4925) granting a pension to Joel Thomason, reported the same with amendment, accompanied by a report (No. 2814); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1617) granting a pension to Margaret A. Osborne, reported the same with amendments, accompanied by a report (No. 2815); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1637) granting an increase of pension to John A. Spalding, reported the same with amendments, accompanied by a report (No. 2816); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14913) granting an increase of pension to Ann M. Morrison, reported the same with amendments, accompanied by a report (No. 2817); which said bill and report were referred to the Private Calendar.

Mr. SELBY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15421) granting an increase of pension to Elizabeth Palmer, reported the same with amendments, accompanied by a report (No. 2818); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 13893) granting a pension to Ella F. Shundrew—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15827) granting a pension to Grace Ashton Negley—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14600) granting an increase of pension to Anthony Walich—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FOSTER of Vermont: A bill (H. R. 15917) to amend section 18 of Public Act No. 146—to the Committee on Public Buildings and Grounds.

By Mr. MAYNARD: A bill (H. R. 15918) to grant the free use of the United States mails to the officers of the National Guard of the States and Territories of the United States for the official business of their respective commands—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: A bill (H. R. 15919) to incorporate the Lake Erie and Ohio River Ship Canal Company, to define the powers thereof, and to facilitate interstate commerce—to the Committee on Railways and Canals.

By Mr. TAWNEY: A bill (H. R. 15920) to provide for an exhibit of the progress of education and experimentation in agriculture and mechanic arts at the Louisiana Purchase Exposition in 1904—to the Committee on Industrial Arts and Expositions.

By Mr. MORRIS: A bill (H. R. 15921) to provide for the construction of a bridge across Rainy River in Minnesota—to the Committee on Interstate and Foreign Commerce.

By Mr. WADSWORTH, from the Committee on Agriculture: A bill (H. R. 15922) making an appropriation for the suppression and to prevent the spread of contagious and infectious diseases of live stock, and for other purposes—to the Union Calendar.

By Mr. DE ARMOND: A bill (H. R. 15923) for the protection of the people against monopoly, and for other purposes—to the Committee on the Judiciary.

By Mr. SHERMAN: A bill (H. R. 15924) constituting Utica, N. Y., a port of delivery—to the Committee on Ways and Means.

By Mr. BULL: A bill (H. R. 15925) providing for the promotion of warrant officers in the Navy—to the Committee on Naval Affairs.

By Mr. SLAYDEN: A bill (H. R. 15926) to establish a permanent military camp ground in the vicinty of Fort Sam Houston, Department of Texas, in the State of Texas—to the Committee on Military Affairs.

By Mr. SULZER: A bill (H. R. 15927) to more effectually regulate interstate and foreign commerce—to the Committee on the Judiciary.

By Mr. PUGSLEY: A bill (H. R. 15928) to render the currency more elastic and responsive to the financial and commercial requirements of the country—to the Committee on Banking and Currency.

By Mr. KNOX: A bill (H. R. 15973) to pay in part judgments rendered under an act of the legislative assembly of the Territory of Hawaii for property destroyed in suppressing the bubonic plague in said Territory in 1899 and 1900, and authorizing the Territory of Hawaii to issue bonds for the payment of the remaining claims—to the Committee on Claims.

By Mr. BOREING: A bill (H. R. 15974) to increase the pay of the male laborers of the Government Printing Office—to the Committee on Printing.

By Mr. SHAFROTH: A joint resolution (H. J. Res. 226) authorizing the President to propose to Great Britain and Germany to submit their claims against Venezuela to arbitration, and to guarantee the payment of the awards that may be made—to the Committee on Foreign Affairs.

By Mr. BULL: A joint resolution (H. J. Res. 227) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1902, on the 18th day of said month—to the Committee on Accounts.

By Mr. PIERCE: A joint resolution (H. J. Res. 228) suspending the operation of all laws imposing a tariff on anthracite and bituminous coal—to the Committee on Ways and Means.

By Mr. CLAUDE KITCHIN: A joint resolution (H. J. Res. 229) directing the Secretary of War to furnish to the State of North Carolina copies of certain records in his office—to the Committee on Military Affairs.

By Mr. FINLEY: A joint resolution (H. J. Res. 230) directing the Secretary of War to furnish to the State of South Carolina copies of certain records in his office—to the Committee on Military Affairs.

By Mr. BABCOCK: A concurrent resolution (H. C. Res. 64) authorizing the Commissioners of the District of Columbia to employ until June 30, 1903, and when necessary thereafter, a medical sanitary inspector—to the Committee on the District of Columbia.

By Mr. BULL: A resolution (H. Res. 348) to pay to James A. Abbott, father of J. Laurean Abbott, deceased, lately employed as a telephone operator in the House, a sum equal to six months' pay and funeral expenses—to the Committee on Accounts.

By Mr. BRANDEGEE: A resolution (H. Res. 349) providing for a meeting of the House on Sunday, January 25, 1903, for eulogies on the life, character, and services of Hon. CHARLES ADDISON RUSSELL.

By Mr. WACHTER: A bill (H. Res. 350) authorizing the chairman of the Committee on Enrolled Bills to appoint two additional clerks to said committee—to the Committee on Accounts.

By Mr. BALL of Texas: A resolution (H. Res. 351) that the House meet on Sunday, the 25th day of January, A. D. 1903, at 12 o'clock noon, for eulogies upon the life, character, and services of the Hon. JOHN L. SHEPPARD and Hon. R. C. DE GRAFFENREID, deceased, late members of the House from the State of Texas.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ADAMS: A bill (H. R. 15929) to correct the military record of Phillip Graham—to the Committee on Military Affairs.

By Mr. ACHESON: A bill (H. R. 15930) granting a pension to Henry H. Wilson—to the Committee on Invalid Pensions.

By Mr. BURTON: A bill (H. R. 15931) granting an increase of pension to John Wilson—to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 15932) granting an increase of Pension to John Brasch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15933) granting an increase of pension to Adam Gosage—to the Committee on Invalid Pensions.

By Mr. CROWLEY: A bill (H. R. 15934) to remove the charge of desertion against Jacob Higgins—to the Committee on Military Affairs.

Also, a bill (H. R. 15935) granting an increase of pension to John W. Brown—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 15936) granting an increase of pension to Josiah E. Keyes—to the Committee on Invalid Pensions.

By Mr. CORLISS: A bill (H. R. 15937) granting a pension to William E. Martin—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 15938) granting a pension to George W. Day—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 15939) granting a pension to Mary D. Duval—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 15940) granting an increase of pension to George E. Pierson—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 15941) to correct the military record of Abraham Bennett—to the Committee on Military Affairs.

By Mr. GORDON: A bill (H. R. 15942) granting an increase of pension to Aurelia A. Daniels—to the Committee on Pensions.

Also, a bill (H. R. 15943) granting an increase of pension to Rebecca Donahoo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15944) granting an increase of pension to Joseph N. Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15945) granting an increase of pension to David Deardourff—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 15946) authorizing the Secretary of War to grant an honorable discharge to John P. Barry, late first lieutenant Battery C, Pennsylvania Artillery—to the Committee on Military Affairs.

Also, a bill (H. R. 15947) granting an increase of pension to Charles J. Barr—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 15948) granting an increase of pension to French F. Nelson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15949) granting a pension to Ezra Shanks—to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 15950) granting an increase of pension to Emily Catlin—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 15951) granting an increase of pension to James M. Howe—to the Committee on Pensions.

By Mr. LANDIS: A bill (H. R. 15952) granting an increase of pension to Robert O'Neel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15953) granting an increase of pension to George S. P. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15954) granting an increase of pension to William H. Dooley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15955) granting an increase of pension to John L. Dallas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15956) to correct the military record of George Pile—to the Committee on Military Affairs.

By Mr. MAYNARD: A bill (H. R. 15957) granting a pension to Thomas Allen—to the Committee on Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 15958) for the relief of H. Gibbes Morgan and other coowners of Cat Island, in the Gulf of Mexico—to the Committee on Private Land Claims.

By Mr. MANN: A bill (H. R. 15959) for the relief of M. C. Kerth—to the Committee on War Claims.

By Mr. MOON: A bill (H. R. 15960) for the relief of Thomas Smith—to the Committee on War Claims.

By Mr. PRINCE: A bill (H. R. 15961) granting an increase of pension to Jane Welch—to the Committee on Invalid Pensions.

By Mr. PUGSLEY: A bill (H. R. 15962) granting a pension to Catharine T. R. Mathews—to the Committee on Pensions.

By Mr. RUCKER: A bill (H. R. 15963) granting a pension to Mary A. Ward—to the Committee on Pensions.

By Mr. SCHIRM: A bill (H. R. 15964) granting an increase of pension to Michael Murphy—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 15965) granting an increase of pension to Jeremy Walker—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 15966) granting a pension to Sarah A. Lee, widow of Nathan H. Lee—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 15967) granting a pension to Hiram G. McLemore—to the Committee on Invalid Pensions.

By Mr. BLAKENEY: A bill (H. R. 15968) granting an increase of pension to Isaac F. Clayton—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 15969) granting an increase of pension to William E. Haskins—to the Commitee on Invalid Pensions.

Also, a bill (H. R. 15970) granting a pension to Gertrude Merrill—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 15971) granting a pension to Cama Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15972) to remove the charge of desertion from Elijah Rankins—to the Committee on Military Affairs.

By Mr. WATSON: A bill (H. R. 15975) granting an increase of pension to Simeon T. Yancy—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 15976) granting an increase of pension to John Kelley, second—to the Committee on Invalid Pensions.

By Mr. JACK: A bill (H. R. 15977) granting an increase of pension to George S. Campbell—to the Committee on Invalid Pensions.

Also a bill (H. R. 15978) granting an increase of pension to Capt. William C. Gordon—to the Committee on Invalid Pensions.

Also a bill (H. R. 15979) granting an increase of pension to William Miller—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 15980) granting an increase of pension to Harry C. Thorne—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Papers to accompany House bill relating to the correction of the military record of Abraham B. Barnett—to the Committee on Military Affairs.

By Mr. ALLEN of Maine: Petition of C. E. Barbour and 26 others, master mariners in the American merchant marine, for the passage of House bill 163, granting pensions to certain officers and enlisted men of the Life-Saving Service and to their widows and minor children—to the Committee on Invalid Pensions.

By Mr. BURKETT: Resolution of George A. Custer Post, Grand Army of the Republic, of Omaha, Nebr., in reference to public lands—to the Committee on the Public Lands.

By Mr. DWIGHT: Papers to accompany House bill granting an increase of pension to George E. Pierson—to the Committee on Invalid Pensions.

By Mr. EVANS: Paper to accompany House bill 15819, granting an increase of pension to John W. Smith—to the Committee on Invalid Pensions.

By Mr. FINLEY: Petition of certain citizens of the State of South Carolina, in the matter of documents and records in the War Department—to the Committee on Military Affairs.

By Mr. FLYNN: Papers to accompany House bill 15826, relating to the claim of Jacob Crew—to the Committee on Claims.

By Mr. GIBSON: Petition of heir of John Caldwell, deceased, for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petitions of George W. Bean and Francis M. Webb for bounty money for services in the war of the rebellion—to the Committee on Claims.

By Mr. GORDON: Resolution of Lima Presbytery, synod of Ohio, favoring a laboratory in the Department of Justice—to the Committee on the Judiciary.

Also, petition of citizens of Loramie, Shelby County, Ohio, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, papers to accompany House bill 10187, granting a pension to John Workman—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Rebecca Donahoo—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Aurelia A. Daniels—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to David Deardourff—to the Committee on Invalid Pensions.

By Mr. HOWELL: Petition of citizens of Monmouth County, N. J., in favor of a breakwater at the entrance of New York Harbor—to the Committee on Rivers and Harbors.

By Mr. IRWIN: Papers to accompany House bill granting an increase of pension to Emily Catlin—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of Woman's Missionary Society of the Ainslie Street Presbyterian Church, of Brooklyn, N. Y., favoring antipolygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. MADDOX: Petition of Thomas H. Williams, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MAYNARD: Papers to accompany House bill 15819, granting a pension to Thomas Allen—to the Committee on Pensions.

By Mr. MIERS of Indiana: Paper to accompany House bill 6163, granting an increase of pension to Joshua Parsons—to the Committee on Invalid Pensions.

By Mr. MOON: Papers relating to the claim of Thomas Smith, of Whiteside, Tenn.—to the Committee on War Claims.

Also, paper to accompany House bill 1255, relating to the claim of William M. White—to the Committee on Military Affairs.

By Mr. OVERSTREET: Petition of James L. Condon and other citizens of Indiana, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SHERMAN: Petition of citizens of Utica, N. Y., asking for the removal of the tariff on certain glass products—to the Committee on Ways and Means.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill granting a pension to Cuma Young—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to correct the military record of Elijah Rankin—to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 12, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read, corrected, and approved.

BILLS LAID ON THE TABLE.

The SPEAKER. The Chair lays before the House sundry bills from the Committee on War Claims which have passed the House and are in a condition to be laid on the table. That request is made by the chairman, and without objection, the bills will lie on the table, and the Clerk will read them by title.

The Clerk read as follows:

H. R. 2944. A bill for the relief of Frances King;
H. R. 1591. A bill for the relief of Charles H. Adams;
H. R. 1010. A bill for the relief of Larrabee & Allen;
H. R. 5896. A bill for the relief of the Allaire Works, of New York;
H. R. 4443. A bill for the relief of Kate Reaney Zeiss, administratrix of William B. Reaney, deceased, who was surviving partner of the firm of Reaney, Son & Archbold;
H. R. 2217. A bill for the relief of the legal representatives of Pusey, Jones & Co.;
H. R. 7165. A bill for the relief of Poole & Hunt;
H. R. 4002. A bill for the relief of the Atlantic Works, of Boston, Mass.;
H. R. 3737. A bill for the relief of the executors of James B. Eads, deceased;
H. R. 4635. A bill for the relief of the estate of James Brown, deceased;
H. R. 6004. A bill for the relief of Hannah E. Boardman, administratrix;
H. R. 3505. A bill for the relief of the legal representatives of Tomlinson & Hartupee & Co.;
H. R. 10447. A bill for the relief of the Winchester and Potomac Railroad Company;
H. R. 4442. A bill for the relief of Sarah E. E. Perine;
H. R. 6323. A bill for the relief of Everett B. Curtis, administrator of John J. Curtis, deceased;
H. R. 7445. A bill for the relief of the legal representatives of Neafie & Levy; and
H. R. 11565. A bill for the relief of George B. Caldwell, administrator of Hamlin Caldwell, deceased.

The SPEAKER. The Chair also lays before the House the bill (H. R. 10065) to provide for the acquiring of rights of way by

railway companies in the Indian Territory, and for other purposes. This bill having become a law, without objection, will lie on the table.

There was no objection.

AARON VAN CAMP AND VIRGINIUS P. CHAPIN.

The SPEAKER laid before the House the bill (S. 342) for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin, with House amendment disagreed to by the Senate.

Mr. FOSTER of Vermont. Mr. Speaker, I move that the House insist on the amendment, and ask for a committee of conference.

The motion was agreed to.

The SPEAKER appointed as managers on the part of the House Mr. GRAFF, Mr. FOSTER of Vermont, and Mr. CLAUDE KITCHIN.

ANNE BRONSON.

The SPEAKER laid before the House the bill (H. R. 10761) granting a pension to Anne Bronson, with a Senate amendment.

The Senate amendment was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

WILLIAM H. SNYDER.

The SPEAKER also laid before the House the bill (H. R. 13355) granting an increase of pension to William H. Snyder, with Senate amendments.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

MICHAEL MULLIN.

The SPEAKER also laid before the House the bill (H. R. 2618) granting an increase of pension to Michael Mullin, with a Senate amendment.

The Senate amendment was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

JOSEPH MOTE.

The SPEAKER also laid before the House the bill (H. R. 10876) granting an increase of pension to Joseph Mote, with a Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

JONATHAN WALBERT.

The SPEAKER also laid before the House the bill (H. R. 13367) granting an increase of pension to Jonathan Walbert, with a Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

SANDERS R. SEAMONDS.

The SPEAKER also laid before the House the bill (H. R. 4261) granting an increase of pension to Sanders R. Seamonds, with a Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

MILLEN M'MILLEN.

The SPEAKER also laid before the House the bill (H. R. 6481) granting an increase of pension of Millen McMillen, with a Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

SUSAN J. TAYLOR.

The SPEAKER also laid before the House the bill (H. R. 1523) granting a pension to Susan A. Taylor, with Senate amendments.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

JAMES S. YOUNG.

The SPEAKER also laid before the House the bill (H. R. 8712) granting an increase of pension to James S. Young, with a Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. I move that the House concur.

The motion was agreed to.

GEORGE R. BALDWIN.

The SPEAKER also laid before the House the bill (H. R. 13665) granting an increase of pension to George R. Baldwin, with a Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. I move that the House concur.

The motion was agreed to.

WILLIAM W. ANDERSON.

The SPEAKER also laid before the House the bill (H. R. 11979) granting an increase of pension to William W. Anderson, with a Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. I move that the House concur.

The motion was agreed to.

CONTAGIOUS AND INFECTIOUS DISEASES OF LIVE STOCK.

Mr. WADSWORTH. I ask unanimous consent to take from the Union Calendar for immediate consideration the bill (H. R. 15922) making an appropriation for the suppression and to prevent the spread of contagious and infectious diseases of live stock, and for other purposes.

Mr. STEPHENS of Texas. We should like to hear some explanation of this bill.

Mr. WADSWORTH. The bill is in the nature of an emergency appropriation, to enable the Secretary of Agriculture to stamp out the foot-and-mouth disease now prevalent in New England, and which threatens the great live-stock industry of the country. The regular Agricultural appropriation bill does not carry money enough to answer this purpose—not enough to enable the Secretary of Agriculture to slaughter these cattle, which is the only way in which the disease can be exterminated. The bill and report have been printed, as well as the hearings before the committee; and these several documents have been placed on the desks of members this morning.

Mr. CANNON. Allow me to ask a question. Is this bill a legislative bill? Does it legislate?

Mr. WADSWORTH. Yes; it does.

Mr. CANNON. It changes the existing law?

Mr. WADSWORTH. It does in this respect: It transfers a power which now resides with the Secretary of the Treasury to the Secretary of Agriculture—a power which was supposed to have been transferred when the Commissioner of Agriculture was made an executive officer; but through oversight certain powers which had been exercised by the Secretary of the Treasury and which it had been intended to transfer were overlooked.

Mr. Speaker, if anyone feels disposed to object, I hope the objection will be reserved until the report of the committee can be read for the information of the House.

The SPEAKER. No one has yet objected within the knowledge of the Chair.

Mr. GILLETT of Massachusetts. I reserve the right to object.

The SPEAKER. If there be no objection, the report will be read.

The report of the Committee on Agriculture was read, as follows:

The Committee on Agriculture, to whom was referred the bill (H. R. 15922) making an appropriation for the suppression and to prevent the spread of contagious and infectious diseases of live stock, and for other purposes, submit the following report:

The only object of the first section of this bill is to carry out the intention of Congress when it established the Department of Agriculture as a Department of the Government and gave it all the powers over this question of dealing with infectious diseases of cattle and other animals.

When the present Department of Agriculture was made a Cabinet position, it was intended to transfer all the powers then vested in the Commissioner of Agriculture to the Secretary of Agriculture, but it seems that at that time the power to make regulations governing the transportation of animals in interstate commerce lay in the hands of the Secretary of the Treasury and not in the Commissioner of Agriculture.

This fact seems to have been overlooked when the act changing the title of the head of the Department of Agriculture from "Commissioner" to "Secretary" and making him a Cabinet officer was passed, and has since been absolutely ignored and lost sight of. And during the last past ten or twelve years the Secretary of Agriculture has made all rules and regulations and issued all certificates of inspection permitting the transportation of animals from infected regions, and the legality of this action has never been questioned until lately, when the question arose in a suit brought by a shipper of cattle from Texas against the State of Colorado.

This State had passed a law ordering all cattle brought within its borders or passing through it to be subjected to a State inspection and a charge of fees for said inspection and the attendant labor. The shipper refused to pay, was arrested, found guilty under the laws of Colorado, sentenced to six months' imprisonment and to pay a fine of two or three hundred dollars. He sued out a writ of error in the Supreme Court of the United States, from which court an opinion was handed down December 1, 1902. The Supreme Court of the United States affirmed the supreme court of Colorado on the ground that the act creating the Bureau of Animal Industry only went to the extent of providing for the suppression and extirpation of contagious diseases of animals and did not contemplate the issue of certificates by the Secretary of Agriculture (through the Bureau of Animal Industry), and pointing out the fact that the act making a Cabinet officer of the Secretary of Agriculture did not transfer to him the authority (which was then vested in the Secretary of the Treasury) to make rules and regulations regarding the inspection and transportation of animals for interstate commerce.

As stated above, this power has been exercised for the last past ten or twelve years by the Secretary of Agriculture, who has a force of competent men to carry on this work, while the Secretary of the Treasury has none. It is simply to carry out the evident intention of Congress that this section

is inserted in this bill. It is known to all that a very serious outbreak of foot-and-mouth disease has lately occurred in two or three of the New England States.

Experience in dealing with this disease in the countries of Europe shows conclusively that there is but one way to thoroughly extirpate it, and that is by slaughter of every herd infected and every herd which has been exposed to the contagion, and the thorough disinfection of stables, cars, and premises of all kinds which may have been occupied by infected animals.

Your committee considers this outbreak of foot-and-mouth disease (which disease has practically never existed before in this country) the most serious menace to our live-stock interests, the vast magnitude of which will be appreciated when the attention of the House is called to the fact that last year live stock to the value of $46,000,000 and animal products to the value of almost $1,000,000,000 were exported from the United States.

Should any hesitancy be shown on our part in our efforts to stamp out this disease, Europe might make it a pretext to quarantine against our animals and animal products, and the loss to our agricultural industries by such action would be beyond calculation.

Your committee therefore urges upon the House the immediate passage of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MADDOX. I think the bill had better go over until to-morrow, so that we may have time to look into the matter.

The SPEAKER. Objection is made.

FIRST REGIMENT OHIO VOLUNTEER LIGHT INFANTRY.

Mr. CAPRON. Mr. Speaker, I desire to call up the conference report upon the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Infantry. I ask that the statement of the House conferees be read in lieu of the report.

The statement of the House conferees was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

This action places the proposed legislation as it passed the House June 20, 1902, and was approved by the Senate December 9, 1902.

ADIN B. CAPRON,
CHAS. DICK,
JAMES HAY,
Managers on the part of the House.

Mr. CAPRON. I move that the report be adopted.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. SULLOWAY. I move that the House now resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar under the rule.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. CAPRON in the chair.

CHARLES F. WOODFORD.

The first business on the Private Calendar was the bill (H. R. 8663) to remove charge of desertion from the military record of Charles F. Woodford and grant him an honorable discharge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of Charles F. Woodford, late a private of Company I, One hundred and first Regiment New York Volunteer Infantry, so as to remove the charge of desertion and grant him an honorable discharge.

The amendment recommended by the Committee on Military Affairs was read, as follows:

Insert after the word "discharge," line 7:

"*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS CORDINGLY.

The next business on the Private Calendar was the bill (S. 1634) to remove the charge of desertion against Thomas Cordingly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to remove the charge of desertion now standing against the name of Thomas Cordingly, a seaman, charged with desertion from the United States steamship Flag and Vermont, April 27, 1865.

The amendment recommended by the Committee on Naval Affairs was read, as follows:

Add after the word "five," in line 8:

"And the Secretary of the Navy is authorized to issue to him a certificate of honorable discharge from the Navy."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN RICHARDS.

The next business on the Private Calendar was the bill (H. R. 9879) for the relief of John Richards.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now appearing in the military record of John Richards, late of Company K, Sixteenth Kentucky Infantry Volunteers, and to issue to him an honorable discharge from the Army of the United States.

Mr. STEELE. Mr. Chairman, I ask that the report be read.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 9879) to correct the military record of John Richards, late of Company K, Sixteenth Kentucky Infantry Volunteers, report the same back to the House with the recommendation that it do pass with the following amendment added to the end thereof:

"*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

John Richards was enrolled January 1, 1862, and mustered into the service January 28, 1862, to serve three years. He enlisted as a veteran volunteer January 1, 1864, and continued in the service until February 2, 1865, serving in all over three years, when he was charged with having deserted. His service would have expired under last enlistment July 16, 1865, less than six months from expiration of said service.

The proof is strongly to the effect that he was a good and faithful soldier, and the hospital records show that he was sick, and the proof sustains the claim that he was sick at home from the time he is charged with having deserted until after the date of the muster out of his company and regiment. No bounty or other benefit accrued to him, and there was no incentive in his case to have deserted, and we are satisfied that the charge against him is a mistake.

The amendment recommended by the Committee on Military Affairs was read, as follows:

Add at the end of the bill:

"*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH FIELDS.

The next business on the Private Calendar was the bill (H. R. 9419) for the relief of Joseph Fields.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now appearing in the military record of Joseph Fields, late of Company D, Twenty-second Regiment Kentucky Infantry, and to issue to him an honorable discharge from the Army of the United States.

Mr. STEELE. Mr. Chairman, I ask that the report be read.

The Clerk read as follows:

This is a bill to grant to Joseph Fields, late a private in Company D, Twenty-second Regiment Kentucky Infantry, an honorable discharge. The proof in the case is quite voluminous. The soldier bases his request for the relief asked on the claim that he was taken sick and sent home by his officer, and was not thereafter able for the performance of military duty during the time of his enlistment. He never received any benefit of any kind by remaining away from his company and regiment, and the proof is conclusive as to his inability to perform military duty during the period of his enlistment.

The amendment recommended by the Committee on Military Affairs was read, as follows:

Add at the end of the bill:

"*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN FLER.

The next business on the Private Calendar was the bill (S. 4982) granting an increase of pension to John Fler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Fler, late musician, Twenty-seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN A. ROTAN.

The next business on the Private Calendar was the bill (S. 2409) granting an increase of pension to John A. Rotan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Rotan, late of Company H, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GILBERT BARKALOW.

The next business on the Private Calendar was the bill (S. 5052) granting an increase of pension to Gilbert Barkalow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gilbert Barkalow, late of Eighth Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CORNELIA F. WHITNEY.

The next business on the Private Calendar was the bill (S. 1743) granting an increase of pension to Cornelia F. Whitney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia F. Whitney, widow of Edmund C. Whitney, late of Company I, Fifty-third Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

OSCAR VAN TASSELL.

The next business on the Private Calendar was the bill (S. 4494) granting an increase of pension to Oscar Van Tassell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar Van Tassell, late captain Company F, and lieutenant-colonel Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JANE M. MEYER.

The next business on the Private Calendar was the bill (S. 1193) granting an increase of pension to Jane M. Meyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane M. Meyer, widow of Herman A. Meyer, jr., late captain Company H, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY JENNINGS.

The next business on the Private Calendar was the bill (S. 4088) granting an increase of pension to Henry Jennings.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Jennings, late of Company D, Twentieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARTHA A. JOHNSTON.

The next business on the Private Calendar was the bill (S. 5361) granting an increase of pension to Martha A. Johnston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha A. Johnston, widow of Valancourt C. Johnston, alias William Walker, late of Company K, Second Regiment New Hampshire Volunteer Infantry, and Company G, Fourth Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving, and $2 per month additional on acconnt of the minor child of said Valancourt C. Johnston, alias William Walker, until he reaches the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

HULDA MILLIGAN.

The next business on the Private Calendar was the bill (S. 3668) granting a pension to Hulda Milligan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hulda Milligan, widow of William Milligan, late of Company L, First Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of the said William Milligan until they reach the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES K. VAN MATRE.

The next business on the Private Calendar was the bill (S. 1801) granting an increase of pension to James K. Van Matre.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James K. Van Matre, late of Fifth Independent Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANGUS CAMERON.

The next business on the Private Calendar was the bill (S. 5500) granting an increase of pension to Angus Cameron.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Angus Cameron, late of Company G, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MATTHEW B. NOEL.

The next business on the Private Calendar was the bill (S. 3505) granting an increase of pension to Matthew B. Noel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matthew B. Noel, late of Company C, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FREDERICK BULKLEY.

The next business on the Private Calendar was the bill (S. 5648) granting an increase of pension to Frederick Bulkley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Bulkley, late of Company A, Twenty-seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES C. DAVIS.

The next business on the Private Calendar was the bill (S. 2109) granting an increase of pension to Charles C. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles C. Davis, late of Company A, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ROBERT H. BUSTEED.

The next business on the Private Calendar was the bill (S. 3341) granting an increase of pension to Robert H. Busteed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert H. Busteed, late of Company C, Eighth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LUCY A. TURNER.

The next business on the Private Calendar was the bill (S. 5782) granting an increase of pension to Lucy A. Turner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy A. Turner, widow of William Turner, late of Company G, Fifth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Nannie B. Turner, helpless and dependent child of said William Turner, the additional pension herein granted shall cease and determine.

The bill was ordered to be laid aside with a favorable recommendation.

DAVID O. CARPENTER.

The next business on the Private Calendar was the bill (S. 2638) granting an increase of pension to David O. Carpenter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David O. Carpenter, late of Company K, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ABBIE C. BREMNER.

The next business on the Private Calendar was the bill (S. 5534) granting an increase of pension to Abbie C. Bremner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abbie C. Bremner, widow of James Bremner, late of Company G, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DAVID J. NEWMAN.

The next business on the Private Calendar was the bill (S. 2056) granting an increase of pension to David J. Newman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of David J. Newman, late of Company G, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN COOK.

The next business on the Private Calendar was the bill (S. 4141) granting an increase of pension to John Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Cook, late brigadier-general, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN R. SANDSBURY.

The next business on the Private Calendar was the bill (S. 5491) granting an increase of pension to John R. Sandsbury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Sandsbury, late of United States steamers Ohio and Montgomery, United States Navy, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES W. ROSE.

The next business on the Private Calendar was the bill (S. 3493) granting an increase of pension to Charles W. Rose.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Rose, late lieutenant-colonel Fourteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM H. GREEN.

The next business on the Private Calendar was the bill (S. 959) granting an increase of pension to William H. Green.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Green, late captain Company E, Second Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ISAAC RHODES.

The next business on the Private Calendar was the bill (S. 4727) granting an increase of pension to Isaac Rhodes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Rhodes, late of Company B, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM A. P. FELLOWS.

The next business on the Private Calendar was the bill (S. 3819) granting an increase of pension to William A. P. Fellows.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. P. Fellows, late of Company D, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM M. HODGE.

The next business on the Private Calendar was the bill (S. 4393) granting an increase of pension to William M. Hodge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Hodge, late of Company E, One hundred and forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES THOMPSON.

The next business on the Private Calendar was the bill (S. 4348) granting an increase of pension to James Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Thompson, late of Company K, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

REBECCA H. GEYER.

The next business on the Private Calendar was the bill (S. 5321) granting a pension to Rebecca H. Geyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca H. Geyer, widow of Harvey Geyer, late first lieutenant Company C, One hundred and thirty-third Regiment West Virginia Militia, and pay her a pension at the rate of $17 per month.

The bill was ordered to be laid aside with a favorable recommendation.

MERZELLAH MERRILL.

The next business on the Private Calendar was the bill (S. 5882) granting an increase of pension to Merzellah Merrill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Merzellah Merrill, late of Company C, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

STANLEY M. CASPAR.

The next business on the Private Calendar was the bill (S. 3506) granting an increase of pension to Stanley M. Caspar.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stanley M. Caspar, late of Company D, First Battalion, and Company H, Second Battalion, Eighteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE A. MERCER.

The next business on the Private Calendar was the bill (S. 3781) granting an increase of pension to George A. Mercer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George A. Mercer, late of Company E, First Regiment Pennsylvania Reserves Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIE THOMAS.

The next business on the Private Calendar was the bill (S. 5893) granting an increase of pension to Willie Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Willie Thomas, late of Company A, Twenty-sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ALEXANDER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 3291. An act granting an increase of pension to Arthur P. Lovejoy.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 6439. An act for the refund of certain tonnage taxes; and

S. 6447. An act to amend section 1706, Revised Statutes, relating to consuls.

The message also announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House was requested:

H. R. 15372. An act entitled "An act to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners."

CHERSTIN MATTSON.

The committee resumed its session.

The next business on the Private Calendar was the bill (S. 5913) granting a pension to Cherstin Mattson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cherstin Mattson, widow of Hans Mattson, late colonel Third Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JOANNA ROMMEL.

The next business on the Private Calendar was the bill (S. 2935) granting a pension to Joanna Rommel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joanna Rommel, widow of Benson M. Rommel, late of Company C, Second Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

ELLEN A. SAGER.

The next business on the Private Calendar was the bill (S. 3212) granting a pension to Ellen A. Sager.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen A. Sager, former widow of Charles C. Rogers, late of Company E, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

SIDNEY N. LUND.

The next business on the Private Calendar was the bill (S. 5719) granting an increase of pension to Sidney N. Lund.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sidney N. Lund, late of Company A, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LYSANDER D. TRENT.

The next business on the Private Calendar was the bill (H. R. 2542) granting an increase of pension to L. D. Trent.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of L. D. Trent, late of Company I, Nineteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "L." and insert in lieu thereof the word "Lysander."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Lysander D. Trent."

Mr. GAINES of Tennessee. Mr. Chairman, I want to make an inquiry here of the chairman of the Pensions Committee or the committee reporting this bill, who is, I believe, the gentleman from New Hampshire [Mr. SULLOWAY]. It seems that this is a special bill for an increase of pension, and there are a large number of such bills. It seems that about all of these bills are either to grant or increase the value of pensions. At the last session of Congress I asked the gentleman from New Hampshire [Mr. SULLOWAY] why there were so many of these special acts, and the gentleman from New Hampshire replied that it was because the parties did not get justice at the Pension Bureau, the real meaning of the remark being that the then Commissioner of Pensions, Mr. H. Clay Evans, was not dealing fairly with the proposed pensioners. In a few days after this inquiry Mr. Evans resigned.

Now, Mr. Chairman, we have a new Commissioner of Pensions, Mr. Ware, from the State of Kansas. I will ask the distinguished gentleman from New Hampshire why it is that we continue to have this flood of special acts, taking up the valuable time of Congress, when we have a new Commissioner and a huge Pension Bureau? We were given to understand that when the new Commissioner was appointed Congress would be relieved from doing the work of that Bureau. I will ask the gentleman from New Hampshire if the trouble still lies at the door of the Commissioner of Pensions?

Mr. SULLOWAY. Mr. Chairman, I do not know that I heard much of what the gentleman stated. I was about to turn the matter over to the gentleman who reported this bill, but I thought I understood the gentleman from Tennessee to ask if there had been any change since the Commissioner of Pensions has been changed. That has nothing to do with these bills whatever. If that was his inquiry, I will say that all these matters were adjudicated before the present Commissioner came in.

Mr. GAINES of Tennessee. Then I understand the gentleman to say that these are claims that were before the committee during the period covered by the old Commissioner, Mr. Evans, and that none of them are new; that is, that they have not been filed since Mr. Ware has been Commissioner of Pensions.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN R. CURRY.

The next business on the Private Calendar was the bill (H. R. 8254) granting an increase of pension to John R. Curry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Curry, late corporal of Company D, One hundred and sixty-eighth Regiment Pennsylvania Infantry Volunteers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "corporal."

In line 7 strike out the word "sixty-eighth" and insert in lieu thereof the word "eighty-sixth."

In same line, before the word "Infantry," insert the word "Volunteer."

In same line strike out the word "Volunteers."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANCIS M. M'COY.

The next business on the Private Calendar was the bill (H. R. 8247) granting an increase of pension to Francis M. McCoy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Francis M. McCoy, late of Company H, Thirty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension of $50 per month in lieu of the pension he now receives.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. McCoy, late of Company H, Thirty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN W. COVEY.

The next business on the Private Calendar was the bill (H. R. 8175) granting an increase of pension to John W. Covey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Covey, late of Company F, Fourth Regiment of the Indiana Cavalry Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Regiment" strike out the word "of."

In line 7 strike out the word "the."

In same line strike out the word "Volunteers;" and in same line, before the word "Cavalry," insert the word "Volunteer."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID BROBST.

The next business on the Private Calendar was the bill (H. R. 14789) granting a pension to David Brobst.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Brobst, late of Company G, One hundred and first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 dollars per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

Amend the title so as to read: "A bill granting an increase of pension to David Brobst."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN H. DITTMAN.

The next business on the Private Calendar was the bill (H. R. 10858) granting an increase of pension to John H. Dittman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Dittman, late a second lieutenant of Company A, First Maryland Volunteer Cavalry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "a."
In same line strike out the word "of."
In line 7, after the word "Volunteer," insert the word "Veteran."
In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "fifty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES M. SPENCER.

The next business on the Private Calendar was the bill (H. R. 13262) granting an increase of pension to James M. Spencer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Spencer, and pay him a pension at the rate of $24 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Spencer, late principal musician, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. LOYD.

The next business on the Private Calendar was the bill (H. R. 14373) granting a pension to W. H. Loyd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. H. Loyd, late private, Company A, First Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committe were read, as follows:

In line 6 strike out the letter "W." and insert in lieu thereof the word "William."
In same line strike out the word "private" and insert in lieu thereof the word "of."
In same line, before the word "Wisconsin," insert the word "Regiment."
Amend the title so as to read: "A bill granting an increase of pension to William H. Loyd."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MATHIAS CUSTERS.

The next business on the Private Calendar was the bill (H. R. 14957) granting an increase of pension to Mathias Custer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mathias Custer, late of Company L, Third Regiment Iowa Cavalry Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Custer" and insert in lieu thereof the word "Custers."
In same line, after the word "Iowa," insert the words "Volunteer Veteran."
In line 7 strike out the word "Volunteers."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."
Amend the title so as to read: "A bill granting an increase of pension to Mathias Custers."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DENNIS F. ANDRE.

The next business on the Private Calendar was the bill (H. R. 11694) granting an increase of pension to Dennis F. Andre.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Dennis F. Andre, late a private in Company F, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dennis F. Andre, late of Company F, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH M. SALE.

The next business on the Private Calendar was the bill (H. R. 11289) granting a pension to Elizabeth M. Sale.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, at the rate of $12 per month, subject otherwise to the limitations and provisions of the pension laws, the name of Elizabeth M. Sale.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof as follows:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth M. Sale, the dependent stepmother of Timothy H. Sale, late of Company B, First Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEVIN W. BOTHUM.

The next business on the Private Calendar was the bill (H. R. 12474) granting a pension to Levin W. Bothum.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levin W. Bothum, late a sergeant of Company G, Eighth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "a sergeant."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY E. MORGAN.

The next business on the Private Calendar was the bill (H. R. 11699) granting a pension to Mary E. Morgan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mary E. Morgan and pay her a pension at the rate of $20 per month, subject to the limitations and provisions of the pension laws.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Morgan, former widow of Nathan Morgan, late of Company I, Fortieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY J. FELTUS.

The next business on the Private Calendar was the bill (H. R. 11280) granting an increase of pension to Henry J. Feltus.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry J. Feltus, late adjutant Thirteenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NETTIE A. BUELL.

The next business on the Private Calendar was the bill (H. R. 11494) granting a pension to Henrietta A. Buell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henrietta A. Buell, widow of Bennett H. Buell, late of Company I, One hundred and fifty-sixth Regiment

New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Nettie A. Buell, helpless and dependent daughter of Bennett H. Buell, late of Company I, One hundred and fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Nettie A. Buell."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JENNIE H. CRAMER.

The next business on the Private Calendar was the bill (H. R. 7851) granting a pension to Jennie H. Cramer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie H. Cramer, widow of David Cramer, late of Company D, Forty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

In the same line, after the word "month," add the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Jennie H. Cramer.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALFRED J. ISAACS.

The next business on the Private Calendar was the bill (H. R. 5057) granting an increase of pension to Alfred J. Isaacs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred J. Isaacs, late a member of Company H, Ninety-fifth Regiment New York Infantry Volunteers, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6 strike out the words "a member."

In same line strike out the letter "H" and insert in lieu thereof the letter "G."

In line 7 strike out the word "Volunteers;" and in same line, before the word "Infantry," insert the word "Volunteer."

In line 8, after the word "pension," insert the words "at the rate."

In same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FREDERICK HART.

The next business on the Private Calendar was the bill (H. R. 714) granting an increase of pension to Frederick Hart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Hart, late of Company C, Twenty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROMANTUS LAKE.

The next business on the Private Calendar was the bill (H. R. 4179) granting a pension to Romantus Lake.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Romantus Lake, late of Company B, Fourth Regiment New York Heavy Artillery, and pay him a pension at the rate of $20 per month.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 7, before the word "Heavy," insert the word "Volunteer."

In line 8, after the word "month," add the following: "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Romantus Lake."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JACOB BOWMAN.

The next business on the Private Calendar was the bill (S. 3371) removing the charge of desertion from the name of Jacob Bowman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now borne on the records of the War Department against Jacob Bowman, of Company K, Sixty-third Regiment Indiana Infantry Volunteers, and substitute therefor the words "Discharged December 2, 1862:" *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of this act.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES H. HAWLEY.

The next business on the Private Calendar was the bill (S. 4572) granting an honorable discharge from military service to Charles H. Hawley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to review and to revoke the order dismissing Charles H. Hawley from the service as a second lieutenant of the Sixteenth Regiment of Connecticut Volunteer Infantry, and to issue a certificate of honorable discharge for him, to date from the 25th day of January, 1863, and that said Hawley shall thereafter be held and considered to have been honorably discharged from the military service of the United States on said date: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES A. COOKE.

The next business on the Private Calendar was the bill (S. 6110) granting an increase of pension to Charles A. Cooke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Cooke, late of Company D, Thirtieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY A. MOORE.

The next business on the Private Calendar was the bill (S. 5045) granting an increase of pension to Mary A. Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Moore, widow of David Moore, late colonel Twenty-first and Fifty-first Regiments Missouri Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANN E. TILLSON.

The next business on the Private Calendar was the bill (S. 1944) granting an increase of pension to Ann E. Tillson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann E. Tillson, widow of John Tillson, late colonel Tenth Regiment Illinois Volunteer Infantry, and brevet brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

AUGUSTA NEVILLE LEARY.

The next business on the Private Calendar was the bill (S. 5133) granting an increase of pension to Augusta Neville Leary.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augusta Neville Leary, widow of Richard P. Leary, late rear-admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said Richard P. Leary until he reaches the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

PETER TUPER.

The next business on the Private Calendar was the bill (H. R. 1929) granting an increase of pension to Peter Tuper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Tuper, late of First Battery Minnesota Volunteer Light Artillery, and pay him a pension of $50 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 7, after the word "pension," insert the words "at the rate."

In same line strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MILTON NOAKES.

The next business on the Private Calendar was the bill (H. R. 12701) granting a pension to Milton Noakes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton Noakes, late of Company C, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

Amend the title so as to read: "A bill granting an increase of pension to Milton Noakes."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MAGNUS J. COHN.

The next business on the Private Calendar was the bill (H. R. 13000) granting an increase of pension to M. J. Cohn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of M. J. Cohn, late of Company A, Twenty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "M." and insert in lieu thereof the word "Magnus."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Magnus J. Cohn."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS ALTON.

The next business on the Private Calendar was the bill (H. R. 12709) granting a pension to Thomas Alton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Alton, late of Company F, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "month," insert the following: "the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MINERVA ROBINSON.

The next business on the Private Calendar was the bill (H. R. 9977) granting a pension to Minerva Robinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minerva Robinson, widow of James Robinson, late of Companies F and B, First Battalion Missouri Engineers, and pay her a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Battalion" and insert in lieu thereof the word "Regiment."

In same line, before the word "Engineers," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARGARET FOX.

The next business on the Private Calendar was the bill (H. R. 5918) granting a pension to Margaret Fox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Fox, widow of Eli Fox, late of Company I, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

BENJAMIN H. DOWNING.

The next business on the Private Calendar was the bill (H. R. 10663) granting an increase of pension to Benjamin H. Downing.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin H. Downing, late of Company E, Forty-ninth Pennsylvania Volunteer Infantry, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In the same line, after the word "Forty-ninth," insert the word "Regiment."

In line 7, after the word "pension," insert the words "at the rate."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SUSAN KENNEDY.

The next business on the Private Calendar was the bill (H. R. 623) granting a pension to Susan Kennedy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Susan Kennedy, widow of Thomas Kennedy, soldier of the Creek Indian war of 1836 and 1837, and pay her a pension of $8 per month.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out "soldier of Creek Indian war of 1836 and 1837" and substitute therefor the words "late of Captain Beauchamp's company, Alabama Volunteers, Creek Indian war;" also, in line 9, after the word "pension," insert "at the rate."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JESSE A. M'INTOSH.

The next business on the Private Calendar was the bill (H. R. 13955) granting an increase of pension to Jesse A. McIntosh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse A. McIntosh, late of Company B, First Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert "war with Mexico."

In line 8 strike out "thirty" and substitute therefor the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWARD T. DURANT.

The next business on the Private Calendar was the bill (H. R. 13945) granting an increase of pension to Edward T. Durant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward T. Durant, late of Company B, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LOUISA L. KERR.

The next business on the Private Calendar was the bill (H. R. 13054) granting a pension to Louisa L. Kerr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa L. Kerr, widow of James Kirk, late of Company C, First Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "widow," insert the word "former."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ASA WORDEN.

The next business on the Private Calendar was the bill (S. 4211) granting an increase of pension to Asa Worden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Asa Worden, late major, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALONZO F. CANFIELD.

The next business on the Private Calendar was the bill (H. R. 15114) granting an increase of pension to Alonza F. Canfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alonza F. Canfield, late of Company I, First United States Cavalry, and Company B, Second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Alonza" and insert in lieu thereof the word "Alonzo;" in same line strike out the words "Company I, First United."

In line 7 strike out the words "States Cavalry, and."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Alonzo F. Canfield."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DANIEL P. MARSHALL.

The next business on the Private Calendar was the bill (H. R. 15069) granting an increase of pension to Daniel P. Marshall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel P. Marshall, late of Company D, Eighth Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Iowa," insert the word "Regiment."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID VICKERS.

The next business on the Private Calendar was the bill (S. 6008) granting an increase of pension to David Vickers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Vickers, late major, Fourth Regiment New Jersey Volunteer Infantry, and major and inspector-general, United States Volunteers, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LYMAN A. L. GILBERT.

The next business on the Private Calendar was the bill (H. R. 13997) granting an increase of pension to L. A. L. Gilbert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of L. A. L. Gilbert, late of Company H, Seventh Michigan Volunteer Infantry, on the pension roll at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lyman A. L. Gilbert, late of Company H, Seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Lyman A. L. Gilbert."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARIA V. STADTMUELLER.

The next business on the Private Calendar was the bill (S. 3423) granting an increase of pension to Maria V. Stadtmueller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria V. Stadtmueller, widow of Charles Stadtmueller, late of Companies A and H, Fifth Regiment United States Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE S. GRAHAM.

The next business on the Private Calendar was the bill (H. R. 12600) granting an increase of pension to George S. Graham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George S. Graham, late of Company D, Thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Thirty-ninth" and insert in lieu thereof the word "Tenth."

In line 7, before the word "Volunteer," insert the word "Reserve."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Mr. SULLOWAY. Mr. Chairman, the beneficiary of this bill is dead, and I ask that it be reported back to the House with the recommendation that it lie on the table.

The CHAIRMAN. Without objection, that order will be made.

There was no objection.

JOHN D. SULLIVAN.

The next business on the Private Calendar was the bill (S. 4454) granting an increase of pension to John D. Sullivan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John D. Sullivan, late of Company C, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

H. C. TROUT.

The next business on the Private Calendar was the bill (H. R. 13799) granting an increase of pension to H. C. Trout.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of H. C. Trout, late of Company G, Eleventh Regiment Pennsylvania Reserve Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "H." and insert in lieu thereof the word "Henry."

In line 7, before the word "Infantry," insert the word "Volunteer."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. LESSIG.

The next business on the Private Calendar was the bill (S. 2306) granting an increase of pension to William H. Lessig.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Lessig, late lieutenant-colonel Ninety-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOSEPH S. CHILCOAT.

The next business on the Private Calendar was the bill (H. R. 1272) granting an increase of pension to Joseph S. Chilcoat.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph S. Chilcoat, late of Company I, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

RUFUS V. LEE.

The next business on the Private Calendar was the bill (S. 1666) granting an increase of pension to Rufus V. Lee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name Rufus V. Lee, late of Company B, Tenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE F. WHITE.

The next business on the Private Calendar was the bill (H. R. 15074) granting an increase of pension to George F. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George F. White, late of field and staff Third Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of George F. White, late major Third Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID HAM.

The next business on the Private Calendar was the bill (S. 5758) granting an increase of pension to David Ham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Ham, late of Company E, Eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SARAH E. YEAMANS.

The next business on the Private Calendar was the bill (H. R. 8626) granting a pension to Sarah E. Yeamans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $30 per month, the name of Sarah E. Yeamans, widow of Charles C. Yeamans, late of Company D, Twenty-fourth Michigan Infantry, and pay her said pension on and after the passage of this act.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Yemans, widow of Charles C. Yemans, late second lieutenant Company D, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN MURPHY.

The next business on the Private Calendar was the bill (H. R. 15113) granting an increase of pension to John Murphy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Murphy, late of Company C, First Maine Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Maine," insert the word "Regiment."

In same line, before the word "Heavy," insert the word "Volunteer."

In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

KATHARINE W. CLARKE.

The next business on the Private Calendar was the bill (S. 5076) granting an increase of pension to Katharine W. Clarke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Katharine W. Clarke, widow of Henry K. Clarke, late surgeon Tenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ROBERT CLARK.

The next business on the Private Calendar was the bill (H. R. 14831) granting an increase of pension to Robert Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Clark, late of Company I, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES E. BADER.

The next business on the Private Calendar was the bill (S. 5747) granting an increase of pension to James E. Bader.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Bader, late of Company H, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES P. BIGELOW.

The next business on the Private Calendar was the bill (H. R. 5450) granting a pension to Dr. Charles P. Bigelow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Charles B. Bigelow, late acting assistant surgeon in Company H, Third Michigan Infantry, and Company E, Third Michigan Cavalry, and pay him a pension of $50 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles P. Bigelow, late acting assistant surgeon, United States Army, and pay him a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Charles P. Bigelow."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALEXANDER GOSSETT.

The next business on the Private Calendar was the bill (H. R. 4938) granting a pension to Alexander Gossett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Gossett, alias Gossage, late of Company M, Thirteenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE W. BRADSHAW.

The next business on the Private Calendar was the bill (S. 3315) granting an increase of pension to George W. Bradshaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Bradshaw, late of Company K, First Regiment Kentucky Volunteers, war with Mexico, and Company F, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES E. PEAKE.

The next business on the Private Calendar was the bill (H. R. 14242) granting a pension to Charles E. Peake.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Peake, late of Company C, Seventh Battalion District of Columbia Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM F. ANGEVINE.

The next business on the Private Calendar was the bill (S. 2283) granting an increase of pension to William F. Angevine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Angevine, late captain Company K, Ninety-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM L. WHETSELL.

The next business on the Private Calendar was the bill (H. R. 4923) granting a pension to William L. Whetsell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William L. Whetsell, late of Company H, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES H. POWELL.

The next business on the Private Calendar was the bill (H. R. 15084) granting an increase of pension to James H. Powell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place the name of James H. Powell on the pension roll and to pay him a pension at the rate of $18 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Powell, late of Company A, Eleventh, and Company K, Tenth, Regiments Tennessee Volunteer Infantry, and pay him a pension at the rate of $8 per month and such higher rate of pension as he may hereafter be entitled to under existing laws, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension."

Amend the title so as to read: "A bill granting a pension to James H. Powell."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES D. SIMS.

The next business on the Private Calendar was the bill (H. R. 11212) granting an increase of pension to J. D. Sims.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. D. Sims, late of Company F, Sixty-first Regiment Illinois Volunteer Infantry, and pay him a pension of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "J." and insert in lieu thereof the word "James."

In line 7, after the word "pension," insert the words "at the rate."

In same line strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to James D. Sims."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HELEN N. PACKARD.

The next business on the Private Calendar was the bill (H. R. 14265) granting an increase of pension to Helen N. Packard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen N. Packard, widow of John A. A. Packard, late of Company I, Fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "fifteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN A. SARE.

The next business on the Private Calendar was the bill (H. R. 3907) granting an increase of pension to John A. Sare.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Sare, late of Company I, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word 'twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

REGINA F. PALMER.

The next business on the Private Calendar was the bill (H. R. 14751) granting an increase of pension to Regina F. Palmer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Regina F. Palmer, widow of Wilson P. Palmer, late captain of Company G, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "of."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEONARD S. GROVE.

The next business on the Private Calendar was the bill (H. R. 14952) granting an increase of pension to L. S. Grove.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of L. S. Grove, late of Company C, Eighth Maryland Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Leonard S. Grove, late of Company E, Eighth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Leonard S. Grove."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH C. GATES.

The next business on the Private Calendar was the bill (H. R. 9074) granting a pension to Elizabeth Gates.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Gates, widow of Jacob Gates, late of Company G, Twenty-ninth Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Gates," insert the letter "C."

In line 7, before the word "Ohio," insert the word "Regiment."

Amend the title so as to read: "A bill granting a pension to Elizabeth C. Gates."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ABSALOM CASE.

The next business on the Private Calendar was the bill (H. R. 4437) granting a pension to Absalom Case.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Absalom Case, late of Company F, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "pension," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Absalom Case."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN F. WILSON.

The next business on the Private Calendar was the bill (H. R. 14938) granting a pension to Benjamin F. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Wilson, late of Company G, Ninety-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN G. NOWMAN.

The next business on the Private Calendar was the bill (H. R. 5167) granting a pension to John G. Nowman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Nowman, late of Company H, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEWIS F. ROSS.

The next business on the Private Calendar was the bill (S. 4623) granting an increase of pension to Lewis F. Ross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis F. Ross, late of Company A, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH A. KERBEY.

The next business on the Private Calendar was the bill (S. 5239) granting an increase of pension to Joseph A. Kerbey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph A. Kerbey, late second lieutenant, Signal Corps, United States Army, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JEROME P. BATES.

The next business on the Private Calendar was the bill (H. R. 2570) granting an increase of pension to Jerome P. Bates.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerome P. Bates, late captain of Company G, Twenty-second Connecticut Volunteer Infantry, and pay him a pension at the rate of $24.

The bill was ordered to be laid aside with a favorable recommendation.

HIRAM C. WALKER.

The next business on the Private Calendar was the bill (H. R. 6326) granting a pension to Hiram C. Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of absence without leave from the name of Hiram C. Walker, late first lieutenant of Company C, Tenth Regiment Illinois Cavalry, and to issue to him an honorable discharge to date from June 18, A. D. 1863.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN FINN.

The next business on the Private Calendar was the bill (H. R. 8132) to remove the record of dishonorable dismissal from the military record of John Finn, alias Flynn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove from the rolls and records in the office of the Adjutant-General of the United States Army the record of a dishonorable dismissal now standing on said rolls and records against John Finn, alias Flynn, late first lieutenant of Company C, One hundred and fifty-fifth New York Volunteer Infantry, and grant a certificate of honorable discharge, to date September 6, 1864.

Mr. SLAYDEN. Mr. Chairman, let us have the report read.

The CHAIRMAN. The Clerk will read the report in the gentleman's time.

The Clerk proceeded to read the report, but was interrupted by—

Mr. SLAYDEN, who said: Mr. Chairman, so far as I am concerned, the reading of the report may be dispensed with.

Mr. BARTLETT. I desire to inquire whether under the rule bills of this character are in order for consideration to-day? This is a bill to remove the charge of desertion. I simply make that parliamentary inquiry of the Chair.

The CHAIRMAN. The Chair will state that the rule, as found on the first page of the Calendar, includes, as the Chair understands, as a part of the business of to-day, bills for the removal of the charge of desertion.

Mr. BARTLETT. It seems to me a little unusual, on pension day, to have bills of this character come up for consideration. No such rule appears on the Calendar I have before me.

The CHAIRMAN. Upon further examination, the Chair is of opinion that this bill can hardly be considered as one of those that may properly come up on this day. Therefore, with the concurrence of the House, the Chair will direct that the bill be passed over.

Mr. ALEXANDER. There is no objection to the bill. We have put through others of this character to-day. I ask unanimous consent, if necessary, that the bill be considered.

The CHAIRMAN. As the Chair understands, the gentleman from Georgia withdraws his objection. Is there further objection?

Mr. BARTLETT. I did not make any objection. I asked the Chair to rule; the Chair has ruled.

The CHAIRMAN. The Chair, upon hasty examination of the report, made a ruling which seemed at that time to be proper. But in questions of this kind many things are involved. There are many bills that may or may not be considered as involving the charge of desertion or the correction of a military record. The Chair has not examined this report carefully. If the gentleman makes objection——

Mr. ALEXANDER. There is no objection.

Mr. BARTLETT. Mr. Chairman, I do not want to be misunderstood as to my position. I simply inquired of the Chair not as to this bill particularly, but as to this character of bills, whether they could be considered this day under the rule. This is all. If the Chair rules they can, I have nothing further to say; if he rules they can not be, I have nothing further to say. Having made the request, if the House desires to proceed, very well.

The CHAIRMAN. The Chair would like to leave the matter in this way: This bill having proceeded thus far, if there is no objection to the present consideration of the bill, it will be considered; if there is objection, the Chair will rule that it shall not be taken up at this time. The Chair will ask if there is objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question, therefore, is, Shall the bill be laid aside with a favorable recommendation?

The question was taken; and the bill ordered to be laid aside with a favorable recommendation.

HENRY COOK.

The next business on the Private Calendar was the bill (H. R. 917) for the relief of Henry Cook.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Henry Cook, late of Company G, Thirty-fifth Regiment of New York Volunteer Infantry, and of Company C, Twentieth Regiment of New York Volunteer Cavalry, and to grant him an honorable discharge from the service first above named.

The committee amendment was read, as follows:

Insert, after the word "named," in line 9: "*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. SLAYDEN. Mr. Chairman, I would like to know the reason for the passage of this bill, and I would ask that the report be read.

The Clerk read the report, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 917) for the relief of Henry Cook, report the same back to the House with the recommendation that it do pass with the following amendment:

"Insert after the word 'named' in line 9: '*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passsge of this act.'"

A similar bill was reported in the Fifty-sixth Congress by the Committee on Military Affairs, and a copy of that report is hereto attached and made a part hereof.

[House Report No. 1848, Fifty-sixth Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 417) for the relief of Henry Cook, report the same back to the House with the following report:

Henry Cook was enrolled December 25, 1861, as a private in Company G, Thirty-fifth New York Volunteer Infantry, to serve two years. While in the service he suffered from chronic diarrhea and dyspepsia, and he was admitted to a hospital for treatment for dyspepsia October 5, 1862. He was, as appears from evidence presented to your committee, transferred to a hospital in New York City, from which hospital, according to his own statement and the records of the War Department, he was discharged December 30, 1862, although in poor health. The soldier states that he was given a discharge from the hospital and supposed that he was properly discharged from the service. He states that he was told upon leaving the hospital to go where he pleased. His home was in Theresa, Jefferson County, N. Y. He had relatives in Frankfort, N. Y., and on leaving New York City went to Frankfort, where he was obliged to remain on account of serve illness from his army trouble, chronic diarrhea and dyspepsia. He remained there for some time, unable to return to his command, had he understood that he was to do so.

In support of these facts there has been presented to the committee the evidence of Abbie A. Grants, whose home was in Frankfort, N. Y., and at whose home Cook stopped while in Frankfort. She testifies that Cook came there in a feeble and emaciated condition and suffering continually with dyspepsia and chronic diarrhea. She testifies that, as she understood, Cook came there from some hospital in New York.

Owing to his feeble condition, Abbie Grants states that Cook was obliged to remain in Frankfort for about two months, when, being somewhat improved in health, he went to his home in Theresa. She states that Cook thought he was discharged. He left in March, 1863.

The evidence of Abbie A. Grants is corroborated by that of Wilber M. Phillips, who was a soldier and a relative of said Abbie Grants. He states that while in the Army he was accustomed to hear from said Abbie Grants

as frequently as once every week, and that in the early months of 1863 he received letters from her stating that Cook was at her home in a feeble condition, having come there from a hospital.

Claimant says he went from Frankfort to his home in Theresa in March, 1863, as stated by Abbie Grants. The evidence of six reputable persons—Mary McIntyre, John D. Williams, Arza Parker, Jason C. Dowers, David Cook, and Christopher McIntyre, all residents of Theresa, N. Y., in March, 1863—has been presented to the committee, and shows clearly that claimant reached Theresa in March, 1863, and that he was in a feeble and emaciated condition, and that he could not have returned to his command had it been his understanding that he should do so.

One of his comrades in Company G, Thirty-fifth New York Infantry, testifies that he went from Theresa, N. Y., and that his family were neighbors of the family of Henry Cook; that some time in March, 1863, he heard from his father that Henry Cook was at home and was in a feeble condition, being reduced almost to a skeleton.

On June 5, 1863, Cook's command was mustered out of service.

Newton McIntyre, above referred to, came home to Theresa and found Cook there and still in a feeble condition.

On August 4, 1863, Cook reenlisted in Company C, Twentieth New York Volunteer Cavalry. McIntyre also reenlisted in the same company. He states that neither he nor Cook was examined by the surgeon, although McIntyre states that the captain of the company told him repeatedly that Cook was unfit for service, but being desirous of raising a company he had taken him.

In Company C, Twentieth New York Cavalry, Cook served faithfully until July 31, 1865, when the command was mustered out.

It clearly appears from the evidence that this soldier went home from the hospital in bad health and utterly unable to return to service, had he supposed he should have done so, which he did not. His ill health is shown to have continued until after the muster out of his command. He reenlisted and served faithfully for two years.

In view of the facts above stated, and supported by competent evidence, it appears that the soldier had no intention of deserting; that had he known he should return to his command he could not have done so on account of disability incurred in the service; that his good intentions are clearly shown by subsequent long and faithful service.

Your committee believes that Henry Cook is entitled to an honorable discharge and recommends that the bill for his relief do pass with the following amendment:

"*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. SLAYDEN. Mr. Chairman, there appears to be no statement from the office of the Record and Pension Bureau with reference to this case, only statements and hearsay evidence on the part of certain friends and relatives of the claimant. The author of this report [Mr. ESCH] is not present. Without his presence and his ability to explain it upon reasonable grounds, I am constrained to believe that the bill should not pass. I shall interpose an objection to its passage at this time. I am willing to have the bill go over without prejudice for further consideration of the House, when Mr. ESCH can be present and explain it, and I would therefore ask unanimous consent that it be so passed.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the bill under consideration be passed without prejudice. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will report the next bill.

FRANCIS M. OLIVER.

The next business on the Private Calendar was the bill (H. R. 5028) for the relief of Francis M. Oliver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion against the record of Francis M. Oliver, late private in Company E, Thirty-third Regiment of Indiana Volunteer Infantry, and to grant him an honorable discharge as of the date of the muster out of said regiment.

Mr. SLAYDEN. Mr. Chairman, the report of the Chief of the Record and Pension Office shows conclusively, to my mind, that this bill should not pass. I do not like to appear captious in this matter, but this thing of falsifying the records of the War Department in order to give a pensionable status to a man who has not earned that high privilege and honor by service in the Army ought to be stopped some time. It seems to me that this is a very good case on which to begin the good work of preventing that sort of invasion of the Treasury through the falsification of records. General Ainsworth states in his report that the application for the removal of the charge of desertion and for honorable discharge in the case of this soldier has been denied by the War Department, and now stands denied on the ground that he did not serve until May, 1865, and that it has not been established that he was prevented from completing his term of service by disability incurred in the line of duty, etc.

Mr. UNDERWOOD. I would suggest that the bill is not in order at this time, in any event, it being a case for the removal of a charge of desertion.

Mr. SLAYDEN. I would ask for information as to the parliamentary status of this bill. Is it properly up for consideration on this Calendar to-day?

The CHAIRMAN. The Chair will state that the rule under which we are proceeding to-day is that the bill before the committee at this time is clearly within the provisions of that rule. To remove the charge of desertion is one of the items specifically recognized as proper under the rules for this day's procedure.

Mr. SLAYDEN. The charge of desertion, then, is necessarily incident to the enactment of pension legislation, so far as it applies to deserters?

The CHAIRMAN. The Chair would not like to have what he stated so interpreted.

Mr. HOLLIDAY. Mr. Chairman, if the gentleman will permit, I would like to say a word in explanation of this bill. I am personally familiar with the facts of this case. I have examined the record carefully. The proof shows that this soldier deserted at the time he was insane; at a time when he was incapable of committing the crime of desertion or any other crime. He was committed to an insane asylum and died a lunatic. This application is made on behalf of his widow, who feels very deeply the stain upon the family growing out of the records showing that he was a deserter. His case was rejected by the War Department because he did not serve until May, 1865. He had deserted and left his command at an earlier date. There is no evidence that he became insane in the line of his duty, but the evidence is overwhelming that he was insane at the time he left his command, that he had been most of the time either in the poorhouse or in the insane asylum. In his condition he could not be convicted of this crime of desertion or any other crime on this evidence. The bill was introduced on the theory that he was incapable of committing the crime of desertion.

Mr. SLAYDEN. Will the gentleman indicate where in this report there is any evidence that he was insane at the time of the desertion?

Mr. HOLLIDAY. Oh, yes; I can call attention to it very readily.

Mr. SLAYDEN. Have you the same report in your hand that I have?

Mr. HOLLIDAY. I have the report in the case, if you will permit me to read a brief extract from it.

STATE OF INDIANA, *Vigo County, ss:*

I, F. M. Dunkin, on oath say that I served three years a private in Company E, Thirty-third Regiment Indiana Volunteer Infantry, during the war of the rebellion.

Francis M. Oliver came to our command in the summer of 1862 as a recruit and was assigned to Company E. I had been acquainted with him several years before the war. He had been up to the time he enlisted a temperate, industrious man, and I never noticed anything out of the ordinary about him. When he came to the service as a recruit he appeared to grasp the situation at once and readily performed his duty at drill and otherwise as other soldiers in the command. This was kept up by him for some two months or more. Then I noticed a change in his demeanor; from being a jovial, rollicking disposition he became selfish and noncommunicative, with a seeming desire to be alone, and when not on duty he would sit for hours at a time in silent communion with himself, and it became apparent to his comrades that his mind was not right, that something appeared to be troubling him.

He became sulky and morose, and the features of his face had an unnatural and unusual appearance. This condition lasted some two or three weeks, and one night while on picket duty with two or three of the boys they found a human skull in the woods and brought it to camp. They told Oliver it was what he would look like. This was the straw that broke the camel's back, and poor Oliver became completely unstrung and his mind unbalanced, and in a day or two after he wandered away and disappeared, and I saw nothing more of him until after the close of the war.

It is my opinion that he never again gained his right mind. After the war he became a raving maniac, shouting, singing, praying, cursing, and preaching almost in the same breath. He continued in this condition for several years before he was declared insane in the year 1887.

It is my candid opinion, and this opinion is based on my knowledge and acquaintance with the man before he enlisted and from what I saw of him in the Army, that his mind became unbalanced—in other words, he became insane—while he was in service and was not accountable for the act of desertion.

F. M. DUNKIN.

There are two or three other affidavits, Mr. Chairman, corroborating this affidavit which I have just read.

Mr. SLAYDEN. None of these affidavits are made by medical officers.

Mr. HOLLIDAY. They are made by his comrades who were in the Army with him.

Mr. SLAYDEN. They expressed an opinion that because he was moody and timid, and deserted, that he was insane.

Mr. HOLLIDAY. The evidence further shows that shortly after the war he was found in a poorhouse in a neighboring county, violently insane; that he remained insane the balance of his life, was committed to an asylum twice, and died there.

Mr. SLAYDEN. The best evidence in support of this claim that I can find is in the fact that there is proof that there was insanity in the man's family, that an uncle died of insanity, and that the man himself became insane some time after the war. In view of that fact, sir, I shall not interpose further objection to the consideration of this claim; but I do believe that the evidence submitted as a justification for the enactment of this bill is not such as is entitled to respect or consideration by this House. In this particular case, however, in view of the fact, as I have just said, that they do seem to have established by proper medical authority that there was insanity in the family, I am willing to give the widow of the soldier the benefit of the doubt, and I withdraw my objection to the consideration of the bill, and in view of the further fact that the gentleman from Indiana says he has personal knowledge of the case.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JACKSON PRYOR.

The next business on the Private Calendar was the bill (H. R. 13660) for the relief of Jackson Pryor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Jackson Pryor, of Company D, Twelfth Regiment Kentucky Volunteer Infantry, so as to grant him an honorable discharge as of the date when said company was mustered out of the service of the United States.

The bill was ordered to be laid aside with a favorable recommendation.

OZRO F. CHENEY.

The next business on the Private Calendar was the bill (H. R. 3516) granting an increase of pension to Ozro F. Cheney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ozro F. Cheney, late of Company K, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MATILDA TUNISON.

The next business on the Private Calendar was the bill (H. R. 15636) granting a pension to Matilda Tunison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda Tunison, widow of John Tunison, late major One hundred and thirty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $17 per month.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM S. HUTCHINSON.

The next business on the Private Calendar was the bill (H. R. 8152) granting an increase of pension to W. S. Hutchinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of W. S. Hutchinson, late lieutenant in Company D, Seventeenth Regiment Illinois Volunteers, and pay him a pension at the rate of $50 per month in lieu of the pension which he is now drawing.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Hutchinson, late second lieutenant Company D, Seventeenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to William S. Hutchinson."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HERMAN TUERK.

The next business on the Private Calendar was the bill (H. R. 14963) granting an increase of pension to Hermann Tuerk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hermann Tuerk, late first lieutenant Company E, Twelfth Regiment Missouri Infantry Volunteers, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Herman Tuerck, late second lieutenant Company E, Twelfth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Herman Tuerck."

THOMAS MORRIS.

The next business on the Private Calendar was the bill (H. R. 7368) granting a pension to Thomas Morris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Morris, of Girard, Ohio, son of Thomas Morris, late a veteran volunteer soldier of Company G, Sixth Regiment Ohio Cavalry, at the rate of $12 per month during his life, said Thomas Morris being weak-minded and helpless.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, 9, and 10 and insert in lieu thereof the following: "of Thomas Morris, helpless and dependent son of Thomas Morris, late of Company G, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JASON STEVENS.

The next business on the Private Calendar was the bill (H. R. 13477) granting an increase of pension to Jason Stevens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jason Stevens, late of Company L, Second Wisconsin Volunteer Cavalry, and pay him a pension of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Wisconsin," insert the word "Regiment."

In line 7 strike out the words "of seventy-two dollars" and insert in lieu thereof the words "at the rate of $40."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM F. WILCOX.

The next business on the Private Calendar was the bill (H. R. 12322) granting a pension to William F. Wilcox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Wilcox, late of Company B, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "Of William F. Wilcox, late second lieutenant Company B, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension."

Amend the title so as to read: "A bill granting an increase of pension to William F. Wilcox."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWARD M. GAMMON.

The next business on the Private Calendar was the bill (H. R. 7510) granting an increase of pension to E. M. Gammon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of E. M. Gammon, late member of the band of the Fifth Marine Volunteer Infantry, and of the band of the Thirtieth Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Edward M. Gammon, late musician, Thirtieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Edward M. Gammon."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDREW J. HERTZOG.

The next business on the Private Calendar was the bill (H. R. 11311) granting an increase of pension to A. J. Hertzog.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of A. J. Hertzog, late of Company D, Fourteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A" and insert in lieu thereof the word "Andrew."

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Andrew J. Hertzog."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY J. GOODRICH.

The next business on the Private Calendar was the bill (H. R. 2616) granting a pension to Mary J. Goodrich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Goodrich, widow of David N. Goodrich, late of Company D, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES H. WATTS.

The next business on the Private Calendar was the bill (H. R. 4454) granting a pension to James H. Watts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Watts, late of Company D, Fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to James H. Watts."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM S. BARKER.

The next business on the Private Calendar was the bill (H. R. 15480) granting an increase of pension to William S. Barker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Barker, late captain of Company E, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company" and insert the word "Companies."

In the same line, before the word "Fourth," insert the word "and" and the letter "K."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALBERT W. ALLEN.

The next business on the Private Calendar was the bill (H. R. 7736) granting an increase of pension to Albert W. Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Albert W. Allen, late a private in the First Battery Minnesota Volunteer Light Artillery, and pay him a pension of $50 per month in lieu of the pension now received by him, said increase of pension to be paid subject to the provisions and limitations of the pension laws.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert W. Allen, late of the First Battery Minnesota Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES M. BLADES.

The next business on the Private Calendar was the bill (H. R. 5718) granting an increase of pension to James M. Blades, of McLeansboro, Ill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of James M. Blades, late first lieutenant of Company H, Sixth Regiment Illinois Cavalry, to $30 per month from the date of the passage of this act, subject to the provisions and limitations of the pension laws.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Blades, late first lieutenant Company H, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to James M. Blades."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH E. MORROW.

The next business on the Private Calendar was the bill (H. R. 11594) granting an increase of pension to Sarah E. Morrow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Morrow, widow of James Morrow, late of Company B, Twelfth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "seventeen."

In same line, after the word "month," insert the words "and $2 per month additional on account of her minor child."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARRY C. FAY.

The next business on the Private Calendar was the bill (H. R. 15399) granting an increase of pension to Harry C. Fay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harry C. Fay, late captain of Company H, Ninety-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Company," strike out the word "of."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE H. HIGGINS.

The next business on the Private Calendar was the bill (H. R. 2264) granting an increase of pension to George H. Higgins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Higgins, late of Company C, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GRAHAM M'CLOSSON.

The next business on the Private Calendar was the bill (H. R. 14388) granting an increase of pension to Graham McClosson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Graham McClosson, late of Company A, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN W. DAY.

The next business on the Private Calendar was the bill (H. R. 12638) granting a pension to John W. Day.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Day, late assistant paymaster in the United States Navy during the war from 1861 to 1865, and pay him a pension at the rate of $50 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of John W. Day, late acting assistant paymaster, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

C. L. RANDALL.

The next business on the Private Calendar was the bill (H. R. 5324) granting an increase of pension to C. L. Randall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of C. L. Randall, late acting assistant surgeon, United States Army, and assistant surgeon, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of C. L. Randall, late acting assistant surgeon, United States;" and in line 7 strike out the words "Army and assistant surgeon" and insert in lieu thereof the words "Charles L. Randall, late medical cadet."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL S. WALCK.

The next business on the Private Calendar was the bill (S. 5119) granting an increase of pension to Samuel S. Walck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel S. Walck, late of Company G, Seventeenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY WEAVER.

The next business on the Private Calendar was the bill (S. 3715) granting an increase of pension to Henry Weaver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Weaver, late of Company F, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JULIA L. GORDON.

The next business on the Private Calendar was the bill (S. 4067) granting an increase of pension to Julia L. Gordon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia L. Gordon, widow of Jonathan W. Gordon, late major, Eleventh Regiment United States Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES SPRAGUE.

The next business on the Private Calendar was the bill (S. 6045) granting an increase of pension to Charles Sprague.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Sprague, late of Company D, Eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FANNIE E. STROHAUER.

The next business on the Private Calendar was the bill (H. R. 13727) granting a pension to Fannie E. Strohauer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie E. Strohauer, widow of Henry Strohauer, late of Company F, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "eight."

In line 9, after the word "month," insert the words "said pension, however, to cease upon proof that the soldier is still living."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISAAC F. RUSSELL.

The next business on the Private Calendar was the bill (H. R. 1015) granting an increase of pension to Isaac F. Russell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac F. Russell, late first lieutenant of Company H, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 a month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "first lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WINTHROP W. WOLCOTT.

The next business on the Private Calendar was the bill (H. R. 15473) granting an increase of pension to Winthrop W. Wolcott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Winthrop W. Wolcott, late of Company E, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES W. MESSICK.

The next business on the Private Calendar was the bill (H. R. 5007) granting an increase of pension to James W. Messick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Messick, late of Company E, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH A. WALTRIP.

The next business on the Private Calendar was the bill (H. R. 12981) granting a pension to Sarah A. Waltrip.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Waltrip, widow of James A. Waltrip, late of Company K, One hundred and twenty-third Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A" after the word "James" and insert in lieu thereof the letter "E."

In line 7, before the word "Illinois," insert the word "Regiment."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARGARET COTTER.

The next business on the Private Calendar was the bill (H. R. 15391) granting a pension to Margaret Cotter, widow of John A. Cotter, Company B, Second Tennessee Volunteer Cavalry.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Cotter, widow of John A. Cotter, late of Company B, Second Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "month," insert the words "and $2 per month additional on account of a minor child until such child shall have arrived at the age of 16 years."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LUCY G. SMITH.

The next business on the Private Calendar was the bill (H. R. 4983) granting an increase of pension to Lucy L. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy L. Smith, widow of George W. Smith, late of Company C, Eighth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the letter "L." and insert in lieu thereof the letter "G."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EMIL PFEIFFER.

The next business on the Private Calendar was the bill (H. R. 14058) granting a pension to Maj. Emil Pfeiffer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Maj. Emil Pfeiffer, late of Company B, Forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Emil Pfeiffer, late of Company B, Forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Emil Pfeiffer."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE THOMPSON.

The next business on the Private Calendar was the bill (H. R. 13353) granting an increase of pension to George Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to place on the pension roll the name of George Thompson, of Company C, Sixteenth Michigan Infantry, and pay him a pension of $30 per month in place of the pension he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Thompson, late of Company C, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LOUISA JOSEPHINE STANWOOD.

The next business on the Private Calendar was the bill (H. R. 13485) granting a pension to Louisa Josephine Stanwood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa Josephine Stanwood, wife of Lieut. James H. Stanwood, Company C, Twentieth Regiment Maine Volunteers, and pay her a pension at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "wife of Lieutenant" and insert in lieu thereof the words "widow of."

In line 7, before the word "Company," insert the words "late first lieutenant."

In lines 7 and 8 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS J. WINFREY.

The next business on the Private Calendar was the bill (H. R. 14027) granting an increase of pension to Thomas J. Winfrey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Winfrey, late of Company H, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEWIS E. WILCOX.

The next business on the Private Calendar was the bill (H. R. 13472) granting an increase of pension to Lewis E. Wilcox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis E. Wilcox, late of Company H, Twenty-seventh Regiment Michigan Volunteer Infantry, and to pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "of Company H, Twenty-seventh," and insert in lieu thereof the words "principal musician, Twenty-first."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MELINDA HEARD.

The next business on the Private Calendar was the bill (S. 5659) granting an increase of pension to Melinda Heard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Melinda Heard, widow of John A. Heard, late of Captain Jones's company, Georgia Volunteers, Creek Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

STILES L. ACEE.

The next business on the Private Calendar was the bill (S. 4957) granting an increase of pension to Stiles L. Acee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stiles L. Acee, late of Loyall's independent company, Georgia Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EMMA L. FERRIER.

The next business on the Private Calendar was the bill (S. 3180) granting a pension to Emma L. Ferrier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma L. Ferrier, widow of William A. Ferrier, late gunner, United States Navy, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL S. SMITH.

The next business on the Private Calendar was the bill (H. R. 15588) granting an increase of pension to Samuel S. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel S. Smith, a soldier in the war with Mexico, and pay him a pension at the rate $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out "a soldier in the" and insert in lieu thereof "late of Company D, First Regiment Pennsylvania Volunteer Infantry."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DELANIA PRESTON.

The next business on the Private Calendar was the bill (H. R. 15300) granting a pension to Delania Preston, widow of William G. Preston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Delania Preston, widow of William G. Preston, late a private in Captain Wilson's company, Georgia Volunteer Infantry, Indian war of 1836, and pay her a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

Change the title so as to read: "Granting a pension to Delania Preston."

In lines 6 and 7 strike out "a private in" and insert in lieu thereof the word "of."

In line 8 strike out "Indian war of 1836" and substitute therefor "Florida Indian war."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MINOR CHILDREN OF DANIEL J. REEDY.

The next business on the Private Calendar was the bill (H. R. 11197) granting a pension to the minor children of Daniel J. Reedy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the names of the minor children of Daniel J. Reedy, late chief machinist, United States Navy. Pension to the child Annie Teresa Reedy to continue for life.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "of the" and insert in lieu thereof "of Daniel J. and Annie T."

In lines 7 and 8 strike out "Pension to the child Annie Teresa Reedy to continue for life" and insert "and pay them a joint pension of $12 per month and $2 per month additional until said children shall have arrived at the age of 16 years, from which day the pension of Annie T., the dependent and helpless daughter of said sailor, shall continue at the rate of $12 per month during the period of her helplessness."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FLETCHER DULING.

The next business on the Private Calendar was the bill (H. R. 14258) granting a pension to Fletcher Duling.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Fletcher Duling, late a member of Company B, Thirty-third United States Infantry, upon the pension roll and pay him a pension at the rate of $24 per month.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after the word "place," in line 4, and substitute therefor the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fletcher Duling, late of Company D, Thirty-third Regiment United States Infantry.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NANNIE M. KIMBERLY.

The next business on the Private Calendar was the bill (H. R. 11093) granting a pension to Nannie M. Kimberly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nannie M. Kimberly, widow of Lewis A. Kimberly, late rear-admiral in the United States Navy, and pay her a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

Change the title so as to read: "A bill granting an increase of pension to Nannie M. Kimberly."

In line 7 strike out the words "in the."

In line 8, after the word "month," add "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NANCY M'GUIRE.

The next business on the Private Calendar was the bill (H. R. 13719) granting a pension to Nancy McGuire.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy McGuire, widow of John McGuire, deceased, of Macon County, Ala., and pay her a pension of $8 per month for services of her said husband in the Creek Indian war of 1836, together with such arrearages as may be properly due her since the passage of the act of Congress allowing such pension.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after the words "John McGuire," in line 6, and substitute therefor the following: "Late of Captain Dawson's company, Georgia Volunteers, Creek Indian war, and pay her a pension at the rate of $8 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWARD A. BRANHAM.

The next business on the Private Calendar was the bill (H. R. 12575) granting an increase of pension to Edward A. Branham, of Alexandria County, Va.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the conditions and limitations of the pension laws, the name of Edward A. Branham, late of the steamer Tallapoosa, United States Navy, pension certificate No. 30670, and pay him a pension at the rate of $30 per month in lieu of any pension he may now be receiving.

The amendments recommended by the committee were read, as follows:

Change the title so as to read: "Granting a pension to Edward A. Branham."

In line 5 change the word "conditions" to "provisions."

In line 6 strike out "the steamer Tallapoosa" and substitute therefor the word "landsman."

Strike out all in the bill after the word "Navy" in line 7.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY ANN GARRISON.

The next business on the Private Calendar was the bill (H. R. 13705) granting an increase of pension to Mary Ann Garrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Ann Garrison, widow of Joseph N. Garrison, late of Captains Ellis and Hendley's Florida Mounted Volunteers, Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In lines 7 and 8 strike out "Florida Mounted Volunteers, Indian war," and substitute therefor "companies of Florida Mounted Volunteers, Florida Indian war."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOEL THOMASON.

The next business on the Private Calendar was the bill (H. R. 4925) granting a pension to Joel Thomason.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joel Thomason, late of Captain Smithson's company, Third Regiment Missouri Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out, in line 6, "Captain Smithson's company" and insert "Company E."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARGARET A. OSBORNE.

The next business on the Private Calendar was the bill (H. R. 1617) granting a pension to Margaret A. Osborne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States, at the rate of $20 per month, the name of Margaret A. Osborne, of Kentucky, widow of Charles E. Osborne, late a private in company commanded by Captain Harper in the first Regiment of Kentucky Volunteer Infantry in the United States Army in the Mexican war, and to issue to said Margaret A. Osborne a certificate therefor in lieu of certificate 11520, now held by her.

The amendments recommended by the committee were read, as follows:

Change the title so as to read: "A bill granting an increase of pension to Margaret A. Osborn."

Strike out all in the bill after the word "roll," in line 4, and substitute in lieu thereof the following: "Subject to the provisions and limitations of the pension laws, the name of Margaret A. Osborn, widow of Charles E. Osborn, late of Company A, First Regiment Kentucky Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 a month in lieu of that she is now receiving."

Mr. SMITH of Kentucky. I wish to ask the gentleman representing the committee whether he will not consent to an amendment of the rate which has been fixed here. I should like to make a statement of the facts of the case and upon that statement to ask a slight increase in the rate.

Mr. BROMWELL. This bill was examined by a subcommittee of which the gentleman's colleague [Mr. BOREING] was the chairman; and that gentleman was satisfied with the rate fixed in the bill; and it is in accordance with the recommendation of the committee in all similar cases. As a member of the committee, I could not consistently consent to any increase beyond what has been allowed in similar cases, equally meritorious with this. The bill was considered fully in the committee, the gentleman's colleague having had charge of the bill as subcommitteeman, and he was satisfied with this rate, and so reported.

Mr. SMITH of Kentucky. My reason for making this request is that after the committee had taken action, my colleague [Mr. BOREING] explained to me about the matter, and I understood that a different rate had been fixed from that which now appears in the amendment.

Mr. BROMWELL. No; the bill was passed in this form at a session of the committee last Wednesday, and the rate fixed here is the limit that we allow upon such a state of facts as that here presented.

Mr. SMITH of Kentucky. The chairman will doubtless remember that this is a case of entire dependence. This widow is at a very advanced age and is without any property whatever. I do not know anything about the rate fixed by the committee in other cases, but this lady, now 70 years of age, is in feeble health without a dollar's worth of property outside of the little clothing that she may have. She has no children or other near relatives upon whom to depend for assistance. And it does seem to me that if it is the purpose and policy of this Government to see that the widows of those who have fought in the various wars of the country shall not suffer, we ought to allow to a woman circumstanced as this old lady is more than $12 a month.

Mr. BROMWELL. In the case of the ex-soldier himself the rule of the committee fixes the rate at only $20 in extreme cases—where he is absolutely helpless—$16 where the circumstances are such as in this case.

Mr. SMITH of Kentucky. In this case Congress fixed a rate for the husband of this lady at $25 a month. That is the rate fixed by special act.

Mr. BROMWELL. By special act; yes.

Mr. SMITH of Kentucky. That is the rate fixed in this case by Congress a few years before the death of the husband; and when he died, of course the pension dropped down to the regular rate of $8 a month.

As I have already stated, this old lady has not a dollar's worth of property outside of the little clothing that she owns; she has no home and no children or other near relatives upon whom she might depend for any financial assistance. It does seem to me that a rate ought to be fixed——

Mr. BROMWELL. All those circumstances were taken into account by the committee, and the rate fixed is in accordance with the precedents in similar cases and with the rule that we have adhered to. We have had cases similar to this in which the rate has been fixed at $12 a month.

Mr. SMITH of Kentucky. I will ask the gentleman whether the committee takes the view that it should adopt a certain rate, regardless of the question whether it will keep a widow in comfort or not? I think we should endeavor to allow a rate which will keep a widow in these circumstances in ordinary comfort.

Mr. BROMWELL. I do not so understand the intention of the committee or of Congress. So far as that matter is concerned, I very much doubt whether in any but exceptional cases a pension will permit either the soldier himself or his widow to live in what may be called "comfortable circumstances." That is not the object of the pension. It is not the purpose to put these pensioners in the condition in which they would be if the soldier were able to work and earn a living, but simply to contribute something for the support of the pensioner.

Mr. SMITH of Kentucky. In speaking of "comfortable circumstances" I did not mean what the gentleman assumes I did. I meant simply that the pension should be such as to keep the pensioner from want.

Mr. BROMWELL. There are widows who are receiving but $8 a month. According to the theory of the gentleman, we should have to increase all such pensions.

Mr. SMITH of Kentucky. A great many pensioners, of course, have some property outside of the pension.

Mr. BROMWELL. And a great many have not.

Mr. SMITH of Kentucky. So far as I am concerned, I think the Government can well afford to pay to widows circumstanced as this lady is such a sum as will keep them from actual want, and I do not believe that at the present time a pension of $12 a month will afford such a support.

The question being taken, the amendment reported by the committee was agreed to.

The bill as amended was laid aside with a favorable recommendation.

JOHN A. SPALDING.

The next business on the Private Calendar was the bill (H. R. 1637) granting an increase of pension to John A. Spalding.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Spalding, late of Company F, Sixteenth Regiment United States Infantry, in the Mexican war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "in the Mexican war" and substitute therefor "war with Mexico."
In line 8 strike out "thirty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANN M. MORRISON.

The next business on the Private Calendar was the bill (H. R. 14913) granting an increase of pension to Ann M. Morrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann M. Morrison, widow of William A. Morrison, late a private in Company K, First Regiment Alabama Volunteer Infantry, Mexican war, and pay her a pension at the rate of $12 per month in lieu of any pension she may now be receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "a private in" and insert in lieu thereof the word "of."
In line 8 strike out "Mexican war" and substitute "war with Mexico."
In lines 9 and 10 strike out "any pension she may now be receiving" and substitute therefor "that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH PALMER.

The next business on the Private Calendar was the bill (H. R. 15421) granting an increase of pension to Elizabeth Palmer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Palmer, widow of Thomas J. Palmer, deceased, late of Company A, Second Regiment Missouri Mounted Infantry, war with Mexico, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "deceased."
In lines 7 and 8, after the word "Infantry," insert "Volunteers."
In line 9 strike out "sixteen" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY COOK.

Mr. ESCH. Mr. Chairman, during my absence, I understand, the gentleman from Texas [Mr. SLAYDEN] made some objection to the bill (H. R. 917) for the relief of Henry Cook. I have since conferred with him, and he has withdrawn his objection to the measure, and I now ask that it be laid aside with a favorable recommendation.

The CHAIRMAN. The bill has already been reported. The gentleman from Wisconsin states that the objections of the gentleman from Texas have been withdrawn. The question now is, Shall the bill be laid aside with a favorable recommendation?

The question was taken, and the bill was ordered to be laid aside with a favorable recommendation.

Mr. SULLOWAY. Mr. Chairman, I move that the committee do now rise.

The question was taken, and the motion agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CAPRON, Chairman of the Committee of the Whole House, reported that that committee had had under consideration sundry bills on the Private Calendar, and had directed him to report the same back to the House with the recommendation that they be passed, respectively, with or without amendments, and that the bill H. R. 12600 be laid on the table.

PRIVATE BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole House without amendment, were severally taken up, ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

A bill (H. R. 5918) granting a pension to Margaret Fox;
A bill (H. R. 1272) granting an increase of pension to Joseph S. Chilcoat;
A bill (H. R. 15113) granting an increase of pension to John Murphy;
A bill (H. R. 14831) granting an increase of pension to Robert Clark;
A bill (H. R. 5450) granting a pension to Dr. Charles P. Bigelow;
A bill (H. R. 4938) granting a pension to Alexander Gossett;
A bill (H. R. 14242) granting a pension to Charles E. Peake;
A bill (H. R. 4923) granting a pension to William L. Whetsell;
A bill (H. R. 11212) granting an increase of pension to J. D. Sims;
A bill (H. R. 3907) granting an increase of pension to John A. Sare;
A bill (H. R. 2570) granting an increase of pension to Jerome P. Bates;
A bill (H. R. 6326) for the relief of Hiram C. Walker;
A bill (H. R. 8132) to remove the record of dishonorable dismissal from the military record of John Finn, alias Flynn;
A bill (H. R. 5028) for the relief of Francis M. Oliver;
A bill (H. R. 13660) for the relief of Jackson Pryor;
A bill (H. R. 15636) granting a pension to Matilda Tunison;
A bill (H. R. 2616) granting a pension to Mary J. Goodrich;
A bill (H. R. 2264) granting an increase of pension to George H. Higgins; and
A bill (H. R. 15473) granting an increase of pension to Winthrop W. Wolcott.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were severally taken up, the amendments agreed to, the bills as amended ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

A bill (H. R. 8663) to remove the charge of desertion from the military record of Charles F. Woodford and grant him an honorable discharge;
A bill (H. R. 9879) for the relief of John Richards;
A bill (H. R. 9419) for the relief of Joseph Fields;

A bill (H. R. 2542) granting an increase of pension to L. D. Trent (title amended);
A bill (H. R. 8254) granting an increase of pension to John R. Curry;
A bill (H. R. 8247) granting an increase of pension to Francis M. McCoy;
A bill (H. R. 8175) granting an increase of pension to John W. Covey;
A bill (H. R. 14789) granting a pension to David Brobst;
A bill (H. R. 10858) granting an increase of pension to John H. Dittman;
A bill (H. R. 13262) granting an increase of pension to James M. Spencer;
A bill (H. R. 14373) granting an increase of pension to W. H. Loyd (title amended);
A bill (H. R. 14957) granting an increase of pension to Mathias Custer (title amended);
A bill (H. R. 11694) granting an increase of pension to Dennis F. Andre;
A bill (H. R. 11289) granting a pension to Elizabeth M. Sale;
A bill (H. R. 12474) granting a pension to Levin W. Bothum;
A bill (H. R. 11699) granting a pension to Mary E. Morgan;
A bill (H. R. 11280) granting an increase of pension to Henry J. Feltus;
A bill (H. R. 11494) granting a pension to Henrietta A. Buell (title amended);
A bill (H. R. 7851) granting a pension to Jennie H. Cramer (title amended);
A bill (H. R. 5057) granting an increase of pension to Alfred J. Isaacs;
A bill (H. R. 714) granting an increase of pension to Frederick Hart;
A bill (H. R. 4179) granting a pension to Romantus Lake (title amended);
A bill (H. R. 1929) granting an increase of pension to Peter Tuper;
A bill (H. R. 12701) granting a pension to Milton Noakes (title amended);
A bill (H. R. 13000) granting an increase of pension to M. J. Cohn (title amended);
A bill (H. R. 12709) granting a pension to Thomas Alton;
A bill (H. R. 9977) granting a pension to Minerva Robinson;
A bill (H. R. 10663) granting an increase of pension to Benjamin H. Downing;
A bill (H. R. 623) granting a pension to Susan Kennedy;
A bill (H. R. 13955) granting an increase of pension to Jesse A. McIntosh;
A bill (H. R. 13945) granting an increase of pension to Edward T. Durant;
A bill (H. R. 13054) granting a pension to Louisa L. Kerr;
A bill (H. R. 15114) granting an increase of pension to Alonza F. Canfield (title amended);
A bill (H. R. 15069) granting an increase of pension to Daniel P. Marshall;
A bill (H. R. 13997) granting an increase of pension to L. A. L. Gilbert;
A bill (H. R. 13799) granting an increase of pension to H. C. Trout (title amended);
A bill (H. R. 15074) granting an increase of pension to George F. White;
A bill (H. R. 8626) granting a pension to Sarah E. Yeamans (title amended);
A bill (H. R. 15084) granting an increase of pension to James H. Powell (title amended);
A bill (H. R. 14265) granting an increase of pension to Helen N. Packard;
A bill (H. R. 14751) granting an increase of pension to Regina F. Palmer;
A bill (H. R. 14952) granting an increase of pension to L. S. Grove (title amended);
A bill (H. R. 9074) granting a pension to Elizabeth Gates (title amended);
A bill (H. R. 4437) granting a pension to Absalom Case (title amended);
A bill (H. R. 14938) granting a pension to Benjamin F. Wilson;
A bill (H. R. 5167) granting an increase of pension to John G. Nowman;
A bill (H. R. 3516) granting an increase of pension to Ozro F. Cheney;
A bill (H. R. 8152) granting an increase of pension to W. S. Hutchinson (title amended);
A bill (H. R. 14963) granting an increase of pension to Herman Querk (title amended);
A bill (H. R. 7368) granting a pension to Thomas Morris;
A bill (H. R. 13477) granting an increase of pension to Jason Stevens;
A bill (H. R. 12322) granting a pension to William F. Wilcox (title amended);
A bill (H. R. 7510) granting an increase of pension to E. M. Gammon (title amended);
A bill (H. R. 11311) granting an increase of pension to A. J. Hertzog;
A bill (H. R. 4454) granting a pension to James H. Watts (title amended);
A bill (H. R. 15480) granting an increase of pension to William S. Barker;
A bill (H. R. 7736) granting an increase of pension to Albert W. Allen;
A bill (H. R. 5718) granting an increase of pension to James M. Blades, of McLeansboro, Ill. (title amended).
A bill (H. R. 11594) granting an increase of pension to Sarah E. Morrow;
A bill (H. R. 15399) granting an increase of pension to Harry C. Fay;
A bill (H. R. 14388) granting an increase of pension to Graham McClosson;
A bill (H. R. 12638) granting a pension to John W. Day;
A bill (H. R. 5324) granting an increase of pension to C. L. Randall (title amended);
A bill (H. R. 13727) granting a pension to Fannie E. Strohauer;
A bill (H. R. 1015) granting an increase of pension to Isaac F. Russell;
A bill (H. R. 5007) granting an increase of pension to James W. Messick;
A bill (H. R. 12981) granting a pension to Sarah A. Waltrip;
A bill (H. R. 15391) granting a pension to Margaret Cotter, widow of John A. Cotter, Company B, Second Tennessee Volunteer Cavalry (title amended);
A bill (H. R. 4983) granting an increase of pension to Lucy L. Smith (title amended);
A bill (H. R. 14058) granting a pension to Maj. Emil Pfeiffer (title amended);
A bill (H. R. 13353) granting an increase of pension to George Thompson;
A bill (H. R. 13485) granting a pension to Louisa Josephine Stanwood;
A bill (H. R. 14027) granting an increase of pension to Thomas J. Winfred;
A bill (H. R. 13472) granting an increase of pension to Lewis E. Wilcox;
A bill (H. R. 15588) granting an increase of pension to Samuel S. Smith;
A bill (H. R. 15300) granting a pension to Delania Preston, widow of William G. Preston (title amended);
A bill (H. R. 11197) granting a pension to the minor children of Daniel J. Reedy;
A bill (H. R. 14258) granting a pension to Fletcher Duling;
A bill (H. R. 11093) granting a pension to Nannie M. Kimberly (title amended);
A bill (H. R. 13719) granting a pension to Nancy McGuire;
A bill (H. R. 12575) granting an increase of pension to Edward A. Branham, of Alexandria County, Va. (title amended);
A bill (H. R. 13705) granting an increase of pension to Mary Ann Garrison;
A bill (H. R. 4925) granting a pension to Joel Thomason;
A bill (H. R. 1617) granting a pension to Margaret A. Osborne (title amended);
A bill (H. R. 1637) granting an increase of pension to John A. Spalding;
A bill (H. R. 14913) granting an increase of pension to Ann M. Morrison;
A bill (H. R. 15421) granting an increase of pension to Elizabeth Palmer; and
A bill (H. R. 917) for the relief of Henry Cook.

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally taken up, ordered to a third reading, read the third time, and passed:

S. 4982. An act granting an increase of pension to John Fler;
S. 2409. An act granting an increase of pension to John A. Rotan;
S. 5052. An act granting an increase of pension to Gilbert Barkalow;
S. 1743. An act granting an increase of pension to Cornelia F. Whitney;
S. 4494. An act granting an increase of pension to Oscar Van Tassell;
S. 1193. An act granting an increase of pension to Jane M. Meyer;
S. 4088. An act granting an increase of pension Henry Jennings;
S. 5361. An act granting an increase of pension to Martha A. Johnston;
S. 3668. An act granting a pension to Hulda Milligan;

S. 1801. An act granting an increase of pension to James K. Van Matre;
S. 5500. An act granting an increase of pension to Angus Cameron;
S. 3505. An act granting an increase of pension to Matthew B. Noel;
S. 5648. An act granting an increase of pension to Frederick Bulkley;
S. 2109. An act granting an increase of pension to Charles C. Davis;
S. 3341. An act granting an increase of pension to Robert H. Busteed;
S. 5782. An act granting an increase of pension to Lucy A. Turner;
S. 2638. An act granting an increase of pension to David O. Carpenter;
S. 5534. An act granting an increase of pension to Abbie C. Bremner;
S. 2056. An act granting an increase of pension to David J. Newman;
S. 4141. An act granting an increase of pension to John Cook;
S. 5491. An act granting an increase of pension to John R. Sandsbury;
S. 3493. An act granting an increase of pension to Charles W. Rose;
S. 959. An act granting an increase of pension to William H. Green;
S. 4727. An act granting an increase of pension to Isaac Rhodes;
S. 3819. An act granting an increase of pension to William A. P. Fellows;
S. 4393. An act granting an increase of pension to William M. Hodge;
S. 4348. An act granting an increase of pension to James Thompson;
S. 5321. An act granting a pension to Rebecca H. Geyer;
S. 5882. An act granting an increase of pension to Mergellah Merrill;
S. 3506. An act granting an increase of pension to Stanley M. Caspar;
S. 3781. An act granting an increase of pension to George A. Mercer;
S. 5893. An act granting an increase of pension to Willie Thomas;
S. 5913. An act granting a pension to Cherstin Mattson;
S. 2935. An act granting a pension to Joanna Rommel;
S. 3212. An act granting a pension to Ellen A. Sagar;
S. 5719. An act granting an increase of pension to Sidney N. Lund;
S. 3371. An act removing the charge of desertion from the name of Jacob Bowman;
S. 4572. An act to grant honorable discharge from the military service of Charles H. Hawley;
S. 6110. An act granting an increase of pension to Charles A. Cooke;
S. 5045. An act granting an increase of pension to Mary A. Moore;
S. 1944. An act granting an increase of pension to Ann E. Tillson;
S. 5133. An act granting an increase of pension to Augusta Neville Leary;
S. 4211. An act granting an increase of pension to Asa Worden;
S. 6008. An act granting an increase of pension to David Vickers;
S. 3423. An act granting an increase of pension to Maria V. Stadtmuller;
S. 4454. An act granting an increase of pension to John D. Sullivan;
S. 2306. An act granting an increase of pension to William H. Lessig;
S. 1666. An act granting an increase of pension to Rufus V. Lee;
S. 5758. An act granting an increase of pension to David Ham;
S. 5076. An act granting an increase of pension to Katharine W. Clark;
S. 5747. An act granting an increase of pension to James E. Bader;
S. 3315. An act granting an increase of pension to George W. Bradshaw;
S. 2283. An act granting an increase of pension to William F. Angevine;
S. 4623. An act granting an increase of pension to Lewis F. Ross;
S. 5239. An act granting an increase of pension to Joseph A. Kerbey;
S. 5119. An act granting an increase of pension to Samuel S. Walch;
S. 3715. An act granting an increase of pension to Henry Weaver;
S. 4067. An act granting an increase of pension to Julia L. Gordon;
S. 6045. An act granting an increase of pension to Charles Sprague;
S. 5659. An act granting an increase of pension to Melinda Heard;
S. 4957. An act granting an increase of pension to Stiles L. Acee; and
S. 3180. An act granting a pension to Emma L. Ferrier.

Senate bill of the following title, reported from the Committee of the Whole House with amendment, was taken up, the amendment agreed to, and the bill as amended ordered to a third reading, read the third time, and passed:

S. 1634. An act to remove the charge of desertion against Thomas Cordingly.

GEORGE S. GRAHAM.

The following bill, in accordance with the recommendation of the committee, was laid on the table:

A bill (H. R. 12600) granting an increase of pension to George S. Graham.

On motion of Mr. SULLOWAY, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

INFECTIOUS AND CONTAGIOUS DISEASES OF LIVE STOCK.

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent now that the bill which I attempted to call up this morning be made a special order for to-morrow morning immediately after the reading of the Journal; and in connection with that the gentleman from Illinois [Mr. CANNON] desires to make a statement.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 15922) making an appropriation for the suppression and to prevent the spread of contagious and infectious diseases of live stock, and for other purposes.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that this bill be made a special order for to-morrow morning immediately after the reading of the Journal. Is there objection?

Mr. CANNON. Mr. Speaker, just one word. If I may be indulged just a moment by the House, this bill consists of four sections. It is legislative in its nature, all except sections 3 and 4, which appropriate a million dollars. Now, I have no objection to the consideration of the legislative part of the bill. On the contrary, I believe it ought to be considered. The matter of appropriation, however, is pending before the Committee on Appropriations by an estimate received and referred to the committee, under the rules, printed for the first time this morning. That committee, I am satisfied, will diligently and vigilantly take up the matter of that appropriation in connection with the urgent deficiency bill.

Mr. WADSWORTH. And action can be obtained more quickly in that way.

Mr. CANNON. Oh, yes; I think if such is the sense of the House and of the Senate, that an apt appropriation would be made more quickly that way than it would to take it up on a bill containing legislative provisions which may lead to more or less of discussion. Therefore, if it were necessary, if this was under consideration, I should make opposition and points of order to the appropriation contained in sections 3 and 4; and I suggest to the gentleman that he couple with his request for consideration of this bill to-morrow an amendment that at the time unanimous consent is given sections 3 and 4, being the appropriating sections of the bill, be stricken out of it.

Mr. WADSWORTH. Mr. Speaker, I am perfectly agreeable to that. My only object is to place in the hands of the Secretary of Agriculture the funds to combat this disease.

The SPEAKER pro tempore. The gentleman from New York amends his request by the suggestion that by unanimous consent sections 3 and 4, making an appropriation, be stricken from the bill. Is there objection?

Mr. MADDOX. Mr. Speaker, one moment. I have reserved the right to object. I want to object to the legislative part. There are some very serious objections which have occurred to me, and I have read the bill again.

The SPEAKER pro tempore. The question now is one of consideration to-morrow.

Mr. WADSWORTH. I want to say to the gentleman from Georgia that I understood him to say he would have no objection if action was deferred until to-morrow.

Mr. MADDOX. I did say so at that time, but I have read the bill again.

Mr. WADSWORTH. The gentleman from Georgia does not object to the bill being considered, does he?

Mr. MADDOX. I have read the bill again, and I think we ought to have more time to consider it.

Mr. WADSWORTH. There will be plenty of time for debate to-morrow.

Mr. MADDOX. I do not see any reason why this matter should be brought up and rushed through, containing, as it does, legislation affecting every State in the Union, and also appropriating a million dollars and turning it over to the Secretary of Agriculture to expend just as he sees proper. I am opposed to that sort of legislation.

Mr. WADSWORTH. There will be no attempt to-morrow to curb debate or to limit the time. Everybody will have a chance to debate the bill.

Mr. MADDOX. That is exactly what I have heard many times before. If you will let it go until Monday, I will not object.

Mr. WADSWORTH. Will the gentleman agree to Monday?

Mr. MADDOX. I will.

Mr. WADSWORTH. On Monday, immediately after the reading of the Journal?

Mr. MADDOX. Yes.

Mr. BARTLETT. Monday is District day.

The SPEAKER pro tempore. Does the gentleman from New York modify his request?

Mr. WADSWORTH. Monday is District day, and we can not get it up then.

Mr. MADDOX. Make it Tuesday, then.

Mr. WADSWORTH. I want to avoid delay. The Secretary considers this matter to be of great importance.

Mr. MADDOX. My dear sir, they all consider their matters of great importance when they come here.

Mr. GAINES of Tennessee. We may get through with the District business in time on Monday to take up this matter later in the day. Let it come in just behind the District business Monday, if we can, and if not, then take it up Tuesday.

Mr. WADSWORTH. I withdraw the other motion, Mr. Speaker, and ask unanimous consent that it be considered on Monday, immediately after the reading of the Journal.

Mr. BINGHAM. That is District day.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill be considered immediately after the reading of the Journal on Monday.

Mr. PEARRE. Monday is District day.

Mr. RICHARDSON of Tennessee. I suggest that the gentleman modify his request so that it be immediately after the disposition of the District business.

Mr. WADSWORTH. You see the difficulty I am placed in. It immediately reaches a lot of business coming up, and objection is made.

Mr. RICHARDSON of Tennessee. I think the gentleman had better modify his request so that it be immediately after the disposition of District business.

Mr. WADSWORTH. The trouble is the union-station bill comes up on Monday, and that may take more than one day.

Mr. PEARRE. By special order of the House Monday next is District day for the consideration of the union-station bill; and in the absence of the chairman of the committee I suggest to the Speaker and the House that it would be unwise to change that order.

Mr. WADSWORTH. I will modify my request so as to make it Tuesday, immediately after the reading of the Journal.

The SPEAKER pro tempore. The gentleman from New York changes his request, so that it be taken up on Tuesday.

Mr. GAINES of Tennessee (to Mr. WADSWORTH). Suppose we get through with District business in two or three hours?

The SPEAKER pro tempore. Is there any objection to the request as modified by the gentleman from New York? [After a pause.] The Chair hears none, and it is so ordered.

Mr. CANNON. Of course, that includes the conversation that was had about sections 3 and 4.

Mr. WADSWORTH. Oh, certainly.

The SPEAKER pro tempore. That includes the withdrawal of the appropriation. If there be no objection, that order will be made.

There was no objection.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXVI, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6447. An act to amend section 1706, Revised Statutes, relating to consuls—to the Committee on Foreign Affairs.

S. 6439. An act for the refund of certain tonnage taxes—to the Committee on Claims.

LEGISLATIVE APPROPRIATION BILL.

Mr. BINGHAM, from the Committee on Appropriations, reported the bill (H. R. 16021) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes; which, with the accompanying report, was ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. BINGHAM. Mr. Speaker, I give notice that to-morrow, after the reading of the Journal, I shall ask the House to take the bill up for consideration.

Mr. RICHARDSON of Tennessee. I reserve all points of order upon the bill.

The SPEAKER pro tempore. The gentleman from Tennessee reserves all points of order upon the bill.

EULOGIES ON THE LATE HON. JAMES M'MILLAN.

Mr. CORLISS. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The Clerk read as follows:

Resolved, That the House meet on Sunday, the 1st day of February, 1903, at 12 o'clock noon, for the consideration of resolutions of respect to the memory of the late JAMES MCMILLAN, a distinguished member of the United States Senate from the State of Michigan.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

SUBSISTENCE OF THE ARMY.

On Executive Document No. 88, Fifty-seventh Congress, second session, being a letter from the Secretary of the Treasury transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for subsistence of the Army for the fiscal year ending June 30, 1904, the reference was changed from the Committee on Appropriations to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ALLEN of Maine, for five days, on account of the death of a relative.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 3 o'clock and 6 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting abstracts of proposals for material and labor in connection with the works under the Engineer Department of the Army—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting documents relating to the claim of John W. Mallon—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report and recommendations in relation to improvement of Ambrose Channel, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for rent of offices for United States dispatch agency for fiscal year ending June 30, 1904—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for rent of offices for United States dispatch agency from January 1, 1903, to June 30, 1903—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for site for military post at Chickamauga Park, Georgia—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Three Josephs*, William West, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William N. Holden against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Robert Whitacre, administrator of estate of Agnes Randall, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for clothing and small stores—to the Committee on Naval Affair, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting the report of the receipts and expenditures by the treasurer of Porto Rico from November, 1901, to October, 1902, inclusive—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting the report of the auditor of Porto Rico from November, 1901, to October, 1902, inclusive—to the Committee on Insular Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LATIMER, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 10522) to provide for laying a single electric railway track across the Aqueduct Bridge, in the District of Columbia, and for other purposes, reported the same with amendments, accompanied by a report (No. 2824); which said bill and report were referred to the House Calendar.

Mr. BINGHAM, from the Committee on Appropriations, to which was referred the bill of the House (H. R. 16021) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, reported the same without amendment, accompanied by a report (No. 2826); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 1563) for the relief of William H. Crawford, reported the same without amendment, accompanied by a report (No. 2825); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 15163) granting a pension to James D. Roberts—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15605) to authorize and empower the Southwest Louisiana Rice Growers' Association, of the State of Louisiana, to construct a lock or locks and a dam in Bayou Vermilion in the State of Louisiana—Committee on Interstate and Foreign Commerce discharged, and referred to the Committee on Rivers and Harbors.

A bill (H. R. 15606) to authorize and empower the Rice Irrigation and Improvement Association of the State of Louisiana to construct a lock or locks and a dam in Mermentau River, in the State of Louisiana—Committee on Interstate and Foreign Commerce discharged, and referred to the Committee on Rivers and Harbors.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rulle XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KEHOE: A bill (H. R. 15981) to establish a permanent military camp ground in Boyd and Greenup counties, Ky.—to the Committee on Military Affairs.

Also, a bill (H. R. 15982) to increase the limit of cost for the purchase of site and erection of a public building at Maysville, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. WILCOX: A bill (H. R. 15983) to provide for the construction of a vessel of the first class for the Revenue-Cutter Service, to be stationed with headquarters at Honolulu, Hawaii—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: A bill (H. R. 15984) to amend section 3354 of the Revised Statutes of the United States as amended by act of June 18, 1890—to the Committee on Ways and Means.

By Mr. EDWARDS: A bill (H. R. 15985) to confirm certain forest lieu selections made under the act approved June 4, 1897—to the Committee on the Public Lands.

By Mr. STEPHENS of Texas: A bill (H. R. 15986) regulating the practice of medicine and surgery in the Indian Territory—to the Committee on Indian Affairs.

By Mr. STEVENS of Minnesota: A bill (H. R. 15987) to increase the limit of cost for the public building at St. Paul, Minn.—to the Committee on Public Buildings and Grounds.

By Mr. NEEDHAM: A bill (H. R. 15988) to establish a permanent military camp ground upon the Nacimiento ranch, situated in Monterey and San Luis Obispo counties, Cal.—to the Committee on Military Affairs.

By Mr. MARSHALL: A bill (H. R. 15989) to amend sections 201 and 203 of chapter 21 of Title III of an act entitled "An act making further provisions for a civil government for Alaska, and for other purposes"—to the Committee on Revision of the Laws.

By Mr. BATES: A bill (H. R. 15990) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees—to the Committee on Interstate and Foreign Commerce.

By Mr. SHAFROTH: A bill (H. R. 15991) for the establishment of a board for the protection of children and animals—to the Committee on the Judiciary.

By Mr. McCALL: A bill (H. R. 15992) to provide for reciprocal trade relations with the Dominion of Canada in the article of coal—to the Committee on Ways and Means.

By Mr. BINGHAM, from the Committee on Appropriations: A bill (H. R. 16021) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes—to the Union Calendar.

By Mr. TONGUE: A bill (H. R. 16022) for the relief of homestead entrymen upon the lands formerly included in the Siletz Indian Reservation in the State of Oregon—to the Committee on Indian Affairs.

By Mr. DE ARMOND: A resolution (H. Res. 352) calling upon the Secretary of State for information concerning the Venezuela difficulty—to the Committee on Foreign Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 15993) granting an increase of pension to John McCartney—to the Committee on Invalid Pensions.

By Mr. ADAMS: A bill (H. R. 15994) granting a pension to Nora J. Glahn—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 15995) for the relief of William A. Haley—to the Committee on Military Affairs.

Also, a bill (H. R. 15996) for the relief of the heirs of Benjamin F. Ball—to the Committee on War Claims.

By Mr. CALDWELL: A bill (H. R. 15997) granting an increase of pension to Christian J. Flanagan—to the Committee on Invalid Pensions.

By Mr. SCHIRM: A bill (H. R. 15998) for the relief of Edward H. Delahay—to the Committee on War Claims.

By Mr. FOSTER of Vermont: A bill (H. R. 15999) granting an increase of pension to William F. Loomis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16000) granting an increase of pension to John A. Amadon—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 16001) for the relief of R. Z. Moss—to the Committee on Claims.

By Mr. GOOCH: A bill (H. R. 16002) granting an increase of pension to William B. Murrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16003) granting an increase of pension to James Whalen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16004) granting an increase of pension to Adam Brell—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 16005) granting an increase of pension to Benjamin R. Little—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 16006) granting a pension to Marat E. Powell—to the Committee on Pensions.

By Mr. MARSHALL: A bill (H. R. 16007) for the relief of Charles B. Thimens—to the Committee on War Claims.

By Mr. MAHONEY: A bill (H. R. 16008) granting an increase of pension to Michael Broughton—to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 16009) for the relief of James Lawson—to the Committee on Pensions.

By Mr. MADDOX: A bill (H. R. 16010) for the relief of Henry

G. Stoffregen, executor of H. G. Peter's estate—to the Committee on War Claims.

By Mr. PERKINS: A bill (H. R. 16011) granting an increase of pension to Morton A. Leach—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 16012) granting a pension to Putnam F. Gage—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16013) granting a pension to Sarah E. Tripp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16014) granting a pension to Auguste Albrecht—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 16015) granting an honorable discharge to John W. Harwood—to the Committee on Military Affairs.

By Mr. SHALLENBERGER: A bill (H. R. 16016) granting an increase of pension to William H. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16017) granting an increase of pension to John B. Fisk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16018) granting an increase of pension to Elijah F. Cowles—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 16019) for the relief of the estate of John Stewart—to the Committee on War Claims.

By Mr. DRISCOLL: A bill (H. R. 16020) granting a pension to Carrie L. Poole—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BRUNDIDGE: Papers relating to the claim of the estate of Benjamin F. Ball—to the Committee on War Claims.

Also, paper to accompany House bill to correct the military record of William A. Haley—to the Committee on Military Affairs.

By Mr. BUTLER of Pennsylvania: Petition of Woman's Christian Temperance Union of Allentown, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. GRAHAM: Petition of Shepherd Manufacturing Company, Pittsburg, Pa., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of Charles C. Pierce, chaplain, United States Army, in relation to the erection of memorial buildings for the physical and moral welfare of enlisted men at such stations as the Secretary of War may approve—to the Committee on Military Affairs.

Also, circular containing newspaper extracts consisting of an appeal in behalf of New York Indians—to the Committee on Indian Affairs.

By Mr. GRIFFITH: Petition of W. C. Walking and 24 other citizens of Lawrenceburg, Ind., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. HAY: Petition of citizens of Charlottesville, Va., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. KNAPP: Resolutions of the Oswego County, N. Y., board of supervisors, favoring the passage of Senate bill 4850 with House amendments, increasing pensions in certain cases—to the Committee on Invalid Pensions.

By Mr. MOON: Papers to accompany House bill for the relief of James Lawson—to Committee on Pensions.

By Mr. NEVILLE: Papers to accompany House bill 15854 granting a pension to James F. Lambson—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting an increase of pension to Holoway W. Kinney—to the Committee on Invalid Pensions.

Also, papers relating to the claim of Solon C. Morgan—to the Committee on War Claims.

By Mr. SHALLENBERGER: Papers to accompany House bill 15858, granting an increase of pension to Watson Smith—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 4169, granting an increase of pension to Alvin Galley—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 15678, granting an increase of pension to Sylvester Gordon—to the Committee on Invalid Pensions.

By Mr. STEWART of New York: Paper to accompany House bill 15687, granting an increase of pension to James H. Townsend—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of the Satoile Company, New York City, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: Papers to accompany House bill relating to the claim of the estate of John Stewart—to the Committee on War Claims.

By Mr. WOODS: Resolutions of the Chamber of Commerce of San Francisco, Cal., for the enactment of liberal laws for the district of Alaska, to open the land to settlement, etc.—to the Committee on the Territories.

Also, resolutions of the same, favoring parcels-post system between the United States and foreign nations—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the synod of California, favoring a laboratory in the Department of Justice—to the Committee on the Judiciary.

By Mr. ZENOR: Papers to accompany House bill 15967, granting a pension to Hiram Green McLimore—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December 13, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

EULOGIES ON THE LATE SENATOR SEWELL, OF NEW JERSEY.

Mr. GARDNER of New Jersey. Mr. Speaker, I beg leave to submit a resolution and ask unanimous consent for its immediate consideration.

The Clerk read as follows:

Resolved, That the House meet on Sunday, the 8th day of February, 1903, at 12 o'clock noon, for the consideration of resolutions commemorative of the life, character, and services of the late Gen. WILLIAM J. SEWELL, a Senator of the United States from the State of New Jersey.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

JEROME P. BATES.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the adoption of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Whereas on Friday, the 12th instant, a bill (H. R. 2570) granting an increase of pension to Jerome P. Bates was reported from the Committee of the Whole House and passed by the House, although in fact the said bill had never been referred to the Committee of the Whole House, not having been reported from the Committee on Invalid Pensions: Therefore,

Resolved, That the action of the Committee of the Whole House and of the House on said bill H. R. 2570 be, and hereby is, vacated.

Mr. RICHARDSON of Tennessee. Mr. Speaker, it seems that this resolution declares void the passage of a bill which has never been reported. How is it possible that a bill of that class could be on the Calendar?

The SPEAKER. The wrong number was on the Calendar. It was an error in the printing and it led the House into this mistake. A motion having been made to reconsider and laid on the table, the Chair can see no other way to accomplish the result.

Mr. RICHARDSON of Tennessee. It was a mistake, then, in the number of the bill?

The SPEAKER. That is all. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MARSHALL for the day, on account of important business.

CHANGE OF REFERENCE.

By unanimous consent, the bill (H. R. 15973) to pay in part judgments rendered under the act of the legislative assembly of the Territory of Hawaii for property destroyed in suppressing the bubonic plague in that Territory in 1899 and 1900, and authorizing the Territory of Hawaii to issue bonds for the payment of the remaining claims, was referred to the Committee on the Territories instead of the Committee on Claims.

Also, reference of Document No. 84, relating to emoluments of customs officers, was changed from the Committee on Expenditures in the Treasury Department to the Committee on Ways and Means.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 215. An act regulating the duties and fixing the compensation of customs inspectors at the port of New York;

S. 3083. An act providing for the adjudication of certain claims by the Court of Claims;

S. 3316. An act to amend an act entitled "An act to create a

new division in the western judicial district of the State of Missouri," approved January 24, 1901;

S. 4083. An act for the relief of Surg. John F. Bransford, U. S. N.;

S. 4419. An act to incorporate the general education board;

S. 4204. An act relating to grants of land to the Territory and State of Washington for school purposes;

S. 6070. An act to authorize the construction of a bridge across the Missouri River, at a point to be selected, within 5 miles north of the Kaw River, in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route;

S. 911. An act authorizing the Federal Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the village of Oacoma, Lyman County, S. Dak.; and

S. 6138. An act to set apart certain lands in the State of South Dakota as a public park, to be known as the Wind Cave National Park.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval bill of the following title:

An act (H. R. 15794) to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16021) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 1, 1904. Pending that motion, I would like to ask the gentleman from Georgia from the Committee on Appropriations if there is any desire for general debate upon his side?

Mr. LIVINGSTON. Mr. Speaker, I have had no request on our side of the House for time. I suppose that general debate might be concluded in ten minutes.

Mr. BINGHAM. Then I will ask, Mr. Speaker, that general debate be limited to ten minutes.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill, and asks that general debate be limited to ten minutes. Is there objection?

Mr. GAINES of Tennessee. Mr. Speaker, I do not want to object to that. I do not know that I have anything to say and I do not know whether anybody else has anything to say, but I do not think that we should agree to close this general debate in ten minutes. We do not know what may be said or done in the general debate in the meantime.

Mr. LIVINGSTON. I want to say that the bill will be taken up immediately under the five-minute rule, and gentlemen will learn the whole contents step by step.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The motion of Mr. BINGHAM was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. MONDELL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16021) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904.

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. BINGHAM. Mr. Speaker, in submitting this bill to the House, I would state that it enters into large economies, and in the detailed statement, which gentlemen will find on the first page of the report, to which I propose at this time only to refer, because as we proceed in the bill the report fully sets out every change that your committee recommend. I would read for the information of the House the estimates, which gentlemen will find in the Book of Estimates of 1904, which aggregates $27,354,000 in round numbers, of which amount there is recommended in the bill $26,931,000.

The appropriation for the same purposes for the current fiscal year, including $1,038,000 carried in the sundry civil bill and the deficiency appropriations in other acts, aggregated $26,430,000, being $500,000 less than is recommended in the present bill for the service of the fiscal year 1904. The total amount recommended in the bill is $423,000 less than the aggregate of the estimates submitted. The whole number of salaries specifically provided for in this bill is 607 less than the number estimated for, and 226 more than the number provided for in the law for the current year.

It is proper to state for the information of the House that of the 226 salaries increased in the bill 29 are for Representatives in Congress authorized by the last apportionment bill; 62 are for the Civil Service Commission, to take the place of 72 employees now on detail from the several Departments; 34 are for the National Bureau of Standards, which was authorized under a recent act of Congress; 32 are in the General Land Office, and 53 in the Post-Office Department.

It is proposed in the bill to continue for another year the general appropriation for temporary employees in the War Department, the same being decreased $47,000 in accordance with the reductions already made by the Secretary in the force; and there is a further reduction of $7,500 on account of the reduction of the work which will follow in the Ordnance Bureau by the enactment of the provision recommended by the committee requiring that ordnance property returns or accounts, heretofore made quarterly, shall be made semiannually.

Mr. GAINES of Tennessee. I should like to ask the gentleman from Pennsylvania how many temporary employees there are in the War Department alluded to in the statement which the gentleman has just made?

Mr. BINGHAM. The paragraph which we embrace in our bill carries a bulk sum, in accordance with the current law, less the reduction recommended by the Secretary, of $47,470; and if the amendment submitted by the committee should be approved by the House there will be a further reduction of $7,500 in the accounts of the Ordnance Bureau.

Mr. GAINES of Tennessee. The gentleman does not quite catch my idea.

Mr. BINGHAM. As to the sum total, the committee is not familiar with that. But this leaves the current law as the law for the next year, the argument being that there has not been on the part of the Secretary that reduction which the committee had hoped for, and as the Secretary has reduced the sum total upward of $50,000, we believed that, leaving the expenditure of this appropriation to his discretion, he would come in in the next fiscal year with the same appeal made to the committee one year ago—to classify this body of subordinates—and that he would come in with a much larger reduction. Also, for this reason, it has been the experience of the committee that as soon as you classify a body of clerks previously existing under a general bulk appropriation, or once covered by an appropriation bill in detail, it becomes almost absolutely impossible for your committee to reverse or undo what has been done.

Mr. GAINES of Tennessee. My friend does not catch the point of my question. I hope I shall now make myself clear. How many temporary employees——

Mr. BINGHAM. I can not answer that question at this time, but will endeavor to do so when we come to consider the bill in detail.

Mr. GAINES of Tennessee. Why do we have any temporary employees in the War Department?

Mr. BINGHAM. I can now answer the gentleman's inquiry. There are 587 under the present appropriation.

Mr. GAINES of Tennessee. How long have they been temporary?

Mr. BINGHAM. For one year.

Mr. GAINES of Tennessee. Why are they temporary at all?

Mr. BINGHAM. The Secretary has asked for a continuing appropriation in the divisions of the War Department, classifying this body of 587 clerks. Your committee thought that the wiser legislative action would be to decline to authorize this detail for the respective bureaus, believing that as the sum total will be handled by the Secretary there will be brought to us for the following year under appropriations here contained a larger reduction of force. Because, as I have stated, when a change of this kind has once been embodied in the classified service of the Department we have always found difficulty in making a reduction. Throwing the onus on the Secretary, we look forward to a larger reduction than we have been able to make in the pending bill.

Mr. MADDOX. One question, if the gentleman pleases. In the last appropriation bill, as I understand, the committee made permanent all temporary employees previously authorized in the War and Navy Departments. Now, are these another extra batch?

Mr. LIVINGSTON. No; they are the same men.

Mr. MADDOX. They can not be.

Mr. BINGHAM. These appointments are not permanent. They are made under a paragraph of the current law, which carries them as a temporary force, the onus being upon the Secretary to handle this force economically.

Mr. HEMENWAY rose.

Mr. MADDOX. My friend from Indiana [Mr. HEMENWAY] knows what I am after.

Mr. HEMENWAY. If the chairman will permit, there has

been no additional force added. If the gentleman remembers, we had a large temporary force made necessary by the war with Spain.

Mr. MADDOX. Yes.

Mr. HEMENWAY. A year ago the different departments asked that that force be provided for specifically. That we declined to do. The result has been that during the last year about $55,000 of that force has been dropped. They ask again this year that we provide for the force on the regular bill. That we decline to do, hoping that if we carry it as a lump sum for another year there will be a still greater reduction.

Mr. MADDOX. I will ask the gentleman, Mr. Chairman, when his committee had the last appropriation bill passed, and when he came to make provision for these temporary clerks, if he made them permanent instead of temporary. What I want to know is, Is this the same crowd or an additional batch?

Mr. HEMENWAY. There are no additional clerks added, and they were not made permanent on the last bill. They were covered into the civil service, but still carried by a lump-sum appropriation, with the hope that the force will be greatly reduced if it is not provided for specifically.

Mr. MADDOX. These are the same ones, as I understand it.

Mr. HEMENWAY. These are the same ones, except with about $55,000 of reduction. We believed that had we made them permanent last year, we would not have secured the reduction of $55,000, and we decline to make them permanent this year, with the hope of securing a still greater reduction.

Mr. GAINES of Tennessee. How many of these employees were placed under the War Department, under the law?

Mr. HEMENWAY. About 600, I believe.

Mr. BINGHAM. Five hundred and eighty.

Mr. GAINES of Tennessee. They were the real temporary force as put there because of the war that we were then engaged in. That war is now at an end. Will the gentleman tell me why we want to continue the expense of this great temporary force that has been really legalized and made a permanent force?

Mr. HEMENWAY. Because the business of the Government has increased to such an extent that the Departments insist they can not get along without this force. Of course there has been a great reduction, but they can not get along if the whole force is cut out. We are carrying it along, hoping to get as many as possible out of the service before they are provided for specifically.

Mr. MADDOX. I will ask the gentleman how that reduction came about?

Mr. HEMENWAY. The $55,000?

Mr. MADDOX. Yes.

Mr. HEMENWAY. By reason of resignation or death or by their getting out of the way and their places not being filled.

Mr. MADDOX. Does the gentleman know the politics of those clerks who have gotten out of the way?

Mr. HEMENWAY. Oh, we made no inquiry into that.

Mr. GAINES of Tennessee. Just a moment. The gentleman states that this diminution has been brought about by two reasons—first, where they have resigned, and, second, where they have died. That clearly shows that the Department as such is not trying to reduce this temporary force.

Mr. HEMENWAY. If the gentleman will permit, I will add that it also covered incompetent clerks who have been discharged.

Mr. GAINES of Tennessee. Then it is not the purpose of the Department to reduce this temporary force further, because it is only when the clerks die or resign or are unworthy to be kept in office that the Department reduces its temporary force of about 600 employees.

Mr. HEMENWAY. The gentleman makes a statement which is not warranted. The Department insists that they do need these clerks, not only these clerks, but they are constantly asking for an increase of the force, which the committee has declined to grant in a great many instances.

Mr. GAINES of Tennessee. Who has asked for that?

Mr. BINGHAM. The Secretary of War.

Mr. GAINES of Tennessee. Yet the gentleman will depend on that Department, I will say to the gentleman from Pennsylvania, to reduce this temporary force and rid the Government of this burden of five or six hundred employees.

Mr. BINGHAM. I would state briefly to the gentleman that there were only two propositions under consideration before the committee. One was to continue the current law for the next fiscal year, which appropriates a bulk sum for the emergency requirements of the War Department. That the Secretary reduces and submits to the committee by paragraphs in the bill, detailing these men to the different divisions of the War Department and absorbing all that the current law allows, with the exception of the reduction of $55,000.

There were only two propositions before the committee: Shall we continue this sum in bulk which the Secretary asks for in detail to the bureau? We concluded that larger economy in the near future would result to the Government in that Department by allowing him the same discretion which he has had heretofore, which we thought would justify in the next year $50,000 of reduction. We do not change a word of existing law save in the sum total of the allowances under that temporary or emergency paragraph in the bill. It is done wholly in the interest of economy in administration.

Mr. SHAFROTH. I should like to ask the gentleman a question. On page 57 of the bill there is an item which reads as follows:

For freight on bullion and coin, by registered mail or otherwise, between mints and assay offices, $75,000.

I should like to ask the gentleman whether that is the same estimate that was allowed last year?

Mr. BINGHAM. The same amount as in the current law.

Mr. SHAFROTH. The same amount as last year?

Mr. BINGHAM. The same amount as this year.

Mr. SHAFROTH. And that proved sufficient, did it?

Mr. BINGHAM. That is the estimate of the Department.

Mr. SHAFROTH. All right. I had an impression that it was $100,000.

Mr. LOUD. I should like to ask the gentleman why he has failed to mention, on page 125 of the bill, the appropriation of $20,000 for a temporary force carried in the Post-Office Department? And I should like him also to explain what necessity there is longer for any temporary employment in the Post-Office Department as a result of the Spanish war.

Mr. BINGHAM. The Department asked that this force might be classified and go under what are called first, second, third, and fourth class clerks, together with the attendant subordinate force. Your committee thought that economy would follow, just the same as we believe it will follow in the estimates of the Secretary of War for next year, and believed that a better policy would prevail by leaving it with the Department.

Mr. LOUD. Of course the gentleman is aware that in the War Department the acquisition of the Philippine Islands entailed some additional expense; but the acquisition of the Philippine Islands can entail no additional expense on the Post-Office Department, because our Post-Office Department has nothing to do with the Philippine Islands.

Mr. BINGHAM. When we come to that paragraph of the bill, if the gentleman desires, he can call it up, and I will refer to it in my notes.

Mr. LIVINGSTON. Mr. Chairman, the report of the committee of course sets out fully and distinctly and in detail everything that there is in the bill, whether in one bureau, division, department or another.

The only purpose that I have now, Mr. Chairman, is to call the attention of the House, on page 71 of the bill, to the item for the mint at New Orleans, La. The committee reports the bill with this change, that it shall be an assay office simply and no longer a mint. After the bill was made up and reported upon there was an understanding reached that the committee would accept an amendment to be offered by one of the members from Louisiana, reestablishing the current law in place of the paragraph in the bill covering the mint at New Orleans.

The gentleman in charge of the bill [Mr. BINGHAM], who has just taken his seat, failed to make that statement, and I want to make it. It is understood in the Committee on Appropriations that that amendment will be accepted, and I hope that neither on this side of the House nor on the other will there be any objection to it. When that clause comes up, there will evidently be some discussion on it. If you will refer to the hearing before the committee, you will ascertain that in the opinion of the Director of the Mint the mint at Philadelphia alone is sufficient to do all the work to be done in this country. Then the San Francisco mint, he says, is able to do about all the work, independent of the Philadelphia mint. We are also building a very extensive mint about halfway between here and the Pacific coast, at Denver. These things will all come up, but for good and sufficient reasons, after the bill was reported, we believed that for another year at least the provisions of the current law should be continued with reference to the mint at New Orleans, hoping that conditions may change there so as to give the mints more business. It is very likely that if the question of an isthmian canal is settled and the project entered upon the mint at New Orleans will assume a very different attitude to the business of the country to what it has had in the past and what it has now.

The CHAIRMAN. The Clerk will now proceed with the reading of the bill.

The Clerk read as follows:

Clerks and messengers to committees: For clerk of printing records, $2,220; clerk to the Committee on Appropriations, $3,000; assistant clerk, $2,220; messenger, to be appointed by the committee, $1,440; clerk and stenographer to the Committee on Finance, $2,500; messenger, $1,440; clerk to the Committee on Claims, $2,220; assistant clerk, $1,440; messenger, $1,440; clerk to the Committee on Commerce, $2,220; assistant clerk, $1,440; clerk to the Committee on Pensions, $2,220; two assistant clerks, at $1,440 each; messenger, $1,440; clerk to the Committee on the Judiciary, $2,220; messenger, $1,440; clerk to

the Committee on Military Affairs, $2,220; assistant clerk, $1,440; messenger, $1,440; clerk to the Committee on Post-Offices and Post-Roads, $2,220; messenger, $1,440; clerk to the Committee on the District of Columbia, $2,220; messenger, $1,440; clerk to the Committee on Foreign Relations, $2,220; messenger, $1,440; clerk to the Committee on Engrossed Bills, $2,220; messenger, $1,440; clerk to the Joint Committee on the Library, $2,220; clerks to the committees on Naval Affairs, Census, Public Lands, Indian Affairs, to Audit and Control the Contingent Expenses of the Senate, Public Buildings and Grounds, Agriculture and Forestry, Education and Labor, Territories, Interstate Commerce, Public Health and National Quarantine, Private Land Claims, Patents, Coast Defenses, Privileges and Elections, Additional Accommodations for the Library of Congress, Rules, Civil Service and Retrenchment, Enrolled Bills, Geological Survey, Railroads, Pacific Railroads, Pacific Islands and Porto Rico, Philippines, Relations with Cuba, Interoceanic Canals, Transportation and Sale of Meat Products, Five Civilized Tribes of Indians, Improvement of the Mississippi River and its Tributaries, and clerk to conference minority of the Senate, at $2,220 each; clerks to committees on Woman Suffrage, and Mines and Mining, at $2,100 each; in all, $124,540.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to make an inquiry here of some gentleman of the committee about this appropriation for clerks to Committees on Woman Suffrage and on Mines and Mining at $2,100 each. Of course there is a Committee on Mines and Mining. I have looked through the Congressional Directory for the Fifty-seventh Congress, second session, and I can find no such committee as the Committee on Woman Suffrage. Now, if there is such a committee of the House I would like to know when it has met and if it ever meets, or something about it. I never heard of the committee before.

Mr. BINGHAM. I will state to the gentleman that this has reference to Senate committees. It has been the policy of the House for some years past that in the general conduct of the respective Houses there has been no interference on the part of either as against the legislation proposed. Each of them is supposed to be the best judge of the expenditures necessary for the general conduct of their business. The only limitation or contest we have had for some years is in the appropriation for the contingent fund. Perhaps the contest was greater in the conference committee last year, and more earnest than heretofore, and we were successful in securing from the Senate a reduction of $25,000 from their contingent fund; but the House, for a number of years past, I think for eight or ten years, has conceded the Senate as being the better judge as to what should be the expenditure of that body, as they have conceded to us without criticism the government of this House.

Mr. GAINES of Tennessee. Then I understand this is a Senate committee and not a House committee?

Mr. HEMENWAY. Why, the bill so states. If the gentleman will read the bill he will see it.

Mr. BINGHAM. This is in the Senate paragraph; we have not reached the House paragraph.

The Clerk read as follows:

Office of the Speaker: For private secretary to the Speaker, $2,350; clerk to the Speaker's table, $3,600, and for preparing Digest of the Rules, $1,000 per annum; clerk to the Speaker, $1,600; messenger to the Speaker, $1,200; in all, $9,750.

Mr. MADDOX. Mr. Chairman, I see in that paragraph there are quite a number of increases. Here is one I would like the gentleman to explain why it is so, reserving the point of order in the meantime; that is, the increase of salary to the clerk at the Speaker's table from $2,250 to $3,600?

Mr. BINGHAM. Does the gentleman simply desire a reason for the advance?

Mr. MADDOX. That is what I want to know.

Mr. BINGHAM. Your committee recognize the fact that perhaps the most valuable adjunct to the Speaker is this clerk, who heretofore has received a compensation under current law of $2,250. An appeal was very earnestly made that this was hardly a fair compensation for his valuable services, and as others at the desk receive a larger compensation, your committee thought that, in view of the great value of his services and his large experience, there was a fair warrant for the House to give to this trained subordinate a good compensation.

Mr. MADDOX. Is it not strange that it has never been done before?

Mr. BINGHAM. He is specially learned in the rules, and the Speaker must really, in a large measure, depend upon him; and when the request was made we recognized the force of the appeal and granted it.

Mr. MADDOX. Let me ask you this question: Did the entire committee, Democrats and Republicans, agree to this increase?

Mr. BINGHAM. The bill comes out of the committee unanimously. We bring the bill into the House without objection.

Mr. MADDOX. All right.

The Clerk read as follows:

Chaplain: For Chaplain of the House, $900.

Mr. BABCOCK. Mr. Chairman, I desire to offer an amendment to that paragraph.

The Clerk read as follows:

In line 21, page 11, strike out the words "nine hundred" and insert "one thousand."

Mr. BABCOCK. Mr. Chairman, I think——

Mr. BINGHAM. I reserve the point of order. I do not know that I will make it.

Mr. BABCOCK. I think, Mr. Chairman, that this amendment will appeal to every member in the House. The salary of our Chaplain is fixed at $900. There is hardly a pastor at any cross roads in the country who does not get this amount, and in most cases more. But I am sure, Mr. Chairman, when we ask a minister to come here every time the House is opened, day after day and week after week, that the House will concede a reasonable and fair pay for such services. This is an increase of only $100 per year, and I hope the gentleman in charge of the bill will accept the amendment.

Mr. BINGHAM. I will state to the gentleman that for a number of years this has been the appropriation for this service, that the same compensation is allowed in the Senate, and therefore we have been consistent. I will not make the point of order against the gentleman's proposition, but will submit it to the House.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Office of the Clerk: For Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $5,000.

Mr. MADDOX. I would like an explanation of the increase that is made here, reserving the point of order on the salary of that individual. In fact, the increases right along there are too numerous to mention.

Mr. HEMENWAY. I will say to the gentleman that the Clerk insists that the allowance heretofore made is not sufficient in dollars and cents to pay what he actually pays out. He asks this increase, and the committee unanimously gave it to him.

Mr. BINGHAM. And right in that connection I will state that in all departments of the Government we are met with the request for these little increases on these items generally throughout the bill, and when the statements have been reasonable and fair we have conceded them.

Mr. MADDOX. Mr. Chairman, I notice that there are a number of increases in the bill, especially for the officers of the House. I want to say in this connection that the Appropriations Committee of this House is the absolute legislative body, so far as appropriations are concerned, for this reason.

Mr. BINGHAM. Let me say to the gentleman that this man has three horses to keep, together with the repairs of the wagon.

Mr. MADDOX. I want to say that, so far as he is concerned, I think he deserves it far more than any other man you have given an increase to. But I want to make these observations: The Appropriations Committee, by reason of the rules or the methods which they have adopted, absolutely control all the appropriations in this body. For instance, as I have had occasion to say before, this bill was reported to the House yesterday, and this morning copies of it are placed on our table, but so far no man outside of the committee is able to take the bill and the report and digest it and be able to get up and discuss these matters intelligently as to the whys and wherefores of the proposed increases. It is a matter of absolute impossibility.

Here we have an increase for a great many officers of the House, continued from page to page in this bill. We have got a Democratic minority and a Republican majority. The people who are outside of the committee—the Representatives—are not given notice of what is in the bill until it is brought in, and then it is immediately taken up for consideration. Usually it is the custom of the Appropriations Committee in this House to come in here with a bill on one day and give notice that they will call it up the next morning, and no mortal man can take one of these bills, see what there is in it, and then get evidence to show that these men are not entitled to the increases that are proposed before the bill comes up for consideration.

Now, I say that the rules of this House ought to be changed, so far as the Appropriations Committee is concerned, so that the bill shall be reported at least three days before it is taken up, so that we can see and understand the reason of the proposed provision.

Now, if the House is content with this state of affairs, very well; but on this side of the House we will continue to call attention to these increases. I am going to do it, and if I find any place where I think I am justified, if I have any knowledge of a state of affairs I believe to be unjustifiable, I will raise the point of order and have it struck out. But I wanted to make these observations. I have said something like this before.

I might say another word. No man can rise in this House and make an amendment to this appropriation bill. If I want to increase an appropriation, one of the committee is on the spot to raise the point of order, just as my friend over there did a few minutes ago. Yet you gentlemen of the committee violate yourselves this very rule that you set up against us. You do it all the time. Let any other member bring in an amendment here increasing an appropriation, and we have the gentleman from Illinois over there on the watch, ready to raise the point of order and

drive us out. Now, I think this is all wrong. I think we ought to have notice of what is going on and what is proposed. I mean sufficient and timely notice, so that we may be prepared to discuss the different provisions of the bill. We are as much entitled to know where the people's money is going as the members of the Appropriations Committee—just the same right. We ought to have notice, so that we can have sufficient time to examine all of these proposed increases. It is impossible for us to do anything unless the rules are changed or the committee changes its practice.

Mr. BINGHAM. Mr. Chairman, I simply desire to say to the gentleman that the eight pages of our report go into all the changes and into every detail of it—all the changes included in this great bill. It gives every change we have made in the appropriations in every detail.

Mr. MADDOX. That is not the question I am raising.

Mr. BINGHAM. I have stated to the gentleman what is proposed to be done, and the gentleman ought not to take exception. I am perfectly willing to answer any question with reference to any change that we have made; but I want to impress this on the gentleman, that throughout this bill we have endeavored to preserve the most rigid economy possible in our examination covering ten days.

Mr. MADDOX. Now, Mr. Chairman, that is exactly what I am saying. He says it took him ten days in order to see whether these amendments were proper or not.

Now, what I want is three days, in order that I may see whether you are right or wrong in these matters. With opportunity for examination we might have something to say, something that you have not heard.

Mr. BINGHAM. In all good nature let me say that in view of the fact that the hearings before the committee are in print, each paragraph can be considered in connection with the hearings relating to them. In this matter we are simply following the policy or practice of the House. Every convenience is arranged for the examination of these different matters in their order, and there can be no difficulty on the part of one gentleman or another in the House, whenever the provocative comes to his mind, in making the necessary inquiry and securing a fair explanation.

Mr. MADDOX. The gentleman seems not to understand me. While you make your reports and point out what these errors are, you do not give us time to find out for ourselves anything about the case.

Mr. BINGHAM. Each gentleman can have his five minutes on any paragraph.

Mr. CLARK. Let me state what I understand to be the trouble about this matter. The contention of the gentleman from Georgia [Mr. MADDOX] is well taken—that we have had no adequate time in which to examine this appropriation bill, which carries many millions. The Committee on Appropriations—I have no disposition to criticise them—come in here after a thorough investigation of the bill; they have formulated in their minds the various reasons in favor of these increases. This bill was brought in here last evening; it was printed last night. We come here this morning and get hold of the report. Suppose we read it. That is easy enough. Suppose our attention is attracted to an item which you want to pass, but as to which we are not satisfied. It is true that every member has his five minutes under the rules to discuss these questions, but where is time allowed for us to investigate and compare the facts? When a man undertakes to make a speech or an argument here, the easiest part of it is to stand up and make the speech or argue the question, provided he has his data; but what we require is time and opportunity to secure such data.

The gentleman from Georgia is entirely right. No appropriation bill ought ever to be considered by this House until there has been two or three days' notification of its consideration, so as to give members of the House a chance to prepare for debating the questions of detail intelligently. Of course the majority always has the advantage in this business, because under the peculiar machinery that has grown up here—I am not going to discuss that now—the majority is always informed as to what is coming up. Sometimes they have information a week ahead, but the minority is obliged to take a snap shot at the question. Now, that is very nice for you gentlemen over there, as you are in the majority; but the "whirligig of time" brings its own revenge, and the time is pretty certain to come when you will be in the minority. You might just as well adopt fair rules about this method of proceeding now.

Then there is another consideration. With the way in which these bills are printed, you can not tell to save your soul in what item there is an increase and in what there is none without taking the bill and comparing it with the report.

Now, there are some of these increases to which I have no objection. For instance, I think that Mr. Hinds earns his money as much as any member on this floor earns his $5,000 a year, but the idea of increasing the salaries of all these employees is perfectly ridiculous. If every one of them were to die instantly with apoplexy, you could within a week replace them with men just as competent as they are at the old salaries, and, what is more, you would be deviled to death to make a selection among all the candidates. And if we were all to die in fifteen minutes with apoplexy, our places could be refilled, too, at the same salary.

This is all I have to say about this matter now. I am in favor of amending our rules so as to change this whole method of doing business.

Mr. HEMENWAY. Allow me to suggest that upon the Committee on Appropriations the minority is represented by able men; so the statement that when a bill of this kind is called up the majority alone understand what has been done in the bill is a mistake.

Mr. CLARK. Will you allow me a single sentence right here? I do not deny that the Democrats on this committee are able men; but what I say is that the rest of us, who are not on that committee, have just as much right to be informed about the conclusions of the committee as those gentlemen have.

Mr. HEMENWAY. In reply to that suggestion, I will say that the Committee on Appropriations are always very careful, in bringing a bill before this House, to furnish complete information as to every change made in the bill. This report, which is a very short one, starts out with a general statement as to the total amount appropriated; then there is a detailed statement of the different changes under the several heads. For instance, with reference to the Senate, any member can readily take the bill and, referring to the report, can see every change in the current law which this bill proposes. So, too, with the House of Representatives. Turning to the bill, one can readily see every change in the current law made under that heading.

Now, as to the proposition of the gentleman from Georgia to allow appropriation bills to lie over three days after being reported before they are considered, that is a matter to be determined when the rules of the House are made. In the short session if the appropriation bills had to lay over three days, evidently this House would be very much embarrassed, because it takes about all the time to pass the appropriation bills in the short session.

Mr. CLARK. And when are we to have a chance to amend these rules?

Mr. HEMENWAY. At the beginning of the next Congress.

Mr. CLARK. Yes; and a resolution to adopt the rules of the Fifty-seventh Congress will be rammed through here in about two seconds and a half.

Mr. HEMENWAY. I will say to the gentleman that if I were to determine how it should be done I would adopt the rules of the Fifty-seventh Congress, because we believe they are good rules. The gentleman, of course, does not think so.

Mr. CLARK. Let me ask the gentleman one other question now——

Mr. HEMENWAY. Pardon me a moment. As to the criticism that the minority does not understand when this bill is to be called up or what the bill contains, I will say that is a mistake. The minority is represented by able men on that committee. This bill comes out of that committee with the unanimous approval of both the majority and the minority, for in the great Committee on Appropriations there is nothing of politics. It is a committee that has never had anything of politics connected with it since I have been a member of it, and I have been a member of that committee for eight years.

Mr. CLARK. Then I will ask the gentleman why he does not put some more Democrats on the committee. [Laughter on the Democratic side.]

Mr. HEMENWAY. Because, as the gentleman knows, it is not the policy of either the Democratic party or the Republican party to put the minority in control of any of the great committees of this House, and never will be.

Mr. CLARK. Will the gentleman permit me to ask him two questions at this time?

The CHAIRMAN. Does the gentleman yield?

Mr. HEMENWAY. Yes.

Mr. CLARK. Granting, now, that the Democratic minority are able men, which I freely do, does not the gentleman think that I and the gentleman from Georgia [Mr. MADDOX] and the rest of us have just as much right to object to any part of an appropriation bill and to assert our objections, and to be placed in a position to assert them intelligently, as any man on the committee, Democrat or Republican?

Mr. HEMENWAY. Why, we commend the gentleman's activity, and if there is anything in this bill wherein the Committee on Appropriations have erred we are pleased to have it pointed out, because the sole object of this committee in reporting the bill is to secure good service in the most economic way possible. We do not want to increase a single salary unless there is a good

and sufficient reason for increasing it. Day after day we sit in that committee room and decline to increase salaries when the departments are down here urging it, and when members of Congress from both sides of the House are urging it for some particular constituent. This committee has to perform the unpleasant duty of declining to accede to these earnest requests, and it is only in cases where we think beyond question that the salaries ought to be increased that we do it. If any gentleman on that side of the House or on this side can point out any one of these salaries that has been increased unjustly, we would be glad to have it done and glad to have the information.

Mr. CLARK. Under the arrangement which now obtains I think two hours is the utmost limit in which one could have opportunity to examine this bill. If a man comes over here at 10 o'clock he may possibly get hold of one of these bills and the report and study it for two hours. Does the gentleman think that that allows time enough for a man who is not on his committee to prepare himself so that he may discuss the bill intelligently?

Mr. HEMENWAY. I will ask the gentleman if this bill were reported and laid on the desk for one week, how many members he supposes would ever look at it?

Mr. CLARK. I do not know, but I will testify for one that I have made up my mind to investigate every appropriation bill which is brought into this House, if I can get the opportunity.

Mr. HEMENWAY. I commend the gentleman for his good resolutions.

Mr. CLARK. And I do not want to set myself up as "a watchdog of the Treasury," either.

Mr. MADDOX. The gentleman says that there is no partisanship in the Committee on Appropriations, that there is nothing of the sort there. If that is true, does it not make it of decidedly more importance that the other members of this House should have notice of what that committee is doing?

Mr. HEMENWAY. So far as the question of notice is concerned, the Committee on Appropriations has no objection to a week or three days' or ten days' time. We are simply presenting this bill under the rules of the House. Notice was given by the gentleman from Pennsylvania [Mr. BINGHAM] in charge of the bill, that it would be called up to-day. This is the short session of Congress. We are anxious to get the bill through the House, and I do believe that if my friends will go over this report they will have no trouble in ascertaining every change which is made in the bill as we come to it. If the committee has erred in any respect we would be very glad to have gentlemen call attention to it.

Mr. MADDOX. We have not had the time to do that very thing.

Mr. BINGHAM. If the gentleman will allow me, Mr. Chairman, perhaps there is one detail in this report that it would be well for the gentleman from Missouri [Mr. CLARK] to know, that the sum total of the increases of salaries in all the Departments only reaches the sum of $15,000.

Mr. CLARK. Now, let me ask you——

Mr. BINGHAM. As a general proposition, so far as I am personally concerned, I should have no objection at the organization of a Congress to the enactment of a rule providing that there should be a period intervening between the submission of an appropriation bill and its consideration by the House. We have established that rule with reference to conference reports. There is in the body of the rules the provision that a conference report can not be considered on the day that it is submitted to the House. Now, if the gentleman will follow me, the contention on this floor will be upon the increase of the subordinate force. If the gentleman will look at page 1 of the report he will see the discussion of the details that we have gone into, wherein we show the allowance of these 266 more than the number provided for the current year, and we have eliminated from the estimates of the departments 607. Now, there is the statement. Of course, if you desire to go into the details, we will endeavor to make them clear to the House at the proper time.

Mr. CLARK. I want one detail right now.

Mr. BINGHAM. One more point. The gentleman submits that that side of the House has not had the opportunity to make an examination of the bill. The gentleman has stated that that side of the House have representative, capable men upon the committee. The bill essentially, and in fact fully, comes out of the committee with a unanimous report. But the gentleman must remember that the examination of the bill does not only run to that side of the House, but gentlemen on this side of the House have equal cause for complaint, if there is any cause for complaint. The objection might just as well come from here as from there. Your interests are guarded, if you can have any special interest in this bill as a party, and I simply say to the gentleman that the element of party never enters into the consideration of this bill. It is a bill that carries the appropriations for the existing force of the Government; and there is no favoritism, for the reason that everyone, excepting in the most humble places under the Government, is under the civil service. The element of politics has never entered into our discussions, and I trust it never may, and this bill is built up on absolute lines of economy.

Mr. GAINES of Tennessee. I move to strike out the last word.

Mr. Chairman, it is a fact that this bill was not reported to the House until late yesterday afternoon. If I am mistaken in my statement, I hope my friend will correct me. It is a fact that we all must know that the bill was printed last night, and that this morning for the first time it is placed on our desks with the report. It is a fact that it contains one hundred and forty-two printed pages, and I do not believe there is a man in this House, unless he is a member of the Committee on Appropriations, who has had a chance to go over any of the items of this bill. Now, I will ask my friend if he thinks that it is fair to the gentlemen of this House, on either side or both sides, to bring in the bill here yesterday afternoon, place it upon our desks this morning at 12 o'clock, and expect those outside of the committee to treat this question fairly or intelligently, no matter how fair and just they want to be to everybody, including the Government? Is it fair to do that? Is it right?

Mr. BINGHAM. I would state to the gentleman that the House has determined to take up this bill in Committee of the Whole, and we are only operating under the order of the House. Now, as to fairness, this bill simply carries the existing subordinate force with the necessary increases. It is not a complicated bill in legislation. It might be called one of the skeleton bills, it carries with it so little flesh. It has half a dozen common-sense amendments which can be explained in five minutes. It does not carry a complication of laws, and, to my mind, not a complication which is open to discussion.

Mr. GAINES of Tennessee. Suppose anyone on this side or that side——

Mr. BINGHAM. Oh, there are no sides on this bill.

Mr. GAINES of Tennessee. Then suppose the other members of the House not members of your committee want to inquire into this matter?

Mr. BINGHAM. We are willing to answer every inquiry.

Mr. GAINES of Tennessee. This morning for the first time they have a chance even to know that there was an appropriation to be made for any item in the bill. The bill is first brought to their attention this morning. No one has had a chance to look into it. Yesterday they brought in an appropriation bill about diseased cattle—asked immediate consideration—but as usual the watchdog on this side [Mr. MADDOX] objected. For what reason? He said he wanted to investigate the bill. So did I, and we are doing so. That bill carries an appropriation of a million dollars and will be considered Tuesday next. Now, the bill under consideration appropriates how much?

Mr. BINGHAM. Twenty-six or twenty-seven million dollars.

Mr. GAINES of Tennessee. It appropriates $26,931,053.16 and there are 8 pages of increases and the bill contains 142 pages of printed matter. The report of the committee covers 24 pages. None of these have we ever seen until noon to-day, having been printed last night.

Mr. BINGHAM. I will simply say to the gentleman that nine-tenths of the bill is simply a reenactment of current law.

Mr. GAINES of Tennessee. I take the gentleman's word for that, as I take the word of any other honest gentleman. He may be honestly mistaken. How many weeks did your committee spend in preparing this bill?

Mr. BINGHAM. Ten days.

Mr. GAINES of Tennessee. Working day and night?

Mr. BINGHAM. No; not night. [Laughter.]

Mr. GAINES of Tennessee. Then I want to state that I have talked here with some members of that committee who said that they were coming up here at night to work on that report. I do not know whether they wanted to prove to me that they were industrious, but they might have worked at something else. [Laughter.]

Mr. CLARK. I would like to have five minutes of my own. I want to ask the gentleman from Indiana two or three questions in the first place. Are the number of clerks in the War Department cut down or increased by this bill?

Mr. HEMENWAY. They are reduced from the appropriations of last year to the extent of $55,000.

Mr. BINGHAM. Fifty-seven thousand.

Mr. CLARK. Mr. Chairman, as a common-sense proposition this entire temporary force of the War Department ought to be wiped out right now, this minute; and I will give you the reason for it. It has been stated in the newspapers, and I suppose it is true, that the appropriations for the War Department for this year are to be cut down a little over $31,000,000. That is true, is it not? It is stated—I do not know whether in the President's message, but stated authoritatively anyway—that all our troops

in the Philippine Islands have been withdrawn except 15,000. Now, if this is true, there is no sense and no reason for maintaining the remainder of the temporary force in the War Department.

Mr. HEMENWAY. Will the gentleman permit me right there?

Mr. CLARK. Yes, sir.

Mr. HEMENWAY. I wish they could all be discharged right now, but they can not. When a regiment is mustered out the gentleman understands that then the statement of all the accounts comes up, and it takes two years sometimes before they can get these accounts settled. The work comes in and all the burden of the work comes as the men are discharged.

Mr. CLARK. Now, let me ask, as you know all things, how many hours a day do they work?

Mr. HEMENWAY. It is claimed that eight hours is a day's work, but by every head of the Department who has come before our committee they insist that the clerks are working overtime; and the chairman of this committee, General BINGHAM, has just pointed out that we did not give the Department by more than 600 the number of clerks they asked. We have held them down until they insist that they are working their clerks overtime on account of their not having a sufficient force of clerks.

Mr. CLARK. I am glad that that is true, and so far, pro tanto, the committee ought to be thanked.

Mr. HEMENWAY. One additional statement. We have not increased a single man in the force of the War Department, nor have we increased a single salary in the War Department, but we reduced the sum total of the lump appropriation fifty-odd thousand dollars.

Mr. CLARK. Twice on the floor of this House the gentleman from Indiana has stated that 10 per cent of all the clerks in all the Departments at Washington are incapacitated for doing any work at all that amounts to anything. Now, I say that every one of them ought to be "bounced."

Mr. HEMENWAY. May I call the gentleman's attention to a section of this bill, that provides that the appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the continuance of any person permanently incapacitated for the performance of such service? The committee has inserted that provision of law. I regret that we can not organize ourselves into a force to go down and see that the law is obeyed; but the law is not obeyed, and the committee has gone as far as it could by putting in that no money provided in this bill shall be available for the payment of incompetent clerks.

Mr. CLARK. That is the very best proof that can be had that my contention and the contention of the gentleman from Georgia is well taken—that we do not know what is in this bill simply because we have had no time to find out. If I had known that that provision was in here, I would not have made the remark that I made before; but we never had any chance to learn what is in this bill.

Mr. HEMENWAY. I will ask the gentleman right now, what committees does the gentleman serve on?

Mr. CLARK. On the Committee on Foreign Affairs and the Committee on Patents.

Mr. HEMENWAY. In reporting from your committee, do you see that at least three days elapse before your bill is taken up?

Mr. CLARK. No, we do not; but we ought to do so, and will hereafter, so far as I can influence its action.

Mr. HEMENWAY. Then you have to rely upon the acts of the Committee on Appropriations as we have to rely upon the acts of the committee upon which the distinguished gentleman serves?

Mr. CLARK. Yes. Let me ask the gentleman a question. At the last session of Congress the Committee on Foreign Affairs reported to the House one of the most important bills reported here during the session—the Chinese-exclusion bill. There may have been 40 members of the House who wanted to argue that question. Suppose we had dumped it in one day and demanded consideration the next day? How would you have liked that?

Mr. DINSMORE. I want to call the attention of the gentleman from Missouri to one fact in the bill. I realize the tender solicitude he feels on the subject of civil service in the Government, and I would like him to ascertain from the gentlemen who are informing us by slow process as to the contents of the bill the necessity for the appropriation, after the war with Spain, of more than half a million dollars for temporary clerks, messengers, etc. I would like him to ascertain why it is that they have precluded the possibility of making the appointments, of assigning persons to do that work, from the civil-service list—the eligible list.

Mr. HEMENWAY. We will take that up when we get to it.

Mr. CLARK. The gentleman misunderstood one remark I made before. I say as long as this Committee on Rules controls the machinery of this House it is in the power of the Speaker—and I am not complaining of the present Speaker or the former Speaker, Mr. Reed, for both of them have treated me very kindly—but it is in the power of the Speaker and two members of the Committee on Rules, and it does not make any difference which party is in power, to pick out a great measure that is going to be discussed here and determine in their own minds the day that it is going to be discussed, and then to give the men whom they want to have that knowledge ten days' notice that that bill is going to be taken up on a certain day and discussed; and it puts the proponents of the bill in a place of vast advantage over the men who want to oppose it. I say that such a thing could be done under the present system.

It is not right, and I do not care how able the members of the Appropriations Committee may be or how honest they may be, the humblest members on this floor have just as much right to their opinion about how the people's money should be disposed of as the members of the Appropriations Committee have.

Mr. HEMENWAY. Let me ask the gentleman a question. If a bill is before his committee, where he puts in days and weeks of time informing himself as to its merits, is it possible for myself or any other member who does not serve upon that committee to have the information on the bill that he himself has?

Mr. CLARK. No; I do not think it possible—certainly not probable. I am perfectly frank about that. If we had given a week's notice of the consideration of the Chinese bill, I undertake to say that there is not a member on the floor of the House who would have been as well informed on the subject as the members of the Foreign Affairs Committee, because we had given about two months to constant hearings by the ablest men in the country; but it is fair that we at least have a chance for our "white alley" in the debate, and I do not refer to Democrats any more than to Republicans.

Mr. MADDOX. I want to say to the gentleman from Missouri that it would not take more than three days to find out about these increases in appropriations.

Mr. CLARK. No; we could find out all about these accounts. And, Mr. Chairman, I am opposed to the increase of salaries except on a full and fair discussion. Now, I will make you a proposition. I am willing to make it to everybody. If you will give us ten days at the beginning of the next Congress to debate these rules and have a fair chance to amend them, I will not open my head about them again during this session of Congress. But to come in here as somebody will, and I have no doubt it will be the gentleman from Pennsylvania, Mr. DALZELL, and make a motion that the rules of the Fifty-seventh Congress be adopted by the Fifty-eighth Congress, and have five minutes' debate on each side, or ten, it may be, and then for two years more all we can do is to howl about it and kick occasionally and sporadically. I am going to offer an amendment to the rules, either now or then, that every appropriation bill shall be printed and then lie on the table three days, so that everybody may have a chance to investigate it.

The Clerk, proceeding with the reading of the bill, read as follows:

To enable the Clerk of the House to prepare and complete a digested summary and alphabetical list of private claims presented to the House of Representatives from the Fifty-second to the Fifty-seventh Congress, inclusive, 3 clerks, at $1,600 each, during the fiscal year 1903; in all, $4,800. And said work shall be completed and ready to be printed on or before July 30, 1904.

Mr. GOLDFOGLE. Mr. Chairman, I should like to ask the gentleman, the chairman of the committee who reported the bill, why it is necessary to prepare and complete a digested summary in alphabetical list of private claims to be presented to the Fifty-seventh Congress?

Mr. MANN. Mr. Chairman, upon that paragraph I want to reserve a point of order.

Mr. BINGHAM. Does the gentleman from New York make an inquiry?

Mr. GOLDFOGLE. Yes.

Mr. BINGHAM. This work was provided for at the last session and we are still continuing it, and if the gentleman will read to the close of the paragraph he will see that it is to be completed and ready to be printed on July 30, 1904.

Mr. GOLDFOGLE. What practical and substantial purpose will the printing serve?

Mr. BINGHAM. I am informed that the index will be valuable to members who are investigating these claims; when members come to the several sessions of the House, that index will be very valuable.

Mr. GOLDFOGLE. Do you mean claims now pending before the Committee on Claims?

Mr. BINGHAM. Claims presented in the Fifty-second Congress and since, down to the Fifty-seventh Congress.

Mr. GOLDFOGLE. Suppose we have to consider only claims pending in the Fifty-seventh Congress, and either undetermined by the committee or not passed upon by the House, what purpose is served by having a record of claims introduced in several previous Congresses, from the Fifty-second to the Fifty-sixth, inclusive?

Mr. BINGHAM. I am informed that these claims run up into the thousands——

Mr. GOLDFOGLE. Which claims?

Mr. BINGHAM. That the only means by which you can find, for instance, a claim of John Smith is by such an index as this.

Mr. GOLDFOGLE. What is the amount of the proposed appropriation?

Mr. BINGHAM. The gentleman will see that the paragraph reads:

Three clerks, at $1,600 a year; in all, $4,800.

That is the subordinate force.

Mr. GOLDFOGLE. I want to call the gentleman's attention to the fact that the Committee on Claims, notwithstanding the fact that they have considered and passed upon in the committee room any number of claims introduced in this Congress, were unable during the last session, and it is quite evident that they will be unable during this session, to have considered by the House bills thus passed upon by the committee.

Now, with bills introduced in the Fifty-second, the Fifty-third, the Fifty-fourth, the Fifty-fifth, and the Fifty-sixth Congresses we have absolutely nothing to do; and I can not see what purpose is to be served by printing this index or digest, especially in view of the suggestion made by the President of the United States in his message, page 23, in which he deprecates "the growing tendency to provide for the publication of masses of documents for which there is no possible demand and for the printing of which there is no real necessity."

Now, this is a case within the line of the suggestion made by President Roosevelt. It is proposed that we print an index to claims which will never be looked at—claims totally dead—for the simple and sole purpose of affording so many places in this House not necessary at all, this index serving no purpose whatever except to mass up an amount of matter never to be looked at or considered.

If, on the other hand, this House could be brought to consider the claims reported by the Committee on Claims, some useful purpose might be served by preparing a list of claims pending in this committee; but to print a lot of stuff that will never be looked at by any person on earth, except as a matter of idle curiosity, is simply, it seems to me, entailing needless expense upon the Government.

Mr. BINGHAM. I will state for the information of the gentleman that from the foundation of the Government these claims have been indexed every ten years.

Mr. GOLDFOGLE. For what purpose?

Mr. BINGHAM. This index runs up already to the Fifty-first Congress. This is a proposition to carry it on to the Fifty-seventh Congress. The Senate has such an index prepared for that body—the same character of index for which we ask the House now to appropriate.

Mr. GOLDFOGLE. I understand; but the mere fact that it has been the practice of this House to print this index, which serves no useful purpose, is no reason why at this session of the Fifty-seventh Congress we should continue the pernicious practice.

Mr. BINGHAM. Of course that is a matter for the judgment of the House.

Mr. GOLDFOGLE. I ask a question which I should very much like to have the chairman of the committee answer: What purpose is this index to serve? The mere fact that it has been printed in the past is no reason why it should be printed now, if we can save this needless expense.

Mr. BINGHAM. According to the information which I now receive this index is a matter of constant reference; and the subordinate officers of the House, who have charge of the matter, make the unqualified declaration that they could not do the business of their offices without being in possession of this index.

Mr. GOLDFOGLE. Is it not a fact that the only claims that can come up for consideration in this Congress are those which have been introduced in the shape of bills either at this session or the last?

Mr. BINGHAM. Without doubt, a claim not acted upon in one Congress must die unless it be introduced at the succeeding Congress.

Mr. GOLDFOGLE. Then what purpose can be served by having an index of the private bills introduced in the five previous Congresses, when those bills unless passed by Congress are dead?

Mr. SMITH of Kentucky. If the gentleman from Pennsylvania [Mr. BINGHAM] will permit me, I should like to make a suggestion, which I think will throw some light on the question raised by the gentleman from New York [Mr. GOLDFOGLE]. During this session of Congress I have had occasion to use some papers that had been used in connection with a bill introduced as far back as the Forty-fifth Congress. I endeavored the best I could to find them, and finally, after exhausting all the skill that I possessed in trying to find them, I went to the clerk of the file room and told him about the case, and asked him to find the papers. By reference to this index he was able to find them very readily. Now, it frequently happens that we want to secure the papers that were used in a Congress many years ago, for use in this or some future Congress, perhaps. We can get at those papers only by use of this index.

Mr. GOLDFOGLE. Calling the attention of the gentleman to the fact that the Committee on Claims gets very little opportunity indeed to pass any claims, however meritorious, I would ask what good purpose the information would serve.

Mr. SMITH of Kentucky. Well, I will say that it gave me possession of the papers and enabled me to form an opinion as to the justice of this claim and to determine whether I would reintroduce the bill or not.

Mr. GOLDFOGLE. Then is it not a fact that after the bill was introduced, and after the committee gave careful consideration to the bill, it could not be passed because the rules of this House precluded the consideration of the bill?

Mr. SMITH of Kentucky. I do not care to discuss that phase of the question with the gentleman from New York. I agree that the rules of the House are not what they ought to be. I agree to that proposition, but I do see a good purpose to be served in carrying down this index.

Mr. CLARK. Mr. Chairman, I would like to ask the gentleman from Pennsylvania a question.

The CHAIRMAN. Does the gentleman yield?

Mr. BINGHAM. With pleasure.

Mr. CLARK. These men getting up this index are paid $4,800 a year, are they not?

Mr. BINGHAM. In all, three clerks, at $1,600 each.

Mr. CLARK. That means per year?

Mr. BINGHAM. Oh, that means the current year.

Mr. CLARK. How long have they been working at this herculean job?

Mr. BINGHAM. Commencing in April, under the current law.

Mr. CLARK. Now, this is simply to collate a digest of claims which have been introduced here since the Fifty-first Congress?

Mr. BINGHAM. The book of claims is completed up to the Fifty-first Congress. The Senate, on their side, have completed it up to date. This completes it from the Fifty-first to the Fifty-seventh Congress.

Mr. CLARK. Why, Mr. Chairman, I undertake to say that if this index is desirable, and I have no doubt it is, there are plenty of clerks lying around Washington who can make that complete index from the beginning of the Fifty-first Congress down to the present date in six months.

Mr. GOLDFOGLE. In less time than that.

Mr. CLARK. And here we are appropriating $4,800 a year for a thing which my secretary can do in six months, and I would be willing to risk my head on the proposition.

Mr. GOLDFOGLE. And the gentleman would not lose.

Mr. CLARK. I object to that item in this bill. Mr. Chairman, I move to amend that section by cutting the amount down to $1,200.

The CHAIRMAN. A point of order was made by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, pending the point of order. I would like to ask the gentleman from Pennsylvania whether there is any duplication by reason of this provision and the one upon page 15 providing for a digest of the claims.

Mr. BINGHAM. Page 15 of the bill?

Mr. MANN. Page 15 of the bill. A clerk is there provided for at $2,000 a year to continue a digest of claims. It is in line 5, on page 15 of the bill.

Mr. BINGHAM. I would state that there is no relation whatever in their lines of work.

Mr. MANN. I will ask the gentleman from Pennsylvania what good object is to be subserved by having one set of clerks prepare an index of claims and another set prepare a digest of claims?

Mr. BINGHAM. I will state to the gentleman that if he will wait until we come to that I will have the matter looked up. We will have it looked up before we get to that paragraph.

Mr. MANN. Well, Mr. Chairman, that is not a very satisfactory reason for withdrawing a point of order on the present paragraph.

Mr. BINGHAM. All I can say to the gentleman is that we have followed the current law with reference to this appropriation, and that if, when we come to the paragraph which the gentleman has reference to, it becomes evident that there is a duplication of work, your committee will make the correction. Or, if the gentleman desires, I will ask that this be passed over and the reading of the bill continued.

Mr. MANN. I do not desire that. Does the gentleman from

Pennsylvania state, as a member of the Committee on Appropriations, which pays considerable attention to the matter of claims, that the making of this digested summary and alphabetical list of private claims is necessary in order that a proper understanding may be had, at any time, of any claim?

Mr. BINGHAM. That is the understanding of the committee as to the usefulness of the book.

Mr. MANN. Do I understand that this is a mere index, or is it in a sense a history of the claims which have been presented?

Mr. BINGHAM. Yes; and I have asked the Clerk to find those papers.

Mr. MANN. I withdraw the point of order, Mr. Chairman.

Mr. CLARK. I renew it.

The CHAIRMAN. The gentleman from Missouri renews the point of order.

Mr. CLARK. I will withdraw the point of order if they will agree to cut this down to $1,200.

Mr. HEMENWAY. The Committee on Appropriations have no bargains to make about the matter.

Mr. CLARK. All right; I insist on the point of order then.

Mr. HEMENWAY. This item seems to be necessary, for the benefit of the members of the House, and if the gentleman from Missouri wants to take the responsibility of cutting it out by a point of order, if the Chair sees fit to sustain him, I suppose he has the right to do it. But before the Chair rules, of course the committee would like to be heard on the question whether it is subject to a point of order or not.

Mr. GAINES of Tennessee. I should like to ask the gentleman a question about this matter.

Mr. HEMENWAY. I am very clear that the item is not subject to a point of order.

Mr. GAINES of Tennessee. Mr. Chairman, I should like to ask the gentleman from Pennsylvania if the purpose of this paragraph is to print a bill, say, of the Fifty-fifth Congress, that was reintroduced in the Fifty-sixth Congress?

Mr. BINGHAM. It has nothing to do with the printing of bills.

Mr. GAINES of Tennessee. Well, then, will the index include a bill, say, introduced in the Fifty-fifth Congress and introduced again in the Fifty-sixth Congress? If the bill is indexed when the bill is printed, of course the bill thus duplicated under this provision would naturally be printed. There is no necessity for that, I think.

Mr. BINGHAM. I would say to the gentleman that as I understand the value of the index, it gives the sequence or history of every claim introduced and becomes most valuable for reference.

Mr. GAINES of Tennessee. I understand that.

Mr. BINGHAM. And the clerk in that division makes the statement to the committee that he could not conduct the work of his office unless he had that aid beforehand. It has been so recognized as a necessary piece of legislation by both the Senate and the House.

One step further, if the gentleman will permit me. This is a continuing appropriation under current law, and the work must be completed before July 30, 1904. We are just continuing in this bill the making of the appropriation to carry out the enactment of current law.

Mr. GAINES of Tennessee. I wish the gentleman to reply to this proposition——

Mr. BINGHAM. I will state to the gentleman that the point of order is pending, and we are going into the merits of the legislation.

Mr. GAINES of Tennessee. I have the floor and I should like to finish my inquiry before I conclude the matter, and I can do it in a moment.

The purpose of this provision, as I understand it, is first to print an index. Am I correct in that?

Mr. BINGHAM. That is right.

Mr. GAINES of Tennessee. Now, that is an index to the bills?

Mr. BINGHAM. From the Fifty-first to the present Congress.

Mr. GAINES of Tennessee. Of all the bills?

Mr. SMITH of Kentucky. All claims.

Mr. GAINES of Tennessee. Now, is it intended that with this index all these bills shall be printed? I do not see any use in reprinting a bill that has already been printed.

Mr. BINGHAM. It is simply an index. It does not print the bills.

Mr. GAINES of Tennessee. And it is an index alone that is intended?

Mr. BINGHAM. And the index is to be completed from the Fifty-first to the present Congress.

Mr. LIVINGSTON. I want the gentleman from New York to understand that this is simply a matter which refers to claims and not bills.

Mr. GOLDFOGLE. I understand that.

Mr. LIVINGSTON. The gentleman from Tennessee was talking about bills all the time.

Mr. GAINES of Tennessee. With all due respect to the gentleman from Georgia, I think I talked about the index some.

Mr. LACEY. Mr. Chairman, this matter was very thoroughly thrashed over in the House at the time the amendment was originally made in regard to this index. Under the present conditions a Senator has the opportunity, when a bill is presented, to trace the history of that bill as far as it goes. By a full and complete index up to date we could ascertain the history of the claim and ascertain whether any part of it has been allowed or whether the bill has come up a second time for a second allowance.

Mr. GOLDFOGLE. Will the gentleman pardon a question?

Mr. LACEY. One moment. Now, it was found in the House very difficult to combat various claims that were presented that came up a second, a third, a fourth, fifth, and sixth time in Congress. You could go back of the Fifty-first Congress and trace the history of every claim—such as the French spoliation claims and any old claim—but in the case of any new claim or an old claim revived we could not have their history traced because of the absence of an index for the last ten years in the House. After a full explanation the provision was made, and the law authorized the employment of three clerks to make this index. They are at work upon it. They have worked on it for six months. This is a proposition to continue that work—to continue it for another year, and by that time the index can be brought up to date, and if it is not desired then it can be discontinued. It is authorized by law. The point of order would not lie against it; and even if it were not authorized by law there should be a law so that the House should have access to its own records to protect itself from the duplication of claims and their repayment. This index does prevent the second allowance or the additional allowance of claims growing out of the same transaction.

Mr. GOLDFOGLE. Assuming, for the sake of the argument, that it is necessary to have such an index, a proposition I deny, do you not think that $4,800 is an extravagant sum to pay to index the private claim bills introduced in the last five Congresses?

Mr. LACEY. The gentleman must concede the magnitude and numbers of the claims that are presented to this Government. He must concede the fact that every bill ever introduced setting up a claim against the Government and not allowed comes up again and again in the same form or in a different form, or in the name of an assignee perhaps, or the name of an heir, and after having been thoroughly talked down on the floor of the House and fully discussed and understood by the House it comes up again in a different form, and can not be met under the existing conditions because of the absence of any index that will enable a vigilant gentleman like my friend from New York to examine these questions.

Mr. GOLDFOGLE. May I interrupt you?

Mr. LACEY. One moment. But under the present proposition, with an index, if a claim comes up on the floor that my friend thinks is of doubtful character, he looks it over in a hurry. He wants to inform himself upon it, and without an index he can go down among the files and in about eight weeks' time perhaps learn all about it, but with an index he can do it in five minutes and ascertain everything that he has done about that claim, or he can have his clerk get it for him in a few minutes. He can do it now with all claims up to the Fifty-first Congress, and from that time to the present time that can be done in the Senate, but the House since 1889 has no means by which members can inform themselves, and therefore this index is absolutely essential in order that the House may protect itself against duplication in the presentation of claims. It is a saving of money. It is not a question of $1,600 a year.

Mr. GOLDFOGLE. Forty-eight hundred.

Mr. LACEY. No; not $4,800. This is the proposition. There are three of these clerks. Three of them necessarily can do the work in one-third of the time that one will do it; so it is not a question of $4,800. If we had six clerks they could do it in one-sixth of the time. I think it might be well to made it six clerks instead of three.

Mr. GOLDFOGLE. They could do all this work in three months if they worked diligently.

Mr. LACEY. Not all are so rapid as my friend from New York.

Mr. GOLDFOGLE. I am on the Committee on Claims and thoroughly familiar with the work before that committee, and thoroughly familiar with the work of each individual member of the committee, too, and I know that no member of the committee has the slightest difficulty in tracing the history of any claims presented before that committee.

Mr. SMITH of Kentucky. A parliamentary inquiry.

The CHAIRMAN. The time of the gentleman has expired, and the Chair is ready to rule.

Mr. CLARK. I want to ask the gentleman from Iowa a question for information.

Mr. LACEY. Certainly.

Mr. CLARK. You say that this appropriation item is now existing law. Now, is there any law for it except the last appropriation bill?

Mr. LACEY. That is an existing law.

Mr. CLARK. That ends with this Congress.

Mr. LACEY. It creates the position.

Mr. CLARK. If that is true, you could go on appropriating for these fellows until the crack of doom.

Mr. LACEY. This is a continuation of a work now begun. The last Congress started this work by making the appropriation, and if this appropriation is not continued the work done under the appropriation of the last Congress will be lost. The work done thus far by these clerks is incomplete. Unless we have it brought up to date we will lose the benefit of the work already done. Now, an appropriation for the continuation of a work now commenced is not subject to a point of order.

Mr. CANNON. If my friend will allow me, it is for the convenience of the House, and the same law exists for it that it does for the appropriation for pages. Now, these claims are over in the file room, and they have their place. If I want to see one of them, as I sometimes do, two or three Congresses ago, I must go to the file clerk to find it. If the file clerk did not have an index of some kind, he would have great difficulty in keeping his office in due shape. Its usefulness in a general way was well expressed by the gentleman from Iowa [Mr. LACEY]. We might possibly go without the information; but if so, it would be to the disadvantage, inconvenience, and I might say the safety of members. If the gentleman will take the index and examine it, he will see that it requires much care to make it useful.

Mr. CLARK. Let me ask the gentleman a question. Does he contend that because this item was in the last appropriation bill it is existing law and would authorize the Chairman to overrule the point of order?

Mr. CANNON. I do not put it on that ground. I put it on the same ground that I would if the gentleman rose in his place and offered an appropriation for an additional page.

Mr. CLARK. The gentleman is arguing the merits of the case.

Mr. CANNON. No, I am not.

Mr. CLARK. I am arguing the point of order.

Mr. CANNON. And I am arguing the point of order.

Mr. GOLDFOGLE. Do I understand the gentleman from Illinois simply to discuss the point of order, or is he arguing that the contemplated expenditure is reasonable?

Mr. CANNON. I am trying to answer my friend from Missouri about the point of order. I think it is in order.

Mr. BINGHAM. Mr. Chairman, with reference to the point of order, this bill for the next fiscal year carries out the requirements of the existing order of legislation. It reads as follows in the current law:

To enable the Clerk of the House to prepare and complete a digestive summary and alphabetical list of private claims presented to the House of Representatives from the Fifty-second to the Fifty-seventh Congress, inclusive, three clerks, at $1,600 each, during the fiscal year 1902; in all, $4,800. And said work shall be completed and ready to be printed on or before July 30, 1904.

The paragraph of this bill follows exactly the direction of the existing statute.

The CHAIRMAN (Mr. CAPRON). The Chair finds that the statutes on page 582 are exactly as have been read by the gentleman from Pennsylvania, and that under Rule XXI of the House this is clearly a continuation of a public work already in progress, and hence the Chair overrules the point of order.

Mr. CLARK. Mr. Chairman, I move to amend that paragraph by substituting thirty-two hundred dollars for forty-eight hundred dollars.

Mr. LACEY. And to that I make the point of order.

The CHAIRMAN. The gentleman from Iowa makes the point of order against the proposed amendment.

Mr. CLARK. What is the point of order?

Mr. LACEY. That the $4,800 is fixed by existing law by the last Congress.

Mr. CLARK. In an appropriation bill.

Mr. LACEY. It makes no difference whether it is in an appropriation bill or not, it is the law of the land.

Mr. CLARK. It is against the rules of the House to move to increase an appropriation, but it is not against them to cut one down.

Mr. LACEY. The Holman rule, to which the gentleman refers, is not in force now.

Mr. CLARK. When was it repealed?

Mr. LACEY. Oh, before the gentleman came into Congress.

Mr. LLOYD. Mr. Chairman, is it not true that we refused to pay the Civil Service Commission anything at all at one session of Congress? This House refused to pay them anything. You can make any reduction you please, but you can not increase one. Now, while I am on my feet, I wish to ask the Chairman this question. I am not sure that I understand this feature of the bill. My impression is that the words "private claims" are used to include the claims now presented to the War Claims Committee, the Claims Committee, the Pensions Committee, and the Invalid Pensions Committee. If that be true it includes a large number of items. If it only includes claims, such as the gentleman from New York [Mr. GOLDFOGLE] seems to understand, why, it does not amount to a large number of cases, and it is not much of a task to make the index. But if it includes all the claims presented to the four committees I have mentioned, it amounts to about 10,000 claims presented to each Congress.

Mr. GOLDFOGLE. I understand it only includes private claims.

Mr. LLOYD. That would include claims presented to the four committees I have mentioned.

The CHAIRMAN. The Chair will overrule the point of order.

Mr. LIVINGSTON. Mr. Chairman, I want to say that this work is incomplete. If the members of Congress intend to have an index in time, or anything like a reasonable time, you will allow the three clerks to complete it. If three clerks are to be employed, $1,600 a year for that kind of work is a reasonable price, and it ought not to be cut down.

Mr. MADDOX. Are there three clerks now engaged in this business?

Mr. LIVINGSTON. This proposes three.

Mr. MADDOX. How many are now engaged?

Mr. LIVINGSTON. I am answering only one question. This bill proposes three. How many have been employed in the past I do not recollect.

Several MEMBERS. Three.

Mr. LIVINGSTON. That is my recollection—that three have been employed.

Mr. MADDOX. Then three have been employed heretofore. It is proposed now to employ three more.

Mr. LIVINGSTON. No, sir; this is simply a continuation of the service.

Mr. MADDOX. The proposition is to continue in office the same three?

Mr. LIVINGSTON. So I understand.

Mr. MADDOX. Then the gentleman might have answered my question before.

Mr. LIVINGSTON. This is a business proposition which looks to the convenience of the House. It proposes to facilitate the business of every man who wants to know anything about an old claim, whether in the Fifty-second, the Fifty-third, the Fifty-fourth, the Fifty-fifth, the Fifty-sixth, or the Fifty-seventh Congress.

Mr. GOLDFOGLE. The trouble is that we can not have these claims considered, whether they are old or new.

Mr. LIVINGSTON. The gentleman said a moment ago that he was perfectly familiar with this matter of private claims before the House. I guarantee that he does not know anything about one in a thousand of these claims; and he knows he does not.

Mr. GOLDFOGLE. The gentleman is in error; I am on that committee.

Mr. LIVINGSTON. If you mean that you know about the private claims pending in this Congress in which you are serving, you may be right; but the gentleman must remember that there is no possibility of his knowing about claims pending in previous Congresses except by means of an index, such as we are now proposing.

Mr. GOLDFOGLE. The gentleman means claims never considered.

Mr. LIVINGSTON. I repeat that this is simply a question of convenience for the House. If you want to have this index brought up promptly you want to continue the employment of these three men; but if you want the work prolonged for one, two, or three years, then vote against this proposition and string out this work indefinitely. That is all there is in the proposition.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri [Mr. CLARK] to amend the appropriation in the pending item by changing $4,800 to $3,200.

The question being taken, there were on a division—ayes 30, noes 50.

So the amendment was rejected.

The Clerk read as follows:

Clerks and messengers to committees: For clerk to the Committee on Ways and Means, $3,000; assistant clerk and stenographer, $2,000; messenger, $1,200; janitor, $720; clerk to the Committee on Appropriations, $3,000; assistant clerk and stenographer, $2,000; messenger and assistant clerk, $1,200; janitor, $720; clerks to Committees on Accounts, Agriculture, Banking and Currency, Claims, District of Columbia, Elections, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Insular Affairs, Invalid Pensions, Judiciary, Library, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Pensions, Post-Office and Post-Roads, Printing, Public Buildings and Grounds, Public Lands, Rivers and Harbors, Revision of the Laws, War Claims, and

clerk to continue Digest of Claims under resolution of March 7, 1888, at $2,000 each; assistant clerk to the Committee on War Claims, $1,200; for janitors for rooms of the Committees on Accounts, Agriculture, Banking and Currency, Claims, District of Columbia, Elections, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Insular Affairs, Invalid Pensions, Judiciary, Library, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Post-Office and Post-Roads, Pensions, Printing, Public Buildings and Grounds, Public Lands, Rivers and Harbors, and War Claims, at $720 each, and said janitors shall be appointed by the chairmen, respectively, of said committees, and shall perform all of the duties heretofore required of messengers detailed to said committees by the Doorkeeper; in all, $31,600.

Mr. OLMSTED. I offer the amendment which I have sent to the desk.

The Clerk read as follows:

In line 24 of page 14 insert after the word "Elections" the words "Numbers One and Two."

Mr. BINGHAM. What is the purpose of this amendment?

Mr. OLMSTED. The bill as it now reads provides for a clerk to the Committee on Elections. It does not specify how many Committees on Elections. A similar provision was made in the bill one year ago; and that clerk was allotted—in fact, sent without any discussion—to the Committee on Elections No. 1. The result was that when the Elections Committee No. 2 met at the beginning of this Congress it had no clerk, it had no janitor, it had no assistants whatever, so that the chairman himself personally employed a janitor and a clerk. Afterwards, two or three months having elapsed, appropriate resolutions were adopted by the House, so that that committee now has a clerk and a janitor, but only for the current year.

Now, this bill makes appropriations for the fiscal year ending June 30, 1904, and unless the amendment I propose be inserted, this committee will meet at the next Congress with no clerk, no janitor, and no assistants whatever, which will be very unfair to the committee. I do not know whether I shall be upon the committee, but I know what assistance is required by the committee; and the minority members on the committee will all agree with me, as I hope the Committee of the Whole will, as to the propriety of the amendment I have offered.

Mr. BINGHAM. I have no desire, in view of the gentleman's statement, to resist his proposition.

Mr. CLARK. I think we had better consolidate these three Committees on Elections than give this extra clerk.

Mr. OLMSTED. Then I hope the gentleman from Missouri will be made chairman of that consolidated committee.

Mr. CLARK. I will very cheerfully accept that office in the next Congress. [Laughter.]

Mr. DRISCOLL. As a member of Elections Committee No. 3, I suggest that similar provision be made for that committee. I offer an amendment to that effect.

Mr. BINGHAM. I think the whole proposition had better go to the Committee of the Whole to be determined as it may deem best. I make no point of order.

The CHAIRMAN. The amendment of the gentleman from New York [Mr. DRISCOLL] will be read.

The Clerk read as follows:

Amend the amendment by adding "and No. 3;" so as to make the clause read "Elections Nos. 1, 2, and 3."

Mr. CLARK. I make a point of order against that.

The CHAIRMAN. The Chair thinks that it is competent for the committee to determine, by the addition of certain words, what it means in further explanation of the paragraph, and that the addition of the words "One, Two, and Three" is merely explanatory. The point of order is therefore overruled.

Mr. CLARK. Mr. Chairman, I wish to offer an amendment on page 15 of the bill.

The CHAIRMAN. The Chair will state to the gentleman that there is an amendment already pending. The question is on the amendment to the amendment.

Mr. LLOYD. Mr. Chairman, do I understand from the ruling of the Chair that there will be only one clerk? Will there be but one clerk for the Committees on Elections Nos. 1, 2, and 3, or will the adoption of this amendment add two clerks?

The CHAIRMAN. The Chair will request that the amendment to the amendment be read.

Mr. CLARK. If the Chair rules these words ought to be inserted to enable the Committee on Appropriations to determine what it means, then I suggest that we adopt another amendment to find out what the gentleman from Pennsylvania [Mr. OLMSTED] means. Does the gentleman mean three clerks or one clerk?

Mr. OLMSTED. I mean just what we have now, one clerk for each committee, but I want it settled at this time, instead of having it come in from the Committee on Accounts by special resolution after Congress has been in session three or four months, and the committee working without any clerk or janitor meantime.

Mr. BINGHAM. As I understand the proposition, there are at present existing three Committees on Elections.

Mr. OLMSTED. That is right.

Mr. BINGHAM. Each committee has a clerk at $6 a day during the sessions of Congress. Is it for the next fiscal year that the Committees on Elections Nos. 1, 2, and 3 are to have a $2,000 clerk? Is that the proposition as amended?

Mr. OLMSTED. Yes.

Mr. BINGHAM. That is the proposition before the House, Mr. Chairman.

Mr. SHACKLEFORD. Is this other clerk kept at $6 a day?

Mr. BINGHAM. No; we will strike that provision out when we come to that paragraph.

Mr. SHACKLEFORD. Is not that the creation of two new offices by an appropriation bill?

Mr. LIVINGSTON. No.

The CHAIRMAN. The offices already being filled with incumbents at the present time, the Chair thinks it could hardly be so considered.

Mr. SHACKLEFORD. I make the point of order that it is new legislation.

The CHAIRMAN. The Chair has already ruled on that point of order.

Mr. OLMSTED. I call for a vote, Mr. Chairman.

The CHAIRMAN. The question is on the amendment to the amendment proposed by the gentleman from New York [Mr. DRISCOLL].

Mr. OLMSTED. I will accept that amendment.

The CHAIRMAN. The amendment to the amendment is accepted, so that if the amendment is adopted the paragraph will read as follows:

Clerks to Committees on Accounts, Agriculture, Banking and Currency, Claims, District of Columbia, Elections Nos. 1, 2, and 3.

Mr. OLMSTED. That is correct.

Mr. LLOYD. I would like to ask the gentleman from Pennsylvania whether it is not true that Elections Committees 2 and 3 now have a session clerk?

Mr. OLMSTED. They each have a session clerk, but provision for that clerk runs out with the current year.

Mr. LLOYD. I understand that if this amendment becomes law, then there will be a permanent clerk for each committee.

Mr. OLMSTED. For one year.

Mr. LLOYD. Prior to this time we have had only one clerk, and that was for Elections Committee No. 1.

Mr. OLMSTED. And two session clerks.

Mr. LLOYD. And the session clerks belonged to Elections Committees 1 and 2.

Mr. OLMSTED. There is no great difference in the expense, but the difference is that the committee, when it meets, will have the assistance at its first meeting.

Mr. LLOYD. Is it not true that the session clerks are provided for on page 16 of the bill, at the top of the page?

Mr. BINGHAM. If they are, that will be stricken out when we come to it.

Mr. LLOYD. It is the purpose of the gentleman to have it stricken out?

Mr. BINGHAM. Certainly. Instead of a session clerk, the gentleman asks for an annual clerk.

Mr. LLOYD. I understand that.

Mr. BINGHAM. At a fixed compensation of $2,000, which runs for the next fiscal year. We will strike out, when we come to the paragraph, the session clerks, so as to make the bill consistent with the action of the House, whatever it may be at this time.

Mr. GOLDFOGLE. Mr. Chairman, I should like to inquire of the gentleman from Pennsylvania whether the digest of claims referred to in line 5 of page 15, for which $2,000 is to be appropriated, is not the same digest for the preparation of which we appropriated $4,800 a few moments ago?

Mr. BINGHAM. I think we had better wait until we dispose of this question that is now pending. Then we will come to that paragraph. There is no disposition on the part of the committee to evade its responsibility.

Mr. GOLDFOGLE. I thought the other matter was disposed of.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. OLMSTED. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Amend by inserting in line 11, page 15, after the word "Elections," the words "One, Two, and Three."

Mr. BINGHAM. I would ask the Committee on Elections—the gentleman from Pennsylvania [Mr. OLMSTED]—do your three committees have independent committee rooms?

Mr. OLMSTED. Oh, yes.

Mr. BINGHAM. Separate rooms?

Mr. OLMSTED. Oh, yes.

The amendment of Mr. OLMSTED was agreed to.

Mr. GOLDFOGLE. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Strike out lines 5 and 6 and the word "eight" in line 7.

Mr. GOLDFOGLE. Mr. Chairman, I find that in lines 5 and 6 a clerk is provided to prepare a digest of claims, at $2,000 per annum. I would like to inquire of the gentleman from Pennsylvania whether the digest of claims referred to in this paragraph is not the digest for the preparation of which we voted $4,800 a few moments ago?

Mr. BINGHAM. Before making any remark upon the subject, I should prefer to call upon the gentleman from Tennessee [Mr. GIBSON], who is a member of the Committee on War Claims, to make answer to the gentleman's inquiry.

Mr. GIBSON. I am a member of the War Claims Committee and am familiar with the duties of this clerk. He has been in the employment of the committee ever since I have been a member of it—for four Congresses now—and his services are absolutely indispensable to the business of that committee.

Mr. GOLDFOGLE. By whom is he appointed?

Mr. GIBSON. I know nothing about that. He is there.

Mr. GOLDFOGLE. Is he preparing this digest of claims?

Mr. GIBSON. He keeps up a continuous account of all claims presented to Congress growing out of the war of the rebellion and all other wars.

Mr. GOLDFOGLE. Why, Mr. Chairman, that is precisely what we voted $4,800 for a few moments ago.

Mr. GIBSON. I want the gentleman to hear what I have to say. I have the floor.

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from New York?

Mr. GIBSON. I do not, because I have not finished my remarks.

Mr. GOLDFOGLE. I asked the gentleman a question. I do not wish him to consume my five minutes.

Mr. GIBSON. I claim the floor. The floor has been yielded to me.

Mr. GOLDFOGLE. I have the right to the floor.

The CHAIRMAN. The gentleman declines to yield.

Mr. GAINES of Tennesee. Why, Mr. Chairman, the gentleman from New York has the floor. He asked the gentleman from Pennsylvania [Mr. BINGHAM] a question, and the gentleman from Pennsylvania asked the gentleman from Tennessee [Mr. GIBSON] to answer it.

Mr. GOLDFOGLE. I have the right to the floor under the rules.

The CHAIRMAN. Does the gentleman from New York wish to have the gentleman from Tennessee continue his explanation?

Mr. GOLDFOGLE. No.

Mr. BINGHAM. If the Chair will hear me a moment, the gentleman from New York addressed to me an inquiry.

The CHAIRMAN. The gentleman from New York [Mr. GOLDFOGLE] is recognized.

Mr. BINGHAM. I asked that the gentleman from Tennessee, a member of the Committee on War Claims, might first make his statement in answer to the inquiry of the gentleman from New York [Mr. GOLDFOGLE].

Mr. GOLDFOGLE. And the gentleman proposes to make a speech and to consume my five minutes.

Mr. BINGHAM. I hope not. I hardly think a speech is necessary.

Mr. GOLDFOGLE. I do not think so, either.

Mr. BINGHAM. The gentleman from Tennessee took the floor in order to reply to the inquiry of the gentleman from New York to myself.

Mr. GOLDFOGLE. I asked a question as to who appointed this clerk, and the gentleman from Tennessee said he did not know. Now, I want to say that we voted $4,800 a few moments ago to pay the salaries of clerks to prepare a digest of claims introduced in the Fifty-second, Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses. And now with this paragraph is a provision to pay a clerk for continuing a digest of claims, practically the same thing—I assume it to be the same thing unless it is positively contradicted. In other words, after having $4,800 in one paragraph for preparing a digest of claims, we find that another clerk is provided for at $2,000 to continue a digest of claims. It is the same work. I do not know how many clerks are now employed to do this work which could be done in three months.

Mr. HEMENWAY. The gentleman states it is the same work.

Mr. GOLDFOGLE. I assume it to be.

Mr. HEMENWAY. You assume it? Does not the gentleman know that a few minutes ago the gentleman from Tennessee said that it is not the same work?

Mr. GOLDFOGLE. What is the difference?

Mr. HEMENWAY. The gentleman from Tennessee will explain to him fully just what work it is.

Mr. GOLDFOGLE. If it is not the same work it ought to be thoroughly shown. We have made a provision by which we pay $4,800 for preparing a digest of claims, and now it is proposed to pay $2,000 to continue a digest of claims.

Mr. GAINES of Tennessee. The gentleman will see on page 13 the matter he alludes to as passed by the committee is private claims, whereas this digest is war claims.

Mr. GOLDFOGLE. It does not so say. Where does it say war claims?

Mr. GAINES of Tennessee. It says digest of claims on page 15. That is so.

Mr. McCLEARY. Will the gentleman allow me to ask him a question?

Mr. GOLDFOGLE. Certainly.

Mr. McCLEARY. Does he recognize the difference between index and digest?

Mr. GOLDFOGLE. I do; and if $4,800 is to be paid for preparing a proper digest for the Committee on Claims, I can take his clerk and prepare it in three months.

Mr. BINGHAM. I understand that the gentleman from Tennessee, who has taken his seat, has stated——

Mr. GOLDFOGLE. I yield to the gentleman.

Mr. GIBSON. I will state to the gentleman from New York and the House generally that there are about 3,000 bills filed before the Committee on War Claims at each Congress, covering from three to ten millions of dollars. In the last session we passed a bill for three millions; in the Congress before the last we passed a bill for over $3,000,000 of war claims. These claims date back to the war of the rebellion and to the war with England. Now the Spanish-American war claims are coming in, and all sorts of war claims are coming in, and it is impossible for the members of the committee, especially new members of the committee, to keep informed as to these claims. Many of them have been filed Congress after Congress ever since 1868, and unless we have an expert man there, an experienced man, it is highly probable that the same claim will be paid two or three times. It often happens that the same claim is presented long after it has been paid, sometimes twenty years after it has been paid. In the last Congress three claims, after they had been approved, were found to have been paid.

Mr. GOLDFOGLE. Could not that have been ascertained readily?

Mr. GIBSON. They were found out to have been already paid; and it is absolutely necessary for the committee to have somebody to whom members can go for intelligent information in reference to the history of these large claims, and know what has been the action of former Congresses, whether they were recommended by the committee or turned down by the committee; and it is necessary to have a digest of every one of these claims in order that we may know what has been the history of that particular claim from the time the bill was first introduced to the present, some of them perhaps introduced twenty years before.

Mr. GOLDFOGLE. Are the claims referred to in this item war claims?

Mr. GIBSON. They are claims arising out of the war of the rebellion and the war with Spain; also the last war with England.

Mr. GOLDFOGLE. Upon the statement of the gentleman, I withdraw the amendment.

Mr. GIBSON. The Congress before last had claims before it that went back so far as the war of 1812 with Great Britain, and some of these claims would be paid several times unless the Government were furnished with expert information on the subject.

Mr. GOLDFOGLE. The gentleman's explanation is entirely satisfactory and I withdraw the amendment.

Mr. LLOYD. Will the gentleman inform me who at the present time is the clerk of the War Claims Committee?

Mr. GIBSON. Mr. Holloway.

Mr. LLOYD. Who is the clerk that makes the digest?

Mr. GIBSON. The gentleman referred to, Mr. Holloway, is the expert clerk of the War Claims Committee and makes this digest of the claims referred to on page 15.

Mr. LLOYD. Who is the clerk that is provided for at the end of line 4?

Mr. GIBSON. That is the ordinary committee clerk.

Mr. LLOYD. Who is he?

Mr. GIBSON (continuing). Just as other important committees have clerks.

Mr. LLOYD. Who is he?

Mr. GIBSON. Mr. Frye.

Mr. LLOYD. And who is the assistant that is provided for there?

Mr. GIBSON. I will state to the gentleman frankly that I transact all my business with the expert clerk, Mr. Holloway.

Mr. LLOYD. The reason I asked the question was that I have considerable business at that office, and I have never met anyone except the expert clerk. He is a very efficient man, and I was

surprised to find that that committee had three clerks. The bill provides for three clerks, and, so far as I know, there is only one there, and for that reason I asked the question as to who they were.

Mr. GIBSON. We have the three clerks. They perform the ordinary clerical duties, keep up the docket, prepare reports, and assist in the other duties as called upon by the chairman and the individual members of the committee. I find them at work there, and they are at work there now.

Mr. LLOYD. All three of them?

Mr. GIBSON. All three of them at work.

Mr. SOUTHARD. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

After the word "Claims," line 4, page 15, insert "Committee on Coinage, Weights, and Measures."

Mr. BINGHAM. Mr. Chairman, I reserve the point of order.

Mr. SOUTHARD. Mr. Chairman, the Committee on Coinage, Weights, and Measures have on several occasions passed a resolution asking the Appropriations Committee to appropriate for a clerk for that committee. My information is that the Committee on Accounts has favorably passed upon a proposition of this kind. I do not know that any report has been made to the House, but this committee has a good deal of work to do. I know it has a good deal more work to do than many of the committees that have annual clerks. We have now a session clerk, and it seems to me fair that this committee should be provided with an annual clerk.

Mr. BINGHAM. I simply make the point of order, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Pennsylvania insist on the point of order?

Mr. BINGHAM. Yes; that it changes existing law.

Mr. SOUTHARD. All I need to do, Mr. Chairman, is to refer the Chair to the ruling just made on the amendment which provided for the clerk for the Committees on Elections 1 and 2.

The CHAIRMAN. The Chair knows of no legislation providing for this clerk, and therefore holds that the point of order is well taken.

Mr. SOUTHARD. It seems to me that that is in direct contravention of the other ruling.

Mr. BINGHAM. Mr. Chairman, I shall ask unanimous consent, when we get through the bill, that the totals may be allowed to be corrected. As we go along it is difficult to make the tabulations, but at the close of the bill there will be no trouble in making the corrections made necessary by the amendments as we go along.

Mr. RANDELL of Texas. Mr. Chairman, I would like to ask the gentleman from Pennsylvania what these 15 clerks are for that are mentioned on page 16?

Mr. BINGHAM. Right here, Mr. Chairman, is a paragraph where a correction ought to be made and changed in accordance with an amendment that has already been adopted. The word "fifteen" should be changed to "thirteen," so it may read "thirteen clerks in committees."

The CHAIRMAN. Does the gentleman from Texas yield?

Mr. RANDELL of Texas. I will yield for that purpose, Mr. Chairman.

The amendment of Mr. BINGHAM was agreed to.

Mr. RANDELL of Texas. Now, Mr. Chairman, I would like to ask the gentleman what committees these 13 clerks are for?

Mr. HEMENWAY. They are designated by the Committee on Accounts at the opening of the session.

Mr. BINGHAM. They are assigned at the commencement of the session of Congress. We provide in the present bill for this number of clerks, and then the Committee on Accounts will come in and make the assignment.

Mr. RANDELL of Texas. I want to make certain about the matter. Does the Committee on Expenditures on Public Buildings have one of these clerks?

Mr. BINGHAM. No.

Mr. RANDELL of Texas. The Committee on Expenditures in the Treasury Department?

Mr. BINGHAM. No.

Mr. RANDELL of Texas. The Committee on Expenditures in the Navy Department?

Mr. BINGHAM. Those committees have a room, but no clerk.

Mr. RANDELL of Texas. If I remember correctly, they were provided with clerks the first part of the session, but none of those committees have had meetings.

Mr. HEMENWAY. I think the gentleman is mistaken about those committees being provided with clerks.

Mr. RANDELL of Texas. As it happens, I had the distinguished honor of being placed on the important committee known as the Committee on Expenditures in the Navy Department. If that committee has ever met it has not met at this Capitol. I think it has been provided with a clerk.

Mr. BINGHAM. No; none of the committees on expenditures in the various Departments have a clerk.

Mr. RANDELL of Texas. What committees do have these clerks?

Mr. BINGHAM. The large committees of the House that have consideration of legislation and committees that have regular meetings.

Mr. RANDELL of Texas. Is there a single committee of the thirteen that have met? If so, name it.

Mr. HEMENWAY. The Committee on Territories; Coinage, Weights, and Measures——

Mr. BINGHAM. The legislative committees of the House that have charge of legislation.

Mr. HEMENWAY. If the gentleman will take the time to read the resolution of the Committee on Accounts, assigning these clerks, he can see just where they are assigned.

Mr. RANDELL of Texas. I think I am posted in regard to that.

Mr. HEMENWAY. Then the gentleman can give us the information he is seeking.

Mr. RANDELL of Texas. My information is that the 13 positions named here in the bill as amended must be of clerks of committees of this House. If you will take the list of committees named on page 25 you will find that there are not 15 other committees left, unless you include these committees on expenditures of the different Departments.

Mr. BINGHAM. Oh, no.

Mr. HEMENWAY. If the gentleman will take the report of the Committee on Accounts made at the beginning of the session, he will see what committees these clerks are assigned to.

Mr. BINGHAM. Allow me to make a statement. All of what are called the important committees of the House have clerks assigned to them. A large body of the committees have annual clerks, at $2,000 a year. The other important committees, heretofore numbering 15, are now, under an amendment of the House, reduced to 13, because we have given annual clerks to two of the Committees on Elections.

At the first session of the next Congress the Committee on Accounts will bring in their resolution, making the designation, under this paragraph of the appropriation bill, of the committees that are to have clerks. We have simply followed the designation of those committees in this bill, so that we can appropriate for them for the next Congress. As a Committee on Appropriations we have simply followed the action of the House in the assignment of this number of clerks at $6 a day during the session.

Mr. RANDELL of Texas. I understand that. Now, why do you not name those committees in the bill, as the other committees are named?

Mr. BINGHAM. Simply because it is the custom or practice to have the provision framed in this way. Conditions may exist in consequence of which some of these committees may not need a clerk; or, under the rules of the House, additional committees may be appointed; or, under the rules, some committees may be wiped out. Unless there is an assignment by action of the House through the Committee on Accounts so as to allow this, that, or the other committee to have a clerk at $6 a day, this expenditure can not be made. The House at the first session of the next Congress must designate what committees shall be entitled to clerks.

Mr. RANDELL of Texas. Mr. Chairman, it has been stated that this list of 13 clerks includes no clerk to the committees on expenditures of the various Departments. Now, to guard against any mistake in reference to that matter, I move to amend the bill on page 16 by adding after the word "dollars," in line 3, a provision to this effect.

This appropriation shall not apply to clerks for the Committee on Expenditures in the Department of Agriculture, the Committee on Expenditures in the Department of Justice, the Committee on Expenditures in the Interior Department, the Committee on Expenditures in the Navy Department, the Committee on Expenditures in the Post-Office Department, the Committee on Expenditures in the State Department, the Committee on Expenditures in the Treasury Department, the Committee on Expenditures in the War Department, and the Committee on Expenditures on Public Buildings.

Mr. BINGHAM. I make a point of order that that is new legislation.

Mr. RANDELL of Texas. I believe I have the floor.

The CHAIRMAN. Does the gentleman from Texas [Mr. RANDELL] yield?

Mr. RANDELL of Texas. No, sir; I do not yield; but if the gentleman makes the point of order——

Mr. BINGHAM. I make the point of order.

The CHAIRMAN. The time of the gentleman from Texas [Mr. RANDELL] has expired.

Mr. RANDELL of Texas. I am offering an amendment, and it seems to me I am entitled to five minutes to discuss it.

Mr. HEMENWAY. But the gentleman can not proceed to speak upon an amendment when a point of order is made upon the amendment. The first question is upon the point of order.

The CHAIRMAN. Does the gentleman from Pennsylvania insist on his point of order?

Mr. BINGHAM. I will reserve the point, in order that the gentleman may have an opportunity for the expression of his views.

Mr. RANDELL of Texas. It is stated here by the gentleman in charge of this bill that this list of 13 committees entitled to clerks does not include the committees on expenditures in the various Departments. Hence, if my amendment be adopted, it will not interfere with that provision for those 13 committees, but it will guard against the mistake of appropriating $6 a day for these 10 committees, which, it is admitted, are not intended to be included.

I insist that if the provision for clerks of committees that are actually doing work is proper, then we should not make the mistake of allowing this money to be paid for clerkships of committees that never meet, that have no clerks except in name—clerks that simply draw $6 a day with nothing whatever to do; clerks that are in fact not in existence, except for the purpose of drawing their salaries.

Mr. HEMENWAY. I just want to call the attention of the gentleman to the fact that there are 61 committees, and that only 38 of them are provided with clerks, either session or annual; that 23 of the committees of the House are not provided with clerks of any kind.

Mr. RICHARDSON of Tennessee. If the gentleman from Pennsylvania will permit me, I will state to my friend from Texas that if he will look on page 206 of the Directory he will find the list of committees that have clerks, and he will find that no one of the exceptions named by himself in his proposed amendment has a clerk.

Mr. HEMENWAY. And has not had for years.

Mr. RICHARDSON of Tennessee. No; I think not. On page 206 of the Directory the gentleman will find a list of committees that have clerks, and of the committees named by him not one has a clerk.

The CHAIRMAN. Does the gentleman from Pennsylvania wish to discuss the point of order?

Mr. BINGHAM. I simply make the point of order that it is new legislation and changes existing law.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For stationery for members of the House of Representatives, including $5,000 for stationery for the use of the committees and officers of the House, $53,625.

Mr. CRUMPACKER. Mr. Chairman, I offer the following amendment, which I will send to the desk and ask to have read.

The Clerk read as follows:

In lines 15 and 16, on page 22, strike out the words "fifty-three thousand six hundred and twenty-five," and insert the words "one hundred and ninety-nine thousand five hundred."

Mr. CRUMPACKER. Mr. Chairman, the object of that amendment is to increase the allowance to Members and Delegates for stationery and postage from $125 a year to $500 a year. I believe it is the experience of every member of the House that his legitimate expenses in the way of printing, stationery, and postage equal at least $500 a year. Five hundred dollars is less than the average. It is expected of every member of the House that he shall have certain printing done in the way of speeches for distribution in his district and possibly throughout other parts of the country. It is public work. The speeches are distributed for the purpose of conveying information to the people, and the expense ought not to be borne by the individual member.

I do not believe, Mr. Chairman, that the public ought to pay the expenses of all of the speeches that any member of Congress may make and wish to have published. A reasonable limitation should be put upon it, and it is my judgment that an allowance of $500 would cover the expense of stationery and postage and a reasonable amount for printing for the purpose of disseminating information among the people of the country and particularly among our respective constituents. The emoluments of members of Congress, everybody knows, are not munificent, and I do not believe a single member ought to be required to pay out of his own purse, out of his own salary, any of the expenses that are legitimately and fairly chargeable to the public. This limitation is a reasonable one. Five hundred dollars a year will pay for postage and stationery and allow each member to cause to be printed a reasonable number of speeches and have them distributed throughout his district. I think the amendment ought to pass. I believe it is the judgment of every member of the House that it is not an unreasonable proposition, and I hope it will be supported.

Mr. BINGHAM. Mr. Chairman, as this question in connection with the amendment pertains absolutely and wholly to the members of the House, I for one shall throw the responsibility upon the House and will not make the point of order against the proposition; but, speaking for myself, I can say that I regard the sum of $125 a year for stationery and postage, $250 for the Congress, as sufficient. It has heretofore been ample for me, and in fact I think I never used my $125. That is all I have to say. I have no disposition to raise the point of order, as it is a matter personal to the members.

Mr. CLARK. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from Missouri makes the point of order against this amendment. Does the gentleman from Indiana wish to be heard on the point of order?

Mr. CRUMPACKER. Mr. Chairman, I raise the point that the point of order comes too late, being raised after the question has been debated.

The CHAIRMAN. The Chair wishes to hear the gentleman from Indiana on the point of order.

Mr. CLARK. I want to ask as to a matter of parliamentary practice.

Mr. CRUMPACKER. I insist that the point of order comes too late.

Mr. CLARK. I want to ask a question about that. If the gentleman from Pennsylvania, for instance, a member of the committee in charge of the bill, gets up here and notifies the committee that he reserves the point of order or makes a point of order, and then he gets up and withdraws the point, does that cut other people out from making it, too?

Mr. OLMSTED. The gentleman from Pennsylvania went on and discussed the merits of the amendment after withdrawing the point of order.

Mr. CLARK. That can always be done.

The CHAIRMAN. The point of order was properly made by the gentleman from Missouri.

Mr. CLARK. Do I understand that my point of order was in time or not?

The CHAIRMAN. It was.

Mr. CLARK. Then I insist on it.

Mr. BABCOCK. I should like to ask a question for my own information and the information of the House. Is it not a fact that the amount, $125, is fixed by law?

Mr. BINGHAM. It is fixed by law.

Mr. BABCOCK. What difference, then, does it make whether we appropriate $1,000,000 or $2,000,000 in this bill? The amount would be the same, would it not, $125 allotted to each member, unless the statute is changed?

Mr. BINGHAM. It would be the same, unless the statute is changed.

Mr. BABCOCK. So that if we adopt the amendment offered by the gentleman from Indiana [Mr. CRUMPACKER] we would not increase the amount allowed to any member under the appropriation.

Mr. BINGHAM. We would increase the amount of the appropriation, but the statute would run.

Mr. BABCOCK. So that members would get only $125 each.

Mr. CRUMPACKER. It would not be very difficult to amend the statute. If we make the appropriation, we will find a way to get the money.

Mr. BABCOCK. It seems to me we should amend the statute first.

The CHAIRMAN. The Chair thinks the point of order is well taken.

The Clerk read as follows:

For contingent expenses, namely: For stationery, postage, advertising, traveling expenses, horses and wagons, and miscellaneous expenses, $3,000.

Mr. CLARK. I should like to inquire if it is too late to amend the paragraph beginning with line 13 and ending with line 16.

The CHAIRMAN. Does the gentleman ask unanimous consent to return to that paragraph?

Mr. CLARK, Yes.

The CHAIRMAN. If there is no objection——

Mr. CLARK. I ask unanimous consent to make an amendment for the convenience of the House.

The CHAIRMAN. If there is no objection, the committee will return to the paragraph.

Mr. BINGHAM. I reserve the right to object. What is the purpose of the gentleman?

Mr. CLARK. The purpose of the gentleman is this——

Mr. BINGHAM. Give me the line and page.

Mr. CLARK. Page 22, lines 13 to 16. I want to add these words:

That the superintendent of the stationery room shall be required to keep postage stamps for sale.

I will give you the reason for it.

Mr. CRUMPACKER. At what stage of the consideration of this proposition are we now? I want to make a point of order against the gentleman's amendment.

Mr. CLARK. Well, all right.

The CHAIRMAN. Does the gentleman object to returning to the paragraph?

Mr. MANN. I object.

The CHAIRMAN. The objection is sustained.

The Clerk read as follows:

Catalogue and shelf: For chief of division, $3,000; 5 assistants, at $1,800 each; 7 assistants, at $1,500 each; 6 assistants, at $1,400 each; 12 assistants, at $1,200 each; 6 assistants, at $1,000 each; 14 assistants, at $900 each; 4 assistants, at $800 each; 13 assistants, at $720 each; 3 assistants, at $600 each; 10 assistants, at $540 each; 4 assistants, at $480 each; 6 messengers, at $360 each; in all, $87,740.

Mr. MADDOX. Mr. Chairman, I see there are a number of increases in this item for the Library of Congress. I would like the gentleman from Pennsylvania [Mr. BINGHAM] to explain them to us.

Mr. BINGHAM. There is no change in this paragraph. It is merely a reenactment of the current law.

Mr. MADDOX. The report says there are changes.

Mr. HEMENWAY. Not in the catalogue and shelf division. The changes come later.

Mr. BARTLETT. They are for the Library of Congress.

Mr. LITTAUER. There are four changes in the clerical force of the Library.

Mr. MADDOX. What are they?

Mr. LITTAUER. Two of them are stenographers.

Mr. MADDOX. The report here says seven.

Mr. LITTAUER. The gentleman is correct. The report states them exactly as they are.

Mr. MADDOX. Will the gentleman explain them?

Mr. HEMENWAY. I can take them all up together if the gentleman wishes.

Mr. MADDOX. I would like to have you tell us why the changes are made.

Mr. HEMENWAY. Take the first item. One stenographer and typewriter, $1,000. That is for the office of the Librarian, where he claims he answers some 16,000 letters a year.

Mr. MADDOX. How many has he got already?

Mr. HEMENWAY. He has one.

Mr. MADDOX. Just one?

Mr. HEMENWAY. He has an enormous business, and he made it very clear that one stenographer is not able to do the work. The document division makes the same claim, and gives as a reason that the correspondence is enormous.

Mr. MADDOX. How many has the head of that division already?

Mr. HEMENWAY. He has none. In the copyright office the business has greatly increased and requires this increase of force. The business that is done in the copyright office is self-sustaining; in fact, not only self-sustaining, but the receipts of the copyright office are sufficient to employ a clerical force to bring up the arrears of work. On the next item of service, in connection with the distribution of card indexes, it is said that $4,500 is needed. The receipts from the sale of these cards must be covered into the Treasury, and last year they amounted to $8,000. Now, as to these other clerks, the clerks in the copyright office, where the business has so increased that they need an additional force, it is a self-sustaining office and to-day takes in more money than it costs to run it.

Mr. MADDOX. Has that fact been made to appear that it is really necessary to have this force, or do you take the statement of these people that they need the force?

Mr. HEMENWAY. Oh, we investigate it as carefully as we can. Now, as to this item of $4,500, the Librarian makes these cards and sells them to other libraries—I think some 200 libraries now use them. Last year he received from this source over $8,000. The money is covered into the Treasury, and this $4,500 pays the expense. We have to appropriate, because the law requires him to cover into the Treasury the money that he receives for printing these cards.

Mr. BINGHAM. That covers all the gentleman desires?

Mr. MADDOX. I guess so.

The Clerk read as follows:

Maps and charts: For chief of division, $2,500; 1 assistant, $1,200, 2 assistants, at $900 each; 1 assistant, $720; 1 messenger boy, $360; in all, $6,580.

Mr. OLMSTED. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend lines 19 and 20, page 26, by striking out "twenty-five hundred" and inserting in lieu thereof the words "three thousand."

Mr. HEMENWAY. I reserve the point of order.

Mr. OLMSTED. Mr. Chairman, the salaries which we have just allowed to the chief of each of the divisions of documents and manuscripts is $3,000. We allow the chief of the division of maps and charts, in the paragraph just read, $2,500. Now, I am not in favor of excessive salaries in any department of the Government; but I happen to know something about the duties of this particular chief of division, Mr. Phillips, and the highly intelligent and very successful and satisfactory manner in which he performs them, and the great usefulness of his work. The compilations that he has made of maps and charts of all parts of our possessions are of an inestimable value. I believe that his services are at least equally valuable to the Government as those of the chiefs of the two divisions I have mentioned. I hope, therefore, that the gentleman will not insist upon the point of order. Of course, I concede that if he does this amendment can not be submitted for the consideration of the committee. I trust the gentleman will not feel that his duty requires him to insist upon the point.

Mr. HEMENWAY. Mr. Chairman, this salary was increased $500 only a short time ago, and I insist upon the point of order.

The CHAIRMAN. Does the gentleman insist upon the point of order? The Chair wishes to inquire of the gentleman from Indiana whether this salary is fixed by law—if there is any statute fixing the salary?

Mr. HEMENWAY. Not other than the appropriation bill, as I understand.

The CHAIRMAN. Other than the appropriation bill?

Mr. HEMENWAY. And raising a salary would be changing the law, creating a new law, fixing the salary at a new amount, increasing the salary. It is not authorized by law.

The CHAIRMAN. Does the gentleman from Pennsylvania wish to discuss the point of order?

Mr. HEMENWAY. The gentleman from Pennsylvania conceded the point of order well taken. Perhaps the Chair did not hear him?

The CHAIRMAN. The Chair did not.

Mr. OLMSTED. I did say I conceded it.

The CHAIRMAN. The point of order is well taken.

Mr. OLMSTED. I conceded it, understanding that the salary was fixed by existing law. If I am mistaken I do not concede it. Personally, I do not concede that to fix in an appropriation bill for 1904 a larger salary than was allowed the same officer in a bill covering only the year 1903 is a violation of the rule. I must of course concede, however, that there have been rulings to that effect.

The CHAIRMAN. The Chair holds the point well taken.

The Clerk read as follows:

Music: For chief of division, $2,000; one assistant, $1,400; one assistant, $1,000; two assistants, at $720 each; one messenger boy, $360; in all, $5,200.

Mr. MADDOX. Mr. Chairman, I would like to know what this paragraph means. What sort of music is it we are paying for?

Mr. HEMENWAY. I am free to confess that I do not know exactly whether it is rag time or classic; but we have over there a division of music.

Mr. MADDOX. Over here?

Mr. HEMENWAY. Over here at the Library; and these people who understand music seem to think it is of very great importance. I am free to confess that I can not tell whether it is or not. It is musical literature, and all music that is copyrighted has to be deposited there.

Mr. MADDOX. I did not know whether we had a hand organ over there or not. [Laughter.]

Mr. BINGHAM. I will state that of every piece of music that is copyrighted two copies are deposited in the Library, and they are filed and classified.

Mr. CLARK. That does not cost the Government anything, does it? The two copies are sent there free.

Mr. HEMENWAY. No; it does not cost the Government anything.

The Clerk, proceeding with the reading of the bill, read as follows:

Any books of a miscellaneous character no longer required for the use of such department, bureau, or commission, and not deemed an advisable addition to the Library of Congress, shall, if appropriate to the uses of the Free Public Library of the District of Columbia, be turned over to that library for general use as a part thereof. There may also be turned over to that library any books already in the Library of Congress which the Librarian of Congress deems unnecessary for further use therein.

Mr. McCALL. Mr. Chairman, I reserve a point of order on the last four lines of that paragraph. It seems to me it is giving the Librarian of Congress a very wide discretion—authorizing him to turn over the books of any library that he may deem unnecessary.

Mr. HEMENWAY. I think the gentleman misunderstands the language. It is to turn over to the Library of Congress.

Mr. McCALL. I am referring to the last three lines of this paragraph. It says: "There may also be turned over to that library any books already in the Library of Congress which the Librarian of Congress deems unnecessary for further use therein." I do not see why that does not include the whole collection.

Mr. BINGHAM. If the gentleman from Massachusetts thinks that is the construction of it, I am perfectly willing that that part of it may be stricken out.

Mr. McCALL. I have every confidence in the present Librarian, but I think the language is too broad. It seems to me the

point of order would be good, but I will move to strike out the last three lines.

Mr. FINLEY. Mr. Chairman, I insist on the point of order from line 25, on page 30, down to the end of line 8, on page 31, on the ground that it changes existing law. I do not think that any amendment would cure the defects in this paragraph.

The CHAIRMAN. The gentleman from South Carolina makes the point of order against the paragraph.

Mr. BINGHAM. Mr. Chairman, I recognize that the gentleman's point of order would be sustained if he insists upon it, but on the merits of the proposition it was urgently pressed by the Librarian, and it simply takes the innumerable libraries, almost without limit in departments and bureaus in the Government service, where there is a large number of publications now in the department libraries, in a sense of no value to them, but would be of value in the great public library. It simply provides that when the head of a department consents to the transfer the Librarian of Congress may decide that the books shall go there.

Mr. FINLEY. Will the gentleman from Pennsylvania accept the proposed amendment by the gentleman from Massachusetts?

Mr. BINGHAM. I have already accepted the amendment of the gentleman from Massachusetts.

Mr. FINLEY. Then, Mr. Chairman, I will withdraw my point of order.

The CHAIRMAN. The gentleman from South Carolina withdraws his point of order. Will the gentleman from Massachusetts restate his amendment?

Mr. McCALL. On page 31, line 5, after the word "thereof," strike out the remainder of the line and lines 6, 7, and 8.

The question was taken, and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

BOTANIC GARDEN.

For superintendent, $1,800.

Mr. MANN. Mr. Chairman, I suppose the words "superintendent of the Botanic Garden" refer to Mr. Smith. May I ask how long the salary has been running at $1,800?

Mr. BINGHAM. I am very sure long before I have any recollection.

Mr. MANN. I know very well that an amendment would be subject to a point of order and would not prevail, but I wish to urge upon the members of the Appropriations Committee that the next time they bring in a bill they increase that salary. Mr. Smith is one of the gentlemen of the country better posted on his subject than anybody over at the Congressional Library, where you pay them $2,500 or $3,000. They do not begin to have the comprehension of matters intrusted to their charge that Mr. Smith has of botanical questions. I would move to increase the salary myself, but the gentleman will raise the point of order.

Several MEMBERS. You had better try it.

Mr. BINGHAM. I will say to the gentleman we have given to the Botanic Garden all that the excellent superintendent has asked for.

Mr. MANN. Yes; but this is for the superintendent himself, and because he is modest you have missed him.

Mr. McCALL. I suggest to the gentleman from Illinois that he move to increase the salary.

Mr. MANN. Mr. Chairman, I move to strike out the words "one thousand eight hundred" on page 33, line 2, and insert "twenty-four hundred."

Mr. BINGHAM. To that, Mr. Chairman, I make the point of order.

Mr. MANN. I hope the gentleman will withdraw the point of order.

Mr. BINGHAM. We have had no recommendation for such an increase.

Mr. MANN. The gentleman knows very well that I am not in the habit of urging an increase of salaries, but here is a man who is probably the most experienced tree man in this country. He ought to be paid a fairly reasonable salary. The gentleman from Pennsylvania can see that it is the desire of members of the House who come in contact with this gentleman that the point of order be not urged. The gentleman from Pennsylvania can afford to be generous as long as we are treating his amendments so generously by not urging points of order upon them.

Mr. BINGHAM. In deference to the wishes of the gentleman, I will let the House pass on the matter. I withdraw the point of order.

The question being taken, there were on a division (called for by Mr. BINGHAM)—ayes 18, noes 25.

So the amendment was rejected.

The Clerk read as follows:

For continuing the following additional force rendered necessary because of increased work incident to the war with Spain: Seven clerks of class 4; 13 clerks of class 3; 8 clerks of class 2; 30 clerks of class 1; 10 clerks, at $1,000 each; 10 clerks, at $900 each; and 3 laborers; in all, $101,580.

Mr. GAINES of Tennessee. I reserve a point of order on this paragraph. Inasmuch as the war with Spain has long since ended, and according to the reports of the public press and, I believe, the official reports, we have reduced the Army almost to the minimum, and are still further reducing it, I should like to know why we are to continue this "temporary" clerical force. This provision reads:

For continuing the following additional force rendered necessary because of increased work incident to the war with Spain: Seven clerks of class 4, 13 clerks of class 3, 8 clerks of class 2, 30 clerks of class 1; 10 clerks, at $1,000 each; 10 clerks, at $900 each, and 3 laborers; in all, $101,580.

Now, Mr. Chairman, I do not know of any law——

Mr. LIVINGSTON. The gentleman will allow me to state that this provision is simply a continuation of the existing law; it does not provide anything new whatever.

Mr. GAINES of Tennessee. I do not think there is any law for this, and I move to strike it out.

Mr. BINGHAM. Let me state to the gentleman that this paragraph is a reduction of the amount appropriated in the current law. If the gentleman will look on page 3 of the report he will find this statement:

Office of Auditor for the War Department.—A reduction is made of 1 clerk at $1,800, 4 clerks at $1,600 each, and 2 clerks at $1,400 each.

We found that the work there is decreasing, while in the Navy Department the Auditor's work is increasing; therefore, in the paragraph providing for the Auditor of the Navy Department, where there is an increasing amount of work, we have taken up, as you might say, the reduction in this appropriation for the War Department.

Mr. GAINES of Tennessee. What is the necessity for this in the Treasury Department? It is based entirely upon the assumption that the war with Spain has not ended. If the war with Spain has in fact ended, what is the necessity for these extra employees?

Mr. BINGHAM. There is no increase in that paragraph; it is in fact a decrease.

Mr. GAINES of Tennessee. That may be true. I am only too glad to know that we can decrease these expenses a little somewhere in the civil departments. We have made reductions in the military department by reducing the Army almost to the minimum—from 100,000 to about 60,000—and we are still constantly reducing it, we are informed. Yet we are proposing to continue a temporary force—a force which was created temporarily, but which is now continued from year to year—without any legislation, too, I may add, because the last time this matter was up in the House we objected to it, and the Chair ruled that the point of order came too late. The committee did not object to it, although it was new legislation. The whole debate can be seen in the CONGRESSIONAL RECORD of February 7, 1902.

Now, here we have this condition of affairs: The war with Spain is at an end, the Army and the expenses of the Army have been and are being reduced, yet it is proposed to retain this temporary force of about 500 extra clerks that costs more than $600,000 a year. We have had these clerks since 1898, about that time—soon after the war with Spain begun. We have paid them already about $1,800,000. When will this stop? Not until we withdraw their pay and leaves. I oppose this paragraph as I have former similar sections, and shall continue to do so. The war with Spain is at an end. Their services can not be now needed.

Mr. BINGHAM. In dealing with this the committee felt that they were making as large a cut as was reasonable and fair with reference to the work that the Department is doing. The committee had no idea, and I do not think the gentleman from Tennessee has any purpose, to cripple the service of these Departments. We cut these expenditures; we cut them reasonably, not excessively.

Mr. GAINES of Tennessee. I do not desire to cripple the public service, neither do I want such legislation as this to cripple the public revenues.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. GAINES], to strike out the paragraph.

The question being taken,

The CHAIRMAN said: The "noes" seem to have it.

Mr. GAINES of Tennessee. I call for a division.

The question being again taken, there were—ayes 18, noes 32.

Mr. GAINES of Tennessee. I make the point that no quorum is present.

The CHAIRMAN (having counted the Committee of the Whole). There are 105 members present—a quorum. The "noes" have it; and the amendment of the gentleman from Tennessee is rejected.

Mr. MADDOX. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. MADDOX) there were—ayes 36, noes 48.

Mr. MADDOX. I demand tellers, Mr. Chairman.

Tellers were refused, 19 members, not a sufficient number, rising in support of the demand.

The Clerk read as follows:

For continuing the following additional force rendered necessary because of increased work incident to the war with Spain: Two clerks of class 3; 3 clerks of class 2; 4 clerks of class 1; 6 clerks, at $1,000 each; and 4 clerks, at $900 each; in all, $21,800.

Mr. MADDOX. Mr. Chairman, I move to strike out that paragraph.

The CHAIRMAN. The question is on the motion of the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. MADDOX) there were—ayes 17, noes 40.

Mr. MADDOX. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN (having counted the committee) announced 102 members, a quorum, present.

The Clerk read as follows:

Office of Auditor for Post-Office Department: For Auditor, $4,000; 2 Deputy Auditors, at $2,500 each; chief clerk, $2,000; law clerk, $2,000; 7 chiefs of division, at $2,000 each; 33 clerks of class 4; additional to 1 clerk as disbursing clerk, $450; 60 clerks of class 3; 81 clerks of class 2; 102 clerks of class 1; 87 clerks, at $1,000 each; skilled laborer, $1,000; 70 clerks, at $900 each; 25 skilled laborers, at $720 each; 6 messengers; 12 assistant messengers; 25 male laborers, at $660 each; 65 skilled laborers, at $660 each; 3 female laborers, at $660 each, and 15 charwomen; in all, $666,310.

Mr. BINGHAM. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, Mr. MONDELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16021) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, and had come to no resolution thereon.

URGENT DEFICIENCY BILL.

Mr. VAN VOORHIS, from the Committee on Appropriations, reported the bill (H. R. 16057) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903, which was read, ordered printed, and referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Tennessee reserved all points of order on the bill.

Mr. CLARK. Mr. Speaker, is it proper at this time to make a motion that that bill shall not be considered until two days after it has been printed?

The SPEAKER pro tempore (Mr. DALZELL). It would be a change of the rule. The gentleman can accomplish what he desires, however, by unanimous consent.

Mr. CLARK. Then I ask unanimous consent that the bill just reported be not considered in the House until forty-eight hours after it has been printed.

Mr. CANNON. Mr. Speaker, I will state to the gentleman that I would call the bill up on Monday if I could possibly do so without antagonizing the Committee on the District of Columbia. It is an urgent deficiency bill covering an item of twelve or thirteen hundred thousand dollars, and ought to be passed at the earliest possible moment. I do not want to grant unanimous consent, although I will say to the gentleman that I have no hope of calling it up until Monday. [Laughter.]

Mr. BARTLETT. I would ask the gentleman from Illinois if there is any provision in this bill for deficiencies in the matter of the establishment of rural free delivery?

Mr. CANNON. Oh, the truly rural is in there for half a million, and I know my friend from Missouri [Mr. CLARK] does not want to wait a holy minute on that.

Mr. CLARK. I will vote enough right now to make the free rural delivery universal.

Mr. BARTLETT. I understand the gentleman to say there is half a million in the bill for that purpose?

Mr. LIVINGSTON. Five hundred and sixty thousand dollars.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CONNOR, until January 5, 1903, on account of important business.

Then, on motion of Mr. BINGHAM (at 4 o'clock and 3 minutes), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Attorney-General, submitting drafts of amendments to the bill to revise and codify the judicial laws of the United States—to the Committee on Revision of the Laws, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William S. Wood, administrator of estate of Bazil Grigsby, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting papers relating to the claim of Florencia Victoria Moreno La Calle—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting papers relating to the claims of Harry Devlin, Galveston Gas-Fitting and Plumbing Company, and W. L. Ratisseau—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of a communication from the Commissioner of Indian Affairs inclosing papers relating to agreement of Otoe and Missouria Indians in Oklahoma—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting a report relating to accommodations for post-office business at Albuquerque, N. Mex.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15711) to authorize the construction of a bridge across the Clinch River, in the State of Tennessee, by the Knoxville, Lafollette and Jellico Railroad Company, reported the same without amendment, accompanied by a report (No. 2830); which said bill and report were referred to the House Calendar.

Mr. VAN VOORHIS, from the Committee on Appropriations, reported a bill (H. R. 16057) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903, accompanied by a report (No. 2831); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 15605) to authorize and empower the Southwest Louisiana Rice Growers' Association, of the State of Louisiana, to construct a lock or locks and a dam in Bayou Vermilion, in the State of Louisiana, reported the same with amendments, accompanied by a report (No. 2832); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15606) to authorize and empower the Rice Irrigation and Improvement Association, of the State of Louisiana, to construct a lock or locks and a dam in Mermenteau River, in the State of Louisiana, reported the same with amendments, accompanied by a report (No. 2833); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BALL of Delaware, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12524) granting an increase of pension to Elvira M. Cooper, reported the same with amendments, accompanied by a report (No. 2827); which said bill and report were referred to the Private Calendar.

Mr. WILEY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11199) granting a pension to Lewis Walton, reported the same with amendment, accompanied by a report (No. 2828); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14897) granting an increase of pension to Phillip Mooney, reported the same with amendments, accompanied by a report (No. 2829); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 15900) granting a pension to Frank G. Himes, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ADAMS: A bill (H. R. 16023) to provide for the reorganization of the consular service of the United States—to the Committee on Foreign Affairs.

By Mr. BURLESON: A bill (H. R. 16024) for the establishment of an agrostological station in Texas, and for other purposes—to the Committee on Agriculture.

By Mr. PEARRE: A bill (H. R. 16025) to provide for the erection of a monument in commemoration of the services of Gen. Otho Holland Williams in the Revolutionary war—to the Committee on the Library.

By Mr. OTJEN: A bill (H. R. 16026) to amend section 3394 of the Revised Statutes of the United States, relating to tobacco—to the Committee on Ways and Means.

By Mr. ROBERTS: A bill (H. R. 16027) providing for the construction of Holland submarine torpedo boats—to the Committee on Naval Affairs.

By Mr. WM. ALDEN SMITH (by request): A bill (H. R. 16028) making an appropriation to pay to certain Chippewa Indians of Michigan moneys due them under former treaties—to the Committee on Indian Affairs.

By Mr. FLYNN: A bill (H. R. 16056) to put in force in the Indian Territory certain provisions of the laws of Missouri relating to trust companies, and so forth—to the Committee on Indian Affairs.

By Mr. VAN VOORHIS, from the Committee on Appropriations: A bill (H. R. 16057) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903—to the Union Calendar.

By Mr. SCARBOROUGH: A joint resolution (H. J. Res. 231) to provide for securing statistics of annual acreage planted in cotton in the several States and Territories, the amount used by textile mills of the United States, and of the cotton-seed oil industry—to the Select Committee on the Census.

By Mr. GRAFF: A joint resolution (H. J. Res. 232) providing for change of methods of printing the Report on Field Operations of the Bureau of Soils, Department of Agricultnre—to the Committee on Printing.

By Mr. DE ARMOND: A joint resolution (H. J. Res. 233) proposing an amendment to the Constitution of the United States respecting the beginning and ending of the Presidential, Vice-Presidential, and Congressional terms—to the Committee on the Judiciary.

By Mr. STEELE: A resolution (H. Res. 356) in relation to the annual report of the Board of Managers of the National Home for Disabled Volunteer Soldiers—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. APLIN: A bill (H. R. 16029) granting an increase of pension to Allen Coons—to the Committee on Invalid Pensions.

By Mr. CORLISS: A bill (H. R. 16030) granting an increase of pension to William J. Hildreth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16031) granting a pension to Olive Bassett—to the Committee on Pensions.

By Mr. COWHERD: A bill (H. R. 16032) granting an increase of pension to Henry Taylor—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 16033) granting an increase of pension to John C. Wiley—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 16034) granting a pension to Irwin Fancher—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 16035) granting an increase of pension to James Klinesmith—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 16036) granting an increase of pension to Edward A. Wilbur—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16037) granting an increase of pension to William C. Best—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 16038) granting a pension to Mary A. Viel—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 16039) granting an increase of pension to Vincent M. Cartwright—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 16040) for the relief of Isidore Cohen—to the Committee on Invalid Pensions.

By Mr. MERCER: A bill (H. R. 16041) to remove the charge of desertion against Horace Olmstead—to the Committee on Military Affairs.

By Mr. MOODY of Oregon: A bill (H. R. 16042) granting a pension to Andrew J. Swift—to the Committee on Pensions.

Also, a bill (H. R. 16043) granting a pension to Preston W. Burford—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 16044) granting a pension to Lawrence Mahearn—to the Committee on Pensions.

Also, a bill (H. R. 16045) granting a pension to Abbie R. Ross—to the Committee on Pensions.

By Mr. RIXEY: A bill (H. R. 16046) for the relief of the legal representatives of Alexander F. Butler—to the Committee on War Claims.

Also, a bill (H. R. 16047) granting a pension to Eliza J. Wilson—to the Committee on Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 16048) granting a pension to John Graham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16049) granting a pension to John W. Kincaid—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 16050) for the relief of James I. Mabee—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 16051) granting an increase of pension to Joseph Farmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16052) for the relief of the estate of James Z. Watkins, deceased—to the Committee on War Claims.

By Mr. SMITH of Iowa: A bill (H. R. 16053) granting an increase of pension to Henry P. Reynolds—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 16054) granting a pension to William M. Love—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 16055) granting a pension to J. H. Oney—to the Committee on Pensions.

By Mr. STEELE: A bill (H. R. 16058) granting a pension to John Corbett, minor heir of John Corbett—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BULL: Resolution of Rhode Island conference of Congregational churches, favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

Also, paper to accompany House bill 6437, granting an increase of pension to Bertha R. Koops—to the Committee on Pensions.

By Mr. CANNON: Papers to accompany House bill granting a pension to Irwin Fancher—to the Committee on Pensions.

By Mr. CAPRON: Resolution of the Rhode Island conference of Congregational churches, favoring a laboratory in the Department of Justice—to the Committee on the Judiciary.

By Mr. COUSINS: Petition of H. J. Dierks and others, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of Polk & Calder Drug Company, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DRISCOLL: Petition of Joseph Kennedy and others, of Liverpool, N. Y., favoring House bills 178 and 179—to the Committee on Ways and Means.

By Mr. MERCER: Resolution of George A. Custer Post, Grand Army of the Republic, Omaha, Nebr., protesting against leasing of public lands—to the Committee on the Public Lands.

By Mr. PERKINS: Petition of J. Hungerford Smith Company, of Rochester, N. Y., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. RIXEY: Paper to accompany House bill for the relief of the legal representatives of Alexander F. Butler, late of Louisa County, Va.—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of G. E. Bursley & Co., of Fort Wayne, Ind., to counteract the decision of Federal court, southern district of New York, subjecting tea now in bond to 10 cents duty—to the Committee on Ways and Means.

By Mr. SHERMAN: Petition of druggists and dealers of Utica, N. Y., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. SMITH of Kentucky: Papers to accompany House bill relating to the claim of the estate of James C. Watkins—to the Committee on War Claims.

Also, papers to accompany House bill 1664, relating to the correction of the military record of Thomas Etherton—to the Committee on Military Affairs.

By Mr. SPERRY: Petition of citizens of Waterbury, Conn., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of citizens of Derby, Ansonia, and Shelton, Conn., in favor of a tariff commission—to the Committee on Ways and Means.

By Mr. SULZER: Petition of R. M. Saxton and others, urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of the National Live Stock Association, favoring the passage of House bills 14488 and 14643—to the Committee on Ways and Means.

By Mr. WOOTEN: Petitions of Boards of Trade of Greenville, S. C., Boston, Mass., Carlisle, Pa., Pottsville, Pa., Kern County, Cal., and Chambers of Commerce of El Paso, Tex., Raleigh, N. C., Albuquerque, N. Mex., Eureka, Cal.; Improvement League of Lexington, Ky.; Business Men's Club of Burlington, Iowa, and citizens of Karluk, Kadiak, Homer, Cook Inlet, Copper Center, Klawak, Ankow, Yakutat Bay, Unger, Hollis, Bluff, Red River, Hope, Daughertys Cove, Killisnoo, Petersburg, Funter, and St. Michael, Alaska, asking for appropriate legislation for the Territory of Alaska—to the Committee on the Territories.

SENATE.

MONDAY, *December 15, 1902.*

Prayer by Rev. F. L. DAY, Ph. D., of the city of Washington.

Mr. CHARLES A. CULBERSON, a Senator from the State of Texas, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

CRIMINAL AND PENAL LAWS OF THE UNITED STATES.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting a report of the Commission to Revise and Codify the Criminal and Penal Laws of the United States; which, with the accompanying papers, was referred to the Committee on the Revision of the Laws of the United States, and ordered to be printed.

OTO AND MISSOURI INDIANS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, inclosing a petition and agreement of the Oto and Missouri Indians in Oklahoma, together with a letter from certain Oto Indians living in Nebraska, relative to the rebuilding of the school plant at the Oto Agency, which was destroyed by fire in September last; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

INDIAN TERRITORY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from Mr. Henry Ansley, secretary of the Five Civilized Tribes convention, together with a copy of resolutions adopted at the Five Civilized Tribes convention held at Eufaula, Ind. T., relative to the annexation of that Territory to the proposed State of Oklahoma; which, with the accompanying papers, was ordered to lie on the table and be printed.

AMBROSE CHANNEL FUNDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from G. L. Gillespie, brigadier-general, Chief of Engineers, United States Army, requesting that joint resolution approved July 1, 1902, be amended so that he may be authorized to divert $45,000 instead of $25,000 of the Ambrose channel funds for the removal of a ledge of rock in North River, New York Harbor; which, with the accompanying papers, was referred to the Committee on Commerce.

NAVAL TRAINING STATION ON THE GREAT LAKES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting the preliminary report of the board appointed to select a site for a naval training station on the Great Lakes; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

HIRAM R. M'CALMONT.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Hiram R. McCalmont, administrator of A. Lawrence Foster, deceased, *v.* The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

THOMAS M. HOBBS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of findings filed by the court in the cause of Thomas M. Hobbs *v.* The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to printed.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *William and George*, Josiah Benton, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the chief clerk of the Court of Claims transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings of the court relating to the vessel schooner *Three Josephs*, William West, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bills:

A bill (S. 959) granting an increase of pension to William H. Green;

A bill (S. 1193) granting an increase of pension to Jane M. Meyer;

A bill (S. 1666) granting an increase of pension to Rufus V. Lee;

A bill (S. 1743) granting an increase of pension to Cornelia F. Whitney;

A bill (S. 1801) granting an increase of pension to James K. Van Matre;

A bill (S. 1944) granting an increase of pension to Ann E. Tillson;

A bill (S. 2056) granting an increase of pension to David J. Newman;

A bill (S. 2109) granting an increase of pension to Charles C. Davis;

A bill (S. 2283) granting an increase of pension to William F. Angevine;

A bill (S. 2306) granting an increase of pension to William H. Lessig;

A bill (S. 2409) granting an increase of pension to John A. Rotan;

A bill (S. 2638) granting an increase of pension to David O. Carpenter;

A bill (S. 2935) granting a pension to Joanna Rommel;

A bill (S. 3180) granting a pension to Emma L. Ferrier;

A bill (S. 3212) granting a pension to Ellen A. Sager;

A bill (S. 3315) granting an increase of pension to George W. Bradshaw;

A bill (S. 3341) granting an increase of pension to Robert H. Busteed;

A bill (S. 3371) removing the charge of desertion from the name of Jacob Bowman;

A bill (S. 3423)) granting an increase of pension to Maria V. Stadtmuller;

A bill (S. 3493) granting an increase of pension to Charles W. Rose;

A bill (S. 3505) granting an increase of pension to Matthew B. Noel;

A bill (S. 3506) granting an increase of pension to Stanley M. Caspar;

A bill (S. 3668) granting a pension to Hulda Milligan;

A bill (S. 3715) granting an increase of pension to Henry Weaver;

A bill (S. 3781) granting an increase of pension to George A. Mercer;

A bill (S. 3819) granting an increase of pension to William A. P. Fellows;

A bill (S. 4067) granting an increase of pension to Julia L. Gordon;

A bill (S. 4088) granting an increase of pension to Henry Jennings;

A bill (S. 4141) granting an increase of pension to John Cook;

A bill (S. 4211) granting an increase of pension to Asa Worden;

A bill (S. 4348) granting an increase of pension to James Thompson;

A bill (S. 4393) granting an increase of pension to William M. Hodge;

A bill (S. 4454) granting an increase of pension to John D. Sullivan;
A bill (S. 4494) granting an increase of pension to Oscar Van Tassell;
A bill (S. 4572) to grant honorable discharge from the military service to Charles H. Hawley;
A bill (S. 4623) granting an increase of pension to Lewis F. Ross;
A bill (S. 4727) granting an increase of pension to Isaac Rhodes;
A bill (S. 4957) granting an increase of pension to Stiles L. Acee;
A bill (S. 4982) granting an increase of pension to John Fler;
A bill (S. 5045) granting an increase of pension to Mary A. Moore;
A bill (S. 5052) granting an increase of pension to Gilbert Barkalow;
A bill (S. 5076) granting an increase of pension to Katharine W. Clarke;
A bill (S. 5119) granting an increase of pension to Samuel S. Walck;
A bill (S. 5133) granting an increase of pension to Augusta Neville Leary;
A bill (S. 5239) granting an increase of pension to Joseph A. Kerbey;
A bill (S. 5321) granting a pension to Rebecca H. Geyer;
A bill (S. 5361) granting an increase of pension to Martha A. Johnston;
A bill (S. 5491) granting an increase of pension to John R. Sandsbury;
A bill (S. 5500) granting an increase of pension to Angus Cameron;
A bill (S. 5534) granting an increase of pension to Abbie C. Bremner;
A bill (S. 5648) granting an increase of pension to Frederick Bulkley;
A bill (S. 5659) granting an increase of pension to Melinda Heard;
A bill (S. 5719) granting an increase of pension to Sidney N. Lund;
A bill (S. 5747) granting an increase of pension to James E. Bader;
A bill (S. 5758) granting an increase of pension to David Ham;
A bill (S. 5782) granting an increase of pension to Lucy A. Turner;
A bill (S. 5882) granting an increase of pension to Merzellah Merrill;
A bill (S. 5893) granting an increase of pension to Willie Thomas;
A bill (S. 5913) granting a pension to Cherstin Mattson;
A bill (S. 6008) granting an increase of pension to David Vickers;
A bill (S. 6045) granting an increase of pension to Charles Sprague; and
A bill (S. 6110) granting an increase of pension to Charles A. Cooke.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:
A bill (H. R. 1523) granting a pension to Susan J. Taylor;
A bill (H. R. 2618) granting an increase of pension to Michael Mullin;
A bill (H. R. 4261) granting an increase of pension to Sanders R. Seamonds;
A bill (H. R. 6481) granting an increase of pension to Millen McMillen;
A bill (H. R. 8712) granting an increase of pension to James S. Young;
A bill (H. R. 10761) granting a pension to Hune Bronson;
A bill (H. R. 10876) granting an increase in the pension of Joseph Mote;
A bill (H. R. 11979) granting an increase of pension to William W. Anderson;
A bill (H. R. 13355) granting an increase of pension to William H. Snyder;
A bill (H. R. 13367) granting an increase of pension to Jonathan Walbert; and
A bill (H. R. 13665) granting an increase of pension to George R. Baldwin.

The message further announced that the House insists upon its amendment to the bill (S. 342) for the relief of the heirs of Aaron Van Kamp and Virginius P. Chapin, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GRAFF, Mr. FOSTER of Vermont, and Mr. CLAUDE KITCHIN managers at the conference on the part of the House.

The message also announced that the House had passed with an amendment the bill (S. 1634) to remove the charge of desertion against Thomas Cordingly, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Artillery.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:
A bill (H. R. 623) granting a pension to Susan Kennedy;
A bill (H. R. 714) granting an increase of pension to Frederick Hart;
A bill (H. R. 917) for the relief of Henry Cook;
A bill (H. R. 1015) granting an increase of pension to Isaac F. Russell;
A bill (H. R. 1272) granting an increase of pension to Joseph S. Chilcoat;
A bill (H. R. 1617) granting an increase of pension to Margaret A. Osborn;
A bill (H. R. 1637) granting an increase of pension to John A. Spalding;
A bill (H. R. 1929) granting an increase of pension to Peter Tuper;
A bill (H. R. 2264) granting an increase of pension to George H. Higgins;
A bill (H. R. 2542) granting an increase of pension to Lysander D. Trent;
A bill (H. R. 2616) granting a pension to Mary J. Goodrich;
A bill (H. R. 3516) granting an increase of pension to Ozro F. Cheney;
A bill (H. R. 3907) granting an increase of pension to John A. Sare;
A bill (H. R. 4179) granting an increase of pension to Romantus Lake;
A bill (H. R. 4437) granting an increase of pension to Absalom Case;
A bill (H. R. 4454) granting an increase of pension to James H. Watts;
A bill (H. R. 4923) granting a pension to William L. Whetsell;
A bill (H. R. 4925) granting a pension to Joel Thomason;
A bill (H. R. 4938) granting a pension to Alexander Gossett;
A bill (H. R. 4983) granting an increase of pension to Lucy G. Smith;
A bill (H. R. 5007) granting an increase of pension to James W. Messick;
A bill (H. R. 5028) for the relief of Francis M. Oliver;
A bill (H. R. 5057) granting an increase of pension to Alfred J. Isaacs;
A bill (H. R. 5167) granting an increase of pension to John G. Nowman;
A bill (H. R. 5324) granting an increase of pension to Charles L. Randall;
A bill (H. R. 5450) granting a pension to Charles P. Bigelow;
A bill (H. R. 5718) granting a pension to James M. Blades;
A bill (H. R. 5918) granting a pension to Margaret Fox;
A bill (H. R. 6326) for the relief of Hiram C. Walker;
A bill (H. R. 7368) granting a pension to Thomas Morris;
A bill (H. R. 7510) granting an increase of pension to Edward M. Gammon;
A bill (H. R. 7736) granting an increase of pension to Albert W. Allen;
A bill (H. R. 7851) granting an increase of pension to Jennie H. Cramer;
A bill (H. R. 8132) to remove the record of dishonorable dismissal from the military record of John Finn, alias Flynn;
A bill (H. R. 8152) granting an increase of pension to William S. Hutchinson;
A bill (H. R. 8175) granting an increase of pension to John W. Covey;
A bill (H. R. 8247) granting an increase of pension to Francis M. McCoy;
A bill (H. R. 8254) granting an increase of pension to John R. Curry;
A bill (H. R. 8626) granting an increase of pension to Sarah E. Yeamans;
A bill (H. R. 8663) to remove the charge of desertion from the military record of Charles F. Woodford and grant him an honorable discharge;
A bill (H. R. 9074) granting a pension to Elizabeth C. Gates;
A bill (H. R. 9419) for the relief of Joseph Fields;
A bill (H. R. 9879) for the relief of John Richards;
A bill (H. R. 9977) granting a pension to Minerva Robinson;
A bill (H. R. 10663) granting an increase of pension to Benjamin H. Downing;
A bill (H. R. 10858) granting an increase of pension to John H. Dittman;
A bill (H. R. 11093) granting an increase of pension to Nannie M. Kimberly;

A bill (H. R. 11197) granting a pension to the minor children of Daniel J. Reedy;
A bill (H. R. 11212) granting an increase of pension to James D. Sims;
A bill (H. R. 11280) granting an increase of pension to Henry J. Feltus;
A bill (H. R. 11289) granting a pension to Elizabeth M. Sale;
A bill (H. R. 11311) granting an increase of pension to Andrew J. Hertzog;
A bill (H. R. 11494) granting a pension to Nettie A. Buell;
A bill (H. R. 11594) granting an increase of pension to Sarah E. Morrow;
A bill (H. R. 11694) granting an increase of pension to Dennis F. Andre;
A bill (H. R. 11699) granting a pension to Mary E. Morgan;
A bill (H. R. 12322) granting an increase of pension to William F. Wilcox;
A bill (H. R. 12474) granting a pension to Levin W. Bothum;
A bill (H. R. 12575) granting a pension to Edward A. Branham;
A bill (H. R. 12638) granting an increase of pension to John W. Day;
A bill (H. R. 12701) granting an increase of pension to Milton Noakes;
A bill (H. R. 12709) granting a pension to Thomas Alton;
A bill (H. R. 12981) granting a pension to Sarah A. Waltrip;
A bill (H. R. 13000) granting an increase of pension to Magnus J. Cohn;
A bill (H. R. 13054) granting a pension to Louisa L. Kerr;
A bill (H. R. 13262) granting an increase of pension to James M. Spencer;
A bill (H. R. 13353) granting an increase of pension to George Thompson;
A bill (H. R. 13472) granting an increase of pension to Lewis E. Wilcox;
A bill (H. R. 13477) granting an increase of pension to Jason Stevens;
A bill (H. R. 13485) granting a pension to Louisa Josephine Stanwood;
A bill (H. R. 13660) for the relief of Jackson Pryor;
A bill (H. R. 13705) granting an increase of pension to Mary Ann Garrison;
A bill (H. R. 13719) granting a pension to Nancy McGuire;
A bill (H. R. 13727) granting a pension to Fannie E. Strohauer;
A bill (H. R. 13799) granting an increase of pension to Henry C. Trout;
A bill (H. R. 13945) granting an increase of pension to Edward T. Durant;
A bill (H. R. 13955) granting an increase of pension to Jesse A. McIntosh;
A bill (H. R. 13997) granting an increase of pension to Lyman A. L. Gilbert;
A bill (H. R. 14027) granting an increase of pension to Thomas J. Winfrey;
A bill (H. R. 14058) granting an increase of pension to Emil Pfeiffer;
A bill (H. R. 14242) granting a pension to Charles E. Peake;
A bill (H. R. 14258) granting a pension to Fletcher Duling;
A bill (H. R. 14265) granting an increase of pension to Helen N. Packard;
A bill (H. R. 14373) granting an increase of pension to William H. Loyd;
A bill (H. R. 14388) granting an increase of pension to Graham McClosson;
A bill (H. R. 14751) granting an increase of pension to Regina F. Palmer;
A bill (H. R. 14789) granting an increase of pension to David Brobst;
A bill (H. R. 14831) granting an increase of pension to Robert Clark;
A bill (H. R. 14913) granting an increase of pension to Ann M. Morrison;
A bill (H. R. 14938) granting a pension to Benjamin F. Wilson;
A bill (H. R. 14952) granting an increase of pension to Leonard S. Grove;
A bill (H. R. 14957) granting an increase of pension to Mathias Custers;
A bill (H. R. 14963) granting an increase of pension to Herman Tuerck;
A bill (H. R. 15069) granting an increase of pension to Daniel P. Marshall;
A bill (H. R. 15074) granting an increase of pension to George F. White;
A bill (H. R. 15084) granting a pension to James H. Powell;
A bill (H. R. 15113) granting an increase of pension to John Murphy;
A bill (H. R. 15114) granting an increase of pension to Alonzo F. Canfield;
A bill (H. R. 15300) granting a pension to Delania Preston;
A bill (H. R. 15391) granting a pension to Margaret Cotter;
A bill (H. R. 15399) granting an increase of pension to Harry C. Fay;
A bill (H. R. 15421) granting an increase of pension to Elizabeth Palmer;
A bill (H. R. 15473) granting an increase of pension to Winthrop W. Wolcott;
A bill (H. R. 15480) granting an increase of pension to William S. Barker;
A bill (H. R. 15588) granting an increase of pension to Samuel S. Smith; and
A bill (H. R. 15636) granting a pension to Matilda Tunison.

[Subsequently the foregoing pension bills were severally read twice by their titles, and referred to the Committee on Pensions.]

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 215) regulating the duties and fixing the compensation of the customs inspectors at the port of New York;
A bill (S. 911) authorizing the Federal Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the village of Oacoma, Lyman County, S. Dak.;
A bill (S. 3083) providing for the adjudication of certain claims by the Court of Claims;
A bill (S. 3316) to amend an act entitled "An act to create a new division in the western judicial district of the State of Missouri," approved January 24, 1901;
A bill (S. 4083) for the relief of Surg. John F. Bransford, United States Navy;
A bill (S. 4204) relating to grants of land to the Territory and State of Washington for school purposes;
A bill (S. 4419) to incorporate the General Educational Board;
A bill (S. 6070) to authorize the construction of a bridge across the Missouri River, at a point to be selected, within 5 miles north of the Kaw River, in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route; and
A bill (S. 6138) to set apart certain lands in the State of South Dakota as a public park, to be known as the Wind Cave National Park.

PETITIONS AND MEMORIALS.

Mr. FOSTER of Washington presented a petition of the Produce Exchange of Seattle, Wash., praying for the enactment of legislation for the district of Alaska, to open the land to settlement, etc.; which was referred to the Committee on Territories.

He also presented a memorial of the Western Washington Christian Temperance Union, of Columbia, Wash., remonstrating against the admission of New Mexico and Arizona to statehood without a provision prohibiting polygamy within their borders; which was ordered to lie on the table.

Mr. SCOTT presented petitions of sundry citizens of Wheeling, W. Va., praying for the enactment of legislation to promote the efficiency of the militia; which were ordered to lie on the table.

Mr. MITCHELL presented the petition of Edward W. Bell, of Salem, Oreg., praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

He also presented a petition of the Commercial Club of Astoria, Oreg., praying for the enactment of legislation to open the public lands of Alaska to settlement, for the construction of roads, telegraph, and telephone lines, etc.; which was referred to the Committee on Territories.

Mr. LODGE. I present a telegram, in the nature of a petition, from Oklahoma City, relative to the admission of Indian Territory and Oklahoma. It is very brief, and I ask that it may be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table, and to be printed in the RECORD, as follows:

[Telegram.]

OKLAHOMA CITY, OKLA., *December 15, 1902.*

Senator LODGE, *Washington, D. C.:*

As owner of the largest retail establishment in Oklahoma and the Indian Territory, doing an annual business of nearly half million dollars, I am in favor of one grand State for both Territories. Being a former Bostonian, I respectfully ask you to work for it.

G. E. GAINES.

Mr. LODGE presented a petition of the Board of Trade of Worcester, Mass., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented a petition of 11 business firms of Boston, Mass., praying for the enactment of legislation relative to a reduction of the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation allowing to the citizens of Alaska proper representation in Congress, and also to provide a suitable system of land laws for that Territory, etc.; which was referred to the Committee on Territories.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation to enlarge the postal system so as to include a system of parcels post between the United States and foreign countries, etc.; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Merchants' Association of San Francisco, Cal., praying for the appointment of a permanent tariff commission; which was referred to the Committee on Finance.

Mr. BLACKBURN presented petitions of sundry citizens of Kentucky, praying for the enactment of legislation to amend the internal-revenue laws relative to a reduction of the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. BEVERIDGE presented a petition of Bricklayers and Masons' International Union No. 16, American Federation of Labor, of Alexandria, Ind., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a petition of the Board of Trade of Indianapolis, Ind., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented a petition of the board of directors of the Commercial Club of Indianapolis, Ind., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented the memorial of Hubbard Brothers, of Louisville, Ky., remonstrating against the enactment of proposed legislation to abolish the issuance of certain revenue stamps; which was referred to the Committee on Finance.

Mr. PROCTOR presented memorials of E. D. & A. C. Whiting, of Birmingham, Vt.; the Willard Manufacturing Company, of St. Albans, Vt.; of W. & D. Crane and sundry other manufacturers of Birmingham, Vt., and of the Peoria Stone and Marble Works, of Peoria, Ill., remonstrating against the enactment of legislation limiting the hours of daily service of laborers and mechanics employed on work done for the United States; which were referred to the Committee on Education and Labor.

Mr. GALLINGER presented a memorial of the Drew Machinery Agency, of Manchester, N. H., remonstrating against the enactment of legislation limiting the hours of daily service of laborers and mechanics employed upon work for the United States or any Territory or the District of Columbia; which was referred to the Committee on Education and Labor.

He also presented a petition of the Directory of the National Federation of Civic Rights, of New Albany, Ind., praying for the adoption of certain amendments to the bill providing for the creation of a commission to inquire into the condition of the colored people of the United States; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Coopers' International Union, American Federation of Labor, of Kansas City, Kans., remonstrating against the enactment of legislation providing for the issuance of revenue stamps by the Government for one-eighth kegs of beer; which was referred to the Committee on Finance.

He also presented a petition of the East Washington Citizens' Association, of Washington, D. C., praying for the adoption of certain recommendations contained in the recent annual report of the Commissioners of the District of Columbia relative to the reclamation of the Anacostia flats, the increase and betterment of the police department, etc.; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Petworth Citizens' Association, of Washington, D. C., praying for the adoption of an amendment to the Constitution giving to the District of Columbia representation in Congress and in the electoral college; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Alexandria County, Va., and a petition of the town council of Falls Church, Va., praying for the enactment of legislation authorizing the laying of a single-track electric railway upon and across the Aqueduct Bridge, in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Washington, D. C., praying that an appropriation be made to defray the expense of completing the opening, grading, and regulating of Sherman avenue, in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. COCKRELL. I present the petition of Capt. Isaac d'Isay, of Kansas City, Mo., relative to his restoration to the Army and his retirement therefrom, together with his military record, and also a letter addressed to me on the subject. I move that the papers be printed as a document, and referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. COCKRELL. I present a petition of 16 citizens of Kirksville, Mo., relative to the passage of a bill to pension the militia of all the States. I move that the petition, with the accompanying bill, which has been prepared, and which I have not had the time to consider, be printed as a document, and referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL presented a petition of the Merchants' Exchange, of St. Louis, Mo., praying for the removal of the limitation on the right of Indians to alienate their lands, except homesteads; which was referred to the Committee on Indian Affairs.

He also presented petitions of sundry citizens of Missouri, praying for the enactment of legislation relative to the reduction of the tax on distilled spirits; which were referred to the Committee on Finance.

He also presented a memorial of the Coopers' International Union, of Kansas City, Kans., remonstrating against the enactment of legislation to prohibit the issuance of revenue stamps by the Government for one-eighths kegs of beer; which was referred to the Committee on Finance.

Mr. HOAR presented a petition of the Massachusetts State Board of Trade, and a petition of the Board of Trade of Worcester, Mass., praying for the enactment of legislation providing an educational test for immigrants to this country; which were ordered to lie on the table.

He also presented a petition of the Massachusetts State Board of Trade, praying for the enactment of legislation for the district of Alaska, to open the land to settlement, etc.; which was referred to the Committee on Territories.

Mr. FAIRBANKS presented a memorial of the Columbian Enameling and Stamping Company, of Terre Haute, Ind., remonstrating against the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented a petition of the Mayflower Mills, of Fort Wayne, Ind., and a petition of the Goshen Milling Company, of Goshen, Ind., praying for the ratification of the pending reciprocity treaty; which were referred to the Committee on Foreign Relations.

He also presented the memorial of Hubbard Brothers, of Louisville, Ky., remonstrating against the enactment of legislation relative to the tax on beer in eighths; which was referred to the Committee on Finance.

He also presented the petition of Samuel J. Mack and sundry other citizens of Alexandria, Ind., and the petition of Louis Hirsch and 160 other citizens, of Indianapolis, Ind., praying for the enactment of legislation to amend the internal-revenue laws relative to a reduction of the tax on distilled spirits; which were referred to the Committee on Finance.

He also presented memorials of the Blanton Milling Company, of Blanton; of W. D. Allison Company, of Indianapolis; of J. I. Holcomb Manufacturing Company, of Sullivan; of George H. Holzbog & Bro., of Jeffersonville; of the Sneath Glass Company, of Hartford City; of the W. H. Kiblinger Company, of Auburn; of the Laporte Carriage Company, of Laporte; of the James & Mayer Buggy Company, of Lawrenceburg; of Balke & Krauss Company, of Indianapolis; of Nordyke & Marmon Company, of Indianapolis; of the Garden City Stationery Company, of Elkhart; of the Long-Knight Lumber Company, of Indianapolis; of the L. C. Thompson Manufacturing Company, of Indianapolis; of E. C. Atkins & Co., of Indianapolis, and of the Karges Furniture Company, of Evansville, all in the State of Indiana, remonstrating against the passage of the so-called eight-hour bill; which were referred to the Committee on Education and Labor.

Mr. SPOONER presented a petition of sundry citizens of Wisconsin, praying for the enactment of legislation relative to a reduction of the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. QUAY presented petitions of 487 citizens of Pennsylvania, praying for the enactment of legislation relative to a reduction of the tax on distilled spirits; which were referred to the Committee on Finance.

AMERICAN LABOR'S DEBT TO RAILROADS.

Mr. GALLINGER. I have a very thoughtful article, by Guy Morrison Walker, which I found in Leslie's Weekly, entitled "American labor's debt to railroads." I move that the paper be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. DUBOIS, from the Committee on Indian Affairs, to whom was referred the bill (S. 6502) relating to ceded lands on the Fort Hall Indian Reservation, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6465) granting an increase of pension to Alonzo Gilbert;

A bill (S. 6466) granting an increase of pension to Willard A. Jackson;

A bill (S. 6467) granting an increase of pension to Sarah E. Ropes;

A bill (S. 6500) granting an increase of pension to Caroline W. Bixby;

A bill (H. R. 1453) granting an increase of pension to Thomas Kirwan;

A bill (H. R. 10494) granting an increase of pension to Jonathan H. Slocum;

A bill (H. R. 13479) granting a pension to Ira P. Smith;

A bill (H. R. 13505) granting an increase of pension to William F. Stanley;

A bill (H. R. 11286) granting a pension to Ellen F. Pook;

A bill (H. R. 12155) granting an increase of pension to Joseph W. Robertson;

A bill (H. R. 13468) granting an increase of pension to Joseph S. Mess;

A bill (H. R. 14136) granting an increase of pension to John D. Thompson; and

A bill (H. R. 5159) granting a pension to William A. Miller.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6452) granting a pension to S. Josie Hill;

A bill (S. 1131) granting a pension to Lydda B. Arnold; and

A bill (H. R. 14477) granting a pension to John Bruff.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 4656) granting an increase of pension to Orlando S. Osborn, reported it with an amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon.

A bill (H. R. 11180) granting an increase of pension to Henry W. Gaskill;

A bill (H. R. 4184) granting an increase of pension to John Glenn;

A bill (H. R. 1528) granting an increase of pension to Charles Dalrymple;

A bill (H. R. 6897) granting an increase of pension to William G. Buchanan; and

A bill (H. R. 13594) granting an increase of pension to Robert Hargreaves.

Mr. CULBERSON, from the Committee on the Judiciary, to whom was referred the bill (H. R. 15140) providing that the circuit court of appeals of the Fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Fort Worth, in the State of Texas, on the first Monday in November in each year, reported it without amendment.

Mr. FOSTER of Washington (for Mr. TURNER), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13529) granting an increase of pension to Francis C. Baker; and

A bill (H. R. 5887) granting an increase of pension to Morris M. Comstock.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 252) granting an increase of pension to Levi H. Peddycord; and

A bill (S. 5734) granting an increase of pension to Elijah A. Woodward.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (H. R. 1328) granting an increase of pension to Gotthard Koerner, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5610) granting an increase of pension to Joseph Twycross, reported it with an amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 6278) to extend the provisions of chapter 8, Title XXXII, of the Revised Statutes of the United States, entitled "Reservations and sale of town sites on the public lands," to the ceded Indian lands in the State of Minnesota, reported it without amendment, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (H. R. 14024) granting an increase of pension to John R. Curry, reported it without amendment, and submitted a report thereon.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (S. 6356) granting an increase of pension to Idah I. Miller, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2363) granting an increase of pension to James A. Capen, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 325) granting an increase of pension to John Compton, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 636) granting an increase of pension to Benjamin S. Bogardus; and

A bill (H. R. 5869) granting an increase of pension to Benjamin White.

HOLIDAY RECESS.

Mr. ALLISON. I report back from the Committee on Appropriations the concurrent resolution of the House providing for an adjournment during the holidays; and as I think it will give rise to no debate, I ask that it may be immediately considered and agreed to.

The PRESIDENT pro tempore. The resolution will be read.

The concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 20, they stand adjourned until 12 o'clock meridian, Monday, January 5, 1903.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 6547) for the relief of the estate of W. R. Austin, of W. R. Austin & Co.; which was read twice by its title, and referred to the Committee on Claims.

Mr. DIETRICH (for Mr. MILLARD) introduced a bill (S. 6548) granting an increase of pension to Henry Russell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also (for Mr. MILLARD) introduced a bill (S. 6549) granting a pension to Thomas Cosgrove; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. RAWLINS introduced a bill (S. 6550) granting an increase of pension to William S. Blackwood; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 6551) to provide an American register for the steam lighter Pioneer; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6552) to inquire into the reorganization of the Northern Pacific Railroad Company and the disposal of the lands belonging to the said Northern Pacific Railroad Company by the Northern Pacific Railway Company; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 6553) to grant an honorable discharge from the military service to Philip Graham;

A bill (S. 6554) to grant an honorable discharge from the military service to Edward A. Smith; and

A bill (S. 6555) to remit the sentence of general court-martial against Edwin L. Hunt, bugler, general service, United States Army, and restore him to duty.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6556) granting a pension to Annie Campbell (with an accompanying paper);

A bill (S. 6557) granting a pension to James S. Alexander (with an accompanying paper);

A bill (S. 6558) granting a pension to Eliza H. Britton (with an accompanying paper);

A bill (S. 6559) granting an increase of pension to Martha C. Kuhn (with an accompanying paper);

A bill (S. 6560) granting an increase of pension to Annie B. Johnson (with an accompanying paper);

A bill (S. 6561) granting an increase of pension to Alfred J. Sellers (with accompanying papers);

A bill (S. 6562) granting an increase of pension to Philip Loney;

A bill (S. 6563) granting an increase of pension to William A. Dougan;

A bill (S. 6564) granting an increase of pension to Charles M. Kantner (with an accompanying paper);

A bill (S. 6565) granting an increase of pension to John C. Callahan;

A bill (S. 6566) granting a pension to Eliza C. Fink;

A bill (S. 6567) granting an increase of pension to Jacob A. Geiger; and

A bill (S. 6568) granting a pension to Annie M. Buker.

Mr. COCKRELL introduced a bill (S. 6569) to authorize the construction of a bridge across the Missouri River at a point to be selected within 10 miles of the corporate limits of the city of St. Charles, in St. Charles County, Mo., and in St. Louis County, Mo., and to make the same a post route; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6570) to correct the military record of Simeon Perry; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6571) to put in force in the Indian Territory certain provisions of the laws of Missouri relating to trust companies, and to make such provisions applicable to said Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PETTUS introduced a bill (S. 6572) for the relief of the estate of Joseph M. Witt, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PATTERSON introduced a bill (S. 6573) to restore James G. Field, surgeon, United States Navy, to line of promotion; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MALLORY introduced a bill (S. 6574) for the relief of Maj. Robert Gamble; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CLAY introduced a bill (S. 6575) for the relief of Henry G. Stoffregen, executor of H. G. Peter's estate; which was read twice by its title, and referred to the Committee on Claims.

Mr. QUARLES introduced a bill (S. 6576) granting a pension to Marcia B. Ferguson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 6577) to establish a permanent military camp ground upon the Nacimiento ranch, situated in Monterey and San Luis Obispo counties, Cal.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6578) for the protection of the public forest reserves and national parks of the United States; which was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

He also introduced a bill (S. 6579) to provide for the sale of timber and other material growing or being on public forest reserves, and for the renting or leasing of lands therein; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ELKINS introduced a bill (S. 6580) to amend the act approved March 15, 1878, entitled "An act for the relief of William A. Hammond, late Surgeon-General of the Army;" which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 6581) authorizing the resubdivision of lots or blocks in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FAIRBANKS introduced a bill (S. 6582) granting an increase of pension to Martin L. Wells; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6583) granting an increase of pension to Charles H. Bean; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 6584) granting a pension to H. Levander Farr; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6585) granting an increase of pension to Norman S. Bull; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 6586) granting an increase of pension to Othniel P. Parcher; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6587) granting an increase of pension to George P. Underwood; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 6588) granting an increase of pension to Edward W. Bell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 6589) to provide for enlarging and improving the United States building at Lynchburg, Va., containing the United States court rooms, clerk's office, post-office, and internal-revenue offices; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also (by request) introduced a bill (S. 6590) for the relief of the trustees of the Evangelical Lutheran Church, of Strasburg, Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6591) granting a pension to Maria Elizabeth Horner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES of Arkansas introduced a bill (S. 6592) granting an increase of pension to Samuel D. Doss; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 6593) for the relief of the estate of Arthur Mayberry; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MORGAN. I introduce a bill, and ask that it be printed and laid on the table, as I wish to explain it before it is referred to the committee.

The bill (S. 6594) to fix the compensation of the members of the Isthmian Canal Commission to be appointed under the provisions of the act "To provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902, and for other purposes, was read twice by its title, and ordered to lie on the table.

Mr. MARTIN introduced a bill (S. 6595) fixing the times and places for holding regular terms of the United States circuit and district courts in the western district of Virginia, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. QUAY introduced a bill (S. 6596) granting a pension to Grace A. Negley; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6597) amending the act of Congress approved March 3, 1901 (31 Stat., 1065), entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes;" which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 6598) amending the act of Congress approved January 26, 1895 (28 Stat., 641), entitled "An act authorizing the Secretary of the Interior to correct errors where double allotments of land have erroneously been made to an Indian, to correct errors in patents, and for other purposes;" which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FORAKER introduced a bill (S. 6599) to provide a government for the island of Guam, and for other purposes; which was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

TRUSTS OR COMBINATIONS IN RESTRAINT OF TRADE.

Mr. FAIRBANKS. I submit a concurrent resolution for reference to the Committee on Printing.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be prepared forthwith, under the direction of the Attorney-General, a compilation of all the laws enacted by the various States of the Union relating to trusts or to combinations in restraint of trade and commerce, of which compilation 2,000 copies shall be for the use of the Senate and 5,000 shall be for the use of the House of Representatives, and 500 for the use of the Department of Justice.

Mr. FORAKER. Before the resolution is referred, I should like to ask if there was not a similar resolution adopted a week or ten days ago? I think there was.

Mr. FAIRBANKS. The resolution to which the Senator from Ohio refers ordered the printing of the compilation recently prepared by direction of the Attorney-General, entitled "Bills and Debates in Congress Relating to Trusts." The resolution which I have submitted applies to legislation in the various States.

The PRESIDENT pro tempore. The concurrent resolution will be referred to the Committee on Printing.

GEORGE RIDDLE.

Mr. GALLINGER. I ask that the bill (H. R. 14381) granting an increase of pension to George Riddle be taken from the Calendar and indefinitely postponed. I have information that the soldier for whose benefit the bill was intended has died recently.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 917) for the relief of Henry Cook;

A bill (H. R. 5028) for the relief of Francis M. Oliver;

A bill (H. R. 6326) for the relief of Hiram C. Walker;

A bill (H. R. 8132) to remove the record of dishonorable dismissal from the military record of John Finn, alias Flynn;

A bill (H. R. 8663) to remove the charge of desertion from the military record of Charles F. Woodford and grant him an honorable discharge;

A bill (H. R. 9419) for the relief of Joseph Fields;

A bill (H. R. 9879) for the relief of John Richards; and

A bill (H. R. 13660) for the relief of Jackson Pryor.

THOMAS CORDINGLY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1634) to remove the charge of desertion against Thomas Cordingly; which was, in line 8, after the word "sixty-five," to insert "and the Secretary of the Navy is authorized to issue to him a certificate of honorable discharge from the Navy."

Mr. BERRY. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

INJURIES TO ITALIAN SUBJECTS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Congress:

I transmit herewith a report from the Secretary of State in regard to the killing, on July 11, 1901, by an armed mob, at Erwin, Miss., of Giovanni and Vincenzo Serio, and the wounding by the same mob of Salvatore Liberto, all subjects of the King of Italy, and recommend that, as an act of grace and without reference to the question of the liability of the United States, Congress make suitable provision for the heirs of the two Italian subjects killed and for the survivor, Salvatore Liberto, who was injured, the proceeds to be distributed by the Italian Government in such manner as it may deem proper.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, December 15, 1902.

OMNIBUS STATEHOOD BILL.

Mr. BATE. Mr. President, I ask leave to present the views of the minority upon House bill 12543, known as the statehood bill. I am directed by the minority of the Committee on Territories to make the report. I ask that it be read and go into the RECORD and be printed as the other reports on this bill have been printed, and I ask that the same number be printed.

The PRESIDENT pro tempore. The Senator from Tennessee presents the minority views of the Committee on Territories touching the bill known as the omnibus statehood bill and asks that the paper be read.

Mr. BATE. It is not a long report.

There being no objection, the views of the minority were read, as follows:

The minority of your committee, after careful examination of the bill passed at its last session by the House of Representatives for the admission of Oklahoma, Arizona, and New Mexico, known as the omnibus statehood bill, approve the same, and therefore recommend its passage without amendment, and present the following additional reasons therefor:

The Constitution provides that "new States may be admitted by the Congress into this Union." Practically this provision presents the question of admission of new States to the discretion and judgment of Congress. But in the light of history as to the meaning and intention of this clause, the question arises, is Congress justified in refusing admission to a Territory which in its population, wealth, and institutions has fully complied with that republican form of government required by the Constitution? Is Congress justified by the Constitution in keeping a Territory without representation and subject to the authority of the United States Government unless upon grounds which the Constitution makes an objection to its admission? A republican form of government is the only requirement which the Constitution makes. And the discretion as to admission which the Constitution reposes in Congress has reference to other matters than the form of government—to population, wealth, and institutions. It never was intended that Congress should bar, by party objection, admission when population, wealth, and institutions were the same as in the case of other States.

The unanimous report of the House committee in favor of the admission of Oklahoma, Arizona, and New Mexico recognizes the above reasoning and holds that the probationary period had come to an end, and that in the case of these Territories their demand for admission "was in the nature of a right possessed by the people of the Territories; and, further, that "if lapse of time is essential to qualify a Territory for statehood, those under consideration have more than served out their probation," and that that fact was attested by the action of both the great parties of the country declaring in the platform of the last two conventions in favor of such legislation.

It is not necessary to discuss the question of the right or power of Congress to impose conditions upon admission. Neither the House bill nor the amendment thereto from your Committee on Territories imposes any objectionable conditions. The House, by the act under consideration, recognizes the right of these Territories to admission; that, as to population, each Territory has sufficient numbers by either the United States census or that of the Territorial authorities. And in support of that amendment it is shown that Oklahoma, without the Indian attachment, has a larger population than has heretofore been required of any new State, and that Arizona and New Mexico have each a larger population than many of the new States had when they were admitted to the Union.

It is not clear that Congress has the right to inquire into the character of the population so long as the number of the people is equal to or exceeds that heretofore accepted as sufficient. Nor is it clear that Congress has the means of ascertaining what may be the character of the individuals. It ought to suffice that the 95 per cent of population are white people in Oklahoma and the 90,000 white population in Arizona and the 122,000 white population in New Mexico are quite sufficient to leaven all the foreign-born people in each of those Territories. Whether some of the Northwestern States now swarming with a foreign-born population had as large a leaven of American-born people when admitted need not now be discussed, as their successful example of statehood shows how soon the whole mass becomes Americanized.

The expectation of population, founded on past increase of people in New Mexico, is stated by Governor Otero in his report to be 400,000 in 1910, "composed of intelligent, enterprising, thoroughly American people, second to none in patriotism, culture, and progress."

The investigations made by the Committee on the Territories of the House of Representatives sustain this hope of the governor. That committee reports that—

"In all the Territories the population is distinctly American, and the best type of American, made up of those who seek life's prizes by toil and patience. Of what manner of men this population is made up let their work speak. Cities and towns, with all that modern civilization demands, homes of culture and refinement, schools and higher institutions of learning, public and private charitable institutions, everywhere the free church and free press. These are not the monuments of the Indian nor the Mexican, the idle nor the vicious. The past legislation of the Territories has recorded forever the wisdom, the justice, of the people. It can be safely said that they can not be unfavorably compared with the people of any State of the Union."

The second important subject for consideration is the wealth of the people in those Territories as to bearing the expenses of a State government. Omitting all speculation as to the increased value of land which statehood would assure, the report of Governor Otero on the industrial improvement between June 30, 1901, and June 30, 1902, shows that the incorporated capital for that year was $30,845,130, with fees aggregating $10,706. Of the 204 incorporated companies, 110 was for milling and smelting, with $73,017,630 capital; 63 companies for manufacturing and other industrial pursuits, with $4,796,500 capital; 6 bank, building, and loan associations, with $4,830,000; 5 railway companies, to build 449 miles of road, with $6,200,000 capital; irrigation and improvement companies, with $2,011,000 capital. There are 14 national banks in the Territory, an increase of 4 in the last year, and there are 12 Territorial banks, having resources of nearly $10,000,000 and deposits of over $7,500,000.

The report of Governor Otero on the fiscal interests of the New Mexico Territory removes all doubt as to the ability of the Territory to sustain the expenses of a State government. He reports them to be "in excellent condition," with the accumulation of a surplus in almost every fund of the treasury, enabling all appropriations to be promptly met, and "leaving a handsome sum to be turned toward the reduction of our interest-bearing debt." That "the standing of the Territory in all financial centers of the world is gilt-edged. The bonded debt on June 1, 1901, was $1,180,900; paid during the past year, $57,600; bonded debt outstanding January 1, 1902, $1,123,300; sinking fund on hand at this writing for the redemption of the bonded debt, $89,246.26; net bonded debt, $1,034,053.47. For more than a year past the Territory has been endeavoring to buy in its unmatured bonds, but the holders prefer to retain them. During the past year many orders have been constantly on file in the treasury to take over any bonds the Territory might issue, and there has also been a wide demand for the county and school district bond. The Territorial tax, being for all purposes, is now 13 mills, far below the average in the Western States."

Such is the financial condition of the Territory to which your Committee on Territories denies the boon of statehood.

The third consideration is that of the institutions of the Territory for moral and industrial improvement and progress.

The right, progress, and prosperity of the Indians within the State are protected by a constitutional pledge, disclaiming all right and title to the unappropriated public lands lying within the boundaries of the State and to all lands lying within said limits owned or held by any Indian or Indian tribes, and having the Indians under the protection of the United States.

The State constitution will be framed on the model of the other States, and embody all the features so essential to the liberty, progress, and prosperity of the people. And yet the State ready to adopt such a constitution is to be shut out of the Union by the amendment submitted by the majority of the Senate Committee on Territories.

It is not only the exclusion of New Mexico and Arizona by the amendment that is objected to by the minority of the Senate committee, but we protest against that amendment as much for what it provides as for what it omits.

All precedents for the admission of new States have been preceded by expression of a desire on the part of the people to become a State in the Union. But the amendment submitted by the Senate Committee on Territories incorporates the Indian Territory with the State of Oklahoma without an organized expression of the people of the Indian Territory of any desire to be either a State or a part of Oklahoma. So far as your committee has information, this alliance may be the union of an unwilling people in an undesirable connection. The enabling acts of Congress for the admission of new States have heretofore been preceded by some expression of a desire for statehood on the part of the people affected by such legislation, and in no case have the people of any Territory been compelled by the enabling act to form a State constitution against their expressed will as to statehood.

However much the people of Oklahoma may desire statehood, the Indians have made no expression of any such desire. They are compelled by this amendment to come into the Union as an attachment to Oklahoma. Whether or not qualified for citizenship of a State, with all its responsibilities, these Indians are to be made citizens of the new State, but with the guardianship of the United States still over them for their protection, different from that given to the rest of the people of the proposed State.

The amendment provides that the new constitution shall not "limit or affect the authority of the Government of the United States to make any laws or regulations respecting such Indians, their lands, property, or other rights, which it would have been competent to make if this act had never passed."

In no other State of the Union does any such dual condition exist; and the fact of its incorporation in this act is a confession that the Indians, their lands, property, and other rights can not be safely intrusted to the government of the new State. And in the light of the history of the Indian tribes in their relation to the white man the restriction is well taken, but it is nevertheless a curb upon a State heretofore unknown in our history.

It may be old-fashioned and out of date to plead for State rights, local self-government, and to contend for the same equality of conditions for a new State that exists in all other States. But this guardianship by the United Stases of the Indians, their property, their lands, and their rights, makes a condition precedent to the Constitution of the new State, and is an anomaly in our history which shows a want of confidence in the treatment of the Indians by the new State.

This merger of different races, this mixture of citizenship—half Indian, half white men—compelled by this amendment, has no precedent in our history. Nor are there any past facts that offer inducement for the attempt to disregard the prejudices and passions of two races of people and to yoke them together in the indissoluble bond of statehood.

As there has been no expression of any desire of statehood on the part of the Indians, so there exists no public necessity for this anomalous mixture of races in statehood.

The amendment of the committee to the House bill strikes out the Territories of New Mexico and Arizona, and leaves the people of those Territories still out of the Union, notwithstanding New Mexico has prayed for statehood twenty-odd times and has for a half century been denied that boon. It was well said in the House that "the bill now before the House is the forty-sixth bill that appears in the CONGRESSIONAL RECORD in which New Mexico has made an effort to enter the Union. A similar case does not exist with reference to any Territory of this country. A similar example of national neglect has not occurred in all the history of this nation."

At page 41 of the report of the governor of New Mexico to the Secretary of the Interior will be found the last memorial of the legislative assembly of the Territory to the Congress praying admission to the Union. The memorial claims admission to the Union as a right, because the heretofore regarded privilege has been pledged by the provisions of the treaty of Guadalupe Hidalgo—the solemn promise of the United States to the Republic of Mexico—more than half a century ago. The lapse of time has converted the "proper time" (to be judged by the Congress of the United States) into the present if the provision of the treaty is ever to have significance. And that view has been taken by both political parties in their last platforms of principles, and ratified by the unanimous report of the House Committee on Territories, which, without division on party lines, recommended the passage of the bill which this committee has emasculated by its amendment.

It was the voice of the whole country, as spoken by both political parties, which pledged their good faith to remove an "intolerable" condition of Territorial government and replace it with statehood, which the increased population, wealth, and national advancement renders proper at this time.

The House of Representatives has acceded to this view and recognized the right of the Territory to admission by the passage of the bill which this committee has amended by a most remarkable and novel substitute, which defeats the prayer of the people of this Territory and Arizona and overrides the treaty pledge of the Government of the United States and the voice of both political parties as uttered in their last platforms. Arizona, also excluded from statehood by this amendment of the Senate Committee on Territories, stands on exactly the same moral, legal, and constitutional grounds with Oklahoma and New Mexico.

The population of the Territory is sufficient in numbers, her wealth is abundant to bear the expenses of a State government, and her institutions are in harmony with those of all the other States. Yet this amendment remits her to a Territorial condition after more than fifty years of probation.

Each of these Territories has complied with every requirement heretofore made by the Congress for admission into the Union.

Each of these Territories has population sufficient for representation in Congress. Each of these Territories has wealth abundant to support all the expenses of statehood. Each of these Territories has institutions in harmony with republican government as understood in the Union.

The reasons and arguments against the amendment of the Senate Committee on Territories to H. R. No. 12543, for the admission into the Union of the Territories of New Mexico, Arizona, and Oklahoma, are most forcibly presented in the views of Senator QUAY, of Pennsylvania, as they appear in the CONGRESSIONAL RECORD. There is, it would seem, but little remaining to be said, outside of his report, against the amendment proposed by the Senate committee, or for the passage by the Senate of the act passed by the House of Representatives. Senator QUAY has embodied in his views the entire report of the Committee on Territories of the House of Representatives, a strong and exhaustive paper, covering the whole subject. He has further shown the unqualified committal of the Republican party in the national convention in favor of home rule and the early admission to statehood of the Territories of New Mexico, Arizona, and Oklahoma, and emphasized that recommendation by enumerating the leading members of his party who are now to pass upon the proposed legislation by repeating the names of those who led the last national Republican convention. He has further shown the political inconsistency and "direct violation of the pledge made by the Republican platform" that would follow the passage of the amendment of the Senate Committee on Territories, and emphasized his views by naming the Republican Senators and the President, Mr. Roosevelt, who, as members of that convention, stand publicly pledged to the passage of the act of the House of Representatives unamended in any way which would emasculate the public pledge of the Republican party.

He has also shown that the "inclusion of the Indian Territory with the State of Oklahoma" would be a practical violation of treaties and agreements made by the United States with the various tribes of Indians that make up the Indian Territory, and that Congress stands pledged by recent legislation not to disturb the tribal relations of those Indians prior to "the period of eight years from the 4th of March, 1898," which will not expire until the 4th of March, 1906.

With each and all of these cogent reasons and unanswerable arguments the views of the minority fully concur, because the Constitution of the United States, in providing that "new States may be admitted by the Congress into the Union," remits the admission of these Territories to the discretion and judgment of Congress, not indefinitely as to time, but only for that period of time necessary for the acquisition of the population, wealth, and institutions which is required by a republican form of government as understood in the Union.

We hold that under the theory of our Government communities, which is the foundation stone of the American system of republican government, Congress is not justified by the Constitution in keeping a Territory without representation and subject to the authority of the United States upon any other grounds than the want of a republican form of government or that the population, wealth, and institutions of the Territory are not suited to statehood. It never was contemplated that Congress could exclude from the Union, for party reasons, a Territory whose constitution was republican in form and whose population was sufficient in numbers, whose public wealth was able to stand the taxation necessary to maintain the expenses of statehood, and whose institutions, of the same character with those of the other States in the Union, would promote and advance the moral and physical welfare of the people.

The views of the minority are in strict conformity with the pledge given by the Democratic party in its last and other platforms of principles. And their indorsement of the report and their recommendation for passage of the House bill attest the nonpartisan position of the minority of the committee. The interest, so vast and vital, of the people in each of these Territories rises above party divisions. And it is to be regretted that the concurrence of both parties in their platform pledges of statehood to these Territories should have been disregarded in the report and recommendation for passage of this amendment, so contradictory to the pledge of each of the great political parties.

The printing of the report of the committee in the CONGRESSIONAL RECORD of Thursday last enables the minority to review briefly the remarkable statements that fill its columns.

The printed report of the Committee on Territories has disclosed some rather fanciful qualifications for statehood as well as "rules" for admission. The latter, it is true, recognizes the "sliding scale," which may run from 60,000 up or down, as the interests of party may suggest. The rule of 60,000 is held in the report to be neither "scientific nor based upon the principle of popular government for the nation." Therefore, abandoning the 60,000 rule, the report relies on a "rule of unit of representation," according to which New Mexico exceeds the rule by the difference between 194.182, the unit of Congressional representation in 1900, and 195,310, the amount of population given New Mexico by the census of 1900; while Arizona falls below the rule by the difference between 122,931 and 194,182

The census of 1900, if correctly taken, no longer truthfully represents the present population of Territories so attractive to immigration as those of New Mexico and Arizona. The report then turns its back on the rule of units of population with a suggestion of a new rule, which is that a new State "should be large enough to bear some fair proportion to the population of the Republic," and then the report, which suggests that the population of new States should be at least 1,650,000, provides for the admission of Oklahoma with a population of less than one-half of the suggested number. It is said to be a "bad rule that won't work both ways," and if the proposed rule is to be called into existence let it come after the present Territories are admitted, for no sensible man apprehends that Senators from Arizona, New Mexico, and Oklahoma would so dilute the Senate that it would no longer be able to consider those "matters of vital national concern" which are now "determined by the Senate or in conjunction with the executive department."

The "other qualifications" are spread out in all the amplitude of verbiage to be as follows:

"But not only are numbers of people requisite. The advancement of that people, their state of life, their familiarity and sympathy with our institutions, their educational condition, and all of the elements that go to make up good citizenship are to be equally considered."

For practical use in this discussion we shall condense the other qualification to wealth and institutions which harmonize with a republican form of government.

If illiteracy is to be a bar against the admission of New Mexico, who can tell how long the Territorial condition will have to continue before illiteracy will disappear? And as it is desirable that illiteracy should disappear at the earliest possible moment, the American school system, possible only in its perfection in a State, should be immediately set at work upon the subject by the admission of the Territory into the Union. The report admits that the Territory has "a fair start educationally," as the following extract evidences:

"As to educational progress, and especially advance in the speaking of English, the committee, after having made every possible allowance, are of the opinion that the very most that can be said is that New Mexico is beginning to get a fair start and no more. In saying this the committee have in mind the excellent schools, and particularly the high schools, of East Lasvegas and Albuquerque, for which too much can not be said, and also the divided work of Superintendent Wood, of Santa Fe, and the corps of teachers under him.

UNIVERSITY OF NEW MEXICO.

"The Territory has at Albuquerque university buildings worthy of high praise. The university is presided over by a competent president, under whom is a corps of efficient instructors. The university is attended by 110 students, of whom a large percentage are from the town of Albuquerque itself. This institution is, of course, growing in power and influence, and in time will make itself felt for the good of the Southwest."

"The future of the Mexican element" may be safely left to the spirit of Americanism, which has assimilated Swedes, Poles, Germans, and Scandinavians and made the Irishman far more of an American than an English subject. But one can not agree with the report that—

"As to the remaining, or 'Americans,' some of them are not as good citizens as the Mexican element. (Testimony of Judge Mills.) Such are the 'riffraff,' to use the expression of United States Judge Mills (testimony, p. 1), who first follow the introduction of railroads, and certain other elements always seen on any country's extending frontier, but these are, of course, disappearing. The majority of 'Americans,' however, are good material for citizenship, and of a large number of them absolutely too much can not be said.

"In the 'American' town of East Lasvegas and in the 'American' town of Albuquerque there are men and women of culture, refinement, ability, energy, and all the best qualities of human character unexcelled by the most favored section, either in country or city, of this or any other land. This is true of the 'American' element of Santa Fe, of the little town of Carlsbad (population, from 800 to 1,000), of the flourishing town of Boswell (population, 2,000), both on the Pecos River, and, as the committee are informed, of Alamogordo and Deming, and perhaps one or two other points."

The "riffraff" who "first follow the railroads" have been the sturdy Irishmen whose pick and spade and labor have built the hundred thousand miles of American railroads. Why that "riffraff" should not be as good citizens in New Mexico as they are in every other State and Territory the report does not advise the Senate. Protesting that the witness upon whose testimony this slur as to "riffraff" has been made was greatly misinformed, we are forced to conclude that there has been a mistake made somewhere between the witness and the committee, since the testimony has all the earmarks of a purpose "to convict" of "unpreparedness of Arizona and New Mexico" rather than to enlighten the Senate as to their republican form of government.

The comparisons of these Territories with towns and cities in the States establishes no more than would the same kind of comparison between the area of these Territories and that of Delaware and Rhode Island, or of population with that of Nebraska. Such comparisons are simply ridiculous, without showing the reasons of inequality.

After so much evidence of "unpreparedness," it is pleasant to know that there is one Territory which is fully prepared for admission. But Oklahoma, notwithstanding its high development, this report says, ought not to be admitted without its Indian complement, because "its size is much below that of any Western State," but that Oklahoma and Indian Territory will be "a natural unit." What a natural unit is has not been established by law or precedent, but this report abundantly shows that the alliance of Indian and white man in statehood is more likely to make an unnatural unit. And this appears from the telegrams submitted by Senator QUAY, some of which are here given: "Oklahoma wants statehood bad, but never with the Indian Territory." "Loyal Oklahomans want immediate statehood by omnibus bill and oppose substitute." "Condition of Indian Territory not ripe for statehood." "Recommend that the Indian Territory be not now attached."

But, in addition to being "a natural unit," the report affirms that the "people of Oklahoma and Indian Territory" are "united" because the "wholesalers' association of Oklahoma and Indian Territory are the same." That may be in all respects a veritable fact, but it only proves that "wholesalers" want to sell to the whole of the buyers. It has no political, financial,

or Territorial significance. It says that the Catholic Church has one bishop and the Episcopal Church only one for both Territories; and the Epworth League is common to the two Territories. However true in letter and spirit this may be, it has little bearing on the weightier matters of the law, the Constitution, and the fitness of the Territories for statehood.

It by no means follows that "what nature, commerce, and all human conditions have decreed the Congress of the United States should confirm." Such a platform is too broad without several amendments to the Constitution.

The report continues:

"The two Territories should be made one State and immediately admitted to the Union. Together they make a State about the size of Kansas or Nebraska and much smaller than the average State west of the Missouri River. As a single State they would make a noble addition to the nation, of which their people and the citizens of the whole Republic would be justly proud."

The composite character—Indians and white people—the report regards as a recommendation to be "proud of" for Oklahoma, but treats as a disqualification the fellow-citizenship of Mexicans and Americans in New Mexico for a new State.

Such inconsistencies and contradictions impeach the report in its recommendations as well as in its objections to statehood for the three Territories. But nothing in the report will excite the smile of incredulity more than the objection to New Mexico that—

"With the docile and easily persuaded character of the native population of the latter Territory, it is as certain as the future that they will be induced—and that with great ease—to vote enormous subsidies to proposed railroads, sadly impoverishing themselves while enriching the enterprising promoters. This is not an imaginary forecast, but a future certainty, and it is certainty from which the innocent people of New Mexico should be protected. As they are, the shield of the national limitation of 4 per cent upon their indebtedness stands between them and exploiters. Remove it and they are defenseless in their ignorance and confiding simplicity against that masterful vigor and artful craft which the exploiter always brings to his aid."

The "native population" of New Mexico—however "docile and easily persuaded," according to the report of the committee, are regarded by the Senator from Pennsylvania [Mr. QUAY] in quite a different light, for he reports that New Mexico—

"Has a solid, stable, responsible, and conservative element in her native population which counteracts the danger. They are attached to the soil and have no thought of leaving. They are identified with the country and naturally opposed to rash schemes which involve extravagant expense and debt. Mixed with the overzealous American, they form an admirable combination."

As these contradictory reports as to New Mexico come each from a Republican source and authority, the minority of the committee has deemed it well to put the two opinions in close proximity for the judgment of the Senate. It was the Senator from Pennsylvania [Mr. QUAY] who says for the reasons "that the Republican party in 1900 promised statehood to the Territories of Arizona, New Mexico, and Oklahoma, while no such pledge was made or promised in the national convention for the Indian Territory, which is not now fit for statehood, and that these Territories compare favorably in number and character of population as well as in resources and territorial extent with nearly all of the States admitted to the Union for many years past, and in accordance with the precedence of our history, I recommend that House bill No. 12543 be passed without amendment."

The majority denying New Mexico and Arizona the benefit of these reasons nevertheless recommend statehood for the Indian Territory for somewhat similar reasons.

Believing that Congress stands pledged by its legislation of 1898 not to disturb the tribal relations of the Five Civilized Tribes of Indians which comprise the organization known as the Indian Territory, certainly not before 1906, and that to pass this substitute or amendment to H. R. bill 12543, as is contemplated by the majority of the Committee on Territories, would be a flagrant violation of the spirit and letter of that act of 1898, we, as the minority of your said committee, can but condemn any step in that direction as unwarranted, unjust, and even cruel on the part of our Government.

Again, the minority of your committee believe that Congress is not justified by the Constitution in withholding statehood and representation from an organized Territory of sufficient area and population, and that is contiguous to our States, when they ask for statehood with a republican form of government, and that have taxable property to sustain necessary expenses; with institutions for educational attainments, for moral and religious observance, for meting out justice to citizens and punishing crime, and with extended and valuable commercial relations.

The Constitution in such case contemplates an admission to statehood. We, as the minority of your Committee on Territories, submit to the Senate whether such is not the condition as relates to the Territories of Oklahoma, New Mexico, and Arizona. If so, can we in justice deny this right to them by obstructive or other legislation? Is it good faith to our fellow-citizens and friends who are knocking at our door for admission?

Furthermore, we, the minority of your committee, wish to emphasize the fact that both of the great national parties in their last national conventions called these three Territories—Oklahoma, New Mexico, and Arizona—by name and recommended their admission into statehood, while in no instance in a national convention, or even a State convention, has it been suggested that the Indian Territory be admitted as a State, or that Oklahoma and the Indian Territory be united and admitted as such.

The minority of the committee, swayed by nonpartisan purposes, regard the pledge of the parties to statehood for the three Territories as obligatory upon Congress, and recommend the passage of the act adopted by the House of Representatives without amendment of any kind.

WM. B. BATE.
HENRY HEITFELD.
JOSEPH W. BAILEY.
T. M. PATTERSON.

The PRESIDENT pro tempore. The views of the minority will be printed.

Mr. BATE. I also ask that the same number of copies of the views of the minority be printed as have been ordered printed of the report of the majority.

The PRESIDENT pro tempore. That has been consented to heretofore.

HENRY E. BURTON.

Mr. PROCTOR obtained the floor.

Mr. GALLINGER. The Senator from Connecticut [Mr. HAWLEY], who is unavoidably absent from the Chamber, has expressed a very great desire to have a private pension bill, being Senate bill 6151, considered this morning. I will ask the Senator from Vermont if he will yield for that purpose?

Mr. PROCTOR. With great pleasure

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 6151) granting an increase of pension to Henry E. Burton.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry E. Burton, late second lieutenant Company I, Thirty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EFFICIENCY OF THE MILITIA.

Mr. PROCTOR. I ask unanimous consent for the present consideration of the bill (H. R. 15345) to promote the efficiency of the militia, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. If there be no further amendment as in Committee of the Whole, the bill will be reported to the Senate as amended.

Mr. PETTUS. Mr. President——

The bill was reported to the Senate as amended.

Mr. PETTUS. Mr. President, I addressed the Chair before the bill was reported to the Senate.

The PRESIDENT pro tempore. The Chair recognizes the Senator.

Mr. PETTUS. I wish to offer an amendment to the bill, to strike out section 24.

The PRESIDENT pro tempore. Will the Senator allow the amendment already made as in Committee of the Whole to be concurred in in the Senate before he offers his amendment?

Mr. BATE. That will not affect the amendment of the Senator from Alabama.

Mr. PETTUS. If it does not affect the amendment I desire to offer, I have no objection.

The PRESIDENT pro tempore. No matter. The amendment of the Senator from Alabama will be stated.

The SECRETARY. On page 15 it is proposed to strike out section 24.

Mr. PETTUS. Mr. President, in the preceding part of the bill the National Guard has been provided for. Section 24 provides for what is called a reserve force of trained men as a part of the militia. It provides that these men, to the number of a hundred thousand, apportioned among the States, shall be officered and drilled and called into service by the United States.

Mr. President, I believe that this section is a direct infringement of the constitutional authority given to the States; and in order to call the attention of Senators to the point I will read one provision from the Constitution.

The Congress shall have power to * * * provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

Now, here is a part of the militia, organized to the number of a hundred thousand men, and this reserve force is not in any way subject to the authority of the State. It is to be officered by the President. It is to be controlled and drilled by the authority of the United States. The State has no authority, so far as I have been able to see, to interfere in any way with this force, called the reserve force of trained men, but the entire power is given to the President of the United States. Of course the Congress in case of war would have to declare the war. But this force is to be officered, drilled, controlled, and called into service without any sort of authority whatever on the part of the States.

Mr. HALE. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Alabama yield to the Senator from Maine?

Mr. PETTUS. Certainly, sir.

Mr. HALE. I am very much interested in what the Senator from Alabama is saying, because my mind has been running in the same direction. What I fear is that without our knowing it we may pass something that will take the control of the militia—the formation of militia companies and the extent of the participation of citizens in the militia—away from the States and commit it to the General Government. Of that the Senator is not in favor, and I am not. Now, before he gets through I wish he would tell the Senate what part of the bill it is that gives rise in his mind to his apprehension.

Mr. SPOONER. Section 24.

Mr. PETTUS. Section 24.

Mr. HALE. I have just come into the Chamber. Perhaps the Senator from Alabama has already referred to that. It is section 24.

Mr. PETTUS. Section 24.

Mr. HALE. I did not know. The Senator has moved to strike out section 24, I am told.

Mr. PETTUS. I call the Senator's attention to the particular words:

Such reserve force shall be designated as the national volunteer reserve, and when called forth by the President shall serve wherever ordered, within or without the territory of the United States.

Now, that also is in direct violation of the Constitution. The militia can not be sent out of the United States at all according to the Constitution.

Mr. PROCTOR. Will the Senator from Alabama allow me?

Mr. PETTUS. Certainly.

Mr. PROCTOR. The troops provided for in section 24 are not militia. They are volunteers. They are called the national volunteer reserve, the Senator will see. They are not called militia. If the Senator will read carefully, he will see that this force is to be ready for service "whenever called for and organized under authority of Congress." Their organization is precisely the same as that of the volunteers sent to the Philippines, the best organized and officered corps of volunteers, I believe, that we have ever sent into the service. They are volunteers. They are not militia.

Mr. PETTUS. Will the Senator read that part of the bill which shows where they are to volunteer? You call them "volunteers," but will you show where you make them volunteers in substance?

Mr. HALE. Right here, what is the force of this provision:

The Secretary of War is authorized to apportion among the several States and Territories—

That is, to decide how many men each State shall furnish—

and to enroll—

And to enroll—

not exceeding 100,000 men.

Who is to decide how that enrollment shall be done, how far it shall apply, and what duties are incumbent upon the soldier under that? I should like to be enlightened on that point.

Mr. PETTUS. I have examined it with some care. I do not find any provision at all for the volunteering of this force. It is an organized force. The United States is to organize it. It is to be organized of men who have served in the National Guard or as volunteers in the Army.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. PETTUS. Certainly.

Mr. FORAKER. I interrupt the Senator with some reluctance, and only because he has apparently invited some one to do so. I interrupt him to call his attention to the provision found in section 24, on page 16, where it is provided how the national volunteer reserve force shall be called out.

The first provision on page 16 with respect to calling out the militia is that commencing in line 14, which provides for the calling out of the organized militia. The organized militia is that militia which is organized and officered by the States and in the armanent, drilling, and maintenance of which generally the National Government is to assist; and the provision is:

Whenever a volunteer force shall be called for by authority of Congress, and the members of any companies, troops, batteries, battalions, or regiments of the organized militia shall enlist in the Volunteer Army in bodies, such companies, troops, batteries, battalions, or regiments shall be received as the first organizations of such volunteer force.

Then follows the provision as to the national volunteer reserve, which is in no case whatever a part of the militia. It is not made so by the proposed act, except only in the sense that all persons between the ages of 18 and 45 are part of the militia of the United States. The provision is that when a greater force is needed than the organized militia of the several States amounts to——

Mr. PETTUS. I will ask the Senator from what line he reads?

Mr. FORAKER. I am about to read now from line 20. When the organized militia are insufficient, then the national volunteer reserve force is to be called forth; and here is the provision with respect to it. The Senator will see, as I read it, that it is entirely under the authority of Congress. The President and the War Department are both alike helpless under this provision to call out anybody except by authority of Congress:

Whenever a volunteer force—

Not the organized militia, but when we are threatened with invasion, when we need an additional force beyond that which the organized militia will supply, then this national volunteer reserve force can be called on, and it is denominated here a volunteer force—

Whenever a volunter force shall be called for by authority of Congress, exceeding in number the * * * organized militia—

Without stopping to read all of it, then this force may be called out, and in that contingency, when the national volunteer reserve force is needed and is called out, the National Government shall take charge of the force and shall organize it, drill it, officer it, just as we did the volunteer force which we sent to the Philippines. I would say more but I do not want to interrupt the Senator from Alabama.

Mr. PETTUS. Mr. President——

Mr. DANIEL. Before the Senator from Alabama resumes his remarks, I beg leave to make an inquiry of him somewhat in line with the suggestions of the Senator from Ohio.

I call his attention to the fact that there seem to be three distinct provisions in section 24. From line 12, on page 15, to line 14, on page 16, it seems to relate to the national volunteer reserve force, so distinctly called. From line 14 to line 20 it seems to relate to any volunteer force which may be called. From line 20, page 16, down to line 15, on page 17, the proposed statute seems to relate to a volunteer force which shall be called for by authority of Congress, "exceeding in number the companies, troops, batteries, battalions, and regiments of the organized militia," which words "organized militia," as I understand, will not include the national volunteer reserve, and that organized militia "shall enlist in bodies pursuant to section 6 of the act entitled 'An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes,' approved April 22, 1898."

Now, it is my apprehension from the reading of this section that all of the organized militia are to have their officers appointed in the same manner as under the act of April 22, 1898. By that act it is provided that each regiment of the Volunteer Army shall have one surgeon, two assistant surgeons, one captain, and that all the regimental and company officers shall be appointed by the governors of the States in which their respective organizations are raised. So it is clear that the organized militia will have their officers appointed by the governors of the States, by the reference of the pending bill to the act of April 22, 1898, which so provides.

I ask the Senator if it is not clear, from the further provision of section 24 in reference to the national volunteer reserve, which is mentioned in the forepart of section 24, and in reference to any volunteer force which may be "called for by authority of Congress, exceeding in number the companies, troops, batteries, battalions, and regiments of the organized militia which shall enlist in bodies," etc., that they shall have their officers appointed under the provisions of "section 12 of the act entitled 'An act for increasing the efficiency of the Army of the United States, and for other purposes,' approved March 2, 1899?" By the latter act the officers of such forces are appointed by the President; and is it not clear, therefore, that both the national volunteer reserve, to be trained under the Secretary of War, and any other volunteer force which may be created, will have their officers appointed by Federal authority?

Mr. PETTUS. Mr. President, as I understand the act, what we call the National Guard is to be officered by the State under this bill; but whenever you get outside of that, both the reserve force and the general militia when called out are to be officered entirely by the Government of the United States, and not only officered by it, but called out by it.

Mr. President, if the distinguished Senator in charge of this bill is correct in his interpretation of it, then this is nothing more or less than a hundred thousand men added to the Regular Army of the United States, in reserve, it is true, for the time being, but who may be called out at any moment.

Mr. PROCTOR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Vermont?

Mr. PETTUS. Certainly.

Mr. PROCTOR. The Senator will see, I think, that it is only when authorized by Congress. It gives the Administration no power to call them out. It is only when authorized by Congress.

Whenever called for and organized under authority of Congress.

It is found in the third line of section 24.

Mr. HALE. That says:

For the purpose of providing a reserve force of trained men, which shall be ready for immediate service whenever called—

But it does not say——

Mr. PETTUS. Mr. President——

Mr. COCKRELL. "Whenever called for and organized under authority of Congress."

Mr. HALE. Yes.

Mr. COCKRELL. They can not be called except by authority of Congress.

Mr. HALE. But they are to be enrolled and apportioned before that, and are to be a reserve force all ready for service when Congress acts. But Congress has not to act before the Secretary of War apportions so many to a State and enrolls so many. It makes it therefore an additional force of a hundred thousand men.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. PETTUS. Certainly.

Mr. FORAKER. I can understand why the Senator from Maine should have some doubt in his mind as to the propriety of this provision, unless he has carefully examined it. At one time I had in my mind some doubt of its propriety. When this bill was under consideration in the committee I did not, upon the first reading, understand what this provision was, but when I looked into it more carefully I became satisfied with it, and in that view which I reached I was confirmed by the Secretary of War in the testimony he gave before the committee when he came there to explain this measure.

The character of this provision is simply this: The militia, according to the provisions of this bill, is divided into three classes—first, the organized militia; second, the national volunteer reserve, and third, the remainder of the militia, called the reserve militia, I believe, in the language of the bill. As to the organized militia, nobody had any doubt as to the propriety of the provisions of this bill. There was no discussion upon any of those provisions. When it came to the second class, the national volunteer reserve, we all wanted a little more information than the bill on its face imparted. We examined it therefore with a good deal of care, and the Secretary of War came, as I have said, and explained that the effect of that provision, not only as we interpreted it, but as the Secretary interpreted it, is that we are simply to provide for the enrollment of a hundred thousand men who have seen service, and who, if called upon to come into the service, will be already drilled and who will know what military discipline is.

Mr. COCKRELL. Enrolling simply means taking down their names on a book in the War Department.

Mr. FORAKER. Certainly. That is just what I wanted to say. It involves no expense to the Government. It is proposed by the Secretary of War to carry out the provision in this way: Hereafter as men are enlisted in the Regular Army he will require them not only to consent to the usual term of enlistment, which I believe is three years, but also to have their names go upon the volunteer reserve roll.

Mr. DANIEL. Will the Senator from Ohio allow me to ask him a question?

Mr. FORAKER. In just a moment. So, when they are mustered out at the end of their term of three years, they will be free from service and the Government will be free from obligation to them, except only in the contingency of war, in which event the Secretary of War would have in the War Department in the course of time—he could not have them at once—the names and the addresses of a hundred thousand men who had seen service, and whom, if there was an emergency justifying it, he could call upon to come at once into the service of the United States.

Mr. HALE. I for one am very glad to hear the Senator from Ohio, because he is always lucid in his explanations. I see how his mind runs upon this subject. Has he any doubt that these hundred thousand men, whenever the time is reached that they are wanted, whenever they organize, shall be volunteers?

Mr. FORAKER. None whatever. They are to be volunteers.

Mr. HALE. Has the Secretary, under the power of apportionment and enrolling, any authority to say to a State "Your proportion of this hundred thousand men is 1,500, and you must furnish them?" Is there any such power?

Mr. FORAKER. There is no requirement at all upon the State. There is a limitation placed by this bill upon the number that may be so enrolled. In order that there may be some equality, ratably according to population, in the enrollment, it is provided that they shall be apportioned among the States. No State is required to furnish any number, but if the proportion of the Senator's State, Maine, should be 1,500, using the figures he has just quoted, when 1,500 men had been thus enrolled from the State of Maine, no additional men could be enrolled and credited to that State until other States had their proper proportion.

Mr. HALE. If I may put in another word there, that is, whenever 1,500 men, such as are described here, shall have volunteered and are enrolled, then they make up the number which the State may—not must—furnish. The phrase the Senator used is very important—that the State is not required to furnish any.

Mr. FORAKER. The State is not required to furnish any under the provisions of this bill. This whole force will remain inactive, except only in the contingency of Congress authorizing the President to call it into service. We merely have in the War Department a list of names amounting in the aggregate when the whole force has been enrolled to a hundred thousand.

Mr. HALE. Then it is nothing but a silent, or perhaps it would be better to say, a dormant force.

Mr. FORAKER. That is all; and the purpose of it is to enable the War Department to know where, in an hour of emergency, they can lay their hands on trained and skilled men who have seen service.

Mr. HALE. But until such time is reached it is a dormant force?

Mr. FORAKER. Absolutely so, and is no expense to anybody.

Mr. DANIEL. Mr. President——

Mr. SPOONER. Is the Senator from Ohio certain that he is correct in that statement?

Mr. FORAKER. Yes, sir; I am. I know what is in the mind of the Senator from Wisconsin, I think, because I had the same query.

Mr. DANIEL. Mr. President——

Mr. FORAKER. Mr. President——

Mr. PETTUS. If gentlemen will allow me——

Mr. FORAKER. Excuse me.

Mr. PETTUS. I will beg them all to excuse me until I have made the remarks I rose to make.

The PRESIDING OFFICER. The Senator from Alabama is entitled to the floor.

Mr. PETTUS. I really think gentlemen ought not to take the floor in this manner and make the speech for the man who is entitled to the floor. I do not want to be discourteous and will yield for any question that Senators may desire to ask me, but I will not yield to have my speech made for me by somebody else.

Mr. HALE. I think the Senator is right, and I beg his pardon for coming in in this way; but I merely wanted to ask a question.

Mr. PETTUS. I so understood the Senator from Maine, but the Senator from Ohio undertook to explain the whole subject.

Mr. FORAKER. If the Senator will allow me, I think in justice to myself I ought to be allowed to state to the Senate that I asked the permission of the Senator from Alabama before interrupting him; and I said to him, when I interrupted him, that I would not do so unless it was entirely agreeable to him, and I understood it was. I am hardly responsible for the fact that my remarks were somewhat protracted. It was due to the fact that others plied me with inquiries, which, being on my feet, I thought it was all right for me to answer. I beg the Senator's pardon. I shall not interrupt him again.

Mr. PETTUS. I make no censure of the Senator from Ohio. He had my express permission. The Presiding Officer asked me, and I gave it. But I had no idea he intended to debate the whole subject.

Mr. FORAKER. I did not so intend, either.

Mr. PETTUS. Mr. President, taking one man off the floor for another man to make a speech for him is a bad habit.

Now, to get back to the subject, it is said this is not the militia. Well, if it is not the militia, what is it? It is to be organized within the States in proportion to their population. It is to be distributed as nearly as may be over the States. What is it if it is not militia? If it is not militia, then I do not see where the authority of Congress comes in to organize it, unless it is an army. I do not find in the Constitution any authority for the Congress to organize in the States anything but the militia. I find plenty of authority in the Constitution for the Government of the United States to organize any army it chooses, but it must be an army, and that is what this thing is.

What do you mean, if this is a mere thing that you are going to record? You enroll the men, and for what length of time do you enroll them? You enroll them as volunteers. That is the name you give them when you enroll them. And you enroll them for five years. To be sure, it may be that on a proper construction the Congress would have to call them out, though even that is extremely doubtful, because here the language is:

> Such reserve force shall be designated as the National Volunteer Reserve, and when called forth by the President shall serve wherever ordered, within or without the territory of the United States.

When called out by the President! Mr. President, if this proposed act means to organize the militia it does not do it. If it means to merely have men enrolled so that the President or Secretary of War may know where to find them, it does not stop at that. It enrolls them for five years, and when so enrolled they must obey the order of the President and serve wherever the President orders them to go. Of course the President could not order them to go out of the United States unless the Congress had first declared war.

But, Mr. President, this bill is misleading, and the Senator from Ohio [Mr. FORAKER], with his adroit interpretation, would make some people believe that this is not an army. But he can not make any man believe it who reads it for himself. He will know

that there are a hundred thousand men already volunteered to serve whenever called on, and this service is to last for five years. They have already volunteered, and you call them the National Volunteer Reserve. That is what you call them. You enlist them for five years. You enroll them for five years.

Mr. President, the Constitution of the United States evidently contemplated that the United States should have an army of its own, and that the States should have an army of their own which should be called the militia; that is all, and it is of very vast importance to the State that it should have this organized militia. I have had no word to say about the National Guard. As the Senator from Virginia [Mr. DANIEL] has clearly explained, that is militia—organized militia—organized in the States and by the States and officered by the States, for the governor is to appoint all its officers.

But, Mr. President, when you come down to the National Volunteer Reserve you strike a solid army of 100,000 men already volunteered and ready to be called out, thus prostituting a good thing into a regular army.

The organized militia in the States is of vast importance to the States. The Constitution itself says:

> A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

In addition the State has a right to officer this militia when it is organized. This army of the States, called militia, is as essential as any other power that a State has, and this bill takes away from the States that power which they ought of right to have.

Moreover, Mr. President, there is another thing about this bill. I do not mention it now in connection with foreign countries, but in connection with our own country here, and without going outside of it. It enables the President to take the volunteer force of New York and send it over to Chicago; for any purposes that the law authorizes him to send any troops there he can use this volunteer reserve militia. He can use it whenever he chooses, and send them from New York to California, or from Chicago to New Orleans. He can send them wherever he pleases under this bill; and unless we intend to abandon entirely the rights of the States in the control of its own militia, the bill ought not to pass in its present shape.

I favor in every way possible what we call the organized militia. It has got to be called lately the National Guard. In my State it is a small force, but it is of incalculable value to the order of the State. It is a force that can be concentrated by the governor at any point in the State in a short time, and thus we have absolute security for order and peace at home; and so have all the other States. The authority ought to be in the State to preserve its order at home, and it can only be there.

What authority now has the governor over all this reserve volunteer force? None in the world. There is not one single particle of authority given here. It would be absolutely contrary to the whole spirit of this bill for the governor to have anything to do with them, either to officer them or to call them out in case of need. He could call out all the militia except this army of the United States.

Mr. President, we have got standing army enough, and whenever the United States wants an army to do its fighting they can very easily get it. They can have as many men as they choose by calling on the citizens of the United States to volunteer. Where is the use of having their names down unless you have got them already enrolled? You call them enrolled, but this is an adroit mode of adding to the Regular Army 100,000 men in reserve, taken out of the militia, as it is called, and already volunteered for the service of the United States, and thus the State is deprived by this bill of the best material in it for its own defense.

If gentlemen want the United States to control the militia entirely, this is a very good bill to do it, but unless you want to abandon State rights in all its forms, this reserve force ought not to be provided for.

Mr. PROCTOR. Mr. President, the President can not move this volunteer force one foot until they are called for and organized under authority of Congress. When they are, he can move them anywhere in this country or any other, the same as any volunteer force.

Mr. ALLISON. Will the Senator from Vermont allow me to interrupt him at that point?

Mr. PROCTOR. Certainly.

Mr. ALLISON. The Senator says the President can move this as a volunteer force. Are these 100,000 men in any sense in the Army until a war occurs, or has he any authority respecting them until after they have volunteered? They are not drafted into this service at all, as I understand it, by section 24.

Mr. COCKRELL. We can not hear the Senator from Iowa on this side.

Mr. ALLISON. They are not drafted into the military service under section 24. They are simply registered there because they have served in armies in the past.

Mr. BACON. They can be organized and officered, though.

Mr. ALLISON. They are organized and officered.

Mr. PROCTOR. They are not officered, unless that is authorized by Congress.

Mr. FORAKER. Nor organized, either.

Mr. ALLISON. They are organized by the State.

Mr. PROCTOR. I beg pardon; they are organized the same as the volunteers who went to the Philippines. They are, like the last volunteers who went to the Philippines, officered by the governors.

Mr. ALLISON. If they are organized in the State and volunteer as a military organization under the law of 1898, then they are officered by the governor of the State.

Mr. PROCTOR. Certainly.

Mr. ALLISON. But if they are organized under the law of 1899, as volunteers, then of course they are officered by the President.

Mr. HALE. The Senator from Ohio answers all that by saying that they are simply a dormant force. They are on the rolls. They belong to a class of men who have been in the regular or volunteer service, but they have no coherence—no organization; they are silent and dormant.

Mr. ALLISON. That I understand. But they are revivified when war begins; and when they are, if they are organized in the State as a part of the National Guard, they are officered by the governor. If they are organized by a volunteer method such as was provided in the act of 1899 they are officered by the President. That is the way I understand it.

Mr. PROCTOR. Mr. President, I should like to read a few lines from a letter from the Secretary of War, read in the House last June in regard to this bill; and before I do that I should like to say a word about the apportionment which has been referred to. Whenever a volunteer force is called for it is apportioned among the States. The War Department would have the rolls of the men who have had service and experience and would send to any State a list of the men in each State who have seen service and are ready to serve again. The Secretary of War says in regard to this matter:

> As we have a three years' term of enlistment in the Regular Army, approximately one-third of the 66,000 go out each year on the expiration of their enrollment. After making allowance for reenlistment, nearly 20,000 a year will be regularly going back into civil life. We want to keep track of those young men and be able to call them out instantly whenever war comes and have the first volunteer regiments composed of them and of the young men who have seen service and graduated from the volunteer regiments of the war with Spain, and who have seen service in the National Guard and have graduated from that.
>
> Until war comes we will simply keep track of these men by enrollment. When the war comes they will be organized and put into the field ready for immediate service while the other volunteer regiments are being trained.

Mr. ALLISON. That is clear.

Mr. HALE. And that is all that will be done. They will have no organization until the emergency arises.

Mr. PROCTOR (reading):

> There is no doubt that by this expedient we will save months of valuable time in the organization of a very considerable force, but so far as the National Guard is concerned, it will make no difference, because under the bill the National Guard organizations come first.

Mr. ALLISON. Now, as I understand it, the crucial point raised is whether these 100,000 men who have served in some war are to be enrolled, and when they are so enrolled whether without their own volition they are to be put into the Army of the United States in time of war. If that be true, then of course I think the bill ought to be modified.

Mr. PROCTOR. No.

Mr. ALLISON. But I do not understand that it is true.

Mr. PROCTOR. Not at all.

Mr. ALLISON. But the letter written by the Secretary of War seems to imply——

Mr. BACON. Mr. President, it is impossible to hear the Senator from Iowa on this side.

The PRESIDENT pro tempore. The Senator from Iowa will suspend for one moment. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole.

Mr. PROCTOR. I ask the Senator from Pennsylvania to allow us a few minutes longer—say thirty minutes.

Mr. COCKRELL. Has the bill been read?

The PRESIDENT pro tempore. It has.

Mr. COCKRELL. If there is to be no discussion, let us take a vote.

Mr. QUAY. Mr. President, I send to the desk the following telegram, and I desire to have it read.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks that a telegram be read. Is there objection? The Chair hears none. The Secretary will read it.

The Secretary read as follows:

[Telegram.]

SHAWNEE, OKLA., *December 15, 1902.*

M. S. QUAY, *United States Senate, Washington, D. C.:*

The people are with you in your fight for statehood. We know the Indian Territory is not ready for statehood. The Nelson amendment means no statehood. Ninety per cent of our people are for statehood.

C. M. CADE,
Chairman Territory Republican Committee.

Mr. QUAY. Mr. President, the Senator from Vermont in charge of the bill just now laid aside suggests that it would be to the advantage of the Senate probably that the present discussion should continue for thirty minutes. I desire to say that so far as I am concerned, I have no objection to the Senate going on for thirty minutes with the discussion of the militia bill, with the understanding that the Senator from Vermont [Mr. DILLINGHAM] takes the floor at the conclusion of thirty minutes.

Mr. BEVERIDGE. That will be done.

Mr. QUAY. At half past 2.

Mr. BEVERIDGE. Yes, sir; laying the bill temporarily aside, and the junior Senator from Vermont [Mr. DILLINGHAM] will be ready to proceed at that time, as he is ready to proceed now.

Mr. QUAY. At half past 2.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. The request has not been made.

Mr. QUAY. I suggest or request that the bill go over for thirty minutes, until half past 2.

Mr. PROCTOR. I ask that that be agreed to by unanimous consent.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent that the unfinished business be temporarily laid aside for thirty minutes and that the consideration of the militia bill, so called, be proceeded with. Is there objection? The Chair hears none, and the bill is before the Senate.

Mr. FORAKER. Mr. President, the entire difficulty about this bill is due, in my judgment, to the provision found on page 16, commencing in line 2 and ending in line 14. I do not deem that provision necessary to make the bill effective. I think there is perhaps just objection to it, for it is a provision that authorizes, or at least appears to authorize, the organization, encampment, and drilling of this reserve force before it is called out for active military purposes. I move that that portion of the bill be stricken out.

The PRESIDENT pro tempore. There is an amendment now pending.

Mr. FORAKER. I was not aware of that.

The PRESIDENT pro tempore. The pending question is on the amendment offered by the Senator from Alabama [Mr. PETTUS].

Mr. HALE. What lines does the Senator from Ohio include in his amendment?

Mr. FORAKER. I would commence in line 2, on page 16, and strike out down to the end of the sentence in line 14. The language that would be stricken out reads as follows:

The persons so enrolled shall report for drill, inspection, and instruction at such times and places to be specified and under rules and regulations to be prescribed by the Secretary of War, and each person so reporting shall, during the time of such service, be subject, as far as practicable, to the regulations and discipline governing the military establishment and shall be entitled to the same pay and allowances as are or may be provided by law for the Army of the United States, to be paid out of the appropriation for the pay of the Army, but in time of peace, except in case of threatened invasion, said national volunteer reserve shall not be required to perform military duty to exceed ten days in any one year.

Now, that language has no proper place in this bill unless it is contemplated that there shall be organization before war makes the calling out of this force necessary, and that whenever there is organization then shall follow the encampment and the drill and the discipline, not to exceed ten days of encampment in any one year in time of peace.

That is inconsistent with the statement made by the Secretary of War, as I thought, in the committee. I have no doubt whatever but that so long as the present Secretary continues in office this law would be administered according to his interpretation, which is that there shall be no organization, no calling out, no encamping, no drilling, and no disciplining, and therefore no pay and no charge to anybody, except only in the emergeney of war, and that there will be no attempt to organize in advance of that. But another Secretary might not feel bound by his interpretation of this statute; and I think anyone coming to interpret this statute would find in this language ample justification for organizing in anticipation of war and putting troops into camp and drilling them not to exceed ten days in any one year in time of peace.

Mr. HALE. That——

Mr. FORAKER. If the Senator will pardon me just a moment, I will yield with pleasure. If that should be stricken out. then the provision would be in its entirety, so far as this national volunteer reserve force is concerned, first, that it should be enrolled. Then there would be simply 100,000 names in the Office of the Secretary of War of men who had seen service, and who had, when they volunteered, stipulated that they would render three years of active service, and in the contingency of being called for in case of war or emergency, they would render an additional service not exceeding nine months, and that they would submit, being called out in case of war, to organization and discipline and drill and all the other duties that might properly be exacted of soldiers organized as volunteers for the defense of the Government. Now I yield to the Senator from Maine.

Mr. HALE. I do not want to interrupt the Senator; I only want to say right here that it is the very provisions which the Senator proposes to strike out which troubled some of us in the view of the Senator's statement that this was to be an inert force. Is there any doubt whatever in the Senator's mind that if you keep this section in any Secretary might enforce an organization and ten days' drill every year?

Mr. FORAKER. It seemed to me that it admitted of that construction. I asked the Secretary of War, when he was before the committee, in regard to it. His answer was as I have indicated. I have not undertaken to quote his language exactly, but his statement was that it was not contemplated to organize this force or to officer it except only in case of war or other emergency making it necessary to call it into service, and then, of course, it would be organized as a volunteer force.

Mr. SPOONER rose.

Mr. FORAKER. I wish to say right here, if the Senator from Wisconsin will pardon me just a moment, while I have it in mind, in answer to the Senator from Alabama [Mr. PETTUS], that while this reserve is a part of the militia, in the sense that all men are a part of the militia who are between the ages of 18 and 45, it is not a part of the militia in any other sense. When these men enlist, the Secretary may, if he sees fit, require this further conditional enlistment.

The enrolling is not in violation of the Constitution. The mere registration of 100,000 names in the Office of the Secretary of War is not prohibited. Mere enrollment or mere enlistment is not prohibited when for the volunteer service. And while enlistment for three years of active service is conceded to be constitutional, certainly also it must be conceded that an enlistment at the same time not only for three years of actual service, but for five years, the additional liability to render nine months' service in a certain contingency is not prohibited.

So I do not see anything here that violates the Constitution. The only thing I had apprehension about was a provision that it seemed to me authorized the organization and the encampment and the drilling, at the expense of the Government, of this entire reserve force in time of peace for a period in each year not exceeding ten days. Now, if that should go out it would require that they should be enrolled, and whenever there was war the Secretary of War would have their names and addresses, and he would be authorized to call them at once into the service. Then they would be organized, and, according to the provision of the bill, would be subjected to the rules and regulations of war governing the volunteer force when in service.

Mr. SPOONER. Mr. President, the language which the Senator from Ohio moves to eliminate from this section is the language which I rose, improperly I admit, while the Senator from Alabama had the floor, to call the attention of the Senator from Ohio to. I think if the language which he moves to strike out were stricken out the remainder of the section would be altogether futile. I think his amendment would destroy essentially whatever of wise object may be behind the section.

I agree entirely with the Senator from Alabama that the section as it is drawn contemplates no mere registration of men who could serve to the advantage of the United States, having seen prior service either in the Regular or in the Volunteer Army. It seems to me very clear that it contemplates, as the Senator from Alabama contends, an enlistment in the beginning for a term of service which shall be five years. That the word "enrolled" when used in connection with the military service is defined in the dictionary to involve enlistment. A registration of men for five years as constituting a list of men who have seen service and who therefore would be available would be a very anomalous performance.

Mr. BACON. All of those would be enrolled anyhow.

Mr. SPOONER. Mere registration would impose no duty whatever upon the person registered. It would involve no obligation upon his part whatever. It means evidently an enlistment. Almost every line of the section implies that. It provides that—

Such enrollment shall in each case continue for a period of five years, but in the event they shall be called into the service of the United States, other than for the purpose of drill, inspection, and instruction—

There is an implication that they are in the service of the United

States during ten days of each year for inspection, drill, and instruction; and that is the intention of the provision, for it says they shall report subject to such rules and regulations as the Secretary of War shall prescribe; they shall report at such places as he prescribes, and, moreover, they are to be paid as for military service during that ten days out of the appropriation made each year, or every two years, for the regular military establishment in the Army appropriation bill. Any other provision than this, if there is anything in the bill at all, or any purpose in the section, would be nonsensical. To speak of it as a mere enrollment, a mere registration, a mere list of men who have served, to whom application may be made some time in an exigency to serve again, is not what this section contemplates, and would be very futile and nonsensical legislation for Congress to indulge in. These men are to be subject to the military discipline which prevails in the Army.

This section provides also for an enrollment of five years, and that the men shall be entitled to discharge. It provides for no other enlistment, and, as you will see if you will turn to lines 3, 4, and 5, at the top of page 17, they are left no option as to whether, when Congress provides otherwise, they will go into the service or not. They are in the service so far as the obligation goes. They can be compelled to report and punished for not reporting under the provisions of this bill.

Now, if you strike out the language suggested by the Senator from Ohio, you have the enrollment, you have the term of enrollment, but during the whole period of five years you have no instruction, you have no inspection, you have no discipline. These men may not meet during the period, and they are no more prepared and not so well prepared as are the regular militia.

In my view, this force would not constitute a part of the organized militia of the State, and Congress has not the power to provide, as I understand, for officering the militia regiments or troops through appointment by the President, because the Constitution provides distinctly—so careful was it to keep the control of the militia of the States in the States—that there should be reserved to the States, respectively, the appointment of the officers where the militia is called into the service of the United States.

I can not see anything to be accomplished by this section with the provision here stricken out which would insure drill, inspection, and discipline, which means some organization—an organization sufficient for those purposes.

There is another thing that I do not understand about this bill——

Mr. FORAKER. If the Senator will allow me——

Mr. BACON. I just want to ask the Senator from Wisconsin a question before he leaves that particular part of the subject.

Mr. SPOONER. Very well.

Mr. FORAKER. I also desire to ask a question.

Mr. BACON. Under the view expressed by the Senator as to the effect of this section, I desire to ask him if necessarily, in his opinion, as the result of that view, this force provided for in section 24 is not a reserve force of the Regular Army?

Mr. SPOONER. A reserve force of the United States as contradistinguished—yes; you may call it that——

Mr. BACON. A reserve force of the Regular Army, necessarily.

Mr. SPOONER. But, at any rate, it is a reserve force of the United States, I think, as contradistinguished from any militia.

Mr. BACON. Undoubtedly.

Mr. FORAKER. Mr. President——

Mr. SPOONER. I should like to inquire of the Senator in charge of the bill——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. SPOONER. Yes.

Mr. FORAKER. Before the Senator leaves that point, I want to say that it has been contemplated all along by the framers of this bill that this particular force would be drilled and disciplined to such an extent that an annual encampment and drill would not be necessary. A man who has served three years in the Regular Army certainly would not need to be called into service ten days in every year to learn the manual of arms or to go through with the various military evolutions.

Mr. SPOONER. I think, when I contrast the manual of arms of to-day and the tactics of to-day with the tactics of 1862, 1863, and 1864, I have discovered that a man accustomed to the old-fashioned tactics has a great deal to learn.

Mr. FORAKER. I think the Senator will agree with me that the manual of arms as we have it to-day is not only quite different, but certainly much easier to learn than the old manual of arms, for to-day they go through with it in "any old way."

Mr. SPOONER. A man accustomed to the old manual of arms would have to learn the present one anew

Mr. FORAKER. However that may be, I simply wanted to interrupt the Senator to say that it was the idea of the framers of this bill, as I understand, and those who advocate it, and it was the idea of the Secretary of War, that these men would not need this annual encampment—this annual drill—in order to make them a desirable reserve force, but that whenever they are called into service in two or three weeks they would pick up the manual or pick up the drill again, they having been for years in the service and accustomed to drill.

Mr. SPOONER. I think, if the section is a good section at all in respect to this national reserve force, that there should be provision for the inspection, drill, and instruction of the men, and I think, also, that they should be—and that was what was contemplated by the bill and that portion of the section as here drawn, which is harmonious and adapted to the accomplishment of the purposes the draftsmen evidently had in view—compensated during a time not exceeding ten days of the drill. It is quite an absurd proposition to me that a national reserve force, apportioned to the States, of 100,000 should never during this five-year period be expected to touch elbows, to receive instruction in modern military methods, or to be subjected to any discipline or organization whatever.

They can not be called out in time of peace for over ten days in any one year, and the men would not get out of the militia, and they could not under this bill, because this bill provides that no person shall belong to both organizations at the same time. So the moment a man is enrolled out of these 100,000 men in this national volunteer reserve force, and during the period while he is a member of that force, he is not, under the provisions of this bill, and can not be a member, either as an officer, a noncommissioned officer, or a private soldier, of the militia. He has taken himself out by his enlistment or enrollment, which is a voluntary thing; and under this language—I think it means more than a mere list—he has taken himself out from an opportunity of drill with the National Guards or with the unorganized militia.

Now, what is the object, I should like to ask the Senator who has charge of this bill, of this national volunteer reserve force?

Mr. FORAKER. Will the Senator allow me to read the answer of the Secretary of War to that question?

Mr. SPOONER. Certainly; but I am not willing to stipulate that I will consider it an answer.

Mr. FORAKER. I do not ask the Senator to consider it an answer that would be satisfactory to him, but it was the answer given by the Secretary of War to that identical question. The Senator asked the question of the chairman of the committee, and I call the attention of the chairman to page 7 of the report of the hearings, if he desires to read it, or shall I read it?

Mr. SPOONER. I will yield to the Senator with the permission of the Senator from Vermont [Mr. PROCTOR].

Mr. PROCTOR. In answer to a question of the Senator from Missouri [Mr. COCKRELL] the Secretary of War said:

> Mr. ROOT. I propose hereafter when a man enlists he shall sign a paper agreeing to serve in the Army for three years, as he does now, and under which he is available for five years more, ready to answer a call, if he is called out; and we have also an enlistment under which when a man has served as long as he thinks he wants to in the active force of the National Guard he can put himself on this five-year roll as a man who is ready to be called out in case a volunteer force is called out. We now graduate from the Army in round numbers from 15,000 to 20,000 young men who have served their enlistment and have gone out and gone into civil life. If a war comes along they all want to come back, only we do not know where they are, and instead of being able to get track of them we have to take the men as they come, men who have training and men who are new and raw. Any man always has interest enough in militia affairs to serve in the National Guard and when a war comes wants to be in it.

Then he goes on to elaborate that same idea that the purpose is to get track of the men who have seen service, who have been drilled, who have been disciplined, and who, coming into camp on a call of that kind, would in a few days be again efficient soldiers.

Mr. SPOONER. The Senator has read what is the purpose of the Secretary of War, but, of course, in passing on this bill, we are passing upon it; we have to construe it as lawyers, and each of us is obliged to act upon his own judgment as to what it would mean if enacted into law. The Secretary testified that he understood this enrollment to involve an agreement to serve.

Mr. FORAKER. Only an agreement to serve when the force is called out by authority of Congress.

Mr. SPOONER. Take the bill as it reads, and take the section as a whole as it reads, and it certainly would involve an enlistment. "To enroll," as I said a little while ago, used in that connection, means "to enlist; to write in a roll or register; to insert a name or enter in a list or catalogue; hence to record; to insert in records; as to enroll men for service; and also, reflexively, to enlist."

Mr. BURROWS. Will the Senator yield to me for a moment?

Mr. SPOONER. Certainly.

Mr. BURROWS. I think it would be wise perhaps to read the

next statement to that, where the Senator from Ohio [Mr. FORAKER] left off, which is as follows:

The CHAIRMAN. You propose to enlist the men in the Regular Army three years and five years for volunteer reserve, and this is a part of the enlistment paper?
Mr. ROOT. Part of the enlistment paper.

So they enlist.

Mr. SPOONER. Yes; they enlist.

Mr. BURROWS. In the Regular Army for three years and in the volunteer reserve force for five years, and the enlistment papers so specify.

Mr. SPOONER. I think that would be involved in the language.

Mr. HALE. The Senator from Michigan might have read on a little further. The Secretary amplifies in that direction.

Mr. SPOONER. If I were to vote for that section, I should vote against the proposed motion of the Senator from Ohio [Mr. FORAKER] to strike out these provisions for drill, inspection, and instruction ten days during each year of the five-year period of enlistment, with the pay provided for that service, for it is a service. If they obtained no pay, of course they would not come, as militiamen are paid for a similar service.

I supposed when I first read this section that the object of it was to secure to the United States, in the event of war, a force, sufficiently organized to be rendered quickly available, of men at once ready, more so than the militia.

Mr. FORAKER. I had the same impression.

Mr. SPOONER. And who would be expected to be at once ready to take the field, familiar with the work of the soldier. Is that the object of it?

Mr. HALE. Mr. President——

Mr. PROCTOR. I ask the Senator to yield to me for a moment?

Mr. HALE. Certainly.

Mr. PROCTOR. The organized militia in a body is the first force to be called upon, and then this reserve of volunteers.

Mr. SPOONER. That is what surprises me. If this force, being a force of men who have seen service, a force of men who by ten days' drill for five years become disciplined, familiar with the modern school of the soldier, under pay, and all that, ready upon call for any military duty, is what is desired, I can not see why that should be made supplementary to the militia, a large portion of whom may never, and naturally would never, have seen any active service in war at all outside of the company drill and the regimental and battalion drill at periods during the year.

Mr. HALE. If the Senator will allow me, here is something to which I desire to call his attention.

Mr. SPOONER. Let us get through with this other thing first, if the Senator will allow me.

Mr. HALE. This is what I am after.

Mr. SPOONER. If the Senator from Vermont [Mr. PROCTOR] who yielded to me will consent, I will yield to the Senator from Maine.

Mr. HALE. Oh, no; let the Senator from Vermont go on.

Mr. PROCTOR. The National Guard is in full organization; it is already created and would naturally be first called upon if wanted for a limited time, and then the militia would be called upon. The Secretary of War says in regard to that:

The National Guard is practically made a first reserve so far as it elects to become so, while the proposed enrollment of veterans practically takes the place of a second or volunteer reserve, to be called into service only when any other volunteer organization would be called into service, and the great effect produced being that after the Regular Army and after the National Guard we shall have a volunteer force, the first regiments of which are composed of experienced and trained soldiers who have seen service and have then gone back to civil life.

Mr. HALE. Right here is an interesting part of this testimony that ought to be read carefully by all of us:

Mr. FORAKER. The provisions for the organization of this national volunteer reserve before you call it into the service—or is there any provision beyond the mere enrollment?
Mr. COCKRELL. I think he said we would have to work that out.
Mr. FORAKER. It would seem to me you ought to have authority to enroll and organize.

Not simply to enroll, but to enroll and organize.

Mr. ROOT. There is no provision for it beyond that which is contained in the provision that they shall not be called out except for the purpose of drill, inspection, and instruction, and the idea has been that there would be very little of that. The main thing necessarily would be to keep track of the men and know where we could call on them, and their individual work would be chiefly reporting where they were, instead of instruction, so that we can keep track of them.

That seems to run in the same line as the idea of the Senator from Ohio.

Mr. SPOONER. We are not asked to vote on the testimony of the Secretary of War, but we are asked to vote for a bill, and we shall have to construe it for ourselves.

Mr. HALE. Undoubtedly.

Mr. SPOONER. The thing I do not understand in this provision, and that is in the mind of the Secretary in his testimony here, is this: It is intended to have a body of men—and there may be wisdom in that from a certain view point—not officered by the governors of the States, but officered by the President of the United States, when officered at all, who would perhaps be drilled by men naturally detailed by the Secretary of War, or the Adjutant-General by order of the Secretary of War, for drill, inspection, and all that, a band of men who have been examined, for they are to be examined before they are enrolled, I think——

Mr. PROCTOR. Yes.

Mr. SPOONER. They must be men who have seen active military service, and it is to be a body of men who must come under the provisions of this section, when the President calls them out, and go where the President orders. They can be sent to any country beyond the confines of the United States and to points not within the jurisdiction of the United States when the honor of the country or any military exigency demands it.

Mr. PROCTOR. When called for under the authority of Congress.

Mr. SPOONER. Of course, when called for under the authority of Congress; but under this bill, no matter how much they are needed, notwithstanding their examination, notwithstanding their drill, notwithstanding their prior service, notwithstanding they are officered by choice soldiers chosen by the President of the United States, the militia force is to be called out first, and these men afterwards. Why is that?

The PRESIDENT pro tempore. The Senator from Wisconsin will please suspend.

Mr. SPOONER. I suspend entirely, Mr. President.

The PRESIDENT pro tempore. The Senate will resume consideration of the statehood bill.

Mr. SPOONER. I suspend.

Mr. PROCTOR. Mr. President, I desire to give notice that tomorrow, immediately after the routine morning business, I shall again call up this bill for consideration.

OMNIBUS STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. QUAY. The statehood bill is now, I believe, before the Senate, Mr. President.

The PRESIDENT pro tempore. It is, and the Senator from Pennsylvania is recognized.

Mr. QUAY. Mr. President, before the Senator from Vermont [Mr. DILLINGHAM] proceeds with his remarks, I desire to call the attention of the distinguished Senator from Minnesota [Mr. NELSON], who was originally in charge of the bill reported by the Committee on Territories, to the abnormal and anomalous condition of the question that is now pending in the Senate.

A the last session, by unanimous consent, we agreed that on the 3d of December a report should be made upon the bill by the Committee on Territories and that on the 10th of December the bill should be taken up for discussion and be proceeded with. On the 3d of December no written report was made by the majority of the Committee on Territories, but a bill was reported entirely changing the substance of the bill which had been referred to the Committee on Territories and was to be laid before the Senate on the 10th of December, when the discussion (or vote upon the bill, if there was no discussion) would be had or taken.

On the 10th of December the written report of the majority of the committee came into the Senate. It was a labored report. It arraigned the Constitution of the United States; it arraigned national legislation for the last century, and proceeded further to sustain the bill which the distinguished Senator from Minnesota [Mr. NELSON] had reported on the 3d of December.

Immediately upon its conclusion, suddenly and tumultuously, the Senator from Minnesota withdrew his bill; abiit, evasit, irrupit, as the classic says. Like Catiline, he said: "I go, but I return;" and he has gone, but he has not returned. I think it is fair now that the Senator from Minnesota should say to the Senate whether or not he is going to rereport that bill; and if so, at what time. As it is, we are to proceed here to discuss a bill that is not before the Senate if we are to discuss the report of the Committee on Territories.

Mr. NELSON. Mr. President, in reply to the honorable Senator from Pennsylvania, I beg leave to say that at the proper time I shall again offer that substitute, slightly modified, as an amendment to this bill, but just when I am not prepared to say. I shall be glad to hear the views of the Senator from Pennsylvania, and others, in the meantime as to the quality of that substitute, and after I have heard objections from the other side I shall be better prepared to know what changes and modifications to make in the substitute. At present, however, I am not prepared to offer it, but will do so in due time.

Mr. QUAY. Nor can the Senator from Minnesota, as I understand, mention any specific time.

Mr. NELSON. Not at this time.

Mr. QUAY. May I ask him whether it is his belief that the views of the Senator from Pennsylvania will have any influence on the character of his report?

Mr. NELSON. I am always open to receive anything the Senator from Pennsylvania says in a Christian spirit.

Mr. BEVERIDGE. Will the Senator from Pennsylvania favor the committee with an extended discussion of his views on this subject?

Mr. QUAY. I very probably will before this debate is over, but I am not certain.

Mr. BEVERIDGE. I will say for the majority of the committee that they will be perfectly delighted to hear the Senator.

Mr. QUAY. I am not committed upon that question.

Mr. BEVERIDGE. I understand the Senator is committed upon that question.

Mr. QUAY. I say I am not committed.

Mr. BEVERIDGE. The Senator is not willing, then, to name a time when he will favor the committee with his extended views?

Mr. QUAY. He is not, Mr. President. The Senator from Pennsylvania is not one of the wranglers of this Senate, except upon very special occasions. I am not prepared to say that I will make any remarks upon this question.

Mr. BEVERIDGE. Then I misapprehended the Senator.

Mr. QUAY. So far as I am concerned, I do not think any discussion is likely to change my views upon it, as enunciated by the national Republican convention, in consonance with the views of the Senator from Indiana at that time, and I am ready for a vote at any time.

Mr. BEVERIDGE. That is a statement that I have heard, perhaps, before. It is not new. I had simply understood the Senator from Pennsylvania to say that he would favor the Senate with an extended presentation of his views upon this subject, and I merely wanted to know whether or not the Senator could indicate a time when he would do so.

Mr. QUAY. The Senator from Indiana entirely misunderstood and directly misunderstood and misquoted the remark of the Senator from Pennsylvania. On the contrary, the Senator from Pennsylvania said he might address the Senate, but would not commit himself upon that question.

Mr. BEVERIDGE. Mr. President, of course I shall not press the Senator from Pennsylvania to commit himself upon so grave a subject, and I have no desire further to delay the discussion this afternoon.

Mr. DILLINGHAM. Mr. President, I have been asked by the Committee on Territories to open this debate by calling the attention of the Senate to some of the facts disclosed by the evidence taken by the subcommittee in its recent trip through the Territories seeking admission as States under the provisions of the omnibus bill.

I feel the importance of any action which may be taken from the fact that this bill provides for the admission at once into the Union of three large Territories as States. It is an unusual measure, and unusual in its importance. We might regard it of supreme importance if we were to consider simply the admission of one State into the Union, but when an omnibus bill is presented providing for the admission of three States, a situation is presented which demands the wisest consideration at the hands of this great body.

The history of the application of two of these Territories, Arizona and New Mexico, for admission has been peculiar. Repeatedly they have rapped at the doors of Congress and as repeatedly admission has been denied them, although in almost every instance there has been a favorable report from the Committee on Territories. When, therefore, this bill came before the committee, the members felt that they ought to give extraordinary examination to the conditions existing in each of the Territories and so be able to report to the Senate whether they possess these elements of statehood which has been claimed for them.

It was for the purpose of ascertaining the facts that the subcommittee visited the Territories. It is regrettable that they did not have more time to devote to the work, but it must be obvious to the Senate that the members were unable to undertake it until after the November elections, and the order of the Senate that the report be made on the third day of the session required the return of the subcommittee by that time.

We met in Chicago. We made our trip from that point. We occupied fifteen days in doing so. We visited every town it was possible to visit during that time; we could not visit all because of the great distances we had to travel. I never before realized the size of these Territories or the distances that must be traversed between towns.

Mr. MCCOMAS. Will the Senator permit me? Did the subcommittee visit all of the Territories?

Mr. DILLINGHAM. We visited all three of the Territories. Take New Mexico as an illustration. It was stated to the committee—and I presume accurately—that the Territory covers an area as great as that of New England, New York, and New Jersey combined, and yet the census for 1900 mentions only five or six incorporated towns in that entire area having a population greater than 2,500 each. The towns named are Albuquerque (city), Gallup (town), Las Vegas, Raton, and Santa Fe. I do not know but that Silver City was also included.

The distance from Raton, where the committee entered the Territory, to Las Vegas is 111 miles, from that point to Santa Fe it is 83 miles, and from there to Albuquerque it is 84 miles. Had we gone from Albuquerque south to Lascruces, as we were invited to do, we would have traveled a distance of 210 miles. Instead of that the subcommittee, after visiting Raton, Albuquerque, Las Vegas, and Santa Fe, proceeded west into Arizona, going south through Arizona, coming back to Lascruces, in New Mexico, and afterwards going north through the Pecos Valley on their way to Oklahoma.

After visiting Albuquerque we were compelled to make a journey of 547 miles, crossing one of the southern spurs of the Continental Divide to reach Prescott, Ariz. Going from Prescott south to Phoenix, the next town mentioned in the census report as containing more than 2,500 inhabitants, was a distance of 137 miles by rail, from Phoenix to Tucson was 120 miles, and from Tucson to Bisbee, the great mining camp, was a distance of 109 miles.

The distance from there to Las Cruces was 252 miles; from there to Carlsbad, 346 miles, and from Carlsbad to Woodward, in Oklahoma Territory, was a distance of 455 miles.

I give these figures simply to indicate the great distances we had to travel and the application we were obliged to make during the time we were in the various towns in order to gather up the information which the committee deemed desirable in the consideration of the question involved.

Before leaving Chicago, in fact during the first session of this Congress, at meetings of the committee held in Washington, we listened to Delegate RODEY, of New Mexico; Delegate SMITH, of Arizona, and Delegate FLYNN, of Oklahoma, and various other persons introduced by the Delegates, but further information was desired.

In each Territory we asked that three persons be selected to present to the committee the claims of such Territories for statehood. In New Mexico there appeared before us Delegate RODEY, the Hon. William P. Childers, United States attorney for that Territory, also the Hon. Thomas Hughes, editor of the Albuquerque Citizen. When we went into Arizona, Hon. Benjamin H. Fowler, of Phoenix, and ex-Judge Joseph H. Kibbey, and the governor of the Territory appeared before us, as well as others. In Oklahoma Governor Ferguson made an elaborate statement, and ex-Governor Barnes presented his views. We called also in New Mexico all of the judges of the United States courts and asked them to make comprehensive statements regarding the conditions existing in the Territory as they observed them in their work, and there appeared before us the chief judge, William J. Mills, Judges McFie, Parker, Baker, and McMillan. In Arizona Judge Sloan made a most exhaustive statement regarding conditions in that Territory, and in Oklahoma Judge Strong did the same for his Territory.

We also listened to large numbers of representative citizens who came before us either on the suggestion of friends of statehood or voluntarily. We also sought information from the Territorial superintendent of education in New Mexico, Mr. Chaves; also the superintendents and teachers of schools in Las Vegas and in Albuquerque and in other towns that we visited. In two of the towns, Albuquerque and Las Vegas, members of the committee visited the schools in person and inspected their work. In Arizona Governor Brodie, President Adams, of the University of Arizona, Mr. Layton, superintendent of the schools of Phoenix, and Superintendent Angus, of Tucson, appeared before the committee and made statements regarding educational matters in that Territory.

In Arizona we also called before the committee Hon. Frank Murphy, the great railroad builder of that Territory, and received from him a statement regarding all of the roads now in operation, those in progress of construction, and regarding the time when those last named would be completed. He also discussed the business interests of Arizona which were demanding the construction of new roads.

We also called before us Mr. Dwight P. Heard, one of the water-storage commissioners, a resident of Phoenix, which is probably the best-watered section in any of the Southwestern Territories. That gentleman was in Washington last winter seeking legislation authorizing Maricopa County to bond itself to the extent of two and a half million dollars for the purpose of storing waters for use in and about Phoenix, where there are now ditches, but an insufficient quantity of water to fully supply them.

We also called before us Mr. Frank G. Tracy, president of the

Pecos Irrigation Company, and heard him at length; and after our return to Washington we have had before the committee Professor Newell, from the office of the Geological Survey, whose very valuable testimony, based not only upon personal observation, but upon an extended investigation by the Department during many years, regarding the climatic conditions of Arizona and New Mexico, the volume of the water supply, and the extent to which it can be utilized, may be found in the volume of printed testimony accompanying the committee's report.

We went further than this. It having been stated to us by Delegate RODEY that the census, in his judgment, was inaccurate and misleading, that it failed to do justice to the Territory of New Mexico, we made special inquiry as to the soundness of this claim. We called before us the Territorial supervisor of the census. In every place we visited we subpœnaed all the census enumerators whom we were able to reach by process, and inquired of them as to the methods adopted and the results reached. We also called out information from all the sources at our command, particularly in New Mexico, which has a large Mexican population, regarding the language used by the masses; that which was most in use, the character of the population, their education, their intelligence, their habits, the modes adopted in legal proceedings, and the language used; also the language used in political speeches and at nominating conventions, in an effort on our part to secure information regarding the vexed question of the intelligence and the fitness for statehood of the great mass of the people of the Territory of New Mexico.

To these various ends we also called the judges of the courts; we called the clerks of the courts; we called interpreters; we called justices of the peace, by whom the petty offenses are tried; and in this way we feel that, considering the length of time in which we had to do it, we have accomplished a work which ought to be of value to the Senate. The testimony taken has been presented in printed form, well indexed, both in respect of names and of topics. I trust that the Senators will pay us the compliment of carefully looking through this evidence.

Now, Mr. President, having done this work and presented this evidence, we have prepared and presented the report, which has already been read in this body.

The first question to be considered and determined is this: Has the Territory of New Mexico a population sufficiently large to warrant Congress in admitting her to a place in the Union of States with equal representation in this body?

By the census of 1900 its population was 195,310. It is claimed by Delegate RODEY that there is a population of at least 300,000 in that Territory, and that the census was entirely unreliable. On the other hand, one of the gentlemen who appeared before us in New Mexico as a representative of that Territory, Mr. Childers, the United States attorney, whom I have already mentioned, said, frankly, in his statement:

> I do not claim the same amount of population that some of my friends in the Territory do. I like to be more accurate in the statement of facts. I think we have enough to entitle us to statehood. I do not think it is necessary to claim more than we have.
>
> I will take the census for it and stand upon the census. I think possibly that we may have a little more than the census gives us. I have a little doubt, too, that we have a little more.

That was as broad as Mr. Childers would make his statement. In further consideration of this subject we called the supervisor of the census, as before stated, and in all the towns where we stopped we caused to be brought before us all available census enumerators who served in the towns where complaints were specially made, many of whom served also in the country districts, some of them as far out as 40 miles from the point where we summoned them. Relying upon the statement of Mr. Childers and the representation of other conservative men and the facts brought out in examination of the census enumerators, the committee are unable to say that there is any material error to be found in that census. It is undoubtedly true that no census is absolutely correct, nor can it be made so. But the committee believe from all the testimony before them and from their observation that the census returns as made are substantially correct.

Now, then, is the population of New Mexico sufficient in numbers to warrant her admission as a State?

Upon this question I call attention to the rule contained in the ordinance of 1787 regarding the population then thought necessary, in Territories carved out of the Northwest Territory, before they should be considered eligible for admission as States; also to a discussion of the question as to what rule should now be adopted.

> "Whenever any of said States shall have 60,000 free inhabitants therein such State shall be admitted, by its Delegates, into the Congress of the United States on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government."
>
> It is thus seen that the fathers, even in the eighteenth century, provided—
>
> First. For very large States as to area and resources (for it was then well known that the Northwest Territory was rich in agricultural resources and the natural home of a mighty population); and
>
> Second. That each of these States must have a population which, in comparison with the population of the rest of the Republic at that time, was very heavy indeed.
>
> This rule was referred to by President Washington in his message transmitting to Congress the constitution of Tennessee, and President Washington added that—
>
> "As proofs of the several requisites to entitle all the Territories south of the Ohio River to be admitted as a State into the Union, Governor Blount has transmitted a return of the enumeration of its inhabitants, etc."

"SIXTY-THOUSAND RULE" BASIS FOR SLIDING SCALE.

This number, however, was not intended to be a permanent requisite, but a standard referring to the population of the rest of the nation at the time. By comparing 60,000 (the number of people required for statehood in 1787) with the population of the nation at that time we find the ratio which statesmen of that day deemed essential as between communities applying for statehood and the nation itself. At that time the population of the United States was less than 4,000,000. If 60,000 were required as the first requisite for statehood when the population of the nation was less than 4,000,000, the same rule would require a population at the present time of over 1,153,000; and every reason supporting the rule of 60,000 established by the fathers' ordinance of 1787 requires as many more than 60,000 now as the population of the nation itself at present is larger than it was one hundred and fifteen years ago.

In fixing the boundaries of three of the States of the Northwest Territory authors of that ordinance also established a precedent in favor—

First, of large areas in any future State and against small areas; and

Second, in favor of natural and scientific boundaries and against accidental and eccentric boundaries.

Could the vast development west of the Mississippi River have been foreseen at that time, it is plain from the precedent established in fixing the boundaries of the States of the Northwest Territory that the fathers would have indicated yet much more comprehensive boundaries; for if States as large as Illinois, Indiana, and Ohio were the least which the nation required of any communities coming into it at a time when the nation was confined to the thirteen original States, it is plain that still larger areas would be required when the nation has grown as it has grown during the successive periods of its history.

"UNIT OF REPRESENTATION" RULE.

This rule was observed down to the admission of Michigan and was referred to by President Jackson in his message of December 9, 1835. That the rule of 60,000 was not considered permanent, because too small, is shown by the fact that in the admission of Kansas the new rule was introduced that the population of the new State shall at least equal the unit of representation in the House of Representatives. This rule has not been observed, and was neither scientific nor based upon the principle of a popular government for the nation.

For, despite the fact that the different sizes of the thirteen colonies and the insistence by ambitious men from the smaller States for an equal representation in the Senate with the larger ones compelled the anomalous compromise by which small States secured as large a vote in the Senate as the large ones, nevertheless the general theory, of course, was that there should be a government by population and not by area. It was intended that the Senate should never be a large body, but yet that, remaining a small body, it should still stand for a quantity of people and not a quantity of land. For it was universally agreed that the Senate should always remain as small as possible numerically, the reasons for its existence and the elements of its usefulness in our scheme of government demanding this.

ARIZONA FAILS ON EITHER RULE; NEW MEXICO JUST WITHIN THE LATTER RULE AND NO MORE.

But measured even by the rule adopted in the case of Kansas, unscientific as it is and negativing as it does the very purpose and reasons of the organization of the Senate, Arizona is not (and New Mexico is only just within the rule) at present entitled to admission into the Union. For the unit of representation, according to the census of 1900, is 194,182; and Arizona, by the census of 1900, has 122,931, and New Mexico 195,310.

Measured by the statesmanlike rule laid down in the ordinance of 1787 as applied to existing conditions, both Arizona and New Mexico fall far short of the required population, while Oklahoma and the Indian Territory about measure up to it, but no more; for the population of Arizona, by the census of 1900, is 122,931, that of New Mexico is 195,310, while that of Oklahoma is 398,331, and the Indian Territory 392,060, or together 790,391; and it requires only a personal inspection of those two Territories to demonstrate that since the census of 1900 was taken tens of thousands of immigrants have arrived there and established homes.

NEW RULE SUGGESTED.

But if neither of the above guides be observed in forming our judgment as to the number of people required to make a new State and the whole subject be submitted anew to the good sense of Congress, the committee are quite as emphatic in their opinion that neither New Mexico nor Arizona are at the present moment entitled to statehood. For the Republic is now a nation of over 76,000,000 people. Every policy which affects the national well-being of these 76,000,000 is within the power of each State equally with every other State, because every measure must pass the Senate as well as the House before becoming a law; and matters of vital national concern are determined by the Senate alone, in conjunction with the Executive Department. While, therefore, it is not contended that any new State should be as large in population as any existing State, it is contended that it should be large enough to bear some fair proportion to the population of the remainder of the Republic.

Indeed, it would have been well, and would now be well, if the rule could be adopted that any new State should have a population equal to the average population of the remainder of the States. This rule would require a population for any proposed new State, at the present time, of 1,650,000, and, as has been stated, New Mexico's population is 195,310 and that of Arizona is 122,931.

In this connection it may be profitable, Mr. President, to know what proportion the population of certain States, at the time of their admission to the Union, bore to the population of the entire nation at the time of their admission. The first two States to be admitted were Vermont and Kentucky. Vermont contained 2.2 per cent of the entire population of the nation and Kentucky 1.9 per cent.

Missouri had seven-tenths of 1 per cent; Michigan had 1.2; Iowa, when admitted, had by the census of 1840 (she was admitted in 1845, I believe) three-tenths of 1 per cent, and by the census of 1850 eight-tenths of 1 per cent, showing a very rapid increase in her population; Wisconsin had 1.3 per cent.

Of the States more recently admitted, Kansas, Nebraska, and North Dakota each had three-tenths of 1 per cent, while South Dakota had five-tenths of 1 per cent. Taking Arizona with her

population to-day and she has only two-tenths of 1 per cent, while New Mexico has twenty-five one hundredths of 1 per cent.

Mr. GALLINGER. How about Wyoming?

Mr. DILLINGHAM. I have not the figures for Wyoming. I do not know how this list was made up. I found it somewhere.

From it, however, it appears that should Arizona and New Mexico be admitted at this time they will come in with a population smaller, when compared with the population of the nation, than any other of the States named.

The next important feature of this question is this: Are the conditions such that if these Territories are admitted at this time their population will increase as the population of other States has increased as in the past.

When Iowa was admitted, when Illinois was admitted, when any of the States of the great Central West were admitted—in fact, any of those I have just mentioned—everybody knew, they had common knowledge of the fact, that they were States upon which the early and the later rains fell; that they were States the soil of which had great fertility; that they were amply watered by natural causes, and that it would be only a short time when the enterprising people of America would crowd over the lines, take up the lands, build up the States, and make them great in all the elements of statehood.

Having such knowledge of the Territories so admitted, knowledge as to their soil, as to the humidity of the atmosphere, and knowing that they contained or were capable of developing all those elements which would eventually make them great States, it is easy to understand why those who were then in Congress were willing to admit them, although the population at that time bore a low percentage in comparison with the population of the older States.

New Mexico has been organized substantially for fifty years. Arizona has been organized for thirty-nine years, since 1863. They now present themselves for admission to the Union with the populations I have stated. On the other hand, here is Oklahoma, which was opened up to settlement only twelve or thirteen years ago, and yet the character of her soil was so well known and the amount of her rainfall so well verified that as soon as it was opened for settlement there was a grand rush of enterprising men from all the Central States of the Union. They took possession of the country, and to-day Oklahoma is a well-settled Territory, with magnificent farms, with fine buildings, well painted, with an ample stock of cattle, and with every element which constitutes a great agricultural State in our great aggregation of States.

Why have not New Mexico and Arizona, with their longer existence as Territories, developed in the same manner and to the same extent? Simply because their climatic condition is such that there can be no considerable agriculture in those Territories, except that which is built up by artificial irrigation, and when man attempts to solve the problem of general irrigation, with the obstacles which confront him in those Territories, he has undertaken a task which has challenged the best thought of the best thinkers on that region, and the problem is only solved in part at this time, and that a very small part.

The great moneyed institutions of the East seek Western investments, and money is loaned upon farm mortgages all through the Central Western States, and under Territorial government in Oklahoma you will find large numbers of loans made by moneyed institutions of the East, because they have faith in the soil, they have faith that the rains of heaven will descend upon it, that the crops will be abundant, that the interest upon the loans will be promptly met, and that the debt itself will be discharged in due season. But who has ever heard of money going into New Mexico or Arizona as a loan upon any farm, unless it be on one in the small irrigated areas?

Passing on, Mr. President, I again inquire, Has New Mexico the natural resources to entitle her to statehood at this time? I conceive that false impressions have been made upon the minds of very many men in this body regarding the resources of these two Territories. Such false impressions have come to myself. I have looked over the reports made by the Committee on Territories at different times, a package of which I now have in my hand, and I find that they are very largely made up of statements of those who were representing the Territories, extracts taken from the reports of the Territorial officers to the departments, extracts from speeches made by Senators and Representatives, and figures from the Census Office. One statement, quoted more than once in different years in different reports, was taken from the report of Governor Ross, of New Mexico, in 1887. As showing the character of that report and the impression which would naturally be created by it in a body like this, I beg leave to read it. He says:

Contrary to the popular impression in the East, a very large proportion of the lands of New Mexico are good agricultural lands, which will average well with those of any of the States East or West. A fair computation would put the mountainous portions at some 30,000,000 acres, the river valleys at 8,000,000, and the mesas at 40,000,000. On the mesas there are of course considerable areas that are impossible of cultivation, possibly 10,000,000 acres, while on the other hand there are in the mountainous districts many valleys and hill slopes, at altitudes of 4,000 to 8,000 feet above sea level, comprising some millions of acres, which are susceptible of successful cultivation, especially of all the small grains, all the common classes of vegetables, and of the hardier fruits. These valleys abound in the vicinity of the mining camps, which must always constitute for them a profitable market, while those valleys in turn, by their vegetable products, will materially contribute to the successful prosecution of mining by cheapening the cost of living, and thus the cost of mining. *So that at least one-half the area of New Mexico is susceptible of a high state of cultivation and successful farming. The river valleys especially are rarely equaled anywhere in productive energy.*

When you remember, Mr. President, that this Territory contains 78,000,000 acres of land, and in this report at least 39,000,000 acres of land are represented as susceptible of a high state of cultivation and successful farming, is it any wonder that committees have been deceived? That is equal to one-half the area of Pennsylvania, Ohio, and Indiana all put together. And yet if that report is to be believed New Mexico has that area which can be made available.

As long ago as 1889, the very year Governor Ross was making that report, Major Powell, representing the Geological Survey, testified. He had not then made that thorough examination and research that have since been made in respect of existing conditions in those Territories, but upon such an examination as had at that time been made by the Government he testified that taking the whole arid region of the West, about 15 per cent—not half, mind you, but about 15 per cent—could be redeemed. When? When all the water is used; when all the streams are utilized.

Mr. TELLER. Who testified to that?

Mr. DILLINGHAM. Major Powell testified to it before a Senate committee in 1887.

Mr. TELLER. Had he made a full examination?

Mr. DILLINGHAM. No; he said that he had not made an examination such as has been made since that time, but he was of the opinion that about 15 per cent of the entire arid region could be reclaimed, but that in New Mexico only about 7½ per cent could in the end be irrigated.

Mr. TELLER. Fifteen per cent?

Mr. DILLINGHAM. Taking the whole arid region of the West; but he said that in New Mexico only about 7½ per cent. Compare that with the 50 per cent mentioned by Governor Ross.

Now, Mr. Newell, who testified within the last fortnight, the gentleman who has had charge of the work in these Territories and whose testimony you will find on page 173 of this volume, says:

The Territory—

Of New Mexico—

is well within the arid region, and agriculture there is dependent almost entirely upon the artificial application of water.

The CHAIRMAN. By the artificial application of water you mean irrigation?

Mr. NEWELL. Yes, sir; irrigation. The principal source of supply is the Rio Grande and its largest tributary, the Pecos River. The United States Geological Survey has been measuring the flow of the Rio Grande where it enters New Mexico, and at various points along its course. We have also measured some of its tributaries, and have measured where it leaves the Territory to form the boundary line between Texas and the Republic of Mexico. We have been making studies of the extent to which that water can be used for irrigation purposes in the future.

The CHAIRMAN. Will you state to the committee the extent to which that water is used at present?

Mr. NEWELL. The usual summer supply is entirely employed, and there is now a considerable acreage under cultivation for which there is not a sufficient supply of water in all seasons. The spring flow—the floods—in large part go to waste, and water storage is absolutely essential to the future development of the Territory.

The chairman inquired:

I believe you said the other portion of the Territory where there was water was the Pecos, did you not?

Mr. NEWELL. The Pecos is the principal stream of eastern New Mexico.

The CHAIRMAN. Will you state the supply of that stream, and the availability of its water for irrigation, the character of the water, and other scientific facts which will enlighten the committee?

Mr. NEWELL. The Pecos drains an area of what is generally known as red beds, in which there is a good deal of gypsum, which is easily soluble in river water. The river itself is controlled by storage reservoirs. There is one at Lake McMillan, about 12 miles above Roswell, and a secondary one at Lake Avalon, nearer Roswell. Below that it receives water from springs, from the Hondo, and a number of other rivers, and the flow is increased. It is nearly all utilized in the canals between Roswell and Carlsbad. Below Carlsbad little water is taken from the river usually, the portion utilized being that taken out by the canals at Pecos City, south of the Territorial line, in Texas. The water, as it goes toward the Texas line, is heavily charged with gypsum, which is taken in solution from the soil through which the water flows. The storage capacity on Pecos River and the tributaries can doubtless be increased somewhat, but as to how much it can be increased no one knows at present.

Again he says:

The extreme northwestern portion along the San Juan River has a fairly good water supply, and there they raise, near Farmington, very valuable fruits; but the area of agricultural land is restricted. Outside of that area and a few other localities where springs and streams exist agriculture is impossible.

Again he was inquired of as to the area actually irrigated, and he gives these figures:

Total area of Territory, 78,374,400 acres; amount irrigated in 1889 was 203,893 acres, or 0.26 per cent.

There you have his statement that New Mexico is in the arid region, that it depends almost wholly upon irrigation in order to be brought into agriculture, and that by the last report only about 0.26 of 1 per cent had been brought under irrigation.

Mr. TELLER. When was that report made?

Mr. BEVERIDGE. At present. Those figures the Senator from Vermont is giving are for the present time.

Mr. DILLINGHAM. But I see there must have been a misprint, because it says here 1889. I think it is a misprint. I will state that when Mr. Newell testified he said:

I do not recall the exact figures. They are published in a report prepared for the Twelfth Census. It is my impression that about one-fourth of 1 per cent of the area of the Territory is irrigated.

And later he will furnish those figures. That is the explanation of it.

Now, I have procured from the Census Office a table as to New Mexico by which it appears that the whole farm area of New Mexico is 5,130,000 acres, but that the improved farm area is only 326,873 acres, and I understand that includes the lands used for the range, where it is used in connection with a farm.

Mr. TELLER. Will the Senator allow me to interrupt him?

Mr. DILLINGHAM. Certainly.

Mr. TELLER. I think the Senator has misunderstood the figures. I do not think it is a fact that in any of the statements of farms it is the actual cultivated parts which are given. That is what we understand in the reports from my section of the country at least. What they may have done in other sections I do not know.

Mr. DILLINGHAM. I certainly should not like to misrepresent the fact in that matter.

I will say in reply to the suggestion of the Senator from Colorado that I copied a statement from a census bulletin in respect to Arizona, not New Mexico, but I suppose the rule would be the same, where the note in the census report read as follows:

Under the general title "Farms" are included not only such tracts of tilled and untilled land as are commonly designated by that word in the older-settled States, but also the ranches of the owners of flocks and of herds. Of the latter there are many in Arizona. The proprietors of some of these ranches own large tracts of land upon which cattle and sheep are fed, while others who own little or no farm lands subsist their flocks and herds, often exclusively, upon the public domain or range. The land and agricultural resources of such ranges are classed as farms when of sufficient importance to require in their management the continued labor of one or more persons.

Mr. TELLER. If the Senator will allow me, I think that of the 5,000,000 acres he speaks of as farms of course there would be some pasture land, but I can cite the Senator to a single individual in Mexico who owns a million and a half acres of pasture land, and good pasture land, and nobody would presume that that was a farm. There is no farm connected with it that I know of. What I want to call attention to is that three or four hundred thousand acres are actually cultivated land—plowed, harrowed, and cropped.

Mr. DILLINGHAM. I have a table here that I think will explain that matter entirely.

Mr. BEVERIDGE. Will the Senator permit me just a moment?

Mr. DILLINGHAM. Certainly.

Mr. BEVERIDGE. That the statement of the Senator from Vermont is correct as to what is meant by farms in the census is proved by the fact that in Arizona there are only 185,000 acres under actual cultivation this year out of a total acreage of something over 73,000,000. The term "farms" used in the census was used and taken by the census as the Senator explained. Further, if the Senator will read the testimony of Professor Newell he will find that of the farms thus enumerated he has this year been over a large number of them in a portion of the Territory of New Mexico, and he found all their water holes dry.

Mr. TELLER. If I may be allowed, the conclusion of the Senator from Indiana is not borne out by the fact. It is true that this last year probably was the driest year ever known in the arid regions since it was settled, not only in New Mexico and Arizona, but in Colorado, Wyoming, and Utah; and yet, Mr. President, in these pasture lands there is abundance of feed for cattle.

Mr. BEVERIDGE. The pasturage in Colorado is entirely different from the pasturage in New Mexico and Arizona, as appears from the testimony of Professor Newell.

Mr. TELLER. There is great similarity. I claim to have some acquaintance not only with Colorado, but with New Mexico and Arizona, Utah included, from actual observation myself.

Mr. DILLINGHAM. Well, Mr. President, the table that was furnished me from the Census Office gives, first, the total farm area, whatever that may mean, as being 5,130,878 acres.

Mr. ELKINS. I would like to ask the Senator from Vermont a question.

Mr. DILLINGHAM. Certainly.

Mr. ELKINS. If the argument of arid lands and climatic conditions is to be a bar now against the admission of New Mexico, why has it not been made a bar against the admission of ten or twelve other Territories, equally as arid, which during the last twenty-five years have been admitted into the Union and are now prosperous and growing States?

Mr. DILLINGHAM. I was not in the Senate when those States were admitted, and perhaps the Senator himself can answer his own question better than I.

Mr. ELKINS. I can answer it satisfactorily, at least to myself. I do not see why a new rule is to be invoked and applied to a Territory whose people have suffered Territorial vassalage for fifty years, especially when, as a conquered people, they were promised under treaty obligations all the rights of American citizens, among them the right to be a State in the American Union.

Mr. DILLINGHAM. It is very evident that there has been some reason which has operated upon the Senate, and which has existed during that time, which has prevented these Territories from coming in, that did not exist in respect to the other Territories.

Mr. ELKINS. Not that New Mexico is arid. I never heard that before urged as a good and sufficient reason against statehood. I have heard the question discussed for twenty-seven years, and this is the first time this point has been raised, and this is not well taken in view of the fact that the General Government has inaugurated a system of irrigation which will make these great agricultural sections of the Union. Under a system of storage of water and irrigation these Territories will come in and be greater States and have greater agricultural facilities and greater agricultural wealth than many of the older States of the Union.

Mr. DILLINGHAM. I have heard that statement made repeatedly. I expect, to a certain extent, that the hopes of gentlemen advocating irrigation will be realized, and I certainly hope so. I am in full sympathy with them, and voted for their bill.

But I propose to follow along a little further to see how much of this Territory ever will come under irrigation and what part that plays as a factor and element in the building up of that Territory as a State.

When interrupted, I was giving the improved farm area in New Mexico as 326,873 acres, showing that the per cent of farm land improved was 6.4 and the amount of irrigated land was 203,893 acres.

Mr. STEWART. Will the Senator allow me to interrupt him?

Mr. DILLINGHAM. Gladly.

Mr. STEWART. I will call his attention to the fact that 1 acre of irrigated land is certainly equal to 2, and it is generally estimated that it is equal to 5 where rainfall is depended on, because you get the maximum crop each year and a much larger crop from irrigated land than from land dependent upon rain.

Mr. DILLINGHAM. I think that fact appears in the report of the committee, or something similar to it.

Mr. BEVERIDGE. No, Mr. President: it appears from the testimony that one acre of irrigated land will do just this: When it is at its best and when it has plenty of water it will produce from six and possibly sometimes eight cuttings of alfalfa a year and one crop of grain. As is stated in the report of the committee, irrigated land of course is very productive, the best portion of it, but the excessive production of alfalfa is all.

Mr. HALE. Does its irrigation account for the crowded condition of the population of Nevada?

Mr. BEVERIDGE. I do not know about that.

Mr. STEWART. There is room for the population of Nevada to expand, although it is pretty large already, and it has some broad valleys which are very fine. I think those valleys will far exceed the valleys of Maine.

Mr. HALE. Not in population.

Mr. STEWART. The agricultural land of Nevada is, I think, double the agricultural land of Maine that can be irrigated, and I presume the whole State——

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER (Mr. QUARLES in the chair). Does the Senator from Vermont yield to the Senator from Nevada?

Mr. DILLINGHAM. I yielded to the Senator from Nevada.

Mr. BEVERIDGE. The Senator yielded to me.

Mr. DILLINGHAM. I yield to everyone who wants to talk.

Mr. BEVERIDGE. I was about continuing my remarks on the subject of alfalfa. Of course, as the Senator from Nevada well knows, alfalfa is fodder, which leads to the further remark that the irrigation of these Territories is chiefly an adjunct to stock raising.

Mr. DILLINGHAM. Now, Mr. President, taking the improved farm area of New Mexico as it is given in the census reports and comparing it with that of Oklahoma, which, as I said before, has only been open ten or twelve years, we find that Oklahoma has about seventeen times as much as New Mexico.

Mr. CLAY. Seventeen times what?

Mr. DILLINGHAM. Of improved farm area; that the little State of Massachusetts has three and a half times as much; that Connecticut has over three times as much, and that Kansas has seventy-six times as much.

Mr. TELLER. I do not know where the Senator gets that information.

Mr. DILLINGHAM. I have the figures furnished by the Census Office, and that is all I know about it.

Mr. ELKINS. May I interrupt the Senator?

Mr. DILLINGHAM. Certainly.

Mr. ELKINS. After the lands of which the Senator speaks are irrigated, how will they compare in fertility with the lands of Vermont?

Mr. DILLINGHAM. I will show the Senator before I get through.

Mr. ELKINS. I hope you will.

Mr. DILLINGHAM. I shall.

Mr. ELKINS. Then I want the Senator to show how much population Vermont had when she came into the Union.

Mr. DILLINGHAM. Vermont had three times more of the percentage of the whole population of the United States than New Mexico has.

Mr. ELKINS. I wish the Senator would state the number.

Mr. DILLINGHAM. I have that in a table here, which shows that Vermont had at that time 85,425, or 2.2 per cent of the entire population of the United States.

Mr. ELKINS. And New Mexico has over 195,000. What has the percentage feature to do with the question? This is another new theory to longer deny justice to the people living in the Territories. After nearly a century this is the first time this strange doctrine has been put forward to strangle the rights of American citizens, just as good, loyal, and free as those living in the States.

Mr. BEVERIDGE. And the population of the entire country is 76,000,000.

Mr. ELKINS. That does not make any difference, and should cut no figure in disposing of this question.

Mr. BEVERIDGE. We think it does.

Mr. ELKINS. In the past the rule of admission as to population has been based on the ratio of population that would entitle a State to have a Representative in the other House. That has been the rule. This new rule, brought forth by the committee, was never heard of, never thought of, never dreamed of until now. Then, again, Mr. President, how is it possible for a Senate committee to gain accurate information about a Territory, its people, customs, habits, and manners, as well as resources and wealth, by a hurried visit of four days, and ask that their statements be taken as true against the statements of people who are well informed and have lived a lifetime in the Territories?

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Nevada?

Mr. DILLINGHAM. Yes, sir.

Mr. STEWART. I should like to make an inquiry, if the Senator will allow me.

Mr. DILLINGHAM. Certainly.

Mr. STEWART. Suppose you apply that rule of percentage to representation in the House of Representatives, what percentage does a present member of the House have to the whole population of the United States compared to what it was a hundred years ago? The percentage, I think, of a member entitled to a seat would be very much less now than it was a hundred years ago, as population has so increased. That is not a fair proposition. The question is, How many people are there in a Territory? The highest percentage ever adopted heretofore in discussions of this kind was based on how many would be a sufficient number to allow representation in the other House. It has been contended that a Territory ought to have a sufficient number for a Representative in the other House of Congress, but it was never stated anywhere in any debate that the population of a Territory asking for admission should bear a certain proportion to the entire population. The different States now bear a smaller ratio to the entire population, as the population has very largely increased, and this would be an unfair comparison.

Mr. DILLINGHAM. Mr. President, I am very glad that our friends on the other side have become interested in this question and think it worthy of discussion.

Now, I want to call attention to another table which has been furnished me by the Census Office, which gives the value of live stock and the value of farm products in several of the States and Territories. From it it appears that the value of the farm products of New Mexico was $10,155,215. In reply to the question of the Senator from West Virginia [Mr. ELKINS] I will inform him that during the same year the farm products of Vermont were $33,570,892, or three times as great in value as those of New Mexico.

Mr. ELKINS. Yes; but how long has Vermont been a State in the Union?

Mr. DILLINGHAM. She was the first State admitted into the Union, and is one of the smallest of the States.

Mr. ELKINS. I am sorry to see a small State opposing large States coming into the Union.

Mr. DILLINGHAM. We are talking about States that have the elements of statehood in them, and the question is whether New Mexico has the elements of statehood in her in respect of agriculture.

Mr. ELKINS. I will answer as to that, that New Mexico has every element of statehood. She has the requisite population necessary to sustain a State government. She has nearly $250,000,000 of property. Her agricultural property is twice that of Vermont. The people there are sturdy, law-abiding, and religious, and a large majority to-day are Americans and speak the English language. In every village there is a church, and the Mexicans in the main are devout Catholics and good citizens.

Mr. DILLINGHAM. We shall see about that.

Mr. ELKINS. And in a solemn treaty we pledged the faith of the United States to admit New Mexico to statehood.

Mr. BEVERIDGE. When?

Mr. ELKINS. Under the treaty of Guadalupe Hidalgo.

Mr. BEVERIDGE. When?

Mr. ELKINS. When our Congress was wise enough to admit them——

Mr. BEVERIDGE. That is it.

Mr. ELKINS. And surely before all the people to whom the promise was made should die.

Mr. President, I am very sorry that Congress has delayed so long in fulfilling treaty obligations. It was the spirit of the treaty that the people of New Mexico should be admitted to statehood within a reasonable time. The people of New Mexico are as loyal to the Government as are those of Vermont or any State in the Union. They raised three regiments in 1860 to defend the Union, and they raised another regiment in the Spanish war. Nothing can be urged against these people except that some of them do not speak the English language, although many of them are learning it. They are Christians. In every village there is a Catholic church. It is true that they are Southern, but locality should not be brought in to keep a people out who have the right to statehood because they are located in the South. There is no substantial argument against the statehood of New Mexico. It is twenty-seven years since a bill passed the Senate and passed the other House by a two-thirds vote for the admission of New Mexico.

Mr. BEVERIDGE. Then you impeach every Congress since?

Mr. ELKINS. No; I do not.

Mr. DILLINGHAM. Mr. President, I was discussing the agricultural conditions in New Mexico. I am willing to yield to my friend to make a speech, but I will get to that later on. I intend to be entirely fair about this matter. I do not intend to draw any unwarranted conclusions. I want to present to the Senate the exact facts as they have been disclosed to the committee, not only in respect to population, but in respect to agriculture and as to herding and mining, what it all combined amounts to, and what New Mexico as a Territory is. I wish to be entirely fair. I am perfectly willing to be interrupted, because if I am in error about anything, I certainly want to be corrected; but we have been running away from the subject.

By this table, as I was saying, the farm products, by the last census, in New Mexico were valued at $10,155,215, while by the same census those in the Indian Territory were nearly three times as great as that, and in Oklahoma proper nearly four and a half times as great as that. The farm products of Indian Territory and Oklahoma combined were valued at more than seven times as much as they were in New Mexico.

Now, making the comparison with certain others of the States, let us take Illinois. The value of the farm products of Illinois is thirty-four times as great as those of New Mexico, and Illinois is much less in area. In making this comparison I am not forgetful that I am leaving out the other great elements of statehood in Illinois—her magnificent cities, her vast products in manufactures, her commanding position in trade and in commerce—but I am taking the purely agricultural products, and, if I am not mistaken in my figures, they are thirty-four times as great as those of New Mexico.

Let me refer to some of the newer States. Take Minnesota, the farm products of which are sixteen times as great as those of New Mexico; those of North Dakota, six times as great; of South Dakota, six times as great; of Kansas, twenty times as great, and even of Massachusetts, whose farm products that year were valued at $42,000,000, or over four times as much as those of New Mexico, and they do not count farming their chief industry in Massachusetts.

Mr. GALLINGER. Nor do they in New Mexico.

Mr. DILLINGHAM. Nor do they in New Mexico?

Were it not for modesty, I should again refer to the fact that the value of Vermont's farm products was three times as great as those of New Mexico.

Mr. TELLER. I should like to ask the Senator from Vermont—Vermont being a State in the Union—if it would not be just as fair to compare the agricultural products of Illinois with those of Vermont as to compare the agricultural products of Illinois with those of New Mexico?

Mr. DILLINGHAM. The Senator from Colorado wishes to be entirely fair, but while in New Mexico they have a great area, I am trying to show you that in that great area they can never depend upon agriculture as a basis of development into a great State.

Mr. TELLER. The Senator does not do that by showing that they have not reached that point. If he will deal with the capabilities of the soil and climate, which we shall be quite ready to meet, I will show that in a single county in one of these great Territories they can beat the entire product of Vermont.

Mr. DILLINGHAM. Mr. President, if I can be convinced of that fact, I shall not be the least bit sorry.

I have another table furnished by the Census Office, that gives the total land surveys throughout the arid regions, the irrigated areas, the per cent of the total acreage irrigated, and the value of the irrigated crops. From this it appears that the per cent of total acreage irrigated in New Mexico is three-tenths of 1 per cent of the whole, and that the value of the irrigated crops was only $2,757,107. The whole farm product was over $10,000,000; but of the irrigated crop it was less than $3,000,000. It is not nearly as great as it is in certain other sections of that area.

What is the future in respect of irrigation in that Territory? That is a very pertinent question; it is one which has been suggested by my friend the Senator from Colorado [Mr. TELLER]. In answer to that, I beg to present to the Senate—and I call the attention of the Senate to it—testimony of Professor Newell, which will be found in the printed volume, I think on page 321, but I am not certain.

Mr. BEVERIDGE. I will state to the Senator it begins on page 175.

Mr. DILLINGHAM. Senator PATTERSON inquired of Professor Newell:

Senator PATTERSON. With the construction of storage reservoirs you can hardly tell the extent, can you, to which the Territory can be irrigated?

Mr. NEWELL. It is impossible at present to tell. The storage will doubtless increase the irrigated area.

Senator PATTERSON. Tremendous volumes of water come down those rivers during certain seasons of the year, do they not?

Mr. NEWELL. They are very large.

Senator PATTERSON. If the waters could be conserved a very heavy percentage of land could be put under irrigation, could it not?

Mr. NEWELL. We have been measuring the amount of water, and if it could all be saved several hundred thousand acres could be irrigated.

Senator PATTERSON. Is that the limit—several hundred thousand?

Mr. NEWELL. I think so. The limit is the total amount of water which comes down the Rio Grande and Pecos. The measurements at various points on the Rio Grande give the actual amount of water which has passed that point during various years in succession. Those figures I can insert in the testimony if you wish. I do not recall them.

The CHAIRMAN. Certainly. Please do so.

The figures referred to are as follows:

Total yearly run-off, in acre-feet, of the Rio Grande at Embudo, N. Mex., and at the station known as Rio Grande, above the White Rock Canyon.

Year.	At Embudo.	At Rio Grande.[a]
	Acre-feet.	*Acre-feet.*
1889	747,070	----------
1890	1,064,377	----------
1891	1,348,217	----------
1892	899,730	----------
1893	608,996	----------
1894	(b)	----------
1895	885,279	----------
1896	467,960	[c]698,072
1897	1,107,818	1,896,518
1898	838,166	1,086,953
1899	375,138	682,344
1900	537,381	707,472
1901	572,153	856,554
Mean	787,690	987,982

[a] Below mouth of Chamu River.
[b] Record of 1894 is incomplete.
[c] January and February flow is estimated.

Mr. STEWART. I should like to inquire of the Senator right there if those rivers furnish the only water for irrigation?

Mr. DILLINGHAM. They furnish it very largely.

Mr. BEVERIDGE. What rivers are those?

Mr. DILLINGHAM. The Rio Grande and the Pecos.

Mr. STEWART. I call attention to the fact that India has millions of acres of land and a hundred million people or more living upon it where there are no rivers, where they store the waters by dams and catch-basins for the purpose of irrigation, and the people in some of those regions are very prosperous. Water for irrigation is obtained by those means and no other. Some of those districts are densely populated. If you have a small ravine and a small stream the water supply can be augmented immensely.

Let me give an example in Utah. As you go north from Ogden, Brigham City and those other cities are large and prosperous. I was along there before the cities were built. The streams that came out from the mountains were mere rivulets. Some of them would not irrigate 50 acres of land, where now they irrigate thousands of acres. By conserving the waters they have brought under cultivation, I should say, hundreds of thousands of acres of land. It is not fair to measure the size of a river and say what can be done in an arid country. If you will examine the question you will understand the truth of my assertion. I do not want to see that Territory given a black eye by such a process as this, which will keep people from settling in it. It is a better Territory than is generally supposed.

Mr. BEVERIDGE. Will the Senator, before he sits down, state what the rainfall is in the catch-basin district of India?

Mr. STEWART. I do not know.

Mr. BEVERIDGE. In the catch-basin district, as I understand it, that is the impounding of rainfall by reservoirs, the system is different entirely from the impounding of flood waters. That depends upon rainfall, and, therefore, there must be some rainfall.

Mr. STEWART. There is rainfall.

Mr. BEVERIDGE. The supply must necessarily be taken into consideration.

Mr. DILLINGHAM. I will say, in reply to the suggestion of the Senator from Nevada [Mr. STEWART], that it was the universal testimony of those appearing before the committee that when you get away from rivers there is substantially no such thing as agriculture in New Mexico, but that the Territory is entirely given up to the herding of cattle, and that cattle could only be maintained in the Territory by giving to each cow from 10 to 30 acres, and this must be within 5 miles of a water hole or other supply of water on either side, that distance being a day's journey for cattle.

Mr. STEWART. I remember very well when the San Joaquin Valley was in that same condition; when it was given up entirely to the herding of cattle, on the ground that there was no possibility of the land being cultivated. Where the city of Fresno now is was a desert. But when they put water on it they found they could convert that great valley into a garden. So an undeveloped country ought not to be underrated.

New Mexico has got a good deal in the way of resources. I do not say it is one of the best Territories in the United States; but it is a very good Territory and has many resources. There is a great deal of opportunity there for agriculture and a great deal of water that can be utilized. As to Arizona, it is still better. There is a vast region that can be irrigated. It was once a country of dense population. I feel called upon to defend that Territory when you attack it in the way it has been attacked, because it is not a useless Territory.

Mr. DILLINGHAM. The Senator will excuse me. I do not want the Senator from Nevada to think that I am black-eyeing that country. I am reciting the testimony bearing upon its future, and I had not reached my conclusion. I propose to show what the testimony of Professor Newell indicates in that matter. I am very glad to be interrupted; but I do not want to be put in a false position, which the Senator, of course, did not intend.

Mr. STEWART. We are likely to underrate a country. I recollect that General Sherman, who had been all over that country, came before the Committee on Railroads and in perfectly good faith said: "We had better give that whole country back to Mexico; the whole country is simply valueless," and now we have great States there. So Senators ought not to underrate a country without understanding all the conditions. It is a better country than it is even now supposed to be.

Mr. DILLINGHAM. I have been very much interested in the remarks of the Senator, but when he interrupted me I was about to say what I have said in the colloquy, that the testimony of people who live on the ground taken before the committee was to the general effect that when you got away from the river valleys agriculture was hopeless. The testimony given by Professor Newell has been quoted, and it is not necessary for me to repeat his figures.

In addition to that, he has informed me that 2½ acre-feet of water, as he expresses it, is required to irrigate 1 acre of land, and that if the water of the Rio Grande is impounded it will irrigate 400,000 acres of land. At the present time there are 203,000 acres of land irrigated. I want the Senator to understand me. If that water is impounded it will double that area, and the problem as to how it shall be impounded is very fully gone into by Professor Newell. Anybody interested in the matter will find it in his testimony.

Mr. GALLINGER. Mr. President, just one word, if the Senator will permit me.

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from New Hampshire?

Mr. DILLINGHAM. Certainly.

Mr. GALLINGER. I notice that Professor Newell, on page 182, in reply to a question from Senator PATTERSON, says that if the waters could be conserved several hundred thousand acres could be irrigated.

Mr. DILLINGHAM. I have just read that.

Mr. GALLINGER. I understood the Senator to say 400,000 acres.

Mr. DILLINGHAM. I just read that. The Senator asked him? "Is that all you would say?" and he said "Yes, several hundred thousand;" and now he goes on further to give the results of the impounding of that water, and says that if you take 2½ acre-feet of water for an acre of land the impounded water would irrigate 400,000 acres.

Mr. GALLINGER. I did not observe that.

Mr. DILLINGHAM. Going further, Senator PATTERSON inquired:

Senator PATTERSON. Do I understand you to say that there is no water in the Rio Grande during the summer months through its entire extent from north to south?

Mr. NEWELL. There is usually water throughout the year down to the White Rock Canyon above Albuquerque, but below that, where the Santa Fe road approaches the river, it is entirely dry in summer.

Senator PATTERSON. Albuquerque is how far south of the northern boundary?

Mr. NEWELL. It is nearly midway of the distance of the Territory.

Senator PATTERSON. And the Territory is about how long from north to south?

Mr. NEWELL. I have forgotten the figures.

Senator PATTERSON. About 250 or 300 miles?

Mr. NEWELL. It is nearer 400, I should judge.

The committee, when they crossed that river in going over into old Mexico at El Paso, found the children of the town playing in the bed of the river and building up sand piles.

Mr. TELLER. Where was that?

Mr. DILLINGHAM. At El Paso.

Mr. TELLER. May I interrupt the Senator long enough to state a historical fact?

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Colorado?

Mr. DILLINGHAM. I shall be very glad to have the Senator interrupt me.

Mr. TELLER. I believe that one of the United States judges has declared that the Rio Grande is a navigable stream. I myself have been to El Paso when the children could have played in the river without wetting their shoes, and I think that is frequently the case, but it is still down on the map as navigable water, and the Territory of New Mexico is not allowed to build a dam across it. If there was ever a farce and a fraud on the public that is one.

Mr. DILLINGHAM. I think this must have been the river that was referred to——

Mr. QUAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Pennsylvania?

Mr. DILLINGHAM. Certainly.

Mr. QUAY. I was merely about to ask for information whether it was not the case, having heard that it was the case, that the disappearance of the water of the Rio Grande at El Paso was occasioned by a sinking away in the sand, which is frequently the case in those arid countries? The rivers there frequently sink into the sand and disappear, and come up at a point below the place of disappearance. I have been told that rock bottom can be reached in the bed of the river at El Paso within a distance of 5 or 6 feet of the surface, and that plenty of water can be found there at any time.

Mr. DILLINGHAM. I have no information on that point.

Mr. TELLER. I should like to say to the Senator from Pennsylvania that as to that particular point upon the Rio Grande River where the water disappears I do not claim to have any personal knowledge. Of the Arkansas River, which is one of the Colorado rivers, as is the Rio Grande, I know something of its early history.

Before there was an acre of land cultivated in the State of Colorado, at a certain point on the river the river disappeared and reappeared many miles below. That was true when the first immigration went up the river. It is said by the people living below that it is because we use the water. Probably it has always been the case on that river.

On the Platte River, which is a parallel river or something like it, starting in the same general region of country, up and down which I have traveled for forty-odd years, when I did not go down the Arkansas River to get to the East, we found the same thing. What I have said of the Arkansas I can say of the Platte. Before an ounce of water was taken out for domestic purposes of any kind in what is now the State of Colorado the Platte River sank and remained under ground for miles, reappearing again below. The fact is that great sand bars are found there, and the water goes down and strikes bed rock, and when the bed rock rises, as it does below, the water comes out again. That also occurs in some small creeks of the State. We understand that very well. I do not mean to say that that disappearance is accounted for in the way I have stated, but I assume it is, for every time I have seen the Rio Grande River it had some water running in it.

Mr. DILLINGHAM. Mr. President, I do not think it is worth while for me to follow that discussion any further, as I have no knowledge upon it. Testimony was taken by the committee, but that claim was not made to the committee by anyone, as I now remember.

Before passing from that question, I desire to say that unless the evidence of Professor Newell, upon which we relied, is entirely at fault, it does not appear to me, as an individual, nor did it appear to the committee, that the irrigated areas of New Mexico could ever be great in the sense of making the agriculture of New Mexico a basis for a population which would entitle it to statehood.

But before leaving that question, I ought to refer to another industry, that of stock raising. The report of the committee says in regard to that:

The second industry and first in point of importance is herding and stock raising. For cattle this is successful for a space of 5 miles on either side of a stream, or on what are called "water holes," in the foothills. (Testimony of Martinez Amador, p. 105; F. H. Newell, p. 176, 185; Governor Brodie, p. 155, and others.)

The capacity of the Territory for stock raising can therefore be determined with comparative accuracy. For horses a still wider range is possible, while sheep thrive where neither horses nor cattle can prosper. But when sheep are introduced into a region it seriously interferes with the grazing of cattle, for the reason that the sheep closely crop all edible herbage, leaving nothing for the cattle to subsist upon.

The extent and value of the agriculture and live stock of New Mexico at present are shown by the following table, prepared by the Statistician of the Agricultural Department.

The table appears in the report.

If Senators will turn to the volume of testimony they will find a map of New Mexico, and Professor Newell testifies that the black area on that map includes practically all the land of the Territory which is irrigable; that the white area is good only for the herbage, and that it will support perhaps a cow to 10, 20, or 30 acres, if it is situated within 5 miles of water; and from Mr. Newell's testimony all can see at a glance what the agriculture of New Mexico can probably amount to in the future.

Another industry of New Mexico is mining, and I have brought together the statistics of the production of gold and silver in the year 1901. The entire production of gold and silver of New Mexico during that year in value was $1,026,440. It does not in any way compare with California or Colorado or Montana. In their production they are far in excess of New Mexico, and the littleness of the product is shown when I state the fact that of silver Colorado produced nearly 33 times, I think, as much as New Mexico, and Montana some 23 or 24 times as much as New Mexico, while of gold California produced 24 times as much, Colorado 40 times as much, and Montana 6 or 7 times as much. But taking it as it appears and adding the sum of it to the production of copper, which in that year was $1,540,781, and adding to the value of the gold, silver, and copper the entire farm products of the Territory for that year, which amount to $10,155,215, and adding to that the product of coal for that year, $1,546,652, you have a grand total from all those sources of $14,269,088.

Mr. TELLER. Will the Senator from Vermont allow me to make a suggestion? He will see it is eminently fair. A considerable quantity of the mineral mined in New Mexico goes to Colorado for reduction or to Kansas City or to El Paso. So a statement of the amount New Mexico produces would not be an accurate statement unless he had also the report as to the shipments to those three points.

Mr. DILLINGHAM. I am very glad the Senator has stated that fact. Does he know what the proportion is?

Mr. TELLER. I can not tell; I do not know anything about the amount, but I know we get considerable from New Mexico, and I know that some goes to Kansas City, and I know also that some goes to El Paso.

Mr. BEVERIDGE. I think the Senator will find that that total includes all produced in New Mexico, whether reduced there or elsewhere.

Mr. TELLER. Possibly it does. I do not know how that statement is made up.

Mr. BEVERIDGE. There are no reducing establishments in New Mexico, are there?

Mr. DILLINGHAM. I do not know as to that. I have the figures as they appear in the Government reports.

For the purpose of comparison I brought these figures together. In round numbers they are $14,000,000. Now, the farm products of Illinois, which I have referred to before, were twenty-four times as great as that sum, which represents not only the farm products of New Mexico, but also the entire mineral products of New Mexico in the same year. Kansas farm products were eleven

times as great; North Dakota almost five times as great, and even Massachusetts' farm products were almost three times as great as the entire product of the farm and mines in New Mexico in the same year. Now, if that be true, where is the material prosperity of New Mexico which would warrant us at this time in admitting her as a State?

There are two classes of inhabitants in New Mexico. In that section of country they are referred to as Mexican and American, and everybody understands, so the testimony shows, that "American" includes substantially all who are not of Mexican descent, while the Mexican represents the old element that was in the Territory when she was acquired by the United States and which has come there since from Mexico, and their descendants. The report says:

> As to the remaining, or "Americans," some of them are not as good citizens as the Mexican element. (Testimony of Judge Mills.) Such are the "riffraff," to use the expression of United States Judge Mills (testimony, p. 1), who first follow the introduction of railroads, and certain other elements always seen on any country's extending frontier, but these are, of course, disappearing. The majority of "Americans," however, are good material for citizenship, and of a large number of them absolutely too much can not be said.
>
> In the "American" town of East Las Vegas, and in the "American" town of Albuquerque, there are men and women of culture, refinement, ability, energy, and all the best qualities of human character, unexcelled by the most favored section, either in country or city, of this or any other land. This is true of the "American" element of Sante Fe, of the little town of Carlsbad (population from 800 to 1,000), of the flourishing town of Roswell (population 2,500), both on the Pecos River, and, as the committee are informed, of Alamogordo and Deming, and perhaps one or two other points.

I have read this from the report of the committee because it is so well stated; and I want to add to it that in visiting the cities there named and meeting the people of the American towns I was impressed by their intelligence, education, culture, and business ability and the general air of prosperity that surrounded them. We met them at a reception—a reception given that we might have an opportunity to come in contact with the people. We met the gentlemen at a dinner, at which several of them were called upon to speak to us on different phases of statehood. Too much can not be said in favor of the American element that has gone into that Territory and is found in those five or six so-called American towns.

Senators will understand that in Las Vegas you find two towns. As one man expressed it, perhaps in relation to Lascruces, there Old Jerusalem meets with the United States. It is substantially so at Las Vegas. At Las Vegas on one side of the river you find a purely Mexican town, with its adobe buildings. Every business place has its sign in the Spanish language. I do not think I saw one in English. We met some of the school-teachers there. We undertook to converse with the children in the streets, but they were Mexicans and spoke the Spanish language.

Coming back across the river into the other part of town we came into what I have just described, one of the most beautiful of American towns and one of the most attractive. If all the towns and all the population of New Mexico were of the character we found in those towns, it would be an ideal Territory as to population, because nothing can be said in praise of them more than they deserve.

Mr. TELLER. I should like to interrupt the Senator long enough to ask him what about the Spanish population.

Mr. DILLINGHAM. I will come to them.

Mr. TELLER. I was afraid the Senator would overlook them.

Mr. DILLINGHAM. No; I intend to take them up.

Now, if the future of this Territory is not full of promise and of immediate growth and expansion and development, it did not seem to the committee that it was entitled to admission as a State at this time; that delay would be no hardship to her, while the admission of the Territory as a State until she is ready, and particularly if the fear expressed by some that she never would be great is to be realized, would be not simply a hardship, but a wrong to the nation. The admission of a State is something in the nature of a contract, and a State ought not to be admitted into the Union until she has either reached a point where she is entitled to it or unless the promise of development within a reasonable time in the future will warrant it. A mistake made by Congress in keeping out a Territory is one that can be remedied. A mistake made by Congress in admitting a State that ought not to be admitted is one that never can be corrected. The act of admission stands forever. It is a thing of the ages.

Now, there are other reasons why I think that this Territory is not prepared for admission at the present time. I have referred already to the American element, and I will refer now to the Mexican population. I do not know of any exact statistics showing the number of each class. I think Delegate RODEY submitted his estimate that two-fifths of the population were Mexican, while ex-Mayor Marron, of Albuquerque, in his testimony stated unhesitatingly that 60 per cent of the entire population of the Territory was Mexican. The census reports do not divide them, so that we have no authoritative statement, but the testimony of the census enumerators who came before us, the testimony of the judges, and others showed that substantially the whole of the American population was contained in the towns and that the great country regions throughout that Territory were occupied mainly by the Mexican population, a large proportion of whom are herders of flocks—goats, sheep, and some cattle.

Now, the sizable towns in that Territory, a fact to which I have already called the attention of the Senate, are few in number. You can substantially count them upon the fingers of your hands. There are only five or six, according to the census, that had over 2,500 inhabitants in 1900. They are fine towns and growing towns, undoubtedly. For the purpose of ascertaining the status of the Mexican population, their character and their habits, we called before us the justices of the peace in every town where we stopped. An examination of the testimony given by them as it is reported will show you to what a large extent they were Mexicans and to what a large extent the Spanish language is used in that Territory. They were almost all Mexicans.

The office is elective; the records which they brought in for our examination were kept almost exclusively in the Spanish language. Every one of them, I think, testified that the proceedings in his court required the services of an interpreter. Deeds are largely written in the Spanish language. Some were in English. The justices testified that the code of procedure which they had in their office was printed in Spanish. We observed that the legal notices posted about the cities were printed both in the English and the Spanish language. In the Federal and Territorial courts the interpreter is just as much an officer and just as regular in attendance as the stenographer or the clerk.

Mr. CULLOM. Are they Spaniards?

Mr. DILLINGHAM. As a rule they are Spaniards or educated Mexicans. The testimony shows that they interpret the testimony of witnesses, because the juries are mixed juries. In reply to the inquiry of the Senator from Colorado I will state that it was the universal testimony of the judges that the Mexicans on those juries were very acceptable men; that they were modest and unassuming; that they heeded the instructions of the court, and, as one of the judges expressed it, that there were no "Smart Alecks" among them. I am glad to say that in behalf of them. But a large number of them are illiterate, signing by crosses when they receipt for their pay.

Except in two or three counties, the services of an interpreter are in constant demand.

He interprets the testimony to the jury. If the witness is a Spaniard, he interprets it to the American jurors, and if the witness is an American he interprets it in Spanish to the Mexican jurors. When the counsel is ready to argue his case, the interpreter stands by his side, talking as fast as the counsel, interpreting his argument to the jury. When the judge is ready to charge the jury, the interpreter performs the same office for him; and there are cases referred to in evidence where the court was compelled to send the interpreter into the jury room because there was not on the jury an American who could speak Spanish nor a Mexican who could speak English. More frequently, and in the larger number of cases, there is on the jury an Americen who can speak Spanish or a Mexican who can speak English, so that an interpreter is not required in the jury room.

This matter of interpretation is a serious one there. It appears that in the political conventions of the Territory it is absolutely necessary to have an interpreter, and it appears from the testimony of Marshal Foraker that in the last Territorial convention, which nominated the present Delegate in Congress, they required the services of an interpreter, and the substitute interpreter testified before us that the regular interpreter becoming tired, he took his place in that convention.

Further than that, it appears that they require an interpreter in their Territorial legislature, which is made up partly of the Mexican and partly of the American element. The ballots at their elections are printed both in Spanish and in English. It was in evidence that at a majority of the political meetings held outside of the towns the speeches made in English had to be interpreted into Spanish. That is the extent to which the Spanish language is used in that Territory. Whether that be for or against her in considering the question involved in this discussion is for the Senate to determine.

New Mexico has made a fair start educationally. It has admirable schools in Albuquerque, in the American town. It has admirable schools in New Lasvegas, also on the other side, in the Mexican section, but they have altogether a different class of pupils in there. The university at Albuquerque is entitled to a great deal of credit. There are now about a hundred pupils, most of them being local, a few coming long distances. This institution has a good corps of officers and is well equipped generally. But it will be a long time, in my opinion, before the Mexican population, as a whole, the masses of which the testimony shows are without marked ambition or business energy, are educated

through the English schools and brought so in touch with the American population and American thought as to make them live, aggressive, representative American citizens.

In the public schools, outside of Las Vegas and some other American towns, Spanish and English are both taught. The superintendent of education for the Territory testified before us that in the common schools in the Territory language, grammar, geography, and arithmetic were taught, and that Spanish is taught exclusively in some districts from "paucity of teachers."

It appears that the schools when they were first opened were pretty largely taught by ladies who had gone from the North on account of lung difficulties, but now, under a law of the Territory, diseased persons are not permitted to teach. It is therefore difficult to secure a sufficient number of teachers, and, as a consequence, only Spanish is taught in some districts. The textbooks, which are in Spanish, are Valazquez's Grammar and Reader, McDuffey's Arithmetic and Geography translated into Spanish, and McDuffey's American History translated into Spanish.

I think a fair specimen of the schools in the Spanish-speaking territory may be found in old Lasvegas. The pupils are taken through the second Spanish reader. They are almost wholly Mexican. Having completed the second Spanish reader they are carried further along in English. A teacher in that school, Miss Zana, testified that the children of Mexican parents almost invariably, upon leaving that school, spoke Spanish; that they loved it. The superintendent of that school testified that most of the time the children speak Spanish, but some of the time they speak English; that they prefer to speak their mother tongue. At New Lasvegas we had the testimony of Miss Bucher, who is the superintendent of the schools at that place. She was called by Delegate RODEY, I believe.

Mr. BEVERIDGE. Yes.

Mr. DILLINGHAM. She says that in that American town only English is taught. Out of 715 pupils, about 100 of them are Mexicans, and her testimony was to the effect that they could keep this class of pupils up through the fifth grade, but they never entered the high school. It is evident that under these most favorable circumstances the Mexican children, taken as a whole, make slow progress in acquiring the English language, and that they are not apt pupils. Upon being asked regarding their progress before leaving school, Miss Bucher said:

They read in the fifth reader, and have an idea of fractions and language work and geography. They are quite apt in anything mechanical. They learn to write and learn to draw, but it is very hard to teach them English well.

That is her experience with them.

Coming to the question of illiteracy in that Territory, the report states:

The remainder of the 195,310 people in New Mexico are called in that Territory "Americans," as contradistinguished from the class above spoken of, who are there termed "Mexicans." But the "Americans" are made up from every other nationality except Mexicans. Germans, Italians, French, and all other nationalities are called "Americans," and yet of the entire population of New Mexico 33.2 per cent are illiterates—that is, *that portion can neither read nor write Spanish, English, or any other language.* (Census of 1900.)

If the test of illiteracy were confined to the English language only, the committee is of the opinion that the percentage of illiterates should be much more than doubled.

Thirteen thousand six hundred and twenty-five of the population of the Territory are foreign born. Thirty-one thousand six hundred and thirty-nine are of foreign parentage. When you consider that 33 per cent of the whole are unable to read in any language, either Spanish or English, or any other, the Senate must see the difficulty that confronts New Mexico in solving its educational problem. I am glad to say that conditions are improving. Statistics indicate progress in the last ten years. The percentage of illiterates is less now than then, but this progress must of necessity be slow. When you compare the illiteracy of New Mexico with that of the States in that section of the country, the comparison is not to the credit of New Mexico. Take Nevada, Colorado, Oregon, Washington, Idaho, Utah, California, Kansas, Nebraska, and the Dakotas and bring them together, and the average rate of illiteracy is only 5.2 per cent as against 33.2 per cent in New Mexico and 29 per cent in Arizona. Those figures need no comment.

This condition is in marked contrast with that in Oklahoma, a much newer Territory. In thirteen years people have emigrated there in vast numbers, and yet the per cent of illiteracy in that Territory is only 5.5, while in the Indian Territory, without any Territorial government and without any system of schools, the people who have gone in there to swell the population to its present great number are of such a class that the percentage of illiteracy is only 19.

Mr. QUARLES. That includes Indians?

Mr. DILLINGHAM. Everybody in the Indian Territory.

The facts I have stated indicate, as is stated in the report, the necessity there was for the committee to take an interpreter along with them if they would examine witnesses of various classes—justices of the peace, census enumerators, and others.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from New Hampshire.

Mr. DILLINGHAM. Certainly.

Mr. GALLINGER. I am greatly interested in the discussion, especially in the school question. I have noticed that a Mexican is the superintendent of public schools in the Territory of New Mexico. The census reports show, and I commend it to the attention of the Senator, that from 1880 to 1890 there was a decrease of 7.38 per cent in public school enrollment in the State of Maine; there was a decrease of 8.51 in my own State, I regret to say; a decrease of 10.42 in Vermont; there was a gain of 1.38 in New York, of 1.59 in Pennsylvania, and of 283.07 in the Territory of New Mexico. Those figures have been supplied to me from the census reports, and, if they are correct, they show that while many of those people are still ignorant, they are making marvelous progress in the matter of education.

Mr. DILLINGHAM. And in getting into school.

Mr. GALLINGER. And getting into school.

Mr. DILLINGHAM. That is true; and I am coming to speak of it more fully.

Mr. GALLINGER. I have examined the advance sheets of the report of the governor for 1902, and I have been astonished to see what beautiful buildings they have for school purposes in some portions of the Territory. It has struck me very forcibly that the present superintendent—and I think he has been long superintendent of public instruction—a Mexican, seems to be a thoroughly qualified man for his position. I think they are doing pretty well, all things considered.

Mr. DILLINGHAM. I am sorry that the Senator did not give us the figures for the period from 1890 to 1900.

Mr. GALLINGER. I have not them at hand.

Mr. DILLINGHAM. No; Mr. RODEY did not furnish them to me.

Mr. GALLINGER. Mr. RODEY did not furnish these to me.

Mr. BEVERIDGE. Will the Senator permit me for just a moment?

Mr. DILLINGHAM. Certainly.

Mr. BEVERIDGE. I was struck by the comparison of increase and decrease; but its value as showing the present educational conditions and the progress would be indicated by the fact that if no school existed and one was started with only one child, and then another child attended, there would be an increase of a hundred per cent. So where communities are old, where everybody has gone to school and one child drops out, there would be a decrease. Therefore from the figures the Senator from New Hampshire presents the inference might just as well be drawn, as the one he draws, that they are, as the committee says, getting a start.

Mr. GALLINGER. I drew no conclusions particularly. I stated what seems to be a fact. Now, I would be glad to have the percentage from 1890 to 1900, if the Senator has it.

Mr. DILLINGHAM. I have not the percentage that I can give, but I know that the percentage of increase in New Mexico is not half during the last ten years what it was during the ten years the Senator referred to. But these figures are explainable. It is that the mass of the people there were not in school, as in New England every child almost was in school.

Mr. BEVERIDGE. That is it, exactly.

Mr. DILLINGHAM. After the school system was inaugurated there, which I have commended, and I am glad to commend it, they began to get this population into schools in such numbers that it made the immense percentage which the Senator from New Hampshire has referred to. But it is not to be taken as against his own State, nor Vermont, nor any other where for a century the children of those States have been in public schools almost wholly.

Mr. CULLOM. Almost the entire population.

Mr. DILLINGHAM. Yes; almost the entire population. I was coming to that question when the Senator interrupted me. The establishment of schools in that Territory is to the credit of the Americans who have gone in there. There appeared before the committee a very bright young man. He had been selected to represent the interests of New Mexico. I refer to Mr. Hughes, editor of the Citizen, of Albuquerque. He said in his testimony:

In 1887 I had the honor of introducing into the legislature the first public school bill. It was beaten, but the next session it was passed.

Mr. BEVERIDGE. The date was 1889, was it not?

Mr. DILLINGHAM. He said he introduced it in 1887.

Mr. BEVERIDGE. And the next session was 1889?

Mr. DILLINGHAM. Yes, sir; the year that you have mentioned.

Mr. LODGE. May I ask the Senator a question? Do I understand him to read from testimony showing that no public schools were established by law in New Mexico before 1889?

Mr. DILLINGHAM. That is the testimony of Mr. Hughes. He said that in 1887 he "had the honor of introducing into the legislature the first public school bill. It was beaten, but the next session it was passed."

He goes on, then, to discuss the nature and character of the Mexican population. He says:

I was in the Pomeroy campaign in Kansas, and I know what political corruption is. I have been a member of the legislature since 1887. I never knew a member to receive money for anything. If a native of this Territory likes you, and if they have confidence in you, you can get almost everything with them, and I will say this about them in politics, that in my twenty-two years' experience I have never had one of them to lie to me in politics. If the leaders say in a precinct here that it is going to come out so and so, it is going to come out that way. I have been the chairman of this committee here for years, and I never paid a Mexican a cent for his vote in this Territory.

Then he goes on to describe them:

They are a quiet, peaceable people. *You must remember that up to 1865 the peons of this Territory, which was possibly two-thirds of the population, were practically slaves. Lincoln's emancipation proclamation emancipated them. We have two or three hundred of them here working in the railroad shops. They are faithful workers. Forty or fifty of them are working in the woolen mills. They are not energetic. They do not care about getting rich like Americans. They are perfectly willing to let things go easy. They never suggest anything in the legislative assembly; they are perfectly willing to let anything go through. If you get a bill through and the next session you want to amend it, they say nothing, but go ahead and vote for the amendment.*

That is the testimony as to the character of the Mexican population as a whole, and as they appear in the legislature, which was given by Mr. Hughes, one of the men selected to present the claims of New Mexico for statehood.

The future of this Mexican element, as it appears to the committee, is described in the report as follows:

THE FUTURE OF THE "MEXICAN" ELEMENT.

Nothing is said against the patriotism or the native intelligence of the great mass of people who constitute the so-called "Mexican" population of New Mexico. They have many excellent qualities. The "Mexican" class as a body have also many characteristics not familiar to the mass of the American people, and, to the hypercritical, not perhaps admirable, though this is a question of point of view. There are of course among them men and women of high education, culture, and all the best qualities of good citizenship.

On the whole, the committee feel that in the course of time, when education, now only practically beginning, shall have accomplished its work; when the mass of the people, or even a majority of them, shall in the usages and employment of their daily life have become identical in language and customs with the great body of the American people; when the immigration of English-speaking people who have been citizens of other States does its modifying work with the "Mexican" element—when all these things have come to pass, the committee hopes and believes that this mass of people, unlike us in race, language, and social customs, will finally come to form a creditable portion of American citizenship. And when that time arrives no one, least of all the members of the committee who have studied the situation on the ground, will object to statehood for this people so far as this particular consideration is concerned.

But I think that the real conditions existing in the Mexican people in New Mexico was better expressed by one of their own number who appeared before us voluntarily at Lascruces, asking the privilege of making a statement.

Mr. BEVERIDGE. Martinez Amador?

Mr. DILLINGHAM. Martinez Amador. He was 64 years of age, a fine-looking man, polite, bright, well nourished, with a strong face, evidently a man of substance and of character. He spoke English brokenly, and before he completed his remarks the interpreter was called to assist him, although he made himself fairly well understood. The following question was asked him:

Is there any statement which you want to make to the committee?

The answer was:

Well, I want, if you will allow me, to make a statement about our population. My people all belong to the Mexican race. They come from old Mexico, and I think our people is not able now to support statehood, because most of the people here is ignorant; and I do not think we are ready to support statehood yet for about ten years, until our children grow up. We got good schools now, and we send our children to school, and they doing well; but the old residents are mostly Mexicans, you know. You take them in the election time, and you take them what you call the emblem; *they go by that, and they do not know who they vote for.* They do not know who is on the ticket—the majority of that kind of people.

As a consequence, I think there is one great fault of our people—they have not got education, the old timers; the old timers, like me. I never been in the schools, *except the primary schools, you know; but I been picking up here and there to know just the little I know now*, and that is about all; but I never been in the schools. My children are all well educated. They have been to school in St. Louis and they have been in the schools here. My children, they are able to support statehood and compete with the majority as far as people, you know; but the others, I am very sorry to say it, they are not able to do that.

The remainder of the questions propounded to the witness, and the answers thereto, were made through the medium of the official interpreter of the committee.

Q. What is the feeling of the people, the native Mexicans out in the country, like yourself, about this subject?

A. There are a good many that do not know what statehood is. They do not know the difference between a State and a Territory. The greater part of them do not know how to write or read.

Q. You live out in the country. Now, in the campaigns are there speeches made out there to your people?

A. Yes; they have some speeches, but it is always in Spanish when they have campaign speeches. Sometimes they speak in English, and then they have an interpreter to interpret it to them.

I think that the status of the old population in that Territory is accurately portrayed by Mr. Amador, who, as before stated, came before the committee upon his own motion. He impressed, I think, every member of the committee as being sincere, honest, and intelligent, and as having, perhaps, a better knowledge of the condition of the Mexican element than any other witness who appeared before us.

I have about completed what I have to say of New Mexico. I think the committee is right in its conclusions that the population of that Territory is not now sufficient in number for statehood; nor is the prospect of a greatly increased population in the near future sufficiently promising to warrant statehood. I am persuaded that the committee is also correct in its judgment that the population, taken as a whole, has not made that advance in education which should be desired.

The situation as it relates to a large element of the Mexican population is substantially that described by Mr. Amador. When their children shall have grown up and shall have received the benefits derived from attendance upon the public schools now established and in the higher institutions of learning, as Mr. Amador's children have done, a population will exist from which there will come into the legislature men unlike those described by Mr. Hughes, who will be able to suggest things in legislation, who will not be willing to let everything go through, and who will not be willing to do everything they are asked to do by the leaders of either one or the other political parties.

Mr. CULLOM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Illinois?

Mr. DILLINGHAM. Certainly.

Mr. CULLOM. I understand the Senator has something more to say, and if it is agreeable to him I will move an executive session.

Mr. BEVERIDGE. The Senator from Vermont will proceed to-morrow?

Mr. DILLINGHAM. I should like to go on to-morrow. I have not concluded my remarks.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seventeen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 16, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 15, 1902.

PROMOTIONS IN THE NAVY.

1. Commander Edward D. Taussig, to be a captain in the Navy from the 7th day of November, 1902, vice Capt. Robert W. Milligan, an additional number in grade.

2. Commander Richard Inch, to be a captain in the Navy from the 21st day of November, 1902, vice Capt. Wells L. Field, retired.

3. Lieut. Reuben O. Bitler, to be a lieutenant-commander in the Navy from the 3d day of June, 1902, vice Lieut. Commander Vincendon L. Cottman, promoted.

4. Emmett C. Gudger, a citizen of North Carolina, to be an assistant paymaster in the Navy from the 10th day of December, 1902, to fill a vacancy existing in that grade on that date.

5. Lieut. William Truxtun, to be a lieutenant-commander in the Navy from the 11th day of July, 1902, vice Lieut. Commander Samuel W. B. Diehl, promoted.

6. Lieut. (Junior Grade) William C. Davidson, to be a lieutenant in the Navy from the 16th day of June, 1902, vice Lieut. Albert Ackerman, promoted.

7. Sergeants Harvey C. Egan, (8) Thomas C. Turner, and (9) Cleyburn McCauley, all noncommissioned officers of the Marine Corps, to be second lieutenants in said corps from the 27th day of August, 1902, to fill vacancies existing in that grade on that date.

COLLECTORS OF CUSTOMS.

James C. Tawes, of Maryland, to be collector of customs for the district of eastern Maryland, in the State of Maryland. (Reappointment.)

Morton Tower, of Oregon, to be collector of customs for the district of southern Oregon, in the State of Oregon, to succeed John Morgan, whose term of office will expire by limitation on December 18, 1902.

ASSISTANT COLLECTOR OF CUSTOMS.

Frank F. Patterson, of New Jersey, to be assistant collector of customs for the port of Camden, N. J., in the district of Philadelphia, in the State of Pennsylvania. (Reappointment.)

SURVEYORS OF CUSTOMS.

Leander M. Shubert, of Iowa, to be surveyor of customs for the port of Council Bluffs, in the State of Iowa. (Reappointment.)

James H. Bolton, of Iowa, to be surveyor of customs for the port of Sioux City, in the State of Iowa. (Reappointment.)

PROMOTIONS IN THE ARMY.

Cavalry Arm.

Capt. John Bigelow, jr., Tenth Cavalry, to be major, December 8, 1902, vice Finley, Eleventh Cavalry, detailed as assistant adjutant-general.

First Lieut. George T. Summerlin, Fourth Cavalry, to be captain, December 8, 1902, vice Bigelow, Tenth Cavalry, promoted.

Infantry Arm.

Capt. Edward Chynoweth, Seventeenth Infantry, to be major, December 5, 1902, vice McCaleb, Thirtieth Infantry, retired from active service.

First Lieut. Alvan C. Read, Thirteenth Infantry, to be captain, December 5, 1902, vice Chynoweth, Seventeenth Infantry, promoted.

UNITED STATES MARSHAL.

William H. Northup, of Florida, to be United States marshal for the northern district of Florida, in the place of Thomas F. McGourin, whose term will expire January 9, 1903.

SURVEYOR-GENERAL.

Erastus A. Williams, of North Dakota, to be surveyor-general of North Dakota, his term having expired. (Reappointment.)

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

Lloyd C. Griscom, of Pennsylvania, now envoy extraordinary and minister plenipotentiary to Persia, to be envoy extraordinary and minister plenipotentiary of the United States to Japan, vice Alfred E. Buck, deceased.

Richmond Pearson, of North Carolina, now consul at Genoa, to be envoy extraordinary and minister plenipotentiary of the United States to Persia, vice Lloyd C. Griscom, nominated to be envoy extraordinary and minister plenipotentiary to Japan.

POSTMASTERS.

Thomas M. Crossman, to be postmaster at Edwardsville, in the county of Madison and State of Illinois, in place of Thomas M. Crossman. Incumbent's commission expired February 7, 1902.

Harry M. Martin, to be postmaster at Shelbyville, in the county of Shelby and State of Illinois, in place of Harry M. Martin. Incumbent's commission expires December 21, 1902.

Howard C. Daugherty, to be postmaster at Frankton, in the county of Madison and State of Indiana, in place of Elmira E. Daugherty. Incumbent's commission expires December 21, 1902.

Niles L. Brownell, to be postmaster at Pomeroy, in the county of Calhoun and State of Iowa, in place of Niles L. Brownell. Incumbent's commission expires December 21, 1902.

Herbert W. Clark, to be postmaster at Tabor, in the county of Fremont and State of Iowa, in place of Herbert W. Clark. Incumbent's commission expired Decemher 14, 1902.

Charles E. Cook, to be postmaster at Uxbridge, in the county of Worcester and State of Massachusetts, in place of Charles E. Cook. Incumbent's commission expires December 20, 1902.

David E. Cross, to be postmaster at Amboy, in the county of Blue Earth and State of Minnesota, in place of David E. Cross. Incumbent's commission expired July 7, 1902.

Edgar F. Gould, to be postmaster at South St. Paul, in the county of Dakota and State of Minnesota, in place of Edgar F. Gould. Incumbent's commission expired January 10, 1902.

John L. Schmitz, to be postmaster at Chillicothe, in the county of Livingston and State of Missouri, in place of Benjamin F. Beazell. Incumbent's commission expired March 22, 1902.

James Freeman, to be postmaster at Arlington, in the county of Hudson and State of New Jersey, in place of James Freeman. Incumbent's commission expires December 20, 1902.

Eugene Vreeland, to be postmaster at Dundee, in the county of Yates and State of New York, in place of Eugene Vreeland. Incumbent's commission expires December 15, 1902.

Frederick R. Smith, to be postmaster at Norwood, in the county of St. Lawrence and State of New York, in place of Frederick R. Smith. Incumbent's commission expires December 20, 1902.

Samuel H. Palmer, to be postmaster at Ogdensburg, in the county of St. Lawrence and State of New York, in place of Samuel H. Palmer. Incumbent's commission expires December 20, 1902.

Millard D. McNeil, to be postmaster at Oxford, in the county of Chenango and State of New York, in place of Millard D. McNeil. Incumbent's commission expires December 15, 1902.

E. G. Chamberlain, to be postmaster at Caldwell, in the county of Noble and State of Ohio, in place of John H. Shankland. Incumbent's commission expired July 7, 1902.

Elmer E. Brown, to be postmaster at Oklahoma, in the county of Oklahoma and Territory of Oklahoma, in place of Samuel Murphy. Incumbent's commission expired July 7, 1902.

Edward H. Graves, to be postmaster at Coatesville, in the county of Chester and State of Pennsylvania, in place of Edward H. Graves. Incumbent's commission expired June 27, 1902.

John H. Bishop, to be postmaster at Millersville, in the county of Lancaster and State of Pennsylvania. in place of John H. Bishop. Incumbent's commission expired December 14, 1902.

Willis H. Bonham, to be postmaster at Deadwood, in the county of Lawrence and State of South Dakota, in place of John Baker. Incumbent's commission expired June 2, 1902.

H. I. Shott, to be postmaster at Bluefield, in the county of Mercer and State of West Virginia, in place of James E. Martin. Incumbent's commission expires December 20, 1902.

Isaac M. Adams, to be postmaster at Ravenswood, in the county of Jackson and State of West Virginia, in place of James E. McGlothlin. Incumbent's commission expired June 22, 1902.

Daniel W. Stone, to be postmaster at Trinidad, in the county of Las Animas and State of Colorado, in place of Joseph R. Miller, deceased.

Frank D. Ball, to be postmaster at Crystal Falls, in the county of Iron and State of Michigan, in place of George E. Voos, removed.

Donald McLeod, to be postmaster at Schuyler, in the county of Colfax and State of Nebraska, in place of Henry C. Russell, deceased.

Claudius D. Holland, to be postmaster at Gastonia, in the county of Gaston and State of North Carolina, in place of Laban L. Jenkins, resigned.

William W. McCullough, to be postmaster at Billings, in the county of Noble and Territory of Oklahoma, in place of Chalmer R. Higdon, removed.

George E. McKinnis, to be postmaster at Shawnee, in the county of Pottawatomie and Territory of Oklahoma, in place of Frank P. Stearns, removed.

Ella M. Ward, to be postmaster at Millers Falls, in the county of Franklin and State of Massachusetts. Office became Presidential July 1, 1902.

Samuel S. Working, to be postmaster at East Helena, in the county of Lewis and Clarke and State of Montana. Office became Presidential July 1, 1902.

William E. Baggs, to be postmaster at Stevensville, in the county of Ravelli and State of Montana. Office became Presidential July 1, 1902.

Farley F. Holcombe, to be postmaster at Hopewell, in the county of Mercer and State of New Jersey. Office became Presidential July 1, 1902.

James H. Hitt, to be postmaster at Margaretville, in the county of Delaware and State of New York. Office became Presidential October 1, 1902.

S. G. Walker, to be postmaster at Thurmond, in the county of Fayette and State of West Virginia. Office became Presidential January 1, 1902.

WITHDRAWALS.

Executive nominations withdrawn December 15, 1902.

Passed Assistant Paymaster Ulysses G. Ammen, to be a paymaster in the Navy, from the 28th day of April, 1902, vice Paymaster John C. Sullivan, promoted.

Assistant Paymaster Trevor W. Leutze, to be a passed assistant paymaster in the Navy, from the 28th day of April, 1902, vice Passed Assistant Paymaster Ulysses G. Ammen, promoted.

Assistant Paymaster McGill R. Goldsborough, to be a passed assistant paymaster in the Navy, from the 1st day of June, 1902, vice Passed Assistant Paymaster Abel B. Pierce, resigned.

Paymaster John R. Martin, to be a pay inspector in the Navy, from the 13th day of June, 1902, vice Pay Inspector Henry T. B. Harris, promoted.

Passed Assistant Paymaster George Brown, jr., to be a paymaster in the Navy, from the 13th day of June, 1902, vice Paymaster John R. Martin, promoted.

Assistant Paymaster David V. Chadwick, to be a passed assistant paymaster in the Navy, from the 13th day of June, 1902, vice Passed Assistant Paymaster George Brown, jr., promoted.

Passed Assistant Paymaster Walter B. Izard, to be a paymaster in the Navy, from the 1st day of July, 1902, vice Paymaster Charles M. Ray, promoted.

Assistant Paymaster Eugene C. Tobey, to be a passed assistant paymaster in the Navy, from the 1st day of July, 1902, vice Passed Assistant Paymaster Walter B. Izard, promoted.

Paymaster Mitchell C. McDonald, to be a pay inspector in the Navy, from the 9th day of September, 1902, vice Paymaster Josiah R. Stanton, retired.

Passed Assistant Paymaster David Potter, to be a paymaster in the Navy, from the 9th day of September, 1902, vice Paymaster Mitchell C. McDonald, promoted.

Paymaster Eustace B. Rogers, to be a pay inspector in the Navy, from the 21st day of September, 1902, vice Pay Inspector Arthur Peterson, resigned.

Passed Assistant Paymaster Samuel Bryan, to be a paymaster in the Navy, from the 21st day of September, 1902, vice Paymaster Eustace B. Rogers, promoted.

Assistant Paymaster Jonathan Brooks, to be a passed assistant paymaster in the Navy, from the 21st day of September, 1902, vice Passed Assistant Paymaster Samuel Bryan, promoted.

Pay Inspector Lawrence G. Boggs, to be a pay director in the Navy, from the 28th day of September, 1902, vice Pay Director Edwin Putnam, retired.

Paymaster Leeds C. Kerr, to be a pay inspector in the Navy, from the 28th day of September, 1902, vice Pay Inspector Lawrence G. Boggs, promoted.

Passed Assistant Paymaster George M. Lukesh, to be a paymaster in the Navy, from the 28th day of September, 1902, vice Paymaster Leeds C. Kerr, promoted.

Assistant Paymaster Dexter Tiffany, jr., to be a passed assistant paymaster in the Navy, from the 9th day of November, 1902, vice Passed Assistant Paymaster Charles W. Penrose, dismissed.

Paymaster Richard T. M. Ball, to be a pay inspector in the Navy, from the 22d day of November, 1902, vice Pay Inspector Samuel R. Colhoun, promoted.

Passed Assistant Paymaster John W. Morse, to be a paymaster in the Navy, from the 22d day of November, 1902, vice Paymaster Richard T. M. Ball, promoted.

Assistant Paymaster Franklin P. Sackett, to be a passed assistant paymaster in the Navy, from the 22d day of November, 1902, vice Passed Assistant Paymaster John W. Morse, promoted.

Sergts. Harvey C. Egan, Thomas C. Turner, and Cleyburn McCauley, all noncommissioned officers of the Marine Corps, to be second lieutenants in said corps, from the 27th day of August, 1902, to fill vacancies existing in that grade on that date.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 15, 1902.

INTERSTATE COMMERCE COMMISSION.

Martin A. Knapp, of New York, to be an Interstate Commerce Commissioner for the term of six years from January 1, 1903.

CONSUL.

George Sawter, of New York, now consul at Antigua, to be consul-general of the United States at Guayaquil, Ecuador.

COLLECTOR OF CUSTOMS.

Fred C. Cubberly, of Florida, to be collector of customs for the district of Saint Marks, in the State of Florida.

APPOINTMENTS IN THE ARMY.

MEDICAL DEPARTMENT.

To be assistant surgeons with the rank of first lieutenant.

Robert Moore Blanchard, of Ohio, contract surgeon, United States Army, July 16, 1902.

James Bourke, of Illinois, contract surgeon, United States Army, September 9, 1902.

Samuel Middleton De Loffre, of the District of Columbia, contract surgeon, United States Army, September 10, 1902.

Louis Casper Duncan, of Kansas, late first lieutenant and assistant surgeon, Twenty-second Kansas Infantry Volunteers, October 27, 1902.

Edward Melville Talbott, of Virginia, October 27, 1902.

John Alexander Clark, of the District of Columbia, October 27, 1902.

Samuel Jonathan Morris, of Ohio, October 27, 1902.

Noel Irby Barron, of Alabama, October 27, 1902.

Jacob Morgan Coffin, of Pennsylvania, October 27, 1902.

John Wesley Hanner, of Tennessee, October 27, 1902.

Levy Millspaugh Hathaway, of Kentucky, October 27, 1902.

Alexander Murray, of Virginia, October 27, 1902.

Philip Weatherly Huntington, of Connecticut, October 27, 1902.

James Carroll, of the District of Columbia, contract surgeon, United States Army, October 27, 1902.

James Douglas Fife, of Virginia, October 27, 1902.

William Aden Powell, of Georgia, October 27, 1902.

Leon Theodore LeWald, of New York, October 27, 1902.

Jesse Ralph Harris, of New York, October 27, 1902.

George Hoskins Scott, of Pennsylvania, October 27, 1902.

Edwin Dearborn Kilbourne, of Illinois, October 27, 1902.

Robert Lee Carswell, of Tennessee, October 27, 1902.

To be Surgeon-General with the rank of brigadier-general.

Col. Robert M. O'Reilly, assistant surgeon-general, September 7, 1902, for a period of four years.

To be chaplains.

Rev. John Thomas Axton, of Utah, July 25, 1902.

Rev. John Alvey Mills, of Massachusetts, October 15, 1902.

Rev. Joseph Lawrence Hunter, of Pennsylvania, late chaplain Tenth Pennsylvania Volunteers, July 7, 1902.

GENERAL OFFICER.

To be brigadier-generals.

Col. Henry C. Hasbrouck, Artillery Corps, December 1, 1902.

Col. Thomas Ward (since retired from active service), assistant adjutant-general, July 22, 1902.

Col. Joseph P. Sanger, Inspector-General, July 23, 1902.

Col. Amos S. Kimball (since retired from active service), assistant quartermaster-general, October 1, 1902.

Col. Chambers McKibbin (since retired from active service), Twenty-fourth Infantry, October 2, 1902.

Col. William Quinton (since retired from active service), First Infantry, October 6, 1902.

Col. John I. Rodgers (since retired from active service), Artillery Corps, October 14, 1902.

Col. Charles C. Hood (since retired from active service), Sixteenth Infantry, October 18, 1902.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

To be colonel.

Lieut. Col. Argalus G. Hennisee, Eleventh Cavalry, September 13, 1902.

To be lieutenant-colonels.

Maj. Edgar Z. Steever, Third Cavalry, July 15, 1902.

Maj. William Stanton, Eighth Cavalry, September 13, 1902.

To be majors.

Capt. Hoel S. Bishop, Fifth Cavalry, July 8, 1902.

Capt. Edwin P. Andrus, Fifth Cavalry, July 15, 1902.

Capt. Frederick W. Sibley, Second Cavalry, July 30, 1902.

Capt. Benjamin H. Cheever, Sixth Cavalry, September 13, 1902.

Capt. Homer W. Wheeler, Fifth Cavalry, October 29, 1902.

ARTILLERY CORPS.

To be colonels.

Lieut. Col. Samuel M. Mills, Artillery Corps, September 11, 1902.

Lieut. Col. John P. Story, Artillery Corps, October 15, 1902.

To be lieutenant-colonels.

Maj. William F. Stewart, Artillery Corps, July 22, 1902.

Maj. Anthony W. Vogdes, Artillery Corps, July 30, 1902.

Maj. Frank Thorp, Artillery Corps, September 20, 1902.

Maj. Louis V. Caziarc, Artillery Corps, assistant adjutant-general, October 15, 1902.

To be majors.

Capt. William B. Homer, Artillery Corps, July 22, 1902.

Capt. George L. Anderson, Artillery Corps, July 30, 1902.

Capt. Lotus Niles, Artillery Corps, September 11, 1902.

Capt. William H. Coffin, Artillery Corps, September 20, 1902.

Capt. Albert Todd, Artillery Corps, November 6, 1902.

INFANTRY ARM.

To be colonels.

Lieut. Col. Theodore F. Forbes, Twenty-ninth Infantry, July 14, 1902.

Lieut. Col. Walter T. Duggan, Tenth Infantry, October 3, 1902.

Lieut. Col. Leon A. Matile, Fifteenth Infantry, October 7, 1902.

Lieut. Col. Butler D. Price, Fourth Infantry, October 18, 1902.

To be lieutenant-colonels.

Maj. Frederick A. Smith, United States Infantry, inspector-general, July 14, 1902.

Maj. Thomas C. Woodbury, Nineteenth Infantry, July 30, 1902.

Maj. George Le R. Brown, Tenth Infantry, October 3, 1902.

Maj. Edward B. Pratt, Twenty-third Infantry, October 7, 1902.

Maj. Calvin D. Cowles, Seventeenth Infantry, October 18, 1902.

To be majors.

Capt. Harry L. Bailey, Twenty-seventh Infantry, June 28, 1902.

Capt. John S. Mallory, Second Infantry, July 8, 1902.

Capt. Jonas A. Emery, Sixteenth Infantry, July 10, 1902.

Capt. George Palmer, Ninth Infantry, July 15, 1902.

Capt. Samuel W. Miller, Fifth Infantry, July 30, 1902.

Capt. Henry H. Benham, Second Infantry, September 24, 1902.

Capt. Robert C. Van Vliet, Tenth Infantry, October 3, 1902.

Capt. Eaton A. Edwards, Twenty-seventh Infantry, October 7, 1902.

Capt. William L. Buck, Thirteenth Infantry, October 11, 1902.

Capt. Charles R. Tyler, Nineteenth Infantry, October 18, 1902.

ADJUTANT-GENERAL'S DEPARTMENT.

Lieut. Col. Thomas H. Barry, assistant adjutant-general, to be assistant adjutant-general with the rank of colonel, July 15, 1902.

Lieut. Col. Henry O. S. Heistand, assistant adjutant-general, to be assistant adjutant-general with the rank of colonel, July 22, 1902.

INSPECTOR-GENERAL'S DEPARTMENT.

Lieut. Col. Charles H. Heyl, inspector-general, to be inspector-general with the rank of colonel, July 23, 1902.

QUARTERMASTER'S DEPARTMENT.

Lieut. Col. Daniel D. Wheeler, deputy quartermaster-general, to be assistant quartermaster-general with the rank of colonel, October 2, 1902.

Maj. James W. Pope, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, July 5, 1902.

Maj. Crosby P. Miller, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, October 2, 1902.

Capt. Thomas Cruse, quartermaster, to be quartermaster with the rank of major, July 5, 1902.

Capt. Daniel E. McCarthy, quartermaster, to be quartermaster with the rank of major, October 2, 1902.

SUBSISTENCE DEPARTMENT.

Capt. William H. Bean, commissary, to be commissary with the rank of major, July 21, 1902.

MEDICAL DEPARTMENT.

Lieut. Col. Joseph B. Girard, deputy surgeon-general, to be assistant surgeon-general with the rank of colonel, September 7, 1902.

Maj. Edward T. Comegys, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel, September 7, 1902.

Capt. Thomas U. Raymond, assistant surgeon, to be surgeon with the rank of major, August 12, 1902.

Capt. Henry D. Snyder, assistant surgeon, to be surgeon with the rank of major, September 7, 1902.

Capt. Philip G. Wales, assistant surgeon, to be surgeon with the rank of major, October 27, 1902.

Capt. Allen M. Smith, assistant surgeon, to be surgeon with the rank of major, November 23, 1902.

PAY DEPARTMENT.

Capt. William B. Rochester, jr., paymaster, to be paymaster with the rank of major, July 24, 1902.

INFANTRY ARM.

Maj. George P. Borden, Fifth Infantry, to be lieutenant-colonel, November 28, 1902.

Capt. Wallis O. Clark, Twelfth Infantry, to be major, November 28, 1902.

ARTILLERY CORPS.

Capt. Edward T. Brown, Artillery Corps, to be major, December 3, 1902.

POSTMASTERS.

William L. Hagan, to be postmaster at Marietta, in the Chickasaw Nation, Ind. T.

Robert R. Hubbard, to be postmaster at Douglas, in the Territory of Alaska.

Lora L. Smith, to be postmaster at Poteau, in the Choctaw Nation, Ind. T.

Richard H. Everett, to be postmaster at Madill, in the Chickasaw Nation, Ind. T.

Josiah S. Anderson, to be postmaster at Pocahontas, in the county of Randolph and State of Arkansas.

George S. Mott, to be postmaster at Telluride, in the county of San Miguel and State of Colorado.

Edward Hall, to be postmaster at Stuttgart, in the county of Arkansas and State of Arkansas.

Charles O. Frye, to be postmaster at Sallisaw, in the Cherokee Nation, Ind. T.

Fred M. Taylor, to be postmaster at Titusville, in the county of Brevard and State of Florida.

Asa E. S. Bush, to be postmaster at Niantic, in the county of New London and State of Connecticut.

John McGinley, to be postmaster at New London, in the county of New London and State of Connecticut.

Benjamin H. Tamplin, to be postmaster at Hull, in the county of Sioux and State of Iowa.

James E. Wheelock, to be postmaster at Hartley, in the county of O'Brien and State of Iowa.

Benjamin McKeen, to be postmaster at Collinsville, in the county of Madison and State of Illinois.

Fred A. Tower, to be postmaster at Concord, in the county of Middlesex and State of Massachusetts.

William M. Stuart, to be postmaster at Newport, in the county of Penobscot and State of Maine.

Lewis C. Flagg, to be postmaster at Berwick, in the county of York and State of Maine.

George W. Stratton, to be postmaster at Addison, in the county of Steuben and State of New York.

Everett N. Clark, to be postmaster at Wyandotte, in the county of Wayne and State of Michigan.

Orrin T. Hoover, to be postmaster at Chelsea, in the county of Washtenaw and State of Michigan.

Frank E. Posey, to be postmaster at Baton Rouge, in the parish of East Baton Rouge and State of Louisiana.

Walter S. Mellor, to be postmaster at Coalgate, in the Choctaw Nation, Ind. T.

Daniel Swanson, to be postmaster at Fremont, in the county of Dodge and State of Nebraska.

John D. Seaman, to be postmaster at Tulsa, in the Creek Nation, Ind. T.

Edward L. Wells, to be postmaster at Leesville, in the parish of Vernon and State of Louisiana.

Frankie McFarland, to be postmaster at Homer, in the parish of Claiborne and State of Louisiana.

Fred A. Edwards, to be postmaster at Holley, in the county of Orleans and State of New York.

Edward Reed, to be postmaster at Glens Falls, in the county of Warren and State of New York.

John S. Kennedy, to be postmaster at Corning, in the county of Steuben and State of New York.

Joseph H. Butler, to be postmaster at Vinita, in the Cherokee Nation, Ind. T.

Robert Murray, to be postmaster at Warrensburg, in the county of Warren and State of New York.

George L. Thompson, to be postmaster at Kings Park, in the county of Suffolk and State of New York.

Charles W. Poole, to be postmaster at Chelsea, in the Cherokee Nation, Ind. T.

O. A. Wilson, to be postmaster at McIntosh, in the county of Polk and State of Minnesota.

George Simonds, to be postmaster at Victor, in the county of Ontario and State of New York.

Albert C. Helmick, to be postmaster at Thomas, in the county of Tucker and State of West Virginia.

William H. Somers, to be postmaster at Berkeley Springs, in the county of Morgan and State of West Virginia.

Jonah E. Nickols, to be postmaster at Atwood, in the county of Rawlins and State of Kansas.

RECIPROCITY TREATIES.

The injunction of secrecy was removed this day from the report of the subcommittee on Foreign Relations, submitted by Mr. CULLOM on the question as to whether the Senate has jurisdiction to act upon the reciprocity treaties transmitted to the Senate and now pending in that body.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 15, 1902.*

The House met at 12 o'clock m.

Rev. HENRY BEETS, pastor of the Lagrave Street Christian Reformed Church, of Grand Rapids, Mich., offered the following prayer:

Gracious God, who art in heaven, we bless Thy holy name for the rest and privileges of the Sabbath of yesterday. We bless Thee for all of Thy gifts unto us as individuals, as families, and as a nation. Forgive us graciously that we do not sufficiently appreciate Thy blessings toward us.

Forgive us all of our sins of omission and of commission.

And, as we are assembled here at this moment, we ask of Thee that Thou vouchsafe to us Thy blessing in every way.

Let Thy favor be extended unto this House of Representatives, unto every one of its members, and especially unto the Speaker. Let Thy blessing also be showered upon our Senate and our Acting Vice-President, and let our Congress be blessed with Thy gifts of light and wisdom and righteousness, that all of its deliberations and resolutions may be a blessing to our commonwealth.

We ask of Thee in a special manner to remember the respected and honored head of our nation, our President, Theodore Roosevelt. Wilt Thou bless him, O God, in body, in mind, and in spirit, that he may be a blessing to our land, and, if possible, to all mankind? We ask of Thee to remember in Thy favor his Cabinet, and our Army and our Navy, and everything pertaining to the executive branch of our Government.

Let Thy favor rest upon our Supreme Court and upon our lower courts, that our laws may be administered in keeping with Thy divine principles of justice and of love.

Remember all of our States and Territories and those that are in authority, as well as all people under them. Wilt Thou cause our prosperity to continue. Let peace and righteousness prevail.

And wilt Thou even use us as an instrument, O God, if possible, that Thy Kingdom may come by means of our national activities.

Wilt Thou hear us and accept of us and be gracious unto us

and all of our interests. We ask it of Thee, Father of Mercies, for the sake of Jesus, Thy Son, and through the Holy Spirit. Amen.

The Journal of the proceedings of Saturday, December 13, was read and approved.

COMMITTEE ON CLAIMS.

The SPEAKER. The Chair begs the attention of the House to the following statement and request:

In assigning the gentleman from New Jersey [Mr. FLANAGAN] to the Committee on Claims, the Chair inadvertently increased the number one more than the number allowed by the rule. If there is no objection, this increase will be sanctioned for the remainder of the session.

There was no objection.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, at the request of many members, I ask unanimous consent, before the District Committee takes up its business, to consider very briefly the urgent deficiency bill that I reported on Saturday, which carries $1,125,000 for items of which I think the House will approve. If the consideration of the bill takes much time, I will withdraw it.

The bill appropriates something over $500,000 for the rural free delivery and other post-office deficiencies, and $500,000 for the Secretary of Agriculture, in connection with the suppression of foot-and-mouth disease.

I ask this for the reason that I am informed, in view of the early adjournment, that unless this bill passes before the holidays it will lead to much of delay touching our rural free-delivery service. I have no desire about it, except to accommodate the House and the public.

Mr. BARTLETT. Will the gentleman permit me one moment? I will ask him if it is not true that the condition with reference to the rural free-delivery service is this: That there are many routes which have been favorably reported, and that numbers of them can not be put into operation by the 1st of January, or at any time in the near future, as was expected, unless this bill passes? In other words, the deficiency is asked for, as I understand it, in order to put into operation routes that have been surveyed, and that are ready to be put into operation.

Mr. CANNON. The gentleman is correct about that.

Mr. RICHARDSON of Tennessee. I will ask the gentleman from Illinois if the $500,000 he speaks of for the Agricultural Department is intended to be a part of the $1,000,000 called for in the bill that was reported a few days ago by the Committee on Agriculture?

Mr. CANNON. It is absolutely in lieu of the $1,000,000 asked for. We have had a hearing with the Secretary, which hearing is printed in connection with the report, and we believe that the appropriation we have recommended meets the emergency.

Mr. RICHARDSON of Tennessee. This appropriation is intended to take the place of the $1,000,000 asked for in that bill, as I understand?

Mr. CANNON. Yes.

The SPEAKER. The gentleman from Tennessee will let the Chair state the request. The gentleman from Illinois, chairman of the Committee on Appropriations, asks unanimous consent for the present consideration of the bill H. R. 16057, an urgent deficiency bill. The gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. I want to ask the gentleman, in addition to what I have already asked him, if this can in any sense be called a deficiency—$500,000?

Mr. CANNON. Undoubtedly; because this $500,000, by apt words, appropriates money appropriated in the regular Agricultural bill for the current year for the Bureau of Animal Industry and adopts all the language by reference to that page of language that covers the appropriation for that Bureau. But in the hearing we went further, and therefore publish it. By law the Secretary of Agriculture is bound to use the $500,000 for the suppression of communicable diseases of animals. He is not legally bound, but is morally. We did this for the reason that we thought it safer to supplement the appropriation for that Bureau than to have any attempt at legislating on the bill, and this provision in no wise legislates, but simply adds $500,000 to the $1,100,000 appropriated by the regular Agricultural appropriation bill.

Mr. GAINES of Tennessee. Does the bill as reported change existing law?

Mr. CANNON. Not in the slightest.

Mr. GAINES of Tennessee. It is simply an appropriation?

Mr. CANNON. That is all.

Mr. MADDOX. May I ask the gentleman a question?

Mr. CANNON. Certainly.

Mr. MADDOX. What law is there authorizing this $500,000 appropriation?

Mr. CANNON. If the gentleman will take the Agricultural appropriation bill he will find that that authorizes it, if anything does.

Mr. MADDOX. As I understand that, the Agricultural bill does not authorize it.

Mr. CANNON. The Agricultural appropriation for this year. This is a supplemental appropriation.

Mr. MADDOX. May I ask you how it was appropriated in that bill?

Mr. CANNON. Under that $1,100,000 appropriation.

Mr. MADDOX. For this particular purpose, or for all purposes in connection with that Bureau?

Mr. CANNON. All included in the $1,100,000.

Mr. MADDOX. But for this purpose?

Mr. CANNON. It was not segregated.

Mr. MADDOX. This foot-and-mouth disease?

Mr. CANNON. It was not segregated in the original bill.

Mr. MADDOX. So you call this a deficiency?

Mr. CANNON. I call this an additional appropriation, technically called a deficiency, for the service of the current year in connection with the Bureau of Animal Industry, and supplementing the status without adding any word of legislation.

Mr. MADDOX. It is technically called so, but really not so.

Mr. CANNON. Literally, it is true.

Mr. CANDLER. Will the gentleman permit me to ask him a question?

Mr. CANNON. Certainly.

Mr. CANDLER. Recurring to the rural-delivery matter. Will the amount of appropriation specified in this bill put in operation the routes that have been inspected and recommended to be put in operation?

Mr. CANNON. In round numbers, 2,100.

Mr. CANDLER. Will that bring it up to date?

Mr. CANNON. So I am informed.

Mr. CANDLER. And the Department says that this will put them in operation?

Mr. CANNON. Yes; for the balance of the fiscal year.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill.

The bill was read, as follows:

A bill (H. R. 16057) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903.

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year 1903, namely:

DEPARTMENT OF AGRICULTURE.

BUREAU OF ANIMAL INDUSTRY.

To supply a deficiency in the appropriation "General expenses, Bureau of Animal Industry," including each and every object authorized by law and specified in the appropriation of $1,160,000 under this title in the "act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903," approved June 3, 1902, $500,000.

INTERIOR DEPARTMENT.

PUBLIC LANDS SERVICE.

For furnishing transcripts of records and plats, to be expended under the direction of the Secretary of the Interior, $10,000: *Provided*, That persons employed under this appropriation shall be selected by the Secretary of the Interior at a compensation of $2 per day while actually employed at such times and for such periods as the exigencies of the work may demand.

POST-OFFICE DEPARTMENT.

POSTAL SERVICE.

OUT OF THE POSTAL REVENUES.

For pay of letter carriers of rural free-delivery service, $500,000.

For incidental expenses, including letter boxes, furniture, satchels, straps, badges, etc., $25,000.

For rent, light, and fuel for first, second, and third class post-offices, $50,000.

For acting clerks in place of clerks injured while on duty, and to enable the Postmaster-General to pay the sum of $1,000 to the legal representatives of any railway postal clerk who shall be killed while on duty, or who, being injured while on duty, shall die within one year thereafter as a result of such injury, $40,000.

Out of the sum appropriated by the act approved April 21, 1902, under the heading Railway Mail Service, "for rent, light, fuel, telegraph, and miscellaneous office expenses, schedules of mail trains, telephone service, typewriting machines, and badges for railway postal clerks," $950 may be paid for rent of offices for division superintendent of Railway Mail Service in Washington, D. C., from July 1 to August 31, 1902.

Mr. RICHARDSON of Alabama. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Alabama?

Mr. CANNON. Certainly.

Mr. RICHARDSON of Alabama. The inquiry I wish to make relates to line 23 on page 2, "for acting clerks in place of clerks injured while on duty." Is that original matter or is it derived from some statute?

Mr. CANNON. I do not know whether there is any statute authorizing it or not, but it supplements an appropriation in the regular Post-Office appropriation bill for the current year. It is not broadened or narrowed. Your committee did not go to the extent of inquiring whether it was authorized by previous legislation or not, but I take it it is the sense of Congress to appropriate for this purpose, because it did appropriate for it in the regular annual bill coming from the Post-Office Committee, and the amount is about exhausted.

Mr. RICHARDSON of Alabama. As I understand, the amount

of $40,000 is appropriated here, and the Postmaster-General is not allowed to give more than a thousand dollars to any railway mail clerk who is killed or dies from injury.

Mr. CANNON. Within one year.

Mr. RICHARDSON of Alabama. It must be that amount—not less than that or more than that—and the Postmaster-General is compelled to pay it under any circumstances, whether there was negligence or otherwise, provided the man is in the Railway Mail Service at the time?

Mr. CANNON. I will say to my friend, I do not know. I find this provision in hoc verba in the regular appropriation bill, reported there, enacted into law for the current year, and that the $45,000 that was so appropriated is about exhausted. We took it to be the sense of Congress to pay in such cases, so that we took literally the language that there is in the regular Post-Office appropriation bill, taking nothing therefrom nor adding anything thereto. No doubt the gentleman from California would have fuller knowledge than I have.

Mr. RICHARDSON of Alabama. I am not criticising the paragraph in this bill, but I think it ought to go, and the Government ought to go one step further in the matter, because I have in my mind now notable instances where I think the Government ought to respond where a man loses his life, for instance, in the Department of Justice, as a deputy United States marshal. Why not?

Mr. CANNON. The gentleman may be correct in his position, but after all we are not dealing with that particular phase of the question here.

Mr. RICHARDSON of Alabama. I know we are not, but I wanted to get at the extent of it, so that we may be able to deal with it hereafter.

Mr. ROBINSON of Indiana. Mr. Speaker, I see that the appropriation is made here of $500,000 for the Agricultural Bureau, and I assume that it is taken as an emergency appropriation to meet the conditions that exist in New England arising out of the foot-and-mouth disease among cattle in several of the Northeastern States.

Mr. CANNON. I will say to the gentleman from Indiana that for the current work of the Bureau of Animal Industry for the present year, in the regular Agricultural appropriation bill which has been enacted into law, there were in round numbers eleven hundred thousand dollars appropriated, under language that it is plain makes that appropriation available for the stamping out of the foot-and-mouth disease or any communicable disease of animals within certain limits.

Mr. MADDOX. What are those limits?

Mr. CANNON. If my friend will send and get the Agricultural appropriation act he will see there is a page of limitations. Now, then, the Secretary of Agriculture, as shown in the hearings which we publish in our report, says that there is an extraordinary emergency of the foot-and-mouth disease in four New England States, and that he has full authority under the law, as he claims, and I see no reason to dispute it, to use that appropriation in stamping out that disease; but he says that that appropriation is required for the current work of the Bureau of Animal Industry, and in the presence of this extraordinary emergency, he requires $500,000, or so much as is necessary, to meet the emergency.

Now, after a full hearing, your committee were satisfied that that was the case, and we recommend to the House the appropriation of $500,000, or so much as is necessary, reenforcing all along the line the $1,100,000 that is in the law, adding nothing to the authority and taking nothing from it.

Mr. ROBINSON of Indiana. I understand we have a law now authorizing the Bureau of Animal Industry, a law which authorizes the Secretary of Agriculture to take such means as he deems proper for stamping out contagious diseases among animals, and under that law he has already expended $100,000 in excess of what he had on hand.

Mr. CANNON. No, he has not spent the whole $1,100,000, but the year is only half gone, and he says the $1,100,000 only carries on the current work of that Bureau, and with this extraordinary expenditure it is necessary to have this additional money.

Mr. ROBINSON of Indiana. The gentleman misunderstands me. In the hearing in which the Secretary of Agriculture was heard before the Agricultural Committee I understood that he said that he had expended or assumed obligations in excess of what he then had on hand to the amount of nearly $100,000. This is shown by the printed hearings.

Mr. CANNON. The gentleman evidently misunderstood him.

Mr. ROBINSON of Indiana. Under the present law the Secretary of Agriculture has the right and power to stamp out this disease, or any disease such as the foot-and-mouth disease, and no further legislation, I understand, is needed in that line, and this House is now asked to appropriate $500,000 so that he may operate under the law as it now exists.

Mr. CANNON. Precisely.

Mr. ROBINSON of Indiana. There has been some statement that new legislation was necessary, and I want to ask whether this in any way takes away from the State their power to quarantine or abate this disease?

Mr. CANNON. Not in the slightest, unless that power has already been taken away by legislation. We do not deal with legislation, we deal with the status.

Mr. ROBINSON of Indiana. Does not the gentleman think that $500,000 is a large amount to meet the exigency as now presented in the two or three States of the Union?

Mr. CANNON. I think if it sins at all it sins in a little more than enough instead of a little less than enough, but it is made under statements from the Secretary of Agriculture which morally binds him, and it seemed to your committee to be sufficient, and it will only be devoted to this specific purpose.

Mr. ROBINSON of Indiana. I ask the gentleman whether the Secretary of Agriculture is to use this money, under a moral obligation, for the purpose only of stamping out this particular disease now prevalent in several States of the Union. Is he morally bound, according to the statement of the gentleman, to limit the expenditure of the money to that use?

Mr. CANNON. Undoubtedly. He is morally bound to use this sum of $500,000 for the purpose, not of paying current expenses of that Bureau, but for the purpose of stamping out communicable diseases.

Mr. ROBINSON of Indiana. Let me ask the gentleman whether this is to be considered a precedent for exercising Federal authority in other States where they have contagious diseases of animals or of persons, and appropriating large amounts of money either for the maintenance of quarantine or for the purpose of paying for property that has been destroyed in quarantine efforts.

Mr. CANNON. Under this appropriation he can do nothing he can not do to-day or could not have done yesterday. I hope he will consider himself morally bound, if the foot-and-mouth disease or pleuro-pneumonia should break out in the gentleman's State or in mine, to use this money for the purpose of stamping out the disease, as he is using it for that purpose in the New England States.

Mr. WILLIAMS of Mississippi. In connection with what has been said I want to say that I have in my pocket a letter from the Secretary of Agriculture, in which he says that he construes this act to give him authority to stamp out any contagious, infectious, or communicable disease in any of the States, if there should be an outbreak.

Mr. CANNON. He so construes, not this bill, but the law as it now is.

Mr. WILLIAMS of Mississippi. Under the law as it now is he, as he says, thinks he now has authority to expend this money for stamping out not only the foot-and-mouth disease, but any other disease.

Mr. CANNON. This appropriation confers no new authority upon him. It merely adopts the law as it is. Whether the law is sufficient or not is a matter for the accounting officers of the Treasury and the Secretary. We do not propose in this deficiency bill to confer any new authority upon him whatever, and we do not do so; we simply adopt the existing status.

Mr. WILLIAMS of Mississippi. We transfer to him certain powers now possessed by the Secretary of the Treasury.

Mr. SULZER. And those powers ought to be transferred to him.

Mr. MADDOX rose.

Mr. CANNON. I hope we shall not consume a great deal of time on this matter, because I am infringing on the courtesy of the gentleman from Wisconsin.

Mr. MADDOX. It is not my purpose to consume time. I objected to this bill the other day——

Mr. CANNON. Not this bill.

Mr. MADDOX. Not this bill, but the bill introduced by the gentleman from New York [Mr. WADSWORTH]. From what the gentleman from Illinois now says I understand that we are proposing to appropriate $500,000 under a general law that already exists.

Mr. CANNON. Precisely.

Mr. MADDOX. There is a state of facts now existing that I want to present to the House. In my part of the country they are shipping horses and mules time and again that are infected with the glanders or the distemper—both communicable diseases—and which are thus spread all over the country, destroying our stock. Not only diseased horses and mules, but also diseased hogs and sheep are thus shipped. Now, I want to know whether this money may be applied to the stamping out and paying for killing those horses or sheep or hogs as much as it applies to the destruction of these cattle that have the foot-and-mouth disease.

Mr. CANNON. I see no reason why it should not be so. If the law covers one it covers the other.

Mr. MADDOX. The gentleman understands the matter that way?

Mr. CANNON. Undoubtedly, if the law covers one it covers the other; that is my judgment. Of course, I am not authorized to give a binding construction of the law. This is a power to be exercised under the interstate provision of the law.

Mr. MADDOX. My objection to the bill at that time was that if this provision for stamping out diseases of cattle and paying for diseased cattle were limited to the stamping out of a single disease, such a provision would be unfair and unjust to many of the people of the United States.

Mr. CANNON. If the gentleman will read the provision of the existing law in the Agricultural appropriation bill, which is the law for the current year, he will find that it applies to one as well as to the other.

I now yield to my friend from New York [Mr. WADSWORTH], not for a speech, but for a question.

Mr. WADSWORTH. Mr. Speaker, I would like to ask the gentleman for how long this appropriation of $500,000 is available?

Mr. CANNON. Until it is expended; until and including the 30th day of next June.

Mr. WADSWORTH. Is it available beyond that?

Mr. CANNON. Not at all, without further legislation.

Mr. WADSWORTH. If on the 10th day of July there should be a further outbreak of this disease in the West or other part of the country, there would be no money available.

Mr. CANNON. In the meantime, I would state, Mr. Speaker, my exceedingly able and zealous friend at the head of the Committee on Agriculture provides for the service of that great Department in the coming year in a general Agricultural appropriation bill.

Mr. WADSWORTH. And that appropriation bill in all probability will be passed some time in January. The gentleman does not answer my question at all. What I want to know is this: Suppose there is a general outbreak of this disease, and it travels into the great Western herds, and on the 10th day of July Congress is not in session. In the meantime the money is exhausted in exterminating it in New England. Now, what is the Secretary of Agriculture going to do then?

Mr. CANNON. My friend from New York, having provided for it in the provisions of a bill which deals with the service for the coming fiscal year, if the House will follow him, can set aside all the money in the Treasury for that purpose after the 30th of June next. In the meantime, if anything happens between this and the 4th of March to show that a further appropriation is necessary for the remainder of this fiscal year, our Congress is in session; and we are to have a regular deficiency bill between this and the 4th of March, so that there is no danger in the premises.

Mr. WADSWORTH. Very well. Now, Mr. Speaker, I just want to say one word more.

The SPEAKER. Does the gentleman from Illinois yield?

Mr. CANNON. Yes.

Mr. WADSWORTH. It is simply in defense of the action taken by the Committee on Agriculture.

Mr. CANNON. I am not attacking the committee at all.

Mr. WADSWORTH. I know that, but I wish to put the committee right. The Secretary of Agriculture appeared before that committee and asked for a million dollars, to be immediately available; and if the members of the House will turn to the hearings on that subject before the Agricultural Committee they will see that the Secretary asks for a million dollars and wanted it immediately available. I simply mention that fact to show that the Secretary has changed his opinion, and that the Committee on Agriculture were not stampeded or panic-stricken into the idea of asking for a million dollars, but acted on the judgment of the Secretary. That is all I want to say.

Mr. CANNON. If my friend will allow me, I want to defend the Secretary of Agriculture. The gentleman's committee has jurisdiction of appropriations for the coming fiscal year. For deficiency appropriations to be made immediately available, under the rules, that committee has no jurisdiction.

Mr. WADSWORTH. I am not questioning that, I will say to the gentleman.

Mr. CANNON. The committee having jurisdiction examined the Secretary of Agriculture and reports the examination. The Secretary of Agriculture would have been glad to have had a million or two million or three million as a permanent continuing fund, but we do not appropriate that way; and the Secretary of Agriculture, in view of the present condition and the fact that another deficiency bill is to be passed between this and the 4th of March, was quite satisfied that half a million was enough to meet the present emergency.

Mr. BURLESON. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield to the gentleman from Texas?

Mr. CANNON. Yes; and then I shall ask for the previous question.

Mr. BURLESON. If the gentleman can, I would like for him to tell me when this practice of the Federal Government paying for animals affected with communicable or contagious diseases was inaugurated.

Mr. CANNON. I am informed that it began with the establishment of the Bureau of Animal Industry. I can not state it so broadly, but if it did not commence at any other time, it commenced on the 1st day of last July, and that is the status now, and we only deal with the existing status.

Mr. BURLESON. Now, as I understand the gentleman——

Mr. WADSWORTH. If the gentleman will allow me, I will read to him the authority.

Mr. CANNON. I hope not, because I want to get out of the way of my friend the chairman of the Committee on the District of Columbia.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] is recognized.

Mr. BURLESON. As I now understand it, this practice has obtained for ten or twelve years. Two or three years ago there developed among the horses and mules in Texas, southern Louisiana, and Mississippi a disease known as "charbon." Hundreds died, many planters losing mules worth thousands of dollars. There was no suggestion then that an appropriation be made by the Federal Government to pay for these animals destroyed or for quarantine purposes. This expense was either borne by the counties or by the individual owners of the animals destroyed. That is my understanding. I simply direct attention to the fact.

Mr. CANNON. I am not advised.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I want to call the attention of the House to the fact that this clause about which we are concerned right now does not meet this emergency and does not meet the condition of affairs in the Agricultural Department for which it is hoped that the House will provide

When the Department of Agriculture was first organized, it having previously to that time been an independent bureau under a commissioner, all of the authority of the Commissioner of Agriculture was transferred to the Secretary of Agriculture; but that having been merely a bureau up to that time, certain authority had been vested in the Secretary of the Treasury. When the Department of Agriculture was organized, the force with which to carry out the authority vested in the Secretary of the Treasury was taken away from the Secretary of the Treasury and he was left with the bare naked power, and the bill organizing the Department of Agriculture failed to transfer to the Secretary of Agriculture the powers which had been conferred upon the Secretary of the Treasury.

One of those powers was to examine and certify concerning infectious and communicable diseases amongst animals. The consequence is we are faced with this queer condition of things, that the Secretary of Agriculture has been for twelve years exercising a power which the Supreme Court of the United States, on December 1, said Congress had the right to give him, but which Congress had not given him. So that if you make a bare appropriation with nothing further, the Secretary of Agriculture is left under that decision stripped of the power to do what we wish him to do.

I state this merely because on to-morrow the bill will come up from the Committee on Agriculture as we passed it there, and I do not want members of the House to think that this appropriation answers the purpose. It is absolutely necessary to give the Secretary of Agriculture the power now vested in the Secretary of the Treasury, in order that he may continue to do what he has been doing, but which the Supreme Court has just decided he has not the power conferred upon him by Congress to do.

Mr. CANNON. Now, Mr. Speaker, just a word. I am quite sure my friend from Mississippi [Mr. WILLIAMS] labors under a mistake. I have no objection to the consideration of the bill to-morrow. I think very likely I shall vote for it. It is legislative in its provisions. But I call the gentleman's attention to the law making appropriations for the Department of Agriculture for the current year, and I read under the head of "Bureau of Animal Industry." There is a page and a half there containing this language:

> And the Secretary of Agriculture is hereby authorized to use any part of this sum he may deem necessary to expend in such manner as he may think best to prevent the spread of pleuropneumonia, blackleg, tuberculosis, sheep scab, glanders or farcie, hog cholera, and other diseases of animals—

And so forth, and so forth.

Now, if that confers authority, this appropriation merely supplements it. And now I ask for a vote.

Mr. WADSWORTH. I ask the gentleman to read a few lines further, to answer the question of the gentleman from Texas.

Mr. CANNON (reading):

> And for this purpose to employ as many persons in the city of Washington or elsewhere as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased or exposed animals.

Which power he has had for twelve or fifteen years under the law.

Mr. WILLIAMS of Mississippi. Mr. Speaker, just one word in that connection. Notwithstanding this law which has just been read by the gentleman from Illinois, which was the law of the current year and in the last appropriation bill, the Supreme Court on the 1st day of December handed down a decision to the effect that the Secretary of Agriculture did not have the power to give certificates or "clean bills of health," as you might call them, to herds of cattle, which would enable the owners of the cattle to carry them through another State without being subject to further examination and further exaction of fees.

The owner of a Texas herd of cattle was arrested by the authorities of the State of Colorado because he was attempting, under a certificate from the Secretary of Agriculture certifying that his herd was free of all communicable disease, to carry that herd through the State of Colorado.

He was sentenced to imprisonment. There was an appeal taken and the case went to the Supreme Court of the United States, which affirmed the decision of the court below. Now, then, it is upon this decision that the Secretary of Agriculture applies to the Committee on Agriculture to give him the power which he thought he had, and which the court in that decision says Congress has the right to give, but which, in its opinion, Congress has not given, so that the decision of the Supreme Court is to the effect that the very language which the gentleman has read is not sufficient to deal with the question.

Mr. CANNON. I will not yield further. Just a word. The gentleman is talking about one thing and I am talking about another. On the morrow, under the lead of the gentleman and his committee, we will or will not legislate. This is a bill that appropriates. I move the previous question.

The SPEAKER. The gentleman from Illinois moves the previous question on the bill.

Mr. CANNON. One moment. I want to offer one amendment for material for folding.

Mr. FLEMING. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. The gentleman from Illinois has demanded the previous question.

Mr. CANNON (to Mr. FLEMING). The District Committee presses me, and I promised to get out of the way.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

On page 3, after line 12, insert the following:

"For wrapping paper, pasteboard, paste, twine, newspaper wrappers, and other necessary materials for folding, for the use of members of the House, and for use in the Clerk's office and the House folding room (not including envelopes, writing paper, and other paper and materials to be printed and furnished by the Public Printer upon requisitions from the Clerk of the House under the provisions of the act approved January 12, 1895, for the public printing and binding), $5,000."

Mr. CANNON. I ask for a vote on the amendment.

The SPEAKER. The gentleman from Illinois demands the previous question on the bill and amendment.

The question was taken, and the previous question was ordered; and under the operation thereof the amendment was agreed to, the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNION STATION IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker——

The SPEAKER. The gentleman from Wisconsin calls up the District business.

Mr. BABCOCK. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of Senate bill 4825.

The SPEAKER. The gentleman from Wisconsin, chairman of the Committee on the District of Columbia, moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of Senate bill 4825.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. OLMSTED in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 4825, which the Clerk will report.

The Clerk read as follows:

A bill (S. 4825) providing for a union station in the District of Columbia, and for other purposes.

Mr. BABCOCK. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with, as it will be read for amendments in a short time.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. BABCOCK. Mr. Chairman, I will say to gentlemen of the House interested in this new location that in a few minutes I will attempt to explain the map which has just been exhibited and endeavor to make the provisions of this bill clear, if I can have the attention of the House.

Mr. Chairman, I first entered Congress in the year 1893. At that time I became a member of the Committee on the District of Columbia, and the first important piece of legislation which was considered by that committee in the Fifty-third Congress was the question of the elevation of the railroad tracks and abolishment of grade crossings in the District of Columbia. The proposition before the committee at that time related to the Baltimore and Ohio road and involved an expenditure estimated at about $4,000,000. The answer made by the road at that time was this: "If you press this measure now, it means that the Baltimore and Ohio Railroad Company must go into the hands of a receiver."

The committee listened carefully and attentively to what was said, and the bill, for the time being, was laid upon the table. The facts are that the Baltimore and Ohio did go into the hands of a receiver later, regardless of any action that Congress did not take. Mr. Chairman, this question has practically been before Congress for the greater part of the intervening time.

The first act of Congress in relation to the present site for the Pennsylvania depot was in 1872, when Congress confirmed the action of the board of aldermen and the common council of the city of Washington, which authorized the location of what is known as the Pennsylvania or Baltimore and Potomac station on the Mall at Sixth street. After some eight years of consideration by Congress public acts No. 49, relating to the Baltimore and Ohio, and No. 50, relating to the Baltimore and Potomac road, were passed and approved in February, 1901.

These acts provided for a new station on the present site of the Pennsylvania road at Sixth street and a new station at the corner of C street and Delaware avenue for the Baltimore and Ohio road. It was estimated that the cost of the elevation of the tracks and abolishing grade crossings, independent of the expense for terminals, would be $3,000,000 for each line. In the act No. 49 Congress appropriated $1,500,000 in money to pay for one-half the expense for the elevation of the Baltimore and Ohio tracks. It also appropriated, or, rather, turned over to the use of the Pennsylvania road, in lieu of money, real estate in the Mall and in other parts of the city, estimated in value at something more than $1,500,000. This, so far as the railroad companies were concerned, was considered a settlement of the whole question.

But soon after this legislation was had the Senate committee called on the respective lines and asked them to consider a union station. After many hearings and much discussion a plan was finally agreed upon by the engineers of the roads, the District Commissioners, and the Senate committee. The site selected and agreed upon was located at Massachusetts avenue, and the bill passed the Senate at the last session of Congress, but too late for careful consideration and action by the House committee.

I will endeavor to explain to the House just where this location is, so that members not familiar with the city will understand it.

As we take the cars from the Senate end of the Capitol on what is known as the F street line we go down Delaware avenue, and the first turn is at C street. This station is to be located two blocks farther down Delaware avenue and on Massachusetts avenue, at the intersection of the two avenues, which will be two blocks from C street and three blocks from the Capitol. The drawing before us shows the elevation of the station, which has a frontage of about 850 feet and a depth of nearly 2,000 feet.

When this proposition came to the House, and was referred to the Committee on the District of Columbia, your committee thought that the location of the union station at C street would be the most desirable and the best, for the reason that it would be located on the side of a hill, required no filling, and the most important point was that it changed the grade of no street and did not involve any damages to be paid by the District or the General Government.

It has been conceded, however, that the Massachusetts avenue site, while involving greater expense to the District and the General Government, was the most desirable when it was considered that we are building for fifty or one hundred years to come. However, your committee believed that the C street site was the most desirable, and, in fact, were ready to report a bill recommending the C street site, when we were confronted by two different propositions—one on the part of the railroad companies, who advised the committee that they would not build a depot at an expense of $4,000,000 on the C street site unless Congress insisted on its being located there and forced them to do so by legislation.

They further said that the Massachusetts avenue site was much

more accessible to the public, and while it would cost them a great deal more to make this change than it did the District or the General Government, they were willing to expend this money. So far as they were concerned, they stated that the Massachusetts avenue site was the ideal one from a railroad standpoint and the only location acceptable and desired by them.

I want to add right here that it was estimated that the Massachusetts avenue site would cost the District and Government $1,600,000 for real estate, grading and paving, and damages to property over and above the expense of the C street site. These items were made up as follows:

Cost of grading and paving	$500,000
Cost of real estate to be purchased	500,000
Damages to property due to changes of grade	600,000
Making a total of	1,600,000

This, you will understand, involves the proposition for a plaza in front of the Massachusetts avenue station, which was not involved in the C street site. In other words, the difference in cost between the two sites to the District and the Government would be about $1,000,000. The proposition was made in committee that we reduce the amount of the contributions to the two roads, taking $500,000 from the Baltimore and Ohio road and $500,000 from the Baltimore and Potomac or Pennsylvania road, making a saving of $1,000,000, and locate the union station at the Massachusetts avenue site, as provided in the Senate bill. This would equalize the cost between the two sites to the District and the General Government, saying nothing about the expense of the plaza. This the committee has done, and has unanimously reported the amended Senate bill now before the committee for consideration.

Now, the changes which are brought about by the bill before you, as compared with existing law, briefly are as follows: A removal of the Pennsylvania depot and tracks from the Mall; a tunnel commencing at Virginia avenue and Second street and running between the Capitol grounds and the Library to a connection with the new depot at Massachusetts avenue. This tunnel runs on this side of the street, between the Capitol and the Library, and is about 50 feet under the surface of the ground at that point. The elevation provided under the present law for the Baltimore and Ohio tracks from C street and Massachusetts avenue is not necessary, and D and E streets remain open to the public.

A MEMBER. Does it make a grade crossing there?

Mr. BABCOCK. There will be no grade crossings anywhere in the District of Columbia, and there will be no viaduct or terminal structure this side of Massachusetts avenue, and North Capitol street will be open from the Capitol clear through to the Soldiers' Home.

The Senate bill provided that the Pennsylvania road, or the Baltimore and Potomac, shall receive $1,500,000 in cash in lieu of the real estate surrendered on the Mall and in lieu of the real estate given them under the act of 1901. This your committee has reduced by amendment to $1,000,000. As I said before, the change in the amount of these two appropriations will fully equalize the cost to the District and the General Government of the Massachusetts avenue site as compared with the C street site; and your committee believes, with those who drew the plans—with the Commissioners, with the Senate committee, and with the railroad companies—that Massachusetts avenue is the preferable, the most desirable, the most accessible, and, looking to the future needs of the city, the best site, when the cost is equalized as it is under the bill reported by the House committee with amendments to the Senate bill.

The sketch before you shows the elevation; and I want to say that the plans for all of this elevation and all the necessary work have been submitted and are on file with the Commissioners of the District of Columbia and become a part of this act. The plans for the location of the station, the elevation of the tracks, and the grades are all filed with the Commissioners of the District of Columbia and simply referred to in the legislation. All of the work to be done is subject to the approval of the Commissioners of the District of Columbia. The committee regards this as a safty valve for any oversight or any lack of legislation covering necessary points. Any part or all of this work must be submitted to the Commissioners for their approval before it is finally completed.

One word further. The small map, under the one showing the elevation, gives the tracings of the tunnel, the location of the depot, and the tracks. Anyone who cares to look at it will see what streets are intersected and what streets are changed or vacated by these changes.

Now, Mr. Chairman, I reserve the balance of my time.

Mr. CANNON. I should like to ask a question or two, if this is the proper time. The elevation in the drawing before us represents the terminal station looking in what direction—south?

Mr. BABCOCK. Looking toward the Capitol, and right up Delaware avenue.

Mr. CANNON. That is on the north side of Massachusetts avenue. Now, then, how far from the property line of Massachusetts avenue is the beginning of the building?

Mr. BABCOCK. Well, it is irregular. I think it is 200 feet on one end, and 150 feet, perhaps, on the other.

Mr. CANNON. Then it is from 100 to 150 feet from the property line. What is the width of Massachusetts avenue at that point?

Mr. BABCOCK. One hundred and fifty feet.

Mr. CANNON. Then the distance is from 260 to 300 feet from the front of the building looking south, to the southern boundary of Massachusetts avenue.

Mr. BABCOCK. That is correct.

Mr. CANNON. That is for the use of the public. Now, then, this bill provides for the condemnation of what is called the plaza park. Where is that?

Mr. BABCOCK. That is directly in front of the depot and takes in a part of six city blocks.

Mr. CANNON. That is south——

Mr. BABCOCK. South of the depot.

Mr. CANNON. And from 260 to 300 feet south of this public street?

Mr. BABCOCK. The plaza will extend from the front of the station building up to the south line of Massachusetts avenue, and from there will be circular in form, taking in a part of six city blocks.

Mr. CANNON. Is that plaza of 1,000 feet—part of six city blocks—to be opened for wheels and the use of the public, or is it a park merely?

Mr. BABCOCK. It is intended, as its name implies, as a park, through which two or three new streets are to be opened, all radiating, like the spokes of a wheel, from the front of the station building?

Mr. CANNON. Yes. Now, then, if the plaza park is to be condemned at the expense of the United States and of the District, presumably, to condemn it will cost what, as near as the gentleman can approximate?

Mr. BABCOCK. The Commissioners estimate the cost of the real estate to be purchased at $500,000 and the cost of grading and paving $500,000. Now, that second item covers all the changes of the streets from the boundary to the station, and the expense of grading the plaza and the streets.

Mr. CANNON. Yes; and to create this plaza park which we speak of now, to be paid for, half from the Treasury of the United States and half from the revenues of the District of Columbia, will cost in the neighborhood of $1,000,000, as near as can be estimated.

Mr. BABCOCK. I should think not so much as that. I would say, perhaps, $750,000.

Mr. CANNON. Seven hundred and fifty thousand dollars. Now, then, for the convenience of the public, without the plaza park there is an average of nearly 300 feet immediately in front of the depot, and there you strike in that 300 feet Massachusetts avenue running to the northwest and the southeast, and how many streets running into Massachusetts avenue? Quite a number, I fancy.

Mr. BABCOCK. There are quite a number at that point. I think it is desirable to know just how many, and for that purpose I will refer to the map. There are two streets running into Massachusetts avenue in front of the proposed depot.

Mr. CANNON. In front of the depot, two streets running north and south; and, then, a little beyond that the whole street and avenue system which leads to various parts of the city, striking Massachusetts avenue.

Mr. BABCOCK. Yes.

Mr. CANNON. I will ask the gentleman now whether, for all purposes of public convenience, the public will not be perfectly served without this plaza park?

Mr. BABCOCK. That question can hardly be answered by a direct yes or no. The public will be served and the depot building is easy of access at this point on account of the width of Massachusetts avenue and the streets that come into that avenue there, directly in front of or near the depot. The plaza will be a part of the park system here. As I understand it, the plaza is intended to be decorative in character to beautify that part of the city, and to make a suitable approach to the station, but its practical use to the station itself will not be great on account of the width of Massachusetts avenue and the space between the front of the station and this avenue. The plaza would accommodate bodies of troops or organizations coming here at inaugurals or at other celebrations, and meetings could be held there if desirable, as large numbers of people could be addressed in front of the station.

Mr. CANNON. Yes; but as we do not have the franchise in the District, perhaps they could go two blocks farther to another park.

Mr. BABCOCK. Very true.

Mr. CANNON. Now, then, I will ask my friend if there are not several thousand parks, many hundreds of which are not cared for or improved, in the District at the present time?

Mr. BABCOCK. Well, I think, Mr. Chairman, there are several hundred parks. I would not want to run it into the thousands without using a magnifying glass.

Mr. CANNON. I think that it will reach thousands, I will say to the gentleman. I will say to my friend that it seems to me if Washington is rich up to the point of poverty in anything on earth, it is rich in parks, owing to the manner in which it is laid out, not one-half of which are as yet improved. Now, considering this great improvement—and I am not sure that the committee is not to be complimented upon the reductions that it makes from the Senate bill of a million of dollars, substantially—considering the practical uses, I will ask my friend if it is not worse than a waste of money to add to the 300 feet in front of the depot this proposed plaza park at a cost of $750,000?

Mr. BABCOCK. Why, I think, Mr. Chairman, that the gentleman states it pretty strongly. We must all agree that the plaza would be a very beautiful improvement in front of a station costing $4,000,000, but of course for its practical use in going to and from the station very little would be added by making this plaza. By doing so we open two new short streets in addition to the two that are there at present. So that the depot would be a little easier to reach with the plaza than it would without; but the fact we must all understand is that the plaza is a thing of beauty. That is the reason it is there and why it was designed—to bring out the harmony of the whole improvement.

Mr. CANNON. But would it not be more harmonious still if we should make the plaza include 10 acres, and would it not be more beautiful still if we should clean out all the buildings between the Capitol and the depot?

Mr. BABCOCK. Oh, I would say to the gentleman that there is always a limit to the perspective. [Laughter.]

Mr. CANNON. Well, I will say to my friend that there is always a limit, in my judgment, to some other things, and the limit is reached when you go over 300 feet in front of the building for the use of the public and for beauty; and I want to say to him now that in my judgment this is a matter that dwelleth in the mind's eye of a commission that was created by Senate action alone; as I have once had occasion before to state, that the Senate begot upon itself, without the help of the House, this commission. There it is, and for one I want to be entirely practical and entirely generous; but when it comes to taking $750,000 out of the Treasury and devoting it to an additional park, small in area, like to the hundreds and hundreds and hundreds of parks improved in the District, and equally as many not yet improved, that it seems to me it is a piece of extravagance and a piece of badly conceived legislation to satisfy the mind of an architect who deals in sky lines only, that the House ought not to tolerate.

And I will test the sense of the committee a little later on, if the gentleman can not see his way clear to do it himself, or as some other member of the committee will not do it, on striking out that part that devotes $750,000 to creating a little park beyond the 300 feet that lies already, by this bill, to the south of the terminal station.

Mr. BABCOCK. Mr. Chairman, I will ask for the reading of the bill.

Mr. COWHERD. Mr. Chairman, I should like to have ten minntes.

Mr. BABCOCK. I yield ten minutes to the gentleman from Missouri.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

UNION STATION IN THE DISTRICT OF COLUMBIA.

The committee resumed its session.

Mr. COWHERD. Mr. Chairman, the members of this House who were members of the last Congress will remember that in December, 1900, we had up some bills providing for the elevation of the tracks of the two railroads entering the city of Washington. I opposed those bills at that time as vigorously as I knew how.

I intend to vote for this measure, and I want to take a few minutes of the time of the House to explain, as I understand it, the difference between the two measures and my reasons for supporting the present legislation.

Those of the committee who opposed the bills of 1901 opposed them for three reasons: First, we thought there should be a union station in the city of Washington. Next, we did not believe that this Mall, the greatest public park in the city, should be ruined, as it would be, by permitting the Pennsylvania Railroad to cross it with some 15 or 20 tracks. Last, we did not believe that the Congress should, out of the Government revenues or the District's revenues, appropriate any sum of money whatever to aid a railroad in the building of its station or the betterment of its terminals.

Now, Mr. Chairman, as far as I am concerned, my views have not changed in regard to any of those propositions. I do not believe to-day that it is proper legislation to appropriate money to aid these railroads in the building of their terminals, but we are confronted with a condition and not a theory. We have in front of us the legislation of 1901, and unless this bill or some such bill is passed the railroads have now legislation under which they can, under which they say they will, and I believe they will, act, and under that legislation we will give a million and a half dollars in money to the Baltimore and Ohio Railroad. We will give to the Pennsylvania Railroad more than a million and a half of dollars' worth of lands in the public parks of the city, and the city will gain neither a union station nor have the Mall cleared of the tracks. Under this bill, it is true, we give $2,000,000 in money, but we recover back for the Government $1,285,582 in real estate that was given out of the heart of the Mall to the Pennsylvania Railroad in the last bill. Therefore, under this bill we acquire, first, a magnificent union station, the grandest, as I believe it will be, in the world when it is completed in accordance with the plans. We recover back this great park here in the center of the city of Washington, and we give only half a million dollars more in money for the accomplishment of these two great objects.

Now, Mr. Chairman, in view of these facts I intend to support this measure, saying frankly that if it came up upon first presentation, without existing law, I would oppose it because of the contribution of the $2,000,000 given by this bill to these railroads. But when we come in cutting down the Senate appropriation to $2,000,000, instead of $3,000,000, recovering back this $1,285,000 worth of property, and only giving half a million dollars of money above the present existing law, I think I can afford to support the bill. The situation as to the railroads is this:

The Baltimore and Ohio Railroad will have to aid in the construction of the tunnel. Its expenses are increased something like $284,000 under this bill, and the appropriation to it is cut down half a million of dollars. So that railroad is about three-quarters of a million dollars worse off by the passage of this measure. But it has this advantage: It has a connection with the South for its passenger service such as it has been seeking ever since its entrance into the city of Washington and never before had an opportunity to obtain. The Pennsylvania Railroad is a million dollars better off. It had no money contribution heretofore; but as I have said before, we take back from that road $1,285,000 of the property given it by the act of 1901, and we add to the expense of that road more than three and a half million dollars in the necessary work it must incur for the construction of the tunnel and the increased cost of the building of the terminals and station.

Now, Mr. Chairman, one other thing. Be it remembered that in the construction of the line in the other bill we gave away a part of the greatest park of the city. In the contribution of land in this bill we give a small part of Garfield Park and one or two little reservations, and aside from that we give nothing in lands but rights of way over the streets, largely streets at present occupied by the roads, and we provide in the bill that in vacating any street or closing it up for traffic the roads must acquire the property abutting on these streets, so that no private property owner will be injured, and on the streets now and hereafter occupied there will be an overhead construction instead of on the surface, so that the private property owner is better taken care of and our streets are better provided for in the passage of this bill.

For these reasons, Mr. Chairman, I intend to support this bill. As to the amendment as proposed by the gentleman from Illinois [Mr. CANNON], it is true the plaza could be stricken out of this proposed plan and still possibly leave sufficient accommodation for the roads and for the public. But I doubt the wisdom of such action. I have been informed that both in St. Louis and in New York, where they have great terminal stations, they have discovered they made a mistake in not providing for a plaza, or at least a public space in front of the depots to accommodate the traffic and street railroads. One thing further.

Mr. WM. ALDEN SMITH. Will the gentleman allow me to ask him a question?

Mr. COWHERD. In a moment. I want to make an additional statement as to the expense. We do increase the expense to the District and the Government under this bill. That is, we provide the expense of that plaza, more than a million and a half dollars; but, as I have said before, we save practically a million dollars in the appropriations to the roads, so that, as compared with the existing legislation, for this $600,000 we get a union station with this great plaza and parking before it.

Mr. WM. ALDEN SMITH. If I understood the gentleman correctly, in getting this property we get an equivalent for the cash paid?

Mr. COWHERD. Under the existing legislation, as the gentleman will remember, passed two years ago, we gave 14 acres out of the Mall to the Pennsylvania Railroad, and the Commissioners of the District estimate the value of that property at about $1,285,000, or something more. We get back that property, as well as the streets that the railroad is now occupying in that neighborhood.

Mr. WM. ALDEN SMITH. Well, does the gentleman figure that as an equivalent for the money paid?

Mr. COWHERD. We pay a million and get back a little more than a million dollars' worth of property. We gain very much by getting a union station and the opportunity to use the Mall as a whole instead of having it divided into two parts.

Mr. BABCOCK. Will the gentleman call the attention of the House to one other proposition—that this entails an additional expense upon the Pennsylvania Railroad of something over $3,000,000?

Mr. COWHERD. I just stated that this entails upon the Baltimore and Ohio an additional expense of $284,142, and reduces their appropriation $500,000; that it entails upon the Pennsylvania Railroad an additional expense of three and a half million of dollars, and makes their appropriation a million dollars in money instead of more than a million in land.

Mr. PERKINS. The gentleman from Missouri states that the value of the land which is retransferred is worth $1,300,000, as I understand.

Mr. COWHERD. That is the statement of the District Commissioners.

Mr. PERKINS. That, of course, has no commercial value; it is simply that amount of land added to the park system, which is now used by the railroads, which will hereafter form a part of the park system.

Mr. COWHERD. A small part of it has been used by the railroads, 4 or 5 acres, but under existing legislation, 14 acres were given to them.

Mr. PERKINS. None of this land would be available for the purpose of sale?

Mr. COWHERD. No; but instead of taking the 14 acres out of the center of the park, we have the 14 acres in the center.

Mr. PERKINS. Fourteen acres in the park system?

Mr. COWHERD. Yes; the 14 acres lie in the center of that park. Take them out with the elevated tracks running over them, and the park is destroyed; that is, the opportunity to treat the park as a whole is destroyed.

Mr. PERKINS. The value that we get is having a better park?

Mr. COWHERD. Yes; a very much better park.

Mr. WILLIAMS of Mississippi. The land that the gentleman refers to which we get from the railroad is land in the Mall?

Mr. COWHERD. Yes; which we gave to them two years ago.

Mr. WILLIAMS of Mississippi. Did we give them the land?

Mr. COWHERD. I think we did.

Mr. WILLIAMS of Mississippi. I thought it was an easement only, subject to our will.

Mr. COWHERD. We gave them the right to run over and locate a depot and their tracks upon it, to cost several million dollars, and I think that would be a fee simple title when they once built upon it.

Mr. WILLIAMS of Mississippi. I think so, too, but we reserved the right to put them off whenever we pleased.

Mr. COWHERD. Yes; I remember some gentleman made that statement.

Mr. RIXEY. I would like to ask the gentleman how many blocks will be taken for the plaza?

Mr. COWHERD. The chairman has stated that the plaza is semicircular in shape, and it takes a part of six blocks—some only a little of the block and some all of it.

Mr. RIXEY. How near will it come to Pennsylvania avenue?

Mr. COWHERD. It does not come near Pennsylvania avenue; it runs up nearly to C street.

Mr. RIXEY. Does it go across Delaware avenue?

Mr. COWHERD. The plaza begins at the intersection of Delaware avenue and Massachusetts avenue, and lies on both sides of Delaware avenue.

[Mr. SIMS addressed the committee. See Appendix.]

Mr. MORRELL. Mr. Chairman, I wish to call the attention of the House to the fact that this new legislation, this scheme of a union depot, was not originally the plan of the two railroad companies. The Baltimore and Ohio Railroad Company and the Pennsylvania Railroad Company were well satisfied with the legislation that they received two years ago at the hands of the House and the Senate. During the course of the debate in the two Houses it was brought out very strongly that a sentiment existed in favor of preserving the Mall as it had been originally intended by those who laid out the city of Washington.

That sentiment grew day by day, and in deference to that sentiment and to a desire for a union station, which was expressed by Senator Butler in the discussion of this question in the Senate and by the late Senator McMillan, a member of the same committee, it was decided by those gentlemen to confer with the presidents of the two railroad companies and, if possible, get them to consent to the proposition for a union station. This was done, with the result that a year ago the presidents of the Pennsylvania Railroad Company and of the Baltimore and Ohio Railroad agreed to consider the plan for a union station. This plan was placed in the hands of the architects who had in charge the development of the city of Washington. They decided that the proper location for this station was on the north side of Massachusetts avenue. They prepared a plan for a magnificent depot. In the development of this plan they considered it necessary to have in front of the station and on the south side of Massachusetts avenue a large plaza for the accommodation, let me say to the gentleman from Illinois, of those who land at this union station.

It was deemed by the architects having this matter in charge and by the Commissioners—by the Engineer Commissioner in particular—that there would not be sufficient space to accommodate the large crowds that would come to the union station on the occasion of the different national events that happen here at Washington; and so it was that they designed this plaza on the south side of Massachusetts avenue. A portion of this plaza is necessary for the further development of that plan in the laying out of streets to increase the facility of egress from the station. And now, with the plan that we have before us, there are streets radiating from this plaza in every direction. I have landed here at times with large bodies of men, and I know what it is to be placed out on a siding several miles from the station proper. It is just to avoid, in this new scheme for a union station, the possibility of such things as that that this plaza was considered a necessary part of the development.

Therefore I trust that in the consideration of this plan the committee will take into consideration these reasons, and will also realize that if on the occasion of national events we to-day find sufficient room without the plaza, we are not legislating for to-day, but for years to come. It was the idea of the architects who had this plan in charge to have something here that would be commensurate in every way with the dignity and size of the public buildings at present existing and those that are likely to be erected in the future.

It is scarcely necessary to argue that increased facilities at the different terminals are necessary. As they exist to-day they are practically not fit for the travel that comes into them. By the adoption of this plan for a union station we shall do away with the necessity of transporting across the city of Washington those who come from the North and from the West on the Baltimore and Ohio line; we shall avoid for those who come from the South the necessity of going through a tunnel, because under the proposed bill a station is designed to be erected at this end of the Long Bridge for the accommodation of those leaving Washington for the South and those arriving in Washington from the South. A further advantage will be that those coming from the North over the lines of the Pennsylvania Railroad will not be compelled, as they now are, to go through a tunnel.

I have already referred to the large number of public events that happen in Washington which necessitate greater accommodations. These public events increase year by year, and as the country grows larger and richer increased accommodations will be necessary, not only for those who come as members of the different organizations that take part in these different events, but for those who come to witness the different events themselves. The present terminal facilities are such that on each occasion that there is an event which attracts people to the capital it necessitates not only the inconvenience of those arriving and departing, but practically the abandonment of anything like punctual freight handling for days before, owing to the necessary preparations, and for days after, owing to the congestion resulting.

If nothing else, Mr. Chairman, there is one provision in this bill which, to my mind, would absolutely make it incumbent upon us to pass it at this time; that is, the doing away with grade crossings. There is not to-day a city in the United States of one-half the size of Washington that has not for the past ten years been expending millions of money in the elimination of grade crossings; and if we do not take advantage of the opportunity now offered to us, the responsibility for any accidents resulting in the future from these grade crossings remaining will rest, I consider, upon our shoulders.

Mr. CANNON. Allow me to make a suggestion right there, and I do not do so from any unfriendly attitude with regard to the general features of the measure. Grade crossings ought to

be avoided, and I think that, with some amendments, I shall vote for this bill. But the gentleman speaks of the great expense incurred in other cities by providing for grade crossings. Why, sir, in my city of Chicago—I call it mine because I live in Illinois—where there are many, many times the number of elevated tracks that there are here, the railways bear the whole of the great expense thereby incurred without the city bearing one dollar of it, whereas, if I read this bill aright, the expense in this city is to be borne very largely by the United States Treasury.

Mr. MORRELL. In answer to the gentleman from Illinois [Mr. CANNON], I would like to say that very probably the business resulting from the freight and traffic in the city of Chicago will many times exceed that handled in Washington.

Mr. CANNON. On the contrary, if my friend will allow me, there is no space in front of any depot in Chicago to exceed 90 feet, and that in a city of 2,000,000 people. Here we have 300 feet, and the gentleman's voice is still for more, at the cost of a best part of a million dollars, on account of the extraordinary traffic of this railway; so that my friend is not logical.

Mr. MORRELL. The gentleman has just remarked that there is only a limited space in front of his terminals in Chicago, and it is a pity there is not more space. May not future generations, if we do away with the plaza which is proposed here, say the same thing of us, and ask why, when we were building the terminals, we did not provide for more space in front of the station.

Mr. CANNON. Yet when you get 2,000 feet by 300 feet and then 160 feet beyond that for miles, tapping every street running north and south and avenues in every direction, you will have a space large enough for a city of five millions and a country of five hundred millions without this unnecessary expenditure, in my judgment.

Mr. MORRELL. At the present ratio of increase in population may we not expect that in time to come the city of Washington will have a population of 5,000,000?

Mr. CANNON. Well, if so, that population of 5,000,000 will then be quite competent to care for something in addition to this 300 feet of space, which is more than any railway terminal in the country has, so far as I know.

Mr. MORRELL. In relation to the amount of money carried by this bill in the appropriation, Mr. Chairman, in the wisdom of this committee it reduced the amount $500,000 in the cost of each of the railroads affected. The amount we are now appropriating and the amount asked for by the railroads the committee feels it can consistently appropriate, realizing that we are dealing with conservative business railroad men, and just here I would like to call the attention of this committee to the fact that these two railroads are pure and simple railroad corporations. They are railroads managed from beginning to end by railroad men. From the president of the road down to the humblest man employed, there is not a man who has not advanced step by step to the position which he now occupies, and in the financial departments of these roads the same conservative management obtains. They calculate exactly what may be expected from this, that, or the other improvement contemplated, with due respect to the increased resources and with a conservative protection in the interests of the stockholders.

These gentlemen rely purely and simply upon the earning capacities of the road and not upon the chance, as is done by those having in charge the management of most railroads, of driving the stock up or down in the open market.

Therefore I repeat that we thought we could consistently grant the amount of money carried in this bill. I am proud of the fact that one of these railroads carries with it the name of the State of Pennsylvania, which I have the honor to represent. I am proud of the fact that it is controlled, managed, and officered by Pennsylvanians, and to-day I am proud of the fact that they are knocking at the doors of New York, the metropolis of this country, with a proposition for the better comfort and convenience of their patrons, a proposition which in its engineering skill and daring has startled the business world, and which has been as carefully calculated in regard to its probable earning capacity, from a strictly railroad point of view, as has the plan for the great tunnel been calculated from an engineering standpoint.

I feel, Mr. Chairman, that we have before us a purely business proposition; a proposition favored by public sentiment; a proposition approved by the architects having in view the beauty of Washington; a proposition favored by the District of Columbia Commissioners; a proposition already passed by the Senate, and a proposition unanimously reported and indorsed by the House Committee on the District of Columbia.

When the bill comes up under the five-minute rule, there are certain amendments which I shall offer, in view of the fact that the Philadelphia, Wilmington and Baltimore Railroad and the Baltimore and Potomac Railroad have lately been amalgamated into what is to-day known as the Philadelphia, Baltimore and Washington Railroad. This new corporation has been duly incorporated in the States of Pennsylvania, Delaware, and Maryland. Mr. Chairman, I yield the balance of my time.

Mr. BABCOCK. Mr. Chairman, I ask for the reading of the bill.

The CHAIRMAN. If there is no objection, the Clerk will read. [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Baltimore and Potomac Railroad Company, or the terminal company provided for in section 10 of the act of Congress approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes," be, and each of them is hereby, empowered and authorized to locate, construct, maintain, and operate a double-track railroad, commencing at a point on the railroad of said Baltimore and Potomac Railroad Company at or near the crossing of Second street SW., at the elevation of said railroad provided for in the said act of Congress relating to the Baltimore and Potomac Railroad Company approved February 12, 1901, thence curving toward the north crossing over Virginia avenue with a clearance of 15 feet above the present curb thereof, crossing over First street SW. and Delaware avenue SW., at a point about 40 feet north of the north house line of E street, with a clearance of not less than 16 feet; thence curving to the northward, crossing over Canal street and South Capitol street with a clearance of not less than 14 feet above the curbs thereof; thence passing under the intersection of D street with New Jersey avenue, C street SE., and B street SE. at the intersection with First street; thence continuing under the west side of First street to near E street NE.; thence curving to the eastward, crossing under the proposed circle at Massachusetts avenue to a connection with the tracks in the proposed terminal station to be built on the north side of Massachusetts avenue hereinafter provided for; thence running from the said north line of Massachusetts avenue on the terminal station structure hereinafter mentioned northeastwardly to Delaware avenue; thence, still on said terminal structure, and on the easternmost part of the viaduct, hereinafter mentioned, to be located in Delaware avenue, to the north side of M street NE.; thence northwardly still on Delaware avenue, crossing Florida avenue overhead, by means of a girder bridge, or by masonry arches, to the north side of said avenue; thence by a line, still northwardly, curving to the east, and crossing under New York avenue, by the most practicable route, in a general northeasterly direction, to a point on the north line of Montana avenue, as projected, and shown on plan filed as required by this act, from which terminal point the Baltimore and Potomac Railroad Company, its successors and assigns, shall be, and is hereby, authorized to locate, construct, maintain, and operate a line of railroad, of two or more tracks, by the most practicable route, to a point of connection with its present railroad near Magruder Station, in the State of Maryland, and to acquire, from time to time, such lands between Montana and Florida avenues, and east of the present Metropolitan Branch of the Baltimore and Ohio Railroad, as it may need for sidings, switches, yard tracks, with suitable structures and appliances, and other proper corporate purposes in connection therewith, and to use the same accordingly, subject to the approval of the Commissioners of the District of Columbia; and a right of way 100 feet in width for said line of railroad as it shall be located through and upon lands belonging to the United States Reform School is hereby granted to and vested in said Baltimore and Potomac Railroad Company, its successors and assigns, on such terms as the Attorney-General shall prescribe: *Provided, however*, That the portion of said line of railroad lying south of Florida avenue within the limits of the city of Washington shall be used for passenger trains only, except in cases of temporary emergency, and then for a period not exceeding twenty-four hours, unless with the consent of the Commissioners of the District of Columbia.

The committee amendment was read, as follows:

On page 1, line 11, after the word "hereby," strike out the words "empowered and," and after the word "authorized" insert the words "and required."

The CHAIRMAN. If there is no objection, the committee amendments will be submitted together. [After a pause.] The Chair hears none. The question is on the adoption of the committee amendments.

The amendments were agreed to.

Mr. BABCOCK. Mr. Chairman, I want to say in reference to the committee amendments, and certain other amendments which it is necessary to offer on account of the change of ownership of the Baltimore and Potomac road, that I will offer the committee amendments in bulk, as they will affect the entire bill, simply changing the name of the Baltimore and Potomac to the Philadelphia, Baltimore and Washington, which is now a Pennsylvania corporation.

Mr. CANNON. I have no objection to these formal amendments, and I understand them to be formal.

Mr. BABCOCK. Simply formal.

Mr. CANNON. I have no objection to their being considered as the gentleman requests, but I want to call the gentleman's attention to the fact that I desire to offer an amendment striking out certain words in line 2, page 2, in connection with an amendment striking out certain lines on pages 13 and 14, the object being to have, by unanimous consent, the privilege, after we reach page 14, to offer an amendment striking out in this place and the two places designated the provisions to which I have referred, it being the intention to enable the Committee of the Whole to pass its judgment upon the plaza park.

I ask unanimous consent that after page 14 is read I may have the privilege of going back for the purpose indicated, to offer in one proposition an amendment that will raise the whole question.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that after the bill has been read he may go back to this section for the purpose of amendment. Is there objection?

There was no objection.

The Clerk read as follows:

UNION STATION.

SEC. 2. That the main passenger station and terminals for the accommodation of the passenger traffic of both the Baltimore and Ohio Railroad Company and the Baltimore and Potomac Railroad Company, and the passenger traffic of such other companies as may be moved over the railroads of either of said two companies, with its consent, shall be constructed by said terminal company within the area described as follows, namely:

The following committee amendment was read:

After the word "companies," in line 23, strike out the words "with its consent" and insert in lieu thereof the words "as provided in section 11."

The amendment was agreed to.

The Clerk read as follows:

BALTIMORE AND OHIO FREIGHT TRAFFIC.

SEC. 4. That in order to provide terminal facilities for the freight traffic of the Baltimore and Ohio Railroad Company in lieu of those which said company is now authorized to have within the area to be occupied by the passenger station and terminal described in the act relating to it, approved February 12, 1901, the said Baltimore and Ohio Railroad Company be, and it is hereby, authorized and empowered (in addition to the power and authority conferred upon it by the provisions of said act relating to it, approved February 12, 1901) to locate, construct, maintain, and operate tracks, switches, sheds, warehouses, other structures, and facilities necessary or proper for a freight-delivery yard and terminal in Eckington, in, over, and upon the bed of Quincy street and Third street between New York avenue and R street, and in and upon the property bounded by New York avenue, Florida avenue, Eckington place, and R street, outside the limits of the city of Washington; and also within the city of Washington in, over, and upon the bed of Second street between M and N streets and in and upon squares 711, 712, and 713; and said company is hereby authorized to acquire, by purchase or condemnation, as provided in this act, the lands and property necessary for the additional freight facilities above mentioned.

The following committee amendment was read:

In line 3, page 10, after the word "thirteen," insert the words "and also to extend its tracks and switches north of V street on the east side of the main tracks of its Metropolitan Branch Railroad to Rhode Island avenue extended."

The amendment was agreed to.

The Clerk read as follows:

STREETS TO BE VACATED.

SEC. 5. That to accomplish the purposes of this act the following-named streets, in addition to the streets vacated, abandoned, and closed by the provisions of said act relating to the Baltimore and Ohio Railroad Company, approved February 12, 1901, are hereby vacated, abandoned, and closed, to wit: In Eckington, T street shall be closed between the west line of Seventh street and the right of way of the Metropolitan Branch of the Baltimore and Ohio Railway Company; Thomas street from the west line of Seventh street westward; Seaton street from Sixth street to Seventh street; S street from Sixth street to the Brentwood road; Brentwood road from the west side of Seventh street to the south side of S street; Third street from the south side of R street to Florida avenue; Quincy street shall be closed and abandoned. No streets or avenues, except Ninth, Twelfth, and Fifteenth streets and New York avenue, shall be opened across the railroads constructed under authority of this act between Florida and Montana avenues; and said Ninth, Twelfth, and Fifteenth streets, when and as opened, shall be carried above the railroads by suitable viaduct bridges, the cost whereof, with their approaches within the limits of the right of way, shall be paid by the terminal company, but shall be maintained as in the case of other public highways in the District of Columbia: *Provided*, That the Baltimore and Ohio Railroad Company shall make adequate and suitable provision for carrying T street across the railroad right of way from the present Metropolitan Branch to the west line of Seventh street east by an overhead bridge in a manner satisfactory to the Commissioners. And the terminal company shall construct the necessary tunnels or viaducts to permit New York avenue to be carried with its full width between parking lines over their rights of way as herein authorized; and shall fill said avenue to a like width to the grade approved for said avenue for the purposes of this act across said right of way and westward to Florida avenue, and shall support the sides of said avenue with embankments or retaining walls wherever it abuts upon property belonging to said railroad, and nothing contained in the provisions heretofore made for the vacating of Third street and Brentwood road across said avenue shall operate to close said avenue in any way as a public thoroughfare at its full established width: *And provided further*, That the Baltimore and Ohio Railroad Company shall dedicate to the District of Columbia the necessary land to widen Eckington place on its east side to its full width in accordance with the recorded plans for street extensions, and the Baltimore and Potomac Railroad Company shall dedicate to the District of Columbia the necessary land to form a western exit from Ivy street to Canal street as shown on the plan filed by said company as required by this act.

In the city of Washington, Ivy street between South Capitol street and a point 220 feet east thereof, Second street northeast between N street and Delaware avenue, and between the north side of M street and the south side of L street and so much of the bed of Delaware avenue as lies west of a line drawn parallel with the east building line of said avenue and 40 feet westerly therefrom; also all parts of streets included within the area of the terminal herein described, except H and K streets, it being the intention of this act that all streets, avenues, ways, and alleys within the area to be occupied and used for said terminal and terminal tracks shall be completely vacated, abandoned, and closed, and the use thereof and of any public reservation or street spaces of the United States within said area be granted to the company constructing such terminals for the purposes of the same, except that H and K streets shall be carried under said terminal and terminal tracks substantially in accordance with the plans agreed upon between the Baltimore and Ohio Railroad Company, the terminal company, and the Baltimore and Potomac Railroad Company and the Commissioners of the District of Columbia, and filed in the office of the Engineer Commissioner.

The following committee amendments were read:

In line 25, page 10, after the word "abandoned," insert:

"*Provided*, That no streets or avenues shall be closed or abandoned under the provisions of this act or of the acts relating to the Baltimore and Ohio Railroad Company and the Baltimore and Potomac Railroad Company, approved February 12, 1901, until all of the property abutting on the streets or avenues, or portions thereof, provided to be closed in said acts shall have been acquired by said railroad company or companies or the terminal company referred to herein, either by condemnation or purchase, as hereinafter provided."

In line 21, after the word "street," strike out the word "across" and insert the word "over."

In line 22, after the word "way," strike out the words "from the present Metropolitan Branch."

In line 23, after the word "east," insert the words "by an overhead bridge."

The amendments were agreed to.

The Clerk read as follows:

MASSACHUSETTS AVENUE PLAZA.

The Commissioners of the District of Columbia are hereby authorized and directed to cause all streets, avenues, ways, and alleys to be closed as provided in this act, and in accordance with the intent thereof; and also to lay out a circle or plaza at the intersection of Massachusetts avenue and Delaware avenue, and to lay out and open streets leading to such circle, and to change the lines of certain other adjacent streets and of Ivy street, as shown on a plan filed in the office of the said Commissioner, and also to make such changes in the lines and grades of any existing street, avenue, or way and in the recorded plans of street extensions as may be reasonably required, deemed necessary, or advisable in the construction of the works hereby authorized. And authority is hereby given said Commissioners to acquire by purchase, or to condemn in accordance with existing law, the land necessary to carry out the proceedings authorized by this act, and to reconstruct, grade, and pave, by day labor or otherwise, the streets, avenues, and ways changed in line or grade or newly created hereunder.

And authority is hereby given the District Commissioners to sell or equitably exchange any portion of existing public space abandoned by reason of the adjustment of streets as an approach to the plaza or circle at Massachusetts avenue: *Provided*, That the provisions of section 3 of the act of February 12, 1901, in relation to new terminals for the Baltimore and Ohio Railroad Company which vacate, abandon, and close D and E streets between First street and North Capitol street and Delaware avenue between C street and the south line of Massachusetts avenue be, and the same are hereby, repealed, and said streets are restored to the same status and ownership in all respects as they were prior to the passage of said act.

Mr. CANNON. I offer the amendment which I send to the Clerk's desk.

Mr. BABCOCK. I will ask the gentleman if he has any objection to waiting until we finish the reading of the bill?

Mr. CANNON. If such is the understanding of the committee, I have no objection.

The CHAIRMAN. The understanding of the Chair was that the second section was passed, with unanimous consent to recur to it for amendment after the gentleman from Illinois had offered his amendment, which he now offers.

Mr. BABCOCK. I ask unanimous consent that the section just read be passed, with the privilege of recurring to it and offering an amendment after the reading of the bill is completed.

Mr. CANNON. I will say to my friend that it seems to me that the action of the Committee of the Whole touching this amendment may or may not render other amendments apt later on. I think, perhaps, as we have now read all the provisions that will be covered by the amendment, we had better dispose of it now.

Mr. BABCOCK. I think it will save time if the gentleman will consent to my suggestion. We have already devoted pretty nearly an hour to that question.

Mr. CANNON. I do not intend to take much time on this matter, so far as I am concerned.

Mr. BABCOCK. It can just as well be disposed of later.

Mr. CANNON. I hardly think so, because if it is the sense of the committee to maintain the bill as it is here now, I think the bill ought to be perfected in some of its provisions, for the borrowing of money for the District, and so on, and so on, matters not provided for, as well as the question of damages, which question would be reached on the next page. I rather think it had better be considered now.

The CHAIRMAN. The Chair hears objection. The Clerk will report the amendment.

The amendment was read, as follows:

On page 2, in lines 17 and 18, strike out the words "crossing under the proposed circle at Massachusetts avenue."

On page 13 strike out line 17 and all after the word "thereof" in line 21 down to and including line 25.

On page 14, in line 1, strike out the words "in the office of the said Commissioner" and all of lines 12 to 15, inclusive.

Mr. CANNON. I should like the attention of the gentleman in charge of the bill for a moment. What is the estimate of the amount of money that will have to be paid by the United States and by the District by virtue of this legislation?

Mr. BABCOCK. The gentleman refers to the plaza?

Mr. CANNON. No; the whole thing, and then I will get to the plaza later.

Mr. BABCOCK. The total amount of money appropriated in this and the two acts of last year amount to $3,770,000.

Mr. CANNON. Three million seven hundred and seventy thousand dollars. In round numbers $4,000,000. I will ask my friend if that includes the damages that are thrown upon the District and the United States on the part of the property to the north. I see here that would accrue by virtue of this elevation of 34 feet.

Mr. BABCOCK. I would say to the gentleman that two millions of that is a direct appropriation to the two different roads, and $1,770,000 is for the work to be done by the District of Columbia in changing the grade of streets, real estate to be purchased, filling, and the damages to property.

Mr. CANNON. That is $3,770,000?

Mr. BABCOCK. One million seven hundred and seventy thousand dollars.

Mr. CANNON. But there is two millions to the railroads, and then $1,770,000, making almost $4,000,000 directly payable. Now, then, in that view, I just want to call my friend's attention, by way of getting at what this bill does amount to; on page 15 I find:

All damages to adjacent property owners resulting from, incidental to, or connected with changes in the grades of the streets or alleys authorized by this act shall be borne, paid for, and defrayed by the District of Columbia, and shall be recoverable by action of law against the said District on the part of the owners of the property so damaged. Fifty per centum of the amounts so recovered shall be refunded to the said District by the United States.

Now, as I understand that provision, it gives every citizen in the District of Columbia adjacent to or near by this proposed 34 foot of fill in this reservation an action in the District courts before District juries for damages, and, when damages are recovered the District is to pay it and the United States is to reimburse the District one-half. Am I correct? Can any man on earth tell how much that is to be? If not, what is the best estimate of the amount?

Mr. BABCOCK. I do not understand the gentleman's proposition.

Mr. RICHARDSON of Tennessee. If the gentleman will permit me, he should not overlook the fact that the jury in estimating the damages will be required to take into consideration the enhanced value of the adjacent property.

Mr. CANNON. Oh, certainly.

Mr. RICHARDSON of Tennessee. It certainly will enhance the value of all property adjacent to that magnificent depot.

Mr. CANNON. How wide is the reservation—2,000 feet?

Mr. BABCOCK. What reservation?

Mr. CANNON. Where it reserves it?

Mr. BABCOCK. The depot has 750 feet front. This reservation extends, I should say, between 900 and 1,000 feet, the width of it, in front of the depot.

Mr. CANNON. How far does it run through the city?

Mr. BABCOCK. From the front of the depot?

Mr. CANNON. Yes.

Mr. BABCOCK. I am not prepared to say; but from a comparison I should say two to three hundred feet.

Mr. CANNON. Well, but there is an elevation clear out through the city.

Mr. BABCOCK. The elevation?

Mr. CANNON. Yes.

Mr. BABCOCK. I understood the gentleman to be referring to the plaza.

Mr. CANNON. No; I am talking about the elevation. How much is there?

Mr. BABCOCK. Of change of grade?

Mr. CANNON. Yes. How long and how wide is that?

Mr. BABCOCK. The change? Well, it is impossible to answer that question. One block in this direction and perhaps two or three blocks in that direction.

Mr. CANNON. I will put it in another way. How many acres from boundary to Massachusetts avenue are covered by these terminals and tracks where the elevation will be 34 feet above the surrounding property down to a similar elevation of 40 or 50 feet, or how much?

Mr. BABCOCK. Well, that would be covered by taking Massachusetts avenue, because that is the greatest point of elevation, at the lowest depression, 34 feet 5 inches, and from that on less out to the surface where it strikes grade.

Mr. CANNON. Where does it strike the surface, at boundary or beyond?

Mr. BABCOCK. It is less than the grade at C street. C street is higher than Massachusetts avenue.

Mr. CANNON. How much?

Mr. BABCOCK. C street is 10 feet higher than the Massachusetts location.

Mr. CANNON. I understand, but how about the other point to the north? C street is to the south.

Mr. BABCOCK. Well, I will explain that this particular point where the depot is to be located is the lowest point in that part of the city.

Mr. CANNON. And has a 34-foot fill?

Mr. BABCOCK. At the lowest part.

Mr. CANNON. The whole thing seven or eight hundred feet broad, and how long?

Mr. BABCOCK. The station proper?

Mr. CANNON. Oh, no; out to the north. I want to know how long it is?

Mr. BABCOCK. The fill runs out very quickly in going out the other way, because the elevation across the street is not sufficient, so that the street has to be depressed to get under it.

Mr. CANNON. Now, then, the damages from the extraordinary fill are to be borne by the District. Has my friend any estimate of what those damages will be?

Mr. BABCOCK. The Commissioners estimate the damages to property at $600,000.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. I will ask for five minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois ask that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. The estimate of the Commissioners is that $600,000, in addition to the four million——

Mr. BABCOCK. Oh, no; that is a part of the $1,770,000.

Mr. CANNON. A part of it. Now, what have we to cover the whole?

Mr. BABCOCK. Three million seven hundred and seventy thousand dollars covers the two millions appropriated for the two railroads, and the $1,770,000 covers all other items and the work to be done by the District of Columbia.

Mr. COWHERD. That includes $170,000 created under the act of February, 1901?

Mr. BABCOCK. One hundred and seventy thousand dollars of that applies to East Washington under the old law. Sixteen hundred thousand dollars is the estimate of the Commissioners for the other work.

Mr. CANNON. Does my friend have any idea that when you elevate above these streets 34 feet, as has been stated, and depress some of the streets, and then everybody that conceives themselves to be damaged, and is sent to the courts, and provision is made to pay the judgments—does my friend have any idea that $600,000 will pay those damages?

Mr. BABCOCK. The gentleman must consider one thing, and that is that the great bulk of this property belongs to the railroad companies. They own practically two blocks from C street and Massachusetts avenue, and also the property adjoining Delaware avenue, and this bill provides that no street can be closed unless they own all the abutting property. So that the percentage of property that will not be used by the railroad is small. It is not one-half of the property, because they own the bulk of the abutting property.

Mr. CANNON. The gentleman does not make himself understood, or else I do not. This elevation is 34 feet above the surface of the earth. Upon each side is private property.

Mr. BABCOCK. Railroad property.

Mr. CANNON. The railroads do not own to the east and west?

Mr. BABCOCK. They own some of the property where the plaza is to be located.

Mr. CANNON. I am speaking about the property east and west; the man that does not abut, but is a block off, is entitled to damages. Does the gentleman contend that the railroad owns the property half a block or a block off to the east and west?

Mr. BABCOCK. They do own two blocks to the south of the depot.

Mr. CANNON. I am not speaking about the south; I am speaking of the property east and west; it is not contended that the railroads own there, and there is a depression and elevation. In other words, anybody that lives within half a mile or a quarter of a mile that conceives himself more or less to be damaged can apply to the courts.

Mr. BABCOCK. Wherever the grade is changed.

Mr. CANNON. The grade is changed by filling up to this great amount.

Mr. BABCOCK. The gentleman must understand that in this direction—I am not sure that I am familiar with the points of the compass—it runs right into a hill within two blocks.

Mr. CANNON. I understand. Now, then, I will take the gentleman's estimate at $600,000 damages. So that in round numbers this bill provides that the United States and the District shall pay $4,000,000 hands down. Now, then, I want to call the attention of the House to this fact, that we held up the District bill at the last session week in and week out, and finally forced a personal-property tax, which personal-property tax, added to a reassessment of the real estate, barely furnishes money enough to clear the teeth of the District. There is upon us sanitary sewerage to cost many hundred thousands of dollars. There is upon us an additional water supply, the filtering of the water, so as to make it healthy for all its inhabitants, and many other important improvements that have to be provided for either by increase of taxation or by the Government paying one half and advancing from its Treasury the other half.

Now, the burden of this $4,000,000 is put upon the District and the Government, leaving the District without one dollar to pay it; and the burden, after we fasten it upon the District, is to be provided for by Congress after this legislation is enacted.

Mr. BABCOCK. I know the gentleman does not intend to mislead the House——

Mr. CANNON. Certainly I do not.

Mr. BABCOCK. But he should bear in mind that his bill carries only $600,000 more than the present law; so that, instead of $4,000,000 to be considered, it is only $600,000; and that is the item the gentleman referred to as the estimate for damages.

Another thing: The gentleman is familiar with the fact that in the estimates so far furnished to Congress by the Commissioners for damages of opening streets—and there have been many such cases—the rule has been that the damages allowed by the court and juries have been less than the estimates submitted by the Commissioners.

Mr. CANNON. Oh, well, I have another object in calling attention to this matter. I do not care whether this burden of $4,000,000, put upon the District and the United States Treasury, arises in part from former legislation or not. I am dealing with the present legislation and considering what the enactment of this proposed measure will do.

I am willing to follow the lead of the gentleman from Wisconsin and the gentleman from Missouri and the committee, and to vote for this bill after it is properly amended. But I am speaking of the status. We march up to the fact that existing legislation and the provisions of this bill put $4,000,000 upon the District—one half to be paid from the United States Treasury and the other half from the District—without the District, under existing legislation, having one red cent to meet this indebtedness. Now, when Congress has voted the burden and when we come to appropriate a little further on, then, I suppose, we shall have to recover the horse by locking the stable door after he has been stolen. So much for that. I merely want to take an account of stock.

The gentleman says that the damages to be paid under this new legislation will amount only to $600,000. My judgment is that the sum named is not one-half of what will have to be paid. But I take the gentleman's estimate, or that of the District Commissioners. Now, what does my amendment do in this connection? My amendment cuts out the ornamental park that is confessedly to cost $700,000. In my judgment, it will cost twice that amount without the improvements. Who owns the land? The Baltimore and Ohio Railroad Company owns the land, which we shall take by condemnation, in the main, for this plaza park. Now, I have nothing against the Baltimore and Ohio Railroad Company. I glory in our great transportation companies for the convenience and business of the country. Civilization would stop without them. But that company has this property; and as it has it, I am willing it should keep it, because "Uncle Sam" and the District do not want this park.

Now, I crave the attention of the committee while I ask gentlemen to observe particularly the design of this new depot with the plaza in front of it. There [indicating on the plan] is the magnificent depot that is to be built. And I am for a magnificent depot. In front of that depot is the great Massachusetts avenue—not like a 60-foot Chicago street; not like a 75-foot New York street—in front of this big terminal.

A MEMBER. One hundred and twenty feet is the width of a New York street.

Mr. CANNON. Well, this is 160 feet, to which 140 feet are to be added, giving 300 feet here [indicating] without any plaza park; and this width extends about 800 feet in front of this great depot, because the depot stands 100 feet north of the property line of Massachusetts avenue, over that 120 or 130 feet, giving, as the gentleman says, an average space from that point south across Massachusetts avenue of 300 feet for a distance of 700 or 800 feet, and then it takes it up 160 feet wide along the immense length of that great avenue each way, and then that great avenue is tapped by streets almost everywhere on each side and by other avenues.

Now, in addition to this 300 feet, the bill provides for a plaza, the ground for which is to be condemned, running around in this direction [indicating] on the south side. This 300 feet is to be bought from the Baltimore and Ohio Railroad, or condemned from their property.

Now, if we need it, although we are running the District in debt $2,000,000 without the District having one cent of money, and thereby morally binding ourselves to take care of that amount from the United States Treasury—if it is necessary to expend this $700,000 for this park, to be added onto this 300 feet already existing, then, let us do it. But if it is not necessary, let us cut down this burden $700,000. This is what the plaza park will cost, according to the statement of the gentleman in charge of the bill, for condemnation of the ground. But when we get it, it lies there 34 feet below the adjacent property, and before you can utilize it——

Mr. WANGER. Will the gentleman permit a question for the purpose of information?

Mr. CANNON. Certainly.

Mr. WANGER. The plaza will take very little private property, will it not, as compared with other parks or with the public streets?

Mr. CANNON. Take $700,000 worth, by the admission of Brother BABCOCK. [Laughter.]

Mr. WANGER. Yes; but it only extends the area, judging from inspection of the map, to 100 feet from the station right in front.

Mr. CANNON. Oh, no.

Mr. WANGER. To the park.

Mr. CANNON. Oh, no. It is 300 feet from the front of the station before you reach the beginning of the plaza park.

Mr. WANGER. If I understand the lines, they extend only about 100 feet beyond that, beyond the street line. What I want to get at is this: Will not all this grading be required whether we have the plaza park or not, or if we do not have the grading will we not have a station up in the air?

Mr. CANNON. In one direction for a short distance, but we have got the streets to get around.

Mr. BABCOCK. The grading will be required in the streets, but not the filling up. To make the plaza the streets will have to be graded, at any rate.

Mr. WANGER. But if the streets are graded up, would not heavy damages accrue to the owners of the private property adjacent?

Mr. BABCOCK. Yes.

Mr. CANNON. Ah, but we do not propose to have any streets across this plaza, because the plaza is private property, owned by the Baltimore and Ohio Railroad, and we propose, if this amendment is adopted, to leave that private property in the hands of the Baltimore and Ohio Railroad.

Mr. WANGER. But, if my friend will permit, that private property is adjacent to these public streets which will have to be graded, and if you grade them up 34 feet or anything like that, will there not be very heavy damages accrue to the owners of the private property?

Mr. CANNON. Oh, I have already stated that $600,000 of damages thrown upon the District on account of these elevations, in my judgment, is not advisable. I think it will cost twice and perhaps three times that much, but I am accepting the estimate of the Commissioners of the District.

Now, then, what is there in favor of this class of parks—a breathing space? Why, if there is anything that we have to throw at the birds, without damage, it is breathing spaces in the city of Washington. We have parks at all our intersections of the streets and avenues, great squares, hundreds and hundreds and hundreds of them—splendid, magnificent—yes, enough parks for a city of 2,000,000 people, all to be improved by and by. Now, what is the sense of burdening the city, which has to carry almost four millions with the United States Treasury because of this and former legislation, by six, seven, or eight hundred thousand dollars more? And to do what? To give a sky line!

Is it needed when the trains come thundering in and we already have 300 feet of space in front of the great depot seven to eight hundred feet long, then for miles and miles 160 feet wide, and then at every three or four hundred feet our streets and avenues setting in and leading off in every direction? It is not needed for the convenience of the citizens of Washington or the convenience of the people of the United States, even though you multiply our population by five. Well, who said to put it there? This commission, created by the Senate, composed of three gentlemen—two architects and one landscape gardener. That commission traveled all over Europe at the expense of the Senate contingent fund, and finally the funds had to be reenforced by $50,000, and the House said that we would never give it unless the Senate submitted to an amendment which would put it out of the power of the Senate to make appropriations and spend the public money at its own sweet will.

The law was amended, so that is behind us; but here it is, this magnificent scheme, a model of it, reposing over here in the Library of Congress. It was made without authority of law and it is housed in the great Library of Congress building without authority of law. There it is. Behold, how pretty! I went over there one day with my usual slouch hat on, and the man in care of it did not know who I was—sized me up right the very first time, for a countryman from Illinois. I went around and looked at it with mouth and eyes wide open. I said, "What is this and that and the other?" He pointed it out. Said I, "Do you suppose they will ever do it?"

"Oh, yes; it is begun now."

"What is it to cost?"

"The best information is that when complete it will cost a thousand millions!"

"Do you reckon that the people will stand it?"

"Oh, yes; nothing too good for the capital city."

That is all right. Enough is as good as a feast; and when this

great terminal is provided for at an expense of $4,000,000, whereas other cities make the transportation companies provide the terminal at their own expense, that is enough. Let us let the sky lines and the additional space that may be needed some time in this plaza park in the year 4967 be cared for by the people then living, and I therefore offer this amendment. [Applause and laughter.]

Mr. GROW. Mr. Chairman, the question before the House, it seems to me, is simply this: Congress has passed legislation which involves the Government and the District of Columbia in an expenditure of about $4,000,000, if I understand it, with provision for two depots, one on each side of this city. The Committee on the District of Columbia have arranged unanimously for one depot for this city, and it will cost $600,000 more to provide for this one depot, the way the committee have arranged it, than to provide for the two under the present legislation. Now, we get up propositions appropriating $50,000,000 or $100,000,000 and nobody opens his mouth. Get up a proposition involving a few hundred thousand dollars and everybody is on his feet for economy. The Committee on the District of Columbia say the present project is the better one, and I am willing to follow a committee that have had a great and troublesome question like this before them for years when they bring in a proposition for a union depot for all the railroads.

You can not get rid of grade crossings in any city without the expenditure of large amounts of money. New York City paid to the New York Central one-half the expense of lowering the tracks of that road. Now, why should we haggle about $600,000, involving the question whether we get the right kind of a station for $600,000 more, when we get it in a shape that is approved by everybody who knows anything about railroading or has any idea of beauty or convenience?

Let us adopt the new proposition in place of the old. [Applause.]

Mr. MORRELL. Mr. Chairman, I should like to call the attention of the gentleman from Illinois to the railway station at Providence, R. I. In front of that railway station there is a plaza exceeding in width 350 feet, and in length about 800 feet.

Mr. CANNON. If my friend will allow me, everybody who goes to Providence needs a thousand times more space than the ordinary citizen, because the people who go there have both time and money to throw at the birds, and that pastime, you know, requires a great deal of space. [Laughter.]

Mr. MORRELL. I am simply stating a fact which perhaps may interest others if it does not interest the gentleman from Illinois.

Mr. CANNON. Oh, it does interest me.

Mr. MORRELL. The width of that plaza at Providence is 350 feet, and it is some 800 feet long, and there is in addition to that a street some 150 feet in width, making a total of some 500 feet in width of the plaza directly in front of the station.

The distinguished Representative from Rhode Island [Mr. CAPRON] has told me within a very few minutes that the people of Providence would almost rather do away with the station than do away with the plaza, owing to its convenience to the people arriving and leaving Providence.

I should like also to call the attention of the gentleman from Illinois to the increase in the assessed value of property which has resulted from every terminal station that has been built. Within my own time I remember in the city of Philadelphia the condition of the property around Penn square before the Pennsylvania built what is now known as the Broad street terminal. Let anybody who cares to investigate the subject compare the value of property there to-day with what it was before that terminal was established. The same thing is true in relation to the Reading terminal at Twelfth and Market streets. There has been the same increase in the value of property, and therefore the same increase in revenue to the municipality. It is therefore not fair for us to take the conditions existing at present, before the terminal has been built, as a fair showing of the advantages that will accrue to the city of Washington; but let us consider what those advantages will be after the terminal has been built, both in the matter of convenience in travel and also in the matter of the increase in value of property at that point.

Mr. WM. ALDEN SMITH. Mr. Chairman, I should like to ask the chairman of the committee whether any agreement has been reached with respect to the cost of the property in this plaza which we are expected to acquire?

Mr. BABCOCK. I will say to the gentleman that that will be impossible. A portion of this property belongs to the Baltimore and Ohio Railroad Company.

Mr. WM. ALDEN SMITH. Well, we are dealing with the Baltimore and Ohio, are we not?

Mr. BABCOCK. We are dealing with the owners of the property. A portion of it belongs to private individuals. I understand that the Baltimore and Ohio Railroad Company have made a proposition to the Commissioners in which they say that the District can have any part of that property, anything that they own or need, at the price they paid for it. I know nothing about it, any further than that the statement has been made.

Mr. WM. ALDEN SMITH. Of course the gentleman knows that the moment we pass this legislation and authorize the construction of this station at the place designated all the property in that vicinity will appreciate in value promptly, and the cost ought to be ascertained definitely, it seems to me. We ought to know what we can get this property for before we seek to establish this public plaza.

Mr. BABCOCK. I want to say to the gentleman there have been four depot propositions considered by Congress, and it would take a very wise man and a great deal of labor to contract for all the property wherever we might see fit to locate a depot. The point is, whether it belongs to the Baltimore and Ohio or to an individual, there is no way to compel them to set the price. The Baltimore and Ohio and the Pennsylvania are not interested in the plaza. It does not make any difference to them whether the District sees fit to provide for it or not.

Mr. WM. ALDEN SMITH. Are not we doing this at the suggestion of these companies?

Mr. BABCOCK. Not at all. This plaza is the suggestion of the Park Commission and adopted by a Senate committee. The roads would be glad to have their depot beautified by this plaza in front of it, but it is no necessary part of the station proper, nor does it enhance the value of it except that it will give them a little more room in front of the depot.

Mr. WM. ALDEN SMITH. I will ask the gentleman from Wisconsin this direct question, If we are not taking many chances to the disadvantage of the Government when we authorize this proposition, not knowing what the price of this property will be?

Mr. BABCOCK. I will say to the gentleman the usual proceeding is to condemn the property.

Mr. WM. ALDEN SMITH. Ah, that is all well enough, but the compensation must be full compensation.

Mr. BABCOCK. That is very true.

Mr. GILBERT. In cases of compensation for damages the enhanced value of the property which accrues by reason of the location of the depot is not an enhancement to which the present owners of the property are entitled.

Mr. WM. ALDEN SMITH. I am not so sure about that. The property is undoubtedly high to-day, and will be enhanced to-morrow.

Mr. GILBERT. That is a matter which is well settled.

Mr. WM. ALDEN SMITH. I am quite familiar with that branch of the law myself, and I insist without any fear of contradiction that the question of value will be determined at the time of the taking and not upon the passage of the bill.

Mr. BABCOCK. If the gentleman will read the bill he will find that it provides that betterments are to be charged to the property.

Mr. WM. ALDEN SMITH. Betterments are often fictitious. The verdict will be the actual value at the time the petition of condemnation is filed and the proceedings begun; but it seems to me it will be a very little thing, considering the interests involved, for this committee to insist on having a definite, distinct understanding as to the price of the Baltimore and Ohio Railroad Company for their property.

Mr. GILBERT. So far as I have investigated the question, in condemnation cases it is necessary to ascertain the value of the property of the citizen just before the time it was known this property would be located upon it that would enhance its value, and which enhancement accrues by reason of the location of the depot, and that is the value that the Government has to pay for.

Mr. MANN. Does the gentleman from Kentucky hold that the value of the property condemned relates to the time prior to the commencement of the proceedings?

Mr. GILBERT. Certainly. He must show that the location of the depot there will not necessarily enhance the value of the property, and the jury will be instructed to ascertain the value of the property just before it was known that the depot was to be placed there.

Mr. MANN. That would not be the law in any place that I have been.

Mr. GILBERT. That is the law where I practice, and I have had a great many condemnation cases.

Mr. MANN. I have been in that class of business all my life.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BABCOCK. The gentleman from Pennsylvania desires to ask me a question.

Mr. WANGER. I desire to know whether the grading in front of the station is a necessary incident to the plan for the erection of the station and the elimination of grade crossings, or whether it is an incident to the plaza?

Mr. BABCOCK. The grading of the streets must be done regardless of the plaza, whether the plaza be made or not. That has nothing to do with the grading of any of the streets.

Mr. WANGER. Now, the grading of the streets would necessarily inflict a considerable damage upon the properties which it is proposed to take for the plaza?

Mr. BABCOCK. Certainly.

Mr. WM. ALDEN SMITH. One more question, if the gentleman will permit me. I notice that this language is used in the first page of the report of the Commissioners:

This report has been delayed on account of not receiving from the railroad companies a statement of the cost of the proposed work and of the value of some of the land owned by the Baltimore and Ohio Company which it will be necessary to acquire under the bill and which the president of the company stated would be sold to the District for street purposes at cost price.

Mr. BABCOCK. For street purposes?

Mr. WM. ALDEN SMITH. I ask whether that will cover this proposition to make a plaza there?

Mr. BABCOCK. A portion of it, yes; but not all of it, because two streets are laid out to reach the plaza. The plaza proper is not a street and would not be covered by that language.

Mr. WM. ALDEN SMITH. It seems to me that we ought to know now the value and the cost of that property.

Mr. BABCOCK. Mr. Chairman, I understand in a general way that the Baltimore and Ohio road has made this proposition, to turn over any of the property it has acquired to the District at the price paid for it. That has not been presented to the committee and has not been presented to Congress. I do not know that it is in writing. It is a matter between the road and the Commissioners.

The CHAIRMAN. The question is on the adoption of the amendments offered by the gentleman from Illinois [Mr. CANNON], and without objection they will be submitted in gross.

There was no objection.

The question was taken; and on a division (demanded by Mr. CANNON) there were 48 ayes and 106 noes.

So the amendments were rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

DAMAGES.

All damages to adjacent property owners resulting from, incidental to, or connected with changes in the grades of the streets or alleys authorized by this act shall be borne, paid for, and defrayed by the District of Columbia, and shall be recoverable by action of law against the said District on the part of the owners of the property so damaged. Fifty per cent of the amounts so recovered shall be refunded to the said District by the United States: *Provided*, That in determining the damages as herein provided the jury shall take into consideration any benefits that may have accrued by reason of the location of said station in proximity to the property alleged to have been damaged.

The amendment recommended by the committee was read, as follows:

In line 12, page 15, insert after the word "reason" the words "of the elimination of grade crossings or."

The committee amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

TAXATION.

SEC. 6. That the property owned or occupied by the terminal company, or by the Baltimore and Potomac Railroad Company, or by the Baltimore and Ohio Railroad Company under authority of this act or otherwise, together with the improvements that may be put thereon, shall be subject to taxation in the District of Columbia in the same manner and to the same extent as other property in the District, and all tracks and sidings shall be taxed as real estate: *Provided*, That no assessment, valuation, or tax shall be made, laid, or levied on the stations, terminals, and lines of railroad located, constructed, or maintained under the authority of this act in excess of that which would or could be lawfully made, laid, or levied if said stations, terminals, and lines of railroad were located, constructed, and maintained without the use of bridges, tunnels, viaducts, retaining walls, or other structures necessary or properly employed to elevate or to depress the same as required by this act; it being the true intent and meaning hereof that the lines of railroad and terminals hereby authorized (except such portions of the viaduct as may be constructed and used for storage or like commercial purposes) shall be assessed and valued for the purpose of taxation and taxed on the same basis as if the same were not constructed and maintained by means of such bridges, tunnels, viaducts, retaining walls, and other structures.

The following amendment recommended by the committee was read:

Page 15, line 18, insert after the word "the" and before the word "viaduct" the following: "terminal structure or."

The committee amendment was agreed to.

Mr. COWHERD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Beginning with the word "except," in line 9, page 16, strike out down to and including the word "purposes," in line 11; in line 14, after the word "structures," add "except such portions of the terminal structures or viaduct as may be constructed and used for storage or like commercial purpose shall be subject to taxation in the same manner as other property in the District of Columbia."

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1634) to remove the charge of desertion against Thomas Cordingly.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution No. 61.

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 20, they stand adjourned until 12 o'clock meridian, Monday, January 5, 1903.

UNION STATION IN THE DISTRICT OF COLUMBIA.

The committee resumed its session.

Mr. COWHERD. Mr. Chairman, a word in explanation. The language in parentheses was intended to make such part of the structure as was used for commercial purposes subject to a taxation, but it comes in such a way as to except it from taxation instead of making it liable to taxation in the opinion of several members, and I have offered this amendment in order to make it certain. I understand that the chairman accepts it.

Mr. BABCOCK. I think the amendment, Mr. Chairman, ought to be adopted. It makes the language more clear.

The amendment was considered and agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

REMOVAL OF TRACKS FROM THE MALL.

The construction of the lines of railroad hereinbefore mentioned, connecting the railroad of said Baltimore and Potomac Railroad Company with said main passenger station and terminal, whether constructed wholly by said Baltimore and Potomac Railroad Company or said terminal company, or partly by each, shall relieve said Baltimore and Potomac Railroad Company of any and all duties and obligations respecting relocation of its present passenger tracks and terminal, and location, construction, and operation of new passenger station and new terminal tracks, as prescribed in the act relating to it, approved February 12, 1901; and upon completion either by said railroad company or said terminal company, or in part by one and in part by the other, of said connecting lines of railroad ready for use, in connection with said main passenger station and terminal, as contemplated by this act, and within five years from the passage of this act the said Baltimore and Potomac Railroad Company shall be, and it is hereby, required to remove its present eastern connection between its passenger station and its line on Virginia avenue via Sixth street, including the tracks on said last-named company, or upon Southern Railway Company, shall remain and continue in full force, and with like effect as if herein reenacted at length; and all rights, powers, and privileges granted to, or duties imposed upon, said Baltimore and Potomac Railroad Company by this act shall accrue to and devolve upon its successors and assigns, as provided by section 15 of said act relating to said Baltimore and Potomac Railroad Company, approved February 12, 1901, and all provisions of said section shall be applicable thereto in all respects and in like manner as they are made applicable to the rights, privileges, and duties granted to or imposed upon said company by said last-mentioned act.

Mr. KEHOE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert following, after word "assigns," line 14, page 19, to wit: "one-half to be paid."

And insert the following after "appropriated," line 16, page 19, to wit: "and the other half to be paid out of the revenues of the District of Columbia."

Mr. KEHOE. Mr. Chairman, I notice that one-half of the sum to be paid to the Baltimore and Ohio is to be paid out of the revenues of the District of Columbia and the total appropriation to the other railroad is to be paid by the Government, so that the Government pays $1,500,000 and the District only $500,000; and I offer this amendment for the purpose of making the District of Columbia bear one-half of the appropriation for the Pennsylvania as well as for the Baltimore and Ohio.

Mr. BABCOCK. Mr. Chairman, in the act No. 50, passed in 1901, the General Government appropriated for the use of the Pennsylvania Railroad certain real estate, largely of the Mall. The present bill provides that this real estate on the Mall, amounting in value, at $2.50 a foot, to $1,285,523, shall be restored to the General Government as a part of its park system. As this House is well aware, all the parks in the District of Columbia belong to the General Government in fee simple. The Government gets the property, it reverts to the Government, and, in fact, they get much more property in dollars and cents than is appropriated, and the committees of the House and Senate believed that the General Government should take this burden and pay this appropriation of $1,000,000 for the property returned to the Government.

Mr. KEHOE. Is it not a fact that when this land goes back to the Government it will be used by the city for parking purposes in the same way as other parks are used?

Mr. BABCOCK. I suppose so.

Mr. KEHOE. And will not the District, instead of the General Government, get the benefit of it?

Mr. BABCOCK. Does not the gentleman understand that all of the parks in the District of Columbia belong to the General Government, and are under the supervision of the Secretary of War? The Commissioners of the District of Columbia have no more authority over a piece of parking than you have.

Mr. KEHOE. But is it not a fact that the District has in every other case borne one-half the expense of any appropriation of this kind?

Mr. BABCOCK. That is an entirely different proposition. This is a case in which real estate to the value of $1,285,000 is turned back to the General Government. Why should the District pay any portion of this expense?

Mr. KEHOE. Did not this land belong originally to the Government, and did the railroad company ever pay a cent for it to the Government?

Mr. BABCOCK. It was a contribution toward the elevation of the tracks. The gentleman loses sight of the fact that Congress in 1901 proposed to pay one-half the cost of the elevation, and the proportion of the Pennsylvania Railroad Company was to be received in real estate, while the proportion of the Baltimore and Ohio Railroad was to be paid in cash.

Mr. KEHOE. Is it not a fact, however, that the company never paid a cent in money for what the Government is now getting back?

Mr. BABCOCK. I repeat, it was a part of the contribution for the elevation of the tracks. Of course the Pennsylvania Railroad never paid a cent for the land; neither did the Baltimore and Ohio Railroad ever pay a cent for the money that it received. This was an expenditure for the elevation of the tracks, not for terminals or depots.

Mr. Chairman, I ask for a vote.

The question being taken on the amendment of Mr. KEHOE, it was rejected.

The Clerk, proceeding with the reading of the bill, read the following amendments to section 9:

Page 20, line 25, strike out the words "is included within such location" and insert in lieu thereof the words "can be so acquired."

Page 22, lines 7 and 8, strike out the words "with its consent" and insert in lieu thereof the following: "as provided in section 11."

The amendments were agreed to.

The next amendments, to strike out sections 11, 12, and 13, respectively, were read and agreed to.

The next amendment was read and agreed to, as follows:

Insert as section 11 the following:

"SEC. 11. That any railroad company now or hereafter lawfully existing and authorized to extend a line of railroad into the District of Columbia, or having secured the right to operate over the lines of any other then existing railroad, to a point of connection with the tracks of said terminal company, shall have the right to the joint use of said station and terminals upon the payment of a reasonable compensation for the use of the same; and if the parties are unable to agree upon such terms, then the same shall be prescribed by the supreme court of the District of Columbia, upon petition of either party in interest, under such rules of procedure as the said court shall prescribe."

The next amendment was read, as follows:

Insert as section 12 the following:

"SEC. 12. That the Baltimore and Potomac Railroad Company shall establish and maintain a substation at a convenient location east of the north end of the Long Bridge and at a point to be approved by the Commissioners of the District of Columbia."

Mr. RIXEY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert in the proposed new section 12, after the word "substation," the following: "With suitable accommodations for passenger travel."

Mr. RIXEY. I understand, Mr. Chairman, that the chairman of the District Committee has no objection to this amendment.

Mr. BABCOCK. No objection.

The amendment of Mr. RIXEY was agreed to.

The proposed new section, as amended, was then agreed to.

The next amendment of the committee was read, as follows:

Insert as section 13 the following:

"SEC. 13. That paragraphs 3 and 4 of section 8 of the act of Congress approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes," be, and they are hereby, amended so that they shall read as follows:

"'In consideration of the surrender by the Baltimore and Ohio Railroad Company, under the requirements of this act, of its rights under the several acts of Congress heretofore passed, and under its several contracts with the municipal authorities of the city of Washington authorized by said acts of Congress, and in consideration of the large expenditures required for the construction of the new terminals, viaduct, and connecting railroads, as required by this act, to avoid all grade crossings of streets and avenues within the city of Washington, and, further, in consideration of the grant and conveyance to the United States of the lands included within the limits of the roadway and right of way of the Washington Branch Railroad, which can be used for a street or avenue for the public benefit, the sum of $1,000,000, to be paid to said railroad company toward the cost of the construction of said elevated terminals, viaduct, and structures within the city of Washington, shall be, and is hereby, appropriated, one half to be paid out of any money in the Treasury of the United States not otherwise appropriated, the other half to be paid out of the revenues of the District of Columbia. The sum so appropriated shall be paid upon presentation of a certificate by the Commissioners of the District of Columbia that the said viaduct has been completed as required by this act.

"'In order to provide for the one-half of said amount chargeable to the District of Columbia, the Commissioners thereof shall, on the 1st day of July following the passage of this act, and annually thereafter, pay over to the Treasurer of the United States, out of the revenues of the District of Columbia, the sum of $100,000, to be invested by the said Treasurer in interest-bearing bonds of the United States or the District of Columbia, until the full sum of $500,000, as provided herein, shall have been paid.'"

The amendment was agreed to.

The remainder of the bill was read, no further amendment being offered.

Mr. BABCOCK. I have another amendment which I wish to offer. It is designed simply to correct the name of the Baltimore and Potomac Railroad Company so as to conform to the name of the present organization, which is "Philadelphia, Baltimore and Washington Railroad."

The amendment of Mr. BABCOCK was read, as follows:

On page 1, line 3, after the word "the" insert "Philadelphia" and after the word "and" strike out the word "Potomac" and insert "Washington," and after the word "Company," on the same line, insert "(a corporation duly created by consolidation and merger of the Philadelphia, Wilmington and Baltimore Railroad Company and the Baltimore and Potomac Railroad Company, their respective capital stocks, railroad properties, and franchises)."

The amendment was agreed to.

Mr. BABCOCK. Mr. Chairman, I offer the following amendment, which I will send to the desk and ask to have read.

The Clerk read as follows:

Strike out the words "Baltimore and Potomac Railroad Company" wherever they appear in said bill and insert in lieu thereof the following: "Philadelphia, Baltimore and Washington Railroad Company."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

Mr. BABCOCK. Mr. Chairman, I offer the following amendment, which I will send to the desk and ask to have read.

The Clerk read as follows:

On line 7, after the word "to," insert the "Baltimore and Potomac Railroad" and strike out "said last named."

On line 16 strike out the word "it" and insert the words "the Baltimore and Potomac Railroad Company."

On line 17, after the word "said," insert "Philadelphia, Baltimore and Washington" and capitalize the words "railroad company."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

Mr. CANNON. Mr. Chairman, I offer the following amendment, which I will send to the desk and ask to have read.

The Clerk read as follows:

Insert at the end of line 18, page 28, the following:

"That in order to meet the extraordinary expenses entailed by the provision of this act, the rate of taxation on the assessed real and personal property in the District of Columbia for each of the next five fiscal years is hereby increased 25 per cent."

Mr. MUDD. Mr. Chairman, on that I make the point of order.

Mr. CANNON. Mr. Chairman, I do not think it is subject to the point of order.

The CHAIRMAN. The gentleman from Maryland will state his point of order.

Mr. MUDD. The point of order is this: This is a bill to provide for a union railroad station in the District of Columbia and "for other purposes." Now, the fact that the words "for other purposes" are included within the title does give the committee jurisdiction to consider any other proposition that anybody can imagine as a desirable subject for legislation at this time. No subject-matter can be incorporated in the bill unless it be along the line of the general purposes of a railroad station, or railroad tracks, or crossings.

Taxation is entirely foreign to the subject-matter of this legislation, and I think the amendment is clearly subject to the point of order. It might with just as much propriety be contended that we could impose a tariff upon certain foreign articles for the purpose of raising revenue in this same bill in order to meet the increased expenditure imposed by it upon the United States Treasury. It would be just as germane as this. Almost anything, any piece legislation in connection with the raising of revenues by taxation for the United States, as well as the District of Columbia, could be put in as amendment, if this amendment, as proposed by the gentleman from Illinois, is germane, because the United States Government contributes to the expense of this proposed improvement as well as the District of Columbia.

The fact that this bill provides for unusual expenditures and requires an unusual revenue to meet them does not alter the situation nor change the rule. If that were true an omnibus public building bill entailing heavy expenditures upon the General Government could be amended by including a horizontal increase in the tariff in its provisions.

The proposition submitted in the amendment offered by the gentleman from Illinois is upon an entirely different subject-matter than that embraced in the provisions of the bill. The amendment, therefore, is for that reason not merely obnoxious to the general principles of parliamentary law, but in direct contravention of clause 7 of Rule XVI of the rules of this House, which provides that "no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment."

Mr. CANNON. Mr. Chairman, in reply to the point of order, the Chair will notice, commencing with line 9, down to and inclusive of line 18, there is a provision which provides for the expenses of a part or all of this extraordinary legislation, namely:

In order to provide for the one-half of said amount chargeable to the District of Columbia, the Commissioners thereof shall, on the 1st day of July

following the passage of this act and annually thereafter, pay over to the Treasurer of the United States out of the revenues of the District of Columbia the sum of $100,000, to be invested by said Treasurer in interest-bearing bonds of the United States or the District of Columbia until the full sum of $500,000, as provided herein, shall have been paid.

Now, then, there is a provision to care there for this extraordinary expense in part, and the casual reader would suppose that that is all there is of it. But there is confessed four millions of increase. That does not include, I find on examination, the highway bridge, which is an increase from half a million to, in round numbers, a million, and by this legislation——

Mr. BABCOCK. But, Mr. Chairman, this has nothing to do with the highway bridge.

Mr. CANNON. Oh, yes; this act adopts the burden of the terminal legislation now on the statute books, and adds to it, and the highway bridge was part and parcel of that terminal legislation.

Mr. BABCOCK. The gentleman will realize that a new bridge was an absolute necessity, to take the place of the Long Bridge, regardless of any legislation.

Mr. CANNON. I am not now speaking about the wisdom of this appropriation and of this legislation. I say that it seems to me that if it could be amended to include it or apt provision made for it, it was probably apt legislation. I made my point as best I could, and it did not meet the approval of the committee. I have always bowed to the majority—first, because I can not help myself, and second, because I frequently find the majority wiser than myself; but in the exercise of that wisdom we mark down, in round numbers, to a confessed five million, with an absolute deficit of half that sum upon the District, with no provision for it.

Now, it is honorable, it is good legislation, and, in my opinion, in connection with the lines I have just read, it is germane. As we have provided for this extraordinary expenditure, this provides the wherewith to pay it. Otherwise, it is germane to impose the expenditure, germane to provide for it in part, but out of order and immoral to provide for its payment. I think that it is apt, that it is honest, that it is germane.

Mr. BABCOCK. Mr. Chairman, I want to say a word explanatory of this section. The gentleman and perhaps the committee are laboring under the impression that this is new legislation. This simply reenacts the present law. The present law provides for retiring $150,000 a year, instead of $100,000, and when we cut the appropriation of the District from $750,000 to $500,000 it was necessary to reenact this section and change the amount of the sinking fund from $150,000 a year to $100,000 a year. With that exception that is the law as it stands to-day on the statute book. And I want to say, Mr. Chairman, that I do not and can not see where a tax proposition is germane to this section.

The CHAIRMAN. This is a bill to provide for a union railroad station in the District of Columbia, and for other purposes. It is reported from the Committee on the District of Columbia. It provides for the establishment of a park in the District of Columbia and for the opening of streets, and imposes considerable expense upon the District of Columbia.

It also imposes some expense upon the Treasury of the United States. If, as has been suggested, an amendment were offered increasing the tariff upon imports to meet such charges the objection would at once be made that under the rules such a measure must be referred to a different committee—the Ways and Means. In other words, the rules of the House would make an amendment touching the tariff not germane to such a bill as this.

But with the District of Columbia the case is different. If the amendment of the gentleman from Illinois were offered as a separate measure, it would go, under the rules, to the same committee which has reported this bill. The District Committee has jurisdiction of revenues as well as expenditures, and could, without infringing any rule, include in one bill the purposes of the bill and also of the amendment. While not entirely clear from doubt, the Chair is of the opinion that the amendment providing revenue to meet the expenditures entailed by the provisions of the bill itself upon the District of Columbia is germane to the bill, and therefore overrules the point of order.

Mr. BABCOCK. Mr. Chairman, I sincerely hope this amendment will be defeated. The burdens imposed upon the District by the last act that passed this Congress have been heavy. Interests here are not yet adjusted to those burdens. If I were to take the time of the committee to-night and go into the details and facts, I could show that this was not necessary at all. Five years will elapse under this bill before these improvements are to be completed, and provision is made for a sinking fund of one-fifth of the amount per year. The fact is that under this bill the District appropriates or contributes for this purpose only $500,000 outside of damages and the changes in street grades, and that amount is fully provided for in that section.

Mr. CANNON. I just want to say a word. I was forced at the last session of Congress to have some familiarity with District revenues and District expenditures. We got into that condition where it was absolutely necessary to refrain from making certain needed improvements in this District that ran to the public health of its inhabitants, or to provide some additional revenue. Through great tribulation we finally provided some additional revenue, but not enough to care for your sanitary system of sewerage in front; not enough to care for proper water development in front; not enough to care for the expenditures of almost one-half of the $5,000,000 provided by this bill and legislation that is to be vitalized by this bill, because now they will begin.

Mr. COWHERD. Will the gentleman tell us how much is raised yearly by the increase in the tax on real estate and the tax on personal property?

Mr. CANNON. Well, as nearly as I can now recall, a large amount of the increase is based upon the increase in licenses to sell liquors, and the amount of the liquor license is not touched. It is quite high enough—I believe $800 now. But by the reassessment of the real estate and by a tax upon personal property—not as thorough as one could wish—my recollection is that the amount was increased so that the present revenues in round numbers would be about $4,000,000 from the real and personal property.

Mr. COWHERD. How much is that more than the revenues were last year?

Mr. CANNON. It is a little difficult to tell. Estimated exclusive of licenses it is in the neighborhood of eight hundred thousand or nine hundred thousand dollars—say, $800,000 increase. Now, the taxing law in the District on the amount of property that we reach is levied at 1½ per cent on two-thirds valuation; that is to say, property that is valued at 66 cents on the dollar pays a cent and a half on the two-thirds valuation. This amendment increases it, if adopted, 25 per cent. That would make a cent and three-quarters on the two-thirds valuation. It is not a large increase, and as nearly as I can tell on a hasty guess five years will be about sufficient to meet these extraordinary expenses and will still leave the Government of the United States called upon to advance from the Treasury, perhaps under some other taxing laws, the money necessary for the extraordinary expenditures for sanitary sewerage, water filtering, and the increase of water supply, as well as some other matters.

In other words, I am not antagonizing this legislation. I believe it should have been amended. It was not, but it is the sense of Congress to have it as it has been adopted. I am content, even with the refusal of the Committee of the Whole to amend it. I will follow the gentleman from Wisconsin [Mr. BABCOCK] and the gentleman from Missouri [Mr. COWHERD] in saying that upon the whole I think this legislation is wise.

But let us march up, and while we pay one-half from the Treasury of all the people, aptly make the District property pay its one-half. It does two things. It makes them pay, without undue burden, that which they ought to pay; and it is less than your constituents and mine pay. That is number one. Now, number two. It serves notice upon them that when they agonize in the future, in season and out of season, for extraordinary expenses, that they can have, as I once before expressed, whatever they are willing to take and help pay for.

In other words, they can walk, trot, or run as fast as they bear their part of the burden. I do not mean to confiscate, but I mean to provide in this life for these expenses, recollecting that my constituents and yours bear far greater burdens than are proposed to be placed upon the real and personal property of this District in the next five years. I ask for a vote.

Mr. BABCOCK. Mr. Chairman, just one word. If this amendment is adopted, that increases the taxes 25 per cent. Is that right?

Mr. CANNON. That is right.

Mr. BABCOCK. The tax yield is about $5,000,000—$5,100,000 or $5,200,000.

Mr. CANNON. That includes the extraordinary tax that is put upon the poor saloon keepers, when we put their license at $800; and this provision does not put any more on the saloon keeper.

Mr. BABCOCK. It applies to all direct taxation on personal and real estate.

Mr. CANNON. But more money comes, as I am inclined to believe, from the license tax than comes from all the tax upon personal property.

Mr. BABCOCK. Then there will be raised over $5,000,000 in this period of five years—more than that—while the total expense to the District of Columbia of this whole improvement is something near $1,300,000—more than four times the total expense. I ask for a vote. [Cries of "Vote!" "Vote!"]

Mr. COWHERD. Mr. Chairman, I sympathize a great deal with the statement of the gentleman from Illinois—that the District does not always bear a fair share of the burden, and that there is a great deal more laid upon the shoulders of our constituents than ought to be. But I do not sympathize with the proposition

that seeks to increase the taxes of the District by an amendment of this bill. Taking the tax increase of last year, and the gentleman says that not counting the increase in saloon license this year's revenues are $800,000 more than last, or in all something near a million and a half, and this is a proposition to make an increase in this tax.

Now, Mr. Chairman, it does not seem to me, with all due deference to the gentleman from Illinois—who very frequently reads us a lecture in the House, and nearly always properly—it does not seem to me to lie in his mouth to criticise the expenditures in this bill, because only two years ago, or when these measures were up fixing then upon the District all the expenditures carried in this bill, except those on account of the plaza, the gentleman gave to that measure his consent and approval. This very bridge had been reported against at that time by the engineer officer of the Government of the United States, and some of us thought it ought to have been stricken out of the bill, but the gentleman from Illinois voted for it when the expenses were fixed upon the Government and the District two years ago; and it is a little too late, it seems to me, to bring a provision here, on the conclusion of this bill. It could have been brought in a year ago, when we changed the tax laws of the District; it might come as a separate measure from the Committee on the District of Columbia; but to bring it in here, and now, seems rather as a penalty against the House because we voted a while ago for the plaza. I think therefore, while I say I want the District to bear its fair share of the burden, I am inclined to think we ought to vote down the proposition to tack it upon this bill at this time.

Mr. CANNON. Just one word in reply to the gentleman. Yes; my recollection is that two years ago I voted for the legislation that is now upon the statute books, wisely or unwisely. I thought wisely at the time. I have given many votes here that it subsequently turned out were not wise. I have no pride of opinion. If I have sinned, then I am sorry for it. But since that time many things have happened, many great expenses have been provided for by Congress, and many more are necessary to provide for in the District of Columbia.

Now, upon the whole, I am content to follow the genleman from Wisconsin [Mr. BABCOCK] and the gentleman from Missouri [Mr. COWHERD] as to the wisdom of this legislation, notwithstanding the amendment I offered was voted down. There is nothing extraordinary about that. I expect that is about the two hundredth time I have been voted down on amendments. I always do the best I can. But here is the situation: It is easy to vote for expenditures. Already many hundred thousands of dollars have been advanced from the Treasury of the United States that are to be reimbursed from the revenues of the District, and when we take on these additional burdens we have got to either provide by this taxation or vote burdens without any provision in law for their payment. Now, then, let us have one hand wash the other. That is all I want.

The amendment was considered and rejected.

Mr. BABCOCK. Mr. Chairman, I offer the following amendment, to correct the language of the bill.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to go back and offer the following amendment to the bill. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

In line 7, page 20, after the word "provide," insert the words "with respect to the Baltimore and Potomac Railroad Company."

The amendment was agreed to.

Mr. BABCOCK. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate bill 4825, known as the union station bill, and had instructed him to report the same back with sundry amendments thereto, with the recommendation that as amended the bill do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will submit them to the House in gross.

The amendments were considered in gross, and agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

GREAT FALLS AND OLD DOMINION RAILROAD COMPANY.

Mr. BABCOCK. Mr. Speaker, I want to call up House bill 10522, to provide for laying a single electric railway track across the Aqueduct Bridge in the District of Columbia, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon deposit of the amounts hereinafter stated by the Great Falls and Old Dominion Railroad Company, a corporation of the State of Virginia, the Commissioners of the District of Columbia are hereby authorized and directed to change or rebuild, according to such plans as they may approve, the superstructure of the Aqueduct Bridge across the Potomac River so as to permit the placing thereon of a single electric-railway track for the accommodation of electric cars operating and to operate across said bridge.

SEC. 2. That within thirty days after the approval of this act the said Great Falls and Old Dominion Railroad Company shall deposit with the collector of taxes of the District of Columbia the sum of $1,000, and the said company shall, before the work provided for in the first section hereof shall be begun, deposit with said collector the additional sum of $24,000, the aggregate amount of said sums being the estimated cost of such change or alteration in said bridge necessary for the purpose of accommodating such street-railway traffic across same: *Provided*, That if the sum of $25,000 shall not have been deposited by said railroad company within twelve months after the passage of this act the said company shall forfeit to the said District of Columbia the said sum of $1,000, hereinbefore required to be deposited.

SEC. 3. That within sixty days after the sum of $25,000 shall have been deposited by said company, as hereinbefore required, the Commissioners of the District of Columbia shall, as promptly as possible, proceed with the work of changing or rebuilding the superstructure of the said Aqueduct Bridge, charging the cost of said work to said deposit, and shall continue same until said work is completed: *Provided*, That if said sum is found at any time during the prosecution of said work to be insufficient to complete the same, in the opinion of said Commissioners, the Great Falls and Old Dominion Railroad Company shall deposit with the collector of taxes of said District such sum or sums, not to exceed $5,000, as the Commissioners of the District of Columbia may deem necessary.

SEC. 4. That within ninety days after the completion of the work of changing or rebuilding said bridge, or during the progress of said work, as may be directed by the said Commissioners, the Great Falls and Old Dominion Railroad Company is hereby authorized and directed, under such regulations and upon such plans as may be approved by said Commissioners, to lay upon said bridge and across M street and in Thirty-sixth street to such point south of Prospect street, in the city of Washington, as may be approved by said Commissioners, a single electric-railway track, with necessary switches and turn-outs; that the said Great Falls and Old Dominion Railroad Company is hereby authorized to connect its tracks to be constructed over its right of way in Alexandria County, Va., with the track hereby authorized to be constructed upon the said Aqueduct Bridge, and to operate its cars thereon.

SEC. 5. That any other electric railway company desiring to use said track for the purpose of crossing said bridge and securing connection into the city of Washington may be permitted to do so by the Commissioners of the District of Columbia upon satisfying said Commissioners that it has refunded to said Great Falls and Old Dominion Railroad Company such proportional part of the sum deposited by said company, as herein required, as may be agreed upon between said companies as a fair and equitable compensation for said privilege, and in the event that the said companies shall fail to agree upon the amount to be so refunded, either or any of them may apply by petition to the supreme court of the District of Columbia, which shall immediately provide for proper notice to and hearing of all parties interested, and shall have power to determine the amount to be so refunded for the use of said track.

SEC. 6. That the company or companies using said track shall at all times keep the bridge floor and the pavement between the rails of said track and for a distance of 2 feet outside thereof in repair to the satisfaction of said Commissioners of the District of Columbia, and in the event that the said railway company or companies neglect or refuse to keep said floor and pavement in repair to the satisfaction of said Commissioners, the Commissioners are hereby authorized to make such repairs and collect the cost of the same from such railroad company or companies in such manner as is now provided by law in cases where street pavements adjacent to street railway tracks are repaired by said District; and if the cost of said repairs is not paid by said railroad company or companies within ninety days from the rendition of bills for the same, the said Commissioners are hereby authorized to prevent the operation of said cars by the exercise of their police authority until such time as said bills are paid.

SEC. 7. That no car shall be operated upon said bridge by steam power, nor shall any company operating steam cars within such distance from the south end of the said bridge as to interfere with vehicle traffic thereon be permitted to operate electric cars upon said bridge.

SEC. 8. That the Commissioners of the District of Columbia are hereby authorized to permit the cars of said railroad company or companies using said track across said bridge and in M and Thirty-sixth streets to be operated by the underground electric system or by overhead trolley, as they may deem desirable; and in case the overhead trolley is used each car shall be equipped with a double trolley, and a return wire shall be provided for the electric current equal in capacity to the feed system upon this portion of the line and similarly situated, and no pole of any dynamo furnishing power for the operation of said cars shall be in any manner connected with the earth.

SEC. 9. That the operation of the cars upon the track herein authorized shall be under the direction and control of the Commissioners of the District of Columbia, who are hereby authorized to make such regulations in regard to speed, character, and weight of cars, time of operation, and fare to be charged as they may deem necessary or desirable; and any company violating any regulations of said Commissioners made under the authority of this section shall be subject to a fine of not less than $25 for each and every offense, to be recovered in any court of competent jurisdiction at the suit of said Commissioners, and in default of the payment of such fine the Commissioners are hereby authorized to exercise their police authority to prevent the operation of the cars of the company so defaulting.

SEC. 10. That Congress reserves the right to alter, amend, or repeal this act.

With the following amendments recommended by the committee:

Amend the title by inserting, between the words "electric" and "railway," the word "street."

Page 1, line 9, after the word "electric," insert the word "street."

Page 1, line 10, insert, between the words "electric" and "cars," the word "street."

Page 2, line 8, insert before the word "street" the word "electric."

Page 2, line 13, strike out the period after the word "deposited" and add the following: "and all rights under this act."

Page 2, line 25, insert after the word "such" the word "additional."

Page 3, line 1, strike out the word "five" and insert in lieu thereof the word "ten."

Page 3, line 18, insert between the words "electric" and "railway" the word "street."

Page 5, line 5, insert between the words "electric" and "cars" the word "street."

The amendments recommended by the committee were agreed to.

Mr. BABCOCK. Mr. Speaker, I now yield to the gentleman from Virginia [Mr. RIXEY] to offer two amendments.

Mr. RIXEY. Mr. Speaker, on page 2, in line 13, I move to strike out the word "twelve" and insert the word "three." The effect of this amendment will be to require the railroad company to make its deposit in three months instead of twelve months.

The amendment was considered and agreed to.

Mr. RIXEY. I now offer the following amendment:

The Clerk read as follows:

Amend on page 2, after the word "act" in line 16, by adding the following: "*Provided further*, That if the said Great Falls and Old Dominion Railroad Company shall fail to make said deposit of $1,000 within said thirty days, or the sum of $25,600 within said ninety days, then all rights of the Great Falls and Old Dominion Railroad Company under this act shall be forfeited; in which event the Washington, Arlington and Falls Church Railroad Company may, within ten days from the default made by the Great Falls and Old Dominion Railroad Company, make the said deposit or deposits, and have and enjoy all the rights, privileges, and franchises granted by this act to the Great Falls and Old Dominion Railroad Company."

Mr. RIXEY. Mr. Speaker, the effect of this amendment is this: This bill gives the privilege to the Old Dominion road to lay its tracks across the Aqueduct Bridge, and provides that it must put up a deposit with the District Commissioners of $25,000. This amendment provides that if that company fails to make a deposit the Falls Church Railroad Company, which is now operating cars on the other side, may have the privileges given to the Old Dominion Company.

The amendment was considered and agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

ALLOTMENT OF LANDS TO INDIANS IN NEW YORK.

Mr. VREELAND. Mr. Speaker, I move to suspend the rules and pass House bill 12270 as reported by the Committee on Indian Affairs, together with the committee amendment thereto.

Mr. PERKINS. Mr. Speaker, on that motion I demand a second.

The bill with the proposed amendment was read, as follows:

Be it enacted, etc., That after the consent of a majority of the Indians hereinafter mentioned shall have been obtained to such allotment the President of the United States be, and he hereby is, authorized to allot the lands upon the Allegany and Cattaraugus reservations, within the State of New York, in severalty to the Indians who are located on said reservations, or are entitled to share in such allotments, and in determining who shall be entitled to share in such allotment of land the rolls of the Seneca Nation of Indians (excluding the Tonawanda band), according to which annuity money is paid, shall be controlling, but any error in such rolls may be, for the purposes of allotment, corrected by the commission hereinafter appointed, such corrections to be subject to the approval of the Secretary of the Interior.

SEC. 2. That for the purpose of making the allotment provided for in this act a commission of three men shall be appointed by the President (one of whom may be recommended to the President by the president of the Seneca Nation of New York Indians, provided such nomination be made within thirty days after the date of the approval of this act), the appointment of such commission to take effect and the duties of said commission to begin immediately after the consent of a majority of said Indians to said allotment has been obtained; and said commission shall make their final report as soon as practicable, and certainly within two years of their appointment, and all their functions as a commission shall cease and determine at the time of the submission of their final report. All allotments as made by said commission shall be certified by such commission to the Commissioner of Indian Affairs in duplicate, one copy to be retained in the office of the New York Indian agent and the other copy to be transmitted to the Secretary of the Interior for his action and to be deposited in the General Land Office.

It shall be the duty of said commission, in making said allotments, to appraise the value of all the lands upon said reservations which are not explicitly excepted from allotment in the succeeding sections of this act, but such first appraisement shall not include the value of buildings, orchards, or other improvements on such lands; and such lands shall be appraised in lots sufficiently small to secure a fair uniform valuation per acre in each lot thus appraised, and when the entire value of the land subject to allotment in said reservations shall thus have been appraised and estimated, said amount so estimated shall be divided by the number of Indians who are entitled to allotment at the date of allotment; and the result of such division shall be regarded as a "full share" or "unit of value" in the proposed allotting of lands; and each Indian shall be entitled to an allotment of land of the value of one such "full share." In assigning allotments to individual Indians each Indian shall, so far as practicable, receive the allotment upon which are situated the buildings and improvements now owned by such individual.

The area of the allotment made to any individual shall not be diminished in consequence of the value of any improvements thereon which belong to the allottee; but the area of an allotment to any individual shall be diminished in proportion to the value of any improvements thereon when such improvements did not at the time of allotment belong to the Indian to whom the land on which they stand is allotted. Whenever any individual Indian at the time of allotment holds and occupies any of the lands of said reservations which he has acquired by purchase, descent, or devise, in conformity with the laws and usages of his nation, he shall be reimbursed to the extent of the reasonable value of his improvements on and interest in all such land so belonging to him which shall not be allotted to him. The compensation to be made to any Indian as aforesaid for improvements on and interest in land theretofore held by but not allotted to him, as aforesaid, shall be assessed and determined by the commission appointed by the President to make such allotments, and shall be paid upon the certificate of such allotting commission by the Secretary of the Interior from any money in his hands derived under the provisions of section 4 of this act.

SEC. 3. That upon the approval of the allotments hereinbefore provided for by the Secretary of the Interior he shall cause allotment patents to issue therefor in the name of the allottees, and upon receipt of said patents of allotment each of said allottees shall be and become a citizen of the United States and amenable to the laws of the United States and of the State or Territory where he may then reside; and said patents of allotment shall declare and be of the legal effect that the United States does and will hold the lands thus allotted in trust for the sole use and benefit of the Indian to whom such allotment has been made or his heirs, according to the laws of the State of New York, for a period of twenty-five years, and that at the expiration of such period the United States will convey the same by patent to the said Indian or to his heirs as aforesaid, in fee, discharged of said trust and free of all charge and incumbrance whatsoever, and if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void: *Provided*, That in taking an allotment and becoming a citizen under the provisions of this act the right of any Indian to tribal or other property shall not thereby be affected or impaired: *Provided further*, That at any time after the expiration of one year after such allotments have been made the Secretary of the Interior, upon presentation of a certificate signed and acknowledged by the county judge, the surrogate, and the clerk of the county in which any such allottee may reside, stating that such allottee, in their knowledge and opinion, is temperate, industrious, competent to manage his affairs, and qualified for citizenship, may cause such patent in fee simple to issue at once to such allottee under such regulations as the Secretary of the Interior may prescribe.

SEC. 4. That none of the lands upon the Allegany Reservation within the limits of the villages of Vandalia, Carrollton, Great Valley, Salamanca, West Salamanca and Red House as surveyed and located pursuant to an act of Congress entitled "An act to authorize the Seneca Nation of New York Indians to lease lands upon the Cattaraugus and Allegany reservations and to confirm existing leases," approved February 19, 1875, and none of the lands of the Seneca Nation of New York Indians on the Cattaraugus or Allegany reservations outside of said villages which have been leased and are now legally held by the lessee or grantee thereof pursuant to authority of Congress (other than the lands leased for oil purposes) shall be allotted. Each lessee of such lands, his assigns or grantees, may pay a sum of money 4½ per cent of which equals the annual rental upon the lands so leased by him, and a further sum, bearing the same proportion to the $200,000 hereinafter specified as the area of the lands so leased by him bears to the total area of the lands to which the claim of the Ogden Land Company attaches on the Cattaraugus, Allegany, and Tuscarora reservations, to the Secretary of the Interior for the benefit of said Indians, and when such lessee, assignee, or grantee shall have fully paid said respective sums as herein provided the Secretary of the Interior shall cause a patent to issue vesting in such lessee, assignee, or grantee the full and absolute fee to the lands so leased by him, subject, however, to all valid liens and incumbrances existing thereon at the date of such patent.

That the lands now used and occupied by the Thomas Orphan Asylum on on the Cattaraugus Reservation, not to exceed 160 acres in area, and also the lands used and occupied by the Presbyterian Board of Missions, and the lands upon either of said reservations now used and occupied as cemeteries, church or schoolhouse sites, not exceeding 2 acres in area, respectively, shall not be subject to allotment under this act so long as such lands are actually used and occupied for said purpose.

That nothing in this act contained shall in any manner affect the payment of royalties or rents under any oil lease of lands upon either of said reservations, but such royalties shall continue to be paid the same as heretofore.

SEC. 5. The Secretary of the Treasury is hereby authorized and directed to retain from and out of the funds heretofore appropriated by Congress for the payment of the judgment of the Court of Claims, as finally determined by the Supreme Court in favor of the New York Indians against the United States, in case No. 17861 on the docket of said Court of Claims, the sum of $200,000 until the final determination of the action now pending in the supreme court of the State of New York, in which the said Seneca Nation of Indians is plaintiff, and Charles E. Appleby and others, defendants, and which said action is brought to determine the validity of the claim of the Ogden Land Company to the lands upon the Cattaraugus, Allegany, and Tuscarora reservations; and the Attorney-General of the United States is authorized and directed in behalf of the United States, as guardian of the Indians, to diligently prosecute the case to a final decision; and if it shall be finally adjudged and determined in said action that said Ogden Land Company, or the individuals composing such company, have a valid title to or vested interest in said lands, then the Secretary of the Interior be, and he hereby is, authorized and empowered to purchase in the name of the United States, in trust for the benefit of said Indians, as provided in this act, for a consideration not exceeding said $200,000, all the right, title, interest, claim, and demand of the said Ogden Land Company, and of the individuals composing the same, in and to the lands upon said reservations, and the Secretary of the Treasury shall pay, upon the requisition of the Secretary of the Interior, from said moneys so withheld, the amount of said purchase price, the same to be deducted from the portion of the said judgment belonging to the Seneca and Tuscarora Indians, in proportion of the area of the lands of their respective reservations to which the claim of the Ogden Land Company attaches.

The balance of said moneys so appropriated and now remaining for distribution, together with the balance of the moneys derived under section 4 of this act, not expended in accordance with section 1 hereof, shall be divided among the several beneficiaries thereof as soon after the passage of this act as the census or rolls of the New York Indians now being prepared by the Secretary of the Interior are completed and filed. And in case it shall be finally adjudged and determined in said action that the Ogden Land Company or the individuals composing the same have no valid title to or vested interest in said lands upon said reservations, then upon such final determination said $200,000 so withheld shall be distributed in the manner hereinbefore provided. The portion of such funds belonging to any Indian under the age of 21 years shall be paid to the general guardian of such Indian, duly appointed by the court having jurisdiction in the county where such minor resides, or to some legally qualified depository authorized by the laws of the State of New York to receive and hold in trust the funds of minors, the same to be accounted for upon the arrival of such Indian at the age of 21 years.

SEC. 6. That this act shall not take effect, except for the purpose of purchasing in the interest of the Indians the claim, title, and interest of the Ogden Land Company in and to such lands as above specified, and for distributing the money as provided in section 5, until such purchase has been consummated, but shall take effect in all respects directly after such purchase has been made.

Mr. PERKINS. I ask for a second on the motion to suspend the rules.

Mr. VREELAND. I ask unanimous consent that a second be considered as ordered.

Mr. PERKINS. If an objection would prevent any action on this bill now, I wish to object.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. VREELAND] that a second be considered as ordered?

Mr. PERKINS. I make objection.

The SPEAKER. The Chair appoints as tellers on the question of ordering a second, the gentleman from New York [Mr. VREELAND] and the gentleman from New York [Mr. PERKINS].

The House divided; and the tellers reported—ayes 84, noes 1.

Mr. PERKINS. I raise the point that there is no quorum present.

The SPEAKER (after counting the House). There are 157 members present—less than a quorum.

Mr. PERKINS. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were (on a division (asked for by Mr. PERKINS)—ayes 48, noes 95.

Mr. PERKINS. I call for the yeas and nays.

The yeas and nays were not ordered, only 18 voting in favor thereof.

So the motion to adjourn was rejected.

The SPEAKER. The Doorkeeper will now close the doors, and the Sergeant-at-Arms is directed to bring in absent members. The Clerk will call the roll; and members present will vote as their names are called, or will answer "present."

The question was taken; and there were—yeas 153, nays 29, answered "present" 13, not voting 160; as follows:

YEAS—153.

Acheson,	Foster, Ill.	Little,	Robinson, Ind.
Alexander,	Foster, Vt.	Littlefield,	Ryan,
Aplin,	Gaines, W. Va.	Lloyd,	Scott,
Babcock,	Gardner, Mich.	Loud,	Shackleford,
Bingham,	Gardner, N. J.	Loudenslager,	Shafroth,
Bishop,	Gibson,	Lovering,	Shelden,
Boreing,	Gillet, N. Y.	McAndrews,	Sherman,
Breazeale,	Gillett, Mass.	McCall,	Showalter,
Bromwell,	Glass,	McCleary,	Sibley,
Broussard,	Glenn,	McClellan,	Small,
Brown,	Gordon,	McCulloch,	Smith, Ill.
Bull,	Graff,	McLain,	Smith, Iowa.
Burkett,	Graham,	McRae,	Smith, S. W.
Burleson,	Green. Pa.	Maddox,	Smith, Wm. Alden
Burton,	Greene, Mass.	Mahon,	Southard,
Butler. Pa.,	Griffith,	Marshall,	Southwick,
Calderhead,	Grosvenor,	Mercer,	Sperry,
Cannon,	Hamilton,	Metcalf,	Stark,
Capron,	Haskins,	Mickey,	Steele,
Cassel,	Haugen,	Miers, Ind.	Stewart, N. J.
Cowherd,	Heatwole,	Mondell,	Stewart, N. Y.
Cromer,	Hedge,	Moody, N. C.	Swann,
Dahle,	Hemenway,	Moody, Oreg.	Swanson,
Dalzell,	Henry, Conn.	Morrell,	Tate,
Davey, La.	Hepburn,	Morris,	Thomas, N. C.
Dick,	Hill,	Mudd,	Tirrell,
Dougherty,	Hopkins,	Needham,	Van Voorhis,
Dovener,	Howard,	Norton,	Vreeland,
Draper,	Howell,	Olmsted,	Warnock,
Driscoll,	Hughes,	Otjen,	Watson,
Eddy,	Hull,	Padgett,	Weeks,
Emerson,	Irwin,	Patterson, Pa.	Williams, Ill.
Esch,	Jenkins,	Payne,	Williams, Miss.
Feely,	Jones, Wash.	Pearre,	Woods,
Finley,	Joy,	Prince,	Wright,
Fitzgerald,	Knapp,	Ransdell, La.	Zenor.
Fleming,	Lacey,	Reeves,	
Fletcher,	Lawrence,	Rhea,	
Foss,	Lewis, Pa.	Roberts,	

NAYS—29.

Bell,	Kehoe,	Richardson, Tenn.	Spight,
Candler,	Kitchin, Wm. W.	Rixey,	Sulzer,
Cassingham,	Kluttz,	Russell,	Tawney,
Clark,	Lamb,	Shallenberger	Vandiver,
De Armond,	Moon,	Sheppard,	Wooten.
Fox,	Palmer,	Sims,	
Hitt.	Perkins,	Smith, Ky.	
Johnson,	Randell, Tex.	Snook,	

ANSWERED "PRESENT"—13.

Brundidge,	Gaines, Tenn.	Meyer, La.	Wanger.
Coombs,	Gardner, Mass.	Parker,	
Deemer,	Hooker,	Snodgrass,	
Dinsmore,	Mann,	Wadsworth,	

NOT VOTING—160.

Adams,	Brownlow,	Davis, Fla.	Jett,
Adamson,	Burgess,	Dayton,	Jones, Va.
Allen, Ky.	Burk, Pa.	Douglas,	Kahn,
Allen, Me.	Burke, S. Dak.	Dwight,	Kern,
Ball, Del.	Burleigh,	Edwards,	Ketcham,
Ball, Tex.	Burnett,	Elliott,	Kitchin, Claude
Bankhead,	Butler, Mo.,	Evans,	Kleberg,
Barney,	Caldwell,	Flood,	Knox,
Bartholdt,	Clayton,	Foerderer,	Kyle,
Bartlett,	Cochran,	Fordney,	Landis,
Bates,	Connell,	Fowler,	Lanham,
Beidler,	Conner,	Gilbert,	Lassiter,
Bell,	Conry,	Gill,	Latimer,
Bellamy,	Cooney,	Goldfogle,	Lessler,
Belmont,	Cooper, Tex.	Gooch,	Lester,
Benton,	Cooper, Wis.	Griggs,	Lever,
Billmeyer,	Corliss,	Grow,	Lewis, Ga.
Blackburn,	Cousins,	Hanbury,	Lindsay,
Blakeney,	Creamer,	Hay,	Littauer,
Boutell,	Crowley,	Henry, Miss.	Livingston,
Bowersock,	Crumpacker,	Henry, Tex.	Long,
Bowie,	Currier,	Hildebrant,	McDermott,
Brandegee,	Curtis,	Holliday,	McLachlan,
Brantley,	Cushman,	Jack,	Mahoney,
Brick,	Darragh,	Jackson, Kans.	Martin,
Bristow,	Davidson,	Jackson, Md.	Maynard,
Miller,	Powers, Mass.	Shattuc,	Thomas, Iowa
Minor,	Pugsley,	Skiles,	Thompson,
Morgan,	Reeder,	Slayden,	Tompkins, N. Y.
Moss,	Ried,	Smith, H. C.	Tompkins, Ohio.
Mutchler,	Richardson, Ala.	Sparkman.	Tongue,
Naphen,	Robb,	Stephens, Tex.	Trimble,
Neville,	Robertson, La.	Stevens, Minn.	Underwood,
Nevin,	Robinson, Nebr.	Storm,	Wachter,
Newlands,	Rucker,	Sulloway,	Warner,
Overstreet,	Rumple,	Sutherland,	Wheeler,
Patterson, Tenn.	Ruppert.	Talbert,	White,
Pierce,	Scarborough,	Tayler, Ohio.	Wiley,
Pou,	Schirm,	Taylor, Ala.	Wilson,
Powers, Me.,	Selby,	Thayer,	Young.

The Clerk announced the following pairs:

For the session:

Mr. DEEMER with Mr. MUTCHLER.
Mr. YOUNG with Mr. BENTON.
Mr. KAHN with Mr. BELMONT.
Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. HILDEBRANT with Mr. MAYNARD.
Mr. BROWNLOW with Mr. PIERCE.

For this day:

Mr. MANN with Mr. JETT.
Mr. LITTAUER with Mr. RUPPERT.
Mr. BOUTELL with Mr. GRIGGS.
Mr. BALL of Delaware with Mr. UNDERWOOD.
Mr. DWIGHT with Mr. STEPHENS of Texas.
Mr. BARTHOLDT with Mr. MAHONEY.
Mr. THOMAS of Iowa with Mr. TALBERT.
Mr. TOMPKINS of New York with Mr. TAYLOR of Alabama.
Mr. TOMPKINS of Ohio with Mr. TRIMBLE.
Mr. TONGUE with Mr. WILEY.
Mr. WACHTER with Mr. WHEELER.
Mr. WARNER with Mr. LASSITER.
Mr. WANGER with Mr. ADAMSON.
Mr. BURK of Pennsylvania with Mr. SLAYDEN.
Mr. FOERDERER with Mr. RICHARDSON of Alabama.
Mr. LESSLER with Mr. GOLDFOGLE.
Mr. HENRY C. SMITH with Mr. BARTLETT.
Mr. JACKSON of Maryland with Mr. JONES of Virginia.
Mr. ADAMS with Mr. DINSMORE.
Mr. CURTIS with Mr. CLAUDE KITCHIN.
Mr. MOODY of North Carolina with Mr. LANHAM.
Mr. KNOX with Mr. NEVILLE.
Mr. COUSINS with Mr. JACKSON of Kansas.
Mr. SUTHERLAND with Mr. SPARKMAN.
Mr. SULLOWAY with Mr. SELBY.
Mr. STORM with Mr. SCARBOROUGH.
Mr. STEVENS of Minnesota with Mr. RUCKER.
Mr. SKILES with Mr. ROBERTSON of Louisiana.
Mr. SHATTUC with Mr. ROBB.
Mr. SCHIRM with Mr. REID.
Mr. REEDER with Mr. PUGSLEY.
Mr. POWERS of Massachusetts with Mr. POU.
Mr. POWERS of Maine with Mr. PATTERSON of Tennessee.
Mr. NEVIN with Mr. MOON.
Mr. MOSS with Mr. NAPHEN.
Mr. MORGAN with Mr. MCDERMOTT.
Mr. OVERSTREET with Mr. LIVINGSTON.
Mr. MINOR with Mr. LINDSAY.
Mr. MILLER with Mr. LEWIS of Georgia.
Mr. MARTIN with Mr. LEVER.
Mr. MCLACHLAN with Mr. LESTER.
Mr. CORLISS with Mr. LATTIMER.
Mr. LANDIS with Mr. WILSON.
Mr. KYLE with Mr. KERN.
Mr. JACK with Mr. HENRY of Texas.
Mr. HOLLIDAY with Mr. HENRY of Mississippi.
Mr. HANBURY with Mr. HAY.
Mr. GROW with Mr. GOOCH.
Mr. GILL with Mr. GILBERT.
Mr. FOWLER with Mr. FLOOD.
Mr. EVANS with Mr. ELLIOTT.
Mr. DOUGLAS with Mr. EDWARDS.
Mr. DAVIDSON with Mr. DAVIS of Florida.
Mr. CUSHMAN with Mr. CROWLEY.
Mr. CURRIER with Mr. CREAMER.
Mr. CRUMPACKER with Mr. COOPER of Texas.
Mr. COOPER of Wisconsin with Mr. COONEY.
Mr. CONNELL with Mr. CONRY.
Mr. BURKE of South Dakota with Mr. COCHRAN.
Mr. BRISTOW with Mr. CLAYTON.
Mr. BRICK with Mr. CALDWELL.
Mr. BRANDEGEE with Mr. BUTLER of Missouri.
Mr. BOWERSOCK with Mr. BURNETT.
Mr. BLAKENEY with Mr. BURGESS.
Mr. BLACKBURN with Mr. BRANTLEY.
Mr. BEIDLER with Mr. BILLMEYER.

Mr. BATES with Mr. BALL of Texas.
Mr. ALLEN of Maine with Mr. ALLEN of Kentucky.
Mr. DARRAGH with Mr. BELLAMY.
Until further notice:
Mr. KETCHAM with Mr. SNODGRASS.
Mr. CONNER with Mr. BANKHEAD.
Mr. HEATWOLE with Mr. TATE.
Mr. BURLEIGH with Mr. GRIFFITH.
Mr. TAYLER of Ohio with Mr. BOWIE.
Mr. RUMPLE with Mr. ROBINSON of Nebraska.
Mr. LONG with Mr. NEWLANDS.
Mr. FORDNEY with Mr. KLEBERG.
Mr. BARNEY with Mr. THOMPSON.

Mr. DINSMORE. Mr. Speaker, I forgot for the moment that I was paired with Mr. ADAMS of Pennsylvania. I wish to withdraw my vote, having voted aye on the motion.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called Mr. DINSMORE'S name and he answered present.

The SPEAKER. On this question the yeas are 153, nays 29, present 13. A quorum has appeared, and the second is ordered. The Doorkeeper will open the doors.

Mr. VREELAND. Mr. Speaker, in view of the fact that a quorum is present, I desire to move the previous question.

The SPEAKER. Under the rules, forty minutes' debate is in order, twenty minutes of which can be controlled by the gentleman from New York, Mr. VREELAND, and twenty minutes by the gentleman from New York, Mr. PERKINS.

Mr. PERKINS. I would state, Mr. Speaker, that I have no desire to waste time. I have very few suggestions which I wish to make in reference to the bill, and if the gentleman from New York [Mr. VREELAND] will take ten minutes, I will take ten minutes.

The SPEAKER. Without objection, the gentleman from New York, Mr. PERKINS, at his request, will be allowed ten minutes, and ten minutes will be allowed to be controlled by the gentleman from New York, Mr. VREELAND, the time being shortened to twenty minutes instead of forty. Is there objection? [After a pause.] The Chair hears none, and the gentleman from New York, Mr. VREELAND, is recognized.

Mr. VREELAND. Mr. Speaker, I will state briefly the purposes of the bill and then reserve the balance of my time. There are 5,000 Indians residing in the State of New York. They are living upon reservations under tribal relations, owning the lands in common. As everyone here knows, it has been the policy of the Government for the last twenty years to allot lands in severalty and thus put the Indians on the road toward becoming citizens of the United States. These Indians were not included in the Dawes bill, which passed about fifteen years ago, and under which about 70,000 Indians in the West have been allotted lands in severalty and thus put on the road to become citizens. This bill provides for allotment, making the land inalienable for a period of twenty-five years, except under certain conditions. The reason why these New York lands have remained unallotted for so many years is that there is a defect in the title to the lands. This bill provided, when it was introduced, that a sum of money, not out of the National Treasury, but out of the money coming to the Indians from the National Treasury, should be set aside to purchase and perfect this title so that allotment may follow.

The men who favor the bill believe that the courts have fully passed upon this question; but during the last few weeks an action has been brought in behalf of the Seneca Nation of Indians against this land company to quiet the title to their land. I have therefore proposed to the Committee on Indian Affairs an amendment directing that no money be paid to the land company until this suit shall have passed through the courts and reached its final conclusion.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. VREELAND. Yes.

Mr. TAWNEY. Who instituted this suit?

Mr. VREELAND. The suit was instituted by some gentlemen residing in Rochester.

Mr. TAWNEY. Interested in the Ogden Land Company claim?

Mr. VREELAND. Oh, no; very strongly opposed to it. It was instituted in behalf of the Indians. They are the people who have opposed this claim.

Mr. TAWNEY. What is the amount of the claim?

Mr. VREELAND. The amount which the Ogden Company has stood willing to take for the last twenty years is $200,000. The claim covers 56,000 acres. It is a claim for which the Ogden Land Company paid $30,000 for these reservations in 1810. Of course I have no interest whatever in the Ogden Land Company. I represent 8,000 people who live upon these reservations; who hold ninety-nine-year leases from these Indians, and who want to get a title to their lands. They are unable to do so while this cloud rests upon the title of the Indians. Allotment is impossible so long as this cloud rests upon the title. Now this suit has been started, which will at last go to the Supreme Court of the United States.

In order to insure that that suit shall go through to a conclusion, in order to insure that it shall not be used for the purpose of defeating legislation and be dropped after this Congress adjourns, we have provided in this amendment that the Attorney-General of the United States shall take charge of that suit, and he is instructed to push it forward to a conclusion in the higher courts. Then, if the Ogden Land Company has a legitimate claim, a vested interest in these lands, it will become apparent by the decisions of the courts, and may properly be paid. If the company has no interest in these lands, then allotment can go on and these Indians can be put upon the road to become citizens of the United States.

Mr. PARKER. I should like to ask the gentleman whether the Indians want to have this bill passed and want to have allotment?

Mr. VREELAND. A majority of the Indians are in favor of allotment. Nearly all of them are opposed to payment to the Ogden Land Company of any money, because they have been taught to believe that they do not owe the Ogden Land Company anything. With that claim out of the way, I will say to the gentleman that I think a majority of these Indians are in favor of allotment. The president of the Indian nation, who was elected last month, is in favor of allotment.

No bill before this House has received more careful consideration from those interested in Indian affairs than this bill which is now before the House. It is unanimously reported from the Committee on Indian Affairs. It has received the approval of the Board of Indian Commissioners. It has received the approval of the Commissioner of Indian Affairs. Last October, at Lake Mohonk, at the Twentieth Annual Conference of the Friends of the Indians, more than 300 of those who were interested in their affairs, from all over the United States, after a long discussion of this matter by those who favored it and those who opposed it, decided by unanimous vote that this bill ought to pass. I have a copy of their resolution here.

Mr. Speaker, I reserve the balance of my time.

Mr. PERKINS. Mr. Speaker, I have only very few words to say in reference to this bill.

I should say, first, that so far as I have opposed the consideration of the bill at this time, it was for a reason which, if it had been known to the House, I think would have excited the approval of the members. This bill affects a tribe of Indians in the northern part of the State of New York. There are many items in the bill to which, as I understand, they are opposed. The member of the House most familiar with their case is the gentleman from Michigan [Mr. HENRY C. SMITH]. That gentleman spoke to me on Saturday and said he hoped the bill would not be taken up to-day, and asked if I could in any way prevent its being taken up, in order that he might be heard on the merits on many questions of detail in reference to the bill.

I regret to say that the bill has been taken up, and so far as I am concerned, I am not familiar with the items of detail which, as I understand, are unsatisfactory to some members of the tribe. I shall therefore confine my remarks to one or two statements in reference to the claim of the Ogden Land Company, and I will say to the gentleman in charge of the bill, as I have said already, that so far as I am concerned, if one or two amendments could be agreed to, I should not personally oppose the passage of the bill as it is now before the House.

As it was first before the House, Mr. Speaker, this bill, I say with great deference to my friend on the other side, I think was unfair. Over one hundred years ago the State of Massachusetts granted to three or four persons, who went by the name of the Ogden Land Company, this right, the right to buy of this tribe of Indians their lands when they should want to sell. Now there is a dispute in reference to the right that grew out of this. I do not intend to discuss the legal question before this House; but I say this, and there is not one lawyer in the House or one man in the House who can not see the force of this objection. What was the grant given the Ogden Land Company? The first right to buy the land. What was the price stated? No price was stated. No price having been stated, they have the right to buy the land of the Indians at the price the Indians see fit to take.

Now, this bill as first drawn was for the extinction of these rights, and to be paid out of the money belonging to these Indians, and for this grant of more than a century ago they were allowed $200,000, about one-third of the value of the lands allotted, as is stated in the report. This was to be paid to the Ogden Land Company by the Indians, on what sort of a contract? If I make a contract to buy a piece of land for a thousand dollars, worth fifteen hundred, and the contract is not carried out, I have the right to the $500 difference. If I make a contract with my friend from New York to buy a piece of land at a price he shall ask for

it, then at the time that he exercises the option he will ask for the land all it is worth, and if I refuse, the damages which I will recover must be nominal. And so I say to my friend from Cattaraugus that when Congress says that $200,000 of the money belonging to these Indians should be taken and paid to these people, who a hundred years ago had a contract the validity of which is questioned, this was not a proper thing to ingraft on this bill.

Now, Mr. Speaker, I should say, in fairness to the gentleman from Cattaraugus, that so far as the objection I raised to the bill it was only in reference to the Ogden land claim, because as to the rest of the bill I am not familiar with the subject. I am not familiar with the allotment of land among Indians. I do not know whether it is right or wrong. I can not say it is wrong, because the facts are not within my knowledge. But this I do say: Provision has now been made by an amendment offered by which it is provided that the right of the Ogden Land Company shall be submitted to the courts. An action has already been brought, and if the courts shall determine in their favor the Secretary of the Treasury is then authorized to pay this amount, if it is held the company have a valid claim to the land. That provision has been faultily drawn and could be amended by one or two slight changes, which I hope my friend can see his way to agree to. I have no desire to interpose any factious opposition to the bill.

Mr. VREELAND. I will ask my friend what his amendment is?

Mr. PERKINS. The bill provides that if it shall be held that this Ogden Land Company had a valid right and title or a vested interest in the land then the title shall be extinguished. Now, Mr. Speaker, it seems to me that it may be well to recollect this. That is all the Ogden Land Company has, and if I were the counsel I would say that all they could have was this contract to purchase at a price not stated, and we all of us know that the first essence of a contract is that the price shall be stated. So I think that if the Ogden Land Company had any right they would only be entitled to nominal damages. At all events it can do no harm to provide for that contingency, and I have drawn this amendment to insert after the words "vested interests in said lands," and before "then," the words "or is entitled to recover damages as for a breach of contract for the purchase of such lands." And after "upon said reservations" insert "or the amount which may be awarded for damages for a breach of contract to sell." I believe, Mr. Chairman, if that amendment were put in the bill it would be acceptable.

Mr. VREELAND. Will my friend permit me to interrupt him? I will say that I have no objection to this amendment whatever. The people for whom I am interested are not in favor of the Ogden Land Company. They have already had to pay $20,000 out, and they are not willing to have more paid out.

The SPEAKER. This can only be done by unanimous consent. Is it the request of the gentleman from New York that this bill be amended by the amendment which the gentleman has just read?

Mr. VREELAND. I consent to the amendment.

The SPEAKER. The gentleman from New York asks unanimous consent that the amendment which has just been read be incorporated in the motion. Is there objection?

Mr. FITZGERALD. I ask that it be reported. I could not hear.

The Clerk read as follows:

After "vested interests in said lands," and before "then," insert "or is entitled to recover damages as for a breach of contract for the purchase of such lands;" and after "upon said reservations" insert "or the amount which may be awarded for damages for a breach of contract to sell."

The SPEAKER. The question is whether, by unanimous consent, these amendments shall be considered as pending in the bill with the motion of the gentleman from New York [Mr. VREELAND].

Mr. LACEY. I think, Mr. Speaker, there ought to be some amendment there by which Congress shall not waive the statute of limitations.

Mr. PERKINS. Mr. Speaker, I think there can be no question of the statute of limitations. If there is any validity in this contract the claim for damages can only begin to run when the Indians offer the land for sale. They have never done it down to this time, and there is no question of the statute of limitations in this case.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and these amendments will be considered pending.

Mr. PERKINS. One further amendment, Mr. Speaker. The bill provides that if there is an award made to the Ogden Land Company, which may be for $200,000, certain people who hold leases—I understand a portion of the Indian land has been leased in some village in Cattaraugus County?

Mr. VREELAND. There are six villages under lease of ninety-nine years.

The SPEAKER. The time of the gentleman from New York [Mr. PERKINS] has expired. The gentleman from New York [Mr. VREELAND] has seven minutes remaining.

Mr. VREELAND. I yield to the gentleman from New York [Mr. PERKINS] three minutes more.

Mr. PERKINS. The bill as it is now presented provides that if it is held that the Ogden Land Company had any claim, then the people holding the land under lease shall contribute toward that in proportion to the size of the pieces of land they hold. It seems to me, Mr. Speaker, that that provision is not right, because the proportion of size will be almost nothing. Here are village lots that contain a quarter of an acre, and they pay only in proportion to their size in comparison with a farm, say, of 10 or 20 acres.

Mr. HOPKINS. What is the gentleman's proposition?

Mr. PERKINS. I propose that the word "size" be stricken out and the word "value" inserted.

Mr. VREELAND. I want to say to my friend from New York that if he were familiar with the condition of affairs there, which it would take too long for me to state at this hour, he would not ask for that amendment. These lots already pay a rental to the Indians on the basis of value. By adopting this amendment it would make them pay both ways on the basis of value. For instance, if a man pays $10 a year rent at present, he would have to pay two or three hundred dollars because of his lease. Now, he should not be charged again with the value of it to pay the Ogden land claim, which covers all of the land.

As a matter of fact, a concession has been made by the people in the villages to pay any part of it. It was considered a great concession to pay the $20,000 they have to pay under this bill, because they are capitalizing the rents and paying the Indians all the value they have in it.

Mr. PERKINS. How do they pay $20,000?

Mr. VREELAND. They pay their proportion of the Ogden claim on the land they occupy and about $180,000 to the Indians on the capitalization of the rents.

Mr. VREELAND. They are made to pay the same as the rest of the reservation.

Mr. PERKINS. I am willing that it should be the value of the land, excluding any improvement which they have put upon it—that the buildings which have been added should be excluded—but certainly it should be the value of the land.

Mr. VREELAND. The value of it when?

Mr. PERKINS. To-day.

Mr. VREELAND. How can you separate the value of the lot from the brick building that is on it?

Mr. PERKINS. Oh, that is perfectly easy to do. Millions of dollars' worth of buildings are now upon leased land that pays ground rent. That is perfectly easy.

The SPEAKER. The time of the gentleman from New York [Mr. PERKINS] has expired.

Mr. VREELAND. I now yield two minutes to the gentleman from Arkansas [Mr. LITTLE].

Mr. LITTLE. I yield one minute of that time to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, when this bill came from the committee I was opposed to it. I intended to offer some such amendment as was offered by the gentleman from New York [Mr. PERKINS]. The conditions in regard to these lands are such that something should be done to right them by Congress. The best legal minds in New York differ in regard to this question. The amendment put in the bill provides for an action brought on behalf of the Indians by a former member of this House, who opposes this claim, shall be prosecuted to completion, and if the company is held to have a good claim they shall be paid for it. In my opinion, the amount stated in the bill will be a very reasonable compensation for the claim if it be good. Under all the circumstances, I think the bill in its present shape is the best bill the Indians will ever be able to get through Congress. I think it will be for their interest and for the interest of the State.

The SPEAKER. The gentleman from Arkansas [Mr. LITTLE] is recognized for one minute.

Mr. LITTLE. Mr. Speaker, originally I opposed this bill, and I continued to oppose it until provision was made for litigation to determine the title of the Ogden Land Company. Although somewhat lonesome in my position, I did not believe the title of this company to be valid, and was not willing that the claim should be paid without a judicial determination of the question. But believing, as I do, that this litigation, instituted by the Indians themselves through their counsel and with the assistance of the Attorney-General, as provided in the bill, will determine that question, I assent to this measure.

If this litigation be determined in favor of the company, the title ought to be cleared, and the lands ought to be allotted to the people on the Indian reservation. The other parts of the bill I favor. I believe the land ought to be divided among the Indians,

so that these, like other Indians of the country, may be put at least on the road to citizenship.

Mr. KEHOE. Has the gentleman any objection to this amendment?

Mr. LITTLE. I see no objection to it at all. Anything that will test absolutely the title of the Ogden Land Company before any payment be made meets my approval.

The SPEAKER. The time allowed for debate has expired. The question is on suspending the rules and passing the bill with the amendments reported by the committee, the amendment reported by the gentleman from New York [Mr. VREELAND], and that which has been agreed to on the floor of the House, upon the request of the gentleman from New York [Mr. PERKINS].

The question was put.

The SPEAKER. In the opinion of the Chair, two-thirds have voted in the affirmative; the rules are suspended, and the bill as amended is passed.

KILLING OF ITALIAN SUBJECTS AT ERWIN, MISS.

The SPEAKER laid before the House the following message from the President of the United States; which was read:

To the Congress:

I transmit herewith a report from the Secretary of State in regard to the killing, on July 11, 1901, by an armed mob at Erwin, Miss., of Giovanni and Vincenzo Serio and the wounding by the same mob of Salvatore Liberto, all subjects of the King of Italy, and recommend that, as an act of grace and without reference to the question of the liability of the United States, Congress make suitable provision for the heirs of the two Italian subjects killed and for the survivor, Salvatore Liberto, who was injured, the proceeds to be distributed by the Italian Government in such manner as it may deem proper.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, December 15, 1902.

The SPEAKER. This message, with the accompanying papers, will be printed and referred to the Committee on Appropriations.

Mr. HITT. This document, I think, would, by ordinary usage, go to the Committee on Foreign Affairs.

The SPEAKER. The Chair thinks not, but he would be glad to hear any suggestion from the gentleman on that point.

Mr. HITT. My only suggestion is that claims of this kind have usually been sent by the Secretary of State to our committee, to be incorporated in the annual appropriation bill or otherwise disposed of.

The SPEAKER. The Chair has had that matter investigated, and is advised that claims of this character have usually gone to the Committee on Appropriations. But it is within the province of the gentleman from Illinois to move a reference to the Committee on Foreign Affairs. Does the gentleman make that motion?

Mr. HITT. No, sir; I will not make any motion.

The message, with the accompanying documents, was ordered to be printed, and referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PATTERSON of Pennsylvania, for one day, on account of important business.

To Mr. GLENN, for four days, on account of important business.

To Mr. PATTERSON of Tennessee, indefinitely, on account of important business.

To Mr. BREAZEALE, for five days, on account of important business.

CHANGES OF REFERENCE.

By unanimous consent, the Committee on Indian Affairs was discharged from the further consideration of bills of the following titles, and the same were referred to the Committee on War Claims:

A bill (S. 586) for the relief of Frank C. Darling; and

A bill (S. 587) for the relief of A. M. Darling, administrator.

EXPENSES OF COAL STRIKE COMMISSION.

Mr. CANNON. I desire to call up from the Speaker's table the bill, passed by the House some days ago, to compensate the strike arbitrators. The bill has been returned from the Senate with amendments. I desire to move nonconcurrence in the amendments and to ask for a conference.

The amendments of the Senate to the bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission, appointed by the President of the United States at the request of certain coal operators and miners, were read.

Mr. CANNON. I move that the House nonconcur in the amendments of the Senate, and ask for a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON as conferees on the part of the House.

Mr. PAYNE. I move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *William and George*, Josiah Benton, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the assistant treasurer at Baltimore submitting an estimate of appropriation for increased force in his office—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for fuel, oil, etc.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Ordnance, a statement of the cost of guns and other articles manufactured by the Government—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. OVERSTREET, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 149) to provide for holding terms of court in the district of Utah, reported the same with amendments, accompanied by a report (No. 2864); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13839) granting an increase of pension to John W. B. Huntsman, reported the same without amendment, accompanied by a report (No. 2834); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14256) granting a pension to Jessie R. Dewstoe, reported the same with amendments, accompanied by a report (No. 2835); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14185) granting an increase of pension to Albert Blood, reported the same without amendment, accompanied by a report (No. 2836); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15549) granting an increase of pension to John Wright, reported the same without amendment, accompanied by a report (No. 2837); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15870) granting an increase of pension to John Smith and repealing an act granting an increase of pension to John Smith, approved June 17, 1902, reported the same with amendments, accompanied by a report (No. 2838); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15396) granting an increase of pension to George H. Stone, reported the same with amendment, accompanied by a report (No. 2839); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15416) granting an increase of pension to William Thompson, reported the same with amendment, accompanied by a report (No. 2840); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7385) granting an increase of pension to John Kelley, second, reported the same with amendment, accompanied by a report (No. 2841); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15684) granting an increase of pension to Joseph R. Prentice, reported the same with amendments, accompanied by a report (No. 2842); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12963) granting a pension to Sarah E. Smith, reported the same with amendments, accompanied by a report (No. 2843); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12413) granting an increase of pension to William Zickerick, reported the same with amendments, accompanied by a report (No. 2844); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8244) granting a pension to Bridget Logan, reported the same with amendments, accompanied by a report (No. 2845); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15571) granting an increase of pension to John Macfarlane, reported the same with amendment, accompanied by a report (No. 2846); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6889) granting an increase of pension to Michael Rader, reported the same with amendments, accompanied by a report (No. 2847); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2675) granting an increase of pension to John M. Stanley, reported the same with amendments, accompanied by a report (No. 2848); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14262) granting a pension to Harriett Robinson, reported the same with amendments, accompanied by a report (No. 2849); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6719) granting an increase of pension to John H. Hall, reported the same with amendment, accompanied by a report (No. 2850); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10757) granting an increase of pension to Lewis Fishbaugh, of Macon, Mo., reported the same with amendments, accompanied by a report (No. 2851); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15874) granting a pension to Rebecca R. Greer, reported the same with amendments, accompanied by a report (No. 2852); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3265) granting an increase of pension to Henry Pensinger, reported the same without amendment, accompanied by a report (No. 2853); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1923) granting an increase of pension to F. W. Damon, reported the same with amendments, accompanied by a report (No. 2854); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13200) granting an increase of pension to Charles B. Greely, reported the same with amendment, accompanied by a report (No. 2855); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14302) granting an increase of pension to Samuel Burrell, reported the same with amendment, accompanied by a report (No. 2856); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15409) granting an increase of pension to James Claybourn, reported the same with amendment, accompanied by a report (No. 2857); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5019) granting a pension to Alsey G. Potts, reported the same with amendments, accompanied by a report (No. 2858); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7680) granting an increase of pension to David C. Yakey, reported the same with amendment, accompanied by a report (No. 2859); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5792) granting an increase of pension to Andrew J. Reeves, reported the same with amendment, accompanied by a report (No. 2860); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4266) granting an increase of pension to Henry Ehmke, reported the same with amendments, accompanied by a report (No. 2861); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6161) granting an increase of pension to Homer Davis, reported the same with amendments, accompanied by a report (No. 2862); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15441) granting an increase of pension to Josiah Stackpole, reported the same without amendment, accompanied by a report (No. 2863); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 4270) for the relief of Gideon Holton, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SHERMAN: A bill (H. R. 16059) to provide for the greater protection of human life in the Government Hospital for the Insane and the better security of its buildings and the contents thereof against destruction or injury by fire—to the Committee on Appropriations.

By Mr. McRAE: A bill (H. R. 16060) for the protection of the public forest reserves and national parks of the United States—to the Committee on the Public Lands.

By Mr. OVERSTREET: A bill (H. R. 16061) to increase the limit of cost for the purchase of a site and the erection of a public building at Indianapolis, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. McRAE: A bill (H. R. 16062) to provide for the sale of the timber and other material growing or being on public forest reserves and for renting or leasing of the lands therein—to the Committee on the Public Lands.

By Mr. JOY: A bill (H. R. 16063) to punish frauds at elections of Representatives and Delegates in Congress and of electors for President and Vice-President, and for other purposes—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. DE ARMOND: A bill (H. R. 16064) to raise revenue by taxing trust and other monopoly goods, wares, and merchandise at the same rate as if they were imported, and for other purposes—to the Committee on Ways and Means.

Also, a bill (H. R. 16065) to apply bankruptcy legislation to the trust evils, and for other purposes—to the Committee on the Judiciary.

By Mr. DOUGHERTY: A bill (H. R. 16066) to amend an act entitled "An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory," approved June 6, 1900—to the Committee on Indian Affairs.

By Mr. ALLEN of Kentucky: A bill (H. R. 16067) to increase the limit of cost for the purchase of site and erection of a public building at Henderson, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. ESCH: A bill (H. R. 16068) to establish a permanent military camp ground in the vicinity of Camp Douglass, in Juneau County, Wis.—to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 16069) authorizing the Secretary of the Interior to sell certain lands therein mentioned—to the Committee on the Public Lands.

By Mr. JENKINS: A bill (H. R. 16126) for the relief of pensioners of the Metropolitan police fund—to the Committee on the District of Columbia.

By Mr. McCALL: A joint resolution (H. J. Res. 234) temporarily extending the privileges of the coasting laws to foreign steamers carrying coal between American ports—to the Committee on the Merchant Marine and Fisheries.

By Mr. LIVINGSTON: A joint resolution (H. J. Res. 235) to enlarge the powers of the Director of the Census—to the Select Committee on the Census.

By Mr. MIERS of Indiana (by request): A joint resolution (H. J. Res. 236) to provide a site upon which to erect a national

theater in the District of Columbia—to the Committee on Public Buildings and Grounds.

By Mr. CRUMPACKER: A concurrent resolution (H. C. Res. 63) requesting and authorizing the Secretary of War to make a preliminary examination and survey of Indiana Harbor, located on Lake Michigan, in the State of Indiana—to the Committee on Rivers and Harbors.

By Mr. WACHTER: A resolution (H. Res. 357) authorizing the employment of William A. Beitler as page in the press gallery of the House during the present session—to the Committee on Accounts.

By Mr. MOON: A resolution (H. Res. 358) that Tuesday, the 13th day of January, 1903, immediately after reading of the Journal, be set apart for the consideration of H. R. 12268, being a bill to create the Territory of Jefferson and to provide a temporary government for the same, and for other purposes—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 16070) granting an increase of pension to John B. Hart—to the Committee on Invalid Pensions.

By Mr. APLIN: A bill (H. R. 16071) granting a pension to Michael Bocoskey—to the Committee on Pensions.

By Mr. BENTON: A bill (H. R. 16072) granting an increase of pension to Joseph N. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16073) granting an increase of pension to John H. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16074) granting an increase of pension to Samuel H. Legg—to the Committee on Invalid Pensions.

By Mr. BILLMEYER: A bill (H. R. 16075) granting a pension to Sarah E. Evans—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 16076) for the relief of estate of Joseph M. Witt—to the Committee on War Claims.

By Mr. CASSEL: A bill (H. R. 16077) granting a pension to Leighton M. Perveil, alias Charles H. Hunt—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: A bill (H. R. 16078) granting an increase of pension to Margaret Robison—to the Committee on Invalid Pensions.

By Mr. CLARK: A bill (H. R. 16079) granting a pension to James J. W. Clifton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16080) granting a pension to William H. Boulden—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 16081) granting a pension to David Fluke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16082) granting an increase of pension to Mrs. Emma Van Scoyoc—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16083) granting an increase of pension to Leonard Boyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16084) granting an increase of pension to George Weight—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 16085) granting an increase of pension to R. C. Goodale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16086) granting an increase of pension to Edward Gooley—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 16087) removing the charges of desertion and granting an honorable discharge to Caleb Aber—to the Committee on Military Affairs.

Also, a bill (H. R. 16088) granting an increase of pension to William L. Shipps—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 16089) granting an increase of pension to Thomas Claiborne—to the Committee on Pensions.

Also, a bill (H. R. 16090) for the relief of estate of James Overton, deceased—to the Committee on War Claims.

By Mr. GARDNER of Michigan: A bill (H. R. 16091) to correct the military record of William Hommelsberg—to the Committee on Military Affairs.

By Mr. GRIFFITH: A bill (H. R. 16092) granting an increase of pension to Samuel Moffitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16093) granting a pension to George Bowing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16094) granting an increase of pension to William M. Neal—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16095) granting a pension to Agnes Vaughn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16096) granting a pension to Eliza M. Patton—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 16097) granting an increase of pension to Jacob H. Lynch—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 16098) for the relief of Old Thorntons Gap Baptist Church, in Rappahannock County, Va.—to the Committee on War Claims.

By Mr. JENKINS: A bill (H. R. 16099) to cancel certain taxes assessed against the Kall tract—to the Committee on the District of Columbia.

By Mr. NEVIN: A bill (H. R. 16100) granting a pension to Elizabeth Hatfield—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 16101) granting an increase of pension to John M. Brown—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 16102) for the relief of C. W. Beals—to the Committee on War Claims.

By Mr. SHATTUC: A bill (H. R. 16103) granting a pension to Adelaide B. Warwick—to the Committee on Invalid Pensions.

By Mr. SHOWALTER: A bill (H. R. 16104) granting an increase of pension to James Graham, a veteran of two wars—to the Committee on Invalid Pensions.

By Mr. SMITH of Arizona: A bill (H. R. 16105) authorizing the President to reinstate Alexander G. Pendleton, jr., as a cadet in the United States Military Academy—to the Committee on Military Affairs.

By Mr. SMITH of Illinois: A bill (H. R. 16106) for the relief of James Walden—to the Committee on Military Affairs.

Also, a bill (H. R. 16107) granting a pension to Virginia E. Smith—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 16108) for the relief of Samuel Puleston—to the Committee on Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 16109) for the relief of James Scovey—to the Committee on Claims.

By Mr. THOMAS of Iowa: A bill (H. R. 16110) granting an increase of pension to John T. Thatcher—to the Committee on Invalid Pensions.

By Mr. TONGUE: A bill (H. R. 16111) granting a pension to John Loy—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 16112) granting a pension to Joseph H. Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16113) granting an increase of pension to William C. Armstrong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16114) granting a pension to Benjamin F. Brockett—to the Committee on Invalid Pensions.

By Mr. CORLISS: A bill (H. R. 16115) for the relief of Louise M. Hutton, widow of William H. H. Hutton—to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: A bill (H. R. 16116) to remove the charge of desertion from the military record of Joseph Jernigan—to the Committee on Military Affairs.

By Mr. SOUTHARD: A bill (H. R. 16117) granting an increase of pension to Allen S. Ferguson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16118) granting an increase of pension to James S. Everich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16119) granting an increase of pension to John H. Bush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16120) granting an increase of pension to John McLain—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 16121) granting an increase of pension to John W. Lackens—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 16122) for the relief of James C. Finn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16123) granting a pension to John H. Allison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16124) for the relief of Edward Chastain—to the Committee on Military Affairs.

Also, a bill (H. R. 16125) for the relief of Thomas Holderby—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BENTON: Papers to accompany House bill granting an increase of pension to Samuel H. Legg—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Joseph N. Baker—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to John H. Smith—to the Committee on Invalid Pensions.

By Mr. BURKETT: Petition of H. J. Allen, of St. Louis, Mo., in reference to headlights on railroad locomotives—to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER of Missouri: Petition of the J. & C. Maguire Medicine Company, St. Louis, Mo., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of the National Live Stock Association, favoring the passage of House bills 14488 and 14643—to the Committee on Ways and Means.

Also, resolutions of the Commercial Club of Kansas City, Mo., favoring the admission to statehood of the Territories of Oklahoma, Arizona, and New Mexico—to the Committee on the Territories.

Also, resolution of the St. Louis Merchants' Exchange, favoring the removal of all restrictions upon the rights of alienation of all lands in the Indian Territory—to the Committee on the Territories.

Also, petition of the Secretary of the Agricultural Club of St. Louis, Mo., in favor of placing works of art on the free list—to the Committee on Ways and Means.

Also, petition of Jacob Sands and three other veterans of the civil war, of Adair County, Mo., urging the passage of Senate bill 4850—to the Committee on Invalid Pensions.

By Mr. CASSEL: Papers to accompany House bill granting a pension to Leighton M. Perveil, alias Charles H. Hunt—to the Committee on Invalid Pensions.

By Mr. CLARK: Petition of landowners of Warren and Franklin counties, Mo., in relation to appropriations for improvements upon the Missouri River—to the Committee on Rivers and Harbors.

By Mr. CORLISS: A statement of biography, military history, public service, illness, and death of Surg. W. H. H. Hutton, to accompany bill for the relief of his widow—to the Committee on Invalid Pensions.

By Mr. CURRIER: Petition of August Goldeke & Co. and others, of Nashua, N. H., asking for the removal of the tariff on certain glass products—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of the Shepherd Manufacturing Company, of Pittsburg, Pa., in favor of House bill 178, for the reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. EDDY: Petition of 32 citizens of Swift County, Minn., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, resolution of Minnesota Historical Society, in favor of appropriation for the preservation of Fort Snelling—to the Committee on Military Affairs.

By Mr. ESCH: Petition of A. J. Remondino and others, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. EVANS: Papers to accompany House bill 12668, granting an increase of pension to Robert A. McNaught—to the Committee on Invalid Pensions.

By Mr. FEELY: Petition of F. X. Bradecker and sundry citizens of Chicago, Ill., opposing the restriction of immigration of all classes and favoring the restriction of anarchists—to the Committee on Immigration and Naturalization.

By Mr. FOERDERER: Petition of the Presbytery of Lehigh, Upper Lehigh, Pa., favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

Also, papers to accompany House bill 15774, for an increase of pension to Ella P. Kerstetter—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 15773, granting an increase of pension to Charles Dalrymple—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Resolutions of the Paint Grinders' Association, Chicago, Ill., in relation to freight classification—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Live Stock Association, favoring the passage of House bills 14488 and 14643—to the Committee on Ways and Means.

By Mr. GREENE of Massachusetts: Resolution of the Old Colony Association of Universalists of Massachusetts, favoring a laboratory in the Department of Justice—to the Committee on the Judiciary.

By Mr. GRIFFITH: Petition of county officials of Brown County, Ind., to accompany House bill 7399, granting an increase of pension to James Scrogham—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 16093, granting a pension to George Bowing—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 16096, granting an increase of pension to Eliza M. Patton—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 16092, granting an increase of pension to Samuel Moffitt—to the Committee on Invalid Pensions.

By Mr. HASKINS: Petition of Lester H. Greene Company, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HAY: Petition of citizens of Rappahannock County, Va., to accompany House bill for the relief of Thorntons Gap Baptist Church—to the Committee on War Claims.

By Mr. HILL: Petition of the Lake Torpedo Boat Company, of Bridgeport, Conn., in relation to contracts for submarine torpedo boats—to the Committee on Naval Affairs.

By Mr. JONES of Washington: Resolutions of the Everett, Wash., Chamber of Commerce, and the Produce Exchange of Seattle, for the enactment of liberal laws for the district of Alaska, to open the land to settlement, etc.—to the Committee on the Public Lands.

Also, resolutions of the Chamber of Commerce of Everett, Wash., for an illiteracy test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KERN: Papers to accompany House bill 6828, relating to the correction of the military record of Boas Ford—to the Committee on Military Affairs.

Also, petition of E. M. Middleton, of Greenfield, Ill., favoring House bill 15188, pensioning the blind—to the Committee on Invalid Pensions.

By Mr. KNAPP: Papers to accompany House bill for the relief of George W. Armstrong, also for the relief of co-heirs and legal representatives of John Wood, late a captain in the Continental Army, Revolutionary war—to the Committee on War Claims.

By Mr. MADDOX: Petition of heirs of William W. Smith, deceased, late of Paulding County, Ga., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. NAPHEN: Resolutions of the Massachusetts State Board of Trade, relative to Alaskan legislation—to the Committee on the Territories.

Also, resolution of same, favoring restriction of immigration by an illiteracy test—to the Committee on Immigration and Naturalization.

By Mr. NEVIN: Petition of M. and L. Johnson and other citizens of Dayton, Ohio, asking for the removal of the tariff on certain glass products—to the Committee on Ways and Means.

By Mr. OTJEN: Petition of John R. Drake, A. J. Hiller & Co., and others, of Milwaukee, Wis., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. RYAN: Relsolutions of the Schoolmasters' Club of Erie County, N. Y., in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. RUMPLE: Petition of Wilson, Close & Co., Iowa City, Iowa, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. SCOTT: Resolutions of the Topeka Commercial Club, of Topeka, Kans., in favor of a tariff commission—to the Committee on Ways and Means.

Also, resolutions of the Commercial Club of Topeka, Kans., favoring the passage of the Elkins bill, to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SHATTUC: Papers to accompany House bill 15674, granting a pension to John A. T. McPherson—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: Petition of the Presbytery of Columbus, Lancaster, Ohio, favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

Also, petition of the Church of Christ, Mungen, Ohio, for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. STEELE: Petition of Henry M. Ader and 40 other citizens of Somerset, Ind., in favor of the post-check currency bill—to the Committee on the Post-Office and Post-Roads.

By Mr. TIRRELL: Petition of Joseph Burnett Company, in favor of House bill 15368—to the Committee on Ways and Means.

By Mr. WARNOCK: Papers to accompany House bill granting an increase of pension to John W. Lackens—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill granting a pension to Benjamin F. Brackett—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to William C. Armstrong—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to John H. Allison—to the Committee on Invalid Pensions.

By Mr. WOODS: Resolutions of the Merchants' Association, San Francisco, Cal., in favor of a tariff commission—to the Committee on Ways and Means.

SENATE.

TUESDAY, *December 16, 1902.*

Prayer by Rev. F. L. DAY, Ph. D., of the city of Washington.

Mr. WILLIAM A. CLARK, a Senator from the State of Montana, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

RECEIPTS AND EXPENDITURES IN CUBA AND THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, which will be read.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, December 12, 1902.

SIR: I have the honor to invite attention to the act of Congress entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes," approved July 1, 1902, and contained in Public Document No. 217, which is, in part, as follows:

"Statement of receipts and expenditures in Cuba and the Philippine Islands: To enable the Secretary of War to employ temporary force and to pay all necessary expenses, including rent of rooms, not to exceed $1,500 in compiling for the information of Congress a detailed statement of the receipts and expenditures by the military government of Cuba since May 1, 1900, in continuation and completion of the statement heretofore furnished of such receipts and expenditures covering the period from the beginning of American occupation to and including April 30, 1900; and to enable the Secretary of War to pay all necessary expenses in compiling, for the information of Congress, a similar statement relating to the Philippine Islands of all receipts and expenditures from the date of American occupation, $30,000, or so much thereof as may necessary, to be available until expended."

In pursuance of said act the work of preparing the statements called for therein has been undertaken, and there are forwarded to you this day under separate cover four packages, as follows:

Package No. 1 contains detailed statements of revenues and expenditures in Cuba during the fiscal year ended June 30, 1901, comprising 4,146 pages.

Package No. 2 contains detailed statements of revenues and expenditures in Cuba for the period from July 1, 1901, to May 19, 1902, comprising 4,037 pages.

Package No. 3 contains detailed statements of expenditures in Cuba in the months of May and June, 1900, heretofore reported in totals only, comprising 169 pages. (For former report see Senate Document No. 448, Fifty-seventh Congress, first session.)

Package No. 4 contains detailed statements of expenditures made by Gen. Charles F. Humphrey and other officers, from funds advanced by the United States from Army appropriations, for barracks and quarters for the fiscal year 1900, which expenditures were charged against the revenues of Cuba by Executive order of July 11, 1899, and an amount equaling the total sums expended refunded by the Government of Cuba to the United States Government. This report comprises 14 pages.

Other statements, now in course of preparation, will be forwarded as rapidly as it is possible to complete them. These statements will include expenditures subsequent to May 19, 1902, out of an appropriation of $100,000, retained from Cuban revenues, now being disbursed under direction of Brig. Gen. Leonard Wood, for settlement of the cost of preparing and printing the final official reports as well as certain accounts pertaining to the late military government of Cuba by the United States.

Statements of revenues and expenditures in the Philippine Archipelago from the date of occupation to the present time are in course of preparation, and will be transmitted when the tabulation is completed.

Very respectfully,

ELIHU ROOT,
Secretary of War.

Hon. WILLIAM P. FRYE,
President pro tempore United States Senate.

The PRESIDENT pro tempore. If there be no objection, the communication will be referred to the Committee on Relations with Cuba, and printed.

Mr. ALLISON. The exhibits seem to be very voluminous.

The PRESIDENT pro tempore. What is the suggestion of the Senator from Iowa? The Chair thinks that the accompanying papers also contain some items touching expenditures in the Philippines.

Mr. ALLISON. Very well; I suggest that the matter be referred to the Committee on Military Affairs, and if it is desirable to print it, let it be printed with their recommendation. I observed casually as it was read at the desk that there is one document of 1,440 pages accompanying the communication. I suggest that the question of printing be referred to the Committee on Military Affairs. I understand that the matter contains a detailed statement of the expenditures and receipts in Cuba.

The PRESIDENT pro tempore. It does.

Mr. ALLISON. That certainly must be a very voluminous document and the question whether it ought to be printed, it seems to me, should be submitted to some committee.

The PRESIDENT pro tempore. It also states that further communications and further statements will be made in relation to Cuba and in relation to the Philippine Archipelago. The question in the mind of the Chair is whether it should not go to the Committee on Printing and perhaps remain there until the further intelligence has been received.

Mr. ALLISON. I think that would be a wise course.

Mr. PLATT of Connecticut. Mr. President, I have just come into the Chamber, but I think I know what has been sent to the Senate. It will be remembered that some portion of the expenditures in Cuba has been printed by the Committee on Relations with Cuba for the use of the committee. There has been no general print. There are five large volumes, I think, that have been printed and distributed to members of the Senate. I believe a very proper disposition of the matter is to refer it to the Committee on Printing.

Mr. CULLOM. Mr. President, I am in harmony with the suggestion of the President of the Senate, that it be referred to the Committee on Relations with Cuba, and let that committee determine whether it is worth printing or not. It seems to me that would be the wiser course, unless we want to have the whole of the matter printed without reference to the value or the cost of it.

Mr. ALLISON. As I gather the purport of the letter, it is a recommendation for a deficiency; and then it gives with some detail the kind and character of work that is being done. If a deficiency appropriation is necessary, that is one question; but the question whether it is necessary to print all the receipts and expenditures of Cuba in detail is quite another matter, and it ought to be considered by the committee of which the Senator from Connecticut is chairman.

Mr. PLATT of Connecticut. I think the Committee on Relations with Cuba now has a large mass of this work in the committee room, with which we have done nothing, because we did not know what to do about it.

Mr. CULLOM. I think a reference to the Senator's committee is the best course.

Mr. PLATT of Connecticut. I have no objection to its reference to the Committee on Relations with Cuba to make recommendation as to what should be done.

Mr. ALLISON. If the immediate object of the communication is to secure an emergency appropriation, as I inferred from listening, as well as I could, to what was read at the desk, perhaps it should go to the Committee on Appropriations.

The PRESIDENT pro tempore. The Chair thinks it is rather an explanation of expenditures under an appropriation in the deficiency act which was passed at the last session of Congress, and not a request for a deficiency now.

Mr. ALLISON. Very well; but I know these voluminous documents should not be printed without the sanction of some one of the committees having charge of the subject.

Mr. CULLOM. If it is in order I will move that the communication and all of the accompanying papers shall be referred to the Committee on Relations with Cuba.

The PRESIDENT pro tempore. The communication from the Secretary of War will be printed and referred to the Committee on Relations with Cuba, and the accompanying papers will be referred to the Committee on Relations with Cuba without any order to print.

ALVA C. LAKE.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Alva C. Lake, executor of Daniel Lake, deceased, *v.* The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 257) to establish a light-house and fog-signal station at Mukilto Point, near the city of Everett, State of Washington.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 10522) to provide for the laying of a single electric track across the Aqueduct Bridge in the District of Columbia, and for other purposes; and

A bill (H. R. 16057) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Board of Trade of Worcester, Mass., and a petition of the Merchants'

Association of San Francisco, Cal., praying for the appointment of a permanent national tariff commission; which were referred to the Committee on Finance.

Mr. DRYDEN presented the memorial of Cyrus B. Crane, of Caldwell, N. J., remonstrating against the admission into the Union of the Territories of Arizona, Oklahoma, and New Mexico; which was ordered to lie on the table.

He also presented a petition of the International Association of Machinists, American Federation of Labor, of Hoboken, N. J., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Montclair, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Pulaski Monument Polish Central Committee, of Chicago, Ill., praying for the erection of an equestrian statue to the memory of the late Brigadier-General Count Casimir Pulaski; which was referred to the Committee on the Library.

Mr. QUAY presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

Mr. FAIRBANKS presented a petition of the Board of Trade of Indianapolis, Ind., praying for the enactment of legislation to open the Territory of Alaska to settlement and the mineral wealth of that district to the industry of the United States; which was referred to the Committee on Territories.

He also presented a petition of the Board of Trade of Indianapolis, Ind., praying for the enactment of legislation to provide an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented a memorial of the National Woman's Christian Temperance Union of Evanstown, Ill., remonstrating against the admission into the Union of the Territories of Arizona and New Mexico unless there is a restriction against the practice of polygamy; which was ordered to lie on the table.

He also presented the petition of C. E. Nichols & Co., of Lowell, Ind., and a petition of the Commercial Club of Indianapolis, Ind., praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

Mr. FRYE presented a memorial of the New York Preachers' Meeting of the Methodist Episcopal Church, remonstrating against the restoration of the Army canteen; which was referred to the Committee on Military Affairs.

He also presented a petition of the New York Preachers' Meeting of the Methodist Episcopal Church, praying for the enactment of legislation to restrict illiterate immigration, and also for the suppression of liquor selling in United States immigrant stations; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SCOTT. I report favorably from the Committee on Pensions sundry bills for the senior Senator from Kentucky [Mr. DEBOE], who is detained from the Senate on account of sickness.

The PRESIDENT pro tempore. The reports will be received.

Mr. SCOTT (for Mr. DEBOE), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3773) granting an increase of pension to Leroy Roberts;

A bill (S. 2114) granting an increase of pension to Sarah B. Barger; and

A bill (S. 2111) granting an increase of pension to William Kepler.

Mr. SCOTT (for Mr. DEBOE), from the Committee on Pensions, to whom was referred the bill (S. 1914) granting an increase of pension to Elbert Chittum, reported it with amendments, and submitted a report thereon.

He also (for Mr. DEBOE), from the same committee, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13669) granting an increase of pension to James H. McVicker;

A bill (H. R. 10339) granting an increase of pension to John L. Moore;

A bill (H. R. 9402) granting an increase of pension to Alexander Curd;

A bill (H. R. 13411) granting an increase of pension to Clarence D. Hess; and

A bill (H. R. 6727) granting an increase of pension to Remembrance J. Williams.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 3405) granting an increase of pension to W. H. H. Bouslough, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6006) granting an increase of pension to John Canty, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6526) granting an increase of pension to Orin T. Fall; and

A bill (H. R. 14478) granting an increase of pension to Luman Fuller.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2849) granting an increase of pension to Charles S. Ely;

A bill (H. R. 8309) granting an increase of pension to Sylvester Holiday; and

A bill (H. R. 8542) granting an increase of pension to Parmenas F. Harris.

Mr. GALLINGER (for Mr. PRITCHARD), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12745) granting an increase of pension to Edmond Likes;

A bill (H. R. 12968) granting an increase of pension to John T. Mull;

A bill (H. R. 12430) granting a pension to Abner H. Lester;

A bill (H. R. 12424) granting an increase of pension to Wallace K. May;

A bill (H. R. 13332) granting an increase of pension to William G. Cantley; and

A bill (H. R. 12109) granting an increase of pension to Frederick Benefeldt.

Mr. GALLINGER (for Mr. PRITCHARD), from the Committee on Pensions, to whom was referred the bill (H. R. 11623) granting an increase of pension to John Blackler, reported it with an amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 6408) to provide for a site for a depot for the Revenue-Cutter Service, reported it with amendments, and submitted a report thereon.

Mr. PATTERSON (for Mr. CARMACK), from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 11893) granting an increase of pension to Cornelia A. Dennis; and

A bill (H. R. 13449) granting an increase of pension to Mary A. E. Scott.

BUST OF LATE PRESIDENT M'KINLEY.

Mr. WETMORE. I am directed by the Committee on the Library, to whom was referred the joint resolution (S. R. 131) to purchase a bronze portrait bust of the late President McKinley from Mrs. Emma Cadwallader-Guild, to report it with an amendment, and I ask for its present consideration.

The Secretary read the joint resolution; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on the Library was, at the beginning of the joint resolution, to strike out the words "That a sufficient sum, as may be necessary, at their discretion" and to insert in lieu thereof "That the sum of $3,000, or so much thereof as may be necessary;" so as to make the joint resolution read:

That the sum of $3,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Joint Committee on the Library to purchase from Mrs. Emma Cadwallader-Guild her bronze portrait bust of the late President McKinley.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

INCREASED PENSIONS FOR LOSS OF LIMBS.

Mr. GALLINGER. Mr. President, on the 19th day of April last the Senate passed Senate bill 4850, the title of which is "To increase the pensions of those who have lost limbs in the military or naval service of the United States, or are totally disabled in

the same." The bill went to the other House and was amended in many important particulars and returned to the Senate, and upon my motion it was recommitted to the committee. The committee has been deluged with letters concerning the bill, some of which have not been overrespectful, but the committee is still of opinion that the bill ought to be passed in some form.

I am directed by the committee to report back the bill to the Senate, and I move that the Senate nonconcur in the amendments made by the House of Representatives and ask for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. MCCUMBER, and Mr. TALIAFERRO were appointed.

DISTRIBUTION OF CONGRESSIONAL RECORD.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the amendment of the House of Representatives to the bill (S. 2296) to amend an act approved March 2, 1895, relating to public printing, to report it back and recommend that the amendment be concurred in. I ask for the present consideration of the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The Secretary read the amendment of the House of Representatives, as follows:

Strike out all after the enacting clause and insert:

"That the first and tenth paragraphs of the printing act of January 12, 1895, following the paragraph which reads 'The Public Printer shall furnish the CONGRESSIONAL RECORD as follows and shall furnish gratuitously no others in addition thereto' be amended by striking out of said first paragraph the words 'forty-four' between the word 'Senator' and 'copies' in the first line and insert in lieu thereof the words 'eighty-eight;' and by striking out the word 'thirty' between the words 'Delegate' and 'copies' in the fourth line of said first paragraph and insert in lieu thereof the word 'sixty;' and by inserting in the ninth line of said first paragraph after the word 'copies' and before the word 'to' the following: 'and to the Clerk for the use of members of the House of Representatives 50 copies.' And amend said tenth paragraph by inserting in the third line thereof between the words 'Museum' and 'one' the words, 'the Department of Labor and Civil Service Commission' and further amend said tenth paragraph by striking out in the second line the word 'and' between the words 'Institution' and 'the.'"

Mr. PLATT of New York. It doubles the number of copies of the CONGRESSIONAL RECORD distributed to members of the Senate and House.

Mr. COCKRELL. Now let the bill be read as it would stand if the amendment is agreed to.

Mr. PLATT of New York. It doubles the number of copies that are to be furnished to Senators and members of the House.

The PRESIDENT pro tempore. The Secretary will read the bill as it would read as the committee propose to amend it.

The SECRETARY. The first paragraph referred to, if amended, would read as follows:

The Public Printer shall furnish the CONGRESSIONAL RECORD as follows, and shall furnish gratuitously no others in addition thereto:

To the Vice-President and each Senator, 88 copies; and to the Secretary and Sergeant-at-Arms of the Senate, each 20 copies; and to the Secretary for office use, 10 copies; to each Representative and Delegate, 60 copies, of which number 8 copies shall be sent by the superintendent of documents, 1 each to such public or school libraries other than designated depositories as shall be designated for this purpose by each Representative and Delegate in Congress; and to the Clerk and Doorkeeper of the House, each 20 copies; and to the Clerk for office use, 10 copies; and to the Clerk for the use of members of the House of Representatives, 50 copies, to be supplied daily as originally published or in the revised and permanent form bound only in half Russia, or part in each form, as each may elect.

The tenth paragraph, if amended, would read as follows:

To the library of each of the eight Executive Departments, and to the Naval Observatory, Smithsonian Institution, the United States National Museum, the Department of Labor, and Civil Service Commission, 1 bound copy.

Mr. HALE. There is so much confusion in the Chamber it is impossible to hear. What is the bill?

The PRESIDENT pro tempore. The Senate will please be in order. Is there objection to the present consideration of the bill (S. 2296) to amend an act approved March 2, 1895, relating to public printing? It is a bill practically doubling the number of copies of the CONGRESSIONAL RECORD given to each Senator and to each member of the House.

Mr. HALE. There was so much noise in the Chamber that I could not tell from the reading what the bill contained. I wanted to have the Senator from New York state to the Senate just what the bill comprehends. If, as the Chair has indicated, that is all, I have no further objection.

Mr. PLATT of New York. That is what I stated, and I repeat that it doubles the number.

Mr. HALE. None of us heard it.

Mr. COCKRELL. I wish to make one inquiry of the Senator from New York. Does the bill change the number of copies which are furnished to the Senate for the use of Senators? I believe it is 10 copies now, under the law. Does it change that?

Mr. PLATT of New York. It doubles the present number, which is 44.

Mr. HALE. I thought from the reading there was something read which indicated that there were 10 copies given to the Senate.

Mr. PLATT of New York. It doubles the number to 88.

Mr. COCKRELL. But there is a certain number furnished here to the officers of the Senate for the convenience of the Senate. The question is whether that is stricken out, or whether it remains, or whether the number is increased. It ought not to be stricken out; that is all.

Mr. PLATT of New York. It is an increase and not a decrease. I can not explain it any further than that it doubles the number of copies given at present to Senators and Members.

The PRESIDENT pro tempore. The question is on concurring in the amendment of the House of Representatives.

Mr. BAILEY. Mr. President, I have no desire to say even a word about the bill, but I wish to call the attention of the Committee on Printing to a matter that I have adverted to twice before, and that is the irregular order in which the Printing Office prints the post-office nominations sent to the Senate. They ought to be printed according to the State, in alphabetical order. It is not exactly agreeable to a Senator to be compelled to examine every single post-office nomination sent to the Senate in order to see those in his own State. Under the present practice a nomination for Texas may be either above or below the nomination for New York. I have absolutely no interest in the post-office nominations for New York, nor has the Senator from New York any interest in the post-office nominations for Texas. It ought to be easy for any Senator by a glance at the RECORD to see all the nominations relating to his own State. That is the end of his interest.

This, of course, is not a matter for legislation. It is merely a matter of regular and orderly printing of the nominations in the RECORD.

Mr. BLACKBURN. And all the nominations for the same State are not printed in succession.

Mr. BAILEY. As the Senator from Kentucky very properly says, all the nominations for the same State are not always printed in succession. It is so easy for the Public Printer to do that, I suggest to the chairman of the Committee on Printing that he take it up with the Public Printer.

Mr. ALLISON. I think the suggestion made by the Senator from Texas is a very good one. The confirmations or nominations for all the States should be alphabetically arranged.

Mr. TILLMAN. Mr. President, I merely rose to inquire whether this particular thing which we all agree ought to be done is in the jurisdiction of the Committee on Printing, or is it in the jurisdiction of the Committee on Rules? As I understand it, the Printer merely prints the copy as furnished by the reporters and by the clerks, and whoever has jurisdiction over those who have charge of the preparation of the copy for the Printer, the committee or the authority of this body, can merely extend the order. It is not under the jurisdiction of the Committee on Printing, I am sure, because it is simply to prepare the copy for the Printer in such a way that the nominations from each State shall be in alphabetical order, so that a man can find out as soon as he looks at the RECORD what nominations from his State have been sent in here or what confirmations have been made; that is all. They are now all higgledy-piggledy, heads and tails, all mixed up together.

Mr. HOAR. Will the Senator from South Carolina allow me to interrupt him for a moment?

Mr. TILLMAN. I was through, but I shall be glad to get any information.

Mr. HOAR. I merely desire to say that my understanding has been that the Public Printer exercises all his duties under the general superintendence of the Committee on Printing, so far as they relate to the printing for the use of either of the two Houses. It is a joint committee, and any matter of the kind mentioned by the Senator from Texas suggested privately to the chairman of the Committee on Printing would receive undoubtedly the approval of that committee, and they would see that it was done. It does not require any order of the Senate at all as to the order in which the RECORD is printed, unless we choose to make a special order. I have no doubt that all that is necessary is the suggestion made in private. I have known of such suggestions made in private occasionally to the committee, and they have been carried out.

Mr. BAILEY. I will say to the Senator from Massachusetts, if the Senator from South Carolina will permit me, that I had no thought myself of proposing any order of the Senate. I simply made the statement in open Senate, and in the way of a suggestion to the chairman of the Committee on Printing, to have this printing done in the mode precisely that the Senator says is the proper way.

While on my feet, I will say to the Senator from South Carolina that no matter what the order might be in which the clerks of the Senate furnish the list of nominations or confirmations to the

Public Printer, the list might go into the hands of different printers, being divided there among a number, and the different printers might have their matter ready for the press in a different order, and therefore the order in which the clerks furnished the names to the Printing Office would not secure the order which we all desire. The only way to do it is at the Printing Office, and I take it that all that is necessary in order to secure the change is this open suggestion to the chairman of the Committee on Printing.

Mr. TILLMAN. Mr. President, in view of the long service of my distinguished colleagues from Massachusetts and Texas, I presume to throw out an idea of my own here with great diffidence.

I still insist that the copy for the CONGRESSIONAL RECORD is officially furnished the Printer by the clerks and the reporters of the Senate, and that the Public Printer has no authority or right to alter or change or transpose anything sent him by these officials. Therefore the jurisdiction of the Committee on Printing does not extend to ordering the Printer to change the copy as sent him.

Now, I may be right or I may be wrong. We are disagreeing here more about form than about substance. Of course it is a question merely for somebody to extend this suggestion or instruction, whatever it may be called, to the clerks who prepare the copy. No doubt they will be very glad to accommodate Senators and arrange these matters to our satisfaction, for our quick comprehension of what we are interested in.

But I still stick to my position that it is not the Committee on Printing who have this matter in hand. The Public Printer is not to blame, nor can any trouble arise from the piecing out of copy to different compositors, as I happen to know, for I have been there to get speeches of my own, which I was anxious to revise. I have once or twice been in the Government Printing Office way after midnight, and I know that, when there is a rush, while the foreman cuts off slices, so to speak, of the copy furnished him, those slices always come back into the place where they belong, and there is no mixture there.

I thought it was nothing but right that the Public Printer should be absolved from any blame in this matter. And there is no blame anywhere, so far as I can see. It is merely a question as to where rests the authority and who is to be the one responsible for giving this order.

Mr. BACON. Mr. President, I do not rise for the purpose of opposing the amendment. On the contrary, I am in favor of it; but I wish to say one word in connection with the matter of the distribution of the RECORD. I think this amendment of course is in the right direction, as anything is in that direction, in my opinion, which tends to more generally distribute the RECORD among the people. But even this is entirely inadequate to the needs. The RECORD is something which, by reason of the high price put upon it, is entirely out of the reach of the people of the United States. So far as the distribution is concerned, it amounts to very little. For instance, even under this increased number the great State of New York, probably with six or seven million people, will get only about 3,000 copies, which amounts to nothing; and the State of Georgia, with two and one-half million people, will get only somewhere between 1,000 and 2,000 copies.

Mr. GALLINGER. Mr. President——

Mr. BACON. Now, if the Senator will pardon me just a moment, I will state my only object in rising. At the last session of Congress I introduced a resolution which instructed the Committee on Printing to examine and report to the Senate the feasibility of putting down the price of the RECORD to such a low rate that it will be practicable for people generally to subscribe for it. The present price is absolutely prohibitory to the large mass of the people of the United States.

I recognize, Mr. President, that at the present short session it is impossible to bring this matter properly before the attention of Congress. I only desire to remind the honorable chairman of the Committee on Printing that there is before his committee that resolution which has never been reported back to the Senate, and to express the hope that if it is impracticable at the present session, at the next session it will be practicable for the Committee on Printing to take up and examine and report to the Senate what may be practicable in the way of putting the CONGRESSIONAL RECORD at a price which will place it within the reach of the general reading public.

Mr. SPOONER. Only a word, Mr. President. I call the attention of my friend from South Carolina [Mr. TILLMAN], bearing on the question of jurisdiction which he raised, to section 13 of the Standing Orders of the Senate in relation to the Joint Committee on Printing, which provides as follows:

SEC. 13. The joint committee shall have control of the arrangement and style of the CONGRESSIONAL RECORD, and while providing that it shall be substantially a verbatim report of proceedings, shall take all needed action for the reduction of unnecessary bulk, etc.

The whole jurisdiction is given by the rule to that committee. The suggestion made by the Senator from Texas [Mr. BAILEY] is therefore properly made, and I suppose it will be taken into consideration by the Committee on Printing. It is for them to determine.

Mr. GALLINGER. Mr. President, I notice one omission. Under the existing law 10 copies are furnished to the Senate; so that if a Senator has a request for a copy of the RECORD containing a speech or some other matter that his constituents may be interested in the officials of the Senate can usually furnish that copy out of the 10 copies that they have at their disposal. Inadvertently that has been omitted, and I move to amend by inserting:

To the Sergeant-at-Arms, for the use of the Senate, 20 copies.

Mr. PLATT of New York. I accept that amendment.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire [Mr. GALLINGER] to the amendment of the House of Representatives will be stated.

The SECRETARY. It is proposed to amend the amendment by adding:

To the Sergeant-at-Arms, for the use of the Senate, 20 copies.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

ADDITIONAL DISTRICT JUDGE IN MINNESOTA.

Mr. NELSON. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. 6461) providing for an additional district judge in the district of Minnesota, to report it favorably without amendment. I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. QUARLES introduced a bill (S. 6600) to amend an act entitled "An act to protect trade and commerce against unlawful restraint and monopolies," approved July 2, 1890; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. ELKINS introduced a bill (S. 6601) granting a pension to William McGee; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6602) granting a pension to Mattie Aten; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6603) for the relief of the estate of James G. Hurst, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6604) for the relief of St. Clair Nicely; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6605) granting a pension to John M. Reimer (with the accompanying papers);

A bill (S. 6606) granting an increase of pension to W. F. Nichols; and

A bill (S. 6607) granting an increase of pension to Fordyce M. Keith.

Mr. PENROSE introduced a bill (S. 6608) to provide for the rebuilding of the Aqueduct Bridge, District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6609) granting an increase of pension to Edwin Allbright; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6610) granting a pension to Joseph N. Lorio; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6611) for the relief of James E. Byram; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PLATT of New York introduced a bill (S. 6612) for the relief of George W. Armstrong; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 6613) granting an increase of pension to Charles E. Thomas; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WETMORE introduced a bill (S. 6614) granting an increase of pension to Bertha R. Koops; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MCCUMBER introduced a bill (S. 6615) granting an increase of pension to Richard A. Larimer; which was read twice

by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. KEARNS introduced a bill (S. 6616) granting an increase of pension to Patrick Donnelly; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Montana introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6617) granting an increase of pension to James M. Clemens;

A bill (S. 6618) granting an increase of pension to David Noble;

A bill (S. 6619) granting an increase of pension to John W. Miller; and

A bill (S. 6620) granting an increase of pension to Richard R. Robinson.

Mr. SCOTT introduced a bill (S. 6621) granting a pension to George W. Arnold; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6622) to amend an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, and for other purposes; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

Mr. NELSON introduced a bill (S. 6623) granting an increase of pension to Gilbert E. Bushnell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6624) granting an increase of pension to William W. Herrick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER (by request) introduced a bill (S. 6625) to amend an act to regulate the practice of pharmacy in the District of Columbia, approved June 15, 1878; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. COCKRELL introduced a bill (S. 6626) to amend an act entitled "An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory," approved June 6, 1900; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PATTERSON introduced a bill (S. 6627) granting an increase of pension to Daniel Jones; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6628) defining the jurisdiction of United States courts in causes to which corporations are parties; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PATTERSON. I will state that the bill is intended to represent the desires of a very large and respectable number of people of the country, and they have had prepared for the benefit of Congress an argument and brief touching upon and relating to it. I ask that it may be printed as a public document. It is not long.

The PRESIDENT pro tempore. The Senator from Colorado asks that the document which he sends to the desk may be printed as a Senate document. Is there objection?

Mr. ALLISON. What is the document?

The PRESIDENT pro tempore. Its title will be stated to the Senate.

The SECRETARY. Argument and brief in support of a bill relating to the jurisdiction of Federal courts over corporations, written, by request, by Henry Cohen and James J. Sullivan, of the Denver bar.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is so ordered.

Mr. TILLMAN introduced a bill (S. 6629) to authorize the President to nominate as second lieutenant of infantry in the United States Army on the retired list the oldest enlisted man on the rolls of the Army; which was read twice by its title, and, with the accompany paper, referred to the Committee on Military Affairs.

Mr. FAIRBANKS introduced a bill (S. 6630) granting an increase of pension to John A. J. White; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 6631) granting an increase of pension to Mitchell Hunt; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6632) granting an increase of pension to Frank Cleaves; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6633) granting an increase of pension to James Shaffer;

A bill (S. 6634) granting an increase of pension to John W. Branch (with an accompanying paper);

A bill (S. 6635) granting an increase of pension to John P. Brown (with an accompanying paper); and

A bill (S. 6636) granting an increase of pension to Herbert C. Miller (with an accompanying paper).

Mr. BEVERIDGE introduced a bill (S. 6637) to reimburse Allen W. Phillips for moneys paid for a substitute in the military service; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HOAR (by request) introduced a bill (S. 6638) to authorize the purchase by the United States of the property situated in the District of Columbia known as the Halls of the Ancients; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. PENROSE introduced a joint resolution (S. R. 144) authorizing the Secretary of the Navy to reimburse certain of the employees in the United States navy-yard and naval gun factory at Washington, D. C., for lost time, due to deficit in naval appropriation; which was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENTS TO BILLS.

Mr. PENROSE submitted an amendment proposing to appropriate $2,062.06 to pay Pacific Pearl Mullett, administratrix of the estate of the late Alfred D. Mullett, the balance due him on account of compensation and expenses as commissioner appointed on the navy-yard commission, under the provisions of the act of August 5, 1882, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the bill (S. 6331) to provide for laying a single electric railway track across the Aqueduct Bridge in the District of Columbia, and for other purposes; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. FRYE submitted an amendment proposing to increase the salary of the minister to Norway and Sweden from $7,500 to $10,000, intended to be proposed by him to the diplomatic and consular appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Foreign Relations.

REPORT ON REINDEER IN ALASKA.

Mr. TELLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to transmit to the Senate the report of Dr. Sheldon Jackson upon "The introduction of domestic reindeer into the district of Alaska," for 1902, with map and illustrations.

HOUSE BILLS REFERRED.

The bill (H. R. 10522) to provide for laying a single electric railway track across the Aqueduct Bridge, in the District of Columbia, and for other purposes, was read twice by its title, and referred to the Committee on the District of Columbia.

The bill (H. R. 16057) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903, was read twice by its title.

ANTHRACITE COAL STRIKE COMMISSION.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist upon its amendments disagreed to by the House of Representatives, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. HALE, and Mr. COCKRELL were appointed.

ISTHMIAN CANAL COMMISSION.

Mr. MORGAN. Mr. President, on yesterday the bill (S. 6594) to fix the compensation of the members of the Isthmian Canal Commission to be appointed under the provisions of the act "to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902, and for other purposes, had its first and second readings, was laid upon the table, and ordered to be printed. I now move that it be referred to the Committee on Interoceanic Canals; but before doing so I wish to correct the print in one particular. In line 11, on page 5, I desire to strike out the word "breadth" and insert "health," which is a misprint.

The PRESIDENT pro tempore. That correction will be made, in the absence of objection.

Mr. MORGAN. Mr. President, I desire for a few moments to explain the object of this bill, in order to lay before the Senate and the country some facts connected with it.

The bill in its first section provides, as is required to be done by the act of June 28, 1902, for the salaries of the members of the Isthmian Canal Commission. No provision is made in the law of June 28, 1902, except to leave these salaries to the discretion of the President. Provision for salaries is left to be acted upon by Congress at such time as it may seem proper to act.

I think it is of very great importance that Congress should fix the salaries of these gentlemen before they are appointed, because, in my opinion, at least, if the salaries are fixed at any reasonable sum it will cut down a great number of applicants who are now pressing the President of the United States for appointment. It will also give the country to understand that a careful economy is to be observed in the construction and management of this great work. My own opinion is—I have put it in the bill, and it is only my opinion, for no member of the committee of which I have the honor to be chairman has conferred with me about it—my opinion is that $5,000 a year is a proper salary for each of the seven commissioners who are to be put in charge of this work, together with such allowances for traveling expenses as would be made in the case of a brigadier-general traveling in the service of the Government.

The salary of $5,000 a year corresponds with the salaries of Senators; and the tenure of office is for life, unless the canal is built before they die. This tenure would be an inducement to the acceptance of a seat in the Senate, even to very distinguished men, as it is a comfortable sum as an annuity for life. So I suppose that gentlemen who are not particularly careful about money matters—about making money out of this job—or those who are willing to work for fair pay, will be entirely willing to fill up these offices and perform the duties of commissioners for $5,000 a year and traveling expenses.

Another section of the bill provides for the appointment by the President of a chief engineer of this work, or his assignment from the Army at a salary of $10,000 a year, with proper allowances for traveling, etc. These salaries and the salaries of the chief surgeon and the paymaster are to be paid upon the requisition of the chairman of the Isthmian Canal Commission upon the Treasury of the United States in each case. The salary of the chief engineer I put at $10,000, double that of any of the commissioners, because of his responsibilities and because of the immense amount of labor that will be cast upon him necessarily during the construction of the canal. It is a vast undertaking for any man. It requires a man of high ability, and he ought to be very well paid for the work. He is required to be there nearly all of his time looking after the location of this canal and the work that is done upon it, and in supervising all of the inspectors and all of the engineers who have any connection with the work. Therefore his salary ought to be full compensation for a man of great abilities as an engineer, and for extraordinary labor and responsibilities.

The law now provides for the assignment of engineers to assist the commissioners without designating any of them as being chief engineer, and the object of this provision is to meet that omission in the law. It is indispensable to have an engineer in chief to consult with the Commission and to execute their orders. There are to be four engineer commissioners, and in case of equal division of opinion between them on engineering questions, the opinion of the chief engineer of the canal might be a matter of vital consequence. I think that such an officer will be the most useful man, as he will be the most responsible person connected with the construction of the canal.

The payment of money on account of all expenditures, except for the salaries of officers, as provided in this bill, is to be made by paymasters of the Army of the United States under all the legal obligations and all the penalties resting upon them. They are to draw the money upon requisition made by the Isthmian Canal Commission from time to time, and they are to keep it and account for it and pay it out as officers of the Army of the United States are required to do and under the same penalties.

I think that that provision, Mr. President, is of the greatest possible importance. We know what has occurred in regard to an officer of the Army who is charged with, and has been convicted, and I suppose he is guilty of embezzlement to a large amount in connection with public works; and it is necessary that the officer who handles this money shall be subject not only to criminal proceedings in the civil tribunals, but also to military court-martial. It is an enormous fund—$180,000,000—and it will be handled by this officer.

The safeguard of a treasurer's bond is an inadequate security as compared with the official liabilities of a paymaster in the Army of the United States.

The bill provides for the assignment by the President of the United States of a paymaster in chief to take charge of this matter, and such assistant paymasters as he may from time to time designate, fixing the salary of the paymaster in chief at the same rate with that of the commissioners and the salaries of the assistant paymasters at $4,000 each.

A surgeon in chief is also provided for, and he is to be detailed from the surgeons of the Army or the Navy, and such assistants as he may require are to be in like manner detailed by order of the President of the United States.

Mr. SPOONER. Will the Senator allow me to ask him a question for information?

Mr. MORGAN. Yes.

Mr. SPOONER. I got the impression from what the Senator said, as I listened to him, that the chief engineer was to be one of the commissioners.

Mr. MORGAN. Not at all. There are four engineer commissioners now, and they are put on that Commission of course for the purpose of supervising the chief engineer and all others subordinate to his authority.

Mr. HALE. To what bill is the Senator referring as the bill which fixes these salaries?

Mr. MORGAN. To the bill that I am now proposing.

Mr. HALE. It is not the report of a committee?

Mr. MORGAN. No; the bill has been read the second time, and I am explaining it before it goes to the committee.

Mr. President, that is a general and perhaps a sufficiently substantial statement of the general programme of this bill in regard to the fixing of the salaries, etc.

I return now for one moment to the question of the commissioners. There are seven of them. It has always been my opinion that they are unnecessary in the further prosecution of this work. The Secretary of War should have had charge of it; it should have been a Government work from beginning to end, without interference on the part of anybody, but Congress has fixed it otherwise, and therefore I have no remark to make in opposition to the action of Congress, and no commentary to make upon it further than to state what is my own view of the subject.

I am not trying in this bill to change that act of Congress in the slightest degree, but to so provide as that it can be more effectually executed through the assistance of the seven commissioners. The Isthmian Canal Commission, nine in number, that was in existence, and is in supposititious existence to-day—I do not know when those commissioners will ever cease to hold office—have received during their term of office $265,500 for their services. They have spent, according to the testimony of Colonel Ernst, two weeks on the Isthmus of Panama, in the month of January, the healthy season.

Why they left in two weeks I am unable to say, unless they were afraid of yellow fever, which now prevails in Panama, as is shown by some thirty-four patients who are in the hospital at Portsmouth, Va. They are marines and officers of the *Panther*, which arrived in that port a few days ago, one of their number having died at Colon. Those patients include two officers, and, besides, a number of convalescents, who have been granted shore leave in order that they may go about and get well. I suppose that the Commission might possibly have met with some such condition at Colon while they were there in January, 1901, or they may have left because they were entirely satisfied that they knew all about the subject after two weeks' observation. The Isthmian Canal Commission spent six weeks in Nicaragua and about the same length of time in Paris.

Now, Mr. President, I have looked through this whole history from the beginning to the end of this project, commencing with the history of the Suez Canal and coming down through all that has been done about it. The Suez Canal itself, although it was a strictly private enterprise, was loaded down by promotion and other charges to the amount of nearly $50,000,000, on which they are now paying dividends, without anything having been earned by these promoters except their activity in getting the canal in condition to raise more on its stock and bonds.

The old Panama Canal Company proper spent $260,000,000, of moneys drawn from the French people. In expending that money they dug a ditch, which comprises, possibly, two-fifths of the actual digging of earth and removing it to embankments, without any structure whatever connected with the canal; and that is all that has been realized out of the expenditure of $260,000,000, except a plant that is of little use in the further prosecution of the work on the canal and stock in the Panama Railroad.

We have spent very large amounts in gaining information and opinions about this canal project; we have spent a large sum in surveys—one made by Childs in Panama, another made by Childs in Nicaragua, two surveys made by Menocal, a commission headed by an officer of the Army, Ludlow, and in the first Walker Commission, and the Isthmian Canal Commission. We have had three commissions and three surveys, for which the Government has paid for the information we have got now; and after purchasing this information at that enormous price, we do not know whether to take it or not. We have not determined

whether to accept it or whether to throw much of it away. But the right time to begin for a wise, just, liberal, and at the same time economical administration of the affairs of that canal, wherever it may be located, is right now, and the Congress of the United States ought to fix the pace of expenditure in this matter before we begin to dig or before we have located finally the axial line of this canal. I conceive it to be my duty as chairof the committee to bring the matter to the attention of the country at the present time.

I have mentioned the gross amount of the compensation of the commissioners as $265,500. They reported and have been allowed out of the $1,075,000 which has been appropriated for purposes connected with their work, $697,353.63, which is thus expressed in the report made by the Secretary of State in response to a resolution of the Senate:

Pay of officers and employees, including pay of laborers in Central and South America, $697,353.63.

Mr. HALE. Has the Senator the figures there to show, generally, the schedule of salaries that were given to the commissioners on that Commission?

Mr. MORGAN. I have no official information on that subject, Mr. President, from any source. I have been trying for months to get it. The common report is that each of the commissioners gets $1,000 a month, or $12,000 a year for his services. I have no doubt that is true.

Mr. HALE. Does the Senator mean to say that nobody knows and nobody can find out how much those gentlemen have received?

Mr. MORGAN. I did not say that. I said I did not know it. I tried my best and I could not find out. That is what I said. I have attempted it by resolution of the Senate, and the response to that resolution is this statement in gross, which I have just read:

Pay of officers and employees, including pay of laborers in Central and South America, $697,353.63.

Not being satisfied with that return, I telegraphed Mr. Hay yesterday, asked him for a more specific return, and especially mentioned the fact of the salaries of the commissioners. He replied this morning that it would take quite a length of time to get an itemized account.

Mr. COCKRELL. I did not catch what the Senator said was the reply of the Secretary.

Mr. MORGAN. I will read it. He says:

It will be impossible to comply with your request to furnish the additional detailed report of the expenses incurred by the commissioners and engineers of the Isthmian Canal Commission within the time you indicate.

I had indicated to-day.

The records are all in the possession of the Auditor for the State Department, and it will be necessary for us to get the records from the Treasury Department in order to make the statement you desire. This will take at least several days of diligent work employing all of our available force.

JOHN HAY.

Mr. HALE. Now, let me ask the Senator, if he should put in a resolution—his resolution is rather general and involves a great deal of work—if he should put in a resolution asking for information to be sent to the Senate as to what sums have been allowed and paid to this Commission as salaries, he ought to get an answer to that the next day.

Mr. MORGAN. Yes, sir; we ought to do a great many things we are not able to do.

Mr. HALE. But clearly that matter in which we are interested now, as to the salaries of the other commissioners, we certainly ought to have. The Senate ought to know what sums have been paid that Commission as salaries, not connected with other questions of expenses and disbursements, but what they have received as salaries. I should like to know that myself.

Mr. MORGAN. I said in my place, Mr. President, that my opinion, formed from conversation with various gentlemen, some of them officials, was that the commissioners had received a thousand dollars a month during the whole time of their service, which has been twenty-nine and one-half months.

Mr. COCKRELL. And expenses in addition?

Mr. MORGAN. Oh, yes.

Mr. HALE. Of which time how much has been spent on the Isthmus? How much time of these twenty-nine months, in which these gentlemen have been receiving probably a thousand dollars a month besides expenses, has been spent in service and duty on the Isthmus?

Mr. MORGAN. Six weeks in Nicaragua and two weeks in Panama.

Mr. HALE. Eight weeks, or two months out of twenty-nine months.

Mr. MORGAN. Yes. I quote from the testimony of Colonel Ernst that I have before me, and will put it in the RECORD:

Senator KITTREDGE. How many trips have you made to the Isthmus since your connection with the Commission?

Colonel ERNST. Only one.

Senator KITTREDGE. And about when was that?

Colonel ERNST. We went down in January, 1900, and we were there about three months.

Senator KITTREDGE. How much time did you spend on the Nicaragua route?

Colonel ERNST. About six weeks.

Senator KITTREDGE. And the balance of the time on the Panama?

Colonel ERNST. Yes, and in traveling, getting there—about two weeks in Panama.

Mr. HALE. And the Senator thinks the commissioners received for the whole time, no matter where they were or what they were doing, $1,000 a month, besides all expenses?

Mr. MORGAN. That is right.

Mr. HALE. That is a very remarkable statement.

Mr. MORGAN. It is a very true one.

Mr. HALE. I do not question it. Certainly we ought to do something to bring out that fact.

Mr. MORGAN. And it shows the necessity of doing something right now to regulate these expenses before we go on with this great work. In addition to the expenditure for—

1. Pay of officers and employees, including pay of laborers in Central and South America	$697,353.63

There are the following expenditures:

2. Transportation of officers, employees, and laborers from and to the United States, including freight charges on machinery and provisions used in connection with the survey in Central and South America	79,379.63
3. Instruments, machines, tools, etc., used in surveys and investigations of the various canal routes	58,354.76
4. Provisions for use of field parties and others, including expense of Indian treaty, in Central and South America	130,922.48
5. Surgical instruments and supplies, medicines, and medical expenses	3,009.20
6. Rent of offices in the United States	5,397.28
7. Expense of publishing the report of the Nicaraguan Canal Commission	9,875.25
8. Camp outfits, canoes, books, paper, inks, and miscellaneous supplies used in making computations; maps, profiles, plans, etc.; furniture, postage, telegrams, cablegrams, and miscellaneous items difficult to classify	52,189.34
Total	1,036,481.57

So the Government of the United States has paid every expense, of course, that has been incurred in connection with this subject. I am not complaining of it at all; I do not propose to criticise it in the slightest degree; but I merely want to know what the items are, and, of course, I can ascertain them by a resolution which is a little more specific. I thought, Mr. President, that this resolution was specific enough. I will read it:

Resolved, That the Secretary of State is directed to send to the Senate a statement of the expenditures of the Isthmian Canal Commission, under the act approved March 3, 1899, "making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," as the same are accounted for by said Isthmian Canal Commission, and also whether there is any deficit in the appropriation which is to be or has been provided for by further appropriations.

I thought when we got the information in the manner in which the Commissioners had accounted we would get all the information that could possibly be needed. We might not want the itemized account for every little expenditure, but these are footed up, and it would be satisfactory if we could get the amount of the vouchers. Of course, the salaries drawn by these gentlemen have been paid on vouchers, and their expenses of travel have been paid on vouchers, and there could be some information gained from a report of that sort, without going into every item of expenditure, which would be quite satisfactory to Congress.

Mr. President, I am not on the floor this morning for the purpose of criticising anything that has been done by the Isthmian Canal Commission or anybody else. They have done what they thought was their duty, and I am not making a criticism or finding fault with them at all. But I am using the matter that is before the Senate for the purpose of informing this body that it is now necessary, in advance of striking one lick upon the canal, to make such provision as will prevent us from running into the horrible iniquities and frauds of the old Panama Canal Company and the new one, who have spent more than $260,000,000 upon that canal in one way and another and have nothing to show for it but two-fifths of a ditch there, which itself has filled up to a large extent.

I wish to observe, also, Mr. President, that this bill provides for the organization of the different departments of the canal work with the approbation of the President of the United States. Without reading it in full, I wish to put into the RECORD the testimony of Colonel Ernst as to a programme or proposition that was prepared by the Isthmian Canal Commission for the future operation of this canal, whether the location might be at Panama or at Nicaragua. They have prepared a programme there which is an enormously expensive one, and they did not report it to the President or to the Senate for the reason that they could not agree upon all of the detailed items of it, as stated in the testimony of Colonel Ernst, which I will put into my remarks.

It is a programme, Mr. President, that would be quite sufficient for the government of the Philippine Islands, but it would be very unfortunate if we were to adopt such a plan with reference to the canal or the Philippine Islands, because it requires a board

of control to be here in Washington City, with a salary of $15,000 to each of the members. It requires a governor of the canal, with a cabinet of engineers and other officials down there, to reside in the canal zone, and the expense of this proposed government foots up a very large sum of money—$2,024,134 annually for the Panama Canal and $3,350,822 for the Nicaragua Canal—for the maintenance of the canals.

Mr. President, the Suez Canal has carried through all of its operations of maintenance and repairs for $1,300,000, as reported from a bureau of the Treasury Department of the United States. It was an enterprise then unprecedented. They had the experience of no nation and no country to guide them in respect of their expenditures, and they were very large.

Now, these two boards of governors and controllers are not required in respect of the construction of the canal, but in respect of its maintenance after it is constructed and finished. Well, being admonished as to the very large amounts of money that the commission think it necessary to expend in the maintenance of the canal, whether at Nicaragua or at Panama, I think it is time, before we begin this work, that the President of the United States should have a voice with them in arranging the different subordinate officers and classes of officers who will be concerned in the conduct of this enterprise, and in fixing their compensation. And that is one of the chief objects of the bill I now have the honor to present to the Senate.

I will not make any further observations at this time, having merely called attention to the general outline of the bill and its general purposes; and I move its reference to the Committee on Interoceanic Canals. I will insert in an appendix to my remarks the testimony of Colonel Ernst, one of the Isthmian Canal Commission, in response to inquiries as to their estimates for the cost of maintenance of the respective canals, after completion, and a plan of government and administration of the canal on either route that may be selected. They are, in my judgment, so wildly extravagant and unnecessary as to excite very serious apprehension of the future of the canals unless Congress should now take this matter in hand.

The motion was agreed to.

APPENDIX.

[Extracts from statement of Col. Oswald H. Ernst before a subcommittee of the Committee on Interoceanic Canals, United States Senate, February 18, 1902.]

The CHAIRMAN. Could you name here the appendix that contains those estimates? We have been very much at a loss to find out about them.

Colonel ERNST. We did not publish those, because it is purely theoretical; we felt that we could not defend every estimate of it. We felt that there were errors both ways. You can conceive of the difficulty of getting up of such an organization at a desk for a great work like that, which must actually be tested and corrected in practice. I mean it must be adjusted. There are many of those items that we felt would err, some on one side and some on the other, and we thought that they would correct each other; but doing it the same for both lines, we thought it was a fair comparison.

The CHAIRMAN. You made a comparison in your own minds, based upon facts that you yourselves had observed on the line or had learned from other sources, but you did not make up an itemized statement and balance sheet between the cost of maintenance on the one route and the other.

Colonel ERNST. Oh, yes; we went through this organization for both canals. Of course, the Nicaragua Canal had the same general control. The governing board in this country would be the same as for the Panama and also the governor and his staff on the Isthmus would be the same and the chiefs of these departments would all be the same. Now, when it came to the number of posts you would have to have for police force, there would be more on the Nicaragua than on the Panama. We would have to have more engineering divisions.

The CHAIRMAN. What I want to get at is whether the items were put down on the list?

Colonel ERNST. Oh, I have got them all, and I would be very glad to show them to you. I have not got them here to-day, but I can bring them if you wish to see them.

* * * * * * * *

WASHINGTON, D. C., *Tuesday, February 18, 1902.*

The subcommittee met at 3 o'clock p. m.

Present: Senator MORGAN (Chairman).

Also Senator KITTREDGE, a member of the committee.

Additional statement of Col. Oswald H. Ernst.

The CHAIRMAN. Did you get the paper I referred to?

Colonel ERNST. Yes; here it is.

The CHAIRMAN. I would like very much to have this go into the record. It may become very important if the canal should be built.

Colonel ERNST. It is very carefully gotten up. The reason we did not publish it is because there are undoubtedly errors in it. Estimates are too high in some respects and too low in others. We thought they would correct each other. The comparison, however, is a fair one. It is the same for both canals. It is a study to which we have devoted a good many weeks. It is as follows:

TENTATIVE ORGANIZATION FOR THE MAINTENANCE AND OPERATION OF THE CANALS.

I. NICARAGUA CANAL.

Supreme control to rest in a board of five members, located in Washington. The duties of the board will be:

1. To make regulations for the government of the canal, including the tariff of charges, navigation rules, police and sanitary rules, and, in short, all rules required for the operation and maintenance of the canal.

2. To make or approve all appointments the salary of which equals or exceeds $100 per month.

3. To make or approve all contracts.

4. To audit all money accounts before transmitting them to the Treasury Department.

The annual expenses of the board may be placed at $100,000.

Organization on the Isthmus.—The general control to be vested in a governor having his headquarters at Greytown, where the general offices will be located.

The administration will be divided among six departments, viz:

A. Engineer department, charged with all the maintenance and improvement of the canal, including the repair shops and storehouses and the repairs of public buildings; also with the location and sale or rental of lands.

B. Transit department, charged with the navigation of the canal, the assessment of dues, the service of the ports, including light-houses, and the operation of telegraph and telephone lines.

C. Medical department, charged with the hospital and other medical service, including port, quarantine, and sanitary inspection service.

D. Finance department, charged with the collection of dues, payment of salaries, and management of the funds.

E. Law department, charged with the supervision of such minor courts as may be established and with all legal matters.

F. Police department, charged with the preservation of order and with the management of the armed forces required for that purpose.

The governor.—The governor will issue orders to the heads of departments, will make reports to the board of control, and conduct all correspondence with that board, and will make frequent inspection of all parts of the canal. Attached to his office will be a secretary, two clerks, two messengers, and one small inspection steamer, the latter to be available for other officials when not required by the governor.

Annual expense of governor's office.

Salaries:	
Governor	$15,000
Secretary	5,000
Clerks, 2 at $1,500	3,000
Messengers, 2 at $400	800
Inspection steamer	15,000
Office supplies	500
Total	39,300

A. *Engineer department.*—At the head of this department will be a chief engineer at $7,500. In his immediate office will be one draftsman, at $1,500; one chief clerk, at $2,000; one clerk, at $1,500; one stenographer, at $1,500, and one messenger, at $400. The chief engineer will have an inspection steamer at $15,000.

There will be a general shop at Greytown, under the charge of a master mechanic, at $3,000, who will employ 2 foremen mechanics, at $2,000; 10 mechanics, at $1,500; 10 helpers, at $360; 1 master laborer, at $900; 5 laborers, at $360, and 1 clerk, at $1,200. The master mechanic will also have general charge of the branch shops, to be located at Boca San Carlos, Fort San Carlos, and Brito. In each of these shops there will be employed 1 foreman mechanic, at $2,000; 3 mechanics, at $1,500; 3 helpers, at $360; 1 master laborer, at $900; 4 laborers, at $360, and 1 clerk, at $1,200. The shops should be partially self-supporting. If charged entirely against the canal this salary list should be sufficient to cover such materials as the canal may use in the shops.

There will be a general storehouse at Greytown and a branch storehouse at each of the other points where shops are to be located. The general storehouse will be under charge of a general storekeeper, at $2,400, who will employ four clerks, at $1,500, and ten laborers, at $360. At each branch storehouse there will be a storekeeper, at $2,000, one clerk, at $1,500, and four laborers, at $360.

For purposes of maintenance the canal will be divided into three divisions, the Atlantic division, extending from the Caribbean to and including the dam; the middle division, extending from the dam to deep water in Lake Nicaragua, and the Pacific division, extending from Lake Nicaragua to the Pacific. Each division will be under the immediate charge of an assistant engineer, at $3,000, with one draftsman, at $1,500, and one stenographer, at $1,500. The headquarters of the respective divisions will be at Boca San Carlos, Fort San Carlos, and Brito.

In the Atlantic division there will be maintained one seagoing dredge, which will be mainly employed at Greytown Harbor, at an annual cost of $65,000; one ordinary dredge, at $65,000; one pile driver, at $5,000; two steam tugs, at $14,000; six dump scows, at $1,000, and six flat scows, at $300 each, these figures including pay roll and maintenance of plant. The plant will be under charge of an overseer, at $2,400; three master laborers, at $900, and, say, sixty laborers, at $360 each.

The Middle and Pacific divisions will each have the same plant and force, except the seagoing dredge, and one less master laborer and twenty less laborers. The seagoing dredge provided for Greytown will also perform the necessary dredging at Brito.

It is not expected that this force will provide for the depreciation of the metal and masonry structures. For the metal structures, which include lock gates, sluices, and operating machinery, the annual depreciation is estimated to be 7½ per cent of the cost; for the masonry structures, one-half of 1 per cent of the cost.

The land office will have one clerk, at $1,800.

Annual expense of the engineer department.

Salaries:	
Chief engineer	$7,500
Assistant engineers, 3, at $3,000	9,000
Draftsmen, 4, at $1,500	6,000
Master mechanic	3,000
Foremen mechanics, 5, at $2,000	10,000
Mechanics, 19, at $1,500	28,500
Helpers, 19, at $360	6,840
Master laborers, 11, at $900	9,900
Laborers, 179, at $360	64,440
General storekeeper	2,400
Storekeepers, 3, at $2,000	6,000
Overseers, 3, at $2,400	7,200
Clerks—	
One at $2,000	2,000
One at $1,800	1,800
Eight at $1,500	12,000
Four at $1,200	4,800
Stenographers, 4, at $1,500	6,000
Messenger	400
Plant:	
Inspection steamer	15,000
Dredges, 4, at $6,500	260,000
Pile drivers, 3, at $5,000	15,000
Tugs, 6, at $14,000	84,000
Scows—	
Eighteen at $1,000	18,000
Eighteen at $300	5,400
Supplies	100,000
Depreciation of metal structures (7½ per cent on $6,062,000)	454,650
Depreciation of masonry (one-half of 1 per cent on $33,176,400)	165,882
Total	1,305,712

B. *Transit department.*—At the head of this department will be a general superintendent, at $7,500. In his immediate office there will be one chief clerk, at $2,000; two clerks, at $1,500; two clerks, at $1,200; one stenographer, at $1,500; one chief telegrapher, at $1,800, and one messenger, at $400. There will be two assistant superintendents, at $3,000, one for the division east of the lake, the other for the Pacific division. At each of the ports, Greytown and Brito, there will be a captain of the port, at $2,400; a surveyor, at $1,800, and thirty pilots, at $2,000. At Brito there will be three light keepers, at $900. At Greytown and each of the lake ports there will be two light keepers, at $900. At each of the four ports there will be four sailors, at $360, for tending buoys and range marks. The light keepers and sailors will report to the assistant superintendent of the section. Each captain of the port will have one steam pilot boat, at $14,000; six steam tugs, at $14,000, and two naphtha launches, at $2,500.

It is expected that the railroad will be maintained from Greytown to the San Juan River dam and from the lake to Brito. The total mileage, including sidings, tracks to quarries, etc., will be about 80 miles. An allowance of $1,000 per mile, or $80,000, is made for maintenance. It is expected that receipts will cover transportation expenses. The superintendent of the railroad will report to the general superintendent.

Under the chief telegrapher will be, say, twelve linemen at $720, and the following force of telegraphers: Four at Greytown, two at each lock, two at the dam, and four at Brito, making twenty-eight in all, at $900.

Each assistant superintendent will have one stenographer at $1,500, one clerk at $1,500, one messenger at $400, and one naphtha launch at $2,500.

At each lock there will be one lock master at $1,800, and one assistant lock master at $1,200, one machinist at $1,500, two assistant machinists at $1,200, three lock foremen at $480, six gatemen at $360 each, twelve linemen at $300 each, and three watchmen at $300 each.

At the dam and its wasteway there will be one sluice master at $1,200, six sluice men at $360, and one watchman at $300.

Annual expense of the transit department.

Salaries:	
General superintendent	$7,500
Assistant superintendents, 2, at $3,000	6,000
Captains of the port, 2, at $2,400	4,800
Surveyors, 2, at $1,800	3,600
Pilots, 60, at $2,000	120,000
Chief clerk	2,000
Clerks—	
Four, at $1,500	6,000
Two, at $1,200	2,400
Stenographers, 3, at $1,500	4,500
Chief telegrapher	1,800
Telegraphers, 28, at $900	25,200
Line repairers, 12, at $720	8,640
Light keepers, 9, at $900	8,100
Sailors, 16, at $360	5,760
Lock masters, 9, at $1,800	16,200
Assistant lock masters, 9, at $1,200	10,800
Machinists, 9, at $1,500	13,500
Assistant machinists, 18, at $1,200	21,600
Lock foremen, 27, at $480	12,960
Gatemen, 54, at $360	19,440
Linemen, 108, at $300	32,400
Sluice master	1,200
Sluicemen, 6, at $360	2,160
Messengers, 28, at $400	1,200
Watchmen, 28, at $300	8,400
Plant:	
Steam pilot boats, 2, at $14,000	28,000
Steam tugs, 12, at $14,000	168,000
Naphtha launches, 6, at $2,500	15,000
General supplies for locks	16,000
Lights for locks	13,500
Maintenance of railroad	80,000
Total	666,660

C. *Medical department.*—At the head of this department will be a chief surgeon at $6,000. In his immediate office there will be one medical inspector at $3,000, one clerk at $1,800, one clerk at $1,500, and one messenger at $400. There will be quarantine stations at Greytown and Brito, at each of which will be one quarantine officer at $2,400, and one naphtha launch at $2,500. A general hospital will be established at some point near the lake with a staff consisting of one surgeon at $3,600, four assistant surgeons at $2,000, two stewards at $900, twenty nurses at $500, four cooks at $500, and ten laborers at $360.

There will be four emergency hospitals located, respectively, at Greytown, Boca San Carlos, Fort San Carlos, and Brito. Each will be in charge of one assistant surgeon at $2,000, and will have one steward at $900, four nurses at $500 each, one cook at $500, and two laborers at $360.

Annual expense of the medical department.

Salaries:	
Chief surgeon	$6,000
Medical inspector	3,000
Quarantine officers, 2, at $2,400	4,800
Surgeon	3,600
Assistant surgeons, 8, at $2,000	16,000
Stewards, 6, at $900	5,400
Nurses, 36, at $500	18,000
Clerks—	
One, at $1,800	1,800
One, at $1,500	1,500
Messenger, 1, at $400	400
Cooks, 8, at $500	4,000
Laborers, 18, at $3,600	6,480
Naphtha launches, 2, at $2,500	5,000
Supplies	50,000
Total	125,980

D. *Finance department.*—At the head of this department will be a treasurer, at $6,000. In his immediate office will be 1 teller, at $2,400; 1 paymaster, at $2,400; 1 chief clerk, at $2,000; 2 clerks, at $1,500; 2 clerks, at $1,200; and 1 messenger, at $400. There will be at each of the ports—Greytown and Brito—1 collector, at $2,400; 1 clerk, at $1,500, and 1 messenger at $400.

Annual expense of the finance department.

Salaries:	
Treasurer	$6,000
Collectors, 2, at $2,400	4,800
Teller	2,400
Paymaster	2,400
Chief clerk	2,000
Salaries—Continued.	
Clerks—	
Four, at $1,500	6,000
Two, at $1,200	2,400
Messengers, 3, at $400	1,200
Office supplies	500
Total	27,700

E. *Law department.*—At the head of this department will be a solicitor, at $6,000; in his immediate office there will be a chief clerk, at $2,000; two clerks, at $1,500 each, and one messenger, at $400. There will be a justice of the peace at each of the four points—Greytown, Boca San Carlos, Fort San Carlos, and Brito—who may be canal officials, receiving $500 extra pay for the performance of this duty. Each will have one clerk, at $1,200.

Annual expense of the law department.

Salaries:	
Solicitor	$6,000
Chief clerk	2,000
Clerks—	
Two, at $1,500	3,000
Four, at $1,200	4,800
Messenger	400
Justices of the peace, 4, at $500	2,000
Office supplies	500
Total	18,700

F. *Police department.*—At the head of this department will be a marshal, at $6,000. In his immediate office there will be 1 clerk, at $1,500, and 1 messenger, at $400.

There will be four posts—Greytown, Boca San Carlos, Fort San Carlos, and Brito. At each will be stationed 1 captain, at $2,000; 2 lieutenants, at $1,500; 12 sergeants, at $1,200, and 90 privates, at $1,080. Eight canoes, with 4 paddles each, will be maintained at Greytown and the same at Boca San Carlos. Four canoes and 10 saddle horses will be maintained at Fort San Carlos, and 20 saddle horses will be maintained at Brito. The maintenance of a canoe and wages of crew will cost $1,300 per year. One saddle horse will cost $250 per year.

Annual cost of police department.

Salaries:	
Marshal	$6,000
Clerk	1,500
Messenger	400
Captains, 4, at $2,000	8,000
Lieutenants, 8, at $1,500	12,000
Sergeants, 48, at $1,200	57,600
Privates, 360, at $1,080	388,800
Canoes and crews, 20, at $1,300	26,000
Saddle horses, 30, at $250	7,500
Office supplies	500
Total	508,300

General summary of annual expense of maintenance and operation.

Supreme control in United States	$100,000
Governor's office	39,300
Engineer department	1,305,712
Transit department	666,660
Medical department	125,980
Finance department	27,700
Law department	18,700
Police department	508,300
Add 20 per cent	558,470
Total	3,350,822

Or, say, $3,350,000.

II. PANAMA CANAL.

Supreme control to rest in a board of not less than five members, located at Washington. The duties of this board will be:

1. To make regulations for the government of the canal, including the tariff of charges, navigation rules, police and sanitary rules, and, in short, all rules required for the operation and maintenance of the canal.

2. To make or approve all appointments to office of which the salary equals or exceeds $100 per month.

3. To make or approve all contracts.

4. To audit all money accounts before transmitting them to the Treasury Department.

The expenses of this board may be placed at $100,000.

Organization at the isthmus.—The general control of all the affairs of the canal to be vested in a governor, having his headquarters at Colon, where are to be located the general offices.

The administration to be divided among six departments, viz:

A. Engineer department, charged with all the works for the maintenance and improvement of the canal, and with the repair shops and storehouses; also the repair of the public buildings, and with the location and sale or rental of lands.

B. Transit department, charged with the navigation of the canal, the assessment of dues, the service of the ports, including light-houses, the operation of the Panama Railroad, and of telegraph and telephone lines.

C. Medical department, charged with the hospital and other medical service, including port quarantine, and the sanitary inspection service.

D. Finance department, charged with the collection of dues, payment of salaries, and management of the funds.

E. Law department, charged with the supervision of such minor courts as may be established, and with all legal matters.

F. Police department, charged with the preservation of order and with the management of the armed force required for that purpose.

The governor.—To issue orders to the heads of departments and receive reports from them; to make reports to the home government and conduct all correspondence with that government; to make frequent inspections of all parts of the canal. His salary will be $15,000. Attached to his office will be one secretary, at $5,000; two clerks, at $1,500 each; two messengers, at $400 each, and one small inspection steamer, at $15,000, the latter to be available for other officials when not required by the governor. Supplies for this office, $500.

Recapitulation for governor's office.

Governor	$15,000
Secretary	5,000
Two clerks, at $1,500 each	3,000
Two messengers, at $400 each	800
One inspection steamer	15,000
Office supplies	500
Total	39,300

A. *Engineer department.*—At the head of this department will be a chief engineer, at $7,500. Attached to his office will be an assistant engineer, at $3,000; two draftsmen, at $1,500 each; one chief clerk, at $2,000; one stenographer, at $1,500; one clerk, at $1,500, and one messenger, at $400.

The general shops will be located at Colon. They will be under the charge of one master mechanic, at $3,000; who will employ, say, two foremen mechanics, at $2,000 each; ten mechanics, at $1,500 each, with ten helpers, at $360 each; one clerk, at $1,200; one master laborer, at $900, and five laborers, at $360 each.

Subsidiary shops will be located at Matachin and at La Boca. Together they will employ two foremen mechanics, at $2,000 each; six mechanics, at $1,500 each, with six helpers, at $360 each, and two clerks, at $1,200 each; two master laborers, at $900 each, and eight laborers, at $360 each. The shops should be partially self-supporting. If charged entirely against the canal, this salary list should be sufficient to cover such materials as the canal may use in the shops.

The general storehouses will be located at Colon. They will be under the charge of one chief storekeeper, at $2,400, who will employ four clerks, at $1,500 each, and, say, ten laborers, at $360 each. Subsidiary storehouses will be located at Matachin and at La Boca and together will employ two storekeepers, at $2,000 each; two clerks, at $1,500 each, and eight laborers, at $360 each.

For purposes of maintenance and repair the canal will be divided into two sections, the Atlantic and Pacific sections, the first extending from Colon to and including the Obispo gates, the second extending from the Obispo gates to Panama Bay. In each section will be maintained 1 dredge, at $65,000; 1 pile driver, at $5,000; 2 steam tugs, at $14,000 each; 6 dump scows, at $1,000 each, and 6 flat scows, at $300 each. The principal employees in each, besides the crews of the dredges, tugs, and pile driver, will be 1 overseer, at $2,400, and 2 master laborers, at $900 each; and say, 40 laborers, at $360 each. The building supplies needed for this force, in addition to what they can obtain themselves, will consist mainly of lumber and cement, for which allow $50,000.

The land office will be in charge of 1 land clerk, at $1,800.

Recapitulation for engineer department.

Chief engineer	$7,500
Assistant engineer	3,000
Two draftsmen, at $1,500 each	3,000
One chief clerk	2,000
One stenographer	1,500
One clerk	1,500
One messenger	400
One master mechanic at Colon	3,000
Two foremen of mechanics, at $2,000 each	4,000
Ten mechanics, at $1,500 each	15,000
Ten helpers, at $360 each	3,600
One clerk and timekeeper	1,200
One master laborer	900
Five laborers, at $360 each	1,800
Two foremen of mechanics, at $2,000 each	4,000
Six mechanics, at $1,500 each	9,000
Six helpers, at $360 each	2,160
Two clerks, at $1,200 each	2,400
Two master laborers, at $900 each	1,800
Eight laborers, at $360 each	2,880
One chief storekeeper	2,400
Four clerks, at $1,500 each	6,000
Two laborers, at $360 each	720
Two storekeepers, at $2,000 each	4,000
Two clerks, at $1,500 each	3,000
Eight laborers, at $360 each	2,880
Two dredges, at $65,000 each	130,000
Two pile drivers, at $5,000 each	10,000
Twelve scows, at $1,000 each	12,000
Twelve scows, at $300 each	3,600
Four steam tugs, at $14,000 each	56,000
Two overseers, at $2,400 each	4,800
Four master laborers, at $900 each	3,600
Eighty laborers, at $360 each	28,800
Supplies	$50,000
One land clerk	1,800
Depreciation of masonry (one-half per cent on $29,543,880)	147,719
Depreciation of lock gates, operating machinery, etc. (7½ per cent on $3,462,040)	259,653
Total	797,612

B. *Transit department.*—At the head of this department will be a general superintendent, at $7,500 per annum. Attached to his office will be an assistant superintendent, at $3,000; one chief clerk, at $2,000; one stenographer, at $1,500; two clerks, at $1,500 each; two clerks, at $1,200 each; one surveyor, at $1,800; one captain of the port, at $2,400; one chief telegrapher, at $1,800; one messenger, at $400; office supplies, $500.

The superintendent of the Panama Railroad will also be attached to this office. An allowance of $1,000 per mile, or $45,000, is made for maintenance. It is expected that receipts will cover transportation expenses. Under the captain of the port will be twenty pilots, at $2,000 each; two light keepers, at $900 each; and four sailors for tending buoys and range marks, at $360 each. He will be provided with one steam pilot boat, at $14,000; four steam tugs, at $14,000 each; and two naphtha launches, at $2,500 each. The surveyor will assist the captain of the port and remeasure vessels when necessary. Under the chief telegrapher will be a small force of linemen (say eight) at $720 each, and fourteen operators (four at Colon, two at Bohio, two at Pedro, two at Miraflores, and four at Panama) at $900 each. At Panama there will also be a captain of the port, at $2,400; a surveyor, at $1,800; two light keepers, at $900 each; two clerks, at $1,500 each; four sailors, for tending buoys and range marks, at $360 each; one steam pilot boat, at $14,000; four steam tugs, at $14,000 each, and two naphtha launches, at $2,500 each.

The pilots at Panama will be those already counted at Colon. At each lock there will be one lock master, at $1,800; one assistant lock master, at $1,200; one machinist, at $1,500; two assistant machinists, at $1,200 each; three lock foremen, at $480 each; six gatemen, at $360 each; twelve linemen, at $300 each; three watchmen, at $300 each, and general supplies may be placed at $3,000 and lights at $1,500.

Recapitulation for transit department.

General superintendent	$7,500
Assistant superintendent	3,000
Chief clerk	2,000
Stenographer	1,500
Two clerks, at $1,500 each	3,000
Two clerks, at $1,200 each	2,400
Captain of the port at Colon	2,400
Surveyor at Colon	1,800
Chief telegrapher	1,800
Messenger	400
Twenty pilots, at $2,000 each	$40,000
Two light keepers at Colon, at $900 each	1,800
Four sailors at Colon, end of canal, at $360 each	1,440
One pilot boat at Colon	14,000
Four steam tugs at Colon, at $14,000 each	56,000
Two naphtha launches at Colon, at $2,500 each	5,000
Eight telegraph linemen, at $720 each	5,760
Fourteen telegraph operators, at $900 each	12,600
Captain of the port at Panama	2,400
Surveyor at Panama	1,800
Two clerks at Panama, at $1,500 each	3,000
Two light keepers at Panama, at $900 each	1,800
Four sailors at Panama end, at $360 each	1,440
One pilot boat at Panama	14,000
Four steam tugs at Panama, at $14,000 each	56,000
Two naphtha launches at Panama, at $2,500 each	5,000
Three lock masters, at $1,800 each	5,400
Three assistant lock masters, at $1,200 each	3,600
Three machinists, at $1,500 each	4,500
Six assistant machinists, at $1,200 each	7,200
Nine lock foremen, at $480 each	4,320
Eighteen gatemen, at $360 each	6,480
Thirty-six linemen, at $300 each	10,800
Nine watchmen, at $300 each	2,700
General supplies for locks	9,000
Lights for locks	4,500
Maintenance of railroad	45,000
Total	351,340

C. *Medical department.*—At the head of this department will be a chief surgeon at $6,000 per annum. Attached to his office will be one medical inspector at $3,000 and one clerk at $1,800, one clerk at $1,500, and one messenger at $400. At Colon and Panama will be quarantine stations, at each of which will be one quarantine officer at $2,400 per annum and one naphtha launch at $2,500. Emergency hospitals and dispensaries will be established at Colon, Bohio, and Pedro Miguel, each in charge of one assistant surgeon at $2,000, one steward at $900, and four nurses at $500 each, with one cook at $500 and two laborers at $360. At Panama will be the general hospital, in charge of one surgeon at $3,600, four assistant surgeons at $2,000 each, two stewards at $900 each, and twenty nurses at $500 each, four cooks at $500 each, and ten laborers at $360 each. Hospital supplies, including surgical and medical stores, food, and office supplies, may be put down at $35,000.

Recapitulation for medical department.

Chief surgeon	$6,000
Medical inspector	3,000
One clerk, at $1,800; 1, at $1,500	3,300
One messenger, at $400	400
Two quarantine officers, at $2,400	4,800
Two naphtha launches, at $2,500	5,000
Three assistant surgeons, at $2,000	6,000
Three stewards, at $900	2,700
Twelve nurses, at $500	6,000
Three cooks, at $500	1,500
Six laborers, at $360	2,160
One surgeon	3,600
Four assistant surgeons, at $2,000	8,000
Two stewards, at $900	1,800
Twenty nurses, at $500	10,000
Four cooks, at $500	2,000
Supplies	35,000
Ten laborers, at $360	3,600
Total	104,860

D. *Finance department.*—At the head of this department will be a treasurer, at $6,000. Attached to his office will be two collectors, at $2,400 each; one teller, at $2,400; one paymaster, at $2,400; one chief clerk, at $2,000; four clerks, at $1,500; two clerks, at $1,200; two messengers, at $400. Office supplies may be placed at $500.

Recapitulation of finance department.

Treasurer	$6,000
Two collectors, at $2,400 each	4,800
One teller	2,400
One paymaster	2,400
One chief clerk	2,000
Four clerks, at $1,500	6,000
Two clerks, at $1,200	2,400
Two messengers, at $400	800
Office supplies	500
Total	27,300

E. *Law department.*—At the head of this department will be a solicitor, at $6,000. Attached to his office will be a chief clerk, at $2,000; two clerks, at $1,500 each, and one messenger, at $400. Under him will be a justice of the peace at Colon and one at Panama, who may be canal officials, and to whom $500 extra pay may be given. Each will have one clerk, at $1,200. Office supplies, $500.

Recapitulation of law department.

Solicitor	$6,000
Chief clerk	2,000
Two clerks, at $1,500	3,000
One messenger	400
Two justices of the peace, at $500	1,000
Two clerks, at $1,200	2,400
Office supplies	500
Total	15,300

F. *Police department.*—At the head of this department will be a marshal, at $6,000. Attached to his office will be 1 clerk, at $1,500, and 1 messenger, at $400. Posts will be established at Colon and at Panama, each to consist of 1 captain, at $2,000; 2 lieutenants, at $1,500; 12 sergeants, at $1,200, and 90 privates, at $1,080 each. At each post will be maintained 20 saddle horses, at $250 each.

Recapitulation for police department.

1 marshal	$6,000
1 clerk	1,500
1 messenger	400
2 captains, at $2,000	4,000
4 lieutenants, at $1,500	6,000
24 sergeants, at $1,200	28,800
180 privates, at $1,080	194,400
40 saddle horses, at $250 each	10,000
Total	251,100

General summary.

General expenses in the United States	$100,000
Governor	39,300
Engineer department	797,612
Transit department	351,340
Medical department	104,860
Finance department	27,300
Law department	15,300
Police department	251,100
	1,686,812
Add 20 per cent	337,362
Total	2,024,174

Or, say, $2,000,000.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 16057) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903, to report it with an amendment and to submit a report thereon, which I ask may be printed. I give notice that I will try to call up the bill to-morrow morning immediately after the reading of the Journal.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

EFFICIENCY OF THE MILITIA.

Mr. PROCTOR. I ask unanimous consent to call up the militia bill.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent that the Senate proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 15345) to promote the efficiency of the militia, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. CLAY. Will the senior Senator from Vermont yield to me for a moment to call up a local bill and have it passed? It will not meet with any discussion. I desire to state to the Senator that it is a matter where parties are prepared to do the work at this time, and the passage of the bill will not consume more than a minute.

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Georgia?

Mr. PROCTOR. I could not hear the Senator's request, but I will yield.

Mr. CLAY. I desire to ask the Senate to consider the bill, Calendar No. 2188——

Mr. PROCTOR. I beg pardon. I have refused several Senators an opportunity to call up for consideration other measures, and I regret very much that I can not yield to the Senator from Georgia. To be fair to them I must adhere to what I have said. I think the Senator will have no trouble in calling up the bill after 2 o'clock.

Mr. CLAY. Very well, Mr. President.

The PRESIDENT pro tempore. The Senator from Alabama [Mr. PETTUS] offered an amendment to strike out section 24. To that amendment the Senator from Ohio [Mr. FORAKER] offered an amendment, which will be stated.

The SECRETARY. On page 16, section 24, line 2, after the word "service," it is proposed to strike out the remainder of the bill down to and including the word "year," in line 14, as follows:

The persons so enrolled shall report for drill, inspection, and instruction at such times and places to be specified and under rules and regulations to be prescribed by the Secretary of War, and each person so reporting shall, during the time of such service, be subject, as far as practicable, to the regulations and discipline governing the military establishment and shall be entitled to the same pay and allowances as are or may be provided by law for the Army of the United States, to be paid out of the appropriation for the pay of the Army, but in time of peace, except in case of threatened invasion, said national volunteer reserve shall not be required to perform military duty to exceed ten days in any one year.

Mr. PETTUS. Mr. President, I desire to know whether the amendment offered by the Senator from Ohio was proposed as a substitute for the amendment which I submitted at a former time. What is it? Is it a substitute?

The PRESIDENT pro tempore. The Chair understands it to be an amendment to perfect the section which the Senator from Alabama moved to strike out entirely, and it is entitled to consideration before the proposed amendment of the Senator from Alabama. The question is on agreeing to the amendment offered by the Senator from Ohio.

Mr. PROCTOR. I will accept the amendment offered by the Senator from Ohio.

Mr. MORGAN. Let it be again stated.

The PRESIDENT pro tempore. It will again be stated to the Senate.

The Secretary again stated Mr. FORAKER'S amendment.

Mr. BATE. There seem to be two editions of the bill. I ask what section is referred to? It is not on the thirteenth page.

Mr. COCKRELL. It is the sixteenth page.

Mr. FORAKER. The sixteenth page.

The PRESIDENT pro tempore. Section 24.

Mr. BATE. I have two prints of the bill. Which is it—the last one?

Mr. COCKRELL. The last one, as ordered reprinted as agreed to in the Committee of the Whole, December 9, 1902.

Mr. SPOONER. I desire to call the attention of the Senator from Ohio to the language in line 25 on the fifteenth page. Perhaps it ought to be changed in order to make his amendment harmonious. I refer to the words "other than for the purpose of drill, inspection, and instruction." Having stricken them out in the succeeding lines, they perhaps ought to be stricken out here.

Mr. FORAKER. "Other than for the purpose of drill, inspection, and instruction." All right. I have no objection.

Mr. BACON. I understand the Senator from Vermont has accepted the amendment, and that there is no vote to be taken upon it.

Mr. FORAKER. Let it be understood, also, whether the Senator from Vermont accepts the suggestion made by the Senator from Wisconsin, Now that certain words have been stricken out on my suggestion, the Senator from Wisconsin suggests that in line 25, page 15, in order to make the bill harmonious the following words should also go out:

Other than for the purpose of drill, inspection, and instruction.

The PRESIDENT pro tempore. The amendment offered by the Senator from Ohio [Mr. FORAKER], as amended by the Senator from Wisconsin [Mr. SPOONER], is agreed to without objection.

Mr. WARREN. I ask the Senator from Ohio if that leaves the bill in just the condition he would like to leave it as to lines 22, 23, and 24?

Mr. FORAKER. Yes, sir.

Mr. WARREN. Are the words "but in the event they shall be called into the service of the United States" included in what you propose to strike out?

Mr. SPOONER. No.

Mr. COCKRELL. No.

Mr. SPOONER. With the words stricken out as I suggest it would read in this way:

Such enrollment shall in each case continue for a period of five years, but in the event they shall be called into the service of the United States they shall be entitled to be discharged at the close of the war or after nine months' service.

Mr. COCKRELL. That is right.

Mr. FORAKER. That, I think, is right.

Mr. SPOONER. It simply perfects it.

Mr. TELLER. Does that all go out as read by the Senator?

Mr. COCKRELL. No.

Mr. SPOONER. All that goes out is embraced within the words "other than for the purpose of drill, inspection, and instruction."

The PRESIDENT pro tempore. The Senator from Georgia [Mr. BACON] was recognized.

Mr. BACON. Mr. President, of course, I think the amendment offered by the Senator from Ohio [Mr. FORAKER], which has now been accepted, makes this section less objectionable. I might agree, however, with what the Senator from Wisconsin [Mr. SPOONER] stated yesterday, that with this amendment the section is of not very much practical operation. The common suggestion that it can do little harm does not constitute a sufficient reason why a bill which has evil in it should be passed, or why an amendment or any portion of a bill that has evil in it should be agreed to. I wish very much that the committee would eliminate this feature of the bill. I think I will be able to show that it has no part properly in the bill. It is not properly a part of a militia bill. It is the introduction into our regular military establishment of an altogether new feature, and, I repeat, a feature which in no sense has any connection with the militia branch of the service.

This is a bill having for its professed purpose the reorganization of the general militia of the United States. As such it is a most important bill. As such it is one which must interest every Senator, not only from a national standpoint, but from the standpoint of the State which he represents. One of the fundamental ideas in the formation of this Government was the reliance of the Government upon the militia for its defense, and therefore we find that in the formation of the Constitution it is provided for, and among the first enactments of the Congress of the United States, after the formation of the Government, was the law organizing the militia.

Mr. President, I think that this portion of the pending bill, found in section 24, is violative of the spirit and intent of the Constitution, and I hope I may have the attention of Senators who favor this section, because I desire that they may consider the suggestion which I am now about to make. I repeat—and I believe it will be so recognized by Senators—that section 24 is violative of the spirit and intent of the Constitution, if not violative of its letter.

Now, of course, if the position taken by the learned Senator from Alabama [Mr. PETTUS] yesterday is correct, that this is a part of the militia system, it would undoubtedly be in violation of its letter, because it prescribes duties which the Constitution prohibits among those which can be imposed upon the militia. There is no possible question about the fact that it is not a part of the militia, so far as its letter goes. But I think it is violative of the spirit and intent of the Constitution in that it makes a part of the regular establishment that which the Constitution intended should be the militia. You are calling it by a different name. In that way you are technically taking it without the prohibition of the Constitution, whereas it is in fact a part of that which the Constitution makers had in contemplation when they provided for the organization of the militia.

The Constitution of the United States recognizes two classes of soldiery and makes special provision for them, and one is the Regular Army and the other is the militia. It gives to the Congress, to use the language of the Constitution, power—

To raise and to support armies.

What armies does the Constitution contemplate when it gives that power to Congress? That is entirely apart from any military organization in the States. It is entirely apart from anything of which the States have any control. It is particularly and peculiarly to be the military branch of the National Government, under the distinct control of the National Government, to be organized by the National Government, to be equipped by the National Government, and paid by the National Government, and a restriction is put upon the power of the National Government in that particular to the extent of saying there shall be no appropriation for that purpose exceeding two years.

Of course that limitation has no special significance relative to this bill except for the purpose of illustrating the fact that the contemplation of the Constitution was that the Regular Army should be a regular establishment in the regular service of the Government, as contradistinguished from the citizen soldiery, which was all recognized as belonging to the class known and denominated as the militia.

The citizen soldiery, in the contemplation of the Constitution, was to constitute the militia, and the framers of the Constitution having in view distinctly these two classes of soldiery made two distinct provisions. One was that the Regular Army—I am not quoting the language, but the effect of the language—should be raised and organized and supported by the National Government and should be under its exclusive control. The other was that the citizen soldiery of this country, which was to be called upon in cases of emergency, should be under the control of the States so far as concerned their organization and officering, with certain privileges allowed to Congress as to the provisions that should be made with reference to them. But the provision which is in the same article of the Constitution with reference to the militia is in these words:

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

It is entirely proper for Congress under that clause to enact the provisions contemplated in this bill for the proper discipline of the militia, but when, Mr. President, you take a part of the citizen soldiery who are not in the regular service, as it has been heretofore recognized, who are not to be taken from their duties as civilians, from their ordinary vocations of life, who are to remain citizen soldiery, but who are nevertheless to be organized as a reserve for the Regular Army, officered by the United States Government, and subject to be called out by the President without reference to the militia law, you invade the province which it was intended should be without the distinct province of the Government of the United States in the organization of an army; you violate and defeat that which was the plain intent and purpose of the Constitution.

Mr. President, why was it that the Constitution makers said that in the militia there should be reserved to the States, respectively, the appointment of the officers? Did they desire to insure the separation of the citizen soldiery of the country from the Regular Army, or can it be imagined that they were splitting hairs and contemplated such a technicality as must be resorted to to sustain section 24 of this bill? Was it in contemplation that under a technicality the citizen soldiery could be divided into two classes—one class to be known as militia, composed of citizen soldiery, another class to be known as the volunteer reserve, and also composed of citizen soldiery—or was it the intent of the Constitution that all the citizen soldiery should be known as the militia? And whether the purpose is good or bad, wise or unwise, necessary or unnecessary, it is nevertheless the provision of the Constitution that they, the militia, shall stand distinct and apart and that the States shall have the right to officer them. When you divide them into two classes, all citizen soldiery, but one part to be known as the militia, to be officered by the States, and the other part, still citizen soldiery, to be known as volunteer reserve and officered by the United States, the purpose of the Constitution is defeated.

Aside from that I respectfully submit, sir, that it is an unnecessary provision. Outside of the purpose to enlarge practically the standing army I can conceive of no reason why there should be a volunteer reserve, as it is called, which shall be apart from the volunteer soldiery, a different part altogether, unless it be the apprehension that in time of war, in time of emergency, there will be an insufficiency of response on the part of the volunteer soldiery to meet the demands which would arise to meet such an emergency. Has there ever been anything in the past which would indicate any such danger? Is there anything which could possibly suggest such a danger in the future? Why is it that we are to have two classes of citizen soldiery, unless, forsooth, there is danger that the one will be insufficient to answer the purpose. Everyone knows that in time of need there is practically no limit to the number of volunteer soldiers who would promptly be at the call of the Government.

For over a hundred years we have had this system. For over a hundred years we have had but one class of citizen soldiery, and that is known as the militia. Sir, who shall define militia to be other than citizen soldiery? Who shall define militia to be other than that which has been known and accepted to be militia since 1792—the citizen soldiery of the country? If that is the meaning of it, if that was the intent of the framers of the Constitution, by what right do we at this late date seek to evade the plain provisions of the Constitution for that purpose? How is it that we are at this day to say in the passage of a law that there shall be a part of the citizen soldiery subject to be called into the service of the United States which shall not be a part of the militia?

Mr. President, the provision of this section of the bill is that the volunteer reserve, as it is called, shall be made up of those who have served in the militia or who have served in the Regular Army of the United States. They are to be enrolled, and although under the amendment which was adopted there will be no drills or anything of the kind, they are to be enrolled, and, I suppose, necessarily organized. How they are to be organized if they are never to be gathered together for inspection or drill I do not know.

This twenty-fourth section erects within each State two different classes of citizen soldiery, one of which will necessarily be the particular object of care on the part of the United States Government. It is true that the bill provides that the militia shall have proper equipment, proper organization, proper drill, and proper discipline, and all of that I most heartily approve, but, nevertheless, if you have in each State one class of citizen soldiery which shall be distinct from the other, which shall be in no manner subject to State law, which shall be in no manner subject to the call of the executive of the State, which shall have its wants supplied by the National Government, which shall have its officers supplied by the National Government, you necessarily have a class of men who will in time come to be recognized as higher in rank than the other class organized under State law, because of the vast resources of the National Government and the extremely restricted resources of the State government.

Mr. President, I repeat, I trust that this part of the bill will not be insisted upon. I am ready to respond to anything which the Senators in charge of the measure may insist upon as important for the militia, but this is not a part of the organization of the militia. I venture to say that there was not one Senator in ten, nay, not one in fifty, outside of the Committee on Military Affairs who knew the fact that in that bill, which was denominated as a militia bill, there was included a provision for the organization of an army of 100,000 men, which should belong to the regular establishment and be a part of the Regular Army, although it is, if you please, a dormant part of that regular establishment. It is nevertheless a fact that under a bill to reorganize the militia we have here introduced a provision with reference to the Regular Army of the United States, and a most important and far-reaching part.

I appeal to Senators to let us proceed with the bill for the reorganization of the militia. Strike out this twenty-fourth section, so that we may all give our support to the militia bill, because we are all interested in it. I desire to say, for myself, that with possibly one or two minor provisions, which I do not entirely approve, I most heartily approve of the bill, so far as it relates to the militia.

I think it is of extreme importance that we should have a new law with reference to the militia, because conditions have changed and it is highly important that the militia should be organized in accordance with the changed conditions. When the act of 1792, which organized the militia of the United States, was passed, it contained some provisions that this bill contains, in that it makes every man in the United States between 18 and 45 one of

the militia, except only certain exempted parties; but when that act was passed conditions were very different. Then any man who knew how to use his sporting gun would know how to use the gun that he would have to use in time of war, and any man who had ordinary capacity could within a very few days be instructed in the simple evolutions which were necessary to make him an organized soldier.

But conditions have entirely changed. A man may now be an expert in the use of a sporting gun and be utterly ignorant of the use of the military arm. He may not only be so, but he is so in nine hundred and nine-nine cases out of one thousand, because in the development of military arms they are entirely different, and it takes specific instructions in order to fit a man to use a military arm.

Therefore, in the organization of the militia at the present day, in order that they may be made promptly effective in time of need, it is important that they should be organized and disciplined and drilled as the Army is drilled; that they should be instructed in the use of these arms, which are entirely different in construction, and the range of which is entirely different. It is important, in view of the changed methods growing out of the changed conditions in arms, that they should be organized into bodies of corresponding character and size, divisions, etc., so that the militia may, when ordered into active service, be ready for immediate and effective service.

Therefore, Mr. President, it is, as I said, without going into details, that I regard this bill as extremely important. I am extremely anxious that it shall be passed, so far as it relates to the militia, but I can see no reason why this measure should be encumbered with another measure which has no relation whatever to the militia, which does not belong to the militia, and which would be utterly unconstitutional if it did pertain to the militia, and which can only be defended on the ground that it is intended as an appendix to the Regular Army.

Mr. President, if we are to have any legislation with reference to the Regular Army let us have it separate and apart. Why should it be brought in here under the guise or under the wing, if you please, of a bill for the reorganization of the militia? Certainly the organization of the Regular Army is a matter of sufficient importance to be dealt with separately and apart. It is a matter of sufficient importance to stand on its own ground and by its own strength, and not be brought here and put through as a part of a militia bill, because, forsooth, there is a necessity for the reorganization of the militia, and because by reason of that fact there is great influence in favor of the passage of a militia bill, and properly so. I want the Regular Army brought up to the highest state of efficiency, and I am ready to contribute all in my power to that end. But to accomplish this it is not necessary to mix legislation of the Army with that of the militia.

The Committee on Military Affairs of the Senate are certainly capable of presenting to the Senate and the House committee to the House an independent measure with reference to the Army without having to have it supported and buttressed by the strength of a bill for the reorganization of the militia.

Mr. President, everything which relates to the standing army is a most important matter. It is a matter that requires the greatest care on the part of Congress when we come to talk of legislating about a standing army. We have had a great change in the last two or three years in the standing army.

While it may be, as the Senator from Wisconsin [Mr. SPOONER] said on yesterday, that section 24 of this bill is to a great extent futile, with the amendment offered by the Senator from Ohio [Mr. FORAKER], still, Mr. President, it is the foundation, it is the beginning, and what may now be lacking of the bill, or this part of it, as it has been amended, will be more easily supplied hereafter. It will be said, "Here we have an organization and it is ineffective, a part of the Regular Army;" and then it will be amended and added to, and this volunteer reserve will become the important part of the volunteer soldiery, and the militia and the volunteer soldiery of the States will gradually be depreciated and become insignificant.

I desire, Mr. President, that the learned Senators who support this bill will answer the suggestion which I have made as to whether or not it is violative of the spirit of the Constitution when they make a part of the citizen soldiery of the country a part of the standing army of the country, and that is exactly what this section does.

It takes the citizen soldiery and simply by changing the name from what the Constitution intended it should all be known by, to wit, the militia, makes a part of the citizen soldiery a part of the standing army of the country, and what is now a hundred thousand men may be in the near future, without any greater change than that we have already seen, a million men, and it may be that within a very short time this feature of the bill, now so comparatively insignificant, may become the great dominating military feature in the legislation of this country.

Mr. President, it is too serious a matter for us to pass upon it as a part of the militia bill when it is not a part of it at all. I may be mistaken about it, I may be overapprehensive about such things, but I think it is an extremely grave proposition, an absolute departure from anything that has ever been seen in the Government of the United States heretofore, when you say that a part of the citizen soldiery of the country shall become a part of the Regular Army of the United States, subject to the call of the President of the United States, not subject in any manner to State law, not officered by the States, and in no particular subject to the control or call of the governor of the State.

It will not do to say there is no danger in this because it can only be done when Congress authorizes it. Congress will have already authorized it when you pass it. Whenever you pass this bill there is a law upon the statute books by which it is available at the call of the President of the United States.

Possibly I am incorrect in that construction. I understand the bill has been amended, by striking out on page 16 from line 2 to line 20. Am I correct?

Mr. FORAKER. To line 14.

Mr. BACON. It does not go beyond that?

Mr. FORAKER. No.

Mr. BACON. Now, I will call the attention of Senators to the language as it now reads:

> Whenever a volunteer force shall be called for by authority of Congress, and the members of any companies, troops, battalions, etc.—

They "shall be received as the first organizations of such volunteer force." And in line 20:

> Whenever a volunteer force shall be called for by authority of Congress, exceeding in number the companies, troops, batteries, battalions, and regiments of the organized militia which shall enlist, etc.

Now, what does that mean? Does it mean that whenever a volunteer force shall be called for by authority of Congress hereafter granted? Does it mean to limit the power of the President of the United States to the use of this particular body of soldiery to such purposes as shall hereafter be authorized by Congress, or does it mean to extend to all purposes which are authorized by Congress, whether that authority has been heretofore granted or shall be hereafter granted? Why, manifestly the latter.

Manifestly under this particular provision of the bill—I say "this particular provision" because I am in favor of the bill as a whole, and very much so—under the provisions of section 24, the President of the United States is authorized to call for this body of soldiery whenever an emergency arises under the law as then existing. Whether it is a law passed prior to the present time or subsequent to the present time, he is authorized to call out troops.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). The Senator from Georgia will suspend while the Chair lays before the Senate the unfinished business of yesterday, which will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

The PRESIDING OFFICER. The Senator from Vermont [Mr. DILLINGHAM] is in possession of the floor.

Mr. QUAY. I ask the Senator from Vermont to yield to me for a moment.

Mr. PROCTOR. Will my colleague allow me to give a notice?

Mr. DILLINGHAM. Certainly.

Mr. PROCTOR. I wish to give notice that I shall ask consent to-morrow morning to take up the militia bill at the expiration of the morning business.

Mr. BACON. I presume the Senator will recognize my right to proceed at that time. I was right in the midst of what I had to say.

Mr. PROCTOR. The Senator from Georgia has the floor upon the bill when it again comes before the Senate.

Mr. TILLMAN. Have we not some special order for to-morrow after the routine morning business?

Mr. BEVERIDGE. Yes; we have.

Mr. KEAN. There is a special order.

Mr. QUAY. There are eulogies to be delivered.

Mr. BEVERIDGE. Eulogies on the late Senator SEWELL.

Mr. TILLMAN. I suppose that to-morrow is a dies non, so far as the militia bill and the statehood bill are concerned.

The PRESIDING OFFICER. The Chair is informed that there has been no special order made by the Senate, but that notice simply has been given.

Mr. TILLMAN. Notice in that case is equivalent to an order, and always has been.

The PRESIDING OFFICER. The Chair does not recognize the giving of a notice as equivalent to an order made by the Senate.

Mr. TILLMAN. I am only speaking of cases of eulogies. It has been the universal custom in the Senate since I have been here for everybody to recognize the obligation of the Senate in such a case.

The PRESIDING OFFICER. The Chair is now informed from the Secretary's desk that the Senator from South Carolina is correct. The Senator from New Jersey [Mr. KEAN] gave the following notice:

That on Wednesday, December 17, after the routine morning business, he will submit resolutions in regard to the death of his late colleague, WILLIAM J. SEWELL, in order that appropriate tribute may be paid to his memory.

The Senator from South Carolina is correct.

OMNIBUS STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. QUAY. I desire to send to the Secretary's desk a telegram in relation to the statehood bill, and I ask that it be read.

The PRESIDING OFFICER. The Senator from Pennsylvania asks that the telegram sent to the desk by him may be read for the information of the Senate. In the absence of objection, it will be read.

The Secretary read as follows:

ROCK ISLAND DEPOT, ENID, OKLA., *December 10, 1902.*

Hon. MATTHEW S. QUAY,
United States Senator, Washington, D. C.:

Enthusiastic meeting, December 10, passed following resolutions for omnibus bill:

"Whereas systematic and fraudulent efforts have been made to mislead members of the United States Senate as to the wishes of the people of Oklahoma in relation to statehood; and

"Whereas an overwhelming majority of the people of Oklahoma, irrespective of party affiliations, are opposed to the single statehood measure of Senator BEVERIDGE, and desire statehood under the conditions of the omnibus bill now pending in the Senate: Therefore,

"*Resolved*, That the Commercial Club of the city of Enid most earnestly requests the friends of Oklahoma in the Senate to urge the passage of the omnibus bill, and under all conditions to oppose the Beveridge measure.

"*Resolved*, That the secretary telegraph a copy of these resolutions to Senators QUAY and BAILEY, and request that they be presented to the Senate."

O. F. FLEMING,
President.
FRED. A. WILSON,
Secretary pro tempore.

Mr. CLAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Georgia?

Mr. QUAY. I still have the floor, Mr. President.

The PRESIDING OFFICER. The Chair understood that the Senator had only asked for the reading of the telegram.

Mr. QUAY. I was waiting to hear from the Senator from Indiana [Mr. BEVERIDGE]. He was about to address an inquiry to me, as I supposed.

Mr. BEVERIDGE. I was waiting for what the Senator had to say and then, out of order, I wish to ask permission to introduce sundry bills for appropriate reference.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield for that purpose to the Senator from Indiana?

Mr. QUAY. I do.

[The bills introduced by Mr. BEVERIDGE appear under the heading, "Bills introduced."]

Mr. DUBOIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Idaho?

Mr. QUAY. Certainly.

Mr. DUBOIS. I ask the indulgence of the Senator from Pennsylvania and the Senator from Vermont also while I request of the Senate permission to put upon its passage a bill of local interest to my people. It will take but a few moments.

Mr. QUAY. I have no objection if the bill provokes no discussion.

Mr. DUBOIS. If it does I shall immediately withdraw it.

Mr. BEVERIDGE. We have no objection.

FORT HALL RESERVATION LANDS.

Mr. DUBOIS. I ask the Senate to proceed to the consideration of the bill (S. 6502) relating to ceded lands on the Fort Hall Indian Reservation.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments.

The first amendment was, on page 2, line 3, after the word "Interior," to insert the following proviso:

Provided, That the improvements made by certain Indians upon the following-described lands, namely, lot 4, sec. 1, and the SE. ¼ of the NE. ¼, sec. 18, and the SE. ¼ of the NW. ¼ and the NW. ¼ of the SW. ¼ of sec. 8, in T. 7 S., R. 35 E., and the E. ½ of the SE. ¼ of sec. 21, T. 6 S., R. 34 E., and which have heretofore been appraised, shall be paid for at the said appraised value, at the time of and by the person making entry of the respective tracts upon which such improvements are situated.

Mr. PETTUS. Mr. President, I should like to inquire of the Senator in charge of the bill what amount of land this includes.

Mr. DUBOIS. There is a short report here from the Secretary of the Interior and the Commissioner of Indian Affairs explaining it and recommending it very strongly. It includes about 60,000 acres of land.

Mr. PETTUS. Is the land in the Indian reservation?

Mr. DUBOIS. No. The land has been ceded to the Government.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Indian Affairs.

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs was to strike out the remainder of the bill in the following words:

The section 5 referred to above is as follows:

"SEC. 5. That on the completion of the allotments and the preparation of the schedule provided for in the preceding section, and the classification of the lands as provided for herein, the residue of said ceded lands shall be opened to settlement by the proclamation of the President, and shall be subject to disposal under the homestead, town-site, stone and timber, and mining laws of the United States only, excepting as to price and excepting the sixteenth and thirty-sixth sections in each Congressional township, which shall be reserved for common-school purposes and be subject to the laws of Idaho: *Provided*, That all purchasers of lands lying under the canal of the Idaho Canal Company, and which are susceptible of irrigation from the water from said canal, shall pay for the same at the rate of $10 per acre; all agricultural lands not under said canal shall be paid for at the rate of $2.50 per acre, and grazing lands at the rate $1.25 per acre, one-fifth of the respective sums to be paid at time of original entry, and four-fifths thereof at the time of making final proof; but no purchaser shall be permitted in any manner to purchase more than 160 acres of the land hereinbefore referred to; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections 2304 and 2305 of the Revised Statutes of the United States, shall not be abridged, except as to the sum to be paid as aforesaid.

"The classification as to agricultural and grazing lands shall be made by an employee of the General Land Office, under the direction of the Secretary of the Interior.

"No lands in sections 16 and 36 now occupied, as set forth in article 3 of the agreement herein ratified, shall be reserved for school purposes, but the State of Idaho shall be entitled to indemnity for any lands so occupied: *Provided*, That none of said lands shall be disposed of under the town-site laws for less than $10 per acre: *And provided further*, That all of said lands within 5 miles of the boundary line of the town of Pocatella shall be sold at public auction, payable as aforesaid, under the direction of the Secretary of the Interior, for not less than $10 per acre: *And provided further*, That any mineral lands within said 5-mile limit shall be disposed of under the mineral-land laws of the United States, excepting that the price of such mineral lands shall be fixed at $10 per acre instead of the price fixed by the said mineral-land laws."

Mr. PETTUS. I ask that the remainder of the bill be read.

Mr. DUBOIS. It is descriptive.

The PRESIDING OFFICER. The Secretary will read the words proposed to be stricken out by the committee.

Mr. DUBOIS. It is descriptive entirely.

Mr. PETTUS. If it is a description of the land, I do not care to have it read.

The PRESIDING OFFICER. Does the Senator from Alabama withdraw his request?

Mr. PETTUS. Yes, sir.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CLAY and Mr. BEVERIDGE addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Pennsylvania yield?

Mr. BEVERIDGE. I will not address the Chair, since the Senator from Georgia desires to present a measure.

Mr. CLAY. I ask the Senator from Pennsylvania to yield to me for just a minute.

Mr. QUAY. I yield to the Senator from Georgia.

SAVANNAH RIVER BRIDGE.

Mr. CLAY. I ask that House bill 15445 be taken up and passed. It will not lead to discussion.

The PRESIDING OFFICER. The Senator from Georgia asks for the present consideration of a bill the title of which will be read.

The SECRETARY. A bill (H. R. 15445) to authorize the construction of a bridge across the Savannah River at Sand Bar Ferry, below the city of Augusta, Ga.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OMNIBUS STATEHOOD BILL.

Mr. CULBERSON and Mr. BEVERIDGE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Texas?

Mr. QUAY. I will in a moment. The Senator from Indiana has risen, intending to address the Chair.

Mr. BEVERIDGE. I know I have; but I did not observe when I rose that other Senators desired the attention of the Chair or the Senate for the passage of private bills, and of course I do not desire to interfere.

Mr. QUAY. I do not wish to interfere with Senators who desire to have private bills passed so long as they do not obstruct the conclusion of the remarks of the Senator from Vermont [Mr. DILLINGHAM]. I supposed possibly the Senator from Indiana intended to say something in relation to the statehood bill.

Mr. BEVERIDGE. I did, Mr. President.

Mr. QUAY. If so, I trust the Senator from Texas will yield to the Senator from Indiana for a moment.

Mr. CULBERSON. Certainly.

Mr. BEVERIDGE. Mr. President, several Senators have expressed to me a desire to be absent from Thursday, as they are going home for the holidays; and it has occurred to me, and I so had a communication with the Senator from Pennsylvania, that the matter could not be hastened largely by keeping those Senators here on Thursday. Therefore I suggest that the further discussion of this measure, after the conclusion of the remarks of the Senator from Vermont, go over until immediately after the holidays.

Mr. QUAY. I have no objection whatever to that. I understand very distinctly that a number of Senators will leave the city to-morrow and that by Friday, at least, there will be no quorum here. With the understanding that the Senator from Vermont completes his remarks, that his speech shall be printed in the RECORD this week, and that on the 5th of January, when we meet, the Senator who is to succeed him on the side of the Committee on Territories will be ready to take the floor and proceed with the discussion, I will agree to the suggestion, if that is satisfactory to the Senator from Indiana and gentlemen on the other side.

Mr. BEVERIDGE. Certainly, Mr. President.

Mr. BATE. Mr. President, that will be satisfactory to us if we can not get a quorum after Thursday. We should like to go on with the bill, and of course we want a day set when it is to be resumed. We do not want it to lose its place, as a matter of course.

Mr. BEVERIDGE. Certainly not.

Mr. QUAY. The consideration of the bill will be resumed in its order, as I understand, on the 5th of January, when the session is resumed.

Mr. BEVERIDGE. Certainly, and the discussion will be taken up again immediately on the 5th of January. The only effect of this agreement, as I understand, will be that there shall be no further discussion on Thursday.

Mr. QUAY. Provided the Senator from Vermont concludes his speech to-day.

Mr. BEVERIDGE. Provided the Senator from Vermont concludes to-day, and that his speech shall appear in the RECORD before the holiday adjournment.

Mr. QUAY. It is also part of the agreement that a representative of the Committee on Territories will be ready to proceed with the discussion on the day we meet.

Mr. BEVERIDGE. Certainly; and that when we meet the discussion shall proceed on the part of the committee as it otherwise would on Thursday.

The PRESIDING OFFICER. The Senator from Indiana [Mr. BEVERIDGE] asks unanimous consent that it be agreed that at the conclusion of the remarks of the Senator from Vermont [Mr. DILLINGHAM] who is now in possession of the floor, that further debate upon the statehood bill shall be deferred until 2 o'clock on the 5th day of January, when some member of the Committee on Territories will take the floor.

Mr. BATE. And proceed.

Mr. BEVERIDGE. And address the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. QUAY. The bill, of course, retains its place as unfinished business, Mr. President?

Mr. BEVERIDGE. Oh, certainly.

The PRESIDING OFFICER. The Chair so understands. Is there objection to this request? The Chair hears none, and it is so ordered.

CIRCUIT COURT OF APPEALS AT FORT WORTH, TEX.

Mr. CULBERSON. I ask unanimous consent for the present consideration of House bill 15140.

The PRESIDING OFFICER. The Chair would state to the Senator from Texas that the Senator from Vermont [Mr. DILLINGHAM] is in possession of the floor.

Mr. CULBERSON. The Senator from Vermont has kindly yielded to me.

The PRESIDING OFFICER. Then the Chair recognizes the Senator from Texas.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill (H. R. 15140) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Fort Worth, in the State of Texas, on the first Monday in November in each year.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OMNIBUS STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. DILLINGHAM. Mr. President, I now propose to take up the question of the conditions existing in Arizona with reference to her fitness for admission into the Union at this time. I wish, first, to call attention to the fact that Arizona is a Territory that is 378 miles in breadth and 379 miles in length, that it contains about 73,000,000 acres of land, that it is in the arid region of the country, that the southern portion of it is in the semitropical region of the country, but that yet in this large area there is a population, according to the census, of only 122,139 souls, or, to make that fact more impressive, there is $1\frac{1}{10}$ persons to each square mile in the Territory.

There are a number of fine towns in the Territory, very largely American in their character. The city of Prescott, which is reached after leaving the main trunk line passing through the northern section of the Territory as you travel south, is a town having a population, according to the census, of 3,559. More is claimed for it now, and doubtless there are a greater number of people there. It is a town that is sustained entirely by the mining interests around it—a town that is given up very largely to trade. It is well built, fine in its appearance, has an intelligent, well-educated, and progressive population, with good schools, good banks, and good institutions generally.

Passing south from there, after crossing the mountain, one comes to the city of Phoenix. A more delightful winter residence it would be difficult to find in this country. It is some four or five thousand feet lower in altitude than Prescott. The summers are intensely hot, we are told, but in winter there is perpetual sunshine and the temperature is such that the city becomes a gathering place for those who are delicate in health, particularly those suffering from lung diseases. At Phoenix they have the finest system of irrigation that can be found in the Southwestern Territories.

The country around the city is substantially level, so nearly so that they are able to bring the water of the river a good many miles, and, by ditching, to carry it to the fields needing irrigation. They have made such a success of the system that Phoenix is noted among all persons who have given attention to the subject of irrigation. I think it is conceded that the system there is more perfect than in any other place in the Southwest. We were driven through the outlying districts and found fine crops, fine herds, and attractive farms, and all the fruits naturally produced in the Temperate Zone and even in tropical countries are there grown in abundance.

The population of Phoenix is to a considerable extent made up of people who have gone from other sections of the country, perhaps originally in pursuit of health, but who have now entered into business and are interested in Phoenix and in the Territory in which Phoenix is situated. This class of population for intelligence, for education, for culture, can hardly be excelled in any city of its size in the Middle West or in the East.

Tucson, a city to which the census gives a population of 7,531, is more of the Mexican or Spanish type of a town. It has a larger population of the class known as Mexican. Here is situated the university, a prosperous institution, finely officered and cared for; and the population there we may refer to as we have to that in the other cities just mentioned. There are other towns in the Territory of like character, few in number and less in population, which I shall not take time to mention.

There are other communities in the Territory of a different type. One of them is the city of Bisbee. They call it a camp, because it is built up around the copper mines located at that place. The mining and smelting of copper has created the town and gives it its activity to-day. They claim a population of from 7,000 to 9,000, while the census gives a smaller number; but that can not be relied upon, because when the census was taken Bisbee was not an incorporated town. It is situated in a great ravine in the mountains. The population is just what one would expect in such a place. A portion are highly educated and cultured men; others, noted for their business ability, are engaged with them in the management of the works. Below them are superintendents and employees of different classes usually found in such plants. There are also settlements in connection with the Clifton mines, the Shannon mines, and the Commonwealth mines.

Tombstone was formerly a city, it is said, of 12,000 inhabitants, but a few years ago disaster overcame her, and at the present time it is said there are not over 1,200 people residing there;

although in fairness it should be stated that parties are now undertaking to remove the water from the mines, which had been flooded for years, and to attempt again to explore the lower levels to ascertain what may be found. But taking the population of the Territory as a whole, as it exists in city and in country, it will be found that 24,233, or 19.7 per cent, of them are foreign born and 50,308, or 40.9 per cent, of them are of foreign parentage. Looking at the population from a racial standpoint, we find that about 29,000 out of 122,000 are of Mexican origin, and 14,000 of the latter class were born in old Mexico and have come into Arizona as immigrants.

In Phoenix one of the gentlemen appointed to present the claims of Arizona for statehood, upon being interrogated as to the per cent of illiteracy in the Territory, stated that he had not the figures before him, but, knowing the Territory pretty well, he would think that it would range from 4 to 8 per cent in the different sections of the Territory; that perhaps it would average between those two numbers.

I can readily understand how he made such a mistake, as he came from the North, had only been four or five years in the Territory, and his residence had been in the delightful society of Phoenix, but he was entirely wrong in his estimate, as the census shows that, taking the whole population together, 29 per cent are not able to read or write in any language, and if we were to make a test of those who could read and write the English language, the per cent, of course, would be very much greater than that.

It appears that 28,911, or about 23½ per cent, of the population of the Territory are unable to speak English. The seriousness of the condition there suggested by this fact lies in this, that outside of those villages—I call them villages, but they call them cities—there are those vast areas of country in which the population is so sparsely settled that there is difficulty in bringing the children together and getting them into school, although the laws of the Territory have provided for a very good school system.

There is another peculiarity in the population of Arizona, disclosed by the census, in the fact that the percentage of the male population above 15 years of age who are married is only 43.6, while in New Mexico it is 56.6; in Oklahoma, 56.1, in the Indian Territory, 55, and in Ohio, 56.4, showing that there must be a considerable number of the male population in Arizona who are of a transient character, going there to work in the mines or for other purposes, but who have not permanently settled and adopted the family life.

Education in that Territory has been provided for by the establishment at Tucson of the agricultural college, to which I have referred. The Territory has two normal schools, which are represented as doing good work, and they have in that whole Territory, large as I have described it to be, 275 school districts, in which there are 122 grammar schools and 320 primary schools, with 118 male teachers and 339 female teachers. Governor Brodie, a most candid man, states that on the whole the educational system is working admirably for the Territory and he hopes for good results from it.

There is in the northern part of the Territory a large body of timber, which has been substantially untouched down to the present time, to which I should perhaps call attention; and I do not know that I can better do so than by adopting the language of Governor Brodie in his statement to the committee, in which he says:

> In the high range of mountains extending through we have the largest single belt of pine timber in the United States in this Territory, that extends from the Grand Canyon into New Mexico, in the southeastern portion, about 60 to 80 miles in width and 300 miles in length. The greater portions of it have been included in the forest reservations and in the Indian reservations. That country must depend entirely upon grazing for its success in the portions outside of the timber land. There is very little mining up that way; some little up about the Grand Canyon.

The industries of the Territory are principally agriculture, herding, and mining. Agriculture in Arizona is absolutely dependent upon artificial irrigation. This is conceded by everybody who appeared before the committee, including Governor Brodie, who, however, called attention to the fact that in the extreme northern portion of the Territory, among the mountains and at an altitude, perhaps, of 6,000 feet above sea level, there are valleys where they have some summer rains and where forage crops are to some extent harvested. But outside of that the whole Territory may be included in the arid area.

It appeared to the committee that agriculture has now substantially reached its greatest development until steps are taken to impound the winter rainfall and the water of the floods whenever they may come. In other words, that the water of the streams as they flow season by season is now fully utilized.

I have already referred to the very fine system of irrigation in and about Phoenix; but even at Phoenix they are now suffering severely from lack of water. They have an area which has been properly ditched and which at some time has been fully irrigated, which they can not avail themselves of because of the lack of water, particularly in the last two or three years, since the streams have been unusually low. Mr. Fowler, of Phoenix, who appeared before us for the Territory of Arizona, in referring to conditions there, said:

> I want first to emphasize to the committee the fact that when you talk about 275,000 acres of land on the canals, that all of that land practically, there may be a little—there may be 250,000 acres—that takes out some blocks that have been abandoned, but all of that 250,000 acres has been operated. The water has been over it. This last year we did not irrigate in this valley exceeding 90,000 acres. Over 90,000, I told you, to 100,000 acres. In fact, Mr. Heard thinks it was even less than that on account of the drought. I have 280 acres of land I did not put any water at all on, because I did not have it.
>
> I have avoided, gentlemen, a number of things that I would have said to you individually, because they were personal references. I feel delicate about going into the matter of making personal references.
>
> PROPORTION OF RANCH ACTUALLY IRRIGATED.
>
> In the case in which I was talking to the chairman, about my ranch of 340 acres, there are 280 acres that I have not put any water on for three years, and 140 acres, about that, out of which I have had water enough to cultivate about 40 acres, although I have spread out over more territory than that. I had quite a considerable acreage of oranges and grapes, and I wanted to save them, but I lost them in spite of everything I could do.
>
> Q. I understand that the reason you did not put more than this 40 acres under water was because of lack of water.
>
> A. Yes, sir; I did not put more than 40 acres under water because I lacked the water, but I was paying for 160 acres of water. The contracts are worded that the waters are to be furnished provided it is in the river.

Referring to that same subject, Professor Newell, connected with the Geological Survey, who has had charge of the work in Arizona and New Mexico, says:

> The condition at Phoenix is extremely serious, as the land under cultivation exceeds in area the available supply of water. For the last two or three years there has not been sufficient water for more than half or two-thirds of the land which has been normally under cultivation.
>
> The CHAIRMAN. Is that because there is not enough water in the river?
>
> Mr. NEWELL. It is because of the shrinkage of the river during the past few years.

Mr. President, I do not make these references for the purpose of casting any discredit upon Phoenix, but simply to call attention to the fact that in the natural flow of the rivers in that Territory, in my judgment, there can not be any better or further results hoped for than have already been accomplished. I am glad to say for Phoenix, and for what I believe to be her future, that the Committee on Territories of this body have already recommended favorably the passage of a measure asked for by the citizens of that city, authorizing the county of Maricopa, in which that city is situated, to bond itself to the extent of perhaps two millions or two millions and a half of dollars for the purpose of going 25 miles into the mountains and there constructing a dam and creating a great reservoir for the storage of water, which, if done, will, in my opinion and I think in the opinion of the committee, furnish an ample supply for the plain about Phoenix, not only for the area now under irrigation and which is properly ditched, but, as Governor Brodie suggested, to very nearly double that amount.

There is also another scheme, which the people there hope to induce the Government to adopt under the law which was passed last winter, for the storage of large quantities of water for use in that valley; and I expect at some time to see those schemes carried out.

Other sections of Arizona are irrigated, particularly in the valley of the Gila and the land near Yuma in the valley of the Colorado; but the amount of land irrigated in Arizona compared with the whole is almost infinitesimally small.

If the Senators who are interested in this question will take the trouble to turn to the map of Arizona, which is bound with the testimony reported by the committee, they will notice the black spots which indicate the area that is really irrigated, and they will see how utterly impossible it is, with the water already used up, to leave the valleys where irrigation now exists and to spread over any very considerable portion of the territory beyond.

Mr. BURTON. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Kansas?

Mr. DILLINGHAM. Certainly; I yield for a question.

Mr. BURTON. Is that condition because of the contour of the country or because of the want of water?

Mr. DILLINGHAM. Both, I should say.

Mr. BURTON. Do you mean that if they had the water there is no land there to put it on?

Mr. DILLINGHAM. I mean if they had water enough for that vast territory that it would be utterly impossible to carry it over the uneven surface, unless it was carried in pipes under a very comprehensive system, such as has not been adopted in any part of this country. But I mean, further, that the testimony of all persons appearing before the committee indicated that irrigation can not be extended any considerable distance from the streams of the Territory, water having to be carried by gravity in ditches.

Mr. Newell testified in relation to this matter. I think his testimony will be found on page 178 of the bound volume, when

the map which has been bound was exhibited to him. The colloquy between the chairman and Mr. Newell was as follows:

The CHAIRMAN. As to irrigation, please describe the condition of the rest of the Territory with reference to the occupation of agriculture outside of the black area shown on the map.

Mr. NEWELL. Outside of the black area there are practically no lands susceptible of irrigation, except in the contingency of very extensive storage in the future.

The CHAIRMAN. Will you state, if you can, roughly speaking, what proportion the lands under irrigation bear to the entire area of the Territory?

Mr. NEWELL. It is probably about a fourth of 1 per cent. I can correct that statement later, but it is less than 1 per cent.

The correction that the professor furnished later has been printed in brackets, and it shows that the total area of Arizona Territory is 72,268,800 acres, of which there were irrigated in 1899, 185,396 acres, or twenty-five one-hundredths of 1 per cent of all the land in the Territory.

He testified further:

The CHAIRMAN. It is less than in New Mexico, is it?

Mr. NEWELL. It is somewhat less than in New Mexico.

Senator HEITFELD. Have the lands all been surveyed in those Territories?

Mr. NEWELL. It has not all been surveyed and subdivided. The maps show the extent to which subdivision has progressed.

Senator HEITFELD. How do you get all your detailed information if there have been no surveys made? Have parties been sent out there to investigate and segregate the lands and to ascertain these things?

Mr. NEWELL. Lands can not pass out of the ownership of the Government unless they have been surveyed. This represents lands actually disposed of.

That, I think, presents accurately the condition of Arizona today, with an irrigated area aggregating 0.25 of 1 per cent of the entire land of the Territory.

I now wish, for purposes of comparison and to show what the resources of Arizona are from an agricultural standpoint, to call attention to the farm area of the Territory; and in order that there may be no mistake as to what is included in farm area in the census reports, I shall read from a note printed in the reports, as follows:

Under the general title "Farms" are included not only such tracts of tilled and untilled land as are commonly designated by that word in the older settled States, but also the ranches of the owners of flocks and of herds. Of the latter there are many in Arizona. The proprietors of some of these ranches own large tracts of land upon which cattle and sheep are fed, while others who own little or no farm lands subsist their flocks and herds, often exclusively, upon the public domain or range. The land and agricultural resources of such ranges are classed as farms when of sufficient importance to require in their management the continued labor of one or more persons.

Under that definition, as I understand it, the total farm area of Arizona is 1,935,327 acres. That only a small portion of this has been brought under actual cultivation is shown by the fact that the improved farm area of Arizona is 254,521 acres, and that of this there are 185,396 irrigated.

That the Senate may understand how small is the improved farm area of Arizona as compared with that in other Territories and States, I call attention to the fact that the improved farm area of Oklahoma, which has been occupied only ten or twelve years, is 5,511,994, or about twenty-one times as much as Arizona contains, and I believe her government was organized in 1863. The Indian Territory has an improved farm area of 3,062,193 acres, or twelve times as great as that of Arizona, and Oklahoma and Indian Territory combined have such an area thirty-three times as large as that of Arizona. To make it yet more perfectly understood, Connecticut has four times as much improved farm area as Arizona; Massachusetts has five times as much; Vermont has eight times as much; Kansas has an improved farm area amounting to 25,040,550 acres, ninety times as much as Arizona.

I have called attention to these figures simply to demonstrate what I believe to be the fact, that with the introduction of the best artificial system of irrigation which can be devised, with the storage of all the waters that can be impounded in the mountains, it will be impossible ever to irrigate any sufficient portion of Arizona to make it comparatively important from an agricultural standpoint.

To carry this thought a little further, I beg to call the attention of the Senate to certain comparisons suggested by the census tables giving the value of farm products in different States and Territories, from which it appears that in 1890 the entire value of the farm products of Arizona was $6,997,097, while during the same year the farm products of Oklahoma and the Indian Territory amounted to $73,119,746, or more than ten times the value of those of Arizona. To make yet more clear the extent of agriculture in Arizona, let me say that the value of farm products of Massachusetts was six times greater than that of the farm products of Arizona; in Connecticut, four times; in Vermont, four and a half times; in Kansas, twenty-nine times; in Illinois, forty-nine times; in Minnesota, twenty-three times, and in each of the Dakotas nine times in value those of Arizona.

These comparisons simply serve to emphasize the proposition which I have already made, and with that I pass on to the question of mining, because it is from the mines of Arizona, in my judgment, that the wealth of that Territory must come. The committee in their report say:

MINING.

But the great occupation of the people of Arizona is mining, and the great resources of Arizona are its mineral deposits. In this much development has already occurred, and it is asserted that immense bodies of ore, notably copper and gold, exist in various portions of the Territory. (Testimony of Judge Sloan and others, pp. 123, 125, 126.)

As is the case in all mining communities, verification of these claims is uncertain and a matter for the future. All that can be taken into account is the present development. Of this the chief is the mining of copper, in the production of which Arizona stands third, Michigan and Montana alone being ahead of it. Of the copper mines, the Verde mines, belonging to Senator CLARK, of Montana; the Copper Queen, belonging to Phelps, Dodge & Co., of New York; the mines of the Shannon Copper Company; the Black Warrior Company's mines, and the properties of a great Scotch corporation are the principal. Of the gold mines, the Pierce mine, the Congress mine, and the Commonwealth mine are perhaps among the most remarkable.

The actual output at present is shown by the following table:

	1899.	1900.	1901.
Clay products	$101,954.00	$112,737.00	
Raw clay		2,000.00	
Copper	a15,966,583.20	a14,198,131.68	
Gypsum			
Lead			
Marble		5,000.00	$300.00
Limestone	960.00	165.00	300.00
Sandstone	4,168.00	64,000.00	202,500.00
Gold	2,566,100.00	4,193,400.00	4,083,000.00
Silver		1,857,210.00	1,687,440.00
Total	a18,639,765.20	a20,432,643.68	6,066,526.00

a Estimated at 12 cents per pound.

The comparative value of the above is illustrated when it is borne in mind that at the same time Colorado, Montana, and California produced the following:

GOLD.

	1899.	1900.	1901.
California	$15,197,800	$15,816,200	$16,891,400
Colorado	25,982,800	28,829,400	27,693,500
Montana	4,760,100	4,698,000	4,744,100

SILVER.

	1899.a	1900.	1901.
California	$1,065,762	$583,668	$555,360
Colorado	29,301,527	12,700,018	11,062,680
Montana	20,810,990	8,801,148	7,879,020

a Coining value; all other estimates at commercial value.

It appears from the table presented that the production of gold in Arizona in 1901 amounted to $4,083,000; the production of silver, $1,687,440. Comparing this with the production in other sections of the West, the production appears small. We find that in California there was produced four times as much gold as in Arizona, and in Colorado six times as much as in Arizona, and that Montana furnished fully as much as Arizona. We find also that Colorado produced six times as much silver as Arizona, and that Montana produced four times as much.

The product of gold and silver, even if it continues as great in the future as at present, can not alone, of course, be any basis for statehood, because in that year it amounted to only $5,777,440, and that, when compared with other products of other States, is not of large importance. It only equals the product of stone in Vermont; it does not half equal the production of stone in Pennsylvania. But whether that will be increased, and to what extent, is entirely problematical.

The committee visited the Congress mine, situated between Prescott and Phoenix, which has already reached a depth of about 3,000 feet, I think, and which is now producing gold in large quantities, we were told. It is the only gold mine we were able to visit.

But, coming to the record of the Territory in the production of copper, we find that in 1901 it produced 130,000,000 pounds. I have made a computation of its value, in which I have tried to be entirely fair. I have called it 16 cents a pound, and I think, perhaps, at that time copper may have commanded that price. But whether it was worth so much or less, that computation would show that the value of the output was worth that year about $20,800,000. If to that is added the value of the gold and silver produced, $5,770,440, and the farm products, to which I have already referred, amounting to $6,997,097, the product is $33,567,537. This is the output of Arizona in copper, her great product, in gold and silver, and in farm products.

What is that as a State's product when compared with the products of other political divisions of the country? I do not care

to make an extravagant comparison, one that will belittle Arizona, because I do not stand here to say that there is not a future for that Territory. I hope there is; I am prepared to expect it; but it is not yet demonstrated, it is entirely problematical.

For the purpose of comparison let me say that in Vermont in 1900 the farm products alone were valued at $33,570,892, or as much as the entire product of Arizona in gold, silver, copper, and farm products, and I have said nothing of Vermont's manufactures or any of the other sources of her wealth. Massachusetts' farm products exceeded Arizona's product of metals and farm products, and the farm products of Kansas were six times as great; and the farm products of Illinois, not mentioning all other sources of her wealth, were ten times as great as the entire production of Arizona in the lines I have mentioned.

Carrying the comparison further, the farm products of Minnesota were five times as great, and of North Dakota and South Dakota twice as great.

The railroads of Arizona have their greatest mileage in the two lines which cross the Territory, one at the northern end of the Territory and the Southern Pacific, which passes through the southern portion of the Territory. I assume that mining has been somewhat handicapped, and held back by lack of railroad facilities in the interior, where it is extremely expensive to build roads. But of late there have been built, and there are to be built, doubtless, other roads, which will serve in their way to develop this industry. And if the Senators desire full information regarding the railroads of the Territory, present and prospective, I suggest that they read in this book of testimony the statement of Mr. Frank M. Murphy. It is very full, very complete, and is given by a man who has faith in the Territory and in the mineral deposits of the Territory, and whose faith is backed by his works.

Now, then, if it be true that that population is only what the census shows, or even what is claimed by the friends of statehood, namely, that the population may at this time reach 150,000—and the same claim that it would reach 150,000 was made thirteen years ago, when a similar measure was before Congress—and it does not appear to the Senate that there is that in the Territory which will serve to invite immigration to a large extent in the immediate future, certainly statehood can not be demanded upon that ground.

The future population of that Territory, in my judgment, rests entirely, and if not entirely, to a very large extent upon the question of the development of mines and what may be found in the mountains. It may be that the hope of the people of the Territory will be realized. If so, we will all be glad. But, if this hope is realized, then comes the other proposition, How long will its prosperity last? How long can the mines be worked and how long will they produce a revenue that would place the productiveness of the Territory upon a basis which would entitle it to be a State in this Union?

As I said before, this is entirely problematical. It is not capable of demonstration. It can not be known except as time reveals it. If at the end of fifty or a hundred years, we will say, because we believe that this Government will continue for all time, the mines should be worked out, what is there left in that Territory as a basis for statehood and to give her equal representation in this body?

But I do not propose to discuss that side of the question. I hope the development will come, and that it will come within a reasonable time. If it does, we can, in all good conscience, give cordial welcome to Arizona as a State in the Union. I am referring to this subject to call the attention of the Senate to the proposition that this is not a political question. It ought not to be a political question. It is a question of great public importance and great public policy as well.

We debate and determine other great measures the provisions of which affect the business of the nation and excite the interest of the whole people. If we make mistakes, we may modify those measures; we may repeal them. If we fail to give admission to Arizona at this time, it may be an error. If so, it is one that may be corrected when further development is had. If, on the other hand, we give her admission into the galaxy of States and in so doing we make a mistake, it is a mistake that will last just as long as the Government of the United States lasts; and, therefore, I insist that it is a question which we ought to examine carefully, critically, conscientiously, and determine correctly.

Now, in contrast to the slow development there has been both in New Mexico and in Arizona, and as showing that Territorial government is no hindrance to progress, because that has been urged before this body as a reason why these Territories should be admitted, and the claim has also been made that if admitted those Territories would bound forward in wealth and in population and in industries as many of the Northern Central States have done. To show, I say, that Territorial government does not materially affect the problem of development I call attention as an illustration of that assumption to the Territory of Oklahoma.

It was opened by proclamation of the President for the first time on the 22d of April, 1889, thirteen years ago. The Government land in that Territory was taken in an hour. Why was it taken in an hour, and why has the movement of population into Arizona and New Mexico and the occupation of Government lands been so slow? It was taken in an hour because the Territory of Oklahoma had soil of wonderful fertility, but it had with that soil the early and the later rains falling upon it, and it attracted the intelligent, the aggressive, the enterprising American element of this nation who wanted to make homes, and they went in there in such numbers that the Territory was crowded at once.

It appears that there was no provision made for the government of the people so crowding in. The 70,000 people in that Territory had to make a government for themselves. They did this and it existed until the next May—May 1, 1890—when they were able to organize a Territorial government under the authority of an act of Congress. They got along, the Senator from Colorado [Mr. TELLER] suggests to me, just as well without it. Yes; and why? Because the men who went in there were men of Anglo-Saxon blood, of American training, with business habits; with the instinct and the ability for self-government. They carried themselves magnificently.

Since that time there have been added several sections to that Territory—the Kiowa Reservation, the Potawatomi, and the Fox, and one other, whose name I do not remember. History shows that as those additional reservations were opened population again poured in like a flood. It was comparatively so when the Cheyenne and Arapaho districts were added, though not so rapidly, because those districts are farther west and nearer the arid region. But when the Cherokee Strip was opened there was again a grand rush from the Central West, and that section was substantially taken up in a day. There are now included in the boundaries of Oklahoma Territory about 2,000,000 acres of land which are Indian reservations.

The area of Oklahoma just about equals that of the State of Ohio. The census of 1900 gave it a population of nearly 400,000—to be exact 398,000. At that time, at the end of ten years of occupation, the population was more than double the entire population of New Mexico and Arizona combined.

It appears by the reports of the county assessors of taxes last made that the population had increased to over 540,000. Governor Ferguson gave it as his opinion that there were now in the Territory 600,000 people, and Delegate FLYNN, in his statement before the committee, said he would be willing to have the act of admission made conditional upon the fact that there are 600,000 people in the Territory. And of this vast body of people who have gone in there only 4 per cent are foreign born and only 5 per cent are illiterate.

The taxable property of Oklahoma, as assessed in 1902, is over $72,000,000, an increase of more than $12,000,000 in a single year. It has twenty cities of the first class; five of them were incorporated last year. Oklahoma City, by the census of 1900, contained a population of 10,037. By a census made in 1902, under a Territorial act, it appears that it has doubled in the two years; and that the city of Guthrie, the capital of the Territory, which two years ago had a population of 10,000, now has a population of 17,000.

The committee visited both of those towns and were, I think, impressed with the conviction that it would be difficult to find many places of the same size either in the East or in the Central West where the business blocks, as a whole, are as good. We were driven through the residential portions and out into the suburbs and found the homes in those cities exceedingly good. They were attractive architecturally, well finished, and tastefully painted; the grounds were well kept, and in Oklahoma City asphalt pavements were being laid; there was a general air of thrift and activity and of growth and prosperity; we found also that the people were contented and happy.

The railroads have not waited for towns to bond themselves before going into Oklahoma. As the people have rushed into that Territory the railroads have gone with them. The magnificent soil, the abundant moisture, the crops that can be raised have attracted this population, and where the population has gone the railroads have followed, and the trains are crowded.

We saw as we traveled through that area great stacks of corn in the open air. We saw the wheat elevators at the railroad stations. We saw baled cotton also at the railroad stations in great quantities. The peculiarity of Oklahoma is that, situated as she is, she is capable of producing the crops usually raised in the great Central West and also the crops which are raised in the more extreme South. It is a marvelous Territory from an agricultural standpoint.

The people there are perfectly contented. They are not restive; they are not over anxious in respect of the question of statehood. It is a paradoxical statement, and yet I believe it to be true, that among the masses there statehood is very much desired and to

some extent dreaded. Why? They have the same longing that all Americans have to be incorporated into and become a part of this great Union of States. They have the instincts and desires that men of their birth and training should have. They would like to vote for President of the United States.

On the other hand, they are so protected by the Harrison law, which prevents the extreme bonding of municipal corporations in aid of railroads and other public enterprises, that they feel that they are safe, and they do not know what a State legislature, with that restriction removed, might be induced to do under the manipulation of powerful corporations. As a whole they want statehood, and yet the thoughtful men of that Territory hesitate about it, just as the thoughtful men in New Mexico and Arizona hesitate about statehood, as we found frequently in common conversation, and for the same reason.

Mr. BURTON. May I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Kansas?

Mr. DILLINGHAM. Gladly.

Mr. BURTON. How much greater is the mileage of railways in Oklahoma than in New Mexico?

Mr. DILLINGHAM. I do not know that it is any larger. There are two lines of railroad in New Mexico that are through lines, from the East to the West.

Mr. BEVERIDGE. Transcontinental?

Mr. DILLINGHAM. They are transcontinental lines, and they constitute the great proportion of all the railroads of New Mexico.

Mr. BURTON. May I ask the Senator how many railways are in course of construction now in New Mexico?

Mr. DILLINGHAM. I am unable to give the number. It is contained in the testimony of Mr. Murphy, to which I have called attention. You will find it in the printed volume of the testimony.

Mr. BURTON. If the Senator will permit another question, about what is the mileage that has been built within the last two years that is not transcontinental?

Mr. BEVERIDGE. In New Mexico?

Mr. BURTON. In New Mexico.

Mr. DILLINGHAM. I do not carry the figures in my mind.

Mr. BEVERIDGE. I think I can probably give a little information to the Senator from Kansas on that subject.

Mr. DILLINGHAM. I would be very glad to have the Senator from Indiana do so.

Mr. BEVERIDGE. There are two transcontinental lines. The Santa Fe, which runs across the Territory and branches out from Albuquerque to El Paso; also a branch to Pecos, Tex. In addition to that there is the projected line, partly built, partly graded, and most of it surveyed, starting from Santa Fe. That, I think, is intended to penetrate what is known as the timber country. That is the line which is referred to in the statement of the Delegate from the Territory before the committee, if the Senator will look at it. I think that is substantially all.

Mr. BURTON. I will ask the Senator if the Rock Island road has not built from El Paso through the Pecos Valley within the last eighteen months?

Mr. BEVERIDGE. That is true. I had forgotten it. The Rock Island has been built from El Paso through Alamogordo and through the Territory into Oklahoma. That is correct. It connects at El Paso with the Southern Pacific. Then there is a line, the Southern Pacific again, if I remember, though I am not sure, connecting from Arizona with the Santa Fe at Las Cruces.

Mr. DILLINGHAM. One of the strongest reasons that was urged why New Mexico should be admitted was this: Ignoring the fact that the road last mentioned by the Senator from Indiana has been built through the Territory by the Rock Island Company, it was said there is another piece of road begun but not completed, the owners of which are from the North, and it was urged before the committee that they had not yet bonded their road because they did not want to take that action under Territorial government.

The committee were unable to see how there should be any greater difficulty in bonding the road under Territorial government than there would be under State government. But if the owners come asking the section through which the road passes to bond itself for the benefit of the road, then I can see why the owners should favor statehood. That is the reason why there is a conservative element in New Mexico who are opposed to statehood, fearing the results if the restrictions under the Harrison Act are removed, and a part of the fear so entertained grows out of the conditions referred to in the testimony of Mr. Hughes, which I have before cited.

As to the characteristics of the Mexican members of the Territorial legislature, there is a fear that they are not the class of men who have developed in them that individuality which you find in the average American citizen, which enables him to act independently, of his own volition, upon his own strength, and to be able to give a reason for his action.

Mr. TELLER. And you would keep them out until they reach that point.

Mr. DILLINGHAM. The Senator from Colorado suggests that I intend to keep them out until they reach that point. If my vote will have anything to do about it, I will keep New Mexico out of the Union until under the operation of her school law now in force that result is attained which was mentioned by Martinez Amador, the old Mexican to whom I referred yesterday, who said that, in his judgment, the old class of Mexicans in that Territory were not now fitted for nor did they desire statehood, but that when their children should become educated, then they would be prepared to go along with it, and then they would favor statehood.

Mr. TELLER. May I interrupt the Senator?

Mr. DILLINGHAM. Certainly.

Mr. TELLER. I wish to ask the Senator from Vermont if he does not recognize that the characteristics which he says these people are lacking are not the result of education, but that they belong to the race, and upon that theory he is going to keep those Mexicans out through all time?

Mr. DILLINGHAM. I do not think that. If the Senator from Colorado——

Mr. TELLER. I suggest to the Senator that when, from his own statement, they have had fifty years and have not made any progress toward this end there is little hope of their doing it in the future, and, to be frank, the opponents of statehood ought to say to us that they do not think they are fit for self-government. That is all there is about it.

Mr. DILLINGHAM. In reply, let me suggest that no matter whose fault it may be—and I do not say whether it is the Government's fault or the Territory's fault—during that fifty years this class of people have not had the advantages which are suggested by my esteemed friend.

It appeared from the testimony of Mr. Hughes that it was in 1889 that the present school law was passed. The figures that were presented by the Senator from New Hampshire [Mr. GALLINGER], showing that between 1880 and 1890 there was such a tremendous per cent of increase in the school attendance of New Mexico, was an unfair statement, not that he intended that it should be unfair, but it was unfair from the fact that previous to that time they had not had school facilities, and that they had to come in in great numbers when the schools were provided.

Mr. LODGE. Does the Senator mean between 1890 and 1900?

Mr. DILLINGHAM. No; between 1880 and 1890. The school law was passed in 1889, and children rushed in.

Mr. LODGE. The great increase occurred in 1890.

Mr. DILLINGHAM. In 1887 it was introduced, and that was my explanation; therefore it was not to the discredit of Eastern States that their increase in schools had not been as great, because in the East the children had always been in schools, whereas in New Mexico they had not.

Now, I have faith in the Mexican race. I am glad to say it. They are inert; they have not yet come into contact with the American race in such a way as to be leavened and quickened and to be brought into that condition of thought which is possessed by the average American citizen. But, on the other hand, when they shall have become educated, when through that education they come to mingle more commonly with the American people, when they cease to isolate themselves in their own villages and employ their own language and think their own old inherited thoughts, then it is, in my opinion, they will make a good class of citizens. So New Mexico has a future before her. I would be very sorry to be misunderstood upon that subject, and I am glad that my friend called my attention to it and gave me this opportunity to make an explanation.

But proceeding, Mr. President, with Oklahoma. I have called attention to her wonderful development and the reason for it. These reasons are shown even more clearly by the statistics gathered by the Census Office.

I do not hesitate to assert that a great development will come to a people, regardless of the fact that they live under a Territorial government rather than under a State government, provided the natural conditions exist upon which to base that development.

Take the total value of farm property, exclusive of stock, if you see fit. We find that in Arizona in 1900 it was $14,448,160; in New Mexico it was $22,040,424; in the Indian Territory, $50,802,920; and in Oklahoma, $130,514,250, and accumulated in ten years' time. In other words, Oklahoma's farms were eight and one-half times greater in value at the end of ten years than the value of the farms in Arizona after a period of Territorial government extending from 1863, and nearly six times greater than in New Mexico, and three times greater than the farm values in both New Mexico and Arizona combined. Even the Indian Territory's farm values, exclusive of stock, were three times greater than those in Arizona, and twice as great as those in New Mexico.

Take the improved farm lands in acreage. This furnishes another illustration of the proposition. In Arizona there are

254,521 acres; in New Mexico, 326,873 acres; in the Indian Territory, 3,062,193; in Oklahoma, 5,511,994 acres. In Oklahoma Territory and Indian Territory combined there were improved farm lands amounting to 8,574,187 acres. Or putting it in a comparative form, Oklahoma has twenty-one times as much improved farm lands as Arizona and nearly seventeen times as much as New Mexico. Take the two Territories of Oklahoma and Indian Territory together. They have thirty-three times as much improved farm area as Arizona, twenty-six times as much as New Mexico, and fourteen times as much as both Arizona and New Mexico combined.

Test this proposition by the value of the farm products, which in Arizona in 1900 were $6,997,097; in New Mexico, $10,155,215; in Indian Territory, $27,672,002; in Oklahoma, $45,447,774, and in the two Territories, Oklahoma and Indian Territory, combined $73,119,746; or, stated in another form, it appears that the value of Oklahoma's products are seven and one-half times greater in value than those of Arizona, and four and one-half times greater in value than those of New Mexico, and the combined farm products of Oklahoma and Indian Territories were in value ten times greater than Arizona's, seven times greater than New Mexico's, and more than four times greater than both.

Observe also the development of the Indian Territory under her adverse conditions, under Indian government, with the impossibility of the white man to secure title to land except in the town districts, I believe. With the 80,000 Indians in that Territory—and, as Delegate FLYNN explained to us, "not blanket Indians, but Indians as white as you and I"—with 80,000 Indians in the Territory, it appears that there are also about 320,000 white men and women.

Mr. SPOONER. Other white men and women.

Mr. DILLINGHAM. Yes; other white men and women. So that the Indian population, however good it may be in that Territory, is less than one-third in number of the population of the Territory; and yet this great number of our fellow-citizens who have gone in there, attracted by the natural advantages of the Territory, have no Territorial form of government; they are in a most deplorable condition in respect of schools, highways, and in respect of everything enjoyed under either Territorial or State governments. Yet in that Territory, including the Indians, the per cent of illiterates is only 17.

Moreover, Governor Ferguson, a most considerate, careful man, while he probably himself favors statehood for Oklahoma alone, very frankly states that Oklahoma is purely an agricultural Territory; that she has nothing outside of her agriculture to depend upon, unless it is some deposits of cement in the western part of the Territory, which are said to be very valuable. On the other hand, he says in the Indian Territory they have magnificent bodies of coal, they have great forests, and they have all the other things aside from agriculture which would go well with the agriculture of Oklahoma in forming a State.

No comparison can be made between Oklahoma and the other two Territories either in respect of population, of wealth, of resources, or in prospect, as I believe, of future greatness. It does not seem to me that the claims of these respective Territories should be considered at the same time and under the provisions of the same bill.

Arizona and New Mexico have been to Congress rapping for admission over and over again, and it has been refused. This is the first time, as I understand it, that Oklahoma has made application. She comes here presenting a strong claim. Why she has linked these claims to those other Territories I do not know. But because this is an omnibus bill, containing provisions for the admission of the three Territories, it should not, in my judgment, lead us to treat them as a whole. The admission of a State into the Union of the States of this great nation is a matter of such prime importance that we should give the examination of the claims of each of these Territories that careful, that full, that considerate attention which they deserve.

Oklahoma has the elements I have already mentioned which will continue to attract immigration within her borders. I think it has been the universal history of every political body in our country that has had agriculture for its source of development that with agricultural developments manufactures have sprung up, large cities have been built, trade and commerce have followed, and prosperity has abounded. I look forward to the time when in Oklahoma there will also be a development in other lines than agriculture which shall place her in the front rank of States.

The committee, in making their report to the Senate, have referred to the complaints made by some of the advocates of statehood of what somebody has called the iniquity of Territorial government. I presume there have been Territories which, in the past, have had just cause for complaint. I want to say, however, that neither in New Mexico nor in Arizona did I hear a specific complaint in respect to the operation of the Territorial governments as now administered. If there is a more honest, a more fair-minded, a more capable man in Arizona than Governor Brodie, I did not meet him. He has been there over thirty years; he was in the Army, and as a young man fought Indians in Arizona; he is as thoroughly acquainted with the needs of that Territory as it is possible for a man to be. He is universally esteemed.

Careful inquiry was made as to the judiciary of the Territories, with the result that no complaints whatever were found with any of the judges; on the other hand, they were universally praised in respect of their ability, their candor, and their honesty.

The people have the same opportunity for the election of their Territorial legislature that they would have for a State legislature. So that, so far as they are materially concerned, it has not seemed to the committee that in those two Territories there would be any particular disadvantage experienced if they should continue a little longer under that form of government.

We appreciate the feeling of some of the people that it would be a satisfaction to vote for President of the United States and to be represented in this great legislative body; and we sincerely hope that in the early future the conditions will be such that we can, in fairness to the rest of the nation, admit those Territories as States and give them a warm welcome into the Union. But compared with the States which from time to time have been admitted, the percentage of their population is so low that the committee have included in their report a large number of comparisons intended to bring the attention of the Senate to the disproportionate influence and power which those Territories would have in this body were they to be admitted as States. It is not my purpose to read such comparisons. They are before the Senate. There are a large number of them. But simply as an illustration of the thought I have in mind I read what the committee say in relation to Philadelphia and Pennsylvania:

> Philadelphia alone would make six States as large as New Mexico—

That is, in population—

> so that if we do not utterly abandon the idea of government by population instead of a government by square miles a citizen of New Mexico would have six times the voting power in the Senate of the United States that a citizen of Pennsylvania would, *even were Pennsylvania confined entirely to the limits of Philadelphia alone.*
>
> Philadelphia would make more than ten States as large as Arizona, so that the citizen of Arizona would have in the Senate of the United States nearly eleven times the voting power of the citizen of Pennsylvania *were Pennsylvania confined to the limits of Philadelphia alone*, and Philadelphia would make four States as large as New Mexico and Arizona put together.

The committee in their report further say:

> These illustrations are, of course, not given to prove that there should be an equality of population in all of the States, *but to demonstrate the reasonableness of the proposition that a new State must have a population bearing some just proportion to the population of the nation as a whole;* and they illustrate the serious disparity in power in national legislation between the remainder of the nation and these two Territories, mighty in area, but scanty in people.
>
> They emphasize the inherent injustice to the remainder of the nation involved in placing the policies of the country, both foreign and domestic, and the destiny of the Republic for all time to come, in the hands of so small a number of fellow-citizens, even though every individual in these Territories were the finest possible type mentally, morally, and in the educational qualifications.
>
> How much greater is the force of these considerations when to them are added the alien speech of the great majority of the people of New Mexico and many of the people of Arizona, and the high rate of illiteracy, diminishing though that illiteracy may happily be.

In conclusion, Mr. President, I can only repeat what I have said before, that this is not and should not be treated as a political question. It is one of national importance. No mistake, far-reaching in its effects, should be made. The action of this body should be conservative, cautious, wise. While it should be just to those seeking admission, it should be equally just toward the States and the nation.

For the reasons outlined in these remarks I have joined in the report made by the committee, and shall feel it my duty to vote for the admission of Oklahoma, but against the admission of Arizona and New Mexico at this time.

Mr. NELSON. Mr. President, I desire to submit a few remarks and considerations why the bill for the admission of these three Territories as States ought not to be passed.

Mr. TELLER. Before the Senator does that, may I make an inquiry?

Mr. NELSON. Certainly.

Mr. TELLER. I have been told that there was some arrangement made by which this discussion is to cease with to-day. Is that the fact?

Mr. BEVERIDGE. It was the understanding that immediately upon the conclusion of the remarks of the Senator from Vermont [Mr. DILLINGHAM] there would be no further discussion of this measure until Monday, the 5th day of January, and I expected that the Senator from Minnesota [Mr. NELSON] would go on then. Perhaps he may be taking the floor now in order to have it at that time.

Mr. TELLER. I want to say a word, if the Senator will allow me.

Mr. NELSON. Certainly.

Mr. TELLER. I want to say a few words on this bill before the holiday recess. I do not want to take very much time, but I do want to say something with reference to the character of the people of New Mexico. I think they have been, to speak mildly, slandered by the committee and slandered by the Senator from Vermont [Mr. DILLINGHAM], and I want, at least, having a pretty thorough acquaintance with that people, to say something about them, and I shall insist upon saying it either to-day or to-morrow or some other day before we adjourn. I do not think it is fair that the Senator should make a speech and then cut the rest of us off from dissenting from some of his statements and conclusions.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. The President pro tempore was not in the chair when the unanimous consent was given. Will the Secretary please read it to the Senate?

The Secretary read as follows:

By unanimous consent it is agreed that upon the conclusion of the remarks of the Senator from Vermont [Mr. DILLINGHAM] there shall be no further discussion of H. R. 12543, the omnibus statehood bill, until January 5, 1903, at 2 o'clock p. m., when some member of the Committee on Territories who has joined in the majority report shall be ready and shall proceed with the discussion of the bill. It is especially agreed that the remarks of the Senator from Vermont shall appear in some copy of the CONGRESSIONAL RECORD of the present week.

Mr. BEVERIDGE. That is right. I do not know how the Senator from Minnesota [Mr. NELSON] who has the floor might feel about it, but, so far as I am concerned, I should be glad to ask unanimous consent, in addition to the above agreement, that the Senator from Colorado [Mr. TELLER] may proceed now with the discussion, the Senator from Minnesota to retain the floor, and the discussion to terminate with the remarks of the Senator from Colorado until after the recess, unless some member of the committee or some other Senator shall desire to make a short answer to that at this time. I ask unanimous consent that that may be done, if it be agreeable to the Senator from Minnesota.

Mr. WELLINGTON. Mr. President, I see that the Senator from Pennsylvania [Mr. QUAY], who was a party to that unanimous-consent agreement and with whom it was made, is not present, and I shall feel compelled to object to any infringement of that unanimous-consent agreement unless he is present.

Mr. BEVERIDGE. I merely ask unanimous consent as a matter of courtesy to the Senator from Colorado. I am satisfied the Senator from Pennsylvania would not object to that, but if there is objection, of course that ends it, and the thing remains now, with the Senator from Minnesota, as I understand, having the floor, but not to proceed and nobody else to proceed with the discussion until January 5.

Mr. MCLAURIN of Mississippi. The Senator from Pennsylvania is very desirous to expedite the bill as much as possible. I am satisfied that if he were here he would be glad for the Senator from Minnesota to go on now, and after that for the Senator from Colorado to proceed, because those two speeches will then have been made before the Christmas holidays. So the bill would take that much less time after the holidays, and it would be expedited, a thing which is very much desired by the Senator from Pennsylvania. I do not think he would object to that if he were here. I am sure he would not.

The PRESIDENT pro tempore. The Senator from Minnesota can not, with propriety at any rate, go on with the discussion of the bill under the unanimous-consent agreement which has just been read to the Senate.

Mr. BEVERIDGE. He can take the floor. I merely mean to make that as an inquiry of the Chair.

The PRESIDENT pro tempore. The Chair does not understand that the Senator can take the floor and then surrender it, but the Chair would hold himself under obligation to recognize the Senator at the time named in the unanimous-consent agreement.

Mr. BEVERIDGE. That is satisfactory to us, Mr. President.

Mr. NELSON. I was out of the Chamber for a time, and therefore was not aware of the fact that this unanimous-consent agreement had been entered into. In view of that fact, of course I have no desire to proceed at this time. I have no desire to violate the rule thus adopted by the Senate, but I ask that I may have the privilege of taking the floor when this matter again comes up.

Mr. TELLER. Mr. President, I have never violated any of these arrangements which have been made and I do not intend to do so now; but if I had known what the arrangement was I certainly should have objected to it to-day, because I had it in mind at least that I should say a few words on this question, not on the merits of the bill, but in defense of several hundred thousand people in the United States of a certain nationality and race. That is all I desired. I did not desire to discuss the bill this afternoon, although I shall do that after the recess if I live to get back here. I simply wanted to say—and that is not discussing the bill—that I think the characterization of these people by the committee and by the Senator from Vermont is not supported by the facts. I say that after more than forty years' acquaintance with that class of people, both in Colorado and New Mexico. I want to repeat what I said yesterday—that they are good, loyal people.

Mr. WELLINGTON. Mr. President, I have been appealed to by certain Senators, and, so far as I am concerned, if my objection interferes with the further discussion of this matter I am willing to withdraw the objection.

The PRESIDENT pro tempore. The Senator from Indiana [Mr. BEVERIDGE] asks unanimous consent that the Senator from Colorado [Mr. TELLER], notwithstanding the unanimous consent previously given, may now proceed to further discuss the question of the statehood bill. Is there objection?

Mr. BEVERIDGE. With the further understanding that if any member of the committee or any Senator who agrees with the majority of the committee desires to do so this afternoon, he may briefly reply to the Senator from Colorado, and that thereupon, or in case no one desires to do so, upon the conclusion of the remarks of the Senator from Colorado, the original unanimous-consent agreement shall stand; that is to say, that there shall be no further discussion of the measure on either side until Monday, January 5, when some member of the committee will be prepared to proceed.

The PRESIDENT pro tempore. The Senator from Indiana modifies his request, which now is that the Senator from Colorado [Mr. TELLER] may proceed to discuss the statehood bill at the present time, and that any member of the committee so desiring may reply to him, and that that shall end further discussion until January 5. Is there objection?

Mr. SPOONER. I should like to inquire under that arrangement what becomes of the Senator from Minnesota [Mr. NELSON], he having taken the floor to proceed?

The PRESIDENT pro tempore. Unanimous consent having been given that there should be no further discussion of this bill until January 5, the Senator from Minnesota, being absent at the time that consent was given, and not knowing of it, rose to address the Senate, and was then reminded of the unanimous-consent agreement, immediately took his seat, and the Senator from Colorado [Mr. TELLER] desired to reply to some strictures that had been made upon the character of the people of New Mexico, and he desired to do so at this time. That unanimous consent, of course, interposed there. Thereupon the Senator from Indiana [Mr. BEVERIDGE] asked unanimous consent that the Senator from Colorado might discuss the statehood bill at the present time, and that any member of the committee desiring to do so might reply——

Mr. BEVERIDGE. Or any other Senator.

The PRESIDENT pro tempore. Or anyone desiring to reply to the Senator from Colorado might do so, and that there shall be no further discussion than that until January 5. Is there objection?

Mr. BEVERIDGE. "Any other Senator," Mr. President. I distinctly said "any member of the committee or any other Senator agreeing with the majority."

The PRESIDENT pro tempore. Yes, that is true—agreeing with the majority.

Mr. QUAY. Mr. President, my understanding was not, when the unanimous-consent agreement of this morning was concluded, that it applied to a discussion of this bill. No unanimous-consent agreement, I think, can gag this Senate. The Senator from Colorado can make his speech on this bill or upon any pending measure in the Senate. Am I in error in that?

The PRESIDENT pro tempore. Senators sometimes do make speeches utterly regardless of the bill pending. [Laughter.]

Mr. QUAY. There is no difficulty about doing that. Any Senator can make his speech upon any question or any bill pending in the Senate. That is well established by the precedents of the Senate. The unanimous-consent agreement was that the bill should go over.

Mr. BEVERIDGE. The unanimous-consent agreement is correctly stated, according to my recollection, by the record read by the Secretary; which is that after the Senator from Vermont had to-day concluded his speech then the further discussion of the measure should cease until January 5, when some member of the committee would be prepared to proceed, taking up the discussion at that time. That unanimous consent was given and has been read to the Senate in the absence of the Senator from Pennsylvania, as stated.

Mr. QUAY. I did not hear it. It was a mistake, then.

Mr. BEVERIDGE. That was the way I understood it.

Mr. QUAY. My intention was that the bill should go over—that it should not be forced upon the Senate and compel Senators to discuss it if they were not prepared to go on. That was all.

Mr. BEVERIDGE. I know there are a great many Senators who desire to leave the city——

Mr. QUAY. Therefore the bill should go over, coming up in its regular order on the 5th of January, at which time some member of the majority of the Committee on Territories was to take the floor. That was my understanding.

The PRESIDENT pro tempore. The Secretary will please again read the agreement.

Mr. BEVERIDGE. There is no practical difference between the Senator from Pennsylvania and myself, because I myself asked for unanimous consent to modify that agreement so as to let the Senator from Colorado proceed this afternoon.

Mr. QUAY. So far as I am concerned, I have no objection to any Senator proceeding to talk upon this bill from now until Saturday; but so far as the order binding the Senate down to the consideration of the bill every day at 2 o'clock is concerned, that is practically suspended until the 5th of January. That was all I intended when the agreement was made, and I think that was the language of the agreement.

Mr. BEVERIDGE. The Senator can hear the agreement read. The agreement states it the way I understood it and the way I remember it.

Mr. QUAY. I shall be glad to hear it.

The PRESIDENT pro tempore. The Secretary will again read to the Senate the unanimous-consent agreement.

The Secretary read as follows:

By unanimous consent it is agreed that upon the conclusion of the remarks of the Senator from Vermont [Mr. DILLINGHAM] there shall be no further discussion of H. R. 12543, the omnibus statehood bill, until January 5, 1903, at 2 o'clock p. m., when some member of the Committee on Territories who has joined in the majority report shall be ready and shall proceed with the discussion of the bill. It is especially agreed that the remarks of the Senator from Vermont shall appear in some copy of the CONGRESSIONAL RECORD of the present week.

Mr. QUAY. That was not my understanding, Mr. President. My understanding of the agreement was simply that the bill should go over. I have no objection, if the Senator from Colorado and the Senator from Minnesota so desire to go on that they shall consume the balance of the week in the discussion of this bill.

Mr. WELLINGTON. There is no question about the fact that the Senator from Indiana [Mr. BEVERIDGE] is correct in his remembrance of the agreement. The agreement is correctly stated. It was that all discussion upon this bill should cease upon the conclusion of the remarks of the Senator from Vermont.

Mr. QUAY. That was not my understanding of it.

Mr. BEVERIDGE. There is practically no difference between the Senator from Pennsylvania and myself, because I have asked unanimous consent to modify the agreement to the extent that the Senator from Colorado, who desires to leave, may make his remarks upon this matter, and that, after he concludes, any member of the majority of the committee or any Senator agreeing with them may, if he so desires, briefly answer. Aside from that, the original agreement stands; that is to say, discussion then ends until January 5 on either side or by anybody.

Mr. SPOONER. "Briefly" is a pretty indefinite phrase to put in an agreement.

Mr. BEVERIDGE. Of course I take "briefly" out; I withdraw that.

Mr. QUAY. I have certainly no objection to the Senator from Colorado proceeding or to the Senator from Minnesota proceeding; in fact, I should be very glad if the majority of the Committee on Territories would proceed this week until they exhaust the debate, but they are not going to do so.

Mr. FORAKER. Mr. President, we are all agreed that we have a consent agreement; it has been read, and it provides that there shall be no further discussion of this bill until Janury 5, when we meet after the vacation. It is proposed that we modify it. This is the first time since I have been in the Senate that I have known an effort to be made to modify a unanimous-consent agreement such as we have entered into.

Mr. TELLER. Oh, no.

Mr. FORAKER. It is the first time I have heard of it since I have been here.

Mr. TELLER. Oh, no.

Mr. FORAKER. I challenge any Senator to find in the RECORD any instance where we have set aside a unanimous-consent agreement. It may have been done.

Mr. BEVERIDGE. I do not ask to set it aside; on the contrary, I expect to stand by it, but I made the suggestion as a matter of courtesy to the Senator from Colorado, to afford him an opportunity to speak.

Mr. FORAKER. I do not want to cut the Senator from Colorado off. I am in entire sympathy with what the Senator from Colorado wants to say, but at the same time I do not want this consent agreement violated. I do not think we shall accomplish any good purpose by doing so.

Mr. TELLER. It will not be violated so far as I am concerned.

Mr. FORAKER. I am sure it will not be.

Mr. BEVERIDGE. I withdraw my request.

Mr. FORAKER. But I do not want the agreement set aside. I think, having made it, we ought to adhere to it. We made it intelligently. Every Senator who was in the Chamber at the time knew we were making that kind of an agreement; the agreement was stated at the desk, and if there was anyone disposed to object to it that was the time to make the objection.

I think it is idle to make unanimous-consent agreements if, when anyone sees fit to make such a request, we are going to modify or set aside or disregard them, because the moment a unanimous-consent agreement is made all Senators conform to that as the programme that has been marked out. I do not know how many Senators, or whether any at all, have left upon the theory that there would be no more discussion of this bill; but probably there have been some, and they would have a right to complain. Every Senator who is absent now and who was present in the Chamber when the agreement was made, and participated in making it, would have a right to complain of us if we should see fit in his absence, without any notice to him, to enter into an agreement of a different kind.

I should be very glad to hear the Senator from Colorado, but we can hear him, I think, without any injury to the cause, on the particular point to which he now wishes to address himself when he comes to discuss the bill. We shall then have his speech altogether. I object to any modification of the agreement.

Mr. TELLER. Mr. President, I am not going to ask any favors of the Senate. There has been no member of this body during the last twenty-five years or more who has been more insistent upon maintaining these unanimous-consent agreements than myself; but when the Senator from Ohio says that they have never been modified, he is not acquainted with the history of the discussions of this Senate.

Mr. FORAKER. I did not say they had never been modified; but only since I have been here.

Mr. TELLER. There have been repeated modifications. There can no harm come in a modification when every Senator agrees to it. When the power is reserved for one Senator to object, there will never be any modifications that will cause any distress or any fair criticism.

Now, I can, without any question—and nobody could prevent me—take the floor and make a speech on this question: but I know that the business of the Senate can not be conducted properly unless we stand by these unanimous-consent agreements. I did not know, of course, of this agreement until I took the floor. I was told of it just a few minutes ago. I am not, however, now going to debate the bill. What I wanted to say, I think, would hardly come within the rule of debating the bill, nor would it require anybody, unless it might be some member of the committee, to reply to me, and that he could do if he saw fit. Of course, the matter may go now; but I regret to say that I have not had an opportunity to make a proper defense of a very respectable number of my constituents, which I will do after the recess, if I live to get back here. I shall then pay attention to what I think is a gross and most uncalled-for slander of a large part of the population in my portion of the country.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the bill (S. 4825) providing for a union station in the District of Columbia, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 12370) to provide for the allotment of lands in severalty to the Indians in the State of New York, and extend the protection of the laws of the United States and of the State of New York over such Indians, and for other purposes; and

A joint resolution (H. J. Res. 227) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1902, on the 18th day of said month.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 4572) to grant honorable discharge from the military service to Charles H. Hawley;

A bill (S. 4067) granting an increase of pension to Julia L. Gordon; and

A bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-two minutes spent in executive session the doors were reopened.

HOUSE BILL REFERRED.

The bill (H. R. 12270) to provide for the allotment of lands in severalty to the Indians in the State of New York, and extend the protection of the laws of the United States and of the State of New York over such Indians, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

UNION RAILROAD STATION.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 4825) providing for a union station in the District of Columbia, and for other purposes.

Mr. GALLINGER. I move that the Senate disagree to the amendments of the House of Representatives, and ask for a committee of conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. DILLINGHAM, and Mr. MARTIN were appointed.

PAY OF EMPLOYEES.

The PRESIDENT pro tempore laid before the Senate the joint resolution (H. J. Res. 227) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1902, on the 18th day of said month.

Mr. ALLISON. I ask unanimous consent that, without being referred, the joint resolution may be considered and put upon its passage at this time.

The joint resolution was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, 1902, on the 18th day of said month.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 17, 1902, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 16, 1902.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Lloyd C. Griscom, of Pennsylvania, now envoy extraordinary and minister plenipotentiary to Persia, to be envoy extraordinary and minister plenipotentiary of the United States to Japan.

CONSUL.

William Bardel, of New York, now commercial agent at that place, to be consul of the United States at Bamberg, Bavaria.

COLLECTOR OF INTERNAL REVENUE.

Micah J. Jenkins, of South Carolina, to be collector of internal revenue for the district of South Carolina.

ASSISTANT COLLECTOR OF CUSTOMS.

Frank F. Patterson, of New Jersey, to be assistant collector of customs for the port of Camden, N. J., in the district of Philadelphia, in the State of Pennsylvania.

POSTMASTERS.

PENNSYLVANIA.

John A. McKee, to be postmaster at Newcastle, in the county of Lawrence and State of Pennsylvania.

WEST VIRGINIA.

H. I. Shott, to be postmaster at Bluefield, in the county of Mercer and State of West Virginia.

Isaac M. Adams, to be postmaster at Ravenswood, in the county of Jackson and State of West Virginia.

S. G. Walker, to be postmaster at Thurmond, in the county of Fayette and State of West Virginia.

TREATY WITH SPAIN.

The injunction of secrecy was removed December 16, 1902, from the treaty of friendship and general relations between the United States and the Kingdom of Spain signed at Madrid on July 3, 1902.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 16, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

LOCK AND DAM IN BAYOU VERMILION, LOUISIANA.

Mr. BROUSSARD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15605) to authorize and empower the Southwest Louisiana Rice Growers' Association, of the State of Louisiana, to construct a lock or locks and a dam in Bayou Vermilion, in the State of Louisiana; which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Southwest Louisiana Rice Growers' Association, of the State of Louisiana, be, and is hereby, authorized to construct a lock or locks and a dam near the mouth of Bayou Vermilion or at some suitable point in said bayou: *Provided*, That said lock or locks and a dam shall be constructed and paid for by said association. The examination and surveys for the construction of said lock or locks and a dam, and the construction of the same, shall be subject to the supervision of the United States engineers and done in accordance with plans and specifications to be furnished by said association and approved by the Secretary of War. The work on said lock or locks and a dam may commence as soon as said association shall judge proper after the survey provided for above shall have been made and plans and specifications for said lock or locks and a dam shall have been approved by the Secretary of War. The maintenance of said lock or locks and a dam shall devolve on said association, which shall at all times keep same in proper condition and so as not to interfere with the free navigation of said bayou; nor shall said association at any time impose any toll for the passage of any craft through said lock or locks.

The following committee amendments were read:

Add in line 6 of the first page, after the words "said bayou," the words "to be approved by the Secretary of War."

Add at the end of section 1 the following: "*Provided further*, That such suitable fishways as may be prescribed by the United States Fish and Fisheries Commission shall be provided in the said dam by the said association."

Add, as section 2, the following: "That this act shall be null and void unless the privilege hereby granted shall be availed of within two years from the date hereof."

Add, as section 3, the following: "That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection to the present consideration of the bill which the Clerk has reported? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the third reading of the bill.

The bill was ordered to be read a third time, read the third time, and passed.

On motion of Mr. BROUSSARD, a motion to reconsider the last vote was laid on the table.

RESURVEY OF CERTAIN LANDS IN THE STATE OF WYOMING.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4617) to authorize a resurvey of certain lands in the State of Wyoming, and for other purposes, which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be made a resurvey of the following townships in the State of Wyoming: Townships 49, 50, 51, and 52 north, ranges 97, 98, 99, 100, 101, 102, 103, and 104 west, of the sixth principal meridian; townships 53, 54, 55, and 56 north, ranges 93, 94, 95, 96, 97, 98, 99, and 100 west, of the sixth principal meridian. And all rules and regulations of the Department of the Interior requiring petitions from all settlers on said lands asking for a resurvey and an agreement to abide by the result of the survey, so far as these lands are concerned, are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide rights or claim of any actual occupant of any of said lands so occupied to the amount of land to which, under the law, he is entitled.

Mr. MONDELL. Mr. Speaker, by direction of the Committee on Public Lands, I offer the following amendment.

The Clerk read as follows:

On line 6, page 1, after the word "ranges," insert the words "ninety-three, ninety-four, ninety-five, and ninety-six."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STEELE. Mr. Speaker, I would like to know the purpose of this bill.

Mr. MONDELL. Mr. Speaker, under the present regulations of the General Land Office it is necessary where resurveys are desired to obtain the consent in writing of all owners and claimants to all of the lands involved. At times it is practically impossible to do this. Under the regulations of the Land Office it is impossible that any holder or owner of land shall be in any way injured, as his lands are first surveyed, lines run out, and then the general lines of survey extended. The Department, in my opinion, has authority to waive its own regulations, but it prefers not to do so, and recommends this legislation in order that these surveys which are much needed and desired by the settlers may be had.

Mr. SHAFROTH. Mr. Speaker, I would like to ask the gentleman a question. I will inquire whether the amendment which

the gentleman offered, including some ranges, adds anything additional to that recommended by the committee?

Mr. MONDELL. The amendment adds to the bill four townships.

Mr. SHAFROTH. Those are the townships that we authorized. I did not remember that the amendment was in the words read. I just want to know whether it added anything over and above what the committee authorized in the bill.

Mr. MONDELL. That amendment was authorized by the committee at its last meeting, including four additional townships.

Mr. SHAFROTH. And those are the four which the gentleman adds?

Mr. MONDELL. Those are the four.

Mr. SHAFROTH. I will state, Mr. Speaker, that it is the unanimous report of the Committee on Public Lands, and I see no objection whatever.

The SPEAKER. The question is on the amendment offered by the gentleman from Wyoming, by direction of his committee.

The amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

On motion of Mr. MONDELL, a motion to reconsider the last vote was laid on the table.

LOCK AND DAM IN MERMENTAU RIVER, LOUISIANA.

Mr. DAVEY of Louisiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15606) to authorize and empower the Rice Irrigation and Improvement Association, of the State of Louisiana, to construct a lock or locks and a dam in Mermentau River, in the State of Louisiana, which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Rice Irrigation and Improvement Association, of the State of Louisiana, be, and is hereby, authorized to construct a lock or locks and a dam near the mouth of Mermenteau River or at some suitable point in said river: *Provided*, That said lock or locks and a dam shall be constructed and paid for by said association. The examination and surveys for the construction of said lock or locks and a dam, and the construction of the same, shall be subject to the supervision of the United States engineers and done in accordance with plans and specifications to be furnished by said association and approved by the Secretary of War. The work on said lock or locks and a dam may commence as soon as said association shall judge proper after the survey provided for above shall have been made and plans and specifications for said lock or locks and a dam shall have been approved by the Secretary of War. The maintenance of said lock or locks and a dam shall devolve on said association, which shall at all times keep same in proper condition and so as not to interfere with the free navigation of said bayou; nor shall said association at any time impose any toll for the passage of any craft through said lock or locks.

The following committee amendments were read:

Strike out the letter "e" in the title in the last syllable of the word "Mermenteau," making the spelling "Mermentau;" also by making the same correction where the word occurs in line 5.

Add in line 6 of the first page, after the words "said river," the words "to be approved by the Secretary of War."

After the end of section 1 add the following:

"*Provided further*, That such suitable fishways as may be prescribed by the United States Commission of Fish and Fisheries shall be provided in the said dam by the said association."

Add as section 2 the following:

"SEC. 2. That this act shall be null and void unless the privilege hereby granted shall be availed of within two years from the date hereof."

Add as section 3 the following:

"SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The amendment to the title was agreed to.

On motion of Mr. DAVEY of Louisiana, a motion to reconsider the last vote was laid on the table.

LIGHT-HOUSE AND FOG-SIGNAL STATION, MUKILTEO POINT, WASHINGTON.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 257) to establish a light-house and fog-signal station at Mukilteo Point, near the city of Everett, State of Washington.

The bill was read, as follows:

Be it enacted, etc., That a light-house and fog-signal station, together with suitable buildings, be established at Mukilteo Point, near the city of Everett, State of Washington, under direction of the Light-House Board; and that the sum of $22,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated therefor, out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, I should like to ask the gentleman if this is the usual form for a bill of this kind?

Mr. JONES of Washington. This is a Senate bill, and it is the usual form in which the Senate passes these bills.

Mr. PAYNE. The Committee on Appropriations generally object to these appropriations.

Mr. JONES of Washington. When these bills pass the Senate they usually pass in this form.

Mr. PAYNE. I am not a member of that committee, and therefore I shall not object.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the last vote was laid on the table.

By unanimous consent, on motion of Mr. JONES of Washington, the corresponding House bill (H. R. 12000) was ordered to lie on the table.

DECEMBER SALARIES OF CONGRESSIONAL EMPLOYEES.

Mr. BULL. Mr. Speaker, I present a privileged report from the Committee on Accounts and ask that it be considered.

The joint resolution (H. J. Res. 227) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1902, on the 18th day of said month was read, as follows:

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, 1902, on the 18th day of said month.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BULL. I move the passage of the resolution.

The SPEAKER. The Chair thinks that this resolution will require unanimous consent of the House for its consideration. It is not for a payment out of the contingent fund of the House, which is the crucial point.

Mr. BULL. Then I ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Rhode Island asks unanimous consent for the present consideration of the joint resolution just read. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. BULL, a motion to reconsider the last vote was laid on the table.

ADDITIONAL EMPLOYEE, HOUSE BATHROOMS.

Mr. BULL, from the Committee on Accounts, also submitted the following adverse report, which was read by the Clerk:

The Committee on Accounts, to whom was referred House resolution No. 185, authorizing the Speaker to appoint some person especially qualified, who shall have the care and charge of the House bathing rooms, have had the same under consideration and recommend that it lie on the table, for the reason that the additional employee provided for in the resolution is not necessary or essential to the proper conduct of the bathing rooms of the House.

The SPEAKER. The question is on concurring in the report.

The report was concurred in.

LAUREAN ABBOTT, DECEASED.

Mr. BULL, from the Committee on Accounts, also submitted the following resolution, which was read by the Clerk:

Resolved, That the Clerk of the House is hereby authorized and directed to pay out of the contingent fund of the House to James A. Abbott, father of J. Laurean Abbott, deceased, lately employed as a telephone operator in the House of Representatives, a sum equal to six months' pay at the rate of compensation ($75 per month) received by her at the time of her death, and a further sum, not exceeding $250, on account of expenses of her last illness and burial.

The following amendment was read:

In line 3, after the word "of," strike out the initial "J."

The amendment was agreed to.

The resolution as amended was agreed to.

CONTAGIOUS AND INFECTIOUS DISEASES OF LIVE STOCK.

Mr. WADSWORTH. Mr. Speaker, I call for the regular order.

The SPEAKER. The gentleman from New York calls up the regular order, which is the bill (H. R. 15992) making an appropriation for the suppression and to prevent the spread of contagious and infectious diseases of live stock, and for other purposes.

The Chair will ask the gentleman if the bill has been read in the House? The Chair thinks it has been.

Mr. WADSWORTH. It was read in the House.

The SPEAKER. The Clerk will read the bill by its title for the information of the House.

The Clerk read the title of the bill.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Speaker, if the House will give me its attention for a moment, I think I will be able to explain to it the needs of this bill. Members will notice that the power that

was conferred upon the Secretary of the Treasury under sections 4 and 5 of an act entitled "An act for the establishment of a Bureau of Animal Industry" are hereby conferred upon the Secretary of Agriculture, to be exercised exclusively by him. Now, that refers to the law establishing the Bureau of Animal Industry, which is chapter 60 of the laws of 1884, and the section reads in this way:

SEC. 4. That in order to promote the exportation of live stock from the United States the Commissioner of Agriculture shall make special investigation as to the existence of pleuro-pneumonia, or any contagious, infectious, or communicable disease, along the dividing lines between the United States and foreign countries, and along the lines of transportation from all parts of the United States to ports from which live stock are exported, and make report of the results of such investigation to the Secretary of the Treasury, who shall, from time to time, establish such regulations concerning the exportation and transportation of live stock as the results of said investigations may require.

Now, as I said, the bill simply proposes to transfer to the Secretary of Agriculture a power which seems to lie in the Secretary of the Treasury—that power that was intended to be transferred to the Secretary of Agriculture when the Department of Agriculture was made an Executive Department. For some reason or other it was omitted or lost sight of entirely, and for the last ten or twelve years the Secretary of Agriculture has been exercising precisely that right, which has never been questioned until last fall, when a drove of cattle was brought up from Texas, and, getting to the Colorado line, they were met by a law of the State of Colorado which subjected them to an inspection by the local authorities, and the cost and all that sort of thing was charged against the cattle. Now, under section 5—

That to prevent the exportation from any port of the United States to any port in a foreign country of live stock affected with any contagious, infectious, or communicable disease, and especially pleuro-pneumonia, the Secretary of the Treasury be, and he is hereby, authorized to take such steps and adopt such measures, not inconsistent with the provisions of this act, as he may deem necessary.

That power also has been absolutely exercised by the Secretary of Agriculture, and by him alone. Now, the first section of this bill is simply to rectify what was supposed to have been rectified ten or twelve years ago. The Secretary of the Treasury has no veterinarians or inspectors, and he can not do the work that is required without further legislation authorizing him to employ inspectors, veterinarians, etc. These people are now employed by the Secretary of Agriculture.

The second section of the bill is made necessary by the suspicion that this disease was introduced into New England through baled hay brought over with horses imported from the European Continent. At least, so far they have not been able to trace it to cattle or animals brought in from Europe. In a letter that I have from Dr. Salmon he tells me he thinks it was introduced through the medium of baled hay brought in with horses. There was probably an amount left over, which was sold to the stock yards at Brighton; that it found its way into the regular supply of the stock yards; that it was fed to the stock in the yards, and so the disease was started there. To cover this dangerous possibility the second section is made necessary.

SEC. 2. That the Secretary of Agriculture shall have authority to make such regulations and take such measures as he may deem proper to prevent the introduction or dissemination of the contagion of any contagious, infectious, or communicable disease of animals from a foreign country into the United States or from one part of the United States to another, and to seize, quarantine, and dispose of any hay, straw, forage, or similar material or any meats, hides, or other animal products coming from an infected foreign country to the United States, or from one State or Territory or the District of Columbia in transit to another State or Territory or the District of Columbia, whenever in his judgment such action is advisable in order to guard against the introduction or spread of such contagion.

I think that explanation will show to you the need of that section of the bill.

Now, at the proper time I shall ask for an amendment to the title, as it no longer makes an appropriation; and I shall ask unanimous consent to strike from the bill sections 3 and 4, which are the sections making appropriation.

The SPEAKER. The Chair calls the attention of the gentleman to the fact that that was done at the time of making this special order. It is no longer a part of the bill.

Mr. WADSWORTH. I am glad of the parliamentary information. I did not know whether it required a motion to strike it out or not.

There is another amendment I will propose at the proper time. On line 24 on page 2 I shall ask to strike out the words "or may remain therein."

The SPEAKER. Does the gentleman desire action on this now?

Mr. WADSWORTH. I will make the parliamentary inquiry if this is the proper time?

The SPEAKER. This can be done at any time.

Mr. WADSWORTH. Then I will offer the amendment now.

The Clerk read as follows:

On page 2, lines 24 and 25, strike out the words "or may remain therein."

The question was taken; and the amendment was agreed to.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Indiana?

Mr. WADSWORTH. I will yield to the gentleman from Georgia.

Mr. MADDOX. Mr. Speaker, I want to offer an amendment to the bill.

Mr. WADSWORTH. How much time does the gentleman want?

Mr. MADDOX. Ten minutes will do me and probably less.

The SPEAKER. How much time does the gentleman from New York yield?

Mr. WADSWORTH. I yield ten minutes.

Mr. MADDOX. Mr. Speaker, I want to call the attention of the gentleman from New York to line 12, page 3. This section reads:

That the Secretary of Agriculture shall have authority to make such regulations and take such measures as he may deem proper to prevent the introduction or dissemination of the contagion of any contagious, infectious, or communicable disease of animals from a foreign country into the United States or from one part of the United States to another.

I offer an amendment to strike out the words "part of the United States" and insert the words "State or Territory;" so it will read: "From one State or Territory to another."

Mr. WADSWORTH. I really, Mr. Speaker, have no objection to that except the language used in that section is the language used in the original law of the Bureau of Animal Industry. It there says, "all parts of the United States." I think the language offered by the gentleman from Georgia covers the ground completely. I have no objection.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 2, in line 12, after the word "one," by striking out the words "part of the United States," and insert in lieu thereof the words "State or Territory or District of Columbia."

The SPEAKER. Does the gentleman from Georgia require a vote upon the amendment now?

Mr. MADDOX. Just a few words, Mr. Speaker, and then I am through. When this matter was called up the other day it seemed to me that we had gone into hysterics over it, and after investigation I am satisfied that that is true. The Secretary of Agriculture has now a large sum of money on hand which he may use for this purpose. But after reading the examination that we had before the Appropriations Committee on this matter, I doubt whether there is any deficit or will be any, and the probability is there may not be any. There may be money enough on hand to do all that is required in this matter.

I stated frankly to the House then that I did not understand all these laws in regard to these matters, but it occurred to me at the time that this was simply an act for the purpose of appropriating money to go to one part of the United States to stamp out one particular disease, when there is disease all over the country in other directions which will kill a horse or cow just as dead as the foot-and-mouth disease. But after investigating the matter I find that that is under the general law that this appropriation is made and that it can be used for any purpose if our governors see fit to call on the officials to aid and abet. Therefore, with the amendment I have to offer, so far as the legislative part of it is concerned, the appropriation having already been made, I am in favor of the bill if the amendment is adopted.

Mr. WADSWORTH. Mr. Speaker, I desire to have the amendment again reported.

The SPEAKER. The Clerk will again report the amendment.

The Clerk again read the amendment.

Mr. WADSWORTH. Mr. Speaker, I think in line 12 the words "United States" should be preserved a second time, so that it will read "one State or Territory of the United States, or the District of Columbia."

Mr. MADDOX. Very well; I see no objection to that.

The SPEAKER. The gentleman from Georgia modifies his amendment accordingly.

The question was taken, and the amendment was agreed to.

Mr. HENRY of Texas. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amend by adding to section 2 the following:

"That in order to enable the Secretary of Agriculture to investigate the spread and ravages of the Mexican cotton-boll weevil and to devise methods, if possible, for the destruction and extirpation of the same, and prevent the spread thereof, the sum of $1,000,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated. And such appropriation shall be available at once and until expended for the purposes herein provided. And the Secretary of Agriculture is hereby instructed to immediately carry out the provisions of this section."

Mr. WADSWORTH. Mr. Speaker, against that I raise a point of order.

The SPEAKER. The Chair sustains the point of order.

Mr. HENRY of Texas. I would like to ask if any provision is being made in the general Agricultural appropriation bill?

Mr. WADSWORTH. There is. In the last bill there was carried an appropriation of $20,000, and this year there will be a sufficient amount carried by the general appropriation bill.

Mr. HENRY of Texas. To what amount?

Mr. WADSWORTH. The amount has not been settled upon, but probably as much as last year.

Mr. GAINES of Tennessee. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert at the end of section 1:

"*Provided*, That nothing herein shall be held to exempt such stock from the requirements of the laws and regulations of any State entered or through which it proceeds, or in any manner amend or abridge such State laws or regulations unless the shipment is continuous through such State and without unloading, except for rest or food: *Provided further*, That when such stock is being moved on foot or otherwise than on carriers it shall, before it enters any State, be subject to inspection and amenable to the laws of such State or States."

Mr. GAINES of Tennessee rose.

Mr. WADSWORTH. I do not think that amendment is necessary at all. Still I am willing, of course, to hear what the gentleman from Tennessee has to say in favor of it.

Mr. GAINES of Tennessee. Mr. Speaker, this bill is based in part upon a condition produced by an adjudication of the Supreme Court of the United States, in the recent case of Reed *v.* The State of Colorado, in which Reed was convicted for refusing to get a health certificate from the Colorado officials permitting him to ship his stock across Colorado to Wyoming. Reed claimed that the State had no power to act, as the Federal authorities had already given him a health certificate. He knowingly and willfully disobeyed the Colorado law.

This bill now is to give the Secretary of Agriculture complete power, regardless of State laws, to authorize the shipment of stock into and through any State or Territory regardless of the condition of the stock. The State and organized Territories are to be completely ignored. As the law is, they are not ignored. Congress up to this time has not assumed complete control of interstate commerce. This bill enacted into law will arm the Secretary of Agriculture with power to give a health certificate of stock, say in California, to be driven on foot overland or shipped in carriers from California to Maine, and regardless of whether the stock becomes diseased en route or not the States can not interfere to protect themselves. The States and Territories wherein they may become thus diseased are to be entirely ignored.

You can see, especially if the stock is being transported on foot and becomes diseased, that the States or organized Territories can not stop them. They are powerless to act, for Congress takes "entire" charge under this bill of the stock from start to finish, as shown by section 1 of this act, which provides as follows:

Whenever any inspector or assistant inspector of the Bureau of Animal Industry shall issue a certificate showing that such officer had inspected any cattle or other live stock which were about to be shipped, driven, or transported from such locality to another, as above stated, and had found them free from Texas or splenetic fever infection, pleuro-pneumonia, foot-and-mouth disease, or any other infectious, contagious, or communicable disease, such animals, so inspected and certified, may be shipped, driven, or transported from such place into and through any State or Territory, including the Indian Territory, and into and through the District of Columbia, or they may be exported from the United States without further inspection or the exaction of fees of any kind, except such as may at any time be ordered or exacted by the Secretary of Agriculture; and all such animals shall at all times be under the control and supervision of the Bureau of Animal Industry of the Agricultural Department for the purposes of such inspection.

Note the concluding language: "And all such animals" (not simply the healthy ones, but "all," the diseased and well animals) "shall be under the control and supervision of the Bureau of Animal Industry of the Agricultural Department for the purposes of such inspection."

If he—the Federal officer—fails to act, the States and Territories are powerless to act, because the "entire subject" is by this bill given over to the Federal authorities.

Clearly Congress takes, under this section, complete charge of such interstate and foreign commerce, and thus nullifies all State laws on the subject, as shown by the opinion of the court in the Reed case, which reads as follows:

It is quite true, as urged on behalf of the defendant, that the transportation of live stock from State to State is a branch of the interstate commerce, and that any specified rule or regulation in respect of such transportation, which Congress may lawfully prescribe or authorize and which may properly be deemed a regulation of such commerce, is paramount throughout the Union. So that when the entire subject of the transportation of live stock from one State to another is taken under direct national supervision and a system devised by which diseased stock may be excluded from interstate commerce, all local or State regulations in respect of such matters and covering the same ground will cease to have any force, whether formally abrogated or not; and such rules and regulations as Congress may lawfully prescribe or authorize will alone control. (Gibbons *v.* Ogden, 9 Wheat., 1, 210; Morgan *v.* Louisiana, 118 U. S., 455, 464; Hennington *v.* Georgia, 163 U. S., 299, 317; N. Y., N. H. and H. R. R. Co. *v.* New York, 165 U. S., 628, 631; Missouri, Kansas and Texas Railway Company *v.* Haber, 169 U. S., 613, 626; Rasmussen *v.* Idaho, 181 U. S., 198, 200.) The power which the States might thus exercise may in this way be suspended until national control is abandoned and the subject be thereby left under the police power of the States.

Again the court said:

Now, it is said that the defendant has a right under the Constitution of the United States to ship live stock from one State to another State. This will be conceded on all hands. But the defendant is not given by that instrument the right to introduce into a State, against its will, live stock affected by a contagious, infectious, or communicable disease, and whose presence in the State will or may be injurious to its domestic animals. The State—Congress not having assumed charge of the matter as involved in interstate commerce—may protect its people and their property against such dangers, taking care always that the means employed to that end do not go beyond the necessities of the case or unreasonably burden the exercise of privileges secured by the Constitution of the United States.

The Constitution itself does not deprive the States of the right to inspect interstate commerce detrimental to the public health. It is only when Congress takes "entire" and direct control of "interstate commerce" that the State laws are suspended and become inoperative.

The vital and serious question I have in mind is, Shall we empower Congress to take "entire" charge of interstate trade in live stock?

If we do, the State laws are suspended without more. Is it good policy, regardless of whether we have a good or bad Secretary of Agriculture, to enforce the law? And I want to say I think Mr. Secretary Wilson is the best officer we have ever had in that Bureau.

As the law is, the States aid the Federal Government, but under this bill they are made inoperative—stand "suspended" as to interstate commerce, and the States must depend on the one Federal officer, the Secretary of Agriculture and his agents to protect their property and people as against an officer and his agents in each of the 45 States, and the Secretary of Agriculture.

I am fully advised of the power Congress has to "prohibit," as the court said in the Addyston Pipe case, objectionable interstate commerce. The trouble here is, when Congress takes "entire" charge of interstate commerce to control or exclude the objectionable part, the State laws stand suspended and inoperative. And I say in this class of trade, diseased stock and the like, we should not let Congress take "entire" charge; and if we do, we should distinctly say that the State laws shall remain auxiliary at least to the Federal law. But under this bill they stand "suspended" and inoperative.

Congress does not undertake to simply "prohibit" this objectionable commerce, leaving State laws intact, but goes further and assumes "entire" control over the whole subject, thereby suspending all conflicting State laws.

Now, Mr. Speaker, I want to ask my friend from New York whether it is the intention of his committee by this provision to arm the Secretary of Agriculture with authority to give a health permit which shall protect from State authority and State regulation diseased stock passing through any State, a permit that shall be good regardless of State authority until the cattle reach the export point at New York?

Mr. WADSWORTH. I answer the gentleman, yes——

Mr. GAINES of Tennessee. Exactly so.

Mr. WADSWORTH. But if the gentleman will read the provision contained in the last few lines of section 1 he will find that in no instance, practically, are those cattle freed from governmental inspection while in transit. They may be shipped from Texas to Denver, and thence to Kansas City, if you please; and though they may be unloaded at Denver or at any point between Denver and Kansas City, still they are under the inspection and care of the Government, and if any disease should break out among such cattle they are taken care of.

Mr. GAINES of Tennessee. Does the gentleman contend that we should empower any official to unload stock diseased upon the State of Colorado or any other State against the will of such State? But this bill suspending all State laws, Congress having taken "entire" charge of interstate stock trade, you can do as you please, it seems to me, and the States are helpless. I say that, whether my friend from New York or other friends of this measure so intend or not, this bill will absolutely paralyze every State law on this subject, and permit such stock to be carried into or through any city or county or State regardless of any attempted interference by the State authorities. Congress has never assumed to execute such a power before in such a business.

The State of Colorado said: "You shall not bring diseased or healthy cattle into this State until we examine them," and the court upheld the law; yet this bill, Mr. Speaker, whether intentionally or not, gives Congress the power to ignore the State, to ignore the health of the people in the State, to ignore and paralyze a power which the Supreme Court has said "the States never surrendered to Congress," but which becomes now inert and lifeless, it seems, simply because Congress has assumed "entire" control over the subject.

Mr. BURLESON. Will the gentleman yield for a question?

Mr. GAINES of Tennessee. Certainly.

Mr. BURLESON. Is it not a fact that the entire contention of the gentleman is based upon the assumption that the Secretary

of Agriculture will not do his duty, that he will give a certificate of a clean bill of health for diseased cattle? If he does not do that, then the gentleman has no complaint?

Mr. GAINES of Tennessee. No; not all. It is the impolicy of the law, even if Congress has the power to act, that I oppose. The gentleman from New York said just now, in explanation of this bill, that the Secretary of Agriculture could give a permit for cattle in the State of Texas to be driven on foot, and we all know that when cattle are brought from one section of the country to another, inherently and inevitably very often disease breaks out among them, and no one knows anything about it. Yet these cattle may start in Texas or Colorado and be driven on foot, under the terms of this proposed law, and thus spread disease, whether it be this foot-and-mouth trouble or any other contagion that flesh is heir to, destroying the cows of the country, the hogs and horses of the country, the health of the country, and the States are absolutely paralyzed in their efforts to defend themselves.

Mr. Speaker, whether Congress can do that or not, the gentleman from New York [Mr. WADSWORTH] says that this bill undertakes to give him the power to do it. Surely, Mr. Speaker, if Congress has the power, it is not going to pass a law which will break down the power of the State to protect itself and thus put it into the hands of a man in Texas to get a permit and that permit continue to be the law of the country until the stock is shipped on board a boat for England from the city of New York.

Cattle may come from Arkansas and breed disease. They may go into Indiana and breed disease. Stock raised in Montana can not live South, and stock raised South can not live in Montana, and so in Texas and in New York; and yet the gentleman's bill will permit the Secretary of Agriculture to actually drive cattle from one end of this country to the other which may be reeking with disease. If hogs, they may have the cholera. If cows, they may not have feet or mouth because of disease. Yet to prevent this every State and Territorial law in the Republic, under this bill, is paralyzed.

Mr. STEPHENS of Texas. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. GAINES of Tennessee. Yes.

Mr. STEPHENS of Texas. I would ask the gentleman in what respect this bill changes existing law?

Mr. GAINES of Tennessee. If the gentleman will read the opinion he will see that it does change the law, and gives not only a power he did not have, nor any one in the Colorado case, but goes further and puts all interstate trade in stock in the hands of the Secretary of Agriculture.

Mr. LAMB. It does not.

Mr. GAINES of Tennessee. It does.

Mr. LAMB. I beg the gentleman's pardon.

Mr. GAINES of Tennessee. The law in Colorado was that before these particular cattle went through that State a permit must be granted by the authorities of the State. Under this bill, if made a law, the States will be legally ignored in the future.

Mr. WADSWORTH. That is a matter of interstate commerce.

Mr. GAINES of Tennessee. I have read the opinion in the Reed case and many others in point. Reed went across Colorado anyway. He refused to get or accept a State permit. He was indicted in Colorado and found guilty, and the supreme court of that State affirmed the decision about December 1—a few days ago. And this bill is to give the Secretary of Agriculture the power to legally ignore the State authorities in such cases in the future.

Mr. WADSWORTH. One minute——

Mr. GAINES of Tennessee. Just a minute.

The SPEAKER. The gentleman will suspend. The gentleman from New York is out of order.

Mr. GAINES of Tennessee. I will yield to the gentleman in a moment.

The SPEAKER. The gentleman from Tennessee will suspend. This debate must proceed in an orderly way. The gentleman from Texas [Mr. STEPHENS] addressed the Chair and asked permission to put a question to the gentleman from Tennessee.

Mr. GAINES of Tennessee. I yielded to the gentleman and was answering him.

The SPEAKER. No gentleman can take the time of the House in debate when another occupies the floor. The gentleman from Tennessee will proceed.

Mr. GAINES of Tennessee. If the gentleman will look at the hearings, which I have before me, he will see that Secretary Wilson and Judge Springer, a distinguished ex-member of this House, went before the gentleman's committee and asked that committee to broaden his powers in effect to overcome cases like Reed's, so that when a man gets a permit, as he did in that case, he can ignore the State—ignore the State of Tennessee, ignore the State of Kentucky, or Indiana, any State—and regardless of whether the stock be or not diseased.

Thus armed with the authority of the Federal Government, here about to be given for the first time to the Secretary of Agriculture, the laws and the regulations of the State can be trampled under foot, and the Supreme Court holds that Congress can do so when it assumes "entire" control over such commerce.

I want to aid our distinguished and able Secretary of Agriculture in his laudable work, but we can do so without taking this dangerous step.

Mr. WILLIAMS of Mississippi rose.

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Mississippi?

Mr. GAINES of Tennessee. Yes.

Mr. WILLIAMS of Mississippi. I want to ask the gentleman if he has read the bill from line 13, on page 2, down through line 6, on page 3?

Mr. GAINES of Tennessee. Yes; I have read the whole bill through.

Mr. WILLIAMS of Mississippi. If the gentleman will read it again he will discover that this bill, so far from contemplating the transportation of diseased cattle, has for one of its purposes the preventing of just that.

Mr. GAINES of Tennessee. What are you going to do with the diseased cattle? Are you going to unload them on the State? Who is to say when they are diseased? The Secretary of Agriculture at "all times" and no State officer can intervene.

Mr. WILLIAMS of Mississippi. The diseased cattle can not be transported at all, because one of the objects of the bill is to have the Secretary of Agriculture, through his experts, examine the herd, and it is only allowed to be transported at all on condition that the herd is found absolutely free from all infectious, contagious, or communicable disease.

Mr. GAINES of Tennessee. Exactly. Now suppose some contagion breaks out amongst the herd on its way from Texas to Kentucky, then what?

Mr. WILLIAMS of Mississippi. If contagion breaks out——

Mr. GAINES of Tennessee. It is still under the power of the Federal authority and all State laws "suspended."

The SPEAKER. The gentleman from Tennessee has asked the gentleman from Mississippi a question.

Mr. WILLIAMS of Mississippi. If the gentleman desires me to answer that question——

Mr. GAINES of Tennessee. Yes.

Mr. WILLIAMS of Mississippi. I will answer it by saying that the herd is still under the supervision and control of the experts of the Department of Agriculture; and if a herd clear of disease should stop and disease should break out in the herd in transitu, then the Secretary of Agriculture, under this act, has the power necessary to quarantine, otherwise deal with, and, if necessary, destroy the herd.

Mr. GAINES of Tennessee. Exactly. Now, Mr. Speaker, that presumes that the Secretary of Agriculture is going to have an agent go right along after every herd of cattle that starts in Texas and walks to New York, which is ridiculous, and he will never have any such arrangement. On the contrary, the gentleman from New York [Mr. WADSWORTH] said a while ago that when he gave a health certificate in Texas it armed the owner of the herd to carry them to the State of New York, regardless of State lines and State laws and regulations, whether the stock was diseased or not.

Mr. WILLIAMS of Mississippi. If any complaint is made in transit of disease which has broken out, then the herd will be dealt with like other diseased animals.

Mr. GAINES of Tennessee. With all due respect, who is going to make the complaint? Will it be made by the owner of the cattle? No; because if he makes complaint himself, then he must submit to delays for an examination which he does not want, and have the diseased cattle killed.

I succeeded in getting the gentleman from New York to make one change; that is, by striking out the words "or may remain therein." Now, the point I make is that the stock may become infected in transit and particularly in transit on foot, and even if Congress has the power, which is denied, Congress ought not to arm the Secretary of Agriculture to permit the driving of diseased cattle, or, if you please, of healthy cattle—because no one knows that they are healthy—beyond the lines of the State of Colorado or Missouri or Indiana or Kentucky, or any State, without allowing each State to inspect them. Some of the decisions of the Supreme Court hold that the States never surrendered their right to exclude harmful commerce; that they retained this right of self-defense to protect their State as such, their property, their homes, and families.

Such "commerce" is classed as noncommercial, and can be and has been excluded by the States. An example is the cigarette case from Tennessee (Austin *v.* State, 179 U. S., p. 343). But

the supreme court of Tennessee and the Supreme Court of the United States held that the State could do this until Congress spoke out and recognized cigarettes as legitimate commerce—as "commerce"—as was the Leisy *v.* Hardin case, referred to in the Austin case.

But in this bill—enacted—Congress assumes entire control over the legitimate and illegitimate—the "commerce"—moral and immoral, and in doing so suspends all State laws in conflict with this act of Congress, which I say is bad policy and dangerous in the extreme.

My amendment does not destroy the purpose of this bill. It simply says when stock comes to the State line in a certain way, "you must stop and get a permit," particularly when you come on foot, regardless of whether diseased or not. You can not walk along through this State and scatter disease and interfere with the peace and happiness of the community.

The question of fees is a small matter to be weighed by the side of the health of the people and their stock, and the preservation of the police powers of the States.

Mr. WILLIAMS of Mississippi and Mr. SLAYDEN rose.

The SPEAKER. The Chair recognizes the gentleman from Mississippi, a member of the committee.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I hope that the gentleman's amendment will not be adopted. It will cripple, if not defeat, the operation of the bill.

Mr. Speaker, this bill does not in the slightest degree interfere with the reserved police powers of the State; and, moreover, if it attempted to do that, it would, in so far as that attempt went, be absolutely null and void. This bill merely attempts to give to the Secretary of Agriculture a power which he has been exercising under the impression that he had it and which was not questioned until lately, when it was questioned by the State of Colorado in the case called The State of Colorado against Reed, which went to the Supreme Court. The bill does not interfere with the police power or the quarantine power—the sanitary power—of the State as to anything within the State after it is landed there, nor could it do it if we desired it to do so. All it does is to attempt to keep interstate commerce in cattle and stock free from vexatious and exorbitant interference and fees upon the part of State authorities, or boards, acting frequently for the mere purpose of collecting fees. In the particular case referred to——

Mr. GAINES of Tennessee. Will the gentleman permit me to ask him a question?

Mr. WILLIAMS of Mississippi. In just a moment.

In the case referred to, Reed against Colorado, as it went up to the Supreme Court there was no pretense that the herd was diseased. It was simply to assert the right and authority of Colorado to examine the cattle and to seize them for the purpose of seeing if they were diseased.

Now, Mr. Speaker, the Constitution of the United States is, in my mind, the most sacred nonreligious instrument in the world; but it is just as sacred in the powers which it confers upon the Federal Government as in the powers reserved to the States. It is just as much our sacred duty to preserve them as to preserve the nondelegated rights of the States, which are not conferred upon the Federal Government. The power to regulate interstate commerce is one of the powers conferred upon the Federal Government.

Now, let me make an historical statement, so that the House may thoroughly understand the bill. When the Department of Agriculture was formed or inaugurated the law transferred to the Secretary of Agriculture all the powers which had been theretofore vested in the Commissioner of Agriculture, but there not having been any department, but only a bureau of agriculture, there were certain powers which were conferred upon the Secretary of the Treasury in aid of the operation of the bureau of agriculture, because it was thought that the powers were too extensive and too great to be conferred upon a mere commissioner. Now, when the Department of Agriculture was organized, Congress neglected to transfer to the Secretary of Agriculture the powers vested for the purpose of the operation of the bureau of agriculture in the Secretary of the Treasury. The consequence was that the Secretary of the Treasury was left with the purely legal power without any force to execute it, and the Secretary of Agriculture was left with the force, but without any law behind him.

This was not noticed, and the power herein sought has been exercised by the Secretary of Agriculture for twelve years. He has been examining and giving certificates or clean bills of health to herds of cattle which were to go into interstate commerce for twelve years, until the other day this law case arose out in Colorado, which went to the Supreme Court, and the Supreme Court decided virtually as follows, namely: That while Congress had the power to confer this power upon the Secretary of Agriculture, it had not done it; that it had conferred it upon the Secretary of the Treasury, and never transferred it to the Secretary of Agriculture; that while the Secretary of the Treasury might have the lawful power he had not sought to exercise it; that the Agricultural Department could not exercise a power conferred if at all by Congress on the Secretary of the Treasury alone.

Now, Mr. Speaker, if every herd of cattle starting from the State of Texas to go into the Northern market is to be stopped at every State line and subjected to examination and fees and delay and everything else that is proposed, if this bill were not passed, you have left a tariff upon interstate-commerce cattle at every State line, which would probably destroy and certainly cripple the commerce of the shipper of cattle from out West.

Mr. GAINES of Tennessee. Will the gentleman permit me to ask him a question?

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Tennessee for a question?

Mr. WILLIAMS of Mississippi. In one moment; I will not forget it. It would be very much better for the State of Texas than for the State of Colorado to leave the law as it is—to fail to pass this bill. I have merely incidentally used the State of Texas as an illustration. Texas can take her export cattle and export them from Galveston and keep them within the State of Texas until they reach a port of export; but take the State of Colorado, for an example, and the cattle from that State must go to the seaboard for export, and be subject to serious and vexatious charges in every State.

Now, the State board, of course, has three or four active interests. One is the public good and protection of health to cattle in the State. So far, so good. That is very plausible. Another one, unfortunately, is, however, the opportunity to collect fees, as in this particular case there was no reason to believe that the Texas herd was afflicted with any communicable disease at all. There was no assertion that they might be, but the mere power which the Supreme Court decided the State board had was put into operation, and there was no practical result except, of course, the collection of the fees.

Now, Mr. Speaker, if there is on the floor of this House any one man, as much as another, a stickler for keeping up sacredly the exact line of demarcation which the Federal Constitution has written down between the powers of the State and the powers of the Federal Government, I am that man.

If I thought there was a single thing in this bill which conflicted with the reserved rights of the State in the exercise of its police power for the protection of the people as to health or morals, I certainly would not advocate it. There is nothing of the sort in this bill, and the assertion that it enables the Secretary of Agriculture to carry diseased cattle through the State is mere brutum fulmen. The assertion proceeds on the idea or assumption that the Secretary of Agriculture would be either corrupt or inefficient, or that his agents would be corrupt or inefficient. The very starting point for the operation of the bill is the ascertainment of the fact that there is no disease in the herd proposed to be carried. And in order to provide for the contingency of disease breaking out in transit the balance of section 1 from line 13, on page 2, to the end of the section is put in and fully covers the matter, in my opinion. Now, I will yield to the gentleman from Tennessee. Now, I yield to the gentleman from Tennessee for a question.

Mr. GAINES of Tennessee. The gentleman says that this bill does not give the Secretary of Agriculture permit to take cattle from Texas to New York regardless of the State authorities.

Mr. WILLIAMS of Mississippi. I did not say that. I said it did not arm the Secretary of Agriculture with the power to introduce diseased cattle into a State.

Mr. GAINES of Tennessee. Has the State a reserved right to judge of that? Is the Government going to pay men to trot along behind the herd to see whether they are sick or not?

Mr. WILLIAMS of Mississippi. The Secretary of Agriculture will ascertain whether the cattle are sick with any communicable disease, as he does in all other cases. There will be plenty of people whose interest it is to give him information, and it is the duty of the Secretary of Agriculture to keep supervision and control of the matter. Now, then, let me put this to the gentleman from Tennessee. Suppose, for example, a herd of cattle were in transitu from Texas to Tennessee and in some way or other came into the State of Tennessee and were there landed. After they landed they would cease to be articles of interstate commerce and would become immediately subject to the police and sanitary powers of the State of Tennessee, but as long as they were in transitu they would be articles of interstate commerce and the jurisdiction of the question of dealing with them is by the Constitution itself and not by us vested in the Federal power.

Mr. GAINES of Tennessee. Suppose that the cattle are diseased, and you start them at Shelby County, near where you were born and reared, fortunately, and you drive them out to the other end of the State, and because they are in transitu and subject to

Federal legislation under this bill, and you go on to Virginia and she says: "Mr. WILLIAMS, you will have to stop your cattle before they come into this State." Can she do it after this bill becomes law?

Mr. WILLIAMS of Mississippi. The moment the State authorities discovered that the cattle were diseased, with any communicable disease, or that any communicable disease had broken out among them, they could report that fact to the Secretary of Agriculture, and he would deal with the herd under the powers granted by this bill. The gentleman's question proceeds upon the assumption that the Secretary of Agriculture is either thoroughly ignorant of his business, not knowing a communicable disease when it breaks out, or thoroughly neglectful of his duty in not taking the means to prevent it.

Mr. GAINES of Tennessee. Not at all. I think he is one of the best officers that we have ever had. But I say when you start cattle from Texas to New York every State should be conceded the right to stop the stock at the State line and say, "Before you bring this stock in here it must be under our authority," and under this law you could not do it.

Mr. WILLIAMS of Mississippi. Mr. Speaker, if that power were conceded in connection with herds of cattle free of all disease, and if the cattle were stopped, as a matter of fact, as hereafter they will be, because all the State authorities will now learn of this decision of December 1—they have hitherto been allowing these certificates—nobody has ever questioned one until this matter came up in Colorado—now, if they begin to stop the cattle at every State line, and subject them to the necessary delay and to the imposition of charges and fees, which would follow from these examinations, then you virtually concede to the States a power to stop interstate commerce in cattle, and you have changed and outraged and violated the Constitution of the United States.

Mr. ROBINSON of Indiana rose.

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Indiana?

Mr. WILLIAMS of Mississippi. Yes, sir.

Mr. ROBINSON of Indiana. I regard this as a very radical departure from the present law. The gentleman from Mississippi seems to differ from me in that regard.

Mr. WILLIAMS of Mississippi. No; it is a departure from present law, but not from what they have thought to be the law, and what they have been working under upon the impression that it was the law.

Mr. ROBINSON of Indiana. But it is a most radical departure, I assume, from the present law. I understood the gentleman from Mississippi to say that under the previous law the Secretary of the Treasury had certain rights, and that on the transfer of the bureau to the Secretary of Agriculture the Secretary assumed to exercise rights that he did not possess—rights which had been, and were then, lodged in the Secretary of the Treasury. The decision of the Supreme Court in the Colorado case was then made, showing such to have been the fact. Now, does not the present bill, in addition to transferring to the Secretary of Agriculture, acting through the Bureau of Animal Industry, law which has heretofore been vested in the Secretary of the Treasury—does not this bill change the whole scope of the existing law to the extent of depriving every State of its police power, and its power to protect itself against diseased animals from other States?

Mr. WILLIAMS of Mississippi. No; if the gentleman will bear with me a moment, let me say that if the Secretary of Agriculture had had the power which he thought he had, but which had been conferred upon the Secretary of the Treasury, then he could, by a certificate of clean health, have passed the cattle on, regardless of the exaction of fees and other impositions or requirements at the State line by the State of Colorado. This is a radical departure from the existing law as the Supreme Court has construed it, but it is not a radical departure from the power which has hitherto been vested by Congress in a department; that is to say, not a radical departure from the power that was vested in the Secretary of the Treasury. If, in this particular case, for example, the Secretary of the Treasury had done just what the Secretary of Agriculture did, then the decision of the Supreme Court would have been different.

Mr. ROBINSON of Indiana. It will be conceded that the Federal authority under the Constitution may take jurisdiction of this matter. But this power has hitherto been in the hands, to some extent, of the various States. Now, you propose to give the Secretary of Agriculture a drastic and plenary power to destroy the State power in this respect. Do you not do that in this bill?

Mr. WILLIAMS of Mississippi. We give him no more power than was thought to be given him in the former bill.

Mr. ROBINSON of Indiana. With the gentleman's indulgence, I wish to propound to him a couple more questions before he sits down.

Mr. WILLIAMS of Mississippi. The power now proposed to be conferred is no more plenary than that which was thought to have been given to the Secretary of Agriculture heretofore—so thought both by him and by the Secretary of the Treasury. It was thought that when the Department of Agriculture was organized the power theretofore conferred upon the Secretary of the Treasury had necessarily been transferred to the Secretary of Agriculture. It was not discovered until later that this had not been done; and the Secretary of Agriculture has been exercising this power for twelve years.

When the pleuro-pneumonia broke out, in 1886—I believe it was in Illinois—the then Commissioner of Agriculture, Mr. Rusk, proceeded to act under the authority which was in fact then vested in the Secretary of the Treasury; and there was then done, upon the initiative of the Commissioner of Agriculture, what this law now seeks to give the Secretary of Agriculture the power to do. Under the authority of that Bureau herds affected with pleuro-pneumonia were killed, as were a great many cattle that had only been exposed to infection; and the Federal Government at that time paid for those cattle.

Mr. ROBINSON of Indiana. Is the gentleman from Mississippi, with his well-known ideas of the protection of the States and State rights, willing to surrender absolutely, as this bill does, to the Federal authority the control of this branch of interstate commerce?

Mr. WILLIAMS of Mississippi, "The gentleman from Mississippi" does not make the surrender. The Constitution of the United States has made it. It is the Constitution of the United States, not "the gentleman from Mississippi," that confers upon the Federal Government the control and regulation of interstate commerce.

Now, this bill does not go a foot beyond the constitutional authority of Congress to control and regulate interstate commerce. It does not touch the question of intra-State commerce at all.

Mr. ROBINSON of Indiana. I should like to read a few pages from the decision of Justice Harlan, and I want to ask the gentleman whether the operation of this bill is in consonance with this decision?

Mr. WILLIAMS of Mississippi. It is not in consonance with that decision, because the very object of this bill is to avoid the decision.

Mr. ROBINSON of Indiana. My purpose in reading this decision will be evident when I get through the reading. Mr. Justice Harlan said:

> So that when the entire subject of the transportation of live stock from one State to another is taken under direct national supervision and a system devised by which diseased stock may be excluded from interstate commerce, all local or State regulations in respect of such matters and covering the same ground will cease to have any force, whether formally abrogated or not; and such rules and regulations as Congress may lawfully prescribe or formulate will alone control.

Therefore, by the passage of this bill, the States are cut out from their regulation of these matters.

Mr. WILLIAMS of Mississippi. Whenever the cattle are articles of interstate commerce.

Mr. ROBINSON of Indiana. Heretofore the States have had that power.

Mr. WILLIAMS of Mississippi. Yes; hitherto they have had that power, but they did not know they had it, and we did not know it, and the Secretary of Agriculture has been exercising the power for twelve years, supposing that it had been vested in him, and no State ever questioned his exercise of it until the case of Colorado *v.* Reed arose.

Mr. ROBINSON of Indiana. This power has been exercised in Colorado and other States.

Mr. WILLIAMS of Mississippi. I know that it has been.

Mr. ROBINSON of Indiana. And it is now proposed to confer upon the Secretary of Agriculture a power that he thought had already been conferred upon him?

Mr. WILLIAMS of Mississippi. He thought the power had been conferred upon him and has been exercising it.

Mr. ROBINSON of Indiana. Have not the States heretofore had the power to regulate the introduction or exclusion of diseased cattle?

Mr. WILLIAMS of Mississippi. Of course. With the law as it now is, after this construction of it by the Supreme Court of the United States, if a man starts his herd of cattle from Colorado, let us say, to go to the port of New York that herd can be stopped at every State line, can be examined and delayed at every State line for three or four hours.

Mr. ROBINSON of Indiana. By whom?

Mr. WILLIAMS of Mississippi. And a tax of 25 cents per head may be imposed upon those cattle; and thus you virtually cripple, if you do not put an end to, interstate commerce in cattle.

Not only would that naturally take place, because the nature and tendency of everybody is to extend its jurisdiction and exercise all the power which it thinks it has, whether it is necessary to do so or not; but you would find little matters of State jealousy.

For example, there is a matter of State jealousy between the States of Texas and Colorado about their cattle, we will say, and you would find this being used as a means of punishment toward the dealers in certain articles from one State who had to pass those articles into or through another State. The very object of this bill, and the only object of it, is to follow up the line of demarcation that the Constitution has blazed between the rights of the Federal Government in matters of interstate commerce and the rights of the State government in matters of intra-State commerce, which not only is not touched by this bill, but which could not be touched by the bill, even if we attempted to do so in so many express words, because it would be beyond the power of Congress to change that constitutional relationship.

Mr. ROBINSON of Indiana. Then, under this bill the Federal authority has control of the subject which the gentleman has mentioned, instead of the State authority.

Mr. WILLIAMS of Mississippi. Certainly; as long as it is regulating interstate commerce. The moment it ceases to be regulating interstate commerce the State becomes the controlling power.

Mr. GAINES of Tennessee. The gentleman states now that this does not change existing law.

Mr. WILLIAMS of Mississippi. The gentleman did not state that. The gentleman stated that while it changed existing law, it did not change what we thought was existing law, and did not change the powers that we thought to have conferred upon the Secretary of Agriculture, and which he had been exercising without question, but which had never been transferred from the Secretary of the Treasury.

Mr. GAINES of Tennessee. The gentleman will admit that, as the law now is, there are four or five States between Texas and New York which can stop the cattle and examine them.

Mr. WILLIAMS of Mississippi. Yes.

Mr. GAINES of Tennessee. But with this bill passed they can not stop them.

Mr. WILLIAMS of Mississippi. Not without the permission of the Department of Agriculture.

Mr. GAINES of Tennessee. So that they may go through, well or diseased.

Mr. WILLIAMS of Mississippi. No, they can not go through diseased.

Mr. GAINES of Tennessee. And no State or Territory can stop them.

Mr. WILLIAMS of Mississippi. They can not go through diseased except upon the assumption that the Department of Agriculture is either totally and absolutely inefficient, totally and absolutely corrupt, or totally and absolutely neglectful of its duty.

Mr. GAINES of Tennessee. May not the agent of the Secretary of Agriculture be neglectful? These accidents may happen, with due respect to Mr. Wilson, Secretary of Agriculture—one of the best, if not the best, Secretary of Agriculture we ever had.

Mr. WILLIAMS of Mississippi. It is not supposed that he will be.

Mr. GAINES of Tennessee. My amendment preserves the State's right of self-defense and to avoid giving Congress exclusive control of interstate commerce. It is bad policy to do this, I fear.

Mr. MONDELL. I would ask the gentleman a question. Should this bill become a law, in the opinion of the gentleman, on the State authorities discovering a herd of cattle or a band of sheep entering the State for the purpose of being driven across it, to be infected with contagious diseases, would it be possible for the State authorities to stop the herd or flock?

Mr. WILLIAMS of Mississippi. I think so. Stop them at once and report the condition of things to the Secretary of Agriculture. He would then examine the herd and declare whether they were or were not infected. If infected, they would be quarantined and dealt with; and if not, they would go on, in spite of the State authorities.

Mr. MONDELL. If the officer acting under the Secretary of Agriculture then delivered the report that the herd was not afflicted with a contagious disease and not dangerous, the stock would go through in spite of the State laws.

Mr. WILLIAMS of Mississippi. Undoubtedly; and the gentleman must see that somebody must sit in judgment upon that question. As this is a matter of interstate commerce, the somebody who should sit in judgment upon it is a Federal authority. Now, you might state it the other way. What the gentleman has stated is possible, but not probable. Suppose, upon the contrary, that the State authorities might say that it was clear that the herd was free of infectious disease and the man in charge and representing the Agricultural Department might state that it was not. That is also possible, but not probable. Somebody must determine the question. Now, what we want to do is this: To give the power to quarantine, stamp out, and, if necessary for the purpose of stamping out, destroy diseased cattle; and we want at the same time to give the power to leave untrammeled and unobstructed the progress of undiseased cattle through the States while they are articles of interstate commerce.

Mr. MONDELL. I wish to ask the gentleman another question relative to the bill. In lines 21 and 22 it is provided that after animals have been inspected and certified they—

> may be shipped, driven, or transported from such place into and through any State or Territory.

I wish to call the gentleman's attention particularly to the word "into," and to ask him whether it would not be possible under that provision for a shipper of live stock intending to keep the stock within a State to drive or ship into the State diseased animals—that is, provided the certificate did not give the true condition of the animals?

Mr. WILLIAMS of Mississippi. My opinion on that subject is backed up by the decision of the Supreme Court of the United States in the Kansas liquor-law cases and in other cases. If a man ships goods from one State into another, while they are in transitu they are articles of interstate commerce and are subject to the authority of the Federal Government. After they are once landed and the consignee comes into possession of them, their connection with interstate commerce is severed. They become the property of the consignee, and if exposed for sale by him or kept in ownership within the State after the delivery by the company or after the termination of the voyage which they have made, they become then subject to the regulations of the State. In other words, if a herd of cattle were shipped from Texas to Kansas City as their destination, when they arrived at Kansas City and were delivered to the consignee there, their connection with interstate commerce would be severed by their delivery and they would become subject to the police and other regulations dealing with matters of that sort on the statute books of the State of Kansas.

Mr. MONDELL. As I understand it, the intent of the bill is to provide for the shipment or driving of stock through a State.

Mr. WILLIAMS of Mississippi. Yes, or into a State until landed at the point of destination, when they cease to be a subject of interstate commerce.

Mr. MONDELL. My fear is that by reason of the word "into," in line 22, page 2, of the bill, stock may be shipped or driven into the center of my State, for instance, several hundred miles from the outer border, and there be found to be infected. Now, the harm would have been done. It is true that the State law would then apply, but the stock would have been driven or shipped into the State and brought into contact with healthy animals, and the disease with which the stock was afflicted would have been communicated to the healthy animals in the State. Now, I want to ask the gentleman's opinion on this suggestion: If it is the intent of the framers of the bill that this shall provide only for cattle or for animals that are to be shipped through a State, whether an amendment striking out the word "into" and substituting the word "over" would not be proper?

Mr. WILLIAMS of Mississippi. I think that would not do, if the gentleman will excuse me, for this reason: If you use merely the word "through," cattle might be shipped, let us say, from the State of Texas into the Indian Territory, which is the very next autonomous concern, or might be shipped into some other adjoining State. Now, these cattle would not have been shipped "through" any State nor "over" any State, and yet they would have been shipped from one State to another and would have been for that length of time articles of interstate commerce.

Now, let me follow that up and answer the question further. As the gentleman says, the harm would have been done; but if the gentleman will think a moment, even if this bill were not passed, that exact harm would have been done, even if the State authorities had control of the matter, because all they could do when they found these cattle being driven across your State or mine and infected with a communicable disease would be to stop the cattle, quarantine them, and treat them there; so that the cattle would be stopped in your State or mine, at any rate, because the State could not deal with the cattle anywhere except within State lines, and as long as they were within the State lines exactly the same danger would be apparent as would be apparent under this bill.

There are always some dangers in every matter that can not be obviated, and this danger of a disease breaking out in transitu and the cattle landing at their destination with the disease, or breaking out after they land, would exist in either case and could not be helped, either under State or Federal authority, and all that could be done would be to take them and deal with them either under one authority or the other.

One step further and I am through. If these cattle were shipped into your State and delivered to you, as consignee, the moment you had received them they would cease to be matters of interstate commerce, the power of the Federal Government to deal

with them would cease, and the power of your State to deal with them would be full, plenary, and complete.

Mr. MONDELL. If the gentleman will permit me to refer to the present method of shipping from the South into the Northern States, it is the practice now to inspect every herd that comes into my State and adjoining States from the South; and on every shipment, after this bill becomes law, if it becomes a law, the certificate of the Secretary would carry this stock into the State and over the State, as the case might be, regardless of local inspection. Under these circumstances we would scarcely have a local inspection, because it would be useless, inoperative, and expensive.

Mr. WILLIAMS of Mississippi. Oh, no; if the gentleman will permit me.

Mr. MONDELL. Therefore, the shipper not intending to ship through, but taking advantage of the law for shipping into the State, for the purpose of feeding and scattering on the range under the provisions of the law as it now stands, shipping into the State, it would be impossible for the State authorities to stop the stock at the State line, even though they might be known to have an infectious disease.

Mr. WILLIAMS of Mississippi. It is not on the statement of the Committee on Agriculture, but on the statement of the Secretary of Agriculture, himself, who states that the certificate of the Department had always been respected, and that no examination by the State authorities had been made in that respect until this question arose in Colorado. So that the gentleman will, I think, find that in his State, as in others, they have been giving heed to these certificates, and have been allowing them to be proof of the fact that the herds were not diseased, unless a special information of subsequent disease had arisen. That is the way the Secretary of Agriculture has been dealing with the matter. But the gentleman will find that practically his State has been doing with regard to the examination just what they will do under this bill, namely, inspecting and examining herds without the certificate from the Department of Agriculture and giving credence to the certificate of the Department of Agriculture in the cases of those herds that had that certificate.

Mr. MONDELL. I would not want to contradict that statement, because the gentleman should be better informed on the subject than I am.

Mr. WILLIAMS of Mississippi. It is the Secretary who made the statement to the committee.

Mr. MONDELL. I think we have an inspection of all herds coming into the State.

Mr. WILLIAMS of Mississippi. Three-fourths of the cattle going in have no certificates from the Department of Agriculture.

Mr. MONDELL. They have certificates of inspection of the State.

Mr. WILLIAMS of Mississippi. Three-fourths have none from the Department of Agriculture, and three-fourths of them will have none under this bill.

Mr. MONDELL. What objection would there be to substitute the word "over" instead of the word "into?"

Mr. WILLIAMS of Mississippi. That is just what I have stated. This might force every herd to go through to the export market if the gentleman's contention were right.

Mr. MONDELL. I am speaking of stock that comes into the State for the purpose of feed and water.

Mr. WILLIAMS of Mississippi. They might ship cattle from Texas into and "over" several States and "into" the State of New York. You would absolutely devitalize the bill, because interstate commerce is not only from Texas to New York, but from Texas to adjoining States, when the cattle have not passed through and "over" another State, but only through a part of two States. In the case of a shipment from Texas to the port of New York the cattle would be carried "over" or "through" all the intervening States, but they would be carried "into" New York after all. They must stop somewhere, and hence go "into" some State or Territory.

Mr. WADSWORTH. Mr. Speaker, I hope the amendment of the gentleman from Tennessse will not prevail. As shown by the gentleman from Mississippi, it would entirely destroy the effect of this bill. The purpose of this bill is to deal with cattle engaged in interstate commerce, and, in order to make that more plain, I struck out, in lines 24 and 25, the words "or may remain therein," because that raised a doubt as to the question of cattle shipped from one State into another and remaining in that State.

If the cattle are shipped from Texas to Colorado and remain there, then they will become subject to the local laws, or if they are shipped to Wyoming and remain there, they become subject to the local laws. If members of the House will read the other provisions of the bill they would see that it provides that all such animals shall at all times be under the control and supervision of the Bureau of Animal Industry of the Agricultural Department, for the purpose of such inspection, during the time of transit only.

Now, Mr. Speaker, I move the previous question on the bill and amendment.

The SPEAKER. The gentleman from New York demands the previous question on the bill and amendment.

Mr. FLEMING. Mr. Speaker, I would like to ask the gentleman from New York in charge of the bill to allow me to offer an amendment.

Mr. WADSWORTH. I think the bill has been thoroughly discussed, and I must insist upon my motion, Mr. Speaker.

The question was taken, and the previous question was ordered.

The question was taken on the amendment offered by Mr. GAINES of Tennessee; and the amendment was rejected.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the amendment to the title will be agreed to.

There was no objection.

On motion of Mr. WADSWORTH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16021, the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MONDELL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of House bill 16021, the legislative, executive, and judicial appropriation bill, and the Clerk will read.

The Clerk, proceeding with the reading of the bill, read as follows:

For continuing the following additional force rendered necessary because of increased work incident to the war with Spain: Three clerks of class 1; and 3 clerks, at $1,000 each; in all, $6,600.

Mr. LACEY. Mr. Speaker, I wish to avail myself of the generous privileges accorded in general debate to discuss a subject that in 1903 will attract universal interest. We have been passing through a series of centennial years, beginning with that of 1876, when we celebrated the nation's independence.

The most important event in its consequences after independence year was that which occurred in 1803, when the territory of Louisiana was ceded to our Republic. We are about to celebrate that great epoch in a most substantial way by an unrivaled exhibition upon the banks of the Father of Waters, at the city of St. Louis.

There is no part of our land so rich in its future possibilities as that region to which I invite your attention.

For many years I have carefully studied the resources of our public domain.

In a long journey through the mountains of Arizona and New Mexico, a few years ago, I had a college-graduate cowboy for a driver. He asked me if I had seen much of the West, and I told him I knew it from Alpha to Omega.

He quietly suggested that he knew it better still; that he "knew all about it from Alfalfa to Omaha."

The subject of the purchase of 1803 covers a wide range of time, latitude, and longitude. We are interested in the Louisiana purchase because of its influences upon our history and its great possibilities in the future.

Let us go back a few cycles, and we will, in our mind's eye, see the land piled mountain high with the earth's great glacial cap and behold the dynamic forces grinding up the drift and preparing it for the soil that was yet to come.

Later on—

We hear the tread of pioneers
Of nations yet to be,
The first low wash of waves where soon
Will roll a human sea.

THE FLIGHT OF BIRDS.

God has guided the settlement of this country. When Columbus started on his venturesome voyage he firmly resolved to sail due west and under no circumstances to change his direction, but the flight of flocks of parrots to the southwest led his seamen to appeal to the admiral to follow the birds. He finally yielded, and landed in the West Indies instead of upon the coast of Georgia or North Carolina, thus reserving the United States for English occupation. In ancient times many a battle was fought upon the favorable omens of the flight of birds.

The Roman consuls carried their chicken coops with their troops, and before fighting a battle fed the birds and consulted the soothsayers as to the omens.

The Aztecs founded the City of Mexico where a vulture was seen standing on a cactus with a serpent in its talons.

But never were such great results dependent upon so slight a

cause as when Columbus by changing his course caused the settlement of the West Indies, Mexico, and South America by the Spanish people instead of the territory now occupied by the original thirteen colonies of the United States. Had he not changed his course he would no doubt have landed upon the coast of Georgia instead of San Salvador.

RELIGIOUS FREEDOM.

The Spanish exploration turned aside, and a different people, with different language and aspirations, laid the foundation of our present great Republic. The first settlers came in search of religious freedom—the Puritans to New England, the Quakers to Pennsylvania, the Catholics to Maryland, the Huguenots to South Carolina. These settlements in different provinces seemed a simple thing at the time, but the colonists builded better than they knew, for they laid, broad and deep, the foundation of the sovereign States of this Union. The first settlers of every land have excited the interest and admiration of their descendants. The nations of the Old World have sought their ancestors among the gods. In our own brief history we are able to trace the origin and growth of our national life from its beginning.

FRENCH EXPLORATION AND SETTLEMENT.

The mighty Mississippi flows over the remains of De Soto, and serves at once as his grave and his monument. The French pioneers of Canada heard of the great stream near its source and believed that it flowed into the Gulf of California. La Salle, Marquette, Joliet, Hennepin, and De Tonty have written their names upon the map of the future center of the world's civilization. Following the river in its majestic course to the Gulf, there the French missionary voyagers raised the cross of Jesus and the flag of France, and took possession in the name of their King and called the land Louisiana.

THE TREATY OF PURCHASE—NAPOLEON, JEFFERSON, MONROE, LIVINGSTON.

In discussing this subject we can not be otherwise than forcibly impressed with the progress of the world. Only one hundred years ago on the 30th of next April the treaty ceding this great territory was signed, and President Jefferson was soon after assailed for having not only violated the Constitution by extending his country's boundaries, but he was especially criticised for throwing away the enormous sum of $15,000,000 in the purchase of land lying so remote from civilization and of so little intrinsic value. But Providence raises statesmen from time to time who see beyond the narrow horizon of their own time, and in republics men are called to power who are willing to look further than the next election.

The most stupendous real estate transaction in the march of time was the action of Pope Alexander VI, when he took the map of the world and with a pen and ruler divided the new world between Portugal and Spain. This was a very simple and convenient adjustment of a great controversy, but it was not possible for it to remain so settled, and so in due time other nations took part in the colonization of our hemisphere. And so it happened that whilst our Atlantic coast was occupied by Great Britain, the most Christian King of France held dominion over the great prairies, forests, and mountains of the West.

In 1682 the flag of France was raised, but it was not until 1699 that the first settlement was made near the Gulf. The great possibilities of this country fascinated the French people, and John Law exploited its future with his Mississippi scheme, involving all France in bankruptcy and financial ruin, until they were very willing indeed to cede the land to Spain, in 1762. But in the treaty of San Ildefonso, October 1, 1800, Spain again transferred it back to France; but the terms of the treaty were kept so secret that it was commonly believed that Florida had been included in the transfer, though the flag of Spain still floated over the various posts.

When Bonaparte became the First Consul and dictator of France, war with Great Britain had become unavoidable. Our minister at Paris, Mr. R. R. Livingston, opened up negotiations to secure the navigation of the river and the title to the land near the mouth of the stream. He especially desired to purchase New Orleans. Mr. Jefferson, however, wanted Florida as well as the mouth of the river. Spain was still in possession and the time seemed ripe for a treaty. The phenomenal and prophetic mind of the young Napoleon alone seemed to comprehend the future possibilities of such a treaty. James Monroe was hurriedly called by Jefferson from his Virginia home and sent as a special envoy to act with Mr. Livingston, and they were authorized to buy New Orleans, the mouth of the river, and Florida for $2,000,000.

But a new man had arisen in the affairs of Europe, a man of few words, but of prompt, vigorous, and decisive action. Napoleon promptly took the whole negotiation out of the hands of the wily and corrupt Talleyrand and placed it with Marbois, his minister of finance. Marbois had been in the United States and had acquired the most priceless of all treasures, an American wife, and the affair was in friendly hands. The First Consul fairly staggered our commissioners when he proposed to sell the whole domain for $15,000,000. Here was a region unpeopled by civilized men, extending from the Lake of the Woods to the Gulf, and of uncertain boundaries east and west, but unquestionably larger than Great Britain, Germany, France, Spain, Portugal, and Italy combined.

When the uncertainties of the boundaries were referred to, Napoleon said: "If there were no uncertainties in the limits it would be necessary to invent some." He realized the value of an elastic boundary. He could put his own construction upon that. Great Britain has found it convenient in Alaska. Napoleon knew how untenable this country was for him as against England, the mistress of the sea. He needed money. He was land poor; and so, with his laconic brevity, he fixed his terms and startled the American commissioners by the magnitude of the transaction. Fortunately, there was no Atlantic cable or steamship line, and the responsibility had to be assumed without further instructions, and the future author of the Monroe doctrine was there, ready, willing, and brave enough to take the responsibility.

Monroe landed April 1, and on the 30th the contract was signed. We usually look upon great battles alone as the turning points of history. Arbela, Zama, Actium, Waterloo, Sedan, and such bloody scenes are usually the pivotal points in the affairs of men. But the habeas corpus, the Bill of Rights, the Declaration of Independence stand out with as much importance in the progress of mankind as do any of the bloody contests which have so changed the affairs of the world.

Among the greatest of these peaceful landmarks in the world's history is the treaty that was finally consummated on the 30th of April, 1803. It has been said that "Diplomacy can trot all day in a bushel measure," but it was not so with the diplomacy of Napoleon. When the treaty was finally signed, Bonaparte said in substance: "This strengthens forever the power of the United States. I have given England a rival who will some day take dominion of the sea." When the Spanish flag came down at New Orleans, that of France was raised, and floated for the brief period of twenty days, and then the Stars and Stripes were thrown to the breeze, and the American governor said to the surrounding people: "This cession secures to you and your descendants the inheritance of liberty."

In 1904, at St. Louis, we will celebrate this great event. In its effect upon human happiness it is one of the greatest that has ever occurred in the history of the world. No salutes were fired; no great enthusiasm prevailed in the United States when this treaty was made known. The nation could afford to wait one hundred years for the celebration. But although no noise was made in America, the effects of the treaty soon made themselves felt on the other side of the Atlantic. Of the purchase money, $3,750,000 was applied on claims of Americans against France and the other $11,250,000 went into the great war chest of Napoleon, who expended it in the purchase of equipment for his great army.

LOUISIANA AND AUSTERLITZ.

Harness, horses, wagons, clothing, powder, shot, shell, muskets, and cannons were bought with this money, and when the French army started from Boulogne to the frontier to meet the Austrian and Russian armies and under the December sun to fight the battle of Austerlitz, every shot that was fired was a voice from the Louisiana purchase. When that battle ended, Napoleon was at the zenith of his martial glory, and Europe was at his feet. When William Pitt heard of the defeat he died of a broken heart. But now, after one hundred years, the results of that victory have passed away. Austerlitz has left but little impression upon the world of to-day. Napoleon's light went out like an untended watch fire on the rock of St. Helena, and France was humbled into her narrow limits once more, but the peaceful results of the Louisiana treaty still endure.

In 1803 France had 27,349,003 inhabitants and was the most powerful country in the world. To-day the Louisiana territory contains 15,000,000 inhabitants, among the most prosperous, progressive, and happy that have ever lived. In fertility it is equal or superior to France itself. Longfellow, in Evangeline, describes its soil—

Smoothly the plowshare runs through the soil as a keel through the water.

From Winnipeg to Biloxi the same plants and grasses may be found, and though the variation of climate is great in so wide a range of latitude, the most valuable of all our cereals will grow in the whole region.

THE POWER OF COAL.

The same native animals grazed from Hudsons Bay to the Mexican Gulf, but with all its wealth of soil, climate, forests, mountains, lakes, and rivers there is stored within its bosom the mineral power for ages yet to come. Not long ago a young Englishman, Mr. Coates, the superintendent of the Uruguay Railway in South America, asked me the question, "Do you realize what a tremendous handicap it would be upon your progress if every locomotive

that pulls a train out of New York, Baltimore, or Washington should be first coaled up from the mines of Wales or Australia? That is practically the situation in South America." In 1902, when for five months 150,000 miners laid down their tools and ceased to work, we had in a small way a sample of a coalless continent.

Imagine our country bereft of the great motive power which moves our trains, our steamers, and our factories, which makes life comfortable in the rigors of the Northern midminter. Without the coal the days of steam would have come in vain, and the age of electricity would have sought other fields. But the great Louisiana purchase is filled with the most valuable deposits of coal, stored by the providence of God within its limits long before Adam found himself alone in Eden.

UNEXAMPLED GROWTH.

Since the annexation of Louisiana its growth has been so reasonable, so expected, and so natural as to recall the explanation of the Irishman at Niagara. "See how it rolls down. Is it not grand? Is it not wonderful?" inquired the hackman. "I don't see anything remarkable about it; it has to; there is nothing to hinder it," said Pat.

What a splendid galaxy of stars was added to our flag! Louisiana, Arkansas, Missouri, Iowa, Minnesota, Kansas, Nebraska, North Dakota, South Dakota, most of Colorado, Montana, and Wyoming, and all of Oklahoma and the Indian Territory have been carved out of the land ceded in the memorable treaty. The population in 1900 was nearly 15,000,000. Although the price was deemed something startling, for $15,000,000 was a great sum in those days, to-day there are but few counties in Iowa whose assessment for taxation does not show a valuation of more than the whole cost of the Louisiana purchase, and yet possibly some of the estimates of value have been given to the assessors with becoming modesty by the owners.

St. Louis alone represents a valuation of $376,907,595.

THE LIMESTONE SOIL AND ITS RENEWAL.

Much of the Louisiana purchase is underlaid with limestone, which is a most enduring foundation of fertility. The soil of the State of Iowa, for example, nearly all is underlaid by thousands of feet of solid limestone.

The great glacier cap which ages ago covered all the land from near the Missouri line to the Pole broke up the strata and produced the joint clay, thus opening up the passageway for the water from the surface to the solid rock. When the season is excessively wet, as in 1902, the water has free access and searches the crevices in the rocks in the depths below. When it is too dry capillary attraction draws the moisture from beneath, and so by this simple provision of nature the extremes of drought and flood are minimized in their effect, and so we thank the glaciers for benefits accruing so long after they have disappeared; but no doubt if man had then appeared on the planet the glacial growler of that day would have seen only the dark side of the picture.

But there is still another and perhaps more pleasing view of this subject. Limestone is not only a source of fertility, but it dissolves in water and thus renews the richness of the soil. In the floods of the last season the surface water reached and penetrated the limestone.

Though the rain fell pure and free from lime, it at once began to dissolve and take up all of that mineral that it could hold in solution, absorbing it from the rock itself. The water next to the stone having become charged with lime to the saturation point, the precious fertilizer slowly ascended until the water near the surface was nearly or perhaps as highly charged as that below.

Thus hundreds of thousands of tons of fresh lime, the richest of manures, is lifted to the soil near the surface, and when the water evaporates there the precious fertilizer remains to perpetually renew the fruitful soil. With thousands of feet in depth of this rich deposit as a base of supplies, we can face the future full of hope.

France has had 2,000 crops in two thousand years, because her fertile soil lies over a similar source of perpetual renewal.

I am not sure that this suggestion of the elevation by the action of water of fertilizing material from beneath the underlying strata has been adequately considered by men who have made a special study of the chemistry of the soil. In the plains of Lombardy the running water deposits in the bottoms of the irrigating ditches material dissolved from the Alps. The farmers there mix the sediment with stubble and spread it over their fields, thus keeping their lands as good as new.

With such resources the future fertility of that part of the Louisiana purchase is assured.

I like to take a cheerful view of our future. I am an optimist. The statement I have just made is a full answer to the pessimists who prophesy the early decay of our fruitfulness. With these prophets of evil I have never had any sympathy.

I approve of the opinion of the old German who defined a pessimist as "a man who in a choice of two evils takes both of them."

Iowa was carved out of that empire; she was part of Louisiana, then of the district of Louisiana, next placed by Congress in the Territory of Missouri. Had that law remained unchanged the people of Iowa would all have been Missourians. Then Iowa became a part of Michigan, next of Wisconsin, and finally she was molded into her present form by the legislative hand. The memory of the early days of the whole Louisiana domain will be now revived in all the States within its borders.

THE PIONEER DAYS.

The pioneer days of Iowa are ever a source of pleasure, either in memory or in history. "In all that is good, Iowa affords the best," is the terse way that her favorite son, Sid Foster, has of putting in a few words what everybody recognizes to be true. We all look back with pleasure upon those old days.

Dr. Robert Gray says that "the past is full of pleasing recollections, the future is full of hope; we only quarrel with the present."

As Henry W. Grady said, the "old house that whistled when the wind blew and wept when it rained" stands out in our memory with greater delight than the most sumptuous of our modern homes.

Every nation looks with reverence, if not with superstition, upon its ancestors. Usually their origin is traced to the supernatural. But in our own short career we are able to follow our ancestry into a plain, practical, and God-fearing origin. The best of the races of northern Europe, either directly or through their descendants in the older States, have settled in the Louisiana purchase, and from them have sprung the composite people who now inhabit that land. But as men grow older they look with increasing interest upon all the traditions of their forefathers.

Heredity and blood increase in importance as the years roll by, and it is a pleasure to know that the stock from which this population has been formed has such an honorable history.

IOWA—A-Y-A-U-W-A-Y.

Thomas Jefferson was an enterprising man; his restless mind was always boiling with plans. No sooner had the treaty been made than the Lewis and Clarke expedition was planned and started out from St. Louis, and the long journey was begun. We first find the word "Iowa" in the record of this exploring party, and it was spelled "A-y-a-u-w-a-y." The voyage up the river, the winter at Mandan, the journey across the mountains to the mouth of the Columbia, the second winter there, and the return to St. Louis read like the tale of another journey of Jason in search of the golden fleece. When these discoverers returned and told their story of adventure at Washington the Americans began indeed to dream dreams of the future, but those visions were only feeble suggestions of what the realities have become.

THE WORLD'S PROGRESS.

We can best note the progress of the world by comparison. When Augustus ruled the world the Mediterranean was a Roman lake. One hundred and twenty million people were under the dominion of the Cæsars. But Augustus, rich and great as he was, never read a newspaper, never traveled more than 12 miles an hour, never received a telegram, never had a pane of glass in his house, never saw an ear of corn or a potato. He had peacocks upon his table, but never tickled his palate with the flesh of a turkey, never knew the use of tobacco, and never had a shirt on his back.

If we were to go into the workhouse of to-day and remove from the daily supply of its occupants everything that has been invented since the Augustan age, the inmates of such an institution would regard themselves as being the most illtreated of mankind.

In 1453, when the Turk captured Constantinople, the learning of the Greeks was dispersed all over Europe, and the world was all the better prepared to avail itself of the discoveries of 1492. The sea had for ages rolled around the known world as a complete bar to human progress; it has become a highway; now it unites, rather than divides, the continents. Natural gas was worshiped by the ancients as a manifestation of the gods; now it is harnessed for the use of man.

The priestess of Delphi intoxicated herself with its fumes and saw visions. At Kokomo man has made it an utility. At Guadeloupe, Mexico, a bubbling spring was looked upon and worshiped as a miraculous healer of the Aztecs; but in our day and generation mineral springs become practical and scientific cures. The scientist and geologist have supplanted the barbarian and sorcerer, and old-time soothsayers would have been struck dumb with the exploits of Edison. Ghosts hide themselves from the light of scientific day. McKinley held his ear to the telephone at Canton and listened to the shouting multitudes at the convention at St. Louis. The results of the Olympic

Games in Greece, a few years ago, were known at St. Louis five hours before the races started, if we make no allowance for the difference in time.

Seneca foretold that Ultima Thule would no longer mark the boundaries of the world. Now, the railway runs to Jerusalem; we have found the mouth of the Niger and the source of the Nile. Before many years a child may be put on the train at Chicago in charge of the conductor to be landed at Buenos Ayres. Khartoum and Albert Nyanza will be dinner stations on the Cairo and Cape Town Railway; the world, after all, is growing smaller.

THE COST OF OUR TERRITORIAL ACQUISITIONS.

It is interesting at this day to note the cost of the various territorial purchases which up to the time of the Spanish war have been added to our national domain. Our last purchase I will not discuss at this time, for it is too early to count the cost and value of Porto Rico and the Philippines. We paid for Louisiana only $3\frac{5}{10}$ cents an acre, the best investment ever made by any nation since the dawn of history.

To Spain we gave for Florida 17.1 cents an acre; to Mexico, 4.5 for the first purchase, and then 34.3 for the Gadsden Purchase in southern Arizona, the highest priced of all our acquisitions. Georgia sold her territorial rights for 10.1 cents an acre. The most doubtful expansion of all was when William Henry Seward made the purchase of the icebergs of Alaska at 1.19 cents an acre.

Mr. Seward said that his reputation in history would mainly rest on this act of statesmanship, and for many years his expected honor remained in cold storage in that inhospitable land. But time has vindicated the wisdom of Mr. Seward, and Alaska is no longer the least prized of our possessions.

But of all additions to our Republic none have been freighted with such great possibilities for the good of the nation as the acquisition of the Territory of Louisiana.

The West is no longer there. There is the center of our land. There will soon be the center of population and power.

From the Euphrates, the Tigris, and the Nile to the Tiber, from the Tiber to the Seine and the Thames, from the Seine and the Thames to the Hudson, the Potomac and the Mississippi, the star of empire has taken its way, ever to the west; and now it is shining brightly upon the States which have been formed out of the Territory of Louisiana.

The Clerk, proceeding with the reading of the bill, read as follows:

Bureau of Statistics: For officer in charge of the Bureau of Statistics, $3,500; chief clerk, $2,250; statistical clerk, $2,000; 4 clerks of class 4; 3 clerks of class 3; 1 clerk, expert in foreign statistics and languages, to compile Statistical Abstract of the World, $1,600; stenographer and typewriter, $1,500; 7 clerks of class 2; 10 clerks of class 1; translator, $1,200; 10 clerks, at $1,000 each; 2 copyists; 1 messenger; 1 assistant messenger; 1 laborer; and 1 female laborer, $480; in all, $60,350.

Mr. CLARK. Mr. Chairman, I move to strike out that entire paragraph, and I do it for this reason: This is simply a duplication of the work that ought to be done by the Census Department, that we have made perpetual at great expense. Every member in the House that has paid any attention to the business of the Government knows that one of the chief sources of unnecessary expense or waste in the Government is the duplication and tripulation and quadruplication of various sorts of work that is done, and the excuse given for the establishmeut of the Census Bureau as a permanent institution, and the reason that induced me and scores of other members of the House to vote for it, was that it would take charge of this entire business of collecting statistics. Now, I undertake to say that if the Treasury Department is to go on and have its corps of workers collect these statistics, and if the State Department is to maintain a corps of the same kind, and if the other six Departments—and you will soon have another one—then there was no sense or reason or justice in making the Census Bureau permanent.

Mr. LIVINGSTON. May I suggest to the gentleman that the Committee on Commerce is now considering the propriety of transferring these various divisions to the Census division?

Mr. CLARK. Why not do it now?

Mr. LIVINGSTON. Because you might leave fragments hanging around that will have to be taken care of.

Mr. CLARK. Here we are appropriating $63,350 in that one paragraph for work that ought to be done by the Census Bureau. I do not believe there is a man on the floor of the House, in that committee or out of it, that can justify it. That is all I have to say about it.

The question was taken; and on a division (demanded by Mr. CLARK) there were 25 ayes and 26 noes.

Mr. CLARK. Tellers, Mr. Chairman.

Tellers were ordered. The Chair appointed as tellers Mr. CLARK and Mr. BINGHAM.

The question was again taken; and the tellers reported 44 ayes and 65 noes.

So the amendment was rejected.

The Clerk read as follows:

For payment of the services of experts, and for other necessary expenditures connected with the collection of facts relative to the internal and foreign commerce of the United States, $4,000.

Mr. MADDOX. Mr. Chairman, I move to strike out the paragraph just read. I wish to say, in line with what the gentleman from Missouri [Mr. CLARK] has just said, that when we authorized this Bureau as a permanent bureau I then believed, as I believe now, that we had no use on the face of the earth for that Bureau, and I am more convinced of it now than ever. Here it is proposed to pay men to go right along doing the duty which has been imposed upon that Census Bureau, and which it ought to do if it is to do anything at all. The chairman of the Committee on Appropriations [Mr. CANNON] at that time opposed the bill for a permanent Census Bureau on the ground that it would simply duplicate what another department was doing at that time.

Mr. CANNON. The gentleman will allow me to remark that what he says about duplication is true. There are two Bureaus of Statistics, I am informed, in the Agricultural Department, one in the State Department, one in the Treasury Department (this is the largest of all of them), and others in other departments. But, as I understand, there is proposed legislation now before the Committee on Interstate and Foreign Commerce for the organization of a new department of commerce, and it seems to me that there ought to be intelligent legislation on this subject, and that until such legislation is enacted it may not be wise upon an appropriation bill, on which legislation is prohibited by our rules, to undertake to treat this matter. In other words, I should not like to see this appropriation withheld from the Bureau of Statistics in the Treasury Department, which, I think, is the best of all of these bureaus of statistics. Perhaps that is not high praise. But I should not like to see the appropriation for this purpose struck out until provision is made for the consolidation of these several bureaus, so as to bring order where there is now duplication and much of disorder.

Mr. MADDOX. Well, unless something of that kind is done, it seems to me it must be apparent to every man in the House that to establish that bureau down there was a mistake; that there is no use for it on the face of the earth, if this duplication of work is to be continued.

Now, I will ask my friend from Illinois what committee has this matter under consideration?

Mr. CANNON. I think the Committee on Interstate and Foreign Commerce has the bill, and I judge from what I see in the newspapers that they are considering it. I have no knowledge on that point, however.

Mr. MADDOX. It seems to me it would be entirely reasonable to get all these bureaus or divisions in the different departments that are now devoting themselves to these questions consolidated in one division, or else to abolish the Census Bureau.

Mr. LIVINGSTON. I will say to my colleague from Georgia that such a consolidation is just what is now being undertaken. The Committee on Interstate and Foreign Commerce now has this question and several others like it under consideration in connection with the question of the work to be imposed upon this new department, if one is created. We need to act upon this question intelligently, and we should simply be striking in the dark if we should now put a stop to this work done in the Treasury Department without providing that it shall go somewhere else. The gentleman is right in thinking that this work ought to be consolidated.

Mr. MADDOX. I agree with my colleague on that point. It would not be exactly right—in fact, I think it would not be for the best interests of the country at present—to strike out this appropriation. But unless we rise up now and then and oppose provisions of this kind we can not find out how things are going on. If this work is to be continued for all time in these various divisions of the different departments, I say that the establishment of that Census Bureau was an outrage upon the people of the United States. This is what I said when it was first proposed to establish that Bureau.

Mr. BINGHAM. I concede that the fact that this paragraph has been in these bills for many successive years is perhaps no justification for the continuance of this appropriation. A vast body of the business community has been educated to a consultation with this kind of work coming from the Bureau of Statistics; and had it been a large appropriation, I think there would have been considerable force in the gentleman's proposition. It carries, however, but $4,000. It is valuable information to the public, and, as the gentleman from Illinois [Mr. CANNON] has stated to the House, it is the general belief that there will be added in this Congress a department of commerce; and of all the bureaus in the respective departments I believe there has never been a doubt but that this excellent Bureau will form a large part of that new department. As the legislation is imminent, it seems

to me that this paragraph should remain, because it carries but a limited appropriation, and through it information is given to a large number of our business interests, inasmuch as it is usual for them to consult this Bureau.

Mr. LIVINGSTON. Mr. Chairman, I would also suggest to the gentleman in charge of the bill that if the department he refers to is established under the law these appropriations will be accounted for when the transfer is made and will not be lost.

Mr. MADDOX. With these statements I withdraw the motion.

The CHAIRMAN. Without objection, the amendments will be withdrawn.

There was no objection.

The Clerk read as follows:

For continuing the additional clerks and other employees in the office of the Commissioner of Internal Revenue and for salaries and expenses of increased force of deputy collectors rendered necessary by the act of June 13, 1898, providing for war expenditures, and for other purposes, and for salaries and expenses of 20 additional internal-revenue agents to be appointed and employed by the Commissioner of Internal Revenue, and these 20 agents to be in lieu of the agents provided for and appointed under the provisions of sections 3 and 47 of the act of June 13, 1898, providing for war-revenue expenditures and other purposes, and these to be the only internal-revenue agents employed in addition to those provided for in section 3152 of the Revised Statutes. The existing provisions of law with regard to internal-revenue agents shall apply to the duties, compensation, and expenses of these 20 additional agents, $250,000.

Mr. MADDOX. Mr. Chairman, I would like to inquire the necessity of these 20 additional employees.

Mr. HEMENWAY. They have been there all the time.

Mr. BINGHAM. I would state that it is current law.

Mr. MADDOX. But it says in the bill that they are additional employees.

Mr. BINGHAM. There are no additional appointments at all.

Mr. MADDOX. But the bill says 20 additional employees.

Mr. BINGHAM. The present number is continued for the next fiscal year.

Mr. HEMENWAY. It is simply repeating the language of the old bill.

The Clerk read as follows:

Mint at New Orleans, La.: For assayer in charge, $3,000; assistant assayer, $1,500; 1 clerk, $1,000; in all, $5,500.
For wages of workmen and watchmen, $15,500.
For contingent expenses, $2,500.

Mr. MEYER of Louisiana. Mr. Chairman, I offer the following amendment, which I will send to the desk and ask to have read.

The Clerk read as follows:

Substitute for all items under the head of "Mint at New Orleans, La."
On page 71 strike out all of lines 10 to 17, inclusive, and insert in lieu thereof the following:
"Mint at New Orleans, La.: For superintendent, $3,500; assayer, melter and refiner, and coiner, at $2,500 each; cashier, and chief clerk, at $2,000 each; assistant assayer, assistant melter and refiner, and assistant coiner, at $1,900 each; abstract clerk, bookkeeper, weigh clerk, and assayer's computation clerk, at $1,600 each; register of deposits, warrant clerk, and assistant weigh clerk, at $1,250 each; cashier's clerk, $1,100; in all, $31,950.
"For wages of workmen and adjusters, $20,000.
"For incidental and contingent expenses, including wastage of operative officers and loss of gold contained in sweeps sold, and for machinery and repairs, $7,500."

Mr. BINGHAM. I would ask the gentleman if he has followed specifically the current law?

Mr. MEYER of Louisiana. Accurately.

Mr. BINGHAM. Has the gentleman any statement to make?

Mr. MEYER of Louisiana. I have none unless the gentleman desires.

Mr. BINGHAM. Has the gentleman any statement to make why he desires the amendment?

Mr. MEYER of Louisiana. I desire the amendment, Mr. Chairman, because the mint at New Orleans has still 9,000,000 ounces of silver bullion in its vaults, and because, in my judgment and that of my colleagues, it is eminently fit and proper that it should be continued as a mint for the ensuing fiscal year of 1903–4. Of course, if at the close of the next fiscal year of 1903–4 the New Orleans mint has consumed its supply of bullion, and if there is no change in the coinage laws or no apparent source of supply for its further use, we can not expect to continue the institution as a mint.

Mr. BINGHAM. Mr. Chairman, I have been directed by the Committee on Appropriations to accept in the House, as an amendment, continuing during the fiscal year ending June 30, 1904, the current appropriations for the operation of the mint at New Orleans, and in view of the statement of the gentleman in the presence of the House that there will be no continued pressure on the part of representatives of the district in which the mint is situated, should there be no change in the existing law as to coinage, as well as should the Secretary again recommend the discontinuance of the mint and its conversion into an assay office, the amendment of the gentleman is accepted.

Mr. MEYER of Louisiana. That is, should there be no change in the existing condition.

Mr. BINGHAM. In the statute governing coinage.

Mr. MEYER of Louisiana. And also in the supply of bullion for coinage, which may change.

Mr. BINGHAM. The gentleman understands that under the act of 1890 this next year will exhaust all the bullion for coinage into silver dollars. That will close it. There will be no more coinage of silver dollars under the act of 1890. Therefore, if there is no change in the existing statutes, we understand that the gentleman has no desire to press any future requests that the New Orleans mint shall be continued as a mint; but it is understood that it shall simply be retained as an assay office. Of course, what change there may be in the existing statutes a year hence we do not know.

Mr. MEYER of Louisiana. No; we anticipate, however, that there may be a change in the mintage laws. The supply of subsidiary coin must be enlarged.

Mr. BINGHAM. That may be.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

Mr. HEMENWAY. Mr. Chairman, I desire to be heard on that proposition. As I understand this matter, the Committee on Appropriations are not willing to admit the amendment of the gentleman from Louisiana unless it is understood that when the next appropriation bill is presented the gentleman will be satisfied to have the New Orleans mint continued as an assay office. The conditions are about these: The bullion has to be shipped from Philadelphia down to New Orleans, and then the coined dollars, to a great extent, have to be brought back to the markets again. To continue that mint this year will cost the Government something like $100,000. Now, I do not understand why the mint should be continued for the accommodation of the city of New Orleans, at an expense of $100,000 to the Government of the United States. It is true there are, I believe, some 9,000 ounces of silver down there.

Mr. MEYER of Louisiana. Nine million ounces.

Mr. HEMENWAY. Nine million ounces. The gentleman from Louisiana makes that statement. I am not informed as to the correctness of it, but I have no doubt the gentleman has inquired into it. It looks to me as though when that silver is coined, that mint ought to be discontinued. The truth is, we have a clamor for additional mints, when the San Francisco mint and the Philadelphia mint can coin all the money we need. We have $500,000,000 of gold coin now stored away.

A MEMBER. Silver coin.

Mr. HEMENWAY. No; $500,000,000 of gold coin stored away, more gold than we will need coined in the next generation for circulation, and we are wasting money now by coining additional gold. Why this mint should be continued, in view of this cost to the Government, I can not understand, and this New Orleans mint especially has been a subject of controversy in Congress since 1842. Henry Clay, in 1842, in discussing this matter in the Senate, said:

Among other items there are several useless mints, which only operate to waste the public money. A friend, occupied in investigating this subject, has told me that the mint in New Orleans has already cost the country half a million of dollars for getting ready to coin bullion not yet dug out of the mine.

So it appears that as far back as 1842 they were wasting money on this New Orleans mint, and we are again called upon to waste $100,000 this year to continue that mint.

The mint at San Francisco, the mint at Philadelphia, and the new mint at Denver can coin all the money that is needed in these United States, and more, too, and there are reasons why these mints should exist. There is a great mining center at Denver, where an immense amount of gold and silver is mined, and can be easily delivered. There is the San Francisco mint, where bullion from that section of the country and the bullion from Alaska and the Pacific coast can be cared for. Here is the Philadelphia mint, where the great imports of bullion can be cared for.

Now, as to the distribution of the money among the people, it is claimed that silver is used down there in that Southern country, and that it should be handy for distribution. Well, the mint has nothing to do with distributing the silver. The silver goes from the subtreasury at New Orleans, and we have $27,000,000 of it there now. If we do not ship another dollar of silver to New Orleans and that mint should be discontinued, it would be many years before the supply of silver dollars now deposited in the subtreasury at New Orleans would be exhausted. I do not believe this amendment ought to be adopted, unless it is clearly understood that when this bill comes up next year the delegation from Louisiana will be satisfied to have the New Orleans mint reduced to an assay office. In fact there is now but very little bullion received there. I think last year only about $400,000 worth of

bullion was received at New Orleans. It is simply a useless expenditure of money.

It cost $259,000 to run that mint last year, and will cost the same this year, when we could coin every dollar of that money at Philapelphia or San Francisco at hardly an additional dollar of cost to the Government, and yet, simply to accommodate the officials in charge of the mint, we go ahead spending public money in conducting a mint there. I do not believe it is good policy. I believe the money ought to be saved. I believe this matter ought to be dealt with as a business proposition, and that mint reduced to an assay office.

Mr. CANNON. Will my friend allow me a question?

Mr. HEMENWAY. Certainly.

Mr. CANNON. I listened with much interest to the gentleman, and it seemed to me that we have this condition—a mint in New Orleans that in no way serves anybody in New Orleans or the interest of any section of the country save alone the officers that draw these salaries. This is a Republican Administration, and they are presumably Republican officials. The protest comes from our Democratic friends of the delegation from Louisiana. Now, if it is objected that the Republicans shall not dispense with some useless places in the mint at New Orleans that do not redound to anybody's benefit except the people that hold the particular offices, and that objection comes from the Democratic side, I would be glad to know if by and by the pendulum should swing the other way and we should have a Democratic Congress, if the time should ever come that we shall not get rid of useless offices.

Mr. HEMENWAY. I am waiting to hear from my distinguished friend from Missouri, Mr. CHAMP CLARK, who is ever anxious to get rid of useless public officials, who has not yet discovered that down in New Orleans we are paying out thousands of dollars simply to give the money to these officials, simply because, as the gentleman has well said——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEMENWAY. I ask unanimous consent that I may have three minutes more time.

There was no objection.

Mr. HEMENWAY. There is absolutely no reason for the continuation of this New Orleans mint except to continue in office there a lot of Republicans, who ought to go out of office because the country has no longer any use for their services, and it is costing the country thousands of dollars to keep them.

Mr. MADDOX. Are not our Republicans as good as yours?

Mr. HEMENWAY. Certainly; just as good; but it was pointed out that here is an office that is not necessary, and when any public officer is drawing a salary that he ought not to draw, the office ought to be discontinued whether it is in New Orleans or any other section of the country.

Mr. MADDOX. Will the gentleman permit me to ask him a question right there?

Mr. HEMENWAY. I would be glad to.

Mr. MADDOX. Take the increases that you have made in this bill, are there not 73 made in the Treasury Department?

Mr. HEMENWAY. Why, certainly.

Mr. MADDOX. Can the gentleman point out a single one of the 73 that is absolutely necessary to the public service?

Mr. HEMENWAY. Well, I will tell you what I think about it.

Mr. MADDOX. Any good business man would go down there and would turn out the first half of the clerks so as to put the other half to work.

Mr. HEMENWAY. I will state for the gentleman's information that the gentlemen who have charge of the bill have not, according to the statement of the officers of the Department, given them sufficient force to properly discharge their duties.

Mr. BINGHAM. Have not given them what they said they needed.

Mr. HEMENWAY. Not given them within 600 clerks of what they said they desired. More than that, they say we have not given them enough clerks to transact the public business. If the gentleman can point out one single clerk added in this bill that ought not to be added to it for the proper transaction of public business, I invite him to do so.

Mr. MADDOX. I will say to the gentleman that I can not point it out; but it is singular that all this claim should be made at once, and after the little discussion the other day on this subject I notice that every single clerk that you have put on and every increase that you have made in the pay of these clerks has been on his application alone.

Mr. HEMENWAY. Oh, no; not on his application alone, but upon the application of the heads of the Department.

Mr. MADDOX. And the records show it.

Mr. HEMENWAY. Now, the gentleman has had his three days that he was so anxious about, and more, and he ought to be informed on this question; and if there is one single clerk provided for in this bill that the gentleman can point out that ought not to be provided, the Committee on Appropriations, and the House, I have no doubt, would be glad to have the gentleman point out where and why that particular clerk is not necessary.

Mr. LIVINGSTON. Mr. Chairman, the gentleman from Indiana has made the criticism that we are expending money for nothing, and the gentleman from Illinois makes the further criticism that this expenditure is called for from the Democratic side of the House. The gentleman from Indiana could have well said, if he had gone one step further, that there was much money being expended on mints and assay offices that there is no necessity for. Now, why he should single out New Orleans I do not know. Why did he not refer to the mint at Denver, Colo.?

Mr. HEMENWAY. There is no mint there.

Mr. LIVINGSTON. It is a mint. It is practically a mint. I will make the correction. We are building a mint there, and appropriating money for it, and spending a vast sum of money.

Mr. LITTAUER. But not in this bill.

Mr. LIVINGSTON. No, sir; not in this bill; and the House is aware of the fact, and I am only stating the fact.

Now, in the hearings the Director of the Mint said there was no necessity for that mint and never would be unless the laws on coinage should be changed; in other words, unless the mints go back to the coinage of silver. And there is no use for the mint at San Francisco, no use for the mint at Denver. You will find the fact stated by the Director in the hearings, and he says that the mint at Philadelphia can do the entire work. Then why not take the position at once and be done with it, saying that we are not acting blindly when we stop coinage at New Orleans, but that we propose to apply the same measure in San Francisco and Denver and Philadelphia. We might just as well recognize now that the Philadelphia mint is not working up to its capacity.

Mr. HEMENWAY. The gentleman has stated that the Denver mint is not working up to its capacity.

Mr. LIVINGSTON. I spoke of the Philadelphia mint.

Mr. HEMENWAY. I desire to say that Denver has no mint. The reason why New Orleans should be mentioned in this connection rather than San Francisco and Philadelphia is that bullion is deposited at San Francisco and Philadelphia, and has to be shipped from those points to New Orleans. If bullion were deposited at New Orleans, if it were in the center of great mining regions, there would be no reason why the New Orleans mint should be singled out as a mint to be dropped. The simple trouble is that this New Orleans mint is not properly located; and that is the reason it has been selected for the suspending of minting operations.

Mr. LIVINGSTON. I want to repeat that the Philadelphia mint is not working to its full capacity, and will not be under any circumstances, unless the existing statutes in regard to coinage are changed.

Mr. BINGHAM. In one meaning of the words the gentleman may be correct in saying that the Philadelphia mint is not worked to its full capacity, but it is running up to the capacity that the appropriation allows.

Mr. LIVINGSTON. I understand that. But, Mr. Chairman, the time is coming when we shall have to look beyond New Orleans in our efforts to reform this matter; and I wish to give notice to the House that twelve months from now, when this question with reference to New Orleans shall come to the front, when gentlemen from that section will be expected to stand here and submit to the proposition that New Orleans shall in the future be nothing but an assay office, it will then be realized that there are other mints in the country that must share in the same fate.

Take the assay office at Denver, Colo. What are we appropriating here for that office? More than $43,000, although there is no more assaying there than at the New Orleans mint. We have had assay offices scattered all over the Northwest. Half of them can be dispensed with to-day without the least damage to the service.

This is all I want to say—that when the time comes to begin this reformation, this cutting of expenses, it must go beyond New Orleans and the South.

A MEMBER. Why do they want to suspend the work at New Orleans?

Mr. LIVINGSTON. Because there is no work to do. That is the reason.

Mr. GAINES of Tennessee. Mr. Chairman, last summer I was over at San Francisco, and the year before that I was in New Orleans. I saw the mint at New Orleans crowded with work. At San Francisco the director of the mint said that they had not work enough to keep all the employees continuously at work.

Sir, ever since I have been in Congress there has been an effort to stop operations at the New Orleans mint. It seems to me, sir, that if the mint at New Orleans was ever necessary, if it was ever proper to build a mint there, it certainly is not improper to continue it now. That mint is certainly nearer the silver-producing and gold-producing portion of the United States and the

gold-producing portions of Mexico and South America, from which gold can be brought in and coined, than the city of New York or Philadelphia. But, sir, the spirit of our legislation seems to be that everything in the minting business shall be centered at Philadelphia; that the gold from the Klondike and from the Philippines, if there is any gold there, and from Colorado, and from all the gold-producing points of the West, as well as whatever silver may be mined, shall be hauled clear across the continent and coined at Philadelphia, and that then the coin shall be put upon an express car and shipped back to the points where it is really needed.

Now, the reason why we put the mints out in the West was to have them where the gold and silver was mined and where it is yet. The reason why the cotton manufacturers in the South are flourishing as never before is that we are taking the machinery to the cotton fields. Why do you gentlemen wish to strike down the mints, older than your grandfathers are? Why do you not strike them down in Denver? Instead of that you are building, as the gentleman from Georgia said. There will come a day of reformation. Why do you want to cut down one in contiguous territory to the gold-producing country? Why did you put a mint in Philadelphia? Was it when the country had forty-six States? No; it was in the infancy of the country, when it was nearer the center of civilization and population. It is not that now, either in population or in civilization. Between the lines, gentlemen, I can see a purpose of Congress, and perhaps there are some Democrats in it, to have all of our coining done at Philadelphia, and have the Government pay, as it does now under some circumstances, for the transportation of the bullion from the West to Philadelphia and then transporting the coin back to the West again. I have always opposed the discontinuance of this mint and also the mint at Denver, and I shall continue to do so.

Mr. BINGHAM. Mr. Chairman, I have no disposition to continue the debate; neither is it my purpose to go into the relations of the coinage interests throughout the country, nor as to whether it could best be done in Philadelphia. We have the mint at Philadelphia and it was constructed early in the thirties. Around it has grown up the great States and commercial and industrial interests of the country. To-day it is regarded as the best-equipped mint in the world. By the statement of the Director of the Mint, the entire coinage of this Government could be done in the mint in Philadelphia. In 1890 the Government determined to build a new mint in the city of Philadelphia. It has taken eleven years to consummate the structure. I stated in the debate then that the sale of the old building in the center of the city, I thought, in the main, would meet the construction of the new mint. The appropriation under the new statute was $2,000,000. The sale of the mint within the present year has been made at $2,000,000. Therefore the best mint in the world to-day is in the possession of the Government without the expenditure of a single dollar.

Mr. GAINES of Tennessee. I want to ask the judgment of the gentleman from Pennsylvania, for I think his judgment is as good as the Director of the Mint, and I know you both. Does the gentleman think it is good policy for the Government to close all its mints and have all the coinage done in Philadelphia?

Mr. BINGHAM. I am not talking about the policy. I only stated the action of the Committee on Appropriations accepting the amendment of the gentleman from Louisiana, and I read from the slip of paper I had in my hand.

The question was taken; and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

Territory of Hawaii: For governor, $5,000; secretary, $3,000; chief justice, $5,500; and two associate justices, at $5,000 each; in all, $23,500.

Mr. CLARK. Mr. Chairman, I want to ask the gentleman from Pennsylvania why we pay the governor and the judges of the Territory of Hawaii more than we pay the judges and governors of other Territories?

Mr. BINGHAM. They are fixed by statute.

Mr. CLARK. How did they come to be fixed by statute for that amount?

Mr. HEMENWAY. It was by the law passed by the House——

Mr. CLARK. What was the reason for it?

Mr. HEMENWAY. I do not know the reason for it.

Mr. CLARK. Nobody else. I move to cut them down to the same amount as is paid the others.

Mr. BINGHAM. To that, Mr. Chairman, I make the point of order that it changes existing law.

Mr. LIVINGSTON. Why, Mr. Chairman, the gentleman from Missouri can not be in earnest when he has been told that the salaries have been fixed by statute. We do not legislate in an appropriation bill; we take the statutes as they stand and appropriate the money under the law, and that is all we can do.

Mr. CLARK. Why, Mr. Chairman, this is a statute that we are passing now. I do not see why you can not cut salaries down, and that would be repealing the other statute.

Mr. LIVINGSTON. The rule simply says that you can not legislate on an appropriation bill, and that is the reason.

Mr. CLARK. I do not believe that point of order is well taken.

The CHAIRMAN. Does the gentleman from Missouri insist upon his amendment?

Mr. CLARK. Yes; I want to cut down these salaries to the same amount as is paid these officials in the other Territories.

The CHAIRMAN. The gentleman will please state his amendment.

Mr. CLARK. The amendment is to cut the salary of the governor of the Territory of Hawaii to $3,000 and that of the judges of the supreme court to $4,000. It seems to me there is no sense in giving those men out there in Hawaii more than men get who hold similar positions down in Oklahoma, New Mexico, and Arizona.

Mr. BINGHAM. If the Chair has the statute there before him, I would respectfully refer him to the act of April, 1900, volume 31, page 153. I would state that we have simply followed the statute.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. BINGHAM. I have made the point of order.

The CHAIRMAN. Does the gentleman wish to be heard on his point of order?

Mr. BINGHAM. I submit that it changes existing law.

Mr. CLARK. This is making a proportional appropriation. They can sue in the Court of Claims and get the rest of it.

Mr. BINGHAM. I would call the attention of the Chairman also to page 1 of the bill, which is as follows:

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1904, and for the object hereinafter expressed.

The CHAIRMAN. The Chair is inclined to hold that the amendment is not subject to the point of order, but would be glad to hear from the gentleman further if he wishes to discuss the question.

Mr. BINGHAM. It is my opinion that the rulings of the Chair have always been to the contrary.

Mr. LACEY. Mr. Chairman, that question came up on the appropriation for the Indian inspectors one or two sessions ago. The law fixes the salary of an Indian inspector at $3,000. The appropriation is $2,500, and that has been followed for the last eight or ten years. It was held directly by the Chair on the Indian appropriation bill that it was perfectly proper for Congress to refuse to pass any appropriations or to cut the amount down to any sum. Of course that gave to the officials, possibly, the right to go into the Court of Claims and get the balance of the money.

The CHAIRMAN. It has been held that the appropriation of a less sum than the amount fixed by law for the salary of an officer is not a change of law, even though it be accompanied by such a condition as practically effects a reduction of salary.

Mr. GARDNER of New Jersey. Mr. Chairman, if I understand the reading of the bill, it goes on and provides that the amount so appropriated shall be in full compensation for the services.

Mr. BINGHAM. That is right.

Mr. GARDNER of New Jersey. Then if we pass this amendment it would be making new law. We say so much appropriated, which shall be in full compensation for service.

Mr. MANN. In that case, Mr. Chairman, would the point of order lie to this amendment or to the provision of the bill which changes existing law?

Mr. BINGHAM. It is too late now to raise that point.

Mr. MANN. If it is too late for that, that would not affect this amendment. This amendment does not change existing law. It is the provision of the bill just referred to which changes existing law.

The CHAIRMAN. In conformity with former rulings on amendments of this character, the Chair is of opinion that the point of order is not well taken, and it is therefore overruled.

Mr. BINGHAM. Very well; we will take a vote on the proposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. CLARK) there were—ayes 38, noes 55.

So the amendment was rejected.

The Clerk read as follows:

For judges of circuit courts, at $3,000 each, so much as may be necessary for the fiscal year ending June 30, 1904.

Mr. MADDOX. Mr. Chairman, I would ask the gentleman from Pennsylvania what is meant by the paragraph which has just been read, referring to the words "so much as may be necessary," etc.

Mr. BINGHAM. I would state to the gentleman that the limitation under the statute is the compensation of the judges—$3,000—but the statute allows the President, at his discretion, to indicate the number of judges necessary. We have confined this appropriation to the existing order or condition which now prevails. The limitation in the statute is on the compensation. There is no limitation in the statute upon the number of judges to be appointed, that being discretionary with the President.

Mr. MADDOX. It seemed to me to be very awkwardly worded, and I did not understand that. The words "or so much as may be necessary" seemed to appropriate indefinitely.

Mr. BINGHAM. So much money as may be necessary is included. It is an indefinite appropriation.

Mr. MADDOX. It seemed to me to be very indefinite.

The Clerk read as follows:

For contingent expenses of the Territory of Hawaii, to be expended by the governor for stationery, postage, and incidentals, $500, and for private secretary to the governor, $2,000; for traveling expenses of the governor while absent from the capital on official business, $500; in all, $3,000.

Mr. CLARK. I move to strike out that clause:

For traveling expenses of the governor while absent from the capital on official business, $500.

There is no such provision for the governors of the other Territories, and I undertake to say that all of them have to travel just as much as the governor of Hawaii does.

The question being taken on the motion of Mr. CLARK, on a division (demanded by Mr. CLARK) there were—ayes 34, noes 51.

Accordingly the amendment was rejected.

The Clerk read as follows:

For continuing the employment of such additional temporary force of clerks, messengers, laborers, and other assistants, rendered necessary because of increased work incident to the war with Spain, as in the judgment of the Secretary of War may be proper and necessary to the prompt, efficient, and accurate dispatch of official business in the War Department and its bureaus, to be allotted by the Secretary of War to such bureaus and offices as the exigencies of the needs of the service may demand, $541,430. Persons in the classified service of the Government shall not be eligible to appointment under this appropriation or other appropriations for additional employees because of increased work incident to the war with Spain, or to be transferred from any position in the classified service to positions paid under this or said other appropriations.

Mr. CLARK. Mr. Chairman, I want to ask——

Mr. COWHERD. I hope the gentleman will reserve the point of order.

Mr. CLARK. Yes; I do reserve the point of order, and make it, too.

I want to inquire how it happens that the committee recommend that those examined under the Civil Service Commission shall not be appointed to any of these places?

Mr. BINGHAM. The civil service extends to all of these places now by act of Congress.

Mr. CLARK. Well, I know, but it says here in so many words:

Persons in the classified service of the Government shall not be eligible to appointment under this appropriation or other appropriations for additional employees because of increased work incident to the war with Spain, or to be transferred from any position in the classified service to positions paid under this or said other appropriations.

I want to know the meaning of that.

Mr. HEMENWAY. I will explain to the gentleman about it. This was the condition when this temporary force was provided for. Of course the salaries were not fixed in the lump-sum appropriation. The different departments acquired the habit of taking men out of the classified service and appointing them under this lump-sum appropriation and increasing their salaries. In the following year, to prevent that, this provision was put on, and it has remained since.

Mr. COWHERD. It is not in the last bill.

Mr. HEMENWAY. Oh, yes.

Mr. COWHERD. In the last legislative, executive, and judicial appropriation bill?

Mr. BINGHAM. Yes; it is the verbiage of the bill.

Mr. HEMENWAY. Yes. The object of the provision was to prevent the taking of clerks out of the Departments, from the classified service, and putting them in under this provision and increasing their salaries. We provided that all clerks who had been so transferred should be retransferred back to the service from which they came, and that none of the clerks appointed under this lump-sum appropriation should be put into the classified service, the idea being to keep them out of the regular force until Congress got ready to put them there.

Mr. COWHERD. If the gentleman will pardon me, is not this an entirely different provision of law, and have you not got here a new provision of law, that in the selection of these temporary clerks you can not go to the eligible list or to any person eligible to appointment under the civil service?

Mr. HEMENWAY. Not at all.

Mr. COWHERD. That is the language of the law:

Persons in the classified service of the Government shall not be eligible to appointment under this appropriation.

Mr. HEMENWAY. The gentleman misunderstands.

Mr. COWHERD. I am quoting from the bill itself.

Mr. HEMENWAY. The gentleman misunderstands this provision. The intention was just what I have stated, to prevent the department from taking a clerk of class 2, for instance, in the department and lifting him out of that classified service and appointing him under this temporary war fund and raising his salary. They did that in numerous instances. They took clerks that had heretofore been clerks of class 1, 2, or 3 and appointed them upon this temporary force and raised their salaries. Now, to prevent that practice——

Mr. BINGHAM. And it has prevented it.

Mr. HEMENWAY (continuing). We have served notice on the heads of the departments that these clerks must be transferred back to the places from which they were taken, and any increase of salary made has to be changed. We do this in order to protect the force. Now, then, since that time, as the gentleman knows, all these clerks have been covered into the civil service. But the heads of the departments have been urging the Committee on Appropriations to appropriate specifically for these people, as for clerks of class 1, 2, 3, 4, and so on, and thus fasten them on the service permanently. The Committee on Appropriations has refused to do it, and has given them a lump-sum appropriation, the result being that last year we had a reduction of $55,000, and we believe it will result this year in a still greater reduction. But if these clerks are covered into the classified service as clerks of class 1, 2, 3, and 4, then we would have them fastened on the department.

Mr. CLARK. Is there not a way to get rid of a clerk when you have got no further use for him?

Mr. HEMENWAY. If the gentleman will permit me, I will state that in every one of these departments they have been insisting that these clerks are absolutely necessary. Now, Congress has got to rely on somebody for information, and when the head of a great department comes down and says public business is suffering from the fact that he has not sufficient clerical help and that the clerks are working overtime—not only performing their eight hours' service, but working overtime—then the committee is certainly not warranted in reducing the number of clerks; but we keep this lump sum here for another year, so that the responsibility is placed upon the heads of the departments for keeping these officials.

Mr. CLARK. This is new legislation.

Mr. BINGHAM. If the gentleman will permit an additional statement. Your committee in connection with this bill refused to increase the existing force that makes up the various bureaus of the War Department. We did not increase a single man, nor did we increase a single salary, believing that in leaving to the discretion of the Secretary this lump sum for the employment of the force necessary we would get better administration. We turned our faces resolutely against giving an increase of salary or making any increase of the permanent force.

Mr. HEMENWAY. I want to call the gentleman's attention to another fact. I do not believe the gentleman would insist on his point of order, though I do not believe it is well taken, if he knew the effect of it. Say this provision goes out; then what is the result? Then the head of a department can take a clerk of class 1, now receiving $1,200 a year, and fix his salary out of this lump sum appropriation at $1,800 a year. That would be the effect if this legislation goes out. Then it leaves him free to take one of these clerks now in the office by law and change him and put him under this lump sum.

Mr. CLARK. If he did that, he ought to be impeached.

Mr. HEMENWAY. Well, this was what we attempted to get rid of. This legislation prevents him from doing that; and the effect of holding that the point of order is well taken will be to increase salaries.

Mr. UNDERWOOD. I would like to ask the gentleman from Indiana a question, if he will permit me.

Mr. HEMENWAY. Certainly.

Mr. UNDERWOOD. Was this same language carried in the appropriation bill of last year?

Mr. HEMENWAY. Oh, yes.

Mr. BINGHAM. The very language.

Mr. HEMENWAY. That would be the effect; and I want to call the attention of the gentleman to it.

Mr. CLARK. If he does that I will bring in a bill here to impeach him.

Mr. HEMENWAY. It was exactly what was done until this legislation was put in this bill.

Mr. BINGHAM. It was done by this House on the recommendation of your committee of the House.

Mr. CLARK. I ask for a ruling on the point of order.

The CHAIRMAN. The gentleman from Missouri raises the point of order against the paragraph on page 80, lines 12 to 18, inclusive.

The paragraph in question is as follows:

Persons in the classified service of the Government shall not be eligible to appointment under this appropriation or other appropriations for additional employees because of increased work incident to the war with Spain, or to be transferred from any position in the classified service to positions paid under this or said other appropriations.

This provision is clearly new legislation. The point of order is therefore sustained.

The Clerk, proceeding with the reading of the bill, read as follows:

Hereafter the Commissioners of the District of Columbia shall deposit with the Treasurer of the United States, to the credit of the Secretary of War, the receipts from fines and forfeiture of collateral from cases brought before the police court by the United States park watchmen, which deposits shall be held in trust by the Secretary of War and disbursed by him, under such regulations as he may prescribe, for the relief of United States park watchmen who may become disabled in the line of duty, or for the relief of the widows or children of such watchmen who die in the line of duty.

Mr. BARTLETT. Mr. Chairman, reserving the point of order, I want to hear from the gentleman in charge of the bill the reasons for this provision. This is the first time, is it not, that this has appeared in an appropriation bill? I want to ask him if this is not new legislation?

Mr. BINGHAM. Yes; this paragraph is entirely new. If the gentleman wants me to explain it I will.

Mr. BARTLETT. Certainly I do.

Mr. HEMENWAY. The gentleman from Georgia has a right to make the point of order.

Mr. ROBINSON of Indiana. I make the point of order, Mr. Chairman, so as not to be too late.

Mr. BINGHAM. On the force under control of Colonel Bingham, who has charge of public buildings and grounds, there are 28 watchmen appropriated for in this bill. They make arrests within the territory that they are called upon to protect and watch. These arrests are often for various transgressions of the law, for which a fine follows. That fine now goes into the general fund running for the benefit of the relief fund of the police department in the city of Washington.

The District police have nothing to do and have had no part in the arrest of the offender against the law. It is done by this force of watchmen employed and paid by the Government of the United States. That fund a year ago amounted to $1,700, which went into the police relief fund of the District, a fund for the benefit of the city policemen. Last year this fund amounted to about $3,000. It does not seem fair that the results of the efforts of this body of men doing this work under the pay of the Government, protecting Government property, should run to the general police fund of the District. The general police fund of the District under the statute is never in want of immediate funds for the demands of relief made upon it. It has a surplus, but no benefit ever runs under the existing statute to the men employed by the Government, who really make the arrests in these cases.

All that this provision does is to allow the creation of a fund wherein the benefits will run to the families of the killed and the sick watchmen from this body that constitutes the force under the Government.

Mr. BARTLETT. I understand the gentleman from Pennsylvania to say that the fees and forfeitures that accrue to the police force of the District of Columbia is a fund under the law, already set apart for the relief of the police force, and now this intends to provide a relief fund for these particular watchmen who police the parks.

Mr. HEMENWAY. It takes away the money that goes to the police fund and puts it into a fund by itself.

Mr. BARTLETT. There is already a law by which the fines and forfeitures in the District of Columbia are set aside for a police relief fund, and as I understand, this provision simply diverts this money from that fund and creates a fund by itself.

Mr. BINGHAM. That is all, so that the watchmen employed by the Government may be the beneficiaries. And, further, the police relief fund is never in distress. We make this recommendation simply because it is fair and is earnestly pressed by Colonel Bingham. Of course it is subject to the gentleman's point of order.

Mr. BARTLETT. I simply reserved the point of order. If anybody wishes to make it, he can do so. I think myself the whole system is wrong, but the gentleman from Pennsylvania has made the statement which makes it very equitable and just, if a wrong system is to be continued. I think the whole system of appropriating fines and forfeitures for the benefit of policemen is wrong. If it is the judgment of the gentleman from Pennsylvania, while I am opposed as a general thing to enacting legislation in appropriation bills, still I do not care to make the point of order. I understand the gentleman from Indiana desires to make it.

Mr. ROBINSON of Indiana. Mr. Chairman, I heard the gentleman from Pennsylvania say that it was only a diversion of certain portions of a fund as it is already provided by law. Is it a fund known as the Metropolitan police fund of the District?

Mr. BINGHAM. It is called the relief fund of the police department.

Mr. ROBINSON of Indiana. I have in my hand a bill introduced yesterday by the gentleman from Wisconsin [Mr. JENKINS] which reads: "That the sum of $15,649.86 be, and the same is hereby, appropriated out of the revenues of the District of Columbia to pay the amount withheld from the pensioners of the police department on account of the deficiency in said fund." Now, it seems to me that this is simply a proposition opening the way for a civil-service pension list, or a sort of insurance system, a proposition such as has heretofore been presented to this House and has on each occasion met its disapproval.

Mr. BINGHAM. Will the gentleman allow an interruption?

Mr. ROBINSON of Indiana. Yes, sir.

Mr. BINGHAM. This is a deficiency which existed before the present law was in existence and before this relief fund was provided.

Mr. ROBINSON of Indiana. Mr. Chairman, we have had various bills presented to the House which embodied this theory of a pension fund for civil employees. The gentleman from Maryland [Mr. PEARRE] introduced such a bill, granting certain privileges to the special policemen stationed at street crossings in this city. That bill was overwhelmingly defeated by the sentiment of the House.

Mr. HEMENWAY. The gentleman will allow me to say that there is no proposition of that kind embraced in this bill. The proposition is simply this: Under the existing law the police of the District of Columbia have this pension fund made up of these fines and forfeitures. These 27 men are watchmen having the powers of police, to make arrests and to enforce the collection of fines and forfeitures. Under existing conditions they get no benefit from this fund. The money derived from their service goes into this general fund for the District police.

Mr. ROBINSON of Indiana. For the police officers of the District. And now it is proposed to extend this system to the park policemen.

Mr. HEMENWAY. We propose simply to take the money that they are now turning in, and, under proper rules and regulations, to allow them the benefit of it.

Mr. ROBINSON of Indiana. But, nevertheless, this is to be a sort of insurance fund, is it not?

Mr. HEMENWAY. That is already the condition. These men who now earn this money are earning it to pay pensions to somebody else.

Mr. ROBINSON of Indiana. You are proposing to extend the old system by introducing a new class of officers that are to have the benefit of it.

Mr. HEMENWAY. The gentleman's remedy is to have the other law repealed, not to prevent these men getting what they are entitled to. If the existing law is wrong, and I concede it is, let us repeal it.

Mr. ROBINSON of Indiana. I think that would be wise.

Mr. HEMENWAY. But let us not require these 27 watchmen to go on making arrests, bringing about convictions, collecting fines and forfeitures, and then have the benefit go to other members of the force no more deserving than these.

Mr. ROBINSON of Indiana. How many more officers will this proposed law incorporate into this system of insurance by the Government? Twenty-seven, I believe, or something like that. It is practically an extension of a system of insurance by the Government that this House has repeatedly voted down, because it is in the line of a civil-service pension list.

Mr. HEMENWAY. But the gentleman is all wrong in his supposition that we are seeking to create any such pension fund. It is already in existence; it is authorized by law.

Mr. ROBINSON of Indiana. But you seek to extend it to 27 more individuals. It is an enlargement of the system or the principle.

Mr. HEMENWAY. We are simply proposing to give to these men the results of the fines and forfeitures collected by them and the arrests made by them, instead of taking this money away from them and giving the benefits to other men who had nothing to do with these arrests.

Mr. ROBINSON of Indiana. But, if you pass this provision, do you not extend the principle of the proposition of the gentleman from Minnesota [Mr. TAWNEY], which proposed to establish a civil-service pension system, and the bill introduced by the gentleman from New York [Mr. WADSWORTH] to reorganize the Signal Service Bureau, which embodied the same principle and which was voted down by the House? This is an enlargement or extension—as regards certain individuals, at least—of the civil-service pension list and an insurance system by the Government—a measure which, as I have stated, the House has repeatedly voted down.

Now, I ask the chairman of the Committee on Appropriations, managing this bill, whether he does not think it would be wiser

and better that this system, acknowledged by his colleague on the committee [Mr. HEMENWAY] to be vicious, should be presented to the House as new legislation and not brought in on an appropriation bill? Why not let it come up in such a way that it may be considered upon its merits and justice done all round?

Mr. HEMENWAY. I will state, in reply to the gentleman, that the purpose of the committee was simply to deal fairly with a body of men who make these arrests under their jurisdiction as officers of the law, and to provide that the fines and penalties adjudged by reason of their efforts shall contribute to their benefit, instead of going to a fund that does not in any wise benefit them. We contend that the money thus collected should go to a fund of which they will be beneficiaries. We are only proposing to give to these men some benefit from returns that now go to the benefit of those who have nothing to do with these arrests or the collection of these fines and forfeitures. There is no pension fund about it. The law is there, and the money is paid to-day under the general law to a general relief fund. Now, the police of the District have had nothing to do with these arrests. We want to give the benefit to the men who make the arrests, and if the gentleman wants to repeal the whole proposition, let him bring in legislation.

Mr. ROBINSON of Indiana. Let the gentleman bring in a separate bill, and for that reason I insist on the point of order.

Mr. BINGHAM. It is simply an appeal to the fairness of the gentleman. It is subject to the point of order.

Mr. HEMENWAY. The effect of the point of order being made here is this: Here is a pension fund established by law. All fines and forfeitures go to it. Here are 27 members of the watchmen's force under the Government who are each day contributing to this fund. These watchmen get $720 a year. A member of the police force gets about $1,100 a year. The gentleman from Indiana seeks to take away, by a point of order, from these watchmen, who are getting $720 a year, about from $1,700 to $3,000 each year, as it accumulates, and to turn it over to increase the pension fund of gentlemen who are getting $1,100 a year, and then talks about coming with bills for pension funds.

Mr. ROBINSON of Indiana. Well, Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. HEMENWAY. I decline to yield. The gentleman does not seem to grasp the situation, that here is a law already existing, under which these pensions are paid, and that, by making a point of order against this provision, it has the effect of taking from $1,700 to $3,000 a year from men who are working for $720 a year—contributed by them for the purpose of helping one another when they are sick, and taking care of them—and turning it over to swell a fund to go to men who are getting $1,100 a year. That is all there is of it.

Mr. LOUD. Mr. Chairman, is there not a deficiency in this pension fund now of the police force which we will have to appropriate for?

Mr. HEMENWAY. Certainly not; and this Congess never ought to appropriate one cent, and, so far as I am concerned, I do not believe the law ought ever to have been passed; but it is a law now.

Mr. CLARK. Then why not repeal it?

Mr. HEMENWAY. We can not repeal it on this bill. We are simply trying to correct one of the evils of the law.

Mr. UNDERWOOD. Mr. Chairman, will my friend tell me why he can not repeal it if he can amend it? Both are subject to the point of order.

Mr. HEMENWAY. The gentleman from Alabama would make the point of order against it, and every member of the Committee on the District of Columbia would make a point of order, if we undertook to repeal it, but every member of the Committee on the District of Columbia admits that we ought not to do these men who are working for $720 a year the injustice of compelling them to pay fines and forfeitures which they collect over into a fund for the benefit of men who are working for $1,100 a year.

Mr. ROBINSON of Indiana. Mr. Chairman, I move to strike out the last word.

Mr. BARTLETT. Mr. Chairman, I would ask the gentleman from Indiana [Mr. HEMENWAY] whether this is not an amendment to the law?

Mr. HEMENWAY. Yes.

Mr. BARTLETT. Then if the gentleman can amend it, why can he not repeal it?

Mr. HEMENWAY. As I said, I have no doubt that this amendment will fail by reason of the point of order being made. I am very sure if we undertook to repeal it there would be many points of order made.

Mr. BARTLETT. Not on this side.

Mr. HEMENWAY. Oh, yes.

Mr. BARTLETT. I am sure the gentleman is mistaken.

Mr. HEMENWAY. The points of order seem to come from that side.

The CHAIRMAN. The gentleman from Indiana [Mr. ROBINSON] is recognized.

Mr. ROBINSON of Indiana. Mr. Chairman, I was unable to avail myself of the courtesy of my colleague from Indiana [Mr. HEMENWAY], although he occupied a measure of my time by interruption; but I will say now briefly that it does not lie with my colleague, a member of the great Appropriations Committee as he is, confessing as he does that this is a vicious system of legislation all through, to say that a member of this House can not assert his rights under the rules governing the consideration of appropriation bills, and ask the poor privilege of demanding that legislation shall not be made in this House on appropriation bills.

From what we have heard and from what we know of the gentleman from Indiana, and what is in promise for him, I hope he will never again take the stand to say that a member of the House shall quietly sit by and be denied the right of insisting upon that salutary rule, a rule originating from a gentleman from Indiana [Mr. Holman], that we shall not legislate upon appropriation bills in matters of legislation like this, legislation which the gentleman from Indiana says is vicious. Whether he changes it in this committee or restricts it, if it is wrong, as he confesses, so far from criticising others he should be found rushing to correct it. If it has merit, as is now claimed by gentlemen on the other side, I insist that it should be considered in the House in an orderly way, and I simply assert my rights as a member of the House to insist that it shall be done in that way and not on an appropriation bill. For that reason I insist on my point of order.

Mr. BROMWELL. Mr. Chairman, I desire to raise a point of order. The gentleman from Indiana made the point of order that this is new legislation. Afterwards, in rising to make the speech which he has just finished, he offered an amendment to this bill, moving to amend by striking out the last word. The point of order I want to make is that by offering this amendment and afterwards discussing it, that amendment being to strike out the last word, he has waived the point of order which he originally made, and therefore, as discussion has taken place on a proposed amendment to the bill, the point of order can not be raised either by the gentleman or by anyone else at this time. I submit that point of order to the Chair.

Mr. BARTLETT rose.

The CHAIRMAN. Does the gentleman from Georgia wish to be heard on this point of order?

Mr. BARTLETT. Yes. I want to call the attention of the Chair and the gentleman from Ohio to the fact that in the beginning I reserved the point of order upon this proposition, and stated that having reserved the point of order I did not desire them to make it, but the gentleman from Indiana——

Mr. HEMENWAY. The gentleman waived his right.

Mr. BARTLETT. Oh, no.

Mr. BROMWELL. Did not the gentleman from Georgia withdraw his point of order by saying that the gentleman from Indiana intended to make it?

Mr. BARTLETT. No; but the gentleman from Indiana rose and reserved it.

Mr. BROMWELL. But the gentleman from Indiana was well understood to have withdrawn his reservation.

Mr. ROBINSON of Indiana. Oh, no.

Mr. BARTLETT. No; and it is not fair. I stated this in the hearing of the gentleman from Pennsylvania, after an explanation of this matter, that I would not make the point of order myself, but the gentleman from Indiana then rose and himself reserved the point of order.

Mr. UNDERWOOD rose.

Mr. BROMWELL. I want to suggest to the gentleman from Georgia——

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Alabama?

Mr. BARTLETT. Yes.

The CHAIRMAN. Does the gentleman from Alabama desire to discuss the point of order?

Mr. UNDERWOOD. I do, after the gentleman from Georgia has concluded what he has to say.

Mr. BARTLETT. I trust that no such point as is made by the gentleman from Ohio will be insisted upon under the circumstances of this case. If I had had any idea that any gentleman on this side or on that side was going to be cut out from making the point of order, I certainly would have insisted upon it, and I do not think it is fair or just to the gentleman from Indiana, or any other gentleman, that what has happened and what I have done in the matter should preclude any member on the floor of this House from making the point of order. If the point of order which is insisted upon is sustained, we shall be very careful hereafter not to abandon our rights. I certainly did not mean to prevent any other gentleman from making the point of order.

Mr. UNDERWOOD. Mr. Chairman, I think this discussion that

we have had on the point of order to-day shows clearly that the rule is a wise one, and that legislation should not be enacted on an appropriation bill. Of course there are some exceptional cases where the House, by unanimous consent, allows legislation to go through on an appropriation bill; but in this instance the Committee on Appropriations have clearly gone outside of their jurisdiction and invaded the jurisdiction of another committee of the House purely in reference to a legislative matter that is not germane to the question under consideration. It is not wise to legislate in this manner; it is not a wise way for the House to investgate the question, and I agree with the gentleman from Indiana, who made the point of order, that it should be made and ought, of course, be sustained by the Chair.

Now, the only question that I can see in the case that can possibly arise as to whether the point of order of the gentleman from Indiana is well taken, is the question as to whether he has waived it. There is no question that the original point of order was well taken—that it is in contravention of the rule. Now, I know of no decision that holds or has ever held, in the parliamentary procedure of this House, that a member making a point of order could waive that point of order by indirection.

The right to make a point of order is not for the member or a privilege of the member alone. It is for the protection of the House. The right to have the point of order made is not for the protection of the individual, but for the protection of the membership of this House. Every gentleman on the floor of this House is as much interested in that point of order when once made as is the gentleman who makes it. Why? Because if the gentleman from Indiana had not made the point of order in this case, many other gentlemen might have arisen in their places and made it. If the gentlemen from Indiana withdrew the point of order, it was clearly the right and privilege of any other member of this House to rise in his place and renew that point of order. Therefore, if they had a right to renew it when it was waived by the gentleman from Indiana, the gentleman from Indiana could not cut the other members of this House out of that privilege by waiving it by indirection.

Mr. BROMWELL. Mr. Chairman, while I will admit, to a certain extent, what the gentleman has said, I want to call his attention, however, to this fact: When the gentleman from Indiana [Mr. ROBINSON] got up and moved to strike out the last word, which was an amendment to this bill, then was the time for that gentleman to renew the point of order which had been first suggested by the gentleman from Georgia [Mr. BARTLETT] and afterwards made by the gentleman from Indiana. Then was the proper time for him to exercise his right. He slept on his right by permitting this amendment to be offered and this debate to go on until the gentleman from Indiana had concluded. Therefore he can not now raise the question of whether or not he might have renewed the point of order.

Mr. UNDERWOOD. I will say to the gentleman from Ohio that this amendment to strike out the last word was clearly an attempt to get the floor, although he overlooked the fact, evidently, that the House had considered the amendment and the debate had wandered from the point of order and was on the merits of the question. He was solely attempting to attract the attention of the Chair and get the floor. That was clearly his object.

The CHAIRMAN. As the Chair understands it, the parliamentary situation is as follows: The gentleman from Georgia raised the point of order as against the paragraph in lines 21 to 25, page 87, and lines 1 to 5 on page 88. He reserved the point of order pending the discussion of the paragraph. The gentleman from Indiana gave notice that if the reservation of the point of order was withdrawn by the gentleman from Georgia he would renew it, and later the gentleman from Indiana made the point of order. During the discussion of the paragraph on which the point of order was made, the gentleman from Indiana [Mr. ROBINSON], for the purpose of further discussing the paragraph, made a formal amendment. The gentleman from Ohio [Mr. BROMWELL] makes the point of order that the offering of the formal amendment by the gentleman from Indiana [Mr. ROBINSON] was a virtual withdrawal of the point of order.

The Chair is of the opinion that the point of order made by the gentleman from Indiana was not affected by the formal amendment offered by him for the purpose of discussing the paragraph. Therefore the Chair holds that the point of order made by the gentleman from Ohio was not well taken, and overrules it.

The question is on the point of order made by the gentleman from Indiana on the paragraph in question—that the language objected to is new legislation. That point of order is sustained.

The Clerk read as follows:

STATE, WAR, AND NAVY DEPARTMENT BUILDING.

Office of the superintendent: For 1 clerk of class 1; stenographer and typewriter, $900; chief engineer, $1,200; 9 assistant engineers, at $1,000 each; captain of the watch, $1,200; 2 lieutenants of the watch, at $840 each; 58 watchmen; carpenter, $1,000; electrician, $1,000; plumber, machinist, and painter, at $900 each; 4 skilled laborers, at $720 each; 29 firemen; 10 conductors of elevators, at $720 each; 18 laborers; 81 charwomen; 1 gardener, $720; and 2 telephone operators, at $600 each; in all, $125,840.

Mr. BINGHAM. Mr. Chairman, I am directed by the committee to insert the following amendment, which was overlooked in making up the bill, and makes it in accordance with existing law.

The Clerk read as follows:

On page 88, in line 25, strike out "machinist" and insert in lieu thereof "three machinists."

On page 89, in line 4, strike out "eighteen" and insert "nineteen."

In line 7 strike out "twenty-five thousand eight hundred and forty" and insert "twenty-eight thousand three hundred."

The amendment was agreed to.

The Clerk read as follows:

For continuing the publication of an edition of 11,000 copies of the Official Records of the Union and Confederate Navies in the War of the Rebellion, in accordance with the plan approved by the Secretary of the Navy under the act of Congress approved July 31, 1894, and for the purpose of making such maps and illustrations as relate to the work, $31,500.

Mr. LESSLER. Mr. Chairman, I would like to ask the chairman of the committee if he has any idea as to how long it will be before that record will be completed.

Mr. BINGHAM. I do not think we have had any statement from the Secretary upon that subject. He has submitted, however, that the increase carried in the paragraph will publish an additional volume. Heretofore two volumes have been published. The Secretary says that if we give him that appropriation for the next year the Department work is in such shape that without any additional subordinate force they can add the third volume and expedite the work.

The Clerk read as follows:

Indian Office: For the Commissioner of Indian Affairs, $5,000; Assistant Commissioner, who shall also perform the duties of chief clerk, $3,000; financial clerk, $2,000; chief of division, $2,000; principal bookkeeper, $1,800; 5 clerks of class 4; 15 clerks of class 3; stenogrpher, $1,600; stenographer, $1,400; 11 clerks of class 2; draftsman, $1,600; draftsman, $1,500; architect, $1,500; 26 clerks of class 1; 14 clerks, at $1,000 each; 1 clerk, $1,200, and 1 stenographer and 1 clerk, at $1,000 each, to superintendent of Indian schools; 17 copyists; 1 messenger; 4 assistant messengers; 3 laborers; messenger boy, $360; and 4 charwomen; in all, $140,520.

Mr. SHERMAN. I offer the following amendment.

The Clerk read as follows:

On page 107, lines 6 and 7, strike out "chief of division, $2,000," and insert in lieu thereof "two chiefs of division, at $2,000 each."

And on line 20 strike out "five" and insert "seven."

Mr. SHERMAN. The purpose of this amendment, Mr. Chairman, is——

Mr. BINGHAM. And in line 8 strike out "five" and insert "four."

Mr. SHERMAN. And in line 8 strike out "five" and insert in lieu thereof "four."

Heretofore the head of the educational division has been designated not as the head of a division, but as a clerk of class 4. This will designate him as a chief of division and give him the same as other heads of divisions receive.

The CHAIRMAN. Does the gentleman from New York wish his amendment to stand as it is?

Mr. SHERMAN. Mr. Chairman, I wish to strike out the word "five," in line 8, and insert in lieu thereof the word "four."

Mr. MADDOX. Mr. Chairman, I should like to ask the gentleman if it is the purpose of that amendment to add a new office?

Mr. SHERMAN. It is not the purpose of the amendment to add a new clerk. Without the last amendment it would add another office. The gentleman in the office now is a clerk of class 4, receiving $1,800. He performs the duties of a chief of division, and the purpose of the amendment is so make him a chief of a division and to pay him $2,000, instead of $1,800 as a clerk of class 4.

The question was taken; and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For the following clerks now employed and paid from the appropriation for continuing the work of transferring the Indian depredation claims from the Office of Indian Affairs to the Court of Claims, namely, for 3 clerks of class 1, and 1 clerk, $1,000; in all, $3,400.

Mr. BINGHAM. Mr. Chairman, I merely want to offer an amendment to correct the total.

The Clerk read as follows:

On page 108, in lines 7 and 8, strike out the words "three thousand four hundred" and insert the words "four thousand six hundred."

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

BUREAU OF EDUCATION: For Commissioner of Education, $3,500; chief clerk, $1,800; statistician, $1,800; specialist in charge of land-grant college statistics, $1,800; translator, $1,600; collector and compiler of statistics, $2,400; specialist in foreign educational systems, $1,800; specialist in educational system, $1,800; 2 clerks of class 4; 2 clerks of class 3; 4 clerks of class 2; 7 clerks of class 1; 5 clerks, at $1,000 each; 4 copyists; 2 copyists, at $800 each; copyist,

$720; skilled laborer, $840; 1 assistant messenger; 2 laborers; 3 laborers, at $480 each; laborer, $400; in all, $52,940.

Mr. WANGER. Mr. Chairman, I would like to ask my colleague on the committee why the appropriation for a specialist in education as a preventive of pauperism and crime, heretofore carried in this bill, has been omitted?

Mr. BINGHAM. It has not been estimated for in the Book of Estimates for appropriations. The Commissioner of Education submits this:

NOTE.—I omit in this place the item, "Specialist in education as a preventive of pauperism and crime," and respectfully recommend the discontinuance of the appropriation for this specific purpose. My reasons for this recommendation are, briefly, that the so-called scientific study of criminals has not advanced far enough to be of use to education. At present it confines its attention chiefly to bodily peculiarities, studying the form and size of the skull, the ears, the interior of the mouth, height and weight, and such matters, giving its results in the form of statistical averages. These bodily items may, in some way not yet made clear, have a connection with criminal propensities as cause or effect, but thus far such connection is only a matter of conjecture. Admitting, however, that the causal connections were discovered, they would not help but rather hinder the school in its work of removing criminal habits. For as certain children come to be known and marked out in the school or in the community as possessing the bodily signs of degeneracy in such permanent form as the shape of the skull or ears, or mouth, it would operate seriously to discourage them from efforts to form good habits. The influence of the school would be undermined by thus creating a suspicion of evil in advance of overt acts, and thereby working injustice on the pupil.

I will say that we went into no examination in this matter beyond the acceptance of this recommendation of the Commissioner of Education. The detailed work we did not examine. The necessity of the continuance of this department we did not examine. We accepted this as the statement of the Commissioner and reported the bill to the House as recommended in the Book of Estimates. The gentleman has his privilege to move an amendment and a point of order would not stand against it.

Mr. WANGER. Mr. Chairman, it seems to me that the specialist who has been provided for in the bills we have passed heretofore has manifested great intelligence and great industry, and I have understood that his work has met with the approbation of a large number of learned bodies. Whether it properly belongs in the Bureau of Education I am not sure. Neither do I pretend to set myself up as an expert capable of giving an opinion on the subject of any value to my fellow-members.

But believing that the studies and experiments should be continued, and in order that the matter may have consideration, I move to amend the bill by inserting on page 113, line 20, after the word "dollars," the words "specialist in education as a preventive of pauperism and crime, $2,000;" so that there shall be in the next fiscal year the same provision that there is now and has been heretofore.

This specialist has published a number of interesting and comprehensive works, showing great research and enthusiastic zeal and marvelous capacity for labor in research and experimentation, and these publications have been translated into several languages, including the French language, showing the value in which they are held by the learned. It will probably be conceded that the extent to which education may be a preventive of pauperism and crime should be ascertained if it is reasonably possible to do so.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 113, line 20, after the word "dollars," insert "a specialist in education as a preventive of pauperism and crime, $2,000."

The question was taken; and on a division (demanded by Mr. SMITH of Kentucky) there were—ayes 10, noes 32.

So the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States, or are totally disabled in the same, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. MCCUMBER, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 6151. An act granting an increase of pension to Henry E. Burton.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 15140. An act providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Fort Worth, in the State of Texas, on the first Monday in November in each year; and

H. R. 15445. An act to authorize the construction of a bridge across the Savannah River at Sand Bar Ferry, below the city of Augusta, Ga.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Permanent Census Office: For the following now authorized and paid, during the fiscal year 1903, from appropriations for the Twelfth Census, namely: For Director, $6,000; 4 chief statisticians, at $2,500 each; chief clerk, $2,500; disbursing clerk, $2,500; stenographer, $1,500; 4 expert chiefs of division, at $1,800 each; 6 clerks class 3; 10 clerks, class 2; 249 clerks, class 1; 204 clerks, at $1,000 each; 90 copyists, at $900 each; 1 clerk, $720; 4 skilled laborers, at $1,000 each; 1 skilled laborer, $900; 1 skilled laborer, $840; 1 skilled laborer, $780; 1 skilled laborer, $720; 10 watchmen, at $720 each; 6 messengers, at $840 each; 13 assistant messengers, at $720 each; 15 unskilled laborers, at $720 each; 35 charwomen, at $240 each; in all, $685,860.

Mr. COWHERD. I offer the amendment which I sent to the desk.

The Clerk read as follows:

In line 22 on page 114, strike out "six" and insert "five;" so as to make the salary of the Director of the Census Office $5,000 instead of $6,000.

Mr. CRUMPACKER. I make a point of order against this amendment.

Mr. COWHERD. I suppose the gentleman was not here a moment ago when the Chair ruled upon an identically similar proposition, that it was not subject to a point of order.

Mr. CRUMPACKER. Then I withdraw the point.

Mr. COWHERD. Mr. Chairman, of course, as we are all aware, the act which was passed, I believe last year, fixed this salary at $6,000; but I find that in this very bill the salary of the Commissioner of Indian Affairs, who, as everyone knows, has a much more difficult and arduous position to fill, whose work is much harder, and who has more people under him, gets only $5,000. The Commissioner of Pensions, who fills one of the hardest places under the Government, gets $5,000. The Commissioner of Patents gets $5,000. The Assistant Secretaries of the State, War, and Navy Departments get $4,500 each. Yet we propose to give to the Director of the Census $6,000.

Now, Mr. Chairman, the fact of the business is that the Director of the Census at present has very little to do. I believe it is the intention of the Government to give him something to do shortly in the way of a census of the Philippine Islands, but I am told that at present the work in his office is very light—so light, in fact, that the Director has been discharging some hundred or two of his force. Notwithstanding that, this bill carries, as I understand from the report of the committee, an appropriation for the permanent force of the Census Bureau as it was created by the act of one year ago. I ask the acting chairman of the committee whether I am not right.

Mr. BINGHAM. Not wholly, but sufficiently for the gentleman's argument.

Mr. COWHERD. Well, I am quoting from the gentleman's report, and I think I am quoting correctly, that so far as the Census Bureau is concerned the appropriation is made on the basis of the organization of the Bureau as it was created in the bill of a year ago.

There is one other thing I want to say in regard to this question, and I think it should have some weight with members of the House. I believe that in the matter of discharges—and, understand, I do not criticise the Director of the Census for discharging clerks if he does not need them; I think he ought to discharge every clerk that he does not need, no matter how much such discharges may cut down the force—but as I remember, in the discussion of the bill for the establishment of a permanent Census Bureau many votes were obtained for that measure on the theory that the Bureau was going to be a nonpartisan organization and that the men employed there, or taken in there, were to be taken in practically from every district. That consideration was urged very strenuously, and some members thought that, as I remember, such a provision was contained in the bill until after the report was made from the conference committee.

Now, I find that the Director of the Census Bureau is cutting down his force, as I say he ought to do if it is too large, but in cutting down the force to the number of some hundred or two, I am informed that practically every employee discharged is one that has been recommended by a Democratic member of Congress,

while other districts are left with two, three, or four appointees; that those selected for dismissal are practically taken almost entirely from those recommended by members on this side of the House.

Now, I do not contend for a moment that appointments to or removals from these places under the Government the Democrats ought to be recognized. So far as that is concerned, I am perfectly willing that gentlemen, in appointments to these places not under the civil-service regulations, should be as partisan as I would be if I had the making of the appointments.

But I do contend that when gentlemen get up here on the floor and put a bill through under certain representations, such as were made in this case, good faith to the other side of the House should be carried out; and I do contend that the Director of the Census can not discharge 100 men and in doing so discharge only Democrats, if the selections of persons to be discharged are made with reference to the matter of competency. I make these remarks because I do not want some gentleman to rise up here and say that I am making this proposition because of those discharges that have been made. I want to take time by the forelock and make this statement first.

But I do say that the motion I have submitted ought to prevail on its merits. No reason under the sun can be given why the Commissioner of Indian Affairs, the Commissioner of Patents, the Commissioner of Pensions should be paid $5,000 each, while the Director of the permanent Census Bureau, that will never have any great amount of work, is paid $6,000. I respectfully submit that this amendment ought to prevail.

Mr. BINGHAM. Mr. Chairman, for the taking of the census the Director of the Census Bureau was in the first enactment given a compensation of $6,000.

A MEMBER. Seven thousand five hundred dollars.

Mr. BINGHAM. No, sir; $6,000. The salary was afterwards increased to $7,500. When we came to the enactment organizing that Bureau into a permanent bureau, which was done by general statute, not by an appropriation bill, the statute declared that the compensation of the Director should be $6,000. That is the existing law, which your committee has followed in reporting this bill. Of course if this Committee of the Whole believes that it should be influenced by the argument of the gentleman from Missouri [Mr. COWHERD] it can determine that question for itself. Your committee followed existing law, without any inquiry whatever as to the merits of the proposition.

Mr. COWHERD. Certainly. I admit what the gentleman says is true, that this bill follows existing law, but is not this a fact, that when the salary of the Director of the Census was first fixed at $6,000 a year and then at $7,500 the idea was that the office was to be temporary and the work was to all fall within the period of two years, the time it was expected he would hold the office? Now, he holds for the entire ten years, and yet the salary stays at $6,000.

Mr. BINGHAM. Not when the Congress fixed the final $6,000, because it was then a part of the permanent Census Bureau.

Mr. COWHERD. I understand; but then the salary was fixed, as I said before, and votes, I regret to say, influenced on the idea largely that the spoils were to be divided. Now, as the spoils are not to be divided, it seems to me the gentleman ought to be put on the same footing as these other men, heads of great bureaus, who have more work and more responsibility.

Mr. MANN. Mr. Chairman, I hardly think that the criticism in reference to the discharge of census employees, made by the gentleman from Missouri, is justified. I don't know how many Republicans or Democrats are retained in that office. I know that for one I have no clerks left in the office. I doubt very much whether the question of politics has cut any great figure in regard to discharge. I have no doubt that so far as the Director of the Census is concerned in respect to retaining employees he has retained those that are competent, and as far as possible by Congressional districts.

Mr. MADDOX. Mr. Chairman, if the gentleman will permit me to interrupt him, I will state that I could not expect anything myself on this side, but the Director informed me that while I had a very capable man the time had come when he did not need him.

Mr. LITTLE. The same here.

Several MEMBERS. The same here.

Mr. MADDOX. The same all around here.

Mr. MANN. Of course, Mr. Chairman, it often happens that where a gentleman out of the goodness of his heart says a sweet thing to somebody it gets him into trouble. Because the gentleman said that the clerk was perfectly capable was only saying a sweet thing. He told me that I had some capable clerks, but he discharged them. Now, if the plan which has been suggested by the President and others for the creation of a department of commerce is enacted into law this office will have its labors very largely increased, because one of the purposes of such an enactment as that would be the consolidation of the different statistical departments of the Government as they now exist in connection largely with the Bureau of Census. If that be done, the salary that is fixed for the Director will not be too large.

Mr. HEMENWAY. Mr. Chairman, judging from the remarks of the gentleman from Missouri [Mr. COWHERD], the proposition is to punish the Director of the Census for discharging clerks, the gentleman forgetting that the Director ought to have some credit for appointing them originally. From a political standpoint I think the Director of the Census was very liberal, giving representation to all of our Democratic friends, as I believe he ought to have done, in appointing these clerks. I do not think now that he ought to be punished for discharging them, when there was no longer any use for their service. This is a great department. It requires the services of a first-class man, and for one I do not believe this salary ought to be reduced, and especially I do not believe that the Director of the Census ought to be punished for discharging clerks from that office. I hope the salary will not be reduced.

Mr. COWHERD. Will the gentleman yield to me for a question?

Mr. HEMENWAY. Certainly.

Mr. COWHERD. He does not think that it requires any more ability to fill this office than that of the Commissioner of Pensions or the Commissioner of Indian Affairs, does he?

Mr. HEMENWAY. Well, I do not know, and if the salaries of the other gentlemen are not high enough, the gentleman from Missouri can move to increase them.

Mr. COWHERD. Oh, we are all glad to follow the Appropriations Committee, if the gentleman wants to bring it in. You change these laws every once in a while.

Mr. HEMENWAY. We have not changed the law.

Mr. COWHERD. You have raised a good many salaries in this very bill.

Mr. HEMENWAY. Very few.

Mr. COWHERD. Some 15 or 20.

Mr. HEMENWAY. If the gentleman asks me a question he ought to permit me to answer it. This bill carries some $22,000,000, and we have an increase in salaries of only about $15,000, and the point of order made by the gentleman from Missouri [Mr. CLARK] will increase more salaries, 4 to 1, than this committee has increased in reporting this bill.

Mr. CLARK. If the gentleman will give me any opinion of how I increased those salaries, he will see whether the gentleman from Missouri wishes to increase them or not. There ought to be some power, some way of keeping those gentlemen from juggling with the clerk business.

Mr. HEMENWAY. And the gentleman got off this bill by a point of order that "some power somewhere" that did keep them from doing it, and although I explained to the gentleman from Missouri that that section of the bill prevented the increasing of salaries and prevented taking clerks from the classified service and giving them high salaries under this lump sum, the gentleman insisted upon his point of order, notwithstanding the fact that that provision had been placed upon the bill to prevent the increase of salaries and had prevented the increase of salaries.

Mr. CLARK. I insisted on it because I supposed the officials were honest.

Mr. HEMENWAY. The gentleman insisted upon it in his anxiety to get something out of the bill; and, as I say, when one year rolls around it will be demonstrated that the gentleman increased more salaries by taking that provision off the bill on a point of order than the committee on the legislative bill increased when they reported this bill to the House.

Mr. MADDOX rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from Georgia?

Mr. HEMENWAY. I do.

Mr. MADDOX. I understood you to say just now that we forgot that we were indebted to the Superintendent of the Census down here for appointments in the first instance.

Mr. HEMENWAY. I believe I said something of that kind.

Mr. MADDOX. Have you forgotten, however, that that original bill was to be a nonpartisan bill, that these appointments were to be nonpartisan, and that we did not owe that fact to him?

Mr. HEMENWAY. It is true that when the Republican party is in power it sometimes passes these nonpartisan bills. I do not believe our Democratic friends can ever be charged with anything of that kind.

Mr. UNDERWOOD. My friend is mistaken. The Democrats were in control of the Senate——

Mr. MADDOX. It is the President of the United States to whom we are indebted, and not the Superintendent.

Mr. HEMENWAY. All right, we will give the President the credit, then.

Mr. UNDERWOOD. The Democrats were in control of the

United States Senate when the census bill was originally passed. It was a compromise bill.

Mr. BURLESON. Is it not a fact that the salary of the Director of the Census was reduced from $7,500 to $6,000 when the Census Bureau was made permanent?

Mr. HEMENWAY. That is the fact, and we believe it ought to stay at that.

Mr. COWHERD. If the gentleman will allow me, I was not criticising his committee for raising these salaries. I was simply calling attention to the fact that if this committee thought that the Commissioner of Indian Affairs and the Commissioner of Pensions and the Commissioner of Patents did not receive enough salary, they could have raised those salaries in this bill, as they did some 15 or 20 other salaries. If they think these gentlemen are receiving salaries which are sufficient, then the members of that committee ought not to object to putting this other head of a bureau, the Director of the Census, on the same footing.

Mr. HEMENWAY. The gentlemen of the committee followed current law, and we believed that when the Congress of the United States fixed the salary of the Director of the Census at $6,000 they did not fix it too high; and we believed that salary ought not to be decreased because gentlemen complain that clerks appointed for them by the Director of the Census have since been discharged because their services were no longer necessary.

[Here the hammer fell.]

Mr. COWHERD. I just want to say in response to that, that I stated specifically that I think the Director of the Census is to be praised and not blamed for discharging clerks; but after gentlemen made statements upon the floor of this House over and over again in regard to the creation of this Bureau, that it was to be nonpartisan, and after the bill was gotten through on representations of that kind, I state that it is not keeping good faith for the Director of the Census to discharge all the Democrats from his office and keep all the Republicans.

Mr. JOY. May I ask the gentleman a question before he takes his seat?

Mr. COWHERD. Yes.

Mr. JOY. I wish to ask a question of the gentleman in charge of this bill, the gentleman from Indiana [Mr. HEMENWAY]; and as his time has expired, I wish to ask the question through my colleague from Missouri [Mr. COWHERD].

Mr. COWHERD. That is a roundabout way.

Mr. JOY. I want to ask whether it is not true that the position of Superintendent of the Coast and Geodetic Survey requires as high a class of skill as that of Director of the Census?

Mr. HEMENWAY. "The gentleman from Indiana" is not competent to determine that question.

Mr. JOY. I should like to ask you another question: If existing law does not provide that the Superintendent of the Coast Survey shall receive $6,000 per year, and if it is not also a fact that his salary is carried in the appropriation bills from year to year at only $5,000?

Mr. HEMENWAY. I do not remember as to that exact salary, but we do appropriate for many salaries at less than the statutory allowance.

Mr. WILLIAMS of Illinois. Mr. Chairman, I move to strike out the last two words. I rise for the purpose of stating that I shall support the amendment offered by the gentleman from Missouri, not because the Director of the Census has seen fit to discharge clerks from my district, but because I think that his salary is too high, a higher salary than that paid to the heads of the other bureaus. No reason can be given why he should receive any higher salary than the Commissioner of Pensions. I simply want to say the salary is too high. I thought so at the time it was fixed, and I think so now. I think he ought to be put on an equal footing with the heads of other bureaus. His work requires no more ability and his duties are no greater than the Commissioner of Pensions or the Commissioner of Indian Affairs.

Mr. MADDOX. Mr. Chairman, I do not think any man on this side ought to complain that any of his clerks are discharged. Without claiming to be very egotistical or anything of that kind, I think I did my best on two or three occasions when that very thing was going on, to point out just what has been stated by my friend from Illinois would occur; and I want gentlemen to remember that they were put upon notice by me that it would happen, and it has happened. [Laughter and applause.]

Mr. BINGHAM. One word, Mr. Chairman. When this Congress at its first session organized the Census Bureau a permanent bureau of the Government, and the organization of that bureau was discussed, the salary of the Director of the Census was fixed by the same body of men who sit in this Hall now. The proposition is a simple one. If we agreed in the last session to give him $6,000, is it too much? Is it your purpose to reduce him $1,000? I have not heard any reasons submitted to this House in justification of doing so. The only reason given for it is the fact that the Director of the Census under his discretionary power saw proper to drop a body of people and saw proper to retain a body of people. That is your question.

Mr. CRUMPACKER. Mr. Chairman, I desire to submit a few remarks upon this proposition. If this committee had attempted by its action to reduce the salary of the Director of the Census there would be some force, possibly, in the argument which has been offered in support of the motion of the gentleman from Missouri; but it is understood by all the members of the committee that if this motion prevails it does not affect the salary of the Director of the Census, but means only the payment of $5,000 upon a $6,000 liability. That is all. I do not believe, Mr. Chairman, that salaries fixed by public statute ought to be attempted to be controlled or affected by this kind of action. The Congress fixed the salary of the Director of the Census at $6,000 a year when it made that Bureau a permanent institution. I believe that was a fair salary, but whether it is or not, this is not the time and this is not the occasion to settle that question. As the salary is fixed by a statute, it seems to me child's play to try to undertake to reduce the appropriation when the liability still exists and the amount of the salary will ultimately have to be paid. Therefore I hope the amendment of the gentleman from Missouri will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. COWHERD. Division.

The committee divided; and there were—ayes 42, noes 51.

So the amendment was rejected.

The Clerk read as follows:

For rent of office for the surveyor-general, pay of messenger, stationery and supplies, lights, ice, post-office box rent, drafting instruments, mounting maps, towels, furniture and repairs, books of reference for office use, and other incidental expenses, $1,315.

Mr. BINGHAM. Mr. Chairman, I desire the attention of the committee before I ask that the committee rise. On page 80 of the bill, commencing with line 3, "for continuing the employment of such temporary force of clerks," down to line 12 of the page, commencing with the word "persons," a point of order was raised to that part of the paragraph commencing in line 12, with the word "persons," down to line 18, including the word "appropriations." As I understood, the Chair ruled that the point of order was well taken; but the prior lines—line 3, inclusive to line 12, "and thirty dollars"—stand in the bill, no point of order having been made against it. Am I correctly informed?

The CHAIRMAN. The Chair understands that the gentleman from Missouri made the point of order against the paragraph from line 12 to 18, inclusive.

Mr. CLARK. That is correct.

The CHAIRMAN. And the point of order was sustained.

Mr. CLARK. That is all the point of order went to.

Mr. BINGHAM. Now, about the remaining portion of the paragraph, lines prior to lines 12 to 18.

The CHAIRMAN. No point of order was raised against that portion of the paragraph.

Mr. BINGHAM. The part of the paragraph to which the point of order was raised was, beginning with the word "person" in line 12 and ending with the word "appropriation" on line 18.

The CHAIRMAN. That point of order was sustained.

Mr. BINGHAM. And the other part of the paragraph stands in the bill.

Mr. CLARK. I never cared anything about that.

Mr. HEMENWAY. May I have the attention of the gentleman from Missouri. The gentleman made the point of order on the theory that this legislation prevented the transfer from the civil service to these places. I think the gentleman understands it differently now; that this legislation is only to prevent the taking of a clerk already in the classified service out of his place and providing for him in this lump sum. I hope the gentleman will withdraw the point of order, and let the legislation remain in the bill.

Mr. CLARK. There was another member who intended to make that same point of order. I believe I would do it myself if he were here, but I want to give him a chance to make it if he desires to do so.

Mr. HEMENWAY. We will agree to go back to that paragraph.

Mr. CLARK. I will agree to go back in the morning. I want to treat him squarely about it.

Mr. BINGHAM. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having assumed the chair as Speaker pro tempore, Mr. MONDELL, Chairman

of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16021 and had come to no resolution thereon.

ADDITIONAL CLERKS TO COMMITTEE ON ENROLLED BILLS.

Mr. HENRY C. SMITH. Mr. Speaker, I call up a privileged resolution from the Committee on Accounts (House resolution 350).

The Clerk read as follows:

House resolution 350.

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint two additional clerks to said committee, who shall be paid out of the contingent fund of the House at the rate of $6 per day during the remainder of the present session.

The amendment recommended by the committee was read, as follows:

In line 5, after the word "day," insert the following: "from January 5, 1903, and thereafter." So that, if amended, the resolution will provide for compensation to said clerks from January 5, 1903, and thereafter during the remainder of the present session.

Mr. WACHTER. Mr. Speaker, I have an amendment to offer.

The Clerk read as follows:

Amend the amendment by striking out the words "January 5, 1903," and inserting the words "December 16, 1902."

Mr. MADDOX. Mr. Speaker, I would like to inquire whether this has ever been done before?

Mr. HENRY C. SMITH. Yes; it is the customary resolution providing for two additional clerks for the Committee on Enrolled Bills.

Mr. BARTLETT. Has that resolution been reported by the Committee on Accounts?

Mr. HENRY C. SMITH. It has. It was reported from the committee. I want to say that there are 150 bills before this Committee on Enrolled Bills that have passed the House or been returned from the Senate, and the chairman has no help.

Mr. BARTLETT. May I ask the gentleman when this resolution went before the Committee on Accounts?

Mr. HENRY C. SMITH. It was considered at the last meeting; I think it was Monday, or some day last week. I think the gentleman from Georgia voted for it. [Laughter.]

Mr. BARTLETT. Oh, no; I did not. It is a new resolution to me. I did not get there at the last meeting until after some business had been transacted, if the gentleman will remember.

Mr. HENRY C. SMITH. I know the gentleman from Georgia usually "gets there." [Laughter.] This resolution was up and considered and discussed, and I was directed to make the report with an amendment that the salary should not be paid until January 5, when Congress reconvenes after the holidays. The gentleman from Maryland offers an amendment providing that the pay shall commence to-day. I have nothing to do or say about that, but I will yield time to him.

Mr. WACHTER. Mr. Speaker, there are between 150 and 200 bills in my committee, and there is no one there to do the work. I can not understand the quibbling by members over this resolution, because there may be gentlemen in this room who have private bills, and when they come and ask me to get them out I can not do it because I have no help. If there is any gentleman on the floor of this House who thinks a clerkship in the Committee on Enrolled Bills is a sinecure I will invite him in and let him see. I only want two clerks to facilitate the business. Bills have come over from the Senate and have laid there ever since the last session, and members are beseeching me from time to time to get their bills out, and I can not do it for the want of help.

Mr. MADDOX. Have you no clerks?

Mr. WACHTER. Only one, and it takes sometimes two and sometimes three to read bills. We have to pass upon the crossing of t's and the dotting of i's. I assure gentlemen that a clerkship in that committee is no sinecure. I can not deliver the bills unless I have the clerks to do the work.

Mr. BALL of Texas. Let me ask the gentleman why he proposes to pay the clerks for work not done, dating from the 1st of December?

Mr. WACHTER. I do not. My amendment provides that it shall begin the 16th of December.

Mr. JOY. I want to say one word, Mr. Speaker. The chairman of the Committee on Enrolled Bills has only one session clerk. During the session he has no private clerk, so there is only one session clerk to do his work and the committee work as well.

Mr. WACHTER. I want to say that during the last session of Congress I impressed into the service the doorkeeper, and we worked all night for four nights and four days. If anybody thinks it is a sinecure let him accept a clerkship on that committee and he will find out how hard the committee and clerks have to work.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Maryland to the committee amendment.

The question was considered, and the amendment to the amendment was agreed to.

The amendment was agreed to.

The SPEAKER pro tempore. The question now is on agreeing to the resolution as amended.

Mr. BARTLETT. Mr. Speaker, I would like to have the resolution read as it will read when amended.

The Clerk read the resolution.

The resolution was agreed to.

On motion of Mr. HENRY C. SMITH, a motion to reconsider the last vote was laid on the table.

EASTERN CHEROKEES V. THE UNITED STATES.

Mr. SHERMAN. Mr. Speaker, I am directed by the Committee on Indian Affairs to report the following resolution of inquiry, and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That the Attorney-General of the United States is hereby requested to advise the House of Representatives, with all convenient speed, in the case of the Eastern Cherokees *v.* The United States, whether or not the award rendered under the Cherokee agreement of December 19, 1891, ratified by act of Congress approved March 3, 1893, as set forth in House Executive Document No. 182, of the Fifty-third Congress, third session, and the findings of fact of the Court of Claims of April 28, 1901, is res adjudicata; to review the opinion of the Department of Justice of December 2, 1895, and advise the House of Representatives whether the reasons set forth in that opinion now constitute a valid defense to the payment of said award.

There being no objection, the resolution was considered and adopted.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

PERSONAL EXPLANATION.

Mr. WANGER. Mr. Speaker, I desire to make a personal explanation by way of amendment of the RECORD of yesterday's proceedings.

The SPEAKER pro tempore. Without objection, the gentleman will be heard.

Mr. WANGER. When the call of the House was made, as I had a general pair with the gentleman from Georgia [Mr. ADAMSON], who had been called from the House by important business, I answered "present," and assumed that the pair would be announced. I was disappointed in that expectation. I ask that a statement may appear in the RECORD of the fact that there was that pair and that the pair was respected in my response of "present."

Mr. STEELE. A similar request was made this morning by the gentleman from Georgia [Mr. ADAMSON].

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 6151. An act granting an increase of pension to Henry E. Burton—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 619. An act providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4067. An act granting an increase of pension to Julia L. Gordon; and

S. 4572. An act to grant honorable discharge from the military service of Charles H. Hawley.

LEAVE OF ABSENCE.

Mr. WATSON, by unanimous consent, obtained leave of absence until December 20.

Mr. BINGHAM. I move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Immigration submitting an estimate of appropriation for improvements at the immigrant station at Ellis Island—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy

of a communication from the Secretary of State submitting an estimate of and recommendation relating to an appropriation for publication of commercial reports—to the Committees on Foreign Affairs and Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting correspondence relating to the claim of Juan Gatan—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, relating to the improvement of the Federal building at Richmond, Va.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Register of the Treasury submitting an estimate of appropriation for employees in his office—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for hospital at Vancouver Barracks—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. DOUGHERTY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 16066) to amend an act entitled "An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory," approved June 6, 1900, reported the same with amendments, accompanied by a report (No. 2881); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 15850) authorizing the Secretary of State to pay the claims of the Compagnie Française des Cables Télégraphiques for compensation on account of expenses incurred in repairing the damage done to its cables and property by the military and naval authorities of the United States in Cuba during the Spanish-American war, reported the same without amendment, accompanied by a report (No. 2583); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House H. R. 2629, reported in lieu thereof a resolution (H. Res. 359) referring to the Court of Claims the papers in the case of Baltimore and Ohio Railroad Company, accompanied by a report (No. 2866); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15686) for the relief of the legal representatives of Samuel Schiffer, reported the same without amendment, accompanied by a report (No. 2867); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15496) for reference of the claims of certain volunteer soldiers to the Court of Claims, reported the same without amendment, accompanied by a report (No. 2868); which said bill and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 15560) for the relief of the contractor, or his legal representatives, for the construction of the light-draft monitor *Etlah*, reported the same without amendment, accompanied by a report (No. 2869); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 15849) authorizing the Secretary of State to pay the claim of the Eastern Extension Australasia and China Telegraph Company, Limited, for compensation on account of expenses incurred in repairing its Manila-Hongkong and Manila-Capiz cables, which were cut during the war with Spain, reported the same without amendment, accompained by a report (No. 2870); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15848) authorizing the Secretary of State to pay the claim of the Cuba Submarine Telegraph Company for compensation on account of expenses incurred in repairing the damage done to its cables and property by United States forces during the war with Spain, reported the same without amendment, accompanied by a report (No. 2871); which said bill and report were referred to the Private Calendar.

Mr. KEHOE, from the Committee on War Claims, to which was referred the bill of the House (H. R. 15657) for the relief of William Large, reported the same without amendment, accompanied by a report (No. 2872); which said bill and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred the bill of the House (H. R. 4112) for the relief of Erdman Bodenschatz, deceased, reported the same without amendment, accompanied by a report (No. 2873); which said bill and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5746), reported in lieu thereof a resolution (H. Res. 360) referring to the Court of Claims the papers in the case of John D. Ryan, of Meridian, Miss., accompanied by a report (No. 2874); which said resolution and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1188), reported in lieu thereof a bill (H. R. 16130) for the relief of the Methodist Episcopal Church (colored), corner of Fifth avenue and East Second street, at Rome, Ga., accompanied by a report (No. 2875); which said bill and report were referred to the Private Calendar.

Mr. KYLE, from the Committee on War Claims, to which was referred House bill H. R. 8607, reported in lieu thereof a resolution (H. Res. 361) referring to the Court of Claims the papers in the case of the estate of Daniel H. Avery, accompanied by a report (No. 2876); which said resolution and report were referred to the Private Calendar.

Mr. BULL, from the Committee on Accounts, to which was referred the resolution of the House (H. Res. 348) for the payment of six months' salary and funeral expense of Laurean J. Abbott, deceased, late an employee of the House, reported the same with amendment, accompanied by a report (No. 2877); which said report was ordered printed.

Mr. LITTLE, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 3296) to pay certain (Indian) Choctaw warrants held by James M. Shackelford, reported the same without amendment, accompanied by a report (No. 2878); which said bill and report were referred to the Private Calendar.

Mr. BULL, from the Committee on Accounts, to which was referred the joint resolution of the House (H. J. Res. 227) providing for the paying of the officers and employees of the House and Senate their respective salaries for the month of December on the 18th day of said month, reported the same without amendment, accompanied by a report (No. 2879); which said report was ordered to be printed.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. BULL, from the Committee on Accounts, to which was referred the resolution of the House (H. Res. 185) providing for the appointment of additional help in the House bathing rooms, reported the same adversely, accompanied by a report (No. 2880); which said report was ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 15887) granting a pension to Daniel McCusker—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15908) granting a pension to Addison Arnold—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. PEARRE: A bill (H. R. 16127) to amend an act to regulate the practice of pharmacy in the District of Columbia, approved June 15, 1878—to the Committee on the District of Columbia.

By Mr. JENKINS: A bill (H. R. 16128) amending an act entitled "An act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said district," approved March 3, 1899, and an act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900, and for other purposes—to the Committee on the Judiciary.

By Mr. ACHESON: A bill (H. R. 16129) providing for the grading and improving of Chesapeake street, in the city of Washington, D. C.—to the Committee on Appropriations.

By Mr. BROMWELL: A bill (H. R. 16131) to amend section 6, act of March 3, 1883, in regard to outdoor relief by Soldiers' Home—to the Committee on Military Affairs.

By Mr. MARTIN: A bill (H. R. 16132) making the anniversary of the discovery of America by Christopher Columbus a legal holiday—to the Committee on the Judiciary.

By Mr. KEHOE: A bill (H. R. 16133) to extend the time for presentation of claims under the act entitled "An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," approved July 8, 1898, and under acts amendatory thereof—to the Committee on War Claims.

By Mr. SIBLEY: A bill (H. R. 16134) increasing appropriation for public building at Oil City, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. GAINES of Tennessee: A bill (H. R. 16135) to make further appropriation for an addition to and improvement of the Federal building at Nashville, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK: A bill (H. R. 16136) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895—to the Committee on the District of Columbia.

By Mr. TONGUE: A bill (H. R. 16137) to amend an act to provide for the adjudication and payment of the claims arising from Indian depredations, approved March 3, 1891 (26 Stat. L., 851)—to the Committee on Indian Affairs.

By Mr. HUGHES: A bill (H. R. 16138) granting the right of way to the Kenova Big Sandy Railway Company through the Government lands at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, both in Wayne County, W. Va.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 16139) to authorize the Norfolk and Western Railway Company to bridge the Tug Fork of Big Sandy River at certain points where the same forms the boundary line between the States of West Virginia and Kentucky—to the Committee on Rivers and Harbors.

By Mr. GLASS: A bill (H. R. 16140) to erect a custom-house and post-office building in the city of South Boston, Va.—to the Committee on Public Buildings and Grounds.

By Mr. MUDD: A bill (H. R. 16141) for the extension of Anacostia avenue—to the Committee on the District of Columbia.

By Mr. HUGHES: A bill (H. R. 16142) providing for public building at Bluefield, W. Va.—to the Committee on Public Buildings and Grounds.

By Mr. GLENN: A bill (H. R. 16156) relating to ceded lands on the Fort Hall Indian Reservation—to the Committee on Indian Affairs.

By Mr. MAHON, from the Committee on War Claims: A resolution (H. Res. 359) referring to the Court of Claims for consideration bill H. R. 2629—to the Private Calendar.

By Mr. SPIGHT, from the Committee on War Claims: A resolution (H. Res. 360) referring to the Court of Claims for consideration bill H. R. 5746—to the Private Calendar.

By Mr. KYLE, from the Committee on War Claims: A resolution (H. Res. 361) referring to the Court of Claims H. R. 8607—to the Private Calendar.

By Mr. OTJEN: A resolution (H. Res. 362) referring certain claims to the Court of Claims for the finding of facts under the terms of the Tucker Act—to the Committee on War Claims.

By Mr. McCALL: A resolution (H. Res. 363) requesting information from the Secretary of State regarding demonstrations against Venezuela by England and Germany—to the Committee on Foreign Affairs.

By Mr. SULLOWAY: A resolution (H. Res. 364) providing for the appointment of a janitor for the library of the House of Representatives—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MAHON, from the Committee on War Claims: A bill (H. R. 16130) for the relief of the Methodist Episcopal Church (colored), corner of Fifth avenue and East Second street, at Rome, Ga.—to the Private Calendar.

By Mr. BARNEY: A bill (H. R. 16143) granting a pension to Mary E. H. Smith—to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 16144) granting a pension to William C. Banks—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 16145) granting an increase of pension to Lewis T. Holstein—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16146) granting a pension to Andrew Garrett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16147) granting an honorable discharge to Michael Devine—to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 16148) granting an increase of pension to Harry F. Libby—to the Committee on Pensions.

By Mr. CROWLEY: A bill (H. R. 16149) granting an increase of pension to William Shup—to the Committee on Pensions.

By Mr. COWHERD: A bill (H. R. 16150) for the relief of James G. Field—to the Committee on Naval Affairs.

By Mr. DARRAGH: A bill (H. R. 16151) granting an increase of pension to Harmon P. Cole—to the Committee on Invalid Pensions.

By Mr. DOUGLAS (by request): A bill (H. R. 16152) to provide United States registry for the steamer Success—to the Committee on the Merchant Marine and Fisheries.

By Mr. PAYNE: A bill (H. R. 16153) granting a pension to George W. Choate—to the Committee on Pensions.

By Mr. GRIFFITH: A bill (H. R. 16154) granting an increase of pension to David Ennis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16155) granting an increase of pension to Catharine Sprague—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 16157) granting an increase of pension to John L. Cease—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 16158) granting a pension to Adaline McDonald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16159) granting a pension to Lydia E. Nichol—to the Committee on Invalid Pensions.

By Mr. HILDEBRANT: A bill (H. R. 16160) granting an increase of pension to William T. Armstrong—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 16161) granting an increase of pension to Francis A. Tradewell—to the Committee on Pensions.

By Mr. LINDSAY: A bill (H. R. 16162) granting an increase of pension to George Brown—to the Committee on Invalid Pensions.

By Mr. LOUD (by request): A bill (H. R. 16163) to remove the charge of desertion standing against the record of Charles Ellis, United States Navy—to the Committee on Military Affairs.

By Mr. LOVERING: A bill (H. R. 16164) granting a pension to George C. Peterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16165) granting a pension to Elizabeth A. Hatch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16166) granting an increase of pension to Annie Fitzpatrick—to the Committee on Invalid Pensions.

By Mr. MERCER: A bill (H. R. 16167) granting a pension to Andrew J. Manley—to the Committee on Invalid Pensions.

By Mr. MOODY of North Carolina: A bill (H. R. 16168) for the relief of the estate of Harry Johnson—to the Committee on War Claims.

Also, a bill (H. R. 16169) for the relief of Thomas M. Kuykendall—to the Committee on Military Affairs.

Also, a bill (H. R. 16170) to correct the military record of Capt. Enoch Voyles—to the Committee on Military Affairs.

By Mr. MORRELL: A bill (H. R. 16171) to correct the military record of Francis Remline—to the Committee on Military Affairs.

By Mr. PARKER: A bill (H. R. 16172) granting an increase of pension to Alonzo Dutch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16173) granting an increase of pension to Elisha B. Fielding—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 16174) granting an increase of pension to Jerningham Boone—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 16175) granting an increase of pension to John T. Deweese—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 16176) granting an increase of pension to Lewis C. Bonner—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 16177) granting a pension to Sarah Larison—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 16178) granting an increase of pension to John La More—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 16179) granting an increase of pension to Columbus Van Horn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16180) granting a pension to Henry C. Cunningham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16181) granting a pension to Jerome Burns—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 16182) for the relief of John W. White—to the Committee on War Claims.

Also, a bill (H. R. 16183) granting an increase of pension to Mary F. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16184) granting a pension to Robert N. Porter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16185) granting an increase of pension to Harmon Patch—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 16186) for the relief of the estate of Timothy Burgess, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16187) for the relief of W. S. Feland, late deputy collector of the second district of Kentucky—to the Committee on Claims.

Also, a bill (H. R. 16188) for the relief of Mary Bronaught, widow of Lieut. Commander William V. Bronaught—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 16189) granting a pension to Emma C. Dewhurst—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 16190) granting a pension to Mary L. Alverson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16191) granting a pension to William J. Tanner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16192) granting an increase of pension to Alonzo F. Canfield—to the Committee on Invalid Pensions.

By Mr. DAVIDSON: A bill (H. R. 16193) granting a pension to Sarah V. Myers—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 16194) granting an increase of pension to Joseph Addams—to the Committee on Invalid Pensions.

By Mr. BURKETT: A bill (H. R. 16195) granting an increase of pension to I. S. Prosser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16196) granting a pension to Gen. Victor Vifquain—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 16197) granting a pension to Stephen T. Wilcox—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 16198) granting a pension to Martin W. Bond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16199) granting an increase of pension to McDonald Bumgarner—to the Committee on Invalid Pensions.

By Mr. WRIGHT: A bill (H. R. 16200) granting an increase of pension to William Brooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16201) granting an increase of pension to Jeffrey Hufford—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of George L. Hill and others, of Fredericktown, Pa., favoring House bills 178 and 179—to the Committee on Ways and Means.

Also, petitions of Central Presbyterian Church and Greenside Avenue Church, of Canonsburg, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. ADAMS: Resolutions of the Philadelphia Board of Trade, in relation to House bill 3076—to the Committee on Labor.

Also, resolutions of the Philadelphia Board of Trade, against the passage of Senate bill 1118—to the Committee on the Judiciary.

By Mr. ALEXANDER: Resolutions of the Schoolmasters Club, of Erie County, N. Y., against the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. BENTON: Petition of Harmon Conley, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BROMWELL: Petition of sundry citizens of Cincinnati, Ohio, asking for favorable action upon the bill reducing the tax on liquor—to the Committee on Ways and Means.

Also, petition of William S. Merrill Chemist Company, in regard to drawback to certain industries—to the Committee on Ways and Means.

Also, petition of 300 American citizens of the Isle of Pines, in relation to its government, and asking that it be retained as a part of the territory of the United States—to the Committee on Insular Affairs.

By Mr. BURKETT: Papers to accompany House bill granting a pension to S. H. King—to the Committee on Invalid Pensions.

By Mr. CAPRON: Petition of Hazard & Cutler and other citizens of Woonsocket, R. I., asking for the removal of the tariff on certain glass products—to the Committee on Ways and Means.

By Mr. CROMER: Petition of T. J. Halden and other employees of the Charles Bolt Glass Company, of Muncie, Ind., favoring House bills 178 and 179—to the Committee on Ways and Means.

By Mr. CROWLEY: Paper to accompany House bill granting an increase of pension to William Shup—to the Committee on Pensions.

By Mr. DAVIDSON: Petition of A. G. Wells & Co. and others, of Oakfield, Wis., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. GRIFFITH: Paper to accompany House bill granting an increase of pension to David Ennis—to the Committee on Invalid Pensions.

By Mr. HEDGE (by request): Resolutions of St. Boniface Benevolent Society, of Burlington, Iowa, in relation to religious orders in the Philippine Islands—to the Committee on Insular Affairs.

By Mr. HAY: Petition of heir of James and Eliza Lewis, deceased, late of Frederick County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. HILDEBRANT: Papers to accompany House bill for increase of pension of William T. Armstrong, Higginsport, Ohio—to the Committee on Invalid Pensions.

By Mr. LOVERING: Papers to accompany House bill granting a pension to Elizabeth A. Hatch—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting an increase of pension to Mrs. Annie Fitzpatrick—to the Committee on Invalid Pensions.

By Mr. MOON (by request): Petition of Amanda M. Rolen and others, for relief—to the Committee on Appropriations.

By Mr. MOODY of North Carolina; Papers to accompany House bill to correct the military record of Thomas M. Kuykendall—to the Committee on Military Affairs.

Also, papers to accompany House bill relating to the correction of the military record of Enoch Voyles—to the Committee on Military Affairs.

By Mr. PERKINS: Petition of S. F. Hess & Co. and others, of Rochester, N. Y., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. ROBINSON of Indiana: Petition of A. R. Otis, of Kendallville, Ind., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. RYAN: Resolutions of the Manufacturers' Club of Buffalo, N. Y., favoring bill to grant permission to the Mather Power Bridge Company to erect experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. SHALLENBERGER: Papers to accompany House bill 16016, for increase of pension of William H. Allen—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 16017, for increase of pension of John B. Fisk—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 16018, granting an increase of pension to Elijah F. Cowles—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 15860, granting an increase of pension to Ebenezer L. Beach—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 4175, granting an increase of pension to Alpheus D. Brown—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: Petition of citizens of Jackson, Mich., asking for the removal of the tariff on certain glass products—to the Committee on Way and Means.

Also, petition of Foote & Jenks and others, of Jackson, Mich., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. SOUTHWICK: Petition of S. I. Nustaum and others, of New York, favoring House bills 178 and 179—to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: Petition of citizens of Jones, Onslow, and Carteret counties, N. C., for the improvement of White Oak River—to the Committee on Rivers and Harbors.

By Mr. WARNOCK: Papers to accompany House bill granting a pension to Robert N. Porter—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Mrs. A. N. Anderson—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Harrison Patch—to the Committee on Invalid Pensions.

Also, papers to accompany House bill relating to the claim of John W. White—to the Committee on War Claims.

By Mr. WHEELER: Paper relating to the claim of W. S. Feland—to the Committee on Claims.

Also, papers to accompany House bill granting a pension to the widow of the late Lieut. Commander William V. Bronaugh, United States Navy—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *December 17, 1902.*

Rev. F. L. DAY, Ph. D., of Columbian University, Washington, D. C., offered the following prayer:

Almighty God, our Heavenly Father, Thou art eternal, and the only wise God. All the hosts of Heaven and all the varied inhabitants of the earth are the creatures of Thy hand. We owe allegiance to Thee, Thou great Lawgiver of the earth.

We pray thy blessing upon us this day, especially upon those who sorrow because of the hand of death. May we all remember that we are but passing shadows of the day and must soon fade from earth. Keep us ever under the watchful eye of the Almighty, we ask in His name. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. FOSTER of Washington, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE. Mr. President, I gave notice yesterday that after the reading of the Journal to-day I would ask the Senate to take up the urgent deficiency appropriation bill. I make the request now, because directly after the routine morning business the resolutions in charge of the Senator from New Jersey [Mr. KEAN] will be in order and there will be no opportunity then. It is desirable that the bill should be passed now.

The PRESIDENT pro tempore. The Senator from Maine moves that the Senate proceed to the consideration of the bill (H. R. 16057) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with an amendment.

Mr. HALE. I ask that the formal reading of the bill be dispensed with and that the bill be read, amendments to be considered while the reading proceeds.

The PRESIDENT pro tempore. The Senator from Maine asks that the formal reading of the bill be dispensed with and that amendments shall receive consideration as the bill is read. Is there objection? The Chair hears none. The Secretary will read the bill.

The Secretary read the bill.

The amendment of the Committee on Appropriations was to add at the end of the bill the following:

SENATE.

For miscellaneous items, exclusive of labor, fiscal year 1902, $2,400.

The amendment was agreed to.

Mr. HALE. I offer an amendment which would have been put on in the House, but it did not come in in time, and it has been sent here with the request that we put it on.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, after line 5, insert:

WAR DEPARTMENT.

Buildings and grounds in and around Washington: For extra steps and mosaic work at the base of the Sherman statue pedestal, and for each and every purpose connected therewith, $8,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ADJOURNMENT TO SATURDAY.

Mr. HALE. After the arrangement which was made yesterday, that the contested measure involving statehood should go over until after the holidays, many Senators left town. It is evident that there will be no quorum of the Senate here either to-morrow or the next day, and to-day is to be taken up by eulogies. Under these conditions it will be a matter of convenience, I think, to almost every Senator that a few of us shall not be called here each morning.

Therefore I move, not to interfere with to-day's session, that when the Senate adjourns to-day it be to meet on Saturday, on which day we must adjourn until after the holidays.

The PRESIDENT pro tempore. The Senator from Maine moves that when the Senate adjourns to-day it be to meet on Saturday at 12 o'clock.

Mr. SPOONER. With the understanding that no business shall be transacted on Saturday?

Mr. HALE. There has been no understanding about that. It always regulates itself. There will be enough Senators here to transact business.

Mr. ALLISON. I suggest to the Senator from Maine that there are one or two little conference reports which ought to be disposed of either on Saturday, or certainly before we adjourn for the holidays. I allude particularly to the conference report on the bill making an appropriation for the payment of the Anthracite Coal Arbitration Commission.

Mr. HALE. I suppose we can do that on Saturday. I have no feeling about this matter. I make the suggestion only because Senators are away and can not be here, and if a few of us come either to-morrow or the next day there will be no business done, evidently.

Mr. HOAR. I should like, before that arrangement is made, to ask unanimous consent. I may introduce a bill for reference to the Committee on the Judiciary and hand the bill to the clerks some time before the expiration of the week, and I ask that it may then be printed. It is a bill that I am sure no Senator will care to make any question about. It is merely the introduction of a bill which I have not been able to get ready and which I am very anxious to get ready and to have printed before the adjournment for the holidays. I ask unanimous consent that that may be done.

Mr. HALE. To introduce it as of this date?

Mr. HOAR. Yes.

The PRESIDENT pro tempore. Can the Senator from Massachusetts give the Secretary the title of the bill?

Mr. HOAR. It is a bill in relation to trusts. I do not know about the exact title of the bill. I ask leave to treat it as if introduced and read the first and second time and referred to the Committee on the Judiciary.

The PRESIDENT pro tempore. If there be no objection, the order which the Senator from Massachusetts desires will be made. The Chair hears none.

The Senator from Maine moves that when the Senate adjourns to-day it adjourn to meet on Saturday at 12 o'clock. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

REPORT OF THE COAST AND GEODETIC SURVEY.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a report from the Superintendent of the Coast and Geodetic Survey, showing the progress in that work during the year ended June 30, 1902. The communication is accompanied by a large number of papers and maps, and the Chair suggests that the communication be printed and that it, with the papers and maps, be referred, without printing, to the Committee on Printing. Is there objection? The Chair hears none. It will be so ordered.

REPORT OF THE INTERSTATE COMMERCE COMMISSION.

The PRESIDENT pro tempore laid before the Senate the Sixteenth Annual Report of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

SHIP BRISEIS.

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel ship *Briseis*, James Breath, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with an amendment the bill (S. 4617) to authorize the resurvey of certain lands in the State of Wyoming in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 15605) to authorize and empower the Southwest Louisiana Rice Growers' Association, of the State of Louisiana, to construct a lock or locks and a dam in Bayou Vermilion, in the State of Louisiana;

A bill (H. R. 15606) to authorize and empower the Rice Irrigation and Improvement Association, of the State of Louisiana, to construct a lock or locks and a dam at Mermentau River, in the State of Louisiana; and

A bill (H. R. 15922) making an appropriation for the suppression and to prevent the spread of contagious and infectious diseases of live stock, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. LODGE. I present a protest of the Central Labor Union, of Gloucester, Mass., and also one from the Gloucester Master Mariners' Association, of Massachusetts, relative to the treaty

with Newfoundland. The memorials are very brief, and I ask that they may be printed in the RECORD, and also as a document, and referred to the Committee on Foreign Relations.

There being no objection, the memorials were referred to the Committeee on Foreign Relations, ordered to be printed as a document, and to be printed in the RECORD, as follows:

At a meeting of the Central Labor Union of Gloucester, Mass., held December 14, 1902, the following resolutions were unanimously adopted:

"*Resolved*, That the ratification of the treaty with Newfoundland now under consideration in the Senate of the United States, and providing, among other things, for the admission to this country free of duty of the product of the Newfoundland fisheries, would be a death blow to the industries of our city and a calamity to every laboring man living therein.

"*Resolved*, That this union protest against the ratification of said treaty and ask the Senators from this State to do everything in their power to prevent said ratification.

"*Resolved*, That a copy of these resolutions be forwarded to Senator LODGE, with the request that he submit them to the Senate Committee on Foreign Relations."

SIDNEY G. PARSONS, *President.*
GERARD M. KINCADE,
Secretary of the C. L. U. of Gloucester.

GLOUCESTER MASTER MARINERS' ASSOCIATION,
Gloucester, Mass.

At a special meeting held in the rooms of the Gloucester Master Mariners' Association, December 13, 1902, to consider the Bond-Hay treaty, it was unanimously voted:

That we most earnestly protest against the ratification by the United States of the proposed treaty. There can be but one result should the treaty be ratified. It means practically the total annihilation of the New England fisheries, as well as the fisheries of the United States. It would seem, before a treaty was made, it would have been only fair to have consulted with the people directly connected and vitally interested in this matter.

It has always been the policy of this Government, in common with many others, to foster the fisheries, but this treaty, if carried into effect, will destroy them. We fail to see what section of this country is to be benefited to any considerable extent by the proposed treaty, and even if it was so, it certainly is not an act of justice to sacrifice one interest to benefit another.

Voted: That Capts. Charles H. Harty and Henry Gardner appear before the Senate Committee on Foreign Relations at the hearing given by them on Wednesday, December 17, and that a copy of these resolutions be presented to them.

CHARLES H. HARTY, *President.*
T. H. G. DOUGLASS, *Secretary.*

Mr. FAIRBANKS presented a petition of Bricklayers and Masons' International Union No. 16, American Federation of Labor, of Alexandria, Ind., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a petition of the directory of the National Federation of Civic Rights, of New Albany, Ind., praying for the adoption of certain amendments to the bill providing for the creation of a commission to inquire into the condition of the colored people of the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of the Richmond Art Association, of Richmond, Ind., praying for the adoption of certain amendments to the tariff law relative to the duty on objects of art; which was referred to the Committee on Finance.

He also presented petitions of the Presbytery of Columbus, Ohio; of the Madison Presbytery, of Cottage Grove, Wis., and of the Presbytery of Washington, D. C., praying for the establishment of a laboratory for the study of the criminal, pauper, and defective classes; which were referred to the Committee on the Judiciary.

Mr. DEPEW presented the petition of E. Dauphinot, J. W. Russell, and sundry other citizens of New York, N. Y., praying for the enactment of legislation to amend the internal-revenue laws relating to a reduction of the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. FOSTER of Washington presented a petition of the Chamber of Commerce of Everett, Wash., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented a petition of the Presbytery of Olympia, Wash., praying for the establishment of a laboratory for the study of the criminal, pauper, and defective classes; which was referred to the Committee on the Judiciary.

Mr. DRYDEN presented the memorial of J. J. Stanton, of Sussex, N. J., remonstrating against the enactment of legislation to increase the postage on monthly publications; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CLARK of Montana presented a petition of 34 citizens of Jefferson County, Mont., praying for the enactment of legislation to amend the internal-revenue law relative to a reduction of the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. FRYE presented the memorial of S. W. Wheeler, of Marlboro, Mass., remonstrating against the slaughter of cattle suffering with foot-and-mouth disease; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Interstate National Guard Association of Washington, D. C., praying for the enactment of legislation to increase the efficiency of the militia; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (H. R. 5205) granting an increase of pension to Hiram S. Leffingwell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 10010) granting a pension to Mina Weirauch, reported it without amendment, and submitted a report thereon.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (H. R. 11572) for the relief of certain settlers upon Wisconsin Central Railroad and The Dalles military road land grants, reported it without amendment, and submitted a report thereon.

Mr. MCLAURIN of Mississippi, from the Committee on Public Lands, to whom was referred the bill (S. 5561) for the relief of S. R. Green, reported it without amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (H. R. 13174) granting an increase of pension to Ransford T. Chase, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6514) granting an increase of pension to Stephen J. Houston, reported it with an amendment, and submitted a report thereon.

He also (for Mr. CARMACK), from the Committee on Pensions, to whom was referred the bill (H. R. 622) granting a pension to Dicey Woodall, reported it with an amendment, and submitted a report thereon.

He also (for Mr. CARMACK), from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 624) granting a pension to Dorcas McArdle;

A bill (H. R. 13891) granting a pension to Hiram A. Sheldon; and

A bill (H. R. 7239) granting an increase of pension to William Christian.

Mr. PETTUS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 14839) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September of each year, reported it without amendment.

THOMAS STARRAT.

Mr. TALIAFERRO. I am directed by the Committee on Pensions, to whom was referred the bill (S. 6492) granting an increase of pension to Thomas Starrat, to report it with amendments, and I ask for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Pensions were, in line 4, after the word "roll," to insert a comma and the words "subject to the provisions and limitations of the pension laws;" and in line 5, after the word "company," to insert "and Lieut. Cornelius Taylor's company;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Starrat, late of Capt. William Ross's company and Lieut. Cornelius Taylor's company, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSION APPROPRIATION BILL.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 15593) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1904, and for other purposes, to report it without amendment. I give notice, Mr. President, that I shall endeavor to-morrow morning to call up the bill for consideration.

The PRESIDENT pro tempore. The Senator means Saturday morning? There will be no session to-morrow.

Mr. GALLINGER. Unless there be objection, I should like to have the bill now considered. I shall not return to Washington immediately after the new year. The bill is in the usual form, carrying the usual appropriation. It passed the other House, I will say, without a word of discussion, and I think it will take but a moment to pass it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT MUSKEGON, MICH.

Mr. FAIRBANKS. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 6399) to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, to report it without amendment, and I ask for the present consideration of the bill.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to repeal so much of section 3 of the act entitled "An act to increase the limit of cost of certain public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, as restricts the selection of a site for a post-office and custom-house at Muskegon, Mich., to certain lots in a certain block in that city.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. DRYDEN introduced a bill (S. 6639) for the promotion of First Lieut. Thomas Mason, Revenue-Cutter Service; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BURROWS introduced a bill (S. 6640) to provide for and create a judicial district in the State of Michigan, to be designated as the northeastern district of Michigan, and for the appointment of a district judge and other officers therein, and for the holding of courts therein; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DEPEW introduced a bill (S. 6641) granting an increase of pension to Sophie S. Shaffer; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6642) to provide for the issuance of emergency circulation; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 6643) to provide United States registry for the steamer Success; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. PENROSE introduced a bill (S. 6644) providing for an increase in the number of pharmacists in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 6645) for the relief of Hamilton D. South; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. FAIRBANKS introduced a bill (S. 6646) granting an increase of pension to W. T. Swift; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KEARNS introduced a bill (S. 6647) granting a pension to James Phelps; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6648) granting a pension to Sarah Grace Meacham; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 6649) for the relief of the estate of J. Madison Wells, deceased; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PERKINS introduced a bill (S. 6650) for the relief of the holders of certain California Indian war bonds and coupons; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURNHAM introduced a bill (S. 6651) granting a pension to Verona Harriman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6652) granting an increase of pension to Leander W. Cogswell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 6653) granting a pension to Halvor Paulsen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 6654) for the relief of Judd O. Hartzell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 6655) for the relief of James Baker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 6656) granting an increase of pension to La Roy B. Church; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 6657) granting an increase of pension to Jennet Thoits; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 6658) referring to the Court of Claims the claim of the Shoshone Indians to title in all of the Wind River Reservation, and so forth; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HOAR introduced a bill (S. 6659) for the regulation of trusts or corporations engaged in international or interstate commerce; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6660) for the relief of Old Thorntons Gap Baptist Church, in Rappahannock County, Va.;

A bill (S. 6661) for the relief of the trustees of Braddock Street Methodist Episcopal Church, of Winchester, Va.;

A bill (S. 6662) for the relief of the trustees of the Evangelical Lutheran Church, of Strasburg, Va.;

A bill (S. 6663) for the relief of the Presbyterian Church of Woodstock, Shenandoah County, Va.; and

A bill (S. 6664) for the relief of the trustees of the Centenary Reformed Church, of Winchester, Va.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GAMBLE submitted an amendment proposing to appropriate $20,200 for the survey of lands and clerical work, etc., incident thereto, within the Pine Ridge Indian Reservation, S. Dak., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment proposing to increase the salary of the United States consul at Beirut, Syria, to $3,000, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to increase the salary of the United States consul-general at Munich, Germany, to $3,000, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

SALARIES OF POSTMASTERS IN ILLINOIS.

Mr. MASON submitted the following resolution; which, with the accompanying papers, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed:

Resolved by the Senate, That the Postmaster-General be, and he hereby is, directed to report to the Senate the amount of salary required to be paid to each of the postmasters in the State of Illinois named on the memorandum schedule hereto attached, or to their heirs, for service as postmaster in each biennial term specified on such memorandum schedule, in order to make effective sections 473, 474, and 475 of the Postal Regulations of 1866 and the act of June 12, 1866, section 8, and the act of March 3, 1883, as construed by Postmaster-General Gresham in an order dated June 9, 1883, addressed to Hon. Frank Hatton, First Assistant Postmaster-General, and in a declaration as to the intent, meaning, and requirement of said statutes furnished for publication to the press through Chief Clerk Walker on February 16, 1884, and printed as Exhibit A; Senate Executive Document No. 146, Forty-ninth Congress, first session.

HEARINGS ON BILL TO REGULATE IMMIGRATION.

Mr. PENROSE. I submit a resolution for which I ask present consideration.

The resolution was read, as follows:

Resolved, That there be printed for the use of the Committee on Immigration 5,000 copies of Senate Report No. 2119, first session Fifty-seventh Congress, accompanied by additional statements made before the Committee on Immigration on the bill (H. R. 12199) to regulate the immigration of aliens into the United States.

The PRESIDENT pro tempore. Will the printing cost more than $500?

Mr. PENROSE. I am informed that the cost will not exceed $500, and there is very great demand for the hearings on this exceedingly important bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

ISTHMIAN CANAL.

Mr. MORGAN. Mr. President, I desire to give notice that on Saturday when the Senate meets I shall ask it to take up the bill (S. 451) to provide for acquiring the rights necessary for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, for the purpose of making some remarks upon that measure.

RESURVEY OF LANDS IN WYOMING.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4617) to authorize a resurvey of certain lands in the State of Wyoming, and for other purposes.

The amendment was, on page 1, line 6, after the word "ranges," to insert "ninety-three, ninety-four, ninety-five, ninety-six."

Mr. WARREN. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 15605) to authorize and empower the Southwest Louisiana Rice Growers' Association, of the State of Louisiana, to construct a lock or locks and a dam in Bayou Vermilion, in the State of Louisiana; and

A bill (H. R. 15606) to authorize and empower the Rice Irrigation and Improvement Association, of the State of Louisiana, to construct a lock or locks and a dam in Mermentau River, in the State of Louisiana.

The bill (H. R. 15922) making an appropriation for the suppression and to prevent the spread of contagious and infectious diseases of live stock, and for other purposes, was read twice by its title, and referred to the Committee on Agriculture and Forestry.

ROBERT A. CHAPMAN.

Mr. PETTUS. I ask unanimous consent for the present consideration of the bill (S. 6231) authorizing Robert A. Chapman, of Alabama, his associates and assigns, to use the waters of the Coosa River in Alabama for the purpose of generating electricity.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 2, line 3, after the word "dam," to insert "and appurtenant works;" so as to make the additional proviso read:

And provided further, That the said Robert A. Chapman and his associates shall, at their own expense, make such changes and modifications of said dam and appurtenant works as the Secretary of War may from time to time direct in the interest of the navigation of said river.

The amendment was agreed to.

The next amendment was, in section 1, on page 2, line 9, after the word "Commissioner," to insert the following proviso:

And provided further, That this act shall not be construed as authorizing any invasion or impairment of the legal rights of any person or corporation, and any litigation that may arise from the construction and maintenance of said dam or its appurtenant works may be tried in the proper courts of the State of Alabama and the courts of the United States.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 16, after the word "That," to strike out the words "the United States reserves," and in line 17 to strike out the words "change, modify," and insert "alter, amend," and in the same line, after the word "act," to insert "is hereby expressly reserved;" so as to make the section read:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The next amendment was to add as an additional section the following:

SEC. 3. That this act shall be null and void unless the dam herein authorized shall be commenced within two years from the date hereof.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. CHISHAM.

Mr. BURTON. I desire to have unanimous consent to put the bill (H. R. 4471) for the relief of James M. Chisham on its passage.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to reimburse the sum of $708.99 to James M. Chisham for loss sustained by him as postmaster at Atchison, Kans., on account of the failure of the Atchison National Bank, of Atchison, Kans., where he had the funds of the Government on deposit as postmaster.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EFFICIENCY OF THE MILITIA.

Mr. PROCTOR. I move that the bill (H. R. 15345) to promote the efficiency of the militia, and for other purposes, be now proceeded with.

Mr. BACON. I ask the Senator to yield to me just a moment. There are two short pension bills that I desire to call up. It will not take a moment.

Mr. PROCTOR. Let the militia bill be laid before the Senate, and then I will yield to the Senator from Georgia.

The PRESIDENT pro tempore. The Senator from Vermont moves that the Senate proceed to the consideration of the bill (H. R. 15345) to promote the efficiency of the militia, and for other purposes.

The motion was agreed to.

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Georgia?

Mr. PROCTOR. I do.

CORNELIA A. DENNIS.

Mr. BACON. I ask unanimous consent for the present consideration of the bill (H. R. 11893) granting an increase of pension to Cornelia A. Dennis.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Cornelia A. Dennis, widow of Green K. Dennis, late of Company F, First Regiment Texas Mounted Volunteers, war with Mexico, and to pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. E. SCOTT.

Mr. BACON. I ask unanimous consent for the present consideration of the bill (H. R. 13449) granting an increase of pension to Mary A. E. Scott.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Mary A. E. Scott, widow of James H. Scott, late of Captain Sledge's company, Georgia Volunteers, Creek Indian war, and to pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PORT OF WILMINGTON, N. C.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from North Carolina?

Mr. PROCTOR. The Senator from Georgia [Mr. BACON] has the floor on the militia bill, and at the conclusion of his remarks I shall be glad to yield to the Senator from North Carolina.

Mr. SIMMONS. Do I understand that the Senator from Vermont has yielded to me?

The PRESIDENT pro tempore. The Senator from Vermont stated that the Senator from Georgia has the floor.

Mr. SIMMONS. Will the Senator from Georgia yield?

Mr. BACON. I yield, with the consent of the Senator from Vermont.

Mr. SIMMONS. I ask for the immediate consideration of the bill (H. R. 14801) to make Wilmington, N. C., a port through which merchandise may be imported for transportation without appraisement.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin rise to this bill?

Mr. SPOONER. I rose to ask what committee reported the bill?

The PRESIDENT pro tempore. The Senate Committee on Commerce.

The bill was ordered to a third reading, read the third time, and passed.

TREATY WITH NEWFOUNDLAND.

Mr. CULLOM. I ask that an order be made for the printing, as a public document for the use of the Senate, of the treaty with Newfoundland. It has already been made public.

The PRESIDENT pro tempore. The Senator from Illinois asks that the treaty known as the Newfoundland treaty be printed as a document for the use of the Senate. Is there objection? The Chair hears none, and that order is made.

EFFICIENCY OF THE MILITIA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15345) to promote the efficiency of the militia, and for other purposes.

Mr. BACON. Mr. President, at the time the Senate left the consideration of this subject on yesterday I was engaged in the discussion of the bill, and was upon the immediate point whether this volunteer reserve was one which could only be used in case of some legislation hereafter made authorizing the President to use it. I had called the attention of the Senate to the proposition that if this force was put at the service of the President, any use of it, whether that use was authorized by statute heretofore made or one passed hereafter, would be a lawful use to which the President could apply this force.

Mr. PROCTOR. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Georgia yield to the Senator from Vermont?

Mr. BACON. Certainly.

Mr. PROCTOR. The Senator will see from the early part of the section itself that no use can be made of the force until its service is called for and it is organized under the authority of Congress.

Mr. BACON. Will the Senator please call attention to the particular words with reference to that?

Mr. PROCTOR. Beginning in line 12, on page 15, at the beginning of section 24——

Mr. BACON. Will the Senator please read the language to which he refers, so that I may discuss it?

Mr. PROCTOR. It is as follows:

That for the purpose of providing a reserve force of trained men which shall be ready for immediate service whenever called for and organized under authority of Congress——

Mr. MALLORY. May I interrupt the Senator a moment?

Mr. PROCTOR. Certainly.

Mr. MALLORY. I should like to ask the Senator from Vermont if he construes that language to mean that they shall be called for by authority of Congress; in other words, that the President alone can not call for them?

Mr. PROCTOR. The call has always been authorized by Congress.

Mr. MALLORY. Beginning in the nineteenth line of the section, this language occurs:

Such reserve force shall be designated as the National Volunteer Reserve, and when called forth by the President shall serve wherever ordered, within or without the territory of the United States.

Does not that imply that it is the intention of Congress to authorize the President, without the intervention of Congress, to call forth these troops at any time he sees proper?

Mr. PROCTOR. Those provisions must plainly be interpreted together. The President can make the call when so authorized by Congress.

Mr. MALLORY. I doubt very much, Mr. President, whether that construction would be put upon it.

Mr. BACON. In the same section the language plainly indicates that no specific act of Congress will be necessary in order to authorize the use of this force.

Mr. SPOONER. I desire to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. I do.

Mr. SPOONER. Does the Senator understand that under section 24 as amended there is any authority under this bill for the organization of this national volunteer reserve force?

Mr. BACON. The language of the section remaining after the elimination under the amendment offered by the Senator from Ohio [Mr. FORAKER] is indefinite and not specific, from the fact that the language which applied to part of it is now omitted by reason of that elimination; but the Senator will perceive that the language of this section if enacted into a statute will be this:

SEC. 24. That for the purpose of providing a reserve force of trained men which shall be ready for immediate service whenever called for and organized under authority of Congress, the Secretary of War is authorized to apportion among the several States and Territories and to enroll not exceeding 100,000 men, who shall have served in the Regular or Volunteer armies of the United States or in the organized militia. Such reserve force shall be designated as the national volunteer reserve, and when called forth by the President shall serve wherever ordered, within or without the territory of the United States. Such enrollment shall in each case continue for a period of five years, but in the event they shall be called into the service of the United States, other than for the purpose of drill, inspection, and instruction, they shall be entitled to be discharged at the close of the war or after nine months' service.

Now, omitting the next paragraph, which relates to the volunteer force other than that which is immediately under consideration, the same section has this language:

Whenever a volunteer force shall be called for by authority of Congress exceeding in number the companies, troops, batteries, battalions, and regiments of the organized militia which shall enlist in bodies pursuant to the provisions of section 6 of the act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898, the persons so enrolled as a reserve force of trained men, or so many thereof as shall be required, shall be organized in the manner provided for the organization of the volunteer force by section 12 of the act entitled "An act for increasing the efficiency of the Army of the United States, and for other purposes," approved March 2, 1899.

Another section in the bill provides how these troops shall be officered through appointments by the President of the United States, and still another provision of the bill says that the men enrolled under section 24 shall not be eligible to belong to the militia organized in the State.

Mr. President, I have read that at length for the purpose of answering the inquiry of the learned Senator from Wisconsin, and by it it will be seen that provision is made for the organization of this force without further legislation. In other words, the act under which the organization is to be made has already been enacted and is upon the statute book, and this act provides that the force shall be organized under that act. So I think that answers the inquiry made by the Senator, if I understood the inquiry correctly. In other words, Mr. President, it is not necessary that there shall be an act passed providing the manner in which this force shall be organized. The act of 1899 is specified as furnishing the machinery under which such organization is to be made without further legislation for that purpose.

But, Mr. President, as I was saying yesterday, the imperfection of the twenty-fourth section of the bill is not a sufficient answer to the objection to it. The fundamental objection which I make to it is this specifically: That it is creating two kinds of citizen soldiery, and that while it was the intention of the framers of the Constitution that the citizen soldiery should be the militia of the country, this divides the citizen soldiery into two distinct classes, one body of which shall be the militia of the country and the other body of which shall be in fact a reserve force of the Regular Army. This last division, citizen soldiery, would be organized and officered by the United States, would not be under State law, and would not be subject to the call of the governor of the State for any purpose.

Mr. President, that is a most serious proposition. The fundamental idea of the framers of the Constitution was that the citizen soldiery should be the militia and that it should not be separated from the control of the States; the fundamental idea was that the great reserve military force of the country should be the militia and that their organization should be under the authority of the States. The fundamental requirement in that regard was that they should be officered by the States, and the reservation to the National Government in regard to the militia is as to their organization, arming, and discipline and management. All that will be necessary to make them perfect as a machine for war is that the discipline, the training, by the States shall be according to the discipline prescribed by Congress.

In that way there was answered the great jealousy which existed at that time in the minds of all American people against great standing armies, and at the same time there was answered the necessity for a sufficient force for the protection of the country in time of need. In that way there was answered the additional requirement that there should be at the command of the States a sufficiency of force for their local requirements in time of need; and thus it was that there would be no soldiers in any State other than those who belonged to the regular establishment, which would not be at command of the governor of the State for the preservation of order and for the maintenance of authority.

This bill proposes to erect in every State an organization, if you please—if not a perfect one an imperfect one—of men who shall be citizen soldiery and at the same time shall not be subject to the control of the State. In no manner are they to be subject to the law of the State or to the authority of the governor or made responsive to his call.

Mr. President, I said yesterday, and I repeat it to-day, that this is no legitimate part of this bill. If this force is a part of the militia, section 24 is unconstitutional and all Senators will necessarily admit it, because under it not only is the force officered by the United States, but it prescribes duties which can not be laid upon the militia. It says that they shall be subject to be sent out of the country. If it is not a part of the militia, if it is designed simply to be, which it undoubtedly is, an appendix to the Regular Army, a reserve force to the Regular Army, then it has no place in this bill.

Why is it, Mr. President, that legislation with reference to the Army can not be had without bringing it under a militia bill? We are all of us in favor of an efficient militia bill; we are all of us in favor of an efficient militia organization; we all of us want to cooperate in the laudable effort of the War Department to perfect the most efficient militia bill which can be devised; and I think that great credit is due to the War Department for this

bill so far as it relates properly to the militia, and it would be with the greatest pleasure that I should give my vote for it, and I desire to do so. Why is it that a provision which relates to the Regular Army—because it can not be said to be anything else—can not be allowed to stand upon its own merits and pass by its own strength, and that those of us who favor the enactment of an efficient militia law may not be compelled to pass upon a question which does not in any manner relate to the militia, and vote possibly "no" upon a bill which we would otherwise desire to see enacted into law?

Mr. President, this is a most serious departure from anything which has heretofore been attempted with reference to the military establishment of the country. I discussed on yesterday what was the purpose of the framers of the Constitution in the organization of a militia. I discussed what was in their contemplation under the term "militia." I contended that the purpose was to include all citizen soldiery under the term "militia." We must not unnecessarily confuse terms. In the old days we used to recognize the distinction between the militia and the volunteer organizations which had been called in some States National Guards and in other States volunteers, but, in fact, in the broader sense, in the sense in which we are dealing with it here, when we use the term "militia" we mean all the citizen soldiery, all the soldiery outside of the regular establishment of the United States.

The term "militia," in its broader sense, is made to include the volunteer organizations which in some States are known as the National Guard; is made to include those known in other States as volunteer companies, and is made to include also any unorganized militia there may be. I repeat, it is a term used as a broad generic term to include all citizen soldiery, all soldiery other than the Regular Army of the United States and such other organizations as are regularly enlisted in the Army of the United States for active duty.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. Certainly.

Mr. SPOONER. I suppose the Senator would be willing to admit that in the generic sense it includes all citizens of the States able to bear arms, whether enrolled and organized or not?

Mr. BACON. It would include all between the ages the law designated as subject to military service. Of course, if you go to the strict letter of the term, you know what "militia" means. It means, in a still broader sense, soldiery; it comes from the Latin word "miles," which means a soldier; but we all know what, in the organization of this Government, was intended by the term "militia." It was intended to include all branches and all kinds of citizen soldiery as contradistinguished from the Regular Army, and therefore we find the term in the Constitution of the United States.

Mr. SPOONER. I think the Senator is in error about that.

Mr. BACON. Well, I should be very glad to be corrected by the honorable Senator.

Mr. SPOONER. I do not mean that I can correct the Senator, but I only suggested that I thought——

Mr. BACON. The Senator will not understand me as criticising him in any way.

Mr. SPOONER. Oh, no. I think the word "militia" is a generic word, and I think it includes all citizens of the States capable of bearing arms. The supreme court of Alabama at one time defined it, and there have been various decisions to the same effect. That court said:

> Its true and exact import is that portion of the people who are capable of bearing arms—the arms-bearing population.

That is subdivided into the organized militia. It may be company organization throughout the State, as there was once in my State and in the Senator's State, I suppose——

Mr. BACON. Yes.

Mr. SPOONER. Afterwards they organized into battalions, regiments, and brigades, out of which came the National Guard; but in the generic sense in which the term is used, I think this definition by the supreme court of Alabama the correct one.

Mr. BACON. I will not take issue upon that.

Mr. SPOONER. Does the Senator mean to be understood as saying that under the Constitution, in the exercise of the power to raise armies, the force must be either a standing army, a regular establishment, officered, of course, by the President, or the militia officered by the States? Does the Senator mean that?

Mr. BACON. Will the Senator please repeat the question?

Mr. SPOONER. Does the Senator contemplate that when the Constitution confers upon the Congress the power to raise armies limited in this way that it must be the regular establishment of men who serve in time of peace as well as in time of war under orders of the President and officered by the President, or the militia officered by the States? The Senator excludes the power of Congress to bring into the service a force which is neither in fact a part of the standing army nor a part of the organized militia of the States, which are officered by the States, does he not?

Mr. BACON. Mr. President, the Senator asks a question and proceeds with such elaboration that it is difficult to answer "yes" or "no."

Mr. SPOONER. I did not ask for a categorical answer.

Mr. BACON. I endeavored on yesterday to explain what my view was about the matter, and I shall endeavor again, in response to the inquiry of the Senator, to make it a little clearer, if I am able to do so.

I think that the contemplation of the Constitution was that the militia should include those who should be recognized as the citizen soldiery of the country. That is what is meant by "militia." As to how many of the population that will include, of course it is not necessary for me to go into the distinction which the Senator has called to our attention. I care not how true it may be; I care not whether the term "militia" is to include all, as stated by the supreme court of Alabama, capable of bearing arms, or whether it includes only such as Congress in an enactment may say it shall include, for instance, in regard to the limitation of age. But there are recognized in the Constitution of the United States two classes of soldiery—those who are in the employ of the National Government and those who are the citizen soldiery capable of being called into service, but who are not in the service until so called. That is the distinction.

The Senator's question, I presume, is meant to direct my attention to the class of organizations which were called out in the Spanish war under the acts of 1898 and 1899. They were not what we call the Regular Army, but nevertheless they were enlisted in the service of the United States Government, receiving its pay, and regularly subject to its orders. They were not men in civil life, still engaged in civil vocations. They had left civil life; they had laid down their civil vocations; they had submitted themselves to the authority and direct control of the United States Government and became part of its active Army.

Mr. SPOONER. But, Mr. President, if the Senator will permit me, when the organized militia are called into the service of the United States they are subject to the orders and discipline of the United States as made by the United States.

Mr. BACON. Undoubtedly, and should be so enrolled. I think that one of the merits of this bill, so far as it relates to the militia, is that it enables the United States Government to receive efficient service from that class of men.

But the point to which I am very glad to have the attention of the learned Senator directed is this: That under section 24 of this bill there are to be men who are not in the service as soldiers, but men who are in civil life, who are still pursuing their civil vocations, who are yet to be enrolled as soldiers of the United States in each State as part of the citizen soldiery, and yet in no way as contemplated by the Constitution, officered by the States, or subject to the laws of the States. They are to be citizen soldiery to be officered by those appointed by the Government of the United States; citizen soldiery not in any manner subject to the law of the State; citizen soldiery in no manner subject to the call of the governor of the State. That is the class of men; and I say it is a class of soldiery which has never heretofore been known to the law of the United States.

Mr. President, I take issue with the proposition which is implied in this bill that the Congress of the United States by the use of words can defeat the evident purpose of the Constitution of the United States, which made the citizen soldiery of the country the militia of the country; which required that they should be officered by the States, and should be subject to the control of the governors of the States until they were called into the service of the United States. If that proposition is correct, to what does it lead? If it be true that by simply calling it something else the citizen soldiery of the country can be taken from without the control of the State, if by simply giving it another name we may have the larger part, or, in fact, nine-tenths of the citizen soldiery taken out of the State militia, the entire purpose of the Constitution can be defeated in that regard, because if by act of Congress a small part of the citizen soldiery can be taken out of the class of the militia, by the same power the larger part of the citizen soldiery can be thus taken out and set apart.

Mr. President, as a corollary of that contention, I deny the proposition that Congress has the power to divide the militia into two classes, and to say that one part of the militia is under the Constitution and the other part of the militia is not that to which the Constitution has reference. That is what this bill does, and I will call attention to the language of it to prove it.

Mr. President, the Senator from Alabama [Mr. PETTUS] made objection to the bill upon the ground that it made an unconstitutional use of the militia; that it required that a part of the militia be organized in such a way that it could be ordered out of the country, whereas the Constitution provides that the militia shall

not be ordered out of the country. Reply was at once made that that particular part of the force upon which that criticism was made was not a part of the militia, and that therefore the constitutional objection did not obtain; and yet I respectfully submit, Mr. President, that this bill does contemplate that it is a part of the militia, and that it intends that there shall be a part of the militia which shall be controlled in the way the Constitution prescribes, and that there shall be another part of the militia which shall be free from the limitations prescribed by the Constitution.

It is not simply that this bill in effect endeavors to make a part of the militia a part of the Regular Army of the United States, the reserve of the Regular Army of the United States, but the bill itself in terms endeavors to divide the militia into two classes of militia—the militia by name—one of which shall be subject to the limitations prescribed by the Constitution and another, which shall be free from it. Have we a right to do that? If I am correct in that statement, if the Constitution says the militia shall be organized so and so, using the generic term "militia," have we the right to say that we will divide the people who are properly included under that generic term, and that one part of them shall be subject as prescribed and required by the Constitution and the other part shall not? Have we any such right? Is there any such power? If we attempt it, is it not an evasion of the Constitution, is it not a violation of it?

Now, am I correct in saying that this bill does that? Let us see. The very first section provides for these two classes of militia in name and in terms and calls them each militia. I will read it:

That the militia shall consist of every able-bodied male citizen of the respective States, Territories, and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than 18 and less than 45 years of age, and shall be divided into three classes—

Three classes, now, of the militia. The militia contemplated by the Constitution shall be divided into three classes. That will be all right if each of the three classes is organized in compliance with the plain requirements of the Constitution. I resume the reading:

The organized militia, to be known as the National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories, the national volunteer reserve as provided by this act, and the remainder to be known as the reserve militia.

Mr. President, I hope I may have the attention of the Senator from Ohio [Mr. FORAKER] on that point, because the Senator himself drew the distinction that this was not a part of the militia, and I have just read the first section of the bill, which says that all of the male inhabitants of the United States between 18 and 45 years of age shall constitute the militia, and that that militia shall be divided into three classes, and thus specifies them, all in one section and in one sentence. These are the three classes: First—

The organized militia, to be known as the National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories—

I interpolate the word "second"—

the national volunteer reserve as provided by this act—

And now I interpolate the word "third"—

and the remainder to be known as the reserve militia.

The second class, as here provided for as part of the militia, and which I have just read, is the class which is created in section 24. It is here in the bill specifically classified as a part of the militia, and yet section 24, relating to the same class, is defended against the charge of unconstitutionality by the contention that it does not relate to a part of the militia.

Now, the point——

Mr. FORAKER rose.

Mr. BACON. I am not going to ask the Senator to answer now, unless he desires to do so, in which case I shall yield to him, but the question I want to ask the Senator is this——

Mr. FORAKER. I do not rise to answer, but only to remind the Senator from Georgia that I said this was not a part of the militia, and that it was not contemplated by the provisions of the bill that it should be, except only as everybody between the ages of 18 and 45 in this country who owes allegiance to the Government is a part of the militia. This is not designed to be a militia organization, but a volunteer reserve force of the Army of the United States, and it is perfectly germane and perfectly proper to be a part of this bill, because this bill relates to the national defense.

Mr. BACON. Nevertheless it is an act which professes to provide for the organization of the militia.

Mr. FORAKER. "And for other purposes."

Mr. BACON. Yes, "and for other purposes." I grant you that. But I am showing what it specifically provides for this particular purpose, if the Senator will pardon me a moment.

Mr. FORAKER. The word "militia" is used, as the Senator from Wisconsin [Mr. SPOONER] suggested, in its generic sense, which covers everybody who is liable to militia duty.

Mr. BACON. Everybody knows——

Mr. FORAKER. Where would he get a volunteer reserve force, if he set about organizing one, except only from the militia?

Mr. SPOONER. Or the Regular Army either.

Mr. FORAKER. Or the Regular Army either.

Mr. BACON. I have no objection to their organizing a reserve force of militia if they comply with the requirements of the Constitution in making it a part of the militia.

Mr. FORAKER. Now——

Mr. BACON. If the Senator will pardon me a moment, he asked me a question. Let me reply to it.

Mr. FORAKER. I want to ask another.

Mr. BACON. Yes; but let me get through with one.

There is no objection to there being a reserve of militia. If they will recast the bill so as to make this a part of the militia, subject to the provisions of the Constitution relative to the militia, I have no objection to it, but my criticism upon it is that, while they call it militia, they take it outside of the militia in the fact that they do that which the Constitution says shall not be done in reference to the militia; and, therefore, while the honorable Senators say the militia includes everybody, we know that in the Constitution it does not mean the Regular Army of the United States. If it did, it would not provide that it should be officered by the States.

The Constitution had a specific body of men in view when it used the term "militia" and when it said it should be officered by the States. While it is true that every male citizen between the ages of 18 and 45 is a part of the militia, it did not mean that part of it which we call the Regular Army, because it would be an absurdity to say the officers of the Regular Army should be provided by the States. It meant by the term "militia" the citizen soldiery who were to be called on by the Government in time of emergency, who were still in civil life, who were not enlisted by the United States Government, and who were not organized under its military control and receiving its pay. It meant that great body of citizens who could, when required, be utilized as soldiers and upon whom the great defense of the country must depend—the citizen soldiery.

It said as to them, and put it in the fundamental law of the land, that they should be under the control of the States and that the States should officer them, the President of the United States still having the right to call them directly, without proceeding through the governors. It is not necessary that he should call on the governors. He can call directly for them; they are a part of the citizen soldiery of the country; but while he may call for them directly, the Constitution prescribes that they shall be State organizations, officered by the States, and trained by the States under the discipline prescribed by the United States.

Mr. FORAKER. The further question I wanted to ask the Senator was this: Are not volunteers, when mustered into the service of the United States, a citizen soldiery?

Mr. BACON. They are not then citizen soldiery——

Mr. FORAKER. Were not the volunteers whom we enlisted and sent to the Philippines a citizen soldiery?

Mr. BACON. The Senator asked me a question, and I hope he will let me answer it.

Mr. FORAKER. I wanted to make it more specific.

Mr. BACON. Very well; go ahead.

Mr. FORAKER. I have made it sufficiently specific. Were not the soldiers whom we organized as volunteers and sent to the Philippines a citizen soldiery?

Mr. BACON. That is the Senator's question?

Mr. FORAKER. Yes, sir.

Mr. BACON. He simply repeats it without making it more plain.

Mr. FORAKER. I repeat it now, but when I first propounded it to the Senator I did not use the word "Philippines."

Mr. BACON. I beg the Senator's pardon.

Mr. FORAKER. To make the illustration more direct I repeated it and inserted the word "Philippines."

Mr. BACON. In the sense in which we use the term "citizen soldiery" they were not. The term "citizen soldiery" means those who are still in civil life and yet are subject to be called on for military duty. "Citizen soldiery" we generally understand to be citizens who are organized into military bodies, though in its broadest sense it would apply to all of those in this country who constitute the militia proper, which are all those within the militia ages.

But in the sense of this discussion, whenever an organization is called into active service and comes under the control of the Government of the United States as a part of the Army of the United States they are no longer citizen soldiery. That is not what we mean by "citizen soldiery," and that is not what we have in contemplation when we are discussing this bill; but we have in contemplation, in discussing this bill, the men who are still in the

civil walks of life, but who are so organized, if you please, or so embraced in a statute that when war comes they can be made to lay down the vocations of civil life and take up the weapons of war. That is what we mean by "citizen soldiery."

A volunteer company, whether known as a volunteer or as a national guard, so long as it is composed of men who are not in active service, are, in the sense in which we are discussing this question, citizen soldiery. But whenever they are called into active service, whenever they are enlisted and put into organizations under the command and military authority of the Government of the United States, while in the sense which the Senator from Ohio had in view when he propounded the question they might still be called citizen soldiery, they are not the citizen soldiery whom we have in contemplation here, because that is not the kind of people we are talking about. What we are discussing are citizen soldiers who in time of peace will not be in active service, who will not be separate and apart from their fellow-citizens, who will mingle with them every day in their daily civil vocations, but who, when the need comes, can be put into the Army. Those are citizen soldiery; and it was that class of citizen soldiery which is included under the term "militia" which was in the minds of the framers of the Constitution.

Mr. President, the doctrine that there are any rights left to the States is by many no longer recognized, and the suggestion that there is still any right of a State which, under the Constitution, should not be violated by the General Government is, by some at least, only met with a smile. But, sir, there are still rights of the States under the Constitution, and Senators, the peculiar representatives of States, should guard those rights most jealously. The particular right for which we are contending in opposing section 24 of this bill is by the Constitution expressly reserved to the States. A part of section 8, Article I, which I have already read in full, making it the duty of Congress to organize and arm the militia, concludes with the words:

Reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

This bill in so far as it provides for the organization and arming and discipline of the militia is substantially all right and meets my approval. But section 24 violates this provision of the Constitution, as well as others. It takes out a part of the citizen soldiery of a State, provides for their being officered by the United States, and takes them away from the authority and training of the State in which they live, and puts them, so far as military duty is concerned, under the exclusive authority of the President and of Congress. The President of the United States can call on these citizens for military duty, but the governor of the State can not, although riot and insurrection may be at their doors. These men, thus enrolled and set apart, are to be still citizens and civilians in a State, but the governor can not call on them for any military duty whatever, nor can the State, by any law, impose any military duty upon them. They are to be subject to the orders of the President in military matters, but not to the orders of the governor.

The governor of a State is the military head of the State in the same way that the President is the military head of the United States. The duty to preserve order, to put down insurrection, to maintain law, devolves upon the governor in a State in the same manner and even in greater degree than it devolves upon the President in the United States. Every citizen of the State capable of bearing arms and not in the active military service of the United States is, by every principle of our Government, subject to the order of the governor when required to enforce law and maintain authority. It is a violation of this fundamental principle to enact a law by the Federal Government which shall set apart a certain class of the citizens of the State and say that they shall be subject only to the call of the President and to the military duty prescribed by Congress; that they shall not be subject to the call of the governor or to any military duty which may be laid upon them by the legislature of their State.

Mr. CULLOM. May I interrupt the Senator from Georgia for an interrogatory?

Mr. BACON. Certainly.

Mr. CULLOM. I desire to have a brief executive session, and if the Senator from Georgia has not very nearly concluded, I would be glad if he would give way for that purpose. I understand that later in the day a ceremonial is to take place.

Mr. BACON. I do not think I could get through anyhow before the time when those exercises will begin.

Mr. CULLOM. That is the reason why I ventured to interrupt the Senator from Georgia.

Mr. BACON. So, if it is entirely agreeable to the Senate and the Senator, I will suspend for the day.

I did not expect to be so long upon the floor, but my distinguished friend the Senator from Vermont in charge of the bill will recognize the fact that inquiries which have been made of me and which I have been most happy to receive and attempt to answer, at least, have necessarily made my remarks much longer than they otherwise would have been. I think it is an extremely important measure. I do not think there has been a more important one before this body since I have been in the Senate, in so far as it opens a new policy for the Government—a policy which in its extension and development may utterly revolutionize the militia system as contemplated by the Constitution.

EXECUTIVE SESSION.

Mr. CULLOM. Then, by the leave of the Senator from Georgia, I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. Does the Senator from Georgia yield for that purpose?

Mr. BACON. I do.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Illinois, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened.

PUBLIC BUILDING BILLS.

Mr. COCKRELL. I move that the Committee on Public Buildings and Grounds be discharged from the further consideration of the bills (S. 5655) providing for the erection of a public building at Moberly, Mo.; (S. 5497) to provide for the erection of a public building at the city of Columbia, Mo., and (S. 5288) to limit the cost of the public building at Joplin, Mo., and that they be postponed indefinitely, provision having been made for the erection of public buildings at each of these places.

The motion was agreed to.

SAFETY APPLIANCES ON RAILROADS.

Mr. PATTERSON. I ask unanimous consent for the adoption of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the Interstate Commerce Commission be, and it is hereby, directed to send to the Senate copies of all information and reports furnished by its inspectors showing the condition and defects of train or power brakes, and the operation of trains thereby, as required by the act to promote the safety of employees and travelers upon railroads, approved March 2, 1893, from May 10 to December 31, 1902, on the following-named railroads and their leased lines: Baltimore and Ohio, Chesapeake and Ohio, Cincinnati, New Orleans and Texas Pacific, Erie, Illinois Central, Lehigh Valley, Louisville and Nashville, Lake Shore and Michigan Southern, New York, New Haven and Hartford, Norfolk and Western, Pennsylvania, Queen and Crescent, Southern, and Southern Pacific.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. KEAN. What is the resolution? I did not catch the purport of it.

The PRESIDENT pro tempore. It is a resolution offered by the Senator from Colorado [Mr. PATTERSON], for which he asks present consideration.

Mr. PATTERSON. If the Senator from New Jersey will permit me to make a very short statement, I think there can be no objection to it.

Mr. KEAN. I will withhold my objection.

Mr. PATTERSON. On the 10th of May last a like resolution was adopted. The Interstate Commerce Commission have not complied with the resolution, but they are almost ready to send in their report. This resolution is supplemental, simply bringing up that information from the 10th of May last to the present time. It will require four or five additional days, if this resolution is adopted, as I am told, to make the information complete.

Mr. KEAN. Why not get the information previously asked for first?

Mr. PATTERSON. This is simply supplemental to it. It is the same class of information, and brings it up from the 10th of May to the present time.

Mr. KEAN. I think the resolution had better go over.

Mr. PATTERSON. It would be all one piece of work.

The PRESIDENT pro tempore. Objection is made to the present consideration of the resolution, and it goes over.

EFFICIENCY OF THE MILITIA.

Mr. PROCTOR. Mr. President, it is utterly impossible to consider the militia bill further this week, and I give notice that on the first day after the recess I shall call it up in the morning hour. It will retain its place on the Calendar, of course.

MELLERT FOUNDRY AND MACHINE COMPANY.

Mr. PENROSE. I ask unanimous consent to call up the bill (H. R. 2492) to reimburse the Mellert Foundry and Machine Company for money retained by the United States for failure to complete a contract within a specified time.

The PRESIDENT pro tempore. The bill will be read to the Senate in full for its information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the sum of $2,427.84 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of reimbursing the Mellert Foundry and Machine Company, Limited, of Reading, Pa., for money retained as a penalty by the United States by reason of a failure to complete a contract within a specified time.

Mr. SPOONER. What department of the Government, if I may inquire, was this contract made with?

Mr. PENROSE. The report of the committee, which I will have read if the Senator desires, will explain it.

Mr. SPOONER. I only want the information if the Senator has it.

Mr. PENROSE. I do not recall. I introduced a bill similar to this one when I first entered the Senate. I have got it through at every session; and now, at the close of my term, I should like to have it passed. This bill was passed by the House of Representatives at the first session of the present Congress. It has been reported favorably again for the third time by the Senate Committee on Claims, and is now pending on the Calendar.

Mr. SPOONER. What I really wanted to ascertain, and my question was only a preliminary one, was whether the department which made the contract recommends the passage of the bill.

Mr. PENROSE. I assume that it does. I have not read the report of the committee for the present session. I would ask to have the report read, but I hesitate to take up the time of the Senate upon a comparatively unimportant matter.

Mr. SPOONER. The sum of money involved is not large, but the precedent is large.

Mr. PENROSE. Then I ask to have the report read.

Mr. SPOONER. I do not care to have the report read in full or to take any time. I should like to know what the bill involves.

Mr. KEAN. I can explain to the Senator from Wisconsin what the claim is. There was a penalty under the contract, which these people paid. The Government suffered no loss, and the object of the bill is merely to remit the penalty.

Mr. FORAKER. For delay?

Mr. KEAN. For delay.

Mr. SPOONER. It is recommended by Brigadier-General Wilson, Chief of Engineers, I observe.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States or are totally disabled in the same, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SULLOWAY, Mr. CALDERHEAD, and Mr. MIERS of Indiana managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the President pro tempore:

A bill (H. R. 15140) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Fort Worth, in the State of Texas, on the first Monday in November in each year; and

A joint resolution (H. J. Res. 227) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1902, on the 18th day of said month.

ALLEN M. RIPLEY.

Mr. GALLINGER. Mr. President, there are two pension bills on the Calendar which I would like to have acted on. The first one is the bill (S. 6330) granting an increase of pension to Allen M. Ripley.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Allen M. Ripley, late of Company K, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NANNIE M. KIMBERLY.

Mr. GALLINGER. I ask consent for the present consideration of the bill (S. 3708) granting a pension to Nannie M. Kimberly.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the words "United States," to strike out "in the;" and in line 8, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nannie M. Kimberly, widow of Lewis A. Kimberly, late rear-admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Nannie M. Kimberly."

COMMITTEE SERVICE.

Mr. BURROWS. Mr. President, my colleague, Senator ALGER, is without assignment to any committee, and I understand from the chairman of the committee on committees that there is some difficulty about making an assignment at this time. In view of that, and recognizing his eminent fitness as ex-Secretary of War to serve upon the Committee on Military Affairs, of which I am a member, I ask the Senate that I may be relieved from further service upon that committee that my colleague may be appointed to the place.

The PRESIDENT pro tempore. The Senator from Michigan asks leave to be relieved from further duty upon the Committee on Military Affairs. Is there objection to his request? The Chair hears none.

Mr. PLATT of Connecticut. I move that the junior Senator from Michigan [Mr. ALGER] be appointed to fill the vacancy made by the action of the senior Senator from Michigan [Mr. BURROWS].

The PRESIDENT pro tempore. The Senator from Connecticut asks that the junior Senator from Michigan be appointed to the Committee on Military Affairs in the place made vacant by the resignation of the senior Senator. Is there objection? The Chair hears none. It is so ordered.

MEMORIAL ADDRESSES ON THE LATE SENATOR WILLIAM J. SEWELL.

Mr. KEAN. Mr. President, in pursuance of the notice heretofore given, I submit the resolutions which I send to the desk.

The PRESIDENT pro tempore. The Senator from New Jersey submits resolutions, which will be read.

The Secretary read the resolutions, as follows:

Resolved, That it is with deep regret and profound sorrow that the Senate hears the announcement of the death of Hon. WILLIAM J. SEWELL, late a Senator from the State of New Jersey.

Resolved, That the Senate extends to his family and to the people of the State of New Jersey sincere condolence in their bereavement.

Resolved, That, as a mark of respect to the memory of the deceased, the business of the Senate be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Secretary transmit to the family of the deceased and to the Governor of the State of New Jersey a copy of these resolutions, with the action of the Senate thereon.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That, as an additional mark of respect, at the conclusion of these exercises the Senate do adjourn.

The PRESIDENT pro tempore. Will the Senate agree to the resolutions?

The resolutions were unanimously agreed to.

Mr. KEAN. Mr. President, almost a twelvemonth has rolled away since the mortal remains of General SEWELL were conveyed to their last resting place in the beautiful cemetery of Harleigh, near Camden, N. J., and yet we feel the loss that has befallen his country and his State as if it were but yesterday.

We miss him here—that tall, soldier-like form, which for many years held conspicuous place among us, the friend and colleague to whose memory we pay our tribute to-day.

In his rise from narrow and humble beginning to eminence and leadership General SEWELL exemplified those qualities of mind and heart which we have come to recognize as typical American. Gifted with resolution, patience, firmness, self-reliance, he was destined to master in time whatever task he undertook—to prove his mettle in any field to which duty or opportunity might call him.

Thoroughness, constancy, and loyalty were his watchwords. His success he owed to no caprice of fortune. He won against odds; it was the fruit of struggle and training—of capacity unfolding itself as opportunity came—of that broad and hard experience in which our leaders in war, in politics, and in industry have almost all been bred.

To this school—the school of Clay, of Jackson, of Lincoln, of

Grant, of Garfield, of McKinley—WILLIAM J. SEWELL clearly belonged. His leadership was established under the same conditions and through the same qualities.

He was a younger son of a family of yeoman proprietors possessing a freehold in the parish of Sebergham, Cumberland, England. His father obtained a commission in the civil service and went to Castlebar, county of Mayo, Ireland, as "collector of internal revenues" for that county, where he married a daughter of Captain Joyce, of the Fifth Regiment of Irish Dragoon Guards. The Joyce family was of protestant Scotch-Irish descent. Although General SEWELL had but little Irish blood in his veins he cherished the greatest affection for the land of his birth and early associations.

Born in 1835, he was left an orphan at an early age; he followed a brother to the city of New York. As a youth he was adventurous and romantic, and at the age of 18 gave up a good business opening in order to enlist before the mast of an American merchantman, the *Flyaway*, sailing for Chinese ports. After an adventurous voyage, on which he distinguished himself for courage, he returned to the United States as first mate of that vessel. He engaged in several business undertakings, and when the war broke out he had so many friends he was able to raise a company of his own, with which he enlisted in the Fifth New Jersey Volunteers and became its captain.

He participated in all of the engagements in which the Fifth New Jersey took part, and in July, 1862, was promoted to the lieutenant-colonelcy. He became colonel in September of the same year.

At Chancellorsville he commanded the Second New Jersey Brigade and led a timely and successful charge against the enemy—a piece of soldierly skill and daring which won immediate recognition, and later was awarded a medal of honor by Congress.

Though wounded, he resumed his field duties for the Gettysburg campaign, and on the second day's fight at Gettysburg was in the front line of the Federal left wing so fiercely assaulted by Longstreet. There he again showed the greatest gallantry and was again—and this time more seriously—wounded. From July 2 to August 31, 1864, he was retired for disability. But entering the service afresh as colonel of the Thirty-eighth New Jersey Volunteers, he participated in the wasting Virginia campaign which preceded Lee's surrender.

For meritorious services he received brevets both as brigadier and as major general.

From 1872 to the time of his death he devoted much labor to organizing and strengthening the National Guard of New Jersey, bringing it to a new and highly creditable level of efficiency.

Soon after the outbreak of the war with Spain President McKinley commissioned him a major-general of volunteers. It was his earnest wish to serve his country again in arms, but a higher duty interposed, and at the earnest request of his Republican colleagues in this body he decided to decline the appointment pressed upon him. Many of you will recall the appeal that was made to him not to abandon his seat in the Senate.

"We do this," the letter read, "knowing that the appointment is well merited by your distinguished military career and your genius for organization and command, but we feel in this exigency neither the party nor the country can forego in the Senate the influence of your experience, ability, patriotism, and integrity in legislative service."

The fidelity and capacity he had shown as a soldier were to assure his success in civil life. After being mustered out of the service he wasted no time in seeking employment. The first place that offered was accepted, and, though not a remunerative one, proved to be most fortunate. It was with the Camden and Amboy Railroad, at Trenton. His great executive ability in even minor positions was quickly recognized, and he was sent to Camden as yardmaster. Diligence and competence soon earned him promotion; he rose through the various grades to be general superintendent, vice-president, and finally president of what is now known as the West Jersey and Seashore Railroad Company.

General SEWELL'S active political career began in 1872 with his election to the State senate from Camden County. He served three three-year terms in the senate and was its president while the Republican party had control. He fathered the resolution creating a commission to suggest amendments to the State constitution and led the fight for their adoption. He also took a conspicuous part in the passage of New Jersey's general railroad law and of the railroad municipal tax and municipal corporation acts.

In 1881 he first entered this body, having been chosen to succeed the Hon. Theodore F. Randolph. Six years later he failed of reelection, the legislature having a Democratic majority on joint ballot. But in 1895 he regained his seat, succeeding the Hon. John R. McPherson. In 1901 he was elected for a third term, only a fraction of which he served. His last appearance in this body was at the extraordinary session called by the President which terminated March 9, 1901.

In his own State he long exercised an exceptional influence in party councils. He headed our State delegations to the Republican conventions of 1876, 1880, 1884, 1888, 1892, 1896, and 1900, and was New Jersey's recognized spokesman in all those gatherings. His power in the State organization was sometimes disputed, but never overthrown. On the contrary, it grew with time, for it was based on unquestioned capacity, courage, loyalty, and integrity.

In all the heated and prejudiced struggles of faction no one could justly reproach WILLIAM J. SEWELL with a broken promise or a dishonorable betrayal.

Of his service in this body I need say little. Here, where his character was intimately known, his sterling virtues were amply appreciated. He made few speeches. The part he played was not spectacular.

Yet the work he did was eminently useful and lasting His judgment on all important legislation was sought and valued. He was a tower of strength in counsel. His voice was potent in all decisions on legislative or party policy.

In manner General SEWELL has been charged with a certain brusqueness and coldness. There was a hint of military precision in his attitude. He sometimes carried directness to the point of bluntness, but this manner reflected only his own deeper tendencies of thought and character. He believed in openness, in candor, in plain speaking and straightforward action. He scorned concealment and indirection; and he detested shams and insincerity.

To all who knew him intimately this surface roughness covered a generous and tender heart. Always open, always high minded, he won the ungrudging respect of his opponents, while attaching his friends to him in ever-tightening bonds of trust and love.

> His life was gentle, and the elements
> So mix'd in him, that Nature might stand up
> And say to all the world, "This was a man!"

Mr. COCKRELL. Mr. President, it is eminently fitting that to-day the Senate of the United States of America should lay aside its legislative labors in order to pay its last tribute of respect, friendship, and honor to the memory of Hon. WILLIAM JOYCE SEWELL, late a Senator in this Chamber from the State of New Jersey.

General SEWELL was born December 16, 1835, in Ireland, came to this country at the age of 18 years, and died at his home in Camden, N. J., December 27, 1901, respected, honored, and loved by the good people of his adopted State and by all who knew him personally or knew of his noble, manly character and worth. "A good name is rather to be chosen than great riches."

His life record is a brilliant and illustrious one, worthy of emulation, and inspiring and encouraging to those who closely study it. At the age of 18 years, in this, his adopted country, he entered the arena for his life work with a sound body and a clear, vigorous mind; with honesty of purpose, fidelity in the discharge of every duty and trust, great or small, and firm determination to achieve success honorably and legitimately.

He engaged in mercantile pursuits; and early after the beginning of the civil war in 1861, being loyally and patriotically devoted to his adopted country and the maintenance of the integrity of the Union of the States, he organized a company of volunteers and was commissioned captain in the Fifth New Jersey Regiment on the 28th day of August, 1861, and served during the entire war with distinguished gallantry and military ability.

On July 7, 1862, he was promoted to lieutenant-colonel, and in October of the same year to colonel, and participated in the many battles in which his regiment was engaged, and was severely wounded at the battles of Chancellorsville and Gettysburg.

At the battle of Chancellorsville he was commanding the Second New Jersey Brigade and, at a critical position, led forward his brigade in a daring charge and achieved one of the brilliant successes of the war, capturing eight stands of colors. For his gallant and meritorious services in this battle he was commissioned by brevet a brigadier-general of United States Volunteers.

On July 2, 1864, he resigned as colonel on account of the disabilities incurred in the service in the line of duty. As soon as he had partially recovered from the effects of his wounds, he again offered his services to his State, and was commissioned by the governor to raise and organize the Thirty-eighth Regiment New Jersey Volunteer Infantry, and was mustered in as colonel October 1, 1864, and with his regiment took an active part in the operations about Petersburg, Va., which resulted in the capture of Richmond, Va., on April 2, 1865, and the surrender of General Lee at Appomattox on April 9, 1865. With his command he returned to his home and was honorably mustered out on June 30, 1865.

For his gallant and meritorious services during the war he was brevetted major-general March 13, 1865. In estimating correctly the gallantry, military abilities, and services shown and rendered by General SEWELL from early in 1861 to the middle of the year 1865, we must not forget the historical fact that that war was a

war lasting for four long weary years, wherein the citizen soldiers of the Northern and Southern States of our Union, the noblest and bravest soldiers who ever faced each other in martial array and clashed in mortal combat in all the history of the world's wars, confronted each other, fearlessly contesting every foot of ground and covering the field of battle with dead and wounded on each side. When such soldiers met each other in battle there was truly "the tug of war," testing to the fullest extent their endurance, courage, manhood, and devotion.

It was in such a war that General SEWELL achieved eminent distinction and rendered meritorious services, justly entitling him to the brevets of brigadier-general and major-general, United States Volunteers, conferred upon him by President Lincoln. When the war closed, in the maintenance of the Union of the States, General SEWELL returned to the peaceful avocations of civil life with the same courage, patriotism, and devotion he had so conspicuously shown during the war.

He was that type of American soldier whom his comrades in arms respected, honored, and willingly followed.

In civil life he was that type of American citizen whom his fellow-citizens respected and loved to honor and to follow.

As an officer he was brave, strict in discipline, mindful of the well-being of his men, and inspired them with confidence and courage, and enjoyed their respect and love.

As a citizen, by his forceful character, great executive ability, untiring energy, incorruptible integrity, and strict attention and devotion to duty and to the interests of his fellow-citizens, he inspired their respect, confidence, love, and loyal devotion. He attained the highest honors which his fellow-citizens could confer upon him as an American citizen by adoption and born a foreigner.

He was three times in succession elected a State senator from his home county, Camden, and was president of the senate in 1876–1879 and 1880, when his party was in power, and while a member of his State legislature was elected to the United States Senate in 1881 to succeed Senator Randolph, and served in this Chamber to the expiration of his term in 1887.

Politically General SEWELL was a staunch Republican, and took an active part in all public and political affairs. He was elected a delegate to the Republican national conventions of 1876, 1880, 1884, 1888, 1892, 1896, and 1900, and was made the chairman of his State delegation in each of the conventions.

In 1895 he was again elected to the United States Senate to succeed Senator McPherson, and in 1901 he was reelected for the term beginning March 4, 1901, and ending March 3, 1907.

In addition to the many duties of the official positions he held, he was engaged in and connected with many business enterprises—banks, trust companies, and philanthropic societies.

He took an active interest in the organization of the National Guard of his State and held high positions in that organization, and was the commander at the time of his death.

He was most earnestly interested in the proper management of the National Homes for Disabled Volunteer Soldiers, and was vice-president of the Board of Managers. He was emphatically a busy man in the fullest sense of the phrase. His energetic and earnest devotion to his multifarious duties doubtless hastened his untimely death in the meridian of his usefulness and honors.

The respect, the friendship, the love, and devotion of his constituents, neighbors, and associates were made most manifest at his funeral obsequies.

The people en masse turned out to pay their last tribute to his memory. It was a most impressive scene. The religious services were conducted at his residence by Bishop Scarborough, of the Protestant Episcopal Church, of which General SEWELL was a member of the vestry. My acquaintance with him began when he entered the Senate in 1881 and became a member of the Committee on Military Affairs.

Our acquaintance soon ripened into warm personal friendship, which continued to his death. The more I was with him and the more I knew of him the greater were my respect, admiration, and friendship for him.

In his bearing General SEWELL was quiet, reserved, and unassuming, and was cordial and faithful in his friendships.

As a Senator he was faithful, industrious, and useful, and performed his full share of the duties and labors of the Committees on Appropriations and Military Affairs and others of which he was a member. In his death the Senate, his State, and our country have suffered a serious loss. We tender to his bereft family condolence, and point our countrymen to the useful life, the meritorious services, and the illustrious career of WILLIAM J. SEWELL, the citizen, the soldier, the statesman, the patriot, for encouragement, inspiration, and emulation.

Mr. ALLISON. Mr. President, the senior Senator from New Jersey [Mr. KEAN] and the senior Senator from Missouri [Mr. COCKRELL] having detailed at large the military career and the civil service of the late Senator SEWELL, I shall only review them briefly.

My personal acquaintance with General SEWELL began in 1881, when he became a member of the Senate. Prior to that time he was well known to me as a leading citizen of the State of New Jersey and as one of the earnest, active, and influential Republicans of that State. He was widely known as a great and gallant soldier, as a conspicuous member of the New Jersey senate for many years, and as a potential factor in the political and commercial affairs of that State. He had been an important member of two Presidential conventions and had taken an active part in their deliberations; and as a leading Republican he was well known in nearly all the States of the Union. Therefore when he came to the Senate he was by no means a stranger to those then serving in this body, and enough was known of his capabilities to anticipate the value of his service here, for it is a fact that when a Senator is first elected to this body there is as a rule a careful analysis made by Senators of his record in civil or military life, in order that a just estimate may be formed of his prospective value in this Chamber.

After what has been said by the Senators who have preceded me it is not necessary that I should dwell at length upon the active participation of Senator SEWELL in the affairs of the State of New Jersey, upon the great ability displayed by him as a business man in the conduct of large affairs in his State, or upon his distinguished record in the civil war. Because of his special knowledge of military affairs, immediately on his entry into the Senate he was placed upon the important Committee on Military Affairs. During the entire period of his service in this body he remained a member of that committee and participated actively, as those who served with him well know, in the framing of all the legislation considered and promulgated by it. At his death he was the ranking member of that committee next to the chairman. As is well known to us all, he was especially conspicuous in the military legislation made necessary by the war with Spain. His services were so highly appreciated by the President that he tendered him a military command, with the rank of major-general. He was inclined to accept this distinction, but because of his valuable services on the committee and in the Senate at this critical period, at the unanimous request of the Republican Senators then here, he declined the proffered honor.

Owing to the political situation in New Jersey he failed of reelection to the Senate in 1887, though he was the unanimous choice of his party, and his friends made a vigorous effort to secure his reelection. His defeat was occasioned by the legislature being closely divided between the two great political parties. Again, in the winter of 1895, he was the unanimous choice of his party for Senator and was then elected, and reelected in 1901, so that at the time of his death he was on the threshold of his third term in the Senate.

There being a vacancy in the Republican membership of the Committee on Appropriations, Senator SEWELL was appointed a member of that committee in March, 1897, because of his general and special knowledge of matters coming before it, especially because of his long service here, because of his intimate knowledge of all subjects relating to military matters and appropriations for the support of the Army, and also because of his extensive knowledge of all matters connected with the National Homes for Disabled Volunteer Soldiers, of the Board of Managers of which, selected by the two Houses of Congress, he was an active member. His sympathy for his comrades in arms and his desire to make these Homes effective for the comfortable support of the veterans admitted to them led him to give particular attention to this subject.

He spent much time in this labor of love, making at least two visits annually to each of the Homes; and during several years he had general charge of one of the most important of them. He made their cause his own, and was so familiar with every detail respecting their wants that his recommendations were, as a rule, followed by the committee and by the Senate. This was because of his special information and experience and the confidence of his associates in his judgment. This was true not only as respects all appropriations involving military affairs, but his views had great weight in the Senate upon all matters which engaged his serious attention. He proved himself a most valuable member of the Committee on Appropriations, giving close attention to the detailed work assigned to him. He was at all times a safe counselor and a wise and judicious legislator.

Whilst an earnest Republican, he often differed with his Republican colleagues upon matters of detail, and on such occasions was resolute and independent in the expression of his opinions in committee and in the Senate. Keen of perception and with a broad and thorough knowledge of affairs, he immediately grasped the essential points of a proposition. He possessed the faculty of rapid deduction; was quick to make up his opinion respecting a question under consideration, and, when made, was slow to surrender his own judgment to others.

Senator SEWELL was a man of comparatively few words. It was generally understood that he said only what he meant and meant always what he said. His opinions were expressed with force and directness and were susceptible of no misinterpretation.

It may be truly said of him that he was a most able, valuable, and useful Senator, not only in the committee room, but on the floor, and was, therefore, of great service to his State and nation. His death is a distinct loss to his country, and is greatly deplored by all those who served with him in this body.

The home life of Senator SEWELL was ideal in its hospitality and surroundings. Socially he was always most agreeable, courteous, and kind to those with whom he came in personal contact. He enjoyed especially the companionship of old comrades and friends and greatly endeared himself to them. For these agreeable personal qualities I became strongly attached to him, and because of them and because of his conspicuous public service and his high character as a citizen and Senator it is fitting that I should take this occasion to pay this brief but imperfect tribute to his memory, having served with him and known him well during all the period of his membership in this body.

Mr. MORGAN. Mr. President, although Senator SEWELL was severely antagonized to my State and the South during the civil war, and was opposed to me in our political affiliations during the period of our service in the Senate, there were many points on which we were in cordial agreement. This is especially true as to almost every question that concerned our relations with foreign countries during our joint service in the Senate.

I have always felt stronger in having the support of his opinion and his wise judgment, which usually amounted to a firm conviction, when any measure was presented that taxed me with perplexing doubts. In this just confidence in his sincerity and wisdom I believe that I only shared the opinion of the entire Senate.

During several years we were closely associated as members of the Senate Committee on Interoceanic Canals.

In the personnel of that committee the majority were Republicans, and, as chairman, I would have had a disagreeable task if any party lines had affected the conduct of its members as to the great and delicate questions confided to the committee by the Senate.

This is a fitting occasion, I think, to say that no body of Senators could have more completely discarded all political influence from their thoughts and actions, or could have devoted their labors to the service of the whole country more impartially, than has been true of that committee in performing the exacting and difficult task assigned to them by the Senate. And I am glad to say, in honor of our departed colleague, that his thoughtful and laborious work on that committee and his wise counsel were among the strongest supports of the supreme duty that Providence has assigned to the United States, of providing a highway for the nations between the great oceans.

He was very proud to be associated with this work, that only the United States can perform, and deserves the highest honors that its final completion will confer upon those who shall accomplish it.

The subject was as broad as the ocean-borne commerce of the whole world, and the naval power of the United States and those intrusted with its exploration were required to proceed with caution, but with bold and fearless step, to reach conclusions that are logically safe and will be practically secure for all time. But this honest and able Senator was equal to the duty and fearless in its discharge. The benefit of his work on that committee will be felt through many ages to come.

In this service and in all else that was confided to him General SEWELL exhibited a mental trait which was a distinguishing characteristic. He always looked within for his convictions and opinions, and outwardly for the facts upon which he based them.

He did not disregard or hold in light esteem the opinions of other men, but his judgment was his own; he borrowed nothing from currents of thought in other minds, and no reflected color of selfishness was permitted to stain the clean record of his final judgments.

He was not aggressive in pressing his opinions on others, but he defended his own convictions with decided firmness.

There was a directness, force, and singleness of purpose in his action in respect of public affairs that engaged his attention, which left no doubt of his sincerity, and a clearness of conception as to his duty, as he understood it, that forced him into open controversy in support of his convictions with fearless intrepidity. It was not his adversary with whom he waged any conflict of debate, but with his adversary's position or the principles he espoused. So that in the fiercest controversy he indulged in no personalities or invectives, and in his most strenuous debates he wounded no man's feelings and never made an enemy. This is a noble trait, a very great mark of true manhood that should characterize the bearing and deportment of an American Senator.

General SEWELL has left with us the memory of a high example in his dignified and honorable course in this Chamber. His Irish blood fed a passionate flame that warmed his heart, quickened his spirit, and drew his affections to high aims and generous actions.

His friendships had the honest and sincere loyalty of love. They were honorable and ennobling, and were never used for convenience or subordinated to personal advantage or unworthy ends.

He was a wealthy and powerful man, but he did not court the favor of the rich or the support of the powerful at any expense whatever to his dignity or his principles.

He never used his wealth or power for the oppression of the weak or the poor, nor did he, with a flaunting display of generosity, graciously condescend to help them. His generous Irish blood gave a natural flow to his sympathies, and he met the poor and the weak with the hand of friendship that was never empty or grudging and very many have grasped it in silent, tearful gratitude.

As a soldier he was even rashly courageous. He did not stop to study strategic arts of war when the enemy was in array against his flag.

His movement was to the front, and he touched elbows with his men as he marched steadily into the deadliest conflict. He did not rejoice in battle, and was not lured by the ambition for victories; but he could not fail to respond to a call of duty because death was reaping its harvests from the field of battle. He was as gallant a soldier as any who fell or any who survived the battle of Chancellorsville, and a higher title to a soldier's chaplet of honor no man can win.

Senator SEWELL left a record here of duty well and faithfully performed that will long be referred to as a marked example of high Senatorial character, and will confer lasting and special honor upon the State of New Jersey.

Mr. CULLOM. Mr. President, with sadness I join with other members of the Senate in paying tribute to the memory of our late colleague, Senator SEWELL.

The majority of the members of this body knew him well. To know him was to admire him. He was a splendid citizen, a gallant soldier, an able statesman. He was a remarkable man, of unusual power and singleness of purpose, open-hearted, outspoken, and never hesitated to condemn what he deemed to be wrong or to approve what he believed to be right.

Senator SEWELL for many years possessed great influence in his State, and was equally great in the Senate and generally in the councils of the nation. He had rare good judgment, which is the one necessary element of success (whatever may be a man's other qualities or acquirements), in the proper discharge of private or public duty.

Mr. President, Senator SEWELL made a splendid reputation in the field as a soldier during the civil war and at home in New Jersey in the management of private business and as the leader of his party for many years before he came to the Senate in 1881. He was a positive man, and did not at any time shrink from any contest. He was an honorable opponent, and when he gave blows he expected and was willing to receive them in return.

Senator SEWELL was not willing to surrender or compromise when he was sure he was right. He was for the right for right's sake. He was a man of energy, and in the business walks of life he was in the habit of doing things, and could see from day to day and week to week that he was accomplishing his purpose.

The business of the Senate, when compared with the large business enterprises with which Senator SEWELL was familiar, moves slowly. After he had been in the Senate a short time he became restless and felt that he was not accomplishing very much, and while chafing under such feeling on one occasion he said to me: "When I was in private life, engaged in business, I felt that I was doing something for my family and the community in which I live; when I was a soldier in the Union Army, I felt that I was helping to save the Union and the flag; but since I have been in the Senate I do not feel that I am doing any good whatever."

However, Senator SEWELL was very soon recognized as one of the strong men in the Senate and found himself sought after and consulted on all difficult and important measures. He did not like to talk, and sometimes seemed weary of long speeches by other Senators. He seldom addressed the Senate, but when he did he had something to say, which he said in the fewest words possible in order to present the facts and make his views plain.

It is said that brevity is the soul of wit. No man ever demonstrated it more perfectly in the Senate.

Mr. President, as a legislator Senator SEWELL did not stop to theorize. He saw the situation and determined upon his duty and with courage performed it. He was the architect of his own fortune. He was, as has been said by the senior Senator from New Jersey, a native of Ireland, but, like thousands of others from that unfortunate island who came to our shores, showed himself,

when his adopted country called, ready to offer his life in defense of liberty and the Union.

He cared nothing for show. He believed in plain living. He was a modest man, as most brave men are. His health failed him in the last years of his service here, and while believing that death was "waiting at the door," he struggled on until at last the end came, and he passed away.

Mr. President, it seems to me that I am constantly standing in the shadow of death—death in the family, death in the Senate. No class, age, or rank can long escape the great destroyer.

Senator SEWELL lived in this his adopted country for more than sixty years. He witnessed its growth and prosperity. He took part in that momentous struggle in which the life of the nation was involved. He witnessed in that struggle the downfall of slavery and rejoiced in its disappearance from our fair land. He saw how when the war ended the nation sprang forth as with a bound into new life and wealth and power. He lived to see this country increase in wealth and influence among the nations as no other has done in centuries. What a satisfaction to him to feel in his last days upon earth that he had done his part in maintaining the Union and in consecrating it anew upon the enduring foundations of liberty and equality.

Some one has said that he is great who is what he is from nature and who never reminds us of others. The subject of this memorial service to my mind comes within that definition.

Mr. President, I close what I have to say by stating that I have not known in my experience a more conscientious citizen, soldier, and statesman or better friend than Senator WILLIAM J. SEWELL.

Mr. PROCTOR. Mr. President, it was my good fortune to sit next to Senator SEWELL in the Military Committee room during the entire time of his service since he last came into the Senate. He was very regular in his attendance at the meetings of the committee; it is needless to say a good worker on all matters of business before us. No man at the table was better equipped than he for the consideration of all questions pertaining to the Army. His eminent service during the civil war, his natural bent for military affairs, his strong judgment and earnest devotion to the good of his country, especially qualified him for the performance of his duties on that committee. And he was resolute and forceful in their discharge. That there was never any doubt as to where he stood on any question, nor that he would stand there to the end, goes without saying. He was sturdy and strong, mentally, physically, and in natural temperament. Courage and constancy were leading traits of his character. These qualities made him a born soldier of the highest type, but not for the tinsel and show of military service. But when the welfare of the country was at stake his intense loyalty was aroused and he was filled with the inspiration of combat. His entire military career was especially creditable, but his great charge at Chancellorsville at the head of the Second New Jersey Brigade, when he captured nine stands of colors, stands out as most glorious, and for this he was awarded a medal of honor. Here he was on the offensive, and his work was dashing and brilliant. But had the occasion arisen for a desperate defense of a position, no soldier would have met the situation better than General SEWELL. He would have stood like a rock. No matter what the odds, surrender would never have occurred to him as a possibility to be considered. Surrender was a word not found in his vocabulary.

In legislation he was wisely conservative, but not retrogressive, and an earnest believer in the future of his country. His judgment on military matters seemed almost intuitive. My seat next to his gave me the benefit of his aside remarks. "That will never do" was a frequent one, when an objectionable measure was brought up. But, though instantaneous in his decision to oppose, he was calm, deliberate, and methodical in acting upon it. And in these asides there was often a vein of rare humor, in which he seldom indulged publicly, but in which his well-rounded character was not deficient, though it might have seemed so to the casual observer. Take him all in all, measure his life and work by our best standards, and there are few who will take rank for sterling manhood, for great endeavor and achievements, for ripe judgment and vigorous common sense, with WILLIAM J. SEWELL.

Mr. DANIEL. Mr. President, in common with his colleagues, I had great respect for Gen. WILLIAM J. SEWELL, of New Jersey, late one of the Senators of that State in this body, and with them I deplore his loss to his State, his country, and the Senate. He was a manly man, of strong convictions and strong sense, and of great activity and usefulness, and he possessed many qualities that attracted the affection of friends and the confidence and respect of all men everywhere. The many positions of responsibility, both of private and public trust, that he held and the acceptable manner in which he discharged them bespoke his great ability and force of character, while the frequency of his election to office, both State and Federal, demonstrated the favorable judgment pronounced upon him by the people of the great and progressive State who knew him best.

New Jersey is a Commonwealth in which the "isms" have found but little entertainment and which deserves the characterization of "conservative" in the best sense of that term. I say in the best sense, because the word "conservative" is often abused and employed as a shelter of indecision, of neutrality, or of time-serving. General SEWELL, like the State which he represented, was conservative in the best and highest sense of that word.

His career was indeed a remarkable one. It was such as could pertain only to an extraordinary man and an extraordinary country. His lines in life and my own were far apart and generally far different. He was born in Ireland; I in the oldest settlement of the English race in America. He was an active man of affairs—merchant, railroad president, and business man; I, a local lawyer. He, in settling in New Jersey at an early day became identified with his adopted State and perforce of his environment was imbued with all the predominant ideas of the Northern people. I, rooted to the soil of my fathers, was by nativity, heredity, education, and environment alike imbued with the ideas that had been born in the birth and has grown with the growth of the pioneers of our race and of our free and independent American institutions. But these things with right-thinking men and with right-feeling men have never been a bar either to admiration or confidence or friendship, and there were many aspects and relations in which we met on most congenial ground.

He had in part represented here one of the old thirteen States that founded this Union and which had many ancient and historic and friendly ties with my own. He was a thoroughgoing and enthusiastic American, and he had been a soldier—a soldier of such qualities as always commands the admiration of all true soldiers. So American was he that there was nothing in his appearance, manner, bearing, language, convictions, or expressions by which anyone would suppose that he was not "to the manner born," and anyone who would utter in his presence a sentiment of patriotism, of principle, or of generosity would be sure to strike a responsive chord in his bosom.

I never knew General SEWELL until I met him here and was never thrown with him in intimate social relation, but I was often brought in personal intercourse and consultation with him in our service in this body, especially pending the Spanish-American war and the legislation therewith connected, when his position as a leading member of the Committee on Military Affairs gave great importance and far-reaching consequence to his labors. Those labors were great, they were valuable, and they were highly distinguished. They were supported by his natural fervent energy, by his familiarity with military affairs, which had been constantly refreshed by his performance of duty in New Jersey as major-general commanding the National Guard of that State. They were also no little aided by his experience in the civil war, where he rose from the rank of captain in the Fifth New Jersey Infantry to be a brigadier-general and then a major-general.

In that war he and I were in opposing armies, which tested each other's steel in more than 600 battles, and some of those battles were among the fiercest, bloodiest, and greatest in soldiership and in generalship alike which are known to human history.

In that war Americans of all sections achieved a respect for each other by those qualities which command and which compel respect and relegated to the rear narrowness and bigotry, to be replaced by confidence and friendship. A most glorious achievement!

General SEWELL wore upon his body the scars of Chancellorsville and Gettysburg and had attached to his name the highest decorations that a brave soldier can win. None respect more such honorable distinctions, won in such manner as he won them, than the men who fought against him, and none can know better than they what they counted for and what they cost him.

For myself, I respected him beyond what those distinctions themselves either expressed or implied, first, because he appeared to me to value them more than he valued the many honors he had attained in political life and more than he valued his manifold successes in business, which had brought him fortune; and, second, because I never heard him say a word or saw him show a sign of prejudice, resentment, or animosity toward the equally brave and patriotic men who had encountered him. On the contrary, I know the fact that he took keen and earnest interest in urging honors for ex-Confederate soldiers who volunteered in the Spanish-American war, and that it gave him profound gratification to see them intrusted with the flag of our country and to show them the fitting distinctions deserved by those who bear it well.

Such things as these betokened to my mind more clearly and more decisively the true soldier and the true patriot than any title or any medal of honor; and I record here, as it were standing by his tomb, the grateful appreciation which I feel and which

will be felt not only in the South, but throughout the borders of the Union. My observation and experience alike have taught me that in these respects General SEWELL was like the best and the most of the soldiers of all parts of America. Those who have the rankest and most unbridled tongues have seldom indeed become the heaviest of the burden bearers. Those who have borne the burdens of the battle have shown the least degree of grudge against those who bore such burdens against them; have rarely, indeed, if ever, used belittling terms concerning them, and have always been the readiest, the heartiest, and the most cogent forces of restoration, conciliation, order, peace, and friendship.

In the travail of woman man is born upon the earth. So in the travail of mind is knowledge wrested from ignorance, and in the travail of both body and soul are the nations molded under God's providence and lifted up to higher and purer and better things. The dead soldier and statesman whom we mourn to-day and to whom we say our last farewell bore his part like a true man in the heavy travail of his day and generation; survived to share the joys of victory, to promote and welcome the dawn of a broader and brighter day, to see the new generation come afield "and in mutual well-beseeming ranks march all one way."

And so his life was crowned with such fullness of achievement and satisfaction as should content the reasonable ambition and hope of man. We may rejoice that the infirmities of age had not bereft him of his faculties ere life closed, and that such scenes as those which his heart craved and had yearned for were before his vision. Giving his body to the dust and his memory to his grateful country, we pray that He who alone can heal may heal the wounded hearts of his family and of those who knew him best and loved him most.

Mr. WARREN. Mr. President, if I were asked to name the dominating power in the Senate of the United States, I would say it is the irresistible influence which has come to us as a legacy from former members who have passed away.

Whatever this legislative body has of patriotism, of dignity, of devotion to duty, of methods for the general good, is due in great measure to the ideals established by the illustrious dead whose names have illumined its roll of membership.

And as the list lengthens and there is added to it the names of those with whom we have been in personal touch as friends and colleagues—aye, almost as brothers—we who remain, and upon whom it devolves to pay a word of tribute, are more and more dominated by the dead.

The great orators, the brilliant debaters, the noted statesmen, who have passed away—the Clays, the Websters, the Calhouns of the Senate—have not been the only class of members to bring the Senate to the degree of respect in which it is held as a dignified, orderly, conservative, and patriotic legislative body.

A part, equal perhaps in importance, has been taken by those who have performed their duty as they have found it—men whose days with the schoolmaster were brief, self-taught in the rough school of experience, carrying a commission rather than a diploma, but knowing humanity to its inmost heart, and quick to the needs of the citizenship of the land. Men of this mold have left a potent impress upon the country, upon Congress, and upon those who have succeeded to their place in this body.

Such a man was WILLIAM J. SEWELL, United States Senator from New Jersey from 1881 to 1887 and from 1895 to 1901—our friend and colleague in whose memory we meet to-day to pay what tribute our weak words can bestow upon the record of his life and deeds.

General SEWELL was not an American born; his birthplace was in that land which has given many illustrious statesmen, citizens, and soldiers to this their adopted country. He was not equipped with wealth to start his career, and was forced to fight the battles of life without the aid and support of father and mother, both having died when he was a mere lad. The hard fortunes of the sea first engaged him, and as a boy before the mast he sailed to the then almost unknown shores of the Orient. But hard as these first conditions were, he and not they obtained the mastery, and, starting the voyage as boy, he ended as mate.

The story of his life is a record of success; not success coming by accident, influence of connections or friends, but by his own untiring perseverance, his devotion to duty, his capacity—his genius in fact, for hard work.

In every undertaking of his life, he commenced at the lowermost round of the ladder. When he went to the defense of his adopted country, he offered himself as a private soldier, but there must have been in the face and figure of the handsome, stalwart youth of 25 evidence of the qualities of leadership, for his companions in his company elected him their captain. He was faithful to every trust imposed in him. He was brave in battle. One who has chronicled his military life says:

His charge at Chancellorsville was one of the most brilliant feats of the war and won for him a medal of honor. It was the morning of May 3, 1863, the last of the three days' battle. The Second Brigade of New Jersey had but two hours' sleep during the night. They had formed in fighting line before daybreak and had been under continuous fire for over four hours. Many of their comrades were dead. More lay wounded and dying about them. General Mott had been injured and carried from the field; general Berry had been killed, and the command fell upon Colonel SEWELL.

To the south and in front and to the west and on the right flank were the Confederate troops. They were swarming forward in overwhelming numbers and had seized a hill from which the Federals had been driven and which SEWELL realized must be recovered. With the instincts of a born soldier he rallied his disheartened forces, and seeing them hesitate in the presence of the foe in such overwhelming numbers that it seemed madness to charge he galloped to the front in advance of the brigade until he stood in distinct view of all and then exclaimed: "At least Jerseymen, follow me!" His example was irresistible. With a rush and a cheer the whole line went forward. Up and over the hill they drove the enemy and on the crest of the earthworks planted the regimental colors.

He entered the service a captain and left it a major-general.

After the smoke of battle cleared away, General SEWELL put off the uniform of a soldier and commenced civil life in a humble capacity in his chosen profession of a railroad man. He started as yardmaster and agent and became president. The qualities of leadership, mastery of details, unremitting work, carried him onward from the lowest to the highest place.

We know his life after he became a member of this body. Seemingly austere at times, perhaps, in manner, yet he was the embodiment of kindliness and true courtesy. I had the honor to serve with General SEWELL for over six years as fellow-member of the Committee on Military Affairs and some two years on the Committee on Appropriations, and I learned to know and value his worth as a man, as a legislator, as a friend. My association with him brings to mind—

> That best portion of a good man's life—
> His little, nameless, unremembered acts
> Of kindness and of love.

He let no day close without doing good deeds for his friends, for his colleagues, for his constituents; and it was with profound sorrow that the fatal tidings came that his work was done.

I recall the active interest taken by General SEWELL in legislation for increasing the efficiency of the National Guard. He was an example of what can be accomplished in war by the citizen-soldier, and it was his constant desire to upbuild and improve the National Guard service of the country in order that it might become a bulwark of defense to our institutions.

It was said by a former member of this body that "a reformer and his reform rarely succeed at the same time." To-day, as we pay our meed of praise to our departed colleague, the reform for which he strove so long and well is about to become ingrafted in the law of the land. While he did not live to see his wishes consummated, we know that his ideas have taken shape and form, and that to his work and energies we owe light and wisdom with which to act in the consideration of the measure which carries into effect his ideas.

While striving to benefit the National Guard of the country, in which he took so great an interest, he never lost sight of the old soldiers with whom he served, and the duties he performed as a member, vice-president, and president of the Board of Managers of the National Home for Disabled Volunteer Soldiers served to ameliorate the hardships of many of his old comrades.

And so ran the story of his life. As a boy meeting cheerfully the obstacles which poverty placed in his path; as a youth taking up the hardships of the camp and field, braving the perils of the fiercest battles of the civil war, and winning for himself imperishable fame in the annals of that great conflict; as a business man, gaining the respect and confidence of a great State; as a legislator, true to his constituents, his friends, and his country; and in all, in youth and manhood, in war and peace, in his private and public life, living close to the highest ideals of human life.

Thus he won success—nay, he did more, he deserved success.

Mr. PENROSE. Mr. President, I always entertained sentiments of the highest regard and esteem for our late colleague, General SEWELL, in my acquaintance and friendship with him, extending over many years before I came to this body, and these sentiments were intensified by the more intimate associations which I formed with him in the Senate. I sat next to him in this Chamber. We resided in adjoining cities and represented adjoining States which have many common interests. I had many opportunities to observe the strength and greatness of his character and to fully appreciate the loss which we have sustained in his death.

The career of General SEWELL was distinguished by splendid achievements; it affords an inspiration to any young man and illustrates the opportunities of our American Republic. What he accomplished was not the result entirely of good fortune, but the rounding out of earnest, intelligent, and persistent effort. He was born in Ireland, of a respectable family in moderate circumstances, being English upon his father's side and Scotch-Irish upon his mother's. The original coat of arms of the Sewell family was first conveyed upon one of the line for gallantry at the battle of

Crecy in defense of the Black Prince, and to this was added later the crest "a mailed hand brandishing a cap of liberty," a republican emblem that could only have been won by resistance to kings.

He left home at the age of 16 to better his fortunes and to create a career. Joining an elder brother in New York in a mercantile capacity, he soon afterwards became a sailor before the mast, and made a number of voyages in various directions, finally becoming second mate by his indomitable energy and forceful will. Late in the fifties he was found in Illinois occupying the position of what might be termed a soliciting salesman, traveling the prairies seeking business for the house which he represented. It was then that he heard the noted debates between Mr. Lincoln and Mr. Douglas, which made a profound impression upon him, and tended largely to his adherence to the Republican party in late years.

By chance being in New Jersey when the war commenced, his naturally martial spirit and his devotion to his adopted country induced him to apply to the governor of the State, Dr. Newell, for the position of second lieutenant in one of the regiments of that State. Governor Newell was so much impressed with his appearance and his decided expression of views as to the conduct of the war that he appointed him a captain. Entering as a captain, he retired at the end of the war brevet major-general. Upon many a battlefield he attested his gallantry and military prowess, notably at Chancellorsville, where he led the New Jersey brigade and recaptured from the Confederate forces a number of Union standards.

At the end of the war he found himself without any special friends in the East, with no money accumulated, and no profession upon which to depend. Happening to be in New Jersey, he entered the service of the Pennsylvania Railroad Company in a minor capacity, and remained continuously with that great corporation until the time of his death, becoming finally president of its lines in New Jersey. As a railroad official the same attributes characterized him as marked his military career. He was fearless in the discharge of duty, quick to grasp an opportunity to better the road which he represented, and singularly fortunate in inspiring absolute loyalty and implicit confidence in both his associates and subordinates.

Having settled in Camden, N. J., General SEWELL turned his attention to politics, and was soon elected to the State senate, where he served for a number of years, some time as president. In 1881 he was elected to the United States Senate, defeating for the nomination such distinguished Republicans as George A. Halsey, George M. Robeson, and William Walter Phelps. At the expiration of his term, the State having become Democratic, he retired to private life. It was thought at that time that New Jersey was hopelessly Democratic and the prospect of Republican success very remote. Here it was that he exhibited that wonderful sagacity in political as in other affairs which distinguished him throughout life. Almost unaided he kept up the organization in his State with such perfection that in 1895 he was again elected to the United States Senate, and, at the expiration of his term, was reelected for the term expiring March 4, 1907.

Among the many admirable traits in General SEWELL'S character several stood out preeminently. His modesty was evident. No one, however intimate with him, ever heard him boast or refer, even in the most indirect manner, to his achievements during the war or in the great and important political events in which he had participated in civil life; in fact, he seemed to deprecate any personal allusion to himself, and when there was any praise to be awarded he was sincerely desirous that others should be the recipients rather than himself. He was preeminently noted for the inviolability of his word. The old saying, "His word is as good as his bond," applied with singular force to General SEWELL, and in his case could even have been enlarged, for his word was better than his bond. He was not a man profuse in protestations, neither did he make a promise nor incur an obligation without giving due consideration to what was involved, and whenever he said he would or would not do a thing, there was no retraction or reluctance, no compromise. He absolutely fulfilled what he had undertaken, so that in his own State political friend and foe alike fully realized that in dealing with him there was nothing held back, there were no unfair surprises intended, but from the first his course was marked with fairness and candor.

He exhibited a remarkable loyalty to his friends. No man ever lived who was more thoroughly devoted to his friends or truer to their interests. His friends did not embrace an army, and he was careful as to whom he placed upon his list or brought near to his heart, but he could not be shaken when once his friendship and confidence had been acquired by anyone. If he erred at all, it was in his steadfast allegiance, unwilling to see things which with other men might have weakened the association. No slander, no innuendo, no attempt to depreciate or injure anyone who was upon terms of friendship or intimacy with him had the slightest effect.

He possessed keen discernment. Few men have excelled General SEWELL in the extraordinary faculty which he possessed for picking out the right person for the work he had in charge. Without this faculty he could have hardly accomplished his achievements as head of great corporate interests and as the recognized leader of a great political organization in one of the great States of the Union. He seemed to know by intuition exactly how to develop the best in a man, to discern what he was fitted for, and to realize his capabilities, influences, and aptitudes. Intrusted as he was with responsibilities which would have appalled almost anyone, he was able to bring about wonderful results, because surrounded by a staff of efficient assistants who took their instructions from him, followed them faithfully, and never betrayed in the slightest degree the faith reposed in them.

He possessed great industry. It was General SEWELL'S habit never to leave his office until he had disposed of every matter that could be attended to that day. His thoroughness in the dispatch of business was one of the secrets of his success. No detail, however insignificant, escaped his attention; no request, however unimportant, was not promptly acted upon; no person ever sought an interview upon a proper mission and was refused; no letter worthy of an answer remained unresponded to.

General SEWELL possessed great breadth of view. He was a reticent man. He was a clear and forceful speaker, without pretending to be an orator. In private life, was not wont to engage in much conversation. His was a reflective and absorbing mind, always anxious for information, never conceited as to his own opinion, willing to be advised if he thought the advice judicious, and capable of grasping a situation, both as to its strong and weak points, almost instantly, which would have required from most men considerable time for reflection. His career in the Senate illustrates his character. There was scarcely a question presented to the Senate during the thirteen years that he was a member upon which he did not from the first reach a correct conclusion.

He was loyal to his country, a loving and devoted husband and father, steadfast to his friends, and faithful to every trust confided to him. As a citizen, soldier, and statesman his career was marked by loyalty to truth and principle. His name will have a bright and honored place in the history of our country.

Mr. DEPEW. Mr. President, it was my privilege to know Senator WILLIAM J. SEWELL for more than a quarter of a century. He and I, during the whole of that period, were in the same profession. It brought us close together in the intimacy of antagonisms and of friendships. Our acquaintance, our intercourse ripened into the warmest friendship, and the more years I knew him the more I appreciated the qualities of mind and of heart which enabled him to accomplish the career which we celebrate here to-day.

I know of no example at this particular period which is so rich in encouragement as that of Senator SEWELL. Extremes always go together, and we are just now, more than at any other age, at the extremes of optimism and pessimism. There never was a time when for an American there was so much to be proud of, and to be hopeful for, and to inspire ambition, as now. And there never has been a time when from the professor's chair to the pulpit, from the pulpit to the press, from the press to the platform, and from every public source, there were so many and such unanimous expressions in regard to the failure of our institutions from now on to permit the development of the individual. There is the universal cry everywhere that these combinations which are forming from the natural tendencies of our age, both of capital on the one side and of labor on the other, are every day wiping out the unit and recognizing only the mass.

It is the glory of our country that it has been builded upon the individual; that under our institutions, differing from all others of all other lands and of all times, it makes no difference what may be the start that the boy has in life, if he has in him the making of a career, the circumstances, conditions, environments, and institutions enable him to make it to the limit of his capacity.

But we are told now that that element in our institutions has been negatived by the character of our industrial and financial development; that it is the corporation, it is the great organization of the trust, it is the mighty combination of labor which have wiped out the foundations upon which we have builded and that which is the hope of the future of the Republic of the United States. So says the lecturer, so says the professor, so says the theorist, so says the agitator, so says the demagogue.

Now, here we have in the career of our friend the best answer I have ever known to just that question. He arrived in this country and started handicapped, as our American youth are not. All the great successes in our financial, our industrial, and our public life have been made by those who started with nothing, with no equipment except brains, character, industry, and ambition. But they were American citizens with all that that means. However, here was a foreign lad with none of those influences of family to which he could go for advice, and none of those influences

of environment of the village or the hamlet or the county which would be proud of him and push him forward. Notwithstanding that, you have heard here in these various eulogies what he accomplished, and still did not live to the full period allotted to man.

He began as a poor boy without a penny and accumulated a fortune. He began in public life simply as a worker in the ranks of his party and reached the highest position that his country can give to one born upon a foreign soil. A member of the senate of his State, elected the president of the senate of his State by his associates, after he had been there two terms and he was entering upon his third, he was elected to the United States Senate and chosen for three terms. Starting as a soldier in the humblest position as an officer, by gallantry he retired a brigadier-general, and was then brevetted a major-general for gallantry in the field. Commencing in the humblest capacity in the railway in which he worked for nearly forty years, he became the president of all its lines in the State in which he resided.

Now, there is another element which is a refutal of these pessimistic views. He began his career in the corporation, in which the individual is eliminated, and all private views, private character, private ambitions, and private ability are reduced to the general mass, says the theorist. And yet it was in that career, which occupied the whole of his active life, in the service of one of the greatest corporations in this country that he achieved in finance a success, in public life a success, in his profession a success, as a soldier a success, in any one of which any man would have been said by his neighbors and his family to have accomplished an honorable and distinguished career.

If I may be permitted, as the trend of discussion has gone principally upon what he achieved, I think that his success was due to the directness and the courage which he had. The courage which he displayed upon the battlefield was the courage which was displayed by millions of his fellow-citizens who served under the one flag or the other during the civil war. But he had a higher courage than that mere physical courage, which is admirable, but with which our race is gifted. He had a moral courage, and to that he owed the major part of his success.

During the period when he was most active in politics, when he was most ambitious for popular favor, there prevailed through this country that singular craze and prejudice which said that the million of men engaged in the profession of railroading were unworthy of public confidence, and were dangerous to nominate for public office. There were times when this rose so high that, while both parties wished the services of the railway man after the nominations were made, neither party dared nominate a man upon the pay roll of a railroad company for a village, a county, a State, or a national office.

Many who had ambitions at that period sought to gratify their ambitions by denying the profession in which they were engaged or minimizing it; but Senator SEWELL always remembered that he was one of a million men engaged in a profession which required as much, at least, if not more, of ability, of intelligence, of sobriety, of industry, of fidelity, and all the qualities that go to make up good service and good citizenship, than any other pursuit in the country. He remembered the camaraderie that he had with these men, and he was determined that by no act of his should there be a slur cast upon this profession that they were unworthy of public confidence compared with those who were engaged in other gainful and in other reputable pursuits in our country.

It was the peculiarity of this craze, of this prejudice, that it applied only to those who were on the pay roll and receiving their stipend—salary, wages, whatever it might be—in the regular way from the treasury of the corporation. During the whole of that period the president or the general counsel could retain distinguished lawyers who would receive as compensation many times what the officer or the general counsel had in the way of salary, who would appear in the State and in the national courts, and sometimes when the Government and the corporation were in antagonism, and yet that politician becoming a statesman, or one at the time, could appear in this capacity, and then upon the platform or in Congress denounce the corporation and retain the confidence of his fellow-citizens.

I remember an incident at a national convention where SEWELL and I were frequently in consultation upon this subject and in which I was personally interested, where a gentleman distinguished in his State and in the nation came to me and said, "You should retire instantly, for the sake of your party, from the position in which your State put you as its candidate for President, because in our State we have educated the people to believe that anyone who holds any position under a railroad, whether it is a brakeman, a conductor, a locomotive engineer, a freight man, a passenger man, a president, or a general counsel, is unworthy of public confidence." I said, "My friend, what do you do?" "Well," he said, "outside of my public life—I am so engaged and engrossed in public duties that it is impossible for me to take private practice, and so my entire living comes from the retainers given me by a leading Western railroad."

Now, Mr. President, Mr. SEWELL was no such man as that. When he ran for the State senate first, and again and again, he was the leading railway officer and the representative of all the railroads in his State, and he made no concealment of the fact. On the contrary, while he did not run as such, he did run asserting, "I am as worthy, if as a man and a citizen you think me so, as you, gentlemen, who are engaged in any other pursuit, avocation, or profession." And that courage elected him. It reelected him. It reelected him. It made him the leader of his party in his State. It did more. It made his State, which has always been freer from prejudice than most of the Commonwealths, choose him the leader of the delegation in six national conventions, where he was to be a great force in saying who should receive the nomination for the Presidency and Vice-Presidency, when upon that nomination and upon that platform depended the fortunes of the party to which he belonged.

When in public life he illustrated that he could be a railway man in his profession and a public man when intrusted by the people with office. To his initiative, to his skill as a business man, and to his lack of prejudice on all questions is due that legislation in the State of New Jersey by which taxation has been lifted, so far as State taxation is concerned, from the farm, from industries, and from labor, and placed upon the corporations. He perfected that system so that from the corporation and not from the farm, not from industries, not from labor, comes in the State treasury of New Jersey to-day revenues which have relieved it of State debt, revenues which pay the whole of its State taxation, revenues which take care of its educational system, and revenues which seem as though they would ultimately wipe out local taxation.

Mr. President, Senator SEWELL was in no sense a spectacular man. We who knew him best knew that he avoided crowds, he avoided applause, he never played to the gallery. He was always intent upon the one thing which he sought to accomplish. The motive power of his career was its directness, its courage, its outspokenness. When he started in the railway business he meant to be president of the railway, and he was; in finance he meant to get a fortune, and he secured it; in politics he meant to go as far as he could under the laws and the Constitution of the United States, and he did.

In this Senate his value was in the fact that he undertook nothing which he did not completely understand, and that which he did understand by the submission of the judgment of his associates to his great judgment, backed up by his wonderful information and industry, became the law of the land.

He started to redeem the State of New Jersey from its rock-ribbed condition in the Democratic party. It had been allied to that party ever since the time of Jefferson, and including Jefferson's time. In that State, which is peculiarly interstate, within itself, in the families who married and intermarried, there were traditions and legends of party associations most difficult to break, most difficult to sever; and Senator SEWELL'S success in the twenty years' struggle by which he turned that State over to his own party, and by which it looks as if it might be kept there, was due to the qualities of leadership in which he differed from most of the political leaders of my time.

Political leaders, as I have known them—and I have known almost all of them in almost every State for forty years—are jealous of youth; they are afraid of young ambition; they hesitate to acknowledge the rising genius which appears in the different localities of their State, and they frequently put a heavy hand on a young man who is marching ahead, according to their judgment, too rapidly, and may possibly interfere with or remove them from the seat of power. SEWELL never had any fear on that point. Wherever there was ambition in youth he encouraged it; wherever there was ability he recognized it; wherever a young man could be placed so that he could be most useful to the cause which SEWELL loved, and which he believed ought to triumph, it never occurred to his brave and manly heart that that boy or that young man could be a rival of himself.

There is one race, Mr. President, which has contributed more to the government of this world in modern times than any other. It bears a very small proportion to other races, almost an infinitesimal portion. Wherever you go around the world, in seeing foreign countries and foreign sights, you come upon the colonies of the British Empire, and recognize that the sun in its course around the globe never sets upon the British flag. Wherever the situation is difficult, wherever government is almost impossible, wherever the climate is most deadly, wherever the population is nearer to barbarism and savagery, and therefore almost impossible to assimilate, there you find as a governor a member of the Scotch-Irish race. The Scotch-Irish race is a very small part of the inhabitants of the British Islands, but in

the civil and military affairs of England they occupy more distinguished, more powerful, and more numerous stations than all other races combined.

That race has contributed much to the glory of the American Army and of the American Navy. Though an almost infinitesimal part of our 80,000,000 people, it has contributed several Presidents to the United States, but it never gave to our public and our business life, it never gave to our citizenship a better example or a more useful service than when it contributed the grit, the pluck, the modest courage, the ability, and the indomitable ambition of Senator WILLIAM J. SEWELL.

Mr. DRYDEN. Mr. President, as the junior Senator from New Jersey, precedent assigns to me the duty of speaking the last word in these memorial services. But the story of General SEWELL'S life, to which we have just listened from the lips of those who knew and honored him, renders it unnecessary for me to speak of him at length.

It is especially fitting that this body, of which General SEWELL was a member for nearly one-fifth of his busy and eventful career, should bear testimony by appropriate action and in a public manner to his sterling character and distinguished services. These solemn observances are far more than a mere adherence to a venerated custom. They testify to a public loss. They signalize a recognition of the virtues of a useful citizen, a brave soldier, a wise statesman.

Devoid of the pomp and show which would characterize a similar event under other forms of government, their very simplicity lends to them a force and dignity appropriate to the life of the man whom we mourn and to the memory of a patriotic and self-sacrificing servant of the Republic, in whose service he was when he died.

Considering the circumstances of his foreign birth, remembering that he came to this country a mere boy in years, both fatherless and motherless, and that without friends or means, and with but scant store of education, he by the exercise of great natural abilities rose step by step from a very humble position in life to be a major-general and a Senator of the United States, the story of Senator SEWELL'S advancement is remarkable and in some respects singular. Except that he was of Anglo-Irish lineage above the common, he might not inaptly have said in the slightly altered language of Bulwer Lytton:

> My father died; and I, the lowly born,
> Was my own lord. Then did I seek to rise
> Out of the prison of my mean estate,
> And with such jewels as the exploring mind
> Brings from the caves of knowledge, buy my ransom
> From those twin gaolers of the daring heart—
> Low Birth and Iron Fortune.

The outbreak of the civil war found General SEWELL, then a young man, residing in New Jersey and already occupying a responsible position in railroad work. He was among the first to answer the nation's call for men to maintain its unity, and recruiting a company of his own went with it to the front as its captain. I shall not attempt to tell his story as a soldier. How he bore his part in that mighty four years' conflict which followed is splendidly attested by his early and numerous promotions, through which he rose steadily to the ranks of lieutenant-colonel, colonel, brevet brigadier-general, and finally brevet major-general. His first star was given him for "gallant and meritorious conduct in the battle of Chancellorsville," where he was severely wounded. For his brilliant services in action at Spottsylvania and Gettysburg, as well as in other great battles of the war, he was awarded a medal of honor by Congress. He was but 30 years of age when he was entitled to wear the double star of a major-general. These memorial events in his career are a part of our country's history, and their story of his bravery and patriotism and of hardships endured for the love of his country will remain there to kindle the pride of his descendants and to encourage American youth to emulate his noble deeds.

Two events subsequent to his service in the civil war illustrate, one, the strength of his martial spirit, and, the other, his capacity for command. Soon after the close of that great conflict he became identified with the National Guard of the State of New Jersey and continued in it for the remainder of his life, being its major-general commanding at his death. Occupying that position when the late war with Spain broke out he was anxious to take the field again and was, in fact, appointed and commissioned a major-general of United States Volunteers by the late President McKinley. Following that occurred a most unusual event. You will remember, Mr. President, you and those who were serving in the Senate with him at that time, how, at the urgent request of the late Vice-President Hobart and a large number of his Senatorial colleagues who believed General SEWELL'S services were imperatively demanded here as a member of the Committee on Military Affairs, he with great reluctance and regret declined the appointment and remained in the Senate at the post which, in the judgment of many of his associates, duty assigned to him.

Of his ability as a military commander I will mention but a single instance. In the year 1877 the country was profoundly agitated by labor troubles, particularly in connection with some of the railroads. In certain localities outside of my own State the fires of discontent, which had been smoldering, broke out in open conflagration. Property was destroyed and human lives sacrificed. Great lines of transportation were tied up and business was in a state of partial paralysis. The trouble reached New Jersey, and the calamity there was imminent. The conditions demanded the exercise of talent of the highest order. To meet the emergency General SEWELL was made provisional commander of the forces of the State, assembled to preserve order, and sent to Phillipsburg, N. J., the greatest point of danger. With rare courage, decision, and good judgment he opened and kept open the lines of travel throughout the territory under his command, restored peace and order, vindicated the majesty of the law, and, what is worthy of the highest praise, accomplished all this without the destruction of property and without the loss of a single life. In the language of a conservative and competent authority, the late Adjutant-General Stryker, of New Jersey, "A more skillfully planned, silently but rapidly executed, and thoroughly effective movement was never made by State troops in the history of this country."

The qualities that enabled General SEWELL to rise to high rank and command in the military service of his adopted country marked him out for conspicuous success in the ranks of peace. Returning upon the close of hostilities in the civil war to his antebellum occupation and resuming his old home in New Jersey, he soon began climbing the paths of peace to new places of honor and trust. No obstacles or difficulties could long stay his advancement. Just as he had shown a marked genius for war, so in business and in statecraft he possessed all the important qualifications that make for success. He was a man of sound judgment, quick in decision, and untiringly industrious. He had in a marked degree one other trait which is essential to permanent distinction in any vocation in life—absolute fidelity to his promise. His plighted faith was an inviolable obligation. No man could ever truthfully charge General SEWELL with lukewarmness or faint-heartedness to any friend or cause he professed to serve.

Immediately after the civil war, associating himself with the Republican party in New Jersey, he was chosen to the State senate in 1873, and continued a member of that body until elected to the Senate of the United States. His influence in shaping public affairs steadily grew, and in the councils of his party in his own State he became the acknowledged and undisputed leader. In the larger field of national politics he was also potential.

Nearly everyone now a member of this Senate knew him well as a colleague, some for a long period of time. Those who served with him will bear me witness that here, as wherever else duty called him, he discharged every obligation with scrupulous fidelity. He did not aspire to the fame of an orator. He was essentially a man of action, not words. His ambition was to be known as a faithful, untiring, and effective worker. How well and aptly he might have said, speaking the words of one of Shakespeare's kingly characters:

> I profess not talking. Only this—
> Let each man do his part.

His favorite resort here was the committee room—that place where so much of the effective business of the Senate is transacted.

But if he shrank from public speaking, he was alert, active, tireless, and zealous in the performance of every duty. He was a man of strong and rugged character and when greatly moved by any cause near to his heart his whole nature became aroused and he could express himself with a directness and force clear, powerful, and convincing. Naturally a man of few words, he weighed his language carefully, but every utterance had its significance and place. I will quote one and only one sentence from the speeches of this taciturn man. It was upon an occasion when the conditions, the circumstances, the surroundings were all calculated to move him profoundly. He was about to retire from the senate of New Jersey, to sever connections which had lasted for years, and to take his seat as a Senator of the United States. As he arose at the call and amid the plaudits of his old friends, he said with much feeling:

> You will not hear from me as an orator, for I am a simple man, laboring as many hours a day as any mechanic in the State, but when the nation and State are attacked and need a bosom to be bared to meet the attack, mine will be bared.

These words furnish a key to his character.

Very much of his influence with his political as well as business associates grew out of the trait of character to which I have already alluded—the absolute dependence that could be put upon his promise. His personal integrity was unimpeachable. Under

what appeared at times to be a rather cold and even haughty exterior he had a kind, sympathetic, and tender heart which moved him to do many acts of benevolence. His faithfulness to anyone who had obtained his confidence and esteem was proverbial. His friendship was as

Constant as the northern star,
Of whose true-fixed and resting quality
There is no fellow in the firmament.

To sum up the life and character of WILLIAM J. SEWELL, judging him by the standard of what he was and what he did, the facts lead to the inevitable conclusion that in his threefold capacity of citizen, soldier, and statesman he acquitted himself in a manner to reflect the highest credit upon the country that gave him free, ready, and largest opportunity to develop and bring into splendid fruition the varied and brilliant qualities born in him, upon the historic State that honored itself in long honoring him, and upon all who were concerned or associated with him in his noble and remarkably successful life work. His exalted quality of citizenship is attested by his achievements in the walks of peace, conspicuous among which was his evolution as a masterful developer of the great railroad system in which he started in a very humble capacity, and with which he was prominently identified nearly all his mature life. His character as a soldier, as incarnated in his deeds, proves him to have been a born commander, as full of sagacity as he was of courage, equally ready as he was resourceful, skillful, and efficient. In the Senate, first of the State he so much loved and so richly adorned and then of the nation whose Government and institutions he idolized, he bore himself from first to last as a wise, painstaking, and patriotic legislator.

There is only the assertion of a simple truth in saying, Mr. President, that the man whose very distinguished career closed upon the 27th day of December, 1901, and whose memory is the occasion of these justly deserved remembrances, was in all the relations of life, private as well as public—

Zealous, yet modest; innocent, though free;
Patient of toil, serene amidst alarms;
Inflexible in faith; invincible in arms.

The Senate thereupon, in accordance with the sixth resolution (at 4 o'clock and 5 minutes p. m.), adjourned, the adjournment being, under the order made this day, until Saturday, December 20, 1902, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate December 17, 1902.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Acting Second Assistant Engineer Jesse W. Glover, of California, to be a second assistant engineer, with the rank of third lieutenant, in the Revenue-Cutter Service of the United States, in place of James D. Newton, retired.

Acting Second Assistant Engineer George W. David, of Massachusetts, to be a second assistant engineer, with the rank of third lieutenant, in the Revenue-Cutter Service of the United States, to succeed Charles A. Wheeler, promoted.

George M. Kohler, of New York, to be a second assistant engineer, with the rank of third lieutenant, in the Revenue-Cutter Service of the United States, to succeed Frank G. Snyder, promoted.

Second Assistant Engineer Samuel M. Rock, to be a first assistant engineer, with the rank of second lieutenant, in the Revenue-Cutter Service of the United States, to succeed William E. Maccoun, promoted.

First Assistant Engineer William E. Maccoun, to be a chief engineer with the rank of first lieutenant in the Revenue-Cutter Service of the United States, in place of George M. Robinson, deceased.

PROMOTION IN THE MARINE CORPS.

Brig. Gen. Commandant Charles Heywood, United States Marine Corps, to be Major-General Commandant of the Marine Corps, from the 1st day of July, 1902, in accordance with the provisions of an act of Congress approved July 1, 1902.

WITHDRAWAL.

Executive nomination withdrawn December 17, 1902.

William H. Northup, of Florida, to be United States marshal for the northern district of Florida, in the place of Thomas F. McGourin, whose term will expire January 9, 1903.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, December 17, 1902.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Richmond Pearson, of North Carolina, now consul at Genoa, to be envoy extraordinary and minister plenipotentiary of the United States to Persia.

COLLECTORS OF CUSTOMS.

Henry Whiting, of Maine, to be collector of customs for the district of Frenchmans Bay, in the State of Maine.

J. Rice Winchell, of Connecticut, to be collector of customs for the district of New Haven, in the State of Connecticut.

SURVEYORS OF CUSTOMS.

James H. Bolton, of Iowa, to be surveyor of customs for the port of Sioux City, in the State of Iowa.

Leander M. Shubert, of Iowa, to be surveyor of customs for the port of Council Bluffs, in the State of Iowa.

RECEIVERS OF PUBLIC MONEYS.

R. B. Kennedy, of Louisiana, to be receiver of public moneys at New Orleans, La.

Edward E. Garrett, of Idaho, to be receiver of public moneys at Boise, Idaho.

William A. Hodgman, of Idaho, to be receiver of public moneys at Hailey, Idaho.

E. D. Owens, of Cozad, Nebr., to be receiver of public moneys at North Platte, Nebr.

SURVEYOR-GENERAL.

Erastus A. Williams, of North Dakota, to be surveyor-general of North Dakota.

APPOINTMENT IN THE MARINE-HOSPITAL SERVICE.

William C. Rucker, of Wisconsin, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

POSTMASTERS.

FLORIDA.

John S. Alley, to be postmaster at Chipley, in the county of Washington and State of Florida.

Charles W. Lewis, to be postmaster at Fernandina, in the county of Nassau and State of Florida.

GEORGIA.

Frank P. Mitchell, to be postmaster at Americus, in the county of Sumter and State of Georgia.

Terrell C. Peterson, to be postmaster at Fort Gaines, in the county of Clay and State of Georgia.

IOWA.

Niles L. Brownell, to be postmaster at Pomeroy, in the county of Calhoun and State of Iowa.

Herbert W. Clark, to be postmaster at Tabor, in the county of Fremont and State of Iowa.

MASSACHUSETTS.

Charles E. Cook, to be postmaster at Uxbridge, in the county of Worcester and State of Massachusetts.

Ella M. Ward, to be postmaster at Millers Falls, in the county of Franklin and State of Massachusetts.

PENNSYLVANIA.

J. Wersler Thomson, to be postmaster at Phoenixville, in the county of Chester and State of Pennsylvania.

Edward H. Graves, to be postmaster at Coatesville, in the county of Chester and State of Pennsylvania.

SOUTH CAROLINA.

Frank M. Emanuel, to be postmaster at Bennettsville, in the county of Marlboro and State of South Carolina.

C. J. Shannon, to be postmaster at Camden, in the county of Kershaw and State of South Carolina.

VERMONT.

Barney Cannon, jr., to be postmaster at Bellows Falls, in the county of Windham and State of Vermont.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 17, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

TIMBER AND STONE FOR RAILROAD PURPOSES IN THE INDIAN TERRITORY.

Mr. DOUGHERTY. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory," approved June 6, 1900, be amended so as to read as follows:

"That the Secretary of the Interior is authorized to prescribe rules and regulations for the procurement of timber and stone for domestic and industrial purposes, including the construction, maintenance, and repairs of railroads and other highways, from lands belonging to either of the Five Civilized Tribes, and to fix the full value thereof to be paid therefor and collect the same for the benefit of said tribes: *Provided, however*, That nothing herein contained shall be construed to prevent allottees from disposing of timber and stone on their allotments, as provided in section 16 of an act entitled 'An act for the protection of the people of the Indian Territory, and

for other purposes,' approved 1898, from and after the allotment by the Commission to the Five Civilized Tribes.

"SEC. 2. That every person who unlawfully cuts, or aids or is employed in unlawfully cutting, or wantonly destroys, or procures to be wantonly destroyed, any timber standing upon the lands of either of said tribes contrary to the provisions of this act and the regulations prescribed thereunder by the Secretary of the Interior, shall pay a fine of not more than $500, or be imprisoned not more than twelve months, or both, in the discretion of the court trying the same."

The following amendments reported by the Committee on Indian Affairs were read:

After the word "highways," in line 11 of section 1, insert the following: "to be used only in the Indian Territory, or upon any railroad outside of the said Territory which is part of any continuous line of railroad extending into the said Territory."

After the word "approved," in line 5, section 1, page 2, insert "June 28."

There being no objection, the House proceeded to the consideration of the bill.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DOUGHERTY, a motion to reconsider the vote by which the bill was passed was laid on the table.

STATUES OF CHARLES CARROLL AND JOHN HANSON.

The SPEAKER. Without objection, the Chair will lay before the House a communication from the governor of the State of Maryland, which the Clerk will read.

The Clerk read as follows:

EXECUTIVE DEPARTMENT,
Annapolis, Md., December 15, 1902.

To the Senate and House of Representatives of the United States, Washington, D. C.

GENTLEMEN: I have the honor to inform you that in acceptance of the invitation contained in section 1814 of the Revised Statutes of the United States, the general assembly of Maryland, by chapter 311 of the Acts of 1898, made an appropriation to procure statues of Charles Carroll of Carrollton, one of the signers of the Declaration of Independence, and John Hanson, President of the Continental Congress of 1781 and 1782, to be placed in Statuary Hall, in the Capitol, at Washington, D. C.

By authority of the act of the general assembly of Maryland, the governor appointed John Lee Carroll, Douglas H. Thomas, Thomas J. Shryock, Fabian Franklin, and Richard K. Cross to constitute a commission to procure and have the statues erected.

I am informed by the commissioners that the statues were made by Mr. Richard E. Brooks, of Boston; that they are completed and have been placed in position, and are now ready to be presented to Congress.

As governor of the State of Maryland, therefore, I have the honor to present to the Government of the United States the statues of the distinguished statesmen named.

Very respectfully, JOHN WALTER SMITH,
Governor of Maryland.

Mr. PEARRE. Mr. Speaker, in connection with the communication just read, I ask unanimous consent for the present consideration of the resolution which I ask the Clerk to read.

The Clerk read as follows:

Resolved, That the exercises appropriate to the reception and acceptance from the State of Maryland of the statues of Charles Carroll of Carrollton and John Hanson, erected in Statuary Hall, in the Capitol, be made the special order for Saturday, January 31, 1903, at 3 o'clock p. m.

There being no objection, the resolution was considered and adopted.

On motion of Mr. PEARRE, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 227. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1902, on the 18th day of said month.

The message also announced that the Senate had passed bill and joint resolution of the following titles; in which the concurrence of the House was requested:

S. 6461. An act providing for an additional district judge in the district of Minnesota; and

S. R. 131. Joint resolution to purchase a bronze portrait bust of the late President McKinley from Mrs. Emma Cadwallader-Guild.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. DILLINGHAM, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States, or are totally disabled in the same, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. MCCUMBER, and Mr. TALIAFERRO as the conferees on the part of the Senate.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6461. An act providing for an additional district judge in the district of Minnesota—to the Committee on the Judiciary.

S. R. 131. Joint resolution to purchase a bronze portrait bust of the late President McKinley from Mrs. Emma Cadwallader-Guild—to the Committee on the Library.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles; when the Speaker signed the same:

H. R. 15140. An act providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Fort Worth, in the State of Texas, on the first Monday in November in each year; and

H. J. Res. 227. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1902, on the 18th day of said month.

PENSION INCREASE.

The SPEAKER laid before the House the bill (S. 4850) to increase pensions of those who have lost limbs in the military or naval service of the United States or are totally disabled in the same, with House amendments disagreed to by the Senate.

The House amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House insist upon its amendments and agree to the conference asked for by the Senate.

The motion was agreed to; and the Speaker announced as conferees on the part of the House Mr. SULLOWAY, Mr. CALDERHEAD, and Mr. MIERS of Indiana.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16021, the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. MONDELL in the chair.

Mr. CLARK. Mr. Chairman, yesterday I raised the point of order as to the last sentence on page 80, line 12 to 18, inclusive. After investigating the matter as thoroughly as I could, I have come to the conclusion that the point of order is not well taken. I therefore ask unanimous consent to withdraw it, if that is the proper course to pursue.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to vacate the action of the committee on the point of order named by him on yesterday. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

For per diem allowance for special agents, classification division, when actually traveling on business of the Post-Office Department, at a rate to be fixed by the Postmaster-General, not exceeding $4, and for other actual and necessary traveling expenses arising in connection with the business of the classification division, $7,000.

Mr. MADDOX. Mr. Chairman, I should like to inquire of the gentleman from Pennsylvania why it is that the salary of the Fourth Assistant Postmaster-General is increased? It seems to me it is a well-known fact that the duties of that office are being rapidly decreased.

Mr. BINGHAM. Primarily the increase was recommended by the Postmaster-General. He believed that the heads of the respective divisions, his assistants, should receive an increased compensation. He recommended an increase of $1,000 in the salary of the First Assistant and of $500 each in the salaries of the Second, Third, and Fourth Assistants. As the work on the part of each of these gentlemen embodies about the same number of hours in labor, being somewhat on a par, your committee did not feel that it could discriminate in the matter of salaries in a continuance of one under current law and a lifting of the other three.

Therefore, without going into the details of the work and recognizing that they all work and give full service, your committee felt that it had better accept the recommendation of the Postmaster-General at this time and not increase one or two, because it would be only a question of a year when the others would come in and ask for an increase. The committee therefore gave the First, Second, Third, and Fourth Assistants each $500. That was the reason for the action of your committee.

Mr. MADDOX. Is it not true that the salaries of these gentlemen are fixed by law?

Mr. BINGHAM. By existing law at $4,000. I will state that this increase is subject to the gentleman's point of order, if he insists upon it.

Mr. MADDOX. I wish to ask the gentleman if it is not true that the duties of the office of the Fourth Assistant are decreasing all the time, every day, every hour, as the rural deliveries are started.

Mr. BINGHAM. I do not think there is any service in the Post-Office Department that is decreasing.

Mr. MADDOX. Not the Fourth Assistant's? Surely the gentleman must be mistaken about that. How many thousand offices have been abolished?

Mr. BINGHAM. I would state that he has the entire inspection of the service of the Post-Office Department under his control, not only the matter of the fourth-class post-offices, but the general inspection of the service of the postal administration.

Mr. MADDOX. Surely my friend will not insist that the Fourth Assistant Postmaster-General has under his control the inspection of the rural delivery. That is under the First Assistant Postmaster-General. All this business is being taken away from him gradually.

Mr. BINGHAM. The rural free delivery is under the First Assistant.

Mr. MADDOX. Yes, and the inspectors are under him.

Mr. BINGHAM. Yes, but I want to say this about the rural free delivery: It is just now for the first time in detail in this bill. We are endeavoring to organize that service, notwithstanding the increase that will doubtless be carried in the Post-Office bill for the extension of that service. Your committee hopes there will be such an organization in what might be called the headquarters division of administration; that there will be a reduction in the Post-Office Department in connection with the expense of rural free delivery. But, primarily, I repeat, we followed the recommendation of the Postmaster-General for these increases for all of his assistants.

Mr. MADDOX. What I wanted to call your attention to was this: It is apparent to everybody—everybody knows—that the duties devolving upon the office of the Fourth Assistant Postmaster-General have decreased largely within the last twelve months, you might say, or within two years.

Mr. BINGHAM. In what respect?

Mr. MADDOX. Why, by the abolishing of fourth-class post-offices in the country.

Mr. McCLEARY. Oh, no.

Mr. MADDOX. Not all of them, but a great many of them. Where a rural free-delivery route is established, in nearly every instance three or four fourth-class post-offices go out of existence.

Mr. BINGHAM. I do not think the employment of the body of fourth-class postmasters took up much of the time of that department. I think his real body of work consists in his investigations and the superintendence of the whole service.

Mr. HEMENWAY. I will suggest to the gentleman that that work is a very limited part of the work. Nearly all of those appointments are made upon the recommendation of members of Congress for these smaller post-offices, and all there is to do is to make out the appointments. That is a very limited part of the work, and it would not be fair to increase the other assistants of the Postmaster-General and not increase the Fourth Assistant.

Mr. MADDOX. Suppose we abolish all the fourth-class post-offices in the country, then what is your Fourth Assistant going to do?

Mr. HEMENWAY. He has charge of the inspection service.

Mr. MADDOX. Of what offices, the Presidential offices?

Mr. HEMENWAY. I think of all the offices.

Mr. MADDOX. Not for the rural delivery. He has nothing to do with that.

Mr. HEMENWAY. I am not familiar with all his duties, but he has numerous duties to perform, and the appointment of postmasters is only a limited part of the work.

Mr. BINGHAM. The compensation of fourth-class postmasters is based upon the certification of the Auditor in the adjustment of their accounts.

Mr. HEMENWAY. The Fourth Assistant Postmaster-General has supervision of all the inspectors except the rural free-delivery service.

Mr. MADDOX. But if all the offices are abolished, then we will have no need of these inspectors. That is where the difficulty is.

Mr. HEMENWAY. A very limited number of offices, as far as business is concerned, are to be reduced by reason of the rural free-delivery service. All the offices in the towns of any size are continued, and the inspection service is a great service, and it must reach out to all of those offices.

Mr. BINGHAM. If the gentleman will turn to page 266 of the Congressional Directory, he will find there a statement concerning the Fourth Assistant Postmaster-General and the details of his line of work. If the gentleman desires, I will read it. But I will say to the gentleman primarily, accepting the recommendation of the Postmaster-General, who is familiar with the whole question, we determined to make this increase, believing it was a reasonable and fair increase. If the gentleman thinks otherwise, he has his rights under the rules on a point of order.

Mr. MADDOX. I could have exercised my rights and made the point of order on all these gentlemen, but I am trying to find out, if I can, why the salary of the Fourth Assistant Postmaster-General should be increased.

Mr. BINGHAM. It will take but two minutes, if the gentleman desires it, to read to him a detailed statement of the work of that office, from the Congressional Directory.

Mr. BOWIE. May I ask the gentleman from Pennsylvania a question?

Mr. BINGHAM. If the gentleman from Georgia will yield.

Mr. BOWIE. It is on this particular point.

The CHAIRMAN. Does the gentleman from Georgia yield?

Mr. MADDOX. Yes.

Mr. BOWIE. I will ask the gentleman from Pennsylvania if it is not true that new fourth-class post-offices are being created nearly or quite as fast as others are being abolished by the rural free-delivery service? In other words, is it not true that the rural free-delivery service extends over only a small part of the country, and that in other parts of the country there is a continual increase in the number of these small offices?

Mr. BINGHAM. Without doubt. The establishment of fourth-class post-offices continue——

Mr. BOWIE. And if that does not equal approximately the decrease caused by the establishment of rural free-delivery routes?

Mr. BINGHAM. That still runs on, as the new offices are asked for by the different communities.

Mr. BOWIE. And if it is not true as a rule that the rural free-delivery routes are established only in what you might call closely settled districts?

Mr. CANNON. If the gentleman will allow me, I think I can answer the question. I have the statement right here. I quote from the annual report of the Postmaster-General for the fiscal year ending June 30, 1902, page 24:

ESTABLISHMENT AND DISCONTINUANCE OF FOURTH-CLASS POST-OFFICES.

There were 3,038 post-offices established during the year and 4,059 discontinued. The principal cause of the discontinuance of so many post-offices was the extension of the rural free-delivery service and the establishment of rural free-delivery stations. The establishment of this service, of course, dispenses with fourth-class post-offices as does the extension of the city-delivery service to towns adjacent to large Presidential offices. During the year there were 1,906 post-offices discontinued owing to the establishment and extension of this rural service, the aggregate of the salaries of postmasters thereat being $116,807.

Now, then, my recollection is, and I can verify it in a moment, that there are about 80,000—between 70,000 and 80,000—post-offices, perhaps. So that there have been almost as many increases as there are decreases.

Mr. BOWIE. That was the point I was trying to bring out.

Mr. CANNON. Here is a great mountain of post-offices, any number, still in the service, and I have no doubt that they will not decrease greatly.

Mr. BOWIE. That was the point I was trying to make.

Mr. BINGHAM. I trust the gentleman will not insist on his point of order.

Mr. MADDOX. I will withdraw it.

The Clerk read as follows:

For postage stamps for correspondence addressed abroad which is not exempt from postage under article 8 of the Paris convention of the Universal Postal Union, $550.

Mr. HEMENWAY. Mr. Chairman, I ask unanimous consent to return to page 58 of the bill, and offer the following amendment.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to return to page 58 of the bill for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Line 21, page 58, after the words "confidential clerk," strike out "one thousand two hundred" and insert "eighteen hundred."

Mr. BINGHAM. I have no objection, Mr. Chairman.

The question was taken, and the amendment was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent to return to page 56, the last line on the page, for the purpose of striking out "$1,200," the salary given to the assistant in laboratory, and making it "$1,800," and I could explain the reason why I desire to move that amendment in a moment.

Mr. BINGHAM. I object to returning to that paragraph.

Mr. STEPHENS of Texas. Will you hear an explanation?

Mr. BINGHAM. With pleasure, and I withhold the objection.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to return to page 56 for the purpose of offering an amendment. Is there objection?

Mr. BINGHAM. The gentleman desires to make an explanation.

Mr. STEPHENS of Texas. The reason for this request, Mr. Chairman, is this: The assayer of the Treasury Department here

in Washington receives $2,200 per annum. He resigned in May this year. No one has been appointed to fill that position; but the assistant is filling the positions formerly filled by both these men. He is a very competent man and an excellent assayer. He has been in that position for twenty years and is only getting $100 a month, or $1,200 per annum. The assistants in some of the other United States assay offices get from $1,800 to $2,000 a year. It is unfair that this man should be held down to $1,200 when other men, performing the same service, get $1,800 or $2,000. The duties are very onerous, he is performing them well, and he deserves to have his salary raised from $1,200 to $1,800 because he is filling the position held by Professor Whitehead, the chief assayer, who has resigned. He could get in any good private assay office in this country twice the wages that he is now receiving.

Mr. BINGHAM. There is nothing in the Book of Estimates recommending promotion or an increase of his compensation.

Mr. STEPHENS of Texas. That is correct; but when the matter is called to the attention of the House and it is shown that one of the employees of the Government is doing double duty, I think the House should see that he is given a fair compensation.

Mr. HEMENWAY. The question is continually before his chief, and certainly the chief should submit an item in the Book of Estimates if he considers him entitled to more compensation.

Mr. STEPHENS of Texas. The chief ought not to be permitted to keep this man doing the duty of two men; and if he has to do double duty, he ought to have double pay.

Mr. HEMENWAY. It is absolutely within the power of the head man to give him the promotion to the place that is vacant.

Mr. STEPHENS of Texas. This man has been performing double duty, and he ought to have more compensation.

Mr. BINGHAM. I decline to return to that page.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to return to page 56. Is there objection?

Mr. BINGHAM. I object to returning to the page.

The CHAIRMAN. The gentleman from Pennsylvania objects.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word, for the purpose of making an inquiry purely. I would like to ask the gentleman from Pennsylvania [Mr. BINGHAM] what is meant in the appropriation in this bill for items similar to the one on page 131, that we have just read: "For purchase, exchange, and keeping of horses"——

Mr. HEMENWAY. If the gentleman will permit me, these lines have been read, and other questions have been discussed; and I think he had better delay moving his amendment until we read the next paragraph.

Mr. GAINES of Tennessee. I simply asked the question for the purpose of obtaining information.

Mr. HEMENWAY. This paragraph is not open now for discussion, as we have passed it. Of course, it is not in order to return to that, but the gentleman can make his motion on the next paragraph.

Mr. GAINES of Tennessee. The Chair will have to decide that. I thought it was to be read down to where it came to the end of the paragraph. I hope the gentleman can at least answer a question which is purely one of inquiry.

Mr. HEMENWAY. We want to pass this paragraph, and then the gentleman can make his inquiry on the next paragraph. The gentleman can then make his motion.

The Clerk, proceeding with the reading of the bill, read as follows:

DEPARTMENT OF JUSTICE.

Office of the Attorney-General: For compensation of the Attorney-General, $8,000; Solicitor-General, $7,500; four Assistant Attorneys-General, at $5,000 each; Assistant Attorney-General of the Post-Office Department, $4,500; solicitor of internal revenue, $4,500; solicitor for the Department of State, $4,500; two assistant attorneys, at $3,000 each; four assistant attorneys, at $2,500 each; assistant attorney, $2,000; assistant attorney, in charge of dockets, $2,500; law clerk and examiner of titles, $2,700; chief clerk and ex officio superintendent of the building, $2,500; private secretary to the Attorney-General, $2,500; stenographer to the Solicitor-General, $1,600; two stenographic clerks, at $1,600 each; one law clerk, $2,500; two law clerks, at $2,000 each; three clerks of class 4; attorney in charge of pardons, $2,400; additional for disbursing clerk, $500; appointment clerk, $2,000; six clerks of class 3; three clerks of class 2; six clerks of class 1; telegraph operator and stenographer, $1,200; nine copyists; one chief messenger, $1,000; eight assistant messengers; four laborers; three watchmen; engineer, $1,200; two conductors of the elevator, at $720 each; eight charwomen; superintendent of building, $250; and three firemen; Division of Accounts: Chief of division of accounts, $2,500; four clerks of class 4; five clerks of class 3; six clerks of class 2; six clerks of class 1; two copyists; one packer, $840; in all, $183,570.

Mr. BARTLETT. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend, by adding on page 134, at the end of line 18, the following:

"For the purpose of enforcing the antitrust laws of the United States, and to enable the Attorney-General of the United States to prosecute suits and legal proceedings against persons or corporations who shall violate the antitrust laws of the United States now in force, or that may hereafter be enacted, the sum of $250,000, or so much thereof as may, in the judgment of the Attorney-General, be necessary; to be expended under the direction of the Attorney-General, and he is hereby directed to proceed against any and all persons or corporations who may have violated or may violate any of the provisions of the antitrust laws of the United States."

Mr. CANNON. Mr. Chairman, I will ask to have that amendment reported again.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again read the amendment.

Mr. BINGHAM. Mr. Chairman, I will make no point of order against that proposition.

Mr. BARTLETT. Mr. Chairman, I do not think this proposition is subject to a point of order. I have but little to say with reference to the amendment. It is a question in which the people are deeply concerned, and which has attracted the attention of the President of the United States, so much so that in his public speeches he has called the attention of the people to the trusts, and in his message to Congress at the opening of this session he recommended that a special appropriation for the purpose of enforcing the antitrust laws of the United States should be made by Congress, to be expended under the direction of the Attorney-General. The Appropriations Committee has not undertaken to comply, so far as I am aware, with that recommendation of the President.

The Attorney-General, in a speech delivered at Pittsburg on October 14 last, before the Chamber of Commerce, said to the American people that the law now on the statute book had been sufficient to enable the Government to prosecute these violators of the law—the trusts, and combinations in the shape of monopolies—and that if the present law is not effective Congress can, under its constitutional power, amend and extend the existing law so as to remedy any defects and effectively regulate national and foreign commerce so as to prevent the stifling of competition, and to destroy monopolies.

Therefore I have thought it proper to offer this amendment giving the Attorney-General this special fund to proceed against these violators of the law, and directing him to institute legal proceedings against them.

Mr. OVERSTREET. Mr. Chairman, I do not rise to oppose the proposed amendment, but to call the attention of the committee to the fact that if such a proposition is deemed wise, the amendment should be perfected. Measures involving the same principle are now in the form of bills before the Judiciary Committee of the House and are now under fair and proper consideration. I do not care to raise the point of order against this amendment, although I think it is clearly subject to such a point. The committee should know, however, that this amendment will not be in legal form when it applies to the execution of antitrust laws. There is no such law known to the statutes as the "antitrust law."

There is a law of July 2, 1890, which I presume is intended to be referred to. There are also certain statutes under the internal-revenue laws which should be referred to in the same way, and rather than let the measure go in this incomplete condition the gentleman ought to agree to some change of language to perfect the amendment.

A bill has been sent for which contains the proper language, and I submit to the gentleman that he should consent to the perfection of this amendment.

Mr. BARTLETT. I will consent to the perfection of this measure or to the doing of anything which will carry out the purpose of prosecuting the violators of these laws.

Mr. OVERSTREET. Oh, Mr. Chairman, the campaign is over, and it is needless for the gentleman to spring any such language as that. If we are to have this legislation, it should be done sensibly and not in the spirit manifested by the gentleman from Georgia. I raise the inquiry whether it would not be better to let this measure go over until the committee which has it now under consideration shall report and perfect it in the language in which it should be placed upon the statute books.

I was about to call the attention of the committee to the fact that the laws themselves should be specifically mentioned and identified. The law of July 2, 1890, and the internal-revenue laws—the sections of the statutes I do not recollect—should be specifically referred to. I ask the gentleman from Georgia if it would not be better to withdraw his proposed amendment in order to perfect it. I may say—and I speak as a member of the committee which now has under consideration at least two bills involving this identical principle—that there has been no disposition to delay the consideration of either one of these measures. I think it is better that it should be taken up in the usual and proper way.

Mr. UNDERWOOD. May I ask the gentleman a question?

Mr. OVERSTREET. Certainly.

Mr. UNDERWOOD. Has not the Attorney-General in various Administrations said repeatedly that the law of 1890, known as the Sherman law, could not be enforced because Congress had never provided him with the funds with which to carry out the provisions of the law?

Mr. OVERSTREET. I am not familiar with any such declarations made, but I have no disposition to dispute the fact.

Mr. UNDERWOOD. I think the Attorney-General has once so reported to Congress. I understand that the disposition here is not to create a new statute, but to provide the Attorney-General with the necessary funds by which he can enforce the law now on the statute books. If that is the case, it seems to me it is purely germane to the bill at this time.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HEPBURN. Mr. Chairman, I offer the following as a substitute for the amendment offered by the gentleman from Georgia.

The Clerk read as follows:

That for the enforcement of the provisions of the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, and sections 73, 74, 75, and 76 of the act entitled "An act to reduce taxation, to provide revenue for the Government, and other purposes," approved August 27, 1894, the sum of $250,000 is hereby appropriated, out of any money in the Treasury not heretofore appropriated, to be expended under the direction of the Attorney-General in the employment of special counsel and agents of the Department of Justice to conduct proceedings, suits, and prosecutions under said acts in the courts of the United States: *Provided*, That no person shall be prosecuted or be subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, in any proceeding, suit, or prosecution under said acts: *Provided further*, That no person so testifying shall be exempt from prosecution or punishment for perjury committed in so testifying.

Mr. HEPBURN. Mr. Chairman, the proposition just read has been carefully prepared. It has been before the Committee on the Judiciary. I do not know that any action has been had upon it by that committee, but I am confident that it meets the approval of certain gentlemen on that committee. In my mind it is preferable to the motion of the gentleman from Georgia, and particularly in that it identifies the law referred to and gives an added probability of conviction, for without the language here used we might have difficulty in the way of prosecutions. Therefore I very much prefer the substitute just read.

Mr. CANNON. Mr. Chairman, I want to say that I am familiar with the proposed amendment offered by the gentleman from Iowa; in fact, it was offered by him, I believe, as a bill and referred to the Committee on the Judiciary. My attention was drawn to it some weeks ago, and it seemed to me that it is an apt provision. I may add that I had in mind, in the event that no other legislation should be had before the reporting of the sundry civil bill—which would ordinarily be the bill to carry such an appropriation as this—to report, if my committee should agree with me, a provision similar to that now moved by the gentleman from Iowa.

But the gentleman from Georgia moved his amendment; no point of order was made upon it—the point, I think, being properly withheld—and that proposition is now before us for consideration. For one I am quite willing to settle it here, so far as we can, and would suggest to the gentleman from Iowa that he increase the sum from $250,000, as proposed in the substitute he moves, to $500,000, and that he make the appropriation immediately available. Without such a provision the appropriation would not be available until July 1.

Mr. HEPBURN. Mr. Chairman, I move to strike out in my amendment "$250,000" and insert "$500,000," and to add the words "to be immediately available."

Now, Mr. Chairman, I believe there is very much of importance in this proposed legislation. The whole country has been agitated by the question, How shall we deal with the trusts and the combinations? Almost all associations of men that have met during the last six months have discussed this question. All the newspapers are discussing it. In my humble judgment, what we need is not legislation, but it is the enforcement of the laws now upon the statute books. There are difficulties in the way of such enforcement. Our system of prosecuting malefactors is perhaps not the most perfect one. Every gentleman will admit that the public prosecutors in Federal courts are not, as a rule, at the head of the bar to which they belong. They are always or nearly always inferior to some of their associates. The corporations secure the very best of talent—not one man, but they seek out and secure the services of a number of the most eminent in the legal profession. Not only that, they have the means of marshaling and procuring testimony, as the public prosecutor can not have.

There is no fund of which I have knowledge that can be used for the purpose of securing testimony; and our prosecutions have failed, not because the provisions of law were not ample, but because the facts needed to secure conviction could not be presented to the attention of the court. This proposition will obviate these difficulties.

I know that gentlemen will say that the Attorney-General now has the power to procure assistance for the district attorneys. But those men, if employed, will always be subordinate and inferior in authority in the prosecutions to the district attorneys. I believe the Attorney-General ought to have the power to go where he pleases and get whom he may, to secure the very best of legal talent, and then reenforce those temporary officers by placing at their disposal the means of securing the necessary proof.

I want to call the attention of the Committee of the Whole to this fact: For years we had a statute which prohibited the granting of rebates by common carriers to shippers; for years it was believed that five great firms in the city of Chicago had been constantly violating that law in the receipt of thousands, and hundreds of thousands, and millions of dollars in the way of rebates upon their trade. The courts were absolutely powerless in the matter because the facts could not be presented. But about a year ago some of the carriers got to quarreling among themselves, and through these contentions the facts became public; and then, using the law that had been upon the statute books for fifteen years, but inoperative, the Interstate Commerce Commission were able to successfully prosecute suits that put an end to those grievances. It was not because the law was insufficient that these long delays in justice had been suffered; it was because of the want of funds to secure those facts absolutely necessary in order that the courts may act. Laws do not enforce themselves. The courts do not operate except as they are moved upon by the ordinary methods of procedure. And we would not have it otherwise. Now, this substitute meets the want from which we have suffered so long.

Mr. BARTLETT. Mr. Chairman, I do not think it lies in the mouth of the gentleman from Indiana [Mr. OVERSTREET] to suggest that the elections are now over, and that this amendment is offered here now by me for political effect only. The committee of which the gentleman from Indiana is a distinguished and honored member has not for a number of years reported any bill or done anything else to relieve the country from the exactions of the trusts, not even when the President of the United States, in his message of December of last year as well as the one delivered to the House at the beginning of the present session, has recommended that some resolute and practical legislation should be enacted to correct the evil of the trusts. And I say that the gentleman does not stand in a position to complain when other members of this House see fit to propose that funds be put at the disposal of the Attorney-General with which to prosecute the trusts of this country. Therefore the criticism that the gentleman from Indiana has made upon the amendment offered by myself is not just or proper.

I offered this because this bill in which it is now proposed to provide funds for the Department of Justice did not contain any sum whatever for that purpose. I offered this because the President of the United States in his message to Congress on the 1st of December, at the opening of this session, recommended that Congress give to the Attorney-General a sufficient special appropriation to enforce the law against trusts and combinations. I offered this because it did not appear that any member of the majority intended to do anything to aid the Attorney-General, or do anything toward prosecuting the trusts of this country, or to carry out the recommendation of the President.

Mr. CANNON. Will the gentleman allow me to interrupt him right there?

The CHAIRMAN. Does the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. CANNON. The sundry civil bill, which is yet to be reported, carries appropriations for the Department of Justice for the enforcement of the law. This bill never has carried them and I am perfectly content that the gentleman should offer his amendment here, but we are not to be chargeable with default until the bill that ordinarily carries such appropriations is reported. Therefore, as the gentleman seems to be anxious that the bill which does not carry such appropriations should carry this amendment, this side of the House interposes no objection, although we are not subject to criticism because this bill did not carry it. It never did carry any appropriation for this purpose.

Mr. BARTLETT. The gentleman from Illinois misunderstood me. I said the gentleman from Indiana, before whose committee these antitrust bills have been for years, has not reported any except the one which was reported just before election two years ago, and passed with the knowledge that it would sleep the sleep of eternal death in the Senate of the United States. [Applause on the Democratic side.] That has never been heard of since. The Republican party, Mr. Chairman, has been masquerading sufficiently before the country on the subject of their opposition to the trusts, and for one I want to put this amendment before the House that it may be voted on.

Now, I accept the substitute offered by the gentleman from Iowa, who I know is always in earnest about legislation that he undertakes to pass through this House. I know that he sympathizes with the effort on the part of the Attorney-General or on the part of the people to rid themselves of the oppression of the trusts, but I would suggest to him that he offer that as an amendment to mine instead of as a substitute, and leave in that

part of my amendment contained in the latter three lines, which provides that "the Attorney-General is hereby directed to proceed against any and all persons or corporations who may have violated any of the laws" which the gentleman has named in his proposed substitute. I suggest to the gentleman that if he will offer his as an amendment to mine and leave that provision in I would be glad to accept it.

Mr. HEPBURN. I would be willing to accept that if it did not contain a reflection on the officer. I do not believe it to be necessary to direct the Attorney-General to perform his duties. He is sworn to do that. The statute imposes the duty upon him, and I think he has shown a disposition to perform it. Now, why should we in this way put this affront upon him?

Mr. BARTLETT. I want to say to the gentleman from Iowa it is far from my purpose to make any reflection upon the Attorney-General of the United States. I think that that officer, inh is speech at Pittsburg before the Chamber of Commerce, which I have before me and which I would like to put into the RECORD, that the country might have it freely distributed, stated what was the correct law on the subject and the condition of affairs that existed and the right of the Government to now proceed against these violations of the law; and I have a high regard of his ability and believe him to be an honest and capable official.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent that I may have one minute more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that he may extend his remarks one minute. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Chairman, inasmuch as it appears, as suggested by the gentleman from Iowa, for whose opinion I have the greatest respect, that this might be a reflection upon the Attorney-General, and not intending to do any such thing, I am content to accept the substitute of the gentleman from Iowa. All I want is legislation on the subject and to give the Attorney-General means to prosecute these violations of the law. [Applause.]

By permission of the House, I append as part of my remarks the speech of the Attorney-General on the subject of the power of Congress to regulate, control, and defeat trusts, combinations, and monopolies. It is a most able and learned exposition of the law on this subject, and shows that if he uses the powers he possesses under the law the evils of the trust can and will be in a great measure remedied and eradicated.

PITTSBURG, PA., *October 14, 1902.*

Attorney-General Knox addressed the members of the Chamber of Commerce at the Hotel Schenley here to-night. There were 700 guests present. The subject of his address was "The commerce clause of the Constitution and the trusts."

The Attorney-General said:

"The people, by common consent, have denominated the great industrial and other corporations now controlling many branches of commercial business trusts. The technical accuracy of the term is unimportant, but indeed it is much more apt than might be supposed, when it is recalled that the essential difference between the old industrial trusts and the great corporations owning and controlling subsidiary ones is that in respect to the former the shares of independent corporations agreeing to act in harmony were lodged with a trustee who received the separate earnings and distributed them among the holders of trust certificates, while as to the latter, a corporation is created to take over the title to the stock or properties of the constituent companies and issue its own shares as the evidence of interest in the combination. The corporation owner of corporations invokes specific legal authority from the legislature of the State under which it is created.

"The President, in his first message to Congress, said:

"'There is a widespread, settled conviction in the minds of the American people that these trusts are, in many of their features and tendencies, hurtful to the general welfare. This springs from no spirit of envy or uncharitableness nor lack of pride in the great industrial achievements that have placed the country at the head of the nations struggling for commercial supremacy. It does not rest upon a lack of intelligent appreciation of the necessity of meeting changing and changed conditions of trade with new methods nor upon ignorance of the fact that combination of capital and effort to accomplish great things are necessary when the world's progress is demanding that great things be done. It is bottomed upon sincere conviction that combination and concentration, while not to be prohibited, are to be controlled, and in my judgment this conviction is right.'

NOT APPALLED BY SIZE.

"These great combinations, now numbering thousands, are the instrumentalities of modern commercial activity. Their number and size alone appall no healthy American. We are accustomed to large things and to do them in a large way. We are accustomed to speak with a justifiable pride of our great institutions and what we have fairly accomplished through them. No right-thinking man desires to impair the efficiency of the great corporations as instrumentalities of national commercial development. Because they are great and prosperous is no sufficient reason for their destruction. If that greatness and prosperity are not the result of the defiance of the natural rights or recorded will of the people, there is no just cause of complaint.

"That there are evils and abuses in trust promotions, purposes, organizations, methods, management, and effects none question except those who have profited by those evils. That all or any of these abuses are to be found in every large organization called a trust no one would assert who valued his reputation for sane judgment.

"The conspicuous noxious features of trusts existent and possible are these: Overcapitalization, lack of publicity of operation, discrimination in prices to destroy competition, insufficient personal responsibility of officers and directors for corporate management, tendency to monopoly and lack of appreciation in their management of their relations to the people, for whose benefit they are permitted to exist.

"Overcapitalization is the chief of these and the source from which the minor ones flow. It is the possibility of overcapitalization that furnishes the temptations and opportunities for most of the others. Overcapitalization does not mean large capitalization or capitalization adequate for the greatest undertakings. It is the imposition upon an undertaking of a liability without a corresponding asset to represent it. Therefore overcapitalization is a fraud upon those who contribute the real capital either originally or by purchase, and the efforts to realize dividends thereon from operations is a fraudulent imposition of a burden upon the public. When a property worth a million dollars upon all the sober tests of value is capitalized at five millions and sold to the public, it is rational to assume that its purchasers will exert every effort to keep its earnings up to the basis of their capitalization. When the inevitable depression comes, wages must be reduced, prices enhanced, or dividends foregone. As prices are naturally not increased but lowered in dull periods, it usually resolves itself into a question of wages or dividends.

STORM CENTERS OF DISTURBANCE.

"While this condition may exist under any circumstances, it is exaggerated by overcapitalization in the illustrating case five to one. The overcapitalization securities enter into the general budget of the country, are bought and sold, rise and fall, and they fluctuate between wider ranges, and are more sensitive in proportion as they are further removed from intrinsic values, and, in short, are liable to be storm centers of financial disturbances of far-reaching consequence. They also, in the same proportion, increase the temptation to mismanagement and manipulation by corporate administrators.

"Corporations and joint-stock or other associations, depending upon any statutory law for their existence or privileges, trading beyond their own State, should be required to do business in every State and locality upon precisely the same terms and conditions. There should be no discrimination in prices; no preferences in service. Such corporations serving the public as carriers and in similar capacities should be compelled to keep the avenues of commerce free and open to all upon the same terms and to observe the law as to its injunctions against stifling competition. Moreover, corporations upon which the people depend for the necessaries of life should be required to conduct their business so as regularly and reasonably to supply the public needs.

"They should be subject to visitorial supervision, and full and accurate information as to their operations should be made regularly at reasonable intervals. Secrecy in the conduct and results of operation is unfair to the nonmanaging stockholders, and should, as well for reasons of state, be prohibited by law.

"If these serious evils were eradicated and a higher measure of administrative responsibility required in corporate officers, a long step would be taken toward allaying the reasonable apprehension that the unchecked aggression of the trusts will result in practical monopoly of the important business of the country.

DIFFICULTY IN FINDING REMEDY.

"Less difficulty is encountered in describing the mischief of trusts than in suggesting a rational and practical remedy.

"The Constitution provides (Article III, section 8): The Congress shall have power 'to regulate commerce with foreign nations and among the several States and with the Indian tribes.'

"Congress July 2, 1890, enacted that every contract, combination in the form of a trust or otherwise, or conspiracy in restraint of trade or commerce among the several States is illegal, providing punishments and conferring jurisdiction upon Federal circuit courts to prevent and restrain violations of the act. It was commonly supposed at the time of the passage of this act that its provisions forbade the existence of trusts that were engaged in monopolizing the production throughout the country of various articles of general consumption, and the Government shared in this view. Action was begun by the United States against what was known as the sugar trust. This was a corporation of the State of New Jersey, which had acquired the stock of a number of sugar-refining corporations in another State by an exchange of its own shares for the shares of the vending stockholders of those companies. It was formed, as its charter stated, for the purpose of 'buying, manufacturing, refining, and selling sugar in different parts of the country.'

"The Government's contention was that the purpose of the purchase was to acquire a substantial monopoly of sugar refining, and as the product was for sale and distribution among the States and to foreign countries that the arrangement was a violation of the law cited. The contract challenged was one vesting in the trust the last of the independent refineries but one in the United States, thereby giving it the almost complete monopoly of a necessary of life. Its control was 98 per cent of the whole. The Supreme Court decided that as the monopoly was in the production or manufacture of sugar and its sale or distribution among the States and to foreign countries was but incidental thereto it was not within the prohibition of the law, saying that manufacturing, although it precedes commerce, is not a part of it, and that the act only applied to restraints of commerce.

"This distinction is easily understood when it is recollected that commerce means intercourse, transmission, communication, transportation, and commerce among the States, the regulation of which rests in the Federal power, means, as the term implies, that this intercourse shall be between or among the States.

"Manufacturing, on the other hand, does not imply or necessitate intercourse among the States, but implies a situs or place for its operations?

DESTROYED PIPE COMBINATION.

"In a subsequent case the Government destroyed a combination known as the Addyston Pipe Combination, but upon the ground that it was a conspiracy among independent producers of pipe to restrain its sale and distribution among the States. The combination in this case operated directly upon interstate commerce.

"These cases seem to define the scope of the antitrust law and show how little there is now left for the statute to operate upon. It is not enough, it seems, that a trust or combination owning corporations exists, or that it is engaged in interstate or foreign commerce, for its mere engaging in commerce is not prohibited, or that it monopolizes production throughout the country, or that it is formed to restrain or monopolize business within a State, or destroys competition in buying or selling within a State, or that by any of these things it indirectly affects interstate commerce with a practical restraint or monopoly, to bring the corporation or its particular transaction within the emphatic clauses or under the drastic penalties of the antitrust law. What seems to be necessary is to establish by legal proof in court a combination for the direct monopolizing or restraining of what is strictly interstate commerce, and to prove this against combinations whose affairs are conducted upon the best legal advice as to what is and what is not obnoxious to the law, by methods secret or ingeniously contrived to avoid the letter of the law.

"I want to call your attention to this law, not in a spirit of criticism, but to show you clearly how far it went and where it stopped.

"It undertook to invalidate all attempts to monopolize interstate commerce, which includes, among other things mentioned, transportation, but

it did not invalidate monopolies of production or regulate commerce in such a way as to free it from the restraints such monopolies directly impose. The court did not say that these indirect effects upon interstate commerce could not be prevented by Congress. It is earnestly contended by many that as it stands this law expresses the limit of Federal power in that direction. But has not Congress the power, by its regulation, to protect commerce between the States from being restrained by State corporations and combinations engaged in interstate trade, when their purpose or effect is to destroy the freedom of such interstate trade, and when their operations are besides injurious to the general public?

LEAVE STATE POWER FREE.

"Regulation under such a power would not interfere with mere production or the power of the State over production. It would only affect them remotely and incidentally, just as a monopoly that produces all or most of a certain line of goods affects commerce indirectly.

"If it be true that a State can authorize or permit a monopoly of production within its borders because it has the power over production as such, although it indirectly affects interstate commerce, may not the United States regulate interstate commerce, over which it has exclusive control, even though it indirectly affects production, over which, as such, it has no control?

"If Congress, under its power to regulate interstate commerce, may utterly destroy a combination and forfeit its property in interstate transit, as the Sherman Act provides, because it restrains such commerce, it seems reasonable to say that it can in the exercise of the same power deny to a combination whose life it can not reach the privilege of engaging in interstate commerce, except upon such terms as Congress may prescribe to protect that commerce from restraint. Such a regulation would operate directly upon commerce and only indirectly upon the instrumentalities and operations of production.

"If the Sherman Act exhausts the power of Congress over monopolies, the American people find themselves hopelessly impotent, facing a situation fraught with the most alarming possibilities, with which neither the Federal nor State governments can deal.

"While States may regulate the production and sale of articles within their own borders, at these borders their authority ceases.

"Jefferson, in his letter of March 15, 1789, to Madison, says of the Constitution: 'This instrument forms us into one state as to certain objects, and gives us a legislative and executive body for those objects.'

"One hundred years later the Supreme Court of the United States declared 'that in the matter of interstate commerce the United States are but one country, and are and must be subject to one system of regulations, and not to a multitude of systems.'

"These are illuminating and vital statements of the original purpose in founding this Government to provide for national control of intercourse and of the extent of the national power over it. The statements were made, respectively, by that great leader of the constructive period who was most jealous for the reserved rights of the States against the encroachment of the new national sovereignty and by one of the wisest judges who have interpreted the Constitution's purposes and meaning.

"In the light of such statements, then, can it be possible that the people of the United States, feeling the pressure of undoubted evils, are nevertheless totally powerless? Is it true that although they know with growing certainty the nature of the wrong and are seeking a remedy, the Constitution as it stands does not permit them to pursue it; that amendment to that charter is first necessary; that the power of Congress does not now extend over detriments injuring the entire body of citizens in their most vital concerns because these detriments originate in the States, although the States in the aggregate, and by the cooperation which is essential, do nothing effective to remove them?

"I do not believe that we find ourselves so helpless. When the currents of monopoly evil obviously flow out over State lines and cover the country, not only entering but largely filling the channels of interstate and foreign trade, it will not do to say that the evil is beyond the national reach, and that because the first step which may lead to the evil is production, which must have a fixed situs within a State, the States alone may deal with it.

"If the States are a nation for some purposes, as Jefferson said, with full legislative and executive power, and exclusive regulation of interstate commerce is one of these purposes, as the Supreme Court has decided, it would seem monstrous to urge that Congress and the Executive under its authority are powerless and must sit idly by and see the channels of interstate commerce made use of to the injury of the people by monopolistic combinations.

"Plainly the power must reside somewhere, either in the nation or in the States' reservations; but the effect of present doubts is to create a dilemma under which, apparently, all power vanishes, the States saying, "Some of us do and some of us do not approve or permit monopolistic production; that is our concern, but when the products cross our borders the problem passes beyond us and becomes a matter of national regulation and control;' and the nation appearing to reply, 'I can deal with commerce passing beyond any one State, but effective regulation here may indirectly interfere with production, and that is a State matter which I may not touch.' And so the national and local sovereignties halt and the delictum escapes. The Supreme Court has characterized the power of Congress to regulate interstate commerce, like the related and sometimes auxiliary power to tax, in terms broad and absolute; it has defined this commerce in language which is inclusive of all phases of interstate intercourse, exchange, and trade; it has merely said that production, under an initial phase of modern consolidations which primarily, at least, regards production alone, is not such commerce. I do not think it can be said that the court has gone beyond this point.

THE METHOD OF PROCEDURE.

"Conceding that the present law is not effective throughout the situation, we come to the final alternative: May not Congress, under the existing constitutional grants, amend and extend the law, and thus remedy its defects and so effectively regulate national and foreign commerce as to prevent the stifling of competition, the regulating of output and price, and the restraining of national and international trade? If the answer to this question should be in the affirmative, a second question follows: How might Congress so amend the present law?

"I do not scruple to say that in my judgment the more a thoughtful mind reflects on the first question the more unhesitatingly will an affirmative answer be returned.

"That regulation by Congress in this way would indirectly or remotely affect production would be no bar. The very point of the sugar-trust case was that a consolidated scheme of production might lead to commerce, or might indirectly or remotely affect commerce, but did not for that reason invoke the Federal power over commerce; and the illustration from the converse of the situation is significant on the point just stated.

"Congress under this power prevents the importation or transportation of articles deemed injurious to the general welfare. Thus the laws subject the movement of explosives to safeguards and burdens, absolutely excludes impure literature and diseased cattle, convicts and contract labor, and scrutinizes and prevents or checks many foreign and interstate movements throughout the entire field of international and national intercourse in the interest of all the people on grounds of commercial, hygienic, or ethical policy. Who shall set limits now, in advance of a carefully framed and judicially tested law, to the competence of Congress to regulate commerce in the way suggested in the exercise of the legislative wisdom and in the wide discretion confided to it? Who shall say that the power of Congress does not extend so far? I think it does. I am quite sure no one can now say that it does not.

"Every constitutional question is an open one until it is authoritatively closed by a decision of the Supreme Court.

"The President said in his first message he did not think the authority of Congress to protect the people against the evils of the trusts had been exhausted. The views I have expressed are but an amplification of his.

PUBLIC SENTIMENT IS AROUSED.

"Public sentiment is sufficiently aroused and the situation is sufficiently grave to call for the effort the President is making to secure an authoritative exposition of existing laws and suggesting additional ones, to the end that the public mind shall be set at rest and these economic questions taken from the domain of controversy and uncertainty.

"And now a word as to what has been undertaken and accomplished under many and peculiar embarrassments in the way of executing existing laws.

"In the early part of this year it came to the knowledge of the President that great railway systems in the Middle West, upon which every section of the country is dependent for the movement of breadstuffs, had entered into unlawful agreements to transport the shipments of a few favored grain buyers at rates much below the tariff charges imposed upon smaller dealers and the general public. This injustice prevailed to such an extent and for so long a time that most of the smaller shippers had been driven from the field and the business formerly enjoyed by them absorbed by a limited number of persons who received secret and preferential rates. In a word, there was practically only one buyer on each railway system, and the illegal advantages he secured from the carrier gave him a monopoly of the grain trade on the line with which his secret compact was made.

"In the earlier period of this discriminating practice it is probably true that the producer obtained a price for his grain slightly in excess of its market value at the place of shipment; but that result followed only during the short time that the nonfavored dealer continued in business. When he was forced to the wall, as he soon was, the only buyer whom the producer could reach was the party who had bargained with the carrier for an unlawful trade. Thus competition in the grain business was destroyed, and the price actually realized by the farmer was frequently less than the proper market value. A favored middleman, by connivance with the railroad, monopolized the grain products of a large area of country, and virtually fixed the price both to the producer and the consumer.

CONDITION AN ODIOUS ONE.

"It was an odious condition. Nor does this describe the full measure of wrongdoing. It reached the centers of trade and affected related industries with more or less disaster. In Kansas City, for example, it was asserted that local dealers had been excluded from participation in the grain trade; that their elevators for the storage and transshipment of grain, built at great expense for the demands of an important market, had been deprived of business, and that large numbers of laborers had lost employment and remained in idleness, solely because of the diversion of business from its natural channels as the result of this forbidden monopoly in the purchase and transportation of grain.

"The board of trade of that city presented a complaint to the Interstate Commerce Commission, and that body conducted an investigation which disclosed, with convincing particularity and detail, the facts already summarized. That they are true in substance and effect is not seriously disputed in any quarter. The Commission also, about the same time, held another investigation, and reported to the Department of Justice that the six largest meat-packing concerns, popularly known as the 'beef trust,' were in a combination with each other and with many great railway lines, whereby they secured large secret concessions in rates for the transportation of their products, which enabled them to practically monopolize the fresh and cured meat industry of the United States.

"Acting upon this information, which discloses definite and probable facts, bills for injunctions were immediately filed against the principal railroads implicated to restrain them from giving preference to any shipper in the rates or facilities of transportation. In March last there were instituted by the Government in the United States circuit court at Chicago six suits in equity against offending railroad companies, and simultaneously eight additional suits were begun against other railroads at Kansas City. In each instance temporary injunctions were granted, which are still in force, restraining the defendant railroads from paying any rebates or granting any preferences whatever to any shipper, so that all persons should stand on an even footing in respect of transportation over the enjoined roads.

"It was not practicable, of course, nor desirable to bring injunction suits against all the railroads in the United States, but it was believed, in thus proceeding against 14 of the most influential lines and having the interlocutory decree of two very eminent Federal judges to the effect that the facts alleged in the bills entitled the Government to the powerful remedy of injunction, that the other carriers would thereafter conform to the law and abstain from illegal practices. How salutary and wholesome the effect has been ask any fair-minded railway manager, who is now enabled to adjust his business freed from the stress of competition with law-breakers, or any honest shipper upon the defendant roads. It is believed that with few exceptions since the issuing of these injunctions the open tariffs have been applied and uniform rates charged to large and small shippers alike. The small grain buyers in the West have resumed operations, the elevators that were closed are doing a profitable business, and the workmen are again employed.

NEFARIOUS BUSINESS MUST STOP.

"In a few cases the Department has been informed that certain railway officials who were not enjoined have taken advantage of the restraint placed upon their competitors and been led by cupidity to seek unlawful earnings by according secret rates to increase their business at the expense of roads under injunction. Several of these officials have been indicted already, and more will be if evidence of their misconduct can be procured. And in this connection I take occasion to say that the efforts of the Commission to stop rate cutting, and all similar offenses, will be constantly aided by the Department of Justice and every official under its direction. This nefarious business is to be stopped if it is in the power of the Administration to stop it.

"Another direction in which kindred effort has been made to enforce the law and prevent the abuse of monopoly deserves a word of comment. The cotton interests of the South—growers, buyers, and shippers—complained of the hardships and injury suffered by them from the methods of the railroads in that section in handling and transporting the cotton output. These carriers, by combined action, denied the right of routing to the shippers—that is to say, the right of the shipper to prescribe over what route his goods should pass, and by agreement with each other determined the lines which should move this important product and the percentage of total shipments which each line should transport. In other words, there was a pooling arrangement between the railroads in respect of this traffic in distinct violation of the Federal statute.

"As the result of information, secured with much difficulty, respecting this forbidden practice a number of indictments were obtained against the offending roads and their principal traffic officers. At first the indicted carriers showed an intention to continue their unlawful combination, and steps were taken by the department to institute similar prosecutions against the same and other carriers for like misconduct at other points in the cotton section. Since that time, however, the roads have receded from their position. They now accord to shippers the right to route their traffic, and avow their purpose strictly to observe the law.

"The remarkable advance in the price of meats, coupled with the disclosures elicited by the Commission respecting secret rebates enjoyed by the great packing houses, and other information obtained by the Department of Justice, induced it to direct an investigation into the methods of the so-called 'beef trust,' as a result of which bills were filed under the Sherman anti-trust law and injunctions issued restraining each of the 6 defendant concerns from combining or agreeing upon the prices at which they would sell their products in States other than those where it is prepared for market, and likewise restraining them from combining and agreeing upon cartage charges for delivering their shipments at destination.

QUESTION OF CONTROL RAISED.

"Under the rules of the Federal courts, after the writs of injunction were issued the defendants had until midsummer to answer or demur to the Government's bill of complaint. They chose to demur to the bill, which raises the question whether, on the facts stated, and under the Constitution and existing law, they are amenable to the control of the Federal Government.

"The Northern Pacific and Great Northern railroads, having their eastern termini at the head of Lake Superior, and extending westwardly via Minneapolis and St. Paul to the Pacific Ocean, occasionally intersecting and again separating, and generally no farther distant from each other than 100 miles, and being in 1901 practically the only competitors in the transportation of traffic to and from most of the States traversed by them, combined together and purchased the capital stock of the Chicago, Burlington and Quincy Railroad system. Thus those two transcontinental lines became the joint owners of another great system which was gradually pushing its rails northwesterly into the territory occupied by the purchasers and westwardly to the Pacific Ocean.

"To effect this purchase the Northern Pacific and Great Northern companies issued joint bonds for $200,000,000. Shortly after the purchase of the Burlington road the principal owners of the Northern Pacific and Great Northern roads caused to be organized under the laws of New Jersey the Northern Securities Company, with a nominal capital of $400,000,000, of which $30,000 was paid in. That company was organized to become the owner of the capital stock of the Northern Pacific and Great Northern railroad companies, and this was accomplished by an exchange of the stock of the New Jersey corporation for the stock of the two railroad companies at such a price that if the securities company got all of the stock of both roads its entire $400,000,000 of capital would be absorbed in the exchange.

"At the time of the purchase of the Burlington road the capital stock of the three railroad systems was about $390,000,000. That was the capital upon which the combined traffic carried by those roads might, after paying expenses of operation, reasonably be expected to provide dividends. By the bond issue to secure the Burlington and the inflation of the 'securities' capital that same traffic is now expected to provide dividends upon more than two hundred millions of stock in addition to the original $390,000,000.

DEPARTMENT BROUGHT SUIT.

"When the Department came into possession of these facts a suit in equity was at once begun to restrain the operation of the proposed merger and to restore the independence of these transcontinental railroads as competing lines, which suit is now pending.

"Here, then, are four phases of the attack on combinations in restraint of trade and commerce—the railroad injunction suits, the cotton pool cases, the 'beef trust' cases, and the Northern Securities case. The first relates to the monopoly produced by secret and preferential rates for railroad transportation, the second to railroad traffic pooling, the third to a combination of independent corporations to fix and maintain extortionate prices for meats, and the fourth to a corporation organized to merge into itself the control of parallel and competing lines of railroad and eliminate competition in their rates of transportation.

"There appears to be no doubt of the facts as set out in the bills filed in these various cases. The combinations proceeded against are in some respects different from those considered in cases that have been decided by the Supreme Court, and it is said by their organizers that they have avoided the prohibitions of the anti-trust law. The Department of Justice, being of opinion that they are each in violation of that law, found it to be its manifest duty to so advise the President, with the result which is known to all.

"My whole purpose in what I have said is to challenge the proposition that we are hopelessly helpless under our system of government to deal with serious problems which confront us in respect to our greatest interests. Since the radical questions of human rights and human governments have been settled, the production, preservation, and distribution of wealth receive the chief attention of civilized peoples.

"The extent to which legislative control over commercial activities should be exercised is, of course, a question for legislative wisdom. We have the experience of the other nations to guide us in determining how far the delicate and mysterious rules of trade can be interfered with by positive statutes without injury. That experience teaches us that the least interference consistent with the preservation of essential rights should exist. Arbitrary regulations that restrain free intercourse are usually found to be unwise.

CRIMES AGAINST COMMON LAW.

"Primarily it is for the Congress to decide whether it has the power and whether and to what extent it will execute it; what character of restraints, whether all or those only which are unreasonable and injurious, shall fall under the ban; whether legislation in the first instance should extend to all commerce or only to commerce in articles of vital importance to the people. The time never was when the English-speaking people permitted the articles necessary for their existence to be monopolized or controlled, and all devices to that end found condemnation in the body of their laws. The great English judges pronounced that such manifestations of human avarice required no statute to declare their unlawfulness; that they were crimes against common law—that is, against common right.

"It is difficult to improve upon the great unwritten code known as the common law. Under its salutary guaranties and restraints the English-speaking people have attained their wealth and power. It condemns monopoly, and contracts in restraint of trade as well. The distinction, however, between restraints that are reasonable in view of all the circumstances and those which are unreasonable is recognized and has been followed in this country by the courts.

"This distinction makes a rule that may be practically applied, and preserves the rational mean between unrestrained commerce and the absolute freedom of contract.

"A law regulating interstate commerce for its protection against restraint, so broad as to cover all persons whose business is conducted under agreements which are in any way or to any extent in restraint of trade, might exclude thousands of small concerns conducting industries in one State from marketing their products in others; but a law which only covers contracts and combinations in restraint of trade as defined by the common law would exclude all hurtful combinations and conspiracies. Congress can, if it sees fit, adopt the scheme of that law. In the enforcement of such law each case as it arose would be considered upon its own facts, and the rule of guidance would be as laid down by the Supreme Court of the United States—that is, 'public welfare is first considered, and if it be not involved and the restraint upon one party is not greater than protection to the other party requires, the contract may be sustained. The question is whether, under the particular circumstances of the case and the nature of the particular contract involved in it, the contract is or is not reasonable.'

FREEDOM OF CONTRACTS.

"Let me give you an illustration showing the difference between a reasonable and unreasonable arrangement or contract at common law. First, as to a reasonable one:

"The case of a sale of a business and its good will is a good illustration. Here a restricted covenant upon the part of the vender not to engage in competition in a similar business is often the main consideration for the transaction. This covenant is, of course, in restraint of trade and interferes with competition. But to make a contract such as this illegal is not only restrictive of the liberty of contract, but it is depriving one of his property without due process of law. Good will is property capable of being appraised, bought, and sold. In many cases it is the main ingredient of value. It represents all the struggle, industry, tact, and judgment that makes success. In estimating the worth of a business it is not infrequently reckoned more valuable than the buildings and machinery that make up the physical plant. Such a contract has been held reasonable and valid.

"Now as to an unreasonable agreement, let me quote an illustration from the pen of a justice of the supreme court:

"In Morris Run Coal Company *v.* Barclay Coal Company (in the supreme court of Pennsylvania) the principal question was as to the validity of a contract made between five coal corporations of Pennsylvania, by which they divided between themselves two coal regions of which they had the control. The referee in the case found that these companies acquired under their arrangement the power to control the entire market for bituminous coal in the northern part of the State, and their combination was, therefore, a restraint upon trade and against public policy. In response to the suggestion that the real purpose of the combination was to lessen expenses, to advance the quality of coal, and to deliver it in the markets intended to be supplied in the best order to the consumer, the supreme court of Pennsylvania said:

"'This is denied by the defendants, but it seems to us it is immaterial whether these positions are sustained or not. Admitting their correctness, it does not follow that these advantages redeem the contract from the obnoxious effects so strikingly presented by the referee. The important fact is that these companies control this immense coal field; that it is the great source of supply of bituminous coal to the State of New York and large territories westward; that by this contract they control the price of coal in this extensive market, and make it bring sums it would not command if left to the natural laws of trade; that it concerns an article of prime necessity for many uses; that its operation is general in this large region, and affects all who use coal as a fuel, and this is accomplished by a combination of all the companies engaged in this branch of business in the large region where they operate. The combination is wide in scope, general in its influence, and injurious in effects. These being its features, the contract is against public policy, illegal, and, therefore, void.'

FOR COURTS TO DETERMINE.

"The question of reasonableness is thus one for the courts to determine, and it is manifest that this doctrine gives play to just considerations of the freedom and inviolability of contracts with proper judicial safeguards against unconscionable arrangements rightly void as contrary to public policy. The Sherman Act is entitled 'An act to protect trade and commerce against unlawful restraints,' etc., and the able dissenting opinion in one of the leading cases in the Supreme Court argues from this indication and other considerations that the restraints intended to be stricken off were only those unreasonable restraints as defined at common law. But the law was authoritatively decided to include all restraints, whether reasonable or unreasonable.

"Nevertheless, in extending the law it might be deemed wise by Congress now to import and impose this distinction clearly for the following reasons among others: Because the hard and fast extreme rule may work injustice in various instances where a moderate restraint is either not harmful at all to the general interests or only slightly so in comparison with the importance of the freedom and sacredness of many contracts which public policy does not manifestly condemn; because the question of reasonableness, as in the common law, should be for the courts—surely the safest arbiter and reliance in human disputes—and because, from the economic standpoint, freer play would thus be given, and perhaps 'a way out' indicated, in the conflict between the important principles of free competition and combination.

"We have no certain knowledge of the nature and effect of the natural laws which are carrying forward evolution in economic and social phenomena as in all other branches of biology, but we may be confident that in some sort and with whatever perversions, public policies, constitutional charters of government, and municipal laws roughly manifest these natural laws and reflect their main tendencies. Proper free play of forces might be maintained by importing into the situation the idea of 'reasonableness' and judicial determination thereof for the control of unnecessarily destructive competition, and for preventing the opposite danger by devising a system of regulation which would strike the evils of combination at the heart and aid in the great object of restraining hurtful restraints and monopolies, especially as to the prime necessities of life.

"The conditions of our commercial life are, as I have said, the result in part of an evolution of forces of world-wide operation. They have developed gradually and are not, perhaps, fully understood. Laws regulating and controlling their operation, before they ripen into a complete system of wise jurisprudence, will be of gradual growth."

Mr. COCHRAN. I concur in some degree with the views of the gentleman from Iowa [Mr. HEPBURN], but dissent from his contention that the Sherman law has remained on the statute books for fifteen years a dead letter, solely because the Attorney-General has had no funds at his disposal with which to prosecute offenders. Although the great monopolies, commonly called trusts, are unlawful, neither their formation nor their lawless conduct has been shielded by secrecy, or even attempt at secrecy.

The Attorney-General has needed no detectives to ferret out the facts. The newspapers have chronicled every step by which these monopolies have been created. The public prosecutors and judges of courts have known when and where they were

formed, the methods used in their formation, and the purposes for which they have been formed. They, in common with the rest of us, have read at the breakfast table in the morning papers detailed accounts of the proceedings by which each of the great monopolies was established. Gentlemen representing rival railroads have met in the public parlors of hotels and there agreed that upon a certain day an increased rate should be enforced by what has been called at one time a "pooling arrangement," at another a "traffic arrangement," and at another a "gentlemen's agreement." The proceedings have appeared next morning in the newspapers. These unlawful combinations have had different names, but always the same effect—the suppression of competition contrary to law. I reiterate the statement that all this has been publicly done. The same is true of other unlawful combinations.

Mr. Chairman, in common with private citizens, who bear the burdens inflicted by this infamous system, Attorneys-General, Federal court judges, United States district attorneys, and United States marshals have known all these facts. The Attorneys-General have not caused the indictment of the offenders, the district attorneys have confined their attention to petty offenders, and the marshals and their deputies have confined their attention to violators of the revenue laws.

Had the courts exhibited the same disposition to punish the general manager of the railroad that they have on occasions shown to punish the baggage master and the brakeman for violating laws and injunctions, there would have been found means ample for the purpose of enforcing this statute.

If what I have said be true, we must look a little further than was indicated by the remarks of the gentleman from Iowa [Mr. HEPBURN] to ascertain why the Sherman law has not been enforced. Presidents, Cabinets, courts, and prosecutors have deliberately ignored it and allowed it to remain a dead letter.

I recall the fact that when recently the President indicated a disposition to enforce this statute, the great bankers and financial potentates, who in recent years have figured as the chief advisers of Presidents and Cabinets, said in the public prints, in interviews, that they were astounded that the President should now resurrect a law that from the start had been treated as a dead letter. These captains of industry and masters of finance declared in these interviews that any attempt to enforce the law was a menace to the general welfare, an assault upon "business interests," and because heretofore the public authorities have refrained from its enforcement, denounced any effort to enforce it as anarchistic and revolutionary.

Here we have the truth. The public authorities have permitted the formation of these combinations by proceedings as deliberate, as orderly, and as public as this session of the House of Representatives, with no effort to prevent their formation or punish the guilty parties. At last, when, under a pressure of public sentiment, to meet the exigencies of a political campaign, the President intimated that prosecutions would be entered upon, the offenders pleaded prolonged immunity and the flagrancy of their lawlessness as a reasonable bar to the proceedings. Some of them arraigned the President as a disturber of the business of the country, and all of them insisted that the proposal to curb the monopolies was a menace to "business interests."

Mr. Chairman, the Sherman law has not been enforced because those charged with the duty have not desired its enforcement. The individual who has been injured by monopoly is loth to enter a civil action, because the tedious and expensive remedy thus sought would cost more than could be recovered. Meantime the criminal statutes have been held applicable to the petty offender, to the violator of the excise laws, to the smuggler of a few dollars' worth of dutiable goods. The public prosecutors and judges who direct the movements of grand juries are responsible for the fact that this law has remained so long a dead letter upon the statute books.

Mr. Chairman, the immunity of the trust managers from punishment is easily explained. Federal judges, Attorneys-General, and public prosecutors in the Federal courts have not been drawn from circles interested in the enforcement of this law. The discussion of the subject shows two schools of thought, widely divergent, and the disputants are equally honest. On one side are arrayed those who believe that it is in the very philosophy of things unescapable that consolidation and concentration shall go on and on, until the reign of the monopolist is universal.

The time of Mr. COCHRAN having expired, by unanimous consent, on his request, it was extended five minutes, and he proceeded with his remarks, as follows:

Mr. COCHRAN. Advocates of this view tell us that modern inventions and modern methods are the forces at work, and that trusts and monopolies are the unescapable consequence. Predicating all their arguments in defense of this system upon this contention, they insist that to attempt to prevent the reign of monopoly is futile resistance of the inevitable. I believe that as to many, if not all, who urge this view, it is plain that they do not regard the prevention of monopoly as desirable.

Is it saying too much to assert that from classes entertaining this view and some entertaining even more extreme views of the same kind, without a single exception during all the period in which these wrongs have been practiced, the Federal judiciary and the prosecutors of the Federal courts have been drawn? I declare that, in my opinion, to this fact alone—the selection of all court officers, judges, and prosecutors, from circles bitterly opposed to anticorporation legislation—are attributable, first, the utter failure to enforce the Sherman law and other similar legislation, and, second, the growing conviction that if we are to get rid of trusts and monopolies we must first get rid of corporation counsel in high places in the judiciary and law department of the Government.

Opposed to the theory which teaches that the modern monopoly is the creature of evolution and unescapable is the belief that licensed avarice and uncurbed lawlessness are the progenitors of monopoly. Mr. Chairman, I believe the masses are of this opinion. Furthermore, the people can no longer be deluded as to who is responsible for the failure to enforce the law. The remedies placed within reach of individuals will never be resorted to, if for no other reason, because generally no aggrieved individual could bear the expense of their enforcement. These remedies will never be invoked for the purpose of suppressing monopoly. What is everbody's business is nobody's business. Therefore we must look to the courts, to grand juries, and to the public prosecutors for relief. And what is the outlook?

It is with reluctance that I declare that it is no longer possible to secure the appointment of an old-fashioned lawyer to the Federal bench. It is an ungrateful thing to say, but it is true that Federal judges in recent years have come from circles in sympathy with the existing system. It is an ungrateful thing to say, but it is true that no representation of the people's side of this question is found in any branch of the Federal Government. The fact that this statute has remained a dead letter for over fifteen years shows conclusively that neither in the White House, nor upon the bench, nor in the prosecutor's office have the people had a representative of their views.

Mr. Chairman, if it be true that from the Chief Magistrate down to the district attorney the Federal officiary charged with the execution of the laws have so long looked with indifference upon the fact that all restraining statutes have been a dead letter, let this one fact be my warrant for this wholesale arraignment. Surely it is sufficient.

And, Mr. Chairman, the Congress is not less fairly subject to similar criticism. When the interstate-commerce bill was passed, the intention of its author and of the Legislature was to provide a tribunal of extensive and salutary powers. The intention of the Legislature and the belief of the people was that we had conferred upon that tribunal plenary powers as to the control of rates, as to the prevention of discriminations, and as to the various evils in railroad traffic which admittedly needed correction.

Soon after its passage a decision was rendered by the Federal courts which fairly annihilated the usefulness of the Commission, and since then it has continued to exist, shorn of its essential powers by this decision, a mere bureau of statistics. In every report of the Commission from that day until this it has asked Congress for such amendment as would give it the powers which it was supposed had been conferred upon it at the time of its creation. Why has this law been allowed to remain unamended, and therefore a dead letter, for so many years?

I venture the assertion that in this House, and at the other end of the Capitol, at every session throughout this long period the individual members, if questioned, would have said the interstate-commerce law should be amended, yet, collectively, the lawmakers have not amended it.

Can any one tell me why?

The CHAIRMAN. The time of the gentleman has expired. The Chair recognizes the gentleman from Ohio.

Mr. GROSVENOR. Mr. Chairman——

Mr. COCHRAN. I ask that I may be permitted to proceed for two minutes longer.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio. The gentleman from Missouri desires to proceed for two minutes further.

Mr. GROSVENOR. I have no objection.

Mr. COCHRAN. Then, summarized, here is the situation: At last a public sentiment has been aroused which demands that something shall be done. Will this demand be persistent and inexorable, or will it be pacified by a brief halt in the process of consolidation and the remission of some of the exactions of the monopolies? Will the persons engaged in this unlawful pursuit be enabled to tide over another Presidential election? The ultimate object of the trusts is to secure definite recognition as legal organizations. In this connection I call attention to the fact that,

notwithstanding the recent attempts of the majority in this House to simulate hostility to trusts, no one in high official circles is demanding anything but the regulation of the trusts. Regulation of the trusts, not their elimination, not the prohibition of trusts, not the prevention of monopoly, is the remedy proposed. To regulate the monopolies would be to recognize them as being lawful. They will exist until repressive legislation accomplishes their extinction.

One remedy is to wipe them out; but they say that they shall be "regulated." The leaders of the Republican party, including the President of the United States, have said there are good trusts and bad trusts. What will we do with the "good trusts?" Nothing, I suppose, for we would not harm that which is "good." What is to be done with the "bad trusts?" The President says we will regulate them. What trusts are good—what bad? Nobody has undertaken to list them.

Plainly, gentlemen, the question to be determined is whether the system shall be recognized and legalized by statutes regulating them or proceed on lines aiming at their elimination. The Republican leaders have abandoned the position which both parties have heretofore taken—that all combinations in restraint of trade are against public policy, injurious to the people, and should not exist in any part of the country. [Loud applause on the Democratic side.]

Mr. GROSVENOR. Mr. Chairman, I do not rise to discuss the general question of trusts. The Democratic party in the early months of the recent campaign presented two propositions to the country about which they proposed to electrify the people. And they proposed to sweep away the Republican majority of the House, and pave the way to the immediate reorganization of the Democratic army, thus to get ready for the grand march of 1904 and the subjugation of the places of power now occupied by the Republican party. One of these propositions was the cruelty to the Filipinos as practiced by the American Army. Several tons of this literature were produced in this Capitol. A second one was to be the question of trusts. The question of imperialism faded away and the question of the overdoses of water administered to the Filipinos evaporated and there was nothing left but the trusts, and when the election was over there was nothing left of the Democratic party. [Laughter on the Republican side.]

We had carried the country in 1900 with a majority for the reelection of McKinley, and had the election at the end of all this trust trouble taken place in November last, we should have added about 39 majority to the electoral vote in favor of the Republican candidate. We swept every State except a part of Rhode Island and a little bit of the exceedingly small State of Nevada, from the Atlantic Ocean on the northeast to the Pacific Ocean on the west, excepting the solid South. That section stands firmly for free trade, restricted suffrage, and all sorts of Populistic isms.

Mr. FITZGERALD. The gentleman forgets that there was a section of New York. [Laughter on the Democratic side.]

Mr. GROSVENOR. Which section was that?

Mr. FITZGERALD. That section from which comes the intelligence of the State, Greater New York. [Laughter.]

Mr. GROSVENOR. I suppose the gentleman does not reside in that section. [Laughter.]

Mr. FITZGERALD. Let me say to the gentleman that I am one of those Representatives, and I am proud of the fact.

Mr. GROSVENOR. I have no doubt the State of New York is proud of its Representative who has just spoken, and so am I.

Mr. FITZGERALD. The gentleman overwhelms me with flattery.

Mr. GROSVENOR. But the State of New York has greater pride, in my judgment, in that distinguished gentleman who was elected governor of New York for the first time in which a Republican governor has been elected to succeed himself since the war of the rebellion. [Applause on the Republican side.] I refer to Governor Odell.

Mr. FITZGERALD. It is the first time the Republican organization has dared to give a Republican governor a chance to succeed himself. [Laughter on the Democratic side.]

Mr. GROSVENOR. Then it shows that we are improving and that the people are ratifying what we do, and approving Republican progress. [Laughter and applause on the Republican side.]

Now, Mr. Chairman, I arose especially to call attention of the gentleman from Missouri [Mr. COCHRAN] to an error in his introductory statement in his long speech. He says the Sherman antitrust law stood until very recently a dormant law. Or perhaps he said "a dead-letter" act. I understood he used the word "dormant." I assume by that he meant that it was not active, that it was not put into operation, that no effort was made to accomplish the purposes for which it was ostensibly passed, and it simply was allowed to lie on the statute books dormant.

The law was passed near the close of the Administration of Benjamin Harrison. It was passed by a Republican House and Senate, and signed by a Republican President, and was passed in obedience to a suggestion of the President. It was introduced into Congress by a Republican Senator and was supported almost entirely and exclusively by Republicans in both Houses of Congress. Unfortunately the smiles of the Almighty about that time were withdrawn from the people of the United States for some reason I never could explain. [Laughter.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HEPBURN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for ten minutes.

The CHAIRMAN. The gentleman from Iowa asks that the time of the gentleman from Ohio be extended ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GROSVENOR. And the gentleman who to-day is the incipient but assuredly the forthcoming architect of the reorganization of the Democratic party for 1904, Grover Cleveland, became President of the United States. One of the earliest acts of his Administration was a pronunciamento sent forth by his Attorney-General that the Sherman law was of doubtful constitutionality and was absolutely inefficient to cure any of the evils against which it was ostensibly aimed, and for four long years, as I recollect the history, the law did "lie dormant" and no action was brought under it while trusts, real trusts, were in actual existence. The Standard Oil trust at that time was a trust to all intents and purposes, the interested members pooling the product and their industries into the hands of trustees, who held certificates and in all respects carried on during the entire Administration the business of a great trust.

When Mr. McKinley came into office, one of the earliest movements of his Administration was to test the declaration of a Democratic Attorney-General, Mr. Olney, and the attack was first made by the Attorney-General's Department against the Eastern Traffic Association, or the Trans-Missouri Traffic Association. Both of them were injurious combinations of railroad management in the form of trusts. Both of them were assailed in the Supreme Court of the United States. The cases were argued by Mr. Richards, the Solicitor-General, a lawyer from Ohio, who had been the attorney-general of that State during two terms of William McKinley as governor, and who was brought here for the express purpose of carrying on those prosecutions; and he destroyed both of those great combinations by the ultimate judgment of the Supreme Court of the United States.

Then, in order to test a further development of that law, an attack was made upon a manufacturing trust in the city of Cincinnati, known as the Addyston Pipe Company, and at the end of the litigation that was broken up. And from that day to this insistent and persistent prosecutions of trusts have been carried on by the Republican Administration. I could attach to my remarks, if necessary, the names of more than 25, more than 50, organizations that have been broken up by virtue and in pursuance of this legislation, and kindred legislation in the States, which the gentleman says has been "dormant"——

A MEMBER. The whisky trust.

Mr. GROSVENOR. The whisky trust, perhaps, being one of them. The Standard Oil Company abandoned its trust character in the State of Ohio and reorganized itself upon the basis of a simple corporation, which probably is not obnoxious to the Sherman Act or any reasonable and constitutional legislation.

Now let me go on.

Mr. COCHRAN. Do you say that the whisky trust was broken up by a proceeding under the Sherman law?

Mr. GROSVENOR. In one phase, certainly.

Mr. COCHRAN. By a proceeding under the Sherman law?

Mr. GROSVENOR. Yes, sir; probably under a proceeding of a State court; I do not know which.

Mr. COCHRAN. Then, when you said it was broken up under the Sherman law you did not know that that was the case?

Mr. GROSVENOR. I did not; and the gentleman did not seem to know anything when he was talking. [Laughter.] I know a little. The gentleman said that the Sherman trust law lay "dormant" until recently. I was pointing out to him that he did not understand the history of his country.

Mr. COCHRAN. Why did you mention the whisky ring?

Mr. GROSVENOR. Because somebody at my right did so as I was enumerating these trusts.

Mr. COCHRAN. Can you name one trust that has been broken up under this law?

Mr. GROSVENOR. I have already done that. I am not to be taken off my feet to answer the gentleman's question. I did not interrupt him when he had fifteen minutes.

I cite to the gentleman the case of The United States *v.* The Joint Traffic Association, reported in 107 U. S. Reports, 505, where the gentleman will find the opinion of the court that broke up and destroyed that organization. I know some of the gentlemen of it. I know the gentleman who was at the head of it. I know that he was living in New York, and I know that he at once

abandoned the office there which he occupied and retired from business.

Mr. COCHRAN. Do you not know also——

Mr. GROSVENOR. I decline to be interrupted any further.

Mr. COCHRAN. I do not blame you.

Mr. GROSVENOR. Now, then, coming on down, we had what was supposed to be a beef trust. The present Attorney-General took it into the courts of the country. I do not undertake to stand here and say whether that meat trust was obnoxious to the law or not; but it was assailed by the Attorney-General under this so-called dormant statute, and it at once dissolved itself rather than meet the prosecution in the courts. Is it a dormant statute that is now being invoked against the merger in the Northwest? Is it a dormant statute that is being invoked in New Jersey in a proceeding in which the chancellor has just delivered an opinion upholding the law? Is that a dormant statute? It is a statute, Mr. Chairman—and when I have said this I have said all I desire to say—it is a statute which, in my opinion, contains all that it is possible to put in English that shall inveigh against illegal combinations for any purpose in this country in the form of a trust. And I do not believe that the gentleman from Missouri, while he stands here and scolds everybody because he says something has not been done, can add to our statutes stronger language than the antitrust Sherman law of 1890 now contains.

Mr. GOLDFOGLE rose.

The CHAIRMAN. Does the gentleman from Ohio [Mr. GROSVENOR] yield?

Mr. GROSVENOR. Yes, sir.

Mr. GOLDFOGLE. The gentleman concedes the existence of trusts, and concedes that they were unlawful combinations under the statutes of this Government. Will he point out a single instance in which the Attorney-General or any other Federal officer attempted to prosecute in the criminal courts of the United States any one concerned in the trusts, which the gentleman himself assumes and has conceded to be illegal?

Mr. GROSVENOR. I am not sure—my information is not perfect—but were not the members of the ice trust in New York prosecuted? [Laughter on the Republican side.] It may not have been done by indictment of the grand jury, but it was done by virtue of the verdict of the people of the State of New York. I have some recollection on that subject.

But I did not get up here to cover the whole field of discussion. We shall have more time in the future when the Republican committees of this House shall have perfected the legislation which we propose to offer to the country. But in the meantime I desire that my friend from Missouri shall not be unmindful of the earnest efforts that have been made by the Republican Administrations at every step of the way to enforce a law that was originally discredited and denounced by the only Democratic Administration that we have had since the war of the rebellion, and I pray the last one we may ever have. [Laughter and applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, I have listened with a good deal of interest to the remarks of my friend from Ohio [Mr. GROSVENOR], and I am glad to see that he has made a confession that we have been anxious to have made by the Republican party for some years—that is, that the laws now on the statute books known as the antitrust laws are not mere idle statutes, but that they are effective; that they can stop the trust evil if they are enforced. I understand the gentleman from Ohio states that that is the case. Well, the people have complained greatly in the last twelve years, since the enactment of what is known as the Sherman law, that the trusts were destroying individual enterprise and individual business in this country. The Republican party has repeatedly repudiated the idea that they were responsible for that condition of affairs.

Yet since the enactment of the Sherman law, the act of 1890, we know that the trusts in this country have developed and grown and taken possession and control of the business of the country more than has ever been known in the history of this country before. Now, the gentleman from Ohio says, and correctly says, in my judgment, that the law has been on the statute books all the time by which these trusts could have been driven out of business. In fact, he points with pride to one or two cases where the Republican party has actually used the law on the statute books to suppress certain trusts that it was not in partnership with, but I want to ask him if the law that he takes so much pride in, the law that he says is effective and can suppress trusts, is on the statute books, why has not the Republican party, which has been in power in this country since 1896 and which has had absolute control of the legislative and executive branches of this Government since 1896, suppressed the trusts? I would ask him why, since the Republican party has had complete control of the executive—the President, the Attorney-General, and Congress, with the power to provide money—it has not suppressed the trusts?

Mr. LACEY. Mr. Chairman, I would like to interrupt the gentleman.

The CHAIRMAN. Does the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. LACEY. Is not the gentleman aware of the fact that the Supreme Court in the sugar trust case held that a manufacturing corporation manufacturing in a single State could not thus be controlled?

Mr. UNDERWOOD. Well, in some cases of course the trust law does not apply; but the gentleman from Ohio, one of the leaders of the Republican party on the floor of this House, has just said in the presence of this House that the law was ample and that the Republican party took pride in the fact that the law was enacted under the Administration of President Harrison, by a Republican House and by a Republican Congress. He has pointed out that it could be enforced, and was enforced in several instances, but I ask you to look at the trusts that exist to-day. Enumerate in your own mind and before the people the trusts that are a living menace to the people to-day, and yet, according to the confessions of your own leader, you have had the law in your hands and have had the power and the ability to suppress those trusts since 1896, and have not done it.

Now, I congratulate the gentleman from Iowa [Mr. HEPBURN] and the gentleman from Illinois [Mr. CANNON] that when this side of the House offers an amendment to this bill to aid the Attorney-General and the Executive of this great Government to enforce the law against the trusts they had the manhood to stand up for the masses of the common people of this country; that they have had the manhood and the courage, notwithstanding the political line, to come across and accept the proposition we made and aid us in the enactment of this legislation, which will do something toward suppressing the evils that the people are crying against.

Mr. GAINES of Tennessee. Mr. Speaker, I rejoice that we have an opportunity to pass this resolution putting this amount of money in the hands of the Attorney-General to vigorously enforce our antitrust laws. I regret that it has not been done before.

The resolution which is now pending, introduced, as it shows on its face, by my distinguished friend the gentleman from Iowa [Mr. HEPBURN], on "December 1, 1902," was not reported to this House nor brought into this House until the Republicans were pricked into action to-day by the movement of the Democrats on this side, led by the gentleman from Georgia [Mr. BARTLETT].

Mr. Chairman, it has been stated by the gentleman from Ohio [Mr. GROSVENOR] that the antitrust act of 1890, known as the Sherman law, is a product of the Republican party. I deny the proposition.

I go back farther, Mr. Chairman, to the time when Mr. Cleveland was a candidate for President, and recall the fact that he, with the Democrats, denounced trusts, while the "Plumed Knight from Maine," Mr. Blaine, his competitor, said that trusts were "private affairs with which the people had no concern."

The Democratic party in 1884 put into its platform a plank denouncing "trusts," and the Democrats scored a victory on that platform.

In 1888 we again denounced "trusts," and when the time came in 1890 to pass judgment upon what is now known as the Sherman antitrust law the Democrats and Republicans united in the Senate and in the House in its enactment, and when that measure passed this House and when it passed the Senate there was not a single solitary dissenting vote. Yet we hear it stated in this House and upon the stump that that law is a Republican measure.

The first bill introduced on "trusts" was by Mr. Sherman, undertaking, it is said, to kill the "Diamond Match trust" that had its head in the State of Michigan, from which State hails the president and founder of that "trust," a recently appointed United States Senator from that State.

Mr. Chairman, when, in 1890, this measure came up in Congress its constitutionality was doubted by leading members of both parties; but it soon got into the courts and all doubt has been removed, while the law has been vigorously enforced when the Democrats were in power.

I regret that the gentleman from Ohio [Mr. GROSVENOR] is absent, for I wish to say that his claim that the Addyston pipe trust case—the leading case on that subject—was begun by a Republican Administration is not correct. That suit was filed on "December 10, 1896," by order of Attorney-General Garland, a Democrat, who instructed Mr. Bible, a Democrat, the United States district attorney at Chattanooga, in my State, to file that suit, and in addition to filing an injunctive process by which that great trust was ultimately crushed, he instituted criminal proceedings under this antitrust law and secured the conviction of the parties interested in the trust. They were found guilty under the law and were fined $5,000 each.

The criminal sections of this great and drastic law that crushes when it is enforced, that is innocent when it is not enforced, are now ignored in the great "beef-trust case." The authorities have simply gone to Chicago—I have it from the officer in

charge—and filed an injunction suit against this trust. They have not followed the example of General Garland and of Mr. Bible and a Democratic Administration and indicted the trust agents and those interested in it. The United States district attorney at Chicago said to me that if they disobeyed the injunction they would be brought up for contempt and put in jail in that way.

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment offered by way of substitute to the amendment offered by the gentleman from Georgia [Mr. BARTLETT], which was accepted by the gentleman from Georgia.

The substitute was agreed to.

The CHAIRMAN. The question now is upon the original amendment as amended by the substitute.

The amendment as amended was agreed to.

Mr. BARTLETT. Mr. Chairman, I desire to ask unanimous consent to extend my remarks, and in so doing to include portions of the speech delivered by the Attorney-General at Pittsburg.

Mr. HEMENWAY. Does the gentleman intend to put it all in?

Mr. BARTLETT. I will; yes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD, and to include certain printed matter in them. Is there objection?

There was no objection.

The Clerk read as follows:

For the rent of buildings and parts of buildings in the District of Columbia used by the Department of Justice, $20,100.

Mr. GAINES of Tennessee. Mr. Chairman, when the trust question came up I was about to ask the chairman of the committee reporting this bill how much money does this and other appropriation bills carry for hack hire, carriage hire, horse hire, livery bills, and so forth, for various Federal officers here in the city of Washington.

Mr. BINGHAM. I will state to the gentleman that by a rough calculation the amount carried by this bill for that purpose is about $12,000. I would further state to the gentleman that under the statute the contingent funds of all the departments must be set out in an official document annually, giving every detail of the expenditure.

Mr. GAINES of Tennessee. I understand that.

Mr. BINGHAM. And that document is available.

Mr. GAINES of Tennessee. I wanted to find out how much hack hire, etc., the Government was paying for these officials.

Mr. BINGHAM. Twelve thousand dollars in this bill, and the details of the expenditure of the contingent fund can be found in the printed document annually sent to Congress.

Mr. GAINES of Tennessee. Where can that document be found?

Mr. BINGHAM. In the document room.

Mr. GAINES of Tennessee. I wanted to find out how much hack hire, livery bills, etc., the Government paid for these gentlemen. I understand that has been the law for a long time, and I wished merely to find out how much we were spending to meet such very necessary and imperative obligations.

Mr. GOLDFOGLE. Mr. Chairman, I ask unanimous consent to extend my remarks on the amendment offered by the gentleman from Iowa [Mr. HEPBURN].

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

To defray the cost of the employment of auditors and additional stenographers, when deemed necessary, in the Court of Claims, to be disbursed under the direction of the court, $8,000.

Mr. GAINES of Tennessee. Mr. Chairman, I have here two letters addressed to Attorney-General Griggs, and his reply, dated May 31, 1900, showing the number of trust suits instituted since the passage of that act down to that date. I will ask unanimous consent to extend my remarks in the RECORD by inserting these two letters.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD.

Mr. CANNON. Upon what subject, Mr. Chairman?

Mr. GAINES of Tennessee. It is a letter addressed to Attorney-General Griggs asking him the date and name of the cases that had been filed under the antitrust act, known as the Sherman law, from the enactment of that law down to that date—May 31, 1900. It is an official letter.

Mr. CANNON. It has been printed in the RECORD.

Mr. GAINES of Tennessee. It has. I want to correct a statement made by the gentleman from Ohio to-day.

Mr. CANNON. Now, having been printed in the RECORD once, I shall object to it being printed again. If it had not been printed I would not object.

The CHAIRMAN. Objection is made.

The Clerk read as follows:

SEC. 3. That the appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons permanently incapacitated for performing such service.

Mr. ROBINSON of Indiana. Mr. Chairman, I desire to propose an amendment to line 22. Strike out the word "permanently" and insert "incompetent or," so as to read, the compensation of the employees provided for shall not be given to "persons incompetent or incapacitated" from the performance of such service. I think the committee will have no objection.

Mr. BINGHAM. We have no objection here.

The Clerk read as follows:

In line 22, page 141, strike out the word "permanently" and insert in lieu thereof the words "incompetent or."

The question was taken, and the amendment was agreed to.

Mr. CANNON. Mr. Chairman, I ask unanimous consent to turn back to page 14, line 19, and offer the following amendment:

The Clerk read as follows:

On page 14, line 19, after the word "dollars," insert "and $1,000 additional while the office is held by the present incumbent."

The CHAIRMAN. Is there objection?

Mr. RICHARDSON of Tennessee. I will state that I have not a copy of the bill before me.

Mr. CANNON. I will state to the gentleman what the amendment is.

Mr. RICHARDSON of Tennessee. Reserving the right to object, I would be glad to have the gentleman make an explanation.

Mr. CANNON. I think the committee ought to understand the amendment before giving its consent.

Mr. GAINES of Tennessee. What page is the proposed amendment on?

Mr. CANNON. Page 14, line 19. The matter I seek to amend reads as follows: "Clerk to the Committee on Appropriations, $3,000." The Clerk will now please read the amendment.

The Clerk read as follows:

On page 14, line 19: "and $1,000 additional while the office is held by the present incumbent."

Mr. CANNON. I offer that amendment because I believe it ought to be adopted. A single word and I am ready for a vote. If there is any objection, as I hope there will not be, the present——

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. RICHARDSON of Tennessee. So far as I am concerned, I am prepared to say there is no objection. I do not make that statement because the gentleman affected by it happened to live in my State a great many years ago, but because I know he deserves it.

The CHAIRMAN. The Chair hears no objection.

Mr. CANNON. Just a single word in justification of this amendment. This is not an ordinary amendment. The clerk of the Committee on Appropriations now receives $3,000. He has been clerk to that committee for a quarter of a century. He is now 48 or 49 years of age. We have had genuine civil service in the Committee on Appropriations in the selection and retention of its clerk ever since its organization. Most committee clerks change as the House changes. This one has not changed. Under all organizations of the House he has remained. I have no hesitation in saying, from the standpoint of integrity, intelligence, and usefulness to the House, that while the present incumbent holds that place a thousand dollars additional is under rather than over compensation. But gentlemen understand the work of this committee and the efficiency of its clerk. He is here substantially all the year long, in vacation as well as during the session, and perhaps more nearly an encyclopedia touching the public service than any man in my acquaintance.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and the amendment was agreed to.

[Loud applause.]

The Clerk continued and concluded the reading of the bill.

Mr. BINGHAM. Mr. Chairman, I now move that the bill and amendments be reported to the House with the recommendation that the same do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MONDELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16021, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be adopted and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded upon any of the amendments? If not, they will be submitted in gross by the Chair.

The question was taken on the amendments in gross; and they were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BINGHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVES TO WITHDRAW PAPERS FROM THE FILES.

By unanimous consent, Mr. LOUDENSLAGER was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Lucetta Fix in the Fifty-seventh Congress, no adverse report having been made thereon.

Mr. IRWIN was given leave to withdraw from the files of the House, without leaving copies, papers in the case of John W. Neville, Fifty-seventh Congress, no adverse report having been made thereon.

CHANGE OF REFERENCE.

By unanimous consent, the following changes of reference were made:

The bill (H. R. 16126) for the relief of pensioners of the Metropolitan Police relief fund, from the Committee on the District of Columbia to the Committee on Appropriations.

The bill (H. R. 15343) further regulating the class of matter denied admission to the mails, from the Committee on the Post-Office and Post-Roads to the Committee on the Judiciary.

The SPEAKER. This brings us to the special and continuing order.

Mr. HEPBURN. Mr. Speaker, with reference to that I desire to say to the House that the gentleman from Ohio who made the report upon the bill 1309 has been called away from the city and is necessarily detained on a very important matter. I know that it is his desire to open this discussion, and I believe it would be for the benefit of the House that he should have this privilege. If there is some other matter that may occupy the attention of the House, I would be glad if it could be called up now without prejudice to that order.

The SPEAKER. On the motion of the gentleman from Iowa this was made the regular and continuing order. The Chair can direct a call of the committees if the gentleman is not ready.

Mr. GROSVENOR. Mr. Speaker, before that call begins, I want to say that the chairman of the Committee on Ways and Means, whom I do not see present just now, has a bill which he proposes to call up at this time. It is a bill of considerable importance, and the committee desires to pass it this afternoon. I have sent for him and hope he will be here in a few moments.

Mr. MCCLELLAN. I want to say to the gentleman that the bill was reported from the committee, but I do not think the committee voted to press it this afternoon or at any stated time.

The SPEAKER. The House can not postpone its business to oblige absentees. The Clerk will proceed with the call of committees.

EMPLOYMENT OF ENLISTED MEN IN COMPETITION WITH CIVILIANS.

The Clerk called the Committee on Labor.

Mr. BARTHOLDT. Mr. Speaker, there is some unfinished business from the Committee on Labor. A bill was discussed and put on its final passage, and on that vote the gentleman from Michigan [Mr. HENRY C. SMITH] made a point of no quorum, and therefore, I believe, this is the business now.

Mr. UNDERWOOD. Mr. Speaker, the previous question was not ordered on the bill which the gentleman refers to, and I do not think it can be privileged. The House had reached the point where it proposed to vote, and the House adjourned at that time. The previous question was not ordered. It seems to me that if the bill is now in order it can only be in order on the call of committees.

Mr. BARTHOLDT. That is what I claim; that it is an order under the call of committees, and the Committee on Labor has been called.

The SPEAKER. The gentleman from Alabama overlooks the fact that this committee is now on call.

Mr. UNDERWOOD. I did not understand it so. I did not hear the Clerk call that committee.

The SPEAKER. It is clearly in order now as unfinished business.

Mr. UNDERWOOD. But the previous question has not been ordered, and it is open for debate.

The SPEAKER. That is not the question. The matter is before the House. The Clerk will report the resolution by title.

The Clerk read:

House joint resolution 9, in reference to the employment of enlisted men in competition with local civilians.

The SPEAKER. As the Chair is advised of the status of this bill, the House, when it adjourned, was dividing on the engrossment and third reading of the bill, so that the bill had reached that stage for consideration, and at that stage it must resume it as unfinished business. The question is on the engrossment and third reading of the joint resolution.

The question was taken; and the Chair being in doubt, on a division there were—ayes 30, noes 43.

Mr. BARTHOLDT. Mr. Speaker, I ask for the yeas and nays.

The question on ordering the yeas and nays was taken.

The SPEAKER. Thirteen gentlemen rising; not a sufficient number, and the yeas and nays are refused, and the House refuses to order the bill to be engrossed and read a third time.

The Clerk proceeded with the call of committees, and when the Committee on Ways and Means was reached:

Mr. PAYNE. Mr. Speaker, I desire to make a privileged report from the Committee on Ways and Means on House bill 15702, to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902. I gave notice to the minority of the committee that I would call up the bill to-morrow, but I understand they are willing that it should be called up at this time.

The SPEAKER. The gentleman from New York will understand that we are now on the call of committees, and the bill which he brings in is not on the House Calendar.

Mr. PAYNE. But it is a privileged matter.

The SPEAKER. Not on this call.

Mr. PAYNE. Does the Chair hold that I can not make a privileged report at this time?

The SPEAKER. The Chair holds that when we are on this call we can not be interrupted even with a privileged report.

The Clerk proceeded with the call of committees, and when the Committee on Railways and Canals was reached:

Mr. ROBERTS. Mr. Speaker, I understand the chairman of the Committee on Railways and Canals has a bill on the Calendar which he would like to call up. He is absent to-day, but in his absence I ask that bills of that committee be passed without prejudice.

The SPEAKER. The gentleman from Massachusetts asks that the bills from the Committee on Railways and Canals be passed without prejudice. Is there objection. [After a pause.] The Chair hears none.

Mr. HOPKINS. Mr. Speaker, when the Committee on Census was called I was out of the Chamber. I was not aware that the Speaker was to call the committees, and I ask unanimous consent that the Clerk may go back to the Census Committee.

The SPEAKER. The gentleman from Illinois asks that the Clerk recur to the Census Committee. Is there objection?

Mr. UNDERWOOD. I would like to inquire, Mr. Speaker, what bill it is that the gentleman wants to take up?

Mr. HOPKINS. It is Senate bill 1833, to transfer the records of various censuses to the Census Office. It is a bill favored by the committee.

Mr. RICHARDSON of Tennessee. Was this bill unanimously reported by the Senate committee?

Mr. HOPKINS. Yes, sir.

Mr. KLUTTZ. It was unanimously reported by the Senate committee and also by the House committee.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. HOPKINS] that the Committee on the Census be recurred to?

There was no objection.

TRANSFER OF CENSUS RECORDS.

The bill (S. 1833) providing for the transfer of census records and volumes to the Census Office, and for other purposes, was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to transfer to the Census Office all of the schedules, records, and volumes of reports of the 11 decennial enumerations from 1790 to 1890, inclusive, that may be in the possession of the Department of the Interior, which transfer shall not change the allotment of such reports heretofore made to Senators and Representatives; and the Director of the Census is hereby authorized, upon the request of a governor of any State or Territory, or the chief officer of any municipal government, to furnish such governor or municipal officer with copies of so much of said files or records as may be requested, at the discretion of the Director of the Census, upon payment of the actual cost of making such copies; and the amounts so received shall be covered into the Treasury of the United States, to be placed to the credit of and in addition to the appropriation made for the taking of the census.

Mr. HOPKINS. This bill, I think, explains itself. I will not take up time in discussing it, but will ask for a vote.

The question being taken, the bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. HOPKINS, a motion to reconsider the last vote was laid on the table.

MILITARY BADGES.

Mr. MONDELL. I ask unanimous consent that the Committee on Military Affairs be recurred to.

Mr. RICHARDSON of Tennessee. We should like to know what bill the gentleman desires to call up.

Mr. MONDELL. Senate joint resolution No. 57.

Mr. RICHARDSON of Tennessee. Let the resolution be reported, reserving the right to object.

The SPEAKER. Without objection the joint resolution will be reported.

The joint resolution (S. R. 57) relating to military badges was read, as follows:

Resolved, etc., That the distinctive badges adopted by military societies of men who served in the armies and navies of the United States during the Chinese relief expedition of 1900 may be worn upon all occasions of ceremony by officers and men of the Army and Navy of the United States who are members of said organization in their own right.

Mr. RICHARDSON, of Tennessee. Mr. Speaker, still reserving the right to object, I should like the gentleman to explain the effect of this joint resolution.

Mr. MONDELL. It is similar to a number of resolutions which have been adopted. It authorizes the officers and men of the Army and Navy of the United States who participated in the expedition which relieved the legations at Pekin to wear the distinctive badges which have been adopted by the society which those men have organized.

There being no objection, the House proceeded to the consideration of the joint resolution, which was ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will now proceed with the call.

The call of committees was resumed and concluded.

The SPEAKER. The Chair will now recognize the gentleman from New York [Mr. PAYNE], if he so desires, upon the privileged matter referred to some time ago.

Mr. PAYNE. If I am in order now, I would like to have the bill read.

The bill (H. R. 15702) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902, was read.

Mr. RICHARDSON of Tennessee. In reply to the statement made a few moments ago by the gentleman from New York, I will say that what he stated is true. When this bill was reported this morning some members of the minority did say that if the bill was to be taken up to-morrow it might just as well be taken up to-day, because they would not have any more opportunity to-morrow to examine the report and make answer to it than they would have to-day. But the gentleman from New York stated that the bill would not be called up until to-morrow; and I know that some members of the minority, especially one member of the minority of the Committee on Ways and Means, have left the House with the understanding that the bill would not be called up until to-morrow.

Mr. PAYNE. All right. Then I give notice that I will endeavor to call it up to-morrow immediately after the reading of the Journal.

Mr. McCLELLAN. It is understood that I have the right to file the views of the minority before adjournment to-day?

Mr. PAYNE. There is no objection to that.

Mr. HEPBURN. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 2 o'clock and 30 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following Executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, inviting attention to the claim of Jean Florentine Poiret—to the Committee on Private Land Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a report of the annual inspection of the several Branches of the National Home for Disabled Volunteer Soldiers—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Assistant Clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases, relating to the ship *Briseis*, James Breath, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for National Home for Disabled Volunteer Soldiers—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for Western Branch of National Home for Disabled Volunteer Soldiers—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, asking the cancellation of the estimate for keeper's dwelling at Race Point light station—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, asking the correction of the estimate for Minots Ledge light station—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a statement of the employees in the Light-House Establishment and their compensation—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for purchase of battlefield at Balls Bluff, Virginia—to the Committee on Military Affairs, and ordered to be printed.

A letter from the chairman of the Interstate Commerce Commission, transmitting the annual report—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BRUNDIDGE, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 15708) to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation, reported the same without amendment, accompanied by a report (No. 2906); which said bill and report were referred to the House Calendar.

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 15702) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902, reported the same without amendment, accompanied by a report (No. 2907); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14930) granting a pension to William H. Houseal, reported the same with amendments, accompanied by a report (No. 2883); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15789) granting a pension to Benjamin Cooper, reported the same with amendments, accompanied by a report (No. 2884); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15558) granting an increase of pension to David A. Baldwin, reported the same with amendments, accompanied by a report (No. 2885); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14195) granting an increase of pension to David T. Towles, reported the same with amendments, accompanied by a report (No. 2886); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5118) granting an increase of pension to Adam Stuber, reported the same with amendment, accompanied by a report (No. 2887); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3302) granting a pension to Henry G. Wheeler, reported the same with amendments, accompanied by a report (No. 2888); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15064) granting an increase of pension to Frederick Shovar, reported the same with amendment, accompanied by a report (No. 2889); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2353) granting an increase of pension to Almond Partridge, reported the same without amendment, accompanied by a report (No. 2890); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3503) granting an increase of pension to E. H. Brady, reported the same with amendments, accompanied by a report (No. 2891); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3397) granting an

increase of pension to Eliza A. Walker, reported the same without amendment, accompanied by a report (No. 2892); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1829) granting an increase of pension to George W. Brill, reported the same with amendment, accompanied by a report (No. 2893); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15386) granting a pension to Mary J. Cleaves, widow of George S. McCorrison, reported the same with amendments, accompanied by a report (No. 2894); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14518) granting an increase of pension to James D. Kiper, reported the same with amendments, accompanied by a report (No. 2895); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12215) granting an increase of pension to Henry M. Posey, reported the same with amendments, accompanied by a report (No. 2896); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15771) granting an increase of pension to Adam Kohlhauff, reported the same with amendments, accompanied by a report (No. 2897); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12812) granting an increase of pension to Otis T. Hooper, reported the same without amendment, accompanied by a report (No. 2898); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13534) granting an increase of pension to James Evans, reported the same with amendments, accompanied by a report (No. 2899); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11625) granting an increase of pension to Alexander H. Taylor, late of Company E, Twelfth Connecticut Volunteer Infantry, now a resident of Norwalk, Conn., reported the same with amendments, accompanied by a report (No. 2900); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15550) granting a pension to Mary A. Hinkle, reported the same with amendments, accompanied by a report (No. 2901); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10350) granting a pension to Rebecca Piper, foster mother of Simpson Eaton, reported the same with amendments, accompanied by a report (No. 2902); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9734) increasing the pension of John P. Peterman, reported the same with amendments, accompanied by a report (No. 2903); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 13530) for the relief of Ephraim Greenawalt, reported the same without amendment, accompanied by a report (No. 2904); which said bill and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the resolution of the House (H. Res. 362) referring certain claims to the Court of Claims for findings of fact under the terms of the Tucker Act, reported the same with amendments, accompanied by a report (No. 2905); which said resolution and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 15635) granting an honorable discharge to Thomas J. Cable—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 3504) granting a pension to Grace Ashton Negley—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15827) granting a pension to Grace Ashton Negley—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16050) for the relief of James I. Mabee—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. GLASS: A bill (H. R. 16202) fixing the times and places for holding regular terms of the United States circuit and district courts in the western district of Virginia, and for other purposes—to the Committee on the Judiciary.

By Mr. NEEDHAM: A bill (H. R. 16203) to increase the limit of cost for the purchase of a site and erection of a public building at Fresno, Cal.—to the Committee on Public Buildings and Grounds.

By Mr. GARDNER of New Jersey: A bill (H. R. 16204) for the establishment of a light-ship with fog signals at Brigantine Shoal, off the coast of New Jersey—to the Committee on Interstate and Foreign Commerce.

By Mr. CONRY: A bill (H. R. 16205) to provide for the erection of a public building at Boston, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. FOWLER: A bill (H. R. 16228) providing for the issue and circulation of national-bank notes—to the Committee on Banking and Currency.

By Mr. LAMB: A resolution (H. Res. 366) that a messenger is hereby appointed to serve in the room assigned to the minority of the House, to be paid out of the contingent fund of the House at the rate of $100 per month until otherwise provided for—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BARTHOLDT: A bill (H. R. 16206) for the relief of James Dickens, late of Company B, Pacific Battalion Missouri Home Guard Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16207) to grant a pension to Edward Cahalan—to the Committee on Invalid Pensions.

By Mr. BENTON: A bill (H. R. 16208) for the relief of Harmon Conley—to the Committee on War Claims.

By Mr. BOREING: A bill (H. R. 16209) for the relief of William Wallbrecht, receiver—to the Committee on Claims.

By Mr. BURK of Pennsylvania: A bill (H. R. 16210) granting an increase of pension to John C. Callahan—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: A bill (H. R. 16211) granting an increase of pension to John Cummings—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 16212) granting an increase of pension to Sanders W. Johnston—to the Committee on Pensions.

By Mr. FOERDERER: A bill (H. R. 16213) granting an increase of pension to George P. Wood—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 16214) granting a pension to Sarah A. Sullivan—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 16215) granting a pension to Laura A. Hoyt—to the Committee on Invalid Pensions.

By Mr. MADDOX: A bill (H. R. 16216) for the relief of Wells B. Whitmore, of Cobb County, Ga.—to the Committee on Claims.

By Mr. PADGETT: A bill (H. R. 16217) granting an increase of pension to Julia E. Jones—to the Committee on Pensions.

Also, a bill (H. R. 16218) for relief of William G. Tidwell—to the Committee on War Claims.

By Mr. REEDER: A bill (H. R. 16219) granting an increase of pension to William J. Hart—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD (by request): A bill (H. R. 16220) donating to Camden County, Mo., all public lands within its borders for building a court-house therein—to the Committee on the Public Lands.

By Mr. SHAFROTH: A bill (H. R. 16221) granting an increase of pension to Gideon Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16222) for the relief of Samuel Gates—to the Committee on Military Affairs.

By Mr. SULLOWAY: A bill (H. R. 16223) granting an increase of pension to Henry S. McAllister—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16224) granting an increase of pension to William Montgomery—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 16225) for the relief of Sarah McClenahan—to the Committee on Pensions.

Also, a bill (H. R. 16226) for the relief of Eli H. Rhodes—to the Committee on Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 16227) granting a pension to R. C. Worthington—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of the General Assembly of the Presbyterian Church, Pittsburg, Pa., to enact laws prohibiting the sale of intoxicating liquors in Soldiers' Homes, in Government buildings, and in immigrant stations—to the Committee on Alcoholic Liquor Traffic.

By Mr. ADAMS: Resolutions of the Philadelphia Board of Trade, in opposition to the passage of House bill 3076, limiting the hours of daily service of laborers—to the Committee on Labor.

By Mr. ALEXANDER: Resolutions of the Manufacturers' Club of Buffalo, N. Y., favoring bill to grant permission to the Mather Power Bridge Company to erect experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: Petition of St. Louis Union, No. 6, International Brotherhood of Firemen, for an increase of the pay of firemen in the United States service—to the Committee on Appropriations.

Also, resolutions of the Art League of St. Louis, Mo., asking for the repeal of duty on imported works of art fifty years or more of age—to the Committee on Ways and Means.

Also, resolutions of the Commercial Club of Kansas City, Mo., in favor of the admission to statehood of Oklahoma, New Mexico, Arizona, and Indian Territory—to the Committee on the Territories.

Also, petition of St. Louis Central Trades and Labor Union, indorsing House resolution 9, prohibiting the competition of enlisted men with civilians—to the Committee on Labor.

Also, petitions of citizens and business firms of St. Louis, Mo., favoring House bills 178 and 179—to the Committee on Ways and Means.

By Mr. BOWERSOCK: Petition of the heirs of Thomas J. Ingraham, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Franklin Post, No. 69, Grand Army of the Republic, of Olathe, Kans., to accompany House bill granting a pension to Andrew J. Baucom—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: Petitions of the Friends Meeting and the Baptist Church of Oxford, Pa., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CASSEL: Petition of G. W. Hackenberger, of Bainbridge, Pa., for the enactment of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of Bartenders' Alliance, Troy, N. Y., indorsing the proposed eight-hour law—to the Committee on Labor.

By Mr. FOERDERER: Petition of the Clawson Company, of Philadelphia, Pa., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, papers to accompany House bill granting an increase of pension to George P. Wood—to the Committee on Invalid Pensions.

By Mr. GORDON: Petition of citizens of St. Marys, Ohio, asking for favorable action upon the bill reducing the tax on liquor—to the Committee on Ways and Means.

Also, papers to accompany House bill 15944 granting an increase of pension to Joseph N. Carter—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of the Woman's Christian Temperance Union of Allegheny County, Pa., asking for the continuance of the anticanteen law, and opposing the admittance of New Mexico and Arizona to statehood without an antipolygamy provision—to the Committee on Military Affairs.

Also, petition of the Keystone Watch Case Company, Philadelphia, Pa., against the passage of the eight-hour bill—to the Committee on Labor.

By Mr. GROSVENOR: Petition of G. W. Cramer and other citizens of Urbana, Ohio, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HEMENWAY: Petition of American Pharmacal Company and others, of Evansville, Ind., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HOWELL: Petition of Wheeler Condenser and Engineering Company, of Cartaret, N. J., favoring the Lovering customs drawback law—to the Committee on Ways and Means.

By Mr. WILLIAM W. KITCHIN: Petitions of the F. R. Penn Tobacco Company, Reidsville, N. C., and F. Goolsby, Madison, N. C., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. PADGETT: Papers to accompany House bill relating to the claim of William G. Tidwell—to the Committee on War Claims.

Also, papers to accompany bill granting a pension to Mrs. J. L. Jones, widow of a soldier of the Mexican war—to the Committee on Pensions.

By Mr. RIXEY: Petition of heirs of John T. Armstrong, deceased, of Alexandria, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RYAN: Petitions of John O. Manning and 113 others, Delaney & O'Brian and 42 others, all citizens of Buffalo, N. Y., favoring bill to grant permission to the Mather Power Bridge Company to erect experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY C. SMITH: Petition of Joseph B. Davis, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. THOMAS of North Carolina: Petition of Henry Lee and others for the improvement of White Oak River—to the Committee on Rivers and Harbors.

By Mr. WILLIAMS of Mississippi: Papers to accompany House bill granting a pension to Eli H. Rhodes, a soldier in the Indian wars in Florida—to the Committee on Pensions.

Also, petition of Sarah McClenachan for a pension—to the Committee on Pensions.

By Mr. YOUNG: Petition of Burnham, Williams & Co., Philadelphia, Pa., favoring House bill 15368, amending the customs drawback law—to the Committee on Ways and Means.

Also, petition of the National Live Stock Association, favoring the passage of House bills 14488 and 14643—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 18, 1902.*

The House met at 12 o'clock m., and was called to order by the Clerk, who read the following communication:

DECEMBER 18, 1902.

I hereby designate Hon. JOHN DALZELL, of Pennsylvania, to perform the duties of the Chair this day.

D. B. HENDERSON, *Speaker.*

The SPEAKER pro tempore having taken the chair, prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

VENEZUELA.

Mr. HITT. Mr. Speaker, by direction of the Committee on Foreign Affairs, I submit a privileged report, two resolutions of inquiry, Nos. 352 and 363. The committee instructs me to recommend the adoption of No. 363, and that No. 352 lie on the table. I will send them to the desk, and ask that resolution No. 352 be read.

The resolution was read, as follows:

Resolved, That the honorable Secretary of State be, and he is hereby, requested to inform the House, at the earliest date practicable, and so far as he may be able to do, of the nature and extent of the claims of Great Britain and Germany, respectively, against Venezuela; whether the correctness or rightfulness of said claims, in whole or in part, is disputed by Venezuela; what effort, if any, and by whom, if anybody, has been made to settle peaceably, by arbitration or otherwise, the matters, or any of the matters, the subject of controversy between Venezuela upon the one side and Great Britain or Germany upon the other, and with what result, if any, with full particulars; what, if any, part the United States have taken or are taking in the controversy aforesaid; whom, if any, of the officers of the United States have been consulted by any of the parties to the said controversy, and in regard to what matter or matters, and with what result; what, if anything, has been said or done by the United States with relation to the Monroe doctrine and its due and respectful observance in the transactions with reference to the British and German claims against Venezuela, or any of them; to what extent, if any, the United States have been consulted or conferred with as to the substance, or application, or applicability of the Monroe doctrine to the Venezuela question aforesaid, and with what result; what, if anything, the United States have done, or are doing, to insure, or toward insuring, respect for the Monroe doctrine in and concerning Venezuela, and the result of such efforts, if any; and whether, in his judgment, the United States can, by a firm assertion of the Monroe doctrine, bring about, or aid in bringing about, a peaceful and fair adjustment of the disputes between the nations aforesaid, so as to have fully respected the principles of the Monroe doctrine and to preserve the governmental and territorial integrity and independence of Venezuela.

Mr. HITT. Mr. Speaker, for the better understanding of the action proposed, I ask for the reading of No. 363.

Resolution No. 363 was read, as follows:

Resolved, That the Secretary of State be directed, if not incompatible with the public interests, to inform the House of Representatives touching any understanding or agreement between the Governments of Great Britain and Germany on the one hand and the diplomatic officers of the United States on

the other, or any assurances by the said Governments to the diplomatic officers of the United States, as to the nature, extent, and purpose of the joint demonstration of said Governments against Venezuela, and particularly with reference to the occupation of the territory of Venezuela, and to transmit to the House of Representatives the correspondence, if any, upon the subject between the diplomatic officers of the United States and the said Governments, or either of them.

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman if this last resolution, 363, is to lie on the table?

Mr. HITT. I will state that the committee recommends the adoption of the last resolution, No. 363, as it calls for the whole correspondence on this subject, and I believe that correspondence will be transmitted to the House.

Mr. PAYNE. I notice that the first resolution is very broad and seems to include matters that ought not to be in the State Department.

Mr. HITT. The first resolution is included, substantially, in the second, except in one point, that which asks for opinions; that the committee thought was not in accordance with usage, and that part of the resolution was not approved. This does not imply that the committee disagreed to the inquiry being made, but it adopted the form of that general resolution, No. 363. Therefore I ask the House to act first upon resolution No. 363.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to ask the gentleman if the inquiry or correspondence called for relates alone to the controversy between Venezuela on the one side and Germany and Great Britain on the other, and if so, why is the correspondence with respect to Italy omitted? I understand that Italy is figuring in the matter quite extensively, as well as other countries in Europe. Why not include all the correspondence?

Mr. HITT. I am advised, and I think I am certain, that the correspondence is the same that would be sent for one or the other resolution and covers the whole subject. It calls for what the Department has, and that is all we want.

Mr. RICHARDSON of Tennessee. Then there was no object in the committee omitting Italy?

Mr. HITT. No; this resolution was chosen because the phraseology seemed preferable, and it had in it the usual provision "not being incompatible with the public interests."

Mr. RICHARDSON of Tennessee. I understand the minority of the committee joined in the report.

Mr. HITT. This is the unanimous report of the committee, with the recommendation that the resolution referred to be adopted.

Mr. DINSMORE. The two resolutions are practically the same, the committee accepting No. 363.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER pro tempore. Without objection, the resolution 352 will lie on the table.

There was no objection.

UNION STATION.

The SPEAKER pro tempore laid before the House the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes, with House amendments disagreed to by the Senate.

Mr. BABCOCK. Mr. Speaker, I move that the House insist on its amendment and agree to the conference asked for by the Senate.

The motion was agreed to.

The following were announced as conferees on the part of the House: Mr. BABCOCK, Mr. MUDD, and Mr. MEYER of Louisiana.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 2492. An act to reimburse the Mellert Foundry and Machine Company for money retained by the United States for failure to complete a contract within a specified time;

H. R. 4471. An act for the relief of James M. Chisham;

H. R. 11893. An act granting an increase of pension to Cornelia A. Dennis;

H. R. 13449. An act granting an increase of pension to Mary A. E. Scott;

H. R. 14801. An act to make Wilmington, N. C., a port through which merchandise may be imported for transportation without appraisement; and

H. R. 15593. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1904, and for other purposes.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested:

S. 6502. An act relating to ceded lands on the Fort Hall Indian Reservation.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2296) to amend an act approved March 2, 1895, relating to public printing.

The message also announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House was requested:

H. R. 16057. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 4617) to authorize a resurvey of certain lands in the State of Wyoming, and for other purposes.

The message also announced that the Senate had passed the following resolutions:

Resolved, That it is with deep regret and profound sorrow that the Senate hears the announcement of the death of Hon. WILLIAM J. SEWELL, late a Senator from the State of New Jersey.

Resolved, That the Senate extends to his family and to the people of the State of New Jersey sincere condolence in their bereavement.

Resolved, That, as a mark of respect to the memory of the deceased, the business of the Senate be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Secretary transmit to the family of the deceased and to the governor of the State of New Jersey a copy of these resolutions, with the action of the Senate thereon.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as an additional mark of respect, at the conclusion of these exercises the Senate do adjourn.

PHILIPPINE ISLANDS REVENUE ACT.

The SPEAKER pro tempore. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15702) to amend the Philippine Islands revenue act.

The question was taken, and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PALMER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15702, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 15702) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902.

Mr. PAYNE. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. About a year ago, Mr. Chairman, the House passed a bill providing revenue for the government of the Philippine Islands. Among other things embraced in that bill was section 2, which provided that upon all merchandise coming from the Philippine Islands to the United States a duty equal to 75 per cent of the duties under the Dingley Act be imposed and collected. In addition to that there were some export duties, and also some import duties on goods coming from other countries and from the United States to the Philippine Islands. Those latter duties were imposed by the Philippine Commission or Philippine government. We ratified and confirmed the tariff rate made by this Philippine Commission as to these duties, both export and import, however taking off finally the export duties on goods coming to the United States from those islands. Section 2, as I said, of that bill provided for the imposition of 75 per cent of the Dingley rates upon goods coming from the islands to the United States.

This bill simply amends section 2. It reenacts the section as amended, and the only change in the entire section made by this bill is on page 2—I think line 3—where we strike out 75 per cent and insert 25 per cent, so that, after the passage of this bill, there will be levied on goods coming from the Philippine Islands duties at the rate of 25 per cent of the Dingley rate. That is the only change we are making to the entire act.

The committee will remember that another section, section 4 of that act, provided that all the duties imposed by the act, all the revenues arising under the act, should not be covered into the Treasury of the United States, but should be turned over to the Philippine government for the support of that government.

This legislation is directly in line with the Porto Rican tariff act, a bill which originated in the House of Representatives, and which provided that 15 per cent of the duties under the Dingley Act should be imposed upon goods coming from Porto Rico to the United States. Although that bill was denounced in various quarters, and in many quarters, at the time of its passage as unconstitutional, as poor policy, as unjust to the people of the island of Porto Rico, and as a measure likely to bring upon them poverty and distress, yet, after two years under that bill, at the end of which time free trade was inaugurated between the United States

and that island, after two years of the beneficent influences of that bill, the island of Porto Rico and its people found themselves enjoying a greater state of prosperity in every direction than they had ever enjoyed before, save, perhaps, in the one item of coffee, upon which there was absolutely free trade between Porto Rico and the United States under that act.

Mr. McCALL. May I ask the gentleman if Porto Rico has languished any since free trade went into effect?

Mr. PAYNE. Oh, certainly not.

We provided, further, in that bill that after a suitable provision had been made to pay all running expenses of the government there should be free trade between Porto Rico and the United States. The bill was purely a revenue measure as well as a measure to give relief to the people of Porto Rico who were then paying 100 per cent of the Dingley rates. It was put on the ground of raising revenue to support that government; it was put on the ground of raising revenue because there was no other way in the disorganized condition of the people of the island to raise revenue, as the House will remember, because of the storm which had swept the island and the destruction of its industries.

Now, Mr. Chairman, under the present laws, since the 8th of March the revenues under section 2 of the Philippine Islands act have been small. They amount, up to the 30th of September, to the sum of $15,183.07, a very small sum compared with the $12,000,000 of revenue which have come from other sources in the islands. It is the opinion of the Commission, and the opinion of the Secretary of War, that if we reduce the rate of duty there will be so much greater amount of imports that the revenue will be much larger than it has been under the present act, and they ask that this 25 per cent of duties be retained simply as a revenue measure.

The report of the Secretary of War shows an apparent surplus of revenue over expenditures of about $2,000,000, as gentlemen will find in Appendix Q attached to that report, but this is only an apparent surplus. As I am informed, the amount has already been appropriated by the Philippine government for the necessary expenses of the islands.

One reason which is urged for the lowering of these duties is that which gentlemen will find in the report, or extracts of the report of the Secretary of War, which is published with the report of the committee. The Philippine Islands have been afflicted during the past year by the rinderpest, which has destroyed, they say, 90 per cent of the only beasts of burden known in these islands up to the time of the American occupation—the carabao. Of course this has worked great harm and disaster, especially to the agricultural portion of the people of those islands. Think of blotting out 90 per cent of the beasts of burden in any community, and the results which will follow that, Mr. Chairman, show that there must be a great disturbance of economical conditions and a great blow to the agriculture and commerce of the country.

Not only that, but a disease called the "surra" has also afflicted the horses and mules, those which the United States has taken over into these islands, as well as the native horses already there. So about 10,000 of these beasts of burden have been destroyed. The islands are in a bad condition financially. Added to this has been the cholera, which has swept away a great many human lives and has extended throughout a large portion of the islands and interfered greatly with the commerce and trade of the islands and with the people of other countries.

In addition to this it is reported by the Commission that about 75 per cent of the rice crop was destroyed by the storms—by hail, I believe. And then added to this there was a plague of locusts, which came in upon the islands and destroyed much of the remaining 25 per cent of the rice crop. So that the people need relief.

It may occur to some gentlemen that they should have more relief than is carried in this bill; that we should take off the 25 per cent. If they did not need this revenue, Mr. Chairman, I should be in favor of taking off the 25 per cent, but they demand the revenue, as they did in the island of Porto Rico, and which was found so beneficial in Porto Rico. We reduced the duties to 15 per cent of the Dingley rates and added greatly to the commerce of that country, restored prosperity to that country, and gave them better prices for their sugar and tobacco that came into the United States.

Now, of course, any importations which will come directly under this bill in the next few years from the Philippine Islands will not at all affect the price of sugar and tobacco in the United States. They will get just as much here for their sugar and tobacco, and they will save upon the price which they get 50 per cent of the Dingley rates. So that in that way it will help out and promote the agricultural and commercial interests of the islands of the Philippines to pass this bill.

Mr. Chairman, I have been anxious to urge this bill before the House before the holiday recess so that it might get to the Senate as soon as possible, and thus relief might be heralded to the islands. A year ago I asked the House to pass the Philippine tariff bill, and urged it through the House. An attempt was made to pass it in another body, and it did not succeed until about the 8th day of March. Unless greater progress is made with this bill in the coordinate branch it will not get through there until after the 4th day of March. So I felt it my duty to urge upon the House the consideration of this bill at the earliest practicable moment that it might get over to the Senate for consideration and might speedily become a law in order to give relief to these people of the Philippine Islands. Mr. Chairman, I reserve the balance of my time.

Mr. ROBINSON of Indiana. Mr. Chairman, might I ask the gentleman his opinion in regard to the industries of rice and sugar that he speaks of in the Philippine Islands and the effect that this legislation will have upon those industries here? I call the gentleman's attention to the fact that in the report to the Secretary of War, and according to the interests of the Philippine Islands, they are asking as a necessity the importation of Chinese laborers to work and exploit those industries in the Philippines. What will be the effect upon the industries of rice and tobacco here?

Mr. PAYNE. Mr. Chairman, this bill has nothing to do with the importation of Chinese into the Philippine Islands. I am opposed to the importation of Chinese into those islands. It is now prohibited by law. I do not know whether it is proposed to change it here anywhere in the United States.

Now, as to rice; they never have been able to produce anywhere near the quantity of rice they consume, and of course they can not export it to the United States. So far as sugar is concerned, I have already explained that the little which would come from the Philippine Islands to the United States will not affect the price here, and therefore can not injuriously affect our people, but it will be of great aid to the raisers of sugar in the Philippine Islands.

Mr. Chairman, I reserve the balance of my time.

Mr. RICHARDSON of Tennessee. Mr. Chairman, it is my purpose to occupy the floor but a few moments with the discussion of the measure before us. The bill before us is designed to amend the second section of the act passed by Congress during the long session of this Congress to provide revenue temporarily for the Philippine Islands, and for other purposes, passed, I think, on the 8th of March, this year.

As has been stated by the gentleman from New York, this bill deals alone with the second section of that act. That section imposed a tax at a rate equal to 75 per cent of the rates fixed in the present tariff law—the law known as the Dingley tariff law—upon all articles the growth and product of the Philippine Archipelago coming into the United States. The rate of duty charged by section 2 of that act upon all articles imported from foreign countries is found in the clause which I will read. After the passage of that act, as section 2 provides—

> There shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Archipelago the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries.

But the proviso in the second section is to this effect:

> That upon all articles the growth and product of the Philippine Islands there shall be charged 75 per cent of the present rates of duty—

That is, the duty prescribed in the Dingley Act.

Now, this bill provides simply for striking out "seventy-five" and inserting "twenty-five" as the rate per cent to be charged; so that if this bill should become a law the rate of duty charged upon articles and commodities the growth and product of the Philippine Islands coming into the United States will be 25 per cent of the present tariff rates. This, of course, is a reduction from the 75 per cent prescribed in the act of March 8, to which I have just referred. This bill, providing a reduction such as I have described, we felt in the Ways and Means Committee—that is, the minority of that committee—that however radically wrong the principle was upon which the bill proceeds, we were not in a position to vote against the final passage of the measure. In other words, we believed that if 75 per cent was wrong the 25 per cent would also be wrong in principle, but it would be less injurious, as we believed, and therefore we felt that in the final analysis we would support the bill; but we did not come to that conclusion without an earnest effort in the committee to amend the bill. Those amendments I shall not discuss; indeed, I shall not discuss the principle involved in this measure. I want to refer, however, to the amendments we will offer, and state their purport.

I say I will not discuss the principle involved in the bill. It involves, as stated by the gentleman from New York, substantially the same question that arose when Congress came to provide the tariff or tax law for Porto Rico. We believed then that the principle upon which Congress, under the direction of the dominant party, proceeded to deal with the taxation of the people of Porto Rico, and as they now propose to deal and have dealt with the people of the Philippines, was radically wrong. We believed and contended that it was unconstitutional. Some gentlemen may surrender this view of the case in consideration of events and history subsequent to the discussion on the Porto

Rican bill; but I believed then, I believe now, that such legislation is unconstitutional; and I know it is unjust and un-American. [Applause.]

But, as I have said, I shall not to-day undertake to thrash old straw and go over the former argument to the House of Representatives. I feel that it is useless to do so. The minority of the Committee on Ways and Means felt that while this measure in itself would be productive of some good, it ought to be amended. We proposed two or three amendments. The first of those was that—

No duty shall be charged upon articles, goods, and commodities imported into the Philippine Islands from the United States; and upon articles, goods, and commodities the growth and product of the Philippine Islands coming into the United States from those islands no duty shall be charged.

We felt that the people of this country—the producers, the manufacturers, the business people, who have goods, wares, and merchandise for sale—ought to have the right, if they can find a market in the Philippines, to send their articles and commodities to the people there. Therefore we undertook to provide free trade between the United States and the people of those islands, as contemplated by the amendment I have read. It is needless to say that that amendment was defeated in the committee. We next proposed another amendment, as follows:

That the rates of duty charged upon all articles, goods, and commodities exported from the United States into the Philippine Islands shall be 25 per cent of the present rates.

Now, we did not, by offering that amendment, purpose to bind ourselves to the principle involved in it. We did not mean to say that the principle involved was right; but we did undertake to say, "If you intend to charge the 25 per cent rate of duty upon articles the growth and product of the Philippine Islands coming into the United States, you should indorse a like levy and collect a like charge upon goods going from the United States into the Philippines, the object being to make the rate uniform." First, we proposed that nothing be charged. Second, that if you insisted on charging 25 per cent in the one case, you should charge 25 per cent in the other.

These two amendments being rejected, we made no further opposition to the reporting of the bill as it has been presented by the gentleman from New York.

Mr. Chairman, I do not desire to take further time. I have explained the object and purpose of the measure. I have shown what we sought to do, and what we shall continue to seek to do, in the House of Representatives. Failing, if we do fail, to amend the measure so as to make it better, I have felt and have no hesitation in saying that I shall vote for the bill. Other gentlemen can do as they see fit. I shall, however, offer a motion to recommit the bill. I give notice now to gentlemen on this side of the House and the other that we shall offer a motion to recommit the bill in order to provide that there may be uniform free trade between the Philippine Islands and the United States.

Mr. Chairman, I will not take further time.

Mr. SNOOK and Mr. MADDOX rose.

Mr. MADDOX. Before you sit down, I want to ask you a question.

Mr. RICHARDSON of Tennessee. I will yield first to the gentleman from Ohio, as he rose first.

Mr. SNOOK. The chairman of the Committee on Ways and Means gives as the principal reason why a duty of 25 per cent of the present rate is retained on all the goods from the Philippine Islands to this country is that it will raise a large revenue for the support of the Philippine Government. Can the gentleman give any idea as to how much revenue will be raised by that means?

Mr. RICHARDSON of Tennessee. No, sir; I think it would be a mere guess. We had the vice-governor of the Philippine Islands, General Wright, before us, and, as I remember, he was unable to give the amount. I could not answer the question.

Mr. SNOOK. I notice by the report of the minority——

Mr. RICHARDSON of Tennessee. I want to add also that we have had no statement. We do not know what revenues it will bring. The Secretary of the Treasury and the Secretary of War have not furnished us with any estimates or tables showing what that revenue would probably be.

Mr. SNOOK. I notice by the report of the minority this statement: "The majority claim that the imposition of 25 per cent of the Dingley rate is essential to the purpose of the Philippine revenues, and yet, under 75 per cent of the Dingley rate, the total revenues collected since June last is only about $15,000."

Mr. RICHARDSON of Tennessee. That is correct.

Mr. SNOOK. Would not that give a pretty good idea and show that under this bill there would not be any very considerable sum for that purpose?

Mr. RICHARDSON of Tennessee. Unquestionably. I now yield to the gentleman from Georgia [Mr. MADDOX], who desires to ask me a question.

Mr. MADDOX. For information, I notice in the latter part of this bill the following:

But all articles the growth and product of the Philippine Islands admitted into the ports of the United States free of duty under the provisions of this act and coming directly from said islands to the United States for use and consumption therein, shall be hereafter exempt from any export duties imposed in the Philippine Islands.

Have there been any export duties?

Mr. RICHARDSON of Tennessee. That is in the Philippine tariff, which has been reenacted.

Mr. MADDOX. Have they an export tariff?

Mr. RICHARDSON of Tennessee. I so understand it.

Mr. GAINES of Tennessee. They must pay to get the goods out of the Philippine Islands under the present law.

Mr. RICHARDSON of Tennessee. The gentleman from New York [Mr. MCCLELLAN] desires fifteen minutes, and I ask that he have it.

Mr. MCCLELLAN. Mr. Chairman, the remarkable haste with which this bill was reported from the Committee on Ways and Means and the unseemly eagerness with which it is being forced through this House impel me to believe that there is some motive behind the action of my colleague, the chairman of the committee [Mr. PAYNE], that does not appear in his report.

My colleague states as an excuse for his extraordinary precipitancy that the recommendation of the Secretary of War permits of no delay. The Secretary wishes immediate action upon this bill; accordingly we are to act immediately. I have too much respect and too much affection for my colleague to assume that that is the real motive that has caused him to force this bill through the House with indecent hurry. The time has not yet come and, God willing, never will come when an officer of the Government, in a sense a servant of the Congress, can send to this House an order, with the certainty that that order will be obeyed unquestioningly and unquestioned. [Applause on the Democratic side.]

The real motive behind the action of my colleague is not obscure to those who understand the circumstances under which this bill was reported.

A year ago my colleague urged the same hasty action in reference to the act to which this is an amendment. That act passed the House on the 18th of December, but did not become a law until the 8th of March following, nearly three months after we sent it to the Senate. My colleague knows as well as I know that if this bill passes to-day it can not receive consideration by the Senate until after the Christmas recess. My colleague knows as well as I know that if he delays action upon this bill until we meet again in January he will not delay its enactment twenty-four hours.

Some days ago there appeared before the Committee on Ways and Means the vice-governor of the Philippine Islands, the Hon. Luke E. Wright. Mr. Wright, in answer to a question asked by me, stated that in his opinion were Philippine products to be admitted into the United States free of duty the interests of the Filipinos would be better served than by the enactment of this bill.

That hearing has not yet been printed. The copy has not even been corrected by Mr. Wright. Members of the House do not even know that the hearing took place, and members of the Committee on Ways and Means who were not present at the meeting are ignorant of its contents. The gentleman has none but himself to thank if there is a suspicion on this side of the House that, chastened in spirit and humbled in heart by the disastrous result of his efforts in leadership while the Cuban reciprocity bill was under consideration, he fears that if the majority is permitted to study this question and to read Mr. Wright's statement conscientious Republicans will join with us in granting commercial justice to the Philippines. [Applause on the Democratic side.]

But the gentleman says that this is a mere question of revenue. Oh, how have the mighty fallen, and how has the strong man changed! [Laughter.] A year ago to-day my friend and committee colleague, the gentleman from Pennsylvania [Mr. DALZELL], in one of those brilliant speeches with which he so often delights the House, in a burst of fervid eloquence, stated that free trade with the Philippines would imperil the interests of American industries. And now we are told that this is a mere question of revenue. [Laughter.] Let it be a question of revenue, what then? It is true that Vice-Governor Wright stated before the Committee on Ways and Means that while there has been a surplus during every year of American rule in the Philippines, the Commission could usefully employ a larger revenue.

Mr. Chairman, I have never known of a government instituted by man that could not usefully employ a larger revenue than that which it obtained. [Laughter.] In the report of the chief of the Bureau of Insular Affairs, accompanying the report of the Secretray of War, for the fiscal year just ended—that report which my colleague would have us consider as a general order to the House of Representatives—I find that the total revenue collected since the beginning of the fiscal year on goods coming from the Philippine Islands into the United States amounts to the princely sum of $15,000—an amount that would put to shame the net profits of a reasonably successful peanut stand. [Laughter.] The Secretary of War assumes, presumably under the doctrine of "the maximum revenue-raising point," that if the rate of duty is

lowered the revenues will increase by leaps and bounds. The Secretary is possessed of a cheerful, even though speculative nature. The Secretary, either through inadvertence, or Heaven knows what, has omitted to give us any evidence in favor of his contention. There is not a word of proof, not a word of argument. We are asked to accept his statement, as the gentleman from New York [Mr. PAYNE] accepts it, as gospel written by an evangelist of the Administration. It is as safe to assume that if the rate of duty is lowered the revenues will fall as it is safe to assume that if the rate of duty is lowered the revenues will increase.

Let me quote again from that memorable speech of the gentleman from Pennsylvania [Mr. DALZELL]:

> Sir, I decline to regard the question of values as any factor in the decision of this question. * * * This issue is upon a higher plane than that of dollars and cents.

Truer and more eloquent words were never spoken upon the floor of this House. It makes us almost rub our eyes and wonder whether we are awake to hear such patriotism, such nobility of sentiment from a Republican, and from a high protectionist. [Laughter and applause.] We stand to-day upon the principle enunciated by the gentleman from Pennsylvania [Mr. DALZELL]. This question is upon a higher plane than that of dollars and cents. We stand in the same position where stood Abraham Lincoln and Charles Sumner. Let me quote the words of Lincoln upon an exactly similar question as that which now confronts us:

> I have expressed hithertofore and I now repeat my opposition to the Dred Scott decision, but I should be allowed to state the nature of that opposition, and I ask your indulgence while I do so. What is fairly implied by the term Judge Douglas has used, "resistance to the decision?" I do not resist it. If I wanted to take Dred Scott from his master, I would be interfering with property. But I am doing no such thing as that. All that I am doing is refusing to obey it as a political rule. If I were in Congress and a vote should come up on the question whether slavery should be prohibited in a new Territory, in spite of the Dred Scott decision I should vote that it should.

In a speech on the floor of the Senate Charles Sumner said:

> The Senator from Maryland invoked the Dred Scott decision as a reason why Congress should not recognize colored persons as citizens. In reply I simply asserted the right of Congress to interpret the Constitution without constraint from the Supreme Court, and this I now repeat. Each branch of the Government must interpret the Constitution according to its own sense of obligation they have all taken. And God forbid that Congress should consent to wear the strait-jacket of the Dred Scott case.

We believe that "each branch of the Government must interpret the Constitution according to its own sense of the obligations we have all taken." We believe on this side that the whole scheme of revenue legislation imposed upon the Philippine Islands is unconstitutional. [Applause on the Democratic side.] We shall try, if an opportunity is afforded us, to amend this bill or to recommit it with instructions to the Committee on Ways and Means to report it back so drawn as to grant absolute free trade between the Philippines and the United States. It requires but little of the gift of prophecy, however, to foresee the result of such an amendment. [Laughter.] Under existing conditions on the other side, with the impossibility of careful examination or of study of the subject, with Mr. Wright's hearing unobtainable, with the gentleman from New York [Mr. PAYNE] urging his authority and cracking the party whip, with the gentleman from Pennsylvania [Mr. DALZELL] using his persuasive eloquence and invoking party discipline, it is safe to assume that the majority will flock down the center aisle after their shepherds like sheep to the shearing. If our motion to recommit is defeated, we will then be confronted with an alternative.

On the final passage of this bill we must vote either aye or no. If my vote against the bill would place me on record as favoring free trade with the Philippines—as favoring a return to constitutional methods—if my vote against this bill would help to grant free trade with the Philippines, I should vote against the bill. But a vote against the bill is a vote in favor of retaining the present rates of duty now upon the statute books. On the other hand, a vote for the bill does not alter the principles of existing law, but does reduce the rate of duty now imposed. I am confronted with a choice of evils, and, speaking for myself alone, if our motion to recommit is defeated I shall choose the lesser of the evils and vote for the bill. [Loud applause on the Democratic side.] Mr. Chairman, I yield back the balance of my time.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I yield ten minutes to the gentleman from Virginia [Mr. SWANSON].

Mr. SWANSON. Mr. Chairman, this is a fair illustration of the method of legislation in this House. Not until the day before yesterday was it announced that this bill was to be considered by the Ways and Means Committee. About 4 o'clock of the evening before this vote was taken we received notice that the Ways and Means Committee would have a meeting to consider the Philippine reduction tariff bill. We had had one hearing before, at which it had been impossible for me to be present. The evidence of General Wright, at one time acting governor and second in power in the Philippine Islands, has been given but never printed. I asked that committee to furnish me a statement, if it had been prepared, and if not to give time for me to prepare it, to ascertain whether, under this bill, goods would come from the Philippine Islands to the United States cheaper than our goods would go into the Philippine Islands. I was anxious to know what would be the relative tariff rates between the two countries under the provisions of this bill.

The chairman of this committee at that time and now can not determine as to whether the people of the United States have less or better privileges in selling their goods in the Philippine Islands or whether the Filipinos have greater privileges here. No comparison is afforded. No effort is made to look at what was the trade between these two countries for the last two years. But the bill must be reported without discussion, without consideration, without an opportunity even to get from the Department a comparative statement. Mr. Chairman, I want to say for myself that I still adhere to the principle which I held both in the Philippine and Porto Rican questions. I believe it is law and I believe it is right that there should be free trade between this country and these so-called colonies.

I believe it is not only constitutional law, but I believe it is the best policy, in material results and in justice for the United States, to pursue that course. I believe that we will have friends in the Philippine Islands, if we are determined to hold them, if we will eliminate all tariffs between the two countries and have absolute free trade. This bill presents what kind of a spectacle? Here is one colony, Porto Rico, which has absolute free trade between it and the United States. Here is another colony, the Philippine Islands, upon which it is proposed by this bill to impose a duty of 25 per cent on all goods coming here. Yet with this inequality between these two colonies, giving benefits and blessings to one and not to the other, we expect the people in the Philippine Islands to acquiesce and thank God that they have such a beneficent and generous Government as this.

I want to say, in addition, that it is strange that twelve months ago there could be no reduction, that this committee wanted to have the entire Dingley rate on goods imported from the Philippine Islands here. It will soon be free trade. As soon as the large corporate interests and syndicates acquire a good foothold in the Philippine Islands; as soon as they get up a great land scheme, a great lumber interest, great tobacco interest, a great sugar interest; when all the syndicates have taken possession of all the interests of the islands and need the United States markets to unload their products upon, you will see a bill here giving free trade to goods coming from there.

I have an amendment to which I desire to call the attention of the House, and I especially desire members on the other side of the aisle to listen to it. It is impossible to determine as to whether we pay higher rates of duty on our goods going into the Philippine Islands than we charge them on their goods coming here. Now, I believe there should be an equality of tariff duties between the Philippine Islands and the United States. I believe the right way to act is to provide free trade, but in that amendment it provides that in no case shall the duty on goods imported from this country into the Philippine Islands be greater than the duty imposed on the goods coming from the Philippine Islands here. Now, why? I stand here representing a district in the United States. I think my constituents, my people, who are taxed to keep the government up in the Philippine Islands, who pay thousands and thousands of dollars of taxes each year to keep up the Government and administer the government of the Philippine Islands, ought to have privileges in their trade equal to the privileges given to the Filipinos who will send their goods here.

Under this bill we reduce greatly the duties on goods coming from the Philippine Islands into the United States, but this bill makes no reduction on goods going from the United States into the Philippine Islands. What is curious, our Republican friends have always told us we are to stand these taxes, we are to stand the expense of the army in the Philippine Islands on account of the great trade and benefit that is going to come to us. They have appealed to the greed of the American people for commerce and trade to sustain and fortify this colonial policy, yet when it comes to making it practicable, when it comes to bringing benefit in trade and commerce, they strenuously refuse to give a chance to American manufacturers, to the American farmers, to the American people to have any trade. Now, the excuse given is that the same privilege will have to be extended to Spain under the treaty of peace that was signed at Paris.

Mr. Chairman, under this treaty Spain has no privilege over the United States. Spain is not like the United States, one of the great exporting nations of the world. Spain is a nation which has no commercial activities. It is not raising wheat, corn, oats, and cotton, and all those products for export, like the United States. So that so far as Spain is concerned, if this tariff were reduced we would really have no competition. It has been rumored that there are great syndicates formed in the Philippine Islands under the bill that recently passed this House, and others are in process of formation. Now, if there are syndicates, and I do not know whether it is true or not, this bill gives them an absolute monopoly of all the trade and commerce of those islands,

and it opens our market to them and refuses to open their markets to us. That is a fair sample of the Republican colonial policy with respect to commerce and the business enterprises of the United States.

I want to represent America and American constituencies in this House. I think that the same privileges that are extended to the Philippine exporters ought to be extended to the American exporters, and where we have a reduction of duties on our goods going there, in the same proportion we can extend this privilege and right to them. I have an amendment to that effect. I want to appeal to this House, and I want to appeal to the members on the other side to stand by American constituencies, by American interests, American traders, American shippers, and American farmers. If we intend to hold the Philippine Islands; if we are going to the immense expense of having an army there, and administering the affairs of those islands; if we intend to have low tariff duties there, so that they can have the benefit of it, we should have low tariff duties, so that we can get the benefit of it.

So that the only excuse calling for this vast expenditure of money is the possible future trade, the possible future market, the possible future chance to the American farmer and the manufacturer; but not a particle of benefit in trade comes to those that pay these taxes by this bill. I want to have my amendment pending, Mr. Chairman, and I want to let the American people know whether the Republican party intends to benefit commerce and trade and export business by its colonial policy or not. [Applause.]

Mr. RICHARDSON of Tennessee. I now yield ten minutes to the gentleman from Texas [Mr. BALL].

Mr. BALL of Texas. Mr. Chairman, in giving my support to this bill I desire to have it understood that I do not concede the right of Congress to lay and collect taxes upon commerce coming to us from any territory belonging to the United States. I believe that when the treaty of peace with Spain was signed the Philippine Archipelago became American territory, belonging to the United States, and the Filipinos became American citizens, and that under the Constitution of the United States we are entitled to have free trade and free commercial intercourse wherever the flag of the United States floats with authority. Anxious as I am to rid our country of the burden cast upon us by that treaty and give the Filipinos their land and liberty, so long as we have them I shall hold to that doctrine.

But, Mr. Chairman, the Supreme Court of the United States—and I speak with all due deference to that great body—by a shifting majority of one decided that it was lawful to lay and collect a tax upon importations from territory belonging to the United States. For the purposes of legislation, it is useless to question that decision. I shall therefore vote for this bill because it charges those who are entitled to free trade with the United States a 25 per cent tax instead of a 75 per cent tax, and to that extent is more just to the Filipinos and our people than the present law.

One would think, Mr. Chairman, that the report made by the majority of the Ways and Means Committee was a Democratic document in all respects save in its claim of right to levy any tax at all and in advocating a law discriminating against our own people. When those who are wedded to the idol of protection can consent to give to Congress and to the American people reasons such as are contained in the report of the majority, there is some hope yet that Ephraim may be dissevered from his idols. Just listen, it sounds like a Democratic message and not an epistle from the high priests of protection. What does it say?

It is believed by the Secretary of War and also by the Commission that more revenue will be received from a duty of 25 per cent, as proposed, than under the present rate of 75 per cent of the Dingley rates.

That, Mr. Chairman, is the enunciation of the old Democratic doctrine—that a moderate tariff will relieve the producers and consumers of our country from unjust exactions and afford greater revenue to the Government to meet its expenses than will a protective tariff. That is good Democracy, and the trouble is when these gentlemen come to do even measurable justice to our Filipino citizens, now subjects of the Republican party and the Republican Administration, they can not do it without in a measure falling into Democratic thought and Democratic theories of government. But there is another proposition advanced in the remarkable document submitted by the Republican majority of the Ways and Means Committee.

In addition to raising revenue—

So says the report of the majority—

the passage of the bill will doubtless have an important effect in encouraging the industries of the islands.

Now, Mr. Chairman, how is this beneficial effect to be had; how is it to come to the Filipinos under this bill? Simply by admitting their goods into the markets of the United States upon more reasonable terms than they now receive. If that proposition be true, is it not equally true that if this bill contained a provision admitting our goods from the United States into the Philippine Islands at a duty rate of 25 per cent instead of 75 per cent, as at present, that such reduction would in like manner stimulate and benefit American products, American industries, and American manufactures? Carry that argument, gentlemen on the Republican side, to its logical conclusion and you reach what? That when the goods of any country are admitted upon more favorable terms where they seek a market, that such concessions stimulate the manufacturing and the productive enterprise of such country.

Now, then, when this Philippine policy was entered upon we were told that we were going to get a great volume of increasing business, and men who sheltered themselves under the doctrine of Providence and "Rally round the flag, boys," at heart were looking with longing eyes and stretching out the bony fingers of greed and avarice toward these islands and their products and the possibilities therein.

You told the American people that the Orient was the proper outlet for American trade, and yet to-day you refuse to admit American goods into the Philippine Islands, either upon the basis of free trade or to reduce the tariff upon American goods exported to the Philippine Islands to 25 per cent of the present Dingley rate, the basis upon which you propose to admit here goods from the Philippines. If it is a good thing for the Filipinos to get their goods in here at one-third of the present rates, why is it not a good thing for the manufacturers and producers of the United States to get their goods into the Philippine Islands at one-third of the present rate, even if we can not have free commercial intercourse with them?

Now, then, if you propose to keep up this tariff wall, admitting Philippine goods here at 25 per cent of the rate at which goods from foreign countries are admitted, and denying the people of the United States access to the markets of these conquered provinces upon like terms, how do you expect to get this boasted advantage to American trade and American business?

We are told that under the treaty with Spain, if we reduce the duty on goods going there from this country to 25 per cent, we shall be compelled to give the same terms to Spain. Even if that be true, what disadvantage can it be to us to get into that country upon an equality with Spain, and at an advantage of 75 per cent in tariff duties over any other country seeking the Philippine trade? Spain now enjoys equality with us; then what harm can come to the Philippine islanders or to the producers and manufacturers of the United States by breaking down the tariff wall that exists between this country and an American possession, no matter where it exists? The logical effect of the argument submitted here by the majority of the Committee on Ways and Means—the protection Republican members of that committee—is that by reducing the tariff into this country you increase the revenues and reduce the tax upon the consumer; not only that, but by reducing the duty in foreign countries and securing more favorable trade relations with them you stimulate at home the productive energies of American enterprises and the great business interests seeking a market for our surplus products and our surplus of manufactured goods.

Shun it as you may, the Republican party will be compelled to yield to the growing sentiment in this country for free-trade relations not only with our island possessions, but with the world.

I do not wonder that the devotees of the high protective principle shrink from disturbing the citadel in which tariff beneficiaries are intrenched, but unless they do abate their rapacity the country will destroy their special privileges, root and branch. [Applause.]

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Chairman, when a measure involving practically the same issue now presented was before this House the question whether there was any constitutional power to pass a law like this was somewhat discussed. The practical, economical question involved was also considered to some extent, so far as there was opportunity. This side of the House considered it a disregard and abuse of constitutional power to impose upon the people of the Philippine Islands and upon those of the United States such legislation as was embodied in the bill then passed. It was regarded also as bad policy (the constitutional question aside) to impose so high a rate of duty. I suppose upon the other side considerations of the Constitution have as little influence now as they had then. The bringing forward of this bill, however, is a concession that as to the practical question involved, as to the effect and operation of the law itself (constitutional considerations aside), the enormously high duty imposed has been productive of evil instead of good.

The gentlemen now propose to reduce the duty two-thirds. Upon this side we should be glad to have it removed entirely, both because the legislation is bad in effect and because it is unwarranted in principle. It is, however, too much to hope that in this House, constituted as it is, legislation within the grooves and

boundaries of the Constitution may be secured. It is somewhat gratifying, however, that gentlemen upon the other side, so full of wisdom and so abundant in their rosy predictions but a few months ago, are now here themselves asking for legislation which then they rejected, because not only was the question whether there should be such legislation at all, whether there was any authority or could be any authority for it at all raised and discussed, but the proposition to make the duty lower, if there should be a duty at all, was made and voted upon, and with almost, if not quite, the solid opposition of the other side, the proposition for lower rates of duties was rejected. Gentlemen are now testifying by what they are doing to the correctness of our conclusions as to the economic question involved. But it is almost too much to hope that the time may not be far distant when they will concede also the correctness of our views on the constitutional question. That is quite too much to hope from that side.

The Constitution has very little to do with the deliberations of the gentlemen, and very much less to do with their actions. But they do concede, and they do now themselves proclaim, not that they disregarded the Constitution (because they care nothing about that), but that they blundered egregiously in their rate of duty, that their attempted legislation has been a ghastly failure, that it is an abortion from which they themselves are glad to flee.

The bringing forward of this bill for 25 per cent of the Dingley duties as the rate to be fixed instead of 75 per cent is a concession by them that upon the economic question involved they were wrong two-thirds, and even from their own standpoint right but one-third. Let us hope the time is not far distant when a further demonstration will satisfy even those gentlemen that they are wrong as to the remaining third, and that, not out of regard for the Constitution, which will not influence them, but from a demonstration of another failure, they will remove the duty entirely.

We have gone into a fine performance over in the Philippine Islands. The beauty of it in some respects is illustrated by what is taking place down in Venezuela now. The time was when this country was thrilled by a Presidential message upon the Venezuelan situation, when it was declared to the world that the American Republic had regard, if others had not, for the Monroe doctrine. Now we are treading tenderly. Having done ourselves what is a complete abandonment and violation in spirit of the Monroe doctrine, in projecting ourselves into the politics and into land grabbing in the Old World, we are moving slowly and tenderly and gingerly, afraid of our shadows, afraid to disclose anything, afraid to discuss anything in relation to the Monroe doctrine, because we know not at what point or in what way or with what effect the assertion of it now may make us ridiculous in regard to some of our own performances which are coincident in point of time. If only we could let the Filipinos have the measure of independence which we boast is the right of all people, if only we could free our own people from the exactions which come from spoliation in the Old World and the New, if only we could swing back to the sound doctrines of the past, the Monroe doctrine included, how well it would be for us, and how well it would be for all the wide world with whom we may have any concern or dealings. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Chairman, when the Porto Rican tariff bill was before the House for consideration, I found myself by force of circumstances in company with the opposition against the passage of the bill. I believed I was right in opposing that bill. I doubted the constitutionality of the measure and was much opposed to the policy of the bill as applied to the island of Porto Rico. The Supreme Court of the United States afterwards decided that the bill was constitutional, and whatever may be thought of the course of logic that brought about that conclusion, the judgment of that court has finally settled the question, and the power of Congress to enact this kind of legislation is no longer a proposition open to debate. In relation to the matter of policy, the situation presented by the Philippine Archipelago is materially different from that presented by the island of Porto Rico. When the Porto Rican tariff bill was enacted, no civil government had been established for the island of Porto Rico with authority to impose in behalf of its people a tax upon the commerce of the United States going to the island.

Something less than a year ago Congress passed the Philippine government bill, a bill broad, liberal, and humane in its provisions, conferring upon the civil government almost unlimited power to impose all kinds of customs and internal taxations upon the commerce of the world, including the United States. I believe that ultimately there ought to be free trade between this Government and all of its possessions, but I am willing to accept the judgment of the Committee on Ways and Means that the time has not yet come to establish free trade between this country and the Philippine Archipelago. I believe this measure is one of great importance. I know it is one that will do incalculable good to the trade of the Philippine Archipelago, and the reduction of the customs charges to 25 per cent of the Dingley rates is not only justified, but, perhaps, required by existing conditions. This measure is simply an amplification of the liberal and humane policy outlined by the Congress in the Philippine government bill passed last summer, a continuation of the humane and liberal policy uniformly embodied in our acts of administration of the Philippine Archipelago ever since that archipelago fell within the sovereignty of the United States.

I do not believe that in all history such liberal and humane laws have been enacted toward colonies or dependencies or possessions or territories, or whatever you may style them, or such a generous policy of administration as has characterized the relations of this Government toward that archipelago. I am somewhat familiar with the conditions in the Philippine Islands, and know of the imperative need of legislation of this character. Trade is languishing, a general condition of depression exists, and the reduction in customs rates that we made about a year ago afforded but little relief. If we are to enjoy the benefits of the trade with the Philippine Archipelago, we must establish a more liberal trade policy with it, and I believe the reduction provided by this bill will encourage trade and be a stimulus to production, and that it will result in great benefit both to the islands and to the United States. Therefore I am heartily in favor of the bill.

Mr. RICHARDSON of Tennessee. I yield ten minutes to the gentleman from Pennsylvania [Mr. GREEN].

Mr. GREEN of Pennsylvania. Mr. Chairman, this bill is not a surprise to me. The reason for its introduction is that more revenue is needed in the Philippine Islands. The 75 per cent tariff which you levied upon goods coming into this country, and which you agreed to pay back to the servants of the American people who run the Philippine Islands, has not yielded much revenue. When the Philippine Islands have had anything to export they have sent it to England and her colonies and to Spain, and precious little of it to this adopted mother of theirs.

Now, the result is that the President and the administration in the Philippine Islands find that they have not much revenue with which to run the islands, and that this source of revenue which they told you would be so large if you put 75 per cent tariff on goods brought into this country has not had that effect. Now they come to you and say if you will lower this revenue to 25 per cent the net amount of it will be much greater, and you will begin to get some goods into this country from the Philippine Islands. I do not doubt that that is a fact, and I do believe that we should give every advantage to the Philippine Islands. Under these restrictive tariff laws no country and no management could ever bring anything like prosperity to those islands. I will mention one fact. Take the tobacco interests in the Philippine Islands. It will not pay them to grow and send their tobacco to any country that levies a duty against it. It will not pay the grower and shipper to do that; and tobacco is one of the few great products which she must depend upon in her export trade.

Now, this bill shows to you that the prediction of a lot of rainbow chasers who have absolutely disregarded cause and effect have not come true, and in the future, unless based upon better grounds than in the past, I say to you I do not believe they will ever come true.

What were the conditions in the Philippine Islands in 1901? The chief product was rice. In a speech I made in the last session of this Congress I said that there would be a deficiency in rice, because a large amount of territory which was accustomed to grow rice had been withdrawn from rice cultivation; that the men who worked that land had been lured into the city because better wages were given them by the United States commissary and quartermaster departments, and the result was that they left their land lying idle, and there was just that much less rice grown in the country. Was not that true? What do you find this year? You find $2,000,000 raised for the purpose of going to Siam and buying rice to feed a starving population.

Now, I say this was the natural result, which you will always find running from cause to effect. I intimated that this condition of affairs would exist, that it will exist in the near future more than it does now for another cause, and that is that the rinderpest has killed off about nine-tenths of the carabao of those islands, the only animal with which the rice fields could be plowed. The result has been that instead of having rice to export, they have not enough rice with which to feed themselves. Yet these men who predicted such prosperity for the Philippine Islands wanted to tell you that they based their prediction upon a large amount of rice for export.

Then they told you that there would be a large amount of sugar for export. The same conditions have followed with reference to sugar. There has been less sugar land under cultivation and less ability to cultivate it. The consequence was there was

less revenue derived from sugar and very little of it was shipped out of the country, and certainly it could not be shipped to a country that charged 75 per cent of the Dingley rates.

But beyond that you heard them talk of coal. Have you ever heard from that day on to this of any coal being found or developed or shipped abroad? How was it as to copper? Have you heard of any great copper mine being put into operation? A full year has elapsed since that time. How about iron, and how about the great production of gold that was to be produced in such enormous quantities? Have you heard anything of it? Oh, no. And you have not even heard anything about timber.

I can simply say to you, gentlemen, that all these things that were talked about by these optimists have been rainbows. They have been chasing them and making you believe that those islands are going to be very productive and very interesting to us because of what we were going to get from them. But as we go along from year to year we will find the condition now presented will not improve to any great extent, because they have based their predictions upon just what I have pointed out existed in the city of Manila in 1901. There was at that time an artificial stimulus to business. The city was busy because America was paying her soldiers there. America had a lot of men who went there for the purpose of selling to our soldiers articles we imported into that country.

In other words, as long as American money was poured into that country of course its trade was stimulated. But just as soon as you withdrew your troops and withdrew this large amount of money which we spent there—money of the American taxpayers, not money earned or made in the Philippine Islands—you began to have this condition of affairs which demanded greater revenues for those who are making appropriations and spending the money there. The gentlemen told us they would be pleased to have free trade with those islands, but free trade is not what they want. They want more money to pay their salaries with, they want money to pay the expenditures with. They have told you that these islands would amply pay their way, and now they want money taken at our ports, money paid in this country in duty, turned back into their treasury.

I am sorry to say that I see nothing very bright in the future of those islands. I see very little of the results of the boasted American management there. It is true they have peace; but peace does not seem to bring plenty or prosperity. It does not seem to bring development. I was in hopes that I was wrong and they were right. I have watched daily the news from the Philippine Islands, and we have found what? We have found plague, famine, and increased taxation. That is about all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. I understand there is no other gentleman on that side who desires to speak.

Mr. Chairman, I have but few words to say in conclusion. The question has been raised by gentlemen on the other side, Why not take off the duties on goods coming from the Philippine Islands? For this reason: Under the treaty of Paris, whatever concession we make on goods coming from the United States to the Philippine Islands must be made on goods coming from Spain to the Philippine Islands. Now, the United States and Spain together send into the Philippine Islands a little more than one-fifth of the importations received there from the whole world, so that taking off the duties takes off one-fifth of the revenue from the customs duty.

The revenue from customs duties in the Philippine Islands amounts to nearly $9,000,000 a year; so that that proposition would take off from one million and three-quarters to two millions of dollars of revenue by having absolute free trade from the United States to the Philippine Islands and between Spain and the Philippine Islands on goods exported from Spain to the Philippine Islands. Of course we can not have that, because the Philippine expenditures are running up to the revenue from year to year. When the time comes, perhaps after the treaty with Spain, which is to extend for ten years, shall have expired, and we can then leave Spain on an even keel with the rest of the world, the time will come for free trade. It may come sooner than that; it may come then. We can not do it now; and that is the reason the committee have reported the bill in this way.

It is true that General Wright did say that it would be better to have free trade than to have 25 per cent. He did say so, and anybody can see it would be better for the people of the Philippine Islands and the farmers of the Philippine Islands to have free trade; but he did also say in that connection that they needed this revenue—they needed what revenue they could get from this duty—and he thought the revenues would be increased from the reduction to 25 per cent instead of 75 per cent, because of an increased importation of goods from the Philippine Islands into the United States.

Now, Mr. Chairman, I am ready for the bill to be read for amendment.

The Clerk read as follows:

Be it enacted, etc., That the second section of the act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902, is hereby amended to read as follows:

"SEC. 2. That on and after the passage of this act there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Archipelago the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That upon all articles the growth and product of the Philippine Archipelago coming into the United States from the Philippine Archipelago there shall be levied, collected, and paid only 25 per cent of the rates of duty aforesaid: *And provided further*, That the rates of duty which are required hereby to be levied, collected, and paid upon products of the Philippine Archipelago coming into the United States shall be less any duty or taxes levied, collected, and paid thereon upon the shipment thereof from the Philippine Archipelago, as provided by the act of the United States Philippine Commission referred to in section 1 of this act, under such rules and regulations as the Secretary of the Treasury may prescribe, but all articles the growth and product of the Philippine Islands admitted into the ports of the United States free of duty under the provisions of this act and coming directly from said islands to the United States for use and consumption therein shall be hereafter exempt from any export duties imposed in the Philippine Islands."

Mr. RICHARDSON of Tennessee. I desire to offer the following amendment:

The Clerk read as follows:

That no duty shall be charged upon articles, goods, or commodities imported into the Philippine Islands from the United States, and upon articles, goods, and commodities the growth and product of the Philippine Islands coming into the United States from those islands no duty shall be charged.

Mr. PAYNE. Mr. Chairman, I raise the point of order on that amendment, that it is not germane to the section or to the bill. The section provides for duties on goods coming from the Philippine Islands to the United States. The amendment of the gentleman amends the law so as to apply to goods going into the Philippine Islands from the United States, which is entirely another subject-matter.

Mr. RICHARDSON of Tennessee. In reply to the gentleman, I only want to say that it is impossible to separate the questions on a point of order. The gentleman by his statement conceded that one part of the proposition would be in order. We are dealing with the importation of the goods into the Philippine Islands. Now, I think it would be monstrous to say that while dealing with importation into, we can not deal with exportation from, the islands. No such narrow construction as that was ever placed on any tariff bill by the Committee of the Whole, by any committee of the House, or by the House of Representatives. I venture to say on a duty the whole question of taxes or revenue is raised, and whether it is revenue derived from goods coming from the Philippine Islands or revenue on goods going there, it is in order. As to the amendment not being germane to the section, there is but one section; and if it is germane to any part of the bill, it is germane to that section. So I think there is no question but that the amendment is in order. This is the same amendment voted on in the Committee on Ways and Means without objection. The same rule which applied there applies here. There was no offer to make it out of order or have it ruled out of order in the Ways and Means Committee, and surely the same rules apply there as here.

Mr. DALZELL. Mr. Chairman, I desire simply to call the attention of the Chair to the fact that the duties imposed upon goods coming from the Philippine Archipelago into the United States are regulated by an act of Congress to which this is an amendment, while the rates of duty imposed upon articles going into the Philippines are regulated by the Philippine Commission in accordance with the tariff schedule prepared by that Commission and ratified by Congress.

Mr. SWANSON. That was by an act of Congress, and the Commission have no power to regulate it now.

Mr. RICHARDSON of Tennessee. One act has just as much force as another. In other words, that act of Congress is no more solemn than this act would be. It would be unheard of to say that we could not modify a former act.

Mr. DALZELL. I do not mean to say that. I am arguing the question of germaneness. I say it is not germane to the pending bill to modify the tariff rates imposed by the Philippine Commission, although it is, of course, within the power of Congress, in a proper way, to modify the rates. I am directing myself simply to the question of germaneness.

Mr. MCCLELLAN. Let me suggest to the gentleman that the last two lines of the paragraph under discussion in this bill exempt such goods from export duty in the Philippine Islands.

Mr. DALZELL. I understand, but that provision is also original in the act that we are now proposing to amend, and has nothing to do with the rates of duty imposed by the Philippine Commission.

Mr. RICHARDSON of Tennessee. The whole question is open, Mr. Chairman, it seems to me. We have a perfect right by this independent act now to modify the rate of duty on goods going into the Philippines and on goods coming here. The whole question is open, and it can not be limited, as suggested by the gentleman's point of order.

Mr. GAINES of Tennessee. Mr. Chairman, on page 721 of the Manual the Chair will find a ruling that will perhaps aid the Chair in the decision of this question. I will read: "A bill raising revenue means a bill repealing a revenue law as well as one enacting such law." We are now "repealing" and "enacting" a "revenue law." We are repealing the law down to 25 per cent, and certainly the rule ought to work as far down as repealing a part of the existing law entirely. This amendment proposes to repeal the law in part by putting some articles on the free list.

The CHAIRMAN. In the opinion of the Chair the point is not well taken. The question is on the amendment offered by the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON of Tennessee. Now, Mr. Chairman, just a moment. I discussed this amendment briefly in general debate, and I only want to say further that it seems to me that if we are going to treat these people in these colonies right we ought to give them the benefit of our trade. We ought to have an opportunity to trade with them and they should have the same opportunity to trade with us. I hope the amendment will be adopted.

The question was taken; and on a division (demanded by Mr. RICHARDSON of Tennessee) there were—49 ayes, 64 noes.

So the amendment was rejected.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I now offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

That the rate of duty charged on all articles, goods, and commodities exported from the United States into the Philippine Islands shall be 25 per cent of the present rate.

Mr. PAYNE. Mr. Chairman, I make the same point of order that I made against the other. This does not have the same excuse that the other had—that it relates to goods coming into this country from the Philippine Islands.

Mr. RICHARDSON of Tennessee. I presume the ruling will be the same, and therefore I do not desire to be heard. The same principle applies.

The CHAIRMAN. The Chair is of opinion that the point of order is not well taken.

Mr. RICHARDSON of Tennessee. Mr. Chairman, the effect of this amendment was argued by me in general debate. As I stated, I do not desire to take the time of the committee further than to say that this bill provides that upon all articles, goods, and products of the Philippine Archipelago coming into the United States from that archipelago there shall be collected, levied, and paid only 25 per cent. Now, this amendment, if adopted, simply reverses it and places the rate at 25 per cent on exports from the United States into the Philippine Islands. Now, if we are going to reduce from 75 to 25 per cent the duties upon goods brought here from those islands, is it not manifestly just that we should make the same reduction upon the articles our own people send to the Philippine Islands? If I were to argue the matter a week, I could not make the point stronger than I have done. If we want to do justice to our own people—to treat them as well as we treat the Filipinos—let us adopt this amendment.

Mr. PAYNE. This amendment would simply reduce the revenues of the Philippine government a million and a half dollars annually. We can not afford to do it. Let us have a vote.

The question being taken on the amendment of Mr. RICHARDSON of Tennessee, there were on a division (called for by Mr. RICHARDSON of Tennessee)—ayes 50, noes 82.

So the amendment was rejected.

Mr. GAINES of Tennessee. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 1 by adding after "islands," line 17, page 2, these words: "*And provided further*, That all coals mined and shipped from the Philippines to the United States shall be placed on the free list, and that there shall not be levied and collected any duty on such coal."

Mr. GROSVENOR. Would it be in order to amend the amendment by inserting after "coal" the words "and ice?" [Laughter.]

Mr. GAINES of Tennessee. If the Republicans wish to continue to give the cold shoulder to the Filipinos, that amendment may be all right. [Laughter.]

The question being taken, the amendment of Mr. GAINES of Tennessee was rejected.

Mr. SWANSON. Mr. Chairman, I desire to offer the following amendment:

That no duty shall be charged upon articles, goods, or commodities imported into the Philippine Islands from the United States in excess of the duty upon like articles, goods, or commodities imported from the Philippine Islands into the United States.

Mr. Chairman, we have no schedule prepared showing—the chairman of the committee can not inform us, nobody knows—what will be the comparative rates of duty when this bill is passed upon articles or goods coming from the Philippine Islands into the United States and similar goods going from the United States into the Philippine Islands. No opportunity was given to ascertain that matter before this bill was considered and passed in the committee. It was railroaded through without any certain information being possessed by a single member of the committee which was intrusted with the preparation of legislation on this subject. I think that a citizen of the United States engaged in trade or commerce or business or farming—any citizen who has something to sell—ought to have extended to him with reference to such articles the same privileges or opportunities of trade with reference to rates that are extended to other persons similarly situated.

Mr. Chairman, when this bill passes and becomes a law, as seems to be the purpose of those in power, it will be impossible to determine to what extent American enterprise, American industry, including the farming industry of this country, is discriminated against in these foreign markets. The effect of this amendment which I have offered will be that a higher rate of duty can not be charged upon goods shipped from the United States to the Philippine Islands than is charged on similar goods coming here. The amendment simply means that there shall be equality of duty, equality of trade, equality of right—that the American citizen engaged in trade or commerce shall have the same rights and privileges as the citizen of the Philippine Islands.

To vote against this amendment is to say that you are not willing to give to the American farmer the same privilege to sell his farm products in the Philippine Islands that you are willing to give to farmers of the Philippine Islands to sell their products in the American market. It is to say that you are not willing to give to the American manufacturer the same chance to sell his goods in the Philippine Islands that you are willing to give to the Filipino merchant to sell his goods here. The operation of this amendment will be that our farmers and manufacturers can not be charged in the Philippines a duty in excess of what we charge them when they send their goods here.

The only excuse that has been urged or intimated against a proposition of this kind has been made by the chairman of the Committee on Ways and Means, who has said that if we allow this privilege to our farmers, to our laborers, to our merchants, the same privilege would have to be extended to Spain under the treaty of peace. Mr. Chairman, we need apprehend no danger from Spain. She is not a manufacturing nation; she is not a trading nation; she makes nothing of any consequence to be exported. The simple effect is to give the American farmer and the American manufacturer in the Philippine Islands certain advantages not possessed there by those of other nations; and I insist that we, as representatives of the American people, their commerce and their aspirations, should insist upon the enjoyment of these privileges by our own citizens.

Mr. GAINES of Tennessee. Does my friend from Virginia think that when the Filipinos have been for years and years, and are now, the victims by the thousands and thousands of disease, pestilence, and horrible wars, and with famine now staring them in the face, bankrupt in spirit, bankrupt as a people, with a bankrupt treasury, that we, who make the laws which control them, should force them in such condition to pay the same duty on goods they send to the United States that we pay when we send our goods to the Philippines, when we are free of disease, pestilence, famine, and wars, a rich, strong, and happy nation, with an overflowing Treasury?

Does the gentleman contend that such a law under such circumstances would be just?

Mr. SWANSON. I think it would be just in this way: This bill proposes to give to the people of the Philippine Islands a reduction of duty—allowing them to pay on their imports to the United States 25 per cent of the duties imposed upon imports from other countries. I think that while this may be a benefit to the Filipinos they would be still further benefited if they were enabled by the free importation of our goods into that country to buy them cheaper. I am not a protectionist holding the theory that a high tariff imposed upon goods and products entering the Philippine Islands would be a benefit to the Filipinos. I have not yet learned to think that a high protective wall erected around those islands—that a law prohibiting them from buying American goods cheaply—would be an injury to them. If the gentleman belongs to that school of philosophy his views are distinctly different from mine. I say that it would benefit the Filipinos to give them American goods cheaply—to permit the importation of American goods into their markets at a low rate of duty. In view of the large sums of money that this Government has been and is obliged to spend in the Philippines, it seems to me it would only be just to American merchants, American farmers, and American manufacturers to extend to them the privileges which my amendment proposes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. SWANSON) there were—ayes 58, noes 84.

So the amendment was rejected.

The Clerk began the reading of section 2.

Mr. RICHARDSON of Tennessee. Mr. Chairman, before section 2 is read, I wish to offer one more amendment to the first section. I move to amend by striking out, in lines 3 and 4 of page 2, the words "only 25 per cent of the rates of duties aforesaid" and insert the following: "no rates of duty."

I do not believe that we ought to charge any rate of duty upon those goods. We have not yet voted upon a separate amendment to that effect, and I therefore move that amendment. The effect of it will be simply to admit the goods and commodities of the Philippine Archipelago the products of those islands free of duty into the United States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and the amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker pro tempore having resumed the chair, Mr. PALMER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15702) to amend an act entitled "An act temporarily to provide revenues for the Philippine Islands, and for other purposes," and had directed him to report the same to the House with the recommendation that it do pass.

Mr. PAYNE. Mr. Speaker, I move the previous question on the bill to its passage.

The previous question was ordered.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and it was read the third time.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I submit the following motion to recommit.

The Clerk read as follows:

Recommit to the Ways and Means Committee with instructions to report a bill providing that no duty shall be charged upon articles, goods, and commodities imported into the Philippine Islands from the United States; and further, that upon articles, goods, and commodities, the growth and product of the Philippine Islands, coming into the United States from those islands, no duty shall be charged.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Tennessee to recommit.

The question was taken; and on a division (demanded by Mr. RICHARDSON of Tennessee) there were—ayes 56, noes 79.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand tellers.

Pending the ordering of tellers, Mr. RICHARDSON of Tennessee demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 94, nays 122, answering "present" 5, not voting 133; as follows:

YEAS—94.

Allen, Ky.	Dinsmore,	Lewis, Ga.	Robinson, Ind.
Ball, Tex.	Dougherty,	Lindsay,	Rucker,
Benton,	Feely,	Little,	Russell,
Billmeyer,	Fitzgerald,	Lloyd,	Ryan,
Bowie,	Flood,	McCall,	Selby,
Broussard,	Fox,	McClellan,	Shallenberger,
Brundidge,	Gaines, Tenn.	McDermott,	Sheppard,
Burgess,	Gilbert,	McLain,	Sims,
Burleson,	Glass,	Maddox,	Slayden,
Burnett,	Glenn,	Maynard,	Small,
Caldwell,	Gordon,	Mickey,	Snook,
Candler,	Griggs,	Miers, Ind.	Spight,
Cassingham,	Hay,	Moon,	Stephens, Tex.
Clark,	Hooker,	Naphen,	Swann,
Clayton,	Jett,	Norton,	Swanson,
Cochran,	Johnson,	Padgett,	Thomas, N. C.
Conry,	Jones, Va.	Pierce,	Underwood,
Cooney,	Kehoe,	Randell, Tex.	Wiley,
Cooper, Tex.	Kitchin, Wm. W.	Ransdell, La.	Williams, Ill.
Cowherd,	Kluttz,	Rhea,	Williams, Miss.
Crowley,	Lamb,	Richardson, Ala.	Wooten,
Dalzell,	Lanham,	Richardson, Tenn.	Zenor.
Davey, La.	Lester,	Rixey,	
De Armond,	Lever,	Robb,	

NAYS—122.

Alexander,	Burke, S. Dak.	Draper,	Graff,
Aplin,	Burkett,	Driscoll,	Graham,
Ball, Del.	Burton,	Eddy,	Grosvenor,
Bartholdt,	Butler, Pa.	Esch,	Grow,
Bingham,	Cannon,	Fletcher,	Hamilton,
Bishop,	Capron,	Foerderer,	Hanbury,
Boreing,	Cassel,	Foster, Vt.	Haskins,
Boutell,	Coombs,	Fowler,	Haugen,
Bowersock,	Cooper, Wis.	Gaines, W. Va.	Hedge,
Brandegee,	Cromer,	Gardner, Mass.	Henry, Conn.
Bromwell,	Crumpacker,	Gardner, Mich.	Hepburn,
Brown,	Currier,	Gardner, N. J.	Hill,
Brownlow,	Cushman,	Gibson,	Hitt,
Bull,	Dick,	Gill,	Holliday,
Burk, Pa.	Dovener,	Gillet, N. Y.	Hopkins,
Hull,	Mercer,	Perkins,	Stewart, N. J.
Jenkins,	Metcalf,	Powers, Me.	Sulloway,
Jones, Wash.	Miller,	Prince,	Tayler, Ohio
Knapp,	Minor,	Reeder,	Thomas, Iowa
Kyle,	Mondell,	Reeves,	Tirrell,
Lacey,	Moody, Oreg.	Roberts,	Tompkins, Ohio
Lawrence,	Morgan,	Schirm,	Tongue,
Lessler,	Morris,	Shattuc,	Van Voorhis,
Lewis, Pa.	Mudd,	Sibley,	Vreeland,
Loud,	Needham,	Skiles,	Wachter,
Loudenslager,	Nevin,	Smith, Ill.	Wadsworth,
Lovering,	Otjen,	Smith, Iowa	Warnock,
McCleary,	Palmer,	Southard,	Weeks,
McLachlan,	Parker,	Sperry,	Young.
Mahon,	Payne,	Steele,	
Mann,	Pearre,	Stevens, Minn.	

ANSWERED "PRESENT"—5.

Adamson,	Deemer,	Hughes,	Meyer, La.
Bell,			

NOT VOTING—133.

Acheson,	Elliott,	Latimer,	Sherman,
Adams,	Emerson,	Littauer,	Showalter,
Allen, Me.	Evans,	Littlefield,	Smith, Ky.
Babcock,	Finley,	Livingston,	Smith, Henry C.
Bankhead,	Fleming,	Long,	Smith, Samuel W.
Barney,	Fordney,	McAndrews,	Smith, Wm. Alden
Bartlett,	Foss,	McCulloch,	Snodgrass,
Bates,	Foster, Ill.	McRae,	Southwick,
Beidler,	Gillett, Mass.	Mahoney,	Sparkman,
Bellamy,	Goldfogle,	Marshall,	Stark,
Belmont,	Gooch,	Martin,	Stewart, N. Y.
Blackburn,	Green, Pa.	Moody, N. C.	Storm,
Blakeney,	Greene, Mass.	Morrell,	Sulzer,
Brantley,	Griffith,	Moss,	Sutherland,
Breazeale,	Heatwole,	Mutchler,	Talbert,
Brick,	Hemenway,	Neville,	Tate,
Bristow,	Henry, Miss.	Newlands,	Tawney,
Burleigh,	Henry, Tex.	Olmsted,	Taylor, Ala.
Butler, Mo.	Hildebrant,	Overstreet,	Thayer,
Calderhead,	Howard,	Patterson, Pa.	Thompson,
Connell,	Howell,	Patterson, Tenn.	Tompkins, N. Y.
Conner,	Irwin,	Pou,	Trimble,
Corliss,	Jack,	Powers, Mass.	Vandiver,
Cousins,	Jackson, Kans.	Pugsley,	Wanger,
Creamer,	Jackson, Md.	Reid,	Warner,
Curtis,	Joy,	Robertson, La.	Watson,
Dahle,	Kahn,	Robinson, Nebr.	Wheeler,
Darragh,	Kern,	Rumple,	White,
Davidson,	Ketcham,	Ruppert,	Wilson,
Davis, Fla.	Kitchin, Claude	Scarborough,	Woods,
Dayton,	Kleberg,	Scott,	Wright.
Douglas,	Knox,	Shackleford,	
Dwight,	Landis,	Shafroth,	
Edwards,	Lassiter,	Shelden,	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

For the session:

Mr. HEATWOLE with Mr. TATE.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. DEEMER with Mr. MUTCHLER.

Mr. KAHN with Mr. BELMONT.

Mr. SHERMAN with Mr. RUPPERT.

Mr. DAYTON with Mr. MEYER of Louisiana.

Until further notice:

Mr. HUGHES with Mr. TRIMBLE.

Mr. JACK with Mr. FINLEY.

Mr. WANGER with Mr. ADAMSON.

Mr. KETCHAM with Mr. SNODGRASS.

Mr. CONNER with Mr. BANKHEAD.

Mr. BURLEIGH with Mr. GRIFFITH.

Mr. RUMPLE with Mr. ROBINSON of Nebraska.

Mr. LONG with Mr. NEWLANDS.

Mr. FORDNEY with Mr. KLEBERG.

Mr. BARNEY with Mr. THOMPSON.

Mr. CURTIS with Mr. MCANDREWS.

For four days:

Mr. MOODY of North Carolina with Mr. CLAUDE KITCHIN.

Until January 8:

Mr. MARTIN with Mr. SHACKLEFORD.

For this day:

Mr. WOODS with Mr. BELLAMY.

Mr. WATSON with Mr. WHITE.

Mr. WARNER with Mr. VANDIVER.

Mr. SOUTHWICK with Mr. TALBERT.

Mr. SAMUEL W. SMITH with Mr. REID.

Mr. HENRY C. SMITH with Mr. TAYLOR of Alabama.

Mr. SHELDEN with Mr. LATIMER.

Mr. SCOTT with Mr. PATTERSON of Tennessee.

Mr. PATTERSON of Pennsylvania with Mr. MCCULLOCH.

Mr. OVERSTREET with Mr. SHAFROTH.

Mr. MARSHALL with Mr. LASSITER.

Mr. HOWELL with Mr. JACKSON of Kansas.

Mr. HILDEBRANT with Mr. HOWARD.

Mr. IRWIN with Mr. GOOCH.

Mr. FOSS with Mr. HENRY of Texas.

Mr. HULL with Mr. POU.

Mr. EMERSON with Mr. FOSTER of Illinois.

Mr. CONNELL with Mr. EDWARDS.

Mr. CALDERHEAD with Mr. DAVIS of Florida.
Mr. BRICK with Mr. CREAMER.
Mr. BLACKBURN with Mr. BUTLER of Missouri.
Mr. WRIGHT with Mr. BRANTLEY.
Mr. SHOWALTER with Mr. THAYER.
Mr. COUSINS with Mr. LIVINGSTON.
Mr. LITTAUER with Mr. MAHONEY.
Mr. BABCOCK with Mr. HENRY of Mississippi.
Mr. STEWART of New York with Mr. KERN.
Mr. DAVIDSON with Mr. ELLIOTT.
Mr. DOUGLAS with Mr. GOLDFOGLE.
Mr. OLMSTED with Mr. PUGSLEY.
Mr. JACKSON of Maryland with Mr. SMITH of Kentucky.
Mr. TAWNEY with Mr. FEELY.
Mr. KNOX with Mr. NEVILLE.
Mr. JOY with Mr. BARTLETT.
Mr. HEMENWAY with Mr. BELL.
Mr. WM. ALDEN SMITH with Mr. STARK.
Mr. BATES with Mr. WHEELER.
Mr. LANDIS with Mr. SULZER.
Mr. ACHESON with Mr. SPARKMAN.
Mr. ADAMS with Mr. MCRAE.
Mr. GREENE of Massachusetts with Mr. SCARBOROUGH.
Mr. CORLISS with Mr. BREAZEALE.
Mr. EVANS with Mr. WILSON.
Mr. DARRAGH with Mr. FLEMING.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question now is on the passage of the bill.

The bill was passed.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

PURE FOOD.

Mr. HEPBURN. Mr. Speaker, the bill H. R. 3109 is the special and continuing order for this hour. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 3109) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, with Mr. LAWRENCE in the chair.

Mr. HEPBURN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HEPBURN. Mr. Chairman, I ask unanimous consent that the time may be equally divided, that in favor of the bill to be controlled by myself, and in opposition by the gentleman from Georgia [Mr. ADAMSON].

The CHAIRMAN. The gentleman asks unanimous consent that the time may be equally divided and controlled by himself and the gentleman from Georgia [Mr. ADAMSON]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HEPBURN. Mr. Chairman, I now yield such time as he may desire to the gentleman from Ohio who reported this bill.

Mr. TOMPKINS of Ohio. Mr. Chairman, very few subjects have attracted more general and deep interest than the consideration of ways and means by which the people of the country may obtain pure food and unadulterated drugs. Nearly fourteen years ago the subject was first introduced into Congress by a Senator from Nebraska, and since then it has continually engrossed the attention of this body. Various societies throughout the country have taken action upon the question and made certain and emphatic recommendations. A large congress has been organized, known as the pure-food congress, and at its last meeting in this city there were present more than 400 delegates representing all classes, occupations, and all branches of industry and human pursuits. As a result of the deliberations of the convention last mentioned, there was practically a unanimous recommendation to Congress that such a measure as the one now pending be enacted into a statute.

The purpose of this bill is not to prohibit the manufacture or sale of anything that is not deleterious, but it is to prohibit the manufacture of any sort of food that is deleterious, and to provide that any food or drug which is adulterated shall bear upon its face the badge of what it is, so that the purchaser may know what he is to get and he will secure that for which he pays. The Committee on Interstate and Foreign Commerce has spent more than three weeks in listening to the testimony of experts and laymen, the testimony of manufacturers and merchants, in its almost daily sessions through that period, and while there were three bills relating to the same subject, in addition to this one, pending before the committee, it was the conclusion of the majority of the committee that the bill 3109 best represents the wishes of the people upon the subject and will be most practicable in its operations.

The bill provides that the Secretary of Agriculture shall, from the chemical branch or bureau of the Department, create a special bureau of chemists who shall examine food products and drugs which are placed upon the market. The authority of this bureau when constituted will not be permitted to go into any State and interfere with any such product manufactured within that State, but it shall have supervision over such products which are shipped from one State into another, into the Territories, or into the District of Columbia, and it will forbid the manufacture of any deleterious food product and sale of any adulterated product under false representation.

Now, this bureau of chemistry shall have authority to prescribe certain standards of excellence in food and of purity in drugs. When anyone ships an article from one State to another which is forbidden by this statute, or any impure drug, upon information delivered by an agent of this bureau upon inspection of any suspected article, the district attorney for the district in which the offending article is found shall institute proceedings in the proper court to inflict the prescribed punishment. When a test is being made of a certain food product or drug, not only will the statute provide that the inspecting agent on the part of the Government, but the person against whom complaint is lodged shall have the right to be present and have his chemist there.

The bill defines what a "drug" is, and includes all medicines and preparations recognized in the United States Pharmacopœia for internal and external use. Defining the word "food:" It includes all articles used for food, drink, confectionery, or condiment by man or domestic animals, whether simple, mixed, or compound. The term "misbranded" shall apply to all drugs or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement regarding the ingredients or substances contained in such article, which statement shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

The definition of "adulteration" is:

For the purposes of this bill an article shall be deemed adulterated, in case of drugs, if when sold under a name recognized in the United States Pharmacopœia it differs from the standard of strength, quality, or purity as determined by the test laid down in such Pharmacopœia, official at the time of the investigation, and if its strength or purity fall below the professed standard under which it is sold; if it be an imitation of or offered for sale under the name of another article, and, in the case of a confectionery, if it contain terra alba, barytes, talc, chrome yellow, or other mineral substances, or poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

In the case of food, any substance mixed with it so as to lower or injuriously affect its quality or strength, so that such product when offered for sale shall tend to deceive the purchaser.

If any substance or substances has or have been substituted wholly or in part for the article, so that the product when sold shall tend to deceive the purchaser.

If any valuable constituent of an article has been wholly or in part abstracted, so that the product when sold shall deceive the purchaser.

If it be an imitation of or offered for sale under the distinctive name of another article. If it be mixed, colored, powdered, or stained in a manner whereby damage or inferiority is concealed so that said product when sold shall tend to deceive the purchaser.

If it contain any added or poisonous ingredient which may render such article injurious to health.

If it is falsely labeled as a foreign product, or is in imitation of another substance of a previously established name, or which has been trade-marked or patented.

If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, or if it is the product of a diseased animal or one that has died otherwise than by slaughter.

But food shall not be deemed adulterated in certain cases:

Where compounds are known under their own distinctive names.

Where articles are labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends.

Where the same is labeled, branded, or tagged so as to show the character and constituents thereof. Where substances which enter into the preparation or preservation of food and which change their chemical nature in the preparation of food are branded

at the time of manufacture with the names of the resulting substances which are left in the food when ready for consumption, together with the name and address of the manufacturer.

And as a protection to proprietors or manufacturers of proprietary food which contains no unwholesome added ingredient he shall not be compelled to disclose trade formulas, except so far as to secure freedom from adulteration or imitation.

As to the dealer, he is absolved from all liability if he receives from the manufacturer, resident of a State of this country, a written guaranty that the article sold to the dealer and offered by him to the public is exactly what it purports to be.

The bill provides, in that feature which looks to its execution, that any dealer offering for sale a suspected article shall be compelled to give to the Government inspector a sample of the article complained of, and at the instance of the person against whom the complaint is alleged the sample shall be divided into three parts, one to be kept by him, one to be kept by the Government, and one to be kept by the United States district attorney. And these formulas of which I spoke a moment ago, when they have been established by this bureau of chemistry, may be offered in evidence in the courts in any proceeding under this proposed act. But this formula shall not be taken as prima facie evidence of the guilt of the accused, but its effect will be merely to serve as the opinion of that bureau upon these given substances; and the weight of it, whatever weight it may have, may be overthrown by testimony called by the defendant in the case.

The bill, before it was amended by the committee, contained these words:

Such standards and determinations, when so fixed * * * may be read in evidence in the United States courts, but shall not be considered as determining the adulteration of any articles under * * * this act until such standards and determinations are approved in the courts.

Your committee struck out the words "until such standards and determinations are approved in the courts," because it was not deemed to be within the power of Congress to fix the quality and conclusiveness of evidence in any proceeding at law, nor in a court in one case to approve of a standard in evidence which shall be binding and conclusive in another case. That is to say, your committee is of the opinion that while such standards and determinations may be offered in evidence, they are to be received for what they are worth intrinsically and may be overthrown by other evidence.

Section 10 of the bill excludes its provisions from commerce wholly internal in any State, and from interfering with the exercise of their police powers by the several States, and forbids their interference with laws enacted for the District of Columbia or by the Territorial legislatures for the several Territories regulating commerce in adulterated foods within such District and Territory.

There is no disposition on the part of the advocates of this bill to invade any State and undertaking to usurp the police powers of that State or to substitute its courts for the State courts in reference to any manufacture or any dealing in articles of commerce that are found wholly within that State, but recognizing, as has been demonstrated, the ineffectiveness of the miscellaneous sorts of legislation upon this subject by the various States, recognizing how inoperative have been statutes looking to the control of commerce passing out of one State into another, there has been, as I said in the beginning, a universal demand for the interposition of Congress, with the power which is vested in it by the Constitution, not only to regulate commerce between the States in the sense of controlling common carriers, but to go further and exercise such police power in connection with this commerce that nothing which is deleterious or deceptive or is a fraud or an imposition upon the people shall pass from one State to another.

Instead of being an interference with the administration of justice and the execution of the food laws of the various States, it is intended to be an auxiliary to those laws, and to help preserve to the people of the respective States pure food, pure drugs, saving them from fraud and deceit.

That there is an interest on the part of the people in this subject and that there is a demand on their part that Congress shall do something upon this important matter is evidenced by the fact that in nearly all the States of the Union pure-food laws are in existence and are being enforced with more or less success. I am informed that the legislature of the State from which my friend who represents the minority in the discussion of this matter comes—the State of Georgia—I understand that within the last few weeks, by a unanimous vote of the senate and house of representatives of that State, a pure-food law has been enacted.

I do not understand that there is any organized opposition to this measure, except possibly as to the method of executing its provisions. Upon the sentiment that the people should be protected against fraud and deception, upon the proposition that health should be preserved by withholding from market impure food, there can be no dissension in the opinion of our people. Congress, by interfering so far as the scope of interstate commerce extends with the manufacture of impure drugs and adulterated food, seeks simply to throw around the purchaser and the consumer the protection of giving notice to him of what he is buying and what he is consuming.

Your committee, Mr. Chairman, are of the opinion that while a man has the right per se to manufacture a substance which looks like strawberry jam, he has no right to manufacture that substance and inject into it timothy seed and brand the vessel containing this fabrication with the name "strawberry jam." Your committee feel that the manufacturer or the dealer who sells this product should sell it for what it actually is, and should say: "While this looks like strawberry jam, while the timothy seed which it contains looks like strawberry seed, neither is genuine." And when a man puts an article upon the market which he calls coffee we want it to be coffee, not stuff compounded from tree bark and soil, which, by an ingenious process of compression and drying, is made to resemble the coffee berry, when there is no coffee at all in it.

Now, it is well known that among condiments which we daily use it is almost impossible to get pure pepper, pure cinnamon, or any of those things which go to give flavor to the food which we consume, it being universally recognized that nearly every one of these articles is adulterated; so that the consumer considers himself fortunate if he does buy something which is absolutely pure.

These adulterations are the outgrowth of the abnormal conditions which existed during the civil war. Army contractors, when they furnished to our soldiers shoddy clothing, when they furnished to them foods which were compounded of inferior substances—when we had so little time to investigate and protect ourselves against these conditions, rude as the fabrications were and easily detected as they might have been—the success met with in those times by those manufacturers of adulterated and counterfeit articles has led to an active industry, so that there are all over this country manufacturers engaged in the adulteration and debasement of food and drugs, until, as I said a moment ago, we feel like congratulating ourselves when we know that we have bought a pure article of food or an absolutely pure drug.

Mr. McDERMOTT. Will the gentleman yield for a question?

Mr. TOMPKINS of Ohio. Yes, sir.

Mr. McDERMOTT. As this bill applies to the District of Columbia, and under certain conditions to every State, it provides that if a dealer shall offer for sale or shall sell an adulterated article he shall be guilty of a misdemeanor. With reference to the District of Columbia, it is provided that of every article that he has for sale he must furnish, at the request of the Government, a sample which may be analyzed. That sample is to be analyzed by Government officials on the one part, and, if the seller so desires, by some chemist selected by him; and if these two chemists differ, there shall be what you might call a chemist referee, who shall decide the dispute. So that you have an analysis on the part of the Government and an analysis on the part of the dealer, with the recognized proposition that those two chemists may disagree and that a third analysis may be furnished.

Yet you provide in this bill that without any scienter being established on the part of the dealer as to the fact that the article is adulterated he shall be held guilty of a crime. How could a grocer in the District of Columbia be protected in selling the kind of coffee or pepper that the gentleman has described, although he may have had no knowledge that the article was not perfectly pure? In other words, is it the intention of this bill that without any knowledge on the part of the dealer that there is an adulteration—that being a question that may be decided by three different forms of analysis, by three different chemists—the dealer shall be deemed guilty of a crime? Is there to be no question under this bill as to the intention or knowledge of the dealer in respect to the adulteration of the article? Is that the idea?

Mr. TOMPKINS of Ohio. I will answer the gentleman by saying that the bill provides that the dealer can protect himself by a certificate from the manufacturer that the article is genuine and that it is just what it purports to be. That is all the protection he needs and he is acquitted of all blame. If it is an adulteration the punishment should fall upon the manufacturer and not upon the dealer. Does that meet the gentleman's question?

Mr. McDERMOTT. In what section is that?

Mr. TOMPKINS of Ohio. I will answer in a moment.

Mr. PADGETT. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield?

Mr. TOMPKINS of Ohio. In a minute.

Mr. MANN. I will state for the information of the gentleman from Ohio that what he refers to is in section 6 of the bill.

Mr. TOMPKINS of Ohio. For the information of the gentleman from New Jersey, Mr. Chairman, I will read from the bill, in answer to his inquiry—on page 8 of the bill:

Provided further, That no dealer shall be convicted under the provisions of this act when he is able to prove a written guaranty of purity, in a form

approved by the Secretary of Agriculture as published in his rules and regulations, signed by the manufacturer, or the party or parties from whom he purchased said articles: *Provided also*, That said guarantor or guarantors reside in the United States. Said guaranty shall contain the full name and address of the party or parties making the sale to the dealer, and said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this act.

Mr. McDERMOTT. I will study that section for a moment.

Mr. TOMPKINS of Ohio. I will be glad now to answer any questions of the gentleman from Tennessee [Mr. PADGETT].

Mr. PADGETT. The question I wanted to call attention to was the second proviso on page 8, which limits or qualifies that the guarantor or guarantors reside in the United States. Now, suppose that a dealer is unknowingly selling an adulterated foreign article, in the absence of any knowledge or information that it is defective?

Mr. TOMPKINS of Ohio. The answer to that is this: Of course, if the manufacturer lives beyond the seas, he is beyond the jurisdiction of our courts. We can not punish him. If he lives here, we think that the punishment should fall upon the manufacturer, and not upon the dealer; but if the manufacturer is foreign, then the local dealer should protect himself against prosecution by making sure that he is not selling an imitation or debased or impure article.

Mr. PADGETT. Ought not there to be a qualification that the dealer should knowingly violate the law?

Mr. TOMPKINS of Ohio. Well, the difficulty is in proving the knowledge in matters of that kind. In most cases you can prove intention where fraud is charged, but you can not in cases of this kind. A dealer would say that he had obtained the goods under such conditions that led him to believe they were genuine and pure; that he paid a fair price for them, and he thought they were all right. Now, how are you going to prove to the contrary?

Mr. PADGETT. Is it wise legislation to provide for the punishment of a man unless that man is guilty intentionally of some wrong?

Mr. TOMPKINS of Ohio. Of course the innocent ought not to be punished; but there are two forms of offenses.

Mr. PADGETT. Does not this bill provide for the punishment of the innocent and comprehend them within the scope of its enactment?

Mr. TOMPKINS of Ohio. In one sense, yes; but there are two ways in which offenses may be committed. One is by actually committing an offense, by knowingly and willfully doing that which is known to be wrong. The other is by being so willfully ignorant, so lacking in investigation and research and information, that it amounts to an offense.

Mr. PADGETT. Would it not be necessary that the dealer should analyze all of his articles. Suppose he analyzes one sample and that was all right, but that the sample that was analyzed by the chemist was wrong. Would he not be convicted under the provisions of this bill?

Mr. TOMPKINS of Ohio. The bill provides that the dealer may call his own chemist and they may investigate the matter. If there be a disagreement it shall be submitted to court, and the amendment suggested by the committee to the bill shows that the purpose of the legislation is not to have anything absolutely prima facie against the accused, but it all must be judicially determined whether or not he is committing an offense under this act.

Mr. PADGETT. That is, as to the specific sample that is there provided for?

Mr. TOMPKINS of Ohio. Yes.

Mr. PADGETT. Suppose the dealer has a sample analyzed and the report of the analysis is good?

Mr. TOMPKINS of Ohio. Yes.

Mr. PADGETT. And then the chemist provided by the Department of Agriculture analyzes another sample, and that is found to be bad?

Mr. TOMPKINS of Ohio. Well, then, I suppose the dealer is guilty.

Mr. PADGETT. Then he would be guilty, and yet he would be acting in good faith and without any intentional wrong.

Mr. TOMPKINS of Ohio. You speak of two different samples.

Mr. PADGETT. I am speaking of two different samples of the same quality or product.

Mr. TOMPKINS of Ohio. They can not be of the same quality or product when one is pure and the other is impure.

Mr. PADGETT. Suppose, for instance, it should be canned goods, and one can was examined by one chemist and another can by a different chemist, and one should be reported pure and the other impure?

Mr. TOMPKINS of Ohio. The bill provides that before there can be any prosecution under it the Secretary of Agriculture, through his agent, shall obtain a sample of the goods which are being sold, and the prosecution is predicated upon that particular sample and none other.

Mr. PADGETT. That is just the very question I am talking about.

Mr. TOMPKINS of Ohio. And if that sample is impure, then he is guilty, unless he has taken that protecting guaranty of which I spoke a moment ago.

Mr. PADGETT. Yes; but you deprive him of a guaranty from any foreign dealer, and you throw him upon his own investigation. Now, he investigates, and the investigation that he made was in good faith and satisfied him as far as it went that the goods were pure. But the investigation and analysis of another sample showed that that part of it was impure. You say that he shall be convicted upon the analysis that was found impure, and that the analysis which he made in good faith and which showed the sample to be pure shall avail him nothing, and that he shall be convicted regardless of his good faith and the sincerity of his purpose, and in the absence of any knowledge or purpose to violate the law.

Mr. TOMPKINS of Ohio. I do not know about that.

Mr. SCHIRM. I should like to ask the gentleman from Ohio whether this bill would not work a hardship upon the retail dealer, since there is a provision in this bill whereby the wholesale dealer can protect himself by securing from the manufacturer a certificate as to the character of the drug or food that he buys from him, and whether the result of this will not be to organize a band of detectives to go about from one small dealer to another, and put each dealer in the position of expending large sums of money to make this expert analysis, and also put him in the position of not being able to prove that the goods he has sold are sold under the very certificate that the wholesale dealer retains, and from whom he himself has bought or purchased?

Mr. TOMPKINS of Ohio. The retail dealer can protect himself with the same certificate, under this act.

Mr. SCHIRM. Then I should like to ask the gentleman from Ohio further whether it would not be a difficult thing to identify just exactly what passed under that certificate, or whether there is any provision available for stamping packages, barrels, and boxes, and the prevention of the removal of the goods sold under certificate, so that they can always be identified by that certificate.

Mr. TOMPKINS of Ohio. That matter was discussed at considerable length in the committee. It is to be expected in the preparation of all statutes for the protection of society that complications will arise, and there are times when the innocent may suffer along with the guilty. But, as to this particular point, it was suggested that if a bill was made out showing so much merchandise of a certain kind sold, so many barrels of flour, for instance, so many bags of coffee in a certain bill, and the guaranty of the wholesaler in the last instance and of the miller in the first instance is on that bill, that that is a protection to the dealer in the articles contained therein.

Mr. SCHIRM. Do I understand the gentleman from Ohio to mean that if a retail dealer is indicted under this act it is necessary for him to go back to the wholesale dealer and find which certificate covered the goods he bought from him in order to protect himself against prosecution?

Mr. TOMPKINS of Ohio. I do not say that conviction is inevitable. I say that the analysis of this sample would be prima facie evidence of guilt, but he could show his innocence by other means if he were not guilty.

Mr. SCHIRM. But in your reply to the gentleman from New Jersey, in order to obviate this obligation of establishing his innocence, you say it is overcome by the fact that he covers himself with a certificate from the manufacturer.

Mr. TOMPKINS of Ohio. I stated to the gentleman from New Jersey that that was one of the ways in which he could protect himself. He could have this guaranty from the wholesale dealer or manufacturer.

Mr. SCHIRM. Now, let me ask the gentleman this: No doubt he will admit that the wholesale dealer, buying from the manufacturer, buys in large quantities, often in bulk. The stuff that he buys is distributed among many retail dealers. Now, if a retail dealer is indicted it will be a difficult matter for the wholesale dealer to protect his customer by the certificate that he holds, for the reason that he may not be able to identify that stuff that he sold as the stuff for the sale of which the retail dealer is indicted.

Mr. TOMPKINS of Ohio. Maybe that is all right. Upon every statute book of every State in this Union where laws have been enacted on this subject there are objections to be found; but we must do the best we can to throw around the dealer all the environment of protection we can under this act, and give him all the show we possibly can give him. But because some one will be put to some inconvenience and some expense to clear his skirts, is that sufficient reason why we should be without any protection to the people at all in the way of pure-food legislation?

Mr. SCHIRM. I am as much in favor of pure food as the gentleman is, but these laws work a hardship upon people who are the least able to bear it. It is well known that a great part of the retail grocers in the cities are foreigners, men who by their thrift have saved a few hundred dollars and have put them into a corner grocery store. They are not acquainted with the laws; and of course I know that ignorance of the law is no excuse; but it works a hardship upon John Schmidt to go and tell him he must have an analysis made of the pepper sold to another John Schmidt to see whether it is pure food. That will throw them into such a state of confusion that you might as well just set them out of business at once.

Mr. TOMPKINS of Ohio. I thought the gentleman from Maryland was asking me a question.

Mr. SCHIRM. I was trying to show you the effect of this.

Mr. TOMPKINS of Ohio. I will give you some time if you desire.

Mr. SCHIRM. I was trying to show you how burdensome it was, and that the burden is being put upon those who are the least able to bear it.

Mr. TOMPKINS of Ohio. I now yield to the gentleman from New Jersey.

Mr. McDERMOTT. I think that idea of making the wholesaler finally responsible is a very happy one, but what I am troubled about is that when we read the section you have not made him responsible. You have relieved the retailer. He may show that the formula adopted by the Government as to the degree of purity has been complied with. You say that it shall relieve the retail dealer. You then provide that—

Said guaranty shall contain the full name and address of the party or parties making the sale to the dealer and said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this act.

Now, then, it is not provided in any case that the party who has given the guaranty is merely responsible for his guaranty. He has not done anything that the retail dealer is responsible for under this act at all. He has sold the goods in Philadelphia with a certificate which he believes to correspond with the requirements of this act, and that certificate is that the goods are salable under the provisions of this act, and you say that the party giving that guaranty shall be liable to the prosecution, fines, and other penalties. What does that mean?

Mr. TOMPKINS of Ohio. It means that he shall be prosecuted for selling a false and spurious article.

Mr. McDERMOTT. It does not say so.

Mr. TOMPKINS of Ohio. That is what it means.

Mr. McDERMOTT. Oh, but it does not; it means what it says, and my suggestion is in the line of an amendment to make it say something that means something. In other words, you are about to make the wholesale dealer liable, and yet you have not provided any offense whatever. You have made the fact of his giving a certificate there, with or without knowledge of its falsity, an avenue of escape for the retail dealer. Then you provide that the giving of that certificate shall make the wholesale dealer responsible. Your certificate may be signed by the manufacturer or by the wholesale vendor, and then you provide for what? That it shall contain the full name and address of the party making the sale, not the full name and address of the manufacturer, and the said party shall be amenable to prosecution, fines, etc., that can be visited upon the retail vendor when he is guilty of doing certain acts which are made the basis of the crime, and which the wholesale vendor can not possiby do.

My objection, therefore, is that you do not provide anything whatever except this: That the manufacturer may, and most manufacturers will, if we take their advertisements in the daily papers as indications of what they think of the purity of their goods, give a certificate that it has all the things required by the Secretary of Agriculture. That protects the retail dealer whether the certificate is false or not. You have not any provision, whether the goods are sold in Pennsylvania or elsewhere—you have not any provision which applies to the wholesale dealer. It is a certificate or demonstration of the fact of the purity of the goods which is to be demonstrated subsequently by the chemical analysis, and of the belief of the man who sold them to him. For the truth or untruth of that certificate you have provided no penalty in the act whatever.

Mr. TOMPKINS of Ohio. That is covered by the sweeping provision that anybody who manufactures or sells any adulterated article of food or drug shall be punished under the penalties provided for in this act. The certificate is for the sole purpose of protecting the retail dealer or the middleman between the retail dealer and the manufacturer. You can not go back of the manufacturer; you can not give him a certificate for the article, because if it is impure nobody knows it better than he does. Of course, the manufacturer knows if the article he manufactures is impure, but the one to whom he sells the goods in good faith, the person who buys them from him in good faith, stands on the certificate that he gives him, and he will say to the Government, when complaint is made that he is selling impure goods, "I stand on the certificate from a reputable manufacturer." It protects the wholesale dealer, who, on the basis of a certificate, will say, "I thought I was selling pure goods;" but when you come to the manufacturer he stands alone, without any protection thrown around him at all, except his ability to prove that the article sold was pure.

Mr. McDERMOTT. I beg to suggest to the gentleman that under section 6 he does not stand in any such position.

Mr. TOMPKINS of Ohio. The certificate is to protect the innocent retail dealer——

Mr. McDERMOTT. Why not protect the wholesale dealer?

Mr. TOMPKINS of Ohio. It will. It says the dealer; it does not say wholesale or retail.

Mr. McDERMOTT. You provide that a certificate of guaranty shall be an absolute plea in bar. Now, you attempt under this act to provide that one who furnishes the plea shall be punished if it is shown the plea is false. That is the idea of the act, but the words do not accomplish that purpose.

Mr. TOMPKINS of Ohio. The gentleman misconceives that provision of the act.

Mr. McDERMOTT. If the gentleman can show me how under that wording——

Mr. TOMPKINS of Ohio. That simply protects the innocent dealer, the vendor, whether he be a wholesaler or a retailer. That is all it is for.

Now, Mr. Chairman, I decline to yield any further, for I have given all the time I care to the colloquy.

Mr. Chairman, there can be no question here, it seems to me, as to the power of Congress to legislate on this subject and in this manner; that it has a right to regulate by police power the kind and quality of goods that shall be transported from State to State, and that there is a real necessity for such legislation, as this has been made manifest by the almost universal demand of the citizens of our country for this bill.

A number of gentlemen appeared before the committee during the hearings in organized opposition to the bill. The wholesale manufacturers and distributers of the West and of the East were before the committee in amiable opposition to the bill—some as to the underlying principle of it and some to the proposed manner of execution. But I am informed that since the adjournment of the first session of this Congress all this opposition has subsided, and that practically there is not among the manufacturers and the wholesalers any objection to this legislation.

We have the power to so legislate, as established by repeated precedent. We created an Interstate Commerce Commission to regulate freight rates. It has been declared a constitutional body. We have required railroads engaged in interstate commerce to use safety appliances in the operation of their trains. It stands. We have levied tribute upon the manufacturers of oleomargarine because it imitates butter, and the law will stand. We quarantine against diseased cattle being transported from one State to another, and we isolate and hold fast upon the islands or our seas travelers visiting or returning to our shores who are suspected of having infectious or contagious disease. If we can do these why may we not protect our people against debased and fraudulent food and impure drugs? If we can, and we can, I think we should.

Mr. HEPBURN. I reserve the balance of my time.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] is recognized.

Mr. ADAMSON. The chairman of the Committee on Appropriations [Mr. CANNON] expressed to me a few moments ago a desire that we should go back into the House for a few minutes in order that some measure in which he is interested might be called up.

Mr. HEPBURN. I move, then, that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker pro tempore having resumed the chair, Mr. LAWRENCE reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 3109) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, and had come to no resolution thereon.

URGENT DEFICIENCY BILL.

Mr. CANNON. I desire to call up from the Speaker's table the urgent deficiency bill. The Senate has put on that bill two amendments—one appropriating $8,000 for the completion of the Sherman statue; the other making an appropriation of $3,400 for miscellaneous items covered by the contingent fund of the

Senate. I should be glad to have the House concur in those two amendments.

The amendments were read.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House concur in these two amendments of the Senate. Is there objection?

There was no objection; and it was ordered accordingly.

On motion of Mr. CANNON, a motion to reconsider the order just made was laid on the table.

PURE FOOD.

On motion of Mr. HEPBURN, the House again resolved itself into Committee of the Whole House on the state of the Union (Mr. LAWRENCE in the chair), and resumed the consideration of House bill 3109.

Mr. ADAMSON. Mr. Chairman, in the protracted hearings before the Committee on Interstate and Foreign Commerce I discovered to my own satisfaction, after giving sufficient reading to the bill and its terms, that there was not only no necessity for its enactment, but that such legislation would be fraught with pernicious and dangerous consequences. I then gave my attention not so much to the details of the bill itself as to bringing out in the way of question and answer from those who appeared before the committee whether the States and local communities could not determine for themselves what their people should eat and drink and wear, and where they should buy such articles, instead of requiring that the burden should be put upon the Government of the United States of doing that in which it was never designed to have any concern.

Of course I regard many of the features of this bill as themselves objectionable; but on the whole, I think, and others before the committee and on the committee concurred, I believe, in this opinion, that the bill drawn and introduced by the distinguished chairman of the committee was the best of its kind if such legislation must be resorted to.

Mr. Chairman, I know that there is great interest in the question of food. So there is in a great many other questions. I heard and saw demonstrations by chemists and scientists before the committee, and heard appalling descriptions of germs and bacteria, and of the filth and worthlessness and deleterious and poisonous character of all there is to eat and drink, especially in this community, until it was almost enough to destroy one's appetite and prepare a man to declare that he would never eat or drink again.

Experiments are now going on in this city under the direction of one of the scientists who has appeared not only before our committee, but before a great many communities throughout the United States, to the pleasure of those communities, I am glad to say, because he is an excellent and amiable gentleman and an able scientist. He is now carrying on in this city experiments with a dozen young men of perfect physique and health, and they are going through the experiment of trying the effect upon their health of the various substances resulting from the efforts to compound and cheapen food. I do not mean to say that he is using what he denounces as deleterious and poisonous foods, but he is trying everything against which one element appearing before the committee inveighs so vigorously—those combinations which people manage to discover and use by which they may blend, as they claim, purely harmless substances, thereby furnishing to the people food products just as pure, just as wholesome, as those not thus compounded and yet cheaper.

Now, Mr. Chairman, I do not know what the result of those experiments will be. They are going to try all kinds of combinations and so-called adulterations, except those recognized to be poisonous. If those who eat the mixed foods become lean and those who eat only the pure food become fat, of course the argument will be against such mixtures. But if some of those who eat the pure and unadulterated foods and drink the pure and unadulterated drinks grow lean or die, or if those who confine themselves alone to the other character of meat and drink should grow fatter and live longer, what would become of science?

Now, Mr. Chairman, I do not propose to discount the importance of purity and, above all, honesty in all sorts of commercial dealings. I have gone so far, after listening to the hearings of the committee, as to suggest to my conferees that the laboratory proposed could be a great and useful institution as a gatherer of information and a disseminator of education among the people of the country. I have even gone farther and suggested as a safe ground upon which we could all compromise and stand that, if desirable, this central establishment, with greater facilities, with more powers to gather information, with more ability to arrive at the truth of these things, could publish the results of the information obtained. I have gone even farther and proposed to agree that every man shipping from one State into another should be required, if the product be a compound, to label upon the package the exact ingredients which make the compound. Farther than those things, Mr. Chairman, I am not willing to go.

Now, I do not wish our friends or the people to understand that this is a bill confined in its operations to the District of Columbia and the territory subject solely to the jurisdiction of the United States. The bill proposes to extend its provisions to all our domain and govern all interstate business. I do not desire my friend from Ohio to understand, as he intimated, that I am stickling here about the question of States' rights. I believe if he would consider the question he would decide that he is as proud of his State as I am of mine and as jealous of her rights and sovereignty. I desire to say to him that all that subject was thrashed over by the ablest and greatest statesmen the world ever saw. I desire to state that long since that, and long since some people fondly imagined that States' rights had been stamped out and it was all right to invade local authorities and local communities, there has appeared in every State in this Union which ever seemingly denied it as lively a recognition of the doctrine and as keen a demand for it as rests in my breast whenever interest awakened their conscience on the subject.

The statesmen who prepared and builded the great edifice of this Government designed it to discuss and deal with great questions involving the liberties, the independence, and the welfare of this growing Republic, the greatest the world ever saw, and make its success and glory a shining light to all mankind. They never expected, when placing in the great bulwark of our liberties the commerce clause, thereby to monopolize all the functions and attention of the Federal Government and prostitute and use all the efforts and abilities of its statesmen in talking about matters of trade which were never intended to attract their attention except for one purpose. That purpose was solely and purely to prevent one State from discriminating against and injuring the interests of the people of another State in commerce—that, and no more. The doctrine has been evolutionary. Many things have been done under it that ought not to have been done, and I regret to say that in the fight before our committee, the hearings on the bill, between the classes of people who appeared before the committee, it was evident that all were willing to use the functions of the Government if they could be used for their own purpose.

Mr. Chairman, I think that my State can punish every solitary act, every fraud, every crime that has been described in any of these hearings, and any other State in this Union can do the same if it will. I contend that it is utterly unnecessary to burden this Government with little police matters that all the local communities can better attend to, and I know that after science has done its best or its worst, after all the laboratories have exhausted themselves, when all has been done and said that can be done and said, in the last analysis it will be proved that the old ladies in the home, the housewives, the old cook who used the elbow grease to mix the dough to make the bread—not last year's wasp nests which we have now and which is called bread—knew more about the subject than all science and all scientists.

Mr. Chairman, there are two or three insuperable objections to the framework of this bill. There is in it the provision talked about by the gentleman from New Jersey [Mr. MCDERMOTT] in his questions to the gentleman from Ohio. One of them provides that a person pretending to represent the Government may force a dealer, under penalty of prosecution for refusal to sell or deliver a sample, which shall be divided into three parts, which are subjected to a sort of toss-up arbitration arrangement, the result of which shall be submitted to a court on a prosecution, to the exclusion of all evidence about other goods, even those coming in the same case or package.

I think when you say to a man, "I do not know whether you will ever commit a crime or not; but under the authority of the Government of the United States I come here and demand that you commit one right now, in order that I may make a case against you and get per diem and mileage; and if you sell to me I will convict you, provided this chemical arbitration furnishes the evidence, and if you refuse me I will convict you anyhow," that fellow is certainly between his santanic majesty and the deep blue sea.

Now, it is quite as much as we can expect of human infirmity if, when you are really swindled, you take upon yourself the burden of your own grievance and place in operation the machinery for the obtaining of justice that the law furnishes and go ahead and punish the man who has already defrauded you. But to provide for the encouragement, not only of violations of the law, but to aid and extend the operation of a pestilential lot of spies, meddlers, and informers, who work for per diem and mileage, and sometimes other rewards incident to informing, would make a system a great deal more impure than any food or drink any people ever consumed and less to be desired.

Mr. Chairman, there is another objection to the bill, and not only that, but a thing that in my mind exhibits the great demand in some quarters for the bill. That is the provision that exempts a citizen from the expense of remedying his wrongs in the courts and puts upon the Department first the duty of getting up the

evidence and then calling upon the Federal officers whose duties would be to proceed with the prosecution. In the State courts where there is an act of cheating and swindling the injured man must simply, as the negro says, "tote his own skillet" and take up his own burden and attend to his own business.

Now, Mr. Chairman, I believe in pure food, pure coffee, pure everything that we eat and drink; but I believe in pure government. I believe in domestic and local government. I believe in the government of the home circle primarily and originally. I believe in the government furnished by the States and municipalities, which for domestic and police purposes were recognized by the founders of this great Government as the best and most perfect system of government. Not that anybody is jealous of local rights and afraid of the central authority; but the business can be better transacted, and crime can be more surely and speedily punished, and justice can be more certainly reached, and the central Government will not be overloaded.

I believe in the Federal Government as firmly, as strongly, and as proudly as any man who ever lived. In its proper channels, devoted to its proper purposes, it may be the greatest, most powerful, most glorious Government the world ever saw. Out of its channels, condescending to functions it has no business with, it becomes contemptible and ridiculous, frittering away its time and the interests of the people who made it and endowed it with its powers and constituted it for better purposes. Long may the emblem of our power and glory wave far and wide; and around the world may our Government's influence increase for our uplifting and the good of mankind. But, Mr. Chairman, when it leaves its glorious purposes and condescends to things too small and too unnecessary for its attention it is not strengthened, but weakened.

Now, Mr. Chairman, I have consumed more time than I intended.

Mr. RICHARDSON of Alabama. Will my friend allow me a moment?

Mr. ADAMSON. Certainly.

Mr. RICHARDSON of Alabama. If I understand your opposition to this bill, it is that you are opposed to it because the States ought to be allowed to carry out the provisions of it.

Mr. ADAMSON. I am opposed to it because it is perfectly unnecessary, and the States in this Union can take care of every question which is looked after in this bill.

Mr. RICHARDSON of Alabama. Do you not recall the fact that in the hearings before the committee it was developed that there were a number of States that had pure-food statutes?

Mr. ADAMSON. I think so.

Mr. RICHARDSON of Alabama. More than twenty in number.

Mr. ADAMSON. A great many of them.

Mr. RICHARDSON of Alabama. And that with the exception of one or two States the statute regulating the matter of pure food in the different States was a dead letter on the statute books.

Mr. ADAMSON. I know some people said that.

Mr. RICHARDSON of Alabama. Absolutely a dead letter.

Mr. ADAMSON. I know some people said that. I will say to the gentleman from Alabama that if you go to a State where the people do not want a law enforced, there is no use to enact it. It will be a dead letter; but where people desire a law enforced and enact a salutary law the State certainly has power under the constitution to enforce it, and my State can do it. My observation has been that State laws are as well and generally enforced as Federal statutes. The courts are more efficient and expeditious.

Mr. RICHARDSON of Alabama. But my friend from Georgia and colleague on the committee does not contend that this bill invades the rights of the States?

Mr. ADAMSON. Well, it says it does not. That is what it claims. I have not said that it did. I said I fought it because I deemed it absolutely unnecessary to put in operation a great deal of machinery for the pure-food interests. I said the States could do it better, and ought to be allowed to do it.

Mr. RICHARDSON of Alabama. You will admit that as to the State pure-food laws which now exist, with the exception of two or three States, the law has been a dead letter.

Mr. ADAMSON. I understand that has been claimed, but also denied.

Mr. RICHARDSON of Alabama. And that there has been universal complaint about it.

Mr. ADAMSON. I understand that some people charge that in some States; others deny it.

Mr. MANN. Will the gentleman from Georgia permit me to direct his attention to portions of the bill for two or three minutes and also allow me to ask him what he thinks in regard to them?

Mr. ADAMSON. I will, with great pleasure.

Mr. MANN. The gentleman will remember the provision in the first section in reference to the employment of agents and other employees?

Mr. ADAMSON. Yes, sir.

Mr. MANN (continuing). Which confers upon the Secretary of Agriculture authority to employ such chemists, inspectors, clerks, laborers, and other employees as may be necessary to carry out the provisions of this act. I would like to ask the gentleman whether he thinks under that provision there is a liability that some Secretary of Agriculture may employ people far beyond a reasonable limit?

Mr. ADAMSON. There is no doubt about that.

Mr. MANN. And possibly even for partisan purposes.

Mr. ADAMSON. That is possible. I did not, if the gentleman will allow me, undertake in my remarks to go over in detail all the features in the bill.

Mr. MANN. Oh, I understand; the gentleman did not take time; but because the gentleman and I are rather in accord with reference to this bill, and I know he has given a great deal of study to this subject, I wanted to get his judgment in reference to this bill.

Mr. ADAMSON. There is not a solitary section in the bill that I would vote for, standing alone or taken together with any others.

Mr. MANN. The gentleman from Ohio called attention to the provision in the bill which excused the retail dealer or any other dealer where he possessed a guaranty given by the manufacturer in this country. I call the attention of the gentleman to the provision which says that no dealer shall be convicted, and ask him whether under this bill prosecutions are to be had in the United States courts or in the local courts?

Mr. ADAMSON. I just took it for granted it was understood that the Federal courts should have charge of these offenses.

Mr. MANN. As I understand it, there is no jurisdiction conferred, if it is possible to confer it, upon any State court.

Mr. ADAMSON. So I understand.

Mr. MANN. So that the prosecutions would be in the United States courts.

Mr. ADAMSON. That is my understanding.

Mr. MANN. The guaranty would not be a guaranty against prosecution. The retail dealer might be called several hundred miles away from home to produce the guaranty in order to escape. I suppose it is a guaranty against conviction in a Federal court. I would like to ask the opinion of the gentleman upon another point. Section 8 of this bill provides that any party "must" sell any article which he exposes for sale to an agent of the Agricultural Department, and that if upon examination this article proves to be adulterated the dealer shall be convicted and fined. I would ask the gentleman whether that, in his opinion, is constitutional?

Mr. ADAMSON. Is that the provision which provides for arbitration for the three samples and three inspections, and then if they do not tally they can throw it all on the court and let the court try to scuffle as to what is in it and get the truth?

Mr. MANN. It is the provision that he "shall furnish."

Mr. ADAMSON. I understand.

Mr. MANN. Now, the other provision of the statute is if he does so furnish. Shall he be convicted on the article furnished?

Mr. ADAMSON. My understanding of the law has been that for generations you can not compel any man to convict himself if he does commit a crime, and you can not by law compel him to commit a crime so that he may be convicted.

Mr. MANN. The provision of the Constitution is: "No person shall be compelled in any criminal case to be a witness against himself."

Mr. ADAMSON. If the gentleman will excuse me, this provision compels him to commit a crime that the Government may convict him.

Mr. MANN. The gentleman is a fine constitutional lawyer, and I would like to have his judgment as to whether the Government of the United States can constitutionally not only require a man to sell a thing the selling of which is an offense, but compel him to sell it and then furnish the evidence to convict him.

Mr. ADAMSON. I said I thought the dealer could safely refuse to communicate with the person, or refuse to sell it.

Mr. MANN. This statute makes it an offense to refuse. So that if he does refuse he is damned and if he does not he is damned.

Mr. ADAMSON. How could he be convicted if he had the right to refuse? The statute could not change it.

Mr. MANN. The court might set aside the provision of the statute; but what I want the gentleman's opinion upon is whether it is constitutional. The gentleman knows that this side of the House always goes to that side of the House when they want a constitutional question decided. [Laughter.]

Mr. ADAMSON. If I was the dealer and knowing the purpose of the customer, I would take the chances of escaping conviction and refuse to sell it. Now, I want to say further about this matter: It seems to me a little hard that when the three chemists provided for have failed to agree about the results of the investigation, and the results of the investigation have been laid before

the court, that the case may be tried alone on that sample, when there may be 143 other packages in the case, every one of which, upon inspection, might be proven pure, and according to whether the arbitration agreed or whether it did not, you convict him on one simply that may have been falsely packed, perhaps by accident or mistake or otherwise, and upon which he never ought to have been put upon trial.

Mr. RICHARDSON of Alabama. I want to call the attention of the gentleman to section 9 of the bill, which seems to me to answer a question which was asked a little while ago. It says:

SEC. 9. That any manufacturer, producer, or dealer who refuses to comply, upon demand, with the requirements of section 8 of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding $100, or imprisonment not exceeding one hundred days, or both. And any person found guilty of manufacturing or offering for sale, or selling, an adulterated, impure, or misbranded article of food or drug in violation of the provisions of this act shall be adjudged to pay, etc.

Mr. ADAMSON. I do not think anybody would ever be hurt by that.

Mr. MANN. Well, if he refuses to sell and give evidence to convict himself he shall be fined $100 for it.

Mr. RICHARDSON of Alabama. Oh, no. If the manufacturer sells or offers for sale that which is adulterated he becomes guilty, and the penalty of the statute operates upon him. You are bound to trust something to the common sense of the court and of the country.

Mr. MANN. I want to say to my genial and able friend from Alabama that he loses sight of the first part of the section.

Mr. RICHARDSON of Alabama. Well, who is to decide? Why, the courts of the country.

Mr. MANN. The provision of the bill says:

Any manufacturer, producer, or dealer who refuses to comply, upon demand, with the requirements of section 8 of this act shall be guilty of a misdemeanor and upon conviction sha l be fined not exceeding $100 or imprisonment not exceeding 100 days, or both.

Mr. RICHARDSON of Alabama. But the gentleman does not read far enough.

Mr. MANN. Oh, it is not necessary to read about some other misdemeanor. The provision of section 8 is that he must sell to the agent of the Agricultural Department, and if he does not sell he is fined for not selling, and if he does sell, and it is proved that he is selling adulterated goods, he is fined because he does sell. You make him furnish evidence to convict himself if he sells, and if he does not sell you convict him and fine him.

Mr. RICHARDSON of Alabama. What court on earth would be guilty of such an absurdity——

Mr. MANN. What body of representatives would ever be guilty of enacting a law like that?

Mr. RICHARDSON of Alabama. What common sense person would ever expect any court to construe it as the gentleman interprets it?

Mr. MANN. If the gentleman can put any other construction on it, I will be glad to have it done.

Mr. ADAMSON. My good friend in opening this debate had a good deal to say about the demand for the enactment of this legislation. I desire to say that I have been circulating about halfway across the continent and back for several years, and while this has been agitated if a solitary constituent of mine ever requested a support of this bill I have no recollection of it. If anybody in my part of the country ever took the trouble to talk about it, I do not remember it. There has been a good deal of interest and agitation representing different interests, as I said before, more as to the effects of the bill than the principle involved in its passage.

But such demand as comes appears to me to be very much like that which often comes to members of Congress. It is not a real and genuine upheaval originating with the people and demanding action from us; it is an artificial and supposed sentiment which reflects something called for in interested quarters. That is the only kind of demand that I have been able to discover for this bill.

One other word. The gentleman from Ohio [Mr. TOMPKINS], in doing me the honor to mention my State in connection with this matter, reminds me that in the discussion of the bill which our legislature passed last week for the protection of Georgia sirup the distinguished chairman of the Board of Trade of Savannah, who is the president or the head of that Georgia sirup industry, presented a very able argument, which, enumerating the statutes of various States and Territories, demonstrated very clearly to my mind that the States are capable of taking care of the domestic concerns of their people; and bright and strong among all the citations were the references to the great State of Massachusetts, whose cause once was and still is "the cause of us all," reminding us of the time-honored and still honored custom in that old liberty-loving Commonwealth of having the strongest constitutional provisions for local State government, while placing the least reliance of all the States of the Union upon the Federal Government.

Mr. Chairman, I desire in concluding my remarks to ask the Clerk to read, as expressing as well and distinctly as I otherwise could do my views on this question, the minority report of the committee, in presenting which I played "a lone hand"—one to sixteen—reversing the old condition. [Laughter.]

The Clerk read as follows:

VIEWS OF MR. ADAMSON.

I regret my inability to concur with the majority of the Committee on Interstate and Foreign Commerce in reporting with favorable recommendation House bill No. 3109, "for preventing the adulteration, misbranding, and imitation of foods, beverages," etc.

Aside from my partiality for the old-fashioned idea of leaving the greater part of government to be administered by local authorities, I object, as a member of Congress, to imposing on the Federal Government subjects of legislation and litigation wholly foreign to its purpose, and which, if at all effective, must prove burdensome, annoying, and expensive.

The founders of our Republic, fully appreciating the blessings of good government and the evils of bad government, though not as well up as we on amassing profits and figuring discriminating tariffs, had no thought that the Federal Government could possibly embark in the business of regulating the menu or the table etiquette of the citizens of the States. The line of argument that supports this bill would apply as well to any and all avenues of human business and conduct. It is insisted that this legislation is necessary to protect against frauds in interstate commerce, but I listened and cross-examined in vain during our long hearings to find a single situation which could not be reached more certainly and effectually by the State courts.

The fundamental mistake seems to be that people imagine the Federal Government may take their troubles off their hands and punish so-called violators anywhere, regardless of locality and without difficulty or expense to those invoking its aid, entirely losing sight of the elementary principles that the venue must be laid in the same way for trials in Federal and in State courts and proof must be forthcoming to convict in either. Whatever may be the privileges of shipping and selling in unbroken packages under the interstate-commerce law, it has never been pretended that a State can not punish common cheats and swindlers if they deceive as to the character of the article sold, or if they sell one thing and deliver another in its stead, no matter whence the package may have come.

Nor do I believe a single State in this Union capable of refusing to provide for such punishments. The hearings have disclosed some bad conduct in the food trade, as well as in some other departments of life and business, but it is all properly cognizable in State courts, and in my judgment not comparable with the possible evil resultant from the proposed legislation, which I would oppose as utterly unnecessary, if no other objection existed.

W. C. ADAMSON.

Mr. STEWART of New Jersey. As the gentleman has spoken of the indifference of his people to legislation on this subject, I wish to ask him whether their lack of interest in this bill may not be because they do not take interest to any large extent in any but indigenous food products?

Mr. ADAMSON. I think I have been pretty familiar with their views for a number of years. I believe they buy their articles of consumption wherever it seems best to buy them and that they are able to protect themselves against anybody who tries to cheat them.

Mr. GREEN of Pennsylvania. Did I understand the gentleman from Georgia to say that this measure was not pressed at all by the people of the several States?

Mr. ADAMSON. I said that the only popular excitement seemed to be in response to appeals made to them; that there seems to be two classes appealing to the people to get up an interest in this matter. It seemed that there was one class of business men trying to crush out another.

Mr. GREEN of Pennsylvania. I wish to say that the State of Pennsylvania some time ago passed a pure-food bill, and many of the legislators who favored that measure were severely criticised for the position which they took, but since the bill has gone into operation the result has been such as is evidenced in the following communication which has been sent to me by the Retail Grocers' Association of my city:

ORGANIZED TO PROTECT THE INTERESTS OF RETAIL GROCERS.

OFFICE OF THE RETAIL GROCERS' ASSOCIATION,
No. 309 SOUTH SIXTH STREET,
Reading, Pa., June 20, 1902.

Hon. H. D. GREEN.

DEAR SIR: At a meeting of the Retail Grocers' Association of Berks County held recently resolutions were unanimously adopted indorsing the pure-food bill now before Congress, known as the Hepburn bill, and requesting you to support the same by using your influence in its passage. By complying with the above request you will greatly oblige the members of the aforesaid association.

Yours, very truly, E. J. MORRIS, *Secretary.*

This paper comes from people who opposed legislation of this character when it was passed by the State, but who have since realized how useful and beneficial it is to the people, so that now they almost command me to support this bill. This seems to me pretty good proof of the popular demand for such legislation.

Mr. ADAMSON. Of course, neither the gentleman nor myself can be held responsible for the government or administration of the State of Pennsylvania. In this matter there may be a choice of two evils on the part of the Democrats of good old Berks County. The question may be whether they would rather fly for relief to a Republican Congress than trust the Republicans in control of the State of Pennsylvania.

Now, Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Chairman, I have read very carefully the report of the majority of the committee on this

bill, and I have read the bill itself. I find that the bill has three branches. It prohibits misrepresentation in the sale of goods, and to this extent it has my sympathy, if the State courts and State legislatures can not deal with the trouble; but first let us be sure of that fact. Another part of the bill requires the labeling of adulterated drugs, and that provision also has my sympathy, provided, as I have said, that the matter can not be better dealt with by the local authorities. But in the matter of adulterated articles of food, the bill absolutely prohibits the sale of such articles, even when labeled. The definition of adulterated food is given in section 6. By that section it appears that—

Any food is adulterated which contains any ingredient that may render such article injurious to the health of the person consuming it.

In other words, Mr. Chairman, it is made a criminal offense to sell, whether labeled or not, any article of food that contains an ingredient injurious to health. Injurious in whose opinion? In the estimation of the Secretary of Agriculture.

Who is to help that gentleman decide the question? A certain board, and the first man named on that board is the chief of the Division of Chemistry, no less a person than the learned Professor Wiley, the gentleman who to-day is carrying on pure and impure food experiments with 12 young men. I think it would be wiser to await the results of those experiments before any legislation is passed. That, however, does not seem to be possible.

Now, this provision forbidding the sale of adulterated food products, whether the members of the House know it or not, hits nearly every food industry in this country except such as pack for immediate sale or such as pack their product in hermetically sealed cans. It certainly injures in the most marked manner one of the greatest industries in my district. It practically destroys during the months of May, June, July, August, and the first half of September the boneless codfish industry in the city of Gloucester.

In that city alone there are 2,000 people employed in curing, packing, handling, and shipping this boneless codfish and this shredded codfish from which every fish ball eaten in the interior of this country is made. Nearly every one of those fish balls, nearly every bit of boneless codfish that the people of this country buy, comes from New England and is put up with boracic acid; and yet, if this bill is passed in its present form, undoubtedly the learned professor will say that boracic acid is harmful to human health.

I say that he will undoubtedly so decide, because I have heard of his statements on the question of boracic or boric acid. I have heard other learned professors before the committee on public health of the Massachusetts legislature argue on the iniquities of that preservative. I have no doubt what his decision would be, in spite of the fact that I am told that the best German authorities say that boracic acid in limited quantities is not harmful. Therefore, when the proper time comes, I propose to offer an amendment which, I am sorry to say, is not acceptable to the committee. It is on page 6, at line 20, and the amendment will be this:

Provided, That dried fish preserved by suitable preservative substances employed as a surface application shall not be deemed adulterated within the meaning of this act.

That almost exactly follows the wording of the Massachusetts statute. In dealing with this subject I may say that in the compendium recently prepared in Georgia with regard to pure-food legislation I find this statement:

Massachusetts may be said to have nearer a perfect code of pure-food laws than any other State or country which has given thought to the subject of preventing food adulteration under its myriad forms and disguises.

If the House accepts this amendment it will accept practically the wording of the Massachusetts law. As I say, if the law passes in the present form, there is very little question that the learned professor will decide that there is too much boracic acid in preserved codfish to be healthful, because I will admit at once that every bit of boneless codfish which he buys in the grocery store will, upon analysis, show four-tenths of 1 per cent of boracic acid.

He analyzes it, mind you, under this bill, as it comes from the grocery store. He does not analyze it as it comes on your table. Before it comes on your table, being salted codfish, it will be soaked for twenty-four hours and almost all of that boracic acid will be soaked out of it. Therefore I think the provision I am offering is a perfectly reasonable one. Let us grant that borax is injurious to health. Let us dissent from the German opinion and grant that for a moment. Why is it injurious to health? Because it is an antiseptic. So is salt an antiseptic, and common salt, if used in great quantities, is just as injurious to health as boracic acid.

Their action is precisely the same. The reason that this codfish can not be put up with common salt instead of borax is that it can not be kept long enough to ship all over this country to the tables of men of moderate means and kept until sold. Common salt will arrest the process of decay. It will kill the germs of decay in the earlier stages. It will also injure the healthy germs of the human body. Borax goes further than salt and kills the germs of decay in a still more advanced stage, and it has a still more advanced effect on the healthy germs of the human body.

That is the only difference in the world between the two. It is absolutely impossible to put up this product, the handling of which employs 2,000 people in the city of Gloucester alone, without using boracic acid or something still more deleterious to human health. Salt will not do it, because it will not preserve the fish long enough, except for local consumption. The fish can not be put up as canned salmon is, in hermetically sealed cans, because if you put it up in hermetically sealed cans it will be nearly as expensive as canned salmon, and it will be perfectly impossible for the man of small means to buy it.

I admit that it is a bad thing to have adulterated food; but there are a great many things more injurious to health than adulterated food, and one of them is hunger. The quickest road to hunger is expensive food for the poor.

Mr. DAHLE. I should like to be informed as to whether fish put up in the way you speak of is really cheaper than the common salted codfish? I have sold codfish for twenty-five years, I presume, but in order to get the cheap fish we have never had to resort to the kind the gentleman speaks of. Now, is that because we are ignorant, or is the kind you speak of the cheaper?

Mr. GARDNER of Massachusetts. Mr. Chairman, in reply to the honorable gentleman on my left, I will say that I am not personally in the fish business. I am aware of the fact that in seashore towns like Gloucester it is cheaper to buy the whole codfish right off the flakes than it is to buy that fish when it has gone through the process of manufacture and packing. I will also tell the gentleman that when that codfish is transported into the interior of the country, in portable form, in the form of shredded fish or boneless codfish, it is the manufacture and preparation, the extraction of those bones, which makes the fish so much more expensive. It must be treated with boracic acid, and the salted codfish, such as he speaks of, if it is to be transported in its original and cheaper form to Denver, or any place in the interior, must contain boracic acid.

But, after all, Mr. Chairman, is there not a great deal of humbug about all this agitation with regard to pure foods? Are we not perfectly willing to eat foods that we know are not entirely pure? Do we not know perfectly well that they are adulterated, and do we want them labeled on that account?

There is not a man within the hearing of my voice who will eat his fish balls next Sunday morning, or whatever day he devotes to that serious matter, with any less relish because of what is said here. Everybody knows now that what he is eating is poisonous. We shrewdly suspected it long ago, but we do not care. For years we have been eating poisonous food, yet here we are legislating about the sins of our constituents.

Mr. Chairman, you can not go down into that restaurant below here and eat a piece of bread which does not contain a poison injurious to human health. Every piece of bread you eat there contains alum or a salt of potash. I will venture to say that such is the case if they are prepared with any baking powder that has anything except the most limited sale. But we do not want to know it; we do not want to have these foods labeled. When I go downstairs and see a gentleman about to eat something that I know is adulterated, I do not go to him and say so. He does not want me to do so. When I go into a sleeping car, where I know the air is surcharged with the germs of consumption, or where I know that the curtains surrounding my berth conceal the tubercle bacillus, I do not want to see a large placard saying so, when I enter the car anticipating a pleasant night's sleep.

It is exercise and moderation that are the true preservatives of health. I believe we have gone altogether too far with our antispitting ordinances and our health ordinances, and the various other complicated methods by which we attempt to get the better of the germ that is universal. I believe that the germinal theory of disease is a perfectly sound one, but I do not believe that these finical, annoying, expensive restrictions abate by one jot or one tittle the danger incident to the ills to which human flesh is heir. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LOVERING having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 6492. An act granting an increase of pension to Thomas Starrat;

S. 6399. An act to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902;

S. 6330. An act granting an increase of pension to Allen M. Ripley;

S. 6231. An act authorizing Robert A. Chapman, of Alabama, his associates and assigns, to use the waters of the Coosa River, in Alabama, for the purpose of generating electricity; and

S. 3708. An act granting an increase of pension to Nannie M. Kimberly.

PURE FOOD.

The committee resumed its session.

[Mr. DAHLE addressed the committee. See Appendix.]

Mr. ADAMSON. Mr. Chairman, I do not know whether I have any other gentleman ready to go on this evening or not. I ask that the gentleman from Iowa will consume the remainder of the time or move that the committee rise.

Mr. HEPBURN. Mr. Chairman, I do not know any other gentleman who desires to address the committee at this time; so I will move that the committee rise.

The question was taken, and the motion was agreed to.

The committee accordingly rose; and the Speaker pro tempore having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 3109, and had come to no resolution thereon.

REFUND OF CERTAIN TONNAGE TAXES.

Reference of the bill (S. 6439) for the refund of certain tonnage taxes was changed from the Committee on Claims to the Committee on Merchant Marine and Fisheries.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6492. An act granting an increase of pension to Thomas Starrat—to the Committee on Pensions.

S. 6330. An act granting an increase of pension to Allen M. Ripley—to the Committee on Invalid Pensions.

S. 6231. An act authorizing Robert A. Chapman, of Alabama, his associates and assigns, to use the waters of the Coosa River, in Alabama, for the purpose of generating electricity—to the Committee on Interstate and Foreign Commerce.

S. 6502. An act relating to ceded lands on the Fort Hall Indian Reservation—to the Committee on the Public Lands.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. MAYNARD obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Maj. A. S. Bloom, Forty-sixth Congress, no adverse report having been made thereon.

By unanimous consent, Mr. GROW obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Samuel Tewksbury, Fifty-sixth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FINLEY, for three days, on account of important business.

To Mr. TAYLOR of Alabama, for three days, on account of important business.

To Mr. MOODY of North Carolina, for four days, on account of important business.

To Mr. MARSHALL, until after the holiday recess, on account of important business.

Mr. HEPBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 34 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury and Commissioners of the District of Columbia recommending increase of limit of cost of proposed municipal building for the city of Washington—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of a communication from the Assistant Commissioner of the General Land Office relating to surveying contracts on railroad land grants—to the Committee on the Public Lands, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, recommendation of a correction of estimate for improvement of Patapsco River and Baltimore Harbor—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting statement of expenditures in the United States Coast and Geodetic Survey for the year ended June 30, 1902—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Oliver Peacher, administrator of estate of John Peacher, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for construction of a fence on Big Hole battle ground, Montana—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury submitting detailed report of the expenses of the Revenue-Cutter Service—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John P. L. Hopkins, in his own right and as administrator of estate of William H. A. Hopkins, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of an agreement with Indians on the Fort Bertholdt Indian Reservation, N. Dak., and draft of a bill for ratification of the same—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for proving grounds, Sandy Hook, New Jersey—to the Committee on Appropriations, and ordered to be printed,

A letter from the Secretary of War, submitting a recommendation in relation to the acceptance of a cession of land from the State of South Carolina—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting papers relating to the pension claim of David L. McDermott—to the Committee on Invalid Pensions, and letter only ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MERCER, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution of the Senate (S. R. 108) authorizing the Secretary of the Treasury to purchase additional ground for the post-office, court-house, and custom-house at Jacksonville, Fla., reported the same without amendment, accompanied by a report (No. 2910); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 4722) for the erection of a building for the use and accommodation of the Department of Agriculture, reported the same with amendments, accompanied by a report (No. 2911); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15449) to increase the efficiency of the Army, reported the same with amendments, accompanied by a report (No. 2912); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MOODY of North Carolina, from the Committee on Agriculture, to which was referred the bill of the Senate (S. 5228) for the purchase of a national forest reserve in the Southern Appalachian Mountains, to be known as the "National Appalachian Forest Reserve," reported the same with amendment, accompanied by a report (No. 2913); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 16188) for the relief of Mary Bronaught, widow of Lieut. Commander William V. Bronaught—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16163) to remove the charge of desertion against Charles Ellis, United States Navy—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 16206) for the relief of James Dickens—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 16212) granting an increase of pension to Sanders W. Johnston—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16089) granting an increase of pension to Thomas Claiborne—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15778) granting a pension to Mary I. Wood—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. STEPHENS of Texas: A bill (H. R. 16229) to authorize the President of the United States, in conjunction with the State of Texas, to run and mark the boundary lines between the Territories of Oklahoma and New Mexico and the State of Texas—to the Committee on the Judiciary.

By Mr. LEWIS of Georgia: A bill (H. R. 16230) to provide an elastic or emergency currency to meet the financial and commercial requirements of the country—to the Committee on Banking and Currency.

By Mr. LITTLE: A bill (H. R. 16231) establishing a United States court at Okemah, Indian Territory—to the Committee on the Judiciary.

By Mr. ELLIOTT: A bill (H. R. 16232) to increase the limit of cost for the purchase of site and the erection of a public building at Georgetown, S. C.—to the Committee on Public Buildings and Grounds.

By Mr. MERCER: A bill (H. R. 16233) to establish a court of probate for the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. PEARRE: A bill (H. R. 16234) to establish a permanent military camp ground in the vicinity of Oakland, in Garrett County, Md.—to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 16235) providing for the construction of submarine torpedo boats—to the Committee on Naval Affairs.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 16276) to change the name of East Washington Heights Traction Company—to the Committee on the District of Columbia.

By Mr. HILL: A bill (H. R. 16277) to provide for a drawback of the duties on coal in Atlantic coast ports to June 30, 1903—to the Committee on Ways and Means.

By Mr. MARSHALL: A joint resolution (H. J. Res. 237) providing for the printing of an additional number of the Annual Report of the Department of Agriculture, for the purpose of supplying the same to the students of the various agricultural colleges of the different States—to the Committee on Printing.

By Mr. TAWNEY: A joint resolution (H. J. Res. 238) providing that the foreign contract-labor law approved February 26, 1885, shall not operate against any foreign exhibitor at the Louisiana Purchase Exposition at St. Louis, Mo., for bringing into the United States mechanics, and so forth, necessary for their specific work—to the Committee on Industrial Arts and Expositions.

By Mr. FOERDERER: A concurrent resolution (H. C. Res. 65) for a reprint of the Gazetteer of the Philippine Islands—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ALLEN of Maine: A bill (H. R. 16236) to pay claimants for damages to private property by reason of mortar practice at Fort Preble, Me., during the fall of 1901, as reported by a board of Army officers constituted to ascertain the same—to the Committee on Claims.

By Mr. BELL: A bill (H. R. 16237) granting a pension to John A. Harris—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota (by request): A bill (H. R. 16238) for the relief of Ann Garvey—to the Committee on War Claims.

By Mr. CALDWELL: A bill (H. R. 16239) for the relief of the estate of Lucy A. Caldwell, deceased—to the Committee on War Claims.

By Mr. CASSEL: A bill (H. R. 16240) granting an increase of pension to Mary Tarbit—to the Committee on Invalid Pensions.

By Mr. FLANAGAN: A bill (H. R. 16241) granting a pension to Emma Cockman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16242) granting a pension to Mary Probasco—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16243) granting a pension to Rebecca A. Jenkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16244) granting an increase of pension to George W. Ward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16245) granting increase of pension to Israel D. Lum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16246) granting an increase of pension to Sylvester J. Tinsman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16247) granting a pension to Lewis Runkle—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 16248) granting an increase of pension to Lorenzo D. Elmer—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 16249) to reimburse Nicholas Mullatta for money paid as a fine in the United States court for violation of the immigration laws—to the Committee on Claims.

By Mr. JACKSON of Maryland: A bill (H. R. 16250) to remove the charge of desertion against the name of Jackson Smith—to the Committee on Military Affairs.

By Mr. MAYNARD: A bill (H. R. 16251) granting an increase of pension to Emily Hyatt—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 16252) granting a pension to Mary Dewire—to the Committee on Invalid Pensions.

By Mr. MORRELL: A bill (H. R. 16253) granting a pension to Annie M. Buker—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 16254) granting an increase of pension to William H. Larkins—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 16255) granting an increase of pension to Thomas Kelly—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 16256) granting a pension to Fanny M. Lowe—to the Committee on Invalid Pensions.

By Mr. STEWART of New Jersey: A bill (H. R. 16257) granting a pension to William Moseley Husson—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 16258) granting a pension to Sarah Grace Meacham—to the Committee on Invalid Pensions.

By Mr. TRIMBLE: A bill (H. R. 16259) granting an increase of pension to Capt. W. P. Bacon—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 16260) granting a pension to Elizabeth Bentley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16261) to remove the charge of desertion from the military record of John W. Dailey—to the Committee on Military Affairs.

By Mr. WEEKS: A bill (H. R. 16262) granting a pension to William Jenney—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 16263) granting an increase of pension to Isaac N. Willhite—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16264) granting an increase of pension to Francis M. Neel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16265) granting a pension to Martha A. Parks—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 16266) granting a pension to Wilhelmina Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16267) granting an increase of pension to William W. Wharton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16268) granting a pension to Zora Haggerty—to the Committee on Invalid Pensions.

By Mr. BRANDEGEE: A bill (H. R. 16269) granting a pension to Annie W. Coit—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16270) to remove the charge of desertion against Robert Burnet—to the Committee on Military Affairs.

Also, a bill (H. R. 16271) granting an increase of pension to Gustavus W. Peabody—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16272) granting an increase of pension to Enoch Dodd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16273) to remove the charge of desertion against Miles Shea—to the Committee on Military Affairs.

Mr. GIBSON: A bill (H. R. 16274) granting an increase of pension to Sallie H. Kincaid—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16275) granting a pension to Isaac B. Price—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BATES: Paper to accompany House bill granting a

pension to Wilhelmina Miller—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of retail druggists of La Crosse, Wis., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. EVANS: Paper to accompany House bill 16084, granting an increase of pension to George Weight—to the Committee on Invalid Pensions.

By Mr. FOERDERER: Petitions of Robert Shoemaker & Co. and Felton, Sibley & Co., favoring the passage of amendments to the interstate-commerce laws for the adoption of uniform freight-classification rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Live Stock Association, favoring the passage of House bills 14488 and 14643—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of Felton, Sibley & Co., Philadelphia, Pa., urging the enactment of a law requiring railroad companies to have a uniform classification of freight rates which would apply over the whole country—to the Committee on Interstate and Foreign Commerce.

By Mr. HEPBURN: Papers to accompany House bill 16158, granting an increase of pension to Adeline McDonald—to the Committee on Invalid Pensions.

By Mr. HILL: Petition of David B. Sage, of Torrington, Conn., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. LEVER: Petition of citizens of Leesville, S. C., favoring the erection of a monument to Capt. James Butler—to the Committee on the Library.

By Mr. LLOYD: Petitions of the Missionary Society of the Baptist Church, and the Hope Methodist Church, of Hannibal, Mo., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. MAYNARD: Petition of Emily Hyatt, widow of George Hyatt, private, Company E, Nineteenth Regiment Wisconsin Infantry, for increase of pension—to the Committee on Invalid Pensions.

By Mr. NORTON: Petition of citizens of Tiffin, Ohio, and vicinity, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, protest of Sandusky Automobile Company, and the Hinde and Danch Paper Company, of Sandusky, Ohio, against the passage of the eight-hour bill—to the Committee on Labor.

By Mr. RUMPLE: Petitions of the Woman's Christian Temperance Union of Clinton, and Presbyterian Young People's Society of Christian Endeavor of Clinton, Iowa, for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. RYAN: Petition of Edward J. Brady and 74 other citizens of Buffalo, N. Y., favoring bill to grant permission to the Mather Power Bridge Company to erect experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. SHAFROTH: Petition of citizens of Timnath, Colo., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, resolution of the Produce Exchange of Seattle, Wash., asking for appropriate legislation for the Territory of Alaska—to the Committee on the Territories.

By Mr. SPERRY: Resolution of the Connecticut Society of the Sons of the American Revolution, favoring the bill for the purchase of the Temple farm, at Yorktown, Va.—to the Committee on Military Affairs.

By Mr. STEVENS of Minnesota: Petition of George W. Cooley, president of the Minnesota Good Roads Association, in favor of House bill 15369, to create a bureau of public roads—to the Committee on Agriculture.

By Mr. TONGUE: Petition of T. P. Hackleman, of Albany, Oreg., for the establishment of an experimental steel-rail public highway, and for an appropriation to defray the expense thereof—to the Committee on Agriculture.

By Mr. TRIMBLE: Paper to accompany House bill granting a pension to Capt. W. P. Bacon—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill for increase of pension of Isaac N. Willhite—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting an increase of pension to Francis M. Neel—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to Martha A. Parks—to the Committee on Invalid Pensions.

By Mr. WARNOCK: Affidavit of M. L. Hawkins, to accompany papers relating to the correction of the military record of Luther Furney—to the Committee on Military Affairs.

By Mr. WOODS: Petition of the Iroquois Club, of San Francisco, Cal., favoring the admission to statehood of the Territories of Oklahoma, Arizona, and New Mexico—to the Committee on the Territories.

Also, resolution of the Chamber of Commerce of San Francisco, Cal., asking for amendment of the laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the same in favor of House bill 15368 as a means of encouraging the sale and exportation of articles of domestic manufacture—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 19, 1902.*

The House met at 12 o'clock m.

The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.:

O God, our Heavenly Father, we thank Thee from our heart of hearts that peace is stronger than war, that harmony is sweeter than discord, that mercy is more potent than hate or revenge, and good more enduring than evil, because back of all the profound mysteries which environ us is infinite and eternal love. Help us with such faith to live and work, with such hope to pass through the valley of the shadow of death in triumph, and Thine shall be the praise through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

PORTAL, N. DAK., SUBPORT OF ENTRY, ETC.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 15006) amending an act entitled "An act to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880.

Be it enacted, etc., That section 1 of an act entitled "An act to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes," be, and the same is hereby, amended by including therein the town of Portal, in the State of North Dakota, as a port for the immediate transportation of dutiable goods, and that all the provisions of said act are hereby made applicable to said port.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert the following:

"That Portal, N. Dak., be, and is hereby, designated a subport of entry in the customs collection district of North and South Dakota, and that the privileges of the first section of the act approved June 10, 1880, entitled 'An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes,' be, and the same are hereby, extended to said subport."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HEPBURN. Mr. Speaker, I would like to ask the gentleman a question. What will be the effect of this bill if it should become law?

Mr. TAWNEY. Simply allow immediate transportation of merchandise imported by American citizens at that port. An officer is stationed at that place now.

Mr. HEPBURN. Instead of having the duties assessed or ascertained at the port of entry and the entries made there, you send the merchandise out to this interior port?

Mr. TAWNEY. In bond.

Mr. HEPBURN. In bond, for examination. And you have got to have, then, at this little town or port all the officers and all the machinery that may be necessary for the port of New York in ascertaining the value of the duties in that investigation?

Mr. TAWNEY. I will say the gentleman is mistaken in that. This bill is unanimously reported by the Committee on Ways and Means, and before that report was made by the committee the bill was submitted to the Secretary of the Treasury, and the Secretary of the Treasury, in returning the bill, says in his letter——

Mr. HEPBURN. Well, Mr. Speaker——

Mr. TAWNEY. "For your information"——

Mr. HEPBURN. If the gentleman will permit me. You answered my question in the first instance, and then you contradict yourself. What will be the effect, I want to know?

Mr. TAWNEY. "For your information," the Secretary states—

For your information it is stated that an officer is now stationed at Portal, and the proposed action will not, therefore, involve any increase in expenses.

It involves no increased expenditure whatever to the Treasury.

Mr. HEPBURN. Mr. Speaker, will the gentleman permit me to ask him a question? Will not there have to be done in regard to that invoice of merchandise at this port, to ascertain the duty and the amount of duty, all that would have to be done at the city of New York?

Mr. TAWNEY. No, sir; I do not so understand it from the statement of the Secretary of the Treasury himself.

Mr. HEPBURN. Why, you say it comes in in bond.

Mr. TAWNEY. It comes in in bond. For example, wheat is

imported in bond. It is being ground into flour in the city of Minneapolis in bond. It is desirable that that importation should be given immediate transportation when it comes through that port, and should not be detained as it is now. It is simply an amendment of an existing statute. There are a number of ports of entry just like it, and this is to make it a port of entry.

Mr. HEPBURN. And every one that has been established has been established at the expense of the revenue.

Mr. TAWNEY. I do not know that that is a fact. I am relying upon the information furnished the committee by the Secretary of the Treasury, that there is no additional expense involved on the people by the passage of this measure.

Mr. HEPBURN. Let me ask the gentleman another question. Suppose that an invoice of silk or satin was shipped, they would have to be appraised, would they not? You would have to have all the machinery of the port of New York that would apply to a proper appraisement of that merchandise in order to ascertain whether the invoice was a correct one. Would you not have to do that?

Mr. TAWNEY. I do not know what the practice is at these ports of entry for immediate transportation of merchandise imported from foreign countries, and I am unable to answer the question.

Mr. HEPBURN. The gentleman from Iowa could inform you upon that point, although he is not a member of the committee. [Laughter.]

Mr. TAWNEY. The statute regulates that method of doing the business for the immediate transportation of goods, and prescribes the method by which it shall be done. That is regulated by statute, and this adds one other port. This place is on the Canadian line in North Dakota, where there is a great deal of wheat and a great deal of lumber imported from British Columbia and from Canada into the United States, and the delay incident to the importation at the present time at that place is a great loss and inconvenience to the American importers of these products. This bill will afford them an opportunity to have their importations shipped immediately to the interior, under the statute which exists to-day for the regulation of that business.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I understood the gentleman from Minnesota to say that the bill was unanimously reported by the committee. I have the report here, and I understand the committee recommended the passage of the bill on the statement that there was already an officer there and that there would be no additional expense incurred by the bill. That is the statement that was made to the committee.

Mr. TAWNEY. Yes, that is contained in the letter from the Secretary of the Treasury.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. TAWNEY, a motion to reconsider the last vote was laid on the table.

MIAMI INDIANS OF INDIANA.

Mr. ZENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8130) for the relief of the Miami Indians of Indiana.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Miami Indians of Indiana, interest at the rate of 5 per cent per annum upon the principal sum paid said Miami Indians by act of March 2, 1895, from the time said money, due them under treaty stipulations, was taken from their tribal funds and paid to other persons not entitled to it: *Provided*, That the Secretary of the Interior shall identify the Indians to whom payments are made under this act, by correspondence or by data in his Department, and forward to said Indians the several amounts due them by checks or drafts.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. ZENOR. Mr. Speaker, I desire to offer the following amendment.

The Clerk read as follows:

Amend by striking out all that part after the word "that," in line 3, to and including the word "Indiana," in line 6, and insert in lieu thereof the following:

"There be, and is hereby, appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, which shall be immediately available, a sum sufficient to pay to the Miami Indians of Indiana, residing in the State of Indiana or elsewhere."

The amendment was considered and agreed to.

Mr. ZENOR. I also offer the following amendment.

The Clerk read as follows:

Amend by inserting after the word "it," in line 11, the following:

"Which sum shall be computed and ascertained by the Secretary of the Interior."

The amendment was considered and agreed to.

Mr. ZENOR. Mr. Speaker, I also offer the following amendment:

The Clerk read as follows:

Amend by striking out all that part after the word "*Provided*," in line 11, and insert in lieu thereof the following:

"That the Secretary of the Interior shall ascertain and identify the Indians entitled to share in the distribution of said moneys, and the amount of pro rata payments to be made to each, under such rules and regulations as he may prescribe: *And provided further*, That said sum or sums shall be paid to the Indians who may have established his, her, or their identity and their right to receive the same, and shall be distributed to said Indians under such rules and regulations as the Secretary of the Interior may prescribe."

Mr. LACEY. Mr. Speaker, I think my colleague on the committee, in this amendment, overlooks one of the purposes of this proviso, and the amendment offered by him ought to be amended. The proposition here was to pay to the Indians direct by check or draft so as to prevent this money from being tolled by any attorneys or agents. That was the object. By striking out this provision as to checks and drafts the money would be paid in such a way that some one might have an additional fee, possibly, on this claim, and that was sought to be avoided by the proviso in the original bill. I think the amendment offered by the gentleman is a good one, but the provision ought to be added to it that the payment shall be by checks and drafts to the parties entitled thereto.

Mr. ZENOR. I agree with the gentleman from Iowa as to the purpose of this bill, that it was to prevent the payment to any attorney or agent in the distribution.

The SPEAKER. Will the gentleman from Iowa repeat his amendment?

Mr. ZENOR. I have no objection to the amendment offered.

Mr. LACEY. At the end of the proviso, after the word "prescribe," insert "said amount to be paid by checks or drafts;" so as to require that the regulation to be adopted shall be to make the payment by checks or drafts.

Mr. ZENOR. I accept the amendment; but I thought that as no provision was made for a deduction for the purpose of paying this money to the parties interested through attorneys or agents, these payments would have to be made directly to the Indians. I will print as a part of my remarks the following:

[House Mis. Doc. No. 69, Fifty-third Congress, third session.]

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, February 12, 1895.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on Indian Affairs, House of Representatives, under the act of March 3, 1883.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. CHAS. F. CRISP,
Speaker of the House of Representatives.

[Court of Claims. Congressional, No. 9255. The Indiana Miami Indians *v.* The United States.]

FINDINGS OF FACT.

[Filed February 11, 1895.]

This case having been heard by the court, the court, upon the evidence and after considering the briefs and arguments of counsel on both sides, finds the facts as follows:

I.

On the 6th day of November, 1838, by treaty of that date, the Miami tribe of Indians, then living in Indiana, ceded to the United States, for a money consideration, a portion of their lands in Indiana, looking to the eventual removal of the tribe to the country west of the Mississippi River.

II.

On the 28th day of November, 1840, the Miami tribe of Indians entered into another treaty, by which they ceded to the United States their remaining lands in Indiana, and the United States stipulated to assign them a large tract of country in the then Territory of Kansas, to which they agreed to remove within five years.

III.

In compliance with the treaty of 1840, most of the Miami tribe of Indians removed to Kansas in the year 1846, but a large number of the tribe had special permission, under the treaties of 1838 and 1840 and joint resolutions of Congress passed in March, 1845 (6 Stat., 942), and in May, 1850 (9 Stat., 806), to remain in Indiana. They did not, therefore, emigrate with the tribe, but remained in Indiana and adjacent States, and the annuities due the tribe were divided, one part being distributed among the Western Miamis, or those who resided in Kansas, and the other part distributed among the Miamis of Indiana.

IV.

On the 5th day of June, 1854, both branches of the Miami tribe of Indians entered into another treaty with the United States (10 Stat., 1093). In the same month and year the Commissioner of Indian Affairs, in consultation with the head men of the Indiana portion of the tribe, revised and corrected the list of those remaining in Indiana, and who were entitled to a distribution of the fund to be paid to the Indiana Miamis, which constituted a list of three hundred and two (302) persons. At the time of the ratification of said treaty (August 4, 1854) an amendment of the treaty was made for the benefit alone of the Miamis of Indiana, which amendment, after reciting the disposition to be made of that portion of the money to be paid to them, provided:

"That no persons other than those embraced in the corrected list agreed upon by the Miamies of Indiana in the presence of the Commissioner of Indian Affairs in June, 1854, comprising three hundred and two names as Miami Indians of Indiana, and the increase of the families of the persons embraced in said corrected list, shall be recipients of the payments, annuities, commutation monies, and interest hereby stipulated to be paid to the Miami Indians

of Indiana, unless other persons shall be added to said list by the consent of the said Miami Indians of Indiana, obtained in council, according to the custom of Miami tribe of Indians."

V.

Under the provisions of the said treaty of 1854 payments were made annually to the Western Miamies and to the Miamies of Indiana until 1858, when, under an act of Congress passed on the 12th day of June of that year, the Secretary of the Interior took $15,629.27 from the funds set apart by treaty for the Indiana Miamies, without their consent and against their earnest protest, and paid the same to sixty-eight persons, none of whom were a part of the three hundred and two (302) Miamies named in the amendment to the treaty of 1854, or the descendants of any of said 302 persons.

VI.

These sixty-eight persons were then placed upon the pay roll of the Indiana Miamies (to which roll others were afterwards added), and they received additional annuities from the Indiana Miami funds amounting to $32,899.11, until their names were stricken from said roll under an opinion of the Attorney-General dated September 20, 1867.

VII.

These sixty-eight persons so placed upon the Indiana Miami roll in January, 1859, and the others afterwards added were not embraced in the corrected list of three hundred and two (302) persons agreed upon by the Miamies of Indiana and the Commissioner of Indian Affairs in June, 1854, nor were they the descendants of any of the 302 persons who alone by the terms of said treaty were to share in the annuities and other moneys of the Indiana Miamies.

VIII.

The moneys so paid from 1859 to 1867 to said sixty-eight persons and the others afterwards added were taken from the funds then in the possession of the United States belonging to the Indiana Miamies, and were a part of their proportion of the installments due them under the treaties of November 28, 1840, and of June 5, 1854, and also interest at the rate of five (5) per cent per annum on the sum of $221,257.86 held in trust for the Miamies of Indiana under the amendment of the treaty of 1854.

IX.

The aggregate amount paid to the persons so added to the Indiana Miami roll to the period when their names were stricken from the roll under an opinion of the Attorney-General was $48,528.38 (forty-eight thousand five hundred and twenty-eight $\frac{38}{100}$ dollars).

A true copy of the findings of the court filed February, A. D. 1895.

Test this 12th day of February, A. D. 1895.

[SEAL.] JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. LACEY. I move to amend the gentleman's amendment by adding at the end of it the following words: "Said amount to be paid by checks or drafts."

The SPEAKER. The question is on the amendment of the gentleman from Iowa [Mr. LACEY] to the amendment of the gentleman from Indiana [Mr. ZENOR].

Mr. MADDOX. I should like very much to hear this bill read as amended, since it has been so extensively amended.

The SPEAKER. That can only be done by unanimous consent.

Mr. LACEY. The amendments are purely formal.

Mr. ZENOR. Altogether so.

The SPEAKER. There are two amendments pending which have not been adopted. Does the gentleman desire to have the bill read before the amendment and the amendment to the amendment have been acted on by the House?

Mr. MADDOX. Yes, sir; I should like to know exactly the effect of the bill.

The SPEAKER. If there be no objection, the Clerk will report the bill with pending amendments.

The bill as proposed to be amended was read.

The amendments of Mr. LACEY to the amendment of Mr. ZENOR were agreed to.

The amendment of Mr. ZENOR, as amended, was adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. ZENOR, a motion to reconsider the last vote was laid on the table.

PATENT OF VALDEMAR POULSEN.

Mr. LITTLEFIELD. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill as proposed to be amended by the Committee on Patents was read, as follows:

Be it enacted, etc., That letters patent of the United States granted to Valdemar Poulsen, No. 661619, dated November 13, 1900, shall not be held invalid by reason of the lapse of more than seven months between the time of filing of his application for a patent in Denmark and the filing of his application for said United States patent; nor shall the lapse of said period of more than seven months debar him from the grant of a patent upon that portion of his invention which was divided out from his original application in this country under the rules of practice then prevailing in the Patent Office, but the patent which may be granted on said divisional application shall expire at the same time with the said letters patent No. 661619.

Mr. PAYNE. Mr. Speaker, reserving the right to object, I hope we shall have an explanation.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. We should like to hear an explanation of the bill.

The SPEAKER. An explanation is asked by two members.

Mr. RICHARDSON of Tennessee. It was impossible to understand the bill as reported at the desk. We should be glad to have the gentleman from Maine tell us in detail what its effect is.

Mr. LITTLEFIELD. Mr. Speaker, this bill relates to a patent taken out by a resident of Denmark—an invention patented by him in Denmark. The statute requires that he should have his application filed here within seven months from the date of his application in that foreign country. His papers arrived here in time, properly framed, and would have been filed except for the neglect of a clerk in New York City. They really reached the office here seven days after the expiration of the limit. Notwithstanding the fact that the patent has already been granted, it will affect the validity of the patent. There are no conflicting claims, no interfering patents, and no intervening interests. The patented machine has never been produced in this country. It is a very complicated machine, and probably never would be unless it can get the advantage of the patent laws.

That is the substance of the proposition in the bill.

Mr. RICHARDSON of Tennessee. I understand from members of the committee that the report upon the bill was unanimous.

Mr. LITTLEFIELD. No; I can not state that.

Mr. CLARK. Well, I will state it.

Mr. LITTLEFIELD. The gentleman from Michigan [Mr. CORLISS] filed minority views in this case, not because he had any special objection to this particular bill, but on principle he is opposed to such legislation. I have conferred with him, and he has said that he should make no further objection, but would content himself with placing on record his minority views.

Mr. UNDERWOOD. Will the gentleman from Maine state what this patent is for?

Mr. LITTLEFIELD. I will read:

The application embraced a process and means for recording, storing up, and reproducing speech and signals by impressing upon an electric circuit containing an electric magnet, undulations of the current corresponding to the sound waves of the speech or signals, whereby, by the use of the ordinary telephone transmitting and receiving apparatus, messages may be sent, stored on the receiving wire, and at any subsequent time reproduced at the receiving station.

[Laughter.]

Mr. PAYNE. I hope the gentleman from Alabama [Mr. UNDERWOOD] is answered.

Mr. UNDERWOOD. That is about as clear as mud to an ordinary mind. I suppose the gentleman from Maine can interpret it.

Mr. LITTLEFIELD. This further statement may perhaps cover the idea:

The invention removed the necessity of the presence at the same time, at the respective transmitting and receiving stations, of both the sender and the recipient.

Mr. UNDERWOOD. What I want to ask the gentleman is this. Does this extend the patent on the telephone?

Mr. LITTLEFIELD. Oh, no; it is not a patent on a telephone. It is a receiving instrument of very complicated character. It does not extend anything. It simply grants a patent on this very complicated and ingenious device.

Mr. UNDERWOOD. It is no effort to extend the present telephone patent?

Mr. LITTLEFIELD. Not the slightest in the world.

Mr. UNDERWOOD. And does not extend the life of the particular patent longer than it would be under the general law?

Mr. LITTLEFIELD. No; not at all. It simply removes that invalidity of the failure to file within the proper time. It does not extend the life of the patent at all.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. LITTLEFIELD a motion to reconsider the last vote was laid on the table.

PURE FOOD.

Mr. HEPBURN. Mr. Speaker, I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3109—the pure-food bill.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LAWRENCE in the chair.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. CANDLER] such time as he desires.

Mr. CANDLER. Mr. Chairman, I had not expected to say anything in reference to this bill or to participate in this discussion until I heard the very able and forcible argument which was presented yesterday by the gentleman from Georgia [Mr. ADAMSON] in opposition to it. He having so forcibly called attention to certain objections to it, I desire by going into the details of the bill to emphasize and enforce, if possible, the reasons why it should not pass this House. It is my purpose to call attention specifically to some of the provisions of the bill which to me demonstrate that it is not such a measure as should become a law of the land.

Yesterday attention was called to the fact that there were already in a great number of States of this Union what are called pure-food laws, and that in other States there were none, and that in those States where these laws had been enacted in a great many instances they were dead letters upon the statute books. That of itself establishes to my satisfaction the fact that this law is entirely unnecessary and that it is simply placing in the hands of the National Government a function and a power which it should not exercise and for which there is no general demand. The fact that certain States have passed no such laws demonstrates that they do not care for such legislation. The fact that other States have passed and enacted and placed upon their statute books such laws and that they are to-day dead letters and are not enforced demonstrates the fact that those people even whose legislatures have enacted such laws do not desire the enforcement of laws of this kind.

All laws of this character depend largely upon public sentiment for their enforcement. If they be placed upon the statute books with no demand for them and no necessity for them, then there will come no demand for their enforcement and they become dead letters. That, to my mind, demonstrates fully the fact that this law is absolutely unnecessary and is not required by anything that is in the country to-day. I believe in that theory of government which leaves to the people the control of their own affairs as far as possible. I believe that the best government is that which gives to the people the least government, that government which gives them the largest liberty, especially in the management and control of their own affairs, their own households, and their own private business.

This bill proposes that we go into the general inspection business throughout the United States. It provides that the Secretary of Agriculture, whenever he sees proper, may investigate these various food products in every part of the country and in whatsoever part of the country he may see fit. He may investigate in one section to the exclusion of others, or he may include the whole country, so far as that is concerned. It is left to him, and there is no limit placed upon his power of appointment of subagents, clerks, inspectors, laborers, and other employees who may go from one end of this country to the other looking into these matters and investigating the private affairs of the individual.

The demand for this law, if there is a demand for it, as was suggested by the gentleman from Georgia [Mr. ADAMSON] yesterday, will be found in the third and fourth sections of this act, wherein it is provided that the director of the Bureau of Chemistry shall make or cause to be made, under regulations and rules to be prescribed by the Secretary of Agriculture, examinations of specimens of foods offered for sale in the original and unbroken packages in the District of Columbia and in any State or Territory of this Union, and then, in case he finds to his satisfaction that there is anything impure, that there is adulteration, that he shall at once certify that fact to the district attorney of the United States, and then the law makes it the duty of that officer to at once commence proceedings in the Federal courts for the suppression of what he considers wrong.

Now, this demand comes from that class who desire to shift the burden of the expense and difficulties of prosecution to redress their wrongs from their own shoulders and place them upon the shoulders of the National Government, place them in the hands of the Federal court, place them under the direction of the Federal authorities, and require the Government of the United States to pay all the expenses to correct a private wrong from which they claim they are suffering; whereas they should be required to bear their own expense and go into their own courts to enforce the law and to right their own wrongs, if they are suffering from any, and to vindicate their own rights. In this, in my judgment, will be found the demand which is made for the passage of this bill. I do not believe that it is best to place matters of this character in the hands of the National Government, and exclusively under the jurisdiction of the Federal courts.

The provision to which I referred a moment ago gives the Secretary of Agriculture the authority to appoint inspectors, which will be found in section 1 of this act, and it does not limit him as to number, but leaves it entirely to his judgment and to his discretion to send these inspectors wheresoever he may see proper, in any part of the country, to make such investigations as they see proper to make and to report thereunder. And this applies throughout this country, so as they may go from one section to another inquiring into the private business of the individual, going into his store, going into his place of business or into his manufactory, looking into his personal matters and demanding of him that he deliver the product which he possesses in order that he may make this inspection upon which he expects to make his report.

There are some people all over this country, so far as that is concerned, who are ready at any time to find some reason or cause to inspect somebody else's business, to investigate somebody else's affairs, and when they find such things as are contrary to their views, to seek to bring them into the Federal courts of the country in order that they may receive from the Federal Treasury pay for their per diem and mileage and their expenses in going to and returning from these courts. I know there are some few people in my section of the country, and I have no doubt they exist not only where I live, but at every other point in this country, who are willing to go to the Federal courts for what they may get out of it, and to prosecute and persecute their neighbors, and sometimes even their friends, in order that they may get the filthy lucre that they obtain in this way and put it into their own pockets. I have seen it done, and I have heard them laugh about it afterwards and tell how they had imposed upon the Federal court, as well as wreaked their private vengeance, and in addition to that received pay for so doing. I am glad to say, however, that in my section these "cheap John" characters only exist in limited numbers, but oftentimes in sufficient numbers to annoy and harass innocent citizens.

Now, as was suggested by the gentleman from Illinois yesterday, this might be used to some extent in a partisan way if the Secretary of Agriculture desired so to use it. I am glad we have a most excellent gentleman and a most efficient Secretary at the head of this Department now, and I am frank to say that I do not believe that he would use this power in any such way; but the fact that he would not is no guaranty that there never will be a Secretary of Agriculture who would not use it for partisan purposes, and seek investigations by this means into other matters while investigating this question in different parts of the country, in order that certain views might be promulgated and in order that certain policies might be made popular, and in order that certain information might be obtained which would be to advantage from a partisan and political standpoint.

Under this provision in this bill in section 1, these inspectors could be sent in every part of the country and into every neighborhood and into every county in every Commonwealth of the United States; and under the guise of inspecting food products they could collect such other information as they might desire to collect or be instructed to obtain, to be used for partisan and political purposes. Therefore I say that this provision in the bill which authorizes these inspectors simply legalizes the employment of spies to spy upon the private enterprises of individuals, upon the private business of the citizen, and to go into the manufactories of the country and see what they propose to make, and place them absolutely in the power of the Federal authorities, absolutely at the mercy of this inspector, who in all instances might not be a man of justice, integrity, and high character. Therefore, in my judgment, this one provision of the bill is sufficient reason to call for its defeat. [Applause.]

Another very strong reason why this bill should not become law is found in this provision of the bill which requires the dealer, merchant, manufacturer, or business man to furnish for analysis an article which he is exposing for sale and offering to the trade in his private business. This is the provision: If a man is selling any product or any goods, and within business hours, the inspector shall appear on the scene and offer to pay the value of that article that he is offering to sell to other people, that he shall be required to furnish it to him and it shall be divided into three parts, one part to be taken by the inspector, one part to be left with the manufacturer or dealer, and the other part left in the office of the United States district attorney; that the Agricultural Department shall analyze the part taken by the inspector; that the dealer may have an analysis made of that part which was left with him; and if they do not agree, they shall have an analysis, at the expense of the dealer, merchant, or business man, made of the part that is left in the hands of the United States district attorney, and if they should not agree, all three together, they shall cast it upon the court to determine what is the truth about it by further proof and testimony; and if it is demonstrated by the analysis that the product is impure, that it is adulterated, that then this man shall be taken into court, and that he shall have, as evidence against him, not as prima facie evidence, not as conclusive evidence, but as evidence against him, the analysis which is made of this product he is required himself to sell and he is required to furnish to be used as testimony against him.

Now, then, I do not believe this provision is in accordance with the Constitution of the United States, or any constitutional law of any State in this Union, for the reason that throughout all this land, a man can not be required to furnish testimony against himself or required to testify against himself in any criminal proceeding. The law presumes every man innocent until the contrary shall appear, and he may stand upon his innocence and demand that his actual guilt be established outside of any testimony he shall furnish himself, and that he shall not be required to testify himself, but that he shall have all the benefit of the presumption of innocence until his crime shall have been established by outside testimony furnished by other witnesses and furnished by other means.

But it is proposed in this bill to require that he himself shall furnish to the inspector, an officer of the United States Government, the most powerful Government in all this world, evidence to be used against himself in a court of justice upon a trial in order to determine whether or not he has committed a crime, and this might occur even though the merchant or dealer with the greatest degree of innocence, having received the article in his business with the absolute belief that it was pure and that it was not adulterated in any sense of the word, and having no information on that subject to the contrary, an inspector could come in and force him to sell him one of the products to be analyzed by the United States Government, and then after the analysis, if they find that it was impure, when he had no intention of committing a crime or violating any law, they could bring him into court and introduce this testimony against him which they require he shall furnish himself. I do not believe any law can be passed compelling a man to sell his property if he does not desire to sell it. I do not believe that you can compel a man to sell goods if he should decline to sell them, and I do not believe that any provision of this character should become a law, and I do not believe that any law can be enforced requiring a man to sell property if he does not want to sell it.

By individual and private rights he is given the liberty, in this country, of acquiring any and all the property that he can honestly acquire in due course of trade by honest methods, and he has the right to keep it as long as he sees proper to keep it, or sell it to whom he pleases, and there should be no law placed upon the statute books of this country requiring that he should be compelled to sell it when he prefers not to sell it; and much more so should he not be required by this law to sell it in order that it may furnish evidence to convict him of a crime. Not only does it go to this extent, but it makes it a crime if he shall refuse to sell. If the inspector comes into his place of manufacture or his place of business and demands that he shall sell, and he refuses to sell, then he has committed a crime. If he does sell and the article is shown to be adulterated or impure food, then he has committed a crime. Thus it catches him coming and going. If he refuses to sell, it is a crime; if he does sell and it is found to be impure, he has committed a crime, and take it either way you please, you put on him all the pains and penalties prescribed in this statute. [Applause.]

Not only does it inflict upon him a penalty in the nature of a fine or imprisonment, or both, but it requires him, in addition, to pay all the expenses and costs of this analysis which has been made by the Government in order to convict him of the crime with which he is charged under a violation of this statute.

Now, these two provisions, it seems to me, are very objectionable in that they go into the private affairs of the citizens of this country, and they use the arm and power of the Government in order to make investigations into the private business of the citizens.

Now, another provision. In section 7 of this act it provides that it shall be the duty of the Secretary of Agriculture to fix the standard of the food products and to determine the wholesomeness or unwholesomeness of preservatives or other substances which are or may be added to foods, and to aid him in reaching such decision he may call in the board of arbitration, and so forth.

Now, then, is the Secretary of Agriculture going to be given power in this country to fix the standard by which the people of this country shall eat? That is what it proposes to do—to fix the standard of food products, to fix the standards of the foods that go on your table and go into your homes without the citizen having any say so in any way whatever. If he is going to fix the standard of the food product, how long will it be before he will say what kind of clothing we shall wear in summer and in winter, what kind of a horse you shall drive, what kind of a vehicle you shall ride in, and what kind of business you shall engage in; how you shall run your farm, how long your laborers shall work, what you shall pay them, or what you shall not pay them? And if you propose to let the Government regulate the table, it can regulate the household, it can regulate the farm, and it can regulate the stores. It can regulate the manufacturer, and by and by we shall find that the Government has its hand in the private business of this country, through inspectors and agents, and is dictating to the citizens of this commonwealth how they shall transact their private business and how they shall carry on their domestic affairs. [Applause.]

Mr. GAINES of Tennessee. Will the gentleman from Mississippi allow me a suggestion?

Mr. CANDLER. Certainly.

Mr. GAINES of Tennessee. In section 10 of this act it is provided:

SEC. 10. That this act shall not be construed to interfere with commerce wholly internal in any State, nor with the exercise of their police powers by the several States: *Provided further*, That nothing in this act shall be construed to interfere with legislation now in force, enacted either by Congress for the District of Columbia or by the Territorial legislatures for the several Territories, regulating commerce in adulterated foods within the District of Columbia and the several Territories.

So that this act eliminates or exempts all matters that pertain to the internal commerce, or the commerce done wholly within the limits of the States and the several Territories, and the police powers of the States are left intact.

Mr. CANDLER. Yes; I understand that. The State can regulate its own affairs as well as the United States, and better, because when any food product comes within the borders of the State, within the limits of the State, then it is subject to the jurisdiction of that State, and subject to the jurisdiction of the courts of that State, and the local courts are better qualified, more competent, and more efficient to look after the local affairs of its people than any Federal court in this country, I do not care where it is.

I have seen people in my district dragged away from their homes into the Federal courts, miles away, at great expense, on account of the little picayunish, contemptible prosecutions in those courts brought to wreak vengeance by somebody, or to put a few dollars of per diem and mileage into their pockets, relying upon some unscrupulous witness who is willing to swear away the liberty and inflict fines upon his fellow-citizens.

Mr. ADAMSON. I would suggest that in that case the Government has an excuse for the collection of revenue, but in this case there would be absolutely no excuse.

Mr. CANDLER. There is no justification and no excuse for interfering with these private affairs at all, and the result of this bill would be exactly what I pictured a moment ago. You would find that the citizens were being dragged away from home, miles away, only to answer to these various prosecutions that would arise under this bill, and oftentimes they would find themselves away from home faced by an unscrupulous witness to testify against them, and there would be no protection to them unless they paid out of their own pockets for witnesses to go there in their defense.

I have seen citizens in my community taken to the Federal court when, if they could have been prosecuted in their own courts at home, they would have had reliable witnesses to defend them, and where you could not get a corporal's guard of the county that would believe the witnesses for the Government under oath. But the citizen would be in a Federal court miles away, confronted by unscrupulous witnesses, and the only way the man could ever meet it would be to go into his pocket and bring his own witnesses there in order to protect himself against the unscrupulous and unreliable men that the Government was putting up as witnesses, thereby vouching for their truthfulness, when, if he was at home in his local court, he could, by a cloud of witnesses and without expense or trouble, demonstrate the utter unreliability and the total unworthiness of the witnesses against him. That same condition could arise under this bill; those same circumstances could be presented to any man and he be required to answer the charge. [Applause.]

It was said yesterday that the bill provides for a guaranty which will protect any man from all the troubles that I have described; that no dealer can be convicted under the provisions of this bill if he is able to produce a guaranty in the form provided by the rules and regulations of the Department of Agriculture—a guaranty signed by the manufacturer or the party from whom the dealer has purchased the article. It is said that this guaranty will be an ample protection; that no man can be convicted if he shows such a guaranty. But, sir, there is no provision in this bill which says that a man can not be prosecuted if he shows this guaranty. The inspector may come along and look into a man's business affairs, may investigate his food products, and his drugs that he proposes to sell on the market; the dealer may say "I bought these from a certain manufacturer, I have a guaranty from that manufacturer, and I am perfectly willing to submit it to you."

The guaranty may be produced and submitted to the inspector; but he may say, "I do not know anything about this guaranty; I do not know whether it is genuine or forged." Here are a number of people flocking around who are willing to say that they purchased these goods from you and that they are impure. They may be anxious for an opportunity to attend the Federal court 100 or 200 miles away, to see the sights and the ways of the world, and have their expenses paid by the Federal Government. These people may be persuading him to bring a prosecution against this dealer; and he may be willing to be persuaded, because he wants to show his efficiency, his alertness, his zeal in the enforcement of the law. So he may say: "This guaranty that you offer may be all right, but it is only a matter of defense. The statute does not say that you shall not be prosecuted if you have this guaranty; it simply says that you shall not be convicted. Therefore I will report the case to the court, and when you go before the bar of justice you can present your guaranty, and if it is a bona fide, genuine guaranty, furnished under the rules and regulations

prescribed by the Agricultural Department by the manufacturer from whom you purchased, you will be acquitted."

So that man has to be put to the trouble and expense of possibly carrying his witnesses with him a considerable distance in order to defend himself; he may be put to the trouble of leaving his home and his business and traveling 100 miles or more away to some adjoining county, or some other part of the State in order to present his defense. Not only that; he would be required, in order to be properly represented in a court of justice, to secure the services of some able lawyer to whom he must pay a fee in order that his defense may be properly presented. And although his guaranty when presented may be shown to be bona fide and genuine, yet he will have been dragged from his home, taken away from his business, and obliged to travel many miles to make his defense, and probably may have been subjected to large expense in order to meet this unjust, unrighteous, and contemptible prosecution.

Therefore I say that this guaranty amounts simply to no guaranty. It answers no purpose as a protection except when presented as a matter of defense in a court of justice after the man has been indicted and placed upon trial and called upon to answer a charge preferred against him by a Federal grand jury.

Now, Mr. Chairman, on account of these provisions I have been constrained to oppose the bill. I do not want anybody to say that I am opposed to pure food; I am not. I am in favor of pure food. But I believe that the States can better take care of these matters than the Federal Government I believe that the citizens can better look after their local affairs than the National Government—can attend to them more satisfactorily to themselves, to their State, to the community, and to their fellow-citizens, and that there is no necessity or demand for this bill.

The founders of this great Government had no idea that the Government would ever go into the business of prescribing what people should eat or should not eat. I would be perfectly willing, as suggested by the gentleman from Georgia [Mr. ADAMSON] yesterday, that persons engaged in interstate commerce, shipping their goods to and from different States, or bringing them from foreign countries, or shipping them to foreign countries, should be required to place upon the commodities in which they deal a label showing exactly what they are, the ingredients they contain, and of what substances they are made, and I would be glad to see trust-made articles shut out of interstate commerce and shut up in the States where produced.

There are a great many articles of food in this country that are said to be adulterated which are entirely wholesome, entirely nutritious—articles that are made for food and are just as pure for every purpose as the natural product itself. I do not believe that the Government should interfere in these private or local matters. I do not believe we should make it possible to drag people into a Federal court at the instance of anybody who may see proper to carry them there. [Applause.] I said a moment ago that I am in favor of pure food. Anybody in the world, to look at me, would believe that I must eat pure food. If I did not, how in the world could I prosper and grow to such large proportions? [Laughter.] Mississippians all believe in pure food. In that country we all like it, and I believe that there we have as pure food as they have anywhere in all the land.

Mr. RUCKER. How about the drinks there?

Mr. CANDLER. My brother asks me what about the drinks. I am glad to say that in the State of Mississippi we do not indulge very much. Out of 75 counties, in only 10 of them in the State of Mississippi can drinks be secured over the counter and in accordance with the law, and it looks like the time is speedily coming when drinks will entirely disappear from that grand old Commonwealth. The statutes in the State of Mississippi in reference to this matter, however, do not permit one to go into the home, to go up to the fireside or in the dining room of the citizen and say what he shall eat or what he shall drink. They do permit a man in his own home to "dispense hospitality" to his friends and neighbors within the limits and boundaries of his own household.

Mr. SIMS. Mr. Chairman, I would like to ask the gentleman a question about Mississippi. I would ask the gentleman about another product of that grand old State. How are the bears holding out? [Laughter.]

Mr. CANDLER. The bears are holding out wonderfully well, and even refused to be exterminated by the President of the United States, but hid out when he appeared upon the scene, although right in the adjoining county from where he was Capt. Bob Bobo had a party of friends from Chicago down hunting with him and the bears permitted his party to slay five of them, and eleven deer submitted themselves as sacrifices upon the altar to supply the demand of Bobo and his friends, while the President, unfortunately, in the adjoining county, could find but one, and I heard he was tied to a tree, and I suppose that is the one whose picture appears so often in the morning papers. [Laughter.] As for myself, I wish he had found more. The truth of it is, I was willing that he should have the opportunity to kill one of our Mississippi bears, and if I had had the say I would have tried to place one where it would have been possible for him to have enjoyed the pleasure of slaying him and enjoying his meat afterwards and seeing what pure bear food we produce. [Laughter.]

To return to the point I was discussing a moment ago, when asked the question in regard to the drinks in the State of Mississippi, in reference to there being but ten counties in which it could be obtained, I would call attention to the fact that we permit every county and community and every incorporated town in the State of Mississippi to say whether its people want drinks sold or whether they do not. In other words, we have local option, and that is what I contend in reference to this bill; that is, that the people and not the National Government should manage and control their own local affairs. [Applause.] You can not enforce this kind of a law unless you have public sentiment behind you and public demand for it, unless, of course, you place it as this bill proposes to place it, in the hands of the Federal Government and put spies in the field to hunt up prosecutions, and pay those spies a per diem and mileage for doing so. When you do that, those spies will find a violation of the law if it is to be found. They will hunt for it and seek it out in all quarters and under all circumstances, and they will find it sometimes to exist where in fact it does not exist, if the rewards are sufficient to justify them in finding it.

As I was saying, I believe in pure food. There is no better place on the face of the earth to get it than in the grand old State of Mississippi. We believe in it there, and we want it there, and we have it there, and if any man on earth should suggest to the contrary "every potato would wink its eye, every cabbage would shake its head, every beet would get red in the face, every onion would grow stronger, every grain field would be shocked, every cob would stick up its ear, and every foot of land would kick," and the information would be sent broadcast that there was no better place in all the world to obtain pure food than Mississippi. [Laughter.] That grand old Commonwealth is prosperous and coming to the front by reason of the fact that we do have pure food, because we raise it, and have good housekeepers who know how to present it to those who are in their homes. I am anxious that the products should remain pure.

Mr. STEPHENS of Texas. I would like to ask the gentleman a question. Does the gentleman think that the use of cotton-seed oil for culinary purposes would be a violation of this act, used in lieu of any other ingredient?

Mr. CANDLER. That would depend absolutely upon the inspection that might be made by the Agricultural Department under the provisions of this bill, and that Department might conclude that it was a violation of it.

Mr. STEPHENS of Texas. Is it not well known that it is very often used in that way?

Mr. CANDLER. It is very often used in that way.

Mr. STEPHENS of Texas. As a pure, healthy product.

Mr. CANDLER. Yes, and we believe it is absolutely healthy; and we believe that the people ought to be permitted to use it if they want to use it, that they ought to be permitted to buy it if they want to buy it, but when they buy it let them know that they are buying cotton-seed oil. When they buy lard, let them know that it is lard. When they buy any other product let them know what that product is. I would gladly support that kind of a bill. I would be glad, so far as that is concerned, to have every food product labeled, showing exactly the ingredients out of which it is made, showing exactly what it is. After that is done, if people want to buy it, let them have it. If they do not want to buy it, let them let it alone. That is exactly what I am contending for; but I say this bill requires people to sell what they do not want to sell and makes it a crime if they decline to sell, providing they offer it for sale to other people. [Applause.]

Now, in conclusion, let me say that if this bill should be amended along the lines suggested by the distinguished gentleman from Georgia [Mr. ADAMSON], if the views expressed in his minority report, which are incorporated in his speech of yesterday, and according to the suggestion which he made, requiring that they be labeled, I would gladly support it. Because I want the people to have what they want; I want them to buy what they desire to buy, knowing at the time what they do buy. When that is done, then the citizen himself will be satisfied, the laws will be enforced, and the country will prosper and the functions of the Government will be used and exercised in accordance with the theory upon which it was founded.

It was founded upon the idea that it should be governed by the people, and not that the people should be governed by the Government; that it should be a government in the hands of the people, to be used by them for their advancement, for their welfare,

and for their prosperity; that they should be permitted themselves, through their own agents and officers, to manage and control the Government and to use it in such a way as to give them the greatest liberty consistent with good government, to give them the greatest privileges consistent with the welfare of themselves, their neighbors, and others. [Applause.] And so long as the Government pursues that course its flag will ever wave as an emblem of liberty and of purity and will stand for the prosperity and for the good of all the people alike; but when the Government is turned into the narrow channels of the investigation of these minor affairs, these private and domestic and local concerns within the communities, the homes, the counties, and the households of the people, then its powers will be directed in a manner which the founders of the Government never intended.

Long may this country prosper and may this Government continue to exist so long as it is used for the good of the people, and I trust the day will never come when it shall be taken out of the hands of the people and placed absolutely in the hands of the favored few, to be administered for their own good and to the detriment of the people at large. [Applause.]

I believe in a "Government of the people, by the people, for the people," and I pray it may "never perish from the earth," and to this end may God save us from paternalism, centralization, and empire, and preserve for this and future generations the time-honored, liberty-loving, blood-bought Republic of the Fathers in its pristine beauty and simplicity, and thus bless humanity and quicken the world to sublimer thoughts, purer aspirations, and nobler achievements. [Prolonged applause.]

Mr. ADAMSON. Mr. Chairman, will the gentleman from Iowa now consume some time?

Mr. HEPBURN. The gentleman from Alabama [Mr. RICHARDSON] desires to be recognized.

The CHAIRMAN. The gentleman from Alabama [Mr. RICHARDSON] is recognized.

Mr. RICHARDSON of Alabama. Mr. Chairman, it was not my intention as a member of the Interstate and Foreign Commerce Committee making a favorable report on this bill to make any remarks upon the subject at all, and I do not intend now to undertake to analyze it or to discuss at length its different provisions and clauses, for the reason that that duty has been very ably performed by the gentleman from Ohio [Mr. TOMPKINS] who reported the bill from the committee.

I have listened with a good deal of interest seeking to ascertain and find out what really is the tangible objection that has been made by any gentleman who has taken the floor against this bill. No gentleman has yet said that impure and unwholesome food ought to be sold to the public. I have heard the elaborate speech of my worthy and distinguished friend from Mississippi [Mr. CANDLER], and really with great deference to him and respect for his remarks, the reference that he made to "the bear hunt of the President" in Mississippi was just about as germane and pertinent to the subject-matter of this bill as any other feature of my friend's delightful and entertaining speech.

The gentleman really failed to point out any specific objection to the bill. He spoke freely of many evil practices that have grown up in certain legal procedures in the country; but this bill is not amenable to such criticisms.

Mr. Chairman, the gentleman stated that he was in favor of "pure food." That remark is subject to the same criticism that was once made of a distinguished gentleman from New York who was very thoroughly criticised throughout the entire country when he said, "I am a Democrat."

The gentleman from Mississippi [Mr. CANDLER] in his argument states that he is in favor of all the food products that are not deleterious to health being branded and sold, but that this bill prohibits such a thing as that. If the gentleman from Mississippi will carefully read the bill he will certainly find out that he is mistaken about the provisions of the bill relative to food not deleterious to health.

This bill, Mr. Chairman, when it is properly analyzed makes no inhibition whatever upon the sale of any product that is not deleterious to health. The bill merely requires that a label shall be upon the product informing the purchaser what it is. It does not prohibit the sale or manufacture of it. It simply says when you put anything on the market that you want to sell you must put a label on it showing just what it is. That is all. It does not prevent it. It does not prevent the manufacture or sale.

Now, Mr. Chairman, the object of this bill—and we may criticise the mode and the manner of its enforcement as much as we please, we may make hypercritical criticism upon its verbiage—but the object of the bill is to prevent deceit and fraud. There can be no question about that being the aim and end of the bill. It is to protect commerce, it is to protect not only the man that makes, but also to protect the man that sells, and to protect the man that buys. What possible objection can be made to protecting the public against impure food?

I am sure that I feel as much attached to what is known as the rights of the States as any man on this floor. I would not concede to any man more earnest, devoted loyalty to the rights of the States than I have myself. In the elaborate hearings on this bill, that extended over weeks and weeks of time, with many of the most qualified and experienced men in the country on the subject giving their testimony in these hearings, contained as it is in a book—large book—which I hold in my hand, we came to the conclusion that it was necessary and right to insert for the sake of the opinion of a great many men upon the question of State rights section 10 of the bill. I earnestly favored the insertion of section 10, which I read:

SEC. 10. That this act shall not be construed to interfere with commerce wholly internal in any State, nor with the exercise of their police powers by the several States.

What gentleman advocating or upholding the doctrine of State rights can ask anything more than that provision in the bill? Then the question comes back, Are we willing to have no relief, when the hearings before this committee develop the stern and solemn fact that in those States my friend from Mississippi refers to which had enacted legislation on the subject of pure food, that that legislation in nearly every single instance had been an absolute and dismal failure? No one can deny that the only way of relief was under that provision of the Constitution of our country which gives to Congress the right to regulate commerce. This simply regulates commerce between the States, and the only object this bill has is to protect the public and the people against fraud, deceit, and misrepresentation about the products constituting impure food. Is this a character of legislation that is offensive to your idea of the rights of States?

Why, the gentleman from Mississippi [Mr. CANDLER] has arraigned the Federal courts. I am not here, Mr. Chairman, to put up a straw man and then knock him down. In all such measures as this, which is the initiatory step in a great movement to protect the public in the purity of food, we must rely to a great extent upon the common sense and justice of the courts of the country in the enforcement of the law; and if there are defects discovered in the enforcement of the law, let them be properly amended in a proper way and at the proper time.

I say, Mr. Chairman, that the gentleman from Mississippi misunderstands the whole scope, spirit, and purpose when he states that the bill punishes a man who sells food that is not deleterious to the health of the people. As I said in my opening remarks, the bill does not in terms prohibit the sale of any product deleterious, however adulterated, nor does it lay its inhibition on the sale of an adulterated product, but it does provide that adulterated foods and drugs shall be placed upon the market under their true names and in such a manner as to advise the purchaser of what he is getting. Does anybody object to that? If I go to the corner-grocery merchant and he proposes to sell me food, have not I the right to know what he is selling me? Have not I the right to know whether that product is a fraud, a deceit, or misrepresentation practiced upon me? The bill, Mr. Chairman, expresses better than I can what its real purpose and object is in the case of food:

First. If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength so that such product, when offered for sale, shall deceive or tend to deceive the purchaser.

Mr. PADGETT. Mr. Chairman, may I ask the gentleman a question?

Mr. RICHARDSON of Alabama. Certainly.

Mr. PADGETT. Speaking about the corner-grocery retailer, do you think the bill is sufficiently safeguarded for the protection of the innocent retail dealer?

Mr. RICHARDSON of Alabama. I am glad you called my attention to that.

Mr. PADGETT. I would be glad to have some information on that point.

Mr. RICHARDSON of Alabama. I believe the object and purpose of this bill, if carried out in the spirit that it is intended to be carried out, no innocent man will ever suffer. It is only intended to reach out after the guilty.

Mr. PADGETT. I understand that is the purpose, but does not the scope of your bill make it so that a burden will be laid on the retail dealer without any purpose or intention to commit a fraud?

Mr. RICHARDSON of Alabama. No; I think not. I heard your remarks here yesterday, and did not agree with you.

Mr. PADGETT. Do you not make the simple fact that they are in possession of those goods guilt?

Mr. RICHARDSON of Alabama. Your criticism, if I understood it yesterday, was that the word "knowingly" ought to be there.

Mr. PADGETT. Or some equivalent word.

Mr. RICHARDSON of Alabama. I appeal to my friend as a lawyer, and a good one, as I know he is, if that word was inserted

in all the penal statutes that prevail in this country, how many men would ever be convicted?

Mr. PADGETT. That or an equivalent word is in nearly all the statutes. Does not this act, as worded, make the act of possession of adulterated goods in the hands of a retail dealer an offense?

Mr. RICHARDSON of Alabama. I think not.

Mr. PADGETT. I mean independent of any scienter or intention.

Mr. RICHARDSON of Alabama. No, I do not believe the gentleman's construction is correct. I believe in a law like this, which is not simply the result of the last twelve months of thought, but has been under discussion for years. Many efforts in years past in various forms of attempted legislation have been made, and whenever you get a bill of this kind of course there is language and verbiage in it, phrases, etc., that will have to pass through the crucible of fair and just and honest courts. But when you follow it up you are not going to find the courts of this country disposed to punish innocent men. I might say to my friend from Tennessee [Mr. PADGETT] that a man who is in possession of stolen property has to explain. Why should not a like rule apply to a man found with impure and adulterated food which he proposes to sell to innocent purchasers?

Mr. PADGETT. Does not the gentleman think the law should be safeguarded, so that you will not have to rely on the humanitarian principles of the courts?

Mr. RICHARDSON of Alabama. Yes; I agree to that, but that very matter, the point that the gentleman now suggests, was fully discussed and elaborated before the committee, and we got it in the very best practical shape we could to carry out the purposes and the objects, which is to prevent deceit and fraud. Does not the gentleman believe that a man ought to be punished who sells an article of food that is adulterated?

Mr. PADGETT. Yes; if he does it "knowingly," he ought to be; but suppose he does it innocently?

Mr. RICHARDSON of Alabama. If he does it innocently, then he ought to be acquitted.

Mr. PADGETT. That presents precisely the issue that I want to call the gentleman's attention to. Should there not be a provision in the bill that a retail dealer should not be held guilty, or should not be convicted, if he can show that he has sold it in good faith, in the exercise of reasonable diligence; that he purchased these goods, and is himself free from any intention to do wrong?

Mr. RICHARDSON of Alabama. If he complies with the terms and provisions of this bill that condition of affairs would never arise. If he complies with the law he could not be convicted.

Mr. PADGETT. The bill provides that he shall be held to be guilty if he has the goods in his possession, qualifying it with the provision that he may protect himself by securing a written guaranty from a resident wholesale merchant or manufacturer. But it eliminates entirely from the bill any guaranty from a foreign wholesale merchant or manufacturer. Now, then, if he has in his possession foreign goods he is liable to conviction regardless of his intent, or his purpose, or knowledge, or want of knowledge.

Mr. RICHARDSON of Alabama. I do not agree with the gentleman from Tennessee as to the insertion of the "knowingly." If you do that, you would never have a conviction, and you would make it impracticable, and you could not carry out the provisions of this bill. You would destroy its efficiency.

Mr. PADGETT. As the bill reads now, could not a man be convicted in the absence of knowledge?

Mr. RICHARDSON of Alabama. If the gentleman inserted "knowingly" as a provision in the bill he would turn out thousands of guilty men and destroy the purpose of the bill.

Mr. PADGETT. Does the gentleman from Alabama think that we should enact legislation that would convict men entirely free from all purpose and intent to do wrong?

Mr. RICHARDSON of Alabama. Oh, no. That is a speculative question and one that it is not worth while to discuss here. On general principles, I would say that I do not believe in any such thing. I do not believe in convicting innocent men. A man must be convicted according to the ordinary rules prevailing in the courts of the country. If the man is shown to be guilty of selling you or me or any other citizen of this country adulterated food, why, I think that he ought to be required to label it what it is and let us know it. If he does not do it, and puts it on the community under false representations, then I think he is guilty of fraud and should be punished.

Mr. PADGETT. One other question. The retail dealer selling adulterated goods, although it may be labeled, is made guilty under this bill without any reference to his knowledge of the adulteration.

Mr. RICHARDSON of Alabama. You say the retail dealer who sells goods properly labeled——

Mr. PADGETT. No; I said labeled, but not in conformity with the label is made guilty without his knowledge of the fact that it does not correspond to the label.

Mr. RICHARDSON of Alabama. Then he has not complied with the law and has not labeled it according to the adulterated product.

Mr. PADGETT. Yes; but that duty devolves upon the manufacturer.

Mr. RICHARDSON of Alabama. The dealer can get a certificate from the manufacturer.

Mr. PADGETT. But not from the foreign manufacturer.

Mr. RICHARDSON of Alabama. Now, Mr. Chairman, I have briefly given my views as a member of the Interstate and Foreign Commerce Committee on this question, and I take this occasion to say relative to the deliberations of the committee on this subject that I do not believe any question has been before that committee since I have been a member of the committee to which more careful attention has been given to its consideration than this bill received at the hands of the committee. We have either to adopt this kind of legislation, Mr. Chairman, or we have got to submit to what every man knows is going on in the country—the most extravagant and barefaced frauds relative to the purity of our foods. All kinds and character of adulterants are being used, and the public absolutely helpless to check or prevent it. This bill is a step in the right direction. It is not perfect. No supporter contends that it is. It has some defects, and on that we all agree, but its chief end is right, and it ought to become the law.

This is the only alternative that is left us. The State has failed in this matter; there is no question about that. That was the proof before the committee, and we must either accept this bill or submit to evils too grievous to be borne. It seems to me such criticisms as that of my friend from Mississippi in regard to inquisitorial proceedings should not be raised against a measure of this kind. Why, sir, you and I might stand here and go back into the past history of our section of the country; we might talk about matters of wrong, the unjust imposition of taxes, and everything of that kind. But is this a measure justly liable to objections of that kind in any shape or form?

Oppressive proceedings in connection with the collection of the internal-revenue tax upon whisky have been spoken of; "moonshiners" have been referred to. But, sir, a great many of the people engaged in such proceedings believe that they have an inherent right to manufacture whisky in the gorges of the mountains, along the little streams. The law pursues them, in a great many instances, with a good deal of unnecessary rigor. But does any objection of that kind apply to the bill we now have under consideration, the whole purpose and object of which is, as I stated at the beginning, simply to prevent fraud and deceit? That is all that this bill contemplates doing. It may be that after it goes to the courts it may have to be modified or amended as to the procedure to be adopted.

Mr. STEPHENS of Texas. As a lawyer, does the gentleman think that any man should be punished for any act unless he has in that act a criminal intent?

Mr. RICHARDSON of Alabama. No, sir.

Mr. STEPHENS of Texas. Then are you not willing that the word "intentionally," or "knowingly," or some qualifying word of that kind be placed in the bill?

Mr. RICHARDSON of Alabama. Does not the gentleman know as well as I do that intent is frequently inferred from an act?

Mr. STEPHENS of Texas. It seems to me it can do no harm to insert in the bill some such word as "intentionally," "knowingly," or "willfully."

Mr. RICHARDSON of Alabama. But, I ask the gentleman, is it not a fact that in the administration of the criminal law intent is frequently inferred from an act?

Mr. STEPHENS of Texas. Then put in the word "negligent." That would cover the gentleman's point. Let some qualifying word be inserted.

Mr. RICHARDSON of Alabama. Mr. Chairman, in response to my friend from Texas—and I am glad he has asked the question—allow me to say that I am not in favor of punishing any man under this bill (and the bill does not favor such a proceeding) who is innocent. I am not in favor of punishing any man who goes before the public and puts a label upon his goods showing exactly what he is selling. I am entitled, as are other men, to know exactly what I buy to eat.

The gentleman from Mississippi says that this bill proposes to invade "the dining room"—to invade the private affairs of a family. He says the bill is objectionable because it is "inquisitorial." Well, sir, we have heard such language very frequently in the past; but, sir, I think that many of us are inclined to make a great mistake in imagining that the question of State rights appears in every matter that comes up on this floor. There is always a well-defined line of State rights, which very few object to

recognizing. No man will say for a moment that the Constitution of the United States does not provide for the regulation of commerce between the States. That is all that this bill proposes to do—to regulate commerce by protecting the man who makes or sells an article honestly.

Mr. ROBB. Will the gentleman allow me to refer to the contention made by the gentleman from Texas and the gentleman from Tennessee, that the word "knowingly" should be inserted in the bill? If that word were inserted, would it not be incumbent on the Government, in order to make out a case, to show, in the first instance, that the party selling the article had sold it knowing that the goods were adulterated; whereas if that word be omitted, then if in any case a party should happen to sell goods without knowing that they were adulterated, although there might be a presumption of guilt, the defendant would still be at liberty to show as a matter of defense that the sale was not made knowingly?

Mr. RICHARDSON of Alabama. The suggestion of my friend is very pertinent and one that I accept. That is just the line of discussion that was followed in the committee in framing this very feature of the bill. When you put any allegation in an indictment the State must prove it absolutely; so in this case if the word "knowingly" were inserted the State would have to prove absolutely that the goods had been sold knowingly. How could that be done?

Mr. GAINES of Tennessee. This is similar to the case of a man arrested for counterfeiting because he has counterfeit money in his possession. Although that fact would of itself be "some evidence" of guilt, it would not mean that he would necessarily be guilty or found guilty. He could be acquitted on showing that the money had come innocently into his possession.

Mr. RICHARDSON of Alabama. The bill does not cut off any proper legal defense that he may be able to make.

Mr. GAINES of Tennessee. Not at all.

Mr. RICHARDSON of Alabama. I think the suggestion of the gentleman from Tennessee is a good one. It is in line with suggestions that are familiar to all lawyers.

Mr. ROBINSON of Indiana. I am averse to occupying the gentleman's time, but as he has evidently given much consideration to this bill, I wish to ask him a question. Section 11 of the bill invokes the power of Congress under the Constitution to regulate interstate commerce, and I think the principle of that section is sound. Now, I want to present to the gentleman a proposition upon another branch of the subject. Assuming now as the hypothesis that we describe by law trust-made articles as being against public policy in the arbitrary control of prices and productions, could not this principle embodied in section 11 of the bill be applied to that case? It reads as follows:

SEC. 11. That any article of food or drug that is adulterated or misbranded within the meaning of this act, and is transported or being transported from one State to another for sale, or if it be sold or offered for sale in the District of Columbia and the Territories of the United States, or if it be imported from a foreign country for sale, or if intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States, within the district where the same is found and siezed for confiscation, by a process of libel for condemnation. And if such article is condemned as being adulterated the same shall be disposed of as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States.

Therefore, describing the trust article as against public policy, could not that, under this same principle and same procedure, be seized and sold and the proceeds placed in the United States Treasury.

Mr. RICHARDSON of Alabama. Under this bill or under a bill like it?

Mr. ROBINSON of Indiana. Under a bill like it.

Mr. RICHARDSON of Alabama. I think the gentleman is right about it. Mr. Chairman, I yield back my time to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Chairman, I would be glad to know if there is any gentleman in opposition to the bill who wants further discussion? If there is not, I would like to close the debate. I will yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, this bill proposes to control "interstate traffic," under the commerce power granted Congress, including the trade into and within the Territories and the District of Columbia. Section 10 provides "that this act shall not be construed to interfere with commerce wholly internal in any State, nor with the exercise of their police powers by the several States," similar to the provision that I wanted inserted into the bill passed here a few days ago with reference to "diseased stock."

The "police power of the several States" covers not only State "commerce wholly internal," but goes further and applies to "noncommercial interstate commerce," the articles nominated in this bill being so classed and denounced by Congress.

This seems to me the construction to be placed on this part of the bill under the Austin case (179 U. S. Rep.) and the Reed case, for we must see Congress does not take "entire" control of this interstate noncommercial traffic and expressly recognizes the continuance of this police power in the States.

In the Addyston Pipe trust case (175 U. S. Rep.) the Supreme Court of the United States in explicit language says:

Congress may * * * prohibit the performance of any contract between individuals * * * to directly regulate, to any substantial extent, interstate or foreign commerce. * * *

"The power of Congress to regulate commerce comprises the right to enact a law prohibiting the citizen from entering into contracts which directly and substantially and not merely remotely, incidentally, and collaterally regulate, to a greater or less degree, commerce among the States."

"The power to regulate interstate commerce is, as stated by Chief Justice Marshall, full and complete."

"Why, then," I said in my speech in the House June 2, 1900, "should not Congress prohibit interstate trust combines," and stop the shipment of their goods from one State to another—and I still so insist.

Again, in the case of Crutcher against Kentucky—a case where that State taxed a corporation doing an interstate business—held invalid; but the court, through Mr. Justice Bradley, said it is the "duty" of Congress to protect the people of the United States from being imposed upon by foreign corporations or concerns dealing in interstate or foreign commerce. Mr. Justice Bradley, for the court, said:

Congress would undoubtedly have the right to exact from associations of that kind any guarantees that it might deem necessary for the public security and for the faithful transaction of business, and as it is within the province of Congress, it is to be presumed that Congress has done, or will do, all that is necessary and proper in that regard.

The prerogative, the responsibility, and the duty of providing for the security of the citizens and the people of the United States in relation to foreign corporate bodies or foreign individuals with whom they may have relations of foreign commerce belong to the Government of the United States and not to the several States, and confidence in that regard may be reposed in the National Legislature without any anxiety or apprehension arising from the fact that the subject-matter is not within the province or jurisdiction of the State legislatures.

And the same thing is exactly true in regard to interstate commerce as it is with regard to foreign commerce.

Citing many cases. This case you can find in 141 United States Report, pages 57–58.

Mr. Chairman, Congress has from time almost immemorial "prohibited" objectionable commerce if it is international or interstate. This is shown, notably, by the embargo acts way back almost a century ago, generally discussed and approved as valid legislation in the Clark-Fields case. (143 U. S. Rep.)

We have prohibited the bringing to the United States certain objectionable immigrants—idiots, insane persons, criminals, polygamists, and Chinese—by the acts of 1891, 1894, 1882, and 1875. We prohibited the importation of convict-made goods by the Wilson tariff act of 1894.

We have prohibited this, that, and the other. For instance, only last year—and I believe the gentleman from Georgia [Mr. ADAMSON] and the gentleman from Mississippi [Mr. CANDLER] supported the bill; at least I feel quite sure that they did not object—we passed what is known as the Lacey bill, which prohibited the sale and transmission of birds from a State prohibiting their killing to another State.

I have quite a long list of such legislation enacted by Congress, by both Democrats and Republicans, which I incorporated in my speech delivered in this House on June 2, 1900, to be found at page 686 of volume 33, part 8, Appendix, of the Fifty-sixth Congress, first session.

Further on down in this speech I say Congress has prohibited the importation of adulterated or unwholesome food or products and drugs injurious to health by the acts of August 30, 1890, March 2, 1897, and the importation of diseased cattle, under act of August 13, 1890; the importation and exportation of diseased cattle, act August 30, 1890, and interstate commerce in diseased live stock, act of May, 1884; the exportation of slaughtered meat, by the act of March 3, 1891. Then we have prohibited often many things being sent and sold to Indians.

All these acts were founded on this commerce clause.

So, Mr. Chairman, as I say, from time to time, both Democrats and Republicans have supported laws which prohibited the transportation of things objectionable, interstate and foreign products, from one State to another.

Now, I fully appreciate what my distinguished and eloquent young friend from Mississippi [Mr. CANDLER] has said on State laws, etc., but really, with all due deference to him, I do not think he fully appreciated the purpose or effect of this bill.

It does not interfere with any right possessed by the State, as I now understand the bill. It aids the States. When Congress acts as to interstate commerce—takes the matter entirely in its control, as was held in the Reed case—State laws are inoperative as to such commerce; but in this case the police laws of the State remain intact. There is an express provision in this bill, as I have shown—section 10—wherein it says that State commerce and the laws pertaining to the same and the police powers of the State shall not be disturbed. I can not possibly see how any

State rights man can possibly object to this kind of a bill under all the circumstances.

The gentleman from Mississippi [Mr. CANDLER] says this bill says what we shall have on our tables to eat and drink. Well, have the States the right to say that we shall not have arsenic for breakfast? The State can say you shall not have strychnine for dinner. The State can say you shall not have opium for supper. The State can say you shall not sell or use any of these articles except on the prescription of a physician, or it can prohibit their sale and use outright—because dangerous to life and health.

Now, that each of these things can become a subject of interstate or foreign commerce, Congress can come up and help the State, as provided in this bill, and say that you shall not bring from one State to another, or import from any foreign country, any one of these drugs, or diseased clothes, or diseased cattle, or anything that is in derogation of the public health, the public morals, or the public welfare.

That has always been the law. Simply because Congress in this case has not taken charge and said, "You shall not do so and so" with interstate traffic is no reason why Congress can not now legally do so under this commerce power so clearly defined.

In no case has this power been more clearly defined than in the Addyston pipe case and in the Reed case, the distinction being drawn in both, especially in the pipe case, that Congress has the right to "prohibit" interstate commerce, while in the Crutcher case the court said it was the "duty" of Congress to stop objectionable interstate commerce to protect our people.

Again, in the Reed case the court said where Congress takes exclusive charge of interstate commerce, then that suspends the operation of the State laws. But that is not this case. The bill expressly exempts that; and while there may be other provisions in the bill with which I am not familiar that we can amend later on, certainly the power to pass a bill controlling such interstate and foreign commerce, and that alone, is clearly within the power of Congress, and for the present I can not see anything objectionable in the bill. We can eliminate any objectionable features later on.

Will my friend from Iowa yield to me a minute more?

Mr. HEPBURN. I yield a minute more to the gentleman from Tennessee.

Mr. GAINES of Tennessee. Mr. Chairman, just on the point on which my friend from Alabama [Mr. RICHARDSON] was interrogated by my colleague [Mr. PADGETT] I wish to say: Take, for example, a case of passing counterfeit money. When you have a counterfeit bill in your possession it is "some evidence," at least, of your being guilty of passing it. You are certainly guilty of having it in your possession, but that does not in any wise prohibit or bar the party from making his defense in court and saying: "Well, I got it innocently, in due course. I got it from Smith & Co." Smith & Co. will prove that they got it innocently from the Riggs Bank, we will say, and then the Riggs Bank will say: "We got it innocently from the United States Treasury only a few minutes ago," and so on. This bill does not bar any man from such defense. Of course, a very high law says, "Thou shalt not kill."

The State law mitigates that, and says you shall not kill under certain conditions; that if you do you are guilty of murder. But that does not bar the defendant from proving his intent. Under this bill you can prove the intent and show your certificate of purchase. Still, Mr. Chairman, the language might be modified so that a blind man might see that no one is barred from that kind of a defense. As it is, the bill may not be too drastic, as the subject treated is one where many frauds can be imposed on the people and it will be hard to prove guilt.

Mr. PADGETT. The State law says you shall not willfully, deliberately, etc., kill. It does not say in specific terms that you shall not kill.

Mr. GAINES of Tennessee. Well, I was quoting a higher law, with which my friend is more familiar than I am. Still the questions of intent and honest belief are questions susceptible of proof in several ways.

Mr. PADGETT. The killing is always qualified, and the character of the killing is specified in order to constitute murder.

Mr. GAINES of Tennessee. You will agree that this does not bar the proving that the party has not intentionally or willfully or knowingly bought these goods that are outlawed.

Mr. PADGETT. That is the very question that I am raising. It makes the specific act of having possession of the goods a criminal act because of the intent with which the person has possession.

Mr. GAINES of Tennessee. Suppose a man is indicted. He is indicted for having outlawed goods in his possession. When you prove the goods in his possession and that they are such and such goods, and that they are outlawed, then the burden is on him to show how he got them into his possession innocently.

Mr. PADGETT. Why not give him an opportunity to prove that?

Mr. GAINES of Tennessee. Why, of course, the burden then shifts upon him at once, and he can show his certificate of honest ownership under this bill.

Mr. HEPBURN. I would like to inquire of the gentleman from Georgia if he desires to use more time? I would like general debate to close in fifteen minutes.

Mr. ADAMSON. I will say to the gentleman that no other gentleman has requested time from me.

Mr. HEPBURN. Would it be satisfactory if twenty minutes from now I ask for the reading of the bill?

Mr. ADAMSON. I say no gentleman on this side has requested any time. I have nothing further to say.

Mr. HEPBURN. Then I yield five minutes to the gentleman from Maryland.

Mr. SCHIRM. Mr. Chairman, when the gentleman from Ohio [Mr. TOMPKINS] was making his speech yesterday I put some questions to him in respect to the effect of the punishment provided. I do not wish to be placed in the position of antagonizing this bill. While I do not think it is at all a perfect measure, and perhaps no bill is, yet I would rather vote for it with those provisions that I consider objectionable than not to vote for it and thus lose its beneficent effects. Diseases of the stomach are on the increase in this country, and the time has come when something must be done to raise the standards of food we eat. Our pantries have become repositories for harmful drugs, so that it is not strange that Americans take readily to the use of medicines. We take drugs with our foods every day, and have become so practiced in the art that we do not even turn our faces awry at the strongest drugs.

Fortunes are being built up upon the wrecks of human bodies. Manufacturers are making large fortunes from the misfortunes that they are forcing upon the public. Nearly every article of common food has been counterfeited. We sit down to the table expecting to use catsup, when, as a matter of fact, we are using ground turnips or carrots that are dyed and doctored. This catsup never turns its color. It is always a beautiful brick color, altogether unnatural to the tomato, and we eat it in cold blood, knowing that it is deleterious matter. Why, the dining room, could we look into the properties of the various things put there as wholesome food, could we understand the true nature of things we eat, would impress us as a chamber of horrors rather than as a place for the upbuilding of the human system through wholesome foods.

This bill provides that under the direction of the Secretary of Agriculture a commission shall be appointed, consisting of physicians of well-known and high reputation, to fix the standards of food. This proposition has been objected to as perhaps too paternal in its effect. The fact is that we are allowing a certain unscrupulous class of manufacturers to fix a low standard in this country by the use of hurtful drugs and harmful, deleterious matter. A wise provision of this law is that it fixes the maximum penalty and not the minimum penalty; so that in cases where there is a violation of the law, without any serious criminal intent or through mistake, the judge can use his discretion in fixing a small fine or a short term of imprisonment, or both.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEPBURN. Mr. Chairman, I move that all debate be closed in fifteen minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that general debate be closed in fifteen minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HEPBURN. Mr. Chairman, I am satisfied that this bill is not a perfect one. I do not believe that it met in its entirety the views of any member of the committee that reported it. But it was the best possible bill attainable. It was prepared by a committee appointed by the pure-food congresses that from time to time have met in this city.

I understand that it was unanimously approved by the last and largest of these conventions, although it is but fair to say that there is a dispute as to the unanimity with which it was adopted. At all events, it is the best exposition of the view of those most interested in the question that has been up to this time attained. It is not as drastic as I would have drawn it. It does not interfere with the legislation of the States. I would have made it interfere if I had had the power. It does not in any degree, and it expressly so avers, interfere with the police power of any of the States. I would have omitted that declaration if I had drawn the bill. So that there has been compromise and concession upon the part of nearly all those who have taken an active interest in the legislation in the hope of getting something. There is a demand for it. I believe I would be justified in saying that no subject that has attracted the attention of Congress in the last five years has been so unanimously petitioned for as has this measure or some measure of this character.

One reason why so many ask it is because of the diversified

legislation of the States. Thirty-six States have legislated upon this subject, and I am told by those who have studied the subject that no two of those statutes are alike. The merchant in the city of Baltimore or in the city of Boston trading in Iowa is required to put one kind of a label upon his goods, in Illinois another, and in Missouri another. There is no uniformity, and he meets with constant difficulty because of this want of uniformity. The friends of uniformity have said before the committee that has reported this bill that by securing this legislation it was believed that the States will change their enactments to conform to it as far as practicable, so as to have uniformity.

One great difficulty in the way of prosecutions is in the ascertainment of the real character of the article sold. The belief is general that very many of the articles that enter into our daily food that we buy in the market or in the corner grocery are adulterated. They are not genuine; they are not what they purport to be. There is an attempt, and a successful one, to defraud—to sell the cheaper and the less perfect article for the dearer and more perfect. This bill seeks to correct these evils by the creation of proper standards, and by providing the means by which the real character of the goods can be ascertained in a way fair and just to all parties.

There is much of power, and that is complained against in this bill, lodged in the hands of the Secretary of Agriculture. You must lodge the power somewhere if you are to correct the evils that the legislation is directed against. It must be lodged somewhere. I do not know of anyone fitter to hold this power than the Secretary of Agriculture, with the limitations that are put about him. He can not, as his mere ipse dixit, say that this article or that or the other is not lawful and therefore under ban. He has his means of such ascertainment and is bound to their use. He must have in cooperation with him, first, a man in charge of the Bureau of Chemistry—its director. He must have five medical men, three of them from the Government—from the Army, from the Navy, from the Marine Corps—two from civil life appointed by the President, and then must, in addition to that, have the cooperation of the five that are appointed by the Agricultural association of the United States, the chemists of their choice, and surely that ought to constitute a tribunal that the people of the United States would be willing to trust. If you will not trust them, where can you lodge this power? Some one must determine; and then, at most, the determinations of these men, so carefully secured, are but prima facie evidence in the courts. Their determination may be assailed just as any other question of fact. The only advantage there is to the Government is the prima facie character of the proof thus secured.

Now, Mr. Chairman, there were objections to this bill from all portions of the country, I will admit; but they are the persons that the law is feeling after. The gentleman from Massachusetts yesterday made a most lachrymose plea for the codfish of Gloucester. His argument, when it was reduced to its ultimate, was that there were certain persons in Gloucester who were engaged in producing codfish; that they could not reach my constituents in Iowa, for instance, with their codfish without they could wash their codfish with boracic acid, and, therefore, that they might continue the lucrative traffic in codfish, they must have the privilege of selling boracic acid to the people of Iowa as an article of food.

Now, gentlemen must know that it is to prevent the Massachusetts men from selling boracic acid to innocent Iowans that this bill is brought forward. At least, that is one of the purposes. But after I had listened to the speech of the gentleman in regard to the codfish, as I passed out of the corridor a gentleman who has taken much interest in this bill, who knows what he is talking about generally, informed me that it was not codfish that they wanted to preserve. He said that the codfish that you and I know, Mr. Chairman, a slab-like substance composed of bone and salt that sells upon the market, that that was well near indestructible, as indestructible as a cottonwood board; it may fuzz up and blow away in the wind, but that was the only way in which you could destroy it; you could not burn it and you could not rot it. [Laughter.] In other words, you could not make codfish worse than it is when it leaves Massachusetts by any lapse of time. [Laughter.] But he said that there were some other fish of a more delicate character that could not be preserved in salt, and that could not reach the interior of the country without they had this bath of boracic acid. [Laughter.]

Now, I do not know whether that is true or not. I will hunt up the gentleman who gave me this valuable information and will turn him over to the gentleman from Massachusetts and let him wrestle with the question of fact. But I do know this: I know there are other men opposing this bill simply because it will interfere with their business; and as a witness that it ought to be interfered with, I call upon the gentleman from Massachusetts to speak. In fact, he has spoken. He tells us, "I know that boracic acid is deleterious." He tells us that while it is deleterious yet we can wash it out. He recognizes the fact that it ought to be washed out. Why? Because it is deleterious.

Mr. GARDNER of Massachusetts rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GARDNER of Massachusetts. Mr. Chairman, I should like to ask the gentleman from Iowa in what part of my remarks I admitted that boracic acid was injurious?

Mr. HEPBURN. I can not tell in just what part. I will remind the gentleman of what I am referring to, and he can tell what part. He said that Dr. Wiley—the first chemist, perhaps, in the United States, the man who is now and probably would be charged with the execution of this bill—he said that Dr. Wiley will decide against us, that Dr. Wiley will decide that boracic acid is unhealthful. I am quite confident that the gentleman specifically said, "I believe boracic acid to be unhealthful." If he did not, then I am perfectly willing that he should have the benefit of his denial.

Mr. GARDNER of Massachusetts. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Iowa yield further?

Mr. HEPBURN. Yes; for a question, or for a denial, or for a correction of myself.

Mr. GARDNER of Massachusetts. I stated that Professor Wiley believed that boracic acid was harmful, because he had been in the midst of a controversy with the best German authorities on that question. Professor Wiley has taken one side and the German authorities, as I understand, have taken quite different view. My personal argument, if I expressed myself as I think I did, was something like this: Granted that boracic acid is harmful—taking Professor Wiley at his word——

Mr. HEPBURN. I am willing to have my remarks modified by that statement.

Mr. MANN. Will the gentleman yield for a suggestion?

Mr. HEPBURN. Yes, sir.

Mr. MANN. I want to call the gentleman's attention to the fact that Professor Wiley testified in the hearings before our committee that "the Hepburn bill as it stands to-day would not operate in any way to prohibit the use of any such substance," referring to boracic acid. So that this is not a matter that has been determined by Professor Wiley.

Mr. HEPBURN. Now, Mr. Chairman, the gentleman's contention that the German chemists are insisting that boracic acid is not harmful must be erroneous, because this bill has been urged upon us for the reason, among other reasons, that our foods are being excluded from German markets because of the presence of boracic acid. The Germans are excluding our foods and we are suffering in the markets because of the proceedings of these gentlemen.

If my contention is true—if this mode of treating codfish, or something or other that is called codfish, is unwholesome, why not give us the benefit of this legislation? If it is wholesome, who is hurt? No one, because I undertake to say that under the provisions of this law every man engaged in the manufacture of food can protect himself if the article that he produces is not harmful to human health.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. HEPBURN] has expired. The time for general debate has also expired. The Clerk will proceed to read the bill under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of protecting the commerce in food products and drugs between the several States and in the District of Columbia and the Territories of the United States and with foreign countries the Secretary of Agriculture shall organize the Chemical Division of the Department of Agriculture into a bureau of chemistry, which shall have the direction of the chemical work of the present Division of Chemistry and of the chemical work of the other Executive Departments whose respective heads may apply to the Secretary of Agriculture for such collaboration, and which shall also be charged with the inspection of food and drug products, as hereinafter provided in this act. The Secretary of Agriculture shall make necessary rules and regulations for carrying out the provisions of this act, under which the director of the bureau of chemistry shall procure from time to time, or cause to be procured, and analyze, or cause to be analyzed or examined, chemically, microscopically, or otherwise, samples of foods and drugs offered for sale in original unbroken packages in the District of Columbia, in any Territory, or in any State other than that in which they shall have been respectively manufactured or produced, or from a foreign country, or intended for export to a foreign country. The Secretary of Agriculture is hereby authorized to employ such chemists, inspectors, clerks, laborers, and other employees as may be necessary to carry out the provisions of this act and to make such publication of the results of examinations and analyses as he may deem proper.

Mr. ADAMSON. Mr. Chairman, is it in order to move to strike out the enacting clause?

The CHAIRMAN. In the opinion of the Chair, a motion to strike out the enacting clause would be in order at this time.

Mr. ADAMSON. I make that motion.

The question having been taken,

The CHAIRMAN. The noes appear to have it.

Mr. ADAMSON. I call for a division.

The question was again taken; and there were—ayes 12, noes 53.

So the motion of Mr. ADAMSON was rejected.

Mr. MANN. I have an amendment which I send to the Clerk.

The Clerk read as follows:

In line 15, page 2, strike out the words "necessary to carry out the provisions of this act" and insert "hereafter provided by law."

Mr. MANN. I call the attention of the gentleman from Iowa [Mr. HEPBURN] to that proposed amendment. The bill as it stands gives to the Secretary of Agriculture unlimited power to employ persons in connection with his Department, a provision which is contained, I believe, in no other law. The usual provision is to authorize such persons to be employed as may be provided by law or by Congress, which means in an appropriation bill. I do not think that the gentleman from Iowa can have any objection to this amendment. Professor Wiley in his testimony before our committee was asked as to whether in his opinion there ought to be any limitation in the law upon the power of the Secretary to employ inspectors and he said, on page 211 of the hearings, at the top of the page:

I think that would be very desirable, very desirable that the number should be limited by law.

It seems to me that that would remove one of the objections to this bill, which has been that it might at times be used for partisan purposes, for the purpose of blackmail, for all sorts of improper purposes, if there should come an opportunity for an improper official to make use of such power of appointment; but if the power is limited, as I suppose it should be by an appropriation bill, that objection to the bill would be removed. I hope that the gentleman can see his way clear to accept the amendment.

Mr. HEPBURN. Mr. Chairman, the difficulty in the way is this: The matter can not be cured, if left in this way, by an appropriation bill. You can not fix the number. You will have to have some other legislation. Now, would it not be better to allow the discretion to remain in the Secretary of Agriculture for the establishment of this Bureau, and then legislate for those that were in place in an appropriation bill?

Mr. MANN. Why does the gentleman think it could not be provided for in an appropriation bill?

Mr. HEPBURN. Simply because no appointment could be made until the legislation was had. It would be new legislation, and therefore subject to a point of order on an appropriation bill.

Mr. MANN. But the gentleman understands that it would be to carry out a purpose provided by law, so that it would not be new legislation, but simply making appropriation to carry out this plan of the law.

Mr. HEPBURN. That possibly may be so, but I do not think it would be so.

Mr. MANN. If that is not so, then any provision in reference to these people would be subject to a point of order in an appropriation bill. I suppose the gentleman would hardly think that. Now, we make the same provision in all of our other bills and statutes, as the gentleman knows in the bill in reference to the department of commerce. There we put in the bill in a number of places a provision for such clerks and assistants as may be provided by law, clearly giving the power to make the appropriation. I suppose in this case, if this bill becomes a law in time, it could be covered by the urgent deficiency appropriation bill.

Mr. HEPBURN. I am not clear about it myself, Mr. Chairman, although I think the gentleman is in error.

Mr. MANN. I talked with the chairman of the Committee on Appropriations this morning and asked him if, in his opinion, that would give to the committee the power to make an appropriation without being subject to a point of order, and he stated to me that he thought it would.

Mr. HEPBURN. If that is the case, I have no objection to this amendment.

Mr. HENRY of Connecticut. Mr. Chairman, I would like to ask the gentleman in charge of the bill a question. The bill provides for the establishment of a bureau of chemistry. I had supposed that last session of Congress we did establish such a bureau.

Mr. HEPBURN. We have a Division of Chemistry. This is making a bureau. It is simply enlarged so as to meet the purposes of this bill.

Mr. HENRY of Connecticut. I supposed that was done at the last Congress.

Mr. MANN. That was in fact done after this bill was prepared, but it does not make any difference.

Mr. HENRY of Connecticut. By an appropriation bill in the last Congress we did establish a Bureau of Chemistry, with Dr. Wiley at the head.

Mr. HEPBURN. Very well, then we will not have to establish another one.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 7, noes 23.

Mr. MANN. Mr. Chairman, I think that is too important a matter to be disposed of in this way. I shall have to make the point of no quorum present.

The CHAIRMAN. The gentleman makes the point of no quorum present. The Chair will count.

Mr. MANN. Mr. Chairman, I will demand tellers first.

Tellers were ordered; and the Chairman appointed Mr. MANN and Mr. HEPBURN.

The committee again divided; and the tellers reported—ayes 20, noes 41.

Accordingly the amendment was rejected.

The Clerk read as follows:

SEC. 2. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country, of any article of food or drugs which is adulterated or misbranded, within the meaning of this act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, or who, having received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States such adulterated, mixed, misbranded, or imitated foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding $200 for the first offense and for each subsequent offense not exceeding $300 or be imprisoned not exceeding one year, or both, in the discretion of the court.

Mr. STEPHENS of Texas. Mr. Chairman, I offer an amendment. In line 8, page 3, after the word "shall" and before the word "sell," I move to insert the word "willfully."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Page 3, line 8, before the word "sell," insert the word "wilfully."

Mr. STEPHENS of Texas. I do not wish to debate this matter at length. I simply submit that no man should be punished unless he intends to commit a crime, and I think he will be unless the word "willfully" or "knowingly" is inserted. I think the word "willfully" is the best one to use.

Mr. HEPBURN. Mr. Chairman, I hope this amendment will not prevail. It will destroy the efficiency of the bill. If the burden was upon the Government of showing that a man knew the contents of what he sold it could never be met under a statute of that kind. I want to say that, in my judgment, the people of the United States have gone mad in their solicitude and tenderness for men who are committing crime. Criminals ought to be punished. Men ought to know what they are doing when they are tampering with the health of communities.

The health of invalids, the health of infants, the health of people who have no protection is a matter of consequence. I have no consideration for the class of people who endanger the public health. It is a man's duty to know what he is doing when he is selling to me what may be a poison. At least, he must take such means to ascertain and inform himself as to show his good faith, so that when his conduct is investigated before the court no punishment will come to him. This law is to be administered by judges, by lawyers, by men who know what ought to be done in the construction of a statute, and who will have all proper regard for the defendant. I do hope that the efficiency of the bill will not be destroyed by the insertion of that word.

The amendment was rejected.

The Clerk read as follows:

ADULTERATIONS.

SEC. 6. That for the purposes of this act an article shall be deemed to be adulterated—

In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia official at the time of the investigation.

Second. If its strength or purity fall below the professed standard under which it is sold.

Third. If it be an imitation of or offered for sale under the name of another article.

In the case of confectionery:

If it contain terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

In the case of food:

First. If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, so that such product, when offered for sale, shall deceive or tend to deceive the purchaser.

Second. If any substance or substances has or have been substituted wholly or in part for the article, so that the product, when sold, shall deceive or tend to deceive the purchaser.

Third. If any valuable constituent of the article has been wholly or in part abstracted, so that the product, when sold, shall deceive or tend to deceive the purchaser.

Fourth. If it be an imitation of or offered for sale under the distinctive name of another article: *Provided*, That the term "distinctive name" shall not be construed as applying to any article sold or offered for sale under a

name that has come into general use to indicate the class or kind of the article if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Fifth. If it be mixed, colored, powdered, or stained in a manner whereby damage or inferiority is concealed, so that such product, when sold, shall deceive or tend to deceive the purchaser.

Sixth. If it contain any added poisonous ingredient or any ingredient which may render such article injurious to the health of the person consuming it.

Seventh. If it be labeled or branded with intent so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or is an imitation, either in package or label, of another substance of a previously established name, or which has been trade-marked or patented.

Eighth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter: *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not included in definition fourth of this section. Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends: *Provided*, That the same shall be labeled, branded, or tagged so as to show the character and constituents thereof: *Provided further*, That substances which enter into the preparation or preservation of food and which change their chemical nature in the preparation of food shall be branded at the time of manufacture with the names of the resulting substances which are left in the food produced when ready for consumption, together with the name and address of the manufacturer: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or imitation: *Provided further*, That no dealer shall be convicted under the provisions of this act when he is able to prove a written guaranty of purity, in a form approved by the Secretary of Agriculture as published in his rules and regulations, signed by the manufacturer, or the party or parties from whom he purchased said articles: *Provided also*, That said guarantor or guarantors reside in the United States. Said guaranty shall contain the full name and address of the party or parties making the sale to the dealer, and said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this act.

Mr. GARDNER of Massachusetts. Mr. Chairman, I desire to offer an amendment.

The amendment was read, as follows:

Add at the end of line 20, on page 6, the following:

Provided, That dried fish preserved by suitable preservative substances employed as a surface application shall not be deemed adulterated in the meaning of this act.

Mr. GARDNER of Massachusetts. Mr. Chairman, my reason for offering this amendment, which follows substantially the line of the Massachusetts statute, is that it is impossible to preserve codfish in summer for consumption in the interior of the country without the use of a small amount of borax. Now, the honorable gentleman in charge of this bill quoted a friend whom he met, who says that substances are put up as codfish which are not codfish.

So far as I know, in a sense this is true. The codfish family consists of hake, haddock, cod, and pollock. Hake, haddock, and cod are superior fish. The pollock is an inferior fish—that is, it is always so classed in the codfish family. Now, it is utterly out of the question to ship these foods without the use of borax. If that product is analyzed by the chief of the Division of Chemistry, as provided in this bill, he will find that in each package of codfish there is four-tenths of 1 per cent of borax. But he analyzes it as it comes from the grocery store. He does not analyze it as it goes onto your table. Before it goes onto your table it will be put to soak for twenty-four hours, to soak the salt out, and the borax will be soaked out at the same time.

Mr. LIVINGSTON. May I ask the gentleman what he means here by the word "suitable?" Why does he not describe the preserving substance? Why does he not call it by its name?

Mr. GARDNER of Massachusetts. Mr. Chairman, I am perfectly satisfied to call it by its name; but I have followed the line of the Massachusetts statute. Preservaline is used for this purpose. It is powdered on the surface of the fish.

Mr. LIVINGSTON. What is the powder?

Mr. GARDNER of Massachusetts. Forty per cent of the preservaline is boracic acid. What the rest is I do not know, but it is perfectly harmless stuff, and there is one proportion in weight of this preservaline used for one hundred proportions of fish. In other words, four-tenths of this preservative substance, which is necessary for the transportation of the fish into the interior of the United States, is a compound deleterious to health in the opinion of the chief of the Division of Chemistry.

Mr. LIVINGSTON. Are you willing to put the word "harmless" before or after the word "substance?"

Mr. GARDNER of Massachusetts. I am willing to insert "boracic acid" instead of the words "preservative substance." I am not willing to put the word "harmless" there, because that would give the case to the chief of the Division of Chemistry to decide, and we know beforehand how he is going to decide. But, Mr. Chairman, I want to say this: The quantity which would be contained in the sample might be harmful, but the quantity which goes into your food is not harmful, because your food is soaked for twenty-four hours to get the salt out before it goes on the table. The reason that I have selected this wording is because it follows substantially the Massachusetts statute.

Mr. LIVINGSTON. Mr. Chairman, I want to give notice that I shall move to insert "a harmless" before the word "suitable."

Mr. HEPBURN. Mr. Chairman, I do not believe that we ought to rely too much upon the fact that this innocent amendment follows the Massachusetts statute. You must remember, Mr. Chairman, that the gentleman has informed us that this amendment is necessary in order to enable them to sell fish to the interior. They do not eat this fish in Massachusetts. [Laughter.] Therefore they have fixed their statute to meet their wants. They propose to sell the deleterious food to us out in Iowa. Therefore the statute ought not to figure very extensively.

Mr. GARDNER of Massachusetts. Mr. Chairman, will the gentleman allow an interruption?

Mr. HEPBURN. I yield to the gentleman.

Mr. GARDNER of Massachusetts. Mr. Chairman, I myself eat it repeatedly, and it is one of the most usual articles of diet, especially on Fridays, of a large part of the population.

Mr. HEPBURN. I understand the gentleman to say that it is necessary.

Mr. MADDOX. Will the gentleman allow me to ask him a question?

Mr. HEPBURN. Certainly.

Mr. MADDOX. You might modify it and sell it to the people of Massachusetts alone. [Laughter.]

Mr. HEPBURN. Oh, I hope, Mr. Chairman, the amendment will not prevail.

The CHAIRMAN. The question is on the amendment.

[Mr. MANN addressed the committee. See Appendix.]

Mr. HEPBURN. Mr. Chairman, let me call attention of the committee to the language of section 7, which provides:

SEC. 7. That it shall be the duty of the Secretary of Agriculture to fix standards of food products when advisable, and to determine the wholesomeness or unwholesomeness of preservatives and other substances which are or may be added to foods; and to aid him in reaching just decisions in such matters he is authorized to call upon the Director of the Bureau of Chemistry and the chairman of the committee on food standards of the Association of Official Agricultural Chemists, and such physicians, not less than five, as the President of the United States shall select, three of whom shall be from the medical departments of the Army, the Navy, and the Marine-Hospital Service, and not less than five experts to be selected by the Secretary of Agriculture by reason of their attainments in physiological chemistry, hygiene, commerce, and manufactures, to consider jointly the standards of all food products (within the meaning of this act), and to study the effect of the preservatives and other substances added to food products on the health of the consumer.

Now, I say, Mr. Chairman, there is a tribunal that we may safely rest this case with. There is no one man who can determine it arbitrarily as he pleases. Here is a provision to secure the most eminent of those who are best informed upon subjects of this kind, and I think it is infinitely safer to trust the health of the people of the United States to a tribunal of this kind than it is to trust it to the dealers in codfish or dealers in beef and beer.

Mr. MANN. The gentleman from Iowa misapprehends entirely the remarks I made to the committee. I may call his attention to the fact that this bill does not require the Secretary of Agriculture to call in anybody. It only authorizes him to call in people to aid him in making the determination. The point I make is this: that if the English people desire meat preserved by the aid of boracic acid, and so order it, why should we say that it should not be sold to them in the way they want it because we do not choose to eat it in that fashion? This bill provides if the Secretary of Agriculture shall determine that boracic acid is a harmful preservative, then the use of it in this country must cease, and the use of it must cease in regard to export beef, although the English dealers say that the beef is harmless and want their meats sent to them in that fashion. The only question about boracic acid is like all other preservatives, it is a matter of preserving the flesh from decay; you can use sugar and salt for the same purpose, as we do in butter. You can put in boracic acid and it is a preservative in the same fashion. We may say it is harmful, but why should we say that we should not sell the thing that other people want in the manner they want it because we do not choose to eat it in that fashion?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. GARDNER].

Mr. LIVINGSTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend the amendment by inserting before the word "suitable" the word "harmless."

The question was taken; and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. GARDNER of Massachusetts) there were—ayes 16, noes 50.

So the amendment was rejected.

Mr. PADGETT. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Insert at end of line 14, page 8, the following:
"*Provided further*, That the retail dealers shall not be adjudged guilty under the provisions of this act who can satisfactorily show to the court trying the cause that he purchased said goods from a reputable wholesale merchant or manufacturer, and that after exercising reasonable diligence he was ignorant of the adulterated, defective, or misbranded quality or condition of said goods."

Mr. HEPBURN. Mr. Chairman, I hope that amendment will not prevail. This retail dealer has a method of protecting himself which is ample. All he has to do is to secure a certificate from the person from whom he bought.

The question was taken, and the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 7. That it shall be the duty of the Secretary of Agriculture to fix standards of food products when advisable, and to determine the wholesomeness or unwholesomeness of preservatives and other substances which are or may be added to foods, and to aid him in reaching just decisions in such matters he is authorized to call upon the Director of the Bureau of Chemistry and the chairman of the committee on food standards of the Association of Official Agricultural Chemists, and such physicians, not less than five, as the President of the United States shall select, three of whom shall be from the Medical Departments of the Army, the Navy, and the Marine-Hospital Service, and not less than five experts to be selected by the Secretary of Agriculture by reason of their attainments in physiological chemistry, hygiene, commerce, and manufactures, to consider jointly the standards of all food products (within the meaning of this act), and to study the effect of the preservatives and other substances added to food products on the health of the consumer; and when so determined and approved by the Secretary of Agriculture such standards shall guide the chemists of the Department of Agriculture in the performance of the duties imposed upon them by this act. Such standards and determinations, when so fixed by the Secretary of Agriculture for the use of the chemists of the Department, may be read in evidence in the United States courts, but shall not be considered as determining the adulteration of any articles under section 6 of this act until such standards and determinations are approved in the courts. It shall be the duty of the Secretary of Agriculture, either directly or through the Director of the Bureau of Chemistry and the chairman of the committee on food standards of the Association of Official Agricultural Chemists and the medical officers and experts before mentioned, to confer with and consult, when so requested, the duly accredited representatives of all industries producing articles for which standards shall be established under the provisions of this act.

The following amendment was recommended by the committee:

In lines 16 and 17 strike out the words "until such standards and determinations are approved in the courts."

The amendment recommended by the committee was agreed to.

Mr. MANN. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 8. That every person who manufactures or produces for shipment and delivers for transportation within the District of Columbia or any Territory, or who manufactures or produces for shipment or delivers for transportation from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to any foreign country, any drug or article of food, and every person who exposes for sale or delivers to a purchaser in the District of Columbia or any Territory any drug or article of food manufactured or produced within said District of Columbia or any Territory, or who exposes for sale or delivers for shipment any drug or article of food received from a State, Territory, or the District of Columbia other than the State, Territory, or the District of Columbia in which he exposes for sale or delivers such drug or article of food, or from any foreign country, shall furnish within business hours, and upon tender and full payment of the selling price, a sample of such drugs or articles of food to any person duly authorized by the Secretary of Agriculture to receive the same and who shall apply to such manufacturer, producer, or vender, or person delivering to a purchaser such drug or article of food, for such sample for such use, in sufficient quantity for the analysis of any such article or articles in his possession. And in the presence of such dealer and an agent of the Department of Agriculture, if so desired by either party, said sample shall be divided into three parts, and each part shall be sealed by the seal of the Department of Agriculture. One part shall be left with the dealer, one delivered to the Director of the Bureau of Chemistry of the Department of Agriculture, and one deposited with the United States district attorney for the district in which the sample is taken. Said manufacturer, producer, or dealer may have the sample left with him analyzed at his own expense, and if the results of said analysis differ from those of the Department of Agriculture the sample in the hands of the district attorney may be analyzed at the expense of the said manufacturer or dealer by a third chemist, who shall be appointed by the president of the Association of Official Agricultural Chemists of the United States; and the analysis shall be conducted, if so desired, in the presence of a chemist of the Department of Agriculture and a chemist representing the dealer, and the whole data obtained shall be laid before the court.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out, in line 11, page 11, the following: "Said manufacturer or dealer," and insert in lieu thereof the word "Government."

Mr. MANN. Mr. Chairman, the bill provides that the Government shall obtain, or the dealer shall furnish to it, a sample of the goods——

Mr. HEPBURN. Mr. Chairman, I do not think there is any objection to that amendment.

The amendment was considered and agreed to.

The Clerk read as follows:

SEC. 10. That this act shall not be construed to interfere with commerce wholly internal in any State, nor with the exercise of their police powers by the several States: *Provided further*, That nothing in this act shall be construed to interfere with legislation now in force, enacted either by Congress for the District of Columbia or by the Territorial legislatures for the several Territories, regulating commerce in adulterated foods within the District of Columbia and the several Territories.

Mr. MANN. I move to amend by striking out the last word. I wish to inquire of the gentleman in charge of this bill whether there is not now in the District of Columbia a complete pure-food law, and whether this provision, if left in the bill, would not conflict with that law? Should not this bill go into effect in the District of Columbia if it goes into effect at all?

Mr. HEPBURN. It has been thought by gentlemen who prepared this bill—and they had charge, some of them, I think, of the preparation of the bill now in force regulating this matter in the District of Columbia—that the present District law is ample for the purposes of the District, and they thought that confusion might result if the provisions of this bill should be applied to the District.

Mr. MANN. But, Mr. Chairman, all through this bill it talks about enacting this law in the District of Columbia. Then when we come to section 10 we say that it shall not apply to this District.

Mr. HEPBURN. That will govern, will it not?

Mr. MANN. Now, if this bill is a good pure-food law, why not enforce it in the District of Columbia? Why except the District of Columbia from these stringent measures?

Mr. HEPBURN. I do not think that the District of Columbia is being exempted from stringent measures. It is a stringent law that they now have, and they have become accustomed to its operation. It has been in force three or four years. Therefore it was thought best not to apply this bill to the District.

Mr. MANN. The gentleman will remember that we had before the committee a number of people from the District of Columbia, including some of the grocers of this city, who were insisting upon the passage of this bill to correct the evils which are in existence in the District of Columbia. But this section excepts the District of Columbia from the operation of the bill.

Mr. WANGER. I beg my friend's pardon. This does not seek to except the District of Columbia from the operation of the bill. It only provides that the provisions of this act shall not interfere with the laws which the District now has on this subject. So that all the provisions of this bill will be in full force here except in so far as the same ground is covered by local legislation.

Mr. MANN. The gentleman, of course, understands very well that there is a pure-food law in the District now—a law defining what is and what is not pure food and what is adulterated food—that would conflict with this bill, so that if that law is to continue in force the provisions of this bill would not be in effect in this District. Now, why should we say what shall be done in Pennsylvania and other States in regard to pure food and be afraid to make the same test in the District of Columbia?

Mr. UNDERWOOD. I agree with my friend from Illinois exactly, that the real benefit of this bill is to come from making the laws with reference to pure food uniform.

Mr. MANN. Certainly.

Mr. UNDERWOOD. Unquestionably that is the best feature of legislation of this kind. But does not the gentleman from Pennsylvania [Mr. WANGER] explain that fully when he says that the provisions of the District law shall not be operative where its provisions conflict with this bill?

Mr. MANN. That is just exactly the opposite to what it states.

Mr. UNDERWOOD. I should like to hear from the gentleman on that point.

Mr. MANN. The provision of this bill is—

That nothing in this act shall be construed to interfere with legislation now in force, enacted either by Congress for the District of Columbia or by the Territorial legislatures for the several Territories, regulating commerce in adulterated foods within the District of Columbia and the several Territories.

Now, since there is legislation in force in the District of Columbia defining adulterated food, this act does not go into effect here, because if it went into effect it might interfere with the existing law operative in this District.

Mr. UNDERWOOD. That being the case, I agree with the gentleman from Illinois.

Mr. MANN. It is just as clear as that one and one make two that if this section of the bill be enacted the District of Columbia remains outside the limits of this law, except as to food shipped out of the District of Columbia into some State or Territory.

The CHAIRMAN. Does the gentleman from Illinois withdraw the amendment to strike out the last word?

Mr. MANN. Yes, sir.

Mr. UNDERWOOD. If there is no amendment pending to make the bill uniform, I move to strike out that portion of the bill which exempts the District of Columbia from the operation of this measure. I move to strike out the proviso extending from line 9 to line 14.

I am for this bill, Mr. Chairman; I think it is a proper bill; but I believe that if this is a good bill, a just bill, a bill that will benefit the people of the country, then it is proper that such legislation should extend uniformly throughout the United States. Such a measure will be a benefit to commerce.

When the shipper gets ready to put up his goods he does not have to find out what is the law of 36 different States to know how to ship them, but he knows what the general law is and he can comply with that law. Now, why should we exempt the District of Columbia and make this exception? It may be the opening door to making other exceptions, and I think the committee by putting in this proviso are injuring a bill that otherwise is excellent, and I therefore move to strike it out.

Mr. HEPBURN. As far as I am concerned, I have no objection to the amendment offered by the gentleman from Alabama.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

Mr. ROBINSON of Indiana. Mr. Chairman, I do not rise to oppose this bill. I see much in its pages to commend it to the favorable consideration of the House. It is brought here in response to a demand for pure food, and we have the greatest incentive for such legislation, and the highest consideration for it is found in public policy.

The section just read provides:

SEC. 11. That any article of food or drug that is adulterated or misbranded within the meaning of this act, and is transported or being transported from one State to another for sale, or if it be sold or offered for sale in the District of Columbia and the Territories of the United States, or if it be imported from a foreign country for sale, or if intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States, within the district where the same is found and seized for confiscation, by a process of libel for condemnation. And if such article is condemned as being adulterated the same shall be disposed of as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any State contrary to the laws of that State. The proceedings of such libel cases shall conform, as near as may be, to proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case; and all such proceedings shall be at the suit of and in the name of the United States.

In these provisions we find a salutary and drastic procedure for the enforcement of laws aimed to correct evils and abuses that have grown up, and which are clearly against public policy.

Good and stringent laws should be passed to insure pure articles of food and diet, and no surer or safer remedy can be found than that provided in this section. It enables the Government to run the spurious article down and seize it under judicial process and sell it under the hammer of the United States marshal, and the proceeds of sale, if sold, are turned into the United States Treasury. A wholesome public sentiment asks for this protection. This bill by criminal penalties and by process of condemnation makes the remedy salient and ample.

I commend the gentleman from Iowa [Mr. HEPBURN] who introduced this bill, and who is managing it upon the floor, for in its operation will be found still further evidence of his ability and wisdom as a legislator.

With recollections of his efforts in conjunction with the gentleman from Georgia [Mr. BARTLETT] to secure a half million of dollars to strengthen the arm of the Attorney-General in the prosecution of trusts, I see a precedent in the field covered by this bill and in the methods provided for the enforcement of its provisions for a still more important class of legislation.

Legislation against trusts may safely follow along the line and purview of this act, which seeks to eliminate evils clearly against public policy. Let me suggest to the gentleman some legislation against trust operations, so far as it is within the scope of the control by the Government of interstate commerce.

Engrossing, forestalling, and monopolizing products and markets have been against public policy and the common law from the beginning of good law down to the present moment.

When a combination is found to exist that has for its object and purpose the stifling of competition, the arbitrary control of prices and of commodities and of markets, a law based upon the theory of this bill along interstate-commerce lines would be a most wise and efficacious remedy for a growing evil.

A carefully worded definition of a combination of the description mentioned would make it clearly against public policy, and of the kind against which there is such a great demand for legislation. Enact a law that will deny the products of such combinations the rights of interstate commerce.

Under a section like section 11 in this bill seize the inhibited goods and treat them as contraband. In a complaint in the United States court allege that they are the product of such combination or trust and are the subject of interstate commerce, give notice by publication and on proof of the facts alleged order the goods sold by a judgment of the court, and that the proceeds of sale be covered into the United States Treasury. With such a law and its enforcement the fruits can easily be foreseen.

I congratulate the gentleman for in this manner and form promoting the public good. It is a long and a wise step in the right direction. I commend to his consideration another great step in the same direction in the control of the trusts.

With the means in the hands of the Attorney-General to prosecute civilly and criminally; with a law controlling interstate transportation not more drastic than this bill; with additional power given to the Interstate-Commerce Commission, such as it has for years asked Congress to give it, a great measure of relief will be given against the trust evils that have grown up around us.

The Clerk concluded the reading of the bill.

Mr. STEWART of New Jersey. Mr. Chairman, in conformity with the last amendment, ought not the words, in line 18, "or that be sold or offered for sale in the District of Columbia and Territories of the United States" be eliminated?

Mr. HEPBURN. Oh, I think not. I think the cases are not at all similar. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments back to the House with the recommendation that as amended it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 3109) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories and for regulating interstate traffic therein, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be adopted and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, the Chair will submit them in gross to the House.

There was no objection.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and it was read the third time.

Mr. MANN. Mr. Speaker, is it in order now to move to recommit the bill?

The SPEAKER. This is the proper time to make such a motion, if it is to be made.

Mr. MANN. Then I move to recommit the bill, with instructions to the committee to report in lieu thereof the following, which is a bill introduced by me at the request of the Retail Grocers' Association. It is known as the Mann bill. It has never been reported. I will send it to the desk and ask to have it read.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Recommit the bill with instructions to report the following:

A bill (H. R. 9352) to prevent the transportation of deleterious foods and drinks and for the appointment of a dairy and food commissioner.

Be it enacted, etc., That there is hereby created the office of dairy and food commissioner of the United States of America.

Within sixty days after this act shall take effect a dairy and food commissioner shall be appointed by the President, by and with the advice and consent of the Senate, and his term of office shall be four years from the date of his appointment, and until his successor is appointed and qualified, subject to removal at any time by the President. His office shall be at the city of Washington, in the District of Columbia. The salary of said dairy and food commissioner shall be $6,000 per annum, and he shall in addition thereto be paid his necessary and actual expenses incurred in the discharge of his duties.

The President shall also have power to appoint an assistant dairy and food commissioner, whenever in his judgment such assistant shall become necessary, and the term of office of said assistant dairy and food commissioner shall be the period of four years, subject to removal at any time by the President, provided the term of office of the assistant dairy and food commissioner shall not extend beyond the term for which the dairy and food commissioner was appointed. His salary shall be $3,500 per annum, and he shall be paid in addition thereto his actual and necessary expenses, and he shall perform such duties as the dairy and food commissioner may from time to time designate.

SEC. 2. That the dairy and food commissioner shall have charge of the enforcement of this act. He shall for this purpose procure, or cause to be procured, the necessary office fixtures, chemical laboratory, and proper appliances, and analyze, or cause to be analyzed, chemically, microscopically, or otherwise, articles of food and drink and articles and compounds intended to be used in the preparation of food and drink offered for sale in the District of Columbia or the Territories of the United States, or found in any State other than that in which they shall have been manufactured or produced, or

imported from a foreign country, or intended for export to a foreign country. He is hereby authorized to employ 25 inspectors, who shall be subject to removal by the dairy and food commissioner at any time. The salary of each inspector shall be $1,800 per annum, and they shall be paid in addition thereto the actual and necessary expenses incurred in the discharge of their duties. Said inspectors shall from time to time perform such duties as may be required by the dairy and food commissioner. He is further authorized to employ a chief chemist, whose salary shall be $5,000 per annum, and he shall be paid in addition thereto his actual and necessary expenses. He may also employ not to exceed 5 assistant chemists, who shall perform such duties as the dairy and food commissioner may from time to time require, and the salary of each assistant chemist shall be $2,500 per annum, and they shall be paid in addition thereto their actual and necessary expenses, and all chemists shall be subject to removal at any time by the dairy and food commissioner. The dairy and food commissioner is also authorized to employ such clerks, laborers, and other employees as may be necessary to carry out the provisions of this act. He shall annually report to the Congress the results of the examinations herein provided for, and issue such bulletins announcing said results as he may deem proper or the Congress may require.

SEC. 3. That any article of food or drink, or any article or compound intended to become an ingredient in a composition or preparation for food or drink, containing any substance or substances which are in the quantity used, or intended to be used, deleterious to health, and has been transported from one State to another, and remains in original packages, or is being transported from one State to another for sale, or if it be sold or offered for sale in the District of Columbia, or any of the Territories of the United States, or if it be imported from a foreign country for sale, or if intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being deleterious to health in the quantity used, or intended to be used, the same shall be disposed of as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States of America; but such goods shall not be sold in any State contrary to the laws of that State. The proceedings of such libel cases shall conform as near as may be to proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case, and all such proceedings shall be at the suit of and in the name of the United States.

SEC. 4. That any person or persons, company or corporation, engaged or interested in the manufacture of food products may at any time submit to the dairy and food commissioner a formula for the manufacture of any preparation intended for food or drink, with a sample prepared after such formula, and it shall be the duty of said dairy and food commissioner to approve or reject said formula and enter upon the public record of his office, hereinafter provided for, such formula, together with the approval or rejection thereof, and, if rejected, the specific reasons therefor. He shall also enter upon said record the name and address of the person or persons, company or corporation, submitting said formula. When a formula has been approved by the dairy and food commissioner, this act shall not apply to any article transported or introduced, or intended to be introduced, into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, by any person or persons, company or corporation, prepared in accordance with said formula so approved by the dairy and food commissioner.

SEC. 5. That the dairy and food commissioner shall keep a book or books which shall be a public record, in which all decisions in relation to food products, which may at any time be made by him, shall be recorded.

SEC. 6. That nothing herein contained shall apply to any article intended to be used as a medicine only.

SEC. 7. That if it shall appear from the examinations provided for in section 2 hereof that any of the provisions of this act have been violated, the dairy and food commissioner shall certify the facts to the proper district attorney, together with such analyses and information as may be in his possession.

SEC. 8. That it shall be the duty of every district attorney to whom the dairy and food commissioner shall report any violation of this act to cause proceedings to be begun and prosecuted without delay to enforce the penalties herein provided.

SEC. 9. That there is hereby appropriated from any funds in the United States Treasury not otherwise appropriated the sum of $150,000 for the purpose of carrying out and enforcing the provisions of this act.

SEC. 10. That the dairy and food commissioner shall fix the salary of all employees whose salaries are not herein specifically fixed, but none of said employees shall receive to exceed $1,500 per annum.

SEC. 11. That this act shall take effect on the 1st day of July next following its passage.

During the reading of the above, Mr. HEPBURN asked unanimous consent that the further reading of the bill be dispensed with.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the further reading of this part of the motion, namely, the bill, be dispensed with. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Illinois to recommit with instructions.

The question was taken, and the motion was rejected.

The SPEAKER. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. ADAMSON) there were—ayes 72, noes 21.

Accordingly the bill was passed.

On motion of Mr. HEPBURN, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SCOTT, for two days on account of important business.

PUBLIC BUILDING AT MUSKEGON, MICH.

Mr. MERCER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 6399, which makes no appropriation of any money whatever, but is simply remedial in its character.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to take from the Speaker's table for immediate consideration a bill which the Clerk will report to the House.

The bill (S. 6399) to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, was read, as follows:

Be it enacted, etc., That so much of section 3 of the act entitled "An act to increase the limit of cost of certain public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, as restricts the selection of a site for a post-office and custom-house at Muskegon, Mich., to certain lots in a certain block in said city be, and the same is hereby, repealed.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I should like to ask the gentleman from Nebraska to explain the necessity for this legislation.

Mr. MERCER. The necessity is this: The bill as passed provided that a donation of land from the citizens of Muskegon should be confined to certain lots. Complications have arisen since then, and the citizens have an option upon other property more desirable even than this for Government purposes, and they desire that this restriction be taken from the measure so that the citizens of that city can donate to the Government a better piece of property than the one provided for in the bill, and the option expires January 1.

Mr. UNDERWOOD. The gentleman states that this does not increase the cost in any way.

Mr. MERCER. It makes no increase whatever and no appropriation. It is a very meritorious proposition.

I ask for a vote, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MERCER, a motion to reconsider the last vote was laid on the table.

RECORDING OF DEEDS, ETC., INDIAN TERRITORY.

Mr. STEPHENS of Texas. I ask unanimous consent for the present consideration of the bill (S. 5678) providing for the recording of deeds and other conveyances and instruments in writing in the Indian Territory, and for other purposes.

The Clerk began the reading of the bill.

Mr. STEPHENS of Texas. I ask unanimous consent that this bill be not read. It is exactly the same bill that passed the House a few days ago, and it is unnecessary to read the bill at length.

The SPEAKER. The gentleman from Texas asks unanimous consent that the House dispense with the further reading of this bill, as it was read in full a few days ago and passed the House. Is there objection?

There was no objection.

The amendment recommended by the committee, striking out the text of the Senate bill and substituting therefor the text of the House bill, was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the last vote was laid on the table.

WILLIAM H. CRAWFORD.

Mr. ADAMS. Mr. Speaker, I ask unanimous consent for the consideration of the bill (S. 1563) for the relief of William H. Crawford.

The bill was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, William H. Crawford, of Philadelphia, Pa., an assistant engineer, with rank of lieutenant, junior grade, on the retired list of the Navy, as for disabilities incurred in the line of duty, to take effect upon the date of appointment under this act.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I should like to ask why this gentleman is to be legislated into the retired list of the Navy?

Mr. ADAMS. Mr. Speaker, I will state that this is to correct a mistake that was made in the Navy Department many years ago, which the Secretary of the Navy has reported should be done, and that he is quite willing to have done. The record of this man, who has served the Government both in the Army and the Navy, and which is contained in the report, shows that it is one of the most creditable in the annals of the War Department. He was suffering from illness incurred in the line of duty when a physician said it would be necessary for him to go to Colorado for a long time in order that his health might be restored.

Under the rules of the Department he could not do that. While the matter was under consideration he wrote to the Department asking if he resigned at a future period would that resignation be accepted. His object in doing this was, in the event that his physician determined he must take this long rest

and go to Colorado, that he might resign in order to do so. Judge his surprise at the fact that this inquiry on his part was accepted by the Navy Department as a resignation. He wrote immediately to the Department and asked why that had been done. For some time he could get no answer at all. Finally, after repeated inquiries, he was told that his resignation had been accepted because he tendered it. Upon proper presentation of the facts to Secretary Long, and upon the proof and correspondence, it was found that the facts as alleged by Lieutenant Crawford were perfectly correct.

This man was retired from the service through absolute mistake and through no intention on his part of resigning at that time. His record in the Army, where he served and was wounded, was most brilliant. He was then transferred to the Navy. He was present in many actions and highly commended and promoted, and then, when in a broken condition in health by service in both branches of the military forces of his country, he was retired through this mistake. The Secretary of the Navy expresses himself as willing to correct the mistake, but states that it is not in his power so to do, and it is therefore necessary to come to Congress, and he comes to Congress in good faith, relying upon the patriotic judgment of this body that such an error will not be allowed to prevail, but that he may be placed on the retired list. I ask my colleagues that this injustice shall not be done a gallant officer through mistake, which is admitted on the part of the Department itself.

Mr. UNDERWOOD. Reserving the right to object, I would like to ask the gentleman how long ago did this gentleman resign?

Mr. ADAMS. In 1871.

Mr. UNDERWOOD. In 1871; and he has just come to Congress now to get this matter corrected?

Mr. ADAMS. He has just come to Congress.

Mr. UNDERWOOD. Well, Mr. Speaker, I think that this is a matter that ought to go over.

Mr. ADAMS. Just one minute, in answer to the gentleman's objection. He comes to Congress when the Navy Department tells him that it is beyond their power to do anything, and that he must apply to Congress. His efforts all the time have been with the Navy Department, so I do not think the ground of the objection of the gentleman is well taken.

Mr. UNDERWOOD. I will say to the gentleman from Pennsylvania if I thought that the Navy Department had resigned this man when it was not his fault I would have no objection to his bill.

Mr. ADAMS. That is correct.

Mr. UNDERWOOD. But I can not conceive how the Navy Department could so put a man out of the service. Let the matter go over and I will look into it.

Mr. ADAMS. The Department admits it.

The SPEAKER. The gentleman from Alabama objects.

INCLINE RAILWAY ON WEST MOUNTAIN, HOT SPRINGS RESERVATION, ARK.

Mr. CLARK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 15708.

The bill was read, as follows:

A bill (H. R. 15708) to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation.

Be it enacted, etc., That the time for the completion of an incline railway upon the West Mountain of the Hot Springs Reservation, as provided by act of Congress approved December 21, 1893, and as extended by act of Congress approved March 26, 1900, be further extended for the term of one year from and after the passage of this act, and that said original act, approved December 21, 1893, be continued in full force and effect.

The SPEAKER. Is there objection?

Mr. LACEY. I would like to ask the gentleman from Missouri if this is to be positively the last time this time is to be extended?

Mr. CLARK. I think it is.

Mr. LACEY. We have already extended it three different times.

Mr. CLARK. The way I came to have anything to do with it is this: This is a matter that relates to the district of the gentleman from Arkansas [Mr. LITTLE], and he asked me to call it up.

Mr. LACEY. He got ashamed of calling it up so often, I suppose; but I think it ought to pass.

Mr. CLARK. That is partly true. Heretofore the time has been extended two or three times and the men failed to build it. The parties want the bill to pass before the holidays, so they can go on with the work.

Mr. LACEY. They are really in earnest this time?

Mr. CLARK. They are in earnest; and everybody interested in the road wants the bill passed, so as to have this incline road built.

The SPEAKER. Is there objection? [After a pause.] The Chairs hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CLARK, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 5453. An act granting an increase of pension to Thomas Wilkinson;

H. R. 1745. An act granting an increase of pension to Marvin Chandler;

H. R. 5961. An act granting an increase of pension to Charles F. Coles;

H. R. 13355. An act granting an increase of pension to William H. Snyder;

H. R. 13367. An act granting an increase of pension to Jonathan Walbert;

H. R. 8712. An act granting an increase of pension to James S. Young;

H. R. 6003. An act granting a pension to Mary Stone;

H. R. 1523. An act granting a pension to Susan J. Taylor;

H. R. 2618. An act granting a pension to Michael Mullin;

H. R. 10761. An act granting a pension to Anne Bronson;

H. R. 10876. An act granting an increase of pension to Joseph Mote;

H. R. 3291. An act granting an increase of pension to Arthur P. Lovejoy;

H. R. 15445. An act to authorize the construction of a bridge across the Savannah River at Sand Bar Ferry, below the city of Augusta, Ga.;

H. R. 4261. An act granting an increase of pension to Sanders R. Seamonds;

H. R. 6481. An act granting an increase of pension to Millen McMillen;

H. R. 13665. An act granting an increase of pension to George R. Baldwin;

H. R. 1931. An act granting a pension to John Ludwig;

H. R. 14701. An act granting a pension to Mary A. Peters;

H. R. 14774. An act granting a pension to John C. Clark;

H. R. 6401. An act granting an increase of pension to David E. Hall;

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H. R. 832. An act granting an increase of pension to William Clark;

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H. R. 10394. An act granting a pension to William H. Ruggles;

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H. R. 11453. An act granting a pension to Catharine Freeman;

H. R. 11638. An act granting an increase of pension to Samuel Hyman;

H. R. 12326. An act granting a pension to John A. Kirkham;

H. R. 2483. An act granting a pension to James A. Clifton;

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H. R. 12279. An act granting a pension to Nancy M. Gunsally;

H. R. 11196. An act granting a pension to Abbie Bourke;

H. R. 3330. An act granting a pension to Calvin Duckworth;

H. R. 7040. An act granting an increase of pension to Benjamin Grinnell;

H. R. 7041. An act granting an increase of pension to Thomas J. Pleasant; and

H. R. 11979. An act granting an increase of pension to William W. Anderson.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 619. An act providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery;

H. J. Res. 227. Joint resolution to pay the officers and employees of Senate and House of Representatives their respective salaries for the month of December, 1902, on the 18th day of said month; and

H. R. 15140. An act providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Fort Worth, in the State of Texas, on the first Monday in November in each year.

ISSUANCE OF A PATENT TO COUNTY OF CLALLAM, STATE OF WASHINGTON.

Mr. CUSHMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4355) authorizing the issuance of a patent to the county of Clallam, State of Washington.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior shall cause a patent to issue conveying to the county of Clallam, in the State of Washington, for county purposes, to be expressed in patent, all the right, title, and interest of the United States in and to a parcel of land 220 feet in width off the east side of suburban block No. 26, as shown on official plats of the town site of Port Angeles, in said county, subject to all other valid adverse rights.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to understand something about the effect of this bill and how much it involves.

Mr. CUSHMAN. Mr. Speaker, the facts concerning the bill are briefly as follows: In 1864 there was a large block of land reserved by the Government in the center of the town known as Port Angeles, the county seat of the county of Clallam. There is a road running through this block of land, leaving a small portion of one block on one side 220 feet in length. The county court-house stands on that portion of the block 220 feet in length, and one side of the roadway. The title is in the Government. The Government has no use for the land and the bill provides that the title to that portion of the Government reservation, 220 feet in length, be vested in that county for county purposes. It has been recommended by the Department of the Interior, and is the unanimous report from the Committee on the Public Lands.

Mr. RICHARDSON of Tennessee. Let me ask the gentleman what is the value of the property.

Mr. CUSHMAN. It is a little difficult to determine the value. It is in the center, or near the center, of a town of 1,500 people. It is not exceedingly valuable.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CUSHMAN, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Without objection, the similar House bill (H. R. 4449) will lie on the table.

There was no objection.

Mr. HEPBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to. Accordingly (at 3 o'clock and 38 minutes) the House adjourned until to-morrow morning at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Navy, submitting detailed statement of expenditures of the contingent fund of the Navy Department—to the Committee on Expenditures in the Navy Department, and ordered to be printed.

A letter from the Secretary of War, transmitting application of William O. Bailey for relief from responsibility for loss of certain clothing—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending an appropriation for moving expenses and rent of temporary quarters for public offices in Portland, Oreg.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting papers relating to the claim of Charles Lennig & Co.—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15767) to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania, reported the same without amendment, accompanied by a report (No. 2914); which said bill and report were referred to the House Calendar.

Mr. TAYLER of Ohio, from the Committee on Elections No. 1, to which was referred the resolution of the House (H. Res. 339) relative to the reference of the credentials of CARTER GLASS as Representative in the Fifty-seventh Congress from the Sixth district of Virginia, reported the same, accompanied by a report (No. 2915); which said resolution and report were ordered to be printed.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with drive-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, reported the same with amendments, accompanied by a report (No. 2916); which said bill and report were referred to the House Calendar.

Mr. MERCER, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 5820) to provide for the purchase of a site for and the erection thereon of a court of justice building for the accommodation of the Supreme Court of the United States, and for other purposes, reported the same with amendment, accompanied by a report (No. 2917); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 16089) granting an increase of pension to Thomas Claiborne, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MINOR: A bill (H. R. 16278) to authorize the construction of a telephone line from the mainland to Plum Island, thence to Washington Island, Wisconsin, in aid of the preservation of life and property—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLE: A bill (H. R. 16279) donating to the State of Arkansas 100,000 acres of public land for the purpose of establishing, equipping, and maintaining a textile school in said State—to the Committee on the Public Lands.

By Mr. STEPHENS of Texas: A bill (H. R. 16280) to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory—to the Committee on Indian Affairs.

By Mr. SIBLEY: A bill (H. R. 16281) for the addition of protected torpedo boats to the United States Navy—to the Committee on Naval Affairs.

By Mr. MANN: A bill (H. R. 16282) to establish the Department of Commerce and Labor—to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 16283) relating to crimes against Indians, wards of the United States, and for other purposes—to the Committee on Indian Affairs.

Also (by request), a bill (H. R. 16284) granting to railroads and water company the right of way through public lands and reservations of the United States for reservoirs and pipe lines—to the Committee on the Public Lands.

By Mr. BRUNDIDGE (by request): A bill (H. R. 16285) to authorize the appointment of a United States commissioner for the central judicial district of Indian Territory—to the Committee on the Judiciary.

By Mr. BARTLETT: A bill (H. R. 16286) to amend "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902—to the Committee on Public Buildings and Grounds.

By Mr. SHEPPARD: A bill (H. R. 16287) appropriating $10,000 to be expended by the Secretary of Agriculture in the discovery of a method of exterminating the Heliothis armiger, or cotton-boll worm—to the Committee on Agriculture.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BALL of Delaware: A bill (H. R. 16288) granting an increase of pension to William F. Davis—to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 16289) granting a pension to Francis A. Land—to the Committee on Invalid Pensions.

By Mr. BOREING: A bill (H. R. 16290) granting an increase of pension to Jesse Woodruff—to the Committee on Pensions.

Also, a bill (H. R. 16291) granting a pension to Laban McGahan—to the Committee on Pensions.

By Mr. BURNETT: A bill (H. R. 16292) for the relief of John M. Roden—to the Committee on War Claims.

By Mr. CLARK: A bill (H. R. 16293) granting a pension to William H. Holland—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 16294) for the relief of the heirs of O. H. Cogswell—to the Committee on Claims.

By Mr. CURRIER: A bill (H. R. 16295) granting an increase of pension to Freeman York—to the Committee on Invalid Pensions.

By Mr. FLANAGAN: A bill (H. R. 16296) for the relief of John Treftz—to the Committee on Military Affairs.

By Mr. GILLETT of Massachusetts (by request): A bill (H. R. 16297) for the payment of Charles E. Dailey of the balance due him as United States land officer—to the Committee on Claims.

By Mr. REEDER: A bill (H. R. 16298) granting a pension to Stephen Z. Shores—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16299) granting an increase of pension to John G. Armistead—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 16300) for the relief of Mary J. Grau—to the Committee on Claims.

By Mr. LOUD: A bill (H. R. 16301) for the relief of the Alaska Commercial Company, the North American Transportation and Trading Company, and the Alaska Exploration Company—to the Committee on Claims.

By Mr. MADDOX: A bill (H. R. 16302) for the relief of William J. Langston—to the Committee on War Claims.

By Mr. McLACHLAN: A bill (H. R. 16303) for the relief of Erastus S. Joslyn—to the Committee on Claims.

By Mr. MERCER: A bill (H. R. 16304) granting a pension to John Knight—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 16305) for the relief of John W. Canary—to the Committee on War Claims.

By Mr. MILLER: A bill (H. R. 16306) for the relief of Perry Cottingham—to the Committee on Claims.

By Mr. SHALLENBERGER: A bill (H. R. 16307) granting an increase of pension to Henry Cronk—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 16308) granting a pension to Sarah J. Oldham—to the Committee on Invalid Pensions.

By Mr. BURK of Pennsylvania: A bill (H. R. 16309) granting a pension to Samuel H. Montayne—to the Commiteee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL: Petition of the Colorado Medical Society, favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. CASSINGHAM: Papers to accompany House bill granting a pension to James Carr—to the Committee on Invalid Pensions.

By Mr. CURRIER: Petition of Frank A. Heath, of North Boscawen, N. H., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of Citizens' Semicentennial Canal Anniversary Association of Sault Ste. Marie, Mich., for the commemoration of the semicentennial anniversary of the construction of the ship canal between Lake Huron and Lake Superior—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Merchants' Association of New York, favoring the passage of the Elkins bill to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Troy Chemical Company, Troy, N. Y., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. FOWLER: Report of the committee on finance and currency of the Chamber of Commerce of the State of New York, together with resolutions relating to the same—to the Committee on Banking and Currency.

By Mr. GIBSON: Paper to accompany House bill 16274, granting a pension to Sallie H. Kincaid—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 16275, granting a pension to Isaac B. Price—to the Committee on Invalid Pensions.

By Mr. GORDON: Petition of citizens of Versailles, Ohio, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HAY: Petition of heirs of Enos Dinkle, deceased, late of Frederick County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. HOWELL: Protests of Capt. James Hughes, of New Brunswick; C. B. Parsons, of Red Bank, and John Scully, of South Amboy, N. J., against the suspension of the navigation laws—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Cranbury, N. J., to accompany House bill granting an increase of pension to John P. Veach—to the Committee on Invalid Pensions.

By Mr. LITTLE: Papers to accompany House bill 14298, to correct the military record of Thomas J. Estes—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: Petition of the Norway Medicine Company, of Norway, Me., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. NEVILLE: Papers to accompany House bill granting an increase of pension to E. J. Bobblitz—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: Resolutions of United Mine Workers' Unions No. 1582, of Shaft; No. 1588, of Lost Creek; No. 1600, of Ravine, and No. 1594, of Frackville, Pa., favoring an educational qualification for immigrants as embodied in House bill 12199—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Petition of Wm. H. Joyce and 116 others, all citizens of Buffalo, N. Y., favoring bill to grant permission to the Mather Power Bridge Company to erect experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. SHALLENBERGER: Papers to accompany House bill 15675, granting an increase of pension to George W. Howard—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *December 20, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Wednesday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved if there be no objection. The Chair hears none.

DISTRICT MUNICIPAL BUILDING.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioners of the District of Columbia recommending that the limit of cost of the proposed new municipal building for the District of Columbia be increased to $2,500,000; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

PATAPSCO RIVER AND BALTIMORE HARBOR.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers correcting the estimates of the cost of increasing the depth of the Patapsco River and Baltimore Harbor; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

ARIKARA INDIANS OF NORTH DAKOTA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting an agreement between the United States and the Arikara and other Indians of North Dakota by which the Indians have ceded to the United States a certain portion of their reservation, and also a draft of a bill to ratify the agreement; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings filed by the court in the cases of William W. Beck and sundry other claimants *v.* The United States, Joseph B. Parker and sundry other claimants *v.* The United States, James M. Clayton and sundry other claimants *v.* The United States, Robert B. Rodney and sundry other claimants *v.* The United States, Daniel Delehanty and sundry other claimants *v.* The United States, Walter C. Cowles and sundry other claimants *v.* The United States, and Edwin Longnecker and sundry other claimants *v.* The United States, which cases were referred to the Court of Claims by the resolution of the Senate of June 4, 1902, referring the bill (S. 5949) for the relief of certain naval officers and their legal representatives to that court; which,

with the accompanying papers, were referred to the Committee on Claims, and ordered to be printed.

REGULATION OF IMMIGRATION.

The PRESIDENT pro tempore. The Senator from Pennsylvania [Mr. PENROSE] asked on the last day's session for the printing of a report made by the Committee on Immigration and certain statements made before that committee. Inquiry was made at the time as to the cost, and it was estimated by the Senator that it would be less than $500. The Public Printer now reports that the cost will be at least $1,500.

Mr. PENROSE. Then I ask to have the resolution referred to the Committee on Printing. I based the calculation on a similar amount of printing done at the last session. I submit a concurrent resolution and ask to have it referred to the Committee on Printing, in accordance with the rule.

The concurrent resolution was referred to the Committee on Printing, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Committee on Immigration 5,000 copies of Senate Report 2119, first session Fifty-seventh Congress, accompanied by additional statements made before the Committee on Immigration on the bill (H. R. 12199) to regulate the immigration of aliens into the United States.

Mr. PLATT of Connecticut. I should like to know what the rule is about referring matters to the Committee on Printing. Is it not that if the printing costs more than $500 it must be referred to the Committee on Printing, unless otherwise ordered?

The PRESIDENT pro tempore. Every motion to print, except bills, reports, resolutions, printing for a committee, etc., must be referred to the Committee on Printing, unless otherwise ordered.

Mr. PLATT of Connecticut. The Senate could order this printing?

The PRESIDENT pro tempore. But the Senate can not order the printing of additional numbers in excess of $500 without a concurrent resolution.

Mr. PLATT of Connecticut. And that is the trouble?

The PRESIDENT pro tempore. That is the trouble.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

A bill (S. 1833) providing for the transfer of census records and volumes to the Census Office, and for other purposes;

A bill (S. 4355) authorizing the issuance of a patent to the county of Clallam, State of Washington;

A bill (S. 6399) to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902; and

A joint resolution (S. R. 57) relating to military badges.

The message also announced that the House had passed with an amendment the bill (S. 5678) providing for record of deeds and other conveyances and instruments of writing in Indian Territory, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House insists upon its amendments to the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. MUDD, and Mr. MEYER of Louisiana managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3109) preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes;

A bill (H. R. 8130) for the relief of the Miami Indians of Indiana;

A bill (H. R. 13307) for the relief of Valdemar Poulsen;

A bill (H. R. 15006) to amend an act entitled "An act to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

A bill (H. R. 15702) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902;

A bill (H. R. 15708) to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation;

A bill (H. R. 16021) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes; and

A bill (H. R. 16066) to amend an act entitled "An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory," approved June 6, 1900.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 832) granting an increase of pension to William Clark;

A bill (H. R. 931) granting a pension to Huldah A. Clark;

A bill (H. R. 1090) granting a pension to James E. Bates;

A bill (H. R. 1523) granting a pension to Susan J. Taylor;

A bill (H. R. 1745) granting an increase of pension to Marvin Chandler;

A bill (H. R. 1931) granting a pension to John Ludwig;

A bill (H. R. 2483) granting a pension to James A. Clifton;

A bill (H. R. 2618) granting a pension to Michael Mullin;

A bill (H. R. 3291) granting an increase of pension to Arthur P. Lovejoy;

A bill (H. R. 3330) granting a pension to Calvin Duckworth;

A bill (H. R. 3517) granting an increase of pension to Stephen Harris;

A bill (H. R. 3653) granting an increase of pension to James W. Poor;

A bill (H. R. 4261) granting an increase of pension to Sanders R. Seamonds;

A bill (H. R. 5453) granting an increase of pension to Thomas Wilkinson;

A bill (H. R. 5961) granting an increase of pension to Charles F. Coles;

A bill (H. R. 6003) granting a pension to Mary Stone;

A bill (H. R. 6401) granting an increase of pension to David E. Hall;

A bill (H. R. 6481) granting an increase of pension to Millen McMillen;

A bill (H. R. 6823) granting an increase of pension to Allen W. Merrill;

A bill (H. R. 6968) granting a pension to Cappa King;

A bill (H. R. 7040) granting an increase of pension to Benjamin Grinnell;

A bill (H. R. 7041) granting an increase of pension to Thomas J. Pleasant;

A bill (H. R. 8712) granting an increase of pension to James S. Young;

A bill (H. R. 8856) granting an increase of pension to Leon King;

A bill (H. R. 10174) granting a pension to Jennie M. Sawyer;

A bill (H. R. 10394) granting a pension to William H. Ruggles;

A bill (H. R. 10761) granting a pension to Anne Bronson;

A bill (H. R. 10876) granting an increase of pension to Joseph Mote;

A bill (H. R. 11196) granting a pension to Abbie Bourke;

A bill (H. R. 11453) granting a pension to Catharine Freeman;

A bill (H. R. 11638) granting an increase of pension to Samuel Hyman;

A bill (H. R. 11979) granting an increase of pension to William W. Anderson;

A bill (H. R. 12279) granting a pension to Nancy M. Gunsally;

A bill (H. R. 12326) granting a pension to John A. Kirkham;

A bill (H. R. 12932) granting a pension to Elizabeth D. Harding;

A bill (H. R. 13355) granting an increase of pension to William H. Snyder;

A bill (H. R. 13367) granting an increase of pension to Jonathan Walbert;

A bill (H. R. 13665) granting an increase of pension to George R. Baldwin;

A bill (H. R. 14701) granting a pension to Mary A. Peters;

A bill (H. R. 14774) granting a pension to John C. Clarke; and

A bill (H. R. 15445) to authorize the construction of a bridge across the Savannah River at Sand Bar Ferry, below the city of Augusta, Ga.

ANTHRACITE COAL STRIKE COMMISSION.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission, appointed by the President of the United States at the request of certain coal operators and miners, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, and 5, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said Senate amendment insert the following:

'Commission, who are not officers in the civil or military service of the Government, $4,000 dollars each, and for the employees of the said commission who are not officers or clerks in the civil or military service of the Government, such compensation as may be fixed by the said commission: *Provided*, That the members of said commission and the assistant recorders shall be allowed the sum of $15 per day each, and the other employees of the commission in the service of the Government, $12 per day each in lieu of traveling and all other expenses."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 7 and 8, and agree to the same with an amendment, as follows: Strike out the amended paragraph, being lines 9 to 14 inclusive, page 2, of the bill, and insert in lieu thereof the following:

"A disbursing agent for the Commission is hereby authorized, and the expenses, compensation, and per diem allowance herein provided for shall be paid by him on vouchers certified by the recorder and approved by the chairman of the commission, and the accounting officers of the Treasury shall credit the said disbursing agent with the amounts so certified and paid."

And the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

J. G. CANNON,
L. F. LIVINGSTON,
S. S. BARNEY,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the report.

Mr. BERRY. Mr. President, I should like to ask the Senator from Iowa what changes are made by the report. I could not fully understand it from the reading. In what particular does it differ from the bill as it was passed by the Senate? In other words, what do the Senate conferees propose to yield?

Mr. ALLISON. Mr. President, the original bill as it came to the Senate provided that all compensation, allowances, and so forth, should be in the discretion of the President. The Senate inserted a specific provision prohibiting those persons who are in public office from receiving additional compensation, but allowed them to receive $10 per day in lieu of traveling and all other expenses.

The House conferees agreed to the main point involved in the bill, namely, that the compensation and expenses should be fixed by the bill, but they insisted that the amount allowed by the Senate was not enough, as it included all expenses. They insisted upon $15 a day in lieu of the amount inserted by the Senate, and, the Senate conferees yielding to this request, the compensation is, as reported originally to the Senate, an allowance of $15 a day to the commission for expenses, and to the other employees $12 per day. That is the substance of the report.

Mr. BERRY. Mr. President, when I offered the amendment in the Senate the principal and main object, at least that which I thought most important, was to fix some sum by Congress rather than to leave it to the President to determine the compensation of these commissioners. I believed that that practice, which had to some extent prevailed heretofore, was a bad one, and that Congress ought always to retain and exercise the power of determining how much salary shall be paid.

Since that discussion was had here the Senator from Alabama [Mr. MORGAN] in a speech the other day asserted upon the floor of the Senate, and I have not seen it denied, that the members of the canal commission, known as Admiral Walker's Commission, which went to Nicaragua under a similar provision, leaving it alone to the President to determine their compensation, had been paid at the rate of a thousand dollars a month each for the period of twenty-nine months, when they were absent from the country only some two or three months, I think, during that time. That itself should be sufficient to show that no such power should ever be given to the President of the United States or any other executive officer. I say, Mr. President, that that is an exorbitant salary; it is an unreasonable salary, and it is such a one as ought never to have been fixed by any Executive, whether it be the present one or any other.

Therefore, the Senate took the view that Congress should determine the amount, and it fixed the sum at $4,000 for these commissioners and $10 a day for expenses. I thought that was too much, and I think so yet. I thought $4,000, without regard to the time the commissioners may serve, was an unreasonable sum, that is, providing the service did not extend for the period of a year or some such period. I thought also that $10 a day for expenses was more than would be used for that purpose, and that it was indirectly adding to the salary under the guise and head of allowing them for expenses.

Now, the Senator from Iowa says that the Senate conferees have yielded that point and allowed $15 a day for expenses. I do not think there is a member of this body who does not know that their expenses will not amount to $15 a day. It is not possible that in the locality where they are they will be at so much expense.

While I am glad that the House conferees have yielded the position of the House on the proposition, I regret that the conferees on the part of the Senate saw proper to yield and agree, and I am surprised that the House should demand that $15 a day shall be paid in the way of expenses, when we all know that the expenses will not amount to that sum.

The PRESIDENT pro tempore. Will the Senate agree to the conference report?

The report was agreed to.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a petition of the Board of Trade of Worcester, Mass., praying for the appointment of a permanent tariff commission; which was referred to the Committee on Finance.

Mr. BURROWS presented petitions of the Grand Rapids Credit Men's Association, of Grand Rapids; of Charles F. McKenzie, of Battlecreek; of Ralph Stone, of Detroit; of Griffith Ogden Ellis, of Detroit; of the Acme White Lead and Color Works, of Detroit; of Morley Brothers, of Saginaw; of Park, Davis & Co., of Detroit; of Noach & Gorenflo, of Detroit; of the Babbitt & Graham Co., of Detroit, and of the Elysian Manufacturing Company, of Detroit, all in the State of Michigan, praying for the adoption of certain amendments to the present bankruptcy law; which were referred to the Committee on the Judiciary.

He also presented petitions of Cigar Makers' Local Union No. 208, of Kalamazoo; of the Saginaw Specialty Company, of Saginaw; of Henry C. Ward, of Pontiac; of the G. J. Johnson Cigar Company, of Grand Rapids; of Cigar Makers' Local Union No. 457, of Benton Harbor; of A. D. Hill, of St. Joseph; of Cigar Makers' Local Union No. 45, of Grand Rapids; of Cigar Makers' Local Union No. 330, of Alpena; of Cigar Makers' Local Union No. 393, of Cadillac; of Cigar Makers' Local Union No. 452, of Petoskey; of Cigar Makers' Local Union No. 130, of Saginaw, and of Cigar Makers' Local Union No. 314, of Jackson, all in the State of Michigan, praying for a reduction of the duty on Cuban tobacco; which were referred to the Committee on Foreign Relations.

Mr. QUARLES presented the petition of John R. Drake and 9 other citizens of Milwaukee, Wis., praying for the enactment of legislation to amend the internal-revenue laws relative to a reduction of the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented the petition of L. R. Hurd, of Duluth, Minn., and a petition of the Plankinton Packing Company, of Milwaukee, Wis., praying for the ratification of the proposed commercial treaty between the United States and Newfoundland; which were referred to the Committee on Foreign Relations.

Mr. PERKINS presented petitions of the Azusa-Covina-Glendora Fruit Exchange, of Azusa; of the Board of Trade of Whittier; of the Fruit Exchange of Covina; of the San Dimas Citrus Union, of San Dimas; of the Covina Orange Growers' Association, of Covina, and of the San Dimas Lemon Association, of San Dimas, all in the State of California, praying for the enactment of legislation providing for a more efficient protection from fire of the forest reservations of southern California; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation to encourage the sale and exportation of articles of domestic manufacture; which was referred to the Committee on Finance.

Mr. ALLISON presented the petitions of Charles Peacock and 45 other citizens of Newhall, of H. J. Dierks and 84 other citizens of Reinbeck, and of sundry citizens of Iowa, all in the State of Iowa, praying for the enactment of legislation providing for a reduction of the tax on distilled spirits; which were referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of Clinton, Iowa, and a petition of the Young People's Society of Christian Endeavor of Clinton, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL presented a petition of sundry citizens of Missouri, praying for the passage of House bills Nos. 178 and 179, relative to a reduction of the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. COCKRELL. In support of the bill (S. 2974) granting an increase of pension to Samuel J. Boyer I present the affidavits of Samuel J. Boyer and Dr. W. E. Dawson, and I ask that they be referred to the Committee on Pensions. I call the attention of the chairman of the committee to the fact that this pensioner is now totally blind, and the evidence shows it conclusively.

The PRESIDENT pro tempore. The papers will be referred to the Committee on Pensions.

HOLLAND SUBMARINE BOATS.

Mr. STEWART. I present a report of the Army board to the Secretary of War on the value of the Holland submarine boats for harbor and coast defenses. I think it is a very important

document relating to that subject, and as it is very short I move that it be printed as a document.

The motion was agreed to.

STUDY OF LEGISLATIVE QUESTIONS.

Mr. WELLINGTON. I present a paper, being an outline for the study of legislative and other public questions, prepared by the International Reform Bureau, of Washington, D. C. The paper will make a pamphlet of about 32 pages, and I move that it be printed as a document.

The motion was agreed to.

POST EXCHANGE AND ARMY CANTEEN.

Mr. GALLINGER. I have some interesting papers relating to the post exchange and Army canteen, which I ask may be printed as a document. I also ask that 1,000 additional copies be printed. It is a short paper.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that certain papers relating to the post exchange and Army canteen be printed as a document, and that 1,000 additional copies be printed. Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 1873) granting an increase of pension to Hilas D. Davis, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4140) granting an increase of pension to James O'Neill;

A bill (S. 6219) granting an increase of pension to Mrs. Charles H. Cushman;

A bill (S. 6326) granting an increase of pension to Luther D. Goddard; and

A bill (S. 6361) granting a pension to Emma Dean Powell.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4983) granting an increase of pension to Lucy G. Smith;

A bill (S. 4854) granting an increase of pension to Cassius B. Fisher;

A bill (S. 6607) granting an increase of pension to Fordyce M. Keith;

A bill (H. R. 3868) granting an increase of pension to Isadora F. Maxfield;

A bill (H. R. 9016) granting an increase of pension to Jane Brosnan;

A bill (H. R. 14831) granting an increase of pension to Robert Clark;

A bill (H. R. 14242) granting a pension to Charles E. Peake; and

A bill (H. R. 15399) granting an increase of pension to Harry C. Fay.

Mr. GALLINGER (for Mr. PRITCHARD), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5803) granting an increase of pension to Nathaniel A. Winks; and

A bill (S. 5938) granting an increase of pension to Henry O. McClure.

Mr. GALLINGER (for Mr. PRITCHARD), from the Committee on Pensions, to whom was referred the bill (S. 5352) granting an increase of pension to William Flinn, reported it with amendments, and submitted a report thereon.

Mr. PENROSE, from the Committee on Commerce, to whom was referred the bill (S. 6551) to provide an American register for the steam lighter *Pioneer*, reported it without amendment, and submitted a report thereon.

Mr. LODGE. I am directed by the Committee on the Philippines, to whom was referred the bill (S. 6357) relating to currency for the Philippine Islands, to report it favorably with an amendment in the nature of a substitute. The bill is a very important one, regulating the currency of the Philippines, and I desire to give notice that I shall call it up at the earliest possible moment during the morning hour and ask for its consideration by the Senate. I do not think it will cause much debate. I submit a report to accompany the bill.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3608) granting an increase of pension to Alphonso T. Gould; and

A bill (H. R. 4454) granting an increase of pension to James H. Watts.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5215) granting an increase of pension to Thomas L. Smith; and

A bill (S. 6350) granting a pension to Inez McCullom.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 5854) granting an increase of pension to Allen B. Evans, reported it with an amendment, and submitted a report thereon.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (S. 5280) granting a pension to Dollie Cosens, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5963) granting a pension to Sarah Jane Gibson Ogden; and

A bill (S. 3645) granting an increase of pension to Simeon Deno.

Mr. McCOMAS, from the Committee on Education and Labor, to whom was referred the bill (H. R. 3076) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2477) granting an increase of pension to Benjamin Zane;

A bill (H. R. 2542) granting an increase of pension to Lysander D. Trent;

A bill (S. 3803) granting an increase of pension to Philip Caslow;

A bill (S. 6018) granting an increase of pension to William J. Chitwood; and

A bill (H. R. 8707) granting an increase of pension to James R. Ambrose.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 15074) granting an increase of pension to George F. White;

A bill (S. 5020) granting a pension to Emma D. Goslin; and

A bill (S. 5389) granting an increase of pension to Jasper N. Acree.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1550) granting a pension to Flavius Shanks;

A bill (S. 5055) granting an increase of pension to Mary E. Phillips; and

A bill (S. 5412) granting an increase of pension to Henry E. Spring.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5786) granting a pension to Julia A. Jordan; and

A bill (S. 2270) granting an increase of pension to Sarah J. Warren.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2224) granting an increase of pension to David T. Nuttle;

A bill (H. R. 11311) granting an increase of pension to Andrew J. Hertzog;

A bill (H. R. 13727) granting a pension to Fannie E. Strohauer; and

A bill (H. R. 15588) granting an increase of pension to Samuel S. Smith.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 6071) granting an increase of pension to Mary Manes, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6370) granting a pension to Alice F. Smalley, reported it with amendments, and submitted a report thereon.

He also (for Mr. PATTERSON), from the same committee, to whom was referred the bill (H. R. 14957) granting an increase of pension to Mathias Custers, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 6534) providing for the construction of a vessel of the first class for the Revenue-Cutter Service, to be

stationed with headquarters at Honolulu, Hawaii, reported it without amendment, and submitted a report thereon.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5850) granting an increase of pension to Herbert Whitworth;

A bill (S. 5117) granting an increase of pension to John U. Allen; and

A bill (S. 3568) granting an increase of pension to John P. Travis.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (S. 4332) granting an increase of pension to Mary Heddleson, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5145) granting an increase of pension to John Harris;

A bill (H. R. 4509) granting an increase of pension to Eliza Knight;

A bill (H. R. 8576) granting a pension to John S. Upshaw;

A bill (H. R. 13227) granting an increase of pension to Elizabeth J. Emery;

A bill (H. R. 11212) granting an increase of pension to James D. Sims; and

A bill (H. R. 13000) granting an increase of pension to Magnus J. Cohn.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 6460) making an appropriation for the improvement of the Patapsco River and channel to Baltimore, Md., submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (S. 6504) to provide for the modification of the project for the improvement of the harbor of New Haven, Conn., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S.6438) to provide for the modification of the project for the improvement of Bridgeport Harbor, Bridgeport, Conn., reported it without amendment, and submitted a report thereon.

WILLIAM S. BARKER.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 15480) granting an increase of pension to William S. Barker, to report it favorably without amendment, and as it is an urgent case I ask for the present consideration of the bill.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of William S. Barker, late captain Companies E and K, Fourth Regiment New Hampshire Volunteer Infantry, and to pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANNIE M. KIMBERLY.

Mr. GALLINGER. Mr. President, two days ago the Senate passed a bill (S. 3708) granting an increase of pension to Nannie M. Kimberly, widow of the late Rear-Admiral Kimberly. Since then a House bill has come here identical in terms with the Senate bill. I report back the House bill favorably, and ask that it be considered.

The Secretary read the bill (H. R. 11093) granting an increase of pension to Nannie M. Kimberly; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Nannie M. Kimberly, widow of Lewis A. Kimberly, late rear-admiral, United States Navy, and to pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. COCKRELL. I understand the Senator to state that a Senate bill has passed the Senate and gone to the House. Ought it not to be recalled?

Mr. GALLINGER. Yes; I think it would be better to recall it. I ask that an order be entered for the recall of the Senate bill.

The PRESIDENT pro tempore. The Senator from New Hampshire moves that the House be requested to return to the Senate the bill (S. 3708) granting an increase of pension to Nannie M. Kimberly.

The motion was agreed to.

Mr. GALLINGER. I enter a motion to reconsider the vote by which the Senate bill was passed.

The PRESIDENT pro tempore. The motion to reconsider will be entered.

SOUTHWEST LOUISIANA RICE GROWERS' ASSOCIATION.

Mr. MALLORY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 15605) to authorize and empower the Southwest Louisiana Rice Growers' Association, of the State of Louisiana, to construct a lock or locks and a dam in Bayou Vermilion, in the State of Louisiana, to report it favorably without amendment, and submit a report thereon. At the request of citizens of Louisiana, I ask for the immediate consideration of the bill, and I shall make the same request when I report a similar bill after this one is disposed of.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICE IRRIGATION AND IMPROVEMENT ASSOCIATION.

Mr. MALLORY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 15606) to authorize and empower the Rice Irrigation and Improvement Association, of the State of Louisiana, to construct a lock or locks and a dam in Mermentau River, in the State of Louisiana, to report it without amendment, and submit a report thereon. As I stated, at the request of citizens of Louisiana I ask for the present consideration of the bill.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS AT MONTGOMERY, ALA.

Mr. PETTUS. By authority of the Committee on the Judiciary, I reported back favorably without amendment the bill (S. 6333) to divest out of the United States all its right, title, and interest of, in, and to certain real estate situated at and near the city of Montgomery, State of Alabama, and to vest the same in the Southern Cotton Oil Company, Bessie R. Maultsby, James S. Pinckard, trustee, M. V. B. Chase, and Edwin Ferris.

This bill, if the Senate will allow me to explain it in a word, is a compromise of suits brought by the United States and the State of Alabama. In those suits the United States bought some land at or near Montgomery. The suits were compromised by the Secretary of the Treasury and the Attorney-General, and accompanying the bill is a statement from the Attorney-General and a statement from the Secretary of the Treasury, recommending that this particular bill be passed. I ask for its present consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. PETTUS. Accompanying the bill are documents stating how this compromise was effected, and also the opinion of the Secretary of the Treasury on this identical bill and the opinion of the Attorney-General on this identical bill. I ask that the Secretary be instructed to send those papers along with the bill to the House.

The PRESIDENT pro tempore. They will go, without any instruction, to the House.

IMPROVEMENT OF HARBOR OF BRIDGEPORT, CONN.

Mr. PLATT of Connecticut. Among the last reports made before the bill just acted on were two bills with reference to a change or modification of the plan for the improvement of harbors in New Haven and in Bridgeport. We have been acting on similar matters this morning, and it is very important that those bills should be acted on so that they may be in the House at the opening of Congress after the holiday recess. It will take only a moment. The bills are short, and I ask that they may be acted on now.

The PRESIDENT pro tempore. The Senator from Connecticut asks for the present consideration of a bill, which will be read to the Senate for its information.

The Secretary read the bill (S. 6438) to provide for the modification of the project for the improvement of Bridgeport Harbor, Bridgeport, Conn.

Mr. JONES of Arkansas. Has morning business been concluded?

The PRESIDENT pro tempore. It has not. Reports of committees are still in order, and this bill has just been reported.

Mr. JONES of Arkansas. I will not object to the consideration of these reports, but I hope that morning business will be proceeded with after these bills are disposed of.

Mr. PLATT of Connecticut. This is morning business.

The PRESIDENT pro tempore. This bill has just been reported from the Committee on Commerce. Is there objection to its consideration?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMPROVEMENT OF HARBOR OF NEW HAVEN, CONN.

Mr. PLATT of Connecticut. I now ask the Senate to consider the bill (S. 6504) to provide for the modification of the project for the improvement of the harbor of New Haven, Conn.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment, in line 8, to strike out "1901" and insert "1902."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REMOVAL OF SHOAL IN NEW YORK HARBOR.

Mr. NELSON. On behalf of the junior Senator from New York [Mr. DEPEW], I report from the Committee on Commerce a joint resolution, and submit a written report thereon. I ask unanimous consent for the present consideration of the joint resolution.

The joint resolution (S. R. 145) to amend a joint resolution entitled "Joint resolution providing for the removal of shoal in North River of New York Harbor," approved July 1, 1902, was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution providing for the removal of shoal in North River of New York Harbor," approved July 1, 1902, be and the same is hereby amended so as to read as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War is hereby authorized and directed to cause to be removed the rock or obstruction in North River of New York Harbor near Pier No. 1 to a depth of 40 feet at mean low tide; and that for such removal he is hereby authorized to divert a sum not exceeding $45,000 from the amounts heretofore appropriated or authorized for the improvement of Ambrose Channel, in said harbor."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVENUE CUTTER FOR MAINE COAST.

Mr. FRYE. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 6542) to provide for the construction of a revenue cutter of the first class for service on the coast of Maine, to report it without amendment and to submit a report thereon. I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $200,000 for the construction, under the direction of the Secretary of the Treasury, of a steam revenue cutter of the first class for service on the coast of Maine.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF IMMIGRATION.

Mr. JONES of Arkansas. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted this day by the Senator from Pennsylvania [Mr. PENROSE], to report it favorably without amendment.

Mr. PENROSE. I ask for the present consideration of the concurrent resolution.

The concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Committee on Immigration 5,000 copies of Senate Report 2119, first session Fifty-seventh Congress, accompanied by additional statements made before the Committee on Immigration on the bill (H. R. 12199) to regulate the immigration of aliens into the United States.

Subsequently, on motion of Mr. PENROSE, the vote by which the concurrent resolution was agreed to was reconsidered, and the concurrent resolution was ordered to lie on the table.

On motion of Mr. PENROSE, it was

Ordered, That Senate Report 2119, Fifty-seventh Congress, first session, together with hearings before the Committee on Immigration in the first and second sessions of the Fifty-seventh Congress, be printed as a document, and that so many extra copies be printed as will not exceed in cost the sum of $500.

PRESIDENTIAL APPROVALS.

A message from the President of the United States by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 16th instant approved and signed the act (S. 215) regulating the duties and fixing the compensation of the customs inspectors at the port of New York.

The message also announced that the President of the United States had on the 17th instant approved and signed the act (S. 6070) to authorize the construction of a bridge across the Missouri River, at a point to be selected, within 5 miles north of the Kaw River, in Wyandotte County, State of Kansas, and Clay County, State of Missouri, and to make the same a post route.

The message further announced that the President of the United States had on the 18th instant approved and signed the following acts:

An act (S. 4067) granting an increase of pension to Julia L. Gordon; and

An act (S. 4204) relating to grants of land to the Territory and State of Washington for school purposes.

The message also announced that the President of the United States had on the 19th instant approved and signed the act (S. 4572) to grant an honorable discharge from the military service to Charles H. Hawley.

BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 6665) authorizing the President of the United States to remove the duty on coal coming into the United States from the Dominion of Canada when the Dominion of Canada removes the duty on coal coming from the United States; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 6666) for the relief of Joseph M. Simms, captain, United States Revenue-Cutter Service (retired); which was read twice by its title, and referred to the Committee on Commerce.

Mr. ALLISON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6667) granting an increase of pension to John Lindt;

A bill (S. 6668) granting an increase of pension to Charles Graham; and

A bill (S. 6669) granting an increase of pension to James Brown.

Mr. PLATT of Connecticut introduced a bill (S. 6670) to provide for the construction of submarine torpedo boats; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 6671) granting an increase of pension to Joseph C. Bell; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. HAWLEY) introduced a bill (S. 6672) granting an increase of pension to Hamlet F. Roberts; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 6673) to amend "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HOAR introduced a bill (S. 6674) to correct the naval record of Michael J. Kenefick; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. FORAKER introduced a bill (S. 6675) granting an increase of pension to Levi Dove; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6676) granting an increase of pension to S. N. Weeks; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6677) granting a pension to Sarah D. Crabb; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6678) granting an increase of pension to Samuel Withrow; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 6679) granting to railroads and water companies the right of way through public lands and reservations of the United States for reservoirs and pipe lines; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. DUBOIS introduced a bill (S. 6680) authorizing the President to reinstate Alexander G. Pendleton, jr., as a cadet in the United States Military Academy; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GIBSON introduced a bill (S. 6681) for the relief of Rudolf Herbst; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MILLARD introduced a bill (S. 6682) granting an increase of pension to James W. Tucker; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BURROWS (for Mr. ALGER) introduced a bill (S. 6683) to enable the State of Michigan to utilize certain dock facilities at the Straits of Mackinac, and to aid in providing for a memorial monument adjacent thereto; which was read twice by its title, and referred to the Committee on Coast and Insular Survey.

Mr. STEWART (by request) introduced a bill (S. 6684) for the payment to Charles E. Dailey of the balance due him as United States land officer; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCUMBER introduced a bill (S. 6685) to provide for furnishing Yearbooks of the Department of Agriculture to the agricultural colleges of the several States, and for other purposes; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. McCOMAS introduced a bill (S. 6686) granting an increase of pension to Elvira M. Cooper; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6687) for the relief of the legal representatives of William P. Custis; which was read twice by its title, and referred to the Committee on Claims.

Mr. NELSON (for Mr. DEPEW) introduced a bill (S. 6688) for the addition of protected torpedo boats to the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PERKINS introduced a bill (S. 6689) for the protection of wild animals, birds, and fish in the forest reserves of the United States; which was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

He also introduced a bill (S. 6690) for the relief of the Alaska Commercial Company, the North American Transportation and Trading Company, and the Alaska Exploration Company; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 6691) granting a pension to Mary H. Cornell; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition for pension of Mary H. Cornell, widow of Horatio N. Cornell, late sailor in the United States Navy, duly verified by sundry affidavits, and also an abstract of the evidence in the case. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. BATE introduced a bill (S. 6692) for the relief of William G. Tidwell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

AKRON, STERLING AND NORTHERN RAILROAD.

Mr. MILLARD. I introduce a joint resolution, which I ask may be read the first and second time and put upon its passage, if there be no objection.

The joint resolution (S. R. 146) to extend the time for construction of the Akron, Sterling and Northern Railroad, in Alaska, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That the time within which the Akron, Sterling and Northern Railroad Company is authorized to construct its line of railroad from the head of Valdex Bay, in the Territory of Alaska; thence extending up Lowe River 12 miles to Keystone Canyon; thence for a distance of 3 miles through said canyon, on the west side thereof; thence through Dutch Valley a distance of 4 miles; thence 13 miles along the benches on the west side of Lowe River drainage, through Thompson Pass, as definitely located by said named company, be, and the same is hereby, extended for two years from and after the passage of this resolution.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent that the joint resolution may receive present consideration. Is there objection?

Mr. LODGE. I have no desire to interfere with the present consideration of the joint resolution, but I ask if the company referred to is an American company and chartered under the laws of the United States?

Mr. MILLARD. There are a great many Americans connected with the company. They are all Americans, I think, who are the promoters and builders of the railroad.

Mr. LODGE. Is the company an American company and operated under an American charter?

Mr. MILLARD. I think so; but I can not say positively as to that.

Mr. LODGE. It seems to me that is a very important matter, on account of the claims which have been made by Great Britain and Canada in that region.

Mr. MILLARD. The joint resolution only came to me this morning and I am not familiar with the facts regarding it. If there be any objection to it, I should like to have it referred to the Committee on Public Lands.

Mr. JONES of Arkansas. What is the resolution? I did not hear it.

The PRESIDENT pro tempore. The joint resolution will be again read to the Senate.

The Secretary again read the joint resolution.

The PRESIDENT pro tempore. The Senator from Nebraska asks for the present consideration of the joint resolution. Is there objection?

Mr. JONES of Arkansas. Has the joint resolution come from a committee? Practically it is a bill, and it ought to have the report of a committee.

Mr. MILLARD. I have just introduced the joint resolution.

Mr. JONES of Arkansas. It ought to be referred to a committee.

Mr. MILLARD. Very well.

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on Public Lands.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. HARRIS submitted an amendment relative to the compensation of the registers and receivers of the United States land offices in the State of Kansas, upon whom were imposed the duties and responsibilities of making sale and disposal of the Osage Indian lands, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

TERRITORIAL ORGANIC ACTS.

Mr. FORAKER. I offer the resolution which I send to the desk, and ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That there be printed for the use of the Senate 2,500 additional copies of Senate Document No. 148, first session Fifty-sixth Congress, being a compilation of the organic acts for the Territories of the United States, with notes thereon, and that there be added to this compilation the organic acts for Porto Rico, Hawaii, and the Philippines.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HOAR. I inquire of the Senator from Ohio if the resolution includes the organic acts of all the Territories from the beginning?

Mr. FORAKER. Yes; from the beginning. They were all printed in one document some two or three years ago and this simply adds those that have been since enacted. An estimate has been made by the Public Printer that the printing will cost less than $500.

The resolution was agreed to.

TRANSPORTATION AND SALE OF ANTHRACITE COAL.

Mr. JONES of Arkansas. I present a resolution which I send to the desk, and I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Whereas on October 4, 1902, a sworn statement or petition was filed with the Attorney-General of the United States by William R. Hearst, charging the existence of an illegal combination or conspiracy among railroads therein named engaged in interstate commerce, the tendency and purpose of which was the establishment of a monopoly in the business of transporting and selling anthracite coal, and in connection with said petition a request was made for permission to present evidence establishing the existence of such a combination;

Whereas said petition was referred to the United States district attorney for the southern district of New York with instructions to receive the evidence proffered and report the same to the Department of Justice;

Whereas a protracted interval has elapsed since the filing of the said petition and the submission of such evidence:

Resolved, That the Attorney-General be, and he is hereby, directed to transmit to the Senate the evidence presented by said petitioner, together with the report thereon by said United States district attorney.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. LODGE. The resolution had better go over, Mr. President.

Mr. CULLOM. It is a long resolution and it embodies a number of statements. I think it had better go over.

The PRESIDENT pro tempore. Objection being made, the resolution goes over under the rule.

STATUES OF CHARLES CARROLL AND JOHN HANSON.

Mr. McCOMAS. I offer a resolution, and ask that the letter which I send to the desk, addressed to the Senate and House of Representatives by the governor of Maryland, may be read before the resolution is read.

The PRESIDENT pro tempore. The Senator from Maryland asks that the letter of the governor of Maryland referred to by him may be read. Is there objection? The Chair hears none, and the letter will be read.

The Secretary read as follows:

EXECUTIVE DEPARTMENT,
Annapolis, Md., December 15, 1902.

To the Senate and House of Representatives of the United States,
Washington, D. C.

GENTLEMEN: I have the honor to inform you that, in acceptance of the invitation contained in section 1814 of the Revised Statutes of the United States, the general assembly of Maryland, by chapter 311 of the acts of 1898, made an appropriation to procure statues of Charles Carroll of Carrollton, one of the signers of the Declaration of Independence, and John Hanson, President of

the Continental Congress of 1781 and 1782, to be placed in Statuary Hall, in the Capitol, at Washington, D. C.

By authority of the act of the general assembly of Maryland, the governor appointed John Lee Carroll, Douglas H. Thomas, Thomas J. Shryock, Fabian Franklin, and Richard K. Cross to constitute a commission to procure and have the statues erected.

I am informed by the commissioners that the statues were made by Mr. Richard E. Brooks, of Boston; that they are completed and have been placed in position, and are now ready to be presented to Congress.

As governor of the State of Maryland, therefore, I have the honor to present to the Government of the United States the statues of the distinguished statesmen named.

Very respectfully, JOHN WALTER SMITH,
Governor of Maryland.

The PRESIDENT pro tempore. The resolution submitted by the Senator from Maryland will now be read.

The Secretary read the resolution, as follows:

Resolved, That the exercises appropriate to the reception and acceptance from the State of Maryland of the statues of Charles Carroll of Carrollton and of John Hanson, erected in Statuary Hall in the Capitol, be made the special order for Saturday, January 31, 1903, after the conclusion of the morning business.

Mr. MCCOMAS. I ask unanimous consent for the present consideration of the resolution.

There being no objection, the Senate proceeded to the consideration of the resolution.

Mr. ALLISON. I suggest to the Senator from Maryland that he modify the resolution so as to make the time 2 o'clock.

Mr. MCCOMAS. I will accept the suggestion of the Senator from Iowa to make the time 2 o'clock p. m. on Saturday, January 31, 1903.

The PRESIDENT pro tempore. The resolution will be so modified. The question is on the adoption of the resolution as modified.

The resolution as modified was agreed to.

SAFETY APPLIANCES ON RAILROADS.

The PRESIDENT pro tempore. The Chair lays before the Senate, under the rule, a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. PATTERSON on the 17th instant, as follows:

Resolved, That the Interstate Commerce Commission be, and it is hereby, directed to send to the Senate copies of all information and reports furnished by its inspectors showing the condition and defects of train or power brakes, and the operation of trains thereby, as required by the act to promote the safety of employees and travelers upon railroads, approved March 2, 1893, from May 10 to December 31, 1902, on the following-named railroads and their leased lines: Baltimore and Ohio, Chesapeake and Ohio, Cincinnati, New Orleans and Texas Pacific, Erie, Illinois Central, Lehigh Valley, Louisville and Nashville, Lake Shore and Michigan Southern, New York, New Haven and Hartford, Norfolk and Western, Pennsylvania, Queen and Crescent, Southern, and Southern Pacific.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. HOAR. I have no objection whatever to the resolution; but I wish to inquire whether technically we have the right to give directions to the Interstate Commerce Commission, or whether that is not in substance a bureau under the authority of the Department of the Interior, so that the resolution should be addressed to the Secretary of the Interior? The Senator from Illinois [Mr. CULLOM] perhaps will know as to that.

Mr. CULLOM. Mr. President, I rose for the purpose of stating that the Interstate Commerce Commission is an independent bureau. For a time after the law creating the Commission was passed it was attached to the Department of the Interior, but was subsequently made an independent establishment, and therefore I think it is entirely proper to make the inquiry direct.

Mr. HOAR. We undoubtedly have authority under the practice which has existed from the beginning of the Government, and which, I believe, so far as the Treasury is concerned, is enacted by the law which established that Department, to require the heads of all of the Departments of the Government to furnish us such facts as are on their records.

Mr. CULLOM. I suppose we have the right to make the inquiry in this way.

Mr. HOAR. I make no objection.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 15708) to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation; and

A bill (H. R. 16066) to amend an act entitled "An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory," approved June 6, 1900.

The bill (H. R. 3109) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, was read twice by its title, and referred to the Committee on Manufactures.

The bill (H. R. 8130) for the relief of the Miami Indians of Indiana was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 13307) for the relief of Valdemar Poulsen was read twice by its title, and referred to the Committee on Patents.

The bill (H. R. 15006) to amend an act entitled "An act to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 15702) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902, was read twice by its title, and referred to the Committee on the Philippines.

The bill (H. R. 16021) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

SUPPRESSION OF BUBONIC PLAGUE IN HAWAII.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (S. 6216) to pay in part judgments rendered under an act of the legislative assembly of the Territory of Hawaii for property destroyed in suppressing the bubonic plague in said Territory in 1899 and 1900, and authorizing the Territory of Hawaii to issue bonds for the payment of the remaining claims.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent for the present consideration of a bill which will be read to the Senate for its information.

Mr. MORGAN. Is the regular morning business completed?

The PRESIDENT pro tempore. The morning business is completed.

Mr. MORGAN. I gave notice on Wednesday last that I would ask the Senate at this time to allow me to submit some remarks on a bill on the Calendar. It will not take a great while, and then I will be out of the way and Senators can proceed with their matters.

Mr. FORAKER. I should be very much gratified if the Senator would allow this bill, which is a very short one, to be now considered. It will take but a moment. It is a bill providing relief for Hawaii on account of the bubonic plague, and is a matter of very great importance.

Mr. MORGAN. I have no right to object.

The PRESIDENT pro tempore. The bill will be read to the Senate.

The Secretary read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $1,000,000 to pay in part the judgments rendered under an act of the legislative assembly of the Territory of Hawaii by the fire claims commission of that Territory for property destroyed in the suppression of the bubonic plague in the Territory in the years 1899 and 1900.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL SERVICES ON THE LATE SENATOR JAMES M'MILLAN.

Mr. BURROWS. Mr. President, I desire to give notice that on Friday, the 30th day of January next, I will ask the courtesy of the Senate, after the conclusion of the regular routine morning business, to consider resolutions commemorative of the life and character of my late colleague in the Senate, Hon. JAMES MCMILLAN.

NAVAL CONSTRUCTOR RICHMOND P. HOBSON, U. S. NAVY.

Mr. MORGAN. I now ask leave to take the floor to proceed with the remarks of which I gave notice.

Mr. GALLINGER. Will the Senator from Alabama yield to me to call up a little bill in which he is perhaps more interested than I am? It will take but a moment, I think.

Mr. MORGAN. Certainly.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 3983) authorizing the transfer to the retired list of the Navy of Naval Constructor Richmond P. Hobson, United States Navy. I will say in reference to this bill that on a former occasion I think two Senators mildly objected to it, but they have both withdrawn their objections, and I am very confident there will be no objections to its passage.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The bill will be read.

The Secretary read the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BACON. I think, Mr. President, that the bill ought to be considered when the Senate is somewhat full. I do not know anything about it myself. I do not know that I shall refuse to to vote for the bill.

Mr. GALLINGER. I will say to the Senator that it is a unanimous report from the Committee on Naval Affairs. The Senator from Arkansas [Mr. BERRY] and the Senator from Kentucky [Mr. BLACKBURN] wanted it held up a little time ago, but they have both said to me that they are quite content to have the bill pass. I know pretty intimately about this case, and I am very sure this man ought to be placed on the retired list. I feel confident of that. I hope the Senator from Georgia will not object to the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MALLORY. I should like to ask whether there has been a medical examination and report as to Mr. Hobson's physical condition?

Mr. GALLINGER. There has been, and it is included in the report.

Mr. MALLORY. Does the report recommend his retirement?

Mr. GALLINGER. It does.

Mr. MALLORY. On account of his eyes?

Mr. GALLINGER. Yes; on account of his eyes. He has a very serious eye trouble.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BACON. I hope the Senator from New Hampshire will consent that the bill may go over for the present.

Mr. GALLINGER. Certainly.

Mr. BACON. I do not want to be put in the position of objecting to it.

Mr. GALLINGER. I have no power to prevent it from going over if the Senator from Georgia objects.

Mr. BACON. I do not want the Senator to put it on that ground. I do not want to be put in the position of objecting. I do not know that I shall object, but there is not a single member of the committee on this side of the Chamber who is present. The Senator knows what the total number present may be.

Mr. GALLINGER. The Senator need not argue it with me. Of course I am quite willing that the bill shall go over.

Mr. BACON. I do not want to appear as objecting.

The PRESIDING OFFICER. The bill will go over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 1893) granting an increase of pension to Cornelia A. Dennis;

A bill (H. R. 2492) to reimburse the Mellert Foundry and Machine Company for money retained by the United States for failure to complete a contract within a specified time;

A bill (H. R. 4471) for the relief of James M. Chism;

A bill (H. R. 13449) granting an increase of pension to Mary A. E. Scott;

A bill (H. R. 14801) to make Wilmington, N. C., a port through which merchandise may be imported for transportation without appraisement;

A bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners;

A bill (H. R. 15593) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1904, and for other purposes; and

A bill (H. R. 16057) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903.

ISTHMIAN CANAL.

Mr. MORGAN. Mr. President, I desire to address the Senate at this time on the bill (S. 451) to provide for acquiring the rights necessary for the construction of a canal connecting the waters of the Atlantic and Pacific oceans. I ask that the bill be read.

The Secretary read the bill as reported by Mr. MORGAN from the Committee on Introceanic Canals, with amendments. As proposed to be amended, the bill is as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to conclude agreements with the Republics of Costa Rica and Nicaragua, or either of them, for and in behalf of the United States, for the acquiring and full control of such portion of territory now belonging to Costa Rica and Nicaragua as may be desirable and necessary on which to locate, construct, maintain, govern, regulate, police, and protect a canal of such depth and capacity as will be sufficient for the movements of ships of the greatest tonnage and draft, from a point near Greytown, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean; and such sum as may be necessary to secure such necessary rights, privileges, and control is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. MORGAN. Mr. President, the bill read at the desk is the first one reported to the Senate at the present Congress on the subject of the isthmian canal.

It is copied, with slight changes, from the first section of the House bill known as the Hepburn bill, from which is also copied the contracts made by President McKinley in December, 1900, with Costa Rica and Nicaragua.

Those contracts are identical in terms and dates, so that it is only necessary to read one of them, as follows:

It is agreed between the two Governments that when the President of the United States is authorized by law to acquire control of such portion of the territory now belonging to Costa Rica as may be desirable and necessary on which to construct and protect a canal of depth and capacity sufficient for the passage of vessels of the greatest tonnage and draft now in use from a point near San Juan del Norte, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean, they mutually engage to enter into negotiations with each other to settle the plan and the agreements, in detail, found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal.

As preliminary to such future negotiations it is forthwith agreed that the course of said canal and the terminals thereof shall be the same that were stated in a treaty signed by the plenipotentiaries of the United States and Great Britain on February 5, 1900, and now pending in the Senate of the United States for confirmation, and that the provisions of the same shall be adhered to by the United States and Costa Rica.

This contract contains three provisions, all of which are to become obligatory on Costa Rica and Nicaragua when Congress has authorized the President to acquire the canal rights and privileges therein described. Since the enactment of the law of June 28, 1902, both Nicaragua and Costa Rica have signified their consent to the full and perfect obligation of these contracts, notwithstanding the alternative preference given in that law to the selection of the Panama route, when Congress has given the requisite authority to the President to acquire the rights and privileges defined in these contracts.

Besides the alternative and conditional preference given to the Panama route in the law of the 28th of June, 1902, that act provides that in the event the Panama route is not selected and acquired by treaty with Colombia the President is authorized to acquire the rights and privileges defined therein from Nicaragua and Costa Rica by treaty.

In the case of the selection of either route that law requires that the title to the property shall be clear and satisfactory.

The Hay-Pauncefote treaty, ratified on the 16th day of December, 1901, also defines the canal rights that the United States may acquire from Nicaragua and Costa Rica in lieu of or in substitution of the provisions of the Clayton-Bulwer treaty of 1850, to which Nicaragua and Costa Rica have agreed to adhere, as follows:

ARTICLE II.

It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

This treaty, referred to in the agreements of December 1, 1900, defines fully the rights granted to the United States. Waiving the discussion of the question (which seems to be reserved by Lord Lansdowne in his correspondence with Mr. Hay) whether that treaty applies to a canal through Colombian territory, and assuming that it does so apply, it gives to the United States the exclusive right, as far as Great Britain is concerned, to own and control a canal, in perpetuity, through Nicaragua and Costa Rica. And those States consent that the Hay-Pauncefote treaty, as it was ratified, applies to the contracts made with each of them by Mr. McKinley December 1, 1900. So that nothing remains to be done to give those contracts perfect obligation but for Congress to authorize the President to acquire the rights which they clearly and specifically define.

The definition of those rights so made includes completely all the rights mentioned in the act of June 28, 1902, and fills the full measure of our wishes.

It was a wise and courageous act of the highest statesmanship on the part of President McKinley to enter into those solemn engagements with Costa Rica and Nicaragua at the time and under the conditions that then prevailed.

He proposed those agreements to those States, and they accepted them when the first Hay-Pauncefote treaty was pending in the Senate and when amendments were pending, under discussion, that caused its final rejection by Great Britain.

Mr. McKinley knew that he had the support of the House of

Representatives, for it had passed the first of the Hepburn bills by a vote of 223 to 26, from which these agreements were copied, as to their substantive and important parts, and he knew that he had the support of a majority of the Senate, but was not assured of the support of a two-thirds majority of that body on the ratification of a treaty. Throwing himself with entire confidence upon the legislative powers of Congress, he promised Nicaragua and Costa Rica that he would locate the canal between Greytown and Brito whenever Congress authorized him to acquire the exclusive right to construct a canal on the Nicaraguan route.

He did not agree that the canal should be constructed by the United States. Those States were willing to rely upon the will of our people, oftentimes expressed, to supply the means to construct the canal. Neither was payment for the necessary concessions made a feature of those contracts, but, when Congress should give the requisite authority to the President to acquire these controlling rights, those contracts provided that they should become complete and immediately obligatory as to the location and definition of the canal route, and as to the exclusive right of the United States to construct, own, and control the canal in perpetuity.

The adherence to the terms of the Hay-Pauncefote treaty settled all that. The agreement became complete and perfect, and nothing remained to be done to require the further consent or action of Congress. The adjustment of the details of the work on the canal, in its location and construction, and as to its control and management, was left to be provided for by treaty, not by act of Congress. A different department of our Government was to consider these details after Congress had settled the broad basis of agreement by legislative act.

No wiser conception was ever formed in the mind of a President than this plan to prevent any jealousies between the House and the Senate after the House had expressed its will, by a very great majority, in the very terms that President McKinley wrote into these agreements.

Nor was a final act of wise and determined statesmanship ever resolved upon in the will of a President of the United States with deeper reflection or more courageously. These agreements, quietly but firmly, overrode the threatening barriers of the Clayton-Bulwer treaty and left them a wreck. They defied those barriers and bound us in honor to Nicaragua and Costa Rica, that they should no longer be permitted to impede the will of the American people to execute and enforce the exclusive right to construct, own, control, and regulate an isthmian canal, in perpetuity, through Costa Rica and Nicaragua, with the consent of those sovereign States.

Why this masterful act of this great man has been discarded and trodden under foot with contempt by men who profess friendship for his memory and have given public pledges to execute his policies is not a question for a Democrat to solve, for they have upheld his splendid statesmanship in this demonstration of his wisdom and courage with one accord. There are some mind readers, or inspired spirit rappers, who have told us that President McKinley did not mean what he said in those carefully framed and solemn intruments, under signature and seal.

I must excuse myself from thus defaming so honorable a name by charging him with dealing idly with a subject of such vast importance. I have dwelt on these agreements, which only failed when President McKinley was called to a higher station, because the time may be near at hand when they will be the only means of saving to the American people the highway that President McKinley bequeathed to them as a rich legacy to his country in that wonderful last public utterance at Buffalo, N. Y.

I now speak of a painful apprehension, growing out of existing conditions, that threaten the loss of an isthmian canal or its indefinite delay, and I will speak frankly and boldly, as the occasion requires.

An appropriation has been made of $180,000,000 for constructing a canal and an indefinite sum for the purchase of concessions.

If this appropriation is not used, in whole or in part, by June 28, 1904, it will be stiffly urged by the opponents of any canal that the law covers the appropriation into the Treasury.

The next Congress will meet in December, 1903, in regular session, within seven months of the time when it will be alleged that this great appropriation is dead, and that the canal has been lost. Is there a man in Congress who is so inexperienced as to doubt the power of a minority to defeat the renewal of the appropriation in the short period of seven months? I need only allude to this danger to arouse the apprehensions of the friends of an isthmian canal as to its future certainty and its magnitude. This difficulty might possibly be provided against by an extra session of Congress.

But another difficulty has already arisen, against which we can make no possible provision. Under her constitution Colombia can not ratify a treaty with the United States otherwise than by act of Congress. She has no Congress in commission, and can not have until a new Congress is elected. No Congress has assembled in Colombia since November, 1899, and none has existed there. War has paralyzed civil government, and the whole Republic has been in a state of siege.

I go further, but it is not necessary in the views I am now presenting, and I insist that, under the law of May 28, 1878, which forbids the transfer of the original canal concession made to the old Panama Canal Company, and under the constitution, which forbids the President of Colombia from making any contract that affects the treasury without authority from Congress first obtained, no negotiator appointed by that President or dictator can sell a concession to the United States, because he has no powers to enter into such a negotiation. Such an act is in violation of the law and the constitution of Colombia and is derogatory to the character of our Government. I mention this because the question must necessarily arise and will at least cause delay. It will also grow like a cancer in the hearts of the people of Colombia.

If, however, a treaty is signed and submitted to the Senate, and if we ratify it before this Congress expires, it will then be sent out, like the raven from Noah's ark, to find a place where it can rest from its flight; with a strong probability that it will never return. In the meantime the offer of sale made to us by the New Panama Canal Company will expire by its own limitation. It is only open until March 4, 1903.

If a Congress can be elected and assembled at Bogota, will it be a representative body of the Church party and of the Liberals, after a fair election, met in the fraternal spirit of reconciliation, or will it be a partisan Congress, the creature of the dominant faction, selected by dictatorial power, assembled at an extra session by the command of the dictator, Murroquin, who now holds the supreme power or the semblance of it, and enforces his sway over the people of Colombia by the sword and the bayonet?

Under the constitution of Colombia, Title VI, article 68, a regular session of Congress can not be held until July 20, 1903. We should know that there is a legitimate Congress, and that it really represents the will of the people of Colombia, before we send a treaty to it for ratification, after the Senate of the United States has acted upon it, or before it has acted. We should know whether the Panama Canal Company has furnished the money to pay the expenses of that Congress, either out of the three or more million dollars now in its treasury or by a pledge of the $40,000,000 they are to get from the United States.

Colombia has no money to pay the expenses of a Congress. I have evidence to show that one American dollar is worth $90 and from that up to $130 in Colombian currency at the present time. They must have help, or else they can not assemble a Congress, even by military compulsion.

If we submit a treaty to the consideration of any Congress that can now be assembled in Colombia, the risk of its being hereafter assailed by any new government that may come into existence is extreme.

These "hereafters" in Colombia occur at intervals of about two years, as periodically and almost with the regularity of the seasons.

Before the passage of the law of June 28, 1902, Colombia, through her minister, Señor Silva, submitted her proposition for a treaty with the United States, setting forth her full demands for the concessionary privileges we were seeking. In that act these propositions were rejected in the following words, which are utterly repugnant to that treaty. That act provides:

SEC. 2. That the President is hereby authorized to acquire from the Republic of Colombia, for and on behalf of the United States, upon such terms as he may deem reasonable, perpetual control of a strip of land, the territory of the Republic of Columbia, not less than six miles in width, extending from the Caribbean Sea to the Pacific Ocean, and the right to use and dispose of the waters thereon, and to excavate, construct, and to perpetually maintain, operate, and protect thereon a canal, of such depth and capacity as will afford convenient passage of ships of the greatest tonnage and draft now in use, from the Caribbean Sea to the Pacific Ocean, which control shall include the right to perpetually maintain and operate the Panama Railroad, if the ownership thereof, or a controlling interest therein, shall have been acquired by the United States, and also jurisdiction over said strip and the ports at the ends thereof to make such police and sanitary rules and regulations as shall be necessary to preserve order and preserve the public health thereon, and to establish such judicial tribunals as may be agreed upon thereon as may be necessary to enforce such rules and regulations.

The President may acquire such additional territory and rights from Colombia as in his judgment will facilitate the general purpose hereof.

This action of Congress was so utterly different from the proposition of Colombia that Señor Silva was recalled and Señor Concha was sent as minister to the United States from Colombia.

On his return to Colombia, through New York, Señor Silva declared, in a published interview, that the New Panama Canal Company had no title to property in Panama connected with the isthmian canal that it could sell.

In this he was sustained by the third section of article 6 of the concession to the liquidator of the old Panama Canal Company, of December 10, 1890, as follows:

SEC. 3. It is, moreover, understood that the buildings, plant, works, and improvements which are to become the property of the Republic under the circumstances provided in this article, and in conformity with article 23 of

the contract of 1878, shall be inalienable, and are to be in good condition, subject to deterioration arising from use, from unavoidable causes, or from accident.

Under the further extension of the concession to the liquidator of the old Panama Canal Company, dated April 4, 1893, which was also made a law of Colombia, the following prohibition is placed upon the power of the New Panama Canal Company against the sale by it of any of the property held in Colombia under any canal concession.

Article 6 is as follows:

The Republic shall enter into possession and ownership, without need of previous judicial decision and without any indemnity, of the canal itself and the annexes dependent thereon, in conformity with the contracts of 1878 and 1890, in each of the following cases:

If the new company shall not be organized within the period fixed by article first.

If the work shall not be resumed within the period fixed by the same article.

If the receiver sells the property which is to belong to the Republic in case of lapse or abandons its maintenance, all in conformity with the provisions of the previous contracts, saving and excepting deterioration arising from use, unavoidable causes, or from accident.

If the inventory mentioned in article 7 of the present contract shall not be made.

If the conditions of article 2 of the same contract shall not be fulfilled.

Thus it appears that Mr. Silva was entirely correct in his declaration that the New Panama Canal Company had no right or power to convey its canal properties in Colombia to the United States, and it was for this opinion that he was recalled as minister to the United States.

It is a surprise to jurists and to laymen alike in our country that the Attorney-General, in his opinion given to the President upon the right and power of the New Panama Canal Company to make a title to the United States of its property in Panama, omitted to notice the above-quoted prohibitions in the concessions and in the laws of Colombia, through which it derived all of its property rights in Colombia. They positively forbid all alienation of that property, and the Attorney-General could not have held that the French courts could lawfully confer such power upon them, in the face of that prohibition.

The French courts, in their dealing with this property, assume the power to authorize its sale, as if no such prohibition existed, and the law of Colombia and the restraints of the power of sale in the concessions are nowhere even alluded to in their decrees. They are made as if these things did not exist, with the result that the decrees of those courts are as void as if they did not exist.

This is equally true, as matter of law, with respect to the concession of 1878 and the French decrees which violated that concession; but that concession has been displaced or merged in the new concessions, 1890 and 1893, and it is no longer in force, except as it is incorporated in the new concession to the New Panama Canal Company.

Mr. Silva saw with absolute certainty that any sale of the property of the New Panama Canal Company would be void until Colombia had changed its law that granted the new concession, and that consequently a title derived through a decree of the French courts must be void and of no value.

He evidently saw that the purpose and policy of Colombia in the enactment of the laws of 1890 and 1893 was to complete the canal for her advantage and for the benefit of the stockholders and creditors of the old Panama Canal Company, with whose money, amounting to $260,000,000, all had been done that was done toward constructing the canal, and in the corruption of its agents and in corrupt and wasteful administration that had disgraced the very name of the enterprise until, in France, the name "Panamist" was and still is the synonym of thief and robber.

The money contributed to that company, chiefly by the middle classes of France, created the plant and dug the canal ditch and supplied the material and labor, the product of which we are trying to purchase at a forced sale, under an order of a French court, in defiance of an express law of Colombia, which is incorporated in the terms of the concession to the New Panama Canal Company.

Mr. Silva knew that our Isthmian Canal Commission, before they heard the siren of a cheap bargain, had denounced the men who formed the New Panama Canal Company, in a large part, as convicted culprits and as fraudulent despoilers of the old company. He knew, as we all now know, that these men will not only be reimbursed out of the $40,000,000 we are to pay them for all their outlay for stock in that company, and will make a profit of more than $3,000,000, which has been already settled by the decree of a French court in anticipation of its payment by the United States. He saw that the honest intention of Colombia to complete the canal was as far removed from the dishonest purpose of these men to wreck the property and pocket the proceeds of the forced sale as the East is from the West.

He saw that Colombia, to prevent such a result, had forbid the New Panama Canal Company from alienating the property, or any part of it, and he refused, out of respect for his oath of office, to assume the authority to repeal or to violate the laws of Colombia, or to nullify them, and being required to do this, he retired from office as minister to the United States. Then came Señor Concha, and he could not be made to agree that Colombia had the constitutional power to make a concession of canal rights and privileges in perpetuity, such as the act of June 28, 1902, requires.

The pressure of the speculators in these canal concessions came upon him with such weight as to drive him into retirement, and he returned to Colombia to join Silva in making war upon any such concessions to the United States as the act of June 28, 1902, requires to be made. Not these distinguished men alone, but many others of great influence are in Colombia awaiting the arrival of our ultimatum in the form of a treaty signed by Mr. Herran, now secretary of legation and chargé d'affaires of Colombia, and are ready to make war upon it.

The financial aspect of the question appears to have the greatest significance with Mr. Herran, and if he can move us up to the payment of a large annual stipend for a lease he will be satisfied for us to take the risk of the constitutional question along with the risk of the engineering difficulties that hang about the scheme, and he will consent for us to write the treaty engagement in our own words.

It is a strange attitude that we should find ourselves compelled to argue the ministers of Colombia into an attitude toward the constitution of their own country that they are unwilling to assume and retire from office rather than adopt.

These ministers, thus relieved from office under pressure from eager speculators, have still other apprehensions that arise out of conditions that are indicated as forcibly as the quivering of the earth foretells the eruption of a slumbering volcano.

They remember what the people of Panama can never forget—that their State, once sovereign and independent, was the first State of this hemisphere, after the United States of North America, that achieved their independence and sovereignty.

Neither can they forget that the Church party has stripped that badge of honor and power from their national flag and has reduced Panama to a department of Colombia, ruled by a governor appointed at Bogota. It is as if Ohio should be reduced to the former condition of a part of our Northwestern Territory. Above all, they can not forget the degrading bondage of the concordat that the Church party in Colombia has forced upon them in the agreement of 1888 with Pope Leo XIII. While memory of these events lasts in Panama peace will have only a precarious and temporary residence there.

These thoughtful men know that agitation in Panama will be incessant to enlarge the canal concession we may obtain from Colombia into a bond of union with the United States, and no occasion that promises success will be overlooked to promote and intensify that feeling; and they know that even the security of the canal property will be made a reason why the United States should accept the annexation of Panama as a measure of necessity. This is not a new thought or an abandoned hope in Panama. I dread the thought of placing such a temptation, so lit up with the hopes of restored liberty, honor, and sovereignty, before those people, unless they could be again realized in their separate independence.

If Panama could be again restored to her sovereign independence, I would hail the event with joy, but I will not consent to an agreement with Colombia that may drive Panama into our Union to escape her present bondage to Colombia.

Above all else, we should be careful and entirely frank in our dealings with Colombia. The belief or the pledge that we will even aid her actively in fastening upon Panama the fetters of the concordat of 1888 or in maintaining her hold on Panama against the will of her people, if they choose to throw it off, will prove to be a mistake that may deceive Colombia, for our people will not sustain us in supporting such a pledge.

Our people will never aid Colombia in the infliction of wrong and injustice upon the people of Panama at the will and pleasure of that Government, and this appears to be the pledge we are asked to give. They will never extinguish or prevent the rekindling of the light of liberty, independence, and sovereignty in that once brilliant star that has been stricken from the galaxy of American republics by the fratricidal hand of Colombia. A casual concession offers no temptation to the people of the United States for an act that is so unnatural.

It would be a far better use to make of the $40,000,000 we are asked to pay the Panama Canal Company for a title that is a mere possession of a property they are anxious to get rid of to pay $30,000,000 of it to Colombia for the restoration of Panama to independence and $10,000,000 to Panama for the concessions claimed by the New Panama Canal Company. The French could then work out their concession, if they wish to do so, and if they can get the money, or, if not, they could forfeit it to the United States.

If they could complete the canal, we would have it at the end of ninety-nine years, with the annual stipend of not less than $250,000 per annum, and the railroad in 1966, with an annual stipend of like amount. This would be a great speculation; an immense profit on $40,000,000 of investment, and the French would get all they bargained for in their concession, Panama would get her liberty again, and Colombia would get rid of her white elephant. Even this plan is more certain of success than is to be expected under the existing conditions and in view of long and deep-seated animosity between Panama and Colombia. The United States can not afford to become a party to that bitter strife.

In all likelihood the French people would contribute the money to complete the canal if we owned the reversionary interest in the property covered by their concession. They would certainly do this if they believed that the canal is possible as an engineering project at a reasonable cost. If they have not such faith in its success, they would at once abandon it and suffer it to revert to the ultimate owner of the soil. But no such inducements weigh with the New Panama Canal Company. They only want the $40,000,000 for a property in which they have no faith.

But I do not propose to change anything in the act of June 28, 1902, or in the conditions that now exist. What I fear and object to is our future relations with Panama, Colombia, and South America, if we follow the Panama Canal Company into this dangerous adventure and thereby renew the civil war there, for which that company is chiefly responsible. That war is as flagrant in the hearts of those people as it was, recently, on very bloody battlefields.

The proposition of Colombia for our guarantee of her ownership of Panama, as well as her sovereignty over that department, is thus stated in the treaty offered us by Mr. Silva, as minister from Colombia:

All the stipulations contained in article 35 of the treaty of 1846-1848 between the contracting parties shall continue and apply in full force to the cities of Panama and Colon and to the accessory community lands within the said zone, and the territory thereon shall be neutral territory, and the United States shall continue to guarantee the neutrality thereof and the sovereignty of Colombia thereover in conformity with the above-mentioned article 35 of said treaty.

In furtherance of this provision there shall be created a joint commission by the Governments of Colombia and the United States that shall establish and enforce sanitary and police regulations.

When the treaty of 1846–1848 was made Panama was a State with sovereign powers. Now she is a department of Colombia, and that treaty has made the United States accessory to her degradation. I can never vote for its renewal. To pledge the protection of Colombia in her sovereignty over one of her departments, without restriction as to any abuses of power over those people, is to bind our country to assist Colombia in any policy she may choose to adopt toward them. It is not a pledge of protection to Colombia against foreign aggression, but a pledge of assistance to that Government against any resistance by the people of Panama to any policy or law Colombia may choose to impose upon a people who are already degraded in their political rights from the proud position of sovereign statehood to that of a mere department that is governed from Bogota.

Stern opposition to such a treaty is to be expected in Colombia, unless the people are awed into silent submission by the presence of military power in the hands of a dictator.

Our people will dread such a result with as deep a feeling of apprehension as the people of Colombia will oppose it with bitterness and resentment. In both countries there will be apprehension of danger to the canal in the midst of such controversies no matter which party may be dominant in Colombia.

The reasons I have but partially stated may cause any treaty we can make with the diplomatic functionaries of Colombia to fail of ratification in the Congress of Colombia, or in the Senate of the United States.

That they will lead to careful debate in both bodies is evident. If such a treaty is supported by a majority of our Senate, but fails to get a majority of two-thirds of this body, its defeat will lead to irritations which may also defeat any treaties we may afterwards make with Nicaragua and Costa Rica.

I am not imputing any lack of patriotism or any disposition to defeat all canal enterprises to anyone in these observations. I am only considering possibilities that are obviously in view and endanger the construction of a canal at either of the localities provided for in the act of June 28, 1902.

Yet, all the world knows that powerful interests are opposing the opening of any canal through the American Isthmus, and these combinations are relying upon a minority of the Senate to destroy all effort to construct such a canal through the provisions of the act of June 28, 1902, which requires that, in either case, the concessions shall be obtained through a treaty with Colombia, or through treaties with Nicaragua and Costa Rica.

I will atttempt no description of the anger and disappointment of the people of the United States and the disgust of the civilized world at our failure to open any canal because of the opposition of one-third of the Senate, which can thus defeat the act of June 28, 1902, which passed both Houses of Congress by a vote that was practically unanimous and invoked a joyous response from all but a very few of our people.

No Senator can be unmindful of the weight of responsibility we are under or how it alarms cool and conscientious action from its propriety, even to discuss objections to either of the treaties we may be required to consider and pass upon, when the defeat of both these treaties may be the entire destruction of the purposes of the act of June 28, 1902.

There is little liberty of action or judgment in circumstances of such extreme peril to that great movement of the people which found expression in that act of Congress.

For one, rather than defeat the hope of constructing an isthmian canal, I would prefer to take whatever treaty with Colombia the President may send to the Senate and throw the whole responsibility upon the Executive.

If it comes to the alternative of being compelled to locate the canal in a country where the United States and the canal will find enemies among the people, I am prepared to so provide that we will establish security by force of arms, and will enforce the rights for which we must pay a very heavy price.

But it is the good fortune of this country that we have already secured a perfect measure of relief from such embarrassing conditions, and it is among the best memories of a great and patriotic President that his forecast, courage, and wisdom have secured this blessing to the people he so truly loved and so faithfully served.

Among the chiefest of the works of William McKinley will always be classed the agreements he caused to be made, signed, sealed, and interchanged with Nicaragua and Costa Rica on December 1, 1900, and among the most worthy of the acts of Congress will be its acceptance of this great plan of national deliverance in a time of serious trouble and danger.

If treaties are made with Colombia, or with Nicaragua and Costa Rica, and if all of them fail for want of ratification by the Senate, it still remains open to Congress to accept the agreements of December 1, 1900, with Costa Rica and Nicaragua by the passage of the bill now under discussion.

This bill simply confirms those agreements by authorizing the President to acquire such rights as are described in this bill, which are the identical rights described in those agreements. This act of Congress, without more, concludes these agreements and makes them of perfect obligation.

This act will become the means of execution of the provisions of the act of June 28, 1902, all of which will continue in force, but may be impossible of execution in the manner therein prescribed, because of the failure of the treaties therein provided for, but will be in all other respects capable of easy and complete execution by means of the act I am now discussing.

The appropriation will stand, and its purposes, as they are defined in that law, will remain unchanged, and all administrative provisions of the act of June 28, 1902, will remain in full force. The rights of exclusive ownership and control of the canal in perpetuity will be secured to the United States by agreement between the United States and the sovereign Governments of Nicaragua and Costa Rica. These rights being secured and confirmed are irrevocable except with the consent of the legislatures of all the governments concerned, and they form the sure basis and foundation for any further agreements as to the method and details of the exploitation of the work of constructing the canal.

As to such agreements, which are only collateral and incidental to the real concessions acquired, we have already the consent of Nicaragua and Costa Rica by proposed treaties which conform to every requirement that our diplomatic authorities have either prescribed or have assented to. Nicaragua and Costa Rica have the most honorable intentions to abide by and perform these diplomatic understandiugs; yet, if they were otherwise disposed, the cession of the rights stated in the agreements of December 1, 1900, and their agreement therein to treat with the United States as to the details "found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal" binds them to a reasonable and just arrangement of such details. So that, in the event it becomes necessary to save the canal by the passage of this act, every provision is already made as to all the terms of a treaty to proceed with the work of construction.

A safer situation could not be acquired in advance of the actual ratification of a treaty, for which this act provides.

Mr. McKinley saw and provided against another possible difficulty in respect of the jurisdiction of Congress and the jurisdiction of the Senate as a diplomatic body in dealing with the complex problem of acquiring concessions for canal purposes, and of necessary treaties to arrange the details of municipal, police, judicial, hygienic, and political control of a canal in a foreign country, and also the appropriation of money for these and other purposes connected with a canal.

He left Congress free, under the agreements of December 1, 1900, to acquire property rights in a foreign country by confirming the agreements made by the diplomatic authorities under the Constitution. He left Congress free, with the House of Representatives in the lead, to make all necessary appropriations for the execution of the agreements and for constructing the canal, and this was necessary because no treaty for the construction of such a work can be self-executing. The Senate as a diplomatic body acting with the President could not provide for the construction of a canal in a foreign country, or in any country, with the resources of the United States without the assistance of Congress.

No condition is conceivable in which a canal can be constructed by the United States without special laws to be enacted by Congress, and no treaty can be executed that may be made for that purpose with Colombia without the legislative consent and action of Congress to put it into operation. Why, then, should Congress be excluded from participation in any proceeding for the acquisition of such rights? This is a parliamentary impossibility.

President McKinley left the Senate free, in cooperation with the President, to enact the supreme law for the establishment of all the international relations between the respective Governments concerned, respecting the canal, and to provide the officers and agents to execute these rights and powers. Such arrangements, between three powers, could only be made by treaty.

Thus a minority of the Senate, if so disposed, could not repeal or defeat the act of Congress by which the concessions are acquired by rejecting one treaty or many treaties as to matters that are only collateral to such rights. Failing in one treaty, others could be made until all the countries concerned will have reached agreements that are satisfactory to them.

Under the law of June 28, 1900, this, unfortunately, is not true. If treaties made under that act fail of ratification by a vote of a minority of the Senate the whole fabric of canal legislation goes into ruin, and the will of the people, as expressed in that act of Congress, is defeated.

Mr. McKinley thought out all these possible difficulties with the clear mind of a great statesman and provided for them in the agreements of December 1, 1900.

He saw how legislative jealousies between the two Houses could be prevented by conceding to Congress its full and requisite jurisdiction in acquiring property rights, by purchase, in foreign countries, and that such rights could not be obtained without the consent of Congress. He saw that, under the practice of our Government, the House of Representatives must originate the necessary bills of appropriation, and could defeat any canal by refusing them, and he yielded all claim of right, as President, either to acquire or to destroy these great national advantages by the mere concurrence of the Senate, and he brought the subject within reach of the powers of Congress, as a legislative tribunal where the will of the people can be finally expressed by a simple majority vote in both Houses.

It was against all the convictions of his great mind and nature to expose the highest rights and interests of the people to defeat or destruction through the opposing vote of one-third of the Senate.

I am proud as an American to do this simple justice to the conduct of this wise and patriotic President.

In the event of the failure to execute the law of June 28, 1902, if the Senate refuses to ratify such treaties as may be made with the three Governments concerned, I rejoice that President McKinley has pointed the way and has opened it to Congress to secure the canal by ratifying the agreements he so wisely made with Costa Rica and Nicaragua, under hand and seal, on December 1, 1900.

The PRESIDENT pro tempore. What disposition does the Senator desire to have made of the bill?

Mr. MORGAN. Let the bill remain on the Calendar. It has been reported by the committee.

The PRESIDENT pro tempore. The bill will remain on the Calendar.

JOSEPH S. MESS.

Mr. GALLINGER. I ask unanimous consent for the present consideration of House bill No. 13468.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13468) granting an increase of pension to Joseph S. Mess. It proposes to place on the pension roll the name of Joseph S. Mess, late musician, Second Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. PLATT of Connecticut. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-three minutes spent in executive session the doors were reopened, and (at 2 o'clock and 42 minutes p. m.) the Senate adjourned, the adjournment being, under the concurrent resolution of the two Houses, until Monday, January 5, 1903, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate December 20, 1902.

COLLECTORS OF CUSTOMS.

Daniel W. Patrick, of North Carolina, to be collector of customs for the district of Pamlico, in the State of North Carolina, to succeed Mayer Hahn, whose term of office has expired by limitation.

George L. Smith, of New Jersey, to be collector of customs for the district of Newark, in the State of New Jersey. (Reappointment.)

INSPECTOR OF GAS AND METERS.

Elmer G. Runyan, of Michigan, to be inspector of gas and meters in the District of Columbia, vice S. Calvert Ford, resigned.

CHAPLAIN IN THE NAVY.

G. Livingston Bayard, a citizen of Pennsylvania, to be a chaplain in the Navy, from the 19th day of December, 1902, to fill a vacancy existing in that grade on that date.

POSTMASTERS.

ARIZONA.

Julia Mahoney, to be postmaster at Winslow, in the county of Navajo and Territory of Arizona, in place of Julia Mahoney. Incumbent's commission expires December 20, 1902.

CALIFORNIA.

Wilson Hays, to be postmaster at Colton, in the county of San Bernardino and State of California, in place of Wilson Hays. Incumbent's commission expires January 13, 1903.

Crispin C. Ortega, to be postmaster at Sonora, in the county of Tuolumne and State of California, in place of Crispin C. Ortega. Incumbent's commission expires January 13, 1903.

CONNECTICUT.

Harvey S. Abel, to be postmaster at Stafford Springs, in the county of Tolland and State of Connecticut, in place of Harry S. Abel, to correct name.

ILLINOIS.

James P. Jack, to be postmaster at Newton, in the county of Jasper and State of Illinois, in place of William H. Lathrop. Incumbent's commission expired January 10, 1902.

INDIANA.

Amanda Sullivan, to be postmaster at Garrett, in the county of De Kalb and State of Indiana, in place of Charles Sullivan, deceased.

Elvet B. Rhodes, to be postmaster at West Baden, in the county of Orange and State of Indiana, in place of Elvet B. Rhodes. Incumbent's commission expires January 12, 1903.

IOWA.

William R. Orchard, to be postmaster at Glidden, in the county of Carroll and State of Iowa, in place of William R. Orchard. Incumbent's commission expires January 17, 1903.

J. W. Foster, to be postmaster at Humboldt, in the county of Humboldt and State of Iowa, in place of George H. Lovrien. Incumbent's commission expires January 17, 1903.

William R. Boyd, to be postmaster at Cedar Rapids, in the county of Linn and State of Iowa, in place of William R. Boyd. Incumbent's commission expires January 11, 1903.

Alfred C. Harris, to be postmaster at Eldora, in the county of Hardin and State of Iowa, in place of Alfred C. Harris. Incumbent's commission expires January 12, 1903.

Henry D. Overholt, to be postmaster at Iowa City, in the county of Johnson and State of Iowa, in place of Henry D. Overholt. Incumbent's commission expires December 21, 1902.

William H. Needham, to be postmaster at Sigourney, in the county of Keokuk and State of Iowa, in place of William H. Needham. Incumbent's commission expires January 7, 1903.

MAINE.

Jarvis C. Billings, to be postmaster at Bethel, in the county of Oxford and State of Maine, in place of Jarvis C. Billings. Incumbent's commission expires January 10, 1903.

Charles H. Hooper, to be postmaster at Castine, in the county of Hancock and State of Maine, in place of Charles H. Hooper. Incumbent's commission expires January 7, 1903.

Frank B. Purinton, to be postmaster at Fairfield, in the county of Somerset and State of Maine, in place of Frank B. Purinton. Incumbent's commission expired May 24, 1902.

MARYLAND.

Joseph H. White, to be postmaster at Easton, in the county of Talbot and State of Maryland, in place of Joseph H. White. Incumbent's commission expires January 17, 1903.

Ulysses Hanna, to be postmaster at Frostburg, in the county of Allegany and State of Maryland, in place of John Davis. Incumbent's commission expired March 1, 1902.

John McFarland, to be postmaster at Lonaconing, in the county of Allegany and State of Maryland, in place of John W. Robertson. Incumbent's commission expired March 9, 1902.

MASSACHUSETTS.

Charles D. Brown, to be postmaster at Gloucester, in the county of Essex, and State of Massachusetts, in place of Charles D. Brown. Incumbent's commission expires January 10, 1903.

John Huxtable, to be postmaster at Wareham, in the county of Plymouth and State of Massachusetts, in place of John Huxtable. Incumbent's commission expires January 10, 1903.

MINNESOTA.

William Peterson, to be postmaster at Atwater, in the county of Kandiyohi and State of Minnesota, in place of Peter O. Hall, resigned.

John Chermak, to be postmaster at Chatfield, in the county of Fillmore and State of Minnesota, in place of John Chermak. Incumbent's commission expires January 7, 1903.

Ernest P. Le Masurier, to be postmaster at Hallock, in the county of Kittson and State of Minnesota, in place of Ernest P. Le Masurier. Incumbent's commission expires January 7, 1903.

Benjamin A. Shaver, to be postmaster at Kasson, in the county of Dodge and State of Minnesota, in place of Benjamin A. Shaver. Incumbent's commission expires January 7, 1903.

Charles R. Frazee, to be postmaster at Pelican Rapids, in the county of Ottertail and State of Minnesota, in place of Charles R. Frazee. Incumbent's commission expires January 19, 1903.

A. J. Gebhard, to be postmaster at Lamberton, in the county of Redwood and State of Minnesota, in place of George B. Tretbar, deceased.

Harry C. Sargent, to be postmaster at Osakis, in the county of Douglas and State of Minnesota, in place of Gilbert Sargent, deceased.

MISSISSIPPI.

John F. Williams, to be postmaster at Biloxi, in the county of Harrison and State of Mississippi, in place of William G. Henderson, deceased.

MISSOURI.

James Taylor, to be postmaster at Fayette, in the county of Howard and State of Missouri, in place of James Taylor. Incumbent's commission expired March 9, 1902.

NEBRASKA.

Henry H. Campbell, to be postmaster at Osceola, in the county of Polk and State of Nebraska, in place of Henry H. Campbell. Incumbent's commission expires January 7, 1903.

James C. Elliott, to be postmaster at Westpoint, in the county of Cuming and State of Nebraska, in place of Alonzo L. Krause, resigned.

NEW YORK.

John Raines, jr., to be postmaster at Canandaigua, in the county of Ontario and State of New York, in place of John Raines, jr. Incumbent's commission expires January 13, 1903.

Lucius A. Waldo, to be postmaster at Canisteo, in the county of Steuben and State of New York, in place of Lucius A. Waldo. Incumbent's commission expires December 20, 1902.

Judson Field, to be postmaster at Canastota, in the county of Madison and State of New York, in place of Judson Field. Incumbent's commission expires December 20, 1902.

John O. Thibault, to be postmaster at Clayton, in the county of Jefferson and State of New York, in place of George E. Thibault, deceased.

William T. Bailey, to be postmaster at Pleasantville Station, in the county of Westchester and State of New York. Office became Presidential July 1, 1902.

George Anderson, to be postmaster at Castleton, in the county of Rensselaer and State of New York, in place of George Anderson. Incumbent's commission expires January 13, 1903.

Andrew S. Brown, to be postmaster at Cortland, in the county of Cortland and State of New York, in place of Andrew S. Brown. Incumbent's commission expires December 20, 1902.

Henry P. Mitchell, to be postmaster at De Ruyter, in the county of Madison and State of New York, in place of Henry P. Mitchell. Incumbent's commission expires December 20, 1902.

Sidney B. Cloyes, to be postmaster at Earlville, in the county of Madison and State of New York, in place of Sidney B. Cloyes. Incumbent's commission expires January 13, 1903.

Arthur H. Goldsmith, to be postmaster at Floral Park, in the county of Nassau and State of New York, in place of Arthur H. Goldsmith. Incumbent's commission expires January 13, 1903.

Cyrus Durey, to be postmaster at Johnstown, in the county of Fulton and State of New York, in place of Cyrus Durey. Incumbent's commission expires January 13, 1903.

E. W. Cushman, to be postmaster at Hamilton, in the county of Madison and State of New York, in place of E. W. Cushman. Incumbent's commission expired December 15, 1902.

George B. Helmle, to be postmaster at Nyack, in the county of Rockland and State of New York, in place of George B. Helmle. Incumbent's commission expires January 13, 1903.

Hiram W. Vedder, to be postmaster at Waterford, in the county of Saratoga and State of New York, in place of Hiram W. Vedder. Incumbent's commissson expires January 13, 1903.

NORTH CAROLINA.

Walter B. Steele, to be postmaster at High Point, in the county of Guilford and State of North Carolina, in place of William H. Snow, deceased.

Columbus F. Blalock, to be postmaster at Hickory, in the county of Catawba and State of North Carolina, in place of Jones W. Shuford. Incumbent's commission expired June 22, 1902.

NORTH DAKOTA.

Charles L. Mitchell, to be postmaster at Jamestown, in the county of Stutsman and State of North Dakota, in place of Charles L. Mitchell. Incumbent's commission expires January 7, 1903.

PENNSYLVANIA.

William E. Root, to be postmaster at Cambridge Springs, in the county of Crawford and State of Pennsylvania, in place of William E. Root. Incumbent's commission expired December 15, 1902.

SOUTH CAROLINA.

John R. Cochran, jr., to be postmaster at Anderson, in the county of Anderson and State of South Carolina, in place of John R. Cochran, jr. Incumbent's commission expires January 10, 1903.

John W. Dunovant, to be postmaster at Chester, in the county of Chester and State of South Carolina, in place of John W. Dunovant. Incumbent's commission expires January 10, 1903.

SOUTH DAKOTA.

James A. Stewart, to be postmaster at Edgemont, in the county of Fall River and State of South Dakota, in place of James A. Stewart. Incumbent's commission expires January 7, 1903.

John A. Bushfield, to be postmaster at Miller, in the county of Hand and State of South Dakota, in place of John A. Bushfield. Incumbent's commission expires December 20, 1902.

TEXAS.

James M. Kindred, to be postmaster at Amarillo, in the county of Potter and State of Texas, in place of James M. Kindred. Incumbent's commission expired May 16, 1902.

William D. McCaslin, to be postmaster at Detroit, in the county of Red River and State of Texas. Office became Presidential October 1, 1902.

Ella O. Vawter, to be postmaster at Timpson, in the county of Shelby and State of Texas. Office became Presidential January 1, 1902.

VIRGINIA.

Robert L. Poage, to be postmaster at Wytheville, in the county of Wythe and State of Virginia, in place of Maggie W. Jordan. Incumbent's commission expires January 17, 1903.

WASHINGTON.

Roderick R. Harding, to be postmaster at Port Angeles, in the county of Clallam and State of Washington, in place of Ben C. Keller. Incumbent's commission expired May 4, 1902.

WEST VIRGINIA.

William F. Squires, to be postmaster at Parsons, in the county of Tucker and State of West Virginia. Office became Presidential October 1, 1902.

WISCONSIN.

Egbert Marks, to be postmaster at Menominee, in the county of Dunn and State of Wisconsin, in place of Egbert Marks. Incumbent's commission expires December 20, 1902.

Charles E. Raught, to be postmaster at South Kaukauna, in the county of Outagamie and State of Wisconsin, in place of Charles E. Raught. Incumbent's commission expires January 10, 1903.

Arthur P. Cheek, to be postmaster at Baraboo, in the county of Sauk and State of Wisconsin, in place of Arthur P. Cheek. Incumbent's commission expires January 10, 1903.

Alfred B. Kildow, to be postmaster at Brodhead, in the county of Green and State of Wisconsin, in place of Hattie H. Clarke. Incumbent's commission expired May 4, 1902.

William A. Mayhew, to be postmaster at Clinton, in the county of Rock and State of Wisconsin, in place of William A. Mayhew. Incumbent's commission expired February 23, 1902.

Spencer G. Beers, to be postmaster at Darlington, in the county of Lafayette and State of Wisconsin, in place of Marcellus B. Martin. Incumbent's commission expired March 10, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 20, 1902.

PROMOTIONS IN THE MARINE CORPS.

Brig. Gen. Commandant Charles Heywood, United States Marine Corps, to be Major-General Commandant of the Marine Corps, from the 1st day of July, 1902.

Sergeants Harvey C. Egan, Thomas C. Turner, and Cleyburn McCauley, all noncommissioned officers of the Marine Corps, to be second lieutenants in said corps, from the 27th day of August, 1902.

APPOINTMENT IN THE MARINE-HOSPITAL SERVICE.

Arthur M. Stimson, of New York, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Acting Second Assistant Engineer Jesse W. Glover, of California, to be a second assistant engineer with the rank of third lieutenant in the Revenue-Cutter Service of the United States.

Acting Second Assistant Engineer George W. David, of Massachusetts, to be a second assistant engineer with the rank of third lieutenant in the Revenue-Cutter Service of the United States.

First Assistant Engineer William E. Maccoun, to be a chief engineer with the rank of first lieutenant in the Revenue-Cutter Service of the United States.

Second Assistant Engineer Samuel M. Rock, to be a first assistant engineer with the rank of second lieutenant in the Revenue-Cutter Service of the United States.

INDIAN INSPECTORS.

Frank C. Churchill, of New Hampshire, to be an Indian inspector.

Arthur M. Tinker, of Massachusetts, whose term will expire December 19, 1902, to be an Indian inspector.

Cyrus Beede, of Iowa, whose term will expire December 19, 1902, to be an Indian inspector.

DISTRICT GAS INSPECTOR.

Elmer G. Runyon, to be inspector of gas and meters in the District of Columbia.

APPOINTMENTS IN THE NAVY.

Assistant surgeons.

Morton W. Baker, a citizen of Virginia, from the 10th day of July, 1902.

James H. Holloway, a citizen of Kentucky, from the 26th day of September, 1902.

John L. Neilson, a citizen of Massachusetts, from the 4th day of October, 1902.

Robert H. Michels, a citizen of Illinois, from the 8th day of October, 1902.

Harry Shaw, a citizen of Massachusetts, from the 28th day of October, 1902.

Burt F. Jenness, a citizen of Massachusetts, from the 11th day of November, 1902.

Assistant paymasters.

Donald W. Nesbit, a citizen of Missouri, from the 30th day of June, 1902.

Arthur M. Pippin, a citizen of New York, from the 30th day of June, 1902.

John S. Higgins, a citizen of Massachusetts, from the 30th day of June, 1902.

Ignatius T. Hagner, a citizen of the District of Columbia, from the 15th day of July, 1902.

George P. Auld, a citizen of Vermont, from the 15th day of October, 1902.

James S. Beecher, a citizen of Minnesota, from the 15th day of October, 1902.

Henry A. Wise, jr., a citizen of Virginia, from the 15th day of October, 1902.

Henry de F. Mel, a citizen of California, from the 1st day of November, 1902.

John F. Fleming, a citizen of Rhode Island, to be a chaplain in the Navy, from the 11th day of July, 1902.

John A. B. Smith, jr., a citizen of New York, to be an assistant paymaster in the Navy, from the 10th day of December, 1902.

Felix R. Holt, a citizen of Maryland, to be an assistant paymaster in the Navy, from the 10th day of December, 1902.

Eugene E. McDonald, a citizen of New Jersey, to be a chaplain in the Navy, from the 12th day of December, 1902.

Emmett C. Gudger, a citizen of North Carolina, to be an assistant paymaster in the Navy, from the 10th day of December, 1902.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Robert W. McNeely, to be a lieutenant in the Navy, from the 5th day of March, 1902.

Lieut. (Junior Grade) Daniel M. Garrison, to be a lieutenant in the Navy, from the 4th day of July, 1902.

Commander Leavitt C. Logan, to be a captain in the Navy, from the 11th day of July, 1902.

Lieut. (Junior Grade) Franklin D. Karns, to be a lieutenant in the Navy, from the 11th day of July, 1902.

Commander Alexander B. Bates, to be a captain in the Navy, from the 17th day of September, 1902.

Commander Conway H. Arnold, to be a captain in the Navy, from the 17th day of September, 1902.

Lieut. Commander Reginald F. Nicholson, to be a commander in the Navy, from the 17th day of September, 1902.

Lieut. Commander Edmund B. Underwood, to be a commander in the Navy, from the 17th day of September, 1902.

Lieut. Edward Simpson, to be a lieutenant-commander in the Navy, from the 17th day of September, 1902.

Lieut. (Junior Grade) William R. Cushman, to be a lieutenant in the Navy, from the 17th day of September, 1902.

Lieut. William C. P. Muir, to be a lieutenant-commander in the Navy, from the 23d day of September, 1902.

Commander William S. Cowles, to be a captain in the Navy, from the 2d day of November, 1902.

Lieut. Commander William F. Halsey, to be a commander in the Navy, from the 2d day of November, 1902.

Lieut. Thomas W. Kinkaid, to be a lieutenant-commander in the Navy, from the 2d day of November, 1902.

Commander Robert W. Milligan, to be a captain in the Navy, from the 7th day of November, 1902.

Lieut. Commander Frank A. Wilner, to be a commander in the Navy, from the 7th day of November, 1902.

Lieut. Commander Henry Morrell, to be a commander in the Navy, from the 7th day of November, 1902.

Lieut. John H. Rohrbacher, to be a lieutenant-commander in the Navy, from the 7th day of November, 1902.

Lieut. (Junior Grade) William H. Standley, to be a lieutenant in the Navy, from the 7th day of November, 1902.

Lieut. (Junior Grade) Arthur T. Chester, to be a lieutenant in the Navy, from the 7th day of November, 1902.

Commander John E. Pillsbury, to be a captain in the Navy, from the 21st day of November, 1902.

Lieut. William S. Sims, to be a lieutenant-commander in the Navy, from the 21st day of November, 1902.

Commander William H. Reeder, to be a captain in the Navy, from the 2d day of December, 1902.

Lieut. Commander Ten Eyck DeW. Veeder, to be a commander in the Navy, from the 2d day of December, 1902.

Gunner Louis J. Connelly, to be an ensign in the Navy, from the 30th day of July, 1902.

Lieut. (Junior Grade) Frederic N. Freeman, to be a lieutenant in the Navy, from the 2d day of November, 1902.

Pay Inspector Henry T. B. Harris, to be a pay director in the Navy, from the 13th day of June, 1902.

Asst. Surg. William L. Bell, to be a passed assistant surgeon in the Navy, from the 16th day of November, 1901.

Commander Edward D. Taussig, to be a captain in the Navy, from the 7th day of November, 1902.

Commander Richard Inch, to be a captain in the Navy, from the 21st day of November, 1902.

Lieut. Reuben O. Bitler, to be a lieutenant-commander in the Navy, from the 3d day of June, 1902.

Lieut. William Truxtun, to be a lieutenant-commander in the Navy, from the 11th day of July, 1902.

Lieut. (Junior Grade) William C. Davidson, to be a lieutenant in the Navy, from the 16th day of June, 1902.

Asst. Naval Constructor John D. Beuret, to be a naval constructor in the Navy, from the 1st day of July, 1902.

Asst. Naval Constructor Homer L. Ferguson, to be a naval constructor in the Navy, from the 1st day of July, 1902.

To be assistant naval constructors.

William McEntee.
William B. Ferguson, jr.
John A. Spilman.

POSTMASTERS.

CALIFORNIA.

John W. Short, to be postmaster at Fresno, in the county of Fresno and State of California.

George W. Lovie, to be postmaster at Redwood City, in the county of San Mateo and State of California.

Helen C. Thompson, to be postmaster at Stanford University, in the county of Santa Clara and State of California.

COLORADO.

Daniel W. Stone, to be postmaster at Trinidad, in the county of Las Animas and State of Colorado.

CONNECTICUT.

Harvey S. Abel, to be postmaster at Stafford Springs, in the county of Tolland and State of Connecticut.

ILLINOIS.

Thomas M. Crossman, to be postmaster at Edwardsville, in the county of Madison and State of Illinois.

Harry M. Martin, to be postmaster at Shelbyville, in the county of Shelby and State of Illinois.

James P. Jack, to be postmaster at Newton, in the county of Jasper and State of Illinois.

INDIANA.

Thomas Rudd, to be postmaster at Butler, in the county of De Kalb and State of Indiana.

Omer Guyton, to be postmaster at Cambridge City, in the county of Wayne and State of Indiana.

Samuel Iden, to be postmaster at Bourbon, in the county of Marshall and State of Indiana.

William R. Nesbit, to be postmaster at Sullivan, in the county of Sullivan and State of Indiana.

William A. De Vault, to be postmaster at Churubusco, in the county of Whitley and State of Indiana.

Charles W. Elliott, to be postmaster at Middlebury, in the county of Elkhart and State of Indiana.

F. W. Hall, to be postmaster at Owensville, in the county of Gibson and State of Indiana.

Rolla V. Claxton, to be postmaster at French Lick, in the county of Orange and State of Indiana.

Robert Ross, to be postmaster at East Chicago, in the county of Lake and State of Indiana.

Harry W. McDowell, to be postmaster at Winamac, in the county of Pulaski and State of Indiana.

William W. Lingle, to be postmaster at Paoli, in the county of Orange and State of Indiana.

C. M. Graham, to be postmaster at South Whitley, in the county of Whitley and State of Indiana.

William H. Gostlin, to be postmaster at Hammond, in the county of Lake and State of Indiana.

Howard C. Daugherty, to be postmaster at Frankton, in the county of Madison and State of Indiana.

MARYLAND.

John M. Jarboe, to be postmaster at Oakland, in the county of Garrett and State of Maryland.

MICHIGAN.

Frank D. Ball, to be postmaster at Crystal Falls, in the county of Iron and State of Michigan.

MINNESOTA.

Charles E. Patterson, to be postmaster at Marshall, in the county of Lyon and State of Minnesota.

David E. Cross, to be postmaster at Amboy, in the county of Blue Earth and State of Minnesota.

Edgar F. Gould, to be postmaster at South St. Paul, in the county of Dakota and State of Minnesota.

MONTANA.

Samuel S. Working, to be postmaster at East Helena, in the county of Lewis and Clarke and State of Montana.

William E. Baggs, to be postmaster at Stevensville, in the county of Ravelli and State of Montana.

NEBRASKA.

Donald McLeod, to be postmaster at Schuyler, in the county of Colfax and State of Nebraska.

NEW JERSEY.

James Freeman, to be postmaster at Arlington, in the county of Hudson and State of New Jersey.

Farley F. Holcombe, to be postmaster at Hopewell, in the county of Mercer and State of New Jersey.

NEW YORK.

Selah H. Van Duzer, to be postmaster at Horseheads, in the county of Chemung and State of New York.

Eugene Vreeland, to be postmaster at Dundee, in the county of Yates and State of New York.

Frederick R. Smith, to be postmaster at Norwood, in the county of St. Lawrence and State of New York.

Samuel H. Palmer, to be postmaster at Ogdensburg, in the county of St. Lawrence and State of New York.

Millard D. McNeil, to be postmaster at Oxford, in the county of Chenango and State of New York.

James H. Hitt, to be postmaster at Margaretville, in the county of Delaware and State of New York.

NORTH CAROLINA.

William A. Mace, to be postmaster at Beaufort, in the county of Carteret and State of North Carolina.

Elijah C. Shearin, to be postmaster at Enfield, in the county of Halifax and State of North Carolina.

OHIO.

Wallace W. Roach, to be postmaster at Bellefontaine, in the county of Logan and State of Ohio.

Jacob C. Irwin, to be postmaster at Degraff, in the county of Logan and State of Ohio.

James K. McDonald, to be postmaster at West Liberty, in the county of Logan and State of Ohio.

William W. Johns, to be postmaster at Bellville, in the county of Richland and State of Ohio.

John C. Pierce, to be postmaster at Forest, in the county of Hardin and State of Ohio.

William H. Tucker, to be postmaster at Toledo, in the county of Lucas and State of Ohio.

Richard King, to be postmaster at Chardon, in the county of Geauga and State of Ohio.

Uriah J. Favorite, to be postmaster at Tippecanoe City, in the county of Miami and State of Ohio.

E. G. Chamberlain, to be postmaster at Caldwell, in the county of Noble and State of Ohio.

OKLAHOMA.

Wilson C. Johnson, to be postmaster at Granite, in the county of Greer and Territory of Oklahoma.

Willie M. English, to be postmaster at Hobart, in the county of Kiowa and Territory of Oklahoma.

Josiah T. White, to be postmaster at Lawton, in the county of Comanche and Territory of Oklahoma.

Marshall A. Younkman, to be postmaster at McLoud, in the county of Pottawatomie and Territory of Oklahoma.

William H. Campbell, to be postmaster at Anadarko, in the county of Caddo and Territory of Oklahoma.

Charles F. Neerman, to be postmaster at Stillwater, in the county of Payne and Territory of Oklahoma.

SOUTH DAKOTA.

Willis H. Bonham, to be postmaster at Deadwood, in the county of Lawrence and State of South Dakota.

VIRGINIA.

Henry C. Beattie, to be postmaster at Manchester, in the county of Chesterfield and State of Virginia.

Annie G. Davenport, to be postmaster at Gordonsville, in the county of Orange and State of Virginia.

WISCONSIN.

George A. Packard, to be postmaster at Bayfield, in the county of Bayfield and State of Wisconsin.

Edward M. Crane, to be postmaster at Oshkosh, in the county of Winnebago and State of Wisconsin.

Alice S. Rumrill, to be postmaster at Hartland, in the county of Waukesha and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December 20, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

Mr. CANNON. Mr. Speaker, I will state for the information of the House that the conference committee on the strike commission bill had a meeting on Wednesday, but before that meeting the Senate had adjourned over until this morning. I am satisfied that the report will come over very soon adopting the conference report, and I hope it will be adopted by the House to-day, so that the legislation can be had before the beginning of the holiday recess. The deficiency bill is disposed of, I think.

Mr. RICHARDSON of Tennessee. I did not hear the bill first named by the gentleman from Illinois.

Mr. CANNON. The agreement on the strike commission bill.

Mr. RICHARDSON of Tennessee. That is the bill, is it?

Mr. CANNON. Yes.

Mr. RICHARDSON of Tennessee. I heard the statement that the gentleman made, but I did not catch the name of the bill that he referred to.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess for twenty minutes.

The motion was agreed to; and accordingly the House was in recess until 12 o'clock and 27 minutes p. m.

The recess having expired, the House reassembled.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. BARNES, one of his secretaries, informed the House that the President had approved and signed bills and joint resolution of the following titles:

On December 15, 1902:

H. R. 15794. An act to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890.

On December 17, 1902:

H. J. Res. 227. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1902, on the 18th day of said month.

On December 18, 1902:

H. R. 15140. An act providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Fort Worth, in the State of Texas, on the first Monday in November in each year.

On December 19, 1902:

H. R. 619. An act providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners.

COMPENSATION OF COAL STRIKE COMMISSIONERS, ETC.

Mr. CANNON. Mr. Speaker, I present the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners. With this report I submit a statement signed by the House conferees. I ask that the reading of the report be dispensed with and that, in lieu of it, the statement be read.

The SPEAKER. The Chair calls the gentleman's attention to the fact that, in view of the rule requiring the printing of a conference report and statement prior to their consideration, unanimous consent will be necessary for the consideration of this matter at the present time.

Mr. CANNON. I ask unanimous consent for that purpose.

There was no objection.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, and 5; and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter inserted by said Senate amendment insert the following: "Commission, who are not officers in the civil or military service of the Government, $4,000 each; and for the employees of the said Commission, who are not officers or clerks in the civil or military service of the Government, such compensation as may be fixed by the said Commission: *Provided*, That the members of said Commission and the assistant recorders shall be allowed the sum of $15 per day each, and the other employees of the Commission in the service of the Government, $12 per day each, in lieu of traveling and all other expenses;" and the Senate agree to the same.

Amendments numbered 7 and 8: That the House recede from its disagreement to the amendments of the Senate numbered 7 and 8, and agree to the same with an amendment as follows: Strike out the amended paragraph, being lines 9 to 14, inclusive, page 2 of the bill, and insert in lieu thereof the following:

"A disbursing agent for the commission is hereby authorized, and the expenses, compensation, and per diem allowance herein provided for shall be paid by him on vouchers certified by the recorder and approved by the chairman of the commission, and the accounting officers of the Treasury shall credit the said disbursing agent with the amounts so certified and paid."

And the Senate agree to the same.

J. G. CANNON,
S. S. BARNEY,
L. F. LIVINGSTON,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report, namely:

On Nos. 1, 2, 3, 6, 8, and 9, retains the title of "Anthracite Coal Strike Commission," as proposed by the House, instead of the "Anthracite Coal Strike Arbitration," as proposed by the Senate.

On the remaining amendments the compensation of the members of the commission not in the employ of the Government is fixed at $4,000 each, as proposed by the Senate; the per diem allowance to the members of the commission and the assistant recorders is fixed at $15 per day, instead of $10, as proposed by the Senate; and the per diem allowance to the other employees of the commission in the service of the Government is fixed at $12 per day, instead of $6, as proposed by the Senate, and the commission is authorized to fix the rate of compensation to its employees who are not in the Government service.

J. G. CANNON,
S. S. BARNEY,
Managers on the part of the House.

The question being taken, the report of the committee of conference was adopted.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

ELECTION CONTEST—COUDEN VERSUS GLASS.

The SPEAKER laid before the House papers in the contested-election case of Couden *v.* Glass, from the Sixth Congressional district of Virginia; which were referred to the Committee on Elections No. 1.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 16057. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903;

H. R. 4471. An act for the relief of James M. Chisham;

H. R. 11893. An act granting an increase of pension to Cornelia A. Dennis;

H. R. 13449. An act granting an increase of pension to Mary A. E. Scott;

H. R. 15372. An act to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners;

H. R. 2492. An act to reimburse the Mellert Foundry and Machine Company for money retained by the United States for failure to complete a contract within a specified time;

H. R. 14801. An act to make Wilmington, N. C., a port through which merchandise may be imported for transportation without appraisement; and

H. R. 15993. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1904, and for other purposes.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 3708. An act granting an increase of pension to Nannie M. Kimberly—to the Committee on Pensions.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 12 o'clock and 35 minutes p. m.) the House, in pursuance of a concurrent resolution of the two Houses, adjourned until 12 o'clock m., Monday, January 5, 1903.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. JONES of Washington, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 16069) authorizing the Secretary of the Interior to sell certain lands therein mentioned, reported the same without amendment, accompanied by a report (No. 2918); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. JONES of Washington: A bill (H. R. 16310) to provide for the opening of the remaining portion of the Colville Reservation, in the State of Washington, and for other purposes—to the Committee on Indian Affairs.

By Mr. HEPBURN: A bill (H. R. 16311) to fix the terms of the circuit and district courts for the southern district of Iowa, and making changes in divisions—to the Committee on the Judiciary.

By Mr. MERCER: A joint resolution (H. J. Res. 239) for an act allowing the Akron, Sterling and Northern Railroad Company an extension of two years in which to construct a railroad in Alaska—to the Committee on the Public Lands.

By Mr. HEPBURN: A resolution (H. Res. 368) directing the Secretary of State to furnish the House of Representatives with a statement of the expenditures made by the Isthmian Canal Commission—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. APLIN: A bill (H. R. 16312) granting an increase of pension to John F. Graham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16313) granting an increase of pension to James L. Davenport—to the Committee on Invalid Pensions.

By Mr. BOUTELL: A bill (H. R. 16314) granting an increase of pension to Richard S. Howarth—to the Committee on Invalid Pensions.

By Mr. DAHLE: A bill (H. R. 16315) granting a pension to Nels Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16316) to compensate Charles Kiepert for carrying mail on route No. 39212—to the Committee on Claims.

By Mr. DOUGLAS: A bill (H. R. 16317) granting an increase of pension to Sophie S. Shaffer—to the Committee on Invalid Pensions.

By Mr. GOOCH: A bill (H. R. 16318) granting an increase of pension to Jasper Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16319) granting an increase of pension to Henry Shonert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16320) to remove the charge of desertion against George Binger—to the Committee on Military Affairs.

By Mr. GROSVENOR: A bill (H. R. 16321) granting a pension to Michael Devine—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 16322) granting an increase of pension to George W. Thomas—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 16323) granting an increase of pension to William Hoffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16324) granting an increase of pension to Charles Peach—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 16325) granting a pension to Joseph W. Baxter—to the Committee on Pensions.

By Mr. SNOOK: A bill (H. R. 16326) granting an increase of pension to Richard Young—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 16327) granting a pension to Nancy Day—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURNETT: Paper to accompany House bill 15284, to correct the military record of Robert A. Godsey—to the Committee on Military Affairs.

By Mr. GOOCH: Petition of D. C. Points, committee for William Points, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. LONG: Paper to accompany House bill granting an increase of pension to George W. Thomas—to the Committee on Invalid Pensions.

By Mr. MORGAN: Papers to accompany House bill granting an increase of pension to Charles Peach—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Paul Klinkenberg, of Kendallville, Ind., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. SHAFROTH: Petition of the Colorado Medical Society, favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. SNOOK: Paper to accompany House bill granting an increase of pension to Richard Young, of Kileville, Ohio—to the Committee on Invalid Pensions.

By Mr. STEWART of New York: Paper to accompany House bill 15687, granting an increase of pension to James H. Townsend—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill granting a pension to Nancy Day—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *January 5, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

Mr. GEORGE TURNER, a Senator from the State of Washington, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Saturday, December 20, 1902, when, on request of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

REGULATION OF TRUSTS OR CORPORATIONS.

Mr. HOAR. Mr. President, I ask leave to give a notice at this time.

I desire to give notice that to-morrow morning, after the conclusion of the routine morning business, I shall ask leave to submit some brief remarks on the bill (S. 6659) for the regulation of trusts or corporations engaged in international or interstate commerce.

COST OF VESSELS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting an account of the cost of inspection and construction of vessels in the Navy provided for in the act of July 1, 1902, etc.; which, with the accompanying paper, was referred to the Committee on Naval Affairs, and ordered to be printed.

REPORT OF BOARD OF ORDNANCE AND FORTIFICATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting the twelfth annual report of the Board of Ordnance and Fortification, which, with the accompanying report, was referred to the Committee on Military Affairs, and ordered to be printed.

COMPILATION OF CROP REPORTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, certain information relative to the advisability of consolidating with the Weather Bureau all work of the Department of Agriculture relating to the gathering and compilation of crop reports, statistics, etc.; which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

INTRODUCTION OF REINDEER INTO ALASKA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 16th ultimo, a letter from the Commissioner of Education, together with the report of Dr. Sheldon Jackson upon "The introduction of domestic reindeer into the district of Alaska for the year 1902;" which, on motion of Mr. NELSON, was, with the accompanying report, referred to the Committee on Education and Labor, and ordered to be printed.

ESTIMATES OF APPROPRIATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the General Superintendent of the Life-Saving Service submitting an estimate of appropriation for inclusion in the legislative, executive, and judicial appropriation bill for the fiscal year ending June 30, 1904, to provide a messenger in his office at $840 per annum; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General submitting an additional estimate of appropriation for incorporation in the legislative, executive, and judicial appropriation bill, under "Salaries, court of appeals, District of Columbia," for the fiscal year 1904, for the salary of the crier appointed by that court under authority of law, $900; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury recommending that the salary of the General Superintendent of the Life-Saving Service be increased from $4,000 to $5,000 per annum while the position is held by the present incumbent; which was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of William H. Taliaferro, administrator of James G. Taliaferro, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact filed by the court in the cause of Mary J. Carpenter, administratrix of Benjamin D. Carpenter, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact filed by the court in the cause of Caroline E. Carter *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented petitions of sundry citizens of New York City, N. Y., praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of the State of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of the State of New York, praying for the ratification of the reciprocity treaty between the United States and the colony of Newfoundland; which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. BLACKBURN presented petitions of sundry citizens of the State of Kentucky, praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. QUARLES presented the petition of Rev. G. A. Hobbs and 9 other citizens of Delavan, Wis., and the petition of Rev. Henry Colman, of Milwaukee, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were ordered to lie on the table.

He also presented a petition of the Shiloh Monument Commission, of Milwaukee, Wis., praying that an appropriation of $50,000 be made for the construction of a road connecting the Shiloh National Park with the city of Corinth, Miss.; which was referred to the Committee on Military Affairs.

He also presented a petition of the Listman Mill Company, of La Crosse, Wis., praying for the ratification of the reciprocity treaty between the United States and the colony of Newfoundland; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Advent Christian Conference, of Monticello, Wis., remonstrating against the enactment of legislation to provide for the restoration of the Army canteen; which was referred to the Committee on Military Affairs.

He also presented a memorial of Coopers' Local Union No. 46, American Federation of Labor, of West Superior, Wis., remonstrating against the enactment of legislation relative to the internal-revenue tax on the one-eighth barrel of fermented liquor; which was referred to the Committee on Finance.

He also presented a petition of the Woman's Missionary Society of the First Congregational Church of Racine, Wis., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of the Twin City Musicians' Association, of Marinette; of the Wisconsin State Federation of Labor, of Milwaukee; of the Federated Trades Council of Milwaukee; of Cigar Makers' Local Union, No. 135, of Milwaukee, and of the Journeymen Stone Cutters' Association of Milwaukee, all of the American Federation of Labor, in the State of Wisconsin, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. FOSTER of Washington presented a petition of the Chamber of Commerce of Tacoma, Wash., praying for the appointment of a permanent tariff commission; which was referred to the Committee on Finance.

He also presented a petition of the Pacific Coast Lumber Manufacturers' Association, of Seattle, Wash., praying for the enactment of legislation enlarging the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Walla Walla Presbytery of the State of Washington, praying for the establishment of a laboratory for the study of the criminal, pauper, and defective classes; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Woman's Christian Temperance Union, of Walla Walla, Wash., remonstrating against the enactment of legislation to admit the Territories into the Union as States unless there be a provision to prohibit the practice of polygamy; which was ordered to lie on the table.

He also presented petitions of Grays Harbor Trades and Labor Council of Aberdeen, of the Sailors' Union of the Pacific, of Seattle, and of the Sailors' Union of the Pacific, of Port Townsend, all of the American Federation of Labor, in the State of Washington, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. MITCHELL presented the petition of Edwin Billing, of Roseburg, Oreg., praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

Mr. FAIRBANKS presented memorials of the Peru Electric Manufacturing Company, of Peru; of J. C. Wood & Co., of Muncie, and of the Manufacturers' Association of Kokomo, all in the State of Indiana, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of Hulman & Co., of Terre Haute; of the Wabash Baking Powder Company, of Wabash; of the National Association of Retail Grocers of South Bend, and of the Climax Coffee and Baking Powder Company, of Indianapolis, all in the State of Indiana, praying for the passage of the so-called pure-food bill; which were referred to the Committe on Manufactures.

He also presented petitions of the Pattern Makers' Association of Indianapolis; of Federal Labor Union, No. 8971, of Sullivan; of Federal Labor Union, No. 10106, of Stone Bluff; of Iron Molders' Union, No 357, of Montpelier; of Local Union No. 171, Metal Polishers, Buffers, Platers, Brass Molders, and Brass Workers' Union, of Indianapolis; of Local Union No. 21, Bricklayers and Masons' International Union, of Marion; of Cigar Makers' Local Union, No. 54, of Evansville; of Local Union No. 342, Brotherhood of Painters, Decorators and Paperhangers of America, of New Albany; of the Trades and Labor Council of New Albany; of White River Lodge, No. 161, International Association of Machinists. of Indianapolis; of Local Union No. 742, United Mine Workers, of Staunton; of the Trades and Labor Assembly of Logansport; of the United Mine Workers of Indianapolis; of Local Union No. 565, United Brotherhood of Carpenters and Joiners, of Elkhart; of Local Union No. 78, United Brewery Workmen, of Logansport; of Local Union No. 697, United Mine Workers, of Center Point, all in the State of Indiana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. LODGE presented the petition of Wilbur F. Crafts, of Pittsburg, Pa., representing the Christian sentiment of ministers of New York and Pittsburg, praying for the passage of the pending immigration bill retaining the illiteracy test clause and the provision against the sale of liquors in Government buildings; which was ordered to lie on the table.

Mr. PROCTOR presented petitions of Local Union No. 683, Brotherhood of Carpenters and Joiners, of Burlington; of Local Union No. 311, Brotherhood of Painters, Decorators, and Paperhangers, of Montpelier, and of Laborers' Protective Union No. 9523, American Federation of Labor, of Bellows Falls, all in the State of Vermont, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. BURROWS presented a petition of the congregation of the Bethany Presbyterian Church, of Detroit, Mich., and a petition of the Woman's Christian Temperance Union of Hartford, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were ordered to lie on the table.

He also presented petitions of Painters, Decorators, and Paper Hangers' Local Union No. 312, of Kalamazoo; of Beer Bottlers and Drivers' Local Union No. 254, of Grand Rapids; of Coopers' International Union No. 136, of Saginaw; of Cigar Makers' Local Union No. 457, of Benton Harbor; of the Central Trades and Labor Assembly of Muskegon; of Local Union No. 70, of Grand Rapids; of United Cloth, Hat, and Cap Makers' Local Union No. 4, of Detroit; of Local Union No. 75, of Port Huron; of Boiler Makers and Iron Shipbuilders' Local Union No. 64, of Jackson; of Local Union No. 9724, of West Bay City; of Local Union No. 287, of Jackson; of Cigar Makers' Local Union No. 69, of Three Rivers; of Local Union No. 67, of Grand Rapids; of Upholsterers' Local Union No. 31, of Detroit; of Local Union No. 37, of Detroit; of Ship Carpenters and Calkers' Local No. 8419, of Port Huron, and of Iron Molders' Local Union No. 104, of Albion, all of the American Federation of Labor, in the State of Michigan, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented memorials of the Hall & Munson Company, of Bay Mills; of C. D. Widman & Co., of Detroit; of the A. J. Phillips Company, of Fenton; of the Sheffield Car Company, of Three Rivers; of the Edwards & Chamberlin Hardware Company, of Kalamazoo; of the Michigan Barrel Company, of Grand Rapids; of W. P. Holliday, of Detroit; of the Novelty Manufacturing Company, of Jackson; of Clark & Co., of Lansing; of D. Gerber's Sons, of Fremont; of the Clinton Woolen Manufacturing Company, of Clinton, and of S. Crawford & Sons, of Cedar River, all in the State of Michigan, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. NELSON presented a paper in support of the bill (S. 6653) granting a pension to Halvor Paulsen; which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Minnesota, praying for the enactment of legislation providing for a reduction of the revenue tax on distilled spirits; which were referred to the Committee on Finance.

He also presented a memorial of the congregation of the Presbyterian Church of Alpha, Minn., remonstrating against the restoration of the Army canteen; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Owatonna, Minn., praying for the passage of the so-called immigration bill; which was ordered to lie on the table.

Mr. KEAN presented a memorial of Carter, Howe & Co., of

Newark, N. J., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented petitions of Nathan Hale Council, No. 89, Junior Order United American Mechanics, of Trenton; of Ætna Council, No. 143, Junior Order United American Mechanics, of Palermo; of Spring Garden Council, No. 176, Junior Order United American Mechanics, of Lindenwood; of Ivanhoe Council, No. 72, Junior Order United American Mechanics, of Somerville; of Golden Rule Council, No. 75, Junior Order United American Mechanics, of Perrineville; of Peninsula Council, No. 251, Junior Order United American Mechanics, of Bayonne, all in the State of New Jersey, praying for the passage of the so-called immigration bill; which were ordered to lie on the table.

He also presented petitions of the American Preserve Company, of Philadelphia, Pa.; of the Philadelphia Pickling Company, of Philadelphia, Pa., and of Cruikshank Brothers Company, of Allegheny, Pa., praying for the enactment of legislation to regulate the manufacture and sale of food products; which were referred to the Committee on Manufactures.

He also presented petitions of the Federated Trades Council of the Oranges of Orange; of Paperhangers' Local Union No. 352, of Trenton; of Bricklayers, Masons, and Plasterers' Local Union No. 5, of Orange; of Electrical Workers' Local Union No. 29, of Trenton; of Bartenders' Local Union No. 124, of Trenton; of National Union of Shipwrights, Joiners, and Caulkers of Camden; of Sewing Machine Builders' Union No. 7424, of Elizabeth; of Painters, Decorators, and Paperhangers' Local Union No. 227, of Atlantic City; of Glass Bottle Blowers' Association of Woodbury; of Toxbury Union, No. 115, United Powder and High Explosive Workers, of Succasunna; of the Central Labor Union of Dover; of Local Union No. 9, Metal Polishers, Buffers, Platers, Brass Molders, and Brass Workers' Union, of Elizabeth, all in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a petition of sundry citizens of New York City, praying for the enactment of legislation providing for a reduction of the revenue tax on distilled spirits; which was referred to the Committee on Finance.

Mr. DRYDEN presented the memorial of John Scully, president of Scully's Towing and Transportation Line of South Amboy, N. J., remonstrating against the enactment of legislation to change the present coasting navigation laws; which was referred to the Committee on Commerce.

He also presented the petition of Edgar Brick, of Crosswicks, N. J., praying for the enactment of legislation to regulate the manufacture and sale of food products; which was referred to the Committee on Manufactures.

He also presented the petition of William W. Ogden, of Newark, N. J., praying for the enactment of legislation providing for the permanent improvement of public highways; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Freeman Hiscox, of Newark, N. J., praying for the enactment of legislation providing a system of post-check currency; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Mrs. L. Shelton, of Morristown, N. J., remonstrating against the enactment of legislation to allow live stock in transportation to remain forty hours without food, etc.; which was referred to the Committee on Interstate Commerce.

He also presented petitions of Golden Rule Council, No. 75, of Perrinsville; of Olympia Council, No. 269, of Berlin; of Ivanhoe Council, No. 72, of Somerville; of Nathan Hale Council, No. 89, of Trenton; of John A. Dix Council, No. 215, of Newark; of Daniel Webster Council, No. 160, of Newark; of South Orange Council, No. 241, of South Orange, and of Peninsula Council, No. 250, of Bayonne; all of the Junior Order of United American Mechanics; of W. H. Polhemus, of East Millstone; of the Parke File Company, of Newark; of Dr. Caldwell Morrison, of Summit, and of G. F. Snyder, of Washington, all in the State of New Jersey, praying for the enactment of legislation to prohibit the immigration of aliens into the United States and their insular possessions; which were ordered to lie on the table.

He also presented petitions of George Cantrell, of Tabor; of E. W. Beam, of Denville, and of the Woman's Christian Temperance Union of New Jersey, all in the State of New Jersey, and of Dr. William C. Stokes, of Philadelphia, Pa., praying for the adoption of an amendment to the Constitution requiring Territories when coming into the Union as States to prohibit polygamy; which were ordered to lie on the table.

He also presented petitions of the International Brotherhood Electrical Workers of Trenton; of the Labor Union of Dover; of the United Powder and High Explosive Workers of Succasunna; of the Brotherhood of Painters, Decorators, and Paperhangers of Atlantic City; of the Glass Bottle Blowers' Association of Woodbury; of the Bartenders' Local Union No. 124, of Trenton; of Paperhangers' Local Union No. 352, of Trenton; of the Sewing Machine Builders' Local Union No. 7424, of Elizabeth; of Bricklayers, Masons, and Plasterers' Local Union No. 5, of Orange, and of the Federated Council of the Oranges of Orange, all of the American Federation of Labor, of the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented memorials of the Whitney Glass Works, of Glassboro; of the Embroidery Works, of Newark, and of Carter, Howe & Co., of Newark, all in the State of New Jersey, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. BEVERIDGE presented a petition of the Indiana Bituminous Coal Operators' Association, of Terre Haute, Ind., praying for the ratification of a reciprocal treaty with Canada whereby bituminous coal of each country shall be admitted free of duty into the territory of the other; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Retail Grocers' Association of Peoria, Ill., remonstrating against the enactment of legislation to prohibit the adulteration of food products; which was referred to the Committee on Manufactures.

He also presented a petition of the directory of the National Federation of Civic Rights of New Albany, Ind., praying for the enactment of legislation providing for the creation of a commission to inquire into the condition of the colored people of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of the Bar Association of Indianapolis, Ind., praying for the establishment of a laboratory for the study of the criminal, pauper, and defective classes; which was referred to the Committee on the Judiciary.

He also presented petitions of Local Union No. 342, of New Albany; of Local Union No. 161, International Association of Machinists, of Indianapolis; of Bricklayers and Masons' Local Union No. 21, of Marion; of the United Mine Workers of Indianapolis; of the Trades and Labor Assembly of Logansport; of Local Union No. 597, of Center Point; of Local Union No. 54, of Evansville; of Switchmen's Local Union No. 74, of Michigan City; of the Pattern Makers' Association of Indianapolis; of Local Union No. 78, of Logansport; of Cigar Makers' Local Union No. 335, of Hammond; of the Trades and Labor Council of New Albany, and of Federal Labor Union No. 10106, of Stone Bluff, all of the American Federation of Labor, in the State of Indiana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented the memorial of E. C. Atkins & Co., of Indianapolis, Ind., and a memorial of the Manufacturers' Association of Kokomo, Ind., remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. CLAY. I present a petition of the Board of Trade of Brunswick, Ga., praying that an appropriation be made for the construction of a light-ship at that harbor. The petition is short and of importance. I ask that it be printed in the RECORD, and referred to the Committee on Commerce.

There being no objection, the petition was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

BRUNSWICK BOARD OF TRADE,
Brunswick, Ga., January 2, 1903.

Whereas there is in the westerly curvature of the Atlantic coast from Savannah, Ga., southward to St. Augustine, Fla., the important commercial cities, Brunswick, Fernandina, Jacksonville, and the only less important ports, Sapelo, Darien, St. Andrews, and St. Augustine, largely dependent upon ocean commerce, the commerce of said ports aggregating over $50,000,000 per year—the commerce of Brunswick alone exceeding $27,000,000; and

Whereas this portion of the coast in its entire extent has no first-class lights, necessitating in thick weather in an effort to enter these ports, either from north or south, sailing close inshore for the purpose of identifying the lights of the harbors named above; and

Whereas there are numerous shoals projecting far out into the ocean, which are a constant source of danger to vessels seeking to identity lights as aforesaid; and

Whereas numerous vessels, due to the circumstances above described, have been wrecked and lost entirely, and a much larger number put ashore and injured and delayed, among them Government vessels, the aggregate number wrecked and ashore in the aforesaid range of coast averaging five a year for the past thirty years, and the total loss in vessels, freight, loss in time, and in various ways running into sums of great magnitude; and

Whereas there is no light-ship within this range of coast from St. Martins Industry light southward, and a light-ship placed in such western curvature of the coast would enable all vessels to locate its latitude and longitude with certainty, and thence take course with certainty to the sea entrance of each of the harbors named; and

Whereas the statistics of disaster in the navigation of the seas and the oceans of the world place the percentage of such disasters to vessels seeking and sailing from port at over 50 per cent of all such disasters of every kind; and

Whereas there is a vast coastwise commerce passing up and down the coast into and out of the Gulf and the West India Islands and Caribbean Sea ports, which is now compelled to run far out at sea to avoid danger, to which such a light-ship would prove of great advantage in saving of time, in greater safety of navigation, and is a matter of vital interest to all owners of our prosperous and enormous coastwise trade:

Resolved, That this board, representing the commercial interest of the port

of Brunswick, in its own interest and the interest of all the harbors named, and of the vast coastwise commerce referred to, respectfully petitions our Senators, our immediate Representative in Congress, all of the Representatives of the State of Georgia, and the Senators and Representatives from Florida, which is as deeply interested as Georgia, to use their best efforts to procure without delay an adequate appropriation for a light-ship to be located within such a curvature of the coast as a matter of urgent national and international importance.

By order of the board:

FRANK D. AIKEN, *President.*

Attest:

C. D. OGG, *Secretary.*

Mr. CULLOM presented a petition of the Illinois State Grange, Patrons of Husbandry, praying for the enactment of legislation to regulate the manufacture and sale of food products; which was referred to the Committee on Manufactures.

He also presented a petition of the Illinois State Grange, Patrons of Husbandry, praying for the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Illinois State Grange, Patrons of Husbandry, praying for the enactment of legislation to extend the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Illinois State Grange, Patrons of Husbandry, praying for the enactment of legislation providing for the establishment of a domestic parcels-post system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of the First Methodist Episcopal Church of Urbana, Ill. praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations; which was ordered to lie on the table.

He also presented a petition of the Illinois State Grange, Patrons of Husbandry, praying for the enactment of legislation providing for the establishment of postal-savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Illinois State Grange, Patrons of Husbandry, praying for the enactment of legislation providing for a reduction of the postage on letters to 1 cent; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Union No. 154, Brotherhood of Carpenters and Joiners, of Kewanee; of the Federal Labor Union of Johnston; of Local Union No. 141, Carpenters and Joiners, of Chicago, and of the American Federation of Labor, of Sparta, all in the State of Illinois, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. PERKINS presented a petition of the Water and Forest Association, of San Francisco, Cal., praying that an appropriation of $75,000 be made for the Office of Irrigation Investigations of the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce, of San Francisco, Cal., praying for the adoption of certain amendments to the navigation laws, requiring the masters and chief mates of sail vessels of over 700 tons to be licensed by the United States; which was referred to the Committee on Commerce.

He also presented a petition of California Council, No. 1, Daughters of Liberty, of San Francisco; of the California Fruit Growers' Association of Sacramento; of the Chamber of Commerce of Santa Barbara County; of the Visalia Board of Trade of California; of the Shipowners' Association of the Pacific Coast of California; of the Board of Trade of San Francisco; of the Board of Trade of Pomona; and of Iron Molders' Local Union No. 164, of San Francisco; of Cigar Makers' Local Union No. 225, of Los Angeles; of Machinists' Local Union No. 284, of Oakland; of the Federal Labor Union of Santa Cruz; of the Labor Council of Santa Rosa, and of the Sailors' Union of the Pacific, of San Francisco, all of the American Federation of Labor, in the State of California, praying for the enactment of legislation to prohibit the immigration of aliens into the United States and their insular posessions; which were ordered to lie on the table.

He also presented a petition of the Women's Home and Foreign Missionary Society of the General Synod of the Lutheran Church of California, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of the Indian Hill Citrus Union, of North Pomona; of the Claremont Citrus Union, of Claremont; of the Lamanda Orange and Lemon Association, of Lamanda Park; of the Board of Trade of Pomona; of the Riverside Naval Orange Company, of Riverside, and of the Duarte Monrovia Fruit Exchange, of Duarte, all in the State of California, praying for the enactment of legislation to protect the forest reserves of southern California from the devastation of fires; which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. HOAR presented the petition of Rev. W. H. Allbright and 40 members of the Pilgrim Congregational Church, of Boston, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any immigrant station owned or used by the United States; which was referred to the Committee on Immigration.

Mr. SCOTT presented a petition of Seabright Division, No. 477, Brotherhood of Locomotive Engineers, of Fairmont, W. Va., and a petition of Local Union No. 976, United Brotherhood of Carpenters and Joiners, of Bluefield, W. Va., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. McCOMAS presented a memorial of the Independent Citizens' Union, of Baltimore, Md., remonstrating against the passage of the pending bill for the restriction of immigration to this country; which was ordered to lie on the table.

He also presented a petition of 32 citizens of the State of Maryland, and a petition of 12 citizens of the State of Virginia, praying that an appropriation be made to reimburse the depositors of the Freedman's Saving Bank and Trust Company; which was referred to the Committee on Finance.

Mr. DOLLIVER presented a petition of Local Union No. 56, United Mine Workers, of Colfax, Iowa, praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of General Hancock Post, No. 22, Department of Iowa, Grand Army of the Republic, of Sioux City, Iowa, praying for the establishment of a national military park on the battlefield of Fredericksburg, Va.; which was referred to the Committee on Military Affairs.

He also presented sundry papers to accompany the bill (S. 482) to remove the charge of desertion from the record of Levi Wright; which were referred to the Committee on Military Affairs.

Mr. COCKRELL presented a petition of sundry citizens of Galena, Mo., praying for the enactment of legislation providing for a reduction of the revenue tax on distilled spirits; which was referred to the Committee on Finance.

Mr. FRYE presented a petition of the board of trade of Portland, Me., praying for the enactment of legislation granting pensions to the families of surfmen of the Life-Saving Service who perish in the line of duty; which was referred to the Committee on Commerce.

He also presented a petition of the Central Labor Union of Portland, Me., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of the Manufacturers' Association of New York, praying for the appointment of an additional United States judge for the southern district of New York; which was referred to the Committee on the Judiciary.

He also presented a petition of the California Fruit Growers' Convention, praying that an appropriation be made to continue the irrigation investigation conducted by the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the National Association of Retail Grocers, praying for the enactment of legislation to regulate the manufacture and sale of food products; which was referred to the Committee on Manufactures.

HAY-BOND TREATY.

Mr. FAIRBANKS. I present articles published in the Boston Herald and the New York Tribune, relating to the Hay-Bond treaty, which I ask be printed as a document.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Indiana? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 13075) to amend section 3 of the "Act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing," and so forth, approved February 10, 1891, to ask to be discharged from its further consideration.

I suppose that this subject, being a matter of the criminal laws of the United States, is usually within the jurisdiction of the Committee on the Judiciary, but I am told that this House bill has been already referred to the Committee on Commerce and is under consideration there. Without, therefore, making the matter a precedent one way or the other, I ask that the bill may be referred to the Committee on Commerce.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the Committee on the Judiciary be discharged from the further consideration of the bill and that it be referred to the Committee on Commerce. The Chair hears no objection, and the order is made.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 6028) to provide for the appointment of additional United States commissioners in the western judicial district,

Indian Territory, and for other purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 6446) to provide for the construction of a bridge across Rainy River, in Minnesota, reported it with amendments, and submitted a report thereon.

TRUSTS OR COMBINATIONS IN RESTRAINT OF TRADE.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted by the Senator from Indiana [Mr. FAIRBANKS] on the 15th ultimo, to report it without amendment, and I ask for its present consideration.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be prepared forthwith, under the direction of the Attorney-General, a compilation of all the laws enacted by the various States of the Union relating to trusts or to combinations in restraint of trade and commerce, of which compilation 2,000 copies shall be for the use of the Senate and 5,000 shall be for the use of the House of Representatives and 500 for the use of the Department of Justice.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

Mr. HOAR. I should like to suggest "and such portion of such legislation in regard to the organization and control of corporations as shall in his judgment seem fit," or something of that sort. It is utterly impossible to separate the consideration of State legislation in regard to what is merely called trusts from the acts relating to corporations, in regard to watered stock, paying in full in cash, etc. I should like to have inserted in the resolution the words "and for the regulation and organization of corporations."

Mr. FAIRBANKS. Does the Senator propose that as an amendment?

Mr. HOAR. Yes; as an amendment.

Mr. FAIRBANKS. I see no objection to it.

Mr. PLATT of New York. On behalf of the committee, I accept the amendment.

The PRESIDENT pro tempore. The Senator from Massachusetts proposes an amendment, which will be stated.

The SECRETARY. After the word "commerce," at the end of line 5, insert "and for the regulation and organization of corporations."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. MCCOMAS. It seems to me that the compilation of State statutes on this subject ought to be accompanied by the decisions thereon in the same compilation, which could be easily obtained from the reports, and that there should be the Federal statutes with the list of decisions of the Supreme Court and of the Federal appellate courts compiled in one volume.

Mr. HOAR. Has not that been made a separate order?

Mr. MCCOMAS. I introduced a resolution to that effect, and it passed the Senate and went to the House, but it would be convenient to have the whole subject in the same compilation. That is all that I suggest. I shall not oppose this proposition.

The PRESIDENT pro tempore. Will the Senate agree to the amendment of the Senator from Massachusetts?

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

COMPILATION RELATING TO PARDONS, ETC.

Mr. PLATT of New York. From the Committee on Printing I report a joint resolution, and I ask for its present consideration.

The joint resolution (S. R. ——) to provide for the printing of a digest of the laws, decisions, and opinions relating to pardons and other acts of executive clemency under the United States and the several States was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed the usual number of copies of a digest of the laws, decisions, and opinions relating to pardons and other acts of executive clemency under the constitutions of the United States and of the several States, and that in addition to said usual number there be printed and bound in sheep 500 copies for the use of the Attorney-General; said digest to be printed under the editorial supervision of an editor or editors to be appointed by the Attorney-General and the editing and clerical work incident thereto to be paid for out of any moneys in the Treasury not otherwise appropriated, on the direction of the Attorney-General, at a price not to exceed $2,500, which sum is hereby appropriated, and is to be in full payment for said work, except the cost of printing and binding the same.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. COCKRELL. At what time is it proposed that the digest shall begin?

Mr. PLATT of New York. In support of the joint resolution I submit a letter from the Attorney-General, which I ask to have read.

The PRESIDENT pro tempore. The letter will be read.

The Secretary read as follows:

Hon. T. C. PLATT,
Chairman Committee on Printing, United States Senate.

SIR: In reply to your letter of the 29th ultimo, requesting an expression of my views in respect of the propriety of the introduction of joint resolutions in Congress providing for the compilation and printing of a digest of the laws, decisions, and opinions relating to pardons and other acts of Executive clemency under the United States and the several States, and the appropriation of $2,500 in payment of the work of compilation, I have to say that I have given the matter consideration, that it meets with my approval, and that I believe the compilation and publication of the proposed digest proper and necessary.

Important questions frequently arise under this Department concerning the effect of convictions in the United States and State courts, especially as to the rights of convicts to testify, to vote, to hold office, etc., and also concerning the extent of the power of the President in various classes of cases, and the effects of pardon and other acts of clemency.

There is at present no work of authority or even of reference upon this subject, and the preparation and printing of such a digest as is contemplated would be a great convenience, and would save much time and labor, not only to this Department, but also to the officers of the United States courts and to other officials of the Government, besides being useful to the courts and officials of the States.

For reasons appearing above it seems to me that such a digest should, as is proposed, contain a summary of the laws and decisions of the States, as well as the Federal laws and decisions.

As a precedent for the printing by Congress of such digests I may refer to joint resolution No. 26, approved March 2, 1895, under which was edited and printed a digest of the laws and decisions relating to the appointment, compensation, etc., of officials of the United States courts, which work has been of great value to the officers of this Department and of the Treasury Department, and to other officials of the Government, for the editing and preparation of which a appropriation of $2,000 was carried by the resolution.

Concerning the amount to be appropriated to pay for the clerical, legal, and editorial work in the preparation of the proposed digest, I should say that $2,500 ought to be an ample amount from which the Attorney-General could approve and allow such compensation as may seem proper upon the completion of the work.

Respectfully, P. C. KNOX, *Attorney-General.*

Mr. PLATT of Connecticut. May the first of the joint resolution be read again?

The Secretary read as follows:

Resolved, etc., That there be printed the usual number of copies of a digest of the laws, decisions, and opinions relating to pardons and other acts of executive clemency under the constitutions of the United States and of the several States.

Mr. PLATT of Connecticut. It seems to me that the word "decisions" is rather indefinite.

Mr. SPOONER. That, I judge from his letter, is one of the things which the Attorney-General especially desires.

Mr. PLATT of Connecticut. Do you mean decisions of courts?

Mr. SPOONER. Decisions of courts.

Mr. PLATT of Connecticut. Or of boards of pardon?

Mr. SPOONER. I am speaking of his letter. I doubt if the joint resolution as it is drawn would cover all that the letter covers. Is there any objection to its going over until to-morrow?

Mr. PLATT of New York. No.

Mr. PLATT of Connecticut. I think the language ought to be looked at a little.

Mr. HOAR. It occurred to me when I heard the joint resolution read that its phraseology was pretty general and vague and would include a good deal of matter that it would be very difficult to collect; but as I understood from the letter that the Department of Justice approved it, I did not make any point on it. However, it occurred to me that it is pretty vague in its phraseology.

Mr. SPOONER. The joint resolution does not fit the letter, and I think it would be well to let it go over until to-morrow.

Mr. PLATT of New York. Let it go over until to-morrow.

The PRESIDENT pro tempore. If present consideration is objected to——

Mr. SPOONER. I object to it.

The PRESIDENT pro tempore. Then the joint resolution goes to Calendar.

Mr. SPOONER. Without losing its place.

The PRESIDENT pro tempore. It goes to the Calendar.

Mr. HOAR. Perhaps the Senator from New York will withdraw the joint resolution and report it again to-morrow, and then it would have its present position.

Mr. SPOONER. I think all would agree to that course.

The PRESIDENT pro tempore. The simplest way to have it before the Senate to-morrow morning is to withdraw it.

Mr. PLATT of New York. I withdraw the joint resolution.

The PRESIDENT pro tempore. The Senator from New York withdraws the joint resolution.

BILLS INTRODUCED.

Mr. TALIAFERRO introduced a bill (S. 6693) granting a pension to Mary J. Ivey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BATE introduced a bill (S. 6694) granting an increase of pension to Burrel G. Wood; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DUBOIS introduced a bill (S. 6695) granting a pension to Susan E. Potter; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6696) granting an increase of pension to Samuel T. Chambers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MCENERY introduced a bill (S. 6697) for the relief of

Commander Augustus G. Kellogg, United States Navy, retired; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6698) granting an increase of pension to William A. Wilkins;

A bill (S. 6699) granting an increase of pension to Reuben Tulley (with an accompanying paper); and

A bill (S. 6700) granting an increase of pension to Zach J. Burns (with the accompanying papers).

Mr. BEVERIDGE introduced a bill (S. 6701) to correct the military record of Laban Blair; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6702) granting a pension to Emelie Lawrence Reed;

A bill (S. 6703) to restore to the pension roll the name of Henrietta V. West; and

A bill (S. 6704) granting a pension to Lewis Walton.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6705) for the relief of the estate of Thomas Calbreath, deceased;

A bill (S. 6706) for the relief of Samuel S. Dennis;

A bill (S. 6707) for the relief of St. George's Episcopal Church, of Pungoteague, Va. (with the accompanying papers); and

A bill (S. 6708) for the relief of Mrs. Mary J. Grau.

Mr. MARTIN introduced a bill (S. 6709) to protect the monuments already erected on the battlefields of Bull Run, Virginia; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM. In behalf of my colleague [Mr. MASON] I introduce a bill.

The bill (S. 6710) to provide for the temporary operation of coal mines by receivers was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CULLOM introduced a bill (S. 6711) granting an increase of pension to James G. Rumbolz; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 6712) granting a pension to Esther W. Brooke; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCOMAS introduced a bill (S. 6713) for the relief of the heirs of John D. Clemson; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6714) granting an increase of pension to Richard E. Bouldin; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6715) to establish a permanent military camp ground in the vicinity of Oakland, in Garrett County, Md.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6716) to place tablets upon certain historic sites in the United States Naval Academy at Annapolis, Md.; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HOAR introduced a bill (S. 6717) to amend sundry acts relating to the government of Alaska; which was read twice by its title, and referred to the Committee on Territories.

He also introduced a bill (S. 6718) to provide for the purchase of a site and the erection of a public building thereon at Beverly, in the State of Massachusetts; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BERRY introduced a bill (S. 6719) to change and fix the time for holding the district and circuit courts of the United States for the eastern division of the eastern district of Arkansas; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

He also introduced a bill (S. 6720) for the relief of Susan R. Keese and George G. Johnson; which was read twice by its title, and referred to the Committee on Claims.

Mr. DOLLIVER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6721) granting a pension to James M. McKain;

A bill (S. 6722) granting an increase of pension to James Flynn; and

A bill (S. 6723) granting an increase of pension to Charles L. Russell.

Mr. FAIRBANKS introduced a bill (S. 6724) to permit national banking associations to deposit bonds issued for the purchase of an interoceanic canal to secure circulation, and so forth; which was read twice by its title, and referred to the Committee on Finance.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6725) granting a pension to Mary F. Brown;

A bill (S. 6726) granting an increase of pension to Jason Dame; and

A bill (S. 6727) granting an increase of pension to James Rawlings.

Mr. PLATT of Connecticut introduced a bill (S. 6728) granting an increase of pension to Clara B. Griswold; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6729) granting an increase of pension to Phebe A. Ford; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced a bill (S. 6730) to regulate the use of forest-reserve timber; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FOSTER of Washington introduced a bill (S. 6731) granting an increase of pension to Benjamin N. Bond; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 6732) granting an increase of pension to Edwin Billing; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 6733) to amend an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 6734) granting an increase of pension to Marie A. Rask; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6735) granting an increase of pension to Clarence E. Bullard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 6736) granting a pension to Ellen H. Sharp; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MALLORY. I introduce a bill and move its reference to the Committee on the Judiciary. I think it proper it should go to that committee, as it relates to compensation for extra services of a marshal.

The bill (S. 6737) for the relief of Samuel Puleston was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MALLORY introduced a bill (S. 6738) to restrict absences of district judges of the United States from the districts for which they are appointed; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. LODGE introduced a bill (S. 6740) granting a pension to Frances E. Wild; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6741) granting a pension to Solomon B. Holman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 6742) granting an increase of pension to Eva V. Downey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 6743) for the relief of the estate of David Crowell, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6744) for the relief of the estate of Lewis King, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURROWS introduced a bill (S. 6745) for the relief of Creighton Churchill; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. SCOTT introduced a bill (S. 6746) granting a pension to Michael Matheny; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 6747) granting an increase of pension to Alvin Harriman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6748) granting an increase of pension to Ann M. Haskell; which was read twice by its title, and, with the accompany papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6749) granting a pension to Sarah E. Presson Flagg; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

DUTIES ON COAL.

Mr. LODGE. Mr. President, I am going to ask permission of the Senate to say a single word in explanation of a bill which I

am about to introduce and request to have referred to the Committee on Finance.

It is a bill to suspend for ninety days the duties on coal imported into the United States. I am perfectly aware, of course, that no such bill can originate in this body and that this body can take no action upon such a measure until it comes over to it from the House. I introduce the bill simply because I desire to call attention here and elsewhere to the subject, and to ask for it the prompt consideration of the Senate Committee on Finance.

The State which I represent in part, and, indeed, all New England, is suffering a great deal of distress from the shortage of coal. There is a great shortage of coal, both anthracite and bituminous, owing, as we are all aware, to the protracted strike of last summer. Prices in many cases have reached extravagant heights. It is not worth while to inquire whether this is owing to retailers, owners of ocean transportation, or to independent operators. The fact remains that there is a great deal of real suffering. Many of our factories are in doubt as to whether they will get sufficient coal to continue. Many schools and public buildings are threatened with closing. But the severest distress occurs among those who are least able to pay the extravagant prices for coal.

I do not think, Mr. President, that a duty of 67 cents a ton has much exclusive effect where coal has advanced anywhere from $3 to $12 above the normal prices. This is a coal-exporting country, not a coal-importing country. But I nevertheless think it possible that the removal of the coal duties for a brief period of ninety days during the time of extremely cold weather might have an effect in stimulating importations of coal, which is greatly to be desired and would be very beneficial. Certainly anyone who is familiar with the suffering that now exists in certain of the Eastern States, and I have no doubt elsewhere, could not object, it seems to me, to any reasonable measure which would tend in however slight a degree to modify and reduce the amount of distress and suffering which undoubtedly exist.

It is for this reason, Mr. President, that I introduce the bill and to ask for it the attention of the Committee on Finance.

The bill (S. 6739) to suspend the duties on coal imported into the United States, and for other purposes, was read the first time by its title.

Mr. VEST. Let the bill be read at length.

The bill was read the second time at length, and referred to the Committee on Finance, as follows:

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That all duties now imposed by law upon coal imported into the United States be suspended for a period of ninety days after the passage of this act, and that the President be, and is hereby, authorized to make proclamation of such suspension of said duties.

SEC. 2. That after the expiration of said period of ninety days if the President of the United States shall be satisfied that the government of the Dominion of Canada does not levy or collect any duty, tax, or impost upon coal the product of the United States he is hereby authorized to, and shall, announce by proclamation the fact of the removal of said duty, impost, or tax by the Dominion of Canada, and that all duties, imposts, or taxes now levied by the Government of the United States upon coal the product of the Dominion of Canada are removed.

Mr. CULBERSON. Mr. President, before introducing the joint resolution which I will presently send to the desk, I desire to say that it seems to me the Senator from Massachusetts who has just taken his seat misconceives the provision of the Federal Constitution with reference to revenue bills.

The Constitution provides that all bills for "raising" revenue must originate in the House of Representatives, but I do not understand that by that clause the origination of bills in the Senate which have an entirely opposite purpose, or, in other words, the purpose of cutting off absolutely revenue derived from a specific article is prohibited.

Consequently, Mr. President, I offer a joint resolution on this subject, and ask unanimous consent for its present consideration.

The joint resolution (S. R. 147) exempting anthracite coal from import duty was read the first time by its title.

The PRESIDENT pro tempore. The Senator from Texas asks for the present consideration of the joint resolution. It will be read to the Senate for its information.

The joint resolution was read the second time at length, as follows:

Whereas there is great distress and suffering in many sections of the country because of the inadequate supply of anthracite coal and the high prices for which it is offered and sold; and

Whereas no revenue of consequence is derived by the Government from the duty imposed thereon; and

Whereas the removal of the duty will add to the supply in the United States and lower the price thereof: Therefore

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the passage of this resolution anthracite coal and all coals containing less than 92 per cent. of fixed carbon when imported into the United States shall be exempt from duty.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. The Senator from Texas asks for present consideration. Is there objection?

Mr. PLATT of Connecticut. I am about to object, but before objecting I want, without entering into a discussion of this subject, to say that as I understand the matter, there is no duty on anthracite coal. I object to the present consideration of the joint resolution.

The PRESIDENT pro tempore. Objection is made to the present consideration of the joint resolution.

Mr. VEST. Mr. President, I should like, with the permission of the Senate, to make one remark in reply to the Senator from Connecticut.

I understood him to say that there is no duty now upon anthracite coal. The board of appraisers of the city of New York have determined that matter unanimously and decided that there is a duty on anthracite coal, and the President of the United States recognizes that fact. It seems to me, sir, it is beyond any question that the language employed in the Dingley Act means anthracite coal, and was so understood at the time, as the debates show.

Mr. PLATT of Connecticut. Mr. President, I do not wish to go into a discussion of this matter now. The percentage of coal fixed in the Dingley Act was for the purpose, and the sole purpose, of defining the difference between anthracite and bituminous coal; and in adopting 92 per cent of fixed carbon as defining anthracite coal the committee followed not only the consensus of opinion of experts, but also the decisions of the General Appraisers as sanctioned by the courts. On some future occasion I will go into this matter at a sufficient length to make it absolutely plain.

The PRESIDENT pro tempore. The joint resolution will lie on the table.

AMENDMENTS TO BILLS.

Mr. DILLINGHAM submitted the following amendments, intended to be proposed by him to the District of Columbia appropriation bill; which were referred to the Committee on the District of Columbia, and ordered to be printed:

An amendment providing for the establishment of a slow sand filtration plant and improvements to the distributing reservoir in the District of Columbia;

An amendment providing for the paving with asphalt of R street from Twenty-second street to Massachusetts avenue in the District of Columbia:

An amendment providing for the paving with asphalt and improving Twenty-second street from R street to S street in the District of Columbia; and

An amendment proposing to appropriate $1,000 for a fountain, to be placed at the intersection of Connecticut avenue and N street in the District of Columbia.

Mr. DOLLIVER submitted an amendment relating to the distribution of the annual appropriations for the fulfillment of existing treaty stipulations with the Sac and Fox Indians of the Mississippi, intended to be proposed by him to the Indian appropriation bill; which, with the accompanying memorial, was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the bill (H. R. 13679) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $2,500,000 to enable the government of the Philippine Islands to advance money for the purchase of draft animals to be used in restocking farms of said islands, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Philippines, and ordered to be printed.

Mr. STEWART. I submit an amendment intended to be proposed by me to the Army appropriation bill. I ask that it be read.

There being no objection, the proposed amendment was read, and referred to the Committee on the Philippines, as follows:

Amendment intended to be proposed by Mr. STEWART to the Army appropriation bill.

That the Secretary of War is hereby authorized to construct, equip, and operate railroads in the Philippine Islands for the purpose of protecting life and property and maintaining a stable government, and that he is hereby authorized to construct and equip not less than 300 miles each year for ten years of such Philippine railroads, and the money necessary to carry this provision into effect is hereby appropriated out of any money in the Treasury not otherwise appropriated.

CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK.

Mr. CLAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill, the amendment being to insert the following:

To enable the Secretary of War, through the commissioners of the Chickamauga and Chattanooga National Park, to improve the road from Crawfish Springs, Ga., through the Widow Davis Crossroads and Baileys Crossroads, to Stevens Gap, a distance of 12 miles, $25,000.

Mr. CLAY. I desire to state that the amendment is accompanied by an important letter from General Boynton. I ask that the letter be printed in the RECORD, and that the amendment and

accompanying letter be referred to the Committee on Military Affairs.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. ALEXANDER S. CLAY,
United States Senate, Washington, D. C.

DEAR SIR: In reply to your inquiries concerning the historical importance of the road from Crawfish Springs to Stevens Gap in connection with the establishment of the Chickamauga and Chattanooga National Military Park, I have the honor to say that this was the road over which and along which the main operations of the Union Army, preceding the battle of Chickamauga, took place, and which is indicated upon the map herewith inclosed by dotted lines in blue, the distance being 12 miles.

The corresponding road over which and along which the operations of the Confederate Army took place previous to the battle of Chickamauga is indicated upon the map by the red line on the east side of Pigeon Mountain, extending from Lee & Gordon Mills to Lafayette, a distance of 13 miles.

As the line of the preliminary operations of the Confederate Army has already been improved, it would seem entirely appropriate that the corresponding line of operations of the Union Army should also be improved. These preliminary operations of both armies were of an exceedingly interesting character and had most important bearings upon the results of the campaign.

In view of the annual maneuvers which are now contemplated from the national park as a general rendezvous for portions of the Regular Army and the National Guard of most of the States south of the Ohio and the Potomac and east of the Mississippi, it would seem advisable to have one important road along the main line of both Confederate and Union operations. The completion of the line now in question would accomplish this. This would leave various unimproved branch roads running from these main lines of operations into the numerous theaters of detached engagements, and thus leave abundant lines of rough roads for practice over ordinary country lines of travel.

The right of way over this road has already been ceded to the United States by the State of Georgia. It is believed that this road can be completed for the sum suggested in your proposed amendment.

Very respectfully,

H. V. BOYNTON.

The PRESIDENT pro tempore. The letter and the proposed amendment will be referred to the Committee on Military Affairs.

REVISED CODE OF DISTRICT OF COLUMBIA.

Mr. DILLINGHAM submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring, That 2,500 copies of the revised code of law of the District of Columbia be printed and bound, 500 copies for the use of the Senate, 1,000 for the use of the House of Representatives, and 1,000 for sale by the superintendent of documents.

RAILROADS IN THE PHILIPPINE ISLANDS.

Mr. STEWART submitted the following resolution, which was read:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate what effect, in his opinion, an adequate system of railroads in the Philippine Islands would have upon the cost of maintaining law and order and protecting life and property in those islands, and whether, in his opinion, the expense of protecting life and property and maintaining a stable government would be reduced by such a system of railroads in a sum sufficient to equal the interest on the money necessary to build and operate such roads.

Mr. STEWART. I ask for the present consideration of the resolution, and I beg leave to make a few remarks explanatory of it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. LODGE. What is the nature of the resolution? I was called out and did not hear it.

The PRESIDENT pro tempore. It is a resolution of inquiry of the Secretary of War.

Mr. LODGE. Is it proposed to pass the resolution at this time?

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent for the present consideration of the resolution.

Mr. LODGE. I should like to have it read before I give my consent.

The PRESIDENT pro tempore. It will again be read.

The Secretary again read the resolution.

Mr. LODGE. I have no objection, Mr. President.

The PRESIDENT pro tempore. The resolution is before the Senate.

Mr. STEWART. Mr. President, the undertaking by the United States to protect life and property and extend the blessings of stable government to the Filipinos will be a long and expensive struggle without the use of railroads. When we take into consideration the vast extent of these islands, their enormous resources and commercial possibilities, the necessity for cheap and speedy action forces itself upon our consideration.

The Philippines have an area of 119,542 square miles, which is more than New England, Pennsylvania, and New Jersey combined. These States have over 20,000 miles of railroad. Illinois alone, with an area of 56,650 square miles, which is less than half the area of the Philippines, has 10,997 miles of railroad. The population of the Philippines, as estimated by the Philippine Commission, is 8,000,000, which is greater than the population of New England, New Jersey, Delaware, and the District of Columbia combined.

Prior to the introduction of railroads and telegraphs, civilization was confined to the countries convenient to navigable waters. All the push and energy of the American people were inadequate to subjugate the Indians and establish government in that vast region between the Missouri River and the Pacific Ocean. Prior to the building of railroads only isolated settlements for mining purposes and the self-exiled Mormons obtained a foothold in the region extending east and west 1,500 miles and extending north and south from Mexico to the Canadian possessions. With the aid of the Ohio, the Mississippi, and the Missouri rivers, and the Great Lakes, Illinois, Wisconsin, Minnesota, Iowa, and Missouri were only partially settled before railroads were introduced. The marvelous development of all the great States of the Mississippi Valley came after railroads. There were constant Indian wars for nearly one hundred years after the Declaration of Independence.

Those wars, however, were only successful in defending the settlements where the base of supplies by navigable waters was within reasonable distance. Before the establishment of railroads the Sioux, the Arapahoe, the Apache, the Blackfeet, the Bannock, the Cheyenne, and numerous other tribes roved over fully half the territory of the United States and excluded therefrom white settlements. Many thousands of settlers were slaughtered by the savages on the frontiers, and many Indians were slain in the continual war. In 1862, when the Pacific railroad bill was under consideration, the Secretary of War reported that the expense of the overland mail and the transportation of Army and Indian supplies on the line proposed for the railroad amounted to $8,000,000 per annum. The law of 1862 required the companies to perform Government service, the payment for which to be applied to the payment of the subsidy. It was supposed that the Government service would more than pay for the subsidy within the period of thirty years. In 1864 the amount to be retained by the Government was reduced to one-half of the service performed. It was then contended that one-half would be sufficient to liquidate the debt by the time it became due. Contrary to expectations, as soon as the road was constructed the freights for military purposes were comparatively nothing, and the mails were a mere bagatelle. The interest accumulated to an enormous amount, but the companies have reimbursed the Government for every dollar they received. Other roads were given land grants and others were built by private capital, and all are to-day worth 200 per cent of their original cost. The continental railroads and their branches put an end to Indian wars and their enormous cost.

Mexico was practically in a state of anarchy when President Diaz commenced the establishment of a stable government. That wise ruler recognized at the beginning of his reign the importance of railroads in maintaining government. He assisted in the building of over 9,600 miles of railroad, which has placed Mexico on a high plane of prosperity and stability.

India was constantly in rebellion, and England was involved in war and expended vast sums of money in maintaining her authority in that country, but finally when railroads were introduced peace and order were established. England has caused to be built in India over 25,000 miles of railroad, and Indian wars are no more.

Egypt presented another like problem. English armies went up the Nile for several years, but failed to accomplish the purposes for which they were organized. Finally England caused to be built over 2,000 miles of railroad. When the railroad train reached the hostile country of the Upper Nile victory was soon achieved and peace established. In establishing peace on the Upper Nile, General Kitchener, of South African fame, achieved his great success.

Spain, during the three hundred years of her rule in the Philippines, was confined to the borders along the navigable waters. She could not maintain her authority in the interior. The United States ought not to pursue the policy of Spain. The cost of maintaining government in the Philippines and pursuing the roving bandits, which they call ladrones, is very expensive. Wagon trains, pack mules, with all the paraphernalia of war, pursuing bandits who take to the brush as the army advances and renew their depredations in another place, is a ridiculous spectacle. The United States has had enough of that kind of war with the hostile Indians in the far West, which happily ceased with the introduction of railroads. Build railroads in the Philippines and the people will be peaceable and industrious citizens. It may be necessary in some cases for the army to guard the building of the roads, as it did in the building of the Union Pacific and the Northern Pacific, but such necessity will be only temporary. Five hundred miles of railroad in Mindanao will open that country to settlement and enterprise. Nearly nine-tenths of the land in that island belongs to the United States, and the resources of Mindanao are said to be marvelously great. Would the people of the United States be in favor of retaining the Philippines if there were no other alternative but to adopt the policy of Spain and govern only a few towns along the coast?

The United States never withdraws from any great enterprise which has been once undertaken. The vast resources of these islands will be ultimately developed. The time must come when every island will be penetrated by railroads, but while the construction of such railroads is delayed vast expenditures must be made without accomplishing much in the development of the country and the establishment of stable government. We know from our own observation how the islands may be civilized and their resources developed cheaply and without delay. Every dollar invested in railroads will come back to the United States. The private business of the railroads will pay. If the United States does not desire to continue the management of the roads after the military necessity for such management shall have ceased, the roads will sell for many times their cost. The Philippines are a most productive country and the Filipinos, if they have markets brought to their doors, will furnish an immense commerce. The commerce that they have carried on under the blighting rule of Spain, without railroads and without any encouragement whatever, is a sufficient guaranty of what they will do when markets are brought to their doors. It is idle to think of establishing schools and churches in the interior of the islands without railroads. The army necessary for that purpose would be too expensive. But schools and churches and all the appliances of a high civilization will follow the railroads in the islands as they do everywhere else. The United States did not seek these islands; they came as the result of war. The people have resolved to keep them. This can be done with small cost in the future by the use of railroads, and not otherwise.

Suppose it costs to build and equip railroads in the Philippines $40,000 a mile, which would be a liberal estimate. Three hundred miles a year would cost $12,000,000 per annum, the interest upon which at 3 per cent would be $360,000 per year, and $3,000 miles to be built in ten years would cost $120,000,000, the interest upon which at 3 per cent would be $3,600,000. It is fair to assume that before the expiration of the ten years the roads would pay more than interest and operating expenses. Policing the islands by that means would be of no expense to the General Government.

These figures may be criticised, but they are sufficiently accurate for all practical purposes. There can be no doubt that the building of the railroads would be profitable to the United States in addition to securing stable government for the Philippines.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

RECORDS OF VIRGINIA COMPANY OF LONDON.

Mr. LODGE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That under the direction of the Librarian of Congress there be printed and bound in cloth 7,000 copies of the Records of the Virginia Company of London, now in the custody of the Library of Congress, 500 copies for the Senate, 1,500 copies for the House of Representatives, and 5,000 copies for use and distribution by the Library of Congress.

BIBLIOGRAPHY OF THE PHILIPPINE ISLANDS.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Bibliography of the Philippine Islands, compiled under the direction of the Bureau of Insular Affairs, War Department, be referred to the Committee on the Philippines, be printed as a document, and that 1,000 extra copies be printed and bound, 250 for the use of the Bureau of Insular Affairs and 750 for the use of the Senate.

VALUE OF NICARAGUA CANAL AND FUTURE OF THE PACIFIC.

Mr. MORGAN. I offer a resolution, and ask that it be read and referred to the Committee on Printing.

The PRESIDENT pro tempore. The resolution will be read.

The resolution was read, as follows:

Resolved by the Senate, That there be reprinted for the use of the Senate the "Views of Commodore George W. Melville, Chief Engineer of the Navy, as to the strategic and commercial value of the Nicaraguan Canal, the future control of the Pacific Ocean," etc.

And in connection therewith an article by the same author published in the North American Review of March, 1898, "On the future of the Pacific."

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. MORGAN. Mr. President, I desire to send to the committee the papers which I ask may be printed. I wish to say to the Senate that there is, I think, but a single copy of that very valuable and scientific document of Admiral Melville now in the library, and there is a very large demand for it.

The PRESIDENT pro tempore. The resolution will be referred to the Committee on Printing.

REVISED STATUTES OF THE UNITED STATES.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Printing be directed to inquire whether the edition of the Revised Statutes of the United States published in 1878 be out of print, so that none can be furnished for the use of Congress or the public, and if, in their opinion, it be desirable and necessary to reprint the same, and legislation be required for that purpose, that they report such legislation.

Also, to report what legislation, if any, be necessary and desirable for the distribution of Volume II and later volumes of the Supplement to the Revised Statutes of the United States to the departments and individuals to whom the Revised Statutes and Volume I of the Supplement have been furnished.

SAFETY APPLIANCES ON RAILROADS.

The PRESIDENT pro tempore. The Chair lays before the Senate, under the rule, a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. PATTERSON on the 17th of December, 1902, as follows:

Resolved, That the Interstate Commerce Commission be, and it is hereby, directed to send to the Senate copies of all information and reports furnished by its inspectors showing the condition and defects of train or power brakes, and the operation of trains thereby, as required by the act to promote the safety of employees and travelers upon railroads, approved March 2, 1893, from May 10 to December 31, 1902, on the following-named railroads and their leased lines: Baltimore and Ohio, Chesapeake and Ohio, Cincinnati, New Orleans and Texas Pacific, Erie, Illinois Central, Lehigh Valley, Louisville and Nashville, Lake Shore and Michigan Southern, New York, New Haven and Hartford, Norfolk and Western, Pennsylvania, Queen and Crescent, Southern, and Southern Pacific.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. FORAKER. Mr. President, by whom was that resolution offered?

The PRESIDENT pro tempore. By the Senator from Colorado [Mr. PATTERSON].

Mr. FORAKER. I do not see him in the Chamber. How does it happen to come up to-day?

The PRESIDENT pro tempore. It was presented on the last legislative day, and comes over under the rule.

Mr. FORAKER. I ask that the resolution be referred to the Committee on Interstate Commerce.

Mr. JONES of Arkansas. What is before the Senate, Mr. President?

The PRESIDENT pro tempore. The resolution offered by the Senator from Colorado [Mr. PATTERSON] in relation to certain information about railroads, which comes over from a previous day, and is before the Senate for its consideration. The Senator from Ohio moves to refer the resolution to the Committee on Interstate Commerce.

Mr. FORAKER. I do not make that motion in any spirit of opposition to the resolution, but only that the committee may know the purpose of it. It seems to be a resolution in which certain railroads are specifically named, with respect to which information is desired. I am in entire sympathy with the legislation which has been enacted providing for the use of safety appliances, automatic couplers, etc., on railroad trains, but I think the resolution should go to the committee, and I make that motion.

Mr. BACON. I would suggest to the Senator from Ohio that possibly, as the Senator from Colorado is absent, any disposition of the resolution might properly be deferred until that Senator is here.

Mr. FORAKER. I think the suggestion of the Senator from Georgia is entirely proper, and I agree that that would be a better disposition of the matter.

The PRESIDENT pro tempore. The Senator from Ohio then asks that the resolution lie on the table——

Mr. FORAKER. Until the Senator from Colorado comes in.

The PRESIDENT pro tempore. To be called up at the request of the Senator from Colorado.

Mr. FORAKER. I made the motion to refer supposing that some Senator who was present had asked for the consideration of the resolution.

The PRESIDENT pro tempore. The resolution goes over.

TRANSPORTATION AND SALE OF ANTHRACITE COAL.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. JONES of Arkansas December 20, 1902, as follows:

Whereas on October 4, 1902, a sworn statement or petition was filed with the Attorney-General of the United States by William R. Hearst, charging the existence of an illegal combination or conspiracy among railroads therein named engaged in interstate commerce, the tendency and purpose of which was the establishment of a monopoly in the business of transporting and selling anthracite coal, and in connection with said petition a request was made for permission to present evidence establishing the existence of such a combination;

Whereas said petition was referred to the United States district attorney for the southern district of New York, with instructions to receive the evidence proffered and report the same to the Department of Justice;

Whereas a protracted interval has elapsed since the filing of the said petition and the submission of such evidence:

Resolved, That the Attorney-General be, and he is hereby, directed to transmit to the Senate the evidence presented by said petitioner, together with the report thereon by said United States district attorney.

Mr. LODGE. Mr. President, I objected and asked that that

resolution should go over when it was introduced before the holiday recess. Since then I have taken occasion to examine it, and I am satisfied of the justice of my objection.

We have a Department of Justice and an Attorney-General, to whom, we are to suppose, certain evidence has been referred which has been placed in the hands of the district attorney of New York for consideration. I do not know whether they are going to bring suit on that evidence or not; but I am satisfied if the Government is going to take any action in the direction of the evidence there alluded to, that the surest way to defeat that action would be to compel the Government to produce such evidence as they have collected and such arguments as the district attorney may have submitted to the Department of Justice here. It seems to me that it would be certain to prevent the Attorney-General of the United States from carrying out and prosecuting to success any suit if he were obliged, through a public document, to disclose to the Senate of the United States all that he was doing. It seems to me it would be a great mistake to pass any such resolution as that.

I believe we can put entire confidence in the Attorney-General and in his action in such cases. We know that this evidence is before him. We have no means of knowing whether the interval has been unduly protracted or not, though that I suppose to be the view of Mr. Hearst. I do not think when there is a case before the Attorney-General, which is there with a view to action, that we should compel him to produce the evidence and the report of the district attorney on which he is to take action and make them public beforehand. I hope the resolution will not be adopted.

Mr. JONES of Arkansas. Mr. President, I do not see how asking for information from the Attorney-General can in any sense be considered a reflection on that officer or on the manner in which he discharges his duties. The statement has been published all over the country that the information was furnished to the Department of Justice; that Mr. Hearst had in his hands evidence which would prove that certain railroad companies engaged in interstate commerce had entered into an illegal combination or conspiracy in connection with the coal business. The Senator from Massachusetts [Mr. LODGE] told the Senate this morning that there is a condition of suffering in New England—that the manufacturers of New England to-day and the poor people are absolutely suffering for the want of a sufficient coal supply.

Now, if it is a fact that Mr. Hearst has furnished to the Attorney-General evidence which will prove that certain railroad companies engaged in interstate commerce have entered into an illegal conspiracy for the purpose of controlling the coal trade and suppressing the use of coal, it is a fact that ought to be known to the Senate of the United States and to the people.

While I agree with the Senator from Massachusetts in having confidence in the Attorney-General, I have confidence also in the Senate of the United States, and I believe it can do no harm to the public interests for this body to know as to the truth of charges of this kind. If the evidence has been presented which will satisfy reasonable men that certain railroad companies have engaged in this sort of conspiracy, it is time the Senate of the United States should know the fact, and there is no reason why it should be suppressed and held in the hands of one officer of the Government.

I hope the Senate will adopt the resolution.

Mr. SPOONER. I ask that the resolution may be again read.

The PRESIDENT pro tempore. The resolution will be again read.

The Secretary again read the resolution.

Mr. SPOONER. Mr. President, I think the Senator from Massachusetts [Mr. LODGE] is quite right in the view he takes of this resolution. The object of the petition which was granted by the Attorney-General and the object of furnishing evidence of a general conspiracy, if one exists—and if one does exist it is a very merciless and wicked one, violating the laws of the United States and most harmful in every way—was to secure the institution of a suit against the defendant, evidently by the Attorney-General, in the name of the United States, probably under the Sherman antitrust law or some kindred law, by which there might be brought about through a writ of injunction or otherwise a remedy.

Now, this resolution means one of two things—that the Senate shall say that, in utter ignorance of the extent to which this investigation has gone, or the purpose or the judgment of the district attorney or of the Attorney-General upon the evidence thus far presented, he is neglecting his duty. That is the object, I suppose, of the statement in this resolution as to the long interval which has elapsed. Certainly it must be apparent to anyone that if a suit is to be brought by the United States against such a combination it is not in the public interests or in harmony with good sense that before the institution of the suit all the evidence upon which the Attorney-General proposes to proceed shall be given to the defendants.

Mr. JONES of Arkansas. There is no suggestion in the resolution that all the evidence upon which the Department is to proceed shall be presented. The resolution asks for the evidence which Mr. Hearst proposed to present to the Department, which he thought was sufficient to establish the fact of this conspiracy.

Mr. SPOONER. But, as I understand from the resolution, the evidence which he thought was sufficient has been presented; it has been received; and possibly the Attorney-General regards it as of very great importance, but is pursuing a further investigation and obtaining additional testimony, and this would very likely call for a portion of the testimony which he proposes to use in a suit which he intends to bring. If such a time had elapsed as that it would be obvious that the Attorney-General had decided not to bring suit, and the purpose was to bring him to the bar of public opinion for some neglect of duty, the situation would be different, but the matter is a pending matter. We have never had, I think it is safe to say, an Attorney-General less likely to be derelict in instituting a suit in such circumstances than the present Attorney-General of the United States. He has shown no want of firmness or promptitude or courage in the institution of such suits.

Mr. CULLOM. Will the Senator from Wisconsin allow me to make a suggestion?

Mr. SPOONER. Certainly.

Mr. CULLOM. The very purpose of the work of the Attorney-General in finding out whether any one is guilty might by publicity be thwarted to such an extent that the Attorney-General would not be able to make his case.

Mr. SPOONER. That is what I have already stated.

Mr. JONES of Arkansas. Will the Senator from Wisconsin allow me to say a word in reply to the suggestion of the Senator from Illinois? If the belief of Mr. Hearst that he has presented evidence which will prove this fact should be made public, how can it interfere with anything if the evidence is already there to make it complete?

Mr. SPOONER. It is not a question of the belief of Mr. Hearst that the evidence is adequate or inadequate. That is the opinion of Mr. Hearst. The opinion of the Senator from Arkansas if that evidence were submitted to him, he being a lawyer, might differ from the opinion of Mr. Hearst. It may very well be that the testimony submitted by Mr. Hearst is very important as a part of the case and as affording leads which are to be followed and presumably are being followed, if possible, by the Attorney-General in a further investigation.

Mr. JONES of Arkansas. My suggestion was in reply to the observation of the Senator from Illinois that the exposure of this fact might defeat action. My suggestion in reply to that was that if the evidence had been presented which would prove the allegations, how could the fact that the Senate knew it interfere with any proceeding?

Mr. SPOONER. If the evidence presented by Mr. Hearst, with other evidence gathered by the Attorney-General, who presumably is doing his duty, constitutes in his opinion a case on behalf of the United States against conspirators, obviously it ought not before the suit is begun to be put into the hands of the contemplated defendants. That is a proposition which proves itself.

I have been of the opinion that probably there was such a conspiracy, and I take it there will be no debate in the country that if there be such a conspiracy it is one which should be prosecuted as one absolutely wicked in its character and far-reaching in its deleterious effects and results. But I do not think the Senate of the United States, knowing so little of the situation as the Senate does, should take the preparation of the case out of the hands of the law officer of the Government whose duty it is under his oath, when he has made a case which he considers adequate, to secure relief and lay the Government's case before the defendants—of course, if you lay it before the Senate you lay it before the defendants—thereby, of course, advising them in advance of the line of pleading and proof upon which the Attorney-General intends to rely and affording them an opportunity to arrange records or whatever may be thought wisest by them or their counsel to defeat the suit when brought. On reflection——

Mr. BACON. I should like to ask the Senator from Wisconsin a question, with his permission.

Mr. SPOONER. Certainly.

Mr. BACON. I suppose there has been some information gained from the Attorney-General by Senators who oppose this motion, and I ask the question for the purpose of governing my action.

Mr. SPOONER. So far as I am concerned, I know nothing about it.

Mr. BACON. Possibly the Senator may listen to information from some of his colleagues. I want to ask the question.

Mr. SPOONER. I know only this, that the Attorney-General will not stop to bring a lawsuit in the name of the United States against such defendants the moment he thinks he has a case which will justify him in bringing such a suit; and I assume that

the Attorney-General is doing his duty; that he is prosecuting supplementary investigations, with those perhaps indicated by Mr. Hearst, and that we ought not, without knowing something more definite about the status of the matter, to direct him to give to the world the evidence which he has accumulated.

Mr. BACON. The question I desired to ask the Senator from Wisconsin is whether he or those who agree with him in the position he takes are prepared to say to the Senate that the Attorney-General, upon the information which has been thus furnished him, is of opinion that there is such a case as requires him to further prosecute the inquiry.

Mr. SPOONER. I am not.

Mr. BACON. The Senator says he has confidence in the Attorney-General, and I certainly do not desire to intimate that anyone has any other opinion of him or should have any other, but the Senator will note that the Attorney-General may not be of opinion on these facts that further prosecution of inquiry is required. I think before we pass upon the consideration of this matter and act upon the suggestion made by the Senator from Massachusetts and the Senator from Wisconsin, we should at least have the assurance that the Attorney-General considers this such a prima facie case that he is now engaged in the prosecution of an inquiry, and that he desires to be permitted to proceed with it without making disclosures.

Mr. SPOONER. That ought to have been ascertained before the resolution was introduced. I know nothing about the desire of the Attorney-General in the premises or the status of the matter. Nor does the Senator. So far as I know neither does any other Senator.

Mr. BACON. The Senator will pardon me in this connection. In view of the length of time which has elapsed without any action, so far as we know, does not the Senator think we should at least have from those who have every opportunity to get it the assurance of the Attorney-General that he is engaged in the prosecution of the matter and that in his opinion a disclosure might result in injustice?

Mr. SPOONER. That is an entirely different proposition. The Senator agrees with me. I am opposing this resolution as improvident and improper in the absence of knowledge as to what the Attorney-General is doing, what progress he has made, if any, and as to the general status of the matter.

Mr. BACON. I am very happy whenever I can agree with the distinguished Senator from Wisconsin——

Mr. SPOONER. I also am happy.

Mr. BACON. Because I have every assurance that we are right when we do agree. But I desire to say this to the Senator in the utmost good faith. I do not think we entirely agree.

Mr. SPOONER. I am unhappy to hear that.

Mr. BACON. The point of divergence is this: I quite agree that if an investigation is being prosecuted which would be defeated by this disclosure, there ought not to be the disclosure; but when a sufficient length of time has passed or there has been a sufficient time in which some development could have been manifested and there has been none, and when this proceeding is initiated here for the purpose of getting the information, it seems to me we ought at least to have the information from the Department, conveyed informally, if you please, that there is now being prosecuted by the Department such an investigation as would make it improvident and improper to make the disclosure sought by the resolution.

On the contrary, the position of the Senator from Wisconsin is that in the absence of this information, although this great time has elapsed, we ought to assume that the Attorney-General is prosecuting it and that therefore it would be improvident to ask for the information. There I think we differ. We agree on the proposition that if the Attorney-General has found in the information given to him that there is a basis upon which should be rested further investigation and that he is prosecuting that investigation, then there ought not to be the disclosure. But we disagree as to whether or not after so great a length of time we are to assume it or whether we are to have the assurance——

Mr. McCOMAS. What length of time?

Mr. BACON. The length of time, I understand, disclosed by the resolution. I do not know exactly what it is.

Mr. McCOMAS. It is not stated. It is simply an opinion as to the time.

Mr. LODGE. Mr. Hearst's opinion.

Mr. McCOMAS. It says "a protracted interval." The resolution recites that in October the petition was filed. It alleges that the petition was submitted to the Attorney-General, and thereafter the evidence was submitted, and that a protracted time has expired since the evidence was submitted. Does the Senator know when the evidence was submitted? That is quite material here.

Mr. BACON. I do not know.

Mr. McCOMAS. Well; does the Senator from Arkansas know when the evidence was submitted?

Mr. JONES of Arkansas. I do not know.

Mr. McCOMAS. Well.

Mr. JONES of Arkansas. But I presume that if the Attorney-General asked to have it submitted, it was submitted at once.

Mr. McCOMAS. You presume.

Mr. JONES of Arkansas. I presume so because I presume the Attorney-General is discharging his duty.

Mr. McCOMAS. But if the Attorney-General on the 4th of October received the petition, and in a reasonable time had attention brought to it and notified the district attorney in New York, then we should know when it was that Mr. Hearst submitted the evidence. We should not assume, against the Attorney-General and against the energy of the district attorney, that the persons who proffered the evidence were not slow or that they promptly submitted the evidence. The pending resolution alleges that there was a protracted interval between the submission of the evidence and the 20th day of December, when the resolution came in.

Mr. BACON. Mr. President——

Mr. McCOMAS. Now, Mr. President, if the Senator will allow me, and if I am not talking in the time of the Senator from Georgia——

Mr. BACON. The Senator from Wisconsin is the Senator of whom permission should be asked.

Mr. SPOONER. I yield.

Mr. McCOMAS. I submit to Senators that there is not and has not been an Attorney-General or a district attorney who would not be eager and swift, upon the submission of a case, to bring to punishment the perpetrators of a colossal crime such as is alleged in this preamble. But when a crime is thus described, which all men would be glad to punish, and it is alleged that there has been delay by the Attorney-General or by the district attorney, that the interval of time has been so protracted that the Senate should have the matter here, Mr. President, it is plain that, before we impute to the district attorney or to the Attorney-General that there has been protracted delay in a large and widespread investigation of the scope indicated by this resolution, we ought to be sure, as has been said before, that we are not now further delaying the matter.

Suppose the papers are sent here. It may happen that the evidence was submitted to the district attorney in New York on the 15th day of December, and on the 20th of the same month the resolution appeared here to have the matter investigated by the Senate. What does the Senate do? Bring it here and refer it to a committee—the Committee on Interstate Commerce or the Committee on the Judiciary; and what will they do? Proceed, perhaps, to have their investigation, and in doing it give away all the evidence upon which the prosecution might have been based and successfully carried on. And if you bring it here the district attorney of New York and the Attorney-General must cease their work, and what then? In the midst of winter, when the great charge is made by Mr. Hearst that in his opinion this thing is being done by various railroads, the whole hand of the Government is given away, and what is the purpose? It is said, "Let the evidence submitted by Mr. Hearst be submitted to the Senate." I do not know, but I venture the assertion that the evidence submitted by Mr. Hearst has already found its way into the newspapers somewhere and that the public has it. But the district attorney, if he be assumed to be doing his duty, may have other information which would be brought out by the investigation in progress.

I do not desire longer to take the time of the Senator from Wisconsin or the Senator from Georgia. The resolution is ill conceived, I submit respectfully, improvident, and hurtful of its author's purpose. It does that, and does something more. It imputes to the Attorney-General and to the district attorney negligence without a disclosure of facts which would constitute negligence on their part. Then there is the mere assertion in the resolution that the time has been protracted, when perhaps there may have been only a week between the submission of the evidence to the district attorney and the introduction of the resolution. It is not just to those officials nor just to the purpose of the Senator from Arkansas if he desires to punish the alleged iniquity of these railroad corporations.

Mr. TILLMAN and Mr. SPOONER addressed the Chair.

The PRESIDENT pro tempore. The Senator from South Carolina.

Mr. SPOONER. Have I not the floor?

The PRESIDENT pro tempore. No; the Senator from Maryland was recognized in his own right.

Mr. SPOONER. I yielded for a question.

Mr. McCOMAS. I understood the Senator from Wisconsin to yield.

Mr. TILLMAN. I will gladly yield the floor to the Senator from Wisconsin, but I wish to ask the Senator from Maryland a question. I should like to know of that Senator just how much

time he would consider it necessary for the Attorney-General and the district attorney to have in order to make up their minds as to whether they had a prima facie case which would warrant prosecution.

Mr. McCOMAS. Will the Senator from South Carolina tell me how much time they did have, and then I can answer the question.

Mr. TILLMAN. I have not that time, and no other Senator over here seems to have it. I think before we settle this question we ought to have it——

Mr. McCOMAS. I think so.

Mr. TILLMAN. Because we appear to be bolting about in the dark trying to find somebody to hit——

Mr. McCOMAS. I agree with the Senator.

Mr. TILLMAN. We are trying to hit—or pretending to try to hit—the trusts. I do not know what a trust is. Nobody seems to be able to describe it in legal phrase. Anyway, the thing we are trying to hit is a trust, a monopoly, a combination, unholy and outrageous, to keep the people from getting coal, as I take it. I want to know of the Senator just how much time an Attorney-General who is in earnest would want.

Mr. McCOMAS. In reply to that question, I should want to know how much time has been allowed. I am confident there is no Senator on this floor who would not be glad and be swift to help punish the offense alleged in this preamble, but there should be some disclosure of facts here before we impute to these officials that they are not so eager as we are to bring about proper punishment.

Mr. JONES of Arkansas. That is what you are trying to prevent.

Mr. McCOMAS. Why say "a protracted interval" if the Senator who offers the resolution can not tell us whether it be five days or two weeks?

Mr. JONES of Arkansas. You are trying to prevent the bringing of the facts here. You say we ought to have the facts and to know the facts, and yet are unwilling to adopt the resolution.

Mr. McCOMAS. Why should not the Senator from Arkansas ascertain—it takes little effort—whether much time has elapsed? When was the evidence submitted?

Mr. JONES of Arkansas. If I may be allowed——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Arkansas?

Mr. McCOMAS. I yield.

Mr. JONES of Arkansas. The purpose of the resolution is not to criticise the Attorney-General. If I were undertaking to criticise the Attorney-General, I should take the course suggested by the Senator from Maryland. Mr. Hearst has presented evidence which, as he believes, is proof of this illegal conspiracy. That is what the resolution says Mr. Hearst believes. Now, if he has presented such evidence and it is sufficient to convict the railroads of this offense, I can not conceive how it could weaken the Government's case in any sense for the Senate to know those facts as well as the Attorney-General; and the Senate has a right to know them.

Mr. SPOONER. Mr. President——

Mr. CULLOM. I should like to ask who has the floor?

Mr. McCOMAS. I yield to the Senator from Illinois.

Mr. CULLOM. I should like to know if any Senator is informed whether a suit has been brought by the Attorney-General or the district attorney.

Mr. JONES of Arkansas. I do not know. I should like to know the facts, and the object of the resolution is that the Senate may know the facts.

Mr. CULLOM. Here we are debating the passage of a resolution calling upon the Attorney-General for information in reference to this alleged conspiracy when nobody in the Senate knows whether or not the Attorney-General is prosecuting a suit. Why should we be, as the Senator from South Carolina says, bolting about here in the dark——

Mr. JONES of Arkansas. We want to know.

Mr. CULLOM. Undertaking to pass a resolution as to a matter about which we know nothing whatever.

Mr. JONES of Arkansas. We desire to find out something.

Mr. CULLOM. We do not know whether the Attorney-General——

Mr. JONES of Arkansas. We want to find out.

Mr. CULLOM. We do not know whether the Attorney-General is prosecuting the railroad companies or whatever corporations may be engaged in these practices, if any. Now, let us find out some of the facts——

Mr. JONES of Arkansas. We should like to find out. That is what we want.

Mr. CULLOM. Without publicly asking for a report to be sent here by a resolution which in a way seems to create the impression that the Attorney-General is not doing his duty.

Mr. JONES of Arkansas. That has been suggested by the other side.

Mr. CULLOM. It seems to me we ought first to ascertain the facts.

Mr. HOAR. Will the Senator from Illinois allow me to ask one question of the Senator from Arkansas? If Mr. Hearst has presented certain evidence to the Attorney-General which he thinks it important the Senate should know, why does he not present it to the Senate also?

Mr. JONES of Arkansas. I can not speak for Mr. Hearst. I am speaking for myself. In view of the fact that newspapers allege that more than three months ago a statement was made to the Attorney-General that Mr. Hearst had evidence which he believed sufficient to convict these people of this crime, and the papers say this has been in the hands of the Attorney-General during these three months, I, as a member of the Senate, would like to know, and I presume all Senators would like to know what this evidence is, and then they can make up their own minds whether or not it is sufficient to reach the case.

Mr. HOAR. My question is this: Supposing Mr. Hearst to feel as he does, why does he not send the information to the Senate?

If I may be pardoned for one moment, if a citizen has in his possession evidence in regard to the conduct of certain public corporations which he thinks should be the foundation of legislation or which would instruct us in legislating, why does he not give it to us himself, if he is interested in the matter, or why does not the Senator from Arkansas ask Mr. Hearst to give it to him? The Senate is not the grand inquest of the country. The House of Representatives is the grand inquest, and if there is failure of duty on the part of the Attorney-General, that body is to inquire into it. The Senate is not a judicial tribunal clothed with criminal jurisdiction. That is vested in the courts. So all that the Senate has a right to ask for, unless we are sitting as a court of impeachment of somebody, is for information that will help us in legislating.

Now, if this information in the possession of a citizen will help us in legislating, why should we go to another department of the Government and make them tell us what the citizen has told them he has? I do not see why the gentleman to whom the Senator refers does not send it to us if he wants us to know it, or if the Senator wants us to know it, why he does not ask him for it.

Mr. JONES of Arkansas. The Senator inquires of me why I do not ask Mr. Hearst for this information. The Senate of the United States has the right to direct the Attorney-General, as an officer, a servant of the United States, to send to the Senate any information he has.

Mr. HOAR. Where does it get that——

Mr. JONES of Arkansas. If the Senator will allow me to answer one part of his question at a time I will be obliged to him.

We have no authority to direct any private citizen to furnish information here. We have no control over them. The point is simply this: This evidence is in the hands of the Attorney-General. The suggestion has been made here that the Senate ought not to take it out of the hands of the Attorney-General. There is no proposition to take it out of his hands. I have no desire that it shall be taken out of his hands, but it is a great question, one that is challenging the attention of Senators all the time, and if the Attorney-General has information bearing upon this important question, I see no reason why the Senate should not have it, and I do not understand why gentlemen on the other side of the Senate Chamber should undertake to get away from this question of getting information and undertake to make it a motion to criticise the Attorney-General or to criticise Mr. Hearst. It seems to me we ought to determine whether or not the Senate wants this information.

Mr. McCOMAS. Does the Senator know when the petition was referred to the district attorney?

Mr. JONES of Arkansas. No, I do not know; I am not criticising the Attorney-General; I am not finding fault with the Attorney-General. If I was finding fault with him, then I would want to inquire about all those details. What I said is that this information, as alleged by newspapers, was furnished to the Attorney-General three months ago, and I should like for the Senate now to take up the matter, so that the country and the Senate may know what the facts are.

Mr. McCOMAS. The Senator wants the information furnished to the Attorney-General. That was the petition of Mr. Hearst.

Mr. JONES of Arkansas. No; it was not.

Mr. McCOMAS. That was the petition of Mr. Hearst.

Mr. JONES of Arkansas. No; it was not.

Mr. McCOMAS. The resolution says so.

Mr. JONES of Arkansas. You are misinformed.

Mr. McCOMAS. It says that on October 4 the sworn petition was filed by Mr. Hearst.

Mr. JONES of Arkansas. If you will read the whole of it, you will find that you are not stating it correctly.

Mr. McCOMAS. It says the evidence proffered by Mr. Hearst

was submitted to the Attorney-General and submitted to the district attorney. Has the Senator information as to the fact that it was submitted? Because if it was, and when it was, is as important as what it was, to warrant the Senate in adopting this resolution.

Whereas a protracted interval has elapsed—

Now, there are two things—

A protracted interval has elapsed since the filing of the petition and the submission of such evidence.

The resolution tells us that the petition was filled by Mr. Hearst on October 4. Can the Senator tell the Senate when the evidence was submitted to the district attorney by Mr. Hearst, or whether in fact he ever submitted the evidence to the district attorney?

Mr. JONES of Arkansas. The Attorney-General can tell us that when he answers the resolution.

Mr. McCOMAS. I think the Senator from Arkansas would do well to strike out the third whereas and thus escape the unjust imputation upon the district attorney and the Attorney-General.

Mr. SPOONER. Will the Senator allow me to interrupt him long enough to say a word?

Mr. McCOMAS. I will yield now to the Senator from Wisconsin.

Mr. TILLMAN. Will the Senator from Wisconsin be kind enough to allow me to ask a question that may throw some light upon this question?

Mr. SPOONER. Of whom?

Mr. TILLMAN. The Senator from Massachusetts.

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Wisconsin yield?

Mr. SPOONER. I yield.

Mr. TILLMAN. I understood the Senator from Massachusetts who first objected to the passage of this resolution to say that he had investigated it since and that he had information which led him to know or to feel that it would be unwise to disclose the Government's case, or to show its hand, or something along that line. Possibly he can give us light on the question, which we are all asking, as to when this evidence was submitted, or whether any evidence was submitted.

Mr. LODGE. I dislike to state that the Senator from South Carolina could ever be inaccurate, but that is not what I said.

Mr. TILLMAN. I am trying to give the substance or the meaning and not the exact words.

Mr. LODGE. I said nothing resembling it. I said I had considered the resolution and examined it myself.

Mr. TILLMAN. And had information.

Mr. LODGE. I said nothing about having information. I said I had considered the resolution since I objected to it, and had examined it and was satisfied——

Mr. TILLMAN. I will now ask the Senator from Massachusetts, with the permission of the Senator from Wisconsin, if he has any information from the Attorney-General's Office as to whether any evidence has been submitted by Mr. Hearst or anybody else?

Mr. LODGE. I have had no information. I assume that the Attorney-General is doing his duty, and I do not propose to question that he is doing his duty until I have something more to go upon than a vague statement in a resolution.

Mr. TILLMAN. I am satisfied now that nobody here seems to know what we are all seeking to know. We recognize that there has been a petition filed, and there is an assertion in this resolution that a protracted interval has intervened following the filing of the petition, but nobody knows whether any evidence was ever submitted, and until we get information on that subject, I submit to the Senator from Arkansas that we had better defer action upon this resolution and not be unjust to the Attorney-General. He says himself he does not want to do anybody injustice, and I am sure there is nobody here, certainly on this side, and everybody knows there is nobody on the other side, who would do the Attorney-General an injustice. It is merely a question, it appears to me, whether we are honest with ourselves, and whether you gentlemen who are introducing changes in the tariff laws and opposing joint resolutions changing the tariff laws on the same subject in regard to this coal strike really mean anything or intend to do anything. We are trying to get some light on that subject, and that is the whole of this matter.

Mr. SPOONER. Mr. President, only a moment. I do not think there is any foundation for the suggestion of the Senator from Arkansas that anyone has criticised Mr. Hearst. I think Mr. Hearst did his duty as a citizen of the United States.

Mr. JONES of Arkansas. I was unfortunate in the use of language if I made any statement of that sort. I said I did not see any reason why an effort to criticise the Attorney-General or to bring Mr. Hearst into the controversy should divert us from the resolution itself.

Mr. SPOONER. The only way Mr. Hearst has been brought into the controversy is by having his name mentioned in the resolution itself as having filed the petition and submitted evidence. It was a very proper thing for him to file the petition and a perfectly proper thing for him to submit the evidence, if he concluded to do it. It was a very proper thing for the Attorney-General to grant the petition, if it appears he did, and to refer it to the district attorney in New York in order that Mr. Hearst might there, where they both live, submit the evidence. I think, too, it has been a very proper course on the part of Mr. Hearst that he has allowed the evidence submitted to remain unpublished in the hands of the Department of Justice. Mr. Hearst at any time could have given this evidence to the public through the columns of his newspapers. He wisely abstained from doing so, and the motive which could very properly induce him to abstain is one which, I think, should induce the Senate to abstain in the present state of our information.

I knew nothing of this resolution until this morning. I have assumed that the Attorney-General is prosecuting his duty.

The Senator asked the Senator from Maryland how long, in his opinion, it ought to take the Attorney-General to prepare this case or to satisfy himself as to the bringing of a suit. That is a question upon which no lawyer can form an opinion who has not the matter in hand. Such investigations sometimes take a long time. It is not merely a prima facie case always. Especially where a lawyer is bringing suit against men with unlimited capital, who have built around themselves, through the assistance of most skillful and able lawyers, every possible safeguard, he desires to thoroughly understand what he can do and to thoroughly explore the whole situation before he puts the matter into court. He wants to be reasonably certain, as a lawyer, that he can succeed.

Although we have, as the Senator from Arkansas says, power in a general way to direct the Attorney-General, we have never been in the habit of directing the Attorney-General to disclose to the public evidence which he has accumulated and which he intends to use in the prosecution of a suit pending or to be brought. The Attorney-General is prosecuting a vast number of cases throughout the United States for counterfeiting and for all manner of offenses. The Senate never has assumed that it can direct this judicial officer, this Government prosecutor, to lay before the defendant and before the world the evidence upon which he proposes to bring a suit or upon which he proposes to secure a conviction or a verdict or judgment or decree in favor of the Government. It is one of those matters of which the Attorney-General must be the judge.

If it were known that the Attorney-General has decided that the evidence submitted by Mr. Hearst is insufficient to warrant the bringing of a suit, then there would be some reason in the proposition that the evidence submitted to him by Mr. Hearst should be given to the public in order that the public might judge for itself whether the Attorney-General had acted wisely or unwisely, and it would not require the intervention of the Senate, either, to lay it before the public; Mr. Hearst could do it any morning that he saw fit.

Mr. JONES of Arkansas. Will the Senator allow me a question right there?

Mr. SPOONER. Certainly.

Mr. JONES of Arkansas. How is the Senate to ascertain whether the Attorney-General has arrived at such a conclusion or not? It has been three months since this matter was brought to his attention. I am judging simply by what I saw in the papers. I have no information further about it than that the matter has been referred to the district attorney in New York. Now, if the district attorney in New York has reported that this evidence in his opinion was not sufficient and if that should be the condition in the Attorney-General's Office, there would be an exact compliance with the condition suggested by the Senator from Wisconsin.

Mr. SPOONER. The Senator is putting no question to the Attorney-General to ascertain the status of this matter. He is assuming that the Attorney-General has decided not to bring the suit and therefore asks him to lay before the public the evidence submitted by Mr. Hearst. The resolution is based on that assumption.

Mr. JONES of Arkansas. The Senator does me an injustice when he attributes that assumption to me.

Mr. SPOONER. I speak of the resolution.

Mr. JONES of Arkansas. There is nothing in the resolution which warrants that assumption. It is simply a request for information upon a great question in which the Senate is interested.

Mr. SPOONER. Oh, well——

Mr. JONES of Arkansas. I want to say again that I did not intend by this resolution to take the matter out of the hands of the Attorney-General. I simply believe that the Senate of the United States is entitled to know what steps are being taken and what progress is being had, and this would not in any way interfere with him in the discharge of his duty.

Mr. SPOONER. What the public is interested in, and what the Attorney-General is interested in, and what the Senate is interested in, is in determining, through the Attorney-General's investigation, whether this conspiracy exists or not, and in dissolving and destroying it if it exists.

Mr. JONES of Arkansas. I agree to that.

Mr. SPOONER. It is interested in that. That is the object, if there is any honest purpose in this proceeding.

Mr. JONES of Arkansas. That is right.

Mr. SPOONER. It is not to exploit before the country partial or fragmentary evidence tending to support the charge of monopolies and conspiracies. The Attorney-General ought to be permitted, on the assumption that he is doing his duty, to follow this thing, using the evidence submitted by Mr. Hearst as far as it goes, acquiring such further evidence as it is possible for him to acquire, taking the time necessary to enable him, in a lawyer-like way, doing his duty by the Government and people, to accomplish it, to get at the truth, to prepare himself for trial, and then to bring his suit and press it to a conclusion.

It is not the function of the United States Senate, nor is it in the interest of the public, to hurry the lawyer of the Government to a decision before he is ready as a lawyer to decide, or to call upon him to give to the public partial evidence or evidence a portion of which he intends to use in a prosecution.

If I had known of this resolution before it came up I would not have hesitated to talk with the Attorney-General about it. There is no one who will not be glad to learn, if it be the truth that there is such a conspiracy, that it is amenable to the laws of the United States and that the strong arm of this Government in a proper judicial proceeding conducted by the Attorney-General can be used to destroy it. But that is not the object of this resolution. I think my friend ought not to press the resolution at this time until something further is learned as to what the status of this matter is.

Mr. BACON. I desire, before the Senator takes his seat, to say to him that I quite agree with the last remark he made; and if the Senator, or some one, will be prepared to give us the information to-morrow as to the status in the Attorney-General's Office——

Mr. SPOONER. I am not a member of the Judiciary Committee.

Mr. BACON. I am speaking of some one.

Mr. SPOONER. The Senator can inquire of the Attorney-General. If I see him, I will inquire of him, but I do not enter into any agreement about it.

Mr. BACON. The Senator did not permit me to conclude. I was going to make a suggestion. I desire for myself that the information shall be had from the Attorney-General's Office, and I say very frankly, if the Attorney-General shall state that they are engaged in making further inquiry, I myself am content that it shall rest there.

Mr. SPOONER. I think the resolution should be referred to the Committee on the Judiciary, and that committee can make the proper inquiry.

Mr. FORAKER. Mr. President——

Mr. SPOONER. I make that motion.

Mr. FORAKER. I was about to suggest that the resolution shows on its face that the Attorney-General is engaged in the prosecution of this investigation. The resolution recites that Mr. Hearst has presented to the Attorney-General a petition asking the privilege of submitting testimony to the Department of Justice in support of certain charges which are named in the resolution. The resolution further recites that subsequently the Attorney-General referred that to the United States district attorney for the southern district of New York, and it further recites that Mr. Hearst appeared before the United States district attorney for New York and there presented the testimony which he desired the Department of Justice to investigate. That is all it recites. We are not told when this occurred.

This is a most serious charge, as has been well said and repeatedly said by those who have spoken in this debate. We are bound to assume that the Attorney-General, being responsible for such a prosecution as he is asked here to bring, would want to thoroughly examine the whole subject, and in that behalf he would have to consider not only the testimony of Mr. Hearst, but other testimony which he might think it desirable to have. He might prefer his own judgment as to the competency of the testimony and the sufficiency of testimony, he being a lawyer of long experience, to the judgment of Mr. Hearst, who is not, I believe, a practicing attorney at all. He would not only want to examine testimony as to the fact, in which he might differ from Mr. Hearst, but he would want, if he thought there was testimony to be had that would support these charges, to examine other questions. He would not only look at it as to the sufficiency of testimony and as to its availability, but he would also have to consider jurisdictional questions. Where should this suit be brought? What court will be the court of competent jurisdiction to entertain such a proceeding as is here suggested?

The resolution recites that he not only referred it to the district attorney, through whom, at New York, he would bring the suit, in all probability, but it recites that he directed the district attorney to examine as to the testimony whereby the charges were to be supported and then to make a report to him on the same. Does any Senator imagine that the district attorney would simply send him this evidence the moment it might be submitted by Mr. Hearst? We all know that he would be derelict in his duty if he did not make a thorough examination of the whole subject, an examination not only as to what testimony could be produced and its availability and its competency, but also an examination as to the forum in which it should be presented and the character of procedure which should be resorted to. That can not be done in a day.

Senators have spoken about an unusual delay, and it has been stated that a protracted period has elapsed. This resolution recites that to be the case. Mr. President, it does not seem to me that the Attorney-General has taken any unreasonable time. I do not believe that any careful lawyer such as the Attorney-General of the United States should be, such as the district attorney for the southern district of New York should be, and such as we know him to be, could be expected to examine the testimony, to examine all the jurisdictional questions, and make a report, considering how much other business they must of necessity meanwhile be attending to, before the time that has now elapsed.

The petition was presented to the Attorney-General in October. This is only the beginning of January. It is a suit which if it is brought at all will challenge the strongest interests in this country and will lead undoubtedly to one of the most earnest contests that it would be possible to have in a court of justice. An Attorney-General would be derelict in his duty in contemplating the bringing of such a suit if he did not fortify himself not only in securing the testimony, and all the testimony attainable, but also in examining every phase of a legal nature that will attend the prosecution of this inquiry.

I think, therefore, on the face of it, the resolution recites that which shows that it would be improvident for us to adopt it at this time. I am not going to stop to repeat what the Senator from Wisconsin [Mr. SPOONER] so well said, that if the Attorney-General is to bring this suit, if he determines to bring the suit as a result of the inquiry, nothing could be more ill advised, if we are in earnest in desiring to support him, than to require him now to present all this testimony in the Senate of the United States, which would be the same thing as furnishing copies of it all to those who are to be the defendants in this litigation.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

THE COMMITTEE ON THE JUDICIARY.

Mr. HOAR. I ask unanimous consent that during the remainder of the session the Committee on the Judiciary shall have leave to sit during the sessions of the Senate.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the Committee on the Judiciary be allowed to sit during the sessions of the Senate. Is there objection? The Chair hears none.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. FORAKER. In the absence of the Senator from Pennsylvania [Mr. QUAY], who has had charge of this bill, I have been requested to take charge of it. When we adjourned for the vacation it is my recollection that the Senator from Minnesota [Mr. NELSON] was about to address the Senate.

Mr. BEVERIDGE. That is correct.

Mr. FORAKER. I would like to inquire of him whether he is now prepared to proceed, and if he so desires I yield for that purpose.

Mr. PROCTOR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Vermont?

Mr. NELSON. Certainly.

Mr. PROCTOR. I should like to ask the Senator in charge of the bill if he will give way for two or three minutes to allow me to ask for an agreement on the militia bill.

Mr. FORAKER. I agree that the bill may be temporarily laid aside, without prejudice, its consideration to be resumed.

Mr. BATE. It is not to displace this bill in any way?

Mr. FORAKER. Oh, no.

Mr. PROCTOR. Certainly not.

Mr. FORAKER. The bill is not to be displaced. It will not be prejudiced by temporarily laying it aside. I should like to ask the Senator from Vermont, however, how much time he will probably take.

Mr. PROCTOR. Oh, not many minutes.

Mr. FORAKER. Very well.

EFFICIENCY OF THE MILITIA.

Mr. PROCTOR. Mr. President, between the divers and sundry matters of the morning hour and the question of three embryo States as the unfinished business, the corps of militia bill seems to have a very small chance. I desire to ask if there can not be some agreement made when a vote can be taken.

So far as I can judge, there is no serious opposition to the bill, except to the twenty-fourth section. I certainly want to have a fair chance given for the discussion of that section; but I should like to ask if an agreement can not be made by which some day shall be fixed when a vote can be taken on the amendment and on the bill, provided that we are able in the morning hour to give one, two, or three hours—whatever those in favor of the amendment ask—to its discussion.

I ask the Senate to agree that we may have a vote on Thursday or Friday, provided we can get the bill up in the morning hour, so as to give those in favor of the amendment such time—one hour or two hours—as they may desire for its discussion.

Mr. BACON. Mr. President, I am not authorized to speak, except in a personal way, and also to reflect the opinion of two or three Senators sitting around me. It is an impossibility now to answer the Senator's proposition, by reason of the absence of several Senators who have intimated or expressed their desire to be heard upon the twenty-fourth section. The Senator from Virginia [Mr. DANIEL] wants to be heard on that section, and also on other parts of the bill. I do not know what other objections he may have to the measure. I know, however, that he does object to the twenty-fourth section.

My objection to the bill is limited to the twenty-fourth section and such other parts of the bill as relate to that section. With that out of the bill I would be prepared to vote to-day or at any other time when the Senate might find it convenient to give it attention. But, in the absence of Senators who have expressed their intention to be heard upon it, I certainly would not feel authorized to give any consent either for myself or for them.

I would suggest to the Senator from Vermont that the time of the Senate under the unanimous-consent agreement which has been made is so occupied that it is an impossibility now to anticipate how much time can be given to the discussion of the twenty-fourth section. I think it is true that without the twenty-fourth section there would be no trouble whatever about coming to a speedy agreement as to the bill. Of course, I recognize the right of the committee and of Senators to insist upon the twenty-fourth section, and I do not desire that there should be anything more than the opportunity given for Senators who desire to be heard to present what they consider a vital objection to it.

I repeat the suggestion I made to the Senator, that in the condition of the business of the Senate under the unanimous-consent agreement it is an impossibility to anticipate how much time can be given to the discussion of this bill during any portion of the morning hour, because that is the only part of the session of the Senate which, under the unanimous-consent agreement, is available for its discussion.

Mr. PROCTOR. Mr. President, of course it is uncertain how much time can be given, but my request was——

Mr. TILLMAN. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator from South Carolina rises to a question of order. The Senator will state it.

Mr. TILLMAN. I desire to know whether it is not the rule of the Senate that at 2 o'clock the unfinished business shall be laid before the Senate?

Mr. PROCTOR. It was temporarily laid aside.

The PRESIDING OFFICER. The Chair laid the unfinished business before the Senate and it was temporarily laid aside.

Mr. TILLMAN. I beg pardon. I did not know that the unfinished business had been laid before the Senate.

Mr. PROCTOR. I asked that an agreement might be made, subject to the provision that such time as the Senators might now ask for debate on the twenty-fourth section would be available during the morning hour. I understand the Senator from Georgia to object.

The Senate understands very well that unless this bill, which all seem to favor in the main, is soon enacted it will be of little force for the next two years on account of the early meeting of the legislatures. In fact, many of them have biennial sessions, and it will be of little force unless it can be passed within a very few days. I regret very much that we are not able to come to an agreement. I wish to give all the time Senators can ask for.

Mr. BACON. I will state to the Senator that I myself have consumed all the time which I propose to take, and I am not making the objection in my interest at all.

Mr. MCLAURIN of Mississippi. Before the Senate passes from the consideration of the militia bill, I desire to have the consent of the Senate to present three new sections, which I will offer as an amendment to the bill. I ask that they may be printed.

The PRESIDING OFFICER. Without objection, the amendment will lie on the table, and be printed.

ANTHRACITE COAL.

Mr. VEST. My attention was called away when we reached the order of concurrent resolutions. I now offer a resolution and ask for its immediate consideration.

Mr. FORAKER. I yield that that may be done on the same condition that I yielded to the Senator from Vermont.

The PRESIDING OFFICER. The Chair so understands. The resolution submitted by the Senator from Missouri will be read.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Finance be instructed to prepare and report a bill amending "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, so that the tariff duty shall be removed from anthracite coal and the same be placed on the free list.

Mr. ALDRICH. Let the resolution be referred to the Committee on Finance.

The PRESIDENT pro tempore. The Senator from Rhode Island moves that the resolution submitted by the Senator from Missouri be referred to the Committee on Finance.

Mr. VEST. Mr. President, I will ask for the yeas and nays on that motion.

The PRESIDENT pro tempore. On that question the Senator from Missouri demands the yeas and nays. Is there a second?

Mr. LODGE. Let the resolution be read again.

The Secretary again read the resolution.

Mr. FORAKER. Mr. President, when I yielded to the Senator from Missouri I did so upon the supposition that it was simply to have a resolution presented and acted upon as to which there would be no debate or controversy of any kind. I do not object to further yielding until the roll may be called, but I want to renew my statement that I was yielding with the distinct understanding that it is without any prejudice to the unfinished business.

Mr. BEVERIDGE. Oh, certainly, Mr. President. It is understood that the unfinished business will be proceeded with.

Mr. FORAKER. I know everybody says "certainly," but I want the RECORD to say "certainly."

Mr. BEVERIDGE. I have no objection to the RECORD saying "certainly," and to the Senator saying "certainly," and to all the rest of us saying "certainly."

Mr. VEST. Let the resolution go over until to-morrow. I have no objection to its going over.

Mr. ALDRICH. The motion to refer will go over with the resolution, I take it?

The PRESIDENT pro tempore. Both will go over together.

Mr. ALDRICH. And it will come up for discussion at the proper time, I presume?

The PRESIDENT pro tempore. It is understood that the resolution goes over, coupled with the motion of the Senator from Rhode Island to refer the resolution to the Committee on Finance.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. NELSON. Mr. President, I regretted very much that I did not have the opportunity to join the subcommittee and visit the two Territories of Arizona and New Mexico when they were out there taking testimony. One can always get a better view of the situation, understand the facts better, and always acquire more information by studying the locus in quo in the light of the evidence that is taken on the spot.

This question of admitting new States into the Union is one of the most important questions that can possibly come before the Congress of the United States. It is not only important on account of the intrinsic matter involved in the question, it is not only important because we ought to consider well whether a Territory is fitted to become a member of the Union, but it is also important for the reason that if we admit a State and make a mistake, the act is irrevocable and unchangeable. We may make mistakes in respect to other legislation, commit grave and serious errors, those we can easily correct by subsequent legislation, by

repeal or amendment, but when it comes to the matter of admitting a Territory into the Union as a State, when that fact is once accomplished, we are utterly helpless, and if a mistake is made the whole country suffers from the effect of it.

In view of the importance of the question, I think that party platforms ought to have little to do with it. We have heard much in this debate about the fact that the platforms of the two parties have indorsed the admission of these Territories. The most you can say about these party platforms is that they are of an advisory character. The members of the several political conventions are not acting under oath. They are there simply to carry out certain political behests of their party, chief of all to nominate candidates. But the rule established and adopted by a party convention can never be controlling in this body or in the other House of Congress. The question is of too serious a character for that.

The question of admitting new States into the Union, Mr. President, should be considered from two standpoints, both in respect to its bearing on the States and also in respect to its effect on the people of the Territory seeking admission. As a rule there are two classes of men who are chiefly eager for early statehood. First, there are the prominent politicians, who are eager to appear in the Senate or in the House and eager to hold State offices. But this is not the most serious matter. There is another class, the promoter class, who want State or local bonds issued, who have business enterprises they want promoted, and they find themselves hampered under a Territorial system of government. It is these schemers and these promoters who are oftentimes the most menacing, the most dangerous, and the most alarming to these new communities.

In the earlier stages of the growth and development of a Territory we know by experience in the past that people pour in from all parts of the country, all classes of people—some good, intelligent, able American citizens, and others, again, of a worthless, shiftless class.

Now, in a Territory it oftentimes happens that in the first instance, or for a while, this shiftless, irresponsible class predominate, or if they do not predominate in numbers, they have a controlling power. Therefore, Mr. President, it is a good plan to withhold statehood from these communities until the population becomes assimilated, until the dross is separated from the gold, and until they become settled and well-organized communities.

Congress has recognized the importance of this fact, and has been obliged, in order to restrain reckless speculation in the Territories, to enact restrictive legislation. The act of July 30, 1886, Twenty-fourth Statutes, commonly known as the Harrison Act, was passed to cure an evil that was then existing in the Territories—a tendency to engage in speculative enterprises, a tendency to run in debt, both on the part of the Territories and on the part of the local communities. In this connection, Mr. President, I beg leave to quote the most important provisions of that act bearing upon this subject. They are as follows:

SEC. 2. That no Territory of the United States now or hereafter to be organized, or any political or municipal corporation or subdivision of any such Territory, shall hereafter make any subscription to the capital stock of any incorporated company, or company or association having corporate powers, or in any manner loan its credit to or use it for the benefit of any such company or association, or borrow any money for the use of any such company or association.

SEC. 3. That no law of any Territorial legislature shall authorize any debt to be contracted by or on behalf of such Territory except in the following cases: To meet a casual deficit in the revenues, to pay the interest upon the Territorial debt, to suppress insurrections, or to provide for the public defense, except that in addition to any indebtedness created for such purposes the legislature may authorize a loan for the erection of penal, charitable, or educational institutions for such Territory, if the total indebtedness of the Territory is not thereby made to exceed 1 per cent upon the assessed value of the taxable property in such Territory as shown by the last general assessment for taxation. And nothing in this act shall be construed to prohibit the refunding of any existing indebtedness of such Territory or of any political or municipal corporation, county, or other subdivision therein.

SEC. 4. That no political or municipal corporation, county, or other subdivision in any of the Territories of the United States shall ever become indebted in any manner or for any purpose to any amount in the aggregate, including existing indebtedness, exceeding 4 per cent on the value of the taxable property within such corporation, county, or subdivision, to be ascertained by the last assessment for Territorial and county taxes previous to the incurring of such indebtedness; and all bonds or obligations in excess of such amount given by such corporation shall be void: That nothing in this act contained shall be so construed as to affect the validity of any act of any Territorial legislature heretofore enacted, or of any obligations existing or contracted thereunder, nor to preclude the issuing of bonds already contracted for in pursuance of express provisions of law; nor to prevent any Territorial legislature from legalizing the acts of any county, municipal corporation, or subdivision of any Territory as to any bonds heretofore issued or contracted to be issued.

As I said a moment ago, Congress found itself obliged to pass this restraining legislation. But for the fact of that statute on our statute books there would have been no limit to which the schemers and promoters in some of these Territories would have increased the debt of the Territories as well as the debts of the municipalities.

Mr. BEVERIDGE. I should like to ask the Senator in this connection whether it is not the case that in certain States, some twenty or twenty-five or more years ago, the people of the States and of the counties through which certain railroads were being built were plunged deeply into debt, which rested upon them and their children for almost a generation?

Mr. NELSON. That is undoubtedly true.

Mr. BATE. May I ask the Senator a question?

Mr. NELSON. Certainly.

Mr. BATE. Is there not an act of Congress providing that as to the Territories they shall not incur an indebtedness beyond 4 per cent of the valuation of their taxable property, and that what is known as the Harrison Act regulates that very thing?

Mr. NELSON. I have already quoted the act to which the Senator from Tennessee refers. What the Senator from Indiana [Mr. BEVERIDGE] states is undoubtedly true. I remember in the case of Minnesota that it had no sooner been admitted into the Union than railroad speculation became rampant and ran riot, and the State incurred a debt of upward of $5,000,000 for the purpose of building railroads. While not a single mile of road was ever built under that issue of bonds, the State suffered from it for years after my arrival there, and was obliged to pay that indebtedness with a large amount of interest.

Mr. President, in spite of this wholesome restraining statute, to which I have called your attention, we find that both in the case of Arizona and New Mexico those Territories have exceeded and overstepped this limit, and they have come here to Congress and asked Congress to legalize their indebtedness incurred over and beyond the restraint of this statute.

They have come here for another purpose, Mr. President. After they have legalized these bonds, they have come here and by legislation in one case actually saddled local municipal debt, county, township, and school district debt on the Territory, instead of retaining it as a local municipal debt as it was incurred in the first instance.

Taking the Territory of Arizona as an example, that Territory came here in 1890 and secured the passage of a law for the refunding of its Territorial debt. By that law there was provision made for the appointment of a funding commission, which was not only authorized and empowered to refund in new Territorial bonds the debt of the Territory, but it was also authorized to take up, refund, and convert into a debt of the Territory numerous bonds and obligations of the different municipalities. I will call attention to one feature of this statute bearing upon this question. It is as follows:

The boards of supervisors of the counties, the municipal and school authorities, are hereby authorized and directed to report to the loan commissioners of the Territory their bonded and outstanding indebtedness, and said loan commissioners may, on written demand, require an official report from the board of supervisors of counties, the municipal or school authorities, of their bonded and outstanding indebtedness, and said loan commissioners shall provide for the redeeming or refunding of the county, municipal, and school district indebtedness, upon the official demand of said authorities, in the same manner as other Territorial indebtedness, and they shall issue bonds for any indebtedness now allowed, or that may be hereafter allowed by law, to said county, municipality, or school district, official demand by said authorities.

Such a thing was never heard of in any of the States of the Union, and no State would tolerate such an act as to have the debt of a county, a city, or a school district, a mere local municipal indebtedness, refunded and converted and made a charge upon the State. Yet that is exactly what was done in the case of Arizona and exactly the same as was attempted to be done in the case of New Mexico. Under this act they have issued in Arizona, I think, in the neighborhood of a million and a half of bonds, part of them for Territorial indebtedness, but a large part for local municipal indebtedness. The same transaction has occurred in the case of New Mexico, only there they did not succeed in carrying it quite so far.

In the case of New Mexico in January, 1897, an act (29 Stat. L.) was passed to legalize a large number of bonds—county, town, school-district, and municipal bonds—that had been issued in defiance of the law of Congress and that had been adjudged void by the courts. They succeeded at the instance of the Delegate from New Mexico in having those bonds legalized. Subsequently a bill was brought into Congress at the instance of the Delegate from that Territory, and a bill was finally passed in some form providing for the refunding of those bonds, and providing for the saddling of the entire indebtedness of those local municipalities upon the Territory of New Mexico. The bill was of a general character, on its face, for all the Territories, but its real object was to reach the case of New Mexico.

Here we have two instances to show how prone the people have been in these Territories to violate the inhibition contained in the Harrison Act which I have quoted. We have shown here how quick and ready they are to incur indebtedness—indebtedness for little municipalities, townships, counties, and school districts that are not able to pay it. Then when they have these bonds issued, to make them good, to make money out of them, they saddle them onto the Territory at large. I remember well, for I was a member of this body at the time, when the

bill came in here attempting to saddle these local New Mexican debts upon the Territory of New Mexico. I was one of two Senators here who objected to the passage of that bill, and I am glad to say that it was defeated.

In view of what they have attempted to do in the past, notwithstanding these restrictions, what may we not expect in the future if they get a free hand under a State government? We have here an illustration, Mr. President, and we have it in many other instances, as the Senator from Indiana mentioned a while ago and as we had it in Minnesota, of how the people of a new community—in their early and formative stages, before they have become assimilated and have secured a permanent and reliable population, how prone they are to run into debt, and how important it is to have the restraining hand of Congress upon them, and that restraining hand can only remain as long as they are in a Territorial condition.

Hence I say that, outside of the politicians, outside of the railroad and other promoters, it is for the interest of the people of the Territories that they remain Territories until they attain a safe and strong condition; it is for their interest to have the protection of the Government of the United States and of the Congress of the whole nation. The people of a Territory have not only the advantage that we protect them from such methods and schemes, but they have another advantage. While they are in their Territorial condition the Government of the United States pays a large share of their governmental expenses. We pay their governor, their secretary, and their other executive officers; we pay the judges and the officers of the courts; we pay the expenses of the legislature; in other words, we relieve them of a great deal of the tax burdens of government, so that the people of a Territory get double relief—relief against promoters and relief from burdens of taxation.

As a matter of fact, it is no hardship to a people to remain in a Territorial condition. They have well-organized governments; they have their executive; they have their legislative, and they have their judicial departments. They can organize themselves into local political communities, establish townships, establish county governments, create school districts, build roads and bridges, build railroads; in fact, they can accomplish in an industrial and economic way nearly all that the people can in a well-organized State.

We have an illustration of how little an embargo the lack of a State government places upon the energies of the American people, when proper conditions exist, in the case of the Territory of Oklahoma. To-day that Territory has a population of, perhaps, over 400,000, and it has only been a Territory since 1890. Compare that with the Territories of New Mexico and Arizona and you can see in the one case there has been great growth and progress, while in the other there has not been; and yet Oklahoma has had no other or greater political advantages than the Territories of New Mexico and Arizona, and her people have been as much handicapped politically, if any handicap there be, as have been the people of these other Territories.

The question of statehood involves, first of all, the fitness of the people of a Territory in a material, moral, and intellectual sense to become members of the American Union. Is the Territory properly developed, is it so populated, is the character of its population such as to entitle it to statehood and representation in both Houses of Congress? In respect to representation in the Senate, where all the States are on a footing of equality, a Territory seeking admission ought in area, in population, in present and prospective development, and education be on a par with the average of the other States of the American Union. In other words, the equilibrium of the States ought to be preserved and maintained in the Senate. If a Territory falls materially short of this standard it is unjust and unfair to the other States to admit it into the Union on a footing of equality. If a Territory is comparatively undeveloped and in a stagnant condition; if its population is largely illiterate, and if the population is limited, it ought not to have equal representation in the Senate, and hence ought not to be a State. Other conditions being favorable, Mr. President, a Territory to be admitted as a State ought at least to have a population sufficient to equal the ratio required for one Representative in Congress.

Mr. DUBOIS. Will the Senator from Minnesota allow an interruption?

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. NELSON. Certainly.

Mr. DUBOIS. Can the Senator name a Territory which has been admitted as a State which had at the time of admission a number of people entitling it to representation in Congress?

Mr. PLATT of Connecticut. Utah.

Mr. NELSON. I will say to my friend from Idaho that I have not looked over all of them, but the Senator must remember that the ratio of representation has fluctuated at each census. What is the ratio now was not the ratio years ago nor in the earlier history of the country. Besides, supposing in some instances in the past we have made the mistake in admitting States with an insufficient number of people to give them a Representative, that is no reason why we should continue it in the future; that is no argument in its favor.

Mr. DUBOIS. I will ask the Senator if Minnesota at the time of her admission had enough people to entitle her to representation in the House of Representatives?

Mr. NELSON. Minnesota had in 1860, two years after its admission, 172,023, and the ratio at that time was 127,381, so it no doubt had the full ratio in 1858.

There is another fact I couple with the population qualification. Even if a Territory has not enough people to entitle it to admission, if the condition of its soil and its climate and the character of its people are such that in the near future it is likely to have the necessary population, then no harm is done. But where a Territory, on account of its soil and climate and the character of its people, is in such a condition that it is stagnant and not likely to fill the ratio of population for many years to come, the question is entirely different.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Indiana?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. I desire to ask the Senator from Idaho whether he means to infer that no State which has been admitted to the Union had, at the time it was admitted, sufficient people to entitle it to one Representative in Congress? Is that the meaning of his inquiry?

Mr. DUBOIS. There were very few. I think the Senator from Connecticut [Mr. PLATT] named about the only one.

Mr. HOAR. Dakota had.

Mr. PLATT of Connecticut. Dakota had two Representatives.

Mr. BEVERIDGE. Mr. President, on the contrary, if that is the assumption of the Senator—and I can see no point to his question otherwise——

Mr. DUBOIS. They were very few—exceedingly few.

Mr. BEVERIDGE. On the contrary, Mr. President, the rule was adopted in the case of Kansas, and Kansas was so admitted under that rule, and most of the other States that have been since admitted have been admitted under that rule until there came the panic in favor of the admission of Territories in a bunch. Most of the States have had enough people to entitle them to one Representative in Congress. Vermont, when she was admitted, had people enough; but the case of Kansas was, I think, the first where the rule of enough people to furnish a unit for representation in the House of Representatives was adopted. It was followed in that case and in the case of many other States. I do not think it is large enough, and neither did the framers of the ordinance of 1787 think so.

Mr. DUBOIS. I will say to the Senator from Indiana that the State he so ably represents——

Mr. BEVERIDGE. Thank you.

Mr. DUBOIS. Did not have a sufficient number of people, nor did the State of Illinois, from which I came, nor any of those great States in the Mississippi Valley, and with very few exceptions no State has had enough people to give it a Representative in the other House under the apportionment.

Mr. NELSON. Mr. President——

Mr. BEVERIDGE. I will not interrupt the Senator from Minnesota further.

Mr. NELSON. I want to call the attention of the Senator from Idaho to the fact that in nearly all the cases he has in mind the Territories have been thrifty, prosperous, growing communities, and in nearly all instances, even where there was a technical insufficiency of population to equal the ratio of representation, they secured that population in a very short period. But here we have the case of two Territories—Arizona and New Mexico—especially New Mexico, that is one of the oldest-settled communities in this country, and yet to-day it has a population, as I shall show before I conclude, barely enough to respond to the ratio necessary for a Representative in Congress.

Mr. President, the importance of this question rests in this: When we admit a Territory as a State we give that Territory here in this body a full representation, equal to that of the largest State in the Union. Under these circumstances it seems to me that such a Territory, when we give it that representation in this body, ought to have a population at least equal to the ratio for one single member in the House before it is admitted into the Union.

In the next place, Mr. President, the people of a Territory seeking admission ought to be so developed intellectually and politically, so grounded in all the essential elements of self-government, that they can be safely trusted with all the functions and duties of statehood; and this is a matter which not only concerns the people of the whole country, the sisterhood of States, but also most vitally concerns the Territory itself.

It is a great injustice to a youth to entail upon him the duties

of manhood while he is still in his teens, still in a state of immaturity, and so it is an injustice to a Territory while it is still immature, still in a state of pupilage, still unripe by education and material development, to entail upon it the duties and burdens of statehood. Of this question Congress is better able to judge than the people of the Territory.

If the people of a Territory are largely illiterate; if they are deficient in the necessary elements of self-government; if the resources of the country are but slightly developed or in a stagnant or embryo state; if the mass of the people are in such a condition as to be easily misled by designing and unscrupulous men, then, for its own good, for its own safety, and its own protection the Territory ought not to be admitted into the sisterhood of States, for while it is in a Territorial condition the people are safe-guarded and protected and under the care of the Federal Government, which will see that the people suffer no harm.

Mr. President, after having stated this—these general principles, which I regard as fundamental and which ought to control us in this matter—I shall take up in detail the history of these Territories and show their present condition. As a preliminary I shall refer to a little bit of ancient history in connection with the Territories of Arizona and New Mexico, because it furnishes some light and some key to their present condition.

ARIZONA.

First, as to the Territory of Arizona. History relates that it was first crossed by Estovan, a negro slave, and a companion as early as 1539. Coronado, the great explorer of Arizona and New Mexico, crossed the country as early as 1540, and on this journey he visited the so-called Moqui Indian towns in the northern part of the Territory. He returned from his New Mexican trip, through the same country back to Sonora, in 1542. The next explorer to whom history refers is Antonio Espejo, who, in 1583, coming up the Rio Grande, went from thence to the Zuni Indian towns on the border between New Mexico and Arizona, and thence went north to the Moqui towns, and on this trip he found a few Indian tribes raising corn and a few samples of silver and other minerals. In 1598 and again in 1604 Juan Onate entered and explored the country. I might say, Mr. President, in this connection, that he is the one who first colonized and settled New Mexico.

In 1697 Lieutenant Bernal, with a party, gathering at and starting out from near where Tombstone now is, explored the country along the Gila and its tributaries. He found a number of natives, some ranches, irrigating ditches, and some little cultivation. Between 1698 and 1702 a Franciscan friar, Kino by name, came to the Territory, and in 1732—and I call the attention of Senators to this fact—the first Spanish settlement was made under the auspices of two friars. This was on one of the tributaries of the Upper Gila River in the region near Tucson. So you see, as a matter of fact, what is now a part of the Territory of Arizona has actually been settled ever since 1732.

In 1752 a presidio, or fortified camp, of 50 men was established at Tubac, south of Tucson, with some missions. The only settlements in the eighteenth century seem to have been in the south on the Upper Gila and its tributaries, and the region around Tucson. Tucson was first mentioned in 1763; it was made a presidio in 1772 and a town in 1776. Just think of it! It was established as a town as early as the year of the Declaration of Independence. All Spanish and Mexican settlements were within the limits of the Gadsden purchase—the southern part of the country. Father Garces explored the Moqui country in 1777, but was not successful in proselyting or converting the Indians.

The first era of prosperity that came to the country was from 1790 to 1820. After 1822 it entirely disappeared. After the country became a part of Mexico all was demoralized and retrograded. From 1840 to 1846 there is no evidence of any Spanish settlement except at or near Tucson and Tubac. In 1848 Tucson had a population of 750, and Tubac, immediately south of it, had a population of 249 people. In 1851 the first United States Government exploring expedition passed through the country.

From 1858 to 1860 the Butterfield stage line from Marshall, Tex., to San Diego, Cal., was in operation in the Territory. In 1857-58 there were a number of military posts established in the country, but these were all abandoned in 1861 when the Confederates invaded the country. From 1855 to 1860 there was some copper and silver mining in the southern part within the limits of the Gadsden purchase, but it soon subsided.

Gila City, near the Gila River, was once a prosperous mining town which sprang up in 1858, and attained a population of 1,200, but was abandoned and deserted in 1862, and in 1877 it was merely a stage station with a population of 9 people.

In 1861, when the troops were withdrawn, the Apaches were practically masters of the country for more than a year. Nearly all the white settlers were expelled or murdered. The people who were in the country prior to 1861 were regarded by those who were familiar with the facts as a turbulent and lawless set of people, utterly unfit for any kind of orderly government.

In 1856 a convention was held at Tucson, which memorialized Congress for a Territorial government and elected a Delegate to Congress. In 1860 another convention was held at Tucson which adopted a constitution for a State or Territorial government "to remain in force until Congress established a Territorial government." Officials were elected under this constitution, but nothing further was done in the way of maintaining the government under this plan. In 1860 we find that a Delegate was elected to Congress. In 1863 Arizona was finally created a Territory, carved out of New Mexico, of which it had been a part up to that time. When it was created a Territory—and I call the attention of Senators to this point—it had an estimated population, exclusive of Indians, of 6,500, but subsequent censuses show that this was too high and out of all proportion.

In 1861 there was a constitutional convention held at Tucson, which declared the country a part of the Confederate Government and elected Mr. Ouray a Delegate to the Confederate Congress. The Territory was occupied by Confederate forces under Lieutenant-Colonel Baylor in 1861. In 1862 the Union forces from California took possession of the country and expelled the Confederates. In July, 1864, Prescott was founded and made the capital. So you see it is a very old town. A legislature was elected, and Mr. Poston was elected a Delegate to Congress. The legislature met and adopted a civil and mining code. The mining code was based largely upon that of California and the other code upon that of New York.

Territorial censuses were taken. The Territorial census of 1866 showed a population, exclusive of Indians, of 5,522, and the census of 1867, 7,200. Between 1876 and 1884 several Mormon settlements of immigrants from Utah were formed. They are still existing and have been growing since that time.

By the Federal census of 1870 the population was 9,658; 1880, 40,440; 1890, 88,243; 1900, 122,931.

A hundred and seventy years had elapsed since the first settlement in Arizona in 1732, and yet they had a population of only 122,931, and, as I shall proceed to show, a large proportion of those people were Indians.

Arizona has not to-day the population entitling her to a Representative in the House of Representatives. The ratio for a Representative under the last census and Congressional apportionment is 194,182. Under section 2 of the fourteenth amendment to the Constitution of the United States, Indians not taxed are not entitled to representation. The census of 1890 shows the total population to be 122,931, and of this number there were Indians not taxed 24,644, leaving entitled to representation only 98,287, and this is only 50.6 per cent of the ratio for a Representative.

The increase from 1890 to 1900 was 34,688. This is at the rate of 39.3 per cent for the ten years' period, or at the rate of 3.93 per cent per year. Allowing the same ratio for the last two years, and distributing the same pro rata among the Indians and whites, the condition now would be about as follows:

Whites	106,012
Indians	26,581
Total	132,593

Or a population entitled to a representation of only 54.6 per cent of the ratio for a Representative. But Arizona, as a matter of fact, has a great deal larger Indian population than the census gives it credit for. Ex-Governor McCord, of Arizona Territory, in his testimony before the committee, testified about the matter of Indian population. He was asked this question:

How many natives—that is, Indians—would you say you have in the Territory?

A. Well, when I was governor I had a census made and we figured it 37,000.

I telephoned the Commissioner of Indian Affairs on this subject, for in the Indian Department it is necessary to have a census of the Indians in order to distribute the annuities and to make the allotments, and I received a reply from him to which I beg leave to call the attention of the Senate:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 16, 1902.

Hon. KNUTE NELSON,
United States Senate, Washington, D. C.

SIR: Referring to your informal request, by telephone, for certain information, I have the honor to inclose herewith a leaf taken from the annual report of this office for 1901, showing the Indian reservations in Arizona and the area in acres, the total of which you will see is 16,894,437.

But 41,622.65 acres have been allotted to 291 Indians. No other Indians have been allotted in Arizona.

Another leaf taken from the same report is inclosed showing the Indian population of said Territory. It will be seen that, as there stated, the number is 41,139. This includes 20,000 Navahoes; but the Navaho Reservation is partly in New Mexico, and a large number—possibly one-half—of the Navahoes live a greater part of the time at least in New Mexico. If we deduct say 10,000 Navahoes, it will leave 31,139 as the total Indian population of Arizona.

Trusting that this statement will meet your purposes, I am,
Very respectfully, yours,

W. A. JONES, *Commissioner.*

A total Indian population of 31,139. As Senators who are familiar with the matter know, the Indians do not become citizens till allotments are made. They are not liable to taxation until the land has been allotted to them in severalty, and out of those Indians (31,139) only 291 have received allotments. That will leave a net total of 30,848 Indians, according to the letter and report of the Commissioner of Indian Affairs, to whom allotments have not been made, and who are not citizens and are not taxed and are not entitled to representation.

On this basis the condition as to population in 1901 was this: Total population, census of 1900, 122,933; one year's increase of population, at the ratio from 1890 to 1900, 4.831; total in 1901, 127,764; deduct unallotted Indians, according to the report of the Secretary of the Interior, 30,848, and it leaves a net population in 1901 entitled to representation under the fourteenth amendment of only 96,916, or less than one-half the ratio now required for a Representative in Congress.

Mr. FORAKER. Will the Senator from Minnesota yield?

Mr. NELSON. Certainly.

Mr. FORAKER. What is the discrepancy between the number reported by the census of 1900 and the number reported by the Secretary of the Interior?

Mr. NELSON. I think the census made the number of untaxed Indians a little over 24,000, and this, leaving out Indians to whom allotments have been made, makes it over 30,000.

Mr. FORAKER. The recollection of the Senator agrees with my own. I want to ask the Senator how that discrepancy could have occurred unless there was an inaccurate enumeration by the census enumerators.

Mr. NELSON. I can readily see how it comes about, and the Senator can see. When the census enumerator goes around among the Indians and asks the question of the Indians as to who are taxed and who are not taxed, does not the Senator see that it is a question upon which he is not likely to get accurate information? At the Indian Office it is important to maintain an accurate list of the Indians in order that they may know to whom to pay annuities and whom to take care of and what schools to provide and to whom to make allotments.

Now, in the matter of taxation the Senator can readily see the point. Suppose a census enumerator went to the State of Ohio and undertook to enumerate the white people who were taxed and who were not taxed. How liable might he be, although he might have the correct aggregate of population, to make a mistake as to the number taxed and the number not taxed.

Mr. FORAKER. All I desire to do has been accomplished. I understood the Senator to be arguing that these figures, he thinking them more reliable as they come from the Secretary of the Interior, showed that the Census Office figures were inaccurate.

Mr. NELSON. No, sir; I present the two sets of figures, and I am not saying which are inaccurate. I have not yet said that one was inaccurate and the other not. I have simply presented these figures and statements, and I have given the result based on the census and the result based on the report of the Commissioner of Indian Affairs. Now the Senator from Ohio, as well as I, can draw his own inference from those figures.

Mr. FORAKER. I wanted the benefit of the opinion of the Senator on the subject, and that is the reason why I interrupted him. I understood the Senator to go to some pains to satisfy me that the figures of the Secretary of the Interior should be regarded as accurate rather than the figures of the census enumerator. I think the Senator is right in that respect.

Mr. NELSON. I have simply put the evidence from these two sources before this body, and the members can judge as well as I can judge. I have not finally——

Mr. FORAKER rose.

Mr. NELSON. I have not finally—if the Senator will give me a chance—figured out the result of these two enumerations.

Mr. FORAKER. Will the Senator allow me to ask him another question?

Mr. NELSON. Certainly.

Mr. FORAKER. I do not want to interrupt the Senator.

Mr. NELSON. Interruptions do not bother me a bit.

Mr. FORAKER. I want some information. The Senator appears to have studied this question with very great care. Both sets of figures can not possibly be correct. One or the other is erroneous.

Mr. NELSON. Yes.

Mr. FORAKER. I should like to ask the Senator which set of figures he thinks is the more accurate—the set given him by the Secretary of the Interior or the set returned by the census enumerator?

Mr. NELSON. I am not prepared to say, absolutely. That is a question which I will submit to the judgment of the Senate. It is my business to give to the Senate facts and arguments rather than my own opinion. My own opinion would not make the thing different one way or the other. Even if I gave my opinion I have not any reason to believe the Senator from Ohio would accept it. If I thought he would accept my opinion about that affirmatively and would be bound by it, I should be more than glad to stretch the point and to give an opinion.

Mr. FORAKER. I have the most profound respect for the Senator and for the Senator's opinion. I thought he was expressing an opinion. I wanted to be sure I understood him.

Mr. NELSON. Like a fair man I was simply aiming to give the Senate an impartial statement, giving the Senate both views in this case, and leaving the Senate to judge which is the more accurate.

Mr. FORAKER. I want to say to the Senator that I am not interrupting him for any idle purpose.

Mr. NELSON. I am not finding fault.

Mr. FORAKER. I have been reading the report of the committee, and they have gone to very great pains to show that they have proved conclusively that the census enumeration was absolutely accurate. I wanted to know if it was possible that a member of the committee, speaking in support of the committee's report, was undertaking to disprove what the committee have shown with great elaboration was just the opposite of what I understood him to say.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Indiana?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. If the conclusion which the Senator from Ohio seems to draw from the two sets of figures presented by the Senator from Minnesota is correct, it merely shows that the census did not show that there were as many Indians in Arizona as there really are. That is the only conclusion which the Senator can draw.

Mr. FORAKER. We can argue whether the one set of figures is correct or the other. What I wanted to get at was the position of the Senator from Minnesota. I wanted to know whether he was undertaking to satisfy the Senate that the census enumeration was not correct, and in that was flatly contradicting what is contended for by the Senator from Indiana in his very able report.

Mr. BEVERIDGE. Even if that were true, the whole extent of the Senator's conclusion is that the census did not give as many Indians in Arizona as there really are; in other words, that there are more Indians there than the census gives.

Mr. FORAKER. The effect of an admission that there is an inaccuracy may be argued at the proper time. I simply wanted to know whether or not there was an admission of inaccuracy in the census enumeration, and I would have followed that with another question, but in view of the sensitiveness of the Senator from Minnesota when I interrogate him, I will wait until he has concluded before I do that. If there should be an inaccuracy in the enumeration of Indians, might there not also be an inaccuracy in the enumeration of white people?

Mr. BEVERIDGE. Mr. President——

Mr. FORAKER. In other words, are we to be conclusively presumed to believe that there are 5,000 more Indians than the census enumerator reported, and that there is not another white person than those he reported?

Mr. BEVERIDGE. Oh, no. There is an inaccuracy on the part of the Senator from Ohio. The difference mathematically is only 4,000. The Senator makes it 5,000 in one minute.

Mr. FORAKER. The Senator from Minnesota said there were about 26,000 reported by the enumerator and thirty thousand eight hundred and some odd reported to him by the Secretary of the Interior. In other words, a difference of about 4,800.

Mr. BEVERIDGE. Twenty-six thousand and some hundred, and thirty thousand and some hundred.

Mr. FORAKER. The Senator from Indiana is nearer correct when he says there is a discrepancy of only 4,000 instead of 5,000 than he was in some of the conclusions reached in his report.

Mr. BEVERIDGE. The comparative value of the conclusions reached by the report is a question for the judgment of the Senate. The Senator from Ohio makes the point that if there is an inaccuracy in the enumeration of the Indians, and there are really more Indians in the Territory than we have contended for—something we are willing to concede to the Senator—it might also follow that there was an inaccuracy in the enumeration of white people. I think any person will see, even at a casual glance, and will see more clearly as they examine it, that the enumeration of Indians is far more difficult than of white people with settled habitations.

Mr. FORAKER. All that may be true. I was not stopping to argue it. At the proper time I shall have something to say upon that point. All I was seeking to get before the Senate and to get into the RECORD was what it is that the Senator is contending for in this respect; whether he is contending that the census enumeration is correct or incorrect.

Mr. BEVERIDGE. We contend that it is correct.

Mr. NELSON. I wanted to present to you both sides of this question in order to give full light, which is more valuable than my own unsupported opinion. I presented the result of the Census Office and the result of the communication with the Commissioner of Indian Affairs, and I hope that when the Senator comes to argue the other side he will be as fair in presenting a mooted question as I have been in this matter.

Mr. FORAKER. I am not compelled to have any opinion as to which is correct, but I have a right, and it is my duty to seek for the benefit of the Senator's opinion. I wanted to know from him which he thought was correct. If he has no opinion, of course I have nothing to ask for.

Mr. NELSON. I have figured out the population on both theories, both on the basis of the census and of the report of the Commissioner of Indian Affairs; and on the basis of the report of the Commissioner of Indian Affairs this would be the status of the population of Arizona in 1901:

Total population, census of 1900	122,933
One year's increase of population at ratio from 1890 to 1900	4,831
Total in 1901	127,764
Deduct unallotted Indians	30,848
Leaving a net Representative population of	96,916

Or less than one-half of the full ratio for a Representative in Congress. Adding to this one year's increase at the ratio from 1890 to 1901 that brings it up to the year 1902, 3,808, it makes a total population entitled to representation, at the outside, in the year just passed (1902) of 100,724 people, which is 51.8 per cent of the ratio required for a Representative in Congress.

Now I ask the attention of Senators to this: Whether the population entitled to representation be put at 106,012, on the basis of the census, or 100,724 on the basis of the Commissioner of Indian Affairs, as I figured it, allowing the same ratio of increase as during the last ten years, it is evident that it would be at least fifteen years before Arizona would have a population entitled to representation equal to the ratio for a Representative in Congress at this time.

Now, under the circumstances and on this theory, and in view of the limited number of people in that Territory entitled to representation in Congress, much less than the ratio necessary for a Representative, I submit that Arizona is not entitled to come into the Union.

Now, if we apply the educational test to Arizona, and in this matter I shall refer only to what our census shows, not going into the testimony taken on that point before our committee, because the members of the committee who were on the ground will want to refer to it—in the matter of illiteracy in Arizona, according to the census the percentage is 25.4. The average illiteracy of the country, taking all of the States of this country together, outside our colonial possessions, is 10.9, while in Arizona it is 25.4.

Now, let me read this statement as to illiteracy in the several States, and we can see what a discrepancy there is:

	Per cent.		Per cent.
Maine	6.4	New Jersey	6.9
New Hampshire	7.9	Pennsylvania	7.7
Vermont	7.9	Delaware	14
Massachusetts	6.4	Maryland	12.5
Rhode Island	9.2	District of Columbia	8.4
Connecticut	6.8	Virginia	25.3
New York	5.9		

There are a few States—six of them, all old slave States—where the conditions are peculiar, and in those the percentage of illiteracy is high. These are North Carolina, 29.4; South Carolina, 35.1; Georgia, 31.6; Alabama, 33.7; Mississippi, 33.8; Louisiana, 37.6. But we must remember that these States were burdened years ago with a large slave population and that this population has not yet reached the stages of education and intelligence that the white people have, and for that reason it is not fair to compare in illiteracy the conditions prevailing in those States with our own States. But I will resume.

In the State of Ohio the rate is 4.8 per cent; Indiana, 5.6; Illinois, 4.8; Michigan, 5.5; Wisconsin, 5.5; Minnesota, 4.1; Iowa, 2.7; Missouri, 7; North Dakota, 5.4; South Dakota, 5; Nebraska, 2.5; Kansas, 3.4; Kentucky, 18.8; Montana, 6.1; Wyoming, 4.3; Colorado, 4.1; Utah, 3.7; Nevada, 12.8; Idaho, 5.4; Washington, 3.4; Oregon, 4.8; California, 6.2, and, with the exception of those few old slave States, where the conditions, as I have said, are peculiar, you can see that the standard of illiteracy of Arizona is very low. Even taking the whole country at large, the good States and the bad States, the average of all the States is only 10.9.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. NELSON. Certainly.

Mr. FORAKER. I desire to ask the Senator how many Indians are included in his computation of illiteracy, whether 26,000 or 30,000?

Mr. NELSON. I do not think the Indians are included in that estimate at all.

Now, if we go from the mere matter of illiteracy to the matter of occupations and industries in the Territory, we find the conditions to be that the principal occupations and industries are mining, stock raising, and agriculture. Agriculture is in a very feeble condition. There is a total of 72,268,800 acres of land in Arizona and of this, according to the last census, there were only 5,809 farms with a total acreage of 1,935,327, of which only 254,521 acres were improved, which is only 0.35 of 1 per cent of the total area of the Territory.

There are some curious figures in connection with this. I want to read them.

Number of white farms, 4,006; total acreage of white farms, 1,889,376; improved acreage of white farms, 225,809, or 12 per cent; number of negro farms, 15; total acreage of negro farms, 1,850; improved acreage, and it seems to be much greater in proportion, 473 acres; percentage of improved acreage 25.6; number of Indian farms 1,770; total acreage of Indian farms, 43,502; improved acreage of Indian farms 26,782, or a percentage of 61.6, the Indians showing the best percentage of all. That is the amount of improvement as compared with the acreage included in their farms. These figures show that in a country which has been settled all these years, with an acreage of over 72,000,000, (and I shall subsequently show the amount of this acreage that is still unappropriated public land), with all this great area of land, there is to-day, after all these years, or was in 1900, only 254,521 acres of improved land.

The great trouble with Arizona in this respect is the desert-like character of the soil and the aridity of its climate. The rainfall is very scant and limited, and is really no help to agriculture. There are only a few localities up in the northwestern mountains, where the timber is in a rocky and hilly country, where there is any rainfall of any consequence, and where crops could be raised with irrigation; but owing to the character of that country, owing to the high altitude, it will never become an agricultural country, so that the question of agriculture is remitted back to the other portions of the country.

It follows, Mr. President, that on account of the desert-like character of the soil, the lack of rain, and the aridity of the climate, the only recourse for agriculture is in irrigation, and that agriculture is practically limited by irrigation. The total amount of land under irrigation in 1899, according to the report of Professor Newell, was only 185,396 acres, and even this land could not all be cultivated because of the want of irrigation and the lack of water. I want to quote in this connection from the testimony of Professor Newell:

The CHAIRMAN. Will you state to the committee, in your own way, the situation in the Territory of New Mexico with reference to the question of aridity?

Mr. NEWELL. The Territory is well within the arid region, and agriculture there is dependent almost entirely upon the artificial application of water.

The CHAIRMAN. By the artificial application of water you mean irrigation?

Mr. NEWELL. Yes, sir; irrigation. The principal source of supply is the Rio Grande and its largest tributary, the Pecos River. The United States Geological Survey has been measuring the flow of the Rio Grande where it enters New Mexico and at various points along its course. We have also measured some of its tributaries, and have measured where it leaves the Territory to form the boundary line between Texas and the Republic of Mexico. We have been making studies of the extent to which that water can be used for irrigation purposes in the future.

The CHAIRMAN. Will you state to the committee the extent to which that water is used at present?

Mr. NEWELL. The usual summer supply is entirely employed, and there is now—

I call attention to this—

and there is now a considerable acreage under cultivation for which there is not a sufficient supply of water in all seasons. The spring flow—the floods—in large part go to waste, and water storage is absolutely essential to the future development of the Territory.

Irrigation, as it appears from this testimony and as it appears from the agricultural development and history of the country and from the census report, is now at a standstill and has attained its limit. The irrigation is confined to these few streams that Professor Newell referred to. There is some irrigation in the Verde River Valley near Prescott. There is some irrigation in the Salt River Valley near Phoenix, and some in the San Pedro Valley near Florence, and some near Yuma, and some on the Gila River. I read from a report here which enumerates the different basins that it is possible to irrigate:

Notable among these are the basins of the Gila, the Salt, the San Pedro, the Santa Cruz, the Verde, Bill Williams Fork, and the Hassayampa rivers. The Gila being supplied from the largest and most extensive watershed is in consequence the most important of all streams lying wholly or almost wholly in the Territory. Nearly all other streams mentioned are tributary directly or indirectly to the Gila, and have each irrigated areas of their own. On all can be found available reservoir sites eventually to be used, under the law, for the reclamation of the arid lands tributary thereto.

If you look at the map of Arizona, you will find how far apart these different localities are. You will find how far the Salt River irrigated area and valley is from the Verde River, and the

latter from the Pecos River, and that again from the Gila River. It is these few little valleys which have been irrigated, with their population, and with the population of some mining camps and mining towns, which constitute practically the population of Arizona.

In reference to the matter of water supply and irrigation, I ask leave to refer to certain testimony that was taken by the committee which is germane and has an important bearing on this question, the testimony of Henry Hartin:

Q. What was the nature of the occupation of the people out in the country districts which you enumerated?
A. Why, mining and stock raising, and a little agriculture.
Q. Where was the agriculture carried on?
A. Down on the Verde, about the head of the Verde Valley, along the river.
Q. They worked the valley along the river?
A. Yes, sir.
Q. Have you been pretty well over the Territory?
A. No, sir; I have been pretty well over Yavapai County, but not over the Territory.
Q. How far was the irrigation taken from the river in the Verde Valley, of which you spoke?
A. Not at all; it was just along the bed of the river.

By Senator HEITFELD:

Q. How wide is the valley?
A. It was not quite a quarter of a mile; it was not, at the widest place, a quarter of a mile wide.

I read from the testimony of Mr. Sloan. He states, on page 124:

We have had for a series of years a remarkable shortage of water, and for that reason the farmers have not prospered as they did in former years. The amount of land that can be utilized is practically unlimited. The water necessarily is limited. The rainfall is not such as to afford sufficient water for all the land in the Salt River Valley. However, there are possibilities for the storage of water which will be completed. If those works which are now contemplated are completed, that will add many thousands of acres to cultivation.

This is the testimony of Mr. Heard, one of the water-storage commissioners:

Q. In what portions of the Territory which you have named are there irrigation works actually in operation?
A. The principal irrigation in the Territory is in this valley and in the Upper Gila Valley. And there is also quite a small irrigated section just south of Tucson; and there is a splendid irrigated section in the Gila Valley, about 30,000 acres.
Q. How much would you say at the present time is actually under irrigation?
A. In the whole of the Territory?

ACTUAL IRRIGATION.

Q. Yes, sir; in the whole Territory.
A. About 185,000 acres under actual cultivation.

Mr. BEVERIDGE. In the whole Territory?

Mr. NELSON. In the whole Territory. From this, Mr. President, taking the former conditions in that Territory, taking the report of the census for 1900 in respect to the amount of improved farms, if that census is correct in respect to the total of improved farm acreage, we can see that instead of being an increase there has been actually a decrease.

It is evident from these facts, Mr. President, that agriculture and stock raising are at a standstill. Stock raising is as much affected almost by the lack of water supply and the lack of irrigation as agriculture, for the reason that no matter if the cattle can find pasturage they have got to have some place to get water, and they can not well, as the testimony shows, go to a distance of more than 4 or 5 miles from the ground on which they graze to secure their water. So the grazing area is, like agriculture, though not quite to so great an extent, limited by this lack of water.

Now, under these conditions we can see why Arizona has not been growing and is in a stagnant condition, and it is likely to remain so until a most extensive and most expensive system of irrigation is inaugurated. That will be a work of years and will require thousands of expenditure. We have recently passed legislation by Congress to carry out this work, and until the plan of irrigation provided for by Congress has had a chance to develop itself and show what it can do it will be premature to admit Arizona into the Union.

To my mind, Mr. President, if Arizona is admitted into the Union at this time you would see a rush among speculators and promoters to secure the issue bonds, to incur indebtedness without limit for all species and plans and schemes of irrigation. Let the people be patient. Instead of allowing schemers and promoters to secure bonds and incur a great indebtedness for the purpose of irrigation we had better leave the people in a Territorial condition. We had better leave them so that the Government of the United States can aid them under the act whichwe passed at the last session to secure irrigation without any expense to the people, and to secure it gradually and in a proper way as fast as the needs of the country require it.

Mr. President, no better evidence is to be found that agriculture and stock raising in Arizona to-day are at a standstill than in the limited amount of public-land entries that have been made during recent years.

The total area of Arizona is 72,792,320 acres. Of this area there is appropriated 5,773,941 acres, leaving 67,018,379 acres unappropriated. Now, out of all this mass of unappropriated land there were entered and purchased and secured in various ways under our land laws in the fiscal year ending June 30, 1902, only 449,175 acres; and in the fiscal year ending June 30, 1901, there was a total of land entered and appropriated of 151,718 acres. It will be claimed here how enormously Arizona has grown since the census, that the figures are incorrect, that there has been such a growth of that Territory as was never known before in all its history; and yet these land office records belie that contention and that argument. In the two years, out of this mass of unappropriated public land—67,000,000 acres—only 600,894 acres have been entered and appropriated. This, Mr. President, is only 9.5 per cent of what has been entered in Oklahoma in the same period.

Now, let us compare this with Oklahoma and see the difference. The total area of Oklahoma is 24,774,400 acres. There were appropriated, that is, entered, purchased, and secured under the land laws of the United States, at the end of the fiscal year 1902, 17,229,575 acres, and unappropriated, 7,544,825 acres. According to the report of the Commissioner of the General Land Office there was appropriated and entered during the fiscal year ending 1902, 4,413,557 acres, and during the year 1901, 1,896,587 acres, or in all during the two years, 6,310,144 acres, against 600,894 acres in Arizona, with a much greater area, in the same period. Ten times as much public land was entered in the little Territory of Oklahoma during that period as in the vast domain of Arizona. This shows what a slow progress Arizona is making in settlement and development.

This further appears if we take into account the number of people engaged in the various industries. According to the census of 1900, there were in Arizona 3,055 agricultural laborers and 6,583 who were rated as farmers and planters, or a total agricultural population of only 9,638. In the stock-raising industry the figures were still less. Number of stock raisers, 1,224; number of stock herders, drovers, and those connected with the cattle industry, 2,416, or a total number of persons engaged in the stock-raising business of 3,640. Or, adding the number of people engaged in agriculture and stock raising combined, there was a total of only 13,278 males in the Territory engaged in those two industries.

Now, something will be said about mining. I will come to it later, but in this connection I desire to call attention to the limited number of people engaged in mining, according to the census: Number of persons engaged in coal mining, 12; in gold and silver, 1,968; in mining not specified, and that includes principally copper, 5,439; in quarries—that is, engaged in quarrying stone—33; or a total of only 7,452. If we sum it up, the industrial classes in Arizona in 1900 engaged in agriculture and in stock raising and in mining numbered only 20,730 people.

Aside from stock raising and farming, mining is the only other industry of any consequence, and, as I shall show by figures, with the exception of copper mining, the mining industry in the Territory is very limited and insignificant when compared with that of the other mining States of the Union. How long this mining will last and how much it may be enlarged is uncertain and problematical. Mining towns like Tombstone and Gila City, and many others that could be named, once large and prosperous, have been long since almost abandoned and deserted.

A table which I have compiled from the report of the Mineral Resources of the United States for the year 1901 shows this to be the condition of the mining industry in Arizona.

The total amount of gold mined in the year 1901 was $4,083,000. This was equivalent to 5.19 per cent of the entire gold product of the country.

The production of silver in Arizona in 1901 was 2,812,400 fine ounces, or an amount equal to 5.09 per cent of the production of the entire country.

Coming to the matter of copper, I find a better showing. The amount of copper mined in Arizona in 1901 was 130,778,611 pounds, or equal to 21.7 per cent of the copper output of the country.

When we compare the gold, silver, and copper mining of Arizona with that of some of the principal mining States, we see how insignificant is the mining industry of Arizona. While Arizona produced $4,083,000 of gold in one year, Colorado produced $27,693,500; California, $16,891,400, and Alaska, $6,885,700; or nearly 50 per cent more gold is produced in Alaska than in Arizona.

Take the matter of silver, and compare that with the production of the silver States. Arizona produced in 1901 2,812,400 fine ounces of silver, while Colorado during the same period produced 18,437,800 fine ounces; Montana, 13,131,700 fine ounces; Utah, 10,760,800 fine ounces; Idaho, 5,542,900, and the aggregate production of silver in the United States was 55,214,000 fine ounces.

Now, take the matter of copper. Arizona, as I stated, produced 130,778,611 pounds, while Montana produced 229,870,415 pounds, and the Lake Superior country—that is, Michigan—156,289,481 pounds.

These figures which I have quoted, both as to the output of the mines and as to the number of people engaged in them, show

plainly how limited is the scope of the mining industry in Arizona. If you eliminate their copper mining and leave it simply to the matter of gold and silver, it would be very limited indeed.

I want to call the attention of the Senate to a matter in this connection which has a bearing upon the quality and character of the population. We must note the fact that the population in these mining towns is of a transient and migratory character, and not of the highest order of citizenship. They float about from mining camp to mining camp; when they get tired of one camp they go to another. We have an indication of the lawless character that must prevail there in the fact that under the laws of Arizona the saloons, gambling houses, and other resorts are licensed and allowed to run day and night and all night long and all of Sunday; in fact, they are allowed to run continuously. Such a condition can only be appurtenant to what I might call the semilawless elements of mining towns.

Now, when we take into account the limited number engaged in agriculture; when we take into account the character of the mining population; when we take into account the high rate of illiteracy in the Territory, it all tends to show that in the matter of population, in the matter of the development and the character of that population, Arizona is far from being fit for becoming a member of the Union of States.

Where a Territory is in an active, progressive condition, and the indications point to immediate and rapid growth and progress, there may be good grounds for admitting it as a State, even though at the time it is not up to the requisite standard of population, intelligence, and material development. But these conditions do not exist in the case of Arizona. Its past history and its present condition in respect to population, literacy, and material development indicate that on account of the barren soil and the peculiar climatic conditions it is in an almost dormant state, and to admit it now would be of no help to the people, but would simply open the door to political schemers, promoters, and stockjobbers.

In view of these facts, Mr. President, in justice to the people of Arizona, not only on their account, not only on account of the States of the Federal Union, but especially on account of the people who live in Arizona, for their own good and their own protection, I insist that the greatest blessing we can confer upon those people at this time is to still leave them in a Territorial condition in order that, without expense, without cost, and without incurring an enormous amount of indebtedness, they can, under the legislation passed during the recent session of Congress, secure that relief and help which they need, and which is the only help and relief that can at all bring prosperity and growth to that Territory—I mean to secure irrigation under the system and plan provided by the law passed at the last session of Congress.

I have so far argued the case on its merits; but there is another matter to which I desire to refer. My friend, the chairman of the committee, the junior Senator from Indiana [Mr. BEVERIDGE], who was there on the ground, will no doubt refer to it more fully and more extensively and demonstrate it mathematically. That part of the bill which relates to the admission of Arizona contains one of the most outrageous and one of the most partisan gerrymandering schemes that I have ever known or heard of in all my legislative experience. The Senator from Indiana will no doubt take that up, and when he takes it up he will demonstrate to the Senate by cold figures that there is an outrageous and a most partisan scheme of gerrymandering in that bill, such a scheme as never ought to be tolerated in any legislation passed by Congress.

Even if Arizona had intrinsic merit entitling it to admission to the Union, Mr. President, on account of that gerrymandering scheme, and on that account alone, that part of the bill relating to the Territory of Arizona ought not to pass.

Mr. President, I have now said what I intended to say about Arizona. I have spoken nearly two hours, and I should be very glad to postpone the further remarks I have to make until to-morrow morning, when, with the permission of the Senate, I shall resume.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 6, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 5, 1903.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

Charles Page Bryan, of Illinois, now envoy extraordinary and minister plenipotentiary to Switzerland, to be envoy extraordinary and minister plenipotentiary of the United States to Portugal, vice Francis B. Loomis, nominated to be Assistant Secretary of State.

David J. Hill, of New York, now Assistant Secretary of State, to be envoy extraordinary and minister plenipotentiary of the United States to Switzerland, vice Charles Page Bryan, nominated to be envoy extraordinary and minister plenipotentiary to Portugal.

ASSISTANT SECRETARY OF STATE.

Francis B. Loomis, of Ohio, now envoy extraordinary and minister plenipotentiary to Portugal, to be Assistant Secretary of State, vice David J. Hill, nominated to be envoy extraordinary and minister plenipotentiary to Switzerland.

CONSULS.

William R. Estes, of Minnesota, to be consul of the United States at Antigua, West Indies, vice George Sawter, appointed consul-general at Guayaquil.

Hugh Pitcairn, of Pennsylvania, now consul at that place to be consul-general of the United States at Hamburg, Germany.

SURVEYORS OF CUSTOMS.

Thomas C. Elliott, of Illinois, to be surveyor of customs for the port of Cairo, in the State of Illinois. (Reappointment.)

Richard W. Burt, of Illinois, to be surveyor of customs for the port of Peoria, in the State of Illinois. (Reappointment.)

Henry L. Hines, of Massachusetts, to be surveyor of customs for the port of Springfield, in the State of Massachusetts. (Reappointment.)

Joseph W. Dillin, of Tennessee, to be surveyor of customs for the port of Nashville, in the State of Tennessee. (Reappointment.)

COLLECTORS OF CUSTOMS.

Daniel H. Moody, of Maine, to be collector of customs for the district of Wiscasset, in the State of Maine. (Reappointment.)

Sidney O. Weeks, of New York, to be collector of customs for the district of Patchogue, in the State of New York. (Reappointment.)

Peter Dippel, of New York, to be collector of customs for the district of Sag Harbor, in the State of New York. (Reappointment.)

William D. Crum, of South Carolina, to be collector of customs for the district of Charleston, in the State of South Carolina, in place of Robert M. Wallace, deceased.

PROMOTION IN THE ARMY.

Judge-Advocate-General's Department.

Maj. Harvey C. Carbaugh, judge-advocate, to be judge-advocate with the rank of lieutenant-colonel, December 18, 1902, vice Morrison, deceased.

UNITED STATES MARSHAL.

J. Duncan Adams, of South Carolina, to be United States marshal for the district of South Carolina, vice George I. Cunningham, deceased.

PROMOTIONS IN THE NAVY.

Commander George W. Baird, to be a captain in the Navy, from the 2d day of December, 1902, vice Capt. Edward H. Gheen, retired.

Lieut. Commander William Winder, to be a commander in the Navy, from the 21st day of November, 1902, vice Commander Richard Inch, promoted.

Lieut. Commander Charles B. T. Moore, to be a commander in the Navy, from the 21st day of November, 1902, vice Commander John E. Pillsbury, promoted.

Lieut. Commander Alfred Reynolds, to be a commander in the Navy, from the 2d day of December, 1902, vice Commander George W. Baird, promoted.

Lieut. (Junior Grade) Walter R. Gherardi, to be a lieutenant in the Navy, from the 23d day of September, 1902, vice Lieut. William C. P. Muir, promoted.

Asst. Surg. Richmond C. Holcomb, to be a passed assistant surgeon in the Navy, from the 2d day of December, 1901, to fill a vacancy existing in that grade on that date.

James P. DeBruler, a citizen of Indiana, to be an assistant surgeon in the Navy, from the 3d day of January, 1903, to fill a vacancy existing in that grade on that date.

Frederic R. Harris, a citizen of New York, to be a civil engineer in the Navy, from the 3d day of January, 1903, to fill a vacancy existing in that corps on that date.

Paymaster John Q. Lovell, to have the rank of lieutenant-commander in the Navy, from the 2d day of December, 1902.

CHAPLAIN IN THE NAVY.

Johnson McC. Bellows, a citizen of Connecticut, to be a chaplain in the Navy from the 31st day of December, 1902, to fill a vacancy existing in that grade on that date.

POSTMASTERS.

ALABAMA.

James M. Hobson, to be postmaster at Greensboro, in the county of Hale and State of Alabama, in place of James M. Hobson. Incumbent's commission expired December 20, 1902.

ARIZONA.

Milton Bohall, to be postmaster at Nogales, in the county of Santa Cruz and Territory of Arizona, in place of Albert J. Griswold. Incumbent's commission expired January 12, 1902.

ARKANSAS.

William C. Bill, to be postmaster at Ozark, in the county of Franklin and State of Arkansas. Office became Presidential January 1, 1903.

John A. Dudgeon, to be postmaster at Corning, in the county of Clay and State of Arkansas. Office became Presidential January 1, 1902.

CONNECTICUT.

Eugene H. Merriman, to be postmaster at East Hartford, in the county of Hartford and State of Connecticut, in place of Eugene H. Merriman. Incumbent's commission expired June 8, 1901.

COLORADO.

Maude E. McLean, to be postmaster at Breckenridge, in the county of Summit and State of Colorado, in place of Maude E. McLean. Incumbent's commission expired May 4, 1902.

GEORGIA.

John A. Crawford, to be postmaster at Dalton, in the county of Whitfield and State of Georgia, in place of John A. Crawford. Incumbent's commission expires January 10, 1903.

IDAHO.

Robert H. Barton, to be postmaster at Moscow, in the county of Latah and State of Idaho, in place of Robert H. Barton. Incumbent's commission expired December 21, 1902.

Orville J. Butler, to be postmaster at Harrison, in the county of Kootenai and State of Idaho. Office became Presidential July 1, 1902.

ILLINOIS.

S. H. Aldridge, to be postmaster at Plymouth, in the county of Hancock and State of Illinois. Office became Presidential January 1, 1903.

John W. Church, to be postmaster at Marissa, in the county of St. Clair and State of Illinois. Office became Presidential January 1, 1903.

George C. Roberts, to be postmaster at Greenview, in the county of Menard and State of Illinois. Office became Presidential January 1, 1903.

Thomas H. White, to be postmaster at National Stock Yards, in the county of St. Clair and State of Illinois, in place of Willet B. Stickney, resigned.

INDIANA.

W. H. Hart, to be postmaster at Huntington, in the county of Huntington and State of Indiana, in place of Scott Cole, resigned.

Laron E. Street, to be postmaster at Brookston, in the county of White and State of Indiana. Office became Presidential January 1, 1903.

Henry Whitecotton, to be postmaster at Vanburen, in the county of Grant and State of Indiana. Office became Presidential January 1, 1903.

IOWA.

Spencer H. Carr, to be postmaster at Ireton, in the county of Sioux and State of Iowa, in place of Willis W. Overholser. Incumbent's commission expires January 7, 1903.

Asahel B. Chrysler, to be postmaster at Lake Park, in the county of Dickinson and State of Iowa. Office became Presidential January 1, 1903.

Arthur S. Colby, to be postmaster at Hawarden, in the county of Sioux and State of Iowa, in place of Will A. Quigley. Incumbent's commission expires January 17, 1903.

E. P. Dalander, to be postmaster at Madrid, in the county of Boone and State of Iowa, in place of E. P. Delander, to correct name.

Nettie J. Dill, to be postmaster at Columbus Junction, in the county of Louisa and State of Iowa, in place of Nettie A. Dill, to correct name.

Daniel P. Ellsworth, to be postmaster at Lohrville, in the county of Calhoun and State of Iowa. Office became Presidential January 1, 1903.

Francis H. Farley, to be postmaster at Sloan, in the county of Woodbury and State of Iowa. Office became Presidential January 1, 1903.

Thomas J. Hoffman, to be postmaster at Vail, in the county of Crawford and State of Iowa. Office became Presidential January 1, 1903.

Isaac Hossler, to be postmaster at Battle Creek, in the county of Ida and State of Iowa, in place of Isaac Hossler. Incumbent's commission expires January 27, 1903.

W. F. Laidley, to be postmaster at Bancroft, in the county of Kossuth and State of Iowa, in place of John B. Johnson, deceased.

William H. McClure, to be postmaster at Fontanelle, in the county of Adair and State of Iowa. Office became Presidential January 1, 1903.

Simon J. Mak, to be postmaster at Inwood, in the county of Lyon and State of Iowa. Office became Presidential January 1, 1903.

Moses D. Mosier, to be postmaster at Remsen, in the county of Plymouth and State of Iowa, in place of Moses D. Mosier. Incumbent's commission expires January 7, 1903.

Edwin M. Parker, to be postmaster at Newell, in the county of Buena Vista and State of Iowa, in place of Edwin M. Parker. Incumbent's commission expires January 27, 1903.

KANSAS.

Sydney W. Gould, to be postmaster at Weir, in the county of Cherokee and State of Kansas, in place of Sydney W. Gould. Incumbent's commission expires January 17, 1903.

William C. Palmer, to be postmaster at Jewell, in the county of Jewell and State of Kansas, in place of William C. Palmer. Incumbent's commission expires January 27, 1903.

Caddie Smith, to be postmaster at Lebanon, in the county of Smith and State of Kansas, in place of E. McNall. Incumbent's commission expired January 10, 1902.

Joseph H. Woollen, to be postmaster at Mankato, in the county of Jewell and State of Kansas, in place of Joseph H. Woollen. Incumbent's commission expires January 17, 1903.

MAINE.

John M. Oak, to be postmaster at Bangor, in the county of Penobscot and State of Maine, in place of John M. Oak. Incumbent's commission expires January 10, 1903.

MARYLAND.

George C. Gardner, to be postmaster at Middletown, in the county of Frederick and State of Maryland. Office became Presidential January 1, 1903.

Thomas R. Green, to be postmaster at Denton, in the county of Caroline and State of Maryland, in place of Thomas R. Green. Incumbent's commission expires January 17, 1903.

Mary J. Perkins, to be postmaster at Hancock, in the county of Washington and State of Maryland. Office became Presidential January 1, 1903.

MASSACHUSETTS.

John W. Fairbanks, to be postmaster at Westboro, in the county of Worcester and State of Massachusetts, in place of John W. Fairbanks. Incumbent's commission expires January 10, 1903.

Frederick E. Pierce, to be postmaster at Greenfield, in the county of Franklin and State of Massachusetts, in place of Frederick E. Pierce. Incumbent's commission expires January 10, 1903.

MICHIGAN.

Joseph Wise, to be postmaster at Southlake Linden, in the county of Houghton and State of Michigan. Office became Presidential July 1, 1902.

MINNESOTA.

Charles A. Birch, to be postmaster at Willmar, in the county of Kandiyohi and State of Minnesota, in place of Charles A. Birch. Incumbent's commission expires January 19, 1903.

Walter L. Bucksen, to be postmaster at Blooming Prairie, in the county of Steele and State of Minnesota, in place of Walter L. Bucksen. Incumbent's commission expires January 19, 1903.

John Lohn, to be postmaster at Fosston, in the county of Polk and State of Minnesota, in place of John Lohn. Incumbent's commission expires January 19, 1903.

Emma F. Marshall, to be postmaster at Red Lake Falls, in the county of Red Lake and State of Minnesota, in place of Emma F. Marshall. Incumbent's commission expires January 19, 1903.

MISSISSIPPI.

Mellicent R. McInnis, to be postmaster at Moss Point, in the county of Jackson and State of Mississippi, in place of Catherine E. McInnis, deceased.

MISSOURI.

Leo W. McDavitt, to be postmaster at La Plata, in the county of Macon and State of Missouri, in place of Edwin H. Babcock. Incumbent's commission expired July 7, 1902.

Albert A. Marshall, to be postmaster at Glasgow, in the county of Howard and State of Missouri, in place of Albert A. Marshall. Incumbent's commission expired January 14, 1902.

MONTANA.

Julia A. Kline, to be postmaster at White Sulphur Springs, in the county of Meagher and State of Montana, in place of Julia A. Kline. Incumbent's commission expires January 12, 1903.

NEW YORK.

Harrison Beecher, to be postmaster at Monticello, in the county of Sullivan and State of New York, in place of Harrison Beecher. Incumbent's commission expires January 13, 1903.

Paul R. Clark, to be postmaster at Auburn, in the county of Cayuga and State of New York, in place of Paul R. Clark. Incumbent's commission expired December 30, 1902.

George D. Genung, to be postmaster at Waverly, in the county of Tioga and State of New York, in place of George D. Genung. Incumbent's commission expires January 13, 1903.

Richard P. Groat, to be postmaster at Newark, in the county of Wayne and State of New York, in place of Richard P. Groat. Incumbent's commission expires January 13, 1903.

Albert S. Potts, to be postmaster at Cooperstown, in the county of Otsego and State of New York, in place of Albert S. Potts. Incumbent's commission expires January 13, 1903.

Benson C. Smith, to be postmaster at Port Byron, in the county of Cayuga and State of New York, in place of Benson C. Smith. Incumbent's commission expired December 20, 1902.

E. Eugene Sprague, to be postmaster at Carmel, in the county of Putnam and State of New York, in place of Bryant S. Palmer. Incumbent's commission expires January 31, 1903.

Matthew Taylor, to be postmaster at Schenectady, in the county of Schenectady and State of New York, in place of Matthew Taylor. Incumbent's commission expired December 15, 1902.

Carlton D. Wing, to be postmaster at Attica, in the county of Wyoming and State of New York, in place of Carlton D. Wing. Incumbent's commission expires January 13, 1903.

NEBRASKA.

John A. Anderson, to be postmaster at Wahoo, in the county of Saunders and State of Nebraska, in place of John A. Anderson. Incumbent's commission expired July 1, 1902.

James H. Logan, to be postmaster at Ponca, in the county of Dixon and State of Nebraska, in place of James H. Logan. Incumbent's commission expires January 7, 1903.

Will A. Needham, to be postmaster at Bloomfield, in the county of Knox and State of Nebraska, in place of Will A. Needham. Incumbent's commission expires January 19, 1903.

William A. Rodgers, to be postmaster at Gibbon, in the county of Buffalo and State of Nebraska. Office became Presidential July 1, 1902.

Ira E. Tash, to be postmaster at Alliance, in the county of Boxbutte and State of Nebraska, in place of Richard W. Montgomery, removed.

NORTH CAROLINA.

General W. Crawford, to be postmaster at Marion, in the county of McDowell and State of North Carolina, in place of General W. Crawford. Incumbent's commission expires January 19, 1903.

OHIO.

Erwin G. Chamberlin, to be postmaster at Caldwell, in the county of Noble and State of Ohio, in place of E. G. Chamberlain, to correct name.

John M. Gallagher, to be postmaster at Quaker City, in the county of Guernsey and State of Ohio. Office became Presidential January 1, 1903.

James Medford, to be postmaster at Brookville, in the county of Montgomery and State of Ohio. Office became Presidential January 1, 1903.

J. W. Prine, to be postmaster at Ashtabula, in the county of Ashtabula and State of Ohio, in place of James M. Wilcox, deceased.

PENNSYLVANIA.

Anna B. Beatty, to be postmaster at Cochranton, in the county of Crawford and State of Pennsylvania. Office became Presidential January 1, 1903.

George A. Lukehart, to be postmaster at Dubois, in the county of Clearfield and State of Pennsylvania, in place of William M. Cochran. Incumbent's commission expired July 7, 1902.

Thomas K. Pullin, to be postmaster at Confluence, in the county of Somerset and State of Pennsylvania. Office became Presidential January 1, 1903.

William C. Steele, to be postmaster at Brownsville, in the county of Fayette and State of Pennsylvania, in place of William C. Steele. Incumbent's commission expires January 31, 1903.

John H. Thomas, to be postmaster at Carbondale, in the county of Lackawanna and State of Pennsylvania, in place of John H. Thomas. Incumbent's commission expires January 31, 1903.

TEXAS.

Isham H. Nelson, to be postmaster at Snyder, in the county of Scurry and State of Texas. Office became Presidential October 1, 1902.

VIRGINIA.

Willard B. Alfred, to be postmaster at Clarksville, in the county of Mecklenburg and State of Virginia. Office became Presidential January 1, 1903.

James Carter, to be postmaster at Chatham, in the county of Pittsylvania and State of Virginia, in place of Mollie E. Goolsby. Incumbent's commission expired April 8, 1900.

George T. Tilley, to be postmaster at Berkley, in the county of Norfolk and State of Virginia, in place of George T. Tilley. Incumbent's commission expires January 17, 1903.

WEST VIRGINIA.

Charles Edwards, to be postmaster at Montgomery, in the county of Fayette and State of West Virginia, in place of Mary V. B. Montgomery, removed.

WISCONSIN.

John W. Bell, to be postmaster at Chetek, in the county of Barron and State of Wisconsin. Office became Presidential January 1, 1903.

Ole Erickson, to be postmaster at Grantsburg, in the county of Burnett and State of Wisconsin. Office became Presidential January 1, 1903.

John Vilberg, to be postmaster at Mount Horeb, in the county of Dane and State of Wisconsin. Office became Presidential January 1, 1903.

WYOMING.

John W. Chrisman, to be postmaster at Green River, in the county of Sweetwater and State of Wyoming, in place of Lemuel C. Schultz, resigned.

WITHDRAWAL.

Executive nomination withdrawn January 5, 1903.

George Richardson, to be postmaster at Farmville, in the State of Virginia.

CONFIRMATION.

Executive nomination confirmed by the Senate January 5, 1903.

POSTMASTER.

WEST VIRGINIA.

Charles Edwards, to be postmaster at Montgomery, in the county of Fayette and State of West Virginia.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 5, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday, December 20, 1902, was read and approved.

QUALIFICATION OF A MEMBER.

Mr. McDERMOTT. Mr. Speaker, I rise to a question of privilege, and present the credentials of Mr. De Witt C. Flanagan, a member-elect from the State of New Jersey.

The credentials were read.

Mr. Flanagan then came forward and was duly qualified by taking the oath of office prescribed by law.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:

On December 22, 1902:

H. R. 15372. An act to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners; and

H. R. 16057. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903.

On December 23, 1902:

H. R. 14801. An act to make Wilmington, N. C., a port through which merchandise may be imported for transportation without appraisement;

H. R. 15445. An act to authorize the construction of a bridge across the Savannah River at Sand Bar Ferry, below the city of Augusta, Ga.; and

H. R. 15593. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1904, and for other purposes.

On December 24, 1902:

H. R. 4471. An act for the relief of James M. Chisham.

On December 27, 1902:

H. R. 2492. An act to reimburse the Mollert Foundry and Machine Company for money retained by the United States for failure to complete a contract within a specified time;

H. R. 931. An act granting a pension to Huldah A. Clark;

H. R. 1090. An act granting a pension to James E. Bates;

H. R. 1523. An act granting a pension to Susan J. Taylor;

H. R. 2483. An act granting a pension to James A. Clifton;

H. R. 2618. An act granting a pension to Michael Mullin;
H. R. 3330. An act granting a pension to Calvin Duckworth;
H. R. 6003. An act granting a pension to Mary Stone;
H. R. 6968. An act granting a pension to Cappa King;
H. R. 10174. An act granting a pension to Jennie M. Sawyer;
H. R. 10394. An act granting a pension to William H. Ruggles;
H. R. 10761. An act granting a pension to Anne Bronson;
H. R. 11196. An act granting a pension to Abbie Bourke;
H. R. 11453. An act granting a pension to Catharine Freeman;
H. R. 12279. An act granting a pension to Nancy M. Gunsally;
H. R. 12326. An act granting a pension to John A. Kirkham;
H. R. 12932. An act granting a pension to Elizabeth D. Harding;
H. R. 14701. An act granting a pension to Mary A. Peters;
H. R. 14774. An act granting a pension to John C. Clarke;
H. R. 832. An act granting an increase of pension to William Clark;
H. R. 1745. An act granting an increase of pension to Marvin Chandler;
H. R. 1931. An act granting an increase of pension to John Ludwig;
H. R. 3291. An act granting an increase of pension to Arthur P. Lovejoy;
H. R. 3517. An act granting an increase of pension to Stephen Harris;
H. R. 3653. An act granting an increase of pension to James W. Poor;
H. R. 4261. An act granting an increase of pension to Sanders R. Seamonds;
H. R. 5453. An act granting an increase of pension to Thomas Wilkinson;
H. R. 5961. An act granting an increase of pension to Charles F. Coles;
H. R. 6401. An act granting an increase of pension to David E. Hall;
H. R. 6481. An act granting an increase of pension to Millen McMillen;
H. R. 6823. An act granting an increase of pension to Allen W. Merrill;
H. R. 7040. An act granting an increase of pension to Benjamin Grinnell;
H. R. 7041. An act granting an increase of pension to Thomas J. Pleasant;
H. R. 8712. An act granting an increase of pension to James S. Young;
H. R. 8856. An act granting an increase of pension to Leon King;
H. R. 10876. An act granting an increase of pension to Joseph Mote;
H. R. 11638. An act granting an increase of pension to Samuel Hyman;
H. R. 11893. An act granting an increase of pension to Cornelia A. Dennis;
H. R. 11979. An act granting an increase of pension to William W. Anderson;
H. R. 13355. An act granting an increase of pension to William H. Snyder;
H. R. 13367. An act granting an increase of pension to Jonathan Walbert;
H. R. 13449. An act granting an increase of pension to Mary A. E. Scott; and
H. R. 13665. An act granting an increase of pension to George R. Baldwin.

EFFICIENCY OF THE ARMY.

Mr. HULL. I ask unanimous consent for the immediate consideration of the bill which I sent to the Clerk's desk.

The SPEAKER. The gentleman from Iowa, chairman of the Committee on Military Affairs, asks unanimous consent for the present consideration of the bill which the Clerk will report.

The bill was read, as follows:

A bill (H. R. 15449) to increase the efficiency of the Army.

Be it enacted, etc., That there is hereby established a general staff corps, to be composed of officers detailed from the Army at large, under such rules as may be prescribed by the President.

SEC. 2. That the duties of the general staff corps shall be to prepare plans for the national defense and for the mobilization of the military forces in time of war; to investigate and report upon all questions affecting the efficiency of the Army and its state of preparation for military operations; to render professional aid and assistance to the Secretary of War and to general officers and other superior commanders, and to act as their agents in informing and coordinating the action of all the different officers engaged in carrying out their orders; and to perform such other duties as may be from time to time prescribed by the President.

SEC. 3. That the general staff corps shall consist of 1 chief of staff of the Army, with the rank, pay, and allowances of a lieutenant-general, 1 major-general and 1 brigadier-general, to be detailed by the President from officers of the Army at large not below the grade of brigadier-general, and who while so serving shall have the rank, pay, and allowances of the grade to which detailed; 4 colonels, 6 lieutenant-colonels, and 12 majors, to be detailed from the corresponding grades in the Army at large, under such rules for selection as the President may prescribe; 20 captains, mounted, to be detailed from officers of the Army at large of the grades of captain or first lieutenant, who while so serving shall have the rank, pay, and allowances of captain mounted. All officers detailed in the general staff corps shall be detailed therein for periods of four years, unless sooner relieved. While serving in the general staff corps officers may be temporarily assigned to duty with any branch of the Army. Upon being relieved from duty in the general staff corps officers shall return to the branch of the Army in which they hold permanent commission, and no officer except a general officer shall be eligible to a further detail in the general staff corps until he shall have served two years with the branch of the Army in which commissioned, except in case of emergency in time of war.

SEC. 4. That the chief of staff, under the direction of the President and Secretary of War, shall have supervision of all troops of the line and of the several administrative staff and supply departments, and shall perform such other duties as may be assigned to him by the President and Secretary of War. Duties now prescribed by statute for the Commanding General of the Army as a member of the Board of Ordnance and Fortification and of the Board of Commissioners of the Soldiers' Home shall be performed by the chief of staff or other officer designated by the President. Acts and parts of acts authorizing aids-de-camp and military secretaries shall not apply to general officers of the general staff corps.

SEC. 5. That inspections of troops necessary to insure their discipline, instruction, efficiency, and welfare shall habitually be made by the general or other officer under whose command they are. Inspections of the Army at large, which may be necessary from time to time to determine its efficiency in whole or in part, particularly as to equipment, discipline, and instruction, shall be made by officers of the general staff corps. The inspection of money accounts heretofore made by officers of the Inspector-General's Department shall be transferred, as soon as practicable, to the Treasury Department, and thereafter such inspections shall be made by expert accountants of that Department at such intervals as the Secretary of the Treasury may deem necessary: *Provided*, That the Secretary of War is authorized to establish such regulations as may be necessary for the disposition of unserviceable and useless articles of public property heretofore acted upon by the Inspector-General's Department.

SEC. 6. That officers holding permanent commissions in the Inspector-General's Department may be detailed as above provided to duty in the general staff corps or to any other duty which the interest of the service may require, and they shall be eligible to detail, irrespective of rank, to any grade in the general staff corps. Officers serving by detail in the Inspector-General's Department not selected for detail in the general staff corp or other staff department shall be relieved and returned to duty with the branch of the Army to which they permanently belong. So long as any officers holding permanent commissions as inspectors-general remain on the active list they shall be promoted according to the established rules of seniority up to and including the grade of colonel, and when all the inspectors-general holding permanent commissions shall have been separated from the active list the Inspector-General's Department shall be discontinued as a separate organization and bureau of the War Department.

SEC. 7. That nothing in this act shall be construed to reduce the numbers or grades of general officers now provided by law for the line of the Army.

The following amendments, reported by the Committee on Military Affairs, were read:

Section 3, page 2, line 3, strike out beginning with the word "that" down to and including the word "detailed" in line 9 and insert in lieu thereof the following:

"That the General Staff Corps shall consist of one Chief of Staff and two general officers, all to be detailed by the President from officers of the Army at large not below the grade of brigadier-general."

In line 13, page 2, strike out the word "mounted."

In lines 5 and 6, section 4, page 3, strike out the words "several administration staff and supply departments" and insert in lieu thereof the words "Adjutant-General's, Inspector-General's, Judge-Advocate's, Quartermaster's, Subsistence, Medical, Pay, and Ordnance departments, the Corps of Engineers, and the Signal Corps."

Strike out all after the words "General Staff Corps," in line 14, section 4, page 3.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. I can not think that a bill of this importance ought to be considered by unanimous consent. Therefore I object.

The SPEAKER. Objection is made.

Mr. HULL. I move to suspend the rules and pass the bill with the amendments as read.

Mr. RICHARDSON of Tennessee. I shall demand a second; and I want to ask the gentleman——

The SPEAKER. The gentleman from Tennessee demands a second.

Mr. HULL. I ask unanimous consent that a second be considered as ordered.

Mr. RICHARDSON of Tennessee. I wish to raise the question of order whether the committee has directed this bill to be brought up in this way.

The SPEAKER. The Chair will state that this is individual suspension day, but the Chair was advised——

Mr. RICHARDSON of Tennessee. Does the Chair recognize the gentleman for this motion in his individual capacity or as chairman of the committee? The Chair addressed him as chairman of the committee.

The SPEAKER. The Chair so referred to the gentleman in announcing the request for unanimous consent. Of course, the recognition is now an individual recognition.

Mr. HULL. I will state to the gentleman from Tennessee that I have already interviewed the majority of the committee, and they gave me consent to call this bill up as chairman.

Mr. RICHARDSON of Tennessee. I could not hear whether the gentleman made this motion as an individual or as chairman of the committee. I demand a second.

Mr. HULL. I ask unanimous consent that a second be considered as ordered.

Mr. RICHARDSON of Tennessee. No; I can not agree to that.

The SPEAKER. The Chair appoints the gentleman from Iowa [Mr. HULL] and the gentleman from Tennessee [Mr. RICHARDSON] as tellers.

Mr. SLAYDEN. I rise to a parliamentary inquiry. What will be the parliamentary status of this bill in the event that a second is ordered and the motion of the chairman of the committee prevails? Will it be open to any further amendment?

The SPEAKER. The motion of the gentleman from Iowa, if it prevails, will pass the bill with the amendments as read. If the motion should be rejected, the bill will go to the Calendar. No other amendments will be in order except by unanimous consent. The gentleman from Iowa and the gentleman from Tennessee will take their places as tellers.

The House divided; and the tellers reported—ayes 79, noes 51.

So a second was ordered.

The SPEAKER. The Chair recognizes the gentleman from Iowa for twenty minutes.

Mr. HULL. Mr. Speaker, I am somewhat surprised that there is any opposition to this bill, as the committee, both in its minority and majority——

Mr. RICHARDSON of Tennessee. Mr. Speaker, will the gentleman allow me a moment?

The SPEAKER. Does the gentleman yield?

Mr. HULL. Not out of my time.

Mr. RICHARDSON of Tennessee. I did not want the gentleman to take judgment by default.

Mr. HULL. I am not going to.

Mr. RICHARDSON of Tennessee. I have not opposed the bill.

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Tennessee?

Mr. HULL. I do not. He has as much time as I. I say that the bill as reported from the committee had the unanimous indorsement of both the minority and majority members. There was some difference of opinion as to the amendments, but after it was once completed the minority members suggested that even in the report it be submitted as a unanimous report.

Mr. Speaker, the bill is not a complex one or hard to understand. It is simply for the purpose of creating a body of men without additional rank for the purpose of coordinating all the different staff corps and, in place of each one running in its own groove, reporting to the Secretary of War, and putting upon him the burden of passing on each of the questions affecting each staff corps, to have a trained body of officers take up all of these questions and report to the Secretary of War through its chief of the general staff. For instance, since the beginning of the Spanish war, with each of the staff corps an independent body, you have the Quartermaster and the Commissary and the Ordnance and the Engineers and all the supply and administrative departments acting in a sense as independent bureaus.

The Secretary of War, of course, has control over all, but it throws a volume of work on the Secretary of War and is impossible for anyone to properly and efficiently discharge the duties thereby imposed upon him. This coordinates all these departments. It provides for a detail of officers from the line of the Army or from the staff, from the Army at large, to take into consideration all these questions of administration, and in the event of war all questions of the efficient discharge of the duties of the supply, administrative, and executive departments of the War Department. It seems to me that the experience of the Government has demonstrated positively the necessity for such a body of men as this. As originally introduced it provided for an increase of rank for the chief of staff and the two assistant chiefs of staff, one of them, while acting, to have the rank, pay, and allowance of lieutenant-general and the other two the rank, pay, and allowance of major-generals.

That has been stricken out, so that now if the bill passes, as is proposed by the committee and as is moved by me, it will require the President to detail, if he so desires, the Lieutenant-General to act as chief of staff, but it gives no additional rank if he selects a brigadier-general to act as chief of staff. He simply takes the rank that he holds while discharging these additional functions. There is but one class of men which secures any additional rank. That is where a first lieutenant is detailed to act. He gets additional pay while so acting, and the reason for that, it seems to me, is apparent to every member of this House, that while he is called here to perform these duties his expenses are increased to an amount more than equal to the additional pay. It makes the increase only a minimum. The Lieutenant-General may be detailed as chief. But if some man of exceptional ability other than the Lieutenant-General is desired by the Secretary of War to fill this position, the detail can be made, but the officer gets no additional rank or pay.

Now, Mr. Speaker, I do not know that I care to take the time of the House longer, and will reserve the balance of my time until I learn what opposition there is to the measure.

Mr. BARTLETT. Mr. Speaker——

Mr. WARNER. Mr. Speaker——

Mr. BARTLETT. May I ask the gentleman a question for information about the bill?

Mr. HULL. Certainly.

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Illinois who has just addressed the Chair?

Mr. HULL. I yield first to the gentleman from Georgia [Mr. BARTLETT].

The SPEAKER. The gentleman from Georgia did not address the Chair.

Mr. HULL. Then I yield to the gentleman from Illinois.

Mr. BARTLETT. The Chair is mistaken about that, Mr. Speaker.

The SPEAKER. The Chair did not hear the gentleman. Will the gentleman from Illinois suspend a moment?

Mr. BARTLETT. "The gentleman from Georgia" has not violated the rule, and is not subject to the criticism of the Chair.

The SPEAKER. The Chair apologizes to the gentleman from Georgia, if the gentleman from Georgia addressed the Chair. The Chair did not hear him, and the gentleman from Georgia will understand that it is necessary to follow the rule, in order that the business of the House may be transacted in an orderly manner.

Mr. BARTLETT. There is nobody who is more mindful of the rules of the House than myself, and I am not justly entitled to receive the criticism of the Chair.

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Georgia?

Mr. HULL. I yield to the gentleman from Georgia.

Mr. BARTLETT. I desire to ask the gentleman from Iowa if the provision on page 3, beginning at line 14, with the words "duty now prescribed" and ending on line 18 with the words "designated by the President," will not in effect make a new commanding general of the Army, and displace the present commanding general of the Army, the Lieutenant-General?

Mr. HULL. Mr. Speaker, in answer to that I want to say to the gentleman from Georgia, and the members of this House, that the commanding general of the Army, under our form of government, is a mere myth. The President of the United States, by the Constitution, is the Commander in Chief of the Army; and the Secretary of War is and will remain the officer through whom all these orders will emanate; and in place of taking anything away from the general of the Army, outside of being president of the Board of Ordnance and Fortification, and president of the Board of Managers of the Soldiers' Home, this bill does not affect him in the slightest degree. He is to-day called by law general of the Army, and yet every man on this floor knows that as a matter of fact he has no command, and has no right to issue commands to the Army except as directed by the President and Secretary of War.

I should imagine that if this bill passes it will have the effect to harmonize the Army administration in this, that the Lieutenant-General of the Army will have the highest command, where it is an actual command, the Department of the East, and that the friction which has been so long continued in this country, dating from General Scott, at least, down to the present time, will be obviated in the future.

The bill recognizes in law what is recognized by the Constitution—that there is no commanding general of the Army except the President of the United States.

Mr. BARTLETT. May I complete my inquiry?

Mr. HULL. I yield to the gentleman.

Mr. BARTLETT. From the gentleman's statement it appears that if this bill passes you will have two commanding generals of the Army.

Mr. HULL. Oh, no.

Mr. BARTLETT. One performing the duties and one pretending mythically to perform them.

Mr. HULL. No, sir; Mr. Speaker, I do not concede any such thing. I concede that we have but one Commander in Chief of the Army, and that is the President of the United States, just as he is to-day.

Mr. BARTLETT. I understand that as well as the gentleman does, but——

Mr. HULL. And that this does not change the relations of the Lieutenant-General, with the exception of the provision as to who shall preside over the Board of Managers of the Soldiers' Home and the Board of Ordnance and Fortification.

Mr. BARTLETT. May I trespass on the time of the gentleman to ask another question on this subject? Then we will have two commanding generals of the Army drawing two salaries for the same work?

Mr. HULL. No, sir; we will not. We do not increase the officers by a single man. We do not give a single additional rank to anybody except the first lieutenant. As I said before, that part of the bill creating a new Lieutenant-General has been stricken

out and that part creating additional rank has been stricken out. This chief of staff issues no orders except as orders are issued to-day, by direction of the President and authority of the Secretary of War. I now yield to the gentleman from Illinois [Mr. WARNER].

Mr. WARNER. Mr. Speaker, I notice that section 4 of this proposed bill provides "that the chief of staff, under direction of the President and Secretary of War, shall have supervision," etc. Then, lower down, "and shall perform such other duties as may be assigned to him by the President and Secretary of War."

Mr. HULL. Yes.

Mr. WARNER. Does not that make two commanders of the Army?

Mr. HULL. It does not.

Mr. WARNER. Does it not require both of them to jointly agree as to the policy? Say that the President and Secretary of War should tie.

Mr. HULL. In that case the President governs.

Mr. WARNER. Not according to this bill.

Mr. HULL. And he has the power to make a new Secretary of War whenever they do not get along together harmoniously.

Mr. WARNER. Say you have a Secretary of War who does not agree with the President.

Mr. HULL. It follows the usual course.

Mr. WARNER. Then you want to have one more. You ought to have three, instead of two, in case they tied.

Mr. HULL. There will never be a tie. The President is supreme in commanding the Army.

Mr. WARNER. The other man is not a free moral agent, then.

Mr. HULL. The President has power to give an officer any assignment he pleases. He can not make him serve under any junior officer. He would not succeed in doing that; but he could put him on waiting orders. He could assign him to duty in the Department of the East, if he desired to do so. He could do that now.

Mr. WARNER. So as to have that question before the House, I move to amend it by striking out the words "Secretary of War" wherever they appear.

Mr. HULL. It is not subject to amendment as it is now before the House.

Mr. SLAYDEN. Would the chairman of the committee intimate the nature of the amendment of the committee that is offered?

Mr. HULL. I simply offered the committee amendments. I have offered no amendment personally.

Mr. SLAYDEN. I would like to ask the gentleman if he is willing to accept another amendment, to be offered by a member of the committee?

Mr. HULL. I can not. I can not go beyond what the committee authorized me to do.

Mr. SLAYDEN. If the gentleman desires to, Mr. Speaker, I would be glad to state to him what that amendment will be.

Mr. HULL. I will say to the gentleman from Texas that the bill was fully considered by the committee, after extensive hearings; and after the action was taken upon the bill I will not take the responsibility of accepting or offering any additional amendment to the bill.

Mr. SLAYDEN. Mr. Speaker, as a possible means of keeping the waters calm, I would like to suggest to the gentleman what the amendment is, and I think it entirely probable he might be willing to accept it.

Mr. HULL. I can not accept any amendment.

Mr. SLAYDEN. By unanimous consent it could be accepted.

Mr. HULL. Of course. Offer it, and ask for unanimous consent, and I will make no objection. What is it?

Mr. SLAYDEN. I would suggest, Mr. Speaker, that the amendment which is proposed to be offered is to amend section 2, by clarifying the language, by making it so simple and plain that anyone can understand it where it does seem vague, and where the main purpose of the bill is made more perfectly clear. It is to amend section 2 by striking out, after the word "commanders," on page 1, in line 12, certain unnecessary and vague language, as I think, after the word "commanders," in line 12, page 2, down to and including the word "orders," line 2, page 2, and inserting after the word "duties," on page 2, line 2, the words "not otherwise assigned by law."

Mr. HULL. You do not strike out the other language.

Mr. SLAYDEN. I do. I think that language is unnecessary.

Mr. HULL. I will say to the gentleman that he is striking out certain things not necessary for the purpose of his amendment. I think the gentleman's amendment is simply to insert in page 2, line 2, the words "such other duties as not prescribed by law." It is not necessary to move to strike out those other words.

Mr. SLAYDEN. My suggestion, Mr. Speaker, is to strike out the language on line 13, page 1, of the bill: "And to act as their agents in informing and coordinating the action of all the different officers engaged in carrying out their orders," and inserting after the word "duties," in line 2, page 2, the words "not otherwise assigned by law." The purpose—if I may be indulged a moment—in striking out this language is simply to remove unnecessary verbiage of the bill and make its purpose perfectly clear.

Mr. HULL. If the gentleman will modify his request, simply to insert those words after the word "duties," I have no objection to it, because I do not believe it makes any difference; but by striking out the other language it does.

The SPEAKER. The gentleman will indicate the proposed modification of his amendment.

Mr. SLAYDEN. I will modify my amendment so as to insert after the word "duties," in line 2, on page 2 of the bill, the words "not otherwise assigned by law."

The SPEAKER. The Clerk will report the proposed amendment, after which the Chair will ask if there be objection to its consideration.

The Clerk read as follows:

On page 2, line 2, after the word "duties," insert "not otherwise assigned by law."

The SPEAKER. Is there objection to its being considered as pending to be voted upon with the other amendments? [After a pause.] The Chair hears none.

Mr. SLAYDEN. Mr. Speaker, does the gentleman from Iowa yield to the gentleman from Texas?

Mr. HULL. I do.

Mr. BINGHAM. Mr. Speaker—

The SPEAKER. In this connection let the Chair state that when gentlemen address the Chair and ask permission to interrupt they must wait for the Chair to get the consent of the gentleman having control of the floor.

Mr. SLAYDEN. Mr. Speaker, in order to preserve the symmetry of the bill it is necessary to insert in section 4, line 12, the same language which the chairman consented to accept——

Mr. HULL. After the word "duties," in line 12?

Mr. SLAYDEN. Yes; in line 12, on page 3.

Mr. HULL. There is no objection to that.

The SPEAKER. Let the Clerk report the amendment.

The Clerk read as follows:

On page 3, line 12, after the word "duties," insert "not otherwise assigned by law."

The SPEAKER. Is there objection to that being considered as pending with the other amendment? [After a pause.] The Chair hears none.

Mr. BINGHAM. Mr. Speaker, will the gentleman from Iowa yield to me for a question?

Mr. HULL. I will.

Mr. BINGHAM. Assuming this proposed legislation is enacted into law, what will be the duties of the Lieutenant-General?

Mr. HULL. Practically the same as now. He will probably be assigned to the command of Governors Island. He may be appointed chief of staff. The President has unlimited discretion as to the chief of staff, provided he does not go below the grade of brigadier-general.

Mr. BINGHAM. He will have no distinct command?

Mr. HULL. He has none now, only nominal. But if he should not be assigned as chief of staff he would probably be assigned to Governors Island as the highest command of the Army in actual importance.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman has only one minute remaining.

Mr. RICHARDSON of Tennessee. Mr. Speaker, when I objected to the request for unanimous consent for the consideration of this bill I had not had an opportunity to examine it or any of its provisions. It did not follow that because I objected to unanimous consent that I was opposed to the bill. When the gentleman moved to suspend the rules under the rules of the House and pass the bill, and I demanded a second, it did not follow that necessarily I was opposed to the passage of the bill; the usual formula was followed by me in order that we might have a debate and an explanation. But the gentleman from Iowa saw fit to take offense and plunge off in his able address in advocacy of the bill by an ex cathedra statement that I was opposed to the bill.

I may or may not be opposed to it; I certainly had not developed, up to that time, opposition to the final passage of the measure. When I appealed respectfully to the gentleman to permit me to make a statement that I had not opposed the bill, I was ruthlessly waived aside. That is all right if it comports with his idea of proper treatment of his colleagues on the floor.

Now, Mr. Speaker, the bill is a very far-reaching one. It makes radical changes in the management, control, and command of the Army. I did not believe then, nor do I believe now, after listening to the able argument of the gentleman, that such a bill should be called up and passed by unanimous consent. When unanimous consent is given for the passage of any measure and it is taken up and passed, it may be assumed that every man on both sides of the Chamber favors its enactment into law. I did not think a bill of this magnitude should be considered and passed under unanimous consent. I did not think twenty minutes' debate on

a side is sufficient, with no opportunity to amend it, and for that reason I did not think the bill should be passed under a suspension of the rules. I think when a bill affecting the United States Army from top to bottom is considered and passed by Congress it should be considered in such method and after such fashion as to permit members on either side of the Chamber to offer amendments in order that the measure may be perfected.

Under the pending motion to suspend the rules and pass the bill no amendment can be offered from either side by any gentleman except by unanimous consent. I say this is a far-reaching bill. It may be wise to pass it. It starts out by the establishment of a general staff corps, something heretofore unknown in this country under our law, and provides for a chief of staff. Then it directs what this general staff corps shall do. First, it shall prepare plans for the national defense and for the mobilization of the military forces in time of war; it declares what this general in chief of the Army, or chief of staff, shall do. He is to investigate and report upon all questions affecting the efficiency of the Army and its state of preparation for military operations, to render professional aid and assistance to the Secretary of War and to general officers and other commanders, and so on.

The bill then provides how this staff shall be organized. I read from it:

That the general staff corps shall consist of one chief of staff and general officers, all to be detailed by the President from officers of the Army at large not below the grade of brigadier-general.

Mr. Speaker, if this bill passes it puts it in the power of the President to name a brigadier-general as chief of staff. He may not name a brigadier-general, but the bill puts it in his power to do so and confers upon such chief of staff great powers, some of which I have enumerated, as set forth in the first section of this bill.

It may be right to displace the Lieutenant-General; it may be right to displace his corps of assistants—major-generals in command of the different divisions of the Army; it may be proper to do these things and more, but it did not seem to me, and it does not now seem to me, that a bill with such provisions ought to be passed in this hurried fashion.

What shall this chief of staff do? The bill provides who shall compose this staff corps, but the chief shall be not less than a brigadier-general in rank.

The chief of staff, under the direction of the President and Secretary of War, shall have supervision of all troops of the line—

and not only all troops of the line, but of the—

Adjutant-General's, Inspector-General's, Judge-Advocate's, Quartermaster's, Subsistence, Medical, Pay, and Ordnance departments, the Corps of Engineers, and the Signal Corps.

All these important branches are put under this brigadier-general as chief of staff. I imagine, Mr. Speaker, that with a lieutenant-general, full fledged, in commission, and with half a dozen or more major-generals in command of the line, anywhere in the United States, or elsewhere, where war may prevail, it would hardly be the proper thing to put this chief of staff, a brigadier-general, in charge and in supreme control, under the direction, of course, of the President and Secretary of War. I imagine that a man who has reached the high grade of Lieutenant-General of the Army would be the best man in all of the command—a man of more experience—the best man in the Army to take supreme control, and he should be such, it seems to me, if he measures up to the high standard of Lieutenant-General of the United States Army.

These being my objections, it seems to me that we ought to have something more than the mere statement of the gentleman from Iowa that this bill ought to pass. I confess that I am weakened somewhat in my opposition to the bill by the fact that the minority members, gentlemen on this side of the Chamber, who constitute a part of the Military Committee, seem to favor its passage. My friend from Virginia [Mr. HAY], my friend from Texas, and my friend from Illinois say the bill should pass. That being true, while I can not see the demand for the bill, I am inclined to make less violent opposition to its passage than I should otherwise make.

Mr. Speaker, that is about all I care to say. I yield to my friend from Virginia [Mr. HAY] five minutes, or longer if he wants it.

Mr. HULL. I ask the gentleman from Tennessee——

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Virginia.

Mr. HULL. Let me say, then, to my friend from Virginia that if such is the desire of the gentleman from Tennessee—and I want to assure him that I have no intention of discourtesy—that further debate should be had on this bill, I will ask unanimous consent that the debate be continued for forty minutes.

Mr. RICHARDSON of Tennessee. The gentleman has consumed his nineteen minutes, and he seemed to prefer the course he has taken. I yield five minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I have only a very few words to say in regard to this bill. There seems to be some confusion in the minds of gentlemen as to the powers of the Lieutenant-General of the Army. That officer has no powers except such as may be conferred upon him by the Commander in Chief of the Army, the President of the United States.

Mr. KLUTTZ. Will the gentleman yield for a question?

Mr. HAY. Certainly.

Mr. KLUTTZ. Would it not answer all the purposes stated by the advocates of this bill if we should simply confer these powers upon the Lieutenant-General of the Army?

Mr. HAY. No; it would not.

Mr. KLUTTZ. Why not?

Mr. HAY. Because, for instance, the Lieutenant-General of the Army can not perform all his own duties as general of the Army and also those which the chief of staff is called on to perform.

Mr. KLUTTZ. What duties will this bill leave for the Lieutenant-General of the Army? Will it not leave him a mere myth, as has been suggested?

Mr. HAY. Not at all. The Lieutenant-General of the Army will still be the Lieutenant-General of the Army——

Mr. KLUTTZ and others. In name?

Mr. HAY. And the chief of staff will be in a position to coordinate and bring together all the different staff departments.

We all know the trouble that we had during the Spanish War. We all know that immense supplies were taken to Florida, and that by reason of the differences in the orders issued from the various heads of departments it was impossible, sometimes for a week at a time, for the soldiers to be supplied with rations and quartermaster supplies.

Mr. KLUTTZ. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. HAY. Yes.

Mr. KLUTTZ. Was not that due largely to differences between the Lieutenant-General of the Army and the Administration?

Mr. HAY. Not at all.

Mr. KLUTTZ. And not to any intrinsic weakness in his position?

Mr. HAY. Not at all. There was no difference between the Lieutenant-General of the Army and the Administration at that time, so far as I know of, in regard to supplying the Army with what it needed. There was no difference at all. This bill simply does by a Congressional act what the President can to-day do if he chooses to do it. As Commander in Chief of the Army under the Constitution of the United States he can call here a staff and put a man at the head of it and assign to him the various duties which are assigned to him under this bill.

Mr. STEELE. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. HAY. Yes.

Mr. STEELE. I would like to ask the gentleman if this bill does not practically eliminate the Lieutenant-General from the Army? In other words, would it be possible under this bill for the commanding general of the Army in time of war to have his headquarters out of Washington? The chief of staff by this bill must be in Washington, and the commanding general of the Army is chief of staff?

Mr. HAY. No; the commanding general of the Army is not chief of staff. This bill authorizes the President to detail any officer he pleases as chief of staff, and he can detail him back to the line at any moment, if he wants to do it.

Mr. STEELE. But he is to serve here?

Mr. HAY. Of course he is to serve here, but in the event of a war he could be detailed to command the Army if the Commander in Chief of the Army chose to detail him.

Mr. HULL. That can be done now.

Mr. HAY. Of course it can.

Mr. STEELE. The President can assign any officer to command the Army now, but all the time subject to this staff corps, to this little coterie, the little petticoat army here in Washington.

Mr. HAY. Do you mean that the President is subject to that?

Mr. STEELE. That is not what I mean.

Mr. HAY. If what the gentleman says is true, what is there to prevent the President, if he chooses to do it, from detailing this staff and putting somebody in charge of it? He could do it under the Constitution now, without any law; but he brings this bill here because he prefers to have the approbation of Congress in inaugurating this general staff.

And I desire to say to the gentleman from Indiana [Mr. STEELE] that every military authority in this country, with perhaps the exception of one man, has been advocating a general staff for years, for the purpose of doing what this bill does; that is, to put somebody in a position where he can, in time of war as well as in peace, be responsible for the actions of the chiefs of the different branches of the Army.

There is not a particle of politics in this bill, and there is no

harm in it. It does not increase the expenditures of the country a single dollar, and altogether it ought, in my judgment, to be given a trial.

Mr. PIERCE. Will the gentleman from Virginia yield for a moment?

Mr. HAY. Certainly.

Mr. PIERCE. If the President of the United States has the authority now which the gentleman from Virginia says this bill will confer, why do we want to pass this bill?

Mr. HAY. Because the President and the Secretary of War prefer to have the impress of Congressional approbation upon it; that is all.

Mr. PIERCE. Under what authority can they now make the appointment—under the Constitution?

Mr. HAY. Under the authority of the Constitution.

Mr. PIERCE. Is not that the very highest authority, and what do we want to make it cumulative for?

Mr. HAY. Well, we do that sort of thing very often. We created the Inspector-General's corps by law. It could have been done by Executive order just as well, but the President prefers to have Congressional approval for this.

[Here the hammer fell.]

Mr. RICHARDSON of Tennessee. Mr. Speaker, how much time have I left?

The SPEAKER. Seven minutes remaining.

Mr. RICHARDSON of Tennessee. I yield four minutes to the gentleman from Texas.

Mr. HAY. I should like first to answer a question which the gentleman from Arkansas [Mr. DINSMORE] wishes to ask.

Mr. RICHARDSON of Tennessee. I yield to the gentleman for the purpose of a question.

Mr. DINSMORE. In view of the fact that there has been so little opportunity to consider the bill, I want to call the attention of my friend who has just been explaining its provisions to this part which invests the President with authority, with reference to the duties of these officers, and at the end of section 2 says:

And to perform such other duties as may be from time to time prescribed by the President.

Which has been amended so as to read:

And to perform such other duties not otherwise assigned by law as may be from time to time prescribed by the President.

I should like to ask my friend if he thinks that that is altogether a safe provision? If by this bill the President of the United States has authority to assign these officers to duties to which they may not already be assigned by law, which may be inconsistent with their profession, it seems to me that the scope of the provision is to enable the President to assign them to any duties whatever—duties not military in their character.

Mr. HAY. In my judgment that amendment was not necessary to the bill.

Mr. DINSMORE. Does not the gentleman think this bill gives the President the authority to assign these officers to duties which are not military in character?

Mr. HAY. No; I do not. The President can not assign a military man to perform civil duty under a statute already passed by Congress.

Mr. DINSMORE. Yes; but does not this change that law in that respect?

Mr. HAY. Not at all; but the amendment proposed by the gentleman from Texas, which has been accepted, relieves that of all doubt.

Mr. DINSMORE. Not being so well informed on matters of this kind as the gentlemen on the committee, I wanted to call attention to this fact, because it seemed to me to be a rather dangerous provision, and it appears also in another place in the bill.

Mr. HAY. That has also been amended.

Mr. DINSMORE. The gentleman knows the fact to which I called the attention of the House. It authorizes the President to assign this officer to any duties not military.

Mr. HAY. The existing law prevents that, and so does the amendment offered by the gentleman from Texas.

Mr. DINSMORE. Then this does not change the existing law?

Mr. HAY. No; it does not, but other gentlemen think it may, and therefore they offer the amendment.

Mr. RICHARDSON of Tennessee. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has four minutes remaining.

Mr. RICHARDSON of Tennessee. I yield three minutes to the gentleman from Texas [Mr. SLAYDEN], retaining one minute for myself.

Mr. SLAYDEN. Mr. Speaker, I will say to my friend the gentleman from Arkansas that with the amendment which was offered I think the bill protects absolutely the recognition and enforcement of the existing military statutes, built up into a code of military laws through the wisdom of Congress for a long period of time. I believe it was essential, and the amendment which the gentleman has consented to accept guards against the contingency which the gentleman has in mind.

Now, Mr. Speaker, I believe as amended this bill ought to pass. Its purpose is to increase the efficiency of our small Army. It is the desire, I believe, of all political parties in this country, and certainly a great majority of the people of the country, to have a small army. But if we are to have a small army, which is intended in times of crises to protect this great country, we must have the most efficient army in the world. And believing from the evidence and the arguments submitted in the committee by different gentlemen well informed in military science that this bill will promote the efficiency of the Army and at the same time entail no increased cost upon the people, I give it my hearty support.

The differences of opinion heretofore existing between the general commanding the Army and the Executive have been referred to. My information is that there has been but one exception in a great many years when that difference did not exist, and then it was recognized by the general commanding, General Schofield, who frankly admitted its existence, but being of an adjustable temperament, he so arranged the administration of the duties of his office with those of the War Department as to obviate all trouble. This bill is intended to and will largely have the effect of curing that difference. Whenever the differences do exist the President by Executive order can bring them to a speedy conclusion.

Mr. Speaker, the gentleman has raised the question of whether or not the President can control this matter by Executive order. That question was asked the Secretary of War, a very able man, a very skillful lawyer, when addressing the committee relative to the enactment of this bill. He said, in replying to a question put by Mr. STEVENS, a member of the committee, that he supposed the President could do all this by Executive order now, but that it would be open to certain objections. And these objections were such as commanded my respect. It is the desire of the President and of the Secretary of War to have the legislative approval for a scheme which in the main is uniformly indorsed by the best informed military men. While it may be done now by Presidential order, it is better to have the consent of Congress, and in my judgment every Democrat and every Republican ought to prefer that it be done with the knowledge and consent of this body.

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON of Tennessee. In the one minute remaining, Mr. Speaker, I desire to say that I do not believe the House is prepared to pass this bill. A vote against the bill now does not defeat its final passage. If the vote is against suspending the rules now and passing it, the bill simply goes back to the Calendar, and it can be called up on a call of committees and passed, if a majority of the House desire to pass it, after amendment and debate.

Now, I know that there are gentlemen on that side who are opposed to the bill, because they said so as they passed through the tellers on the motion to order a second to suspend the rules. I know there are gentlemen on this side of the House who are not ready to vote for this bill. I am shaken in my judgment against the bill by the statement of my friend from Virginia and the gentleman from Texas, and I might support the bill if it came up under the rules. Now, as a vote against this bill at this time does not defeat it, but simply gives an opportunity for its full discussion and consideration, I hope it will be voted down this morning and let it go back to the Calendar.

The SPEAKER. The time of the gentleman has expired.

Mr. HULL. Mr. Speaker, the gentleman from Tennessee certainly knows that this bill can not be reached on the Calendar and get consideration at this session of Congress, and it must either be considered in this way or under an order reported from the Committee on Rules.

Mr. RICHARDSON of Tennessee. You have got the Committee on Rules and the organization of the House.

Mr. HULL. I would not have made this motion this morning in regard to the matter if I had had any idea that there was to be such opposition; but, Mr. Speaker, every military body of the United States indorses it, and all the great newspapers of both parties say that such a bill as this ought to pass, and all the administrative officers of the Army desire to see it get through so that it may become law. It is shown that some action of this kind ought to be had, and it seems to me, Mr. Speaker, that the gentleman from Tennessee, with his ability to comprehend——

Mr. RICHARDSON of Tennessee. Why can not it come up under the call of commitees?

Mr. HULL (continuing). With his ability to comprehend the proposition, will now understand why the bill can not be called up.

Mr. RICHARDSON of Tennessee. Why can not it be called up?

Mr. HULL. Because it does increase the pay of a first lieutenant when he is acting as captain.

Mr. RICHARDSON of Tennessee. I understood the statement to be made that it did not increase the expenditures. That statement was made by Mr. HAY of Virginia.

Mr. HULL. I said the only place it increased the expense one dollar was where a first lieutenant should be detailed, and then he should have the pay of a captain while so acting. And to offset that, I want to say to the gentleman from Tennessee and members of this House, that if this bill becomes law and we have trouble in the future, it will save millions of dollars to the people of the United States and give better care for our soldiers, as well as improve the efficiency of the Army. We have every argument on earth for its passage and not a single argument against it as it is reported with the amendments which are to be agreed to. It eliminates confusion, it harmonizes action, it reduces expense, and promotes efficiency. This governing body can make proper plans for the mobilization and development of the Army.

The SPEAKER. The time of the gentleman has expired and debate has expired. The question now is on the suspension of the rules and passing the bill with amendments.

The question was taken; and on a division (demanded by Mr. RICHARDSON of Tennessee) there were 61 ayes and 41 noes.

Mr. HULL. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 59, answered "present" 4, not voting 183; as follows:

YEAS—109.

Adams,	Darragh,	Hepburn,	Powers, Mass.
Alexander,	Dayton,	Hill,	Reeves,
Allen, Me.	Deemer,	Hitt,	Roberts,
Bates,	Douglas,	Holliday,	Schirm,
Bingham,	Dovener,	Hull,	Shattuc,
Bishop,	Emerson,	Irwin,	Sibley,
Blackburn,	Feely,	Jenkins,	Slayden,
Blakeney,	Fitzgerald,	Jett,	Smith, Ill.
Brandegee,	Flanagan,	Kahn,	Smith, Iowa
Brick,	Fleming,	Ketcham,	Smith, H. C.
Bromwell,	Fletcher,	Lacey,	Smith, S. W.
Brownlow,	Fordney,	Lawrence,	Southwick,
Burgess,	Foss,	Lessler,	Sperry,
Burk, Pa.	Foster, Vt.	Littauer,	Steele,
Burkett,	Fowler,	McCleary,	Stevens, Minn.
Burleigh,	Gaines, W. Va.	McClellan,	Storm,
Burton,	Gardner, Mass.	Mahon,	Sulloway,
Butler, Pa.	Gibson,	Mann,	Sutherland,
Cannon,	Gillett, Mass.	Maynard,	Swann,
Capron,	Graff,	Miller,	Thomas, Iowa
Cassel,	Graham,	Mondell,	Tirrell,
Connell,	Grosvenor,	Moody, Oreg.	Tongue,
Coombs,	Grow,	Morris,	Wanger,
Cooper, Wis.	Hamilton,	Needham,	Warner,
Cromer,	Haskins,	Overstreet,	Woods.
Crumpacker,	Haugen,	Parker,	
Cushman,	Hay,	Payne,	
Dalzell,	Hedge,	Pearre,	

NAYS—59.

Adamson,	Creamer,	Lanham,	Robb,
Allen, Ky.	De Armond,	Lever,	Robinson, Ind.
Bankhead,	Dinsmore,	Lloyd,	Rucker,
Bartlett,	Fox,	Loud,	Russell,
Bell,	Gaines, Tenn.	McCulloch,	Shallenberger,
Benton,	Gilbert,	Maddox,	Sheppard,
Brantley,	Glass,	Neville,	Sims,
Brundidge,	Glenn,	Norton,	Snook,
Burnett,	Goldfogle,	Padgett,	Stark,
Caldwell,	Griffith,	Pierce,	Stephens, Tex.
Clark,	Hooker,	Randell, Tex.	Swanson,
Cochran,	Johnson,	Reid,	Underwood,
Cooney,	Kern,	Richardson, Ala.	Williams, Ill.
Cooper, Tex.	Kitchin, Claude	Richardson, Tenn.	Zenor.
Cowherd,	Kluttz,	Rixey,	

ANSWERED "PRESENT"—4.

Boutell,	Livingston,	Metcalf,	Thompson.

NOT VOTING—183.

Acheson,	Cousins,	Greene, Mass.	Lester,
Aplin,	Crowley,	Griggs,	Lewis, Ga.
Babcock,	Currier,	Hanbury,	Lewis, Pa.
Ball, Del.	Curtis,	Heatwole,	Lindsay,
Ball, Tex.	Dahle,	Hemenway,	Little,
Barney,	Davey, La.	Henry, Conn.	Littlefield,
Bartholdt,	Davidson,	Henry, Miss.	Long,
Beidler,	Davis, Fla.	Henry, Tex.	Loudenslager,
Bellamy,	Dick,	Hildebrant,	Lovering,
Belmont,	Dougherty,	Hopkins,	McAndrews,
Billmeyer,	Draper,	Howard,	McCall,
Boreing,	Driscoll,	Howell,	McDermott,
Bowersock,	Dwight.	Hughes,	McLachlan,
Bowie,	Eddy,	Jack,	McLain,
Breazeale,	Edwards,	Jackson, Kans.	McRae,
Bristow,	Elliott,	Jackson, Md.	Mahoney,
Broussard,	Esch,	Jones, Va.	Marshall,
Brown,	Evans,	Jones, Wash.	Martin,
Bull,	Finley,	Joy,	Mercer,
Burke, S. Dak.	Flood,	Kehoe,	Meyer, La.
Burleson,	Foerderer,	Kitchin, Wm. W.	Mickey,
Butler, Mo.	Foster, Ill.	Kleberg,	Miers, Ind.
Calderhead,	Gardner, Mich.	Knapp,	Minor,
Candler,	Gardner, N. J.	Knox,	Moody, N. C.
Cassingham,	Gill,	Kyle,	Moon,
Clayton,	Gillet, N. Y.	Lamb,	Morgan,
Conner,	Gooch,	Landis,	Morrell,
Conry,	Gordon,	Lassiter,	Moss,
Corliss,	Green, Pa.	Latimer,	Mudd,
Mutchler,	Robertson, La.	Snodgrass,	Vandiver,
Naphen,	Robinson, Nebr.	Southard,	Van Voorhis,
Nevin,	Rumple,	Sparkman,	Vreeland,
Newlands,	Ruppert,	Spight,	Wachter,
Olmsted,	Ryan,	Stewart, N. J.	Wadsworth,
Otjen,	Scarborough,	Stewart, N. Y.	Warnock,
Palmer,	Scott,	Sulzer,	Watson,
Patterson, Pa.	Selby,	Talbert,	Weeks,
Patterson, Tenn.	Shackleford,	Tate,	Wheeler,
Perkins,	Shafroth,	Tawney,	White,
Pou,	Shelden,	Tayler, Ohio	Wiley,
Powers, Me.	Sherman,	Taylor, Ala.	Williams, Miss.
Prince,	Showalter,	Thayer,	Wilson,
Pugsley,	Skiles,	Thomas, N. C.	Wooten,
Ransdell, La.	Small,	Tompkins, N. Y.	Wright,
Reeder,	Smith, Ky.	Tompkins, Ohio	Young.
Rhea,	Smith, Wm. Alden	Trimble,	

The following pairs were announced:

For the session:

Mr. SHERMAN with Mr. RUPPERT.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. COOMBS with Mr. DAVEY of Louisiana.

Mr. YOUNG with Mr. BENTON.

Mr. HEATWOLE with Mr. TATE.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. BROMWELL with Mr. CASSINGHAM.

Until further notice:

Mr. ESCH with Mr. BROUSSARD.

Mr. CURRIER with Mr. NAPHEN.

Mr. BROWN with Mr. CLAYTON.

Mr. VAN VOORHIS with Mr. GORDON.

Mr. BARNEY with Mr. THOMPSON of Alabama.

Mr. FORDNEY with Mr. KLEBERG.

Mr. LONG with Mr. NEWLANDS.

Mr. RUMPLE with Mr. ROBINSON of Nebraska.

Mr. JACK with Mr. FINLEY.

Mr. HUGHES with Mr. TRIMBLE.

Mr. MUDD with Mr. CANDLER.

Mr. HOPKINS with Mr. SWANSON.

Mr. METCALF with Mr. WHEELER.

Mr. BOUTELL with Mr. GRIGGS.

Mr. BOREING with Mr. KEHOE.

Mr. TAYLER of Ohio with Mr. BOWIE.

Mr. CONRY with Mr. NEVIN.

Mr. MARTIN with Mr. SHACKLEFORD.

Mr. CURTIS with Mr. MCANDREWS.

For this day only:

Mr. CALDERHEAD with Mr. ELLIOTT.

Mr. KNAPP with Mr. LEWIS of Georgia.

Mr. KNOX with Mr. LINDSAY.

Mr. HOWELL with Mr. LASSITER.

Mr. HILDEBRANT with Mr. LAMB.

Mr. COUSINS with Mr. FLOOD.

Mr. DAVIDSON with Mr. GOOCH.

Mr. FOERDERER with Mr. HENRY of Mississippi.

Mr. GARDNER of Michigan with Mr. HENRY of Texas.

Mr. GARDNER of New Jersey with Mr. HOWARD.

Mr. GILL with Mr. JACKSON of Kansas.

Mr. GILLET of New York with Mr. JONES of Virginia.

Mr. GREENE of Massachusetts with Mr. W. W. KITCHIN.

Mr. JOY with Mr. LESTER.

Mr. CONNER with Mr. EDWARDS.

Mr. BURKE of South Dakota with Mr. DAVIS of Florida.

Mr. BOWERSOCK with Mr. BUTLER of Missouri.

Mr. BRISTOW with Mr. DAVEY of Louisiana.

Mr. BEIDLER with Mr. BURLESON.

Mr. BARTHOLDT with Mr. BREAZEALE.

Mr. BALL of Delaware with Mr. BELLAMY.

Mr. KYLE with Mr. SNODGRASS.

Mr. MARSHALL with Mr. RYAN.

Mr. OLMSTED with Mr. FOSTER of Illinois.

Mr. LOUDENSLAGER with Mr. MAHONEY.

Mr. HEMENWAY with Mr. TAYLOR of Alabama.

Mr. DICK with Mr. MUTCHLER.

Mr. BULL with Mr. CROWLEY.

Mr. DWIGHT with Mr. DOUGHERTY.

Mr. BABCOCK with Mr. WILLIAMS of Mississippi.

Mr. DRAPER with Mr. SULZER.

Mr. VREELAND with Mr. BALL of Texas.

Mr. PATTERSON of Pennsylvania with Mr. BELMONT.

Mr. EVANS with Mr. WILSON.

Mr. ACHESON with Mr. VANDIVER.

Mr. HENRY of Connecticut with Mr. THAYER.

Mr. WATSON with Mr. TALBERT.

Mr. WACHTER with Mr. SPIGHT.

Mr. TOMPKINS of Ohio with Mr. SPARKMAN.

Mr. WRIGHT with Mr. WHITE.

Mr. MCLACHLAN with Mr. WILEY.

Mr. MORGAN with Mr. WOOTEN.

Mr. SOUTHARD with Mr. THOMAS of North Carolina.

Mr. JONES of Washington with Mr. LATIMER.
Mr. LANDIS with Mr. LITTLE.
Mr. LITTLEFIELD with Mr. MCDERMOTT.
Mr. MCCALL with Mr. MCRAE.
Mr. LOVERING with Mr. MCLAIN.
Mr. MERCER with Mr. MICKEY.
Mr. MINER with Mr. MIERS of Indiana.
Mr. MOODY of North Carolina with Mr. MOON.
Mr. PRINCE with Mr. PATTERSON of Pennsylvania.
Mr. OTJEN with Mr. POU.
Mr. REEDER with Mr. PUGSLEY.
Mr. SCOTT with Mr. RANSDELL of Louisiana.
Mr. SHELDEN with Mr. RHEA.
Mr. SHOWALTER with Mr. ROBERTSON of Louisiana.
Mr. SKILES with Mr. SCARBOROUGH.
Mr. WM. ALDEN SMITH with Mr. SHAFROTH.
Mr. STEWART of New York with Mr. SELBY.
Mr. STEWART of New Jersey with Mr. SMALL.
Mr. TOMPKINS of New York with Mr. SMITH of Kentucky.

The SPEAKER. On this question the yeas are 109, the nays 59, answering "present" 4—total 172, 6 short of a quorum. The Doorkeeper will close the doors, and the Sergeant-at-Arms will bring in absentees. The roll will be called. Those favoring the pending motion will vote "aye," those opposed will vote "no," those not desiring to vote will, as their names are called, answer "present." The Clerk will call the roll.

The question was again taken; and there were—yeas 101, nays 51, answered "present" 11, not voting 192, as follows:

YEAS—101.

Adams,	Douglas,	Holliday,	Parker,
Alexander,	Dovener,	Hull,	Payne,
Allen, Me.	Emerson,	Irwin,	Pearre,
Bartholdt,	Feely,	Jenkins,	Powers, Mass.
Bates,	Fitzgerald,	Jett,	Reeves,
Bingham,	Flanagan,	Kahn,	Scott,
Blackburn,	Fleming,	Ketcham,	Shattuc,
Boutell,	Fletcher,	Lacey,	Sibley,
Brandegee,	Fordney,	Lawrence,	Smith, Ill.
Brownlow,	Foss,	Lessler,	Smith, Iowa
Burk, Pa.	Foster, Vt.	Littauer,	Smith, H. C.
Burleigh,	Gaines, W. Va.	Littlefield,	Southwick,
Burton,	Gardner, Mass.	McCleary,	Sperry,
Butler, Pa.	Gibson,	McClellan,	Steele,
Cannon,	Gillett, Mass.	McDermott,	Stevens, Minn.
Capron,	Graff,	McLachlan,	Storm,
Cassel,	Graham,	Mahon,	Sulloway,
Connell,	Grosvenor,	Mann,	Swann,
Cooper, Wis.	Grow,	Maynard,	Thomas, Iowa
Cromer,	Hamilton,	Miller,	Tirrell,
Crumpacker,	Haskins,	Mondell,	Tongue,
Cushman,	Haugen,	Moody, N. C.	Warner,
Dahle,	Hay,	Moody, Oreg.	Woods.
Dalzell,	Hedge,	Morris,	
Darragh,	Hepburn,	Needham,	
Deemer,	Hill,	Overstreet,	

NAYS—51.

Allen, Ky.	Creamer,	Lanham,	Richardson, Tenn.
Bartlett,	De Armond,	Lever,	Rixey,
Bell,	Dinsmore,	Lloyd,	Robb,
Benton,	Fox,	Loud,	Robinson, Ind.
Brantley,	Gaines, Tenn.	McCulloch,	Rucker,
Brundidge,	Gilbert,	Maddox,	Russell,
Burleson,	Glenn,	Neville,	Sheppard,
Burnett,	Griggs,	Norton,	Sims,
Caldwell,	Hooker,	Padgett,	Snook,
Clark,	Johnson,	Pierce,	Stark,
Cochran,	Kitchin, Claude	Randell, Tex.	Stephens, Tex.
Cooper, Tex.	Kluttz,	Reid,	Underwood.
Cowherd,	Lamb,	Richardson, Ala.	

ANSWERED "PRESENT"—11.

Brick,	Burkett,	Metcalf,	Vreeland,
Bromwell,	Dayton,	Swanson,	Wanger.
Burgess,	Livingston,	Thompson,	

NOT VOTING—192.

Acheson,	Clayton,	Fowler,	Jones, Va.
Adamson,	Conner,	Gardner, Mich.	Jones, Wash.
Aplin,	Conry,	Gardner, N. J.	Joy,
Babcock,	Coombs,	Gill,	Kehoe,
Ball, Del.	Cooney,	Gillet, N. Y.	Kern,
Ball, Tex.	Corliss,	Glass,	Kitchin, Wm. W.
Bankhead,	Cousins,	Goldfogle,	Kleberg,
Barney,	Crowley,	Gooch,	Knapp,
Beidler,	Currier,	Gordon,	Knox,
Bellamy,	Curtis,	Green, Pa.	Kyle,
Belmont,	Davey, La.	Greene, Mass.	Landis,
Billmeyer,	Davidson,	Griffith,	Lassiter,
Bishop,	Davis, Fla.	Hanbury,	Latimer,
Blakeney,	Dick,	Heatwole,	Lester,
Boreing,	Dougherty,	Hemenway,	Lewis, Ga.
Bowersock,	Draper,	Henry, Conn.	Lewis, Pa.
Bowie,	Driscoll,	Henry, Miss.	Lindsay,
Breazeale,	Dwight,	Henry, Tex.	Little,
Bristow,	Eddy,	Hildebrant,	Long,
Broussard,	Edwards,	Hitt,	Loudenslager,
Brown,	Elliott,	Hopkins,	Lovering,
Bull,	Esch,	Howard,	McAndrews,
Burke, S. Dak.	Evans,	Howell,	McCall,
Butler, Mo.	Finley,	Hughes,	McLain,
Calderhead,	Flood,	Jack,	McRae,
Candler,	Foerderer,	Jackson, Kans.	Mahoney,
Cassingham,	Foster, Ill.	Jackson, Md.	Marshall,
Martin,	Pou,	Showalter,	Thomas, N. C.
Mercer,	Powers, Me.	Skiles,	Tompkins, N. Y.
Meyer, La.	Prince,	Slayden,	Tompkins, Ohio
Mickey,	Pugsley,	Small,	Trimble,
Miers, Ind.	Ransdell, La.	Smith, Ky.	Vandiver,
Minor,	Reeder,	Smith, S. W.	Van Voorhis,
Moon,	Rhea,	Smith, Wm. Alden	Wachter,
Morgan,	Roberts,	Snodgrass,	Wadsworth,
Morrell,	Robertson, La.	Southard,	Warnock,
Moss,	Robinson, Nebr.	Sparkman,	Watson,
Mudd,	Rumple,	Spight,	Weeks,
Mutchler,	Ruppert,	Stewart, N. J.	Wheeler,
Naphen,	Ryan,	Stewart, N. Y.	White,
Nevin,	Scarborough,	Sulzer,	Wiley,
Newlands,	Schirm,	Sutherland,	Williams, Ill.
Olmsted,	Selby,	Talbert,	Williams, Miss.
Otjen,	Shackleford,	Tate,	Wilson,
Palmer,	Shafroth,	Tawney,	Wooten,
Patterson, Pa.	Shallenberger,	Tayler, Ohio	Wright,
Patterson, Tenn.	Shelden,	Taylor, Ala.	Young,
Perkins,	Sherman,	Thayer,	Zenor.

LEAVE OF ABSENCE.

Pending the announcement of the result of the roll call, leave of absence was granted as follows:

To Mr. CANDLER, for three days, on account of sickness in his family.

To Mr. BOWERSOCK, indefinitely, on account of important business.

To Mr. EDDY, for ten days, on account of important business.

To Mr. ROBINSON of Nebraska, for fifty days, on account of sickness.

To Mr. MARSHALL, until Thursday next, on account of important business.

To Mr. CALDERHEAD, for thirty days, on account of important business.

To Mr. BALL of Texas, for two weeks, on account of important business.

The roll call having been concluded,

The SPEAKER. On this question the yeas are 101; the nays, 51; answering "present," 11; total, 163—not a quorum.

Mr. PAYNE. I move that the House do now adjourn.

The SPEAKER. This motion, under the existing conditions, will require a second by a majority of those present.

The motion was seconded.

The question being taken on agreeing to the motion, it was agreed to; and the House accordingly (at 2 o'clock p. m.) adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner-General of Immigration submitting an estimate of appropriation for improvements at New York station—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Director of the Mint submitting an estimate of appropriation for machinery, etc., at the new mint at Denver, Colo.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for payment of claim of Dr. E. S. Burnham—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with the draft of a bill, a plan for the reorganization of the Hospital Corps of the Army—to the Committee on Military Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of M. Ringgolia Brooke and Adelaide Greenlaw against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Eugene L. Derr, administrator of estate of John Derr, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Thomas J. Cadle, administrator of estate of Martin Cadle, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John A. Stover, administrator of the estate of Jacob Stover, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for construction and repair of hospitals—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner-General of Immigration submitting an estimate of appropriation for an immigrant station at Honolulu, Hawaii—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for completion of volume 24, Opinions of the Attorneys-General—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for erection of legation buildings at Seoul, Korea—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for topographic surveys in Porto Rico—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for deficiency in printing and binding—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for disallowances in accounts of Capt. C. N. Conrad—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Spanish Treaty Claims Commission submitting an estimate of appropriation for reimbursement of the Secretary of State for service of a force of copyists—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriations for military cable in Alaska—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Navy, submitting a report of the cost of inspection and construction of naval vessels—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting a report of the Board of Ordnance and Fortification—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for repair of bridge at Bangor, Me.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, proposing legislation in relation to the status of contract surgeons and contract dental surgeons—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriations for payment of expenses of transporting the remains of a retired soldier—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of Agriculture, submitting a report as to the advisability of consolidating with the Weather Bureau the work of gathering reports and statistics of crops—to the Committee on Agriculture, and ordered to be printed.

A letter from the Secretary of War, submitting a report of the expenditures of the contingent fund of the Department—to the Committee on Expenditures in the War Department, and ordered to be printed.

A letter from the Secretary of Agriculture, transmitting a report on Congressional seed distribution—to the Committee on Agriculture, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for target range at Fort Snelling, Minn.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 6439) for the refund of certain tonnage taxes, reported the same without amendment, accompanied by a report (No. 2966); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. REEVES, from the Committee on Patents, to which was referred the bill of the House (H. R. 15607) for the amendment of section 4921 of the Revised Statutes, reported the same with amendments, accompanied by a report (No. 2967); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9107) granting an increase of pension to Austin A. Vore, reported the same with amendments, accompanied by a report (No. 2919); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15648) granting an increase of pension to Col. Lester H. Salsbury, reported the same with amendments, accompanied by a report (No. 2920); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15385) for the relief of Alfred J. Sellers, reported the same with amendments, accompanied by a report (No. 2921); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15329) granting an increase of pension to Elizabeth Rosenbarger, reported the same with amendment, accompanied by a report (No. 2922); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10826) granting a pension to Josiah S. Fay, reported the same with amendments, accompanied by a report (No. 2923); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15748) granting an increase of pension to William Whitlock, reported the same with amendments, accompanied by a report (No. 2924); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15673) granting a pension to Annie E. Doss, reported the same with amendments, accompanied by a report (No. 2925); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16011) granting an increase of pension to Morton A. Leach, reported the same with amendments, accompanied by a report (No. 2926); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13723) granting an increase of pension to Oliver C. Jackson, reported the same with amendment, accompanied by a report (No. 2927); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11020) granting an increase of pension to Oliver P. Alsbach, reported the same with amendment, accompanied by a report (No. 2928); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10219) granting an increase of pension to J. Banks Hunter, reported the same with amendment, accompanied by a report (No. 2929); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8699) granting a pension to Capt. D. M. Kittle, reported the same with amendments, accompanied by a report (No. 2930); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14605) granting an increase of pension to John T. Knoop, reported the same with amendment, accompanied by a report (No. 2931); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15398) granting an increase of pension to Andrew W. Miller, reported the same with amendments, accompanied by a report (No. 2932); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15466) granting an increase of pension to John H. Robson, reported the same with amendment, accompanied by a report (No. 2933); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14361) granting an increase of pension to Joseph M. Alexander, reported the same with amendments, accompanied by a report (No. 2934); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8711) granting an increase of pension to William C. Crawford, reported the same with amendment, accompanied by a report (No. 2935); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11596) granting an increase of pension to Inez Clift, reported the same with amendment, accompanied by a report (No. 2936); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10105) granting an increase of pension to Thomas Fleming, reported the same with amendments, accompanied by a report (No. 2937); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15211) granting a pension to Mary J. Slusser, reported the same with amendment, accompanied by a report (No. 2938); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4154) granting an increase of pension to Murray W. Woodward, reported the same without amendment, accompanied by a report (No. 2939); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7012) granting an increase of pension to Abel Fleming, reported the same with amendments, accompanied by a report (No. 2940); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9491) granting an increase of pension to John W. Brattain, reported the same with amendment, accompanied by a report (No. 2941); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4501) granting an increase of pension to Mrs. Sarah D. Lightfoot, reported the same with amendments, accompanied by a report (No. 2942); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15682) granting an increase of pension to Jared P. Hubbard, reported the same without amendment, accompanied by a report (No. 2943); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15431) granting an increase of pension to Elias Simpson, reported the same without amendment, accompanied by a report (No. 2944); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15864) granting an increase of pension to Benjamin Knestrict, reported the same with amendment, accompanied by a report (No. 2945); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14303) granting an increase of pension to Robert H. Maricle, reported the same with amendments, accompanied by a report (No. 2946); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15406) granting an increase of pension to James F. Campbell, reported the same with amendments, accompanied by a report (No. 2947); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15112) granting a pension to Matilda Marshall, reported the same with amendments, accompanied by a report (No. 2948); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11189) granting an increase of pension to Jennie M. Gilbert, reported the same with amendments, accompanied by a report (No. 2949); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15906) granting a pension to Joseph Grennue, reported the same with amendments, accompanied by a report (No. 2950); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15661) granting an increase of pension to James M. Marshall, reported the same with amendments, accompanied by a report (No. 2951); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1020) granting a pension to Mary E. Pennock, reported the same with amendments, accompanied by a report (No. 2952); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15839) granting an increase of pension to Luther Scott, reported the same with amendment, accompanied by a report (No. 2953); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15999) granting an increase of pension to William F. Loomis, reported the same with amendments, accompanied by a report (No. 2954); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16224) granting an increase of pension to William Montgomery, reported the same without amendment, accompanied by a report (No. 2955); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4528) granting an increase of pension to Corydon Millard, reported the same without amendment, accompanied by a report (No. 2956); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4075) granting a pension to Henry R. Gibbs, reported the same without amendment, accompanied by a report (No. 2957); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1739) granting an increase of pension to William S. Ffost, reported the same without amendment, accompanied by a report (No. 2958); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4943) granting an increase of pension to Abraham Park, reported the same without amendment, accompanied by a report (No. 2959); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3365) granting an increase of pension to Eliza M. Miller, reported the same without amendment, accompanied by a report (No. 2960); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2545) granting a pension to William Johnston, reported the same without amendment, accompanied by a report (No. 2961); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6151) granting an increase of pension to Henry E. Burton, reported the same without amendment, accompanied by a report (No. 2962); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2646) granting a pension to Justus L. Denton, reported the same without amendment, accompanied by a report (No. 2963); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1299) granting an increase of pension to Ambrus U. Harrison, reported the same without amendment, accompanied by a report (No. 2964); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6123) granting an increase of pension to Thomas L. Collins, reported the same without amendment, accompanied by a report (No. 2965); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PARKER: A bill (H. R. 16328) to restore the sale of fermented malt beverages and light wines to soldiers on Army transports and in post exchanges under regulations to be prescribed by the Secretary of War—to the Committee on Military Affairs.

By Mr. FLYNN: A bill (H. R. 16329) establishing United States courts at Wetumka and Bristow, Ind. T.—to the Committee on the Judiciary.

By Mr. SLAYDEN: A bill (H. R. 16330) to detach the county of Dimmit from the southern judicial district of Texas and to attach it to the western judicial district of Texas—to the Committee on the Judiciary.

By Mr. WADSWORTH: A bill (H. R. 16331) for the extension of Elm street northwest—to the Committee on the District of Columbia.

By Mr. FLYNN: A bill (H. R. 16332) to amend an act entitled "An act to amend section 2455 of the Revised Statutes of the United States"—to the Committee on the Public Lands.

By Mr. McCULLOCH: A bill (H. R. 16333) to change and fix the time for holding district and circuit courts of the United States for the eastern division of the eastern district of Arkansas—to the Committee on the Judiciary.

By Mr. BELL: A bill (H. R. 16334) fixing terms of United States courts in Colorado—to the Committee on the Judiciary.

By Mr. SHALLENBERGER: A bill (H. R. 16335) to prevent monopoly and combinations in restraint of trade, to further regulate the commerce between the different States and Territories of the United States and with foreign nations, and to provide for the publication of reports of the condition of corporations or other associations engaged in foreign or interstate commerce, and to regulate the issuance of stocks, bonds, or other evidences of indebtedness of such corporations or associations, and for other purposes, and to provide for the appointment of a commission by the President to regulate and control the same, and to report the results to Congress—to the Committee on the Judiciary.

By Mr. BURNETT: A bill (H. R. 16336) authorizing R. R. Asbury and associates to use the water power at Locks 1, 2, and 3, in Coosa River, Alabama—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON of Tennessee (by request): A bill (H. R. 16337) to provide for the greater protection of human life in the Government Hospital for the Insane and the better security of its buildings and the contents thereof against destruction or injury by fire—to the Committee on Public Buildings and Grounds.

By Mr. FITZGERALD: A bill (H. R. 16338) to prevent the unauthorized use of the names or pictures of persons for the purposes of trade—to the Committee on the Judiciary.

By Mr. COOPER of Texas: A bill (H. R. 16339) directing the Secretary of War to expend $125,000 heretofore appropriated for a deep-water channel through Sabin Lake, Texas—to the Committee on Rivers and Harbors.

By Mr. HENRY C. SMITH: A bill (H. R. 16340) for a public building at Ann Arbor, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. PARKER: A joint resolution (H. J. Res. 240) proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. STORM: A joint resolution (H. J. Res. 241) providing for a survey of Fire Island Inlet, in Great South Bay, New York—to the Committee on Rivers and Harbors.

By Mr. POWERS of Massachusetts: A joint resolution (H. J. Res. 242) suspending the operation of all laws imposing tariff on all kinds of coal until November 1, 1903—to the Committee on Ways and Means.

By Mr. ROBERTS: A resolution (H. Res. 369) that the Committee on Printing be directed to consider and report on the propriety of publishing the military and naval record of the war of 1812, of the Mexican war, and the military records of the several Indian wars, in the same general style as that of the Rebellion Records—to the Committee on Printing.

By Mr. HULL: A resolution (H. Res. 370) that immediately after reading the Journal on Tuesday, January 6, the House shall proceed to the consideration of H. R. 15449, and after one hour's debate shall vote on bill and amendments—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Maine: A bill (H. R. 16341) granting an increase of pension to Charles D. Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16342) granting an increase of pension to Charles Harris—to the Committee on Invalid Pensions.

By Mr. ALEXANDER: A bill (H. R. 16343) granting leave to the executor or administrator of the estate of Isadore Termini, deceased, to commence an action against the United States of America for the alleged wrongful act in causing his death—to the Committee on the Judiciary.

Also, a bill (H. R. 16344) for the relief of Lucinda Lawrence—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 16345) granting an increase of pension to Luke Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16346) granting an increase of pension to John S. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16347) granting a pension to Catherine Slattery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16348) granting a pension to Alice Case—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16349) granting an increase of pension to James Buchanan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16350) granting a pension to John Aldrich—to the Committee on Pensions.

By Mr. BENTON: A bill (H. R. 16351) granting an increase of pension to Austin P. Merrell—to the Committee on Invalid Pensions.

By Mr. BURKETT: A bill (H. R. 16352) granting an increase of pension to Mary L. Stotsenburg—to the Committee on Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 16353) granting an increase of pension to William F. Ritchie—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 16354) for the relief of E. A. Gilliland—to the Committee on Claims.

Also, a bill (H. R. 16355) for the relief of the estate of J. C. West—to the Committee on War Claims.

Also, a bill (H. R. 16356) granting a pension to Mrs. Thomas Richardson—to the Committee on Pensions.

By Mr. CAPRON: A bill (H. R. 16357) granting an increase of pension to John F. Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16358) granting an increase of pension to Benjamin W. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16359) granting an increase of pension to Andrew Owen—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 16360) to correct the military record of Homer Quick—to the Committee on Military Affairs.

Also, a bill (H. R. 16361) granting an increase of pension to John W. Chancellor—to the Committee on Invalid Pensions.

By Mr. CLARK: A bill (H. R. 16362) granting a pension to Thomas A. Burks—to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 16363) for the relief of Susan R. Keesee and George G. Johnson—to the Committee on War Claims.

By Mr. FLETCHER: A bill (H. R. 16364) granting an increase of pension to Patrick Carney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16365) granting an increase of pension to Jacob Steffles, alias Jacob Staffs—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 16366) for the relief of Anthony L. Maxwell—to the Committee on War Claims.

Also, a bill (H. R. 16367) granting an increase of pension to James E. Ferguson—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 16368) granting an increase of pension to Eliza M. Hutchinson—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 16369) granting a pension to Emily Lawrence Reed—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 16370) granting an increase of pension to Sarah J. Littleton, widow of Adam D. Littleton—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 16371) for the relief of Mrs. M. O. King—to the Committee on War Claims.

Also, a bill (H. R. 16372) for the relief of Mrs. M. M. Champion—to the Committee on War Claims.

By Mr. IRWIN: A bill (H. R. 16373) for the relief of Stanley E. Brown—to the Committee on Claims.

By Mr. JACKSON of Kansas: A bill (H. R. 16374) granting an increase of Pension to Alonzo S. Bowden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16375) granting an increase of pension to Abraham Mann—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 16376) for the relief of Mrs. Anna M. Orne, sole administratrix of the estate of Henry A. Orne, deceased—to the Committee on War Claims.

By Mr. LOUD: A bill (H. R. 16377) granting an American register to bark Homeward Bound—to the Committee on Interstate and Foreign Commerce.

By Mr. LAWRENCE: A bill (H. R. 16378) granting an increase of pension to Ferdinand Weise—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 16379) for the relief of William O. Bailey—to the Committee on War Claims.

By Mr. McDERMOTT: A bill (H. R. 16380) for the relief of Benjamin Manning—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Tennessee: A bill (H. R. 16381) granting a pension to Lymus Wallace—to the Committee on Invalid Pensions.

By Mr. ROBERTS: A bill (H. R. 16382) granting a pension to Mary J. Taylor—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 16383) for the relief of W. T. Smotherman & Co., of Tennessee—to the Committee on Claims.

By Mr. STARK: A bill (H. R. 16384) granting an increase of pension to Isaac D. Neihardt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16385) granting an increase of pension to Warren C. Massey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16386) granting an increase of pension to Franklin Ferguson—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 16387) granting an increase of pension to R. M. Cope—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16388) granting an increase of pension to Thomas N. Hinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16389) granting an increase of pension to George W. Swan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16390) granting a pension to Mrs. Sarah Charter—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 16391) granting a pension to Ella F. Shandrew—to the Committee on Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 16392) granting a pension to Alexander Laughlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16393) granting a pension to Walter M. Corn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16394) for the relief of John A. Hill—to the Committee on Military Affairs.

Also, a bill (H. R. 16395) granting an increase of pension to Elwood Finley—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 16396) granting an increase of pension to Adam C. Rarick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16397) granting an increase of pension to John W. Duncan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16398) granting a pension to Louis Gebhart—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Protest of the Philadelphia Maritime Exchange against temporarily extending the privileges of the coasting laws to foreign steamers carrying coal between American ports—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Bremerton (Wash.) Board of Trade, in relation to the use of the U. S. S. *Philadelphia* as a receiving ship—to the Committee on Naval Affairs.

Also, resolution of the Paint Grinders' Association of Chicago, Ill., regarding freight classification—to the Committee on Interstate and Foreign Commerce.

Also, petition of Vail Brothers urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. ALLEN of Maine: Petitions of Hon. Frederick E. Boothby, mayor, and city council and 486 citizens of Portland, Me., asking that coal, both anthracite and bituminous, be put on the free list at the earliest practicable day—to the Committee on Ways and Means.

By Mr. BARTLETT: Petition of W. A. Wright, Jordan & Brother, and J. H. Blackburn, of Barnesville, Ga., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BENTON: Papers to accompany House bill granting an increase of pension to Austin P. Merrill, a soldier of the Mexican war—to the Committee on Pensions.

By Mr. BROMWELL: Petition of Long, West & Co. and other citizens of Cincinnati, Ohio, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BULL: Petition of Blanding & Blanding, of Providence, R. I., favoring House bill 15368, amending the customs drawback law—to the Committee on Ways and Means.

Also, resolution of the Paint Grinders' Association of the United States, relative to freight classification—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKETT: Petition of the First Presbyterian Church of Auburn, Nebr., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. CALDWELL: Petitions of J. H. Feltham, S. A. Hoffman, S. W. Culp, and others, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. CANNON: Petition of retail druggists of Toledo, Ill., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, papers to accompany House bill 15814, granting a pension to William H. Bird—to the Committee on Invalid Pensions.

Also, petition of George W. Myers and others, favoring the passage of House bill 8325, to adjust swamp-land grants, etc.—to the Committee on the Public Lands.

By Mr. CAPRON: Resolution of the Paint Grinders' Association, relative to freight classification—to the Committee on Interstate and Foreign Commerce.

Also, petition of Blanding & Blanding, druggists, Providence, R. I., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Petitions of the Dr. Shoop Family Medicine Company, of Racine, Wis., and citizens of Kenosha, Wis., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. COUSINS: Petition of citizens of Newhall, Iowa, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. CREAMER: Petition of citizens of New York, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. FITZGERALD: Resolutions of the Manufacturers' Association of Brooklyn, N. Y., favoring the passage of the Elkins bill to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Peoria Retail Grocers' Association against the passage of House bills 3109 and 15614, known as the pure-food bills—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Boston Associated Board of Trade, urging the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: Papers to accompany House bill granting a pension to James E. Ferguson—to the Committee on Invalid Pensions.

By Mr. GLENN: Resolution of Business Men's Association of Moscow, Idaho, with reference to Senate bill 6363, repealing the stone, timber, desert land, and homestead commutation acts—to the Committee on the Public Lands.

By Mr. GRAHAM: Petition of T. H. Nevin Company, Allegheny, Pa., members of the Paint Grinders' Association, in relation to freight classification—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAFF: Resolutions of Illinois State Grange, Patrons of Husbandry, favoring the election of United States Senators by the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, resolution of same, opposing a "steering committee" in national legislation—to the Committee on Rules.

Also, resolution of same, favoring suppression of monopolies—to the Committee on the Judiciary.

Also, resolution of same, favoring the speedy construction of the isthmian canal—to the Committee on Interstate and Foreign Commerce.

Also, resolution of same, favoring the passage of a bill controlling the sale of shoddy—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same, opposing ship-subsidy legislation—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the same, favoring the passage of the Elkins bill to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same, favoring reciprocity treaties and agreements—to the Committee on Ways and Means.

Also, resolutions of the same, opposing reduction of postage to 1 cent until rural free delivery is more fully established—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the same, favoring the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the same, favoring the establishment of a parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the same, favoring initiative and referendum on all important legislation—to the Committee on the Judiciary.

By Mr. HASKINS: Petition of A. R. Hood & Son, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HAY: Petition of heirs of Lewis M. Miller, deceased, late of Frederick County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of heirs of James P. Mahaney, deceased, late of Frederick County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. HOWELL: Protests of Capt. T. S. P. Brown, of Brielle, and John Scully, of South Amboy, N. J., and the Atlantic Carriers' Association, against the suspension of the navigation laws—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Nelson F. Clayton and Abram Voorhees, of Cranbury, N. J., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. IRWIN: Papers to accompany bill for the relief of Stanley E. Brown—to the Committee on Claims.

By Mr. JACKSON of Kansas: Papers to accompany House bill granting a pension to Alonzo S. Bowden—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Abraham Mann—to the Committee on Invalid Pensions.

By Mr. MORRELL: Papers to accompany House bill 66695, granting an increase of pension to Charles P. Clarke—to the Committee on Invalid Pensions.

By Mr. NAPHEN: Resolution of the Massachusetts State Board of Trade, for an appropriation for the survey of New Bedford Harbor—to the Committee on Rivers and Harbors.

Also, resolution of the Boston Associated Board of Trade, for the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Peoria (Ill.) Retail Grocers' Association, for the appointment of a commission to investigate the construction and operation of the various State food laws—to the Committee on Interstate and Foreign Commerce.

By Mr. RIXEY: Petition of M. K. Lupton and others, of Round Hill and Hamilton, Va., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. ROBERTS: Petition of Mrs. M. J. Bradford Company, Melrose, Mass., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, paper to accompany House bill granting a pension to Mary J. Taylor—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: Papers to accompany House bill 16307, granting an increase of pension to Henry Cronk—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 15860, granting an increase of pension to Ebenezer L. Beach—to the Committee on Invalid Pensions.

By Mr. SHATTUC: Papers to accompany House bill 7318, granting a pension to Thomas D. Horner—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 5274, relating to the correction of the military record of Isaac Dulhagen—to the Committee on Military Affairs.

By Mr. SIBLEY: Resolution of the bar of Warren County, Pa., favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes; also, report of special committee to accompany said resolution—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Kane, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. SLAYDEN: Petition of Judge J. D. Spears and other citizens of Dimmit County, Tex., asking that the county of Dimmit be restored to the jurisdiction of the circuit court of the United States for the western district of Texas, at San Antonio—to the Committee on the Judiciary.

By Mr. HENRY C. SMITH: Petitions of Charles Maynard, S. C. Stinison, E. D. Matthews, C. A. Hubbel, and Judson Hawkins, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SPERRY: Petitions of citizens of Middletown, New Haven, and East Hampton, Conn., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolution of the Connecticut Civil Service Reform Association against the passage of any veteran preference bill and favoring reform in the consular service—to the Committee on Reform in the Civil Service.

By Mr. STEPHENS of Texas: Petition of citizens of Ringgold, Tex., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. WOODS: Resolutions of the Claremont (Cal.) Citrus Union, urging that measures be taken for the protection of Government forest reserves—to the Committee on the Public Lands.

Also, resolutions of Manufacturers and Producers' Association of California, for the establishment of a permanent warehouse at San Francisco for the reception and distribution of Indian supplies—to the Committee on Indian Affairs.

By Mr. ZENOR: Papers to accompany House bill 5762, granting a pension to William H. T. Hostetler—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14688, granting an increase of pension to Harriet S. Packard—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13902, granting a pension to Albert T. Weathers—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *January 6, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

VESSEL BETSEY.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brigantine *Betsey*, Thomas McCray, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented the petition of C. E. Bishop, of San Diego, Cal., praying for the enactment of legislation to permit all paymasters' clerks to take the examination for the grade of assistant paymaster in the United States Navy; which was referred to the Committee on Naval Affairs.

He also presented the petition of Rev. L. W. Gade, pastor of the Christian Church of Industry, Ill., praying that he be considered a candidate for the position of Chaplain of the United States Senate; which was referred to the Committee on Rules.

He also presented a petition of the American Antisaloon League, of New York, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the United States Capitol building; which was referred to the Committee on Rules.

He also presented a petition of the national executive committee of the National German-American Alliance, praying for the appointment of an immigration commission and also that no further action be taken on the pending immigration bill; which was ordered to lie on the table.

Mr. PLATT of New York presented a petition of America Council, No. 67, Junior Order of United American Mechanics, of Brooklyn, N. Y., praying for the passage of the so-called immigration bill; which was ordered to lie on the table.

He also presented petitions of Car Painters' Local Union, No. 1, of Albany; of Broom Makers' Local Union, No. 14, of Amsterdam; of Brick Layers, Plasterers, and Stone Masons' Local Union, No. 39, of Rochester; of Local Union No. 24, of Batavia; of Laborers' Protective Union, No. 9572, of Ticonderoga; of the Central Trades and Labor Assembly of Elmira; of Local Union No. 620, of Troy; of Wood Workers' Local Union, No. 636, of Troy; of Local Union No. 74, of Rochester; of Pulp, Sulphite, and Paper Mill Workers' Local Union, No. 9, of Ticonderoga; of Coopers' International Union, No. 2, of New York City, and of the Hospital Nurses and Employees' Local Union, No. 10507, of Rochester, all of the American Federation of Labor, in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. FAIRBANKS presented a memorial of the Coopers' International Union, American Federation of Labor, of Kansas City, Kans., remonstrating against the enactment of legislation to prohibit the issuance of revenue stamps on beer in eighths; which was referred to the Committee on Finance.

He also presented a petition of the Charles Boldt Glass Company, of Muncie, and the petition of T. J. Holden and sundry other citizens of Muncie, all in the State of Indiana, praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented the petition of Josiah Morris and sundry other citizens of Coloma, and the petition of C. F. Morris and sundry other citizens of Rockville, all in the State of Indiana, praying for the adoption of an amendment to the bill to increase the efficiency of the militia so as to provide for an exemption clause based on conscientious scruples; which was referred to the Committee on Military Affairs.

He also presented a petition of the Indiana Bituminous Coal Association, of Terre Haute, Ind., praying for the ratification of a reciprocity treaty with Canada whereby the bituminous coal of each country shall be admitted free of duty into the territory of the other; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Citizens' Semicentennial Canal Association, of Sault Ste. Marie, Mich., praying for the enactment of legislation providing for the commemoration of the semicentennial anniversary of the commencement of the construction of the ship canal between Lake Huron and Lake Superior at the falls of the Sault Ste. Marie River, in the State of Michigan, occurring June 4, 1903; which was referred to the Committee on Commerce.

He also presented a petition of the National Live Stock Association, of Kansas City, Mo., praying for the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

Mr. DOLLIVER presented a petition of Kabaker Lodge, No. 318, of Burlington, Iowa, praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

He also presented petitions of Local Union No. 708, of Forbush; of Local Union No. 13, of Cincinnati; of Bakers' Local Union No. 240, of Sioux City; of the Trades and Labor Congress of Dubuque; of Typographical Union No. 406, of Mason City; of Local Union No. 161, of Boone; of Local Union No. 126, of Ottumwa; of the Trades and Labor Assembly of Marshalltown, and of Local Union No. 346, of Fairfield, all of the American Federation of Labor, in the State of Iowa, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented sundry papers in support of the bill (S. 5762) granting a pension to Michael Fitzpatrick; which were referred to the Committee on Pensions.

Mr. MITCHELL. I present a communication from Hon. J. W. Ivey, of Alaska, transmitting to Congress sundry resolutions of different chambers of commerce, boards of trade, city councils, and mass meetings in that Territory; also transmitting sundry petitions and memorials of chambers of commerce, boards of trade, business men's associations, boards of mines, commercial clubs, merchants' exchanges from various cities and towns in the United States, and also a petition very numerously signed by citizens of Alaska, representing about twenty towns in that Territory, praying for the enactment of legislation by Congress in the interest of that Territory, as follows:

1. Legislation giving to the Territory of Alaska a Delegate in Congress;

2. That liberal land laws be enacted to open the lands to settlement and the mineral wealth of the district to the industries of the United States;

3. That such aid be extended as may be necessary in the construction of wagon roads, railroads, and telegraph lines in the Territory;

4. That the system of taxation by license be changed, the existing system being adverse to all precedent and inconsistent with the principles of the Government of the United States;

5. That provision be made for such light-house establishments as the necessities of commerce require;

6. For the protection of the fisheries of Alaska.

I move that the petitions be referred to the Committee on Territories.

The motion was agreed to.

Mr. MITCHELL presented a petition of the Multnomah County Sunday School Association, of Portland, Oreg., praying for the adoption of an amendment to the postal laws to prohibit the circulation through the mails of liquor advertisements; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented a petition of Kenova Lodge, No. 530, Brotherhood of Railroad Trainmen, of Kenova, W. Va., praying for the passage of the so-called safety-appliance bill; which was referred to the Committee on Interstate Commerce.

TRUSTS AND CORPORATIONS.

Mr. HOAR. I present a letter from the Attorney-General, dated January 3, 1903, addressed to the chairman of the Judiciary Committee of the Senate, relating to what are called trusts. I move that the letter be printed as a document.

The motion was agreed to.

Mr. HOAR subsequently said: The Senate this morning made an order to print the letter of the Attorney-General addressed to the chairman of the Judiciary Committee of the Senate on the subject of trust legislation. It has been suggested to me that it is desirable to have printed with that the Attorney-General's Pittsburg speech and a list of decisions and cases pending before the court, which he has also furnished. I ask that the order may be so modified.

The PRESIDING OFFICER (Mr. DUBOIS in the chair). In the absence of objection, the order to print will be modified as suggested by the Senator from Massachusetts.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 15708) to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation, reported it without amendment, and submitted a report thereon.

Mr. GIBSON, from the Committee on Public Lands, to whom was referred the bill (S. 6339) to confirm certain forest-lien selections made under the act approved June 4, 1897 (30 Stats., 36), reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (H. R. 16066) to amend an act entitled "An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory," approved June 6, 1900, asked that that committee be discharged from its further consideration and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. MCCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 6445) granting an increase of pension to John F. Briggs, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2439) granting an increase of pension to Richard A. Larimer, reported it without amendment, and submitted a report thereon.

COMPILATION RELATING TO PARDONS, ETC.

Mr. PLATT of New York. From the Committee on Printing I report a joint resolution and ask for its present consideration. It is recommended by the Attorney-General.

The joint resolution (S. R. 148) to provide for the printing of a digest of the laws, decisions, and opinions relating to pardons and other acts of executive clemency under the United States and the several States was read the first time by its title and the second time at length, as follows:

Resolved, etc., That there be printed the usual number of copies of a digest of the laws and constitutional provisions now in effect of the United States and of the several States, the decisions of the courts of the United States and of the several States, and the opinions of the Attorneys-General of the United States relating to the extent of the pardoning power and the legal effect of pardons and other acts of executive clemency under the constitutions and laws of the United States and of the several States, said digest to include a summary of the laws now in effect of the United States and of the several States and the decisions of the courts of the United States and of the several States relating to the civil effects of convictions for offenses against the laws of the United States and of the several States; and that in addition to said usual number there be printed and bound in sheep 500 copies for the use of the Attorney-General, said digest to be printed under the editorial supervision of an editor or editors to be appointed by the Attorney-General and the editing and clerical work incident thereto to be paid for out of any moneys in the Treasury not otherwise appropriated on the direction of the Attorney-General at a price not to exceed $2,500, which sum is hereby appropriated, and is to be in full payment for said work, except the cost of printing and binding the same.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPRODUCTION OF PORTRAITS.

Mr. PLATT of New York. From the Committee on Printing I report a joint resolution providing for the reproduction of portraits, and I ask for its present consideration.

The joint resolution (S. R. 149) providing for the reproduction

of portraits to accompany eulogies of deceased Senators, Representatives, and Delegates was read the first time by its title and the second time at length, as follows:

Resolved, etc., That hereafter portraits which accompany eulogies of deceased Senators, Representatives, and Delegates shall be reproduced, under the direction of the Joint Committee on Printing, at the Government Printing Office, and the said committee shall have power to designate the methods by which such portraits shall be reproduced.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6750) granting an increase of pension to Willis A. Morse;

A bill (S. 6751) granting an increase of pension to David W. Craig;

A bill (S. 6752) granting an increase of pension to John Smith; and

A bill (S. 6753) granting a pension to Florence Arnold.

Mr. BERRY introduced a bill (S. 6754) authorizing the city of Batesville, Ark., to draw water from the pool of Dam No. 1, Upper White River; which was read twice by its title, and re-referred to the Committee on Commerce.

M. FAIRBANKS introduced a bill (S. 6755) correcting the military record of Simon P. Rinehart; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6756) granting a pension to John C. Cummins;

A bill (S. 6757) granting a pension to James O. Lawlis;

A bill (S. 6758) granting an increase of pension to Nelson Purcell; and

A bill (S. 6759) granting an increase of pension to John A. Seiss.

Mr. SCOTT introduced a bill (S. 6760) for the relief of the county court of Berkeley County, W. Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. DOLLIVER introduced a bill (S. 6761) for the establishment and organization of a nurse corps of trained women nurses in the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 6762) granting a pension to Michael Fitzpatrick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6763) granting an increase of pension to Hiram W. White;

A bill (S. 6764) granting a pension to Helene E. Warrens; and

A bill (S. 6765) granting an increase of pension to Charles A. Broadman.

Mr. BURROWS introduced a bill (S. 6766) making an appropriation to pay the Ottawa and Chippewa Indians of Michigan certain moneys due said Indians; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. QUARLES introduced a bill (S. 6767) granting a pension to F. Heinemann; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 6768) to authorize the free importation of commodities covered by trusts; which was read twice by its title, and referred to the Committee on Finance.

Mr. FAIRBANKS introduced a bill (S. 6769) to increase the limit of cost for the purchase of a site and the erection of a public building at Indianapolis, Ind.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. DIETRICH introduced a bill (S. 6770) for the relief of A. Frederick Benjamin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6771) granting an increase of pension to Simeon Billings; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6772) granting an increase of pension to John B. Fisk; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

EARLY MISSIONARY WORK IN OREGON.

Mr. MITCHELL submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate 2,500 additional copies of Senate Executive Document No. 37, Forty-first Congress, third session, the same being a letter from the Secretary of the Interior to Hon. Schuyler Colfax, President of the Senate, of date February 8, 1871, directing the Secretary of the Interior to furnish any information in the possession of his Department pertaining to the "early labors of the missionaries of the American Board of Commissioners for Foreign Missions in Oregon, commencing in 1836."

SPONGE FISHERIES.

Mr. TALIAFERRO submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Commissioner of Fish and Fisheries be, and he is hereby, directed to send to the Senate information regarding the sponge fisheries of foreign countries, the condition of such fisheries, regulations and methods of fishing, prices and markets for sponges, together with a report upon the feasibility of transplanting the best grades of oriental sponges to the waters of Florida.

SAFETY APPLIANCES ON RAILROADS.

Mr. BERRY. Mr. President, yesterday when I was not in the Chamber the Chair laid before the Senate a resolution introduced by the Senator from Colorado [Mr. PATTERSON] asking for certain information from the Interstate Commerce Commission. That resolution was agreed to on the 20th day of December, the day the holiday recess was taken. The Senator from Colorado was absent and had asked me to look after it. The resolution came up, and you will find in the RECORD at page 487 that the resolution was agreed to at that time. It is no longer before the Senate. It will be found in the RECORD, page 487, near the bottom.

Mr. FORAKER. I will inquire of the Senator if that is the resolution which was under consideration yesterday for a few moments?

Mr. BERRY. It is the same one, but it has already been passed by the Senate. It was agreed to on the 20th of December. I was looking after it for the Senator from Colorado. I remembered it, and referred to the RECORD, and the action of the Senate adopting the resolution will be found on page 487.

EFFICIENCY OF THE MILITIA.

Mr. PROCTOR. Mr. President, I wish to give notice that tomorrow morning, immediately after the routine morning business, I shall ask to have the militia bill laid before the Senate.

ANTHRACITE COAL.

Mr. HOAR. I ask that Senate bill 6659 be laid before the Senate.

The PRESIDENT pro tempore. The Chair is obliged to lay before the Senate at this time a resolution which came over from yesterday, if the Senator from Massachusetts will allow that to be done.

Mr. HOAR. I thought that had been disposed of by the suggestion of the Senator from Arkansas [Mr. BERRY].

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution offered yesterday by the Senator from Missouri [Mr. VEST] later in the day by unanimous consent. The resolution will be read.

The resolution submitted yesterday by Mr. VEST was read, as follows:

Resolved, That the Committee on Finance be instructed to prepare and report a bill amending "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, so that the tariff duty shall be removed from anthracite coal and the same be placed on the free list.

Mr. VEST. Mr. President, I understand the question before the Senate now to be on the motion of the chairman of the Committee on Finance, the Senator from Rhode Island [Mr. ALDRICH], to refer this resolution to the Committee on Finance. This is the first time in my parliamentary experience that the chairman of a committee which it is proposed to instruct in regard to a measure moves to refer that instruction to his own committee. It seems to me very much like the defendant in a law suit asking the court to refer the whole matter in litigation to him and his attorney.

The question to be determined by the Senate is whether the Finance Committee shall report back certain legislation to the Senate. Mr. President, I should say frankly——

Mr. HOAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. VEST. Certainly.

Mr. HOAR. I desire to make a suggestion to the Senator. I do not know what his convenience may be, and I surely would not wish to interfere with it in the least. The Senator from Rhode Island [Mr. ALDRICH] who made the motion is absent at this moment, and I had myself given notice that at the close of the routine morning business I would wish to submit some very brief

remarks on the trust question. I desire to ask the Senator whether it would be wholly agreeable to him to postpone his remarks until that Senator comes in and let me finish mine. If it is not absolutely agreeable to him, I will not press the suggestion.

Mr. VEST. Mr. President, I desire to be entirely courteous to the Senator from Massachusetts and the Senator from Rhode Island, but my physical condition is such that I prefer to say at this time what little I intended to say.

Mr. HOAR. Very well; I beg the Senator's pardon. I do not wish to interfere with him.

Mr. VEST. I shall say nothing which I would not desire the Senator from Rhode Island to hear, and I would be very glad if he were present. I shall violate no rule of courtesy in speaking of his committee. I am a member of that committee and as a matter of course I shall not say anything even in criticism of him or of any member of the committee.

Now, Mr. President, why should this resolution go to the Committee on Finance? Is there anything that committee can inform us of not already known to every intelligent schoolboy in the United States? Do we not all know and realize that this is no longer a partisan question as to the duty on anthracite coal, but a question of absolute humanity? We are not upon the verge of a crisis in regard to the coal question; we are in it. Women and children are freezing to death. The whole country was shocked within the last ten days by the statement that a poor woman and her child had frozen to death in a tenement house in the city of New York in the midst of wealth and luxury. Under the shadow of this Capitol within the last ten days a child 11 years old was frozen to death while luxurious vehicles were rolling across its asphalt streets and people were preparing for the festivities of Christmas. It is no longer a question of what party can be benefited. It is no longer a question of finance or political economy. It is a question of absolute humanity.

The citizens' committee appointed to see why it is that coal is now at such a price as to be beyond the reach of the poor and middle classes, sent a special agent, a gentleman of high character, to the anthracite coal region. After making a tour through all that region and closely examining the conditions, he reports that there are but two modes of relief to the seaport cities, and, in fact, to the people of the whole country. One is to procure soft coal, now selling at $8.50 a ton; the other is to take the duty off of anthracite coal and permit it to come into this country where it can be laid down at $8 a ton. If 67 cents per ton tariff duty is deducted from the $8 we would receive coal here from Wales and Canada—anthracite coal as good as that in Pennsylvania or better—at $7.33½ per ton.

Mr. President, let us deal in facts. I do not know, nor do I care, whether the price of coal is now being enormously increased by the coal dealers or by the owners of anthracite railroads and coal mines. As a consumer and representing consumers, my only solicitude is how to find a remedy for this disgraceful and outrageous condition of affairs. I know that the consumers are being plundered day by day and hour by hour. I attempted to buy a ton of coal yesterday, and the lowest price for indifferent coal was $12 a ton. I bought a ton of coal some weeks ago and paid $14 to a dealer whom I had traded with for twenty years. He allowed me to have a ton for $14 as a matter of personal kindness. After that I tried to buy three tons more, and was asked $20 a ton. When I concluded to buy coke here in the city of Washington, they asked me $16 a ton, when the normal price of coke is about $3.

The coal dealers say that they can not sell coal for any less because the mine owners have put the price up for them. The mine owners declare that the coal dealers are heartlessly robbing the people and making an enormous profit upon all the coal they get from the mines. One of the independent coal operators was taken unwillingly before the board of arbitrators last week and he swore that he was under contract furnishing his coal to the Lackawanna Railroad at the mines for $2.50 a ton. And we are charged $12 a ton in the city of Washington.

What would be thought of a State legislature that sat silent and inactive when the people of the Commonwealth were being robbed after this fashion? And yet we are the legislature of this District, to go no further and to consider this question simply as one applied to this District, and here we are silent, dumb, either afraid or unwilling to take any action and answering the appeals of these poor, freezing women and children with a party cry, "Stand pat; stand pat." Nothing is to be done to this sacred white elephant, the Dingley tariff act; and yet the President of the United States tells us in his message that the remedy is to take the duty off of anthracite coal. The Secretary of the Navy has publicly announced that to be the remedy. The junior Senator from Massachusetts [Mr. LODGE] yesterday applied a homeopathic dose of the same medicine and proposed to suspend the duty for three months. If it is a good medicine for three months, it is the allopathic medicine that ought to be administered according to the prescription of Theodore Roosevelt, President of the United States.

Now, Mr. President, if this resolution goes to the Committee on Finance it goes to the parliamentary tomb of the Capulets and it will never be heard of again. What chance has this resolution with the known opinions of the dominant party of this Chamber and the dominant majority of the Finance Committee of being considered, much less of being adopted?

One distinguished member of the Finance Committee yesterday told us that there was no duty upon anthracite coal, and he says this in the face of the declaration of the President of the United States, who wants to remove that duty. He says it in the face of the declaration of the Secretary of the Navy, who has declared that this duty was put into the Dingley bill in a cowardly and sneaking manner and ought to be repealed at once. He says it in the face of the bill proposed by the junior Senator from Massachusetts to suspend this duty for three months. He says it in the face of the quasi judicial action of the board of appraisers in New York, who, after considering the whole question, declared that anthracite coal coming from Wales to this country under the provisions of the Dingley Act bore a duty of 67 cents a ton.

Mr. President, circumstances show that this resolution would never be even considered in the Committee on Finance. It would be strangled; and we know from experience how easily that can be done by a hostile majority in any committee.

In the Fifty-sixth Congress, at the first session, it will be remembered that a bill passed the House of Representatives amending what is known as the antitrust or Sherman law of 1890, making its provisions more drastic and punitive. That bill passed the House with but one dissenting vote, Democrats, Republicans, and Populists voting for it. It came over to the Senate three weeks before the adjournment of the first session of that Congress, and the Democrats proposed its immediate consideration. The Republican leaders opposed it on the ground that it was too important a question to be determined in the short time remaining of the session, and proposed to refer the bill to the Judiciary Committee, with the solemn promise that when we met in December, after the Presidential election in November, the bill should be taken up immediately and be disposed of by the Senate. On a yea-and-nay vote the bill went to the Judiciary Committee, and it was never heard of afterwards.

McKinley was elected in November. The trusts contributed liberally to his election. The entente cordiale was preserved between the trusts and the Republicans. We met in December, and after waiting for three weeks, with not a murmur from the Judiciary Committee, not a movement from any direction, the chairman of the national Democratic committee, the senior Senator from Arkansas [Mr. JONES], moved to discharge the committee and bring the bill before the Senate. Our Republican friends opposed that motion. They forgot their promises before the election and declared that the short session was not the time in which to consider so important a question, and upon a yea-and-nay vote it was determined by the Senate that the bill should not come before the committee; and there it stayed, and lingered, and languished, and died.

Now, with that object lesson before us, do we not know what will become of this resolution if it is sent to the Finance Committee? Do we not know that we send it to the executioner?

All I want, Mr. President, is for every Senator to put himself upon record, directly if possible, indirectly at any rate, for or against the relief which the President has suggested for the present condition.

Mr. President, I wish to call attention to one significant fact. It is contended by those of us who are opposed to the tariff wall which protects the trusts and combinations with the high duties of the Dingley Act, to reduce those duties or to remove them upon all trust-produced articles, so as to allow the only remedy that can by any possibility relieve the consumers of this country, and that is competition.

Now, what does the President of the United States propose as the remedy for the present condition of affairs in regard to anthracite coal? There is a fuel famine in this country to-day, not confined to the seaboard cities and to New England, but extending far west to my own State. In the third city of Missouri, St. Joseph, four days ago anthracite coal was selling at $15 a ton, and not a stick of wood could be bought by the cord in the whole city. In Mexico, a flourishing town in the interior of Missouri, situated in one of the wealthiest counties in the State, the county of Audrain, coal could not be had at any price, and the schools were closed and the factories shut up, and the people threatened, with the winter coming upon them in that inclement latitude, with all the horrors that must attend a coal and wood famine.

Now, confronted by this evil, which he attempted to avert, the President deliberately tells us that the remedy is not to remove the duty upon anthracite coal for three months or three years, but to take it off absolutely, in order—now mark the words—in

order to meet such crises as may occur in the supply and price of coal. If that be the remedy as to coal, why is it not the remedy as to all the articles that are covered and protected by the high duties of the Dingley Act and placed under the control of trusts? If the bill the Senator from Massachusetts introduced yesterday is correct in principle, why not apply it to all trust-produced articles in this country?

Mr. Dingley, the author of the Dingley bill, declared that the duties in that act were too high, and that they were put there in order to form a basis or margin for the formation or creation of commercial arrangements with foreign nations in the way of reciprocity. Yet when reciprocity is suggested it is opposed by a large portion of the Republican party; and there is no more chance to-day, in my judgment, to reduce a single duty in the Dingley Act, as parties now stand in Congress, than for me to carry off this Capitol upon my shoulders.

I have had occasion to say, and I repeat it deliberately, the tariff is an interdependent mutuality of greed. When you once establish it it is established for all time to come, never to be reduced if it is possible to prevent reduction. The protected industries are like a brood of English sparrows. When one gives a cry of distress, the air is darkened with the whole brood rushing to its rescue. When you attack the trust upon peanuts, you must encounter the trust on salt, lumber, iron, meats, and all the necessaries of life.

We are told that trusts exist in free-trade England as they do in the United States. I deny it. I demand the proof. I challenge the truth of that assertion. It is impossible to create a trust as to a great necessary of life produced in all of the countries of the civilized world, because it is impossible to raise enough capital to create such a trust and make it effective.

William L. Wilson went to England, as he told me and as he stated in the House of Representatives, in order to investigate the truth of this assertion, and after a six weeks' sojourn he returned and declared that it was not true. He cited one object lesson to show that it was not true. It was proposed some years ago, just before his visit to England, to create a paper trust. So soon as this was known the London Times and the other great newspapers of the Kingdom immediately brought into England and Scotland paper from the Continent and the United States duty free, and the trust did not survive forty-eight hours.

But, Mr. President, I do not propose to go into details in regard to this subject. All I want is a vote by yeas and nays. All I desire is that every Senator shall take his individual responsibility for his action in regard to this question. If it is to be a question of raising money for the next campaign for President, that is the end of all discussion. I saw the other day in a country newspaper same doggerel verses, not as majestic as the lines of Homer, but still with a great deal of truth. It will be remembered that in 1892 a distinguished Senator from Kansas, then living and a member of this body, in speaking of the necessity for campaign funds said that if he had his way he would fry the fat out of the wealthy manufacturers of Pennsylvania and make a campaign fund for the G. O. P. that would sweep the country. This country newspaper said, adding to the battle cry of the Republican party for 1904:

Stand pat,
Then pass round the hat,
And the G. O. P. will fry out the fat.

[Laughter.]

Mr. President, I ask for the yeas and nays on the motion of the Senator from Rhode Island to refer the resolution to the Committee on Finance.

The PRESIDENT pro tempore. The pending question is on the motion of the Senator from Rhode Island [Mr. ALDRICH] to refer the resolution to the Committee on Finance, and on that question the Senator from Missouri demands the yeas and nays. Is there a second?

The yeas and nays were ordered.

Mr. ALDRICH. Mr. President, it was my misfortune not to have heard the first part of the interesting statement of the Senator from Missouri [Mr. VEST], and I am not sure, therefore, whether he bases his extraordinary demand upon the Senate upon the novel and swift interpretation of the Constitution announced yesterday by the Senator from Texas [Mr. CULBERSON] or upon some other ground. My familiarity, however, with past tariff discussions in this body leads me to the conclusion that no obstacle, not even the prohibitions of the Constitution, are ever permitted to stand in the way of attacks upon the protective policy of the country by Senators upon the other side of the Chamber.

Of course, it will be necessary to reply to some of the statements made by the Senator from Missouri; but, in view of the fact that the Senator from Massachusetts [Mr. HOAR] has announced that he intended to occupy the floor at this hour, I desire to ask the Senate that this matter may go over until to-morrow without prejudice.

But in the meantime I want to deny as explicitly and as emphatically as I can that the late chairman of the Ways and Means Committee of the House of Representatives, Mr. Dingley, ever at any time or anywhere made the statement attributed to him by the Senator from Missouri, that the rates in the Dingley tariff act, so called, were fixed higher than they otherwise would have been with a view to being subsequently reduced by reciprocity arrangements.

The fact is—and it should be known to the Senator from Missouri and every other Senator who took part in the discussion of the bill—that the reciprocity provisions of the Dingley Act, to which the Senator referred, were inserted in the Senate of the United States months after the bill had been prepared and the rates had been fixed by Mr. Dingley and his committee and the bill had passed the other House. I simply make this statement as a matter of justice to Mr. Dingley's memory.

Mr. NELSON. I want to ask the Senator a question for my own information.

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield to the Senator from Minnesota?

Mr. ALDRICH. Yes, sir.

Mr. NELSON. I should be glad to know whether the provision relating to anthracite coal in the tariff bill was inserted in this body or in the other House?

Mr. ALDRICH. In this body. The provision was inserted at the instance of a Senator from the Pacific coast.

Mr. VEST. Will the Senator permit me?

Mr. ALDRICH. Certainly.

Mr. VEST. I simply want to make a remark in answer to the Senator from Minnesota [Mr. NELSON].

The Wilson tariff law, which was passed in 1894, put a duty of 40 cents a ton upon soft coal and placed hard coal—anthracite coal—upon the free list. The Dingley bill in 1897 came from the House to the Senate with the same provisions as those contained in the Wilson law. After the bill came to the Senate, the majority of the Finance Committee instructed the senior Senator from Iowa [Mr. ALLISON] to move an amendment in the Senate increasing the 40 cents per ton duty on soft coal to 67 cents, and then inserting these words: "Upon all other coal having less than 92 per cent of fixed carbon, 97 cents per ton."

A debate followed, which covered seven pages of the CONGRESSIONAL RECORD. In that debate it was admitted on both sides, as the RECORD will show, that the words "less than 92 per cent fixed carbon" included anthracite coal. I have before me now the CONGRESSIONAL RECORD containing that debate and showing the vote taken in the Senate on the amendment offered by the Senator from Iowa. There were 31 votes, all Republican but one, in the affirmative and 24 votes, Democrats and Populists, in the negative.

I assert here now that, in my opinion, every Senator who voted upon that question knew he was voting for or against a duty on anthracite coal of 67 cents per ton. It has so been construed ever since, and the debate in 1897 proceeded on that assumption.

That is the true history of the present duty upon anthracite coal. The leaders of the Republican party have remained silent under the charge—the appropriate charge—made by the Secretary of the Navy that the duty upon anthracite coal was put into the Dingley bill in a cowardly and sneaking manner.

I am not thrusting myself into this debate between these distinguished gentlemen, who are far more capable than I am to defend themselves. I simply allude to this fact to show that the "stand-pat" policy has overridden everything else, and the Republican leaders leave that statement of a member of the Cabinet unanswered rather than permit an assault upon a single provision of the Dingley bill.

Mr. ALDRICH. I now ask that the resolution may go over without prejudice.

The PRESIDENT pro tempore. The Senator from Rhode Island asks that the resolution go over until to-morrow, retaining its present position as a resolution offered on a previous day.

Mr. VEST. If the Senator from Rhode Island or any other Senator wants to discuss the resolution, I have no objection; but I do not expect to be in the Senate to-morrow, and I should like to have a vote upon his motion.

Mr. ALDRICH. Mr. President, the resolution can go over until some time in the future convenient to the Senator from Missouri, when he can be here. I am not anxious about it coming up to-morrow, but I think the Senator will recognize the fact that, in view of the last statement he has made, it will certainly meet a denial on this side of the Chamber.

Mr. VEST. Very good.

Mr. ALDRICH. We can not discuss it at the present moment.

Mr. VEST. Very well; let the resolution go over until to-morrow, with the understanding that it shall then come up and be voted upon.

Mr. ALDRICH. There can be no understanding except that

the resolution be taken up, so far as I have any influence over it, at some time when the Senator from Missouri can be present.

Mr. VEST. I shall be present to-morrow.

Mr. ALDRICH. All right.

Mr. VEST. I want a vote on the resolution to-morrow.

Mr. ALDRICH. There is no understanding except that the resolution shall go over.

Mr. VEST. Of course I can not control the Senator's understanding.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Rhode Island? The Chair hears none, and the order is made.

REGULATION OF TRUSTS OR CORPORATIONS.

Mr. HOAR. Mr. President, I now ask that the bill I named a little while ago be laid before the Senate. I do not ask that it be read.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill referred to by the Senator from Massachusetts, the title of which will be stated.

The SECRETARY. A bill (S. 6659) for the regulation of trusts or corporations engaged in international or interstate commerce.

Mr. HOAR. Mr. President, I suppose that nearly all thoughtful men in this country are agreed that some legislation, State or national, ought to be had for the regulation and control of what are called "trusts," and of large masses of capital, whether that term "trust" may be properly applicable to them or not, accumulated by corporations or artificial persons holding property and conducting business without individual liability. I suppose, in general, when men speak of trusts they mean a combination of such corporations, commonly with each other, although sometimes with natural persons, for the purpose of controlling some manufacture or some carrying trade or commerce, and of driving competitors out of the field. It is possible that this may be accomplished, however, by a single individual or a single corporation. So the remedy, if one be needed, to be wholly effectual must to a considerable extent be applicable to trusts, technically so called, to single corporations, and in some few cases to private copartnerships or individuals.

There is no doubt that there is a general feeling of insecurity and alarm about this matter. The great political parties have promised a remedy in their platforms. Candidates for office have discussed it all over the country. The President has called attention to it in his message and in his speeches. The Attorney-General of the United States has lately made to the public a careful statement, in which he told the people of his attempts, which have met certainly with gratifying success, to put down great combinations. One was a combination to control the price of a prime article of food. Another was a combination to control the carrying trade in a food product in a great section of the country. Another still was to control the general carrying trade of another large section of the country, by a combination of great railroads.

As yet, Mr. President, there has been only alarm and apprehension, without serious injury. With the very serious and important exception of the recent coal strike, the country has not suffered from this evil in any way to affect the general prosperity. Our manufacturing and producing and exporting power has increased of late as never before. Our foreign commerce is 1,382 millions, as against 1,363 millions of Great Britain, 1,113 millions of Germany, and 804 millions of France. Our domestic commerce is said to be more than twenty times as great as that with foreign nations. Our national wealth has grown nearly one-half in the last ten years. We have a larger national revenue than any other country in the world, except two. Our export of manufactured articles, which is still behind that of Great Britain and Germany, has increased in ten years 155 per cent, while the exports of Great Britain of manufactured articles have increased less than 18 per cent, those of Germany less than 30 per cent, and those of France less than 10 per cent.

We are foremost among the nations of the world now in the three great elements of national prosperity—agriculture, manufacture, and commerce. We now produce more for our own consumption than any other nation; we are now the best customer to other countries, and, if there be no interruption to our progress, shall soon be the largest seller to foreign nations on the face of the earth.

There is no doubt, also, that in general the condition of our workmen everywhere is on the whole better not only than that of other countries, but better, too, than our own at any previous period of our history.

So it is for the future more than for the present that the wisdom of our legislators is called upon to take thought. And, Mr. President, the condition of that country is unhappy whose legislator does not take thought for the future even more than for the present. Happy is the people whose statesmen foresee and prevent grievances, instead of waiting to experience them to cure them. In dealing with this trust problem and the danger of vast accumulations of wealth in single private hands we are seeking to lay down beforehand the law of a healthy life and not to grope after a cure for a deadly sickness.

Yet I wish to submit to the judgment of the Senate that we are dealing with a real peril and not with a fancied or imaginary danger. Mr. Webster predicted in 1820 that the law in France that provided for the division of lands among all the children, instead of primogeniture, would overthrow the French monarchy. He lived to congratulate himself that he had seen the prediction fulfilled. Now, if the accumulation of large real estates in single hands under primogeniture were the fortress and bulwark of monarchy and aristocracy and the division of lands among all the children were sure to bring with it republican liberty, is it not equally true that the accumulation of vast fortunes in individual hands, that the holding of great landed estates, or the subjecting of great masses of wealth and great industries to individual control by means of corporate power will have a corresponding effect to destroy, or overthrow, or at least to limit and impair, republican liberty?

I have been told, I have no doubt truly, that there is one individual in this country whose private fortune amounted, some years ago, to a thousand million dollars. There are others who are said to reckon their fortunes by the hundred million. I do not wish to speak of individuals; but I will say that I have been told that these gentlemen, who are supposed to reckon their property by the hundred millions, are believed—I am sure truly—to be possessed of great private virtues. They are—nearly all of them—men of public spirit, of sagacity, of patriotism, and of large civic wisdom. Their neighbors and their countrymen respect them, and I believe they are worthy of that respect. I do not speak of them as public dangers in themselves; but I refer to them only as examples of what may be possible in the future.

Beside these vast accumulations, undoubtedly, each of these gentlemen controls a large aggregate of capital, with which he is connected, to an amount nearly or quite equal to, sometimes far exceeding, that which he possesses himself.

Now, Mr. President, suppose it be true that the fortunes to which I have referred have, as I believe, been accumulated almost wholly within a period of thirty years. Suppose they happen to pass to a single heir. Is there anything to render it unlikely that if one of these vast fortunes has grown from a hundred thousand to a hundred million or a thousand million in thirty years that if the country grow as we expect, still more, if it grow as we all think possible, that in the hands of the next possessor in another thirty or fifty years the hundred million may become a hundred thousand million, or the thousand million a thousand thousand million? Is there anything to stop the accumulation of these snowballs? Can not the same power and business ability that can control one or two branches of commerce or trade or manufacture, or one product of the earth, control others? Can not the capital that can control all the petroleum in the country by and by control all the coal? Can it not control the railroad and the ocean carrying trade? Can it not buy up and hold in one man's grasp the agricultural and grazing lands of new and great States, and the coal mines and silver mines and copper mines?

But, Mr. President, the natural man dies. He can not control his property, except for a life or lives in being and a little time thereafter. His estate is quickly scattered. It must be brought, commonly, into the light of day. It must be distributed by law, inventoried, and accounted for, and the public exact such a share of it by way of succession tax as may be thought reasonable. Once in twenty-five years the whole individual wealth of the country goes through the probate court.

There are few great estates that survive, where there is no primogeniture, for more than two or three generations.

But the corporation is an artificial being. A corporation that engages in commerce with foreign countries or among the several States is the creature of another power than that of Congress. The law of its being is given to it by another power than ours. It is regulated and controlled by another power than ours. It never dies. It is never wound up. It is not like a partnership, which must be settled when the individual dies, or grows old, or wants to go out of business. It never goes through the probate court. Its internal transactions are kept secret. It is not zealous for its own honor or reputation, except so far as its honor or reputation is essential to its getting money. It has no soul and no conscience. In general, the men who are most powerful in its management can, if they see fit, avoid responsibility to public opinion. They always expect to avoid personal liability for obligations.

Now, as I have said, these powers may be in good hands now, in general. But suppose they happen to be in bad hands? The military power of the United States in our times of trial, happily for us, was in the hands of Washington and Grant. But suppose some Napoleon had got control of it; suppose some Napoleon of

finance and business happen to get a thousand million dollars. Is not that possibility a real and terrible public danger? I shall be told that the American people will be left, and will be able to take care of themselves. That is true. I am talking to the American people about a way to take care of themselves. I think the best way to take care of ourselves is to prevent the danger, and not to encounter it in its full strength. I have no doubt the American people will be competent to overthrow any tyrant or despot that may get possession of the powers of our Government. But I think it a better way to arrange matters so that no tyrant or despot will ever get hold of them. Why, Mr. President, think of this money power which I have so imperfectly described. Is there another power likely to be so dangerous politically? You will not trust the best man in the United States to be President more than four years; or to be governor of a State more than one or two or three years without submitting himself to a reelection. You will not let a member of the House of Representatives keep his seat beyond two years, or a member of the Senate more than six years. An unwritten law has provided, and so far it has been executed, that no President of the United States, if he were another Washington or another Lincoln, shall hold office, even by reelection, more than twice. Yet this power that I have spoken of may last for a lifetime. If the genius and capacity continue in the same family, as the genius of politics has continued in some of our families in this country and in England, it may last, growing and enlarging and accumulating for generations, or even for centuries. Can not one of these colossal fortunes, as I said just now, buy up every railroad in the country? Can it not control every line of transportation by sea or lake? Can it not control the coal fields and the gold mines and the silver mines? Can it not get possession of the lands in the new States? Can it not buy up legislatures and nominating conventions and electorates? Can it not make great parties dependent on it for success in great elections?

Such a power as I have just described is greater than the power of many States. It is greater than the power of any nation, except ours, on this continent. It can make wars or it can prevent wars, as was said of the Rothschilds. It can threaten a community with a coal famine or a wheat famine and it can execute its threat. Thirty years ago, or more, when these things were in their infancy, an eloquent orator said—and it was hardly an exaggeration when he said it—that "Tom Scott traveled across the continent from San Francisco to New York, and with every sweep of his garment knocked down a legislature."

The chief evils of the trust are:

1. Destruction of competition;
2. The management of local industries by absentees in the interest of absentee capital;
3. Destruction of local public spirit;
4. Fraudulent capitalization;
5. Secrecy;
6. Management for the private benefit of the officials;
7. The power to corrupt elections, and in some cases to corrupt the courts;
8. The want of personal responsibility to public sentiment;
9. The absence of personal liability for contracts or wrongdoing;
10. The holding of vast properties in mortmain—in the "dead hand," if we may use the ancient phrase of the English law. But it has life enough for all purposes of power to serve the will that wields it. It is dead only to the influence of any nerve which comes from the brain or heart of the people.

Every Senator can find in his own experience plenty of illustration of what I am saying. I hope I have learned something from my own.

I chose for my abode in my youth a little city of less than 15,000 people. When I went there there were but two rich men in it, as we now count wealth. There was, I believe, but one man who kept a span of horses and a carriage for the service of his household. But it was a marvelous example of American genius, growing and expanding in the air of American liberty. It was the very center and home of invention. Within 12 miles of the spot where I live was born Eli Whitney, the inventor of the cotton gin, who doubled the value of every acre of land in this country on which cotton can grow. Six miles in another direction was born Erastus Bigelow, the inventor of the carpet machine. Six miles in another direction lived Blanchard, the inventor of the machine for turning irregular forms, perhaps the most important single mechanical invention that had been made in the country down to his time. Eight miles another way was born Whittemore, inventor of the card clothing machine, that marvelous mechanism which, when it makes a mistake, rings a bell and calls for help. Twelve miles another way was born and lived Elias Howe, the inventor of the sewing machine. When the war broke out Mr. Howe enlisted as a private. When in its embarrassment in the summer of 1861 the Government could not pay its soldiers, this private soldier drew his check for all the arrears due his regiment of a thousand men for some months. In the town itself lived the inventor of the envelope machine, and the two men who, in the beginning rivals and competitors, brought the loom to its perfection. In that town also the modern plow was brought from a rude instrument, a mere knife to cut the soil, to its present condition of unrivaled excellence. There also the great wire industry, which, begun by pulling the heated iron through a hole in a bit of steel with a pair of pinchers by hand power, in a blacksmith's shop, has grown until one establishment employed 7,000 workmen, supporting 35,000 people, and was the largest and most profitable wire manufactory in the world.

All around me there are homesteads, some bordering my own, owned by inventors, foremen, and skilled workmen, who have acquired fortunes in this honorable service, so beneficent to mankind and so honorable to their country. There was no water power there, no fertile prairie, no seaport, no mine. They bring their material from across the continent to work it up into their products, and send it back again across the continent to be sold in the very market from which their material came. It was not water power or steam power or electricity; it was man power, it was brain power, that wrought this miracle.

Not only Americans of mechanical genius have gathered there, but men who seek honorable employment come from across the sea. The Irishman within little more than a generation has come there in large numbers to learn the lesson of American citizenship. He has sent home his wages to father and mother and brother and wife and child, affording an example of generosity and of rapid growth in the best elements of character unexampled, I venture to say, in human history.

The Scandinavian and the Norwegian have come there to contribute an element to our citizenship not surpassed in the sterling qualities of integrity, good sense, of industry, and of love for the Republic by any other class of men, native or adopted. The Frenchman also has brought his industry, his thrift, his charming nature to temper the general being with his delightful quality. The little town has grown to be a mighty city. It has grown to a city of 130,000 people. It is the very home and paradise of well-paid labor.

I have in mind one instance, a neighbor, a friend of mine, belonging to that Scandinavian race, of which my friend from Minnesota is so admirable a representative. He was one of the best workers of iron in his class in Norway. He used to get $4 a week in his native land. When he got to Worcester he spent the first night in an empty freight car. He had no money to pay for his lodging. He could not speak a word of English. He went up street in the morning, and met a countryman who took him to the shop where he himself was employed. He was instantly hired at $1.50 a day, which was more than twice as much as he got at home. In a few weeks his wages were raised. In a year or two he became foreman of a room where 40 or 50 men were employed. Before he died he was himself at the head of an establishment of his own. His name was known throughout the country, having, I believe, seven or eight hundred men in his employ.

Now, Mr. President, these men were interested in Worcester. They took a pride in her noble history. They saw her grow. They helped her grow. They were the leading men in the churches and the schools and the organizations of charity. Her houses and schools and colleges and shops were the pride of her people. They were as jealous of her honor as of their own. They were the managers and directors of every institution of education or charity. They subscribed to her libraries and her colleges and her polytechnic school. The wealth which had come down upon them like the dew or the rain of heaven they gave back to the city of their love in streams of charity large as seas. When the war came they gave their lives, or their sons gave their lives, to save the country. They knew the great American secret, the secret of local public spirit. They knew that the man who loves his city and his town best loves also his State and his country best.

Now, Mr. President, what is to happen to these American communities, of which the one to which I have alluded is but a single example among thousands? If the present tendency keeps on, the industries of Worcester and every like community are to be owned and controlled by absentee capital. Whether an enterprise shall be undertaken in Portland or Bridgeport or New Haven is to depend on the opinion, in the end, of somebody in New York or Chicago or St. Louis.

Not only local competition, but individual competition is gone. The skilled workman who is conscious that he can do his work better than anybody else can not offer himself to two or twenty or one hundred competitors, each seeking the advantage of his skill. There is one central power alone with which he must deal and one dominant will to which he must submit. There may be a little help for him by joining a labor union, where he gets the advantage of associated strength on his side, but the labor union knows no difference between excellence and the reverse. The

inefficient man and the lazy man and the dull man must stand on one dead level with the brightest and keenest and most ingenious of his comrades.

What would have become of all the inventors to whom I have alluded if they could have offered their inventions, to whatever branch of manufacture they related, to but one single customer and had been compelled to accept his terms?

What is to become of our local communities, of our local public spirit, of our local charities, of our local institutions of religion or education? Must we depend on a man in San Francisco or Albany, N. Y., or New York City if a church in Worcester be in need, or if a widow of an honored citizen come to poverty in her old age?

Mr. President, there are other evils in these great combinations of capital. Some of them will be more than counterbalanced by the corresponding advantage. I confess I like to see Pierpont Morgan buying up great lines of ocean steamships. I like to hear of foreign potentates and principalities and powers bowing down when he visits the Continent of Europe. I do not object if the knees of the Old Lady of Threadneedle street tremble and strike together when he visits London. We need great strength. We need great individual power if we are to rival foreign nations in the great matters which they also control by individual power. We must, if we can, look out in protecting ourselves not to destroy them or to cramp them. We can give them a law which will not impair their strength and not check their natural and rightful growth, and that, I hope, is all we mean to do. But it will be a bad bargain if we buy the dominion of the Continent or the empire of the sea at the cost of American local public spirit.

We are to have a close wrestle with the back hug with foreign countries for the commerce, the manufacture, and the carrying trade of the world. We mean to try to have the accounts of mankind some time settled in New York or Chicago, as they are settled now in London. We mean to get the superiority of the carrying trade by sea, which we had before 1860 in the day of the clipper ship and the packet. You, Mr. President [Mr. DEPEW in the chair], though a young man, can remember, I think, that in those days, when John Bull came in with a ship freighted with the crop of the season to a port in Asia or the Mediterranean, he found Uncle Sam on the wharf smoking his pipe, with his feet dangling over the water, with his cargo all sold, and the money in his pocket.

I like, as I just said, to see the great American financiers buying up foreign lines of steamships. I like to hear of American engineers building foreign railroads and of American architects putting American iron or steel girders into great buildings in foreign capitals. For this great capital and great combinations are essential. I do not grudge the men that do it either their wealth or their power.

It is said that the tariff fosters these trusts, and that one way to check them is to put every article manufactured by a trust upon the free list. That, I do not think, would help matters much. Certainly it would not reach carriers or dealers in the natural product of the country, like the Standard Oil Company, or the dealers in cotton or wheat, or the owners of mines. The railroad and the steamboat companies would thrive by bringing in the foreign products. Beside, as was well said the other day, I think by my colleague, if you put the product of the trust on the free list—unless the trust have an absolute monopoly of the article—you will kill out all of its weaker competitors and give it the whole domestic field; and you give an advantage to the foreign trust over the individual domestic manufacturer.

There may be some weight and value to the suggestion, and the remedy may be worth thinking of, if there be any case where any article is wholly controlled and monopolized by a trust. I can easily understand the impatience and indignation of the gentlemen who have made this proposition when they think of an artificial being, with an artificial capital and an artificial stock, crushing out all domestic competition by an adroit and illegal artifice and getting control of the home market. So I do not wonder that that remedy has occurred to some good men, but I do not believe it will bear examination. At any rate, I think I can find a better one and, as I believe, that will not destroy the policy by which this country has gained its present prosperity.

I spoke just now of these great corporate powers, whether exercised in combination or by single corporations, as compared with the frequent return to the people of all powers of government, State and national.

Mr. President, Mr. Calhoun, I think it was, said that when the patronage of this Government should have so increased that the party in power could appoint and control a hundred thousand officials it could never be dislodged. They would be, as he thought, too strong for the people. He overrated, undoubtedly, the strength of the officeholder. He underrated the strength of the men out of power who desire to become officeholders, and he underrated the wisdom and patriotism of the American people and its capacity to take care of itself in time. We have protected ourselves against that danger in part by our civil-service laws, just as we will protect ourselves sooner or later against the danger from aggregate wealth without a revolution, and, I hope, without social disorder or the overthrow of our institutions or interfering with our form of government.

Just consider how comparatively trifling is the power of an Administration so far as it depends, or ever depended, upon its officeholders compared with that of a great aggregate of corporations or great accumulation of wealth such as I have described.

You will elect your governor only for one or two or three years, and your President for four, and your Senator for six, and your Representative for two. All your executive officers are removable, and most of the important officials, State and national, go out of power with the party with whom they came in. They have moderate salaries. The Senator gets less salary, and the Representative gets less salary, not only than the mayors of important cities, but less than fashionable tailors pay their cutters.

Now, these great corporations can appoint their agents for life, or as long as they do the bidding of the central will. In every town or village where there is a shop or an agency or a depot the corporation has one of the most skillful or influential men in the community for its life officer. It can bid successfully against the Government when it wants the great lawyer for judge of the Supreme Court of the United States or Attorney-General. It can pay for a single fee not only more than a public officer can save for his old age, but more than the aggregate compensation of his life. I had two friends and intimate companions in my youth at the law school. One of them died lately, in the great office of judge of the Supreme Court of the United States, known and honored as one of the great judges of the world, leaving behind him a simple and modest competence (I suppose he had gained that before he went upon the bench) after his nearly forty years of illustrious service. The other, also dead, is said by his biographer to have received one single fee of a million dollars.

Not only this, Mr. President, but these great powers can put their hand on a village or a town or a city and it will grow and flourish or it will dwindle and wither, according to the edict of an outside and irresistible will.

The great railroad or the great manufacturing establishment holds in its hands the fate of cities and of States. If Massachusetts undertake to curb or regulate a corporation at Lowell or Fall River, and the president in New York does not like it he can move it to Indianapolis or Chicago. The State undertakes to pass its laws regulating the hours of labor, or the sanitary conditions, or the employment of children in the factory in Massachusetts. What has happened? The trust moves its factory to Rhode Island—that is all.

Now, what is the consequence? The workmen must combine for self-defense. They also catch the spirit of monopoly and unlawful combination. The edict of their boss must be obeyed also. The workman who does not submit his individual will to the edict of the trade union can neither work himself nor teach his children to work. The whole manufacture of the country in any branch on one side and the whole labor of the country in that manufacture on the other are to be controlled by two great corporations, by which, as between the upper and the nether millstone, the liberty of the individual, which has made alike the glory and the strength of the Republic, is gone.

But the owner says, "Have I not a right to do what I will with mine own?" You have not the right to do what you will with your own when you get wealth in such masses that it becomes a menace to the State. You have not that right when you are a corporation deriving all your powers from the State or nation. While you are an artificial being, created by the State or nation, into whom the State or nation has put the breath of life and given the law to its being, you are absolutely subject to the State or nation. The State or nation has the right to impose a law upon your being which shall make you healthful and not hurtful to the community. The State created you. It gave you your immunity from personal responsibility for debts. It commits to you, if you are a railroad or if you are a manufacturing corporation using water power, its own great right of eminent domain. Congress has the right to say that no such artificial being shall engage in interstate commerce except on certain conditions. One of those conditions will be the personal liability of your individual members for contracts and for wrongs, unless you comply with its commands. You have got your power from the public. Your property would be valueless but for the agencies and powers which have been committed to you by the State. The State has delegated to you its power of eminent domain, the right to take private lands, and to cross highways and navigable waters, and to lay your track in some cases along the highways. The State has as much right to compel you so to use your powers that you shall not be an injury to the individual engaged in lawful commerce as it has to require

you so to manage your locomotive that you shall not be a danger to men lawfully traveling on the highway or to the passenger whom you carry.

Now, Mr. President, do not let me be misunderstood. I am sounding no note of despair. I am not even sounding a note of alarm. I am not afraid. The American people are not afraid. The spirit of American liberty, and the strength of American law, the power of the American Congress, the power of the American people in its legislatures, State and National, the firmness and justice and strength of the American courts, will be our safety against this danger, as they have been our safety against others. Nobody is afraid. We can capture this fortress easily enough. But the engineers must understand precisely its situation and its strength. The imperial power of the Republic which can call a halt to the whole world in arms, against whose impenetrable shield no knight, no king, no emperor is hardy enough to launch his spear, is not be frightened from its propriety by a few manufacturing or railroad corporations, or a few men, however rich or however powerful. I am only pointing out what they can do if we do not stop them in time. There is not the least fear that we can not or that we shall not stop them in time.

Mr. President, let me not for a moment be understood as denouncing, or reproaching, or harshly judging men who hold the great fortunes in this country to-day. They have, with few exceptions, I believe, acquired these fortunes by lawful and by honest means. They have been men who have been, in general, examples of private virtue. They have owed their success to the great American qualities of enterprise, sagacity, and industry. They are, in general, men of a large public spirit and a lofty patriotism. One of them, perhaps the most famous of all, has declared that he holds it a disgrace to any man to die rich, and is distributing his vast wealth wisely and generously to the abundant blessing of the country he has adopted and of the noble country of his origin. Another, to whom I have already alluded, I am told, quietly and without ostentation, is also distributing his large benefactions for the advantage of his countrymen.

I can truly say more than that. In the acquiring of these great fortunes their owners have been large public benefactors. Large industries have been created which, but for them, would not have existed. The employment they have given to many workmen, skilled or unskilled, but for them never would have been given to anybody. To the great corporations they have created have been due the prosperity of great towns and cities and also the comfort and content of many an American home.

Still further, I believe of the men to whom I have alluded that many of them are now themselves busy with the great problem which we have to take up, of protecting the people from the danger of great corporate wealth. We are to owe, I think, to their farsighted humanity and patriotic feeling valuable help and counsel in this direction. I see already, within a few days, that the great American Steel Company is considering the question of taking its workmen into its partnership everywhere and making the thousands and hundreds of thousands of their workmen joint owners with them, thereby accomplishing what we all hope to accomplish—the longed-for marriage between labor and capital, so that there may no longer be enmity or rivalry between the two great wealth-producing elements of the State. There are men in the Senate to-day who themselves are reputed to have gained great fortunes in the development of great industries, to whom the American people look confidently for counsel, that we may deal wisely with this momentous question. That expectation, I think, is not to be disappointed. Indeed, it has, to some extent, been fulfilled already.

It will be found, I am sure, whatever individual examples there may be to the contrary—and such examples will be found under all forms of government—it will be found true that there is no class of men in the Republic to whom, as a class, the welfare of the Republic is not dearer than any personal or selfish desire. In settling future relations between labor and capital, or between capital and the State, or between labor and the State, the capitalist and the laborer are to be, I hope and believe, our best advisers and leaders.

I am opposed to the Government ownership of great labor-employing industries. I am opposed to the Government ownership of coal mines or of railroads. I do not see why, if the Government is to prevent a famine or scarcity of fuel by ownership, it should not own the sources of food supply, that it might prevent scarcity of food, or the woolen or cotton factories, that it might prevent a scarcity of clothing. If the Government is to be the great employer, the wages of labor must be fixed by law. Wages can not be fixed by law, except on a scale which shall apply equally to every workman. The energetic and the slothful and the intelligent and the dull; the man of enterprise and of inventive genius and the man whose fingers are all thumbs must stand on the same dead level. Besides, if wages are to be fixed by the lawmaking power, then the question of wages becomes a question of politics. The two parties must compete with one another by outbidding each other for the votes, and paying for the votes in increased wages. No government but a despotism can control and supply the great necessaries of life.

I am talking to-day of trusts, and of the abuse of corporate power, as it may be engaged in commerce with foreign nations or among the several States, and of vast and dangerous accumulations of wealth. You can not separate either of these things from the other. The trusts make use of corporate powers to accomplish their lawful purposes, or their unlawful purposes, so far as their purposes be unlawful. These purposes are accomplished in order that the men who manage the corporations and control the trusts may, if they be so minded, get for themselves these vast private accumulations. We are dealing with a trinity, and we can not reach one without the others.

When you try to deal with the evil which threatens us, you have to protect yourself not only against those combinations which are popularly called trusts, but against the abuse of power by large aggregations of capital wielded by single hands or single corporations. Your legislation must control both.

There has not been, so far as I know, any correct definition of the word "trust," which has of late come into a common although a new use. But we know very well in general what we mean by it. We mean, I suppose, a combination or aggregation of individual manufacturers, or of separate corporations, formed for the purpose of breaking down all competition by unlawful or improper means, and of monopolizing manufacture or other forms of production or trade in cases where competition is healthy and desirable for the public. When we speak of these things as unlawful, we do not necessarily mean that they are criminal or prohibited by express statute. There are many things held by the courts to be contrary to public policy, so that contracts to do them will not be enforced, and combinations to do them will be held to be punishable as conspiracies, where the act itself could not be reached by criminal process, and sometimes, perhaps, where it can not be reached by the civil remedy of injunction. These things may be done by a combination of corporations to do them. They may be done by a single corporation. So they may be done by a powerful individual. The bill I have prepared does not undertake to prohibit them when done by an individual. It may be well to do that separately. But the individual power is limited by the life or wealth of one man. It can only be exercised by such power as one man can wield. It is restrained by the personal liability, civil and criminal, to which one man must be subjected. So if we can strike down these evil practices so far as they are due to corporate strength and wealth, we have made a great advance toward curing the evil and protecting the people.

I have no sympathy with any attack on wealth honorably acquired and lawfully used. I have no dislike for great corporate powers. I think, in general, it is better that they be wielded by private and individual combination than by the Government. They are necessary to national greatness. We can not maintain our equality among the nations of the earth and we can not achieve the supremacy now easily within our grasp without them. We may as well be jealous of gunpowder, or dynamite, or of steam, or of electricity, or of the power of gravitation, or the current of Niagara. So long as these are our servants and we are their masters we are safe and healthy and great. But it is service and not mastery that Aladdin expects of the magician. Let the great railroad corporation span the continent and girdle the earth in the service of the American people. But it must never forget that it is the slave of the ring and that the American people is the Aladdin. Let the steel company, if it will, light up every valley and mountain side of the continent with the light of its furnace fires. Let the American Steamboat Company do the carrying for the world; but it must be content to be to the American people in the relation of slave of the lamp and not of master.

What is called socialism, Mr. President, will never cure or prevent the evil I have described. That, also, will be destructive of the great principle of emulation and individual excellence. It will be quite as bad, in my judgment, as the power of great corporations. The latter can be curbed, and it will in some way be broken when it becomes too dangerous. But a general reducing of mankind to a dead level, such as must happen when the State manages and owns the great industries and wages are fixed by vote at the elections, would, if it were possible to succeed, be destructive of everything which makes life worth living or manhood worth respecting. But there is no permanent danger, I think, from socialism. The Socialist, whether he be a dreamer in some college hall or some idle and restless agitator, fails to take into account one important and essential thing in making his calculation; that is, human nature. Socialism may do for China or for Turkey, but it will never be a Yankee remedy.

I do not think the remedy of the Socialist will help us. I have no belief in the Government ownership of lands, or of wheat

fields, or of railroads, or of factories, save as a last and desperate resort, to which I am sure the American people never need to come.

If the Government is to own the coal, it must by the same reasoning, when the times are hard, take possession of the manufacture of shoes, of woolen cloth, and of cotton; and on the same principle it must take possession of other manufacture and trade on which men are depending for any necessary of life. The men who ask for wages will have the same desire and the same right to an increase of their wages and to better their condition. But then the difficulty will be that in every election the question of wages and of hours and of convenient conditions will become political questions, and the men who aspire to political power will seek to win the support of the wage-earner on the issue of fixing their wages. Under Government control no distinction could be made between skill and enterprise and intelligence and sluggishness or slackness. Ambition and emulation, from which everything valuable in achievement comes, will be gone. The Socialist, when he proposes his social schemes, fails, as I just said, to take into account one essential consideration, that is human nature. The Socialist's remedy preserves the worst evil of the abuse of which we complain, and that is the destruction of individual ambition and emulation.

It is well known to students of history that the English people at a very early day were compelled to limit with great strictness the power of holding lands in mortmain and in trust or upon uses, or for the use of other than their legal owners.

One great evil, of course, was a monopoly of the lands of the realm in a few hands, a monopoly which primogeniture also tended largely to foster.

But the evil of holding lands in mortmain by incorporated persons was not merely the aggregation of great estates in single hands, but also that these estates were never, in the course of law, brought under public authority for settlement, as in the case of inheritance, or of the personal property of ordinary subjects. This latter evil and danger exists here to-day in the case of every powerful and wealthy corporation. The corporation does not die. Its business is not settled and wound up whenever one partner dies or goes out of business or is unwilling, except so far as the State may see fit, to regulate them; and there are many corporations too powerful to be regulated by the States that create them. Their transactions, although they control so largely the business of the country—even the necessaries of life—are conducted in secrecy and without control by State or national authority. There is no power in this country strong enough to deal with them, save the national power alone. We have many such corporations more powerful than many single States, and more powerful than many countries now existing. Their powers are imperial within their own domain, and their domain is imperial also. We, and we alone, can subject them to imperial restraints.

So we must remember that we are dealing with the most important question that has come up for legislation for a long time, or is likely to come up for a long time to come. We are to deal not only with foreign commerce, but with that compared with which our foreign commerce and the foreign commerce of the world are but a drop in the bucket—the domestic commerce of the United States. No statistics can measure it. No imagination can grasp it. No human intelligence can comprehend it. I have no doubt it is greater than any other commerce on earth. I incline to believe that it is greater than that of all the domestic commerce of the world put together. That commerce is conducted largely by these artificial beings called corporations and joint stock companies. It can not be conducted with convenience or safety in any other way. It must necessarily be conducted as all great business is conducted, by large aggregations of capital. We can not help it if we would. We would not help it if we could. The public can not get along without them, unless we would turn the United States into another Siberia. I remember very well, Mr. President, when the railroad that extends from Albany to Buffalo was owned by seven different corporations, each having its own separate mechanism, and each having no connection with the others. If there came a great snow storm one road would clear its track in a day, but those on each side of it might take a week. The passenger got his ticket for each road, and the shipper dealt with seven separate, different carriers. Now the railroad is under one management and crosses the continent from one ocean to the other, and it will soon cross the continent under the same ownership. So we must, in devising our remedy, go cautiously and slowly. "We must calmly bear the ills we have rather than fly to those we know not of." Our engineering must be conducted like that wonder of the engineer's art which some of us remember to have witnessed when the foundation of the Washington Monument, originally designed to support a structure 80 or 100 feet high, was removed from under it by a great engineer, and another substituted to support the structure of 555 feet in height, and there was not a crack, or a leaning, or a sinking by a hair's breadth in the whole operation. We can do the same thing in protecting our commerce and our country from the danger I have described if we will approach our task in the spirit of statesmanship, and not in the spirit of party, and will settle these questions with our judgment and brains, and not with our angers and prejudices.

We have taken already two steps wisely and carefully to protect the people against these great combinations of capital. One has been by the establishment of the Interstate Commerce Commission, conferring on it large, though limited, powers. That has been due largely to the sagacity of my honorable friend from Illinois, lately chairman of the Committee on Interstate Commerce. I understand that he thinks it desirable to clothe that Commission with further power, and especially to enable it to enforce its own decrees as far as, constitutionally, may be done without recourse to the courts. I hope the Senate will follow his lead in that matter.

The other step is one with which I had more to do personally. That was the statute of 1890, commonly called the Sherman anti-trust law. It was so called, I suppose, lucus a non lucendo, because Mr. Sherman had nothing to do with it whatever. It was the singular fortune of that eminent statesman that two important laws should be called by his name, the anti-trust law and the Sherman silver law, to one of which he certainly was very much opposed, and by the other we adopted a remedy for the existing evil totally different from that he had thought of or proposed.

The law of 1890 has accomplished more, I believe, than was expected of it when it was passed. We undertook by law to clothe the courts with the power and impose on them and the Department of Justice the duty of preventing all combinations in restraint of trade. It was believed that the phrase "in restraint of trade" had a technical and well-understood meaning in the law. It was not thought that it included every restraint of trade, whether healthy or injurious. It was not expected that two men could not go into partnership, each of whom should be restrained by contract from conducting the business in which the partnership was engaged on his private account or from conducting it in any manner contrary to the articles of partnership. It was not expected that two rival carriers could not agree not to do business in competition with each other or that a business man or corporation could not sell out his or its good will and agree not to carry on business in a particular locality.

It was not expected either that it would wholly or even largely remedy the existing evil, still less that it would be an absolute security against all threatened dangers. The Committee on the Judiciary of the Senate when they reported it, and the two Houses when they enacted it, were well aware of the gravity of the matter with which they were dealing, and that they should not do anything to cripple or break down the business of the country. They expected that there would grow up under it a body of decisions in which the court should expound it reasonably, and when these decisions were promulgated that other and additional remedies would be provided by law.

We were disappointed in one particular. The court by one majority, and against the very earnest and emphatic dissent of some of its great lawyers, declined to give a technical meaning to the phrase "in restraint of trade," and held in one important case that if trade were restrained by an agreement it was no matter whether it were injuriously restrained or no.

We did not put into our bill the words "unlawfully and improperly restrained," because we were afraid it would be objected that we were giving the court a legislative power to declare what was improper. We supposed the court would interpret the law, and that these things which had been by the established and recognized law held to be contrary to public policy, like oppressive agreements, agreements clearly wicked, though not prohibited by existing law, agreements which were to destroy the purposes for which the aggregate powers had been created, would be held to be within its prohibition. We supposed that that phrase would be construed by the court in a manner like that in which the analogous term "conspiracy" had been construed. A conspiracy is not held to be every agreement or combining together; but conspiracy is held to be the combining together of two or more persons to do an unlawful act by lawful means, or to do a lawful act by unlawful means. But the unlawful act and the unlawful means are everywhere held to include such acts and such means only as are contrary to settled public policy, whether prohibited by express law or no. So we supposed that a contract of partnership, though it restrained the persons from trade beyond the limits of a partnership, would be held perfectly lawful; and that in a contract where two corporations, who were both ruining themselves by undertaking to do business for too large a territory for their resources, agreed to divide the territory between them, the agreement would be held to be perfectly lawful; while a conspiracy to get a monopoly of the market by tricks or devices of subterfuge would be held unlawful.

This whole distinction and the whole doctrine on which the committee proceeded is simply and well summed up in Bouvier's Law Dictionary, certainly a high authority in all matters of local phraseology and definition.

RESTRAINT OF TRADE.—Contracts operating for the restraint of trade are presumptively illegal and void on the ground of the policy of the law favoring freedom of trade, but the presumption of illegality may be rebutted by the occasion and circumstances (2 Pars. Contr., 870. See 7 C. C. App., 15). Thus in agreements for the sale of the good will of a firm, or the formation or the dissolution of a partnership, provisions operating in restraint of trade are frequently inserted. Their validity depends upon whether the restraint is such only as to afford a fair protection to the interests of the party in whose favor it is imposed (Leake, Contr., 633: 49 N. J. Eq., 217). Whatever restraint is larger than is necessary for the protection of this party is void; therefore the restraint must be limited in regard to space (5 M. & W., 562; L. R. 15 Eq., 59). An agreement reasonable in regard to space may be unlimited in regard to the duration of time provided for, but where the question is as to whether the space is unlimited, the duration of the restraint in point of time may become an important matter (Leake, Contr., 634; 2 M. & G., 20). It has been said generally that where a covenant in restraint of trade is general—that is, without qualifications—it is bad, as being unreasonable and contrary to public policy. Where it is partial—that is, subject to some qualification either as to time or space—then the question is whether it is reasonable, and if reasonable it is good in law (1892, 3 Ch., 447).

There are cases where an unlimited restraint is justified; e. g., the sale of a secret process of manufacture of an article in general demand, which it is agreed shall be communicated for the exclusive benefit of the buyer. (See L. R., 9 Eq., 45; 131 U. S., 88.) So of the sale of a patent right, the restraint may be unlimited while the patent continues (1 H. and N., 189).

But, Mr. President, in spite of that disappointment, the measure has, in my opinion, accomplished all, and more, than its friends expected. The Attorney-General's speech at Pittsburg, with which all Senators are familiar, and to which I have already referred, shows a part only of what has been achieved.

Attorney-General Knox well says in his late speech at Pittsburg:

If Congress under its power to regulate interstate commerce may utterly destroy a combination and forfeit its property in interstate transit, as the Sherman Act provides, it seems reasonable to say that it can in the exercise of the same power deny to a combination whose life it can not reach the privilege of engaging in interstate commerce except upon such terms as Congress may prescribe to protect that commerce from restraint. Such a regulation would operate directly upon commerce and only indirectly upon the instrumentalities and operations of production.

I am glad that the opinion I have long entertained, as to the way to reach this evil, seems to be fortified by so high an authority.

I desire to say in this connection that the Attorney-General, while he states so clearly and correctly the limitations and defects of the existing law, has already been able to accomplish more, I think, than its framers expected with the limited and imperfect means at his command.

He tells us what the Government has already accomplished:

It has destroyed the combination known as the Addystone Pipe Combination, upon the ground that it was a conspiracy among independent producers of pipe to restrain its sale and distribution among the States. He has also broken up a combination of the six largest meat-packing concerns in this country, known as the Beef Trust, who were in combination with each other and with many great railway lines, whereby they secured large secret concessions in rates for the transportation of their products, which enabled them practically to monopolize the fresh and cured meat industry of the United States. He has brought 14 suits in equity against a combination of railroads, and got injunctions which are still in force, restraining them from making any rebate or granting any preference whatever to any shipper. He has also broken up a pooling arrangement between the Southern railroads which denied the right of the persons interested in the cotton product of the South—the shippers—to prescribe the route over which their goods should pass, and put an end to that illegal proceeding. He also brought a suit in equity for preventing the operation of a proposed merger of sundry transcontinental railroads as competing lines, which had been effected by a combination and accompanied by a large inflation of the stock.

So he has gone far already under the existing law to break up a monopoly which affected the whole freight and passenger traffic of the Northwest, another affecting the cotton traffic of the South, and another the price of beef, a prime article of food.

In the course of this litigation already important decisions have been made by the courts, which throw very much light upon the whole subject, and are important guides, as well for future legislation as for future Executive action.

The power of Congress to pass the present bill depends upon the principle I have just stated in the language I have just quoted from the Attorney-General's speech. I laid down the same proposition as well as I could in a speech made in Boston early in the late campaign.

The bill I have drawn is an exceedingly imperfect one. It is but one step further. I adhere to the opinion I entertained when the present law was drawn—that we should go very slowly and carefully, taking one step in legislation at a time; and then waiting for the exposition of the courts, and until some practical trial has taught the law officers of the Government what is practicable and what is needful. It was with that expectation that the law, commonly called the Sherman antitrust law, was fashioned. Our late friend and colleague, Mr. Sherman, had the singular good fortune of having named for him two measures, with neither of which, as they took their final shape, he had anything to do, and to both of which he was exceedingly averse. These measures are what were known as the Sherman silver law and the Sherman antitrust law.

The present bill, as I have said, goes but a little way. It is tentative and experimental. I think it is entirely safe. Of course new views on some of its provisions, or all of them, may present themselves. It will undoubtedly require modification and improvement. But it is all I have to offer to-day.

It depends for its constitutionality and its accomplishment upon one simple consideration, which I think enables it to steer clear of the constitutional difficulties and perplexities which have surrounded other attempts to deal with this subject.

Natural persons have their constitutional rights, with which we can not interfere, if we would. There is a boundary for commerce, although not always capable of the most exact definition, between the jurisdiction of the State and that of the nation. The courts have held that the fact that an article is manufactured with the expectation that it will be sold from one State to another, or be transported from one State to another, or that it is sold in a State to be sold again from one State to another does not make the manufacture or the sale a part of interstate commerce and so subject it to the jurisdiction of Congress. But I suppose it is well settled that every State or country may prescribe the conditions on which the artificial beings called corporations or joint stock companies, who ordinarily carry on business without personal liability of their stockholders for their debts, may engage in business within their jurisdiction. The corporation created by one State holds property or carries on commerce in another State merely by comity. No State in general can prescribe conditions on a citizen of another State which it does not impose on its own. But it may require of that foreign corporation any reasonable condition that it may think fit. It may require it to have an agency which shall accept service in the State courts, to make returns to the State treasurer, and to deposit attachable property where it can be reached by State process, for security. I suppose there can be no reasonable doubt that Congress can impose upon a corporation created by any State such obligations as it shall think fit and reasonable as a condition for its being permitted to engage in commerce with foreign nations and among the several States at all. That is the theory upon which this proposed legislation is based.

Congress can refuse to permit any corporation whatever to engage in interstate or international commerce. It may reserve the power to create such corporations to itself exclusively. It can not regulate commerce unless it can regulate and control the instrumentalities of commerce. This bill, I believe, only exercises powers for such regulation as are familiar in the legislation of all well-ordered States—requiring proper returns; showing the strength and condition of the corporation; requiring the prohibition of watered stock; requiring that the stock shall be paid in in full in cash; the prohibition of oppression of citizenship or rivals; the subjection of officers and of members to personal liability absolutely, or on prescribed conditions, are familiar examples of legislative action. No man can charge this proposed legislation with being oppressive or unreasonable, as I conceive, without setting himself against the legislative precedents in every State in the American Union.

If this bill shall become a law and prove effective, no corporation engaging in the commerce which is within the jurisdiction of Congress can keep its condition a secret. No such corporation can do business on fictitious capital or watered stock. No corporation can oppress any rival, whether corporate or individual, by any unlawful practices. If it do, it will be on the condition that every one of its managers become personally liable for its debts, and its torts, and will be liable also to heavy criminal liability. This bill depends for its validity on the constitutional power of Congress to regulate international and interstate commerce.

It exercises that power by prohibiting artificial beings, created by a power other than its own, from engaging or continuing in such commerce except on certain strict conditions.

These conditions are: First, publicity in the conduct of their business and the constitution of their organization; second, the power to stop their business altogether if they violate the laws enacted by Congress; third, strict penalties on them and their officers for such violations; fourth, personal liability for all debts, obligations, and wrongdoings of the directors, officers, and agents unless the laws be fully complied with. This liability is secured by requiring the personal consent to the provisions of this bill and acceptance of all its obligations by such officers, directors, and agents before they enter upon office.

If this bill shall not prove effectual, it will be easy to extend its operation by imposing a like personal liability on every stockholder. That will destroy the power of selling such stocks in the market, and will deter every owner of capital from embarking

his property in such undertaking. It is quite likely that this bill may be improved in its passage through Congress. It is quite likely that it will be found defective. A trial in court, conducted by such counsel as represent the Government and as are likely to represent great corporations in danger of punishment for great offenses, is a great sharpener of the wits. The people will get an education within the next few years, in the benefit of which we and our successors will have a large share. It is better, I think, to go carefully, one step at a time; to repair and strengthen our edifice rather than to undertake any rash measure which might bring the whole temple down upon our heads.

During the delivery of Mr. HOAR'S speech,

The PRESIDENT pro tempore. Will the Senator from Massachusetts please suspend for one moment? The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. LODGE. I ask that the unfinished business be laid aside temporarily until my colleague has concluded his speech.

The PRESIDENT pro tempore. The junior Senator from Massachusetts asks that the unfinished business be temporarily laid aside until the senior Senator from Massachusetts shall have concluded his speech. Is there objection?

Mr. FORAKER. That is to be done with the understanding that we shall take up the unfinished business after the conclusion of the Senator's speech?

The PRESIDENT pro tempore. It will be the unfinished business then. The Chair hears no objection.

After the conclusion of Mr. HOAR'S speech,

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 3708) granting an increase of pension to Nannie M. Kimberly.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore.

A bill (S. 257) to establish a light-house and fog-signal station at Mukilteo Point, near the city of Everett, State of Washington;

A bill (S. 959) granting an increase of pension to William H. Green;

A bill (S. 1193) granting an increase of pension to Jane M. Myer;

A bill (S. 1634) granting an increase of pension to Thomas Cordingly;

A bill (S. 1666) granting an increase of pension to Rufus V. Lee;

A bill (S. 1743) granting an increase of pension to Cornelia F. Whitney;

A bill (S. 1801) granting an increase of pension to James K. Van Matre;

A bill (S. 1833) providing for the transfer of the census records and volumes to the Census Office, and for other purposes;

A bill (S. 1944) granting an increase of pension to Ann E. Tillson;

A bill (S. 2056) granting an increase of pension to David J. Newman;

A bill (S. 2109) granting an increase of pension to Charles C. Davis;

A bill (S. 2283) granting an increase of pension to William F. Angevine;

A bill (S. 2306) granting an increase of pension to William H. Lessing;

A bill (S. 2409) granting an increase of pension to John A. Rotan;

A bill (S. 2638) granting an increase of pension to David O. Carpenter;

A bill (S. 2935) granting a pension to Joanna Rommel;

A bill (S. 3180) granting a pension to Emma L. Ferrier;

A bill (S. 3212) granting a pension to Ellen A. Sagar;

A bill (S. 3315) granting an increase of pension to George W. Bradshaw;

A bill (S. 3341) granting an increase of pension to Robert H. Busteed;

A bill (S. 3371) to remove the charge of desertion from the name of Jacob Bowman;

A bill (S. 3423) granting an increase of pension to Maria V. Stadtmuller;

A bill (S. 3493) granting an increase of pension to Charles W. Rose;

A bill (S. 3505) granting an increase of pension to Matthew B. Noel;

A bill (S. 3506) granting an increase of pension to Stanley M. Gasper;

A bill (S. 3668) granting a pension to Hulda Milligan;

A bill (S. 3715) granting an increase of pension Henry Weaver;

A bill (S. 3781) granting an increase of pension to George A. Mercer;

A bill (S. 3819) granting an increase of pension to William A. P. Fellows;

A bill (S. 4088) granting an increase of pension to Henry Jennings;

A bill (S. 4141) granting an increase of pension to John Cook;

A bill (S. 4211) granting an increase of pension to Asa Worden;

A bill (S. 4348) granting an increase of pension to James Thompson;

A bill (S. 4355) authorizing the issuance of a patent to the county of Clallam, State of Washington;

A bill (S. 4393) granting an increase of pension to William M. Hodge;

A bill (S. 4454) granting an increase of pension to John D. Sullivan;

A bill (S. 4494) granting an increase of pension to Oscar Van Tassell;

A bill (S. 4617) to authorize a resurvey of certain lands in the State of Wyoming, and for other purposes;

A bill (S. 4623) granting an increase of pension to Lewis F. Ross;

A bill (S. 4727) granting an increase of pension to Isaac Rhodes;

A bill (S. 4957) granting an increase of pension to Stiles L. Acee;

A bill (S. 4982) granting an increase of pension to John Fler;

A bill (S. 5045) granting an increase of pension to Mary A. Moore;

A bill (S. 5052) granting an increase of pension to Gilbert Barkalow;

A bill (S. 5076) granting an increase of pension to Katharine W. Clark;

A bill (S. 5119) granting an increase of pension to Samuel S. Walch;

A bill (S. 5133) granting an increase of pension to Augusta Neville Leary;

A bill (S. 5239) granting an increase of pension to Joseph A. Kerbey;

A bill (S. 5321) granting a pension to Rebecca H. Geyer;

A bill (S. 5361) granting an increase of pension to Martha J. Johnston;

A bill (S. 5491) granting an increase of pension to John R. Sandsbury;

A bill (S. 5500) granting an increase of pension to Angus Cameron;

A bill (S. 5534) granting an increase of pension to Abbie C. Bremner;

A bill (S. 5648) granting an increase of pension to Frederick Bulkley;

A bill (S. 5659) granting an increase of pension to Melinda Heard;

A bill (S. 5719) granting an increase of pension to Sidney N. Lund;

A bill (S. 5747) granting an increase of pension to James E. Bader;

A bill (S. 5758) granting an increase of pension to David Ham;

A bill (S. 5782) granting an increase of pension to Lucy A. Turner;

A bill (S. 5882) granting an increase of pension to Mergellah Merrill;

A bill (S. 5893) granting an increase of pension to Willie Thomas;

A bill (S. 5913) granting a pension to Cherstin Mattson;

A bill (S. 6008) granting an increase of pension to David Vickers;

A bill (S. 6045) granting an increase of pension to Charles Sprague;

A bill (S. 6110) granting an increase of pension to Charles A. Cooke;

A bill (S. 6399) to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902;

A bill (H. R. 1347) granting an increase of pension to Charles H. Webb;

A bill (H. R. 2440) granting an increase of pension to William D. Smith;

A bill (H. R. 2598) granting an increase of pension to Adrian M. Snyder;

A bill (H. R. 3513) granting an increase of pension to James W. Young;

A bill (H. R. 3745) granting an increase of pension to George Kerr;

A bill (H. R. 3825) granting an increase of pension to Lizzie I. Rich;

A bill (H. R. 4262) granting an increase of pension to Thomas P. May;
A bill (H. R. 5038) granting an increase of pension to William H. Hudson;
A bill (H. R. 5480) granting an increase of pension to John C. Nelson;
A bill (H. R. 5758) granting an increase of pension to Newton W. Elmendorf;
A bill (H. R. 5883) granting an increase of pension to Martha A. Hollingsead;
A bill (H. R. 5888) granting an increase of pension to Peter Poutney;
A bill (H. R. 5951) granting an increase of pension to Ole Thompson;
A bill (H. R. 6970) granting an increase of pension to Monora Stimson;
A bill (H. R. 7109) granting an increase of pension to Stanton L. Brabham;
A bill (H. R. 7618) granting an increase of pension to Thomas Sheridan;
A bill (H. R. 7878) granting an increase of pension to William J. Remington;
A bill (H. R. 8145) granting an increase of pension to Harvey B. Linton;
A bill (H. R. 8146) granting an increase of pension to Thomas M. Owens;
A bill (H. R. 8414) granting an increase of pension to George Atkinson;
A bill (H. R. 9219) granting an increase of pension to Colmore L. Newman;
A bill (H. R. 9691) granting an increase of pension to James H. Joseph;
A bill (H. R. 9807) granting an increase of pension to Hiram Janes;
A bill (H. R. 9883) granting an increase of pension to William Kelley;
A bill (H. R. 10005) granting an increase of pension to William A. Henderson;
A bill (H. R. 10263) granting an increase of pension to Daniel J. Byrnes;
A bill (H. R. 10325) granting an increase of pension to Joseph Stonesifer;
A bill (H. R. 10462) granting an increase of pension to Mary A. Munson;
A bill (H. R. 10679) granting an increase of pension to Charlotte E. Baird;
A bill (H. R. 11436) granting an increase of pension to James H. McKnight;
A bill (H. R. 11579) granting an increase of pension to John A. Wright;
A bill (H. R. 11890) granting an increase of pension to James Brown;
A bill (H. R. 12009) granting an increase of pension to George Baker;
A bill (H. R. 12165) granting an increase of pension to Caroline M. Stone;
A bill (H. R. 12632) granting an increase of pension to Bailey O. Bowden;
A bill (H. R. 12777) granting an increase of pension to George H. Young;
A bill (H. R. 13052) granting an increase of pension to Charles K. Batey;
A bill (H. R. 13352) granting an increase of pension to Charles E. Brown;
A bill (H. R. 13457) granting an increase of pension to John S. Crosser;
A bill (H. R. 13467) granting an increase of pension to Joseph H. Woodruff;
A bill (H. R. 13646) granting an increase of pension to John G. Heiser;
A bill (H. R. 13690) granting an increase of pension to Freeman R. Gove;
A bill (H. R. 13848) granting an increase of pension to James H. Chedester;
A bill (H. R. 13943) granting an increase of pension to Charles M. Grainger;
A bill (H. R. 14055) granting an increase of pension to Samuel Brown;
A bill (H. R. 14098) granting an increase of pension to Albert M. Scott;
A bill (H. R. 14144) granting an increase of pension to Fannie S. Cross;
A bill (H. R. 14355) granting an increase of pension to Timothy Donohue;
A bill (H. R. 14377) granting an increase of pension to Jennett Stewart;
A bill (H. R. 14421) granting an increase of pension to John Q. A. Rider;
A bill (H. R. 14732) granting an increase of pension to Grace M. Reed; and
A joint resolution (S. R. 57) relating to military badges.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. NELSON. Mr. President, in my remarks yesterday I laid down in a plain, unvarnished, and simple manner some of the general rules and principles that ought to govern us in the matter of the admission of Territories into the Union. Among other things I showed was the great advantage to the several Territories, while they are in a formative state, to remain in that condition for the protection of their own people against the exploitation of politicians, promoters, and stock jobbers. I showed how, in spite of an act of Congress upon our statute book forbidding them incurring debts for certain purposes and beyond certain limits, that they still had in many instances exceeded those limits, and exceeded the conditions of the act known as the Harrison Act; how they had come to Congress to legalize such illegally acquired indebtedness; how they had attempted in a most unusual manner to make the debts of townships, of cities, of counties, and of school districts—mere local debts—the debt of the Territory, and in the case of Arizona had succeeded in saddling such debt on the Territory, and how, in the case of New Mexico, they had attempted to do the same thing, and had actually secured the passage of a bill for that purpose through the House of Representatives, which was afterwards defeated in this body.

Yesterday I took up the case of Arizona and explained the conditions in that Territory. To-day I propose to discuss, in a plain and dispassionate manner, the conditions prevailing in the Territory of New Mexico. I hope to show by the facts that I shall present to the Senate that that Territory to-day is far from being fit to become a member of the American Union. I shall show that some of the conditions which existed there years ago still exist to-day and that in all that pertains to good government, in all that pertains to American institutions, New Mexico is still in a more backward state than any of our Territorial possessions between the two great oceans.

As we approach the consideration of New Mexico, we can not help noticing, in the first instance, as we look into the history of that country and examine the testimony taken by the subcommittee who visited that country, that there is still a Spanish aroma about that Territory and its population which distinguishes it from all our other Territories except some of our recently acquired territorial possessions.

That Territory is really a part of old Mexico injected into the United States. It still possesses many of the peculiar Spanish-Mexican qualities that it had when it first came into our keeping. Where the giant Mississippi enters the Gulf of Mexico, for miles into the sea the muddy and yellow water of the river is clearly distinguishable from the waters of the ocean; and so this stream of old Mexico injected into New Mexico is still clearly distinguishable from all its surroundings and in a great measure still retains its original texture and quality.

Before the advent of the Spaniards it was and for many years had been the home of the Pueblo Indians—a peaceful, quiet, industrious, and partially civilized people, entirely different from the other native races of our country. These people lived in little villages or towns and were cultivating to a limited extent some of the lands adjoining their pueblos. The early explorers found them practically occupying the same region and the same towns that to-day constitute the settled and developed portions of New Mexico.

In Bancroft's History of New Mexico are two maps, one showing the settlements in the country when Coronado first explored it and the other showing the Pueblo settlements at the close of the sixteenth century. If we compare those maps of the Pueblo settlements with the modern maps of New Mexico showing the settlements to-day, we find that there has not been much growth, expansion, or progress; that the settlements to-day are largely confined to the same area, the same territory, the same valleys, and along the same streams as they were in those early days, and many of the most prosperous towns there to-day are located upon the ancient Pueblo sites that were there when the Spanish invaded the country.

Among the earliest settlements made by Europeans in this country were those of the Spaniards in New Mexico. It is curious and interesting—and I ask pardon of the Senate for going into it—to read a brief summary and history of these early explorations. Among the earliest explorers from whom we obtain any

authentic information—there were a few preceding, but nothing definite is known of their history—was Coronado, who discovered and occupied the Territory in 1540. He found at that time the Pueblo Indians located principally in the valley of the Rio Grande and the valley of the Pecos and on some of the upper tributaries of the Gila River.

The Spaniards were tempted to explore the country by reports of its fabulous wealth, of the great amount of gold and silver that was supposed to be in the country, but when they got there they found nothing but small, peaceable settlements of these Pueblo Indians who were carrying on agriculture and stock raising in a small and feeble way.

The first permanent settlement that was made in New Mexico was made in 1598, three hundred and four years ago. That settlement was made by Juan Onate. He started with a large expedition, composed of 400 men, 83 wagons, and 7,000 head of cattle. It is a remarkable fact, we discover as we inquire into the history of that ancient country, that the best account of that expedition and its results is to be found in a Spanish poem by Captain Villagra, of the Army. It was one of the earliest settlements within the limits of the United States, earlier in fact than that of Massachusetts, earlier than that of Virginia, and, indeed, as early as that of Florida.

While that country was settled at as early a day as the earliest settled portions of our country in the East or Southeast, yet it is curious to compare the progress of the different localities. Massachusetts was first colonized in 1620. It has an area of 8,315 square miles, and, according to the census of 1900, it had a population of 2,805,346. Virginia was first settled in 1607. It has an area of 42,450 square miles and it had a population in 1900 of 1,854,184, while New Mexico, which was settled in 1598 and has an area of 122,580 square miles, in 1900 only had a population of 195,310, and quite a number of that population was composed of Indians, as I shall subsequently show.

If we compare the age of the towns that were first settled in this country, we find that St. Augustine was settled in 1565, Jamestown in 1607, Santa Fe in 1615, and Plymouth about 1620.

By 1680—almost a hundred years after the first settlement by Juan Onate—there was in New Mexico a resident Spanish population of only 2,400. In that year a great insurrection broke out on the part of the Indians under the leadership of Pope, a San Juan Indian, when 450 Spaniards, including 73 soldiers and 21 missionaries, were massacred, and 1,950, including 155 soldiers and 11 missionaries, escaped. Subsequently 3,000 Indians laid siege to Santa Fe. They destroyed and burned all of the town except the plaza, church, and convent, and finally cut off the water supply, forcing the Spaniards to retreat. They continued their retreat until they reached El Paso, on the Rio Grande, a town that was founded in consequence of that retreat in 1681.

In the fall of 1681 Governor Oterim, of New Mexico, attempted a reconquest of the country, but he utterly failed in the effort. In 1692 De Vargas, another Spanish governor, opened a campaign for the reconquest of the country, and finally, by 1695, succeeded in entirely quelling the insurrection and restoring law and order. At that time, or about two years subsequently, there were said to be 1,500 Spaniards in New Mexico. Albuquerque, one of the old towns, was founded in 1706. In 1742 the Spanish population, exclusive of soldiers and their families, was estimated at 9,747. Slight progress was made in agriculture and stock raising under Spanish and Mexican rule, and mining, notwithstanding all that has been reported to the contrary, was wholly in an experimental and exploring state. The Spanish population in 1760 was estimated according to Spanish records at 7,666; in 1793, at 16,156, and in 1798, at 16,065.

In 1799 the Spanish population had grown to 18,826. After the period of two hundred years from the time Juan Onate first settled the country with his expedition, New Mexico had a Spanish population of only 18,826.

Lieutenant Pike was one of the first Americans who entered New Mexico on his return from the exploration of Colorado. He entered that country and was made a prisoner, and finally was sent back within the American lines in 1807. In 1821–22 the famous overland Sante Fe route was established, and for many years there was a great trade carried on by that route, first by means of pack animals, afterwards by means of wagons, mules, horses, and oxen. An immense trade grew up in that country with the people of it, and yet in spite of that immense trade the growth of the country was very slight.

At this time, when the Santa Fe route was opened, there was estimated to be a population of something like 20,000 Spaniards. There were at that time no public schools, no places outside of church schools, conducted by the friars, where the people of the Territory could procure an education.

In 1841 history relates that the Texans, under command of Lieutenant-Colonel McLeod, made an invasion and an attempt to capture the country, but the expedition proved an entire failure, and they were driven back. The Spanish population of New Mexico at the time of the Texas raid was estimated at about 60,000. In 1846 the American Army, under Kearny and Doniphan, for the first time entered New Mexico, and the country remained under military rule until 1850 or 1851, when it was first created into a Territory, together with what is now the Territory of Arizona, substantially. There have been some changes in the boundary, but they are not material for the purpose of this discussion.

In 1847 there was an insurrection started among the Indians, led by the Spanish-Mexicans, Ortez and Archuleta, but the insurrection was of a limited character and was soon suppressed.

In the fall of 1848 a convention was held which petitioned or memorialized Congress for a Territorial government. In September, 1849, another convention, of delegates, was held, which elected a Delegate to Congress and adopted a plan for a Territorial government. In 1850 another convention was held, which formed a constitution for the "State of New Mexico." The constitution was submitted to a vote of the people and ratified by a large vote, and State officers were provisionally elected; also a legislature and a delegate to Congress. This legislature thus elected under that constitution met, and they elected two United States Senators, but the military governor declared the whole proceedings null and void and refused to recognize any of the officers, and the government thus established perished from its own weight and disappeared. In 1850 Congress by an act passed that year first created it a Territory, and in 1851 it was duly organized into a Territorial government.

It is a curious part of the history of that country that in 1861 the Confederates invaded the Territory, but by the end of 1862 were expelled entirely from the Territory and never came there again. It is to the credit of the Mexicans that during the time of the Confederate invasion and during the great civil war most of them were either loyal or passive. Very few of the Mexicans, except a few of the leading families, were disloyal to the Government of the United States.

Now, while negro slavery never existed in New Mexico, they had two other systems of slavery in that Territory, that existed in that country from the time of the settlement of the country down to 1865. They had one form of slavery known as peonage, where they held men for debt. Then they had another system of slavery which consisted in the enslavement of Indian captives. Both systems were very deplorable, especially in the matter of peonage. While it was not a slavery akin to the slavery in the Southern States, yet it was a slavery where they practically held the people for life, and also held their posterity. These two systems of slavery to which I have called the attention of the Senate were not abolished until 1865 by the proclamation of the President, afterwards supplemented by an act of Congress in 1867.

From the first legislative assembly in 1851 down to the twenty-seventh legislative assembly—that is, from 1851 to 1886—nearly all the members were Mexicans with Spanish names, all the proceedings and all the business was conducted in the Spanish language. I read in this connection from the historian Bancroft, from page 634, on this subject. At the suggestion of the Senator from Massachusetts [Mr. HOAR], I will state what Bancroft—it is Hubert Howe Bancroft. He states:

> The first legislative assembly convened at Santa Fe on June 2, 1851. A large majority of the members of council and house were naturally native New Mexicans. I append a list of members of this and the later assemblies down to 1863.

In another place he appends another list of members down to and including the 22d general assembly. He continues:

> About twenty family names include a very large majority of the membership of the whole period; and, indeed, a few wealthy and influential families in each county, in connection with the few American residents, natural-born politicians, controlled the election of representatives and all other matters of Territorial government, with only the slightest interest or action on the part of the masses.

Mr. FAIRBANKS. What is the Senator reading from?

Mr. NELSON. From Bancroft.

I again read from the same historian on the same subject. He says on page 706:

> Next is appended a full list of the members of the legislative assemblies from the thirteenth to the twenty-sixth session. It will be noted that the preponderance of Spanish names is even more marked than in the assemblies of earlier years. Indeed, until the last sessions, almost the whole membership was made up of native New Mexicans, all business being transacted in the Spanish language, so that the journals and laws had to be translated into English for publication.

Mr. FORAKER. Will the Senator please state what he is reading from?

Mr. NELSON. Bancroft's History of Arizona and New Mexico—1530–1888.

Mr. FORAKER. What page?

Mr. NELSON. From page 706 to 709, inclusive.

Mr. FORAKER. And as to what period is that?

Mr. NELSON. That covers practically the time from the date

when New Mexico was organized as a Territory down to 1885 or 1886.

A few prominent families in each county still controlled the elections, though perhaps in somewhat less degree than formerly.

This shows, and I call attention to the fact, that in all that period from 1851, when the Territorial government was first organized, down to 1885 or 1886 nearly all the members of the legislative assembly had Mexican and Spanish names. That in itself was not anything to their discredit, but all the proceedings of the legislature, the journals, and everything else were in the Spanish language, and a few leading families controlled the elections in the different counties.

I have called attention to this fact because the same conditions now exist. An examination of the testimony taken before the committee will show that to a large extent the elections to-day are controlled by a few leading families, and that the masses of the people take little interest in them and are guided and controlled by a few prominent families or a few prominent leaders.

In 1850—and I want to trace the growth of the Territory to show how it has progressed in the matter of population and also in the matter of education—New Mexico had a population, exclusive of Indians, of 61,547; of these over 50,000 were Spanish Mexicans. In 1860 the population, exclusive of Indians, was 80,000, and of these more than 60,000 were Spanish Mexicans.

Of the population in 1850—and this illustrates the low standard of education—there were 25,085 adults who could neither read nor write. Of the population in 1860, ten years subsequent, there were 32,785 adults who were in the same condition and could neither read nor write. There were practically no public schools in the Territory at that time.

In 1870 New Mexico had a population, exclusive of Indians, of 90,573 and in 1880 of 109,793. Education at the time of the census of 1880 was at a very low ebb. Let me give an illustration. In 1880 there were in the Territory only 162 schools, with an attendance of 3,150 pupils. The historian, Bancroft, from whom I have already quoted, says:

The mixture of language and religion, with a great preponderance of Spanish and the Catholic faith, have been the great obstacles.

Referring to education in that Territory, while there was some legislation during that period looking to the establishment of public schools, no material results were reached prior to 1888. It was not until that year that a Territorial act establishing a public system of education was first passed. In this connection I beg leave to quote from the testimony on this subject. It is the testimony of Governor Thomas Hughes.

Mr. FAIRBANKS. From what page of the testimony is the Senator going to read?

Mr. NELSON. I read from page 64 of the testimony. Governor Hughes says:

In 1887 I had the honor of introducing into the legislature the first public-school bill. It was beaten, but the next session it was passed.

According to the last census there were 599 schools in the Territory, with a school population of 69,710—that is, of persons within school age—and the attendance was only 28,672.

In 1891, according to the report of the Commissioner of Education to the Secretary of the Interior, based on Governor Otero's report, the number of schools was 726, the school population was 62,864, and the attendance only 29,821.

In 1900 the average percentage of attendance for the entire country, exclusive of our outside possessions, was 51.2 per cent of the school population, while for New Mexico at the same period it was only 41.1, a difference of more than 10 per cent less in New Mexico than the average of the country.

The census report shows the rate of illiteracy to be very high—28.3 per cent, higher than that of Arizona, and on a par with that of Alaska; it is only exceeded by that of a few of the old slave States: and if the illiteracy was measured by a knowledge of the English language, over 50 per cent would be classed as illiterates.

As to the population of New Mexico, it is claimed that lately it has grown very much. The total population in 1900 was 195,310. Of that which the census reported there were 2,937 Indians not taxed. So the total population entitled to representation was at that time 192,373—a little less than the ratio necessary for a Representative in the other House of Congress.

Governor Otero in his last report estimates the population at 234,000, which is out of all reason, as I shall show by the growth of the Territory in the period from 1890 to 1900. He estimates the population to-day, as I have stated, at 234,000, and then out of this he estimates the Spanish-Mexican population at 144,000 and the American population at only 90,000. Applying this ratio to the census of 1900, there would appear to be 118,000 Spanish-Mexicans and 74,000 Americans in the Territory.

From 1860 to 1870, according to the census reports, the population really decreased, and from 1890 to 1900, while there was some increase, it was of quite a limited character, the increase from 1890 to 1900 being only 3,500 per year.

According to the report of the Commissioner of Indian Affairs there were in 1901 19,284 Indians in New Mexico. Deducting from this the Pueblo Indians, to whom allotments of one kind and another have been made, 8,005 in all, and the other Indians to whom allotments have been made, 845 in all, it makes a total of 8,850; and it leaves 10,434 Indians, not taxable, not citizens, and not entitled to representation. Deducting this from the total population it leaves a population of 184,876 entitled to representation.

In this connection, on the subject of Indian population in the Territory of New Mexico, I beg leave to read the following letter from the Commissioner of Indian Affairs:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 22, 1902.

Hon. KNUTE NELSON, *United States Senate.*

SIR: Referring to your letter dated the 22d instant, requesting information in regard to Indian reservations and Indians in the Territory of New Mexico, there are inclosed herewith excerpts from the annual report of this office for 1901, showing the Indian reservations in said Territory, their area, the number and areas of the allotments, and the Indian population by tribes.

The total area of the reservations is 1,793,798.35 acres. Of this quantity 129,513.35 acres have been allotted to 845 Indians of the Jicarilla Apache Reservation. There are no other allotments in New Mexico, strictly so called. However, the Indians of the several pueblos (Pueblo tribe) have most of their lands divided up among themselves, in accordance with tribal laws and usages which have obtained for many generations.

The Indian population of said Territory is 9,234. In this connection attention is invited to my letter of the 16th instant, respecting Indians in Arizona, in which it was stated that possibly 10,000 Indians of the Navaho tribe live the greater part of the time in New Mexico. All the Navaho, however, are counted in the total population of Arizona. Strictly speaking, therefore, the Indian population in New Mexico is about 19,284.

Very respectfully, W. A. JONES, *Commissioner.*

Deducting from this total the Pueblo Indians and the other Indians to whom allotments have been made, aggregating 8,850, that leaves, as I have already said, 10,434 Indian population in New Mexico.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER (Mr. DUBOIS in the chair). Does the Senator from Minnesota yield to the Senator from Indiana?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. Mr. President, this portion of the speech of the Senator from Minnesota, like all that has gone before, is important and interesting, and I notice the absence of many Senators, possibly occasioned by lunch, but a notable absence of many who are reputed to be in favor of the omnibus bill. I think that this speech should be heard, and I therefore suggest the absence of a quorum and ask that the roll be called.

The PRESIDING OFFICER. The roll will be called.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Cockrell,	Hoar,	Platt, Conn.
Allison,	Cullom,	Jones, Ark.	Platt, N. Y.
Bacon,	Depew,	Kean,	Quarles,
Bard,	Dillingham,	McCumber,	Scott,
Bate,	Dolliver,	Mallory,	Spooner,
Berry,	Dryden,	Martin,	Tillman,
Beveridge,	Dubois,	Morgan,	Turner,
Burrows,	Fairbanks,	Nelson,	Vest,
Clark, Wyo.	Foraker,	Perkins,	Warren.
Clay,	Hanna,	Pettus.	

The PRESIDING OFFICER. Thirty-nine Senators have answered to their names. There is no quorum present. What is the pleasure of the Senate?

Mr. BEVERIDGE. There is nothing to do but to wait for a quorum, should that be the pleasure of the Senate.

Mr. FORAKER. I ask that the absentees be sent for.

Mr. BEVERIDGE. There is no objection to that.

Mr. BATE. Call the absentees.

Mr. FORAKER. Yes; I ask that the names of the absentees be first called, and then that absent Senators be sent for.

The PRESIDING OFFICER. The Senator from Ohio asks that the Sergeant-at-Arms request the presence of absent Senators.

Mr. FORAKER. The request is that the names of absentees be called.

The PRESIDING OFFICER. The names of the absentees will be called.

The Secretary read the list of absentees.

The PRESIDING OFFICER. The present occupant of the chair desires to state that his colleague [Mr. HEITFELD] is detained at home unavoidably and can not be present.

Mr. BATE. My colleague [Mr. CARMACK] is not well enough to be present. He is suffering from his eyes and can not be out. He is necessarily absent.

Mr. PETTUS. I move that the Senate adjourn.

Mr. FORAKER. There is before the Senate a request which, I think, takes precedence of that motion. I asked that absent Senators, except those for whom excuses have been made, should be sent for by the Sergeant-at-Arms.

Mr. BEVERIDGE. What is the request of the Senator?

Mr. FORAKER. The request is that the Sergeant-at-Arms ask

absent Senators to attend in the Senate—all those except the ones for whom excuses have been made.

The PRESIDING OFFICER. The Chair understands that a motion to adjourn is always in order.

Mr. FORAKER. Certainly, a motion to adjourn is in order; I do not question that; but I appeal to the Senator from Alabama to allow action upon the request which I had made before he made the motion to adjourn.

Mr. McCOMAS entered the Chamber, and answered to his name.

Mr. ALDRICH. I should like to inquire how many Senators are present.

The PRESIDING OFFICER. Forty Senators are now present.

Mr. BEVERIDGE. What is before the Senate?

The PRESIDING OFFICER. The motion of the Senator from Alabama, that the Senate adjourn.

Mr. FORAKER. Upon that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SPOONER. May I be permitted to inquire what is the question before the Senate? I have been out of the Senate Chamber.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama, that the Senate adjourn.

Mr. FORAKER. The Senator from Alabama made the motion to adjourn, and upon it I have called for the yeas and nays.

Mr. ELKINS entered the Chamber, and answered to his name.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the motion of the Senator from Alabama, that the Senate adjourn.

The Secretary called the roll; and the result was announced—yeas 9, nays 31; as follows:

YEAS—9.

Bard,	Jones, Ark.	Nelson,	Quarles,
Beveridge,	Kean,	Pettus,	Scott.
Depew,			

NAYS—31.

Aldrich,	Cullom,	Lodge,	Platt, N. Y.
Allison,	Dillingham,	McComas,	Proctor,
Bacon,	Dolliver,	McCumber,	Spooner,
Bate,	Dubois,	Mallory,	Tillman,
Berry,	Elkins,	Martin,	Turner,
Burrows,	Fairbanks,	Morgan,	Vest,
Clark, Wyo.	Foraker,	Perkins	Warren.
Clay,	Hoar,	Platt, Conn.	

NOT VOTING—48.

Alger,	Dietrich,	Hawley,	Patterson,
Bailey,	Dryden,	Heitfeld,	Penrose,
Blackburn,	Foster, La.	Jones, Nev.	Pritchard,
Burnham,	Foster, Wash.	Kearns,	Quay,
Burton,	Frye,	Kittredge,	Rawlins,
Carmack,	Gallinger,	McEnery,	Simmons,
Clapp,	Gamble,	McLaurin, Miss.	Simon,
Clark, Mont.	Gibson,	McLaurin, S. C.	Stewart,
Cockrell,	Hale,	Mason,	Taliaferro,
Culberson,	Hanna,	Millard,	Teller,
Daniel,	Hansbrough,	Mitchell,	Wellington,
Deboe,	Harris,	Money,	Wetmore.

So the Senate refused to adjourn.

Several SENATORS. No quorum!

Mr. FORAKER. I renew my request that the absentees be sent for.

Mr. BEVERIDGE. Mr. President——

Mr. BATE. Does not the fact, revealed by the vote, of the absence of a quorum necessitate another call of the Senate?

Mr. BEVERIDGE. I thought so. I was just about to say, when the Senator from Tennessee rose, that while of course my services in this body and my experience have been very brief, that during that brief time——

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Indiana to the fact that debate is not in order.

Mr. BEVERIDGE. What is not in order?

The PRESIDING OFFICER. Debate of any kind.

Mr. BEVERIDGE. I am not going to debate any question, Mr. President. I do not know that the request made by the Senator from Ohio is a privileged request.

Mr. FORAKER. There is nothing in order except that request.

Mr. LODGE. Nothing else.

Mr. BEVERIDGE. Perhaps that is so. I said I did not know that that was so, and unless the Senator can quote it from the Rules I shall beg leave to doubt it.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio, that the Sergeant-at-Arms be directed to request the presence of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms will execute the order of the Senate.

Mr. BEVERIDGE. Mr. President, I still think the Senator from Tennessee is correct in his statement that when a call of the Senate——

Mr. HOAR. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state his point of order.

Mr. HOAR. The point of order is that nothing is in order but the execution of the order of the Senate on the motion of the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Massachusetts is entirely correct. There is nothing in order until the Sergeant-at-Arms executes the order of the Senate.

Mr. BEVERIDGE. I serve notice on the Senator from Massachusetts that I will make my observation afterwards.

Mr. BATE. Mr. President, a parliamentary question, and it is this: Whenever a vote is taken and that vote reveals the absence of a quorum, it is the duty of the Chair to have the roll of the Senate called. I raise that parliamentary question, and if it be correct, I ask that the roll be called.

Mr. SCOTT. I rise to inquire whether a motion to take a recess is in order at this time?

The PRESIDING OFFICER. No motion whatever is in order at this time. Nothing can be done until the order of the Senate is executed by the Sergeant-at-Arms.

Mr. NELSON. A motion to adjourn is in order, because business has been transacted since the prior motion was voted down.

The PRESIDING OFFICER. A motion to adjourn is in order.

Mr. BATE. Mr. President, am I not entitled to a decision of the Chair on the parliamentary inquiry? My point is, is it not the duty of the Chair, of his own motion, to have the roll of the Senate called whenever any vote reveals the fact of the want of a quorum? I have a right to a decision of the Chair on the inquiry.

The PRESIDING OFFICER. The present occupant of the chair will say to the Senator from Tennessee that the first roll call disclosed the absence of a quorum. Then a motion was made to adjourn. On that the yeas and nays were called. That vote also disclosed the absence of a quorum. Then the motion of the Senator from Ohio, in the judgment of the Chair, was in order——

Mr. BATE. That is true.

The PRESIDING OFFICER. Without any further call of the roll, because the fact of the absence of a quorum had twice been disclosed. The Chair thinks that nothing is in order——

Mr. BATE. Pardon me. There was a vote taken by a call of the roll. After that had been done and after the fact had been known that there was not a quorum present others came in, as the roll itself will show. Then does it not become the duty of the Chair to have the roll called again?

The PRESIDING OFFICER. The Chair thinks not, because the vote disclosed the absence of a quorum.

Mr. BEVERIDGE. I should like to understand the ruling of the Chair, which now I do not quite understand. I understand the point of the Senator from Tennessee to be that when a yea-and-nay vote is taken and the result of the vote shows the absence of a quorum, that of itself and upon its face requires the Presiding Officer to order again a roll call of the Senate to discern whether or not a quorum has arrived since the vote was taken.

Mr. BATE. That is the point.

Mr. BEVERIDGE. Do I understand the Chair to rule that that is not the case and that the thing may remain without any action? Is not that a thing which automatically corrects itself? I do not see any answer to the position of the Senator from Tennessee, but I am not as yet skilled in the rules of the Senate. However, I do ask the ruling of the Chair upon that point, so that I myself can understand it.

The PRESIDING OFFICER. The Chair has ruled once that the previous roll call disclosed the absence of a quorum.

Mr. BEVERIDGE. Yes.

The PRESIDING OFFICER. Then a motion was made to adjourn, and on that the yeas and nays were called. That vote disclosed the absence of a quorum, and then the motion of the Senator from Ohio was in order, directing the Sergeant-at-Arms to request the presence of absent Senators. He is now discharging that duty. There is no necessity for again calling the roll. There is now in the hands of the Sergeant-at-Arms a list of the absent Senators.

Mr. DEPEW. Mr. President, it seems to me that the Senate is pursuing a well-known precedent. We have had to-day a great speech from a great statesman and a great orator. While we all may not agree with him in the conclusions at which he arrived, nevertheless the speech itself was one of those efforts which give——

Mr. BERRY. Mr. President, I make the point of order that no debate is in order.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from New York to the fact that no debate is in order.

Mr. SPOONER. I do not think the point of order is well taken. That is not debate.

Mr. DEPEW. It is not debate. This is a statement—a statement of fact.

The PRESIDING OFFICER. The Senator from New York can only proceed by unanimous consent. The Chair hears no objection, and the Senator will proceed.

Mr. DEPEW. It is a statement of fact, and the Senator from Arkansas wants me to state what I am now proceeding to say.

It has been the custom of this body, I understand, though I am not an old member, when a speech of that character has been delivered to adjourn. Most of the Senators who listened to that effort have gone to their various residences for the purpose of thinking over and digesting it. The Senate is in no mood, after an effort of that lofty range and dignity, to attend to the ordinary routine of business at this late hour in the afternoon. We will sit here long and wearily for a quorum, and when we get it the Senate will immediately adjourn without giving to the adjournment the dignity which we can give it now by adjourning, because we are satisfied with the day's proceedings after the effort of the Senator from Massachusetts.

Mr. FORAKER. Mr. President——

Mr. DEPEW. I therefore move that the Senate now adjourn.

Mr. FORAKER. The Senator from Wisconsin was mistaken when he announced that he did not think there was any debate intended on the part of the Senator from New York.

Mr. SPOONER. I said what the Senator had uttered indicated no purpose of debate.

Mr. FORAKER. What he had uttered up to that point, but it has been made manifest that there was a purpose in it, and it was in the nature of an argument in support of a motion to adjourn.

I rise for the purpose of objecting to the transaction of any further business. Of course, if the Senator sees fit to renew the motion to adjourn, that motion is always in order, but I hope we shall vote it down.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. The Senator from New York moves that the Senate do now adjourn. Debate is not in order.

Mr. TILLMAN. I am not asking for debate, but I wish to make a parliamentary inquiry. Is that in order?

The PRESIDING OFFICER. That is in order, pending the motion to adjourn.

Mr. TILLMAN. The vote on adjournment having disclosed the fact that there was no quorum and an order of the Senate having been taken to bring in absentees, I wish to know how, when enough absentees appear, we are to discover that we have a quorum and can do business? How will that be done without a roll call? I think we have a quorum present. I know we have.

Mr. SPOONER. I think the question of the Senator from South Carolina is a pertinent one. If the Chair will look at subdivision 3 of Rule V, I think it clearly contemplates the roll call when it may be demanded, because it says:

Whenever upon such roll call——

That is the one which was referred to and which disclosed the absence of a quorum—

Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present—

That answers the Senator from New York. It is not the Chair's business—

a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate—

That has been done—

and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.

Mr. BATE. But there was business, Mr. President. There was a roll call again upon the motion to adjourn, and it was found that we did not have a quorum. Now, then——

The PRESIDING OFFICER. The Chair will call the attention of the Senator——

Mr. TILLMAN. I have not yet received an answer to my inquiry. I should like to have the Chair decide how we are to find out whether we have a quorum without a call of the roll.

Mr. BERRY. The Sergeant-at-Arms will make his report, I will say to the Senator from South Carolina.

The PRESIDING OFFICER. The roll is being called at the present time, and the Sergeant-at-Arms is out trying to find absent Senators who will answer to the roll call which is now in progress.

Mr. TILLMAN. If the roll call on the motion to adjourn is the one now pending, how did the Senator from Ohio get his order to have the absentees called in?

The PRESIDING OFFICER. By a majority vote of the Senate, a quorum not being present, the Senate refused to adjourn. The Senator from Ohio then moved that the Sergeant-at-Arms bring in absent Senators. That is entirely correct.

Mr. TILLMAN. That is being done?

The PRESIDING OFFICER. It is being done now.

Mr. TILLMAN. But when will those absent Senators make their presence known unless you continue the roll call? Are the Senators who are being arrested, or requested, or coerced to come here going to be brought in bodily and presented to us as absentees, or are we going to let them sneak in, so to speak, and escape the punishment which is due them for a neglect of their duties?

The PRESIDING OFFICER. Can the Senator from South Carolina comprehend that the roll call is now in progress and has not been completed?

Mr. TILLMAN. The Senator thinks he can comprehend that it is not the actual fact, and he doubts very much whether in the opinion of the Chair it is true.

The PRESIDING OFFICER. The Sergeant-at-Arms was directed by the Senate to bring Senators in to answer to the roll call.

Mr. TILLMAN. In the meantime a motion to adjourn is made, and that is in order according to the rule just read by the Senator from Wisconsin. If we will take a yea-and-nay vote, I think we will discover whether we have a quorum. I therefore call for the regular order, which is the motion of the Senator from New York.

Mr. FORAKER. On that I ask for the yeas and nays.

The PRESIDING OFFICER. On the motion of the Senator from New York to adjourn, the Senator from Ohio asks for the yeas and nays.

The yeas and nays were ordered; and being taken, the result was announced—yeas 6, nays 32; as follows:

YEAS—6.

Bard,	Depew,	Platt, N. Y.	Scott.
Beveridge,	Pettus,		

NAYS—32.

Aldrich,	Cockrell,	Hanna,	Morgan,
Allison,	Cullom,	Hoar,	Perkins,
Bacon,	Dillingham,	Jones, Ark.	Platt, Conn.
Bate,	Dolliver,	Kean,	Spooner,
Berry,	Dubois,	McCumber,	Tillman,
Burrows,	Elkins,	Mallory,	Turner,
Clark, Wyo.	Fairbanks,	Martin,	Vest,
Clay,	Foraker,	Mitchell,	Warren.

ABSENT AND NOT VOTING—50.

Alger,	Foster, La.	Kittredge,	Proctor,
Bailey,	Foster, Wash.	Lodge,	Quarles,
Blackburn,	Frye,	McComas,	Quay,
Burnham,	Gallinger,	McEnery,	Rawlins,
Burton.	Gamble,	McLaurin, Miss.	Simmons,
Carmack,	Gibson,	McLaurin, S. C.	Simon,
Clapp,	Hale,	Mason,	Stewart,
Clark, Mont.	Hansbrough,	Millard,	Taliaferro,
Culberson,	Harris,	Money,	Teller,
Daniel,	Hawley,	Nelson,	Wellington,
Deboe,	Heitfeld,	Patterson,	Wetmore.
Dietrich,	Jones, Nev.	Penrose,	
Dryden,	Kearns,	Pritchard,	

So the Senate refused to adjourn.

Mr. BEVERIDGE. Mr. President, what is the parliamentary state of affairs now?

The PRESIDING OFFICER. No quorum is present, the Chair is compelled to announce.

Mr. BEVERIDGE. Does the Chair rule that that state——

The PRESIDING OFFICER. The Chair directs the Secretary to call the roll.

Mr. BERRY. That is all wrong.

Mr. ALDRICH. It does not strike me that that is necessary at this stage of the proceedings. The order of the Senate that the Sergeant-at-Arms should request the attendance of absentees is being carried out, and pending that it is not necessary to again disclose the want of a quorum. We are now proceeding upon the theory that there is no quorum of the Senate present.

The PRESIDING OFFICER. The Chair will state to the Senator from Rhode Island that the Chair has so ruled distinctly.

Mr. ALDRICH. Therefore, I think it is not necessary.

The PRESIDING OFFICER. It is not necessary at all.

Mr. BEVERIDGE. It is not necessary to do what?

The PRESIDING OFFICER. It is not necessary to call the roll.

Mr. ALLISON. May I make an inquiry of the Chair?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. ALLISON. There are some Senators, I think, who voted on the last call of the roll who are not on the roll previously called. I should like to know how those Senators can be counted upon the original roll call when the want of a quorum was disclosed?

Mr. COCKRELL. Is my name on that roll?

Mr. ALLISON. I ask if Senators who have answered on the last roll call are enrolled on the original call, when the want of a quorum was disclosed?

Mr. ALDRICH. Not unless they answered to their names, or unless they have called the attention of the Chair to their presence.

The PRESIDING OFFICER. They must rise in their seats and address the Chair and have their names recorded.

Mr. ALLISON. That is what I supposed. I merely——

Mr. HOAR. Mr. President, I rise to a parliamentary inquiry. Is it not the invariable custom of the Senate, as of the House, that when the Sergeant-at-Arms is directed to request the attendance of absent members after a roll call discloses the want of a quorum that when the absent members come in, if they choose, they address the Chair and answer to their names as they are called?

Mr. ALLISON. That is always the case if they answer to their names.

Mr. HOAR. If they choose.

Mr. ALLISON. But suppose they do not report themselves, and afterwards, on a motion to adjourn, for example, they vote; they still do not appear on the original roll call where the want of a quorum was disclosed. We do not know how many who were absent on the original roll call are now present.

Mr. SPOONER. I should like to ask the Senator from Iowa a question. I do not know much about parliamentary law.

Mr. ALLISON. The Senator is quite in accord with me in that respect.

Mr. SPOONER. Suppose, on the roll call upon the motion to adjourn——

The PRESIDING OFFICER. Senators will take their seats and be in order.

Mr. SPOONER. I wish to put this question for information to the Senator from Iowa, who is an expert on parliamentary law; Suppose the roll call on the motion to adjourn had developed the presence of a quorum in the Senate, would it not have been in order to move to dispense with further proceedings under the call?

Mr. ALLISON. Manifestly.

Mr. SPOONER. Then every Senator would not have been obliged to rise and address the Chair when he had actually shown his presence by answering to the roll call?

Mr. ALLISON. But the situation suggested now by the Senator from Wisconsin is not the present situation. That is the difficulty. I was calling attention to a situation where on a roll call the want of a quorum was disclosed, and afterwards a Senator steps in pending a roll call on a motion to adjourn and votes.

Mr. SPOONER. Then he is not here, although he votes. Is that it?

Mr. ALLISON. He happens to be here, but he does not happen to be recorded on the roll which is being called for the purpose of developing the presence of a quorum. That is the situation, as I understand it.

Mr. FRYE entered the Chamber, and answered to his name.

Mr. PROCTOR. I voted on the motion to adjourn, but I believe I am not recorded, not having answered on the original roll call.

Mr. MITCHELL. I am in the same fix as the Senator from Vermont. I voted against the motion to adjourn, but I did not vote on the original roll call.

Mr. MCENERY entered the Chamber, and answered to his name.

The PRESIDING OFFICER. Forty-five Senators have answered to their names. A quorum is now present.

Mr. HOAR. I move to dispense with all further proceedings under the call.

Mr. FORAKER. I move that the order that the Sergeant-at-Arms request absentee Senators to appear in the Senate be now discharged, it having been announced that there is a quorum present.

Mr. HOAR. I understand my motion to be the proper one, as well as the only one in order, which is to dispense with all further proceedings under the call.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized, and moves that all further proceedings under the call be dispensed with. The Chair hears no objection, and it will be so ordered.

Mr. FORAKER. I beg the pardon of the Senator from Massachusetts. I did not know he had taken charge of the bill.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. NELSON] will proceed.

Mr. NELSON. Mr. President, when we come to the matter of the language of the country we find peculiar conditions existing. Far more than one-half of the people there are Spanish-Mexicans. Mr. Marron, a witness called by Delegate RODEY, said that the population is composed of 100 Mexicans to 60 Americans, and that the Mexicans speak mostly the Spanish language. The testimony from which I shall quote makes this perfectly clear.

I read from the testimony of Mr. Foraker, the marshal of that Territory:

Q. In the country districts what is the nature of the population with respect to what language is used and as to what is called down here Mexican and American?
A. Well, the country population is principally Mexican.
Q. What language do they speak?
A. Principally the Spanish language.
Q. Have you been out in the course of the political campaigns down here and observed the political campaigns in the country districts?
A. Yes, sir; a great deal.
Q. What is the fact as to the use of an interpreter at the meetings, or how are those conducted?
A. They always have a Spanish interpreter.
Q. Have you been in the conventions?
A. Yes, sir.
Q. What is the fact as to the use of an interpreter in the political conventions?
A. They always use an interpreter.
Q. Is that true here in Albuquerque?
A. Yes, sir.

Mr. FAIRBANKS. From what page is the Senator reading?

Mr. NELSON. Page 74 of the testimony taken by the subcommittee. Here is the testimony of Mr. Marron in reply to a question proposed to him by Senator BURNHAM:

Q. Is it not a fact that the Mexicans, as a rule, in their own homes very largely use the Spanish language?
A. That, I think, is the fact, Senator. There is no question about that. There is no information that I can give you that would not be cumulative evidence.

Then the witness was asked:

Q. Mr. Marron, what do you think is the proportion throughout the Territory of the Mexican population as against the American, by which I mean all others than Mexican?
A. I believe that the Mexican population predominates in New Mexico, the proportion of Americans to Mexicans being probably 60 and 100.

I next read from the testimony of Mr. Hopewell on page 91:

Q. Is it the habit of the Mexican people to continue the use of the Spanish language in their own homes?
A. Yes, sir; to a very large extent. In fact, I would state it was almost universal.

I read from another witness—Allen J. Papen:

Q. How long have you been postmaster?
A. About five months.
Q. Do you speak Spanish?
A. Yes, sir.
Q. The people who come to your office—you can speak to them in English or Spanish either?
A. Yes, sir.
Q. Do people come to your office from the country districts?
A. Yes, sir; for 4 or 5 or 6 miles.
Q. The people from the country districts speak what language when they come for their mail?
A. Why, usually Spanish.

Mr. Pablo Ulibarri, a census enumerator, gives this testimony—I read from page 14:

Q. What language is spoken by those whose census you took?
A. Ninety-five per cent speak Spanish.
Q. Of this 95 per cent can any speak English?
A. Sixty-five per cent of this 95 per cent also speak English.

I read from the testimony of another census enumerator—Eugenio Rudolph:

Q. What was the language spoken there?
A. Mexican, most of it.
Q. Were there schools in that district?
A. There were not any at the time I was there. I was there in June.

Here is another witness, J. Francisco Chavez:

Q. What Spanish text-books are used in the common schools?
A. They are Velasquez's grammar and reader.
Q. What else?
A. I forget the arithmetic and geography.
Q. But some Spanish authority?
A. Yes, sir. Probably McGuffey, but translated from the English to the Spanish.

The witness states in another place:

Q. In the counties, taking them in the order you have named, what would you say, as a rough estimate, of the proportion of the native or Mexican population, or what we call down here Mexican population?
A. At a rough estimate, I would say two-thirds are natives.

The testimony, Mr. President, shows further that in the schools Spanish is largely taught side by side and on an equality with the English language. A large number of the pupils speak Spanish, and in some public schools Spanish is exclusively taught.

In connection with and in support of this, I beg leave to quote further from the testimony of J. Francisco Chavez. Here is the question:

Q. What is the case about Spanish being taught exclusively in certain counties of the Territory?
A. There are some districts in which Spanish is taught exclusively. The reason for this is the paucity of teachers.

Not only is Spanish taught in the schools side by side with the English language and on a footing of equality with it, as is shown by the testimony of many of the teachers, but in many of the schools in the country districts only the Spanish language is taught.

When you come to the legislature you find that there both languages are used side by side. Interpreters are employed in the legislature, and the laws are published in the Spanish language. This condition, so far as I am aware, exists nowhere else within our country outside of Porto Rico, one of our recently acquired territorial possessions. In no legislative assembly, Territorial or State, in our country, outside of the Territory of Porto Rico, so far as I am am aware, is any language used in their official proceedings except the English language. But in the legislature of New Mexico they use two languages—Spanish and English—side by side. They have interpreters. The journals, I believe, are kept in both languages, and the laws are published in both languages.

When you come to the courts it is still more odd and unique. In the district courts of the Territory interpreters are used, not only to interpret the testimony of the witnesses, but to interpret the arguments of the attorneys, the counsel in the case, to interpret the charge of the court to the jury, and in some instances interpreters are sent into the grand and petit jury rooms. In this connection I desire to quote from the testimony of the several district judges in that Territory. I first quote from the testimony of Chief Justice Mills, on page 2 of the testimony taken by the committee. Here is the question and here is the answer:

Q. Now, the work of the interpreter consists of interpreting the testimony of witnesses and the arguments of counsel?
A. Yes, sir; the arguments of counsel and instructions of the court to the jury. In Colfax County I have not needed him sometimes; in the other counties I have had to use him constantly. The Americans are busy, and they always like to try to keep off the juries.

On the next page he states as follows:

Q. I understand the use of an interpreter is to interpret the testimony, to interpret the charge of the court to the jury, and to interpret the argument of counsel to the jury.
A. Yes, sir; to interpret everything to the jury that it is necessary for them to know.

I beg leave further to quote from the testimony of the court interpreter, Nepomuceno Segura:

Q. Will you describe to the committee the duties—the nature of your duties in that office?
A. Yes, sir. The nature of my duties are to interpret from English into Spanish all evidence given before the court. There are very many Spanish-speaking people that come before the court as defendants and witnesses, and I have to interpret both ways—from the Spanish into the English and from the English into the Spanish; also the arguments of counsel, both into English and Spanish. That is the amount of the duties of a court interpreter.

Now, here is the testimony as to the jury room:

Q. Now, as to the work in the jury room, your services are not required in the jury room, are they?
A. No, sir; except in very strenuous cases. No, sir; except in very exceptional cases. In two cases I have found that I had to go in the jury room and interpret for them. This was necessary when there was a portion of Spanish-speaking members and a portion of English-speaking members and neither of them speaking the other language, and the courts thought it was proper for the interpreter to go into the room so that they could interpret, and the members of the jury know what was going on.

There are portions of this country where they frequently use interpreters in the matter of witnesses. There are oftentimes foreigners who can not speak our language who are summoned as witnesses, and interpreters are then employed, but outside of the Territory of New Mexico, Mr. President, I know of no place in the United States between the Atlantic and the Pacific oceans where interpreters are used to interpret the arguments of counsel or to interpret the charge of the court; and, more than that, I never heard of such a thing—it is almost inconceivable—as sending an interpreter into a grand or a petit jury room.

I live in one of the growing States of the Northwest where there is a large foreign population. Perhaps one-fourth of the population of Minnesota are foreign born. I have practiced law for many years in various parts of the State, and I have never yet known or heard of a case where it has been necessary to interpret the arguments of counsel or the charge of the court to the jury or of such a thing as an interpreter appearing before the grand and petit jury.

I beg leave to quote from another district judge, Judge McFie.

Mr. BEVERIDGE. Has the Senator quoted from the witness who follows Judge Mills—that is, the official interpreter of his court?

Mr. NELSON. I quoted from him a moment ago.

Mr. BEVERIDGE. I was out of the Senate Chamber for a moment, having been called out to the committee room, and did not hear the Senator.

Mr. NELSON. I now quote from the testimony of Judge McFie:

Q. In the counties, taking them in the order you have named, what would you say, as a rough estimate, of the proportion of the native or Mexican population, or what we call down here Mexican population?
A. At a rough estimate, I would say two-thirds are natives.
Q. That would apply to each county?
A. No. San Juan is largely American. Rio Arriba and Taos are largely native.

THE LARGER PER CENT NATIVES.

Q. And Santa Fe?
A. Santa Fe, the larger per cent of the people are native people.
Q. That is the county in which the city of Santa Fe is located?
A. Yes, sir.
Q. You hold court in each one of these counties?
A. The United States court is held here in Santa Fe for four months, and then court is held in each of the counties twice a year for Territorial business.

Then he goes on and testifies as to the interpreter's work.

Q. The work of an interpreter is what?
A. He translates English into Spanish and Spanish into English.
Q. He translates the testimony of witnesses to court and jury and translates the arguments of counsel?
A. Yes, sir; and the charge of the court to the jury. The law requires the charge of the court to be in writing, and of course it is in English, and it is then read in Spanish to the native juries, if they are native juries; also interprets the oath of office.

METHODS OF JURY ROOM.

Q. When the jury retires to the jury room what is the nature of the work of an interpreter being required in the jury room to translate for those who speak English and no Spanish and others who speak Spanish and no English?
A. It is very rarely that an interpreter is sent unless requested by the jury. The reason for this is there are many of the natives who speak English and they are required to interpret.

He says:

A. I never allow an interpreter in a jury room unless there is some one in the jury room that can not speak English. This rarely occurs, but then the official interpreter is required.

I now read from the testimony of Judge Baker, another district judge:

Q. The duties of that interpreter are what?
A. Well, he interprets all of the witnesses that can not talk the English, and if he does talk English and there are Mexicans on the jury that do not understand the English he interprets that.
Q. And the arguments of counsel?
A. And the arguments of counsel; yes, sir. Sometimes we have a jury that understands the English.

ONE CASE TRIED WITHOUT INTERPRETER.

Q. Do you have that in this county?
A. Yes, sir; I have had, I think, one of the twenty-four that did not understand the English; and if you get them mixed properly once in a while you have a jury that is all right, and if not if there is one on the jury that does not understand the English we have to use the interpreter.
Q. And in Valencia County?
A. I would think every case.
Q. And in McKinley County how is it?
A. I think in McKinley County the only term I have had there was only two that required the interpreter out of the twenty-four.
Q. Have you had any case since you have been on the bench when the interpreter was not used?
A. I think in McKinley County. That is a new county and they haven't much business.

I next want to quote on this same topic from the testimony of Judge Parker. This is the question:

Q. In the trial of causes, have you a regular court interpreter?
A. We have.
Q. The committee judges from other testimony already before it that the duties of the interpreter consist of interpreting the testimony of witnesses to the jury and to the court, in interpreting the arguments of counsel to the jury, and the charges of the court to the jury.
A. That is correct.
Q. And the interpretation in some cases between the jurors themselves in the jury room?
A. That is the case where there happens to be an American on the jury who does not understand the Mexican language or a Mexican that does not understand the English.

I next want to quote from Judge McMillan on this point. After giving the list of counties in his district and their population, he was asked the question:

Take the other counties—

After having referred to one—

Q. Take the other counties. What is the proportion of American and Mexican population in Chaves County?
A. I do not know what the census shows; it is only what I see about my courts and about the town. The percentage is very, very small there; very small indeed; as far as I have been able to observe, scarcely noticeable. Lincoln County is almost entirely a grazing and mining county, and is largely a Mexican county. The Mexican element predominates there. My juries in Lincoln County will run about from—well, I do not think I ever have less than eight out of twelve that are "Mexicans," and sometimes more than that.
Q. In that county you have an interpreter?
A. Yes, sir; all the work is done through an interpreter. The juries in that county—very few of the Mexican jurors understand the English language at all, and all the work is done through the interpreter; the taking of testimony, the charging of the court, and the summing up of counsel.
Q. When the jury take the case for consideration does it become necessary to have an interpreter in the jury room?
A. Very frequently, yes, sir. The interpreter, the clerk, the stenographer, and the marshal are all sworn, and they all go around with me in all of the courts.

This testimony from which I have quoted—and I have gone over the testimony of all the district judges—shows conclusively an anomalous and most unique condition, unknown anywhere else in our country. All the judges have to use interpreters, and not only interpreters for the testimony, as happens very often in the courts all over the land, but they use interpreters for the arguments of counsel, for the charge of the court, and in many instances, as this last judge from whom I cited says, the interpreters have to go into the jury room.

To show the illiterate character of the country, I beg leave to quote from the testimony of Marshal Foraker, of that Territory.

Mr. BEVERIDGE. Will the Senator from Minnesota permit me?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. Before the Senator leaves the question of the use of the Spanish language and the necessity for interpreters, I call his attention to the further fact, supplemental to the use of it in the United States courts, that it is used to a very great extent—one might almost say exclusively—in the justices of the peace courts, and that, further, the political conventions require interpreters.

Mr. NELSON. I was coming to that point.

Mr. BEVERIDGE. I beg pardon.

Mr. NELSON. To show the illiterate character of the country,

I beg leave to call attention to the testimony of Marshal Foraker on page 76. This is the question:

Q. I note, in hastily looking over the lists, that some of the jurors signed receipts for their fees with their marks. What has been your experience in this?

A. Some sign by their mark and some do not. I recollect in one case, where there was a grand jury of 21, that 19 of them signed by mark, and in another case a petit jury of 24 where 21 of them signed by their mark.

Now, when you come to the proceedings in the justice courts, a still greater anomaly exists. In most of the justice courts of the Territory the proceedings are entirely in the Spanish language. They use Spanish laws; they have their dockets and everything in Spanish.

I wish to quote in this connection from the testimony on this point and to fortify what I state as I go along by quotations from the testimony. This is the testimony of Jesus Maria Tefoya, a Spanish-speaking witness:

Q. Can you remember the nature of those cases?
A. Well, my book would show; but, more or less, it is about thirty cases, among Mexican and American people.
Q. The cases that you have before you—what language is used?
A. The Spanish.
Q. The people who live in Las Vegas speak Spanish?
A. Yes, sir.
Q. Will you be kind enough to take the carriage, or any other conveyance, and go over and get your docket and bring it back?
A. Yes, sir; all right.
And here the witness left the committee room, and returned after some time with his dockets, which were submitted to the committee.
Examination resumed.

By the CHAIRMAN:

Q. Do you keep this criminal docket?
A. Yes, sir.
Q. I see it is all kept in Spanish.
A. Part of it; most of it is in Spanish. The Spanish is kept in Spanish and the English in English.
Q. The last case was November 7, 1902. That is in Spanish; the next case is in Spanish. Is there anything in this criminal docket that is in English?
A. Yes, sir; some in English, down there.
Q. Who wrote this in English for you?
A. I did it myself.
Q. I observe in this criminal docket of yours of 200 pages that practically all are written in Spanish—all entries.
A. Yes, sir.
Q. That is because of what?
A. Because the Spanish population is in the majority.
Q. Because the cases are in Spanish, with Spanish-speaking defendants?
A. Yes, sir; Spanish-speaking criminals.

Here we have the testimony of another justice of the peace, on page 25:

Q. I see that all of your docket is written in Spanish.
A. All is written in Spanish.
Q. The witnesses whom you hear before you in the trial of cases, are they Spanish-speaking or English-speaking?
A. When they are English I have an interpreter there.
Q. I see here on page 6 of your docket what appears to be a justice of the peace jury. Is that a jury?
A. Yes, sir.
Q. What are the names of those jurors?
A. They are Pedro Triego, president; Fabriar Gallegos, Antonio Maria, Pedro Grego, Jose Ulibarri, and Luis Pino.
Q. That is the only jury on your docket, is it?
A. Yes, sir.

I read from the testimony of another justice of the peace, Francisco Anaya, on page 39:

Q. I see this docket is practically all written in Spanish.
A. Yes, sir.
Q. Why is it you make it in Spanish instead of English?
A. Because we keep the dockets in Spanish.
Q. I see here that nearly all the names of the parties in running through the docket are Spanish names.
A. Yes, sir.
Q. Are most of your cases with the Spanish population?
A. The majority of them are Mexicans in my precinct.
Q. In the trial of these cases the witnesses are examined in Spanish. Are the cases conducted in Spanish?
A. Yes, sir; sometimes in Spanish, sometimes in English.

Mr. KEAN. Will the Senator from Minnesota yield to me in order that I may submit a motion for an executive session?

Mr. NELSON. Certainly.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. Will the Senator from New Jersey withhold the motion for a moment?

Mr. KEAN. Certainly.

LOUISIANA PURCHASE EXPOSITION COMPANY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Select Committee on Industrial Expositions, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State covering a statement showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the month of November, 1902, furnished by the Louisiana Purchase Exposition Commission in pursuance of section 11 of the "Act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory," etc., approved March 3, 1901.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 6, 1903.*

TELEPHONE LINES IN PORTO RICO.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on December 3, 1902, granting to Benjamin J. Horton the right to construct, operate, and maintain a system of long-distance telephone lines extending through the island of Porto Rico and connecting various cities and towns thereof, together with local telephone exchanges in such cities and towns.

This ordinance was approved by the President of the United States on December 31, 1902.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 6, 1903.*

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 7, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 6, 1903.

APPOINTMENTS IN THE ARMY.

Judge-Advocate-General's Department.

Capt. Louis B. Lawton, Twenty-sixth Infantry, to be judge-advocate with the rank of major, January 5, 1903, vice Carbaugh, promoted.

Infantry Arm.

Lewis Worthington Moseley, at large, to be second lieutenant, December 27, 1902, vice Wade, Tenth Infantry, promoted.

PROMOTIONS IN THE ARMY.

Artillery Corps.

Lieut. Col. William P. Vose, Artillery Corps, to be colonel, December 20, 1902, vice Hasbrouck, appointed brigadier-general.

Maj. Walter Howe, Artillery Corps, to be lieutenant-colonel, December 20, 1902, vice Vose, promoted.

Capt. Adam Slaker, Artillery Corps, to be major, December 20, 1902, vice Howe, promoted.

First Lieut. Robert H. C. Kelton, Artillery Corps, to be captain, December 20, 1902, vice Slaker, promoted.

Second Lieut. Kenneth C. Masteller, Artillery Corps, to be first lieutenant, December 20, 1902, vice Kelton, promoted.

Infantry Arm.

Capt. Walter A. Thurston, Sixteenth Infantry, to be major, December 29, 1902, vice Howland, Twenty-ninth Infantry, retired from active service.

CONSUL.

Raymond R. Frazier, of Wisconsin, to be consul of the United States at Copenhagen, Denmark, vice John C. Freeman, resigned.

SURVEYOR OF CUSTOMS.

Sidney O. Weeks, of New York, to be surveyor of customs for the port of Patchogue, in the State of New York. (Reappointment.) This nomination is made to correct error in nomination of the 5th instant, wherein Mr. Weeks was nominated as collector of customs for the district of Patchogue, instead of surveyor of customs for the port of Patchogue.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 6, 1903.

CONSUL.

Raymond R. Frazier, of Wisconsin, to be consul at Copenhagen, Denmark.

APPOINTMENTS IN THE MARINE-HOSPITAL SERVICE.

Ruel E. Ebersole, of Virginia, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

Holcombe McRobertson, of Virginia, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

William K. Ward, of the District of Columbia, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

COLLECTOR OF CUSTOMS.

James C. Tawes, of Maryland, to be collector of customs for the district of eastern Maryland, in the State of Maryland.

POSTMASTERS.

KENTUCKY.

William M. Catron, to be postmaster at Somerset, in the county of Pulaski and State of Kentucky.

Samuel G. Hanson, to be postmaster at Berea, in the county of Madison and State of Kentucky.

MAINE.

Jarvis C. Billings, to be postmaster at Bethel, in the county of Oxford and State of Maine.

Charles H. Hooper, to be postmaster at Castine, in the county of Hancock and State of Maine.

Frank B. Purinton, to be postmaster at Fairfield, in the county of Somerset and State of Maine.

MASSACHUSETTS.

Charles D. Brown, to be postmaster at Gloucester, in the county of Essex and State of Massachusetts.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 6, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Monday, January 5, 1903, was read and approved.

GOVERNMENT PRINTING OFFICE.

The SPEAKER. The Chair calls attention of the House to House joint resolution No. 191, which the Clerk will read by title.

The Clerk read as follows:

Joint resolution to authorize the officer in charge of the new building for the Government Printing Office to pay full wages to per diem employees carried on the pay rolls of said building on September 17, 18, and 19, 1901, when work was suspended out of respect to the memory of the late President of the United States.

The SPEAKER. This seems to be on the wrong Calendar, and the Chair refers it to the Private Calendar.

EFFICIENCY OF THE ARMY.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report, which I will send to the desk and ask to have read.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House No. 370, have had the same under consideration and report the following substitute therefor:

"*Resolved*, That immediately after the adoption of this rule the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15449) to increase the efficiency of the Army, and after not more than one hour of general debate the said bill shall be considered under the five-minute rule."

Mr. DALZELL. Mr. Speaker, this rule relates to the bill which was under consideration yesterday and which failed to pass only because of the absence of a quorum. I present the report as a unanimous report from the Committee on Rules. I ask for a vote.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I do not take the floor to antagonize the rule at all. As stated by the gentleman from Pennsylvania [Mr. DALZELL], the rule provides for the proper consideration, as I think, of the measure which was pending yesterday, and provides that we may have one hour of general debate. After that the bill shall be read for debate and for amendment under the five-minute rule in Committee of the Whole. This gives ample opportunity for discussion, as I take it, and for full and fair consideration of the measure. That being so, on this side we make no objection to the adoption of the rule.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15449) to increase the efficiency of the Army, with Mr. OLMSTED in the chair.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

[For copy of the bill see proceedings of January 5, 1903.]

Mr. HULL. Mr. Chairman, I take it that the gentleman from Tennessee [Mr. RICHARDSON] would control thirty minutes of the time at least.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I have no desire to control the time. I am perfectly content that the minority members of the Committee on Military Affairs control one-half of the time. I understand they favor the passage of the bill, but the gentleman from Virginia [Mr. HAY] says he will give time to any gentleman on our side who desires to antagonize the bill. That being so, I prefer that the members of the committee shall control the time.

Mr. HULL. Mr. Chairman, I desire to be recognized for only thirty minutes, and unless some one on this side desires to discuss the measure I shall simply reserve my time and allow the opposition to consume its time.

Mr. HAY. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. MCCLELLAN].

Mr. MCCLELLAN. Mr. Chairman, the only civilized armies in the world which are not provided with general staffs are those of England and of the United States. England's need for a general staff was emphasized in the South African war. Ever since I have been a member of this House I have never ceased to urge the absolute necessity that exists for a general staff in the United States Army. It was not, however, until the Spanish war that the necessity became apparent to the general public. It is a source of great gratification to me, as it should be to every member of this House, that the War Department and the Committee on Military Affairs have at last reached a realization of the self-evident fact that if we are ever to have an efficient army there must be a general staff corps at its head.

There are two general staff systems in existence: First, the Prussian, by which an officer once a member of the general staff always remains so; second, the French, by which the staff is made up of graduates of the Superior War School, detailed for a term of years, by competitive examination.

I realize that a permanent staff may possibly not be suited to conditions in this country and that a detailed staff may serve us better, because the latter system permits of more readily getting rid of officers who prove themselves unfit for staff duty. The bill before us is supposed to be modeled upon the French system. It only provides for a copy of the French general staff in that the general staff proposed is to be recruited by detail, but the details are to be made arbitrarily, without any provision for graduation from the staff college or competitive examination.

At the proper time I shall offer an amendment limiting assignments in the general staff to graduates of the War College. I realize, however, that there will be but little hope for the adoption of my amendment. As long as members of this House have sons and as long as Senators have relatives who are willing to serve the country details in the Army will be made by selection. [Laughter.]

I do not think the amendment of the committee restoring the Inspector-General's Department strengthens the bill. Ours is the only army that possesses an independent Inspector-General's Department. Local inspections should be made by commanding officers. General inspections should be made by the authority that has the power to correct the mistakes that it discovers and to carry out the recommendations that it may make. The amendment of the committee, however, is of but little importance, for under existing law the Inspector-General's Department performs but one duty which the Secretary of War can not assign to other officers, and that is the inspection of the Soldiers' Homes. After the enactment of this bill, if the Secretary sees fit he can take from the Inspector-General's Department all its functions except the inspection of Soldiers' Homes and confer them upon the general staff. I should, I repeat, have preferred that this amendment had not been reported, but it does not materially injure the bill.

The bill was criticised yesterday on the ground that it deprived the Lieutenant-General of the Army of command. If the President wishes to do so he may assign the Lieutenant-General to any duty he sees fit. There is nothing sacred in the rank of the Lieutenant-General. As a matter of fact, the excellent and gallant officer who is our Lieutenant-General to-day is a member of the Board of Ordnance and Fortification and of the Board of Commissioners of the Soldiers' Home, and otherwise has practically no functions to perform except to command his aids and the doorkeeper who sits outside of his office.

It has been said, and truly said, that with the exception of the provision that makes the chief of the general staff a member of the Board of Ordnance and Fortification and of the Board of Commissioners of the Soldiers' Home, and that which gives first lieutenants detailed to the staff the rank, pay, and allowance of captains, there is nothing in this bill that could not be as well done by Executive order. That is perfectly true. The question is then asked, Why enact this bill? It is for the purpose of answering that question that I have taken the floor.

Despite the shortcomings of the bill, despite the fact that it is anything but perfect, despite the fact that it does not provide for the best possible general staff, I shall vote for it, because I consider that it is a step in the right direction, and that its enactment will greatly improve existing conditions. If we made grave mistakes in the Spanish war, if the Cuban campaign was anything but brilliant, it was not because the officers and men of

the United States Army were at fault, for no better or braver soldiers live than ours, but because the system was impossible.

We have in our Army to-day a great number of so-called staff departments the duties of several of which overlap. They are all independent of each other, all more or less antagonistic, without common policy or unity of purpose. It is true that the President can create a general staff by Executive order, but were he to do so it would be equally possible for his successor to destroy it, or for him to reconsider his action and do away with it. If this bill is once enacted, there must be legislation before the principle of the general staff can be tampered with.

The general staff is the brains of the Army. In it is vested in commission the command of the Army. All the noncombatant branches of the service, as well as the combatant, are subordinate to it. It is responsible for the welfare and the efficiency of the Army in time of peace and for the preparation of the Army for possible war. To-day if mistakes are made, if there is a breakdown in any branch of the service, as was demonstrated in the investigation of the war with Spain, there is no possibility of locating the responsibility or of holding any department to blame, for no one branch of the service is responsible. With a general staff, even such a one as is provided in this bill, there will be a head of great power, but also of great responsibility. If with a general staff anything goes wrong, the responsibility rests immediately with the general staff.

I repeat that this is not a perfect bill, but I realize that under our system of legislation everything is a matter of compromise and that this is probably the best bill that the committee could report. It unquestionably improves existing conditions, and therefore I shall vote for it.

Mr. HAY. Mr. Chairman, if nobody else desires any time, I will reserve my time.

Mr. HULL. I yield five minutes to the gentleman from Pennsylvania [Mr. ADAMS].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ADAMS] is recognized for five minutes.

Mr. ADAMS. Mr. Chairman, as a member of the committee, when this bill was first presented in its original form I could not give my adherence to it.

The main object of this bill is to prevent the friction which past experience has shown to exist between the various departments of the Government relating to war measures, which fault lay in the system and not in the efficiency or patriotism of the heads of the different departments. But it struck me that the provision of this bill making two lieutenant-generals of equal rank, one as the chief of staff and the other as the general commanding the Army, would tend to increase the friction in the conduct of its operation; and I am glad to say that the bill as it now stands has that objection entirely removed, because the provision has been amended so that we have but one lieutenant-general, and the chief of staff will keep his rank the same as he had before he was assigned to this duty.

This bill is the outcome of close observation of the great advantages that have come by this organization in European countries. Surely we can gain no better information than from the countries of Europe, where the main part of the government is given up to organizing the army and maintaining it in its greatest efficiency. Experience is the best teacher that anyone can have in this world, and the experience that we had in the late Spanish war has convinced everyone who has looked into this subject of the absolute necessity of the institution of this general staff.

It is not necessary to go into the advantages that will be gained, because they have been fully set forth in the various articles and newspaper editorials that have been written on the subject. I congratulate the House that it now has an opportunity to vote on a measure which, in my judgment, will do more toward the efficiency of the organization of our Army in time of peace and in time of war than perhaps any other one measure that could come before this body. I trust that the unanimous report of the committee will meet with the approbation of the House, and that this measure will be placed on the statute book.

Mr. HULL. Mr. Chairman, I have no further demand for time, and I do not care to occupy any more at this time. If there is no further general debate requested——

Mr. HAY. The gentleman from North Carolina desires some time, and I yield five minutes to him.

Mr. KLUTTZ. Mr. Chairman, I realize the disadvantage at which any member places himself when he antagonizes the unanimous report of a committee to this House. With every confidence in the ability and in the judgment of the minority members of this committee, I beg leave to differ with them as to the advisability of this legislation. In the first place, it is confessedly unnecessary, because the powers which are sought to be conferred upon this to-be-created staff are already in existence and can be exercised by the President and by the Secretary of War, and are now being exercised; and I think, sir, it is a truism that a law which is unnecessary is a law which is inadvisable, undesirable, and which may be vicious.

One of the objections pointed out by the gentleman from Tennessee which occurs to me as most valid is that these great powers may be vested in a brigadier-general. We know, and it is proper, too, the jealousy which exists in the Army and in the Navy, the jealousy of rank and jealousy of control by inferiors. I do not think, sir, that the Lieutenant-General or the majors-general ought to be placed under the surveillance and supervision of officers of inferior rank, as they may be under the provisions of this bill. And then, sir, I do not agree, I can not agree, with gentlemen who think that the creation of this general staff is absolutely necessary for the efficiency of the Army. In time of war I believe the general in the field is better able to judge of the necessity for immediate movements than a board of staff or strategy sitting around a table in the city of Washington.

I believe, sir, that during the war between the States the efficiency of the Army only reached its highest degree when something very like this proposed staff was abolished in Washington and General Grant in the field given absolute and complete power; and only then the armies of the Union were finally successful. I believe we had something very like this board during the war with Spain, when we had a board of strategy sitting around a table in Washington, who undertook to manage by cable the movements of the fleets, and it was only when George Dewey cut the cable and cut off communication with that board of strategy here that he was able to win those great victories in the seas of the Orient. [Applause.]

I believe, sir, we can better trust our generals in the field, as shown by experience in the past, than a board or staff, sitting here in Washington, moving them about like men on the chessboard, without any knowledge of the existing conditions and situation. I believed that our armies reached their highest efficiency in the war between the States when supreme command was given to the general in chief. I believe that in the war with Spain and in the war in the Philippines we have not suffered because of a lack of this board of general staff sitting in Washington. I believe we have reason to be proud of the record of our Army in all the wars in which it has engaged; and I can see no reason for setting aside the lessons of experience for an untried experiment, untried at least in our country and in our Army, and which I believe is contrary to the genius of our land and the genius of our military service. It would set up what might be an oligarchy in the War Department, would cripple the efficiency of forces in the field, and lead to increased jealousies, bickerings, and injustice in the Army. For these reasons, Mr. Chairman, and for many others of which they are suggestive, I trust this bill will be defeated. [Loud applause].

Mr. HAY. I now yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, the advantages of having a military staff, such as is proposed by this bill, were exemplified in the Franco-Prussian war of 1870. One of the countries engaged in that war went into the conduct of a campaign upon a specially devised plan made by a general staff which sat in the city of Berlin; the other went into that war without the preparation which it might have had had it had the privilege of enjoying the benefit of such a similar staff sitting in the city of Paris.

Mr. HEPBURN. Mr. Chairman, will the gentleman permit me to ask a question?

Mr. SLAYDEN. Certainly.

Mr. HEPBURN. I do not know, Mr. Chairman, but what I am in favor of this bill, but if I am I want to understand it. I would like to know what is meant by this language, and what would be the effect of it. The language commences on line 10, page 1:

> To render professional aid and assistance to the Secretary of War and to the general officers and other superior commanders, and to act as their agents in informing and coordinating the action of all the different officers engaged in carrying out their orders.

Will the gentleman explain what that means?

Mr. SLAYDEN. I think, in the first place, I had better refer the gentleman to the address of the Secretary of War, which he can have and probably has on his desk, for an explanation.

Mr. HEPBURN. No; I have not time to read that. I want the gentleman's explanation, if he will kindly give it.

Mr. SLAYDEN. The purpose of the staff——

Mr. HEPBURN. That is not what I am asking. I am asking about certain specific language in this bill that, to my mind, is going to result in infinite confusion. What is meant by this language here, that this general staff shall act as agents to certain general officers and other superior commanders in informing and coordinating the action of the different officers engaged in carrying out their orders?

Mr. SLAYDEN. It is to gather information and furnish it to

the authorities here in Washington, upon which to conduct a campaign or a series of campaigns; to furnish information of local conditions; of which there may be more recent and more accurate knowledge in the Department than can be had in the field.

I will say to the gentleman that I propose to offer an amendment to that part of the section covered by his inquiry, and which I believe will make it so perfectly clear that he will understand it without the necessity for further explanation, and which will prevent any possible confusion arising hereafter in the execution of the law.

Mr. HEPBURN. I would like to ask the gentleman if he thinks it is wise to provide that some other officer appointed by the agent's authority shall be invested with the power of agency for some other officer to act as the agent of that other officer?

Mr. SLAYDEN. I think so.

Mr. HEPBURN. Under what circumstances? If an officer may have an agent, does not that relieve him of responsibility, especially if that agent is appointed by somebody else than himself?

Mr. SLAYDEN. Does the gentleman refer to the bottom line of page 1?

Mr. HEPBURN. Yes; commencing at line 13.

Mr. SLAYDEN. Now, Mr. Chairman, I was about to say when the gentleman interrupted me that the efficiency of the general staff was so well illustrated by the result of the war between France and Prussia in 1870 that it can not be questioned. My friend from North Carolina [Mr. KLUTTZ] has said that in his judgment the operations of the general in the field should not be interfered with by a board of bureau officers sitting in Washington. It is not intended to take away from any general commanding in the field in the presence of the enemy the right to exercise discretion. The purpose of the staff is to provide him with all the information that it is possible to gather——

Mr. KLUTTZ. Will the gentleman yield?

Mr. SLAYDEN. In a moment—and which will enable him to better exercise that discretion. Now I will yield to the gentleman.

Mr. KLUTTZ. Will not that power be lodged in the general staff to direct him in his command in the field?

Mr. SLAYDEN. It is lodged in the President now by the Constitution, and will remain there. I know of no commanding officer, no president, no monarch, who would go against the judgment of a superior officer in command in the field and who was engaged in conducting war in the presence of an enemy.

The necessity for the bill is not very urgent at the moment, except that in time of peace we should prepare for war. But it is the consensus of opinion among military experts that the efficiency of our Army would be promoted by the enactment of such a bill; and as they are better advised on such matters than we are, and as they can not possibly have any sinister design, I am forced to believe that we ought to accept their judgment in such matters.

Objection has been raised to the consideration of the bill and its enactment by gentlemen who say that if the President has the authority to now organize such a general staff we ought not to pass this bill. I say in reply to that, Mr. Chairman, that while the President unquestionably has authority, as was admitted by the Secretary of War in his address to the committee, to establish a staff of advisers, it is desirable in such a matter that he should have the consent of the Congress of the United States. It is a tribute of respect to this body that the Executive authority should come to it and ask them to give their formal consent and approval to the scheme.

Mr. HAY. Mr. Chairman, in answer to the gentleman from Iowa, I would like to say that the provision in line 13, as I understand, is just what is done now. As I understand, every officer in the Army is the agent to inform the President and the Secretary of War about questions that they have knowledge of. The language in the bill is that the general staff shall render professional aid and assistance to the Secretary of War and that general officers and superior commanders are to act as their agents in informing them. That is done now. If a general officer has a staff, his staff officers are his agents in the different branches of the service. An inspector-general, an adjutant-general, and all the different staff officers act as agents to the general in chief to inform him and to help him to coordinate the action of all the different officers engaged in carrying out the orders of the superior officer.

Mr. HEPBURN. That is what I am trying to get at. Whose agent is the staff officer? Is he the agent of the general or the superior officer, or is he the agent of the officer carrying out their orders?

Mr. HAY. He is the agent of the Secretary of War, the President—the superior officers——

Mr. HEPBURN. Yes. Well, now, what do you do with this language?

And act as their agent in forming and coordinating the action of all the different officers engaged in carrying out their orders.

Mr. HAY. The word "agent" means the agent of the superior officer.

Mr. HEPBURN. Simply the superior officer?

Mr. HAY. Yes, sir.

Mr. HEPBURN. Then the superior officer may have an attorney in fact, but the other fellow can not have one.

Mr. HAY. Whom does the gentleman mean by the "other fellow?"

Mr. HEPBURN. Somebody who is less than the superior officer—I do not know who he may be. Of course, they are acting under superior authority. If you, as an agent, send me out as an inspector to report to you, I am acting as your agent.

Mr. SLAYDEN. The general may detail a colonel for some purpose.

Mr. HAY. Yes; the general may detail a colonel or any other officer for any purpose, and that officer is acting as his agent. That has been done ever since there was an army.

Mr. HEPBURN. The staff officer acts as agent?

Mr. HAY. Of course.

Mr. HEPBURN. He is not appointed by them. Now, suppose, as you say, that the general officer appoints a colonel, and that colonel is his agent. Now, then, this bill makes the staff officer the agent of that general officer, according to the gentleman's explanation.

Mr. HAY. I think so.

Mr. HEPBURN. So that the staff and all the rest of them are agents.

Mr. HAY. I am talking about the general staff, with which this bill deals; it only deals with them.

Mr. HEPBURN. But this general of the staff, as one of the gentlemen on your side has said, is in fact the commander in chief of the Army and will have the command of the Army. The commander in chief then becomes the agent of his subordinate.

Mr. HAY. He will not be the commander in chief of the Army unless the President makes him so.

Mr. HEPBURN. Yes.

Mr. HAY. Now, the commander in chief of the Army in the field is very different from the commander of the general staff corps.

Mr. HEPBURN. But you say that this officer becomes commander in chief when the President makes him so.

Mr. HAY. I do.

Mr. HEPBURN. Does this bill make him so?

Mr. HAY. No, sir; it does not. It makes him chief of staff.

Mr. HEPBURN. But his duties, as defined in this bill, "shall be to prepare plans for the national defense and for the mobilization of the military forces in time of war." Now, what is that except the exercise of the authority of a commander in chief?

Mr. HAY. Not at all.

Mr. HEPBURN. He has charge of the preparation of plans and the mobilization of the forces.

Mr. HAY. He may do that——

Mr. HEPBURN. Under this bill.

Mr. HAY. And yet not as commander in chief.

Mr. HEPBURN. But under this bill he does it.

Mr. HAY. But if he does it in time of war, he does it for the commander in chief in the field. He does not command the Army necessarily because he prepares plans. Plans may be prepared in the War Department now; but the plans must be acceptable, for instance, to the President.

Mr. HEPBURN. But go a little further. He is to have charge of the mobilization of the forces. Here is a general, we will suppose, out in the West, who has certain forces, and is carrying out a plan of his own. This officer (the chief of staff) is to have the power to mobilize the forces; that is, to take that force away from him and send it to another portion of the country, not by order of the commander in chief, but under the authority of this bill.

Mr. HAY. The Commander in Chief, who is the President of the United States, would not permit an officer under him to do what the gentleman says he would do. The gentleman is imagining an impossible condition. He is stating that if an officer in command of troops in the field should undertake to carry out an idea of of his own, this general of staff might take the troops away from him and send them somewhere else in time of war. That is an impossible proposition; such a thing could not happen.

Mr. HEPBURN. Does not the gentleman know that that is the complaint to-day? The gentleman from New York [Mr. MCCLELLAN] will not say that it is an impossible condition. Is it not a fact that it has been claimed hundreds of times that an army corps that was to be a part, and was a part, of the army of McClellan—the Army of the Potomac—was taken away from him by a chief of staff here in the city of Washington?

Mr. HAY. There was not any such thing as a chief of staff here in Washington.

Mr. HEPBURN. There was in fact, although there was not

in name. General Halleck, up to the time that General Grant took command in chief of the Army, served as a chief of staff here in Washington, doing just what it is proposed this chief of staff shall do, viz, making plans for the general defense and the mobilizing the forces of the United States.

Mr. HAY. The gentleman knows as well as I do that at that time General Halleck was in command of the Army.

Mr. HEPBURN. Yes; but he was simply here as a chief of staff.

Mr. HAY. Well, the gentleman may call him what he please.

Mr. HEPBURN. That is what the gentleman called him, but that is the fact—that he performed the same office that this chief of staff will perform here in the city of Washington.

Mr. HAY. Not at all. He can perform only such duties as are assigned to him by the President of the United States, and if he undertook to do a thing of the sort of which the gentleman has spoken, the President would not permit it.

Mr. MCCLELLAN. Will the gentleman yield for a moment?

Mr. HAY. Certainly.

Mr. MCCLELLAN. Is it not a fact that the chief of general staff can be assigned to command the field army?

Mr. HAY. Unquestionably.

Mr. HEPBURN. Will the gentleman permit a moment?

Mr. HAY. Very well.

Mr. HEPBURN. I find this confusion in the bill: In section 4 there is the following: "That the chief of staff, under the direction of the President and Secretary of War, shall have supervision of all troops of the line," etc. In section 2, beginning on line 6, I find "That the duties of the general staff corps shall be to prepare plans for the national defense and for the mobilization of the military forces in time of war," not as the aid to the President, not under his direction, but by virtue of the authority of this statute which it is proposed we shall enact, giving him this power of preparing plans and mobilizing forces.

Mr. HAY. I would ask the gentleman if preparing plans for national defense and preparing plans for mobilization is giving orders for the defense and for mobilization? The gentleman wrests from its meaning the language of the bill. He is preparing plans for doing something; he is not ordering something to be done, and in the section to which the gentleman has referred it is provided that the chief of staff must do all these things under the direction of the President and the Secretary of War. Now, there is no question about the fact that it is necessary that there should be a general staff. I am as much opposed as is the gentleman from North Carolina [Mr. KLUTTZ] to a little board here in Washington undertaking to control a battle. That is impossible. Everybody knows that when any general or admiral fights a battle he does not wait to get a telegraphic order from Washington to put this regiment or that battalion in here or there, or to put that ship in that position or this ship in another position. He has to take the responsibility in the field or on the water at the time, and this bill does not affect in any way the power which a general in the field would have during war.

Now, I believe that the several staff corps have done their duty as far as they could do it in our Army. I believe that they are men of high ability and that they will continue to be; but I agree with my friend from New York [Mr. MCCLELLAN] that there ought to be some person somewhere upon whom the people of this country and the Congress could lay their hands when disastrous mistakes are made, as they have been made heretofore. For that reason and others which I gave yesterday I am in favor of this bill, and I trust that the members will vote for it, because it is a very great stride in the interest of the efficiency of the Army.

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] was recognized for thirty minutes. He has twenty-seven minutes remaining.

Mr. HULL. Does the gentleman from Virginia desire any more time?

Mr. HAY. I do not know of anybody who desires to speak.

Mr. HULL. Then I yield five minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER. Mr. Chairman, I do not want to detain the committee long in making explanation of this bill. It has been pruned down until it has received the unanimous voice of the committee. Nor, indeed, after all that pruning will I say to the gentleman from Iowa [Mr. HEPBURN] that there is no word in it which can not be criticised. Nevertheless, it may be fairly said to the gentleman from Iowa in discussing at this stage of the debate not the particular words of any section, but the general purpose of the bill, that its purpose can not be objected to. It provides means to inform the Government as to what may be done, or appoints officers for information, for staff duty, for coordination of the various departments. It does not interfere with the management of the armies in the field.

The gentleman from Iowa [Mr. HULL] rightly pointed out that this is not the duty of a chief of staff. It is true that a chief of staff, during our greatest war, did interfere with the movements of our greatest commander until he was called down by the President and told that his duties were those of information to the Commander in Chief and not the issuing of orders on his own account.

This bill is carefully guarded in that respect. By its terms the duties of the general staff are, first, "to prepare plans for the national defense and for the mobilization of the military forces in time of war." Thus, by the bill, the general staff is not to execute plans, but to prepare plans, and the Secretary of War says that they should be alternative plans, that many plans should be submitted to the President, or to the general in command of a particular expedition. The Secretary of War in the hearings said distinctly that if those plans should be approved by the general in command of the expedition, the general would follow them. If they should not be approved, he would not follow them.

The duties of this general staff by this bill are, further, "to investigate and report upon all questions affecting the efficiency of the Army and its state of preparation for military operations." They are to investigate and report—to give information as to where troops can be obtained, whence we can safely call them, how we can safely and well transport them, how we can supply them, how we can get the Transportation Department and the Medical Department and the Subsistence Department to work together, where we shall get our officers, and where we shall get our men. The staff is to investigate and report, and, again, "to render professional aid and assistance to the Secretary of War and to general officers and other superior commanders." They are thus at the service of the Secretary of War, to assist him in the duties of his Department.

Mr. STEELE. Mr. Chairman——

Mr. PARKER. I should like to be allowed to go on for a little while, and then I shall be very glad to yield to the gentleman, if he wishes me to.

They are to render professional aid. It is the aid now given by an assistant adjutant-general when he is assigned and sent to a general in command. It is the aid now rendered by an assistant inspector-general when he is sent to a general in command. He is under the authority of that general. He renders aid and assistance. Thus the members of the general staff, under the bill, will "render professional aid and assistance to the Secretary of War and to general officers and other superior commanders, and act as their agents," not in any one department, but "in informing and coordinating the action of all the different officers engaged in carrying out their orders." We have agents now to inform and assist in the same way. We have engineer officers, who inform and assist the various commanders, and we have ordnance officers and those in the Adjutant-General's Department. We have assistant inspectors-general, we have a staff under the Surgeon-General. They serve under the various commanders and inform and assist them, as provided for in this bill, but they do not coordinate.

The time of Mr. PARKER having expired, Mr. HULL yielded to him five minutes more, and he continued, as follows:

Mr. PARKER. Now, our great Secretary of War has explained what our difficulty was. When the war with Spain took place we had various departments. We attempted to assemble and send troops. When we wanted to get troops, we wanted to know where we would get them, from what post they could be got, from what States they could be obtained, in what condition of efficiency they would be, where they were to be sent, how they should be sent, by what vessels they should be transported, what vessels we had at our disposal. The reports on all those subjects came in from five separate departments to the Secretary of War, who all alone had to go over those reports and find out for himself what plan was feasible, where troops should go, and how they should be provisioned.

The Adjutant-General could not order the Subsistence Department to send supplies to any particular place. The Adjutant-General had to report to the Secretary of War. The Subsistence Department could not find out where troops were going except by applying to the Secretary of War. All those various reports, from all those different departments, coming to one man, overwhelmed him with work, so that sometimes orders having been issued for troops to go to one place, and those orders being subsequently changed, the subsistence went to the wrong place. There was no body of men to coordinate the work, to go over what had been done and find out what had to be done in order to make the different departments work in harmony, and to submit to the Secretary of War general plans covering all the different branches of the maintenance and transportation of troops, and the orders to go to the Army, so that the Secretary of War could act upon the plans as a whole instead of having to act on all the details that came to him, and which overwhelmed his office.

Mr. STEELE. I want to ask what becomes of the Adjutant-General in all this discussion? We had an Adjutant-General during the Spanish war, who could give all the information, and did it, more promptly than any Adjutant-General we ever had before.

Mr. PARKER. That is true. The Adjutant-General had to take upon himself in the work of preparation much more than the duties of his own department, to assume responsibilities as to coordinating the work, and sometimes to assume and take upon himself practically the functions of commander in chief of this Army under the direction of the Secretary of War, and subject to that direction and that of the President it may almost be said that he practically became commander in chief here in Washington of this Army.

Mr. STEELE. And now you are going to deprive him of that.

Mr. PARKER. Not at all; but the Commander in Chief of the Army is the President. He is entitled to the information from these various departments, so boiled down and condensed that he can act upon it.

This can only be done by the aid of a body of trained men whose duty is to do this, which we now call a general staff. What is more, the President needs their services and opinions as to the situation and the various possibilities that will arise.

The Secretary of War states this well. He said that in giving an order for a campaign the officer must do very much more than merely dictating it to a stenographer. He must have information, and know the fortifications and the forces to be met.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL. I yield five minutes more to the gentleman from New Jersey.

Mr. PARKER. He must know the armament and equipment of those forces, the best points of landing, the depth of harbors, the class of vessels needed, the character of the roads, the climate, the sympathies of the people, the means of transportation, what can be got and what can be used, what food can be found, and what diseases there may be met with. Now, this complete information is not in possession of any one department. This body, this general staff, is to get together that information and furnish it to him so that he can act upon it. In framing his orders all these details are conditions on which the orders are based, but neither the commanding general nor the President in the rush of business can go over and dig out all these facts and determine which shall be done. It is therefore made the duty of the general staff to do this, to place these facts in concise form, and prepare alternative plans which will present the advantages and the disadvantages of each so that the President can act upon them.

At the other end of the line the officer in command must know what his resources are, what troops he can get, what transportation, what medical staff, and what material of war. He must have definite information.

Now, this is the information which the general staff are to get; and then they have to act under the Commander in Chief and see that the thousands of men work together. Somebody must see that ships shall meet the troops and supplies and see that there is transportation to get them to the place, and some one else to provide for them when they get there. Thus there are these two great duties of the general staff: First, to acquire the information and arrange it so that an order can be intelligently made; and, second, when it has been made, not to command, but to exercise supervision, inform and advise all the different persons in command and all the members of the various departments, so that they shall work together in doing that work, reporting meanwhile to headquarters, so that the Government can find what has been done. These are the duties of the general staff.

The whole civilized world has found out that a general staff is an absolute necessity. In this country we started under Washington with an Adjutant-General and an Inspector-General. The latter had many more duties than mere inspection. Steuben gave us in our Army our tactics as we first established them, and arranged the organization of a large part of its service. No one man can do this now. In a great nation, such as we have, and a great army, such a we have, the general staff is needed to furnish this information to the Secretary of War.

Mr. STEELE. What becomes of the Adjutant-General?

Mr. PARKER. All the departments have their duties. The other different departments—of transportation and subsistence—are just as important as that which orders where the troops shall go. The Adjutant-General, the Commissary-General, the Quartermaster-General, the head of the Subsistence Department, the Surgeon-General will all report, as they do now, to the Secretary of War, but their reports will be supervised and gone over by the general staff, not in order to command, but for the purpose of seeing whether the various departments are consistent in their action and whether the Army will act as one solid body to do its work and not, alas, as we have seen it act in too many cases, when—in the beginning of the civil war and of the Spanish war—it was without intelligent supervision, because although it had an intelligent head in the great Commander in Chief that has gone from us, that one head found it impossible to do all the work put upon him.

To give him aid which will enable him to do this work is the object of this bill.

Under the leave to extend my remarks, I beg to print an extract from the statement of the Secretary of War to which I have referred and which should have a wider circulation than in the few copies printed for the committee.

Statement of Hon. Elihu Root, Secretary of War.

Mr. ROOT. Mr. Chairman and gentlemen, this bill covers but a single subject, and has but a single purpose. It is the establishment of a general staff corps, to be composed of officers detailed from the Army at large, under such rules as may be prescribed by the President.

The duties of the proposed general staff corps are described in the bill as follows:

"To prepare plans for the national defense and for the mobilization of the military forces in time of war; to investigate and report upon all questions affecting the efficiency of the Army and its state of preparation for military operations; to render professional aid and assistance to the Secretary of War and to general officers and other superior commanders, and to act as their agents in informing and coordinating the acts of all the different officers engaged in carrying out their orders, and to perform such other duties as may be from time to time prescribed by the President."

* * * * * * *

A portion of the members of the corps would be stationed in Washington to conduct the general business falling under the heads enumerated in the description of duties which I have already read, and a portion of them, the larger portion of them, would be assigned to the different departments to serve under the command of the different commanders, but maintaining their relations to the general staff corps and reporting to the chief of staff in Washington, very much as the assistant inspectors-general now report to the Inspector-General, with the difference that the chief of staff and his assistants in Washington would be charged with advising the President or the Secretary of War of the matters in regard to which the reports showed action ought to be taken, and, under the direction of the President or the Secretary of War, seeing to it that those matters received attention.

Let me call your attention for a moment to the reason for asking you to authorize the formation of such a body of officers. We have an Army excellent in its personnel, not surpassed, I believe, anywhere in the intelligence, capacity, and devotion to duty of its enlisted men and its officers. We have the various departments of administration organized each within itself and well enough organized for the performance of its specific duties, and we have at the head of those departments men of capacity and fidelity. The Quartermaster's Department is engaged faithfully and efficiently in conducting the transportation of the Army, in supplying clothing and forage and doing construction work and a great variety of other duties. The Subsistence Department is engaged, with ability and fidelity, in furnishing the food of the Army. The Signal Corps is in like manner and with conspicuous ability performing the duties of maintaining communications, building telegraph lines and operating them, and training men to do signal work.

I can go through the different branches of administration and make the same statements regarding each particular corps, department, and bureau organization. We have a nation with great wealth, willing to spend its money freely for the procurement of arms and munitions of war and supplies of all kinds. Nevertheless, no one can fail to see that there has been in the past in the administration of the Army something which was out of joint. It is not necessary for me to go into the specification of details, for every one of us knows that whenever an exigency has come, confusion has come, and that confusion, while it is not so prominent, while it does not attract public attention to such a degree as in the days when the newspapers were full of scare headlines about the condition of affairs at Tampa, nevertheless exists in the yearly and daily transactions of the business of the War Department. The confusion comes from the fact that our organization is weak at the top. It does not make adequate provision for a directing and coordinating control. It does not make provision for an adequate force to see that these different branches of the administrative staff and the different branches of the line pull together, so that the work of each one will fit in with the work of every other one, and bring out the result which always has to be the result of the conspiring of a great number of people doing a great number of duties.

While I say that the organization is weak at the top, I am not criticising anyone at the top. It is weak at the top because the system is defective, because there is a distribution of powers, and no coordination of the exercise of powers provided for in the system. That coordination can not be done by any one man. It is a vast and difficult work which can be done only by a body of men organized for that purpose and having no other duties to perform, and in all the armies of the civilized world that duty is, and during all our lifetime has been, performed by a body of men who have come to be called a general staff—to be called a general staff because their duties are staff duties and because their duties are general, pertaining to the general conduct of affairs, and not merely to the work of the Quartermaster's Department, as General Ludington's duties are; not merely to the work of the Ordnance Department, as General Crozier's duties are, but pertaining to the entire work.

Let me go into illustration a little. Suppose a military expedition is proposed—the legislative and executive branches of the Government have determined that a particular object shall be accomplished by means of a military expedition. Put ourselves back in the situation that existed in the spring of 1898, and suppose that we are now in the month of April, 1898. An expedition is proposed in the course of the war with Spain to land in the island of Cuba and capture Habana. Now, it is manifest that the expedition can not be made successful except by the conspiring efforts of every branch of Army administration. The President, or the general who is called in by the President to direct the conduct of military operations, proposes to make an order which shall govern the conduct of that expedition. It is a perfectly easy thing to make an order directing 25,000, 50,000, or 100,000 men to proceed to Cuba and to capture Habana.

That is easy, but in order that an order shall be made which has some chance of being executed, the officer making the order must do a great deal more than simply dictating it to a stenographer or signing it on paper. In the first place, he must acquire a vast amount of definite and certain knowledge. He must know what the fortifications are which those troops have to overcome. He must know what is the force they are to meet, and how that force is armed and equipped, in order to send the right kind of forces with the right kind of arms to overcome them. He must know at what point this expedition can best land on the coast of Cuba in order to reach Habana. In order to know that he must know the depth of the harbors. He must know what class of vessels can enter the various harbors along the coast. He must know how those harbors are protected. He must know the character of the country between the different harbors and Habana and the character of the roads. He must know what the climate is likely to be at the time for which the expedition is proposed, whether they are to meet torrential storms or whether they are to meet droughts. He must know what the sympathies and feelings of the people are, whether they are friendly or hostile. He must know what the facilities for transportation are, whether they can get horses or mules, or carts or wagons, the facilities for transporting the impedimenta

of an army during the passage from the port of landing to the objective point. He must know what the facilities for subsisting an army are, what food they can get. He must know what the probable diseases are to be guarded against. He must know these things in order to regulate the points where the troops are to land, and in order to determine what the army must take with it to enable it to move and to live and to be ready to fight when they get to the objective point. How is he to get that information?

It is not the business of the Quartermaster's Department, or the Ordnance Department, or the Inspector-General's Department, or the Subsistence Department, or any other branch of our administrative staff to furnish it to him. It is the business of the body of men who are known in the civilized world as a general staff to obtain that information, and to obtain that information requires not the flare of intelligence for a moment, but long-continued, persistent action. It must be collected year by year, so that it will be ready at hand when the exigency requires it to be ready.

In endeavoring to frame an order of that kind there will doubtless be alternative propositions for landing at this point or that, or taking this route or some other route, with a great variety of facts bearing upon the different propositions, some advantages and some disadvantages in each. No general, no President who is charged with the general conduct of so great a business as the direction of a military expedition and the direction of military affairs generally, can take the time to go over and dig out all of the specific facts bearing upon each of these alternative propositions. It is the well-understood duty of the general staff to prepare plans for the conduct of the expedition upon each of the different alternative courses, and to array and present in concise form the advantages and disadvantages of each, so that when they come to the President or to the general, who is burdened with ten thousand things, he can at a glance see what are the advantages and disadvantages and make his determination.

Then, at the other end of the line, that the order made for the conduct of the expedition shall be made intelligently and that it may be possible to execute it, the officer making it must know what are the resources at his command. He must know what troops can be sent upon the expedition, and to know that he must know from whence they are to be drawn, and he must know what are the other uses for which troops may be required, what points ought not to be left undefended, and what other duties there are for them to perform. He must know what should be the relative proportion of the different branches of the service in the expedition. He must know what supply of arms and ammunition, of clothing, of horses, mules, and wagons for transportation, what supplies of medical stores, what supplies of engineer material, what ships for transportation, what lighters, barges, and pontoons there are. He must have definite information as to all the different kinds—the multitudinous kinds—of materials necessary to make the expedition a success, and he must know where those things are and where they are to come from. If, as is almost certain to be the case in a country where war is never expected, there are deficiencies in some respects, he must know how long it is going to take to supply those deficiencies. Otherwise his order will find his troops moving without the material necessary to give them success.

Now, the information upon all that it is the business of a general staff to provide, in order that the officer who makes the order may make it and shape it, and arrange the movement so that it will conform to the means that we have at hand, or that we can get to meet the requirements of success at the other end of the line. Then the order is made and made intelligently, made so that it can be successful, made so that only courage and nerve and intelligence in the conduct of the operations are needed to make it successful.

Then comes the further duty of the general staff. That is to see that all the thousands of men whose work must conspire to the successful conduct of the expedition and the successful execution of the order work together. No one man can do that. Somebody must see that when troops are ordered to a port of departure the terminal facilities of the railroads by which they are to go are sufficient to land them there, are sufficient to land their supplies there; that when they get there the ships that are to transport them shall meet them; that the supplies when they get there shall get there in such a way that they can be found; that as the different organizations go there somebody will be at hand to tell them where they are to go and what they are to do, so that each organization will have its place, the ship that it is to embark upon assigned to it, so that the clothes which the Quartermaster-General is to furnish and the flour and bacon which the Commissary-General is to furnish will get to the proper place in time for the same expedition and will get there when the men get there and when the ships get there and all can move together.

Those are the two great duties of the general staff—first, to acquire information and arrange it and fit it into all the possible plans of operation, so that an order can be intelligently made, and, second, when the order has been made, to exercise constant supervision that does not mean command, but to inform and advise all the different persons who must conspire to the execution of the order of how every other one is going on with his work. It is because we have never had in the American Army a body of men charged with that sole duty that we have seen the great confusion that existed at the time of the civil war and at the outbreak of the war with Spain. A very careful study of the conditions that existed in the spring of 1898 has led me to the conclusion that there never was a more faithful and devoted set of men than were engaged in our administrative staff departments at that time, every man doing his very best, with capacity and with devotion to duty in the performance of his particular work; but there was no adequate force to see that their work went pari passu. That same thing exists to-day in the peace work of the Army. It exists in the preparations that we are making—men doing work of the highest character hindered, delayed, obstructed, having the efficiency of their work decreased for the lack of some one to see that they move together and that one does not have to wait for the other until his opportunity to do the work has passed.

* * * * * * * *

I say to you gentlemen that if we should go to war to-morrow you would find the same kind of confusion which existed at Tampa, and if you do not learn to act upon the lesson that we have had furnished to us by our past experience, whenever we go to war the same kind of confusion will exist; it will cost many thousands of lives and many millions of dollars, and it may cause humiliating defeat.

The waste of money that is involved in having all the different branches of effort under the War Department go on, each by itself, without any coordinating force except the single civilian Secretary of War, is enormous. It is not the business of the Commissary-General to determine what the movement of troops is to be. It is his business to see that they are supplied. Who is to tell him how much bacon, how much flour, how much beef are to be sent across the Pacific, or to the West Indies, or to Alaska, or to any portion of this great country? Who is to give him that information?

It is the business of a coordinating body, commonly known as the general staff, to see that the views of the military authorities who are carrying out the plans of the President—that is, the commanding officers who are carrying out the plans of the President regarding the future movements of troops—are communicated, or their result is communicated to the commissary-general, instead of doing as we have done many a time, having great quantities of provisions sent to places where, with the best information he could get, they would be needed, and finding that the troops had gone somewhere else, and the provisions would have to be ordered back or be lost. It is the same with all branches of supply, that the particular department dealing with the particular kind of supply is obliged, because there is no adequate informing body, to oversupply in order to guard against contingencies.

Mr. HULL. Does the gentleman from Virginia or the gentleman from Texas desire any more time?

Mr. McCLELLAN. Will the gentleman from Iowa yield to me for a moment, so that I may ask unanimous consent to extend my remarks in the RECORD?

Mr. HULL. I ask unanimous consent that all who have spoken on the subject be authorized to extend their remarks in the RECORD.

The CHAIRMAN. The Chair is of the opinion that would be out of order in committee.

Mr. HULL. I will make that request in the House.

Mr. Chairman, I am not disposed to take up the time of the committee this morning, as I expressed myself fully yesterday, but I do want to say that the contention that this proposition is unnecessary has to my mind no force whatever. I believe it is necessary, for the reason that while the President of the United States can detail officers of the Army to do any specific duty, it does require an act of Congress to give to the body as a whole the effect of law and give them the power to be of benefit to the Army and its organization. There has been some talk here as to the power of Halleck and his chief of staff. There was no law authorizing the appointment of Halleck. There was a general power in the President as Commander in Chief to call to his aid officers on whose advice he would rely and whose suggestions he might carry out. Halleck, himself a general, formulated the war policy on the side of the Union for the first year and a half of the war. The President can do that under this bill, so that that can not be an objection to the bill.

This bill goes further than that. It goes to the extent of creating a trained body of men, not one man, trained in the different branches of the Army, to go over all the different departments and make their investigations and report to the Secretary of War or the President their conclusions as a whole, giving all the details and giving their reasons for their plans and suggestions. To my mind it will destroy the possibility of another Halleck in this country and to my mind that of itself is sufficient to justify the passage of the bill.

There is another thing, Mr. Chairman. There has been talk as to the Adjutant-General's power. It leaves the Adjutant-General with his office; but he never had the training, he never had the experience, he never had the advice, he never had the authority over any of the other bureaus of the War Department. He was not the commander in chief, with all due deference to my friend from New Jersey [Mr. PARKER]. He was the man who formulated the orders of the Commander in Chief; the President gave the orders, or the Secretary of War gave the orders, and every order issued by the Adjutant-General was issued through the authority and by the direction of the President or the Secretary of War.

This chief of staff, as has been said by the gentleman from Texas [Mr. SLAYDEN] and others, does not issue the orders; he coordinates all this information, gives it to the proper authority, and orders are issued by the Commander in Chief, so that it seems to me there is no objection to this bill and there can be no criticism of it on the ground of expenditure. It does not increase the Army by a single man; it does not increase the number of officers in the Army, but it simply goes to the good administration of affairs, and to that alone. Now, Mr. Chairman, that is all I care to say, and I ask for the reading of the bill under the five-minute rule.

The CHAIRMAN. If there is no other gentleman who desires to be heard, the Clerk will proceed with the reading of the bill.

The Clerk proceeded with the reading of the bill, and read as follows:

SEC. 2. That the duties of the general staff corps shall be to prepare plans for the national defense and for the mobilization of the military forces in time of war; to investigate and report upon all questions affecting the efficiency of the Army and its state of preparation for military operations; to render professional aid and assistance to the Secretary of War and to general officers and other superior commanders, and to act as their agents in informing and coordinating the action of all the different officers engaged in carrying out their orders; and to perform such other duties as may be from time to time prescribed by the President.

Mr. SLAYDEN. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend section 2, page 2, by striking out the words "engaged in carrying out their orders," which occur in lines 1 and 2, and insert in place thereof the words "who are subject under terms of this act to supervision of the chief of staff," and by inserting after the word "duties," in line 2, the words "not otherwise assigned by law."

Mr. PARKER. Mr. Chairman, I would like to have that read as it will be when amended.

The CHAIRMAN. The Clerk will read the paragraph as it will read when amended.

The Clerk read as follows:

To render professional aid and assistance to the Secretary of War and to general officers and other superior commanders, and to act as their agents in informing and coordinating the action of all the different officers who are subject under the terms of this act to the supervision of the chief of staff; and to perform such other duties not otherwise assigned by law as may be from time to time prescribed by the President.

Mr. McCLELLAN. Mr. Chairman, I have an amendment to the amendment.

The Clerk read as follows:

Insert before the word "duties," in line 2, page 2, the word "military;" so that it will read "military duties."

Mr. SLAYDEN. I do not object to that.

Mr. HULL. Mr. Chairman, I did not quite catch the whole of the amendment offered by the gentleman from Texas.

Mr. SLAYDEN. My amendment is to strike out the words, in lines 1 and 2 at the top of the page, "engaged in carrying out their office," and insert in place thereof the words "who are subject under the terms of this act to the supervision of the chief of staff."

The CHAIRMAN. Without objection, the amendment offered by the gentleman from New York to the amendment of the gentleman from Texas will be considered as agreed to.

There was no objection.

The question was then taken on the amendment offered by Mr. SLAYDEN as amended, and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 3. That the general staff corps shall consist of 1 chief of staff of the Army, with the rank, pay, and allowances of a lieutenant-general, 1 major-general, and 1 brigadier-general, to be detailed by the President from officers of the Army at large not below the grade of brigadier-general, and who while so serving shall have the rank, pay, and allowances of the grade to which detailed; 4 colonels, 6 lieutenant-colonels, and 12 majors, to be detailed from the corresponding grades in the Army at large, under such rules for selection as the President may prescribe; 20 captains, mounted, to be detailed from officers of the Army at large of the grades of captain or first lieutenant, who while so serving shall have the rank, pay, and allowances of captain mounted. All officers detailed in the general staff corps shall be detailed therein for periods of four years, unless sooner relieved. While serving in the general staff corps, officers may be temporarily assigned to duty with any branch of the Army. Upon being relieved from duty in the general staff corps, officers shall return to the branch of the Army in which they hold permanent commission, and no officer except a general officer shall be eligible to a further detail in the general staff corps until he shall have served two years with the branch of the Army in which commissioned, except in case of emergency in time of war.

The following committee amendments were considered and agreed to:

Section 3, page 2, line 3, strike out, beginning with the word "that," down to and including the word "detailed," in line 9, and insert in lieu thereof the following:

"That the general staff corps shall consist of one chief of staff and two general officers, all to be detailed by the President from officers of the Army at large not below the grade of brigadier-general."

In line 13, page 2, strike out the word "mounted."

Mr. McCLELLAN. Mr. Chairman, I have a further amendment.

The Clerk read as follows:

Strike out, in line 21, page 2, the words "detailed therein" and insert the following: "graduates of the War College and shall be detailed in the general staff corps."

Mr. McCLELLAN. Mr. Chairman, the purpose of this amendment is perfectly evident. It is to restrict the assignments in the general staff to the graduates of the War College.

Mr. DINSMORE. Mr. Chairman, I do not wish to mar my friend's amendment by any suggestion of my own without consulting him. I would like to ask him if he does not think it would be well to insert in addition to graduates from the War College "or some reputable school of medicine?"

Mr. McCLELLAN. I agree with the gentleman. A diploma from a reputable school of medicine is unquestionably to-day one of the chief requirements for high command in the line of the Army. [Laughter.]

Mr. DINSMORE. So my friend recognizes the theory.

Mr. McCLELLAN. I certainly do. I know the War College has not as yet been fully organized, but we are informed that it will be in a short time, and will be in operation as soon as its building is completed.

The general staff can very well wait for a year or eighteen months, until enough officers have been graduated from the War College to fit them for service in the staff. Restricting service in the staff to graduates of the War College will, to a certain degree at least, prevent the assignment of officers to the general staff for no reason whatever excepting political influence. The curse of the United States Army to-day is the fact that very few officers can obtain assignments to the so-called staff department unless there is political influence behind them. This will be prevented by the amendment I offer.

Mr. HULL. Mr. Chairman, it seems to me the amendment of the gentleman from New York [Mr. McCLELLAN] is utterly unnecessary and at this time entirely improper. The construction of the buildings of the War College has not even begun; not even the first stone has been laid. It will take some considerable time certainly, if anything like an adequate course of instruction is to be established, to graduate men; and it seems to me that in this case it is a reflection on the President and the Secretary of War to assume that if they can get men of greater education, greater ability for this important duty of coordinating all the great branches of the Army and giving information to be used in time of war, they should be limited——

Mr. McCLELLAN. What is the purpose of the War College?

Mr. HULL. It is, as I understand, to give post-graduate courses to officers; and even when we have any post graduates there—when we have men who are qualified for this position—it seems to me it would be at least fair to assume that for this place, which carries no additional rank or compensation, but does impose additional work, the Secretary of War and the President should be left free to exercise their judgment in this matter. I submit that this would not be a wise amendment even if we had the college now in operation; and without the college in operation, with years to come before we can have a post-graduate class graduated there, it seems to me this House would be foolish to tie the hands of the President in this way and adopt such an amendment as this.

There is one other consideration, just suggested to me by the gentleman from New Jersey [Mr. PARKER]. Service in the field is worth something in many branches of this business. In many particulars service in the field is worth more to a member of an advisory board of this character than war-college experience. Under this amendment you would cut out every man, no matter how great may have been his service in the field, unless he happened to have gone through the War College. Let the President have some discretion in the selection of the board; let him at least have the right to select the best men, whether they be graduates of the War College or not. I hope the amendment will be voted down.

The question being taken on the amendment of Mr. McCLELLAN, it was rejected.

The Clerk read as follows:

SEC. 4. That the chief of staff, under the direction of the President and Secretary of War, shall have supervision of all troops of the line and of the several administrative staff and supply departments, and shall perform such other duties as may be assigned to him by the President and Secretary of War. Duties now prescribed by statute for the Commanding General of the Army as a member of the Board of Ordnance and Fortification and of the Board of Commissioners of the Soldiers' Home shall be performed by the chief of staff or other officer designated by the President. Acts and parts of acts authorizing aids-de-camp and military secretaries shall not apply to general officers of the general staff corps.

The amendment reported by the committee was read, as follows:

In lines 5 and 6, section 4, page 3, strike out the words "several administrative staff and supply departments" and insert in lieu thereof the words "Adjutant-General's, Inspector-General's, Judge-Advocate's, Quartermaster's, Subsistence, Medical, Pay, and Ordnance departments, the Corps of Engineers, and the Signal Corps."

The CHAIRMAN. The question is on the adoption of the amendment reported by the committee.

Mr. FITZGERALD. I wish to ask the chairman of the committee whether all the administrative departments of the War Department are included here.

Mr. HULL. They are all included here except the Record and Pension Bureau.

Mr. FITZGERALD. Why has an exception been made in that case?

Mr. HULL. For the simple reason that it is an office which has no military duties to perform. It has charge of records, and has been kept up in such a way that to-day you can get an answer to a letter in a few hours, whereas under the old military system you had to wait sometimes six months.

Mr. FITZGERALD. Are there any military officers detailed for service in that Bureau?

Mr. HULL. Yes.

Mr. FITZGERALD. The gentleman has said that there are no military duties to be performed there; still it seems that it supplies places to take care of somebody.

Mr. HULL. The head of the Record and Pension Bureau is purely an executive officer. General Ainsworth was appointed a brigadier-general under an act of Congress creating that office. His efficiency was so great that immediately on the passage of the act his name was sent to the Senate and his nomination confirmed.

Mr. FITZGERALD. Is it not a fact that these duties were formerly performed under one so-called staff department most inefficiently?

Mr. HULL. Yes, sir.

Mr. FITZGERALD. And the performance of those duties was taken away from that department because of that fact?

Mr. HULL. Because——

Mr. FITZGERALD. I am not reflecting upon the head of that office; but it seems a peculiar thing that but one of these bureaus should be excepted. The gentleman himself says that there are no military duties to be performed in that Bureau.

Mr. HULL. I will say to the gentleman that there is not any comparison between this office and the other corps put under the chief of staff, because it is just the one line of work—the care of the records, the arrangement of the work of an office, so that you can get your information at once. It has nothing to do with war. It comes in more after a war, getting matters in shape, and I hardly think the gentleman wants that included.

The CHAIRMAN. The question is on the adoption of the committee amendment.

The amendment was agreed to.

Mr. SLAYDEN. Mr. Chairman, I offer the following amendment, which I will send to the desk and ask to have read.

The Clerk read as follows:

Amend section 4, page 3, by inserting after the word "duties," in line 12 the words "not otherwise assigned by law."

Mr. McCLELLAN. Mr. Chairman, I offer as an amendment to the amendment to insert the word "military" after the word "other;" so that it will read, "and shall perform such other military duties," etc.

The CHAIRMAN. Without objection, the amendment of the gentleman from Texas will be considered as amended as suggested by the gentleman from New York. The Chair hears no objection. The question is on the adoption of the amendment as recommended.

The question was taken, and the amendment was agreed to.

Mr. WARNER. Mr. Chairman, I offer the following amendment, which I will send to the desk and ask to have read.

The Clerk read as follows:

Amend by striking out the words "and Secretary of War" wherever they appear in section 4 of the bill.

Mr. WARNER. Mr. Chairman, the section provides that the chief of staff, under the direction of the President and Secretary of War, shall have supervision, etc., in lines 6 and 7, and again in lines 12 and 13, providing that the chief of staff shall perform such other duties as may be assigned to him by the President and the Secretary of War. Mr. Chairman, if that section means anything it means that the two officers must act jointly as Commander in Chief of the United States Army, so far as this chief of staff is concerned. I think it is unwise. The answer to that is that the Secretary of War will never differ with the President; that if he will not agree with him, then the President can ask for his resignation. It might be possible, in the course of events, that we would have a gentleman as Secretary of War who would be unwilling to assume the responsibility of agreeing with the President on some measure that he might order or direct in relation to the Army, and, rather than be held responsible for some action he deemed unwise, he would tender his resignation.

Then, if this should be the law, the President would have to wait and the Army would have to be stayed until the President could fish around and find some gentleman to appoint Secretary of War who would agree with him. I do not think it should be double-headed. There might be a time, if you are going to have more than one person act as commander in chief of the Army, where it would be better to have three, so that in case there is a vote there will be a majority and there can not possibly be a tie. Therefore I think the words "and Secretary of War" should be stricken out entirely in this section, and that it should be left with the President alone, where it belongs. While I propose to vote for this bill, its chief merit, in my opinion, is that it does not amount to anything. [Laughter.] It will provide some pleasant and not injurious amusement for some young gentlemen during times of peace, but the moment that a war breaks out—a real war, where the fate of the nation is to be decided—and some man comes forward to win our victories and save our existence, like Grant or Lee, these gentlemen will be wiped off the chessboard and we will never hear of them again during that war. I think that the words "and Secretary of War" should be stricken out of the bill, and that we should leave the President Commander in Chief of the Army, as he now is. [Applause].

Mr. HULL. Mr. Chairman, I have no objection on earth to the amendment. I regard the bill as practically the same, whether the amendment is adopted or not, so that I have no objection to that. But I do object to the gentleman's conclusions. I want to say to him that in the case of another great war this chief-of-staff board will make it possible for such men as Grant and Lee, or any of the great military geniuses who may serve their country in the future, to more efficiently discharge their duties and win victories more rapidly than they could under the old conditions, where they had to create and build up. They will find everything ready at hand to take the material and move on to victory, in place of spending two years and more, as our Union generals had to do in the civil war, to organize for the victories that followed in the later years.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The Clerk read as follows:

SEC. 5. That inspections of troops necessary to insure their discipline, instruction, efficiency, and welfare shall habitually be made by the general or other officer under whose command they are. Inspections of the Army at large, which may be necessary from time to time to determine its efficiency in whole or in part, particularly as to equipment, discipline, and instruction, shall be made by officers of the general staff corps. The inspection of money accounts heretofore made by officers of the Inspector-General's Department shall be transferred, as soon as practicable, to the Treasury Department, and thereafter such inspections shall be made by expert accountants of that Department at such intervals as the Secretary of the Treasury may deem necessary: *Provided*, That the Secretary of War is authorized to establish such regulations as may be necessary for the disposition of unserviceable and useless articles or public property heretofore acted upon by the Inspector-General's Department.

With the following committee amendment:

Strike out all of section 5.

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. That officers holding permanent commissions in the Inspector-General's Department may be detailed as above provided to duty in the general staff corps or to any other duty which the interest of the service may require, and they shall be eligible to detail, irrespective of rank, to any grade in the general staff corps. Officers serving by detail in the Inspector-General's Department not selected for detail in the general staff corps or other staff department shall be relieved and returned to duty with the branch of the Army to which they permanently belong. So long as any officers holding permanent commissions as inspectors-general remain on the active list they shall be promoted according to the established rules of seniority up to and including the grade of colonel, and when all the inspectors-general holding permanent commissions shall have been separated from the active list the Inspector-General's Department shall be discontinued as a separate organization and bureau of the War Department.

With a committee amendment as follows:

Strike out all of section 6.

The amendment was agreed to.

The Clerk read as follows:

SEC. 7. That nothing in this act shall be construed to reduce the numbers or grades of general officers now provided by law for the line of the Army.

With an amendment as follows:

Strike out all of section 7.

The amendment was agreed to.

And then, on motion of Mr. HULL, the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15449) to increase the efficiency of the Army, and had instructed him to report the same back to the House with sundry amendments and with the recommendation that as amended the bill do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not the Chair will submit them to the House in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question being taken on the passage of the bill,

Mr. RICHARDSON of Tennessee demanded a division.

The House divided; and there were—ayes 88, noes 24.

Mr. SIMS demanded the yeas and nays.

The yeas and nays were refused, 9 members, not a sufficient number, rising to second the demand.

Mr. SIMS. No quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of no quorum present. The Chair will count. [After counting the House.] One hundred and forty gentlemen present—not a quorum. The doors will be closed, and the Sergeant-at-Arms will bring in the absentees. The Clerk will call the roll, and as their names are called gentlemen will vote "aye" or "no," or, not desiring to vote, will answer "present."

The question was taken; and there were—yeas 154, nays 52, answered "present" 6, not voting 143; as follows:

YEAS—154.

Adams,	Burgess,	Dalzell,	Gardner, Mass.
Adamson,	Burk, Pa.	Darragh,	Gardner, Mich.
Alexander,	Burkett,	Deemer,	Gardner, N. J.
Allen, Me.	Burleigh,	Dinsmore,	Gibson,
Bankhead,	Burton,	Douglas,	Gillet, N. Y.
Bartholdt,	Butler, Pa.	Dovener,	Gillett, Mass.
Bates,	Cannon,	Emerson,	Glass,
Beidler,	Capron,	Esch,	Glenn,
Billmeyer,	Cassel,	Feely,	Goldfogle,
Bingham,	Connell,	Fitzgerald,	Gooch,
Bishop,	Conner,	Flanagan,	Graff,
Blackburn,	Coombs,	Fleming,	Graham,
Blakeney,	Cooper, Wis.	Fletcher,	Griggs,
Boutell,	Creamer,	Foerderer,	Grosvenor,
Bowie,	Cromer,	Fordney,	Grow,
Brandegee,	Crumpacker,	Foss,	Hanbury,
Brick,	Cushman,	Foster, Vt.	Haskins,
Brownlow,	Dahle,	Gaines, W. Va.	Haugen,

Hay,	Livingston,	Overstreet,	Southwick,
Hedge,	Loudenslager,	Padgett,	Sperry,
Henry, Conn.	Lovering,	Parker,	Stark,
Hepburn,	McCall,	Payne,	Steele,
Hill,	McCleary,	Pearre,	Stevens, Minn.
Hitt,	McClellan,	Powers, Mass.	Storm,
Holliday,	McCulloch,	Reeves,	Sulloway,
Howell,	McLachlan,	Reid,	Swann,
Hull,	Mahon,	Roberts,	Tayler, Ohio
Irwin,	Mann,	Robertson, La.	Thomas, Iowa
Jenkins,	Miller,	Schirm,	Tongue,
Jett,	Minor,	Scott,	Underwood,
Kahn,	Mondell,	Shattuc,	Vreeland,
Ketcham,	Moody, N. C.	Showalter,	Wadsworth,
Knapp,	Moody, Oreg.	Sibley,	Wanger,
Lacey,	Morrell,	Skiles,	Warner,
Lawrence,	Morris,	Slayden,	Warnock,
Lessler,	Needham,	Small,	Williams, Ill.
Lewis, Pa.	Norton,	Smith, Ill.	Young.
Lindsay,	Olmsted,	Smith, Iowa	
Littauer,	Otjen,	Smith, H. C.	

NAYS—52.

Bartlett,	Griffith,	Loud,	Rucker,
Bell,	Hooker,	Maddox,	Russell,
Benton,	Johnson,	Miers, Ind.	Selby,
Brantley,	Jones, Va.	Moon,	Sheppard,
Brundidge,	Kern,	Patterson, Tenn.	Sims,
Caldwell,	Kitchin, Claude	Pierce,	Snook,
Clark,	Kitchin, Wm. W.	Pou,	Stephens, Tex.
Cochran,	Kluttz,	Randell, Tex.	Trimble,
Cooper, Tex.	Lamb,	Richardson, Ala.	Vandiver,
Cowherd,	Lanham,	Richardson, Tenn.	White,
De Armond,	Lever,	Rixey,	Williams, Miss.
Gaines, Tenn.	Little,	Robb,	Wooten,
Gilbert,	Lloyd,	Robinson, Ind.	Zenor.

ANSWERED "PRESENT"—6.

Allen, Ky.	Burnett,	Metcalf,	Powers, Me.
Bromwell,	Dayton,		

NOT VOTING—143.

Acheson,	Dwight,	Lewis, Ga.	Shafroth,
Aplin,	Eddy,	Littlefield,	Shallenberger,
Babcock,	Edwards,	Long,	Shelden,
Ball, Del.	Elliott,	McAndrews,	Sherman,
Ball, Tex.	Evans,	McDermott,	Smith, Ky.
Barney,	Finley,	McLain,	Smith, S. W.
Bellamy,	Flood,	McRae,	Smith, Wm. Alden
Belmont,	Foster, Ill.	Mahoney,	Snodgrass,
Boreing,	Fowler,	Marshall,	Southard,
Bowersock,	Fox,	Martin,	Sparkman,
Breazeale,	Gill,	Maynard,	Spight,
Bristow,	Gordon,	Mercer,	Stewart, N. J.
Broussard,	Green, Pa.	Meyer, La.	Stewart, N. Y.
Brown,	Greene, Mass.	Mickey,	Sulzer,
Bull,	Hamilton,	Morgan,	Sutherland,
Burke, S. Dak.	Heatwole,	Moss,	Swanson,
Burleson,	Hemenway,	Mudd,	Talbert,
Butler, Mo.	Henry, Miss.	Mutchler,	Tate,
Calderhead,	Henry, Tex.	Naphen,	Tawney,
Candler,	Hildebrant,	Neville,	Taylor, Ala.
Cassingham,	Hopkins,	Nevin,	Thayer,
Clayton,	Howard,	Newlands,	Thomas, N. C.
Conry,	Hughes,	Palmer,	Thompson,
Cooney,	Jack,	Patterson, Pa.	Tirrell,
Corliss,	Jackson, Kans.	Perkins,	Tompkins, N. Y.
Cousins,	Jackson, Md.	Prince,	Tompkins, Ohio
Crowley,	Jones, Wash.	Pugsley,	Van Voorhis,
Currier,	Joy,	Ransdell, La.	Wachter,
Curtis,	Kehoe,	Reeder,	Watson,
Davey, La.	Kleberg,	Rhea,	Weeks,
Davidson,	Knox,	Robinson, Nebr.	Wheeler,
Davis, Fla.	Kyle,	Rumple,	Wiley,
Dick,	Landis,	Ruppert,	Wilson,
Dougherty,	Lassiter,	Ryan,	Woods,
Draper,	Latimer,	Scarborough,	Wright.
Driscoll,	Lester,	Shackleford,	

The following pairs were announced:
For the balance of the session:
Mr. SHERMAN with Mr. RUPPERT.
Mr. COOMBS with Mr. DAVEY of Louisiana.
Mr. YOUNG with Mr. BENTON.
Mr. HEATWOLE with Mr. TATE.
Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. BROMWELL with Mr. CASSINGHAM.
Mr. HILDEBRANT with Mr. MAYNARD.
Until further notice:
Mr. LONG with Mr. NEWLANDS.
Mr. BARNEY with Mr. THOMPSON.
Mr. BROWN with Mr. CLAYTON.
Mr. VAN VOORHIS with Mr. GORDON.
Mr. HOPKINS with Mr. SWANSON.
Mr. BOREING with Mr. KEHOE.
Mr. BOWERSOCK with Mr. BURNETT.
Mr. METCALF with Mr. WHEELER.
Mr. EVANS with Mr. WILSON.
Mr. JACK with Mr. FINLEY.
Mr. RUMPLE with Mr. ROBINSON of Nebraska.
From December 19, 1902, until January 9, 1903:
Mr. CURRIER with Mr. NAPHEN.
Until January 8, 1903:
Mr. MARTIN with Mr. SHACKLEFORD.
Mr. NEVIN with Mr. CONRY.
Until January 7, 1903:
Mr. MUDD with Mr. CANDLER.
For this day:
Mr. BABCOCK with Mr. MCDERMOTT.
Mr. HUGHES with Mr. BROUSSARD.
Mr. WATSON with Mr. BALL of Texas.
Mr. BALL of Delaware with Mr. BELLAMY.
Mr. BRISTOW with Mr. BREAZEALE.
Mr. CALDERHEAD with Mr. BURLESON.
Mr. BURKE of South Dakota with Mr. GREEN of Pennsylvania.
Mr. CORLISS with Mr. BUTLER of Missouri.
Mr. KYLE with Mr. SNODGRASS.
Mr. MARSHALL with Mr. DAVIS of Florida.
Mr. PRINCE with Mr. RANSDELL of Louisiana.
Mr. SAMUEL W. SMITH with Mr. SCARBOROUGH.
Mr. TAWNEY with Mr. THOMAS of North Carolina.
Mr. JACKSON of Maryland with Mr. PUGSLEY.
Mr. HAMILTON with Mr. FOSTER of Illinois.
Mr. PATTERSON of Pennsylvania with Mr. MAHONEY.
Mr. ACHESON with Mr. SULZER.
Mr. SUTHERLAND with Mr. BELMONT.
Mr. COUSINS with Mr. MUTCHLER.
Mr. DWIGHT with Mr. FOX.
Mr. DICK with Mr. ELLIOTT.
Mr. GREENE of Massachusetts with Mr. RHEA.
Mr. DAVIDSON with Mr. ALLEN of Kentucky.
Mr. BULL with Mr. CROWLEY.
Mr. JOY with Mr. KLEBERG.
Mr. SHELDEN with Mr. RYAN.
Mr. WM. ALDEN SMITH with Mr. SPARKMAN.
Mr. WOODS with Mr. WILEY.
Mr. WEEKS with Mr. TALBERT.
Mr. WACHTER with Mr. SPIGHT.
Mr. TOMPKINS of New York with Mr. SHAFROTH.
Mr. TIRRELL with Mr. NEVILLE.
Mr. STEWART of New Jersey with Mr. MICKEY.
Mr. STEWART of New York with Mr. SMITH of Kentucky.
Mr. WRIGHT with Mr. MCRAE.
Mr. SOUTHARD with Mr. MCLAIN.
Mr. REEDER with Mr. LEWIS of Georgia.
Mr. PERKINS with Mr. LESTER.
Mr. MORGAN with Mr. LATIMER.
Mr. PALMER with Mr. LASSITER.
Mr. LITTLEFIELD with Mr. THAYER.
Mr. MERCER with Mr. SHALLENBERGER.
Mr. KNOX with Mr. HENRY of Texas.
Mr. LANDIS with Mr. JACKSON of Kansas.
Mr. JONES of Washington with Mr. HENRY of Mississippi.
Mr. HEMENWAY with Mr. TAYLOR of Alabama.
Mr. GILL with Mr. FLOOD.
Mr. EDDY with Mr. EDWARDS.
Mr. FOWLER with Mr. FEELY.
Mr. DRISCOLL with Mr. DOUGHERTY.
Mr. DRAPER with Mr. COONEY.

The SPEAKER. On this question the yeas are 154, the nays 52, answering present 6; total 212. A quorum is present and the bill is passed. The Doorkeeper will open the doors.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill was passed was laid on the table.

PERSONAL PRIVILEGE.

Mr. COOPER of Wisconsin. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. Mr. Speaker, ordinarily it is not well for a member of the House of Representatives to be sensitive concerning newspaper criticisms, and I should not notice the article to which I am about to call the attention of the House did it not in effect impute to me personal dishonesty. It is an attack on my integrity in financial matters, and therefore I think it my duty to myself, and especially a duty to my constituents, to call the attention of the House to it. I send the article to the Clerk's desk to be read.

The Clerk read as follows:

SAVE ON CLERKS' SALARIES—COMMUNITY OF INTERESTS NOT A NEW FEATURE IN CONGRESS.

Considerable interest was aroused in Congressional circles yesterday by a special dispatch from Philadelphia to the Post, telling of a protest Philadelphia politicians were preparing to lodge against an alleged combine Philadelphia members of Congress had entered into to save clerk hire. It was stated that Representatives ADAMS, MORRELL, FOERDERER, and BURK had pooled their interests and were hiring one man to do their clerical work, thereby, presumably, saving three of the salaries of $1,200 allowed each of them for clerk hire.

Inquiry developed the fact that pooling of Congressmen in the matter of hiring clerks is not a new feature of Congressional life. An official list of clerks to members, published during the first session of the Fifty-seventh Congress, discloses a number of such cases. The clerks given as serving

more than one Congressman each are as follows: Joseph P. Burg, clerk to Representatives MUTCHLER, of Pennsylvania, and PATTERSON, of Tennessee; H. E. Devendorf, clerk to Representatives EMERSON, LITTAUER, SHERMAN, and STEWART, of New York; Fred L. Fishback, clerk to Representatives CASSEL, of Pennsylvania, and MOODY, of Massachusetts; Ralph B. Horton, clerk to Representatives COOPER, of Wisconsin, and WATSON, of Indiana; John C. Page, clerk to Representatives LAMB, of Virginia, and BULL, of Rhode Island; Leonard Wilson, clerk to Representatives THAYER and NAPHEN, of Massachusetts.

Mr. COOPER of Wisconsin. Mr. Speaker, it will be observed that in the early part of the article there is a statement that these combines were made for the purpose of saving salaries of clerks. This saving could not be effected unless Congressmen themselves kept the money allowed for salaries or, at least, a portion of it. Therefore, the including of my name in the list implies that I have been certifying to the Government officials that I had promised to pay or had paid a certain amount to Ralph B. Horton as my private secretary, and that I have not paid him that amount; but that I have pooled with Mr. WATSON and thus retained a part of the salary myself. This is a direct charge involving my personal integrity. The House will pardon the use of a plain phrase—that I have been stealing and have lied about it.

As I have said, a Representative ought not to be sensitive about ordinary criticism. Criticism more or less severe is a part of the give and take of public life, and like every man in public life I have learned to expect it; but an attack upon my financial integrity, charging a looting of the public Treasury, is something that I can not in honor disregard. I desire to have read the affidavit of Ralph B. Horton.

The Clerk read as follows:

DISTRICT OF COLUMBIA, *City of Washington, ss:*

Ralph B. Horton, being first duly sworn on oath, says that he is, and for more than four years last past has been, the private secretary of HENRY ALLEN COOPER, a Representative in Congress from the State of Wisconsin; that during the whole period of such employment he has been paid for said services by said Representative HENRY ALLEN COOPER, the full amount allowed by law for the same, except during the sessions of the Fifty-sixth Congress, when he acted as session clerk to the Committee on Insular Affairs of the House of Representatives, when under the law there was no allowance for a private secretary to said Representative HENRY ALLEN COOPER because of his being the chairman of said committee; that it has been the uniform practice of said HENRY ALLEN COOPER to indorse and make payable to affiant's order the check for said salary, and to deliver the same to affiant each and every month, and that affiant has always deposited such checks with his (affiant's) own bank account, or drawn the money on the same for his (affiant's) personal expenses, and that never during the whole of said period has so much as one penny of said salary been retained, paid to, or received in any manner, directly or indirectly, by said Representative HENRY ALLEN COOPER.

RALPH B. HORTON.

Subscribed and sworn to before me this 6th day of January, A. D. 1903.

[SEAL.] BENJ. VAIL,
Notary Public.

Mr. COOPER of Wisconsin. Mr. Speaker, I acquit the writer of the article of any malice. I understand that certain discharged private secretaries of members of the House have been busy in instigating these attacks which have appeared recently in the public journals. To my surprise I found this morning, and I had never previously seen it, an official list of the secretaries of members of the House. In it appears the name of Ralph B. Horton as my private secretary, and also Ralph B. Horton as the private secretary of the honorable member from Indiana, Mr. JAMES E. WATSON. I consulted my secretary about this, and he reminded me of the fact, which had escaped my memory, that a year ago the present month, or a year ago about this time, he, Mr. Horton, asked me if I had any objection to his earning what money he could by his services as a stenographer and typewriter outside of his regular employment for me, saying that he felt that he needed to make his income as large as possible. I assured him that I had not the slightest objection provided that his services to others did not interfere with his duties to me. The Committee on Insular Affairs was engaged at that time upon important measures and I was in very frequent need of his services.

He told me this morning that at about that time (a year ago) he did perform some work for Representative WATSON; that he did not know how his name got into that record as being Mr. WATSON'S private secretary, unless Mr. WATSON put it there; that he had worked a part of two months for Mr. WATSON, and that is all. I never have had any conversation or any communication with Mr. WATSON, directly or indirectly, concerning Mr. Horton or his services to him, Mr. WATSON, nor about any proposed division of his salary, nor as to what Mr. WATSON was to pay him.

It is important that these facts should be before the House, because I signed a receipt in blank, as do other members of the House, of which this is a copy:

Received of Alexander McDowell, Clerk of the House of Representatives of the United States,.....dollars, in full for amount paid by me for clerk hire, as above certified.

I believe that I have sufficiently occupied the attention of the House. I never on any occasion have taken any portion of Mr. Horton's salary.

Mr. Horton's affidavit sets forth the facts exactly, and with this I take leave of the subject.

Mr. MORRELL. Mr. Speaker, I rise to a question of personal privilege. [Laughter.] What I have to state to the House is very much in line of what has been stated by the gentleman from Wisconsin [Mr. COOPER]. There was an article which appeared in the Washington Post—I think the date was Sunday—which has been in its issue of this morning denied. It was denied, as the Post said, upon investigation. In addition to the investigations made by the Post, I would like to make my position in this matter perfectly clear. Up to within a few months ago I employed a secretary at a salary double the amount allowed by Congress. In addition to the salary paid to my Congressional clerk, I employed a stenographer whose duty it was to occupy her entire time in the assistance of my Congressional secretary in Congressional work. In addition to these two employees, my Congressional work in the city of Philadelphia was carried on by my own personal clerks.

Since I dispensed with the services of the secretary that I originally employed, I have had, and have to-day, three secretaries and stenographers employed in carrying on whatever is necessary in connection with my Congressional work.

It is hardly necessary to say, Mr. Speaker, that their salaries are somewhat in excess of the amount allowed by Congress. I would not have mentioned this subject did I not feel that it was a personal attack upon my integrity. I do not like to dignify the original accusation by referring to it on the floor of the House; it seemed really beneath my notice. But under the circumstances I felt that it was incumbent upon me, and is incumbent upon me, to make this explanation.

Mr. LAMB. Mr. Speaker, I had intended to meet this matter in another way, but because it has been brought up here I want to state the simple fact that I do not think my secretary, Mr. Page, knows Representative BULL, or would know him if he were brought here now and asked to point him out. Unfortunately, he is detained at home by sickness in his family. I just want to say here that I keep my secretary employed all the time. If he has ever done work for any other member of Congress, it has never come to my knowledge. I pay him at the end of every month, and I sometimes employ other persons to assist him in the discharge of his duties. This outrageous publication is without foundation and unwarranted.

Mr. BURK of Pennsylvania. Mr. Speaker, I had not intended to pay any attention at all to this matter. It has no doubt been observed that the article which was read from the Post purported to be a dispatch from Philadelphia; and it stated that protests were about to be made by politicians there against the Philadelphia delegation having a syndicate on clerks. Now, Mr. Speaker, this is not new. Some of the newspapers of Philadelphia have for several months contained articles about some members not having clerks. Like my colleague, I had a secretary until a few months ago; and, like him, I paid him more than double the clerk hire allowed by the Government. But that clerk left my service. Like my colleague, I have had two or three stenographers or clerks here in Washington and one in Philadelphia, those clerks being employed to attend to Congressional business. But so far as being in any partnership or trust with any of my colleagues to save clerk hire, such a statement is untrue.

The Washington Post of to-day gives an entire denial of the matter, and I did not intend to say anything about it; but I feared that should I not do so it might be assumed that the statement had some foundation in truth. There is absolutely no truth whatever in such a statement.

Mr. CASSEL. Mr. Speaker, I suppose it is necessary for all of us to explain. I would not do so had not this matter been brought up here this morning.

I was elected to the House in November, 1901, to succeed Mariott Brosius, who had died in March preceding. I came down here in December. My district had been without any Representative for six or seven months, and the work piled up for me to attend to was very great. I consequently appointed a secretary, a gentleman from my county, Mr. Slocum, and in addition to that I secured the services of Mr. Fishback, who had been the secretary of Mr. Brosius, to assist me in my work. From that time to this I have never been without two and a part of the time three secretaries. My pay roll for secretaries employed in my Congressional work alone has never been less than $150 to $200 a month since I have been elected. This is all I have to say in explanation of the statement in the papers.

Mr. ADAMS. Mr. Speaker, I wish to avail myself of this opportunity to pay a tribute to my secretary. He has served me for the ten years I have been in Congress; he has done it entirely alone and very efficiently. He gets the full salary allowed by law, and he holds no other Government position.

I had not intended to refer to this matter, but I have been forced to do so by the statements of others.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages from the President of the United States were communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

S. 6216. An act to pay in part judgments rendered under an act of the legislative assembly of the Territory of Hawaii for property destroyed in suppressing the bubonic plague in said Territory in 1899 and 1900, and authorizing the Territory of Hawaii to issue bonds for the payment of the remaining claims;

S. R. 145. Joint resolution to amend a joint resolution entitled "Joint resolution providing for the removal of shoal in North River of New York Harbor," approved July 1, 1902;

S. 6542. An act to provide for the construction of a revenue cutter of the first class for service on the coast of Maine;

S. 6504. An act to provide for the modification of the project for the improvement of the harbor of New Haven, Conn.;

S. 6438. An act to provide for the modification of the project for the improvement of Bridgeport Harbor, Bridgeport, Conn.; and

S. 6333. An act to divest out of the United States all its right, title, and interest of, in, and to certain real estate situated at and near the city of Montgomery, State of Alabama, and to vest the same in the Southern Cotton Oil Company, Bessie R. Maultsby (James S. Pinckard, trustee), M. V. B. Chase, and Edwin Ferris.

The message also announced that the Senate had passed the following concurrent resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be prepared forthwith, under the direction of the Attorney-General, a compilation of all the laws enacted by the various States of the Union relating to trusts or to combinations in restraint of trade and commerce, of which compilation 2,000 copies shall be for the use of the Senate and 5,000 shall be for the use of the House of Representatives and 500 for the use of the Department of Justice.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3708) granting a pension to Nannie M. Kimberly.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 15606. An act to authorize and empower the Rice Irrigation and Improvement Association, of the State of Louisiana, to construct a lock or locks and a dam in Mermentau River, in the State of Louisiana;

H. R. 15605. An act to authorize and empower the Southwest Louisiana Rice Growers' Association, of the State of Louisiana, to construct a lock or locks and a dam in Bayou Vermilion, in the State of Louisiana;

H. R. 15480. An act granting an increase of pension to William S. Barker;

H. R. 13468. An act granting an increase of pension to Joseph S. Mess; and

H. R. 11093. An act granting an increase of pension to Nannie M. Kimberly.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 13052. An act granting an increase of pension to Charles K. Batey;

H. R. 11436. An act granting an increase of pension to James H. McKnight;

H. R. 2598. An act granting an increase of pension to Adrian M. Snyder;

H. R. 5888. An act granting an increase of pension to Peter Poutney;

H. R. 13467. An act granting an increase of pension to Joseph H. Woodruff;

H. R. 9691. An act granting an increase of pension to James H. Joseph;

H. R. 10462. An act granting an increase of pension to Mary A. Munson;

H. R. 8146. An act granting an increase of pension to Thomas M. Owens;

H. R. 5480. An act granting an increase of pension to John C. Nelson;

H. R. 8414. An act granting an increase of pension to George Atkinson;

H. R. 12632. An act granting an increase of pension to Bailey O. Bowden;

H. R. 7109. An act granting an increase of pension to Stanton F. Brabham;

H. R. 10263. An act granting an increase of pension to Daniel J. Byrnes;

H. R. 13848. An act granting an increase of pension to James H. Chedester;

H. R. 7618. An act granting an increase of pension to Thomas Sheridan;

H. R. 12777. An act granting an increase of pension to George H. Young;

H. R. 8145. An act granting an increase of pension to Harvey B. Linton;

H. R. 4262. An act granting an increase of pension to Thomas P. May;

H. R. 13943. An act granting an increase of pension to Charles M. Grainger;

H. R. 2440. An act granting an increase of pension to William D. Smith;

H. R. 12165. An act granting an increase of pension to Caroline M. Stone;

H. R. 3825. An act granting an increase of pension to Lizzie I. Rich;

H. R. 5758. An act granting an increase of pension to Newton W. Elmendorf;

H. R. 5038. An act granting an increase of pension to William H. Hudson;

H. R. 13352. An act granting an increase of pension to Charles E. Brown;

H. R. 9219. An act granting an increase of pension to Colmore L. Newman;

H. R. 11579. An act granting an increase of pension to John A. Wright;

H. R. 13690. An act granting an increase of pension to Freeman R. Gove;

H. R. 3745. An act granting an increase of pension to George Kerr;

H. R. 6970. An act granting an increase of pension to Monora Stimson;

H. R. 13646. An act granting an increase of pension to John G. Heiser;

H. R. 5883. Anact granting a pension to Martha A. Hollingsead;

H. R. 14098. An act granting an increase of pension to Albert M. Scott;

H. R. 14055. An act granting an increase of pension to Samuel Brown;

H. R. 14421. An act granting an increase of pension to John Q. A. Rider;

H. R. 9883. An act granting an increase of pension to William Kelley;

H. R. 3513. An act granting an increase of pension to James W. Young;

H. R. 1347. An act granting an increase of pension to Charles H. Webb;

H. R. 11890. An act granting an increase of pension to James Brown;

H. R. 10679. An act granting an increase of pension to Charlotte E. Baird;

H. R. 10005. An act granting an increase of pension to William A. Henderson;

H. R. 12009. An act granting an increase of pension to George Baker;

H. R. 10325. An act granting an increase of pension to Joseph Stonesifer;

H. R. 14355. An act granting an increase of pension to Timothy Donohue;

H. R. 14732. An act granting an increase of pension to Grace M. Reed;

H. R. 5951. An act granting an increase of pension to Ole Thompson;

H. R. 13457. An act granting an increase of pension to John S. Crosser;

H. R. 7878. An act granting an increase of pension to William J. Remington;

H. R. 14144. An act granting an increase of pension to Fannie S. Cross;

H. R. 14377. An act granting an increase of pension to Jennett Stewart; and

H. R. 9807. An act granting an increase of pension to Hiram Janes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3371. An act to remove the charge of desertion from the name of Jacob Bowman;

S. 257. An act to establish a light-house and fog-signal station at Mukilte Point, near the city of Everett, State of Washington;

S. 4617. An act to authorize a resurvey of certain lands in the State of Wyoming, and for other purposes;
S. 5913. An act granting a pension to Cherstin Mattson;
S. 3668. An act granting a pension to Hulda Milligan;
S. 5321. An act granting a pension to Rebecca H. Geyer;
S. 1833. An act providing for the transfer of the census records and volumes to the Census Office, and for other purposes;
S. 2935. An act granting a pension to Joanna Rommel;
S. 3180. An act granting a pension to Emma L. Ferrier;
S. 1944. An act granting an increase of pension to Ann E. Tillson;
S. 3212. An act granting a pension to Ellen A. Sagar;
S. 959. An act granting an increase of pension to William H. Green;
S. 1193. An act granting an increase of pension to Jane M. Myer;
S. 1666. An act granting an increase of pension to Rufus V. Lee;
S. 2109. An act granting an increase of pension to Charles C. Davis;
S. 2283. An act granting an increase of pension to William F. Angevine;
S. 2306. An act granting an increase of pension to William H. Lessig;
S. 3506. An act granting an increase of pension to Stanley M. Gasper;
S. 3493. An act granting an increase of pension to Charles W. Rose;
S. 3423. An act granting an increase of pension to Maria V. Stadtmuller;
S. 2409. An act granting an increase of pension to John A. Rotan;
S. 2638. An act granting an increase of pension to David O. Carpenter;
S. 3315. An act granting an increase of pension to George W. Bradshaw;
S. 3341. An act granting an increase of pension to Robert H. Busteed;
S. 1743. An act granting an increase of pension to Cornelia F. Whitney;
S. 1801. An act granting an increase of pension to James K. Van Matre;
S. 2056. An act granting an increase of pension to David J. Newman;
S. 3715. An act granting an increase of pension to Henry Weaver;
S. 4141. An act granting an increase of pension to John Cook;
S. 4088. An act granting an increase of pension to Henry Jennings;
S. 3819. An act granting an increase of pension to William A. P. Fellows;
S. 3781. An act granting an increase of pension to George A. Mercer;
S. 4211. An act granting an increase of pension to Asa Worden;
S. 4454. An act granting an increase of pension to John D. Sullivan;
S. 4393. An act granting an increase of pension to William M. Hodge;
S. 4348. An act granting an increase of pension to James Thompson;
S. 5076. An act granting an increase of pension to Katharine W. Clark;
S. 5052. An act granting an increase of pension to Gilbert Barkalow;
S. 5045. An act granting an increase of pension to Mary A. Moore;
S. 4957. An act granting an increase of pension to Stiles L. Acee;
S. 4982. An act granting an increase of pension to John Fler;
S. 4727. An act granting an increase of pension to Isaac Rhodes;
S. 4623. An act granting an increase of pension to Lewis F. Ross;
S. 4494. An act granting an increase of pension to Oscar Van Tassell;
S. 5719. An act granting an increase of pension to Sidney N. Lund;
S. 5659. An act granting an increase of pension to Melinda Heard;
S. 5758. An act granting an increase of pension to David Ham;
S. 5648. An act granting an increase of pension to Fredreck Bulkey;
S. 5534. An act granting an increase of pension to Abbie C. Bremner;
S. 5500. An act granting an increase of pension to Angus Cameron;
S. 5239. An act granting an increase of pension to Joseph A. Kerbey;
S. 5119. An act granting an increase of pension to Samuel S. Walck;
S. 5491. An act granting an increase of pension to John R. Sandsburg;
S. 5361. An act granting an increase of pension to Martha A. Johnston;
S. 5133. An act granting an increase of pension to Augusta Neville Leary;
S. 6008. An act granting an increase of pension to David Vickers;
S. 3505. An act granting an increase of pension to Matthew B. Noel;
S. 6399. An act to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902;
S. 4355. An act authorizing the issuance of a patent to the county of Clallam, State of Washington;
S. R. 57. Joint resolution relating to military badges;
S. 1634. An act granting an increase of pension to Thomas Cordingly;
S. 5893. An act granting an increase of pension to Willie Thomas;
S. 5882. An act granting an increase of pension to Mergellah Merrill;
S. 5782. An act granting an increase of pension to Lucy A. Turner;
S. 5747. An act granting an increase of pension to James E. Bader;
S. 6045. An act granting an increase of pension to Charles Sprague; and
S 6110. An act granting an increase of pension to Charles A. Cooke.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6438. An act to provide for the modification of the project for the improvement of Bridgeport Harbor, Bridgeport, Conn.—to the Committee on Rivers and Harbors.

S. 6504. An act to provide for the modification of the project for the improvement of the harbor of New Haven, Conn.—to the Committee on Rivers and Harbors.

S. 6542. An act to provide for the construction of a revenue cutter of the first class for service on the coast of Maine—to the Committee on Interstate and Foreign Commerce.

S. R. 145. Joint resolution to amend a joint resolution entitled "Joint resolution providing for the removal of shoal in North River of New York Harbor," approved July 1, 1902—to the Committee on Rivers and Harbors.

S. 6216. An act to pay in part judgments rendered under an act of the legislative assembly of the Territory of Hawaii for property destroyed in suppressing the bubonic plague in said Territory in 1899 and 1900, and authorizing the Territory of Hawaii to issue bonds for the payment of the remaining claims—to the Committee on the Territories.

S. 6333. An act to divest out of the United States all its right, title, and interest of, in, and to certain real estate situated at and near the city of Montgomery, State of Alabama, and to vest the same in the Southern Cotton Oil Company, Bessie R. Maultsby, James S. Pinckard, trustee, M. V. B. Chase, and Edwin Ferris—to the Committee on the Judiciary.

Senate concurrent resolution 52:

Resolved by the Senate (the House of Representatives concurring), That there be printed forthwith, under the direction of the Attorney-General, a compilation of all the laws enacted by the various States of the Union relating to trusts or to combinations in restraint of trade and commerce, of which compilation 2,000 copies shall be for the use of the Senate and 5,000 shall be for the use of the House of Representatives and 500 for the use of the Department of Justice—

to the Committee on Printing.

PENSION FOR TOTAL DEAFNESS.

Mr. SULLOWAY. By direction of the Committee on Invalid Pensions, I move to take up Senate bill 1359.

The SPEAKER. The gentleman from New Hampshire [Mr. SULLOWAY] calls up the bill which will be read.

The Clerk read as follows:

A bill (S. 1359) to increase pension for total deafness.

Be it enacted, etc., That from and after the passage of this act all persons on the pension roll of the United States, or who may hereafter be placed thereon, receiving pension for total loss of hearing due to causes originating in the military or naval service of the United States and in the line of duty, shall be entitled to receive, in lieu of the amount now paid in case of such disability, the sum of $40 per month: *Provided*, That said increase shall in no manner affect the rate of pension now being paid and allowable for partial deafness, the rating for which shall be continued and determined in accordance with the provisions of existing law.

The SPEAKER. The question is on ordering this bill to be read a third time.

Mr. RICHARDSON of Tennessee. Mr. Speaker, it is almost impossible to get a full understanding of a bill from the reading at the desk. I have no doubt that members of the Committee on Invalid Pensions on both sides of the House are familiar with this measure, but I confess that I am not, and I should be glad if the gentleman from New Hampshire would make some explanation of its effect.

Mr. SULLOWAY. I ask that the report be read.

The SPEAKER. The report will be read in the gentleman's time.

The Clerk read as follows:

The Committee on Pensions, to whom was referred the bill (S. 1359) authorizing an increase of pension in certain cases, have examined the same and report:

This bill as amended proposes to increase from $30 to $40 per month the pensions of all persons who, while in the military or naval service of the United States and in the line of duty, contracted total deafness of both ears.

Since the allowance of the original pension on account of total deafness of $13 per month, commencing June 4, 1872, only one increase for said disability has been granted, namely, $30 per month, provided by the act of August 27, 1888. This increase in rating to $30 was recommended by the then Commissioner of Pensions in his reports for the years 1885, 1886, and 1887.

That a large proportion of the men who are afflicted with total loss of hearing suffer from a continual roaring or fluttering in the ears there can be no question; in fact, many of them are never free from the torture which such roaring produces.

Aside from the resultant suffering, it is a well-known fact that it is well-nigh impossible for totally deaf persons to secure employment whereby they may earn a reasonable support, and it is only in exceptional cases that such persons can make themselves sufficiently useful to warrant an employer in seeking their services. They are thus practically barred from providing a comfortable maintenance for themselves and families. Their affliction is also of such a nature as to subject them to many humiliations from which pensioners suffering from other disabilities are entirely free. In addition, there is the ever-present danger of loss of life through accidents.

In the opinion of your committee there is no class of pensioners more worthy of generous consideration. Always reasonable in their demands, the claims for recognition of these men appeal most strongly to the sense of justice of your committee, who are firmly convinced that a grateful nation should grant a sufficient bounty to compensate these patriotic and uncomplaining defenders for the years of suffering which they have undergone.

Inasmuch as there are now but 239 invalid pensioners on the roll in receipt of a pension at the rate of $30 per month, the annual increase proposed by this bill as amended amounts to the inconsiderable sum of $28,680.

The following letter from the honorable Commissioner of Pensions sets forth the reasons for certain amendments which your committee have made in the bill:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, March 10, 1902.

MY DEAR SIR: I have the honor to return herewith your communication of the 10th instant, together with bill S. 1359, authorizing an increase of pension in certain cases.

I submit for your consideration a draft of a new bill to take the place of S. 1359.

This I have done in order to make it clear that the proposed law does not increase the pension of those who are on the roll under the act of June 27, 1890, for total deafness, but only applies to those pensioners whose disability was incurred in the military or naval service of the United States and in the line of duty. Furthermore, I have tried to make it clear that in determining the rate for partial deafness the maximum rate of $30 is the only one that can be used in arriving at the proportionate rate to be granted for the different degrees of loss of hearing less than total.

Very respectfully,

H. CLAY EVANS, *Commissioner.*

Hon. J. H. GALLINGER,
Chairman of Committee on Pensions, United States Senate.

Your committee report the bill back favorably with a recommendation that it pass when amended as follows:

Strike out all after the enacting clause and substitute therefor the following:

"That from and after the passage of this act all persons on the pension roll of the United States, or who may hereafter be placed thereon, receiving pension for total loss of hearing, due to causes originating in the military or naval service of the United States and in the line of duty, shall be entitled to receive in lieu of the amount now paid in case of such disability the sum of $40 per month: *Provided*, That said increase shall in no manner affect the rate of pension now being paid and allowable for partial deafness, the rating for which shall be continued and determined in accordance with the provisions of existing law."

Also amend the title so as to read: "A bill to increase pension for total deafness."

The SPEAKER. The Chair would state to the House that this bill is upon the Calendar of the Committee of the Whole House on the state of the Union. It is therefore in that committee, and it will take unanimous consent to consider it in the House without going into that committee; if there is no objection, the House will proceed as it is now doing. [After a pause.] The Chair hears no objection.

Mr. GAINES of Tennessee. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. SULLOWAY. Yes.

Mr. GAINES of Tennessee. I just want to ask the gentleman for a little information.

The SPEAKER. Does the gentleman yield for a question?

Mr. SULLOWAY. Yes.

Mr. GAINES of Tennessee. I ask the gentleman, then, to give me, say, three minutes.

Mr. SULLOWAY. I will yield to the gentleman for three minutes.

Mr. GAINES of Tennessee. Mr. Speaker, the bill states that on and after the passage of this act all persons on the pension rolls of the United States or who may hereafter be placed thereon shall receive this rate of pension. "All persons;" no limit. Sir, that "person" may be worth a million dollars, and under this law he can be pensioned. "All," not certain persons, but "all" who have served in our Army or Navy. That was never intended to be the policy of our pension law. Our old pension law, Mr. Speaker, read something like this, "unable to make a living, unable to support oneself because of military or naval service." I hope the bill is not open to the criticism that I have made, and I will ask the gentleman from New Hampshire to explain it if he can and show that I am mistaken. I hope that I am

Mr. SULLOWAY. In reply to the gentleman from Tennessee, I would say to him that under all laws that exist which pension men who were wounded or contracted disease in the service there is no pecuniary limit or qualification. If a man lost an arm, then he receives a certain sum, whether it is above or below the elbow, and it is immaterial whether he is thrice a millionaire. In this respect this legislation, if it is enacted, follows all that has preceded it.

Mr. GAINES of Tennessee. Our old pension laws did not so provide. My friend is mistaken. Then, Mr. Speaker, I desire now in all candor and frankness, without a disposition to criticise an honest and proper pension law properly and honestly and faithfully administered—I am its friend—to say that this kind of a bill and the other laws, if there are such laws, which pension a man who is capable of maintaining himself—certainly a millionaire—are founded upon a bad policy.

I am astonished that the distinguished gentleman [Mr. SULLOWAY], who is so familiar with these laws, would espouse a pension law which will take the hard-earned money of the people of this country—people lots of whom have no arms and some of whom have no eyes, who are taxed to pay money into the coffers of our country—and pay that money out to a millionaire simply because that millionaire, in order to defend his own fireside, his own country, and his own flag, was wounded or diseased in the line of service. After all, war is selfish—a desire to defend one's own. Shall we pension a millionaire for defending his own home? Is that real patriotism?

The SPEAKER. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Speaker, I would ask just a few moments more.

The SPEAKER. Does the gentleman yield further?

Mr. GAINES of Tennessee. Just two minutes more.

Mr. SULLOWAY. I yield two minutes more, Mr. Speaker.

Mr. GAINES of Tennessee. Now, I say the people of this country are tired of that kind of a pension law. If a pension law of that sort were submitted to the people of this country at the ballot box they would not indorse it. It is not right to tax the paupers of this country, the plain people of this country, to pay millionaires a pension forsooth because, in dire necessity, they defended their flag and country and their own firesides. All over this country the people are grumbling at the increasing amount of money we are paying to pensioners, and yet we hear it boldly said in the American Congress that under this law and the others that are on our statute books a man twice a millionaire, a Pierpont Morgan or a Carnegie, who lost an arm or became diseased when fighting for his own fireside, is entitled to receive a pension, paid by the people of this country, many of whom to-day have not money with which to buy coal or food or raiment—not where even to lay their head.

Mr. MIERS of Indiana. Mr. Speaker——

The SPEAKER. Does the gentleman from New Hampshire yield to his colleague on the committee, the gentleman from Indiana?

Mr. SULLOWAY. Yes.

The SPEAKER. How much time?

Mr. SULLOWAY. How much time does the gentleman want?

Mr. MIERS of Indiana. Three or four minutes.

Mr. SULLOWAY. I yield to the gentleman five minutes.

Mr. MIERS of Indiana. Mr. Speaker, I should like to call the attention of the members of the House and the gentleman from Tennessee to the real merit of this bill, which is that it provides an increased pension for those who are entirely deaf in both ears, where the deafness was caused or received in the line of service and is of service origin. Will the gentleman from Tennessee or any gentleman on the floor of this House say that a man who in his youth—thirty-five years ago, if in the war of the rebellion; fifty-five years ago, if in the Mexican war—lost his hearing in both ears while fighting for his country is not entitled to recognition unless he be poor? Will the gentleman say that the great American people shall say to that man that he must be placed in the condition of a beggar before his services for his country are recognized and his total deafness recognized?

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. MIERS of Indiana. Certainly.

Mr. GAINES of Tennessee. I was not talking about that; but this bill goes further, as the gentleman from New Hampshire admits, and allows a millionaire, or a man with the wealth of Morgan or Carnegie or the Astors, or anybody else in like financial condition to draw a pension.

Mr. MIERS of Indiana. Mr. Speaker, the gentleman from Tennessee is right, and yet he is wrong. This law draws no distinction. It simply says that the citizen who, in the line of his military service, lost the hearing of both ears is entitled to a pension of $40 a month—that is, of service origin.

Mr. GAINES of Tennessee. Do you think a millionaire ought to be pensioned by the Government?

Mr. MIERS of Indiana. If the gentleman will allow me, there is no law on the statute book that makes that a test of a man's ability to receive a pension, where his disability is of service origin. If the gentleman will allow me, it makes no difference whether a man is a pauper or a millionaire, if he receives his disability in the line of service. No distinction is made by any law that has ever been on the statute book. If in the line of service, while serving his country, he lost the hearing of both ears, this law provides that he shall receive $40 a month instead of $30 a month, whether he be rich or poor. The present law does not make it a test as to whether he is a millionaire or a pauper, but all soldiers who lost the hearing of both ears while in the line of duty draw $30 a month.

Mr. GAINES of Tennessee. Does not my friend think that if you were to bar millionaires from such a pension that you would have a good deal more money to pay to the poor people of this country who have hardly where to lay their heads—real objects of the Government's bounty?

Mr. MIERS of Indiana. Mr. Speaker, the man who volunteers to serve his country and loses his good right arm or the hearing of both ears, I care not whether he be a millionaire or a beggar, is not only entitled to the just recognition of a just government, but if he is a millionaire there ought to be no unjust discrimination against him. The people want no bars against the rich or the poor when it comes to patriotism or duty to country.

Mr. GAINES of Tennessee. Do you think a millionaire ought to draw a pension from the Government?

Mr. MIERS of Indiana. I know no distinction between a millionaire and a pauper when by reason of service to his country he has lost the hearing of both ears. This Government owes him a debt of gratitude that it is glad to pay, one that can never be paid to him, whether he be a millionaire or a pauper. This bill is based on the positive declaration that the loss of hearing occurred while in the line of duty, and does not take into consideration the question whether a man is rich or poor. We would treat all who volunteer to fight the country's battles alike. We would allow a rich man to be patriotic and volunteer to serve his country as well as the poor man. If in the line of duty, the rich man receives an injury or loses his hearing the Government owes them alike the same debt of gratitude; they performed the same patriotic duty; they made the same sacrifices, received the same injury, and what American would raise any distinction as to the Government's appreciation of the service rendered or the debt of gratitude a generous Government owes. This increase is for injury received by rich and poor, all alike, while in the line of duty. If it were under the June act and not for injury received in the line of duty a different principle would be involved. Let us be just and generous to all who received injury in the line of duty and draw no unjust distinctions. [Applause.]

Mr. SULLOWAY. Mr. Speaker, I yield to the gentleman from Ohio [Mr. GROSVENOR] five minutes.

Mr. GROSVENOR. Mr. Speaker, one of the important considerations which has always been involved in the passage of general legislation touching the subject of pensions has been to steer clear, as far as possible, of the very proposition suggested by the gentleman from Tennessee [Mr. GAINES] and which he seems to advocate.

Not many years ago it was attempted in this House to pass a bill to provide pensions for indigent soldiers of the civil war, and that proposition was denounced from one end of this country to the other. No opposition was more unanimous or could have been than that to a bill which undertook to place as one of the conditions of the relief to be afforded by the act of Congress the proof of the applicant that he was in needy circumstances. And when we passed the act of 1890, from that day to this a large body of soldiers throughout the country have been taught to believe that that was also a "pauper-pension bill," and the indignation of the people of the country was poured out upon that measure until it was discovered that there was no condition of poverty or necessity or indigence that was carried or referred to in any way in the provisions of that law.

Mr. Speaker, it has been the purpose, steadily adhered to by Congress, never to compel a man who had fought for his country and incurred physical disability to be compelled to expose to the Government or its officers the fact that he was in needy circumstances. Sometimes we have urged that as a matter in support of a private pension bill when the law seemed inadequate, but never in all our history have we incorporated into a measure conferring a pension upon a wounded soldier or a disabled soldier the necessity of making known that he was also a pauper. I refer, of course, to legislation relating to the great civil war.

I advise the gentleman from Tennessee, in all kindness, to study the history of this legislation, and he will find that the question of indigence is not the great principle of this legislation. It has been the patriotic purpose of the Government to recognize the soldier who had suffered, independent of any question of poverty or affluence. Anything short of that, Mr. Speaker, strips the whole pension legislation of the country of all that it is worth. If you discriminate against the soldier, why not send him to the poorhouse? The line of argument the gentleman from Tennessee makes, if carried to its legitimate and necessarily logical results, would terminate at the end of the line in the poorhouse—not up the hill to the Pension Office, but "over the hill to the poorhouse." These laws are built upon a higher patriotic purpose than the question of poverty or indigence. They are built upon the principles of patriotism and the duty of the Government to the soldier. [Loud applause.]

Mr. SULLOWAY. I yield four minutes to the gentleman from Indiana.

Mr. OVERSTREET. Mr. Speaker, when I entered Congress eight years ago I introduced a bill almost identical in language with the one now under consideration. I have reintroduced that bill each term since. The class of the totally deaf is a very peculiar class, and excites the sympathy of anyone who stops for one moment to consider it. Those who are unfortunate enough to lose a limb or the class who incurred some lingering disease have in a large measure been able to pursue the avenues of trade or profession, enabling them to make a fair living. Some have even grown wealthy, notwithstanding these difficulties. I say, however, Mr. Speaker, that the man who has lost his hearing entirely, and since the close of the civil war has been left to remain in absolute silence save for the rumbling which he alone hears, notwithstanding his peculiar defect, is deprived of employment because of the risks which those defects incur.

Insurance companies deny them the privilege of insurance, and with the meager pensions given these unfortunately disabled soldiers they are placed at a disadvantage which their brothers who have incurred other difficulties have no knowledge of. The first pension granted to the totally deaf was $13 a month. There never has to this hour been an additional increase except one, which was granted them at $30 a month, which in my judgment is too small for men who incurred disabilities which so interfere with employment in trades and professions which these men labor under. While I would have been glad to see the bill pass as originally introduced, providing $50, I am content to see this measure pass and by its passage grant some slight measure of relief to this deserving class. There has purposely been no intention in the law to apply to any of those who have incurred total disability in the line of service any discrimination, and, as gentlemen have well said, no discrimination has been made or should be made because of the pecuniary or financial standing of those who are disabled. [Loud applause.]

Mr. SULLOWAY. Mr. Speaker, I have no desire to take any time in the consideration of this measure. This is a Senate bill that has been unanimously reported by the Committee on Invalid Pensions. It is very strict in its language. There can be no question as to who it shall apply to. There are not a great many of them. There were 239 on the roll when this bill passed the Senate, as appears from the certificate of the then Commissioner. The increase is $10. The burden on the Government, if they are all living, would be the sum of $28,680 a year. Now, we give to soldiers who were totally disabled to perform manual labor $30 a month, and this gives additional relief to those who have been totally deaf for quite a number of years, and who are disqualified in nearly all cases in the various avenues of labor. It seems to me to be a very just measure, and I ask for a vote.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. SULLOWAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the committees.

TRANSFER OF CASES FROM STATE TO FEDERAL COURTS.

Mr. JENKINS (when the Committee on the Judiciary was called). Mr. Speaker, I am directed by the Committee on the Judiciary to call up for passage the bill H. R. 14840.

The bill was read, as follows:

A bill (H. R. 14840) to amend sections 2 and 3 of an act entitled "An act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from the State courts, and for other purposes," approved March 3, 1875, as the same is amended by an act approved March 3, 1887, as amended by an act approved August 13, 1888.

Be it enacted, etc., That the second section of an act entitled "An act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from the State courts, and for other purposes," approved March 3, 1875, as the same is amended by an act approved March 3, 1887, as amended by an act approved August 13, 1888, be, and the same is hereby, amended so as to read as follows:

"SEC. 2. That any case at law or in equity now pending or which may hereafter be brought in any State court in which the matter in dispute exceeds or shall exceed, exclusive of interest and costs, the sum or value of $2,000, and arising under the Constitution or laws of the United States or treaties made or which shall be made under their authority, may be removed into the circuit court of the United States for the proper district by any defendant or by any plaintiff who could not have brought his suit in the said circuit court by original process; and if under the customary forms of pleading in such State court the matter giving the right of removal can not properly be otherwise claimed, pleaded, or shown, such matter and ground of removal may be made to appear by a verified petition for removal.

"Any other suit of a civil nature, at law or in equity, of which the circuit courts of the United States are given jurisdiction by the preceding section, and which are now pending or which may hereafter be brought in any State court, may be removed into the circuit court of the United States for the proper district by the defendant or defendants therein, being nonresidents of that State. And when in any suit mentioned in this section there shall be a controversy which is wholly between citizens of different States, and which can be fully determined as between them, then either one or more of the defendants actually interested in such controversy may remove said suit into the circuit court of the United States for the proper district. And where a suit is now pending or may be hereafter brought in any State court in which there is a controversy between a citizen of the State in which the suit is brought and a citizen of another State, any defendant, being such citizen of another State, may remove such suit into the circuit court of the United States for the proper district at any time before the trial thereof when it shall be made to appear to said circuit court that from prejudice or local influence he will not be able to obtain justice in such State court or in any other State court to which the said defendant may under the laws of the State have the right on account of such prejudice or local influence to remove said cause: *Provided*, That if it further appear that said suit can be fully and justly determined as to the other defendants in the State court without being affected by such prejudice or local influence, and that no party to the suit will be prejudiced by a separation of the parties, said circuit court may direct the suit to be remanded, so far as relates to such other defendants, to the State court, to be proceeded with therein.

"At any time before the trial of any suit which is now pending in any circuit court or may hereafter be entered therein, and which has been removed to said court from a State court on the affidavit of any party plaintiff that he had reason to believe and did believe that from prejudice or local influence he was unable to obtain justice in said State court, the circuit court shall, on application of the other party, examine into the truth of said affidavit and the grounds thereof; and unless it shall appear to the satisfaction of said court that said party will not be able to obtain justice in such State court, it shall cause the same to be remanded thereto.

"Whenever any cause shall be removed from any State court into any circuit court of the United States, and the circuit court shall decide that the cause was improperly removed and order the same to be remanded to the State court from whence it came, such remand shall be immediately carried into execution, and no appeal or writ of error from the decision of the circuit court so remanding such cause shall be allowed."

SEC. 2. That section 3 of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 3. That whenever any party entitled to remove any suit mentioned in the next preceding section, except in such cases as are provided for in the first and last clauses of said section, may desire to remove such suit from a State court to the circuit court of the United States, he may make and file a petition in such suit in such State court at the time or at any time before the defendant is required by the laws of the State or the rule of the State court in which such suit is brought to answer or plead to the declaration or complaint of the plaintiff for the removal of such suit into the circuit court to be held in the district where such suit is pending, and shall make and file therewith a bond with good and sufficient surety for his or their entering in such circuit court on or before the first day of its then next session a copy of the record in such suit, and for paying all costs that may be awarded by said circuit court, if said court shall hold that such suit was wrongfully or improperly removed thereto, as also for their appearing and entering special bail in such suit, if special bail was originally requisite therein; and in such cases as are provided for in the first clause of the preceding section such petition may be filed in cases in which the ground of removal may be disclosed by the pleadings, within fifteen days after notice of the filing of the first pleading disclosing such ground; and if not so disclosed in the complaint, answer, or reply, then within fifteen days after the time for the reply of the complaint to be filed; and where such ground can not properly be shown by the pleadings, then on or before the date for the defendant to answer or plead to the declaration or complaint: *Provided*, That in pending causes removable at the time of the approval of this act, such petition may be filed within thirty days after such approval. It shall be the duty of the State court to accept said petition and bond and proceed no further in such suit, and, the said copy being entered as aforesaid in said circuit court of the United States, the cause shall then proceed in the same manner as if it had been originally commenced in said circuit court; and if in any action commenced in a State court the title to land be concerned, and the parties are citizens of the same State, and the matter in dispute exceed the sum or value of $2,000, exclusive of interest and costs, the sum or value being made to appear, one or more of the plaintiffs or defendants before the trial may state to the court, and make affidavit if the court require it, that he or they claim and shall rely upon a right or title to the land under a grant from a State, and produce the original grant or an exemplification of it, except where the loss of public records shall put it out of his or their power, and shall move that any one or more of the adverse party inform the court whether he or they claim a right or title to the land under a grant from some other State, the party or parties so required shall give such information or otherwise not be allowed to plead such grant or give it in evidence upon the trial; and if he or they inform that he or they so claim under such grant, any one or more of the party moving for such information may then, on petition and bond as hereinbefore mentioned in this act, remove the cause for trial to the circuit court of the United States next to be holden in such district; and any one of either party removing the cause shall not be allowed to plead or give evidence of any other title than that by him or them stated as aforesaid as the ground of his or their claim."

The amendment recommended by the committee was read, as follows:

On page 3, line 16, after the word "*Provided*," insert the following:

"A motion for the removal of said cause is filed within thirty days from the joinder of issues; and whenever the matter giving the right of removal is raised, either by pleading or petition other than the original declaration of the plaintiff, it must appear to the satisfaction of the court in order to authorize a removal that the matter is raised and relied upon in good faith as necessary to the determination of the rights of the parties; and further"——

Mr. RICHARDSON of Tennessee. Mr. Speaker, I want to reserve the point of order as to whether this bill is properly on the House Calendar. I could not tell from the reading of the bill whether there is any charge upon the Treasury or not.

Mr. JENKINS. No; none whatever, I will say to the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. There is an additional ground for the transfer of cases from the State courts to the Federal courts, and I want to ask the gentleman whether in making that provision there was any additional charge on the Treasury?

Mr. JENKINS. None whatever. It simply, as I understand the bill, gives to a party a new right to remove his case from the State court into the Federal court if it is a claim in excess of $2,000 under existing laws of the United States or treaties. It is giving a new ground for removal from the State to the Federal courts. Has the gentleman any objection to that?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I want to raise the question of consideration against the bill, in view of the statement made by the gentleman from Wisconsin that it makes no charge on the Treasury. I assume that that is true, and I raise the question of consideration.

The question of consideration was taken, and the House refused to consider.

Mr. JENKINS. I will ask unanimous consent to withdraw the further consideration of the bill.

The SPEAKER. Without objection, the bill will be withdrawn; but the House has already refused to consider it.

TERMS OF COURTS IN DISTRICT OF UTAH.

Mr. JENKINS. Mr. Speaker, I desire to call up for passage the bill (S. 149) to provide for holding terms of court in the district of Utah.

The Clerk read the bill, as follows:

Be it enacted, etc., That the State of Utah constitutes one judicial district, which is known as the district of Utah. Terms of the district court shall be held in Salt Lake City on the second Monday in September, January, and April of each year: *Provided*, That terms of said court may be held at Ogden City or other places in said district when deemed necessary by the judge.

The following amendments were recommended by the committee:

In line 6 strike out the words "September, January, and April" and insert in lieu thereof the following: "January, April, and September, and at Ogden City on the first Monday in May and November."

After the word "that," at the end of line 6, insert the word "other."

In line 7 strike out the words "Ogden City."

The amendments were agreed to.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

ADDITIONAL PUNISHMENT FOR SECOND CONVICTION OF COUNTERFEITING.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary I call up House bill 12763, to provide additional punishment upon a second or other conviction under the laws against counterfeiting.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon a second conviction of any of the offenses defined by sections 5414, 5415, 5430, 5431, 5432, 5433, 5434, 5453, 5457, 5458, and 5459 of the Revised Statutes of the United States, edition of 1878, and by sections 1, 2, 3, 4, 5, and 6 of the act of May 16, 1884, relating to the counterfeiting of foreign securities, and by sections 1 and 2 of the act of February 10, 1891, relating to the counterfeiting of coin dies, the maximum penalty now provided by those laws, respectively, shall be imposed.

Upon a third conviction of any of the said offenses the said maximum penalty and an additional penalty of five years shall be imposed.

Upon a fourth conviction of any of the said offenses the offender shall be sentenced to prison for twenty-five years.

SEC. 2. That for the purposes of this act a prior conviction of any of the offenses defined by the said sections of the Revised Statutes and by the said acts shall be held a first or second or third conviction whether the offender has been convicted of the same or any other offense relating to counterfeiting under the laws of the United States.

SEC. 3. That if it shall appear that the first or other conviction of the defendant was under a provision of the said sections or of the said acts other than the one under which he is being tried, the maximum penalty referred to in section one of this act shall be taken to be the maximum penalty of the particular offense for which the defendant is being tried.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. JENKINS, the motion to reconsider the last vote was laid on the table.

CHANGE OF BOUNDARY LINE BETWEEN CERTAIN DISTRICTS IN INDIAN TERRITORY, ETC.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary, I desire to call up House bill 6553 to change the boundaries between the southern and central judicial districts of the Indian Territory, and to establish a United States commissioner's court at Durant, Ind. T. I notice, Mr. Speaker, that this bill is on the Calendar of the Whole House on the state of the Union, and I ask unanimous consent that it be considered as if the House was in Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin in calling up the bill, which the Clerk will report, asks unanimous consent that it be considered as if the House was in Committee of the Whole. The Clerk will first report the bill, after which the request will be submitted to the House.

The Clerk read the bill, as follows:

Be it enacted, etc., That all that portion of the Chickasaw Nation east of the Washita River, from the mouth of said river to the mouth of Butcherpen Creek, and north up said Butcherpen Creek to the township line between townships 4 and 5 south in range 7 east, thence along said township line to the boundary line between the Choctaw and Chickasaw nations in range 8 east, shall be added to the central judicial district of the Indian Territory.

SEC. 2. That the United States court for the central judicial district of the Indian Territory shall have jurisdiction over all cases, civil and criminal, arising within the said described boundaries after the passage of this act.

SEC. 3. That the judge of the United States court in the Indian Territory presiding in the central judicial district thereof is hereby authorized and empowered to appoint an additional United States commissioner within said district, who shall be permanently located at Durant, in the Choctaw Nation, and to prescribe by metes and bounds the portion of the district for which such commissioner is appointed.

The following amendment, recommended by the committee, was read:

Strike out section 1 and insert in lieu thereof the following:

"That all that portion of the Chickasaw Nation east of the Washita River, from the junction of Island Bayou and the Red River, up the Red River to the mouth of the Washita River, and up said river to the mouth of Butcherpen Creek, and north up said Butcherpen Creek to the township line between townships 4 and 5 south, in range 7 east, thence along said township line to the boundary line between the Choctaw and Chickasaw nations in range 8 east, shall be added to the central judicial district of the Indian Territory."

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. JENKINS. Mr. Speaker, I would like to say that this bill was introduced into the House by the gentleman from Tennessee [Mr. MOON]. It was very carefully considered by the Judiciary Committee and received the unanimous report from that committee. It is warmly indorsed by the Attorney-General and all the judges of the court. There is a lengthy report in favor of the bill, which the gentleman from Tennessee can have read if he so desires.

Mr. RICHARDSON of Tennessee. I desire to ask if my colleague approves of the modification in the first section of the bill and substitution of the amendment recommended by the committee?

Mr. JENKINS. I will yield to the gentleman from Tennessee [Mr. MOON] to answer that question.

Mr. MOON. I will say to my colleague, Mr. Speaker, that there is no objection to the change made by the committee, and if the gentleman from Wisconsin desires the report can be read for the information of the House.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none, and it is so ordered.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS OCONEE RIVER, GEORGIA.

Mr. HEPBURN. I call up the bill (H. R. 143) to authorize the construction by the Wadley and Mount Vernon Railroad Company of a bridge across the Oconee River, in the State of Georgia.

The bill having been read, was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HEPBURN, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS MANATEE RIVER, FLORIDA.

Mr. HEPBURN. I call up the bill (H. R. 13208) to authorize the United States and West Indies Railroad and Steamship Company of Florida to construct a bridge across the Manatee River in the State of Florida.

The bill, with the amendments reported by the Committee on Interstate and Foreign Commerce, was read.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

BRIDGE ACROSS ALABAMA RIVER, ALABAMA.

Mr. HEPBURN. I call up the bill (S. 6119) to authorize the Pensacola, Alabama and Tennessee Railway Company to erect, maintain, and operate a railway bridge across the Alabama River in Wilcox County, in the State of Alabama.

The bill having been read, was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

BRIDGE ACROSS CLINCH RIVER, TENNESSEE.

Mr. HEPBURN. I call up the bill (H. R. 15711) to authorize the construction of a bridge across the Clinch River, in the State of Tennessee, by the Knoxville, Lafolette and Jellico Railroad Company.

The bill having been read, was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

BRIDGE ACROSS MONONGAHELA RIVER, PENNSYLVANIA.

Mr. HEPBURN. I call up the bill (H. R. 15767) to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania.

The bill was read.

Mr. WANGER. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 9, on page 1, after the word "county," insert "at or;" so as to read, "at or near the village," etc.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

Mr. HEPBURN. I rise to a parliamentary inquiry. Has the House been engaged in this order for the period of one hour?

The SPEAKER pro tempore (Mr. DALZELL). About fifteen minutes of the hour remain.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that the House do now resolve itself into Committee of the Whole on the state of the Union for the purpose of considering sundry bills reported by the Committee on Interstate and Foreign Commerce.

Mr. RICHARDSON of Tennessee. Mr. Speaker, reserving the right to object. I should like to know what those bills are.

Mr. HEPBURN. Mr. Speaker, if we had been engaged fifteen minutes longer in this exercise, I should have, under the rules, the right to make this motion; there would be no question about it. But our committee has got through with all our bills that have been reported and are on the House Calendar. There is, however, a large number of bills on the Union Calendar—bills authorizing the construction of light-houses, the construction of revenue cutters, and other matters of that kind. We should like under this order to dispose of those bills. Of course, we could have consumed the time so that the hour would have elapsed, but I did not think it wise to do so. I now submit this request.

The SPEAKER pro tempore. Is there objection?

Mr. PAYNE. I think I must object to the request. I desire to say that if the order in which we have been engaged had been followed for an hour the gentleman from Iowa [Mr. HEPBURN] would have had the right to move to go into Committee of the Whole on one bill, designating that bill; but, as I recollect the rule, he would have no right to move to go into Committee of the Whole for the purpose of taking up a number of bills. He would have that right after an hour has been expended. Therefore I think we ought to go on with this order. I know of other gentlemen waiting with bills that are in order under this order of business.

Mr. HEPBURN. Mr. Speaker, the difficulty is this, that probably if we pass the Committee on Interstate and Foreign Commerce and some other committee is recognized, the Chair would not recognize me to make that motion.

Mr. PAYNE. I think the contingency which the gentleman names is so remote that we ought to go on with the regular order. I therefore, reluctantly, am compelled to object.

Mr. HEPBURN. If the gentleman thinks it is wise to interfere with the proper and orderly conduct of business, he must take that responsibility. [Laughter.] That is all, Mr. Speaker.

LEAVE TO EXTEND REMARKS.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent that such gentlemen as desire to do so who spoke on the general staff bill this morning have the privilege of extending their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that those gentlemen who spoke on the general

staff bill this morning may extend their remarks in the RECORD. Is there objection?

There was no objection.

MESSAGES FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President of the United States; which was ordered to be printed, and referred to the Committee on Insular Affairs:

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on December 3, 1902, granting to Benjamin J. Horton the right to construct, operate, and maintain a system of long-distance telephone lines extending through the island of Porto Rico and connecting various cities and towns thereof together with local telephone exchanges in such cities and towns.

This ordinance was approved by the President of the United States on December 31, 1902.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 6, 1903.*

The SPEAKER also laid before the House the following message from the President of the United States; which was ordered to be printed, and referred to the Select Committee on Industrial Arts and Expositions:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State covering a statement showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the month of November, 1902, furnished by the Louisiana Purchase Exposition Commission, in pursuance of section 11 of the "Act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory," etc., approved March 3, 1901.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 6, 1903.*

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GREENE of Massachusetts, until Wednesday, on account of important business.

To Mr. RHEA of Virginia, for four days, on account of illness.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. ZENOR was permitted to withdraw from the files of the House, without leaving copies, the papers in the case of Andrew P. Batson, Fifty-fifth Congress, no adverse report having been made thereon.

CALL OF COMMITTEES.

The SPEAKER pro tempore (Mr. DALZELL). The Clerk will resume the call.

Mr. HEPBURN. Mr. Speaker, I would ask if the hour has yet elapsed?

The SPEAKER pro tempore. The hour has not yet elapsed. It will have elapsed at ten minutes to 4 o'clock.

Mr. HEPBURN. Then I ask unanimous consent that that hour be considered as exhausted.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the House may be considered as having exhausted the hour. Is there objection?

Mr. PAYNE. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is made by the gentleman from New York.

Mr. HEPBURN. Mr. Speaker, would it be proper for me at this time to rise to a question of personal privilege? [Laughter].

The SPEAKER pro tempore. The Clerk will proceed with the call.

The Clerk proceeded with the call of committees.

JOHN QUILTER.

Mr. LACEY (when the Committee on Indian Affairs was called). Mr. Speaker, by direction of the Committee on Indian Affairs, I call up the bill (H. R. 4328) to ratify and confirm a lease made by the Seneca Nation of New York Indians to John Quilter, which I will send to the desk and ask to have read

The Clerk read the bill.

Mr. LITTLE. Mr. Speaker, I make the point of order that this bill is not on the House Calendar.

Mr. LACEY. It should be upon the House Calendar.

The SPEAKER pro tempore. The Chair would state to the gentleman from Arkansas that while it was originally on the Union Calendar it was changed to the House Calendar, and properly so, in the judgment of the Chair.

Mr. LITTLE. Very well. I raise the question of consideration, Mr. Speaker.

The question was taken; and on a division (demanded by Mr. LACEY) there were—ayes 46, nays 34.

Mr. LITTLE. Mr. Speaker, I make a point of no quorum.

During the counting,

Mr. PAYNE. Mr. Speaker, it is perfectly evident that we have no quorum. I therefore move that the House adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 57 minutes p. m.) the House adjourned until 12 o'clock to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the president of the Spanish Treaty Claims Commission submitting an estimate of appropriation for salaries of the Commission—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brigantine *Betsey*, Thomas McClay, master, against The United States—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GAINES of West Virginia, from the Committee on Election of President, Vice-President, and Representatives in Congress, to which was referred the bill of the House (H. R. 16063) to punish frauds at elections of Representatives and Delegates in Congress and of electors for President and Vice-President, and for other purposes, reported the same without amendment, accompanied by a report (No. 2969); which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 569) to establish the Department of Commerce and Labor, reported the same with amendment, accompanied by a report (No. 2970); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DEEMER, from the Committtee on Invalid Pensions, to which was referred the bill of the House (H. R. 9912) granting an increase of pension to Matilda Smith, reported the same with amendments, accompanied by a report (No. 2971); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3578) granting an increase of pension to Erastus E. Edmunds, late private, Company H, Fifty-first Massachusetts Volunteer Infantry, reported the same with amendments, accompanied by a report (No. 2972); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7832) granting an increase of pension to Elizabeth Lister, reported the same with amendments, accompanied by a report (No. 2973); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15063) granting an increase of pension to William R. Thompson, reported the same with amendment, accompanied by a report (No. 2974); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15840) granting an increase of pension to Rudolph B. Weyenith, reported the same with amendments, accompanied by a report (No. 2975); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15852) granting an increase of pension to Cyrus G. Norton, reported the same without amendment, accompanied by a report (No. 2976); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15229) granting a pension to James T. Jackson, reported the same without amendment, accompanied by a report (No. 2977); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16032) granting an increase of pension to Henry Taylor, reported the same with amendments, accompanied by a report (No. 2978); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15433) granting an increase of pension to William Heywood, reported the same with amendments, accompanied by a report (No. 2979); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15013) granting an increase of pension to Charles H. Barnes, reported the same with amendment, accompanied by a report (No. 2980); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15729) granting an increase of pension to Abner M. Judkins, reported the same with amendments, accompanied by a report (No. 2981); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15892) granting an increase of pension to Eli Titus, reported the same with amendments, accompanied by a report (No. 2982); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16274) granting an increase of pension to Sallie H. Kincaid, reported the same with amendments, accompanied by a report (No. 2983); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13127) granting a pension to Nancy Works, reported the same with amendments, accompanied by a report (No. 2984); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12382) granting an increase of pension to William Sands, reported the same with amendments, accompanied by a report (No. 2985); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4093) granting an increase of pension to William Barrett, reported the same without amendment, accompanied by a report (No. 2986); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5403) granting an increase of pension to Lyman Hotaling, reported the same without amendment, accompanied by a report (No. 2987); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4941) granting an increase of pension to William Nichol, reported the same without amendment, accompanied by a report (No. 2988); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5774) granting a pension to Asa E. Sampson, reported the same without amendment, accompanied by a report (No. 2989); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4866) granting an increase of pension to Sarah D. Bereman, reported the same without amendment, accompanied by a report (No. 2990); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 473) granting an increase of pension to Mabery H. Presley, reported the same without amendment, accompanied by a report (No. 2991); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5816) granting a pension to Etta A. Whitehouse, reported the same without amendment, accompanied by a report (No. 2992); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3661) granting an increase of pension to George W. Edmonds, reported the same without amendment, accompanied by a report (No. 2993); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5814) granting a pension to Preston W. Burford, reported the same without amendment, accompanied by a report (No. 2994); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5660) granting an increase of pension to George W. Berry, reported the same without amendment, accompanied by a report (No. 2995); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5639) granting a pension to William H. Durham, reported the same without amendment, accompanied by a report (No. 2996); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5812) granting an increase of pension to Wallace Fairbank, reported the same without amendment, accompanied by a report (No. 2997); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5944) granting an increase of pension to Frederick W. Willey, alias William F. Willey, reported the same without amendment, accompanied by a report (No. 2998); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1479) granting an increase of pension to Thomas L. Caughey, reported the same without amendment, accompanied by a report (No. 2999); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6330) granting an increase of pension to Allen M. Ripley, reported the same without amendment, accompanied by a report (No. 3000); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 484) granting an increase of pension to Fletcher J. Walker, reported the same without amendment, accompanied by a report (No. 3001); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 921) granting a pension to Joanna Rogers, reported the same without amendment, accompanied by a report (No. 3002); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6101) granting an increase of pension to Reuben Andrews, reported the same without amendment, accompanied by a report (No. 3003); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4374) granting an increase of pension to Abraham Shreeves, reported the same without amendment, accompanied by a report (No. 3004); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4809) granting an increase of pension to Henry J. McFadden, reported the same without amendment, accompanied by a report (No. 3005); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4043) granting an increase of pension to Catharine A. Carroll, reported the same without amendment, accompanied by a report (No. 3006); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5431) granting a pension to Daniel Dougherty, reported the same without amendment, accompanied by a report (No. 3007); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4718) granting an increase of pension to Sarah A. Whitcomb, reported the same without amendment, accompanied by a report (No. 3008); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1300) granting a pension to Judson N. Pollard, reported the same without amendment, accompanied by a report (No. 3009); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5019) granting an increase of pension to Hannah E. James, reported the same without amendment, accompanied by a report (No. 3010); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3508) granting an increase of pension to James M. Thomas, reported the same without amendment, accompanied by a report (No. 3011); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4811) granting an increase of pension to John W. Dick, reported the same without amendment, accompanied by a report (No. 3012); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to

which was referred the bill of the Senate (S. 3035) granting an increase of pension to Elias Brewster, reported the same without amendment, accompanied by a report (No. 3013); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 16050) for the relief of James L. I. Mabee—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 12090) granting a pension to Arvilla N. Stocker—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9414) granting a pension to Mary J. Wilson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. McCALL: A bill (H. R. 16399) to suspend for ninety days the collection of duties upon coal—to the Committee on Ways and Means.

By Mr. BROWNLOW: A bill (H. R. 16400) to authorize the appointment of a United States commissioner for the central judicial district of Indian Territory—to the Committee on the Judiciary.

By Mr. FORDNEY: A bill (H. R. 16401) to abolish the distinction between offered and unoffered lands in certain cases—to the Committee on the Public Lands.

Also, a bill (H. R. 16402) amending the act of Congress approved January 26, 1897, for the benefit of telegraph operators who served during the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. REEVES (by request): A bill (H. R. 16403) authorizing the issuance of letters rogatory by the Commissioner of Patents, and providing for the execution of letters rogatory issued from foreign patent offices—to the Committee on Patents.

By Mr. RODEY: A bill (H. R. 16404) for the erection of a public building at East Las Vegas, N. Mex.—to the Committee on Public Buildings and Grounds.

By Mr. BANKHEAD: A bill (H. R. 16405) to give full credit for their commissioned services to all officers appointed in the Army since April 21, 1898—to the Committee on Military Affairs.

By Mr. TONGUE (by request): A bill (H. R. 16406) for the purchase of letters patent of the Dickenson self-righting and self-bailing lifeboat—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES of Tennessee: A bill (H. R. 16407) to suspend for ninety days the collection of duties on coal—to the Committee on Ways and Means.

By Mr. JENKINS: A bill (H. R. 16408) authorizing the Attorney-General to employ assistants—to the Committee on the Judiciary.

By Mr. PEARRE (by request): A bill (H. R. 16409) to revise, equalize, adjust, and fix special assessments levied for street extension benefits—to the Committee on the District of Columbia.

By Mr. KAHN: A bill (H. R. 16410) to annul section 9 of the act approved March 3, 1885, entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes"—to the Committee on the Judiciary.

By Mr. ESCH: A bill (H. R. 16411) to enable citizens of the United States to acquire coal lands in the district of Alaska—to the Committee on the Public Lands.

By Mr. GAINES of Tennessee: A joint resolution (H. J. Res. 243) relating to exempting anthracite coal from duty—to the Committee on Ways and Means.

By Mr. STORM: A concurrent resolution (H. C. Res. 66) authorizing the Secretary of War to submit survey of Flushing Bay ordered by the river and harbor act of June 13, 1902, etc.—to the Committee on Rivers and Harbors.

By Mr. HILL: A resolution (H. Res. 371) that immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of bill S. 2210 relating to Hawaiian silver coinage and silver certificates, and said motion shall continue in order at any time until the consideration of said bill shall have been completed—to the Committee on Rules.

By Mr. GAINES of Tennessee: A resolution (H. Res. 372) directing the Attorney-General to transmit to the House the evidence presented relating to the establishment of a monopoly in the business of transporting and selling of anthracite coal—to the Committee on the Judiciary.

By Mr. BARTLETT: Resolution of the legislature of the State of Georgia upon the subject of irrigation and drainage of the lands of the State of Georgia—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BELL: A bill (H. R. 16412) granting a pension to John A. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16413) granting an increase of pension to Richard Humphrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16414) granting an increase of pension to Daniel Jones—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 16415) for the relief of the estate of Lucy Caldwell, deceased—to the Committee on Claims.

By Mr. CONNER: A bill (H. R. 16416) granting an increase of pension to William Louther—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 16417) for the relief of the heirs of O. H. Cogswell—to the Committee on War Claims.

By Mr. CROMER: A bill (H. R. 16418) granting a pension to Eliza J. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16419) granting a pension to James Harrison—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 16420) granting an increase of pension to Elias Riegle—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 16421) to correct the military record of Corwin F. Rose—to the Committee on Military Affairs.

Also, a bill (H. R. 16422) granting an increase of pension to William H. Wheeler—to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 16423) granting an increase of pension to Eliza B. Abbott—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 16424) granting a pension to Ahi S. Loudermilk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16425) granting a pension to Albert Eggleston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16426) granting a pension to Jacob Amberg—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 16427) granting an increase of pension to Juliaetta Rowling—to the Committee on Invalid Pensions.

By Mr. KERN: A bill (H. R. 16428) granting a pension to Susan Lasley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16429) granting an increase of pension to George Gruenewald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16430) granting an increase of pension to Andrew J. Alden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16431) granting an increase of pension to Philip H. Carr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16432) to remove the charge of desertion from the military record of Henry G. Schnohr, alias Henry Krimm—to the Committee on Military Affairs.

By Mr. KETCHAM: A bill (H. R. 16433) granting an increase of pension to Sydda B. Arnold—to the Committee on Pensions.

By Mr. MORRELL: A bill (H. R. 16434) granting a pension to Robert Pattison—to the Committee on Invalid Pensions.

By Mr. OTJEN: A bill (H. R. 16435) granting a pension to Carl W. Barroth—to the Committee on Pensions.

By Mr. PEARRE: A bill (H. R. 16436) for the relief of D. C. Owings—to the Committee on Claims.

Also, a bill (H. R. 16437) granting a pension to John H. Thomson—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 16438) for the relief of the First National Bank of Newton, Mass.—to the Committee on Claims.

Also, a bill (H. R. 16439) granting a pension to Mary Henrietta Baston—to the Committee on Pensions.

Also, a bill (H. R. 16440) granting a pension to Joseph Richardson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16441) granting an increase of pension to Augustus J. Norwood—to the Committee on Invalid Pensions.

By Mr. SHATTUC: A bill (H. R. 16442) granting an increase of pension to William J. Elliott—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 16443) granting a pension to H. C. Beamer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16444) granting a pension to Isaac Lawrence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16445) granting a pension to Luke Madden—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 16446) granting a pension to Elizabeth Davis—to the Committee on Pensions.

Also, a bill (H. R. 16447) granting a pension to Milton McLain—to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 16448) granting an increase of pension to John W. Shepard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16449) granting an increase of pension to James Turner—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 16450) for the relief of the legal representatives of Andrew J. Joyce, deceased—to the Committee on War Claims.

By Mr. TONGUE: A bill (H. R. 16451) granting a pension to G. W. Work—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 16452) granting an increase of pension to John B. Tucker—to the Committee on Invalid Pensions.

By Mr. WOODS: A bill (H. R. 16453) to remove the charge of desertion and grant an honorable discharge from the United States Army to Ernest Brockelman—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Philadelphia Board of Trade in relation to the currency system of the United States—to the Committee on Banking and Currency.

Also, resolutions of the National German-American Alliance for the establishment of an immigration commission, etc.—to the Committee on Immigration and Naturalization.

Also, papers to accompany House bill granting a pension to Martha C. Kuhn—to the Committee on Invalid Pensions.

By Mr. BARTLETT: Petition of G. W. T. Hannah, T. S. Griggs, and others, of Thomaston, Ga., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BELL: Petition of John A. Harris, of Red Mountain, Colo., for a pension—to the Committee on Invalid Pensions.

By Mr. BINGHAM: Resolutions of the Philadelphia Maritime Exchange, protesting against the passage of House joint resolution 234, to temporarily extend the privileges of the coasting laws to foreign steamers carrying coal between American ports—to the Committee on the Merchant Marine and Fisheries.

By Mr. BRANTLEY: Petitions of retail druggists of Blackshear and Hazlehurst, Ga., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BURNETT: Petition of Elizabeth Price, of Cherokee County, Ala., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BUTLER of Pennsylvania: Petitions of Friends' Meeting, Baptist, Methodist Episcopal, Presbyterian, and United Presbyterian churches of Oxford, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petitions of United Presbyterian, Second Presbyterian, and Methodist Episcopal churches of Oxford, Pa., for the passage of the immigration restriction bill—to the Committee on Immigration and Naturalization.

By Mr. CREAMER: Resolutions of the Manufacturers' Association of New York, favoring the passage of the Elkins bill, to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Association of Retail Grocers, in favor of the passage of pure-food bills—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Brotherhood of Locomotive Firemen of New York State, in support of a national eight-hour day—to the Committee on Labor.

By Mr. DALZELL: Petition of sundry citizens of Pittsburg, Pa., and Munyon Homeopathic Home Remedy Company, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, petitions of George A. Kelley Company, favoring House bill 15368, amending the customs drawback law—to the Committee on Ways and Means.

Also, resolution of the Paint Grinders' Association of the United States, relative to freight classification—to the Committee on Interstate and Foreign Commerce.

Also, protest of Philadelphia Maritime Exchange, against House joint resolution 234—to the Committee on the Merchant Marine and Fisheries.

By Mr. DEEMER: Petition of F. J. Welch and 4 others, of Austin, Pa., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of S. A. Corle and others, of Williamsport, Pa., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. DOUGLAS: Petition of the Miller Manufacturing Company, New York City, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DOVENER: Petition of J. H. Rinehart and 23 other citizens of Harrison County, W. Va., to accompany House bill 15632, granting a pension to Walter Cunningham—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Resolutions of the Manufacturers' Association of Brookyn, N. Y., against the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of the Paint Grinders' Association, urging legislation to empower the Interstate Commerce Commission to establish uniform freight classifications and freights—to the Committee on Interstate and Foreign Commerce.

By Mr. FOERDERER: Protest of Philadelphia Maritime Exchange, against the passage of House joint resolution 234, temporarily extending the privileges of the coasting laws to foreign steamers carrying coal between American ports—to the Committee on Interstate and Foreign Commerce.

Also, petitions of W. W. Lawrence & Co., and T. H. Nevin Company, members of the Paint Grinders' Association, regarding freight classification—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Petition of E. A. White and others of Allegheny, Pa., to enact laws prohibiting the sale of intoxicating liquors in Soldiers' Homes, in Government buildings, and in immigrant stations—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Peoria (Ill.) Retail Grocers' Association, for the appointment of a commission to investigate the construction and operation of the various State food laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of George A. Kelley Company, Pittsburg, Pa., in favor of House bill 15368, amending the customs-drawback law—to the Committee on Ways and Means.

By Mr. HEDGE: Resolution of Kabaker Lodge, No. 318, I. B. A., favoring a modification of the methods and practice of immigration officers at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Connecticut: Petition of manufacturers and 300 citizens of Southington, Conn., asking for suspension of duty on coal—to the Committee on Ways and Means.

By Mr. KERN: Petition of retail druggists of Lebanon, Ill., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. LACEY: Resolutions of United Mine Workers' Union No. 172, of Foster, Iowa, indorsing the proposed eight-hour law—to the Committee on Labor.

Also, resolutions of Iowa State Horticultural Society, Des Moines, Iowa, urging the enactment of House bill 10999—to the Committee on Agriculture.

By Mr. LANHAM: Petition of citizens of Parker County, Tex., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. LINDSAY: Resolution of the Paint Grinders' Association, relative to freight classification—to the Committee on Interstate and Foreign Commerce.

By Mr. MADDOX: Petition of Joshua Johnston, of Chattooga County, Ga., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MANN: Papers to accompany House bill 15844, granting a pension to Lulu B. Harris—to the Committee on Invalid Pensions.

By Mr. MINOR: Petition of citizens of Shiocton, Wis., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MOODY of Oregon: Petition of Closset & Devers, Portland, Oreg., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of T. S. McDaniel and A. A. Morse, for an amendment of the postal laws to forbid the transmission of liquor advertisements through the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. MOON: Petition of retail druggists of Cowan, McMinnville, and Sweetwater, Tenn., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MORRELL: Protest of the Philadelphia Maritime Exchange against temporarily extending the privileges of the coasting laws to foreign steamers carrying coal between American ports—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Bremerton (Wash.) Board of Trade, in relation to the use of the U. S. S. *Philadelphia* as a receiving ship—to the Committee on Naval Affairs.

Also, petition of the National Association of Retail Grocers against the passage of House bills 3109 and 15614, known as the pure-food bills—to the Committee on Interstate and Foreign Commerce.

Also, petition of John H. Rice & Co., Philadelphia, Pa., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, papers to accompany House bill for increase of pension of Martha C. Kuhn—to the Committee on Invalid Pensions.

By Mr. OTJEN: Paper to accompany House bill granting a pension to Carl W. Barroth—to the Committee on Pensions.

By Mr. RIXEY: Petition of heir of William A. Bowen, deceased, late of Fauquier County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of W. L. Crittenden, trustee of Mount Holly Baptist Church, of Fauquier County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROBB (by request): Petition of J. T. Loyd, of Winona, Mo., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SHALLENBERGER: Papers to accompany House bill 16387, granting an increase of pension to R. M. Coke—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 16389, granting an increase of pension to George W. Swan—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 16388, granting an increase of pension to Thomas N. Hinson—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 16390, granting a pension to Mrs. Sarah Charter—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: Petition of retail druggists of Marble Falls, Tex., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SNOOK: Petition of retail druggists of Paulding County, Ohio, and Hicksville, Ohio, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, papers to accompany House bill granting an increase of pension to James Turner, Defiance, Ohio—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to John W. Shepard, Hicksville, Ohio—to the Committee on Invalid Pensions.

By Mr. THAYER: Resolution of Colonel Timothy Bigelow Chapter, Daughters of the American Revolution, Worcester, Mass., indorsing the Appalachian Park bill—to the Committee on the Public Lands.

By Mr. TONGUE: Petition of T. P. Hackleman, for the establishment of an experimental steel-rail highway—to the Committee on Agriculture.

By Mr. WARNER: Protest of business men of Camargo, Douglas County, Ill., against any proposed parcels-post and post-currency legislation—to the Committee on the Post-Office and Post-Roads.

Also, petitions of retail druggists of Champaign, Arthur, Tuscola, Urbana, Charleston, Sigel, Rantoul, and Mattoon, Ill., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill granting a pension to John B. Tucker—to the Committee on Invalid Pensions.

Also, papers to accompany bill for a pension to Nancy Day—to the Committee on Invalid Pensions.

By Mr. YOUNG: Petition of the Quaker City Cold Storage and Warehouse Company, Philadelphia, Pa., favoring the passage of the Elkins bill, to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Standard Underground Cable Company, Philadelphia, favoring the Lovering drawback customs bill—to the Committee on Ways and Means.

Also, petition of the Philadelphia Maritime Exchange, in opposition to the creation of a subport of entry at Chester, Pa.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Keystone Watch Case Company, Philadelphia, in opposition to the passage of House bill 3076, limiting the hours of daily service of laborers—to the Committee on Labor.

Also, petition of T. H. Nevin Company, Allegheny, Pa., members of the Paint Grinders' Association, in relation to freight classification—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Philadelphia Maritime Exchange, protesting against House joint resolution 234—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the National Association of Retail Grocers, favoring the passage of pure-food bills—to the Committee on Interstate and Foreign Commerce.

By Mr. ZENOR: Papers to accompany House bill 3002, granting a pension to Mrs. Abbey Kent, widow of a soldier of the Mexican war—to the Committee on Pensions.

Also, papers to accompany House bill granting a pension to Harriet S. Packard—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *January 7, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. It is approved.

CREDENTIALS.

The PRESIDENT pro tempore presented the credentials of WILLIAM P. DILLINGHAM, chosen by the legislature of Vermont a Senator from that State for the term of six years beginning on the 4th day of March, 1903; which were read, and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the bill (S. 149) to provide for holding terms of court in the district of Utah in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills:

A bill (S. 1099) authorizing the Secretary of the Navy to return to Harvard University certain colors, silver cup, and Nordenfelt gun;

A bill (S. 1359) to increase pension for total deafness;

A bill (S. 6119) to authorize the Pensacola, Alabama, and Tennessee Railway Company to erect, maintain, and operate a railway bridge across the Alabama River in Wilcox County, in the State of Alabama; and

A bill (S. 6439) for the refund of certain taxes.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 143) to authorize the construction by the Wadley and Mount Vernon Railroad Company of a bridge across the Oconee River, in the State of Georgia;

A bill (H. R. 6553) to change the boundaries between the southern and central judicial districts of the Indian Territory, and to establish a United States commissioner's court at Durant, Ind. T.;

A bill (H. R. 12763) to provide additional punishment upon a second or other conviction under the laws against counterfeiting;

A bill (H. R. 13208) to authorize the United States and West Indies Railroad and Steamship Company, of Florida, to construct a bridge across the Manatee River, in the State of Florida;

A bill (H. R. 15449) to increase the efficiency of the Army;

A bill (H. R. 15711) to authorize the construction of a bridge across the Clinch River, in the State of Tennessee, by the Knoxville, Lafollette and Jellico Railroad Company; and

A bill (H. R. 15767) to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented a petition of Local Union No. 379, Brotherhood of Painters, Decorators, and Paper Hangers, of Huntington, W. Va., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. FOSTER of Washington presented a petition of Forest Lake Council, No. 1, Junior Order of United American Mechanics, of Tacoma, Wash., praying for the adoption of certain amendments to the immigration laws; which was referred to the Committee on Immigration.

He also presented a petition of Local Union No. 883, United Brotherhood of Carpenters and Joiners, of Aberdeen, Wash., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of the congregation of the Methodist Church of Shelton, Wash., and a petition of the Western Washington Christian Convention, of Whatcom, Wash., praying

for the enactment of legislation to further strengthen the anti-canteen law; which were referred to the Committee on Military Affairs.

Mr. CLAY. I present resolutions of the legislature of Georgia relative to irrigation in that State. I ask that the resolutions be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the resolutions were referred to the Committee an Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Whereas water supply and drainage largely determine the fertility of our soil; and

Whereas the proper irrigation and drainage of the State of Georgia would add very materially to the agricultural interests of the State and the people in general, if proper irrigation and drainage can be so used and handled as to prevent the washing and erosion of the land, causing the valleys to fill with sand and filling up the streams with silt: Therefore, be it

Resolved by the house (the Senate concurring), That our Senators and Representatives in Congress be, and are hereby, respectfully requested and urged to use their influence with the United States irrigation and drainage department and Department of Agriculture to have competent engineers to make a preliminary investigation in this State to determine whether or not irrigation and drainage can be applied, so as to prevent injury and damage to our lands and to assist the people of the State of Georgia in their agricultural pursuits and to ascertain the expense thereof.

Resolved, That our Senators and Representatives in Congress be requested to secure this action at the expense of the National Government and without expense to the State of Georgia.

Resolved, That the agricultural department of the State of Georgia is hereby requested to cooperate with and furnish all information to said United States Department or engineers without incurring any expense to the State.

Resolved, That a copy of these resolutions be furnished to each of our Senators and members of Congress.

Approved December 13, 1902.

Mr. BEVERIDGE presented petitions of Reed and Rattan Workers' Local Union No. 224, of Indianapolis; of the Trades and Labor Assembly of East Chicago; of Team Drivers' International Union No. 5, of Fort Wayne; of Hod Carriers and Mortarmen's Local Union No. 9697, of Vincennes; of Local Union No. 565, of Elkhart; of Local Union No. 436, of New Albany, and of Local Union No. 119, of Whiting, all of the American Federation of Labor, in the State of Indiana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a memorial of Coopers' International Union No. 1, American Federation of Labor, of Kansas City, Kans., remonstrating against the enactment of legislation relative to the internal-revenue tax on fermented liquors; which was referred to the Committee on Finance.

He also presented a petition of the Pulaski Monument Polish Central Committee, of Chicago, Ill., praying for the enactment of legislation providing for the erection of an equestrian statue to the memory of the late Brig. Gen. Count Casimir Pulaski; which was referred to the Committee on the Library.

Mr. KITTREDGE presented the petition of J. W. Smith and 86 other citizens of Huron, S. Dak., praying for the enactment of legislation to regulate the immigration of aliens into the United States; which was ordered to lie on the table.

Mr. MITCHELL presented a petition of the Woman's Christian Temperance Union of De Moss Springs, Oreg., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented papers in support of the bill (S. 6781) for the relief of James Small; which were referred to the Committee on Indian Depredations.

Mr. KEAN presented a petition of Warren Council, No. 16, Junior Order United American Mechanics, of Washington, N. J., praying for the passage of the so-called immigration bill; which was ordered to lie on the table.

He also presented petitions of Local Union No. 44, Metal Polishers, Buffers, Platers, Brass Moulders, and Brass Workers, of Newark; of Local Union No. 22, Journeymen Bricklayers and Plasterers, of Long Branch; of Local Union No. 121, United Brotherhood of Carpenters and Joiners, of Bridgeton, and of the Shipbuilding Council of Elizabeth, all in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. SPOONER presented petitions of sundry citizens of Wisconsin, praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. QUAY presented the memorial of Henry Arnold and sundry other officers of the German-American Alliance of Allegheny County, Pa., remonstrating against the passage of the pending immigration bill; which was ordered to lie on the table.

He also presented the memorial of Sotter & Bros., of Pottstown, Pa., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented the memorial of R. Munroe & Sons, of Pittsburg, Pa., remonstrating against the passage of the pending anti-conspiracy bill; which was ordered to lie on the table.

He also presented a petition of the National Indian Association of the United States, praying for the enactment of legislation to grant land warrants to the New York Indian soldiers who served in the war of 1812; which was referred to the Committee on Public Lands.

He also presented a petition of 271 citizens of Pittsburg, Pa., praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented the memorial of George E. Emshaw and sundry other officers of the Maritime Exchange, of Philadelphia, Pa., remonstrating against the enactment of legislation temporarily extending the privileges of the coasting laws to foreign steamers carrying coal between American ports; which was referred to the Committee on Commerce.

He also presented a petition of the Commercial Club of Gallup, N. Mex., and a petition of the National Irrigation Congress, of Colorado Springs, Colo., praying for the passage of the so-called omnibus statehood bill; which were ordered to lie on the table.

He also presented petitions of Felton Sibley & Co., of Philadelphia, Pa.; of W. W. Lawrence & Co., of Chicago, Ill., and of F. H. Neville & Co., of Chicago, Ill., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

STATEHOOD BILL.

Mr. QUAY. I send to the desk sundry telegrams from various States on the subject of the statehood bill. I ask that the telegrams lie on the table, and that they be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

[Telegram.]

CARLSBAD, N. MEX., *December 22, 1902.*

Hon. MATTHEW S. QUAY, *Washington, D. C.:*

The people of New Mexico want statehood. Senatorial report is inaccurate and superficial. We appreciate the correctness of your position.

C. S. McLENATHEN.

[Telegram.]

DENVER, COLO., *December 29, 1902.*

Hon. M. S. QUAY, *1612 K:*

Beveridge committee did not see one-tenth New Mexico, and misrepresent what they did see.

W. A. FLEMING JONES,
Lincoln, N. Mex.

[Telegram.]

CARLSBAD, N. MEX., *December 30, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

As president Union Club, having membership 60 prominent business, professional men, thank you work done statehood. All citizens Eddy County enthusiastically for statehood.

J. O. CAMERON.

[Telegram.]

CARLSBAD, N. MEX., *December 30, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

Statehood committee report inaccurate, incomplete, and, based on specifical investigation, is unfair and an injury to the Territory.

A. N. PRATT.

[Telegram.]

CARLSBAD, N. MEX., *December 30, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

Pecos Valley section of New Mexico wants statehood, but wants no more investigating committees that fly by night. People appreciate your strenuous fight their behalf.

L. O. FULLEN, *Editor Argus.*

[Telegram.]

CARLSBAD, N. MEX., *December 31, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

Carlsbad Improvement League, 70 members, representing commercial and industrial life Eddy County, a unit for statehood, protest against unfair report of committees.

W. R. ALLISON.

[Telegram.]

CARLSBAD, N. MEX., *January 3, 1903.*

Hon. MATT. S. QUAY, *Washington, D. C.:*

Carlsbad citizens unanimously condemn methods of investigation pursued by Senatorial committee; best part of New Mexico traversed at night, with single stop of sixty minutes for supper. Protest against conclusions against Arizona and New Mexico based solely upon census 1900, while giving Oklahoma benefit subsequent growth. We know population Carlsbad, Roswell, and whole Pecos Valley double figures given by committee. Similar errors must be numerous. Impossible American citizens live under conditions painted by Beveridge. If Congress rule brings such results, duty demands immediate grant statehood. We protest against whitewashing judiciary while charges and report of special agent against McMillan, judge fifth judicial circuit, are pending in Department of Justice.

FRANCIS GALLATIN TRACY,
President Pecos Irrigation Company.

[Telegram.]

GUTHRIE, OKLA., *December 11, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

Oklahoma people congratulate you on your fearless stand giving honest statement of relative positions of Oklahoma and Indian Territories. You are absolutely in line with adopted policies of Oklahoma as well as the national Republican platform.

WILLIAM S. GRIMES,
Republican National Committeeman.

[Telegram.]

HOLDENVILLE, IND. T., *December 10, 1902.*

Hon. MATTHEW S. QUAY, *Washington, D. C.:*

Hope you will urge omnibus bill regardless of Senate amendment.

W. R. SCOTT.

[Telegram.]

HOLDENVILLE, IND. T., *December 9, 1902.*

Hon. M. S. QUAY, *United States Senate, Washington:*

I earnestly protest against the passage of Senate amendment to omnibus bill, and recommend passage of statehood bill without embracing Indian Territory.

L. WALKER.

[Telegram.]

HOLDENVILLE, IND. T., *December 9, 1902.*

Hon. M. S. QUAY, *United States Senate, Washington, D. C.:*

I urge passage of omnibus bill and defeat of Senate amendment as to best interest of Indian Territory.

R. M. MCFARLIN.

[Telegram.]

HOLDENVILLE, IND. T., *December 9, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

As a resident of the Indian Territory I protest against the Senate amendment to omnibus statehood bill and recommend that the Indian Territory be not now allowed.

CHAS. D. WATTERVILLE.

[Telegram.]

DECEMBER 9, 1902.

Senator M. S. QUAY, *Washington, D. C.:*

Please urge passage of omnibus bill without Senate amendment.

JOHN A. BARNARD.

[Telegram.]

DECEMBER 9, 1902.

Hon. M. S. QUAY, *Washington, D. C.:*

I urge passage of omnibus bill without Senate amendment.

B. P. MCFARLIN.

[Telegram.]

DECEMBER 9, 1902.

Hon. MATT QUAY, *Washington, D. C.:*

Hope you will urge omnibus bill regardless of Senate amendment.

W. R. SCOTT.

[Telegram.]

DECEMBER 9, 1902.

Hon. M. S. QUAY, *Washington, D. C.:*

For best interests of all, would request that you urge passage of omnibus bill without Senate amendment.

W. S. HASTON.

[Telegram.]

HOLDENVILLE, IND. T., *December 9, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

As a resident of Creek Nation I protest against passage of Senate amendment to statehood bill, and recommend passage without including Indian Territory.

I. W. SINGLETON.

[Telegram.]

DECEMBER 9, 1902.

Senator M. S. QUAY, *Washington, D. C.:*

I request that you urge passage of omnibus bill and defeat, if possible, Senate amendment as to interest of Indian Territory.

E. O. EDMONDSON.

[Telegram.]

DECEMBER 9, 1902.

Senator M. S. QUAY, *Washington, D. C.:*

Please urge passage of omnibus bill and defeat, if possible, Senate amendment as to best interests of Indian Territory.

NATIONAL BANK OF HOLDENVILLE.

Mr. QUAY. I have a paper handed me, with the request that I bring it to the attention of the Senate. I send it to the desk and ask to have it read. It is not exactly in the nature of a memorial, but it is an affidavit bearing upon a matter in the record, and I suppose it will come in under the order of petitions and memorials.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks that the paper sent to the desk may be read. Is there objection?

There being no objection, the paper was read, as follows:

TERRITORY OF NEW MEXICO, *County of Bernalillo, ss:*

William Borchert, of lawful age, being duly sworn, on his oath states:

That he is justice of the peace of precinct No. 26 of the county of Bernalillo, N. Mex., and is the same William Borchert who testified before the subcommittee of the Senate Committee on Territories at Albuquerque, N. Mex., on November 14, 1902; that he has just read what purports to be his evidence before said subcommittee at said time and place, contained in Senate Document No. 36, Fifty-seventh Congress, second session, at pages 56-57; that in response to the following question by Senator DILLINGHAM, as it appears by said report—

"Q. The large majority of the people in that precinct (referring to precinct No. 26) are Mexicans?"

this affiant is made to answer—

"Yes, sir; we have a very few Americans."

That affiant did not at that time and place testify that there were a very few Americans in said precinct 26, and that the large majority of the people in that precinct are Mexicans, and did not say anything which by any possibility could be construed to convey that meaning; that the fact is, as is known to everyone in this community, that said precinct is almost entirely peopled by what are locally called Americans as distinguished from the native population called Mexicans; that the said precinct has a population of between 3,000 and 4,000 at a conservative estimate, and of all the people of said precinct there are not, in the opinion of this affiant, to exceed 200 people of Spanish or Mexican descent, and of these there are not to exceed 25, in the opinion of this affiant, who can not speak the English langnage.

That affiant is at a loss to understand how anything he said at that time and place could have been so taken down by the stenographer as to make it appear that he stated that there were few Americans in pre inct 26, and that the large majority of the people were Mexicans; that affiant knows that he said nothing that sounded like that, and the statement is so at variance with the truth that he could not by any possibility have made that statement. And further affiant saith not.

WM. BORCHERT.

Subscribed and sworn to before me this 30th day of December, 1902.

[SEAL.] FREDERICK H. KENT,
Notary Public, Bernalillo County, N. Mex.

REPORT OF A COMMITTEE.

Mr. CLARK of Wyoming (for Mr. HANSBROUGH), from the Committee on Public Lands, to whom was referred the bill (H. R. 12240) granting to Nellie Ett Heen the south half of the northwest quarter, and lot 4 of section 2, and lot 1 of section 3, in township 154 north, range 101 west, in the State of North Dakota, reported it with an amendment, and submitted a report thereon.

GEORGE F. WHITE.

Mr. MCCUMBER. I move that House bill No. 15074, granting an increase of pension to George F. White, being Order of Business No. 2299, be taken from the Calendar, and that the bill be postponed indefinitely, the soldier having died since the bill was reported.

The motion was agreed to.

JOHN HARRIS.

Mr. MCCUMBER. I move that Senate bill No. 5145, granting an increase of pension to John Harris, being Order of Business No. 2323, be taken from the Calendar, and that the bill be postponed indefinitely, the claimant having died since the bill was reported.

The motion was agreed to.

BENJAMIN ZANE.

Mr. DEBOE. I move that the bill (H. R. 2477) granting an increase of pension to Benjamin Zane, being Order of Business No. 2298, be taken from the Calendar, and that the bill be postponed indefinitely.

The motion was agreed to.

REPORT ON HAWAIIAN ISLANDS.

Mr. MITCHELL, from the Committee on Pacific Islands and Porto Rico, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Pacific Islands and Porto Rico be given leave to print, for the use of the committee, 200 copies of the report of the subcommittee appointed to investigate the general conditions of the islands of Hawaii, and the administration of the affairs thereof, under Senate resolution No. 260, first session, Fifty-seventh Congress, of date June 28, 1902.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 6773) to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies;" which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. FAIRBANKS introduced a bill (S. 6774) correcting the military record of William Hester; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6775) correcting the military record of George R. Sturgeon; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6776) granting a pension to Laura Washburn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 6777) for the relief of William O. Robards; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6778) for the relief of Belle M. Robards; which was read twice by its title, and referred to the Committee on Claims.

Mr. MCLAURIN of Mississippi introduced a bill (S. 6779) to quiet certain land titles in the State of Mississippi; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CLAY introduced a bill (S. 6780) for the relief of the Methodist Episcopal Church (colored), corner of Fifth avenue and East Second street, at Rome, Ga.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL introduced a bill (S. 6781) for the relief of James Small; which was read twice by its title, and referred to the Committee on Indian Depredations.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6782) granting an increase of pension to William Foy, alias William Russell, with the accompanying papers:

A bill (S. 6783) granting a pension to Chancy Akin, with the accompanying papers; and

A bill (S. 6784) granting an increase of pension to Martin O'Connor.

Mr. WELLINGTON introduced a bill (S. 6785) granting a pension to Louisa Lindenstruth; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 6786) to recognize and promote the efficiency of Army chaplains; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6787) for the relief of the estate of Joseph O. Prosdame;

A bill (S. 6788) for the relief of the estate of Euphemie Lemelle;

A bill (S. 6789) for the relief of Pierre Lement; and

A bill (S. 6790) for the relief of the estate of Clarisse Donato.

Mr. QUAY introduced a bill (S. 6791) making it a misdemeanor for persons to unlawfully use or wear the insignia or button of the Spanish-American War Veterans, the insignia or rosette of the Military and Naval Order of the Spanish-American War, or the official decorations of Spanish-American war societies; which was read twice by its title and referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 6792) granting a pension to Thomas Seal; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present sundry affidavits and two petitions, praying that a pension be granted to the claimant, who was a scout, guide, and dispatch bearer. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. MORGAN introduced a bill (S. 6793) for the relief of the estate of J. E. Prestridge; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6794) for the relief of the estate of James S. Ware; which was read twice by its title, and referred to the Committee on Claims.

Mr. HALE introduced a bill (S. 6795) granting an increase of pension to Hannah J. G. Hopkins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 6796) granting an increase of pension to Andrew J. Larrabee; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6797) granting an increase of pension to Albert W. Bullock; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

EFFICIENCY OF THE MILITIA.

Mr. BEVERIDGE submitted an amendment intended to be proposed by him to the bill (H. R. 15345) to promote the efficiency of the militia, and for other purposes; which was ordered to lie on the table and be printed.

PRICES OF COAL IN THE CITY OF WASHINGTON.

Mr. STEWART. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on the District of Columbia be instructed to inquire what is the wholesale price of coal in Washington which the local dealers are required to pay, and what is the price which the local dealers charge their customers, and whether the scarcity of coal is the result of failure of shipment to Washington, or whether there is any lack of prompt and efficient distribution among the people.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. ALLISON. What is the purport of the resolution? What does it propose?

The PRESIDENT pro tempore. It proposes an inquiry on the part of the Committee on the District of Columbia as to the wholesale and retail prices of coal in the District.

Mr. ALLISON. I think the inquiry ought to be made.

The resolution was considered by unanimous consent, and agreed to.

CONSTITUTION OF COLOMBIA.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, That the Supplement to Annals of the American Academy of Political and Social Science of January, 1893, containing the constitution of the Republic of Colombia, with an historical introduction translated by Bernard Moses, be printed as a document.

REPORT OF THE PHILIPPINE COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on the Philippines, and ordered to be printed:

To the Senate and House of Representatives:

I herewith send a letter from the Secretary of War, transmitting the third annual report of the Philippine Commission, covering the year ending October 1, 1902, and the laws passed by the Commission between July 1, 1902, and October 27, 1902.

I call your special attention to the recommendations contained in this letter of the Secretary of War. I most earnestly feel that the enactment of the measures already pending in your body for the betterment of the Philippine Islands is imperatively demanded by the situation in those islands, and serious calamity may come from failure to enact them. Furthermore, I with equal earnestness ask your attention to the recommendation of the Secretary of War in the accompanying letter and urge its adoption, so that the sum of money therein specified may be appropriated for the uses and in the manner likewise specified, in order that the present distress in the islands may be remedied.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 7, 1903.*

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 6553) to change the boundaries between the southern and central judicial districts in the Indian Territory, and to establish a United States commissioner's court at Durant, Ind. T.; and

A bill (H. R. 12763) to provide additional punishment upon a second or other conviction under the laws against counterfeiting.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 143) to authorize the construction by the Wadley and Mount Vernon Railroad Company of a bridge across the Oconee River, in the State of Georgia;

A bill (H. R. 13208) to authorize the United States and West Indies Railroad and Steamship Company, of Florida, to construct a bridge across the Manatee River, in the State of Florida;

A bill (H. R. 15711) to authorize the construction of a bridge across the Clinch River, in the State of Tennessee, by the Knoxville, Lafollette and Jellico Railroad Company; and

A bill (H. R. 15767) to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania.

The bill (H. R. 15449) to increase the efficiency of the Army was read twice by its title, and referred to the Committee on Military Affairs.

ANTHRACITE COAL.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over, by unanimous consent, from a previous day, which will be read.

The Secretary read the resolution submitted on the 5th instant by Mr. VEST, as follows:

Resolved, That the Committee on Finance be instructed to prepare and report a bill amending "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, so that the tariff duty shall be removed from anthracite coal and the same be placed on the free list.

Mr. ALDRICH. I ask that the resolution may go over until to-morrow, without prejudice.

The PRESIDENT pro tempore. The Senator from Rhode Island asks that the resolution shall go over until to-morrow, retaining its place on the table. Is there objection? The Chair hears none. The resolution goes over.

EFFICIENCY OF THE MILITIA.

Mr. FAIRBANKS. I move that the Senate proceed to the consideration of the bill (H. R. 12199) to regulate the immigration of aliens into the United States. The bill is in the Senate. It has been read for amendment.

Mr. WARREN. I desire to say, in the absence of the acting chairman of the Committee on Military Affairs, the Senator from Vermont [Mr. PROCTOR], that notice has been given and duly recorded on the Calendar that the militia bill, so called, would come up this morning. I have expected that it would so come up, and I ask the Senator from Indiana if he does not understand the matter in the same way?

Mr. FAIRBANKS. I understand that notice was given, but I did not know that the committee was expecting to proceed under the notice.

Mr. WARREN. I was endeavoring to secure the attention of the Chair to ask that consideration of the bill be proceeded with.

Mr. FAIRBANKS. I did not intend to take precedence of that order.

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Wyoming?

Mr. FAIRBANKS. I do. I saw that the Senator from Vermont who has the bill in charge was not in the Chamber, and I thought we might proceed with the immigration bill, at least until he should return.

Mr. WARREN. I thank the Senator for his courtesy.

I move that the Senate proceed to the consideration of the bill (H. R. 15345) to promote the efficiency of the militia, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The pending question is on the amendment offered by the Senator from Alabama [Mr. PETTUS] to strike out all of section 24 as amended.

Mr. MALLORY. A large portion of this bill, Mr. President, that portion relating to the organization of the militia is, in my judgment, very desirable, and it would give me great pleasure to vote for it were there not included in it one or two features which I do not think can be sustained in connection at least with a measure of this character. The title of the bill is "To promote the efficiency of the militia, and for other purposes," and some twenty-two sections of the bill are devoted to provisions which undoubtedly are improvements upon the existing laws governing the militia of the States. I am free to say that, upon a very cursory examination of the bill, I was very much disposed to advocate it, but, after a careful second examination, I find that it is not merely a measure to promote the efficiency of the militia of the States, but that there is included in it the purpose of practically establishing a reserve army of 100,000 men in addition to the regular standing army we already have.

And, Mr. President, the measure is disingenuous, it is misleading, because, under the guise of being a scheme for the promotion of the efficiency of the militia, it deliberately declares that a certain body of men, to be called National Volunteers, are a part of the militia, when in fact and in truth, under the provisions of this bill, they can not be considered a part of the militia without doing violence to a very plain and unequivocal provision of the Constitution. The first section provides:

That the militia shall consist of every able-bodied male citizen of the respective States, Territories, and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than 18 and less than 45 years of age, and shall be divided into three classes—the organized militia, to be known as the National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories.

That is one of the branches of the militia for the promotion of the efficiency of which the bill provides. The second branch or class of the militia is specified in the same section to be—

the National Volunteer Reserve as provided by this act, and the remainder to be known as the Reserve Militia.

Now, to ascertain what this National Volunteer Reserve is, we have to refer to the twenty-third and twenty-fourth sections of the bill, and in order that there shall be no misapprehension of what that is, I shall ask the Secretary to read the twenty-third and twenty-fourth sections, and have them incorporated as a part of my remarks.

The PRESIDENT pro tempore. The Secretary will read as requested.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Wyoming?

Mr. MALLORY. Certainly.

Mr. WARREN. I wish to ask a question merely. Does the Senator from Florida understand that a part of section 24 has already gone out by amendment?

Mr. MALLORY. Yes; I do not know exactly, Mr. President, where that amendment begins. I tried to get a copy of the bill this morning as amended, but I was not able to do so. I know that the amendment proposed by the Senator from Ohio [Mr. FORAKER] was adopted, which affects the employment of a certain number in the year in practice duty.

The PRESIDENT pro tempore. Does the Senator from Florida desire to have the sections read as amended?

Mr. MALLORY. Yes, sir; I would rather have them read as amended.

Mr. WARREN. Pending that, I will ask the Senator from Florida if it would not serve his purpose as well to change the paper so as to include the amendments that have already been made before he puts it on record?

Mr. MALLORY. It is only the twenty-third and the twenty-fourth sections that I propose to have read.

Mr. WARREN. Two clauses, comprising nearly a third of section 24, have been stricken out.

Mr. MALLORY. Yes; I understand.

The PRESIDENT pro tempore. The Secretary will read the two sections as already amended.

The Secretary read the sections as amended, as follows:

SEC. 23. That for the purpose of securing a list of persons specially qualified to hold commissions in any volunteer force which may hereafter be called for and organized under the authority of Congress, other than a force composed of organized militia, the Secretary of War is authorized from time to time to convene boards of officers at suitable and convenient Army posts in different parts of the United States, who shall examine as to their qualifications for the command of troops or for the performance of staff duties all applicants who shall have served in the Regular Army of the United States, in any of the volunteer forces of the United States, or in the organized militia of any State or Territory or District of Columbia, or who, being a citizen of the United States, shall have attended or pursued a regular course of instruction in any military school or college of the United States Army, or shall have graduated from any educational institution to which an officer of the Army or Navy has been detailed as superintendent or professor pursuant to law after having creditably pursued the course of military instruction therein provided. Such examinations shall be under rules and regulations prescribed by the Secretary of War, and shall be especially directed to ascertain the practical capacity of the applicant. The record of previous service of the applicant shall be considered as a part of the examination. Upon the conclusion of each examination the board shall certify to the War Department its judgment as to the fitness of the applicant, stating the office, if any, which it deems him qualified to fill, and, upon approval by the President, the names of the persons certified to be qualified shall be inscribed in a register to be kept in the War Department for that purpose. The persons so certified and registered shall, subject to a physical examination at the time, constitute the eligible class for commissions pursuant to such certificates in any volunteer force hereafter called for and organized under the authority of Congress, other than a force composed of organized militia, and the President may authorize persons from this class to attend and pursue a regular course of study at any military school or college of the United States and to receive from the annual appropriation for the support of the Army the same allowances and commutations as provided in this act for officers of the organized militia: *Provided*, That no person shall be entitled to receive a commission as a second lieutenant after he shall have passed the age of 30; as first lieutenant after he shall have passed the age of 35; as captain after he shall have passed the age of 40; as major after he shall have passed the age of 45; as lieutenant-colonel after he shall have passed the age of 50, or as colonel after he shall have passed the age of 55: *And provided further*, That such appointments shall be distributed proportionately, as near as may be, among the various States contributing such volunteer force: *And provided*, That the appointments in this section provided for shall not be deemed to include appointments to any office in any company, troop, battery, battalion, or regiment of the organized militia which volunteers as a body or the officers of which are appointed by the governor of a State or Territory.

SEC. 24. That for the purpose of providing a reserve force of trained men which shall be ready for immediate service whenever called for and organized under authority of Congress, the Secretary of War is authorized to apportion among the several States and Territories and to enroll not exceeding 100,000 men, who shall have served in the Regular or Volunteer armies of the United States or in the organized militia. Such reserve force shall be designated as the National Volunteer Reserve, and when called forth by the President shall serve wherever ordered, within or without the territory of the United States. Such enrollment shall in each case continue for a period of five years, but in the event they shall be called into the service of the United States they shall be entitled to be discharged at the close of the war or after nine months' service. Whenever a volunteer force shall be called for by authority of Congress, and the members of any companies, troops, batteries, battalions, or regiments of the organized militia shall enlist in the Volunteer Army in bodies, such companies, troops, batteries, battalions, or regiments shall be received as the first organizations of such volunteer force. Whenever a volunteer force shall be called for by authority of Congress, exceeding in number the companies, troops, batteries, battalions, and regiments of the organized militia which shall enlist in bodies pursuant to the provisions of section 6 of the act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898, the persons so enrolled as a reserve force of trained men, or so many thereof as shall be required, shall be organized in the manner provided for the organization of the volunteer force by section 12 of the act entitled "An act for increasing the efficiency of the Army of the United States, and for other purposes," approved March 2, 1899: *Provided*, That the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps: *Provided further*, That no person shall belong to both organizations at the same time.

Mr. MALLORY. The eighteenth section may be summarized as providing for a select corps of men set apart from the body of the people, whose ultimate function in the event they are called out by the President shall be to take command of a national volunteer force. These officers are not to be appointed by the authority of the States, but they are to be appointed by the President; and the President is vested by the twenty-third section with authority, whenever he deems it necessary or desirable, to send these gentlemen who have been segregated from the rest of the military of the States to special institutions, even to West Point, probably, if he deems proper, for the purpose of perfecting themselves in the art of war. They are entirely dependent upon the President, and entirely independent of any authority in the States.

The twenty-fourth section in similar manner provides for a separation from the body of the militia or the citizenship of the country of a select class of men, who by reason of experience in the Army of the United States or in the volunteer service in time of war or in the National Guard, or by having attended military schools, are supposed to be better qualified to make good soldiers than the ordinary citizen, and they are to be enrolled, and when called upon by the President of the United States they are to go into active service, to obey orders, and to be sent wherever within the country or without the country the President may designate.

It is necessary only, I think, for me to make this statement to show to any person who is familiar with the militia laws of this country and what the Constitution treats of on that subject that these particular soldiers can not possibly be classed as militia. Our Constitution in its third article declares that one of the powers of Congress shall be—

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United

States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

Congress has also power—

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

The framers of the Constitution drew a distinct line between the Army and the militia. Wherever either of these adjuncts of our military power is referred to, the Constitution is careful to draw the line of distinction between the Army and the citizen soldiery known as the militia.

Yet this bill, starting out with the declaration that all the citizens of the United States under a certain age and under certain conditions shall be the militia of the United States, goes on and declares that that militia shall be divided into three classes, one of which classes is this body of organized national volunteers officered by the President of the United States.

Mr. President, in reading the twenty-third section somewhat cursorily it occurred to me that there was a very grave objection to it in the language whereby the power to call forth this particular body of men is vested in the President. It will be observed that in a portion of that section the expression "under authority of Congress" is used in divers places, but beginning at the twentieth line on page 15, in section 24, we find that "when called forth by the President" this national reserve "shall serve wherever ordered." "When called forth by the President."

If they are militia the President has the power to call them forth whenever, in his judgment, it is necessary. There is no question about that. Section 1642 of the Revised Statutes, which has been upon our statute books for a great many years, provides, in this language, that the President of the United States may under such circumstances call forth the militia:

Whenever the United States are invaded or are in imminent danger of invasion from any foreign nation or Indian tribe, or of rebellion against the authority of the Government of the United States, it shall be lawful for the President to call forth such number of the militia of the State or States most convenient to the place of danger, or scene of action, as he may deem necessary to repel such invasion, or to suppress such rebellion, and to issue his orders for that purpose to such officers of the militia as he may think proper.

Mr. President, if it is a fact, as I understand was contended here the other day, that this peculiar class of soldiers are a part of the militia, the passage of this bill will vest it in the power of the President to call out that entire force without any further authority from Congress, and without any intervention on the part of the States or the governors of the States, whenever it suits his will or whenever, in his judgment, he deems it advisable so to do.

Therefore, Mr. President, I claim that in declaring that this bill is for the purpose of promoting the efficiency of the militia and in declaring that this particular class of soldiers shall be one of the class of the militia of the States, the ordinary interpretation to be be put upon the language in the twenty-fourth section, in conjunction with section 1642 of the Revised Statutes, would be that whenever the President finds it necessary he will be authorized to order out this special band of soldiers. Surely, Mr. President, that ought not to be done.

There has not been anything said in behalf of this bill or in the report of the Secretary of War indorsing the measure that gives us any reason to understand why this wonderful innovation, this remarkable stride in the direction of a standing army should be made at this time. I asked the Senator from Vermont who has charge of the bill when he was opening the discussion on it what was the reason for this peculiar qualification in the bill, what reason was assigned for the organization of this special band of military? The response was a reference to the report of the Secretary of War; but nowhere in the report of the Secretary of War is there found one word to indicate that there is any crying necessity, or any necessity whatever, for an increase of the standing army of the country at this time. In fact, it has been thought advisable by the Administration to decrease the Army; and right on the heels of that we have this measure which proposes to provide a body of men who, in twenty-four hours, can be called out to the number of 100,000, and can be as much subservient to the War Department and to the behests of the President of the United States as the Regular Army.

Mr. WARREN. Will the Senator from Florida allow me to ask him a question?

Mr. MALLORY. Certainly.

Mr. WARREN. Does the Senator understand that the section gives the President authority to call out these men without any action on the part of Congress?

Mr. MALLORY. I think that would be the construction put upon it.

Mr. WARREN. I do not so understand it by the reading of the first lines of the section. The first four lines of the section state:

That for the purpose of providing a reserve force of trained men which shall be ready for immediate service whenever called for and organized under authority of Congress—

It seems to me that before the President can call that force out it would require an act of Congress organizing such force.

Mr. MALLORY. In answer to that, Mr. President, I will say that this act of Congress organizes this body of men, and until the amendment of the Senator from Ohio was adopted, and as the bill came in here originally, there could be no question whatever as to the fact that the passage of this bill itself organizes the national volunteer reserve. It provides for their meeting annually, for their going out on drill and practice for a period not exceeding ten days in every year. It is true that has been eliminated, but the fact that they are enrolled, that their officers are enrolled, and that the names of both officers and men are preserved for five years in the War Department, subject to be called on at any time, in my judgment, Mr. President, notwithstanding the language of the twenty-fourth section wherever it uses the expression "under authority of Congress," will be construed to mean that the President has the power to call them out whenever, in his will, he thinks proper, because they are already organized under the act of Congress.

The question may arise as to what constitutes organization, I will admit, but who is to interpret it? There should be no ambiguity whatever about a matter of that kind and, Mr. President, if there should be any question about it the fact that in the passage of this bill this Congress declares that these individuals constituting this select body of military are a part of the militia of the land under section 1642 of the Revised Statutes would authorize the President to call them out without any further intervention of Congress. That, to my mind, is a matter too serious for us to permit to pass without proper comment.

I am as anxious as anyone on this floor to promote the efficiency of the militia, but I do not think that this bill will promote the efficiency of the militia. I believe that in actual practice it will be found that this body of men, this national reserve of volunteers, will take a position above the militia; that they will be regarded as a select and privileged class and that, so far from being an incentive for the promotion of the efficiency of the militia, it will result in the officers and soldiers of the militia preferring to belong to this select and preferred organization.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from South Carolina?

Mr. MALLORY. Certainly.

Mr. TILLMAN. I was going to suggest to the Senator from Wyoming [Mr. WARREN] that if his view is the correct one, if it could be made perfectly plain and beyond all doubt so that there could be no misconstruction hereafter; if it could be made evident beyond dispute that this is not an enlargement of the Regular Army, and that the so-called reserve militia are nothing more than 100,000 regulars to be called for whenever the President sees fit, Senators on this side would not feel so much interested and be so determined in their opposition. If we are to have an enlargement of the Regular Army, let us have it; but do not let us have it under the guise of a more efficient militia.

I am sure that some words could be put into this bill by way of amendment which, while possibly relieving this feature, would not so change it as to make it worthless.

Mr. MALLORY. I will say to the Senator from South Carolina that I have an amendment, which I propose to offer at the proper time, which I think will meet the point he is making.

Mr. TILLMAN. Possibly the Senator in charge of the bill might be willing to incorporate it now. As I understand it, there is no opposition to this bill from our side of the Chamber except to the twenty-fourth section, and we might save some valuable time, which might be devoted to other matters, if we could agree upon a proper amendment. We may be disputing about a shadow here, and we might all be of one mind if we could just simply understand what is the proper thing to do.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Wyoming?

Mr. MALLORY. Certainly.

Mr. WARREN. Mr. President, in my judgment there is no intention on the part of any member of the Military Committee of either House, which has reported this bill, or on the part of the Secretary of War, to make this feature anything more than the keeping track of and knowing the names and the locations of the various men who have seen service, in order that Congress may hereafter authorize, if occasion requires, the formation of that reserve force into an available and efficient fighting force of the nation. Surely, in view of the fact that the Administration is now engaged in very substantially reducing the Army without any suggestion from Congress, there ought to be no fear that anyone in authority is surreptitiously trying to enlarge the standing army. There is nothing surely in the intention of those who reported this bill to excite any such suspicion in the mind of anyone.

Mr. MALLORY. Mr. President, I hope nothing I have said would imply that I thought the Secretary of War or any member of the committee had any improper or ulterior purpose in framing this bill in the way in which it has been framed. I confess that when I first read the bill it did not strike me at all in the view in which it now strikes me. I am perfectly willing to concede to the gentlemen who have brought in this bill here as much sincerity of purpose as I myself have; but, Mr. President, I say the bill is disingenuous, without intending to reflect upon those who brought it in here, because it declares that this body of men are a part of the militia, when, in fact and in truth, according to the Constitution, when their officers are appointed by the President of the United States they can not be a part of the militia.

Mr. WARREN. I do not wish to impute to the Senator that he intended to make charges against anyone. I was replying more especially to what the Senator from South Carolina [Mr. TILLMAN] said. I think we all feel alike when we get to the bottom of this matter—that we want an efficient militia; but I think those, of whom I am unfortunately not one, so versed in the law and the construction of the Constitution as to enter into the debates on abstruse constitutional questions, are liable, when they get down to extremely technical points of discussion, to get into conjectural problems and become afraid of mere shadows and of what does not exist in either the language of a bill or in the intention behind it. I only say what I do with a view to get the bill out into the open and into the light and secure for it an unbiased consideration on what it actually says and means without attributing to it hidden meaning or power, and if not now right, so that it may be made right.

I want to say again that the effect of the bill as already amended will be merely to have the names of these men recorded in the War Department, so they can be organized into an efficient corps if wanted; and the object is, and the effect will be, to prevent the enlargement of the standing army rather than to add to it.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from South Carolina?

Mr. MALLORY. I shall yield in a moment; but before I yield I should like to ask the Senator from Wyoming, before he takes his seat, one question. I should like to ask the Senator to tell me whether, in his judgment, this particular body of men included in the twenty-third and twenty-fourth sections of this bill are a part of the militia or could be made a part of the militia of the States?

Mr. WARREN. Technically, yes; but practically, no, without some further action than the passage of this bill, as already amended by the Senate. I do not understand that this force can be called forth until there has been special action on the part of Congress.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Ohio?

Mr. MALLORY. I promised to yield to the Senator from South Carolina [Mr. TILLMAN]. I shall yield to the Senator from Ohio when the Senator from South Carolina concludes.

Mr. TILLMAN. If the Senator will indulge me for a moment, I merely wish to answer, I will not say the charge, but the indirect attack, on me as having caused this opening up, as it were. I want to disclaim any intention of accusing anybody of surreptitiously or secretly or with any desire to deceive anyone in the bringing in of this bill. I thought, in my blundering way, that if we were merely differing about the form rather than essentials we could make the form satisfactory to both sides, so that we could pass this bill and get onto something else.

Mr. WARREN. I think the Senator is right.

Mr. TILLMAN. If there is really no desire on the other side, or in the minds of the committee who have this matter in hand, to make this hundred thousand men an actual reserve to the Army—if they are to remain militia and we can make it clear, and undoubtedly we can make it clear, that they are militia and that they can not be ordered out or moved or armed or called forth without Congressional action—I am sure that the objections which we on this side have to the bill will be brushed aside; that we shall all agree about any reasonable and proper method of increasing the efficiency of the militia, and we can almost pass the bill in ten minutes.

Mr. FORAKER. Mr. President——

Mr. MALLORY. I now yield to the Senator from Ohio.

Mr. FORAKER. I rose in order that I might answer or give my own view of the question which the Senator from Florida [Mr. MALLORY] asked the Senator from Wyoming [Mr. WARREN], as to whether or not this volunteer reserve force is in any sense a part of the militia. All citizens of the United States capable of bearing arms, between the prescribed ages of 18 and 45, are the militia, whether they are organized or not, and they are liable to be called into the service. There is, however, the militia in the broad generic sense of the word, and there is the organized militia. The organized militia is that to which the Constitution has reference when it authorizes its organization and provides for its officering and organization.

But I think the Senator misapprehends the character of this bill in this respect. I do not think there is anything disingenuous about it. The title of this bill says that it is "A bill to promote the efficiency of the militia, and for other purposes." One of the other purposes is the purpose about which we are here discussing.

It is certainly competent for us to provide a volunteer reserve force for the Army of the United States to such an extent as we may see fit to provide. It is not a question of power, certainly, but the extent that we see fit to go is a question of policy. All we undertake to do here is to have registered in the office of the Secretary of War the names of 100,000 men who have seen service, who understand discipline, who have been drilled, and to whom, when there is a threat of war, "notice can be sent," to use the language of the Secretary when he was before the committee testifying, "to hold themselves in readiness," but not one of whom can be called into service or organized until Congress itself acts and gives the President or the Secretary of War the necessary authority. In other words, the whole of this provision is a designation of the volunteer reserve force to consist of drilled and disciplined men whose names shall be registered, and upon whom a call may be made when Congress authorizes it.

Mr. MALLORY. Will the Senator permit me to ask him a question?

Mr. FORAKER. Certainly.

Mr. MALLORY. The Senator will admit that under section 1642 of the Revised Statutes the President can call out the militia whenever he thinks proper without any intervention on the part of Congress.

Mr. FORAKER. That relates to the organized militia.

Mr. MALLORY. The organized militia.

Mr. FORAKER. This is a part of the militia, but not of the organized militia.

Mr. MALLORY. Then the Senator admits that this is not a part of the militia.

Mr. FORAKER. I not only admit it, but I have been asserting ever since this bill came up in the Senate that it is not a part of the militia. It is a part of the volunteer reserve force of the Army. It is, however, a part of the militia in the sense that all the people of the United States between the ages of 18 and 45 constitute the militia.

Mr. MALLORY. The Senator's construction is different from the language of the bill itself, for the bill declares that they shall be part of the organized militia, which is divided into three classes——

Mr. FORAKER. I know the Senator does not intend to misrepresent what I said. I said distinctly they are a part of the militia in the broad, generic sense of that term, but they are not a part of the organized militia. We are all a part of the militia, if we are not over 45 years of age, which most of us are not. [Laughter.]

Mr. MALLORY. Mr. President, the Senator from Ohio draws a distinction between the militia and the organized militia, which, of course, is correct; that is, if, when referring to the militia, he means all who are capable of bearing arms.

Mr. FORAKER. That is what I mean.

Mr. MALLORY. All the people who are capable of bearing arms are included in that broad, generic term, but this bill does not mean that, and the Constitution, when it provides that Congress shall have power to organize the militia, does that which this bill proposes to carry out, namely, organize the militia. The bill itself divides this organized militia into three classes. The Senator has only to read it to see that there are three classes provided for here—the organized militia, to be known as the National Guard of the State, the National Volunteer Reserve, and the Reserve Militia. Those are the three distinct portions of the national militia.

Mr. SPOONER. Will the Senator allow me to interrupt him for a moment?

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Wisconsin?

Mr. MALLORY. Certainly.

Mr. SPOONER. Do both Senators yield?

The PRESIDENT pro tempore. Both Senators seem to have yielded.

Mr. FORAKER. I yield.

Mr. SPOONER. I want to suggest to the Senator from Florida that his statement that this bill does not recognize the militia used in its generic sense, as indicated by the Senator from Ohio, is certainly inaccurate, as he will see if he will read it more carefully. This bill declares of what the militia shall consist, and of

course it deals with the subject in its generic sense, which has been recognized by the courts very clearly. The bill says:

That the militia shall consist of every able-bodied male citizen of the respective States, Territories, and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than 18 and less than 45 years of age, and shall be divided into three classes—the organized militia, to be known as the National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories, the National Volunteer Reserve as provided by this act.

That deals with the organized force—

and the remainder—

That is, every able-bodied and arms-bearing citizen—

to be known as the Reserve Militia.

That is the organized militia.

Mr. MALLORY. The generic militia.

Mr. SPOONER. The generic militia; what is left of the generic militia after taking out the organized militia. The bill clearly recognizes and uses the word in that sense.

Mr. MALLORY. Mr. President, while I have great respect and regard for the views of the Senator from Wisconsin [Mr. SPOONER], I do not think he has done away with the objection which I urged, based upon what I claim to be disingenuousness in the bill. I do not care to quibble about words.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Florida yield to the Senator from Wisconsin?

Mr. MALLORY. Certainly.

Mr. SPOONER. I want to say as to this provision, if the Senator will permit me, that I myself am not indisposed to agree with his contention that under this bill, in view of existing legislation, it may be that this national volunteer reserve might be called out by the President without further authorization by Congress, although it clearly could not be organized with the amendment which has been made to section 24 without further authorization by Congress. But I have drawn an amendment, to be inserted at the end of section 24, to provide that the national volunteer reserve shall not be called forth by the President without authority hereafter given by Congress. If the committee does not offer such an amendment, I shall myself offer it.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Ohio?

Mr. MALLORY. I yield.

Mr. FORAKER. If the Senator will indulge me a moment further as to the provision of this bill with respect to calling out the organized militia and also the volunteer reserve force, on page 16, immediately after that portion of the bill recently printed which has been stricken out by amendment, is the following:

Whenever a volunteer force shall be called for by authority of Congress, and the members of any companies, troops, batteries, battalions, or regiments of the organized militia shall enlist in the Volunteer Army in bodies, such companies, troops, batteries, battalions, or regiments shall be received as the first organizations of such volunteer force.

Now follows this provision:

Whenever a volunteer force shall be called for by authority of Congress, exceeding in number the companies, troops, batteries, battalions, and regiments of the organized militia which shall enlist in bodies pursuant to the provisions of section 6 of the act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898, the persons so enrolled as a reserve force of trained men, or so many thereof as shall be required, shall be organized in the manner provided for the organization of the volunteer force, etc.

In other words, they can not be called out, they can not be organized without authority of Congress hereafter given, as I understand it. I have not any objection, so far as I am concerned as one member of the committee, to the word "hereafter" being inserted in that clause where the bill speaks of calling them out by authority of Congress. That would make it perfectly plain that they can not be so called. I understood it was already plain.

Mr. MALLORY. Mr. President——

Mr. TILLMAN. Will the Senator from Florida indulge me a moment?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from South Carolina?

Mr. MALLORY. I yield.

Mr. TILLMAN. I should like to ask the Senator from Ohio, the Senator from Wisconsin, and the Senator from Wyoming, who are differing somewhat in their construction of this measure, wherein would lie the difference between this volunteer reserve and the landsturm or landwehr, or whatever it is, of the German army?

Mr. SPOONER. Landwehr.

Mr. TILLMAN. The landwehr, I think, is the first reserve and the landsturm is the second. I want to know if there be the slightest difference in that portion of the German military establishment, which can be called forth and mobilized inside of a week, and the volunteer reserve authorized by this bill? In other words, is it not clearly apparent to any right-thinking person, who will interpret the English language in an ordinarily honest way, without any concealed purpose or hidden idea, that this is simply an enlargement of the force of the Regular Army to the extent of 100,000 men, whose names are enrolled, who are provided for in everything except, possibly, being under officers, but who can be furnished officers as soon as they are mobilized? I want to know wherein there is any difference here.

Mr. FORAKER. Mr. President, as the Senator from South Carolina addressed his inquiry to me, if the Senator from Florida will further yield——

Mr. MALLORY. I yield.

Mr. FORAKER. I will say, in answer, that I am not familiar with the organization of the German army. I think I know something, however, about the organization of our own Army, and, unless I am very greatly mistaken, I know something about the provisions of this bill.

The purpose of this bill is just as plain as the English language can make it. First, it provides for the organization of the militia; that is, the organized part of the whole militia of the country. Then it provides for recording in the office of the Secretary of War the names of 100,000 men who have seen service, who shall be denominated the volunteer reserve force, and upon whom, in time of threat of war, by authority of Congress first given—"hereafter given," we will put it—the President may call; then, when they respond, they may be organized, and then they become a part of the Volunteer Army of the United States.

Mr. CLAY. Will the Senator allow me to ask him a question there?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. FORAKER. Certainly.

Mr. CLAY. In the event that the President is authorized to call and calls for this reserve force of 100,000 men, I desire to ask the Senator if, under this bill, he could call for them in preference to the militia, if he desired to do so?

Mr. FORAKER. No; the bill expressly provides that to answer the first call for volunteers the organized militia shall respond.

Mr. CLAY. What is the difference in the duties of these 100,000 men and the organized militia under the provisions of this bill?

Mr. FORAKER. There is no difference whatever after they are called into the service of the United States, but before the call these 100,000 men have no duties to perform.

Mr. SPOONER. If the Senator from Ohio will permit me, there may be this very great difference. I suppose it is conceded that the organized militia called into the service of the United States could not be sent beyond the boundaries of the United States, and I suppose it is true that this volunteer reserve force could be sent beyond the boundaries of the United States.

Mr. QUARLES. That is stated.

Mr. WARREN. It is so expressed in the bill.

Mr. SPOONER. It would be so if they were not a part of the organized militia.

Mr. CLAY. Then they have a separate duty to perform, and they are separate and distinct.

Mr. FORAKER. No; this 100,000 reserve force will be a part of the Volunteer Army of the United States whenever they are called into service, but until they are called into service they will have no duty whatever to perform.

Mr. TILLMAN. On page 16 of the bill—I think it may have been reprinted, for I have not kept track of this legislation—I notice in the second line the provision that—

The persons so enrolled shall report for drill, inspection, and instruction——

Mr. MALLORY. That has all been stricken out.

Mr. WARREN. That has all been cut out.

Mr. TILLMAN. I was going to say if that language was in the bill they were a part of the Regular Army, and the fact that it was in showed that the intention was to increase the Regular Army.

Mr. SPOONER. The fact that we struck it out showed that our intention was not to increase it.

Mr. TILLMAN. But it looks as if that were the committee's intention.

Mr. FORAKER. Mr. President, I understand that that provision which has been stricken out by amendment was not part of the bill as originally framed, but was incorporated in it by an amendment in the House of Representatives.

Mr. TILLMAN. With the permission of the Senator from Florida, I should like to know if this bill has been reprinted, so that we can get the present status of it? In other words, I do not want to be discussing a bill with provisions in it that are already amended out of it, without our having a reprint. I would suggest that we had better defer this debate after the Senator from Florida concludes his very pertinent and cogent remarks, and let

us begin over again some other day when we all know what we are talking about. Has there been a reprint?

Mr. WARREN. If I may be permitted, I will say as to the matter before the Senate that there has been an order for a reprint since the first amendments were made. The bill has been reprinted, but section 24 has been since amended.

Mr. TILLMAN. I confess my ignorance of this subject just now, because I have been engaged on other matters, and we all realize that, unless we are aided by a lot of clerks and others—and I have not got that good luck—we can not keep track of all the things which come in here, and therefore I am not ashamed to say I know very little about what has been done on this bill except that there have been speeches made on it. If we can amend it in a reasonably decent shape, as I hope we can from what Senators on that side say, I think we can agree about certain amendments which will safeguard the constitutional rights of the States and not enlarge the Army surreptitiously.

Mr. MALLORY and Mr. WARREN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Wyoming?

Mr. MALLORY. I am afraid my remarks will be so mixed up that it will be very difficult to tell which are mine and which are not.

Mr. WARREN. I promise not to interrupt again; but with reference to the remark made by the Senator from South Carolina as to the differences existing between the Senator from Ohio [Mr. FORAKER] and the Senator from Wisconsin [Mr. SPOONER] and the Senator from Wyoming, there are no differences of opinion as to the intent of the bill.

The Senator from Wisconsin is willing to make it more explicit. The Senator from Ohio has expressed the same intention, and I have expressed no objection. I had considered it, until I had the better authority of those who know more about law than I do, sufficient as it was, but there is no difference in the intention.

Mr. TILLMAN. That may be true, and if it is, we can not be very long in getting together.

Mr. MALLORY. The Constitution only recognizes, so far as our land military is concerned, two classes of military—the Army and the militia. The question whether we should have a standing army was debated quite fully in the Constitutional Convention, and it was finally decided that there should be provision for a regular standing army. There was great discussion as to the number of men that should be permitted to be enlisted. Finally that question was determined. But there has been preserved throughout, from the beginning to the present day, up to the introduction of this bill, a very marked discrimination and distinction between the Army and the militia.

Mr. President, as late as 1898, in an act passed under an emergency, there was embodied language which I will read. I read from the fourth section of the act of April 22, 1898, in which it was declared that—

> The Volunteer Army shall be maintained only during the existence of war or while war is imminent.

"Shall be maintained only during the existence of war or while war is imminent." Just as soon as war ceases or the imminence of war ceases, then the Volunteer Army goes back and takes its place among the toilers and wage-earners and business men of the land. That is the idea which has prevailed in the past, but now it is said there is a distinction between the organized militia—what gentlemen are pleased to term the "organized militia"—and this select body of volunteers, to be officered by the President of the United States but selected from the same people—the militia of the United States—the only difference being the fact that they are called the Volunteer Reserve and are officered and commanded by men who derive their authority from the President of the United States. It seems to me there is no distinction there, and I do not see any reason why it should not be contended that these men, so far as this bill is concerned, are as much a part of the militia as is the militia itself. That, however, could not stand, because they are officered by the President.

Then comes the question, Why was this particular provision incorporated in the pending bill? I should like some Senator to answer that. The bill discloses its purpose to be "the promotion of the efficiency of the militia, and for other purposes." I have received a great number of letters from my State, written by young men who are members of the State troops of my State, who have heard of the improvement in the system proposed by the militia provision of this law, and all of them urge me to vote for it. I myself have been a member of the State troops of my State. I take an interest in the development of the National Guard, as much so probably as anyone here, and all these young men throughout the land who are sending their letters here urging us to support this measure are undoubtedly under the impression that this bill is solely and entirely a militia bill, when in fact, Mr. President, it is a bill which provides for a hundred thousand extra men for the standing army of the United States whenever the President chooses to call them out.

Mr. FORAKER. Under the authority of Congress, the Senator should add, hereafter to be given.

Mr. MALLORY. As I stated in the outset of my remarks, from the peculiar language of the whole act I think there would be a very grave question whether or not the President was not intended to be authorized to call out these men without any intervention on the part of Congress hereafter; and for that reason——

Mr. FORAKER. That is a statement which is serious in its import. Does the Senator mean to be understood as saying that in the drafting of the bill it was intended to confer upon the President authority to do that which the bill on its face, as I understand, says he can not do until Congress first takes action?

Mr. MALLORY. No; I do not.

Mr. FORAKER. Then what did the Senator mean by that statement, if I may ask?

Mr. MALLORY. I meant to say that in my judgment the bill is open to that construction.

Mr. FORAKER. What language is there which admits of that construction?

Mr. MALLORY. I might not construe it in that way; the Senator from Ohio might not construe it in that way——

Mr. FORAKER. I ask that I may have the benefit of the Senator's statement, because if there is any language here which admits of that construction it is something that can be cured. Nobody has a thought of conferring such power on the President.

Mr. MALLORY. I hope it will be cured. After first reading the bill and seeing what occurred to me might possibly be a serious objection, I drew up this amendment, which I am now sorry I did not have printed. I did not, however, introduce it because the amendment of the Senator from Alabama [Mr. PETTUS] proposes to strike out the entire section, and this is an amendment to the section he proposes to strike out. My amendment was in line 15, page 15, section 24 of the bill, to insert, after the word "Congress," in line 15, the following:

> To be called forth, however, only during the existence of war with a foreign nation or when such a war is imminent.

Quoting the language of the act of 1898. That is to put at rest the possibility of any misconstruction.

Mr. FORAKER. May I inquire where the Senator proposes to insert that language?

Mr. MALLORY. In line 15, section 24; so that it will read:

> That for the purpose of providing a reserve force of trained men which shall be ready for immediate service whenever called for and organized under authority of Congress, to be called forth, however, only during the existence of war with a foreign nation or when such a war is imminent.

Mr. FORAKER. I do not object to that.

Mr. MALLORY. Then, farther down, where it occurs again, after the word "President," in line 21, I propose to insert the following:

> Which shall be done only during the existence of war with a foreign nation or when such a war is imminent.

In other words, by that amendment there would not be any possible doubt, and the ambiguity to which I have endeavored here to call attention—without reflecting upon anybody, for certainly I have no such intention—and which it occurred to me might possibly be construed to exist in this measure, would be effaced and gotten rid of. If the amendment of the Senator from Alabama is voted down, I shall offer my amendment in due time.

Mr. FORAKER. The Senator did not indicate just where he would insert the last phrase.

Mr. MALLORY. After the word "President," in line 21, page 15, section 24, I would insert the words I have indicated. It is simply carrying out the idea. The clause would then read:

> Such reserve force shall be designated as the National Volunteer Reserve, and when called forth by the President, which shall be done only during the existence of war with a foreign nation or when such a war is imminent.

Mr. FORAKER. I am only one member of the committee, but I doubt if there would be any objection to that amendment. The provision would remain even in that contingency that he could not call forth this force without the authority of Congress, hereafter given.

Mr. MALLORY. That is a matter about which I would not care so much.

Mr. PETTUS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Alabama?

Mr. MALLORY. Certainly.

Mr. PETTUS. Mr. President, I desire to call the attention of the Senator occupying the floor, and also the Senator from Ohio, to another part of this section which neither of them seems to consider at all. This bill now provides for the enlistment of a hundred thousand men; that is to say, these men volunteer now for service when called for. In other words, the bill provides for the setting apart, by their own consent, of a hundred thousand volunteers, and provides that when called for hereafter they shall serve a certain length of time. In other words, it is the

organizing of a hundred thousand men as a part of the Regular Army of the United States, not active, but enlisted, volunteered, and ready for action whenever called for; and that is as objectionable as the other feature of the bill.

Mr. MALLORY. I will say to the Senator from Alabama that I do not think I was oblivious to the fact to which he calls attention. That is one of my most serious objections to this measure. I have not had an opportunity, perhaps, to dilate on it as much as I otherwise would have done.

Mr. PETTUS. If the Senator will allow me, I merely call attention to this matter now because there seems to be an agreement going on to perfect the bill, leaving the hundred thousand men there, already volunteered, but not to be called out until Congress says so. I object to its being organized in that way. We have a hundred thousand men now authorized. Sixty-odd thousand of them are in actual service, and the balance can be called out whenever the President desires it. This adds a hundred thousand more, making two hundred thousand men enlisted if the President chooses to fill up the Army to its maximum. I think we are traveling too fast toward a government by military force.

Mr. MALLORY. Undoubtedly there is a great deal of pertinency in the remark made by the Senator from Alabama on that point. If there is any occasion for an increase of the Army of the United States, the Senate has certainly had no information on that subject. The evidence we have had is that there is no occasion for a provision of this kind. We do not apprehend any invasion of our country either from the north or the south of us, and I do not think anyone, even in his wildest dreams, could imagine that any combination of European powers would undertake to land military forces upon our soil. Consequently, except for such purposes as concern our own internal peace and order and for the manning of our fortifications, there is no occasion for any considerable army.

The Administration has thought proper to reduce the Army to 65,000 men, if I am not mistaken, and I understand that there is an adequate force in the Philippine Islands to carry out all the policies which this Government has decided to pursue in those islands. There is no clamor among the press of this country for an increase of the Army, and yet here, under the guise of a bill for the promotion of the efficiency of the militia, we find, as the Senator from Alabama says, a provision that will increase the standing army of the United States by a hundred thousand men.

Now, the Senator from Ohio [Mr. FORAKER] admits that these men will constitute a part of the Army of the United States, as distinguished from the militia.

Mr. FORAKER. Whenever called into the service.

Mr. MALLORY. Whenever called into the service, and they can be called into service in twenty-four hours by the President.

Mr. FORAKER. First having the authority of Congress.

Mr. MALLORY. Well——

Mr. TILLMAN. With the permission of the Senator from Florida, in furtherance of the view of the Senator from Alabama, I will call attention to the proviso on page 17, where it is provided "that the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps." I would ask permission of the Senator from Florida, whom I dislike to interrupt, but I suppose his object is like mine, merely to elucidate this question and get all the light we can on it, to propound a question.

I want to know of the three distinguished ex-Union soldiers who have participated in this debate, the Senator from Ohio [Mr. FORAKER], the Senator from Wisconsin [Mr. SPOONER], and the Senator from Wyoming [Mr. WARREN], men who volunteered when the country was in danger and risked their lives, whether they have lost faith in the patriotism of our people to volunteer whenever there is any actual need for an increase in the military establishment. They are here, impliedly, at least, giving approval to and voting to take from the volunteers the right to elect their own officers and to destroy, as it were, the State lines and the various incentives to strenuous military work and valiant service as soldiers. I want to know why it is necessary, under the guise, if that word is not too offensive, of increasing the efficiency of the militia, to destroy all future use for volunteers, and simply to increase the standing army, either by men with the flag or those in reserve whose names are on the roll and who are ready to be forced in. They will not be allowed, after the occasion arises, to show their patriotism, but they are already enlisted and officered and organized; at least if not officered they are ready to be officered by somebody sent from somewhere instead of from among themselves as we have always had it heretofore in the volunteer force.

Mr. MALLORY. Mr. President——

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Ohio?

Mr. MALLORY. Certainly.

Mr. FORAKER. The inquiry was addressed to me as well as others, and if the Senator from Florida does not object I will respond to it.

Mr. MALLORY. All right, sir.

Mr. FORAKER. I want to say to the Senator from South Carolina that the rights of the States are secure under the bill, because it provides that this volunteer reserve force shall be ratably distributed among the various States. There will be a fair division, I have no doubt, if the spirit of the bill is followed.

Mr. TILLMAN. Mr. President——

Mr. FORAKER. Now, one word more before the Senator interrupts me again, that I may answer the other part of his question. While I have no fear but that in time of national peril we will find men ready to respond to the nation's call, I have no doubt in my own mind that we would have been a great deal better off if in the beginning of the war with Spain we had had the names of a hundred thousand trained, disciplined men on file, as this bill proposes we shall have hereafter, in the office of the Secretary of War, to whom we could send a notice and who at the call of the President would have been under obligation to respond and who could then at once have been organized and put in the field.

Mr. TILLMAN. In other words, with the permission of the Senator from Florida, they would be regular soldiers and would be forced in, and although they might not feel willing, under the conditions under which that war had been entered into, to risk their lives, you would say to them, "Because you have belonged to the militia in the past your name is now on file here, and you are compelled to respond to this order whether you want to or not."

Mr. FORAKER. No man's name can get on the list who has not voluntarily placed it there.

Mr. TILLMAN. But he has placed it there as a member of a militia organization when he joins the State militia from motives of social intercourse and military glory and a feeling of wanting to wear brass buttons and a uniform. I have been all through that. In fact, the only office I ever held before I was governor was that of captain of militia, and I served ten years, and I therefore know something of the sentiment which influences young men to join the militia. The fact that he has joined a militia company and that his name is on file is used to coerce him into the Army as a regular, whether he wants to go or not, and under officers of whom he knows nothing.

Mr. FORAKER. The Senator is mistaken in saying that this bill requires that kind of consent of everyone who becomes a member of the organized militia.

Mr. TILLMAN. I did not say everyone; but how else are you going to get these names?

Mr. FORAKER. This applies not only to those who have served in the National Guard, but also to those who have served in the Regular Army and——

Mr. TILLMAN. Mr. President——

Mr. FORAKER. It does not require anybody to put his name on the list. If a man, having that qualification of service, sees fit to make a conditional enlistment for five years more, he, of course, will be under obligation to respond without regard to the character of the war and without regard to his feeling with respect to it. But that will be no more severe on him than it is on the man who has enlisted in the Regular Army, thinking there would be no war for him to participate in except one in which his whole heart would be, and who suddenly found that a war had arisen with which he was not in sympathy.

Mr. TILLMAN. With the permission of the Senator from Florida, I should like to ask the Senator from Ohio what safeguards are thrown around this enrollment. We find on page 15, line 17, these words:

> The Secretary of War is authorized to apportion among the several States and Territories and to enroll not exceeding 100,000 men, who shall have served in the Regular or Volunteer armies of the United States or in the organized militia.

Is there no coercion here?

Mr. FORAKER. Can the Secretary of War enroll anyone without his consent?

Mr. TILLMAN. I do not know whether this language would allow of enrollment without additional authority, but I want some light on that subject.

Mr. FORAKER. All that I can say in answer to the Senator from South Carolina is that his military service as captain of militia in South Carolina ought to enable him to learn that nobody is enrolled except in case where a draft is ordered—and that is never ordered except in times of great emergency—without his consent. It is a voluntary matter throughout. The Secretary of War will have authority to enroll the names of 100,000 men who may be willing to be enrolled, who may be willing to give that conditional obligation to serve in the event——

Mr. TILLMAN. What is the quid pro quo? What do these men get?

Mr. SPOONER. Nothing.

Mr. FORAKER. Nothing, except an opportunity to serve their country.

Mr. SPOONER. They do not get even guns.

Mr. TILLMAN. In the event they are not going to get guns, how in the name of common sense are they going to be drilled men and seasoned soldiers?

Mr. SPOONER. They are not eligible to be enrolled unless they have served. They have already been drilled.

Mr. QUARLES. They have already been drilled.

Mr. SPOONER. They are men who have served in the Regular Army; men who have served in the volunteer service in time of war; men who have served in the organized militia of the States.

Mr. TILLMAN. Then you take from these volunteers or quasi volunteers or pseudo volunteers the right to organize their companies as the real volunteers have always done and to get into the Army under officers whom they can trust.

Mr. FORAKER. They will be organized precisely as the Volunteer Army was organized that was sent to the Philippines.

Mr. TILLMAN. That army was nothing more or less than an addition to the Regular Army, officered by appointees from the War Department or appointed by the President.

Mr. FORAKER. This will be the same kind of a force. That is what the bill provides.

Mr. TILLMAN. I am glad we get that much light on it. It is not a militia, dead sure.

Mr. MALLORY. Mr. President——

Mr. CLAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Georgia?

Mr. MALLORY. Certainly.

Mr. CLAY. I desire to ask the Senator from Florida a question in order to see if I understand this bill in regard to the hundred thousand reserve force. If I understand it, it is simply an appendix of the National Army. The hundred thousand men are kept as citizens when they are not called into service. They do not draw any pay at that time, but in the event that we go to war and more soldiers are called for then they are all ready and a part of the Regular Army and will be used as a part of the Regular Army. That is my understanding of the hundred thousand national reserve force.

Mr. MALLORY. That, I believe, is the effect of this provision. It is an appendix, as the Senator says, to the Regular Army of the United States which can be called forth and put into active service. The question how they are called forth is one upon which we may differ. Whether it will require an act of Congress to do it, under the language of the bill as it is now, or whether the President can do it without the intervention of Congress, I think is an open question to some extent, and one at least that I would not care to leave to the solution of the party interested in calling out the men.

For that reason I think that if this bill is to pass it would be very advisable for its friends to see that there is no question whatever as to the power conferred on the President in this matter; that he should not be vested with authority, either implied or otherwise, for calling out these troops without the express authority of Congress.

But, Mr. President, laying aside these questions of the details of the measure, it strikes me that it is one which ought not to be passed in its present state. It seems to me that the provision for the national volunteers should be eliminated from the bill, and if, in the judgment of the Secretary of War and a majority of Congress, it is necessary to provide a body of men, which in an emergency of foreign invasion or foreign war we could gather together summarily and put in the field as an adjunct to the Regular Army, let that be presented to the Senate in its proper shape and upon its own merits.

I do not think, Mr. President, that my constituents would sustain me in voting for this bill with that provision in it. The title I will not say is misleading, but it certainly does not convey to the average reader any impression whatever of the true object and purpose of the measure. "To promote the efficiency of the militia" is clearly understood, undoubtedly, but what is covered by "and for other purposes" is not, I think, contemplated by those who have heard this bill treated of in the press of the country. It is true——

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Wyoming?

Mr. MALLORY. Certainly.

Mr. WARREN. I call the Senator's attention to the fact that that is the usual title of a bill—"and for other purposes." There is no significance to that.

Mr. MALLORY. That is the point. "And for other purposes" has given rise to more litigation and more questions in the courts than almost any other subject relating to the details of the passage of bills. "And for other purposes" should at least be germane to and have some connection with the main subject of the bill. Many States have found it necessary to require that in the passage of measures through their legislatures the title shall set forth the object distinctly, and that where there is any concealment as to the object or purpose of the measure the measure itself becomes unconstitutional. That, of course, is not observed in national legislation, but when you use the term "and for other purposes" the necessary implication is that that relates to something that is at least germane to the subject.

Now, it may be said that the organization of a branch of the standing army of the United States is germane to the reorganization and promotion of the efficiency of the militia. I do not admit it. I think the two subjects are as wide apart as the poles. The framers of the Constitution have always adhered to the widest possible distinction between the militia, whether used in a generic or a specific sense, and the Army.

Therefore, Mr. President, if this measure is to pass, and I will admit that, so far as the provisions relating to the improvement of the militia are concerned, it meets my most hearty approval and I would be very glad to vote for it—if it is to pass and if the beneficent purpose or the good purpose which is designed by those provisions relating to the militia is to be secured, let us eliminate from it, as the Senator from Alabama proposes by his amendment, all the matter relating to an addition to the standing army of the United States. If we do that, we shall then have a compact militia bill which I think will be acceptable to every Senator upon this floor. Certainly I would have no difficulty in voting for it; in fact, I would with a great deal of pleasure vote for it. But in the shape in which it is, with this new and untried experiment put into it, while making no reflection upon those who had the drafting of it or who are fathering it here in this body, it seems to me it would be a great deal better to let that provision, which I think is entirely foreign to the purpose of the organization of the militia, go out and bring it into the Senate if necessary on its own merits as a separate measure.

Mr. President, I have endeavored somewhat feebly, and certainly very disconnectedly, to voice some of the reasons why I think the measure ought not to pass in its present shape. If the amendment proposed by the Senator from Alabama, striking out the twenty-fourth section, prevails, I think it would be a great improvement; but I think the twenty-third section ought also to go out and that one or two minor amendments should be made. If that amendment does not prevail, I propose to offer the amendment which I have read to the Senate, and I should like very much to see it adopted. I would not, however, vote for the measure, even if the amendment were adopted, with the balance of the twenty-fourth section remaining in the bill.

Mr. FORAKER. Before the Senator from Florida takes his seat, I should like to ask him one question, in order that I may know whether I thoroughly understand his closing remarks. The question I would ask him is whether his objection to this measure is simply that it is a part of the bill that he thinks is not germane to the general subject, or whether he would oppose this measure if it were on some other bill?

Mr. MALLORY. I would oppose it undoubtedly. I would oppose it, I think, unless it were modified very much in some of its features. I refer to that portion relating to the special volunteer reserve.

Mr. FORAKER. That is what I supposed until the closing remarks of the Senator, which led me to think that perhaps I had misunderstood him. In other words, the objection of the Senator is primarily to providing by Congress for a volunteer reserve force that can be called out in an emergency, after Congress has taken action authorizing the President to make such a call; for whether the bill as it is now before the Senate makes that specific or not, it will be made specific, because no one has any thought of giving to the President the power to call 100,000 men into service and organize them and put the country to an expense to support them unless Congress hereafter takes action specifically authorizing it.

Mr. MALLORY. In answer to the Senator's query, if he will permit me, I will say that I will oppose the provisions of the twenty-third and twenty-fourth sections as they now stand. I am not opposed in the abstract to the provision for a national volunteer reserve—not a National Guard, but a national volunteer reserve. I am not opposed to such an organization, in fact, as is here indicated. But I would have to see that it was surrounded with ample safeguards, which in my judgment are necessary, and that there should be in it some provision whereby it should not overslaugh and throw into the shade and into the background the militia of the States, which I think ought to be cultivated and encouraged much more than the reserve force which is proposed by the bill.

Mr. FORAKER. I asked the Senator from Florida the question not only that I might understand him, but that I might bring before the Senate distinctly the fact that the opposition to this measure is an opposition to the organization of a reserve force such as is here provided for the Army of the United States.

Mr. BACON. Will the Senator from Ohio permit me?

Mr. MALLORY. I hope the Senator from Ohio will not put into my mouth something I did not say. I say that I oppose this particular provision now.

Mr. FORAKER. So I understand.

Mr. MALLORY. I am not, I said distinctly, opposed to the organization of a national volunteer reserve. I have said that and I think I have said it sufficiently distinct to prevent any misapprehension. But I can not go into a discussion of the various views that I think would control me in making qualifications as to the provisions of the bill. I do not think that the national volunteer reserve ought to be made a more important military factor than the militia of the States.

Mr. FORAKER. I hope the Senator from Florida will not think that I was by my inquiry putting into his mouth anything he had not said.

Mr. MALLORY. Not at all.

Mr. FORAKER. I was undertaking to state his position as I understood it. He is opposed to providing for a national volunteer reserve force in the manner provided for in this bill. He is willing to provide for one in some other manner. I do not know what that manner is. What I wanted to say in answer to that suggestion—and then I will yield to the Senator from Georgia—is that I do not know how any more harmless step could be taken than the one here provided for—one that can not possibly, as it seems to me, be attended with any danger to the public welfare or give any uneasiness to any man who thoroughly understands the provisions of the bill upon the theory that we are unduly increasing the Army. If some Senator would indicate how we can have the militia force which, it seems to me, we ought as one mind to agree upon the propriety of having, I will be glad to have the benefit of his suggestion. I do not think any Senator who belongs to the committee is so committed to the specific provisions of this measure in this respect that he would not be glad to have the benefit of suggestions from other Senators.

Mr. BACON. Now, will the Senator permit me?

Mr. FORAKER. Certainly.

Mr. BACON. Mr. President, the question propounded by the Senator from Ohio is one the reply to which might be misconstrued. I desire to say for myself, as the Senator referred not only to the Senator from Florida, but to other Senators occupying a similar position, that I am not opposed to the proposition of a reserve force, and a reserve force of experienced men, if you please. But if it is to be constituted of the citizen soldiery, my contention is that that citizen soldiery is essentially that which the Constitution contemplates when it makes provision for the organization of the militia, and that that reserve should be organized in conformity with the requirements of the Constitution and should constitute a part, legitimately, of the militia.

Now, I am perfectly willing to join hands with the Senator from Ohio and with other Senators in the effort to provide a reserve force which shall constitute a part of the militia. This does not constitute a part of the militia according to the avowed confession of Senators.

Mr. WARREN. Mr. President——

Mr. BACON. If the Senator will pardon me just a moment, I think I can suggest to the Senator from Ohio that it is entirely practicable to organize a reserve force which shall be composed of the experienced men, as specified in the bill, and which shall still constitute a part of the militia, officered by the State, as required by the Constitution. Now——

Mr. FORAKER. Will the Senator allow me there? He overlooks this fact. The State itself determines to what extent it will have an organized militia.

Mr. BACON. No——

Mr. FORAKER. Now we provide for the utilization of all the organized militia that the several States may see fit to organize; and then, in addition to that, we provide that they shall have a national volunteer reserve force.

Mr. BACON. The Senator interrupted me before I had finished.

Mr. FORAKER. I beg pardon.

Mr. BACON. I think the Senator is mistaken in that suggestion, and I was coming to that very point. Under the provision in the Constitution which permits the General Government to provide for organizing the militia, and that exact word is used, I think it is competent for the General Government to prescribe that there shall be a certain number of militia enrolled in each State in proportion to the population thereof, and I believe it is perfectly competent to draft a bill which would be constitutional which should prescribe the number of militia to be organized in each State. Does the Senator doubt that proposition, when the Constitution prescribes——

Mr. MALLORY. Will the Senator permit me to interrupt him? This very bill provides that the militia, in order to get the benefits of the measure, shall consist of 100 men for each member of the House and Senate in Congress. At least——

Mr. BACON. If that proposition is correct, where is the difficulty? And, in the absence of difficulty, where is the need for departing from the time-honored recognition of the militia as a part of the militia to be organized by the State in accordance with the provision of the Constitution?

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. With pleasure.

Mr. WARREN. I desire to call the attention of the Senator from Florida, before he leaves the Chamber, as I see he is about to leave, to the condition of the bill with reference to his amendment. He offers an amendment to section 24. I understood the Chair to rule on this same section and bill, on another day, that an amendment to perfect the section is first in order before an amendment to strike out. Therefore I wanted to ask the Senator from Florida if he has offered his amendment so that it may be acted upon before a vote is taken on the motion to strike out the whole section.

I also wish to ask him another question with reference to it. One of his objections to section 24 seems to be that the President could call out this force without any action of Congress hereafter. I observe that his amendment does not cover that point. If I understand it correctly it leaves that in the position it is in now, and under his understanding it would leave it so that the President could call this force out at any time, provided there was war imminent, or existing, without reference to Congress, and the assumption is that he could thus take from Congress the power to provide what use should be made of it. I wanted to ask if that is the manner in which he wishes his amendment to go in.

Mr. MALLORY. Yes; I did not propose to make any other change than to authorize the President in case war was imminent, or in case of actual war, without any further intervention of Congress.

Mr. WARREN. Now, Mr. President——

Mr. MALLORY. As I said, Mr. President, I would not vote for the bill if this amendment were adopted with the twenty-fourth section as it is now.

Mr. WARREN. The hour is near when I suppose other business will displace this bill, and while on my feet I want to give notice that I will ask to have the pending bill taken up to-morrow morning in the morning hour, immediately after the routine business. I ask the Senator if he will have his amendment before us as he desires at that time. Will he prepare the amendment so as to offer it to-morrow?

Mr. MALLORY. I will offer it some time to-day.

Mr. BACON. I call the attention of the Senator from Wyoming to the fact that notice has already been given, I understand, for the consideration to-morrow of the resolution offered by the Senator from Missouri [Mr. VEST], which went over to-day by agreement.

Mr. WARREN. That would be in the nature of morning business, and I presume this bill would follow it.

Mr. BACON. That would have first consideration, of course. If the Senator has that in contemplation, that is different.

Mr. WARREN. This bill would follow the remarks of the Senator from Rhode Island upon the resolution offered by the Senator from Missouri.

Mr. BEVERIDGE. Before the hour of 2 o'clock arrives, I wish to give notice that after the pending amendment is disposed of I shall offer the following amendment as a proviso to section 2.

The PRESIDENT pro tempore. The proposed amendment will be printed and lie on the table.

Mr. MALLORY subsequently said: I wish to offer the amendment I promised to offer to House bill 15345, to promote the efficiency of the militia, and for other purposes. I ask that it be printed.

The PRESIDING OFFICER (Mr. QUARLES in the chair). The amendment will be printed.

STATEHOOD BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. BEVERIDGE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Deboe,	Harris,	Quarles,
Bacon,	Depew,	Jones, Ark.	Quay,
Bate,	Dietrich,	Kean,	Scott,
Berry,	Dillingham,	Kittredge,	Simmons,
Beveridge,	Dryden,	McEnery,	Spooner,
Blackburn,	Dubois,	McLaurin, Miss.	Taliaferro,
Burrows,	Fairbanks,	Martin,	Tillman,
Carmack,	Foraker,	Mitchell,	Turner,
Clark, Wyo.	Foster, Wash.	Morgan,	Warren,
Clay,	Frye,	Nelson,	Wellington,
Cockrell,	Gibson,	Perkins,	Wetmore.
Culberson,	Hale,	Pettus,	
Cullom,	Hanna,	Platt, N. Y.	

Mr. McLAURIN of Mississippi. My colleague [Mr. MONEY] is unavoidably absent on account of sickness.

Mr. WARREN. I desire to say on the part of the Senator from Maryland [Mr. McCOMAS] that he was suddenly called from the city on account of the death of a member of his family and that he is unavoidably absent.

Mr. QUAY. I wish to state in behalf of my colleague, the senior Senator from Pennsylvania [Mr. PENROSE], that owing to circumstances beyond his control he is temporarily absent. He may be here this afternoon to attend the session, but he is not at present in the city.

Mr. SIMMONS. I desire to announce that my colleague [Mr. PRITCHARD] is ill and unable to be in the Senate.

Mr. DUBOIS. I wish to announce once and for all that my colleague [Mr. HEITFELD] is at home in Idaho, detained through sickness in his family, and that he is unavoidably absent.

The PRESIDENT pro tempore. Fifty Senators have responded to their names. There is a quorum present.

Mr. BEVERIDGE. With the permission of the Senator from Minnesota [Mr. NELSON], who, I believe, has the floor at this time, I send to the desk and ask to have read the following telegram, and I request that it may be incorporated in the remarks of the Senator from Minnesota, which are very comprehensive on this point.

The PRESIDENT pro tempore. The Senator from Indiana asks that the telegram may be read and that it may be made a part of the speech of the Senator from Minnesota. Is there objection? The Chair hears none. The Secretary will read them.

The Secretary read as follows:

OKLAHOMA CITY, OKLA., *January 6, 1903.*

Senator ALBERT J. BEVERIDGE,
United States Senate, Washington, D. C.:

At a nonpartisan interterritorial statehood convention held in this city today, participated in by 2,000 delegates, representing practically every incorporated town and many hamlets in the Indian Territory and 20 of the 26 counties of Oklahoma, the following resolutions were unanimously adopted:

"We, the people of Oklahoma and the Indian Territory, assembled in delegate convention for the purpose of giving organized expression to our desire for statehood, again declare to the Congress that we favor the creation of one State out of the area now embraced within both these Territories, and we most emphatically indorse the simple statehood provisions of the Senate bill known as the Nelson bill. This bill is in conformity to the views we expressed in our single statehood convention held at South McAlester in December, 1900, and the convention held at Muskogee in November, 1901, and the convention held at Claremore in December, 1902. All those conventions, as well as this one, were and are representative of the business interests of both Territories, and were and are the organized expression of the desire of the people of both Territories for immediate single statehood upon terms of justice and equality to the people of both Territories. We indorse the platforms adopted by those earlier conventions, and we now quote with our approval the following extract from the resolutions adopted by the Claremore convention:

"'We, the people of Oklahoma and the Indian Territory, in convention assembled, confident that organic union is our manifest destiny, again proclaim to the Congress that we favor the creation of a single State out of the area now embraced within both these Territories, and we offer the following reasons in support of our position:

"'First. Oklahoma's area is 39,000 square miles; that of the Indian Territory only 31,000 square miles. The average area of the States and Territories west of the Mississippi is more than 100,000 square miles, while that of Texas, our next-door neighbor, is 265,000. Our combined area will make a State less than 70 per cent of the size of the average Western State, while taken separately we will be the two Rhode Islands of the West.

"'Second. The resources of the two Territories complement each other. Oklahoma is almost wholly agricultural, while the Indian Territory is richly endowed with mineral wealth, and the combination will make a State unsurpassed in variety and abundance of natural resources.

"'Third. Single statehood insures larger taxable values and consequently lower taxation.

"'Fourth. Single statehood eliminates a crooked, wandering, and fantastic boundary line which now divides the two Territories.

"'Fifth. Single statehood confirms and cements a social fellowship already established by inter-Territorial organizations of the Methodist Episcopal Church South, the Methodist Episcopal Church, the Episcopal Church, the Presbyterian Church, the Catholic Church, the Federation of Women's Clubs, and the Masonic and other fraternities.

"'Sixth. Single statehood confirms and cements a business fellowship already established by inter-Territorial organizations of the cotton-seed oil manufacturers, the lumber dealers, the ice manufacturers, the grain dealers, the flour manufacturers, and other business organizations.

"'Seventh. Single statehood, finally, insures a State which will quickly take high rank in this Union, and which we can bequeath to our posterity with pride and satisfaction.'

"We are opposed to the passage of either the omnibus or the Moon bill, because their enactment into law means either double statehood or single statehood long deferred, and accomplished, if at all, by the attachment process. We oppose the attachment process because it is not necessary for the Territories, being ready for immediate statehood; because it is unfair to the Indian Territory to deprive its people of all participation in the constitutional convention and the framing of the laws and from a voice in the location of our public institutions. We oppose the attachment process for the further reason that its effect will tend to create a sectional line of cleavage in the State which might not be obliterated for generations.

"We think we are entitled to immediate statehood—

"First. Because it is a right guaranteed us by the treaty with France at the time of the Louisiana purchase.

"Second. Because it is a right that Congress ought not to deny to a million free and intelligent citizens.

"Third. Because both Territories are ready for statehood.

"Fourth. Because Congress has the legal right to grant statehood not only to Oklahoma but also to the Indian Territory. (Thomas *v.* Gay, 169 U. S., 264.)

"Fifth. Because both Territories have the necessary population, each having about 500,000, 90 per cent of whom are American citizens.

"Sixth. Because both Territories have the soil, resources, and climate to sustain this population and insure large and steady increase.

"Seventh. Because both have sufficient taxable property to support a State government without excessive taxation.

"Eighth. Because the work of the Dawes Commission has been so nearly completed as to no longer interfere with immediate statehood. That Commission has concluded treaties with all of the Indian tribes, providing for the allotment in severalty of their lands, and authorizing the sale of all except the homestead. These allotments will probably be completed by the time a State government can be organized. The lands of the Creek and Seminole nations have all been allotted.

"In the Cherokee, Choctaw, and Chickasaw nations the lands have all been surveyed and classified, and the work of allotment is now simply clerical and should be completed within twelve months. The mineral and asphalt lands of the Choctaw and Chickasaw nations are to be sold by the Secretary of the Interior, and as soon as sold will of course be taxable. It therefore is beyond controversy that the work of the Dawes Commission no longer interferes with statehood, and that there is abundance of taxable property.

"Ninth. Congress can reserve such power over Indian affairs as it desires, and statehood will in no way interfere with the free action of the Interior Department in carrying out all the treaties between the Government and the several tribes. In this opinion we are supported by a recent holding of Judge Hosea Townsend, of the southern district of the Indian Territory.

"We urge upon the attention of Congress the fact that it is not a question as to whether these two Territories shall be united, but whether they shall be divided. Thousands upon thousands of our citizens have moved into both Territories, relying upon past legislation and the future wisdom of Congress as insuring no division of those two Territories upon the arrival of ultimate statehood.

"Section 1 of the act of May 2, 1890, 26 Statutes at Large, 81, known as the organic act, creating Oklahoma Territory, contains the following provision:

"'Any other lands within the Indian Territory, not embraced within these boundaries, shall hereafter become a part of the Territory of Oklahoma whenever the Indian nation or tribe owning such lands shall signify to the President of the United States, in legal manner, its assent that such lands shall so become a part of said Territory of Oklahoma, and the President shall thereupon make proclamation to that effect.'

"Oklahoma as it exists to-day is the aggregate of various purchases from the several Indian tribes which have been opened to settlement at intervals, running from the 22d day of April, 1889, to the 1st day of August, 1901, and in view of the legislation quoted and the history of the organization of Oklahoma, it has been our well grounded belief that the Congress would never divide the people of these two Territories or undertake to create two States within their borders. We now feel that the passage of the Nelson bill is but a fulfillment of the original promise arising out of the history of Oklahoma and the Indian Territory, and that it is but a simple act of justice to the 1,000,000 citizens now living within our borders.

"The creation of two States out of our Territory and the passage of the omnibus bill with the subsequent attachment to Oklahoma of the Indian Territory are two calamities viewed with equal abhorrence by the fair-minded non-partisan business interests of both Territories. To pass the omnibus bill, thus giving to one-half of our common territory the right to frame the organic law and organize the State government and locate all public institutions, and then to attach the other half of our common territory with equal population, equal taxable wealth, and equal resources, is an act of such gross and palpable injustice to that half of the people so to be attached that we can not believe the statesmanship of the United States Senate will ever consent to its perpetration.

"We declare to the Congress that this question of statehood is one affecting our future destiny as a part of the great American Union, and we appeal to the members of that body and to the President of the United States to consider the case upon its merits, and disengage it from all entangling alliances, so that justice may be administered to a million people whose future wealth and standing as an American Commonwealth is of infinitely more importance than temporary party advantage or any unwise sectional gain resulting from an increased number of United States Senators.

"Finally, we affirm as our deliberate and final declaration, that so far as the interests of Oklahoma and the Indian Territory are affected by the omnibus bill, we are unalterably opposed to its provisions, and we prefer absolutely no statehood legislation to the passage of that bill.

"By act of Congress passed more than two years ago all the Indians in the Indian Territory are made citizens of the United States, and thus their competency for the burdens and duties of statehood, in common with the other inhabitants in that Territory, has been settled.

"We express our entire confidence in the good faith of Senators BEVERIDGE, NELSON, and others in their efforts to secure statehood for the two Territories, on terms of absolute equality, at the earliest possible moment, and denounce as a subterfuge the charge that their efforts in urging single statehood is to prevent all statehood legislation in the present Congress."

JESSE J. DUNN, *Secretary,*
GIDEON MORGAN, *Chairman.*

JANUARY 7, 1903, 4.05 A. M.

Mr. BEVERIDGE. Mr. President, with the permission of the Senator from Minnesota, I will state that I have presented this telegram to the Senate at this time because it is the final result, as we are informed in the telegram itself, of one of the most remarkable conventions, perhaps, that has ever been held in the Southwest, and I dare say throughout the entire country; and because it appears to me and to the other members of the committee that when the inhabitants of a Territory seeking admission as a

State are sufficient both in number and in quality to entitle them to statehood their desires as to the method of the bestowal of statehood should be considered by the body which has to pass upon it.

Mr. QUAY. I know very little about the proceedings of the convention to which the Senator alludes; but I desire to ask him for information whether or not the action of that convention was unanimous?

Mr. BEVERIDGE. I will find out by an examination of the paper.

Mr. QUAY. I think it is stated in the paper.

Mr. BEVERIDGE. Let us see. It says:

At a nonpartisan interterritorial statehood convention held in this city to-day, participated in by 2,000 delegates representing practically every incorporated town and many hamlets in the Indian Territory and 20 of the 26 counties of Oklahoma, the following resolutions were unanimously adopted.

Mr. QUAY. That is the point at which I wanted to arrive.

Mr. BEVERIDGE. Well, you have arrived.

Mr. QUAY. I further desire to ask the Senator from Indiana whether this convention was a convention of inhabitants of the Territory or only of those inhabitants of the Territory who are favorable to what is known as the Nelson bill? The Nelson bill, to which these resolutions refer, is in a very nebulous condition. We had it here in one shape, but it was withdrawn, and it is not now in any shape before this body, but is to come here in a revised, amended, reformed, and improved condition, as I understand. So that it seems to me the convention of the friends of the Nelson bill were acting very unintelligently in passing these indiscriminate resolutions.

Mr. BEVERIDGE. I am not surprised that the Senator from Pennsylvania thinks that convention of 2,000 delegates has not acted intelligently. They have not acted intelligently in that they have not acted in accordance with the Senator's views.

Mr. QUAY. No; but they had no bill to act upon.

Mr. BEVERIDGE. Mr. President, concerning the nebulous state of the bill, the Senator knows that that adjective is hardly justified by the conditions and facts. The committee reported that substitute to the Senate and afterwards withdrew that substitute for further correction, with the statement at the time that at some future period it would be reintroduced. The Senator, therefore, has notice that that substitute in its essential provisions is now before the Senate for discussion, and so far as the resolutions of this convention are concerned, that action, to which I do not blame the Senator from Pennsylvania for taking exception, was taken upon the committee's substitute in its essential provision, which is the union of the Territory of Oklahoma and the Indian Territory.

The matter of the machinery of the bill, as to how the State is to be admitted, as to how the delegates to a constitutional convention are to be selected, are matters of legislative detail; but the great central and fundamental question is whether or not one great homogeneous State, similar in size and population to other great Western States, shall be admitted, or whether, for purposes which we have yet to hear explained, two grotesque and bizarre and indescribable geographical communities shall be selected instead. The great question of single statehood or double statehood was before this convention and is now, for all the purposes of discussion, before the Senate.

Mr. QUAY. Mr. President, I do not want to precipitate a discussion which will drive my friend from Minnesota [Mr. NELSON] off the floor, to his utter disgust I have no doubt.

Mr. BEVERIDGE. I think the Senator from Minnesota can speak as to his own disgust.

Mr. QUAY. I am not claiming to speak for him, and I am not disgusted, and the Senator could not disgust me if he tried, but the point at which I wish to arrive, and to which I desire to direct the attention of the Senate, is that this convention was not a convention of inhabitants of Oklahoma called indiscriminately together to pass directly upon the right of these two Territories to be admitted at the present time, or as to whether it is proper that they should be admitted separately or in combination. It was a convention of friends of the proposition of the Committee on Territories, and, of course, their action was unanimous, but their action does not represent the people of Oklahoma.

Mr. BEVERIDGE. The Senator, of course, speaks from his inference and not from his information, or has the Senator private information?

Mr. QUAY. I have no private information, but it is patent upon the face of it.

Mr. BEVERIDGE. I think it is patent on the face of it. As to the inference, therefore, one Senator can draw inferences as well as another. The telegram itself leaves it not open to inference, because it says—and I call the attention of the Senator to it:

At a nonpartisan interterritorial statehood convention held in this city to-day, participated in by 2,000 delegates.

And so forth.

Now, the Senator infers that these were the friends of the committee's bill. Of course the inference is perfectly proper, because it says these 2,000 delegates, representing the people of both Territories, unanimously adopted these resolutions. Therefore, of course, the inference could only be—it is not an inference, as the Senator says, but it is patent on the face of it—that they were friends of this bill.

Mr. QUAY. Will the Senator permit me a word there?

Mr. BEVERIDGE. Certainly.

Mr. QUAY. Since I replied to the Senator I have received some information on that question. The fact is that in the calling of that convention, whose proceedings the Senator has just had read at the desk, no one who was opposed to the Nelson bill was eligible to membership in it. That information I have just received.

Mr. BEVERIDGE. Mr. President, I am not surprised at that. I am not surprised that the people of these two Territories, the vast majority of whom are in favor of the Nelson bill, should call a convention to express their views to the Senate of the United States, as it is their right as American citizens to do. I suppose the Senator would not suppress the constitutional right of citizens to assemble and petition Congress; and, if not, I do not see the particular point or the weight of his objection, although I do not blame him for objecting.

I did not expect, Mr. President, to utter more than three or four sentences when I rose——

Mr. QUAY. I do not wish to induce the Senator to continue his remarks. I give notice of that. I desire to reach a vote on this bill; but what I objected to was a masquerading of this convention as a representative convention of the people of Oklahoma, when it was a convention of the advocates of the Nelson bill.

Mr. BEVERIDGE. The Senator, of course, we all concede, has the right to indulge in any one of the great arsenal of adjectives at his command, among which is "masquerading," which is an adjective in the form of a verb at least, but I do not think that that changes the fact.

I introduced this paper and asked to have it read and made a part of the very comprehensive statement of the Senator from Minnesota. There was no "masquerading" in that, save as this itself constitutes a masquerade, and the only "masquerading" that has been introduced into the debate has been introduced by the Senator from Pennsylvania himself.

As I said, I did not intend to make remarks extending over more than four or five sentences, merely calling attention to the fact, as I was saying when the Senator interrupted me, that when the inhabitants of a Territory are sufficient in number and quality to confessedly entitle them to admission into the Union, it is proper and right that they should give voice to their views as to how they should be admitted, and that that voice should be considered by the body which is to pass upon the question.

Since the Senator has called attention to and attempted to minimize the effect of the proceedings of this convention, I will state that it is no surprise to a majority of the committee that such a convention was held and that these proceedings were the fruit of it, because it merely confirms what was the opinion and observation, I dare say, of every member of the subcommittee who visited those Territories, who talked with those people, and who heard the witnesses. We did not refuse to hear anyone down there who applied to be heard.

Mr. President, if that is true, if four men representing both sides of this Chamber are not mistaken in their views as to what the people there desire, if this itself is of any weight, then we have before us the expression of the people themselves in favor of the substitute proposed by the committee. Nor is it unnatural that those people should have this view. They have expressed not only their views, but their reasons for those views, which appear to me to be absolutely unanswerable; and because not only of the expression of the views themselves, but of the reasons for them, I am not surprised that a vast majority of the people of both of those Territories are in accord with the expression finally arrived at.

Mr. BATE. Mr. President, with the permission of the Senator from Minnesota [Mr. NELSON]——

Mr. NELSON. I yield to the Senator.

Mr. BATE. Mr. President, as telegrams are being presented, I hold in my hand the proceedings of persons very deeply interested in this matter. I have heard nothing in that which has been read regarding the rights of the Indians. The proposition is to absorb the Indian Territory along with Oklahoma. Here are the proceedings of the representatives of the Indian tribes themselves, which refer to questions pertinent to their rights. I present them, and believe they should have weight, as they refer to the rights of the Indians in that Territory. I need not go back to history to show that the land there belongs to them absolutely; that their rights ought to be respected, and their views listened to in this matter. Here are their proceedings in regard to the subject which is directly before the Senate. As the paper is very short, I ask

that it be read, so that it may be placed in the RECORD along with these other communications.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

PROCEEDINGS OF THE EUFAULA CONVENTION, NOVEMBER 28, 1902.

Pursuant to a call of the Hon. Green McCurtain, principal chief of the Choctaw Nation, there assembled at Eufaula, in the Creek Nation, Indian Territory, November 28, 1902, delegates from three of the Five Civilized Tribes in the Indian Territory, for the purpose of formally expressing to Congress the views of the Indians on statehood for the Indian Territory. These delegates were appointed by the principal chief of the several tribes under the authority of resolutions by their respective councils. The delegates were:

Creek Nation.—Hon. P. Porter, principal chief of the Creek Nation, Muskogee, Ind. T.; Cheesie McIntosh, Checotah, Ind. T.; Rolley McIntosh, Fame, Ind. T.; John R. Goate, Holdenville, Ind. T.; Alex A. Davis, Okmulgee, Ind. T.; A. P. McKellop, Muskogee, Ind. T.

Cherokee Nation.—Wash Swimmer, Tahlequah, Ind. T.: A. L. Lacie, Baptist, Ind. T.; L. B. Bell, Vinita, Ind. T.; J. G. Schrimser, Claremore, Ind. T.; George Sanders, Rose, Ind. T.

Choctaw Nation.—H. P. Ward, Kiowa, Ind. T.; L. C. Le Flore, Caddo, Ind. T.; Hampton Tucker, South McAlester, Ind. T.; Henry Ansley, McAlester, Ind. T.

Hon. Pleasant Porter was made permanent chairman and Henry Ansley permanent secretary.

A committee on resolutions was appointed, consisting of L. B. Bell, Cheesie McIntosh, and Hampton Tucker.

The committee reported the following resolutions, which were unanimously adopted:

RESOLUTIONS.

Whereas the Five Civilized Tribes of the Indian Territory have, by agreements made and entered into with the United States, provided for the dissolution of their tribal governments; and

Whereas the changed conditions brought about by such agreements require a complete revolution in our land tenure and new laws and usages unknown to the Indians composing the Five Tribes of the Indian Territory, which conditions will require time for the Indians to adapt themselves to the changed order of things; and

Whereas these changes were apparent to the contracting parties at the time of the making of said agreements, which is evidenced by the fact that a separate political organization was provided for the Indian Territory, and the period for the dissolution of said tribal governments was fixed at March 4, 1906; and

Whereas citizens of the United States, and not Indians, now residents in and upon the lands of the Five Tribes, are making by petition and lobby influence efforts to induce the Congress of the United States to ignore the spirit and letter of these agreements by placing the Indian Territory under the laws of Oklahoma Territory; failing in that, to organize a United States Territory out of the present judicial organization known as the Indian Territory, either of which propositions would delay the work of the Government as now organized and satisfactorily proceeding under the direction of the Secretary of the Interior for the fulfillment of the agreements referred to: Now, therefore, be it

Resolved, By the duly authorized representatives of the Five Civilized Tribes, in convention assembled, at Eufaula, Creek Nation, Ind. T., November 28, 1902:

We affirm our confidence in the purpose of the United States Government to faithfully discharge the obligations it has assumed in its treaties with the Five Civilized Tribes in the Indian Territory.

We are opposed to and protest against any legislation by Congress that contemplates the annexation of the Indian Territory, or any part thereof, to the Territory of Oklahoma, or to any State; and we insist upon our tribal governments continuing intact and our tribal conditions remaining unchanged until March 4, 1906, at which time, should Congress deem it wise to change the present form of government in the Indian Territory, we ask that a State be formed out of the territory composing Indian Territory without the preliminary steps of a Territorial form of government.

The authority and supervision of the Department of the Interior over Indian affairs in the Indian Territory and the duties imposed on the Dawes Commission by such authority in the distribution of the lands belonging to the Five Civilized Tribes are sufficient for the present demands of government, and satisfactory to the owners of the soil.

It is incumbent upon us as self-governing people to propose a State form of government for the country owned by us and take part in the establishment of the same, to take effect at the dissolution of our tribal governments in 1906.

We most earnestly protest against the misrepresentations found in the petitions presented by people assembling in conventions at different places in the Indian Territory, purporting to represent the wishes of the people of the Indian Territory, firmly believing, as we do, that they represent no part of the Indian population and a very small part of the white people of the Indian Territory, in so far as they represent the people of the Indian Territory as asking for a Territorial form of government or statehood jointly with Oklahoma.

On account of sickness and high water, the representatives of the Chickasaw Nation did not attend. This nation, however, is thoroughly in accord with the purposes of the convention, as evidenced by a resolution passed by its council authorizing the appointment of delegates and by a letter from the Hon. Palmer S. Mosely, governor of the Chickasaw Nation, appearing in this pamphlet.

The Hon. Green McCurtain was unable to attend, but commends the action of the convention in a letter published herein.

EXECUTIVE OFFICE, CHOCTAW NATION,
Kinta, Ind. T., December 5, 1902.

Mr. HENRY ANSLEY,
Secretary Five Tribes Convention at Eufaula, Ind. T.,
McAlester, Ind. T.

SIR: I am just in receipt of the resolutions adopted by the convention held by the Indians of the Five Tribes at Eufaula on November 28, 1902. I am convinced that these resolutions express the sentiment of the real Indians throughout the Indian Territory, and I feel sure they will meet the hearty approval of the better element of the law-abiding noncitizens who dwell among us. For these reasons I heartily indorse the action of the convention, and believe its work will go a great way toward convincing Congress as to the wishes of the great mass of people who reside within the confines of the Five Civilized Tribes.

Yours, truly,

GREEN MCCURTAIN,
Principal Chief Choctaw Nation.

Resolutions were adopted authorizing the secretary to publish the proceedings and resolutions in pamphlet form, mail to the President, Secretary of the Interior, heads of the Indian Department, Senators, Members of Congress, and chiefs of the Five Civilized Tribes.

HENRY ANSLEY, *Secretary.*

EXECUTIVE DEPARTMENT, CHICKASAW NATION,
Wapanucka, Ind. T., December 5, 1902.

Hon. HENRY ANSLEY,
Secretary of the Five Tribes Convention, McAlester, Ind. T.

DEAR SIR: I have received a copy of the resolutions adopted by the convention held at Eufaula, Ind. T., on November 28, 1902, on behalf of the Five Civilized Tribes, and the purpose of this letter is to state that the same meet my approval.

I regret my inability to meet with the convention at the time and place and for the purposes stated.

Very respectfully,

PALMER S. MOSELY,
Governor Chickasaw Nation.

Mr. BATE. Mr. President, I desire further to say that that represents 70,000 persons, native Americans, if you please—Indians; my recollection being that there were 70,000 as shown by the last census.

Mr. BEVERIDGE. Mr. President, the last statement of the Senator from Tennessee enlightens me in part upon a question I had intended to ask him; which was, whether or not these resolutions purport to represent all the Indians in the Indian Territory? He says they do not purport to represent more than 70,000. There are 87,000 Indians in the Indian Territory; and, therefore, confessedly, they do not assume even to represent 17,000 of them.

Mr. BATE. Will the Senator allow me to interrupt him?

Mr. BEVERIDGE. Certainly.

Mr. BATE. I simply stated what I supposed to be the number of Indians there. I thought it was 70,000.

Mr. BEVERIDGE. Eighty-seven thousand.

Mr. BATE. I stand corrected. I did not know the exact number. I thought it was 70,000, and so stated from my recollection.

Mr. BEVERIDGE. Probably the Senator is right.

Mr. BATE. In relation to what the Senator says, of course I do not say that this represents all the Indians; but it comes from people who do represent those tribes and speak for them. That is all I can say about it. I do not know how they were authorized to speak for the Indians; but the paper shows who they are, and we all understand that the government of the Indians is carried on through their tribal relations. I do not know where the 2,000 delegates to the other convention came from. I do not know whether they were squawmen, or who they were, or anything about them.

Mr. BEVERIDGE. Upon that point, Mr. President, I think the dispatches in the papers state—I am not sure about that, although the papers themselves will show—that many, or at least some, of the delegates in the interterritorial statehood convention at Oklahoma City, whose resolutions have just been presented to the Senate, were Indians. I wish to say that I think it very fortunate that at this particular period of the discussion the Senator from Tennessee has called attention to an important fact, and that fact is that at most there are only 87,000 Indians in the Indian Territory. The Senator's recollection is that there are 70,000.

Mr. BATE. Seventy thousand.

Mr. BEVERIDGE. My recollection is there are 87,000. Nevertheless, the attention of the Senate is now brought to the fact that out of a population which certainly is 400,000 by this time—and it is, in the opinion of the committee, many more, perhaps 500,000—that out of a population of that vast number, 87,000 at most are Indians and the rest of them, over 300,000, to put it at the lowest possible figure, are not Indians, but are American citizens, of our own color, immigrants to that Territory from other States. I say, Mr. President, it is fortunate that the Senator from Tennessee has called attention to this point at the present time, because there has been an assumption, largely growing out of the fact of the name of the Territory—the Indian Territory—that most of the people there were Indians.

I have even seen an editorial in a paper of usually the most excellent information and of very high standing in the principal city of the State of the Senator from Pennsylvania which, while not approving of the omnibus bill, nevertheless disapproved the committee's substitute upon the stated ground that here were three or four hundred thousand Indians whom this committee ridiculously proposed to admit to statehood in this Union. I say, therefore, it is quite fortunate that the Senator from Tennessee has called attention to the fact that out of this great population only a small fraction are Indians, and therefore the objection that we are proposing to admit a great horde of Indians to citizenship—uncivilized people, as I have heard them called around the Senate Chamber—is answered.

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Maine?

Mr. BEVERIDGE. Certainly.

Mr. HALE. Is it a fact, then, that the white population of the Indian Territory is larger in numbers than the entire population of New Mexico and Arizona?

Mr. BEVERIDGE. Yes, sir; and not only so, but very considerably so, Mr. President. By the census the population——

Mr. NELSON. It is twice as large as the white population of Arizona and New Mexico.

Mr. HALE. Twice as large?

Mr. NELSON. Yes, sir.

Mr. BEVERIDGE. Yes.

Mr. NELSON. There are probably half a million people there, if the Senator will allow me——

Mr. BEVERIDGE. Certainly. I am speaking on the Senator's time.

Mr. NELSON. I have no doubt that to-day there are half a million people in the Indian Territory, and not exceeding 87,000 or 88,000 of them are members of Indian nations, and even of those who are members of the Five Nations only a small proportion are Indians. A very small part are pure Indians and a very large portion of them are practically white men. Besides, there are quite a number of colored people, freedmen who were formerly slaves, who have been elected a part of that membership. So, referring to the Indians in the Indian Territory and estimating them at 87,000 or 88,000, you must bear in mind that that includes the members of nations enrolled as such. They are composed as follows: A small fraction are full-blooded Indians, another portion are mixed bloods, and a large share of them are white people who are members of the tribe simply by marriage or adoption.

Mr. BEVERIDGE. As white as you and I.

Mr. NELSON. As pure white blood as we are.

Then, in connection with that, there are a number of negroes, called freedmen, former slaves, and their descendants. I believe that to-day the statistics of the census will show that in Oklahoma there are 30,000 Indians and colored people, and I believe that it is the limit if you boil it down to that basis, of colored people and Indians in the Indian Territory.

Mr. HALE. So my inquiry has not merely developed the fact that the white population in the Indian Territory is not only larger than the whole population of New Mexico and Arizona, but twice as large?

Mr. BEVERIDGE. Yes, sir.

Mr. QUAY. Mr. President, I think I shall challenge that assertion. The population of Arizona in 1900 was about 122,000; about 123,000. The population of New Mexico was 195,000, amounting to 317,000 in the two Territories.

Mr. BEVERIDGE. Yes.

Mr. NELSON. Will the Senator allow me to interrupt him?

Mr. QUAY. The Senator does not in his calculation consider native Mexicans as white men.

Mr. BEVERIDGE. There is no ground for such an assumption.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Minnesota?

Mr. BEVERIDGE. Certainly.

Mr. NELSON. I want to say to the Senator from Pennsylvania, who was not here, that the census report for 1900 shows that there were 26,000 Indians in Arizona not taxable, and therefore not entitled under the Constitution to representation in Congress. The statistics from the Indian Bureau, in connection with the statistics of the census, show that there are at least 10,000 Indians in New Mexico outside of the so-called Pueblo Indians, of which there are between eight and nine thousand.

Mr. BEVERIDGE. The Senator does not take into account the very large number of half-breeds in both Territories. The Senator speaks of the pure-blood Indians in Arizona and in New Mexico, and if they be deducted from the population of those Territories, I think the Senator from Pennsylvania will find that the Senator from Minnesota is accurate when he says that the white population of the Indian Territory is double the white population of New Mexico and Arizona combined.

Mr. HALE. And this white population in Oklahoma is just as pure and clean a white population as exists in Indiana or Pennsylvania or Maine.

Mr. BEVERIDGE. It is indeed.

Mr. HALE. It is not mixed at all.

Mr. BEVERIDGE. Not only that, but here is a point. Much has been made out of it, and I have seen it in the public press time and again, and therefore it can not be too well or repeatedly stated, that out of the vast population of Indian Territory, which, according to the census, approaches 400,000, and which on account of the enormous immigration since that time, the subcommittee are convinced, reaches perhaps the point of a half million, only a very small number, to wit, 87,000 at most, are classed as Indians, and of those who are classed as Indians a very large number are pure white men, so far as blood is concerned, quite as white as we are, and that of the rest only a few, comparatively speaking—a large number, many thousands—but only a few, comparatively speaking, are full-blood Indians.

Mr. QUARLES. About 10 per cent.

Mr. BEVERIDGE. About 10 per cent, I am informed by the Senator from Wisconsin, who is an expert upon Indian affairs, being one of the most active members of the Indian Committee.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. BEVERIDGE. Certainly.

Mr. TILLMAN. While I am not going to controvert or contradict in the slightest degree the statement just made, it occurs to me to picture a rather strange condition, and if the Senator has any explanation I shall be glad to have it as to how white men as pure blooded as he or I have gotten the right to all that Indian land, and how it is that the 87,000 Indians, so called, are nearly all white people. Some stealing has been done somewhere, or something, and I should like to know how it happened. I know a bleaching process is going on over there; but still that does not make them as pure white men as he and I, because I do not think either of us could be suspected of having anything else but Caucasian blood in our veins.

Mr. BEVERIDGE. It is always comforting to have the Senator from South Carolina around, because when any stealing is going on at any place he will detect it. That is a mighty good trait.

Seriously, I will say in answer to the Senator from South Carolina, that if he means to inquire how it happens that so many white people are members of Indian tribes——

Mr. SPOONER. Have suddenly become Indians.

Mr. BEVERIDGE. Yes.

Mr. TILLMAN. That is what I am asking.

Mr. BEVERIDGE. How so many have suddenly become Indians, to use the picturesque and accurate language of the Senator from Wisconsin, I will say that it is by marriage and adoption. They went down there some years ago, and they have been there since. The junior Senator from Wisconsin can inform the Senator upon that subject much more fully than I can, and so can the Senator from Minnesota, who has made it a special study. It is by marriage and adoption into the tribes. That explains how so large a number of white men are counted as Indians.

Mr. SPOONER. They are Indians by marriage.

Mr. BEVERIDGE. They are Indians by marriage. It also explains the peculiar nature of a large part of that population.

Mr. TILLMAN. Then the ethical or ethnological question arises——

Mr. BEVERIDGE. Is the Senator speaking of the ethical or ethnological question?

Mr. TILLMAN. The ethnological one.

Mr. BEVERIDGE. All right.

Mr. TILLMAN. I want to know what has become of the Indian men who might have married those Indian women.

Mr. BEVERIDGE. The committee has not gone into the matrimonial phase of the question. That is a curious and interesting interrogatory which the philosophical mind of the Senator from South Carolina propounds, one quite worth that study——

Mr. TILLMAN. I will put another, if the Senator will permit me.

Mr. BEVERIDGE. I was overcome by the one.

Mr. TILLMAN. Oh!

Mr. BEVERIDGE. I am speaking seriously. It is one which is worthy the attention and interest of all people who are interested in the most engaging study of ethnology. But the committee did not go into the question, interesting as it is, of the matrimonial relations of Indians in the Indian tribes, and we are not prepared to speak upon that subject. I wish I could enlighten the Senator.

Now, returning, Mr. President——

Mr. QUAY. Will the Senator allow me for a moment?

Mr. BEVERIDGE. Certainly.

Mr. QUAY. Has he any objection to that paper going into the speech of the Senator from Minnesota?

Mr. BEVERIDGE. The Senator from Minnesota must and will control his own remarks. I am very much obliged for the implied compliment of the Senator in asking my permission, but I suppose the Senator from Minnesota will control his own remarks, as he does his own conclusions.

This is called out by the suggestion of the Senator from Tennessee, who evidently did not read this before he presented it, and he did not know how the delegates came to be selected; and that, Mr. President, is a question of much pertinence and importance as to the validity and weight of these resolutions, because if they have any weight, they have it by reason of representing and voicing the opinions of the individual Indians of the Indian tribes. But they were not selected by a convention. They were not

selected by popular vote. They were appointed, as we are informed by the proceedings themselves:

These delegates were appointed by the principal chiefs of the several tribes under the authority of resolutions by their respective councils.

Mr. BATE. I beg to say to the Senator that I think that was the mode of appointment.

Mr. BEVERIDGE. Undoubtedly.

Mr. BATE. And there are as much virtue and strength in it as if elected by the populace.

Mr. BEVERIDGE. I question neither its virtue nor its strength, but I do question the Senator's conclusion that it represents the populace as well as if the populace themselves had voted upon it. It represents, and just so far and no farther, exactly what it says on its face. Here were delegates appointed by the chiefs. Is it absolutely conclusive that the opinions of the chief are the opinions of all of his tribe? The chief, as I understand, although I am not informed upon that subject, is not elected, or if so, he stays in forever. My limited recollection——

Mr. QUAY. He is elected by popular vote.

Mr. BEVERIDGE. How long does he stay in?

Mr. QUAY. I do not remember, but I think two years. The appointment of the delegates was indorsed in council, which is the legislature.

Mr. BEVERIDGE. Oh, no; not indorsed by the council.

Mr. QUAY. I so understand it.

Mr. BEVERIDGE. But the Senator does not understand it correctly.

These delegates were appointed by the principal chief of the several tribes——

Mr. QUAY. Yes.

Mr. BEVERIDGE (reading):

under the authority of resolutions by their respective councils.

Mr. QUAY. That is the same thing.

Mr. BEVERIDGE. But the Senator said the resolutions were indorsed by the councils. That is quite a different thing. As I understand it, and I confess my limited knowledge upon that question, but we all have more or less information concerning the proceedings of Indians and their chiefs; the chiefs have practically autocratic power. Their power is seldom questioned. They are usually perhaps men of great strength, at least when they were appointed or selected or in whatever way they get the chieftainship. So these resolutions do not represent nor do they purport to represent the expressed will of the Indians as deposited in the ballot box. I call attention to that merely because the Senator said he did not know how they were selected.

Mr. BATE. Mr. President, with the permission of the Senator, I will say that I think they do purport to represent the sentiment of the Indians of those three or four nations (of whom I understand there are 70,000 altogether), with the exception, perhaps, of one other tribe not represented there. The chiefs are the persons who speak for them upon all ordinary occasions, political as well as financial. They are really the heads of the tribes. The Indians are governed by tribal relations. It is an undoubted expression of protest against being interfered with by the Government of the United States so far as their relations are concerned, and they do not desire, at this time at least, to be a State, and they say so.

Further in that proceeding they say that there is an obligation resting upon the Government of the United States, by virtue of a treaty made some years ago, which allows them to remain until 1906 without any interference whatever, and this is an open and flagrant violation of that treaty, and they so assert in that document.

I do not propose to have anything to say now, in the time of the Senator from Minnesota. I think this an improper time to have such a discussion. At a subsequent period in the discussion I may have something to say in regard to the rights of the Indians in this matter, but I will not do so now. I wish only to say that the Indians are the owners of the soil, except that which has been given away, perhaps, for town sites or for railroad purposes; and if the owners of the soil have no right to speak as to whether or not that soil shall be transferred in bulk to the United States upon the application of certain persons, I should like to know who has any equity in this matter.

Mr. BEVERIDGE. The Senator says it is the habit of the chiefs to speak for their tribes. That is precisely the point. They do speak for their tribes. The Indians did not appoint delegates for the tribes, and I was calling attention to that, in answer to the remark of the Senator himself, to show precisely to what extent these resolutions, even on their face, assume to represent the individual opinion of the members of those tribes. The Senator states it with great definiteness when he says it is practically the presentation of the views of the chiefs.

About the propriety of the discussion at this time, I will say that I presented these resolutions, as was very proper, and for which I have the precedent of the action of the distinguished Senator from Pennsylvania on more than one occasion since this debate began. I rose to make a remark of perhaps two or three sentences, when the Senator from Pennsylvania began to question at some length and with some vigor the weight of these resolutions. Then after that had been discussed, the Senator from Tennessee presented as a sort of an offset or counterclaim the resolutions we have just been talking about. When he had done so, I, again following the precedent of the Senator from Pennsylvania, had a right to and did examine into the exact amount of weight which should be given to them. I did not intend to go into that except as the Senator from time to time drew me out. I rose first to say the first few sentences I did utter concerning this, and then called the Senator's attention to the fact, because he said they did not refer to it, that these resolutions of this great convention held yesterday in Oklahoma City touch the very point which so disturbs the Senator, and to my mind touch it very considerably.

If the Senator will bear with me, and the Senator from Minnesota will consent, I should like to call the Senator's attention to the resolutions. They go on to give the reasons why they are in favor of this measure, which appears to the committee to be both a measure of justice and also of nature, because there are natural boundaries down there. The eighth reason is as follows:

Eighth. Because the work of the Dawes Commission has been so nearly completed as to no longer interfere with immediate statehood; that Commission has concluded treaties with all the Indian tribes providing for the allotment in severalty of their lands, and authorizing the sale of all except the homestead. These allotments will probably be completed by the time a State government can be organized. The lands of the Creek and Seminole nations have all been allotted.

In the Cherokee, Choctaw, and Chickasaw nations the lands have all been surveyed and classified and the work of allotment is now simply clerical and should be completed within twelve months. The mineral and asphalt lands of the Choctaw and Chickasaw nations are to be sold by the Secretary of the Interior, and as soon as sold will of course be taxable. It therefore is beyond controversy that the work of the Dawes Commission no longer interferes with statehood, and that there is abundance of taxable property.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. BEVERIDGE. Certainly.

Mr. TILLMAN. Will the Senator be kind enough to tell us from what he is reading?

Mr. BEVERIDGE. Yes. I am reading from resolutions adopted yesterday by a——

Mr. BATE. The telegram which has just been read.

Mr. BEVERIDGE. I am reading the resolutions adopted at "a nonpartisan interterritorial statehood convention held in this city" (Oklahoma City).

Mr. TILLMAN. I was temporarily out of the Chamber, and I did not know what it was that the Senator was reading, and he read with such emphasis of authority that I thought I should like to know what it is.

Mr. BEVERIDGE. That is right. The Senator used precisely the proper words descriptive of the way in which I intended to read it—with such weight of authority. These are resolutions, I will state to the Senator, since he was absent, adopted at a meeting held yesterday by a nonpartisan interterritorial statehood convention, participated in——

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER (Mr. QUARLES in the chair). Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. BEVERIDGE. I wish to explain what the resolutions are.

At a nonpartisan interritorial statehood convention held in this city today, participated in by 2,000 delegates, representing practically every incorporated town and many hamlets in the Indian Territory and 20 of the 26 counties of Oklahoma, the following resolutions were unanimously adopted.

Mr. TILLMAN. Are those Indians or whites?

Mr. BEVERIDGE. The convention, as the dispatches in the morning papers state, and I think they state it correctly, consisted of both. If I remember correctly, there were Indians in the convention. And of course the Senator will admit that if there were Indians in the convention it strengthens the conclusion; but if there were not, and if the reasons which the convention advance for its conclusions are sound reasons it would not make any difference, of course, whether there were Indians there or not. The point of the discussion which occurred when the Senator was out was simply this: The Senator from Tennessee says that we are interfering with the rights of Indians, and the reasons in the resolutions of this convention held yesterday are reasons showing why we are not. That is the point.

Mr. TILLMAN. Right there the Senator can give me some information. I noticed a statement there that all the lands of the Indians were now salable except the homesteads.

Mr. BEVERIDGE. No.

Mr. TILLMAN. There was something along that line, something about the exception of homesteads.

Mr. BEVERIDGE. Yes; that is right, but not at this time. I will read that again.

Mr. TILLMAN. Read that language again, please.

Mr. BEVERIDGE. I will do so:

Because the work of the Dawes Commission has been so nearly completed as to no longer interfere with immediate statehood that Commission has concluded treaties with all the Indian tribes, providing for the allotment in severalty of their lands and authorizing the sale of all except the homestead.

Mr. TILLMAN. Right here I want to know where the Dawes Commission got authority to authorize the sale of Indian lands.

Mr. BEVERIDGE. That question, as I stated to the Senator from South Carolina before, either the junior Senator from Wisconsin, who is a member of the Indian Affairs Committee and has given great study to this question, or the Senator from Minnesota can answer.

Mr. TILLMAN. The Senator from Minnesota who has the floor, I am informed, seems to be very quietly conversing with the Senator from Georgia, and does not seem to be very much interested in this.

Mr. BEVERIDGE. If the Senator will propound his question to the Senator from Minnesota—of course I recognize the humor in the situation, that anybody should converse with anybody else when the Senator from South Carolina is on his feet——

Mr. TILLMAN. But the Senator from Indiana is so interesting I do not see how anybody can fail to pay attention.

Mr. BEVERIDGE. To tell the truth, I do not myself see how they can. [Laughter.] As I say, either one of those Senators can with particularity and technically answer the question.

Mr. TILLMAN. I should be glad to know. It is a fact involved here worthy of our consideration whether or not the rights of the Indians are being protected, or whether it is proposed to violate the faith of the Government in treaties made years ago, when the lands were vested in the Indians and the country was set aside for the Indians, and all that sort of thing, and whether we are going forward in our remorseless scheme of stealing all of the land in the Indian Territory or elsewhere. If the word "steal" is too offensive, I will say or whether we are just going to get them somehow.

Mr. BEVERIDGE. Whether there is to be a continuation of what the Senator seems pleased to designate a policy of theft I do not know.

Mr. TILLMAN. Mr. President——

Mr. BEVERIDGE. I will explain, as I said before, if the Senator will permit me——

Mr. TILLMAN. I will sit down.

Mr. BEVERIDGE. That the Senator from Minnesota, when he reaches that particular stage in the discussion, will enlighten the Senator minutely upon that point. This discussion would not now be up were it not for the question of the Senator from Pennsylvania and the later observation of the Senator from Tennessee made concerning the resolutions of this convention sent to me in the telegram, when I had it read at the desk. I think the Senator is perhaps quite right in saying it seems to him rather an anomalous thing that we should be discussing, in the time of the Senator from Minnesota, the provisions of these resolutions; but the Senator was not here, and out of the deference I always have for the Senator's views as to the orderly proceedings of this body, I will say that this was offered as other telegrams have here been offered. It is a habit, a very commendable habit, I believe first begun by the Senator from Pennsylvania, and we would have passed almost immediately to the discussion of this question by the Senator from Minnesota, who is making a most comprehensive speech upon the subject, but the Senator from Pennsylvania by questions, and later the Senator from Tennessee by questions, raised this discussion.

Now, then, as the Senator from South Carolina understands how we got to the point where we are, I want to read the rest of this, in answer to what the Senator from Tennessee says, because it clears up this question.

Mr. TILLMAN. If the Senator from Indiana will permit me, in the time of the Senator from Minnesota, I should prefer to get light on that topic right now.

Mr. BEVERIDGE. Well, wait until I read——

Mr. TILLMAN. As to how and when and where the Dawes Commission got power to authorize the sale of Indian lands.

Mr. BEVERIDGE. Will not the Senator wait until I read this?

Mr. TILLMAN. Certainly. I want to conform to the wishes of the Senator from Indiana.

Mr. BEVERIDGE. I will say to the Senator from Tennessee that the reasons continue as follows, beginning where I left off reading:

It therefore is beyond controversy that the work of the Dawes Commission no longer interferes with statehood, and that there is abundance of taxable property.

Ninth. Congress can reserve such power over Indian affairs as it desires, and statehood will in no way interfere with the free action of the Interior Department in carrying out all the treaties between the Government and the several tribes. In this opinion we are supported by a recent holding of Judge Hosea Townsend, of the southern district of the Indian Territory.

There is considerable about that, pertinent, too, but I do not want to take up any more time. I was doing this because the Senator from Tennessee had himself raised this point. The resolutions say:

By act of Congress passed more than three years ago all the Indians in the Indian Territory are made citizens of the United States, and thus their competency for the burdens and duties of statehood, in common with the other inhabitants in that Territory, has been settled.

So we see that the objections which appeared to be so important and, Mr. President, which seemed to my mind, if the premises were correct, also to have weight, seem to be answered by the very resolution itself, which perhaps the Senator did not hear when it was read at the desk.

Mr. BATE. I heard it, but I prefer to answer at the proper time, not in the time of the Senator from Minnesota.

Mr. BEVERIDGE. I will fix that with the Senator from Minnesota.

Mr. BATE. I said that I will not do it now.

Mr. BEVERIDGE. The Senator from Tennessee need not worry about that. I will try to establish the entente cordiale between the Senator from Minnesota and myself, if it has been violated.

Now, Mr. President, I want to say the single sentence which I rose to say at first, over an hour ago, that having the necessary number and the necessary quality of citizens, the inhabitants of a Territory who are thus entitled to admission as a State have a right that their voice should be heard, not necessarily that it would be heeded, because this is the supreme forum. We are the judges, and so made by the Constitution as to the question, but nevertheless their views should be presented. And in what I further say, I venture that I speak for every member of the subcommittee. My friend the Senator from Idaho [Mr. HEITFELD] is not here. Nevertheless, I have no doubt that I speak for him, too, when I say that it was the observation of all of us that such are the views of the great majority of the people of both these Territories.

I thank the Senator from Minnesota very much for his patience and forbearance and long-suffering in this somewhat extended colloquy.

Mr. NELSON. Mr. President, the discussion that has taken place within the last hour or so has covered a branch of this Territorial question, in reference to Oklahoma and Indian Territories and in reference to the admission of the two combined as one State, which I propose to take up after to-day and discuss thoroughly. I propose to show to the Senate exactly what the conditions are in those Territories. I shall show to the Senate what constitutional power we have to act in the premises under the decisions of our courts, what progress has been made in the way of legislation and agreements, what has been done in the way of allotments to the Indians, what are the limitations upon alienation, what property is taxable and not taxable—in short, I propose to cover the whole field that has been slightly referred to in this discussion to-day. I propose this afternoon, if the Senate will bear with me, to finish what I intended to say in reference to New Mexico.

Yesterday I had occasion in my remarks then to go somewhat lengthily into the past history of that country. I did it, Mr. President, for the purpose of showing the peculiar, feeble, and scant progress that had been made in all the years of the past in that country; that although it has been settled for more than three hundred years, yet, as a matter of fact, in that period it has made less progress, and the growth has been less, in population, economically, and industrially, than any other part of our country, with the exception of Arizona.

In the next place, I called the attention of the Senate to the amount of the population and showed that, notwithstanding all that is claimed for New Mexico in the way of population, deducting the Indian population, there would hardly be enough to equal the full ratio for a Representative in Congress. I showed, further, the ethnological make-up and the characteristics and conditions of those people. More than half of them, I think perhaps two-thirds, are Mexicans, Spanish-Mexicans, as distinguished from Americans, and more than half of the people of that Territory speak and use the Spanish language.

The Spanish language is used to a large extent in their legislative assembly, where interpreters have to be used and where the proceedings are published in both languages; and in their courts, unlike the courts of any other portion of our country outside of the courts in Porto Rico and the Philippine Islands, interpreters are used not only to interpret witnesses, which occurs oftentimes in various portions of our country, but also to interpret the argument of counsel to the jury and to interpret the charge of the court to the jury; and further, what is most unique and extraordinary, they even have interpreters to go into jury rooms and interpret in the grand and petit jury room.

I further showed that in their schools in that Territory the Spanish language was taught side by side on an equality with English, and I showed that in some districts of the country Spanish was taught exclusively. I further showed that when you came to proceedings in justices' courts, many of the justices in the country conducted their proceedings in the Spanish language, and their dockets and records were nearly all of them kept in the Spanish language. I may add further to-day another fact which is unique in that country. The ballots that they use at their elections are printed both in the Spanish and the English languages, and further, in their political conventions, nominating and other conventions, they have interpreters to interpret the proceedings and the speeches of those who participate in the proceedings, and throughout the country most of the campaign speeches are made through interpreters. In other words, in the matter of language it is more of a Spanish country than an American country.

I also showed yesterday, Mr. President, the high grade of illiteracy in that Territory and the comparatively limited degree of education as compared with other parts of our country. I showed that in respect to language, in respect to education, in respect to intelligence, and all that goes to make up the leading and prominent characteristics of a self-governing American citizen, the people of that Territory were to a large extent deficient.

To-day, Mr. President, I propose to show to the Senate that in the matter of industrial development, in the matter of economic development, the Territory is, and has been for some time, in a state of paralysis and stagnation. In fact, little progress has been made, and, considering the volume of land within the limits of that Territory, the great number of years the country has been settled, the amount of land subdued and under cultivation, the amount of agriculture and stock raising carried on is limited to an unusual degree. There are many counties in the Northern States, there are many counties in my State and in the States of the Senators from Indiana and Wisconsin, who I see before me, where the agricultural and grazing development is far greater than in the entire Territory of New Mexico.

And what is the trouble, Mr. President? The reason is that grazing and farming in that country is wholly limited by the supply of water and by irrigation. The soil is mostly a desert, sandy, sterile soil. It is only a few of the lower lands in the valleys along some of the streams that can be irrigated. Irrigation in that Territory has long ago reached its limit, and agriculture is to-day at a standstill, as I shall show not only by the statistics, but also by the number of land entries that have been made there on the public lands in the last two years.

Grazing and agriculture, as I said, are limited by irrigation. Not only is agriculture limited by it, but stock raising and grazing as well, for the reason that cattle, even if they find good pasturage, must have that pasturage within 4 or 5 miles of water. Without that supply of water, no matter how abundant the grass may be, stock raising can not exist.

I wish to call the Senate's attention, at the risk of being a little tedious, to some facts in reference to the matter of irrigation, to show how the people in that country have long ago reached the maximum of water supply and water irrigation, and how to-day, as a matter of fact, a great deal of the land that is really under cultivation can not be farmed because of the entire lack of water.

I read from the testimony on page 101, taken by the committee last November. I read from the testimony of Maj. Eugene Van Patten:

Q. How long have you lived here?
A. I have lived here all my life.
Q. Are you acquainted with the country districts around here?
A. Yes, sir.
Q. What is the occupation of the people?
A. Farming, cattle raising and sheep raising, and mining.
Q. Farming is conducted by means of irrigation?
A. Yes, sir.
Q. That is, only in the neighborhood of the river?
A. Yes, sir. Some of them are putting pumps now in the valley, and securing water for irrigation in that way. As long as these streams prove to be what they expect them to be, there will be hundreds of pumps put on the farms in the valley.

In other words, the water supply is deficient in the rivers and in the reservoirs, and they expect to secure it by means of wells and pumps.

I read again, on page 4, from the testimony of Martinez Amador. I am a little slow about pronouncing these Spanish names.

Q. Is your farm all watered regularly?
A. No, sir; we have been suffering a great deal for water. Since the railroad came here there is so much population above it cuts all our water here. We have been suffering, and we lose our farms, and we lose a good many thousand dollars on that account. I have a good deal of a farm here myself. I got here 300 acres of land and I can not raise nothing on account of water. I lose my orchard, and lose nearly the whole thing.

He states further:

Q. The committee understands that farming can not be done away from the streams?
A. Well, in this country it is very dry. They won't raise nothing if there is no water from the river, you know; we can not depend on rains at all; it don't rain here enough.

Now, I read from page 106 the testimony of John J. Vernon, in respect to the Rio Grande River:

Q. Does the river dry up?
A. It does.
Q. How many of those wells are there?
A. I know of four in this vicinity.
Q. Are they all running like yours?
A. There are none of them pumping as much water as ours.
Q. Have you reported it to the Department of Agriculture?
A. No, sir.
Q. What time in the year does the river dry?
A. It generally dries in the middle or latter part of June, and then we may have a short drought or a long one.

I read from the testimony of Mr. L. O. Fullem on page 116. It is very brief on this point:

Q. You do not depend upon rain for your agriculture at all, do you?
A. Not at all.

Now, I will read from the testimony of Prof. F. H. Newell, of the Geological Survey, which covers the whole point very fully, commencing on page 173 of the testimony:

The CHAIRMAN. Will you state to the committee, in your own way, the situation in the Territory of New Mexico with reference to the question of aridity?

Mr. NEWELL. The Territory is well within the arid region, and agriculture there is dependent almost entirely upon the artificial application of water.

The CHAIRMAN. By the artificial application of water you mean irrigation?

Mr. NEWELL. Yes, sir; irrigation. The principal source of supply is the Rio Grande and its largest tributary, the Pecos River. The United States Geological Survey has been measuring the flow of the Rio Grande where it enters New Mexico and at various points along its course. We have also measured some of its tributaries, and have measured where it leaves the Territory to form the boundary line between Texas and the Republic of Mexico. We have been making studies of the extent to which that water can be used for irrigation purposes in the future.

The CHAIRMAN. Will you state to the committee the extent to which that water is used at present?

Mr. NEWELL. The usual summer supply is entirely employed, and there is now a considerable acreage under cultivation for which there is not a sufficient supply of water at all seasons. The spring flow—the floods—in large part go to waste, and water storage is absolutely essential to the future development of the Territory.

The CHAIRMAN. Does water storage at present exist there?

Mr. NEWELL. There is very little, if any, water storage. There is some on a few of the tributaries of the Rio Grande.

The CHAIRMAN. What would you say about the sufficiency or insufficiency of the water in the Rio Grande for irrigation purposes by means of canals? I will state that the committee, on its recent trip, went along for a considerable distance and observed an absence of water there. That is the reason I ask the question.

Mr. NEWELL. There are very few canals of any considerable size on the Rio Grande. Most of them are small ditches built by the Indians or Mexicans, and the supply is not sufficient for all the irrigated lands in the latter part of the crop season. The river is frequently dry from the international boundary north. That is the normal condition of the Territory. The future development of the region rests upon the feasibility of constructing reservoirs along the Rio Grande, and especially in the northern part of the Territory.

* * * * * * *

The CHAIRMAN. I believe you said the other portion of the Territory where there was water was the Pecos, did you not?

Mr. NEWELL. The Pecos is the principal stream of eastern New Mexico.

The CHAIRMAN. Will you state the supply of that stream, and the availability of its water for irrigation, the character of the water, and other scientific facts which will enlighten the committee?

Mr. NEWELL. The Pecos drains an area of what is generally known as red beds, in which there is a good deal of gypsum, which is easily soluble in river water. The river itself is controlled by storage reservoirs. There is one at Lake McMillan, about 12 miles above Roswell, and a secondary one at Lake Avalon, nearer Roswell. Below that it receives water from springs, from the Hondo and a number of other rivers, and the flow is increased. It is nearly all utilized in the canals between Roswell and Carlsbad. Below Carlsbad little water is taken from the river usually, the portion utilized being that taken out by the canals at Pecos City, south of the Territorial line in Texas.

* * * * * * * *

The CHAIRMAN. You speak of gypsum. Please state to the committee what its effect is—whether it is a fertilizer or the reverse. What effect does gypsum have upon the soil over which it is distributed by the flow of the Pecos River?

Mr. NEWELL. Gypsum is frequently known as a land plaster and is used in the East as a fertilizer. It is beneficial up to a certain point, but above that point it becomes destructive to crops. The soils of Pecos Valley contain the gypsum in small quantities. As it increases in percentage it becomes concentrated and injurious. I have seen in the past month a great many acres of orchard land and hundreds of acres of alfalfa land that had been destroyed by what is locally called the "gyp" deposit.

The CHAIRMAN. You have entered generally into the two tracts where there is a possibility of irrigation from streams. I will ask you to state to the committee whether there is any possibility of agriculture in any other portion of the Territory on account of the lack of water.

MORE AGRICULTURE POSSIBLE.

Mr. NEWELL. The extreme northwestern portion along the San Juan River has a fairly good water supply, and there they raise, near Farmington, very valuable fruits; but the area of agricultural land is restricted. Outside of that area and a few other localities where springs and streams exist agriculture is impossible.

He states further concerning vacant public lands, and he showed a map to the committee indicating the character of the country:

Mr. NEWELL. The vacant public lands, shown in white, can not support any industry beyond grazing, excepting in the timbered portions. Some timber lands belong to the Government still, but the remaining area is composed of grazing lands and is not capable of further development.

The CHAIRMAN. With reference to grazing lands, a great deal of testimony was given before the committee to the effect that grazing was possible for cattle up to a limit of 5 miles on either side of a water course or water

hole. In this white area on this map it does not appear that there are any streams or water courses. Is that the case?

Mr. NEWELL. The grazing there will support a cow to 10, 20, or 30 acres provided water can be had within a radius of about 5 miles. That is a fair journey for a cow.

The CHAIRMAN. You have already described the available water sources of the Territory in answer to former questions?

Mr. NEWELL. Yes.

Here is a further question:

The CHAIRMAN. A question is suggested to me, which seems to be very pertinent. You have described the limit of the irrigation area. Could you roughly state the proportion that that irrigation area bears to the whole area of the Territory?

Mr. NEWELL. I do not recall the exact figures. They are published in a report prepared for the Twelfth Census. It is my impression that about one-fourth of 1 per cent of the area of the Territory is irrigated. [Total area of Territory, 78,374,400 acres; amount irrigated in 1889 was 206,893 acres, or .26 per cent.]

Senator NELSON. That is the percentage that is irrigated?

Mr. NEWELL. Yes, sir.

Senator NELSON. Let me ask this: They have practically irrigated all that it is possible to irrigate under present conditions?

Mr. NEWELL. Yes, sir; without water storage.

Senator NELSON. Without storage?

Mr. NEWELL. Yes.

Now, on the question of irrigation and water supply, I beg leave to quote from the annual report made by Governor Otero to the Secretary of the Interior last June. This is what Governor Otero says:

From the southern boundary of New Mexico up to a point about 30 miles north of Albuquerque the water of the Rio Grande now regularly disappears every summer, and for at least two months the bed of the stream is absolutely dry, except in years of unusual rainfall. This stream is the only available source of supply for irrigation water throughout the greater part of the district named, and since that part of the year during which the river is dry is the time when more water is needed for irrigation than at any other season or all other seasons the disappearing of the stream at that time is peculiarly unfortunate for all the people living in the district named, which is the most thickly settled portion of the Territory.

This "summer dry spell," which is now a regular occurrence, is the result of conditions that have grown up during the last twenty-five years, chief among which may be mentioned the denudation of the timber lands of the Colorado mountains, among which the river takes its rise, and the construction of great irrigation canals in the State of Colorado, taking their waters from the stream before it enters this Territory. Each of these two principal causes, it will readily be seen, exercises a very powerful influence to the end of diminishing the regular summer flow of the stream, and since both occur within the limits of a neighboring State, it is beyond the power of the people of New Mexico to prevent or modify them.

There you have a statement showing the condition as to irrigation and the water supply in the Rio Grande Valley, which includes most of the irrigated area of the country. This shows that there is a scarcity of water and that the scarcity of water arises from causes beyond the border of the Territory and causes which can not be remedied—the cutting of timber and the construction of dams in Colorado.

I want to read further in this connection and on this point from the report of Mr. Vernon, the agriculturist of the experiment station. After reciting the great area to be irrigated, he says:

However, areas where water is abundant throughout the cropping season are comparatively limited. The greater portion of the agricultural sections now under irrigation suffers not infrequently from shortage of water or a complete drying up of the river at some time during the growing period, which results in a partial, if not a total, loss of the crops. This, of course, is a serious matter and one that is continually demanding attention.

WHY A SHORTAGE OF WATER?

It is a fact well recognized among irrigation engineers and foresters that the cutting away of forests along the headwaters and tributaries of streams greatly augments floods by the rapid melting of the winter snows in the springtime, with a relative diminution of flow later in the season, since the snow has already passed off in torrents. Under forest conditions the snow melts slowly, percolating into the soil, and later finding its way into the streams, thus preventing floods and lengthening the period of flow.

REMEDY.

He now comes to the remedy:

The only practical remedy that seems to present itself, other than pumping from the underflow, is that of impounding the waters in one or a series of reservoirs, the water later to be liberated as needed, thus reestablishing an average normal flow throughout the cropping season.

Now, he comes to a point that is material, and which seems to me ought to be given consideration:

Under the recent act of Congress creating funds from the sale of public lands, to be used for irrigation and reclamation purposes in the several arid or semiarid States and Territories, reservoir systems, no doubt, will be established and maintained at suitable points in New Mexico. In view of the pressing needs of the farmers of this Territory, because of the partial or total loss of crops in frequent droughty seasons, the time when these reservoirs are to be established should be hastened with all possible expedition.

In this connection I beg leave to state that in view of the fact that Congress has recently passed this legislation, it ought to be given an opportunity to accomplish the results intended. It will take some years to establish a system of irrigation under the law we passed at the last session of Congress, but until that system is established the country will be in a dormant and comatose condition. If we admit New Mexico to-day, instead of waiting for the Federal Government to develop that system of irrigation at the expense of the Federal Government or through the proceeds of the sales of public lands, I have no doubt that through promoters and stock jobbers those people will rush headlong into irrigation schemes for the sake of hurrying it up and incur a great multitude of debts. I want to say further that, notwithstanding the Federal Government has given those people great help, yet they have nevertheless not availed themselves of it. I read from the report of the Commissioner of Irrigation of August 5, 1902, to the Governor of the Territory:

COMMISSION OF IRRIGATION.

SANTA FE, N. MEX., *August 5, 1902.*

SIR: In compliance with your request for a full report on the business transactions of the commission of irrigation for the fiscal year ending June 30, 1902, this commission has the honor to submit the following report:

Under the act of Congress entitled "An act to make certain grants of land to the Territory of New Mexico, and for other purposes," approved June 21, 1898, there was granted to the Territory among other lands, "for the establishment of permanent water reservoirs for irrigating purposes, 500,000 acres of land; and for the improvement of the Rio Grande in New Mexico, and the increasing of the surface flow of water in the bed of said river, 100,000 acres." Under the same act there was "appropriated from the unexpended funds in the Treasury of the United States $10,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, for the purposes of paying the expenses of the selection and segregation of said respective bodies of land." * * * This appropriation and any additional appropriation for like purpose that may have been made have been exhausted.

The powers and duties of the commission of irrigation are defined under section 15 of chapter 69 of the session laws of 1901 of the Territory, and in regard to such duties it is provided, among other duties under that section, as follows:

"It shall be the duty of said commission to investigate and select the most suitable sites for permanent reservoirs for irrigation purposes and for the improvement of the Rio Grande, and also to designate such tracts of public land capable of irrigation from such reservoirs as it would, in their judgment, be advisable to locate and select for the Territory under said act of Congress in order to secure the benefit of the enhanced value of the lands resulting from the establishment and construction of such reservoirs, for which purpose said commission may employ all necessary expert assistants." * * *

The Territorial act above referred to contemplated that funds to defray the expenses of the commission of irrigation, and for the employment of "all necessary assistants" to "investigate and select the most suitable sites for permanent reservoirs for irrigation purposes," would be derived from the sales of the 500,000 and additional 100,000 acres of land granted for such purpose, but unfortunately no appropriation whatever was made in anticipation of such sales, and therefore, for want of funds, it has been impossible for this commission thus far to comply with its duties as defined above.

This report goes to show that Congress has given them a land grant of 600,000 acres for the purposes of irrigation, but they have not utilized it. In addition to that, Congress has made them an appropriation of $10,000 for the purpose of segregating and selecting that land from the other public lands of the Territory, and yet, notwithstanding these facts, it does not seem that they have at all availed themselves of the benefits and privileges thus conferred upon them.

With that land grant which we have thus given them, and under the provisions of the irrigation act passed at the last session of Congress, reasonable and even abundant opportunities will be given to the people of New Mexico to develop their agricultural resources as fast as they can well be developed by irrigation, and to develop them without incurring any indebtedness or taxing themselves—developing them gradually, logically, and in an inexpensive manner, in such a manner that the lands which are irrigated may be cultivated, because there is an abundance of water.

Another fact which shows the feeble condition of the agricultural and grazing interests of the country appears in the statistics of the last census in respect to the land that is in farms, and the proportion of those farms that are under cultivation. The census shows that in 1900 the total number of farms was 12,311; the total acreage in farms was 5,130,878, of which only 326,873 were considered as improved and under cultivation, or only forty-one one-hundredths of 1 per cent of the area of the Territory, scarcely more than an acre a year for every year that has elapsed since Juan Onate first settled and colonized that Territory in 1598.

I have here, Mr. President, a curious and interesting table, and therefore I ask leave of the Senate to read it.

In 1900 there were 10,893 white farmers with an acreage of 5,049,808.

Mr. BEVERIDGE. The Senator is now speaking of New Mexico?

Mr. NELSON. I am speaking of New Mexico. There were only 303,074 acres of those farms under cultivation—a little over 6 per cent. There were 14 negro farmers in the Territory, who had 18,578 acres in their farms, with 235 acres under cultivation, or $1\frac{3}{10}$ per cent of the aggregate of their farms. There were 1,401 Indian farmers, with 62,472 acres in their farms, and 23,544 acres under cultivation, or a percentage of $37\frac{7}{10}$ per cent—a much greater percentage than that of the white farmers in that Territory under cultivation.

But the most remarkable fact is in respect to the Chinamen. There were three Chinese farmers in the Territory. The total of their farms amounted to 20 acres, and the whole 20 acres were under cultivation. [Laughter.]

The total number of farms in the Territory, as I have said, was 12,311, the total acreage 5,130,878, and the total number of acres under cultivation 326,873. In other words, the total percentage

of improved acreage was but 6.3 of the farms of the Territory and only forty-one one-hundredths of 1 per cent of the total area of the Territory.

Mr. BEVERIDGE. How many farms were there?

Mr. NELSON. There were 12,311.

Mr. BEVERIDGE. How many farmers?

Mr. NELSON. There were 12,311 farms, and those farms contained an acreage of 5,130,878 in the aggregate, and of those only 326,873 acres were really under cultivation.

Mr. BEVERIDGE. I understood the Senator to designate the number of farms, having before enumerated a certain number of farmers, which showed the number of farms was in excess of the number of farmers, which is quite true.

Further, since I am on that point, has the Senator adverted to the point, or will he advert to the fact, that these farms include not only land under cultivation but grazing land?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. And further, that Professor Newell's testimony shows that as to a large number of farms in the northeast portion of the Territory, which he visited, the water holes were dry.

Mr. NELSON. These 326,873 acres, which are represented as being the total improved acreage in the farms, include not only land that is cropped, but include grazing lands, as I understand, that are utilized in connection with the farms.

Mr. BEVERIDGE. And which could not properly be called farms.

Mr. NELSON. No. In this connection, to show how feeble agriculture is in that country, as well as the mining industry, I beg leave to call attention to the number of people engaged in these industries, which, in connection with the number of farms and the area under cultivation, affords us a key to the agricultural and grazing development of the Territory.

According to the census of 1900 there were 7,463 agricultural laborers and 10,556 people classed as farmers, overseers, and planters, or a total agricultural male population of 18,019.

Coming to stock raising, we find that the number of stock raisers was 2,437, and the number of herders and drovers 5,340, or an aggregate of only 7,777 engaged in stock raising.

In this connection, and before I leave the subject, I will call attention to the scant number of people engaged in the mining industry, for which so much is claimed for New Mexico. The number of persons engaged in coal mining was 1,129; in gold and silver mining, only 552; in mining not specified—and that is chiefly copper—2,326; and in quarrying stone, 12; or a total of 4,019 of the aggregate population engaged in the mining industry.

From these statistics, to which I have called the attention of the Senate, it is evident that agriculture and stock raising have reached their limits; that, owing to the lack of water, these industries are in a dormant state, and no further progress can be made for a long time, until the plan outlined and provided for by the Federal Government in the act which we passed at the last session of Congress has been put into operation in that Territory; and that, Mr. President, is a work of years. To increase the water supply and to increase the area of irrigation is a work that will take years and involve the expenditure of thousands. While that work is required to be done it is far better for the people of the Territory of New Mexico to remain, for their own good, in a Territorial condition, rather than to be swamped under statehood, through the schemes and plans of promoters, stockjobbers, and schemers who will come with specious plans for irrigation and will want bonds issued for their schemes.

That I am correct, Mr. President, in my contention and assumption that agriculture and stock raising have about reached their limits in that country and are in a stagnant condition also appears from the limited amount of land entries made in that country within the last two years. The total area of the land in the Territory of New Mexico is 78,428,800 acres. Out of that amount there has been appropriated, purchased, or sold, including the old Spanish grants, 16,886,503 acres, leaving a balance of unappropriated public lands of the United States of 61,542,297 acres. Out of that volume of land there was entered and acquired from the United States in the year 1901 through the homestead, desert-land, and all other public land laws only 773,664 acres; and in the following year, 1902, only 443,507 acres, or a total of only 1,217,171 acres out of all that body of public lands in the space of two years. This is only 19.2 per cent of all the land that was entered in the smaller Territory of Oklahoma during the same period.

In connection with these figures in reference to land entries, there is another fact which shows that the contention on the part of the advocates of the admission of New Mexico that it has been growing in population is not well founded, and that is that these figures show that there were 330,157 acres less of public lands entered in that Territory in 1902 than in 1901. If that country was growing as rapidly as some of the New Mexican advocates contend, if there was such a boom and such an increase in population, why should a paltry amount of only 443,507 acres of public land be entered in the Territory in the year 1902?

Compare that with the land entries in any of the great progressive Western States, where they have public lands in abundance. As a matter of fact, the entries of public land in the Territories of Arizona and New Mexico in the year 1902 were practically equal in amount, there being only a little difference of 5,068 acres in favor of Arizona. There were less of the public lands of the United States entered in New Mexico in the year 1902 than in Arizona.

These facts, Mr. President, indicate too clearly the very dormant and stagnant condition of the agricultural and stock-raising industries of New Mexico. The truth is that the lands lying on the Rio Grande, the Pecos, and the Canadian Rivers, their tributaries, and the other smaller streams available for irrigation of farming lands have long ago been appropriated and exhausted, largely under the old Spanish Mexican grants, and there is to-day little, if any, land suitable for irrigation and farming and stock raising in New Mexico.

To some extent perhaps stock raising can be enlarged if a water supply for the stock can be obtained, but that is one of the great problems of the future, tedious and expensive of solution.

The table which I have already quoted shows, out of a population of 195,310, that 7,777 people of all classes are engaged in stock raising and 18,019 in farming. If we deduct from this the Pueblo Indians, numbering 8,000, who are engaged in farming and stock raising on a small scale, the number of whites engaged in this industry is much more limited than the figures quoted indicate. All these facts show how feeble and dormant the agricultural conditions of New Mexico are to-day and have been for years past.

In this connection I might say that after the adjournment last evening I was favored with a large bundle, which would fill a small basket, of pamphlets and documents, under the frank of the Delegate from New Mexico, exploiting the resources of the various counties, the summer resorts, the population, and all that. I have no doubt those documents are very interesting, but I prefer in this argument to adhere to the terra firma of solid facts developed by the testimony taken by the committee, and facts appearing from the official census statistics of the country, rather than to depend upon these pamphlets issued to boom certain localities and towns in that country.

Aside from stock raising, the only other industry of any consequence in that Territory is the mining industry. We hear a great deal about how immense this industry is, and how extensive it is, and yet, when we come to look at the cold figures, we find it is very limited indeed.

The production of gold in 1901 in the Territory of New Mexico was only $832,900—less than a million—and that was only about 1 per cent of the aggregate gold production of the United States for that period. The production of silver during the same year was 563,400 fine ounces, or a little over 1 per cent of the entire production of our country. The production of copper in 1901 was 9,629,884 pounds, or 1.59 per cent of the product of the entire country.

Here is a table of comparison with some of the other States:

New Mexico, gold	$832,900
Colorado, gold	27,693,500
California, gold	16,891,400
Alaska, gold	6,885,700

Coming to silver, we find the production in New Mexico for 1901 was only 563,400 ounces, a little over 1 per cent of the aggregate production of the country. Now, let us compare that with some of the silver-producing States. Here is the table:

	Fine ounces.
Colorado	18,437,800
Montana	13,131,700
Utah	10,760,800
Idaho	5,542,900

In other words, New Mexico produced but a little more than one-tenth of the silver produced in the State of Idaho in that year.

Now I come to the matter of copper. While perhaps that is the greatest mining industry of the Territory, yet compared with the other copper regions we find how slight it is even in comparison with Arizona. New Mexico's production of copper in 1901 was 9,629,884 pounds. Arizona during that period produced 130,778,611 pounds Montana, 229,870,415 pounds, and the Lake Superior region, including Michigan, 156,289,481 pounds. In fact, the production of copper, which is the greatest mineral production of New Mexico, during that year was only 1.59 per cent of the entire copper production of the country.

I have already called attention—but I will repeat it in this connection—to the number of men engaged in these mining industries. Four thousand and nineteen men in the aggregate were engaged in the mining industries of New Mexico.

This shows that when you consider the agricultural resources and their development, the grazing and stock-raising resources

and their development, and even the mining industries and their development. New Mexico is in a very backward and embryo state, and far from being possessed of the qualities of statehood that its friends have contended for and will contend for in this Senate.

There is another mining industry to which I want to call attention in this connection, because I desire to cover the ground and do full justice to the Territory of New Mexico. The other mining industry is the production of bituminous coal. The production of bituminous coal in 1901 in the Territory of New Mexico was only 1,086,546 short tons, or forty-eight one-hundredths of 1 per cent of the entire product of the country. Let me compare these figures with the production of the other bituminous coal-producing States.

	Short tons.
New Mexico	1,086,546
Pennsylvania	82,305,946
Illinois	27,331,552
West Virginia	24,068,402
Ohio	20,943,807

Comparing the coal-mining industry of New Mexico with the output of the coal mines in the coal-producing States, we see how slight and feeble is even the coal industry in the Territory of New Mexico.

So, Mr. President, if you consider the production of gold, the production of silver, the production of copper, and the production of coal, taking all these mineral resources combined, which cover the whole industrial field in that direction, you see of what a limited character it is and how slightly developed the country has been in that direction.

I refer to these matters in the light of the fact that New Mexico is one of the oldest settled portions of America, and that, further, for more than fifty-three years the people of New Mexico have enjoyed all the benefits and advantages of as good a Territorial government as we have had in any of our Territories in the Northwest. There has been no political strait-jacket. There has been no political or legislative restraint. They have had as great opportunity to expand and grow economically, industrially, ethnologically, in intelligence, and in all that pertains to American citizenship as have had the people of any of the other Territories of this country.

The educational development of New Mexico has been slow and tardy as compared with other portions of our country, and it is still, as I have already shown in the remarks I made yesterday, way below the average of the country, and Spanish rather than English is still the fundamental language of the people. They are still, Mr. President, to a large extent un-American in language, in energy, in aptitude for self-government, and in all those great fundamental elements that are the pride of American citizenship.

In the matter of population and material development Porto Rico is far better qualified to-day for American statehood than is New Mexico. There are a million of thrifty, industrious, law-abiding people in Porto Rico. They are to-day, and have been since we established an organized government there, availing themselves with greater zeal and greater avidity of the American educational facilities given them than did the New Mexicans prior to 1888, and yet in spite of these facts no one would now or for many years to come be likely seriously to insist upon statehood for Porto Rico.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Indiana?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. I interrupt the Senator simply to make a suggestion, that if New Mexico should be admitted in her present condition, what answer could we give if Porto Rico should apply for admission except to admit her?

Mr. NELSON. We could not give any other answer. The only difference between the two is the fact that there are a few more Americans to-day in New Mexico than there are in Porto Rico; but the make-up of the population of Porto Rico, with respect to its industrial characteristics and intelligence, as a whole is on an equality and footing with the bulk of the population of New Mexico.

Mr. BEVERIDGE. And there are a million of them.

Mr. NELSON. They are as law abiding and loyal to the American flag and the interests of our country as are the people of New Mexico, and to my mind every inch as much fitted for self-government as the people of New Mexico. They are eager to attend our American schools there. We have been and are teaching the English language there, and the little Porto Ricans are as eager to avail themselves of those facilities to learn the English language as are the children in our own midst; and yet the facts are in the case of New Mexico that from 1846, the time General Kearny and Colonel Doniphan entered that Territory, down to 1888 they made no effort to secure a system of public education and they grew up in comparative ignorance. It has only been within later years, notwithstanding all the privileges and opportunities we have given them, that they have in a measure availed themselves of the advantages of public schools and popular education.

Homogeneousness in language and in fitness for self-government is one of the fundamental elements and essentials of the American Union. It is that more than anything else which has made self-government a success. We have grafted many stems on the original Anglo-Saxon stock, but have never permitted the stems to outgrow the original stock or to change the fruit. This homogeneity we must adhere to and maintain under all circumstances. To admit a Territory into statehood in violation of this principle would be a most mischievous and dangerous experiment. In justice to the States already in the Union, no Territory should be admitted into the fellowship of States that is not possessed of full American homogeneity in language, and in qualifications, by training and education, for all that makes up the duties of a self-governing American citizen.

The original fundamental ethnological make-up which still preponderates, the character of the industrial and material and intellectual development which has taken place, the whole history of the past, and the present conditions all go to show that New Mexico is deficient in all those essential conditions so vital to the success of the American Union. Some progress, I admit, has been made in recent years; more is likely to be made in the years to come; but the education and training are far from complete, and therefore for the ultimate good of the people of the Territory, for the good of the whole Union, New Mexico should for some years to come remain in preparation, training, and development for statehood and for full fellowship in the American Union. The delay will be a benefit to the people, and no one will suffer or have any cause to complain except a few active politicians and zealous promoters, who will, no doubt, be disappointed, but whose disappointment, Mr. President, ought not to blind us to our whole duty in this important matter.

I have now, Mr. President, said substantially all that I intend to say on the subject of New Mexico, and I would prefer to stop for the present and take up the matter of Oklahoma and the Indian Territory in the morning.

NANNIE M. KIMBERLY.

The PRESIDENT pro tempore laid before the Senate the bill (S. 3708) granting a pension to Nannie M. Kimberly, returned by the House of Representatives in compliance with the request of the Senate.

Mr. LODGE. As a House bill on the same subject has passed the Senate, I move that the vote by which the bill was passed be reconsidered, and that the bill be indefinitely postponed.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 8, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 7, 1903.

APPOINTMENT IN THE ARMY.

General officer.

Lieut. Col. John A. Johnston, assistant adjutant-general, to be brigadier-general, January 6, 1903, vice Hasbrouck, retired from active service.

SURVEYOR OF CUSTOMS.

Marcellus O. Markham, of Georgia, to be surveyor of customs for the port of Atlanta, in the State of Georgia, to succeed Christopher C. Wimbish, whose term of office has expired by limitation.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 7, 1903.

ASSISTANT SECRETARY OF STATE.

Francis B. Loomis, of Ohio, now envoy extraordinary and minister plenipotentiary to Portugal, to be Assistant Secretary of State.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

David J. Hill, of New York, now Assistant Secretary of State, to be envoy extraordinary and minster plenipotentiary of the United States to Switzerland.

Charles Page Bryan, of Illinois, now envoy extraordinary and minister plenipotentiary to Switzerland, to be envoy extraordinary and minister plenipotentiary of the United States to Portugal.

CONSUL.

William R. Estes, of Minnesota, to be consul of the United States at Antigua, West Indies.

SURVEYOR OF CUSTOMS.

Joseph W. Dillin, of Tennessee, to be surveyor of customs for the port of Nashville, in the State of Tennessee.

POSTMASTERS.

CALIFORNIA.

Wilson Hays, to be postmaster at Colton, in the county of San Bernardino and State of California.

Crispin C. Ortega, to be postmaster at Sonora, in the county of Tuolumne and State of California.

CONNECTICUT.

Eugene H. Merriman, to be postmaster at East Hartford, in the county of Hartford and State of Connecticut.

ILLINOIS.

George Y. Downing, to be postmaster at Camp Point, in the county of Adams and State of Illinois.

Thomas H. White, to be postmaster at National Stock Yards, in the county of St. Clair and State of Illinois.

INDIANA.

Elvet B. Rhodes, to be postmaster at West Baden, in the county of Orange and State of Indiana.

Amanda Sullivan, to be postmaster at Garrett, in the county of De Kalb and State of Indiana.

Laron E. Street, to be postmaster at Brookston, in the county of White and State of Indiana.

Henry Whitecotton, to be postmaster at Vanburen, in the county of Grant and State of Indiana.

W. H. Hart, to be postmaster at Huntington, in the county of Huntington and State of Indiana.

IOWA.

William R. Boyd, to be postmaster at Cedar Rapids, in the county of Linn and State of Iowa.

Alfred C. Harris, to be postmaster at Eldora, in the county of Hardin and State of Iowa.

Henry D. Overholt, to be postmaster at Iowa City, in the county of Johnson and State of Iowa.

William H. Needham, to be postmaster at Sigourney, in the county of Keokuk and State of Iowa.

William R. Orchard, to be postmaster at Glidden, in the county of Carroll and State of Iowa.

J. W. Foster, to be postmaster at Humboldt, in the county of Humboldt and State of Iowa.

Isaac Hossler, to be postmaster at Battle Creek, in the county of Ida and State of Iowa.

Arthur S. Colby, to be postmaster at Hawarden, in the county of Sioux and State of Iowa.

Spencer H. Carr, to be postmaster at Ireton, in the county of Sioux and State of Iowa.

Edwin M. Parker, to be postmaster at Newell, in the county of Buena Vista and State of Iowa.

Moses D. Mosier, to be postmaster at Remsen, in the county of Plymouth and State of Iowa.

Thomas J. Hoffman, to be postmaster at Vail, in the county of Crawford and State of Iowa.

W. F. Laidley, to be postmaster at Bancroft, in the county of Kossuth and State of Iowa.

Nettie J. Dill, to be postmaster at Columbus Junction, in the county of Louisa and State of Iowa.

E. P. Dalander, to be postmaster at Madrid, in the county of Boone and State of Iowa.

MAINE.

John M. Oak, to be postmaster at Bangor, in the county of Penobscot and State of Maine.

MASSACHUSETTS.

John Huxtable, to be postmaster at Wareham, in the county of Plymouth and State of Massachusetts.

Frederick E. Pierce, to be postmaster at Greenfield, in the county of Franklin and State of Massachusetts.

John W. Fairbanks, to be postmaster at Westboro, in the county of Worcester and State of Massachusetts.

NEW YORK.

John Raines, jr., to be postmaster at Canandaigua, in the county of Ontario and State of New York.

Lucius A. Waldo, to be postmaster at Canisteo, in the county of Steuben and State of New York.

George Anderson, to be postmaster at Castleton, in the county of Rensselaer and State of New York.

Andrew S. Brown, to be postmaster at Cortland, in the county of Cortland and State of New York.

Henry P. Mitchell, to be postmaster at De Ruyter, in the county of Madison and State of New York.

Sidney B. Cloyes, to be postmaster at Earlville, in the county of Madison and State of New York.

Arthur H. Goldsmith, to be postmaster at Floral Park, in the county of Nassau and State of New York.

Cyrus Durey, to be postmaster at Johnstown, in the county of Fulton and State of New York.

E. W. Cushman, to be postmaster at Hamilton, in the county of Madison and State of New York.

George B. Helmle, to be postmaster at Nyack, in the county of Rockland and State of New York.

Hiram W. Vedder, to be postmaster at Waterford, in the county of Saratoga and State of New York.

Judson Field, to be postmaster at Canastota, in the county of Madison and State of New York.

John O. Thibault, to be postmaster at Clayton, in the county of Jefferson and State of New York.

William T. Bailey, to be postmaster at Pleasantville Station, in the county of Westchester and State of New York.

Carlton D. Wing, to be postmaster at Attica, in the county of Wyoming and State of New York.

Paul R. Clark, to be postmaster at Auburn, in the county of Cayuga and State of New York.

E. Eugene Sprague, to be postmaster at Carmel, in the county of Putnam and State of New York.

Albert S. Potts, to be postmaster at Cooperstown, in the county of Otsego and State of New York.

Harrison Beecher, to be postmaster at Monticello, in the county of Sullivan and State of New York.

Richard P. Groat, to be postmaster at Newark, in the county of Wayne and State of New York.

Benson C. Smith, to be postmaster at Port Byron, in the county of Cayuga and State of New York.

Matthew Taylor, to be postmaster at Schenectady, in the county of Schenectady and State of New York.

George D. Genung, to be postmaster at Waverly, in the county of Tioga and State of New York.

OREGON.

Marshel E. Merwin, to be postmaster at Independence, in the county of Polk and State of Oregon.

Louis A. Githens, to be postmaster at Athena, in the county of Umatilla and State of Oregon.

Henry Procter, to be postmaster at Elgin, in the county of Union and State of Oregon.

Fletcher E. Wilcox, to be postmaster at Milton, in the county of Umatilla and State of Oregon.

SOUTH CAROLINA.

George D. Shore, to be postmaster at Sumter, in the county of Sumter and State of South Carolina.

WASHINGTON.

Roderick R. Harding, to be postmaster at Port Angeles, in the county of Clallam and State of Washington.

WISCONSIN.

J. F. Fuller, to be postmaster at Cumberland, in the county of Barron and State of Wisconsin.

Arthur P. Cheek, to be postmaster at Baraboo, in the county of Sauk and State of Wisconsin.

Alfred B. Kildow, to be postmaster at Brodhead, in the county of Green and State of Wisconsin.

William A. Mayhew, to be postmaster at Clinton, in the county of Rock and State of Wisconsin.

Egbert Marks, to be postmaster at Menominee, in the county of Dunn and State of Wisconsin.

Charles E. Raught, to be postmaster at South Kaukauna, in the county of Outagamie and State of Wisconsin.

John W. Bell, to be postmaster at Chetek, in the county of Barron and State of Wisconsin.

Ole Erickson, to be postmaster at Grantsburg, in the county of Burnett and State of Wisconsin.

John Vilberg, to be postmaster at Mount Horeb, in the county of Dane and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 7, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

PHILIPPINE CONSTABULARY.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill (H. R. 15510) to promote the efficiency of the Philippine constabulary, to establish the rank and pay of its commanding officers, and for other purposes, be made the special order for to-morrow immediately after the reading of the Journal.

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER], chairman of the Committee on Insular Affairs, asks unanimous

consent that the bill (H. R. 15510) to promote the efficiency of the Philippine constabulary, to establish the rank and pay of its commanding officers, and for other purposes, be made the special order for to-morrow immediately after the approval of the Journal. Is there objection?

Mr. MADDOX. Mr. Speaker, reserving the right to object, I want to ask a few questions.

I should like to ask the gentleman from Wisconsin if he had an agreement with the gentleman from Virginia [Mr. JONES] about this matter?

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman from Virginia [Mr. JONES] saw me yesterday afternoon and said that he did not wish the bill to come up to-day, inasmuch as he had important business in Baltimore and could not be here. I then suggested to him that I would ask that the bill be taken up to-morrow, and he said that he personally would not object to that.

Mr. MADDOX. Are we to have any discussion on this bill; and if so, how long?

Mr. COOPER of Wisconsin. So far as I am concerned, there may be as long discussion as the House is willing to submit to.

Mr. MADDOX. I think we ought to have some understanding about it now.

Mr. COOPER of Wisconsin. How much time does the gentleman desire?

Mr. MADDOX. Really, I have not consulted with my colleagues on the committee. I do not know how long; but we ought to have a reasonable time.

Mr. COOPER of Wisconsin. We can fix the time to-morrow, or I will suggest an hour on a side, or, if the gentleman thinks it sufficient, half an hour on a side.

Mr. MADDOX. I should say an hour on a side. As far as I am individually concerned, fifteen minutes will do me; but I do not know what my colleagues on the committee and other members on this side of the House want.

The SPEAKER. Does the gentleman from Wisconsin modify his request in accordance with the suggestion?

Mr. COOPER of Wisconsin. I do.

The SPEAKER. The request now is——

Mr. HULL. Mr. Speaker——

The SPEAKER. The Chair will first state the proposition before the House. The request of the gentleman from Wisconsin [Mr. COOPER] is that this bill be made the special order for to-morrow, and that one hour's debate on a side be agreed upon.

Mr. HULL. Now, Mr. Speaker, I want to ask the gentleman if he will not further modify it so that the bill may then be read by sections and be open to amendment under the five-minute rule; because, Mr. Speaker, there are some parts of this bill that the gentleman's committee has no jurisdiction of, and that to my mind are bad legislative propositions.

Mr. GROSVENOR. I will suggest to the gentleman that that opportunity will be afforded under the order.

Mr. RICHARDSON of Tennessee. It seems to me that a bill of this importance ought to be considered in Committee of the Whole. I will ask if it is not there now?

The SPEAKER. The bill is now in Committee of the Whole, but possibly this unanimous consent might cut it out of that committee, unless it is understood by the House. What does the gentleman from Wisconsin say in regard to the suggestion of the gentleman from Iowa [Mr. HULL] and the gentleman from Tennessee [Mr. RICHARDSON]?

Mr. COOPER of Wisconsin. I could not hear what the gentleman from Tennessee said.

The SPEAKER. It was in the same line with the suggestion of the gentleman from Iowa [Mr. HULL] that the bill ought to be considered in Committee of the Whole House on the state of the Union. Does the gentleman modify his request accordingly?

Mr. COOPER of Wisconsin. I have no objection to that, although I do not think it is necessary.

The SPEAKER. Then the request is as just stated by the Chair, with the addition that the bill is to be considered in the Committee of the Whole House on the state of the Union. Is there objection to the request as thus modified?

Mr. PAYNE. And general debate to be limited to two hours, an hour on a side.

The SPEAKER. The gentleman from New York suggests that debate be limited to two hours.

Mr. PAYNE. That has already been agreed to.

The SPEAKER. The Chair thinks that was a part of the proposition of the gentleman from Wisconsin.

Mr. PAYNE. It was, and that is the reason I called attention to it.

The SPEAKER. Is there objection?

Mr. MAHON. Mr. Speaker, I desire to have Friday excepted from the motion.

The SPEAKER. The request is for to-morrow.

Mr. MAHON. Then I have no objection.

The SPEAKER. Is there objection? The Chair hears none, and that order is accordingly made by the House.

RETURN OF CERTAIN COLORS, ETC., TO HARVARD UNIVERSITY.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate bill 1099.

The bill was read, as follows:

A bill (S. 1099) authorizing the Secretary of the Navy to return to Harvard University certain colors, silver cup, and Nordenfelt gun.

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to give to Harvard University the 6-pounder Nordenfelt gun, the set of colors, including ensign, jack, and pennant, and the silver loving cup presented by Harvard graduates to the auxiliary cruiser Harvard at the opening of the war with Spain: *Provided, however*, That said gun shall be returned, in like order as when received, to the Government at any time when it may be required for use.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I did not understand exactly the full purport and effect of this bill. Does it entail any expense on the Government?

Mr. ROBERTS. No, sir; no expenditure on the part of the Government whatever, Mr. Speaker.

Mr. RICHARDSON of Tennessee. The gentleman will pardon me. I thought it had some provision at the close, as the Clerk read, that the Government was required to put it in good order.

Mr. ROBERTS. Oh, no, Mr. Speaker; that is a provision compelling Harvard College to return the gun to the Government in the same condition as received if the Government ever desires it. I would like to say, Mr. Speaker, that the same procedure was had in the case of the colors, cup, and gun presented by Yale College to the cruiser *Yale*. They have been returned to the college.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. ROBERTS, a motion to reconsider the vote by which the bill was passed was laid on the table.

REFUND OF CERTAIN TONNAGE TAXES.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (S. 6439) for the refund of certain tonnage taxes.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, additional tonnage taxes, at the rate of $1 per ton, amounting to $7,352, heretofore levied on the steamers Santiago de Cuba, Santiago, Cienfuegos, and Olinda on entry at New York from Cuban ports.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to have some enlightenment on this matter. I did not catch the bill as read. Reserving the right to object——

Mr. GROSVENOR. Mr. Speaker, the bill is a Senate bill. It passed the Senate on the 11th of December and comes to the House with unanimous report from the Committee on Merchant Marine and Fisheries. It is a bill to refund to some six vessels an amount aggregating $7,000, which sum represents money in the Treasury that was collected as tonnage dues on these vessels entering New York Harbor between the time when the law authorized the collection of these dues and when they would have ceased but for the delay of the President's proclamation. Under the law that we passed about a year ago refunding in general terms all of the irregularly collected tonnage dues the statute was not deemed broad enough to cover this small sum that was collected at a period not covered by the general statute. The general statute is set out in the report. The letter of the Treasury Department is in the report, recommending the passage of this bill. If the gentlemen is not satisfied with that statement, I will ask to have the report read at the desk.

Mr. RICHARDSON of Tennessee. Is it a long report? It is almost impossible, Mr. Speaker, for us to hear what the gentleman said. If it is not a long report, I would like to have it read.

Mr. GROSVENOR. The letter of the Secretary is a very short one.

The SPEAKER. Without objection, the report will be read to the House.

The report (by Mr. GROSVENOR) was read, as follows:

The Committee on the Merchant Marine and Fisheries has had under consideration the bill (S. 6439) for the refund of certain tonnage taxes, and report the same back with a recommendation that the same do pass.

The history of the legislation and the situation in regard to the claim is fully described and set out in the report of the Senate committee which follows, and which is adopted by your Committee on the Merchant Marine and Fisheries:

[Senate Report No. 2207, Fifty-seventh Congress, second session.]

The Committee on Commerce, to whom was referred the bill (S. 6439) for the refund of certain tonnage taxes, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Treasury Department, as will appear by

the following letter, which, with the accompanying papers, fully presents the merits of the bill:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, December 6, 1902.

SIR: I have the honor to acknowledge the receipt of the letter from your committee, dated the 5th instant, transmitting bill S. 6439, Fifty-seventh Congress, second session, for the refund of certain tonnage taxes, amounting to $7,352, heretofore levied on the Cuban steamers *Santiago de Cuba*, *Santiago*, *Cienfuegos*, and *Olinda* on entry at New York from Cuban ports.

The amount represents alien or penal tonnage dues imposed for a short period after the organization of the Cuban Government and before proclamation was issued by the President relieving Cuban vessels from the tax, which, it may be stated, is not now levied upon vessels of the United States or of any other nation. While the exaction was legal, it was inequitable, and in the opinion of this Department should be refunded by authority of Congress. This Department has no authority to refund the money and had no authority to waive its collection.

The facts regarding the matter are set forth more in detail in the report from the Department, dated the 2d instant, upon the subject, addressed to the President pro tempore of the Senate, which report this Department desires shall be considered as a part hereof. A copy is inclosed herewith for ready reference.

Respectfully,

L. M. SHAW,
Secretary.

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate,
Washington, D. C.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, December 2, 1902.

SIR: I transmit herewith the draft of a bill authorizing and directing the Secretary of the Treasury to refund tonnage taxes, amounting to $7,352, imposed on certain vessels arriving in the United States from Cuba, and recommend its passage. The refund covers additional taxes of $1 per ton imposed at New York under sections 4219 and 4225 of the Revised Statutes, at the following dates and on the following vessels:

Dec. 7, 1898, *Santiago de Cuba*	$792
Feb. 6, 1899, *Santiago de Cuba*	792
Mar. 14, 1899, *Santiago de Cuba*	792
Mar. 22, 1899, *Cienfuegos*	1,346
June 14, 1902, *Cienfuegos*	1,346
June 23, 1902, *Santiago*	792
June 24, 1902, *Olinda*	1,492
Total	7,352

The imposition of these taxes has been a consequence of exceptional conditions, following the transfer of sovereignty over Cuba from Spain, through the United States, to the Cuban people, and the relief asked for is similar to that granted by Congress by the act of February 10, 1900.

The *Santiago de Cuba* entered New York on or about December 7, 1898, and February 6, 1899, without marine documents or any documents establishing her nationality. The collector thereupon, under sections 4219 and 4225 of the Revised Statutes, collected at each entry $1 per net ton in addition to the regular tonnage tax of 3 cents per net ton. The agents of the vessel state that the register had been surrendered at the Spanish custom-house prior to the war, in accord with Spanish regulations, to be sent to Madrid for approval.

By order of the President, dated December 13, 1898, regulations were promulgated by the War Department empowering Army officers in command at ports in Cuba to issue permits to engage in the coasting trade of the island to vessels owned by Cubans who renounced their allegiance to Spain. Such vessels, however, being without nationality, were subject on entry into the United States to $1 per ton additional taxes under sections 4219 and 4225 of the Revised Statutes. These taxes were imposed on the arrival of the *Santiago de Cuba* on March 14, 1899, and of the *Cienfuegos* on March 22, 1899, with permit issued by the military authorities.

Congress, by the act of February 10, 1900, authorized the refund of such additional taxes imposed after April 11, 1899, the date of the treaty with Spain. The four cases mentioned are similar in essential respects to those in which relief has already been afforded by Congress.

The act of February 10, 1900, gave to vessels owned by citizens of Cuba and documented as such by officers of the United States the rights and privileges of vessels of the most favored nations. On the establishment of the Cuban Government on May 20, 1902, Cuban customs officers canceled these documents issued by officers of the United States, thus depriving the vessels of the privileges bestowed by the act of February 10, 1900.

The notice from the Cuban Government, required by section 4228 of the Revised Statutes, on which the President may suspend the collection of the additional tax of $1 per ton, was not received until July, and on July 7 the President's proclamation was issued. In the meantime the *Cienfuegos* arrived at New York on June 14, 1902, the *Santiago* (formerly *Santiago de Cuba*) on June 23, and the *Olinda* on June 24, and in each case, as required by law, the collector of customs imposed $1 additional tonnage taxes.

Respectfully,

L. M. SHAW, *Secretary.*

The PRESIDENT PRO TEMPORE OF THE SENATE.

[Department circular No. 83, 1902.]

CUBAN VESSELS AND THEIR CARGOES RELIEVED FROM DISCRIMINATING DUTIES.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., July 7, 1902.

To collectors of customs:

The attention of officers of the customs, owners and masters of vessels, etc., is invited to the following proclamation by the President, dated July 3, 1902, relieving Cuban vessels and their cargoes from discriminating duties:

"Whereas satisfactory proof has been given to me by the Government of Cuba that no discriminating duties of tonnage or imposts are imposed or levied in the ports of Cuba upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States, or from any foreign country:

"Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the authority vested in me by section 4228 of the Revised Statutes of the United States, do hereby declare and proclaim that from and after the date of this my proclamation, so long as vessels of the United States and their cargoes shall be exempt from discriminating duties as aforesaid, any such duties on Cuban vessels entering the ports of the United States, or on the produce, manufactures, or merchandise imported in such vessels, shall be suspended and discontinued, and no longer.

"In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

"Done at the city of Washington the 3d day of July, in the year of our Lord 1902 and of the independence of the United States the one hundred and twenty-sixth.

"THEODORE ROOSEVELT."

Should such duties have been levied on or since the date of the proclamation, any application filed for refund will be forwarded by the proper officer with his report in the usual manner.

M. E. AILES, *Acting Secretary.*

There seems to be no objection to the bill. The claim is a perfectly legitimate and legal claim, and it was made the duty of the committee simply to refer to the law as it now stands, which is embodied in the bill (H. R. 5074) of the Fifty-sixth Congress, which is as follows:

"A bill relating to Cuban vessels.

"*Be it enacted, etc.*, That vessels owned by citizens of Cuba and documented as such by officers of the United States shall hereafter be entitled in ports of the United States to the rights and privileges of vessels of the most favored nation, and they and their cargoes shall be subject to no higher charges in ports of the United States than are imposed on the vessels and cargoes of the most favored nation in the same trade.

"SEC. 2. That the Secretary of the Treasury is hereby authorized to refund, out of any money in the Treasury not otherwise appropriated, upon application and satisfactory evidence, tonnage taxes and light dues which have been imposed on vessels owned by citizens of Cuba entering ports of the United States since January 1, 1899, which have been in excess of the tonnage taxes prescribed by section 11 of the act of June 19, 1886."

This left a hiatus, as explained by the Secretary of the Treasury, and it is but just and fair that this money should be refunded.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF BEER AND LIGHT WINES IN POST EXCHANGES.

Mr. HULL. Mr. Speaker, I am instructed by the Committee on Military Affairs to submit the following privileged report.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred House resolution No. 347, report the same back to the House with the recommendation that it do pass.

The resolution was read, as follows:

Resolved, That the Secretary of War be, and he hereby is, requested to transmit to Congress the various reports received by his Department on the practical operation of section 38 of the act of February 2, 1901, which prohibits the sales of beer and light wines in post exchanges.

The question was taken, and the resolution was agreed to.

On motion of Mr. HULL, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

HAWAIIAN SILVER COINAGE AND SILVER CERTIFICATES.

Mr. HILL. Mr. Speaker, after consultation with the minority members of the Committee on Coinage, Weights, and Measures, the gentleman from Missouri, the gentleman from Tennessee, who are present, and with their approval, I ask unanimous consent that the House may now proceed to take up Senate bill 2210, as amended by the House committee, and reported favorably by the Committee on Coinage, Weights, and Measures, and dispose of it, with the understanding that there be thirty minutes of general debate on each side, and the bill to be read under the five-minute rule for amendment.

The SPEAKER. The gentleman from Connecticut asks unanimous consent for the present consideration of the Senate bill 2210, with the understanding as to debate as stated by the gentleman. Does the gentleman desire to go into Committee of the Whole?

Mr. HILL. I suppose that would be necessary, Mr. Speaker.

The SPEAKER. Coupling with his request the proposition that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill, with general debate limited to one hour.

Mr. HILL. Thirty minutes on each side.

The SPEAKER. Before this request is submitted to the House the Clerk will report the bill.

An act (S. 2210) relating to Hawaiian silver coinage and silver certificates.

Be it enacted, etc., That the silver coins that were coined under the laws of Hawaii, when the same are not mutilated or abraded below the standard of circulation, shall be received at the par of their face value in payment of all dues to the government of the Territory of Hawaii and of the United States, and the same shall not again be put into circulation, but they shall be recoined in the mints as United States coins.

SEC. 2. That when such coins have been received by either Government in sums not less than $500 they shall be deposited as bullion in the mint at San Francisco, Cal., and shall be recoined as subsidiary coinage of the United States. And the superintendent of the said mint shall pay for such coins, at their face value, to the proper officer or agent of the Government depositing the same, the sum so deposited, in standard silver coins of the United States. The expenses of transmitting said coins to and from the Hawaiian Islands shall be borne equally by the United States and the Territorial government of Hawaii.

SEC. 3. That any collector of customs or of internal revenue of the United States in the Hawaiian Islands shall, if he is so directed by the Secretary of the Treasury, exchange standard silver coins of the United States that are in his custody as such collector with the government of Hawaii, or with any person desiring to make such exchange, for coins of the government of Hawaii, at their face value when the same are not abraded below the lawful standard of circulation, and the Treasurer of the United States, under the

direction of the Secretary of the Treasury, is authorized to deposit such silver coins of the United States as shall be necessary with the collector of customs or of internal revenue at Honolulu or at any Government depository for the purpose of making such exchange under such regulations as he may prescribe.

SEC. 4. That any silver coins struck by the government of Hawaii that are mutilated or abraded below such standard may be presented for recoinage at any mint in the United States by the person owning the same, or his or her agents, in sums of not less than $50, and such owner shall be paid for such coins by the superintendent of the mint the bullion value per troy ounce of the fine silver they contain in standard silver coin of the United States, and such bullion shall be coined into subsidiary coinage of the United States.

SEC. 5. That silver coins heretofore struck by the government of Hawaii shall continue to be legal tender for debts in the Territory of Hawaii, in accordance with the laws of the Republic of Hawaii, until the 1st day of January, 1904, and not afterwards.

SEC. 6. That any silver certificates heretofore issued by the government of the Hawaiian Islands, intended to be circulated as money, shall be redeemed by the Territorial government of Hawaii on or before the 1st day of January, 1905, and after said date it shall be unlawful to circulate the same as money.

SEC. 7. That nothing in this act contained shall bind the United States to redeem any silver certificates issued by the government of Hawaii, or any silver coin issued by such government, except in the manner and upon the conditions stated in this act for the recoinage of Hawaiian silver.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut? [After a pause.] The Chair hears none, and it is so ordered.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, with Mr. JENKINS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3210) relating to Hawaiian silver coinage and silver certificates.

Mr. HILL. Mr. Chairman, in view of the fact that the bill has been once read in the House, I ask unanimous consent that the first reading in committee be dispensed with.

The CHAIRMAN. Without objection, the third reading of the bill will be dispensed with.

There was no objection.

Mr. HILL. Mr. Chairman——

The CHAIRMAN. The gentleman from Connecticut is recognized for thirty minutes.

Mr. HILL. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri [Mr. COCHRAN] may have charge of the thirty minutes given to the minority.

The CHAIRMAN. Without objection, the Chair will recognize the gentleman from Missouri to control the time of the minority.

There was no objection.

Mr. HILL. Mr. Chairman, the bill as read is a great deal more formidable than the results achieved by it. The facts are these: A few years ago under the monarchy in the Sandwich Islands a million dollars was coined, consisting of quarters, halves, and dollars—500,000 dollars, 350,000 half dollars, and the balance in quarters and dimes. It was all subsidiary coinage, being legal tender only for the sum of $10, the full legal tender in the islands being American gold coin. When the Sandwich Islands became annexed to the United States under the treaty, the existing laws were continued in force until repealed by act of Congress. The organic act making Hawaii a Territory, in the opinion of the people of Hawaii, has repealed the existing laws, and the laws of the United States, so far as coinage is concerned, are now the laws of the Territory.

This condition obtains, that there is substantially $900,000 of silver coinage in the Hawaiian Islands bearing the image and superscription of King Kalakaua, and it is not legal tender for anything. It is accepted and is passing current in the islands because the banks have nominally agreed to accept it until Congress takes action in regard to it.

Under these circumstances the postmasters throughout the islands have written the Post-Office Department asking for instructions because the banks are contemplating refusing to accept it. Their reason for doing so is that it is not lawful money and consequently can not be held by them as a part of their reserve. They can not exchange it for any other money outside of the country, and the islands are in a very embarrassed condition concerning it, and that alone would seem to justify the exchange. It will cost $10,000 for the United States to recoin this money, and it will cost $10,000 to freight it over to the San Francisco mint and back again. That is $20,000. We shall make by the operation, because it is subsidiary coin and probably never will come in for redemption, and the seigniorage on the recoined dollars will amount to $35,000.

Bear in mind that the dollars over there are subsidiary, just as the halves and quarters are here. So the net apparent profit to the United States by the transaction will be $15,000, and the people of Hawaii greatly desire that this shall be done, for they prefer to see in their daily business transactions, now that they are a part of the great American Union, they prefer to see the American eagle on their coins rather than the image and superscription of King Kalakaua.

The bill has passed the Senate unanimously, is approved on both sides, by Republicans and Democrats. It is a Senate bill, and I had the pleasure yesterday of reading a report which will be made in a day or two, signed by a Senatorial commission which went to the islands this summer. They took a great deal of testimony on this question, and the people came before the Senatorial commission and asked them to recommend that this money be recoined into United States money. That report is a unanimous one, signed by Democrats and Republicans also.

Mr. GAINES of Tennessee. Will the gentleman yield for a moment?

Mr. HILL. Yes, sir.

Mr. GAINES of Tennessee. The gentleman says that this report is unanimous?

Mr. HILL. Yes, sir.

Mr. GAINES of Tennessee. When did it become unanimous?

Mr. HILL. I was told yesterday that there was no objection to it on the part of anybody, and that it would be a unanimous report. It has not yet been filed in the Senate.

Mr. GAINES of Tennessee. The gentleman was spoken to by Senator FOSTER?

Mr. HILL. Both by Senator FOSTER and Senator MITCHELL.

Mr. GAINES of Tennessee. Have you talked with Democratic Senators to ascertain whether they approved it or not?

Mr. HILL. I have not. I did not suppose it was necessary.

Mr. GAINES of Tennessee. Well, I think it was very necessary, because they have not approved it. I am informed the "report" is yet in embryo.

Mr. HILL. That is all there is in this proposition. I hold in my hand, also, a Hawaiian paper, dated December 22, in which I find an article headed "Silver coinage," in which this change is strongly advocated. No harm is to come from this measure to anybody. The effect is simply to give to American people American money, with a profit in doing so to the United States Government. That is all there is in the proposition; there is no political tinge to it of any kind or character. As I have already said, the bill passed the Senate by a unanimous vote after a full discussion.

Now, there are two House amendments to the bill. One provides for the appropriation of $10,000 to pay the transportation charges. By the bill as originally drawn—drawn from a former bill which was before Congress previous to the admission of Hawaii as a Territory—it was provided that the expense of transportation should be divided equally between the United States and the Hawaiian Islands. Of course, as Hawaii is now a Territory, it has no funds with which to pay this expense. As we are to have the seigniorage which will arise, there will be a net profit of $15,000 over and above all expenses. The amendment has been framed by the Treasury Department and accepted by the Committee on Coinage, Weights, and Measures.

The other amendment provides that we shall take up that money at its face value rather than exchange it and then turn it back to the islands at its coining value. The inhabitants of that Territory are our people, and it is only fair and honorable that we should treat them precisely as we did Porto Rico—take up their coinage and recoin it at its circulation value. It has always been at par.

Mr. BELL. The gentleman has spoken of the profit which the Government will make out of this transaction by means of the seigniorage. Now, suppose the Government should go into the market and buy the silver for this new coinage, could it not make the whole $600,000?

Mr. HILL. Undoubtedly.

Mr. BELL. Then we are simply paying out the money——

Mr. HILL. If we should do that, we should simply transfer the loss to the people of the Hawaiian Islands by compelling them to sell this money at its bullion value, which would seem to be unfair and unjust by reason of the fact that Hawaii has been admitted as a Territory of the Union.

Mr. BELL. In other words, we are simply paying out of the Treasury $10,000 and the coinage expenses?

Mr. HILL. That is all; and we get in $35,000.

Mr. BELL. If we bought the bullion in the market, we should make the entire $600,000?

Mr. HILL. Certainly; there is no question about that.

Mr. Chairman, I reserve the balance of my time.

Mr. COCHRAN. I yield ten minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, this bill proposes to take $1,000,000 of Hawaiian silver money, coined at the mints of the United States, money of the same fineness and value as our own silver money, and recoin this money into United States subsidiary coin. I am not fully advised as to the legal-tender value of this money. The gentleman from Connecticut says that the dollars are legal tender to the amount of $10. At all events, when I was in Hawaii, being a member of the Coinage Committee, I made it

my business to inquire about the usefulness of this money. I inquired of street-car men, of hotel men, of the barbers (who come in contact with everybody), of merchants, and of various laboring people with whom I came in contact, it being my custom to come in contact with people "on the ground floor," as well as, possibly, now and then, by special invitation, with those who adorn our "gilded halls."

But not in a single instance did I find anyone opposed to the continuance of this money exactly as it is. It has always circulated on a parity with our money. It was so circulating then, and it was so circulating when this matter was debated in the House, and it is circulating now at its face value with our money. There is not one particle of gold behind it; there never has been any gold behind it. The gentleman from Ohio [Mr. SOUTHARD] who reported the bill the first session of this Congress, said in his speech on this bill that it has always circulated at its face value, and so it has. So that if we take this money and coin it now into a limited tender into half dollars, quarters, and dimes, we make it more limited than at least $500,000 of it is now.

In addition to that, as you will observe from the title of this bill, "An act relating to Hawaiian silver coinage and silver certificates," in addition to this change in this hard money that stays at home, and which does all the work those people want, we leave about $450,000 of "silver certificates," which are issued upon this silver money and are redeemable in this Hawaiian money. We give the Hawaiian people until 1905, by the face of this bill (section 5), to redeem this paper money; yet in the meantime, by section 6, by 1904 we shall have demonetized it—the Hawaiian coin—and ground it all up into the American coin. This paper money is not redeemable in our coin.

In addition to that we throw back on the Hawaiian government the redemption of this $450,000 of paper money, with no right to coin money, with no right to create a redeemer for it, with the result that that money will be so much lost at its face value in the pockets of the people, for it also circulates, as I understand it, on a parity with the balance of the money; we throw it back on those people without any power in the world of protecting and redeeming it at its face value or otherwise. That is a great injustice to those people. It is wrong to thus leave them absolutely with their money floating over there to this amount without any means of redeeming it, while in the meantime we destroy its redeemer, their hard money. Now, another thing, this Hawaiian coin is to be redeemed at its troy-weight value, not at its face value. We know now that the bullion in a silver dollar is worth somewhere between 30 and 40 cents. I will ask the gentleman from Colorado [Mr. BELL] what the bullion value is to-day of silver?

Mr. BELL. Between 47 and 48 cents.

Mr. GAINES of Tennessee. So that here is a million dollars in the hands of these people who are already threatened with famine, who are a people that are inferior to us in every sense of the word, and we are making them, with this million dollars in their pocket, take, not the face value of it as it now stands and circulates, but we make them take the troy weight value of it, which is 48 cents on the dollar. That is a very great injustice to them, and I can not be a party to it.

Now, the gentleman says that the American Government will make at least $15,000 out of it. Think of it—think of the injustice done by the edict of Congress—we are making $15,000 out of those people over there, with them having no vote here to oppose this matter, as I am now doing for them in a nonpartisan and in a fair way, sticking absolutely to the four corners of the record and to the facts.

Again, the gentleman says that a Senatorial committee has been over there and that they report these people want this done. Now, I talked with Senator FOSTER. He was kind enough to come over to see me. He said they invited in some bankers. The bankers wanted possibly to make something out of it, as possibly bankers do, as charged by our commissioners in the Philippine Islands.

Have we not in days gone by, in the halcyon days of our Republic, in the days of Jefferson, Monroe, and Jackson, down to 1857, circulated in our own Republic foreign coin and coins that were not circulated here at par? Yet these Hawaiian coins are circulating at par, doing full legal-tender duty, as much so as our gold that is here. Our gold dollars have been circulating with them on a parity, and yet there is such a demand over there for money that this limited tender, this silver dollar, with a little monarchy behind it, with no gold behind it, no resources behind it, has stood up and faced our gold dollar with a population behind it, with our wealth and power behind it, and we with the fell stroke of a pen propose to strike down that money and drive it out of that country.

Now, Mr. Chairman, I am sorry to say that we are not extending the limits of our Republic in the way that I should like to see them extended, if they are to be extended at all. We are adding these colonial appendages, as by a string. We are increasing the number of "people" subject to our jurisdiction. But strange to say, although we have increased the number by 10,000,000 people in the Philippine Islands, and I do not know how many in the Hawaiian Islands or how many in Porto Rico, yet every year the mint report shows that our circulation per capita is greater than ever before. If you destroy this money, if you remove it from Hawaii, you diminish our per capita circulation, when it should be increased.

What must take the place of it if we strike down this coin? American money that should stay here at home to do our work, instead of having the Secretary of the Treasury run off up to New York amongst the gamblers and Wall street rapscallions, unloading the people's money in that retreat, to save the people, the Government, and the Republic from panic and ruin. [Applause on the Democratic side.] By thus acting, they say there is not enough money for the "legitimate" business of our country. Yet you would strike down this money of Hawaii, forcing the sending of our money to Hawaii to transact their business, thus diminishing the per capita circulation at our own doors, taking so much money away from the people of the United States.

Gentlemen, you can not dispute these statements successfully, so I can not do otherwise than oppose this measure in justice to those people.

Again, the gentleman from Connecticut [Mr. HILL] says the Democrats—who did not go over there, I may say—Senator BLACKBURN was one. He did not go, and the other Democrats did not go; I do not know why. Three Republicans did go. They had made no report yesterday. It is unfinished. Senator FOSTER says they have not signed it. I asked him to let me read it. [Applause.]

[Here the hammer fell.]

Mr. SHAFROTH. Mr. Chairman, three years ago an effort was made to get this bill through the House of Representatives upon the urgent plea that unless something was done the Hawaiian dollar would likely go to a discount. It was contended at that time that it was an urgency measure, something that ought to be put through quickly to prevent repudiation. Mr. Chairman, we then predicted that inasmuch as the Hawaiian dollar had a legal-tender quality it would not go to a discount so long as it was limited as provided by the Hawaiian laws. Those laws fix the amount at 500,000 silver dollars and provide that they shall be a legal tender in payment of debts for amounts up to $10, and they pass there in payment of debts to any amount. These dollars have been mostly converted into silver certificates in denominations of $10 and more, and they circulate in the islands just exactly upon a parity with our own money, no discrimination whatever being made, no one refusing to take a silver certificate in the Hawaiian Islands.

Now, Mr. Chairman, I have thought that this problem would solve itself if gentlemen upon the other side would permit it to do so. Day after day and week after week people go by the Hawaiian Islands to the Orient, and nearly everyone takes from the Hawaiian Islands some souvenir or token of his visit, and it is usually in the shape of a coin. I know that on the vessel that I was upon that visited the islands nearly every passenger took some of the Hawaiian money, and it would not take a very long time before that money would all be taken from the Hawaiian Islands and held as souvenirs—held for sale at a premium by coin dealers.

Mr. Chairman, I do not see why the Government of the United States should undertake this work now. I do not see why it should attempt to take a coin that is perfectly good, of the identical number of grains as our own silver dollar, and put it out of circulation. The dollar in the Hawaiian Islands contains 412½ grains of standard silver, the same amount identically as the United States coin. If gentlemen want to make this coin a full legal tender, they can do it by the passage of a bill which would not cost the Government 10 cents, whereas to convert this coin into other coin will cost, according to the gentleman's estimate, at least $10,000.

There is another objection which I have to this measure and that is, this bill provides that these silver dollars shall be melted down into subsidiary coins, not into like coins of the United States, but into subsidiary coin. It seems to me that there is no reason for that. The subsidiary coin is as much an obligation of the Government as the silver dollar, and it ought to be cared for just as well as the silver dollar. And there is a greater necessity in the Hawaiian Islands for silver dollars or silver certificates based on the same than there is for subsidiary coin. In fact, the Hawaiian Islands could not use the amount of subsidiary coin which this bill provides shall be the result of the recoinage of the silver dollars. For that reason it appears to me that we ought to coin them into money that they want, into money that they

need, into money that their commerce will absorb, into coins of like denominations.

In the first place, the power to issue silver certificates based upon the silver dollars exists. The holder has had the right to have issued to him silver certificates. They are issued and in circulation and pass in the payment of all debts. To recoin the silver dollars which form their base into small coins would be simply to substitute for the paper money now in existence in the Hawaiian Islands subsidiary coin, not silver dollars. If there is any obligation on the part of the United States to take care of this money, of course it ought to be done; but, it seems to me, when two governments amalgamate and form one government, and each has money in circulation, each ought to take care of its own obligations. Silver bullion is at a discount. The United States can coin $1,000,000 of silver from bullion at a cost of about $400,000, but to take up the Hawaiian dollars and subsidiary coin will incur an obligation of $1,000,000. Is not the purchasing of the Hawaiian money by the issuance of our own obligations in effect making a present of $600,000 to the Hawaiian people?

But if there is an obligation, then of course that obligation ought to be carried out, cost what it may. But I do not know that there is any, and I would like the gentleman on the other side to point to me a statute or treaty that provides that we shall take care of their coins. Now, Mr. Chairman——

Mr. ROBINSON of Indiana. Mr. Chairman, may I interrupt the gentleman?

Mr. SHAFROTH. Certainly.

Mr. ROBINSON of Indiana. I would like to ask the gentleman from Colorado if he agrees with the gentleman from Tennessee [Mr. GAINES] in his statement that it will be a great injustice to the people of the Hawaiian Islands; and in connection with that, does the gentleman from Colorado not know that all Hawaiian interests desire this legislation?

Mr. SHAFROTH. Well, I believe the banking interest wants it, just like the banking interests of the United States want the silver of the United States redeemable in gold. I do not believe the people generally want it.

Mr. ROBINSON of Indiana. Has the gentleman any information upon that point?

Mr. SHAFROTH. The only information I have is that I was there a very short time, and I inquired, so far as I could, among Americans there as to the currency, and there seemed to be no objection to the same.

Mr. ROBINSON of Indiana. It is not general legal tender.

Mr. SHAFROTH. It is legal tender to the amount of $10, and in addition to that the silver certificates issued upon that money pass for the payment of any debts.

Mr. ROBINSON of Indiana. On the second proposition, does the gentleman agree with the gentleman from Tennessee that it would reduce the per capita circulation of the country to transfer this money to Hawaii?

Mr. SHAFROTH. It would have this tendency. The silver certificates now constitute the principal circulating medium of the Hawaiian Islands, and to supplant it with subsidiary coin would of course deprive them for the time being of the circulation necessary for commerce.

Mr. ROBINSON of Indiana. The gentleman from Colorado is of the opinion that for the time being this would reduce the per capita circulation in the United States, the Hawaiian Islands being a part of it.

Mr. SHAFROTH. Temporarily. United States money in time will get there, I have no doubt.

Mr. HILL. Mr. Chairman, I wish to correct a statement that the gentleman from Colorado has made. This money is not legal tender, not for a cent, and has not been since the Hawaiian Islands were admitted as a Territory. It is just like tin, and circulates with the consent of the bankers. [Laughter.]

Mr. SHAFROTH. I beg to differ from the gentleman.

Mr. COOPER of Wisconsin. If the gentleman from Colorado will permit me, I notice that section 5 of the bill is somewhat in contradiction of the statement of the gentleman from Connecticut:

> That silver coins heretofore struck by the government of Hawaii shall continue to be legal tender for debts in the Territory of Hawaii.

Mr. COCHRAN. They are legal tender.

Mr. SHAFROTH. They are legal tender to the amount of $10. I looked it up while we had this under discussion two or three years ago.

Mr. HILL. If the gentleman will look to the organic act by which Hawaii was admitted as a Territory, he will see that it is not a legal tender.

Mr. SHAFROTH. I do not see how the organic act could affect the legal-tender value of money established by the Hawaiian government. It would be an impairment of the obligations of contracts to change it. There is no question but what the issuance of silver certificates has been made on this money, and they circulate absolutely in the payments of debts of any size.

Mr. HILL. The legal tender of the Hawaiian Islands is now and has been since their admission as a Territory American gold coin.

Mr. COCHRAN. And their coin is up to $10.

Mr. SHAFROTH. And their coin is also received as legal tender up to $10.

The CHAIRMAN. The time of the gentleman from Colorado has expired. [Loud applause.]

Mr. HILL. Mr. Chairman, I now yield ten minutes to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. Mr. Chairman, I am in favor of the passage of this bill and every reason seems to impel it. I am an American and believe in American money, and equality of rights and obligations to all our citizens. The Hawaiian Islands are as much a part of American territory as any State in the Union. They are fully under the Constitution in all its strength and force. The gentleman from Tennessee suggested in his remarks that this legislation was not desired by the people of the Hawaiian Islands. I have communicated with very many of the citizens of the Hawaiian Islands and in no instance, in no report that I have read, or recommendations made on the subject, or in personal communications, have I heard a dissenting voice, but all were in favor of the passage of this bill.

Mr. COCHRAN. Will the gentleman yield for a question?

Mr. ROBINSON of Indiana. Certainly.

Mr. COCHRAN. What particular report does the gentleman refer to?

Mr. ROBINSON of Indiana. I refer to papers that have been sent by the commercial bodies; to reports by the United States officers and Hawaiian authorities, from the Secretary of the Treasury on down, and statements by gentlemen that I have seen personally—one who was secretary of the senate of the Hawaiian legislature, Mr. Edgar Caypless; another, a member of the fire-claims commission in the islands of Hawaii, Mr. Pratt; another, Mr. Haywood, an ex-consul, and various gentlemen of that character that I have not time to mention. The Delegate from Hawaii [Mr. WILCOX] has persistently pressed this bill. The gentleman from Tennessee referred to the fact that it would reduce the per capita circulation of the United States. That is an error. This is a provision to stamp the device of the United States Government on a silver piece of a fineness and weight equal to the American money. Therefore that is untenable. The Hawaiian people are all in favor of this legislation. It means only the taking of nearly a million dollars of Hawaiian silver bearing the impress of the Hawaiian government and transferring to that silver the imprint of the United States Government.

Mr. COCHRAN. Does it not, in addition to that, retire a great volume of silver certificates, and does it not retire a large volume of those outstanding Hawaiian silver dollars and substitute subsidiary coinage for all this form of currency?

Mr. ROBINSON of Indiana. It substitutes subsidiary coinage only for the amount of the silver now in circulation.

Mr. COCHRAN. The whole million dollars will be subsidiary coinage.

Mr. ROBINSON of Indiana. The gentleman is correct. The Hawaiian Islands were annexed July 7, 1898, as a Territory of the United States and as a part of the United States, under the Constitution fully. From that time—for twenty-one months—until June 14, 1900, the revenues of the Territory of Hawaii—the customs duties, the postal receipts, the internal revenues—were received by the Hawaiian treasurer. At the time of annexation we assumed their public indebtedness to the amount of $4,000,000. They are American citizens and are entitled to American money, one of the rights of American citizenship. We assumed the $4,000,000 indebtedness as a part of the act of annexation, but with this assumption received their millions of public property. This will make their money worth now half a million dollars worth a million dollars, it is true, but it is now received by United States collectors there as if it were United States money, but it bears the impress of a foreign state.

Mr. SHAFROTH. Will the gentleman yield for a question?

Mr. ROBINSON of Indiana. Certainly.

Mr. SHAFROTH. Did we in that act assume to take care of their money or to make their money equal to ours?

Mr. ROBINSON of Indiana. We did not.

Mr. SHAFROTH. There is no statement in the act intimating anything of the kind.

Mr. ROBINSON of Indiana. There is not.

Mr. SHAFROTH. Does the gentleman not recognize that when the Hawaiian government takes this money and puts it into United States obligations, which obligations the United States are pledged to maintain at a parity, that it thereby makes for the Hawiian government about $300,000, and do not we make them a present of $300,000 when we pass this act?

Mr. ROBINSON of Indiana. I was about to come to that proposition, that of our moral obligation, as the gentleman urged in the last session of Congress and to-day on the floor, and if such moral obligation existed we ought to pass this bill.

Mr. SHAFROTH. Certainly, if there was a moral obligation.

Mr. ROBINSON of Indiana. Now, I invite the gentleman's careful attention to my remarks on this point.

Mr. SHAFROTH. Does the gentleman not recognize that when two nations consolidate there is a moral obligation that each shall take care of its own money?

Mr. ROBINSON of Indiana. If the gentleman will give me time, I will endeavor to make clear my views on this question of moral obligation. What is the gentleman's American theory for absorbing and taking up this money for the United States citizens in Hawaii? It is that tourists shall go there month after month and year after year, and by taking curios and souvenirs absorb a million of money belonging to American citizens, that the burden belonging to the Government shall in that eccentric and singular manner be discharged by individual citizens of our country and by foreign tourists in search of keepsakes.

That is his patriotic endeavor to assume the obligations of a people bound to us by the ties of American citizenship, and in this the gentleman loses sight of the benefits that accrue to us all as citizens of a common country.

Now, in June, 1900, we passed the organic law, taking away from Hawaii the customs duties, the internal-revenue and postal receipts; and those since that day have gone into the United States Treasury. The result of the passage of that act and the benefits to the United States Treasury is shown in a letter of the Secretary of the Treasury to me dated January 4, 1903, exhibiting a net realization to the Treasury of the United States from customs duties, internal revenues, and postal receipts of $2,585,000 from Hawaii alone.

It reads:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
DIVISION OF BOOKKEEPING AND WARRANTS,
Washington, January 6, 1903.

Hon. J. M. ROBINSON,
House of Representatives.

SIR: In reply to your letter of recent date relative to the receipts and expenditures on account of the Territory of Hawaii, I have the honor to state as follows:

RECEIPTS.

	1901.	1902.	First 6 months of 1903.
From customs	$1,095,723.01	$1,458,191.17	$572,830.39
From internal revenue	92,521.13	70,235.22	26,789.53
From miscellaneous sources	12,081.79	20,347.79	12,953.26
Total	1,200,325.93	1,548,774.18	612,573.18

EXPENDITURES.

	1900.	1901.	1902.	First 6 months of 1903.
Collecting revenue from customs	$3,124.72	$84,296.61	$96,932.82	$51,250.00
Annexing Hawaiian Islands	6,540.95	3,307.39	565.63	
Salaries, collectors internal revenue		27,018.48	4,311.38	1,794.65
Salaries, agents internal revenue		260.00		
Salaries, officers and employees internal revenue		4,897.08	5,988.11	3,040.90
Salaries, governor, etc		41,473.88	38,086.23	26,299.96
Salaries, district court		4,080.97	3,853.85	2,446.15
Expenses United States courts		13,169.90	24,049.78	12,000.00
Contingent expenses of Territory		2,303.61	2,974.42	1,418.90
Payment of debt of Hawaii		2,488,071.88	751,202.44	186,172.20
Liquidation of deposits in Hawaiian Savings Bank		757,024.67	4,460.38	1,670.75
Improving Pearl Harbor		300.00	20,700.00	12,982.26
Quarantine service		31,809.29	12,335.13	3.36
Enforcement of Chinese-exclusion acts		1,000.00		335.80
Repayment of importers, excess of deposits		16,228.34	8,846.51	4,980.21
Debentures or drawbacks		2,471.79	7,594.07	2,898.42
Total	9,665.67	3,477,713.89	981,900.75	307,293.56

Respectfully,

L. M. SHAW, *Secretary.*

From these expenditures we must deduct the four million assumed by the United States in public debt, which assumption was provided for by the resolution of annexation in 1898, and is a closed chapter so far as the merits of this proposition is concerned.

Mr. SHAFROTH. Do not the people of the Hawaiian Islands, by reason of having their sugar imported into this country free of duty, make ten times that amount each year out of the United States?

Mr. ROBINSON of Indiana. Oh, the gentleman would not hold that this operates purely to the benefit of the islands. What do we get by reason of the free admission of various commodities—a system that we on this side stand for always and everywhere? We of the mainland receive a corresponding benefit by reason of the free trade with Hawaii.

Mr. SHAFROTH. Does the gentleman mean to say that the price of sugar in the United States is modified by the free importation into this country of the small amount of sugar from Hawaii?

Mr. ROBINSON of Indiana. The gentleman must recognize that I can not go into a discussion of the tariff and trust question at this moment. He will find on looking up the report that a very large amount of sugar comes from Hawaii, reaching hundreds of thousands of tons, and in value reaching many millions of dollars, it being the principal and almost the sole industry there. The proposition carries its own answer, so far as is necessary to the present discussion. The letter I have submitted shows the receipts and disbursements. Did we not, when we assumed the indebtedness of Hawaii to the extent of $4,000,000, receive $4,000,000 of public property? Have we not Pearl Harbor, one of the most magnificent harbors in the world? That is a part of what we received in consideration of our assuming that indebtedness. We received $4,000,000 of public property and in addition $4,000,000 of public lands.

Those people in Hawaii are American citizens, standing upon an equality with all American citizens in this country, and therefore they are entitled to this consideration. When we make their money ours and our money theirs, it results in no loss. They want it; we ought to want it. The report of the Secretary of the Treasury shows that we have to our credit from Hawaii in receipts from June, 1900, a net revenue of $2,585,000 with which to meet this expenditure that the gentleman speaks of as something like $300,000.

Those people being Americans, inhabiting American territory, and not standing as do Porto Rico and the Philippines, their interests calling for this measure, there being no financial question involved, as was in the campaign of 1896, the only proposition is, Are these American citizens, on American territory and under our Constitution, entitled to the same advantages, the same financial conditions, to which we are entitled? I submit that every consideration calls for the passage of this bill.

Mr. GAINES of Tennessee. I ask my friend from Indiana——

The CHAIRMAN. The gentleman from Indiana has consumed all his time.

Mr. GAINES of Tennessee. The Chair has not heard the proposition I was trying to state.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. GAINES of Tennessee. I should like the gentleman from Indiana to put also in the RECORD a statement showing why it was that the courts and other machinery of the government of Hawaii went to pieces, which I understand was because there was not enough money there with which to run the government.

Mr. ROBINSON of Indiana. The gentleman from Tennessee can do that in his own time and on his own credit and responsibility.

Mr. GAINES of Tennessee. Such was the fact, although it is not in the official statement I have.

Mr. COCHRAN. Mr. Chairman, at the time of the annexation of Hawaii the government of those islands had outstanding, in circulation, $1,000,000 in silver money. Copying our system, their law provided for the deposit of silver dollars in the treasury and the issue of silver certificates. Five hundred thousand silver dollars had been minted, and over four-fifths of these silver dollars were represented by silver certificates. The islands had $400,000 in subsidiary silver coin. This $1,000,000 forms the money of commerce of about 100,000 trading people in those islands. It is almost the only money in circulation there. In their affairs it cuts the same figure that our greenbacks, silver certificates, and silver coins cut in our affairs. It is to them what the paper currency of Holland and Belgium is to the masses in those countries—a local currency—almost the sole money of commerce. It has been and is to-day the lifeblood of commerce—the indispensable tool of commerce. It is at par with gold, and there is not the least likelihood that it will cease to be. It is not exportable, because it bears the stamp of the Hawaiian mints. So, no matter what the stress of hard times, this money of commerce will remain in the Hawaiian Islands. Why render it exportable? Who is to be benefited by doing so?

Three years ago the gentleman from Connecticut first concluded that it was essential to the welfare of the Hawaiian Islands that their money should be rendered exportable, so that as a commodity it would the better serve the purposes of the bankers and money dealers. He was just as insistent then as now. He declared then, as he does now, that the bankers were about to refuse to receive it—that a calamity was impending; but nothing of the kind has happened.

The trouble with the gentleman from Connecticut [Mr. HILL]

is that he is trying continually to shape financial laws so as to help the banking business. He views money as a commodity pure and simple, and never as a tool—an implement to be used in effecting exchanges by the masses. He sees not the beneficence of a financial system which secures ample means of exchange to the many, whose trade is mainly in small transactions, but the inconvenience of such a system to the banker, who is thereby deprived of a field in which to farm out bank credits. As long as Hawaii's silver certificates and silver money fills the channels of trade, the banker must stand by and see the people get on with the minimum of bank credits. Convert all this silver into exportable subsidiary coin and in a little while the ideal system of entire dependency on bank credits will hold sway.

Mr. Chairman, I protest against this measure as part and parcel of a policy which for thirty-five years has subverted every precept of sound economics and reason in this country. For a generation Treasury policies, and more recently legislation, have proceeded upon the theory that to interpose the slightest barrier to the export of money as a commodity is vicious. The school of which the gentleman from Connecticut is a disciple have seemed to think that to even suggest a safeguard against the withdrawal of money from neighborhoods or its exportation involves dishonor and ruin. They have sought to so shape our financial laws and Treasury policies that when the international bankers and money dealers, as a means of profit, undertake to supply foreign money markets with needed specie—a mere business enterprise carried on for the profit there is in it—it is the duty of the public authorities—Presidents, legislators, and Treasury officials—to facilitate the enterprise. Instead of interposing barriers, we are told that it is the part of statesmanship to remove them.

And yet, Mr. Chairman, when disaster has resulted, as it necessarily must in times of great stringency, it has been pointed out that in every other country except ours there is a way of preventing or at least impeding the outflow of specie, and it is sternly and vigorously enforced. The Bank of England puts up the rate of discount and thus stops the flow of money out of England. The Bank of France increases its rates and pays out silver at its option, and prevents the outflow of gold from France. The banks of Germany put up the rate of discount, and that prevents the export out of Germany. But when our lawmakers approach this question, no matter whether it arises in connection with domestic exchanges, as in the matter under consideration, or out of the condition of international exchanges, the first cry of the Republican lawmaker is, how may we dovetail financial policies and the money-making schemes of bullion dealers and money merchants.

This money that is in circulation in the Hawaiian Islands has remained at a par with our gold and our national currency from the day the islands were annexed down to this time—about five years. It is at par now. It performs every office that money can perform. The gentleman from Connecticut [Mr. HILL], in the desperation of his fortunes, doubtless mistaking his imagination for his memory, tells us this money is not a legal tender. It is a legal tender. It was a legal tender at the time of annexation and must remain so, under the treaty, until the law making it a legal tender is repealed.

Mr. HILL. Will the gentleman yield?

Mr. COCHRAN. Not now; I will yield to the gentleman presently. Undoubtedly by the treaty and the act of annexation it was continued as a legal tender, and undoubtedly no statute has been passed since demonetizing it. In the face of the gentleman's contention that it is not a legal tender is a section of the pending bill declaring that it shall continue to be a legal tender—a sufficient negation of his statement that it is not a legal tender. He says the organic act demonetized this silver money. Why, no such contention was ever made before, and there is absolutely no justification for it now.

Gentlemen refer to the fact that the money of the Hawaiians is not American money as if this were a misfortune. It is a blessing, because as long as it remains a local currency they will suffer no collapse from stringency. I would hail as a blessing to the whole country a system guaranteeing like immunity to the Western States. Great Britain has a system of provincial banks which furnish a local currency to the people of Scotland, Ireland, and Wales. Like this Hawaiian money, this bank currency is provincial. In times of panic it is not sent out of the neighborhood. It is useful only where it is uttered.

These provincial banks issue a large amount of this local currency—in Ireland, thirty millions; in Scotland, about thirty millions; in Wales, seven or eight millions; in England, in addition to the note issues of the Bank of England, five millions. In my judgment, this one feature of the British financial system is about the only one worth copying, yet it is the only one not sanctioned by the reigning American doctors of finance. It has measurably solved for England the conundrum over which the wise heads of the Republican party have perplexed themselves in vain for thirty years: How shall we make our currency more flexible? The British provincial banks of issue furnish to neighborhoods they serve precisely what this local coinage furnishes to the Hawaiian Islands—money with which to carry on their commerce day after day—money which can not be exported in good times or bad, because it is not the money of any other country.

In this connection, and as illustrative of the same proposition, I challenge attention to a significant chapter of our financial history. Since the formation of this Republic there has occurred just one panic in foreign countries which left us unscathed. In the early part of the century a panic abroad caused an appalling decline in values here and involved thousands in inevitable ruin.

Again in 1836 and in 1856 the same thing occurred. All these misfortunes were traceable to the export of specie from this country, responsive to the demands of foreign creditors who, driven to the wall by hard times, were compelled to collect from us. Then came a greater panic than any of these, a panic which involved British traders in greater losses than they had ever sustained before, and it was never heard of or felt by this country. I refer to the great panic of 1866, a panic unprecedented in the extent of the fall in prices and the widespread ruin it wrought. But we went along untouched and unscathed, our people hardly hearing of the fact that there was a panic abroad. Why? Because we were using a strictly local currency—paper money. The money of commerce in use in this country was not exportable.

It could not be withdrawn from the channels of trade and sent to foreign countries to fill up the vacuum in their circulation.

The silver money and silver certificates in use in the Philippine Islands is precisely such a currency. It serves the purposes of trade there from day to day. It is at par with our money. It is a blessing to the people of the islands. Its use injures no other section of the country. Three years ago the gentleman from Connecticut was seized with the fear that it would depreciate, but it retains equality with our gold. I am opposed to action based on the vagaries of the imagination of the gentleman from Connecticut.

I hope this bill will not pass. Possibly its passage would help a few bankers at Honolulu. I am inclined to think it would. Cancel and retire the Hawaiian silver certificates, and a money famine will follow. Then national-bank notes will take the place of this money, the people will pay and the bankers will receive interest on it. But, Mr. Chairman, no other interest and no other class in the Hawaiian Islands except the banking interest demands or will be benefited by this change in the law. All other classes will be injured by it. [Applause.]

[Here the hammer fell.]

Mr. ROBINSON of Indiana. I will ask the gentleman from Connecticut to yield to me for half a minute.

Mr. HILL. I will do so with pleasure—one minute.

Mr. ROBINSON of Indiana. I sought to interrupt the gentleman from Missouri, but I will take this opportunity to say that the Delegate from the Hawaiian Islands has constantly insisted upon the passage of this law.

Mr. COCHRAN. I will throw that in with the other arguments that have been made in favor of this bill.

Mr. HILL. I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I am going to vote for the bill before the House; but as some of the distinguished leaders of my party are opposed to it, I do not care to cast that vote without giving a statement of the reason for it.

I do not think there is very much involved in the bill, either in the money question or in the matter of rights and humanity. But under the Constitution of the United States the power is vested in the Federal Government to coin the money of this country. It is vested there solely. It was the intention of the fathers that all the coin money used in this country should be of the same kind, that the coinage of the country should be uniform. For that reason they did not leave it to the States, but vested it in the Federal Government. Now, then, I find——

Mr. COCHRAN. I would like to ask the gentleman a question.

Mr. UNDERWOOD. I have only five minutes.

Mr. COCHRAN. I will ask you if for the first fifty years foreign coin was almost exclusively used, notwithstanding that fact?

Mr. UNDERWOOD. Hardly for fifty years, I will say to the gentleman.

Mr. COCHRAN. Up to about 1856.

Mr. UNDERWOOD. We had some to 1856, but as rapidly as the feeble Republic could do so it converted the Spanish mill dollar, to which my friend has referred, into coinage of the United States.

Mr. COCHRAN. Does not the Constitution recognize the power to fix the value of foreign coin?

Mr. UNDERWOOD. But the intention of the fathers was that we should have one coinage, not the coinage of the States,

but that where the eagle of the United States went it should represent a dollar, not of the State or Territory in which it is found.

There is only one question, and it is a very doubtful question, whether it is legal tender; but when we extended the Constitution of the United States to the Hawaiian Islands we extended the Federal laws, with all the general provisions, and thereby we extended the banking and currency laws of the country.

Mr. COCHRAN. Have not the States the power to make foreign coin legal tender?

Mr. UNDERWOOD. I can not yield to the gentleman, as I have only a few minutes. When we extended our laws and carried the currency laws of the country to the Hawaiian Islands under that general provision, I believe it is probable we wiped out the laws of the Hawaiian republic that made this coinage legal tender. If that is so, this coinage is floated there by the will of the people and by the will of the banks and the will of the government to receive it. Now, why should that be the case? Why not convert it into the money of the United States? Why should we continue to have a coinage of a dollar on which we put the likeness of a negro queen? Why does that make that more valid and beneficial to the citizen of that country than to stamp the American eagle there and let it be an American dollar?

Now, as far as this case is concerned, it is true that they propose to coin two one-half dollars for a dollar. There is no loss. We simply substitute two good half dollars for every dollar. It will not take the money away from there. Necessarily the Government will have this money, and so will the banks. If this money is withdrawn it removes any doubt that the Government officials may have about accepting this coin, and instead of it being taken up and buried from circulation by curiosity hunters and relic seekers it is there and going to remain there, and remain for the benefit of the people. It does not cost the Government anything, because the difference in the seigniorage in coining it for the full amount and the subsidiary coin amounts to 7 per cent, and 7 per cent will overpay the cost of recoinage by more than $15,000. So that, so far as I can see, it will be a benefit to the people; and it is the duty of this country to see that American coin, stamped by American mints, takes the place of this one coin now circulating there. For that reason I will support the bill.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed joint resolutions of the following titles; in which the concurrence of the House was requested:

S. R. 148. Joint resolution to provide for the printing of a digest of the laws, decisions, and opinions relating to pardons and other acts of executive clemency under the United States and the several States; and

S. R. 149. Joint resolution providing for the reproduction of portraits to accompany eulogies of deceased Senators, Representatives, and Delegates.

HAWAIIAN SILVER COINAGE AND SILVER CERTIFICATES.

The committee resumed its session.

Mr. HILL. I yield two minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, I was very much interested in the constitutional argument made by my friend from Alabama, and I will remind him that I have also read the Constitution, and that it gave to Congress the power "to coin money, regulate the value thereof, and of foreign coin." While we have always had that as law, we have had also foreign coin as part of our money which never circulated on a parity with American coin. This money is doing legal tender duty in Hawaii. In addition to that, in a few weeks—my friend from Maine will bear me out—we will be called on to pay for burning certain property in Hawaii to destroy diseases. Let this money alone and we will take it and pay these people, instead of our 200-cent dollars.

Mr. HILL. Mr. Chairman, there seems to be but one argument against this bill and that is that the money is circulating at par, and therefore it is not wise to disturb it. I do not think that anywhere in the American Republic money should circulate with the face of any king or queen upon it.

But upon that question gentlemen are wrong in the position they take in regard to it. I will read from the official reply of the Hon. S. M. Damon to Commissioner Eustis under the date of December 22, 1902, cutting the entire letter down to the single proposition as to the money in circulation at par. He says:

The proposition appears to us to be so simple as to carry its own argument with it, and we merely mention it for the purpose of showing that the more considerable portion of the local business of this country is to-day being transacted with the currency of a defunct government which has absolutely no legal-tender value, which is intrinsically and in the marts of the world worth 66⅔ per cent less than its local conventional value. To prevent the panic, derangement of values, and entourage of commercial difficulties and perplexities which would ensue were any other course pursued, the banks of Honolulu have received Hawaiian silver coin at par with United States gold coin in all transactions and for all purposes.

That is, it is simply by agreement. The United States collector, the consul-general, prior to the Territory being annexed, tells me that he had the same arrangement; that he received it by an understanding with the banks that they would accept it from him. Now the question has arisen, how long are the banks going to keep that up, and the postmaster at Honolulu writes to the Post-Office Department as follows:

HONOLULU POST-OFFICE, *Honolulu, Hawaii, May 20, 1902.*

Hon. FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C.

SIR: With further reference to my letter of November 13 last, in re Hawaiian silver coin, I would again call your attention to the fact that some of the bankers here are again agitating the advisability of not receiving Hawaiian coin.

One bank here has deposited in its vaults about $200,000 silver, about four-fifths of which is Hawaiian, which they claim can not be sent to any other part of the United States in payment of debts, leaving about only one-fifth American silver available for that purpose.

While there is no threat made that they will refuse Hawaiian silver, there is a hint given that they may do so, in which case this office would have to do the same.

About the first of each month a great proportion of this coin is shipped to the various plantations to pay off the employees, but by the middle of the month it finds its way back to Honolulu again, considerable of it through the post-office, and is soon piled up in the banks as before.

I submit the above facts in order that the Department may be aware of the conditions that exist here, and perhaps take some immediate action before it is taken up here with perhaps serious results to the community.

Respectfully,

JOS. M. OAT, *Postmaster.*

It is money circulating by consent, with the image and superscription of the queen upon it. The purpose is to take it up and give back dollar for dollar in American money, with the eagle upon it. That is all there is to it. It is not a political question; it makes no difference whether this money circulates at par or not; it is a question whether we shall have American money in the Hawaiian Islands.

Mr. COCHRAN. Will the gentleman yield?

Mr. HILL. Certainly.

Mr. COCHRAN. The gentleman is reading from a letter from somebody to somebody and regards that as his authority.

Mr. HILL. Not at all. I have consulted good and eminent lawyers in this House and submitted the papers to them as to whether, in their opinion, that money was a legal tender, and they were united in the opinion that it is not. Now, I add to that the official statement of the present Hawaiian government that there is no legal-tender quality that attaches to it at the present time.

Mr. COCHRAN. Has the statute making it a legal tender ever been repealed?

Mr. HILL. Yes.

Mr. COCHRAN. By whom?

Mr. HILL. By the United States Government, referring to the organic act, which says:

That the Constitution, and except as herein otherwise provided, all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States.

Now, section 6 provides:

That the laws of Hawaii, not inconsistent with the laws or Constitution of the United States or the provisions of this act, shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

Now, I ask the gentleman, is a legal-tender act for a foreign coin made by a foreign government inconsistent or consistent with the laws of the United States?

Mr. COCHRAN. I will answer that. I believe the laws passed for the Hawaiian republic prior to annexation have the same binding force within their boundaries that the laws of an American State have. An American State has now the power to make any coin minted on the earth legal tender. It can, however, make nothing but gold and silver legal tender; and, with all deference to the distinguished lawyers on the other side, I advise that they take another look at this matter before giving a positive opinion upon it.

Mr. GAINES of Tennessee. Is it not a fact that when this question was being discussed here in the House the gentleman from Ohio who reported the bill [Mr. SOUTHARD] stated that this money was all circulating at par with the money of the United States?

Mr. HILL. It is to-day, by agreement with the banks.

The CHAIRMAN. The time allowed for general discussion has expired.

Mr. GAINES of Tennessee. Does the gentleman from Connecticut concede that the banks over there have more power to degrade our money than the Government of the United States has to uphold it?

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose, and Mr. CONNER having taken the chair as Speaker pro tempore, a message, in writing, from the

President of the United States was communicated to the House of Representatives, by Mr. BARNES, one of his secretaries.

HAWAIIAN SILVER COINAGE AND SILVER CERTIFICATES.

The committee resumed its session.

The CHAIRMAN. The time for general debate has expired. The Clerk will read the bill for amendment.

Section 2 was read, as follows:

SEC. 2. That when such coins have been received by either Government in sums not less than $500 they shall be deposited as bullion in the mint at San Francisco, Cal., and shall be recoined as subsidiary coinage of the United States. And the superintendent of the said mint shall pay for such coins, at their face value, to the proper officer or agent of the Government depositing the same, the sum so deposited, in standard silver coins of the United States. The expenses of transmitting said coins to and from the Hawaiian Islands shall be borne equally by the United States and the Territorial government of Hawaii.

The amendment reported by the committee, to strike out section 2 and insert the following, was read:

SEC. 2. That when such coins have been received by either Government they shall be transmitted to the mint at San Francisco, in sums of not less than $500, to be recoined into subsidiary silver coins of the United States, the expense of transportation to be paid by the United States.

Mr. SHAFROTH. Mr. Chairman, I move to amend the amendment of the committee by striking out in the proposed substitute for section 2 the words "subsidiary silver coins" and inserting in lieu thereof the words "coins of like denomination."

Mr. Chairman, this amendment simply provides that when this money, $500,000 of which is subsidiary coin and $500,000 Hawaiian dollars, shall be coined it shall be coined into money of the United States of like denominations.

I recognize that there is a difference between the Hawaiian coins and the United States coins in this: The United States silver dollar is an unlimited legal tender, while the Hawaiian dollar is limited in its legal tender quality to sums of $10. I am aware that the gentleman from Connecticut dissents from this view; but his very bill commits him to it.

Now, Mr. Chairman, the power of issuing a silver certificate upon each one of these silver dollars, whether they be Hawaiian dollars or United States dollars, exists. The Hawaiian authorities had the right to issue silver certificates upon all these dollars, and of the $500,000 they have issued almost $450,000 in silver certificates. Now, this amendment simply provides that when you remelt these coins and convert them into United States coins for every dollar melted there shall be a United States dollar coined, and for every subsidiary coin melted, no matter of what denomination, there shall be a United States coin of like denomination issued. This policy would give the currency over there the same character that now exists, namely, the ability to pay large debts with silver certificates and smaller debts with small change. It seems to me the character of money which the people of Hawaii have found necessary to meet the needs of their commerce should be converted into identically the same character of United States money; in other words, that for a dollar of Hawaiian money there shall be a dollar of American money coined and for subsidiary coinage coins of corresponding denominations issued.

Now, the gentlemen upon the other side may say that this is converting a limited legal tender Hawaiian dollar into an unlimited legal tender American dollar, but I submit that the convenience of those people has to be taken into consideration. Their trade and their demands and their money have to be taken into consideration, and consequently we ought not to impose upon them the exchange of subsidiary coin for all of their currency, and that is what this bill provides, namely, the conversion of every one of their dollars and their silver certificates into subsidiary silver.

Mr. GAINES of Tennessee. And there would be no loss to the holder on the dollar, either.

Mr. SHAFROTH. No; there would be no loss to them in the way of exchange, because they would get a like dollar, which would have full legal-tender power, for this Hawaiian silver dollar.

Mr. WILLIAMS of Mississippi. May I ask the gentleman a question for information?

The CHAIRMAN. Does the gentleman yield?

Mr. SHAFROTH. Certainly.

Mr. WILLIAMS of Mississippi. I understand the gentleman to say that silver certificates are now outstanding against these Hawaiian silver dollars to the extent of about $450,000.

Mr. SHAFROTH. Yes, sir.

Mr. WILLIAMS of Mississippi. And if this bill passes with the gentleman's amendment, what would become of those?

Mr. SHAFROTH. Well, they have a provision in the bill, which I will read:

That silver coins heretofore struck by the government of Hawaii shall continue to be legal tender for debts in the Territory of Hawaii, in accordance with the laws in the Republic of Hawaii, until the 1st day of January, 1904, and not afterwards.

Now, that is supposed to operate in this manner, that the holder of a silver certificate, knowing that the silver dollar of Hawaii will not be legal tender after that time, will redeem his silver certificates in silver dollars and then ship them, or have the government ship them, to San Francisco for recoinage into American subsidiary coins.

[Here the hammer fell.]

Mr. GAINES of Tennessee. Mr. Chairman, I will state to my friend from Mississippi [Mr. WILLIAMS] that the section which my friend from Colorado [Mr. SHAFROTH] has just read provides that these silver coins shall remain as they are until the 1st of January, 1904; but the next section, 6, allows the silver certificates to remain as they are until 1905, and then there will be no existing coin to redeem those silver certificates, because they are redeemable in the Hawaiian coin on their face.

Mr. WILLIAMS of Mississippi. And not in the American coin?

Mr. GAINES of Tennessee. No.

Mr. HILL. The amendment to section 2 was prepared by the Department, just as the amendment to section 8 was prepared by the Department. It is sent here by the Department to the committee. It simply expedites the manner of the exchange.

I think the gentleman from Colorado [Mr. SHAFROTH] is entirely mistaken as to the effect of this amendment. There will be no exact change of item for item, dollar for dollar, dime for dime. The Treasury Department will carry on this transaction precisely as they did in Porto Rico. They will probably send a man over there with an amount of money and give these people whatever they want, whether it is dollars or dimes or quarters, according to their requirements. It may all be paid for, for aught I know, in American gold or drafts on New York. They simply go over there and buy up this coinage at its face value, taking it in and recoining it. That is all there is to it.

Now, the effect of the amendment of the gentleman, I think, will be just simply this, that if the word "subsidiary" be stricken out, we will take half a million dollars of subsidiary coin and recoin it into full legal tender money of the United States. That would be the effect and the only effect of the amendment. The Treasury Department simply ask that they be left unhampered, so that they may go over and take up this coin and then give the people there anything they want for it—all dimes if they want it, all dollars if they want it—and then it becomes practically bullion in the United States Treasury at its face value. That is all there is to it. It would be an unfortunate amendment, I think. The committee were entirely unanimous, so far as I can recall, in regard to accepting the amendments of the Treasury Department, and I hope this will pass exactly as the Treasury Department desires to have it pass, in both of these cases, with reference to transportation and recoinage.

Mr. SHAFROTH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that he be recognized for five minutes.

There was no objection.

Mr. SHAFROTH. In answer to the gentleman, I want to say that the Committee on Territories, which had this measure up three years ago, reported a bill, and I think that bill was unanimously reported. It provided that the coins should be recoined into American coins of like denominations. We were perfectly willing to let that bill come up for consideration, but when the amendment which the gentleman from Connecticut offered, or said he would offer, came up, which provided that the silver dollars there should be recoined into subsidiary coin, then objection was made.

Mr. HILL. This was not my amendment. This is a Treasury Department amendment.

Mr. SHAFROTH. I think it was suggested by the gentleman and that he notified the Committee on Territories three years ago that he would move that, and that he would not consent to the bill going through if it had those words in it.

I call for a vote, Mr. Chairman.

The CHAIRMAN. The question is upon agreeing to the amendment to the amendment.

The question being taken on the amendment to the amendment, on a division, demanded by Mr. SHAFROTH, there were—ayes 35, noes 41.

Mr. SHAFROTH. Mr. Chairman, I call for tellers, and I should like to have the amendment reported so that it may be understood.

The CHAIRMAN. Without objection the amendment to the amendment offered by the gentleman from Colorado will be again reported by the Clerk.

The Clerk read as follows:

In line 11 of page 2 strike out the word "subsidiary" and insert, after the word "coin," the words "of like denomination."

Tellers were ordered; and the Chairman appointed Mr. HILL and Mr. SHAFROTH.

The committee again divided; and the tellers reported—ayes 54, noes 78.

Accordingly the amendment to the amendment was disagreed to.

The committee amendment was agreed to.

The Clerk read as follows:

Add to the bill the following, to be section 8:

"SEC. 8. That the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated, from any moneys in the Treasury of the United States not otherwise appropriated, for the payment of the expenses of transporting said coins from the Hawaiian Islands to the mint at San Francisco, and a return of a like amount in the subsidiary coins of the United States to the Hawaiian Islands."

The committee amendment was agreed to.

And then, on motion of Mr. HILL, the committee rose, and the Speaker having resumed the chair, Mr. JENKINS reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (S. 2210) relating to Hawaiian silver coinage and silver certificates, had directed him to report the same back to the House with sundry amendments and with the recommendation that as amended the bill do pass.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, the Chair will submit them to the House in gross.

A separate vote was not demanded.

Mr. HILL. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The SPEAKER. The gentleman from Connecticut moves the previous question on the bill and amendments to its passage.

The previous question was ordered, and under the operation thereof the amendments reported from the Committee of the Whole were agreed to; the bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HILL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. HILL. Mr. Speaker, I suppose it would be proper to move that House bill 3056, being practically the same measure, be laid on the table.

The SPEAKER. Without objection, that order will be made.

There was no objection.

THIRD ANNUAL REPORT OF THE PHILIPPINE COMMISSION.

The SPEAKER laid before the House the following message from the President; which was read, and referred to the Committee on Insular Affairs:

To the Senate and House of Representatives:

I herewith send a letter from the Secretary of War, transmitting the third annual report of the Philippine Commission, covering the year ending October 1, 1902, and the laws passed by the Commission between July 1, 1902, and October 27, 1902.

I call your special attention to the recommendations contained in this letter of the Secretary of War. I most earnestly feel that the enactment of the measures already pending in your body for the betterment of the Philippine Islands is imperatively demanded by the situation in those islands, and serious calamity may come from failure to pass them. Furthermore, I with equal earnestness ask your attention to the recommendation of the Secretary of War in the accompanying letter, and urge its adoption, so that the sum of money therein specified may be appropriated for the uses and in the manner likewise specified, in order that the present distress in the islands may be remedied.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 7, 1903.*

PUBLIC SCHOOLS AT JUNEAU, ALASKA.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 4616.

The bill was read, as follows:

A bill (S. 4616) to grant title to the town of Juneau, Alaska, of lands occupied for school purposes, and for other purposes.

Be it enacted, etc., That certain real property now situated in the town of Juneau and district of Alaska, upon which the public-school building of the town of Juneau is now situated, and belonging to the United States of America, known as Government reservation No. 2, being all of block 23, except lots Nos. 5 and 6, in the town of Juneau, as the same appears of record on the official plat of the town-site trustee, be, and the same is hereby, granted to the incorporated town of Juneau for school purposes.

The amendment recommended by the committee was read, as follows:

Add at end of the bill the following words: "and the Secretary of the Interior is hereby directed to cause a patent to be issued therefor to such municipality upon proof of its incorporation."

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would be glad if the gentleman would tell us something about the value of this property and give a full explanation of the matter.

Mr. LACEY. Mr. Speaker, the situation of the property is simply this: Before the incorporation of the town of Juneau this reservation was used for school purposes. They have built valuable school buildings on the property; and now, since the town has been incorporated, they desire to get title to the land on which their school buildings are situated. At the time that the buildings were erected and the land originally located for that purpose there was no corporation that could legally accept title to that property. The value of the property depends upon the buildings that are upon it, and these buildings have already been erected at the expense of the citizens of Juneau.

Mr. RICHARDSON of Tennessee. This is the lot that is to be given. What is the size of the lot?

Mr. LACEY. The size is about a block. About an ordinary city block. The title is in the United States. The buildings have been erected on the site, and they are being used for school purposes.

Mr. RICHARDSON of Tennessee. This bill simply donates to the municipality, as I understand, the ground upon which the buildings are erected, or the lot of ground, for school purposes alone. Is that it?

Mr. LACEY. That is the purpose, and it is recommended by the Department. The Department has no desire to have the Government continue in the ownership of the ground upon which the town school buildings are located.

Mr. RICHARDSON of Tennessee. And it has been reported by the committee?

Mr. LACEY. It is unanimously reported by the committee. It is a Senate bill.

Mr. GAINES of Tennessee. Is this a free school?

Mr. LACEY. Oh, yes; it is a public school.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendment of the committee was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNIFORM SYSTEM OF BIRTH AND DEATH REGISTRATION.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the desk.

The Clerk read as follows:

House joint resolution 184, requesting State authorities to cooperate with Census Office in securing a uniform system of death registration.

Whereas the registration of deaths at the time of their occurrence furnishes official record information of much value to individuals; and

Whereas the registration of deaths, with information upon certain points, is essential to the progress of medical and sanitary science in preventing and restricting disease and in devising and applying remedial agencies; and

Whereas all of the principal countries of the civilized world recognize the necessity for such registration and enforce the same by general laws; and

Whereas registration in the United States is now confined to a few States, as a whole, and the larger cities, under local laws and ordinances which differ widely in their requirements; and

Whereas it is most important that registration should be conducted under laws that will insure a practical uniformity in the character and amount of information available from the records; and

Whereas the American Public Health Association and the United States Census Office are now cooperating in an effort to extend the benefits of registration and to promote its efficiency by indicating the essential requirements of legislative enactments designed to secure the proper registration of all deaths and the collection of accurate mortality statistics, to be presented to the attention of the legislative authorities in nonregistration States, with the suggestion that such legislation be adopted: Now, therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Senate and House of Representatives of the United States hereby expresses approval of this movement and requests the favorable consideration and action of the State authorities, to the end that the United States may attain a complete and uniform system of registration.

The amendments to the preamble were read, as follows:

In the second paragraph, first line, after the word "of," insert the words "births and."

In the sixth paragraph, fifth line, after the word "deaths," insert the words "and births;" also, same paragraph, line six, after the word "accurate," strike out the word "mortality" and insert in lieu thereof the word "vital."

The SPEAKER. Is there objection to the present consideration? [After a pause]. The Chair hears none.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question now is on the amendments to the preamble.

The amendments to the preamble were agreed to.

The preamble as amended was agreed to.

The joint resolution was then agreed to.

The title was amended so as to read: "Joint resolution requesting State authorities to cooperate with Census Office in securing a uniform system of birth and death registration."

On motion of Mr. BURLESON, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

SENATE JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. R. 148. Joint resolution to provide for the printing of a digest of the laws, decisions, and opinions relating to pardons

and other acts of executive clemency under the United States and the several States—to the Committee on Printing; and

S. R. 149. Joint resolution providing for the reproduction of portraits to accompany eulogies of deceased Senators, Representatives, and Delegates—to the Committee on Printing.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 11093. An act granting an increase of pension to Nannie M. Kimberly;

H. R. 13468. An act granting an increase of pension to Joseph S. Mess;

H. R. 15605. An act to authorize and empower the Southwest Louisiana Rice Growers' Association, of the State of Louisiana, to construct a lock or locks and a dam in Bayou Vermilion, in the State of Louisiana; and

H. R. 15606. An act to authorize and empower the Rice Irrigation and Improvement Association, of the State of Louisiana, to construct a lock or locks and a dam in Mermentau River, in the State of Louisiana.

SITE FOR DEPOT FOR REVENUE-CUTTER SERVICE.

Mr. MUDD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4096) to provide for a site for a depot for the Revenue-Cutter Service.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to acquire a suitable site upon which to establish a depot for the Revenue-Cutter Service, and for this purpose the sum of $30,000, or so much thereof as may be necessary, is hereby appropriated.

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman from Maryland if this is the same bill that the gentleman from Illinois objected to the other day.

Mr. MUDD. I do not know that there was any particular objection made to it.

Mr. PAYNE. I do not see the gentleman from Illinois here now and I think I will object to it.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LESTER indefinitely, on account of sickness.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly the House (at 2 o'clock and 12 minutes) adjourned until tomorrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting reports of accounting officers of the Department showing what officers are delinquent in rendering their accounts and payment of balances—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an additional estimate of appropriation for the naval training station, Rhode Island—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for an additional building for the Bureau of Engraving and Printing—to the Committee on Appropriations, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 16351) granting an increase of pension to Austin P. Merrell, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JETT: A bill (H. R. 16454) to extend the jurisdiction of the United States courts, and for other purposes—to the Committee on Indian Affairs.

By Mr. RUSSELL: A bill (H. R. 16455) to provide for the enlargement and improvement of the public building at Tyler, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16456) to provide for a public building at Terrell, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. OTJEN: A bill (H. R. 16457) to amend section 3394 of the Revised Statutes of the United States, relating to tobacco—to the Committee on Ways and Means.

By Mr. LITTLEFIELD: A bill (H. R. 16458) to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies"—to the Committee on the Judiciary.

By Mr. COWHERD: A bill (H. R. 16459) to amend section 7 of an act to increase the limit of cost of certain public buildings, approved June 6, 1902—to the Committee on Public Buildings and Grounds.

By Mr. CUSHMAN: A bill (H. R. 16460) to appropriate $150,000 for the promotion of salmon culture in Alaska—to the Committee on the Merchant Marine and Fisheries.

By Mr. STEPHENS of Texas: A bill (H. R. 16461) providing for appeal of one case from the citizenship court of the Indian Territory to the Supreme Court of the United States—to the Committee on Indian Affairs.

By Mr. TIRRELL: A bill (H. R. 16462) to increase the limit of cost for the purchase of site and the erection of a public building at Fitchburg, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. BRICK: A bill (H. R. 16463) to create a commission to investigate the expediency and practicability of establishing public rifle ranges throughout the United States—to the Committee on Military Affairs.

By Mr. BINGHAM: A bill (H. R. 16464) for the erection of a shaft to be placed in the national cemetery at Balls Bluff, Virginia—to the Committee on the Library.

By Mr. HITT: A bill (H. R. 16501) for the erection of a post-office building at Dixon, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. MINOR: A joint resolution (H. J. Res. 244) authorizing and directing the Secretary of War to cause a survey and examination to be made of the harbor at Oconto, Wis., with a view to securing a depth of 16 feet of water, and the necessity for providing an interior basin at the mouth of the river—to the Committee on Rivers and Harbors.

By Mr. MORRELL: A joint resolution (H. J. Res. 245) providing for a commission to revise the existing financial laws of the United States and to report a substitute therefor—to the Committee on Ways and Means.

By Mr. SOUTHARD: A concurrent resolution (H. C. Res. 67) providing for the printing of 6,000 additional copies of the report of the Director of the Mint on the production of the precious metals and 8,000 copies of the report covering operations of the mints and assay offices—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BRICK: A bill (H. R. 16465) granting an increase of pension to William H. Knepple—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16466) granting an increase of pension to General W. Kilgore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16467) granting an increase of pension to Eli O. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16468) granting an increase of pension to Charles W. Ramsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16469) granting an increase of pension to Alex McLaughlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16470) granting an increase of pension to James A. Giles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16471) granting an increase of pension to William Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16472) granting an increase of pension to Jeremiah S. Wyland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16473) granting an increase of pension to George W. Carey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16474) granting an increase of pension to James M. Heminger—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 16475) for the relief of W. H. Chambers—to the Committee on War Claims.

By Mr. COWHERD: A bill (H. R. 16476) granting a pension to Katharine Rayle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16477) for the relief of F. X. Mulhaupt and Caroline Mulhaupt—to the Committee on War Claims.

Also, a bill (H. R. 16478) for the relief of George W. Wilson—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 16479) granting an increase

of pension to Florence Mahoney—to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: A bill (H. R. 16480) granting a pension to Anna C. Bingham—to the Committee on Pensions.

By Mr. GRIFFITH: A bill (H. R. 16481) granting an increase of pension to Austin Kerrigan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16482) granting an increase of pension to Charles H. Gott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16483) granting an increase of pension to Davis Hamblin—to the Committee on Pensions.

By Mr. HAY: A bill (H. R. 16484) for the relief of the estate of Jacob Cook—to the Committee on War Claims.

By Mr. McCULLOCH: A bill (H. R. 16485) for the relief of the estate of C. E. Rosser—to the Committee on War Claims.

Also, a bill (H. R. 16486) for the relief of the estate of B. L. Armstrong—to the Committee on War Claims.

By Mr. MILLER: A bill (H. R. 16487) granting a pension to Peter B. Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16488) granting an increase of pension to William Barrett—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 16489) granting an increase of pension to Thomas H. Duncan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16490) granting an increase of pension to L. O. Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16491) to pay the estate of J. J. Walker for stores and supplies—to the Committee on War Claims.

By Mr. REID: A bill (H. R. 16492) granting a pension to Wilson G. Gray—to the Committee on Invalid Pensions.

By Mr. SHATTUC: A bill (H. R. 16493) granting an increase of pension to William W. Rich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16494) granting a pension to Elizabeth Droege, widow of Louis Droege—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 16495) for the relief of the estate of Elijah Williams, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16496) for the relief of the estate of David Hurst—to the Committee on War Claims.

Also, a bill (H. R. 16497) for the relief of the estate of Thomas Morton, deceased—to the Committee on War Claims.

By Mr. VREELAND: A bill (H. R. 16498) to remove the charge of desertion from the military record of Rev. Dr. Abraham J. Warner and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. WADSWORTH: A bill (H. R.16499) granting an increase of pension to Charles S. Wainwright—to the Committee on Invalid Pensions.

By Mr. WILSON: A bill (H. R. 16500) to remove the charge of desertion from the naval record of John Hogan—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of the National Drug Company of Philadelphia, Pa., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BINGHAM: Petition of the Board of Trade of Philadelphia, Pa., favoring the passage of the Elkins bill, to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. BRICK: Petitions of retail druggists of Elkhart and South Bend, Ind., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of Central Woman's Christian Temperance Union of South Bend, Ind., for the passage of a bill to forbid the sale of intoxicating liquors in all Governmont buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. COOPER of Wisconsin: Petition of retail druggists of Racine and Lake Geneva Wis. urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. CORLISS: Petition of A. R. Begrow and other druggists of Detroit, Mich., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. COWHERD: Petition of Catharine Rayel, mother of John E. Rayel, of Company I, Third Missouri Infantry Volunteers, in the war with Spain, for a pension—to the Committee on Pensions.

Also, papers to accompany House bill granting an increase of pension to George W. Wilson—to the Committee on Invalid Pensions.

By Mr. CROMER: Petition of Stewart & Haugh and other citizens of Madison, Ind., asking for the removal of the tariff on certain glass products—to the Committee on Ways and Means.

By Mr. DOVENER: Affidavits of Marion Smith and J. R. Parsons to accompany House bill 15166, for a pension to Enoch J. Evans—to the Committee on Invalid Pensions.

By Mr. ESCH: Petitions of Gross & Schaller and other druggists of Sparta, Durand, and Loyal, Miss., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of the National Association of Retail Grocers, favoring the passage of pure-food bills—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the National German-American Alliance, favoring a commission to examine all questions affecting immigration before final action is taken on the pending bill—to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Resolutions of the National German-American Alliance, in favor of a commission to examine thoroughly all questions affecting immigration before final action is taken on the pending bill—to the Committee on Immigration and Naturalization.

By Mr. FOSS: Papers to accompany House bill 16427, granting an increase of pension to Juliaetta Rowling—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: Petitions of Wells & Richardson Company, Burlington, Vt., in favor of House bill 15368—to the Committee on Ways and Means.

Also, petitions of John Z. B. Hopkins, Junius Barnes, and others, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of John Wilson and others, of Burlington, Vt., asking for the removal of the tariff on certain glass products—to the Committee on Ways and Means.

By Mr. GOLDFOGLE: Resolutions of the American Free Trade League, to place beef and coal on the free list—to the Committee on Ways and Means.

By Mr. GRAHAM: Circular of Charles Stoughton, relating to the construction of the Harlem River and Kills Canal—to the Committee on Rivers and Harbors.

Also, resolution of the Philadelphia Maritime Exchange, protesting against House joint resolution 234—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Bremerton (Wash.) Board of Trade, in relation to the use of the U. S. S. *Philadelphia* as a receiving ship—to the Committee on Naval Affairs.

By Mr. HASKINS: Petition of J. H. McArthur, of East Barre, Vt., favoring House bill 178—to the Committee on Ways and Means.

By Mr. HOWELL: Petition of Johnson & Johnson and other retail druggists of New Brunswick, Woodbridge, and Asbury Park, N. J., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. JONES of Washington: Resolutions of the Chamber of Commerce of Spokane, Wash., favoring the proposed opening of the south half of the Colville Indian Reservation to homestead entry—to the Committee on Indian Affairs.

By Mr. LAWRENCE: Petitions of George A. Hastings and others, of North Adams and Williamstown, Herbert L. White and others, of Greenfield, Edwin Baker and others, of Shelburne Falls, and Dewey & Parsons, of Westfield, Mass., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MOON: Petition of Mrs. Jennie Williams, formerly Miss Jennie Cowart, of Hamilton County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MORRELL: Resolutions of the American Free Trade League, asking that beef and coal be placed on the free list—to the Committee on Ways and Means.

Also, resolutions of the National German-American Alliance, favoring the appointment of an immigration commission—to the Committee on Immigration and Naturalization.

By Mr. NAPHEN: Petition of the Pilgrim Congregational Church of Boston, Mass., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. PADGETT: Papers to accompany House bill granting a pension to Capt. L. O. Marshall—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of F. L. Feick, R. W. Springer, and E. Kimble, of Brotherhood of Railroad Trainmen, Garrett, Ind., urging the passage of Senate bill 3560—to the Committee on Interstate and Foreign Commerce.

By Mr. RUMPLE: Petition of the Young People's Society of Christian Endeavor of Chilton, Iowa, to prohibit liquor selling at immigrant stations, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. SCARBOROUGH (by request): Petition of E. T. Barentine and others, of Society Hill, S. C., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SHATTUC: Papers to accompany House bill granting an increase of pension to William W. Rich—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Elizabeth Deorge—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: Petitions of McMickle & Herrington, of Texarkana; R. E. Dickinson and others, of Cooper, and R. J. Murphy, of Paris, Tex., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SNOOK: Petition of retail druggists of Sherwood, Stryker, and Ohio City, Ohio, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. THAYER: Petition of H. E. Larned, Oxford, Mass., favoring House bill 178—to the Committee on Ways and Means.

By Mr. WILSON: Resolutions of the Manufacturers' Association of Brooklyn, N. Y., against the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. YOUNG: Petition of the National Drug Company, of Philadelphia, Pa., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, circular of Charles Stoughton, relating to the Harlem River and Kills Canal—to the Committee on Rivers and Harbors.

SENATE.

THURSDAY, *January 8, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of William Henry, administrator of William E. Sizer, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Robert Gordon, administrator of Jamison W. Rice, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the following bills in which it requested the concurrence of the Senate:

A bill (S. 2210) relating to Hawaiian silver coinage and silver certificates; and

A bill (S. 4616) to grant title to the town of Juneau, Alaska, of lands occupied for school purposes, and for other purposes.

The message also announced that the House had passed a joint resolution (H. J. Res. 184) requesting State authorities to cooperate with Census Office in securing a uniform system of birth and death registration; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (H. R. 11093) granting an increase of pension to Nannie M. Kimberly;

A bill (H. R. 13468) granting an increase of pension to Joseph S. Mess;

A bill (H. R. 15605) to authorize and empower the Southwest Louisiana Rice Growers' Association, of the State of Louisiana, to construct a lock or locks and a dam in Bayou Vermilion, in the State of Louisiana; and

A bill (H. R. 15606) to authorize and empower the Rice Irrigation and Improvement Association, of the State of Louisiana, to construct a lock or locks and a dam in Mermentau River, in the State of Louisiana.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of Enterprise Council, No. 16, Junior Order of United American Mechanics, of Milton, Del., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

Mr. LODGE. I present a memorial signed by forty-eight owners of fishing vessels going out of the port of Boston, representing the entire wholesale fresh-fish trade of that city, remonstrating against the ratification by the Senate of the Hay-Bond treaty. Accompanying the memorial are sundry letters and papers on the same subject. I move that the memorial and accompanying papers be printed as a document, and referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. HALE presented a petition of the Board of Trade of Portland, Me., praying for the enactment of legislation granting pensions to families of surfmen of the Life-Saving Service who perish in the line of duty; which was referred to the Committee on Commerce.

Mr. PLATT of New York presented petitions of Local Union No. 504, of Flushing; of Local Union No. 61, of Troy; of Carpenters' Local Union No. 835, of Seneca Falls; of Local Union No. 78, of Troy; of the Lake Seamen's Union of Tonawanda; of Local Union No. 15, of Syracuse; of Painters, Decorators, and Paperhangers' Local Union No. 12, of Troy; of the Central Federation of Labor, of Troy; of Local Union No. 14, of Troy, and of Coal Employees' Local Union No. 6580, of Troy, all of the American Federation of Labor, in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of sundry citizens of New York City and Brooklyn, in the State of New York, praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

Mr. CULLOM presented the petition of G. W. Myers and 25 other citizens of Edgar County, Ill., praying for the enactment of legislation providing for the adjudication of swamp-land grants; which was referred to the Committee on Public Lands.

He also presented the petition of W. H. Rich and 69 other citizens of Peoria, Ill., praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a memorial of the American Society for the Prevention of Cruelty to Animals, of New York, N. Y., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Chicago, Ill., praying for the enactment of legislation to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Manufacturers' Association, of Chicago, Ill., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Association of Friends of Western Springs, Ill., remonstrating against the enactment of legislation to promote the efficiency of the militia; which was ordered to lie on the table.

He also presented petitions of the Trades and Labor Council of Danville; of the Trades and Labor Assembly of O'Fallon; of the Upholsterers' International Union of Chicago; of the Brotherhood of Carpenters and Joiners of Fairbury; of Local Union No. 29, of Chicago; of Federal Labor Union No. 8281, of Lincoln; of Federal Labor Union No. 8769, of Mascoutah; of Cigar Makers' Local Union No. 154, of Lincoln; of the Pattern Makers' Association of Chicago; of the American Federation of Labor of Charleston; of Federal Labor Union No. 9849, of Mt. Vernon, and of Local Union No. 106, of Dunfermline, all of the American Federation of Labor, in the State of Illinois, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. KEAN presented the memorials of Robert H. McCurdy, of Morristown, N. J.; of G. E. Sherman, of Morristown, N. J., and of W. S. Lord, of New York City, remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

He also presented petitions of Local Union No. 79, of Trenton; of Hod Carriers' Local Union No. 10502, of Englewood; of the United Powder and High Explosive Workers of Landing, and of Local Union No. 5, of New Brunswick, all of the American Federation of Labor, in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of Fred. P. Meeks, of Englewood; of L. P. Towne and 22 other citizens of Jersey City; of 18 citizens of Succasunna, and of the Prohibition League of Jersey City, all in

the State of New Jersey, praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

He also presented a petition of the Indiana Grain Dealers' Association, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. FOSTER of Washington presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the enactment of legislation to open to settlement the south half of the Colville Reservation in that State; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Chamber of Commerce and Board of Trade of Tacoma, Wash., praying that an appropriation be made providing for the erection and maintenance of an exposition building at Shanghai, China; which was referred to the Committee on Manufactures.

He also presented a petition of Typographical Union No. 193, of Spokane Falls, Wash., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. PROCTOR presented a memorial of the St. Albans Humane Society, of St. Albans, Vt., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

Mr. QUARLES presented a petition of the Trades and Labor Council of Lacrosse, Wis., and a petition of Local Union No. 141, Amalgamated Woodworkers, of Lacrosse, Wis., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a petition of the Multiscope and Film Company, of Burlington, Wis., and a petition of the Horlick's Food Company, of Racine, Wis., praying for the adoption of the postal-check system; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Coopers' Local Union No. 35, of Milwaukee, Wis., and a memorial of the Packages Publishing Company, of Milwaukee, Wis., remonstrating against the enactment of legislation to abolish the revenue stamp on eighth beer kegs; which were referred to the Committee on Finance.

He also presented a petition of the Vilter Manufacturing Company, of Milwaukee, Wis., praying for the enactment of legislation to authorize the Rice Irrigation and Improvement Association and the Southwest Louisiana Rice Growers' Association to construct certain locks and dams in the State of Louisiana; which was referred to the Committee on Commerce.

Mr. MITCHELL presented sundry papers in support of the bill (S. 3392) granting an increase of pension to Augustus L. Kidder; which were referred to the Committee on Pensions.

Mr. DOLLIVER presented petitions of Local Union No. 1120, United Mine Workers, of Cleveland; of Local Union No. 106, United Brotherhood of Carpenters and Joiners, of Des Moines; of Local Union No. 126, Coopers' International Union, of Ottumwa; and of Local Union No. 634, Carpenters and Joiners, of Creston, all in the State of Iowa, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. BEVERIDGE presented petitions of H. M. Simpson & Sons, of Vincennes; of W. C. Reed, of Vincennes, and of G. N. Moyer, of Laketon, all in the State of Indiana, praying for the enactment of legislation providing for the inspection of nurseries for injurious insects and for the regulation of interstate shipments of nursery products; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Local Union No. 9925, of Mount Vernon; of Local Union No. 460, of Hammond; of Iron Molders' Local Union No. 51, of Evansville; of Local Union No. 7118, of Vincennes; of Retail Clerks' Local Union of New Albany; of Bricklayers' Local Union No. 3, of Indianapolis; of Carpenters' Local Union No. 533, of Jeffersonville; of Local Union No. 365, of Marion; of Local Union No. 6, of Atlanta, and of Local Union No. 9, of Gas City, all of the American Federation of Labor, in the State of Indiana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a petition of the national executive committee of the National German-American Alliance, of Philadelphia, Pa., praying for the appointment of an immigration commission; which was referred to the Committee on Immigration.

He also presented a memorial of the American Humane Association, of Chicago, Ill., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

Mr. SCOTT presented a petition of sundry citizens of Waynesboro, Pa., praying for the appointment of a commission to investigate the present pension laws; which was referred to the Committee on Pensions.

Mr. DEPEW presented petitions of sundry citizens of New York City, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented a memorial of Coopers' International Union, No. 25, of Indianapolis, Ind., remonstrating against the enactment of legislation to prohibit the issuance of revenue stamps on eighth beer kegs; which was referred to the Committee on Finance.

He also presented a petition of A. Burdsal & Co., of Indianapolis, Ind., and a petition of the Paint Grinders' Association, of Indianapolis, Ind., praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Wabash Quarterly Meeting of Friends, of Amboy, Ind., praying for the adoption of an amendment to the bill to increase the efficiency of the militia, so as to provide for an exemption clause based on conscientious scruples; which was ordered to lie on the table.

He also presented petitions of Cigar Makers' Local Union No. 335, of Hammond; of Local Union No. 60, Brotherhood of Carpenters and Joiners, of Indianapolis; of Local Union No. 119, Brotherhood of Stationary Firemen, of Whiting; of Union No. 533, Brotherhood of Carpenters and Joiners, of Jeffersonville; of Local Union No. 5, Team Drivers' International Union, of Fort Wayne; of Atlanta Lodge No. 6, Amalgamated Association of Iron, Steel, and Tin Workers, of Atlanta; of Union No. 460, Brotherhood of Painters, Decorators, and Paperhangers, of Hammond; of Local Union No. 365, Brotherhood of Carpenters and Joiners, of Marion; of Reed and Rattan Workers' Union No. 224, of Indianapolis; of Retail Clerks' International Protective Association, No. 578, of New Albany; of Local Union No. 301, United Mine Workers, of Ashboro; of Local Union No. 7118, American Federation of Labor, of Vincennes; of Iron Molders' Union No. 51, of Evansville; of Brotherhood of Railroad Trainmen, of Garrett; of Union No. 9925, American Federation of Labor, of Mount Vernon; of Lafayette Division, No. 302, Order of Railway Conductors, of Lafayette, all in the State of Indiana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. WELLINGTON. I present resolutions, in the nature of a memorial, adopted at a meeting of the Chesapeake Bay Fishermen's Protective Association, held in the city of Baltimore, Md., on January 7, 1903, remonstrating against the ratification of the Hay-Bond treaty. I ask that the resolutions be printed in the RECORD, and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

At a meeting of the Chesapeake Bay Fishermen's Protective Association, held at the Maltby House, in the city of Baltimore, on the 7th day of January, 1903, the following resolutions were unanimously adopted:

Resolved, That this association views with genuine apprehension, as fraught with irreparable injury to the best interests of the menhaden fishing interests of the United States, the treaty negotiated by the Government of the United States with Great Britain, and signed at Washington on November the 8th, 1902, and relating to the commercial relations between the United States and the colony of Newfoundland, and most respectfully and earnestly request that the Senate of the United States, before which the same is now pending, will refuse to ratify and confirm the same.

Resolved further, That the secretary of this association forward a copy of these resolutions to each of the Senators from the States of Maryland and Virginia.

Resolved further, That the Hon. L. E. P. Denis deliver a copy in person to the Hon. George L. Wellington, Senator of Maryland.

GEORGE P. SQUIRE, *President*.

STATEHOOD BILL.

Mr. QUAY. I present resolutions of Booth Camp, No. 255, Spanish War Veterans, of Albuquerque, N. Mex., favoring statehood for Arizona and New Mexico. I ask that the resolutions may lie on the table; but as they refer to statehood, in accordance with the precedent we have been establishing, I should like to have them read.

There being no objections, the resolutions were read, and ordered to lie on the table, as follows:

Whereas it has been the sense of a majority of the Senate Committee on Territories to report adversely on the House bill admitting to statehood the Territories of New Mexico, Arizona, and Oklahoma, which was unanimously adopted by the latter; and

Whereas in their report they state that the citizens of these Territories, especially of New Mexico, are not fit to become citizens of a State: Therefore, be it

Resolved, That Booth Camp, No. 255, Spanish American War Veterans, of Albuquerque, N. Mex., do hereby call the attention of the honorable Senate of the United States to the fact that the Territory of New Mexico in the late war with Spain furnished proportionately as many, and perhaps more, volunteers than any other State or Territory in the Union, one man passing the rigid examination of the mustering officer for every 150 of population within her borders. The call of the President of the United States for volunteers found New Mexico's quota of 420 for the First United States Volunteer Cavalry, commonly known as the Rough Riders, filled within two days, with as many disappointed ones turned away. The second call for over 100 more men to fill the depleted ranks of the Rough Riders was filled with equal rapidity. The third call for four full companies of infantry for the First Territorial Infantry Regiment of Volunteers was responded to likewise, as was also the case in recruiting for the Thirty-fourth United

States Infantry, which regiment saw service in the Philippines. That each and every man who went from this Territory did his full duty honorably in camp and on the battlefield can be attested by reference to the records of the War Department, as well as from the lips of the honorable President, Theodore Roosevelt, who commanded five troops from New Mexico, and to whom, at the first annual reunion of the Rough Riders at Las Vegas, N. Mex., he publicly pledged himself to support New Mexico and Arizona in their claims for statehood and stated that he would go to Washington and speak in our behalf. Be it further

Resolved, That while we call the attention of your honorable body to what New Mexico did in the war with Spain, we also wish to state that the feeling toward the flag of the United States will always remain the same, and that New Mexico would, in the event of another call, furnish twice or thrice the number mentioned who volunteered in the late war. Be it further

Resolved, That we call the attention of the honorable Senate to the fact that this was not only the case in the late war, but also in the war with Mexico, when New Mexico's volunteers to the Union Army of the United States was larger, proportionately, than that of any other State or Territory, and is a matter of record. Be it further

Resolved, That Booth camp join in the prayer of the great majority of citizens of New Mexico in asking that the coveted stars be placed in the great American Flag for the Territories of New Mexico, Arizona, and Oklahoma.

Resolved, That copies of these resolutions be forwarded to our good friend, the Hon. Matthew S. Quay, United States Senator from Pennsylvania, and to Hon. Bernard S. Rodey, New Mexico's Delegate in Congress.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on the Philippines, to whom was referred the amendment submitted by himself on the 5th instant, proposing to appropriate $2,500,000 to enable the government of the Philippine Islands to advance money for the purchase of draft animals to be used in restocking the farms of the islands, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 5437) to authorize the settlement of the accounts of officers of the Army, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6326) for the relief of Hiram C. Walker, reported it without amendment, and submitted a report thereon.

Mr. MCCUMBER, from the Committee on Manufactures, to whom was referred the bill (H. R. 3109) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, reported it with an amendment, and submitted a report thereon.

He also (for Mr. PRITCHARD), from the Committee on Pensions, to whom was referred the bill (H. R. 12575) granting a pension to Edward A. Branham, reported it without amendment, and submitted a report thereon.

He also (for Mr. GALLINGER), from the same committee, to whom was referred the bill (S. 6614) granting an increase of pension to Bertha R. Koops, reported it with an amendment, and submitted a report thereon.

He also (for Mr. GALLINGER), from the same committee, to whom was referred the bill (H. R. 14067) granting an increase of pension to John Wright, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12700) granting an increase of pension to Eberhard P. Lieberg; and

A bill (H. R. 13510) granting an increase of pension to James P. Thomas.

Mr. MCCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4239) granting an increase of pension to Oscar H. Prink; and

A bill (S. 6543) granting an increase of pension to David C. Morgan.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 11594) granting an increase of pension to Sarah E. Morrow; and

A bill (S. 6576) granting a pension to Marcia B. Ferguson.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3514) granting an increase of pension to Theresia Ziegenfuss;

A bill (H. R. 14058) granting an increase of pension to Emil Pfeiffer;

A bill (H. R. 9977) granting a pension to Minerva Robinson;

A bill (H. R. 13143) granting an increase of pension to Susan Parker; and

A bill (S. 5952) granting an increase of pension to Henry L. Davenport.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3940) granting an increase of pension to Eliza C. Deery; and

A bill (S. 5662) granting an increase of pension to Henry Sickles.

Mr. QUARLES, from the Committee on Military Affairs, to whom was referred the bill (H. R. 15066) to incorporate the Association of Military Surgeons of the United States, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6535) providing for the construction of light-house and fog-signal stations in Alaskan waters; and

A bill (S. 6536) providing for the construction of a tender for the Twelfth light-house district.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 13565) granting a pension to Mary V. Scriven, reported it without amendment, and submitted a report thereon.

MARY J. IVEY.

Mr. TALIAFERRO. I am directed by the Committee on Pensions, to whom was referred the bill (S. 6693) granting a pension to Mary J. Ivey, to report it favorably without amendment, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Mary J. Ivey, widow of Robert L. Ivey, late of Capt. J. A. Newman's company, Georgia Volunteers, and Capt. John C. Pelott's company, Florida Volunteers, Seminole Indian war, and to pay her a pension at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PORTAL, N. DAK., SUBPORT OF ENTRY.

Mr. NELSON. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 15006) to amend an act entitled "An act to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880. I ask for its immediate consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It designates Portal, N. Dak., a subport of entry in the customs collection district of North and South Dakota, and extends the privileges of the first section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," to said subport.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish Portal, N. Dak., a subport of entry and extend thereto the privileges of the first section of the act approved June 10, 1880."

Mr. NELSON. I move that the bill (S. 6228) to establish Portal, N. Dak., a subport of entry and extend thereto the privileges of the first section of the act approved June 10, 1880, be taken from the Calendar and indefinitely postponed.

The motion was agreed to.

OUTAGE OF DISTILLED SPIRITS.

Mr. JONES of Arkansas. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 179) to amend the internal revenue laws, to report it favorably, without amendment, and to ask for its immediate consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that all distilled spirits now in internal-revenue bonded warehouses or which may hereafter be produced and deposited in such warehouses shall be entitled to the same allowance for loss from leakage or evaporation which now exists in favor of distilled spirits produced, gauged, and so deposited prior to January 1, 1899, and subject to the same conditions and limitations.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TIMBER AND STONE IN INDIAN TERRITORY.

Mr. JONES of Arkansas. I am authorized by the Committee on Indian Affairs, to whom was referred the bill (H. R. 16066) to amend an act entitled "An act to provide for the use of timber

and stone for domestic and industrial purposes in the Indian Territory," approved June 6, 1900, to report it back favorably, without amendment, and as it will only take a minute to consider it, I ask for its immediate consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PROCTOR introduced a bill (S. 6798) granting an increase of pension to Charles F. Sheldon; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 6799) granting an increase of pension to Frank Lee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 6800) to authorize advances from the Treasury of the United States for the support of the government of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WELLINGTON introduced a bill (S. 6801) for the relief of Louise Steuart; which was read twice by its title, and referred to the Committee on Claims.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6802) granting an increase of pension to Joseph Kent;

A bill (S. 6803) granting an increase of pension to Ephraim Herriott;

A bill (S. 6804) granting an increase of pension to Aaron H. Watts; and

A bill (S. 6805) granting an increase of pension to Junius Abbott.

Mr. FAIRBANKS introduced a bill (S. 6806) granting a pension to Mary A. Viel; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 6807) for the relief of the heirs of Rinaldo Johnson and Ann E. Johnson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR introduced a joint resolution (S. R. 150) tendering the thanks of Congress to the members of Company C, Ninth United States Infantry; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. FORAKER introduced a joint resolution (S. R. 151) tendering the thanks of Congress to Gen. Adna R. Chaffee and the officers and men under his command in China; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. FOSTER of Washington submitted an amendment proposing to appropriate $46,500 for the assayer in charge, the clerical force, wages for workmen and assistants, and for incidental and contingent expenses at the assay office in Seattle, Wash., intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. QUAY submitted an amendment intended to be proposed by him to the bill (H. R. 12270) to provide for the allotment of lands in severalty to the Indians in the State of New York, and for other purposes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

WESTERN JUDICIAL DISTRICT OF MISSOURI.

Mr. HOAR submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate Senate bill 3316, being a bill to amend an act to create a new division in the western judicial district of the State of Missouri, approved January 24, 1901.

DISEASES OF TROPICAL COUNTRIES.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to send to the Senate copies of the reports of Dr. Samuel Holt Hodgson, of the Marine-Hospital Service, on the diseases of tropical countries of America, or any reports of their officers touching diseases of the insular countries of the Western Hemisphere in 1898 or since that time.

HOUSE BILL REFERRED.

The joint resolution (H. J. Res. 184) requesting State authorities to cooperate with Census Office in securing a uniform system of birth and death registration was read twice by its title, and referred to the Committee on the Census.

GRANT OF SCHOOL LANDS TO JUNEAU, ALASKA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4616) to grant title to the town of Juneau, Alaska, of lands occupied for school purposes, and for other purposes; which was, in line 11, after "purposes," to insert: ", and the Secretary of the Interior is hereby directed to cause a patent to be issued therefor to such municipality upon proof of its incorporation."

Mr. WARREN. Mr. President, I do not understand that the amendment imposes any additional limitations, but it permits patents. I therefore move concurrence in the amendment of the House of Representatives.

The motion was agreed to.

HAWAIIAN SILVER CURRENCY.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2210) relating to Hawaiian silver coinage and silver certificates.

The amendments of the House were, on page 1, to strike out all after line 9 down to and including line 5, page 2, and to insert:

SEC. 2. That when such coins have been received by either Government they shall be transmitted to the mint at San Francisco, in sums of less than $500, to be recoined into subsidiary silver coins of the United States, the expense of transportation to be paid by the United States.

On page 3, after line 20, to insert:

SEC. 8. That the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated, from any moneys in the Treasury of the United States not otherwise appropriated, for the payment of the expenses of transporting said coins from the Hawaiian Islands to the mint at San Francisco, and a return of a like amount in the subsidiary coins of the United States to the Hawaiian Islands.

Mr. FORAKER. I move that the Senate concur in the amendments of the House.

Mr. COCKRELL. I ask the Senator from Ohio to make a little explanation. Those are the only changes, I understand. Will the Senator state the effect of the changes?

Mr. FORAKER. They are the only changes made, and they are made upon the recommendation of the Treasury Department simply to facilitate the exchange of the coin.

The amendments were concurred in.

ANTHRACITE COAL.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day. It will be read.

The Secretary read the resolution submitted by Mr. VEST on the 5th instant, as follows:

Resolved, That the Committee on Finance be instructed to prepare and report a bill amending "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, so that the tariff duty shall be removed from anthracite coal and the same be placed on the free list.

Mr. ALDRICH. Mr. President, it is evident that the resolution proposed by the Senator from Missouri [Mr. VEST], if adopted, would not afford any measure of practical relief to the large number of people in this country who are suffering on account of the scarcity and high price of coal. I assume that the sympathies of every member of this body are as keen as those of the Senator from Missouri for those who under adverse circumstances are struggling at this inclement season to find the means of keeping warm, and I assume also that we are all as anxious as he is to do anything which can be done within the constitutional power of Congress to relieve the suffering of these people.

I will ask the attention of the Senate for a few moments to the practical character of the Senator's resolution. The Senator seems to be anxious that something should be done immediately to relieve the people, in which I agree with him, but he suggests a very unusual method to accomplish that result.

In the first place, he insists upon the formality of instructing the Committee on Finance to prepare and report a resolution to put anthracite coal on the free list. If the Senator was in the hurry he seems to imply by his language, he could have prepared at his desk in one minute a resolution, and could have presented it for the consideration of the Senate at once.

In the next place, his resolution is only partial in its application to the duties upon coal. It only applies to anthracite coal. The importations of anthracite coal into the United States have always been infinitesimal in amount, and would be under any circumstances. In a total importation, for instance, in the month of November, of, I think, something like 400,000 tons, the total anthracite importation into New York was about 63,000 tons.

The coal which would be most certain to come in, whether the duties are reduced or not, is the semibituminous or semianthracite or bituminous coal, such as is mined in Wales and in Canada and in other parts of the world; and this would still be dutiable if the resolution of the Senator from Missouri was adopted.

In the next place, the Senator proposes to afford this relief through a declaration of the power of the Senate to originate revenue bills. The precedents in the Senate and in the House, as well as the restrictions of the Constitution itself, from my standpoint, preclude that action. I understand, of course, that the Senator from Missouri may hold a different view. A different view has been announced by Senators upon the other side of the Chamber. But I submit to the Senate that an attempt to afford relief, which, as the Senator says, is demanded at once, through a method which would only precipitate a discussion here and elsewhere as to the constitutional rights of the Senate and as to the constitutional prerogative of the House of Representatives—a discussion which in its very nature would outlast the coal famine—is not a practical method of securing results.

Mr. HOAR. The House has always taken a position to the contrary.

Mr. ALDRICH. Yes; the House of Representatives has always affirmed the position to the contrary, and the Senate has universally yielded, whatever might have been the individual opinions of Senators as to that contention.

So far as I can see, the purpose of the Senator's resolution is simply to furnish the text for a political speech, or a series of political speeches, or to open here a partisan discussion upon the tariff, and especially upon the duty on coal and its relation to the trusts.

The Senator was kind enough to say, in the course of his discussion, that the reference of this resolution to the committee of which he is a member would be consigning it to the tomb of the Capulets. I will say to the Senator that the committee already have jurisdiction over this subject by the bill which was introduced by the junior Senator from Massachusetts [Mr. LODGE]; that is, so far as jurisdiction can be conferred, and the reference by the Senate to the committee. If this matter is referred to the committee, I promise that Senator and the Senate that that committee will take the matter up at once and consider it in all of its aspects, with a view, if possible, of affording, by some constitutional method, the relief which he seeks.

Now, what has been done in somewhat similar cases by Congress in the past? I think the latest was an appropriation of the funds of the National Government to furnish shelter and food to the people of Galveston. There are a considerable number of other cases which have been supported, very often promoted, by Senators upon the other side of the Chamber, whose opinions as to the constitutional power of Congress are entirely at variance with my own. But there have been a number of cases that might, perhaps, in a certain sense be considered as precedents for the action in this case.

The case of Galveston I have already alluded to. I remember another case in which we appropriated money from the National Treasury to buy seeds for planters whose lands had been overflowed in the Mississippi Valley. I remember also that in certain cases we have remitted duties upon building material, and, possibly, upon other articles, to rebuild the city of Chicago and to relieve Eastport, Me., if I remember correctly, and, I think, in a number of other cases. In fact, Congress has undertaken, with the acquiescence, as I said, of Senators whose views upon this subject are radically different from my own generally, to furnish from the National Treasury means of relief in cases of distress and suffering. Therefore I am not entirely hopeless that some means may be found, if we shall have the acquiescence of the gentlemen upon the other side of the Chamber, for the relief of some portion of the distress in this case.

The question of the proper duties upon coal is not an entirely new one in this Chamber. In the time I have been here I have heard it frequently discussed. So far as I know, there has been with a few exceptions a pretty nearly unanimous demand upon the other side for free coal. That demand has been most vociferously asserted for twenty years in this Chamber, always, I believe, except one day in the year 1894, when a tariff bill was here from the House of Representatives which removed all the duties upon coal. The Committee on Finance, then a Democratic committee, there being a considerable Democratic majority in this Chamber, had reported a bill. It proposed a duty of 40 cents on coal. The Senator from New York, Mr. Hill, when that item was reached, made a motion to strike out that item from the bill and to leave coal free, as it had passed the House of Representatives. Those of us who had listened to the arguments of the Senator from Missouri [Mr. VEST] and his associates upon this floor day after day and month after month for years in favor of free coal were curious to see what would happen when the vote was taken upon that proposition. The Senator from Missouri and all of his associates upon that side, with the exception of Mr. Hill, voted against free coal and for the retention of a duty of 40 cents. In other words, for every day of twenty years, except the one day when it could have been had by their own votes, these gentlemen were in favor of free coal.

Mr. HOAR. The Senator from Missouri helped to frame the bill.

Mr. ALDRICH. The Senator from Missouri, of course, as the Senator from Massachusetts suggests, was one of the three Senators who framed the bill. He was a leading member of the Finance Committee and one of the members who voted against the free coal and for the imposition of the duty upon it. He was followed, as I said, by the solid vote of the Democratic side of this Chamber with the exception of the Senator from New York.

You have always been in favor of free coal when your opinions were of no value to the country. On the one day when by your own votes you could have given the country what you call the boon of free coal you deliberately and unanimously voted the other way.

I suggest that it comes with ill grace from Senators who have occupied this position to criticise the act of the Senate in 1897 in making the changes which they did in the House schedule.

The Senator from Missouri is mistaken in that regard when he says that the Dingley bill, so called, as it came from the House of Representatives, imposed a duty of only 40 cents a ton on coal. It imposed a duty of 75 cents, which was reduced here to 67 cents. It imposed a duty upon coal slack and culm, as I remember it, of 30 cents, which was reduced here to 15 cents.

Now, I do not believe that the Senator from Missouri or any Senator in this body will seriously claim that the duties upon coal have had anything to do with the existing conditions. The Senator alluded in the course of his remarks to the high price of wood in Missouri and said that the people were suffering on that account. Is that owing to the fact of the duties upon coal? The coal product of the United States to-day is equal to three-fourths of the combined product of the two other largest producing countries in the world—Great Britain and Germany. We are producing under normal conditions in the United States nearly 300,000,000 tons of coal. The largest importations which have ever taken place have been 400,000 tons in a month, or about 1 per cent of the current consumption.

The Senator alluded to the fact that the price of coal had been advanced from five to ten, twelve, or fifteen dollars a ton. Was that on account of the 67 cents duty which was imposed on coal containing less than 92 per cent of fixed carbon? Can any Senator contend that the duty has had any particular practical effect upon existing conditions?

Perhaps I should say a few words—I do not intend to occupy the time of the Senate at any length—in regard to that peculiar provision of the existing law which imposes a duty upon coal containing less than 92 per cent of fixed carbon. As I stated on the day before yesterday, in answer to the question asked me by the Senator from Minnesota [Mr. NELSON], that provision was inserted at the instance of a Senator from the Pacific slope, my friend the Senator from California [Mr. PERKINS].

The statement was made to the committee that in California, from Australia, and possibly from British Columbia, large importations were being made of a semibituminous or a semianthracite coal containing a comparatively small per cent of carbon, which was being admitted into San Francisco as anthracite coal, free of duty. It was said to us that the admission of that coal was a fraud upon the revenue, was a fraud upon the coal producers of Washington and the other States on the Pacific slope, and that it should not be permitted any longer to go on. We were also told—and furnished the statements of experts—that any coal which contained 92 per cent or a greater amount of carbon was anthracite coal; that the Welsh coal contained at least 95 per cent of carbon; that true anthracite coal would still continue to be admitted to this country free of duty, and that the only kind of coal to be affected by the change were those of the nature I have suggested, of a semibituminous character, which were really bituminous coal and should be classified and a duty levied upon them as upon other bituminous coal.

This provision—and I say this in justice to the Pennsylvania interests, where all the anthracite coal deposits in this country are practically located—was opposed emphatically by the representatives of that industry. They said: "We do not want any duty upon anthracite; we are to-day exporting a very large amount of coal; and under no possible conceivable circumstances can there be any considerable importation of anthracite coal." Notwithstanding this protest, the committee, believing that there was certainly something in the statement of the Senator from California that was entitled to equitable consideration, adopted finally the provision which went into the bill.

Mr. PERKINS. The Senator from Rhode Island will permit me to say that in that proposition I had the support of my then Democratic colleague in the Senate, Mr. White.

Mr. ALDRICH. That is true.

Now, I suggest to the Senator from Missouri that he allow this resolution, without contest, to go to the committee of which he and myself are both members and that we there honestly and

earnestly take up this question with a view to seeing if we can, within our constitutional rights and privileges, find some method by which we can furnish relief promptly and efficaciously to the people who are suffering in the manner which the Senator has so graphically described.

Mr. VEST. Mr. President, if any additional argument were necessary with me why this resolution should not go to the Committee on Finance it has been furnished by the remarks of the chairman of that committee. It can be read between the lines that he is opposed to the adoption of the resolution.

As I said the day before yesterday, why should this resolution go to the Committee on Finance? Bills and resolutions are sent to committees in order to obtain information. What information do we desire? How long are we to debate this question when the country is in the condition in which it is now? If a blizzard should come, as is now threatened, what would be the result in the seaboard cities, throughout the country? There would be suffering, disease, and death; and in the meantime the Committee on Finance would be looking for some constitutional method to give relief to the freezing people of the country.

Mr. President, I object to the resolution going to that committee. I repeat, that it goes to the legislative tomb of the Capulets. I have served in this body long enough with the Senator from Rhode Island to know that if he wants to destroy a bill or resolution, no member in this body is more adroit or successful. What chance would the resolution have in that committee after what he has said here to-day?

The Senator speaks of the great inconsistency on my part and on the part of other Democrats who want to put anthracite coal on the free list, and he cites the fact that when the Wilson bill—also called the Wilson-Gorman bill—in 1894 was before this body, the then Senator from New York, Governor Hill, who was opposed to the bill which we reported, with whom I contended for a week on this floor while the Republicans of the Senate sat silent, enjoying the combat between two Democrats, moved to put coal on the free list; and he did it, as every Senator here knew, for the purpose of embarrassing the majority of the Finance Committee, then Democratic, and for the purpose of beating the bill that we were then attempting to pass through Congress.

The Senator from Rhode Island knows as well as I know how that 40 cents a ton happened to be put upon coal in the Wilson bill. It is an open secret, known to everybody, that there were five Democratic Senators opposed to the bill who were in such a position that they were enabled to dictate what should be placed in the bill, as without their votes its defeat was absolutely certain. A large majority, and, in fact, all except those five Senators, were in favor of free coal.

I can speak now without violating any rule of the Senate of what happened in the caucus and the committee so far as the Democrats were concerned in regard to that coal tax. The President of the United States, at that time Mr. Cleveland, urged free coal upon the Congress, and we endeavored—I mean the majority—to put such a provision in the bill.

But, to use the plain vernacular, we were held up and told that if we dared to put free coal into the bill the measure would be defeated, and without four of the votes out of the five of those opposed to the bill defeat was absolutely certain. We compromised upon 40 cents a ton. Those were the best terms that the majority could obtain; and when an opponent of the bill joined the Republicans, who were anxious to beat it in any way, and moved to put coal upon the free list, we voted against the motion in order to carry out the compromise and pass the measure with a duty on coal of 40 cents on the ton.

But what does that amount to now? What does it now matter how anybody voted in 1894? Is that an answer to the poor, freezing people who now demand immediate relief from present conditions? The question with us is, What shall we do now? Shall we spend our time in sending a relief measure to a committee that we know to be opposed to it? Is that the remedy we propose?

The Senator speaks of the constitutional objections to the Senate moving in this matter. The Constitution of the United States says that all measures "for raising revenue shall originate in the House of Representatives." That provision came down to us, as every schoolboy ought to know, from that terrible struggle in England between the Commons and the Lords and the King; and the Commons finally triumphed, after a civil war, by putting the provision into the laws of England that all taxing bills or bills to raise revenue should first come from the immediate representatives of the people. If Senators will take the trouble to examine the debates on the Constitution in 1789, they will find that this provision in the Constitution of the United States came to us from our British forefathers, with the addition that after a bill to raise revenue had originated in the House of Representatives and come to the Senate the power of amendment in this body was expressly provided for.

But, Mr. President, I am anxious to secure some sort of a vote, and with a few other remarks in answer to the Senator from Rhode Island and in justice to myself, I shall leave this matter to the Senate.

I stated yesterday that Mr. Dingley, the author of the Dingley bill, had declared that the duties in that bill were made higher than they would have been in order to form a basis or margin for the creation of commercial treaties or reciprocal treaties or arrangements with foreign nations. I made that statement upon information which I believed to be absolutely correct, and I will ask the Secretary to read the newspaper clipping which I send to the desk from the Washington Post of September last, to which my attention was called at the time, and that statement was repeated several times after its first publication.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). The Secretary will read as requested.

The Secretary read as follows:

> The Post has repeatedly stated that Mr. Dingley and his Republican associates on the Ways and Means Committee put some of the schedules higher than they would have been if they had not been framed with a view to early reduction through reciprocity treaties. The Bulletin asserts that Mr. Dingley, while he was engaged in framing the present tariff, frankly declared in a private conversation with the editor of the Bulletin that he believed that some of its schedules were too high to be permanently maintained. He said:
>
> "We are purposely making them too high, because we want them as a basis which will enable us to offer foreign countries material inducements to enter into reciprocity treaties with us. When other nations seek closer commercial relations with the United States we can largely reduce duties in many directions in return for the entrance of American products into their markets without depriving our own industries of the protection which they really need."

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Maine?

Mr. VEST. Certainly.

Mr. HALE. What is the date of the communication or editorial, whichever it may be, which has just been read?

Mr. VEST. September 20.

Mr. HALE. Last September?

The PRESIDING OFFICER. The Secretary informs the Chair that the editorial is dated September 20, 1902.

Mr. HALE. I do not wish——

Mr. VEST. Did the Senator from Maine ask me another question? I could not hear.

Mr. HALE. I was going to say—I do not wish to interrupt the Senator by saying anything that will interfere with his time—upon this newspaper article that is brought in, containing a most remarkable statement of what Mr. Dingley, who was a colleague of mine in the House of Representatives, said in some private way, that the statement is not made until nearly four years after Mr. Dingley's death. It was never made in his lifetime, though he lived and was a great and useful public servant for a year or more after the passage of the bill bearing his name.

Mr. Dingley was a man of great integrity, private and public. He secured the confidence of the great body of which he was a member by an outright, plain, and simple way of stating his convictions upon every subject. He mastered the details of every subject. He was subjected in that body to constant questioning and scrutiny and the clearest and closest and fiercest observations; and yet never during the time when he was ably conducting to a final and triumphant passage the great bill that bears his name was any intimation given or heard from anywhere that, deliberately, the schedules in the Dingley tariff bill had been marked up, as a tradesman marks up his goods, in order to take them down afterwards. That was not Governor Dingley's style of legislating.

I have no doubt whatever that this report is entirely baseless. If any man to-day has led himself to believe that Governor Dingley ever made such a statement as that, he is mistaken.

The Dingley bill had the merit of entire freedom and clearness and amplitude, and shirked at nothing. It never pretended to be anything more than it was—a great, magnificent, and munificent gift to the American people in the cause of protection and prosperity.

Mr. HOAR. Mr. President, I wish merely to say a word about this matter of the constitutional right of the Senate to institute a bill like this.

The introduction of bills or resolutions in the Senate is well enough to make known the individual opinion and purpose of their author or on which to hang debate, but they are as idle and futile as a method of advancing desired legislation as can possibly be imagined.

The House of Representatives has declared more than once in formal and in informal controversies with the Senate that, in its judgment, a bill to reduce or abolish a duty came within the constitutional privilege of the House, because, although it did not precisely raise revenue, the revenue which it took away must be replaced or might ordinarily be required to be replaced by the raising of other revenue, which would be germane and almost

inextricable in the same bill, and, therefore, the two subjects were absolutely inextricable.

The House of Representatives once, as I am reminded by my honorable friend from Wisconsin [Mr. SPOONER], passed unanimously a resolution to this effect:

Resolved, That this House maintains that it is its sole and exclusive privilege to originate all bills directly affecting the revenue, whether such bills be for the imposition, reduction, or taxes, and in the exercise of this privilege, in the first instance, to limit and appoint the ends, purposes, considerations, and limitations of such bills, whether relating to the matter, manner, measure, or time of their introduction, subject to the right of the Senate to "propose or concur with amendments, as in other bills."

Mr. President, that resolution was not only supported by the unanimous vote of the House, which is pretty important authority, but it also was supported by very high individual authority. It is signed Samuel Hooper, long chairman of the Committee on Ways and Means in the House of Representatives, one of the clearest-headed, wisest, and ablest of men who ever dealt with that difficult branch of legislation. Mr. Hooper is dead.

The next name signed to that report is that of WILLIAM B. ALLISON, in whose eulogy in the course of nature it is not likely it will be assigned to me to take part, and I, therefore, will omit what every other member of the Senate knows it is not necessary to say.

The third authority is that of Mr. Daniel W. Voorhees, the last Democratic chairman of the Finance Committee in the Senate, and the chairman of the committee that reported the last Democratic tariff bill.

Now, in the face of that claim of the House of Representatives so supported—and that was not the first time the House had taken that attitude—is it not apparent that the Senator from Missouri introduces this resolution for the purpose of making his admirable speech, and that he can not possibly have the least idea that within the six or seven weeks which remain of this session he shall first have persuaded the House of Representatives to yield its constitutional prerogative and then have settled the perplexing question of the duties on coal?

But, Mr. President, that is not all. The greatest constitutional authority in this country—save Marshall, as we all agree on both sides—Mr. Webster, declared in the Senate that, whatever might be the opinion of the Senate on this question, it was in the nature of the case absolutely clear that it was a matter which must be settled always by the sole opinion of the House of Representatives, and that, whatever the Senate might think, the House was the sole constitutional judge of the extent, meaning, and scope of that constitutional provision.

A little reflection will show that Mr. Webster was clearly right. We can not refuse to consider a House bill on such a subject, because we are bound to consider their bills, and we do not deny that they have the right to originate them. So of course we can not interfere with their bills. On the other hand, the House has a perfect right to refuse to consider bills which it regards as bills for raising revenue, when they come from the Senate, on the constitutional ground that we have nothing to do with that subject in its origin, and we can not help ourselves.

So practically the Constitution has tied our hands, and the worst thing that can happen to the cause of relieving the present distress of the people by getting free coal, either for a time or permanently, is what the Senator from Missouri has caused to happen, as far as he can—that is, the stirring up of a controversy between the two Houses of Congress.

Mr. VEST and Mr. MORGAN addressed the Chair.

Mr. ALDRICH. Will the Senator from Missouri yield to me for a single moment?

Mr. MORGAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Alabama?

Mr. MORGAN. I thought the Senator from Missouri had yielded the floor.

Mr. VEST. Of course I will yield for a question. I have never declined to yield to anyone since I have been a member of this body.

Mr. ALDRICH. I will withdraw the request if it is not agreeable to the Senator from Missouri.

Mr. VEST. I am perfectly willing to yield to the Senator.

Mr. ALDRICH. I simply want to make a statement, which will take about two minutes, to supplement the statement of the Senator from Massachusetts [Mr. HOAR].

The Senate itself in precisely the same character of case arrived at the same conclusion in 1844——

Mr. MORGAN. I do not think, Mr. President, that this resolution can be disposed of until the remarks of the Senator from Massachusetts [Mr. HOAR] have been discussed to some extent.

Mr. ALDRICH. In 1844 a bill was offered in the Senate to reduce the duties imposed by the act of 1842. It was referred to the Committee on Finance, of which George Evans, a great man from the State of Maine, one of the ablest men we have ever had at the head of that committee, was chairman. He reported it back with a resolution that a bill to reduce duties was not within the constitutional power of the Senate to originate and pass.

This resolution was discussed for several months. It was finally passed on the 31st day of May, 1844, by practically a unanimous vote of the Senate—by a vote of 31 to 4—and among the Senators supporting it I will mention the names of James A. Bayard, Thomas H. Benton, James Buchanan, Rufus Choate, John M. Clayton, Nathaniel Niles, William C. Rives, James F. Simmons, and Silas Wright.

Both sides of the Chamber, all the political parties, united in the solemn declaration that in their opinion a bill to reduce revenue was not such a bill as it was competent for the Senate of the United States to originate.

Mr. VEST. Mr. President, I was very well aware when I introduced this resolution of the great difference of opinion that existed upon the constitutional question which has just been discussed. I preferred offering the resolution, however, to introducing a bill, because, as I stated day before yesterday, I believed that the bill would be referred to the Committee on Finance under the ordinary rules of the Senate and would there be disposed of in a pigeonhole and never be heard of afterwards.

My object in offering the resolution instructing the Committee on Finance was to call attention to the condition of the country and to direct the attention of Congress particularly to the necessity of some action. I was aware perfectly, without further information on the subject, that the House of Representatives would resist our right even to reduce taxes, as they have always done, but when the President of the United States called upon Congress in his message to remove the duty on anthracite coal, and more than a month elapsed, and we were in the midst of a coal famine, with the hardest months of the whole winter at our doors, and nothing was done by his own party, I thought that even a poor Democrat could make a suggestion which might hurry action upon this important question.

I waited until after the recess; waited until coal had come to such a price as to be beyond the reach of the poor, and even the middle classes, in the seaboard cities and throughout the country. No action was taken; no suggestion was made; and it seemed to me, without any partisan view or any personal object—my career being about to close in public life—it seemed to me, as a matter of sheer duty, that somebody should take the initiative, and excite, if that is the proper word, some action by the Congress of the United States in this great emergency.

All I want is a vote, because the expression of opinion even by the Senate of the United States will hasten action upon the part of the House and do away with the necessity of spending weeks in the discussion of the constitutional rights of the Senate to lower taxes. I have my own opinion on that question, notwithstanding the great authority cited by the Senator from Massachusetts and the Senator from Rhode Island. I have endeavored to study the origin of that clause in the Constitution, and I believe the Senate has the right to reduce taxes, no matter what may be said by the House of Representatives. The Supreme Court of the United States has never decided to the contrary. All that can be cited here are the opinions of public men and votes in the Senate upon that question years ago.

But, now, Mr. President, I was prevented from placing before the Senate a paper which I want the Secretary to read. I will ask him to read this letter, with the accompanying newspaper clipping, and I will explain how and why I obtained it. I recur now to the statement in regard to Mr. Dingley, for whom I had very great regard and against whose memory I would not utter one single syllable or suggestion. He was a pure man. I did not agree with him politically, but I served on committees with him, and I always found him a perfectly frank, honest public man in every regard. Our personal relations were always of the kindest character. I realized in his case, as in that of many others of political opponents, the great truth uttered by President Garfield, when speaking of his political opponent, Allen G. Thurman, alluding to their personal relations, that the sweetest fruit often hung over the party wall. That is my experience.

After my attention was called to these repeated publications in the Washington Post that Mr. Dingley had made this statement to the editor of the Philadelphia Bulletin, knowing the Bulletin to be a stanch Republican paper, a great defender of the protective system, I telegraphed to the editor of that paper and requested him to write me what were the facts and if Mr. Dingley had ever made the statement attributed to him by the Post; that I had quoted the statement, giving the substance of it, in the Senate; that it had been emphatically contradicted by the Senator from Rhode Island, the chairman of the Finance Committee; that I did not want to be put in the position of manufacturing a statement which might be construed to reflect upon a public man, now dead, for whom I had the kindest regard.

Now I will ask the Secretary to read the letter and the extract inclosed.

The Secretary read as follows:

THE EVENING BULLETIN,
THE BULLETIN COMPANY, W. L. MCLEAN, PRESIDENT,
Philadelphia, January 6, 1903.

Hon. GEORGE G. VEST,
United States Senate Chamber.

DEAR SIR: The statements referred to in the inclosed editorial article, which was published in the Bulletin September 20, 1902, were made in a conversation between Mr. Dingley and a writer who is now on the staff of the Bulletin. The interview took place in March, 1897, at the hotel in Washington where Mr. Dingley was stopping, and he was then engaged in framing the tariff which afterwards bore his name.

Mr. HALE. Will the Secretary again read the statement with respect to the date when the conversation is alleged to have taken place?

The Secretary read as follows:

The interview took place in March, 1897.

Mr. HALE. That is the date.

The Secretary continued and concluded the reading of the letter, as follows:

The interview took place in March, 1897, at the hotel in Washington where Mr. Dingley was stopping, and he was then engaged in framing the tariff which afterwards bore his name.

The conversation, you will bear in mind, was entirely of a private and confidential character.

Yours, very truly, WILLIAM PERRINE.

Mr. HALE. Mr. President——

Mr. VEST. Let the Secretary read the article.

The Secretary read as follows:

PUBLIC SENTIMENT AND THE TARIFF.

The stir which has arisen in Republican ranks over the question of tariff revision in accordance with the lines laid down in the Iowa Republican platform calls attention to the fact that a foundation for the substantial modification of existing high duties already exists in the list of reciprocity treaties which have long been pending before the United States Senate.

There are more than a dozen of these treaties, including commercial agreements with France, with most of the West Indian Islands, and with several South American countries. If President Roosevelt should urge their ratification, and if he should be able to command a sufficient number of votes in the Senate to secure the acceptance of this policy, an important step would be taken toward the removal of trade restrictions which a growing body of Republican sentiment is disposed to consider as onerous and unnecessary.

In connection with this development it is worth while now to recall the fact that the late Representative Dingley, while he was engaged in framing the present tariff, frankly declared in a private conversation that he believed that some of its schedules were too high to be permanently maintained.

"We are purposely making them too high, because we want them as a basis which will enable us to offer foreign countries material inducements to enter into reciprocity treaties with us. When other nations seek closer commercial relations with the United States we can largely reduce duties in many directions in return for the entrance of American products into their markets without depriving our own industries of the protection which they really need."

The death of the former chairman of the Ways and Means Committee has removed the seal of secrecy from this statement to us, and his words are of especial interest at the present time when the question of lowering duties is engaging the minds of so many Republicans. Nobody in his senses would ever have accused Mr. Dingley of disloyalty to protection principles. His utterances five years ago, before the trust issue had assumed present proportions and before such consolidations as the United States Steel Company were created, assuredly indicate that if this particularly stanch protectionist were in public life to-day his voice would be heard in favor of judicious tariff changes which should curb the accumulation of gigantic profits at home and strengthen the foothold of American commerce abroad.

That this was the fixed purpose of President McKinley when in his memorable last speech at Buffalo he declared, "The period of exclusiveness is past," can not be doubted by reasonable and unprejudiced men. If McKinley's successor, in his speeches throughout the West where Republican belief in tariff modification is apparently steadily increasing in strength, shall enunciate the same purpose, it looks as if he might not only command a formidable degree of public support, but deprive the Democrats of about the only available asset in the way of political issues which they have left for 1904.

Mr. HALE and Mr. VEST addressed the Chair.

The PRESIDENT pro tempore. Has the Senator from Missouri yielded the floor?

Mr. VEST. I prefer, if the Senator from Maine will permit me, to make a few remarks, and then he can take the floor.

Mr. HALE. I will certainly wait until the Senator finishes.

Mr. VEST. Mr. President, it will be said, doubtless, as was stated the other day by the chairman of the Committee on Finance, that the reciprocity clause of the Dingley Act was inserted by the Senate and not by the House of Representatives when Mr. Dingley framed the bill. But that amounts to nothing when analyzed. It is perfectly consistent with the report made by the Philadelphia Evening Bulletin as to what Mr. Dingley told one of the editors or correspondents of that paper. Those remarks are perfectly consistent with the statement by Governor Dingley that the duties were put higher with a view to reciprocity in the future. That he did not put the provision for reciprocity in the bill in the House amounts to nothing as an argument, because he might have contemplated, as was eventually the case, reciprocal arrangements in the form of treaties. Those treaties are now pending in the Senate.

Not to weary the Senate by further remarks and arguments on this question, I have here a newspaper extract which I will ask to have inserted in my remarks without being read. It is taken from the Evening Post of New York, and gives a very valuable statement in regard to the legal status of the question of the duty on anthracite coal after the passage of the Dingley Act. I wish it to be read and laid before the Senate to show that the question whether there is a duty on anthracite coal has been determined by the courts, including the Supreme Court of the United States, and that the legal status of this question has been fixed absolutely by judicial interpretation. I will ask the Secretary to read.

The Secretary read as follows:

"The two sections (415 and 523) of the act may be combined, and form one clear, concise, and logical enactment, providing that coal of any description whatsoever, containing less than 92 per cent of fixed carbon, is liable to a duty of 67 cents per ton, while anthracite coal, containing 92 per centum and more of fixed carbon, is to be admitted free."

An appeal was taken by the importer from the decision of the United States circuit court to the United States circuit court of appeals, and the opinion of that court will be found in 100 Fed. Rep., 442 (Feb. 5, 1900), and this court unanimously sustained the lower court, and in its opinion states:

"The ordinary and plain meaning of these paragraphs would seem to leave no doubt as to their proper construction. Read in pari materia they are susceptible of but one meaning. * * * If it be true, as appellant claims, that no anthracite coal exceeds the per cent on which the duty is imposed, then the argument here made should be addressed to Congress, with the view of securing a change in the law, instead of to the courts. We do not make the law, nor have we any right to amend; and it is not within our province to question its wisdom, policy, or expediency."

The importer tried to appeal from this decision to the United States Supreme Court, and presented his petition to that court for a writ of certiorari, which was denied April 23, 1900. And presumably the Supreme Court held the same views of this law as the lower courts, otherwise it would no doubt have granted the petition.

So that this question of whether anthracite is free has been litigated to the fullest extent permissible under our laws. And the question as a matter of law is fully and finally settled, and has been for several years.

Mr. VEST. Mr. President, there is another point. My attention has been called to a very singular condition of affairs at certain ports of entry of the United States on the Atlantic seaboard. Since the passage of the Dingley Act the collectors, appraisers, and naval officers to whom by law is committed that duty have analyzed and tested all coals coming into the United States from foreign countries, and if they found that there was less than 92 per cent of fixed carbon they have imposed a duty of 67 cents a ton. If, on the contrary, the analyses and tests showed that there was more than 92 per cent of fixed carbon, the coal was permitted to enter duty free. This was in strict accordance with the provisions of law, and they simply observed their oaths when they carried out their duties under those provisions.

When it became evident that any adjustment of the difficulties in the anthracite region was almost impossible, and when the President found it his duty to ask for interviews between the coal barons and the representatives of the labor unions, the Secretary of the Treasury, Mr. Shaw, issued an order—a most remarkable order, it seems to me—in September last, that after October 1 when a controversy arose between the United States and the importers of foreign coal as to whether they were dutiable or not all doubts should be solved by the officers at the ports of entry in favor of the importer. This was obviously done by the Secretary of the Treasury to induce the importation of foreign coal without touching the sacred white elephant of the Dingley tariff.

Under that instruction a singular state of affairs has come to pass. At two of the largest ports of the United States, Philadelphia and New York, the officers—the collectors—instead of applying the analyses and tests which the law requires, take the affidavit of the importer as conclusive; and of course—I say "of course," that is human nature—he endeavors to make the impression that his coal is above 92 per cent of fixed carbon in order to escape any duty at all.

At two other ports, the two next in size, Boston and Baltimore, the officers refuse to pay any attention to this extraordinary order by the Secretary of the Treasury, and they now apply the analyses and tests as was their duty and is their duty to do. So we have one rule in one port and another in another; and I ask the Secretary now to read three letters, one from the collector of the port of Boston, one from the collector at Baltimore, and one from the collector at Philadelphia. These letters were in reply to applications by Mr. W. J. Gibson, a reputable attorney in New York, and were published by him in the Evening Post. I will ask the Secretary now to read the three letters.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

CUSTOMS SERVICE, OFFICE OF THE COLLECTOR,
Baltimore, Md., December 10, 1902.

WILLIAM J. GIBSON, Esq.,
31 Nassau Street, New York, N. Y.

SIR: This office is in receipt of your letter of the 9th instant, asking to be informed if any duty has been collected at this port on anthracite coal since October 1, 1902; and if an analysis or test is made of all anthracite coal imported where it is alleged to contain 92 per cent or more of carbon.

Replying to your first inquiry, I have to say that duty has been assessed on anthracite coal since the date mentioned; and to the second, analysis has been made of all anthracite coal imported here.

Respectfully, yours, P. F. STONE, *Collector.*

CUSTOMS SERVICE, OFFICE OF THE COLLECTOR,
Boston, Mass., December 10, 1902.

WILLIAM J. GIBSON, Esq.,
Attorney at Law, 31 Nassau street, New York.

DEAR SIR: Replying to yours of the 9th instant, I would say that since October 1 last duty has been collected on all anthracite coal imported into this port. There have been importations of such since the 7th idem.

An analysis or test has been made of all such coal where the importer claimed or made oath it contained 92 per cent or more of fixed carbon.

Respectfully,

GEORGE H. LYMAN, *Collector.*

CUSTOMS SERVICE, OFFICE OF THE COLLECTOR,
Philadelphia, Pa., December 10, 1902.

WILLIAM J. GIBSON, Esq.,
31 Nassau street, New York, N. Y.

SIR: Replying to your letter of the 9th instant, I have to inform you that since October 1, 1902, there have been two cargoes of anthracite coal imported into this port. The said coal was classified free of duty under paragraph 523 of the present tariff act. No analysis was made. The coal was passed free of duty upon the oath of the importer that it did not contain less than 92 per cent fixed carbon.

Respectfully,

L. G. MARTIN,
Special Deputy Collector.

Mr. VEST. Mr. President, I have had those letters read to verify my statement that at one port one rule obtains and at another port on the same seaboard a very different rule obtains. I do not bring this to the attention of the Senate as a reflection upon the Administration, but I do bring it to the attention of the Senate to show that the Secretary of the Treasury unites with the Secretary of the Navy and with the President of the United States in advancing and promoting the idea that the introduction of foreign coal is the remedy and the mode of relief for the terrible condition that now prevails in the United States.

Mr. HALE. Mr. President, only a single word in reference to the introduction into this question of alleged private communications from Governor Dingley of a character wholly and radically opposed to all his public utterances upon the question and therefore involving him in a charge of insincerity.

Governor Dingley's memory is very dear to the State of Maine. His character was well established there. His range of vision and action was greatly enlarged beyond that State, and he became an authority in whom men in Congress and throughout the United States were glad to trust and believe, and when he died he had a world-wide reputation based upon what is the rock foundation of good reputation—character. No man entitled to that reputation ever did what it is alleged that Governor Dingley did—declare that the bill whose paternity was his did not to the public convey the purposes of its authors and framers, but was a delusion and a snare, and, to repeat the illustration I have used once, that in it he had marked up his goods in order that they might be cut down afterwards.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. Certainly.

Mr. TILLMAN. I suggest to the Senator from Maine that he is probably using stronger language than the occasion warrants. I can see nothing that reflects upon Governor Dingley in this matter in the light of events. The fact that we have pending before the Senate these very reciprocity treaties in which there are great concessions on tariff duties, and which would encourage trade if they were ratified by this body, is the strongest evidence to my mind that whatever may have been Governor Dingley's purpose in putting these duties high, the policy of his party has been exemplified in the fact that those treaties have been had with foreign powers and are now pending here and that nothing but the selfish greed of the people whose protection is reduced prevents the ratification of the treaties.

Mr. HALE. Mr. President——

Mr. TILLMAN. And I do not think Governor Dingley, if I may be permitted, as one humble Democrat, to express the opinion, needs any defense whatever.

Mr. HALE. The Senator would hear from Governor Dingley if he were alive and present upon this floor when this charge has been made, and he would hear from Governor Dingley in no uncertain tones.

I am not dealing with the general question of reciprocity treaties. Let us see what it is that the advocates for a change in the tariff upon coal, or whatever it may be, are driven to for argument—the alleged declaration of the man who had charge of the Dingley bill. Now, what is it? That in March, 1897, Governor Dingley made the statement privately, not it seems to an editor whose name we know, but to a correspondent whose name we do not know.

Mr. CARMACK. A member of the editorial staff.

Mr. HALE. We do not know his name. It is all unknown and blind. It is that Governor Dingley at that critical time, in March, 1897, made the deliberate statement that he had marked up the schedules on the Dingley bill for the purpose of giving away a portion of them upon reciprocity agreements and arrangements that were afterwards authorized by the bill.

Mr. President, to begin with, nothing was heard by anybody that Governor Dingley had made that remarkable statement until September, 1902—more than five years afterwards—when a newspaper makes this declaration; and at the time when it is alleged that this conversation took place, in March, 1897, not one single thing with reference to reciprocity had been embodied in the bill. Governor Dingley, who was not only able and intelligent, but perfect and complete in his knowledge of the subject, having charge of the bill, trusted by his associates, sustained in the entire bill, had never thought, apparently, certainly had never uttered a word indicating, that there were to be incorporated into the bill these reciprocity arrangements. The bill passed the House and came to the Senate on the very last day of March. Everything in relation to reciprocity was afterwards inserted here in the Senate.

The Senator from Missouri sees the dilemma he is put into, because he has looked at the dates and finds it was impossible that Governor Dingley could have said that. The Senator says he might have had that in his mind and intended to do that. Governor Dingley was a man who, if he had a measure of legislation in his mind upon a bill he had charge of, would have incorporated it into the legislation while the bill was in his hands. But it came——

Mr. BACON. Will the Senator permit me?

Mr. HALE. Certainly.

Mr. BACON. I simply wish to ask the Senator whether it might not have been possible that Governor Dingley, when speaking of reciprocity treaties or instruments of any kind, had in his mind a reciprocity treaty which would not be authorized by the House of Representatives, but which would originate with the Executive in the same way as the pending reciprocity treaty between this Government and the Government of Cuba?

Mr. HALE. No; that is not possible. Governor Dingley was under fire constantly. The debates will show that there was no range of this question he was not interrogated upon, and it is remarkable——

Mr. BACON. The Senator certainly did not understand my inquiry. Possibly it was my fault that I did not make it plain. The Senator will recognize the fact that it is contended by many that a treaty for the purpose of effecting reciprocal arrangements relative to the tariff can originate with the Executive and be ratified by the Senate in the absence of anything in a legislative enactment by Congress directing or authorizing the same. An illustration of that fact is found in the pending treaty between the United States and Cuba for a reciprocal reduction of tariff duties.

Now, the inquiry I make of the Senator, and I do it in furtherance of what I think is justice to Governor Dingley and to remove any idea of impropriety, is whether it is necessary that Governor Dingley should have anticipated the matter of reciprocity and at the same time have limited it to a case where it would have been authorized, as it ultimately was, in the Dingley Act, or might he not have had in contemplation a reciprocity treaty such as that which is now pending between the United States and Cuba, which has not had any legislative authorization?

Mr. HALE. But the allegation is that in this furtive way it was communicated to one man, unknown to us, nearly six years ago. The allegation is not that he was contemplating a possibility that some form of reciprocity might affect this bill, but that he stated broadly and squarely to this unknown man, this anonymous source, that he had deliberately put his schedules up for the purpose of afterwards cutting them down.

Mr. TILLMAN. Mr. President——

Mr. HALE. Now, Mr. President, with my knowledge of Governor Dingley, that is simply impossible.

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. Certainly.

Mr. TILLMAN. I suggest to the Senator—while it is not in my province, and certainly I have no interest in this unknown man—that I presume his name could be obtained if necessary. The editor of the Bulletin, as I take it, has communicated to the Senator from Missouri this fact, and he in a measure becomes responsible for its authenticity. If we are going to go at this discussion along lines of circumstantial evidence, as the Senator is contending for a view here based on his knowledge of Governor Dingley's character, it seems to me that we could bring up evidence on the other side and show that it would be impossible for an organ so dyed-in-the-wool protectionist as the Bulletin to slander the father of protection, or rather its highest exemplar in the House of Representatives.

Mr. HOAR. Will the Senator from Maine allow me to make one remark?

Mr. HALE. Yes; I do not intend to take much time of the Senate, but I yield to the Senator.

Mr. HOAR. I beg the Senator's pardon. I merely wish to say that while the Senator was speaking I have sent for the report and the debates on the Dingley bill, and I find it to be true that the committee, which reported it by Governor Dingley, put in a report and in that report and in the debates Governor Dingley and his associates on the committee, among them Mr. GROSVENOR and other men now well known, dealt with the different items where the tariff was raised in their bill, and stated their reasons, the reasons being permanent reasons relating to the necessity and present interests of the country, so that they said to the House every time, "We ask you to put this up so high for this reason," and "We ask you to put this other one up so high for this reason." So that it is totally inconsistent either with frankness or veracity that they should have had this other motive.

Mr. HALE. There is another consideration, Mr. President. I fancy that all of us really look upon this thing pretty much alike. Not many of us are of the importance that Governor Dingley was, but none of us, in our attitude upon a great public question, would want five years after our death to have our sincerity impugned by the irresponsible statement of somebody who said he had a private conversation—yes, a confidential conversation, one involving any kind of word that shows a sacredness about it—five years before. This was never brought to light and never referred to until nearly five years afterwards, and more than three years after Governor Dingley's death. Would any of us want to be subjected to that? We all feel alike about it.

There is no substance in this charge. If the Senators who are in sympathy with the Senator from Missouri have no stronger argument than this to make, and must ransack the past, turn up the grave, and bring up alleged private conversations that have slept for five years in order to show insincerity on the part of men who have had charge of the tariff bill, they are very hardly pushed.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. I will yield in a moment.

Mr. President, after the alleged date of this alleged conversation the tariff bill was before Congress for months and months until midsummer. It was in conference a long time, Governor Dingley heading the House conferees. In the meantime this unknown party, who could have made a tempest by his disclosure, and if he had had the manliness, if you call it that, of doing it openly, when Governor Dingley was alive to answer him, sits in silence and never intimates to a listening country that the author, the framer, the finisher of that bill had disclosed to him his insincerity, and that he was marking up his goods that he might cut them down afterwards.

Mr. TILLMAN. Now, Mr. President——

Mr. HALE. Is it possible, Mr. President—certainly it is not probable—that any man to whom Governor Dingley gave his confidence and talked as it is alleged he talked, if he was going to do it afterwards would not do it when Governor Dingley was alive to smite him and declare him, whoever he might be, a falsifier?

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield?

Mr. HALE. Yes.

Mr. TILLMAN. I submit to the Senator from Maine that there is no accusation here against Governor Dingley's character, or his insincerity, or his honesty, or his manliness.

Mr. HALE. The Senator and I disagree about that.

Mr. TILLMAN. Of course the circumstantial evidence, however, is all on the line or on the side of there being no such purpose or intention, and the Senators who sympathize with the Senator from Missouri are not so hard put to it for argument, as the Senator will find before he gets out of this trust question.

Mr. HALE. This is certainly put forward now as the proper time, because——

Mr. TILLMAN. We have only been reassembled for three or four days, and we have hardly got over our Christmas drunks yet, if any of us were so unfortunate as to get drunk. But I contend that the Senator is setting up and tearing to tatters here a man of straw, and it is not an essential part of this debate anyway as to whether Governor Dingley ever said this or not.

Mr. HALE. I did not introduce this episode or bring Governor Dingley into this matter.

Mr. TILLMAN. I dislike very much to be defending a protectionist whom I do not know, but a man who undoubtedly must have been honest and whose intentions we can not lay to so low and dirty a motive as the Senator seems to impute to him is brought forward here and is hammered and clubbed, you might say, with epithets as regards his falseness, his charge of slander against Governor Dingley, and all that kind of thing. I dislike to see even a dog treated in that way.

Mr. HALE. Let me ask the Senator whether he thinks——

Mr. QUAY. Mr. President, I ask for the regular order.

Mr. HALE. Mr. President, on the intimation of the Senator from Alabama that he desires to discuss this matter further, I ask that it may go over, not losing its place. The Senator from Pennsylvania wants to go on with his bill.

Mr. QUAY. I will withdraw my request until the Senator from Maine can conclude his remarks.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the resolution lie on the table, retaining its present position. Is there objection? The Chair hears none. It is so ordered. The Chair lays before the Senate the unfinished business.

Mr. VEST. If the resolution lies on the table, does it come up at the end of the routine business to-morrow?

The PRESIDENT pro tempore. The resolution will come up in the morning hour. It retains its present position on the table just as a resolution coming over from a previous day, and it will come up on the completion of the morning business to-morrow morning.

Mr. VEST. If that is the case, then I have no objection.

EFFICIENCY OF THE MILITIA.

Mr. PROCTOR. Mr. President, I wish to give notice that, after the routine business to-morrow morning, I will ask to have the militia bill laid before the Senate.

ADJOURNMENT TO MONDAY.

Mr. BEVERIDGE. Mr. President——

Mr. ALDRICH. Will the Senator from Indiana yield to me in order to make a motion affecting the convenience of Senators?

Mr. BEVERIDGE. Certainly.

Mr. ALDRICH. I move that when the Senate adjourns to-day it adjourn until Monday next.

The PRESIDENT pro tempore. Does the Senator from Indiana yield for that purpose?

Mr. BEVERIDGE. Certainly.

The PRESIDENT pro tempore. The Senator from Rhode Island moves that when the Senate adjourns to-day it adjourn to meet on Monday next.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. This motion is not a subject of debate.

Mr. TILLMAN. I know that. I note the absence of the Senator from Pennsylvania [Mr. QUAY] who has the pending bill in charge.

Mr. ALDRICH. I have already consulted him.

Mr. TILLMAN. That is all right. I simply did not want any unfairness taken of his absence.

Mr. ALDRICH. I should not do that anyway.

Mr. TILLMAN. Of course not.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Rhode Island.

The motion was agreed to.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. BEVERIDGE. Mr. President, yesterday when the resolutions of the nonpartisan convention representing the people of Oklahoma and Indian Territory was laid before the Senate the question was asked whether or not that included any Indians or representatives of any tribes or nations. I knew nothing more at that time save what the dispatches in the daily papers showed; but since then I have information to the effect that the Chickasaw, Choctaw, Creek, Cherokee, and Osage Indians were represented in the convention, and that more would have been present were it not for the circumstance that on account of the allotments of land under the Dawes Commission the Indians are very largely detained at home.

Just one word more before the Senator from Minnesota proceeds. My attention has been called to a resolution of the Spanish-American War Veterans, Booth Camp, presented by the Senator from Pennsylvania [Mr. QUAY] this morning and read. It requires merely one comment, because when that comment is made it will be seen that the resolution has no foundation upon which to rest. There are two whereases in the resolution, the second of which is—

Whereas in their report they—

The Committee on Territories—

state that the citizens of these Territories, especially in New Mexico, are not fit to become citizens of a State: Therefore, be it

Resolved—

Mr. President, that statement, which is the foundation of the resolution, shows conclusively on its face that the camp did not and could not have had before it at the time the report of the committee of which they complain, because the committee's report makes no such statement. On the contrary, it is stated and repeated that of many of the citizens down there there are among them excellent qualities of citizenship, and that for very many of them absolutely too much can not be said. Yet in the face of that distinct statement, a conspicuous statement of the report, we have a resolution here which is based upon the allegation that our report states that the citizens of these Territories are not fit to become citizens of a State. This simply proves, therefore, the worthlessness of the resolution based upon a statement which, if they had had the report before them, would have disproved the statement itself.

Mr. President, the resolutions therefore show on their face, I say, that the camp did not have before them and could not have been aware of the statements of the report, which are not in accordance with what the resolutions say the committee stated. It can only be explained upon the ground that a report was given to them of somebody's opinion as to what the committee said, and they took that inference as to what the committee said for a fact, and thereupon included that statement made to them as being what the committee had actually said. If it be true that the whereas on which a resolution is based is not only not correct, but states the reverse in part of what the committee said, the value of the resolutions themselves will become apparent to the whole Senate.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. The Senator from Minnesota [Mr. NELSON] is recognized. Does he yield to the Senator from North Dakota?

Mr. NELSON. I yield to the Senator from North Dakota.

CONSIDERATION OF THE CALENDAR.

Mr. McCUMBER. I understand the Senator from Minnesota does not desire to speak longer than 4 o'clock this afternoon. I would therefore ask unanimous consent that the time from 4 until 5 o'clock this afternoon be given to the consideration of unobjected pension bills on the Calendar. There are somewhere about 200 cases, I think, on the Calendar.

Mr. BATE. We can not agree to that unless it is distinctly understood that it does not affect in any way whatever the statehood bill. We can not give up the right it has as the unfinished business of the Senate.

The PRESIDENT pro tempore. The unanimous consent asked would be that the pending bill be temporarily laid aside and that the Senate proceed to the consideration of unobjected pension cases after 4 o'clock. That would be the way the Chair would put the request.

Mr. BATE. The Senator who is looking after the measure on our side, the Senator from Pennsylvania [Mr. QUAY], is not here. I do not know, however, as it is suggested that the time after 4 o'clock shall be devoted to these bills, that we ought to make any objection. I understand that the Senator from Minnesota is to go on until 4 o'clock and that then the matter the Senator from North Dakota speaks of comes up.

Mr. McCUMBER. Yes, for simply one hour after 4 o'clock.

The PRESIDENT pro tempore. The Chair begs to assure the Senator from Tennessee that it could not interfere with the position of the statehood bill.

Mr. BATE. The status of it I want kept.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that at 4 o'clock and thenceforward on this same day the unobjected pension cases may be considered and that the pending bill may be temporarily laid aside for that purpose. Is there objection?

Mr. MORGAN. I desire to say that we ought to consider some other bills beside pension bills. I would suggest to the Senator to say "bills on the Calendar."

Mr. FORAKER. May I inquire what is the request?

The PRESIDENT pro tempore. The request of the Senator from North Dakota is that the pending bill be temporarily laid aside at 4 o'clock and that thereupon the unobjected pension cases may receive consideration.

Mr. MORGAN. I hope the Senator will change his request.

Mr. McCUMBER. There are quite a number of pension bills—over 200—now on the Calendar.

Mr. MORGAN. Suppose there are, Mr. President; the beneficiaries of those bills are not the only persons in the United States who are entitled to the attention of this body.

Mr. McCUMBER. The others are comparatively few. However, if the Senator objects, I will modify my request.

Mr. WARREN. I hope the Senator will include the Calendar as proposed.

The PRESIDENT pro tempore. Does the Senator from North Dakota change his request?

Mr. McCUMBER. I do.

Mr. FORAKER. I ask what is the request? I want to make an inquiry before I consent to it. Does the Senator from Minnesota [Mr. NELSON] propose to address the Senate in continuation of his speech?

The PRESIDENT pro tempore. He does, until 4 o'clock.

Mr. FORAKER. He does not contemplate concluding to-day? I wanted to inquire whether or not he thought if we went on until 5 o'clock he could get through to-day.

Mr. NELSON. No, I think not. I think it will take me fully another day.

Mr. FORAKER. It will take another day after this?

Mr. NELSON. After to-day, to finish my remarks.

Mr. FORAKER. In view of the adjournment over until Monday, I was hoping the Senator might be able to conclude to-day; but inasmuch as the Senator could not conclude to-day, I will agree to the request of the Senator from North Dakota.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that at 4 o'clock the pending bill be temporarily laid aside and that unobjected cases on the Calendar shall receive consideration in their regular order. Is there objection? The Chair hears none, and the order is made.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. NELSON. Mr. President, I have up to this time devoted my attention in my remarks to the consideration of the cases of the Territories of Arizona and New Mexico. I now propose to give consideration to the case of the Territory of Oklahoma, including the Indian Territory, to show that these Territories ought to be united and admitted as one State, and also to show that it would be unjust and utterly cruel and a great hardship to leave the great mass of the white people who are now living in the Indian Territory without any government and in the condition which they now occupy.

I have always, Mr. President, been a friend to the people of Oklahoma. Some two years ago a bill which they were more interested in than were the people in any other Territory or any State of this Union—the bill known as the free-homestead bill—was, on my motion, taken up and passed by the unanimous consent of the Senate. I was glad I had that opportunity to encourage and aid those worthy and progressive people to secure their homesteads on the same terms as people in other portions of the country.

Mr. President, I do not want anybody to understand or believe that in this matter of uniting the Territory of Oklahoma and the Indian Territory into one State it is a notion of my own or that it is something which has simply come from the committee. In order to show the Senate that I and the majority of the committee in reporting the substitute for the House bill and in advocating the union of Oklahoma and Indian Territory are not actuated by any selfish considerations; that we are not actuated by anything but the good of the people of the Territory; in fact, that we are moving in this manner in obedience to the public sentiment and the unanimous will of those people in support of that, and in order to show the good faith in which we are acting, I ask to have certain communications, letters, telegrams, and newspaper articles read to the Senate, because they will demonstrate that in this matter we have the people of that country with us.

The PRESIDENT pro tempore. The Senator from Minnesota asks that certain communications, telegrams, and newspaper articles may be read.

Mr. NELSON. And that they be appended in the RECORD at the end of my remarks.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the papers referred to will be read.

Mr. NELSON. Mr. President, there is not much time left to enter into any extended argument this afternoon; but I desire to call attention to some pertinent facts in reference to the Territory of Oklahoma.

Oklahoma was originally a part of the Indian Territory. It was carved out of that Territory and established as a separate Territory in 1890. By the very act establishing the Territory the right was reserved to annex it to any other Territory or to any State. I want to quote the part of the law bearing on this subject. I read from page 209 of a compilation of the organic acts of the several Territories.

> Congress may at any time hereafter change the boundaries of said Territory or attach any portion of the same to any other State or Territory of the United States without the consent of the inhabitants of the Territory hereby created.

This, Mr. President, as you will see, leaves it optional with Congress, without consulting the inhabitants of that Territory, to annex it to any other Territory or to any State. So there are

no legal or constitutional restrictions to the plan proposed in the substitute bill reported by the committee.

While Oklahoma has an ample number of people for representation in the other House of Congress, about equal to the ratio for two Representatives, yet there are other questions in connection with that Territory which make it plain that it ought not to be admitted as a separate State, but should be admitted in connection with the Indian Territory. While it has ample population for statehood, yet, on account of its limited area, its ragged, irregular, and unnatural boundaries, it should not be admitted separately.

I desire to point out on this map [indicating] its situation and boundaries. This map of Oklahoma and the Indian Territory shows the ragged and broken lines of Oklahoma on the east side, and also shows that combining Oklahoma and the Indian Territory into one State will make a magnificent State, nearly equal in area and dimensions to the States north—to the States of Kansas, Nebraska, North and South Dakota. It will be a little less in area than North Dakota, and it will be, if I remember aright, some 9,000 square miles less in area than the State of Kansas. Of those four States immediately north of it and in the same range, Kansas is the largest, Nebraska is the next largest, South Dakota next, and North Dakota next. Oklahoma and the Indian Territory united in one State would be next in area.

On account of the broken boundaries of the Territory of Oklahoma, to which I have called the attention of the Senate; on account of the limited area of the Territory; especially on account of the commercial, agricultural, and trade conditions, and also on account of the character of its soil and climate, it ought, for the good of the people who have settled in that Territory, for all future time to be united with the Indian Territory. The population of the two would, on the basis of the census of 1900, entitle this proposed State to four members in the House of Representatives. In area the two would be a fair average State. Separately each would have an area considerably less than any other State west or south of the original thirteen States.

In this connection I beg leave to quote from a table which I have in my hand:

The Indian Territory has an area of 31,400 square miles and Oklahoma 39,030 square miles. The two Territories have an aggregate of 70,430 square miles. The average area of the 45 States of the Union is 61,100 square miles. That would make Oklahoma and Indian Territory combined about 9,000 square miles more than the average. The average area of the 19 States west of the Mississippi River is 96,691 square miles. The smallest State today west of the Mississippi River is the State of Louisiana, with 48,720 square miles.

The areas of the States and Territories west of the Mississippi River are as follows:

	Square miles.	Acres.
Minnesota	83,365	50,691,200
Arkansas	53,850	33,948,800
Missouri	69,415	43,990,400
Iowa	56,025	35,504,000
Louisiana	48,720	29,068,800
North Dakota	70,795	44,924,800
South Dakota	77,650	49,184,000
Nebraska	77,510	49,177,600
Kansas	82,080	52,288,000
Texas	265,780	167,865,600

I do not claim that in the case of Texas the rule as to area ought to govern, because Texas came into the Union under peculiar conditions, having been a republic of its own making prior to its admission; but take the other States, the mountain and the Pacific coast States, and their areas are as follows:

	Square miles.	Acres.
Colorado	103,925	66,332,800
Utah	84,970	52,601,600
Idaho	84,800	53,945,600
Montana	146,080	92,998,400
Washington	69,180	42,803,200
Oregon	96,030	60,518,400
California	158,360	99,827,200
Wyoming	97,890	62,448,000
Nevada	110,700	70,233,600
Number States 19, total	1,837,125	
Average, area	96,691	
Area Oklahoma	39,030	24,851,200
Area Indian Territory	31,400	19,840,000
Total	70,430	

It will be perceived from this list, as I have already stated, that there will be three States that will be of about the same size as the combined State if these two Territories be admitted as one State—Missouri, with 69,415 square miles; North Dakota, with 70,795 square miles, and Washington, with 69,180 square miles. These two Territories combined as one State would have an area almost exactly equal to each of these States; and, as I said, the four States from south to north immediately north of Oklahoma and the Indian Territory have the following relative areas:

Kansas, the first State, 82,080 square miles; Nebraska, immediately north of that, 77,510 square miles; South Dakota, immediately north of that, 77,650 square miles, and North Dakota, 70,795 square miles.

So that in the matter of area we are doing no injustice by combining these two Territories, but we are putting them on a par with the sister States in the same range and within the same degrees of longitude and having, practically, in many respects, the same kind of climate, especially in the matter of rainfall and aridity.

Now, when we take the States east of the Mississippi River and west of the thirteen original States, we see that even in the case of those older States they are much larger in area than either Oklahoma or the Indian Territory separately. The area of Florida is 58,680 square miles; Alabama, 52,250 square miles; Mississippi, 46,810 square miles; Tennessee, 42,050 square miles; Kentucky, 40,400 square miles; Ohio, 41,060 square miles; Indiana, 36,350 square miles; Illinois, 56,650 square miles; Michigan, 58,915 square miles, and Wisconsin, 56,040 square miles.

The average of the States, west of the thirteen original States and between the Mississippi River, is 48,920 square miles, and the very smallest of them is Indiana, with 36,350 square miles. So when we glance at these figures of the area of the respective States, it must be evident to everybody who gives any thought to the subject that in the matter of area this proposed State, composed of the Territory of Oklahoma and the Indian Territory, would compare favorably with their older sister States, and it would be putting them on a parity and a footing of equality.

With the exception of the little strip immediately north of what we call the "Panhandle" of Texas—with the exception of that strip, which they used to call the "Public Land" strip—the State formed by the junction of these two Territories would make a regular parallelogram bounded on the north by the State of Kansas, on the east by the State of Arkansas and a part of Missouri, on the west by the State of Texas, and on the South by the State of Texas, or, rather, by the Arkansas River. That would give the proposed State clear, well-defined, homogeneous boundaries, and would avoid the broken and ragged boundaries that you now find between the Indian Territory and Oklahoma.

Mr. BEVERIDGE. Mr. President, I want to observe to the Senator from Minnesota, if it be agreeable to him, that if he has reached the point in his remarks where he is going to use the map, it would be well, the hour of 4 o'clock having arrived, when another order comes up, for him to suspend until Monday, when more Senators will be present to see the map demonstration.

Mr. NELSON. That would be agreeable to me.

Mr. BEVERIDGE. The hour of 4 o'clock is here, and I understand there is an order of the Senate to take up the Calendar.

Mr. NELSON. Under the unanimous-consent agreement that was made this afternoon, I suppose I am not entitled to the floor longer than 4 o'clock.

Mr. BEVERIDGE. And besides, I think more Senators than are present ought to see the Senator's demonstration of the boundary lines as given by the map.

The PRESIDENT pro tempore. The order agreed upon by unanimous consent was that at this hour the Calendar of unobjected cases should be taken up for consideration. The Secretary will state the first case on the Calendar.

LABELING OF WINE.

The bill (S. 1347) for the proper labeling of wine purporting to be champagne was announced as first in order on the Calendar.

Mr. McCUMBER. I ask that that bill be passed over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

ADULTERATION OF FOOD.

The bill (S. 3342) for preventing the adulteration, misbranding, and imitations of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, was announced as next in order.

Mr. McCUMBER. Let that bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will go over, retaining its place on the Calendar.

READJUSTMENT OF ACCOUNTS OF ARMY OFFICERS.

The bill (S. 2341) to authorize the readjustment of the accounts of Army officers in certain cases, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. This bill was heretofore passed by the Senate, and a motion was entered to reconsider the vote by which the bill was passed.

Mr. WARREN. I have authority from the Senator from Rhode Island [Mr. ALDRICH] to withdraw his notice of the motion to reconsider the vote by which the bill was passed.

The PRESIDENT pro tempore. The motion to reconsider is withdrawn.

CIVIL APPOINTMENTS OF EX ARMY AND NAVY OFFICERS.

The bill (S. 3310) to amend section 1754 of the Revised Statutes of the United States relating to the preference in civil appointments of ex Army and Navy officers was announced as next in order.

Mr. KEAN. Mr. President, I think the Senator from Massachusetts [Mr. LODGE] is somewhat interested in that bill, and I therefore ask that it may go over. I have no objection to it personally.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

ABANDONED PROPERTY IN INSURRECTIONARY DISTRICTS.

The bill (S. 362) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof, was announced as next in order.

Mr. WARREN. That bill will lead to much discussion, and I ask that it may go over.

The PRESIDENT pro tempore. The bill will be passed over, retaining its place on the Calendar.

CLAYTON G. LANDIS.

The bill (S. 4782) conferring jurisdiction on the Court of Claims to try, adjudicate, and determine the claim of Clayton G. Landis, administrator of David B. Landis, deceased, was announced as next in order.

Mr. WARREN. I notice that the Senator who has that bill in charge is not in the Chamber, and I therefore ask that it may go over without prejudice.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

Mr. MARTIN subsequently said: Mr. President, a few moments ago Senate bill 4782 was passed over. I should like to have that bill taken up now. The Senator from Pennsylvania [Mr. PENROSE] is more especially interested in it than I am, but I do not see any reason why it should not be taken up. It simply refers a case to the Court of Claims.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4782) conferring jurisdiction on the Court of Claims to try, adjudicate, and determine the claim of Clayton G. Landis, administrator of David B. Landis, deceased. It proposes to refer to the Court of Claims the claim of Clayton G. Landis, administrator of David B. Landis, deceased, late of Lancaster, Pa., for internal-revenue tax paid to the United States by the decedent as surety on the bond of Jacob F. Schaeffer, distiller, with full jurisdiction to try, adjudicate, and determine the claim, and to render judgment in claimant's favor for such amount as may be found just and due by the court, without regard to the statute of limitations. The right of appeal to the Supreme Court is expressly reserved to the Government and to the claimant.

Mr. ALLISON. I ask that the report in that case may be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. MARTIN April 29, 1902, as follows:

The Committee on Claims, to whom was referred the bill (S. 4782) for the relief of Clayton G. Landis, administrator of the estate of David B. Landis, deceased, beg leave to submit the following report:

This claim is made on behalf of the estate of the late David B. Landis, deceased, who, in his lifetime, was a prominent citizen of Lancaster, Pa., and was the president of the Conestoga National Bank, one of the leading financial interests of Lancaster at the time of his death. During his lifetime he became bondsman for Jacob F. Schaeffer, who was a distiller in the city of Lancaster. Mr. Schaeffer's bonded warehouse was destroyed by fire in October, 1893, while he was attending the Columbian Exposition, in Chicago. The fire destroyed more than 40,000 gallons of whisky on which the Government tax had not been paid. This whisky was insured for its actual value only, not including the Government tax. The owner had taken out policies of insurance, which were in force at the time of the fire, and the companies which issued these policies charged incendiarism and resisted the payment of the insurance. The companies were sued and the cases were tried in court.

When the evidence of the complainant was concluded, the companies practically gave up their line of defense and settled for nearly the full amount demanded by the plaintiff. There was no dispute or contest as to the quantity of spirits in the warehouse and destroyed by the fire. The whisky had been taxed by the Government to the amount of $43,016.40 when it was manufactured. The books of the Treasury officials showed this fact unmistakably. Pending the determination of the insurance cases the collection of the tax was suspended by the Government.

Mr. Schaeffer received the insurance money by virtue of the settlement above referred to, and proceeded to rebuild the distillery property and manufacture another large stock of whisky. Then, after a delay of nearly three years, the Government renewed its demand for the payment of the tax on the spirits that had been destroyed by fire. Mr. Schaeffer asked the Government to abate the tax, but it refused to do so and proceeded to enforce collection. Mr. Schaeffer was not able to pay the loss and did not have sufficient property to make it good, and therefore his bondsman, David B. Landis, was called upon to pay the taxes and thus prevent the utter sacrifice of Mr. Schaeffer's property.

On the 25th day of February, 1897, David B. Landis, as surety to the Government for Jacob F. Schaeffer, paid to R. E. Shearer, then collector of internal revenue for the ninth district of Pennsylvania, the sum of $45,167.22, taxes assessed on distilled spirits that had been destroyed by the fire, that amount being made up of $43,016.40 taxes and $2,150.82 for a 5 per cent penalty added to the taxes. This payment was made by Mr. Landis out of his own funds. He made repeated applications to the Government to have the case reopened and the moneys so paid by him refunded, but he was denied all relief. He was assassinated on the 7th day of April, 1898, and letters of administration were issued to his son, Clayton G. Landis, who is now prosecuting this claim in that behalf. The summary demand for this large amount of money by and the payment of it to the Government impoverished the decedent, and his estate now seeks an opportunity to have the claim which he had urged upon the Government heard and decided by an impartial tribunal.

Your committee recommend that the bill do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ABRAM G. HOYT.

The bill (S. 2869) for the relief of Abram G. Hoyt was announced as next in order.

Mr. McCUMBER. Let that bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will go over without prejudice.

CURRY COUNTY, OREG.

The bill (S. 3280) for the relief of Curry County, State of Oregon, was announced as next in order.

Mr. McCUMBER. The Senator having that bill in charge not being present, I ask that it may go over.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

COL. H. B. FREEMAN.

The bill (S. 4832) for the relief of Col. H. B. Freeman was announced as next in order.

Mr. CLAPP. I ask that that bill may be considered and passed at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to relieve Col. H. B. Freeman, Twenty-fourth United States Infantry, from the obligation to refund $1,761.60, paid to him under a decision of the Acting Secretary of War as commutation of quarters while on duty as acting Indian agent, Osage Agency, Pawhuska, Okla., from the 10th of December, 1896, which decision was overruled by the Comptroller of the Treasury, notwithstanding that the monthly claims which were based upon it had been approved by the auditing officers and paid, month by month, for upward of three years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CENTRAL ARIZONA RAILWAY COMPANY.

The bill (S. 4363) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve was announced as next in order.

Mr. McCUMBER. Let that bill go over, Mr. President.

Mr. KEAN. I ask that that bill may be passed over.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

MAJ. CORNELIUS GARDENER.

The resolution introduced by Mr. PATTERSON on April 30, 1902, relative to the calling of Maj. Cornelius Gardener as a witness as to conditions in the Philippine Islands, was announced as next in order on the Calendar.

Mr. ALLISON. Let that go over.

The PRESIDENT pro tempore. The resolution will be passed over without prejudice.

CLAIMS FOR INDIAN DEPREDATIONS.

The bill (S. 3544) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, was announced as next in order.

Mr. WARREN. I ask that that bill may be passed over, as there are amendments to it that will probably lead to debate.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

LAKE TAHOE, CALIFORNIA AND NEVADA.

The bill (S. 1969) to conserve the flood waters of Lake Tahoe, in the States of California and Nevada, and to regulate the overflow thereof, was announced as next in order.

Mr. McCUMBER. I ask that that bill may go over.

The PRESIDENT pro tempore. The bill will go over without prejudice.

COLVILLE INDIAN RESERVATION, WASH.

The bill (H. R. 159) providing for free homesteads on the public lands for actual and bona fide settlers in the north one-half of the Colville Indian Reservation, State of Washington, and reserving the public lands for that purpose, was announced as next in order.

Mr. McCUMBER. I ask that that bill may go over.

Mr. PLATT of Connecticut. Let that bill go over, Mr. President. I understand the Supreme Court on last Monday handed

down a decision which might affect the bill, and I should like an opportunity to look at that decision.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

CODE OF LAW FOR THE DISTRICT OF COLUMBIA.

The bill (S. 5299) to amend sections 897 and 903 of subchapter 7 of chapter 19 of an act entitled "An act to establish a code of law for the District of Columbia," was announced as next in order.

Mr. McCUMBER. In the absense of the Senator from Vermont [Mr. DILLINGHAM], I ask that that bill may be passed over.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

UNIVERSITY OF MONTANA.

The bill (S. 3953) granting additional lands adjacent to its site to the University of Montana was announced as the next business in order on the Calendar.

Mr. McCUMBER. Let the bill go over.

The PRESIDENT pro tempore. It will go over without prejudice.

Mr. BERRY. Unless the Senator from North Dakota has some particular reason for asking that the bill go over, I should like to have it considered. It is a bill in which the Senator from Montana [Mr. GIBSON], who is not in his seat, is very much interested.

Mr. McCUMBER. I asked that it might go over because I did not see the Senator from Montana in his seat.

Mr. BERRY. He is very much interested in the bill. The Committee on Public Lands has reported it, and I think it ought to be passed.

Mr. McCUMBER. My objection was made upon the basis that he was not present.

Mr. PLATT of Connecticut. If the Senator from Arkansas understands the nature and the features of the bill, I think we might take it up.

Mr. BERRY. There is a report explaining it which is very short. The Senator from Montana is very much interested in the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments, in line 4, before the word "University," to insert "State of Montana for the use of the," and in line 9, after the word "twenty-six," to strike out "the east half of the southeast quarter of section twenty-seven;" so as to make the bill read:

Be it enacted, etc., That there is hereby granted to the State of Montana for the use of the University of Montana the following described land lying within Missoula County, Mont., and adjacent to the site of said university in said State, namely: The south half of section 26; the south half of the northeast quarter and the south half of the northwest quarter of section 26, all situated in township 13 north and range 19 west, the same to be used for a site for an observatory for said university.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting additional lands adjacent to the site of the University of Montana to the State of Montana for the use of the said university."

MAJ. WILLIAM KENDALL.

The bill (S. 2924) for the relief of the legal representatives of Maj. William Kendall was considered as in Committee of the Whole.

Mr. COCKRELL. Is there any explanation of the bill? I should like to hear some explanation of it or to have the report read.

Mr. CLAPP. What does the Senator remark?

Mr. COCKRELL. I should like to have some explanation why the Government is to pay for rations furnished by a sutler to soldiers.

Mr. CLAPP. I can not explain that, for this reason——

Mr. COCKRELL. Let the bill go over for the time being, retaining its place.

Mr. CLAPP. It was reported at the spring session——

Mr. KEAN. There is a report.

Mr. CLAPP. I have not the report at hand. Let the bill go over.

Mr. COCKRELL. Retaining its place.

The PRESIDENT pro tempore. The bill will go over, retaining its place on the Calendar.

RECORDING AND JUDICIAL DIVISIONS OF ALASKA.

The bill (S. 4068) to redivide the district of Alaska into three recording and judicial divisions was announced as the next business in order on the Calendar.

Mr. McCUMBER. Unless some member of the Committee on the Judiciary desires to have the bill considered at the present time, I suggest that it go over.

Mr. HOAR. My impression is, although I will not be absolutely sure, that the bill came from the Department of Justice and has been very carefully considered. It was taken by the committee largely on the strength of the recommendation of the Department of Justice.

Mr. PLATT of Connecticut. There is a written report.

Mr. HOAR. There is a written report. Perhaps the Senator from North Dakota will hear it.

Mr. McCUMBER. This may be a long bill and therefore take considerable time.

Mr. HOAR. It will not take very long. I do not wish, of course, to press a bill about which any member of the Senate has serious hesitation. It is a matter which was committed to the Senator from Oregon [Mr. SIMON] for final consideration, and if I am not mistaken the bill was prepared at the Department of Justice and taken by the committee largely on the authority of the Department.

Mr. WARREN. I ask that it may be passed for the present.

Mr. HOAR. Very well; let it be passed for the present.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. HOAR subsequently said: I ask the Senate to return to Senate bill 4068, to redivide the district of Alaska into three recording and judicial divisions, so that the bill and report, which contains one page, may be read.

May I state beforehand that the condition of things is exceedingly inconvenient there now? There are parts of the judicial district with which the marshal and the judge who dwell in it can not have any communication from November to June; namely, the Aleutian Islands. So there is an absolute failure during this period on the part of the people as it is now to get a United States judge or to get any authority exercised by the United States marshal.

This bill was prepared at the Department of Justice on very full consideration and consultation with the judges and governor. It was reported from the committee at the last session. Of course I do not want to press anything upon which there is a serious doubt, but I do think the Alaska people do not get as prompt legislation always as could be desired. If this bill is to be passed, it ought to be amended by making it take effect next July instead of last July.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HOAR. I move to strike out, in line 16, page 2, the word "two" and insert "three;" so as to make it read "nineteen hundred and three."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOAR. I ask that the report be printed in the RECORD.

The report submitted by Mr. SIMON May 22, 1902, is as follows:

The Committee on the Judiciary, to whom was referred the bill (S. 4068) to redivide the district of Alaska into three recording and judicial divisions, report the same back to the Senate and recommend its passage.

The purpose of this bill, as implied by its title, is to redivide the district of Alaska into three recording and judicial divisions. Under section 13 of the act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900, the judges for the district of Alaska met and by an order divided the district of Alaska into three recording divisions, such recording divisions corresponding in boundaries with the three judicial divisions of the district. Since such division was made, by reason of increase in population and business in the Territory and the shifting of such population and business, it is found necessary to readjust the same and therefore redivide the district of Alaska for judicial and recording purposes. Such redivision is primarily made necessary by the fact that there is but little business to be done in the present third division, while there is a large amount of business to be done in the second division. The amount of business to be done in the first division is larger than that to be done in the third division.

The redivision provided for in this bill is also made necessary because during the period from November to June the marshal and the judge at St. Michael or Nome can have no communication with the Aleutian Islands, a part of which are now embraced in the second division.

The bill (S. 4068) was prepared under the direction of the Department of Justice and has its approval. The bill also was prepared after consultation with the several judges of the district courts in Alaska, and, as your committee is advised, the redivision of the district as made by the bill meets with the approval of such judges.

In view of these facts your committee recommend to the Senate the passage of the bill.

ASSAY OFFICE AT TACOMA, WASH.

The bill (S. 5928) to establish an assay office at Tacoma, Wash., was announced as the next business in order on the Calendar.

Mr. FOSTER of Washington. I ask that the bill may go over.

Mr. COCKRELL. Retaining its place.

The PRESIDENT pro tempore. The bill will go over, retaining its place on the Calendar.

EASTERN BAND OF CHEROKEE INDIANS.

The bill (S. 5229) to authorize, settle, and compromise certain litigation pending in the circuit court for the western district of

North Carolina was announced as the next business in order on the Calendar.

Mr. McCUMBER. I ask that the bill may go over.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

Mr. PLATT of Connecticut. My impression about the bill is that a compromise has already been agreed on. It comes from the Committee on Indian Affairs, and my recollection about it is that a compromise has already been agreed upon between the Department of Justice and the litigants, if I am not mistaken. I think the reading of the report will so show, if the Senator will permit the report to be read.

Mr. McCUMBER. I withdraw the objection.

The PRESIDENT pro tempore. The objection is withdrawn, and the bill will be read.

The Secretary read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Eastern Band of Cherokee Indians, of North Carolina, the sum of $4,000, for the purpose of compromising and settling an action at law and a suit in equity instituted by authority of an act of Congress in the circuit court for the western district of North Carolina, at Asheville, in said State, in the year 1872, and brought for an account and settlement and an adjustment of equities between said Eastern Band of Cherokee Indians, of North Carolina, and W. H. Thomas and William Johnston, and subsequently heard by Rufus Barringer, John H. Dillard, and Thomas Ruffin, as arbitrators, in the year 1874.

Mr. PLATT of Connecticut. Perhaps the Senator from North Dakota desires to have the report read. My recollection is perhaps not very accurate about the matter. Congress authorized the suit to be brought by the Attorney-General or by his direction, and it has been pending in the courts there until the present time. It has been pending for a long time, and, as I remember it, the Department of Justice has now recommended that the suit shall be compromised by the payment of this money.

Mr. QUARLES. That is right.

Mr. PLATT of Connecticut. As the matter came up in the Committee on Indian Affairs, my recollection is that we all thought that was a proper disposition to be made of the controversy.

Mr. COCKRELL. The Attorney-General and the Secretary of the Interior both recommend it.

Mr. PLATT of Connecticut. That is my recollection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF INTOXICATING LIQUORS IN THE DISTRICT.

The bill (S. 4202) to regulate the sale of intoxicating liquors in the District of Columbia was announced as the next business in order on the Calendar.

Mr. BATE. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over without prejudice.

RICHMOND P. HOBSON, UNITED STATES NAVY.

The bill (S. 3983) authorizing the transfer to the retired list of the Navy of Naval Constructor Richmond P. Hobson, United States Navy, was considered as in Committee of the Whole.

Mr. COCKRELL. Is there a report in the case?

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report.

Mr. COCKRELL. Let the bill be passed over.

The PRESIDENT pro tempore. It will be passed over without prejudice.

Mr. MORGAN (to Mr. COCKRELL). I wish you would not do that.

Mr. COCKRELL. He ought to stay in the service.

Mr. MORGAN. He is not fit for service.

Mr. COCKRELL. Mr. President, this officer is in the Navy, and he has been examined in the regular methodical way and pronounced fit for duty, and now Congress proposes to pass upon it, and say he is not, and to place him on the retired list. It does not seem to me it is placing this officer in a proper position. If he is fit for duty and trying to get on the retired list, then he ought not be put there. This seems to be an extraordinary case.

Mr. MORGAN. Mr. President, at the time of that examination Captain Hobson was fit for duty on that day. But since that time other examinations have been made by eminent surgeons, and they say to Captain Hobson, and he is perfectly aware of the fact, that he is going to be a blind man; that the postponement of the destruction of his visual organs is merely a question of time, and is only being hastened by putting him on active duty in the Navy. He can not perform this duty.

Mr. HOAR. Is this the famous officer of the *Merrimac*.

Mr. MORGAN. Yes. He can not perform the duties. I have known this man from his childhood. He is as conscientious in this application as a man possibly can be. He has suffered from this difficulty or trouble with his eyes from various causes, commencing no doubt with his work in Cuba, but more particularly by the work to which he was assigned in the Philippines and on the coast of China. He is a very conscientious man and does not want the Government of the United States to support him merely because he has been gallant and renowned in his military action. I hope the Senator from Missouri will not press his objection.

This case has been up twice before, and the Senator from New Hampshire [Mr. GALLINGER], who is very deeply interested in the matter, called it up and insisted upon its being heard. I yielded the floor to him at the time in order that it might be done, and the suggestion was made that the Senator from Kentucky had some objection to it. I inquired of the Senator from Kentucky to-day and he said he had none in the world. The Senator from New Hampshire, before going away, left me a message to take care of this case and to see to it. He is very much interested in it. I can not explain the situation technically, as he could. He understands it perfectly well. Mr. Hobson is condemned to blindness, and nothing can save him from it if he lives ten or fifteen years.

Mr. COCKRELL. I want to say that I can not now withdraw my objection to the bill, and I will give my reasons.

We have an Army and a Navy. We have laws providing for the examination of their officers as to fitness physically for the performance of duty. These boards are assembled upon the application of the officer at any time. There are hundreds of those boards.

Now, here is a board of the Navy Department, assembled in just the same way. It is composed of eminent surgeons in the Navy. There is presumed to be no prejudice among them against the officers whom they examine. They have examined this man and say he is fit for duty.

Mr. MORGAN. When?

Mr. COCKRELL. At the time set forth in the papers.

Mr. MORGAN. He is not fit to-day.

Mr. COCKRELL. We are told that he is not now fit for duty, although he was then. Well, what is the remedy? That officer could, within ten days after the refusal to retire him, have applied again and had another examination. But is Congress to be made a court of appeals to hear the application of every officer who may be brought before a board and who may be refused retirement because the surgeons of the Army or the Navy say he is fit for duty, and are we then to sit here as a court of appeals and take the testimony of civilian physicians in this matter when, if the first report is wrong, another board can be summoned and a fair trial can be given?

I have no disposition to keep Commander Hobson in the Navy if he is not fit for duty—by no means—but it is a question as to how he shall be retired, whether Congress shall be made a court of appeals to hear all these matters upon the testimony of civilians, disregarding the certificate of the board of examining surgeons, and taking the position that although then fit for duty he has since become unfit for duty, and that is shown by a civilian board, when he has never been ordered before another official board, which could be done.

Mr. MORGAN. I do not intend to delay the Senate on an occasion like this. It is not just to the Senate.

Mr. BATE. This time is set apart for the consideration of unobjected cases.

Mr. MORGAN. I wish to ask, though, that the whole report be put in the RECORD. The Senator from Missouri has predicated his remarks upon only a partial statement of the case. The report itself shows sufficient reasons. Here is the recommendation of the President in his message to the Senate that this man be retired. Here also is the concurrence of the Secretary of the Navy and of the Chief of the Bureau of Construction requesting his retirement.

I can not do justice to Captain Hobson on this occasion, but I do not intend that his reputation shall be damaged by any sinister objections made against him at all. So the bill can go over, but I give notice that I will call it up from time to time and have a full discussion and a full examination of this man's case and his character.

Mr. COCKRELL. I want to say, Mr. President, out of order, as both of us have been talking, that his character is not involved in this matter at all.

Mr. MORGAN. It is bound to be.

Mr. COCKRELL. It is a question of physical condition. Nobody has impeached his character. It is simply a question of his physical condition, and the Senator from Alabama can not twist the argument on anything else than on his physical condition to perform the duties of his office.

Mr. MORGAN. The Senator from Alabama is not in the habit of twisting anything, he will inform the Senator from Missouri. He is as straight as a die. He is as straight as the Senator from Missouri. I am stating facts here, and I am defending a man who has been impeached either incidentally or directly. I have stated here that Captain Hobson knows perfectly well that he is

irreclaimably condemned to blindness. We are keeping him on service in the Bureau of Construction which he can not perform. It requires the nicest possible eyesight. The Department will not transfer him to the line. They would have to promote him over the heads of various officers to do so. Here he stands without duties except to get furloughs from time to time. It is all he can do. It is due to this very exceptional case—for there is not one like it in the United States, and there has never been one like it—that we should pass the bill. I think the Senate of the United States might take the liberty of exercising its judgment upon the recommendation of the President and the Secretary of the Navy and the Chief of the Bureau of Construction. When the Senator from New Hampshire [Mr. GALLINGER] is back in this Chamber he will state to the Senate reasons which he knows of as a physician, which induce him personally to take a very great interest in this matter. Let the bill be passed over.

I ask that the report may be published in the RECORD.

The report submitted by Mr. GALLINGER May 27, 1902, is as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 3983) authorizing the transfer to the retired list of the Navy of Naval Constructor Richmond P. Hobson, United States Navy, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Department, as will appear by the message of the President herewith attached. Captain Hobson's statement is also appended, as well as the report of the board of medical survey which condemned his eyes.

[Senate Document No. 202, Fifty-seventh Congress, first session.]

To the Senate and House of Representatives:

In June, 1900, Naval Constructor Richmond P. Hobson, then on duty at the naval station, Cavite, P. I., was found to be suffering from "compound hypermetropic astigmatism, retinal hyperæmia, and trachoma," and an operation was performed for the latter. On the 28th of June, 1900, he was admitted to the naval hospital, Yokohama, Japan, the hospital ticket stating: "Retinitis. There is good evidence it was in line of duty. While on duty at Hongkong during the past year he suffered from weakness of eyes, particularly after exposure to glare of sun or while subject to the irregularities of light on board the ships under repairs." On September 7, 1900, he was discharged from the naval hospital at Yokohama and ordered to the United States, and was subsequently granted six months' leave of absence on account of continued "irritation of retina."

In January, 1902, Naval Constructor Hobson appeared before a retiring board, the medical members of which, after an examination of his case, made the following certificate:

"At present there is apparently only a slight retinal irritation, but by the exercise of reasonable care it should not give great trouble.

"An ophthalmoscopic examination not made and deemed not essential.

"We believe, therefore, that Mr. Hobson is fit for active duty."

Upon this state of facts the retiring board decided "that Naval Constructor Richmond P. Hobson, U. S. N., is fit for active duty."

Without suggesting that any injustice has been done by this finding, and while in effect pronouncing it correct, Mr. Hobson states, in a letter addressed to the Secretary of the Navy, February 5, 1902, that "the duty required in the Construction Corps in connection with plans and blue prints, and in connection with inspection and supervision in the glare of shipyards and navy-yards, requires just the kind of use of the eyes that is painful and injurious and would tend to thwart their recovery;" that the condition of his eyes has improved since his return to the United States while on special duty not in the usual line of work of the Construction Corps; but that "under these favorable conditions the irritation and sensitiveness continue, and show that" he "should not undertake work that taxes the eyes * * * in the future." He accordingly asks special legislation authorizing his retirement as for disabilities incurred in the line of duty. This request is approved by the Chief Constructor and by the Secretary of the Navy.

In consideration of the foregoing, but especially of the gallant service rendered by Mr. Hobson in the sinking of the *Merrimac* in the harbor of Santiago during the recent war with Spain, I recommend the enactment of a suitable measure for his relief.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 17, 1902.*

DEPARTMENT OF THE NAVY,
BUREAU OF CONSTRUCTION AND REPAIR,
Washington, D. C., February 5, 1902.

SIR: (1) Referring to my application of January 17 to be ordered before the retiring board on account of my eyes, and to the Department's letter of January 27 informing me of the report of that board, to the effect that I was fit for duty, I have the honor to state, while I can perform duty, and in that sense am fit for duty, yet the duty required in the Construction Corps in connection with plans and blue prints and in connection with inspection and supervision in the glare at shipyards and navy-yards requires just the kind of use of the eyes that is painful and injurious and would tend to thwart their recovery. Under these circumstances I believe I should not continue such work, and since it appears that relief can not come through the retiring board, I respectfully request the transmission to Congress of the application I hereby make for special legislative authority for such relief. Because of the unusual nature of this request, I beg to add the statement below.

(2) My service in the Navy has covered about seventeen years, and never counted a day on the sick list or even excused list until my eyes were condemned by a medical board assembled in Cavite in June, 1900, as a result of which I was invalided to the naval hospital at Yokohama and thence to the United States, and upon the recommendation of a specialist granted six months' leave on account of my eyes. When I entered the naval service my eyes were strong and sound. They stood the strain incident to general service and to Construction-Corps work until my service in Cuba, when they gave trouble in the glare incident to the wrecking duty, particularly that in raising the *Maria Teresa*, where the conditions were severe. Proceeding straight from this wrecking duty to duty in Hongkong, the trouble became aggravated during sixteen months of work under severe glare in inspecting and directing the reconstruction of the gunboats *Isla de Cuba*, *Isla de Luzon*, and *Don Juan de Austria*.

The trouble became acute, under the effect of glare, and a physician was consulted, who prescribed dark glasses and a lotion, but without effectual relief, and the trouble became further aggravated in the duty at the Cavite Navy-Yard, and a specialist at Manila, who operated for granulation of the lids, reported a serious condition of congestion of the retina, that led to my being invalided home. Since my return to the United States the condition has improved with special duty not in the usual line of the Construction Corps. But under these favorable conditions the irritation and sensitiveness continue and show that I should not undertake work that taxes the eyes for my regular work in the future.

(3) Thus my service in the Navy has been particularly severe on my eyes and has injured them and put them at a disadvantage for continuing the work of my corps. I do not think I should be required, before getting relief, to continue such work until they become so much injured as to render them unfit for use.

(4) I respectfully call attention to the fact that this voluntary application might be met by existing law were I in the line of the Navy, under which law officers of the line have been retired upon voluntary application since July 1, 1900, the officer in each case retiring with the rank next higher than the one held at the time of application.

(5) In seeking thus to be relieved from active duty I beg to add that I am completely devoted to the Navy, and in any course of work that I might undertake in the future I should endeavor at all times to serve the Navy and the country; my single purpose, earnest and steadfast, being to render a maximum of useful service during my lifetime.

Very respectfully,

R. P. HOBSON,
Naval Constructor, United States Navy.

The SECRETARY OF THE NAVY.

NAVY DEPARTMENT, *Washington, May 8, 1902.*

SIR: Complying with the request made in your letter of the 6th instant, I have the honor to send you herewith two copies of a report dated Cavite, P. I., June 4, 1900, of a board of medical survey in the case of Naval Constructor Richmond P. Hobson, United States Navy.

Very respectfully,

WILLIAM H. MOODY,
Secretary.

Hon. EUGENE HALE,
Chairman Committee on Naval Affairs, United States Senate.

UNITED STATES NAVAL STATION,
Cavite, P. I., June 4, 1900.

SIR: In obedience to your order of June 2, 1900, we have held a careful survey on Hobson, Richmond Pearson, naval constructor, and beg leave to report as follows:

1. Present condition, unfit for duty.
2. Disease or injury, retinitis.
3. Probable future duration, indefinite.
4. Recommendation, that he be transferred to the United States naval hospital at Yokohama, Japan, for treatment and further disposition.
5. Origin, in the line of duty; incident to duty in the Tropics.

Very respectfully,

F. J. B. CORDEIRO,
Surgeon, United States Navy.
OLIVER D. NORTON,
Surgeon, United States Navy.
GEO. PICKRELL,
Surgeon, United States Navy.

To COMMANDER IN CHIEF UNITED STATES
NAVAL FORCE ON ASIATIC STATION.

The PRESIDENT pro tempore. The bill will be passed over.

HERBERT O. DUNN.

The bill (S. 1866) for the relief of Herbert O. Dunn was considered as in Committee of the Whole.

Mr. KEAN and Mr. PLATT of Connecticut. Let the report be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report.

Mr. COCKRELL. Let the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

UINTAH RESERVATION.

The bill (S. 5657) to prevent discrimination in grazing permits on the Uintah Reservation was announced as the next business in order on the Calendar.

Mr. CLARK of Wyoming. Let the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

PUBLIC LAND ACCOUNTS.

The bill (S. 1473) regulating the settlement of the accounts between the United States and the several States relative to the disposition of the public lands, and for other purposes, was announced as the next business in order on the Calendar.

Mr. MCCUMBER. Let the bill go over. It is quite lengthy.

The PRESIDENT pro tempore. The bill will go over without prejudice.

PAYMASTER JAMES E. TOLFREE, UNITED STATES NAVY.

The bill (S. 5724) for the relief of Paymaster James E. Tolfree, United States Navy, was considered as in Committee of the Whole. It proposes to pay to James E. Tolfree, paymaster, United States Navy, $4,000, in full for all losses of both Government and personal property incurred by him by reason of the destruction by fire of the Windsor House, at Yokohama, Japan, on the morning of February 8, 1886.

Mr. PLATT of Connecticut. I am not going to object to the passage of the bill, but I do not believe the Government is legally liable for the payment of claims such as this bill represents. I know that it is the practice to do it. I simply wanted to state what my opinion was.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES BLAKE, UNITED STATES NAVY.

The bill (S. 5725) for the relief of Pay Clerk Charles Blake, United States Navy, was considered as in Committee of the Whole. It proposes to pay to Charles Blake, pay clerk, United States Navy, $700, in full of all losses of personal property incurred by him by reason of the destruction by fire of the Windsor House, at Yokohama, Japan, on the morning of February 8, 1886.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF FOREST RESERVES.

The bill (S. 3374) to protect forest reserves, and for other purposes, was announced as the next business in order on the Calendar.

Mr. BERRY. Let the bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will go over without prejudice.

AMERICAN ACADEMY IN ROME.

The bill (S. 4980) to incorporate the American Academy in Rome, was considered as in Committee of the Whole.

The Secretary read the bill, which had been reported from the Committee on the Library with amendments.

The first amendment was in section 1, page 1, line 4, after the name "Angell" to insert "Arthur T. Barney;" in line 7, after the name "Chandler," to insert "William A. Clark;" in line 9, before the name "Draper," to strike out "A" and insert "F;" in line 11, after the name "Gage," to insert "Richard Watson Gilder;" in line 12, after the name "Gilman," insert "Arthur T. Hadley;" in line 3, page 2, after the name "La Farge," insert "Charles Lanier;" in the same line, before the name "McMillan," strike out "James" and insert "William C.;" in line 9, after the name "Rhinelander," insert "Elihu Root," and in line 16, after the word "politic," insert "in the District of Columbia;" so as to make the section read:

That Edwin A. Abbey, Samuel A. B. Abbott, Charles Francis Adams, James W. Alexander, James B. Angell, Arthur T. Barney, Edward J. Berwind, Edwin H. Blashfield, William A. Boring, Daniel H. Burnham, Nicholas Murray Butler, John L. Cadwalader, Frank W. Chandler, William A. Clark, Thomas Jefferson Coolidge, Frank Miles Day, William E. Dodge, William F. Draper, Charles W. Eliot, Theodore N. Ely, Marshall Field, Charles L. Freer, Daniel Chester French, Henry C. Frick, Lyman J. Gage, Richard Watson Gilder, Daniel Coit Gilman, Arthur T. Hadley, Charles C. Harrison, John Hay, Thomas Hastings, William H. Herriman, Abram S. Hewitt, Henry L. Higginson, Charles L. Hutchinson, William M. Kendall, John La Farge, Charles Lanier, Austin W. Lord, Charles F. McKim, William C. McMillan, Frederic MacMonnies, William Rutherford Mead, George Von L. Meyer, Charles Moore, J. Pierpont Morgan, H. Siddons Mowbray, Frederick Law Olmsted, jr., Francis L. Patton, Robert Swain Peabody, George B. Post, Henry S. Pritchett, Herbert Putnam, Frederick W. Rhinelander, Elihu Root, F. Augustus Schermerhorn, J. G. Schurman, Carl Schurz, James Stillman, Waldo Story, Augustus St. Gaudens, James Knox Taylor, Henry Walters, John Q. A. Ward, George Peabody Wetmore, Henry White, Stanford White, William C. Whitney, Egerton Winthrop, their associates and successors, are hereby created a body corporate and politic in the District of Columbia by the name of the American Academy in Rome, for the purpose of establishing and maintaining an institution to promote the study and practice of the fine arts and to aid and stimulate the education and training of architects, painters, sculptors, and other artists, by enabling such citizens of the United States as shall be selected by competition from among those who have passed with honor through leading technical schools or have been equally well qualified by private instruction or study to develop their powers and complete their training under the most favorable conditions of direction and surroundings.

The amendment was agreed to.

Mr. SPOONER. I heard only part of the bill read. What is the home of the corporation?

Mr. MORGAN. Rome.

Mr. PLATT of Connecticut. Washington.

Mr. COCKRELL. The home of the corporation is in Washington City.

Mr. PLATT of Connecticut. But there is a provision in it which authorizes the company to own real estate in Rome.

Mr. COCKRELL. In Italy.

Mr. SPOONER. It is a District of Columbia corporation?

Mr. WETMORE. Yes.

Mr. SPOONER. Let the bill go over. I object to its further consideration.

The PRESIDENT pro tempore. The bill goes over.

BRIG OLIVE FRANCES.

The bill (S. 3034) for the relief of the owners and officers of the brig *Olive Frances* and others on board said brig was announced as next in order.

The Secretary read the bill.

Mr. PLATT of Connecticut. Let the report be read, or some portion of it.

The PRESIDENT pro tempore. The report will be read.

Mr. WARREN. It is quite a long report and, as the Senator who reported the bill is absent, I ask that it may go over without prejudice.

The PRESIDENT pro tempore. The bill goes over without prejudice.

SEALER OF WEIGHTS AND MEASURES.

The bill (S. 3900) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, was announced as next in order.

Mr. COCKRELL. Let that bill be passed over.

The PRESIDENT pro tempore. The bill goes over without prejudice.

APPOINTMENT OF ENLISTED MEN OF THE NAVY.

The bill (S. 6059) for the relief of certain enlisted men of the Navy was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the appointment of an enlisted man or apprentice as a commissioned officer or pay clerk shall not be regarded as a discharge from his enlistment; and any enlisted man or apprentice who has been, or may be, so appointed may, upon the honorable termination of his service under such appointment, be permitted to serve out his enlistment, and upon honorable discharge therefrom shall be entitled to the benefits of continuous service under the conditions prescribed in section 16 of the act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SHAMOKIN, PA.

The bill (S. 5694) to provide for the purchase of a site and the erection of a public building thereon at Shamokin, in the State of Pennsylvania, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site and to cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Shamokin and State of Pennsylvania, the cost of the site and building, including vaults, heating and ventilating apparatus, and approaches, complete, not to exceed $100,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

F. C. BOUCHER.

The bill (S. 2991) for the relief of F. C. Boucher was announced as next in order.

The PRESIDENT pro tempore. The bill has been before the Senate at a former date, and the amendment reported by the Committee on Indian Affairs was agreed to.

Mr. SPOONER. Is there a report upon the bill?

Mr. KEAN. There is.

The PRESIDENT pro tempore. There is a report.

Mr. SPOONER. I think I objected to the bill on a former occasion. I object to it again.

The PRESIDENT pro tempore. The bill goes over, without prejudice.

ACCEPTANCE OF DECORATIONS, ETC.

The following were the bills next in order on the Calendar:

A bill (S. 6134) to authorize Col. Theodore A. Bingham, United States Army, to accept a decoration conferred upon him by the Government of the French Republic;

A bill (S. 6135) to authorize Capt. R. P. Rodgers, United States Navy, to accept a decoration conferred upon him by the Government of the French Republic;

A bill (S. 6136) to authorize Mr. H. H. D. Peirce, Third Assistant Secretary of State, to accept a decoration conferred upon him by the Government of the French Republic; and

A bill (S. 6137) to authorize Arthur M. Beaupre, formerly secretary of legation and consul-general of the United States to Guatemala, to accept a silver inkstand presented to him by the English Government.

Mr. CULLOM. I move that these bills be recommitted to the Committee on Foreign Relations, and also the bill (H. R. 11576) granting permission to Capt. B. H. McCalla and others to accept presents and decorations tendered to them by the Emperor of Germany and others.

Mr. HOAR. The bills have been reported from the Committee on Foreign Relations?

Mr. CULLOM. They have been reported from the committee, and I desire to have them referred back to it.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the bills referred to are recommitted to the Committee on Foreign Relations.

RAINY RIVER BRIDGE.

Mr. CULLOM. I desire now to move that the Senate proceed to the consideration of executive business.

Mr. CLAPP. Before that is done there is a bridge bill on the Calendar which I should like to have considered. It is necessary on account of the passing season that the bill shall be acted on,

so that they may get to work. I should like to have unanimous consent for its immediate consideration.

Mr. CULLOM. Is it a long bill?

Mr. CLAPP. No, sir; it is not a long bill. It is Senate bill No. 6446, reported by the Committee on Commerce.

Mr. CULLOM. I yield for the purpose of allowing the bill to be taken up, if it does not take too long a time.

The Secretary read the bill (S. 6446) to provide for the construction of a bridge across Rainy River, in Minnesota; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 2, line 1, after the word "War," to insert "and until approved by him the bridge shall not be commenced or built;" so as to make the section read:

That the International Bridge and Terminal Company, a corporation duly organized under the laws of the State of Minnesota, its successors and assigns, be, and the same hereby is, authorized and empowered to construct and maintain a bridge over the Rainy River at the head of the falls in the river, in section 27, in township 71 north, of range 24 west, of the fourth principal meridian, in the county of Itasca and State of Minnesota: *Provided*, That the plan, location, and elevation of the bridge shall be subject to the approval of the Secretary of War, and until approved by him the bridge shall not be commenced or built.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 11, after the words "United States," to insert the following proviso:

Provided, That all railroad companies desiring the use of said bridge shall be entitled to equal rights and privileges in the passage of railroad trains over the same, and the approaches thereto, upon the payment of a reasonable compensation therefor, and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon the rules and conditions to which each shall conform in the use of said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraph and telephone purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF PENSION BILLS.

Mr. CULLOM. I yield to the Senator from North Dakota to make a request.

Mr. McCUMBER. Mr. President, I asked that this hour might be given to the consideration of the Calendar, with the hope and expectation that we would reach the pension bills. Being disappointed in that, I ask unanimous consent that on Monday, at 4 o'clock, we take one hour for the consideration of unobjected pension bills on the Calendar. I understand this is satisfactory to those having other bills in charge.

Mr. BEVERIDGE. It is, Mr. President.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that on Monday, at 4 o'clock, the unobjected pension cases may receive the consideration of the Senate for one hour. Is there objection? The Chair hears none, and that order is made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed a concurrent resolution requesting the President to return to the Senate Senate bill 3316, being a bill to amend an act to create a new division in the western judicial district of the State of Missouri, approved January 24, 1901; in which it requested the concurrence of the Senate.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, January 12, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 8, 1903.

PAY DIRECTOR IN THE NAVY.

Pay Inspector Lawrence G. Boggs, to be a pay director in the Navy from the 28th day of September, 1902, vice Pay Director Edwin Putnam, retired.

APPOINTMENTS IN THE NAVY.

Julius A. Furer, a citizen of Wisconsin, to be an assistant naval constructor in the Navy from the 16th day of January, 1903, to fill a vacancy existing in that grade on that date.

William B. Fogarty, a citizen of Ohio, to be an assistant naval constructor in the Navy from the 16th day of January, 1903, to fill a vacancy existing in that grade on that date.

Sidney M. Henry, a citizen of New York, to be an assistant naval constructor in the Navy from the 16th day of January, 1903, to fill a vacancy existing in that grade on that date.

Lewis B. McBride, a citizen of Pennsylvania, to an be assistant naval constructor in the Navy from the 16th day of January, 1903, to fill a vacancy existing in that grade on that date.

POSTMASTERS.

ALABAMA.

Charles Hays, jr., to be postmaster at Eutaw, in the county of Greene and State of Alabama, in place of Charles Hays, jr. Incumbent's commission expired December 20, 1902.

CALIFORNIA.

George C. Folger, to be postmaster at Jackson, in the county of Amador and State of California, in place of George C. Folger. Incumbent's commission expires January 24, 1903.

Eli H. Wells, to be postmaster at Willits, in the county of Mendocino and State of California. Office became Presidential January 1, 1903.

CONNECTICUT.

Walter B. Cheney, to be postmaster at South Manchester, in the county of Hartford and State of Connecticut, in place of Walter B. Cheney. Incumbent's commission expired December 20, 1902.

ILLINOIS.

Joseph H. Coffman, to be postmaster at Augusta, in the county of Hancock and State of Illinois, in place of William A. Steinbarger. Incumbent's commission expired February 18, 1902.

Abraham L. Coyle, to be postmaster at Gridley, in the county of McLean and State of Illinois. Office became Presidential January 1, 1903.

C. B. Crawford, to be postmaster at Genoa, in the county of Dekalb and State of Illinois, in place of George W. Buck, removed.

William I. Larash, to be postmaster at Rushville, in the county of Schuyler and State of Illinois, in place of John A. Harvey. Incumbent's commission expired December 21, 1902.

Silas D. Patton, to be postmaster at El Paso, in the county of Woodford and State of Illinois, in place of Silas D. Patton. Incumbent's commission expired July 1, 1902.

Henry M. Peeples, to be postmaster at Shawneetown, in the county of Gallatin and State of Illinois, in place of Henry M. Peeples. Incumbent's commission expired December 21, 1902.

INDIANA.

Alexander Abernathy, to be postmaster at National Military Home, in the county of Grant and State of Indiana, in place of Alva T. Hart, resigned.

William H. Burris, to be postmaster at Milford, in the county of Koscinsko and State of Indiana, in place of William H. Burris. Incumbent's commission expires January 27, 1903.

Albert D. Peck, to be postmaster at Morocco, in the county of Newton and State of Indiana. Office became Presidential January 1, 1903.

IOWA.

Andrew H. Bjorgo, to be postmaster at Kensett, in the county of Worth and State of Iowa. Office became Presidential January 1, 1903.

Gilbert Cooley, to be postmaster at Strawberry Point, in the county of Clayton and State of Iowa, in place of Gilbert Cooley. Incumbent's commission expires January 27, 1903.

Hiram Lamb, to be postmaster at Murray, in the county of Clarke and State of Iowa, in place of John F. Lyons, resigned.

John Meyer, to be postmaster at Alton, in the county of Sioux and State of Iowa, in place of Gerrit Vanden Burg. Incumbent's commission expired December 21, 1902.

Charles S. Terwilliger, to be postmaster at Garner, in the county of Hancock and State of Iowa, in place of Charles S. Terwilliger. Incumbent's commission expires January 17, 1903.

KENTUCKY.

Frank H. Bristow, to be postmaster at Elkton, in the county of Todd and State of Kentucky, in place of Frank H. Bristow. Incumbent's commission expires January 23, 1903.

MARYLAND.

Ezra R. Zimmerman, to be postmaster at Emmitsburg, in the county of Frederick and State of Maryland, in place of John A. Horner. Incumbent's commission expired January 14, 1902.

MINNESOTA.

Isaac I. Bargen, to be postmaster at Mountain Lake, in the county of Cottonwood and State of Minnesota. Office became Presidential January 1, 1903.

William J. Cowling, to be postmaster at Ely, in the county of

St. Louis and State of Minnesota, in place of Patrick R. Vail. Incumbent's commission expired January 7, 1903.

Brown Duckstad, to be postmaster at Fertile, in the county of Polk and State of Minnesota. Office became Presidential January 1, 1903.

George W. Rowell, to be postmaster at North Branch, in the county of Chisago and State of Minnesota. Office became Presidential January 1, 1903.

MISSOURI.

Charles R. Landrum, to be postmaster at Mount Vernon, in the county of Lawrence and State of Missouri, in place of Charles R. Landrum. Incumbent's commission expires January 23, 1903.

John K. Martin, to be postmaster at Rich Hill, in the county of Bates and State of Missouri, in place of John K. Martin. Incumbent's commission expires January 24, 1903.

NEBRASKA.

A. A. Hyers, to be postmaster at Havelock, in the county of Lancaster and State of Nebraska, in place of George S. Copeland, resigned.

William T. Spelts, to be postmaster at Wood River, in the county of Hall and State of Nebraska. Office became Presidential October 1, 1902.

NEW JERSEY.

Charles S. Day, to be postmaster at New Market, in the county of Middlesex and State of New Jersey. Office became Presidential January 1, 1903.

NEW MEXICO.

James Corry, to be postmaster at Springer, in the county of Colfax and Territory of New Mexico. Office became Presidential January 1, 1903.

NEW YORK.

Clark E. Churchill, to be postmaster at Arcade, in the county of Wyoming and State of New York, in place of Clark E. Churchill. Incumbent's commission expires January 13, 1903.

Frank J. McNeil, to be postmaster at Dansville, in the county of Livingston and State of New York, in place of Frank J. McNeil. Incumbent's commission expires January 13, 1903.

Charles E. Morgan, to be postmaster at West Winfield, in the county of Herkimer and State of New York. Office became Presidential January 1, 1903.

Jonas M. Preston, to be postmaster at Delhi, in the county of Delaware and State of New York, in place of Jonas M. Preston. Incumbent's commission expires January 13, 1903.

Henry S. White, to be postmaster at Walton, in the county of Delaware and State of New York, in place of Henry S. White. Incumbent's commission expires January 13, 1903.

NORTH CAROLINA.

William J. Flowers, to be postmaster at Mount Olive, in the county of Wayne and State of North Carolina. Office became Presidential January 1, 1903.

William H. Long, to be postmaster at Roxboro, in the county of Person and State of North Carolina. Office became Presidential January 1, 1903.

Ella M. Sanders, to be postmaster at Albemarle, in the county of Stanley and State of North Carolina. Office became Presidential January 1, 1903.

NORTH DAKOTA.

William J. Hoskins, to be postmaster at Rolla, in the county of Rolette and State of North Dakota. Office became Presidential January 1, 1903.

OHIO.

Lucius A. Austin, to be postmaster at Granville, in the county of Licking and State of Ohio, in place of Lucius A. Austin. Incumbent's commission expires January 24, 1903.

William H. Baum, to be postmaster at Batavia, in the county of Clermont and State of Ohio, in place of William H. Baum. Incumbent's commission expired January 31, 1902.

Clayton H. Bishop, to be postmaster at Centerburg, in the county of Knox and State of Ohio. Office became Presidential January 1, 1903.

Albert C. Buss, to be postmaster at New Bremen, in the county of Auglaize and State of Ohio, in place of Albert C. Buss. Incumbent's commission expires January 24, 1903.

Peter Schatzman, to be postmaster at Glendale, in the county of Hamilton and State of Ohio. Office became Presidential January 1, 1903.

L. H. Wadsworth, to be postmaster at Wellington, in the county of Lorain and State of Ohio, in place of Mary L. Herrick. Incumbent's commission expires January 24, 1903.

OKLAHOMA.

John H. Asbury, to be postmaster at Lexington, in the county of Cleveland and Territory of Oklahoma, in place of Ida McKeand, removed.

Perry C. Hughes, to be postmaster at Busch, in the county of Roger Mills and Territory of Oklahoma. Office became Presidential January 1, 1903.

Charles W. Sherwood, to be postmaster at Okeene, in the county of Blaine and Territory of Oklahoma. Office became Presidential January 1, 1903.

George S. Walker, to be postmaster at Bridgeport, in the county of Caddo and Territory of Oklahoma. Office became Presidential January 1, 1903.

OREGON.

Thomas L. Ambler, to be postmaster at Mount Angel, in the county of Marion and State of Oregon. Office became Presidential January 1, 1903.

Fred. A. Bancroft, to be postmaster at Portland, in the county of Multnomah and State of Oregon, in place of Allen B. Croasman. Incumbent's commission expired May 10, 1902.

PENNSYLVANIA.

James Agnew, to be postmaster at Mercersburg, in the county of Franklin and State of Pennsylvania, in place of James Agnew. Incumbent's commission expired May 11, 1902.

Thomas F. Dunn, jr., to be postmaster at Weatherly, in the county of Carbon and State of Pennsylvania, in place of Thomas F. Dunn, jr. Incumbent's commission expired May 11, 1902.

VERMONT.

Warner B. Nichols, to be postmaster at Essex Junction, in the county of Chittenden and State of Vermont, in place of Warner B. Nichols. Incumbent's commission expires January 31, 1903.

James E. Pollard, to be postmaster at Chester, in the county of Windsor and State of Vermont, in place of Mina D. Jones. Incumbent's commission expires January 10, 1903.

VIRGINIA.

Robert A. Anderson, to be postmaster at Marion, in the county of Smyth and State of Virginia, in place of Charles C. Lincoln. Incumbent's commission expires February 1, 1903.

Charles Bugg, to be postmaster at Farmville, in the county of Prince Edward and State of Virginia, in place of Samuel H. Bliss, removed.

WISCONSIN.

Edward A. Bass, to be postmaster at Montello, in the county of Marquette and State of Wisconsin. Office became Presidential January 1, 1903.

Bernhard Beck, to be postmaster at Horicon, in the county of Dodge and State of Wisconsin, in place of Bernhard Beck. Incumbent's commission expires January 28, 1903.

Joseph W. Fritz, to be postmaster at Ladysmith, in the county of Gates and State of Wisconsin. Office became Presidential January 1, 1903.

Harry C. Hall, to be postmaster at Iron River, in the county of Bayfield and State of Wisconsin, in place of Clement C. Williams. Incumbent's commission expires January 28, 1903.

Elden W. Woodworth, to be postmaster at Ellsworth, in the county of Pierce and State of Wisconsin, in place of Frank T. Brunk. Incumbent's commission expired February 15, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 8, 1903.

CONSUL.

Thomas P. Moffatt, of New York, to be consul of the United States at Turks Island, West Indies.

ASSISTANT TREASURER.

A. Lincoln Dryden, of Maryland, to be assistant treasurer of the United States at Baltimore, Md.

SURVEYORS OF CUSTOMS.

Henry L. Hines, of Massachusetts, to be surveyor of customs for the port of Springfield, in the State of Massachusetts.

Richard W. Burt, of Illinois, to be surveyor of customs for the port of Peoria, in the State of Illinois.

Thomas C. Elliott, of Illinois, to be surveyor of customs for the port of Cairo, in the State of Illinois.

COLLECTOR OF CUSTOMS.

Daniel H. Moody, of Maine, to be collector of customs for the district of Wiscasset, in the State of Maine.

APPOINTMENTS IN THE NAVY.

Johnson McC. Bellows, a citizen of Connecticut, to be a chaplain in the Navy from the 31st day of December, 1902.

G. Livingston Bayard, a citizen of Pennsylvania, to be a chaplain in the Navy, from the 19th day of December, 1902.

James P. De Bruler, a citizen of Indiana, to be an assistant surgeon in the Navy, from the 3d day of January, 1903.

Frederic R. Harris, a citizen of New York, to be a civil engineer in the Navy, from the 3d day of January, 1903.

PROMOTIONS IN THE NAVY.

Commander George W. Baird, to be a captain in the Navy, from the 2d day of December, 1902.

Lieut. Commander William Winder, to be a commander in the Navy, from the 21st day of November, 1902.

Lieut. Commander Charles B. T. Moore, to be a commander in the Navy, from the 21st day of November, 1902.

Lieut. Commander Alfred Reynolds, to be a commander in the Navy, from the 2d day of December, 1902.

Lieut. (Junior Grade) Walter R. Gherardi, to be a lieutenant in the Navy, from the 23d day of September, 1902.

Asst. Surg. Richmond C. Holcomb, to be a passed assistant surgeon in the Navy, from the 2d day of December, 1901.

Paymaster John Q. Lovell, to have the rank of lieutenant-commander in the Navy, from the 2d day of December, 1902.

POSTMASTER.

GEORGIA.

John A. Crawford, to be postmaster at Dalton, in the county of Whitfield and State of Georgia.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 8, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

PHILIPPINE CONSTABULARY BILL.

Mr. COOPER of Wisconsin. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 15510) to promote the efficiency of the Philippine constabulary, to establish the rank and pay of its commanding officer, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LACEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the Philippine constabulary bill, and the Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That officers of the Army of the United States may be detailed for service as chief and assistant chiefs of the Philippine constabulary, and that during the continuance of such details the officer serving as chief shall have the rank, pay, and allowances of brigadier-general, and the officers serving as assistant chiefs shall have the rank, pay, and allowances of colonel: *Provided*, That the difference between the pay and allowances of brigadier-general and colonel, as herein provided, and the pay and allowances of the officers so detailed in the grades from which they are detailed shall be paid out of the Philippine treasury.

SEC. 2. That any companies of Philippine scouts ordered to assist the Philippine constabulary in the maintenance of order in the Philippine Islands may be placed under the command of officers serving as chief or assistant chiefs of the Philippine constabulary, as herein provided.

Mr. COOPER of Wisconsin. Mr. Chairman, this bill, the committee will observe, contains two sections. The first relates to the constabulary and provides that the officer in chief command of the constabulary in the islands shall have the rank and pay and emoluments of a brigadier-general of the United States Army. It also provides that the increase in compensation shall be paid out of the insular treasury.

The second section of the bill relates to the native Philippine scouts now enlisted in the Regular Army of the United States, and provides that when they are detailed to serve with the constabulary they shall be under the command of the chief of constabulary. Under an act passed by the Philippine Commission, there has been organized in the islands what is known as the Philippine constabulary. It now numbers about 6,000 men, all of whom are natives of the islands.

Mr. LIVINGSTON. Will the gentleman allow me a question?

Mr. COOPER of Wisconsin. Yes.

Mr. LIVINGSTON. Are those who have command of the police native officers?

Mr. COOPER of Wisconsin. They are not. The command or the selection of the commander of this force is left entirely with the Commission.

Mr. LIVINGSTON. They are not natives?

Mr. COOPER of Wisconsin. They are not.

Mr. LIVINGSTON. I see under the second section of the bill that they are placed under the command of officers serving as chiefs or assistant chiefs of the Philippine constabulary. They are turned over to the police force. Does the gentleman think that is a safe proposition?

Mr. COOPER of Wisconsin. Undoubtedly; it is so safe that it is approved of by the Secretary of War, it is approved by General Young, it is approved by General Corbin——

Mr. LIVINGSTON. That does not make it any better if it is wrong. I suppose the gentleman is aware of the fact that they are not responsible to anybody except the Commission; they are not responsible to the Army, and yet you turn over our soldiers to do police duty under the command of a police officer. I ask you again if you consider that a safe proposition?

Mr. COOPER of Wisconsin. I was about to reply to that, and if the gentleman will permit me to conclude the reply, I think he will be satisfied. It satisfies General Young, it satisfies General Corbin, it satisfies the Secretary of War, and it further satisfies Governor Taft, of the Philippine Commission. It also satisfies Governor Wright, who appeared before our committee and warmly advocated the passage of the bill as it is presented. It also satisfies Col. Clarence R. Edwards, in charge of the Bureau of Insular Affairs, dealing purely with civil affairs in the islands. The gentleman from Georgia, I think, somewhat misapprehends the situation. There are in the islands what is known as a constabulary force.

Mr. LIVINGSTON. That is the police force.

Mr. COOPER of Wisconsin. Just a moment. It is a police force primarily, but it can be taken for the purpose of national defense. It can be taken by the Philippine Commission for general defense of the archipelago.

Mr. LIVINGSTON. Now, just there. If it is taken for defense, should it not be under a Regular Army officer?

Mr. COOPER of Wisconsin. Yes; they are under a Regular Army officer now.

Mr. LIVINGSTON. Not by this bill.

Mr. COOPER of Wisconsin. This bill provides that the man in command of the constabulary shall have the rank and pay of a brigadier-general. To-day the man in command is Captain Allen, of the Regular Army. The bill provides also, and it is the law, that, with the consent of the military authorities, a brigadier-general of the Regular Army can be appointed.

Mr. LIVINGSTON. To whom are they responsible?

Mr. COOPER of Wisconsin. To the Philippine Commission. The Commission has entire charge of the enlisted men of the command and responsibility for its discipline under laws which they have passed.

Mr. LIVINGSTON. They could not possibly be court-martialed. As I understand, these are troops of the United States put under the command of a police officer, and the entire responsibility for what may or may not be done rests upon that police chief; and whatever offenses he may be guilty of, you can not bring him before a court-martial.

Mr. COOPER of Wisconsin. These are not soldiers; they are practically a police force of the island—a constabulary enlisted for two years.

Mr. CRUMPACKER. Will the gentleman from Wisconsin [Mr. COOPER] allow me to ask him a question or two? As I understand, this bill does not by its own force put scouts under the control of the chief of the constabulary, but that would have to be done with the consent of the War Department.

Mr. COOPER of Wisconsin. The gentleman from Georgia [Mr. LIVINGSTON] has not been talking about scouts, but about a constabulary. The scouts constitute an entirely different force.

Mr. CRUMPACKER. I understand this constabulary to be a sort of military organization, composed of men enlisted for a definite term.

Mr. COOPER of Wisconsin. Yes, for two years.

Mr. CRUMPACKER. It serves a purpose similar to that of the militia in one of the States; and its business is to do police work—to maintain order.

Mr. COOPER of Wisconsin. Yes, sir.

Mr. CRUMPACKER. This constabulary, as I understand, is made up of natives.

Mr. COOPER of Wisconsin. Yes, sir.

Mr. CRUMPACKER. Excepting some of the officers.

Mr. COOPER of Wisconsin. Yes, sir.

Mr. OLMSTED. Will the gentleman allow me a question? The gentleman from Georgia seems to be under the impression that the officer in charge of this constabulary would not be subject to court-martial. If he were, as the bill provides, a Regular Army officer of the United States, he would be subject to court-martial, would he not?

Mr. COOPER of Wisconsin. Yes; but the bill does not provide that he must necessarily be a Regular Army officer.

Mr. LIVINGSTON. It does everything but that.

Mr. COOPER of Wisconsin. But I do not understand there is the slightest point in the objection attempted to be raised by the gentleman from Georgia, because it is not necessary for the discipline of the police force that they should be subject to court-martial; there is no necessity for that at all.

Mr. LIVINGSTON. The gentleman does not understand me.

Let me put my statement in another form and see whether he sees the force of it. Suppose there should be disorder in Chicago; would you turn over United States troops to the police court of Chicago? Would you dare to do such a thing as that?

Mr. COOPER of Wisconsin. There is an implied fallacy in the gentleman's question, which I hope he will see upon reflection. There is all the difference in the world between the status of the State of Illinois and its relation to the Government of the United States and the status of the government of the Philippine Islands. There is no analogy whatever.

Mr. LIVINGSTON. Then take New Mexico instead of Chicago.

Mr. COOPER of Wisconsin. We can not, as the Congress of the United States, pass a statute affecting the police force of the city of Chicago. There is, therefore, no point in the gentleman's interrogatory. We can, however, do what we please with the municipal police force of the Philippine Islands.

Mr. LIVINGSTON. The very fact that we can not do what I have suggested in Chicago is the reason why we ought not to do it in the Philippine Islands. That is the point I make.

Mr. FITZGERALD. As I understand, under the provisions of this bill a second lieutenant can be detailed as chief of the police force, with the powers of a brigadier-general?

Mr. COOPER of Wisconsin. I have anticipated that question; yes, sir.

Mr. FITZGERALD. Then I think this is a very dangerous bill.

Mr. COOPER of Wisconsin. If the bill is vicious, is it not strange that its bad qualities should have escaped the observation of men whose life profession has been that of military officers, and also of other men like Governor Taft and Governor Wright, and the other members of the Philippine Commission?

Mr. FITZGERALD. If I had the power to detail or appoint these officers perhaps I might think it a good thing that such authority should be exercised. Possibly, if I were empowered to appoint a second lieutenant and make him practically a brigadier-general for life, I might not perceive the objection to it.

Mr. COOPER of Wisconsin. If my friend from New York will take the pains to examine the testimony of Colonel Edwards and Governor Wright upon this very point, he will see that there is nothing tenable in his objection—nothing whatever.

Mr. FITZGERALD rose.

Mr. COOPER of Wisconsin. Governor Wright, in speaking upon the necessity of having some leeway in the selection of the commanding officer, said:

> We would endeavor to secure the very best kind of men we could find. The officers who have become brigadier-generals are generally elderly men, who would not care for that sort of work. It is a kind of duty which requires a very alert, driving man, in the full vigor of manhood, and I think you can best get him out of the captains and majors, to be frank about it; and that is what we want.

They have selected Captain Allen, of the Regular Army—originally a volunteer officer—who has an exceptionally brilliant record, and is a man of most unusual qualifications for the position. Governor Wright says, as does Colonel Edwards, that Captain Allen is a man of great physical energy and of unusual ability. They also say, what is patent to everybody who reflects upon the situation, that the matter of personnel is of prime importance in the Philippine administration. We can not select any and every brigadier-general and expect that he will do proper service as the head of the constabularly of the Philippine Islands.

It requires a man of unusual qualifications. They found the ideal man in Allen, and they want to retain him. He has under his command 6,000 men. A captain in that position does not have rank commensurate with his duties and responsibilities. The Commission wish to select the best man obtainable, not necessarily a brigadier-general nor a major-general. There are major-generals to-day in the service of the United States who would not be fitted to command the constabulary of the Philippine Islands, and it is especially so when we come to the selection of these officers.

Mr. STEPHENS of Texas. I would like to ask for information. How many assistant chiefs does this bill create?

Mr. COOPER of Wisconsin. The constabulary act organizing that force in the island provides that there shall be four subdivisions and that each of these shall have a chief. For some time there has been a vacancy among those chiefs, there being at present but three.

Mr. STEPHENS of Texas. This uses the term "assistant chiefs."

Mr. COOPER of Wisconsin. Well, those are the assistant chiefs.

Mr. STEPHENS of Texas. Who?

Mr. COOPER of Wisconsin. These three men already having command under the chief. One of them has command of about fifteen hundred men. They each have command of approximately two thousand—fifteen hundred to two thousand men. That number is under Allen as commander in chief.

Mr. STEPHENS of Texas. I see you make each one of the assistant chiefs a colonel.

Mr. COOPER of Wisconsin. Each has from 1,500 to 2,000 men under him, and he ought to have that rank. I also wish to remind the committee of the fact that these men have by their efficiency enabled us to reduce the force of the army in the Philippine Islands. That is the opinion of Governor Taft, as it also is of Governor Wright. They have been exceedingly efficient. From the 6,000 men in the constabulary there have been less than 25 desertions. Their cost per capita is about $250 a year to the insular government.

Mr. CANDLER. If the gentleman will allow me, I understand there is nothing in this bill to prevent the appointment of any officer of the United States Army to this position.

Mr. COOPER of Wisconsin. Yes; and he will retain it simply while he acts as commander in chief of the constabulary force.

Mr. CANDLER. Then an officer of lower rank appointed under this bill would receive the pay of a brigadier-general?

Mr. COOPER of Wisconsin. Yes; because he would be doing a great deal more service than many brigadier-generals are doing.

Mr. CANDLER. Then a lieutenant or captain or any officer of lower rank could be appointed to that position and receive that pay under this bill?

Mr. COOPER of Wisconsin. Yes; but he would be commanding 6,000 men, in the discharge of duties which are arduous and dangerous and of vital importance to that archipelago, and therefore of great importance to this country.

Mr. CANDLER. Would not that permit the officers so appointed to advance in rank above other officers of the United States Army?

Mr. COOPER of Wisconsin. They hold that rank only while they command that constabulary force. The bill so provides.

Mr. CANDLER. Then I notice further that this bill provides that the payment of these officers shall be out of the Philippine treasury.

Mr. COOPER of Wisconsin. Yes.

Mr. CANDLER. Is there any money in the Philippine treasury out of which to pay them?

Mr. COOPER of Wisconsin. Yes.

Mr. CANDLER. A sufficient fund there for that purpose?

Mr. COOPER of Wisconsin. Yes.

Mr. CANDLER. In case of a deficiency would it not have to be paid out of the Treasury of the United States?

Mr. COOPER of Wisconsin. The United States Government will not have to pay one penny of it. The bill especially provides that it shall come out of the insular treasury.

Now, besides the constabulary force, there are about 5,000 native Filipino scouts in the Regular Army. When any number of these scouts are detailed to-day to assist the constabulary, they usually go in small numbers, and are under command of a lieutenant or captain of the Army. The duty of that officer is primarily to the United States through the Regular Army. There is also the constabulary force, the commander in chief of which, or the commander of any number of which, is primarily responsible to the insular government. We have then a conflict of authority. The purpose of this bill is to unite the two bodies of troops when they are performing police duty there in the islands under the command of the chief of the constabulary force.

I think that is all I have to say at this time, and I reserve the balance of my time.

Mr. THAYER. If the gentleman will allow me, it is possible that the question I am about to ask has been answered, but I was unable to hear what was going on. I would like to ask how many persons are contemplated as assistants? I notice there is to be one commander in chief, and how many assistants are there to be under this bill?

Mr. COOPER of Wisconsin. Mr. Chairman, the constabulary force is organized under an act passed by the Philippine Commission. That act provides that there shall be a commander in chief of the constabulary, and four assistants. There are four grand divisions of territory, so to speak, each of which has a constabulary force numbering from fifteen hundred to two thousand men—certainly a thousand or more—and each of those separate divisions is under the command of an officer.

Mr. THAYER. Then the number would be limited to four assistants, would it?

Mr. COOPER of Wisconsin. Yes.

Mr. THAYER. And what extra expense would have to be paid out of the Philippine treasury above what is now paid?

Mr. COOPER of Wisconsin. The difference between their present pay and the pay of a colonel.

Mr. THAYER. Does the gentleman know how much that is—how much will be the extra expense entailed upon the Philippine treasury?

Mr. COOPER of Wisconsin. It is the difference between the pay of a captain and the pay of a colonel. The pay of a brigadier-general, I will say, is $4,500 a year and $50 a month for quarters. The pay of a colonel I do not remember, and I shall have to ask the gentleman from Iowa [Mr. HULL] how much that is.

Mr. HULL. It depends on the length of service. The flat pay of a colonel is $3,600.

Mr. THAYER. And the pay of a captain?

Mr. HULL. The pay of a captain, mounted, is $2,000.

Mr. COOPER of Wisconsin. Then it would be the difference between $2,000 and $3,600.

Mr. THAYER. For each person?

Mr. COOPER of Wisconsin. Yes. I yield now to the gentleman from Virginia [Mr. JONES].

Mr. JONES of Virginia. Mr. Speaker, I yield fifteen minutes to my colleague [Mr. MADDOX.]

Mr. COOPER of Wisconsin. Mr. Chairman, a moment ago I reserved the remainder of my time.

The CHAIRMAN. The gentleman from Wisconsin reserves the remainder of his time.

Mr. MADDOX. I hope this will not be taken out of my time.

Mr. Chairman, I am opposed to this bill, and I propose to give some reasons for it now. I do not think we ought to pass it. I do not think it is necessary. I am opposed to it generally; I am opposed to imposing additional tax on these Philippine people which I consider at this time an outrage. I want to call the attention of the House to the fact that the purposes and objects of this bill are simply to promote a captain who is in charge of the constabulary force in the Philippine Islands to the rank and pay of a brigadier-general. The bill provides that the difference in pay between that of a captain and that of a brigadier-general shall be charged to the insular funds—they shall pay this difference. He is to be provided also with assistants, who shall rank as colonel, and the Filipinos shall pay the difference in price between the rank now of a lieutenant or captain and that of a colonel, and it must be paid out of the Philippine funds.

Now, gentlemen of the House, what are the conditions of these Philippine people at this time, that we should go to work and propose to promote a gentleman from the rank of captain to that of brigadier-general? Gentlemen, if you will examine the evidence you will find that the purpose and object of this bill as submitted by the Committee on Insular Affairs is to promote one Captain Allen to a brigadier-general. It is evident that he must have a considerable amount of political influence behind him, as he has already represented this country in Berlin and Russia, I believe. Now, it seems that the Commission are especially attached to this one captain. It seems that the general commanding the Philippine Islands suggested to this Commission six officers whom he thought were particularly fitted to take charge of this force—colonels, majors, captains—but they chose this captain. Now they propose to make this captain a brigadier-general and make the people of those islands pay the difference in his pay as captain and that of brigadier-general.

Now, Mr. Chairman and gentlemen of the House, I want to ask special attention to the reading of the report of the Secretary of War as to the condition of these Philippine people; and yet you want this House to tax them further in order to increase the pay of some particular officer.

The Clerk read as follows:

I shall not now undertake, nor is it the proper office of such a report as this, to argue the economic questions which may be raised by the consideration of these recommendations. The views upon which they are based have been presented in my former reports and in the reports of the Philippine Commission. The reason for presenting them now is that the ills which have recently befallen the people of the islands call urgently for active and immediate measures of relief. The people of a country just emerging from nearly six years of devastating warfare, during which productive industry was interrupted, vast amounts of property were destroyed, the bonds of social order were broken, habits of peaceful industry were lost, and at the close of which a great residuum of disorderly men were left leading a life of brigandage and robbery, had a sufficiently difficult task before them to restore order and prosperity. In addition to this, however, the people of the Philippine Islands have within the past year been visited by great misfortunes.

The rinderpest has destroyed about 90 per cent of all their carabaos, leaving them without draft animals to till their land and aid in the ordinary work of farm and village life. Carabaos have increased in price from $20 to $200 Mexican. The Eastern disease known as "surra" has killed and is killing the native and American horses, further crippling transportation. The rice crop has been reduced to 25 per cent of the ordinary crop. Last year in the Visayan Islands and this year in Luzon a plague of locusts has come upon the land, destroying much of the remaining 25 per cent of the rice crop. A drought in China and the fall in the price of silver have raised the price of rice from $4 to $7 a picul. The Commission has been obliged to go out of the islands and use insular funds to buy over 40,000,000 pounds of rice to save the people from perishing by famine. Cholera has raged and is raging throughout the islands.

The ignorance of the people and their unwillingness to submit to sanitary regulations have made it almost impossible to check the ravages of the disease, which, it is estimated, will claim not less than 100,000 victims. The decline in the price of silver has carried Mexican dollars down from a ratio of 2 to 1 in gold to a ratio of over 2½ to 1, and this has borne heavily on the commercial interests and on the wage-earners.

The insular government has in ten months lost over $1,000,000 gold by the decline in silver, because it was operating on a silver basis, and this has changed the surplus of revenues into a deficit at the very time when the other causes mentioned have caused an extraordinary demand for the use of the revenues for the relief of the people. Agriculture is prostrated. Commerce is hampered and discouraged. All the political parties in the Philippines urgently demand a change of the present currency standard. Some relief would be afforded by opening a profitable market in the United States to the products of the islands.

Mr. MADDOX. Now, Mr. Chairman, it will be observed from that report that every ill that can afflict a country is now upon these Philippine people. That report accompanied the bill that was brought before this House by the Committee on Ways and Means and offered as a reason for reducing the tariff, as you all remember. This Commission that is in charge of the Philippine Islands to-day, which represents our Government, have gone out now, and are spending thousands and hundreds of thousands of dollars for rice to feed the people upon—money taken from the Philippine treasury. It seems, further, from the report that there is a disease known as the rinderpest that has destroyed 90 per cent of their work cattle, the caribaos; another disease, called "surra," that is killing the native and American horses; that they only have 25 per cent of a rice crop, and that they are afflicted with a visitation of locusts that are eating up that 25 per cent of a crop. Not only that, but they have cholera, and it is estimated that 100,000 of these people will die of that disease.

Now, in addition to that, a message was sent to the House by the President of the United States yesterday asking us to appropriate $3,000,000 in order that we may give support to these plague-stricken people of the Philippine Islands, and yet the majority of the Committee on Insular Affairs, of which I am a member, propose to tax these people, these plague-stricken people, these people asking alms at the hands of the United States Government, these people who are starving and dying from diseases, these people whose cattle are dying from diseases, and who have lost nearly all of them—we propose to elevate and increase the salary of a captain and make him a general over the police force down there, and do it out of the Philippine revenues.

I say, gentlemen, it is not right. It is an outrage upon these people. But in the first place, it is not necessary. It is wholly unnecessary. There other men in this country besides Captain Allen. We have got 14 brigadier-generals in the line, 21 generals in the United States Army; and if it is necessary to have a general to command down there, why not detail one and send him down there? But the chairman of this committee says that the evidence before the committee shows that when a man comes to be brigadier-general in this country he is probably too old and worn-out for this service. You can see from the evidence that this man whom they propose to promote is 45 years old. We all know that General Funston is not that old. This is the very job for him.

My judgment is that he would make an elegant chief of police, and if it was necessary to have a detective around there he could perform that job all right. [Laughter.] He is young now and he can do it. But we have other brigadier-generals that are well qualified for the job. Any of them can perform that service. The question is, is it humane, is it just, is it right, to inflict an additional tax on their treasury, already empty, to make a brigadier-general out of a captain, when we have, figuratively speaking, got them to burn in this country and nothing to do? Then take the assistants, who are volunteer officers who have no commission in the Regular Army, making them colonels now and taxing these poor people down there to pay the difference between their salaries as a lieutenant and a colonel. Now, gentlemen may say that this is a small matter. Well, it would be a small matter if these people were able to pay their debts and able to live; but we have got abundant evidence before us from the Secretary of War, and, in fact, from every direction, that they are not able to support themselves. They are afflicted with every ill known to man, and not able to live. Now we propose to add an additional tax, levy it upon these poor people, in order to make a general out of a captain and to put a few more additional stars on some fellow's collar.

I say there is no necessity for this. If it is important that we should have a man down there with the rank of a general, we have generals to place there. Send one down from here. If they need a colonel, the woods here are full of them. We can send these officers from here at no additional expense to either this Government or the Filipinos. I stand upon the high ground that it is wrong to inflict this tax upon those people, and if it is necessary—and it may be—we ought to have an officer above the rank of captain to give him the proper dignity, and in all probability to prevent a conflict of authority between the officers of the native troops and the constabulary. If it is true that we need him, we have plenty to send there without promoting this man and adding this additional burden on the insular government down there. [Applause.]

Mr. COOPER of Wisconsin. How much time has the gentleman from Georgia occupied, Mr. Chairman?

The CHAIRMAN. Fourteen minutes.

Mr. COOPER of Wisconsin. I think the other side better occupy some more of their time.

Mr. JONES of Virginia. Mr. Chairman, I do not believe there is anything in the conditions prevailing in the Philippine Islands to warrant the passage of such legislation as is proposed in this bill. It seems to me that from every point of view this would be bad legislation. I understood the distinguished gentleman, the chairman of the committee, to read from the testimony of one of the witnesses who appeared before the Insular Committee to the effect that the brigadier-generals of the Army were mostly elderly men, and that therefore their assignment to perform the duties pertaining to the position of chief of constabulary in the Philippine Islands is not desirable; in other words, Mr. Chairman, that the ages and infirmities of the brigadier-generals would prevent their performing the active duties pertaining to the position of the chief of the constabulary in the Philippine Islands.

Now, Mr. Chairman, it is a fact that there are to-day 14 brigadier-generals in the United States Army, and it is also a fact that about one-half of them are of about the same age as Captain Allen, who is to-day occupying this responsible position and who, if this bill passes, we all know will become a brigadier-general. As has been said by my colleague from Georgia, General Funston is doubtless a younger man than Captain Allen. General Grant is a comparatively young man, and General Bell is a young man, and General Wood is probably a younger man than Captain Allen. Therefore I can not see the force of the reasoning of the gentleman from Wisconsin.

But, Mr. Chairman, the law enacted by the Philippine Commission provides for the appointment of only four assistant chiefs. Now, there are in the Philippine Islands 6,000 constabulary and 5,000 native scouts who may be at any moment assigned to duty with the constabulary, making a force of 11,000 men who may be under the command of the chief of the constabulary. There are, as I have said, only four assistant chiefs to-day, but immediately upon the passage of this bill, if it is passed, I predict that it will occur, if it has not already occurred, to the Philippine Commission that four assistants are not a sufficient number for the command of so large a force as 11,000 men. The number of commissioned officers in a force of that size in the Regular Army is something like 450 or 500.

If the Philippine Commission shall determine after the passage of this bill that four assistants are not sufficient to command so large a body of troops, and that in their opinion a great many more were required, they could so amend the law enacted by themselves that it would permit of the detail of 500 second lieutenants as assistant chiefs, thus promoting them to the rank of colonel, and increasing their pay from $1,400 a year to from $3,500 to $4,500, this difference in pay to be drawn from the Philippine treasury at the very moment that the Secretary of War is asking Congress to appropriate $3,000,000 out of the Treasury of the United States to avert the destruction by starvation of thousands of Filipinos who have not the means to purchase food to preserve their miserable lives.

But, Mr. Chairman, this is not by any means the only objection to be urged against this proposed legislation. Just think of the opportunities which this bill will offer for the exercise of favoritism if it is enacted into law. When once it shall be understood that there is a way by which a large number of second lieutenants can be transformed in an instant into full-fledged colonels, it is not difficult to believe that those commanding political influence would at once bring it to bear in their favor.

That this bill is open to this very grave objection can not be denied, and it is for that reason largely that I am opposed to it. I do not believe there is anything in the argument that it is necessary to increase the rank of the chief of constabulary in order to increase his dignity and authority. I believe that a constabulary commanded by a captain of the Regular Army would command the same respect and wholesome fear as if commanded by one who had the rank and title of brigadier-general.

And I can not see that any good can possibly come from this sort of legislation. I believe, with all due respect for those who are urging the passage of this measure, that its chief purpose is to exalt and to increase the salary of the officer who is now at the head of the constabulary in the Philippine Islands and who, as it happens, is now a captain, but whose friends would like to see him wear a star on his collar.

I do not believe there is anything in the argument that the bestowal of the title of brigadier-general upon the chief of the constabulary would add anything to the efficiency of the force. It may be that the rank and the pay of the present chief is not entirely commensurate with the responsibilities and duties of the position. But, however that may be, it is not a sufficient reason, in my judgment, for the passage of this bill. If the chief should hold the rank of brigadier-general—there are 14 brigadier-generals, any one of whom can now be detailed to discharge the duties of the position—the Commander of the Army has the same authority and right to detail General Wood, or General Bell, or General Carter, or General Funston, all young and vigorous men, to perform these duties that he had to detail Captain Allen.

If this legislation be enacted, it will, in my opinion, cause much friction and engender a great deal of feeling and a great deal of heartburning in Army circles. When young officers are promoted over the heads of those who have seen long service and whose records are the most honorable I shall not be surprised to find that it has created much dissatisfaction in the service, especially in those cases where the promotions are secured through political influences.

For these reasons, I am utterly opposed to this proposed legislation. The reasons advanced in favor of the measure are not, in my judgment, entitled to serious consideration. The gentlemen who are urging it—members of the Philippine Commission, in close contact with Captain Allen and his assistants—may think that the peculiar qualifications of the present chief and his assistants entitle them to higher rank and increased pay. I am willing to concede all that may be claimed for them on this score; but I am not willing they shall have it in the way here proposed. The passage of this bill would necessarily result in much injustice, and perhaps demoralize the service, and I am therefore opposed to it. [Applause.]

Mr. Chairman, I reserve the remainder of my time.

Mr. COOPER of Wisconsin. I yield fifteen minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Chairman, I believe the pending bill to be a worthy and meritorious measure, and I believe that when it is properly understood it will have the support of substantially all the members of this committee.

In the first place, it should be understood that the Philippine constabulary is a local police organization. I say a local police organization; it is a military organization created for the purpose of performing both police and military duties of a peculiar local character. The function of policing and preserving order naturally belongs to the local government, and that work has been assumed by the insular government of the Philippine Archipelago.

The constabulary is a force of this character, composed of natives enlisted for a period of two years; and the annual expense of maintaining the organization has been $250 per capita—a million and a half of dollars a year. The first question to be determined is, Should the chief of this force have the dignity, the rank, and the pay of a brigadier-general? The chief of constabulary is not, as such, an officer of the Regular Army; his appointment is not made and will not be made by the President of the United States or the Secretary of War. He is an insular officer; and the testimony of General Wright and those best qualified to speak on the question is that the duties and the responsibilities of the chief of constabulary are more important and more exacting than those of a brigadier-general in the Regular Army; and it is the judgment of these men that beneficial results will come from the increased dignity and rank of that officer, as contemplated by this bill.

When that question is determined, it seems to me that practically all other questions are answered. If the chief of constabulary is entitled to this dignity, this rank, and this salary, then it is the business of the civil Commission to go where it may and employ the most efficient man to perform the office.

The Commission has a right under this bill to appoint as chief of constabulary, with the consent of the President, an officer of the Regular Army. The Commission may select a private of the Regular Army or anyone from private life, but if the Commission should select an officer of the Regular Army the insular government saves just the amount of the salary of that officer as such, because the Federal Government will continue to pay him his regular salary, and the insular government will be required to pay only the difference between the salary that he draws—say as captain—and the salary of a brigadier-general. So it will be to the interest of the insular government to appoint, with the consent of the Secretary of War, a Regular Army officer, if an efficient one for this work can be found.

Now, the objection or criticism which was made to the bill, that there might be a conflict of jurisdiction, or that it might result in embarrassment to put a company of scouts, which is an auxiliary of the Regular Army, under control of the chief of constabulary, I think it utterly without force. When this bill is read and analyzed, it will be discovered that companies of scouts can only be detailed by the consent of the Army officer in charge of that division, and when they are in action—so detailed in performing local police duty in the maintenance of order—the bill says they must be under some particular leadership, under some responsible head, and the chief of constabulary must be in control in performing this purely, this necessarily, domestic police duty.

Mr. FITZGERALD. Will the gentleman permit an interruption?

Mr. CRUMPACKER. Yes.

Mr. FITZGERALD. Will the gentleman explain how this chief of constabulary will have any additional power by reason of his assignment or his rank and pay as brigadier-general?

Mr. CRUMPACKER. Any additional power?

Mr. FITZGERALD. Power. He will have additional rank?

Mr. CRUMPACKER. Yes.

Mr. FITZGERALD. He will have additional pay. Now, what additional power, which is the main thing, will come from it?

Mr. CRUMPACKER. He will not have any additional power by virtue of this bill excepting his authority over the companies of scouts that may be detailed to assist him in performing the duties of the constabulary. That is all.

Mr. FITZGERALD. Will it make any difference what his rank is if companies of scouts are detailed to act under his direction?

Mr. CRUMPACKER. Why, not necessarily.

Mr. FITZGERALD. Not at all, will it?

Mr. CRUMPACKER. No. It is the judgment of the Philippine Commission and of the War Department that in view of the peculiar exactions of that position and its responsibilities the rank and pay ought to be, in justice, that of a brigadier-general. That is the first proposition.

Mr. FITZGERALD. But I understood the gentleman and his colleague on the committee [Mr. COOPER of Wisconsin] to say that the power or the authority that would come from this rank was what was necessary on account of this difficult situation.

Mr. CRUMPACKER. The only additional authority given to the chief of police is the authority to control and direct the movements of companies of scouts during the time they have been assigned to him to assist in maintaining the local order—in warfare, for instance, against bands of ladrones.

Mr. FITZGERALD. But I call the attention of the gentleman to this fact: Suppose the Commission appointed a civilian to this place, and suppose, at the request of the Commission, regular scouts were detailed to act under this chief of the constabulary, who is a civilian——

Mr. CRUMPACKER. Yes.

Mr. FITZGERALD. Would he not have the same power over those companies of scouts as a man who would be there with the rank of brigadier-general?

Mr. CRUMPACKER. Most certainly, and he would have the rank, if the gentleman will heed, and pay of a brigadier-general just the same. The bill gives the rank and pay to the office and not the officer; and it makes no difference who occupies the office, whether a Regular Army officer or a civilian, he is clothed with this power and rank and pay.

Mr. FITZGERALD. The gentleman misunderstands me. My question is this: Suppose this bill does not pass, is not a law, and a civilian is appointed chief of the Philippine constabulary, he has no rank except what is implied in that title.

Mr. CRUMPACKER. That is right.

Mr. FITZGERALD. At the request of the Commission native scouts are assigned to do duty under this civilian who is the chief of the constabulary.

Mr. CRUMPACKER. Yes.

Mr. FITZGERALD. Would not such a man have the same power and authority over those scouts as a man who had been assigned from the Regular Army, and under the operation of this bill given the rank of brigadier-general?

Mr. CRUMPACKER. Most assuredly. As I said, the rank and pay and title are given to the office and not to the officer. It does not make any difference who occupies the office, his rank and his pay and authority are the same.

Mr. FITZGERALD. No; but the gentleman does not yet comprehend the question. I say, suppose to-day a civilian was appointed chief of the constabulary?

Mr. CRUMPACKER. Yes; I will suppose that.

Mr. FITZGERALD. Would he not have the same power over the scouts detailed to do duty under him as would anybody appointed under the provisions of this bill, and given the rank of brigadier-general?

Mr. CRUMPACKER. I have attempted to answer that question in the affirmative three several times. I will say yes, now, catagorically, so that the gentleman will understand my position.

Mr. FITZGERALD. But the gentleman has been adding that both would have the same rank and pay.

Mr. MONDELL. Do I understand that the officer now serving as chief of the constabulary is a Regular Army officer?

Mr. CRUMPACKER. Yes; he is a captain in the Regular Army.

Mr. MONDELL. And paid from the Federal Treasury?

Mr. CRUMPACKER. Paid from the Federal Treasury.

Mr. MONDELL. Is it the understanding that if this bill passes he will probably be retained?

Mr. CRUMPACKER. The presumption is that he will, judging from the testimonial to his fitness that is given by General Wright before our committee, although that is a matter for the Philippine Commission to determine. They would have the power to displace him at any time.

Mr. HULL. If the gentleman will yield to me——

Mr. CRUMPACKER. With pleasure.

Mr. HULL. The gentleman stated that the rank of brigadier-general would attach to a civilian if he should be appointed.

Mr. CRUMPACKER. Yes.

Mr. HULL. Where does the gentleman find that in this bill? I can not find it.

Mr. CRUMPACKER. Does not the bill say so?

Mr. HULL. No; this bill says officers of the Army.

Mr. CRUMPACKER. Then I was mistaken about that.

Mr. HULL. My understanding is that this bill only gives rank to officers of the Army when detailed.

Mr. OLMSTED. That is right.

Mr. HULL. And if they desire to select a civilian this bill would have nothing to do with him except in the second section.

Mr. CRUMPACKER. Provision is already made for the appointment of a civilian by a local law, which provides for the organization and the appointment of a chief and assistant chiefs. The civil commission already has the power to increase the pay and authority of a civilian selected for that office, but this law is necessary to fix the pay and rank of the incumbent if he should be a Regular Army officer.

Mr. HULL. I think the gentleman is in error when he says a civilian acting as chief would have the rank of a brigadier, or if acting as assistant would have the rank of a colonel. He would be simply the chief of police. This bill would have nothing to do with him except in the second section.

Mr. CRUMPACKER. That is all. He would have every benefit except the rank. The pay and authority would be determined by the Philippine Commission without an act of Congress.

Mr. HULL. They could fix his pay at whatever they pleased?

Mr. CRUMPACKER. Under the provisions of this bill he would have control over companies of scouts assigned to him to assist in maintaining local order.

Now, I want to say that a question was raised in relation to the matter of discipline among the scouts. They would be subject to court-martial just the same while operating under the authority of the chief of constabulary as they are now.

Mr. HULL. Would they be subject to court-martial for disobeying the orders of the chief of constabulary?

Mr. CRUMPACKER. I presume so, because this bill puts them under his authority while actually engaged in maintaining order.

Mr. HULL. Then it would certainly be a bad bill.

Mr. CRUMPACKER. Now, there is another thought on the question of expense. The objection was made by the gentleman from Georgia [Mr. LIVINGSTON] that the bill was unjust because it would entail unnecessary expense on the islands. Its economy was one of the strongest and most potent reasons urged on the committee in support of the bill.

Conditions in the Philippine Archipelago are peculiar. The legacy of six years of warfare, and of recent infection and plagues of one kind and another, is that ladronism is more threatening to-day than it ever was, perhaps, in the history of the archipelago; and unless this bill shall be passed, so that the local government can avail itself, in a measure, of the 5,000 scouts who are located there and doing nothing to-day, it will be compelled to increase the force of the constabulary, and it can ill afford to do so at this time. One of the chief virtues of the measure lies in the fact that it will save thousands and perhaps hundreds of thousands of dollars a year to the new struggling government there. That was one of the strongest arguments that was made by General Wright and other witnesses who testified before the committee.

I believe the bill is meritorious all the way through. In relation to the rank, pay, and dignity of the chief of constabulary I know nothing. I am willing to take the judgment of men who are on the ground, and who are supposed to know something of conditions there; supposed to know what effect the matter of dignity and title may have in maintaining order and respect.

Mr. GAINES of Tennessee. Will the gentleman yield simply for an inquiry?

Mr. CRUMPACKER. I will.

Mr. GAINES of Tennessee. I understand the gentleman states that peace has been established in the Philippine Islands. Now, if that is true, will you tell me why you wish to increase the pay of Captain Allen when war is at an end? He performed good service during the war at his present salary.

Mr. CRUMPACKER. I was undertaking to explain that the

responsibilities of the constabulary have been greatly increased by reason of recent conditions, and especially the growth of ladronism, conditions that by some disaffected persons have been charged to the change of government. At any rate, the responsibilities of the office have been greatly increased. He commands an army of 6,000, fully as large as a brigade in the Army, which I understand to be about 6,000.

Mr. HULL. Less than 6,000.

Mr. CRUMPACKER. And this force of constabulary is scattered over an archipelago composed of a great many islands, and where there is a constant menace upon the peace of the people by bandits and ladrones and a disposition to ascribe to the new government some responsibility for the distresses that exist there now. It is necessary to have an alert, broad-minded, courageous man at the head of the organization. There is no more responsible position possibly in the Regular Army at this time, outside of the Commanding General or the Secretary of War, than the chief of the constabulary of the islands.

Mr. ESCH. Will the gentleman permit me to ask him a question?

Mr. CRUMPACKER. Certainly.

Mr. ESCH. I understood the chairman of the committee to say that there are now four assistant chiefs, three being in active service. There is nothing in the bill to prevent the appointment of as many assistant chiefs as the Commission see fit. Will you favor a limitation of the present number, making it four?

Mr. CRUMPACKER. No; I would not, because the bill creating the constabulary was designed and enacted by the Philippine Commission, and that Commission is infinitely better qualified to determine what force should exist there and what officers it should have than we are. I say that we ought to rest that discretion with the Commission, and if an increased number should be necessary the Commission will doubtless increase the number. If we leave it as it is, the present number of four assistant chiefs may be all that will be required. There are only three in active duty now.

Mr. ESCH. You think it is sufficiently safeguarded without making any limitation as to number?

Mr. CRUMPACKER. I think so. There may conditions arise that would make an increase in the number necessary, and the Commission ought to have authority to make that increase.

Mr. ESCH. Without limitation you understand there will be constant efforts made to have the Commission increase the number.

Mr. CRUMPACKER. The same as there is always an effort to increase the number of officers on the civil list. We must in a large measure rely upon the patriotism and good judgment of the members of the Commission.

Mr. WHEELER. Will it interrupt the gentleman if I ask him to explain a statement made by him?

Mr. CRUMPACKER. It will not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHEELER. I would like to ask him a question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I would just say to the gentleman from Indiana that I promised——

Mr. CRUMPACKER. I am not asking time.

Mr. COOPER of Wisconsin. I will yield so that the gentleman from Kentucky may ask one question of the gentleman from Indiana.

The CHAIRMAN. How much time does the gentleman yield?

Mr. COOPER of Wisconsin. For one question and for the gentleman from Indiana to reply.

Mr. WHEELER. A few moments ago the gentleman stated that unless this bill became law the constabulary there now doing nothing would be greatly increased. I desire to ask him why that would be?

Mr. CRUMPACKER. The gentleman misunderstood me. I said unless this bill became law the constabulary would be increased, because the scouts that are made available under the bill, and who are now there doing nothing, would render no assistance.

Mr. WHEELER. Why?

Mr. CRUMPACKER. The scouts are idle, who are simply performing general military service, and in no sense available at present for police purposes.

Mr. COOPER of Wisconsin. I decline to yield further. How much time has the gentleman from Virginia remaining?

The CHAIRMAN. Thirty-six minutes.

Mr. COOPER of Wisconsin. How much time is there remaining on this side?

The CHAIRMAN. Twenty-six minutes.

Mr. COOPER of Wisconsin. I yield five minutes to the gentleman from Tennessee [Mr. PATTERSON].

Mr. PATTERSON of Tennessee. I regret, Mr. Chairman, that I have to differ with my Democratic colleagues as to the propriety and wisdom of the pending bill. To my mind there is no principle here involving any position that we on this side of the Chamber have contended for.

It is a simple question of giving the chief of the constabulary of the Philippine Islands the rank and pay of a brigadier-general during the time that he occupies the position as chief. I listened to the testimony before the committee, and I came to the conclusion that this bill was a proper one and one that should be passed. Now, it seems that Captain Allen is a man singularly fitted for this important and delicate task. He is a Kentuckian by birth, a man who has rendered in the past conspicuous service to his country, led an expedition to Alaska, is a linguist of rare attainment, speaking Spanish, and is thoroughly acquainted with the customs and habits of the oriental people. Vice-Governor Wright, a man in whose ability and in whose integrity and in whose patriotism I have the most unbounded confidence, speaking in behalf of the Commission, testified before the committee that probably without an exception in the Regular Army, without reflecting upon the Regular Army, there was no man more peculiarly fitted for this service than Captain Allen; that he was taking great interest in this work; that it was an important work, and that he had under his command and under his control and subject to his order 6,000 native Filipinos who were intended at last to supplement the Regular Army in the Philippine Islands.

Mr. FITZGERALD. Will the gentleman allow me a question?

Mr. PATTERSON of Tennessee. I have only five minutes, so I wish the gentleman would make it short.

Mr. FITZGERALD. I want to ask the gentleman if Captain Allen ever had any experience in police duties before.

Mr. PATTERSON of Tennessee. Oh, this is a great deal more than police work; it is a work which the Commission has undertaken wisely and well, and from our standpoint, from the Democratic standpoint, it is good legislation. We are complaining about the immense cost of the Regular Army. The proof before the committee shows that these Filipinos will work, and do work, for very much less than the men in the Regular Army are paid. It shows that they are more effective in a great many ways than the Regular Army would be, because they know the people, they know the country, and they know the situation. When these men are properly officered and properly disciplined, as they are now under the direction and command of Captain Allen they form not onty a valuable adjunct to the Regular Army but according to the present plan they will in time take the place of the Regular Army in those islands.

Now, this bill came before the committee with the hearty indorsement of General Wright and of the whole Philippine Commission, and with the hearty indorsement of the military department, including the adjutant-general and the Secretary of War, and, so far as I view it, it is a proper measure and one that is entirely in accord with the Democratic idea of reducing the cost, and reducing the army, in the Philippine Islands. There are other provisions in this bill, Mr. Chairman, that I would like to discuss, but my time is up. [Applause.]

Mr. JONES of Virginia. If the chairman of the committee does not wish to occupy any further time at present I will yield ten minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL. There are many of the features of this bill that I am in hearty sympathy with. I have no objection to using the Filipino scouts in a proper way to help preserve peace in the islands; they are there for that purpose. I do object, however, to many of the provisions of this bill. In section 1 it is provided that one officer of the Army may be detailed for chief of the constabulary, and while so acting shall have the rank and pay and allowance of a brigadier-general of the Regular Army. I recognize the fact that the chief of constabulary should be a man of high rank in order to carry weight, but we have in great abundance brigadier-generals of the Regular Army, some of them who have never been able to find anything to do outside of Washington and mere clerical duty, and it does seem to me that this bill should be amended so as to provide for the detail of a brigadier-general of the Regular Army for that purpose, if they want an officer of this rank.

I object to the provision as to assistant chiefs because there is absolutely no limit to the number that they may detail. They may take twenty-five or thirty lieutenants over there that have been able to ingratiate themselves with the powers that be—I am not reflecting upon the Commission in that—and appoint them assistant chiefs, and while so acting they shall have the rank and pay and allowances of a colonel in the Regular Army. I am absolutely opposed to that provision. If they want assistant chiefs of a higher rank, we have a great abundance of them, and if we are to have no additional wars in the immediate future, we will be glad to keep some of them in active service in a new position, and to my mind it would do them good. You can provide for the detail from the Regular Army of officers not below the grade of lieutenant-colonel, so there is no expense entailed on the Filipino

government and no harm will come to the Government of the United States, as no additional pay is entailed; and if no one else moves it, I shall, when the proper time comes, move to strike out the first section and insert those provisions.

Mr. HENRY C. SMITH. Will the gentleman yield for a question?

Mr. HULL. Certainly.

Mr. HENRY C. SMITH. I wish to make an inquiry for information. I do not know much about war or military affairs; but, as I see from the report here, there are 6,000 native Filipinos of one character who are now in the Regular Army.

Mr. HULL. About 5,000.

Mr. HENRY C. SMITH. Now, what reason is there why the Commander in Chief of the Army can not under the present law detail any officer he may select?

Mr. JONES of Virginia. He may.

Mr. HULL. Those Filipino scouts are a part of the Regular Army. I do not care to go into that question now, because I do not know that I should have time. They are officered by Regular Army officers, field officers especially; and the captains and lieutenants are taken from the Regular Army or from those who have had long service in the volunteer forces. They are as much a part of the Regular Army as the men enlisted in the gentleman's State or mine, except that the understanding is that they are enlisted for service in the Philippine Islands only, and can not be ordered elsewhere.

Mr. ALEXANDER. How many of those scouts are there?

Mr. HULL. Five thousand, in round numbers. It seems to me that the Congress of the United States for every reason on earth should not put an additional burden upon the Philippine government. That government is running behind financially; it has had misfortunes, and has added to its deficit by reason of cholera, by reason of the great pest that has carried off their draft animals. And from my investigation in the Philippine Islands I do not believe we are going to be let off with one appropriation to help carry on that government. Taking this bill alone, we may say that it amounts to but little; but then there are in that archipelago to-day, as I remember, about 40 civil governments. Is it not fair to presume that they would want at least 40 assistant chiefs, so that each of these governments might have the services of one of these officers?

I do not think they need as many as that. I do not know that they would call for as many; but we can obviate all expense upon that government, which is confessedly to-day knocking at the doors of Congress for relief—confessedly running behind in its revenues as compared with its present expenses—we can obviate all expense to the government there and at the same time obtain just as good administration, if we allow the detail of these officers of the Army of such rank as they desire. In this way the purpose desired can be served as effectually as by taking a single officer of the Army and giving him the high rank proposed by this bill. Our Government has dealt liberally with the Army. We have given the officers high rank, compared with what they have had in the past—beyond the dreams of the men of the Army of six years ago. It is time, in my judgment, to call a halt. Let us keep the rank of the Army substantially at what it now is, instead of continuing to add to it in time of peace.

If we have no brigadier-generals competent to discharge the duties of chief of this organization, the President of the United States has it in his power almost every month in the year to select a man having the ability to command these policemen and to make him a brigadier-general of the line without increased expense.

Mr. COOPER of Wisconsin. Will the gentleman from Iowa yield a moment?

Mr. HULL. Certainly.

Mr. COOPER of Wisconsin. In the absence of a military government over there, and in view of the law of July last, now on the statute book, would the President of the United States have any authority whatever to detail a Regular Army officer to command the police force there?

Mr. HULL. Yes; Captain Allen is detailed; but the gentleman has misapprehended my argument. I suggest that we pass this bill with an amendment providing that a brigadier-general of the Army may be detailed as chief of constabulary; and if there should be no brigadier-general in the Army to-day competent to discharge these duties, it would not be sixty days until the President would have the power, by reason of vacancies, to nominate and appoint as brigadier-general a man of sufficient ability to discharge those duties. I am not antagonizing the proposition to confer this power; I believe it ought to be done. I am only antagonizing the proposition to give the power to appoint to this position a lieutenant or a captain as chief and make him a brigadier-general; and I am taking that position for the reason that we have to-day on the active list of the Army so many brigadier-generals that we can spare one for this duty in a time of peace without crippling the service in any way whatever. As I have stated, I shall offer that amendment and appeal to the House to adopt it.

Now, one word as to the propriety of appointing to this position a second lieutenant. I do believe that this, as it stands, is a dangerous proposition, and if what the gentleman from Indiana [Mr. CRUMPACKER] has said be true, it is more dangerous than I thought it was. At first I took it for granted that this chief was to act under the command of a Regular Army officer, but if, according to the gentleman's statement, a civilian may be put in as chief or assistant chief, and these men be under his control, to be court-martialed if they do not obey his order, or court-martialed if they do obey, it would be putting the Regular Army and these scouts and officers "between the devil and the deep sea."

It seems to me that an amendment should be made there clearly defining the fact that when these scouts are ordered into service—and I do not care if you say all of them, they ought to be used for preserving the peace of the islands—they are under the command of the chief and assistants only when the chief and assistants are in the field and not sitting in Manila. For instance, I would not be willing to vote for any law that would put an officer of the Regular Army under the command of a police officer, as this would do.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. HULL. Yes.

Mr. COOPER of Wisconsin. Who says that?

Mr. HULL. I think the second section says it, and if the gentleman will wait, I will tell him why.

Mr. COOPER of Wisconsin. Will the gentleman from Iowa permit me to suggest this? I can not see how it is possible to put any such construction on the bill. This bill simply provides for the detailing of officers of the Army.

Mr. HULL. Yes.

Mr. COOPER of Wisconsin. Well, the mention of one thing is the exclusion of another.

Mr. HULL. The gentleman misapprehends my argument again, because, I have no doubt, I have not been clear; for I know he is a very good lawyer and understands arguments very thoroughly. Here is an assistant chief with the rank of colonel. He sits in Manila or Iloilo or Cebu at his headquarters. He orders the scouts to report to Dagupan or any other point where they have a constabulary, and report to the inspector of that constabulary for further orders. The officer goes there. He may be a major of the Regular Army, a graduate of West Point, a man who has spent twenty or twenty-five years in the service of his country, and when he reaches there under the direction of this chief he has to take the field for the purpose of arresting the ladrones and preserving the peace and establishing order, protecting life and property, and under this bill as it stands to-day he must obey the orders of that inspector.

Mr. OLMSTED. Will the gentleman permit a question? I think he misunderstands the language of the bill. It says that the scouts may be ordered to assist the Philippine constabulary, and may be placed under the command of officers serving as chief and assistant chiefs and not as civilians.

Mr. HULL. But any of the officers below the chief are civilians.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL. I would ask for a few moments more.

Mr. JONES of Virginia. I yield the gentleman five minutes more.

Mr. HULL. I do not know that I shall take that much time. The gentleman's contention and my argument do not run opposite to each other. It is true that they are under the officers serving as chief or assistant chiefs. Those chiefs and assistant chiefs, as a rule, can not be in the field in the different places. They issue their orders from headquarters, and while the scouts are executing that order they are under the command of the constabulary officer in the locality or part of the country where they are serving.

If that is not so, and they do not desire that contention to be made against the bill, it is perfectly easy to obviate it by a little amendment providing they shall not, when serving in the field, be under the command of any officer of the constabulary other than chiefs or assistant chiefs of the constabulary—not in that language exactly, but covering that idea; so that it is easy to obviate that. As it is to-day, you might as well legislate for Alaska that whenever the troops are called into action there for the preservation of the peace, they shall be under the command of the chief of police. I do not believe this Government desires any such action as that. I may be mistaken. I know I am not as good a lawyer as the gentleman from Wisconsin [Mr. COOPER], and I am not as good a lawyer as the Secretary of War; but I can not look at it in any other light except that it is putting the Army under the command of peace officers, for these constabulary are

nothing more than peace officers, no matter whether you say they have more to do than they have in this country or not. I shall, when that section is reached under the five-minute rule, if no one else does, offer an amendment to make it clear that these men, the officers of the Regular Army, are not to be superseded in command of their own troops by civilians.

Mr. COOPER of Wisconsin. Will the gentleman permit one question? I call his attention to the last two lines or the last three lines on page 2, section 2, and then ask him to see if it is possible for him to put any such construction upon the bill as he does?

Mr. HULL. Yes; "may be placed under the command of officers serving as chief or assistant chiefs of the Philippine constabulary, as herein provided."

Mr. COOPER of Wisconsin. One moment; "as herein provided," and then the only provision in the act is for officers of the Army.

Mr. HULL. That is right.

Mr. COOPER of Wisconsin. How can a civilian come in under that?

Mr. HULL. I thought I stated that before. The chief sits in his office at Manila and he orders a battalion of Philippine scouts to report. I said before, at Dagupan—and that will answer as well as any other place—to the inspector of police in command of that department, and to obey his orders in preserving the peace or punishing criminals. He is simply under the orders of the chief, as the inspector is under orders, and he places the officer of the Army in such shape that his rank would not give him the command that it ought to on account of his rank. In other words, he supersedes rank, and when the assistant chief ordered him to obey the orders of this inspector, in my judgment, under the terms of this bill, he would be compelled to obey the orders of the inspector, in place of having command of his own troops. It is through the chief that the order is given. Now, I do not believe that is good administration. And it is so easy to make it clear that such a thing as that can not occur, that I shall offer an amendment to correct that part of the bill when we reach it.

I thank the gentleman from Virginia for his courtesy.

Mr. JONES of Virginia. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, I listened with much interest to the chairman of the Committee on Insular Affairs [Mr. COOPER of Wisconsin], and to the reasons which he gave for that provision of the bill which permits the detailing of any officer of the Army to fill the place of chief or assistant chief of the Philippine constabulary, and to receive the rank and pay of a brigadier-general or a colonel during the detail.

The gentleman from Wisconsin [Mr. COOPER] laid particular stress upon two things, first, that it was necessary to have a particularly robust and healthy man in this place, because the duties were such that it required a man of much activity; and second, that a man was required who was peculiarly fitted for the work demanded of the head of this force. He then stated that the present occupant of the place possessed these two requirements in a peculiarly eminent manner.

I have in my hand a copy of the hearing before the gentleman's committee, which contains a statement of the record of the gentleman who at present is chief of that police. I do not wish to say anything disparaging of him. I am unacquainted with him, and, perhaps, indeed, in some fields he has had a peculiarly brilliant record, but this testimony certainly creates a suspicion that he is not the robust and energetically healthy man required for this place.

Colonel Edwards, speaking before the gentleman's committee, said of him:

> He made a wonderful trip to Alaska, as may be recalled by some members of the committee. He was a pioneer there. His health was impaired by hardships he encountered living on rotten moose meat.

Further on, speaking of a trip he made with General Lawton around the Bay of Santiago during the campaign there, he said that "he nearly died from his experience." If these things qualify that gentleman, in the opinion of the Commission, as being particularly robust and healthy, certainly some of the brigadier-generals can not be so slow and slothful in their movements and their health can not be so much impaired by the peaceful occupations to which they have been assigned during their careers as to unfit them for equal physical fitness.

It is said that peculiar qualifications are required for this place; that its duties are different from those required of the ordinary military man. The duties must be either of a military nature or a police nature or of both kinds combined. There is nothing in the testimony which shows that Captain Allen has ever had any experience in the organization or control of a police force. The gentleman from Wisconsin [Mr. COOPER] says he knows of no brigadier-general as well equipped for this place as Captain Allen. Let me call the gentleman's attention to one, a man whose military ability is not questioned, and who has had practical experience in the management and handling of the greatest police force in this country, Gen. Fred Grant, a brigadier-general, a man eminent, I take it, in military circles, who served as a member of the police board of the city of New York with the present President of the United States. He has had that peculiar experience required in a man in this position. If anybody in the Army is competent to organize and control a police force I take it that General Grant is the man.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. FITZGERALD. Certainly.

Mr. COOPER of Wisconsin. General Fred Grant was a police commissioner of the city of New York, I believe.

Mr. FITZGERALD. Yes.

Mr. COOPER of Wisconsin. Do you believe there is any similarity between the service rendered by a man who sits in a cushioned chair in one of the blocks of the city of New York as a police commissioner and a man who heads the police force of the Philippines, chasing ladrones, thieves, and murderers through the mountain fastnesses of that archipelago?

Mr. FITZGERALD. The gentleman assumes two things that are not facts. First, he assumes that the commissioner of police in the city of New York sits quietly in a chair. He is the most mistaken man that ever lived in that assumption. Nobody lives a more strenuous life than the police commissioner of the city of New York.

The time of Mr. FITZGERALD having expired, Mr. JONES of Virginia yielded to him two minutes.

Mr. FITZGERALD. In the gentleman's second statement, that the chief of constabulary of the Philippine Islands, with 6,000 men under him, devotes himself to chasing around the country, personally hunting up criminals, he is much mistaken. I fear he knows little of the conditions there himself. It is absurd to think that this man is doing the actual work of hunting criminals. He is a man who commends himself to the Commission, from their statement, by reason of his peculiar executive and administrative ability. If you want sleuths, ordinary detectives, or policemen, you do not want an officer of the Regular Army. It has already been stated that General Funston was a particularly active brigadier-general. The truth of the matter is, that this is a vicious bill. There is a growing tendency to detail men from the Army and Navy to serve in civil positions and to give them pay in addition to that provided by law. This is a good time to stop the practice. The curse of Cuba and the Philippine Islands was that the Government of Spain inflicted rulers and officials upon the people of those islands and compelled them out of their own treasury to pay the officials' salaries and the expenses. Gentlemen, let us stop it! While we are governing these people let us give them some chance. The way to do it is to strike out of this bill the provision that gives additional work and pay.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES of Virginia. I yield ten minutes to my colleague on the committee, the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I think that with all due deference to all the utterances I have heard in connection with this bill, that the funniest thing about it is the bill itself takes itself seriously, and the advocates of the bill are taking themselves seriously. It is the most magnificent and strenuous piece of opera bouffe that has ever thrown itself athwart the popular horizon since the Mikado appeared. I can see all the natives of the Philippines bowing down, with hands extended and foreheads in the dust, crying "Kickapoo! Kickapoo!" every time the chief of police appears with brigadier-general's epaulets. Why, Mr. Chairman, we were informed here in Washington, with all the gravity of the admiral in Pinafore, that long ago the Philippine Islands had been pacified, with a great big "P"—completely pacified, and all that we needed was a little police service, with another great big "P."

Now they tell us in order to have a proper police the chief of police has to be a brigadier-general, and that all the captains of police have to be colonels. And they tell us that even the Philippine Commission, with its plenipotentiary and imperial powers, can not make a little brigadier-general of their own, an insular brigadier—a brigadier appurtenant. They say that we have got to tie him to the Regular Army of the United States as a "continental brigadier."

Mr. Chairman, the bill is just a part of the general scheme of legislating into existence new positions and places of emolument, thus giving ties of private interest more and more for the purpose of tying more and more men to the permanent occupancy of the Philippine Islands by ties of private interest. The more fellows you get to fill positions of rank and emolument out in the Philippines, with influence outside of the Philippines, the less chance there is in favor of a reconsideration upon the part of the American people of the foolish and un-American position they have taken there, a position which has threatened the existence of the Monroe

doctrine, that has demanded either an explanation or an amendment, I do not know exactly which, of that old time-honored doctrine at the hands of the President for the reconsideration of the other powers of the world.

Mr. Chairman, the thing would be ridiculous if it were not happening in the Congress of the United States and were not recommended "officially" by a very high character of people, with magnificent intelligence and good patriotism upon other questions. Do we need an army to make war in the Philippine Islands or do we not? If we do, then we want an army with a brigadier-general. Are the Philippine Islands pacified, and is all we need a police power? In that case all we want is a chief of police and a lot of good captains and good privates of police in the various islands. Are we struggling only against ladrones, thieves, and bandits? Then, all we want is the civil arm and its police power. If we are at war, we want an army; and if we want an army, we want it right, with a regular brigadier-general, not an opera bouffe gendarme fellow. The gentleman from Wisconsin has told us that what we needed was some one who was "young, efficient, and experienced" as the chief of police, and the gentleman from New York has suggested the name of Gen. Fred Grant, because he is already a brigadier-general and has already been a chief of police. Then my friend from Wisconsin responds by asking a question as to whether the gentleman from New York finds any analogy between the duties of a chief of police in New York City and in the Philippine Islands. Why, he has himself, his party, and the newspapers on the side of his party have already found the analogy, and it was not left for my friend from New York to seek.

They have told us, not once but many times, that we have "pacified" these people over there; that they love us; that they are desirous of our rule. They are the exception to the general rule of all history that no people seek slavery; that they, on the contrary, are seeking military, water-cure liberty—canned liberty—shot into them by a Krag-Jorgensen rifle as a particular Christmas gift from the American people; that we have gone there on a mission from the All High, put there by Him and not by ourselves, and that we are there so that we can not even get out without a special dispensation from God; that we have earned the gratitude of these people and they are completely "pacified," and all we want is "police," and now in this bill they tell us we want an army of police, with epaulets and high salaries and a sort of "Kickapoo" authority, so that the natives may be impressed by them whenever they come out on gala days with the brass bands and all the balance of the accompaniment of imperial sway. [Laughter.]

If this thing were once dramatized and put upon the boards it would go further than anything that has ever taken place in the so-called Rudyard Kipling "strenuous life" of the Anglo-Saxon to render the race laughable than anything I have ever read about. [Laughter and applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, I desire to call the attention of the committee to the fact that there is no minority report against this bill. The motion to report it was made by the gentleman from Tennessee, who has advocated its passage here to-day.

I have rarely known, since I have been a member of the House, a more complete misapprehension of the facts nor a more unjust intimation of wrongful motives than I have listened to in this debate.

The idea that such men as Governor Taft and his associates upon the Philippine Commission, and Vice-Governor Wright, who was here and testified before our committee, and Secretary of War Root, and General Corbin, and General Young, and Colonel Edwards would advocate a plan by which the Philippine Commission would appoint two, three, or four hundred colonels, and bankrupt the treasury of those islands! The mere statement of the proposition is enough to show its absolute unfairness.

A moment ago the gentleman from Mississippi said that although we have been often told that there is peace in the Philippines, yet to-day we are demanding epauleted officers at the head of the insular police force now trying to suppress the insurrection still continuing. How unfair that is! There is peace in the islands; the soldiers have surrendered and given up their guns; yet there still remains something of disorder, and no gentleman ought to know better than the gentleman from Mississippi what that disorder is. It is neither insurrection nor rebellion. It is not war. It is ladronism, robbery, murder, brigandage, which has existed there for three hundred years. It comes to us as a part of the inheritance which we received from Spain through the treaty of Paris. The insular government is suppressing it by a constabulary force of native Filipinos. Gentlemen upon the other side, and some gentlemen upon this side, are misled because it has been called a police force. Mention is made of Gen. Fred. Grant as having been one of the police commissioners of the city of New York, and as such discharging a duty akin to that now being performed by the man at the head of the constabulary in the Philippine Islands. Look at the difference.

In New York City they have an ample police force, telephones, telegraphs, street cars, at night brilliantly lighted streets, everywhere abundant means of communication. The Philippines are an archipelago, the land area of which is as large as New York, New Jersey, Rhode Island, Massachusetts, New Hampshire, and Vermont combined, without a decent road in it, with very few telegraphs or telephones, with thousands of acres of forests and of mountain fastnesses infested by professional blackmailers, robbers, and murderers, who live after the manner of mediæval brigands. Is it to be pretended that a police commissioner of the city of New York renders any service as such to fit him to be the chief of the constabulary force of that archipelago?

Mr. FITZGERALD. Does the gentleman from Wisconsin think that General Grant is less competent than Captain Allen?

Mr. COOPER of Wisconsin. I am not here to make comparisons. They are always odious, in the language of an old proverb, which the gentleman from New York will do well to remember before he puts a question of that kind.

I will say, however, that General Wright testified that the Commission had looked over all of the names of officers submitted to them by General Chaffee and could find none of them who was so perfectly fitted for this place as is Captain Allen.

Mr. HULL. I would like to ask the gentleman if the names of any of the brigadier-generals were submitted to them.

Mr. COOPER of Wisconsin. I do not know. General Chaffee submitted the names of those whom he considered to be the best men for this duty, and the commission selected Captain Allen.

The gentleman from New York did what I have occasionally seen a lawyer in a justice's court do—read a part of the evidence and omit that portion which bore against him. He read down to the "moose meat" episode in the career of Captain Allen, including the statement that his health had been impaired as a result of his duties and hardships in Alaska.

His record with troops—

And this the gentleman omitted, of course not with any purpose sinister or otherwise [laughter]—

His record with troops has been excellent wherever he served. He served as military attaché in Berlin and Russia, and made a special report on the Swedish army, I think—anyhow, on the military conditions of Sweden—and at the outbreak of the Spanish war he requested relief in order to come away from Berlin. He had to use the efforts of his friends to get relieved. When he got over here he went to Tampa and saw by the papers that there was a commission of major of volunteers given to him. He did not open the letter, but jumped aboard the transport and went over with the only cavalry to Cuba.

He commanded one troop throughout the Santiago campaign, and went with General Lawton around the Bay of Santiago and made that juncture with Garcia's forces. He nearly died from his experience there. He came back here and was, as I recollect, sent abroad again. When he found that new volunteers were being raised for the Philippine insurrection, he got a commission there and rendered distinguished service in the Philippines. He pacified the province of Leyte and has shown unusual qualifications since. He is a linguist, a man of excellent address, which is so necessary in impressing the natives, and, as I understand, he has been the right bower to the Philippine Commission in establishing their secret service, differentiating between the friend and foe.

Mr. FITZGERALD. The gentleman does not mean to do me injustice——

Mr. COOPER of Wisconsin. No; certainly not.

Mr. FITZGERALD. I was speaking of this officer's physical ability to fill the position; and I ask the gentleman from Wisconsin whether I omitted to read anything that had any bearing upon his physical ability or his health.

Mr. COOPER of Wisconsin. The gentleman spoke of his health being impaired on account of his living on rotten moose meat; and the inference would naturally be that his health is still impaired, because, in the law, when a fact is shown to exist, the presumption is that it continues to exist until the contrary is established.

Mr. OLMSTED. Will the gentleman from Wisconsin allow me to read one statement which the gentleman from New York omitted?

I have never seen a man who exceeded him in capacity for work.

That is from the statement of Governor Wright, which the gentleman read.

Mr. COOPER of Wisconsin. I presume the gentleman forgot to read that.

Mr. FITZGERALD. I read Colonel Edwards's statement, and I read everything affecting the health of this man.

Mr. COOPER of Wisconsin. Not only is this man to command 6,000 men, but if scouts are to be detailed to unite with the constabulary, then he is to have 11,000 native Filipinos under his command. He is to put down and exterminate these ladrones who have been for three hundred years murdering and robbing those people. But, in addition to that, listen to what Governor Wright says:

Governor WRIGHT. In the first place, it is rather an anomalous state of things for a captain to be commanding a body of 6,000 men. It is hardly just

to him to impose that responsibility upon him, but aside from that, in order to give him proper weight in dealing with the subjects which properly come under his command, he ought to have a rank commensurate with his duties and responsibilities. The chief of the constabulary has, among his duties, charge of the section of information. He is really the political agent of the insular government. He keeps in touch with everything that is going on in the islands aside from commanding this large body of men. The Commission has been compelled to establish a civil commissary.

The Army commissary being no longer available, under orders issued by the Secretary of War more than a year ago, in order to provide suitable food for its several employees scattered throughout the islands who had no access to the markets and were unable to obtain such food as they were accustomed to, it became necessary to provide them proper subsistence. The chief of constabulary assumed that duty and has organized and is conducting that subsistence department. The Signal Corps of the Army has heretofore carried on the telegraphic system of the islands. The military authorities have been anxious to relieve themselves of that duty and burden. The civil government of the islands is under obligations to take over the telegraphic service as fast as it can find suitable operators, its purpose being to educate the natives as operators, and now it has a telegraphic school in Manila engaged in that work. The chief of the constabulary has assumed that duty and is now organizing a telegraphic and telephonic system covering the archipelago.

I mention these things to show the extent of the duties of the chief and their nature, and I think it obvious from what I have already said, without further elaboration, that he fills a very onerous position, one that involves a great amount of work, and very responsible and delicate work.

But the gentleman from Iowa objects to the appointment of a captain and wants a brigadier-general appointed. The Commission could not find a civilian whom they wanted to undertake this arduous duty. General Chaffee submitted to them the names of six or more officers whom he, as a trained expert, familiar with all the circumstances, thought might be competent to perform it, and the Commission united on Captain Allen. The Commission do not wish to be limited to brigadier-generals nor even to major-generals. They wish to have the power to select, as Governor Wright says, the best man, no matter who he may be. To-day they are bound to select Army officers, because they are the men best fitted for this duty, by reason of their military training. The objection raised by the gentleman from Iowa to this bill is untenable, because the bill does not provide for the appointment of any civil officer, a man who is now a civil officer, to take that place. It says, "officers of the Army of the United States"——

Mr. HULL. If the gentleman will permit, I corrected the gentleman from Indiana [Mr. CRUMPACKER] when he made that statement, and said that I did not believe under the bill that it dealt with civilians at all.

Mr. COOPER of Wisconsin. Who made that statement?

Mr. HULL. The gentleman from Indiana.

Mr. COOPER of Wisconsin. If he did make the statement, I think he is entirely under misapprehension. I call the attention of the committee to the language of the bill.

Officers of the Army of the United States may be detailed for service as chiefs and assistant chiefs of the Philippine constabulary.

We asked Governor Wright if some man in civil life there could not be detailed and the governor said yes, but that they did not know where to find any civilian who was competent.

Mr. GAINES of Tennessee. Will my friend please tell me who controls this Captain Allen—whether he is under civil or the military authorities?

Mr. COOPER of Wisconsin. When he is detailed he will be under the control of the Philippine Commission, I suppose, if he is detailed under this bill.

Mr. GAINES of Tennessee. Has he not been under the control of the Philippine Commission during its existence?

Mr. COOPER of Wisconsin. But the attorney-general over there, or the man who is the legal adviser, has raised this point, that a man in the employ of the United States Government and receiving a salary can not have that salary increased by the Commission; at least they have refused to pay any additional compensation to Captain Allen. The Commission desired to give him a larger salary, but could not do it because of the legal objection which was raised.

Mr. GAINES of Tennessee. And I want to state to my friend that I think that officer is right in his opinion, and furthermore I say that that officer is a full-fledged Filipino.

Mr. COOPER of Wisconsin. Yes. That is the legal opinion which stands in the way of the Commission itself giving him the money which they think his services entitle him to; and, therefore, we come here, together with the Secretary of War, General Young, General Corbin, the Philippine Commission, and Colonel Edwards, and ask for the enactment of this bill into law. These men say that instead of its proving a burden upon the treasury of the islands it will, in the end, lessen the burden. Right here I wish to call attention to the argument made by the gentleman from Iowa [Mr. HULL] about the island treasury running behind. The treasury runs behind largely because of the decline in the value of silver. It has declined since we passed the civil-government law last spring 30 per cent, and netted a loss to the insular treasury of approximately $1,000,000 in gold. The House did its duty and passed a gold-standard bill——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I ask that the gentleman's time be extended such time as he may desire.

The CHAIRMAN. The time of the gentleman has been fixed by the House and it can not be extended by the committee. There are seven minutes still remaining on the other side.

Mr. JONES of Virginia. Does the gentleman from Illinois desire to occupy time?

Mr. CANNON. No; but the chairman of the Committee on Insular Affairs desired a little more time. I understand that presently we will be under the five-minute rule, when by consent we may have a half hour or an hour.

Mr. JONES of Virginia. I think that would be satisfactory.

The CHAIRMAN. The time could be extended by the committee when we take the measure up under the five-minute rule.

Mr. CANNON. When does the general debate close?

The CHAIRMAN. It closes at the end of two hours.

Mr. CANNON. Has the two hours elapsed?

The CHAIRMAN. There are seven minutes yet remaining on the other side.

Mr. JONES of Virginia. Mr. Chairman, I did not expect to occupy the seven minutes, because I recognized the fact that the chairman of the committee would close the debate.

Mr. CANNON. Then the gentleman yields to the chairman of the committee his seven minutes?

Mr. JONES of Virginia. If the gentleman particularly desires it, I yield him that time.

The CHAIRMAN. The gentleman from Wisconsin is recognized for seven minutes.

Mr. COOPER of Wisconsin. I am greatly obliged to the gentleman from Virginia and to the gentleman from Illinois. Mr. Chairman, in his testimony before our committee Governor Wright said:

The bill is intended to be general and permanent in its application, and is not in the special interest of anyone.

A little later Mr. JONES of Virginia said:

If one of the lieutenant-colonels whose name has been furnished, or a brigadier-general, were assigned to this duty, there would be no necessity for the passage of this act?

Governor WRIGHT. I think even then it would be a desirable act. I think that the officer ought to have the rank, in view of all the responsibilities of the position. I think it gives him more weight and force with the masses of the people and among the Army with whom he has to associate, and all that.

Later he added:

We would endeavor to secure the very best men we could find. The officers who have become brigadier-generals are generally elderly men, who would not care for that sort of work. It is a kind of duty which requires a very alert, driving man, in the full vigor of manhood, and I think you can best get him out of the captains and majors, to be frank about it, and that is what we want.

Mr. Chairman, I desire to call the attention of the committee to the difference between the constabulary and the Filipino scouts mentioned in the bill. The Filipino scouts belong to the Regular Army. They are all native Filipinos, under the absolute, exclusive control of Regular Army officers.

The constabulary likewise are native Filipinos, but they have to do what we call police duty, and therefore are under the control of the Commission. Although called constabulary and doing police duty, nevertheless they are subject also to be drawn upon for the general defense of the archipelago, to do military duty in fact, and are frequently engaged in serious conflict. They go out and kill and are killed.

Now, it is the desire of the Government to withdraw our troops from the islands just as rapidly as possible. It is the belief of the Commission and of the War Department that the small number of troops now over there can be very much lessened if we can pass this law, so as to enable the constabulary and the native scouts to be brought together as one force, to be mobilized quickly without any sort of delay, under the control of a Regular Army officer.

And I call the attention of gentlemen upon the other side to the motive that lies behind this bill. It is not a desire to grab salaries, as has been unjustly intimated here. It is not a desire to exercise favoritism toward anybody. It is a desire simply to do what is the best for the people of the Philippine Islands and for the Philippine treasury.

Governor Wright and the officers of the Regular Army say that under this bill these 5,000 native scouts may be put to garrisoning the villages and towns. Then General Allen with his assistants may take the 6,000 constabulary familiar with the country and make a determined, persistent war upon the ladrones and exterminate them. The authorities say that in no other way can this extermination be accomplished.

Under the law as it stands to-day, if these scouts were asked for, the department commander would send to the district commander, and the district commander would send to the post commander, and the post commander would detail a certain number of scouts to assist the constabulary; but he would probably send a lieutenant in command, as they are officered largely by lieutenants.

The man in control of the scouts would represent the Government of the United States, while the officer in control of the constabulary represents the Philippine government, and there would be a conflict of authority.

But under this bill, with all of these soldiers susceptible of being quickly mobilized under the control of the constabulary chief, a brigadier-general, an officer of the Regular Army, there will be no conflict of authority. These scouts may do duty in the villages and towns, while the constabulary go into the mountains and woods and exterminate the ladrones. That is the purpose of the bill.

The CHAIRMAN. The time of the gentleman has expired. The time for general debate has expired, and the Clerk will read the bill.

Mr. GAINES of Tennessee. One moment. I want to ask the gentleman how many soldiers we have over there now?

Mr. COOPER of Wisconsin. The last I heard we had 18,000.

Mr. GROSVENOR. How many?

Mr. COOPER of Wisconsin. Eighteen thousand.

The CHAIRMAN. The Clerk will read the bill under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That officers of the Army of the United States may be detailed for service as chief and assistant chiefs of the Philippine constabulary, and that during the continuance of such details the officer serving as chief shall have the rank, pay, and allowances of brigadier-general, and the officers serving as assistant chiefs shall have the rank, pay, and allowances of colonel: *Provided*, That the difference between the pay and allowances of brigadier-general and colonel, as herein provided, and the pay and allowances of the officers so detailed in the grades from which they are detailed shall be paid out of the Philippine treasury.

Mr. JONES of Virginia. Mr. Chairman, I desire to offer an amendment. After the words "assistant chiefs," in line 4, insert the words "but the said assistant chiefs not to exceed in number four."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 4, after the word "chiefs," insert "said assistant chiefs not to exceed in number four."

Mr. JONES of Virginia. Mr. Chairman, it has been stated, and I believe it to be a fact, that the law enacted by the Philippine Commission provides that these assistant chiefs shall not exceed four in number. I realize, too, that it would be entirely possible for the Commission to so amend that law at any time as to increase the number to 400 if they desired to do so. If four assistant chiefs, who may be either civilians or second lieutenants as the law now stands, are sufficient, four ought to be sufficient when their rank and dignity has been increased by making colonels of them, and therefore I have offered the amendment limiting the number to what it now is. I understand tnat the purpose and object of this bill is to increase the rank of the chief and assistant chiefs in order to give them more power and authority; and if given this additional rank, what objection can there be to so limiting the number that the Philippine Commission may not increase it at will? This is the object of my amendment. I believe there are only two assistant chiefs now in active service. I may be mistaken as to that.

Mr. COOPER of Wisconsin. There are three now in active service.

Mr. JONES of Virginia. There is then one vacancy, and the law only permits the appointment of four.

Mr. COOPER of Wisconsin. I will say that vacancy is not a permanent vacancy, but is one which is to be filled.

Mr. JONES of Virginia. I understand. As the law now stands only four assistant chiefs can be detailed from the Army, and, as a matter of fact, there are only three at this time. If my amendment is adopted, and I think it should be, the number never can exceed four, which is the present maximum.

The CHAIRMAN. The question is on the amendment.

Mr. CANNON. I want to ask the gentleman from Virginia or the gentleman from Wisconsin a question, or both of them. I want to say that I was not present in the committee when this bill was considered, and I happened to be out of the committee while the discussion was going on, and I want to see if I understand it. Now, it is necessary to have somebody of the grade of a brigadier-general, or at least to have him detailed from the Army to the Philippines for this service, according to the statement of the gentleman.

Mr. JONES of Virginia. That is the theory of the bill.

Mr. CANNON. That is the theory of the bill; and it seems from the statement of the gentleman from Wisconsin right and proper and fairly necessary. Now, this bill is to give the difference between the pay of a brigadier-general payable from the Philippine treasury, to give him that difference during the time that the officer is on detail.

Mr. JONES of Virginia. Or, if the Commission should ask for the detail of an officer of the grade of second lieutenant as chief, it would give him the difference of pay between that of a second lieutenant and that of a brigadier-general.

Mr. CANNON. Give him the difference in pay between second lieutenant and colonel.

Mr. JONES of Virginia. The difference in pay between that of a second lieutenant and that of a brigadier-general, if he was made chief.

Mr. CANNON. This follows the precedents which there are in this country, if the gentleman from Wisconsin is right. You take, for instance, the engineer officer of the District of Columbia. He gets the difference in pay between his rank and that of colonel.

Mr. HULL. The difference between his rank and that of the other Commissioners.

Mr. CANNON. Oh, yes; the difference in pay between his rank and that of the other Commissioners. I must confess——

Mr. JONES of Virginia. The purpose of my amendment is to so provide that if we pass this bill it shall not be in the power of the Commission or anybody else to appoint one, two, three, or four hundred of these assistant chiefs, as could be done if my amendment is rejected.

Mr. CANNON. Now, the gentleman is on the committee, and I presume that he was present at the hearings.

Mr. JONES of Virginia. I was present at only one of the hearings.

Mr. CANNON. I will ask the gentleman if the bill meets his approval if the amendment is made?

Mr. JONES of Virginia. I will say to the gentleman that it would much more nearly meet my approval. I could not support the bill even were my amendment adopted.

Mr. CANNON. I must confess that if Governor Wright is right—I believe that is the name——

Mr. JONES of Virginia. Vice-governor.

Mr. CANNON. As I got his statement in the remarks of the gentleman from Wisconsin, it seems that he abundantly makes the case for a competent officer upon this detail of the grade of captain or major to receive the increased compensation. I do not believe that the power to appoint ought to be abused, and I am quite content, if they have but three or four there now, to limit it as to number; but when you throw these duties, maybe without end, and with responsibilities upon one who happens to be an officer of the Army, and who has demonstrated his equipment for the work, it seems to me there is much stronger reason to give him the difference in pay than there is to pursue that course in the United States where officers of the Army are detailed to civil positions, as in the case of the Engineer Commissioner of the District of Columbia. If that is the object of this bill, it seems to me it is wise in its recommendations.

Mr. JONES of Virginia. I understand the gentleman from Illinois to say that he thinks it would be wise to limit the number.

Mr. CANNON. I am quite content. I would not want to see two hundred nor would I want to see twenty, even. I understand they have four now.

Mr. JONES of Virginia. They are permitted to have four, but they have at the present only three.

Mr. CANNON. I would prefer the limitation, I will say to my friend.

Mr. OLMSTED. Mr. Chairman, I would like to ask the gentleman from Virginia whether it is his intention to limit simply the number of officers who may be detailed, or to limit absolutely the number of chiefs?

Mr. JONES of Virginia. My purpose is to limit the number of officers. That is what, I think, would be the effect of my amendment.

Mr. OLMSTED. I thought that was the gentleman's contention, and I would suggest that he so amend his amendment as to make it clear that that is the intention, so as to provide that not more than four officers shall be detailed as assistant chiefs.

Mr. JONES of Virginia. I think, Mr. Chairman, the Commission should not have the power to appoint civilians as assistant chiefs and to give to them the rank of colonel in the Army.

Mr. HULL. I think the bill has nothing to do with civilians; it only deals with officers.

Mr. JONES of Virginia. That is my idea, and therefore the amendment is drawn in the way it is. I think the bill deals only with military officers.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 16066. An act to amend an act entitled "An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory," approved June 6, 1900; and

H. R. 179. An act to amend the internal-revenue laws.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Senate concurrent resolution 53.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate Senate bill 3316, being a bill to amend an act to create a new division in the western judicial district of the State of Missouri, approved January 24, 1901.

PHILIPPINE CONSTABULARY BILL.

The committee resumed its session.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to have the amendment read.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read the amendment.

The amendment was agreed to.

Mr. HULL. Mr. Chairman, I offer the following amendment if this is the proper time for it to come in.

The Clerk read as follows:

Strike out all after enacting clause in section 1 and insert:

"That one brigadier-general of the Regular Army of the United States may be detailed as chief of the Philippine constabulary, and assistant chiefs of constabulary may be detailed from officers of the Regular Army not below the grade of lieutenant-colonel."

Mr. HULL. Mr. Chairman, just a word in regard to this amendment. I recognize the fact that they ought to have there an officer of a higher rank than captain, but it seems to me that the Army, as organized to-day, has brigadier-generals, able, ripe in experience, and many of them being younger men than the present chief. I do not, in this amendment, propose to be put in the position of criticising Captain Allen in any way. He has been a deserving and gallant officer; but it does seem to me that when we are legislating for the appointment of a high rank in the Philippines that we have an abundance of high ranking officers in our country to fill that position. There is no use in ignoring the brigadier-generals and the colonels in our Army and creating this high rank out of a subordinate officer of the Army. Instead of putting upon the Philippine government the expense of paying the difference, we ought to avoid that by giving them the opportunity to select an officer from the Regular Army.

Mr. CANNON. If my friend will allow me, take Captain Allen, the present incumbent, who is a captain. Now, then, he is in the performance, as I understand it, of his duty.

Mr. HULL. Yes.

Mr. CANNON. He can not be continued if the gentleman's provision should prevail. After all, I suppose the average age of a brigadier-general in the Army is what—55 or 60?

Mr. HULL. We have several under the age of 50, and some are put in for the mere purpose of retiring, so the average age is not a fair statement.

Mr. CANNON. Well, it takes a man who graduates at West Point until he is 55 or 60 before he can be a brigadier-general by promotion.

Mr. HULL. I do not know how it will be hereafter, but we have brigadier-generals—four of them—that are now under 50 years of age.

Mr. CANNON. After all that is said and done in this service I will ask if it is not the man we want, and if he is young, virile, and vigorous, and ambitious, if he happens to be a captain or a major, he is the very man for the service. Why should we say that that virile man should be displaced? Why should we place it out of the power of the Government to utilize the services of such a man that we may perhaps protect a brigadier-general? The brigadier-generals may be competent for this particular duty, and they may not be as competent as many thousands of other people. What we want is the services of the most capable men.

Mr. HULL. If I believed that we had no brigadier-generals competent to discharge these duties I would not have offered this amendment. The gentleman from Wisconsin stated that the man was selected out of a list of names submitted by General Chaffee. I want to make a prediction that the list submitted by General Chaffee did not contain an officer above the rank of major to select from.

Mr. JONES of Virginia. That is true; the report shows it.

Mr. HULL. Not one above the rank of major. General Funston is a younger man than Captain Allen.

Mr. JONES of Virginia. And General Wood.

Mr. HULL. And General Carter, late of the Adjutant-General's Office. When you say that that class of men can not perform this duty, you are, in my judgment, casting a reflection upon them.

Mr. CANNON. Will the gentleman allow me to say a word just at this point?

Mr. HULL. Certainly.

Mr. CANNON. Is it the rule that the brigadier-generals have shown the same efficiency in service as the few younger officers that you mention, who won their spurs long before they were brigadier-generals, by actual service—not by virtue of wearing epaulets?

Mr. HULL. Every man whom I have mentioned won his spurs in our recent war, as I understand it, by efficient service, by his superior abilities, and superior soldierly qualities. That is the only excuse for making them brigadier-generals. If not superior ability, what was it?

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. HULL. Certainly.

Mr. GROSVENOR. If we have but one man left in the United States, including the Territories—where the Constitution does not go of its own motion—capable of being the chief of police out there, has not the President of the United States the power now to appoint that man brigadier-general?

Mr. HULL. Certainly. I spoke of that.

Mr. GROSVENOR. If he is the only man fitted for the position, would it not be just as well instead of creating this assimilated rank which has always given so much trouble in the Army organization to simply appoint Captain Allen and allow it to be understood that the President has decided that there is nobody else capable of running a police force over there in those islands?

Mr. HULL. In reply to that suggestion, let me say that in my argument during the general debate on this bill I stated that hardly a month passes when the President of the United States does not appoint a brigadier-general, and if there is but this one man competent for that office, then, as suggested by the gentleman from Ohio, it need not be sixty days before the President may recognize his great ability and make him a brigadier-general without increasing the number of brigadier-generals in the Army of the United States.

Mr. BINGHAM. How large is this constabulary force?

Mr. HULL. Six thousand, as I understand. I think this officer ought to be a brigadier-general. If my amendment should not prevail, I should say that the first section of the bill ought to be adopted. The second section is a different proposition.

But it does seem to me that at this time, when we know we are going to be called upon to vote at least $3,000,000 to aid the people of those islands—and we ought to vote relief to them in their present condition—we ought not, without some very grave reason, to saddle any additional expenses upon the people of those islands. If I believed that they would not be as well served under my proposition, if I believed that the chief selected would not be as efficient—and I certainly can say that without reflecting upon a gallant officer now serving there—if I believed that this new chief would not be as efficient and would not render as good service as would be rendered under the provisions of the bill, I would not be in favor of the amendment.

But I am not willing to concede that with the young men now wearing the star, gained by active service in the field—young men who have shown their ability to command, their ability to stamp out lawlessness in the Philippine Islands, as several of our brigadier-generals have done who are younger than this man (to answer the suggestion of my friend from Illinois that these men may not be competent)—I should be in favor of selecting at the next vacancy some man for brigadier-general who is competent to do this work. It is military in its character. The gentleman has correctly so stated. It is not like ordinary police work. It extends over a great scope of country. It requires executive ability. But it seems to me that the man who has won a star by his service in the field has the superior ability to command this force.

Mr. Chairman, if this proposition does not prevail, then it seems to me that in justice to the Filipinos we ought at least to strike out this proviso and let the Government pay the difference directly, and not "beat around the bush" by a sort of pretense that they are paying it, and then reimbursing them by general appropriations for their support.

The CHAIRMAN. The Chair will call the attention of the committee to the fact that the amendment of the gentleman from Iowa [Mr. HULL] is in the nature of a substitute for the section, and the section should be perfected before the proposed substitute is voted upon. Are there further amendments offered to this section?

Mr. GAINES of Tennessee. Mr. Chairman, I offer an amendment, to strike out the word "Philippines" in the thirteenth line, and after the word "treasury" add the words "of the United States," and on that amendment I desire to be heard.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk reported the amendment.

Mr. HULL. Mr. Chairman, if the gentleman will yield, I would ask him if he would not accomplish the same thing by striking out the whole proviso?

Mr. GAINES of Tennessee. I make no objection to that.

Mr. HULL. If the gentleman strikes out the whole proviso, then the Government does pay.

Mr. GAINES of Tennessee. Yes. Well, Mr. Chairman, my amendment for the present is as I have stated.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. GAINES of Tennessee. Mr. Chairman, I have the utmost confidence in the personal and official integrity of Governor Taft and Vice-Governor Wright. I know both of them personally. If Gen. Luke Wright would tell me that such and such a thing is a fact of his personal knowledge, I would make no further investigation. He stands just that high as a citizen of Tennessee and as a lawyer. Numbers know him as well as I, no doubt, as vice-governor and commissioner. He stated to me in the Philippines—long before this bill was dreamed of, I take it—that this man, Captain Allen, who at this time had called on him at his house in Manila while I was General Wright's guest, was one of the most efficient officers that they had had connected with the Commission at any time. He left me under the impression, if he did not inform me, that Allen was the man above anyone that they relied on to execute, I believe, the civil processes. If not, he was possibly at the head of the police department then. At all events, he was a peace officer of high rank and was cooperating with the Commission.

Now, who is this man Allen? You may call him captain or brigadier-general or colonel. Titles make no man, Mr. Chairman. When Funston and Young and Grant and the balance of these gentlemen who have been spoken of so highly by the distinguished gentleman from Iowa [Mr. HULL] and other gentlemen, had done their shooting and their fighting in the Philippine Islands, they then returned to the bosom of their families, to their homes and firesides, while Allen has remained in the jungles and about Manila facing disease and famine, and amidst the terrible struggles of that commission, at his post of duty, doing his whole duty. He seems to me above all others to have won his spurs, not by fighting and then, Mr. Chairman, returning to his home in this country, but by staying there and helping these commissioners, staying there and facing the horrible diseases and the terrible distress of that community.

You may talk to me about General Carter—a gentleman whom I admire—or anyone else. It is not officers but individuals needed there. It is the man who has faced disease, as Luke Wright did when he had yellow fever in Memphis, for he stayed there and was a victim of that disease but recovered. He knows what it is. He knows what it is to find a man as—who is every inch a man—he has in this man Allen and to stand by him, as it seems to me he has done in this case. I have not talked with General Wright; I have not seen him for more than a year. I have called to see him in the city, but unfortunately he was out. I have not read the hearings, heard only the debate to-day and read this report, but I feel, as was well suggested by the gentleman from Illinois [Mr. CANNON], that it is not "officers" we need now, it is a certain man that we want over there to take charge of the premises, and that man it seems is Captain Allen.

Now, Mr. Chairman, so much for that. I do not know whether General Wright and Governor Taft agree to this proviso or not. If they do, I do not. I do not agree that we should take an American officer and pay him out of the treasury of the Philippine Islands, paying him a double salary at that. Captain Allen has done this work. He has done it when we had war, when we had the Samar trouble. He was at work while I was there, yet he did it with the salary he is now receiving, and certainly if he can work for that salary in time of war he should not have a higher salary now in "peace," and particularly when that salary has to be paid out of a bankrupt treasury from the hard-earned revenues and tax money, internal and otherwise, paid by this unfortunate people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin rose.

Mr. GAINES of Tennessee. Mr. Chairman, I would ask permission to amend my amendment and move to strike out the whole proviso.

The CHAIRMAN. If there is no objection, the amendment will be considered as so amended and the Clerk will report the substitute.

The Clerk read as follows:

Strike out all of the proviso in section 1.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. COOPER of Wisconsin. Mr. Chairman, right at the outset I want to dispose of this apparent anxiety over the condition of the insular treasury. It is entirely temporary, and is due in large part to the depreciation in silver. Since the Philippine civil government act was passed, last summer, silver has declined in value 30 per cent or more, and, as I said a moment ago, has netted a loss to that treasury of approximately $1,000,000. But Governor Wright tells us, and Governor Taft in his letters tells us, that this condition is temporary; that just as soon as the monetary condition is righted by the establishment of the gold standard, and as soon as the most unusual conditions which now obtain there—and which seem inevitably to follow in the wake of war—have disappeared, the normal conditions of a prosperous and overflowing treasury will return to the Philippine Islands.

Mr. GAINES of Tennessee. Will my friend yield just for a moment?

Mr. COOPER of Wisconsin. Yes.

Mr. GAINES of Tennessee. The gentleman says we lost a million dollars, and therefore have a deficit in the treasury; in other words, no money. Now, the President has called for $3,000,000 to take the place of that $1,000,000. It looks to me as though the President is anticipating that there is going to be trouble in the treasury for a long time.

Mr. COOPER of Wisconsin. Any gentleman with a vivid imagination can scare up a spook with which to frighten himself, especially if he wishes to do it for partisan purposes. There is no trouble about that. Now, the three-million-dollar appropriation act will be passed, if passed at all, with a clause in it requiring the Philippine treasury to reimburse the Treasury of the United States, and the Philippine treasury under normal conditions will be abundantly able to make the reimbursement.

Mr. GAINES of Tennessee. When is the condition of things there going to be normal?

Mr. COOPER of Wisconsin. Well, I can reply only by saying "in due time."

Mr. GAINES of Tennessee. What is going to bring about this normal condition?

Mr. COOPER of Wisconsin. It can not come if we are to have needless delays in enacting necessary legislation.

Mr. GAINES of Tennessee. That sounds very well, but you know that they have cholera, and yellow fever, and the plague, and everything that a country ought not to have that must be removed before things can become "normal."

Mr. COOPER of Wisconsin. Those things are not much worse than some other things with which I am acquainted.

Now, Mr. Chairman, yellow fever, rinderpest, and cholera have nothing to do with this bill nor with the necessity for its enactment into law.

I want to remind gentlemen who dilate upon the condition of the Philippine treasury that there is no man more solicitous than are Governor Wright and Governor Taft to secure and maintain its solvency. No one is more patriotic than is either of those distinguished men, both of whom desire that this bill be enacted into law, and that this charge be placed upon the island funds. Who knows more than they do about the financial condition of the insular government?

The time of Mr. COOPER of Wisconsin having expired, by unanimous consent it was extended five minutes.

Mr. COOPER of Wisconsin. The question asked by the gentleman from Ohio [Mr. GROSVENOR], as to whether there is "only one man" competent to be chief of the Philippine police, contains an implied argument and a quite effective one, because it tends to put the advocates of the bill in the attitude of belittling the ability of the brigadier-generals of the United States Army. But it was not an entirely fair question. It does not embody the whole truth. There is more in the purpose of the bill than is implied in that question, vastly more. Is it to be supposed that Governor Wright comes here because he and his associates want to appoint a captain to a brigadier-generalship, to the disgrace or humiliation of any officer of the Regular Army? Who believes that Wright or Root or Young or Corbin or Edwards wants to do that? The mere statement of the proposition carries its own refutation.

But aside from that, as suggested by the gentleman from Illinois [Mr. CANNON], the peculiar qualifications required of the head of that force make it necessary that this Commission shall have the power to appoint a brigadier-general, if it wishes to, but that it shall not be bound to appoint a brigadier-general and nobody else to take charge of this exceedingly responsible and oftentimes dangerous duty.

Let me again call attention, as other gentlemen have come in since I read it before, to what Governor Wright says concerning the duties of the chief of constabulary:

Governor WRIGHT. In the first place, it is rather an anomalous state of things for a captain to be commanding a body of 6,000 men. It is hardly just to him to impose that responsibility upon him, but aside from that, in order to give him proper weight in dealing with the subjects which properly come under his command, he ought to have a rank commensurate with his duties and responsibilities. The chief of the constabulary has, among his duties, charge of the section of information. He is really the political agent of the insular government.

He says that the chief is the confidential man of the administration over there.

Mr. FITZGERALD. I rise to a point of order. I ask what amendment is pending now?

The CHAIRMAN. The amendment offered by the gentleman from Tennessee, to strike out the proviso.

Mr. FITZGERALD. I will not make the point; but I suggest the gentleman is not discussing the point.

Mr. COOPER of Wisconsin. I hope the gentleman will not insist upon that.

Mr. FITZGERALD. I will not. I hope the gentleman will wait until we reach the amendment of the gentleman from Iowa.

Mr. COOPER of Wisconsin. I am speaking on that amendment.

Mr. FITZGERALD. That amendment is not pending at this time.

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee, striking out the proviso, which makes an additional charge upon the Philippine treasury.

Mr. COOPER of Wisconsin. I spoke to that first, and then I had five minutes time extended to me, or time without limit.

He is really—

Says Governor Wright—

the political agent of the insular government. He keeps in touch with everything that is going on in the islands aside from commanding this large body of men. The Commission has been compelled to establish a civil commissary. The Army commissary being no longer available, under orders issued by the Secretary of War more than a year ago, in order to provide suitable food for its several employees scattered throughout the islands who had no access to the markets and were unable to obtain such food as they were accustomed to, it became necessary to provide them proper subsistence. The chief of constabulary assumed that duty and has organized and is conducting that subsistence department.

Governor Wright says also that this proposed legislation is not to help any particular man nor to secure his promotion. He says that in any event it ought to be law, so that they can select whomsoever they please, and thus secure the very best obtainable man.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDOX. Mr. Chairman, the gentleman from Wisconsin makes a rather remarkable statement in his argument—that this condition of the Philippine treasury is merely temporary and brought about by the decline in silver, or the fluctuation in silver. I think, if the report of the Secretary of War means anything, it is due to the famine, pestilence, and every other devilment that ever afflicted a people on the face of the earth—from rinderpest and by disease that attacked the American and native horses, but one-fourth of the rice crop, and the locusts are about to eat that up. Not only that, but cholera has prevailed in that country, and, as I said before, to-day at least 100,000 of these people are going down under this disease. Thousands and hundreds of thousands of dollars have already been gathered from these people to buy rice in China and Japan in order to keep the people down there alive; and yet the gentleman from Wisconsin says that this distress, this temporary deficit in the treasury, is largely the fault of silver.

Mr. COOPER of Wisconsin. Will the gentleman from Georgia allow me to ask him a question?

Mr. MADDOX. Let me read this, and then I will answer your question. This is from the Secretary of War asking $3,000,000. He says in his letter to the President:

I beg to ask special consideration of the recommendations of the Commission, all of which have my hearty approval. It seems to me that the conditions resulting from the destruction by rinderpest of 90 per cent of the carabaos, the draft animals of the islands, and the consequent failure of the rice crop, followed by an epidemic of cholera, are so serious and distressing as to call for action by Congress beyond that for which the Commission specifically ask. The removal under the laws of Congress of export duties on goods shipped from the Philippines to the United States has materially reduced the revenues of the islands, while the duties collected in the United States upon importations from the Philippines, which under the same laws were to be turned over to the Philippine treasury and were expected to make good the deficit, have amounted to practically nothing.

Now, that is what the Secretary of War says, and he certainly knows something about it. The gentleman from Wisconsin presumes that there are no other reasons why there is a deficit and why they have no money. Now, my distinguished friend has laid considerable stress upon what General Wright says. My friend from Tennessee [Mr. GAINES] complimented this military officer who is in charge of this constabulary, and no doubt he is entitled to all the commendations that have been passed upon him here, and says that he stayed down there exposed to disease. I will tell you why he stayed there and faced disease. He stayed there because he was detailed to stay, and my opinion of United States officers is that when they are detailed to discharge a duty they do it, in the Philippines or elsewhere.

Mr. GAINES of Tennessee. Why did not the others stay?

Mr. MADDOX. Because they were ordered home. I will say to you, my distinguished friend, that there are a number of them down there now—15,000—and a number of them have been there all the time.

Mr. GAINES of Tennessee. Why did they order the "brigadier-generals" home and leave Captain Allen there?

Mr. MADDOX. I do not know; I have not an idea about that. But I undertake to say that if any officer in the Army that I ever heard of had been detailed to stay there he would have been there now, the same as Captain Allen. So there is nothing in that.

My friend from Wisconsin places particular stress upon what Governor Wright says. I guess he is all right. [Laughter.] But he has placed himself in a sort of an awkward position. He comes to the American Congress when he wants us to repeal the tariff, or reduce it to 25 per cent, and says the people are ruined, poverty stricken, and diseased, and all that sort of business, and to-morrow when we are called upon to appropriate $3,000,000 to help these poverty-stricken people they are still in that condition. Now he comes under these circumstances pleading for help and for the assistance of this Government to support his Territory, and at the same time comes with a little petition in his pocket to raise Captain Allen to the rank of a brigadier-general, and he insists that these charges shall be placed upon the treasury of the Philippine Islands. [Applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, in reply to what the gentleman from Georgia has said about the proposed appropriation of $3,000,000, I wish to inform him that Governor Taft has written to me, as he has probably to other members, as to what they desire to do with that money. As I said, there will be a provision in the bill for the government of the islands to reimburse the United States. It is proposed by the Commission to take that money and buy carabaos. They are the animals, the water buffalo, which are used in the islands for the cultivation of rice. That is the staple food product of the islands. The killing by rinderpest of nine out of ten of the animals has resulted in the failure of the rice crop, because they of necessity use those animals in its cultivation. But by giving immediately this money to these islands they can buy a sufficient number of the carabaos, and with proper animals they can at once go to work in the cultivation of the rice crop, which grows so readily there that starvation and famine will at once disappear. That is the plan of the Insular Commission. That is a fact that makes one of the apparently hard conditions, but which is only temporary, as I said a moment ago.

Now, because of the killing of the carabaos and the consequent failure in the rice crop there has been a falling off in the revenue of the islands. As I understand it, there would not have been a deficit if it had not been for the loss of a million dollars by the depreciation of silver, which has gone down 30 per cent since we passed the law last spring. We hope this session to enact a gold-standard law for the islands to bring about financial prosperity there.

Governor Taft and Governor Wright assure the people of the United States that it is only temporary; that the normal conditions will obtain as soon as they get money and carabaos.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word. It seems to me, Mr. Chairman, it makes but very little difference as to what the action of this House shall be, whether the poverty in the Philippine Islands results from the depreciation of silver or from the death of the beasts of burden. This amendment that is now pending is a concession that the majority portion of the bill should pass. The gentleman from Tennessee—and I recognize him as a mouthpiece, as one of the leaders of his side, who has given careful attention to this and who speaks by authority—simply proposes to change the method and place of payment. He recognizes the fact that this force should be commanded by a brigadier-general and by four officers with a rank of colonel. And the very fact that he has made the admission that he has, and has not attempted to affect the other portion of the bill that I have referred to, is an indorsement of the bill in its main features.

Now, I do not agree with him, or with my liberal colleague from Iowa, that this added expense should be borne by his constituents or by mine. This gentleman confesses that this additional rank is necessary in order to secure the most efficient service of this constabulary force for the benefit of the people of these islands. It is for their benefit; they alone are the beneficiaries, and they are abundantly able to pay this added ten or twelve thousand dollars. Why should the gentleman from Tennessee, why should my colleague, try to saddle that expense that is solely for the benefit of another, and that other able to pay it, upon his constituents or upon mine?

In my judgment, this is misplaced liberality. Let the people of those islands learn now that they are themselves to pay for the blessings of the better government that they are to have. Let them learn at the earliest moment possible that they must pay their taxes for their expenditures. It is a mistaken charity, in my judgment, for the United States Government to be constantly making donations to meet expenditures of government that they should pay. And I am sorry to see the gentleman from Tennessee [Mr. GAINES], usually so exact, so precise in his views as to where responsibility should rest, who should meet responsibility,

who should make payments, trying to saddle upon his constituents this legitimate debt of another people. [Laughter.]

Mr. GAINES of Tennessee. Mr. Chairman, as a rule or policy I would not offer such an amendment as this. Ordinarily I would have the Filipinos support their own government. I have made speeches to that effect on this floor, to which evidently the distinguished son of Iowa [Mr. HEPBURN] has listened. And I am glad he shows that he must have honored me by listening to me when I thus spoke. Circumstances alter cases. But here, Mr. Chairman, is a very sad, a very serious, and a very unfortunate condition of affairs in the Philippine Islands, and we are not ourselves altogether free from blame for those conditions. We must admit that we have shot and burned many of their houses down; that we have burned many of them to remove disease; that we have done a great many things over there to intensify the unfortunate condition that has been recently imposed upon that people as the result of the plague, the smallpox, and all kinds of fevers, contagious and noncontagious.

We find the President of the United States and the Secretary of War telling us yesterday that they need, not 3,000,000 of Mexican dollars, if you please, but 3,000,000 of "200-cent dollars" to relieve these people. Yet the gentleman from Wisconsin would have us believe that the financial trouble there is brought about by the fall in the price of silver, although here is a report read to-day by my distinguished colleague, the gentleman from Georgia [Mr. MADDOX], praying that taxation be reduced, so that those people may bring their products to the United States, that they may fill their pockets, and later on pay the export duties which go into their bankrupt treasury, and showing that every evil flesh is heir to has cursed and is now cursing the Filipinos.

Because of their distressed condition; because they are without homes; because they are sick; because they are dying there by the thousands, as we read and must know; because they have been denied everything short of life itself and often that since they have come on the earth. These conditions, Mr. Chairman, are the reason why the great, the proud, the patriotic people of America should come in now and say, "When we raise the salary of an American officer commanded by American officers, who owes his position and his epaulets, if he has any, to the United States Government, that salary, if it is raised at all, shall be paid by the great and rich Government that raises that salary."

Again, this is but the entering wedge, Mr. Chairman, for increasing other salaries, another reason why I want to offer this amendment—when we pay we will be slow to increase the salary. Raise this salary, let the entering wedge begin here, and where will it end? It is these conditions and these alone that prompt me to take the position in this case that we should rather help these people as we can than send $250,000 or $500,000 to Martinique and elsewhere to help people who do not owe us allegiance—whom we never harmed—who were not afflicted with disease, but who, I am told, were all swallowed up in a volcano—entirely unlike these people, who are suffering by the million and tens of millions in the Philippine Islands from disease, famine, and everything that flesh falls heir to.

Mr. Chairman, I think that if we raise this salary we should pay for it, and that is why I have offered my amendment. Eliminate this proviso and we improve the bill that much at least.

[Here the hammer fell.]

Mr. GROSVENOR. Mr. Chairman, the gentleman from Iowa [Mr. HEPBURN] who preceded the gentleman from Tennessee [Mr. GAINES] stated that the gentleman from Tennessee was always accurate in his statements of fact, and the gentleman from Tennessee now states that the Filipinos are now dying at the rate of ten or fifteen millions at a clip.

Mr. GAINES of Tennessee. I made no such statement. [Laughter.]

Mr. GROSVENOR. The words that the gentleman used were that they were dying at the rate of tens of millions; and I am alarmed——

Mr. GAINES of Tennessee. I said "suffering."

Mr. GROSVENOR. "Dying" was the word; and I appeal——

Mr. GAINES of Tennessee. If we continue your policy over there they will all die.

Mr. GROSVENOR. I do not know anybody more liable to slay his thousands than the gentleman from Tennessee. [Laughter.]

Now, Mr. Chairman, a more or less jocular remark which I made seems to have a false impression upon my distinguished friend in charge of this bill.

I have brought with me, coupled with my imperfect knowledge of military affairs, which I learned in something like four years' service and not much study, a decided prejudice against what is called in the Army "assimilated rank." It always leads to confusion and always leads to discrimination, and it occurred to me on a cursory observation of this bill that there was going to be a very pronounced reintroduction into the Army organization of what we call "assimilated rank"—taking a lieutenant or captain and making him a brigadier-general, giving him the rank practically, and then turning him back again, changing his uniform back to that of a line officer. It seems to me to be incongruous; but when I hear the statement of the gentleman from Wisconsin [Mr. COOPER] that this is urged in the interest of a single man—or, in other words, that the single man's interest runs side by side with that of the Government—why, I am not going to put up my judgment and my prejudice against the better knowledge and better judgment of the men who have recommended the passage of this bill. I do not believe in it, so far as I gather from my own observation and experience, and I did think that there was necessarily involved in it a reflection upon the Army of the United States and its brigadier-generals.

Now, I do not believe in any of these powers of discrimination except one, and that one is barred to the President of the United States. If I could have my way about it, the President of the United States, for the conferring of special honors upon a soldier, should have the right to promote a line officer or the noncommissioned officer or a private soldier of the Army to any of the commissioned ranks above him; but, unfortunately, the power of the President of the United States to promote a captain or lieutenant is limited to that of brigadier-general. It always brings confusion. I do not need to refer to instances, and I do not want to discriminate in any remarks I may make, but we all know that a very large per cent of the dissatisfaction which has grown up during the last four years has grown out of the fact that there came here and there a case where it seemed that the President, as Commander in Chief, ought to confer special promotion upon a soldier or an officer, and found himself limited in the line of promotion to the rank of brigadier-general alone, whereas if he could have promoted the officer or officers, or private or noncommissioned officer, to a rank of captain or major or lieutenant-colonel, would have satisfied all the demands of honor and would have led to much less commotion and trouble in the Army. It was in the line of regularity that I asked my question, and I hope nobody will be affected by it in their vote upon this bill.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The question now is on the amendment of the gentleman from Tennessee.

The question was taken; and the amendment rejected.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. HULL) there were—ayes 77, noes 68.

Mr. COOPER of Wisconsin. I demand tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided, and the tellers reported—ayes 91, noes 74.

So the amendment was agreed to.

Mr. COOPER of Wisconsin. Mr. Chairman, on that I shall demand the yeas and nays in the House.

The CHAIRMAN. The Clerk will report the next section of the bill.

The Clerk read as follows:

SEC. 2. That any companies of Philippine scouts ordered to assist the Philippine constabulary in the maintenance of order in the Philippine Islands may be placed under the command of officers serving as chief or assistant chiefs of the Philippine constabulary, as herein provided.

Mr. HULL. Mr. Chairman, I offer the following amendment, which I will send to the desk and ask to have read.

The Clerk read as follows:

Add to the end of section 2 the following:

"*Provided*, That when the Philippine scouts shall be ordered to assist the Philippine constabulary, said scouts shall not at any time be placed under the command of inspectors or other officers of the constabulary below the grade of assistant chief of constabulary."

Mr. HULL. Mr. Chairman, I shall simply take the time of the committee to say that it was stated by the gentleman in charge of the bill and by others who advocate the measure that it was not intended to place the troops of the United States under the control of merely police officers. Now, Mr. Chairman, there are no lieutenants in the constabulary, nor captains. They have inspectors of different grades, drawing different salaries. This places the entire force of scouts under the control of the chief and assistant chiefs of constabulary, but does provide, if this amendment is adopted, in my mind, that where they are ordered into action and the chief or assistant chiefs do not take the field, that then the officer of the highest rank will command the organization to carry out the orders of the chief officers of the constabulary force, and I should imagine that my friend from Wisconsin would have no objection to this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken and the amendment agreed to.

And then, on motion of Mr. COOPER of Wisconsin, the committee rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole House on the

state of the Union, reported that that committee had had under consideration the bill (H. R. 15510) to promote the efficiency of the Philippine constabulary, to establish the rank and pay of its commanding officers, and for other purposes, and had directed him to report the same back to the House with sundry amendments, and with the recommendation that, as amended, the bill do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. COOPER of Wisconsin. I demand a separate vote on the first amendment of the gentleman from Iowa to the first section.

Mr. JONES of Virginia. Mr. Speaker, I ask that that amendment be read.

The SPEAKER. The Chair will submit the remaining amendments to the House in gross, after which the amendment upon which the gentleman from Wisconsin demands a separate vote will be submitted to the House. The question is upon all the other amendments.

The amendments were agreed to.

Mr. COOPER of Wisconsin. Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

The previous question was ordered.

The SPEAKER. The Clerk will now report the amendment upon which the gentleman from Wisconsin has demanded a separate vote.

The Clerk read as follows:

Strike out all after the enacting clause in section 1, and insert:
"That one brigadier-general of the Regular Army of the United States may be detailed as chief of the Philippine constabulary, and assistant chiefs of constabulary from officers of the Regular Army not below the grade of lieutenant-colonel."

Mr. COOPER of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

Mr. JONES of Virginia. Mr. Speaker, I do not understand that that was the first amendment. The first amendment, as I understand, was one offered by myself, that the number of assistant chiefs should be limited to four. That is the first amendment, and that is the only one under the order that could now be voted upon.

The SPEAKER. Was not the amendment which has just been read the only one upon which a separate vote was demanded?

Mr. COOPER of Wisconsin. Yes.

The SPEAKER. Then what is the point of the gentleman from Virginia?

Mr. JONES of Virginia. I understood the request of the gentleman to be that all the amendments save the first amendment should be voted upon in gross. That was done. Now, the first amendment was an amendment limiting the number of assistant chiefs to four, so that would be the only amendment now to be submitted.

Mr. WILLIAMS of Mississippi. The gentleman from Wisconsin distinctly said the first amendment.

Mr. JONES of Virginia. That was the first amendment, and the gentleman distinctly requested a separate vote on the first amendment.

Mr. COOPER of Wisconsin. The gentleman from Virginia did not understand all my request. I said the first amendment offered by the gentleman from Iowa [Mr. HULL].

The SPEAKER. The only remaining amendment is the one which has just been reported, and the amendment of the gentleman from Virginia will be included in the disposition of this. All the other amendments, as the gentleman properly states, have been disposed of in gross.

Mr. JONES of Virginia. Including the first amendment?

The SPEAKER. This is all that is left to be disposed of.

Mr. JONES of Virginia. I want it distinctly understood that the first amendment is included among those that are adopted; because the language of the Chair was, "all except the first amendment."

Mr. LACEY. I suggest that the amendment offered by the gentleman from Virginia [Mr. JONES] was adopted, but subsequently, however, the whole section was stricken out and a substitute took the place of his amendment.

Mr. JONES of Virginia. Not at all, Mr. Speaker.

The SPEAKER. The House has to dispose of it now.

Mr. LACEY. The amendment of the gentleman from Virginia went out when the substitute was adopted.

The SPEAKER. As the Chair understands, if this amendment is adopted the amendment of the gentleman from Virginia will go out with the section.

Mr. RICHARDSON of Tennessee. If the substitute is adopted, it carries the whole bill.

Mr. SMITH of Kentucky. I understand that the amendment proposed by the gentleman from Virginia was to the first section of the bill as it appears in print; but subsequent to the adoption of that amendment a substitute for that section was adopted.

Mr. RICHARDSON of Tennessee. A substitute for the whole bill.

The SPEAKER. As the Chair understands the situation, the Chair will say, in reply to the gentleman from Kentucky, that the amendment of the gentleman from Virginia was to the first section. The amendment of the gentleman from Virginia has been agreed to, as the Chair understands, but whatever fate the first amendment now receives will affect the amendment offered by the gentleman from Virginia. So that the question now before the House is on agreeing to the amendment offered by the gentleman from Iowa [Mr. HULL].

Mr. JONES of Virginia. I am satisfied that was not the understanding of the House. My amendment was practically accepted. It was understood that that amendment, limiting the number of assistant chiefs, was practically accepted.

The SPEAKER. The Chair desires to have it distinctly understood by the House, so that there may be no misunderstanding when members vote. As the Chair understands the situation, the amendment of the gentleman from Virginia was adopted. But if the amendment offered by the gentleman from Iowa prevails, which strikes out the first section as amended, the amendment of the gentleman from Virginia will fall with that first section. So the question is on agreeing to the amendment offered by the gentleman from Iowa.

Mr. COOPER of Wisconsin. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 103, nays 103, answered "present" 6, not voting 143; as follows:

YEAS—103.

Adams,	Foster, Vt.	Lever,	Robinson, Ind.
Adamson,	Gilbert,	Lewis, Pa.	Rucker,
Bankhead,	Glass,	Lindsay,	Russell,
Bartlett,	Glenn,	Little,	Scarborough,
Bell,	Griffith,	Lloyd,	Shafroth,
Benton,	Griggs,	McClellan,	Sheppard,
Billmeyer,	Grosvenor,	McDermott,	Sims,
Bowie,	Hay,	Maddox,	Slayden,
Brantley]	Henry, Conn.	Maynard,	Smith, Ky.
Brick,	Henry, Tex.	Miers, Ind.	Snook,
Broussard,	Holliday,	Mondell,	Stark,
Brundidge,	Hooker,	Moon,	Steele,
Burleson,	Howard,	Mutchler,	Stephens, Tex.
Caldwell,	Hull,	Naphen,	Stevens, Minn.
Candler,	Jett,	Padgett,	Thayer,
Clark,	Johnson,	Pierce,	Thomas, N. C.
Cochran,	Jones, Va.	Pou,	Tongue,
Corliss,	Joy,	Pugsley,	Trimble,
Cowherd,	Kern,	Randell, Tex.	Underwood,
Cromer,	Kitchin, Claude	Ransdell, La.	Vandiver,
Dalzell,	Kitchin, Wm. W.	Reid,	Wadsworth,
Dinsmore,	Kluttz,	Richardson, Ala.	White,
Fitzgerald,	Lamb,	Richardson, Tenn.	Williams, Miss
Flanagan,	Lanham,	Rixey,	Wooten,
Fleming,	Latimer,	Robb,	Zenor.
Flood,	Lawrence,	Robertson, La.	

NAYS—103.

Alexander,	Esch,	Hitt,	Powers, Me.
Allen, Me.	Feely,	Jones, Wash.	Prince,
Ball, Del.	Fletcher,	Kahn,	Reeves,
Bartholdt,	Foerderer,	Knapp,	Scott,
Beidler,	Fordney,	Lacey,	Showalter,
Bishop,	Foss,	Loudenslager,	Sibley,
Boutell,	Gaines, Tenn.	Lovering,	Skiles,
Brandegee,	Gaines, W. Va.	McCleary,	Smith, Ill.
Brown,	Gardner, Mass.	McLachlan,	Smith, Iowa
Brownlow,	Gardner, Mich.	Mann,	Smith, S. W.
Burkett,	Gardner, N. J.	Marshall,	Southwick,
Burton,	Gibson,	Mercer,	Sperry,
Butler, Pa.	Gillet, N. Y.	Miller,	Storm,
Cannon,	Graff,	Minor.	Sulloway,
Capron,	Graham,	Moody, N. C.	Sutherland,
Cassel,	Greene, Mass.	Moody, Oreg.	Tayler, Ohio
Conner,	Grow,	Morris,	Thomas, Iowa
Coombs,	Hamilton,	Mudd,	Tirrell.
Cooper, Wis.	Hanbury,	Needham,	Van Voorhis,
Crumpacker,	Haskins,	Olmsted,	Vreeland,
Currier,	Haugen,	Otjen,	Wanger,
Dahle,	Hedge,	Palmer,	Warnock,
Darragh,	Hemenway,	Patterson, Pa.	Watson,
Deemer,	Hepburn,	Patterson, Tenn.	Woods,
Draper,	Hildebrant,	Payne,	Wright.
Emerson,	Hill,	Pearre,	

ANSWERED "PRESENT"—6.

Barney,	Gillett, Mass.	Swanson,	Wheeler.
Bromwell,	Jenkins,		

NOT VOTING—143.

Acheson,	Burk, Pa.	Davey, La.	Fowler,
Allen, Ky.	Burke, S. Dak.	Davidson.	Fox,
Aplin,	Burleigh,	Davis, Fla.	Gill,
Babcock,	Burnett,	Dayton,	Goldfogle,
Ball, Tex.	Butler, Mo.	De Armond,	Gooch,
Bates,	Calderhead,	Dick,	Gordon,
Bellamy,	Cassingham,	Dougherty,	Green, Pa.
Belmont,	Clayton,	Douglas,	Heatwole,
Bingham,	Connell,	Dovener,	Henry, Miss.
Blackburn,	Conry,	Driscoll,	Hopkins,
Blakeney,	Cooney,	Dwight,	Howell,
Boreing,	Cooper, Tex.	Eddy,	Hughes,
Bowersock,	Cousins,	Edwards,	Irwin,
Breazeale,	Creamer,	Elliott,	Jack,
Bristow,	Crowley,	Evans,	Jackson, Kans.
Bull,	Curtis,	Finley,	Jackson, Md.
Burgess,	Cushman,	Foster, Ill.	Kehoe,

Ketcham,	Mahon,	Roberts,	Stewart, N. J.
Kleberg,	Mahoney,	Robinson, Nebr.	Stewart, N. Y.
Knox,	Martin,	Rumple,	Sulzer,
Kyle,	Metcalf,	Ruppert,	Swann,
Landis,	Meyer, La.	Ryan,	Talbert,
Lassiter,	Mickey,	Schirm,	Tate,
Lessler,	Morgan,	Selby,	Tawney,
Lester,	Morrell,	Shackleford,	Taylor, Ala.
Lewis, Ga.	Moss,	Shallenberger,	Thompson,
Littauer,	Neville,	Shattuc,	Tompkins, N. Y.
Littlefield,	Nevin,	Shelden,	Tompkins, Ohio
Livingston,	Newlands,	Sherman,	Wachter,
Long,	Norton,	Small,	Warner,
Loud,	Overstreet,	Smith, H. C.	Weeks,
McAndrews,	Parker,	Smith, Wm. Alden	Wiley,
McCall,	Perkins,	Snodgrass,	Williams, Ill.
McCulloch,	Powers, Mass.	Southard,	Wilson,
McLain,	Reeder,	Sparkman,	Young.
McRae,	Rhea,	Spight,	

The following pairs were announced:

For the balance of the session:

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. HEATWOLE with Mr. TATE.

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. SHERMAN with Mr. RUPPERT.

Until further notice:

Mr. METCALF with Mr. WHEELER.

Mr. BARNEY with Mr. THOMPSON.

Mr. EVANS with Mr. LESTER.

Mr. HUGHES with Mr. BROUSSARD.

Mr. LESSLER with Mr. BURGESS.

Mr. DWIGHT with Mr. SELBY.

Mr. KETCHAM with Mr. SNODGRASS.

Mr. COUSINS with Mr. KLEBERG.

Mr. LONG with Mr. NEWLANDS.

Mr. HOPKINS with Mr. SWANSON.

Mr. BOREING with Mr. KEHOE.

Mr. BOWERSOCK with Mr. BURNETT.

Mr. JACK with Mr. FINLEY.

Mr. RUMPLE with Mr. ROBINSON of Nebraska.

Mr. CURTIS with Mr. MCANDREWS.

Mr. SHATTUC with Mr. CLAYTON, on this bill.

For this day:

Mr. STEWART of New York with Mr. TALBERT.

Mr. WACHTER with Mr. TAYLOR of Alabama.

Mr. WARNER with Mr. WILEY.

Mr. ROBERTS with Mr. RYAN.

Mr. SCHIRM with Mr. SHALLENBERGER.

Mr. SHELDEN with Mr. SMALL.

Mr. STEWART of New Jersey with Mr. SPIGHT.

Mr. POWERS of Massachusetts with Mr. RHEA.

Mr. PERKINS with Mr. NEVILLE.

Mr. JENKINS with Mr. BALL of Texas.

Mr. MAHON with Mr. ELLIOTT.

Mr. DOVENER with Mr. FOX.

Mr. DAVIDSON with Mr. ALLEN of Kentucky.

Mr. REEDER with Mr. LEWIS of Georgia.

Mr. BULL with Mr. CROWLEY.

Mr. ACHESON with Mr. SULZER.

Mr. MARTIN with Mr. SHACKLEFORD.

Mr. NEVIN with Mr. CONRY.

Mr. DICK with Mr. WILLIAMS of Illinois.

Mr. BATES with Mr. GORDON.

Mr. MCCALL with Mr. LIVINGSTON.

Mr. OVERSTREET with Mr. MCLAIN.

Mr. TAWNEY with Mr. SPARKMAN.

Mr. WM. ALDEN SMITH with Mr. SWANN.

Mr. KYLE with Mr. DOUGHERTY.

Mr. LITTAUER with Mr. BELMONT.

Mr. SOUTHARD with Mr. NORTON.

Mr. BINGHAM with Mr. MCRAE.

Mr. BABCOCK with Mr. COOPER of Texas.

Mr. MORGAN with Mr. MICKEY.

Mr. LANDIS with Mr. MAHONEY.

Mr. KNOX with Mr. MCCULLOCH.

Mr. IRWIN with Mr. LESTER.

Mr. HOWELL with Mr. LASSITER.

Mr. GILL with Mr. JACKSON of Kansas.

Mr. FOWLER with Mr. HENRY of Mississippi.

Mr. DOVENER with Mr. GOOCH.

Mr. DOUGLAS with Mr. GOLDFOGLE.

Mr. CUSHMAN with Mr. FOSTER of Illinois:

Mr. CONNELL with Mr. EDWARDS.

Mr. CALDERHEAD with Mr. DAVIS of Florida.

Mr. BURLEIGH with Mr. CREAMER.

Mr. BURKE of South Dakota with Mr, COONEY.

Mr. BURK of Pennsylvania with Mr. BUTLER of Missouri.

Mr. BLACKBURN with Mr. BREAZEALE.

Mr. LITTLEFIELD with Mr. DE ARMOND.

Mr. BRISTOW with Mr. BELLAMY.

On this vote:

Mr. HENRY C. SMITH with Mr. DAVEY of Louisiana.

Mr. YOUNG with Mr. WILSON.

The SPEAKER. The Chair, because of this vote being so close, there being but one difference, will cause a recapitulation. Members will give attention.

The vote was recapitulated.

Mr. SWANSON. Mr. Speaker, I am paired with the gentleman from Illinois [Mr. HOPKINS] until he returns. I voted yea. I desire to withdraw my vote and answer "present."

The name of Mr. SWANSON was called and he voted "present."

The SPEAKER. On this question the yeas are 103; the nays are 103; answering present 6; and the amendment is lost. [Applause.] The question now is on the engrossment and third reading of the bill.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. PAYNE. Division.

The House divided; and there were—ayes 83, noes 76.

Mr. JONES of Virginia. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 102, nays 83, answered "present" 6, not voting 164; as follows:

YEAS—102.

Alexander,	Esch,	Hull,	Pearre,
Allen, Me.	Fletcher,	Kahn,	Perkins,
Ball, Del.	Foerderer,	Knapp,	Powers, Me.
Beidler,	Fordney,	Lacey,	Prince,
Bishop,	Gaines, W. Va.	Lawrence,	Showalter,
Brandegee,	Gardner, Mass.	Lewis, Pa.	Sibley,
Brick,	Gardner, Mich.	Lovering,	Skiles,
Brown,	Gibson,	McCleary,	Smith, Iowa
Brownlow,	Gillet, N. Y.	McLachlan,	Smith, S. W.
Burkett,	Graff,	Mann,	Southwick,
Burton,	Graham,	Marshall,	Steele,
Butler, Pa.	Greene, Mass.	Mercer,	Stevens, Minn.
Cannon,	Grosvenor,	Miller,	Sulloway,
Capron,	Grow,	Minor,	Sutherland,
Conner,	Hamilton,	Mondell,	Tayler, Ohio
Coombs,	Hanbury,	Moody, N. C.	Thomas, Iowa
Cooper, Wis.	Haskins,	Moody, Oreg.	Tirrell,
Cromer,	Haugen,	Morrell,	Van Voorhis,
Crumpacker,	Hedge,	Mudd,	Vreeland,
Currier,	Hemenway,	Needham,	Wadsworth,
Dahle,	Henry, Conn.	Olmsted,	Wanger,
Dalzell,	Hepburn,	Otjen,	Warnock,
Darragh,	Hildebrant,	Palmer,	Woods,
Deemer,	Hill,	Patterson, Pa.	Wright.
Draper,	Hitt,	Patterson, Tenn.	
Emerson,	Holliday,	Payne,	

NAYS—83.

Adamson,	Gilbert,	Lloyd,	Rucker,
Bankhead,	Glass,	McClellan,	Russell,
Bartlett,	Glenn,	McCulloch,	Scarborough,
Bell,	Griggs,	McDermott,	Shafroth,
Billmeyer,	Hay,	Maddox,	Sheppard,
Bowie,	Henry, Tex.	Miers, Ind.	Sims,
Brantley,	Hooker,	Moon,	Slayden,
Brundidge,	Howard,	Mutchler,	Smith, Ky.
Burleson,	Jett,	Naphen,	Snook,
Caldwell,	Johnson,	Padgett,	Stark,
Candler,	Jones, Va.	Pierce,	Stephens, Tex.
Clark,	Kern,	Pugsley,	Thayer,
Cochran,	Kitchin, Claude	Randell, Tex.	Thomas, N. C.
Cowherd,	Kitchin, Wm. W.	Ransdell, La.	Trimble,
Dinsmore,	Kluttz,	Reid,	Underwood,
Feely,	Lamb,	Richardson, Ala.	Vandiver,
Fitzgerald,	Lanham,	Richardson, Tenn.	White,
Flanagan,	Latimer,	Rixey,	Williams, Miss.
Fleming,	Lever,	Robb,	Wooten,
Flood,	Lindsay,	Robertson, La.	Zenor.
Gaines, Tenn.	Little,	Robinson, Ind.	

ANSWERED "PRESENT"—6.

Bromwell,	Dayton,	Swanson,	Wheeler.
Burgess,	Jenkins,		

NOT VOTING—164.

Acheson,	Burnett,	Dwight,	Jack,
Adams,	Butler, Mo.	Eddy,	Jackson, Kans.
Allen, Ky.	Calderhead,	Edwards,	Jackson, Md.
Aplin,	Cassel,	Elliott,	Jones, Wash.
Babcock,	Cassingham,	Evans,	Joy,
Ball, Tex.	Clayton,	Finley,	Kehoe,
Barney,	Connell,	Foss,	Ketcham,
Bartholdt,	Conry,	Foster, Ill.	Kleberg,
Bates,	Cooney,	Foster, Vt.	Knox,
Bellamy,	Cooper, Tex.	Fowler,	Kyle,
Belmont,	Corliss,	Fox,	Landis,
Benton,	Cousins,	Gardner, N. J.	Lassiter,
Bingham,	Creamer,	Gill,	Lessler,
Blackburn,	Crowley,	Gillett, Mass.	Lester,
Blakeney,	Curtis,	Goldfogle,	Lewis, Ga.
Boreing,	Cushman,	Gooch,	Littauer,
Boutell,	Davey, La.	Gordon,	Littlefield,
Bowersock,	Davidson,	Green, Pa.	Livingston,
Breazeale,	Davis, Fla.	Griffith,	Long,
Bristow,	De Armond,	Heatwole,	Loud,
Broussard,	Dick,	Henry, Miss.	Loudenslager,
Bull,	Dougherty,	Hopkins,	McAndrews,
Burk, Pa.	Douglas,	Howell,	McCall,
Burke, S. Dak.	Dovener,	Hughes,	McLain,
Burleigh,	Driscoll,	Irwin,	McRae,

Mahon,	Pou,	Shelden,	Talbert,
Mahoney,	Powers, Mass.	Sherman,	Tate,
Martin,	Reeder,	Small,	Tawney,
Maynard,	Reeves,	Smith, Ill.	Taylor, Ala.
Metcalf,	Rhea,	Smith, H. C.	Thompson,
Meyer, La.	Roberts,	Smith, Wm. Alden	Tompkins, N. Y.
Mickey,	Robinson, Nebr.	Snodgrass,	Tompkins, Ohio
Morgan,	Rumple,	Southard,	Tongue,
Morris,	Ruppert,	Sparkman,	Wachter,
Moss,	Ryan,	Sperry,	Warner,
Neville,	Schirm,	Spight,	Watson,
Nevin,	Scott,	Stewart, N. J.	Weeks,
Newlands,	Selby,	Stewart, N. Y.	Wiley,
Norton,	Shackleford,	Storm,	Williams, Ill.
Overstreet,	Shallenberger,	Sulzer,	Wilson,
Parker,	Shattuc,	Swann,	Young.

So the bill was ordered to be engrossed and read a third time.

The following additional pairs were announced:

For this day:

Mr. FOSTER of Vermont with Mr. POU.

Mr. ADAMS with Mr. GREEN of Pennsylvania.

Mr. JOY with Mr. WILSON.

Mr. FOSS with Mr. GRIFFITH.

For the session:

Mr. YOUNG with Mr. BENTON.

The result of the vote was then announced as above recorded.

The bill was read the third time.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the last vote was laid on the table.

RESIGNATION OF MR. LANHAM, OF TEXAS.

The SPEAKER. The Chair lays before the House the following communication:

The Clerk read as follows:

WASHINGTON, D. C., *January 8, 1903.*

Hon. DAVID B. HENDERSON,
Speaker of the House of Representatives, Washington, D. C.

MY DEAR SIR: I have this day tendered my resignation as a Representative in Congress from the Eighth Congressional district of Texas to the Hon. Joseph D. Sayers, governor of the State of Texas, to take effect on the 15th instant.

I have the honor to be, very respectfully, your obedient servant,
S. W. T. LANHAM,
Member of Congress, Eighth District, Texas.

WESTERN JUDICIAL DISTRICT OF MISSOURI.

The SPEAKER. The Chair lays before the House the following request of the Senate:

Senate concurrent resolution 53.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate Senate bill 3316, being a bill to amend an act to create a new division in the western judicial district in the State of Missouri, approved January 24, 1901.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval, bills of the following titles:

H. R. 5883. An act granting a pension to Martha A. Hollingsead;

H. R. 13467. An act granting a pension to Joseph H. Woodruff;

H. R. 4262. An act granting an increase of pension to Thomas P. May;

H. R. 8145. An act granting an increase of pension to Harvey B. Linton;

H. R. 13690. An act granting an increase of pension to Freeman R. Gove;

H. R. 11579. An act granting an increase of pension to John A. Wright;

H. R. 12165. An act granting an increase of pension to Caroline M. Stone;

H. R. 5758. An act granting an increase of pension to Newton W. Elmendorf;

H. R. 5038. An act granting an increase of pension to William H. Hudson;

H. R. 13352. An act granting an increase of pension to Charles E. Brown;

H. R. 9219. An act granting an increase of pension to Colmore L. Newman;

H. R. 3825. An act granting an increase of pension to Lizzie I. Rich;

H. R. 7878. An act granting an increase of pension to William J. Remington;

H. R. 14144. An act granting an increase of pension to Fannie S. Cross;

H. R. 14377. An act granting an increase of pension to Jennett Stewart;

H. R. 9807. An act granting an increase of pension to Hiram James;

H. R. 13943. An act granting an increase of pension to Charles M. Granger;

H. R. 2440. An act granting an increase of pension to William D. Smith;

H. R. 5951. An act granting an increase of pension to Ole Thompson;

H. R. 13457. An act granting an increase of pension to John S. Crosser;

H. R. 14355. An act granting an increase of pension to Timothy Donohue;

H. R. 14732. An act granting an increase of pension to Grac M. Read;

H. R. 10679. An act granting an increase of pension to Charlotte E. Baird;

H. R. 10005. An act granting an increase of pension to William A. Henderson;

H. R. 12009. An act granting an increase of pension to George Baker;

H. R. 10325. An act granting an increase of pension to Joseph Stonesifer;

H. R. 1347. An act granting an increase of pension to Charles H. Webb;

H. R. 11890. An act granting an increase of pension to James Brown;

H. R. 9883. An act granting an increase of pension to William Kelly;

H. R. 3513. An act granting an increase of pension to James W. Young;

H. R. 14098. An act granting an increase of pension to Albert M. Scott;

H. R. 14055. An act granting an increase of pension to Samuel Brown;

H. R. 14421. An act granting an increase of pension to John Q. A. Rider;

H. R. 12777. An act granting an increase of pension to George H. Young;

H. R. 3745. An act granting an increase of pension to George Kerr;

H. R. 6970. An act granting an increase of pension to Monora Stimson;

H. R. 13646. An act granting an increase of pension to John G. Heiser;

H. R. 7109. An act granting an increase of pension to Stanton L. Brabham;

H. R. 10263. An act granting an increase of pension to Daniel J. Byrnes;

H. R. 13848. An act granting an increase of pension to James H. Chedester;

H. R. 7618. An act granting an increase of pension to Thomas Sheridan;

H. R. 2598. An act granting an increase of pension to Adrian M. Snyder;

H. R. 5888. An act granting an increase of pension to Peter Poutney;

H. R. 9691. An act granting an increase of pension to James H. Joseph;

H. R. 10462. An act granting an increase of pension to Mary A. Munson;

H. R. 8146. An act granting an increase of pension to Thomas M. Owens;

H. R. 5480. An act granting an increase of pension to John C. Nelson;

H. R. 8414. An act granting an increase of pension to George Atkinson;

H. R. 12632. An act granting an increase of pension to Bailey O. Bowden;

H. R. 13052. An act granting an increase of pension to Charles K. Batey;

H. R. 11436. An act granting an increase of pension to James H. McKnight;

H. R. 13367. An act granting an increase of pension to Jonathan Walbert;

H. R. 5453. An act granting an increase of pension to Thomas Wilkinson;

H. R. 1745. An act granting an increase of pension to Marvin Chandler;

H. R. 11979. An act granting an increase of pension to William W. Anderson;

H. R. 10876. An act granting an increase of pension to Joseph Mote;

H. R. 6481. An act granting an increase of pension to Millen McMillen;

H. R. 13665. An act granting an increase of pension to George R. Baldwin;

H. R. 4261. An act granting an increase of pension to Sanders R. Seamonds;
H. R. 7041. An act granting an increase of pension to Thomas J. Pleasant;
H. R. 13355. An act granting an increase of pension to William H. Snyder;
H. R. 5961. An act granting an increase of pension to Charles F. Coles;
H. R. 11638. An act granting an increase of pension to Samuel Hyman;
H. R. 3291. An act granting an increase of pension to Arthur P. Lovejoy;
H. R. 8712. An act granting an increase of pension to James S. Young;
H. R. 11893. An act granting an increase of pension to Cornelia A. Dennis;
H. R. 13449. An act granting an increase of pension to Mary A. E. Scott;
H. R. 1931. An act granting an increase of pension to John Ludwig;
H. R. 8856. An act granting an increase of pension to Leon King;
H. R. 6823. An act granting an increase of pension to Allen W. Merrill;
H. R. 3653. An act granting an increase of pension to James W. Poor;
H. R. 832. An act granting an increase of pension to William Clark;
H. R. 3517. An act granting an increase of pension to Stephen Harris;
H. R. 6401. An act granting an increase of pension to David E. Hall;
H. R. 7040. An act granting an increase of pension to Benjamin Grinnell;
H. R. 11196. An act granting a pension to Abbie Bourke;
H. R. 3330. An act granting a pension to Calvin Duckworth;
H. R. 14774. An act granting a pension to John C. Clarke;
H. R. 14701. An act granting a pension to Mary A. Peters;
H. R. 931. An act granting a pension to Huldah A. Clark;
H. R. 10394. An act granting a pension to William H. Ruggles;
H, R. 6003. An act granting a pension to Mary Stone;
H. R. 12279. An act granting a pension to Nancy M. Gunsally;
H. R. 12932. An act granting a pension to Elizabeth D. Hardy;
H. R. 12326. An act granting a pension to John A. Kirkham;
H. R. 2483. An act granting a pension to James A. Clifton;
H. R. 10174. An act granting a pension to Jennie Sawyer;
H. R. 1090. An act granting a pension to James E. Bates;
H. R. 6968. An act granting a pension to Cappa King;
H. R. 2618. An act granting a pension to Michael Mullin;
H. R. 10761. An act granting a pension to Anne Bronson;
H. R. 1523. An act granting a pension to Susan J. Taylor;
H. R. 11453. An act granting a pension to Catherine Freeman;
H. R. 4471. An act for the relief of James M. Chisham;
H. R. 2492. An act to reimburse the Mellert Foundry and Machine Company for money retained by the United States for failure to complete a contract within a specified time;
H. R. 15445. An act to authorize the construction of a bridge across the Savannah River at Stand Bar Ferry, below the city of Augusta, Ga.;
H. R. 14801. An act to make Wilmington, N. C., a port through which merchandise may be imported for transportation without appraisement;
H. R. 16057. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903;
H. R. 15372. An act to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners; and
H. R. 15593. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1904, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:
H. R. 15480. An act granting an increase of pension to William S. Barker.
The SPEAKER announced his signature to enrolled bills of the following titles:
S. 1359. An act to increase pension for total deafness; and
S. 6119. An act to authorize the Pensacola, Alabama and Tennessee Railway Company to erect, maintain, and operate a railway bridge across the Alabama River in Wilcox County, in the State of Alabama.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. EDWARDS was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Sarah B. Clingerman in the Fifty-seventh Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MCLAIN for ten days, on account of sickness.
The SPEAKER. The Chair desires to state that if no one else objects hereafter to requests for absence on account of important business, the Chair himself will do it, as it is important to keep a quorum here to do business at the short session. He will, however, lay before the House the following personal requests:
The Clerk read as follows:
Mr. FOX requests leave of absence for ten days, on account of important business.
Mr. SELBY requests leave of absence indefinitely, on account of important business.
By unanimous consent, the above requests were granted.
And then, on motion of Mr. PAYNE, the House (at 4 o'clock and 33 minutes) adjourned until 12 o'clock to-morrow.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:
A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Henry Young against The United States—to the Committee on War Claims, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:
A bill (H. R. 15717) granting a pension to E. E. Munn—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.
A bill (H. R. 16476) granting a pension to Katherine Rayle—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:
By Mr. GRIFFITH: A bill (H. R. 16502) to amend an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897—to the Committee on Ways and Means.
By Mr. CONNELL: A bill (H. R. 16503) to recognize and promote the efficiency of Army chaplains—to the Committee on Military Affairs.
By Mr. RUSSELL: A bill (H. R. 16504) to make it a felony for any officer of any national bank or banking institution to receive any deposit of money or other valuable property after such officer has knowledge that such bank is insolvent or in failing circumstances—to the Committee on Banking and Currency.
By Mr. WILCOX: A bill (H. R. 16505) to so amend section 64 of "An act to provide a government for the Territory of Hawaii" as to remodify certain sections of the election law of said Territory—to the Committee on the Territories.
By Mr. LOUDENSLAGER: A bill (H. R. 16506) to extend the benefits of the act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor," and so forth, approved June 27, 1890—to the Committee on Invalid Pensions.
By Mr. MERCER: A bill (H. R. 16507) to increase limit of cost of municipal building and site in Washington, D. C.—to the Committee on Public Buildings and Grounds.
By Mr. GLASS: A bill (H. R. 16508) to provide for enlarging and improving the United States building at Lynchburg, Va., containing the United States court rooms, clerk's office, post-office, and internal-revenue offices—to the Committee on Public Buildings and Grounds.
By Mr. MCLAIN: A bill (H. R. 16509) to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River in the State of Mississippi—to the Committee on Interstate and Foreign Commerce.
By Mr. JENKINS: A bill (H. R. 16565) for the creation of a commission to aid in carrying out the provisions of the act of July 2, 1890, entitled "An act to protect trade and commerce against

unlawful restraints and monopolies," and any amendments thereto, and for other purposes—to the Committee on the Judiciary.

Also, a bill (H. R. 16566) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890—to the Committee on the Judiciary.

By Mr. GRIFFITH (by request): A joint resolution (H. J. Res. 246) proposing an amendment to the Constitution to limit fortunes—to the Committee on the Judiciary.

By Mr. GROSVENOR: A joint resolution (H. J. Res. 247) temporarily extending the privileges of coasting laws to foreign steamers carrying coal between American ports—to the Committee on Rules.

By Mr. HENRY C. SMITH: A resolution (H. Res. 373) concerning Messages and Papers of the Presidents—to the Committee on Rules.

By Mr. HEPBURN: A resolution (H. Res. 374) for the consideration of Senate bill 569, to establish a Department of Commerce—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BEIDLER: A bill (H. R. 16510) granting an increase of pension to Sebastian C. Goss—to the Committee on Invalid Pensions.

By Mr. BOWIE: A bill (H. R. 16511) granting an increase of pension to J. J. Hunter—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: A bill (H. R. 16512) granting an increase of pension to John Dinneen, alias John J. Davidson—to the Committee on Invalid Pensions.

By Mr. CLARK: A bill (H. R. 16513) granting a pension to Frank M. Hassler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16514) granting a pension to Conrad Klinge—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 16515) granting an increase of pension to T. J. Skidmore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16516) granting a pension to Thomas E. McIntire—to the Committee on Invalid Pensions.

By Mr. DAVIS of Florida: A bill (H. R. 16517) granting a pension to Mary J. Ivey—to the Committee on Pensions.

By Mr. DARRAGH: A bill (H. R. 16518) granting an increase of pension to James A. Crocker—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 16519) granting an increase of pension to Jesse M. Johnson—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 16520) granting a pension to Adelaide B. Hawes—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 16521) for the relief of Adolphus Yuncker—to the Committee on Military Affairs.

Also, a bill (H. R. 16522) for the relief of Caleb C. Van Sickell—to the Committee on Invalid Pensions.

By Mr. GOOCH: A bill (H. R. 16523) for the relief of D. C. Conner—to the Committee on War Claims.

Also, a bill (H. R. 16524) for the relief of J. B. Thrasher—to the Committee on War Claims.

Also, a bill (H. R. 16525) for the relief of the heirs of Fayette Posey—to the Committee on War Claims.

By Mr. GRIFFITH: A bill (H. R. 16526) granting a pension to William P. McKinley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16527) granting a pension to George K. Freeman—to the Committee on Invalid Pensions.

By Mr. HANBURY: A bill (H. R. 16528) granting an increase of pension to Robert M. Thompson—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 16529) for the relief of James L. Elmer—to the Committee on War Claims.

By Mr. JACKSON of Maryland: A bill (H. R. 16530) granting a pension to Harrison B. Carhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16531) granting an increase of pension to Mary E. Campbell—to the Committee on Pensions.

By Mr. KAHN: A bill (H. R. 16532) granting an increase of pension to Selah V. Reeve—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16533) granting an increase of pension to Charles Purdy—to the Committee on Pensions.

By Mr. KNAPP: A bill (H. R. 16534) granting an increase of pension to James H. Durham—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 16535) to compensate Caleb C. Willard, surviving partner of the firm of Segar & Willard, for the demolition and removal of the Hygeia Hotel property from the Government reservation at Old Point, Virginia, in the year 1862—to the Committee on Claims.

Also, a bill (H. R. 16536) to compensate H. C. Phoebus for the demolition and removal of his property from the Government reservation at Old Point, Virginia—to the Committee on Claims.

By Mr. MIERS of Indiana: A bill (H. R. 16537) granting an increase of pension to Alexander C. Bowen—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 16538) granting an increase of pension to William Downs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16539) granting an increase of pension to Elihu Chilcott—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Tennessee: A bill (H. R. 16540) for the relief of the estate of W. A. Rawlings—to the Committee on War Claims.

Also, a bill (H. R. 16541) for the relief of the estate of Benjamin Adams—to the Committee on War Claims.

Also, a bill (H. R. 16542) for the relief of the estate of Jesse Applewhite—to the Committee on War Claims.

Also, a bill (H. R. 16543) for the relief of the estate of John W. Hester, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16544) for the relief of the estate of James Jones, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16545) for the relief of the estate of Richard Cox—to the Committee on War Claims.

By Mr. PEARRE: A bill (H. R. 16546) granting a pension to Catherine Tully—to the Committee on Pensions.

By Mr. RANSDELL of Louisiana: A bill (H. R. 16547) for the relief of the estate of M. L. Mayes, deceased—to the Committee on War Claims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 16548) for the relief of Amanda M. Warren—to the Committee on War Claims.

Also, a bill (H. R. 16549) for the relief of George Reed—to the Committee on War Claims.

Also, a bill (H. R. 16550) for the relief of the estate of Charles Jones, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16551) for the relief of William M. Hilliard—to the Committee on War Claims.

Also, a bill (H. R. 16552) for the relief of Hannah Reed, of Jackson County, Ala.—to the Committee on the Public Lands.

Also, a bill (H. R. 16553) for the relief of W. F. Guffey—to the Committee on the Public Lands.

Also, a bill (H. R. 16554) for the relief of William B. Whitlock—to the Committee on the Public Lands.

Also, a bill (H. R. 16555) for the relief of James A. Allen—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 16556) for the relief of the legal representatives of Charles W. Adams, deceased—to the Committee on War Claims.

By Mr. THOMAS of Iowa: A bill (H. R. 16557) granting an increase of pension to David L. Mills—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 16558) granting an increase of pension to Susan B. Walker—to the Committee on Pensions.

Also, a bill (H. R. 16559) for the relief of the heirs of Nancy Wood—to the Committee on War Claims.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 16560) for the relief of the estate of L. B. Wilkins, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16561) for the relief of the estate of Reuben Millsaps—to the Committee on War Claims.

Also, a bill (H. R. 16562) for the relief of the estate of Tillman Loggins—to the Committee on War Claims.

Also, a bill (H. R. 16563) for the relief of L. W. Graham, administrator of John Graham, deceased, late of Scott County, Miss.—to the Committee on War Claims.

By Mr. ADAMSON: A bill (H. R. 16564) granting an increase of pension to James Hunter—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BEIDLER: Petition of retail druggists of Painesville, Ohio, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, papers to accompany House bill for increase of pension of Sebastian C. Goss—to the Committee on Invalid Pensions.

Also, papers in support of House bill 15460, for back pension to Ann Kinney—to the Committee on Invalid Pensions.

By Mr. BOWIE: Paper to accompany House bill granting a pension to John J. Hunter—to the Committee on Pensions.

By Mr. BULL: Petitions of the trustees of the Rhode Island School of Design and Providence Water Color Club, to place works of art on the free list—to the Committee on Ways and Means.

Also, petition of George L. Claflin & Co. and Blanding & Blanding, of Providence, R. I., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of Providence Lodge, No. 66, Brotherhood of Railroad Trainmen, in favor of the passage of the safety appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Slater Trust Company, of Pawtucket, R. I., in favor of asset currency—to the Committee on Banking and Currency.

Also, petition of the Rhode Island State Board of Public Roads, in favor of the bill to create a bureau of public roads—to the Committee on Agriculture.

Also, protest of the Providence Woman's Christian Temperance Union against repealing the anticanteen law—to the Committee on Military Affairs.

By Mr. BURKETT: Papers to accompany bill for a pension to Victor Vifquain—to the Committee on Invalid Pensions.

By Mr. CAPRON: Petition of the State Board of Public Roads of Rhode Island in favor of the bill to create a bureau of public roads in the Department of Agriculture—to the Committee on Agriculture.

Also, petitions of the Providence (R. I.) Water Color Club and of the trustees of the Rhode Island School of Design, in favor of placing works of art on the free list—to the Committee on Ways and Means.

Also, protest of the Providence (R. I.) Woman's Christian Temperance Union, against the repeal of the anticanteen law—to the Committee on Military Affairs.

Also, petition of Lemuel E. Edwards, of Pascoag, R. I., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolution of the Slater Trust Company, of Pawtucket, R. I., in favor of asset currency—to the Committee on Banking and Currency.

By Mr. DARRAGH: Papers to accompany House bill 10869, granting an increase of pension to Michael K. Strayer—to the Committee on Invalid Pensions.

By Mr. DAYTON: Papers to accompany House bill granting a pension to Jesse M. Johnson—to the Committee on Invalid Pensions.

By Mr. DINSMORE: Petitions of J. C. Anthony, H. A. Daly, and other druggists of Sylvan Springs and Springdale, Ark., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DRAPER: Resolutions of the American Free Trade League, to place beef and coal on the free list—to the Committee on Ways and Means.

Also, resolutions of the National German-American Alliance, favoring a commission to examine all questions affecting immigration before final action is taken on the pending bill—to the Committee on Immigration and Naturalization.

Also, petition of Flandrau & Co., of New York, urging the passage of House bill 15369, for the creation of a bureau of public roads to provide a system for the permanent improvement of the public highways—to the Committee on Agriculture.

By Mr. ESCH: Petition of James H. McCord, favoring House bill 178—to the Committee on Ways and Means.

Also, petition of the American Free Trade League, for the repeal of the tariff on beef and coal—to the Committee on Ways and Means.

By Mr. FITZGERALD: Petition of the legislative board of Locomotive Firemen of New York, for the passage of the eight-hour law, the conspiracy and anti-injunction bill, and Senate bill 3560—to the Committee on Labor.

By Mr. FOERDERER: Petition of John Lucas & Co., Philadelphia, Pa., members of the Paint Grinders' Association, in relation to freight classification—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the National German-American Alliance, favoring the appointment of an immigration commission—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Resolution of Allegheny Conference of the United Brethren Church, in session at McKeesport, Pa., favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

Also, resolutions of the American Free Trade League, asking that beef and coal be placed on the free list—to the Committee on Ways and Means.

Also, petition of the McKinley Minute Men, of Allegheny, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Public Buildings and Grounds.

By Mr. GRIFFITH: Petition of citizens of Brown County, Ind., to accompany House bill 9084, for increase of pension of George W. Allison—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Petition of Foote & Funniss, of Nashville, Mich., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HAY: Petition of Joseph W. Harshbarger, of Rockingham County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Henry Early, of Rockingham County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Mary A. Heffleybower, of Clark County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. HENRY of Connecticut: Petition of the Williams & Carleton Company, of Hartford, Conn., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. HOWELL: Petition of Woman's Christian Temperance Union of Toms River, N. J., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. JOHNSON: Petition of Clinton Pharmacy, Clinton, S. C.; Earle & Legge and others, of Greenville, S. C., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. KAHN: Resolution of the San Francisco Chamber of Commerce, favoring House bill 15368—to the Committee on Ways and Means.

Also, resolution of the Chamber of Commerce of San Francisco, Cal., asking for amendment of the laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the San Francisco Merchants' Association, favoring the appointment of a tariff commission—to the Committee on Ways and Means.

Also, resolutions of the San Francisco Chamber of Commerce, in favor of a parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the San Francisco Chamber of Commerce, favoring amendment of the navigation laws so as to require masters and chief mates of all vessels over 100 tons to be licensed—to the Committee on the Merchant Marine and Fisheries.

Also, petition of San Francisco Chamber of Commerce, favoring legislation giving Alaska representation in Congress, etc.—to the Committee on the Territories.

By Mr. KNAPP: Papers to accompany House bill granting an increase of pension to James H. Durham—to the Committee on Invalid Pensions.

By Mr. MAYNARD: Petition of retail druggists of Newport News, Va., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. PRINCE: Petitions of retail druggists of Rock Island and Ipava, Ill., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. PUGSLEY: Resolutions of the Manufacturers' Association of New York, favoring the passage of the Elkins bill, to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Association of Retail Grocers and Peoria Retail Grocers' Association, favoring the passage of pure-food bills—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Paint Grinders' Association and Buffalo Oil, Paint, and Varnish Company, urging legislation to empower the Interstate Commerce Commission to establish uniform freight classifications and freights—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Manufacturers' Association of Brooklyn, N. Y., against the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Arlington Chemical Company, favoring House bill 15368, amending the customs-drawback law—to the Committee on Ways and Means.

Also, resolutions of the legislative board, Brotherhood of Locomotive Firemen, of New York, urging the passage of the eight-hour bill, anti-injunction and conspiracy bill, and the safety-appliance bill—to the Committee on Labor.

By Mr. RUSSELL: Petition of citizens of Van Zandt and Gregg counties, Tex., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SHERMAN: Resolutions of Oneida County (N. Y.) Lodge, B'rith Abraham, No. 228, asking for an amendment to the immigration laws—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Kentucky (by request): Petitions of W. J. Humphrey, T. S. Roberts, and other citizens of Kentucky, urging

the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, papers to accompany House bill 15788, for the relief of the heirs of G. W. Upton, sr.—to the Committee on War Claims.

By Mr. STARK: Petition of Henry R. Cone and others, of Ashland, Nebr., favoring House bill 178—to the Committee on Ways and Means.

By Mr. STEELE: Petition of Carpenters' Union No. 365, Marion, Ind., favoring the repeal of the desert-land law—to the Committee on the Public Lands.

Also, petition of Carpenters' Union No. 365, Marion, Ind., in opposition to the passage of House bill 3076, limiting the hours of daily service of laborers—to the Committee on Labor.

By Mr. STEPHENS of Texas: Petition of citizens of Archer County, Tex., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolutions of the American Free Trade League, requesting the removal of the tariff duties on beef and coal—to the Committee on Ways and Means.

By Mr. THAYER: Petition of G. W. Green and others, urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. THOMAS of Iowa: Resolutions of General Hancock Post, No. 22, Grand Army of the Republic, Department of Iowa, favoring the establishment of a national park to include the battlefields of Fredericksburg and other battlefields in the vicinity—to the Committee on Military Affairs.

Also, papers to accompany House bill granting an increase of pension to David L. Mills—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: Petition of citizens of Onslow, Jones, and Carteret counties, N. C., for an appropriation for White Oak River—to the Committee on Rivers and Harbors.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 9, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I am instructed by the Committee on Military Affairs to report a bill making appropriations for the support of the Army for the fiscal year ending June 30, 1904.

The bill (H. R. 16567) was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. GAINES of Tennessee. I reserve all points of order on this bill.

Mr. HULL. I give notice now that I shall call this bill up on Monday next if the District Committee should not occupy the day.

RESIGNATION OF COMMITTEE SERVICE.

The SPEAKER. The Clerk will read a communication received by the Speaker from a member of the House.

The Clerk read as follows:

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., January 9, 1903.

Hon. D. B. HENDERSON,
Speaker of the House of Representatives.

MY DEAR SIR: I respectfully resign my place as a member of the Committee on the Judiciary.

I have the honor to be, very respectfully, your obedient servant,
S. W. T. LANHAM.

The SPEAKER. If there is no objection, this resignation will be accepted. The Chair hears none; and the Chair appoints to the vacancy on the Committee on the Judiciary the gentleman from Texas, Mr. HENRY.

ORDER OF BUSINESS.

Mr. SULLOWAY. I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar, in order to-day under the rules.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. CAPRON in the chair.

EUGENE H. ELY.

The bill (H. R. 2670) granting an honorable discharge to Eugene H. Ely was read, with the amendment reported from the Committee on Military Affairs.

Mr. STEELE. I should like to hear the report in this case read.

The report was read.

Mr. STEELE. This bill evidently does not belong on this Calendar, and I ask that it be laid aside.

The CHAIRMAN. The Chair thinks the point of order is well taken. The bill will be laid aside as not being properly on this Calendar.

ELVIRA M. COOPER.

The first business on the Private Calendar was the bill (H. R. 12524) granting an increase of pension to Elvira M. Cooper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elvira M. Cooper, widow of Lieut. Col. George E. Cooper, medical purveyor, United States Army, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Lieutenant-Colonel."

In line 7 strike out "medical purveyor" and substitute "late major and surgeon."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEWIS WALTON.

The next business on the Private Calendar was the bill (H. R. 11199) granting a pension to Lewis Walton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Lewis Walton, and to pay him a pension of $48 per month.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after the word "roll" and substitute therefor "subject to the provisions and limitations of the pension laws, the name of Lewis Walton, late corporal, ordnance detachment, United States Army."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PHILLIP MOONEY.

The next business on the Private Calendar was the bill (H. R. 14897) granting an increase of pension to Phillip Mooney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phillip Mooney, late of Company D, First Georgia Regiment Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert "war with Mexico."

In line 8 strike out "twenty" and substitute therefor the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

The next business on the Private Calendar was the bill (H. R. 13839) granting an increase of pension to John W. B. Huntsman.

The bill was read, as follows:

JOHN W. B. HUNTSMAN.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. B. Huntsman, late of Company C, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The CHAIRMAN. The question is on laying aside the bill to be reported to the House with the recommendation that it pass. If there be no objection——

Mr. RUSSELL. Mr. Chairman, I object to the passage of this bill, and I desire to state my reasons for doing so. My service in this House is of such recent origin that my disposition would be to conform to the unwritten custom of the House and remain silent; but, having made this objection, I feel that it is due to myself and to the members of the House and to the constituency which I represent to briefly state some of my objections.

Mr. Chairman, it is a rule of this House that every member shall vote upon every bill unless he has some personal or pecuniary interest in the result of it. This would be a moral obligation resting upon every member of the House in the absence of the law of the House on this subject. It is also the rule of the House that the second and fourth Fridays in each month shall be devoted to the consideration of bills known as private pension bills. The rules of the House, to which I have just adverted, necessarily imply that every member of this body who casts his vote for or against any measure pending before the House shall have some conception of its merits, and that the measure shall have passed muster in some way before his judgment and his conscience. Now, sir, I think I do not overstate it nor misstate it when I declare that so far as the bills——

Mr. MADDOX. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point.

Mr. MADDOX. It is that we have no order.

The CHAIRMAN. The point is well taken. The Committee of the Whole will come to order. Gentlemen in the aisles will take their seats and cease conversation.

Mr. BROMWELL. Mr. Chairman, I would ask the gentleman a question. To what bill is the gentleman speaking?

Mr. RUSSELL. The one just read by the Clerk.

Mr. BROMWELL. What one is that?

Mr. SIMS. Calendar No. 2065.

Mr. BROMWELL. That is House bill 13839?

Mr. RUSSELL. Yes.

Mr. BROMWELL. I have no interest in that.

Mr. RUSSELL. I do not think I misstate it nor overstate it when I say that there is probably no member of this House outside of the member who introduced this bill and the members of the Committee on Invalid Pensions who has any idea of the merits of that case. I have inquired amongst the members privately and in conversation with them, and I have failed to find that any other sentiment or condition than the one I have stated exists in this body so far as these bills considered on occasions like the present are concerned.

Mr. GIBSON. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield to the gentleman from Tennessee?

Mr. RUSSELL. Yes.

Mr. GIBSON. That question is this: This bill has been on the Calendar nearly two weeks. The report has been also on file for the same length of time. Now, why has not the gentleman referred to the report for the purpose of getting information?

Mr. RUSSELL. I will come to that in a moment. As my time is limited, I hope I will not be interrupted any oftener than the members think necessary. I make the proposition, and I think I can substantiate it by the facts, that there has been no time for the consideration of this or any other bill on this Calendar by the members of the House who were disposed to devote a proper portion of their time to the business of a public nature before this body.

Here are the facts, Mr. Chairman. The House Calendar for the 5th day of this month shows that there was then upon this Calendar 54 bills of this nature. The House Calendar distributed among the membership for the 7th of January shows that number had increased to 116, or an increase of 62 bills. The House Calendar put upon the desks of members to-day shows that there are now upon the Calendar 144 bills, or an increase of 28 since the 7th, or a total increase since the 5th of January of 90 bills. Now, I submit that no member of this body who devotes any time whatever to the investigation of the large and important subjects which come before it would have any time to devote to the investigation of these bills upon the Private Calendar. I have been told by members that these matters were committed to the Committee on Invalid Pensions and that their judgment was accepted by the membership of the House without any question whatever.

I want to say, sir, that I have no reason on earth to doubt the diligence and the honesty and the integrity of any member of the Committee on Invalid Pensions. The fact that they were assigned to that service by the distinguished Speaker of this House is a guaranty to me that they are honest and intelligent and just; but, sir, as an evidence of the fact that they can not have sufficient time to devote to these measures I desire to call attention to some remarks made upon this floor on the 23d day of May, 1902, by the distinguished Representative from the State of California [Mr. LOUD]. I read a portion of what he said on that occasion:

> Pension legislation, to my mind, has become a disgrace to this legislative body. During this session of Congress we have, on eight days, passed 1,169 pension bills, probably not exceeding twenty hours having been spent to pass 1,169 bills. Most of these cases have been examined by the Pension Bureau very carefully, by a body that we constitute, that have used deliberation with all the means at their command and have rejected them. They come to Congress.
>
> Now, what is the routine? Let us be fair with ourselves and frank with the country. Representative Smith or Jones is entitled to so many bills. He goes to the member to whom his bills are referred, and I think I am speaking correctly of what is actually done, and says: "I wish you would report that bill." I think in ninety-nine cases out of a hundred that bill is reported, and the man himself selects the bill which shall be reported; and without desiring to criticise particularly the Committee on Invalid Pensions, let us see how it works there. A member of the Committee on Invalid Pensions introduces a bill. He refers it to himself. He orders a report made. It goes upon the Calendar. It has there in front of it or back of it 100 or 150 other bills.
>
> The Chairman of the Committee of the Whole works as if he was working for a thousand dollars a minute [laughter] and speaks as fast as he can; the Clerk begins, the perspiration showing in his face, and his actions show that he feels that "We have got this day and we must get through as many as we can," and the bill is passed; and one member of Congress and no more knows the merits or demerits of that bill.

When the distinguished member from California, who is also a distinguished member of the Republican party, announced this doctrine here, the House good-naturedly joined in and assented to it by laughter, as shown in this RECORD. I have in my hand the report of the Commissioner of Pensions, filed in the year 1902, and that report shows that the Senate committee adopted certain rules which are embraced in the report of the Commissioner of Pensions, and therefore to that extent indorsed by him. I read as follows:

> The Pension Committees of the two Houses of Congress were created to consider a limited number of claims, some of which were necessarily rejected by the Bureau of Pensions for the reason that they were not covered by any existing law, while others were rejected upon legal or medical technicalities, which Congress could properly set aside as a matter of equity and justice. It was not the intention to have Congress flooded with pension bills, but simply to afford a means of relief in cases of exceptional merit. Unfortunately the primary and essential purpose of these committees has been lost sight of, and there seems to be a prevalent opinion that it is proper to bring every rejected claim, either for original pension or increase, to the attention of Congress, and in many instances the Bureau of Pensions is being entirely ignored.

I submit, sir, that that language from the appendix to this report clearly corroborates and indorses the position announced on the floor of this House by the distinguished Representative from California [Mr. LOUD].

In addition to that, sir—and I will hurry forward—as showing that the Committee on Invalid Pensions has not the time, nor has this House any time properly to consider these measures, I refer to the fact that since 1861 there have been passed by the Congress of the United States 9,286 private pension bills, and of that number at the last session of this Congress there were passed 1,114, or more than one-ninth of them.

To restate the proposition, eight-ninths of the amount I have mentioned were passed in forty years, while one-ninth of them were passed at one session of this Congress.

Let me call attention, in this connection, Mr. Chairman, to the rapid increase in these private pension bills. In the year 1898 there were passed 394 private pension bills, that carried $67,014. In the year 1899 there were passed 300 bills, carrying $45,186. In the year 1900 there were passed 684 private pension bills, carrying $117,759. In the year 1901, 707 of these acts, carrying $120,192, while in the year 1902 there were passed 1,114 of these private pension bills, carrying $182,825.

This, Mr. Chairman, exhibits the rapid increase and growth of this evil in the House, where these bills are passed without consideration, and necessarily so, because the time of members is completely absorbed in the consideration of weightier and more important matters.

Now, sir, we have a Pension Bureau. We have general pension laws. The Pension Bureau has in its employ 2,173 persons; and to support and sustain it there was expended last year the sum of $3,590,529.12.

Now, Mr. Chairman, in conclusion, I have made no assault upon any just pension measure, nor do I propose to do so where the measure is just and there has been time for the members of the House to consider it, but I submit that if the general pension laws of the Government are unjust they should be amended. If the force in the Department is insufficient, it should be increased. But as long as we have the Pension Bureau, as long as it is so admirably and so expensively equipped and maintained, this is not the body where measures ought to be passed without debate and without consideration. [Applause on the Democratic side.]

Mr. SIMS. Mr. Chairman, I wish to ask the gentleman a question before he takes his seat.

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Tennessee?

Mr. RUSSELL. Certainly.

Mr. SIMS. It is a common practice in this body, when a bill is introduced that relates in its subject-matter to some department of the Government, to refer that bill to that department and get a report from it before the bill is acted upon. I want to ask the gentleman if he does not think it would be a good practice, before the committee reports any private bill, either for original pension or increase, that the bill should be first submitted to the Bureau for a report from the Commissioner of Pensions as to whether adequate relief can be afforded by existing laws before this body acts upon the bill?

Mr. RUSSELL. I think so. I think the evil, as I stated in the outset, exists in the attempt to rush through the House measures which the members individually can not possibly have time to consider and make up their judgment about, when at the same time they are required under the rules to vote upon each measure. For these reasons, sir, I object to the bill just read.

Mr. LACEY. The gentleman who has just taken his seat [Mr. RUSSELL] is echoing a speech made in 1892. He is not discussing the bill before the House. He has not suggested a single objection to that particular bill.

Mr. RUSSELL. If the gentleman will permit me to interrupt him, I desire to correct his statement in this particular: He said 1892. It was 1902.

Mr. LACEY. I understood the gentleman to say 1892.

Mr. SIMS. Yes; you did.

Mr. RUSSELL. I am told by my colleague that I said 1892. I meant 1902.

Mr. LACEY. Well, let us talk about 1902, then. Since 1861, he informs us, there have been 9,000 private pension bills passed.

Mr. RUSSELL. Since 1861 there have been more than 9,000.

Mr. LACEY. Very well, in forty-one years, with a million of soldiers' names upon the roll——

Mr. MADDOX. Two and a half million.

Mr. LACEY. A million of soldiers who are living to-day——

Mr. MADDOX. Two million and a half.

Mr. LACEY. No; there are a million soldiers' names on the roll. With over two million or nearly three million enlistments there have been in forty-one years only 9,000 private pension bills passed. Let me call the attention of the gentleman from Texas to the fact that nearly all the Revolutionary soldiers were put upon the roll by private bills, a private bill for each of them, or for a large group in one bill. The custom of passing private pension bills is as old as the Government itself. I think when he calls our attention to the fact that 9,000 of these bills have been passed in forty-one years, that he illustrates the moderation in which the Congress has dealt with this subject. He forgets, Mr. Chairman, that the soldiers of the war of 1861 now average considerably over 60 years of age. He forgets that the exigencies of particular cases growing out of age and infirmity take many of them entirely beyond the reach of the general law. I yield to the gentleman from Georgia.

Mr. MADDOX. I want to ask the gentleman this question. He said all the Revolutionary soldiers were pensioned by private bills. Did we have any Pension Bureau then with all these laws that we now have?

Mr. LACEY. We did not have a Bureau in the beginning.

Mr. MADDOX. Then we had to have private bills?

Mr. LACEY. An attempt was made in the first instance to dispose of all these cases by Congress on the individual merits of each case. That was found impossible. You will find thousands of these beneficiaries named by special bills in the early part of the nineteenth century. Then laws have been passed since then by which this country has attempted to settle these matters under general laws. But general laws can not cover all cases. And let me give an illustration of one case placed on the Calendar a day or two ago. A man who is in absolute poverty and destitution is drawing a pension of $12 a month under the act of June 27, 1890. He is supported by the county in which he lives as a pauper; he is cared for by a nurse; he is provided for as an utterly helpless man.

Now, the question comes up in the form of a private pension bill before this Congress as to whether relief will be given to this man. He is now 75 or 76 years of age. It is utterly impossible for him to prove that his present condition is due to Army service. In fact, it is not wholly due to the service, but mainly due to his advanced age. He appeals to Congress, and states that the pension of $12 per month is an utterly inadequate sum to support him, and he is supported as a pauper from the treasury of the county in which he lives. The Committee on Invalid Pensions examined the case, and understanding that while he would be entitled to $72 a month under existing laws if he could prove service origin of his disabilities, that, that being impossible, they make an exception in his favor and place him on the roll at $30 a month. Now, this is the character of the cases reported by the Committee on Invalid Pensions.

Mr. LIVINGSTON. Will the gentleman allow me to interrupt him?

Mr. LACEY. Certainly.

Mr. LIVINGSTON. I want to suggest to the gentleman from Iowa that he does not answer the point made by the gentleman from Texas. The point is this: We have a Commissioner and a Bureau for the consideration of these cases. The gentleman says that these claims passed on in this House in this way are claims which have been rejected by the Bureau; and he wants to know why, if we have a Commissioner and have a Bureau and we pursue the laws made by Congress on this subject—why can not the friends of pensioners rest there and not multiply these cases before this House? I want to hear the gentleman on that point.

Mr. LACEY. I have certainly not made myself intelligible to my friend from Georgia. I was explaining that the Commissioner of Pensions, in a case like the one that I have described, can not grant a pension beyond $12 a month.

Mr. LIVINGSTON. Why have it at all?

Mr. LACEY. I was explaining the matter in a particular case, and the thoroughly helpless condition of the man who is supported in the county in which he lives as a pauper; and we know that it is not the desire of Congress to have men on the pension rolls become a charge as paupers in the county in which they live.

Let me make further answer to my friend from Georgia. Under the rules of the Committee on Invalid Pensions they take up and consider no case where the Commissioner of Pensions can give relief. They only take up those cases where by reason of the universality of the law he can not grant relief. Where the law can not provide for a particular case and the peculiar exigencies of a particular case the Pension Committees recommend relief. These are the only cases that they attempt to pass upon, and that is the basis on which we have the organization of the Committee on Invalid Pensions and the Committee on Pensions of this House and the Committee on Pensions in the Senate.

Mr. LIVINGSTON. Then, Mr. Chairman, I understand the gentleman to admit that it is a fact that the pension bills passed here are passed outside of the law, without law, and could not be enacted in any other way?

Mr. LACEY. Certainly, not outside of the law, but outside of the general law. We make the laws for each particular case, just as after the Revolutionary war Congress made a law for every case brought before them. Congress in the first place acted as Commissioner of Pensions; Congress passed a law applicable to each particular case. Later on general laws were passed, but still many private bills were acted upon.

Now there are too many cases to follow that original method, and yet it is impossible to frame a law that will fit each particular case. We have the case of a soldier who has lost his sight, perhaps, through Army service, and he can not prove it. It was forty years ago, and he is unable by adequate evidence to connect the blindness and helplessness of the present time with the service in the Army. The Committee on Pensions consider it, look at it like a court of equity, and say this man ought to have a pension. They take up the cases and consider them in that spirit. And when the gentleman says that 9,000 bills have been passed in over forty years, it only shows the great care and patience and good sense of the committees that have handled the cases of this kind.

Mr. LIVINGSTON. Will the gentleman allow me another interruption?

Mr. LACEY. Certainly.

Mr. LIVINGSTON. If the gentleman says that this pensioner can not convince the Commissioner that he is entitled to a pension, how can he convince the committee of this House?

Mr. LACEY. Certain fixed rules of law must be established for the presentation of these cases in the Pension Bureau. A high order of evidence is necessarily required to establish the facts, and soldiers are often unable to furnish the evidence which would be required in a court of law or by the Commissioner of Pensions. In such a case the strict technicalities of the law are waived by these committees, and this class of cases considered upon their merits, and on somewhat different principles, more as a court of equity would consider them than under the strict rules of a court of law.

Mr. COOPER of Texas. I want to say that the gentleman from Iowa perverts and misconstrues the argument of my colleague with respect to the number of bills passed in forty-one years. He shows the number of bills that passed, and shows that many of them in the early consideration were carefully considered, but that 10 per cent had passed in one session of Congress.

Mr. LACEY. I am glad my friend from Texas has made this suggestion; it is worthy of an answer. If the argument has any force or effect at all, it is to the effect that in late years the proportion of pensions granted by and approved by Congress has improperly increased. That is the objection, as I understand, that he makes. Let me say that in the last forty-one years 41 years of age has been added to the burden upon the shoulders of these veterans of the war of 1861. Many of these cases brought before the House are cases where the pensioner dies before he receives the benefit of the bill, caused by his advanced age. I know a number of instances of this kind where the pension bill has become a law, but before the heart of the pensioner has been gladdened by the reception of the certificate he has gone down into his honored grave.

So, Mr. Chairman, it is certainly natural that the cases where the facts require great attention on the part of the committee must increase, and will no doubt continue to increase for the next few years, until the last of these old soldiers have been taken care of.

Mr. RUSSELL. Will the gentleman yield for a question?

Mr. LACEY. Certainly.

Mr. RUSSELL. I desire to ask the gentleman from Iowa this question. He has stated the fact that since the war, since 1861, there have been passed 9,296 private pension bills.

Mr. LACEY. I have accepted the statement of that fact made by the gentleman from Texas.

Mr. RUSSELL. That is correct. The gentleman asserts that these figures demonstrate that this body has been careful in considering the passage of the bills. Now, according to these figures, 8,882 bills were passed in forty-one years and 1,114 bills were passed in one session of Congress. If the number passed in forty-one years

is a demonstration as to the conservatism of this body, what does the number of 1,114 demonstrate that were passed in one session of Congress?

Mr. LACEY. That question does not acquire any additional force by being asked the second time. I have tried to explain that the increased infirmities of age in these cases have necessarily become more numerous, and they will become still more numerous in the future. You will find that a large per cent of the cases presented now from day to day are cases where men have passed long beyond the seventieth milestone of human life and who can not be very long the recipients of the bounty of the Government. The liberality of Congress with these men will be justified by the fact that they have but few years yet to live.

It is simply smoothing the way of these old men into honored graves. And I am surprised that the gentleman from Texas should give note to his recent advent in this House by reviving the old and time-worn—yes, the utterly threadbare—attacks upon the pensions of the Union soldiers. He will find that this straw was thrashed out long ago by his predecessors. He will glean no grain from that.

I remember when another distinguished gentleman from Texas organized himself into a bureau of obstruction on this question; but finally his good nature would not permit him to follow that course any longer, and he voluntarily retired from the attitude that he had assumed. And we have had other men who have taken up this subject, but they have not long persevered in their work.

But if the gentleman wants to do any good in relation to pensions, let him take the bill and the report in a particular case and show wherein that bill is wrong. He has not pointed out any objection, either valid or otherwise, to the particular bill now pending before this committee, nor to any other bill; but he has simply indulged in the assumption that because the number of pension bills has increased as time has elapsed that therefore there must be something wrong in the increased number of reports on the part of the Pension Committees.

I am not a member of those committees; but I have in past years served upon one of them. I know the thankless labor, I know the nights of weary work that they have to spend in going over these difficult private bills, and I know the care with which members endeavor to weigh each individual case. It is a burden more than any man's shoulders ought to bear; and yet, Mr. Chairman, it is one of those things that necessarily must arise from time to time as the years go by, and these increasing burdens of the disabled veterans call for some additional allowance upon the part of the Congress of the United States. [Applause.]

Mr. SULLOWAY. Mr. Chairman, the time that is allotted to the consideration of these bills is limited. We have had to-day a speech on the one side and on the other upon the general subject of pensions, which under the rules could not have been indulged in. I simply want to give notice that hereafter I shall insist that if gentlemen want to speak they shall talk to the bill. There is ample time when the appropriation bills are up. Anybody desiring to speak on the general subject of pensions can have then all the time he wants. I feel that it is my duty as a representative of the committee to make that suggestion. I hope gentlemen will not occupy further time in this way.

Now, Mr. Chairman, this is a very meritorious bill. The gentleman from Texas [Mr. RUSSELL] said he did not know anything about it, and finally he said that he made no opposition to it, if I understood him correctly—though when there was so much confusion I may have misunderstood him. The proposed beneficiary of this bill was wounded at the battle of Chickamauga, and carries in his body a bullet which has so affected his spine that his present condition is such that he can neither get up nor lie down. He is absolutely helpless, and requires constantly an attendant or assistant to move him from his bed to his chair, or from his chair to his bed and to feed him. If it were conceded that this grievous disability was of service origin, he would be entitled under the general law to a pension of $72 a month. I say that, on the evidence, I have not the slightest doubt—and I think that not a member of this House, with the evidence before him, would say that there is a particle of doubt—that this man's condition to-day is the result of wounds received in battle.

Mr. BARTLETT. May I ask the gentleman a question with reference to this particular bill?

Mr. SULLOWAY. Certainly.

Mr. BARTLETT. Since this discussion began I have read the report; and what I wish to ask the gentleman from New Hampshire is this: If the disability from which this man is suffering has arisen by reason of wounds received in battle, how is it that he can not get at the Pension Bureau an increase upon his $24 a month? If he is entitled to such an increase—and I must say, from the hurried investigation I have been able to give to the facts as reported by the committee, that he seems to be entitled—how is it that he can not get it at the place where the Government has directed he shall first apply? Why is it that he has had to appeal to Congress for this increased pension? That is what I want to know.

Mr. SULLOWAY. May I ask the gentleman a question?

Mr. BARTLETT. I shall be pleased to answer if I can do so.

Mr. SULLOWAY. The gentleman is a practicing attorney?

Mr. BARTLETT. Yes; I have tried my hand at it.

Mr. SULLOWAY. Then I ask the gentleman whether he has ever tried a case in which the court ruled against him and he appealed from the ruling?

Mr. BARTLETT. Yes.

Mr. SULLOWAY. Well, this case has been to the Pension Bureau, and the Bureau has refused the increase. An appeal has been brought to Congress, and this committee is unanimously of the opinion that this man's claim ought to have been allowed at $72 a month; but we have decided to compromise the matter, not giving him the entire $72 which he should have, but giving him $50.

Mr. BARTLETT. I understand that, but I do not understand that this House of Representatives is a board of review or a court of review of the Pension Bureau.

Mr. SULLOWAY. Well, it happens to be, whether the gentleman so understands it or not.

Mr. BARTLETT. All right, then; if it be true, as the gentleman states, then the pensioner and the present beneficiary of this bill has not obtained what he was entitled to at the hands of the Pension Bureau.

Mr. SULLOWAY. That is what I say, in my judgment, on my honor as a man and a member of this House.

Mr. BARTLETT. Well, it is a very singular state of affairs.

Mr. SULLOWAY. And he will not get what he is entitled to if this bill passes.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman from Iowa [Mr. LACEY] recalled just now some ancient history. He says that the Revolutionary soldiers were all pensioned by special act. I have here a copy of the act under which they were pensioned, being "An act to provide for persons who were disabled by known wounds received in the Revolutionary war, 1806." There are others previous to and since that providing that the applicant must be a man incapable of earning a living by manual labor to be eligible to draw a pension.

Mr. SULLOWAY. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SULLOWAY. Is the gentleman speaking to this bill or discussing the subject generally?

The CHAIRMAN. The Chair will ask the gentleman from Tennessee to proceed in order.

Mr. GAINES of Tennessee. Mr. Chairman, I was doing my best to correct some not exactly disorder, but some incorrect bits of history stated by my friend from Iowa [Mr. LACEY], and here is a statute——

Mr. LACEY rose.

Mr. GAINES of Tennessee. Just a word, and I have done.

Mr. LACEY. Will the gentleman yield?

Mr. GAINES of Tennessee. Here is the statute of 1806, in fact, carried away down to 1844 or later.

Mr. LACEY. Will the gentleman yield?

Mr. GAINES of Tennessee. Yes.

Mr. LACEY. Has the gentleman looked through the long list of special acts, where, in some cases, two or three hundred pensioners were in a single bill, covering the early statutes of the century?

Mr. GAINES of Tennessee. I have seen a few of them; yes. But here is a general law carried down—amendments as late as or after Polk's Administration, and clear on down until those laws were repealed by what is known as the civil war statutes—so that the gentleman is entirely mistaken when he says that there was no such thing as a general law for Revolutionary or other soldiers until recent years.

And I want to say there, Mr. Chairman, that they did not pension millionaires under these statutes; that they limited it to a man who was unable to earn a livelihood by manual labor. The very words of the statute so provides. For example, to quote, "the applicant must become and continue disabled in such manner as to render him unable to procure subsistence by manual labor." Mr. Chairman, he also had to make an oath that he not only did not have any property, but that he had not disposed of his property so that he might get the benefit of the pension.

Again, the distinguished gentleman from Ohio [Mr. GROSVENOR] the other day very kindly referred me to "history" on this subject that I might be corrected—in other words, that I had not stated correctly; that the applicant for a pension must be incapable of earning a livelihood by manual labor before he was pensionable under our old laws.

Mr. Chairman, I have just a word or two more to say—that I had already read this "history," I would say to my friend from Ohio

and was familiar with it, and I quoted in my speech almost literally the very words I have to-day read from these old laws.

Here is an opinion of the Attorney-General of the United States in 1832, in which he says, my dear sirs, that if the party is already on the pension roll and afterwards becomes rich that he is no longer pensionable. I will read the syllabus:

If after a person is placed on the pension roll——

Mr. GROSVENOR. Mr. Chairman, will the gentleman yield a minute? It will save him a great deal of trouble if he will turn to the RECORD of the day before yesterday. There he will discover that I referred only to the pension legislation in regard to the pensioners of the civil war, and twice repeated it so as to make no mistake.

Mr. GAINES of Tennessee. I will read exactly the gentleman's words, because he knows I do not want to misstate him. The gentleman misquoted me on yesterday and the RECORD shows that I was correct.

Mr. GROSVENOR. The gentleman is entirely mistaken. He has built a straw man and is knocking it down.

Mr. GAINES of Tennessee. I hope the gentleman will get the language and read it.

Mr. GROSVENOR. I will.

Mr. GAINES of Tennessee. Or refer me to the page. I had the RECORD here a moment ago, but can not find it just now. I will read what I started to read when I was interrupted, and then I will ask my friend to read from the RECORD what he asked me to read. The Attorney-General of the United States in 1832 said—I read the syllabus:

If after a person is placed on the pension roll he acquires so much property that he no longer needs the assistance of his country for support, the foundation on which the pension is given falls, and he may be dropped from the rolls.

Thus spoke Attorney-General Taney.

Mr. Chairman, here is another opinion from William Wirt, the Attorney-General of the United States, delivered at an early day, in which he says in reference to this oath to which I alluded a few moments ago, wherein the applicant says he had not fraudulently disposed of his property in order to get a pension:

That it was the intention of Congress to make the amount of the schedule the test of the indigence of the applicant, and that consequently the relief given by the former act is to be continued in every case in which the schedule shall exhibit proof of such indigence and that the income of the property is inadequate to the support of the applicant.

I will read more at length from the opinion of the Attorney-General in 1832. He said:

The law was designed for the relief of those who were at any time in actual want. If after a person is placed on the pension roll he acquires so much property that he no longer needs the assistance of his country for support, the foundation upon which the pension is given fails, and therefore any one who does not need it for his support may, I think, at any time be dropped from the roll.

If a different construction is put upon the laws of 1818 and 1820, a person who by descent or devise or in any other way had become wealthy and affluent might be receiving the bounty of the public, when it is evidently intended for no one but persons who have no other sufficient means of support.

I have cited this old law and authorities, gentlemen, to show how far we have wandered away from the track of the fathers by passing laws here to pension millionaires and people who were capable of supporting themselves.

Mr. GROSVENOR. Mr. Chairman, I care nothing whatever about the effort of the gentleman to substantiate his position of a few days ago, except as he attempts to make it appear that I made a statement of a fact in regard to the statute of my country that was not true. Against that attack of his I come with determination to let him understand once and for all that he can not dodge and quibble behind a proposition such as he has attempted to bring here now. There was no discussion about the question of the Revolutionary pensions. There was no discussion about the question of the pensions of the Mexican war. And I will read now to the House and show to the House how utterly shameless it is to attempt to impeach me with a false statement, by reading a statute and a decision made under laws that I had no reference to whatever.

We were discussing a question growing out of the increase of pensions from $35 to $40 a month for deafness in our own service, and my language could not be misunderstood by anybody who was disposed to treat me fairly.

Mr. GAINES of Tennessee. Have I not asked my friend to read from the RECORD, so that I would state it correctly?

Mr. GROSVENOR. The gentleman has gone to work and made a speech, assuming a condition that did not exist, and then asks me to read from the RECORD, and then to publish his speech, as having achieved a wonderful attack and a successful contradiction of what I had said. Now, let me read what I said. I read from page 546 of the RECORD:

Mr. Speaker, one of the important considerations which has always been involved in the passage of general legislation touching the subject of pensions has been to steer clear, as far as possible, of the very proposition suggested by the gentleman from Tennessee [Mr. GAINES] and which he seems to advocate.

Not many years ago it was attempted in this House to pass a bill to provide pensions for indigent soldiers of the civil war, and that proposition was denounced from one end of this country to the other. No opposition was more unanimous or could have been than that to a bill which undertook to place as one of the conditions of the relief to be afforded by the act of Congress the proof of the applicant that he was in needy circumstances. And when we passed the act of 1890, from that day to this a large body of soldiers throughout the country have been taught to believe that that was also a "pauper-pension bill," and the indignation of the people of the country was poured out upon that measure until it was discovered that there was no condition of poverty or necessity or indigence that was carried or referred to in any way in the provisions of that law.

Mr. Speaker, it has been the purpose, steadily adhered to by Congress, never to compel a man who has fought for his country and incurred physical disability to be compelled to expose to the Government or its officers the fact that he was in needy circumstances. Sometimes we have urged that as a matter in support of a private pension bill when the law seemed inadequate, but never in all our history have we incorporated into a measure conferring a pension upon a wounded soldier or a disabled soldier the necessity of making known that he was also a pauper. I refer, of course, to legislation relating to the great civil war.

I advise the gentleman from Tennessee, in all kindness, to study the history of this legislation.

Not legislation about the Revolutionary pensioners, not the legislation about the Indian wars, but this legislation, the legislation with regard to the great civil war; and I repeated later on in the remarks that I made that I was talking solely and only about the great body of pension legislation that related to the civil war. And I said then, and I say now, that there are no gentlemen on either side of this House will rise in their places and say that we have ever incorporated in a bill to pension a Union soldier a provision that he should prove that he was indigent and a pauper. No gentleman on the Democratic side of this House, whether he was a soldier of the North or a gallant soldier of the South, has ever sought to put such a condition as that into a pension bill, at least since I have been a member of this House, and never has it been made a condition precedent to the successful prosecution of a pension claim. [Applause on the Republican side.]

Mr. MIERS of Indiana. Mr. Chairman——

Mr. GAINES of Tennessee. Mr. Chairman——

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. MIERS of Indiana. Mr. Chairman, it was not my good fortune to be present in the House when this tempest was started. I was detained a moment over in the Public Buildings and Grounds Committee. But I realize that one of the reports of the Committee on Invalid Pensions must necessarily be the matter of discussion. I feel like all of that committee's reports are susceptible of defense. Report No. 2834 shows that this soldier served his country from September 15, 1861, to December 15, 1864. The records of the Pension Office show that—

As early as 1892 the examining surgeons found a ventral hernia, and gave it as their opinion that the bullet which produced gunshot wound of the back, which was never extracted, and which could be easily felt——

Mr. GAINES of Tennessee. Mr. Chairman, I rise to a question of personal privilege.

The CHAIRMAN. The gentleman will state it.

Mr. GAINES of Tennessee (continuing). If my friend will yield, and I hope he will. I am informed the gentleman from Ohio, in the course of his remarks——

Mr. MIERS of Indiana. Oh, Mr. Chairman——

Mr. GAINES of Tennessee. Said I made a false statement. If the gentleman will allow me, I want to know if that is true?

Mr. MIERS of Indiana. Mr. Chairman——

The CHAIRMAN. The gentleman from Indiana has the floor.

Mr. GAINES of Tennessee. I believe a question of personal privilege is higher than any other question in this House. I hope the gentleman from Indiana will yield to me for a moment.

Mr. MIERS of Indiana. How much time do you want?

Mr. GAINES of Tennessee. Just a few minutes.

Mr. MIERS of Indiana. I will yield to the gentleman five minutes.

Mr. GAINES of Tennessee. I will wait. I see the gentleman from Ohio is out of the Chamber. I do not know where the gentleman from Ohio [Mr. GROSVENOR] is. I will wait until he returns.

Mr. MIERS of Indiana. Then wait until he returns, and I will yield to you.

Mr. MADDOX. Send for him.

Mr. MIERS of Indiana. When the gentleman returns I will yield.

I will continue reading the report where I was interrupted:

Which was never extracted, and which could be easily felt and found beneath the insiform appendix, had produced a rupture of the abdominal wall and of the stomach.

Here is a soldier who had three years' service, who was wounded three times in battle. Let us see what his condition is, following in the report:

Gunshot wound of back:

Ball entered 3 inches to the left of the spinal column and lodged 2 inches below the sternum and is encysted under the fascia. Muscles at entrance are

atrophied and contracted. This gunshot wound is a very bad one. The stomach trouble is due to the gunshot wound of back by causing an atrophy of the same. The stomach is reduced in size one-eighth. The ball seems to press against the anterior wall of the stomach and is the source of constant irritation. Part of the nerve supply which supplies the stomach is destroyed. This produces a spinal irritation. He has irregular breathing, dyspnœa, and hiccough, produced by an irritated diaphragm from the pressure of the ball. The heart's action is irregular and rapid, neck and shoulders painful, and abdomen and thorax constricted, and there are local areas of hyperthesia of the skin, legs, and back, and the muscles tremble all the time in the arms and abdomen.

Has articular and muscular rheumatism. All joints are invaded, enlarged, red, painful, and swollen. Muscles and tendons are atrophied and the ridge joints anchylosed. Elbows are partially anchylosed; ankles and knees are swollen and tender, painful and anchylosed; joints of wrists, knees, and ankles are stiffened; muscles of legs are atrophied and contracted, and tendons contracted; can not stand upon legs at all; legs are drawn and they are the same as no legs. Has to stay in bed except when helped from a cot to a chair. Can not use feet or hands, and he is so disabled from double inguinal hernia, ventral hernia, rheumatism, heart and stomach trouble as to require the regular aid and attendance of another person.

Proof filed in the Pension Bureau shows that the beneficiary has no income or means of support except the pension of $24 per month; that he can not feed himself or dress or undress himself or attend to the calls of nature, and has to be cleansed and washed as a baby; that he has not walked since 1897, etc.

In the opinion of your committee the ventral hernia and the spinal trouble are due to the severe wound of the back described by the examining surgeons, and inasmuch as the soldier is shown to be in such a condition that he requires the aid and attendance of another person and is in destitute circumstances, and that he can not even feed or dress or undress himself, relief to the extent sought for in the bill seems warranted, and the bill is therefore reported back with the recommendation that it pass.

Mr. BUTLER of Pennsylvania. I make the point of order that we can not hear what is said.

The CHAIRMAN. The Chair will request all gentlemen to cease conversation, and gentlemen in the aisles will please take their seats.

Mr. MIERS of Indiana. I am speaking from the record and I do not desire to go beyond the record. Three years' service, three times wounded in battle, to-day, as described by the records of the Pension Department, this soldier is unable to stand on his feet by reason of the injury received, not since 1865, but by injury received in battle. He lies not only in bed, unable to move, but he is unable to attend to the common wants of nature. His friends have nursed him these many years, but unable to nurse him back to health, but unfortunately the Bureau has seen fit to say that for this service he shall only receive $24.

Mr. BARTLETT. May I interrupt the gentleman right there?

Mr. MIERS of Indiana. Certainly.

Mr. BARTLETT. As to this particular bill, because I have read the report in this case, I would like the gentleman from Indiana, who is a member of this committee, to tell me if he does not think the statement contained in the report as to the condition of this soldier, and the causes of it, entitles him to receive at the hands of the Pension Bureau this increase without coming to Congress?

Mr. MIERS of Indiana. Yes.

Mr. BARTLETT. Why is it, if he is entitled to receive it from the Bureau under the law, and I take it that under the law he was justly entitled to receive more pension, why was it he did not get it and had to come to Congress to secure that which he is entitled to under the law?

Mr. MIERS of Indiana. Of course I can not speak for the motives that exist in the Pension Department, but I agree with the gentleman from Georgia that, outside of the action of the Department, I believe it ought to have granted him a pension of $50. I rise here for the purpose of saying that I am in favor of this bill and its passage in the next five minutes, because I believe this man is entitled to it under the law; and for one when I find one of these old patriots where I believe he is entitled to it under the law I shall not be content to say that he shall be turned back to the Department that has wronged him, either purposely or by mistake in judgment.

I believe to thus treat this soldier with three years' service, and the record shows that he has to be waited upon like a child, would send the blush of shame not only to the members of this House, but to every American patriot did he know the actual condition of this soldier; and if the blame is with the Department I believe that the time will come when that Department over there may not only be criticised when wrong on the floor of this House, on this side of the House, but the other side of the House as well, and not only on the other side of the House, but in the country at large. We have increased the pension of the totally deaf of service origin, also of the maimed, and the country demands a more definite and liberal pension to the country's defenders, and I hope next session of Congress will so amend the pension laws as to insure better pensions.

I believe in this case there is a wrong done in the Pension Department. As a member of the Committee on Invalid Pensions, I joined in this report because I believed it. I do not believe that the time of this House should be taken in settling a controversy between the gentleman from Ohio and the gentleman from Tennessee. No longer ago than yesterday one of the gentlemen for whom I made a report, Captain White, passed beyond, and if this soldier and a few more are to be left behind let these gentlemen consume the time.

So I would suggest to the gentlemen of this House that whenever the Committee on Invalid Pensions make a report that will not bear scrutinity, one that does not present a case that is both patriotic and founded in justice, then let us scrutinize that report and turn it down. But in this case, where we have a soldier who gave three years and three months, who gave his life, almost, from wounds in two battles, and who for many years has been confined to his bed by reason of actual injuries received, I say for one I am not only willing to stand by the old soldier, but I am willing to stand by the record which this committee has made and challenge successful attack.

Mr. SIMS. Will the gentleman allow an interruption?

Mr. MIERS of Indiana. Certainly.

Mr. SIMS. What reason does the Bureau give for not having acted favorably upon this man's case?

Mr. MIERS of Indiana. The general and usual reason that $24 is commensurate for the injury received according to the present examination.

Mr. SIMS. I would like to ask the gentleman if his committee has evidence in addition to that which was before the Bureau.

Mr. MIERS of Indiana. Yes.

Mr. SIMS. How does the gentleman know that the Bureau with the additional evidence would not act favorably upon it?

Mr. MIERS of Indiana. The evidence that the committee had, if there was nothing else than that, would show to this House that in that particular case a great injustice had been done to this man. I know my good friend from Tennessee—in the case of this old soldier, who can not last but a short time, who is helpless and forced to have friends wait on him as they would a babe—I know my friend would not send him back to the Department, where his death would be likely to follow while he was waiting for justice. Here we are not only lawmakers, but judges of the situation, and let us take these cases and do justice to these soldiers, as we do to other American citizens. That I ask, if nothing more. Let us get down to business. [Applause.]

The bill was ordered to be laid aside with a favorable recommendation.

JESSIE R. DEWSTOE.

The next business on the Private Calendar was the bill (H. R. 14256) granting a pension to Jessie R. Dewstoe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jessie R. Dewstoe, widow of Gerritt S. Dewstoe, late of Company B, Sixth Michigan Cavalry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the letter "B" and insert in lieu thereof the letter "C."
In same line, after the word "Sixth," insert the word "Regiment."
In same line, before the word "Cavalry," insert the word "Volunteer."
In line 8, after the word "month," insert the words "in lieu of that she is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Jessie R. Dewstoe."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALBERT BLOOD.

The next business on the Private Calendar was the bill (H. R. 14185) granting an increase of pension to Albert Blood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Blood, late of Company H, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN WRIGHT.

The next business on the Private Calendar was the bill (H. R. 15549) granting an increase of pension to John Wright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Wright, late of Company D, One hundred and twentieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN SMITH.

The next business on the Private Calendar was the bill (H. R. 15870) granting an increase of pension to John Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Smith, late of Troop A, Fifth Regiment United States Cavalry, and the One hundred and twenty-fifth Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

SEC. 2. That an act granting an increase of pension to John Smith approved June 7, 1902, be, and the same is hereby, repealed.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "and," insert the words "Company G."
In same line, before the word "One," strike out the word "the."
In same line, before the word "Ohio," insert the word "Regiment."
Strike out all of lines 11, 12, and 13.
Amend the title so as to read: "A bill granting an increase of pension to John Smith."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE H. STONE.

The next business on the Private Calendar was the bill (H. R. 15396) granting an increase of pension to George H. Stone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Stone, late of Company B, Sixteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM THOMPSON.

The next business on the Private Calendar was the bill (H. R. 15416) granting an increase of pension to William Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Thompson, late of Company D, Second Regiment Pennsylvania Reserve Infantry Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the words "Infantry Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN KELLEY.

The next business on the Private Calendar was the bill (H. R. 7385) granting an increase of pension to John Kelley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Kelley, second, now in the National Military Home at Leavenworth, Kans., late of Company F, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, 9, and 10 and insert in lieu thereof the following: "of John Kelley, second, late of Company F, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH R. PRENTICE.

The next business on the Private Calendar was the bill (H. R. 15684) granting an increase of pension to Joseph R. Prentice.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph R. Prentice, late of Companies E and C, First Battalion, Nineteenth Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Companies E and" and insert in lieu thereof the word "Company."
In same line and in line 7 strike out the words "First Battalion."
In line 7, before the word "Infantry," insert the words "Regiment United States."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH E. SMITH.

The next business on the Private Calendar was the bill (H. R. 12963) granting a pension to Sarah E. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Smith, widow of Squire J. Smith, late of Company A, First Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "eight."
In same line, after the word "month," insert the words "such pension to cease upon proof that the soldier is still living."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM ZICKERICK.

The next business on the Private Calendar was the bill (H. R. 12413) granting an increase of pension to William Zickerick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Zickerick, late captain, of the Twelfth Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Twelfth," strike out the words "of the."
In same line, before the word "Wisconsin," insert the word "Battery."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BRIDGET LOGAN.

The next business on the Private Calendar was the bill (H. R. 8244) granting a pension to Bridget Logan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bridget Logan, mother of William Logan, late private in Company K, Second Massachusetts Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "mother," insert the word "dependent."
In same line strike out the words "private in" and insert in lieu thereof the word "of."
In line 7, before the word "Massachusetts," insert the word "Regiment."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN MACFARLANE.

The next business on the Private Calendar was the bill (H. R. 15571) granting an increase of pension to John Macfarlane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of John Macfarlane, late of Company D, Forty-seventh Regiment New York Volunteer Infantry, and pay him a pension of —— dollars a month, the same to be in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Macfarlane, late of the United States steamships Vermont, New Hampshire, Philadelphia, and Para, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MICHAEL RADER.

The next business on the Private Calendar was the bill (H. R. 6889) granting an increase of pension to Michael Rader.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Rader, late captain of Company F, Forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of the $12 per month he is now drawing.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "of."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In line 8 strike out the words "the twelve," and all of line 9, and insert in lieu thereof the words "that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN M. STANLEY.

The next business on the Private Calendar was the bill (H. R. 2675) granting an increase of pension to John M. Stanley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Stanley, late of Company D, One hundred and fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "seventh" and insert in lieu thereof the word "first."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARRIET ROBINSON.

The next business on the Private Calendar was the bill (H. R. 14262) granting a pension to Harriet Robinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriett Robinson, widow of George Robinson, late of Company C, One hundred and ninth Regiment of United States Colored Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Harriett" and insert in lieu thereof the word "Harriet."

In line 7, before the words "United States," strike out the word "of."

In line 8, before the word "Infantry," insert the word "Volunteer."

In same line strike out the word "twelve" and insert in lieu thereof the word "eight."

Amend the title so as to read: "A bill granting a pension to Harriet Robinson."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN H. HALL.

The next business on the Private Calendar was the bill (H. R. 6719) granting an increase of pension to John H. Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Hall, late first lieutenant Company H, Eighteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of John H. Hall, late captain Company H, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEWIS FISHBAUGH.

The next business on the Private Calendar was the bill (H. R. 10757) granting an increase of pension to Lewis Fishbaugh, of Macon, Mo.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis Fishbaugh, late of Company E, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Lewis Fishbaugh."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LACEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 2341. An act to authorize the readjustment of the accounts of Army officers in certain cases, and for other purposes;

S. 3953. An act granting additional lands adjacent to the site of the University of Montana to the State of Montana for the use of the said university;

S. 4782. An act conferring jurisdiction on the Court of Claims to try, adjudicate, and determine the claim of Clayton G. Landis, administrator of David B. Landis, deceased;

S. 5229. An act to authorize, settle, and compromise certain litigation pending in the circuit court for the western district of North Carolina;

S. 5694. An act to provide for the purchase of a site and the erection of a public building thereon at Shamokin, in the State of Pennsylvania;

S. 5724. An act for the relief of Paymaster James E. Tolfree, United States Navy;

S. 6059. An act for the relief of certain enlisted men in the Navy;

S. 6446. An act to provide for the construction of a bridge across Rainy River, in Minnesota; and

S. 6693. An act granting a pension to Mary J. Ivey.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 4616. An act to grant title to the town of Juneau, Alaska, of lands occupied for school purposes, and for other purposes; and

S. 2210. An act relating to Hawaiian silver coinage and silver certificates.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House was requested:

H. R. 15006. An act to amend an act entitled "An act to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880.

REBECCA R. GREER.

The committee resumed its session.

The next business on the Private Calendar was the bill (H. R. 15874) granting a pension to Rebecca R. Greer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca R. Greer, widow of Allen Greer, late of Company A, Thirty-second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $24 per month.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "seventeen."

In same line, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Rebecca R. Greer."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY PENSINGER.

The next business on the Private Calendar was the bill (H. R. 3265) granting an increase of pension to Henry Pensinger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Pensinger, late of Company G, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FREDERICK W. DAMON.

The next business on the Private Calendar was the bill (H. R. 1923) granting an increase of pension to F. W. Damon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of F. W. Damon, late of Company G, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6 strike out the letter "F" and insert in lieu thereof the word "Frederick."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Frederick W. Damon."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES B. GREELY.

The next business on the Private Calendar was the bill (H. R. 13200) granting an increase of pension to Charles B. Greely.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Charles B. Greely, late of Company G, Twenty-fourth Maine Volunteer Infantry, on the pension roll at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles B. Greely, late of the United States ships Ohio and Rhode Island, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL BURRELL.

The next business on the Private Calendar was the bill (H. R. 14302) granting an increase of pension to Samuel Burrell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Samuel Burrell, late a member of Company M, Fifth Regiment Illinois Cavalry, in the war of the rebellion, from $17 to $30 per month, subject to the provisions and limitations of the pension laws.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Burrell, late first lieutenant Company M, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES CLAYBOURN.

The next business on the Private Calendar was the bill (H. R. 15409) granting an increase of pension to James Claybourn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of James Claybourn, late of Company E, Twenty-fifth Missouri Volunteer Infantry, to $72 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Claybourn, late of Company E, Twenty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALSEY E. POTTS.

The next business on the Private Calendar was the bill (H. R. 5019) granting a pension to Alsey G. Potts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Alsey E. Potts, widow of John Potts, late assistant surgeon in the Fortieth Regiment of Indiana Volunteer Infantry, and pay her a pension of $17 per month from and after the passage of this act.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Strike out all of lines 5, 6, 7, and 8, and insert in lieu thereof the following: "of Alsey E. Potts, widow of John Potts, late of Company A, Fourteenth Regiment Indiana Volunteer Infantry, and assistant surgeon, Fortieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $8 a month."

Amend the title so as to read: "A bill granting a pension to Alsey E. Potts."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID C. YAKEY.

The next business on the Private Calendar was the bill (H. R. 7680) granting an increase of pension to David C. Yakey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David C. Yakey, late of Company A, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDREW J. REEVES.

The next business on the Private Calendar was the bill (H. R. 5792) granting an increase of pension to Andrew J. Reeves.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Andrew J. Reeves, late of Company E, First Regiment Maine Heavy Artillery, subject to the provisions and limitations of the pension laws, and grant him a pension at the rate of $50 a month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Reeves, late of Company E, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY EHMKE.

The next business on the Private Calendar was the bill (H. R. 4266) granting an increase of pension to Henry Ehmke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension rolls, subject to the provisions and limitations of the pension laws, the name of Henry Ehmke, late corporal, Company K, Ninth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 4 strike out the word "upon" and insert in lieu thereof the word "on."

In same line strike out the word "rolls" and insert in lieu thereof the word "roll."

In line 6 strike out the word "corporal" and insert in lieu thereof the word "of."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HOMER DAVIS.

The next business on the Private Calendar was the bill (H. R. 6161) granting an increase of pension to Homer Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Homer Davis, late of Company I, Second Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In same line, after the word "receiving," insert the words "the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSIAH STACKPOLE.

The next business on the Private Calendar was the bill (H. R. 15441) granting an increase of pension to Josiah Stackpole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josiah Stackpole, late of Company K, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM H. HOUSEAL.

The next business on the Private Calendar was the bill (H. R. 14930) granting a pension to William H. Houseal.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Houseal, late of Company B, Forty-fifth Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Forty-fifth," insert the word "Regiment."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to William H. Houseal."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN COOPER.

The next business on the Private Calendar was the bill (H. R. 15789) granting a pension to Benjamin Cooper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Cooper, late of Company , Second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Company," insert the letter "I."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Benjamin Cooper."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID A. BALDWIN.

The next business on the Private Calendar was the bill (H. R. 15558) granting an increase of pension to David A. Baldwin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David A. Baldwin, late of Company A, Eighth Regiment Connecticut Infantry Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "of" and insert in lieu thereof the words "first lieutenant."
In line 7 strike out the words "Infantry Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID T. TOWLES.

The next business on the Private Calendar was the bill (H. R. 14195) granting an increase of pension to David T. Towles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David T. Towles, late of Company A, Thirteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ADAM STUBER.

The next business on the Private Calendar was the bill (S. 5118) granting an increase of pension to Adam Stuber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam Stuber, late of Company I, Fifteenth Regiment United States Infantry, war with Mexico, and captain Company M, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY G. WHEELER.

The next business on the Private Calendar was the bill (H. R. 3302) granting a pension to Henry G. Wheeler.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry G. Wheeler, late first sergeant Company I, Forty-eighth Regiment Illinois Volunteer Infantry; in the war of the rebellion, and pay him a pension of $24 per month in lieu of the pension he is now drawing.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, 8, and 9, and insert in lieu thereof the following: "of Henry G. Wheeler, late of Company I, Forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Henry G. Wheeler."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FREDERICK SHOVAR.

The next business on the Private Calendar was the bill (H. R. 15064) granting an increase of pension to Frederick Shovar.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Frederick Shovar, late a private in Company I, One hundred and seventy-seventh Ohio Volunteer Infantry, upon the pension roll, and pay him a pension at the rate of $50 per month in lieu of the pension that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Shovar, late of Company I, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALMOND PARTRIDGE.

The next business on the Private Calendar was the bill (S. 2353) granting an increase of pension to Almond Partridge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Almond Partridge, late of Company B, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EDWARD H. BRADY.

The next business on the Private Calendar was the bill (H. R. 3503) granting an increase of pension to E. H. Brady.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to all the conditions and limitations of the pension laws, the name of Edward H. Brady, who was a captain in Company G, First New York Veteran Cavalry, and pay him a pension at the rate of $30 per month from and after the passage of this act in lieu of the pension he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward H. Brady, late first lieutenant Company E, First Regiment New York Veteran Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Edward H. Brady."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZA A. WALKER.

The next business on the Private Calendar was the bill (S. 3397) granting an increase of pension to Eliza A. Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza A. Walker, widow of Adam L. Walker, late captain Company B, Thirty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Adam L. Walker until he reaches the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE W. BRILL.

The next business on the Private Calendar was the bill (H. R. 1829) granting an increase of pension to George W. Brill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place upon the pension roll the name of George W. Brill, late of Company F, Twenty-sixth Regiment Ohio Veteran Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of the pension which he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Brill, late of Company F, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY J. CLEAVES.

The next business on the Private Calendar was the bill (H. R. 15386) granting a pension to Mary J. Cleaves, widow of George S. McCorrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Cleaves, widow of George S. McCorrison, late of Company L, First Regiment District of Columbia Cavalry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "widow," insert the word "former."
In line 7 strike out the word "of."
In same line, before the word "Cavalry," insert the word "Volunteer."
Amend the title so as to read: "A bill granting a pension to Mary J. Cleaves."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES D. KIPER.

The next business on the Private Calendar was the bill (H. R. 14518) granting an increase of pension to James D. Kiper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James D. Kiper, late of Company I, Twenty-seventh Regiment of Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "of."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY M. POSEY.

The next business on the Private Calendar was the bill (H. R. 12215) granting an increase of pension to Henry M. Posey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry M. Posey, late of Company B, Forty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Forty-first" and insert in lieu thereof the word "Fourteenth."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ADAM KOHLHAUFF.

The next business on the Private Calendar was the bill (H. R. 15771) granting an increase of pension to Adam Kohlhauff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam Kohlhauff, late of Company I, Sixty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "I" and insert in lieu thereof the letter "D."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

OTIS T. HOOPER.

The next business on the Private Calendar was the bill (H. R. 12812) granting an increase of pension to Otis T. Hooper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Otis T. Hooper, late of Company E, Second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES EVANS.

The next business on the Private Calendar was the bill (H. R. 13534) granting an increase of pension to James Evans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Evans, late Company E, Forty-first Regiment Ohio, and Company D, Fifth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Company E, Forty-first Regiment."
In line 7 strike out the words "Ohio and."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Mr. GAINES of Tennessee. Mr. Chairman, I rise to a question of personal privilege, and I regret very much to have to do so.

The CHAIRMAN. The gentleman from Tennessee will state his question of personal privilege.

Mr. GAINES of Tennessee. In the course of his remarks, a stenographic report of which I have, the gentleman from Ohio [Mr. GROSVENOR], a few moments ago, uses this language:

Mr. Chairman, I care nothing whatever about the effort of the gentleman to substantiate his position of a few days ago, except as he attempts to make it appear that I made a statement of a fact in regard to the statute of my country that was not true. Against that attack of his I come with determination to let him understand once and for all that he can not dodge and quibble behind a proposition such as he has attempted to bring here now. There was no discussion about the question of the Revolutionary pensions. There was no discussion about the question of the pensions of the Mexican war. And I will read now to the House and show to the House how utterly shameless it is to attempt to impeach me with a false statement, by reading a statute and a decision made under laws that I had no reference to whatever.

Mr. Chairman, I feel that this reflects upon me, and without justification. The gentleman, after thus speaking, reads from the RECORD to show that my arraignment of him was unjustifiable and "shameless." He reads his speech found in the RECORD on page 546, of January 6, 1903. He now states that there was no reference whatever to our wars previous to the civil war in this debate, January 6. I will not take up the time of the House to read exactly the words used by the gentleman.

Mr. Chairman, let us see exactly what I said in my speech of January 6, in which I denounced the bill which allowed millionaires to become pensioners upon this Government. Let us see what I said and what I had in mind, and what the gentleman had in his mind when he undertook to reply, and then we will see whether what I said is "shameless" or not. I said:

Mr. Speaker, the bill states that on and after the passage of this act all persons on the pension rolls of the United States, or who may hereafter be placed thereon, shall receive this rate of pension. "All persons;" no limit. Sir, that "person" may be worth a million dollars, and under this law he can be pensioned. "All," not certain persons, but "all" who have served in our Army or Navy. That was never intended to be the policy of our pension law. Our old pension law, Mr. Speaker, read something like this, "unable to make a living, unable to support oneself because of military or naval service." I hope the bill is not open to the criticism that I have made.

Now, then, the gentleman from Ohio took the floor to reply to my remarks, and here is his language at the very opening of his speech:

Mr. Speaker, one of the important considerations which has always been involved in the passage of general legislation touching the subject of pensions has been to steer clear, as far as possible, of the very proposition suggested by the gentleman from Tennessee [Mr. GAINES] and which he seems to advocate.

Again, at the bottom of page 546, he said:

Mr. Speaker, it has been the purpose, steadily and adhered to by Congress, never to compel a man who has fought for his country and incurred physical disabilities to be compelled to expose to the Government or its officers the fact that he was in needy circumstances.

"Never" is a long time. The Government has "never" done so and so.

Now, I submit, Mr. Chairman, that I was not talking about the late civil war, and that the gentleman at the very beginning of his speech replied to my language about our "old pension laws." I submit that I quoted almost literally from the old pension laws that I had in mind, and with which I am familiar, when I used this language January 6:

Unable to make a living, unable to support oneself because of military or naval service.

Here is the pension act passed in 1843 or 1856, incorporating statutes that applied to the Revolutionary soldiers, and I will now read section 4, applying to the Revolutionary soldiers. It applies to any man or officer clear down to the humblest man "enlisted in the service" in the Revolutionary war.

Such persons had to come within this limitation to be pensioned, to wit, those "who in consequence of known wounds

received aforesaid has at any period since become and continued disabled in such a manner as to render him unable to procure subsistence by manual labor."

In section 5 it says the affidavit must show "the nature of such disability, and in what degree it prevents the claimant from obtaining his subsistence."

Again, over on the next page, in section 8, we find this:

Every invalid making application for this purpose shall be examined by two reputable physicians or surgeons, to be authorized by commission from the judge of the district where such invalid resides, who shall report in writing on oath or affirmation their opinion of the nature of the applicant's disability, and in what degree it prevents him from obtaining subsistence by manual labor.

And so on through, with even stronger language, and which I substantially quoted when I said that no man under the old laws who was able to maintain himself was within the letter or spirit of these laws.

Now, Mr. Chairman, I turn to a book which contains the pension laws of the United States, second edition, and its author is George W. Raff, of Ohio. On the very first page we find he says, in speaking of our old pension laws:

Invalid pensions are grants of money to persons who become disabled in the service, either by wounds or other injuries received, or by sickness contracted in the line of duty, whereby the sufferer is rendered incapable, in whole or in part, of procuring for himself, or those dependent upon him, a livelihood.

I read a few moments ago the act of 1806, containing almost the identical language that I have read. I will not take up the time of the committee to read that again.

Now, Mr. Chairman, let me go a step further and see whether or not my criticism of the gentleman's criticism of me is "shameless" or not, whether or not I, here in the great American Congress, got up willfully and deliberately and criticised in a "shameless" way a member of this House, and particularly one very far my senior both in years and in experience in this House.

Here is the oath, Mr. Chairman, construed by the then Attorney-General, William Wirt, whose opinion I read a few moments ago:

I, A. B., do solemnly swear or affirm (as the case may be) that I was a resident citizen of the United States on the 18th day of March, 1818, and that I have not since that time, by gift, sale, or in any manner whatever, disposed of my property, or any part thereof, with intent thereby so to diminish it or to bring myself within the provisions of an act of Congress entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war," passed on the 18th day of March, 1818; and that I have not, nor has any person in trust for me, any property or securities, contracts or debt, due to me—

I hope gentlemen will give special attention to this—

nor have I any income other than what is contained in the schedule hereto annexed and by me subscribed; nor until such persons shall have delivered or caused to be delivered to the Secretary of War a copy of the aforesaid schedule and oath or affirmation certified by the clerk of the court to which the said schedule was delivered, together with the opinion of said court, also certified by their clerk, of the value of the property contained in the said schedule: Now, provided that in every case in which the pensioner may be insane or incapable of taking an oath, the court may receive the said schedule without the aforesaid affirmation from the committee or other person authorized to take care of such person.

Even the insane who were rich were not pensionable.

The opinion of Mr. William Wirt, as Attorney-General, construing this oath is thus referred to in Brightly's Digest, page 742, that I am reading from:

It was the intention of Congress to make the amount of the schedule the test of the indigence of the applicant. (1 Opinions of Attorneys-General, p. 356.)

"Indigence," if you please.

Now, Mr. Chairman, I turn again to the opinion of the Attorney-General of the United States, delivered in 1832, which I read in full:

OFFICE OF ATTORNEY-GENERAL,
March 22, 1832.

SIR: There is no express provision authorizing you to strike from the roll of pensions a person who was continued on the list after the exhibition of his schedule and who has since acquired property enough to support him without the assistance of his country. Yet the pension is obviously intended for those only who have not other sufficient means of support.

By the original law of March 18, 1818, it is not given merely to the persons who were at that time in need of assistance from their country for support, by reason of their reduced circumstances, but to those also to whom the like misfortune might afterwards happen. It was designed for the relief of those who were at any time in actual want.

If, after a person is placed on the pension roll, he acquires so much property that he no longer "needs the assistance of his country for support," the foundation on which the pension is given fails, and, therefore, anyone who does not need it for his support may, I think, at any time be dropped from the roll.

If a different construction is put upon the laws of 1818 and 1820, a person who, by descent or devise or any other way, had become wealthy and affluent might be receiving the bounty of the public, when it is evidently intended for none but persons who have no other sufficient means of support.

R. B. TANEY.

The SECRETARY OF WAR.

Attorney-General Clifford held:

A lieutenant, otherwise entitled to a pension, is not entitled to receive it while on duty and in receipt of pay as an officer of the Navy; nor can he receive it while not on duty but in receipt of the pay allowed to his grade.

Now, Mr. Chairman, I had these old laws that I have been reading from in mind when I used the language quoted in my speech. I had no other laws in mind. My language proves this: "Our old pension laws read something like this." Then the gentleman, replying to my proposition, used, January 6, as I repeat, this language:

I advise the gentleman from Tennessee, in all kindness, to study the history of this legislation.

And again the gentleman says:

Mr. Speaker, one of the important considerations which has always—

"Always," mind you—going even further back than I did, for I did not allude to the Continental laws (I was not familiar with them), which were more rigid than those of later years. But he says:

Mr. Speaker, one of the important considerations which has always been involved in the passage of general legislation upon the subject of pensions has been to steer clear, as far as possible, of the very proposition suggested by the gentleman from Tennessee, and which he seems to advocate.

So, Mr. Chairman, we find that the gentleman said that the policy of the law had "always" been to avoid the very thing that I was talking about and to steer clear of the very thing that I was talking about, thus making the position I took indefensible, as it were, and my statement of history incorrect, unsupported, and indefensible.

Now, the gentleman goes still further back in ancient history—further than I went:

Mr. Speaker, it has been the purpose, steadily adhered to by Congress, never to compel a man—

"Never," in no case, under no circumstances—

who had fought for his country and incurred physical disability to expose to the Government or its officers the fact that he was in needy circumstances.

Mr. Chairman, I have thus read the opinions of the Attorneys-General; I have read the statute; and I submit again to this House whether or not I did substantially quote, January 6, the "history" of our country touching upon "our old pension laws," which I was discussing, and which the gentleman led me to believe he was discussing, and which he certainly did discuss.

I will leave it to the House and to the country to see whether or not I have made a "shameless" statement of history or whether or not the distinguished gentleman has made a "shameless" statement or misstatement of history.

Mr. Chairman, I submit in all candor that I was courteous to the gentleman, for when I submitted myself to an interruption from the gentleman from Ohio, cordially and willingly, I invited him to take the RECORD and find his exact remarks. I took the RECORD myself here and tried to find his remarks, but as my time, brief, as you know, was running rapidly I wanted to go on with my speech, and in my usual, I hope, cordial way, I asked the gentleman to open the RECORD and read his language so I could get it exact. The report of the debate shows that. I will not repeat it here.

Now, I submit that I not only substantially quoted the gentleman's language, Mr. Chairman, but I say that I have stated the pension history of my country under our old laws substantially on the point in question; I have stated the substance of the opinions of great officers of the Government on these laws; I have taken the statutes here and read them in the presence of this great body of lawmakers, and have clearly shown I was on June 6 correct, and am to-day, in my contentions, and that the gentleman from Ohio was not correct, and that his statement of history was "shameless" and not mine.

The gentleman from Ohio became angry in the premises and leveled his guns at me, and says that he serves on me for to-day and hereafter a notice that I shall not do so and so. I will say to him that as long as I am a member of this House I shall defend my rights as a member, but at all times I will respect the gray hairs of the distinguished gentleman, although he may never see even now or hereafter that he has done me or himself, in this matter, an injustice.

Mr. GROSVENOR. Mr. Chairman, I owe an apology to the House and to my country for having been the innocent cause of the suspension of the public business for the length of time that we have endured this suspension. I congratulate the gentleman from Tennessee [Mr. GAINES] that he has had an opportunity to speak without limit of time and has made one of the best speeches of his life, the best part of it being the speech which I had the honor to deliver two or three days ago, and which he has incorporated very fully into his own speech. [Laughter on the Republican side.] Taking the whole matter together, the House understands exactly what the issue was, and I do not propose to repeat it. The whole instance reminds me of an event which happened many years ago, when the hair of the gentleman from Tennessee was not quite so gray as mine is now. It was at a time when we used to visit, as a great event in social life, the Mammoth Cave in Kentucky. It was a wonderful place, and there was a little hotel there, and a very ingenious hotel keeper had adopted a

plan of having all of his patrons, in addition to the indorsement of their names upon the register, write something of a poetical or other character expressive of their views of the Mammoth Cave.

There was one gentleman there who was not very highly developed in the art of writing poetry, but who possessed some skill in making a good point at the right time. He was urged to write something. He said he was not capable of the occasion, but upon being urged very greatly finally wrote these words, which came to my mind in the progress of this wonderful debate:

Oh, Mammoth Cave, what a spot!
In summer cold, in winter hot.
Great God Almighty, what a wonder!

And he stopped there. Some one said, "You must fill that out." He wracked his brains and finally wrote:

Andrew Jackson, hell and thunder!

[Applause and laughter.]

Mr. GAINES of Tennessee. The gentleman may be able to get Andrew Jackson into a hole—he is dead and gone; but he can not get me into one.

The CHAIRMAN. The question is on the amendment.

The question was taken and the amendment agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALEXANDER H. TAYLOR.

The next business on the Private Calendar was the bill (H. R. 11625) granting an increase of pension to Alexander H. Taylor, late of Company E, Twelfth Connecticut Volunteer Infantry, now a resident of Norwalk, Conn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander H. Taylor, late of Company E, Twelfth Regiment Connecticut Infantry Volunteers, and pay him a pension at the rate of $30 dollars per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "Infantry Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

Amend the title so as to read: "A bill granting an increase of pension to Alexander H. Taylor."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY A. HINKLE.

The next business on the Private Calendar was the bill (H. R. 15550) granting a pension to Mary A. Hinkle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Hinkle, widow of Aaron H. Hinkle, late private, Company I, One hundred and ninety-ninth Regiment Pennsylvania Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read as follows:

In line 6 strike out the word "private" and insert in lieu thereof the word "of."

In line 8, before the word "Infantry," insert the word "Volunteer."

In same line strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

REBECCA PIPER.

The next business on the Private Calendar was the bill (H. R. 10350) granting a pension to Rebecca Piper, foster mother of Simpson Eaton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca Piper, foster mother of Simpson Eaton, late of Company I, Eighteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $15 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifteen" and insert in lieu thereof the word "twelve."

Amend the title so as to read: "A bill granting a pension to Rebecca Piper."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN P. PETERMAN.

The next business on the Private Calendar was the bill (H. R. 9734) increasing the pension of John P. Peterman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of John P. Peterman, late a member of Company K, of the Fifth Cavalry of Indiana Volunteers, and pay him a pension of $30 per month in lieu of the pension now received.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Peterman, late of Company K, Fifth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John P. Peterman."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AUSTIN A. VORE.

The next business on the Private Calendar was the bill (H. R. 9107) granting an increase of pension to Austin A. Vore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Austin A. Vore, late of Company L, Eighth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

In line 9 strike out the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting a pension to Austin A. Vore."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LESTER H. SALSBURY.

The next business on the Private Calendar was the bill (H. R. 15648) granting an increase of pension to Col. Lester H. Salsbury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lester H. Salsbury, late colonel of the Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "colonel of the" and insert in lieu thereof the words "of Company B."

In line 8 strike out the words "one hundred" and insert in lieu thereof the word "fifty."

Amend the title so as to read: "A bill granting an increase of pension to Lester H. Salsbury."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALFRED J. SELLERS.

The next business on the Private Calendar was the bill (H. R. 15385) for the relief of Alfred J. Sellers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred J. Sellers, late major Ninetieth Pennsylvania Volunteers, at the rate of $72 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6 and 7 and insert in lieu thereof the following: "of Alfred J. Sellers, late major Ninetieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Alfred J. Sellers."

Mr. ADAMS. Mr. Chairman, I offer the following amendment to the amendment:

In line 10 strike out "thirty" and insert "fifty."

The CHAIRMAN. The gentleman from Pennsylvania proposes an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

In line 10 strike out "thirty" and insert "fifty."

Mr. ADAMS. Mr. Chairman, if the House will bear with me for one minute I will state why I offer this amendment, and I do not think the committee will object.

In the first place, in the ten years that I have been in Congress I do not think I have ever made such a motion before, and I therefore ask this consideration at your hands.

Next, the evidence is undisputed that Colonel Sellers has been paralyzed; that he has been in the hospital for months, and that he is obliged to have an attendant. Were this disability of service origin he would be entitled to $72 a month.

His claim has the support of the Grand Army by resolution,

and I have a petition here, signed by Republicans and Democrats prominent in my district, interested in military affairs, certifying that he is totally disabled, and that he is absolutely without means. I have the affidavit of his physician that he is attending him as an object of charity, so to speak. This case should appeal to the judgment of this House that this man should have $50 a month. He is 67 years of age. It can not run for long. He had a most brilliant record. He won the medal of honor at Gettysburg, and everything that can be said in favor of a man's service to his country and his utter incapability of taking care of himself is embodied in the matter that I lay before you. I appeal to the sense of justice of the House. I am not asking the $72 provided by law for total disability. I am only asking that the sum allowed by the committee, $30, be raised to $50; and I hope that the House, in its judgment, will sustain this amendment.

Mr. DEEMER. On the part of the committee, I accept the amendment.

Mr. MIERS of Indiana. Mr. Chairman, I heartily agree with all that the gentleman from Pennsylvania has said with reference to the bravery and reference to the present condition of the soldier. For one I would be glad to see him have $50. If his condition was of service origin he would be entitled to $72. But I remind this House that the Committee on Invalid Pensions has passed on this case. It has passed upon it in light of the action of the House heretofore as well as that of the committee. That is on this proposition. The soldier notwithstanding his bravery, if he did not receive the injury while in the line of service, has no pensionable standing at the Department under the general law. The committee adopted that rule that if in the condition that this honorable soldier was, notwithstanding he could only get $12 at the Department, where he was helpless, where he was in the condition that he required the attendance of another, we would give him $30. This is a pretty good increase over the general law.

The rule has been invariable. That rule has governed the committee. That rule thus far has governed this committee. This soldier, like hundreds of others, has been turned down by the Committee on Invalid Pensions approved by this House; but if this House in its liberality is willing to say that the Committee on Invalid Pensions has not been liberal enough with these honorable soldiers with a good record who, like thousands of others, can only receive $12 at the Department and have been given $30; if you say we shall make it $50, and that is the policy of the House and of the committee, I have no objection. But one law must apply in this House to all of a given class. It is unfair to turn down yesterday a soldier who has as honorable a record as this one—aye, in a condition as deplorable as this one—and say we will only give him $30, and then as a matter of sentiment say we will give this one $50. Without any reference to his condition being different from the other, but with reference to other soldiers with just as good a record and other soldiers in just as deplorable condition, I want to know of this House, now, if you are going to turn down the committee, if you are going to establish another rule, if you are going to say to this committee that has been criticised for overliberality—if you are going to say that they have not been liberal enough in giving increases and give an increase in this instance to $50? If so I want you to go back to the committee room with me and I will show you not one, but fifty others that the committee has declined to give $50.

I believe, Mr. Chairman, and gentlemen of this House, when we have a general law that confines an honorably discharged soldier whose disability is not of service origin to $12 at yonder Department by reason of the general law—when we come, as we have been doing, and increasing that law, not by amendment of law, but by special act, to $30, I think gentlemen will judge, possibly from every standpoint, we were subject to criticism. Still, we were not caring for that. But in establishing the rule and stating, if the soldier was dependent, was helpless, if he required the aid of an attendant, we, as the lawmakers, would make it $30, we then discriminate in his favor $18. If you make $50 for this one, we must change not only the rule of the committee, but the rule of this House, and say that we have not only raised this soldier's pension and made this up to $30, but beyond all that the House raises it to $50.

I submit, Mr. Chairman, in the interest of this Friday set apart for the purpose of rendering a little aid to the old soldiers, we should not now throw a barrier in the way and take this case up and make it another exception and make it $50. If you are going to stand by the committee, you will not only have this opportunity to do so on a motion to increase, but also on a motion to cut down, when it would be a little narrow to do so. Without any reference to this case, with due regard to the distinguished gentleman from Pennsylvania and his interests in this matter, I insist—aye, more, I demand—in the interest of the old soldier, I demand in the interest of the system that will permit us to put bills through, that you do not treat even this honorable soldier different from the treatment you have been rendering others. Therefore I hope that the gentleman's motion will be voted down.

Mr. ADAMS. In reply to the gentleman from Indiana, I would say that, from the standpoint of the committeeman, his position is well taken. It may be necessary for the committee to lay down a general rule that when certain members come to them, however much the committee may think of the justice of the case presented, however much it may appeal to their sympathy and patriotism, it is necessary to have some rule upon which they can fall back and say no; but this House is not limited by the rule of the committee. All legislation from every committee is brought in here and submitted to the judgment of this House. This case is now in the House, and it is for the House to say whether this appeal to their judgment should be granted. I ask, in the language of the gentleman of the committee who has just sat down, I demand that the soldier who fought for his country shall not be allowed to spend his last days as a pauper, dependent upon friends and neighbors. I ask, and I demand, for a man who has a wound of service origin, and who in the course of nature has become stricken with paralysis and lies at a public hospital, dependent upon his friends and neighbors, with the affidavit of his physician on file here to that effect—I ask that the House make this increase for this man who on the field of honor was wounded and who on the field of battle won a medal of honor. This House should respond to the appeal that he be not left in his old age, at 67 years, a pauper in a public hospital, attended by physicians and dependent on his friends and neighbors for support. Thirty dollars will not let that man live and have the attendance of some one to take care of him.

Mr. MIERS of Indiana. Mr. Chairman, I heartily approve of all the gentleman from Pennsylvania has said. If it were possible to prevent any old soldier, or all old soldiers, from going to the poorhouse, from languishing, from the want of any of the necessaries of earth, I would be willing to give it to him, but he must concede that in this case this condition is not of service origin. This great Republic through this body has said, and the law was criticised at the time——

Mr. ADAMS. Will the gentleman permit an interruption?

Mr. MIERS of Indiana. Certainly.

Mr. ADAMS. The gentleman does not wish to make a mistake. This applicant is pensioned, and $12 of his present pension is for service origin, a gunshot wound at the battle of Gettysburg.

Mr. MIERS of Indiana. Yes; and that is the extent of his disability, but he has other disabilities that make him require the attendance of another. We have passed a law that says that all of these applicants shall receive $12. The committee has recommended from time to time, notwithstanding that general law, when we found a soldier in this condition, that we give him $30. The question which I wanted to ask the gentleman from Pennsylvania was whether there was anything different in this case from hundreds of others that have been turned down. There is nothing, and he is now recommended for $18 above others of his class. The gentleman from Pennsylvania should be content.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. ADAMS) there were—ayes 31, noes 40.

So the amendment was lost.

The committee amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

ELIZABETH ROSENBARGER.

The next business on the Private Calendar was the bill (H. R. 15329) granting an increase of pension to Elizabeth Rosenbarger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Rosenbarger, widow of Philip Rosenbarger, late of Company A, Eighty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided, however*, That in the case of the death of the helpless child, William Rosenbarger, on whose account the pension of Elizabeth Rosenbarger is increased, the pension of said Elizabeth Rosenbarger shall continue only at the rate of $12 per month from and after the date of death of said helpless child.

The amendment recommended by the committee was read, as follows:

In line 13 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSIAH S. FAY.

The next business on the Private Calendar was the bill (H. R. 10826) granting a pension to Josiah S. Fay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Josiah S. Fay, third assistant engineer, of the United States Navy during the civil war between the States, and pay him a pension at the rate of $100 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, 8, and 9, and insert in lieu thereof the following: "of Josiah S. Fay, late acting third assistant engineer, United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Josiah S. Fay."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM WHITLOCK.

The next business on the Private Calendar was the bill (H. R. 15748) granting an increase of pension to William Whitlock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Whitlock, late first lieutenant Company A, Fifth Tennessee Infantry, in the war between the States, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Fifth," insert the word "Regiment."

In line 7, before the word "Infantry," insert the word "Volunteer."

In same line strike out the words "in the war between the States."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANNIE E. DOSS.

The next business on the Private Calendar was the bill (H. R. 15673) granting a pension to Annie E. Doss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie E. Doss, widow of Sylvester Doss, alias Harry S. Doss, late pilot of the ram Lancaster, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Lancaster," insert the words "Mississippi Marine Brigade."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "eight."

Mr. SHATTUC. I ask that the report in this case be read.

The Clerk read as follows:

This bill proposes to pension Annie E. Doss, widow of Sylvester Doss, alias Harry S. Doss, late a pilot on the ram *Lancaster*, at $30 per month.

The husband of this beneficiary served as a steersman, assistant pilot, and pilot on the rams *Queen of the West* and *Lancaster*, of the Mississippi Marine Brigade, from May 1 to November 19, 1862, on the *New Era* from January 6, 1863, to May 26, 1863, and on the *Lexington* to May 27, 1863.

He was a pensioner under the general law at $15 per month on account of injury to right shoulder and ihp and for disease of gums, with loss of teeth, incurred while serving as pilot on the ram *Lancaster*, and by virtue of a special act of Congress approved June 5, 1900, his pension was increased to $30 per month upon the ground that his disabilities of accepted service origin entitled him to that rating.

He died April 20, 1902, from overexertion and exhaustion while swimming from the steamer *City of Pittsburg*.

The claim of Annie E. Doss, the beneficiary named in the bill, who is now 63 years of age, as the widow of the former pensioner, filed under the provisions of the act of June 27, 1890, was rejected on July 2, 1902, upon the ground that title to pension under said act could not obtain for the reason that pilots of the Mississippi Marine Brigade were not mustered into the military or naval service of the United States, and hence did not come within the provisions of the act of June 27, 1890.

Proof filed in the Pension Bureau shows that the beneficiary married Mr. Doss on July 6, 1863, that he died as stated above, and that the only property assessed to her was a house and lot in Cincinnati, Ohio, of the value of $650.

From a statement of the beneficiary on file in the Pension Bureau it appears that this property is mortgaged at $250, and that she is dependent upon her daily labor for support.

Congress has repeatedly held that the second paragraph of section 4693, Revised Statutes, should not only apply to the general law, but also to the act of June 27, 1890.

Following such holding, your committee believe that the beneficiary is entitled to the rate of pension provided to widows under the act of June 27, 1890, namely, $8 per month.

The bill is therefore reported back with the recommendation that it pass after the same shall have been amended as follows:

In line 7, after the word "Lancaster," insert the words "Mississippi Marine Brigade."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "eight."

Mr. SHATTUC. Mr. Chairman, I move to amend the amendment of the committee by striking out "eight" and inserting "twelve," so as to make the amount of this pension $12 a month. I can say that the committee, or the gentleman who drew the report, will not object to this amendment.

As stated in the report, Mr. Doss was a pilot during the war and suffered in the manner stated in the report. This House—I think in 1900—gave him a pension, by special bill I introduced, of $30. Last fall he was with his son, also a pilot, on an excursion going down the river upon the steamer *City of Pittsburg*. Down below Evansville, if I remember rightly, when an accident happened to the steamer, he put on his life-saver in the middle of the night and was found dead on the beach the next morning. Very near him was the body of another passenger, an old lady, whom he had undoubtedly been trying to save from drowning.

The widow of this man has no means of support except the pension which the Government may pay here, and I do hope that this committee will give her enough to pay her house rent. I trust the amendment will prevail.

Mr. SULLOWAY. This beneficiary has no standing at the Pension Bureau under the law, for the reason that the brigade in which this man served was not mustered. He was pensioned at the rate of $30, the circumstances showing him to be, I may say, "a total wreck." The only question in the present posture of the case is whether he died as the result of the injuries for which he was pensioned. If so, this lady would be entitled to a pension of $12 a month; at least, that is what the committee would allow her—putting her on a level with other widows in similar condition.

She married this man during the war—I think in 1863. She is extremely poor, or at least has very little property—two or three hundred dollars, I think, which is in a home. It is for gentlemen here to say whether they will allow her $8 or $12. They will not do any injustice if they give her $12; but as there is no evidence that this man's death was the result of injuries of service origin, we have reported in favor of granting this lady a pension of $8.

Mr. MIERS of Indiana. Mr. Chairman, this case, like the one disposed of a few moments ago, must be governed by some rule, or else we can have no standing here, either as a Committee on Invalid Pensions or as a Committee of the Whole. That this is a worthy widow, that her husband rendered honorable service, I do not question. She is poor and needy. But we have undertaken to establish a rule that where the injury is not of service origin the pension be fixed at $8, and that where the injury is of service origin $12 be allowed. No soldier's widow, however honorable may have been the service of the soldier or however deplorable the condition of the widow, can go to the Pension Office and receive more than $8 a month unless she shows that her husband died of injuries received or disease incurred in the service.

Now, Mr. Chairman, all over this land there are thousands of worthy widows who can get only $8 a month. This good woman is not entitled to anything under the law; but the committee, in view of the honorable service of her husband and in view of her condition, has said that it will allow to her, as it does to others similarly circumstanced, a pension of $8. We have done this not only during this Congress, but in the Fifty-sixth and the Fifty-fifth as well. Would it be fair to say to this woman who has no pensionable standing that we will give her $12 a month and cut off numberless others who are just as worthy with $8 a month?

I am willing to clasp hands with the gentleman from Ohio [Mr. SHATTUC] in amending the general law so as to give this lady and all such as she $12 a month; but while we are under the present law, which entitles her to nothing, and we have adopted a rule that to all such as the Congress will allow $8, I am opposed to making "flesh of one and fish of another." I would either make all these pensions $12 or all $8. We have established a rule in the committee making the pension for widows of this class $8. If the committee's rule is to count for nothing and is to be stricken down, then I warn the gentleman from Ohio, one of the friends not only of this widow, but of all soldiers and all soldiers' widows, that if the general rule is not to apply, but we are to discuss each case on its merits upon the floor of the House, we shall thereby place an obstruction in the way of pension legislation so that there can be very little relief afforded to these old soldiers or their widows.

I believe that, in the interest of the soldiers and their widows, as well as in the interest of uniform legislation, we ought to stand by the report of the committee and allow to this widow of a soldier just what we have allowed all others of the same class—no more and no less.

Mr. SHATTUC. Mr. Chairman, I desire to call the attention of the committee to the fact that the chairman of the Pensions Committee said to me that it would be committing no violence to the rules to have this bill passed with the amendment I have offered. I would also call attention to the fact that the chairman of the subcommittee who reported the bill told me there was no objection, even under the rules of the committee, to having the bill passed as I ask it to be amended. I would further call the attention of the gentleman from Indiana [Mr. MIERS] to the fact that this man (the husband) did die indirectly from wounds of service origin, from the fact that he contracted such disease or diseases in the service that he was unable to take care of himself in the water at the burning of this steamer, and the fact that he did do what he did in his feeble condition, trying to save the life of a lady, ought to have some bearing. I may say to the gentleman from Indiana, who all the time is pleading the cause of the

old soldier, that he ought not to object, for here is a woman whose husband never in his life voted the Republican ticket except when he voted for myself, and then he said he had to stimulate to enable him to do it. [Laughter.]

I want to say, Mr. Chairman, that if there ever was a claim in this world which is more meritorious, this is. I speak advisedly, because I know the "princess"—he always used to call his wife "the princess"—and if she were my own sister or my own mother I could not do any more for her than I would be willing to do for her. It is all very well for the gentleman to talk in the way he does, because he is expected to do it, in a way, being on that committee. I do not think that he believes a word that he says, as applying to this claim. He is talking for his committee, to sustain a rule. He would, if he was not expected to represent the committee, vote himself for my amendment, because when I went to him and asked him about this he did not tell me he was going to oppose it. I know, in the goodness of his heart, after having made his speech, he will now sit down and keep still and let the bill pass with my amendment. I will ask the gentleman if he will do it?

Mr. MIERS of Indiana. No.

Mr. SHATTUC. Then I will say that the gentleman ought to do it, and if I were as great a man as he is I would not vote against this old Cincinnati lady, now that he has had an opportunity of expressing the views which he has done.

Mr. GRIFFITH. Mr. Chairman, ordinarily I believe in standing by the committee, but I believe this is a special case where we would be justified in supporting the amendment. I know the beneficiary mentioned in this bill and I knew her husband. I knew her husband and I know also that he rendered a most distinguished service, a service which in its character was specially and extra hazardous. I remember as a boy reading the thrilling account of the running of the blockade in front of Vicksburg, and the man who stood at the wheel of the *Lancaster*—he was the pilot at that time—was the husband of this lady. I remember that around the bulkhead of that vessel there were piled bales of hay for the purpose of protecting the soldiers who were there. These bales of hay took fire. That fire was communicated to the vessel and while on fire it floated by the city of Vicksburg. The guns of the enemy were trained upon her.

Mr. Doss, the husband of this woman, stood at the wheel, with the fire and the smoke hurling around him, and remained at his post until the vessel blew to pieces. He was thrown into the river and finally rescued. I remember when he came home he was received with honor in the city of Cincinnati. He was a poor man, unable to do but little service during the remainder of his life, and the case of this widow appeals to me and appeals to others as scarcely any other case could. I therefore trust that the amendment offered by the gentleman from Ohio [Mr. SHATTUC] will prevail.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Ohio.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment as amended.

The amendment as amended was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MORTON A. LEACH.

The next business on the Private Calendar was the bill (H. R. 16011) granting an increase of pension to Morton A. Leach.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Morton A. Leach, late of the Seventeenth New York Infantry and First New York Cavalry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In lines 6 and 7 strike out the words "the Seventh New York Infantry and" and insert in lieu thereof the words "Company I."

In line 7, after the word "First," insert the word "Regiment."

In the same line, before the word "Cavalry," insert the words "Veteran Volunteer."

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

OLIVER C. JACKSON.

The next business on the Private Calendar was the bill (H. R. 13723) granting an increase of pension to Oliver C. Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver C. Jackson, late of Company M, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

OLIVER P. ALSBACH.

The next business on the Private Calendar was the bill (H. R. 11020) granting an increase of pension to Oliver P. Alsbach.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver P. Alsbach, late of Company E, Tenth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

J. BANKS HUNTER.

The next business on the Private Calendar was the bill (H. R. 10219) granting an increase of pension to J. Banks Hunter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. Banks Hunter, late of Company , Eleventh Regiment Pennsylvania Reserves (Fortieth Regiment Volunteer) Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

In lines 6, 7, and 8 strike out the words "Company , Eleventh Regiment Pennsylvania Reserves (Fortieth Regiment Volunteer Infantry)" and insert in lieu thereof the words "United States Signal Corps."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CAPT. DAVID M. KITTLE.

The next business on the Private Calendar was the bill (H. R. 8699) granting a pension to Capt. D. M. Kittle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of D. M. Kittle, late captain of Company I, One hundred and fifteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

In line 6 strike out the letter "D" and insert in lieu thereof the word "David."

In same line, before the word "Company," strike out the word "of."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "seventeen."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to David M. Kittle."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN T. KNOOP.

The next business on the Private Calendar was the bill (H. R. 14605) granting an increase of pension to John T. Knoop.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Knoop, late of Company I, Forty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, strike out the word "thirty" and insert the word "twenty four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDREW W. MILLER.

The next business on the Private Calendar was the bill (H. R. 15398) granting an increase of pension to Andrew W. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Andrew W. Miller, late of Company K, Second Regiment Illinois Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Illinois," insert the word "Volunteer."
In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty-two."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN H. ROBSON.

The next business on the Private Calendar was the bill (H. R. 15466) granting an increase of pension to John H. Robson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Robson, late of Company I, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH M. ALEXANDER.

The next business on the Private Calendar was the bill (H. R. 14361) granting an increase of pension to Joseph M. Alexander.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph M. Alexander, late of Company H, Nineteenth Regiment of Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "of."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM C. CRAWFORD.

The next business on the Private Calendar was the bill (H. R. 8711) granting an increase of pension to William C. Crawford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Crawford, late of Company I, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "seventeen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

INEZ L. CLIFT.

The next business on the Private Calendar was the bill (H. R. 11596) granting an increase of pension to Inez Clift.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to place the name of Inez Clift, widow of the late Lieut. Col. W. J. Clift, Fifth Regiment Tennessee Volunteer Cavalry, war of 1861-1865, on the pension roll, and to pay to her a pension at the rate of $20 per month, subject to the provisions and limitations of the pension laws, in lieu of the pension she now receives.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Inez L. Clift, widow of William J. Clift, late lieutenant-colonel Fifth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Inez L. Clift."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM C. CRAWFORD.

The next business on the Private Calendar was the bill (H. R. 8711) granting an increase of pension to William C. Crawford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Crawford, late of Company I, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "seventeen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS FLEMING.

The next business on the Private Calendar was the bill (H. R. 10105) granting an increase of pension to Thomas Fleming.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name Thomas Fleming, of Montezuma, Iowa, late of Company D, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Montezuma, Iowa."
In line 7 strike out the word "Sixty-fifth" and insert in lieu thereof the word "Sixty-fourth."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY J. SLUSSER.

The next business on the Private Calendar was the bill (H. R. 15211) granting a pension to Mary J. Slusser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mary J. Slusser, widow of Albert Slusser, late a private in Company I, Seventy-sixth Ohio Volunteer Infantry, on the pension roll and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Slusser, widow of Albert Slusser, late of Company I, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MURRAY W. WOODWARD.

The next business on the Private Calendar was the bill (H. R. 4154) granting an increase of pension to Murray W. Woodward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Murray W. Woodward, late of Company G, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ABEL FLEMING.

The next business on the Private Calendar was the bill (H. R. 7012) granting an increase of pension to Abel Fleming.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abel Fleming, late of Company B, Fifth Regiment Illinois Volunteers, and pay him a pension of $72 per month in lieu of the pension he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Cavalry."
In same line strike out the words "of seventy-two" and insert in lieu thereof the words "at the rate of thirty."
In line 8 strike out the words "the pension" and insert in lieu thereof the word "that."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN W. BRATTAIN.

The next business on the Private Calendar was the bill (H. R. 19491) granting an increase of pension to John W. Brattain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Brattain, late of

Company C, Thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the letter "C" and insert in lieu thereof the letter "E."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MRS. SARAH D. LIGHTFOOT.

The next business on the Private Calendar was the bill (H. R. 4501) granting a pension to Mrs. Sarah D. Lightfoot.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah D. Lightfoot, widow of Nathaniel L. Lightfoot, late major, Twelfth Kentucky Cavalry, and grant her a pension of $25 per month from January 25, 1899.

The amendments recommended by the committee were read, as follows:

In line 7 before the word "Kentucky" insert the word "Regiment."
In same line before the word "Cavalry" insert the word "Volunteer."
In same line strike out the word "grant" and insert in lieu thereof the word "pay."
In same line after the word "pension" insert the words "at the rate."
In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twelve."
In same line and in line 9 strike out the words "from January 25, 1899."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JARED P. HUBBARD.

The next business on the Private Calendar was the bill (H. R. 15682) granting an increase of pension to Jared P. Hubbard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jared P. Hubbard, late of Company B, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELIAS SIMPSON.

The next business on the Private Calendar was the bill (H. R. 15431) granting an increase of pension to Elias Simpson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias Simpson, late of Company B, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

BENJAMIN KNESTRICT.

The next business on the Private Calendar was the bill (H. R. 15864) granting an increase of pension to Benjamin Knestrict.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Knestrict, late of Company E, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The CHAIRMAN. Without objection, the bill as amended will be laid aside with a favorable recommendation.

Mr. WARNOCK. Mr. Chairman, I desire to make the amount $50.

The CHAIRMAN. Without objection, the order laying the bill aside will be vacated.

Mr. WARNOCK. I want the amount raised to $50 instead of $30, and I desire to amend by inserting the word "fifty" instead of "thirty," so that it will read $50, and in behalf of that amendment I would just like a moment.

The CHAIRMAN. The Chair will state to the gentleman from Ohio the object he seeks will be reached by voting down the amendment, the original proposition in the bill being for $50.

Mr. WARNOCK. That is what I desire. That is the inquiry I desired to make, whether an amendment had been reported by the committee.

The CHAIRMAN. The Chair will state that the amount, $30, is the committee amendment.

Mr. WARNOCK. And the question now is upon that amendment. Then, Mr. Chairman, I am opposed to that amendment for the following reasons: I am very well aware that the rule of the committee has been and is, where the disability is not shown to be of service origin, to limit the amount of pension to $30. But in this case I think it is a very fair one to present to the House for a different ruling. We claim that this disability is of service origin. The soldier during the war contracted a catarrhal trouble which finally culminated in such a disability that the Pension Department itself allowed him a pension of $24 a month. The medical board of examiners who examined him found that in addition this catarrhal trouble had produced total blindness. If this total blindness was the result of catarrhal trouble, he would have been entitled to $72 a month.

The medical board sitting in Washington, who never saw the soldier, who never examined him, sitting in their office, report that total blindness is not and can not be the result of catarrhal trouble. They differ from the report of the medical board of the county where the soldier lives. They differ from many medical authorities with whom I have consulted in regard to the fact that total blindness may result from catarrhal trouble. So that in this case it is not a question as to whether this is a disability of service origin solely; because if it were admitted that it was not of service origin, then the rule of the committee would apply. As I understand the rule of the committee, it is not that the amount shall be limited to $30 if the disability be of service origin, but if you can show it to be of service origin it may be a greater sum.

Bills have been passed here this afternoon where the pension allowed was $50 per month. So if I am correctly stating the position of the committee, it is as I have indicated; that is, $30 a month where it can not be shown to be of service origin. Now, in this case we claim that it is of service origin. We claim that the medical board of the county where the soldier resides declared it to be of service origin, and we declare it to be shown by medical testimony to be of service origin. As against this proposition this House has solely the ruling of the medical board sitting here in the city of Washington, who never saw the soldier. It is one of the causes of complaint of the administration of the Pension Department to-day that the medical board sitting in the city of Washington, without seeing the soldier, overrules without hesitation the report of the local board.

That is one of the matters I think ought to be remedied by some different rule of the board, or by specific legislation. It has worked out an injury and an injustice to at least ten different soldiers within my Congressional district within the last two years; men that I have seen and talked with and know how the local board has rated them and what they have considered. But they have assumed to adopt certain rules at the Pension Department in adjudicating pension claims which defeat the action of the local boards. Gentlemen on the other side of the House have asked questions by which it is sought to show that there have been improper rulings and improper administration in the Pension Department. I agree and say that I think there have been improper rulings upon many subjects in the administration of affairs in the Pension Department.

Now, in this case, it is a question about which there is controversy as to whether or not the disability is of service origin, the testimony of the physicians at home being that it is of service origin, and the only opposition to that being that of the medical board in the city of Washington, who say that total blindness can not be produced by catarrhal troubles. I have a letter from ex-Governor Foster, of Ohio, stating that this man is a neighbor of his and that he knows him well, and he speaks of his total blindness as being the result of affliction and disability which he incurred in the service. I say this state of facts does not warrant the committee in cutting it down from $50 to $30. He is an old, blind, helpless soldier, and a man unable to take care of himself, a man that is poor, without friends to help him, and I say that this old, blind, helpless man should be given a pension of $50. He is only granted $24 by the Department; he is cut out of the $72 class, as I have said, by the medical board in Washington deciding that blindness can not be the result of catarrhal trouble.

Mr. SULLOWAY. Mr. Chairman, this beneficiary was discharged in 1865. He had a good service. He is pensioned, not at $24, but $17 per month, as the report shows. His blindness, so far as there was any evidence before the committee, is not claimed to be of service origin. It came on within a year or two, as I understand it, and is caused by cataracts. We have allowed the beneficiary exactly what we have allowed all claimants in similar condition. Besides that, this House amended a Senate bill fixing these rates when it was not of service origin, if they were blind and helpless and paralyzed in these respects so they had to have assistance—we amended the Senate bill, granting to them $30 to relieve this legislation of one by one. We have granted him exactly what we have given others under similar circumstances; and if we wish to be consistent the committee amendment ought to obtain, and I hope for that reason that it will.

Mr. WARNOCK. Will the gentleman allow me a question?

Mr. SULLOWAY. Certainly.

Mr. WARNOCK. If the gentleman was satisfied that the

catarrhal trouble produced this blindness and that the catarrhal trouble had been contracted in the service, would that change the gentleman's ruling?

Mr. SULLOWAY. If the difficulty was of service origin it certainly would.

Mr. WARNOCK. That is what we claim precisely.

Mr. SULLOWAY. But you have no evidence of it.

Mr. WARNOCK. You have the evidence from the local board and a letter from ex-Governor Foster, all of which go to show that it is of service origin.

Mr. SULLOWAY. I do not know whether Governor Foster is a physician or not; I know that he is a very distinguished citizen, but there was no evidence before the committee that reported this bill of anything of that kind. It is simply the case of where a man came out of the service in 1865 with disabilities for which he was pensioned at the rate of $17. In 1886 or 1888 this condition came on.

Mr. MADDOX. I would like to ask the gentleman a question.

Mr. WARNOCK. Certainly.

Mr. MADDOX. Do I understand the gentleman to say that the gentleman is drawing a pension by reason of a catarrhal affection which he contracted during the war?

Mr. WARNOCK. Yes.

Mr. MADDOX. The local board of physicians say that by reason of that disease he has become blind?

Mr. WARNOCK. Yes.

Mr. MADDOX. And the board in the city of Washington say that that is impossible?

Mr. WARNOCK. That is the situation.

Mr. MADDOX. Does the gentleman know the local board of physicians?

Mr. WARNOCK. No. This applicant resides in the city of Fostoria and that is in the three Congressional districts.

Mr. MADDOX. It seems to me that this is a very important question. If the general board sitting here in Washington undertakes to say that a man can not become blind by reason of catarrhal affection, while the local board says that he can, and that this man actually did become blind from that cause, then we ought to know the real facts and, if the circumstances demand it, get another general board.

Mr. WARNOCK. I understand that the board here in Washington has ruled that blindness can not in any case be the result of catarrhal trouble. They rejected this man's claim for a pension at the rate of $72 on that ground, and on that ground alone, as I am informed.

Mr. MADDOX. It would seem that the doctors ought to have some positive knowledge on this subject; and if this general board is mistaken about this matter, then its members are incompetent, and others ought to be appointed.

Mr. WARNOCK. One of the complaints that I have against the board here in Washington is that they have improperly ruled that a great many things can not occur as the result of certain diseases when they have in fact occurred.

Mr. MADDOX. This man is evidently blind, is he?

Mr. WARNOCK. Totally blind and helpless.

Mr. NORTON. Mr. Chairman, I do not know that I have anything further to say on this matter. Our boards are perfectly honorable and honest, composed of gentlemen of education and good standing. If they certify that this man has become blind on account of catarrhal trouble, I should not doubt it, although I have very serious doubt whether very many men have become blind from that cause. But so far as this case is concerned, I can only testify that in my opinion the board in my district is composed of honorable, efficient, and thoroughly educated gentlemen.

The CHAIRMAN. The question is on the amendment of the committee reducing the amount of the proposed pension from $50 to $30.

The question having been taken,

The CHAIRMAN. The ayes seem to have it.

Mr. WARNOCK. I call for a division.

The question being again taken, there were—ayes 43, noes 7.

So the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT H. MARICLE.

The next business on the Private Calendar was the bill (H. R. 14303) granting an increase of pension to Robert H. Maricle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert H. Maricle, late a member of Company D, Fortieth Regiment Illinois Volunteer Infantry, at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a member."

In line 7, after the word "Infantry," insert the words "and pay him a pension."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES P. CAMPBELL.

The next business on the Private Calendar was the bill (H. R. 15406) granting an increase of pension to James F. Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of James F. Campbell, late of Company D, Twenty-ninth Iowa Volunteer Infantry, to $72 per month in lieu of what he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James P. Campbell, late of Company D, Twenty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to James P. Campbell."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MATILDA A. MARSHALL.

The next business on the Private Calendar was the bill (H. R. 15112) granting a pension to Matilda Marshall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Matilda Marshall, widow of the late Daniel F. Marshall, late of Company K, Second Regiment Michigan Infantry, on the pension roll and to issue to Mrs. Marshall a pension of $12 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda A. Marshall, widow of D. Frank Marshall, late of Company K, Second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Matilda A. Marshall."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JENNIE M. GILBERT.

The next business on the Private Calendar was the bill (H. R. 11189) granting a pension to Jennie M. Gilbert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie M. Gilbert, widow of Lorenzo Gilbert, late of Company F, One hundred and fifty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 10, after the word "receiving," insert the following:

"*Provided, however*, That in the case of the death of the helpless child, Grace Gilbert, on whose account the pension of Jennie M. Gilbert is increased, the pension of the said Jennie M. Gilbert shall continue only at the rate of $12 per month from and after the date of death of said helpless child."

Amend the title so as to read: "A bill granting an increase of pension to Jennie M. Gilbert."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH GRENNUE.

The next business on the Private Calendar was the bill (H. R. 15906) granting a pension to Joseph Grennue.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Grennue, late of Company C, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In the same line, after the word "month," insert the words, "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Joseph Grennue."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES M. MARSHALL.

The next business on the Private Calendar was the bill (H. R. 15661) granting an increase of pension to James M. Marshall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Marshall, late of Company A, One hundred and fourteenth Ohio Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Ohio," insert the word "Regiment."

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY E. PENNOCK.

The next business on the Private Calendar was the bill (H. R. 1020) granting a pension to Mary E. Pennock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Pennock, widow of Cyrus Pennock, late of Company B, Sixteenth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LUTHER SCOTT.

The next business on the Private Calendar was the bill (H. R. 15839) granting an increase of pension to Luther Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Luther Scott, late of Company H, Fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the Committee on Invalid Pensions was read as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM F. LOOMIS.

The next business on the Private Calendar was the bill (H. R. 15999) granting an increase of pension to William F. Loomis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Loomis, late of Company —, —— Regiment, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Company —, —— Regiment," and insert in lieu thereof the words "First and Second Batteries Vermont Volunteer Light Artillery."

In line 7, after the word "pension," insert the words "at the rate."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM MONTGOMERY.

The next business on the Private Calendar was the bill (H. R. 16224) granting an increase of pension to William Montgomery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Montgomery, late second lieutenant Company H, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CORYDON MILLARD.

The next business on the Private Calendar was the bill (H. R. 4528) granting an increase of pension to Corydon Millard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Corydon Millard, late chaplain Fourth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY R. GIBBS.

The next business on the Private Calendar was the bill (S. 4075) granting a pension to Henry R. Gibbs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry R. Gibbs, late of Company G, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM S. FROST.

The next business on the Private Calendar was the bill (S. 1739) granting an increase of pension to William S. Frost.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Frost, late of Company A, Thirteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ABRAHAM PARK.

The next business on the Private Calendar was the bill (S. 4943) granting an increase of pension to Abraham Park.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham Park, late of Company H, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZA M. MILLER.

The next business on the Private Calendar was the bill (S. 3365) granting an increase of pension to Eliza M. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place onthe pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza M. Miller, widow of James H. Miller, late first lieutenant Company H, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM JOHNSTON.

The next business on the Private Calendar was the bill (S. 2545) granting a pension to William Johnston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Johnston, late of Company G, One hundred and ninth Regiment Pennsylvania Volunteer Infantry, and Company D, Forty-ninth Regiment Pennsylvania Volunteer Emergency Militia, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY E. BURTON.

The next business on the Private Calendar was the bill (S. 6151) granting an increase of pension to Henry E. Burton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry E. Burton, late second lieutenant Company I, Thirty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JUSTUS L. DENTON.

The next business on the Private Calendar was the bill (S. 2646) granting a pension to Justus L. Denton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Justus L. Denton, late of Company E, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

AMBRUS U. HARRISON.

The next business on the Private Calendar was the bill (S. 1299) granting an increase of pension to Ambrus U. Harrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ambrus U. Harrison, late of Company B, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS L. COLLINS.

The next business on the Private Calendar was the bill (S. 6123) granting an increase of pension to Thomas L. Collins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas L. Collins, late of Company H, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MATILDA SMITH.

The next business on the Private Calendar was the bill (H. R. 9912) granting an increase of pension to Matilda Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda Smith, widow of Gilbert A. Smith, late private of Company K, One hundred and sixty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension of $30 per month in lieu of that she is now receiving.

The amendments recommended by the Committee were read, as follows:

In line 6 strike out the word "private."
In line 8, after the word "pension," insert the words "at the rate."
In the same line strike out the word "thirty" and insert in lieu thereof the word "twenty."
In line 9, after the word "receiving," insert the words:
"*Provided, however,* That in the event of the death of the helpless child, Eva L. Smith, on whose account the pension of Matilda Smith is increased, the pension of said Matilda Smith shall continue only at the rate of $8 per month from and after the death of said helpless child."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ERASTUS E. EDMUNDS.

The next business on the Private Calendar was the bill (H. R. 3578) granting an increase of pension to Erastus E. Edmunds, late private, Company H, Fifty-first Massachusetts Volunteer Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Erastus E. Edmunds, late of Company H, Fifty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."
Amend the title so as to read: "A bill granting an increase of pension to Erastus E. Edmunds."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH LISTER.

The next business on the Private Calendar was the bill (H. R. 7832) granting a pension to Elizabeth Lister.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations thereof, the name of Elizabeth Lister, widow of Frederick W. Lister, late a lieutenant-colonel (brevet brigadier-general) in the Thirty-first Ohio Volunteer Infantry and colonel of Fortieth United States Colored Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 5 strike out the word "thereof" and insert in lieu thereof the words "of the pension laws."
In line 6 strike out the words "a lieutenant" and strike out all of line 7.
In line 8 strike out the words "Volunteer Infantry and."
In same line strike out the word "of."
In same line, after the word "Fortieth," insert the word "Regiment."
In line 9, before the word "Infantry," insert the word "Volunteer."
In line 10, after the word "month," insert the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM R. THOMPSON.

The next business on the Private Calendar was the bill (H. R. 15063) granting an increase of pension to William R. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Thompson, late of Company B, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

RUDOLPH B. WEYENETH.

The next business on the Private Calendar was the bill (H. R. 15840) granting an increase of pension to Rudolph B. Weyenith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rudolph B. Weyenith, late of Company F, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Weyenith" and insert in lieu thereof the word "Weyeneth."
In line 7, after the word "Artillery," insert the words "and Company C, Tenth Regiment Veteran Reserve Corps."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."
Amend the title so as to read: "A bill granting an increase of pension to Rudolph B. Weyeneth."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CYRUS G. NORTON.

The next business on the Private Calendar was the bill (H. R. 15852) granting an increase of pension to Cyrus G. Norton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cyrus G. Norton, late of Company K, One hundred and first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES T. JACKSON.

The next business on the Private Calendar was the bill (H. R. 15229) granting a pension to James T. Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James T. Jackson, late of Company D, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY TAYLOR.

The next business on the Private Calendar was the bill (H. R. 16032) granting an increase of pension to Henry Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Taylor, late private in Company D, Seventy-third Ohio Infantry, war of the rebellion, and grant him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "private in" and insert in lieu thereof the word "of."
In line 7, before the word "Ohio," insert the word "Regiment."
In same line, after the word "Ohio," insert the word "Volunteer."
In same line strike out the words "war of the rebellion."
In the same line strike out the word "grant" and insert in lieu thereof the word "pay."
In line 8 strike out the word "fifty," and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM HEYWOOD.

The next business on the Private Calendar was the bill (H. R. 15433) granting an increase of pension to William Heywood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Heywood, late of Company I, Fifteenth Regiment New Hampshire, and Company G, Nineteenth Regiment Massachusetts Voluntary Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "New Hampshire," insert the words "Volunteer Infantry."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES H. BARNES.

The next business on the Private Calendar was the bill (H. R. 15013) granting an increase of pension to Charles H. Barnes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Barnes, late of Company F, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ABNER M. JUDKINS.

The next business on the Private Calendar was the bill (H. R. 15729) granting an increase of pension to Abner M. Judkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abner M. Judkins, late of Eighth Battery Wisconsin Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Wisconsin," insert the word "Volunteer."

In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELI TITUS.

The next business on the Private Calendar was the bill (H. R. 15892) granting an increase of pension to Eli Titus.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli Titus, late private in Company C, One hundred and thirty-seventh Regiment Illinois Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "private in" and insert in lieu thereof the word "of."

In line 7, before the word "Infantry," insert the word "Volunteer."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SALLIE H. KINCAID.

The next business on the Private Calendar was the bill (H. R. 1627) granting an increase of pension to Sallie H. Kincaid.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sallie H. Kincaid, widow of Henry H. Kincaid, late of Company H, Eighth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 9 strike out the words "in lieu of that she is now receiving" and insert in lieu thereof the words "and $2 per month additional on account of the minor child of the officer in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NANCY WORKS.

The next business on the Private Calendar was the bill (H. R. 13127) granting a pension to Nancy Works.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Works, widow of Preston Works, late of Company D, Eighteenth Regiment Kentucky Volunteers, and to pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In same line strike out the word "to."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM SANDS.

The next business on the Private Calendar was the bill (H. R. 12382) granting an increase of pension to William Sands.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Sands, late of Company G, Seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "G" and insert in lieu thereof the letter "B."

In same line strike out the word "Seventh" and insert in lieu thereof the word "Eighty-eighth."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM BARRETT.

The next business on the Private Calendar was the bill (S. 4093) granting an increase of pension to William Barrett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Barrett, late of Company E, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LYMAN HOTALING.

The next business on the Private Calendar was the bill (S. 5403) granting an increase of pension to Lyman Hotaling.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lyman Hotaling, late of Company L, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM NICHOL.

The next business on the Private Calendar was the bill (S. 4941) granting an increase of pension to William Nichol.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Nichol, late of Company G, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ASA E. SAMPSON.

The next business on the Private Calendar was the bill (S. 5774) granting a pension to Asa E. Sampson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Asa E. Sampson, late of Company G, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

SARAH D. BEREMAN.

The next business on the Private Calendar was the bill (S. 4866) granting an increase of pension to Sarah D. Bereman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah D. Bereman, widow of Alvah H. Bereman, late captain Company C, Eighteenth Regiment United States Infantry, and colonel Forty-fifth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MABERY H. PRESLEY.

The next business on the Private Calendar was the bill (S. 473) granting an increase of pension to Mabery H. Presley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mabery H. Presley, late of Company D, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ETTA A. WHITEHOUSE.

The next business on the Private Calendar was the bill (S. 5816) granting a pension to Etta A. Whitehouse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Etta A. Whitehouse, widow of Turner W. Whitehouse, late captain Company K, Twenty-second Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE W. EDMONDS.

The next business on the Private Calendar was the bill (S. 3661) granting an increase of pension to George W. Edmonds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Edmonds, late of Company C, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

PRESTON W. BURFORD.

The next business on the Private Calendar was the bill (S. 5814) granting a pension to Preston W. Burford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Preston W. Burford, late of Company B, Twenty-sixth Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE W. BERRY.

The next business on the Private Calendar was the bill (S. 5660) granting an increase of pension to George W. Berry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Berry, late of Company H, One hundred and sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM H. DURHAM.

The next business on the Private Calendar was the bill (S. 5639) granting a pension to William H. Durham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Durham, helpless and dependent child of Tolford Durham, late of Company A, Fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

WALLACE FAIRBANK.

The next business on the Private Calendar was the bill (S. 5812) granting an increase of pension to Wallace Fairbank.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wallace Fairbank, late of Company H, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FREDERICK W. WILLEY.

The next business on the Private Calendar was the bill (S. 5944) granting an increase of pension to Frederick W. Willey, alias William F. Willey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick W. Willey, alias William F. Willey, late of United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS L. CAUGHEY.

The next business on the Private Calendar was the bill (S. 1479) granting an increase of pension to Thomas L. Caughey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas L. Caughey, late of Company D, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALLEN M. RIPLEY.

The next business on the Private Calendar was the bill (S. 6330) granting an increase of pension to Allen M. Ripley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Allen M. Ripley, late of Company K, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FLETCHER J. WALKER.

The next business on the Private Calendar was the bill (S. 484) granting an increase of pension to Fletcher J. Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fletcher J. Walker, late of Company A, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOANNA ROGERS.

The next business on the Private Calendar was the bill (S. 921) granting a pension to Joanna Rogers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joanna Rogers, widow of Alma Rogers, late of Company C, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

REUBEN ANDREWS.

The next business on the Private Calendar was the bill (S. 6101) granting a pension to Reuben Andrews.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Reuben Andrews, late of Company G, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ABRAHAM SHREEVES.

The next business on the Private Calendar was the bill (S. 4374) granting a pension to Abraham Shreeves.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham Shreeves, late of Company F, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY J. M'FADDEN.

The next business on the Private Calendar was the bill (S. 4809) granting a pension to Henry J. McFadden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry J. McFadden, late second lieutenant Company D, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CATHARINE A. CARROLL.

The next business on the Private Calendar was the bill (S. 4043) granting a pension to Catharine A. Carroll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine A. Carroll, widow of William Carroll, late of Company F, Seventh Regiment Iowa Volunteer

infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DANIEL DOUGHERTY.

The next business on the Private Calendar was the bill (S. 5431) granting a pension to Daniel Dougherty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Dougherty, late of Company D, Fifth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

SARAH A. WHITCOMB.

The next business on the Private Calendar was the bill (S. 4718) granting a pension to Sarah A. Whitcomb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Whitcomb, widow of Asahel D. Whitcomb, late first lieutenant Company E, First Regiment Missouri Volunteer Engineers, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JUDSON N. POLLARD.

The next business on the Private Calendar was the bill (S. 1300) granting a pension to Judson N. Pollard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Judson N. Pollard, late of Company B, One hundred and fortieth Regiment Illinois Volunteer Infantry, and scout and spy, United States Army, and pay him a pension at the rate of $20 per month.

Mr. SHAFROTH. Mr. Chairman, I want to appeal to the chairman of the Committee on Invalid Pensions, if he will give me his attention, and to the committee to increase this man's pension from $20 a month to $30 a month. The reasons are these: This man is identically in the same condition that the rule of the committee seems to sanction as to granting pensions at $30 per month. The bill was introduced inadvertently in the Senate at $20 per month. It was allowed in full by the Senate and came over to the House. Had the bill been introduced in the House, and the House committee had passed upon it as they have on other bills, they would, I think, have allowed it at $30 per month.

Now, Mr. Chairman, I have had before this committee cases of as extreme suffering as that presented in the claim advocated by the gentleman from Pennsylvania. I have believed that the committee was right in establishing a rule, and having that rule adhered to, of paying $30 a month in cases of total disability, and I have not asked for an increase in those cases, although in one instance, as I remember, a man had been confined to bed for two years by paralysis and was without any means of livelihood except charity.

But in the present case this man is totally blind. He called upon me before I came to Washington in December. He was led by his wife—totally helpless. On account of a paralytic stroke he can not walk without a cane nor without the assistance of his wife. He needs her attention day and night. It seems to me that this case ought to be governed by the same rule that the committee has held in the cases of persons needing the assistance of another person day and night. If this had been a House bill, I have no doubt that such an allowance would have been made. But as this was a Senate bill, and as it had been through inadvertence introduced at less than the proper and usual amount, the committee ought to consent that this pension be made $30 instead of $20, thus carrying out in effect the rule of the committee instead of making an exception to it.

Mr. Chairman, I move that in line nine the word "twenty" be struck out and "thirty" inserted in lieu thereof.

Mr. SULLOWAY. Mr. Chairman, upon a hasty examination of this report, which was prepared by the gentleman from Tennessee [Mr. GIBSON] as a subcommittee, I find that the beneficiary served less than ninety days. Therefore he had no standing at the Pension Bureau; and he made no claim for disabilities contracted in the service. The report states that he is in the bad condition described by the gentleman from Colorado [Mr. SHAFROTH]. As the gentleman from Tennessee reported this bill, I would like to hear his suggestions about it, if he has any to make.

Mr. SHAFROTH. One word in answer to the statement just made by the gentleman from New Hampshire. This beneficiary was only 13 years old when he enlisted. He served for ninety days and was discharged because he was a boy. But he was determined to remain in the Army; so, after coming back home, he returned to the Army. He was under the care and personal supervision of General Thomas, who sent him upon several very dangerous expeditions. One was to carry a note calling for reenforcements upon the eve of a certain battle, I think, near Nashville, Tenn. The general had tried to get into communication with the needed forces, but could not do so. Several men had been shot in the attempt. It was thought that a boy might get through where men had failed. He undertook the expedition and was successful in carrying the note. He was, however, shot at a number of times and received a wound in his leg during the trip. The horse that he rode was shot. But, as I have said, he got the note through and came back, and by reason of the reenforcements thus obtained (as the affidavit shows) the General was successful.

This boy remained in the service until the close of the war. He was called "the mascot" of General Thomas. He was around the General's headquarters and the General took a personal interest in him.

This boy having been fired with patriotism that produced such action on his part and such results to the Union, now that he is an old man, being absolutely helpless, it seems to me his case should be regarded as coming within the rule made by the committee allowing $30 to a person who has suffered such disabilities.

Mr. SULLOWAY. If it were shown that he rendered the service stated by the gentleman this would certainly be a very strong case. I should like to hear the views of the gentleman from Tennessee [Mr. GIBSON] upon this question.

Mr. GIBSON. Mr. Chairman, there is nothing in the record to sustain the alleged service of the beneficiary in this bill except his own affidavit, not corroborated. It may be true or it may not be. The committee has adopted a rule not to act upon the unsupported affidavit of the beneficiary.

This bill was introduced in the Senate at $20. It passed the Senate at $20. Coming over to the House it was referred to me as a subcommittee. I saw no reason for any change in the bill. Under the circumstances, considering that this was the case of a boy who served but a few days and afterwards loafed around the headquarters several months—the "boy mascot," as he seems to have been called—I thought that $20 would be a proper allowance. This is $8 more than he could have received if he had served ninety days and been honorably discharged from the service of the United States.

He is $8 better off than he would have been entitled to if he had served four years in the Army, his disabilities not being of service origin. I think the Senate dealt liberally with him, and I think the House Invalid Pensions Committee has dealt with equal liberality under all the circumstances of the case.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The question was taken; and upon a division (demanded by Mr. SHAFROTH) there were—ayes 21, noes 26.

So the amendment was rejected.

The bill was ordered to be laid aside with a favorable recommendation.

HANNAH E. JAMES.

The next business on the Private Calendar was the bill (S. 5019) granting an increase of pension to Hannah E. James.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah E. James, widow of Charles C. James, late of Company K, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES M. THOMAS.

The next business on the Private Calendar was the bill (S. 3508) granting an increase of pension to James M. Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Thomas, late of Company G, Twelfth Regiment Indiana Volunteer Infantry, and captain Company B, One hundred and forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN W. DICK.

The next business on the Private Calendar was the bill (S. 4811) granting an increase of pension to John W. Dick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Dick, late of Company F, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELIAS BREWSTER.

The next business on the Private Calendar was the bill (S. 3035) granting an increase of pension to Elias Brewster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias Brewster, late of Company K, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now reciving.

The bill was ordered to be laid aside with a favorable recommendation.

Mr. SULLOWAY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CAPRON, Chairman of the Committee of the Whole House, reported that that committee had had under consideration certain bills upon the Private Calendar under the special rule of the House, and had directed him to report the same back to the House with the recommendation that they be passed, respectively, with or without amendments.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

Mr. SULLOWAY. Mr. Speaker, I move that the previous question be ordered on the bills and amendments to their final passage.

The motion was agreed to.

PRIVATE BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole House without amendment, were severally taken up, ordered to be engrossed and read a third time; and they were accordingly read a third time, and passed:

A bill (H. R. 13839) granting an increase of pension to John W. B. Huntsman;

A bill (H. R. 14185) granting an increase of pension to Albert Blood;

A bill (H. R. 15549) granting an increase of pension to John Wright;

A bill (H. R. 3265) granting an increase of pension to Henry Pensinger;

A bill (H. R. 15441) granting an increase of pension to Josiah Stackpole;

A bill (H. R. 12812) granting an increase of pension to Otis T. Hooper;

A bill (H. R. 4154) granting an increase of pension to Murray W. Woodward;

A bill (H. R. 15682) granting an increase of pension to Jared P. Hubbard;

A bill (H. R. 15431) granting an increase of pension to Elias Simpson;

A bill (H. R. 16224) granting an increase of pension to William Montgomery;

A bill (H. R. 15852) granting an increase of pension to Cyrus G. Norton; and

A bill (H. R. 15229) granting a pension to James T. Jackson.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were severally taken up, the amendments agreed to, the bills as amended ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

A bill (H. R. 12524) granting an increase of pension to Elvira M. Cooper;

A bill (H. R. 11199) granting a pension to Lewis Walton;

A bill (H. R. 14897) granting an increase of pension to Phillip Mooney;

A bill (H. R. 14256) granting a pension to Jessie R. Dewstoe (title amended);

A bill (H. R. 15870) granting an increase of pension to John Smith, and repealing an act granting an increase of pension to John Smith, approved June 7, 1902 (title amended);

A bill (H. R. 15396) granting an increase of pension to George H. Stone;

A bill (H. R. 15416) granting an increase of pension to William Thompson;

A bill (H. R. 7385) granting an increase of pension to John Kelley, second;

A bill (H. R. 15684) granting an increase of pension to Joseph R. Prentice;

A bill (H. R. 12963) granting a pension to Sarah E. Smith;

A bill (H. R. 12413) granting an increase of pension to William Zickerick;

A bill (H. R. 8244) granting a pension to Bridget Logan;

A bill (H. R. 15571) granting an increase of pension to John Macfarlane;

A bill (H. R. 6889) granting an increase of pension to Michael Roder;

A bill (H. R. 2675) granting an increase of pension to John M. Stanley;

A bill (H. R. 14262) granting a pension to Harriet Robinson (title amended);

A bill (H. R. 6719) granting an increase of pension to John H. Hall;

A bill (H. R. 10757) granting an increase of pension to Lewis Fishbaugh, of Macon, Mo. (title amended);

A bill (H. R. 15874) granting a pension to Rebecca R. Greer (title amended);

A bill (H. R. 1923) granting an increase of pension to F. W. Damon (title amended);

A bill (H. R. 13200) granting an increase of pension to Charles B. Greely;

A bill (H. R. 14302) granting an increase of pension to Samuel Burrell;

A bill (H. R. 15409) granting an increase of pension to James Claybourn;

A bill (H. R. 5019) granting a pension to Alsey G. Potts (title amended);

A bill (H. R. 7680) granting an increase of pension to David C. Yakey;

A bill (H. R. 5792) granting an increase of pension to Andrew J. Reeves;

A bill (H. R. 4266) granting an increase of pension to Henry Ehmke;

A bill (H. R. 6161) granting an increase of pension to Homer Davis;

A bill (H. R. 14930) granting a pension to William H. Houseal (title amended);

A bill (H. R. 15789) granting a pension to Benjamin Cooper (title amended);

A bill (H. R. 15558) granting an increase of pension to David A. Baldwin;

A bill (H. R. 14195) granting an increase of pension to David T. Towles;

A bill (H. R. 3302) granting a pension to Henry G. Wheeler (title amended);

A bill (H. R. 15064) granting an increase of pension to Frederick Shovar;

A bill (H. R. 3503) granting an increase of pension to E. H. Brady (title amended);

A bill (H. R. 1829) granting an increase of pension to George W. Brill;

A bill (H. R. 15386) granting a pension to Mary J. Cleaves, widow of George S. McCorrison (title amended);

A bill (H. R. 14518) granting an increase of pension to James D. Kifer;

A bill (H. R. 12215) granting an increase of pension to Henry M. Posey;

A bill (H. R. 15771) granting an increase of pension to Adam Kohlhauff;

A bill (H. R. 13534) granting an increase of pension to James Evans;

A bill (H. R. 11625) granting an increase of pension to Alexander H. Taylor, late of Company E, Twelfth Connecticut Volunteer Infantry, now a resident of Norwalk, Conn. (title amended);

A bill (H. R. 15550) granting a pension to Mary A. Hinkle;

A bill (H. R. 10350) granting a pension to Rebecca Piper, foster mother of Simpson Eaton (title amended);

A bill (H. R. 9734) increasing the pension of John P. Peterman (title amended);

A bill (H. R. 9107) granting an increase of pension to Austin A. Vore (title amended);

A bill (H. R. 15648) granting an increase of pension to Col. Lester H. Salsbury (title amended);

A bill (H. R. 15385) for the relief of Alfred J. Sellers (title amended);

A bill (H. R. 15329) granting an increase of pension to Elizabeth Rosenbarger;

A bill (H. R. 10826) granting a pension to Josiah S. Fay (title amended);

A bill (H. R. 15748) granting an increase of pension to William Whitlock;

A bill (H. R. 15673) granting a pension to Annie E. Doss;

A bill (H. R. 16011) granting an increase of pension to Morton A. Leach;

A bill (H. R. 13723) granting an increase of pension to Oliver C. Jackson;

A bill (H. R. 11020) granting an increase of pension to Oliver P. Alsbach;

A bill (H. R. 10219) granting an increase of pension to J. Banks Hunter;

A bill (H. R. 8699) granting a pension to Capt. D. M. Kittle (title amended);

A bill (H. R. 14605) granting an increase of pension to John T. Knoop;
A bill (H. R. 15398) granting an increase of pension to Andrew W. Miller;
A bill (H. R. 15466) granting an increase of pension to John H. Robson;
A bill (H. R. 14361) granting an increase of pension to Joseph M. Alexander;
A bill (H. R. 8711) granting an increase of pension to William C. Crawford;
A bill (H. R. 11596) granting an increase of pension to Inez Clift (title amended);
A bill (H. R. 10105) granting an increase of pension to Thomas Fleming;
A bill (H. R. 15211) granting a pension to Mary J. Slusser;
A bill (H. R. 7012) granting an increase of pension to Abel Fleming;
A bill (H. R. 9491) granting an increase of pension to John W. Brattain;
A bill (H. R. 4501) granting a pension to Sarah D. Lightfoot (title amended);
A bill (H. R. 15864) granting an increase of pension to Benjamin Knestrict;
A bill (H. R. 14303) granting an increase of pension to Robert H. Maricle;
A bill (H. R. 15406) granting an increase of pension to James F. Campbell (title amended);
A bill (H. R. 15112) granting a pension to Matilda Marshall (title amended);
A bill (H. R. 11189) granting an increase of pension to Jennie M. Gilbert (title amended);
A bill (H. R. 15906) granting a pension to Joseph Grennue (title amended);
A bill (H. R. 15661) granting an increase of pension to James M. Marshall;
A bill (H. R. 1020) granting a pension to Mary E. Pennock;
A bill (H. R. 15839) granting an increase of pension to Luther Scott;
A bill (H. R. 15999) granting an increase of pension to William F. Loomis;
A bill (H. R. 9912) granting an increase of pension to Matilda Smith;
A bill (H. R. 3578) granting an increase of pension to Erastus E. Edmunds, late private, Company H, Fifty-first Massachusetts Volunteer Infantry (title amended);
A bill (H. R. 7832) granting an increase of pension to Elizabeth Lister;
A bill (H. R. 15063) granting an increase of pension to William R. Thompson;
A bill (H. R. 15840) granting an increase of pension to Rudolph B. Weyenith (title amended);
A bill (H. R. 16032) granting an increase of pension to Henry Taylor;
A bill (H. R. 15433) granting an increase of pension to William Heywood;
A bill (H. R. 15013) granting an increase of pension to Charles H. Barnes;
A bill (H. R. 15729) granting an increase of pension to Abner M. Judkins;
A bill (H. R. 15892) granting an increase of pension to Eli Titus;
A bill (H. R. 16274) granting an increase of pension to Sallie H. Kincaid;
A bill (H. R. 13127) granting a pension to Nancy Works; and
A bill (H. R. 12382) granting an increase of pension to William Sands.

Senate bills of the following titles, reported from the Committee of the Whole House without amendments, were severally taken up, ordered to a third reading, read the third time, and passed:

S. 2353. An act granting an increase of pension to Almond Partridge;
S. 3397. An act granting an increase of pension to Eliza A. Walker;
S. 4528. An act granting an increase of pension to Corydon Millard;
S. 4075. An act granting a pension to Henry R. Gibbs;
S. 1739. An act granting an increase of pension to William S. Frost;
S. 4943. An act granting an increase of pension to Abraham Park;
S. 3365. An act granting an increase of pension to Eliza M. Miller;
S. 2545. An act granting a pension to William Johnston;
S. 6151. An act granting an increase of pension to Henry E. Burton;
S. 2646. An act granting a pension to Justus L. Denton;
S. 1299. An act granting an increase of pension to Ambrus U. Harrison;
S. 6123. An act granting an increase of pension to Thomas L. Collins;
S. 4093. An act granting an increase of pension to William Barrett;
S. 5403. An act granting an increase of pension to Lyman Hotaling;
S. 4941. An act granting an increase of pension to William Nichol;
S. 5774. An act granting a pension to Asa E. Sampson;
S. 4866. An act granting an increase of pension to Sarah D. Bereman;
S. 473. An act granting an increase of pension to Mabery H. Presley;
S. 5816. An act granting a pension to Etta A. Whitehouse;
S. 3661. An act granting an increase of pension to George W. Edmonds;
S. 5814. An act granting a pension to Preston W. Burford;
S. 5660. An act granting an increase of pension to George W. Berry;
S. 5639. An act granting a pension to William H. Durham;
S. 5812. An act granting an increase of pension to Wallace Fairbank;
S. 5944. An act granting an increase of pension to Frederick W. Willey;
S. 1479. An act granting an increase of pension to Thomas L. Caughey;
S. 6330. An act granting an increase of pension to Allen M. Ripley;
S. 484. An act granting an increase of pension to Fletcher J. Walker;
S. 921. An act granting a pension to Joanna Rogers;
S. 6101. An act granting an increase of pension to Reuben Andrews;
S. 4374. An act granting an increase of pension to Abraham Shreeves;
S. 4809. An act granting an increase of pension to Henry J. McFadden;
S. 4043. An act granting an increase of pension to Catharine A. Carroll;
S. 5431. An act granting a pension to Daniel Dougherty;
S. 4718. An act granting an increase of pension to Sarah A. Whitcomb;
S. 1300. An act granting a pension to Judson N. Pollard;
S. 5019. An act granting an increase of pension to Hannah E. James;
S. 3508. An act granting an increase of pension to James M. Thomas;
S. 4811. An act granting an increase of pension to John W. Dick; and
S. 3035. An act granting an increase of pension to Elias Brewster.

Senate bill of the following title, reported from the Committee of the Whole House with amendment, was taken up, the amendment agreed to, and the bill as amended ordered to a third reading, read the third time, and passed:

S. 5118. An act granting an increase of pension to Adam Stuber.

On motion of Mr. SULLOWAY, a motion to reconsider the votes by which the several bills were passed was ordered to lie on the table.

CONFEREE ON THE ANARCHY BILL.

The SPEAKER. The Chair desires to state that the resignation of Governor LANHAM, of Texas, ratified by the House this morning, leaves a vacancy upon the conference committee upon what is known as the anarchy bill, being H. R. 10386. The gentleman from Texas [Mr. LANHAM] desires to be excused from the conference committee, and has resigned as a member of the Judiciary Committee. The Chair designates in place of the retiring member of the conference committee the gentleman from Missouri, Mr. DE ARMOND.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1099. An act authorizing the Secretary of the Navy to return to Harvard University certain silver cup and Nordenfelt gun; and
S. 6439. An act for the refund of certain tonnage taxes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 13468. An act granting an increase of pension to Joseph S. Mess;
H. R. 11093. An act granting an increase of pension to Nannie M. Kimberly;
H. R. 15605. An act to authorize and empower the Southwest Louisiana Rice Growers' Association, of the State of Louisiana, to construct a lock or locks and a dam in Bayou Vermilion, in the State of Louisiana; and

H. R. 15606. An act to authorize and empower the Rice Irrigation and Improvement Association, of the State of Louisiana, to construct a lock or locks and a dam in Mermentau River, in the State of Louisiana.

MESSAGES AND DOCUMENTS OF THE PRESIDENTS.

By unanimous consent, the Committee on Rules was discharged from the further consideration of House resolution 373, relating to the publication of Messages of the Presidents, and the same was referred to the Committee on Printing.

And then, on motion of Mr. SULLOWAY (at 4 o'clock and 5 minutes p. m.), in accordance with the order heretofore made, the House adjourned until Monday at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for expenses of collecting the revenue—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of R. W. Barton against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Catherine D. O'Sullivan, administratrix of estate of Daniel O'Sullivan, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Henry Craft, administrator of estate of W. D. Ferguson, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Navy, submitting a report of the condition of the Government property at Port Royal—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for interpreters in Korea—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Superintendent of the Coast and Geodetic Survey submitting revised estimate of appropriation for new steamer for Coast and Geodetic Survey—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for printing and binding—to the Committee on Appropriations, and ordered to be printed.

A letter from the secretary of the Interstate Commerce Commission, transmitting a decision of the circuit court of appeals in relation to the act of March 2, 1893, concerning automatic couplers—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, in response to the inquiry of the House, various reports relating to the practical operation of the law prohibiting the sale of light beer and wines in post exchanges—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LANHAM, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 16330) to detach the county of Dimmit from the southern district of Texas and to attach it to the western judicial district of Texas, reported the same without amendment, accompanied by a report (No. 3016); which said bill and report were referred to the House Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 16567) making appropriation for the support of the Army for the fiscal year ending June 30, 1904, reported the same without amendment, accompanied by a report (No. 3017); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 16333) to change and fix the time for holding district and circuit courts of the United States for the eastern division of the eastern district of Arkansas, reported the same without amendment, accompanied by a report (No. 3018); which said bill and report were referred to the House Calendar.

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 16458) to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," reported the same with amendments, accompanied by a report (No. 3020); which said bill and report were referred to the House Calendar.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 15520) to establish a standard of value and to provide for a coinage system in the Philippine Islands, reported the same with amendments, accompanied by a report (No. 3023); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WARNER, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 6461) providing for an additional district judge in the district of Minnesota, reported the same without amendment, accompanied by a report (No. 3024); which said bill and report were referred to the House Calendar.

Mr. MERCER, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution of the House (H. J. Res. 216) extending the provision granting to the State of Pennsylvania the use of the court-house at Scranton and Williamsport, Pa., reported the same without amendment, accompanied by a report (No. 3025); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 14942) for the relief of the legal representatives of Warren Mitchell, deceased, reported the same without amendment, accompanied by a report (No. 3015), which said bill and report were referred to the Private Calendar.

Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 5329) authorizing the President to appoint Lieut. Commander William P. Randall, retired, United States Navy, a commander on the retired list, reported the same without amendment, accompanied by a report (No. 3019); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6034) raising the rank of Chief Engineer David Smith on the retired list of the Navy, reported the same without amendment, accompanied by a report (No. 3021); which said bill and report were referred to the Private Calendar.

Mr. WHEELER, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 6104) to restore to the active list of the Navy the name of John Walton Ross, reported the same without amendment, accompanied by a report (No. 3022); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred, as follows:

A bill (H. R. 16533) granting an increase of pension to Charles Purdy—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16480) granting a pension to Anna C. Bingham—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. HULL, from the Committee on Military Affairs: A bill (H. R. 16567) making appropriation for the support of the Army for the fiscal year ending June 30, 1904—to the Union Calendar.

By Mr. BRUNDIDGE: A bill (H. R. 16568) to grant certain mineral lands to the State of Arkansas for the benefit of Searcy College—to the Committee on the Public Lands.

By Mr. GARDNER of Massachusetts: A bill (H. R. 16569) to extend the provisions of chapter 231 of the laws of the United

States, approved May 22, 1896, to camps of Spanish War Veterans—to the Committee on Military Affairs.

By Mr. MARSHALL: A bill (H. R. 16570) to establish a life-saving station at Cape Nome, Alaska—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 16571) to increase the number of light-house districts—to the Committee on Interstate and Foreign Commerce.

By Mr. MOODY of North Carolina: A bill (H. R. 16572) to extend the provisions of section 2 of act of Congress of May 14, 1880—to the Committee on the Public Lands.

By Mr. VANDIVER: A bill (H. R. 16573) to authorize the construction of a bridge across St. Francis River at or near the town of St. Francis, Ark.—to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN of Kentucky: A bill (H. R. 16574) for the erection of a public building in the city of Owensboro, Ky., and for other purposes—to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 16575) granting an increase of pension to James Whittey—to the Committee on Invalid Pensions.

By Mr. BARNEY: A bill (H. R. 16576) granting a pension to William B. Buckley—to the Committee on Invalid Pensions.

By Mr. BARTLETT: A bill (H. R. 16577) for the relief of Mrs. C. W. Ross, Mrs. H. C. Cary, Mrs. Annie Brooks, L. C. Wilcoxon, and Willie Wilcoxon, heirs at law and representatives of Wiley Franks, deceased—to the Committee on War Claims.

By Mr. BATES: A bill (H. R. 16578) granting an increase of pension to Margaret G. Holliday—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 16579) for the relief of the estate of Mrs. Annie Dunn—to the Committee on War Claims.

Also, a bill (H. R. 16580) for the relief of the estate of James L. Romine, deceased, Winston County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 16581) for the relief of David W. Hollis—to the Committee on War Claims.

By Mr. CALDWELL: A bill (H. R. 16582) granting an increase of pension to John Henderson—to the Committee on Invalid Pensions.

By Mr. CLAYTON: A bill (H. R. 16583) for the relief of Jerry Andrews—to the Committee on Military Affairs.

By Mr. CONNELL: A bill (H. R. 16584) granting a pension to John B. Hobday—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16585) to remove the charge of desertion from the military record of the late William H. Thomas—to the Committee on Military Affairs.

By Mr. COOPER of Texas: A bill (H. R. 16586) granting a pension to Henry Landau—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16587) appropriating $52.73 to Mrs. N. C. Moore, sole surviving heir of Joseph Jester, for services rendered by said Joseph Jester in enumerating the Eighth Census—to the Committee on Claims.

By Mr. DWIGHT: A bill (H. R. 16588) granting a pension to William F. Hawley—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 16589) granting a pension to Christopher P. Baker—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 16590) for the relief of William C. Tindell—to the Committee on War Claims.

By Mr. HENDERSON: A bill (H. R. 16591) granting an increase of pension to James Mattingly—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 16592) granting an increase of pension to John S. Gooch—to the Committee on Invalid Pensions.

By Mr. HOWELL: A bill (H. R. 16593) granting a pension to Anna C. Murphy—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 16594) to provide for the payment of certain claims against the District of Columbia, caused by the destruction of the Northern Liberty market house in September, 1872—to the Committee on the District of Columbia.

By Mr. LAMB: A bill (H. R. 16595) for the relief of William Spears—to the Committee on Pensions.

By Mr. MUDD: A bill (H. R. 16596) granting an increase of pension to Blanche L. Chunn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16597) granting an increase of pension to Mary F. Schenck—to the Committee on Invalid Pensions.

By Mr. NAPHEN: A bill (H. R. 16598) granting a pension to Sarah Quinn—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTLETT: Papers to accompany House bill for the relief of Mrs. G. W. Ross and others—to the Committee on War Claims.

By Mr. BRANDEGEE: Petition of druggists of Danielson, Taftville, Jewett City, and Voluntown, Conn., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BROWN: Petitions of W. A. Runge, of Minocqua, and other druggists, of Merrill, Wis., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. CANDLER: Petition of retail druggists of Mississippi, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. COOPER of Texas: Paper to accompany House bill relating to the claim of Mrs. N. C. Moore—to the Committee on Claims.

Also, paper to accompany House bill granting a pension to Henry Landau—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: Petition of retail druggists of Delaven, Wis., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Racine, Wis., favoring antipolygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. CURRIER: Petition of Rev. V. E. Bragdon and 223 other citizens of Franklin, N. H., favoring the immediate suspension of the duty on coal—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of J. H. Zertin & Co., Philadelphia, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of Third United Presbyterian Church, Pittsburg, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. DOVENER: Petition of retail druggists of Weston, W. Va., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of the legislative board of Locomotive Firemen of Albany, N. Y., for the passage of the eight-hour law, the conspiracy and anti-injunction bill, and Senate bill 3560—to the Committee on the Judiciary.

Also, resolutions of the Buffalo Oil, Paint, and Varnish Company, urging legislation to empower the Interstate Commerce Commission to establish uniform freight classifications and freights—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Association of Retail Grocers and Peoria Retail Grocers' Association, favoring the passage of pure-food bills—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany House bill granting an increase of pension to Almond Lockwood—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of F. O. Elwell, of Tomah, Wis., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. FLYNN: Papers to accompany House bill 16425, granting a pension to Albert Eggleston—to the Committee on Invalid Pensions.

By Mr. GIBSON: Petition of W. A. Cannon, administrator of Gilford Cannon, deceased, of Knox County, Tenn., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of J. J. Harding and A. E. Christian, heirs of John Harding, deceased, of Knox County, Tenn., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. GILBERT: Petition of sundry citizens of the State of Kentucky, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of the executive committee of the Interstate Commerce Law Convention, E. P. Bacon, chairman, Milwaukee, Wis., favoring the passage of certain bills to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Association of Manufacturers, New York City, for the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Redstone Presbytery, of Kenneth, Pa., favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. GREENE of Massachusetts: Protest of the Boston branch of the Atlantic Coast Marine Firemen's Union, against the McCall bill providing for ninety days' suspension of coastwise navigation laws—to the Committee on Merchant Marine and Fisheries.

Also, statement relative to the necessity of providing survey for widening channel of the harbor of New Bedford, Mass., and for greater depth of water therein—to the Committee on Rivers and Harbors.

By Mr. HOWELL: Petition of C. A. Pettenger, of Englishtown, N. J., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. LAMB: Papers to accompany House bill granting a pension to William Spears, of Chesterfield County, Va.—to the Committee on Pensions.

By Mr. LANHAM: Petition of T. J. White, of Wilcox, Tex., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. LITTLE: Petition of L. A. Greenlee, of Spiro, Ind. T.; L. H. Forbes, of Hackett; John Shoop and others, of Fort Smith, and Noble & Bird, of Waldron, Ark., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. PADGETT: Papers to accompany bill 8052, for a pension to Franklin M. Dooley, of Maury County, Tenn.—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14485, relating to the claim of Nelson M. Buyers—to the Committee on War Claims.

By Mr. SMITH of Illinois: Petitions of B. E. Webster, J. M. Mason, and others, of Benton and Ewing, Ill.; J. J. Bundy and other retail druggists, of Thompsonville, Ill., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SHEPPARD: Petition of J. W. Pate and others, of Omaha, Cookville, and Mount Pleasant, Tex., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. SPERRY: Resolutions of New Haven Lodge No. 21, Order of B'rith Abraham, relative to immigration—to the Committee on Immigration and Naturalization.

By Mr. STARK: Petition of Cummings & Mahannok and others, of Tobias, and Jacob E. Greber, of Jansen, Nebr., favoring House bill 178—to the Committee on Ways and Means.

By Mr. TIRRELL: Petitions of A. G. Durgin, D. C. O'Connor, F. B. Morse, A. S. Spofford, and others, urging the reduction of the tax on alcohol used in medicinal preparation—to the Committee on Ways and Means.

By Mr. WANGER: Petition of the Woman's Christian Temperance Union of New Hope, Pa., to prohibit liquor selling in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Edwin Lonsdale, Benjamin Dorrance, Robert Craig, and other citizens of Montgomery, Luzerne, and Philadelphia counties, Pa., for the early consideration of a bill to amend the tariff law with respect to certain articles—to the Committee on Ways and Means.

By Mr. WILCOX: Petition of 312 leprous citizens at Kalaupapa, Molokai, Territory of Hawaii, in support of House bill 6561, to provide a reservation for leprous persons—to the Committee on the Territories.

By Mr. YOUNG: Petition of executive committee of the Interstate Commerce Law Convention, favoring the passage of bills to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *January 12, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. FAIRBANKS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

GOVERNMENT PROPERTY AT PORT ROYAL, S. C.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, pursuant to law, certain information relative to the state and condition of Government property at Port Royal, S. C., etc.; which, with the accompanying paper, was referred to the Committee on Naval Affairs, and ordered to be printed.

DISEASES OF TROPICAL COUNTRIES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Surgeon-General of the United States Public Health and Marine-Hospital Service inclosing copies of the reports of Dr. Samuel Holt Hodgson, of the Marine-Hospital Service, on the diseases of the tropical countries of America; which, on motion of Mr. MORGAN, was, with the accompanying papers, referred to the Committee on Interoceanic Canals, and ordered to be printed.

THOMAS HUNTINGTON.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of the court filed in the cause of Thomas Huntington *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

NATIONAL ACADEMY OF SCIENCES.

Mr. WETMORE. I present the annual report of the National Academy of Sciences, which is provided for by statute. The statute also provides for printing the annual reports. So it is only necessary to present the report to the Presiding Officer. No action is necessary.

The PRESIDENT pro tempore. It will be printed, the Chair supposes, under the law.

Mr. WETMORE. That is provided for by statute.

The PRESIDENT pro tempore. Under existing law it will be printed.

STATUES OF GEN. SAM HOUSTON AND STEPHEN F. AUSTIN.

Mr. CULBERSON. Mr. President, I present a communication from the governor of Texas with reference to statues of Gen. Sam Houston and Stephen F. Austin. At some future time proper resolutions will be offered and their consideration asked by the Senate. The communication is not lengthy, and I ask that it be read.

The communication was read, as follows:

EXECUTIVE OFFICE, STATE OF TEXAS,
Austin, November 28, 1902.

To the honorable Senate and House of Representatives of the Congress of the United States:

Under a concurrent resolution of the legislature of the State of Texas, approved April 3, 1897, authority was given The Daughters of the Republic of Texas, a corporation composed of the female descendants of the first settlers in Texas, to have executed and placed, in behalf of the State, in one of the allotted spaces assigned to the State of Texas in the Hall of Statuary, in the National Capitol at Washington, a statue representing and in memory of one of the fathers of Texas, said statue, before being placed in said Hall of Statuary, to be approved by a commission consisting of the governor, comptroller, and attorney-general.

In pursuance of the resolution, a contract has been made and entered into by The Daughters of the Republic of Texas, with the approval of the commission, for the execution of a statue of Stephen F. Austin. Afterwards the legislature of the State of Texas made an appropriation for the execution of a statue of Gen. Sam Houston, also to be placed in the other of the spaces allotted to Texas in said Hall. Both of these said statues will be completed and ready for presentation to Congress on December 1, 1903.

I have the honor, therefore, as governor of the State of Texas, to present to the Government of the United States, through the Congress, the statues of the distinguished statesmen named, and to ask that they may be assigned spaces in the Hall dedicated to such uses at the Capitol.

Very respectfully,

JOSEPH D. SAYERS,
Governor of the State of Texas.

The PRESIDENT pro tempore. Does the Senator from Texas desire to have the communication referred?

Mr. CULBERSON. I ask that no reference be made.

The PRESIDENT pro tempore. It requires none.

Mr. CULBERSON. As I stated a moment ago, at a proper time on some future day appropriate resolutions will be offered and their consideration asked by the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 473) granting an increase of pension to Mabery H. Presley;

A bill (S. 484) granting an increase of pension to Fletcher J. Walker;

A bill (S. 921) granting a pension to Joanna Rogers;

A bill (S. 1299) granting an increase of pension to Ambrus U. Harrison;

A bill (S. 1300) granting a pension to Judson N. Pollard;

A bill (S. 1479) granting an increase of pension to Thomas L. Caughey;

A bill (S. 1739) granting an increase of pension to William S. Frost;

A bill (S. 2353) granting an increase of pension to Almond Partridge;

A bill (S. 2545) granting a pension to William Johnston;

A bill (S. 2646) granting a pension to Justus L. Denton;

A bill (S. 3035) granting an increase of pension to Elias Brewster;

A bill (S. 3365) granting an increase of pension to Eliza M. Miller;

A bill (S. 3397) granting an increase of pension to Eliza A. Walker;

A bill (S. 3508) granting an increase of pension to James M. Thomas;
A bill (S. 3661) granting an increase of pension to George W. Edmonds;
A bill (S. 4043) granting an increase of pension to Catharine A. Carroll;
A bill (S. 4075) granting a pension to Henry R. Gibbs;
A bill (S. 4093) granting an increase of pension to William Barrett;
A bill (S. 4374) granting an increase of pension to Abraham Shreeves;
A bill (S. 4528) granting an increase of pension to Corydon Millard;
A bill (S. 4718) granting an increase of pension to Sarah A. Whitcomb;
A bill (S. 4809) granting an increase of pension to Henry J. McFadden;
A bill (S. 4811) granting an increase of pension to John W. Dick;
A bill (S. 4866) granting an increase of pension to Sarah D. Bereman;
A bill (S. 4941) granting an increase of pension to William Nichol;
A bill (S. 4943) granting an increase of pension to Abraham Park;
A bill (S. 5019) granting an increase of pension to Hannah E. James;
A bill (S. 5403) granting an increase of pension to Lyman Hotaling;
A bill (S. 5431) granting a pension to Daniel Dougherty;
A bill (S. 5639) granting a pension to William H. Durham;
A bill (S. 5660) granting an increase of pension to George W. Berry;
A bill (S. 5774) granting a pension to Asa E. Sampson;
A bill (S. 5812) granting an increase of pension to Wallace Fairbank;
A bill (S. 5814) granting a pension to Preston W. Burford;
A bill (S. 5816) granting a pension to Etta A. Whitehouse;
A bill (S. 5944) granting an increase of pension to Frederick W. Willey, alias William F. Willey;
A bill (S. 6101) granting an increase of pension to Reuben Andrews;
A bill (S. 6123) granting an increase of pension to Thomas L. Collins;
A bill (S. 6151) granting an increase of pension to Henry E. Burton; and
A bill (S. 6330) granting an increase of pension to Allen M. Ripley.

The message also announced that the House had passed with an amendment the bill (S. 5118) granting an increase of pension to Adam Stuber; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1020) granting a pension to Mary E. Pennock;
A bill (H. R. 1829) granting an increase of pension to George W. Brill;
A bill (H. R. 1923) granting an increase of pension to Frederick W. Damon;
A bill (H. R. 2675) granting an increase of pension to John M. Stanley;
A bill (H. R. 3265) granting an increase of pension to Henry Pensinger;
A bill (H. R. 3302) granting an increase of pension to Henry G. Wheeler;
A bill (H. R. 3503) granting an increase of pension to Edward H. Brady;
A bill (H. R. 3578) granting an increase of pension to Erastus E. Edmunds;
A bill (H. R. 4154) granting an increase of pension to Murray W. Woodward;
A bill (H. R. 4266) granting an increase of pension to Henry Ehmke;
A bill (H. R. 4501) granting a pension to Sarah D. Lightfoot;
A bill (H. R. 5019) granting a pension to Alsey E. Potts;
A bill (H. R. 5792) granting an increase of pension to Andrew J. Reeves;
A bill (H. R. 6161) granting an increase of pension to Homer Davis;
A bill (H. R. 6719) granting an increase of pension to John H. Hall;
A bill (H. R. 6889) granting an increase of pension to Michael Rader;
A bill (H. R. 7012) granting an increase of pension to Abel Fleming;
A bill (H. R. 7385) granting an increase of pension to John Kelley, second;
A bill (H. R. 7680) granting an increase of pension to David C. Yakey;
A bill (H. R. 7832) granting an increase of pension to Elizabeth Lister;
A bill (H. R. 8244) granting a pension to Bridget Logan;
A bill (H. R. 8699) granting an increase of pension to David M. Kittle;
A bill (H. R. 8711) granting an increase of pension to William C. Crawford;
A bill (H. R. 9107) granting a pension to Austin A. Vore;
A bill (H. R. 9491) granting an increase of pension to John W. Brattain;
A bill (H. R. 9734) granting an increase of pension to John P. Peterman;
A bill (H. R. 9912) granting an increase of pension to Matilda Smith;
A bill (H. R. 10105) granting an increase of pension to Thomas Fleming;
A bill (H. R. 10219) granting an increase of pension to J. Banks Hunter;
A bill (H. R. 10350) granting a pension to Rebecca Piper;
A bill (H. R. 10757) granting an increase of pension to Lewis Fishbaugh;
A bill (H. R. 10826) granting an increase of pension to Josiah S. Fay;
A bill (H. R. 11020) granting an increase of pension to Oliver P. Alsbach;
A bill (H. R. 11189) granting an increase of pension to Jennie M. Gilbert;
A bill (H. R. 11199) granting a pension to Lewis Walton;
A bill (H. R. 11596) granting an increase of pension to Inez L. Clift;
A bill (H. R. 11625) granting an increase of pension to Alexander H. Taylor.
A bill (H. R. 12215) granting an increase of pension to Henry M. Posey;
A bill (H. R. 12382) granting an increase of pension to William Sands;
A bill (H. R. 12413) granting an increase of pension to William Zickerick;
A bill (H. R. 12524) granting an increase of pension to Elvira M. Cooper;
A bill (H. R. 12812) granting an increase of pension to Otis T. Hooper;
A bill (H. R. 12963) granting a pension to Sarah E. Smith;
A bill (H. R. 13127) granting a pension to Nancy Works;
A bill (H. R. 13200) granting an increase of pension to Charles B. Greely;
A bill (H. R. 13534) granting an increase of pension to James Evans;
A bill (H. R. 13723) granting an increase of pension to Oliver C. Jackson;
A bill (H. R. 13839) granting an increase of pension to John W. B. Huntsman;
A bill (H. R. 14185) granting an increase of pension to Albert Blood;
A bill (H. R. 14195) granting an increase of pension to David T. Towles;
A bill (H. R. 14256) granting an increase of pension to Jesse R. Dewstoe;
A bill (H. R. 14262) granting a pension to Harriet Robinson;
A bill (H. R. 14302) granting an increase of pension to Samuel Burrell;
A bill (H. R. 14303) granting an increase of pension to Robert H. Maricle;
A bill (H. R. 14361) granting an increase of pension to Joseph M. Alexander;
A bill (H. R. 14518) granting an increase of pension to James D. Kiper;
A bill (H. R. 14605) granting an increase of pension to John T. Knoop;
A bill (H. R. 14897) granting an increase of pension to Phillip Mooney;
A bill (H. R. 14930) granting an increase of pension to William H. Houseal;
A bill (H. R. 15013) granting an increase of pension to Charles H. Barnes;
A bill (H. R. 15063) granting an increase of pension to William R. Thompson;
A bill (H. R. 15064) granting an increase of pension to Frederick Shovar;
A bill (H. R. 15112) granting a pension to Matilda A. Marshall;
A bill (H. R. 15211) granting a pension to Mary J. Slusser;
A bill (H. R. 15229) granting a pension to James T. Jackson;
A bill (H. R. 15329) granting an increase of pension to Elizabeth Rosenbarger;

A bill (H. R. 15385) granting an increase of pension to Alfred J. Sellers;
A bill (H. R. 15386) granting a pension to Mary J. Cleaves;
A bill (H. R. 15396) granting an increase of pension to George H. Stone;
A bill (H. R. 15398) granting an increase of pension to Andrew W. Miller;
A bill (H. R. 15406) granting an increase of pension to James P. Campbell;
A bill (H. R. 15409) granting an increase of pension to James Claybourn;
A bill (H. R. 15416) granting an increase of pension to William Thompson;
A bill (H. R. 15431) granting an increase of pension to Elias Simpson;
A bill (H. R. 15433) granting an increase of pension to William Heywood;
A bill (H. R. 15441) granting an increase of pension to Josiah Stackpole;
A bill (H. R. 15466) granting an increase of pension to John H. Robson;
A bill (H. R. 15510) to promote the efficiency of the Philippine constabulary, to establish the rank and pay of its commanding officers, and for other purposes;
A bill (H. R. 15549) granting an increase of pension to John Wright;
A bill (H. R. 15550) granting a pension to Mary A. Hinkle;
A bill (H. R. 15558) granting an increase of pension to David A. Baldwin;
A bill (H. R. 15571) granting an increase of pension to John Macfarlane;
A bill (H. R. 15648) granting an increase of pension to Lester H. Salsbury;
A bill (H. R. 15661) granting an increase of pension to James M. Marshall;
A bill (H. R. 15673) granting a pension to Annie E. Doss;
A bill (H. R. 15682) granting an increase of pension to Jared P. Hubbard;
A bill (H. R. 15684) granting an increase of pension to Joseph R. Prentice;
A bill (H. R. 15729) granting an increase of pension to Abner M. Judkins;
A bill (H. R. 15748) granting an increase of pension to William Whitlock;
A bill (H. R. 15771) granting an increase of pension to Adam Kohlhauff.
A bill (H. R. 15789) granting an increase of pension to Benjamin Cooper;
A bill (H. R. 15839) granting an increase of pension to Luther Scott;
A bill (H. R. 15840) granting an increase of pension to Rudolph B. Weyeneth;
A bill (H. R. 15852) granting an increase of pension to Cyrus G. Norton;
A bill (H. R. 15864) granting an increase of pension to Benjamin Knestrict;
A bill (H. R. 15870) granting an increase of pension to John Smith;
A bill (H. R. 15874) granting an increase of pension to Rebecca R. Greer;
A bill (H. R. 15892) granting an increase of pension to Eli Titus;
A bill (H. R. 15906) granting an increase of pension to Joseph Grennue;
A bill (H. R. 15999) granting an increase of pension to William F. Loomis;
A bill (H. R. 16011) granting an increase of pension to Morton A. Leach;
A bill (H. R. 16032) granting an increase of pension to Henry Taylor;
A bill (H. R. 16224) granting an increase of pension to William Montgomery; and
A bill (H. R. 16274) granting an increase of pension to Sallie H. Kincaid.

The foregoing House pension bills were subsequently read twice by their titles, and referred to the Committee on Pensions.

The message also announced that the Speaker of the House had appointed Mr. DE ARMOND as one of the members on the part of the House at the conference on the bill (S. 3653) "for the protection of the President of the United States, and for other purposes," Mr. LANHAM having resigned from service as a member of the Committee on the Judiciary.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (S. 1099) authorizing the Secretary of the Navy to return to Harvard University certain silver cup and Nordenfelt gun;
A bill (S. 1359) to increase pension for total deafness;
A bill (S. 6119) to authorize the Pensacola, Alabama and Tennessee Railway Company to erect, maintain, and operate a railway bridge across the Alabama River in Wilcox County, in the State of Alabama;
A bill (S. 6439) for the refund of certain tonnage taxes;
A bill (H. R. 179) to amend the internal-revenue laws; and
A bill (H. R. 15480) granting an increase of pension to William S. Barker.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of Flandrau & Co., of New York City, N. Y., praying for the establishment of a bureau in the Department of Agriculture to be known as the bureau of public roads; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Independent Kletzker Brotherly Aid Association, of New York; of Parlor City Lodge, No. 270, Order of Brith Abraham, of Binghamton; of Elmira City Lodge, No. 272, Order of Brith Abraham, of Elmira; of Lodge No. 322, Order of Brith Abraham, of New York; of Rochester City Lodge, No. 78, Order of Brith Abraham, of Rochester; of the Odessa Mutual Relief Association, of New York, and of Oneida County Lodge, No. 228, Order of Brith Abraham, of Utica, all in the State of New York, praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

He also presented petitions of E. Bailey & Sons, of Patchogue; of the Austin Engraving Company, of Albany; of the Jacob Dold Packing Company, of Buffalo; of the Buffalo Oil, Paint, and Varnish Company, of Buffalo; of the Trevor Manufacturing Company, of Lockport; of the Roessler & Hasslacher Chemical Company, of New York; of the Firth Carpet Company, of Firthcliffe; of the Kemp & Burpee Manufacturing Company, of Syracuse; of the Eclipse Manufacturing Company, of Elmira; of Van Zandt Jacobs & Co., of Troy; of the Joseph Schneible Company, of New York; of the W. T. Falconer Manufacturing Company, of Jamestown, and of the Standard Varnish Works, of New York, all in the State of New York, praying for the establishment of a department of commerce; which were ordered to lie on the table.

He also presented a memorial of the American Society for the Prevention of Cruelty to Animals of New York City, N. Y., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented petitions of Typographical Union No. 205, of Jamestown; of the Journeymen Stone Cutters' Association, of New York; of Cigar Makers' Local Union No. 9, of Troy; of Local Union No. 310, of Norwich; of Local Union No. 186, of Auburn; of the Wall Paper Color-Mixers' Union No. 2, of New York; of Local Union No. 238, of Jamestown; of Musicians' Protective Local Union No. 108, of Dunkirk; of Local Union No. 30, of New York; of Blacksmiths Helpers' Union No. 6931, of New York; of Local Union No. 9760, of Troy; of Cigar Makers' Local Union No. 370, of Jamestown; of the Fiber Pressmen's Union, of Lockport; of Bricklayers and Plasterers' Local Union No. 10, of Troy, and of Carpenters and Joiners' Local Union No. 369, of North Tonawanda, all of the American Federation of Labor, in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. FAIRBANKS presented a memorial of Local Union No. 365, Carpenters and Joiners of Marion, Ind., remonstrating against the passage of the so-called desert-land bill, and also against the adoption of the commutation clause of the homestead law; which was referred to the Committee on Public Lands.

He also presented a petition of the General Assembly of the Presbyterian Church of Pittsburg, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in soldiers' homes and immigrant stations; which was referred to the Committee on Military Affairs.

He also presented petitions of H. M. Simpson & Sons, of Vincennes, of G. N. Moyer, of Laketon, and of Albertson and Hobbs, of Bridgeport, all in the State of Indiana, praying for the enactment of legislation providing for the inspection of nurseries for injurious insects and for the regulation of interstate shipments of nursery products; which were referred to the Committee on Agriculture and Forestry.

Mr. BLACKBURN presented petitions of sundry citizens of Cedar Run, Cynthiana, and other cities in the State of Kentucky, praying for the enactment of legislation to amend the internal revenue laws so as to reduce the tax on distilled spirits; which were ordered to lie on the table.

Mr. KEAN presented a petition of Carpenters and Joiners' Local Union No. 620, American Federation of Labor, of Vineland, N. J., praying for the enactment of legislation to repeal the desert

land law, and also the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a petition of the George Jonas Glass Company, of Minotola, N. J., praying for the establishment of a department of commerce; which was ordered to lie on the table.

He also presented petitions of the Brotherly Benevolent Association, Order of Brith Abraham, of West Hoboken, of the Congregation of Brith Abraham, of Bayonne, and of the Hebrew Sick Benefit Association, Order of Brith Abraham, of Bayonne, all in the State of New Jersey, praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York, which were referred to the Committee on Immigration.

He also presented petitions of Carpenters and Joiners' Local Union No. 620, of Vineland, of Local Union No. 26, of Newark, of the International Association of Machinists' Local Union No. 351, of Hoboken, of Carpenters and Joiners' Local Union No. 941, of East Orange, and of Bricklayers and Masons' Local Union No. 3, of Newark, all of the American Federation of Labor, in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a petition of the Provident Life and Trust Company, of Philadelphia, Pa., and a petition of S. L. Allen & Co., of Philadelphia, Pa., praying for the adoption of an amendment to section 2 of the bill to promote the efficiency of the militia; which were ordered to lie on the table.

He also presented a petition of the American Society for the Prevention of Cruelty to Animals, of New York, N. Y., and a petition of the American Society for the Prevention of Cruelty to Animals, of Washington, D. C., praying for the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the National Hay Asssociation, of Washington, D. C., and a petition of the National Hay Association, of Baltimore, Md., praying for the adoption of an amendment to the interstate-commerce law relative to the rates on hay and straw; which were referred to the Committee on Interstate Commerce.

Mr. FOSTER of Washington presented petitions of the congregation of the Baptist Church of Shelton; of the congregation of the Christian Church of Seattle; of the members of Thanksgiving Service, District No. 3, of Shelton, and of the Woman's Board of Missions of West Washington, of Whatcom, all in the State of Washington, praying for the enactment of legislation to prohibit the sale of intoxicating liquors, opium, tobacco, and firearms to the "child races" of the earth; which were ordered to lie on the table.

Mr. McCUMBER presented the petition of Maynard Crane, of Cooperstown, N. Dak., praying that the duty be removed from coal for one year, and that an investigation be made into the delay in the delivery of coal by the railroads at New York and other terminals; which was referred to the Committee on Finance.

He also presented the petition of Charles A. Pollock, of Fargo, N. Dak., praying that an appropriation be made for the construction of a turnpike from Pittsburg Landing, Tenn., to Corinth, Miss., to enable people to get to the battlefield of Shiloh; which was referred to the Committee on Military Affairs.

He also presented the petition of J. K. Powers, of Springfield, Mo., praying for the enactment of legislation to increase the pensions of soldiers who have lost a limb in the service; which was referred to the Committee on Pensions.

He also presented the memorial of John Canham and James Canham, of Moscow, Idaho, remonstrating against the repeal of the stone and timber law; which was referred to the Committee on Public Lands.

He also presented a memorial of the American Society for the Prevention of Cruelty to Animals, and a memorial of the American Humane Association, remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

Mr. PERKINS presented petitions of the San Antonio Fruit Exchange, of Pomona; of the Charter Oak Citrus Association, of Charter Oak, and of the Placentia Orange Growers' Association, of Fullerton, all in the State of California, praying for the enactment of legislation to protect the forest reserves of Southern California; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of Local Union No. 10169, of Sacramento; of Carpenters and Joiners' Local Union No. 332, of Los Angeles; of Hospital Employees' Local Union No. 492, of Stockton; of Local Union No. 507, of San Jose; of Local Union No. 92, of Pasadena; of Typographical Union No. 46, of Sacramento; of Local Union No. 668, of Palo Alto; of the Federated Trades Assembly of Stockton; of Carpenters and Joiners' Local Union No. 829, of Santa Cruz; of Local Union No. 810, of San Diego; of Local Union No. 22, of San Francisco; of Local Union No. 8961, of Colusa; of Broom Makers' Local Union No. 53, of Los Angeles; of Carpenters and Joiners' Local Union No. 751, of Santa Rosa; of Local Union No. 31, of San Francisco; of Local Union No. 316; of San Jose; of the Federated Trades and Labor Council of San Diego; of Local Union No. 9228, of Crockett; of Painters' Local Union No. 649, of Santa Cruz, and of Local Union No. 284, of Oakland, all of the American Federation of Labor, in the State of California, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. BEVERIDGE presented a petition of the Laporte Fruit Farm and Nursery of Laporte, Ind., praying for the enactment of legislation to provide uniform inspection for nursery stock; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Rock City Local Union, No. 242, of Wabash; of Amalgamated Local Union, No. 140, of Shelbyville; of the Central Labor Union of Evansville; of the Paint Grinders' Association of the United States, of Indiana; of Local Union No. 46, of Evansville; of Typographical Union No. 332, of Muncie; of Local Union No. 215, of Logansport; of Local Union No. 431, of Brazil; of Local Union No. 652, of Elwood; of Local Union No. 17, of Indianapolis; of Local Union No. 154, of Evansville, and of Local Union No. 171, of Indianapolis, all of the American Federation of Labor, and of Lafayette Division, No. 302, Order of Railway Conductors of America, of Lafayette, all in the State of Indiana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a petition of Albertson & Hobbs, of Bridgeport, Ind., praying for the enactment of legislation to provide a uniform inspection of nursery stock; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Union No. 365, United Brotherhood of Carpenters and Joiners, of Marion, Ind., praying for the enactment of legislation to repeal the desert land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a petition of Local Lodge No. 137, Order of Brith Abraham, of Indianapolis, Ind., praying for the enactment of legislation to modify the methods and practice pursued by immigration officers at the port of New York; which was referred to the Committee on Immigration.

He also presented a petition of the Paint Grinders' Association of the United States, American Federation of Labor, of Chicago, Ill., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the American Society for the prevention of Cruelty to Animals, of New York City, N. Y., praying for the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

Mr. SPOONER presented a petition of the Woman's Christian Temperance Union, of Racine, Wis., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. CLAY presented a petition of the Board of Trade of Savannah, Ga., praying for the passage of the so-called pure-food bill; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Savannah, Ga., praying for the establishment of a Department of Commerce; which was ordered to lie on the table.

Mr. QUARLES presented the petition of George J. Kellogg & Sons, of Janesville, Wis., praying for the enactment of legislation to provide for a uniform inspection of nursery stock; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Wisconsin State Federation of Labor, of Milwaukee, Wis., remonstrating against the adoption of certain amendments to the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union, of Racine, Wis., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of Iron Molders' Union No. 185, of Madison; the United Brotherhood of Carpenters and Joiners of Milwaukee; of Plumbers' Local Union No. 167, of Madison; of the Machinists' Local Union of Appleton; of the Bartenders' League of La Crosse; of Carpenters and Joiners' Local Union No. 836, of Janesville; of Electrical Workers' Local Union No. 187, of Oshkosh; of Coopers' Local Union No. 46, of Superior, and of Plumbers and Gasfitters' Local Union No. 75, all of the American Federation of Labor, in the State of Wisconsin, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. CULLOM presented a petition of the Board of Trade of Chicago, Ill., praying for the ratification of the reciprocity treaty between the United States and Great Britain for the establishment of commercial relations with the colony of Newfoundland; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of the State of Illinois, praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which was ordered to lie on the table.

He also presented petitions of Federal Labor Union No. 9428, of Freeport; of the Journeymen Stone Cutters' Association of Joliet; of Cigar Makers' Local Union No. 47, of Quincy; of Local Union No. 220, of Chicago; of Local Union No. 1782, of Braidwood; of Local Union No. 644, of Pekin; of Carpenters and Joiners' Local Union No. 16, of Springfield; of the Cigar Makers' Local Union of Canton; of Local Union No. 154, of Kewanee; of Retail Clerks' Local Union No. 45, of Streator; of Local Union No. 644, of Hillsboro; of Local Union No. 1064, of Morris; of Federal Labor Union No. 6925, of Kewanee, and of Local Union No. 410, of Danville, all of the American Federation of Labor, in the State of Illinois, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. FRYE presented a petition of Stove Mounters' Union No. 50, of Bangor, Me., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of Pride of Maine Lodge, No. 202, of Lewiston, Me., praying that the deportation of immigrants from the port of New York may be inquired into; which was referred to the Committee on Immigration.

He also presented a petition of the Chamber of Commerce of Boston, Mass., praying for the ratification of the Hay-Bond treaty; which was referred to the Committee on Foreign Relations.

He also presented the petition of F. M. Gault and 34 other citizens of Oklahoma, praying that the Indian Territory and Oklahoma be admitted as one State into the Union and that four States be created out of the present State of Texas; which was ordered to lie on the table.

STATEHOOD BILL.

Mr. QUAY. Mr. President, I present a large number of telegrams bearing upon the statehood bill, which I ask may go into the RECORD without reading.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

[Telegram.]

TUCUMCARI, N. MEX., *January 11, 1903.*

Senator QUAY, *Washington, D. C.:*

Everybody here is desirous of statehood and deny Beveridge report.

JAS. WEIR.

[Telegram.]

TUCUMCARI, N. MEX., *January 11, 1903.*

Senator QUAY, *Washington: D. C.:*

Beveridge report is not correct and unreliable. We desire the statehood bill with no amendments.

L. E. GILLETT.

[Telegram.]

TUCUMCARI, N. MEX., *January 11, 1903.*

Senator QUAY, *Washington, D. C.:*

Give us statehood bill with no amendments. Can't understand why BEVERIDGE should make such an unreliable report.

J. J. CAVANAUGH.

[Telegram.]

TUCUMCARI, N. MEX., *January 11, 1903.*

Senator QUAY, *Washington, D. C.:*

Beveridge report is not correct and unreliable. We desire the statehood with no amendments.

C. C. KEYES.

[Telegram.]

PHOENIX, ARIZ., *January 10, 1903.*

Senator M. S. QUAY, *Washington, D. C.:*

Arizona wants statehood, but without being joined to any other Territory. Senate committee's report does rank injustice and should be refuted. We petition Senate to pass omnibus bill unamended.

WALTER TALBOT,
Mayor of Phoenix.

[Telegram.]

TUCUMCARI, N. MEX., *January 10, 1903.*

M. S. QUAY, Senator, *Washington, D. C.:*

Beveridge report shows prejudice. New Mexico wants single statehood.

JOHN PACE.

[Telegram.]

TUCUMCARI, N. MEX., *January 10, 1903.*

M. S. QUAY, *Senator, Washington, D. C.:*

If the Republican platform of the party stands for anything, then every Republican Senator should, as a duty and promise, vote for New Mexico statehood.

THEODORE W. HEMAN.

[Telegram.]

TUCUMCARI, N. MEX., *January 10, 1903.*

M. S. QUAY, *Senator, Washington, D. C.:*

New Mexico should represent star by itself. All want it.

J. Q. ADAMS, *Postmaster.*

[Telegram.]

TUCUMCARI, N. MEX., *January 10, 1903.*

M. S. QUAY, *United States Senator, Washington, D. C.:*

We challenge Indiana or any other State as to wealth, education, and we are entitled to single statehood without any amendments.

J. WERTHEIM.

[Telegram.]

TUCUMCARI, N. MEX., *January 10, 1903.*

M. S. QUAY, *Senator, Washington, D. C.:*

Decidedly single statehood is what every intelligent New Mexican wants.

S. C. PANDOLFS.

[Telegram.]

ALAMOGORDO, N. MEX., *January 10, 1903.*

Hon. M. S. QUAY, *Washington, D. C.:*

We favor omnibus statehood bill without amendment, and consider Beveridge report as unfair and unjust.

H. J. ANDERSON,
President First National Bank.

[Telegram.]

TUCUMCARI, N. MEX., *January 10, 1903.*

M. S. QUAY, *United States Senator, Washington, D. C.:*

Population, education, wealth, entitled us to statehood single without amendments.

J. D. BALE.

[Telegram.]

TUCUMCARI, N. MEX., *January 10, 1903.*

Senator M. S. QUAY, *Washington, D. C.:*

Want statehood alone; BEVERIDGE an enemy of our people.

HARRY R. NEAL.

[Telegram.]

ALAMOGORDO, N. MEX., *January 10, 1903.*

Senator M. S. QUAY, *Washington, D. C.:*

We are decidedly in favor of the omnibus statehood bill, without amendment, and do not think the Beveridge report truly states conditions existing in this Territory.

F. C. ROLLAND & CO.

[Telegram.]

TUCUMCARI, N. MEX., *January 10, 1903.*

Senator M. S. QUAY, *Washington, D. C.:*

Everybody here wants single statehood for New Mexico.

J. A. STREET.

[Telegram.]

PHOENIX, ARIZ., *January 10, 1903.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

People of Arizona are entitled to statehood and anxious for it without being joined to any other Territory. Committee's report is grossly unjust to our interests. We urge you to continue fight for omnibus bill unamended.

J. C. ADAMS,
President Phoenix Board of Trade.

[Telegram.]

TUCUMCARI, N. MEX., *January 10, 1903.*

MATTHEW S. QUAY,
United States Senator, Washington, D. C.:

We resent Beveridge report. New Mexico is entitled to single statehood without amendments and as much as civilized Indiana.

A. D. GOLDENBERG.

[Telegram.]

TUCUMCARI, N. MEX., *January 10, 1903.*

M. S. QUAY, *Washington, D. C.:*

Beveridge report untrue. Want single statehood without amendment; this sentiment of and with approval of all railroad men this district.

J. C. WOODS,
Traveling Conductor, Dawson Railway.

[Telegram.]

TUCUMCARI, N. MEX., *January 10, 1903.*

Senator M. S. QUAY, *Washington, D. C.:*

New Mexico deserves and should be a State. BEVERIDGE prejudiced.

JOHN BROPHY.

[Telegram.]

TUCUMCARI, N. MEX., *January 10, 1903.*

M. S. QUAY, *Washington, D. C.:*

People want single statehood. Beveridge report very unjust.

JOHN LEE.

[Telegram.]

TUCUMCARI, N. MEX., *January 10, 1903.*

MATTHEW S. QUAY, *Senator, Washington, D. C.:*

New Mexico wants statehood alone. Beveridge report false and libelous.

W. A. JACKSON.

[Telegram.]

ALAMOGORDO, N. MEX., *January 10, 1903.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

We feel in this section that the report of Senate committee does not truly represent conditions as they actually exist. We have a town four years old, 4,000 people, 90 per cent American, doing a business of three-quarters of a million dollars a month, and feel that we are deserving of representation.

SOUTHWESTERN MERCANTILE CO.

[Telegram.]

ALAMOGORDO, N. MEX., *January 10, 1903.*

Hon. MATTHEW S. QUAY,
United States Senate, Washington, D. C.:

Permit me to heartily indorse omnibus Statehood bill without amendment and to deny the fairness of Senator BEVERIDGE's report.

FRANK RHOMBERG,
Jeweler and Postmaster.

[Telegram.]

ALAMOGORDO, N. MEX., *January 10, 1903.*

Senator MATTHEW QUAY, *Washington, D. C.:*

As one of the American citizens of this Territory I desire to thank you for your efforts in our behalf; public opinion is unanimously in favor of the omnibus bill and repudiates Beveridge report as an absolute misrepresentation of conditions.

JAMES H. LAURIE,
Hardware Merchant.

[Telegram.]
SANTA ROSA, N. MEX., *January 10, 1903.*
Hon. M. S. QUAY, *Washington, D. C.:*
Senator BEVERIDGE's report shows rankest prejudice and is untrue. Vote for statehood.
J. S. THOMAS, *Druggist.*

[Telegram.]
SANTA ROSA, N. MEX., *January 10, 1903.*
Senator M. S. QUAY, *Washington, D. C.:*
Vote for omnibus bill. Beveridge report is not true to facts.
MOISE BROS., *Merchants.*

[Telegram.]
SANTA ROSA, N. MEX., *January 10, 1903.*
Senator M. S. QUAY, *Washington, D. C.:*
Statehood bill without amendment. BEVERIDGE's report untrue.
J. M. CASANS, *Woolgrower.*

[Telegram.]
SANTA ROSA, N. MEX., *January 10, 1903.*
Senator M. S. QUAY, *Washington, D. C.:*
Justice can not suffer in passage of omnibus statehood measure without amendment. BEVERIDGE's investigation superficial.
C. H. STEARNS, *Merchant.*

[Telegram.]
SANTA ROSA, *N. Mex., January 10, 1903.*
Senator M. S. QUAY, *Washington, D. C.:*
Omnibus bill without amendment. Beveridge report wholly unfair and unjust.
JACKSON GAILBRAITH CO.

[Telegram.]
SANTA ROSA, *N. Mex., January 10, 1903.*
M. S. QUAY,
United States Senator, Washington, D. C.:
Send you this day telegrams representing over $200,000 invested in this county. All favor statehood.
E. R. WRIGHT.

[Telegram.]
SANTA ROSA, *N. Mex., January 10, 1903.*
M. S. QUAY,
United States Senator, Washington, D. C.:
Statehood for New Mexico. BEVERIDGE's report is wholly unjust and unfair.
PINTADO COPPER MINING CO.,
C. H. TAGGART, *General Manager.*

[Telegram.]
SANTA ROSA, *N. Mex., January 10, 1903.*
M. S. QUAY,
United States Senator, Washington, D. C.:
Lifelong residence in New Mexico compels me to favor omnibus bill. BEVERIDGE's report is wholly unfair and unjust.
CELSO BACA,
Stock Owner and Woolgrower.

[Telegram.]
SANTA ROSA, *N. Mex., January 10, 1903.*
M. S. QUAY,
United States Senator, Washington, D. C.:
Over five years' residence compels me to urge omnibus bill and deny BEVERIDGE's report.
GEO. H. SMITH, JR.,
Merchant and Woolgrower.

[Telegram.]
SANTA ROSA, N. MEX., *January 10, 1903.*
M. S. QUAY,
United States Senator, Washington, D. C.:
Over thirty years in Territory compels me to favor the omnibus bill. BEVERIDGE's report unfair and unjust in every respect.
W. F. DESMARAIS, M. D.

[Telegram.]
SANTA ROSA, N. MEX., *January 10, 1903.*
M. S. QUAY, *Washington, D. C.:*
Vote for omnibus bill. BEVERIDGE's report not according to conditions.
R. B. ELLISON, *Ranchman.*

[Telegram.]
SANTA ROSA, N. MEX., *January 10, 1903.*
M. S. QUAY,
United States Senator, Washington, D. C.:
Vote for the omnibus bill. BEVERIDGE's report wholly unfair and unjust.
E. R. WRIGHT *Lawyer.*

[Telegram.]
SANTA ROSA, N. MEX., *January 10, 1903.*
Senator M. S. QUAY, *Washington, D. C.:*
Statehood bill without amendment if possible; records open for examination to Senator BEVERIDGE.
JAMES A. NABB, *Justice of Peace.*

[Telegram.]
YUMA, ARIZ., *January 10, 1903.*
Hon. M. S. QUAY, *Washington, D. C.:*
The passage of the omnibus statehood bill is unanimously urged by the educational interests of Arizona.
B. F. McDONALD,
Superintendent of Yuma Schools.

[Telegram].
YUMA, ARIZ., *January 10, 1903.*
M. S. QUAY,
United States Senate, Washington, D. C.:
Statehood would be a great moral boon to Arizona. Urge passage omnibus bill.
J. A. CROUCH,
Pastor Methodist Church.

[Telegram].
YUMA, ARIZ., *January 10, 1903.*
M. S. QUAY, *Washington, D. C.:*
Our citizens unanimously urge passage omnibus statehood bill.
D. L. DEVANE, *Probate Judge.*

[Telegram].
YUMA, ARIZ., *January 10, 1903.*
M. S. QUAY, *Washington, D. C.:*
People of Yuma as a unit earnestly urge passage of omnibus statehood bill.
YUMA TITLE ABSTRACT CO.,
By C. C. HAYWARD, *Manager.*

[Telegram].
YUMA, ARIZ., *January 10, 1903.*
M. S. QUAY, *Washington, D. C.:*
People of Yuma County, without regard to party affiliation, unanimously pray for the passage of omnibus statehood bill.
PETER T. ROBERTSON,
Secretary Yuma County Republican Central Committee.

[Telegram.]
YUMA, ARIZ., *January 10, 1903.*
M. S. QUAY, *Washington, D. C.:*
People of Arizona practically unanimous for omnibus statehood bill, and urge its passage.
BANK OF YUMA.

[Telegram.]
YUMA, ARIZ., *January 10, 1903.*
M. S. QUAY, *Washington, D. C.:*
People of Yuma unanimously urge passage omnibus statehood bill. Our every interest demands it. Reports from whole Territory indicate all interests urge its passage.
R. S. PATTERSON, *Mayor.*

[Telelgram.]
YUMA, ARIZ., *January 10, 1903.*
Hon. M. S. QUAY, *Washington, D. C.:*
Yuma County, Ariz., unanimous for statehood and the passage of the omnibus bill without change. We urge and plead for the passage of the bill.
JOHN C. DE WITT, *Chairman,*
WM. E. MARTIN, *Member,*
S. B. HINDS, *Member,*
C. P. CRONIN, *Clerk,*
Board of Supervisors, Yuma County, Ariz.

[Telegram.]
YUMA, ARIZ., *January 10, 1903.*
Senator QUAY, *Washington, D. C.:*
Many thanks for your noble fight for the omnibus statehood bill. Hope you will succeed in passing it.
GUS. LIVINGSTON.

DENVER, COLO., *January 8, 1903.*
Hon. M. S. QUAY, *Washington, D. C.:*
Pair me for statehood bill and against Oklahoma and Indian Territory as one State; against New Mexico and Arizona as one State.
H. M. TELLER.

SANTA FE, N. MEX., *January 4, 1903.*
Senator M. S. QUAY, *Washington, D. C.:*
As a former citizen of Pennsylvania and a Republican worker who has been deprived of some of his most precious political rights simply because he crossed the imaginary line which divides New Mexico from the States which surround it and having a similar population, similar resources, similar prospects, I urge you to do all in your power to have the Senate pass the omnibus bill in its present form. New Mexico desires to assume the responsibilities of statehood. It is able to do so. And how can any American citizens oppose these aspirations that are identical with the aspirations of the men who fought the British at Brandywine and Germantown and suffered a same cause at Valley Forge? The gratitude of the people of New Mexico for your faith in them knows no bounds.
PAUL A. F. WALTER.

[Telegram.]
AZTEC, N. MEX., *January 5, 1903.*
Senator M. S. QUAY, *Washington, D.C.:*
We sincerely thank you and all Senators favoring statehood. We denounce the slanderous opposition of Senator BEVERIDGE. San Juan County is unit for statehood.
JUDGE PENDLETON.
A. R. SPRINGER.
W. H. WILLIAMS.

[Telegram.]
ALAMOGORDO, N. MEX., *January 10, 1903.*
Senator MATTHEW QUAY, *Washington, D. C.:*
The Alamogordo Lumber Company, employing 400 American citizens and representing $1,000,000 capital, protest against the report of Senator BEVERIDGE as unfair and not in accordance with facts. We favor the omnibus bill without amendment.
S. S. HOPPER, *General Manager.*

[Telegram.]
ALAMOGORDO, N. MEX., *January 10, 1903.*
Hon. M. S. QUAY, *United States Senate, Washington, D. C.:*
The undersigned business men of Alamogordo, N. Mex., favor the omnibus bill without amendment. We know the Beveridge report does not state the true condition of affairs, and that the committee failed to investigate the most prosperous parts of the Territory.

O. M. LEE & CO.	R. B. ARMSTRONG.
H. G. CADDY.	WM. H. SLAUGHTER.
G. J. WOLFINGER.	L. E. GILLETT.
PEOPLES BROS.	MILLER BROS.
GEO. RICHARDSON.	W. E. WARREN & CO.
G. C. SCIPIO.	HODGE FURN. COMPANY.
R. H. PIERCE & CO.	BARNES & WILLIAMS.

[Telegram.]

ALAMOGORDO, N. MEX., *January 10, 1903.*

Hon. M. S. QUAY, *United States Senate, Washington, D. C.:*

The members of the Alamo Club wish to be on record as unqualifiedly in favor of the omnibus statehood bill, and to say, further, that had the Senate committee visited our town they would have found a progressive, enlightened, and representative American community.

E. M. CLARK, *Secretary.*

[Telegram.]

ALAMOGORDO, N. MEX., *January 10, 1903.*

Senator M. S. QUAY, *Washington, D. C.:*

Citizens here anxiously following progress of statehood bill. We favor omnibus bill without amendment. We consider that the report of Senator BEVERIDGE is entirely unfair to the citizens of New Mexico and absolutely inconsistent with the facts.

O. D. Warnock, chairman; J. C. Tucker; E. Prodo, county commissioner; W. K. Stalup, probate clerk; J. N. Jackson, treasurer; J. E. Edington, superintendent schools; E. F. Fleming, assessor; James Hunter, sheriff.

Mr. QUAY. I present certain resolutions of the Commercial Club of Albuquerque, N. Mex., which I desire to have read in connection with the accompanying papers, for the reason that they traverse part of the testimony taken by the Committee on Territories.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks that the papers which he sends to the desk relating to the statehood bill may be read. Is there objection?

Mr. QUAY. That is, the papers last presented.

The PRESIDENT pro tempore. The papers last presented. The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

"Whereas in his testimony before the Senate Committee on Territories, investigating conditions in New Mexico, Mr. F. H. Newell, hydrographer of the United States Geological Survey, stated that "the Rio Grande is dry for many months, on an average of one year in three, from White Rock Canyon south," and made many other statements of like character; and

"Whereas such statements are erroneous and misleading, and when made by an officer of the United States, under oath, will be very injurious to the interests of New Mexico, aside from the matter of statehood, if not publicly corrected; and

"Whereas it is shown by the figures of Mr. Newell's own department in his report of daily measurement, taken under his own supervision, through a series of five years, that the smallest volume of water flowing past White Rock Canyon in the Rio Grande during the said period of five years was 262 cubic feet per second, or a hundred and sixty-nine and one-half million gallons per day; and

"Whereas, by the sworn testimony of a large number of persons who have lived for many years in the valley of the Rio Grande, it appears that the river has never been known to be dry at White Rock Canyon, or for 50 miles below that point, and but two or three times at Albuquerque: Therefore, be it

"*Resolved*, By the Commercial Club of Albuquerque, an organization composed of the business and professional men of this city and other sections of New Mexico, that we do most earnestly protest against the dissemination by the United States Government of false and damaging statements regarding the natural resources of this Territory, whether made by officers of the Government or other persons; and

"*Resolved*, That such statements as that quoted above from the testimony of Mr. Newell, if permitted to go uncorrected, would seriously retard the development of this country by deterring people from coming here for the purpose of making homes or investing capital; and

"*Resolved*, That we hereby respectfully request the honorable Senate of the United States to make this protest and the accompanying affidavits a part of the public record, to be published as a correction of the erroneous and damaging statements above mentioned and as a matter of simple justice to the Territory of New Mexico and to its people."

I, the undersigned, secretary of the Commercial Club of Albuquerque, do hereby certify that at a meeting of the said Commercial Club, held at the clubrooms in the city of Albuquerque on the 6th day of January, A. D. 1903, the above and foregoing resolutions were adopted, and I further certify that the above and foregoing is a true and correct copy of the said resolutions as appears from the records of the said Commercial Club now in my office.

In witness whereof I have hereunto set my hand and affixed the seal of the said Commercial Club, this 8th day of January, A. D. 1903.

P. F. MCCANNA, *Secretary.*

Mr. QUAY. I desire also to have the accompanying affidavits read.

The PRESIDENT pro tempore. There being no objection, the affidavits will be read.

The Secretary read as follows:

Testimony of Mr. Jesus M. Romero, taken before Mr. O. N. Marron, a notary public.

Q. How long have you lived in the Rio Grande Valley?
A. I have lived here all my life.
Q. How old are you?
A. I am 43 years o age.
Q. How many times hav you known the river to be dry at Albuquerque during your lifetime?
A. Three times.
Q. For how long a period during each time has it remained dry?
A. About a month each time.
Q. In other words, you have only known the river to be dry three times in the forty-three years at Albuquerque?
A. Yes, sir.

Mr. BEVERIDGE. Mr. President, this does not appear to be an affidavit. It appears to be a deposition.

Mr. QUAY. It does not matter, Mr. President.

Mr. BEVERIDGE. Does the Senator desire that the depositions shall be read, or would it be sufficient for the Senator to state the point to which the depositions go? I see that they are voluminous. Otherwise, of course, in order that the Senate may understand the whole controversy, all the testimony on the subject might equally be read from the desk.

Mr. QUAY. I have already stated that I desire to have the testimony read; it does not matter whether they are affidavits or depositions; and the Senate, I understand, has given consent.

Mr. BEVERIDGE. Of course, if the Senator desires to have them read, that can be done, but I submit it does make some difference whether they are depositions or affidavits, because an affidavit simply goes to the point in a few words, whereas a deposition is the examination of a witness in the form in which a witness is always examined.

I merely make the point. I have no objection to the Senator having the depositions read, but if this evidence is read it would entitle the committee at any time, or any member of it, or any member of the Senate, to have that testimony read from the desk also.

Mr. QUAY. I have no objection.

The Secretary resumed the reading, as follows:

Q. Mr. Romero, Mr. Newell states in answer to Senator PATTERSON that the river goes dry at Albuquerque one year out of three and remains dry from sixty days to six months. What is your opinion of this statement?
A. It is absolutely false.
Q. Is it not your experience that we have regular rainy seasons in New Mexico during the months of July and August?
A. I have only known a few years that we have missed it.
Q. Have you been cultivating land in New Mexico in the Rio Grande Valley?
A. I have been cultivating land ever since I was 10 years of age.
Q. And have you had any trouble for lack of water with the three years that you speak of?
A. No, sir.

JESUS ROMERO.

Subscribed and sworn to before me this 8th day of January, 1903.
[SEAL.] O. N. MARRON, *Notary Public.*

Testimony of Mr. Benjamin Johnson, taken before Mr. O. N. Marron, a notary public.

Q. Mr. Johnson, how long have you lived in the Territory?
A. Twenty-four years.
Q. How much of that time have you lived in the Rio Grande Valley?
A. About seventeen years.
Q. What business have you been engaged in, Mr. Johnson?
A. I have been engaged in the hide and wool business and mining.
Q. You are then somewhat familiar with conditions pertaining to the flow of the Rio Grande River.
A. Yes, sir.
Q. Have you had occasion to cross it many times during the summer season?
A. Yes, sir.
Q. At about what point?
A. The Indian pueblo Cochiti, where the Atchison, Topeka and Santa Fe Railroad approaches the river.
Q. Have you ever known the river to be dry at that point?
A. No, sir.
Q. Was there always considerable flow of water at that time?
A. There was always plenty of water, and some portions of the year had to cross in a ferry boat.
Q. At the point where you crossed the Rio Grande River how far is it from the station at White Rock Canyon?
A. About 26 miles.
Q. Are you familiar with the grazing and agricultural lands of New Mexico?
A. I am more familiar with the grazing lands than the agricultural.

BEN JOHNSON.

Subscribed and sworn to before me this 3d day of January, 1903.
[SEAL.] O. N. MARRON, *Notary Public.*

Testimony of Mr. S. Crollott, taken before Mr. O. N. Marron, a notary public.

Q. How old are you?
A. Forty-eight years of age.
Q. How long have you lived in the Rio Grande valley?
A. Forty-three years.
Q. What is your occupation at Albuquerque?
A. I am a carpenter by trade, also farming, and am at present justice of the peace for Albuquerque precinct.
Q. Have you read the testimony given by Mr. Newell before the Senate committee on the new statehood bill, particularly at the bottom of page 180?
A. I have.
Q. What have you to say to the statement that the Rio Grande is usually dry, except during flood time, at White Rock Canyon?
A. It is not so.
Q. How many times have you seen the Rio Grande dry at Corrales, 10 miles above Albuquerque?
A. I have never known it to be dry at Corrales, 10 miles above Albuquerque, where I have lived for eighteen years.

SEFERINO CROLLOTT.

Subscribed and sworn to before me this 8th day of January, 1903.
[SEAL.] O. N. MARRON, *Notary Public.*

Testimony of Mr. E. S. Stover, taken before Mr. O. N. Marron, a notary public.

Q. Mr. Stover, how long have you lived in the Territory of New Mexico?
A. A little over twenty-six years.
Q. What places or public positions have you held since coming to the Territory?
A. I have been a member of the legislative council, and president, although not an instructor, of the University of New Mexico for about eight years, and am now a regent thereof. I was also president of the bureau of immigration for about eight years.
Q. You then feel qualified to answer some of the statements made by Mr. Newell before the new statehood Senatorial committee?
A. I am. I have traveled over the most of New Mexico and am personally familiar with the conditions existing.
Q. Did you read the testimony of Mr. Newell, recently taken before the subcommittee Senate on Territories, of which Mr. BEVERIDGE is chairman?
A. Yes, sir; I did.
Q. Where have you resided since living in New Mexico?
A. Twenty-two out of the twenty-six years I have resided in Old Albuquerque, and my place on the west is bounded by the Rio Grande River

Then you are familiar with the history of that river for the past twenty-six years?

A. Entirely so.

Q. Mr. Newell states that the normal condition of that river is dry during most of the irrigation season, 50 miles above Albuquerque. Do you believe this to be a correct statement?

A. I know it to be absolutely false.

Q. How many years have you known the river to be dry at Albuquerque?

A. Never to be entirely dry; it has been partially dry for three years adjoining my place in Old Albuquerque, but at no time so dry but what the holes in the river bed were full of fish.

Q. With the intense interest that you have in the public affairs of New Mexico since residing here, do you think it possible that Mr. Newell in his official position could have made many visits to the Territory without your knowledge?

A. I do not think so.

Q. You therefore question the statement made by him in answer to the questions by the chairman of the statehood committee.

A. Unquestionably I do. I personally know that many of them are misleading in the extreme, and some absolutely false. And if necessary I can produce the sworn affidavits of one thousand or more men who have lived in New Mexico for thirty years to substantiate my statement.

Q. Have you in any way investigated or have you any knowledge of the underflow of the Rio Grande.

A. When I first came to New Mexico, twenty-six years ago, I was a member of the firm of Stover & Co., general merchandise. We introduced the drive pump in New Mexico, and in the course of two, three, or four years we put down in the Rio Grande valley and on its tributaries fully one thousand of those drive pumps, and in no instance in the Rio Grande valley did we fail to secure water, and in most instances we could secure a liberal and inexhaustible supply by sinking our wells only 3 or 4 feet. About 1½ miles from the banks of the Rio Grande I established a fish pond sunk in the surface of the ground about 2½ feet, and at no time during the twenty-three years that I had that fish pond was there any in-flow of water except from the seepage from the river. There was at no time an insufficient supply of water for my carp and bass.

Q. Mr. Newell states substantially, on page 175, that all of the agricultural land where water can be readily brought, owned by the United States, that a man could make a living on, has been taken up or preempted. What do you think about that statement, Mr. Stover?

A. I think his statement in regard to the land is as misleading as those relative to the water in the Rio Grande. I personally know in both instances that the statement is incorrect.

Q. Mr. Newell stated that it was his impression that only about one-fourth of 1 per cent of the area of the Territory is irrigated, and that that was practically all that could be irrigated under the present conditions. Is it not a fact that while you were president of the bureau of immigration you collected statistics that showed that the water then in sight—1894—would irrigate 2,064,455 acres, and the agricultural and possibly irrigable by storage, 28,225,267 acres, and that you also satisfied yourself that the creek and river bottom lands of New Mexico afforded about 2,000,000 acres of easily irrigated land, of which about 800,000 is actually under ditch?

A. It is; and these were figures which were given us by our agents which we believed to be correct, and which I now believe to be correct.

Mr. BEVERIDGE. I rise merely to state, since that is being read, that in form the question and the answer are rather free testimony.

Mr. HOAR. Mr. President, what is the order of business? I ask for information.

The PRESIDENT pro tempore. Petitions and memorials. The Senator from Pennsylvania [Mr. QUAY] presented certain telegrams, and asked that the telegrams might be printed without reading, which was not objected to. He then asked that the resolutions and the affidavits which he sent to the desk touching the statehood bill might be read, and there being no objection that was allowed, and the Secretary is now reading those affidavits.

The Secretary resumed the reading, as follows:

Q. Are you not also satisfied, Mr. Stover, that irrigated farms from 10 to 20 acres are sufficient to give support to a family?

A. I have farmed in the State of Maine and in Kansas, and I desire to state from personal knowledge that 10 acres of ground in New Mexico under irrigation will raise more than you can on 100 acres in the State of Maine or New Hampshire, where I am familiar with the conditions in those States. In addition, I would like to state as to Mr. Newell's statement that practically all of the lands in New Mexico belonging to the Government upon which a person could make a living, except by stock raising, I personally know that settlers are coming in almost daily and taking up Government lands, upon which they believe they can make a good living by raising various crops, judging from what old settlers in the vicinity have been doing for the past twenty or thirty years.

Q. Are you familiar with the average yield per acre of such crops, wheat, oats, barley, or buckwheat, in New Mexico, Kansas, or Colorado?

A. Yes, I am somewhat familiar.

Q. What is the average yield of wheat in New Mexico?

A. 16.8 in New Mexico; Kansas, 8.4 bushels; in Colorado, 13 bushels.

Q. Oats?

A. New Mexico, 29.2; Kansas, 18.1, and Colorado, 26.7.

Q. Barley?

A. New Mexico, 21.6; Kansas, 8.1.

Q. On what do you form that opinion?

A. From the report of the Agricultural Department of the United States, 1898.

E. S. STOVER.

Subscribed and sworn to before me this 8th day of January, 1903.

[SEAL.] O. N. MARRON, *Notary Public.*

Mr. QUAY. Mr. President, sufficient of the depositions or affidavits, whichever they may be termed, have been read to indicate their general trend, and I will not insist upon any further reading. The other depositions are in the same vein with those already read.

The PRESIDENT pro tempore. Does the Senator ask that they be printed in the RECORD?

Mr. QUAY. I ask that they be printed in the RECORD without reading.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the remaining papers were ordered to be printed in the RECORD, as follows:

Testimony of Mr. Linder Wats, taken before Mr. O. N. Marron, a notary public.

Q. How long have you lived in New Mexico, Mr. Wats?

A. About thirty years.

Q. And have you lived on the banks of the Rio Grande River?

A. I have lived here in Albuquerque fourteen years.

Q. Are you familiar with the conditions of the Rio Grande?

A. Yes, sir; I have been gardening and fruit raising in this valley for fourteen years.

Q. Have you ever been troubled for lack of water during those fourteen years?

A. For only a short period.

Q. About how long a period, Mr. Wats?

A. About a month.

Q. Mr. Wats, have you read the testimony of Mr. Newell before the Senate committee?

A. Yes, sir.

Q. Mr. Newell therein states that the river is dry one year in three, and from sixty days to six months. What do you think of this statement?

A. I think it is absolutely false.

Q. In your fourteen years of residence at Albuquerque, Mr. Wats, which was the dryest year?

A. This last year, 1902.

Q. About how many acres have you cultivated?

A. Eight and a half acres.

Q. This being the worst year you have had, would you mind telling about what amount you derived from your eight and a half acres?

A. I have derived $1,545.50.

Q. Is it your opinion that more land could be brought under cultivation in this section with modern ditch system?

A. It can all be cultivated.

Q. About what proportion of arable land is at present under cultivation in the valley from Albuquerque 27 miles north?

A. About one-fourth.

LINDER WATS.

Subscribed and sworn to before me this 8th day of January, 1903.

[SEAL.] O. N. MARRON, *Notary Public.*

Testimony of Mr. C. E. Bonsall, taken before Mr. O. N. Marron, a notary public.

Q. Mr. Bonsall, how long have you lived on the Rio Grande, New Mexico?

A. I have lived there since 1880.

Q. Has your business been such during that time that you were enabled to observe the condition of the river?

A. Yes, sir.

Q. Have you read the testimony of Mr. Newell before the Senate Committee on Statehood, particularly on page 180?

A. I have.

Q. Mr. Newell stated that the river is usually dry below the White Rock Canyon, or where the Santa Fe road approaches the river. What have you to state in regard to that statement?

A. I have never known it to be dry but three times in the twenty-three years of my residence at Albuquerque, and then it was only partially so, and yet Albuquerque is 66 miles below the point where Mr. Newell's appointed officer took the measurements.

Q. Then, Mr. Bonsall, you mean to state that there was always some water in the river?

A. Yes, sir; there was always water pools, where the small fish remained alive.

Q. Have you read the statement of Mr. Newell, in answer to a question by the chairman of the new Statehood Committee, on page 175, relating to the arid lands in New Mexico, in which he says there is probably no area in the ownership of the United States on which a man could make a living except by cattle raising? You say you have read that?

A. I have.

Q. Has your business been such that you have had opportunities to examine the arid land and agricultural lands of New Mexico?

A. Yes, it has. I have been over a large portion of New Mexico.

Q. What have you to state relative to the statement of Mr. Newell on the bottom of page 175?

A. I certainly think that Mr. Newell could not have made such a statement from any personal observation, and that he had been greatly misinformed upon the subject. I personally know of thousands of acres in the Territory of New Mexico still remaining in the ownership of the United States Government that is capable of sustaining life by agricultural means.

Q. Is it not a fact, Mr. Bonsall, that there are a large number of settlers between the Cochiti and the Nacimiento Range of mountains raising yearly crops without irrigation?

A. Yes, sir. There are a large number of acres of the same kind of land with the same conditions between these same ranges. In this same vicinity, by order of the court, I was appointed a commissioner to examine the land grant containing approximately 99,000 acres, and I with my associate commissioners made a report claiming that one-fourth of this area, or 25,000 acres, was good agricultural land and could be cultivated without irrigation.

Q. Mr. Bonsall, what has been your business?

A. Mining, prospecting, stock raising, merchandising, and hotel business.

Q. Mr. Bonsall, in your prospecting trips what have you noticed agriculturally in the mountains of New Mexico?

A. I have noticed that on nearly all the mesas at an altitude above 7,500 feet crops could be raised three and four years out of every five from the natural precipitation.

C. E. BONSALL.

Subscribed and sworn to before me this 7th day of January, 1903.

O. N. MARRON, *Notary Public.*

REPORTS OF COMMITTEES.

Mr. NELSON. In behalf of the Committee on the Judiciary I report back with amendments the bill (H. R. 13679) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898. I ask leave to submit a report later on.

The PRESIDENT pro tempore. The bill will be placed on the Calendar. The Senator from Minnesota states that later on he will file a report to accompany the bill.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred to bill (H. R. 12763) to provide additional punishment upon a second or other conviction under the laws against counterfeiting, reported adversely thereon; and the bill was indefinitely postponed.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (H. R. 11858) for the relief of William E. Anderson, reported it without amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (S. 4907) to correct the military record of Charles F. Deich, reported it with an amendment, and submitted a report thereon.

Mr. QUARLES, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. CLAY on the 5th instant, proposing to appropriate $25,000 to enable the Secretary of War, through the commissioners of the Chickamauga and Chattanooga National Park, to improve the road from Crawfish Springs, Georgia, through the Widow Davis's Cross-Roads and Bailey's Cross-Roads, to Steven's Gap, intended to be proposed to the sundry civil appropriation bill, submitted a favorable report thereon, and moved that the amendment be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. WARREN, from the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 15922) making an appropriation for the suppression and to prevent the spread of contagious and infectious diseases of live stock, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. CULBERSON, from the Committee on the Judiciary, to whom was referred the bill (H. R. 15506) to amend section 14 of entitled "An act to divide the State of Texas into four districts," reported it without amendment.

JOHN A. MASON.

Mr. PLATT of New York. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 1733) for the relief of John A. Mason, to report it favorably without amendment. I should like to have the bill considered at this time. It will not take a minute.

The PRESIDENT pro tempore. The Senator from New York asks for the present consideration of the bill he has just reported from the Committee on Finance. It will be read to the Senate for its information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit the accounts of John A. Mason, collector of internal revenue for the second collection district of New York, with the sum of $430,249.83½, being the value of internal-revenue stamps destroyed by fire at the office of said collector, No. 114 Nassau street, New York, N. Y., on the night of February 11, 1898.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. COCKRELL. I do not object. I wish simply to call the attention of the Committee on Finance to the fact that this bill is not in the form such bills heretofore have generally been written and reported. In these matters of crediting for stamps, etc., the rule has been to authorize the Secretary of the Treasury to investigate and, if satisfied, then to give the allowance.

Mr. PLATT of New York. The Secretary of the Treasury has investigated and reported on it.

Mr. COCKRELL. And has recommended it?

Mr. PLATT of New York. He has recommended it.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILITARY AND NAVAL RECORDS.

Mr. PLATT of New York. I am directed by the Committee on Printing to submit a report on the resolution offered by the Senator from Massachusetts [Mr. HOAR] December 2, 1902, directing the Committee on Printing to consider and report on the propriety of publishing the military and naval records of the war of 1812, of the Mexican War, and the military records of the several Indian wars, in the same general style as that of the Rebellion Records. I ask that the report be printed for the use of the Senate, and all the correspondence in relation to it I wish to have printed.

The PRESIDENT pro tempore. The report and all the correspondence relating to it will be printed for the use of the Senate, if there be no objection. The Chair hears none, and it is so ordered.

Mr. HOAR. I wish to inquire what was the action on the resolution?

The PRESIDENT pro tempore. It was simply an order to print. It is simply a report without any accompanying bill in response to the resolution, and it was ordered to be printed.

RECORDS OF VIRGINIA COMPANY OF LONDON.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. LODGE on the 5th instant, reported it without amendment, and was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That under the direction of the Librarian of Congress there be printed and bound in cloth 7,000 copies of the Records of the Virginia Company of London, now in the custody of the Library of Congress, 500 copies for the Senate, 1,500 copies for the House of Representatives, and 5,000 copies for use and distribution by the Library of Congress.

REPORT ON GENERAL CONDITIONS IN HAWAII.

Mr. MITCHELL. Mr. President, I am instructed by the Committee on Pacific Islands and Porto Rico to submit to the Senate the report of the subcommittee of that committee on general conditions in Hawaii and ask that the same be printed and recommitted to the full committee.

I beg to state in this connection that the report of the subcommittee on all subjects except the labor question is unanimous. The subcommittee is divided in their recommendations in regard to the admission of Chinese field laborers into Hawaii.

The PRESIDENT pro tempore. The Senator from Oregon, from the Committee on Pacific Islands and Porto Rico, in behalf of the subcommittee of that committee, makes a report which he asks may be printed and referred to the committee.

Mr. MITCHELL. I ask that it may be recommitted to the full committee.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the order is made.

Mr. MITCHELL. I desire to state that later on the testimony and exhibits will be presented to be printed.

BILLS INTRODUCED.

Mr. PETTUS introduced a bill (S. 6808) to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in the said act to be done by said company, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DUBOIS introduced a bill (S. 6809) granting an increase of pension to Andrew Jackson Power; which was read twice by its title and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 6810) for the relief of John Perry, administrator de bonis non of Mary Scott, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 6811) authorizing William Taylor, of Alabama, his associates and assigns, to use the surplus waters of Coosa River in Albama for the purpose of generating power and electricity; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6812) for the relief of the estate of Mrs. Annie Dunn;

A bill (S. 6813) for the relief of Hannah Reed;

A bill (S. 6814) for the relief of the estate of David Moore, deceased;

A bill (S. 6815) for the relief of the estate of James L. Romine, deceased;

A bill (S. 6816) for the relief of David W. Hollis;

A bill (S. 6817) for the relief of James A. Allen;

A bill (S. 6818) for the relief of George Reed;

A bill (S. 6819) for the relief of William M. Hilliard;

A bill (S. 6820) for the relief of Amanda M. Warren; and

A bill (S. 6821) for the relief of J. W. Johnson.

Mr. DEBOE introduced a bill (S. 6822) for the erection of a public building at Marion, Ky.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6823) granting a pension to Adaline Blowers (with the accompanying papers);

A bill (S. 6824) granting a pension to Hiram C. Bridgewater (with the accompanying paper);

A bill (S. 6825) granting an increase of pension to Samuel Fraze; and

A bill (S. 6826) granting an increase of pension to Joseph Dulien (with the accompanying paper).

Mr. HANNA introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 6827) to correct the military record of Thomas Burk;

A bill (S. 6828) to correct the military record of Robinson McLane;

A bill (S. 6829) to correct the military record of Thomas Hamontree;

A bill (S. 6830) to correct the military record of William Thomas (with the accompanying paper); and

A bill (S. 6831) to correct the military record of the late Henry G. Thomas (with the accompanying papers).

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6832) fo rthe relief of the estate of Duplessin Broussard;

A bill (S. 6833) for the relief of Paul Duhon;

A bill (S. 6834) for the relief of Virginia Doyal Minor;

A bill (S. 6835) for the relief of Louis J. Arceneaux;

A bill (S. 6836) for the relief of Omer Baudry;

A bill (S. 6837) for the relief of the estate of Francis M. Fisk, deceased;

A bill (S. 6838) for the relief of the estate of James L. Pierce, deceased; and

A bill (S. 6839) for the relief of the estate of M. L. Mayes, deceased.

Mr. BURNHAM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6840) granting an increase of pension to John Roby;

A bill (S. 6841) granting an increase of pension to Charles S. Boyington;

A bill (S. 6842) granting an increase of pension to Stephen R. Swett; and

A bill (S. 6843) granting an increase of pension to A. Paul Horne (with the accompanying papers).

Mr. PLATT of New York introduced a bill (S. 6844) granting a pension to Edward G. Catlin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 6845) granting an increase of pension to Martin G. Cushing; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced a bill (S. 6846) to appropriate $150,000 for the promotion of salmon culture in Alaska; which was read twice by its title, and referred to the Committee on Fisheries.

He also introduced a bill (S. 6847) to increase the number of light-house districts; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

He also introduced a bill (S. 6848) to establish a life-saving station at Cape Nome, Alaska; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ELKINS introduced a bill (S. 6849) for the relief of the estate of James G. Hurst, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6850) granting a pension to Susan O'Brian; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6851) for the relief of Stephen A. West; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. McCOMAS introduced a bill (S. 6852) granting an increase of pension to Morris B. Slawson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6853) granting an increase of pension to Richard Jones; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6854) for the relief of the estate of W. A. Rawlings;

A bill (S. 6855) for the relief of the estate of Richard Cox, deceased;

A bill (S. 6856) for the relief of the estate of Jesse Applewhite, deceased;

A bill (S. 6857) for the relief of the estate of James Jones, deceased;

A bill (S. 6858) for the relief of the estate of James Overton, deceased;

A bill (S. 6859) for the relief of the estate of David Hurst, deceased;

A bill (S. 6860) for the relief of the estate of Elijah Williams, deceased;

A bill (S. 6861) for the relief of the estate of Thomas Morton, deceased;

A bill (S. 6862) for the relief of the estate of William Lenoir & Bros.;

A bill (S. 6863) for the relief of William C. Tindell;

A bill (S. 6864) for the relief of the heirs of Jesse Hollis, deceased;

A bill (S. 6865) for the relief of the estate of Josiah P. Ashford, deceased; and

A bill (S. 6866) for the relief of the estate of John W. Hester, deceased.

Mr. FOSTER of Washington introduced a bill (S. 6867) to authorize the building of dams and other improvements in the Columbia River in the State of Washington; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6868) granting a pension to Julia Bush; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURNER introduced a bill (S. 6869) granting an increase of pension to Joseph Bone; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 6870) granting a pension to William Jenney; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 6871) to grant to the State of Minnesota certain vacant lands in said State for forestry purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PERKINS introduced a bill (S. 6872) to establish on the coast of the State of California a station for the investigation of problems connected with the marine-fishery interests of that region; which was read twice by its title, and referred to the Committee on Fisheries.

He also introduced a bill (S. 6873) to amend an act entitled "An act making further provisions for a civil government for Alaska, and for other purposes;" which was read twice by its title, and referred to the Committee on Territories.

He also introduced a bill (S. 6874) to increase the limit of cost for the erection of a custom-house building at San Francisco, Cal.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MARTIN introduced a bill (S. 6875) granting an increase of pension to W. M. Tanner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 6876) granting a pension to Lavina F. Poiron; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PLATT of Connecticut introduced a bill (S. 6877) granting an increase of pension to Thomas Coughlin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ELKINS submitted an amendment proposing to increase the amount to be appropriated for expenses of compiling, preparing, and indexing the Congressional Directory from $1,200 to $1,800, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Printing, and ordered to be printed.

Mr. QUARLES submitted an amendment providing for the appointment of surgeons and assistant surgeons for the Revenue-Cutter Service, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate $100,000 for the investigation of mines and mining of the United States by the United States Geological Survey, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Mines and Mining, and ordered to be printed.

Mr. McCOMAS submitted an amendment proposing to appropriate $500 for the purpose of erecting tablets upon certain historic sites in the United States Naval Academy at Annapolis, Md., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. FAIRBANKS submitted an amendment relating to the clerks of the United States courts of appeal, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

PRICES OF COAL IN THE DISTRICT OF COLUMBIA.

Mr. STEWART. I offer the resolution which I send to the desk, and I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read as follows:

Resolved, That the Committee on the District of Columbia be, and the same is hereby, authorized to employ a stenographer, from time to time as may be necessary, to report such hearings as may be had on the investigation into the price of coal in the District of Columbia and have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate. Said committee shall have power to send for persons and papers and to administer oaths.

Mr. COCKRELL. I suggest an amendment by inserting the words "and to compel the attendance of witnesses."

Mr. STEWART. I accept the amendment.

The PRESIDENT pro tempore. The Senator from Nevada modifies his resolution by accepting the amendment suggested by the Senator from Missouri [Mr. COCKRELL]. The resolution will necessarily go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. STEWART. That portion of the resolution in regard to the employment of a stenographer may be stricken out, so that it will not be necessary for the resolution to be referred. It is important to have the resolution passed at once.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. The Chair will feel obliged to rule that the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate. The provision for the employment of a stenographer without any statement in the resolution that he shall be paid from the contingent expenses of the Senate would require a reference of the resolution.

Mr. STEWART. Then I will leave out the clause providing for the payment of a stenographer, so as to give the committee the power to send for persons and papers, to administer oaths, and to compel the attendance of witnesses. We shall have another resolution for the employment of a stenographer.

The PRESIDENT pro tempore. How does the Senator propose that the payment of the expenses in connection with the summoning of witnesses, etc., shall be defrayed?

Mr. STEWART. I will inquire if there is any member of the Committee on Contingent Expenses present in the Chamber representing that committee, who can give assurance that the resolution will be considered to-day without delay?

The PRESIDENT pro tempore. The Senator from New Jersey [Mr. KEAN] is a member of that committee.

Mr. STEWART. Very well; let the resolution be referred to the Committee on Contingent Expenses.

The PRESIDENT pro tempore. The Chair will refer the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate.

SALARIES OF GEORGIA POSTMASTERS.

Mr. CLAY. I submit a resolution which I send to the desk, and I ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read as follows:

Resolved by the Senate, That the Postmaster-General be, and hereby is, directed to report to the Senate the amounts of salaries of all postmasters in the State of Georgia for the terms of service specified, whose names and terms of service appear on the schedule of such cases in said State hereto attached, adjusted under the act of 1854, and the amount of the salary of each such postmaster adjusted and paid under the act of 1864, so that the difference between the salary paid and the amount of salary ordered paid by the act of 1883 shall appear in each case specified on the said schedule.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Let the resolution go to the Committee on Post-Offices and Post-Roads.

Mr. CLAY. I think that there should be no trouble about the adoption of this resolution. It is simply asking for information. I am sure that half a dozen similar resolutions have been adopted; I think one during the present session.

The PRESIDENT pro tempore. The Chair is inclined to think that all similar resolutions have been referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL. Every one, so far as I know.

Mr. CLAY. That is not my recollection. I will, however, submit to the recollection of the Chair, for the reason that the Chair is so situated as to remember better than my myself. Let the resolution, with the accompanying petition, be referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT pro tempore. The resolution, with the accompanying petition, will be so referred.

SALARIES OF OHIO POSTMASTERS.

Mr. HANNA submitted the following resolution; which, with the accompanying petition, was referred to the Committee on Post-Offices and Post-Roads:

Resolved by the Senate, That the Postmaster-General be, and hereby is, directed to report to the Senate the amounts of salaries of all postmasters in the State Ohio for the terms of service specified, whose names and terms of service appear on the schedule of such cases in said State hereto attached, adjusted under the act of 1854, and the amount of the salary of each such postmaster adjusted and paid under the act of 1864, so that the difference between the salary paid and the amount of salary ordered paid by the act of 1883 shall appear in each case specified on the said schedule.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 8th instant approved and signed the following acts:

An act (S. 911) authorizing the Federal Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the village of Oacoma, Lyman County, S. Dak.;

An act (S. 1634) to remove the charge of desertion against Thomas Cordingly; and

An act (S. 6399) to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902.

The message also announced that the President of the United States had on the 9th instant approved and signed the following acts:

An act (S. 3083) providing for the adjudication of certain claims by the Court of Claims;

An act (S. 3371) removing the charge of desertion from the name of Jacob Bowman;

An act (S. 257) to establish a light-house and fog-signal station at Mukilteo Point, near the city of Everett, State of Washington;

An act (S. 6138) to set apart certain lands in the State of South Dakota as a public park, to be known as the Wind Cave National Park;

An act (S. 959) granting an increase of pension to William H. Green;

An act (S. 1193) granting an increase of pension to Jane M. Meyer;

An act (S. 1666) granting an increase of pension to Rufus V. Lee;

An act (S. 1743) granting an increase of pension to Cornelia F. Whitney;

An act (S. 1801) granting an increase of pension to James K. Van Matre;

An act (S. 1944) granting an increase of pension to Ann E. Tillson;

An act (S. 2056) granting an increase of pension to David J. Newman;

An act (S. 2109) granting an increase of pension to Charles C. Davis;

An act (S. 2283) granting an increase of pension to William F. Angevine;

An act (S. 2306) granting an increase of pension to William H. Lessig;

An act (S. 2409) granting an increase of pension to John A. Rotan;

An act (S. 2638) granting an increase of pension to David O. Carpenter;

An act (S. 3315) granting an increase of pension to George W. Bradshaw;

An act (S. 3341) granting an increase of pension to Robert H. Busteed;

An act (S. 3423) granting an increase of pension to Maria V. Stadtmueller;

An act (S. 3493) granting an increase of pension to Charles W. Rose;

An act (S. 3505) granting an increase of pension to Matthew B. Noel;

An act (S. 5882) granting an increase of pension to Merzellah Merrill;

An act (S. 5893) granting an increase of pension to Willie Thomas;

An act (S. 6008) granting an increase of pension to David Vickers;

An act (S. 6045) granting an increase of pension to Charles Sprague; and

An act (S. 6110) granting an increase of pension to Charles A. Cooke.

The message further announced that the President of the United States had, on the 10th instant, approved and signed the act (S. 4617) to authorize a resurvey of certain lands in the State of Wyoming, and for other purposes.

The message also announced that the President of the United States had, on this day, approved and signed the following acts:

An act (S. 1833) providing for the transfer of census records and volumes to the Census Office, and for other purposes;

An act (S. 4419) to incorporate the General Education Board;

An act (S. 3180) granting a pension to Emma L. Ferrier;

An act (S. 3506) granting an increase of pension to Stanley M. Caspar;

An act (S. 3668) granting a pension to Hulda Milligan;

An act (S. 3715) granting an increase of pension to Henry Weaver;

An act (S. 3781) granting an increase of pension to George A. Mercer;

An act (S. 3819) granting an increase of pension to William A. P. Fellows;

An act (S. 4088) granting an increase of pension to Henry Jennings;

An act (S. 4141) granting an increase of pension to John Cook;
An act (S. 4211) granting an increase of pension to Asa Worden;
An act (S. 4348) granting an increase of pension to James Thompson;
An act (S. 4393) granting an increase of pension to William M. Hodge;
An act (S. 4494) granting an increase of pension to Oscar Van Tassell;
An act (S. 4623) granting an increase of pension to Lewis F. Ross;
An act (S. 4727) granting an increase of pension to Isaac Rhodes;
An act (S. 4957) granting an increase of pension to Stiles L. Acee;
An act (S. 4982) granting an increase of pension to John Fler;
An act (S. 5045) granting an increase of pension to Mary A. Moore;
An act (S. 5052) granting an increase of pension to Gilbert Barkalow;
An act (S. 5076) granting an increase of pension to Katharine W. Clarke;
An act (S. 5119) granting an increase of pension to Samuel S. Walck;
An act (S. 5133) granting an increase of pension to Augusta Neville Leary;
An act (S. 5239) granting an increase of pension to Joseph A. Kerbey;
An act (S. 5361) granting an increase of pension to Martha A. Johnston;
An act (S. 5491) granting an increase of pension to John R. Sandsbury;
An act (S. 5500) granting an increase of pension to Angus Cameron;
An act (S. 5534) granting an increase of pension to Abbie C. Bremner;
An act (S. 5648) granting an increase of pension to Frederick Bulkley;
An act (S. 5659) granting an increase of pension to Melinda Heard;
An act (S. 5719) granting an increase of pension to Sidney N. Lund;
An act (S. 5747) granting an increase of pension to James E. Bader;
An act (S. 5758) granting an increase of pension to David Ham; and
An act (S. 5782) granting an increase of pension to Lucy A. Turner.

HOUSE BILL REFERRED.

The bill (H. R. 15510) to promote the efficiency of the Philippine constabulary, to establish the rank and pay of its commanding officers, and for other purposes, was read twice by its title, and referred to the Committee on Military Affairs.

COURTS IN MISSOURI.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying bill, referred to the Committee on the Judiciary:

To the Senate:

In compliance with a resolution of the Senate of the 8th instant (the House of Representatives concurring), I return herewith Senate bill No. 3316, entitled "An act to amend an act entitled 'An act to create a new division in the western judicial district of the State of Missouri,' approved January 24, 1901."

THEODORE ROOSEVELT.

WHITE HOUSE, *January 12, 1903.*

TRUSTS AND CORPORATIONS.

Mr. HOAR. I ask unanimous consent that additional copies may be printed of the pamphlet which contains a letter of the Attorney-General on the subject of trusts, the speech of the Attorney-General at Pittsburg, and the existing law on trusts, which was ordered to be printed. I ask that 2,000 additional copies of the pamphlet be printed for the use of the Senate. It will not take $500.

Mr. COCKRELL. And that it shall be sent to the Senate document room for distribution?

Mr. HOAR. Yes.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that 2,000 additional copies of the document to which he refers may be printed. The Senator from Missouri suggests that it be sent to the Senate document room for distribution. Is there objection? The Chair hears no objection, and the order is made.

THE STATEHOOD BILL.

Mr. FORAKER. I desire to give notice that on Wednesday next, at the conclusion of the morning business, I shall, with the indulgence of the Senate, make some remarks in support of the statehood bill.

COMMISSION TO INVESTIGATE PENSION LAWS.

Mr. SCOTT. I wish to give notice that on January 27, after the conclusion of the routine morning business, I shall submit a few remarks on the joint resolution (S. R. 133) creating a commission to investigate the present pension laws.

ANTHRACITE COAL.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over by unanimous consent from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. VEST on the 5th instant, as follows:

Resolved, That the Committee on Finance be instructed to prepare and report a bill amending "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, so that the tariff duty shall be removed from anthracite coal and the same be placed on the free list.

Mr. ALDRICH. Mr. President, I have strong hope that action will be taken elsewhere which will obviate the necessity for the passage of this resolution, and I ask that it may go over, to be called up at either the suggestion of the Senator from Missouri [Mr. VEST] or myself at an early day. I will state that I have no desire to strangle the resolution.

Mr. VEST. Mr. President, I shall certainly object to the suggestion or motion of the Senator from Rhode Island [Mr. ALDRICH]. I have no assurance that anything will be done in any other place upon this subject. Circumstantial evidence is very strongly against any such assumption.

The recommendation of the President of the United States that the duty be removed from anthracite coal has been before Congress since the 2d day of December, and yet no action has been taken by the dominant party, and no suspicion of any action has been evident anywhere. Under existing circumstances, to now allow this question to go into the uncertain and nebulous future would be equivalent to its defeat. I would prefer not to have any such action taken.

Mr. President, I said in the commencement of this discussion, into which I entered with great reluctance for many reasons, that there was nothing partisan or political in the resolution I had the honor to present. The only partisan feature that has appeared came from the chairman of the Committee on Finance, the Senator from Rhode Island, who taunted this side of the Chamber with having had the opportunity to put bituminous coal upon the free list in 1894, and, stating that they then declined to do so, he boasted that the Republicans in the Senate at that time, following the lead of Senator Hill of New York, who was opposed to the Wilson bill and determined to defeat it by any means possible, voted solidly for free coal.

Mr. ALDRICH. I beg the Senator's pardon. No Republican voted for free coal.

Mr. VEST. Ah! I understood the Senator had so stated.

Mr. ALDRICH. No; I made no such statement, or any statement analogous to it.

Mr. VEST. Well, Mr. President, I am glad to hear that disavowal, because I was under the impression that the Senator had so stated.

I reiterate my assertion that there is nothing political or partisan in this resolution. I am here as a Democratic Senator defending the suggestion of a Republican President of the United States; and in all my public experience I have never known of such unanimity of public sentiment throughout the whole Union, extending even throughout the South, where the weather does not make coal a necessary article, as exists everywhere in regard to removing the duty on coal and sustaining the President.

I have been informed since the adjournment of the Senate last Thursday that the legislature of the State of the Senator from Rhode Island, the chairman of the Finance Committee, rock-ribbed and anchored on the protective policy and Republican in all its departments, on the 8th of January, when we were discussing this question in the Senate, voted unanimously, without one single dissenting vote, in favor of removing the duty upon anthracite coal.

I do not know the political complexion of the newspapers from which the extracts I have here were taken, but I will ask the Secretary to read them. I presume they come from Republican papers, for it is my impression that Democrats have been exceedingly scarce in the State of Rhode Island, and if there is a new supply on hand there I am very glad to hear it.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read from the News, of Providence, R. I., of January 8, 1903, as follows:

FREE COAL AGITATION.

Senator ALDRICH, of Rhode Island, is placed in a most peculiar predicament by the passage in the general assembly yesterday of a resolution presented by Speaker Jackson, of this city. This resolution officially requests the members of Congress from this State to use their best efforts to secure the passage of such legislation as will place coal on the free list.

This met with the approval of all the members of both houses of the legislature, no voice being raised in objection, and it was given immediate consideration by the upper and lower branches, being passed in less time than one would assume, and there was evidently but one opinion regarding coal among the members of the legislative bodies of the State.

Senator ALDRICH is considered to be one of the highest authorities on the tariff in the United States. He has been prominent in all tariff legislation in the Senate and as a Republican leader has received great prominence by his guidance of the forces of that party in Congressional battles concerning protection of American industries.

It was on the pendency of Senator VEST's bill to remove the tariff on coal that Senator ALDRICH gave notice in the Senate that he would to-day make reply to Senator VEST, and he based his reply on the objection of the owners of coal and oil fields in Wyoming and Texas to such removal.

Senator ALDRICH no doubt has excellent motive for such defense of the tariff on coal, and as a leader of the Republican party he may make such reply, but in the face of the action of the Rhode Island general assembly yesterday he can not represent the people of Rhode Island. As the representative of the citizens of this State it would seem that he must join in the demand for the removal of the duty on coal, even though against his own judgment and against his desire, because of the enactment of the formal request by the sovereign power of the State.

In view of fuel conditions which have obtained in Rhode Island for the past six months Senator ALDRICH can not consider he is representing his own constituents in opposing the removal of the tariff to the extent of admitting free from tax bituminous coal imported. While the duty may have benefited the producers of coal it is also a fact that the coal operators have benefited themselves and have made preparation to recoup all losses because of the strike of the miners by the increase of the price of coal more than 11 per cent.

Mr. VEST. Now, I ask that the other article may be read.

The Secretary read from the Journal, of Providence, R. I., of January 8, 1903, as follows:

MR. ALDRICH AND THE COAL DUTY.

On Wednesday both branches of the general assembly of this State unanimously passed resolutions asking Rhode Island Congressmen to do everything in their power to secure the removal of the duty on anthracite coal. The Providence Board of Trade at a meeting on Tuesday unanimously passed a resolution requesting Senator ALDRICH to aid "by all possible means" in the passage of Mr. LODGE'S measure repealing the duty on coal for ninety days. On every hand in this State one hears protests against this duty, and public sentiment seems to be unanimously on the side of the President, who, in his message, asked for its removal.

Yet Mr. ALDRICH, who rarely makes speeches, yesterday opposed the Vest resolution Perhaps he is right in declaring that it would avail nothing; perhaps he is right in saying that the measure infringes upon the constitutional prerogatives of the House: it was fair political tactics also to charge the Democrats with not removing the duty in 1894. But none of these arguments relieves the Republicans from the responsibility of putting on the present duty.

Senator PERKINS, a Republican from California, has already explained why he requested that the tax be levied, and Senator ALLISON, one of the Republican leaders, has admitted that it was put there for just the same reason that other protective duties were levied. It is idle now to bicker over what the Democrats did not do in 1894 or what the Republicans did in 1897. The country expects the Republicans, the majority party, to do something in 1903.

What the people in this part of the country want is free coal, and they want it now. The unanimous votes of the general assembly and of the board of trade represent general feeling here, where the do-nothing theories of the "stand-patters" are received with no patience or respect. Mr. ALDRICH'S contention that the resolution of Mr. VEST was intended simply as a text for a political speech may be true. But whatever the motives were which prompted its presentation, it provides for free coal, and that is what everybody wants except those whose "pocket nerve" would be affected and the "stand-pat" element in Congress.

Mr. VEST. Mr. President, I have had these extracts read, not to embarrass the Senator from Rhode Island, who is perfectly competent to manage all differences between himself and his constituency, but I desire to place the proof before the Senate that a unanimity of sentiment exists upon this question without regard to section and without regard to political opinions.

A friend tells me since I spoke last to the Senate that at the last election in Rhode Island a Democrat was elected governor. To show how little attention I have paid recently to political affairs, I was actually not aware of that fact; and I am glad now to hear it.

I wanted to lay before the Senate and the country the astonishing public feeling on this subject that now exists in every section of the country. If there is this feeling now, what will it be in the next two months of severe winter weather which we must expect?

Mr. President, there is one other question to which I desire to refer, and then I hope I shall have to say nothing more in this debate. When I alluded, perhaps unfortunately, to a statement made by the late Nelson Dingley with regard to the high duties in the bill that bears his name, and which he said were made higher in order to form a margin or basis for subsequent negotiations with foreign nations in the shape of reciprocal arrangements, the senior Senator from Maine [Mr. HALE] indignantly and fiercely, if that word is parliamentary, denounced the statement as a falsehood and spoke of the author of it, an attaché of a Republican paper in Philadelphia, the Bulletin, as an irresponsible newspaper correspondent, or words to that effect.

Now, Mr. President, since the adjournment of the Senate on Thursday a letter has been addressed to me by a member of the National House of Representatives, a gentleman in every sense of the word, a man of the highest character, the Hon. Mr. FLEMING, of Georgia, and he sends me a letter addressed to him just after the passage of the Dingley bill, in which Mr. King, at that time a member of Congress from Utah, not now in office, a gentleman of the highest standing, about whose probity and veracity there can be no question, states the substance of a conversation he had with Mr. Dingley in regard to his bill. I ask that these letters be read by the Secretary. The Secretary will please first read the letter to me from Mr. FLEMING, and then the original of the letter addressed to him by Mr. King.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

WASHINGTON, D. C., *January 11, 1903.*

Senator GEORGE G. VEST, *Washington, D. C.*

MY DEAR SIR: I was an interested listener in the Senate on the 8th instant to the debate in which you engaged regarding the position of Hon. Nelson Dingley on some of the high schedules of the Dingley tariff bill.

Perhaps I can give you some additional facts bearing on that interesting subject.

During the Fifty-sixth Congress I was intimately associated with Hon. William King, the member of the House from Utah, a gentleman of unimpeachable integrity and the highest sense of honor. In discussing the general subject of the tariff he repeated to me a communication he had with Mr. Dingley a short time before his death, which occurred January 13, 1899.

I regarded the opinions expressed by Mr. Dingley as of so much importance that on my return home to Augusta, Ga., I wrote Mr. King and requested him to give me in writing his recollection of what Mr. Dingley said, in order that I might make no mistake should I ever have occasion to refer to that subject.

I now inclose you Mr. King's reply, and authorize you to use such portions of it as you think proper. No one acquainted with Mr. King will doubt the correctness of his statements.

Very truly, yours, WM. H. FLEMING.

KING, BURTON & KING,
LAWYERS, ROOMS 62-65 COMMERCIAL BLOCK,
Salt Lake City, Utah, June 1, 1901.

Hon. WILLIAM H. FLEMING, *Augusta, Ga.*

MY DEAR Mr. FLEMING: Yours of the 22d ultimo, asking me in regard to the conversation which I had with the late Mr. Dingley concerning the tariff, is at hand. In reply will say that I do not remember exactly his words, but I think I can substantialty give you his statement.

We were walking from the Ebbitt House corner up to the Hamilton, where he was then stopping, and I was criticising the Dingley bill and especially its effects upon manufacturing interests in the New England States. The discussions in the House at that time were interesting from the fact that the Democrats were calling attention to the strikes which were going on amongst the New England operatives and to the fact that the cotton manufacturing industry was growing at a marvelous rate in the Southern States. Mr. Dingley and myself discussed this matter and the contention that was being made that there should be a constitutional amendment restricting the hours of labor. I proceeded to argue that the tariff on raw materials was injurious to the manufacturer and that the policy of the Republican party in the past, as respects the tariff, had built up the manufacturers until they had become so powerful as to completely dominate the Republican party and almost control the Republic.

[He (Mr. Dingley) stated that he would not be surprised if within a few years there would be considerable change in the sentiment of the people in regard to the tariff question; that perhaps we had gone too far in our tariff schedules upon many articles; that he would not be surprised to see a demand for free raw material. (I am not sure whether he limited the words "free raw material" to coal, wool, and hides, or not. I know I had mentioned those three articles in the conversation.) He also gave it as his opinion that we would have to have foreign markets. I told him that that was good Democratic doctrine and that we had been contending for years for a policy that would give us the markets of the world. He laughed and replied that whether it was Democratic doctrine or Republican doctrine it was good doctrine, and added that in order to secure and maintain the markets of the world we would probably have to make some changes in our tariff system.]

I did not make any notes of this conversation, although I have referred to it a number of times. I would not, of course, under any circumstances, want to do Mr. Dingley or his memory an injustice; still, I think he has made similar statements to others. I have no objection to your using this if you see proper.

I read with great interest your interview from the Augusta Chronicle, entitled "A reunited Democracy." It is needless for me to say that I was very much pleased with the same and concur in the views so clearly expressed by you. However, I am now out of politics and am not giving as much attention to political questions as I have done in the past. Nevertheless, I am interested in the welfare of the party and sincerely hope that the policy will be pursued, which will give us victory in the future. But it looks to me now as though everything were going the Administration's way. It has beaten us on the silver question and defeated us upon imperialism. The Democratic party will have to stand upon the time-honored principles of the past. I do not see any show for it to be the affirmative party in the next campaign. It will be compelled to pull back instead of push forward. Its mission will be to defend the Constitution and try and preserve the Republic. It is a high mission but not a popular one in this commercial age. The West is Republican. Colorado will be Republican sure the next Congressional election, unless something unforeseen occurs. The next House will show no Democratic gains. However, it is not my purpose to talk politics.

I would be very glad to see you and Mrs. Fleming and enjoy a social evening together. Present my compliments to her and accept my best wishes for your welfare.

I remain, sincerely yours, WILLIAM H. KING.

Mr. VEST. Mr. President, I have had read in its entirety the letter of Mr. King, because my instincts as a lawyer would prevent me from giving in evidence a mutilated document or one of which portions had been suppressed, although not pertinent to the matter at issue.

I call attention to the fact that while in his conversation with Mr. King, about which there can be no possible question, Mr. Dingley did not use the words "reciprocity" or "reciprocal arrangements;" he stated clearly and emphatically that he apprehended changes in the near future as to the schedules in his bill, and that these changes were necessary in order to obtain foreign markets for American goods. Unquestionably the trend of Mr.

Dingley's mind at that time was in the direction of reciprocal arrangements, which have since been made. I have no more doubt that the attaché of the Philadelphia Bulletin honestly and truly represented what Mr. Dingley stated to him than that I now address the Senate. What sort of motive could there have been in a Republican and high-tariff organ misrepresenting Mr. Dingley?

Mr. ALDRICH. Will the Senator from Missouri permit me?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Rhode Island?

Mr. VEST. Certainly.

Mr. ALDRICH. The very extracts which the Senator had read from the Secretary's desk show that the newspaper, while it may have been a Republican newspaper, is opposed to the present policy of the Republican party so far as tariff duties are concerned and is a strong advocate, with the Senator from Missouri, of what might be called tariff reform.

Mr. VEST. If that be so and if that argument is a good one, what is to be done with the Republicanism of the chairman of the Congressional committee of the Republican party [Mr. BABCOCK], who a year ago declared that the tariff schedules in the Dingley bill were too high and must be changed? He declared emphatically, and it was the truth, as I showed here in the discussion on the McKinley bill from export journals, that our manufacturers, after supplying the home market, were selling their surplus abroad at from 35 to 50 per cent less than they were charging their own countrymen, and yet they were demanding a protective tariff of from 40 to 60 per cent in order that they might compete with the labor of other nations—"the pauper labor," as it is termed by the spellbinders of the Republican party. There are hundreds of Republicans, as good as ever lived, who think those duties are too high.

I protest now in the name of humanity against this "stand-pat" policy which disregards the suffering, the disease, and the deaths in this country in order to preserve the enormous duties, higher than were ever imposed by any other civilized country in the world, and which can not be defended except upon a single argument, that the manufacturers of the United States are the favored class who are to have their interests advanced at the expense of the interests of the remainder of the people.

Mr. CARMACK. Mr. President, I wish to say a few words with respect to the statement made by the Senator from Missouri [Mr. VEST], in which he quoted the late Mr. Dingley as having said in effect that the rates in the Dingley tariff were purposely made higher than they would otherwise have been with a view to their subsequent reduction by reciprocal trade arrangements with other countries. The Senator from Maine [Mr. HALE] challenged that statement, and seemed to construe it as involving a charge of moral turpitude against Mr. Dingley as the author of the bill.

I can not see, Mr. President, that there is anything wicked or iniquitous in the action attributed to Mr. Dingley. On the contrary, it seems to me that from his standpoint as a protectionist it was a most natural and proper and necessary thing to do. Mr. Dingley was a stanch protectionist. He believed that free trade or a low tariff meant ruin and destruction to American industries. If, while preparing a tariff bill avowedly for protection, he anticipated subsequent reductions by reciprocity arrangements, it was his duty as a consistent protectionist to make the rates of duty so high in the first instance that they would remain amply protective after all the anticipated reductions had been made. If he had made the rates of duty only sufficient in the first place for just purposes of protection, any subsequent reduction of those rates, according to his view, would have resulted in ruinous competition from abroad, and it certainly was no part of his programme to gain foreign markets by the sacrifice of a single American industry.

The statement has been made that the reciprocity provision was not inserted in the bill until after it came to the Senate. But, as the Senator from Missouri [Mr. VEST] says, that has nothing whatever to do with the case. It need not have been put in the bill at all. The question is, Did Mr. Dingley and his associates, when they framed that bill, have reciprocity in mind? Did they anticipate future reductions of those duties by reciprocity? Upon that question, Mr. President, there can be no room for doubt. Mr. Dingley knew that reciprocity was a part of the programme to which the Republican party was solemnly pledged. The Dingley bill was enacted in 1897. In 1896 the Republican party had linked reciprocity and protection together in the same clause of the Republican platform. It had declared that they must go hand in hand—that reciprocity was the handmaid of protection.

It is plain therefore that when Mr. Dingley drafted the bill he anticipated extensive changes in the rates of duty, and I say as a consistent protectionist he intended that the rates of duty should remain high enough for all purposes of protection after all the reductions and concessions had been made.

Mr. President, this is not a new idea which has been suddenly sprung upon the country. It is not the creature of Democratic imagination or suspicion. It has been openly and publicly proclaimed by very high Republican authority, and I beg leave now to call the attention of the Senate to an extract from a speech made by the Hon. John A. Kasson, who has figured so conspicuously, but to so little purpose, in this reciprocity business. In a speech made before the Illinois Manufacturers' Association on October 24, 1899——

Mr. SPOONER. What does the Senator propose to read?

Mr. CARMACK. It is an extract from the speech of Mr. Kasson, delivered before the Illinois Manufacturers' Association. He said:

> You all know that in obedience to this instruction—
>
> Referring to the language of the Republican platform—
>
> You all know that in obedience to this instruction Congress passed the tariff act of 1897, known as the Dingley Act, which not only restored protective duties, but increased them. It must be remembered, however, in respect to this increase, that they at the same time provided for a reduction by international reciprocity. Congress evidently believed that adequate protection would remain after the deductions, which they authorized by treaty.

Now, Mr. President, it is plain that Mr. Kasson understood that the rates of duty in the Dingley bill were purposely made excessive and exorbitant even from the standpoint of the most extreme protectionist with a view to their subsequent reduction by reciprocity.

But, Mr. President, what has become of reciprocity? What has become of the handmaid of protection? Where is this "maiden all forlorn" who was to march down the aisles of Congress leaning upon the stalwart arm of protection to the inspiring strains of a wedding march? Where is the reciprocity to which the Republican party was pledged in its platform of 1896.

Reciprocity has been strangled by protection. It has been murdered in cold blood by protection. The beneficiaries of the protective tariff, the protected manufacturers and the protected trusts of the country, have appropriated to themselves every particle of the tariff duties provided in the Dingley tariff act; not only that part which was put there for their special protection, but the margin which was put there as a basis for bargaining for reciprocity. They have taken every part of it and appropriated it to their own use and refuse to surrender any part of their spoil.

Mr. President, we have reciprocity treaties pending in the Senate. They have not been acted upon, and in my judgment will not be acted upon. Yet the very last public utterance of Mr. McKinley was an earnest and eloquent plea for broader and more liberal trade relations. He said that the day of exclusiveness had passed. Yet the spirit of protection as displayed in this Chamber and in this Congress is as rigid and as exclusive and as narrowly selfish as it ever was. It inculcates a spirit of blind and besotted and superstitious idolatry of the Dingley Act as something sacred and which must not be touched. That is clearly shown with respect to the duty on anthracite coal.

It has been said by a member of the President's Cabinet that this tariff was "sneaked" into the act. Mr. President, it was put there. It was put there by the Republican party. But however it got there, it is there, and though the whole country is shivering in the grasp of winter and millions of people are suffering for lack of fuel, no effort is being made by the party responsible for the legislation of this country to get rid of that tariff.

I have heard it said—the objection has been urged in Republican newspapers—that if we undertake to repeal this duty, it will open up a discussion of the whole tariff question; and so the Republican Secretary of the Treasury, to obviate that calamity, has hit upon a method of his own to relieve the situation. It is the simple expedient of suspending the duty, the simple expedient of abolishing the law, an act, a statute, enacted by the Congress of the United States.

Mr. President, in a speech delivered by the junior Senator from Massachusetts [Mr. LODGE] during the campaign at New Haven, in which he recited all the shining deeds of the Republican party, he is quoted as having said:

> Who let coal come in without a rigid inspection of the amount of required carbon? The Republican Secretary of the Treasury—Shaw.

In other words, who assumed the right to suspend an act of Congress? Who assumed the right to abolish a statute of the United States? Who but a Secretary of the Treasury, a Republican Secretary of the Treasury—Shaw.

Mr. President, if, before this incident had taken place, the question had been asked in any schoolroom in the country, Who was it that assumed the right to suspend a law of the land, every boy in that schoolroom would have answered that it was done by the Stuart Kings of England. But the Senator from Massachusetts has taught them a new answer. Hereafter it will not be said that it was done by the Jameses or the Charleses of Great Britain. It was a Republican Secretary of the Treasury—Shaw. Who was the great nullifier? It was not John C. Calhoun. It was a Republican Secretary of the Treasury—Shaw.

Mr. President, if this Republican Secretary of the Treasury can

assume the power to suspend a single duty enacted by the Congress of the United States, he may wipe the whole law off the statute book; he may practically abolish every custom-house on our coast with as much indifference as the President of the United States abolishes a Southern post-office in a Democratic community. If this law is so wicked, if it is so iniquitous, if it is so oppressive in its effects as to justify this revolutionary proceeding, then this Congress ought to hasten to wipe that law off the statute books, even though it involves the awful admission of human imperfections in the inspired Dingley law.

Mr. ALDRICH. Mr. President, the nonpartisan purpose of the Senator from Missouri [Mr. VEST] in presenting this resolution is being rapidly disclosed. The speech of the Senator from Missouri himself and the calm and dispassionate statement of the Senator from Tennessee [Mr. CARMACK] who has just taken his seat, furnish confirmation of the statement which I made to the Senate the other day that there was no purpose in the presentation of this resolution except to engage the Senate in a partisan discussion over the tariff and to devise some means to prevent taking the duty from coal.

I said then that there is no man in this Chamber who does not know that there can be no practical result looking to the relief of the situation by the adoption of the resolution of the Senator from Missouri. The Senator knows it as well as I do, and this discussion is merely for the purpose of debating questions outside of the coal situation.

The Senator from Missouri has caused to be read at the Secretary's desk extracts from certain newspapers published in my State. I think the people of Rhode Island thoroughly understand my position upon the tariff question. There never has been, so far as I know, any disguise in the past, and I am sure there will be no disguise in the future, as to that position. I shall continue to act, as I have heretofore, upon this, as upon all other questions, as my conscience and my judgment shall dictate.

I have seen the Senator from Missouri—and we have all honored him for it—stand in his place in the Senate, in the face of instructions of the legislature of his own State, and say "while I remain in this body I shall undertake, acting upon my own judgment and my own conscience, to perform the duties which I have sworn to perform, and I shall defend the Constitution of the United States as I understand it." I am a little surprised therefore that my friend the Senator from Missouri should bring here and have read the attacks of newspapers upon a Senator as a part of his argument upon what he says is a serious question.

I said to the Senator from Missouri this morning, in making the suggestion I did—and I did not say it without knowledge—that I had strong hopes that in the very near future action would be had elsewhere which would obviate the necessity for adopting or considering this resolution. I repeat it. I believe that before this resolution could possibly be adopted action will be taken elsewhere which will preclude the necessity of any action on the part of the Senate in this direction.

As I made the statement here with deliberation that the late chairman of the Committee on Ways and Means of the House had never at any time or under any circumstances made the statement which was attributed to him by the Senator from Missouri, perhaps I should state the reasons which led me to make that statement. The Senator, in justification of his charges, had read at the Secretary's desk an extract from a newspaper, which is as follows. This statement is in quotation marks and purports to state the views of the late Mr. Dingley with accuracy:

> We are purposely—
>
> Referring to duties—
>
> making them too high, because we want them as a basis which will enable us to offer foreign countries material inducements to enter into reciprocity treaties with us.

Mr. CARMACK. From what is the Senator reading?

Mr. ALDRICH. I am reading from an article in the Philadelphia Bulletin which purports to be a statement made by a member of the staff of that paper of a private and confidential conversation which he had with Mr. Dingley.

Mr. SPOONER. Alleged.

Mr. ALDRICH. Which he alleged that he had with Mr. Dingley, in the month of March, 1897.

Mr. CARMACK. Is it stated that it was a confidential conversation?

Mr. ALDRICH. The editor of the Bulletin in his letter of transmission to the Senator from Missouri makes this statement:

> The conversation, you will bear in mind, was entirely of a private and confidential character.

Now, as stated by the Senator from Maine [Mr. HALE], four years after Mr. Dingley's death, this anonymous writer pretends to give accurately a conversation of a private and confidential character, when there is no possible power of denial on the part of the alleged author.

I wish to say that it was not only physically but morally impossible that Mr. Dingley could have ever made any such statement. He says it was made in the month of March, 1897, when the tariff bill which bears Mr. Dingley's name was under consideration, and made at a hotel, not in the House, because the bill was reported on the 15th of March. The Committee on Ways and Means of the House of Representatives commenced the consideration of the tariff act of 1897 early in the fall or winter of 1896. They had proceeded so far with the preparation of that bill that on the 3d day of February, 1897, they sent the bill to the Public Printer to be printed, and it was printed substantially in the form in which it was afterwards presented and reported from the Ways and Means Committee.

The bill then printed contained the reciprocity provisions as finally adopted by the House and it was in almost every respect identically the bill which passed the House of Representatives.

The committee were not in the month of March considering any possible question of the rates with reference to reciprocity, because the reciprocity provisions which were afterwards inserted in the House bill, and which came to the Senate, were in that bill more than a month before this conversation was alleged to have taken place.

As the member of the Finance Committee who would probably have this bill in charge in the Senate when it came here, Governor Dingley, I will say, was in frequent conference with me as to the provisions of that bill. I was advised by him from time to time as to the steps that were taken, as to the duties that were fixed, and as to the progress which was made in the consideration of the bill.

I know as well as I know anything that if Governor Dingley had ever had any such idea or any such purpose, I should have known it. There is not a man within the hearing of my voice who does not know that Mr. Dingley was one of the most straightforward men who ever lived. He was absolutely so in his purposes.

Mr. CARMACK. May I ask the Senator a question?

Mr. ALDRICH. Certainly.

Mr. CARMACK. I will ask the Senator if he does not think that Mr. Dingley in framing the bill anticipated that changes would be made in those duties in the future by reciprocity arrangements?

Mr. ALDRICH. I know that he did not.

Mr. CARMACK. Did he not expect the Republican party to carry out the pledge of its platform?

Mr. ALDRICH. If the Senator will allow me——

Mr. CARMACK. Certainly.

Mr. ALDRICH. He did not, except to the limited extent provided in the bill itself. The Committee on Ways and Means undertook to define definitely and clearly the reciprocity provisions they believed should be inserted. The third section of the bill as it came here from the House exemplified the views of Mr. Dingley and the Committee on Ways and Means in that regard, and I intended very soon, if the Senator had not interrupted me, to call the attention of the Senate to those provisions. I was about to say that it was impossible, physically as well as morally, that Mr. Dingley in the month of March could have made any such statement to anybody. I knew his views perfectly upon this question, and I feel justified in making the denial of any such feeling on his part as broad and as emphatic as it is possible for the English language to make it. I say that it was physically impossible, because the bill was already in print, had been prepared nearly a month before this conversation is alleged to have taken place, and the provisions of the law as finally adopted having reference to reciprocity treaties had never been heard from.

What did Mr. Dingley and his committee and the House of Representatives do in regard to reciprocity? They prepared a scheme of limited reciprocity. It provided that if arrangements reciprocally advantageous to us should be made with foreign countries producing certain articles, the duties upon these articles might be fixed at rates below those imposed by the bill. Now, what were those articles, and what was necessary to be done to secure these reciprocal arrangements? Those articles were argols, chicle, champagne, brandies, wine, mineral waters, paintings and statuary, and silk laces, the duties upon which were all revenue duties. They did not protect in a single instance any industry in the United States and were not intended to do so. Mr. Dingley and his committee said to the other countries of the world, "If you make reciprocity arrangements"—not treaties, mind you, but reciprocity arrangements—"by which you will admit into your various countries articles produced in the United States under certain conditions, we will authorize the President to announce that fact by proclamation, and upon its announcement a lower rate of duty upon these various articles shall go into force here."

Mr. CARMACK. What American products were mentioned in that section 3? I ask for information.

Mr. ALDRICH. Argols, I imagine, had been produced possibly to a very slight extent in California. Chicle never had been produced here.

Mr. CARMACK. The Senator did not understand me.

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield to the Senator from Tennessee?

Mr. ALDRICH. Certainly.

Mr. CARMACK. What American product was provided for to secure better trade arrangements?

Mr. ALDRICH. The general products of the United States; agricultural and manufacturing products.

Mr. CARMACK. General?

Mr. ALDRICH. The general products.

Now, Mr. Dingley and his associates upon that committee had in view a limited reciprocity, not in the way of commercial treaties, because there was no provision for treaties in the third section. It simply said that whenever these countries shall make such arrangement or such reduction of their duties, or give us other advantages which were equivalent in the opinion of the President of the United States, these new rates should go into force. They did not affect any American industry to any considerable extent or any of the protective duties in the bill.

Mr. BURTON. As I understood it, they were not to affect any products that we produced here in the United States.

Mr. ALDRICH. There was one exception to that rule, and only one, which I will allude to later.

In the list I have read every Senator can see for himself that the duties levied are not protective duties, but are revenue duties, in our general understanding of the word. So the reduction contemplated was simply a reduction from one rate to another upon other countries giving us an equivalent. The exception was the case of sugar. There was a provision made for the reduction on sugar in this reciprocity arrangement, that being the only other article except those that I have mentioned that was covered by this provision.

There is a wide difference of opinion in this Chamber, and always has been, as to whether the duties on sugar are protective duties or revenue duties. But however that may be, the duty upon sugar fixed in this section was a definite duty. There was no chance for expansion or reduction beyond the rates fixed in the bill.

These provisions were the only possible provisions in regard to reciprocity that Mr. Dingley could have had in his mind at that time.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield to the Senator from South Carolina?

Mr. ALDRICH. Certainly.

Mr. TILLMAN. I wish the indulgence and courtesy of the Senator from Rhode Island to the extent of agreeing to let the resolution go over before it gets on the Calendar, because I want to make some remarks on it to-morrow.

Mr. ALDRICH. I suggested when I rose this morning to the Senator from Missouri, whose resolution this is, that the matter should go over for another purpose. He rather indignantly rejected my suggestion, seeming to think that I must have had some purpose which was not apparent to other people in having it go over. The course suggested by the Senator from South Carolina is perfectly agreeable to me. It is very evident that I shall not be able between now and 2 o'clock to finish.

Mr. TILLMAN. That is what I wanted the Senate to agree to, because while I shall talk on this resolution I shall not discuss the tariff.

Mr. ALDRICH. I am very glad to have the assurance of the Senator from South Carolina. Those of us who know him best and like him most will not be surprised, however, if he should in the course of his discussion wander a little to some of the general subjects involved in the tariff.

The PRESIDENT pro tempore. Senators will please understand that if the hour of 2 o'clock is reached and no unanimous consent is given touching the resolution, it will go to the Calendar.

Mr. ALDRICH. Then I ask that, without prejudice, it may go over until to-morrow.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent that the resolution may retain its place on the table until to-morrow. Is there objection? The Chair hears none, and it is so ordered.

RECORDING AND JUDICIAL DIVISIONS OF ALASKA.

Mr. HOAR. I move that the vote be reconsidered by which the Senate on Thursday last passed the bill (S. 4068) to redivide the district of Alaska into three recording and judicial divisions.

The PRESIDENT pro tempore. Does the Senator from Massachusetts desire present action?

Mr. HOAR. I desire present action.

The PRESIDENT pro tempore. The Senator from Massachusetts moves to reconsider the vote by which the bill indicated by him was passed on Thursday, the 8th.

The motion to reconsider was agreed to.

Mr. HOAR. Now I move that the bill be indefinitely postponed. A House bill in exactly the same words has been passed.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

STATEHOOD BILL.

Mr. QUAY. Mr. President, I ask for the regular order.

Mr. BEVERIDGE. Mr. President——

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. BEVERIDGE. Will the Senator from Minnesota [Mr. NELSON] yield to me for a few moments?

Mr. NELSON. I yield to the Senator from Indiana.

Mr. BEVERIDGE. Mr. President, the other day I had the honor to present to the Senate the resolutions which were adopted by the nonpartisan single statehood convention held at Oklahoma City, Okla., on January 6. That convention, in point of numbers, was so remarkable, and the conclusions at which it arrived and the reasons for them as presented in the resolutions which I submitted and had read to the Senate were of such force that the weight and consequence of that convention and those resolutions were at once recognized by the Senator from Pennsylvania [Mr. QUAY].

The Senator from Pennsylvania then questioned, perhaps not directly, the representative character of that great body. The point was also made, perhaps only by query, but nevertheless leaving the impression that there were no Indians represented in that convention, and that the resolutions of the convention and the committee's bill which those resolutions indorsed were perpetrating a great wrong upon those original inhabitants of the Indian Territory.

Since then I have procured copies of various papers which, to say the least, give an impartial account of that extraordinary gathering. Of course I am not going to trespass upon the patience of the Senate by reading or having read those newspaper accounts; but I shall myself read briefly two or three very short extracts from each one of them in order to show that the apprehensions of the Senator from Pennsylvania was unfounded, and that this convention, whose remarkable nature attracted his attention at once, justified all the statements which I made concerning it.

Mr. President, I may state at first with reference to the question as to whether Indians were present at that convention that the temporary chairman of the convention was John F. Palmer, an Osage Indian by blood; that the permanent chairman of that convention was A. Gideon Morgan, a Cherokee by blood, and that the temporary chairman was Henry Johnson, a Chickasaw Indian by blood. We thus see that a majority of the officers of this convention were Indians, representing the very people in person whom the Senator from Pennsylvania in his solicitude thought were being wronged by the convention and by the bill which the convention indorsed.

More than that, a considerable number of Indians, as I am credibly informed, were delegates in the convention itself. So much, then, for the Indian element in this convention.

If these statements be true, it disposes at once, and in a most direct and convincing manner, of the charge that some wrong is being done here to a helpless people without their consent, for it is those very people who are helping to ask for the perpetration of that thing which some gentlemen seem to think is a wrong to them.

Now, as to the representative character of this convention, I hold in my hand the Oklahoma State Capital, published at Guthrie. It is one of the papers of that Territory which is ardently against the proposition of making a single State of Oklahoma and Indian Territory, as I am informed and as I believe. It could not, therefore, be expected, Mr. President, that this paper would go out of its way and present an inaccurate statement as to that convention, inaccurate as far as it might reflect creditably upon the convention; that is to say, it could not be supposed that this paper at least, which is ardently opposed to the committee's substitute, would gild any statement with reference to the credibility of that convention. And yet here are one or two extracts from that paper's account of the convention:

THE OKLAHOMA CITY STATEHOOD CONVENTION—SIXTEEN HUNDRED DELEGATES AT THE BIG MEETING—SINGLE STATEHOOD—RESOLUTIONS ADOPTED WHICH WERE WIRED TO CONGRESS—ENTHUSIASTIC MEETING—SENSE OF THE MEETING WAS THAT NEITHER TERRITORY LARGE ENOUGH FOR SEPARATE STATEHOOD—MONSTER PARADE.

[Special dispatch to the State Capital.]

OKLAHOMA CITY, OKLA., *January 6.*

If the numbers and enthusiasm of the single-statehood boomers in convention here to-day are any criterion of the wishes of the people they are supposed to represent, both Oklahoma and the Indian Territory favor admission to the Union as one State. The call for the convention was for 500 delegates from each Territory, but the response was far in advance of that number and is estimated at 900 from Indian Territory and 700 from Oklahoma.

Then it goes on to give an account of the convention, which I have no doubt is substantially accurate, in which it describes the peculiar enthusiasm and earnestness of these men, all of whom, it states, and as the other paper states, were representative in character.

So much for the statement of a paper which supports the contention of the Senator from Pennsylvania and opposes with earnestness the substitute proposed by the committee. I hold in my hand the Kansas City Journal, which is an impartial paper, giving an account of this convention, a very brief extract from which I will read:

Biggest ever held—Statehood convention attended by 1,600 delegates—Omnibus bill not wanted—Convention declares no statehood better than that—Admission of Oklahoma and Indian Territory as one State, as provided for in Nelson bill, demanded—Indians as presiding officers.

OKLAHOMA CITY, OKLA., *January 6.*

I read a part of the special dispatch merely to give its tenor:

This has been the largest convention ever held in either Territory. Every train into Oklahoma City to-day was crowded to its capacity, and it is estimated 5,000 visitors were here from out of town. Several delegations brought bands with them, and the proceedings for the day opened with a parade of delegates and visitors.

The account of the Kansas City Journal corroborates and confirms—I may say that it emphasizes—the at least impartial account given by the Oklahoma State Capital.

Here is the account which appeared in the Dallas Morning News, from which I read very briefly. The accounts in all these papers are very long and exhaustive, because it was a matter of such concern that the papers were willing to pay toll upon an exhaustive account of this convention, although they were themselves located hundreds of miles away and in a different portion of the country. This is from the Dallas (Texas) Morning News.

FAVOR NELSON BILL—NONPARTISAN STATEHOOD CONVENTION AT OKLAHOMA CITY PASSES RESOLUTIONS—FIFTEEN HUNDRED DELEGATES PRESENT—STATEMENT THAT THE PEOPLE OF THE TWO TERRITORIES PREFER NO STATEHOOD LEGISLATION RATHER THAN OMNIBUS BILL SHOULD PASS INCLUDED IN RESOLUTIONS.

Then it states in large type before giving the proceedings the nature of the meeting.

OKLAHOMA CITY, OKLA., *January 6.*

Fifteen hundred delegates in the nonpartisan single statehood convention to-night adopted a series of resolutions incorporating those adopted at Claremore in December, and going even further in asking for the passage of the Nelson single statehood bill.

They accepted the alternative tendered by the advocates of the omnibus bill that they must accept that bill or nothing. The resolutions contain the statement that the people of the two Territories prefer that there should be no statehood legislation rather than that the omnibus bill should pass. This statement was greeted with great applause. The sentiment of the convention was unanimous in this respect. The only matter over which there was controversy was as to the propriety of the statement that neither one has enough area for a State. The number of delegates opposing this statement was small. The convention was composed of a fine body of men. Both of the great political parties were represented, and there were Indians alongside the palefaces. Indians took a prominent part in the organization of the convention. It was the largest single statehood convention yet held.

I hold in my hand a paper, a copy of which I see on the desk of the Senator from Alabama [Mr. MORGAN], and which I suppose other Senators may have, because it was sent to me, and I presume it was sent to other Senators—the Daily Oklahoman. That is the only paper from which I have read which favors the proposition of single statehood for Oklahoma and the Indian Territory. The Dallas paper and the Kansas City Journal are, I take it, entirely indifferent. They print this solely as a matter of news. The Capital is for Oklahoma alone; the Daily Oklahoman is for single statehood, composed of the two Territories. If it be true that other Senators have this paper, there is no necessity for reading very much of it; but I call the attention of Senators, and particularly of the Senator from Pennsylvania [Mr. QUAY], to the editorial descriptive of this convention, which will be found as the leading editorial upon the editorial page, and which I shall not take the time nor the patience of the Senate to read.

Mr. President, I have taken this much time only to call attention to the two points that were made by the Senator from Pennsylvania and the Senator from Tennessee concerning this convention, its personnel, and the weight and consequence of its proceedings; and I think this a conclusive answer to the apprehensions which are held by either of those Senators.

Mr. NELSON. It is for the interest of the people of a State and it is for the interest of the people of the whole Union that a State be of a good, fair size; that it be commensurate in size with the fair average of the other States. It is for the advantage of the people of the State themselves to have a good, large State, covering the entire industrial field necessary to the development of their agricultural resources.

In the next place, there is not much difference in the make-up of the population of the two Territories. As to the amount of population in each Territory there is not much difference. There is probably to-day in each Territory between 400,000 and half a million people. According to the census of 1890 there were 30,700 Indians and colored people in Oklahoma, and according to the same census there are somewhere in the neighborhood of 88,000 people in the Indian Territory who are members of the Five Nations and belong to some few small Indian reservations which are connected with it.

If you bear in mind that over half of those who are regarded as members of the nation, enrolled and treated as such, are nearly white, many of them entirely white, who have simply become members of the nation by marriage and adoption, you will find that so far as the Indian and colored population is concerned there is not much difference between the two Territories.

When you leave that out of sight, if you come to the character of the residue of the population, the white population of the two Territories is pretty nearly equal. If anything, I think, from all I can learn to-day, the preponderance is in favor of the Indian Territory.

The people of those two Territories are all of the same kind and quality. They are the best of our enterprising pioneers—thrifty, industrious, intelligent—and the people of one Territory are as competent to become citizens of a State as are the people of the other Territory, and it would be no injustice to Oklahoma, so far as the character and intelligence of the population is concerned, to be united with the people of the Indian Territory.

Neither is there much difference in the character of the literacy or illiteracy or the intelligence of the people of those two Territories. According to the census the percentage of literacy—that is, of those who can read and write—in Oklahoma was 94.1 per cent, while in the Indian Territory it was 84.1 per cent. The average of the two combined was 89.1 per cent, or equal to the average rate of literacy, intelligence, and education throughout the whole country.

It should be noted in this connection and taken into account that the small discrepancy in the matter of literacy in Oklahoma and in the Indian Territory arises from the fact that a part of the people in Indian Territory are members of the Five Nations, and the further fact that in respect to the great body of the white people of that Territory they have no system of public schools, as I shall show later on. The facilities for education which exist in Oklahoma and in the other organized Territories of the United States are unknown to the people of the Indian Territory except to a limited extent in a few of the incorporated towns.

If we look at the soil and the natural resources of the two Territories, that of itself furnishes an argument why they should be united in one State. The soil of Oklahoma Territory is nearly all a prairie country, rolling, and in some places a broken prairie with very little timber and no minerals to speak of. There is a little bit of timber along some of the streams, but practically it is pretty much all a prairie country. The eastern part of it is a prairie country and well adapted to the raising of tobacco, cotton, wheat, oats, barley, corn, and other crops of that kind; while the western portion of Oklahoma is within the semiarid belt and is largely fitted and adapted to stock raising. What Oklahoma lacks in order to become industrially and productively a perfect State is entirely made up and supplied by the Indian Territory. In the matter of natural resources and in its soil and climate the Indian Territory is the exact complement of Oklahoma Territory. In the Indian Territory there are over 1,000,000 acres of valuable timber land, consisting in large part of fine yellow pine, besides considerable hickory, elm, maple, ash, walnut, hackberry, pecan, and other timber.

There is also—and that is very important—a large amount of coal, asphalt, and oil lands in the Indian Territory, and also a good supply of granite, limestone, and other building stone. The coal and asphalt beds are quite extensive, especially the former.

Coal is mined on quite an extensive scale. I shall show later on that there is twice the quantity of coal mined in the Indian Territory that there is in the Territory of New Mexico.

As to timber and coal I beg leave to quote from a book I have here, prepared by one of the timber estimaters employed by the Government to examine and estimate the timber in that country, who has gone over it and examined it. Here is what he states:

The appraisement of the timber lands has just been completed, and while no valuation has been put upon them as yet, it is shown that there are something over 1,000,000 acres of commercial timber in the Territory, most of it being in the mountain districts of the Choctaw Nation. This will be a source of great wealth in the future.

The varieties of timber in the Territory are pine, oak, hickory, elm, maple, ash, walnut, hackberry, and pecan. The pecan trees yield a large crop of nuts that are gathered annually.

There are no statistics as to the quantity of coal land, and no one knows as yet the extent of the coal fields. It is known, however, that they underlie from 1,200 to 1,500 square miles of territory, but no one knows how much more. They lie in the Choctaw, Chickasaw, and Creek nations principally, and it will undoubtedly develop that large beds of coal exist in the other nations.

Coal and asphalt in the Choctaw and Chickasaw nations are reserved to the tribes, etc.

Then he goes on and states as to oil and minerals:

What the future of the Territory will develop in the way of oil fields is at this time a secret religiously kept from the public. The judgment of the writer is that the oil belt of Texas extends entirely across the Territory and will in time enrich this country as it has already enriched Texas.

* * * * * * *

Lead, iron, and zinc are known to exist in the Cherokee, Choctaw, and Creek nations, and some gold and silver has been found, but to what extent they do exist is an unknown problem.

In reference to the coal output and the coal industry of that country, I beg leave to read from the last report of the Secretary of the Interior. He says:

The output of coal for the year ended June 30, 1902, was 2,741,797 tons, an increase over that of the preceding year of 350,109 tons, the total estimated value of the coal so produced being $4,141,368.

The output of coal in that Territory is more than twice that of New Mexico for the same period. For New Mexico it was only 1,086,546 tons.

The output of coke for the same period was 49,279 tons, being an increase of 15,739 tons over the preceding year; the value of the coke production was $203,530. No new coke ovens have been built during the current year.

The number of operators producing coal during the current year was 60, as against 28 for the preceding year. The number of mine openings have increased; 8 slopes have been abandoned; 4 new shafts have been sunk; 30 new slopes and 3 new drifts, showing a net increase of 29 openings for the current year over the preceding year.

A large number of strip pits have been in operation, but owing to the constantly changing character of this work no estimate could be made.

The output of coal for the current year has been very much curtailed, for two reasons: First, at the earlier period there was a shortage of orders, arising to some extent from the threatened introduction of Texas oil to supplant the use of coal formerly supplied from mines in the Indian Territory; and, second, when it later became evident that the demand would be increased, the railroads were unable to furnish cars or move the traffic from the want of engines, and many of the larger companies have been only able to run about half time from the latter causes.

The total number of men and boys employed in mines for the current year was 6,234. For the preceding year 5,272 were employed, thus showing an increase of 962 men and boys.

As contemplated by the agreement with the Choctaw and Chickasaw nations, practically all of the coal and asphalt mining operations, which have heretofore been carried on under national contracts, are now under formal leases entered into by the mining trustees and approved by the Department, with good and sufficient bonds securing the performance of the stipulations of such leases, payment of royalties, etc. These leases have been made for a term of thirty years, with a royalty on coal of 8 cents per ton, mine run, and on asphalt 10 cents per ton on crude and 60 cents per ton for the refined material. But few leases have been made during the year except such as were in the nature of renewals of old national contracts, the policy of the Department being to discourage speculative applications.

The coal industry of the Indian Territory has steadily advanced, and the output continues to increase, as noted from the following comparative statement:

	Tons.
July 1, 1898, to June 30, 1899	1,404,442
July 1, 1899, to June 30, 1900	1,900,127
July 1, 1900, to June 30, 1901	2,398,156
July 1, 1901, to June 30, 1902	2,735,365

All this, Mr. President, shows what an extensive amount of coal exists in that Territory and to what a large extent the mining industry is carried on there.

I have called attention to this because of its importance in connection with the Territory of Oklahoma, which has neither coal nor timber, and how important it is to have attached to it territory where there is such an abundance of coal as there is in the Indian Territory.

In respect to the timber in the Choctaw Nation, I desire to read from the report of the Dawes Commission to the Five Civilized Tribes:

The timber belt of the Choctaw Nation is in a mountainous region in the southeast part. The Kiamitia Range crosses it from east to west. On either side of the Kiamitias are secondary ranges. With the single exception of the Winding Stair Mountains none of them have any well-defined trend. They are irregular upheavals covered with slide rock. The roads through this region are few and hard to travel. The principal timber of the Choctaw Nation is yellow pine. It is very heavy, mill men placing its weight at 7 pounds to the foot, board measure. This pine grows rapidly. It is full of pitch and the sapwood is much thicker than that of the pine farther north. The growth of the pine is spotted, most of the land being barren of commercial timber. The groves usually cover from 10 to 15 acres. The size of the timber ranges from 8 inches to 16 inches, though 24 to 30 inch timber is found. A great deal of timber has been cut by mill men.

The principal hard wood of the Choctaw Nation is white oak, which is found south of the Kiamitia Mountains, though not of such quality as to be of commercial value. Such cedar as grew here was cut years ago and presumably sold and shipped out of the country. Gum spruce is found along nearly all of the rivers, but its inaccessibility makes it for the most part of no commercial value. There is very little walnut in the country. Cypress grows along the rivers in the southern part of the timber belt. One giant cypress on Mountain Fork measured 40 feet around at the ground. The hickory, basswood, sycamore, hackberry, and elm of the nation are of little value.

The land in the timber belt is for the most part unfit for cultivation. There are occasional spots along the streams where the bottoms are above high-water mark, and these are quite productive. The ratio of available land to that which is too rough or too rocky for cultivation is something like 1 to 100. The uplands and mountains afford some grazing for cattle and excellent mast for hogs. The small farmer in this region has range enough for all the stock he cares to raise.

The mineral resources of the timber belt are are as yet undeveloped. South of the Kiamitia Mountains the formation is slate.

Ledges of "bull quartz" cross-cut the formation in many localities.

Surface indications point to iron, lead, zinc, and coal in many places. There are fables of old Spanish silver mines in nearly every community. Another popular story is about a place where the Indians formerly obtained lead for molding bullets. There are tales of gold in many place, but up to date there has been no prospecting for that metal. Surface indications of copper, manganese, and graphite are occasionally seen. The population of the timber belt is sparse, except around the railroad towns and interior villages.

To illustrate how, under the peculiar conditions in that country, even the timber industry, like the coal industry, is carried on under leases, I will read from the last annual report of the Commissioner of Indian Affairs, where he speaks concerning the timber and stone industry carried on there:

TIMBER AND STONE.

Contracts for the removal of timber for the fiscal year have been made as follows:

With the Central Coal and Coke Company, for the purchase of 600,000 oak railroad cross-ties and 2,000 oak railroad switch ties. Contract approved October 8, 1901.

Vernon E. Steen, for the purchase of 200,000 feet of oak timber, linear measure, for piling; 2,000,000 feet, board measure, oak timber for bridges. Contract approved October 1, 1901.

Angus McLeod, for the purchase of not exceeding 10,000 feet of oak timber for piling and 600 oak switch ties. Contract approved October 23, 1901.

A. McLeod & Co., for the purchase of 500,000 feet of oak and pine timber for bridges; 40,000 feet, linear measure, of oak timber for piling, and 100,000 railroad cross-ties and 1,000 oak switch ties. Contract approved April 30, 1902.

Kenefick Construction Company, for the purchase of 475,000 oak railroad cross-ties; 2,760 oak railroad switch ties; 2,500,000 feet, board measure, of pine bridge timber; 90,000 linear feet timber for piling. Contract approved March 11, 1902.

John Simpson, for the purchase of 2,500,000 feet, board measure, oak and pine timber for bridges. Contract approved July 11, 1902.

James Elliot, for the purchase of 100,000 railroad cross-ties; 4,900 railroad switch ties; 50,000 linear feet of timber for piling. Contract approved July 23, 1902.

Contracts for the removal of stone have been made as follows:

St. Louis and San Francisco Railroad Company, for the purchase of 700,000 cubic yards of stone. Contract approved August 7, 1902.

Gulf, Colorado and Santa Fe Railroad, for the purchase of 100,000 cubic yards of stone for ballast. Contract approved September 21, 1902.

I call attention to these matters, Mr. President, to show the quality of the timber. A large portion of that timber is oak, valuable for railroad ties and for switch ties, and a large part of it is valuable and fit for bridge timber. Anyone who is at all conversant with the matter knows that the very best timber is used in the construction of wooden railroad bridges. That indicates that the supply of timber in that Territory is abundant and of a good quality.

Now, it is important to the people of Oklahoma, with this supply of coal and timber at their very doors, to have the Indian Territory annexed to them. If it becomes a part of one State, the political authorities of that State, the executive and judicial authorities, will have something to say in the way of legislation and in the way of administration governing the production and transportation of coal. And that that is an important question, Mr. President, we know full well from the experience that this country has had in the recent big coal strike in Pennsylvania. It is important to the people of Oklahoma that the coal fields and the timber of the Indian Territory should be under the same political jurisdiction, the same administrative jurisdiction, in order that they may protect themselves in the matter of monopolies in reference to coal, asphalt, and lumber.

If we look at the topography of the country, we find that from the eastern border of the Indian Territory that country gradually ascends to the westward. Some of the eastern part of the Territory is good agricultural land. The balance of it is rolling and hilly. A good deal of it contains coal, asphalt, and oil, and a good deal of the land is covered with valuable timber. As you go upward the land becomes drier and more rolling. The Indian Territory is not only a great advantage to Oklahoma in the matter of its coal and timber, but it is also of great value to it in other respects. The western part of Oklahoma Territory, as I have stated, is a grazing country. It oftentimes happens that they have excessive droughts there. Vegetation gets scarce. It dries up. Water becomes scarce. Now, the stock raisers can drive their cattle down into the Indian Territory, and there in the hills and the valleys of that country, especially in the timber belt, they can find good grazing and good water.

By combining the two you get, as it were, in natural resources a perfect State—a part of it will be a grazing State, a part of it will be an agricultural State, a part of it will be a mining and lumbering State; and the natural resources that the people need for their own development in the matter of agriculture, in the matter of grazing, in the matter of fuel, in the matter of buildings, etc., they will have in their own midst.

I know that in the great State of Minnesota it is our pride not only that we are a great agricultural State, with immense fine rolling prairies, the finest agricultural and farming lands in America, but, in addition, that we have a fine body of timber—hard-wood timber and pine timber—and, besides that, we have some of the most extensive, largest, and greatest iron mines in all the United States. There is only one thing we lack. If we had the coal which they have in the Indian Territory we would be as near a perfect State in natural resources as we possibly could be, and as Oklahoma and Indian Territory combined will be.

Now, when you separate these two Territories, you isolate them; you make one distinct from the other, you separate their natural resources and their industries, and they become in a certain measure foreign to each other; and when you come to the matter of the transportation and the regulation of transportation and traffic between the two, you are immediately hampered by the restrictions that govern interstate commerce.

If these two Territories are one, the State as a whole will be entitled to regulate, by its legislature and through its laws, transportation wholly within the Territory. It may regulate the transportation of coal from the coal fields of the Indian Territory into Oklahoma; the transportation of cattle and agricultural products from Oklahoma into the Indian Territory; the transportation of lumber from the Indian Territory into Oklahoma, and of asphalt and stone and all other minerals. But the moment you separate them, separate them into two States, the control of each is limited, because under the Constitution each State can regulate and control only that railroad traffic and transportation which is entirely local, within the State, beginning and ending there. So if you undertake to make two States, you immediately make that traffic which naturally will occur between the two subject to the provisions of the interstate-commerce law and to Federal control instead of local control.

We in the West who have had experience in the matter of controlling and regulating railroads and checking their rapacity know the great difference. I know in my own State, Minnesota, we have regulated to a large extent traffic and railroad transportation in our own midst. Yet, in respect to our iron mines, the great iron companies which own the steamship lines bill their iron ore from the interior to the lake ports, and when our board of railroad and warehouse commissioners attempted to regulate that traffic and reduce the rate to a reasonable figure they were met with the contention and the claim that it was interstate traffic, and they claimed that the board of railroad and warehouse commissioners had nothing to do with it.

That is exactly what they can do if you have the two Territories separate. If a carload of coal were shipped into Oklahoma from Indian Territory it would come under the interstate-commerce law and it would come under Federal control, and the State of Oklahoma, if it was admitted as a separate State, with the boundaries it has to-day, would have no power. But if you tie the two together, if you make them one whole, the new State of Oklahoma, or whatever you choose to call it, the new State containing the two Territories combined would have the power within itself to regulate that important traffic. And, Mr. President, how important that traffic is, especially in respect to coal, one of the necessaries of life, we have observed in the recent coal strike in Pennsylvania, of which we are feeling the effects of at this very time, as the Senator from Missouri [Mr. VEST] has so very ably depicted.

Mr. President, a people whose industrial and commercial life is so intertwined and so naturally assimilated as this is ought not to be separated. The farmers and the stock raisers of Oklahoma Territory ought not to be severed and cut off by any arbitrary boundary line from the lumber and the coal and the asphaltum and other minerals of the Indian Territory. All the resources of these two Territories combined ought to be utilized for one great State, for one people, for one of the great republics of the galaxy of American States.

We all know that that State is the most prosperous, grows the most rapidly, acquires the most wealth, its people the happiest, which has the greatest abundance of natural resources in its own midst—a State which in respect to raw material and natural resources is in a condition of independence. A State that is limited to only one class of products or to only a few is handicapped from the very start and handicapped all along as compared with a State which has all these various resources.

There is another fact in this connection of which we should not lose sight. It is this: By the union of these two Territories into one State you will relieve the people of great burdens of taxation. We all know from experience that it is pretty much as expensive to run the legislature of a small State as it is that of a big State. There will be very little difference. If you combine these two Territories into one State, under one State government, you practically save half of the expense that would be involved in the establishment of them as separate States. There will be one executive, one legislature, one judicial system. There will be a few more judges. But one executive department, one set of State officers, one legislature would serve the entire country; and you could have one prison, one capital, and in fact the number of public buildings would be limited.

So in the matter of expense, outside of the local expenses incident to county and municipal governments which occur all over the country whether the State be big or little, you would save the people of such a State by combining the two Territories half the burden of taxation which would be entailed upon them if you separate them into two States. Two States would practically involve a doubling of the expense.

Now, it is for the interest of the taxpayers, for the interest of the great masses of the people not only to have a big State, not only to have a strong State, not only to have a State possessed of all the range of natural resources necessary to make a prosperous State, but it is also in the interest of the people of the State to have it of such a character that the cost of its government will not be a serious load and burden upon the people.

Uniting these two Territories into one would be to put the new State, whatever you choose to call it, Oklahoma or Jefferson, in resources, in population, in intelligence, and in all that goes to make up a great and prosperous State of the American Union on a par with and on a political equality with its older sisters, and the equilibrium of the States would be in no wise disturbed or marred.

There is another reason why the Indian Territory should be attached to Oklahoma. It is this: None of these Territories, neither Oklahoma, New Mexico, nor Arizona, suffers for want of a government. They have well-organized governments in their midsts, with executive departments, judicial departments, legislative departments. They can legislate and do all things necessary for the good of the people—preserve law and order, protect the rights of the people, and establish within their own limits and carry on a good system of public schools.

But how is it in the Indian Territory? In the Indian Territory there are to-day upwards of four hundred thousand white people, practically without any government. The only government all that mass of white people have is in the few local town sites which have been permitted to be created and established in that country, where they have organized local municipal governments. But aside from that and aside from the Federal courts, they are utterly without any legal protection. They can establish no system of public education and no system of schools, and their children are to-day deprived of all the blessings of education which enure to the children of other Territories.

Now, in the other Territories they can organize counties, can organize towns, establish cities, and do practically all that a State can do, except to run into debt and vote bonds to aid corporate enterprises. They can do practically all that is necessary for their industrial and commercial development that can be done in the States. On the other hand, in the Indian Territory we have 400,000 white men of our own blood, industrious, prosperous, and as good as any in this country so far as I know, and those men are utterly helpless. It will not do to call them trespassers. They have come there at the instance and with the permission of the Indians, and at their request. They are there as tenants by sufferance. They have leased a large quantity of land in that country and developed it and improved it, when the Indians, the members of the nation, would not themselves do it. They have built up the towns. They have built up the railroads. They have created the great wealth that there is in the Territory to-day. The enterprise and the energy of the 400,000 white people who are now in the Territory have made the members of the Five Nations amongst the wealthiest people per capita of any class of people in this country.

Now, is it just, is it fair, to leave this great mass of people in that helpless condition and without any government at all? They are here, Mr. President, and ask us and say: "Attach us to Oklahoma Territory, which was originally a part of our country; attach us to that country which, in natural resources, is the complement of our own country; make us a part of that, as we were in the old times, and let us go into the Union with Oklahoma as one State." That is nearly the universal prayer of the people of Indian Territory.

Mr. President, shall we ignore that prayer? There is no urgency in the case of these other Territories. They have, as I have said, well-ordered and well-established governments. They do not suffer for lack of legislation. They do not suffer in the matter of legal protection, but in the Indian Territory there are 400,000 of our own people utterly helpless, as helpless as blind Samson when he was placed between the two pillars in the temple.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Indiana?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. I do not intend to interrupt the Senator at great length, but the last sentence which the Senator uttered reminds me of what I hold in my hand. There are here [exhibiting] perhaps two or three hundred postal cards from school children of the Indian Territory, which, of course, I will not have read or ask to have read, but to which I merely call attention at this moment, supporting precisely the last statement of the Senator from Minnesota, and begging that this Congress shall pass what they denominate here as the Nelson bill in order that they and other school children of that Territory may have some of the facilities of civilized life.

I interrupted the Senator because this bundle of postal cards from school children of the Indian Territory so particularly corroborated the Senator's statement. Later on I shall further direct attention to them.

Mr. NELSON. Mr. President, as I said a moment ago, these people are without the advantages of county, municipal, and township government except in a few towns, and according to

the last report of the Commissioner of Indian Affairs there are only 16 towns in which they have a system of public schools. All the rest, outside of the members of the Five Nations, who aggregate only 88,000, are without the advantages of a system of free schools. In a total population to-day of 400,000 white people in that Territory, outside of the Five Nations, only 8,257 pupils are enrolled in the public schools. The following table from the last report of the superintendent of public education in that Territory shows the condition of education in that Territory and the great hardship under which the people labor:

White children in Indian Territory.—Superintendent Benedict in his annual report calls attention to the condition of white children in the Territory. This is a subject which has been discussed in previous reports, and urgently demands consideration by Congress. As Superintendent Benedict says:

"The Indian Territory has a greater population than any other Territory within the boundaries of the United States—greater even than any one of the eight smallest States in the Union. Of the half million people now residing here at least four-fifths are whites, who have come from the various States and have settled here with the intention of making this Territory their future home. They are found in every village and neighborhood, and are engaged in various kinds of business. They do not differ in any wise from the average citizen of the States, possessing the same love of home, family, and country as the average American citizen. The wonderful growth of many of the towns is due to their enterprise, and the development of the thousands of farms now being platted and allotted will depend in very large measure upon their labor."

The condition of the white public schools in the Territory is exhibited in the following table:

Public schools, showing location, superintendent, when established, etc., in Indian Territory.

Town.	Superintendent or principal.	When established.	Teachers.		Number of months school.	Receipts.		
			Male.	Female.		Tuition.	Taxation.	Total.
Rush Springs	W. H. Savage	1901	1	2	6	$25.00	$1,100.00	$1,125.00
Marietta	Brice Stephenson	1899	1	5	9	1,075.00	1,350.00	2,425.00
Ardmore	J. R. Hendrix	1899	4	19	7	170.00	13,188.33	13,358.33
Chickasha	Jonas Cook	1900	2	12	6	100.00	6,500.00	6,600.00
Marlow	John E. Koonce	1899	3	4	9	300.00	1,900.00	2,200.00
Pauls Valley	James M. Osborn	1898	2	4	7	307.40	4,247.11	4,554.51
Comanche	G. A. Witt	1898	2	2	7	400.00	1,147.50	1,547.50
Claremore	E. L. Essley	1899	1	4	9	127.00	3,500.00	3,627.00
Nowata	J. A. Burns	1899	1	4	9	335.00	2,415.00	2,750.00
South McAlester	Wm. Gay	1900	2	12	8	18.00	8,972.00	8,990.00
Eufaula	J. B. Dorman	1899	2	2	8	6.00	2,430.00	2,436.00
Muldrow	W. S. Scott	1898	1	2	7	60.00	770.00	830.00
McAlester	S. P. Morris	1899	2	2	9	300.00	1,865.00	2,165.00
Vinita	W. S. Dugger	1899	1	7	9	----------	6,449.07	6,449.07
Howe	W. B. Emery	1901	2	----------	3½	70.00	227.50	297.50
Muskogee	W. E. Wilson	1898	1	12	9	15.00	10,000.00	10,015.00
Total		-------	28	93	122½	3,308.40	66,061.51	69,365.91

Town.	Expenditures.			Value of buildings and grounds.	Enrollment.							
	Teachers' salaries.	Other expenses.	Total.		Whites.		Indians.		Negroes.		Total.	
					Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.
Rush Springs	$660.00	$40.00	$700.00	$1,250.00	124	128	3	3	----------	----------	127	131
Marietta	2,025.00	400.00	2,425.00	2,500.00	160	140	15	11	----------	----------	175	151
Ardmore	7,295.67	2,200.00	9,495.67	8,000.00	565	582	5	3	92	101	662	686
Chickasha	4,000.00	2,500.00	6,500.00	8,000.00	465	455	1	----------	51	53	517	508
Marlow	2,835.00	200.00	3,035.00	2,500.00	220	235	----------	1	----------	----------	220	236
Pauls Valley	2,070.00	500.00	2,570.00	3,000.00	199	170	16	21	----------	----------	215	191
Comanche	1,347.50	200.00	1,547.50	1,000.00	200	186	----------	10	----------	----------	200	196
Claremore	1,800.00	1,700.00	3,500.00	6,000.00	111	116	49	41	7	5	167	162
Nowata	2,250.00	500.00	2,750.00	4,000.00	89	112	44	52	----------	----------	133	164
South McAlester	5,960.00	3,000.00	8,960.00	8,000.00	442	454	13	18	96	90	551	562
Eufaula	1,360.00	----------	1,360.00	6,000.00	72	78	12	13	35	43	119	134
Muldrow	745.00	85.00	830.00	500.00	58	87	17	28	----------	----------	75	115
McAlester	200.00	365.00	565.00	----------	155	160	11	10	----------	----------	166	170
Vinita	3,142.50	490.44	3,632.94	10,000.00	110	120	109	119	50	77	269	316
Howe	227.50	----------	227.50	400.00	31	35	----------	----------	----------	----------	31	35
Muskogee	6,670.00	2,000.00	8,670.00	6,000.00	245	237	47	76	119	149	411	462
Total	42,558.17	14,180.44	56,738.61	67,150.00	3,246	3,295	342	406	450	578	4,038	4,219

Even those schools are not free public schools, because from the statement it appears that they charge tuition. The receipts of the schools are put down at $3,308 from tuition fees. So it seems they charge a tuition fee. Therefore they are not public schools in the full sense that public schools are with us. The balance of the money is raised by local taxation.

Now, Mr. President, is it fair, is it just, to ignore the claims of these people? Is it fair to leave them in that condition any longer? And if it is not fair and not just, why should we not now embrace the opportunity to attach them to Oklahoma? Oh, but it is said, "Make Oklahoma now into a State and leave a provision that the Indian Territory may come in afterwards; it is not yet ripe."

Mr. President, that is utterly unfair. There are as many intelligent people in the Indian Territory as in Oklahoma, and I insist that the people of the Indian Territory—the 400,000 people there—ought to have as much right to participate in a constitutional convention and in forming and adopting the organic act of the State as the people of Oklahoma. If you let them in afterwards—if you let them come in afterwards as a matter of grace and favor, they will have to come in on just the terms and conditions that Oklahoma in her State constitution may provide. But if you let them come in at this time—if you let them come in on a footing of equality, participating in the constitutional convention and in the make-up of the government, they will have an equal and fair voice in saying what that government shall be.

I am happy to say in this connection, Mr. President, that all the people, except perhaps a few Indians, and not many of them, certainly all the white people in the Indian Territory, are in favor of the substitute bill, the bill reported from the committee. They are in favor of uniting these two Territories into one State.

I am also glad to note the fact, and it is a fact, that aside from the politicians and aside from the political schemers, promoters, and the like of that, the great mass of the people of Oklahoma are in favor of united statehood. They believe in having a great, growing, and prosperous State, and not having it cut up into little petty commonwealths.

It is no injustice to the Indians. I shall discuss by and by the condition of affairs there in respect to the Indians. The Indians by implication and by their action have invited all these people to come into that Territory. They have come by the permission of the Indians, and they have built up the Territory and have made it a great and prosperous country. They have built up the towns. They have built the railroads. They have developed the mines and the forests and created the great wealth that there is in that Territory to-day. Without their presence to-day the members of the Five Nations would be comparatively poor indeed, but owing to the efforts of those white people they have become among the richest people in all this country.

So when you come to consider the claim of urgency for statehood, I say in respect to these other Territories their is no intrinsic urgency. They are not suffering for want of a good government. They are not in a legislative strait-jacket which hinders or retards their industrial development. Oklahoma bears witness to that fact. But the poor people of the Indian Territory, our own kith and kin, are handicapped in every way. They are in a political strait-jacket, and if there is any class of our people entitled to immediate relief at this juncture it is the people of the Indian Territory, and now is the accepted time and the opportunity by adopting the substitute bill.

But we are told that it is too early to take any action; that the Indian problem has not been settled; that we have no right to take any action here because it would violate and interfere with

Indian treaties and disturb the Indian conditions in that country. Mr. President, the quickest way to solve the Indian problem, the quickest way to bring order out of chaos in that country is to give them a State government. The other questions in connection with the allotment of land and all that will be easily solved, and there will be no difficulty about them. There are no constitutional inhibitions or restrictions against the establishment of a State government over the Indian Territory at this day, as I shall proceed to show later.

What is the status of the people in the Five Nations; what is their condition, and what restraints are there upon our power in this matter? In order that we may understand this question, I shall lapse a little bit into some ancient history and call the attention of the Senate to some of the older treaties with those Indians. A brief summary of the history of those people and their relation to the Government furnishes a key to the situation. The ancestors of those people originally had their homes at various places east of the Mississippi River, in North Carolina, in Tennessee, in South Carolina, in Florida, in Alabama, in Georgia, and in Mississippi. Beginning in 1830, and perhaps before that, down to 1856, they were, under various treaties and in various sections and in various numbers from time to time, moved from their lands east of the Mississippi River, which they were induced to relinquish to the Government, to the country west of the Mississippi River.

These Indians were originally composed of four tribes, the Creeks, Cherokees, Choctaws, and Chickasaws. Then there was another element. Some of these Creeks, at an early day, vagabonds and the hard cases of the tribe, with some other isolated tribes, escaped over the boundary across the border between our country and what at that time was Spanish territory, and went into the everglades of Florida, and there the united mass of these Indians became known as the Seminoles, and they are another of these nations. So we have the Creeks, the Cherokees, the Choctaws, the Chickasaws, and the Seminoles as the Five Nations that go to constitute the so-called Indian population of the Indian Territory.

Now, it is curious to note, and I ask the pardon of the Senate for calling attention to these older treaties, because I shall do so for the purpose, Mr. President, of showing how continually, from the time of the very act establishing Oklahoma Territory down to the present day, the legislative department of the Government of the United States has violated those treaties. In fact, the very establishment of Oklahoma Territory was a violation of these old Indian treaties, as I shall show. If we go back into the legislative and treaty history of the matter; we will find that this removal of these Indians from the East and their colonization in the Indian Territory arose under the following legislation and Indian treaties.

The first act bearing upon this subject was the act of May 28, 1830, 4 Statutes, 411. Under this act the President of the United States was authorized to negotiate with the Indians east of the Mississippi River and secure their cession of lands there in exchange for lands west of the Mississippi River, and by the act of July 14, 1832, he was authorized to appoint commissioners for the purpose of negotiating with the Indians to procure their removal west of the Mississippi River, to secure an exchange of lands with them west of the Mississippi River for lands east of the Mississippi River.

Now, I will give a brief summary of the older treaties that were made with these several nations. I do it for the purpose of showing how, in many respects, we have long ago violated those treaties, and that we violated them in the establishment of Oklahoma Territory.

CHEROKEES.

Treaty of May 6, 1828 (7 Stat., p. 311): The preamble of this treaty states, among other things, that it is the desire of the Government to give the Cherokees a permanent home west of the Mississippi River which shall never, in all future time, be embarrassed by having extended around it the lines—I call attention to that—or placed over it the jurisdiction of a Territory or State, nor be encroached upon by the extension in any way of any of the limits of any of the existing States or Territories.

Article 1 defines the western boundary of Arkansas, the same as now existing. Article 2 agrees to possess the Cherokees with and guarantee to them forever 7,000,000 acres, described by metes and bounds, substantially the same as now occupied by them. In addition it guarantees them a permanent outlet to the west and the free use of the country lying west of the land agreed to be given to them. By article 6 it was agreed, among other things by the United States that, whenever the Cherokees might desire it, it would give them a set of plain laws suited to their condition, etc.

By article 7 the Cherokees gave up all their lands in Arkansas, which had been given them by the treaty of January 8, 1817, and the convention of February 27, 1819.

Treaty of February 14, 1833 (7 Stat., p. 414): By article 1 of this treaty the boundaries, but not the quantity, of the land agreed to be given the Cherokees by article 2 of the former treaty is modified and changed, and in addition the Cherokees were guaranteed a perpetual outlet west (this is the Cherokee Outlet west) and a free and unmolested use of all the country lying west of the western boundary of their 7,000,000 acres as far west as the sovereignty of the United States and their right of soil extended, which was only as far at that time as the western boundary of Oklahoma, barring the public lands acquired by Texas. Our possessions at that time only extended to the western boundary of Oklahoma exclusive of the public lands.

By article 2 the Cherokee Nation relinquished to the United States all the lands ceded to them by the treaty of May 6, 1828, not embraced in this treaty. By article 3 the sixth article of the former treaty was canceled and annulled.

Treaty of December 29, 1835 (7 Stat., p. 478): By article 2 of this treaty an additional 800,000 acres, described by metes and bounds, was agreed to be conveyed to the Cherokees supplemental to the former grant and to make up a supposed deficiency in the 7,000,000 acres agreed to be given to them.

By article 3 the United States agreed that the lands ceded by the treaty of February 14, 1833, including the outlet, and those ceded by this treaty should all be included in one patent executed to the Cherokee Nation of Indians by the President of the United States, according to the provisions of the act of May 28, 1830, which I already quoted in the beginning of my remarks.

By article 5 the United States covenanted and agreed that the land ceded—and I call attention to the fact that this included all the northern part, a strip clear across the Indian Territory, clear across the northern part of Oklahoma—by article 5 the United States covenanted and agreed that the land ceded should not at any future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory, and that the Cherokees by their national council should have the right to enact such laws as they might deem necessary for the government and protection of the persons and property within their own country belonging to their people and such persons as connected themselves with them.

By article 7 it was stipulated that the Cherokees should be entitled to a Delegate in the House of Representatives whenever Congress should make provision for the same. Congress has never made any provision.

Treaty of July 19, 1866 (14 Stat., p. 799): Article 1 declares a treaty made with the Confederate States to be null and void. They made a treaty with the Confederate States during the civil war. I may say in this connection that most of these nations prior to the war had slaves, who afterwards became free under the legislation of Congress and were termed "freedmen," and were given an interest in the property and lands of the tribes and are really considered for most purposes, as in distributing the allotments, as members of the nation.

Article 2 grants amnesty for past acts.

Article 3 repeals the confiscation laws and declares all confiscations null and void.

Articles 4, 5, and 6 make provision for former slaves and free negroes, etc.

Article 7 makes provision for the establishment of a United States court in the Cherokee territory for certain cases.

Article 9 abolishes slavery and makes all freedmen members of the Cherokee Nation.

Article 12 provides for a Cherokee legislative body with power to legislate upon matters pertaining to the intercourse of the Indian tribes, nations, and colonies of freedmen resident in said Territory; the arrest and extradition of criminals and offenders escaping from one tribe to another or into any community of freedmen; the administration of justice between the members of different tribes of said Territory and persons other than Indians and members of said tribe.

By article 13 the Cherokees agreed that a court or courts might be established by the United States in said Territory, but retained exclusive jurisdiction in the tribunals and courts of the nation in all civil and criminal cases arising within their country in which members of the nation shall be the only parties, etc.

By article 15 the United States was permitted to give civilized Indians, friendly with the Cherokees, the unoccupied portions of land east of the ninety-sixth degree in the Cherokee country.

By article 16 the United States was given the privilege of settling friendly Indians in any part of the Cherokee Nation west of the ninety-sixth degree of longitude.

I now come to the Creeks. The first treaty material for this case is that of March 24, 1832 (7 Stat., p. 366). By this treaty the Creeks ceded to the United States all their lands east of the Mississippi River.

By article 14 the Creek country west of the Mississippi was solemnly guaranteed to them, and that no State or Territory should have the right to pass laws for their government, but that they

should be allowed to govern themselves, as far as was compatible with the general jurisdiction which Congress might be prepared to exercise over them. The United States further agreed that as soon as the boundary of the Creek Nation west of the Mississippi was ascertained it would cause a patent or grant to be executed to the Creeks, agreeable to the act of May 28, 1830.

Treaty of February 14, 1833 (7 Stat., p. 417). By article 2 of this treaty, to which the Cherokees consented, the boundaries of the grant to the Creek Indians were defined, extending from the southern portion of the Cherokee country, between the Arkansas and Canadian rivers westerly to the boundary line of Mexico as it then existed. In other words, they got the whole country (and at that time what is now Texas was a part of Mexico) westward from the eastern boundary of Arkansas. They got a strip clear westward as far as the boundary of Mexico at that time.

By article 3 the United States agreed to grant a patent for the land described in article 2 in fee simple to the Creek Nation.

By article 4 it was provided that the lands thus assigned and agreed to be patented to the Creek Indians should be considered the property of the whole nation—those who were residing there and those who were east of the Mississippi River—and that the Seminole Indians in Florida should have a permanent home in a part of the lands set apart for the Creek Nation, and the Seminoles were to be a constituent part of the Creek Nation, but were to be located by themselves.

Treaty of August 7, 1856 (11 Stat., p. 699). This was a treaty between the United States, the Creeks, and the Seminoles. By article 1 the Creek Nation ceded a given portion, by metes and bounds, to the Seminoles for their use, which constituted a strip of land between the North Fork of the Canadian River and the Canadian River from the Creek country westerly to the one hundredth meridian of west longitude.

Article 2 defines, by metes and bounds, the balance of the land remaining with the Creeks.

By article 3 the United States guaranteed to the Seminoles the tract of country embraced in the first of the above articles, and to the Creek Indians the land included in the boundaries contained in the second of said articles, and that it should be held by the same tenure and title as was guaranteed to the Creek Nation by the fourteenth article of the treaty of March 24, 1832, cited above, and the third article of the treaty of February 14, 1833.

By article 4 the United States solemnly agreed and bound itself that no State or Territory should ever pass laws for the government of the Creek or Seminole tribes, and that no portion of either of the tracts of country defined in the first and second articles should ever be embraced or included in or annexed to any State or Territory, nor should either or any part of either ever be erected into a Territory without the full and free consent of the legislative authority of the tribe owning the same.

It will be observed that this article was violated and broken when Oklahoma Territory was established, because Oklahoma Territory covered a large part of the tracts described in articles 1 and 2 of this treaty.

By article 15 the right of self-government, with full jurisdiction over persons and property, within their respective limits was given to the Creek and Seminole nations.

Article 26 provides that this treaty shall supersede and take the place of all former treaties between the United States and the Creeks, and between the United States and the Seminoles, and between the Seminoles and the Creeks inconsistent with this treaty.

Treaty of June 14, 1866 (14 Stat., p. 785): By article 2 slavery was abolished and the freedmen were made members of and given an interest in the property of the nation.

By article 3 the Creeks ceded to the United States, to be sold and used for homes for other civilized Indians, the west half of their entire domain, the eastern half being retained by them forever as a home, except what is assigned to the Seminole Nation.

By article 10 the Creeks agree to such legislation as Congress and the President may deem necessary for the better administration of justice, etc., but said legislation should in no manner interfere with or annul the tribal organization, rights, laws, privileges, or customs of the Creeks. Said article also provided for a legislative council among the Indians, giving it power to legislate and enact laws for the Indians in said Territory. The Creeks also agree that courts may be established in said Territory.

Article 14 annuls all former treaties inconsistent with this treaty.

SEMINOLES.

Treaty of May 9, 1832 (7 Stat., p. 368): By article 1 the Seminoles relinquished all their lands in Florida and agreed to emigrate to the country assigned to the Creeks west of the Mississippi River.

By article 7 the Seminoles agreed to move to their home west of the Mississippi River within three years after the ratification of the treaty.

Treaty of March 28, 1833 (7 Stat., p. 423): By this treaty certain territory in the Creek country was assigned to the Seminoles for their separate future residence forever.

Treaty of August 7, 1856 (11 Stat., p. 699): This is a treaty between the United States, the Creek and the Seminole nations.

By article 1 the Creek Nation grants a certain portion of their territory, by metes and bounds, to the Seminole Nation, more particularly referred to above, where this same treaty is referred to under the head of the Creek Nation, to which reference is made.

Treaty of March 21, 1866 (14 Stat., p. 755): By article 2 of this treaty slavery is abolished and the freedmen are permitted to settle upon the lands and remain as a part of the nation with equal rights among the Seminoles.

By article 3 the Seminoles ceded to the United States the tract of land ceded to them by the Creek Nation under the treaty of August 7, 1856, referred to above. By this article the United States granted a new reservation, by metes and bounds, to the Seminoles, which is the reservation now held and occupied by them, the aggregate of the reservation thus granted to them being estimated at 200,000 acres, and this reservation was constituted the national domain of the Seminole Indians.

By article 7 the same nation agrees to such legislation as Congress and the President may deem necessary for the better administration of the rights of persons and property within the Indian Territory, but such legislation shall not interfere with or annul tribal organizations, rights, laws, privileges, or customs. Said article also provides for a legislative council with power to legislate for said Seminole Indians and in respect to their intercourse with other Indians. The Seminoles also agree that courts may be established by the United States.

By article 9 the United States reaffirms and reassumes all obligations of treaty stipulations entered into before the treaty of the Seminole Nation with the Confederate States.

Article 11 annuls all prior treaties inconsistent with this treaty.

CHOCTAWS.

Treaty of September 27, 1830 (7 Stat., p. 333): By article 2 of this treaty the United States agrees to convey to the Choctaw Nation all that territory west of Arkansas between the Canadian River and the Red River to the then limits of Mexico on the west. The grant is to the nation in fee simple, and shall inure to them as long as they exist as a nation.

By article 3 the Choctaws cede to the United States all the country owned by them east of the Mississippi River, and agree to remove to the territory west of the Mississippi River.

By article 4 the United States agrees to secure to the Choctaw Nation jurisdiction and government over all persons and property within the limits of the territory west of the Mississippi River to be conveyed to them as aforesaid; and that no State or Territory shall ever have the right to pass laws for the government of the Choctaw Nation, and that no part of the land so granted shall be embraced in any Territory or State. And the Choctaws are to be secure against all laws except such as may be enacted by their own national council, etc.

Treaty of June 22, 1855 (11 Stat., p. 611): This was a treaty between the United States, the Choctaws and the Chickasaws.

Article 1 defines and describes the boundaries of the Choctaw and Chickasaw country, being all the territory between Arkansas on the east, the one hundredth meridian of longitude on the west, the Canadian River on the north, and the Red River on the south. And the United States guaranteed the lands embraced in this boundary to the members of the Choctaw and Chickasaw tribes, their heirs and successors, to be held in common, so that each member shall have an equal undivided interest in the whole, provided that no part should ever be sold without the consent of both tribes.

Article 2 segregates and sets apart a certain definite reservation, therein described, for the Chickasaw Indians, and the remainder of the tract embraced in article 1 not assigned to the Chickasaws by article 2 is, by article 3, to be held in common by the Choctaws and Chickasaws and shall constitute the Choctaw district.

By article 7 the Choctaws and Chickasaws are secured in the unrestricted right of self-government and full jurisdiction over persons and property within their respective limits, etc.

By article 9 the Choctaw Indians relinquish all their right to any lands west of the one hundredth meridian of west longitude, and the Choctaws and Chickasaws lease to the United States all that portion of their own territory west of the ninety-eighth degree of west longitude for the permanent settlement of the Wichita and such other tribe of Indians as the Government may desire to locate there, etc., but such leased territory is to remain open to settlement by the Choctaws and Chickasaws.

Article 21 provides that this treaty shall supersede and take the place of all treaty stipulations between the United States and the Choctaws and Chickasaws inconsistent therewith.

Treaty of April 28, 1866 (14 Stat., p. 769): This is a treaty between the United States and the Choctaws and Chickasaws.

By article 2 slavery is abolished.

By article 3 the Choctaws and Chickasaws cede to the United States all their territory west of the ninety-eighth degree of west longitude, and provision is made for the freedmen.

Article 6 provides for right of way for railroads, etc.

By article 7 the Choctaws and Chickasaws agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and for the protection of the rights of persons and property within the Indian Territory, provided that such legislation shall not interfere with or annul the tribal organization, or their respective legislatures or judiciaries, or the rights, privileges, or customs of the Choctaw and Chickasaw nations, respectively.

Article 8 provides for a legislative council with power to legislate upon all subjects pertaining to the intercourse and relation of the Indians in the Indian Territory, etc. The Chickasaws agree that the United States may establish courts in the Territory, but the jurisdiction of such courts must not interfere with the local judiciary of either nation.

By article 10 the United States reaffirms all obligations of former treaty stipulations with the Choctaws and Chickasaws made prior to the war of the rebellion.

By article 21, sections 16 and 36 in every township are reserved for school purposes.

Article 33 provides for the admission of certain Kansas Indians among the Choctaws and Chickasaws.

Article 45 declares that all rights, privileges, and immunities heretofore possessed by said nations, or the individuals thereof, are in full force.

CHICKASAWS.

Treaty of October 20, 1832 (7 Stat., p. 381): By article 1 the Chickasaws cede all their lands east of the Mississippi River to the United States, to be disposed of as the treaty provides. The treaty also contemplates their securing a new home west of the Mississippi River. Their subsequent rights are fixed and covered by the treaty of June 22, 1855 (11 Stat., p. 611), and the other treaties cited above under the head of the Choctaws.

Mr. President, I have taken up the time of the Senate for the purpose of having this compendium of some of the leading, essential portions of the old treaties placed before the Senate to show the limitations and conditions that we imposed on our Government in treating with those Indians, and to show how, from time to time, we have subsequently violated or abrogated those conditions on our own motion, and that our courts have held that we had ample authority under the Constitution to do so.

Patents were issued to the Indians for the lands described in these several treaties, and the Indians were given, as an inspection of the treaties will show, nearly the exclusive right of self-government, with full executive, legislative, and judicial powers over their own people. The Federal Government, too, was inhibited from at any future time including their country within the limits or subject to the jurisdiction of any State or Territory. Under their treaties the several tribes organized themselves into so-called tribal governments, with executive, legislative, and judicial departments.

These governments did not work very well. They turned out to be partisan, arbitrary, and most corrupt. In the meantime white settlers in large numbers, by the connivance or express or implied consent of the Indians, poured into the Territory and settled and developed the country. This led to great trouble and friction with the Indians. The whites were without the protection of law and without courts, except the tribal courts, to which they had no access, and which would no doubt have given them scant justice had they sought relief in them.

The conditions soon became intolerable and grew worse and worse. The first relief given to the people in the Indian Territory was the creation and establishment of a United States court by the act of 1889. The next avenue of relief was found in the carving out and establishment of Oklahoma Territory. This in some essentials, which I need not dwell upon now, but will refer to later in referring to the decisions of our courts, was in derogation and manifest violation of former treaties. The establishment of Oklahoma and opening of the country to settlement brought some relief.

I now ask to call the attention of the Senate to the legislation that was had subsequently to the legislation in connection with the establishment of Oklahoma, and, therefore, I ask the Secretary to read this summary of the legislation as a part of my remarks.

Mr. PLATT of Connecticut. Mr. President, may I inquire of the Senator from Minnesota whether, when we established the Territory of Oklahoma, we did include within its boundaries any land still belonging to the Choctaws and Chickasaws?

Mr. NELSON. I think we did; there was one case in the Supreme Court, to which I shall call attention, which involved that question.

Mr. PLATT of Connecticut. I had the impression that we included only that portion which they had sold to us by a subsequent treaty.

Mr. NELSON. They had not sold it to us at that time; they sold it to us subsequently. I shall call attention to that fact when speaking of the decision of the Supreme Court of the United States, where the court impliedly admits that we abrogated or violated that provision of the treaty, but that we had the full legal right and power to do so.

Mr. PLATT of Connecticut. It is undoubtedly true that we had that power.

Mr. NELSON. I ask to have read the paper which I sent to the Secretary's desk.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary reads as follows:

LEGISLATION RELATING TO OKLAHOMA AND INDIAN TERRITORY.

By the act of May 22, 1890 (26 Stat., p. 81), the Territory of Oklahoma was established.

Section 1 of this act defines the boundary of Oklahoma Territory, and provides that Congress may at any time thereafter change the boundary of same or attach any portion of the same to any other State or Territory of the United States without the consent of the inhabitants of the Territory of Oklahoma. The rights of the Indians in said Territory are reserved, and jurisdiction over them and their property is retained in the United States.

The act provides for the organization of the Territory and the division of the same into counties; provides for a legislature; for the right of suffrage; defines the jurisdiction of the legislature; provides for courts, a supreme court, district court, probate courts, and justices of the peace; confers Territorial and Federal jurisdiction upon the supreme and district courts; puts certain laws of the State of Nebraska in force and effect as local laws in the Territory; provides for the appointment of a United States attorney and marshal for the Territory; provides that a governor, secretary, chief justice, associate justice, attorney, and marshal shall be appointed by the President; gives the Territory a Delegate in Congress; grants sections 16 and 36 for school purposes; provides for the disposal of the public lands under the homestead and town-site laws, etc.; makes section lines public highways.

Section 29 of this act defines and describes the boundaries of Indian Territory; limits the jurisdiction of United States courts established in Indian Territory under the act of March 1, 1889 (25 Stat. p. 783), to the Indian Territory as defined in this act.

By this last-mentioned act a United States court was established in Indian Territory as it existed before Oklahoma Territory was established. Provision was made for a judge of the court, an attorney, and a marshal, as well as a clerk. The court was given exclusive jurisdiction over all offenses against the laws of the United States committed within the Indian Territory not punishable by death or imprisonment at hard labor.

The court was given jurisdiction in all civil cases between citizens of the United States, residents of Indian Territory, or between citizens of the United States or of any State or Territory therein or any citizen or person residing or found in the Indian Territory when the value of the thing in controversy or the damages claimed shall amount to $100 or more, but no jurisdiction was conferred upon the court in respect to controversies between persons of Indian blood. Final judgments of this court, where the amount in controversy exceeds $1,000, could be reviewed and reversed or affirmed by the Supreme Court of the United States. Two terms of court were to be held at Muscogee. All proceedings were to be in the English language.

By section 17 the Chickasaw Nation and a portion of the Choctaw Nation, with defined boundaries, were annexed to and made a part of the eastern judicial district of Texas for judicial purposes.

By sections 20, 21, 22, 23, 24, 25, and 26 certain crimes and misdemeanors are defined and punishment prescribed for the same, but the provisions of the same shall not apply to the offenses committed by one Indian upon the person or property of another.

By the act establishing the Territory of Oklahoma, hereinbefore referred to, the act of 1889, establishing a court in the Indian Territory, was largely amended. The United States court established in Indian Territory was given jurisdiction, in addition to that conferred by the act of 1889, in all civil cases in Indian Territory, except cases over which tribal courts have exclusive jurisdiction, and in all cases on contracts entered into by citizens of any tribe or nation with citizens of the United States; that for the purpose of holding terms of court the Territory was divided into three divisions, 1, 2, and 3, and the boundaries of each division established.

Crimes were to be prosecuted in the division in which the offense was committed and civil suits instituted in the division where the defendant lives. The act provided, however, that the judicial tribunals of the Indian nations should retain exclusive jurisdiction in all civil and criminal cases arising in the country in which members of the nation shall be the only parties, and in respect to such cases the laws of the State of Arkansas extended to the Indian Territory should not apply.

Section 31 extends certain general laws of the State of Arkansas to and puts them in force in Indian Territory. The act further provides as follows:

"But nothing in this act shall be so construed as to deprive any of the courts of the civilized nations of exclusive jurisdiction over all cases arising wherein members of said nations, whether by treaty, blood, or adoption, are the sole parties, nor so as to interfere with the right and power of said civilized nations to punish said members for violation of the statutes and laws enacted by their national councils where such laws are not contrary to the treaties and laws of the United States."

Exclusive original jurisdiction is given the United States court in Indian Territory to enforce the provisions of chapter 4, title 70 of the Revised Statutes of the United States entitled "Crimes against justice."

By section 36 jurisdiction is conferred upon the United States court in Indian Territory over all controversies between members and citizens of one tribe and members or citizens of another tribe, and a citizen of one tribe who commits an offense or crime against the person or property of another tribe shall be subject to the same punishment as though he were a citizen of the United States. The United States court in Indian Territory is given power to appoint United States commissioners as United States circuit courts, etc. Such commissioners shall exercise the powers of the justices of the peace as prescribed by the laws of Arkansas, and appeals may be taken from final judgments of such commissioners to the Territorial United States court. Appeals and writs of error may be taken from the United States courts in Indian Territory to the Supreme Court of the United States as in cases from the circuit courts of the United States.

By the act of March 1, 1895 (28 Stat., 693), Indian Territory was divided into three judicial districts, defined and described in the act, and provision was made for the appointment of 2 additional judges, making 3 judges in all, or 1 judge for each district. Provision was made for the appointment of an attorney and marshal in each of said districts, as well as for clerks of the courts. Each of the judges was given the power to appoint court commissioners within his district. Certain portions of the criminal laws and criminal procedure of Arkansas was extended to Indian Territory. The United States commissioners were to have the power of justices of the peace in preliminary criminal examinations. Appeals could be taken from the commissioners to the United States courts.

By section 9 the United States court in Indian Territory was given exclusive original jurisdiction of all offenses committed in said Territory of which the United States court then had jurisdiction, and after the 1st of September, 1896, to have exclusive original jurisdiction of all offenses against the laws of the United States committed in said Territory except such cases as the United States court at Paris, Tex., Fort Smith, Ark., and Fort Scott, Kans., had acquired jurisdiction of before that time. And should also have original jurisdiction of civil cases in the United States court in Indian Territory and appellate jurisdiction of all cases tried before the commissioners. And all laws theretofore conferring jurisdiction upon the United States courts held in Arkansas, Kansas, and Texas, outside of the limits of Indian Territory as defined by law as to offenses committed in said Indian Territory, as herein provided, are repealed, to take effect on September 1, 1896; and the jurisdiction now conferred by law upon said court is hereby given on and after the day aforesaid to the United States court in Indian Territory.

That the several judges of the United States court in Indian Territory shall constitute a court of appeals, to be presided over by the senior judge as chief justice. Said court was to have the like jurisdiction and power over inferior courts in Indian Territory as the supreme court of Arkansas has over the inferior courts in that State, with the same jurisdiction in respect to appeals and writs of error; and the laws of the State of Arkansas, in respect to appeals and writs of error, are made applicable and extended to and put in force in Indian Territory. Writs of error and appeals from said appellate court in Indian Territory may be taken to the circuit court of appeals for the eighth circuit in the same manner and under the same conditions as appeals from the circuit courts of the United States.

By the act of June 7, 1897 (30 Stat., p. 83), it was provided:

"That on and after January 1, 1898, the United States courts in said Territory shall have original and exclusive jurisdiction and authority to try and determine all civil causes in law and equity thereafter instituted and all criminal causes for the punishment of any offense committed after January 1, 1898, by any person in said Territory, and the United States courts in said Territory shall have and exercise the powers and jurisdiction already conferred upon them by existing laws of the United States as respects all persons and property in said Territory; and the laws of the United States and the State of Arkansas in force in the Territory shall apply to all persons therein, irrespective of race, said courts exercising jurisdiction thereof as now conferred upon them in the trial of like causes; and any citizen of any one of said tribes otherwise qualified who can speak and understand the English language may serve as a juror in any of said courts."

This act also provides for one additional judge in said Territory, making four judges in all.

(This provision in respect to the jurisdiction of the court is clearly in controvention of all existing treaties.)

Mr. NELSON. Mr. President——

Mr. PLATT of Connecticut. Will the Senator permit me?

The PRESIDING OFFICER (Mr. SCOTT in the chair). Does the Senator from Minnesota yield to the Senator from Connecticut?

Mr. NELSON. Certainly.

Mr. PLATT of Connecticut. I do not wish to have it understood by the question I asked the Senator from Minnesota that I think there is any obligation growing out of these treaties resting on the United States not to include these lands within a Territory or a State. I think the reason for that stipulation on the part of the United States is entirely gone and passed by. Anybody who is historically familiar with the conditions under which these treaties were made knows that it was the desire of the Indians that they should live by themselves, without white people being among them, to have self-government, and to that the United States then acceded by treaty and agreed to keep out all white people from their domain. They were then a thousand miles west of any white civilization, and nobody supposed or understood that white civilization would overrun that section of the country.

The intention of the parties was that the Indians should have their own government there, which they should administer, and that white people should not interfere with them or invade their domain. But afterwards the Indians themselves invited white people into their Territory, and the white people who are there now are there not only by the consent, but by the invitation of the Indians, contrary to the spirit and understanding which existed at the time the original treaties were made.

So I think the Indians are entirely estopped from saying that the United States is longer bound to its obligation not to include them within the limits of the Territory or the State.

Mr. NELSON. Mr. President, I intended next to show that our Supreme Court has in a number of cases passed upon the question of the abrogation of these treaties by subsequent acts of Congress, but I am informed by the Senator from North Dakota [Mr. MCCUMBER]—and I did not know it before—that at 4 o'clock a unanimous-consent agreement provided that pension bills should be taken up. When I next take up this matter I propose to show that this question in various forms relating to the abrogation and changing of these treaties by Congress has been considered by the courts in many cases, and they have repeatedly decided this question. From the time when a case arose under the internal-revenue law of 1867 down to last week, when a decision was rendered in such a case, the Supreme Court has uniformly held that we had full plenary power to legislate in respect to these Indians, and that we were in no wise hampered or restrained by any treaty conditions. But, as I have said, it is my understanding that at 4 o'clock pension bills are to be taken up, and therefore I yield.

CONSIDERATION OF PENSION BILLS.

The PRESIDENT pro tempore. The hour of 4 o'clock having arrived, the Senate, under the order heretofore made, will proceed to the consideration of unobjected private pension bills on the Calendar.

EMILY S. BARRETT.

The bill (H. R. 3672) granting a pension to Emily S. Barrett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emily S. Barrett, dependent mother of William H. Barrett, late of Company F, Sixteenth Regiment Vermont Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN ROBINSON.

The bill (H. R. 8237) granting an increase of pension to John Robinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Robinson, late of Company D, Seventeenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. NOYES.

The bill (S. 6329) granting an increase of pension to Mary A. Noyes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Noyes, widow of Edward Noyes, late of Company C, Eleventh Regiment Maine Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES C. CHESLEY.

The bill (S. 6262) granting an increase of pension to Charles C. Chesley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles C. Chesley, late second lieutenant Company F, Sixth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RACHEL E. BULLARD.

The bill (S. 6263) granting a pension to Rachel E. Bullard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rachel E. Bullard, widow of Edmund E. Bullard, alias Charles Howard, late of Company A, First Regiment New Hampshire Volunteer Light Artillery, and Company C, Eleventh Regiment Vermont Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANN A. HERSUM.

The bill (S. 6422) granting an increase of pension to Ann A. Hersum was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ann A. Hersum, widow of George L. Hersum, late second lieutenant Company A, Fifth Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EPHRAIM CUNNINGHAM.

The bill (S. 4702) granting an increase of pension to Ephraim Cunningham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ephraim Cunningham, late of Company F, Fourteenth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANKLIN CHASE.

The bill (S. 699) granting an increase of pension to Franklin Chase was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry;" and in line 8, before the word "dollars," to insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Franklin Chase, late of Company E, First Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL G. TOWLE.

The bill (S. 4305) granting an increase of pension to Daniel G. Towle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "of;" in line 7, before the word "Regiment," to strike out "Seventh" and insert "Fourth;" in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel G. Towle, late captain Company E, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HATTIE CONNELL.

The bill (S. 6107) granting an increase of pension to Hattie Connell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Company," to strike out "captain of," and insert "second lieutenant;" after the word "Company," to strike out "E" and insert "G;" and in line 9, before the word "dollars," to strike out "twenty" and insert "fifteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hattie Connell, widow of John P. Connell, late second lieutenant Company G, Sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA LITTLE.

The bill (S. 6026) granting an increase of pension to Eliza Little was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Company," to strike out "of;" and in line 9, before the word "dollars," to strike out "twenty-five," and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Little, widow of Edward H. Little, late captain Company H, Sixty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRIET HATCH.

The bill (S. 1043) granting an increase of pension to Harriet Hatch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet Hatch, widow of Albion L. Hatch, late of Company F, Twenty-fourth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Cassie R. Hatch, blind and dependent child of said Albion L. Hatch, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES W. COLBY.

The bill (S. 1166) granting an increase of pension to Charles W. Colby was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Colby, late of Company G, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. MAXWELL.

The bill (S. 5244) granting an increase of pension to William H. Maxwell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "Company," to strike out "of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Maxwell, late captain Company D, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES H. BARNES.

The bill (S. 6050) granting an increase of pension to Charles H. Barnes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Barnes, late of Company F, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT M. SMITH.

The bill (S. 6338) granting a pension to Albert M. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert M. Smith, late of Company K, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $10 per month, the same to be paid him without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OLE HEXOM.

The bill (S. 5723) granting an increase of pension to Ole Hexom was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ole Hexom, alias Ole H. Olson, late of Company K, Thirty-eighth Regiment, and Company I, Thirty-fourth Regiment, Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The title was amended so as to read: "A bill granting an increase of pension to Ole Hexom, alias Ole H. Olson."

MARY A. EVERTS.

The bill (S. 2007) granting a pension to Mary A. Everts was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Everts, widow of George Everts, late of Company A, Fifteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CATHARINE A. RUSSELL.

The bill (S. 5874) granting an increase of pension to Catharine A. Russell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine A. Russell, widow of Calvin S. Russell, late of Company C, Second Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WESLEY S. POTTER.

The bill (S. 1978) granting a pension to Wesley S. Potter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "of" and insert "captain;" and in line 8, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wesley S. Potter, late captain Company D, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Wesley S. Potter."

JOHN J. REES.

The bill (S. 4412) granting an increase of pension to John J. Rees was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Rees, late of Company F, Seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NELSON BROWN.

The bill (H. R. 12039) granting an increase of pension to Nelson Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nelson Brown, late of Company G, One hundred and ninth Regiment New York Volunteer Infantry, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD STRAUB.

The bill (S. 6066) granting a pension to Edward Straub was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Straub, late of Company E, Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Edward Straub."

MARY B. KELLER.

The bill (S. 6257) granting an increase of pension to Mary B. Keller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" and in line 9, after the word "receiving," to insert "and $2 per month additional on account of the minor child of the said Charles Keller until he reaches the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary B. Keller, widow of Charles Keller, late colonel Twenty-third Regiment United States Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving and $2 per month additional on account of the minor child of the said Charles Keller until he reaches the age of 16 years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. RUSSELL.

The bill (S. 6276) granting a pension to Mary E. Russell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Russell, widow of Charles G. Russell, late first lieutenant Company D, Twelfth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary E. Russell."

JOHN A. BARCUS.

The bill (S. 5841) granting an increase of pension to John A. Barcus was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "private;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Barcus, late of Company A, One hundred and eighty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. SLACK.

The bill (S. 5733) granting an increase of pension to John W. Slack was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Slack, late of Company C, Brackett's Battalion Minnesota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN LAUGHLIN.

The bill (H. R. 2223) granting an increase of pension to John Laughlin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Laughlin, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY FORCHT.

The bill (H. R. 7021) granting an increase of pension to Henry Forcht was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Forcht, late of Company H, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA A. RICKARDS.

The bill (H. R. 1530) granting an increase of pension to Eliza A. Rickards was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza A. Rickards, widow of William Rickards, jr., late colonel Twenty-ninth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM MARKLE.

The bill (S. 6155) granting an increase of pension to William Markle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Markle, late of Company F, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT H. PHILLIPS.

The bill (H. R. 14416) granting an increase of pension to Albert H. Phillips was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert H. Phillips, late of Company A, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ROBERT MILLER.

The bill (H. R. 699) granting an increase of pension to Robert Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Miller, late of Company B, First Regiment Maryland Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NICHOLAS SMITH.

The bill (S. 5642) granting an increase of pension to Nicholas Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "of;" in line 7, before the word "Volunteer," to insert "Wisconsin," and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nicholas Smith, late captain Company H, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS J. GEORGE.

The bill (S. 1194) granting an increase of pension to Thomas J. George was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. George, late of Company D, Fourth Regiment Wisconsin Volunteer Infantry, and major Third Regiment Wisconsin Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GRACE E. ASH.

The bill (S. 5205) granting an increase of pension to Grace E. Ash was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Company," to strike out "of" and insert "first lieutenant;" and in line 8, before the word "dollars," to strike out "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Grace E. Ash, widow of Reuben Ash, late first lieutenant Company E, Second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of —— dollars per month in lieu of that she is now receiving.

The PRESIDENT pro tempore. What amount does the committee propose to insert to fill the blank?

Mr. McCUMBER. I ask that the amount stated in the report be inserted in the blank.

The PRESIDENT pro tempore. Twelve dollars.

Mr. McCUMBER. I move that that amount be inserted.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE A. KING.

The bill (S. 5355) granting an increase of pension to George A. King was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Battery," to insert "Independent;" in line 7, before the word "Artillery," to insert "Light," and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George A. King, late of Eighteenth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN T. DEWEES.

The bill (S. 3912) granting an increase of pension to John T. Dewees was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Deweese, late lieutenant-colonel Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John T. Dewees."

JOHN P. POST.

The bill (S. 3573) granting an increase of pension to John C. Post was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Post, late second lieutenant Company C, Fourth Regiment Illinois Volunteers, war with Mexico, and colonel Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John P. Post."

HENRY R. BENNETT.

The bill (S. 3574) granting an increase of pension to Henry R. Bennett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry R. Bennett, late of Company B, Twenty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN S. MILAM.

The bill (S. 4359) granting an increase of pension to John S. Milam was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Milam, late of Captain Ford's detachment, Third Regiment United States Dragoons, war with Mexico, and first lieutenant Company D, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANK A. OLNEY.

The bill (S. 4806) granting an increase of pension to Frank A. Olney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank A. Olney, late of Company K, Fortieth Regiment Wisconsin Volunteer Infantry, and Company A, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL ASHMORE.

The bill (H. R. 11748) granting an increase of pension to Samuel Ashmore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Ashmore, late of Company F, Fifteenth Regiment Kansas Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAWSON WILLIAMS.

The bill (H. R. 3755) granting an increase of pension to Lawson Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lawson Williams, late of Company B, Twenty-second Regiment Kentucky Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALLEN C. DAVIS.

The bill (H. R. 12132) granting an increase of pension to Allen C. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Allen C. Davis, late of Company G, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HAMPTON B. FARMER.

The bill (S. 5359) granting an increase of pension to Hampton B. Farmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hampton B. Farmer, late of Company H, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA GALLAGHER.

The bill (S. 4123) granting a pension to Eliza Gallaher was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Gallagher, widow of Dennis Gallagher, late of Company B, Thirty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Eliza Gallagher."

OLIVER G. WRIGHT.

The bill (S. 4607) granting an increase of pension to Oliver G. Wright was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Light," to insert "Volunteer;" in the same line, before the word "and," to strike out "Volunteers," and in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver G. Wright, late of Fourteenth Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOEL C. SHEPHERD.

The bill (S. 5835) granting an increase of pension to Joel C. Shepherd was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "and," to insert "war with Mexico," and in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joel C. Shepherd, late of Company D, Sixth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LILA L. EGBERT.

The bill (S. 6182) granting an increase of pension to Lila L. Egbert was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out "the late Captain," and in line 8, before the word "and," to strike out "United States Army" and insert "late captain, Second Regiment United States Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lila L. Egbert, widow of Augustus R. Egbert, late captain, Second Regiment United States Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY ANN SEARS.

The bill (S. 6012) granting a pension to Hattie Blanche Sears was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Ann Sears, widow of Charles H. Sears, late of Company K, Eighty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Hattie Blanche Sears, helpless and dependent child of said Charles H. Sears, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary Ann Sears."

THOMAS G. FORRESTER.

The bill (S. 5846) granting an increase of pension to Thomas G. Forrester was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas G. Forrester, late of Company B, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANN M. GREEN.

The bill (S. 5953) granting a pension to Ann M. Green was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann M. Green, widow of George H. Green, late of Company A, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE J. CHENEY.

The bill (S. 5508) granting an increase of pension to George J. Cheney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George J. Cheney, late of Company A, Twentieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALMAN J. HOUSTON.

The bill (S. 4023) granting an increase of pension to Alman J. Houston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alman J. Houston, late of Company D, Twenty-fourth Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LILLIE MAY FIFIELD.

The bill (H. R. 5321) granting a pension to Lillie May Fifield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lillie May Fifield, helpless and dependent daughter of Henry Fifield, late of Company D, First Regiment Michigan Volunteer Cavalry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IDA M. KINNEY.

The bill (H. R. 3269) granting a pension to Ida M. Kinney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ida M. Kinney, widow of Harvey L. Kinney, late of Company D, One hundred and tenth Regiment New York Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MERRITT YOUNG.

The bill (S. 532) granting an increase of pension to Merritt Young was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Cavalry" to insert "Volunteer;" and in the same line, before the word "and," to strike out "Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Merritt Young, late of Company C, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS DOYLE.

The bill (S. 1738) granting a pension to Thomas Doyle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Doyle, late first lieutenant and adjutant, First Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas Doyle."

OLIVER P. HELTON.

The bill (S. 3607) granting an increase of pension to Oliver P. Helton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Infantry," to strike out "Mexican war" and insert "war with Mexico;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of Oliver P. Helton, late of Company G, First Regiment Illinois Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEONARD A. NORTON.

The bill (S. 3081) granting an increase of pension to Leonard A. Norton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Maryland," to insert "Regiment;" in the same line, before the word "Volunteer," to strike out "Veteran;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leonard A. Norton, late of Company L, First Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TIMOTHY LOUGHLIN.

The bill (S. 4134) granting an increase of pension to Timothy Laughlin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "late," to strike out the name "Laughlin" and insert "Loughlin;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Timothy Loughlin, late of Companies I and B, Ninety-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Timothy Loughlin."

STEPHEN G. COLE.

The bill (S. 5040) granting an increase of pension to Stephen G. Cole was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen G. Cole, late of Company A, Twenty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN J. CROSS.

The bill (H. R. 13324) granting an increase of pension to John J. Cross was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Cross, late of Company H, Eighth Regiment Indiana Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES J. WILSON.

The bill (H. R. 13815) granting an increase of pension to James J. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James J. Wilson, late of Company E, Eighty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANSON GREENMAN.

The bill (H. R. 13621) granting an increase of pension to Anson Greenman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anson Greenman, late of Company B, Eighty-fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM BURKE.

The bill (H. R. 3304) granting an increase of pension to William Burke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Burke, late of Company K, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. HUCKELBERRY.

The bill (H. R. 14312) granting an increase of pension to John W. Huckelberry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Huckelberry, late of Company D, Fourth Regiment Illinois Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALONZO GILBERT.

The bill (S. 6465) granting an increase of pension to Alonzo Gilbert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alonzo Gilbert, late of Company K, One hundred and tenth Regiment New York Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLARD A. JACKSON.

The bill (S. 6466) granting an increase of pension to Willard A. Jackson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Willard A. Jackson, late of Company A, Seventeenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH E. ROPES.

The bill (S. 6467) granting an increase of pension to Sarah E. Ropes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah E. Ropes, widow of James M. Ropes, late captain, Eighth Regiment United States Cavalry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE W. BIXBY.

The bill (S. 6500) granting an increase of pension to Caroline W. Bixby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline W. Bixby, widow of Daniel P. Bixby, late of Company L, First Regiment New Hampshire Volunteer Cavalry, and to pay her a pension of $12 per month in lieu that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

S. JOSIE HILL.

The bill (S. 6452) granting a pension to S. Josie Hill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "captain," to strike out "of;" in line 9, before the word "of," to strike out "thirty" and insert "twenty;" in line 10, after the word "additional." to strike out "for said soldier's minor children until said children shall arrive at the age of 16 years," and insert "on account of each of the minor children of the said David Hill until they reach the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of S. Josie Hill, widow of David Hill, late captain Company F, One hundred and fifty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month and $2 per month additional on account of each of the minor children of the said David Hill until they reach the age of 16 years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORLANDO S. OSBORN.

The bill (S. 4656) granting an increase of pension to Orlando S. Osborn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orlando S. Osborn, late of Company C, Sixteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SYDDA B. ARNOLD.

The bill (S. 1131) granting a pension to Lydda B. Arnold was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sydda B. Arnold, widow of Abraham K. Arnold, late brigadier-general, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Sydda B. Arnold."

THOMAS KIRWAN.

The bill (H. R. 1453) granting an increase of pension to Thomas Kirwan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Kirwan, late of Company K, Seventeenth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 a month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONATHAN H. SLOCUM.

The bill (H. R. 10494) granting an increase of pension to Jonathan H. Slocum was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jonathan H. Slocum, late of Seventh Company, First Battalion, New York Sharpshooters, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IRA P. SMITH.

The bill (H. R. 13479) granting a pension to Ira P. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ira P. Smith, late acting assistant surgeon, United States Army, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. STANLEY.

The bill (H. R. 13505) granting an increase of pension to William F. Stanley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Stanley, late of Company G, Fortieth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN F. POOK.

The bill (H. R. 11286) granting a pension to Ellen F. Pook was considered as in Committee of the Whole. It proposes to place

on the pension roll the name of Ellen F. Pook, widow of Samuel H. Pook, late captain, United States Navy, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH W. ROBERTSON.

The bill (H. R. 12155) granting an increase of pension to Joseph W. Robertson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph W. Robertson, late of Company K, First and Fourth Regiments, Massachusetts Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN D. THOMPSON.

The bill (H. R. 14136) granting an increase of pension to John D. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John D. Thompson, late of Company M, Fiftieth Regiment New York Volunteer Engineers, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. MILLER.

The bill (H. R. 5159) granting a pension to William A. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Miller, late of Company C, Third Regiment Ohio State Militia, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. BRUFF.

The bill (H. R. 14477) granting a pension to John Bruff was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the name "Bruff," to insert the initial "W;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Bruff, late unassigned recruit, Fifteenth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act granting a pension to John W. Bruff."

HENRY W. GASKILL.

The bill (H. R. 11180) granting an increase of pension to Henry W. Gaskill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry W. Gaskill, late first lieutenant Company K, Twelfth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN GLENN.

The bill (H. R. 4184) granting an increase of pension to John Glenn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Glenn, late of Company C, One hundredth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES DALRYMPLE.

The bill (H. R. 1528) granting an increase of pension to Charles Dalrymple was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Dalrymple, late of Company G, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM G. BUCHANAN.

The bill (H. R. 6897) granting an increase of pension to William G. Buchanan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William G. Buchanan, late of Company B, Twenty-sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT HARGREAVES.

The bill (H. R. 13594) granting an increase of pension to Robert Hargreaves was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Hargreaves, late principal musician First Regiment Pennsylvania Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS C. BAKER.

The bill (H. R. 13529) granting an increase of pension to Francis C. Baker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis C. Baker, late of Company A, One hundred and forty-seventh, and Company C, Ninety-first, Regiments New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MORRIS M. COMSTOCK.

The bill (H. R. 5887) granting an increase of pension to Morris M. Comstock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Morris M. Comstock, late of Company L, First Regiment Michigan Volunteer Engineers and Mechanics, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI H. PEDDYCOARD.

The bill (S. 252) granting an increase of pension to Levi H. Peddycord was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "Peddycord" and insert "Peddycoard," and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi H. Peddycoard, late of Company I, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Levi H. Peddycoard."

ELIJAH A. WOODWARD.

The bill (S. 5734) granting an increase of pension to Elijah A. Woodward was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to insert "assistant;" in the same line, after the word "surgeon," to strike out "of the," and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elijah A. Woodward, late assistant surgeon, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH TWYCROSS.

The bill (S. 5610) granting an increase of pension to Joseph Twycross was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Twycross, late of Company G, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GOTTHARD KOERNER.

The bill (H. R. 1328) granting an increase of pension to Gotthard Koerner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gotthard Koerner, late of Company B, Sixteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN R. CURRY.

The bill (H. R. 14024) granting an increase of pension to John R. Curry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John R. Curry, late of Company G, Thirteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADAH I. MILLER.

The bill (S. 6356) granting an increase of pension to Adah I. Miller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adah I. Miller, widow of Richard M. J. Miller, late first lieutenant Company B, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Adah I. Miller."

JAMES A. CAPEN.

The bill (S. 2363) granting an increase of pension to James A. Capen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Capen, late of Company B, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN COMPTON.

The bill (H. R. 325) granting an increase of pension to John Compton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Compton, late of Company I, Sixteenth Regiment Kansas Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN S. BOGARDUS.

The bill (H. R. 636) granting an increase of pension to Benjamin S. Bogardus was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin S. Bogardus, late of Company H, One hundred and seventieth Regiment Ohio National Guard Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN WHITE.

The bill (H. R. 5869) granting an increase of pension to Benjamin White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin White, late of Company E, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEROY ROBERTS.

The bill (S. 3773) granting an increase of pension to Leroy Roberts was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leroy Roberts, late of Company F, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH B. BARGER.

The bill (S. 2114) granting an increase of pension to Sarah B. Barger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah B. Barger, widow of Benjamin F. Barger, late major Thirty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said Benjamin F. Barger until he reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM KEPLER.

The bill (S. 2111) granting an increase of pension to William Kepler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Kepler, late of Company C, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELBERT CHITTUM.

The bill (S. 1914) granting an increase of pension to Elbert Chittum was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a private in" and insert "of:" and in line 7, before the word "Ohio," to insert "Regiment;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elbert Chittum, late of Company F, Ninetieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendments were agreed to.

Tha bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. M'VICKER.

The bill (H. R. 13669) granting an increase of pension to James H. McVicker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. McVicker, late of Company E, Eighty-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN L. MOORE.

The bill (H. R. 10339) granting an increase of pension to John L. Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John L. Moore, late of Company A, Second Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER CURD.

The bill (H. R. 9402) granting an increase of pension to Alexander Curd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander Curd, late of Company B, Twentieth Regiment Kentucky Volunteer

Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARENCE D. HESS.

The bill (H. R. 13411) granting an increase of pension to Clarence D. Hess was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clarence D. Hess, late captain Company G, Thirteenth Regiment New York Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REMEMBRANCE J. WILLIAMS.

The bill (H. R. 6727) granting an increase of pension to Remembrance J. Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Remembrance J. Williams, late of Company D, Sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. H. BOUSLOUGH.

The bill (S. 3405) granting an increase of pension to W. H. H. Bouslough was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," where it occurs the first time, to strike out the initial "W." and insert the name "William," and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. H. Bouslough, late of Company D, Thirty-eighth Regiment, and Company F, One hundred and sixty-ninth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passsed.

The title was amended so as to read: "A bill granting an increase of pension to William H. H. Bouslough."

JOHN CANTY.

The bill (H. R. 6006) granting an increase of pension to John Canty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Canty, late of Battery M, Third Regiment United States Artillery, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORIN T. FALL.

The bill (S. 6526) granting an increase of pension to Orin T. Fall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the words "Heavy Artillery," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orin T. Fall, late of Company D, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES S. ELY.

The bill (H. R. 2849) granting an increase of pension to Charles S. Ely was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles S. Ely, late of Company B, Forty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SYLVESTER HOLIDAY.

The bill (H. R. 8309) granting an increase of pension to Sylvester Holiday was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sylvester Holiday, late of Company E, Fifteenth Regiment United States Infantry, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUMAN FULLER.

The bill (H. R. 14478) granting an increase of pension to Luman Fuller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Luman Fuller, late of Company C, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PARMENAS F. HARRIS.

The bill (H. R. 8542) granting an increase of pension to Parmenas F. Harris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Parmenas F. Harris, late of Company I, One hundredth Regiment Ohio Volunteer Infantry, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDMOND LIKES.

The bill (H. R. 12745) granting an increase of pension to Edmond Likes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edmond Likes, late of Company F, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN T. MULL.

The bill (H. R. 12968) granting an increase of pension to John T. Mull was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John T. Mull, late of Company H, Fourteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABNER H. LESTER.

The bill (H. R. 12430) granting a pension to Abner H. Lester was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abner H. Lester, late of Company I, Thirty-ninth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALLACE K. MAY.

The bill (H. R. 12424) granting an increase of pension to Wallace K. May was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wallace K. May, late of Company A, Twenty-fifth Regiment New York Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM G. CANTLEY.

The bill (H. R. 13332) granting an increase of pension to William G. Cantley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William G. Cantley, late orderly sergeant Captain James L. Brown's company, South Carolina Volunteers, Florida Indian war, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK BENEFELDT.

The bill (H. R. 12109) granting an increase of pension to Frederick Benefeldt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Benefeldt, late of Company C, Sixteenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that

he is now receiving, the same tc be paid to his duly constituted conservator.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BLACKLER.

The bill (H. R. 11623) granting an increase of pension to John Blackler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Blackler, late of Company G, Ninety-sixth Regiment Illinois Volunteer Infantry and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time, and passed.

HIRAM S. LEFFINGWELL.

The bill (H. R. 5205) granting an increase of pension to Hiram S. Leffingwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram S. Leffingwell, late surgeon Sixty-fifth Regiment, United States Colored Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINA WEIRAUCH.

The bill (H. R. 10010) granting a pension to Mina Weirauch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mina Weirauch, widow of Heinrich Weirauch, late of Company L, Fourth Regiment United States Cavalry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RANSFORD T. CHASE.

The bill (H. R. 13174) granting an increase of pension to Ransford T. Chase was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ransford T. Chase, late of Company F, Ninth Regiment United States Veteran Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN J. HOUSTON.

The bill (S. 6514) granting an increase of pension to Stephen J. Houston was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen J. Houston, late of Captain Hollman's company and Capt. Arthur Burney's company, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DICEY WOODALL.

The bill (H. R. 622) granting a pension to Dicey Woodall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after the word "place," to strike out "upon" and insert "on;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dicey Woodall, widow of William W. Woodall, late of Capt. John Padget's company of Florida Volunteers, Florida Indian war, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

DORCAS M'ARDLE.

The bill (H. R. 624) granting a pension to Dorcas McArdle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dorcas McArdle, widow of Barney McArdle, late of Captain Mahone's company, First Regiment Georgia Volunteers, war with Mexico, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM A. SHELDON.

The bill (H. R. 13891) granting a pension to Hiram A. Sheldon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram A. Sheldon, late captain Company C, First Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM CHRISTIAN.

The bill (H. R. 7239) granting an increase of pension to William Christian was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Christian, late of Company K, Thirty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HILAS D. DAVIS.

The bill (S. 1873) granting a pension to Hilas D. Davis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hilas D. Davis, late of Company K, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LUCY G. SMITH.

The bill (H. R. 4983) granting an increase of pension to Lucy G. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy G. Smith, widow of George W. Smith, late of Company C, Eighth Regiment Vermont Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES O'NEIL.

The bill (S. 4140) granting an increase of pension to James O'Neill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "James," to strike out the name "O'Neill" and insert "O'Neil," and in the same line, before the word "Company," to strike out "of" and insert "second lieutenant;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James O'Neil, late second lieutenant Company E, Twenty-fifth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James O'Neil."

CASSIUS B. FISHER.

The bill (S. 4854) granting an increase of pension to Cassius B. Fisher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cassius B. Fisher, late of Company K, Third Regiment Vermont Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NANNIE CUSHMAN.

The bill (S. 6219) granting an increase of pension to Mrs. Charles H. Cushman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nannie Cushman, widow of Charles H. Cushman, late commander, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Nannie Cushman."

LUTHER D. GODDARD.

The bill (S. 6326) granting an increase of pension to Luther D. Goddard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "sergeant," and in line 8, before the word "dollars," to insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Luther D. Goddard, late of Company D, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMMA DEAN POWELL.

The bill (S. 6361) granting a pension to Emma Dean Powell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "major," to strike out "of the;" in the same line, after the word "Second," to insert "Regiment," and in the same line, before the word "Light," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma Dean Powell, widow of John Wesley Powell, late major Second Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $50 a month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORDYCE M. KEITH.

The bill (S. 6607) granting an increase of pension to Fordyce M. Keith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fordyce M. Keith, late major and lieutenant-colonel One hundred and seventeenth Regiment Ohio Volunteer Infantry (First Regiment Ohio Volunteer Heavy Artillery), and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISADORA F. MAXFIELD.

The bill (H. R. 3868) granting an increase of pension to Isadora F. Maxfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isadora F. Maxfield, widow of Wesley Maxfield, late of Company E, Ninth Regiment Minnesota Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE BROSNAN.

The bill (H. R. 9016) granting an increase of pension to Jane Brosnan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jane Brosnan, widow of Timothy Brosnan, late of Company I, Thirty-seventh Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT CLARK.

The bill (H. R. 14831) granting an increase of pension to Robert Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Clark, late of Company I, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES E. PEAKE.

The bill (H. R. 14242) granting a pension to Charles E. Peake was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles E. Peake, late of Company C, Seventh Battalion District of Columbia Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRY C. FAY.

The bill (H. R. 15399) granting an increase of pension to Harry C. Fay was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harry C. Fay, late captain Company H, Ninety-second Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he in now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHANIEL A. WINKS.

The bill (S. 5803) granting an increase of pension to Nathaniel A. Winks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathaniel A. Winks, late of Company F, Forty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY O. M'CLURE.

The bill (S. 5938) granting an increase of pension to Henry O. McClure was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry O. McClure, late of Company A, Thirty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM FLINN.

The bill (S. 5352) granting an increase of pension to William Flinn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments. in line 7, before the word "company," to strike out the name "Dickenson's" and insert "Dickerson's;" in line 7, after the word "Volunteers," to insert "Cherokee," and in the same line, after the word "Indian," to strike out "wars" and insert "war;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Flinn, late of Captain Dickerson's company, North Carolina Volunteers, Cherokee Indian war, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALPHONSO T. GOULD.

The bill (S. 3608) granting an increase of pension to Alphonso T. Gould was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alphonso T. Gould, late of Company D, Forty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS L. SMITH.

The bill (S. 5215) granting an increase of pension to Thomas L. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "forty-five" and insert "thirty," and in the same line after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas L. Smith, late of Company E, Tenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALLEN B. EVANS.

The bill (S. 5854) granting an increase of pension to Allen B. Evans was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Allen B. Evans, late of Company D, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INEZ M'COLLUM.

The bill (S. 6350) granting a pension to Inez McCullom was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Inez McCollum, widow of Stephen A. McCollum, late first lieutenant and adjutant Sixty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $8 per month, and $2 per month additional on account of the minor child of said Stephen A. McCollum until she reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Inez McCollum."

JAMES H. WATTS.

The bill (H. R. 4454) granting an increase of pension to James H. Watts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Watts, late of Company D, Fiftieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DOLLIE COSENS.

The bill (S. 5280) granting a pension to Dollie Cosens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dollie Cosens, the helpless and dependent daughter of Henry Clay Cosens, late of Company C, Thirtieth Regiment Iowa Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH JANE GIBSON OGDEN.

The bill (S. 5963) granting a pension to Sarah Jane Gibson Ogden was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Jane Gibson Ogden, former widow of John Shea, late commissary-sergeant, United States Army, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

SIMEON DENO.

The bill (S. 3645) granting an increase of pension to Simeon Deno was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Simeon Deno, late of Company K, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LYSANDER D. TRENT.

The bill (H. R. 2542) granting an increase of pension of Lysander D. Trent was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lysander D. Trent, late of Company I, Nineteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLAVIUS SHANKS.

The bill (S. 1550) granting a pension to Flavius Shanks was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Flavius Shanks, late of Company K, One hundred and sixteenth Regiment Indiana Volunteer Infantry, and Tenth Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Flavius Shanks."

PHILIP CASLOW.

The bill (S. 3803) granting an increase of pension to Philip Caslow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philip Caslow, late of Company G, One hundred and fortieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMMA D. GOSLIN.

The bill (S. 5020) granting a pension to Emma D. Goslin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma D. Goslin, widow of Asher Goslin, late surgeon, Forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amentment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. PHILLIPS.

The bill (S. 5055) granting an increase of pension to Mary E. Phillips was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "lieutenant," to strike out "of;" and in line 9, before the word "dollars," to strike out "twenty" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Phillips, widow of Charles J. Phillips, late first lieutenant Company A, Eighteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JASPER N. ACREE.

The bill (S. 5389) granting an increase of pension to Jasper N. Acree was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jasper N. Acree, late of Company C, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY E. SPRING.

The bill (S. 5412) granting an increase of pension to Henry E. Spring was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a private in" and insert "of;" in line 7, before the word "Ohio," to insert "Regiment;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry E. Spring, late of Company K, Eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM J. CHITWOOD.

The bill (S. 6018) granting an increase of pension to William J. Chitwood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Chitwood, late of Company A, Eighty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES R. AMBROSE.

The bill (H. R. 8707) granting an increase of pension to James R. Ambrose was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James R. Ambrose, late of Company A, Second Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA A. JORDAN.

The bill (S. 5786) granting a pension to Julia A. Jordan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," where it occurs the second time, to strike out "Captain," and in line 7, after the word "late," to strike out "of" and insert "captain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Jordan, dependent mother of Frank H. Jordan, late captain Company E, Ninety-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH J. WARREN.

The bill (S. 2270) granting an increase of pension to Sarah J. Warren was considered as Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Pennsylvania," to insert "Volunteer;" in line 8, before the word "and," to strike out "Volunteers," and in line 9, before the word "dollars," to strike out "fifteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. Warren, widow of Thaddeus S. Warren, late of Company E, Second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID T. NUTTLE.

The bill (H. R. 2224) granting an increase of pension to David T. Nuttle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David T. Nuttle, late of Company I, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. HERTZOG.

The bill (H. R. 11311) granting an increase of pension to Andrew J. Hertzog was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Hertzog, late of Company D, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FANNIE E. STROHAUER.

The bill (H. R. 13727) granting a pension to Fannie E. Strohauer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fannie E. Strohauer, widow of Henry Strohauer, late of Company F, Eighty-third Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $8 per month, such pension, however, to cease upon proof that the soldier is still living.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL S. SMITH.

The bill (H. R. 15588) granting an increase of pension to Samuel S. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel S. Smith, late of Company D, First Regiment Pennsylvania Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY MANES.

The bill (S. 6071) granting an increase of pension to Mary Manes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Manes, widow of Pleasant R. Manes, late of Captain Elliott's company, Tennessee Mounted Infantry, Cherokee Indian disturbance, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALICE F. SMALLEY.

The bill (S. 6370) granting a pension to Alice F. Smalley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "Cavalry," to insert "State Militia Volunteer;" and in line 9, after the word "month," to insert "and $2 per month additional on account of each of the minor children of said Amos P. Smalley until they reach the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice F. Smalley, widow of Amos P. Smalley, late of Company G, Second Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of the minor children of said Amos P. Smalley until they reach the age of 16 years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MATHIAS CUSTERS.

The bill (H. R. 14957) granting an increase of pension to Mathias Custers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mathias Custers, late of Company L, Third Regiment Iowa Volunteer Veteran Cavalry, and to pay him a pension of $30 per month in that he is now receiving.

Mr. McCUMBER. I move to insert in line 8, after the word "in," the words "lieu of," which have been omitted, so as to read, "and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HERBERT WHITWORTH.

The bill (S. 5850) granting an increase of pension to Herbert Whitworth was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and" where it occurs the

second time, to strike out "Machinists" and insert "Mechanics;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Herbert Whitworth, late of Company K, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN U. ALLEN.

The bill (S. 5117) granting an increase of pension to John U. Allen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John U. Allen, late of Ninth Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $24 dollars per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN P. TRAVIS.

The bill (S. 3568) granting an increase of pension to John P. Travis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Travis, late of Company D, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY B. HEDDLESON.

The bill (S. 4332) granting an increase of pension to Mary Heddleson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary B. Heddleson, widow of John M. Heddleson, late second lieutenant Company B, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary B. Heddleson."

ELIZA KNIGHT.

The bill (H. R. 4509) granting an increase of pension to Eliza Knight was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza Knight, widow of James F. Knight, late captain Company F, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN S. UPSHAW.

The bill (H. R. 8576) granting a pension to John S. Upshaw was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John S. Upshaw, late captain independent cavalry company, Douglas County, Mo., Home Guards, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH J. EMERY.

The bill (H. R. 13227) granting an increase of pension to Elizabeth J. Emery was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth J. Emery, widow of Maril D. Emery, late of Company M, Third Regiment Missouri Volunteer Cavalry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES D. SIMS.

The bill (H. R. 11212) granting an increase of pension to James D. Sims was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James D. Sims, late of Company F, Sixty-first Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAGNUS J. COHN.

The bill (H. R. 13000) granting an increase of pension to Magnus J. Cohn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Magnus J. Cohn, late of Company A, Twenty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. BRIGGS.

The bill (S. 6445) granting an increase of pension to John F. Briggs was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Briggs, late of Company K, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD A. LARIMER.

The bill (S. 2439) granting an increase of pension to Richard A. Larimer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard A. Larimer, late of Company C, Twenty-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD A. BRANHAM.

The bill (H. R. 12575) granting a pension to Edward A. Branham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward A. Branham, late landsman, United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BERTHA R. KOOPS.

The bill (S. 6614) granting an increase of pension to Bertha R. Koops was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the word "receiving," to insert "and $2 per month additional on account of each of the minor children of said Carl Koops until they reach the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bertha R. Koops, widow of Carl Koops, late first lieutenant, Tenth Regiment United States Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving and $2 per month additional on account of each of the minor children of said Carl Koops until they reach the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN WRIGHT.

The bill (H. R. 14067) granting an increase of pension to John Wright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Wright, late of Company K, One hundred and eighth Regiment New York Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EBERHARD P. LIEBERG.

The bill (H. R. 12700) granting an increase of pension to Eberhard P. Lieberg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eberhard P. Lieberg, late of Company H, Fourth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES P. THOMAS.

The bill (H. R. 13510) granting an increase of pension to James P. Thomas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James P. Thomas, late of Company I, Fifth Regiment Iowa Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OSCAR H. PRINK.

The bill (S. 4239) granting an increase of pension to Oscar H. Prink was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "sergeant" and insert "of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar H. Prink, late of Company E, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID C. MORGAN.

The bill (S. 6543) granting an increase of pension to David C. Morgan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David C. Morgan, late of Company C, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THERESIA ZIEGENFUSS.

The bill (H. R. 3514) granting an increase of pension to Theresia Ziegenfuss was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theresia Ziegenfuss, widow of Christopher Ziegenfuss, late of Company F, Twelfth Regiment Illinois Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving. But in the case of the death of the helpless child, Anna Maria Ziegenfuss, on whose account the pension of Theresia Ziegenfuss is increased, the pension of Theresia Ziegenfuss shall continue only at the rate of $8 per month from and after the date of death of said helpless child.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH E. MORROW.

The bill (H. R. 11594) granting an increase of pension to Sarah E. Morrow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "month," to strike out "and $2 per month additional on account of her minor child in lieu of that she is now receiving" and insert "in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said James Morrow until it reaches the age of 16 years;" so as to make the bill read:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Morrow, widow of James Morrow, late of Company B, Twelfth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said James Morrow until it reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

EMIL PFEIFFER.

The bill (H. R. 14058) granting an increase of pension to Emil Pfeiffer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emil Pfeiffer, late of Company B, Forty-sixth Regiment New York Volunteer Infantry, and pay to him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINERVA ROBINSON.

The bill (H. R. 9977) granting a pension to Minerva Robinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Minerva Robinson, widow of James Robinson, late of Companies F and B, First Regiment Missouri Volunteer Engineers, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN PARKER.

The bill (H. R. 13143) granting an increase of pension to Susan Parker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan Parker, widow of Thomas Parker, late second lieutenant Company D, Twentieth Regiment United States Colored Volunteer Infantry, and to pay her a pension of $15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY L. DAVENPORT.

The bill (S. 5952) granting an increase of pension to Henry L. Davenport was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry L. Davenport, late of Company A, Sixteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARCIA B. FERGUSON.

The bill (S. 6576) granting a pension to Marcia B. Ferguson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marcia B. Ferguson, widow of Edward Ferguson, late second lieutenant Company C, First Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $15 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA C. DEERY.

The bill (S. 3940) granting an increase of pension to Eliza C. Deery was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" and in line 9, before the word "dollars," to strike out "twenty" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza C. Deery, widow of James Deery, late first lieutenant Company K, Fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY SICKELS.

The bill (S. 5662) granting an increase of pension to Henry Sickles was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "Sickles" and insert "Sickels;" and in line 8, before the

word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Sickels, late of Company B, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 dollars per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry Sickels."

MARY V. SCRIVEN.

The bill (H. R. 13565) granting a pension to Mary V. Scriven was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary V. Scriven, widow of Gardner R. Scriven, late acting surgeon, United States Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. This completes the private pension bills on the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. THOMAS H. TONGUE, late a Representative from the State of Oregon, and transmitted resolutions of the House thereon.

The message also announced that the Speaker of the House had appointed Mr. MOODY, of Oregon; Mr. PAYNE, of New York; Mr. BURTON, of Ohio; Mr. BISHOP, of Michigan; Mr. DAVIDSON, of Wisconsin; Mr. MCLACHLAN, of California; Mr. RANSDELL, of Louisiana; Mr. BELLAMY, of North Carolina; Mr. NEEDHAM, of California; Mr. SUTHERLAND, of Utah; and Mr. BATES, of Pennsylvania, members of the committee on the part of the House to take order for superintending the funeral of the deceased Representative.

DEATH OF REPRESENTATIVE TONGUE.

Mr. MITCHELL. Mr. President, I ask that the resolutions from the House of Representatives in relation to the death of my late colleague in that body may be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions from the House of Representatives; which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *January 12, 1903.*

Resolved, That the House has heard with profound sorrow of the sudden death in this city of Hon. THOMAS A. TONGUE, a Representative in this House from the First district of Oregon.

Resolved, That the House do now adjourn out of respect to the memory of the deceased member.

Resolved, That the Clerk of the House communicate a copy of these resolutions to the Senate.

The Speaker announced the appointment of Mr. MOODY of Oregon, Mr. PAYNE of New York, Mr. BURTON of Ohio, Mr. BISHOP of Michigan, Mr. DAVIDSON of Wisconsin, Mr. MCLACHLAN of California, Mr. RANSDELL of Louisiana, Mr. BELLAMY of North Carolina, Mr. NEEDHAM of California, Mr. SUTHERLAND of Utah, and Mr. BATES of Pennsylvania members of the committee on the part of the House.

Mr. MITCHELL. Mr. President, I present the resolutions which I send to the desk, and I ask unanimous consent for their immediate consideration.

The PRESIDENT pro tempore. The resolutions submitted by the Senator from Oregon will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of THOMAS H. TONGUE, late a Representative from the First district of the State of Oregon.

Resolved, That a committee of five Senators be appointed by the President pro tempore to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Senate communicate these resolutions to the House of Representatives.

Resolved, As a further mark of respect to the memory of the deceased, that the Senate do now adjourn.

The resolutions were considered by unanimous consent and unanimously agreed to.

The President pro tempore appointed as the committee on the part of the Senate, provided for in the second resolution, Messrs. MITCHELL, PERKINS, DOLLIVER, TURNER, and DUBOIS; and, in accordance with the last resolution, the Senate (at 5 o'clock and 8 minutes p. m.) adjourned until to-morrow, Tuesday, January 13, 1903, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 12, 1903.*

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, offered the following prayer:

Once more, Almighty God, our Heavenly Father, in the dispensation of Thy providence, are we brought face to face with that strange and mysterious thing we call death, by the sudden and unexpected removal of an honored member of this honorable body. Quiet, yet always alert; patient, yet always active; unassuming, yet always efficient, he did his whole duty, and we commend his spirit to Thy care and keeping, who doeth all things well. Comfort, we beseech Thee, his friends and colleagues, the grief-stricken widow and children, with the blessed and reasonable hope that some time, some where, there will be a reunion where friends and families shall dwell together in love and unity forever.

Hear us and thus bless and comfort us all, in the name of Jesus Christ our Lord. Amen.

The Journal of the proceedings of Friday, January 9, was read and approved.

THE LATE REPRESENTATIVE SALMON.

Mr. FLANAGAN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That when the House meets on Sunday, the 8th day of February, 1903, it shall consider appropriate resolutions memorial of the public services and life of Hon. JOSHUA S. SALMON, late a Representative from the Fourth Congressional district of New Jersey.

The SPEAKER. If there be no objection, the resolution will be considered now.

There was no objection.

The resolution was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HITT, from the Committee on Foreign Affairs, reported the bill (H. R. 16604) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1904; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HITT. I will give notice when a convenient time arrives for the consideration of this bill.

Mr. RICHARDSON of Tennessee. I reserve all points of order on the bill.

The SPEAKER. The gentleman from Tennessee reserves all points of order on the bill.

COMMITTEE ON INSULAR AFFAIRS.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, January 10, 1903.

Hon. DAVID B. HENDERSON,
Speaker of the House of Representatives, Washington, D. C.

MY DEAR SIR: I beg leave to respectfully resign my position as a member of the Committee on Insular Affairs.

I am, very truly, yours, R. L. HENRY.

The SPEAKER. If there be no objection, this resignation will be accepted; and the Chair designates as a member of the Committee on Insular Affairs the gentleman from Indiana, Mr. ROBINSON.

THE COAL TRADE.

Mr. GROSVENOR. Mr. Speaker, I submit the following privileged report.

The SPEAKER. The gentleman from Ohio submits and calls up the following privileged report, which the Clerk will read.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House H. Res. 247, have had the same under consideration, and in lieu thereof report the following resolution:

"Whereas it is claimed that conditions exist involving great hardship, suffering, and distress by reason of the unprecedented scarcity of coal, and it is claimed that combinations or conspiracies exist in and concerning said trade tending to restrain interstate and foreign commerce: Therefore, be it

"*Resolved*, That the Committee on the Merchant Marine and Fisheries be, and is hereby, directed to investigate these said facts, charges, and necessities; to inquire into the elements and conditions involved in said coal trade, the cost of coal, the methods and facilities, and cost of transportation and distribution of the same, and the reasons or causes of such scarcity and distress; that said committee make such investigations and report the testimony, with their conclusions thereon, as soon as possible, and that said committee have power and authority to send for persons and papers, to administer oaths, to employ or have the services of a stenographer, clerk, and messenger, and incur such other expenses as may be deemed necessary; that meetings of the said committee be held in the Capitol building in Washington and in such other places as the committee shall determine, and the necessary expenses shall be paid out of the contingent fund of the House, on the usual vouchers."

Mr. GROSVENOR. Mr. Speaker, if there is no disposition to debate this resolution, I am ready to submit it to a vote now.

The question was taken, and the resolution was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MOODY of North Carolina for three days, on account of sickness.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 179. An act to amend the internal-revenue laws.

DEATH OF HON. THOMAS H. TONGUE.

Mr. MOODY of Oregon. Mr. Speaker, it becomes my painful duty to announce to the House of Representatives the calamity that has fallen upon our State by the sudden and untimely death of my distinguished colleague, Hon. THOMAS H. TONGUE, who has for the past six years represented his State and district in this body with honor and distinction. At a suitable time I shall ask that a day be set apart for paying tribute to his character and distinguished public services. I now ask for the immediate consideration of the resolutions which I send to the desk.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the sudden death in this city of Hon. THOMAS H. TONGUE, a Representative in this House from the First district of Oregon.

Resolved, That the House do now adjourn, out of respect to the memory of the deceased member.

Resolved, That the Clerk of the House communicate a copy of these resolutions to the Senate.

The SPEAKER. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to.

The SPEAKER. The Chair announces the following committee on the part of the House to take charge of the funeral exercises:

The Clerk read as follows:

Mr. MOODY of Oregon, Mr. BURTON, Mr. PAYNE, Mr. BISHOP, Mr. DAVIDSON, Mr. MCLACHLAN, Mr. RANSDELL of Louisiana, Mr. BELLAMY, Mr. NEEDHAM, Mr. SUTHERLAND, Mr. BATES.

The SPEAKER. In accordance with the action of the House just taken, this body (at 12 o'clock and 13 minutes p. m.) stands adjourned until 12 o'clock noon to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting papers and recommendations in relation to the claim of Tremoya Hermanos—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George W. Hott, administrator of estate of John Nicewaner, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for equipment of officers' schools—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate of appropriation for deficiencies—to the Committee on Appropriations, and ordered to be printed.

A letter from the Commissioners of the District of Columbia, transmitting a copy of a communication from the auditor, with detailed report of the expenditures of the contingent fund—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. THOMAS of Iowa, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 5316) providing for an additional circuit judge in the eighth judicial circuit, reported the same without amendment, accompanied by a report (No. 3097); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON of Indiana, from the Committee on the Territories, to which was referred the bill of the Senate (S. 6216) to pay in part judgments rendered under an act of the legislative assembly of the Territory of Hawaii for property destroyed in suppressing the bubonic plague in said Territory in 1899 and 1900, and authorizing the Territory of Hawaii to issue bonds for the payment of the remaining claims, reported the same without amendment, accompanied by a report (No. 3098); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HITT, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 16604) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1904, reported the same without amendment, accompanied by a report (No. 3099); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GROSVENOR, from the Committee on Rules, to which was referred House joint resolution 247, reported in lieu thereof House resolution 377, accompanied by a report (No. 3100); which said resolution and report were ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1637) granting an increase of pension to Annie A. Neary, reported the same without amendment, accompanied by a report (No. 3026); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2806) granting an increase of pension to Laura S. Picking, reported the same with amendment, accompanied by a report (No. 3027); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6492) granting an increase of pension to Thomas Starrat, reported the same without amendment, accompanied by a report (No. 3028); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6132) granting an increase of pension to Fannie McHarg, reported the same with amendment, accompanied by a report (No. 3029); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15754) granting a pension to Frances Cowie, reported the same with amendment, accompanied by a report (No. 3030); which said bill and report were referred to the Private Calendar.

Mr. SELBY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15812) granting a pension to Lucien B. Love, reported the same with amendments, accompanied by a report (No. 3031); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16149) granting an increase of pension to William Shup, reported the same with amendment, accompanied by a report (No. 3032); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15622) granting an increase of pension to Ben Cardwell, reported the same with amendments, accompanied by a report (No. 3033); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16148) granting an increase of pension to Harry F. Libby, reported the same without amendment, accompanied by a report (No. 3034); which said bill and report were referred to the Private Calendar.

Mr. SELBY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15873) granting a pension to Minerva Murphy, reported the same with amendments, accompanied by a report (No. 3035); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14235) granting an increase of pension to George White, reported the same with amendments, accompanied by a report (No. 3036); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13711) for the relief of Simon M. Yates, reported the same with amendments, accompanied by a report (No. 3037); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which

was referred the bill of the House (H. R. 14407) granting a pension to May Jennings Bunn, reported the same with amendments, accompanied by a report (No. 3038); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14168) granting a pension to J. B. Anderson, reported same with amendments, accompanied by a report (No. 3039); which said bill and report were referred to the Private Calendar.

Mr. BURGESS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14604) granting an increase of pension to Asa C. Hill, reported the same without amendment, accompanied by a report (No. 3040); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14217) granting a pension to George M. Smith, reported the same with amendments, accompanied by a report (No. 3041); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14143) granting an increase of pension to Augusta W. Seely, reported the same with amendments, accompanied by a report (No. 3042); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12971) granting a pension to Thomas Martin, reported the same with amendment, accompanied by a report (No. 3043); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12611) for the relief of Alexander J. Thompson, reported the same with amendments, accompanied by a report (No. 3044); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13826) granting an increase of pension to Francis N. Bonnean, reported the same with amendments, accompanied by a report (No. 3045); which said bill and report were referred to the Private Calendar.

Mr. BURGESS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8085) granting a pension to David K. Wardwell, reported the same with amendments, accompanied by a report (No. 3046); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13793) granting an increase of pension to Solomon A. Alexander, reported the same with amendment, accompanied by a report (No. 3047); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10644) granting a pension to Michael J. Madden, reported the same with amendment, accompanied by a report (No. 3048); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1027) for the relief of Livinia Cook, reported the same with amendment, accompanied by a report (No. 3049); which said bill and report were referred to the Private Calendar.

Mr. BURGESS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15572) granting a pension to Charles W. Bracken, reported the same with amendment, accompanied by a report (No. 3050); which said bill and report were referred to the Private Calendar.

Mr. SELBY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15400) granting an increase of pension to Enos Turner, reported the same with amendments, accompanied by a report (No. 3051); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15997) granting an increase of pension to Christian J. Flanagan, reported the same with amendments, accompanied by a report (No. 3052); which said bill and report were referred to the Private Calendar.

He also, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16361) granting an increase of pension to John W. Chancellor, reported the same with amendment, accompanied by a report (No. 3053); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15472) granting a pension to William H. Chamberlin, reported the same with amendments, accompanied by a report (No. 3054); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16381) granting a pension to Lymus Wallace, reported the same with amendments, accompanied by a report (No. 3055); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14398) granting an increase of pension to David M. Shopstaugh, reported the same with amendments, accompanied by a report (No. 3056); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15206) granting a pension to Mary P. Everton, reported the same with amendment, accompanied by a report (No. 3057); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15439) granting an increase of pension to Jane P. Chester, reported the same with amendment, accompanied by a report (No. 3058); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15528) granting an increase of pension to J. C. Williams, reported the same with amendments, accompanied by a report (No. 3059); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15746) granting an increase of pension to Daniel R. Lucas, reported the same with amendment, accompanied by a report (No. 3060); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16073) granting an increase of pension to John H. Smith, reported the same with amendment, accompanied by a report (No. 3061); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15964) granting an increase of pension to Michael Murphy, reported the same with amendments, accompanied by a report (No. 3062); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16368) granting an increase of pension to Eliza M. Hutchinson, reported the same without amendment, accompanied by a report (No. 3063); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15533) granting an increase of pension to William H. France, reported the same without amendment, accompanied by a report (No. 3064); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16445) granting a pension to Luke Madden, reported the same with amendments, accompanied by a report (No. 3065); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13240) granting an increase of pension to Nimrod F. Clark, reported the same with amendment, accompanied by a report (No. 3066); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16210) granting an increase of pension to John C. Callahan, reported the same with amendments, accompanied by a report (No. 3067); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16162) granting an increase of pension to George Brown, reported the same with amendments, accompanied by a report (No. 3068); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12602) granting an increase of pension to Amanda Burke, reported the same with amendments, accompanied by a report (No. 3069); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15674) granting an increase of pension to John A. T. McPherson, reported the same with amendment, accompanied by a report (No. 3070); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15618) granting an increase of Pension to William O. Boughton, reported the same without amendment, accompanied by a report (No. 3071); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12214) granting an increase of pension to Jane A. Tillinghast, reported the same with amendment, accompanied by a report (No. 3072); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13239) granting an increase of pension to Ervin Thompson, reported the same with amendment, accompanied by a report (No. 3073); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11417) granting an increase of pension to Julia Anglada, reported the same with amendment, accompanied by a report (No. 3074); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13689) granting a pension to William W Painter, reported the same with amendment, accompanied by a report (No. 3075); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12021) granting an increase of pension to Anson Lewis, reported the same with amendment, accompanied by a report (No. 3076); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12508) granting an increase of pension to James Jones, reported the same with amendments, accompanied by a report (No. 3077); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3460) for the relief of Jerry S. Fish, reported the same with amendment, accompanied by a report (No. 3078); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9987) granting an increase of pension to Aaron Young, reported the same with amendment, accompanied by a report (No. 3079); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11139) granting a pension to Carter B. Harrison, reported the same with amendment, accompanied by a report (No. 3080); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8314) granting an increase of pension to Joseph A. Kauffman, reported the same with amendment, accompanied by a report (No. 3081); which said bill and report were referred to the Private Calendar.

By Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2531) increasing the pension of Byron Robinson, reported the same with amendments, accompanied by a report (No. 3082); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6498) for the relief of John A. Whitman, a blind soldier, reported the same with amendments, accompanied by a report (No. 3083); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3026) granting a pension to Martha J. Bishop, reported the same with amendments, accompanied by a report (No. 3084); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 942) to pension John R. Dougherty, reported the same with amendments, accompanied by a report (No. 3085); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1013) granting a pension to Josephine Hussey, reported the same with amendment, accompanied by a report (No. 3086); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11388) granting a pension to William Vogan, reported the same with amendment, accompanied by a report (No. 3087); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3213) for the relief of Belle Spaulding, reported the same with amendments, accompanied by a report (No. 3088); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1624) granting a pension to James Allen, reported the same with amendment, accompanied by a report (No. 3089); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2679) for the relief of Nora Stokes, reported the same with amendments, accompanied by a report (No. 3090); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3644) granting an increase of pension to James Mealey, reported the same without amendment, accompanied by a report (No. 3091); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4296) granting a pension to Andrew Ady, reported the same without amendment, accompanied by a report (No. 3092); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4827) granting an increase of pension to George W. Stott, reported the same without amendment, accompanied by a report (No. 3093); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4121) granting a pension to Elizabeth Jacobs, reported the same without amendment, accompanied by a report (No. 3094); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2863) granting an increase of pension to Mary L. Purington, reported the same without amendment, accompanied by a report (No. 3095); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3238) granting a pension to Martha Elizabeth Hench, reported the same without amendment, accompanied by a report (No. 3096); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 16309) granting a pension to Samuel H. Montayne—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15968) granting an increase of pension to Isaac F. Clayton—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16593) granting a pension to Anna C. Murphy—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16511) granting an increase of pension to J. J. Hunter—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 16599) amending chapter 591 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis."—to the Committee on the Judiciary.

By Mr. BROWNLOW: A bill (H. R. 16600) to regulate the removal of causes from a State court to a United States court—to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: A bill (H. R. 16601) to provide for the purchase of a site and the erection of a public building thereon at Beverly, in the State of Massachusetts—to the Committee on Public Buildings and Grounds.

By Mr. RICHARDSON of Alabama: A bill (H. R. 16602) to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in the said act to be done by said company, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 16603) to authorize and regulate the sale and use of timber on the unappropriated and unreserved public lands, and to prevent depredations thereon—to the Committee on the Public Lands.

By Mr. HITT, from the Committee on Foreign Affairs: A bill (H. R. 16604) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1904—to the Union Calendar.

By Mr. WARNER: A bill (H. R. 16605) for the erection of a statue to the memory of Maj. Gen. Franz Sigel, at Washington, D. C.—to the Committee on the Library.

By Mr. BOUTELL: A bill (H. R. 16606) to increase the limit of cost for the erection of the Government building at Chicago, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. MORRIS: A bill (H. R. 16607) to grant to the State of Minnesota certain vacant lands in said State for forestry purposes—to the Committee on the Public Lands.

By Mr. CUSHMAN: A resolution (H. Res. 375) relating to the House going into Committee of the Whole House on the state of the Union to consider the bill (H. R. 6865) for the election of a Delegate from the Territory of Alaska, and so forth—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BURGESS (by request): A bill (H. R. 16608) for the relief of the estate of J. H. Choice—to the Committee on War Claims.

By Mr. EMERSON: A bill (H. R. 16609) granting a pension to James Monty—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 16610) granting an increase of pension to Rudolph Ralle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16611) granting an increase of pension to Leonard Boyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16612) granting an increase of pension to Jeremiah H. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16613) to correct the military record of John H. Williams—to the Committee on Military Affairs.

Also, a bill (H. R. 16614) granting an increase of pension to Lieut. John Nelson—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 16615) granting an increase of pension to Henry G. Hammond—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 16616) granting an increase of pension to Louis Spicer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16617) granting a pension to Elizabeth Clay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16618) correcting the military record of William Burke—to the Committee on Military Affairs.

Also, a bill (H. R. 16619) granting a pension to Ella Cole—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 16620) for the relief of Elizabeth W. Simmons—to the Committee on Pensions.

By Mr. IRWIN: A bill (H. R. 16621) for the relief of Alexander Hogeland—to the Committee on War Claims.

By Mr. KEHOE: A bill (H. R. 16622) for the relief of Margaret Morarity—to the Committee on War Claims.

Also, a bill (H. R. 16623) for the relief of the estate of Ann S. Jackson—to the Committee on War Claims.

Also, a bill (H. R. 16624) granting a pension to Julia G. Murphy, foster mother of Albert J. Murphy—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 16625) granting a pension to Henry Proveaux—to the Committee on Pensions.

By Mr. MERCER: A bill (H. R. 16626) granting an increase of pension to Solomon Knight—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 16627) for the relief of James W. Kenney—to the Committee on Claims.

By Mr. SHAFROTH: A bill (H. R. 16628) granting a pension to Mary J. Lansing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16629) granting a pension to Catherine Elizabeth Selby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16630) granting an increase of pension to Martin L. Shull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16631) granting an increase of pension to Henry T. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16632) granting a pension to Anderson J. Smith—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 16633) to remove the charge of desertion standing against the military record of Henry Cool—to the Committee on Military Affairs.

By Mr. SIMS: A bill (H. R. 16634) for the relief of A. G. Hawkins, administrator of the estate of George H. Prince, deceased—to the Committee on War Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 16635) granting an increase of pension to Orville W. Sage—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16636) granting an increase of pension to John A. Gragg—to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 16637) granting an increase of pension to Ethelbert Crouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16638) granting a pension to Aaron Taylor—to the Committee on Pensions.

By Mr. STARK: A bill (H. R. 16639) granting an increase of pension to William E. Temple—to the Committee on Invalid Pensions.

By Mr. TOMPKINS of New York: A bill (H. R. 16640) granting a pension to James W. Davis—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 16641) granting an increase of pension to Iddo S. Hayes—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMSON: Resolutions of the agricultural department of the State of Georgia, for the proper irrigation, drainage, and water supply of the State—to the Committee on Agriculture.

By Mr. ALEXANDER: Resolutions of the Engineers' Society of Western New York, in relation to the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. ALLEN of Kentucky: Petition of H. E. Wilkins and others, of Uniontown, Ky., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BABCOCK: Petitions of retail druggists of New Lisbon, Livingston, Fennimore, and Prairie du Sac, Wis., for a reduction of the tax on alcohol to 70 cents per proof gallon—to the Committee on Ways and Means.

By Mr. BARTLETT: Resolutions of the Board of Trade of Savannah, Ga., favoring the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same, favoring the passage of pure-food bills—to the Committee on Interstate and Foreign Commerce.

Also, petition of M. H. Taylor, of Macon, Ga., asking for favorable action upon the bill reducing the tax on alcohol—to the Committee on Ways and Means.

By Mr. BOUTELL: Petition of the Searle & Hereth Company, favoring the Lovering drawback customs bill—to the Committee on Ways and Means.

By Mr. BURKE of South Dakota: Petitions of druggists of Lesterville, Colton, Sioux Falls, and Mellette, S. Dak., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of C. H. French and other citizens of Huron, S. Dak., favoring restriction of immigration by an illiteracy test—to the Committee on Immigration and Naturalization.

By Mr. CANNON: Papers to accompany House bill granting an increase of pension to Iddo S. Hayes—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: Petitions of R. A. Wilson, of Douglass, and Morrison & White, of Garrison, Tex., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Resolutions of the United Brotherhood of Carpenters and Joiners, of Janesville, Wis., urging the passage of House bill 3876, for an eight-hour law—to the Committee on Labor.

By Mr. DAYTON: Petition of William D. Currence, of Randolph County, W. Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of heir of William S. Griffin, deceased, late of Berkeley County, W. Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. DRAPER: Resolutions of the executive committee of the Interstate Commerce Law Convention, favoring the passage of the Elkins bill, to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Peoria Retail Grocers' Association, favoring the passage of the pure-food bills—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Manufacturers' Association of New York, in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Merchants' Association of New York, favoring the passage of the Elkins bill, to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of druggists of Alma Center, Wis., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. EVANS: Petition of Central Woman's Christian Temperance Union, of Johnstown, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. FOSTER of Vermont: Memorial of the Reunion Society of Vermont Officers, asking for action in recognition of the service of Gen. William F. Smith—to the Committee on Military Affairs.

By Mr. GARDNER: Papers to accompany House bill 9456, to correct the naval record of Charles Amos—to the Committee on Naval Affairs.

By Mr. GRAHAM: Resolutions of the Allegheny County Grand Army Association, and of the National Fremont Association of Pittsburg, Pa., favoring the erection of a monument to the memory of Maj. Gen. John C. Frémont—to the Committee on the Library.

Also, resolution of the Chamber of Commerce of Pittsburg, Pa., indorsing the Appalachian Park bill—to the Committee on the Public Lands.

Also, paper to accompany House bill granting an increase of pension to Alexander Caldwell—to the Committee on Invalid Pensions.

Also, petition of the Keystone Watch Case Company, of Philadelphia, Pa., urging the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

Also, paper of W. H. Smith, of San Francisco, suggesting an amendment to section 4921 of the patent law—to the Committee on Patents.

Also, petition of John Farr and two others, committee of West India trade, in relation to the treaty with Cuba—to the Committee on Foreign Affairs.

By Mr. GRIFFITH: Papers to accompany House bill for increase of pension of Austin Kerrigan—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Petition of members of the Farmers' Institute, Meigs County, Ohio, in favor of a parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. HASKINS: Petition of the Woman's Christian Temperance Union of Jamaica, Vt., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of W. B. Eastman and other druggists of St. Johnsbury, Vt., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HEDGE: Resolution of Typographical Union No. 75, Burlington, Iowa, for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. KEHOE: Petition of sundry citizens of Kentucky for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. KNAPP: Papers to accompany House bill 12236, granting an increase of pension to Martin Petrie—to the Committee on Invalid Pensions.

By Mr. LEVER: Petitions of druggists of St. Matthews and Columbia, S. C., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. LIVINGSTON: Petition of heir of James Freeman, deceased, late of Fulton County, Ga., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MOODY of Oregon: Petition of G. E. Williams and Charles N. Clarke, Hood River, Oreg., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. MORRIS: Remonstrances of citizens of the State of Minnesota, against the repeal of the stone, timber, desert land, and homestead commutation acts—to the Committee on the Public Lands.

By Mr. MOON: Petitions of retail druggists of Athens, Chattanooga, Pikeville, St. Petersburg, and South Pittsburg, Tenn., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. PALMER: Resolution of Victoria Lodge, No. 293, O. B. A., of Hazleton, Pa., for a modification of the methods and practice pursued by the immigration officers at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. ROBERTS: Resolutions of the Chamber of Commerce of Boston, Mass., in favor of a tariff commission—to the Committee on Ways and Means.

By Mr. SHERMAN: Paper to accompany bill relating to the correction of the military record of Henry Cool—to the Committee on Military Affairs.

By Mr. SIBLEY: Resolution of the Presbytery of Butler, Pa., favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. HENRY C. SMITH: Petition of R. B. Honey, Dexter, Mich., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SNOOK: Paper to accompany House bill granting an increase of pension to Ethelbert Crouse—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting an increase of pension to Aaron Taylor—to the Committee on Invalid Pensions.

Also, resolution of Buckeye Lodge, No. 35, Railroad Trainmen, in favor of Senate bill 3560, to promote the safety of employees and travelers upon railroads—to the Committee on Interstate and Foreign Commerce.

By Mr. STARK: Petition of M. E. Schultz and others, of Beatrice, Nebr., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. THAYER: Resolutions of the Methodist Episcopal Church, Woman's Christian Temperance Union, and other societies, of Millville, Mass., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, resolutions of the Chamber of Commerce of Boston, Mass., in favor of a tariff commission—to the Committee on Ways and Means.

Also, resolutions of Worcester Lodge, No. 212, O. B. A., in relation to immigration—to the Committee on Immigration and Naturalization.

By Mr. TIRRELL: Resolutions of the Chamber of Commerce of Boston, Mass., in favor of a tariff commission—to the Committee on Ways and Means.

SENATE.

TUESDAY, *January 13, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

Mr. JOHN P. JONES, a Senator from the State of Nevada, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with.

RAILROADS IN THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 5th instant, certain information as to the effect a system of railroads in the Philippine Islands would have on the cost of maintaining law and order and protecting life and property in those islands, etc.; which was referred to the Committee on the Philippines, and ordered to be printed.

GEORGETOWN BARGE, DOCK, ELEVATOR AND RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Georgetown Barge, Dock, Elevator and Railway Company for the year ended December 31, 1902; which was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendment of the Senate to the amendment of the House to the bill (S. 2296) to amend an act approved March 2, 1895, relating to public printing; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEATWOLE, Mr. BOREING, and Mr. TATE managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 2210) relating to Hawaiian silver coinage and silver certificates;

A bill (S. 4616) to grant title to the town of Juneau, Alaska, of land occupied for school purposes, and for other purposes; and

A bill (H. R. 16066) to amend an act entitled "An act to provide for use of timber and stone for domestic and industrial purposes in the Indian Territory," approved June 6, 1900.

PETITIONS AND MEMORIALS.

Mr. HOAR presented a petition of sundry citizens of the United States, praying for the enactment of legislation providing for such collection of statistics of and relating to marriage and divorce as shall bring the report on this subject down to the latest practicable date; which was referred to the Committee on Appropriations.

He also presented a petition of the Young Men's Progressive Lodge, of Lawrence, Mass., praying for the enactment of legislation to modify the methods and practice pursued by the immigration

officers at the port of New York; which was referred to the Committee on Immigration.

Mr. FOSTER of Washington presented a petition of sundry citizens of Tacoma, Wash., praying for the passage of the so-called immigration bill; which was ordered to lie on the table.

He also presented petitions of Local Union No. 98, United Brotherhood of Carpenters and Joiners, of Spokane; of Local Union No. 239, Cooks and Waiters' Union, of Seattle; of Local Union No. 158, Iron Molders' Union, of Seattle; of Local Union No. 131, Brotherhood of Carpenters and Joiners, of Seattle, and of Local Union No. 300, Brotherhood of Painters, Decorators, and Paper Hangers, of Seattle, all in the State of Washington, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. FAIRBANKS presented petitions of the White River Monthly Meeting of the Religious Society of Friends, of Winchester; of the congregation of the Friends Church of Thornton, and of the Woman's Christian Temperance Union of Miami County, all in the State of Indiana, praying for the adoption of an amendment to the bill to promote the efficiency of the militia so as to provide for an exemption clause based on conscientious scruples; which were ordered to lie on the table.

He also presented a petition of Local Union No. 157, American Federation of Labor, of Terre Haute, Ind., praying for the enactment of legislation to repeal the so-called desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented petitions of the Nordyke & Marmon Company, of Indianapolis; of the Blanton Milling Company, of Indianapolis; of the W. D. Allison Company, of Indianapolis; of the Bluffton Manufacturing Company, of Bluffton; of J. O. Flickerner & Sons, of Evansville; of the J. I. Holcomb Manufacturing Company, of Sullivan; of the Kokomo Rubber Company, of Kokomo, and of the Studebaker Brothers Manufacturing Company, of South Bend, all in the State of Indiana, praying for the establisment of a department of commerce; which were ordered to lie on the table.

He also presented the petition of John Farr and sundry other shippers and merchants of New York City, N. Y., praying for the ratification of the reciprocity treaties with the British West Indies and British Guiana; which was referred to the Committee on Foreign Relations.

He also presented petitions of Local Union No. 242, of Wabash; of Cigar Makers' Local Union No. 215, of Logansport; of Bricklayers and Masons' Local Union No. 3, of Indianapolis; of Broom Makers' Local Union No. 17, of Indianapolis; of Local Union No. 154, of Evansville; of Local Union No. 255, of Dugger; of Hard Wood Finishers' Local Union No. 96, of Indianapolis; of Typographical Union No. 332, of Muncie; of Local Union No. 10253, of Seymour; of Cigar Makers' Local Union No. 159, of Marion, and of Journeymen Tailors' Local Union No. 220, of Logansport, all of the American Federation of Labor, in the State of Indiana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a memorial of the New Albany Hosiery Mills, of New Albany, Ind., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of Good Will Lodge, No. 52, Brotherhood of Locomotive Firemen, of Logansport, Ind., praying for the passage of the so-called anti-injunction bill; which was ordered to lie on the table.

He also presented the petition of Rev. Wilbur F. Crafts, of Washington, D. C., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

Mr. BEVERIDGE presented petitions of Hard Wood Finishers' Union No. 96, Amalgamated Wood Workers, of Indianapolis; of Protective Gas Workers' Union, No. 10166, of Evansville; of Local Union No. 159, Cigar Makers' International Union, of Marion; of Local Union No. 220, Journeymen Tailors' Union, of Logansport; of Local Union No. 255, United Mine Workers, of Dugger, and of James Steele, of West Terre Haute, all in the State of Indiana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. DOLLIVER presented a petition of Typographical Union No. 75, of Burlington, Iowa, praying for the repeal of the desert-land law and for the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a petition of Fortress Lodge, No. 171, Brotherhood of Railroad Trainmen, of Fort Dodge, Iowa, and a petition of Esther Lodge, No. 352, Brotherhood of Railroad Trainmen, of Estherville, Iowa, praying for the passage of the so-called anti-injunction bill; which were ordered to lie on the table.

He also presented petitions of the Tri-City Labor Council, of Davenport; of Local Union No. 1142, Brotherhood of Carpenters and Joiners, of Colfax; of Federal Labor Union No. 10441, of Fort Dodge; of Local Union No. 523, United Brotherhood of Carpenters and Joiners, of Keokuk, and of Local Union No. 92, Amalgamated Wood Workers' International Association, of Clinton, all in the State of Iowa, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. LODGE presented a petition of the Chamber of Commerce of Boston, Mass., praying for the appointment of a permanent tariff commission; which was referred to the Committee on Finance.

He also presented a petition of the Boston Fruit and Produce Exchange, of Boston, Mass., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce of Boston, Mass., praying for the ratification of the Hay-Bond treaty; which was referred to the Committee on Foreign Relations.

Mr. BURTON presented a memorial of Coopers' International Union No. 18, American Federation of Labor, of Kansas City, Kans., and a memorial of Coopers' International Union No. 1, American Federation of Labor, of Lawrence, Kans., remonstrating against the enactment of legislation to prohibit the issuance of revenue stamps on eighth beer kegs; which were referred to the Committee on Finance.

He also presented petitions of Local Union No. 215, of Topeka; of Local Union No. 201, of Wichita; of Bricklayers and Masons' Local Union No. 6, of Iola; of Local Union No. 444, of Frontenac; of Carpenters and Joiners' Local Union No. 1198, of Independence; of Local Union No. 210, of Weir City; of the Central Labor Union of Independence; of Local Union No. 1, of Kansas City; of Carpenters and Joiners' Local Union No. 1224, of Emporia, and of the Federal Labor Union of Independence, all of the American Federation of Labor, in the State of Kansas; of Laborers' Protective Union No. 9756, American Federation of Labor, of Kansas City, Mo.; of Carpenters and Joiners' Local Union No. 652, American Federation of Labor, of Elwood, Ind., and of Local Lodge No. 96, Brotherhood of Railroad Trainmen, of Dodge City, Kans., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. DEPEW presented petitions of Local Union No. 35, of Rochester; of Bricklayers' Local Union No. 45, of Buffalo; of Hospital Nurses and Employees' Local Union No. 10507, of Rochester; of Local Union No. 196, of Watervliet; of Local Union No. 144, of New York; of Carpenters and Joiners' Local Union No. 66, of Jamestown; of Local Union No. 7294, of Jamestown; of Cigar Makers' Local Union No. 144, of New York; of the Central Trades and Labor Assembly of Syracuse; of the Block Cutters' Local Union of Gloversville; of Horse Nail Makers' Local Union No. 10550, of Kusable Chasm; of Local Union No. 460, of New York; of the Central Trades and Labor Council, of Olean; of Local Union No. 202, of Ogdensburg; of Upholsterers' Local Union No. 33, of Brooklyn; of Local Union No. 232, of Jamestown; of the Lake Seamen's Union of Buffalo; all of the American Federation of Labor, and of the legislative board of the Brotherhood of Locomotive Firemen, of Albany; all in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. PENROSE presented a petition of 147 citizens of Shamokin, Pa., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented petitions of the Friends Meeting, of the Congregationial, of the Baptist, the Second Presbyterian, the Methodist Episcopal, and the United Presbyterian churches, all of Oxford, in the State of Pennsylvania, praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

He also presented petitions of the Young Men's Christian Association of York, of the Woman's Christian Temperance Union of Atglen, of the congregation of the Baptist Church of Oxford, of the Woman's Christian Temperance Union of Kane, of the congregation of the Second Presbyterian Church of Oxford, of the congregation of the United Presbyterian Church of Oxford, of the Friends Meeting of Oxford, of the congregation of the Presbyterian Church of Oxford, and of the congregation of the Methodist Episcopal Church of Oxford, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. CULLOM presented petitions of Local Union No. 347, of Springfield; of Local Union No. 317, of Springfield; of Local Union No. 16, of Granite City; of the Glass Bottle Blowers' Association of Alton; of Bricklayers and Masons' Local Union No. 2, of Belleville; of Federal Labor Local Union No. 9762, of St. John; of Federal Labor Union No. 8533, of Springfield; of the National Mine Managers and Assistants' Mutual Aid Association, of Springfield; of Iron Molders' Local Union No. 44, of Quincy; of the Iron, Steel, and Tin Workers' Local Union No. 11, of Granite City; of Local Union No. 63, of Bloomington; of Cigarmakers' Local

Union No. 73, of Alton; of the Trades and Labor Assembly of Galesburg; of Carpenters and Joiners' Local Union No. 496, of Kankakee; of the Trades and Labor Council of Granite City; of Stone Masons' Local Union No. 15, of Rock Island; of the Trades and Labor Assembly of Mascoutah; of Cigarmakers' Local Union No. 118, of Peoria, and of Local Union No. 61, of Murphysboro, all of the American Federation of Labor, in the State of Illinois, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

STATEHOOD BILL.

Mr. QUAY. I send to the Secretary's desk the following telegrams on behalf of the statehood bill, to be printed in the RECORD, without reading.

The PRESIDENT pro tempore. If there be no objection, the request of the Senator from Pennsylvania will be complied with. The telegrams will be printed in the RECORD.

The telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

[Telegram].

TUCSON, ARIZ., *January 12, 1903.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

In view of misleading report of majority of Committee on Territories, reflecting on intelligence and resources of Arizona, failure to pass omnibus bill would be of incalculable material injury to the Territory. Every interest feels this, and there is absolute unanimity among the people on the subject.

M. P. Freeman, President Consolidated National Bank; J. Knox Corbett, Postmaster; John B. Wright, City Attorney; B. M. Jacobs, President Arizona National Bank; H. W. Fenner, M. D.; William Angus, County School Superintendent; Fred. Renstadt, Board of Supervisors; John H. Bauman, Receiver, United States Land Office; M. R. Moore, Register, United States Land Office; Mark A. Rodgers, M. D.; E. S. Burton, M. D.; L. H. Manning, President Chamber of Commerce; George Shelby, Rector Grace Church; David B. Leofbourrow, Pastor Methodist Church; H. K. Booth, Pastor Congregational Church; C. F. Schumacher, Mayor of Tucson.

[Telegram.]

TUCSON, ARIZ., *January 12, 1903.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.

Omnibus bill is necessity to every material interest in Arizona.

C. F. SCHUMACHER,
Mayor of Tucson.

Mr. QUAY. While I have the floor, although it is probably a matter of indifference to the Senate and the Senator from Colorado [Mr. TELLER], I desire to apologize for the accidental intrusion into a mass of telegrams printed in the RECORD at my suggestion yesterday morning of a telegram from the Senator from Colorado, which is semi-private in its nature, authorizing me to pair him on the pending statehood bill.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 13233) granting a pension to William A. Nelson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5526) granting an increase of pension to Benjamin F. Cornman, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 2205) to correct the military record of Joseph T. Vincent, reported with an amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 2344) to remove the charge of desertion against Samuel Robbins, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 6570) to correct the military record of Simeon Perry, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1193) to correct the military record of Henry M. Holmes, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1592) for the relief of F. M. Vowells, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3216) to remove the record of dishonorable discharges from the military records of John Shamburger, Louis Smith, and Henry Metzger, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills and joint resolution, submitted adverse reports thereon, which were agreed to; and the bills and joint resolution were postponed indefinitely:

A bill (S. 4847) to correct the military record of James Petty;

A bill (S. 4364) to remove the charge of desertion now standing against James F. Wood;

A joint resolution (S. R. 61) for the relief of Robert L. Lindsay; and

A bill (S. 3786) to correct the military record of James C. Means.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 6730) to regulate the use of forest-reserve timber, asked to be discharged from its further consideration, and that it be referred to the Committee on Forest Reservations and the Protection of Game; which was agreed to.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (S. 6220) granting an increase of pension to Walter G. Tebbetts, reported it with an amendment, and submitted a report thereon.

Mr. FAIRBANKS, from the Committee on the Judiciary, to whom was referred the amendment submitted by himself on the 12th instant relating to the clerks of the United States circuit courts of appeal, intended to be proposed to the legislative, executive, and judicial appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (S. 4876) to remove the charge of desertion from the military record of William P. Taylor, deceased, reported it with an amendment, and submitted a report thereon.

SOPHIA BOWIE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. GALLINGER December 10, 1902, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Sophia Bowie, widow of Albert Bowie, late an employee in the Senate stables, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

PRICES OF COAL IN THE DISTRICT OF COLUMBIA.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. STEWART, reported it without amendment; and it was considered by unanimous consent, and agreed to as follows:

Resolved, That the Committee on the District of Columbia be, and the same is hereby, authorized to employ a stenographer, from time to time as may be necessary, to report such hearings as may be had on the investigation into the price of coal in the District of Columbia and have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate. Said committee shall have power to send for persons and papers and to administer oaths, and to compel the attendance of witnesses.

CYRUS G. NORTON.

Mr. DEBOE. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 15852) granting an increase of pension to Cyrus G. Norton, to report it back favorably without amendment, and by request of the committee I ask for its immediate consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Cyrus G. Norton, late of Company K, One hundred and first Regiment Ohio Volunteer Infantry, and to pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6878) granting a pension to Penelope Tousley;

A bill (S. 6879) granting a pension to George W. Miller; and

A bill (S. 6880) granting a pension to Effie Creech.

Mr. DILLINGHAM introduced a bill (S. 6881) for the relief of James L. Elmer; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DOLLIVER introduced a bill (S. 6882) granting an increase of pension to Francis W. Crumpton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 6883) providing for the purchase of ground and the erection of a new custom-house at the port of Boston, Mass.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SCOTT introduced a bill (S. 6884) granting a pension to Martha B. Hamlin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 6885) granting an increase of pension to Mathias R. Zahniser; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DIETRICH introduced a bill (S. 6886) to authorize the leasing of grazing lands in the State of Nebraska; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CLAPP introduced a bill (S. 6887) authorizing and directing the issuance of a patent in fee to Katie Van Pelt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. MITCHELL introduced a bill (S. 6888) to provide for a review of the acts, decisions, and rulings of the Post-Office Department under the lottery and fraud statutes, and for other purposes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. BURTON introduced a bill (S. 6889) to provide for the organization of the militia of the Indian Territory; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6890) granting a pension to Pearson N. Clifford (with the accompanying papers);

A bill (S. 6891) granting a pension to Marie K. Hudson; and

A bill (S. 6892) granting a pension to William W. Angelo.

Mr. MCENERY introduced a bill (S. 6893) granting an increase of pension to Bowman H. Peterson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6894) for the relief of the legal representatives of the late firm of Lapène & Ferré; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PETTUS introduced a bill (S. 6895) to authorize the promotion of Maj. William Crawford Gorgas, surgeon in the Army of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6896) to fix the time for holding the United States district and circuit courts in the northern and middle districts of Alabama; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DEPEW introduced a bill (S. 6897) for the relief of Hugh McGuckin; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PENROSE introduced a bill (S. 6898) to amend section 4921 of the Revised Statutes, relating to injunctions in certain patent cases; which was read twice by its title, and referred to the Committee on Patents.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 6899) to incorporate the Spanish-American War Veterans' Association of the United States;

A bill (S. 6900) to grant an honorable discharge from the military service to Christian Heinze (with the accompanying paper);

A bill (S. 6901) to grant an honorable discharge from the military service to John L. Keys (with the accompanying papers);

A bill (S. 6902) to grant an honorable discharge from the military service to Daniel F. Mertz (with the accompanying paper); and

A bill (S. 6903) for the relief of Edmund F. Steckel (with the accompanying papers).

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6904) for the relief of Jean Michel Vendenhiem, a citizen of France residing in the United States;

A bill (S. 6905) providing for the adjustment and payment of the accounts of letter carriers arising under the eight-hour law (with the accompanying papers);

A bill (S. 6906) for the relief of Sylvester H. Lee;

A bill (S. 6907) for the relief of Frances M. Egan, administratrix of Patrick Egan, deceased (with the accompanying paper); and

A bill (S. 6908) for the relief of Mary Cairney (with the accompanying papers).

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6909) granting a pension to Sallie J. Cochran;

A bill (S. 6910) granting an increase of pension to George W. Frederick;

A bill (S. 6911) granting an increase of pension to Frank H. Wilson;

A bill (S. 6912) granting a pension to Mary Zinn;

A bill (S. 6913) granting an increase of pension to Walter Lynn;

A bill (S. 6914) granting an increase of pension to Bernard Small;

A bill (S. 6915) granting an increase of pension to Ira G. Wood;

A bill (S. 6916) granting an increase of pension to Arthur H. Murray;

A bill (S. 6917) granting an increase of pension to John R. Worman;

A bill (S. 6918) granting an increase of pension to Jesse Critchfield;

A bill (S. 6919) granting an increase of pension to Elizabeth V. Reynolds;

A bill (S. 6920) granting an increase of pension to Charles H. Hall;

A bill (S. 6921) granting an increase of pension to James J. Hasson;

A bill (S. 6922) granting an increase of pension to George S. Campbell;

A bill (S. 6923) granting a pension to William H. Small;

A bill (S. 6924) granting an increase of pension to Talbot Thompson;

A bill (S. 6925) granting an increase of pension to William Stitzer;

A bill (S. 6926) granting a pension to Theophilus Snyder;

A bill (S. 6927) granting a pension to Fanny Bonner;

A bill (S. 6928) granting an increase of pension to Joseph S. Wright;

A bill (S. 6929) granting a pension to Mary R. Koehl; and

A bill (S. 6930) granting an increase of pension to John Simpson.

Mr. PENROSE introduced a bill (S. 6931) for the relief of Sadie Thome; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. MORGAN. I introduce a bill which I ask may be read, as it is an interesting subject and the bill is very short.

The bill (S. 6932) to extend the scope and effect of the act of Congress entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, was read the first time by its title, and the second time at length, and referred to the Committee on the Judiciary, as follows:

Be it enacted, etc., That all the provisions of an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, be, and the same are hereby, extended so as to include in its provisions and within its pains and penalties all persons and corporations hereafter engaged in producing, manufacturing, transporting, buying, or selling any article or commodity for profit that is authorized or required by law to be acquired by purchase for the use of any office or agency or commission or department of the Government of the United States, or for the postal service, or the hospital service, or the Weather Bureau service, or the Army or the Navy of the United States.

Mr. FRYE introduced a bill (S. 6933) granting an increase of pension to James M. Sherman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 6934) to pay claimants for damages to private property by reason of mortar practice at Fort Preble, Me., during the fall of 1901, as reported by a board of Army officers constituted to ascertain the same; which was read twice by its title, and referred to the Committee on Claims.

Mr. SPOONER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6935) granting an increase of pension to Conrad Meier;

A bill (S. 6936) granting an increase of pension to William T. Conant;

A bill (S. 6937) granting an increase of pension to Simon Piehl; and

A bill (S. 6938) granting an increase of pension to George H. Sutherland.

Mr. JONES of Arkansas introduced a bill (S. 6939) to amend the act of September 19, 1890, entitled "An act to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes;" which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 6940) for the relief of the estate of Lucy A. Caldwell, deceased; which was read twice by its title, and referred to the Committee on Claims.

DUTY ON ANTHRACITE COAL.

Mr. CULBERSON. Mr. President, I desire to offer again the joint resolution I introduced on the 8th instant, and I ask the indulgence of the Senate for a few moments that I may make a statement.

This joint resolution relates to the duty on anthracite coal, and provides that after its passage anthracite coal and all coal containing less than 92 per cent of fixed carbon when imported into the United States shall be admitted free of duty.

Before I introduced the joint resolution I made the statement that in my opinion it was constitutional notwithstanding that provision of the Constitution which declares that all bills for raising revenue must originate in the House of Representatives. The Senator from Rhode Island [Mr. ALDRICH] characterized that opinion as novel.

Mr. President, I simply take advantage of this occasion to say that instead of being novel it is an opinion shared by distinguished commentators on the Constitution, by many eminent lawyers who have held seats in this body and in the House of Representatives, and that it represents the unbroken precedents of this body since 1815.

In 1871 the Senate passed a bill, which originated here, repealing the income tax, and upon a consideration of that measure an exhaustive report was made by a committee of the Senate, composed of Messrs. Scott, Conkling, and Casserly. I ask that that report be printed in the RECORD as a portion of the statement I am making, because it is exhaustive of the subject, in my opinion, and so far as I am advised the Senate has never departed from the principle announced there from that day until this.

When this joint resolution was before the Senate on the 8th the Senator from Connecticut [Mr. PLATT] declared that anthracite coal is not dutiable. I have watched with some interest the proof of that which he promised us, but so far he has not seen proper to make any further statement on the subject.

In answer to that contention of the Senator from Connecticut, I ask leave to print in this connection a decision of the Board of General Appraisers, of New York, declaring that anthracite coal is dutiable, and a decision of the circuit court of appeals of the ninth circuit affirming that decision, the opinion being delivered by Mr. Justice Hawley. It is proper to add that an application for a writ of certiorari to the Supreme Court of the United States in this case was denied (177 U. S., 695), which is tantamount to holding that anthracite coal is dutiable under the Dingley Act.

Having made this statement, I offer the joint resolution and request its immediate consideration.

The joint resolution (S. R. 152) exempting anthracite coal from import duty was read the first time by its title, and the second time at length, as follows:

Whereas there is a great distress and suffering in many sections of the country because of the inadequate supply of anthracite coal and the high prices for which it is offered and sold; and

Whereas no revenue of consequence is derived by the Government from the duty imposed thereon; and

Whereas the removal of the duty will add to the supply in the United States and lower the price thereof: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the passage of this resolution anthracite coal and all coals containing less than 92 per cent of fixed carbon when imported into the United States shall be exempt from duty.

Mr. HOAR. I should like to ask the Senator from Texas a practical question. From what source, according to his information, are we likely to get a supply of such coal as he describes in the joint resolution?

Mr. CULBERSON. Mr. President, that matter will come up, I think, if there is no objection to the present consideration of the joint resolution. If we are to consider it at all, it would be best to consider it in all of its phases.

Mr. HOAR. I thought possibly, as the Senator made some statement about it before presenting it, he might be willing to tell the Senate, in order that we might see whether it was a practical or a theoretical question. I understand that the Senator's joint resolution describes the present emergency and desires to have the duty taken off of coal which he describes as coal having less than 92 per cent of carbon. In order to see whether this is a question which is of such immediate pressing character that we ought to lay aside all other business and attend to it at this moment, I should like to ask the Senator from what source he expects a supply of that kind of coal to relieve the present emergency.

Mr. CULBERSON. In answer to the Senator, I will repeat that whatever information I have on the subject will be readily given to the Senate if objection is not made to the present consideration of the joint resolution.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent for the present consideration of the joint resolution.

Mr. HOAR. Does the Senator know a spot on the face of the earth from which we may expect a supply or a considerable quantity of that kind of coal—anthracite coal of less than 92 per cent of fixed carbon?

Mr. CULBERSON. Mr. President, this joint resolution is——

The PRESIDENT pro tempore. The joint resolution is not now before the Senate. The Senator from Texas asks unanimous consent for its present consideration.

Mr. ALDRICH. Mr. President, as this is but another phase of the question submitted by the Senator from Missouri [Mr. VEST], whose resolution is now pending before the Senate and will be laid before the Senate in a few minutes, I object to its present consideration. If the Senator desires to have it before the Senate at a subsequent time for discussion, I am willing that any agreement shall be made as to that matter, or if he desires to have it referred, I do not object to that course. I do object, however, to its present consideration.

The papers submitted by Mr. CULBERSON are as follows:

INCOME TAX.

Mr. Scott, from the committee of conference appointed by the two Houses to consider the question as to the power of the Senate to originate the bill (S. No. 1083) to repeal so much of the act approved July, 1870, entitled "An act to reduce internal taxes, and for other purposes," as continues the income tax after the 31st day of December, 1869, submitted the following report:

"The managers on the part of the Senate of the conference committee appointed by the two Houses of Congress to consider the question raised by the resolution of the House, adopted on the 27th of January, 1871, directing the return to the Senate of Senate bill No. 1083, to repeal so much of the act approved July 14, 1870, entitled "An act to reduce internal taxes, and for other purposes," as continues the income tax after the 31st day of December, 1869, with the suggestion that section 7 of Article I of the Constitution vests in the House of Representatives the sole power to originate such measures; and by the resolution of the Senate of February 1, 1871, returning said bill to the House, report:

"That, having met, after full and free conference, the joint committee have been unable to agree.

"The managers upon the part of the House of Representatives, Messrs. Hooper, ALLISON, and Voorhees, maintained "that, according to the true intent and meaning of the Constitution, it is the right of the House of Representatives to originate all bills relating directly to taxation, including all bills imposing or remitting taxes; and that, in the exercise of that right, the House of Representatives shall decide the manner and time of the imposition and remission of all taxes, subject to the right of the Senate to amend any of such bills, originating in the House, before such bills have become a law."

"The managers upon the part of the Senate maintained 'that, according to the true intent and meaning of the seventh section of the first article of the Constitution, "bills for raising revenue" are those bills only the direct purpose of which is to raise revenue by laying and collecting taxes, duties, imposts, or excises, and that a bill may originate in the Senate to repeal a law or portion of a law which imposes taxes, duties, imposts. or excises.'

"In advising adherence to the position taken by the managers upon the part of the Senate, they deem it a proper occasion to present the reasons which, in their opinion, justify them in that advice.

"The words of the Constitution which are viewed in these opposite senses are as follows:

"'All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.'

"In seeking for the meaning of this provision, we naturally look at the history and circumstances which preceded and attended its adoption, at the practice of Congress in its legislation under it, and at the construction which has been put upon it by commentators.

"The men who framed our Constitution were students of the unwritten constitution of England, and there can be no doubt that this provision is such a modification of the practice of the House of Commons, as to money bills, as they believed suited to the new Government they were then forming.

"That we may see clearly what that practice was, and the reasons which are assigned for it, we quote the words of Sir William Blackstone:

"'The peculiar laws and customs of the House of Commons relate principally to the raising of taxes and the elections of members to serve in Parliament:

"'First, with regard to taxes, it is the ancient, indisputable privilege and right of the House of Commons that all grants of subsidies or parliamentary aids do begin in their House, and are first bestowed by them; although their grants are not effectual, to all intents and purposes, until they have the assent of the other two branches of the Legislature. The general reason given for this exclusive privilege of the House of Commons is that the supplies are raised upon the body of the people, and therefore it is proper that they alone should have the right of taxing themselves. This reason would be unanswerable if the Commons taxed none but themselves; but it is notorious that a very large share of property is in the possession of the House of Lords; that this property is equally taxable, and taxed as the property of the Commons; and therefore, the Commons not being the sole persons taxed, this can not be the reason of their having the sole right of raising and modeling the supply. The true reason, arising from the spirit of our constitution, seems to be this: The Lords, being a permanent, hereditary body, created at pleasure by the King, are supposed more liable to be influenced by the Crown, and when once influenced to continue so, than the Commons, who are a temporary, elective body, freely nominated by the people. It would therefore be extremely dangerous to give the Lords any power of framing new taxes for the subject; it is sufficient that they have a power of rejecting, if they think the Commons too lavish or improvident in their grants. But so unreasonably jealous are the Commons of this valuable privilege that herein they will not suffer the other House to exert any power but that of rejecting; they will not permit the least alteration or amendment to be made by the Lords to the mode of taxing the people by a money bill; under which appellation are included all bills by which money is directed to be raised upon the subject, for any purpose or in any shape whatsoever; either for the exigencies of the Government, and collected from the Kingdom in general, as the land tax, or for private benefit, and collected in any particular district, as by turnpikes, parish rates, and the like.' (Blackstone's Commentaries, book 1, chapter 2, pp. 168, 169.)

"Money bills, in the practice of Parliament, embrace not only those by which money is directed to be raised, but also those by which supplies are granted, or what we term appropriation bills. Not only was the right claimed and exercised by the Commons to originate both these classes of bills, but finally, in 1678, their claim was urged so far as to exclude the Lords from all power of amending bills of supply. On the 3d of July in that year they resolved—

"'That all aids and supplies ought to begin with the Commons, and that it is the undoubted and sole right of the Commons to direct, limit, and appoint in such bill, the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered by the House of Lords.' (May's Parliamentary Practice, p. 506, 507.)

"Bearing in mind the practice and the reasons for it, as given by Blackstone, we next come to consider the circumstances attendant upon the adoption of the clause of the Constitution, the true intent and meaning of which is the subject of disagreement between the House and the Senate.

"No question could have presented itself more forcibly to the minds of the members of the convention which framed the Constitution than that of taxation. The inability of the Confederation to enforce its requisitions for revenue upon the States was one of the leading causes, if not the leading cause, which led to the call for that convention.

"What light, then, do the proceedings which resulted in the adoption of he clause under consideration shed upon its meaning?

"That convention met on the 14th of May, 1787, but a majority of members did not appear until the 25th of that month.

"The first proposition bearing upon this question was offered immediately after the adoption of the rules for regulating the proceedings upon the 29th of May. It appears in the resolution offered by Edmund Randolph. The

prior resolutions having provided for two branches of a National Legislature, the sixth reads thus:

"'That each branch ought to possess the right of originating acts.' (1 Elliott's Debates, p. 144.)

"In the draft of a Federal Government, submitted on the same day by Charles Pinckney, is this provision in Article III:

"'All money bills of every kind shall originate in the House of Delegates and shall not be altered by the Senate.' (Ibid., p. 146.)

"On the 31st of May the sixth resolution of Mr. Randolph was adopted. (Ibid., p. 153.)

"On the 13th of June Mr. Gerry moved to add the following words to the fifth resolution reported by the committee, being the sixth offered by Mr. Randolph (see p. 181), namely, 'excepting money bills which shall originate in the first branch of the National Legislature.' This was negatived—yeas 3, nays 8. (Ibid., p. 174.)

"On the 19th of June the committee of the whole reported on the resolutions submitted by Mr. Randolph, and the fifth resolution as reported by them is: 'That each branch ought to possess the right of originating acts.' (Ibid., p. 181.)

"On the 26th of June this passed unanimously. (Ibid., p. 191.)

"It was at this stage the convention reached the question of representation in the two branches of Congress; and as this is alleged to have entered into the final settlement of the question we are considering, it is proper it should be noticed.

"On the 2d of July a committee was elected by ballot, consisting of one member from each State, to whom the resolutions (the seventh and eighth) providing for representation were referred.

"On the 5th of July that committee recommended to the convention the following propositions:

"'1. That in the first branch of the Legislature each of the States now in the Union be allowed one member for every 40,000 inhabitants of the description reported in the seventh resolution of the Committee of the Whole House; that each State not containing that number shall be allowed one member; that all bills for raising or appropriating money, and for fixing the salaries of the officers of the Government of the United States, shall originate in the first branch of the Legislature, and shall not be altered or amended by the second branch; and that no money shall be drawn from the public Treasury but in pursuance of appropriations to be originated by the first branch.

"'2. That in the second branch of the Legislature each State shall have an equal vote.' (Ibid., p. 194.)

"On the 6th of July the first part of the first proposition was referred to a select committee, and that part providing for 'bills for raising or appropriating money,' etc., being submitted to a vote, was declared adopted, the vote standing thus: Yeas, 5 States; nays, 3 States; divided, 3 States. (Ibid., pp. 195-196.)

"On the 16th of July the whole subject of representation and money bills was embodied in a report which fixed the number of Representatives, provided that representation ought to be proportioned according to direct taxation, and for a census, gave each State equal representation in the Senate, and contained this provision:

"'*Resolved*, That all bills for raising or appropriating money, and for fixing the salaries of the officers of the Government of the United States, shall originate in the first branch of the Legislature of the United States, and shall not be altered or amended by the second branch; and that no money shall be drawn from the public Treasury but in pursuance of appropriations to be originated by the first branch.' (Ibid., pp. 205-206.)

"On the 26th of July all the propositions previously adopted were referred to the Committee of Detail. (Ibid., pp. 220-222.)

"On the 6th of August the committee reported a draft of a Constitution (p. 224), in which section 5 of Article IV is in the same words as the resolution above quoted from page 206. Section 12 of Article VI also reads: 'Each House shall possess the right of originating bills except in the cases before mentioned.'

"We now come to the point where the action was taken fixing the number of Representatives and Senators and striking out the fifth section of the fourth article, as before adopted. This action took place on the 8th of August. (Ibid., 232-234.) The section thus struck out was again moved on the 13th of August and rejected. (Ibid., p. 241.)

"It is stated in the Madison Papers (pp. 1268, 1297, 1306) that this was a motion to reconsider the rejection, and that it prevailed. The vote after reconsideration is given upon the separate propositions. (Ibid., p. 1316.)

"On the first part, as to the exclusive originating of money bills in the House, it stood—ayes 4, nays 7; on originating by the House and amending by the Senate—ayes 4, nays 7.

"On the last clause, as to drawing money on appropriations, which must originate in the House—ayes 1, nays 10.

"On the 15th of August this provision was again offered as an amendment to the twelfth section of the sixth article of reported draft, and its consideration was postponed. (1 Elliott's Debates, p. 243.)

"On the 5th of September the committee reported a substitute for the twelfth section of the sixth article, which, on the 8th of September, was adopted in the words which now make the seventh section of the first article, and upon the true meaning of which the House and Senate differ. (Ibid., 285, 295.)

"This may seem a tedious and perhaps unnecessary detail of the steps which preceded the adoption of this section. At the risk of this criticism, it has been given, as we desire by this history, and referring to the debates as given in the Madison Papers, but which we have not quoted, to show—

"First. That the convention started with the two opposite ideas before it, namely: 'That each House ought to possess the right of originating acts,' and 'that all money bills of every kind shall originate in the House of Delegates, and shall not be altered by the Senate.'

"Second. That until the question of representation in the Houses was reached, the first of these propositions was twice adopted, and the second, when presented as an amendment to the first, was rejected.

"Third. That the first time the limitation of the power of the Senate to originate bills of any class received the sanction of the convention was while the question of representation was unsettled and in the hands of a committee; and then, out of 11 States, but 5 voted for it, 3 being divided, and 3 voting no.

"Fourth. That when this limitation was reported back by the committee, accompanied by the fixing of the representation in the House and Senate, the vote stood—ayes 5, noes 4, divided 1.

"Fifth. That when it was thus adopted the original proposition of Mr. Randolph, that 'each House ought to possess the right of originating acts,' also stood as adopted.

"Sixth. That after the representation in the House and the Senate was fixed, those provisions before adopted, which required appropriation bills, and bills fixing salaries of officers, and denied the power of amendment to the Senate, were stricken out, and the efforts afterwards made to reinsert them failed.

"Seventh. That it was claimed in the Senate that section 5 of Article IV should have been retained with these limitations in it, because it was a compromise to secure the larger States against the imposition of taxes by bills originating in the Senate, where the States had equal representation; that, notwithstanding this, it was stricken out; and that of the five larger States to which this was considered applicable three of them had uniformly voted against all limitation on the power of the Senate. (Madison Papers, vol. 3, pp. 1266-1267, 1306-1316.)

"In the light of this history and summary, we place, in parallel columns, the section which was stricken out and the section as it was reported by the committee and adopted.

"STRICKEN OUT.	"AS ADOPTED.
"'All bills for raising or appropriating money and for fixing the salaries of the officers of the Government shall originate in the House of Representatives, and shall not be altered or amended by the Senate. No money shall be drawn from the public Treasury, but in pursuance of appropriations, which shall originate in the House of Representatives.'	"'All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills. No money shall be drawn from the Treasury but in consequence of appropriations made by law.'

"The first clause of the section as adopted is now the seventh section of the first article, the second clause being transferred by the revising committee to section 9. Before commenting upon the meaning of the clause as adopted, it is proper also to insert here the form of words which Mr. Randolph desired to use in reinserting the rejected clause:

"'Article IV, section 5, being reconsidered—

"'Mr. Randolph moved that the clause be altered so as to read: "bills for raising money for the purpose of revenue, or for appropriating the same, shall originate in the House of Representatives." (Madison Papers, pp. 1305-1306).

"The object of this amendment was declared to be to exclude the idea that the section extended to all bills which might incidentally affect the revenue. With all this in remembrance, the committee of revision reported the words as they now stand in section 7, article 1.

"Now, recurring to the section stricken out, and looking at the parts omitted, which are placed in italics, it will be apparent that the omission of the proposed restrictions upon the power of the Senate is equal to an express affirmation that the Senate has the power—

"First. To originate appropriation bills.

"Second. To originate bills for fixing the salaries of the officers of the Government, and, by way of emphasizing the fact, a reassertion.

"Third. That money may be drawn from the Treasury upon appropriations which do not originate in the House of Representatives.

"In view of this clear declaration of the intent of the framers of the Constitution, which would seem to leave no room for question as to the only power intended to be vested in the House to the exclusion of the Senate, let us see what has been the practice of Congress under it.

"And first, as to appropriation bills. It is true that the power to originate them is not in question now; but having shown, as we think clearly, that the Senate has that power, it is well to look at the extent to which this claim of exclusive right is pushed, how unfounded it is, and in what inconsistent positions the House has placed its own claim by its action. When we find it asserted in one instance and expressly repudiated in another, and when it is a claim made in derogation of the power of the Senate, this double construction should certainly excuse some doubt as to whether the claim is well established. And yet it is easy to demonstrate that the House has both asserted and denied that 'bills for raising revenue' include appropriation bills. Without enumerating the precedents to which we are referred, it is sufficient to say that the acts of the House upon amendments to its own bills, and upon those originating in the Senate, come in direct antagonism with each other. The claim has been that appropriation bills are revenue bills within the meaning of the Constitution. If an appropriation bill is one of that class, then no amendment which the Senate could add to it would be liable to objection, because the same clause of the Constitution which requires them to originate in the House expressly empowers the Senate to amend them, as it may amend other bills. If it is not one of that class required by the Constitution to originate in the House, then it is not a bill 'for raising revenue,' and may properly originate in the Senate.

"The Post-Office appropriation bill in the second session of the Thirty-fifth Congress originated in the House and the Senate added an amendment raising the rates of postage. When this was returned to the House Mr. GROW objected that 'said amendment is in the nature of a revenue bill.' (Congressional Globe, March 3, 1859, p. 1567.)

"The bill was returned to the Senate, and, the Senate adhereing to its view, it failed. This was a decision by the House that an appropriation bill is not a revenue bill; for if it were the amendment was within the power of the Senate.

"As to bills incidentally affecting the revenue, the compromise tariff of 1833, the resolution of Mr. McDuffie, in 1844, to substitute the duties of the compromise bill for those of the tariff of 1842, and the defeat of it, as also the action of the House upon the Treasury-note bill of the Senate in 1837, are referred to by the managers on the part of the House to sustain their position.

"As to the compromise bill, it is sufficient to say that upon its introduction into the Senate the point was made against its reception that it contained one section which increased duties on Kendall woolens, although all the other sections reduced duties; that the objector (Mr. Forsyth) agreed if that section were withdrawn the bill could properly be introduced in the Senate; that it was introduced notwithstanding that section was retained, and that the debate and action upon its reception and passage indicate the opinion of the Senate that a bill to reduce duties could originate in the Senate. This bill, although received and considered in the Senate, was not sent to House, as a bill in the same words was introduced there and passed to avoid this question, and the Senate passed it.

"The action in 1844, laying upon the table Mr. McDuffie's resolution, indicates a different opinion; but neither of these cases is at all parallel to the case in hand. It will also be noted that the Senate, which was favorable to Mr. Clay's bill, received it as a proper measure to originate in that body, and that the Senate, which laid Mr. McDuffie's resolution upon the table, was opposed to the measure it proposed. It is probable the precedents lose some of their value from these facts, when quoted upon a question of constitutional law. The loan bill of last season is sufficient answer to the precedent of the Treasury-note bill without entering into an examination of the power under the Constitution to borrow money. The question might well be raised whether the Senate has the power to originate a bill establishing a different mode of taxation or a different scale of duties, even if they are reductions of the existing taxes and duties; for, whether it be more or less, a tax or duty imposed does raise revenue; but it seems to be a contradiction in terms to say that a bill to repeal a special tax altogether, and thus prevent the collection of revenue from that source, is a bill for raising revenue. That the repeal may necessitate the imposition of other taxes is no argument against the power to introduce such a bill. It would be equally good against the power to originate a bill fixing the salaries of officers of Government, for every increase in these salaries necessitates additional taxation; and yet we think it has been shown that this power is undoubtedly possessed by the Senate.

"Besides, the repeal of the tax can not be accomplished without the

concurrence of the representatives of the people, who will then have the determination of whether it does require other taxes to be laid, and if it does, what these taxes shall be. Thus no safeguard of the people is taken away by the exercise of this power by the Senate.

"Again, if, as contended, the clause was intended as a protection to the larger States against the imposition of taxes by origination in the Senate, where each State has equal representation, how is this security affected by permitting the Senate to originate a measure for relief from that taxation which has already originated in the House? If the larger States can, by originating tax laws in the House, do injustice to the smaller ones, which have fewer Representatives, may not the smaller States, through the Senate, where each State is equal, at least make the effort to procure justice from the House, by sending it a measure for repeal?

"That no such view as that now taken has ever heretofore been seriously urged may fairly be inferred from the following list of laws upon the statute books, all of which originated in the Senate, and, as will be seen by their titles, much more nearly approach the character of revenue measures than does the bill for the repeal of the income tax.

"Others of similar character might doubtless be referred to if time permitted a more extended examination of the Journals, but these, beginning in 1815, and coming down to the session of 1870, will suffice to show the acquiescence of Congress in the power now questioned:

"First. To repeal so much of the several acts imposing duties on the tonnage of ships and vessels and on goods, wares, and merchandise imported into the United States as imposes discriminating duties. (Statutes, vol. 3, p. 224, ch. 77. March 3, 1815.)

"Second. To continue in force the second section of the act supplementary to an act to regulate the duties on imports and tonnage. (Statutes, vol. 3, p. 369, ch. 50. March 3, 1817.)

"Third. To continue in force act passed 20th of May, 1818, supplementary to the act to regulate the collection of duties on imports and tonnage, passed March 2, 1799. (Statutes, vol. 3, p. 563, ch. 44. April 18, 1820.)

"Fourth. To equalize the duties on vessels of the Republic of Colombia and their cargoes. (Vol. 4, p. 154, ch. 26. April 20, 1826.)

"Fifth. In addition to an act concerning discriminating duties of tonnage and imports, and to equalize the duties on Prussian vessels and their cargoes. (Vol. 4, p. 308, ch. 11. May 24, 1828.)

"Sixth. To repeal the tonnage duties upon ships and vessels of the United States, and upon certain foreign vessels. (Vol. 4, p. 425, ch. 219. May 31, 1830.)

"Seventh. To explain and amend the eighteenth section of the act of July 14, 1832, to alter and amend the several acts imposing duties on imports. (Vol. 4, p. 635, ch. 58. March 2, 1833.)

"Eighth. An act concerning the duties on lead. (Vol. 4, p. 717, ch. 139. June 30, 1834.)

"Ninth. Further to suspend the operation of certain provisos to an act to alter and amend the several acts imposing duties on imports, approved July 14, 1832. (Vol. 4, p. 778, ch. 44. March 3, 1835.)

"Tenth. To suspend the discriminating duties upon goods imported in vessels of Portugal, and to reduce the duties on wines. (Statutes, vol. 5, p. 725, ch. 359. July 4. 1836.)

"Eleventh. Explanatory of an act to release from duty iron prepared for and actually laid on railways and inclined planes. (Statutes, vol. 5, p. 61, ch. 233. July 1, 1836.)

"Twelfth. An act regulating commercial intercourse with the port of Cayenne, in the colony of French Guiana, and to remit certain duties. (Statutes, vol. 5, p. 489. June 1, 1842.)

"Thirteenth. To reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for prevention of frauds on the revenues of the Post-Office Department. (Statutes, vol. 5, p. 732, ch. 43. March 3, 1845.)

"Fourteenth. An act reducing the duty on imports, and for other purposes. (Statutes, vol. 11, p. 192, ch. 98. March 3, 1857.)

"Fifteenth. Supplementary to act to authorize a national loan, and for other purposes. (Statutes, vol. 12, p. 313, ch. 46. August 5, 1846.)

"Sixteenth. An act to authorize the refunding of the national debt. (Statutes of second session, Forty-first Congress, p. 272. July 14, 1870.)

"Having examined the adoption of this clause of the Constitution and the practice under it, let us now look at the construction which has been put upon it by commentators and others of authority. In aiding us to construe it we quote what Gouverneur Morris, one of that committee of revision, says in his remarkable letter to Timothy Pickering, written in 1814:

"'What can a history of the Constitution avail toward interpreting its provisions? This must be done by comparing the plain import of the words with the general tenor and object of the instrument. That instrument was written by the fingers which write this letter. Having rejected redundant and equivocal terms, I believe it to be as clear as our language would permit, excepting, nevertheless, a part of what relates to the judiciary.'

"If the language had been, 'all bills for the purpose of raising revenue,' it would hardly be contended that the plain import of these words would include not only a bill to appropriate revenue, but also one to repeal an act which had for its purpose the raising of revenue. And yet if these words had been inserted, it is submitted they would have been considered redundant, and stricken out. The words now used convey the same meaning as if Mr. Randolph's amendment had been adopted, the term "revenue" being substituted for money. A bill for raising revenue, in the plain import of the words, means a bill which intends to have, and will have, the effect of raising revenue; not of raising in the sense of increasing, but of producing, yielding revenue, and putting it into the Treasury.

"George Mason, in assigning his reasons for not signing the Constitution (1 Elliot's Debates, p. 494), says:

"'The Senate have the power of altering all money bills and of originating appropriations of money and the salaries of the officers of their own appointment, in conjunction with the President of the United States, although they are not the representatives of the people or amenable to them.'"

"Story, in his Commentaries on the Constitution, after reviewing the practice as to money bills in the British Parliament and the history of the clause in our Constitution, says:

"'What bills are properly bills for raising revenue in the sense of the Constitution has been matter of some discussion. A learned commentator supposes that every bill which indirectly or consequentially may raise revenue is within the sense of the Constitution a revenue bill. He therefore thinks that the bills for establishing the post-office and the mint and regulating the value of foreign coins belong to this class and ought not to have originated, as in fact they did, in the Senate. (1 Tucker's Black. Com., appendix 261 and note.) But the practical construction of the Constitution has been against his opinion; and, indeed, the history of the origin of the power already suggested abundantly proves that it has been confined to bills to levy taxes in the strict sense of the words and has not been understood to extend to bills for other purposes which may incidentally create revenue. No one supposes that a bill to sell any of the public lands or to sell the public stock is a bill to raise revenue in the sense of the Constitution. Much less would a bill be so deemed which merely regulated the value of foreign or domestic coins or authorized a discharge of insolvent debtors upon assignments of their estates to the United States, giving a priority of payment to the United States in cases of insolvency, although all of them might incidentally bring revenue into the Treasury.' (Section 877.)

"The same view is taken in Bouvier's Law Dictionary, title 'Money bills.' Rawle, in his view of the Constitution (page 60) questions the policy or necessity of this exemption, but says 'It was probably supposed that the members of the House of Representatives, coming more frequently from the body of the people and from their numbers, combining greater variety of character and employment, would be well qualified to judge not only of the necessity but also of the methods of raising revenue. On all other subjects a bill may originate in either House.'

"Curtis, in his History of the Constitution, considers that the adoption of this clause was influenced by the settlement of the mode of electing the President, in case of failure to choose by the electors. He says:

"'To this great influence [that of electing the President by the Senate] many members from the larger States desired, naturally, to add the privilege of confining the origin of revenue bills to the House of Representatives. They found in the committee some members from the smaller States willing to concede this privilege, as the price of an ultimate election of the Executive by the Senate, and of other arrangements which tended to elevate the tone of the Government by increasing the power and influence of the Senate. They found others also who approved of it upon principle. The compromise was accordingly effected in the committee, and in this attitude the question concerning the revenue bills again came before the convention.

"'But there, a scheme that seemed likely to elevate the Senate into a powerful oligarchy, and that would certainly put it in the power of seven States, not containing a third of the people, to elect the Executive, when there failed to be a choice by the electors, met with strenuous resistance. For these and other reasons not necessary to be recounted here, the ultimate choice of the Executive was transferred from the Senate to the House of Representatives. This change, if coupled with the concession of revenue bills to the House, without the right to amend in the Senate, would have thrown a large balance of power into the former assembly; and, in order to prevent this inequality, a provision was made, in the words used in the constitution of Massachusetts, that the Senate might propose or concur with amendments, as on other bills. With this addition the restriction of the origin of bills for raising revenue to the House of Representatives finally passed with but two dissentient votes.' (Vol. 2, pp. 221-222.)

"Adding as a footnote:

"'The history of this provision shows clearly that a bill for appropriating money may originate in the Senate.'

"The only authority quoted as directly asserting the view now taken by the House managers is Tucker's Blackstone (vol. 1, p. 195) and note in appendix (p. 261).

"The first reference we find to be a discussion, not of this clause of the Constitution, but of the equality of representation in the Senate, and, taken all together, does not sustain the position for which it is quoted. It reads thus:

"'As States, then, Rhode Island and Delaware are entitled to an equal weight in council on all occasions where that weight does not impose a burden upon the other States in the Union. Now, as the relation between taxation and representation in one branch of the legislature was fixed by an invariable standard, and as that branch of the legislature possesses the exclusive right of originating bills on the subject of revenue, the undue weight of the smaller States is guarded against effectually in the imposition of burdens. In all other cases their interests as States are equal and deserve equal attention from the Confederate government. This could no way be so effectually provided for as in giving them equal weight in the second branch of the legislature and in the Executive, whose province it is to make treaties, etc. Without this equality somewhere the Union could not, under any possible view, have been considered as an equal alliance between equal States. The disparity which must have prevailed had the apportionment of representation been the same in the Senate as in the other House would have been such as to have submitted the smaller States to the most debasing dependence. I can not, therefore, but regard this particular in the Constitution as one of the happiest traits in it, and calculated to cement the Union equally with any other provision that it contains.'

"On page 261 is a discussion of the power to coin money, and in a note the opinion of the annotator is shown to be contrary to the practice of the Government in its early history. We give it in full. Speaking of the bill which allowed a charge for coinage at the Mint, he says:

"'Consequently, every bill for this purpose, or for any other by which a revenue may be raised, should originate in the House of Representatives. Yet I am very much mistaken if a recurrence to the early Journals of the Senate of the United States would not prove that the several acts for establishing the Post-Office, for regulating the value of foreign coins, and for establishing a Mint all originated in the Senate. The reason for the acquiescence of the House of Representatives on these occasions probably was that no revenue was intended to be drawn to the Government by these laws, whereas, strictly speaking, a revenue is raised by the act establishing the Mint (2 Cong., c. 16, sec. 14) equal to one-half per cent, as an indemnification to the Mint for the coinage; and in the case of the bill for establishing the Post-Office, there can be no room to doubt that it operates as a revenue law, and that to a very considerable amount.'

"To show, however, the same author's view of the clause now under consideration, we quote him on page 215:

"'In the course of this parallel we have seen that every deviation in the Constitution of the United States from that of Great Britain has been attended with a decided advantage and superiority on the part of the former. We shall perhaps discover, before we dismiss the comparison between them, that all its defects arise from some degree of approximation to the nature of the British Government.

"'The exclusive privileges of the House of Commons and of our House of Representatives, with some small variations, are the same. The first relates to money bills, in which no amendment is permitted to be made by the House of Lords, is modified by our Constitution so as to give the Senate a concurrent right in every respect, except in the power of originating them, and this upon very proper principles—the Senators not being distinguished from their fellow-citizens by any exclusive privileges, and being, in fact, the representatives of the people, though chosen in a different manner from the members of the other House, no good reason could be assigned why they should not have a voice on the several parts of the revenue bill, as well as on the whole taken together.'

"Without extending these quotations further, we may safely say, not only that the legal authorities sustain the position taken by the managers on the part of the Senate, but many of them point out also the dissimilarity between our Government and that from which this restriction was borrowed, and that the provision is a remnant of English law and custom not in harmony with our institutions.

"The grant of the power of amendment was a surrender of the whole principle, for the power of amendment has no limit. If the House proposes to tax at one rate, the Senate may amend to another—lesser or greater. To any bill for raising revenue they may add amendments which increase or diminish burdens; which select new objects of taxation, or omit those proposed by the House. If they increase salaries or make appropriations, taxation may be necessary to pay them if the House concur. So, if they propose

to repeal the income tax, can more be said than that other taxes may be necessary, or may not be? Is the power to depend upon such a contingency? If so, where does this limitation stop?

"As Congress can exercise only the powers granted, and such powers as are necessary to carry them into effect, is it not reasonable to say that when one branch of Congress claims any power to the exclusion of the other branch that exclusion should be as plainly written as an express grant of power? Brought to that test it will be hard to find such exclusion of the power to repeal a law in the words 'all bills for raising revenue shall originate in the House of Representatives.'

"Looking at the origin and history of this clause, at the constant and unquestioned practice under it in the passage of so many laws which may affect revenue, at the preponderance of legal authority in construing it, and at the manifest difference between the structure and powers of our Government and those of the British Government, upon whose practice this distinction is sought to be established, we can not doubt that the Senate had the power to originate the bill which has given rise to this question; and, so considering, we do not think further conference necessary.

"JOHN SCOTT.
"ROSCOE CONKLING.
"E. CASSERLY."

[Congressional Globe, Forty-first Congress, third session, part 3, p. 1873 f, March 2, 1871.]

ANTHRACITE COAL.

Affirmed by circuit court, northern district of California (93 Fed. Rep., 954).
Also by circuit court of appeals (100 Fed., 442).

Anthracite coal containing less than 92 per cent of fixed carbon not free as anthracite coal not specially provided for under paragraph 523, act of July 24, 1897, but dutiable under paragraph 415 of said act.

Before the United States General Appraisers at New York, January 17, 1898.

In the matter of the protest, 34216 *b*-4075, of Chas. P. Coles, against the decision of the collector of customs at San Francisco as to the rate and amount of duties chargeable on certain coal, imported per *Muskoka*, and entered August 3, 1897.

Opinion by Tichenor, general appraiser.

This protest is against the assessment of duty at 67 cents per ton, under paragraph 415 of the act of July 24, 1897, upon an importation which is described in the invoice as "Abercrave best large double-screened anthracite coals," and was returned by the appraiser as "Coal containing less than 92 per cent of fixed carbon," the protestant claiming that it is entitled to admission free of duty under paragraph 523 of said act.

It appears from the report of analysis of the official sample, made by the examiner of drugs at the port of San Francisco, that the merchandise in question contained: Ash, 2.08 per cent; moisture, 1.17 per cent; volatile matter, 7.03 per cent, and fixed carbon, 89.72 per cent.

It is disputed by the protestant that the coal contained less than 92 per cent of fixed carbon. His contention is to the effect that, as anthracite coal is provided for eo nomine in paragraph 523, and is not specifically named in paragraph 415 of the new tariff act, the first-mentioned provision prevails. The pertinent provisions in the two paragraphs mentioned are as follows:

"Par. 415. Coal, bituminous, and all coals containing less than 92 per cent of fixed carbon, and shale, 67 cents per ton of 28 bushels, 80 pounds to the bushel."

"Par. 523. Coal, anthracite, not specially provided for in this act."

Properly construed, the provision last quoted exempts from duty only such anthracite coal as contains 92 per cent or more of fixed carbon, as the provision cited in paragraph 415 clearly applies to all anthracite coal containing less than 92 per cent of fixed carbon. In other words, the two provisions may be fairly paraphrased so as to read:

"Par. 415. Coal, bituminous, and shale, and all anthracite and other coals containing less than 92 per cent of fixed carbon, 67 cents per ton," etc.

"Par. 523. Coal, anthracite, containing 92 per cent or more of fixed carbon."

This interpretation of the language of the provisions manifestly expresses the intention of the framers of the act and renders it unnecessary to look elsewhere for the legislative intent. However, a comparison of the corresponding provisions of previous tariff acts emphasizes this view of the purpose of the Congress in the premises.

Paragraphs 318 and 441 of the tariff act of August 28, 1894, contained these provisions respecting coals:

"Coal, bituminous, and shale, 40 cents per ton."

"Coal, anthracite (free)."

The language respecting bituminous coal and shale is substantially the same (except as to rate of duty) as was used in the different tariff acts as far back at least as June 30, 1864, and that relating to anthracite coal is identical with that in the different general tariff acts since the act of July 14, 1870, in which it was transferred from the dutiable to the free list.

If the framers of the present act had not intended any change with respect to coals other than in the dutiable rate, they would doubtless have adopted the descriptive language of the previous acts, in accordance with the long-established usage. In other words, if no change was intended, why add, in paragraph 415, the radically different language, "and all coals containing less than 92 per cent of fixed carbon," and in paragraph 523, the important qualifying words "not specially provided for in this act?" (Greenleaf *v.* Goodrich, 101 U. S., 281.) The protestant's contention could not be sustained unless these new provisions were treated as meaningless.

By reference to the CONGRESSIONAL RECORD, under date of June 30, 1897 (pp. 2496-2502), it will be seen that the proposition to impose a duty of 67 cents per ton on "all coals containing 92 per cent of fixed carbon" was expressly intended to cover anthracite coal. The discussion (in which Senators ALLISON, Allen, VEST, White, PERKINS, and others participated) was with that distinct understanding, as clearly appears from the following excerpts:

"Mr. VEST. Mr. President, as I understand this proposed amendment, it makes an entire revolution in the taxation upon coal. It puts anthracite coal upon the dutiable list, although a cursory examination of the paragraph would not leave that impression. I have not the amendment before me, but my recollection of it is that there is a duty of 67 cents upon all bituminous coal, and all coal having less than 92 per cent of carbon, which would include anthracite coal.

"Mr. ALLISON. On coal containing less than 92 per cent of carbon the duty proposed is 67 cents per ton.

Mr. VEST. That puts a duty upon anthracite coal. Mr. President, I wish to inquire, if I may respectfully, why this duty is imposed? According to the statistics of imports and exports, we exported from this country in 1896 $5,717,246 worth of anthracite coal, and we imported in all $345,963 worth. I should like to inquire, if we exported from the country nearly $6,000,000 worth of anthracite and brought in about $350,000 worth, why we should put this duty upon anthracite coal?"

The protest is overruled, and the assessment of duty affirmed.

COLES V. COLLECTOR OF CUSTOMS FOR PORT OF SAN FRANCISCO.

[Circuit court of appeals, ninth circuit, February 5, 1900.]

No. 530. Customs duties—Classification—Anthracite coal.

Anthracite coal, containing less than 92 per centum of fixed carbon, is within the provision of paragraph 415 of the tariff act of 1897, which imposes a duty on "coal, bituminous, and all coals containing less than 92 per centum of fixed carbon," and is not entitled to free entry under paragraph 523, in the free list, which includes "coal, anthracite, not specially provided for in this act."

Appeal from the circuit court of the United States for the northern district of California.

Sidney V. Smith for appellant.

Marshal B. Woodworth, assistant United States attorney (Frank L. Coombs, United States attorney of counsel), for appellee.

Before Gilbert and Ross, circuit judges, and Hawley, district judge.

Hawley, district judge. This is an appeal from the judgment of the circuit court (93 Fed., 954), sustaining the decision of the board of United States general appraisers, that a cargo of anthracite coal imported from Wales into the port of San Francisco, Cal., which contained "less than 92 per cent of fixed carbon," was subject to duty at the rate of 67 cents per ton, as provided by paragraph 415 of the act of July 24, 1897, entitled "An act to provide revenue for the Government and to encourage the industries of the United States" (30 Stat., 152-190), commonly known as the "Dingley tariff act." The contention of the appellant is that the decision of the appraisers and the judgment of the circuit court affirming it are erroneous in this: That anthracite coal is to be admitted free under paragraph 523 (30 Stat., 197). It is admitted that the coal in question is anthracite, and contains less than 92 per cent fixed carbon. The respective paragraphs read as follows:

"(415) Coal, bituminous, and all coals containing less than 92 per cent of fixed carbon, and shale, 67 cents per ton of 28 bushels, 80 pounds to the bushel." "(523) Coal, anthracite, not specially provided for in this act."

The ordinary and plain meaning of these paragraphs would seem to leave no doubt as to their proper construction. Read in pari materia they are susceptible of but one meaning. Paragraph 415 provides a duty for all coals containing less than 92 per cent fixed carbon. There is no exception stated, and no reference made to other provisions of the act. There is no ambiguity or uncertainty in the language used. Paragraph 523 "Coal, anthracite, not specially provided for in this act" is placed on the free list but turning back to paragraph 415, it will be seen that all coal (which includes anthracite) that contains "less than 92 per cent of fixed carbon" is "specially provided for in this act;" and this paragraph therefore only applies to coal, anthracite, which contains 92 per cent or more of fixed carbon. There is no conflict between the two paragraphs. No words have to be interjected into either to make them clear, plain, and consistent with each other. It is a cardinal rule of construction that, if the language used is so clear as to admit of but one meaning, there is no room for any other construction. It is never allowable to interpret a paragraph or section which has no need of interpretation. To undertake a departure from the language used would, in fact, be an unjustifiable assumption by the court of legislative power.

It is the duty of the court, where the language is free from doubt or uncertainty, to confine itself to the words of the legislative body that enacted the law, without adding anything thereto or subtracting anything therefrom. These general principles are too well settled to require any reference to the numerous authorities upon this subject. If applicable to the present case, it necessarily follows that the judgment of the circuit court was correct. But the learned counsel for appellant has ingeniously and ably attacked this position, and, in apparent candor and with great earnestness, contends that the respective paragraphs are clearly susceptible of another meaning, and that it is apparent that the conclusions reached by the court are manifestly unsound and erroneous and contrary to the plain intent of Congress in passing the act in question. It would, indeed, be difficult for the legislative body to so frame a tariff act as to prevent any controversy as to its meaning upon the part of opposing counsel. It is always easy to "pick flaws" and "catch at straws," and make suggestions that, if the statute meant what is claimed for it by the opposing side, it is reasonable to believe that different language would have been used. (In re Wise (C. C.) 93 Fed., 443, 445.) It is sometimes difficult to answer these suggestions. The fact is that it is often unnecessary to do so, because the duty of courts, in the interpretation of statutes, is often fully accomplished by bringing sense out of the words used in the statute without attempting to use other words to bring sense into it.

In all cases where there is any ambiguity, doubt, or uncertainty, or where it is evident that the literal meaning of the words used would be inconsistent with or directly opposite to the policy, object, and purpose which the framers of the statute had in view in enacting it, great latitude is allowed in their interpretation. The rule is universal that in the exposition of a statute the intention of the lawmaker will prevail over the literal sense of the terms, and its reason and intention will prevail over the strict letter. When the words are not explicit the intention is to be collected from the context, from the occasion and necessity of the laws, from the mischief and the remedy in view; and the intention is to be taken or presumed according to what is consonant with sound reason and judicial discretion. But courts are not authorized to imagine an intent contrary to the ordinary meaning of the words used, and then seek to bind the letter of the act to that intent by arbitrarily striking out, inserting, or remodeling the language of the act for the purpose of making it express such intent.

The customs duties imposed by the tariff act are varied and extensive. They necessarily cover a great variety of articles classified under different heads. It often happens that in certain paragraphs there are certain mixed articles named, descriptive in their general character, and in other parts of the act there are other paragraphs containing other descriptions which might, if they stood alone, be sufficient to cover the same articles that are in the other paragraphs, either generally or specifically described. In the light afforded by this condition of affairs, appellant argues that the words "containing less than 92 per centum of fixed carbon," in paragraph 415, are not a specific description of any kind of coal, and cites authorities to the effect that when an article is designated by a specific name, and a duty imposed upon it by such name, general terms in another part of the act, although sufficiently broad to comprehend such article, are not applicable to it, and contends that, inasmuch as anthracite coal is specifically designated by name in paragraph 523, it should be admitted free of duty, without regard to the question whether it contains more or less than 92 per cent of fixed carbon, and that paragraph 415 should therefore be read: "All coals containing less than 92 per cent of fixed carbon, except anthracite coal, must pay duty."

This position would be materially strengthened if the facts were as counsel asserts, that "anthracite is specifically designated, without qualification, in the free list." But the fact is that it is not so designated. Anthracite coal is, it is true, specifically named; but it is to be admitted free, subject to the qualifying clause, "not specifically provided for in this act." This materially changes the meaning that might otherwise be attributed to it if this qualification had not been added. Appellant, however, argues that the added words do not modify the word "anthracite," and that there are no other

provisions in the act specially providing for "anthracite" by name. It is not denied that anthracite is coal, and that the words "all coal" in paragraph 415 would, if standing alone, without reference to paragraph 523, include anthracite coal; but this is met by the statement of appellant that, in order to make the respective paragraphs harmonize from his standpoint, the words "except anthracite" must be injected into paragraph 415. But, if the court can not see its way clear to amend that paragraph as suggested, counsel claims that the words in paragraph 523, "not specially provided for in this act," should be either omitted from the act or entirely disregarded by the court, in order that that paragraph might fully harmonize with paragraph 415 as amended in the manner contended for by him.

We are asked to disregard these words because it may be that they were simply thrown in, as was said by the Supreme Court in Smythe *v.* Fiske (23 Wall., 381; 23 L. Ed., 49), "out of abundant caution," and that there was nothing for the sentence to operate on, because anthracite coal was not specifically mentioned or provided for by any other paragraph or section of the act. If "all coal" were not comprehensive enough to include anthracite as well as any other kind of coal, whether specifically named or not, appellant's position might be sustained, but we are unwilling to give such a construction to the act, because it would necessarily imply that Congress did not understand the plain meaning of the words "all coal" contained in the paragraph in question. The words "out of abundant caution," as used in Smythe *v.* Fiske, do not imply that the sentence "not otherwise provided for" should be discarded in the interpretation of the different paragraphs or sections of the act; but, on the contrary, the opinion of the court clearly shows that the sentence must be given effect, and that its meaning should be interpreted in accordance with the legislative intent.

The opinion, in so far as it is applicable to this case, tends strongly to support the views we have expressed. There the question under consideration was whether the duty on silk neckties was to be governed by the eighth section of the supplemental act of June 30, 1864, or by the provisions of the acts of 1861 and 1862. The last clause of the eighth section of the act of 1864 reads as follows: "On all manufactures of silk or of which silk is the component material of chief value, not otherwise provided for." The circuit judge held that silk neckties came within the last clause of the eighth section of the act of June 30, 1864, unless the words "not otherwise provided for" excluded them from it, and brought them within the acts of 1861 and 1862, which provided for a less duty, and instructed the jury that this phrase referred, not to the preceding part of the eighth section of 1864, but to the prior acts of 1861 and 1862. The Supreme Court said:

"We agree with him as to the comprehensive character of the previous part of the sentence, if unqualified, but we dissent from his second proposition. To the latter we think there is a conclusive answer. The object of the statute was to increase the duties before imposed upon the things which it embraces. The title and the context alike show this. The preceding part of the section contains a very full enumeration of articles of silk, both manufactured and unmanufactured. It was evidently intended to be exhaustive. The last clause seems to have been added, as it is not unusual in such cases, out of abundant caution, that nothing might escape. Hence the phrase 'not otherwise provided for' was interposed and meant to apply, not to preceding acts which may not have been present to the mind of the draftsman, and to which there was no necessity to recur, but to the preceding enumeration in the same section, which is supplemented. The section, thus construing this clause, covers the whole subject of silk in all its variety of forms. It was complete in itself. There was no need to refer generally or specially to any prior act." (See also Movius *v.* Arthur, 95 U. S., 144, 147, 24 L. Ed., 420; Solomon *v.* Arthur, 102 U. S., 208, 212, 26 L. Ed., 147.)

The clause in question is made in the present case absolutely clear by adding, perhaps out of abundant caution, the words "in this act," so that no contention could possibly be made that it applied to any other act.

There is another canon of construction, which, if strictly observed, leads with unerring certainty to the conclusion that the paragraphs in question mean just what the language thereof naturally imports. "The intention of the lawmakers is the law." There are different methods of arriving at this intention. A comparison of former legislation upon the same subject may be made for the purpose of ascertaining whether the general object and purposes of the previous tariff legislation have been departed from or adhered to, and the views expressed by the members of Congress may be examined for the purpose of shedding light upon the question, if it is involved in any substantial doubt. The circuit court, in re Coles (93 Fed., 954 956), reviewed at length the statutes relative to duty on coal from 1789 up to the passage of the Dingley Act of July 24, 1897. Reference to this opinion shows that previous to the act of July 14, 1870 (16 Stat., 256, 266), which was an act to reduce internal taxes, and for other purposes, "coal, anthracite," has never been specifically mentioned in any tariff act. For over eighty years it had been subject to duty as other coal. By the act of 1870 "coal, anthracite," was placed on the free list; and with the exception of the act of June 6, 1872 (17 Stat., 250), where no mention is made of anthracite, it appears in the various subsequent acts on the free list as "coal, anthracite." It had been on the free list for over twenty years prior to the passage of the Dingley Act, under consideration. It thus affirmatively appears that the language used in paragraph 415 of the act in question is, as stated by the circuit court, "a departure from that of all previous sections of the law upon this subject, and distinctly provides that all coals containing less than 92 per cent of fixed carbon should be subject to a duty of 67 cents per ton." The same view was taken by the general appraisers:

"If the framers of the present act had not intended any change with respect to coals, other than in the dutiable rate, they would doubtless adopt the descriptive language of the previous acts, in accordance with the long-established usage. In other words, if no change was intended, why add, in paragraph 415, the radically different language, 'and all coals containing less than 92 per cent of fixed carbon,' and in paragraph 523 the important qualifying words, 'not specially provided for in this act?' (Greenleaf *v.* Goodrich, 101 U. S., 281; 25 L. Ed., 845.) The protestant's contention could not be sustained unless these new provisions were treated as meaningless."

The board also referred to the CONGRESSIONAL RECORD, under date of June 30, 1897 (volume 30, part 2, Fifty-fifth Congress, first session, p. 2146), from which it clearly appears that the imposition of the duty at 67 cents per ton on "all coal containing less than 92 per cent of fixed carbon" was expressly intended by the lawmakers to cover anthracite as well as bituminous coal.

"Mr. VEST. Mr. President, as I understand this proposed amendment, it makes an entire revolution in the taxation upon coal. It puts anthracite coal upon the dutiable list, although a cursory examination of the paragraph would not leave that impression. I have not the amendment before me, but my recollection of it is that there is a duty of 67 cents upon all bituminous coal, and all coal having less than 92 per cent carbon, which would include anthracite coal.

"Mr. ALLISON. On coal containing less than 92 per cent of fixed carbon, the duty proposed is 67 cents a ton.

"Mr. VEST. That puts a duty upon anthracite coal."

From whatever legal standpoint that can possibly be taken, under any authorized rules of construction of the provisions of the Dingley Act, the conclusion is irresistable that Congress intended that the respective paragraphs should be read just as they are written; and, so read, they are not susceptible of any other construction than that first given in this opinion.

But there is still another point, pressed by appellant with seeming confidence, that demands notice. The court below found that:

"All cargoes of coal whatever, including all cargoes of anthracite coals as they come from the mine, or are loaded or imported in ships or dealt in commercially, contain less than 92 per cent of fixed carbon, although sample lumps for custom-house, picked at random from such imported cargoes, have averaged as high as 94 per cent in fixed carbon."

And it is claimed that under such facts it would convict Congress of an absurdity to hold that it meant that no anthracite coal should be admitted free, and that such would be the effect if the paragraphs are interpreted according to their plain meaning. The finding relied upon was not upon the material question involved in this proceeding. The controlling question was as to the percentage of fixed carbon which the cargo of coal in question contained. The court found that it was less than 92 per cent of fixed carbon. Notwithstanding the testimony offered in this particular case, and which was to some extent conflicting, we must presume that Congress acted intelligently, with full knowledge of all the facts; for it would be absurd for the court to presume that Congress did not know what it was doing when it passed the act in question.

If it be true, as appellant claims, that no anthracite coal exceeds per centum on which the duty is imposed, then the argument here made should be addressed to Congress instead of to the courts. We do not make the law, nor have we any right to amend it; and it is not within our province to question its wisdom, policy, or expediency. These are matters that belong to an entirely separate department of the Government. Our duty is accomplished when we judicially determine the interpretation of the language used by the lawmaking power. The judgment of the circuit court is affirmed, with costs. (Coles *v.* Collector of Customs for port of San Francisco, 100 Fed. Rep., p. 442.)

AMENDMENTS TO BILLS.

Mr. HOAR submitted an amendment proposing to appropriate $25,000 to enable the Director of the Census to collect and report to Congress the statistics of and relating to marriage and divorce in the several States and Territories and in the District of Columbia, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. JONES of Arkansas submitted an amendment relating to the compilation and publication of a complete roster of the officers and enlisted men of the Union and Confederate armies, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Printing.

Subsequently Mr. JONES of Arkansas reported the foregoing amendment from the Committee on Printing favorably, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (H. R. 11576) granting permission to Capt. B. H. McCalla and others to accept presents and decorations tendered to them by the Emperor of Germany and others; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $5,000 to pay De B. Randolph Keim for services rendered in connection with the compilation of "A Pronouncing Gazetteer and Geographical Dictionary of the Philippine Islands of the United States of America," intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $1,000 to purchase portraits of the late Senators Allen G. Thurman and Simon Cameron, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

Mr. FRYE submitted an amendment proposing to increase the appropriation for the salary of the United States consul at Sydney, Nova Scotia, from $1,500 to $2,000 per annum, intended to be proposed by him to the diplomatic and consular appropriation bill; which, with the accompanying paper, was ordered to be printed and referred to the Committee on Foreign relations.

He also submitted an amendment proposing to appropriate $150,000 for improving the harbor of San Luis d'Apra, island of Guam, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

REGULATION OF TRUSTS OR CORPORATIONS.

Mr. HOAR. I ask unanimous consent that the bill (S. 6659) for the regulation of trusts or corporations engaged in international or interstate commerce be printed to the extent of a thousand copies, to be put in the document room for the use of Senators.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

MARY T. ULLMAN.

Mr. KEAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Mary T. Ullman, only child of Vincent Ullman, late a

carpenter in the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

PRESIDENTIAL APPROVALS.

A message from the President of the United States by Mr. B. F. BARNES, one of his secrectaries, announced that the President had on the 12th instant approved and signed the following acts and joint resolution:

An act (S. 2935) granting a pension to Joanna Rommel;

An act (S. 3212) granting a pension to Ellen A. Sager;

An act (S. 4355) authorizing the issuance of a patent to the county of Clallam, State of Washington;

An act (S. 4454) granting an increase of pension to John D. Sullivan;

An act (S. 5321) granting a pension to Rebecca H. Geyer;

An act (S. 5913) granting a pension to Cherstin Mattson; and

A joint resolution (S. R. 57) relating to military badges.

The message also announced that the President of the United States had on this day approved and signed the act (S. 4083) for the relief of Surg. John F. Bransford, United States Navy.

EFFICIENCY OF THE MILITIA.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day.

Mr. QUARLES. Mr. President, before the resolution is presented, I desire the attention of the Senate for a moment.

As a member of the Committee on Military Affairs, it has devolved upon me to call the attention of the Senate to the bill known as the militia bill. In the interest of the proper consideration and advancement of that important measure I desire to ask unanimous consent that the bill known as the militia bill may be taken up to-morrow immediately after the routine business of the morning hour, and that a vote may be taken upon the bill and the pending amendments on the 20th day of January, a week from to-day, at 11 o'clock in the morning.

Mr. BACON. Mr. President, I did not hear the request.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that to-morrow, after the routine business is completed, the bill known as the militia bill may be taken up for consideration, and that on the 20th day of January—the Chair understood the Senator from Wisconsin to say at 11 o'clock——

Mr. QUARLES. I will change the hour to 1 o'clock.

The PRESIDENT pro tempore. And that on the 20th day of January, at 1 o'clock, a vote may be taken without further debate upon the bill and all pending amendments and amendments then offered. Is there objection?

Mr. QUAY. I object for the present, Mr. President. One reason for objecting is that the Senator from Ohio [Mr. FORAKER] has given notice that immediately after the conclusion of the routine business to-morrow he will proceed to address the Senate on the statehood bill.

Mr. FORAKER. Mr. President, I would not allow that to stand in the way of the consideration of the militia bill. I can speak after 2 o'clock just as well. I think it is important that the militia bill should be considered, and I am very anxious to have it disposed of if we can agree upon a time for voting. The morning hour will possibly be occupied otherwise anyway. I gave the notice that at the close of the morning business I would desire to address the Senate, if it is agreeable.

Mr. QUAY. The difficulty is that the regular order is to proceed at 2 o'clock to-morrow.

Mr. FORAKER. What is the regular order?

Mr. QUAY. The Senator from Minnesota.

Mr. FORAKER. I have negotiated with the Senator from Minnesota, and he has agreed that it would be no discourtesy to him, if he has not concluded by that time, if I should take the floor at that hour.

Mr. QUAY. Then I withdraw my objection, Mr. President.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin?

Mr. BACON. Mr. President, as is well known to Senators, by reason of the debate that has been had upon this bill, there is no objection to the bill on this side of the Chamber so far as it relates to the organization of the militia. On the contrary, we are all of us in favor of it and would be glad to have the bill passed to-day.

The bill contains a provision for the creation of that which the Senator from Wisconsin himself aptly and properly terms as an adjunct to the Regular Army. To that there is very serious objection, and there are a number of Senators on this side who desire to be heard. It is impossible, in view of the condition of the business and of the number of measures which are pressing for consideration, to be able to say what time can be given between now and the 20th to enable them to be thus heard; and if it is the purpose of the majority to insist that the militia bill shall carry with it this provision, which relates exclusively to the Regular Army, I must object.

The PRESIDENT pro tempore. Objection is made.

Mr. BACON. I do not object to so much of the request as relates to the consideration of the bill, but I do object to that part of it which proposes to fix a time for the vote so long as the twenty-fourth section is in the bill.

Mr. QUARLES. Then I ask unanimous consent that the bill known as the militia bill may be taken up to-morrow morning immediately after the routine business of the Senate.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that immediately on the conclusion of the routine morning business to-morrow morning the militia bill may be taken up for consideration.

Mr. PETTUS. I desire to know whether that is to the exclusion of the regular order when 2 o'clock arrives?

The PRESIDENT pro tempore. It is not.

Mr. QUARLES. Oh, no; not at all.

The PRESIDENT pro tempore. The unfinished business holds its place.

Mr. ALDRICH. I should like to make another reservation, which I am sure the Senator from Wisconsin will not object to, that it shall not interfere with the consideration of a revenue bill. I have reason to believe that the House may pass a bill to-day which will be here some time in the course of the day; and if so, it probably will be reported back to-morrow morning by the Committee on Finance, and if we can secure the attention of the Senate it will be passed possibly in the morning hour.

Mr. COCKRELL. What bill is that?

Mr. ALDRICH. A revenue bill from the House.

Mr. QUARLES. If that emergency should arise, I will say to the Senator that there will be no objection to its consideration.

Mr. ALDRICH. I take it for granted.

Mr. BACON. Mr. President, I desire to make a parliamentary inquiry. What is the effect, so far as it relates to other business, of this unanimous-consent agreement? The point I desire to ask the Chair for information upon is this: If unanimous consent shall be given that the bill shall be taken up at the time mentioned by the Senator from Wisconsin, does that confine the Senate necessarily to the consideration of the bill during that morning hour and succeeding morning hours, to the exclusion of the consideration of other questions?

The PRESIDENT pro tempore. Only during that morning hour.

Mr. BACON. But during that morning hour it does?

The PRESIDENT pro tempore. It does.

Mr. BACON. In other words, if consent is given and the order is made, during the morning hour immediately after the conclusion of the routine business this bill will be in order, and no other business will be in order until 2 o'clock?

Mr. HOAR. Unless this bill is sooner disposed of in the meantime.

The PRESIDENT pro tempore. Yes, of course; if it is disposed of.

Mr. BACON. Then I shall object. I wish the Senator from Wisconsin to understand that I do not object to his calling the bill up at any time when other business of the Senate can properly be displaced by it, but I do object to an order which will give it the exclusive right of way during the morning hour.

The PRESIDENT pro tempore. Objection is made.

Mr. QUARLES. Then, Mr. President, I desire to move that the bill known as the militia bill shall be taken up for consideration to-morrow immediately after the routine business, to occupy the morning hour to-morrow.

The PRESIDENT pro tempore. Will the Senator allow the Chair to suggest that the motion be made to-morrow morning. Otherwise it would make it a special order.

Mr. ALDRICH. I suggest to the Senator to give notice.

Mr. QUARLES. Then I give notice that to-morrow morning I shall move to take up the bill known as the militia bill immediately after the routine business.

Mr. ALDRICH. I hope the Senator from Wisconsin will supplement that notice by the further notice that he will make a similar motion on every morning, subject, of course, to the right of appropriation and revenue bills, until the measure is disposed of.

Mr. QUARLES. That is my purpose, Mr. President.

Mr. TILLMAN. Mr. President, I should like to make a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. TILLMAN. If the Vest resolution, which is the pending business, should go over to-day because of the lack of completion of discussion on it, would it be handed to the Senate to-morrow as the regular order, which could not be displaced except by a vote of the Senate?

The PRESIDENT pro tempore. If it goes over to-day without a unanimous-consent agreement that it shall retain its place on the table, it goes to the Calendar.

Mr. TILLMAN. Without unanimous consent?

The PRESIDENT pro tempore. Without unanimous consent.

Mr. TILLMAN. I understood that; but what I was trying to reach was the President's ruling as to whether a Senator who was speaking, for instance, at 2 o'clock, could resume the floor to-morrow when the resolution came up. Of course I understand that under our liberal rules here you can not keep a man from talking, and if I happen to be speaking on the resolution when the morning hour expires to-day, I could just as easily talk on whatever might be brought up; I could unbosom myself on the military bill or any other bill. Therefore I am not so anxious about getting an opportunity to be heard. I simply wanted to know whether I could talk on some subject that was relevant or whether I should be compelled to address the Senate when some subject which was irrelevant was under consideration.

ANTHRACITE COAL.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over by unanimous consent from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. VEST on the 5th instant, as follows:

Resolved, That the Committee on Finance be instructed to prepare and report a bill amending "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, so that the tariff duty shall be removed from anthracite coal and the same be placed on the free list.

The PRESIDENT pro tempore. The pending question is on the motion of the Senator from Rhode Island [Mr. ALDRICH] to refer the resolution to the Committee on Finance.

Mr. ALDRICH. Mr. President, I yield to the Senator from Iowa [Mr. DOLLIVER], who desires to make some remarks on the resolution.

Mr. DOLLIVER. Mr. President, I have not desired to get entangled in this controversy, and would have avoided it had it not been for some observations made on yesterday by the honorable Senator from Tennessee [Mr. CARMACK], which, it seems to me, require a little attention and an appropriate reply.

The Senator from Tennessee—whom I do not now see in the Chamber, although he was here a moment since——

Mr. BATE. I do not think my colleague has been here this morning.

Mr. BLACKBURN. Yes, he was here; and he will be in the Chamber again in a few minutes.

Mr. DOLLIVER. I have asked that he be sent for.

The Senator from Tennessee, quoting, I think, from a speech of the junior Senator from Massachusetts [Mr. LODGE], has made a very interesting and curious attack upon the Secretary of the Treasury.

I am not one of those who look for very much relief from the coal famine through any action which Congress may take in respect of the alleged duty on anthracite coal. A person in this city who has seen his coal bill rise to $12 a ton has difficulty in getting up either zeal or enthusiasm for a scheme of relief that proposes a remission of a duty of 67 cents. However, under all the circumstances of the case, I do not doubt the propriety of restoring, at least for the time being, the law as to coal as it stood up to 1897, though I am very far from agreeing with those who think or with those who have said that the provisions of the present law were sneaked into the bill of 1897 in any underhand or covert way whatever.

The thing about the coal traffic that has impressed me more than anything else is the fact that when others were indifferent and careless and without foresight the head of the executive department of the Government, long before the shortage arose, with extraordinary practical wisdom and good sense, forecast the intolerable conditions that were about to be visited upon our people; and we owe to him more than to anybody else that the coal famine, so called, has borne as lightly as it has upon the people of the United States.

It is to the credit, it appears to me, of the Secretary of the Treasury that he entered into the spirit and purpose of the President for preventing, as far as the executive department might be able to avert it, such a visitation as has been threatened against the community; and it seems at least unfortunate that the Senator from Tennessee should have made the effort of the Secretary of the Treasury to forward the purpose which has animated the executive department the occasion for an attack which can hardly be described as less than absurd in the light of all the facts.

I find that the Senator from Tennessee has referred to the Secretary of the Treasury in terms which he thinks applicable to the despots of English and other history, and has alluded to him as a nullifier of the statutes of the United States in exercising arbitrary authority in his great office.

Now, the facts are that the Secretary of the Treasury has done nothing that any man of ordinary business prudence under the same circumstances would not have done.

The act of 1897 made an effort to define anthracite coal, and I think an intelligent and proper effort in that direction. The line of distinction was the amount of fixed carbon contained in the article called anthracite; and the limit under which the duty should be collected, and above which it should not be collected, was drawn at 92 per cent of fixed carbon.

At the time the Secretary of the Treasury took the action which is complained of, cargoes of coal were being presented at New York and elsewhere, and the cargo which drew out the order upon which the Senator from Tennessee has commented had a very singular history. It had been chemically tested twice by reputable chemists acting for the importing house and found to contain 94 per cent of fixed carbon. It had once been tested by the officers of the Department and found to contain more than 92 per cent. Another test indicated a slight shade under 92. Under the circumstances the Secretary of the Treasury gave an order, directed to the collectors of customs at New York, at Boston, and at all the coal ports, which, it seems to me, is not only good common sense, but is so framed as to particularly free him from the odium of such charges of despotism and usurpation as are made against him by the honorable Senator from Tennessee.

I have here the order of the Secretary of the Treasury, made under the circumstances which I have described, and I will ask the Secretary to read it.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
DIVISION OF CUSTOMS,
Washington, October 6, 1902.

MY DEAR SIR: Reports indicate that quite a large quantity of coal is being imported. If any portion of this should arrive at the port of New York, the Department desires every facility afforded for its prompt delivery. So far as may be, give consignments of coal the preference over everything else, and solve all reasonable doubts for the present in favor of the coal importer.

Very truly, yours,

L. M. SHAW.

Hon. N. N. STRANAHAN,
Collector of Customs, New York City.

Mr. DOLLIVER. I will say, Mr. President, that the same order was delivered to the collectors of customs at all the coal ports of the United States. I believe the honorable Senator from Tennessee will agree with me that it contains nothing that ought to hold the Secretary of the Treasury up to odious comparisons with the tyrants of English or Roman history, or other desperately wicked persons.

Now, while I am upon my feet, Mr. President, I am constrained to say a few things in reference to matters which have become subjects of debate here, although they are not strictly pertinent to a discussion such as is involved in the resolution under consideration.

A very entertaining controversy has grown up about the designs and purposes of Congress, and especially of the late honored chairman of the Ways and Means Committee of the House of Representatives, in respect to the reciprocity treaties based upon the tariff law of 1897; and I desire to say candidly, because there are reasons which ought to move everybody to speak with candor, that I have been disappointed in the total failure of Congress to take up, consider, and favorably dispose of the pending reciprocity treaties.

I presume that something of my interest in these treaties arises from the fact that they were negotiated by one of the most famous men in the public life of the State which I have the honor in part to represent here, and I have felt that the attitude of Congress toward these treaties is far from creditable to the Government of the United States. We saw the reciprocity treaties of 1890 cast into the sea without a moment's notice to the ten or fifteen foreign countries with whom we had solemnly negotiated them. We have since, by law, authorized the negotiation of other treaties, some of which are pending before the Senate and the House in the present Congress, and we have been so far forgetful of the high obligation which rests upon the Congress of the United States under the tariff law of 1897, that we have not given to those solemn public negotiations the poor courtesy of a casual consideration. I feel sure that everybody who is familiar with the diplomatic history of the United States will agree with me that, following the rude cancellation without notice of the reciprocity treaties of 1890, this negligence and indifference of Congress has cast still further odium upon the treaty-making power of the United States.

I will not seek the attention of the Senate as a witness to conversations with the dead or with the living, but I may, I think, be permitted to say that I share with the Senator from Maine [Mr. HALE] his kindly and generous feeling toward the memory of Governor Dingley. The only thing that has depressed me about it is that, in defending Governor Dingley against the charge that was made against him, the Senator from Maine has

left the impression upon the country that some infamous accusation had been made against his fair fame. He was charged here with the hideous crime of having so arranged the tariff schedules in the law of 1897 as to warrant and permit the negotiation of reciprocal trade treaties with foreign countries, and he has been accused, almost in terms of reproach, of having been guilty of the complex offense of deliberately putting duties up in order that they might be negotiated down.

I do not intend to indulge in any bearing of testimony as to Governor Dingley's views. He left his opinions upon record, and no man in the history of the United States has left a cleaner or more honorable record. But it is true that in the bill which he reported from the Committee on Ways and Means, of which at the time I had the honor to be a very humble member, duties were put up for the express purpose of having them traded down. I refer expressly to the provision in the House bill reported April 1, 1897, in relation to the sugar duties.

It is proper for me to say that Governor Dingley took less interest in the reciprocity aspects of the tariff agitation of that period than probably anybody else upon the committee.

I had the honor to serve as a member of the subcommittee, of which Representative HOPKINS, of Illinois, was chairman, which dealt with the reciprocity problems of that period, and in the discussion of the tariff law of 1897 Governor Dingley very courteously turned over to Mr. HOPKINS the discussion of the reciprocity provisions of the proposed measure. I propose to read from a speech of the 22d of March, 1897, by Mr. HOPKINS, of Illinois. He said:

We seek in authorizing the President to suspend the rates of duty, and that thereupon and thereafter there shall be collected a lower duty than the one specified in the bill, to make it an object for countries producing the articles named in the first part of this reciprocity bill to enter into these reciprocal agreements or make equivalent concessions in favor of the products of our farms and factories which enter their markets. Let me illustrate. We furnish for Germany to-day her largest market for beet sugar. Millions of dollars worth of this product, manufactured in Germany, is yearly consumed by American citizens. In framing this bill, in order to raise sufficient revenue to run the Government and meet all the expenditures that the Administration may be called upon to pay, we have imposed a certain rate of duty on sugar, commencing with 1 cent per pound on all sugars that will test 75 degrees by the polariscopic test and increasing three one-hundredths of 1 cent on every additional degree until we reach 100 degrees, and then adding one-eighth of 1 cent per pound for refined sugar. Now, we have provided in this reciprocity branch of the bill that only 92 per cent of this duty shall be collected from countries importing sugar here that enter into reciprocal agreements with the United States, and we believe that will be a sufficient inducement to the German Government to reopen her markets for all of the products of our farms and factories.

I will read further from Mr. HOPKINS, to show that, so far at least as some members of the committee of which Governor Dingley was the chairman were concerned, it was the hope—a hope in which I myself shared—that these reciprocity provisions which we inserted in the bill should be enlarged very much beyond the scope outlined by the report of the committee; for we were crowded for time. The extra session of Congress was coming on apace; we were busy with the details of the various schedules of the bill, and the great scheme of providing a working reciprocity system was not as fully considered in the committee as we hoped it would be considered before the adjournment of that Congress which had to deal with the bill. So Mr. HOPKINS said:

We stand for protection first and foremost, and we desire to couple with that the principle of opening foreign markets for our goods; but the gentleman can see that it would not do at all to take all the duty from sugar, because if we did Germany would furnish us all the sugar that would be consumed here, and would destroy the industry in this country. We must have a maximum and a minimum rate on all articles manufactured and produced in this country.

Mr. President, it seems to me to require somebody's attention when that homely, sensible, time-tested plan now in practice in nearly every country in the world, of fixing the rate of duty high enough to be made the basis of subsequent reciprocal agreements, is denounced here in the Senate of the United States as an infamy, against which the memory of Governor Dingley is to be defended. I for one at least feel a constraint of conscience to stand here and say that, in my humble opinion, there is nothing infamous about it. It is a scheme that is in practice in every government of Europe that has a tariff system at all similar to our own. It is a system that ought not to be spoken of here as infamous, because it is at least as important a part of the tariff law of 1897 as is the duty on coal, for instance. Fortunately we do not have to pry into the secrets of Governor Dingley's grave to find out exactly what was in the mind of Congress when the law which bears his great name was passed.

I have here the tariff act of 1897, and I intend to read a section that Governor Dingley did not put into the bill—a section that found its way into the bill, I think, in conference after it had passed both Houses, although I may be mistaken about that. But I want to call attention to section 4 of the tariff act of 1897, which reads:

SEC. 4. That whenever the President of the United States, by and with the advice and consent of the Senate, with a view to secure reciprocal trade with foreign countries, shall, within the period of two years from and after the passage of this act, enter into commercial treaty or treaties with any other country or countries concerning the admission into any such country or countries of the goods, wares, and merchandise of the United States and their use and disposition therein, deemed to be for the interests of the United States, and in such treaty or treaties, in consideration of the advantages accruing to the United States therefrom, shall provide for the reduction during a specified period, not exceeding five years, of the duties imposed by this act, to the extent of not more than 20 per cent thereof, upon such goods, wares, or merchandise as may be designated therein of the country or countries with which such treaty or treaties shall be made as in this section provided for; or shall provide for the transfer during such period from the dutiable list of this act to the free list thereof of such goods, wares, and merchandise, being the natural products of such foreign country or countries and not of the United States; or shall provide for the retention upon the free list of this act during a specified period, not exceeding five years, of such goods, wares, and merchandise now included in said free list as may be designated therein; and when any such treaty shall have been duly ratified by the Senate and approved by Congress, and public proclamation made accordingly, then and thereafter the duties which shall be collected by the United States upon any of the designated goods, wares, and merchandise from the foreign country with which such treaty has been made shall, during the period provided for, be the duties specified and provided for in such treaty, and none other.

Mr. President, I call attention to the fact that whatever Governor Dingley may have said or done the Congress of the United States did solemnly authorize the President to enter into reciprocal negotiations with foreign countries for the purpose of extending American commerce by the simple expedient of reducing, not to exceed 20 per cent, the duties assessed by the tariff law, and if it was infamous for Governor Dingley and if it is a reproach to his memory to have suggested that such a thing was in his mind or in the mind of anybody else, what shall be said of the great body of both Houses of the Congress of the United States? If it is necessary for learned and able men, honored in the public service, to rise in this Chamber to defend the memory of Governor Dingley against an infamous charge like that, where is the advocate who shall defend the memory of the Congress of 1897?

I say to you, Mr. President, that that portion of the tariff law of 1897 is as distinctly a part of the tariff policy of the United States as the coal schedule or any other schedule, and I undertake to say here that more violence has been done to the protective system of the United States by the quiet and uncommunicative failure of the Senate of the United States to take action upon the treaties which were negotiated under the authority of the act of 1897 than by all the noise that has been made on the other side of this Chamber about coal or the other so-called extortions of the law.

There is a popular interest in this controversy that is not altogether represented by the Senator from Missouri [Mr. VEST] or the Senator from Tennessee [Mr. CARMACK]. For one I stand for the whole protective policy of the United States; the law of 1897, modified as it may be in the wisdom of Congress from time to time to meet the changing conditions of American business. It would be a reproach to the statesmanship of the United States to say that there is no way of changing the tariff schedules of 1897 without a general tariff agitation and hostile explosions on the subject in the arena of partisan politics. For forty years we have had no mechanism for changing the tariff in detail except by a swing of the pendulum toward the material ruin involved in the threat of Democratic free trade. Our whole tariff system has already, at least once, been worn out for the want of repairs, until at last its enemies captured the citadel of authority and overthrew it in the midst of panic and disturbance from which no branch of American business was able to escape.

It was in the mind of the late President of the United States—and I speak not without personal knowledge of his purpose and of his convictions—that we had at last reached a period when the protective system, as a system, was without organized opposition anywhere in the United States, and I feel sure that I do not misrepresent his purposes and his convictions when I say that he looked forward to the gradual extension of American commerce, not by hostile agitation of the tariff question, but by a quiet and orderly extension of the principle of reciprocity, remitting duties, from time to time, that could be spared, and gathering in the commercial good will of all of the great countries of the world; and if his last public appearance before the American people and before mankind had any significance at all it meant that the future of American commerce depends in a large measure upon the gradual readjustment of those tariff schedules of 1897 which are no longer needed to give our own industries a fair and profitable footing in our own market place.

I do not intend, having been all my lifetime a disciple of Mr. Blaine and nearly all my lifetime a follower of William McKinley—I do not intend to sit quiet in this Chamber while it is said to be infamous that anybody should have the notion that a tariff schedule once framed could not be honorably modified by sensible trade negotiations with the world. It is a reproach to the Government of the United States to-day that there is hardly a line of the wisdom of James G. Blaine remaining upon the statute books of our country, and that not one step has been taken to give reality to the magnificent vision which illuminated the last days of poor McKinley's earthly career.

I for one have made up my mind that the time has come when

somebody whose convictions do not lie along the path of silence and quietude and ease in our political Zion should declare here that the whole future of the protective system in the United States depends upon the wisdom with which the Congress of the United States fulfills the aspirations which found an expression so lofty in the last public utterance of William McKinley.

Mr. TILLMAN obtained the floor.

Mr. CARMACK. Will the Senator from South Carolina allow me to say a few words?

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Tennessee?

Mr. TILLMAN. I do.

Mr. CARMACK. Mr. President, I have only a few words to say in regard to the matter to which the Senator from Iowa [Mr. DOLLIVER] referred in the early part of his speech. The Senator from Iowa accuses me of having made reckless charges against the Secretary of the Treasury, Mr. Shaw. I want to say that that question comes properly between the junior Senator from Massachusetts and the Senator from Iowa. I am not the author of the charge to which the Senator refers. I simply quoted the accusation as made by the Senator from Massachusetts. I referred to a speech made by the Senator from Massachusetts during the late campaign at New Haven, Conn., in which that Senator asked the question:

> Who let coal come in without a rigid inspection of the amount of required carbon? The Republican Secretary of the Treasury, Shaw.

If that means anything in the world, it means that the Secretary of the Treasury omitted to make the necessary inspection to determine whether or not the coal contained the amount of carbon required by law. That is a charge in effect that he suspended the law. The only purpose of making a rigid inspection was to determine whether or not the coal did contain the amount of required carbon. The only purpose of letting the coal come in without inspection was to let it come in regardless of whether or not it contained the required carbon.

So I say that if the statement made by the Senator from Massachusetts is correct, it amounts to an accusation that the Secretary of the Treasury practically suspended the law, and in the statement made the other day by the Senator from Missouri [Mr. VEST] he quoted a letter from L. G. Martin, special deputy collector, at Philadelphia, in which he says that no analysis of coal was made; that "the coal was passed free of duty upon the oath of the importer."

Mr. President, everybody knows that if that was adopted as a rule, it would be utterly insufficient as a matter of protection. You could not rely upon the oaths of importers as to whether or not the goods imported were dutiable, and the only object of omitting the rigid inspection which had theretofore been required was to let the coal come in regardless of the requirements of the law.

I repeat, it is not an accusation which I have made. It was a matter for boasting on the part of the Senator from Massachusetts during the late campaign. He boasted to the people of New England that while the Republican party had enacted a law to keep out anthracite coal, the Republican Secretary of the Treasurer, Shaw, had suspended the law to let the coal come in. That is the substance of his statement. It is a matter of which he boasted before his constituents, and he carried the State of Connecticut upon that boast. If he had told the people that the Secretary of the Treasury had enforced the law, the State of Connecticut, I have no doubt, would have gone Democratic. The law was so unpopular that it was actually popular for the Secretary of the Treasury to assume the authority of suppressing, abrogating, abolishing this Republican law.

Mr. TILLMAN. Do I understand the Senator from Tennessee to say that Connecticut and Iowa have nullified?

Mr. CARMACK. You understand the Senator from Massachusetts to say that they have done so.

Mr. TILLMAN. And that the Senator from Massachusetts indorses nullification?

Mr. CARMACK. Certainly.

Mr. TILLMAN. I thought that was a South Carolina monopoly.

Mr. CARMACK. It used to be, but times change and sections of this country change with them. Massachusetts has now become the great nullifying State, and it is not John C. Calhoun, but the junior Senator from Massachusetts, who is now the great nullifier in this Chamber.

Mr. President, I was glad to hear the bold and brave and outspoken speech of the Senator from Iowa [Mr. DOLLIVER]. Charges have been made that Senators upon this side of the Chamber have made partisan speeches. It is not necessary that we should make any more. I am willing from this time on that the debate shall be conducted between Senators upon the other side of the Chamber. I am glad to hear the admission made by the Senator from Iowa that the rates of duty in the Dingley Act were purposely made too high, even from the standpoint of a Republican, even from the standpoint of a most extreme protectionist, with a view to their subsequent reduction by reciprocity treaties.

The Senator from Iowa says he is very much disappointed that no action has been taken by this Congress on those treaties. The Senator's disappointment is liable to grow deeper as the days go by. No action ever will be taken by the Senate or by this Congress on those reciprocity treaties, because the Dingley bill having been enacted, in the minds of protectionists it has become a sacred thing. Nobody would defend the anthracite coal duty as a separate and distinct measure, but having been merged, incorporated, and become a part of the sanctified Dingley Act, the laying of a hand upon that sacred measure now would be an act of sacrilege like unto that of the overzealous Jew who laid his hand on the Ark of the Covenant. You must not touch the Dingley Act, although the duties were made too high, even from the standpoint of Republicans and of protectionists themselves. It has become a law, and you must not change it for reciprocity or to relieve the suffering people of the country now in the midst of winter, or for any other purpose.

As I have said, I do not care to go into this debate any further. I think it is unnecessary. When the Senator from Rhode Island and other Senators upon the other side of the Chamber have answered the powerful argument and the powerful appeal made by the Senator from Iowa, it will be time enough for some other Democrat to say something on this question.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER (Mr. FAIRBANKS in the chair). The Senator from Massachusetts.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. Of course.

Mr. TILLMAN. The Senator from Massachusetts can not yield the floor to me, when I just yielded it to the Senator from Tennessee and hold it in my own right.

The PRESIDING OFFICER. The present occupant of the chair was not in the chair when the Senator from South Carolina obtained the floor.

Mr. TILLMAN. If the Presiding Officer recognizes my right to the floor I will yield to the Senator from Massachusetts; otherwise I shall claim it.

Mr. LODGE. Certainly; if the Senator from South Carolina is——

Mr. TILLMAN. Does not the Senator from Massachusetts recognize that the floor is mine?

Mr. LODGE. Absolutely; it is yours.

Mr. TILLMAN. Then I yield to Senator from Massachusetts.

Mr. LODGE. I am very much indebted to the Senator from South Carolina. I shall take but a moment.

Mr. President, I had the misfortune—for it is always a misfortune to miss the Senator from Tennessee when he addresses the Senate—to be absent from the Chamber yesterday when he quoted from a speech of mine at New Haven. I am not sure—I think it is a long-hand report—whether or not those were my exact words.

But I have no disposition to dispute the intention of what I said. The purport is certainly correct. I was referring to the letter read here by the Senator from Iowa this morning as to the action of the Secretary of the Treasury. It was a time of great public exigency. In his directions to his collectors of customs, he proposed to construe very liberally the law in regard to the test of coal, relaxing it, if you prefer that word. I thought it was an exigency in which he was justified entirely in doing it, and I think so still. I did not, however, and I do not want to have anything attributed to me that is not mine, compare him to the Stuart Kings of England or any other despots, for I think I may say that I had too strong a sense of humor to do that.

I think he was right. I think it was an exigency requiring such action, and I added what does not appear in the quotation here, that if he needed an act of indemnity for anything he had done, the Congress of the United States I had no doubt would give it to him, with the full approbation of the people of the United States.

I do not conceive that he nullified the law. I am perfectly certain that neither Massachusetts nor Connecticut nullified the law because the collectors of ports are not State officers. But I do think that the Secretary, in giving the order at that time to his collectors to construe the law liberally in regard to the test on coal, did a courageous and a right thing. I applauded him then. I applaud him now. I think he was fully justified, and I think it was courageous, because he took the risk of misunderstanding and of attack, and was ready to do it and to trust to the good sense of the Congress of the United States and the people of the United States if he did relax a law which at the moment, owing to peculiar conditions, pressed very hardly upon the people of the United States. I have nothing to withdraw in regard to my praise of the Secretary.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Tennessee?

Mr. LODGE. Certainly.

Mr. CARMACK. If I understand the Senator, his position is that the Secretary of the Treasury did not suspend the law; he just relaxed it.

Mr. LODGE. I think he construed it liberally. I think he relaxed it probably in those instructions which have been read here. I should say it was——

Mr. CARMACK. Why was any suggestion of an indemnity on the part of Congress necessary?

Mr. LODGE. I do not think any was necessary.

Mr. CARMACK. Why did the Senator suggest it?

Mr. LODGE. I said if one were necessary, which is a different thing. I put in the hypothesis purposely, because I did not mean to advocate any officer violating the laws of the United States.

Mr. CARMACK. What does the Senator mean by relaxing a law?

Mr. LODGE. I mean exactly what I have said, that he construed the matter of the test of coal liberally and that he told his collectors to construe it liberally——

Mr. CARMACK. For what purpose?

Mr. LODGE. As it was read here this morning. That is what it amounted to—to construe it liberally.

Mr. DOLLIVER. If the Senator from Massachusetts will permit me, these tests of a cargo of coal are necessarily very difficult and uncertain. You have to take a certain small portion of the coal and test it. It very often happens that one test indicates that the coal is a little above the minimum grade, while another shows it is under, and there would be a contradiction of tests, as there was in the case upon which the Secretary's order was issued; and in such cases the direction of the Secretary to the collector was to solve doubts and uncertainties about it in favor of the free importation of coal. There was something wrong about it.

Mr. LODGE. That is what I understood at the time, and to that I referred. And if my praise of the Secretary in that connection had the great effect which the Senator from Tennessee is kind enough to attribute to it, of carrying the State of Connecticut for the Republican party, I am glad my remarks were so effective.

Mr. TILLMAN. Mr. President——

Mr. ALDRICH. Will the Senator from South Carolina allow me?

Mr. TILLMAN. I have yielded so much that if I yield further there will be nothing left of the morning hour.

Mr. ALDRICH. We will have another morning hour.

Mr. TILLMAN. We have notice that to-morrow we will take up something else.

Mr. ALDRICH. This question is certain to be back here in some form or other.

Mr. TILLMAN. Certainly; the discussion of this question will be back here in some form or other, but I have a peculiar desire to discuss it on the Vest resolution. Will the Senator from Rhode Island protect me in my right after the expiration of this morning hour?

Mr. ALDRICH. I certainly will, if the Senator needs protection?

Mr. TILLMAN. I ask unanimous consent that the Vest resolution may retain its place and come up for discussion to-morrow morning.

Mr. ALLISON. On Thursday, if to-morrow has been assigned.

Mr. TILLMAN. The morning hour to-morrow has not been assigned.

The PRESIDING OFFICER. What is the request of the Senator from South Carolina?

Mr. TILLMAN. I make the request that the pending resolution at the expiration of the morning hour to-day shall not lose its place, but shall go over and be taken up for discussion to-morrow morning.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent that the resolution before the Senate be considered to-morrow morning——

Mr. TILLMAN. I ask that it shall retain its place.

The PRESIDING OFFICER. That the resolution shall retain its present place before the Senate. Is there objection to the request of the Senator from South Carolina? The Chair hears none, and it is so ordered.

Mr. TILLMAN. I now yield to the Senator from Rhode Island.

Mr. BAILEY. Before the Senator from Rhode Island proceeds——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Texas?

Mr. ALDRICH. I do, for a suggestion.

Mr. BAILEY. In order that there may be no misunderstanding about it, I do not see in the Chamber the Senator from Wisconsin [Mr. QUARLES], who gave notice of his intention to move to take up the militia bill to-morrow. I believe that even under this arrangement that Senator could come into the Chamber and make the motion.

Mr. BERRY. He is bound by the unanimous-consent agreement.

Mr. ALDRICH. The unanimous-consent agreement supersedes that.

Mr. LODGE. This is morning business, too.

Mr. BAILEY. Mr. President——

Mr. TILLMAN. There is the Senator from Wisconsin, and he has not objected.

Mr. BAILEY. I simply desired to have it understood, because those mistakes arise sometimes.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. ALDRICH. Mr. President, I am not surprised that the lines of discussion upon the pending resolution should have broadened and broadened from time to time as it has proceeded. I expected this when the Senator from Missouri first offered it. I do not intend at this time to attempt to reply or to allude at any length to the eloquent exemplification of the Iowa idea to which the Senate has just listened. I have been trying to discuss a much narrower question. The allegation was made here that Mr. Dingley, as chairman of the Ways and Means Committee, made the statement in March, 1897, the tariff act of 1897 being then before the Ways and Means Committee for consideration, that he had deliberately placed the protective duties of that measure too high, for the purpose of having them reduced afterwards by reciprocity treaties.

Now, if any friend or associate of the late Governor Dingley can remain silent to that charge, and does not repel it, if he believes it to be untrue, as it certainly is, then I do not understand that person's idea of honor. I have already stated, and shown by the RECORD, that at the time when this conversation is alleged to have taken place the House reciprocity provisions of the act of 1897 had already been agreed upon. They were agreed upon at least three weeks before any such conversation could have taken place. They were in print; I have a copy of the printed bill before me, and they had the approval of the majority members of the committee. The terms were known to the Senator from Iowa and every Republican member of the committee. They contain provisions for certain specified reductions in duty under certain conditions. They did not touch a single protective duty in the act of 1897, unless sugar duties are considered protective; and every member of the committee knew it.

Mr. DOLLIVER. Will the Senator from Rhode Island permit me?

Mr. ALDRICH. Yes.

Mr. DOLLIVER. Does he regard the duties on sugar as nonprotective?

Mr. ALDRICH. I said in my remarks made yesterday that there was a difference of opinion upon this floor as to whether the duties upon sugar were protective or nonprotective—whether they were protective or revenue duties. The Senators upon the other side of the Chamber from Louisiana and other States producing sugar have always defended them upon the ground that they were revenue duties. Certainly up to a very recent period, when the production of sugar in the United States reached a point where they might be protective, the sugar duties were revenue duties. The Senator from Iowa knows as well as I do that with that single exception every duty proposed to be changed was a revenue duty, pure and simple.

Mr. DOLLIVER. Now, will the Senator, having alluded to me, explain the schedule in section 4 as finally passed?

Mr. ALDRICH. We are now discussing, and I hope the Senator from Iowa can understand that, what Mr. Dingley said in reference to this bill or what he is purported to have said in March, 1897, before the fourth section was in existence even in the mind or imagination of any man anywhere. The House of Representatives, the Committee of Ways and Means, of which the Senator was on honored member, had, I repeat, their scheme of reciprocity which they had put into the bill in terms. It referred, as I have said, only to certain articles. It did not touch any one of the protective duties of that act—not one. It is morally and physically impossible that Mr. Dingley could have then said, with that bill before him, that he had deliberately put the protective duties of that measure too high for the purpose of reducing them thereafter by reciprocity treaties.

It is impossible, I say. It is not true, I say to the Senator from Iowa, that either the Committee on Ways and Means, or the House of Representatives, or the Committee on Finance, or the Senate adopted protective duties that were too high for the purpose of having them reduced by reciprocity provisions or otherwise. I deny for myself and for my associates, as well as for Mr. Dingley and his associates, that any such thing was——

Mr. DOLLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Iowa?

Mr. ALDRICH. I do.

Mr. DOLLIVER. That would make it very interesting to me to know what was in the mind of the honorable Senator from Rhode Island and of Congress in inserting the provision known as section 4 of the act as finally passed.

Mr. ALDRICH. When I get to it I will be very glad to explain it and to give the historical facts in relation to its insertion in the bill. I am now discussing whether Governor Dingley, in March, 1897, stated that he had in that bill at that time put the protective duties too high for the purpose of having them reduced by reciprocity treaties. That is the only controversy here in which Governor Dingley's name is involved. I have alluded to this allegation because I know that the high commissioner who negotiated the reciprocity treaties to which the Senator from Iowa has alluded did make a similar statement to that made upon this floor by the Senator from Missouri and the Senator from Tennessee, and my remarks are not therefore solely directed to those Senators.

Mr. DOLLIVER. Will the Senator permit me to say that when that was done before the Committee on Foreign Affairs it was not disputed at all by anybody?

Mr. ALDRICH. I suppose there was nobody there who knew the facts.

Mr. DOLLIVER. The honored President of the Senate asked the question.

Mr. ALDRICH. I presume that the honorable President of the Senate did not know the facts. I assume that he did not. If he had known them he certainly would have denied the statement.

I say the whole question before the Senate is whether Governor Dingley made any such statement in the first instance, and in the next instance whether it is true; and I enter my denial here as well for myself as for Governor Dingley that it is true.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Tennessee?

Mr. ALDRICH. I do.

Mr. CARMACK. It is for a suggestion. The question whether Governor Dingley said so and so is not the whole question.

Mr. ALDRICH. The question whether it is true is the whole question.

Mr. CARMACK. No, sir; it is not the whole question, with all due respect to the Senator from Rhode Island.

Mr. ALDRICH. What is it, then?

Mr. CARMACK. The question is whether or not it is a fact that the duties in the Dingley Act were made higher than was necessary for just purposes of protection; whether when the law was enacted it was considered by the men who voted for that bill and passed it that the duties were high enough to stand subsequent reduction by reciprocal trade relations with other countries.

Mr. ALDRICH. I imagine that the Senator from Tennessee and myself would never agree as to whether the protective duties in any bill were placed too high. I assume that the Senator from Tennessee would believe that any protective tariff fixed duties too high. If the Senator means whether, in the view of the men who prepared the measure and reported it, they were placed too high, I say to him directly and emphatically, no.

Mr. CARMACK. Whether they were put high enough to stand subsequent reduction by reciprocity arrangements?

Mr. ALDRICH. They were not; and I hope the Senator is satisfied with the directness and positiveness of the reply.

Mr. CARMACK. I understand the Senator from Rhode Island, but I do not understand section 4 of the bill, in view of his remarks.

Mr. ALDRICH. I will take that up later on, if the Senator will allow me.

I repeat, that the sole question here, which I am discussing at this moment, is whether Governor Dingley made any such statement, and I say that the aspersions upon his character (because I do consider it an aspersion upon his character to say that he was deliberately deceiving Congress and the American people by making the duties too high in order to be prepared for their subsequent reduction or removal) are without one scintilla of evidence to support them. The Senator from Iowa does not presume here, as an associate of his, to repeat the charge. I know and that Senator knows, from his frequent conferences with him, that Governor Dingley did not assent with zeal to the reciprocity provisions. I know what the Senator perhaps does not know, that he consented very reluctantly to enlarge the reciprocity provisions of the House bill, and not until after a long discussion in the committee of conference upon the disagreeing votes of the two Houses.

The House passed the bill containing the provisions I have described on the 31st of March, if I am not mistaken. The bill came here, and was referred to the Committee on Finance, who considered it for several weeks.

It was reported back to the Senate by me May 4, and in making the report I made the statement that the committee recommended striking out the reciprocity provisions of the House of Representatives, and that they would at some subsequent period prepare and present to the Senate an amendment which more nearly represented their views as to the proper provisions to be entered upon with reference to reciprocity.

On the 30th day of June, more than three months after the time of the alleged confidential conversation, the Senator from Iowa [Mr. ALLISON], I then being absent on account of illness, reported the reciprocity provisions, which became a part of the law as the fourth section. What does this section mean? Does it mean that we are to deliberately destroy, under its provisions, American industries? Did it mean that, as interpreted by the late President of the United States? No; it did not. It meant, in the minds of those who had it in charge and who had originated it, that we might perhaps make reciprocity treaties with other countries with respect to noncompetitive products, as we had done under the act of 1890. Did it mean that we were going to surrender all the industries of the United States to the selfish interests, if you please, of the agricultural-implement manufacturers? I think not. Certainly the gentlemen who had the most to do with the framing of that section as it was adopted by the Senate did not so think.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from South Carolina?

Mr. ALDRICH. Certainly.

Mr. TILLMAN. I suggest to the Senator from Rhode Island while this is something of a family quarrel the rest of us are interested, and when he turns around and speaks sotto voce to the Senator from Iowa, the rest of us are not affected by the eloquence and cogency of his argument. I ask the Senator to address the Chair or to speak a little louder.

Mr. ALDRICH. I was not aware that I was speaking too low to be heard.

Mr. TILLMAN. I could not hear a word, but I could see the Senator gesticulating.

Mr. ALDRICH. I should be sorry, I am sure, if anything I say should miss the attention of the Senator from South Carolina.

The fourth section of the act of 1897 provided that the President might for a period of two years enter into negotiations for reciprocity treaties with foreign nations, and that in and through those treaties he might provide for certain reductions upon the duties upon agricultural and other products of such countries when imported into the United States, not to exceed 20 per cent.

It was never for one moment supposed by any Republican upon the Committee on Finance, and I can make the assertion without fear of contradiction that it was never for one moment supposed by Mr. Dingley or his Republican associates upon the conference committee representing the House of Representatives, that there was to be any surrender through this method of the principle of protection. It was never believed for one moment that a Republican administration through any agency would give up the vital principle which ever lies at the foundation of Republican policy. There was no such purpose and no such idea.

I did believe it was possible, and I now believe it is possible to make reciprocity treaties, going back to Mr. Blaine's idea, with our neighbors in the seas, upon the islands, in Central America, in Mexico, and South America, and in the countries of the Orient, by which, through the exchange of noncompetitive or other products, we shall secure mutual advantages.

Does the Senator from Iowa suppose for an instant that any man on that committee contemplated the negotiation of a treaty with the Argentine Republic that should reduce the duty upon wool 20 per cent? And yet his language would imply exactly that. Do you suppose that we thought for one instant that the interests of the United States were to be sacrificed through reciprocity treaties?

I am earnestly for reciprocity, real, genuine reciprocity, by which the United States shall secure reciprocal advantages in the trade of the world, and not a reciprocity dictated by the selfish motives of a few interests in this country as against all the others.

I resent the imputation that because I oppose certain treaties that I am opposed to the reciprocity theory. The Senator from Iowa has alluded in glowing terms to the reciprocity provisions in the act of 1890. I wrote every word of those provisions. They were inserted in the Senate at my suggestion. They were adopted very reluctantly by the House of Representatives. Does the Senator think that I am any the less in favor of real reciprocity than he is because a citizen of his State has negotiated reciprocity treaties which have not been acted upon by the Senate? It will redound to the credit of the gentleman who negotiated those treaties if they are passed over in silence and if the Senate should never act upon them.

The Senator from Iowa is very much mistaken if he supposes for one instant that we are not ready to discuss those treaties or the questions they involve with him here or anywhere, or that he

can make it appear that on account of our opposition we are not as good friends of reciprocity as he is. Whether a reciprocity treaty is wise or unwise is a practical question. In regard to the treaties which are now here, and as to which, perhaps, I transgress the rules if I allude to them, if he can show that any of them are proper and will result in furthering the interests of the people of the United States he can be sure of their ratification. I have been led to discuss the treaties somewhat from the remarks of the Senator from Iowa, and partly because some of the friends of the treaties have openly discussed them through the press.

Mr. DOLLIVER. The injunction of secrecy has been removed.

Mr. ALDRICH. It has been removed from some of the treaties, I agree. Such secrecy as has been secured has been entirely one-sided. There have been widely distributed through official channels specious arguments and misstatements in regard to the nature and effect of these treaties, and perhaps I shall be forgiven for making this protest in a public manner.

I did not intend, Mr. President, to be led into this diversion, but I could not allow the statements of the Senator from Iowa to go unchallenged. I knew the men who would line up behind the statement of the Senator from Missouri in regard to Governor Dingley and in regard to the character of the legislation of 1897. I am quite willing to meet any arguments or statements these gentlemen may see fit to make in criticism of the measure or the motives of those who supported it.

Mr. TILLMAN obtained the floor.

Mr. CULBERSON. Will the Senator from South Carolina yield to me?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. TILLMAN. I have only seven minutes before the expiration of the morning hour, but I yield gladly to the Senator from Texas.

Mr. CULBERSON. I simply rose for the purpose of suggesting that if the resolution is not disposed of before 2 o'clock, I understand it will go to the Calendar.

Mr. TILLMAN. No, sir; we got unanimous consent that it shall go over, retaining its privileged position.

Mr. CULBERSON. That I did not understand.

The PRESIDING OFFICER. It goes over until to-morrow, retaining its present place before the Senate.

Mr. TILLMAN. Mr. President, this is a very pretty quarrel, as it stands.

Mr. ALDRICH. It is no quarrel.

Mr. TILLMAN. Oh, well, it is an animated discussion, a feeling discussion on the part of the Senator from Rhode Island, and apparently a very feeling one on the part of the Senator from Iowa.

I came here yesterday expecting to get an opportunity to make a few remarks on the subject of the coal famine in general, not on the particular question under debate, the reduction of the tariff or the taking of it off. It was by my solicitation that this resolution went over, retaining its privileged position. I got the Senator from Rhode Island to secure that agreement.

It is not to be expected, I hope, that I could even lay down anything more than—well, you might say the headlines of a speech, in the brief time remaining before the regular order will come up.

Therefore, I shall have to very reluctantly forego the pleasure of discussing this question to-day, merely remarking that I do not intend to talk on the tariff at all, except possibly by way of illustration, as a side light, and as there seem to be live wires running around this Chamber I have one that I want to string out, which may or may not burn. If it does not burn, it will not be my fault. I intend to lay the blame for the existing pitiable, miserable, horrible condition at the door where it properly belongs—the President of the United States and his Attorney-General.

With that notice, and promising to be as liberal and as just as possible and to depend on facts and to deal in a calm, logical presentation of those facts and to restrain myself if possible in the use of the plainest words, without bitterness, I yield to the regular order, the Senator from Minnesota, whose great speech on the statehood bill has been thrilling this body for several days, and the people of the country are on tiptoe to hear the completion of it, so that they can read it. I will take the floor to-morrow as soon as this resolution comes up.

STATEHOOD BILL.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. NELSON. In the latter part of my remarks yesterday, Mr. President, I took pains to call attention in detail to the character of the various treaties that had been made with the five nations of Indians in the Indian Territory, leading to their removal from their eastern lands to their lands in the Indian Territory. I called attention to those matters for the purpose of showing the Senate, how, in many instances, Congress has repeatedly disregarded those treaties in one form or another—entirely abrogated them.

One of the leading features in nearly all those treaties is the provision that none of their country, which originally included all of Oklahoma and Indian Territory, was to be included in any Territory or organized State of the United States. Another paragraph of those treaties allowed them to institute and maintain separate tribal governments and tribal courts. In fact, it gave them all the powers of self-government.

I afterwards called attention to the legislation which took place when Oklahoma Territory was established and the subsequent legislation for the purpose of showing how by that legislation we had again abrogated and changed the treaties with these Indians.

In connection with what I called attention to yesterday I beg briefly to refer to two other acts, the act of 1895 and the act of 1897, which gave more complete and enlarged jurisdiction to the Federal courts and deprived the local Indian courts of their old-time jurisdiction. Those courts had original jurisdiction in all controversies, not only between Indians inter se, but also in all controversy in which Indians were a party. By these acts we deprived them utterly of all their jurisdiction in these matters and left practically all controversies to the United States court in that Territory.

But in spite of our legislation with reference to that Territory matters grew worse and worse. The tension between the Indians and the white settlers grew more severe, and the situation became such that finally, in 1894, this body directed its committee on the Five Civilized Tribes to investigate the conditions in the Indian Territory. That committee, of which Senator TELLER was chairman, after a thorough investigation of the situation, made a most valuable report, and inasmuch as it has a bearing and is germane to the question in hand, I beg leave to quote some of the material portions of that report. This is what Senator TELLER said:

> As we have said, the title to these lands is held by the tribe in trust for the people. We have shown that this trust is not being properly executed, nor will it be if left to the Indians, and the question arises, what is the duty of the Government of the United States with reference to this trust? While we have recognized these tribes as dependent nations, the Government has likewise recognized its guardianship over the Indians and its obligations to protect them in their property and personal rights.
>
> In the treaty with the Cherokees, made in 1846, we stipulated that they should pass laws for equal protection, and for the security of life, liberty, and property. If the tribe fails to administer its trust properly by securing to all the people of the tribe equitable participation in the common property of the tribe, there appears to be no redress for the Indian so deprived of his rights, unless the Government does interfere to administer such trust.
>
> Is it possible because the Government has lodged the title in the tribe in trust that it is without power to compel the execution of the trust in accordance with the plain provisions of the treaty concerning such trust? Whatever power Congress possessed over the Indians as semidependent nations, or as persons within its jurisdiction, it still possesses, notwithstanding the several treaties may have stipulated that the Government would not exercise such power, and therefore Congress may deal with this question as if there had been no legislation save that which provided for the execution of the patent to the tribes.
>
> If the determination of the question whether the trust is or is not being properly executed is one for the courts and not for the legislative department of the Government then Congress can provide by law how such question shall be determined and how such trust shall be administered, if it is determined that it is not now being properly administered.

And here comes the material part:

> It is apparent to all—

The Senator says—

> It is apparent to all who are conversant with the present condition in the Indian Territory that their system of government can not continue. It is not only non-American, but it is radically wrong, and a change is imperatively demanded in the interest of the Indian and whites alike, and such change can not be much longer delayed. The situation grows worse and will continue to grow worse. There can be no modification of the system. It can not be reformed. It must be abandoned and a better one substituted. That it will be difficult to do your committee freely admit, but because it is a difficult task is no reason why Congress should not at the earliest possible moment address itself to this question.
>
> We do not care to at this time suggest what, in our judgment, will be the proper step for Congress to take on this matter, for the commission created by an act of Congress, and commonly known as the Dawes Commission, is now in the Indian Territory with the purpose of submitting to the several tribes of that Territory some proposition for the change in the present very unsatisfactory condition of that country. We prefer to wait and see whether this difficult and delicate subject may not be disposed of by an agreement with the several tribes of that Territory. But if the Indians decline to treat with that Commission and decline to consider any change in the present condition of their titles and government, the United States must, without their aid and without waiting for their approval, settle this question of the character and condition of their land tenures and establish a government over whites and Indians of that Territory in accordance with the principles of our Constitution and laws.

"And establish," he says, "a government over whites and Indians of that Territory in accordance with the principles of our Constitution and laws." Evidently Senator TELLER had no doubts as to the power of Congress in the premises.

The question as to the power of Congress to abrogate or modify these Indian treaties has been before the Supreme Court of the United States in several instances. There are four leading cases bearing on this question. The earliest was in the Supreme Court in 1870, the Cherokee Tobacco Case. The question presented by the record in that case grew out of a conflict between the Federal internal-revenue law and a provision in the Cherokee treaty. The case is found in 11 Wallace, on page 616. The Government attempted to levy and collect internal-revenue taxes on certain tobacco in the Cherokee Nation. The owners of the tobacco refused to pay the tax and the Government seized the tobacco and attempted to confiscate it. A suit was brought to test that question. The Supreme Court, in passing upon the question, states that—

> The only question argued in this court, and upon which our decision must depend, is the effect to be given respectively to the one hundred and seventh section of the act of 1866—

That is, the internal-revenue law—

> and the tenth article of the treaty of 1866 between the United States and the Cherokee Nation of Indians.
>
> They are as follows.

This is the section of the law:

> SEC. 107. That the internal-revenue laws imposing taxes on distilled spirits, fermented liquors, tobacco, snuff, and cigars shall be construed to extend to such articles produced anywhere within the exterior boundaries of the United States, whether the same shall be within a collection district or not.

This is the provision of the treaty in conflict with that statute so far as this particular controversy was concerned, for it related to tobacco in the Cherokee Nation:

> ART. 10. Every Cherokee Indian and freed person residing in the Cherokee Nation shall have the right to sell any products of his farm, including his or her live stock, or any merchandise or manufactured products, and to ship and drive the same to market without restraint, paying any tax thereon which is now or may be levied by the United States on the quantity sold outside of the Indian Territory.

Two points were made in the case. The first point was that the provision of the internal-revenue law did not include the Indian Territory, that that Territory was excepted, and that the law imposing internal-revenue taxes did not apply to that country. The other point was, if it did apply it was in violation of the Cherokee treaty I have quoted from, and hence null and void. The court first decided that the law was general, that it included the Indian Territory, the Cherokee country, as well as all other portions of the United States, and then the court proceeded to say as to the other point:

> But conceding these views to be correct, it is insisted that the section can not apply to the Cherokee Nation because it is in conflict with the treaty. Undoubtedly one or the other must yield. The repugnancy is clear and they can not stand together.
>
> The second section of the fourth article of the Constitution of the United States declares that "this Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties which shall be made under the authority of the United States, shall be the supreme law of the land."
>
> It need hardly be said—

The court remarks—

> that a treaty can not change the Constitution or be held valid if it be in violation of that instrument. This results from the nature and fundamental principles of our Government. The effect of treaties and acts of Congress, when in conflict, is not settled by the Constitution. But the question is not involved in any doubt as to its proper solution. A treaty may supersede a prior act of Congress, and an act of Congress may supersede a prior treaty.

And cases are cited in the margin.

> In the cases referred to these principles were applied to treaties with foreign nations. Treaties with Indian nations within the jurisdiction of the United States, whatever considerations of humanity and good faith may be involved and require their faithful observance, can not be more obligatory. They have no higher sanctity, and no greater inviolability or immunity from legislative invasion can be claimed for them. The consequences in all such cases give rise to questions which must be met by the political department of the Government. They are beyond the sphere of judicial cognizance. In the case under consideration the act of Congress must prevail as if the treaty were not an element to be considered. If a wrong has been done, the power of redress is with Congress, not with the judiciary, and that body, upon being applied to, it is to be presumed, will promptly give the proper relief.

The next case bearing upon this question, Mr. President, arose under the act establishing Oklahoma Territory. When Oklahoma Territory was established it included a large part—I am not prepared at this moment to say just how much—of the land that was originally a part of the lands of the Cherokee Nation and on which friendly Indians had been settled and colonized. As soon as Oklahoma Territory was established the Territory proceeded to organize this country occupied exclusively by Indians and originally a part of the Indian reservation. It proceeded to include it in an organized county, and then it proceeded to tax the cattle of cattlemen grazing in that country. It seems the cattlemen had got authority through the Interior Department to graze their cattle there, and the Territory of Oklahoma undertook to tax those cattle, and the question was raised as to the right of the Territory to tax those cattle.

Upon this question I will quote the language of the court. Many technical questions, I might say, were raised in that case, but one of the leading questions was whether this particular territory, where these cattle were grazing, which had been organized into a county in Oklahoma Territory, and where they had attempted to tax the cattle of the cattlemen was amenable to the laws of Oklahoma Territory, and whether this proceeding, including the act establishing the Territory and all the subsequent acts with reference to such taxation, were not a violation of the treaty with the Cherokees. The court says in this connection:

> It is, indeed, true that the lands in question, constituting the reservations of the Osage Kansas Indians, are portions of lands previously granted by patent of the United States, in pursuance of the treaty of May 6, 1828 (7 Stat., 311), and of the treaty of December 29, 1835 (7 Stat., 478), to the Cherokee Nation of Indians, and that it was provided in those treaties that the lands so granted should not, without the consent of the Indians, at any future time be "included within the territorial limits or jurisdiction of any State or Territory."

And then, coming to this precise question—many other questions are discussed in the opinion—the court proceeds to say:

> It is alleged that by no subsequent treaty have either the Cherokee or the Osage or Kansas Indians consented that the lands here in question should be included within the limits or jurisdiction of the Territory of Oklahoma; and it is accordingly now contended that under the provision contained in the Cherokee treaties the lands therein designated should never be embraced within the limits of a Territory or State without the consent of said Indians. The exemption or right thereby created runs with the land, subject to which said lands, or any part thereof, could be conveyed to other Indians, and is not a right belonging solely to the Cherokees, which ceased to exist when the ownership of the Cherokees therein terminated.

Then the court proceeds:

> Whether, without express stipulation to that effect, the right granted by treaty to the Cherokee Nation to be exempt as to their lands from inclusion within the limits of any Territory or State passed with the grant of a portion of such lands to the Osage and Kansas Indians we need not consider, because if such were the law it is conceded that the United States have, by the act of May 2, 1890 (26 Stat., 81), creating the Territory of Oklahoma, included these Osage and Kansas Indian lands within the geographical limits of said Territory.
>
> It is well settled that an act of Congress may supersede a prior treaty, and that any questions that may arise are beyond the sphere of judicial cognizance and must be met by the political department of the Government.
>
> It need hardly be said that a treaty can not change the Constitution, or be held valid if it be in violation of that instrument. This results from the nature and fundamental principles of our Government. The effect of treaties and acts of Congress, when in conflict, is not settled by the Constitution. But the question is not involved in any doubt as to its proper solution. A treaty may supersede a prior act of Congress, and an act of Congress may supersede a prior treaty. (Foster *v.* Neilson, 2 Pet. 253, 314; Taylor *v.* Morton, 2 Curtis, 454.)
>
> In the cases referred to these principles were applied to treaties with foreign nations. Treaties with Indian nations within the jurisdiction of the United States, whatever considerations of humanity and good faith may be involved and require their faithful observance, can not be obligatory. * * * In the case under consideration the act of Congress must prevail, as if the treaty were not an element to be considered.

The first case I cited arose out of a conflict between the internal-revenue laws and the Cherokee treaty. The next case, the case I have just read, is the case of Thomas *v.* Gay (169 U. S. Reports, p. 264). That case arose out of the conflict between the act creating and establishing Oklahoma Territory and the old treaty with the Cherokee Indians.

We have another case, and a very recent one, growing out of the so-called Curtis Act, passed in 1898. That act involved material changes and abrogation of older treaties. Among other things under the Curtis Act, the Secretary of the Interior was authorized to lease the lands of the Indians, and he proceeded to lease certain lands. The Indians of the Cherokee Nation raised the question and brought a suit before the Supreme Court as to whether his attempt under the Curtis Act to lease any of those Indian lands was not in violation of former treaties. This case was decided December 1, 1902. I read from the record:

> This cause was begun on the equity side of the supreme court of the District of Columbia. The complainants named in the bill were the Cherokee Nation and its principal chief and treasurer and sundry other citizens of the nation, suing on behalf of themselves and of citizens of the nation residing in the Indian Territory. Ethan A. Hitchcock, as Secretary of the Interior, was made sole defendant. It was claimed in the bill that, by virtue of certain treaties and a patent based thereon, the Cherokee Nation was vested with a fee-simple title to its tribal lands in the Indian Territory, and it was also averred that, by a treaty executed in 1835, there was secured to the nation the right, by its national council, to make and carry into effect all such laws as the Cherokees might deem necessary for the government and protection of the persons and property within their own country belonging to their people, or such persons as had connected themselves with them. A synopsis of the pertinent portions of the treaties above referred to is set out in the margin.

Among which are the treaties to which I referred in my statement yesterday.

> The patent referred to in the bill was executed on December 31, 1838. It conveyed to the Cherokee Nation the lands secured and guaranteed by the treaties of 1828, 1833, and 1835. In the patent the 7,000,000-acre tract, together with the perpetual outlet, was described as one tract, aggregating 13,574,135.14 acres. In addition the patent specified the boundaries of a tract of 800,000 acres ceded by the treaty of 1835.

Then the bill of complaint, after quoting from those agreements, went on:

> Averring that the Cherokee Nation and its citizens possessed the exclusive right to the use, control, and occupancy of its tribal lands, it was alleged that the Secretary of the Interior, without having lawful authority so to do, was assuming the power to and was about to pass favorably upon applications for leases, and was about to grant leases of lands belonging to said nation for the purpose of mining for oil, gas, coal, and other minerals, one such successful applicant being stated to be The Cherokee Oil and Gas Company, an Arkansas corporation. Based upon general allegations of the absence of an adequate remedy at law, the necessity of relief to avoid a multiplicity of suits

and to prevent the casting of a cloud upon the title of the nation to its said lands, and the claim that irreparable injury would be caused and wrong and oppression result, and that there would be a deprivation of property rights of the complainants and of other citizens of the Cherokee Nation, an injunction was prayed against further action by the Secretary of the Interior in the premises.

The opinion was delivered by Mr. Justice White. Upon this question the court proceeded, as follows:

As the acts done and contemplated to be done by the appellee and assailed by the bill of complaint, are presumably not the subject of criticism, in the event that the act of June 28, 1898—

That is the Curtis Act—

was a constitutional and valid exercise of power by Congress, we will now address ourselves to a consideration of that statute.

Prior to the act of March 3, 1871 (16 Stat., 544, 566, now section 2079 of the Revised Statutes), which statute, in effect, voiced the intention of Congress thereafter to make the Indian tribes amenable directly to the power and authority of the laws of the United States by the immediate exercise of its legislative power over them, the customary mode of dealing with the Indian tribes was by treaty. As, however, held in Cherokee Nation *v.* Southern Kansas Railway Co. (135 U. S., 641, 653, reaffirmed in Stephens *v.* Cherokee Nation, 174 U. S., 445, 484), while the Cherokee Nation and other Indian tribes domiciled within the United States had been recognized by the United States as separate communities, and engagements entered into with them by means of formal treaties, they were yet regarded as in a condition of pupilage or dependency, and subject to the paramount authority of the United States.

Reviewing decisions of this court rendered prior to the act of 1871, and par ticularly considering the status of the very tribe of Indians affected by the present litigation, the court commented upon a declaration made in a previous decision that this Government had "admitted, by the most solemn sanction, the existence of the Indians as a separate and distinct people, and as being invested with rights which constitute them a State, or separate community." It was observed of this declaration that it fell "far short of saying that they are a sovereign State, with no superior within the limits of its territory." Considering the treaty of 1835 with the Cherokee Nation, under which it is now claimed, on behalf of the appellants, that the Cherokees became vested with the sole control over the lands ceded to them, the court observed (p. 485):

"By the treaty of New Echota, 1835, the United States covenanted and agreed that the lands ceded to the Cherokee Nation should at no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory, and that the Government would secure to that nation 'the right by their national councils to make and carry into effect all such laws as they may deem necessary for the government of the persons and property within their own country, belonging to their people or such persons as have connected themselves with them;' and, by the treaties, of Washington, 1846 and 1866, the United States guaranteed to the Cherokees the title and possession of their lands, and jurisdiction over their country. (Revision of Indian Treaties, pp. 65, 79, 85). But neither these nor any previous treaties evinced any intention, upon the part of the Government, to discharge them from their condition of pupilage or dependency, and constitute them a separate, independent, sovereign people, with no superior within its limits."

It results then from the doctrine of the decisions of this court that the demurrer was properly sustained, because of the fact that the matters named in the bill were matters of administration, to which the act of June 28 was applicable, and they were solely cognizable by the executive department of the Government. The decision in Stephens *v.* Cherokee Nation (174 U. S., 445) is particularly in point, as that case involved the validity of the very act under consideration, and the precedent correlative legislation, wherein the United States practically assumed the full control over the Cherokees, as well as the other nations constituting the Five Civilized Tribes, and took upon itself the determination of membership in the tribes for the purpose of adjusting their rights in the tribal property. The plenary power of control by Congress over the Indian tribes and its undoubted power to legislate, as it had done through the act of 1898, directly for the protection of the tribal property, was in that case reaffirmed.

Then the court quotes from the opinion and continues:

The holding that Congress had power to provide a method for determining membership in the Five Civilized Tribes and for ascertaining the citizenship thereof preliminary to a division of the property of the tribe among its members necessarily involved the further holding that Congress was vested with authority to adopt measures to make the tribal property productive and secure therefrom an income for the benefit of the tribe.

Whatever title the Indians have is in the tribe, and not in the individuals, although held by the tribe for the common use and equal benefit of all the members. (The Cherokee Trust Funds, 117 U. S., 288, 308.) The manner in which this land is held is described in Cherokee Nation *v.* Journeycake (155 U. S., 196, 207), where this court, referring to the treaties and the patent mentioned in the bill of complaint herein, said: "Under these treaties, and in December, 1838, a patent was issued to the Cherokees for these lands. By that patent whatever of title was conveyed was conveyed to the Cherokees as a nation, and no title was vested in severalty in the Cherokees or any of them.

* * * * * * * *

"We are not concerned in this case with the question whether the act of June 28, 1898, and the proposed action thereunder, which is complained of, is or is not wise and calculated to operate beneficially to the interests of the Cherokees. The power existing in Congress to administer upon and guard the tribal property, and the power being political and administrative in its nature, the manner of its exercise is a question within the province of the legislative branch to determine, and is not one for the courts."

This decision was under the Curtis Act. There is a recent case relating to these same lands, although not involving directly the validity of those ancient treaties, but involving the same questions as to the power of Congress to abrogate Indian treaties. It is a case decided last week, January 5, 1903—the case of Lone Wolf, Principal Chief of the Kiowas et al., appellants, *v.* Ethan A. Hitchcock, Secretary of the Interior et al. I quote from the record:

In 1867 a treaty was concluded with the Kiowa and Comanche tribes of Indians, and such other friendly tribes as might be united with them, setting apart a reservation for the use of such Indians. By a separate treaty the Apache tribe of Indians was incorporated with the two former named and became entitled to share in the benefits of the reservation. (15 Stat., 581, 589.)

I will not take up time to read all the details of the case, but I will come at once to the gist of the matter. I read from the opinion of Mr. Justice White:

By the sixth article of the first of the two treaties referred to in the preceding statement, proclaimed on August 25, 1868 (15 Stat., 581), it was provided that heads of families of the tribes affected by the treaty might select, within the reservation, a tract of land of not exceeding 320 acres in extent, which should thereafter cease to be held in common and should be for the exclusive possession of the Indian making the selection, so long as he or his family might continue to cultivate the land. The twelfth article reads as follows:

"ART. 12. No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians unless executed and signed by at least three-fourths of all the adult male Indians occupying the same, and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him as provided in Article III (VI) of this treaty."

The appellants base their right to relief on the proposition that by the effect of the article just quoted the confederated tribes of Kiowas, Comanches, and Apaches were vested with an interest in the lands held in common within the reservation, which interest could not be divested by Congress in any other mode than that specified in the said twelfth article, and that as a result of the said stipulation the interest of the Indians in the common lands fell within the protection of the fifth amendment to the Constitution of the United States, and such interest, indirectly, at least, came under the control of the judicial branch of the Government. We are unable—

The court say—

to yield our assent to this view.

The contention in effect ignores the status of the contracting Indians and the relation of dependency they bore and continue to bear toward the Government of the United States. To uphold the claim would be to adjudge that the indirect operation of the treaty was to materially limit and qualify the controlling authority of Congress in respect to the care and protection of the Indians, and to deprive Congress, in a possible emergency when the necessity might be urgent for a partition and disposal of the tribal lands, of all power to act if the assent of the Indians could not be obtained.

Now, it is true that in decisions of this court, the Indian right of occupancy of tribal lands, whether declared in a treaty or otherwise created, has been stated to be sacred, or, as sometimes expressed, as sacred as the fee of the United States in the same lands. (Johnson *v.* McIntosh (1823), 8 Wheat., 543, 574; Cherokee Nation *v.* Georgia (1831), 5 Pet., 1, 48; Worcester *v.* Georgia (1832), 6 Pet., 515, 581; United States *v.* Cook (1873), 19 Wall., 591, 592; Leavenworth, etc., R. R. Co. *v.* United States (1875), 92 U. S., 733, 755; Beecher *v.* Wetherby (1877), 95 U. S., 525.) But in none of these cases was there involved a controversy between Indians and the Government respecting the power of Congress to administer the property of the Indians.

The questions considered in the cases referred to, which either directly or indirectly had relation to the nature of the property rights of the Indians, concerned the character and extent of such rights as respected States or individuals. In one of the cited cases it was clearly pointed out that Congress possessed a paramount power over the property of the Indians, by reason of its exercise of guardianship over their interest, and that such authority might be implied, even though opposed to the strict letter of a treaty with the Indians. Thus, in Beecher *v.* Wetherby (95 U. S., 525) discussing the claim that there had been a prior reservation of land by treaty to the use of a certain tribe of Indians, the court said (p. 525):

"But the right which the Indians held was only that of occupancy. The fee was in the United States, subject to that right, and could be transferred by them whenever they chose. The grantee, it is true, would take only the naked fee, and could not disturb the occupancy of the Indians; that occupancy could only be interfered with or determined by the United States. It is to be presumed that in this matter the United States would be governed by such considerations of justice as would control a Christian people in their treatment of an ignorant and dependent race. Be that as it may, the propriety or justice of their action towards the Indians with respect to their lands is a question of governmental policy, and is not a matter open to discussion in a controversy between third parties, neither of whom derives title from the Indians."

Plenary authority over the tribal relations of the Indians has been exercised by Congress from the beginning, and the power has always been deemed a political one, not subject to be controlled by the judicial department of the Government.

I have already referred to the Curtis Act passed in 1898, subsequent to the establishment of Oklahoma Territory, and the acts of 1895 and 1897. The Curtis Act was the most important piece of legislation in reference to the Indian Territory and the solution and final settlement of the Indian problems in that Territory. I have just called the attention of the Senate to how a question arose under that act, in a case which came to the Supreme Court, where it was alleged that there was a conflict between the Curtis Act and the old treaties with those Indians, wherein the court said that the subsequent act, the Curtis Act, was paramount; that whatever conflict there was between that act and the treaty, the rteaty must yield.

In this connection I desire to quote in a brief manner some of the leading provisions of the Curtis Act in order that the Senate may have full information in the premises; but before I proceed to do so I will briefly call attention to the so-called Dawes Commission, which was created by section 16 of the act of March 3, 1893. The section in regard to the appointment of that Commission provided that the Commission were to be empowered—

To enter into negotiations with the Five Civilized Tribes for the purpose of extinguishing the national or tribal title to lands either by cession or allotment or by such other method as might be agreed upon. The Commission was to endeavor to secure provision for the suitable allotment of lands in severalty to the different Indians and to procure the cession of the lands not requisite for allotments, etc.

I will now call attention to the act of June 23, 1898, the Curtis Act. Some of the provisions of that act bearing on the case under consideration are as follows:

In criminal prosecutions against officials for embezzlement, bribery, etc., the word "officer" shall include officers of the various tribes or nations,

This was an abrogation of the old treaties. The officers of the different Indian nations were wholly amenable for negligence or maladministration to their own tribal governments. This made them liable under the criminal laws of the United States. It said the word "officer" shall include the officers of the various tribes or nations.

When the property of any tribe is affected by the issue of any suit, the tribe is to be made a party.

That is new.

Jurisdiction is given to the United States courts in the Territory to pass upon the claims of citizenship or membership in the respective tribes and claims to property as such in the tribes.

That is an innovation of their old tribal rights.

By section 11, when the roll of citizenship of any one of said nations is completed and the survey of the land finished, the Dawes Commission shall proceed to make allotments, etc.

Provision is made for the leasing of oil, coal, asphalt, and other mineral lands in the Territory.

Provision is also made for the incorporation of towns and cities and the election of officers thereof, and the establishment of schools, and for these purposes the laws of the State of Arkansas are applied and extended.

Provision is made for surveying and laying out town sites and for the disposal of the lots.

Provision is also made for making up the rolls of citizenship, including that of freedmen, and rules are laid down for the establishment of such citizenship.

Leasing of agricultural or grazing lands after the 1st of January, 1898, by the tribes or any member thereof is absolutely prohibited and declared null and void, and all such leases, made prior to that time, shall terminate on the 1st of April, 1899.

Section 26 provides that after the passage of the act the laws of the various tribes or nations of Indians shall not be enforced at law or in equity by the courts of the United States in Indian Territory.

That was a radical change and innovation—an abrogation of the old treaties.

Section 28 provides:

That on the 1st day of July, 1898, all tribal courts in Indian Territory shall be abolished, and no officers of said courts shall thereafter have any authority whatever to do or perform any act theretofore authorized by any law in connection with said courts, or to receive any pay for same; and all civil and criminal causes then pending in any such court shall be transferred to the United States court in said Territory by filing with the clerk of the court the original papers in the suit: *Provided*, That this section shall not be in force as to the Chickasaw, Choctaw, and Creek tribes or nations until the 1st day of October 1898

Now, up to this time, Mr. President, they had had in each of these nations the tribal courts—courts which adjudicated and passed upon all controversies between the different nations, and controversies between the citizens or members of one nation and of another nation, and controversies between the several members of a nation among themselves. This provision entirely abrogated and wiped out these tribal courts and transferred all suits into the United States courts—a clear abrogation of former treaties.

Section 29 of this act contains a ratification of an agreement between the Dawes Commission and the Choctaw and Chickasaw tribes providing for allotments of land, etc., giving various details; also provides for the right of way of railroads. Provision is also made for the laying out of town sites and for the operation of coal, asphalt, and other mines.

Provision is also made for the jurisdiction of United States courts in certain cases.

Provision is made for the continuance of the tribal governments for eight years from the 4th of March, 1898.

Section 30 provides for the ratification of an agreement with the Creek Indians. This agreement contains provisions for the allotment of land for town sites. Also for the jurisdiction of courts.

By the act of February 18, 1901 (31 Stat., p. 794), certain provisions of the laws of Arkansas, in relation to corporations, etc., are extended to and put in force in the Indian Territory.

By the act of March 3, 1901 (chapter 868, 31 Stat., p. 1447), every Indian in the Indian Territory is made a citizen of the United States.

I desire to call the attention of the Senate to one fact. While it is the general rule in relation to the Indians of this country that the Indians do not become citizens until the allotments of lands have been made to them in severalty, in the matter of the Indian Territory the act of 1901, which I have quoted, makes every Indian in that Territory, regardless of whether he has had an allotment made to him or not, a full citizen of the United States.

I have thus cited and referred to these several provisions for the purpose of calling attention to how repeatedly and how frequently, by legislation and otherwise, the Government has abrogated, modified, or changed these old treaties and arrangements with the Indians against their consent, and how in every instance where these changes, or abrogations, or violations of old treaties have been brought to the attention of the Supreme Court of the United States that tribunal has upheld the power of Congress in the premises.

I have called attention to the decision of the court growing out of the conflict between the internal-revenue laws of 1866 and the Cherokee treaty, the first case of the kind which brought up the question directly before the Supreme Court, wherein the court upheld the power of Congress. The next case grew up under the act establishing Oklahoma Territory, where there was a clear invasion and violation of former treaties; and in that case the courts sustained the power of Congress. In the subsequent case growing out of an attempt on the part of the Secretary of the Interior to lease lands under the so-called Curtis Act of 1898, again the Supreme Court sustained the power of Congress. In the recent case which was decided last week, the Kiowa and Comanche case, the Supreme Court again sustained the power of Congress; and so, Mr. President, it is no longer an open or unsettled question as to our plenary power in the premises.

Mr. SPOONER. Will the Senator from Minnesota yield to me for a moment?

Mr. NELSON. Certainly.

Mr. SPOONER. The object of my interruption is only to elicit information from the Senator from Minnesota, who is delivering a remarkably able and instructive speech upon this subject, for which everyone ought to be obliged to him. There is no doubt, of course, under the decisions cited by the Senator from Minnesota, that Congress has the power to abrogate treaties made with Indians as Congress has the power to abrogate treaties made with foreign nations, so far as the question of power is concerned. In other words, the courts have held that under the Constitution a treaty is the law of the land, but it differs in magnitude or importance from no other law in that respect. We can make a law and we can abrogate it. But power is one thing, as my friend knows, and the moral right to exercise the power is another. If we abrogate a treaty with a foreign country, although we have the power to do it, the Supreme Court has often said we do it at our peril. If we abrogate a treaty with the Indians, we abrogate it at our peril. but the peril is so little that it amounts to nothing.

Mr. HOAR. The Senator has not lived among the Indians.

Mr. SPOONER. I have lived in the neighborhood of the Indians and I served in the Army among the Indians, but in this day the peril is not so great. That leads me to the question which I want to ask the Senator, whether there is any moral obstruction, any principle of honor——

Mr. NELSON. There is no question of honor at all. The Senator from Connecticut [Mr. PLATT] ably answered the question yesterday.

Mr. SPOONER. I did not hear the Senator from Connecticut. I know if he did it he did it ably. I did not know but that the Senator intended to refer to that phase of it.

Mr. NELSON. I did refer to one feature of it, and the Senator from Connecticut supplemented in a most emphatic and powerful manner a part of the argument I made. The moral phase of the question is this: By the invitation, express and implied, of the Indians, 400,000 white people have gone into that Territory. They have built towns, churches, public buildings, and railroads. They have improved the country. They have made it one of the richest and most prosperous portions of America. They have enriched the Indians. They have gone there by the consent and permission of the Indians, and in view of the great task they have performed in that country the Indians are morally and equitably estopped from denying their right to organize a government. Those 400,000 people, our own kith and kin, as good people as there are in any State or Territory, are in the Indian Territory, and they have no local government except in a few of the town sites. They are without schools, except in a few instances. They have no county or township government of any kind. They are utterly helpless, more helpless than any class of people within our territorial possessions. Even in the Philippine Islands an American citizen is more protected by law and authority than in the Indian country.

I insist that it is our moral duty, a duty which we owe those people, to see to it that they get an organized government as soon as possible, and that the Indians, in all conscience and all equity, are estopped from protesting and objecting to it. Those white people have created the great wealth of that country. Had not those 400,000 white people gone into that Territory it would have been a sleepy hollow of Indian nations. There would have been no great prosperous towns and no great wealth. The wealth that is there to-day, the great prosperity that is there to-day, were brought there and created by the white people who are in the Territory; and by their efforts they have made those Indians the richest people in all this country. There is no class of people, even in my own State or the State of the Senator from Wisconsin, as wealthy as the average member of the Five Civilized Nations.

Mr. SPOONER. My friend does not understand me as antagnizing him?

Mr. NELSON. Not at all.

Mr. SPOONER. I heard read here a day or two ago a protest from the tribes, in which they insisted that under existing treaties they were entitled to tribal government until 1906.

Mr. NELSON. This does not interfere with tribal government.

Mr. SPOONER. The Senator has investigated the subject, and I have not. I am asking merely for information.

Mr. NELSON. By the last treaties made with them we did not agree that tribal government should remain, but we said tribal government should end at a certain time; that is all.

Mr. SPOONER. The Senator says they have all been made citizens of the United States.

Mr. NELSON. They have all been made citizens of the United States by the act of 1901. Before I commenced to probe the subject it was my impression that no Indians were citizens except under the general allotment law, which made them citizens only when allotments had been made to them.

Mr. SPOONER. That is the general rule.

Mr. NELSON. That is the general rule applying to all Indians in this country. I was not aware that there had been a wholesale naturalization of Indians in the Indian Territory till I found this law, but if you will examine the law you will find that by the act of 1901 every Indian in those nations is a citizen of the United States.

Mr. SPOONER. That is not against their protest?

Mr. NELSON. I never heard of any protest.

Mr. SPOONER. That makes a very strong position, because it would seem that Congress would have a right——

Mr. NELSON. I want to say further that that is not all, but that the bulk of the Indians, except a few of those chiefs whom I used to see swarming around the Capitol when I was a member of the Committee on Indian Affairs in the other body—with the exception of a few of those who hung around Washington and got money out of the rank and file of the Indians and grew fat—the rank and file of the Indian people want statehood just as bad as the white people there, because statehood will protect them against those of their own kind who have been growing fat and living upon them in years past.

Mr. SPOONER. It would seem to be very odd if Congress had not power to organize a republican government for citizens of the United States anywhere in the United States.

Mr. NELSON. Certainly.

Mr. SPOONER. I thank the Senator for his suggestion.

Mr. NELSON. I now come to the present status in the Indian Territory, and to what has been accomplished. I desire to read from the last report of the Commissioner of Indian Affairs. In his last annual report he states:

INDIAN TERRITORY UNDER THE CURTIS ACT AND SUBSEQUENT LEGISLATION—AGREEMENTS.

Three agreements have been negotiated during the last fiscal year: One with the Cherokees, approved July 1, 1902 (32 Stats., 716), ratified by them August 7, and proclaimed by the President August 12; one with the Choctaws and Chickasaws, approved July 1, 1902 (32 Stats., 641), and ratified September 25; and one with the Creeks, approved June 30, 1902 (32 Stats., 500), ratified by them July 26, and proclaimed by the President August 8.

He adds:

There seems to be no necessity for any further agreements with these nations or with the other nation of the Five Civilized Tribes in the Indian Territory, and there appears to be no reason why the work of making rolls and allotting lands in severalty should not proceed with rapidity under these new agreements.

Now, Mr. President, in this connection I have a brief or a statement prepared by the Indian Office by which I propose to show the effect of the recent treaties and agreements with the Indians in respect to lands and rights of members of these different nations. This memorandum was prepared at the Indian Office.

CREEK AGREEMENTS.

Section 46 of the Creek agreement, ratified by the act of March 1, 1901 (31 Stat., 861), declares that the tribal government shall not continue—

I call the attention of the Senator from Wisconsin to the fact that there is not a covenant that it shall continue, but there is a covenant that it shall not continue any longer. It declares that—

the tribal government shall not continue longer than March 4, 1906.

Mr. SPOONER. What is that?

Mr. NELSON. I refer to the Creek agreement. I am giving a summary of the effect of material portions of recent agreements made with the Indians—the agreements that are now in force, under which they are closing out the matter, under which they have made allotments and are making allotments. I will repeat this statement. It was prepared by the Indian Office:

CREEK AGREEMENTS.

Section 46 of the Creek agreement, ratified by the act of March 1, 1901 (31 Stats., 861), declares that the tribal government shall not continue longer than March 4, 1906, subject to such further legislation as Congress may deem proper.

Section 16 of the Creek agreement, ratified by the act approved June 30, 1902 (32 Stats., 500), is as follows:

"Lands allotted to citizens shall not in any manner whatever or at any time be encumbered, taken, or sold to secure or satisfy any debt or obligation nor be alienated by the allottee or his heirs before the expiration of five years from the date of the approval of this supplemental agreement, except with the approval of the Secretary of the Interior. Each citizen shall select from his allotment 40 acres of land, or a quarter of a quarter section, as a homestead, which shall be and remain nontaxable, inalienable, and free from any incumbrance whatever for twenty-one years from the date of the deed therefor, and a separate deed shall be issued to each allottee for his homestead, in which this condition shall appear." * * *

"It will be observed that citizens of the Creek Nation can not dispose of any part of their allotments until after the expiration of five years from the date of the approval of the agreement except with the consent of the Secretary of the Interior. The section above quoted provides that each citizen shall select a homestead, which shall be nontaxable and inalienable for twenty-one years from the date of the deed. The remainder of the land allotted to each Creek citizen would undoubtedly become subject to taxation at the expiration of five years from the date of the approval of the agreement, and if any part of the same were sold with the consent of the Secretary it would unquestionably become taxable as soon as the Indian title was extinguished, if not before. (Allotted lands may be leased, sec. 17, p. 5, of last agreement.)

CHEROKEE AGREEMENTS.

"Sections 13, 14, and 15 of the Cherokee agreement, approved by the act of July 1, 1902 (32 Stats., 716), are as follows:

"13. Each member of said tribe shall, at the time of the selection of his allotment, designate as a homestead out of said allotment land equal in value to 40 acres of the average allotable lands of the Cherokee Nation, as nearly as may be, which shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of the certificate of allotment. Separate certificate shall issue for said homestead. During the time said homestead is held by the allottee the same shall be nontaxable and shall not be liable for any debt contracted by the owner thereof while so held by him.

"14. Lands allotted to citizens shall not in any manner whatever or at any time be encumbered, taken, or sold to secure or satisfy any debt or obligation, or be alienated by the allottee or his heirs, before the expiration of five years from the date of the ratification of this act.

"15. All lands allotted to the members of said tribe, except such land as is set aside to each for a homestead as herein provided, shall be alienable in five years after issuance of patent.

"Section 63 of this agreement declares that the tribal government shall not continue longer than March 4, 1906.

Again I call your attention to the fact that there is no agreement that the tribal governments are to continue that long. It simply says that they shall not continue any longer.

"It will be observed that section 14 provides that the land allotted to Cherokee citizens shall not be subject to any incumbrance or sale before the expiration of five years from the date of the ratification of the act, while section 15 provides that all of the lands allotted to a citizen, except the homestead, may be alienated 'in five years after issuance of patent.'

"Proceeding on the theory that the land would not be taxable until title of the citizen had been extinguished, lands in this nation would not be subject to taxation—at least, until five years from the date of the ratification of the agreement. Alloted lands may be leased, section 72, page 12, of agreement.

CHOCTAW AND CHICKASAW AGREEMENTS.

"The Choctaw and Chickasaw agreement approved by act of June 28, 1898 (30 Stats., 495), generally known as the Curtis Act, provides that—

"It is further agreed, in view of the modification of legislative authority and judicial jurisdiction herein provided, and the necessity of the continuance of the tribal governments so modified, in order to carry out the requirements of this agreement, that the same shall continue for the period of eight years from the 4th day of March, 1898.

"Sections 12, 13, 14, 15, and 16 of the Choctaw and Chickasaw agreement, approved by the act of July 1, 1902 (32 Stats., 641), are as follows:

12. Each member of said tribe shall, at the time of the selection of his allotment, designate as a homestead out of said allotment land equal in value to 160 acres of the average allottable land of the Choctaw and Chickasaw nations, as nearly as may be, which shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of certificate of allotment, and separate certificate and patent shall issue for said homestead.

13. The allotment of each Choctaw and Chickasaw freedman shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of certificate of allotment.

14. When allotments as herein provided have been made to all citizens and freedmen, the residue of lands not herein reserved or otherwise disposed of, if any there be, shall be sold at public auction under rules and regulations and on terms to be prescribed by the Secretary of the Interior, and so much of the proceeds as may be necessary for equalizing allotments shall be used for that purpose, and the balance shall be paid into the Treasury of the United States to the credit of the Choctaws and Chickasaws and distributed per capita as other funds of the tribes.

15. Lands allotted to members and freedmen shall not be affected or encumbered by any deed, debt, or obligation of any character contracted prior to the time at which said land may be alienated under this act, nor shall said lands be sold except as herein provided.

16. All lands allotted to the members of said tribes, except such land as is set aside to each for a homestead as herein provided, shall be alienable after issuance of patent, as follows: One-fourth in acreage in one year, one-fourth in acreage in three years, and the balance in five years; in each case from the date of the patent: *Provided*, That such land shall not be alienable by the allottee or his heirs at any time before the expiration of the Choctaw and Chickasaw tribal governments for less than its appraised value.

"Sections 56 to 63, inclusive, of the agreement last above mentioned relate to the sale of coal and asphalt lands of the Choctaw and Chickasaw nations.

"Section 58 provides that the Secretary of the Interior shall, within six months after the final ratification of the agreement, ascertain, 'so far as may be practicable, what lands are principally valuable because of their deposits of coal or asphalt, including therein all lands which at the time of the final ratification of this agreement shall be covered by then existing coal or asphalt leases, and within that time he shall, by a written order, segregate and reserve from allotment all of said lands.' This section further provides that this total segregation and reservation shall not exceed 500,000 acres.

"The Choctaw and Chickasaw agreement approved by the act of June 28, 1898, provides that—

"All the lands allotted shall be nontaxable while the title remains in the original allottee, but not to exceed twenty-one years from date of patent, and each allottee shall select from his allotment a homestead of 160 acres, for which he shall have a separate patent, and which shall be inalienable for twenty-one years from date of patent. This provision shall also apply to the Choctaw and Chickasaw freedman to the extent of his allotment.

"Construing these two agreements together as a whole, it would seem that the lands allotted to members of the Choctaw and Chickasaw tribes would not be subject to taxation 'while the title remains in the original allottee, but not exceeding twenty-one years from date of patent,' unless it can be held that under the provisions of section 68 of the supplemental agreement, as follows:

"No act of Congress or treaty provision, nor any provision of the Atoka agreement, inconsistent with this agreement shall be in force in said Choctaw and Chickasaw nations—

the provisions of the quotation last above made from the agreement of June 28, 1898, are inconsistent with the provisions of the supplemental agreement.

"SEMINOLE AGREEMENTS.

"The agreement with the Seminoles approved July 1, 1898 (30 Stats., 567), provides that 'All contracts for sale, disposition, or incumbrance of any part of any allotment made prior to date of patent shall be void.' This agreement also provides that—

"When the tribal government shall cease to exist, the principal chief last elected by said tribe shall execute, under his hand and the seal of the nation, and deliver to each allottee a deed conveying to him all the right, title, and interest of the said nation and the members thereof in and to the lands so allotted to him, and the same shall thereupon operate as a relinquishment of the right, title, and interest of the United States in and to the land embraced in said conveyance, and as a guarantee by the United States of the title of said lands to the allottee; and the acceptance of such deed by the allottee shall be a relinquishment of his title to and interest in all other lands belonging to the tribe, except such as may have been excepted from allotment and held in common for other purposes. Each allottee shall designate one tract of 40 acres, which shall, by the terms of the deed, be made inalienable and nontaxable as a homestead in perpetuity."

"This agreement, it will be seen, provides that the homestead, in perpetuity, shall be nontaxable. Therefore it would seem that all the lands allotted to Seminole citizens except the homestead would become subject to taxation, under any circumstances, when the tribal government shall have ceased to exist.

"In the case of the United States *v.* Railroad Company it was held by the Supreme Court of the United States that 'A tax is understood to be a charge and a peculiar burden for the support of Government.' (17 Wall., 322–326).

"In the case of Perry *v.* Washburn, the Supreme Court of the State of California held that a tax is a charge upon persons of property to raise money for public purposes; it is not founded upon contract and does not establish the relation of debtor and creditor between the tax payer and the State (20 Cal., 318).

"From the above quotations it will be seen that the agreements with the Creeks, Cherokees, and Seminoles specifically declare that the homestead shall be nontaxable. If we apply the doctrine of inclusio unius est, exclusio alterius (the inclusion of one is the exclusion of another), it would seem that in these nations all of the lands except the homesteads would become liable to taxation as soon as a State government is established in the Indian Territory.

"If the provisions of the two agreements with the Choctaws and Chickasaws are consistent, it would appear that all of the lands allotted to the members of the two tribes would be nontaxable as long as the title remained in the original allottee, not, however, exceeding twenty-one years. The coal and asphalt lands would unquestionably become subject to taxation as soon as the Indian title became extinguished—that is, when the lands were sold—as would also the residue of the lands not 'reserved or otherwise disposed of' mentioned in section 14 of the agreement approved July 1, 1902."

Mr. President, from this summary will be seen the present condition and state of the allotments which have been made in that Territory. It is obvious from reading this summary and considering the work of the Dawes Commission that most of the work in the matter of allotments, segregating lands, setting them apart for the Indians has taken place. While one of the treaties contains a provision that the tribal governments may continue until 1908, in the other cases it is simply permissive. But I insist that it is unfair and unjust to the 400,000 white people who are living in that Territory without any government at all to keep them waiting until 1908 for the expiration of these tribal governments.

Placing the people of the Indian Territory in the condition of statehood with Oklahoma will in no manner interfere with or disturb the tribal governments, but, as a matter of fact, it is for the advantage and benefit and interest of the Indians that the tribal governments shall cease immediately. The Indians are now citizens of the United States, and nearly all of them—all of them with but a very few exceptions—are as competent to participate in self-government as most of the other citizens of that Territory. They are to a large extent white men, some of them with a little Indian blood, just enough to have connection with the tribes by means of blood. Others, again, are members of the nations by marriage, and some by adoption, but the great majority of the nation—90 per cent of the people—are as competent and as well qualified to participate in a State government, in county, township, and local government, as are the other people of that Territory.

It is no injustice and it is no hardship to give them such a government. On the contrary, it is a great blessing to them. The provisions of the substitute we reported in no manner interferes with the relations between the Government of the United States and the Indian nations in the matter of perfecting, consummating, and carrying out their allotments of land.

It is claimed that a good deal of the property of this Territory is tied up and will not be taxable for a great many years. I propose now to read a statement I have carefully compiled from the reports of the Dawes Commission and from the reports of the Secretary of the Interior and the Commissioner of Indian Affairs as to the conditions of land in that Territory, what lands are alienable and what are not alienable, and what restrictions there are upon alienation, and also what lands are taxable and what are not taxable.

SEMINOLE NATION.

Take the Seminole Nation. The total acreage of land of that nation is 365,851.57; reserved for town sites, schools, churches, railroad right of way, 2,272.65; acres subject to allotment, 363,578.92; acres already allotted, nearly all of it, 344,948.28; leaving a surplus of only 18,630.64 that have not been allotted in that nation.

Only the homesteads of the allottees are reserved from taxation, and these consist of 40 acres each. (Act July 1, 1898, 30 Stat., p. 567.)

There were 2,754 allottees, so that the total number of acres reserved from taxation aggregates 110,160, leaving subject to taxation in this nation:

Acreage farm lands	253,418.92
Wewoka town site (acres)	635.70
Choctaw, Oklahoma and Gulf Railroad, and St. Louis, Oklahoma and Southern Railroad, miles	25.00

These statistics are taken from the advance sheets of the report of the Dawes Commission for the year ending June 30, 1902.

CREEK NATION.

The total acreage of land in the Creek Nation is 3,172,813.16 acres; reserved for town sites, schools, churches, etc., estimated, 15,000; acres subject to allotment, 3,157,813.16; acres allotted, 2,177,262.44; not allotted, 980,550.72.

Homesteads of 40 acres are reserved from taxation (section 16 of act approved June 30, 1902, and ratified by Creek council July 26, 1902). There are 14,924 allottees entitled to homesteads, making the total acreage exempt from taxation 596,960, and leaving the following property in this nation subject to taxation:

Allotments (acres)	2,560,853.16
25 town sites (acres)	10,546.79
Railroad mileage	400.00

The above statistics are taken from Report of Dawes Commission, 1902.

CHEROKEE NATION.

Total acreage, in the neighborhood of 5,031,351; reserved for town sites, 6,887.65; reserved for schools and churches, 1,000; reserved for railroads, etc., 10,000; total, 18,000; leaving the total amount of acres subject to allotment 5,013,351.

None of this has yet been allotted, but a land office has been established January 1, and the work of allotment is being taken up. There are approximately 35,000 allottees, and under the treaty ratified by the nation August 7, 1902, 40 acres are reserved from taxation for homesteads, making a total of 1,400,000 acres. The following property in this nation after allotment will be subject to taxation:

Allotments (acres)	3,631,351
25 town sites (acres)	6,887.65
Railroads, right of way for railroads (miles)	615

CHOCTAW AND CHICKASAW NATIONS.

Total acreage (approximate), 11,338,935; reserved from allotment—town sites, 32,843.57; railroads, 20,000; schools, churches, etc., 5,000; coal and asphalt 500,000; total, 558,000; leaving subject to allotment 10,780,935.

Under the act approved July 1, 1902, and subsequently ratified by both these tribes, none of the allotments are exempt from taxation. It therefore appears that the following property in these nations will be subject to taxation as soon as the allotments are completed:

Allotted lands	acres..	10,780,935.00
Ninety-six town sites	do....	32,843.57
Mineral lands to be sold by Interior Department	do....	500,000.00
Railroads in this nation	miles..	1,360.00

Now, summarizing as to what lands are taxable and nontaxable, the statement is as follows:

Lands in the Five Civilized Tribes taxable and nontaxable.

Nation.	Taxable.	Nontaxable.
	Acres.	*Acres.*
Seminole	253,418.92	110,160
Cherokee	3,631,351.00	1,400,000
Creek	2,560,853.16	596,960
Choctaw and Chickasaw	10,780,935.00	5,000
Total	17,226,558.08	2,112,120

Taking all the five nations in the aggregate, the amount of land that will be taxable as soon as all the allotments are completed will be 17,226,558.08, and only 2,112,120 acres will be nontaxable, and only a small part of that in perpetuity.

In addition to these lands of the reservation, the Quapaw Reservation, in the northeast corner of Indian Territory, is omitted from the foregoing tables. It contains about 25,000 acres and has all been allotted.

As to this reservation I quote the following from Gideon's History of Indian Territory:

A tract of land in the northeast part of the Cherokee Nation is known as the Quapaw Agency. In size it is scarcely larger than a county, but several remnants of tribes who were once powerful reside inside its limits. The Quapaw, Peoria, Miami, Ottawa, Shawnee, Modoc, Wyandotte, and Seneca reservations were all included. The Frisco Railroad passes through the Wyandotte Reservation, and a branch of the Kansas City, Fort Scott and Memphis connects Miami, the capital city, with the main line at Baxter Springs, Kans. Miami, Wyandotte, and Peoria are all incorporate towns, and title can be given to real estate. The Miami Indians can sell 100 acres of their allotments and can make a clear title, the Quapaws can sell inherited allotments, and the Peorias can sell only a certain per cent of their holdings. There is a strip of land 1 mile wide and 2 miles in length in the Wyandotte Reservation in the center of which is the pretty little village of Wyandotte. This is a thriving town, and has an excellent agricultural country around it. The Quapaw Reservation has splendid meadow and grazing lands, with several fine farms in its western part.

Last March Mr. MOON, from the Committee on the Territories of the other House, submitted a report to the House of Representatives (Report No. 956, first session Fifty-seventh Congress) to accompany H. R. 12268, which recommended the creation of Jefferson Territory out of the area now embraced within the borders of the Indian Territory. In that report the committee considered the question of taxable property, and the following extract is taken from that report:

The real estate in the Indian Territory is at present exempt from taxation, the title to the whole body of the lands outside of the towns being yet in the Indians, but the taxable property is sufficient to support a Territorial government. The following data, obtained from reliable sources, give a conservative estimate of some of the property subject to taxation:

Ninety incorporated towns, including only about 75,000 of the population, have an assessed valuation of taxable property of $20,000,000. A conservative estimate of the taxable value of unincorporated towns is $5,000,000. There are 1,500,000 head of cattle, 400,000 head of horses, 65,000 head of mules, about 400,000 hogs, and 25,000 head of sheep. There is invested in coal-mining and coke-oven properties about $4,000,000. There are 1,415 miles of railroad in operation, and about 300 miles now under construction. A conservative estimate of the entire taxable wealth of the Territory could not be less than $60,000,000. No estimate is made of corn, wheat, oats, and cotton, which are also extensively produced in the Territory.

In this statement Mr. MOON has not taken into account, as I have in the statement I have just read, the fact that in two of these tribes, the Creeks and Seminoles, the allotments are practically completed, and that those lands are or will in the immediate future be subject to taxation; and as to the other three nations the Dawes Commission now is engaged in the work of making allotments. They are trying to perfect the roll of citizenship. As soon as those rolls are completed the work of allotment will go on and, I think, inside of a year, or eighteen months at the furthest, that work will be entirely completed.

Using the quotation just read by me in connection with the foregoing statistics, a reasonably conservative estimate of taxable values of the Indian Territory may be reached. In this estimate I take $3 per acre as the average assessable value of the farm lands.

Property subject to taxation as per estimate of House committee	$60,000,000.00
Farm lands in Seminole Nation now allotted and subject to taxation, 253,418.92 acres, at $3	760,255.76
Farm lands in Creek Nation now allotted and subject to taxation, 2,177,262.44, at $3	6,531,787.32
Railroad mileage included in House committee report, 1,415 miles. Mileage now reported by Dawes Commission is 2,400 miles. Excess 1,000 miles, at $7,500 per mile	7,500,000.00
Incorporated towns in House committee report, 91. Now incorporated, 146. Difference, 55 towns	10,000,000.00
Total at present subject to taxation	84,791,043.08

I am taking the value of the personal property, the value of the town sites, the value of the stock and the cattle and everything, and the value in this estimate of the lands that have been allotted to two of the tribes in which the allotments are practically completed.

In addition to the above, as soon as allotments are completed there will be lands subject to taxation as follows:

Creek Nation, 980,550.72 acres, at $3	$2,941,652.16
Cherokee Nation, 5,013,351 acres, at $3	15,040,053.00
Chickasaw and Choctaw nations:	
10,780,935 acres, at $3	32,342,805.00
500,000 acres mineral and asphalt lands	25,000,000.00
Total	75,324,510.16

This last $75,000,000 will be constantly coming in, and will doubtless all be subject to taxation within two or three years from this time.

In other words, there are practically now $84,000,000 worth of property, at a low estimate, subject to taxation. The lands are estimated at only $3 an acre, and they are probably worth from $25 to $50. There are now $84,000,000 worth of property subject to taxation, and in the near future, as soon as these allotments are completed, there will be at least $75,000,000 to $80,000,000 more, and that by only putting the value of the lands on the basis of $3 an acre, and they are among the best agricultural lands in all this country.

I have now gone over the question of taxation of these lands, as to what lands are taxable and what are not taxable. I now take up and refer to the lands that are alienable and nonalienable.

LANDS INALIENABLE AND ALIENABLE, AND WHEN ALIENABLE.

Seminoles, 253,418 acres, alienable when patent issues.

Seminoles, 110,160 acres (40-acre homesteads); inalienable in perpetuity.

Cherokee, 3,631,351 acres, alienable in five years after issue of patent.

Cherokee, 1,400,000 acres (40-acre homesteads); inalienable during life of allottee, not exceeding twenty-one years.

Creek, 2,560,853 acres, not alienable without consent of Secretary of Interior till five years after approval of supplemental treaty (June 30, 1902).

Creek, 596,960 acres (40-acre homesteads); inalienable for twenty-one years after date of deed.

Choctaw and Chickasaw, 5,780,935 acres (160-acre homesteads); inalienable during life of allottee, not exceeding twenty-one years from date of certificates of allotment.

Choctaw and Chickasaw, 5,000,000 acres, alienable—one-fourth in one year, one-fourth in three years, and one-half in five years after issue of patent.

I have here, Mr. President, in this statement attempted to show the exact condition of the land question in that Territory. I have pointed out what progress has been made in the way of allotments and I pointed out the condition of those lands when allotments are completed, as to what lands are alienable and inalienable, and as to what lands are taxable and nontaxable, and the limitations and qualifications in respect to alienation and taxation.

I have pointed out these facts in such detail, Mr. President, for the purpose of showing that there are no serious obstacles to attaching Indian Territory to Oklahoma and making the two into one State. The Indian Territory would be abundantly able to share and bear its just proportion of taxes.

Perhaps, in the first instance, there might not be as many lands taxable in Indian Territory as there are in Oklahoma, and yet I doubt it. The bulk of the lands in Oklahoma are nontaxable until a patent has been issued. Most of them have been entered under the homestead law, and lands that have been entered under the homestead law are not taxable until a final patent is issued. I do not know whether they do in Oklahoma as we have done in Minnesota and in some of the Western States—tax the improvements of the homesteaders. But until a patent is issued, which, except in commutation cases, can not be until after five years, the lands are not taxable. It would be a great labor, but I think if we had a complete list from the Land Office giving a description of every homestead entry made in Oklahoma Territory, if we had a complete

list of the homestead entries, their dates, and the facts, showing what entries have been proved up and patented and what not, we should find that the bulk of the land in Oklahoma Territory to-day is not taxable and will not be for some years to come.

I see sitting at my left here the able junior Senator from South Dakota, my near neighbor [Mr. MCCUMBER]. He knows full well the truth of what I speak in this connection, that homestead lands are not taxable before final entry. That should be taken into account, Mr. President.

I may say for those who are not familiar with that law that a homesteader, under existing laws, makes his first or preliminary entry. That is the beginning of it. He can, after settling on the land, cultivating it, and living on it for fourteen months, commute it—that is, furnish proof that he has complied with the law for fourteen months and pay for the land. That gives him a certificate of entry, and in due course a patent is issued. But if he does not choose to pay for the land, he can live on it seven years. He can prove up at the end of five years.

Five years' residence entitles him to a free entry of the land if he proves his residence and cultivation, but he can take two years more. A homesteader who is not anxious to sell his land, in a great many cases avails himself of the two years for proving up, so that he has seven years. If you take into account the fact that a great many of these lands have been recently opened you will see that a large portion of the lands in that Territory are not subject to taxation. I think by the time all the available lands have been entered as homesteads and by the time those entries have been consummated and reduced to ultimate patents of title, the bulk of the land in the Indian Territory will become taxable.

So, when we come to the matter of taxation of real estate, Mr. President, we find that there will be as much real estate taxable in the near future in Indian Territory as in Oklahoma.

The Indian Territory has one class of property that is immediately taxable that Oklahoma has not. I refer to the valuable coal fields. Five hundred thousand acres of those valuable coal lands are to be segregated and immediately available for disposal. There is an asset for taxation that equals thousands of acres of homestead lands.

So, Mr. President, in the matter of taxation, as I said a moment ago, Indian Territory is at this particular instant, and would be as soon as the two Territories are combined, united, and admitted as one State, fully competent and able to bear her full share of the burdens of taxation. There can be no question as to that.

The substitute reported by the committee does not interfere with allotments; it does not interfere with the consummation and perfection of allotments of land in that Territory; it does not interfere with any of the special rights of the Indians. But suppose it did interfere with that provision which says that tribal government shall not cease until 1906, I submit that it would be a blessing to the Indians to obliterate those governments before that time. These tribal governments have been as great a curse as firewater has been to the Indians; those tribal governments, from the very beginning down to the present time, have been a curse and a nightmare to the development of those Indians, and it would be a blessing, now that they are citizens of the United States, to put them on a par with other citizens and give them all the privileges and immunities that other citizens of the United States enjoy.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Indiana?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. The convention at Oklahoma City held last week had as its president a full-blood Indian; as its permanent chairman an Indian from the Indian Territory; as its secretary an Indian from the Indian Territory; and Indians from the Indian Territory were among the delegates demanding the very relief which the substitute proposed by the committee affords; demanding and begging this Congress to give them relief from the tribal condition of which the Senator so cogently speaks.

Mr. NELSON. I have no doubt, Mr. President, but that a great and large majority of the members of the Five Civilized Tribes are as anxious for statehood as are the white people in that Territory, because their petty tribal governments have been a curse and a burden to them; they have been simply instruments in the hands of a few schemers among their own people, and oftentimes of white schemers, who are ex officio members of the tribe simply by marriage or adoption.

Mr. President, I am about done. Perhaps I owe an apology to the Senate for taking up so much of its time, but I have endeavored from first to last, in my humble way, in a plain and unvarnished manner, to point out the important facts and circumstances which ought to guide and govern us in a matter of such great moment. At the outset, Mr. President, I briefly pointed out the general principles that ought to control us in the admission of new Territories as States in respect to population, in respect to numbers, in respect to the moral and intellectual qualities of the people, and in respect to their industrial and economic development as States. Then, after laying down those general rules, I proceeded to take up these Territories, one by one.

I first took up the Territory of Arizona. I pointed out in that case, in as brief a manner as I possibly could and do the matter justice, first, that as to population, deducting the Indians not entitled to representation under any circumstances, giving that Territory credit for all that it reasonably can claim at this time, it did not have a population which entitled it to one Representative in the other House of Congress. Taking the figures of the census as a basis and allowing them the same rate of increase they had from 1890 to 1900, they have at this time not much over 106,000 people. If you take the statistics of the Indian Office as to the number of the Indian population, they would have only a little over a hundred thousand. They have only a little more than one-half of the ratio entitling them to a Representative in the other House of Congress.

In the next place, I pointed out the fact—and in respect to Arizona I did not go outside of the statistics of the census—that in the matter of illiteracy the people of Arizona occupy a very low level, a lower level than any of the States of this country except a few of the old slave States which, in the days prior to the civil war, were burdened with a large slave population. I showed the great discrepancy with reference to illiteracy between that Territory and all the great and growing and progressive States of the country. Then I showed that the industrial life of the people was in a stagnant and comatose condition; that only a mere fraction, a mere bagatelle, less than 1 per cent, far less—I do not remember the exact figures—of the area of that Territory has ever been under cultivation; that cultivation is limited by irrigation, and that irrigation has reached its limits.

Cattle raising and agriculture, for the lack of water, for the want of irrigation, for a long time have been at a standstill. Their mining industry, for which so much has been claimed, is exceedingly limited. Aside from that of copper, of which there is some mining, their gold and silver mining is very slight indeed; and as to coal there is almost next to nothing.

Take the Territory as a whole in respect to the number of its people, in respect to their quality and capacity for self-government, in respect to their industrial and economic development, and it seems to me, Mr. President, the Territory of Arizona is at this time wholly unfit for statehood, and that it ought to remain in a Territorial condition for some time to come. It ought to remain in that condition, Mr. President, for another reason; and that is, by recent legislation of Congress we have made provision for a vast scheme of irrigation under the auspices and at the expense of the Federal Government. That law ought to have a chance to operate for the good of those people; that law ought to have time to confer the blessings that are to come to the people of Arizona, as they will come to other portions of the arid belt—like Divine grace, without price.

If we admit those people to statehood at this time, the promoters and the schemers, who have all kinds of schemes of irrigation for the purpose of promoting stock jobbing and disposing of land, will go there; they will run the Territory and the municipalities into debt; whereas if the people are left in a Territorial condition, they can gradually, without any expense, under the blessings of the recent legislation passed by Congress, to which I have already referred, secure that water supply, that irrigation which is so essential to their industrial life and happiness.

I am now only making a brief summary. I next took up the case of New Mexico. In the case of New Mexico, although it is one of the oldest settled portions of the United States, which has been settled for more than three hundred years, yet at this moment, if we deduct the nonrepresentative Indian population, it has barely enough people for one Representative in the other House of Congress.

If there were no objection but the mere matter of numbers I should have nothing to say; but when you come to examine the character of that population you find a population in that Territory more un-American in all its characteristics than you find anywhere else in our borders between the two great oceans. It is to-day, as I said, Mr. President, as it has been in the past, a portion of old Mexico injected into the bowels of the United States. The characteristics which it possessed in its earliest period it still possesses in a great degree, and on account of the climate, the soil, and other things there has not been sufficient immigration of Americans to Americanize that country and make it like the rest of the United States.

Notwithstanding all the advantages of a Territorial government—the same advantages of Territorial government that the other Territories of the Northwest enjoyed—they never had a public school system established in New Mexico prior to 1888, although they became an organized Territory as early as 1851. They did not make as much progress in the matter of public

education for the masses of their people from 1851 to 1888, a period of thirty-seven years, as the people of Porto Rico have made within the last two years, since we passed the act organizing and establishing the Territorial government of Porto Rico.

But that is not all, Mr. President. I am not finding fault because those people are of Mexican descent. That is not at all to their discredit. What I am finding fault with them for is that they do not become Americanized, and that they still speak the Spanish language. Two-thirds of the people of that Territory are known as Spanish-Mexicans, and with them the Spanish language is still the predominating language. In their public schools Spanish is taught side by side and on a footing of equality with English, and in many schools back in the country districts they teach nothing but Spanish.

Look at their courts, Mr. President, and you have a spectacle in reference to the administration of justice that you do not find anywhere else under the jurisdiction of our Government outside of Porto Rico and the Philippine Islands. In those courts they have interpreters not only to interpret the testimony of witnesses—for that is common enough and occurs all over the country—but they have interpreters to interpret the arguments of counsel to the jury, to interpret the charge of the court to the jury, and, what is more, in many instances they send interpreters into the grand and petit jury rooms, to be among the jurymen—a thing never heard of anywhere else in all this broad land. I do not think you will find any court outside the courts of New Mexico that would tolerate an interpreter going in among the jurors when they are deliberating on their verdict. The same thing takes place in the legislative halls, where they use the Spanish language fully as much as the English. Their laws are printed in both languages—Spanish and English.

Go to their justices' courts, and you find almost all the justices' courts in that country are wholly conducted in the Spanish language. Their dockets—and everybody who is familiar with jurisprudence knows what a justice's docket is—from beginning to end are in the Spanish language. A man going to that country to examine the dockets of any of those justices' courts and to examine the proceedings, if he came there blindfolded would think that he was in Spain or old Mexico, and not in a portion of the United States that has been a part of our country ever since General Kearney and Colonel Doniphan occupied that country in 1846.

Mr. MITCHELL. Is there no hope for a change?

Mr. NELSON. Yes; there is hope for a change; and I want to give those people an opportunity of a good training school, as good a training school as any of us need—a well-organized Territorial government. The State of the honorable Senator from Oregon was for some time a Territory, and all the great Northwestern States have been in a Territorial condition; but although they occupied that position, they never allowed that to stop the wheels of progress.

I live in a State, Mr. President, where perhaps one-fourth of the population is of foreign birth, and yet I have never known anywhere in that State—and I have practiced law in many counties of the State—such a thing as an interpreter standing up beside a lawyer and interpreting his argument to the jury; I have never known the charge of a judge interpreted to the jury, and I have never known such a thing as an interpreter being sent in with a grand jury or a petit jury to interpret and deliberate with them, except in New Mexico.

Mr. SPOONER. Such a thing would vitiate the verdict of a jury almost anywhere else.

Mr. NELSON. Yes; it would anywhere else except in New Mexico vitiate a verdict, as the Senator from Wisconsin says. To allow a man to go into a jury room when the jury were deliberating, and he not a member of the jury, would be ground for setting aside an indictment in any court except in the courts of New Mexico.

As I was saying, I have never known of such a thing in my portion of the country, and there we have never had the laws published in any but the English language. Our public schools are conducted in the English language even in the districts—and there are many of them—where the bulk of the population were born in foreign countries; and yet they are as loyal and as faithful to the American system of public schools as though they were to the manner born. But how is it in New Mexico? In spite of all the advantages they have had, those people are still Spanish, still un-American, still backward. Those people are not at this time fit and qualified for or entitled to State government.

It is for our interest to be, and it is one of the glories of this county that we are, a homogeneous, Anglo-Saxon nation, speaking the English language. We do not want any other language to usurp and maintain a foothold in this country; we do not want a Spain, or a Germany, or a Norway, or anything else of that kind in this country; we want the whole of it a homogeneous, Anglo-Saxon, English-speaking people; and so long as any portion of our country is in that un-American condition in respect to language and education I submit that it ought to remain in a state of pupilage and as a Territory until it has reached the full manhood of American citizenship.

It is no hardship to the people of New Mexico, as it would be for the people of the Indian Territory, to be deprived of admission into the Union. They have a good government. Congress has given them a large school grant, greater than was given to the Northwestern States. Let them utilize that school grant; let them Americanize themselves; let the proceedings of their courts and their legislature be conducted in English; let them publish their laws only in the English language and have their schools teach nothing but English, except in their higher schools, where they teach a foreign language as one of the dead languages. All these things they can accomplish while in a Territorial condition; and until they have accomplished and availed themselves of these privileges they have not the right to come here and apply for statehood.

In this matter, Mr. President, it is not the clamor of the politicians and the promoters to which we ought to listen, but we ought to listen to the conscience and voice and sober sense of the American people, and not do what those politicians and promoters ask us to do, but do what is best for the highest good and the greatest blessing of the American people.

Now, coming to Oklahoma and the Indian Territory, I am actuated by no hostility to the people of Oklahoma. When they came here some years ago to get the free homestead bill passed, although but few people in my State had an interest in it, and that a limited one, I was anxious to pass that bill for the relief and help of the people of Oklahoma, for it helped more people in that country than anywhere else.

Mr. President [Mr. FRYE in the chair], you will remember I stood up in this Chamber and got the unanimous consent of the Senate to pass the free homestead bill, and no legislation outside of that establishing Territorial governments in Oklahoma has conferred a greater blessing upon the people of that Territory than that act. Their great progress from the time they became a Territory until to-day shows that they have not been in a political strait-jacket. They have not been too tightly laced for their own progress. They have grown and prospered as rapidly as have any of the great and growing Northwestern States. They are not hampered or restrained either by legislation or for want of good administration. They do not suffer for the want of good government. But take their sister Territory right by their side. Look at the conditions there.

Four hundred thousand people of our own kith and kin, as intelligent, as energetic and prosperous, and as good American citizens as there are in any portion of this country, and to-day they are utterly helpless. It is as though their arms and legs were entirely shackled. They have no schools for the children except in a few limited instances, and they have no county, town, or municipal government except in a few town sites. They are utterly helpless. They have come there at the request and on the invitation of the members of the Five Civilized Nations to build up that country, and they have made it a prosperous country—a very garden of Eden; but still they are there as the poor Israelites were in Egypt under the administration of Pharaoh.

Are we to leave them in that condition? No. There is no haste about Arizona; there is no haste about New Mexico; there is no haste even about Oklahoma; but there is haste in regard to the Indian Territory. There is that haste which comes from justice and equity and a purpose to do right: there is haste about doing justice to the people of the Indian Territory and giving them a good government as soon as practicable; and now, Mr. President, is the accepted time. Let us unite these two little Territories, small in area, with a ragged, broken frontier between them, as ragged and broken as though a limb or a bone had been fractured; let us unite those ligaments that were once together, and make them into one State that will compare in area and dignity with the other great States of the Mississippi Valley—with the State of Arkansas, the State of Kansas, the State of Nebraska, the State of South Dakota, and the State of North Dakota, in the very same row of States.

It is to the advantage of those people to be a great State, on a par with the other great States of the Union. And then look at the great mutual advantages which would come of their union. In natural resources one Territory is the complement of the other. Oklahoma is a prairie country, with little or no timber, and no coal. The eastern half of it is a fertile agricultural country; the west half well within the semiarid belt, a grazing and cattle country. East of it is the Indian Territory, with an abundance of water, with over a million acres of good, valuable timber, including pine and hard wood; and with a large quantity of coal for fuel, one of the greatest necessities of life. What one Territory lacks the other has. By uniting these two Territories, you will have a State that will be possessed of all the great resources that are essential to the development of a State. You will have a

stock-raising State; you will have an agricultural State; you will have a mining State; you will have a lumbering State; you will have a coal-producing State, all in one.

Then look at the great commercial advantages. Every Senator knows what the crossing of State lines means, not only in the matter of arresting and capturing criminals, but also in the matter of traffic and transportation. Under our dual system of government State regulation and State control in reference to railroad and other transportation is limited to the traffic and commerce beginning and ending in a single State. If it extends beyond the limits of that State it is subject to interstate law, subject to Federal power. If the two Territories separate, the conveyance of coal by rail from the Choctaw Nation into Oklahoma would come under the interstate or Federal law. If you have these two combined, coal will be carried from the realms of the Choctaw Nation to the people of Oklahoma under one political head, under one legislative and judicial system, which will enable those people to protect themselves against monopoly in mining and transportation, and what that means we know full well by our experiences in the recent great coal strike.

For the good of the people of both Territories, on account of their natural resources, I say they ought to be one, and that it would be an act of cruelty to separate them—separate what you might say that God hath joined together—separate them and cast them adrift, isolated from each other, commercially and industrially.

As I have shown, there is no hardship to the people of Oklahoma in being united with the Indian Territory. If you take into account all the lands that have been entered under the homestead law in Oklahoma Territory, there are about as many lands—or there will be within the next year—subject to taxation in the Indian Territory as there are in Oklahoma. If you take into account also the numerous town sites that have been settled by those 400,000 white men, the very valuable coal and asphalt fields that are now being developed on such an extensive scale—take all these into account and there is no doubt at all about the people of the Indian Territory being competent and able to bear the full burdens of taxation.

It is not fair, as I said yesterday, for the people of Oklahoma to say, "Let us in now, and then put in a clause providing that we can afterwards take in the Indian Territory." The people of the Indian Territory, if they are to be a part of the combined State, ought to be admitted at the same time, in order that they may all participate in the constitutional convention and have a voice as to the fundamental principles of government. Why should not the 400,000 white people of the Indian Territory have the right to participate in a constitutional convention and express their views as to the constitutional government as well as the people of Oklahoma? Why should we compel them to accept a ready-made government and let them in afterwards, as it were, by grace?

I submit, Mr. President, that as a matter of fairness and as a matter of justice, if we are ever going to combine the two into one, let us combine them now, at the time when we admit them into the Union. By doing so the people of the two Territories—and I want to say that in the committee's substitute in the matter of delegates to the constitutional convention we put them on a footing of equality—if we admit them now and allow them jointly to come in, the people of the Indian Territory will have the same voice and the same opportunity as those of Oklahoma to express their views on the formation of a constitution and a State government, as they ought to have, and any other method of joining them together would be unjust in the extreme to the people of Indian Territory.

Mr. President, I have not occupied the attention of the Senate just for the mere love of debate; I have not occupied it for the purpose of filibustering; I have occupied it, in my humble way, to present all the facts bearing upon the question fully and fairly to the Senate of the United States. I have attacked nobody; I have abused nobody; I have simply aimed, from history, from statistics, and from the evidence, to lay the facts before the Senate in order that every Senator may judge of them as I judge of them. I have no doubt but that every Senator is actuated by the same spirit by which I am actuated, and that is to do what is best for our great country. I am actuated by no hostility to the people of Arizona or New Mexico as such; but while I love them, I love the United States of America more, and what is for the good of our great country, the united whole, is uppermost in my heart and affection.

The Secretary read as follows:

PURCELL, IND. T., *December 28, 1902.*

Hon. KNUTE NELSON, *Washington, D. C.*

DEAR SIR: Outside of a few officeholders and politicians the fight you are making for single statehood is unanimously approved of by all the representative people of both Territories, including the best Indian citizens.

We not only believe you are fighting for what you believe to be right, but that you are demanding that justice be done 400,000 representative American citizens who have even been denied the educational facilities extended to the half-civilized Filipinos.

Wishing you success, I am, respectfully, J. M. BRONAUGH.

PURCELL, IND. T., *December 27, 1902.*

Hon. KNUTE NELSON,
United States Senator, Washington, D. C.

DEAR SIR: I for one (and I think I voice the sentiment of 90 per cent of the people of Oklahoma and Indian Territory) sincerely desire that the Nelson bill admitting Oklahoma and Indian Territory as one State be passed immediately and allow us people a future for our children in way of educational features, not mentioning other benefits which are apparent.

Respectfully,

J. W. HUDSON.

OKLAHOMA CITY, OKLA., *December 5, 1902.*

Hon. KNUTE NELSON,
United States Senate, Washington, D. C.:

One hundred fifty Republicans, 150 Democrats, constituting Oklahoma City commercial organization, heartily indorse your statehood bill. We are for one State first, last, and all the time.

OKLAHOMA CITY COMMERCIAL CLUB,
A. H. CLASSEN, *President.*

[From the Shawnee Herald.]

SINGLE STATEHOOD ON TOP.

The Herald has frequently called attention to the anomalous political conditions that hedged about the statehood condition. During the last campaign much capital was made by the McGuire supporters out of the fact that the Democratic platform was not in line with the Democratic members of Congress and the Senate, who were known to be solidly supporting the omnibus bill. On the other hand, the Herald frequently pointed out that the Republican platform in this Territory was wholly at variance with the undoubted attitude of the Republican Senators in whose hands the fate of statehood lay. The action of the Senate committee yesterday in knocking out the omnibus bill and substituting therefor a sensible, rational, out-and-out single statehood bill is a thorough vindication of the Democratic platform in the late election, and puts those Republicans who voted for Bill Cross and single statehood in the front rank of their party in the Territory. No greater rebuke has ever been administered to the traitors, cowards, and peanut politicians who waged the warfare for an emasculated State of Oklahoma alone and statehood for the greasers and nondescripts of Arizona and New Mexico, while defaming the half million splendid Americans who are our neighbors in the Indian Territory.

OKLAHOMA CITY, OKLA., *December 4, 1902.*

Hon. KNUTE NELSON, M. C.,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Pardon me for referring to our former acquaintance, dating back to 1888, 1889, and 1893; first, during legislation for the opening of Oklahoma to homestead settlement, and later at the antitrust convention at Music Hall, Chicago. In reference to single statehood, I saw by the dailies on yesterday that you, chairman of the Senate Territorial Committee, reported a substitute bill for the Flynn bill; that your bill provides for creating a State out of or combining the Oklahoma and Indian Territories in one State. In this you are right, and nothing short of erecting one grand, imposing, magnificent State out of these two Territories should be attempted by the United States Congress.

Were single statehood submitted to a nonpartisan vote, I think I do not overestimate the result when saying that 80 per cent of the people of both Territories would be cast for just such a measure—the bill you now advocate—as the commercial and political, and, I may add, social interests are so thoroughly cemented together that it would not be short of criminal neglect on the part of Congress to create two States where but one should be established for the good of all concerned. Give to our people one State and you will have added to the satellites of this great and grand Union of States a commonwealth second to no State in our grand galaxy of States, all things considered, associated with intellect, wealth, patriotism, and greatness. And we, the old pioneers who fought her early battles and spent the best years of our lives struggling on and on for homestead settlement, never entertained the faintest opinion that else than one grand State would some day favor the citizens and inhabitants of these twin Territories. Trusting in your ability as one of our leading, broad-gauged statesmen, we now flatter ourselves with foreseen success at your hands. Thanking you for the manly stand you have taken in the interest of all concerned, I will close by wishing you success.

Very respectfully, yours,

SAML. CROCKER.

THEODORE ROOSEVELT REPUBLICAN CLUB, NO. 1.
Sapulpa, Ind. Ter., December 4, 1902.

Hon. KNUTE NELSON, *Washington, D. C.*

DEAR SIR: The above heading will tell you what my political belief is, and the people here unanimously, except the carpetbagger gang who have been imported here to hold office, approve the bill reported by the committee, of which you are one, for the admission of this Territory with Oklahoma into one State, and sincerely hope it will soon become a law.

Very truly, J. J. JONES.

OKLAHOMA CITY, OKLA., *December 5, 1902.*

Hon. KNUTE NELSON,
United States Senator from Minnesota, Washington. D. C.

DEAR SIR: I desire to congratulate you on the noble, statesmanlike, and patriotic stand you have taken regarding statehood for Oklahoma and the Indian Territory. Like yourself, I am a Republican, but I believe there are times when we should rise above partisan politics and do those things that are best for all the people and for the whole nation. The creation of a State out of Oklahoma and the Indian Territory may possibly be a temporary advantage to the Democratic party. The great State of Iowa was once Democratic, and now it is represented by the sturdy ALLISON and the brilliant DOLLIVER. Indiana was once Democratic and now is represented by two brilliant and brainy Republicans, and there was a time in the history of this nation when your own State was not considered as rock-ribbed in Republicanism. Make us one strong, wealthy, conservative State, so that in case the hot winds should blow in a few months' time we would not relapse into a region of desolation and starvation. A strong State means conservatism.

I again congratulate you on the stand which you have taken.

Very truly, yours,

D. C. LEWIS.

OKLAHOMA CITY, OKLA., *December 11, 1902.*

United States Senator BEVERIDGE, *Washington, D. C.*

DEAR SIR: I am proud to see that you are so ably leading the fight for the Nelson bill and against the omnibus bill now pending. I live in El Reno where a majority favor single statehood, but where some active politicians for selfish reasons want to defeat that measure. There are no grounds for this opposition except purely selfish ones. Guthrie, the present capital of this Territory, is afraid of her life, that she will lose the capital, while El Reno has some small hopes of securing it if Oklahoma can be made a State now, but the great host of the people of both the Indian and Oklahoma Territories care for nothing just now but one great and grand State made up of the two Territories combined.

I have traveled commercially the two Territories for nine years, know the resources of both, and the combined resources of the two are absolutely necessary to make a prosperous State. I have always supported Dennis Flynn up to this campaign, and told him plainly, some time since, that I no longer could do so. Now, to encourage you, I say use every power at your command, call for expression and support from the two Territories, bring to bear every known or unknown tactics, and defeat this selfish measure, that if successful, would forever divide the two Territories and thus defeat what God and common sense intends shall be—one grand and glorious State, a State that will be an honor and a pride to the Union and also to its citizens.

Make this the fight of your life, dear Senator, and its success will make you the most honored of all men by the people of the two Territories.

Yours, truly,

C. N. WHEELER,
Elreno, Okla.

OKLAHOMA CITY, OKLA., *December 12, 1902.*

Hon. ALBERT BEVERIDGE,
Washington, D. C.

DEAR SIR: Having had one year's residence in Oklahoma, I have had an opportunity to study some of the wants and needs of her people, and I am thoroughly convinced that at least 90 per cent of all the thinking people are unequivocally for single statehood (Oklahoma and Indian Territory as one); that those opposing this measure very largely represent selfish interests.

I further believe that the leading business men care so little for the permanent location of the capital that this city will never enter into a scrimmage to secure same.

The people here are with you in this contest, and I beg to add my humble indorsement.

Very truly, yours, R. R. FULLER.

INDIAN TERRITORY BANKERS' ASSOCIATION,
PRESIDENT'S OFFICE,
Purcell, Ind. T., December 12, 1902.

Hon. A. J. BEVERIDGE,
United States Senate, Washington, D. C.

DEAR SIR: Please accept these few lines on the statehood question. In that vast tract of land lying between the Mississippi River and the Rocky Mountains there is a line running from the Gulf of Mexico to the northern boundary of the United States which divides the good land from the bad, the fertile from the arid. That line runs about along the ninety-eighth meridian and passes through the center of Texas, through the eastern part of Oklahoma, through the central part of Kansas and Nebraska, and through the eastern part of the Dakotas. West of that line the land is arid, and east of it lies the fertile land. We find the States of Iowa, Missouri, eastern Kansas, eastern Nebraska, the eastern part of the Dakotas, eastern Texas, and the entire Indian Territory east of that line. West of it we find the desert land of Texas, the barren lands of Kansas and Nebraska and the Dakotas and fully three-fourths of Oklahoma.

The eastern half of that tier of States is better than the western half in every instance, and in the eastern half will be found the bulk of the population, the bulk of the wealth, the educational institutions, the commercial supremacy, the seat of political power, and the larger and more important cities. The same will be true of the State made out of Oklahoma and Indian Territory, and it would certainly be unfair and unjust to give Oklahoma statehood now and later on attach the Indian Territory with its greater population, greater wealth, etc., after Oklahoma had made the laws to suit herself and had appropriated all of the State institutions to her part of the State.

At present a large majority of the people of the Indian Territory favor one State, but the instant you give statehood to Oklahoma alone, that instant every man, woman, and child in the Indian Territory will favor making another State of the Indian Territory, and you could not blame them.

Please tell Senator QUAY that the people of the Indian Territory will pay their part of the State taxes and that they will also take care of their municipal and county taxes. Before the tribal governments are extinguished and almost by the time a State government could be established, if your bill passes now, the United States Government will literally dump into the Indian Territory about $50,000,000 in actual cash or United States Treasury checks. That is the money the Indians will receive from the sale of town lots and coal and other mineral lands, and the money now standing to the credit of the Five Civilized Tribes on the books of the United States Treasurer.

This $50,000,000 added to the immense personal property wealth of the Indian Territory would exceed the entire taxable property of Oklahoma. So you see we of the Indian Territory would be perfectly able to pay our part of the taxes.

It may surprise you to know that the Indian Territory has more national banks than a dozen or more of the old Eastern and Southern States.

Indian Territory has more banks than Arizona and New Mexico combined; in fact, has twice as many as those two Territories.

The Indian Territory has almost twice as much banking capital as Arizona and New Mexico combined, and she has very near twice as much in bank deposits as Arizona and New Mexico combined.

I know your time forbids, or I would like to give you more information in my way.

The friends of single statehood of the two Territories are willing to submit the single statehood question to a vote of the people of Oklahoma and Indian Territory.

With sincere hope that your bill will pass, and with personal thanks for the great effort you are making for right and reason, I beg to remain,

Respectfully,

W. M. TOMLIN.

KAW CITY, OKLA., *December 24, 1902.*

Hon. ALBERT J. BEVERIDGE,
Senate Chamber, Washington, D. C.

SIR: I regretted that I did not have a further opportunity to discuss Oklahoma matters with you while you were here, but my views were outlined in my report to the Secretary of the Interior about a year ago, which I assume you have probably read. Matters in reference to statehood and the Indian Territory are found on the last pages of that report.

I have had little question in my mind about what you and your committee would recommend in the premises; that is to say, so far as the general features of your recommendation are concerned. I believe that the conditions existing in Oklahoma and the Indian Territory suggest but one course when those conditions are understood, and that is that the two Territories be united in one State. I have been surprised that the omnibus statehood bill has received as much consideration as it has.

I have always believed that when Congress should come to seriously consider Oklahoma's admission to statehood they would find so many important questions peculiar to our condition that no law favoring statehood would be hastily passed, but that ample time for the fullest consideration of the whole question would be allowed.

In my report to the Secretary of the Interior, a little over a year ago, made when I was governor of the Territory, I called attention to some of the conditions existing in the Indian Territory, assuming that Congress would deem it wise to defer statehood until these conditions had been rectified and that Territory prepared for statehood with Oklahoma. The suggestions I then made are as pertinent as ever, except where they may have been or may be modified to meet legislation enacted since they were made.

The people of Oklahoma feel they are entitled to statehood, and our social and political conditions are known to be such as to recommend us to Congress. Our geographical area I have always considered an insurmountable barrier.

I presume it would be impossible for Congress to frame a bill, now or at any future session, satisfactory to the people of both Territories. Many western Oklahoma people oppose statehood in union with the Indian Territory. Their opposition has a selfish basis as they consider that in case of such a union their chances for public institutions and offices would be thereby lessened. Some of the people in the Indian Territory object to union from similar motives.

But there is one objection urged by some Oklahoma people against single statehood which has some real merit, and that is that in the Indian Territory sections 16 and 36 have not been set aside for school purposes, and that we are asked to take in that Territory stripped of that endowment. I think this is one of the most important questions with which Congress has to deal, and it should be met in a practical, businesslike way, and that these sections should yet be set aside by Congress for common-school maintenance, and where they are occupied by Indians as homesteads other lands should be given the holders, the Indians being paid for them by Congress at an appraised value as a basis for allotments.

The lawyer who only gives a technical opinion will no doubt say that this would conflict with treaty stipulatons, and that it can not be done, but I believe that these are matters of such grave importance this should be done, and that Congress can and will find a way to do it without violating the rights of the Indians in any manner.

Oklahoma was originally opened under an amendment tacked on to the Indian appropriation bill in the House, which was incomplete, and as a result our people came in and took possession of the land and lived on it without any civil government for more than a year. The Cherokee Outlet was opened for settlement in the same way, after bills had been reported by the committee and discussed on the floor and failed to pass, the general features of which were afterwards tacked on to the appropriation bill as an amendment in the closing hours of the session.

But the fact that this important legislation was passed in this manner, however, has not prevented Oklahoma from making unparalleled progress and demonstrating the error of judgment expressed by members of Congress who opposed the opening for the reason that Indian titles were not extinguished, and that the conditions were not yet ready to allow the country to be thrown open to settlement.

I think that the conditions in the Indian Territory which are urged as objections to statehood can be corrected under statehood better than under any other conditions, but the longer the present conditions are allowed to exist the more difficult it will be to recover from their influences. The Indian Territory at this time is not organized into municipalities and is not prepared to participate in a constitutional convention. I do not think it would be inconsistent to admit Oklahoma as a State comprising the exterior boundaries of the old Indian Territory, and authorizing the organized counties and precincts to send delegates to a constitutional convention. Many people living in the reservations of the Five Tribes would be unable to participate in this convention. This would be the case with several thousand white residents in the Osage, Ponca, and Otoe reservations in Oklahoma as well.

I believe that if Congress pass an enabling act authorizing the organized counties to meet and prepare a constitution, report it to Congress and make provision for the dedication of sections 16 and 36 in the Indian Territory to school purposes, that by the time the constitution is prepared and ready to be reported to Congress there will be very little dissatisfaction or objection in either Territory.

Very truly, yours, WM. M. JENKINS.

WAGONER, IND. T., *January 3, 1903.*

Senator KNUTE NELSON, *Washington, D. C.*

DEAR SIR: I herewith hand you a copy of resolutions adopted by our citizens to-night in mass convention. You have the people of Indian Territory almost solidly with you in your effort to pass the substitute statehood bill which you introduced in the Senate. If this Congress gives Oklahoma and Indian Territory statehood it is my opinion that it will be a Republican State for several years at least.

The convention that passed these resolutions elected delegates to attend the single statehood convention of the twin Territories to meet in Oklahoma City, Tuesday, January 6, of which you will hear more.

On behalf of our city and the people of Indian Territory, I most heartily thank you for your fight for us.

Sincerely, yours, C. E. CASTLE.

Single statehood resolutions adopted by citizens of Wagoner January 3, 1903.

Whereas Oklahoma and Indian Territory combined have the wealth, the area, and the population to entitle their people to the benefits of statehood, they excelling in the first and last named qualifications any Territory heretofore seeking admission as a State in the American Union;

Whereas the natural resources of the two, the "twin Territories," are allied and supplementary to each other, and are abundantly sufficient to support now and forever a Commonwealth of first rank in the sisterhood of States;

Whereas the immediate admission of the twin Territories as a single State is provided in the substitute statehood bill now pending in the United States Senate, said bill appearing to us to be just and fair to the people of both Territories in that it provides for their admission together on absolute equality with each other and that at once: Therefore, be it

Resolved, That we, the people of Wagoner, Ind. T., in mass convention assembled, do hereby indorse said single statehood bill, and in hope of relief recommend its early passage by Congress.

Be it further resolved, That it is the sense of this mass-meeting of citizens

that the public and private interests of the people of Indian Territory will be best subserved by our immediate union with Oklahoma in State or Territorial government.

Resolved further, That we most heartily thank Senators Beveridge, Nelson, and all others who are supporting said bill for the relief of the half million American citizens of Indian Territory, who, in all respects, are capable of self-government, for which we most earnestly pray in union with Oklahoma.

Respectfully submitted.

H. F. JONES,
Chairman Committee on Resolutions.
FRED PARKINSON,
Chairman of Convention.
C. E. CASTLE,
Secretary.

Mr. NELSON. Mr. President, there came to consult me a short time before the holiday recess a prominent gentleman of the Indian Territory, a clergyman, the Rev. A. Grant Evans, president of the Henry Kendall College, of Muscogee, Ind. T., and moderator of the Synod of the Indian Territory, which includes all the churches of the Presbyterian Church in Oklahoma and Indian Territory. He went to the Indian Territory first in 1884 and was engaged in educational work until 1889, and he has been president of the Henry Kendall College since 1898. He came to consult me in reference to uniting Oklahoma and Indian Territory in one State. He is very much in favor of it. He gave me valuable facts. I asked him to reduce them to writing, which he kindly did, and I ask to have the same read as a part of my remarks.

The Secretary read as follows:

AREA AND POPULATION OF OKLAHOMA AND INDIAN TERRITORY.

The Indian Territory contains 19,776,286 acres, or about 31,000 square miles. The Territory of Oklahoma contains 39,000 square miles, so that the State made by the union of these two Territories would contain, in round numbers, 70,000 square miles. This would make it about equal in area to either Missouri or North Dakota. In size it would be the fifteenth State of the Union, and would be as large as the whole of New England, with the State of New Jersey added. It would have a much smaller proportion of arid and otherwise unproductive land than the majority of the great States of the West, so that in area of lands capable of being made immediately productive it would rank much higher than fifteenth in the list of States. It has an almost ideal diversification of surface and an unsurpassed climate. While the agricultural wealth of Oklahoma is immense, it is deficient in mineral resources. The Indian Territory not only well supplies this deficiency with its vast coal fields, but is also very rich agriculturally, besides having considerable wealth in timber. The climatic conditions are such that the characteristic crops of the North and the South can both be raised advantageously.

With reference to the mineral wealth of the Indian Territory, according to the report of the Indian agent for the Five Civilized Tribes for the fiscal year ending June 30, 1902, there were produced in that year approximately 2,800,000 tons of coal. The development of the coal fields has only begun. About 500,000 acres are being segregated as coal lands, and will not be allotted, but sold for the benefit of the tribes. The Government surveyors estimate that there are not less than 1,000,000,000 feet of soft lumber, principally Norway pine, and there is much very valuable hard wood timber. The agent also reports for the year ending June 30, 1902, the following agricultural products for the Indian Territory alone:

Wheat, corn, and oats	bushels..	4,500,000
Vegetables	do....	4,000,000
Cotton	bales..	60,000
Hay	tons..	75,000

The climate and soil are admirably adapted to fruit culture, and this will undoubtedly be a considerable source of wealth in the future. Raising quantities of raw materials and having vast supplies of fuel, there would seem to be every probability that the State thus formed would take advantage of its advantageous location, within easy reach of the Gulf ports, to develop considerable manufacturing importance. It has every natural advantage for this. The population of the two Territories, according to the census of 1900, is as follows: Oklahoma, 398,000, and Indian Territory, 392,000, making a total of 790,000. It is claimed on all hands that there has been an unprecedented increase in population in both Territories during the past two years.

A very conservative estimate of population of the two Territories is 1,000,000. If, combined, they come in as a State with this population, the new member of the Union would be more than twice as great in population as any State of the Union was at the time of its admission. It would rank as to population not lower than twenty-eighth, which is to say that only three-fifths of the States are at present larger than this new State would be. According to the census for 1900 the new State would also be very remarkable for the proportion of native-born Americans in it. Of the population of the Indian Territory in 1900, 98.76 per cent are reported as native Americans and only 1.24 per cent foreign born. Almost as remarkable a showing is made in Oklahoma; so that the two Territories united would make a thoroughly American State, fairly up to the average of the great Western States in area, with an ample population, and with such resources as would insure its taking very high rank among the States of the Union.

During the past year nine different lines of railroad have been under construction, and about 400 miles of new roads have been completed and put in operation.

THE POPULATION OF THE INDIAN TERRITORY WITH REFERENCE TO THE FITNESS OF THE PEOPLE FOR STATEHOOD.

Taking the figures of the last Census, with such particulars as to exact number of Indian citizens as may be gathered from the reports of the Dawes' Commission and the Indian Inspector, we find that of the 392,060 population about 85,000 are Indian citizens. This includes the freedmen who were given the privileges of citizenship by the treaties of 1866. Analyzing the figures a little more closely, we find the whole population made up as follows:

	Per cent.
Whites	76
Indians	16.77
Negro citizens	4.78
Other negroes	2.45
Total	100

It will thus be seen that over three-fourths of the entire population are white people, only a very insignificant proportion of whom are foreign born.

While the proportion of illiterates in the Indian Territory is unfortunately rather large, it is smaller than that of some of the States in proximity with it, and this condition is directly traceable to the anomalous conditions existing at present, and makes the strongest kind of argument for statehood, which would give these people the power, which they have been praying for, of establishing a public school system.

It has been stated that the large number of crimes reported in the Indian Territory indicate the unfitness of its people for statehood. In that connection it should be borne in mind that the Federal courts have to place upon their dockets and report a very large number of minor offenses which under any organized government would be disposed of in the lower courts. It should also be remembered that a very large number of the cases reported are of a crime peculiar to the Indian Territory, known as "introducing" or more fully "introducing intoxicating liquors." Deducting these from the whole number reported would make the showing for the Indian Territory not a bad one as compared with the States of the Union.

As far, however, as the charge that the Indian Territory has an exceptionally large proportion of criminals can be substantiated, the claim for statehood for these people is made stronger rather than weakened. A very large proportion of the criminals are very young men, and nothing is more largely responsible for the number of this class of criminals than the want of educational facilities, which the people are pleading for some means of remedying. But the highest proof of the law-abiding character of the overwhelming majority of the white people in the Indian Territory is found in the fact that they have borne themselves so patiently for so long a period under almost intolerable conditions. There is a tendency in some quarters to class all these people as tresspassers or intruders upon the lands of the Indians. There has always been a way for the Indian tribal governments, with the aid of Federal officials, to rid the Territory of real intruders, and, as a matter of fact, only a very few of the white people of the Indian Territory can with any propriety be said to belong to this class. As a rule they have come at the invitation of the Indians and in compliance with their laws to rent farms from them or to engage in business or practice some profession or occupation among them, always paying a tribal tax or license for the privilege of doing so.

The marvelously rich heritage which is being divided among the Indians to-day would have been utterly undeveloped and of comparatively small value had it not been for this class of people. So far from being regarded as trespassers, they are surely entitled to special consideration in the settlement of the future status of the country which they, under so many disadvantages, have brought to its present advanced state of development. For the land they have used they have paid to the individual Indian citizens good rent; as laborers they have rendered him valuable services; and in their professions they have been of unspeakable benefit to him. For him they have made an unexplored wilderness blossom into a land of abounding riches. Socially, their influence upon the Indians has been such that these tribes have become justly entitled to the proud distinction of being known as the Five Civilized Tribes. In addition to all this, these white people have contributed vast sums to the treasuries of the Indian tribes. For example, during the fiscal year ending June 30, 1902, the following sums were collected from these people by the Government officials and placed to the credit of the Indian tribal governments:

Merchandise and occupation tax	$11,967.20
Coal and asphalt royalties	255,462.13
Timber, stone, and gravel royalties	85,213.89
Hay royalty	7,422.31
Cattle and pasture tax	6,248.00
Total	356,313.53

Thus in actual taxes in the last fiscal year, ending June 30, 1902, these people have paid to the Indian governments the sum of $356,313.53. Not one cent of this amount is to be used for making roads, for providing schools for white children, or in any other way for the amelioration of the condition of the white people. The merchandise and occupation tax has been especially galling, but the white man has submitted to this taxation with the utmost patience. For years the laborers in the mines had to pay a monthly tax for the privilege of being allowed to do manual labor. Surely it says much for the law-abiding character of this people that they have submitted so patiently to this taxation, not only without representation, but also without any expectation that any part of the taxes paid will be used in any way to ameliorate their condition.

There can be no question that without the labor and enterprise of the white man not one of the coal mines in the Indian Territory, which in the past four years have paid $700,000 into the Indian treasuries, would have been opened. The half a million acres of coal lands which are to be sold for the benefit of the Indians and which will add a magnificent sum to the value of their estate would have been unexplored, and would have brought very little to them. But it is not only in values returned to individuals and in the payment of taxes that the white man has been benefiting the Indian. Nearly 200 towns have been surveyed and platted. The lots in these have been appraised and the occupiers of these lots are paying the Indian tribal governments for them. The work of appraisement is not yet completed and the report of the Indian inspector for the year ending June 30, 1902, only gives the figures for some of the towns in the Choctaw, Chickasaw, and Creek nations.

The appraised valuation for the towns where the work is complete is $2,207,423. When the appraisement is completed it will show an immense sum of money to be paid by the residents of the towns, who are nearly all white people, into the Indian treasuries. During the past year the Indian inspector reports having collected and placed to the credit of the Indian tribal governments for town lots the sum of $237,725.39. It is undoubtedly the white man's presence and enterprise that has given any substantial value to the lots in these towns, so that he is now paying to the Indian largely for the values which he himself has created. From the above figures it will be seen that in addition to what has been paid in rent and in other ways to the individual Indian citizens, the white men have contributed to the Indian treasuries during the last fiscal year in taxes and for town lots a total of about $300,000.

Thus, so far from being a lawless class of trespassers on the domain of the Indians, these people have certainly placed not only the Indians, but the whole nation, under some obligation to render them fair and equitable treatment. More in number than the entire population of Arizona and New Mexico, essentially American, manifesting a determined spirit of enterprise in the face of tremendous discouragements, law-abiding under circumstances calculated to try the patience of the best citizens, these people, gathered from every State in the Union and representing much of the most vigorous manhood and enterprise of all, have shown themselves to be preeminently the material of which great States have been built in the past, and which can be trusted to make great States to-day.

DANGER OF THE CONTINUANCE OF PRESENT ANOMALOUS CONDITIONS.

According to the last census there were 392,000 people in the Indian Territory, nearly 300,000 of whom are white American citizens. The development in the last two years has been tremendous, so that there are probably at least 400,000 people in the Indian Territory to-day who are not citizens of any of the Indian tribes. The omnibus bill leaves these people without any immediate relief and with a prospect suggested of being ultimately absorbed

piecemeal into a State now to be created, which has a population about equal to that of the Indian Territory, and which has not as great natural resources. It leaves the 400,000 people without any means for providing themselves with such essentials of American civilization as the public-school system. Being utterly unorganized, except as regards a judicial system, there is no way in which they are allowed to make public roads, to establish asylums for the insane and other helpless classes, and, above all, to establish schools for the education of their children.

Government officials estimate that there are at present in the Indian Territory 100,000 children of school age. A study of the provision made for these is fearfully suggestive. Under the Curtis Act and subsequent treaties with the Indian governments it was made possible for incorporated towns in the Indian Territory to tax themselves for the support of public schools. The report of the Government superintendent of schools for the year ending June 30, 1902, shows that 16 towns have taken advantage of this privilege. Various missionary boards have schools which have been doing excellent work, to which both white people and Indians are admitted. Each of the Indian tribes has its school system now under the oversight of Government officials. To some of the Indian day schools white children are admitted upon payment of a stipulated fee. A good many are shown to have attended, but a close examination of the reports shows that in the great majority of cases the attendance has been for so short a period that not much advantage could have been reaped.

The following table shows the entire educational provision as reported by the superintendent of schools for the year ending June 30, 1902:

	Whites.	Indians.	Negroes.	Total.
Private and mission schools	1,158	540	----------	1,698
Public schools	6,541	748	968	8,257
Indian schools	6,692	10,702	1,957	19,351
Total	14,391	11,990	2,925	29,306

The above figures give the total enrollment, which in a great number of cases is only for a very few weeks of the year. It is thus seen that out of an entire school population of 100,000 less than 30,000 have been enrolled in any kind of school, and for the remaining 70,000 no provision whatever is made, and there is at present no legal way of making it. A very serious aspect of this is the fact that under existing conditions the more intelligent class of people who are anxious to lease or rent Indian lands and make their homes in the Territory are discouraged from coming. The best settlers will not go where they can not get school advantages for their children. Thus the country is in danger of being left more and more for the illiterate, ignorant, and shiftless class of settlers. It seems a cruel mockery under these conditions to taunt these people with their illiteracy. The marvel is, under the circumstances, that the percentage is so low.

In the rural districts may be met the Indian children and the children of negro citizens of the tribes coming home from their schools, but for the white American citizens there is no school at all. A not uncommon incident in the towns is the visit of some sturdy and intelligent white farmer, who has to stoop to go round, hat in hand, begging the merchants and others for a contribution to help the white people in his neighborhood get a small building in which they can attempt to carry on a subscription school. Present conditions are such as to altogether discourage this class of citizens and drive them away, leaving the country for those who care for none of these things. If relief is not given, and that speedily, there is great danger that the problem in the Indian Territory may change from its present form of "How may the people be supplied with the schools for which they are begging?" to the far more difficult one of "How can the people be interested in schools and made willing to have them?"

THE EFFECT OF STATEHOOD ON THE INDIAN.

Tere is a vigorous claim made in some quarters that there should be no change in conditions in the Indian Territory until the final extinction of the Indian tribal governments on March 4, 1906, and that under old treaties the Indians should be given the first voice in deciding as to their future status. This claim can hardly be put forth seriously by those who are advocating an arrangement by which the Indian Territory may be absorbed piecemeal into another State in the making of the constitution and the founding of the institutions of which it has had no voice. When the Indian becomes a citizen of the United States, as he is to-day, he can claim no more than influence in direct proportion to his numbers. Surely it is not unprecedented or impracticable that in the organization of a State the new government should be bound to make no arrangements which would in any way interfere with the pledges given by the Federal Government. In any legitimate change of government the fulfillment of such pledges must always be considered essential.

A very small proportion of the Indian citizens need or expect any different treatment from that given white people. In many cases there is far more white than Indian blood in their viens. Only a very small minority speak the Indian languages and are unable to speak English. These are the full-bloods to whom every consideration of justice and humanity demands that we should accord the tenderest and most generous treatment. For them more than for any class it is imperative that there should be immediate relief from present conditions. In three years the Indian will have no longer the protection of the tribal or the Federal Government. He will have to stand or fall for himself. The worst and most cruel thing we can do for him is to maintain such conditions as will inevitably surround him with white neighbors and negroes belonging to the most shiftless, ignorant, and degraded classes, and the best thing we can do for him is to make such conditions that his neighbors will belong to the opposite classes, and his children be given the opportunity of learning the English language and American citizenship, where it can be most effectively taught, in the common school.

It is hard, almost impossible, to get any general or reliable expression of their desires from these people. There are plenty of white Indians who have become wealthy under existing conditions and are not anxious for a change, but for the masses of the poorer Indians, especially the full-bloods, no voice is competent to speak. Wisdom and justice can alone be our guide in deciding as to their destiny. Could anything more just be offered than that he should be given the right to his fair proportionate share of representation in the organizing of a great State in the Territory which was not so very long ago occupied entirely by Indian tribes, with the right of full citizenship in it? And could anything be more mercifully wise, in his behalf, than that steps should be taken without delay to enable that part of the State in which he has had and will have his home to be the abode of thrifty and intelligent citizens? The Indian citizens have carried on for over half a century governments republican in form; they are familiar with republican institutions. For whites and Indians alike it may be said that never has a State been admitted to this great Union whose citizens were better prepared for the duties and responsibilities involved in such admission than the people of this great Territory are now.

Mr. BEVERIDGE. Mr. President, with the permission——

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). The Senator from Minnesota has the floor.

Mr. NELSON. I yield to the Senator from Indiana.

Mr. BEVERIDGE. At this point of the Senator's very able speech, I desire, with his permission, to send to the desk and have read the following telegrams respecting the committee's substitute bill, expressing the opinion of the people affected as to this bill on the one hand and the omnibus bill on the other hand. I ask, with the permission of the Senator from Minnesota, that the telegrams be read.

The PRESIDING OFFICER. Is there objection to the reading of the telegrams? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

OKLAHOMA CITY, OKLA., *December 14, 1902.*

Hon. ALBERT J. BEVERIDGE,
Senate Committee on Territories, Washington, D. C.:

Every smokestack in Oklahoma is an argument in favor of immediate single statehood. We protest against establisment of any State boundary line between our furnaces and the nearest coal mines. We heartily indorse Nelson statehood bill.

G. G. SHOLBERG,
President Oklahoma Manufacturers' Association.

OKLAHOMA CITY, OKLA., *December 14, 1902.*

A. J. BEVERIDGE, *Washington, D. C.:*

The Oklahoma City Jobbers' Association unanimously passed the following resolution:

That with the trade conditions now existing we are in a prosperous condition and earnestly request that said conditions be not disturbed by giving us statehood for Oklahoma only; but if statehood is given, let it include the Indian and Oklahoma Territories.

LEE VAN WINKLE, *President.*
J. J. HARTNETT, *Secretary.*

LEXINGTON, OKLA., *December 11, 1902.*

Senator BEVERIDGE, *Washington, D. C.:*

Urge the Nelson substitute for the omnibus statehood bill from a business standpoint. Fifty per cent of our citizens earnestly desire single statehood. The combined population, area, and products of the two Territories will make one magnificent Commonwealth.

R. T. MORRELEY, *Mayor,*
And City Council.

OKLAHOMA CITY, OKLA., *December 13, 1902.*

Hon. ALBERT J. BEVERIDGE,
Senate Committee on Territories, Washington, D. C.:

Mass meeting held here this evening adopted following resolution: We strennously urge the passage of the Nelson statehood bill, knowing that the present and future interests of Oklahoma and Indian Territories demand it, and prefer our present condition to statehood under terms of the omnibus bill.

D. C. LEWIS, *Chairman.*
W. M. HENRY, *Secretary.*

Mr. BEVERIDGE. I call attention to the fact that from Oklahoma itself comes in this telegram, not only an advocacy of the committee's substitute, but a protest against the proposition of the omnibus bill to admit Oklahoma as a State by itself. This confirms the opinion of the subcommittee that a very large and respectable number of weighty citizens of Oklahoma prefer their present Territorial condition, which is one of exceeding prosperity, unsurpassed by any section of the country, to what they conceive and what the committee conceives to be the great mistake of admitting it as a single Commonwealth. I think it worthy of note and that the attention of the Senate should be called to the fact that from Oklahoma itself comes in this telegram and others not only an indorsement of the committee's substitute, but a positive protest against the proposition contained in the so-called omnibus bill.

The Secretary resumed and continued the reading, as follows:

OKLAHOMA CITY, OKLA., *December 14, 1902.*

Hon. ALBERT J. BEVERIDGE, *Washington, D. C.:*

The wholesale and business interest of Oklahoma, almost without an exception, emphatically indorse your committee report.

ANTON H. CLASSEN,
President Metropolitan Railway.

LEXINGTON, OKLA., *December 12, 1902.*

Senator BEVERIDGE, *Washington, D. C.:*

Cleveland County wants statehood for Oklahoma and Indian Territory.

WM. T. JAMES,
Representative to Legislature from Cleveland County.

SHAWNEE, OKLA., *December 6, 1902.*

CHAIRMAN SENATE COMMITTEE ON TERRITORIES,
Washington, D. C.:

A large majority of the Republicans of Pottawatomie County, as well as the interbusiness interest, strongly indorse the Nelson bill as the best and only method of statehood.

C. J. BENSON.

CHICKASHA, IND. T., *December 13, 1902.*

Senator BEVERIDGE, *Washington, D. C.:*

Be it resolved by Chickasha Commercial Club of Chickasha, That amendment to omnibus statehood bill known as Beveridge substitute, now pending in Senate, is most appropriate provision for the settlement of political conditions in Oklahoma and Indian Territory that has ever been suggested, that the logical destiny of the two Territories is union in single State, and that best interests of all the people in both Territories will be best subserved by immediate action in that direction.

Be it further resolved, That this resolution be telegraphed to Senator BEVERIDGE on behalf of the club.

H. B. JOHNSON, *President.*
R. F. SCHOFFERN, *Secretary.*

PURCELL, IND. T., *December 13, 1902.*

Senator A. J. BEVERIDGE, *Washington, D. C.:*

Business interests of Territory urge the passage of the Nelson substitute of the omnibus statehood bill.

PURCELL MILL AND ELEVATOR CO.

ARDMORE, IND. T., *December 14, 1902.*

Senator A. J. BEVERIDGE, *Washington, D. C.:*

Admore Bar Association by discussion unanimously indorses immediate statehood Oklahoma and Indian Territory.

A. EDDLEMAN, *President.*

SAPULPA, IND. T., *December 14, 1902.*

Senator BEVERIDGE, *Washington, D. C.:*

In mass meeting unanimously indorse the Beveridge bill for single statehood. Resolutions follow by mail.

J. F. EAGAN, *Chairman.*

STILLWATER, OKLA., *December 17, 1902.*

Senator BEVERIDGE, *Washington, D. C.:*

The city council favors single statehood with the Indian Territory.

W. W. ABERCROMBIE, *Acting Mayor.*

VINITA, IND. T., *December 13, 1902.*

Senator A. J. BEVERIDGE, *Washington, D. C.:*

By all means give us statehood with Oklahoma now.

JOHN B. TURNER.

MILLCREEK, IND. T., *December 12, 1902.*

A. J. BEVERIDGE,
United States Senate, Washington, D. C.:

Millcreek wishes to add her indorsement of Nelson bill.

R. H. McCARGO.

EUFAULA, IND. T., *December 11, 1902.*

Senator BEVERIDGE,
Care Capitol, Washington, D. C.:

The people of Eufaula heartily indorse the Oklahoma statehood bill now pending in the Senate, House roll No. 12543, as reported to the Senate by Senator NELSON on December 3, 1902.

EUFAULA COMMERCIAL CLUB.

VINITA, IND. T., *December 12, 1902.*

Hon. A. J. BEVERIDGE,
United States Senate, Washington, D. C.:

Bill of Senate subcommittee heartily indorsed here.

L. F. PARKER, JR., *Mayor.*

VINITA, IND. T., *December 12, 1902.*

Hon. A. J. BEVERIDGE, *Washington, D. C.:*

Your bill for single statehood heartily indorsed here.

J. P. BUTLER, *Postmaster.*

VINITA, IND. T., *December 12, 1902.*

Senator A. J. BEVERIDGE, *Washington, D. C.:*

After careful study of condition here, citizens indorse your bill for single statehood.

EDWIN LONG,
Chairman Cherokee Town Site Commission.

PAULS VALLEY, IND. T., *December 8, 1902.*

ALBERT J. BEVERIDGE,
United States Senate, Washington, D. C.:

Pauls Valley Commercial Club unanimously indorse your statehood bill and bid you godspeed in your good work.

J. B. THOMPSON, *President.*

VINITA, IND. T., *December 12, 1902.*

Hon. A. J. BEVERIDGE,
United States Senate, Washington, D. C.:

Single statehood for Indian and Oklahoma Territories commands support of leading citizens, politicians alone fighting it.

L. F. PARKER, JR.,
Secretary Commercial Club.

BARTLESVILLE, IND. T., *December 13, 1902.*

Senator BEVERIDGE, *Washington, D. C.:*

Your bill providing single statehood Oklahoma and Indian Territories meets our approval. Push it.

F. M. OVERLEES,
President Bartlesville Commercial Club.
FRED McDANIEL,
Lawyer.

PURCELL, IND. T., *December 12, 1902.*

Senator BEVERIDGE, *Washington, D. C.:*

Business and social interests Oklahoma and Indian Territories demand passage of Nelson bill.

WM. TOMLIN,
President Indian Territory Bankers' Association.

PURCELL, IND. T., *December 11, 1902.*

HON. A. J. BEVERIDGE,
United States Senate, Washington D. C.:

Three thousand people, residents here, all United States citizens, Indian Territory, white and black, indorse the report of your committee and by resolution demand that Congress immediately admit Oklahoma and Indian Territory on terms of absolute equality. On behalf of the religious, social, and commercial interests, and on behalf of 100,000 little children in the Indian Territory now and for years deprived of the benefits of public schools, we urge that you continue the battle for justice in our behalf.

J. F. SHARP, *Mayor.*
W. G. BLACHARD,
President Commercial Club.

HOLDENVILLE, IND. T., *December 13, 1902.*

Senator A. J. BEVERIDGE,
Washington, D. C.:

We, the undersigned business men and citizens of Holdenville, representing the social and industrial interests of our whole people, request you to work for the adoption of your substitute statehood bill, providing for one grand State out of the Territory of Oklahoma and Indian Territory, and we cordially indorse and commend your work so far.

J. A. Kieff, D. N. Kelker, J. W. Clawson, M. M. Smith, J. C. Johnson, A. W. Scott, E. E. Parnell, J. G. Manchester, L. G. Pitman, W. P. Langston, H. H. Schaff, W. M. Eubanks, I. A. Russell, Lloyd Thomas.

WYNNEWOOD, IND. T., *December 11, 1902.*

Senator BEVERIDGE, *Washington, D. C.:*

We, the people of Wynnewood, in mass meeting assembled, believing as we do that we, as residents, being on the ground, know our needs far better than those who never dwelt among us, without respect to party or politics, but with the candor of freemen, say that—

Resolved, It is the sense of the 4,000 citizens of Wynnewood and community that the Indian Territory should be united with Oklahoma into one State and that it should be done at once, and we beg Congress to vote accordingly.

Resolved further, That we indorse the proceedings of the Claremore convention and the Nelson bill now pending in Congress.

J. A. TAYLOR, *President.*
R. McMILLAN, *Secretary.*

VINITA, IND. T., *December 12, 1902.*

Senator A. J. BEVERIDGE, *Washington, D. C.:*

I heartily indorse your bill for single statehood of two Territories. Believe it to be best for all classes in Indian Territory.

WM. T. HUTCHINGS.

Mr. BEVERIDGE. Mr. President, the Claremore convention, referred to in the telegram which was read before the last one, was a convention held during the summer, I think, at Claremore, Ind. T., very largely represented, and, as I am informed, although I speak now only from recollection and on information, it contained representatives not only from the white citizens of Indian Territory, but also from the Indian nations.

There is another point with reference to these telegrams to which I would direct the attention of the Senate, and ask their patience while doing it. When a telegram is dated Muscogee, Vinita, or South McAlester, or any place else in the Indian Territory, it must not be considered, as is by too many done, that it is simply from some little collection of tepees, or a small village, or something of that kind. I know that opinion prevails, and largely so, because a general and vague impression has gone abroad throughout the land, and I find it crystallized even here in this well-informed body, that the Indian Territory is inhabited by nothing but Indians, and therefore towns as we know towns in the East or Central West or any place else where they exist do not exist there.

On the contrary, towns exist in the Indian Territory which would be a credit to any State. South McAlester, Muscogee, Vinita, and a large number of other towns have electric lights, they have railroads, they have broad streets, they have stores that do a very large business, and they have schools which are supported by the subscription of citizens in the absence of any school law enabling them to have the ordinary public schools. In other words, the communities in the Indian Territory from which these telegrams come are creditable communities, even when they are compared to communities in the older States, and they are made up of energetic, law-abiding, and conservative citizens.

I thought it was well to call attention to this fact, although it may weary the patience of the Senate, because, as I stated yesterday, it has gone abroad and has appeared, even with the editorial sanction of very creditable and usually accurate newspapers, that the Indian Territory is merely a tract inhabited by a large number of Indians. Therefore I called attention yesterday to the quality of the inhabitants of that Territory, and I emphasize it to-day by calling attention to the character and quality of these towns, so that it may be clear to every Senator, as well as to the

country, that the proposition to incorporate the Indian Territory with Oklahoma is not at all an unreasonable proposition and does not include the idea of bringing into citizenship a large number of Indians not familiar with our institutions and persons who have lived there without the development of their Territory.

Now, Mr. President, I send to the desk, with the permission of the Senator from Minnesota, and ask to have read the following petitions, which are directly upon the point now being discussed by the Senator from Minnesota. I would be glad if the Secretary would read, for the information of the Senate, not only the resolutions, but the names of those who signed the petitions, because the names are given, and their occupation. It therefore becomes a matter of consequence that the quality of the petitioners should go before the Senate.

The PRESIDENT pro tempore. The names can only go into the RECORD by unanimous consent.

Mr. BEVERIDGE. Then I ask unanimous consent.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent that the names signed to the petitions may be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The Secretary read as follows:

To the Committee on Territories, United States Senate,
Washington, D. C., Hon. A. J. Beveridge, Chairman:

We, the undersigned business men, citizens, and voters of Oklahoma City, Oklahoma County, and Territory of Oklahoma (irrespective of politics), heartily indorse the action and report of your committee to Congress in relation to the single statehood bill. Recognizing the importance of statehood, we insist that it would be to the best interests of all the citizens of Oklahoma Territory and Indian Territory that said Territories be made one State, and we earnestly request that your committee will continue to use your best endeavors to that end, and use all honorable means in securing single statehood for said Territories.

Lewis & Snyder (D. C. Lewis, W. K. Snyder), lawyers; W. M. Smith, real estate; A. H. Price, insurance; C. T. Bennett, lawyer; J. P. Johns, real estate; J. H. Marshall, minister; R. D. Hall, W. C. Brissey (Brissey & Hall), abstracters; E. W. Witten, M. D.; F. E. Patterson, H. W. Robare (F. E. Patterson & Co.) wholesale and retail cigars; Jno. J. Shaw, traveling salesman; Theodore J. Thompson, attorney at law; E. W. Barnes, salesman; J. W. Moon, merchant; A. Brown, hotel; F. W. Jones, farmer; W. L. Clark, typewriters; A. M. Farline, insurance; Dalbert Simpson, architect; H. C. Bower, traveling salesman; Frank Emitt; Ed. Etter, clerk; J. M. Spinning; W. H. French, well driller; W. B. Shaw; E. W. Caperton, wall paper and paint; H. A. Severin, banker; W. P. Elwick, assistant cashier, bank; Howard N. Foss, bookkeeper, Eastland Bros.; A. H. Loveless, clerk, Eastland Bros.; D. H. Boyd; A. L. Griffith, clerk, Eastland Bros.; C. F. Elwick, cashier, The Bank Oklahoma City; J. A. Ryan, physician; G. C. Eldridge, Compton Hotel; W. H. Cogshall, real estate, mining land.

H. S. Garland, real estate; J. H. Barry, real estate dealer; C. M. Roush, contractor; R. P. Walker, druggist; W. B. Scott, farmer; James N. Lindsay, contractor; Fred I. Murdock, real estate; A. A. Grimes, real estate; J. T. Brent, farmer; J. W. McDonnell, farmer; T. S. Wilson, farmer; T. J. Hendrickson, real estate; J. J. Baumann, real estate; J. W. Morris, jewelry; Cowan Amburgy, farmer; E. C. Trueblood, merchant; L. J. Growmy; Frank Murrin, salesman; W. W. Braswell, lawyer; O. J. Davis, salesman; John R. Rose, Y. M. C. A. secretary.

Jos. Knight, carpenter; R. A. Kleinschmidt, attorney; J. O. Edwards, farmer; A. R. Ponton, Pawnee; J. W. Perry, Pawnee; H. Rexroad, painter; L. W. Rady, horseshoer; A. J. Stoll, general merchandise; A. W. Garrett, trunkmaker; F. W. Harris, machinist; J. J. Williams, carpenter; H. H. Shultz, expressman; W. W. Nichols, carpenter; Geo. W. Elerich, baker; E. W. Putnam, student University of Oklahoma; J. O. Mattison, State agent insurance; W. H. Phillips, real estate broker; C. G. Legaré, agent insurance; I. M. Putnam, attorney; G. F. Givens, farmer.

Sam Hooker, attorney; A. O. Gregory, M. D.; Fred Wehmhoener, contractor; Wm. F. Heyler, real estate; Dr. H. R. Dean, by referendum; T. F. Donnell, general contractor; Watt Sleeth, Thompson Piano Company; G. F. Young; F. A. Nulk; G. C. McCutcheon; R. F. Schaefer, M. D.; Frank E. Witousek, farm loans; J. P. Smith, dry goods; W. R. Wood, dry goods; Joseph Rousek; Thomas Acton; A. W. Roberts, farmer; Chas. Risdon, electrician; M. R. Lee, farmer; S. A. Goodrich, merchant; Oklahoma Sporting Goods Company, per R. P. P.; L. Woodworth, bicycle repairing.

Geo. Shaffer; V. Levy, merchant; Clyde Fowler; C. W. Routh; S. R. Maxwell; A. B. Owens, merchant; Carl H. Uled, M. D.; H. E. Shull, brick mason; J. T. Caney, real estate; J. L. Miller, real estate; F. D. Kebby, hardware clerk; G. W. Patrick, M. D.; F. L. Conger, Oklahoma City Insurance Company; Geo. P. Bunker, pickle and vinegar manufacturer; James Marrinan, wholesale liquors; Wm. P. Conger, traveling man, Mosler Safe Company; E. S. Dyer, deputy sheriff; Wm. Runge, Oklahoma City; A. McKinley, building contractor; J. W. Hawk, architect; John Marrinan, clerk;

U. G. Galbraith, barber; T. A. Taylor, barber; W. W. Small, barber; W. L. Bradford, traveling salesman; Model Drug and Jewelry Company; A. J. Kirkpatrick, drugs; J. L. Fraser, drugs; Thos. Roach, drugs; C. E. Tibbetts, conductor; A. F. Fricke, jeweler; H. J. Gallagher, contractor; W. C. Reeves, attorney; Ernest L. Green, attorney; C. J. Tuohy, wholesale grocer; B. F. Gay, wholesale grocer; Abe Levy, merchant; J. Hering, merchant; J. E. Parker, real estate; A. R. Parker; J. B. Harrell, manager Mutual Reserve Life Company, New York; J. A. Matthews; manager the Fair Department Store; J. W. Webb, attorney at law, Oklahoma City; S. J. Henson, attorney at law, Oklahoma City.

Marshall Fulton, attorney, Oklahoma City (am in favor of single statehood as a business proposition, but statehood at any hazard, single or double); G. A. Paul, attorney; S. A. McGinnis, attorney; E. K. Shelton; L. F. Williams, real estate; J. W. Cropy, M. D.; Riley Blevins, farmer, Indian Territory; T. M. Granger; D. S. P. Watson; Wm. Blevins, farmer; J. C. Gillogly, real estate; Wm. Kuenkel, liquor dealer; A. W. Whitson, farmer; Geo. Gribon, plasterer; J. P. Martin, lumber dealer; J. G. S. Watson, real estate.

The PRESIDENT pro tempore. The Chair will state to the Senator from Indiana that the other paper sent to the desk by him, which is similar to the one just read, and which contains the names of a large number of signers, does not give their occupations.

Mr. BEVERIDGE. If the occupations of the signers to that petition are not given I do not care to have it read. I believe there are a larger number of signatures to this petition than there were to the other. I desired that the names on the first petition might be read merely to show the scope and variety of the occupations of the people in Oklahoma who ask for single statehood—that is, statehood made up of both the Indian Territory and the Territory of Oklahoma—showing that they involve every class of profession and occupation. For that reason, since in the second petition the occupations and professions of the signers are not given, I shall not ask that those signatures be read.

But, Mr. President, I call attention to the fact, in view of the remarkable convention held the day before yesterday in Oklahoma City, attended by 2,000 delegates—not mere fillers of the gallery or of room in a convention, but 2,000 delegates from all over Oklahoma and the Indian Territory, that they represented, as shown by these petitions, every class, kind, and quality of occupation which has gone to build up Oklahoma to its present prosperity and erect its remarkable cities.

I have no doubt that the Senate has noticed—I wrote down a few as they were being read off—that these petitioners include brick masons, traveling salesmen, horseshoers, merchants, farmers, liquor dealers, ministers, secretaries of Young Men's Christian Associations, wholesalers, and every part of the community, except those elements of society who, ordinarily hostile, are united upon this proposition. I was very much struck by the conjunction of the signature of a liquor dealer and that of a minister, because these are always at war; and yet, Mr. President, people who never can be reconciled upon any other proposition are brought to union by this one; and I think it is a matter of moment and consequence, showing the universality of this sentiment among the people who with their children will be interested in the outcome of this legislation, as to the importance of the committee's substitute.

I had not intended to comment upon these petitions; but as I heard those occupations read the singularity of the things to which I have called the Senate's attention struck me with such force that I felt impelled to make these few remarks. I thank the Senator from Minnesota very much for permitting me to interrupt his remarks to this length.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 14, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 13, 1903.

COLLECTOR OF CUSTOMS.

Edwin Baker, of Arizona, to be collector of customs for the district of Arizona, in the Territory of Arizona, in place of Frank L. Doan, deceased.

SURVEYOR OF CUSTOMS.

Thomas B. Stapp, of Tennessee, to be surveyor of customs for the port of Chattanooga, in the State of Tennessee. (Reappointment.)

UNITED STATES ATTORNEY.

Timothy F. Burke, of Wyoming, to be United States attorney for the district of Wyoming. A reappointment, his term having expired September 21, 1902.

MARSHAL.

Frank A. Hadsell, of Wyoming, to be United States marshal for the district of Wyoming. A reappointment, his term having expired September 21, 1902.

POSTMASTERS.

ALABAMA.

Walter S. Standifer, to be postmaster at Gadsden, in the county of Etowah and State of Alabama, in place of Thomas H. Stephens. Incumbent's commission expired December 20, 1902.

Robert T. West, to be postmaster at Roanoke, in the county of Randolph and State of Alabama. Office became Presidential January 1, 1903.

CALIFORNIA.

John H. Gregory, to be postmaster at Rocklin, in the county of Placer and State of California. Office became Presidential January 1, 1903.

CONNECTICUT.

Aaron S. Chapman, to be postmaster at Simsbury, in the county of Hartford and State of Connecticut. Office became Presidential January 1, 1903.

ILLINOIS.

Fred R. Brill, to be postmaster at Hampshire, in the county of Kane and State of Illinois. Office became Presidential January 1, 1903.

Charles W. Vedder, to be postmaster at North Chicago, in the county of Lake and State of Illinois. Office became Presidential January 1, 1903.

IOWA.

Henry Barnes, to be postmaster at Elliott, in the county of Montgomery and State of Iowa. Office became Presidential January 1, 1903.

Charles C. Burgess, to be postmaster at Cresco, in the county of Howard and State of Iowa, in place of Arthur D. Patterson. Incumbent's commission expired May 29, 1901.

Henry C. Hill, to be postmaster at Milton, in the county of Van Buren and State of Iowa. Office became Presidential January 1, 1903.

J. Ken Mathews, to be postmaster at Mediapolis, in the county of Des Moines and State of Iowa. Office became Presidential January 1, 1903.

Henry T. Swope, to be postmaster at Clearfield, in the county of Taylor and State of Iowa. Office became Presidential January 1, 1903.

KANSAS.

James J. Evans, to be postmaster at Hartford, in the county of Lyon and State of Kansas. Office became Presidential January 1, 1903.

John Gilman, to be postmaster at Madison, in the county of Greenwood and State of Kansas. Office became Presidential January 1, 1903.

Jacob D. Hirschler, to be postmaster at Hillsboro, in the county of Marion and State of Kansas. Office became Presidential January 1, 1903.

KENTUCKY.

James W. Thomason, to be postmaster at Uniontown, in the county of Union and State of Kentucky. Office became Presidential January 1, 1903.

Woodbury Tinsley, to be postmaster at Hartford, in the county of Ohio and State of Kentucky. Office became Presidential January 1, 1903.

MASSACHUSETTS.

Edward B. Sherman, to be postmaster at Franklin, in the county of Norfolk and State of Massachusetts, in place of Henry A. Talbot, deceased.

MICHIGAN.

Robert B. Ferris, to be postmaster at Burr Oak, in the county of St. Joseph and State of Michigan. Office became Presidential January 1, 1903.

Lafayette C. Hall, to be postmaster at Plymouth, in the county of Wayne and State of Michigan, in place of Lafayette C. Hall. Incumbent's commission expired March 22, 1902.

James K. Train, to be postmaster at Edmore, in the county of Montcalm and State of Michigan. Office became Presidential January 1, 1903.

NEBRASKA.

Valentine Zink, to be postmaster at Sterling, in the county of Johnson and State of Nebraska. Office became Presidential January 1, 1903.

NEW YORK.

Howard G. Britting, to be postmaster at Williamsville, in the county of Erie and State of New York. Office became Presidential January 1, 1903.

Herbert J. Curtis, to be postmaster at Red Hook, in the county of Dutchess and State of New York, in place of Herbert J. Curtis. Incumbent's commission expires January 13, 1903.

Mary L. McRoberts, to be postmaster at Tompkinsville, in the county of Richmond and State of New York, in place of Mary L. McRoberts. Incumbent's commission expires February 10, 1903.

Henry J. Pinneo, to be postmaster at Prattsburg, in the county of Steuben and State of New York, in place of Henry J. Pinneo. Incumbent's commission expires January 28, 1903.

Charles F. Shelland, to be postmaster at Oneonta, in the county of Otsego and State of New York, in place of Charles F. Shelland. Incumbent's commission expires January 13, 1903.

NORTH DAKOTA.

Ole Roland, to be postmaster at Bottineau, in the county of Bottineau and State of North Dakota, in place of Henry C. Dana, removed.

OHIO.

John A. Lowrie, to be postmaster at Seville, in the county of Medina and State of Ohio. Office became Presidential January 1, 1903.

Joel P. De Wolfe, to be postmaster at Fostoria, in the county of Seneca and State of Ohio, in place of Joel P. De Wolfe. Incumbent's commission expires January 24, 1903.

OREGON.

John M. Parry, to be postmaster at Moro, in the county of Sherman and State of Oregon. Office became Presidential January 1, 1903.

TENNESSEE.

Evan T. Warner, to be postmaster at Lafollette, in the county of Campbell and State of Tennesse. Office became Presidential January 1, 1903.

UTAH.

Grant Simons, to be postmaster at Payson, in the county of Utah and State of Utah. Office became Presidential July 1, 1902.

VERMONT.

Frank T. Taylor, to be postmaster at Hardwick, in the county of Caledonia and State of Vermont, in place of Frank T. Taylor. Incumbent's commission expired January 10, 1903.

VIRGINIA.

Charles A. McKinney, to be postmaster at Cape Charles, in the county of Northampton and State of Virginia, in place of Charles A. McKinney. Incumbent's commission expires January 17, 1903.

WISCONSIN.

George W. Smith, to be postmaster at Eau Claire, in the county of Eau Claire and State of Wisconsin, in place of George W. Smith. Incumbent's commission expired January 10, 1903.

Frank L. Wilcox, to be postmaster at South Superior, in the county of Douglas and State of Wisconsin, in place of Jarvis White. Incumbent's commission expires February 13, 1903.

PROMOTIONS IN THE ARMY.

Cavalry Arm.

Second Lieut. Rudolph E. Smyser, Fourteenth Cavalry, to be first lieutenant, November 22, 1902, vice Kelly, Fourth Cavalry, promoted.

Second Lieut. Joseph C. Righter, jr., Eighth Cavalry, to be first lieutenant, December 8, 1902, vice Summerlin, Fourth Cavalry, promoted.

ASSISTANT SURGEON IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Holcombe McG. Robertson, of Virginia, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States. This nomination is made to correct an error in the nomination of Mr. Robertson on December 8, 1902, wherein he was nominated as Holcombe McRobertson and confirmed under that name by the Senate on the 6th of January, 1903.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, January 13, 1903.

JUDGE OF THE COURT OF CLAIMS.

Francis M. Wright, of Illinois, to be judge of the Court of Claims.

APPOINTMENTS IN THE ARMY.

Judge-Advocate-General's Department.

Capt. Louis B. Lawton, Twenty-sixth Infantry, to be judge-advocate with rank of major, January 5, 1903.

General officer.

Lieut. Col. John A. Johnston, assistant adjutant-general, to be brigadier-general, January 6, 1903.

PROMOTIONS IN THE ARMY.

Judge-Advocate-General's Department.

Maj. Harvey C. Carbaugh, judge-advocate, to be judge-advocate with the rank of lieutenant-colonel, December 18, 1902.

Artillery Corps.

1. Lieut. Col. William P. Vose, Artillery Corps, to be colonel, December 20, 1902.

2. Maj. Walter Howe, Artillery Corps, to be lieutenant-colonel, December 20, 1902.

3. Capt. Adam Slaker, Artillery Corps, to be major, December 20, 1902.

Infantry Arm.

6. Capt. Walter A. Thurston, Sixteenth Infantry, to be major, December 29, 1902.

POSTMASTERS.

IDAHO.

Robert H. Barton, to be postmaster at Moscow, in the county of Latah and State of Idaho.

Orville J. Butler, to be postmaster at Harrison, in the county of Kootenai and State of Idaho.

MINNESOTA.

John Chermak, to be postmaster at Chatfield, in the county of Fillmore and State of Minnesota.

Ernest P. Le Masurier, to be postmaster at Hallock, in the county of Kittson and State of Minnesota.

Benjamin A. Shaver, to be postmaster at Kasson, in the county of Dodge and State of Minnesota.

Charles R. Frazee, to be postmaster at Pelican Rapids, in the county of Ottertail and State of Minnesota.

A. J. Gebhard, to be postmaster at Lamberton, in the county of Redwood and State of Minnesota.

Harry C. Sargent, to be postmaster at Osakis, in the county of Douglas and State of Minnesota.

William Peterson, to be postmaster at Atwater, in the county of Kandiyohi and State of Minnesota.

Walter L. Bucksen, to be postmaster at Blooming Prairie, in the county of Steele and State of Minnesota.

John Lohn, to be postmaster at Fosston, in the county of Polk and State of Minnesota.

Emma F. Marshall, to be postmaster at Red Lake Falls, in the county of Red Lake and State of Minnesota.

Charles A. Birch, to be postmaster at Willmar, in the county of Kandiyohi and State of Minnesota.

MISSOURI.

John L. Schmitz, to be postmaster at Chillicothe, in the county of Livingston and State of Missouri.

James Taylor, to be postmaster at Fayette, in the county of Howard and State of Missouri.

Albert A. Marshall, to be postmaster at Glasgow, in the county of Howard and State of Missouri.

Leo W. McDavitt, to be postmaster at La Plata, in the county of Macon and State of Missouri.

NEBRASKA.

John A. Anderson, to be postmaster at Wahoo, in the county of Saunders and State of Nebraska.

NORTH CAROLINA.

Columbus F. Blalock, to be postmaster at Hickory, in the county of Catawba and State of North Carolina.

General W. Crawford, to be postmaster at Marion, in the county of McDowell and State of North Carolina.

OHIO.

James Medford, to be postmaster Brookville, in the county of Montgomery and State of Ohio.

John M. Gallagher, to be postmaster at Quaker City, in the county of Guernsey and State of Ohio.

J. W. Prine, to be postmaster at Ashtabula, in the county of Ashtabula and State of Ohio.

Erwin G. Chamberlin, to be postmaster at Caldwell, in the county of Noble and State of Ohio.

OKLAHOMA.

William W. McCullough, to be postmaster at Billings, in the county of Noble and Territory of Oklahoma.

George E. McKinnis, to be postmaster at Shawnee, in the county of Pottawatomie and Territory of Oklahoma.

OREGON.

Fred. A. Bancroft, to be postmaster at Portland, in the county of Multnomah and State of Oregon.

SOUTH DAKOTA.

James A. Stewart, to be postmaster at Edgemont, in the county of Fall River and State of South Dakota.

John A. Bushfield, to be postmaster at Miller, in the county of Hand and State of South Dakota.

WYOMING.

Edwin S. Drury, to be postmaster at Encampment, in the county of Carbon and State of Wyoming.

John W. Chrisman, to be postmaster at Green River, in the county of Sweetwater and State of Wyoming.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 13, 1903.*

The House met at 12 o'clock noon. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ELECTION OF DELEGATE FROM THE TERRITORY OF ALASKA.

Mr. CUSHMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the desk.

The resolution was read, as follows:

House resolution No. 375.

Resolved, That the motion to go into Committee of the Whole House on the state of the Union to consider the bill (H. R. 9865) for the election of a Delegate from the Territory of Alaska, etc., shall be in order immediately after the reading of the Journal on Wednesday, January 21, and thereafter until the said bill shall have been disposed of, this order not to conflict with appropriation bills, conference reports, or prior order of the House.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

AMENDMENT OF PUBLIC PRINTING ACT.

The SPEAKER laid before the House the bill (S. 2296) to amend "An act approved March 2, 1895, relating to public printing," with a Senate amendment to a House amendment, which was read.

Mr. HEATWOLE. Mr. Speaker, I move to disagree with the Senate amendment to the amendment of the House and ask for a conference.

The motion was agreed to.

The SPEAKER announced the following conferees: Mr. HEATWOLE, Mr. BOREING, and Mr. TATE.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Appropriations was discharged from the further consideration of Executive Document No. 249, being a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate for an appropriation for an additional building for the Bureau of Engraving and Printing, and it was referred to the Committee on Public Buildings and Grounds.

By unanimous consent, reference of so much of the message of the President transmitting the report of the Philippine Commission as relates to a proposed appropriation was changed from the Committee on Insular Affairs to the Committee on Appropriations.

URGENT DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, I am directed by the Committee on Appropriations to report the following bill, to meet an immediate urgent deficiency, and ask for its immediate consideration.

The SPEAKER. The gentleman from Illinois, from the Committee on Appropriations, and by the direction of that committee, reports an urgent deficiency bill and asks that it be considered at once.

The bill was read, as follows:

A bill (H. R. 16642) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903.

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year 1903, namely:

PRINTING AND BINDING.

For printing and binding for the Department of Justice, to be executed under the direction of the Public Printer, $8,000.

DISTRICT OF COLUMBIA.

For fuel, as follows: For the metropolitan police, $3,000; for the fire department, $4,500; for public schools, $45,000; in all, $52,500, one-half of which shall be paid out of the revenues of the District of Columbia and the other half out of the Treasury of the United States.

HOUSE OF REPRESENTATIVES.

For miscellaneous items and expenses of special and select committees, $40,000.

The SPEAKER. If there is no objection, this will be considered now.

There was no objection.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill making appropriations for the Army. And pending that, I ask unanimous consent that general debate be limited to five hours, to be divided equally

between the two sides, one half to be controlled by myself and the other half by the gentleman from Virginia, Mr. HAY.

The SPEAKER. The gentleman from Iowa moves that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the Army appropriation bill, and pending that motion, he asks unanimous consent that general debate be limited to five hours, to be divided equally, one half of the time to be controlled by himself and the other half by the gentleman from Virginia, Mr. HAY. Is there objection to this request? [After a pause.] The Chair hears none, and it is so ordered.

The motion of Mr. HULL was then agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BOUTELL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 16567) making appropriation for the support of the Army for the fiscal year ending June 30, 1904.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection.

Mr. HULL. Mr. Chairman, I would suggest that members of the committee, by sending for the bill and report, can find out very readily all the provisions of the bill, many of which are undoubtedly subject to a point of order. The committee, however, believe that matter submitted will be approved by members.

The bill carries for this year's appropriation $73,875,276.83, as against something over $90,000,000 for the present fiscal year. I do not think that it is necessary for me at this time to enter into any explanation of the bill, as that can be better done under the five-minute rule, when each of the provisions is reached in order.

But, Mr. Chairman, there is one question affecting the Army that has been the cause of widespread interest, at least this year, and that has brought out a good many suggestions as to what is best for the country to do in the future, and that is the transport service. It seems to me that at this time it is eminently proper that some member of the committee should give to the House, and through the House to the country, information as to what has been done and what can be done by the Army transport service. We all know that when the war with Spain began we had absolutely no provision for transporting troops on the sea, and when it was determined that we should invade Cuba it was necessary to gather boats wherever we could and make temporary provision for the transportation of troops from Tampa, Fla., to Santiago.

At that time the Government was compelled to take whatever vessels were available. Cattle ships were chartered, the offal of the animals was shoveled out, temporay bunks provided, and great suffering ensued on account of the lack of proper facilities for ventilation, but it was the best we could do, and the country stood it. When the Philippine Islands were taken, when the Spanish authority was destroyed there, it was recognized at once that we must have some better method than that for the transportation of troops. It was impossible, with that long voyage, to depend on commercial lines, and the Government of the United States entered the markets of the world as a purchaser of vessels. Undoubtedly we paid high prices. It was necessary that we should pay higher prices than the vessels would command for general commercial purposes in order to get them at once. We could not wait.

But out of this necessity has been developed the best transport service of any nation on earth. Troops now leave our shores at San Francisco, are landed in Manila, after almost a month on shipboard, in better condition, physically, than they were when they started from our home ports. Troops who have been in the Philippines for more than two years, greatly debilitated and run down, are landed at San Francisco in a much improved physical condition.

The boats are splendidly equipped for the purposes for which they are designed. They have taken the freight boats, not fast passenger steamers, but freight boats that make about 12 knots an hour; they have refitted them throughout so that the troops in their quarters have abundance of pure air; they have a large deck for exercise; they have their meals served entirely outside of their sleeping quarters; they have fine facilities for the preparation of their food; they have a large refrigerating plant, so there is abundance of ice; they have their cold-storage room, so there is abundance of fresh meat and vegetables; they have hospital quarters of the very best equipment; they have an inspection twice a day by the commanding officer of the boat and by the commanding officer of the troops, by the medical officer in charge, so that every detail of sanitation is carefully and thoroughly looked after and the health of the troops considered above everything else.

On a transport we allow from 100 to 120 cubic feet of air to every soldier. No crowding is ever permitted. The boat on which I went to the Philippines carried of officers and men over 1,400, yet everyone was perfectly cared for; everyone was comfortably located; everyone had his health preserved; so that the very minute those men were landed on our islands they were ready for active duty. Such a thing, in my judgment, is an impossibility on the commercial lines. On commercial lines, outside of the first cabin, you will find the accommodations in these respects a failure. Such vessels will not have proper air shafts; they will not have the large arrangement of sleeping accommodations provided for in the transport; they will not have the splendid system of baths; they will not have the commodious accommodations for the men that are necessary in order that the men may be healthy. So that, if you are considering the question of the health of the men as the great primary question for the Government to take into view, there ought to be no controversy in Congress or out of Congress as to the necessity for maintaining this transport system.

As a matter of fact, every man in the country is in favor of building up and maintaining a large Navy; and yet during the last thirty years or more we have had but one occasion to use it. It is necessary, because of the condition of all the nations of the world, to have this great arm of defense, and none of us will oppose the maintenance of all the requisites necessary for equipping and preserving at the highest efficiency a sea force able to meet unaided any other nation on the oceans of the world. We have now a perfectly equipped Army. We have our outlying possessions. We have the possibility of complications on our southern borders. And this transport service, in my judgment, is as absolutely necessary as a defensive arm of the service, if we care for our troops, as is the Navy itself or the Army itself.

But if you will examine the cost of the transport service from its inception to the present time, taking into consideration the large prices paid for vessels, the enormous sums spent for repairs; if you will make such an examination, and will charge against this service from its beginning simply what is offered today by the commercial lines, it will be readily seen that this system has been a saving to the Government in dollars and cents as well as in the health and comfort of the men.

Mr. CRUMPACKER. Will the gentleman allow me two or three questions for information?

Mr. HULL. Certainly.

Mr. CRUMPACKER. How many boats are employed in the transport service now?

Mr. HULL. I think there are only eight now.

Mr. CRUMPACKER. How many does the Government own that may be used for this service?

Mr. HULL. I have here a table which shows that; but I have not examined it enough to answer the gentleman's question. I am going to publish the table with my remarks. I should say that the Government should keep at least six of these vessels in active operation. My friend from California [Mr. KAHN] may know more about this matter than I do.

Mr. CRUMPACKER. What is the annual cost of the transport service in times of peace?

Mr. HULL. Using what vessels are necessary to be used, and putting the others out of commission, I should say it would cost us in the neighborhood of $1,000,000 a year. That is only an estimate. I can tell the gentleman the cost of a trip. Those that are out of commission cost nothing practically.

Mr. CRUMPACKER. Can the gentleman tell about how many troops will probably be transported during a year?

Mr. HULL. If you should keep the army force at 15,000, I should imagine there would be an average of at least 6,000 troops transported each way every year. If the army should be increased we should transport more. You can count absolutely on at least a third of whatever army we may have being brought home and an equal number taken out every year.

Mr. CRUMPACKER. About a third each year?

Mr. HULL. Fully that.

Now, on the transport *Logan*, which loaded in New York in 1900 for the trip to Manila, the total expense of the entire trip from New York to Manila was $40,085.66. That vessel went by way of the Suez Canal. It paid canal charges of $12,817. It carried over there 1,492 officers and men. At commercial prices prevailing at that time the cost would have been five times that amount, but under a permanent contract as offered by one of the steamship lines recently, it would have cost almost double that, as I remember, counting the freight.

Mr. WADSWORTH. Does that include the food of the men?

Mr. HULL. No, there is no food in it for men, only the food

for the crew. It does not subsist the men. They get their rations; that is not paid for out of appropriation for transportation in any of these transports.

Mr. HENRY of Connecticut. How are the rations furnished?

Mr. HULL. Regular Army rations. If you have them transported on the commercial lines, as now proposed, the Government feeds them, furnishes their rations; that does not include the food.

Mr. SHAFROTH. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield?

Mr. HULL. Yes.

Mr. SHAFROTH. I have not been able to hear the remarks of the gentleman. Is there anything in this bill which proposes to dispense with the transport service?

Mr. HULL. There is not, but there is a proposition in the War Department, as I understand, for dispensing with it, and my idea of this statement to-day to the House is to give what information I have, and the gentleman can supplement that by his experience on transport.

Mr. SHAFROTH. I will state to the gentleman that so far as I am concerned, so far as my experience is concerned—and I investigated the question by talking with the captains of these transports—it is that the transports have been a great saving to the United States. In the case of the transport *Grant*, the figures showed that in one year's time it had saved $400,000 more than the cost of the ship itself, and the same may be said of the *Sheridan*.

Mr. HULL. Now, Mr. Chairman, while I was on the transport I requested the officer in charge to give me a copy of one of his round trips. They were instructed by the War Department to keep an account of all the expense the Government was put to for operating the transport, and also to make another statement as to what would have been the cost to the Government if the same work had been done by commercial lines. Of course, it is only fair to say that in this statement the cost by commercial lines was put in at current prices, not by contract, so that it could be reduced undoubtedly under a contract.

But at the price charged then and at the prices the Government would have been compelled to pay in its time of stress, when every available ship on her coast was needed for Government service, either by purchase or charter, to do this work, no commercial line would have given any reduction whatever, in my judgment; so that while it is not a fair comparison as to what can be done now by commercial lines, it is a fair comparison of what could have been done then by commercial lines. This is the same boat, *Logan*, and I take it simply because it was the boat I happened to be on and had time to make the investigation. I want to say that I expect to publish this statement in full with my remarks.

Report of passengers and freight transported during voyage No. 4, sailing from San Francisco, Cal., December 15, 1900, and arriving on return March 29, 1901:

Wages of officers, wages of crew, coal, repairs, harbor fees, supplies, wharfage, pilotage, stevedoring, subsistence of officers and crews, $131,921.76.

Now, their receipts, giving credit for the number of officers and number of men and number of civilians carried, amounted to $335,996, in round numbers, as a total. There has been a good deal of talk about civilians. There is no doubt that there has been some abuse of the transport service in the way of carrying civilians, but ninety-nine one-hundredths of the civilians carried were men in the employ of the Government. For instance, one boat went over loaded with school-teachers. Other boats had a large number of teachers distributed along in the different vessels. They are all rated as civilians.

Another class of civilians which was carried, and properly so, was those that went over in the civil service of the Government—clerks in the Army, clerks for the insular government, judges, attorneys, and other officers appointed to places in the government there. If the Government had not given these people transportation on the transports at a minimum cost, we would have had to pay their fares on the regular commercial lines. Of course nobody would take an office at $100 a month, as the bulk of those did, or even $3,000 a year, uncertain as to the tenure of office, and pay all expenses to go so far from home; so that the larger part, almost the entire part, of this civilian transportation is properly chargeable to the Government.

For instance, one boat was sent over with Commissioners, men of high authority, going to the East to administer affairs. The *Hancock* was placed at their disposal. I have no criticism for that, but it comes out of the Army bill. Another part of the cost of the transport service was furnishing the civil government of the Philippine Islands transports to make investigation of the conditions existing in all the different islands. The *Sumner* was used, I think, ninety days in this work alone, not at all for the Army, and yet all charged to the Army transport service. The Government had to pay this expense and saved money by using a transport. But, to go back to this statement:

The number of persons transported on this trip was 4,669; tons of freight transported, 38,000; total cost of the voyage, $131,921. Cost by commercial lines for transporting, $335,996, for transporting 38,000 tons of mail, remains, etc., none of which will be covered by contracts now pending before the Department, for the Post-Office will have to provide for the mails $157,982, or a difference in favor of the Army transport service for this one voyage of the one steamer of $362,056.24.

The following is full statement:

Statement of expenditures of United States Army transport Logan and report of passengers and freight transported during voyage No. 4, sailing from San Francisco, Cal., December 15, 1900, and arriving on return March 29, 1901.

Wages, officers	$5,572.75
Wages, crew	21,156.54
Coal	35,881.98
Repairs	33,570.84
Supplies	23,758.55
Pilotage	325.00
Stevedoring	2,712.10
Subsistence, officers and crews	8,944.00
Total	131,921.76

Report of passengers transported.

Persons.	From—	To—	Berth.	Bunk.	Cost.
Officers	San Francisco	Honolulu and Manila.	5		$23.924
Soldiers				126	
Civilians			24		
Officers	Manila and interisland ports and return to Manila.		122		70,770
Soldiers				2,663	
Officers	Manila	Candon and Nagasaki, Japan.	1		303
Soldiers				1	
Civilians			4		
Officers	Nagasaki	San Francisco	1		2,306
Soldiers				16	
Civilians			4		
Officers	Manila	do	62		238,693
Soldiers				1,567	
Civilians				73	
Total			4,669		335,996

Incidents of voyage.—Left San Francisco, Cal., noon, December 15, 1900. Rough weather to Honolulu. Arrived Honolulu December 23, 1900. Left Honolulu December 24, 1900. Fair weather to Manila. Arrived at Manila January 11, 1901. Left Manila February 7, 1901, for interisland trip, distributing the Twentieth United States Infantry at Candon, Curriamo, Salamogue, San Esteban, Laoag, and Banqui. Returning, also stopped at Vigan. The Thirty-third and Thirty-fourth Infantry, United States Volunteers, were taken on board at above-named ports for Manila, where the Logan arrived February 20, 1901.

Left Manila March 1, 1901, for San Francisco, with 21 companies Thirty-third and Thirty-fourth Infantry, United States Volunteers, on board. Took on three companies at Candon, P. I. Arrived at Nagasaki March 7, and left Nagasaki March 9, 1901, for San Francisco, with 1,630 steerage and 79 first-class passengers on board. Arrived at San Francisco March 29, 1901.

Report of freight transported.

Freight.	From—	To—	Tons.	Cost.
Supplies	San Francisco	Manila, P. I	3,800	$53,200.00
Mail	do	do	21	5,311.76
Specie ($1,325,750)[a]	do	do		6,628.75
Remains	Manila	San Francisco	250	65,250.00
Mail	do	do	[a]20	5,135.84
Miscellaneous freight	do	do		7,000.00
Miscellaneous baggage and supplies.	Manila, interisland and return			15,000.00
Mail (50 sacks)	Nagaskai	San Francisco		458.24
Total				157,982.59

[a] Estimated.

Number of persons transported	4,669
Tons of freight transported	3,800
Total cost for voyage	$131,921.76
Cost by commercial lines:	
For transporting 4,669 persons	335,996.00
For transporting 3,800 tons of freight, mail, remains, etc	157,982.00
Difference in favor of the Army transport service	362,056.24

Respectfully submitted.

_____,
Captain and Quartermaster, U. S. A.

SAN FRANCISCO, *April 3, 1901.*

I have here a table showing the number of transports that were purchased, their former names, number of tons, when built, and information that it is not necessary for me to read at this time that I can put in the RECORD.

United States Army transports.

New name.	Old name.	Tons.	Built.	Length.	Beam.	Depth.	Screw.	By whom built.	Where built.
				Feet.	Feet.	Feet.			
Buford	Mississippi	3,732	1890	370.8	44.2	26.6	Single	Harland & Wolff	Belfast.
Burnside	Rita	2,194	1882	285.2	36.7	26	do	Campbell & Bowstead	Newcastle, England.
Crook	Roumanian	4,126	1882	420	47	26.5	Twin	Murray & Co	Dumbarton.
Egbert	Missouri	2,903	1889	320	40	20	Single	Gray & Co	Hartlepool, England.
Grant	Mohawk	5,658	1892	445	49.2	29.8	Twin	Harland & Wolff	Belfast.
Hancock	Arizona	5,305	1879	450.2	45.4	35.7	Single	J. Elder & Co	Glasgow.
Kilpatrick	Michigan	3,722	1890	370.8	44.2	26.6	do	Harland & Wolff	Belfast.
Logan	Manitoba	5,671	1892	445.5	49.2	30	Twin	do	Do.
Mead	Berlin	5,641	1874	488.8	44.2	34.9	Single	Caird & Co	Greenock.
McPherson	Obdam	3,699	1880	410.4	39.6	28.8	do	Harland & Wolff	Belfast.
McClellan	Port Victor	2,795	1885	336	38.2	27.5	do	Leslie & Co	Newcastle, England.
Rosecrans	Columbia	2,861	1883	335	38.2	27.2	do	Barclay, Curle & Co	Glasgow.
Sedgwick	Chester	4,770	1873	344.6	44.2	34.6	do	Caird & Co	Greenock.
Sheridan	Massachusetts	5,780	1893	445	49.2	30	Twin	Harland & Wolff	Belfast.
Sherman	Mobile	5,673	1892	445.5	49.2	30	do	do	Do.
Sumner	Cassius	2,449	1881	302.1	37.4	25.3	Single	Germania Co	Kiel, Germany.
Thomas	Minnewaska	5,713	1894	445.5	50.2	30.8	Twin	Harland & Wolff	Belfast.
Warren	Scandia	4,243	1889	370.7	44.3	26.5	Single	Vulcan Co	Stettin, Germany.
Lawton	Yumuri	3,497	1889	336.2	43.2	22.3	do		Chester, Pa.

When I returned I had a statement drawn off at San Francisco, and I will say to the House that I expected to have given this information last year, and would have done so, except for a continued illness that made it impossible for me to attend to anything except absolutely necessary duties during the last session of this Congress. This statement showed the number of passengers carried, also animals and freight handled by the United States Army transport service at San Francisco, Cal., only, up to and including June 30, 1901. I will not read the full amount, but simply the totals.

There were officers carried, 5,033; enlisted men carried, 133,252; civilians carried, 6,492; a total of 144,857 of men transported from San Francisco, Cal., and return.

The animals were transported on chartered vessels. There were 8,892 horses, 4,175 mules, 3,411,212 packages of freight, 33,648 pieces of baggage, 399,977 tons of freight, 29,361 tons of forage, 1,571,263 pounds of mail, all carried by the transport service, and 2,983 remains of dead soldiers brought back to this country; or a grand total in cost to the Government for all of this work from the inception of the transport service to the 30th of June, 1901, of $14,339,762.

Statement showing number of passengers carried, also animals and freight handled, by the United States Army transport service from San Francisco, Cal., up to and including June 30, 1901.

	Passengers.				Animals.		Freight.					Remains, number.	Money, amount.
	Officers.	Enlisted men.	Civilians.	Total.	Horses.	Mules.	Number of packages.	Pieces of baggage.	Tons of freight.	Tons of forage.	Pounds of mail.		
Prior to April, 1899	595	18,230	402	19,327	90	526	660,952	10,000	29,111	-------	-------	24	-------
April 1 to June 30, 1899	352	12,731	202	13,285	79	170	73,603	6,365	7,910	-------	-------	49	-------
Fiscal year ending June 30, 1900:													
In Government vessels	934	18,631	924	20,489	-------	-------	366,516	-------	38,006	633	353,362	712	$3,291,000.00
In chartered vessels	1,181	30,928	634	32,743	3,643	1,747	820,665	-------	119,359	12,684	73,717	543	2,709,012.30
Total	2,115	49,559	1,558	53,232	3,643	1,747	1,187,181	-------	157,425	13,217	427,079	1,255	6,000,012.30
Fiscal year ending June 30, 1901:													
In Government vessels	1,707	46,263	3,427	51,397	6	-------	684,655	13,343	76,821	4,500	1,050,368	1,550	8,339,750.00
In chartered vessels	264	6,449	903	7,616	5,164	1,732	804,821	3,940	68,710	11,644	93,816	105	-------
Total	1,971	52,712	4,330	59,013	5,170	1,732	1,489,476	17,283	145,531	16,144	1,144,184	1,655	8,339,750.00
RECAPITULATION.													
Prior to April, 1899	595	18,230	402	19,327	90	526	660,952	10,000	29,111	-------	-------	24	-------
April 1 to June 30, 1899	352	12,731	202	13,285	79	170	73,603	6,365	7,910	-------	-------	49	-------
Fiscal year ending June 30, 1900	2,115	49,559	1,558	53,232	3,643	1,747	1,187,181	-------	157,425	13,217	427,079	1,255	6,000,012.32
Fiscal year ending June 30, 1901	1,971	52,712	4,330	59,013	5,170	1,732	1,489,476	17,283	145,531	16,144	1,144,184	1,655	8,339,750.00
Grand total	5,033	133,232	6,492	144,857	8,982	4,175	3,411,212	33,648	339,977	29,361	1,571,263	2,983	14,339,762.32

If all this had been done by commercial lines during this time I do not believe that $50,000,000 would have paid the expense. So that the transport service, to my mind, has been a measure not only of comfort, not only conducive to the health of the troops, but of absolute economy to the Government of the United States. I submit as part of my remarks, if there is no objection, a table showing the number of vessels chartered and the amount paid.

Vessels chartered by the United States, dates of charter and discharge, and charter price.

Algoa, chartered September 21, 1900, to January 13, 1901, $750 per day.
Almond Branch, chartered July 26, 1900, to February 11, 1901, $400 per day.
Arab, chartered August 20, 1900, to July 1, 1901, $600 per day.
Argyll, chartered August 20, 1900, to January 21, 1901, $600 per day.
Athenian, chartered July 22, 1899, to May 16, 1900, $800 per day; May 16, 1900, to July 21, 1900, $600 per day; July 21, 1900, to January 27, 1901, $500 per day.
Australia, chartered May 10, 1898, to August 29, 1898, $20,000 per month.
Aztec, chartered August 28, 1899, to May 4, 1900, $800 per day; July 23, 1900, to March 18, 1901, $500 per day; March 23, 1901, to June 25, 1901, $400 per day.
Belgian King, chartered September 1, 1899, to November 25, 1899, $700 per per day; August 4, 1900, to December 11, 1900, $450 per day.
Ben Hur, tonnage charter.
Benmohr, chartered October 16, 1899, to February 12, 1900, $700 per day.
Braemar, tonnage charter.
Buckingham, November 3, 1900, to ——, $350 per day.
Californian, chartered July 11, 1900, to January 15, 1901, $600 per day.
Centennial, chartered January 27, 1899, to January 9, 1900, $275 per day.
Charles Nelson (sail), chartered March 25, 1899, to June 11, 1899, $300 per day; September 23, 1899, to December 19, 1899, $300 per day.
Charles Nelson (steam), chartered March 25, 1899, to —— $—; September 23, 1899, to December 19, 1899, $—.
China, chartered May 27, 1898, to September 22, 1898, $1,500 per day.
City of Para, chartered June 11, 1898, to November 26, 1898, $1,000 per day; July 6, 1899, to December 15, 1899, $800 per day.
City of Pekin, chartered May —, 1898, to ——, $—; October 13, 1899, to January 31, 1900, $1,000 per day.
City of Puebla, chartered June 23, 1898, to June 2, 1899, $900 per day; August 18, 1899, to February 3, 1900, $600 per day.
City of Rio de Janeiro, chartered July 7, 1898, to October 22, 1898, $1,000 per day; September 12, 1899, to December 23, 1899, $875 per day.
City of Sydney, chartered May 10, 1898, to August 30, 1898, $1,000 per day; August 8, 1899, to January 30, 1901, $750 per day.
Cleveland, chartered March 13, 1899, to June 24, 1899, $200 per day.
Colon, chartered May 27, 1898, to September 7, 1898, $750 per day.
Columbia, chartered August 25, 1899, to March 12, 1900, $750 per day.
Conemaugh, chartered February 14, 1899, to May 19, 1900, $650 per day; June 14, 1900, to January 22, 1901, $400 per day.
Dolney Volstock, chartered November 6, 1899, to February 21, 1900, $600 per day.
Duke of Fife, chartered November 1, 1899, to March 23, 1900, $900 per day.
Federica, chartered August 13, 1900, to January 29, 1901, $550 per day.
Flintshire, chartered November 3, 1899, to May 1, 1900, $700 per day; May 1, 1900, to October 18, 1900, $500 per day.
Garonne, chartered July 21, 1899, to April 4, 1900, $700 per day; July 18, 1900, to April 30, 1901, $600 per day.
Geo. W. Elder, chartered September 4, 1899, to March 25, 1899, $550 per day.
Glenogle, chartered September 13, 1899, to April 9, 1900, $800 per day.
Goodwin, tonnage charter.
Indiana, chartered June 8, 1898, to July 22, 1901, $25,000 per month.
Jeff C. Davis, tonnage charter.
Kintuck, chartered August 4, 1900, to July 6, 1901, $600 per day.
Kvarven, chartered July 19, 1900, to October 29, 1900, $400 per day.
Lakme, tonnage charter.
Leelanaw, chartered April 14, 1899, to February 1, 1900, $600 per day; February 1, 1900, to June 4, 1900, $550 per day; June 4, 1900, to January 18, 1901, $475 per day.
Lennox, chartered September 27, 1899, to February 28, 1900, $700 per day; February 28, 1900, to June 22, 1900, $650 per day; June 22, 1900, still in service, $575 per day.
Manuense, chartered September 27, 1899, to February 6, 1900, $500 per day.

Morgan City, chartered June 7, 1898, to November 3, 1898, $660 per day; January 5, 1899, to September 1, 1899, $600 per day.
Newport, chartered June 20, 1898, to January 1, 1900, $1,000 per day.
Ohio, chartered May 27, 1898, to February 15, 1900, $25,000 per month; rechartered April 3, 1900, to June 25, 1901, $600 per day.
Oopack, chartered September 12, 1900, to May 2, 1901, $600 per day.
Olympia, chartered October 9, 1899, to January 18, 1900, $800 per day.
Pakling, chartered July 13, 1900, to July 8, 1901, $600 per day.
Pathan, chartered October 23, 1899, to February 23, 1900, $700 per day.
Pennsylvania, chartered July 7, 1898, to June 21, 1901, $25,000 per month.
Peru, chartered June 25, 1898, to November 2, 1898, $1,000 per day.
Port Albert, chartered July 27, 1899, to August 1, 1900, $600 per day; August 1, 1900, to March 8, 1901, $525 per day.
Portland, chartered February 21, 1899, to May 18, 1899, $300 per day.
Port Stevens, chartered October 21, 1899, to March 9, 1900, $750 per day; March 9, 1900, to August 1, 1900, $600 per day; August 1, 1900, to February 11, 1901, $525 per day.
Roanoke, chartered February 20, 1899, to May 12, 1899, $500 per day.
St. Paul, chartered July 19, 1898, to November 3, 1898, $1,000 per day; November 3, 1898, to June 12, 1899, $700 per day; August 3, 1899, to February 16, 1900, $700 per day.
Senator, chartered June 8, 1898, to August 3, 1899, $1,000 per day; August 3, 1899, to February 6, 1900, $750 per day.
Siam, chartered August 1, 1899, to February 12, 1900, $600 per day; February 12, 1900, to June 16, 1900, $500 per day; August 11, 1900, to November 26, 1900, $450 per day.
Sikh, chartered August 28, 1899, to December 23, 1899, $600 per day.
Strathgyle, chartered July 31, 1900, to December 27, 1900, $600 per day.
Tacoma (sail), chartered July 11, 1898, to July 1, 1899, $300 per day; July 1, 1899, to January 27, 1900, $150 per day.
Tacoma (steam), chartered September 4, 1899, to December 5, 1899, $650 per day.
Tarter, chartered July 4, 1899, to December 30, 1899, $1,000 per day; December 30, 1899, to April 23, 1900, $850 per day.
Thyra, chartered September 4, 1900, to March 26, 1901, $600 per day; March 26, 1901, to ——, $400 per day.
Universe, chartered August 1, 1900, to November 5, 1900, $10,000 per month.
Valencia, chartered June 19, 1898, to February 15, 1899, $950 per day; February 21, 1899, to May 15, 1899, $400 per day; June 17, 1899, to December 27, 1899, $400 per day.
Victoria (animal, freight), chartered August 3, 1899, to ——, $800 per day; October 5, 1899, to May 22, 1900, $500 per day.
Westminster, chartered October 16, 1899, to April 20, 1900, $650 per day; April 20, 1900, to January 28, 1901, $450 per day.
Wilhelmina, chartered September 26, 1900, to February 11, 1901, $700 per day.
Wyefield, chartered June 12, 1899, to May 1, 1900, $650 per day; May 1, 1900, to January 29, 1901, $500 per day.
Zealandia, chartered May 27, 1898, to February 25, 1899, $20,000 per month; March 22, 1899, to December 13, 1899, $18,000 per month.

In order to bring this down to the present time, I called on the Quartermaster's Department some weeks ago for information as to what had been done at San Francisco since the 30th of June, 1901, up to the 30th of June, 1902, to the close of the last fiscal year, and I find that the number of passengers carried for that fiscal year—officers, enlisted men, and civilians—was 44,953. The number of remains of our dead soldiers, officers, and men, brought back to this country was 1,096. The number of packages of freight was 604,623; pieces of baggage, 34,085; tons of supplies, 62,899; tons of forage, 2,400.

This shows that the Army is now getting almost all of its forage in the islands. Of letter mail we carried 91,142 pounds, and that is worth, I think, at the prevailing prices for letter mail for the Orient, about $1.60 a pound. Of printed matter—newspapers, periodicals, and so forth—there were carried 925,195 pounds, and we transported in currency, for the payment of our expenses in the Philippines, $4,300,000. That would have had to be sent by express if we had been dealing with commercial lines. No animals were transported from San Francisco during the year.

I have here a statement showing the names of the transports, their original names, cost when purchased, cost of repairs, and prices received for them when sold. Although that is partly a duplicate of the other table, I will print it with my remarks.

Statement showing names of owned transports, their original names when purchased, cost, cost of repairs, and price received for them when sold.

Name.	Original name.	Class.	Cost.	Cost of repairs.	Price received when sold.	Remarks.
Buford	Mississippi	Troopship	$350,000.00	$581,027.06		
Burnside	Rita	Cable ship	125,000.00	605,543.80		
Crook	Roumanian	Troopship	240,000.00	7,515.86		
Dix	Samoa	Freight ship	425,000.00	58,384.56		
Egbert	Missouri	do	200,000.00	244,715.85	$50,000.00	
Grant	Mohawk	Troopship	660,000.00	480,940.93		Transferred to Engineer Department.
Hancock	Arizona	do	600,000.00	679,690.98		Transferred to Navy Department.
Ingalls	Clearwater	do	150,000.00	159,316.00		
Kilpatrick	Michigan	do	350,000.00	661,784.20		
Lawton	Badger	do		301,280.90		Transferred from Navy Department without cost. Transferred to Navy Department.
Liscum	Kong See	Transport	60,000.00	111,700.00		
Logan	Manitoba	Troopship	660,000.00	703,183.56		
McClellan	Port Victor	do	175,000.00	350,857.86		
McPherson	Obdam	do	250,000.00	277,818.18	11,150.00	
Meade	Berlin	do	400,000.00	628,249.52		
Rawlins	Resolute	do		169,887.45	200,000.00	Transferred from Navy without cost.
Relief	John Englis	do	450,000.00	297,731.58		Transferred to Navy Department.
Rosecrans	Columbia	do	147,200.00	101,394.77	50,000.00	
Seward	G. W. Dickinson	Refrigerator ship	145,000.00	99,131.23		
Sedgwick	Chester	Troopship	200,000.00	297,759.91	35,000.00	
Sheridan	Massachusetts	do	660,000.00	903,985.84		
Sherman	Mobile	do	660,000.00	901,340.22		
Sumner	Cassius	do	160,594.00	755,862.20		
Terry	Hartford	do	150,000.00	36,877.15	19,600.00	
Thomas	Minnewaska	do	660,000.00	602,124.79		
Warren	Scandia	do	200,000.00	532,737.85		
Wright	Bay State	Transport	100,000.00	190,004.55		

I have a statement here showing the expenses incurred by the four Army transports in making the round voyage from San Francisco to Manila and return, and the number of passengers and amount of freight carried under the new conditions.

The total cost of the *Sherman* for the round trip was $67,000 in round numbers; of the *Logan*, $63,000; of the *Thomas*, $75,000, and of the *Kilpatrick*, a much smaller vessel, $49,000, making a total for the four vessels for the round trip of $256,680.38. The average expenditure for the four transports was a little over $64,000 each.

Now, here is what they carried: The *Sherman*, on her outward voyage, carried 70 first-class and 84 second-class passengers and 1,700 tons of freight. On the inward voyage she carried 135 first-class, and 312 second-class passengers, 17 remains of dead soldiers, and 1,675 tons of freight.

The *Logan*, out, 47 first-class passengers, 42 second-class, freight tons 675, making a total of first-class passengers of 656, 4,225 second-class, remains 73, and freight tons 7,238.

In addition to the above, there were transported on the four ships 25 first-class passengers, 3 second-class, and 42 tons of freight from Manila to Nagasaki not included in the above statement. There were also transported from San Francisco to Manila 155,289 pounds of mail matter, and from Manila to San Francisco 40,044 pounds of mail matter, of which 94,085 pounds is reported as letter mail and 101,148 pounds as printed matter. That is not included in the estimates; not in any estimate of cost of service to the Government in any contract statements from the War Department.

The cost of transportation of above-mentioned passengers and freight, at the rates offered by Mr. Frank Waterhouse, would be as follows:

656 first-class passengers, at $100 each	$65,600.00
4,328 second-class passengers, at $25 each	108,200.00
7,238 tons freight, at $4.25 per ton	30,761.50
Total cost	204,761.50
The total expenditure for running the transports shown by the first sheet is	256,680.38
The total cost for transportation of the passengers and freight shown on page 2 at the rates given by Mr. Waterhouse would be	204,561.50
Showing a saving by commercial ships of	52,118.88

Or an average saving on each of the four ships of $13,029.72.

In the foregoing calculation no account is taken of the transportation of passengers and freight from Manila to Nagasaki, nor for the transportation of mail matter. Allowing one-fourth rate for passengers and freight between Manila and Seattle, and for the transportation of mail matter at the rates paid by the Post-Office Department for its transportation on ships of American

registry, the following is a credit to the Army transport service, viz:

25 first-class passengers, Manila to Nagasaki, at $25 each	$625.00
3 second-class passengers, at $6.25 each	18.75
42 tons of freight, at $1 per ton	42.00
94,085 pounds letter mail, at $1 per pound	150,536.00
101,248 pounds printed matter, at 8 cents per pound	8,099.84
Total	159,321.59
Deducting the amount in favor of commercial ships above stated	52,118.88
Leaves a balance in favor of the Army transport service as a saving to the Government on the four transports of	107,202.71

I have also here a statement showing the number of officers and enlisted men to be transported from the United States to the Philippines and those to be returned to the United States under orders of the War Department designating troops for service in the Philippines and those to be relieved from duty there and showing comparative costs by the transports sailing each month and by commercial lines at the rates offered in recent bids, including the transportation of regulation allowance of baggage of officers serving in over-sea possessions.

The order provides for the troops to be transported on transports sailing each month commencing February 1 and ending September, 1903, seven sailings each way.

The number of officers to be transported to Philippines is 437; enlisted men, 7,308.

I think that answers the question of the gentleman from Indiana as to the number of troops to be transported.

The number of officers to be returned from the Philippines to the United States is 366; enlisted men, 7,216; total officers, 803; total enlisted men, 14,524. The cost for the transportation of these officers at the rates paid would be $80,300, and for enlisted men, $363,100.

The officers transported to the Philippines would be entitled to the transportation of an allowance on baggage of change of station 2,315,100 pounds, and those returned to the United States approximately 2,000,000 pounds; total, 4,315,100 pounds, or 2,157 tons weight. This baggage, transported by commercial ship, would be rated at 40 cubic feet per ton, and would unquestionably amount to 4,200 tons ship measurement, which, at $4.25 per ton, would amount to $17,850. This matter of cost of transportation of officers and men would make the total cost of this movement by commercial ships $461,250.

The average cost per round voyage of an army transport is ascertained from reports of transport quartermasters to be approximately $65,000. Seven round voyages would therefore cost the Department approximately $455,000, which is $6,250 less than the cost for commercial ships, as shown above.

Upon the transports upon which the officers and enlisted men and baggage would be transported there will be additional passenger accommodations and freight capacities as follows: From the United States to Manila 471 cabin accommodations, 4,682 troop accommodations, 11,707 tons of freight space; and on return voyage 542 cabin accommodations, 4,774 troop accommodations, and 11,862 tons of freight space.

The records show that upon each of the voyages of the transports the cabin accommodations are fully occupied and that large numbers of discharged short-term men, convalescents, and civilian employees who are entitled to public transportation are being carried; also that large quantities of supplies are transported to Manila. It is estimated that of this class of passengers and freight there would be carried by the seven round voyages of the transports to and from the Philippines, cabin passengers, 300; enlisted men, employees, etc., 2,800, and freight and supplies, 12,000 tons.

Additional to this there are many remains being returned to the United States; large quantities of mail matter are being carried each way, and large amounts of money are being sent to the Philippines, the transportation of which is not included in the foregoing calculations, but the cost of this would be very great by commercial ships.

Based upon the reports of the transport quartermasters as to the number of remains and quantities of mail matter transported, upon round voyages, of 4 of the transports sailing during the past summer and fall, the value of this transportation on the transports would be $280,760; saving on transportation of officers, men, and baggage, $6,250; total estimated saving by transports, $375,010.

Now, that only includes cabin passengers entitled to be sent there by the Government. It includes Members of Congress. I might stop long enough to say that a good many Members of Congress went over in 1901 and there was some criticism made that they took advantage of Government transports to go there and to Cuba and to Porto Rico. I want to say to this committee that in my judgment it would have been a good thing for this country if every member of this House and Senate could have made the trip and seen the necessities of the Government in the progress of this work. I think my friend from Tennessee will agree to that. [Laughter.]

The cost of this, at the commercial rates, that would all be done by the Government, not by the transportation of the Army and supplies, but from other transportation, would be $88,000, to be added to the total I have given for Army transportation alone. Additional to this, there are many remains being returned to the United States and large quantities of mail matter are being carried each way, and large amounts of money are being sent to the Philippines, the transportation of which is not included in the foregoing calculations, but the cost of which would be very great by commercial ships.

Based upon the reports of the transport quartermasters as to the number of remains and quantities of mail matter transported upon round voyages of four of the transports sailing during the past summer and fall, the value of this transportation on the transports would be $280,760, and the saving of transportation of officers, men, and baggage $6,250, making a total estimated saving by transport of $375,010 that the Government will pay out of its Treasury on other bills than Army bills if you abolish the Army transport service.

The reports on file in the Quartermaster-General's Office show that during the past seven months there have been transported on the transports from the United States to the Philippines United States currency to the amount of $4,000,000. Credit is taken on the reports for this transportation at the rate of five-eighths of 1 per cent for each $1,000. At this rate the cost of transportation of this sum by commercial lines during the seven months covered by the contemplated movement of troops would be an additional credit of $25,000 for the transport service.

Now, I have here a statement showing the comparative cost for the transportation of passengers and freight between San Francisco and the Philippines by the transport ships and the commercial lines, upon a basis of the bids recently received for such transportation from Seattle, based upon the round voyage of the Army transport *Sheridan* from September 1, 1902, to October 31, 1902, compiled by the general superintendent of Army transport service at San Francisco and submitted to the Quartermaster-General's Office.

Now, before going to this I want to say that neither myself nor any member of the Military Committee has any interest in the controversy between San Francisco and Seattle. That has nothing to do with this question. The transport service can be kept up and run from one port or the other as may be for the best interests of the Government. The Committee on Military Affairs have no interest in the question as to what ports they shall sail from. That is a question outside of the one I am trying to present to the House, so that in the argument whether it shall be from Seattle or San Francisco, that will be for the Administration to decide. I do believe that we should take some action, if necessary, to prevent the discontinuance of the transport service.

Now, on this list is a statement of the outward trip from San Francisco to Manila: Twenty officers, 53 civilians, 9 children, 61 soldiers, and so on down the list—I will not take the time to read them in full—but the total cost for the round trip was $67,772. Now, the freight outward was 1,950 tons from San Francisco to Manila, at $4.25 per ton, making $8,287.50; and 50 tons from San Francisco to Guam, at $4.25 per ton, $212.50. I do not understand that the commercial lines run to Guam. It is a little port aside from their track, and it would not justify their going twenty-four hours out of their way to touch there for this small amount of freight. The mail consisted of 1,780⅛ pounds of letter mail from San Francisco to Manila, at $1.60 per pound, making $2,849.20; 35,185 pounds of printed matter from San Francisco to Manila, at 8 cents per pound, $2,814.80.

Now, on the return trip there were 1,350 tons of freight from Manila to San Francisco, at $4.25, making $5,727.50; 11 remains, Manila to San Francisco, at $100 each, $1,100; 6,398 pounds of letter mail, Manila to San Francisco, at $1.60 per pound, $10,236.80; 3,511 pounds of printed matter, Manila to San Francisco, at 8 cents a pound, $280.88; making a total for freight of $31,519.

The expenditures on the outward voyage amounted to $46,070.20, and on the return voyage, $27,439.58; making a total cost for the round voyage of $73,509.82.

Now, this represents the difference in favor of the transport service on the sailing of one transport. Upon the same basis and with the same number of passengers and quantities of freight transported on twelve sailing during the year the net difference in favor of the transport service would be $18,481.36, which, multiplied by 12, is $221,776.32.

In order to give the House a detailed statement, I submit, in full, the following table:

PASSENGERS TRANSPORTED.

Outward trip:	
20 officers, San Francisco to Manila, first class, at $100	$2,000.00
53 civilians, San Francisco to Manila, first class, at $100	5,300.00
9 children, half fare, San Francisco to Manila, first class, at $50	450.00
61 soldiers, San Francisco to Manila, second class, at $35	2,135.00
2 civilians, San Francisco to Manila, second class, at $100	200.00
1 officer, San Francisco to Guam, first class, at $100	100.00

Outward trip—Continued.	
4 civilians, Guam to Manila, first class, at $100	$400.00
43 civilians, Guam to Manila, second class, at $100	4,300.00
Return trip:	
4 civilians, Manila to Nagasaki, $58 each, first class	232.00
40 officers, Manila to San Francisco, $100 each, first class	4,000.00
44 civilians, Manila to San Francisco, $100 each, first class	4,400.00
5 civilians, Manila to San Francisco, half fare, $50, first class	250.00
119 civilians, Manila to San Francisco, $100 each, second class	11,900.00
3 civilians, Nagasaki to San Francisco, $100, first class	300.00
2 soldiers, Nagasaki to San Francisco, $35 each	70.00
9 civilians, Nagasaki to San Francisco, $100, second class	900.00
881 soldiers, Manila to San Francisco, $35 each	30,835.00
Total	67,772.00

FREIGHT.

Outward trip:	
1,950 tons, San Francisco to Manila, at $4.25 per ton	$8,287.50
50 tons, San Francisco to Guam, at $4.25 per ton	212.50
Mail—	
1,780½ pounds letter mail, San Francisco to Manila, at $1.60 per pound	2,849.20
35,185 pounds printed matter, San Francisco to Manila, at $0.08 per pound	2,814.80
Return trip:	
1,350 tons freight, Manila to San Francisco, at $4.25 per ton	5,737.50
11 remains, Manila to San Francisco, at $100	1,100.00
6,398 pounds letter mail, Manila to San Francisco, at $1.60 per pound	10,236.80
8,511 pounds printed matter, Manila to San Francisco, at $0.08 per pound	280.88
Total for freight	31,519.18

EXPENDITURES.

Outward voyage:	
Wages of officers in port, San Francisco, July 20 to August 31	$1,729.25
Wages of officers at sea	1,280.00
Wages of clerks in port, San Francisco, July 20 to August 31	379.16
At sea	275.00
Wages of crew in port, San Francisco, July 20 to August 31	6,511.84
At sea	5,370.10
Coal, San Francisco	11,866.91
Pilotage, San Francisco	134.55
Stevedoring, San Francisco	2,027.46
Stevedoring, Manila	506.10
Towage, San Francisco	37.50
Repairs, San Francisco	6,392.85
Subsistence, officers and crew in Port San Francisco, July 20 to August 31	830.80
At sea	1,963.36
Laundry, San Francisco	1,073.46
Water, San Francisco	450.00
Deck, engineer, and stewards' supplies, San Francisco	5,241.90
Total	46,070.24
Return voyage:	
Wages, officers	1,280.00
Wages, clerks	275.00
Wages, crew	5,794.16
Coal, Manila	3,881.96
Coal, Nagasaki	7,600.00
Harbor fees, Nagasaki	3.00
Pilotage, Nagasaki	29.00
Stevedoring, Manila	418.71
Stevedoring, Nagasaki	4.50
Repairs, Manila	4,555.74
Cleaning ship, Manila	117.00
Laundry, Manila	513.20
Removing ashes, Nagasaki	2.00
Subsistence, officers and crew at sea	1,917.18
Laundry, Nagasaki	226.34
Water, Manila	614.38
Water, Nagasaki	68.75
Deck and stewards' supplies, Manila	106.71
Deck and stewards' supplies, Nagasaki	31.95
	27,439,58
Total outward voyage	46,070.24
Total cost for round voyage	73,509.82
Cost for persons transported per Seattle bid	67,772.00
Freight transported per Seattle bid	31,519.18
Total commercial line charges	99,291.18
Cost as shown by transport	73,509.82
Difference in favor of Army transports	25,781.36
Deduct cost per month for Army transport establishment at San Francisco	7,300,00
Net difference in favor of transport service	18,481.36

Now, Mr. Chairman, it seems to me, in view of these actual figures, which are susceptible of absolute demonstration, that for this Government to deliberately abandon the transport service, which has been built up at such expense, and sell these vessels at the small sums that could be realized from their sale—not much over 10 per cent, if that, on the cost of the vessels—and depend on the commercial lines to do this business for the Government, will not only impose a very large additional burden upon the Government, but, in addition, will be an absolute wrong upon the soldiers of the country who may be transported to or from these far-away islands of the Pacific.

Mr. MADDOX. Will the gentleman allow me a question?

Mr. HULL. Certainly.

Mr. MADDOX. Does the gentleman think that the existing conditions, or those likely to exist, justify us in keeping all these transports in service?

Mr. HULL. I should say no; not all of them.

Mr. MADDOX. Then another question, for information: What are the present regulations about transporting civilians on these transports?

Mr. HULL. I understand there is absolutely no transportation given, except to those in the employ of the Government.

Mr. MADDOX. None at all?

Mr. HULL. None at all, as I understand.

A MEMBER. But the families of Government employees are included?

Mr. HULL. The families, of course, can go, and ought to go. These vessels do all the transport work, not only for the Army, but for the civil government of the Philippine Islands.

Mr. MADDOX. Then I understand the policy is to keep just so many of these vessels in service as we may need.

Mr. HULL. That is all.

Now, as to the other proposition, I want to say that we have a surplus now beyond what we need for actual service. The Government has undertaken to sell a few of these vessels, and if you will look up the records you will see that it has not received in this way 10 per cent of the cost of the vessels. These vessels are in good condition——

Mr. MADDOX. Just another question, if the gentleman pleases.

Mr. HULL. I prefer the gentleman should wait until I get through this proposition. These vessels, we think, that are not needed should be put out of commission. If these surplus vessels should be sold the Government in twenty years would not receive enough from the sale to justify selling, and then we are to take into consideration the possibility that we may need them any year on either the Atlantic or the Pacific coast. This to my mind is reason enough for their being kept by the Government.

In this country we have less than one-hundredth part of the vessels to draw upon that Great Britain has; and yet Great Britain during her African war had great difficulty in securing proper transportation for her troops. In order to send troops, she was compelled to limit the men to about 70 cubic feet of air for each man, and in the Tropics that is not enough. As I have said, Great Britain could call on 100 vessels to our 1, so that the delay in fitting out the transport service would be nothing for that Government compared with what it would be for ours. And yet with all her resources, with the great fleets at the command of that Government, she could not take care of her troops as we did of ours. In that respect we set an example to all the nations of the world. We showed how a free people can take care of free men who are fighting for her flag in any quarter of the globe.

So that upon the humanitarian ground alone, if there should be no difference in the matter of cost, I should say that our Government would be doing a wrong, while we hold the Philippines, in entirely abolishing or doing away with the transport service.

I will now yield to my friend from Georgia [Mr. MADDOX].

Mr. MADDOX. The gentleman has anticipated in a very large measure the question which I intended to ask him. I understand him to say that while we are building up a powerful Navy it is of equal importance to have a sufficient number of transports.

Mr. HULL. The suggestion has just been made to me by the gentleman from California [Mr. KAHN] that in our service these ships may be used to good advantage as training ships for the Navy—educating a naval militia. That is a very good suggestion. But if there were absolutely no present use for a number of these vessels, if nothing were to be done except putting them out of commission, I say the amount of money which the Government would receive from their sale is so infinitesimally small—if thirty years from now we had to buy up and refit vessels for this purpose, and recognizing that there may be enough advance in shipbuilding within that time to make these vessels obsolete, still I think they would answer at least a temporary and necessary purpose—but if these vessels should be needed only once in thirty years, it would pay the Government to keep them.

We have been at great expense in building up this service. We have reached a point where we can maintain it at less expense than that at which any commercial line on earth can do this work for us; and by doing it ourselves we insure the health and comfort of our men, and no commercial line will do that.

The commercial line that might engage in this business for the Government would receive large subsidies for its line of ships in the way of exclusive contracts. Such a line working for the Government would be virtually beyond competition from any other line; and we would pay more money for this service than it now costs us, while we should be sacrificing the comfort and health of our soldiers in such a transfer of the business. When we have destroyed our transport service and destroyed competition among commercial lines by building up one to the exclusion

of others we will have great difficulty in renewing our contracts on as good terms as now offered.

Every Government transport has perfect hospital accommodations. The hospital is crowded when you start from Manila for the States and is practically empty when you land at San Francisco. The commercial lines have none. They agree, however, that they will fit up limited accommodations for hospital service; but the best part of our vessel is given over to the sick soldiers for their hospital and they are cared for before the well men are cared for, while on the commercial lines they will simply be taken because they have to be taken, not because they are desirable.

Now, Mr. Chairman, on my return from San Francisco I called on the master of transportation for a full statement as to results of the transport service, although at that time there was no proposition to do away with it. He has given me one, which I have had here for over a year in my possession, and I ask permission to put it in with my remarks, without reading it. If there is no objection, I will do so. I also have a letter from the Quartermaster-General, transmitting a large part of this data I have read to the House, which I shall also put in with my remarks. I do not desire to take the time of the committee to read this in full, but I will say to the committee that a full reading of the statement on the transport business will well repay every member of the House for the time which he takes to give it a careful reading. I now reserve the balance of my time.

Mr. CANNON. Mr. Chairman, if the gentleman will allow me——

The CHAIRMAN. Does the gentleman yield to the gentleman from Illinois?

Mr. HULL. Certainly.

Mr. CANNON. I have listened to my friend with great interest. These transports, as I understand, are required for present and immediate future service. As to those not required, he suggests that they go out of commission, as a matter of insurance for that matter, and then it would be like unto the coast defenses, the maintenance of the machinery of the Army, otherwise a matter of readiness, which a wise government would resort to in the event of emergencies.

Mr. HULL. The gentleman from Illinois has expressed my idea much better than I did myself, but I want to say to the gentleman from Illinois that they are now transferring several of these vessels to the Navy in place of trying to sell them, and the surplus vessels can all be absorbed by the Navy on the lines suggested by my friend from California [Mr. KAHN] and on the lines upon which they have already done with those which have been transferred to the Navy.

Mr. SHAFROTH. Mr. Chairman, I would like to ask the gentleman a question. In the estimate he has made as to the cost by contract as contrasted with the cost which the Government is paying for the transport service, is it not a fact that, although the amount is more by the contract service, the quarters of the soldiers are not nearly as good?

Mr. HULL. Oh, they can not be as good; that is absolutely true.

Mr. SHAFROTH. And is it not a fact that the steerage passenger in the ordinary merchant vessel has not anything like the quarters which are given to the ordinary soldiers in the transports to Manila?

Mr. HULL. The steerage passenger in the ordinary vessel is crowded into the dark, ill-ventilated hold of the ship, while the soldiers have large, airy, well-ventilated quarters in every transport which has been fitted up for the carrying of troops.

Mr. SHAFROTH. And notwithstanding that the cost by contract is greater than the cost by transport?

Mr. HULL. The cost by transport is greater, and counting the mail matter and the remains brought over and the civilians transported, for which we will have to pay out of some appropriation by Congress, the cost will run into millions of dollars every year more by the contract service than by keeping up the transport service.

Mr. KAHN. The mail matter is a very important feature.

Mr. HULL. Yes, and there is another thing which the transport service does, which I might suggest to this committee. When you make a contract for the delivery of officers and men at Manila, or forage or freight or mail, you have to then keep up a certain number of ships to ply between the islands, and pay additional large sums to have your troops carried from Manila, say, to Iloilo and Sabu, or any of the posts in the southern islands away from Manila, and largely, as my friend will remember, to even distribute troops upon the island on Luzon alone.

Now, the cost of the transport service figured here does not mean simply to Manila, but it is the round trip, and that includes not only going to Manila but also to these other islands where they want to put these troops, so that while you can not get those figures here—I could not in time—it will add a great many thousand dollars additional to the cost of the Government by doing it by contract with the commercial lines. For instance, the *Logan*, on which I went over—and I only refer to the *Logan*, as I said before, because that is the vessel I went on—took over fourteen hundred and some odd troops and officers.

Part of them were taken to Samar and landed there, and others to other islands and landed, and troops taken from each post for transportation back to the United States, and that was all in the cost of the round trip; while with your commercial lines it means that they land at Manila, and then the Government pays a very high interisland rate to these little vessels, which could not do this service with any comfort to the men nor any promptness at all. It is now done by the transports without one dollar of additional expense to the Government of the United States. I spent twenty-two days on the *Sumner* with General Chaffee when he went around the islands to inspect the posts, and there was not a post that we landed at where we did not take out fresh beef and supplies for that post, so that the men could have the advantage of a change of rations.

That would not be done by your commercial lines. That expense would all have been in addition to what is figured out here. The smaller part of our troops will be kept in Luzon. The interisland business is a large one that the Government must perform, and by keeping up the transport service it is performed without an additional dollar of expense over that shown in these round-trip expenses of the transports, because the expense is figured from the time they leave San Francisco until they reach San Francisco again. I want to say very frankly that if there is no other way to prohibit the sale and the breaking up of this transport service I should favor an amendment that would make it impossible for the Department to do away with that service until further action by Congress. [Applause.]

Mr. SHAFROTH. I should like to ask the gentleman another question. Have any of these transports been sold?

Mr. HULL. Yes.

Mr. SHAFROTH. How many?

Mr. HULL. As an answer I submit General Ludington's statement to the committee.

The statement is as follows:

Statement showing the names of Army transports which have been sold, the price paid for them by the War Department, the flag which they were under when purchased, amounts expended on them for fitting and repairs while in the Army transport service, not including running expenses, and the amounts received for them when sold.

Name.	Cost.	Flag.	Repairs and refitting.	Sold for—	Remarks.
Rawlins	.....	American..	$169,887.45	$200,000.00	This vessel was purchased by the Navy Department for $475,000, and was transferred to the War Department by an Executive order without cost to the appropriations of the War Department.
Terry	$150,000	.....do	36,827.15	19,600.00	The Terry was purchased in December, 1898, and fitted up for the distribution of troops and supplies in Cuba. Upon the reduction of the military service in Cuba the vessel, being no longer required, was withdrawn and sent to New York. There being no need for her service in the Philippines or the United States, it was determined to dispose of her.
McPherson	250,000.00	Dutch.....	277,818.18	11,150.00	This transport was wrecked on the coast of Cuba in February, 1901, and was raised and delivered in New York Harbor by a wrecking company under contract at a cost of $70,000. On arrival in New York it was necessary to put temporary repairs on her bottom to keep her afloat, at a cost of $5,000, and to make permanent repairs so that the vessel would be seaworthy it was ascertained that it would cost at least $150,000. It was therefore determined to offer the vessel for sale, and as it was costing $35 per day to care for the vessel and keep her afloat, the Department, after several efforts to dispose of her, accepted the highest price offered as being more economical than to longer retain possession of her.
Rosecrans	147,200.00	American..	101,394.77	50,000.00	This vessel was sold, the Department having no further use for her services.
Sedgwick	200,000.00	British.....	297,759.91	35,000.00	Upon the discontinuance of the transport service on the Atlantic the Sedgwick was laid up, it being ascertained that the ship required extensive repairs to put her in seaworthy condition, at an approximate cost of $125,000, and there being no need of her service in the Philippines or on the Pacific, she was sold.
Egbert	200,000.00	.....do	244,715.85	50,000.00	This vessel was sold, the Department having no further need for her services.

Mr. SHAFROTH. Do you know whether there is any intention on the part of the Secretary of War to sell any more?

Mr. HULL. My impression is that the authority of the Secretary of War to sell would only come in when they were condemned by a board of officers. I do not believe he has the right to sell otherwise. Now, he may have a different view of that. He is an able lawyer and a great administrative officer, and would surely comply with the law.

Mr. SHAFROTH. I will state to the gentleman from Iowa that my views accord exactly with his on this transport service, and I for one would be perfectly willing to support a law or an amendment absolutely prohibiting the sale of these transports. They are a most excellent part of the Government service.

Mr. GAINES of West Virginia. Can the gentleman state how much these transports brought that were sold?

Mr. HULL. The old *Obdam*, that cost us between four and five hundred thousand dollars, was a comparative wreck when sold, and she only brought about $11,000, I believe. Gentlemen will understand that the cost of refitting these transports was often as large as the original cost. They were nearly all freight boats, and the Government had to put them in dry dock and employ a large force and expend a large sum of money to fit them for transport ships for the accommodation of our soldiers and officers.

Mr. GAINES of West Virginia. And that refitting would destroy their usefulness as freighters?

Mr. HULL. They can carry all the freight that the Government wants to carry in them, but they would not be valuable as freight boats for general commercial purposes unless they were reorganized. The gentleman can understand that that would be easily done, because it costs much more to construct than it does to tear out. The expense of tearing out would not be very great.

The table given by General Ludington shows about what they would sell for. The *Rosecrans* sold for $50,000. This vessel was sold, the Department having no further use for her services. Now, in answer to the gentleman from Colorado [Mr. SHAFROTH], I will say that I assume that if they could sell the *Rosecrans* they could sell any other vessel. The amount that she brought, however, was nearer the cost than the amount brought by some of the others. The *Rosecrans* cost about $300,000 altogether.

Mr. KAHN. They sold four or five of them.

Mr. HULL. They sold the *Sedgwick*.

Mr. KAHN. And the *Egbert*.

Mr. HULL. The *Egbert* and the *McPherson*. She was wrecked. That is the one I called the *Obdam*. But my judgment is that under the strict construction of the law the only way these vessels could be sold would be to convene an Army board and condemn them. That may have been done when these were sold.

Mr. STEELE. I should like to ask the gentleman what is the main argument in favor of the sale of these transports by the Secretary of War?

Mr. HULL. So far as I know, and I do not want to state positively because I did not call upon him for that, I think the main argument is that he wants the Government to go out of this kind of business.

Mr. CORLISS. I observe on page 25 of the bill, under the head of "Barracks and quarters," an appropriation of over $4,000,000. Is that intended to cover the improvement of the existing military posts in our own country?

Mr. HULL. That $4,000,000?

Mr. CORLISS. Yes.

Mr. HULL. That is all for this country.

Mr. CORLISS. Why is it not itemized in this appropriation?

Mr. HULL. I will say to the gentleman that Congress never could have the information that the Secretary of War has through the Quartermaster's Department, which is the construction department of the Army—it never could have the information necessary to segregate this matter, and if you begin the segregation of these items, with the very best information, during a short session of Congress, however diligently the committee might examine it, the result would be undoubtedly worse than having the Department dispose of the matter.

Mr. CORLISS. That is the information I desired.

Mr. HULL. We never have segregated these items, and in my judgment it would be bad legislation to segregate them for the reason I have given.

Mr. CORLISS. Now, with reference to Fort Wayne, which is in my State, there have been recommendations of certain improvements at that post. Under this appropriation the Secretary of War has absolute power to make any improvement deemed to be necessary for the benefit of the Army at that place. Is that statement correct?

Mr. HULL. I did not hear the gentleman, as another gentleman was speaking to me.

Mr. CORLISS. I asked if the Secretary of War had power, under this provision, to make the necessary improvements at Fort Wayne?

The CHAIRMAN. The Chair will inform the gentleman that he has consumed an hour.

Mr. HULL. I did not understand I was limited to one hour. I have no desire to consume any further time, but will endeavor to explain other matters under the five-minute rule, if I can.

Mr. CORLISS. I find in the bill an appropriation of nearly $1,000,000 for the construction of a cable in Alaska. Are these to be Government cables?

Mr. HULL. They are entirely military cables.

Mr. CORLISS. Is it an extension of existing cables already constructed?

Mr. HULL. Yes; it makes connection for this Government—one of them—to go over the Canadian line connecting with our own line already built.

Mr. CORLISS. And when opened, would be open to commercial business?

Mr. HULL. Yes. In fuller answer to the gentleman's first question, in another bill there is another appropriation for buildings. Where the cost is more than $20,000, they would not be paid out of this appropriation, but the sundry civil bill carries an appropriation where detailed estimates are given for a building authorized by law, that is not under this lump sum.

GENERAL REMARKS REGARDING TRANSPORT SERVICE.

Upon the declaration of war with Spain in April, 1898, the Quartermaster's Department was called upon to provide means of transportation for the army to Cuba. The charter of every available steamship under American registry on the Atlantic and Gulf coasts was considered in connection with this service. These ships were carefully and thoroughly inspected to ascertain their seaworthiness and suitability for transporting troops and supplies on the ocean, and if found suitable were chartered and fitted up for service.

The Navy Department had already secured the largest and most commodious of American vessels for service as auxiliary cruisers, and those left available for transport service were of the smaller coast-line steamships used for the transportation of freight, with limited accommodations upon them for cabin passengers. From this class of steamships there were chartered the fleet of transports, about thirty in number, which were hastily fitted up for the transportation of officers, men, horses, and all the necessary supplies and impedimenta required for an army in the field.

To provide quarters upon these vessels for the enlisted men to be transported, it was necessary to build bunks on the main and 'tween decks of the ships, and to render these quarters habitable ports were required to be cut in the ships, and wind sails provided to force air through these ports while en route.

Upon these hastily fitted up transports, the army of General Shafter was transported to Santiago, and after its successful mission in Cuba was returned to the United States, and subsequently the armies of occupation of that island and Porto Rico were transported from the United States on some of these vessels.

From these movements it was manifest that such ships were illy suited for service as troop transports for the Army. The quarters of the men were crowded, poorly ventilated, and unsanitary, causing more or less suffering among the troops, particularly while in the warm climate of the West Indies.

The success of the naval fleet in the bay of Manila and the call for an army to operate on land in that distant archipelago rendered necessary the charter of a large fleet of ships on the Pacific coast for the transportation of the army on a voyage of nearly 7,000 miles.

Fortunately, on the Pacific coast there were numerous trans-Pacific steamships of large capacity which were available for use of the Government in this emergency. These vessels were fitted up for the accommodation of men and supplies, and the army of occupation was successfully landed in Manila.

Although these ships were commodious and quarters of the enlisted men upon them not overcrowded, it was not possible to make them ideal troopships for a long voyage in the Tropics, with their loads of human freight.

After mature consideration it was decided to purchase steamships suitable for conversion into Army transports. Several large steamships were tendered for sale to the Government by the Atlantic Transport Line, which had a fleet of vessels engaged in the transportation of cattle and dressed meats from the United States to Europe. Seven ships were purchased from that steamship line. The Department also acquired, by purchase, seven other steamships. These purchases were made in the summer of 1898, and the ships were hastily fitted up for the transportation of troops, animals, and supplies and the chartered transports which had been in service between the United States and the West Indies were discharged.

The owned transports were found to be admirably adapted for the service, but there were still lacking in them such accommodations as would make them ideal troopships for long voyages on the ocean. Plans and specifications were therefore prepared for the conversion of these ships into commodious and comfortable transports, and, as they could be spared from the service, one or more of them at a time, contracts were made with leading shipbuilding companies to overhaul and fit them, in accordance with these specifications. Upon completion of three of these ships, viz, *Grant*, *Sherman*, and *Sheridan*, each of which had been fitted to accommodate over 1,800 enlisted men, the three ships sailed from New York to Manila in the winter of 1898-99, each carrying one full regiment, a battalion of another regiment, and a large quantity of military stores.

Other transports were subsequently fitted up in similar manner, every possible care being taken to make them in every sense the most complete and perfect vessels for the safe and comfortable transportation of men.

The quarters for the enlisted men were provided with metal berths, insuring cleanliness, and are amply ventilated and lighted by electricity; large refrigerating plants were installed upon the ships for the preservation of fresh meats and vegetables for the entire voyage, and ample galleys provided for the preparation of food in the most approved manner. Hospitals were also fitted up for the care and treatment of the sick, with isolation wards for the perfect isolation and treatment of any contagious disease which may develop upon the voyage.

The representatives of a number of other nations have asked for and have been furnished with copies of the plans and specifications under which our transports have been fitted up.

Nearly every ship sailing from Manila had on board about 100 sick, who were provided with every attention and comfort in the transport hospitals that would be found in any well-regulated hospital ashore.

During the uprising in China in 1900 the United States was enabled by the possession of a well organized transport fleet to place its Army and supplies in China promptly and in excellent condition.

Of the many thousands of persons who have been transported on the vessels of the Army transport service since its inception, not one life has been

sacrificed by reason of any fault in the fittings or accommodations upon the Army transports.

In view of this excellent record, and of the experience of the Department in its futile efforts to secure suitable commercial ships for the transportation of the armies during the war with Spain, and the further fact that when withdrawn from active service the transports can not be advantageously disposed of by sale, I am firmly convinced that, even though circumstances should permit the withdrawal of the transports from regular line service to the Philippine Islands, it would be wise policy to retain a sufficient number of transports as a part of the equipment of the Army, to be economically cared for and kept in such condition as to be promptly available for any emergency which may arise requiring the transportation of troops on the ocean.

Now, Mr. Chairman, I reserve the balance of my time. I will now yield to the gentleman from New York to move that the committee rise for the purpose of having a bill printed.

APPENDIX.

UNITED STATES ARMY TRANSPORT SERVICE OF THE PACIFIC.

The Army transport service—the principal branch of which has its headquarters in this city, so far as its headquarters can be said to exist outside of Washington—is no longer in its infancy. From its incipient stages it has progressed to high and efficient organization on a permanent basis.

Among those familiar with its operations it has ceased long ago to be regarded as an experiment, and has come to be considered a demonstration. It has been conceded a place as the prototype and module of a very successful system of over-sea military transportation. In certain lines, for instance, during the time the powers were making preparations for the occupation of China, it set the fashion for the German Government in operations conducted from this port by her agents. As an essential adjunct to the maintenance of an insular force it has established and sustained itself, and it recommends itself to the authorities and the public as a most perfect and successful ferry to our outlying ports, and as absolutely necessary from the administrative standpoint.

It has survived the period when it was most subject to criticism and attack, and mistrust has given way since its methods and processes have acquired the sanction of successfulness and highly gratifying results. I doubt if there is any element of criticism that has not been wholly disarmed by the achievements of the service. It has stood the most dissentient and exacting test of all—the stolid criticism of the landsman. It has been an emergency operation conducted among a public in profound peace, and has been required to maintain a standard that would never have been imposed upon it by a people subjected to the condition and excitements of war; but I do not believe there is anything in the public mind that would tend to put the transport service in a defensive attitude. I might furnish you a mass of accumulative data in an undigested form; but such is my concern as to what deductions are made that I shall wish to accompany it with some inferences that are natural, and these are certainly entitled to prior consideration to those which may be merely possible.

Had the emergency requiring the establishment and organization of the transport service rapidly developed, the task devolving on its organizers would have been different from what it was under the slow and indirect manner in which the real situation in the Philippines was made apparent. The magnitude of the work to be accomplished by the service did not come to light until actual entrance by the activities it subserved had been made through its agencies upon the ground which it was supplying the force to occupy.

With the fall of Manila and the destruction of the Spanish fleet our Government placed itself under obligations and responsibilities it had up to that date made no preparation to assume. When a fleet of war vessels of the United States Government appeared in Manila Bay and destroyed Spanish authority in the Philippines by annihilating its symbol and support, it by that act incurred the moral and legal responsibility to the citizens and to the world to reestablish authority and some system of government in the place where the exercise of such functions had been interrupted by its act.

This Government was at that time without any representation in force and without means of asserting its position in the islands other than those supplied by the Navy in the fleet there present. It then devolved on this Government to provide a force sufficient to establish its control in the islands, which, considering the menace of Spanish hostility, the uncertainty of native sentiment, and the large allowance necessary to be made in numbers in operating an army under climatic and local conditions that were alien and new, would necessarily be large and was not at that time in existence.

But this necessity had another and perhaps a graver import than that of the effort to provide a sufficient force—the necessity of providing under such hazardous alternatives ocean transportation over such a long distance for the body of men requisite—this to be provided from materials wholly lacking and not certainly obtainable. The establishment of a line of transports from New York to Manila, over a route leading close to Spanish shores and through a neutral canal, was not at that time to be thought of. Shipping having received a very noticeable impetus in the Pacific, tonnage on this coast was very fully employed, and in many cases at rates involving surtaxes and primages on passengers and freights, without this Government having entered the market as a bidder.

The Navy could be of no assistance at that time, as it was itself under such stress as to be straining all its facilities and resources, and was even increasing the number of its own auxiliary vessels, by which means many of the few available ships were withdrawn from the market. Very little of this business could be done at Seattle, for the facilities that could be developed for handling and equipping ships in that harbor were at that time an unknown quantity and rather problematical.

It transpired then that San Francisco rather than New York, that San Francisco rather than Seattle, and that the Army itself rather than assisted in any respect by the Navy, must evolve a transport system, and it became incumbent upon the Quartermaster's Department of the Army to receive the troops destined for the Philippines at the end of the transcontinental transportation lines, as it did at the point of their muster, and provide them with over-sea transportation to Manila—a task of a magnitude that had never been dreamed of as a possibility of the marine history of the Pacific under any contingency whatever.

Fortunately, the army to be transported was not in readiness, and while the situation urged their being sent forward, they were not in a condition to be dispatched. Time was thus afforded which rendered it possible to mature and develop plan and system.

Under this exigency the Quartermaster's Department entered the market as a charterer of tonnage. Three ships were secured for the service, designed to be sufficient to carry upward of 2,000 men, composing the first expedition. These vessels were chartered under the only terms the Department at that time was in a position to accept with reference to their operation, there being no marine office yet organized in the Department.

The entire matter of fitting, management, and control was left to the owners. Practically they were to deliver a certain number of passengers to a certain destination for the Government. The details were theirs to arrange. The result of this expedition served to emphasize the necessity of a marine office within the Department. The management of the business of this expedition on its marine or contract side was unfortunate. One system of arrangement of bunks was devised, the ships being open more or less to inspection while they were being installed, and the owners were compelled, after the fittings were nearly complete, to adopt a more rational system by the mere weight of public opinion.

The bunks had been bunched together in a manner admirably adopted to the idea of saving the sawing of lumber, without reference to passages for the convenience of men, and without consideration as to air, ventilation, etc. Men were to have crept one after another into the first of a line of bunks, through an opening merely sufficient to admit him, the first man to pass from bunk to bunk until he came to the last one, those following taking the last one left, and thus they were to stow themselves away in berths that were ventilated none at all and lighted never.

The necessity for forced draft for the ventilation of the troop decks was overlooked or neglected. Galley facilities were slighted. In other words, the soldier was to be sent to sea under conditions as to which his own good, his health, and his comfort had not been considered. It was quickly recognized that other than contract provision should be made for the long and wearing trip to the Philippines. The only acceptable system would be the one the Government alone could supply, the first consideration to be the condition, comfort, and health of the men to be carried.

The formation of a marine office as an auxiliary to the Quartermaster's Department in the handling of a vast system of water transportation, then, was logical. Such an office, or system of offices, rather, there being several centers to these operations, was immediately formed, the first efforts of the office organized at this port being directed to securing in the largest possible measure into its own hands and under its own control as much of the management and supervision of the chartered ships as was consistent with their private ownership, the day of the Government-owned vessel not having yet arrived.

The transport service of the department at San Francisco thus came into existence with a full force of clerks for the expeditious handling of baggage and cargo, and a competent corps of inspectors for the protection of the Department—to inspect paint, coal, supplies, stores, fittings, etc. Wharfage facilities were obtained, so that the service would have a seat for the handling of its ships and the dispatch of its business. The expansions from this point have been gradual and rational. No step has been ruefully taken.

The business the service has handled is phenomenal. The wharf at which it transacts its business has become famous. Folsom street dock is known further, more widely, and to more people than all the other docks of the port taken together. Since the opening of its business there has been an average of one sailing every five days. The number of people handled in one direction only, from San Francisco to Manila, is upward of 100,000, and nearly the same number has been brought back. This multitude has been transported over a very long route—one of the longest in the world—in ships that were built for other trades and in many cases ill adapted to this service, and not one life has ever been lost that is chargeable to mismanagement or incompetency. The service has succeeded in adapting itself perfectly to one of the greatest enterprises in history.

The service is wholly independent of and not at all indebted to the Navy. Its success is entirely to the credit of the Army and to the various elements of marine, nautical, and business assistance it has received from the ranks of civil life. The machinery of the Navy might have been found slow and cumbersome had it been called upon, instead of the Army, to deal with the emergency which has been successfully met. Perfect elasticity was required.

The chartered ship has been gradually replaced by the Government vessel, which is entirely under control. There is now no delay or dispute in fixing responsibility. The crews of the vessels are neatly uniformed, and with the adoption of a term of enlistment the discipline will be of the best.

One of the great departments of the service is that devoted to the reconstruction of vessels, of adapting them to our needs and requirements, and of putting them in a state of efficiency. In many cases we were compelled to take ships that were built entirely with a view to freight trade, and it was necessary to construct in them entire new decks. The passenger ship and the freight ship are of separate and distinct classes, and to adapt the freighter to be classed as a passenger ship requires very extensive work of such a nature as to entirely change their classification with Lloyd's.

Such an alteration results in increasing to a great extent the value of the vessel, but we have found it necessary on more than one occasion on account of the lack of suitable ships to do this, and, moreover, the time given for such adaptation has usually been only a few days. The service on the eastern coast, with its greater accessibility to the ship markets of the world, in due time supplied us with ships of the very first class with which our service is now maintained, but during the year 1898, the time such vessels were most needed, we were limited to such tonnage as this coast supplied, and this coast had few lines of passenger ships to be drawn upon. Our passenger facilities, therefore, were mostly improvised.

The standard of the fittings of these ships for comfort and sanitation has always been the highest. Cleanliness received the best attention. No deviation is allowed from requirements in this respect. The idea of the comfort of the men and the sanitation of their quarters is kept prominently in mind in the refit of vessels designed for troop service. Shower baths are provided in numbers, located together, so as to constitute a sort of department of the ship of itself, and no man, no matter how many may be on board, need go without his daily bath. Special sanitary pumps are installed, which make an abundance of water available at all points. Such is the effectiveness of the measures taken with this object in view that the healthfulness of the ships has never been questioned, the conditions on board being such that there is a marked improvement generally in the health of those who in any way become subject to them.

To insure attention to and compliance with the requirements of the regulations respecting personal cleanliness, the ventilation of quarters, etc., it is prescribed that two regular inspections of all quarters each day shall be made by the commanding officer, the ship's master, the transport quartermaster, and the surgeon, and all reports show, even nonofficial mention of the condition of the ships, that scrupulous order and cleanliness distinguish the vessels in our fleet.

Under the impulsion of rapidly accumulating business the temptation has at times been strong to crowd the ships with men, after the manner permitted in moving military forces in other countries, but no deviation from our standard was ever made. The British navy, in fitting ships for the transportation of troops, allow but 70 to 77 cubic feet of space for air to the man. Our standard has always been 100 cubic feet, as a minimum, and from that up to 120 cubic feet. As a further instance of this, the transport *Warren*, under her former name the *Scandia*, was at one time in transport service for the Russian Government, at which time she carried 2,400 men. When taken into our service she was fitted up for 1,100 men, thus making ample allowance, and insuring the troops comfortable accomodations.

An important department of our well-equipped troopships is that charged

with the provisioning of the passengers. Down in the depths of these big ships is always an enormous supply of provisions—sufficient, no matter what the emergency. In connection with the engine room, as an auxiliary, there is installed a powerful refrigerating and ice-making plant, used for the purpose of cooling the water supplied from sea water by the distiller and of reducing the temperature of, so as to preserve in their freshness, meats and vegetables on board ship. Under this reduced temperature the meats are kept, from which they come up fresh and inviting even after the vessel has entered equatorial regions, to be carved and cut into steaks and roasts for the officers and enlisted men.

Of a different nature is the question of hospital facilities on ships. The exclusive hospital ship was recommended and constructed, but the service has not shown this to be a justified expenditure, particularly on this coast. It is found that a hospital for a few patients in each of the regular ships is productive of better results. Life on a ship full of patients at various stages of helplessness and hopelessness is not pleasant to contemplate, and would not seem to be of itself very favorable to the improvement and recuperation of those so transported. For instance, the *Missouri*, an exclusive hospital ship, on the only passage from Manila made by a ship of that class of service, carrying sick, having on board 272 patients, reported on arrival 22 deaths en route.

The *Grant*, with small hospital accommodations, making the homeward passage at about the same season of the year, carried 275 patients, and on arrival reported 4 deaths en route. Furthermore, the service has not required an exclusive ship for patients. A proper service of this kind from the Philippines could not be organized, as it would take too many ships. The medical department at Manila could not entertain the idea of only being able to send patients home once in three months—exactly the prospect before it with one ship at its disposal. Consequently, when the hospital ship *Missouri*, elaborately fitted as she was, appeared as an addition to the Pacific fleet, she was immediately condemned, so far as hospital service was concerned, and the regular ships were equipped to enable the transportation of the Army's sick at the schedule passage.

It is unnecessary to revert to the familiar story of the acquisition of the *Missouri* by the War Department, replete as it is with suggestions of patriotic benevolence. The vessel had had from her second voyage a wonderful career as a life saver, incidentally, and her owner had acquired a sort of sentiment with regard to her in this respect, and she was practically fitted up for the service as an unofficial enterprise, the fittings being donated by private citizens. The high state of equipment of this ship, which was beautiful and elegant beyond precedent or parallel in the history of hospital ships, was an instance of individual generosity that is notable.

There was an ice-making machine and a refrigerating plant, a steam laundry, a carbonating apparatus, a large steam disinfector, two steam launches, electric fans, a complete telephone system, an enormous supply of suitable clothing and delicacies for the sick, an X-ray apparatus, four complete and perfectly equipped electrical diet or ward kitchens, a commodious operating room, a dispensary, a heating apparatus furnishing steam heat to every room, baths of fresh and salt water, hot and cold, there were elevators to carry patients from deck to deck, a dark room for developing negatives, and a library of 10,000 volumes, all supplied to the ship, dedicated to the Red Cross Society, the Government, and the purposes the ship was designed to subserve. But notwithstanding the resplendent fittings, the cozy rooms, and the sweet, white wards, the expenditure was found to be a mistaken one when put to a practical test.

The same signal success has attended the transportation of cavalry horses. With the exception of the two disasters that befell animal ships through their being caught in typhoons, nearly demolishing the vessels themselves, stock has invariably been landed in good condition, and in fact with less loss than occurred in their shipment overland from the points at which they were assembled. In one case, that of the only sailing ship employed, the *Tacoma*, not only was there no loss en route, but the ship arrived with one animal more than the number with which she went to sea.

I have merely discussed the transport service with reference to its evolution from the point when it becomes a public necessity and with reference to the measures taken to produce the gratifying consummation of its doings to date. What the service may in the future become can be very correctly inferred, I believe. At least no necessity for material alteration has become apparent. The course it has taken in the past has been largely contingent upon the circumstances under which it had to proceed and to operate. It might, however, have taken an entirely different course in the past had experience suggested it.

Not so in the future. For the solutions of most future questions there will be found precedents, and the course hereafter to be taken will be considered and determined with reference to the records made. All projects must now be considered with reference to the existing establishment and organization. However, its position is not apt to remain unassailed. In the East the service was absorbed by the strongly centralized commercial interests, who saw it performing on a mere utility basis work that, could it be got out of the way, could easily be made productive of profit and boot.

Commercial interests are not so well organized here, however, and the task of dissolving the Army transport service establishment on this coast is a larger one, and probably not an easier one. The service in practice has found itself provided with strong arguments against a contract service. It has seen the elimination of the chartered vessel, which has proved a troublesome auxiliary, and has lain the service open to the only assaults ever made upon it. It has seen the results of an attempt to maintain an establishment only partially or not at all under control.

It has shown that to be productive of unimpeachable results and for the security of the life and health of the soldier, as well as from the study of his comfort, it should be as far as possible removed from considerations of "cheese-paring and candle-end" economy. On the other hand, the grounds on which the mercantile interests could hope to abolish the service would not appear to be indefeasible. The placing of this vast business with a commercial firm for the purpose of fostering trade relations with the islands would not likely produce the desired result.

There is at present no trade of sufficient bulk to warrant any company in engaging in it. Conditions do not exist to render it profitable. To promote such an undertaking a Government subsidy is sought in the guise of patronage, it being known that the merchants' exchanges of this city has taken the initial step in this direction. Such subsidy would place the fortunate firm beyond the necessity of commercial support and beyond the constraint of competition. Any remarkable impetus to industry in the islands as an outgrowth of the establishment of a commercial line of ships on such a basis as would render it independent of patronage of the individual shipper and disincline it to meet him on any favorably terms, does not necessarily follow.

It may be also mentioned that the work which the transport service has been called upon to do has been largely of the rush order, which made economy in fitting impossible from the fact that night, day, and Sunday work became necessary at enormously increased cost, and since emergencies can not be foreseen it would be impossible to so estimate as to intelligently contract for such work alike in justice to the Government and the contractor.

Such a line, fostered and maintained by Government patronage, would be productive of scandal and be a reproach in the public mind and the press. Having devoted my life to commerce, to shipping, and the sea, I am inclined to be partial to the commercial view of all questions with almost a partisan interest. This accounts, if not for the conclusion, at least for the definiteness of my views.

Considering the work to be accomplished and the public interest in the manner of its performance, I believe that a commercially conducted transport service is no more to be thought of than a contract commissary for the entire Army. Should the Government abolish the present service and let out by contract the transport business to the Philippines, it will thereby create an absolute monopoly also on all other transportation of passengers and freight on that route, render competitive bidding impossible, and raise an even greater question in the necessity of disposing of its present appliances for the service.

But whatever attack the transport service may ever be called upon to meet, it can never suffer and its friends can never be disconcerted by any reference to its record.

I inclose a brief recapitulation of the work performed from the initiation of the transport service up to and including June 30, 1901. I also inclose, marked "Table 2," a list of the chartered ships, with date of engagement and discharge and rate of pay. In this connection a comparison of our transport service with that of the British in connection with their recent movement of troops from England and Australia to South Africa may be of interest.

It is almost unnecessary for me to point out that where we had one vessel under the American flag, or even of any nationality, on the Pacific coast available for charter, the British Government had at least 100, and from the magnificent fleet of first-class liners sailing under the British flag could be chosen many ships which, from the nature of their employment as emigrant and passenger ships, required little changing to adapt them as first-class troop ships.

This immense fleet also gave the British Government the advantage of competition in rates of charter which, from the restricted nature of the fleet at hand on our coast, was not possible with our Government. Nevertheless I may point out—and it speaks well for the business-like methods of our service—we were enabled to charter our vessels at practically the same rates as those paid by the British Government.

During a recent vacation, and while on a visit to Sydney, Australia, I had an opportunity of inspecting the British chartered troop ship *Orient*, an iron single-screw steamer of 5,365 tons gross register, built in 1879. This vessel had been continuously under charter to the British Government for a period of about two years, at a rate of 22 shillings per gross register ton per month, Government form of time charter—conditions practically the same as those under which ships were chartered by our Quartermaster's Department.

This rate figures out $28,681 per month. The owners of the ship provide for the messing of the troops and officers carried, being allowed about 75 cents per day for a man and $1.50 per day for officers. The men were carried in hammocks and messed in the same quarters in which they slept. I made a very careful inspection of this vessel, and there was absolutely no comparison between the manner in which our troops are transported, from point of comfort, and the manner in which the men carried on this vessel were looked after, our service being so far ahead in point of hospital, sanitary, and, in fact, every other facility that it was beyond comparison—superior in every respect.

I ascertained that this vessel had on frequent occasions been held in port for six weeks, practically idle, and on full pay; and as this question of delay has been a point from which our service has been criticised, I draw particular attention to this as showing that it is not always possible to land troops and their supplies in times of war as promptly as the passengers and freight of an ordinary commercial liner are handled in times of peace, and we are certainly more free from censure in point of delay than the British service would be in this respect.

When it is taken into consideration that it costs about 40 per cent more to operate a vessel under the American flag, carrying the crew called for by United States Treasury Regulations, and paying them the wages current on the Pacific coast, I claim that the vessels chartered by our Government for troops were not any more expensive (if as expensive) as during the present African war of vessels to the British Government; and it should be further borne in mind that at the time we were calling for vessels the ordinary commerce of the Pacific coast had received a tremendous impetus, freights were high in every direction, and it was easy for shipowners to obtain profitable employment along any lines for any tonnage they might have.

While our service has been free from loss, except in two instances of animal ships losing their animals, previously mentioned, through typhoons, and one chartered vessel which was lost in the inland sea, thereby causing a loss of freight only, in the British transport service a number of vessels have been lost, and several have put back after starting; also various delays have occurred—some through improper loading, some through ships going out poorly equipped at the outset. Nothing of this nature can be charged against our transport service here, which has never had a vessel return to port through negligence on the part of any of the officials of the service during its entire history.

This short sketch of the service, brief as it is, would not be complete without directing attention to the enormous amount of work and responsibility which devolved upon the general superintendent, Brig. Gen. O. F. Long, United States Army. This officer has been untiring in his efforts, conscientious in his dealings, and has done his duty most thoroughly and with rare good judgment. The result of his work and the work of the service is certainly a credit to the Quartermaster's Department of the United States Army, and stands up favorably compared with that of Great Britain, recognized as the foremost among nations in maritime matters.

JOHN BARNESON,
Marine Superintendent, A. T. S.

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having assumed the Chair as Speaker pro tempore, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the Army appropriation bill, and had come to no resolution thereon.

REBATE OF DUTIES ON COAL.

The Clerk read as follows:

A bill (H. R. 16649) to provide rebate of duties on coal.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and required to make full rebate of duties imposed by law on all coal of every form and description imported into the United States from foreign countries for the period of one year from and after the passage of this act.

Mr. PAYNE. I suppose the bill will go to the Committee of the Whole House on the state of the Union. I want to give

notice that I will endeavor to get consideration of the bill as early in the day to-morrow as possible.

The SPEAKER pro tempore. The bill will be referred to the Committee of the Whole House on the state of the Union, and printed.

ARMY APPROPRIATION BILL.

Mr. PAYNE. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BOUTELL in the chair.

Mr. HULL. I hope the gentleman from Virginia will use some of his time.

Mr. HAY. I yield twenty minutes to the gentleman from Tennessee [Mr. MOON].

Mr. MOON. Mr. Chairman, it is not my purpose to discuss the pending measure, making appropriations for the Army—they will come as a matter of course—but rather to present to this House for a few moments the consideration of questions of order, of law, and of decent administration in this House, and the right of the people who live on that part of the public domain bounded by the great Commonwealths of Texas, Kansas, Arkansas, and Missouri, and the Territory of Oklahoma to the right of self-government—a right enjoyed by all of the organized Territories inside of the old Union; a right enjoyed by all the States, and yet denied to the people of this particular Territory; a right not even denied to the people of the Hawaiian Islands (our recent possession), and yet we find within this fertile Territory a state of affairs scarcely any better than those existing in the Philippines, Guam, or Porto Rico. Why is it so? Have the people not appealed to this House for a remedy for this condition? Are they not prepared for a Territorial form of government?

There is a Territory unorganized, inhabited by nearly half a million of American citizens—four hundred and odd thousands—former citizens of the different Commonwealths of this Union; there are 150,000 children growing up in ignorance; there are a people with $60,000,000 of taxable values, not counting the annual agricultural products and 250,000 cattle that roam upon their fields. They have appealed, and appealed in vain, to this House for a remedy for this most anomalous condition existing in the very heart of this great Republic. Nearly every newspaper of both parties, every political organization in 70 towns, every private organization, various mass conventions of these people, have appealed to this House and asked for some measure of government; not for statehood, but merely for a Territorial form of government, that life, liberty, and property may be protected in that great domain; and yet that appeal has been unavailing, so far as the action of this House is concerned.

The Committee on the Territories, to whom was referred a bill to create out of this Territory the Territory of Jefferson and establish a temporary government therefor, reported to this House in March last, unanimously, the bill, recommending its passage. The Speaker of this House suppressed the right to hear this bill. I now come to speak to this House, not especially upon the merits of this measure, but upon that rule, that condition of things existing in this House, by which one man may deny to 500,000 people the right to good order and peace and self-government at his own will and caprice.

Mr. Chairman, I know that these objections are often futile. I know that the majority party, under our Constitution, in this House has the right, as it ought to have the right, to rule; but no party has the right to abdicate its own power and abdicate that of the minority and its rights upon this floor and place it, dangerously place it, in the hands of any Speaker.

Calmly and dispassionately, for a moment, look at the situation in this House and see, if we can, why it is that these people, entitled to this redress, entitled to this legal government, have not been heard. You may deny relief, but you can not justly deny a hearing. Under the rules of this House every bill of a private nature goes to that Calendar designated by this body as the Private Calendar. There are days fixed upon which bills upon that Calendar can be heard in their regular order. Every bill introduced into this House of a public nature, that does not make an appropriation nor raise revenue nor dispose of public property, goes to another Calendar, known as the House Calendar. That Calendar, under the rules of this House, is subject to a call by committees, each committee of this House having the right under the order of business to take up measures on that Calendar. Therefore, measures there may be heard in decency and in order as they are heard on the Private Calendar.

But what of that other Calendar, where every public measure making an appropriation, raising revenue, or disposing of the public property is placed? Why should there be no time fixed for the hearing of that Calendar? Why is it that in seven years gone past but once has that Calendar been called in this House? Under the rules of this House any member has a right, after the morning hour, to rise in his place and move that the House go into Committee of the Whole House on the state of the Union for the consideration of that Calendar or any bill upon it. Yet how is this right thwarted, and for what purpose? Unless you have first subjected yourself to the humiliating condition of asking the Speaker to recognize you—a condition that any man who possesses the instinct of an ordinary gentleman ought to abhor in this House—you, Mr. Chairman, shall demand the right from the Speaker to be recognized to make such a motion, you rise in vain here.

The Speaker will ask, For what purpose does the gentleman from Tennessee, or the gentleman from Georgia, or the gentleman from Maine rise? If it be announced, For the purpose of making a motion that we go into Committee of the Whole House on the state of the Union to consider measures on the Union Calendar, or a particular bill thereon, he will calmly say to you, "The Speaker does not recognize the gentleman for that purpose." You have not obtained consent before; you could not obtain it; it is under his control. Unanimous consent can be obtained only by first obtaining consent of the Speaker to make the motion for the present consideration of the bill by unanimous consent. Thus the power of this House is closed and in the hands of the Speaker. There is one other remedy, ineffectual except under the will of the Speaker, and that is to offer a resolution for consideration, at a particular turn of a bill, by this House, which goes to the Committee on Rules, and they may determine whether the bill designated shall be taken from the Calendar and considered subject to the approval of the House.

Why is it, Mr. Chairman, that the Calendar upon which four-fifths of the important measures in this House is placed shall be held under the direct control and subjection of the Speaker, or the Committee on Rules, of which the Speaker is Chairman? What is the purpose of it? What is the object to be accomplished? Why not proceed with these cases as with others? I would not assume that there was any wrong or improper motive in it. I can not conceive that any party for partisan purposes would desire the control of that Calendar in that way. How dangerous a thing it is. The day might come in the history of this country when a man would sit in the Speaker's chair and when members of the Committee on Rules might not be honest men. If such an unfortunate condition were to come, how dangerous would be the affairs of our country, for if private interests under such circumstances could not be recognized and control over the public weal and welfare, there are no conditions under which it could be done. It is the open door of corruption. It is wrong to the country. It is a bad system of legislation. It is unpatriotic for this House to give away its power in this way. All of the people's Representatives are thus forced by the majority to yield their power to the Speaker.

Now, what remedy have we? Why this protest alone? How futile it is. We have heard it made before. A protest, sir, unaccompanied by some work, will be in vain. I have no objection to the consideration of any business in this House that is done orderly. I have no objection to the manner in which this Private Calendar is disposed of, or the House Calendar. But I shall protest against the consideration of any bill on the Union Calendar taken up by the will and consent of the Speaker, out of its order and against my will, or that of other members of this House.

What right has that Speaker to displace a bill placed on the Calendar more than a year ago in favor of one placed there but a week ago? Why should this House give to him the right to recognize his favorites, either personal or political, for the consideration of a measure when he will not grant recognition to any gentleman presenting a measure that the Speaker, for any reason, thinks ought not to pass. Has it come to the point that this House must be judged to have less sense, less honor, less conscience, and less integrity than the man they place in the Speaker's chair, as its servant?

The action of the Speaker of the House in refusing to the Committee on Territories the consideration of the bill mentioned, to create the Territory of Jefferson and establish a temporary government therefor, is without precedent under the conditions, it being a unanimous report and affecting the rights of the people of a Territory as big as the great State of Maine. It is a contempt of that committee. Directed by that committee to use such means as I can on this floor to obtain the consideration of that bill, I have appealed to the Speaker in vain. Other members have appealed to him in vain. Resolutions have been offered that have gone to the Committee on Rules, and no action taken. I know not the potency of an influence that will so control a Speaker—I know not the reasons for an influence of that sort—when it has been demonstrated on this floor in the speech of the gentleman from Indiana [Mr. ROBINSON], and documents contained in the appendix thereto, that the whole Territory is in

favor of the measure. Shall half a million of people be denied a hearing in this House at the will of the Speaker? Shall the Committee on Territories be treated with contempt when they appeal to him for the rights of membership? Shall he destroy the equality of membership in this House at his will?

Upon a proper construction of the rules of this House, the Speaker of the House, in my judgment, has no such power as that which he assumes and arrogates to himself. I propose to protest against the further exercise of that power. He shall not, by unanimous consent, take from this Union Calendar, from this hour on, a single bill of less importance than the one I have referred to, nor yet a bill that has been reported to this House after that bill was reported and placed on this Calendar.

Whatever this House may do in its judgment, we would most cheerfully, of course, acquiesce in; but the end of unanimous consent, Mr. Chairman, has come—not to gratify any spirit of retaliation; but, in my judgment, all things should be done orderly and decently in this House. Let us live by the law we have written. In behalf of good legislation, in the name of honest legislation, I resist the subversion of the power of this House and its assumption by the Speaker; and on this floor I propose to use all the reserved power and right of a Representative to thwart the will of the Speaker in this cowardly undertaking. [Applause on the Democratic side.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who informed the House that the President had approved and signed bills of the following titles:

On January 10, 1903:

H. R. 15605. An act to authorize and empower the Southwest Louisiana Rice Growers' Association, of the State of Louisiana, to construct a lock or locks and a dam in Bayou Vermilion, in the State of Louisiana; and

H. R. 15606. An act to authorize and empower the Rice Irrigation and Improvement Association of the State of Louisiana to construct a lock or locks and a dam in Mermentau River, in the State of Louisiana.

On January 12, 1903:

H. R. 13468. An act granting an increase of pension to Joseph S. Mess; and

H. R. 11093. An act granting an increase of pension to Nannie M. Kimberly.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. HULL (chairman Committee on Military Affairs). If there be no objection on the other side, I will now give twenty-five minutes to the gentleman from Ohio [Mr. SHATTUC].

Mr. SHATTUC. Mr. Chairman, it is not my purpose in the observations I desire to address to this House to either offensively arraign the policy of the opposition or fulsomely eulogize the acts of the majority, but I must necessarily contrast the sagacity and success of our conduct of affairs in the Philippine Islands with the substitutes offered and the predictions made by the other side.

The indorsement by the people at the recent elections in which our policy in the Philippine Islands was made the leading issue in the Democratic campaign book, or which at least was given the conspicuous place of honor in that book by its compiler, the junior Senator from Tennessee, chairman of the Democratic Congressional committee on literature, leaves but little to be said on the question of expansion.

A fatality which I shall never regret, Mr. Chairman, uncovered my native modesty and changed my silent contemplation into an exchange of views with the most conspicuous champion of the armed enemies of the Republic. Under the unjustifiable deductive title of "Anti-Imperialist" this imperious person selected my obscure and unassuming self to point out his moral and adorn his tale. The House is in possession of, and indeed the whole country is acquainted with the facts in the controversy between Edward Atkinson, author of the "Science of Nutrition"—the inventor of the Aladdin oven, the patentee of the workingman's dinner pail, and "That man SHATTUC."

It is not my purpose, Mr. Chairman, to enlighten the House or the country with either suppressed or new developments in that personal controversy that I arise to place in the record of these proceedings my attestation of the wisdom of our administrative policy in the Philippine Islands, but incidentally to photograph on the minds of the present and the rising generation the treasonable, and especially the dangerously economic theories, teachings, and utterances of one Edward Atkinson; and I am profoundly grateful that there is but one of his kind who has, with mathematical details, demonstrated to be theoretically true that an American workingman can live on 11 cents per diem by following the menus he prescribes in his "Science of Nutrition," using his Aladdin oven for cooking the food, and his patent dinner pail to carry it to the shop, factory, or mill, the price of coal cutting no figure, low or high, in these calculations.

Let us contemplate, Mr. Chairman, the revolution he would create as a scientist of nutrition before I refer to his monumental failure as a political scientist. An intellectual monstrosity might alone reconcile the cavity of his cranium devoted to the tanking of gray matter to a harmonious existence of these two separate and distinct elements, for even the most unsophisticated soon learn the sad lesson that nutrition and politics will not mix, for as the one inevitably leads to contentment and longevity, the other just as surely claims an early and broken-down victim of an ungrateful constituency, as some of my colleagues on either side of the Chamber discovered in the ides of November last.

To proceed, then, Mr. Chairman, with the Mr. Hyde division of the Atkinson duality, it is known, for he himself has written it, that he devoted the larger part of a misspent existence in a scientific investigation of the quantities and qualities of food necessary to support human life, independent of the cravings of hunger and the depraved appetites of mankind—especially the working classes—uninstructed but natural gluttons, who eat until they are full in times of Republican prosperity and whose untrained and natural appetites this philosopher and friend sets himself down in his æsthetic study in Brookline, Mass., to educate and correct. He discovered early in his investigation into this important science that even infants violated its elementary principles, except those brought up on the bottle and who are fed on embalmed milk. He confines his dietetic regimen entirely to adults, as he inferentially acknowledges that it would be utterly useless to appeal to the infants themselves, inasmuch as a vast majority of them can neither read, write, nor speak the language of their parents.

The food consumed by adults, however, in excess of their needs is to him a constant and unvarying subject of undisguised amazement. He has camped at the noon hour in the midst of brawny laborers and watched them, as Gulliver watched the Brobdignagians, with horror, amounting to paralysis, consume their noonday meals of meat, bread, coffee, pies, and other injurious and unnecessary solids and liquids, and found his heart touched with pity at their semisavage ignorance of the science of nutrition. Hence he applied himself, firstly, to the invention of a dinner pail with proper hygienic environments, and, secondly, to an oven which would cook the food necessary for the nutrition of the workingman.

I desire right here, Mr. Chairman, to mark my approval of the subject he selected for experiment when the lamp and the dinner pail were created by his inventive genius, and that subject was—himself.

The experiment now going on under a professor in the Agricultural Department is distinguished from that conducted by the author of the "Science of Nutrition" in that the latter experimented on his own digestive organs, while the Government scientist has selected a dozen victims from the ranks of the lower-grade clerks. And, again, the author of the "Science of Nutrition" conducted his experiment with a view to the discovery of the least quantity of food necessary to sustain life in the workingman, while the Government investigator has started out to ascertain the full extent of the abilities of a low-grade clerk to digest enormous quantities of embalmed, adulterated, and prepared food without any reference to their nutritive qualities, but, on the contrary, Mr. Chairman, with perhaps an apprehensive and expectant view that the experiment may result in the elimination of the victims from the Government service before the conclusion of the time limit, either by desertion, surfeit, or translation to a better world, where the menus are more nearly on a plane with that of the author of the "Science of Nutrition."

I understand, from an unofficial source, that the Government professor conducting the experiment referred to is animated by the entirely laudable motive that if anybody's life or health must pay the forfeit of eating adulterated foods, no more appropriate or unmourned sacrifice could be offered or selected for the benefit of humanity than the low-grade Government clerk. But to return to the author of the "Science of Nutrition." He tells us that for one week he lived on the bill of fare which he publishes with a fancy border, in leaded, black-faced type, and that he found the nutrition not only amply sufficient, but an absolute tonic to the system.

The raw food for the entire week cost less than 80 cents, and, including the fuel for his oven, together with his own services as cook and dishwasher, he triumphantly proclaimed that the entire outlay did not exceed $1. Thereupon he gave his remarkable discovery to the world free of cost, but patented his oven, which he had named "The Aladdin," and his hygienic dinner pail, which he called the workingman's—after himself. Through lectures at first, and subsequently through canvasbacked brochures, he made many theoretical converts to his views on nutrition, but it was noticeable, as it was significant, that the converts were not of the

toiling class, but were exclusively of the short-haired women and the long-haired men variety. [Laughter.]

Strange and inexplicable as it may appear, the very class for whom he burned the midnight oil in his Aladdin lamp hooted and frowned when he insisted that they could and ought to live on $1 per week, and that nutritious food, cooked in his patented Aladdin oven, could be purchased for 11 cents per diem. He showed them how a meat bone costing 3 cents would make a pail of soup, which, with 2 cents for bread, would make a nutritious dinner, and that this bone could be warmed over for supper and its shreds of meat used the next morning for breakfast, the remaining 6 cents to be devoted to the purchase of luxuries, such as hog's lard for butter and kindred delicacies, including the great national food of the Chinese—split rice.

Will the House indulge me for a few moments' contemplation of my mind's eye to retrospectively gaze on that silent figure in his kitchen—laboratory—sleeves rolled up, with apron and paper cap on, and his Aladdin oven stewing a 3-cent meat bone in his workingman's dinner pail, benignantly picturing to himself the solution of the labor problem and the creation of a race of toilers whose nutritious wants will be so simple that any kind of wages will amply suffice? There will be no more coal strikes, and there will be little demand even for coal as a fuel for cooking purposes. The Aladdin oven will do the little cooking required and the workingman's dinner pail will hold all the food necessary for nutrition.

Heavenly twins, indeed, this Aladdin oven and the workingman's dinner pail! And, Mr. Chairman, my eyes are hot to see the day—the millennium day—when each Representative to Congress will be required to present himself for service to his constituents here, Aladdin oven and workingman's dinner pail in hand, containing a large, juicy, 3-cent meat bone for his proper nutrition. Why not, I say? Scoffers whose premonitions of gout prompt their skepticism are admonished that the great author of this "Science of Nutrition." experimented for a whole week on the menu mentioned, and lived, Mr. Chairman, lived, sir, to organize the Anti-Imperialist League and find his system toned, his stomach relieved, and his digestion equal to that of the pot-bellied bolomen of his great and good friend Aguinaldo. The deduction is irrefutable that if, as has been theoretically laid down by this scientist, a man digging coal, employed in a rolling mill, or carrying a hod can find sufficient nutrition in a 3-cent meat bone, 2 cents' worth of stale bread, and a respectable piece of hog's lard, and who works eight to ten hours a day, a Representative in Congress, whose entire manual labor consists in walking up the steps of the Capitol and drawing his salary, can also fatten and thrive upon this scientifically demonstrated sufficiency, in addition, of course, to the natural self-sufficiency inherent in members of Congress. [Applause.]

I have been led, Mr. Chairman, into a thorough and exhaustive study of this "Science of Nutrition" by reason of the fortunate fatality I have referred to up to the memorable day that the country rocked with the echo of this great scientist's inquiry, "Who is this man SHATTUC?" I was quietly plodding along, gaining undesirable flesh, growing a full beard, and inviting the gout by my gross ignorance of the "Science of Nutrition." I enjoyed no other relaxation or amusement than this House afforded me in the counters, encounters, and gyrations of the overloaded intellects of either side. Indeed, but for such variations in the monotony of existence, incidental to statesmanship, I should have been overcome by the stupor of a large private business, and in that doped condition have probably raised the rents on my tenants. I have been, Mr. Chairman, long enough here for the members of this House to know me on sight, but recently I have found it necessary to reintroduce myself to several unobservant colleagues, who apparently overlooked the gradual change or transformation in my personal appearance.

To the study of this fascinating "Science of Nutrition" is entirely due the change in my facial adornment. My reduced weight, elastic step, and now beaming eye were acquired by using a single bottle of this great scientific discovery, which, but for the inquiry of its discoverer, would have remained to me a sealed book. When I had fully realized that an answer to the Atkinson inquiry was breathlessly awaited by this country and the island of Luzon, I threw off the spell or lethargy with which the orations of the then Representative of the Ohio capital district had ensnared or hypnotized me, and for the first time in my life inwardly acknowledged that I was up against it. [Applause.]

Of course, Mr. Chairman, I knew who "this man SHATTUC" was, but who he was going to be after the "thunder in the index" of the great leader of the anti-imperialists sweated my night robe? I compromised my perturbation of mind by a resolution—the first I had formulated since my election—to ascertain who this man Atkinson could be, and in the natural order of Congressional investigation I laid the solution of the problem aside for a few months. Meanwhile some private correspondence with the anti-imperialist leader (which satisfied the public mind) got into the newspapers, and I might here observe, Mr. Chairman, that it is because this correspondence is now in a bound volume in the archives of the Congressional Library that I have claimed the privilege of the floor and the indulgence of the House to notice the author and the book. It is proper to state that the book in question is the Anti-Imperialist, containing five issues of that "busted" publication, bound in red cloth, with the author's name—Edward Atkinson—in gold letters. Later on, I shall refer to the contents of the volume, but for the present I will proceed with the result of that investigation to which I am indebted for increased serenity of mind and decreased girth of body. [Applause.]

I mentioned the Congressional Library. In that depository of the intellectual offsprings of the master minds of this age and country and other ages and other countries I found the catalogued name of Edward Atkinson, author of the "Science of Nutrition." My early Greek having been shot out of me in the civil war, I did not shout, "Eureka!" when the volume was placed in my hands, but I am informed by friends from Massachusetts that Atkinson did when he read the answer to his famous interrogatory in my brief but explanatory response in this House. That rare, unique, and precious volume, the "Science of Nutrition," has been a solace, a comfort, a cure, and an appetizer to me since I first had it placed in my hands and perused its pages, devoured and digested the menus in fancy borders adorning and illuminating, as it were, the literary and persuasive logic of its great author.

It has been my custom, Mr. Chairman, to meander to the Library, both on my arrival here at each session of Congress and at intervals during the session, to peruse this book. When the appetite is cloyed and when digestion taps its warnings, I find speedy relief by reading the soup-bone dietary for workingmen. Fondly—indeed, I may add enthusiastically—gazing at the half-tone engravings of the Aladdin oven and the workingman's dinner pail, which illustrate the text, I have experienced the most indescribable longings for soup bones and stale bread, cooked in the Aladdin oven and packed away in this patent dinner pail. But alas! There is no such thing as continuous happiness, even gluttonous pleasure, on this earth. [Applause.]

On my recent arrival I hastened with springy footsteps and fond anticipation to the Library for my customary feast of reason and flow of soup bone, and behold the book was gone! Every unemployed supernumerary was immediately set to work to trace the book. It had not been given out. There was no record of any person being intrusted with it. The employees did everything their humanity prompted to console me. A more elaborate search would be conducted until the book was found. Meantime other volumes by other authors on nutrition were offered me, but were indignantly and speechlessly refused. I wanted only Atkinson's "Science of Nutrition" and Aladdin oven and the patented dinner pail. Finally the red-bound volume of the anti-imperialist was placed in front of me, and I listlessly opened it at the preface.

I became interested in the pathetic acknowledgment by the author that the publication suspended after the issuance of its fifth number. It was this fifth and last number that interested me. The issue was in German and in English. I read the English text, and lo and behold! Mr. Chairman, I discovered that I was the hero, or rather the heavy villain, of the tale and that Atkinson was the author. And hence these remarks and all that follows. In this number devoted to myself he makes an appeal for extra funds to the anti-imperialists of the country, because, as he says:

> This edition, with an addenda in the German language for special use in the First district of Ohio, has been very expensive.

And he adds:

> Subscriptions from $10 to $500 will be gratefully received to keep up the good work.

He concludes an exhaustive appeal to the "opponents of criminal aggression in the First district of Ohio" with these solemn words:

> I never have met or heard of W. B. SHATTUC before.

That he has since heard of me he evidences further along by the publication of our personal correspondence, with a prefatory introduction to his readers. The German language is used to acquaint his readers of the First Ohio district with the astounding information that as a Republican I am supporting the Republican Administration, and that I am a champion "of criminal aggression." Whereupon the qualified voters of the First Ohio district reelected me to Congress, and the anti-imperialist gives up the ghost. This was two years ago, Mr. Chairman, and up to my recent visit to the Library I was blissfully oblivious of the astounding fact that the author of the "Science of Nutrition" was receiving from $10 to $500 subscriptions for the circulation of literature in my district.

But passing for a moment the personal phase of this extraordinary antagonism, which I seemed to have aroused in the philanthrophic heart of the author of the "Science of Nutrition," I desire to make a few quotations of a general character from his now

defunct and unlamented publication. He announces the three divisions of his little red book thusly:

"No. 1. The Cost of a National Crime. Price, 10 cents.

"No. 2. The Hell of War. Price, 10 cents.

"No. 3. Criminal aggression. By whom committed. Price 10 cents." It is fully worth double the money to find out the perpetrators.

The first is dedicated to President Roosevelt. The author states that he is solely responsible for the war in the Philippines, in proof of which he quotes the first dispatch sent to Admiral Dewey by Assistant Secretary of the Navy Theodore Roosevelt. In that dispatch, dated February 25, 1898, the instructions are given the Admiral to be on the alert for the first declaration of war with Spain and to "capture and hold the Philippine Islands." This is the way the scientist puts it, but the order was to capture or destroy the Spanish navy. However, I will not split hairs on this point with the inventor of Aladdin oven and only notice the statement to particularize the fact that to the foresight and grasp of the true situation by the Assistant Secretary—Roosevelt—the country was indebted for the quick ending of the war with Spain.

In commenting on the action resultant from the Assistant Secretary's dispatch, the author of the "Science of Nutrition," says:

I claim no more foresight than any other man of common sense.

And then he predicts:

We may soon witness the evacuation of the Philippine Islands by our troops.

He said that two years ago.

If the hind sight of the inventor of the Aladdin oven was utilized instead of his foresight, he might have predicted differently and certainly more accurately for the truth of history. The following paragraph will shed some light on the once formidable and noisy anti-imperialists' organization. The patentee of the workingman's dinner pail says:

It has been expedient for me to print and publish the Anti-Imperialist upon my own responsibility.

And then he goes on to tell why. Mark his significant admission of infallibility:

I am obliged to treat the tariff and the currency from a point of view in which many members of the Anti-Imperialist League might not concur. This difference has led to a very wide personal correspondence, partly directed to me. Some thousands of letters have been received from every part of the country, but these views are ex parte and one sided.

Hence he dismisses the remonstrances and views of these thousands and characterizes them as one sided, etc., much after the manner of the lone juror who disagreed with his eleven obstinate brethren. But he does not reach in this egotistical pronunciamento his full altitude, for in anathematizing the Republican policy of expansion he says:

As I with a few others created this Republican party, so will I destroy it and create another political party in its place to perform—

His sweet will, it is supposed.

He rises, however, to the sublime heights of unconscious impudence when he thus addresses the workingmen, for whose express benefit he studied the science of nutrition and discovered the soup-bone dietary. He says:

Workingmen, how long will you bear an additional tax, which now amounts to $15 per family per annum, to support this war of criminal aggression?

Why, on this extra tax a workingman could live three calendar months by using the Aladdin oven and confining himself to the Atkinson menu for adult toilers. After fruitless and agonizing appeals for funds to run the Anti-Imperialist the author of the "Science of Nutrition" utters this despairing howl. He says:

I shall again advance the money for the composition and electrotyping the plates. Subscribers are requested to send orders and mailing cards at $5 per hundred without, and $7 per hundred with postage; single copies, 10 cents.

Having tried every method known to the chromo advertiser, he made a final appeal for the chain-letter style of circulating the sheet. This, too, failing, and having exhausted himself in the final edition devoted to my district, in two languages, he laid down, after penning this valedictory to his readers, who had by this time evidently taken to the woods. Hear him, Mr. Chairman, for his cause:

We can make the Philippine Islands the sanctuary of commerce, we can aid the inhabitants to bring order out of chaos, we can help them work out their own national salvation, and, joined with the Czar, we can take the first measures for abating the hell of war upon earth.

Then with his eyes "a fine frenzy rolling," the author of the "Science of Nutrition" and the inventor of the Aladdin oven, sings, thusly:

Can these things come to pass?
Nay, if it be, alas, a vision!
Still let us sleep, and dream it's true.

To which I may be permitted to reply in all sincerity:

Sleep on, entranced with soup-bone dreams, nor wake,
But please stay dead, for your country's sake.

Mr. Chairman, I inferentially expressed qualified gratitude and approval to the author of the "Science of Nutrition" for the Aladdin oven and the soup-bone menu because of the benefits they have been to myself, individually, as an inciter to a sometimes fagged appetite, and I only mildly questioned the application of his theories to the workingman who toils for his living with his hands. For this class the Republican full dinner bucket and the Republican scale of wages have my eternal support and undivided sympathy. It may, and no doubt is, conducive to both health and digestion for students of nutrition to read Atkinson's book on the advantages of soup-bone menus, and it would most assuredly be both serviceable and judicious to issue it as anti-imperialist literature to the Filipinos themselves instead of the inane and vapid howlings which "busted" the organ of that faction and reduced their numbers to a New England dinner party. Not only is their organ of this annex to the Democratic party "busted," but their organization, of which this man Atkinson was arch high priest and mouthpiece, gone to join the Populists in the happy hunting grounds of unmourned oblivion. [Laughter.]

The newspapers no longer find either organization a subject of even padded comment. The few survivors of the so-called anti-imperialists, still led by the author of the "Science of Nutrition," we are informed by the press, now meet but to mourn their fallen notoriety in annual banquets at so much per plate. From this it will be noted that this blatant anti-imperialist has returned to his first love—soup-bone menus for others—and that his ruling passion, if not his appetite, is still concentrated on the feeding hour, his treasonable agitation having slipped a cog in November last.

The only unpleasant episode of my Congressional service has been in being baited into personalities with this inflated and imperious person whose withering scorn and overpowering sarcasm were exhibited in the crushing expression of "Who is this man SHATTUC?"—to mark, no doubt, his contemptuous ignorance of the representatives of the people. [Laughter.] I wish to observe, with all proper humility, that to have served in the military and civil service of one's country, and to have been connected officially with one of its great public utilities for many years, do not suffice for an introduction to this lofty egotist, who glorifies his ingratitude for the service of our soldiers, who anathematizes the Government and Administration running counter to his imperial wishes, and who arrogantly asserts his purpose to destroy the party which he idiotically claims to have founded with the aid of a few subordinates.

I would say for the enlightenment of posterity that neither then nor now has he ever manifested any robust inclination to endanger his mortal parts in the maintenance of his convictions. His cold heart now as then never throbbed to the blare of trumpet or beat of war drum; even the wild and screaming fife, the clashing cymbals, and the deafening noise of tom-toms by the household guards of Aguinaldo found the tympanums of his classic ears "closed incidents." His immortal wind breaks forth alone in advocacy of his country's humiliation or in balky periods of alternate denunciation of its armed champions and its patriot statesmen. [Laughter.]

Appareled in the breechclout of anti-imperialism, his imperial intellect commands the machinery of the mightiest Republic in history to stop, while he adjusts the strings of his loin cloth and challenges the civilization of the Anglo-Saxon. This once overfed idealist, who, on an expenditure of 11 cents per diem for nutrition, reduced his gross materialistic body to the scientific solidity of a moving-picture, discovers that his ethereal spirit was impregnated with a miscarriage, and the puerile aggregation of kindred shadows whom he brought forth to halt the progress of the Republic have vanished "like the baseless fabric of a dream." Behold the author of the "Science of Nutrition," the inventor of the Aladdin oven and the workingman's foodless dinner pail, now alone the presiding genius of "melancholy festivity." To solemn banquets, Mr. Chairman, is, alas! reduced the Anti-Imperialist League, foundered if not founded by Edward Atkinson. Impotent to profane his country's sanctuary, baffled in his purposed treason, and deserted by even his Filipino tin god, this heretofore rushing, rumbling, tossing, maddening mouthpiece and cyclonic outlet of foul gas banquets in memoriam, with a few kindred has-beens, on the Lucullus menu prescribed in his "Science of Nutrition."

This curious freak of harmless agitation and dangerous philanthropist exaggerates in his intellectual makeup the most striking characteristic in the unbalanced human biped—self-importance. In the interval, for instance, between his founding of the Republican party and his foundering of the Anti-Imperialist League—more than half a century—he concentrated his centiped activities in an effort to defeat the purpose of an all-wise Providence by formulating a science, the salient feature of which is the substitution of imagination for natural appetite. The science of nutrition, as he defines it, if tried on the hopelessly insane or the irredeemable malefactor, would arouse the indignation of humanity; but with

sardonic design, which refutes his philanthropy, he selects the toiler as the guinea pig of his experimental economy.

And while he offers the American workingman a future of soup bones and stale bread, with hog's lard as a delicacy, he appeals to the intelligence of his country to abandon to anarchy and the survival of the fittest the hapless and degraded victims whom the fortunes of war and, I believe, Mr. Chairman, the designs of Providence committed to our care. In one of those visionary trances from which he poetically requests us not to awaken him, he deifies the mongrel chief of these half-naked, swamp-infesting hordes into the likeness and attributes of the Godlike Washington, and endows the bolomen of Luzon with the intelligent patriotism of the heroes of Valley Forge.

Laureled crowns for the breech-clouted denizens of the swamp and the lord of a mansion of hoop poles and leaves, but the eternal soup bone and $1 per week for subsistence to the brawn and muscle which built up and created the mightest empire in the history of the world! [Applause.]

Is it any wonder, Mr. Chairman, that the gravity of the author of the "Science of Nutrition" has been met with laughter; that his dignity has excited ridicule; that his egotism has been rebuked; that his sarcasm has been accepted as buffoonery, and that his menus for workingmen have been utilized as daylight nightmares for the amusement of the best-fed toilers in the world, while his conspicuous eccentricities as a self-constituted guide and monitor to the legislative and administrative divisions of his Government have been charitably condoned and overlooked, because of the grotesque and imbecile viciousness which stamped them as the unbalanced emanations of a visionary inflicted with the midnight hallucinations of a senile trance? [Prolonged applause.]

Mr. CAPRON. Does the gentleman from Virginia [Mr. HAY] desire to occupy further time now?

Mr. HAY. No; I do not.

Mr. CAPRON. I agreed to yield ten minutes to the gentleman from Massachusetts, but I understand he declines to use it now. Does the gentleman from Ohio [Mr. GROSVENOR] wish to go on?

Mr. GROSVENOR. No; I do not want to go on now.

Mr. HAY. Several gentlemen on this side desire to speak; but no one of them happens to be in the Chamber now.

The CHAIRMAN. If there is no further general debate desired, the Chair will be glad to have the Clerk read the bill.

Mr. HAY. I know that both the gentleman from Iowa [Mr. HULL] and myself have agreed to yield time to certain gentlemen; but no one of them seems to be here.

The CHAIRMAN. The Chair suggests that by unanimous consent we might save time by reading the bill now, and then going back for general debate.

Mr. HAY. I make that request.

Mr. HEPBURN. Will the gentleman from Iowa [Mr. HULL] yield to me for one minute?

Mr. HULL. I yield one minute to the gentleman from Iowa.

Mr. HEPBURN. Mr. Chairman, I want to use that one moment to call the attention of the gentleman from Tennessee [Mr. RICHARDSON] to the fact that on page 26 of the bill he will find a paragraph headed "Barracks and quarters, Philippine Islands." I supposed that this had been overlooked by the gentleman, from the fact that a similar clause contained in the bill of a year ago attracted his attention to a very considerable extent. There was some parliamentary movement with regard to that matter. There were many speeches. The gentleman from Tennessee indulged in one. He made that language the basis of somewhat alarming prophecies with regard to the future of his country. He has said nothing about it. No gentleman upon that side of the House has referred to the fact that this very dangerous, incendiary language is again repeated in this bill, and I thought it was only kindly on my part to call the attention of my friend to the fact that the language was there.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I am very much obliged, and take occasion to make this public acknowledgment to the gentleman from Iowa [Mr. HEPBURN]. I assure him, however, that we will try to get along on this side of the House without his valuable assistance in the matter. If I am not mistaken, the conditions and circumstances are not the same now as when that measure was presented a year ago. If I am not mistaken, the gentleman who is chairman of the Committee on Military Affairs [Mr. HULL] made the point of order and begun the war against the proposition when it was presented to this House, and to which the gentleman from Iowa [Mr. HEPBURN] now calls attention. The gentleman from his own State, the chairman of the Military Committee, raised the issue himself at that time by making the point of order, which the Chair sustained, against the very proposition to which the gentleman now adverts. We simply followed up the objection after it was made. The words we objected to were in an emergency bill presented by the chairman of the Committee on Appropriations—a deficiency bill, and not the regular military appropriation bill which we are now considering. So I think the gentleman had better reconsider his suggestion to aid us on this side of the House. [Applause on the Democratic side.]

Mr. HEPBURN. Of course the gentleman will recall that he had respectable association with him on that occasion. My colleague was with him.

Mr. RICHARDSON of Tennessee. The gentleman, then, ought to level his guns upon his own colleague.

Mr. HEPBURN. My colleague was with him in raising the point of order to the time and place in which the language was used, but the gentleman's objection was to caring for the army in the Philippine Islands.

Mr. RICHARDSON of Tennessee. That is not the case, and no such objection was ever made by any gentleman on this side of the House.

Mr. HEPBURN. The objection that the gentleman made was to building barracks for the comfort, for the care, for the preservation of the health of the Army of the United States. Now, then, I find the same solicitude upon the part of the Committee on Military Affairs with regard to the health, with regard to the comfort, of the Army; but the gentleman is silent now, he is not objecting now, and what is the reason?

Mr. RICHARDSON of Tennessee. We have not reached it.

Mr. HEPBURN. Ah, he has learned something, I think.

Mr. RICHARDSON of Tennessee. Not at all.

Mr. HEPBURN. The people have spoken; there has been a response to his speeches and to his efforts; so that after all it was only kindly in me to call his attention to this oversight on his part, to the fact that he had not gotten into his frenzy and paroxysm of terror, as he should have done if he was right a year ago.

Mr. HAY rose.

Mr. RICHARDSON of Tennessee. Mr. Chairman——

The CHAIRMAN. The gentleman from Virginia is recognized. Does the gentleman yield to the gentleman from Tennessee?

Mr. HAY. I yield to the gentleman.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I would repeat that the gentleman from Iowa [Mr. HEPBURN] should level his guns against his own colleague [Mr. HULL], who made the point of order against the proposition to take care of the soldiers in the Philippine Islands. According to the argument of the gentleman's colleague——

Mr. HULL. Not at all.

Mr. RICHARDSON of Tennessee. This is true according to the argument of the gentleman's colleague. He says we were making war against the Army. I say to the gentleman that he made war against the Army, if any war was made, because he made the point of order against the proposition contained in the deficiency bill reported by the chairman of the Committee on Appropriations to take care of the soldiers by building them barracks in the Philippine Islands. Now, if there was any war, which I deny, the gentleman from Iowa [Mr. HULL] started it, for he made the point of order. The Chair sustained the point of order. The amendment was changed. That is the history of the matter. The amendment was modified by the gentleman in charge of the bill, the chairman of the Committee on Appropriations [Mr. CANNON].

Mr. HULL. Let me ask the gentleman right there, was the opposition of the gentleman then modified?

Mr. RICHARDSON of Tennessee. Yes; because they attempted to do indirectly what the Chair held they could not do directly, and we simply opposed when they undertook to put the measure, against the rules, into that urgent deficiency bill. We said, "Bring it up upon the military appropriation bill, and there will possibly be no objection to it." It was put into the appropriation bill properly afterwards, and there was no serious fight made against it. So my friend from Iowa [Mr. HEPBURN] is altogether off the track when he attempts to discover a mare's nest to-day. We will attempt to take care of the appropriation when it is reached.

Now, if the gentleman wants to attack anyone, let him attack my friend [Mr. HULL] the chairman of the Military Committee, who brought on the war in the last session of this Congress against this proposition. He did not see fit to follow it up. We did, because they were doing indirectly what they could not do directly. That was all there was in it.

No, Mr. Chairman, the effort to place this side of the House in the position of making war on the soldiers in the Philippines failed then and it will always fail, because there is as much patriotism on this side of the House as on that when the United States Army is involved. [Applause on the Democratic side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had

passed bills of the following titles; in which the concurrence of the House was requested:

S. 6329. An act granting an increase of pension to John Robinson;

S. 6262. An act granting an increase of pension to Charles C. Chesley;

S. 6263. An act granting an increase of pension to Rachel E. Bullard;

S. 6422. An act granting an increase of pension to Ann A. Hersum;

S. 4702. An act granting an increase of pension to Ephraim Cunningham;

S. 699. An act granting an increase of pension to Franklin Chase;

S. 4305. An act granting an increase of pension to Daniel G. Towle;

S. 6107. An act granting an increase of pension to Hattie Connell;

S. 6026. An act granting an increase of pension to Eliza Little;

S. 1043. An act granting an increase of pension to Harriet Hatch;

S. 1166. An act granting an increase of pension to Charles W. Colby;

S. 5244. An act granting an increase of pension to William H. Maxwell;

S. 6050. An act granting an increase of pension to Charles H. Barnes;

S. 6338. An act granting a pension to Albert M. Smith;

S. 5723. An act granting an increase of pension to Ole Hexom;

S. 2007. An act granting a pension to Mary A. Everts;

S. 5874. An act granting an increase of pension to Catharine A. Russell;

S. 1978. An act granting a pension to Wesley S. Potter;

S. 4412. An act granting an increase of pension to John J. Rees;

S. 6066. An act granting a pension to Edward Straub;

S. 6257. An act granting an increase of pension to Mary B. Keller;

S. 6276. An act granting a pension to Mary E. Russell;

S. 5841. An act granting an increase of pension to John A. Barcus;

S. 5733. An act granting an increase of pension to John W. Slack;

S. 6155. An act granting an increase of pension to William Markle;

S. 5642. An act granting an increase of pension to Nicholas Smith;

S. 1194. An act granting an increase of pension to Thomas J. George;

S. 5205. An act granting an increase of pension to Grace E. Ash;

S. 5355. An act granting an increase of pension George A. King;

S. 3912. An act granting an increase of pension to John T. Dewees;

S. 3573. An act granting an increase of pension to John C. Post;

S. 3574. An act granting an increase of pension to Henry R. Bennett;

S. 4359. An act granting an increase of pension to John S. Milam;

S. 4806. An act granting an increase of pension to Frank A. Olney;

S. 5359. An act granting an increase of pension to Hampton B. Farmer;

S. 4123. An act granting a pension to Eliza Gallaher;

S. 4607. An act granting an increase of pension to Oliver G. Wright;

S. 5835. An act granting an increase of pension to Joel C. Shepherd;

S. 6181. An act granting an increase of pension to Lila L. Egbert;

S. 6012. An act granting a pension to Hattie Blanche Sears;

S. 5846. An act granting an increase of pension to Thomas G. Forrester;

S. 5953. An act granting a pension to Ann M. Green;

S. 5508. An act granting an increase of pension to George J. Cheney;

S. 4023. An act granting an increase of pension to Alman J. Houston;

S. 532. An act granting an increase of pension to Merritt Young;

S. 1738. An act granting an increase of pension to Thomas Doyle;

S. 3607. An act granting an increase of pension to Oliver P. Helton;

S. 3081. An act granting an increase of pension to Leonard A. Norton;

S. 4134. An act granting an increase of pension to Timothy Laughlin;

S. 5040. An act granting an increase of pension to Stephen G. Cole;

S. 6465. An act granting an increase of pension to Alonzo Gilbert;

S. 6466. An act granting an increase of pension to Willard A. Jackson;

S. 6467. An act granting an increase of pension to Sarah E. Ropes;

S. 6500. An act granting an increase of pension to Caroline W. Bixby;

S. 6452. An act granting a pension to S. Josie Hill;

S. 4656. An act granting an increase of pension to Orlando S. Osborn;

S. 1131. An act granting a pension to Lydda B. Arnold;

S. 252. An act granting an increase of pension to Levi H. Peddycoard;

S. 5734. An act granting an increase of pension to Elijah A. Woodward;

S. 5610. An act granting an increase of pension to Joseph Twycross;

S. 6356. An act granting an increase of pension to Adah I. Miller;

S. 2363. An act granting an increase of pension to James A. Capen;

S. 3773. An act granting an increase of pension to Leroy Roberts;

S. 2114. An act granting an increase of pension to Sarah B. Barger;

S. 2111. An act granting an increase of pension to William Kepler;

S. 1914. An act granting an increase of pension to Elbert Chittum;

S. 3405. An act granting an increase of pension to W. H. H. Bouslough;

S. 6526. An act granting an increase of pension to Orin T. Fall;

S. 6514. An act granting an increase of pension to Stephen J. Houston;

S. 1873. An act granting a pension to Hilas D. Davis;

S. 4140. An act granting an increase of pension to James O'Neill;

S. 4854. An act granting an increase of pension to Cassius B. Fisher;

S. 6219. An act granting an increase of pension to Mrs. Charles H. Cushman;

S. 6326. An act granting an increase of pension to Luther D. Goddard;

S. 6361. An act granting a pension to Emma Dean Powell;

S. 6607. An act granting an increase of pension to Fordyce M. Keith;

S. 5803. An act granting an increase of pension to Nathaniel A. Winks;

S. 5938. An act granting an increase of pension to Henry O. McClure;

S. 5352. An act granting an increase of pension to William Flinn;

S. 3608. An act granting an increase of pension to Alphonso T. Gould;

S. 5215. An act granting an increase of pension to Thomas L. Smith;

S. 5854. An act granting an increase of pension to Allen B. Evans;

S. 6350. An act granting a pension to Inez McCullom;

S. 5280. An act granting a pension to Dollie Cosens;

S. 5963. An act granting a pension to Sarah Jane Gibson Ogden;

S. 3645. An act granting an increase of pension to Simeon Deno;

S. 1550. An act granting a pension to Flavius Shanks;

S. 3803. An act granting an increase of pension to Philip Caslow;

S. 5020. An act granting a pension to Emma D. Goslin;

S. 5055. An act granting an increase of pension to Mary E. Phillips;

S. 5389. An act granting an increase of pension to Jasper N. Acree;

S. 5412. An act granting an increase of pension to Henry E. Spring;

S. 6018. An act granting an increase of pension to William J. Chitwood;

S. 5786. An act granting a pension to Julia A. Jordan;

S. 2270. An act granting an increase of pension to Sarah J. Warren;

S. 6071. An act granting an increase of pension to Mary Manes;

S. 6370. An act granting a pension to Alice F. Smalley;

S. 5850. An act granting an increase of pension to Herbert Whitworth;

S. 5117. An act granting an increase of pension to John U. Allen;

S. 3568. An act granting an increase of pension to John P. Travis;
S. 4332. An act granting an increase of pension to Mary Heddleson;
S. 6445. An act granting an increase of pension to John F. Briggs;
S. 2429. An act granting an increase of pension to Richard A. Larimer;
S. 6614. An act granting an increase of pension to Bertha R. Koops;
S. 4239. An act granting an increase of pension to Oscar H. Prink;
S. 6543. An act granting an increase of pension to David C. Morgan;
S. 5952. An act granting an increase of pension to Henry L. Davenport;
S. 6576. An act granting an increase of pension to Marcia B. Ferguson;
S. 3940. An act granting an increase of pension to Eliza C. Deery;
S. 5662. An act granting an increase of pension to Henry Sickles; and
S. 4832. An act for the relief of Col. H. B. Freeman.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 13565. An act granting a pension to Mary V. Scriven;
H. R. 13143. An act granting an increase of pension to Susan Parker;
H. R. 9977. An act granting a pension to Minerva Robinson;
H. R. 14058. An act granting an increase of pension to Emil Pfeiffer;
H. R. 3514. An act granting an increase of pension to Theresia Ziegenfuss;
H. R. 13510. An act granting an increase of pension to James P. Thomas;
H. R. 12700. An act granting an increase of pension to Eberhard P. Lieberg;
H. R. 14067. An act granting an increase of pension to John Wright;
H. R. 12575. An act granting a pension to Edward A. Branham;
H. R. 13000. An act granting an increase of pension to Magnus J. Cohn;
H. R. 11212. An act granting an increase of pension to James D. Simms;
H. R. 13227. An act granting an increase of pension to Elizabeth J. Emery;
H. R. 8576. An act granting a pension to John S. Upshaw;
H. R. 4509. An act granting an increase of pension to Eliza Knight;
H. R. 15588. An act granting an increase of pension to Samuel S. Smith;
H. R. 13727. An act granting a pension to Fannie E. Strohauer;
H. R. 11311. An act granting an increase of pension to Andrew J. Hertzog;
H. R. 2224. An act granting an increase of pension to David T. Nuttle;
H. R. 8707. An act granting an increase of pension to James R. Ambrose;
H. R. 2542. An act granting an increase of pension to Lysander D. Trent;
H. R. 4454. An act granting an increase of pension to James H. Watts;
H. R. 15399. An act granting an increase of pension to Harry C. Fay;
H. R. 14242. An act granting a pension to Charles E. Peake;
H. R. 14831. An act granting an increase of pension to Robert Clark;
H. R. 9016. An act granting an increase of pension to Jane Brosnan;
H. R. 3868. An act granting an increase of pension to Isadora F. Maxfield;
H. R. 4983. An act granting an increase of pension to Lucy G. Smith;
H. R. 7239. An act granting an increase of pension to William Christian;
H. R. 13891. An act granting a pension to Hiram A. Sheldon;
H. R. 624. An act granting a pension to Dorcas McArdle;
H. R. 13174. An act granting an increase of pension to Ransford T. Chase;
H. R. 10010. An act granting a pension to Mina Weirauch;
H. R. 5205. An act granting an increase of pension to Hiram S. Leffingwell;
H. R. 12109. An act granting an increase of pension to Frederick Benefeldt;
H. R. 13332. An act granting an increase of pension to William G. Cantley;
H. R. 12424. An act granting an increase of pension to Wallace K. May;
H. R. 12430. An act granting a pension to Abner H. Lester;
H. R. 12968. An act granting an increase of pension to John T. Mull;
H. R. 12745. An act granting an increase of pension to Edmond Likes;
H. R. 8542. An act granting an increase of pension to Parmenas F. Harris;
H. R. 8309. An act granting an increase of pension to Sylvester Holiday;
H. R. 2849. An act granting an increase of pension to Charles S. Ely;
H. R. 6006. An act granting an increase of pension to John Canty;
H. R. 6727. An act granting an increase of pension to Remembrance J. Williams;
H. R. 13411. An act granting an increase of pension to Clarence D. Hess;
H. R. 9402. An act granting an increase of pension to Alexander Curd;
H. R. 10339. An act granting an increase of pension to John L. Moore;
H. R. 13669. An act granting an increase of pension to James H. McVicker;
H. R. 5869. An act granting an increase of pension to Benjamin White;
H. R. 636. An act granting an increase of pension to Benjamin S. Bogardus;
H. R. 325. An act granting an increase of pension to John Compton;
H. R. 14024. An act granting an increase of pension to John R. Curry;
H. R. 1328. An act granting an increase of pension to Gotthard Koerner;
H. R. 5887. An act granting an increase of pension to Morris M. Comstock;
H. R. 13529. An act granting an increase of pension to Francis C. Baker;
H. R. 13594. An act granting an increase of pension to Robert Hargreaves;
H. R. 6897. An act granting an increase of pension to William G. Buchanan;
H. R. 1528. An act granting an increase of pension to Charles Dalrymple;
H. R. 4184. An act granting an increase of pension to John Glenn;
H. R. 11180. An act granting an increase of pension to Henry W. Gaskill;
H. R. 5159. An act granting a pension to William A. Miller;
H. R. 14136. An act granting an increase of pension to John D. Thompson;
H. R. 12155. An act granting an increase of pension to Joseph W. Robertson;
H. R. 11286. An act granting a pension to Ellen F. Pook;
H. R. 13505. An act granting an increase of pension to William F. Stanley;
H. R. 13479. An act granting a pension to Ira P. Smith;
H. R. 10494. An act granting an increase of pension to Jonathan H. Slocum;
H. R. 1453. An act granting an increase of pension to Thomas Kirwan;
H. R. 14312. An act granting an increase of pension to John W. Huckelberry;
H. R. 3304. An act granting an increase of pension to William Burke;
H. R. 13621. An act granting an increase of pension to Anson Greenman;
H. R. 13815. An act granting an increase of pension to James J. Wilson;
H. R. 13324. An act granting an increase of pension to John J. Cross;
H. R. 3269. An act granting a pension to Ida M. Kinney;
H. R. 5321. An act granting a pension to Lillie May Fifield;
H. R. 12132. An act granting an increase of pension to Allen C. Davis;
H. R. 3755. An act granting an increase of pension to Lawson Williams;
H. R. 11748. An act granting an increase of pension to Samuel Ashmore;
H. R. 699. An act granting an increase of pension to Robert Miller;
H. R. 1530. An act granting an increase of pension to Eliza A. Rickards;
H. R. 7021. An act granting an increase of pension to Henry Forcht;

H. R. 2223. An act granting an increase of pension to John Laughlin;

H. R. 12039. An act granting an increase of pension to Nelson Brown;

H. R. 8237. An act granting an increase of pension to John Robinson;

H. R. 3672. An act granting a pension to Emily S. Barrett.

H. R. 1733. An act for the relief of John A. Mason;

H. R. 15852. An act granting an increase of pension to Cyrus G. Norton; and

H. R. 14312. An act granting an increase of pension to John W. Huckelberry.

The message also announced that the Senate had passed, with amendments, bills of the following titles; in which the concurrence of the House was requested:

H. R. 14416. An act granting an increase of pension to Albert H. Phillips;

H. R. 14477. An act granting a pension to John Bruff;

H. R. 14478. An act granting an increase of pension to Luman Fuller;

H. R. 11623. An act granting an increase of pension to John Blackler;

H. R. 622. An act granting a pension to Dicey Woodall;

H. R. 14957. An act granting an increase of pension to Mathias Custers; and

H. R. 11594. An act granting an increase of pension to Sarah E. Morrow.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of THOMAS H. TONGUE, late a Representative from the First district of the State of Oregon.

Resolved, That a committee of five Senators be appointed by the President pro tempore to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Senate communicate these resolutions to the House of Representatives.

Resolved, As a further mark of respect to the memory of the deceased, that the Senate do now adjourn.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That under the direction of the Librarian of Congress there be printed and bound in cloth 7,000 copies of the Records of the Virginia Company of London, now in the custody of the Library of Congress, 500 copies for the Senate, 1,500 copies for the House of Representatives, and 5,000 copies for use and distribution by the Library of Congress.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. HULL. Mr. Chairman, I yield fifty minutes to the gentleman from Ohio [Mr. GROSVENOR].

[Mr. GROSVENOR addressed the committee. See Appendix.]

Mr. HAY. I now yield forty-five minutes to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK. Mr. Chairman, the gentleman from Ohio, General GROSVENOR, says he expects to see Missouri go Democratic in 1904. If he is fortunate enough to live until Missouri casts her electoral vote for a Republican candidate for the Presidency, he will double discount Methuselah as the oldest man that ever lived. [Laughter.] That State had a bad case of Republican maladministration for eight years, and I undertake to say that since the morning stars first sang together there was never such a saturnalia of crime in the history of the human race as the Republicans held in Missouri.

A burnt child dreads the fire and a scalded cat is afraid of cold water. [Laughter.]

Missouri will not go Republican in a fair contest until the people of that magnificent Commonwealth have lost the power of memory.

I have never vaunted myself or been exploited by my friends as a prophet of either the major or the minor variety. Disclaiming all powers of vaticination, I shall draw some conclusions from the plain facts of history. There is an old saying, "Fight the devil with fire," and while I do not say that the gentleman from Ohio resembles Old Nick very much [laughter], though one of my colleagues once said on the floor of this House that he looked like Santa Claus and talked liked Satan, I propose to fight him with his arithmetical plan here to-day. I have never been held up to the community as a lightning calculator, although I understand the multiplication table. Out in Ohio, and even beyond the ample confines of that State, my friend bears the soubriquet of "Old Figgers."

To-day I happened to be standing down in the hall by the post-office. An old employee of the House was talking to a "tenderfoot." The General swept by in his majesty, tenderly fondling his prophet's beard; and the old employee said to the newcomer, "There goes the Stud Bug of arithmetic." [Laughter.]

The principal thing in my Washington Post interview of which the gentleman complains is this language:

> The results of the November elections prove that the trend is toward Democracy. That we did not win the House is true, but we cut down the Republican majority by one-third.
>
> Except for the action of one man—President Roosevelt, in the matter of the anthracite coal strike—we would have captured the House and carried New York. Even as it is, a great many persons believe that we did carry New York, for the party which stole the Presidency from Tilden is not above stealing the governorship from Coler.
>
> The revolution in Rhode Island and the reduced Republican majorities generally in the Eastern States show that Republicanism is on the down grade.
>
> Since the confusion of tongues on the plain of Shinar, at the foot of the unfinished tower of Babel, there never fell from human lips a more preposterous statement than that made by General GROSVENOR in the House on December 17 in these words: "When the election was over, there was nothing left of the Democratic party."
>
> After winning a great fight, in which his losses were frightful, reviewing the field of slaughter, Pyrrhus, King of Epirus, mournfully exclaimed: "Another such a victory and I am undone!" I commend those words of wisdom to my venerable, vitriolic, and jubilant friend from Ohio.

Thereupon he remarked that I am an expert in quoting Scripture and in making Scriptural references, to which soft impeachment I plead guilty. Then he undertakes to modify what he said. Now, I recognize the fact that General GROSVENOR is one of the ablest debaters in the House; not only that, he is the hardest man to "corner" that I ever clapped my eyes on. [Laughter.] Here is precisely what he said:

> When the election was over, there was nothing left of the Democratic party.

That is a plain statement in plain language. "Nothing left of the Democratic party." "Nothing"—not little, but absolutely "nothing." That is the gravamen of that charge. He comes in to-day and undertakes to squirm out of his position by saying that he said, "The Democratic party was fading away." He said nothing of the sort. What he did say, and what I criticised in that interview, was that "when the election was over there was nothing left of the Democratic party," which is much stronger than the way he endeavors to put it in his revised version.

Now, gentlemen, I want to ask you something. The Democratic party elected 178 Representatives to the Fifty-eighth Congress out of a possible 386. Does that look as if there was "nothing left of the Democratic party?" The States which the Democrats carried in 1902 would have given 158 electoral votes out 476 if the election had been for President. Does that look as if the Democratic party was "fading away" or that there was "nothing left of it?" In the light of these facts, was not the gentleman's statement preposterous?

I understand perfectly well that a great many people who have not looked into this matter—many Republicans—nearly all of them—and a good many Democrats—think that the prospects of the Democratic party to elect a President in 1904 are nil. I am here to affirm, not only to affirm, but to prove, that the last declaration which I made in that interview which the gentleman read—that the Democrats go into the campaign of 1904 with an equal chance of success—is true. Here are the figures: If no more States are admitted, there will, in 1904, be 476 votes in the electoral college. Two hundred and thirty-nine will be required to elect the President and Vice-President.

In 1902 the Democrats carried Alabama, with 11 electoral votes; Arkansas, with 9; Florida, with 5; Georgia, with 13; Kentucky, with 13; Louisiana, with 9; Mississippi, with 10; Missouri, with 18; Nevada, with 3; North Carolina, with 12; Rhode Island, with 4; South Carolina, with 9; Tennessee, with 12; Texas, with 18; and Virginia, with 12, aggregating 158. Therefore, in order to elect a President and Vice-President in 1904 the Democrats must hold the States they have, and in addition thereto carry enough States to give them 81 more electoral votes. Can they do that? The chances are fairly good for them to do so. Most assuredly we are not "without hope in the world."

In what States have we the best chance to gain 81 electors? Now, listen. The father of arithmetic has talked, but listen to these plain figures: From 1900 to 1902 the Republican majorities shrank in the following States by more than one-half; the same kind of shrinkage that has taken place in the last two years continued for the next two years would give them to the Democrats in 1904:

In Wisconsin from 106,581 to 47,599; in New York from 143,606 to 8,803. What do you think of that? In New Jersey from 56,899 to 17,133. In California—the gentleman wants to go West; I will go with him to the Pacific—in California the shrinkage was from 39,770 to 1,550. Does the General find any hope for Republicanism in that? In Pennsylvania from 288,433 to 156,410.

In Michigan the shrinkage was from 104,584 to 37,184; in Massachusetts from 81,869 to 37,120; in New Hampshire from 19,314 to 8,271.

These States have 142 electoral votes, 61 more than we need.

No man in his senses believes that the Democrats will carry Pennsylvania. Hence, the 34 votes of the Keystone State ought to be subtracted from the 61, which leaves 27 more than we need; but in discussing the possibilities and probabilities of 1904 the 7 votes of Connecticut and the 8 votes of Maryland ought to be added to the Democratic 27, making 42 more than we need; for while their Republican majorities did not fall off 50 per cent or more, Connecticut fell from 28,570 to 16,107 and Maryland from 13,946 to 8,508, the latter figures being the aggregate majorities for Congressmen in 1902, they having no State ticket. In estimating the chances it must also be remembered that both Connecticut and Maryland are normally Democratic States, and go Republican only in moments of temporary aberration. [Laughter.]

There is another group of States to which I wish to call the prayerful attention of the gentleman from Ohio, General GROSVENOR, and on which he should fix his eagle eye when he again essays the rôle of prophet. The small Republican majorities which they gave last year will furnish much food for reflection when he takes out his pencil and his pad to record his prognostications for 1904. In 1902 Delaware gave 4,153 Republican majority; Montana, 10,486; Nebraska, 5,355; Utah, 4,781; West Virginia, 12,773; Idaho, 5,853; Colorado, 7,295; Wyoming, 4,466. Those States have 35 electoral votes.

There is not a man in this House, Democrat or Republican, who can not recall single Congressional districts in the United States that have made a greater change in two years than needs to be made by any one of those States in order to swing into the Democratic column. There are Congressional districts—I will name one of them right now—which prove this statement. I do not know the number of it, but it is the one represented by Mr. THAYER, of Massachusetts. That district gave Hon. Joseph H. Walker, Republican, 12,000 majority the last time he was elected, and two years after that Mr. THAYER, Democrat, was elected by a majority of some 300. How can the gentleman from Ohio extract any comfort out of that group of States? If he can, he is the Mark Tapley of American politics.

If I were disposed to be extravagant I might claim, for the sake of argument, that Oregon probably would go Democratic, because in 1900 it gave McKinley 13,141 majority and last year it elected a Democratic governor, who is inaugurated to-day, by 276 majority. But I do not believe that Oregon is any more likely to become Democratic than is Vermont. She seems to be joined to her idols. In the same way, by the same process of reasoning, if a man were simply trying to claim things he could claim the State of Michigan on account of the great falling off; he could claim the State of Minnesota on account of the great falling off; but the facts are that the antecedents of Michigan and Minnesota, notwithstanding the great falling off, convince a rational man that the Democrats have no reasonable chance of carrying those States.

Another thing. The gentleman says that the tide of Republicanism is extending west. It is equally true that the tide of Democracy is extending east. Does anybody believe that it is an unreasonable prophecy to say that New York will go Democratic in 1904? Why, it only takes a change of a little over 4,000 votes to do it. If New York goes Democratic, the chances are that Connecticut, New Jersey, Maryland, and Delaware will all go Democratic, because they have usually voted together and they have been Democratic more often than Republican.

Mr. WACHTER. Not lately, in Maryland.

Mr. CLARK. Oh, I know; not since 1896. The gentleman is not imparting any information to me on that subject. When the Democrats have been together they have invariably carried Maryland.

Mr. WACHTER. But they do not get together any more.

Mr. CLARK. Well, they are very nearly as much together as MCCOMAS and MUDD are. [Laughter and applause.] "Under which king do you fight, Bezonian?" [Laughter.]

Mr. WACHTER. I do not know just now.

Mr. CLARK. Another thing. Take the antecedents of the State; take its history and its surroundings, and where would you say West Virginia ought to be? In the last three or four elections it has gone Republican. The chances are that when the Democrats are reunited, as they surely will be, West Virginia will go with the Democrats, and there are 7 more electoral votes. Take another case, the case of California. That went Republican by only 1,550 votes. Oh, I know it was for governor of the State; of course they were not voting for the President in 1902; but California gave McKinley a Republican majority of 39,770 in 1900, and in 1902 it fell off to 1,550.

These States have enough electoral votes to elect, with 5 to spare.

To sum up. These States are reliably Democratic: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Nevada, North Carolina, South Carolina, Tennessee, Texas, and Virginia, with 154 electoral votes.

There are 174 electoral votes certainly Republican in my judgment: Illinois, Indiana, Iowa, Kansas, Maine, Michigan, Minnesota, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Vermont, and Washington.

There are 148 doubtful; California, Colorado, Connecticut, Delaware, Idaho, Maryland, Massachusetts, Montana, Nebraska, New Hampshire, New Jersey, New York, Rhode Island, Utah, West Virginia, and Wisconsin. [Derisive laughter on the Republican side.] We do not have to have all those to elect the President. You Republicans laugh because you do not know any better. The Hon. Thomas B. Reed, a great man, the most brilliant man of his day, wrote me once, in discussing some political matters, that "The wisdom of this world is to shout with the majority." That is all you know over on that side. [Laughter.] We do not have to carry all these States.

Mr. GROSVENOR. I would like to ask you a question.

Mr. CLARK. Well.

Mr. GROSVENOR. Taking the States of the North, that have had their majorities reduced between a Presidential year and an off year, and applying the same ratio to the Southern States, taking the vote in the Presidential year and the vote in the last election, are you not afraid that two years from now there will not be any vote there? [Laughter on the Republican side.]

Mr. CLARK. Oh, no.

Mr. GROSVENOR. Under the same rule of reduction, would not the vote there disappear entirely?

Mr. CLARK. Oh, no. Now, are you through?

Mr. GROSVENOR. Yes.

Mr. CLARK. I have not ciphered on any of the Southern States. I know the vote of Missouri. The majority increased there from about 32,000 in 1900 to about 45,000 in 1902.

Mr. BARTHOLDT. Under the Nesbitt law.

Mr. CLARK. Yes; and the Nesbitt law is a better law than the Republicans of Missouri ever passed. You are always howling here about the Nesbitt law; and yet when the Republicans were in power in Missouri the intelligence and the wealth of the State were not allowed to vote at all. [Applause on the Democratic side.]

You disfranchised Frank Blair, who created the Republican party in Missouri, who marched with Sherman to the sea, who was called the Marshal Ney of that army. He sued the election judges who refused him permission to vote and brought the case to the Supreme Court of the United States, and the court declared the test oath of the Drake constitution to be unconstitutional. A man could not preach the gospel——

Mr. BARTHOLDT. Will the gentleman permit me?

Mr. CLARK. Wait until I finish this statement and then you can get all the permission you want. A man could not teach school in the State of Missouri, he could not preach the gospel, he could not shrive a dying man, he could not practice law, he could not vote, he could hold no office, without swearing to a lie by taking a test oath as long as your arm. That is the way the Republicans ran that State when they had it, and that is the reason they are not going to get it again very soon. [Applause on the Democratic side.]

Mr. BARTHOLDT. I do not propose to enter into an argument with my friend on the war times——

Mr. CLARK. No; I guess you do not.

Mr. BARTHOLDT. Nor do I care to shake the "bloody shirt."

Mr. CLARK. No; I suppose you do not.

Mr. BARTHOLDT. But I will call the attention of the House to the fact that outside of the three large cities of the State of Missouri, namely, St. Louis, Kansas City, and St. Joseph, the Democratic majority has been reduced to 12,000; and if the average Republican majority, the honest Republican majority, of those three cities had been allowed to be cast at the last election Missouri would have gone Republican in 1902. [Applause on the Republican side.]

Mr. CLARK. Mr. Chairman, there is not a syllable of truth in that statement, not a particle. [Laughter and applause on the Democratic side.] The Nesbitt law does not apply in the city of St. Joseph or in Kansas City. Does the gentleman think it does? Does it, or does it not? The gentleman can answer that, yes or no.

Mr. BARTHOLDT. The Nesbitt law applies to the city of St. Louis.

Mr. CLARK. Then why do you talk about St. Joseph and Kansas City?

Mr. BARTHOLDT. But they have another law for Kansas City and another law for St. Joseph.

Mr. CLARK. The very same identical law that applies to every county in Missouri except the city of St. Louis applies to the city of St. Joseph and the city of Kansas City, except the registration part of the law. [Laughter on the Republican side.]

Mr. BARTHOLDT. Well, it is St. Louis I speak of.

Mr. CLARK. You gentlemen laugh because you are ignorant. The constitution of Missouri provides that you can not have a

registration law in a county of less than a hundred thousand inhabitants, and the reason that that clause was put in the constitution was because when the Republicans ran the State the registration officers ruthlessly ruled out the Democrats—the owners of the soil, the men that had blazed the wilderness and made a great State—and would not allow them to register or vote at all.

Old Gen. James Shields, a hero of two wars, a major-general in the Mexican war and a major-general in the Union Army—I heard him say once that he came nearer to thrashing Stonewall Jackson than any other man that ever lived, but did not do it by a damned sight. [Laughter.] He was elected to Congress. The Republicans of Missouri would not let him come. They would not give him his certificate. That was the way they ran the registration law; and a man has to have more gall than all the mules that served in the Spanish war [laughter] to get up here and talk about the Nesbitt law in the face of the Republican record in the State of Missouri.

Mr. BARTHOLDT. That is thirty years ago.

Mr. CLARK. The Spanish war? You had better read up your arithmetic.

Mr. BARTHOLDT. You were speaking of the Republican record of Missouri thirty years ago.

Mr. CLARK. Did you ever read the Bible? It says the leopard can not change his spots or the Ethiopean his skin. [Laughter and applause on the Democratic side.]

Mr. BARTHOLDT. The gentleman will admit one thing—that the party that is competent to run the country is competent to run Missouri. [Loud applause on the Republican side.]

Mr. CLARK. Yes; it ran it into the ground, so that we are just getting out of debt, after years of paying it, that you piled up on us from 1865 to 1871. [Loud applause on the Democratic side.]

When the Republicans came into power the State had a first-mortgage debt on railroad property; enough after selling the railroads to pay twice the State debt. When they went out they left a debt approximating $26,000,000, and this year the last of the bonds are being paid off.

I want to call the attention of the gentleman from Ohio to another thing. It seems very funny when you have a large majority and the pie counter to feed at to talk fluently about what you are going to do. The Democrats to elect a President—I count out Rhode Island, because I think our success there in 1902 was largely accidental—must carry New York, New Jersey, Delaware, Maryland, Nebraska, California, and Utah. How many votes will have to change to carry New York? Four thousand four hundred and two. Do you think that is a large change in a State which has so large a vote as New York? In New Jersey 8,567 will do the work; in Delaware, 2,077; in Maryland, 4,254; in Nebraska, 2,678; in California, 776; in Utah, 2,392 votes; and a change of 25,142 in the popular vote gives us the President and Vice-President of the United States, with two electoral votes to spare.

Mr. WACHTER. Will the gentleman permit a question?

Mr. CLARK. Yes, sir; with pleasure.

Mr. WACHTER. When the Democrats are changing the votes I suppose the gentleman thinks the Republicans are going to sit with their hands in their laps. [Laughter and applause on the Republican side.]

Mr. CLARK. Oh, no; you are going to have your hands in the Treasury up to your shoulders. [Great laughter and applause on the Democratic side.]

Now, Mr. Chairman, there are few other things in this matter that I desire to devote some remarks to. I do not blame the gentleman from Ohio, General GROSVENOR, for lambasting Missouri when he can. She is a great obstacle to Republicans. She stands fifth in population, fourth in wealth, is the most populous State that invariably gives her electoral vote to the Democratic candidates, the most Northern State that is always Democratic. She is a veritable bulwark of Democracy. I do not wonder at his making that assault. He attacks gerrymandering in Missouri. He repeats that like a great poll parrot, after learning it from my friend from St. Louis [Mr. BARTHOLDT]. Dr. BARTHOLDT has gone around this Capitol telling that monstrous canard until people have come to take it seriously.

Mr. BARTHOLDT. Will the gentleman permit a question right here?

Mr. CLARK. Well?

Mr. BARTHOLDT. Is it true that the district represented by myself has a population of 305,000, and that the two districts now represented or in the next House to be represented by Democrats have an equal population. In other words, that my district has been made as large as the two others are, combined?

Mr. CLARK. I do not know, but for the sake of argument grant that it has; and yet in New York we have one district of 315,000 people and another of only 135,000. What are you going to do about that? And a Republican legislature, too.

If the gentleman from St. Louis has 305,000 people in his district, he is to be congratulated. The more Missourians you have in your district the better you are off. [Laughter.] Why, he was bellowing around here at the last Congress because the Democratic legislature had given him a district with 60,000 Republican majority in it! Good heavens! Think of that! Why, I have known men—and you would not have to walk 100 feet to find some of them—who would have been satisfied with 6,000 or 600 or 60 majority, or even 6 majority! [Laughter.]

The legislature of Missouri made 15 Democratic districts and 1 Republican district. All that I regret about it is that human ingenuity could not make 16 Democratic districts. [Laughter.]

I do not advise gerrymandering. I do not indorse it. I think it is a bad thing; but the Republicans practice it, and we have to practice it in self-defense—the supreme law of nature. General GROSVENOR howled because Dr. BARTHOLDT howled about gerrymandering in Missouri. What do you think of Maine? I see my friend Mr. LITTLEFIELD in front of me. There are enough Democrats in Maine to easily elect one Congressman and nearly enough to elect two, and yet we have not a particle more chance under the Republican gerrymander of electing a Democratic Congressman from Maine than we have of being translated in a chariot of fire after the manner of Elijah. Not a bit, and never will until we get the legislature.

Take Kansas, for instance. They elected the entire Republican outfit out there, and I shall tell you how they did it. A Republican legislature passed this kind of a law: That a man could not be nominated by two parties; that he could not be voted for on two tickets—that is, that fusion is absolutely prohibited; and in that way, by that species of fraud, they returned a delegation here. Mirabile dictu! The Republican supreme court refused to consider the constitutionality of that law on the ground that being candidates themselves they were interested parties! The supreme court of California declared just such a law unconstitutional.

Mr. GROSVENOR. Will my friend allow me an interruption?

Mr. CLARK. Yes; certainly.

Mr. GROSVENOR. That very wise provision in the Kansas law was copied from a law long on the statute books of Ohio.

Mr. CLARK. That does not make it a bit better. [Laughter.] I think more political deviltry has originated in Ohio than in all the rest of the States of the American Union put together. [Great laughter.]

Mr. LITTLEFIELD. Will my friend from Missouri excuse me?

Mr. CLARK. Certainly.

Mr. LITTLEFIELD. I want to ask whether there is any disproportion in the population of the Maine Congressional districts?

Mr. CLARK. I don't know about that.

Mr. LITTLEFIELD. What kind of a scheme would the gentleman from Missouri put up in Maine to elect a Democratic Congressman?

Mr. CLARK. I would put enough Democrats in a district to constitute a majority and carry it.

Mr. LITTLEFIELD. Could the gentleman do that in contiguous territory?

Mr. CLARK. As nearly so as I could make it. [Laughter.]

Now, let us take Connecticut. I am not afraid of these comparisons. Connecticut has enough Democrats to elect 2 Congressmen and nearly enough to elect 3, and yet the entire 5, under Republican gerrymandering, are Republican. They are clever gentlemen, and personally I like them.

Mr. HENRY of Connecticut. The State of Connecticut has not been redistricted since eighteen forty-odd.

Mr. CLARK. I know that.

Mr. HENRY of Connecticut. No party, neither the Democratic party, which has been in power, nor the Republican party, has ever reported in favor of redistricting the State.

Mr. CLARK. No; you haven't changed your basis of representation, as I understand it, since the Indians were driven out of the woods. [Laughter.] The biggest cities of Connecticut have no greater representation in the legislature than the rotten boroughs of Connecticut, and that is the reason you are going to elect Senator PLATT, and no other reason.

Mr. HENRY of Connecticut. Mr. Chairman, may I interrupt the gentleman?

Mr. CLARK. Certainly.

Mr. HENRY of Connecticut. A good portion of a very small minority of Democrats in the present Connecticut general assembly secured their election by pledging themselves to vote for Senator PLATT.

Mr. CLARK. I understand that, but a Democrat would never be elected in the State of Missouri if he agreed to vote for a Republican nominee.

Now, take another State, the State of Washington, which has nearly enough Democrats to elect 2 Congressmen.

Mr. LITTLEFIELD. I do not wish to disturb the gentleman, but I would like to interrupt him once more.

Mr. CLARK. Very well.

Mr. LITTLEFIELD. Maine has only one Democratic county, and I would like to ask the gentleman how he would get a Democratic Congressional district in Maine?

Mr. CLARK. Let me tell you about that. If you will repeal that prohibition law you have got up there [laughter]; that sounds very funny, but you repeal that prohibitory law that is used as a Republican election machine and that State will go Democratic to-morrow. [Laughter.] The blind tigers are run wide open. The gentleman from Maine stated here on the floor of this House that there was not an open bar in Maine.

Mr. LITTLEFIELD. If the gentleman will pardon me, that is not what I said. I said that there was not an open saloon in Maine to which attention would be directed if you were not looking for it.

Mr. CLARK. I will tell you the whole story. On the 17th day of June I made a speech at Bangor, Me.

I went out of the hotel and walked down the street. I saw what looked to me like a barroom. It had the screen——

Mr. WACHTER. You know one when you see it.

Mr. CLARK. Yes; I regret to say that I know what a barroom is, and so do the rest of you. The difference is, I am honest about it. I walked back. I did not want a drink, and did not take a drink in Maine. I was going to make a speech; but I did walk out into the street so that I could see past that screen into the barroom, and fifteen fellows were bellying up to that counter taking a drink. As a matter of curiosity I walked down the street three blocks and back on the other side of the street three blocks, and counted seventeen saloons. I went back to the hotel and I asked an intelligent man about it. "Why," said he, "that is the way the Republicans carry the State," and he said, "This is the way they do it——

Mr. LITTLEFIELD. It seems the gentleman was looking for them.

Mr. CLARK. No; I was not. I could not help seeing them. A man with two good eyes in his head must see them. This gentleman said the sheriffs were Republicans usually—all but that preacher down there at Portland, or up in your county.

Mr. LITTLEFIELD. No; he is in Cumberland.

Mr. CLARK. He said the prosecuting attorneys were Republicans, and that they and the sheriffs would go to these fellows running the blind tigers about a week before election and say: "Here, you have been running these things in violation of the law all this year, and if you do not vote ten Democrats for the Republican ticket on election day we will shut you up and land you in jail." And that is the way they make prohibition the tender and feeder to the Republican party in the State of Maine. [Applause on the Democratic side.]

Mr. POU. I call the gentleman's attention to the fact that I have seen a statement signed by the distinguished gentleman from Maine [Mr. LITTLEFIELD] in which he sets forth that there were about 70 barrooms in his own city of Rockland in which he lives. I do not know whether the rest of the State averages up in the same way or not.

Mr. LITTLEFIELD. The gentleman has never seen any statement signed by "the gentleman from Maine" in which he said there were any open saloons in the town in which he lives.

Mr. POU. I did not say "open saloons."

Mr. WILLIAMS of Mississippi. Legitimate saloons.

Mr. LITTLEFIELD. No; any open saloons. I never made any such statement.

Mr. POU. I did not say "open saloons."

Mr. LITTLEFIELD. I said an open saloon, open exactly as other stores are open for other purposes, for the sale of ordinary goods.

Mr. SLAYDEN. How about saloons at all?

Mr. LITTLEFIELD. Why, there are saloons in Maine. I never have denied that.

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Maine?

Mr. CLARK. Yes; but I would really like to go on. I want to finish this gerrymander business. In Wisconsin there are enough Democrats to elect five or six Congressmen, and yet the Republicans gerrymandered that State so that we could not elect any at all until they got into a row among themselves up there this fall which started here in the House, about Cuban reciprocity, and we did manage to goble up one.

Now, I take it the State of Iowa comes nearer to being the typical Republican State than any other State in the Union.

Mr. COOPER of Wisconsin. Will the gentleman permit me to make one brief statement?

Mr. CLARK. Well, if it is very brief. My time is about out.

Mr. COOPER of Wisconsin. There was a gerrymander in Wisconsin some years ago. A political party took it to the supreme court, and the supreme court decided it unconstitutional. An extra session of the legislature was called and another gerrymander was adopted, and the supreme court decided that unconstitutional, and subsequently a proper subdivision of the State was made as it now stands, and as is agreed by all parties to be constitutional and right.

Mr. CLARK. Oh, when there are only four or five Democrats in the legislature, they can not make very much noise. I want to repeat it, Mr. Chairman, I do not clear the skirts of the Democrats about gerrymandering, but all parties do it, and it does not lie in the mouths of Republicans, General GROSVENOR or Dr. BARTHOLDT or anybody else, to come in here and attack Missouri because we did a scientific job of gerrymandering there.

Mr. BARTHOLDT. Will the gentleman allow me to interrupt him?

Mr. CLARK. Wait a minute. I want to finish this Iowa proposition and then I will let you in again.

I take it that Iowa comes as near being a typical Republican State as any in the Union.

It has a high class of citizens; it has a great delegation on the floor of this House. There are enough Democrats in the State of Iowa to elect five Congressmen easily, yet for the last six or eight years they have never elected a solitary Democrat. This year, by some kind of good fortune, we managed to pull in with one.

Mr. SMITH of Iowa. Will the gentleman allow me to make a suggestion with reference to that?

Mr. CLARK. Yes, sir.

Mr. SMITH of Iowa. I want to say to the gentleman that the district in which he says they "pulled in with one" was 15,000 Democratic at the time it was organized; but the Democrats could not hold it, and it turned Republican within six years, and has been going Republican ever since.

Mr. CLARK. Now, that is not any information to me whatever.

Mr. SMITH of Iowa. You complain that we organized the district so that——

Mr. CLARK. No; I complain that you had control of that legislature for the last eight years and you fixed the apportionment so that you did not think we could carry any district in the State, and you slipped up on that.

Mr. SMITH of Iowa. I want to say to the gentleman that, on the contrary, we organized that district with 15,000 Democratic majority. We gathered together the Democratic counties in that region and put them in that district with that Democratic majority; but they could not hold it, and the district turned Republican within six years.

Mr. HEPBURN. The gentleman from Missouri will allow me to say that the "gerrymander" whereby 15,000 Democratic majority was put into that district, which you this year carried, was twenty-one years ago. There has been no change in our law on that subject since.

Mr. CLARK. Well, all right. Now, one word to my Brother SMITH. You carried that district in 1894, did you not?

Mr. SMITH of Iowa. Yes, sir.

Mr. CLARK. And you carried it in 1896; you carried it in 1898; you carried it in 1900, but you lost it in 1902.

Mr. SMITH of Iowa rose.

Mr. CLARK. Answer me now, yes or no.

Mr. SMITH of Iowa. I say no. We carried the district this year on the State ticket.

Mr. CLARK. Did you carry it for Congress?

Mr. SMITH of Iowa. We did not. Your candidate for Congress ran ahead of his ticket.

Mr. CLARK. Does not that show that the Democrats are coming into their own again?

Mr. SMITH of Iowa. It may show that the district has come within 15,000 of what it was twenty-one years ago.

Mr. CLARK. We have won a Congressman anyway.

Now, take the State of Minnesota. That State has in it enough Democrats to elect four or five Democratic Congressmen, yet in 1894 we did not elect one, in 1896 we did not, in 1898 we did not, in 1900 we did not; but this year, for the first time in eight years, we elected one Congressman in the State of Minnesota. Is there any brother from Minnesota who wants to rise and testify in this meeting? [Laughter.]

The conclusion of the whole matter is this: On the subject of gerrymandering, the Democrats of Missouri simply followed a bad Republican precedent when they gerrymandered that State so that the Republicans could elect but one Congressman; but it does not lie in the mouth of General GROSVENOR, it does not lie in the mouth of the gentleman from Missouri [Mr. BARTHOLDT], it does not lie in the mouth of any Republican to stand up here and make faces at the Democrats on the subject of gerrymandering. We are willing to compare our record with the Republican record.

Mr. BARTHOLDT. Will the gentleman yield to me now?

Mr. CLARK. Yes, if you will be quick.

Mr. BARTHOLDT. Why does not my colleague compare the States immediately east and west of Missouri with Missouri? The Republicans of Missouri have a perfect right——

Mr. CLARK. Now the gentleman is making a speech.

Mr. BARTHOLDT. No. They have a perfect right to point to the fairness of the Republicans in Illinois and the Republicans

in Kansas, as compared with the conduct of the Democrats in Missouri, because in Illinois——

Mr. CLARK. Mr. Chairman, the Republicans of Illinois last year gerrymandered two men out of their seats who are now sitting on the floor of this House.

Mr. BARTHOLDT. But the fact is, nevertheless, that Illinois——

Mr. CLARK. I can not let you take my time for a speech.

Mr. BARTHOLDT. Out of 25 members give the Democrats 8, and their majority is 75,000.

Mr. CLARK. You gerrymandered with the intention that "BOB" WILLIAMS should not come back here; you put him in a district with 2,500 Republican majority; but he came back nevertheless. [Applause on the Democratic side.]

Mr. Chairman, there is another thing to which I wish to direct the attention of my friend from Ohio. He stood up here the other day in that speech which I declared was so preposterous, and he exploited the Republican party for attacking the trusts. He is fond of declaring that the antitrust law is a Republican measure, that John Sherman was its father. There is not a syllable of truth in it. I will tell you what John Sherman did—not because he hated the trusts, but because he hated Gen. RUSSELL A. ALGER, who was one of the principal owners in that big match factory they got after.

Mr. GROSVENOR. Mr. Chairman, I would state upon the honor of RUSSELL A. ALGER himself, recently made with his name signed to it, that he never owned a cent of stock in the Diamond Match Company in his life.

Mr. CLARK. Well, John Sherman thought he did anyway. [Laughter.]

And John Sherman declares in his book that RUSSELL A. ALGER bought his Southern delegates away from him at Chicago when Gen. Benjamin Harrison was nominated for President, and he was after RUSSELL A. ALGER'S scalp when he introduced that bill and when he made that speech; and he sent for and paid for a manuscript copy of the decision of the Supreme Court, and whatever may have been the virtues of John Sherman he never paid for anything that he did not want pretty badly. [Laughter on the Democratic side.]

He introduced his antitrust bill, and it went to the Committee on the Judiciary, made up of great lawyers, and they struck out every word of it except the enacting clause, and then inserted what is now known as the Sherman antitrust bill. On that committee were GEORGE G. VEST of Missouri, Senator George of Mississippi, HOAR of Massachusetts, and lawyers of that stamp, and here is what my friend from Ohio said in his exuberant mood—and, for some unaccountable reason, he did not revise it out of the RECORD, after his usual habit. [Laughter.] He says that the prosecution against the Addyston Pipe Company was begun in a Republican Administration. It is not true. That suit was instituted during Cleveland's second Administration by a Democratic Attorney-General, December 10, 1896.

General GROSVENOR also says "the joint traffic association was killed out by Republicans." He is mistaken again, for that prosecution was instituted by a Democratic Attorney-General January 8, 1896. January 8 is a good Democratic day. Several prosecutions against the trusts were carried to fruition by a Democratic Attorney-General, and the truth is that the Republican cry against the trusts is a stupendous piece of hypocrisy. Before the election they were going to cut the tariff down in order to kill the trusts. There is one man in this House on that side of the Chamber for whose candor I have great respect, and that is Governor STEELE.

I went to him one day and told him that I wanted the Committee on Ways and Means, of which he is a member, to give me a hearing on my bill to put white paper and wood pulp on the free list. With soldierly bluntness and straightforwardness he replied: "We will not give it to you; we do not propose to have any tariff tinkering." Now, if all you Republicans had been as honest as the gentleman from Indiana, there would not have been 150 of you elected to the next Congress. [Applause and laughter on the Democratic side.]

My friend from Wisconsin, Brother BABCOCK, blossomed out as a reformer and trust-buster of the first magnitude. He was going to put certain schedules on the free list. He was going to play the very Old Harry with the trusts before the election, but since the election he has been cooing mildly as a sucking dove.

> The devil was sick, the devil a monk would be;
> The devil got well, the devil a monk was he.

[Laughter on the Democratic side.]

Mr. Chairman, I did not want to make this speech, but to finish up the gerrymandering business I desire to make one more statement—and I will put it in the proper connection when I come to write this speech out. [Laughter on the Republican side.]

Mr. MANN. Oh, it has already been written.

Mr. CLARK. That is all rot. I doctor my speeches as little as any man in this House, except Judge DE ARMOND, who does not doctor his at all.

There are 19 Republicans elected to the Fifty-eighth Congress who were gerrymandered into that Congress under the apportionment under the last census; but the gentleman from Ohio has nothing to say about that.

As I started to say, Mr. Chairman, I did not want to make this speech. I have not been fishing for opportunities to make speeches this session of Congress, but my valorous and belligerent friend from Ohio [Mr. GROSVENOR] was determined to jump me, and he did jump me for paying him the exceedingly high compliment in that interview from which he has quoted. If he is satisfied with the result of this debate, so am I. Out West there was an adventurous hunter who went gunning for big game. He came to an untimely end and they buried him on the mountain side. Upon his tombstone was placed this inscription, which I commend to the gentleman from Ohio:

> He whistled for the grizzly and the grizzly came.

[Applause and laughter.]

Mr. HAY. I yield forty-five minutes to the gentleman from Virginia [Mr. SWANSON].

[Mr. SWANSON addressed the committee. See Appendix.]

Mr. HAY. Mr. Chairman, I now yield eight minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Chairman, I desire to correct a statement that I made in the colloquy which took place between the gentleman from Missouri [Mr. CLARK] and the gentleman from Maine [Mr. LITTLEFIELD]. I think I made the statement that the gentleman from Maine had signed a statement, as I recollect it, that there were something over 70 barrooms in the city of Rockland. I regret that the gentleman from Maine is not in his seat, but no doubt he is familiar with the statement that he did sign and will recognize it when he sees it in the RECORD.

Now, in support of the statement made by the distinguished gentleman from Missouri [Mr. CLARK] that the temperance laws were not enforced in the State of Maine, I ask permission to read a petition which was presented some two years ago to the mayor and board of aldermen in the city of Rockland. It is printed in the Rockland Star, a newspaper with Republican sympathies. It recites a terrible condition of affairs, and the gentleman from Maine is to be commended for his strenuous efforts to enforce the law. I am told, however, that his efforts were futile, even under a Republican administration, and that the constitution and laws of his State, even since the presentation of the petition I shall read, are openly violated. The petition is as follows:

To the honorable mayor and board of aldermen of the city of Rockland:

We, the undersigned, citizens of Rockland, are convinced that the laws intended to prohibit the sale of intoxicating liquors, to suppress gambling places and houses of ill repute, are practically ignored in this city at the present time.

We assert that never within our recollection has this community been afflicted with such a pest of drunkenness and immorality as prevails to-day, and that evidence of its existence was never so bold, so defiant, and so conspicuous.

We believe this shameful state of affairs to be so apparent and so contrary to the wishes of our people as a whole that we deem it our duty to bring this matter formally to your attention and your duty to use your utmost authority to correct the evils of which we herewith complain.

It is neither wise nor safe for this municipality to tolerate any longer the growing spirit of lawlessness which enables so many resorts of intemperance and vice to flourish and increase. Too many opportunities are being offered for the hurtful diversion of wages and savings, many families are being deprived of necessaries and comforts, and the future of our youth is being endangered. The good name of the city is threatened, and the development of its business and property interests is being retarded and impaired. A determined effort, therefore, to remedy this condition appeals to us not only as a question of public and individual morality, but as one of good business and sound sense.

We most respectfully petition your honorable body to take such prompt and vigorous action as in your judgment may bring about a better enforcement of the laws against intemperance, gambling, and vice, and to this end we promise our sympathy and active support.

Rockland, Me., August, 1901.

C. E. Littlefield, W. T. Cobb, A. F. Crockett, John S. Case, S. M. Bird, E. S. Farwell, A. W. Butler, E. R. Spear, W. S. White, William T. White, Fred W. Wight, F. C. Norton, E. H. Lawry, E. W. Porter, Geo. M. Brainerd, F. C. Knight, W. R. Hill, N. F. Cobb, D. J. Stryker, J. D. May, C. Doherty, Burpee & Lamb, Wm. H. Glover, W. O. Fuller, jr., E. A. Butler, Samuel M. Veazie, Jarvis C. Perry, T. E. Simonton, R. C. Hall, E. Davies, J. R. Baker, Walter J. Wood, John Simpson, Roscoe Staples, G. A. Sherman, J. H. Flint, J. A. Karl, E. D. Graves, Wm. A. McLain, J. W. Crocker, L. S. Robinson, J. P. Cilley, Chas. E. Hall, H. E. Beverage, A. F. Heald, C. F. Case, W. A. Healey, H. G. Tibbetts, S. A. Fish, G. W. Leadbetter, Levi E. Wade, A. S. Littlefield, Frank B. Miller, C. S. Gardiner.

H. I. Hix, H. O. Gurdy, A. J. Erskine, S. H. Hall, Thomas Hawken, L. F. Starrett, J. P. Ingraham, Frank Keizer, E. W. Berry & Co., C. G. Moffitt, Fred R. Spear, A. B. Clark, John W. Thomas, H. H. Crie & Co., C. M. Kalloch, W. M. Spear, A. J. Huston, Wm. J. Dickson, W. O. Hewett & Co., V. A. Leach, F. W. Fuller, E. B. Hastings, O. E. Blackington, F. B. Adams, H. W. Thorndike, E. J. Conant, W. H. Maxey, David Ames, Francis Tighe, W. S. D. Healey, F. H. Whitney, F. M. Shaw, C. E. Rising, E. A. Jones, D. H. Ingraham, J. B. Hall, Chas. R. Whitney, O. P. Hix, C. H. Sleeper, Chas. U. Keen, F. J. Simonton, A. W. Gregory, M. A. Johnson, L. N. Littlehale, Geo. E. Torrey, J. W. Rankin, A. L. Richardson, Eben H. Chapin, J. W. Thomas, Charles A. Moore, R. W. Van Kirk, R. W. Phelan, Russell Woodman, A. E. Brunberg, L. L. Hanscom, H. N. Keene.

I ask, Mr. Chairman, that this may be inserted in the RECORD, for the purpose of correcting the statement I made that this petition recited the number of barrooms which were operating in the gentleman's home town, and also for the purpose of elucidating the statement made by the gentleman from Maine that there are no open barrooms in his State.

The CHAIRMAN. The gentleman from North Carolina [Mr. POU] asks unanimous consent for the privilege of inserting in the RECORD the article which he has read and also of correcting his remarks.

Mr. HAY. I make the point of order that it is not necessary for the gentleman to have such consent. He read the article as a part of his remarks.

The CHAIRMAN. The Chair understood that there was a portion of the article in addition to what had been read.

Mr. POU. No, sir; I read the entire article. It was not as lengthy as I thought.

Mr. HAY. I yield the balance of my time to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, I listened to-day with a great deal of pleasure to a great deal that has been said by gentlemen on the Republican side wherein they claim that the Republican party had swept the country at the last election, and will, they say, in the next, because the people believe in that party.

Mr. Chairman, there were quite a number of promises made by the leaders of the Republican party in the last canvass. If I mistake not, one of those promises was that the trusts should be outlawed. The President assured the people that they must take him at his word—at its "face value." So far nothing has been done on that subject.

The second promise was—and it now has come home to the party in power, it has come to the fireside of every cabin, every mansard, and every public building on the great Atlantic coast, if not throughout the country east of the Mississippi River, and that promise was—free coal.

The third promise was the enforcement of our antitrust laws.

The distinguished Secretary of the Navy, Mr. Moody, who was long an able member of this House, said that the tariff on anthracite coal was "smuggled into the Dingley bill in a sneaking and cowardly manner," and would have to be repealed by Congress at once, even though the coal operators protested.

But, Mr. Chairman, that tariff is still upon the statute books, although as the Dingley tariff act reads (I have a copy of the law here before me), "anthracite coal" is literally placed on the "free list;" but it is not "free" in fact or law, for we find nestled and almost covered up in the tariff act of 1897 a provision which says in substance that "all coal containing less than 92 per cent of fixed carbon shall pay a tariff duty of 67 cents per ton."

Sir, there is scarcely any anthracite or any other coal which contains that amount of fixed carbon. There is a little anthracite coal in Wales containing 72 and a bare fraction of fixed carbon. That is all. Mr. Austin, of the Bureau of Statistics, says in substance there is no such coal in the United States. I have his letter now on my desk thus speaking. All coal containing less than this prescribed 92 percentage of fixed carbon has to pay a tax of 67 cents per ton when brought into the United States. Yet we are, and have been for years, exporting thousands and thousands of tons of anthracite and bituminous coal to and underselling all other countries.

Mr. Chairman, I introduced a bill to put all coals on the free list to relieve our coal famine weeks and weeks ago. It is slumbering in the Ways and Means Committee. I also tried to have an amendment placed on two or three bills to put anthracite coal upon the free list in fact and in law. Of course, I failed in that effort in this a Republican House.

A distinguished Senator from the State of Massachusetts has introduced a bill placing all coal upon the free list for "ninety days;" also providing that when the Dominion of Canada shall place coal from the United States on the free list, we in turn will place all the coal brought into the United States from Canada upon the free list. This is a plain confession that we can compete successfully with foreign countries in our coal industries. Yet, now all imports of coal must pay 67 cents per ton.

At the same time the distinguished Senator said, in substance: "I am aware there is doubt as to whether or not a revenue measure can 'originate' in the Senate." And he discussed that question seriously.

It has been since very seriously discussed; and the doubt as to the right of the Senate to "originate" such a bill is now assigned as one of the reasons for trying to smother the resolution introduced by the senior Senator from Missouri, Mr. VEST, to untax anthracite coal. So, to accommodate the distinguished Senator from Massachusetts; to accommodate his party, and to accommodate my friends, the Republicans, on the other side; to remove all excuses, and to rescue the people from a coal famine as quickly as possible, I introduce his bill in the House——

Mr. PAYNE. I make a point of order against the gentleman's discussing what is going on in the Senate.

Mr. GAINES of Tennessee. Well, I had just reached the point where I was discussing the question as one arising in the House.

The CHAIRMAN. The Chair holds that the point of the gentleman from New York [Mr. PAYNE] is well taken.

Mr. GAINES of Tennessee. There have been so many illustrious examples set me by the distinguished gentleman from New York, in keeping with his "point of order," that I am not surprised that he should make it now. He always does his "plain duty."

Mr. PAYNE. If the gentleman will confine himself to the rules, I will withdraw the point.

Mr. GAINES of Tennessee. The record of the gentleman in this respect is so variable that I will not take up my valuable time in discussing it. I am aware of the rule—broken to-day a half dozen times in this debate.

However, to accommodate my friend from New York who interrupted me I will say that I introduced in the House the bill to which I have just alluded as having been introduced in the Senate, and I sent it to the Ways and Means Committee, of which the gentleman from New York [Mr. PAYNE] is chairman. In addition to that, I introduced a copy of the joint resolution introduced in the Senate by one of my distinguished Democratic colleagues, and had it sent to the Ways and Means Committee, proposing to place anthracite coal on the free list. It sleeps in the Ways and Means Committee room. So, Mr. Chairman, if the Republicans desire to redeem their promises made to the people of the country—promises which doubtless caused many men to vote for them who otherwise would not have done so—there is now absolutely no excuse for their declining to stand up in behalf of the people who are suffering for coal, and nowhere more so than in the great Atlantic States, including the District of Columbia.

Mr. Chairman, we have a strike commission, I am glad to say, trying to do some good work in settling the strike and exposing the coal trust of Pennsylvania.

On yesterday we gladly voted to refer the great coal-famine question to a committee to investigate, presided over by the distinguished gentleman from Ohio [Mr. GROSVENOR].

This committee is to get on the train and on ships and go to find out what? Is a coal famine in the country; what caused it; its cure. Instead, Mr. Chairman, of repealing the tariff and allowing foreign coal to come in free, a policy General Garfield proposed in reference to the salt monopoly when that monopoly in the State of New York was robbing the people of cheap salt.

At that time General Garfield and Representative HALE, now a distinguished Senator, said it was an outrage that such a monopoly should exist, and proposed and made speeches in this House urging that the great monopoly should and would be crushed by placing salt upon the free list. I have their words now before me. They were selling salt just across the lake, in Canada, said General Garfield, for a dollar less than they were selling the same salt for in the State of New York where it was made.

We all remember well that quinine, which was selling from $5 to $10 an ounce, was placed upon the free list by a Democrat from Kentucky, Mr. McKenzie, and the quinine monopoly was crushed, and yet the legitimate quinine business is still thriving—the monopoly gone—and throughout this country and in the Philippine Islands chills and fevers are being destroyed by that very medicine, which sells now at from 25 to 50 cents an ounce.

But, Mr. Chairman, this great committee, presided over by my friend from Ohio, is to junket around and find if possible the "cause" of this great coal famine. They would junket while the people freeze. They want more laws made—while those we have are not enforced.

On the 4th of last November Mr. Hearst, of the New York Journal, recently elected by a huge majority a member of this Congress as a Democrat, sent a "sworn statement or petition," as he says, to the Attorney-General of the United States, Mr. Knox, making out a clear case of "an illegal combination or conspiracy among railroads named therein, engaged in interstate commerce," for the purpose of putting up the price of such commerce in coal right where the coal famine is now in existence, in New York and in the East, where the people are suffering. Yet the Attorney-General has not done one thing with that, except to refer it, I believe, to District Attorney Burnett, the district attorney of the United States for the southern district of New York, and there this great record rests.

I now send it to the desk and ask the Clerk to read a statement signed by Mr. Hearst, dated January 8, 1903, giving the history of this case as made by Mr. Hearst and sworn to, the record being in the possession of Attorney-General Knox, an able lawyer, I think, who well knows the power of Congress over interstate

commerce is full and complete and gives Congress the right to prohibit interstate and international trust-made products from being sent from one State to another.

The Clerk read as follows:

MR. ROOSEVELT, YOU CAN END THE COAL FAMINE.

To Theodore Roosevelt, President of the United States:

Sir: On October 4, more than three months ago, I had the honor of addressing a letter to you, informing you that I had petitioned your Attorney-General for permission to furnish him with conclusive proofs of the existence of a coal trust.

At the request of your Attorney-General, I submitted my proofs to General Burnett, United States district-attorney for the southern district of New York.

Those proofs demonstate, over the hands and seals of the corporations constituting the trust, that a combination of coal-carrying railroads absolutely controls the country's supply of anthracite and fixes its price to the consumer.

In the judgment of lawyers whose professional competency is quite as undisputed as that of your Attorney-General, those proofs if presented in court would suffice to dissolve the coal trust and subject its members to the civil and criminal penalties provided by law.

Continuously since the submission of those proofs the coal trust has robbed the people, extorting famine prices for coal, a prime necessity of industrial and domestic life, yet no action against this trust has been taken by your Attorney-General for the enforcement of the laws and the relief of the public.

So remarkable has been the lethargy of your Attorney-General in the face of a condition of things which reaches the gravity of a widespread public calamity that in both Houses of Congress a resolution has been introduced calling upon him to disclose the evidence submitted by me through my attorneys in October last.

These proofs aside, sir, neither you nor any other well-informed citizen can doubt the existence of the coal trust, nor be ignorant of the organized brigandage which it has practiced and is practicing.

You have but to consult the final report of the Industrial Commission to learn that the eight lines of railroad comprising the trust own nine-tenths of the anthracite deposits and mine three-quarters of the yearly product. From the same report you can ascertain that in order to crush out competition these railroads have charged extortionate freight rates. Compared with the charge per ton per mile on bituminous coal, the rate for carrying anthracite is so high that, in the language of Industrial Commissioner Phillips, the excess charge "is greater every year than the interest on our national debt," and is "made possible by the railroad monopoly, now euphoniously called 'community of interests.'"

The fact that the coal trust exists is notorious, and its character is universally understood.

A former Attorney-General of the United States, Richard Olney, on October 11 last, in a public address at Boston, said that the members of the trust are the "most unblushing and persistent of law breakers," and he thus specified:

"For years they have defied the law of Pennsylvania, which forbids common carriers engaging in the business of mining.

"For years they have discriminated between customers in the freight charges on their railroads, in violation of the interstate-commerce law.

"For years they have unlawfully monopolized interstate commerce, in violation of the Sherman antitrust law."

Senator SPOONER, of Wisconsin, a member of your own party, high in your confidence, in last Monday's debate on the Jones resolution directing the Attorney-General to transmit to the Senate the evidence presented to him by me proving that a conspiracy in restraint of interstate trade exists, said:

"I have been of the opinion that probably there is such a conspiracy." And he added that "if there be such a conspiracy it is one that should be prosecuted as one absolutely wicked in its character and far-reaching in its deleterious effects. * * * If one does exist it is a very merciless one, violating the laws of the United States and most harmful in every way."

You, Mr. President, can have no doubt of the existence of this conspiracy; but, if there should chance to remain in your mind any such doubt, I suggest that you remove it by personally examining the evidence which I placed in possession of your Attorney-General in October.

Sir, these men of the coal trust, enormously rich and politically influential as they may be, are criminals. They swell their great fortunes daily by deliberate lawbreaking.

And while your Attorney-General has remained so strangely quiescent these opulent and politically influential criminals have adopted an old trust device for the double purpose of further plundering the public and laying the basis for a fraudulent defense against the evidence now in the hands of the Attorney-General should he begin proceedings against them. A pretended division between them and the so-called "independent" operators has been arranged, whereby these so-called "independents," who are utterly in the power of the trust, shall seem to compete with the trust, and so prepare the ground for the false contention that the trust is not a monopoly, but a legitimate business organization subject to competition. As the immediate result of this counterfeit rivalry the price of coal has been doubled.

As a citizen regardful of the public welfare, Mr. President, I respectfully represent to you that the law officer of your Administration has been, and is, remiss in his duty in not proceeding against the coal trust on the evidence of its unlawful character supplied by me to him last year.

By that failure in duty he has encouraged the coal trust to take advantage of a situation largely of its own creation, not merely to persist in its customary pillage of the people, but to enormously increase the scale of its extortion.

The submission of evidence to your Attorney-General and my appeal to him to apply the law to the coal trust having up to this time resulted in no action on his part, I turn from him to you.

In your public speeches and messages, Mr. President, you have often declared your conviction that the great combinations of capital, commonly known as "trusts," should be subjected to the fullest publicity and brought within the regulating control of the law, to the end that the public, while profiting by the concentration of capital in business, may be protected against the incidental evil effects of that concentration.

I submit, sir, that there is no other combination of capital in the country more contemptuous of law than the coal trust. And I further submit that the most effective method of subjecting it to publicity is to bring it into court to answer for its illegal offenses.

The Attorney-General of the United States is your servant. He must obey your commands or give way to a successor who will do so.

I appeal to you, therefore, Mr. President, to command your Attorney-General to proceed against the coal trust, both civilly and criminally, on the evidence of its unlawful acts laid before him by me, or explain to the people of the United States his reasons for not doing so, if reasons suitable for public avowal he has.

The people of the United States, President Roosevelt, have a right to expect action from you against the trusts in general and the coal trust in particular. No conspicuous public man of your party has so vehemently as yourself expressed a desire to protect the public from spoliation at the hands of combinations of predatory capital. And you have well said that "words are good when backed up by deeds, and only so."

What better proof of your sincerity could you give, what better deed in support of your words could you do, than by moving at once upon this insolent lawbreaker and wholesale robber of the people, the coal trust?

As a citizen I have done my duty in supplying evidence for the attack to your Attorney-General. As a citizen I do my duty in turning from him to you when time has shown his invincible reluctance to act.

The coal trust continues to exist and continues to plunder because the laws are not enforced.

For that nonenforcement of the laws, Mr. President, your Attorney-General is responsible to you, and if you shall uphold him in his refusal to act against the coal trust, you will be responsible to the American people.

Respectfully,

WILLIAM RANDOLPH HEARST.

NEW YORK, *January 8, 1903.*

Mr. GAINES of Tennessee. Here is a complete "case" made out, filed with the Department, and yet nothing has been done with it, says Mr. Hearst. It is a case bearing directly upon the very question that Congress is now sending out a committee to investigate and "report on." We do not object to this committee. Not at all. I favored it—I favor any legitimate relief. But here is the Attorney-General of the United States, with all the money he needs, and all the machinery he needs, and all the power he needs, both in the statute and otherwise, and not one single, solitary thing has been done with this record, says Mr. Hurst, and although it is complete and ready for action by the Attorney-General, but he acts not, says Mr. Hearst, though he has had the record since November 4, 1902. Why no action? Why no injunctions? Why no indictments, while this trust robs and freezes the people, who are helpless?

Now, that is just in keeping with what the Hon. John Sherman said when the New York World asked him, on or about October 3, 1898, for some remedy for trusts. Mr. Secretary of State Sherman publicly replied that—

the antitrust act (June 2, 1890) is valid and sufficient, and that if an Attorney-General and courts could be brought to enforce it relief to the people could be at once had.

The "courts" do act when the Attorney-General asks them. He alone can start the law to operating. Now, here we are suffering in this District. Nobody will dispute that.

Here is the statute, the antitrust act of June 2, 1890, that makes "every contract, combination in the form of a trust, or otherwise, or conspiracy in restraint of commerce in any Territory," including the District of Columbia, highly penal; and yet it seems, Mr. Chairman, certainly so far as the public press is concerned, that not a single injunction has been filed, not one single grand jury has been called together to indict, not one single judge has charged a jury, not a single man has been arrested, and not a single movement has been put on foot by this great Government to enforce this law in the District of Columbia for the relief of the people, whom we well know are at this minute suffering for coal.

There is no doubt about the law; no State lines to interfere. This is a District exclusively under the Federal courts. The Federal antitrust act of June 2, 1890, which clearly and literally applies to the District of Columbia, is powerful and drastic when the Attorney-General enforces it. This should be done, and at once.

[Here the hammer fell.]

Mr. HULL. Mr. Chairman, I now ask that we proceed to the reading of the bill under the five-minute rule.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded with the reading of the bill, and read the first section.

Mr. HAY. Mr. Chairman, I would ask the gentleman from Iowa [Mr. HULL] if he will not now agree that the committee rise.

Mr. HULL. I will state to my friend from Virginia that we might sit here a few minutes longer and read two or three pages, as another matter will come ahead of us to-morrow.

Mr. RICHARDSON of Tennessee. Mr. Chairman, we have not a quorum present and I shall raise the question.

Mr. HULL. Then, Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16567) making appropriations for the support of the Army for the fiscal year ending June 30, 1904, and had come to no resolution thereon.

MINORITY VIEWS OF CURRENCY BILL.

Mr. BARTLETT. Mr. Speaker, the chairman of the Committee on Banking and Currency [Mr. FOWLER] has filed a report of that committee to-day on the currency bill (H. R. 16228).

I ask unanimous consent that such of the minority as desire may have five days in which to file their views.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the minority of the Committee on Banking and Currency have five days within which to file the views of the minority on the currency bill which has been reported from that committee to-day.

Mr. HILL. I am not authorized by the chairman of the committee to speak, but as we passed it in committee the vote was for five days from last Thursday. I suppose, however, there will be no objection.

Mr. BARTLETT. The report has just been made to-day.

The SPEAKER. The Chair will state that the gentleman from Georgia [Mr. BARTLETT] brought this matter to the attention of the Chair this morning, and meeting the chairman of the Committee on Banking and Currency, the Chair spoke to that gentleman about it—but the gentleman is here and he can speak for himself.

Mr. BARTLETT. The report has just been filed to-day.

The SPEAKER. Is there objection to the request?

Mr. FOWLER. What is the request?

The SPEAKER. That the minority of the Committee on Banking and Currency have five days in which to file their views on the currency bill.

Mr. FOWLER. Not from to-day. The understanding was that they were to have five days from the day that we voted to report the bill, with the honorable understanding that unless the bill came up for hearing we, as gentlemen, should agree upon an extension. I think five days from now would be too long.

Mr. BARTLETT. The understanding was that we were to have a reasonable time, and the bill has just been reported to-day.

Mr. FOWLER. What would be a reasonable time?

Mr. BARTLETT. I have already suggested five days from to-day.

Mr. FOWLER. I think that would be an unreasonable time.

Mr. BARTLETT. I will leave it to anyone in the House if it is an unreasonable time. The gentleman from New Jersey can object if he wants to, Mr. Speaker, but the understanding in the committee was that there should be a reasonable time, and there has not been sufficient time. I will state that I have been unable to get the report of the committee. I have never seen it. It has just been filed this afternoon.

Mr. FOWLER. I will say this, that I will consent to an extension of two days, and to five days if the bill does not come up for consideration within the five days.

Mr. BARTLETT. That is satisfactory.

The SPEAKER. The question, then, is on a request for unanimous consent that the minority have five days within which to file their views, unless the bill is called up sooner for consideration, and that they shall have two days anyhow.

Mr. FOWLER. Yes.

The SPEAKER. Is there objection?

There was no objection.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6329. An act granting an increase of pension to John Robinson—to the Committee on Invalid Pensions.

S. 6263. An act granting an increase of pension to Rachel E. Bullard—to the Committee on Invalid Pensions.

S. 6422. An act granting an increase of pension to Ann A. Hersum—to the Committee on Invalid Pensions.

S. 4702. An act granting an increase of pension to Ephraim Cunningham—to the Committee on Invalid Pensions.

S. 699. An act granting an increase of pension to Franklin Chase—to the Committee on Invalid Pensions.

S. 4305. An act granting an increase of pension to Daniel G. Towle—to the Committee on Invalid Pensions.

S. 6262. An act granting an increase of pension to Charles C. Chesley—to the Committee on Invalid Pensions.

S. 5508. An act granting an increase of pension to George J. Cheney—to the Committee on Invalid Pensions.

S. 4023. An act granting an increase of pension to Alman J. Houston—to the Committee on Invalid Pensions.

S. 532. An act granting an increase of pension to Merritt Young—to the Committee on Invalid Pensions.

S. 1738. An act granting an increase of pension to Thomas Doyle—to the Committee on Invalid Pensions.

S. 3607. An act granting an increase of pension to Oliver P. Helton—to the Committee on Pensions.

S. 3081. An act granting an increase of pension to Leonard A. Norton—to the Committee on Invalid Pensions.

S. 4134. An act granting an increase of pension to Timothy Laughlin—to the Committee on Invalid Pensions.

S. 5040. An act granting an increase of pension to Stephen G. Cole—to the Committee on Invalid Pensions.

S. 6465. An act granting an increase of pension to Alonzo Gilbert—to the Committee on Invalid Pensions.

S. 6466. An act granting an increase of pension to Willard A. Jackson—to the Committee on Invalid Pensions.

S. 6500. An act granting an increase of pension to Caroline W. Bixby—to the Committee on Invalid Pensions.

S. 6452. An act granting a pension to S. Josie Hill—to the Committee on Invalid Pensions.

S. 6107. An act granting an increase of pension to Hattie Connell—to the Committee on Invalid Pensions.

S. 6026. An act granting an increase of pension to Eliza Little—to the Committee on Invalid Pensions.

S. 1043. An act granting an increase of pension to Harriet Hatch—to the Committee on Invalid Pensions.

S. 1166. An act granting an increase of pension to Charles W. Colby—to the Committee on Invalid Pensions.

S. 5244. An act granting an increase of pension to William H. Maxwell—to the Committee on Invalid Pensions.

S. 6050. An act granting an increase of pension to Charles H. Barnes—to the Committee on Invalid Pensions.

S. 6338. An act granting an increase of pension to Albert M. Smith—to the Committee on Invalid Pensions.

S. 5723. An act granting an increase of pension to Ole Hexom—to the Committee on Invalid Pensions.

S. 2007. An act granting a pension to Mary A. Everts—to the Committee on Invalid Pensions.

S. 5874. An act granting an increase of pension ot Catharine A. Russell—to the Committee on Invalid Pensions.

S. 1978. An act granting a pension to Wesley S. Potter—to the Committee on Invalid Pensions.

S. 4412. An act granting an increase of pension to John J. Rees—to the Committee on Invalid Pensions.

S. 6276. An act granting a pension to Mary E. Russell—to the Committee on Invalid Pensions.

S. 5841. An act granting an increase of pension to John A. Barcus—to the Committee on Invalid Pensions.

S. 5733. An act granting an increase of pension to John W. Slack—to the Committee on Invalid Pensions.

S. 6155. An act granting an increase of pension to William Markle—to the Committee on Invalid Pensions.

S. 5642. An act granting an increase of pension to Nicholas Smith—to the Committee on Invalid Pensions.

S. 1194. An act granting an increase of pension to Thomas J. George—to the Committee on Pensions.

S. 5205. An act granting an increase of pension to Grace E. Ash—to the Committee on Invalid Pensions.

S. 5355. An act granting an increase of pension to George A. King—to the Committee on Invalid Pensions.

S. 3912. An act granting an increase of pension to John T. Dewees—to the Committee on Invalid Pensions.

S. 3573. An act granting an increase of pension to John C. Post—to the Committee on Invalid Pensions.

S. 3574. An act granting an increase of pension to Henry R. Bennett—to the Committee on Invalid Pensions.

S. 4359. An act granting an increase of pension to John S. Milam—to the Committee on Invalid Pensions.

S. 4806. An act granting an increase of pension to Frank A. Olney—to the Committee on Invalid Pensions.

S. 5359. An act granting an increase of pension to Hampton B. Farmer—to the Committee on Invalid Pensions.

S. 4123. An act granting a pension to Eliza Gallaher—to the Committee on Invalid Pensions.

S. 4607. An act granting an increase of pension to Oliver G. Wright—to the Committee on Invalid Pensions.

S. 5835. An act granting an increase of pension to Joel C. Shepherd—to the Committee on Pensions.

S. 6012. An act granting a pension to Hattie Blanche Sears—to the Committee on Invalid Pensions.

S. 5846. An act granting an increase of pension to Thomas G. Forrester—to the Committee on Invalid Pensions.

S. 4656. An act granting an increase of pension to Orlando S. Osborn—to the Committee on Invalid Pensions.

S. 252. An act granting an increase of pension to Levi H. Peddycoard—to the Committee on Invalid Pensions.

S. 5734. An act granting an increase of pension to Elijah A. Woodward—to the Committee on Invalid Pensions.

S. 5610. An act granting an increase of pension to Joseph Twycross—to the Committee on Invalid Pensions.

S. 6356. An act granting an increase of pension to Adah I. Miller—to the Committee on Invalid Pensions.

S. 2363. An act granting an increase of pension to James A. Capen—to the Committee on Invalid Pensions.

S. 3773. An act granting an increase of pension to Leroy Roberts—to the Committee on Invalid Pensions.

S. 2114. An act granting an increase of pension to Sarah B. Barger—to the Committee on Invalid Pensions.

S. 2111. An act granting an increase of pension to William Kepler—to the Committee on Invalid Pensions.

S. 1914. An act granting an increase of pension to Elbert Chittum—to the Committee on Invalid Pensions.

S. 3405. An act granting an increase of pension to W. H. H. Bousbough—to the Committee on Invalid Pensions.

S. 6526. An act granting an increase of pension to Orin T. Fall—to the Committee on Invalid Pensions.

S. 6514. An act granting an increase of pension to Stephen J. Houston—to the Committee on Pensions.

S. 1873. An act granting a pension to Hilas D. Davis—to the Committee on Invalid Pensions.

S. 4140. An act granting an increase of pension to James O'Neill—to the Committee on Invalid Pensions.

S. 4854. An act granting an increase of pension to Cassius B. Fisher—to the Committee on Invalid Pensions.

S. 6326. An act granting an increase of pension to Luther D. Goddard—to the Committee on Invalid Pensions.

S. 6361. An act granting a pension to Emma Dean Powell—to the Committee on Invalid Pensions.

S. 6607. An act granting an increase of pension to Fordyce M. Keith—to the Committee on Invalid Pensions.

S. 5803. An act granting an increase of pension to Nathaniel A. Winks—to the Committee on Invalid Pensions.

S. 5938. An act granting an increase of pension to Henry O. McClure—to the Committee on Invalid Pensions.

S. 5352. An act granting an increase of pension to William Flinn—to the Committee on Pensions.

S. 3608. An act granting an increase of pension to Alphonso T. Gould—to the Committee on Invalid Pensions.

S. 5215. An act granting an increase of pension to Thomas L. Smith—to the Committee on Invalid Pensions.

S. 5854. An act granting an increase of pension to Allen B. Evans—to the Committee on Invalid Pensions.

S. 6350. An act granting a pension to Inez M. Cullom—to the Committee on Invalid Pensions.

S. 5280. An act granting a pension to Dollie Cosens—to the Committee on Invalid Pensions.

S. 3645. An act granting an increase of pension to Simeon Deno—to the Committee on Invalid Pensions.

S. 1550. An act granting a pension to Flavius Shanks—to the Committee on Invalid Pensions.

S. 3803. An act granting an increase of pension to Philip Caslow—to the Committee on Invalid Pensions.

S. 5020. An act granting a pension to Emma D. Goslin—to the Committee on Invalid Pensions.

S. 5055. An act granting an increase of pension to Mary E. Phillips—to the Committee on Invalid Pensions.

S. 5389. An act granting an increase of pension to Jasper N. Acree—to the Committee on Invalid Pensions.

S. 5412. An act granting an increase of pension to Henry E. Spring—to the Committee on Invalid Pensions.

S. 6018. An act granting an increase of pension to William J. Chitwood—to the Committee on Invalid Pensions.

S. 5786. An act granting a pension to Julia A. Jordan—to the Committee on Invalid Pensions.

S. 2270. An act granting an increase of pension to Sarah J. Warren—to the Committee on Invalid Pensions.

S. 6071. An act granting an increase of pension to Mary Manes—to the Committee on Pensions.

S. 6370. An act granting a pension to Alice F. Smalley—to the Committee on Invalid Pensions.

S. 5117. An act granting an increase of pension to John U. Allen—to the Committee on Invalid Pensions.

S. 3568. An act granting an increase of pension to John P. Travis—to the Committee on Invalid Pensions.

S. 4332. An act granting an increase of pension to Mary Heddleson—to the Committee on Pensions.

S. 6445. An act granting an increase of pension to John F. Briggs—to the Committee on Invalid Pensions.

S. 2439. An act granting an increase of pension to Richard A. Larimer—to the Committee on Invalid Pensions.

S. 4239. An act granting an increase of pension to Oscar H. Prink—to the Committee on Invalid Pensions.

S. 6543. An act granting an increase of pension to David C. Morgan—to the Committee on Invalid Pensions.

S. 5952. An act granting an increase of pension to Henry L. Davenport—to the Committee on Invalid Pensions.

S. 6576. An act granting an increase of pension to Marcia B. Ferguson—to the Committee on Invalid Pensions.

S. 3940. An act granting an increase of pension to Eliza C. Deery—to the Committee on Invalid Pensions.

S. 5662. An act granting an increase of pension to Henry Sickles—to the Committee on Invalid Pensions.

S. 4832. An act for the relief of Col. H. B. Freeman—to the Committee on Claims.

S. 2341. An act to authorize the readjustment of the accounts of Army officers in certain cases, and for other purposes—to the Committee on War Claims.

S. 3953. An act granting additional lands adjacent to the site of the University of Montana to the State of Montana for the use of said university—to the Committee on the Public Lands.

S. 4782. An act conferring jurisdiction on the Court of Claims, to try, adjudicate, and determine the claim of Clayton G. Landis administrator of David B. Landis, deceased—to the Committee on Claims.

S. 5229. An act to authorize, settle, and compromise certain litigation pending in the circuit court for the western district of North Carolina—to the Committee on Indian Affairs.

S. 5694. An act to provide for the purchase of a site and the erection of a public building thereon at Shamokin, in the State of Pennsylvania—to the Committee on Public Buildings and Grounds.

S. 5724. An act for the relief of Paymaster James E. Tolfree, United States Navy—to the Committee on Claims.

S. 5725. An act for the relief of Pay Clerk Charles Blake, United States Navy—to the Committee on Claims.

S. 6059. An act for the relief of certain enlisted men of the Navy—to the Committee on Naval Affairs.

S. 6446. An act to provide for the construction of a bridge across Rainy River, in Minnesota—to the Committee on Interstate and Foreign Commerce.

S. 6693. An act granting a pension to Mary J. Ivey—to the Committee on Pensions.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 16066. An act to amend an act entitled "An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory," approved June 6, 1900.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2210. An act relating to Hawaiian silver coinage and silver certificates; and

S. 4616. An act to grant title to the town of Juneau, Alaska, of lands occupied for school purposes, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had this day presented to the President of the United States for his approval bills of the following titles:

H. R. 15480. An act granting an increase of pension to William S. Barker; and

H. R. 179. An act to amend the internal-revenue laws.

SILETZ INDIAN RESERVATION, OREG.

By unanimous consent, on motion of Mr. SHERMAN, the Committee on Indian Affairs was discharged from the further consideration of the bill (H. R. 16022) for the relief of homestead entrymen upon the lands formerly included in the Siletz Indian Reservation in the State of Oregon, and the same was referred to the Committee on the Public Lands.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, on motion of Mr. PATTERSON, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Joseph Moreheiser, Fifty-seventh Congress;

Also, the papers in the case of John J. Muldowney, Fifty-seventh Congress;

Also, the papers in the case of John Lucid, Fifty-seventh Congress;

Also, the papers in the case of Isaac Purnell, Fifty-seventh Congress;

No adverse reports having been made thereon.

VIEWS OF MINORITY ON HOUSE BILL 16063.

Mr. GAINES of West Virginia. Mr. Speaker, I ask unanimous consent that the minority of the Committee on Election of President, Vice-President, and Representatives in Congress may have until to-morrow to file their views on House bill 16063.

The SPEAKER. The gentleman from West Virginia asks unanimous consent that the minority of the Committee on Election of President, Vice-President, and Representatives in Congress may have until to-morrow to file their views on House bill 16063. Is there objection?

There was no objection.

And then, on motion of Mr. HULL (at 5 o'clock and 16 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following Executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for elevator and ash hoist in post-office building at St. Paul, Minn.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, submitting a list of leases granted by him during the calendar year 1902—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for elevator plant in appraiser's stores building at Philadelphia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for elevator in post-office building at Baltimore—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the chief of division of Revenue-Cutter Service submitting an estimate of appropriation for new vessels—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the superintendent of the Library building submitting an estimate of appropriation for fuel and lights—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Public Printer submitting an estimate of deficiency appropriation for printing and binding—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for addition to the Baltimore subtreasury building—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting recommendations for the establishment of aids to navigation in Norfolk Harbor, Virginia—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from Hamilton & Colbert, transmitting the annual report of the Georgetown Barge, Dock, Elevator and Railway Company—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for payment of the claim of William C. Reeve—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for barracks and quarters, Philippine Islands—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting a detailed statement of the refunds of customs duties for the year ended June 30, 1902— to the Committee on Ways and Means, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MOODY of Oregon, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 15008) providing for the better separation and utilization of public and private lands within the limits of railroad-land grants in the arid region, reported the same with amendments, accompanied by a report (No. 3101); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the Senate (S. 2341) to authorize the readjustment of the accounts of Army officers in certain cases, and for other purposes, reported the same without amendment, accompanied by a report (No. 3102); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 16649) to provide rebate of duties on coal, reported the same without amendment, accompanied by a report (No. 3108); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. REEVES, from the Committee on Patents, to which was referred the bill of the House (H. R. 16403) authorizing the issuance of letters rogatory by the Commissioner of Patents and providing for the execution of letters rogatory issued from foreign patent offices, reported the same without amendment, accompanied by a report (No. 3142); which said bill and report were referred to the House Calendar.

Mr. FOWLER, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 16228) providing for the issue and circulation of national-bank notes, reported the same without amendment, accompanied by a report (No. 3148); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 2098) for the relief of N. N. Lowry, reported the same without amendment, accompanied by a report (No. 3103); which said bill and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred the bill of the House (H. R. 4254) for the relief of St. John's Lodge, Ancient Free and Accepted Masons, No. 3, of Newbern, N. C., reported the same without amendment, accompanied by a report (No. 3104); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bills of the House H. R. 3435, H. R. 3438, and H. R. 16417, reported in lieu thereof a resolution (H. Res. 379) referring to the Court of Claims the papers in the case of heirs of Alexander Bradshaw, Andrew J. Surber, and O. H. Cogswell, accompanied by a report (No. 3105); which said resolution and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16309) granting a pension to Samuel H. Montayne, reported the same with amendments, accompanied by a report (No. 3107); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15843) granting an increase of pension to Louis W. Rowe, reported the same with amendments, accompanied by a report (No. 3109); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8165) granting an increase of pension to Oscar M. Peck, reported the same with amendments, accompanied by a report (No. 3110); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8287) granting an increase of pension to Peter Johnson, reported the same without amendment, accompanied by a report (No. 3111); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10953) granting an increase of pension to John A. M. Seitz, reported the same with amendment, accompanied by a report (No. 3112); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9570) granting an increase of pension to Isaac Gabrion, reported the same with amendment, accompanied by a report (No. 3113); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8288) granting an increase of pension to Scott Case, reported the same without amendment, accompanied by a report (No. 3114); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14263) granting an increase of pension to Frederick Journal, reported the same with amendments, accompanied by a report (No. 3115); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13519) granting an increase of pension to James M. Clements, reported the same

with amendments, accompanied by a report (No. 3116); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13386) granting a pension to Wallace Zeigler, late private, Company G, One hundred and first Pennsylvania Volunteer Infantry, reported the same with amendments, accompanied by a report (No. 3117); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13850) granting an increase of pension to Charles K. Cameron, reported the same with amendments, accompanied by a report (No. 3118); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14120) granting a pension to Letitia M. Leepard, reported the same with amendments, accompanied by a report (No. 3119); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11428) granting an increase of pension to Plummer Lewis, reported the same with amendments, accompanied by a report (No. 3120); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5876) granting a pension to Jacob E. Richards, reported the same with amendments, accompanied by a report (No. 3121); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4807) granting an increase of pension to Thomas Parfitt, reported the same without amendment, accompanied by a report (No. 3122); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4441) granting an increase of pension to Oscar Brewster, reported the same with amendments, accompanied by a report (No. 3123); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1689) granting an increase of pension to Hiram S. Thompson, reported the same without amendment, accompanied by a report (No. 3124); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 833) granting an increase of pension to G. H. Van Deusen, reported the same with amendments, accompanied by a report (No. 3125); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15910) granting an increase of pension to James A. Hale, reported the same with amendments, accompanied by a report (No. 3126); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 700) granting an increase of pension to Eben Slausen, reported the same with amendments, accompanied by a report (No. 3127); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15961) granting an increase of pension to Jane Welch, reported the same with amendments, accompanied by a report (No. 3128); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16321) granting a pension to Michael Devine, reported the same with amendments, accompanied by a report (No. 3129); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15793) granting an increase of pension to George Skinner, reported the same with amendment, accompanied by a report (No. 3130); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16364) granting an increase of pension to Patrick Carney, reported the same with amendment, accompanied by a report (No. 3131); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16053) granting an increase of pension to Henry P. Reynolds, reported the same with amendment, accompanied by a report (No. 3132); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15422) granting an increase of pension to John Mosgrove, reported the same with amendment, accompanied by a report (No. 3133); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14391) granting an increase of pension to Edward Walsh, reported the same with amendments, accompanied by a report (No. 3134); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15038) granting an increase of pension to Lucy T. Churchill, reported the same with amendments, accompanied by a report (No. 3135); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15721) granting an increase of pension to Walter A. Porter, reported the same with amendment, accompanied by a report (No. 3136); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16423) granting an increase of pension to Eliza B. Abbott, reported the same with amendments, accompanied by a report (No. 3137); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15911) granting an increase of pension to George N. McMurry, reported the same with amendment, accompanied by a report (No. 3138); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15423) granting an increase of pension to Stephen B. Morehouse, reported the same with amendments, accompanied by a report (No. 3139); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15894) granting an increase of pension to Lewis P. Everett, reported the same with amendment, accompanied by a report (No. 3140); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15659) granting a pension to Elise Sigel, reported the same with amendment, accompanied by a report (No. 3141); which said bill and report were referred to the Private Calendar.

Mr. HENRY C. SMITH, from the Committee on War Claims, to which was referred the bill of the House H. R. 9168, reported in lieu thereof a resolution (H. Res. 383) for the relief of Charles E. Russell, administrator of John H. Russell, deceased, reported the same without amendment, accompanied by a report (No. 3143); which said resolution and report were referred to the Private Calendar.

Mr. KYLE, from the Committee on War Claims, to which was referred the bill of the House H. R. 12892, reported in lieu thereof a resolution (H. Res. 384) for the relief of Joseph A. Cox, reported the same without amendment, accompanied by a report (No. 3144); which said resolution and report were referred to the Private Calendar.

Mr. KEHOE, from the Committee on War Claims, to which was referred the bill of the House H. R. 16622, reported in lieu thereof a resolution (H. Res. 385) for the relief of Margaret Morarity, reported the same without amendment, accompanied by a report (No. 3145); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 16623, reported in lieu thereof a resolution (H. Res. 386) for the relief of the estate of Ann S. Jackson, reported the same without amendment, accompanied by a report (No. 3146); which said resolution and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14889) granting a pension to James T. Lundy, reported the same with amendment, accompanied by a report (No. 3147); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 15818) granting a pension to Frances E. Fitz-Gerald—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15314) for the relief of Russell B. Merriam—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 16369) granting a pension to Emily Lawrence Reed—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. CANNON, from the Committee on Appropriations: A bill (H. R. 16642) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903—to the Union Calendar.

By Mr. ACHESON: A bill (H. R. 16643) to authorize the Donora Southern Railroad Company, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, to construct and maintain a bridge across the Monongahela River in the State of Pennsylvania—to the Committee on Interstate and Foreign Commerce.

By Mr. THAYER: A bill (H. R. 16644) to provide for a drawback and refunding of duties on coal to July 1, 1904—to the Committee on Ways and Means.

By Mr. LOUDENSLAGER: A bill (H. R. 16645) relating to the payment and disposition of pension money due to inmates of the Government Hospital for the Insane—to the Committee on Pensions.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 16646) to authorize the construction of a bridge across Bogue Chitto, in the State of Louisiana—to the Committee on Interstate and Foreign Commerce.

By Mr. CUSHMAN: A bill (H. R. 16647) appropriating $150,000 for the promotion of salmon culture in Alaska—to the Committee on the Merchant Marine and Fisheries.

By Mr. COCHRAN: A bill (H. R. 16648) to authorize national banks to issue currency secured by the deposit of the United States, State, and municipal bonds, and for other purposes—to the Committee on Banking and Currency.

By Mr. PAYNE, from the Committee on Ways and Means: A bill (H. R. 16649) to provide rebate of duties on coal—to the Union Calendar.

By Mr. MARSHALL: A bill (H. R. 16650) to provide for the erection of an addition to the public building in the city of Fargo, N. Dak.—to the Committee on Public Buildings and Grounds.

By Mr. CLAYTON: A bill (H. R. 16651) to fix the time for holding the United States district and circuit courts in the northern and middle districts of Alabama—to the Committee on the Judiciary.

By Mr. GIBSON: A bill (H. R. 16652) to regulate interstate and foreign commerce in coal—to the Committee on Interstate and Foreign Commerce.

By Mr. CUSHMAN: A bill (H. R. 16653) providing for the election of a Delegate from the Territory of Alaska to the House of Representatives—to the Committee on the Territories.

By Mr. SMITH of Illinois: A bill (H. R. 16654) to provide for a review of the acts, decisions, and rulings of the Post-Office Department, under the provisions of sections 3894 and 3929 of the Revised Statutes of the United States and the acts amendatory thereof—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLESON: A bill (H. R. 16655) authorizing the Secretary of Agriculture to gather statistics relating to production of cotton and wheat, and raising revenue to defray the expense thereof—to the Committee on Ways and Means.

By Mr. DICK (by request: A bill (H. R. 16656) regulating the importation of breeding animals—to the Committee on Ways and Means.

By Mr. JONES of Virginia: A bill (H. R. 16657) to extend the coinage system of the United States to the Philippine Islands—to the Committee on Insular Affairs.

By Mr. BURTON: A joint resolution (H. J. Res. 248) for an examination and survey of the shore of Lake Superior in the vicinity of Keweenaw Point—to the Committee on Rivers and Harbors.

By Mr. SHELDEN: A joint resolution (H. J. Res. 249) for an examination and survey of Menominee Harbor, Michigan—to the Committee on Rivers and Harbors.

By Mr. HEATWOLE: A concurrent resolution (H. C. Res. 68) to provide for the printing of 3,500 additional copies of the Annual Report of the Commission to the Five Civilized Tribes to the Secretary of the Interior for the year ended June 30, 1902—to the Committee on Printing.

By Mr. GROSVENOR: A concurrent resolution (H. C. Res. 69) that there be printed and bound, in form of eulogies, 24,000 copies of the oration delivered by the Hon. John Hay in the Hall of the House of Representatives during the exercises in memory of the late President McKinley—to the Committee on Printing.

By Mr. CALDWELL: A resolution (H. Res. 379) referring to the Court of Claims papers in the case of heirs of Alexander Bradshaw, Andrew J. Surber, and O. H. Cogswell—to the Private Calendar.

By Mr. DALZELL: A resolution (H. Res. 381) providing for consideration of bill providing for a rebate of duties on coal—to the Committee on Rules.

By Mr. GILBERT: A resolution (H. Res. 382) authorizing the Secretary of the Treasury to prepare in book form 5,000 copies of tabulated statements showing dates of passage of all laws relating to the tariff and the repeal of said laws, and so forth—to the Committee on Ways and Means.

By Mr. HENRY C. SMITH: A resolution (H. Res. 383) granting relief to Charles E. Russell, as administrator of John H. Russell, deceased—to the Private Calendar.

By Mr. KYLE: A resolution (H. Res. 384) for the relief of Joseph Cox—to the Private Calendar.

By Mr. KEHOE: A resolution (H. Res. 385) for the relief of Margaret Morarity—to the Private Calendar.

Also, a resolution (H. Res. 386) for the relief of the estate of Ann S. Jackson—to the Private Calendar.

By Mr. FOWLER: A resolution (H. Res. 287) making the consideration of the bill H. R. 16228, relating to currency, a special order for Thursday, January 15—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BALL of Delaware: A bill (H. R. 16658) granting an increase of pension to Jonathan D. Harrington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16659) granting an increase of pension to Joseph H. Chambers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16660) granting a pension to Sallie H. Hoffecker—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 16661) for the relief of Richard P. Tindel—to the Committee on Military Affairs.

By Mr. BULL: A bill (H. R. 16662) to remove the charge of desertion against Alfred Paul Lang—to the Committee on Naval Affairs.

By Mr. BURLESON: A bill (H. R. 16663) appropriating $57.75 to compensate Barney Harris, alias Barney Martin, for transporting the mail during the year 1898—to the Committee on the Post-Office and Post-Roads.

By Mr. BURTON: A bill (H. R. 16664) granting a pension to Alexander Bradley—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: A bill (H. R. 16665) granting a pension to John Wilhelm—to the Committee on Invalid Pensions.

By Mr. CLAYTON (by request): A bill (H. R. 16666) to appoint Maj. William Crawford Gorgas, surgeon, United States Army, to the grade of assistant surgeon-general, United States Army, with the rank of colonel—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 16667) granting an increase of pension to Leroy N. Buell—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 16668) for the relief of Isaac d'Isay—to the Committee on Military Affairs.

By Mr. CROWLEY: A bill (H. R. 16669) granting an increase of pension to Clinton M. Casey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16670) granting a pension to Alba B. Bean—to the Committee on Pensions.

Also, a bill (H. R. 16671) granting an increase of pension to William Neely—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16672) granting an increase of pension to Mathias Johns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16673) granting an increase of pension to Thomas L. Norman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16674) granting an increase of pension to James C. Wheat—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16675) to remove the charge of desertion against James Leevis—to the Committee on Military Affairs.

By Mr. THOMAS of North Carolina: A bill (H. R. 16676) granting a pension to Elizabeth French—to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 16677) granting a pension to John M. Heath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16678) granting a pension to Abe L. McAnelly—to the Committee on Invalid Pensions.

By Mr. GREENE of Massachusetts: A bill (H. R. 16679) granting a pension to Sarah A. Dennison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16680) granting an increase of pension to Mary A. Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16681) granting a pension to Mary T. Anglum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16682) granting a pension to Elizabeth Neilan—to the Committee on Pensions.

By Mr. GILL: A bill (H. R. 16683) authorizing the President to

place William Welsh on the retired list with the rank of colonel—to the Committee on Military Affairs.

By Mr. HENRY of Mississippi: A bill (H. R. 16684) for the relief of the estate of Alfred Swearingin—to the Committee on War Claims.

By Mr. LEWIS of Georgia: A bill (H. R. 16685) for the relief of the legal representatives of C. M. Bozeman, deceased—to the Committee on War Claims.

By Mr. MADDOX: A bill (H. R. 16686) for the relief of the estate of C. C. Adams—to the Committee on War Claims.

By Mr. MOSS: A bill (H. R. 16687) granting a pension to Susan E. McCarty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16688) granting an increase of pension to James H. Semands—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16689) granting a pension to Amelia Strain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16690) granting an increase of pension to R. H. Kirby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16691) granting a pension to Martha Jewell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16692) granting an increase of pension to William Bewley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16693) granting a pension to Granor Owens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16694) granting an increase of pension to Simeon B. Leech—to the Committee on Invalid Pensions.

By Mr. OTJEN: A bill (H. R. 16695) to refund certain taxes paid by the Joseph Schlitz Brewing Company, of Milwaukee, Wis.—to the Committee on Claims.

By Mr. PADGETT: A bill (H. R. 16696) granting an increase of pension to Freeling H. Amick—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Tennessee: A bill (H. R. 16697) granting a pension to Ellen Johnson—to the Committee on Invalid Pensions.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 16698) for the relief of the estate of James L. Pierce, deceased—to the Committee on War Claims

Also, a bill (H. R. 16699) for the relief of Alphonse Meuillon—to the Committee on War Claims.

By Mr. SCHIRM: A bill (H. R. 16700) authorizing the President of the United States to nominate and appoint Daniel Clarke, of Maryland, a captain in the United States Army—to the Committee on Military Affairs.

By Mr. SCOTT: A bill (H. R. 16701) granting an increase of pension to James Bliss—to the Committee on Pensions.

Also, a bill (H. R. 16702) granting an increase of pension to P. S. Likes—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 16703) granting a pension to John R. Costen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16704) granting an increase of pension to John H. Reed—to the Committee on Pensions.

Also, a bill (H. R. 16705) for the relief of J. M. Rice—to the Committee on War Claims.

By Mr. SMITH of Iowa: A bill (H. R. 16706) granting an increase of pension to Jacob H. Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16707) granting an increase of pension to Aaron C. Perry—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 16708) granting a pension to J. A. Zabrickie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16709) granting a pension to C. E. Snyder—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 16710) granting an increase of pension to Charles Furse—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 16711) granting a pension to Ann Gilbert—to the Committee on Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 16712) granting an increase of pension to Josephine A. Rettig—to the Committee on Invalid Pensions.

By Mr. TRIMBLE: A bill (H. R. 16713) granting an increase of pension to Jason M. Case—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16714) granting an increase of pension to Mary A. F. Gilmore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16715) granting a pension to Caroline Hurley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16716) for the relief of Robert Langston—to the Committee on War Claims.

By Mr. VREELAND: A bill (H. R. 16717) granting an increase of pension to Albert W. Thompson—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 16718) for the relief of F. P. Brower—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 16719) granting an increase of pension to Snyder H. Osborn—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURKETT: Resolution of the Paint Grinders' Association of the United States, relative to freight classification—to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON: Petitions of Cleveland City Lodge, No. 321, Order of B'rith Abraham, and Montefiore Lodge, of Cleveland, Ohio, for a modification of the methods and practice pursued by the immigration officers at the port of New York—to the Committee on Immigration and Naturalization.

Also, petition of C. G. Taplin, favoring House bill 15368, amending the customs draw-back law—to the Committee on Ways and Means.

By Mr. CALDWELL: Resolution of a meeting at Springfield, Ill., Rev. T. D. Logan, presiding, in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. CANDLER: Petition of P. K. Thomas & Co., of Nettleton, Wis., favoring House bill 178—to the Committee on Ways and Means.

By Mr. CASSINGHAM: Papers to accompany House bill granting an increase of pension to Margaret Robison—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to James Carr—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for increase of pension of John Cummings—to the Committee on Invalid Pensions.

By Mr. CONRY: Resolutions of the Boston Chamber of Commerce in favor of a tariff commission—to the Committee on Ways and Means.

By Mr. COWHERD: Papers to accompany House bill to correct the military record of Isaac d'Isay—to the Committee on Military Affairs.

By Mr. CROWLEY: Papers to accompany House bill for increase of pension of Thomas L. Norman—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Clinton M. Casey—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Abba B. Bean—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to James C. Wheat—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for increase of pension of Mathias Johns—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of W. L. Carr and others for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. EVANS: Paper to accompany bill No. 16613, relating to the correction of the military record of John H. Williams—to the Committee on Military Affairs.

By Mr. FITZGERALD: Petition of Ladd & Coffin, of New York, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. FORDNEY: Petition of J. D. Sleight and others, of St. Johns, Mich., for increase of salaries to rural letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GIBSON: Petition of heirs of Jacob Huffaker, deceased, late of Sevier County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. GOLDFOGLE: Resolutions of I. Richter Lodge, No. 192, and Jehuda Lodge, No. 15, Order of B'rith Abraham, asking for an amendment to the immigration laws—to the Committee on Immigration and Naturalization.

Also, petition of the American Free Trade League, for the repeal of the tariff on beef and coal—to the Committee on Ways and Means.

By Mr. GREENE of Massachusetts: Resolutions of the Boston Associated Board of Trade, favoring a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the New England Shoe and Leather Association, in favor of a tariff commission—to the Committee on Ways and Means.

By Mr. GRIFFITH: Papers to accompany House bill 16155, granting a pension to Catharine Sprague—to the Committtee on Invalid Pensions.

By Mr. GROSVENOR: Resolutions of Buckeye Lodge, No. 35, Brotherhood of Railroad Trainmen, Gallion, Ohio, urging the passage of Senate bill 3560—to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON: Petitions of E. S. Curran, of St. Joseph; F. M. Fisk, Nelson Howes, and other retail druggists of Mendon, Three Rivers, and South Haven, Mich., in favor of House bill 178,

for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. HEATWOLE: Petition of citizens of Faribault, Minn., requesting the removal of the tariff duties on wood, lumber, and coal—to the Committee on Ways and Means.

By Mr. JOHNSON: Petitions of H. E. Heinitsh, jr., and others, of Spartansburg; F. C. Duke and others, of Union, S. C., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of John C. Cary, in favor of House bill 15368, amending the customs-drawback law—to the Committee on Ways and Means.

By Mr. JOY: Petition of Adolph Henning, M. D., of St. Louis, Mo., asking for an increase of pension—to the Committee on Invalid Pensions.

By Mr. LACEY: Protest of members of the Monroe County bar, Iowa, against the passage of House bill 16311—to the Committeeon the Judiciary.

By Mr. LEWIS of Georgia: Petitions of Hawkinsville Drug Company, of Hawkinsville; R. L. Austin, of Preston, and other druggists, of Finleyson and Abbeyville, Ga., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolution of the Savannah Ga., Board of Trade, favoring the bill providing for an additional Cabinet officer, to be known as the secretary of commerce and agriculture—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUDENSLAGER: Petition of Frances Willard Union, of Camden, N. J., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. MADDOX: Petition of heir of Levi Crow, deceased, late of Paulding County, Ga., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of heir of William H. Simpson, deceased, late of Polk County, Ga., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MERCER: Papers to accompany bills relating to the correction of the military record of Horace Olmsted—to the Committee on Military Affairs.

Also, papers to accompany House bill 16167, granting a pension to Andrew J. Manley—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 16626, granting an increase of pension to Solomon Knight—to the Committee on Invalid Pensions.

By Mr. MINOR: Petition of druggists and citizens of Kewaunee and Oconto, Wis., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. NAPHEN: Resolutions of the Chamber of Commerce of Boston, Mass., in favor of a tariff commission—to the Committee on Ways and Means.

By Mr. OTJEN: Resolutions of Milwaukee Lodge, No. 283, Order of B'rith Abraham, favoring a modification of the methods and practice of immigration officers at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. RICHARDSON of Tennessee: Petition of citizens of Shelbyville, Tenn., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. ROBB: Petition of Eric Pape Post, No. 184, Grand Army of the Republic, Department of Missouri, for the relief of John R. Cochran's Company C, Missouri Volunteer Enrolled Militia—to the Committee on the Militia.

By Mr. RUPPERT: Resolutions of the Manufacturers' Association of New York, opposing the compulsory adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of E. J. Maring and other druggists of New York City, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of the National Association of Retail Grocers, against the passage of House bills 3109 and 15614, known as the pure-food bills—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of Louis P. A. Eberhardt and 80 others, all citizens of Buffalo, N. Y., favoring bill to grant permission to the Mather Power Bridge Company to erect experimental span in Niagara River at Buffalo. N. Y.—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Indiana Grain Dealers' Association, favoring the passage of the Elkins bill, to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Paint Grinders' Association of the United States, urging legislation to empower the Interstate Commerce Commission to establish uniform freight classification and freights—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Engineers' Society of Western New York, against the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. SAMUEL W. SMITH: Petitions of retail druggists of Fowlerville, Lansing, and Davison, Mich., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of J. A. Bissinger and others, of Lansing, Mich., asking for the removal of the tariff on certain glass products—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Petition of citizens of Estacado, Wichita Falls, Benjamin, and Proffit, Tex., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. TRIMBLE: Papers to accompany House bill granting an increase of pension to Mary A. F. Gilmore—to the Committee on Invalid Pensions.

Also, papers to accompany bill for a pension to Caroline Hurley—to the Committee on Invalid Pensions.

By Mr. WANGER: Petition of the Young Woman's Christian Temperance Union of Penns Park, Bucks County, Pa., for an amendment to the Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. WILLIAMS of Illinois: Petition of citizens of Norris City, Ill., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. WILLIAMS of Mississippi: Paper relating to the claim of F. P. Brower for mail service—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOTEN: Petition of S. S. Tullos, Grand Prairie, Tex., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *January 14, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

SAFETY APPLIANCES ON RAILROADS.

The PRESIDENT pro tempore laid before the Senate a communication from the Interstate Commerce Commission transmitting, in response to a resolution of May 10, 1902, a statement showing the condition and defects of safety appliances and the practice of operating trains by train or power brakes, etc.; which, with the accompanying papers, was referred to the Committee on Interstate Commerce and ordered to be printed.

AMENDMENT OF PRINTING ACT.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives requesting a conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the bill (S. 2296) to amend the act approved March 2, 1895, relative to public printing.

Mr. PLATT of New York. I move that the Senate insist upon its amendment to the amendment of the House and agree to the conference asked by the House on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. PLATT of New York, Mr. ELKINS, and Mr. JONES of Arkansas were appointed.

DEEDS, ETC., IN INDIAN TERRITORY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5678) providing for record of deeds and other conveyances and instruments of writing in the Indian Territory, and for other purposes.

Mr. JONES of Arkansas. I move that the bill with the amendment be referred to the Committee on Indian Affairs.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 11594) granting an increase of pension to Sarah E. Morrow;

A bill (H. R. 14416) granting an increase of pension to Albert H. Phillips;

A bill (H. R. 14477) granting a pension to John Bruff;

A bill (H. R. 14478) granting an increase of pension to Luman Fuller;

A bill (H. R. 14957) granting an increase of pension to Mathias Custers; and

A bill (H. R. 15006) to amend an act entitled "An act to amend

the statute in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880.

The message also announced that the House had passed a bill (H. R. 16642) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903, in which it requested the concurrence of the Senate.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask that the urgent deficiency appropriation bill may be sent to the Committee on Appropriations at once.

The bill (H. R. 16642) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903, was read twice by its title, and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore. A resolution of the National Live Stock Association has been sent to the Presiding Officer with the request that it be read. Is there objection? The Chair hears none, and the Secretary will read it.

The resolution was read, and referred to the Committee on Agriculture and Forestry, as follows:

KANSAS CITY, MO., *January 13, 1903.*

Hon. WILLIAM FRYE,
President of the Senate, Washington, D. C.:

The National Live Stock Association, representing five billions invested capital, in annual session, to-day unanimously adopted the following:

"Your petitioners, the National Live Stock Association of the United States, representing the breeders, feeders, and handlers of live stock in the United States, desire through you to call the attention of the Senate to H. R. 15922, a bill which provides the Secretary of Agriculture with authority to prevent the spread of contagious diseases in the United States, and to establish rules and regulations for the inspection of live stock to be transported through the United States, and your petitioners would respectfully represent that there is an immediate and imperative necessity for the passage of this law. We would, therefore, urge the Senate to consider this bill at as early a date as possible, and we respectfully ask that said bill be enacted into law."

JOHN W. SPRINGER, *President.*
CHARLES F. MARTIN, *Secretary.*

Mr. DEPEW presented petitions of Cigar Makers' Local Union No. 251, of New York; of the Central Labor Council of Jamestown; of Local Union No. 492, of Glens Falls; of Typographical Union No. 62, of Utica; of Cigar Maker's Local Union No. 5, of Rochester; of Bricklayers, Masons, and Plasterers' Local Union No. 78, of Port Jervis; of the Whitestone Association, of New York; of Carpenters and Joiners' Local Union No. 289, of Lockport; of Local Union No. 705, of Syracuse; of Bricklayers, Masons, and Plasterers' Local Union No. 54, of Oswego; of Carpenters and Joiners' Local Union No. 600, of Saranac Lake; of the Longshoremen's District Council, of Buffalo; of Local Union No. 124, of Buffalo, and of Stove Plate Molders' Local Union No. 13, of Buffalo, all of the American Federation of Labor; of Eccentric Firemen's Local Union No. 56, Brotherhood of Stationary Firemen, of New York, all in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented the memorial of Grange Sard, of New York, N. Y., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. PLATT of New York presented a petition of the West Side Woman's Christian Temperance Union, of Buffalo, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented memorials of the Manufacturers' Association of Jamestown; of the Graff Furnace Company, of New York, and of the Firth Carpet Company, of Firthcliffe, all in the State of New York, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of Federal Labor Union No. 9355, of Glens Falls; of Iron Molders' Local Union No. 109, of Geneva; of Cigar Makers' Local Union No. 81, of Peekskill; of Typographical Union No. 268, of Gloversville; of the International Wood Carvers' Association, of Rochester; of Painters, Paperhangers, and Decorators' Local Union No. 357, of Dunkirk; of Local Union No. 498, of Jamestown; of Carpenters and Joiners' Local Union No. 747, of Oswego; of Cigar Makers' Local Union No. 132, of Brooklyn; of the Glass Bottle Blowers' Association, of Olean; of Federal Labor Union No. 10076, of Ilion; of Local Union No. 18, of Schenectady, all of the American Federation of Labor; of Newburg Lodge, Brotherhood of Railroad Trainmen, of Newburg; of Division No. 105, Brotherhood of Locomotive Engineers, of New York, and of Thomas J. Hurley, of Brooklyn, all in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. BURROWS presented petitions of sundry citizens of Petoskey, Marquette, and Richland, all in the State of Michigan, praying for the passage of the so-called immigration bill; which were ordered to lie on the table.

He also presented petitions of Local Union No. 579, Brotherhood of Painters, Decorators, and Paperhangers, of Manistee; of Local Union No. 133, Brotherhood of Electrical Workers, of Detroit; of Local Union No. 1608, United Mine Workers, of St. Charles; of Local Union No. 1, Metal Polishers, Buffers, and Platers, of Detroit; of Local Union No. 226, United Brotherhood of Carpenters and Joiners, of Traverse City; of the Trades and Labor Council of Kalamazoo; of Local Union No. 226, United Brotherhood of Carpenters and Joiners, of Traverse City; of Local Union No. 7, Metal Polishers, Buffers, Platers, Brass Molders, and Brass Workers, of Grand Rapids; of Federal Labor Union No. 8250, of Port Huron; of Cigar Makers' Local Union No. 340, of Traverse City; of Wolverine Division, No. 182, Order of Railway Conductors, of Jackson; of Bricklayers' International Union No. 17, of Kalamazoo, and of Grand Rapids Lodge, No. 191, International Association of Machinists, of Grand Rapids, all in the State of Michigan, and of J. J. Edwards, of Washington, D. C., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. FOSTER of Washington presented a petition of the State Bar Association of the State of Washington, praying for the enactment of legislation to abolish the circuit courts, to define and increase the jurisdiction of and to simplify appeals from the district courts of the United States, and for other purposes; which was referred to the Committee on the Judiciary.

He also presented a petition of Typographical Union No. 388, of Walla Walla, Washington, praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. KEAN presented a memorial of the Essex Trades Council, American Federation of Labor, of Newark, N. J., remonstrating against the enactment of legislation providing for the issuance of revenue stamps on eighth beer kegs; which was referred to the Committee on Finance.

He also presented a petition of Carpenters and Joiners' Local Union No. 20, American Federation of Labor, of Camden, N. J., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

He also presented petitions of Local Union No. 315, of Elizabeth; of Carpenters and Joiners' Local No. 325, of Paterson, all of the American Federation of Labor; of Division No. 53, Brotherhood of Locomotive Engineers, of Jersey City, and of Division No. 133, International Brotherhood of Stationary Firemen, of Bayonne, all of the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of the American Gas Furnace Company, of Elizabeth; of the Philadelphia Watch Case Company, of Riverside; of the New York Standard Watch Company, of Jersey City; and of the Riverside Metal Company, of Riverside, all in the State of New Jersey, praying for the establishment of a department of commerce; which were ordered to lie on the table.

He also presented the petition of T. E. Vassar, of Elizabeth, N. J., praying for the enactment of legislation recognizing and promoting the efficiency of Army chaplains; which was referred to the Committee on Military Affairs.

He also presented a memorial of the congregations of the Beulah and Knox Presbyterian churches, of Kearny, N. J., and the Davis Memorial Methodist Episcopal and the First Baptist churches, of Harrison, N. J., remonstrating against the enactment of legislation to abolish the anticanteen law; which was referred to the Committee on Military Affairs.

He also presented the petition of J. E. Rhoads & Sons, of Philadelphia, Pa., praying for the adoption of an amendment to the bill to promote the efficiency of the militia so as to provide for an exemption clause based on conscientious scruples; which was ordered to lie on the table.

Mr. KITTREDGE presented a petition of Perry Miners' Union, No. 116, Western Federation of Miners, of Roubaix, S. Dak., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. CLARK of Montana presented petitions of the Trades and Labor Council of Butte; of Local Union No. 2, of Kalispell; of Central Labor Council No. 492, of Anaconda, and of the Anaconda Mill and Smeltermen's Local Union, No. 117, of Anaconda, all of the American Federation of Labor, in the State of Montana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

STATEHOOD BILL.

Mr. QUAY. I present sundry telegrams on behalf of the statehood bill, to be printed in the RECORD without reading.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the telegrams were ordered to lie on the table, and to be printed in the RECORD, as follows:

[Telegram.]

SPRINGER, N. MEX., *January 13, 1903.*

Hon. M. S. QUAY, *Washington, D. C.:*

The whole community here is unanimous for statehood, and we all condemn the subcommission report for their malicious intention.

J. T. FRESQUEZ.

[Telegram.]

SPRINGER, N. MEX., *January 13, 1903.*

Senator M. S. QUAY, *Washington, D. C.:*

There are thousands of old soldiers in New Mexico that served through a long and bloody war to preserve the Union who would like to answer the last roll call a full citizen of a State.

H. B. STEWART,
Thirty-fourth Indiana Volunteers.

[Telegram.]

TUCSON, ARIZ., *January 12.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

Every taxpayer and every interest in Arizona feels necessity for statehood.

JOHN B. WRIGHT,
City Attorney, Tucson.

[Telegram.]

PHOENIX, ARIZ., *January 13.*

Senator M. S. QUAY, *Washington, D. C.:*

We petition Senate to pass omnibus bill unamended. Arizona is entitled to statehood and people are anxious for it. Committee's report is grossly unjust to us. We urge you to stand firm.

M. H. McCORD, *Former Governor.*

REPORT OF A COMMITTEE.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 37) for the relief of Jacob Swofford, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. PLATT of New York introduced a bill (S. 6941) granting a pension to James Monty; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 6942) granting an increase of pension to George Aplin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FOSTER of Washington introduced a bill (S. 6943) to authorize the issuance of patents to settlers upon and occupants of certain lands in the State of Washington; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McCUMBER introduced a bill (S. 6944) to prohibit the sale of intoxicating liquors in the Territory of Alaska, and for other purposes; which was read twice by its title.

Mr. McCUMBER. I present a comparison of high license and prohibition in Alaska in support of the bill just introduced by me. I move that the comparison be printed as a document, and that it be referred with the bill to the Committee on Territories.

The motion was agreed to.

Mr. McLAURIN of Mississippi introduced a bill (S. 6945) granting a pension to C. R. Beardslee, alias Charles P. Barclay; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLARK of Montana introduced a bill (S. 6946) granting a pension to H. F. Harrington; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 6947) to establish a permanent military camp ground in the vicinity of Camp Douglass, in Juneau County, Wis.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FAIRBANKS introduced a bill (S. 6948) to correct the military record of Samuel D. Myers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6949) granting an increase of pension to Mary L. Jacks; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 6950) to amend an act entitled "An act to authorize the construction of bridges across the Ohio River, and to prescribe the dimensions of the same," approved December 17, 1872; and an act supplementary thereto, approved February 14, 1883; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ALGER submitted an amendment proposing to appropriate $128,400 for the construction of barrack accommodations for four companies of infantry at Fort Brady, Mich., to replace those destroyed by fire, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CLAPP submitted an amendment relating to the distribution of sets of Federal Cases to the circuit and district courts of the United States, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

He also submitted an amendment relating to the distribution of sets of the Federal Reporter among the officers of the United States Government, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. BURNHAM submitted an amendment proposing to appropriate $25,000 to enable the people of the Indian Territory to provide an exhibit of the products and resources of that Territory at the Louisiana Purchase Exposition, in St. Louis, Mo., etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Select Committee on Industrial Expositions, and ordered to be printed.

He also submitted an amendment proposing to appropriate $40,000 to enable the people of Alaska to provide and maintain an exhibit of the products and resources of that Territory at the Louisiana Purchase Exposition, in the city of St. Louis, Mo., etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Select Committee on Industrial Expositions, and ordered to be printed.

He also submitted an amendment relating to the claims of officers of the United States Army for arrearages of longevity pay, intended to be proposed by him to the military appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

REPORT OF COMMISSIONER OF NAVIGATION.

On motion of Mr. FRYE, it was

Ordered, That there be printed 600 additional copies of the Report of the Commissioner of Navigation for 1902 for the use of the Bureau of Navigation.

CHAPLAINS IN THE NAVY.

On motion of Mr. HALE, it was

Ordered, That Senate Document No. 10, Fifty-seventh Congress, second session, be reprinted, and 800 additional copies be printed for the use of the Committee on Naval Affairs.

REGULATION OF TRUSTS OR CORPORATIONS.

On motion of Mr. HOAR, it was

Ordered, That 1,000 additional copies of the bill (S. 6659) for the regulation of trusts or corporations engaged in international or interstate commerce be printed for the use of the Senate.

INJUNCTIONS IN CONSPIRACY CASES.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there printed as a document, under the direction of the Secretary of the Senate, the petitions and remonstrances, without the names, for and against the passage of the bills (S. 1118, S. 4553, and H. R. 11060) "to limit the meaning of the word 'conspiracy,' and the use of 'restraining orders and injunctions' in certain cases," and for or against any amendments thereto which have been presented in the Senate during the Fifty-seventh Congress:

Provided, That where such petitions or remonstrances are identical in substance with others, only one such petition or remonstrance shall be printed.

CONDITIONS IN ISLAND OF GUAM.

Mr. HOAR. I offer a resolution for consideration.

The resolution was read, as follows:

Resolved, That the President be requested, so far as shall be, in his judgment, not inconsistent with the interests of the public service, to inform the Senate what government is existing in the island of Guam, and through what executive department the powers of such government are now in fact executed and administered;

What, according to his present information, is the number of inhabitants in said island;

Whether there be any persons imprisoned or detained in said island against their will by the authority of the United States;

If so, under what law such persons are detained, and by whose order such persons are detained;

And especially whether any person not an inhabitant of said island of Guam be detained there by the power of the United States against his will; if so, for what offense, and whether there has been any trial or conviction of such offense, or any charge made against such person, and whether the nature or character of such charge has been communicated to such person;

And whether any person is so therein detained for any alleged political offense, or any refusal to take an oath of allegiance to the United States;

And especially whether an inhabitant of the Philippine Islands named Mabini has been detained and be now therein detained, and, if so, under what circumstances, for what alleged offense, and whether such person has been tried for the same;

And, further, whether said Mabini was, according to the President's information, an inhabitant of the Philippine Islands and a Spanish subject on the 11th day of April, 1899, and then a resident in said islands; and whether he be included within the provisions of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of the civil government of the Philippine Islands, and for other purposes," being chapter 1369 of the Statutes of 1902; and

Whether as such he is now deprived of liberty without due process of law; whether he has enjoyed the right to be heard by himself and counsel to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf; whether he has been held to answer for any criminal offense without due process of law, and whether he be denied the right of bail as provided in said act.

Also, whether any oath of allegiance be now required of any such inhabitant of the Philippine Islands to be taken beyond the limits of said islands as a condition of being released from imprisonment, or of being permitted to return thereto; and, if so, by what authority said oath of allegiance is required.

Mr. HOAR. The resolution is in substance one inquiring what government now exists in the island of Guam, by what executive department that government is now administered, and especially by what authority and upon what charge Mabini is there detained and imprisoned. That is the whole substance of the resolution. As it is a long resolution, and therefore some Senator may desire to see it, I ask that it may go over until to-morrow.

The PRESIDENT pro tempore. The resolution will go over under the rule.

Mr. HOAR. I do not think there will be objection from any quarter to it.

HIRAM C. WALKER.

Mr. CULLOM. I ask leave, on account of the fact that I am out of the Chamber most of the time now in committee, to call up the bill (H. R. 6326) for the relief of Hiram C. Walker. It is a little bill correcting the record of an old soldier whom I have known for many years, and who is a very good citizen and is very poor. I should like to have the bill passed so that he may be able to get the relief he is entitled to receive.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to remove the charge of absence without leave from the name of Hiram C. Walker, late first lieutenant of Company C, Tenth Regiment Illinois Cavalry, and to issue to him an honorable discharge to date from June 18, A. D. 1863.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on this day approved and signed the act (S. 1099) authorizing the Secretary of the Navy to return to Harvard University certain colors, silver cup, and Nordenfelt gun.

ANTHRACITE COAL.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted on the 5th instant by Mr. VEST, as follows:

Resolved, That the Committee on Finance be instructed to prepare and report a bill amending "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, so that the tariff duty shall be removed from anthracite coal and the same be placed on the free list.

Mr. TILLMAN. Mr. President, this resolution has been discussed two or three days in the morning hour, and the mere mention of any change in our present tariff schedules has caused the Senator who is recognized as the leader of his party on protection in this Chamber to become more strenuous and to exhibit more animation and feeling and eloquence than I thought that Senator capable of. In my long and pleasant service with him here (and I do not use that word in any perfunctory sense, because I have great regard for the Senator from Rhode Island) I have never seen him exhibit the same degree of earnestness or rise to such flights of eloquence as he has evinced in the discussion of this little, simple, innocent resolution.

I shall discuss the situation with which this resolution deals, not from the standpoint of a free trader, not from the standpoint of a Democrat, other than that I could not occupy any other point of view, but I shall endeavor to put aside partisanship, to sink and to put behind me any feelings of party advantage which might arise from a clearer and better understanding of the situation by the American people.

If the suffering caused by the inability of the people to get one of the main necessaries of life, coal, would only enter the homes and hovels of Democrats, and if the blizzard with its icy teeth would only bite the shivering limbs of Democrats, I could understand the callousness and the coldbloodedness of the Senators on the other side in putting above all considerations of humanity and patriotism the maintenance of the sacredness of the Dingley tariff law. But, fortunately or unfortunately, the American people must share alike in the good and ill fortune which comes to them from their own blunders and mistakes and from the failure of their representatives to do what is right and proper here. We can not divorce in our common every-day life the results and effects of legislation so as to let the bad fall on those who are opposed to good, and the good go to those only who are in favor of it. We who are innocent of any complicity in the criminal folly can not "sprinkle our doorposts" or mark them so the angel of death may pass by and not enter, but we must suffer with those who are alone responsible.

The situation is one unparalleled in the history of this country. We read every day of this and that person having been frozen to death. But while the mortality owing to the coal famine is very small, relatively speaking, the consequence is in planting the seeds of disease—of pneumonia, consumption, and other ailments—which will leave a long death roll behind them. This view is the one which should press itself upon us and force us, if need be, to take whatever action is necessary to begin reform, to commence some practical programme of relief to the people.

The tariff on coal cuts very little figure. The 67 cents a ton which is paid by foreign coal coming into our country is of little moment, outside of the New England cities and those regions of our country which are near to Canada. The stock of coal available for import is so small because there has been no foresight or expectancy that there would be a market in the United States for the importation of coal. We are exporters of coal, and in normal conditions there could be absolutely no benefit to the American people from this resolution if it became a law. The coal producers of bituminous and anthracite can supply the home market in competition with the world, and except in a very few localities where, by reason of nearness to Canadian mines, there might be a small amount of coal imported the general situation remains that the tariff is not of much moment one way or the other.

I understand from the papers, and the Senator from Rhode Island has informed us, that efforts of relief would be made elsewhere than in this Chamber; that it was the desire and purpose of his party in the House—where they have the majority—to originate legislation which would give this relief. While I shall not enter upon the discussion as to whether it amounts to much where the measure for relief originates, I will only say in passing that if the House shall send us a measure looking to the removal of the duty on coal or its suspension for a year, so far as I know nobody on this side will hesitate to pass it, though we all know that this Congress has been in session over a month and nothing has been done with the recommendation of the President. If any credit is due anywhere for its passage it will be due to the venerable and brilliant Senator from Missouri, whose resolution has precipitated this debate and called attention to this particular phase of the coal famine. His eloquence and his presentation of the condition have put the spur to the lagging horses in the other end of the Capitol and to those at this end who have been cold-bloodedly contemplating the condition; and if any movement is made it will be by reason of the resolution of the Senator from Missouri.

If we had no duty on coal, it is probable that there might be some larger importations and preparation made by the coal miners abroad and in Canada to enter into competition, because it is well understood that the fact that there is a tariff and that the American producers can compete and drive the foreigner out of the market has hitherto made foreigners unwilling to make any efforts in that direction.

Mr. President, I shall not enter upon any further discussion or portrayal of the wrong done our people and of the robbery that is now being perpetrated upon them. The newspapers are filled every day with these harrowing stories of suffering and misery and death. The wonder is that other communities have not followed the lead of that little town in Illinois—Arcola, I believe—where the coal held by a monopolist was seized by the citizens and distributed without regard to party among those who were suffering because of the lack of fuel. The wonder is that in this trying time of distress and death other mobs elsewhere are not taking steps to teach a lesson to the recreant Congressmen and Senators here, as well as to show the monopolists that in the last resort men will neither starve nor freeze to death, but will throttle the law and take it into their own hands.

This danger which now confronts us, which is upon us, which has enveloped us, has been foreseen, and warnings have been uttered, warnings authoritative in their nature, warnings coming from nonpartisan bodies and the nonpartisan commission appointed by this very Senate and the other House of Congress. We have known that the impending calamity was liable to come at any moment whenever the monopoly which has been gradually reaching out and inclosing in its grasp the anthracite coal fields should complete its work. Recommendations have been made, efforts to have the law officers of the United States Government go into the courts and to prevent this consolidation and the completion of the monopoly. Everything has been done except to attract the attention of the masses to the fact that they were being betrayed here by their servants and that this body, charged directly with taking care of the public and the interests of the people, was derelict; that it was in collusion with those who are seeking to monopolize the necessaries of life and to levy improper and wrongful toll upon the very staff of life and everything else.

It is said by those charged with the administration of the Government that we need more legislation; that we have not now any remedy for the evils which confront us; that the people are helpless; that Congress must do more; that the officers of the law are powerless, and their efforts will be futile to render relief. I am reminded here of an old and hackneyed couplet which all of us have heard so often and so long that most of us fail to give it its full import. I think it is from Pope, but it does not matter who wrote it; it is as true now as it ever was:

> For forms of government let fools contest;
> Whate'er is best administer'd is best.

We may load down our statutes with law after law and pass all the flood of bills that are coming in now from both ends of the Capitol, and unless the sworn officers of the law shall discharge their duties fearlessly and honestly, every effort to protect

the people will fail, as the efforts which have been made in the past have failed, because of the dereliction of duty on the part of those charged with executing the law.

I am loath, being a mere layman, having never been in court except as a juror, to undertake to discuss legal questions in this presence. I know that I am but a stripling, so to speak, in the presence of a dozen Goliaths each one of whom in his panoply of mail would trip me up on legal questions.

But, relying on my common sense and my ability to interpret words, I shall endeavor to show that we have on the statute books law enough to have prevented this disaster, and law enough to deal with it now.

On July 2, 1890, Congress passed what is known as the Sherman antitrust law, and I propose in my feeble and humble way to analyze two or three sections of that act. Then I propose to refer to the opinions of judges of our Supreme Court and others of our leading judges in regard to certain provisions of this act. Then I shall rehearse some of the things which have been done under this act. Section 1 of that act reads:

SECTION 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal.

Then comes the punitive clause providing the punishment of fine and imprisonment upon every person who shall make any such contract or engage in any such combination or conspiracy, and so on.

Section 2 is far more drastic, far more sweeping, and covers almost everything. It provides:

SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Note the far-reaching effect of this statute interpreted by an honest judge, who wanted to protect the people:

Every person who shall monopolize or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part—

Not the whole, but "any part"—

of the trade or commerce among the several States, etc.

I shall produce evidence before I get through going to prove the existence of a monopoly which, if not complete, has so far covered the anthracite coal production as to reach the enormous percentage of above 95. Efforts have been made, proof has been filed, pleadings have been had, petitions presented to the Attorney-General, warning him and begging him to take steps to protect the people against the impending danger which has fallen upon them. But he has sat quietly in his office and done nothing.

There is still another provision of this law which is very, very drastic. Section 6 reads:

SEC. 6. Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section 1 of this act, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

Here we not only have provision made in the plainest language possible and interpreted by the courts in a way which would give the judges jurisdiction and authority by injunction to stop it, but also provision to confiscate all property of that character on the cars, loaded for interstate commerce; and yet the poor people today are shivering in their homes, and even the wealthy are shivering in their dwellings, because of the fact that the monopoly does exist; and it exists by reason of the fact that the law officers have failed to interpret the law in the interest of the people.

So we have the spectacle presented of a monopoly in broad daylight levying tribute to the amount of hundreds of millions of dollars upon the starving poor and upon the common, every day masses, and the cry is, "We can not do anything; we are unable under existing statutes to protect the people, and therefore we must have Congress give us more power; we must have another commission to deal with this trust question." We have a commission now somewhere dawdling along, pretending to investigate the situation, and taking an enormous mass of irrelevant and unnecessary testimony, when, if they wanted to go to the root of the coal question, they could find out about this combination and monopoly and report back here to us if such a monopoly exists, how it came about, and suggest a remedy, or leave it to us to either throttle it or continue to do nothing ourselves.

Now it is proposed to have another commission created—commissions and commissions—"how not to do it," rather than how to do it; to sift sand in the eyes of the people; to deceive them by specious pleas and the making of sophistical speeches based on air, and to do nothing. But let labor make any move in the direction of any conspiracy or combination whatsoever; let a dozen miners get together and make an agreement among themselves as to what shall be done about the rates they shall receive for their work, and immediately some attorney of a corporation will hurry to some supple-kneed judge—I do not know whether "supple-kneed" is right; perhaps it should be "supple-brained" or both—and an injunction issues at once prohibiting any and every thing that will interfere with the business of these wealthy capitalists who own the property that is in risk.

Hundreds of injunctions have been issued from the courts under their equity jurisdiction; they have been as thick as "leaves in Vallombrosa;" but when an attempt is made to get an injunction against the coal trust the Attorney-General becomes blind; he can not see and he will not hear.

Mr. DIETRICH. Mr. President——

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from South Carolina yield to the Senator from Nebraska?

Mr. TILLMAN. With pleasure.

Mr. DIETRICH. I should like to ask the Senator from South Carolina if he were Attorney-General what would he do to relieve the situation?

Mr. TILLMAN. If I had been the Attorney-General in October last, when this condition of facts or the impending condition was called to his attention, and probable evidence, almost unanswerable evidence, furnished to show that this thing was coming, I should have gone to some judge somewhere, if I could have found one honest enough—and I think there are plenty of them; I hope so, at least—who would have granted an injunction dissolving this combination, and then, if they had not obeyed my order, if I were a judge, I should have done as Judge Woods did.

Mr. DIETRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield?

Mr. TILLMAN. Certainly.

Mr. DIETRICH. Supposing you had done that and that the miners had again gone out on a strike and had refused to mine coal, then what would you have done?

Mr. TILLMAN. Oh, I can not answer irrelevant, suppositious questions like that. You could consume the balance of the day in asking questions which have no actual bearing on the situation. Of course we can not make the miners work; but the miners were starving and willing and anxious to work on any fair and decent terms. Any such supposition could not enter the brain of anybody but a lunatic.

Mr. DIETRICH. Would the bringing in of coal free of duty be conducive to the increase of the wages of the miners?

Mr. TILLMAN. You have got off on the tariff now, and I did not expect to discuss that. I have already dismissed that. But I do not believe that bringing in coal free would have had anything to do with the wages of the miners in the United States. When we export coal, and have been exporting it for years, in the name of common sense how can any tariff on it affect the miners' wages here at home? I ask the Senator that question. [A pause.] The Senator does not care to answer, and I will proceed with my argument.

Mr. DIETRICH. Will the Senator please repeat the question?

Mr. TILLMAN. I asked the Senator, in a community or in a State where coal is exported by the hundreds of thousands of tons, because we mine more coal than we can consume at home and have the largest coal fields in the world, how can the tariff on coal protect the miner to the extent of increasing his wages?

Mr. DIETRICH. I will answer the Senator by asking him a question.

Mr. TILLMAN. Oh! I am ready to hear the Senator's question.

Mr. DIETRICH. With coal selling at from ten to twenty dollars a ton, would that prevent coal from being brought here upon which there is a duty of only 67 cents a ton?

Mr. TILLMAN. Of course not. But what has that got to do with the miners' wages? Are the miners getting all or any of the benefit of this ten or twenty dollars a ton now? Are they not, according to the testimony, being paid the very same scale of wages which obtained before the rise in prices was brought about?

Now, to return to the point I was going to discuss when interrupted.

Mr. President, I propose to be entirely fair to the Attorney-General. I would be very glad, indeed, if his utterances and actions would enable me to believe that he is sincere, and that he is really acting according to the best lights before him. We have had printed during the last week the opinion of the Attorney-General and his suggestions to the Judiciary Committee, accompanied by a résumé of the cases which have been tried under the antitrust law, a brief synopsis of decisions and the pending litigation, accompanied also by a speech of the Attorney-General delivered at Pittsburg last October. These set out in detail Mr. Knox's views and opinions. It is to be presumed if that official is

not sufficiently on record and is not ready to stand by the record that he himself has made, then he has been very unfortunate in sending these documents here.

I will first give the Attorney-General's position or his ideas on trusts. He says:

Because they are great and prosperous is no sufficient reason for their destruction. If that greatness and prosperity are not the result of the defiance of the natural rights or recorded will of the people, there is no just cause of complaint.

That there are evils and abuses in trust promotions, purposes, organizations, methods, management, and effects none questions except those who have profited by those evils. That all or any of these abuses are to be found in every large organization called a trust no one would assert who valued his reputation for sane judgment.

The Attorney-General takes the position here, if I interpret his language correctly—and some of his friends will tell me if I interpret it incorrectly or contrary to common sense—that there are good trusts and bad ones, and that the very fact of the existence of a trust does not carry with it the necessity that that trust shall affect the country injuriously. He goes on to give the conspicuous and noxious features in respect to trusts. He says:

Overcapitalization, lack of publicity of operation, discrimination in prices to destroy competition, insufficient personal responsibility of officers and directors for corporate management, tendency to monopoly, and lack of appreciation in their management of their relations to the people, for whose benefit they are permitted to exist.

Here he is again:

The end desired by the overwhelming majority of the people of all sections of the country is that combinations of capital should be regulated and not destroyed, and that measures should be taken to correct the tendency toward monopolization of the industrial business of the country. I assume a thing to be avoided, even by suggestion, is legislation regulating the business interests of the country beyond such as will accomplish this end.

Now, listen here, please; and I am sorry that the Senator from Rhode Island [Mr. ALDRICH] is going away, because I wanted to call his attention to an indirect reference to the tariff.

Mr. ALDRICH. Mr. President, I have not gone away.

Mr. TILLMAN. Oh! I beg the Senator's pardon. I thought he had gone into the cloakroom; I thought I was lacking in interest and that he had got tired. Now, I want the Senator to take this home with him and pray over it. [Laughter.]

In my judgment, a monopoly in any industry would be impossible in this country, where money is abundant and cheap and in the hands or within the reach of keen and capable men, if competition were assured of a fair and open field and protected against unfair, artificial, and discriminating practices.

Of course we have high authority, financial authority, that "the tariff is the mother of trusts;" and it would be very difficult in the school of logic—and this logician whom I am quoting adds only strength to my own ideas and arguments—it would be impossible before any honest jury to present the claim that the tariff does not give the beneficiaries of it in this country a monopoly to the extent that their foreign competitors must pay, first, the cost of production in the foreign country; secondly, the charges of transportation, and thirdly, the tariff duty, before competition is established. When we see, as we have seen, almost everything that we use in our daily life in the way of manufactured products come to be controlled by American manufacturers because of the fact of the destruction of this very competition which the Attorney-General mentions, we are face to face with the inevitable corollary that the tariff has produced that monopoly in the home market. It may be very good; in some respects it has been good.

I am sufficiently an American, with broad enough views, I hope, to take in all my country rather than the little corner of it in which I was born and to believe that it is for the best interests of this country as a whole to manufacture everything it consumes, if it can be done at anything like a reasonable price, in competition with the foreigner; and if it is necessary, a protective duty, or a duty which would at least put the home producer, the home manufacturer, on an equality with his foreign competitor, would be permissible and proper. Such a tariff would be a revenue tariff inevitably. In that position I differ somewhat from some of my colleagues; but my difference one way or the other does not cut any figure. I am in a hopeless minority here. I come from a section which has been time out of mind the pillaged section of this Union. I suppose, having gotten used to being robbed, we will have to continue in that unpleasant condition; but I must go on or I will get off on the tariff, which I promised not to do.

The Attorney-General further says:

Two or more persons or corporations can not by any combination or arrangement between themselves either contract or expand the rights of others to engage in a similar business. The utmost they can do is to discourage the disposition to do so by restricting the opportunities, or by securing to themselves some exclusive facilities or the enjoyment of some common facilities upon exclusive terms.

That is a very meaty paragraph, and brings into view a whole cloud of witnesses and evidence to show that two corporations conspiring together, the one in the production of petroleum and its products and the other in the transportation of petroleum and its products, have brought about a domestic monopoly in this country, which to-day stands as a monument to the genius of the men who have organized it and as a monument to the rascality, the cowardice, and the venality of the men who could have stopped it and have not, and who could now stop it and will not.

Mr. Knox says:

If the law will guarantee to the small producer protection against piratical methods in competition and keep the highways to the markets open and available to him for the same tolls charged to his powerful competitor, he will manage to live and thrive to an astonishing degree.

Of course he will. But when Mr. Knox himself is charged with the duty of seeing that this is done he sits quietly in his office, or goes up and down the country making speeches, claiming his inability or his helplessness to give relief.

Now, here is a remarkable statement, and I want the legal minds on the other side of the Chamber to please grasp it and help me, if possible, to understand it.

In many cases of departure by a carrier from its published tariffs, the favored shipper has enjoyed his advantage for so long a time that all rivals have disappeared. In such cases, and they are the most numerous—

He goes on to discuss now the very question which I have just mentioned—

the favored shipper has enjoyed his advantage for so long a time that all rivals have disappeared. In such cases, and they are the most numerous—

Now he is speaking of his own knowledge, apparently—

no illegal discrimination exists; consequently the recipient of the unlawful rebates escapes the penalties of the act to regulate commerce.

Of course he does; but when he escapes punishment under the act to regulate commerce, and the Attorney-General is unable, under the interpretation of that act by the Supreme Court, to give relief to the shippers that are discriminated against, he fails to realize that the second section of the Sherman antitrust law reaches its long arm out around these creatures, and that if he would set in motion the enginery of law with which he is armed, and which it is made his duty to enforce by that second section, he would seize upon these very discriminators and punish them.

These very people who give favored rates and rebates have entered into a conspiracy, evidently, and the evidence has been piled up before the Interstate Commerce Committee in its hearings, and in the reports of the Interstate Commerce Commission, to show discrimination—a discrimination regardless of the wanton breaking of the law, which in some of these cases has become so common that one of the great railroad presidents said that if all the violators of certain sections of the interstate-commerce law were put in prison there would not be jails enough to hold them.

I will quote from Mr. Knox again. He says:

In such cases, and they are the most numerous, no illegal discrimination exists.

Because a monopoly has been fostered to the point where it has absolute control of the commerce in a given article so far as railroads are concerned, and by means of this discrimination there are no competitors, he claims that there is no violation of law, notwithstanding that the monopoly was created by violation of the law and stands to-day as a monument of the worthlessness of a statute which is not enforced by an honest official.

Now comes Mr. Knox again on the antitrust law. He has been discussing the interstate-commerce law. He says:

In other words, the antitrust law applies to every agreement in restraint of interstate trade, whether made by corporations or individuals.

In the next place the court held that any agreement or combination which directly restrains not only the manufacture but the sale of a commodity among the several States comes within the antitrust law.

He acknowledges that there are conditions where the antitrust law applies, but when its application to the condition of facts which now exists is brought before him he fails to carry out his own conception of the powers that are vested in him, and comes to Congress, through the Judiciary Committee and through the recommendations of the President, asking for an enlargement of power, for the assistance of a commission to aid him, for more statutes to rust on the statute books, because unless the Attorney-General wants to do something you can never put enough law into any book or a hundred books to give the people relief. Speaking of the antitrust law, he says:

It was commonly supposed at the time of the passage of this act that its provisions forbade the existence of trusts that were engaged in monopolizing the production throughout the country of various articles of general consumption, and the Government shared in this view.

It was commonly supposed, he says, when the act was passed, that it did apply; that it did mean something; that it had a threat and a power to punish when law was broken.

Then he goes on and gives a brief recital of some of the litigation, beginning with the Knight case, the sugar-trust case, in which the court held that that monopoly was merely manufacture; that it did not necessarily enter into interstate commerce, although it would be very difficult to see why people should pile up millions and millions of pounds of sugar merely for the sake of manufacturiug it. But the Supreme Court, staying within safe limits, declared that manufacturers did not come within the

scope of the antitrust law, and protected the sugar trust; and while it is an open secret that no effort was made to show that the product had entered into interstate commerce and was then entering and was intended to enter (and to that extent the district attorney failed to present his case for the Government in a proper light), there were cases subsequently in which the Government showed its hand, and its mailed hand, to these malefactors and stopped their wrongdoing.

He speaks here of the Addyston pipe combination, and Senators or others who are interested would do well to give heed to the opinion of Judge Taft in that case—Judge Taft, who is now in the Philippines; Judge Taft, who has given notice that his sense of public duty will not allow him to accept the high position on the Supreme Bench, for which he was booked, and that he remains out yonder in the discharge of an arduous, if an odious, duty. It may not be odious to him. I do not want to get off on our imperialistic programme this morning. I am not going to enter that switch. But I want you to read the decision of Judge Taft and the common-law doctrine which he elucidates so forcibly and unanswerably to sustain the contention that any monopoly or any attempt at monopoly in restraint of trade which extends to interstate commerce is within the jurisdiction of the antitrust law and that it is the duty of the Government to move to put down such conspiracies.

Let us see what Attorney-General Knox himself says about the common-law doctrine. I want to get through with my quotations from this interesting pamphlet of the Attorney-General. While it may not be entirely relevant to my argument just now, I put it in here in justice to him lest I forget it. But Attorney-General Knox says in regard to the common law:

> Primarily it is for the Congress to decide whether it has the power, and whether and to what extent it will execute it; what character of restraints, whether all or those only which are unreasonable and injurious shall fall under the ban; whether legislation in the first instance should extend to all commerce or only to commerce in articles of vital importance to the people.

Now, listen:

> The time never was when the English-speaking people permitted the articles necessary for their existence to be monopolized or controlled, and all devices to that end found condemnation in the body of their laws. The great English judges pronounced that such manifestations of human avarice required no statute to declare their unlawfulness; that they were crimes against common law—that is, against common right.
>
> It is difficult to improve upon the great unwritten code known as the common law. Under its salutary guaranties and restraints the English-speaking people have attained their wealth and power. It condemns monopoly and contracts in restraint of trade as well. The distinction, however, between restraints that are reasonable in view of all the circumstances and those which are unreasonable is recognized and has been followed in this country by the courts.

Discussing that phase of this subject. I want to point out that in the decision of the Supreme Court in the Debs case, while Judge Woods, the circuit judge who had issued the injunction against Debs, based it on the antitrust law, the Supreme Court declared that he had jurisdiction and that it was his duty to act in the premises; that is, under the statement of facts presented to him, because of a broader foundation and a wider power than the antitrust law gave. I have Judge Woods's opinion here and I have the Supreme Court's opinion here, but I do not propose at this stage to indulge in quotations from the Supreme Court or from the other judges.

I wish to call attention to the fact that in speaking so eloquently of the common law as he has done it should be understood that the Attorney-General arms those of us who contend that the antitrust statute must be interpreted in the light of the common law, as the Supreme Court has declared, and that therefore the strict letter of that statute, if it be unequal to the emergency, would be strengthened by the general principles of law known as the common law, and that all of these combinations and monopolies are contrary to law, illegal, null, and void, because they are contrary to the general doctrine of public welfare, and therefore if there would be any straining of the law, if the Attorney-General wanted to stretch his power and reach his hand beyond the statutory authority, he has ample provision, ample opportunity, ample authority in the decisions of the courts in regard to the exercise of the judicial hand in the various cases which have been brought under the antitrust law.

Before I leave Mr. Knox—and I do not know that I shall leave him at all, because he is what you lawyers call the delictum, from my point of view; he is the criminal whom I am indicating, the man blamable, primarily or secondarily, for all this misery and wrong and suffering, because he has failed to do his duty—I want to call attention to a peculiar phase of our national evolution.

Mr. DIETRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Nebraska?

Mr. TILLMAN. I will in one minute. [A pause.] I had better yield now. I am just beginning on the other subject. So go ahead.

Mr. DIETRICH. I wish to ask the Senator from South Carolina if he is as positive now that Attorney-General Knox is to blame for this condition as he was when he stated in 1896 that the distress, poverty, and hunger which prevailed in the winter of 1894–95 were due to the money question?

Mr. TILLMAN. Mr. President, I have hunted rabbits in my time, and I have hunted 'possums, and I recollect once when I was a small boy going out with a good old darky on my mother's farm—plantation, as we called it—one moist night, sort of half moonlight, when there was not any need of a torch, to hunt 'possums. We had one of the best 'possum dogs that ever barked on anybody's branch, and whenever he opened his mouth I could see my old darky friend's mouth begin to water, because he had in view the feast that was to be his when the baked 'possum and taters came on the table next day. On the special night I speak of, after a good long walk through the pines and up and down and around where the 'possums were accustomed to go, we heard the old dog, who had seemed a little crestfallen and more or less lacking in strenuosity, and had been unwilling, seemingly, to exercise himself much and move about in that lively way which was his custom. Having left us for a time and disappeared, presently we heard him bark.

We freshened up ourselves. We were getting a little sleepy by that time, because it was beyond 10 o'clock. We heard in the distance the hound's voice, and presently we heard him give that well-known, deep-throated bark which indicates that a dog has bayed. In other words, he has his quarry up a tree. The difference in the tone would not be recognized by any but one accustomed to hunting, but every person who has been in the country in his boyhood and has indulged in any kind of sport like that, where dogs bay, will know to what I am alluding. We heard the old hound bay and we hurried forward, and when we got to him we found that he had barked up a small gum tree and that he was rearing up on it, throwing his paws up, and barking loudly. We looked—and there was sufficient moon for us to see anything—and there was not anything up that tree. The old hound had made a mistake, and that darky friend of mine said: "Come, Buddy; come, let us go home. Old Red has gone to running 'haunts,' and we will not catch any more 'possums to-night."

I am not running haunts to-day, I will say to my honored friend, the Senator from Nebraska, and I am not discussing what caused the misery in 1893 and 1894 and 1895, but I will say to him in a general and a very brief and pointed way that the tariff, which is said to have been the cause of all that misery, was not enacted until after the panic had come; that the so-called Democrat who was elected that year found, when he entered the White House, that orders by President Harrison had been issued in preparation for the issue of new bonds to maintain the gold standard; and that the acts of Mr. Cleveland in carrying out the Republican programme, without change or variation, without altering the helm of state one-tenth of a degree, only helped bring on what had already started, and that was an avalanche of ruin and hunger and lack of work from conditions which had grown up under your own Republican tariff law, and which was most miserable and horrible. God Almighty, or the devil, owed the Southern people, or the Democratic party, a grudge and paid it off in Grover Cleveland! And owing to his mistakes and blunders and treacheries the Democratic party gets all the credit for all that which would have come any way had you remained in power. I hope you are not going to leave. [Laughter.] I mean I hope the Senator from Nebraska has not got enough.

Mr. President, I have pointed out in a fair way, as I think, what Attorney-General Knox has said, and his interpretation and recommendations in regard to trusts. If any Senator can suggest wherein I have been unfair, or have done him wrong, or have failed to quote what might be to his credit, I will gladly insert it here and now.

In regard to these suits which Mr. Knox has brought—the suit to prevent the merger of the Northwestern railroads, the Northern Securities Company case, I believe, is the title, and the suit against the beef trust, and one or two others—I note a peculiar condition, a remarkable situation, to which in passing I will merely call the attention of the country and such Senators as are doing me the honor to listen to me.

Mr. Knox had a predecessor in the Attorney-General's Office, and it is a matter of record that during the two years or such matter while Mr. Griggs was Attorney-General never was a case brought under the antitrust law. He said he could do nothing, and he never even tried. But after he left that office, and after he was succeeded by the present incumbent, we find that in the very cases which have been brought by the present Attorney-General to restrain trusts and monopolies and combinations, and they are only two or three, the lawyer employed by those monopolies and combinations to thwart the Government is the very gentleman who was his predecessor as Attorney-General and who has only recently left the Department. In other words, we have the remarkable spectacle in jurisprudence of a man, the trusted officer and servant of the people, the man in a high official place, charged with a certain duty, remaining in that office quiescent and innocuous to

his friends, but most harmful to the people, getting in full touch and obtaining all the information necessary to arm him with any facts that might be known privately to the Department of Justice, then going out and the very first time the Government attempts to move along the lines which he himself had declared to be unprofitable and useless he appears to argue the case on the other side.

And that is not the only case. He has appeared three or four times in these efforts on the part of the States and on the part of the National Government to bring these monopolies and these combinations and trusts to book. It is his business as a lawyer, it will be said. Yes; it is his business as a lawyer, but for the honor of the profession—and I do honor it, notwithstanding the number of shysters and scoundrels who are in it and who disgrace it—I will say that I have never known in all my reading an instance in which an ex officer of the Government was so brazen, had so much impudence, had so little regard for the decencies and proprieties of life, as to appear in a case against his successor and against the very Government which he had served or pretended to serve; he certainly drew the salary.

There is one instance, not in legal jurisprudence but in poetry. Admirers of Byron will recall that biting but most brilliant of his satires, The Vision of Judgment, in which is portrayed the death of George III and his appearance at the gates of heaven, knocking for admission; the trial that was had outside in the open air, not within the sacred precincts, with St. Peter as judge and with Beelzebub as attorney, claiming the corpus delictum as belonging to his jurisdiction and to his dominion, while Michael was sent down the pearly gates opened, and the archangel appeared to defend and claim jurisdiction of the case in behalf of his master, to determine whether or not this old blind decrepit tyrant was entitled to enter heaven. And Byron describing the scene (the poem is possibly the wittiest, as I said, if not the most brilliant of anything he ever wrote in the way of satire) speaks about the meeting of Satan and Michael, formerly high spirits in heaven, archangels, one of whom had been cast out by reason of his rebellion, and the other remaining loyal.

These two former confederates and associates meet to try the case whether or not George III is entitled to enter heaven. I had it in my mind to bring the book here and to read ten or twelve stanzas, because it would probably be the most interesting part of my speech. But here is a prototype. It is not exactly analogous, for the reason that this was merely a contest between a fallen angel and one who still held this high estate. I will not characterize Mr. Griggs as a fallen angel; I do not think he ever was an angel at all. He has no wings. But at present we must, for the sake of the allegory, say that the Attorney-General is an angel and that Griggs, in his attitude of antagonism to the Government which has honored him, is a fallen spirit; and here is what Byron says about that other meeting:

> The spirits were in neutral space, before
> The gate of heaven; like eastern thresholds is
> The place where death's grand cause is argued o'er
> And souls dispatch'd to that world or to this;
> And therefore Michael and the other wore
> A civil aspect—

They had only recently been at war. I will say recently; that was the last time they had met. It may have been a thousand years or a million years. We do not know anything about that. There is no time in heaven, we are told. Therefore I used the word "recently" possibly wrongly.

> And therefore Michael and the other wore
> A civil aspect though they did not kiss,
> Yet still between His Darkness and His Brightness
> There pass'd a mutual glance of great politeness.

And no doubt when Mr. Griggs, who graduated into the Attorney-General's office from the position as attorney of the combined coal railroads, as I am informed, this very trust which is causing all this misery, was confronted by Mr. Knox, who graduated into his office after having served corporations all his life, and was once the attorney of the Carnegie Company—no doubt when they met to determine whether or not the antitrust law was mere language or whether it had anything of force and power to restrain wrong and punish it, they failed to kiss, but undoubtedly they winked at each other, Knox saying to Griggs: "I will do just as little harm as I can, and you keep me from doing all the harm you can." [Laughter.]

Mr. President, having, as I think, been fair in trying to state the Attorney-General's position and giving him due credit for all he has done, I come to that part of his official career where I propose to indict him for having failed to do what he ought to have done and what he could have done; what the law said he should have done and the people who are interested endeavored to have him do.

For the purposes of my argument, I want to take up the subject of the coal combination, of the coal trust—of the organization, creation, manipulation, and ownership of the coal output in the anthracite region. Fortunately we have at hand a very valuable collection of testimony and evidence.

Two or three years ago—I do not recall the exact date—this body had a desire to give the children something to play with, to relieve the tension in the minds of the laboring classes as to the fact that they were ignored in this House, and at both ends of it. An agitation sprung up in regard to the creation of a nonpartisan, nonpolitical commission which would examine into all conflicts between capital and labor, examine the whole field of our industrial life and report to us its conclusions and recommendations. The Industrial Commission, composed of men of the highest character, many of them experts along certain lines with which the Commission had to deal, have made their report, and that final report was published last February—it being their summing up. Senators who want to follow me can get the nineteenth volume of the Industrial Commission's report and read it, if they want to.

I come to the statement of Mr. Phillips, his independent statement, because he would not join his fellows in all of their theories or their deductions. It is found on page 653 of volume 19:

> From the investigations of the commission it is apparent that the most potent factor in establishing and maintaining monopolies has been preferential or discriminating rates of freight by common carriers given by rebates or otherwise. One of our oldest monopolies, though not nominally in the hands of a single corporation or trust, is that which controls anthracite coal. This business furnishes a conclusive proof of the power of the railroads through discriminating rates to establish a monopoly.
>
> The facts with respect to this have been very clearly brought out in the report of the Industrial Commission on Transportation. Mr. H. G. Brooks, an independent coal operator of Pennsylvania, testifies (Vol. XII, p. 163) that 43,000,000 tons of anthracite coal are yearly carried by rail to market at three-fourths cent per ton per mile in excess of the rates charged for carrying bituminous coal. This is—

Now listen:

> This is $322,500 per mile of excess charge for the year's product, or $46,762,500 annually for the average haul of 145 miles to the general market, or over $1 a ton.

They charge that excess as a difference between anthracite and bituminous coal.

> This overcharge, which is greater every year than the interest on our national debt, is made possible by the railroad monopoly, now euphoniously called "community of interests," and by the limited area of the hard coal supply. By discriminating against independent operators the railroads have forced them to sell their properties, until, at the present time, more than nine-tenths of the anthracite coal deposits is owned, and more than three-fourths of the entire yearly product is mined by eight lines of railroad that are substantially in entire union of interests. The report of this Commission summarizes the situation in this paragraph (Vol. XIX, p. 463).

This is the summing up of the entire Commission:

> On the basis of all this evidence it appears that the trend toward consolidation by actual purchase, not only of one railroad by another, but of independent coal holdings by the railroads, together with the extension of the community of ownership idea, is unmistakable. It can not be long before the anthracite coal business of the United States, in all its enormous extent and commercial value, will be entirely monopolized by a few powerful financial interests. The only safeguard for the public against exorbitant prices must be found either in the competition of other fuels, in enlightened self-interest on the part of the railroads, or in the immediate application of governmental regulation. Competition between either the producers of anthracite coal or the railroads which transport their product can no longer be regarded as of the slightest effect.

Did the Attorney-General know these things? If not, why not? Where is that watchful statesmanship of which we heard so much yesterday in the eloquent speech of the Senator from Iowa [Mr. DOLLIVER], that foresight, that wisdom, which looked ahead and minimized the harm by action?

The evidence is cumulative. I readily foresee however that I will have to stop this siren song directly and give way to the honorable Senator from Ohio [Mr. FORAKER], who has given notice of a speech at 2 o'clock, and, as I know from my experience, when a man has prepared some slight "remarks" to deliver in this body, if he does not get his speech off on schedule it is liable to cause indigestion, mental or otherwise.

I realize that I shall have to postpone until another day a continuation of this interesting topic. But I feel sure that the people who are shivering, the people who are freezing, the people who have voted to send us here, who are crying aloud with their upraised hands, "Help us!" "Protect us!" want to hear as much of this as may be necessary to satisfy their own minds whether or not my contention is true; that the cause of all this suffering and wrong and misery and robbery to-day lies at the door of that officer of this Government whose sworn duty it is to enforce the antitrust act, and who may be, and is, in my judgment, and will be, I believe, in the judgment of every honest mind who will examine all this evidence, solely responsible, except insomuch as he has been hampered or restrained or ordered by his superior not to act.

It is a very good place for me to stop, although I have seven more minutes, and I will read a little more. I will get in some more of the evidence and let my brethren on the other side digest it. I read from the report of the same commission:

> The principal event connected with the attempted elimination of coal production independent of the transportation companies has consisted of the purchase of the Pennsylvania Coal Company by the Erie Railroad. This Pennsylvania Coal Company, as our map of the Wyoming region indicates,

controls some of the most valuable properties in the heart of the richest field. Its production is not proportionately great, amounting to slightly less than 5 per cent of the total shipments for 1900. Its importance is due, rather, to the fact that its reserves for future production are great, and also that it was the largest of the single companies still independent of the railroads. Its independence has also in a measure been accentuated by the fact of its ownership of a connecting road, the Erie and Wyoming Valley, with an outlet at Hawley on the Erie system.

Some three years ago the independent operators who, as we have already seen, are most important in the northern field, projected an independent connecting railroad line, with a view to securing lower and more equable freight rates to tide water. The earliest of these attempts was frustrated by the purchase of many of the mines which had pledged tonnage to this road through the agency of the Temple Iron Company. A second attempt was also made to secure an outlet to tide water by the construction of a railroad following the abandoned Delaware and Hudson Canal to Kingston, on the Hudson River. The Pennsylvania Coal Company was an important factor in this enterprise. Thus, to the leading incentive of eliminating the most important of the independent operators by the purchase of the Pennsylvania Coal Company, was added the advantage arising from a frustration of this projected construction of an independent railroad to tide water. The opposition of the established railroads to any such attempt at new construction was manifested also by the New York, Ontario and Western Railway, which proceeded to buy up all the independent operators who had agreed to ship over this new road in case it were built.

The purchase of the Pennsylvania Coal Company was made by the Erie Railroad through the mediation of the banking house of J. P. Morgan & Co. Agents traversed the entire northeastern region of Pennsylvania for months, purchasing shares in the coal company for whatever price was necessary in order to give control. The company had been paying about 16 per cent dividends, and with a capital of $5,000,000 had accumulated a surplus of twice that amount, so that the price asked for the stock was obviously not low. It is reported that the average price paid by J. P. Morgan & Co. was $552 a share. This property, when purchased, was then turned over to the Erie Railroad in return for $32,000,000 of 4 per cent fifty-year collateral trust bonds, secured by the property of the Pennsylvania Coal Company and also by the New York, Susquehanna and Western Railroad Company, recently acquired by the Erie.

In addition to this, the plan provided for an issue of $5,000,000 of preferred stock. Criticism has been directed against this operation on the ground that the price paid by the Erie Railroad to J. P. Morgan & Co. was excessive. Testimony before the Industrial Commission indicates that this was in fact the highest price paid for such properties in the history of the business, judged on the basis not of acreage, but according to ton of output. On the basis of a similar valuation the coal lands of the Reading Company would be worth $125,000,000, as against a present estimate on the books of the company at the last reorganization of only $70,000,000.

I will pause here to comment by stating that if this was the last chance for competition, if it was closing out the independent operators and forever handcuffing the American consumers, we can understand why Mr. J. P. Morgan was willing to raise his sights and hand out the ducats. What man intent on power and wealth would not give a big price, if he already owned everything except a little corner where competition existed, to buy the remainder, so as to cause the consumers of anthracite coal throughout the United States to be helpless and to pay into his coffers whatever he might see fit to demand?

Just as we have seen that other captain of industry do, that monumental millionaire, John D. Rockefeller, who is now trying to buy his way into the Temple of Fame by large and ever-increasing contributions for the upbuilding of the great Northwestern University. Whenever he sees fit in the lavish generosity of his heart to get a spectacle before the people and have himself advertised, and have the sycophants who write editorials in our papers bow down and worship at his shrine and praise him as a great benefactor, he says he is going to give, or does give, two or two and a half or five million dollars, and a week or two afterwards, or a week or two before, orders go to his agents throughout the United States to put 2 or 3 cents more a gallon on kerosene, and he rakes in ten or fifteen million dollars out of the pockets of the laboring people of this country by reason of this monopoly, and then turns around and graciously gives back to the University of Chicago two and a half million. Oh, these multi-millionaires know how to advertise themselves and make others pay for it!

Mr. Morgan could well afford to give whatever price was asked in order to get this last remaining obstacle in the way of his complete absorption of the anthracite coal field and of those who are mining it; and the Attorney-General sits silently and looks on, squints his other eye, thinks about Brother Griggs in the past, thinks about what is going to come to him in the future, and says, "Well, the American people are such infernal fools they will never catch us."

Mr. President, I now yield to my friend from Ohio [Mr. FORAKER], and I will resume to-morrow, I take it.

Mr. SPOONER. Then it will not do to have the resolution as it is now.

Mr. TILLMAN. I ask unanimous consent that the resolution may go over and that I may have the floor to-morrow when it comes before the Senate.

The PRESIDING OFFICER (Mr. PERKINS in the chair). Is there any objection to the request of the Senator from South Carolina?

Mr. TILLMAN. I ask that it may go over holding its privileged place.

The PRESIDING OFFICER. The Senator from South Carolina asks that the resolution offered by the Senator from Missouri may go over retaining its place in the morning hour, and that he shall be entitled to the floor upon it to-morrow. The Chair hears no objection.

Mr. QUAY. Of course that is not to interfere with the regular order?

The PRESIDING OFFICER. The Chair so understands.

Mr. TILLMAN. The statehood bill will come up at the expiration of the morning hour. I am the unfinished business upon the resolution of the Senator from Missouri, as the Senator from Minnesota [Mr. NELSON] was the unfinished business upon the statehood bill.

STATEHOOD BILL.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. FORAKER. Mr. President, I gave notice that at this time I would make some remarks in support of the pending bill, and I have been expecting to do so, but the Senator from North Dakota [Mr. MCCUMBER] desires to address the Senate, and to accommodate him I yield the floor until after he shall have concluded his speech.

Mr. MCCUMBER. Mr. President, I am under obligations to the Senator from Ohio [Mr. FORAKER], who has kindly yielded that I may take up some thirty or forty minutes in the discussion of this bill before he enters upon the discussion of it, and I wish to assure the Senator that his courtesy is appreciated and that I will leave him a sufficient length of time to complete his speech before the usual hour of adjournment.

Mr. President, I have listened with a great deal of interest to the most thorough discussion on the part of the Senator from Minnesota [Mr. NELSON] of this measure, and I shall not attempt in the least to traverse the same ground occupied by him in that discussion. I may say now that the remarks which I shall make will not be in conflict with any of the facts which he has brought out in his discussion. In fact, I believe, admitting everything that he has said, one can honestly and conscientiously arrive at a conclusion entirely out of harmony with the conclusion arrived at by the Senator from Minnesota.

I agree, Mr. President, that the uppermost thought in the mind of every person considering this subject should be the influence of his decision upon the country at large in the future and not at the present time, and that we should have in our mind the welfare of the country at large rather than the welfare of a single State or of two or three separate States.

Mr. President, the attitude one should assume toward either of the statehood propositions—the one to admit a single State, the other for the admission of three new States with a possibility or a fair probability of the admission of another in a few years—depends entirely upon the standpoint from which he views the case. He may have uppermost in his mind the effect of the one or the other measure upon the status of the balance of the Union under present conditions. He may have in view only the present and future interests of the States which are sought to be introduced and made a part of the nation under the provisions of either one of these bills, or he may have in view the effect of the favorable consideration of either measure upon the country as a whole and for all time.

In this discussion, Mr. President, I shall monopolize but a small portion of the field of debate, but I hope to clearly and concisely demonstrate my views and show that they present matters worthy the consideration of every man who will take a prospective rather than a retrospective view of the influence his decision may have upon the future welfare of the country as a whole. I purpose to discuss this matter from the standpoint of the equitable representation of every section of the country in the Congress of the United States.

Now, Mr. President, the most casual survey of a century and a half of national progress can not fail to impress everyone with the truth that we have drifted very far from those principles and policies with which we were initiated into the sisterhood of nations. With a facility and elasticity, possibly unexampled, we have easily adapted ourselves to new conditions and harmonized our policies with new and unforeseen surroundings.

With our attention ever riveted on the future, we are fast leaving behind us old traditional theories; sometimes adapting these theories by an enlargement to meet conditions far beyond their original intendment; sometimes, with startling audacity, abandoning them altogether to meet greater contingencies; but in all cases, with consummate skill and judgment, strengthening the national character, enhancing the welfare and accelerating the prosperity and progress of the nation.

The old idea of the nation for the benefit and protection of the

several States, the old alliance idea, has been superseded by the higher and broader one of the States for the benefit and grandeur of one nation.

This metamorphosis toward single nationality has been unceasing in its development.

The American of one hundred and twenty-five years ago recognized a group of sovereign States united under a compact deemed essential for the protection of each, with pride of State and State sovereignty strong in the hearts of its citizens.

The American of a century later looked upon a great nation whose subdivisions were States, each with its own separate governing power, but with the pride of State coalesced and merged into the higher emotion of national patriotism.

The American of to-day, almost forgetting State boundaries, sees mainly a mighty empire with its lofty ranges of mountains, with its beautiful and fertile valleys, with its vast forests, its verdant plains, and its wonderful rivers. He sees no divisions but those traced by the hand of Omnipotence, and all of this comprising the most varied in topography, in produce, and in natural resources, a land of mountains and plains, of woodlands and lakes, of prairies and streams, and this he recognizes as his country.

Mr. President, I note this change of ideals, of theories, and policies, because it is particularly pertinent when we are asked to consider older guides a precedent for the admission of new States. There is an old precept of law that when the reason for a rule ceases the rule itself ceases. That precept is certainly applicable in this case.

Considered as a scheme of equitable representation, it was never claimed that giving the tiniest State, representing but a minute population, the same power, the same voice as a State of ten or a hundred times its size, or ten or a hundred times its population, had the sanction of reason and exact justice. Considered, however, as an expedient necessary to secure the union of the States, in the first instance, its justice was most manifest.

Now, Mr. President, in that case the end justified the means found necessary to secure it. But, from the standpoint of citizenship and nationality, the representation in the upper House of Congress is an illogical one.

The lines which divide States have little or no logical basis. They are, for the most part, run without reference to the particular characteristics of any section.

The original idea of representation in the upper House was mainly the representation of the States as separate units. This idea is no longer the dominant one. In fact, it may be said to be almost eliminated. Indeed, it can scarcely be said to-day that the representation here is by States at all. The State lines are practically obliterated, except for the purpose of the election of the members of this body.

Mr. President, in the development of our internal industries commercial assimilation has obliterated boundary lines and we are forced for all legislative purposes to recognize great sections, natural divisions, rather than States. As we view the country as an aggregate we group these sections together to make our map—the agricultural section, the coal, the iron, the cotton, the sugar, the lumber, the stock raising, the mining, and the diversified manufacturing sections. It is these sections, with their peculiar industries and interests, which are really represented in this body.

It is the people of these sections, speaking as such, whose voice is most potently felt upon every important measure before the Congress of the United States. Upon all local matters which are nonpartisan in character Vermont, Maine, and New Hampshire will vote as a unit. So, too, will Pennsylvania and West Virginia, the coal and iron States, while Indiana, Michigan, and Illinois will find themselves naturally harmonious. Minnesota and Wisconsin and Iowa will find like interests to protect and like objects to be secured, and the State lines between North and South Dakota, Nebraska, and all the wheat and corn raising States will scarcely be recognizable. The mining States will vote their several Representatives as one delegation, and the cotton States will combine the legislative efforts of all their members in the Senate.

Now, Mr. President, knowing, as we do, that it is the people and industries that are represented, rather than the territory encompassed within certain lines, it follows that the best results to the whole country can only be obtained when each of the great industries and the population supported thereby have a representation in this body commensurate with its importance when compared with each and all of the other industries.

Upon this foundation of equitable representation in this body of people and industries and sections, rather than upon the question of number and size of States, I base my support of the House measure in the main as being at least better adapted to produce such results in the future than the measure recommended by the majority of the Senate committee. If in the uniting of the several colonies into a single nation the size and population of any colony were necessarily abandoned in order to effect the compact, resulting in manifest inequality of representation both present and future, then the present inequality in the size or population of any proposed State, not necessarily permanent, can hardly be claimed to be of an objectionable character if it will tend to eliminate inequality.

If, on the whole, Mr. President, it tends to equalize with greater exactness the representation of all the sections and probable industries of the country, that alone warrants its favorable consideration by this body.

Whenever one section of the country or one industry has more than its proper proportion of voting power or influence, as I have said, considering its importance, there is always a danger that in the contest of each section to secure special benefits some other section or industry of equal or greater importance, but less strongly represented, will suffer in consequence.

The iron-producing sections of the country should not outweigh the diversified manufacturing sections. The great labor element of the cities should not outweigh in its representative power the labor element of the farms.

With equal justice this representation never can be, but approximately it can be secured by so legislating that the number of States into which the Union is divided, with their fixed representation in the Senate, will bear some relation to the section and the special interest or industry represented—by giving, so far as possible, each one of these sections a representation commensurate with its importance.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. Yes, sir.

Mr. BEVERIDGE. Mr. President, I have been following with interest the argument of the Senator from North Dakota, and in order to understand the basis of it clearly I want to ask the Senator if in his plea for the representation of sections rather than of States he means that there should be a representation of areas or a representation of population?

Mr. McCUMBER. The importance of industries will always be determined by population, because an industry is only important when we consider the number of people which is supported by that industry.

Mr. BEVERIDGE. Then I understand the Senator—and if so of course there is no disagreement between the Senator and myself and other Senators—to contend for representation by population, not for a representation of square miles merely, but a representation of people and not for a representation of mere productivity.

Mr. McCUMBER. I will state to the Senator that I will make that entirely clear before I get through with this discussion.

Mr. BEVERIDGE. Very well.

Mr. McCUMBER. For instance, if we were to divide the territory comprising the United States to-day into 45 States, does any Senator believe that we would recognize the map which we would make in that division as the map which now exists? Does anyone consider for a single moment that the division would be other than by industries and by territory combined, so as to equalize as much as possible the voting power and strength of each industry according to its importance? I think our entire effort would be in that direction if we were to-day to attempt to make a new subdivision of the States constituting the United States.

To-day we can form some reasonable idea of the future development of the country. In that respect our judgment can be exercised with much greater accuracy than that of our predecessors of fifty or seventy-five years ago. To-day we know the character and natural resources of the whole country, and each and every portion of it, and can fairly estimate the population which can be supported in any Territory or in any particular section. We probably did not have the requisite information when we created the State of Nevada.

If the wheat, corn, and stock raising industries of the country represent one-half of the population of the United States, it is clear that the territory supporting that population should have one-half of the voting power in this Senate.

I think this proposition will partially explain to the Senator from Indiana my position—that it should have one-half of the voting power in this Senate and that every other industry should have the like voting power, according to its relative importance. The time may come when there will be a conflict between organized labor, we will say, in the manufacturing industries of the country and the agricultural labor of the country. Is it not apparent that such a conflict may arise at any time in the future? Let me give but one example. Let us take the matter of the manufacture of leather goods. Those people who are interested in the manufacture of shoes, boots, and other leather goods, while they had a market in the United States which took the entire product of their mills, were interested very naturally in keeping out all other goods of like character and in building up around them a tariff wall for their own protection.

When they go beyond this and become exporters, so that they need a foreign field and desire to produce cheaper, there may come a time when they will desire that the tariff be taken off of leather. This may, in case that we are able to curb the trusts, in some manner, so that the benefits will not accrue to them, be detrimental to the interests of the raiser of cattle; it may be detrimental to the farming and agricultural interests. In case a conflict of that kind should come before this body, anyone can easily see that it is to the interest of the country and the interest of both sections that the forces, the representative power, and the vote in this Senate be in accordance with the importance of the particular industry affected.

How would it be in other matters? Let us look into the present conditions a little; let us take the matter of stock raising. I have on my desk resolutions of several bodies in favor of taking off the tariff on meat, taking off the tariff on live stock, in order to curb the trusts. This tariff has been of incalculable benefit to the farmers of the Northwest and the agriculturists all over the country.

I simply mention this to show that there may be contests, and when there is a contest in the future between important matters of this kind every industry should be properly represented in this Senate; and I am not inquiring whether the representation comes particularly from the West or the East or from whatsoever section it may come, so that it protects the industry.

Let us carry this out a little further and see how it may affect our wheat-raising section of the country in the future. I wish to give the Senator a few figures that may interest him to know what our wheat raisers are looking forward to.

The great emigration of Americans into Canada, which has just commenced to flow in that direction, is due to the fact that tillable Government land in the United States is no longer to be obtained in sufficient quantities to meet the demand.

We have doubled in our population in the last thirty-five years and will double that population again in the next thirty-five years. In the year 1901 we raised about 700,000,000 bushels of wheat. We consumed all but about 132,000,000 bushels. At 5 bushels per capita, it would require but 26,000,000 more population to consume our entire product. Considering that wheat land will fail in its production in a few years, it can easily be seen that the time is not far distant when we will consume all the wheat we can raise. Then the Western farmer who has been the unfailing friend of protection will ask like protection when it will be of some particular benefit to him.

Mr. President, will the addition of three more States, as proposed in the House bill, tend to secure for all time a better and more logical representation in this body—and by that I mean representation of the diversified industries of the country?

The movement of the tide of immigration westward is of special interest as an indicator of the ability of both the southern and northern halves of the United States to sustain an equal proportion of population. In 1790 the center of population of the United States was about 23 miles east of Baltimore; in 1800 it was about 20 miles west of the same point. If we place a star at the center of population on the map in each decade since then, these stars will form almost a straight line along the thirty-ninth degree of north latitude.

In 1900 the census placed the center of population at 39 degrees 9 minutes and 36 seconds north latitude, 35 degrees 48 minutes and 54 seconds west longitude—about 6 miles southeast of Columbus, Ind.

If each half, the northern and southern, sustains an equal population in the future, as has been suggested, the representation in the Senate should be about equal. Bisecting, therefore, through a line in the center of population by east and west, and considering any State north or south of the line according as its greater bulk lies north or south of it, we have the following table:

STATES.

North.		*South.*	
Number	26	Number	22
Number of representatives	52	Number of representatives	44
Population	45,787,475	Population	30,207,100
Combined area in square miles	1,298,504	Combined area in square miles	1,733,545
Average number of inhabitants per representative	880,528	Average number of inhabitants per representative	686,525
Average number of square miles per representative	24,971	Average number of square miles per representative	39,399

This is on the supposition, of course, Mr. President, that the three new States will be created, making 48 in all.

Let us consider this table for a moment. It shows the number of States which would be north and the number south, the number of representatives both north and south of the line, the population north and south of the line, the combined area in square miles both north and south, the average number of inhabitants per present representation, and the average number of square miles per present representation.

We would have, then, under present conditions 26 States north and 22 States south. The number of representatives, therefore, would be 52 north and 44 south; the population would be 45,787,475 north and 30,207,100 south. The combined area in square miles would be 1,298,504 north and 1,733,545 south; the average number of inhabitants per representative would be 880,528 north and 686,525 south, and the average number of square miles represented by each member would be 24,971 north and 39,379 south.

Mr. President, bisecting by a north and south line through a point representing the last center of population, let us view the representation by population at the present time; and here I insert a table showing practically the same thing in reference to this division.

STATES.

East.		*West.*	
Number	20	Number	28
Number of representatives	40	Number of representatives	56
Population	39,815,510	Population	35,179,065
Combined area in square miles	574,215	Combined area in square miles	2,457,830
Average number inhabitants per representative	995,388	Average number inhabitants per representative	538,930
Average number of square miles per representative	14,605	Average number of square miles per representative	43,890

By this table we will then have 20 States east and 28 States west of the present center of population. The number of representatives east would be 40 and the number west 56. The population east would be 39,815,510 and the population west would be 35,179,065. The combined area in square miles for each representative would be 574,215 in the east and 2,457,830 in the west. The average number of inhabitants per representative in the east would be 995,388 and the average number of inhabitants per representative in the west would be 538,930. The average number of square miles per representative would be 14,605 in the east and 43,890 in the west.

Now, let us take another division, almost through the center of the United States. If we were to divide the country by States so that there were to be an equal amount of territory east and west of the line of division, such line would be drawn from the northeast corner of North Dakota to the southeast corner of Texas. This would give us the following:

STATES.

East.		*West.*	
Number	31	Number	17
Number of representatives	62	Number of representatives	34
Population	64,806,613	Population	11,187,962
Combined area in square miles	1,292,605	Combined area in square miles	1,739,441
Average number of inhabitants per representative	1,045,268	Average number of inhabitants per representative	329,058
Average number of square miles per representative	20,348	Average number of square miles per representative	51,260

We would then have 31 States east and 17 in the western half. The number of representatives in the eastern half would be 62 and the number in the western half would be 34. The population in the east would be 64,806,613 and the population in the west would be 11,187,962. The combined area in square miles in the east would be 1,292,605 and in the west 1,739,441. The average number of inhabitants to a representative at the present time would be 1,045,268 in the east to 329,058 in the west. The average number of square miles represented by each member in this body would be 20,348 in the east and 51,260 in the west.

But perhaps the most important line of division in the United States, and the one that will appear to us most logical, will be the division made by the Mississippi River.

Under such a division nearly one-third of the territory of the United States would be east of this line and more than two-thirds would be west of this line. I submit to anyone who is acquainted with the entire United States that the probable population west of the Mississippi River in the next fifty years will be greater than the population in the eastern section.

Now, let us bisect by this line and see the number of States and the representation that each section would have if the bill as passed by the House should become a law. Bisecting by this natural division, we would have the number of States east of the Mississippi, 26; the number west, 22; the number of representatives east, 52; the number of representatives west, 44; present population east, 55,023,512; present population west, 20,971,063; the combined area in square miles in the east, 881,230; combined area of square miles in the west, 2,250,816. The average number of square miles which would be represented by each member would be, in the east, 16,947, and in the west, 51,155. The table is as follows:

STATES.

East.		*West.*	
Number	26	Number	22
Number of representatives	52	Number of representatives	44
Population	55,023,512	Population	20,971,063
Combined area in square miles	881,230	Combined area in square miles	2,250,816
Average number of inhabitants per representative	1,058,144	Average number of inhabitants per representative	476,615
Average number of square miles per representative	16,947	Average number of square miles per representative	51,155

The chief value of these tables is that they may serve as a basis for calculating the future population of the several sections and

the representation that the several sections of the country should have in this body.

The increase in population in the eastern section—that is, the section east of the present center of population, including the District of Columbia—in the last decade is about 17.7 per cent., while the increase in the western section, excluding Nevada, is about 49.4 per cent.

If the ratio of increase in the eastern and western divisions formed by the line running north and south through the center of population at the present time were to continue the same, these two populations would be almost equal in about four and one-half years; the 40,000,000 of the east, increasing at the rate of 17.7 per cent, would in that time be about 42,000,000, while the 35,000,000 of the west, increasing at the rate of 49 per cent, would be about 42,000,000, giving us a total population of some 84,000,000 within four and one-half years.

Taking all the States east of the North Dakota and Texas division, the increase in population in the last decade is about 19 per cent, while the increase in the States west of this division is about 72 per cent. If this ratio of increase were to continue the same for a period of fifty-five years, the populations of these two divisions would be about equal, as, increasing at the rate of 19 per cent, the 65,000,000 of the eastern section would be about 150,000,000, while the 11,000,000 of the western section would in the same time amount to about 151,000,000, giving us a total population of about 300,000,000.

But, taking another method of division, taking the two divisions north and south formed by the east and west line running through the center of population, we have an increase of 16 per cent in the north and 44 per cent in the south during the last decade. Increasing at this ratio for a period of about twenty years, we would have about 60,000,000 in the north, and about 62,000,000 in the south, making in all about an equal division of the total population, which would be about 122,000,000.

If anyone will look at the map of the United States to-day he will observe that the line of the center of population runs almost through the center of the United States, giving an equal area both north and south.

Let us take another division. Taking the two divisions formed by the Mississippi River—and this is, I think, the most important one to consider—we have had an increase during the last decade of about 18 per cent in the eastern section and of about 53 per cent in the western section. Increasing at this ratio for a period of about forty-six years, we would have about 137,000,000 in the east and about 138,000,000 in the west, making about an equal division of the total population of about 275,000,000.

So it will be observed from these tables that in less than half a century, even if the increase kept at its present rate, there would be an inequality in representation in favor of this less than one-third of the area, that east of the Mississippi River, in the proportion of 26 to 22.

But, as a matter of fact, we all know that, the West being the newer country and many portions of it being entirely unsettled at the present time, the proportionate increase will undoubtedly be greater in the West.

Take the State of Minnesota, so ably represented on this floor by the Senator who has been discussing this question [Mr. NELSON], and you find it has scarcely started in its wonderful possibilities of development. It is capable of supporting a population from ten to twenty or thirty times the present population of that State by its iron industries, by its wonderful forests in the northern half, which have scarcely been penetrated at the present time, and by its productive fields; there is probably not a foot of absolutely waste land in the entire State. That statement may almost be made with respect to Iowa, and especially of the agricultural sections, such as North Dakota and South Dakota.

So that, in any event, after a few years the representation must ever after be unequal, and the western two-thirds will be the section which will have the minor representation, even if this bill becomes a law. This inequality will be very much greater in case a less number of States is carved out of the Territories now not admitted into the Union.

While there are many miles of waste in the Western States and Territories, no one who is acquainted with the country as a whole will deny that the country west of the Mississippi River, constituting considerably more than two-thirds of the area of the United States, can support a population equal to the East, constituting less than one-third. If it can, no man can logically deny that it should have equal representation. It will not have this equal representation even if we create the three new States contemplated in this bill; but the disparity will be less if we do pass the House bill.

Now, Mr. President, let us consider the matter of population. I admit that States should always have a population sufficient in numbers to support a State which would be a credit to the Union, and which could, without overtaxation, carry on all the functions of a State.

There are strenuous objections made against the admission of these Territories as States, although it is admitted that some of them have populations much greater than some of the Eastern or New England States.

I do not believe that any Senator here would be entirely safe in making the proposition that the people of New Jersey or the people of Delaware are unable to support a State government, or that Rhode Island or New Hampshire or Vermont are unable to support a proper State government without overtaxation of the people; and if they can do it, I can see no reason, considering all the facts that have been presented by the Senator from Minnesota, why the probability is not equally in favor of the ability of any one of these Territories to support a good, stable Commonwealth, and that without any overtaxation of the territory within it.

But that a Territory has little population to-day does not always signify that it will remain in that condition. Like some of our large States whose population has decreased during certain periods, then by some new impulse adding very rapidly to its population, these Territories may, in the next decade, show an enormous development. They certainly have that in them which is capable of development, according to the report which has been made by the Senate committee.

Nebraska gained but three-tenths of 1 per cent in the ten years from 1890 to 1900. The excess of births over deaths must have been far greater than that. Its people poured over into Oklahoma and other sections. But it is again growing rapidly.

I think that too little consideration has been given to the benefits that may be obtained by irrigation in these Territories in order to support a population. I will admit that the amount of land that is irrigated at the present time is exceedingly minute; but, nevertheless, there are possibilities of irrigation there which I believe will make these Territories comparatively great and prosperous States.

Now, I wish to call attention to some matters which I have prepared in reference to the irrigation of these Territories. Let us take Arizona. It has an area of 113,020 square miles, or 72,332,800 acres. Of this amount 185,396 acres have been irrigated, as shown by the census reports of 1900, or, we will say, only one-fourth of 1 per cent of the entire area. The amount of land that can be irrigated has been estimated at from seven to twelve million acres, and this is estimated by one who certainly is regarded as an authority, but who has been condemned in that Territory for making an underestimation.

Mr. FAIRBANKS. Who is the authority?

Mr. McCUMBER. Mr. F. H. Newell. Hon. Binger Hermann, in a speech at Phoenix, Ariz., a few years ago, gave the estimate at 12,000,000 acres, while Mr. F. H. Newell, chief of the division of hydrography, Geological Survey, estimates that about 10 to 12 per cent of the entire area could be irrigated. Taking the latter estimate, 10 per cent, and we would have 7,000,000 acres more of land in the Territory that can be made habitable by irrigation. Now, let us give 40 acres, as the law contemplates, to each family—what the Government allowance undoubtedly would be for each head of a family of the irrigated land. That would support a hundred and seventy-five thousand families. Estimating five persons to a family, we would have 875,000 people who could be supported upon this irrigated land alone.

Plans have been prepared by the Geological Survey for the construction of the Santa Carlos dam on the Gila River, which would furnish water to irrigate over a hundred thousand acres. The crops raised on the irrigated lands are as yet largely confined to citrus fruits, oranges, lemons, limes, grapes, etc., and alfalfa; but wheat, corn, oats, potatoes, and other vegetables, tobacco, cotton, broom corn, and peanuts are raised on irrigated farms to a considerable extent.

Now, let us take New Mexico. It has an area of 78,374,400 acres, of which 326,800 acres are recognized as improved farming lands; and of the 326,800 acres, 204,508 acres are irrigated, a little more than one-fourth of 1 per cent, I will admit.

The amount of irrigable land in the Territory is about the same as that of Arizona, 10 per cent, we will say, of the total acreage, and, taken on the same basis as Arizona, would support about the same number of inhabitants. The products of this Territory are the same as those of Arizona—corn, wheat, oats, and fruits.

No estimate has been made for the establishment of an irrigation system other than an estimate of the cost of survey of a dam at the Rio Grande River.

Mr. President, the Senator from Minnesota [Mr. NELSON] has spoken quite elaborately upon the great amount of waste land which might be used for pasturage, but for the reason that stock raising can not be carried on at a distance greater than 4 or 5 miles from the source of water supply. If we are able to take water a distance of 30 and 40 and 60 and 100 miles for the purposes of irrigation, requiring a hundred or thousand times greater quantity than it would require for the purpose of supplying little watering places for the use of stock here and there scattered

over that Territory, then certainly we can conceive of a method by which we can graze stock even in that Territory at a distance of more than 5 miles from running streams.

But in addition to that, if I am correctly informed, there are in the uplands pools of water formed by the melting of snows on the mountains and flowing down short distances, and forming here and there in the low places over the uplands pools, not running streams, which have been utilized for stock-raising purposes. There is a wonderful field there for the stock-raising industry which has not been developed in either of these Territories.

We have in addition to that certain statements, which I will read, from the report on the statehood bill. This is the statement of a person who, I will admit, is interested in the admission of New Mexico into the Union as a State, but, nevertheless, as he is an inhabitant of that Territory—I refer to Mr. RODEY—he certainly ought to be able to give us quite accurate information. I wish to call attention to some facts which show that this Territory is capable of carrying on a government of itself and capable of supporting one. I quote now from page 330, where he said:

The governor figures our population at the time the census was taken as about 300,000 people.

Those who were present and heard the testimony will of course recall how he arrived at that number, stating, as I believe, that it was impossible to get men to go out into the country to take the census for the amount of compensation allowed them. He continues:

We have established in New Mexico since then 75 or 80 post-offices. We now have some 363 post-offices in the Territory. We have built eight or nine hundred miles of railroad in the last two years or a little over, and with the consequent influx of population we surely now have the population we claim. There has been a further influx of population on account of mining and for other reasons, until I am satisfied to-day that while the census only gives us 195,310 people, we have actually nearer 400,000; and we surely have between three hundred and thirty and three hundred and fifty thousand people in New Mexico, without any question whatever.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. MCCUMBER. With pleasure.

Mr. BEVERIDGE. I did not catch the name of the witness from whom the Senator reads.

Mr. MCCUMBER. I read from the testimony of Mr. RODEY, the Delegate from that Territory.

Mr. BEVERIDGE. What estimate of the present population of New Mexico does he make?

Mr. MCCUMBER. He claims that it is between three hundred and thirty and three hundred and fifty thousand at the present time.

Mr. BEVERIDGE. Does the Senator accept that?

Mr. MCCUMBER. I think I am as well justified in accepting his statement—that of a gentleman who has lived there for the last fifteen or twenty years—as I am in accepting statements from other sources, especially as he knows the immigration that has poured into that Territory since the last census, and he undoubtedly knows the condition of the Territory in other respects. But I would say to the Senator that I am perfectly willing to take as the basis of this argument the population as given by the census of 1900. I have already quoted the number.

Delegate RODEY continues:

The school census for the last year, which has just come in, shows that there are about 70,000 children of school age. Those statistics prove conclusively that the census as to New Mexico is wrong.

I have here a small statement, which I will submit to the stenographer, showing the taxable property.

Omitting that and going on with his further statement, he said:

We have in New Mexico 122,510 square miles of area, or nearly 80,000,000 acres. Between fifty-five and sixty million acres of that is still public domain. About twenty-five millions of it is private property, that will be subject to taxation when we become a State. It is calculated conservatively—I have been over it time and again and know whereof I speak—that we have between two hundred and fifty and three hundred million dollars' worth of property that will be subject to taxation when we become a State. A tax of 1 per cent levied upon that would bring in from two and a half to three million of dollars per annum, so that we could in our constitution, for the first twenty years of our State life, limit our taxation to 1 per cent. We only require now about $1,200,000 per annum to pay all our fixed charges and all the running expenses of the Territorial government.

New constitutions always economize. Therefore it can be truly said that were we inclined to extreme economy we might even limit our taxation to one-half of 1 per cent for the first ten or twenty years of our State life and then have the lowest-taxed community in the United States of America.

Here is an important feature:

Mr. RODEY. We have Territorial, municipal, county, school, and road taxes now, the same as anywhere else. We pay the largest school taxes, I believe, of any Territory or State in the Union. Our tax collected for school purposes last year amounted to a little more than a million of dollars, one-half of which was paid in teachers' wages.

A little more than a million dollars paid for school purposes alone in that Territory, and yet it is said that it has not sufficient taxable property so that it may become one of the States of the Union.

We have a fine capitol building; we have a penitentiary building; we have an insane asylum; we have an agricultural college; we have a university; we have two normal universities, and we have from ten to fifteen cities, modern, up-to-date places, with from one to five fine brick schoolhouses in each of them, costing, as in my own town, for instance, $30,000 and $40,000 apiece.

Now, in reference to the population again, taking another estimate, he says:

At the election at which I was elected the lists showed a registration of within a few hundred of 60,000 voters—a great many in that large area; for recollect the area of New Mexico only lacks a few hundred square miles of being as great as the combined area of New York, New Jersey, and all of the New England States.

Ordinarily we estimate population at about five for each voter. It may be that in the Western country, where the male population undoubtedly is greatly in excess, we can not estimate it at so high a number. It is safe to say, however, that there are 250,000 people there. Further on he says:

The condition of everything in New Mexico is improving vastly—so fast, in fact, that its people confess that in all its history it never made such rapid progress as it has during the last two or three years.

We want to come into the Union. We have been asking for admission for so many years that we think no argument ought to be made against it. Our population now is three times that of Wyoming, eight times that of Nevada, twice that of Idaho, and is almost equal to that of Vermont. It is nearly twice that of Delaware. The population argument cuts no figure.

And if Delaware and some other States, as I have stated, can carry on a government with their population, I do not know why a Territory with two or three or four times the population could not with equal propriety conduct a State government.

Let us consider for a moment, Mr. President, the coal fields in the northern part of this Territory. I am informed that the northern half of this Territory contains hundreds of thousands of acres of fine coal lands to be developed.

Mr. QUARLES. What Territory?

Mr. MCCUMBER. New Mexico. I do not know to what extent it has been developed; but I understand from the best of sources that coal is found all over the northern half of the Territory; and considering that that is one of the great industries of the United States, I can imagine that when it is developed for the use of the growing population of the western section of the country it will support of itself an immense population, and that the entire northern part of the Territory may become in the future, say in the course of twenty-five or thirty or forty years, a great hive of industry.

Let us look upon this map, viewed so often by the Senator from Minnesota. We can scarely, with the naked eye, find Delaware upon the map. We can place perhaps something less than a hundred Delawares within the boundaries of the present Territory of New Mexico. We could make very many such States out of the Territory of New Mexico at the present time, and perhaps within thirty or forty years we could make twenty or thirty of them in population from the same Territory.

But, Mr. President, what are we going to do with this Territory? We have here, as will be seen by observing the map, two Territories great in area—New Mexico and Arizona. Because of their enormous extent no one would think of uniting them into one single State. We can not add them to the State of Nevada. We have no power to do that. We can not attach them to any of the States West or East. We could scarcely attach them to this little handle of Oklahoma.

Then, if we can not, what are we going to do with them in the future if the proposition of the Senate committee is absolutely correct? I think the conclusion would be that they would never have a population sufficient to keep up with the increasing population of the balance of the States and which would justify their being taken into the Union at any future time, because in ten or fifteen or twenty or thirty or fifty years we would require a Territory to have ten or fifteen or twenty times their present population in order to be admitted into the Union of States.

Now, what will we do with this vast Territory? What will we do with it in the interim? We can not very well make it into one State; it covers too much area for that. It seems to me we can justly and appropriately make it into two States to-day, and that there is a population there sufficient at the present time to estimate conclusively a greater population in the future and enough to make it a good respectable State.

Mr. President, the committee tell us that a certain percentage of the people of New Mexico are illiterate. They say that the Territory has a population of 195,000, and that 32.2 per cent neither read nor write any language. That would make 64,842 persons who can neither read nor write. That is bad, to be sure. There is no one who would not wish we could have a better condition than that in any of our States. But all of these people are and for fifty years have been a part of this nation. That is an important feature.

To be sure, they might, in a sense, while in a Territorial condition, be regarded as wards, but for all intents and purposes we regard them as a part of our body politic. They make up a portion of the great mass of humanity which we claim as the population of the United States. When we speak of the population of the United States in the last census, we invariably include the Territories south of British America, as we include the District of Columbia.

So they are already here—a part of us. What injury will therefore follow to the Government if we change their organic act into a constitution; if, instead of giving them a governor, they make their own selection; if, instead of sending them judges, they elect their own attorneys as judges? Is there any danger to ourselves as a nation in making this change? If not, will the interests of our people, these people, these illiterates, be best subserved by continuing their Territorial form of government?

The Senator from Minnesota suggested that we should keep them in this training school of Territorialism for a number of years longer, until the people cease to be illiterate and until they understand the English language and speak it more thoroughly. I want to ask the Senator in all candor if he does not think that fifty years of this training school is about long enough and, if we find that fifty years of Territorial training is insufficient to bring about the desired results, whether it is not about time that we adopt some other system of training? Bring them into the Union, and self-interest may bring about a more favorable result.

But besides this, if they are to be admitted as a State, they can themselves determine the extent of franchise. It is not necessary that they give the illiterate the right of franchise. They may exclude them if they think it best for the interest of the State so to do and they have enough of those who are not illiterate, so that they can attend to the balance of the population.

If it were simply a question of taking in a new population from foreign lands, it would be a different proposition, but this is a question of a form of government for our own people. I lived in a Territory for some years. I know some of the hardships of Territorial life. I know that the conditions are changed and our Territories are treated better to-day by the Congress of the United States than they were a few years ago. I remember when all our courts were imported, and I remember practicing law before such judges. I call to my mind to-day an incident which shows the character of some of the judges under whom we were compelled to try our cases.

I recall being the prosecutor in a certain character of case against a railroad corporation in the Territory, and the judge came there from a neighboring city to hold the court. He desired very much to get back to his home town, and I desired very much before the court adjourned to go on with the trial of my case. At last he came to me and said: "I have been talking with Mr. ———, who represents the attorney for the defendant, and he tells me that you have not any case, and I do not see why it is necessary, therefore, for me to continue the court any longer, as I am desirous of going back and holding court at another place." This gives us a little idea of some of the courts which were forced upon the Territory of Dakota when it was in a Territorial condition.

Mr. BEVERIDGE. Mr. President——

Mr. McCUMBER. I admit that such conditions probably do not exist to-day.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. With pleasure.

Mr. BEVERIDGE. I think the Senator's last sentence, perhaps, has answered the question which possibly the Senator anticipated when he saw me rise, which was, whether or not he attributes to either of these Territories to-day the condition he has graphically narrated with relation to his own State when it was a Territory?

Mr. McCUMBER. Before I made the statement I stated, and if the Senator had been listening he would have heard it——

Mr. BEVERIDGE. I did listen.

Mr. McCUMBER. I stated that I did not think the Territories were treated exactly the same to-day by the Congress of the United States as they were a few years ago. If he had understood that, he probably would not have asked the question.

Mr. BEVERIDGE. No; but perhaps I would have made the comment which I now make, that if that is true the pertinency of the graphic illustration of the Senator loses its force; because if it relates to a condition which existed formerly in Territories and which he admits does not prevail to-day, where is the argument to be drawn from his statement? He admits that the very thing of which he complains has passed away.

Mr. McCUMBER. I shall not for one moment admit that it does not apply to a very great extent.

Mr. BEVERIDGE. That being true, there was then some force in the question I asked the Senator, because I was going to ask the Senator whether he had observed in the testimony the high tribute paid by all the witnesses to the quality of the Federal judiciary in these Territories, both as to character and ability.

Mr. McCUMBER. Oh, Mr. President, I will not for a moment be diverted to the consideration of the present judiciary in those Territories.

Mr. BEVERIDGE. I understood the Senator to be discussing——

Mr. McCUMBER. That is not germane to the proposition I was making, and I certainly can not understand that it has the slightest reference to it.

Mr. BEVERIDGE. I do not myself think it has; but since the Senator was making an argument——

Mr. McCUMBER. I was speaking more particularly of the form of government and the right the people in the Territories have to select their own judiciary and to select men with whom they are acquainted.

Mr. BEVERIDGE. And the Senator——

Mr. McCUMBER. And I say—and the Senator will bear me out well—that politics and friendship very often play a most effective rôle in making the selections and in making representations for the selection of the judiciary and of other officers in the Territories. I believe, and I think the Senator will bear me out, that taking the decisions of our courts in the several Territories in earlier days and comparing them with the decisions of the courts when made up of representatives of Territories, the first decisions will scarcely compare favorably with the latter.

Mr. BEVERIDGE. Since the Senator appeals to me to bear him out, I will say that it is my opinion, inasmuch as the Senator so kindly asks it, that politics and the favor of politicians do not play so great a part in the appointment of Federal judges in the Territories and in the litigation which they have before them as they do where judges are elected; and it is for this very reason that a large and growing sentiment of the most thoughtful in this country has constantly agitated in favor of the appointment of judges, and that for long terms or for life. I want to say before I close——

Mr. McCUMBER. I desire to answer the Senator right here and say that my own experience and observation do not lead me to conform to his views.

Mr. BEVERIDGE. No; because, as the Senator well says, he lived in a Territory under the old Territorial practice. It is not the system, because the system is the same, but a practice, which he admits has passed away. I did not mean to interrupt the Senator. I do not care to divert the course of the Senator's remarks.

Mr. McCUMBER. I am very glad to be interrupted.

Mr. BEVERIDGE. But I merely wished to say that if there is any objection to the system, it must be because of the evils which that system entails upon the people; and he himself recognized that by citing an instance of the evils that had been entailed upon the people of his own State when it was a Territory. So it was pertinent for me to call attention to the high quality of the Federal judiciary of these Territories as respects character and ability and learning.

Mr. McCUMBER. If I were called upon to pay tribute to the judiciary of those Territories, I probably would try to equal the eloquent words of the Senator from Indiana in reference to them; but that is not the subject of discussion here. I might cite to the Senator, if he wished to look into that matter a little further, another condition relative to the judiciary as it existed but a few years ago in these Territories, and I am not certain whether or not it has been changed since. We had Territorial supreme courts. The Territorial supreme court in my own Territory, I remember, was composed of the several judges who were members of the inferior courts, and so an appeal was always taken from a decision of a judge for his own decision again, sitting in another place. It was only under extraordinary circumstances that they ever reversed themselves.

Mr. BEVERIDGE. That system has been changed. The judge who decided the case at nisi prius no longer sits with the court who reviews his opinion; his associates sit. That is true also of the United States court of appeals.

Mr. McCUMBER. But this is only one out of hundreds of instances which can be given.

Mr. President, it is said these people of New Mexico speak the old Spanish language. I admit that the great majority of them do, but it is because they are isolated and segregated. Why, there are whole counties in several of the Western States, in the agricultural States, where almost nothing but German or Scandinavian is spoken. Not only that, we take into this country every year a class of people who do not speak English several times the population of the non-English-speaking inhabitants of New Mexico, and we do assimilate them. If we can do that, can we not assimilate the 65,000 of illiterate people in the Territory of New Mexico? What do we lose by taking this Territory into the Union as a State?

What have we lost by the admission of Wyoming, with not near the same population, or Idaho, or Nevada even? It certainly will not be assumed that the personnel of the Senate has been lowered, either in intelligence or character or patriotism. The representation of Wyoming, Idaho, and Nevada, with their small populations, negative even an intimation of this character. The present representation from these Territories show not alone the good judgment of the people of these States, but also of Congress

in admitting them as States. Then, too, these States determine, as I have stated, the franchise right of their own citizens, and they can determine what voice an illiterate shall have in the form of the government or in the laws.

From another point of view: What weight should be given the question of illiteracy? Estimating at 33.3 per cent, the actual number of illiterates in the Territory of New Mexico, as I have stated, would be 64,842. We therefore must assimilate 64,842 persons whose whole lives have been spent in this country and who must have unconsciously absorbed some American ideas of government and civilization. Now, if their illiteracy is by the committee regarded as objectionable, as dangerous to the mental and moral health of the people, that this will be poison to the body politic, what can we say of our ability to absorb, without serious detriment, ten times as many in the last eight years?

In the year 1902 we allowed to become a part of our body politic 165,350 people, all illiterates by their own admission, and probably in truth about twice as many, as we have no means of determining the verity of their statements. In the last eight years we have admitted—and whether they have been fully assimilated I am unable to say—660,654 illiterates. Italy furnished us last year 79,400 illiterates, or 42 per cent of her entire immigration.

South Italy, from whom most of these immigrants came, gave us 49 per cent of illiterates. In the last eight years Italy has given us 307,700 illiterates, and, as I have suggested, in all probability twice that number. Austria in the same time has given us 165,350 illiterates, or 26 per cent of her entire immigration. I submit herewith a table showing the total immigration to the United States and the total immigration from Italy and Austria from 1895 to 1902, showing per cent of illiteracy:

Total immigration to the United States.

Year.	Immigrants.	Illiterates.	Per cent.
1895	258,536	44,914	20
1896	343,267	83,196	25
1897	230,832	44,580	20
1898	229,299	44,473	20
1899	311,715	61,468	20
1900	448,512	95,673	21
1901	487,918	120,645	25
1902	648,743	165,705	26
Total	2,958,822	660,654	23

Illiteracy of immigrants from Italy and Austria.

ITALY.

Year.	Immigrants.	Illiterates.	Per cent.
1895	35,427	15,450	43
1896	68,060	31,400	49
1897	59,431	24,300	42
1898	58,613	24,550	42
1899	77,419	31,700	41
1900	100,135	39,700	40
1901	135,996	61,200	45
1902	178,375	79,400	42
Total	713,456	307,700	44

Austria shows up in almost the same ratio.

AUSTRIA.

Year.	Immigrants.	Illiterates.	Per cent.
1895	33,401	10,150	33
1896	65,103	25,700	45
1897	33,031	7,800	25
1898	39,797	8,450	21
1899	62,491	12,500	20
1900	114,847	27,755	24
1901	113,390	28,500	25
1902	171,989	44,500	26
Total	634,049	165,350	26

It seems to me idle to make as a basis the question of illiteracy of 60,000 or 65,000 people in the interior of the country, not in the great cities but upon our farms and in the agricultural and sheep-raising sections of the country, while at the same time we do not the slightest thing to prevent ten or fifteen or twenty times the number of illiterates from coming in every decade.

Now, these people who can neither read nor write nor speak English, who come from a country where they are denied practically all franchise, who have never inherited the principles of self-governing character, all come to this country, and in six months they may declare their intention of becoming citizens, and in some of the States, as I am informed, may exercise the elective franchise after having declared their intention, exercising all the rights and privileges of the most intelligent and Americanized of our people.

If illiteracy should be the basis upon which we were to lay all objections to foreign immigration, we would let all of the Chinese in and keep one-third of southern Europe out.

As a matter of fact, the desirability or undesirability of a people or of immigration depends upon race and not upon mere ability to read or write.

For my own part, Mr. President, I do not think that I underrate the intelligence of this class of people from southern Europe—Italy, Sicily, and Roumania—by believing that the people of New Mexico, described in the report of the committee as being of Mexican and Spanish blood, measure up to them in all respects of desirability as American citizens.

Mr. President, I have taken up a little more time already than I expected to take in this discussion. It seems to me that even after the exhaustive argument of the Senator from Minnesota [Mr. NELSON] he has shown in no respect how these people will be injured by taking them into the Union. He has not shown that they are incapable of supporting a State government. He has not, in my opinion, demonstrated the fact that they will not have either population or industries sufficient to justify constituting them into the several States as provided by the House bill.

Above all, I fail to see that he has shown that the nation itself will be injured in any way by granting them the rights of citizens of the great United States. On the contrary, Mr. President, it seems to me almost conclusive, even by the report that is made of the hearings of this committee, that these people are capable of establishing and maintaining a good, stable government. From the standpoint on which I have made this argument, that of securing a proper representation of every industry coextensive with its importance, I certainly can see no objection to adding to the number of Representatives west of the Mississippi River.

Mr. FORAKER. Mr. President——

Mr. QUARLES. Will the Senator from Ohio yield to me for a moment to make an announcement?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. FORAKER. The Senator from Wisconsin wants me to yield in order that he may make an announcement. I took the floor only that I might make an announcement.

The PRESIDENT pro tempore. The Senator from Ohio.

Mr. FORAKER. The Senator from North Dakota who has just concluded his speech has occupied so much more time than I supposed he would when I yielded to him that I have concluded, at the request of some other Senators, and in deference to other business, to postpone taking up this bill for discussion until to-morrow. I ask, if it be necessary, that I may have the floor to-morrow at the conclusion of the morning business, in order that I may make some remarks in support of the statehood bill, and I give notice that if I get the floor I will not yield to anybody else.

Mr. SPOONER. Not even for a question?

Mr. FORAKER. I might yield for a question, but I am sure I would not yield the floor unless for something that was very urgent.

Mr. BEVERIDGE. The Senator from South Carolina [Mr. TILLMAN] is not here. I guess that the Senator's request does not interfere with the statement of the Senator from South Carolina that he had the floor and expected to go on to-morrow morning. I should be very glad to have the Senator do so, only I thought in fairness to the Senator from South Carolina that should be understood.

Mr. FORAKER. I do not know what the understanding is as to the Senator from South Carolina.

Mr. BEVERIDGE. He gave notice.

Mr. FORAKER. Has he some right to the floor in the morning?

Mr. BEVERIDGE. Yes; he gave notice. He did not finish his speech this morning.

Mr. FORAKER. I gave notice two or three days ago that I would speak this morning at the conclusion of the morning business, but when the conclusion of the morning business came somebody else seemed to have the floor, and I waited until 2 o'clock.

Mr. BEVERIDGE. I think the Senator from South Carolina gave notice that he was the unfinished business for to-morrow morning. He used about those words.

Mr. FAIRBANKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. FAIRBANKS. There is no confusion about it. The Senator from South Carolina gave notice that he would speak to the measure before the Senate in the morning hour, and the Senator from Ohio gives notice that he will speak at the conclusion of the morning hour, as I understand it.

Mr. FORAKER. Certainly; if the Senator from South Carolina speaks during the morning hour he has a perfect right to it.

Mr. BEVERIDGE. Then the Senator from Ohio will speak to-morrow at 2 o'clock or earlier?

Mr. FORAKER. I want to speak to-morrow morning as soon as I can.

Mr. BEVERIDGE. I am anxious that you should.

Mr. QUARLES. I should like to inquire from the Senator from Ohio whether it would be inconsistent with his suggestion or plan that we should take up the militia bill to-morrow morning immediately after the routine business?

Mr. FORAKER. I suggest to the Senator from Wisconsin to take up the militia bill now.

Mr. QUARLES. The only objection to that is that there is such a thin Senate here I fear it might subject us to criticisms. However, we could call in Senators by suggesting the absence of a quorum.

Mr. BACON. I was going to say, with the permission of the Senator from Wisconsin, that there has been such a coming together of parties who have differed upon the militia bill that I do not think there is any danger of the criticism which he suggests, and if he will follow out the suggestion which he has just made and call for a quorum, I am quite sure there will be enough present to warrant the action of the Senate upon the bill at this time. I do not think that there will be any discussion. I can not speak for anybody except for myself further than to say that the changes which have been made in the bill and which will be proposed by the Senator from Wisconsin, representing the committee, are such as I know meet the concurrence of those with whom I have heretofore been acting in opposition to a certain part of the bill. I believe everyone who has been acting in opposition to that particular part of it will be satisfied with what the Senator from Wisconsin is himself going to propose.

I recall the fact that when this bill was first brought before the Senate, the Senator from Vermont [Mr. PROCTOR] who was then in charge of the bill, and who is now unfortunately detained by sickness from the Chamber, mentioned a fact which makes it important that no day should be lost, if the bill can be passed, and that is that the action of the State legislatures is important and those legislatures are now in session.

There being, in the shape which is going to be given to the bill, no objection to it, but on the contrary, as I think, it will have the very hearty support of all of us, I see no reason why we should not proceed with it this afternoon, especially as there seems to be an interval now which may not be found to-morrow.

Mr. QUARLES. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cockrell,	Hoar,	Quarles,
Alger,	Cullom,	Jones, Ark.	Quay,
Allison,	Depew,	Kean,	Scott,
Bacon,	Dillingham,	Kittredge,	Simmons,
Bate,	Dolliver,	Lodge,	Simon,
Berry,	Dubois,	McComas,	Spooner,
Beveridge,	Elkins,	McCumber,	Stewart,
Blackburn,	Fairbanks,	Martin,	Taliaferro,
Burnham,	Foraker,	Mitchell,	Vest,
Carmack,	Foster, La.	Perkins,	Wetmore.
Clapp,	Foster, Wash.	Pettus,	
Clark, Wyo.	Frye,	Platt, Conn.	
Clay,	Hanna,	Platt, N. Y.	

Mr. DILLINGHAM. I desire to announce that my colleague [Mr. PROCTOR] is detained by illness from the Senate.

Mr. QUAY. I wish to mention in behalf of my colleague [Mr. PENROSE] that he is necessarily absent from the city.

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 16649) to provide rebate of duties on coal; in which it requested the concurrence of the Senate.

REBATE OF DUTIES ON COAL.

Mr. ALDRICH. I ask that the bill just received from the House may be laid before the Senate.

The bill (H. R. 16649) to provide rebate of duties on coal was read twice by its title, and referred to the Committee on Finance.

Mr. ALDRICH. I wish to give notice that the committee will probably report this bill back within a very few minutes. I give this notice with a view that Senators who are interested in the matter may be present in the Chamber when it is considered. I shall ask the Senate then to consider it.

STATEHOOD BILL.

Mr. QUARLES. I ask that the bill known as the militia bill may now be taken up for consideration.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the bill known as the militia bill. Is there objection?

Mr. QUAY. I have no objection to that course, as there seems to be no one prepared to take the floor this afternoon upon the pending order of business, unless it is possible to have a vote. I desire to say to the Senator who is leading the Committee on Territories in opposition to the bill that the friends of the pending bill are ready to vote now. I would be glad to know what he has to say to the proposition.

Mr. BEVERIDGE. I did not hear the Senator. I was engaged in conversation.

Mr. QUAY. I propose to take a vote on the statehood bill.

Mr. BEVERIDGE. When?

Mr. QUAY. Now.

Mr. BEVERIDGE. I do not know how the Senator is going to do that in view of the notice given by his chief orator that he was going to proceed upon the bill to-morrow.

Mr. QUAY. I have no doubt the Senator from Ohio [Mr. FORAKER] will withdraw his notice if it would be any accommodation to the delicacy of the Senator from Indiana.

Mr. BEVERIDGE. I could not for a moment be so discourteous to the Senator from Ohio as to agree to the request of the Senator from Pennsylvania.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin?

Mr. QUAY. I object unless there is a distinct understanding that it does not interfere with the pending order.

The PRESIDENT pro tempore. That is distinctly understood, and it was so stated by the Chair.

Mr. QUAY. And the understanding is that a vote is refused?

Mr. BEVERIDGE. I do not know what the understanding of the Senator is.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and the militia bill is before the Senate.

Mr. ALDRICH. Before the Senator from Wisconsin proceeds I hope he will allow me to make a privileged report from the Committee on Finance.

The PRESIDENT pro tempore. The Senator from Rhode Island.

REBATE OF DUTIES ON COAL.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 16649) to provide rebate of duties on coal, to report it back favorably with an amendment. I ask that the bill and the amendment of the committee may be read.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and required to make full rebate of duties imposed by law on all coal of every form and description imported into the United States from foreign countries for the period of one year from and after the passage of this act.

Mr. ALDRICH. The committee report an amendment.

The PRESIDENT pro tempore. The Secretary will read the proposed amendment.

The SECRETARY. It is proposed to add as an additional section the following:

SEC. 2. That the provisions of paragraph 415 of the tariff act of July 24, 1897, shall not hereafter be construed to authorize the imposition of any duty upon anthracite coal.

Mr. ALDRICH. Mr. President, the report of the committee upon this subject is unanimous, both upon the original bill and upon the amendment, and I ask that the bill be now considered.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of this bill. Is there objection?

Mr. VEST. Mr. President, I simply rise for myself, and I think I represent the unanimous opinion of Democratic Senators here, to express a desire that the bill and amendment may be considered at once, and may be passed without a single vote against it.

Mr. LODGE. I merely desire to say, Mr. President, that it has been my intention to offer an amendment to this bill for the admission of coal free of duty from such countries as admit or shall hereafter admit our coal free; but I am not willing in any way to delay the passage of this bill. I do not wish to offer anything that will give rise to debate, and I am aware that if I offer such an amendment as the one I refer to—in which I strongly believe—it would open the door to other amendments as well as to much debate. This I am unwilling to do after the statement made by the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Missouri [Mr. VEST], and because this is an emergency bill of urgent importance, especially so since the amendment which the Committee on Finance has adopted, I therefore shall not offer my amendment.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? The Chair hears none, and the bill is before the Senate, as in Committee of the Whole, and open to

amendment. The Committee on Finance have reported an amendment, which will be stated.

The SECRETARY. It is proposed to add, as section 2, the following:

SEC. 2. That the provisions of paragraph 415 of the tariff act of July 24, 1897, shall not hereafter be construed to authorize the imposition of any duty upon anthracite coal.

The PRESIDENT pro tempore. The question is on the amendment reported by the Committee on Finance.

The amendment was agreed to.

Mr. LODGE. I should like to ask the chairman of the Finance Committee what will be the effect of this amendment in regard to coal imported and in bond?

Mr. ALDRICH. Under the provisions of the act which was passed recently in regard to the tea duty all coal in bond would undoubtedly be admitted under the terms of this bill and not under the law as it before existed with regard to coal.

Mr. MCCOMAS. I should like to ask the Senator from Rhode Island, the chairman of the Committee on Finance, if that be the fact in respect to coal in bond, what would it be in respect of the coal duty paid at the several ports on like coal on which no duty was charged at other ports? Has any provision been made for a rebate of such duty?

Mr. ALDRICH. Not by this bill. That is a matter which will be covered later.

Mr. MCCOMAS. But later it will be considered?

Mr. ALDRICH. Unquestionably; and the persons who paid duties would have an equitable claim anyway against the Government.

Mr. MCCOMAS. That satisfies me.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. ALDRICH, the title was amended so as to read: "A bill to provide rebate of duties on coal, and for other purposes."

EFFICIENCY OF THE MILITIA.

Mr. QUARLES. I now renew my request for unanimous consent for the consideration of the bill to promote the efficiency of the militia, and for other purposes.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the bill named by him. Is there objection?

There being no objection, the Senate resumed the consideration of the bill (H. R. 15345) to promote the efficiency of the militia, and for other purposes.

Mr. QUARLES. On behalf of the Committee on Military Affairs, I desire to offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 1, on page 1, line 8, before the word "classes," it is proposed to strike out the word "three" and insert "two."

The PRESIDENT pro tempore. The Chair will state that there is a pending amendment, which was offered by the Senator from Alabama [Mr. PETTUS].

Mr. QUARLES. I will say that the amendment proposed by the Senator from Alabama will be included in the committee amendments to be presented very soon.

The PRESIDENT pro tempore. But the amendment is pending, and the Chair is compelled to recognize the fact that it is pending. The Senator from Alabama can withdraw the amendment temporarily, if he pleases.

Mr. PETTUS. If it is a matter of precedence I will withdraw my amendment temporarily.

The PRESIDENT pro tempore. The Senator from Alabama temporarily withdraws his amendment. The amendment offered by the Senator from Wisconsin [Mr. QUARLES] will be again stated.

The SECRETARY. In section 1, page 1, line 8, before the word "classes," it is proposed to strike out "three" and insert "two."

The amendment was agreed to.

Mr. BATE. I should like to ask the Senator if that is one of the amendments that was agreed to this morning in committee? I was not present at the time, though invited to attend.

Mr. QUARLES. Certainly it is. I now offer a second amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 1, on page 2, line 1, it is proposed to strike out the words "the National Volunteer Reserve as provided by this act."

The amendment was agreed to.

Mr. QUARLES. I now offer a third amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 22, on page 12, line 22, after the word "militia," it is proposed to strike out "or of the National Volunteer Reserve."

The amendment was agreed to.

Mr. QUARLES. I now offer a fourth amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 23, on page 14, line 12, it is proposed to strike out the word "the," where it occurs immediately after the word "constitute," and insert the word "an."

The amendment was agreed to.

Mr. QUARLES. Now, Mr. President, I offer a fifth amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 23, on page 14, in line 18, after the words "United States," it is proposed to insert "other than the Military Academy at West Point."

The amendment was agreed to.

Mr. QUARLES. I now offer a sixth amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to strike out all of the section numbered 24.

The amendment was agreed to.

The PRESIDENT pro tempore. Are there further amendments?

Mr. QUARLES. There are two pending amendments, Mr. President, one introduced by the Senator from Indiana [Mr. BEVERIDGE] and the other by the Senator from Mississippi [Mr. MCLAURIN].

Mr. BEVERIDGE. Mr. President, I offer the amendment heretofore introduced by myself, with a change in the form in which it is printed by striking out the word "church" wherever it appears and inserting "religious organization." I do that in view of the suggestion of the senior Senator from Massachusetts [Mr. HOAR] that it would more accurately meet the situation. I offer it as it is there now, with those words stricken out and the other words written in.

The PRESIDENT pro tempore. The amendment as modified by the Senator from Indiana will be stated.

The SECRETARY. It is proposed to add as a proviso to the second section of the bill the following:

Provided, That nothing in this act shall be construed to require or compel any member of any religious organization whose creed forbids its members to participate in war in any form, and whose religious convictions are against war or participation therein, in accordance with the creed of said religious organization, to serve in the militia or any other armed or volunteer force under the jurisdiction and authority of the United States.

Mr. BEVERIDGE. Mr. President, this amendment I offer to cover two or three well-known religious organizations in the United States—particularly the Quakers and the Dunkards. It is well known that it is one of the fundamental tenets of their creed that war in any form is murder, and that they are conscientiously opposed to participating therein. The point will be made—and perhaps with some weight, too—that in this bill as it now stands amended, with section 24 stricken out, my amendment is not necessary; nevertheless, Mr. President, it certainly can do, and it will be admitted that it can do, no harm.

While I myself am not in favor of loading a bill with unnecessary provisions, yet I think it is perfectly right that when a great and weighty and intelligent body of our fellow-citizens—and there are no more intelligent or worthy citizens of this United States than those known as the Quakers—ask for a thing of this kind in a bill like this, it should be granted. Certainly, if it be their opinion that when they go to war they are participating in a species of murder, they should not be forced to do so. Therefore upon that hypothesis the amendment should be adopted. If, on the contrary, it does not compel them to do so, then the amendment can do no harm. In either event, it would be without injury, meeting the wishes of one of the very large and one of the very best elements of the citizenship of this Republic.

I hope the amendment will be accepted; and if it is not accepted, of course I shall want a vote upon it.

Mr. BATE. Mr. President, if I understand the purport of this whole bill, it does not force anybody into the military service.

Mr. BEVERIDGE. No.

Mr. BATE. This bill, as I understand it, does not compel anyone, whatever may be his age or his religious faith, to go into the military service. If I thought it did, I would be against this bill. I do not think so, but nevertheless I do not care to make objection to the amendment offered by the Senator from Indiana. I think that we have precedents on that sort of legislation. I believe it is not an innovation upon existing legislation in regard to the militia. Certainly some of the States have so legislated. I think those sects having religious scruples against military service are generally excepted, and ought to be when no consititutional objection intervenes. I do not make any point about that, however, because I do not understand from this bill that there is anything

which constrains or forces anyone, even a militiaman, to go into the Army.

Mr. BEVERIDGE. No; the Senator is right about that.

Mr. QUARLES. Mr. President, I certainly hope that the amendment will not be adopted, because it is absolutely unnecessary and is not germane, and would constitute defective legislation. There is nothing compulsory connected with the militia system; but the organization of the militia is left entirely to the States. Each State can regulate for itself the membership of the militia. We do not assume to do that here at all. In none of the States is there any provision that is at all coercive. The membership of the militia in every State is purely voluntary. I can not see why we ought to attach to the bill this clause, wholly unnecessary and impertinent as it is, no matter how worthy the people may be to whom the amendment refers.

Mr. BATE. Mr. President, I desire to say in this connection that I should not favor this bill if the twenty-fourth section had remained in it. Other amendments, I believe, have been made in conformity with the striking out of the twenty-fourth section, removing the objectionable features and relieving the question of doubtful constitutionality. Congress can go no further in organizing and governing the militia in a State or dealing with it in any way except as authority is expressly given in the Constitution in Article I and section 8, and it requires that the officers of the militia be appointed by the States, which is, in my opinion, the redeeming feature of this bill.

There are many things now in the bill which I do not approve, but I see the necessity for something of the kind in our country, and as the National Guards have generally done well I waive my objections and shall vote for this bill as amended.

As to the pending amendment, I think it is germane, and that the Senator from Wisconsin is mistaken as to that. Like him, I do not see the necessity for the amendment, but I do not desire to throw obstacles in the way of its adoption, as it can do no mischief and will be a relief to such harmless and law-abiding citizens as Quakers and Dunkards.

Mr. BEVERIDGE. There is a further consideration with reference to this amendment, a consideration entertained in the minds of this very large and very respectable body of our fellow-citizens. They intend to present their opinions to the various State legislatures when the question of militia legislation comes up, and there is a very distinct fear upon their part that this bill, having the scope that it has, will have influence upon State legislation, and that this amendment will take off that influence from the State legislatures and leave them perfectly free.

Mr. President, I will not argue with the Senator whether or not that fear and apprehension is well founded. I state merely that it is worthy of note and not to be neglected when it comes from a body of citizens as large and as singularly intelligent as are the Quakers, the Dunkards, and other people like them in the United States. They are a people who read, a people who think, and a people who constitute a very valuable element of our citizenship. Therefore I say that their opinions upon a subject of this kind are in themselves entitled to consideration and weight.

Since it is admitted on all hands that the amendment presented here can do no possible harm, and since the only objection urged against it is that perhaps it is surplusage, I do not see why it is that there is any objection to giving our concurrence to the clearly defined objection of this very large and exceedingly and unusually intelligent body of our fellow-citizens that they would be injured, both directly and indirectly, by the bill as it now stands.

I have nothing further to say upon the amendment, though I shall surely call for a vote upon it if it be not accepted by the committee.

Mr. HOAR. Mr. President, it seems to me that the Senator from Wisconsin does not give quite sufficient force to the language of the bill. I make the suggestion to him with great deference, because I am not, myself, as familiar with it as I ought to be before undertaking to discuss it, for my attention has been called to other matters which are pending. But, if I understand it, the first section of the bill describes who are to be the militia:

> Every able-bodied male citizen of the respective States, Territories, and the District of Columbia, etc.

All of those are now members of the militia by law. Whether a man so desires or not, it is proposed to make him a soldier by the law—the word "militia" means "soldiery," as I understand it—and without exception, if a man be within the two ages named in the bill, unless he be under the age of 18 or over the other limit, which is 45 years, he is a member of the militia. So a Quaker, who is conscientiously opposed to war, is made by law a soldier against his will. It seems to me we should not do that unless we wish to constrain a man against his conscience.

Besides that, the second section provides that certain persons shall be exempt from military service. You do not refrain from making that exemption by the fact that nobody is called upon for military duty, unless he has a mind to enter the service. The section exempts various executive and judicial officers, persons in the military and naval service, custom-house officers, clerks, postmasters, persons employed in the transportation of the mail, and other public officers. It also exempts members of the two Houses of Congress. Why should we not put in the provision offered by the Senator from Indiana? We put in all the other cases of the men defined by the lawmaking power as persons who ought to be exempted.

It does seem to me that the amendment of the Senator from Indiana is germane and that it is proper, unless we mean to make by law all these men soldiers against their conscience.

Mr. QUARLES. Mr. President, the first clause of the bill, to which the distinguished Senator has referred, has not been at all changed. That is not new phraseology in this bill. It is the exact phraseology used in the original act of 1792, which has been upon our statute book ever since. I look upon it simply as a general definition in the most broad and general sense of what shall constitute the militia.

Mr. HOAR. May I ask the Senator whether in those laws there was not some exemption of the character now proposed?

Mr. QUARLES. No; I think not.

Mr. HOAR. I have been so informed, though I am not sure.

Mr. QUARLES. I think not.

Mr. ALDRICH. Mr. President, certain intelligent Quakers in my own State have called my attention to this matter. They have told me that all the early militia acts did contain an exemption of this character, and they supposed a similar provision not being in this bill was simply an oversight on the part of the framers of it.

Mr. QUARLES. Mr. President, let us see whether we would have any jurisdiction to pass upon that question in its entirety. I suppose that the organization of the militia is a matter which pertains peculiarly to each State. It is a State force, not a Federal force until it has been called out, of course, in the manner indicated by the Constitution.

The exemptions that are contained in section 2 relate to Federal employees. We are protecting Federal employees against any act or regulation of the States which might take them away from their employment. That is clearly within our jurisdiction; but can we go beyond that? Can we dictate to the State of Massachusetts how she shall organize her own militia at home? I apprehend not, and I apprehend it will be found that the laws exempting Quakers and other religious persons, to which reference is made, are in the laws of the several States, and that they have never found any place in the Federal laws since 1792.

Mr. HOAR. May I ask the Senator from Wisconsin a question?

Mr. QUARLES. Certainly.

Mr. HOAR. If that be true, why is it that in the very first line of the bill there is a provision as to what the militia shall consist of?

Mr. QUARLES. That is simply following the old act.

Mr. HOAR. I know; but I now understand the Senator having departed from that reason is giving another; that is, that we should not make this exception because the States are to determine who shall constitute the militia, and it is not for us to do it. I ask him, then, if that be the purpose, why it is that he does undertake to determine by act of Congress who shall constitute the militia by saying that the militia shall consist of so and so, and not leave it to the States?

Mr. QUARLES. I suppose, Mr. President, that the framer of this bill took the old act as he found it on the statute book and undertook to define the two classes of militia, or the three classes, as it stood when the bill was originally introduced, following the exact language of the old law. But I will call the Senator's attention to the last part of section 2, which recognizes the power of the several States and Territories to determine the exemptions from militia duty by their own peculiar system of laws. Of course we recognize them, and have to recognize them; but it seems to me that to say that no State should incorporate into the militia a certain group of religious people, who live in the State of Indiana, for instance, would be beyond the scope of our jurisdiction. That, it seems to me, is a question purely for that State to determine in its own way.

Mr. SPOONER. Mr. President, if my colleague will permit me, the militia of the United States seems to be also the militia of the States, that is, using the word in its generic sense. In the case of Houston *v.* Moore the court had occasion to pass upon this question. They say:

> So long as the militia are acting under the military jurisdiction of the State to which they belong, the powers over them are concurrent in the General and State governments. Congress has power to provide for organizing, arming, and disciplining them; and this power being unlimited, except in the two particulars of officering and training them according to the discipline to be prescribed by Congress, it may be exercised to any extent that may be deemed necessary by Congress. But as State militia, the power of the State governments to legislate on the same subject having existed prior to the formation of the Constitution, and not having been prohibited by that instrument, it

remains with the States, subordinate nevertheless to the paramount law of the General Government operating upon the same subject.

It is, however, sui generis. Wherever there is concurrent jurisdiction, ordinarily the jurisdiction that first attaches excludes the other; but this seems to be to give to the States power to legislate as to the militia as a State militia, but subordinate to the power of Congress to organize, arm, and all that.

The question which the Senator from Massachusetts [Mr. HOAR] puts is one which it seems to me is difficult to answer otherwise than he answered it; but Congress has power to provide for organizing, arming, etc., the militia. Does not that necessarily involve the power in Congress to say of what the militia shall consist, and does not this very bill provide what shall constitute the militia in the generic sense—the organized and the unorganized militia, every able-bodied citizen between certain ages? If Congress has not that power, would it not seem that that language is inappropriate in this bill? If Congress has the power, so that we may designate who shall constitute the militia and between what ages, does not that necessarily carry with it the jurisdiction to say who shall not be included in the militia without regard to ages?

I have not thought the amendment was one of importance. It does not make any particular difference whether it passes or does not pass, but I am not clear myself that Congress has not the power and jurisdiction to legislate upon this subject.

Mr. DEPEW. Mr. President, in reference to the last remark of the Senator from Wisconsin as to the interest there may be in this amendment, there is a very large body of Quakers in the State of New York. I have received many communications from them, and they are very much alarmed as to the effect of this bill upon their society or church. It seems to me that it is a highly proper amendment to put on this bill, so as to quiet that alarm among those very worthy and intelligent people and excellent citizens. To prevent any misuse of this exception in case of war by societies being organized merely to escape military duty, I would suggest that in line 3 of this amendment there should be inserted "at present organized and existing," so that it would read:

Provided, That nothing in this act shall be construed to require or compel any member of any religious organization at present organized and existing, etc.

Mr. BEVERIDGE. Mr. President, I think that is an admirable suggestion.

Mr. SPOONER. The Senator recognizes the distinction of a man being a member of a sect, and being a member of some organization within the sect. There might perhaps hereafter be Quakers who would not belong to any particular organization, and yet would belong to a sect. Would you exclude them? In other words, would the exemption be limited to them?

Mr. DEPEW. I would say for the safety of the militia it ought not to be left to the judgment of any individual citizen who wants to escape military duty to declare to the enrolling officer or to the drafting officer that his religious scruples are against fighting.

Mr. SPOONER. No, but if he joined the organization and became a Quaker, which he could not become without some action——

Mr. BEVERIDGE. He certainly could not become a Quaker without the consent of the Quakers, and he could not be a Quaker just by himself. This amendment, if the Senator will permit me, was carefully drawn with that end in view, so that some person could not come up and say "I am a Quaker," just on his own word. He has to belong to a religious organization as one of its registered members.

Mr. DEPEW. I have been familiar with the Quakers all my life, and I think there is no religious organization or society which is so rigid in the examination of those who wish to become members as is that society; nor is there a more intelligent one, and in case of war if there were a rush to join the Quakers in order to be exempt from military duty the Quakers would show a vigor and patriotism in keeping them out which would be most commendable.

Mr. SPOONER. I do not underestimate the patriotism of the Quakers. There is no more intelligent or better class of people than the Quakers. The point I suggested to the Senator was that he limits the operation of this amendment to the organizations of Quakers in existence at the time of the passage of the proposed act. Suppose a new organization of Quakers should spring up after the passage of this act?

Mr. BEVERIDGE. We exclude that by the amendment suggested by the Senator from New York.

Mr. DEPEW. The object of the amendment I propose is that in case of emergency persons could not organize religious societies in order to escape military duty.

Mr. BEVERIDGE. It says "at present existing."

Mr. SPOONER. My suggestion was that, as I understand the amendment, it will exclude organizations of Quakers made subsequent to the passage of the act. Am I wrong about that?

Mr. DEPEW. It would.

Mr. BEVERIDGE. May I say a word?

Mr. SPOONER. Certainly.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Indiana?

Mr. DEPEW. Certainly.

Mr. BEVERIDGE. With the permission of the Senator from Wisconsin——

Mr. SPOONER. I thought when I rose that the Senator from New York had taken his seat.

Mr. DEPEW. I had.

The PRESIDENT pro tempore. Then the Chair will recognize the Senator from Wisconsin and ask that Senator if he will yield to the Senator from Indiana?

Mr. SPOONER. Always, Mr. President.

Mr. BEVERIDGE. Mr. President, I could not agree with the Senator from New York as to the organization of a new society of Quakers within the parent church. They could establish a new church in the parent sect. There is nothing to prevent that. But if a new and spurious organization of Quakers were gotten up for the express purpose of exempting cowards from participating in war, it would prevent that. However, your question was, Did it prevent any new organization of Quakers within the church?

Mr. SPOONER. Within the church?

Mr. BEVERIDGE. Certainly not; because it can extend its churches.

Mr. SPOONER. Will the Senator kindly read the amendment again?

Mr. BEVERIDGE. It does prevent any new or spurious organization.

Mr. DEPEW. I will read the whole of the amendment.

Provided, That nothing in this act shall be construed to require or compel any member of any well-recognized religious sect or organization at present organized and existing, whose creed forbids its members to participate in war in any form, and whose religious convictions are against war or participation therein, in accordance with the creed of said religious organization, to serve in the militia or any other armed or volunteer force under the jurisdiction and authority of the United States.

Mr. SPOONER. I meant, in saying that I did not think the amendment was of any consequence, except in a sentimental way, that there is no compulsory feature in this bill, nor was there in section 24. No man under the provisions of this bill can be forced——

Mr. BEVERIDGE. In my opening and very brief remarks I said that may be so.

Mr. DEPEW. If I may be permitted, I see no harm in that exception in relieving the anxieties of these estimable people.

Mr. HOAR. Mr. President, I think there ought to be one further, and perhaps a little more comprehensive, statement made in answer to my honorable friend, the Senator from Wisconsin on my right, than what has been said already. He asks why we do not leave the matter of exemption to the States. We have said that anybody exempted by State authority should be exempt from militia duty without regard to age. That is in the bill now. I understand that the policy of the people of the United States is to secure by national authority, against the local opinion and action of the States, the fundamental rights of religious and political freedom and of commercial integrity. We prohibit the States from impairing the obligation of contracts; we prohibit the States from trying a man twice for the same offense; we prohibit the States from conducting trials except with certain securities for fair trials, and the fourteenth amendment has very much extended those provisions, so that no man can be tried by any State without due process of law.

Now, suppose a State undertakes, against the conscience of an individual, to compel him to be a member of the militia and to enter into war. I think when the United States is dealing with that subject we should by our authority exempt him, State or no State. If it should happen that some State should exist hereafter, in the far East, or the far West, or the far North, or the far South, which had a very great prejudice against Quakers, and a war came up, and their opposition to war excited the popular feeling of the majority in the State, they should be protected.

Now, during the war of the Revolution the Quakers, although, as everybody in this debate has said, they are a worthy and patriotic body of people, incurred great animosity by their refusal to take part therein. Dr. Franklin, a man who did not yield much to sentimentalities, as they are called, speaks of them with great dislike and contempt in his writings.

I think it was Mad Anthony Wayne who, when his soldiers were hard up for shoes, heard of a great Quaker meeting which was being held one evening in the neighborhood, and marched up a body of troops, surrounded the Quaker meetinghouse, and made every man in the assembly pull off his shoes or boots or

whatever he had on, and used them for his soldiers and left the Quakers to go home barefooted. I will not be sure it was General Wayne, but it was some well-known and famous and popular general in the Revolutionary war.

So it seems to me that as we are declaring who shall constitute the militia, giving definition, we ought to put in our law the definition and not leave it in the power of any State to force a man against his conscience to go into battle.

Mr. CLAY. Mr. President, if I thought the amendment offered by the Senator from Indiana [Mr. BEVERIDGE] went as far as the Senator from Massachusetts [Mr. HOAR] says it ought to go, I would not vote for it. I would not vote in favor of an amendment exempting any religious organization from military duty which provided that a State should not fix the qualifications of those to be exempted from military duty.

Now, the second section of the bill provides that the Vice-President and members of Congress and certain military officers shall be exempt from military duty, which is proper, for they are officers of the United States; and the second section also provides that such persons as the different States may exempt from military duty shall also be exempted. The amendment of the Senator from Indiana, as I understand it——

Mr. HOAR. The Senator will pardon me. The second section also includes pilots and ferrymen and sailors employed by any merchant vessel, and a great many persons not in the national service.

Mr. CLAY. I so understand. I have the second section before me, and I do not think that changes the idea I have of that section. It does refer to pilots and ferrymen, but these are employees of those employed by the National Government.

Mr. HOAR. No.

Mr. CLAY. It says:

SEC. 2. That the Vice-President of the United States, the officers, judicial and executive, of the Government of the United States, the members and officers of each House of Congress, persons in the military or naval service of the United States, all custom-house officers, with their clerks, postmasters and persons employed by the United States in the transmission of the mail, ferrymen employed at any ferry on a post-road, artificers and workmen employed in the armories and arsenals of the United States, pilots, mariners actually employed in the sea service of any citizen or merchant within the United States, and all persons who are exempted by the laws of the respective States or Territories shall be exempted from militia duty, without regard to age.

My idea is that the Military Committee certainly intended to exempt from military duty certain persons and their employees employed by the National Government, and then to say to each one of the States that they should have the right to pass laws fixing other exemptions.

Mr. HOAR. Mr. President——

Mr. CLAY. That is as I construe the amendment.

Mr. HOAR. May I ask the Senator from Georgia a question?

Mr. CLAY. With pleasure.

Mr. HOAR. Does not the Senator omit in this statement, as he did in his first statement, the largest class of persons that are prescribed in that section, to wit, all mariners and pilots employed in private service having nothing to do with the United States Government? Are not the largest number of persons prescribed in that section persons not exempted because they are in the national service, but for other reasons?

Mr. CLAY. That is true; but I presume the committee intended to say that on account of the peculiar service these persons render in the maritime business Congress would take jurisdiction of them. But I desire to say, in regard to the amendment offered by the Senator from Indiana, that if it provided that Congress should assume jurisdiction of these religious organizations, located in the different States, and provided that the States should not exempt them from military duty, I would not give it my support.

I think this amendment does not change the meaning of the bill in any particular. As I understand the amendment, if you adopt it it simply says that the act shall not be construed to compel members of the religious organizations to engage in military duty hereafter; and then the question whether or not they shall be exempt in Indiana or New York will be left to the legislatures of the States hereafter. I so construe it. I do not believe that if this amendment is adopted in its present shape it will deprive the legislatures of the different States of the Union of the power to fix the qualifications of the different classes who shall be exempt from military duty hereafter.

Reading the amendment, I believe it to be useless, but the Senator from New York and the Senator from Indiana say it will quiet these people who now believe that by the passage of this act we force them to perform military duty. If this is adopted, in my opinion it will leave the section of the bill just exactly where it stands, and will leave hereafter to the legislatures of the different States the question of fixing the classes which shall be exempt from military duty.

I had not read most carefully the section, and it does go further than I thought it went in regard to exemptions. I believe that Congress really ought not to undertake to exempt any class except those engaged in the service of the United States. The question of the organization of the militia ought to be left largely to the States, and the question of exemptions from military duty ought to be left largely to the States. If I had had the framing of this measure, I would have exempted by Congress no class except those employed by the Government of the United States. But for my part I can not see why the amendment offered by the Senator from Indiana can possibly be of any harm, and really I do not believe it will change the meaning of the bill.

Mr. HOAR. Mr. President, I should be very sorry to have the amendment which I favor lose the vote of the honorable Senator from Georgia [Mr. CLAY], or any other Senator, but I think I ought to say that I can not agree with him in his construction of the amendment. If the soldiers be called into service and be compelled to serve, it is in consequence of this bill and of nothing else. The bill provides that the President shall order the State militia into the service. For instance, in the fourth section it is provided that whenever the United States is invaded or in danger of invasion or rebellion, the President may call them forth and issue orders to them. That is compulsion, and it is compulsion authorized by this bill, and it is the only compulsion under which these soldiers are constrained to go into the service and do the work.

Then the amendment says nothing in the act contained shall be construed to compel Quakers to serve (I will use that short phrase instead of the phraseology of the amendment) or other persons like them who are described in it. To say that there is nothing in the bill which compels them in any way does not address itself favorably to my understanding. It seems to me we ought to meet the important question of the right of conscience in the proper way, and in the way in which it has been met in the United States from the beginning of the Government of the United States, to wit: That persons belonging to religious bodies who have conscientious scruples against military service shall not be compelled to violate their conscience. It seems to me the proper place for that, the righteous thing to do, is in the act of Congress where we define the persons who shall be compelled by the United States to do that service.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Indiana [Mr. BEVERIDGE].

The amendment was agreed to.

The PRESIDENT pro tempore. Are there further amendments?

Mr. QUARLES. There is another amendment, notice of which was given, and it was printed and laid upon the table.

The PRESIDENT pro tempore. There was one which related entirely to section 24.

Mr. QUARLES. Yes.

The PRESIDENT pro tempore. Of course that would not be in order now.

Mr. PETTUS. There is one amendment which has not been offered, but which has merely been printed.

The PRESIDENT pro tempore. Does anyone offer the amendment?

Mr. BACON. Mr. President, I do not myself approve of the amendment and shall vote against it, but in order that it may be put before the Senate in the absence of its author, I will move it. I hope it will be understood that I offer the amendment on behalf of the author, the Senator from Mississippi [Mr. MCLAURIN]. I do not desire that the paternity of it should be ascribed to me.

The PRESIDENT pro tempore. The Senator from Georgia, for the Senator from Mississippi, offers the amendment which will be stated.

The SECRETARY. It is proposed to insert as new sections the following:

SEC. —. That it shall be unlawful for any officer to directly or indirectly give any command, order, or direction to any private soldier to perform any service for the private benefit or advantage of such officer or any other officer or person, and any officer charged with such unlawful conduct shall be tried by a court-martial, one-half the members of which court-martial shall be private soldiers of the same class of military service as the private soldier alleged to have been so unlawfully commanded, ordered, or directed, and upon conviction shall be cashiered.

SEC. —. That in every trial of a private soldier at least one-half of the members of the court-martial before whom such private soldier shall be tried shall be private soldiers of the same class of military service as the private soldier on trial.

SEC. —. That in every trial of an officer for an alleged offense for an alleged maltreatment or mistreatment of a private soldier, at least one-half of the members of the court-martial before whom such officer shall be tried shall be private soldiers of the same class of service as the private soldier against whom such offense shall be alleged to have been committed.

The amendment was rejected.

The PRESIDENT pro tempore. Are there further amendments? This bill, when it was formerly under consideration, was reported to the Senate, and after it was in the Senate certain amendments were offered by the Senator from Missouri [Mr.

COCKRELL] and agreed to. The amendments which have been submitted to-day have been offered in the Senate, and not as in Committee of the Whole. Will the Senate concur in the amendments reported from the committee to the Senate?

The amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. BACON. Mr. President, as I have had something to say about the bill, and in order to prevent any possible misconstruction as to my present attitude toward it, I desire to say that in its present shape I most heartily approve of it, and am satisfied that it is a very wise and efficient bill and will result in the great improvement of the militia and make it a most efficient arm of the Government. I hope the bill may be passed unanimously.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

The bill was passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 15, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 14, 1903.

RECEIVER OF PUBLIC MONEYS.

Alexander B. Kennedy, of Louisiana, to be receiver of public moneys at New Orleans, La., vice Charles P. Johnston, term expired. This nomination is in lieu of one for R. B. Kennedy, intended for the same man, sent to the Senate December 2, 1902, and confirmed on the 17th.

APPRAISER OF MERCHANDISE.

George H. Allan, of Maine, to be appraiser of merchandise in the district of Portland and Falmouth, in the State of Maine, to succeed James E. Hewey, resigned.

POSTMASTERS.

ARIZONA.

F. W. Smith, to be postmaster at Williams, in the county of Coconino and Territory of Arizona, in place of Ernest H. Simpson, deceased.

CALIFORNIA.

William W. Giddings, to be postmaster at Newman, in the county of Stanislaus and State of California, in place of William W. Giddings. Incumbent's commission expired June 2, 1902.

CONNECTICUT.

Edwin F. Tomlinson, to be postmaster at Plainville, in the county of Hartford and State of Connecticut, in place of Edwin F. Tomlinson. Incumbent's commission expired February 16, 1902.

George A. Warner, to be postmaster at Bristol, in the county of Hartford and State of Connecticut, in the place of George A. Warner. Incumbent's commission expired March 16, 1902.

GEORGIA.

Alamo B. Harp, to be postmaster at Jackson, in the county of Butts and State of Georgia, in place of Willie E. Harp, resigned.

ILLINOIS.

Charles Scofield, to be postmaster at Marengo, in the county of McHenry and State of Illinois, in place of John Q. Adams. Incumbent's commission expires January 31, 1903.

INDIANA.

William L. Walker, to be postmaster at Carthage, in the county of Rush and State of Indiana. Office became Presidential January 1, 1903.

IOWA.

Joseph D. Ball, to be postmaster at Mystic, in the county of Appanoose and State of Iowa. Office became Presidential January 1, 1903.

Merritt S. Brown, to be postmaster at North English, in the county of Iowa and State of Iowa. Office became Presidential January 1, 1903.

R. G. Clark, to be postmaster at Webster City, in the county of Hamilton and State of Iowa, in place of Charles D. Hellen. Incumbent's commission expires January 28, 1903.

KENTUCKY.

John W. Breathitt, to be postmaster at Hopkinsville, in the county of Christian and State of Kentucky, in place of John W. Breathitt. Incumbent's commission expires January 23, 1903.

MAINE.

Charles A. Paine, to be postmaster at Eastport, in the county of Washington and State of Maine, in place of Charles A. Paine. Incumbent's commission expires January 31, 1903.

MICHIGAN.

James W. Bedell, to be postmaster at Wakefield, in the county of Gogebic and State of Michigan. Office became Presidential January 1, 1903.

Charles M. Cole, to be postmaster at Atlantic Mine, in the county of Houghton and State of Michigan. Office became Presidential January 1, 1903.

John Hanna, to be postmaster at Birmingham, in the county of Oakland and State of Michigan, in place of John Hanna. Incumbent's commission expires January 27, 1903.

Newton E. Tower, to be postmaster at Union City, in the county of Branch and State of Michigan, in place of William J. Richards, resigned.

MINNESOTA.

William Gallagher, to be postmaster at Carlton, in the county of Carlton and State of Minnesota. Office became Presidential January 1, 1903.

Axel Hammarsten, to be postmaster at Cokato, in the county of Wright and State of Minnesota. Office became Presidential January 1, 1903.

MISSISSIPPI.

John B. Collier, to be postmaster at Leland, in the county of Washington and State of Mississippi. Office became Presidential January 1, 1903.

NEW JERSEY.

Adam Kandle, to be postmaster at Elmer, in the county of Salem and State of New Jersey, in place of Adam Kandle. Incumbent's commission expires January 23, 1903.

NEW YORK.

Charles W. Hatch, to be postmaster at Lockport, in the county of Niagara and State of New York, in place of Charles W. Hatch. Incumbent's commission expires January 28, 1903.

Henry M. Haviland, to be postmaster at Jamaica, in the county of Queens and State of New York, in place of Henry M. Haviland. Incumbent's commission expires January 28, 1903.

George R. Pettit, to be postmaster at Brocton, in the county of Chautauqua and State of New York, in place of George R. Pettit. Incumbent's commission expired January 13, 1903.

James L. Taylor, to be postmaster at Dobbs Ferry, in the county of Westchester and State of New York, in place of James L. Taylor. Incumbent's commission expired January 13, 1903.

NORTH DAKOTA.

Frank Sims, to be postmaster at Willow City, in the county of Bottineau and State of North Dakota. Office became Presidential January 1, 1903.

OHIO.

Charles C. Chappelear, to be postmaster at Circleville, in the county of Pickaway and State of Ohio, in place of Frank M. Shulze, resigned.

Ezra L. Gill, to be postmaster at Sunbury, in the county of Delaware and State of Ohio. Office became Presidential January 1, 1903.

Rolla A. Perry, to be postmaster at Plain City, in the county of Madison and State of Ohio, in place of Daniel Perry, resigned.

James Stoops, to be postmaster at Waynesville, in the county of Warren and State of Ohio. Office became Presidential January 1, 1903.

W. J. Swisher, to be postmaster at Wadsworth, in the county of Medina and State of Ohio, in place of Samuel Andrews. Incumbent's commission expired February 16, 1902.

Ernst H. Weber, to be postmaster at Brooklyn, in the county of Cuyahoga and State of Ohio. Office became Presidential January 1, 1902.

PENNSYLVANIA.

John W. Armstrong, to be postmaster at Eddystone, in the county of Delaware and State of Pennsylvania, in place of John W. Armstrong. Incumbent's commission expires January 31, 1903.

Joseph M. Bloss, to be postmaster at Titusville, in the county of Crawford and State of Pennsylvania, in place of Martin R. Rouse. Incumbent's commission expired December 20, 1902.

Orange S. Brown, to be postmaster at Williamsport, in the county of Lycoming and State of Pennsylvania, in place of Charles W. Scott. Incumbent's commission expired December 21, 1902.

David S. Kern, to be postmaster at Pennsburg, in the county of Montgomery and State of Pennsylvania. Office became Presidential January 1, 1903.

D. O. Merrick, to be postmaster at Blossburg, in the county of Tioga and State of Pennsylvania, in place of Francis I. Jones Incumbent's commission expires January 31, 1903.

William H. Pennell, to be postmaster at Duncannon, in the county of Perry and State of Pennsylvania, in place of William H. Pennell. Incumbent's commission expired December 20, 1902.

SOUTH CAROLINA.

J. Frank Kneece, to be postmaster at Batesburg, in the county of Lexington and State of South Carolina. Office became Presidential January 1, 1903.

George H. McKee, to be postmaster at Darlington, in the county of Darlington and State of South Carolina, in place of George H. McKee. Incumbent's commission expired January 10, 1903.

SOUTH DAKOTA.

John H. Dobson, to be postmaster at Alexandria, in the county of Hanson and State of South Dakota, in place of John H. Dobson. Incumbent's commission expired January 7, 1903.

TEXAS.

Henry T. Canfield, to be postmaster at Wichita Falls, in the county of Wichita and State of Texas, in place of Henry T. Canfield. Incumbent's commission expired March 31, 1902.

C. E. Littlefield, to be postmaster at Luling, in the county of Caldwell and State of Texas, in place of George W. Stewart, removed.

WISCONSIN.

Charles P. Brechler, to be postmaster at Fennimore, in the county of Grant and State of Wisconsin. Office became Presidential January 1, 1903.

Edwin F. Ganz, to be postmaster at Alma, in the county of Buffalo and State of Wisconsin, in place of Edwin F. Ganz. Incumbent's commission expired January 10, 1903.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 14, 1903.

CIRCUIT JUDGE OF HAWAII.

John T. De Bolt, of Hawaii, to be first judge of the circuit court of the first circuit of the Territory of Hawaii.

COLLECTOR OF CUSTOMS.

Morton Tower, of Oregon, to be collector of customs for the district of southern Oregon, in the State of Oregon.

POSTMASTERS.

CONNECTICUT.

Walter B. Cheney, to be postmaster at South Manchester, in the county of Hartford and State of Connecticut.

ILLINOIS.

William I. Larash, to be postmaster at Rushville, in the county of Schuyler and State of Illinois.

IOWA.

John Meyer, to be postmaster at Alton, in the county of Sioux and State of Iowa.

Charles S. Terwilliger, to be postmaster at Garner, in the county of Hancock and State of Iowa.

Gilbert Cooley, to be postmaster at Strawberry Point, in the county of Clayton and State of Iowa.

Andrew H. Bjorgo, to be postmaster at Kensett, in the county of Worth and State of Iowa.

Hiram Lamb, to be postmaster at Murray, in the county of Clarke and State of Iowa.

KANSAS.

William C. Palmer, to be postmaster at Jewell, in the county of Jewell and State of Kansas.

Joseph H. Woollen, to be postmaster at Mankato, in the county of Jewell and State of Kansas.

NORTH CAROLINA.

Walter B. Steele, to be postmaster at High Point, in the county of Guilford and State of North Carolina.

Ella M. Sanders, to be postmaster at Albermarle, in the county of Stanley and State of North Carolina.

OHIO.

William H. Baum, to be postmaster at Batavia, in the county of Clermont and State of Ohio.

Lucius A. Austin, to be postmaster at Granville, in the county of Licking and State of Ohio.

Albert C. Buss, to be postmaster at New Bremen, in the county of Auglaize and State of Ohio.

L. H. Wadsworth, to be postmaster at Wellington, in the county of Lorain and State of Ohio.

Clayton H. Bishop, to be postmaster at Centerburg, in the county of Knox and State of Ohio.

Peter Schatzman, to be postmaster at Glendale, in the county of Hamilton and State of Ohio.

OREGON.

Thomas L. Ambler, to be postmaster at Mount Angel, in the county of Marion and State of Oregon.

SOUTH CAROLINA.

John R. Cochran, jr., to be postmaster at Anderson, in the county of Anderson and State of North Carolina.

John W. Dunovant, to be postmaster at Chester, in the county of Chester and State of South Carolina.

VERMONT.

James E. Pollard, to be postmaster at Chester, in the county of Windsor and State of Vermont.

Warner B. Nichols, to be postmaster at Essex Junction, in the county of Chittenden and State of Vermont.

WEST VIRGINIA.

William F. Squires, to be postmaster at Parsons, in the county of Tucker and State of West Virginia.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 14, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

The SPEAKER laid before the House the bill (H. R. 15006) to amend an act entitled "An act to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, with a Senate amendment, which was read.

Mr. PAYNE. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the Senate amendment was agreed to was laid on the table.

LUMAN FULLER.

The SPEAKER also laid before the House the bill (H. R. 14478) granting an increase of pension to Luman Fuller, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

ALBERT H. PHILLIPS.

The SPEAKER also laid before the House the bill (H. R. 14416) granting an increase of pension to Albert H. Phillips, with Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur.

The motion was agreed to.

JOHN BRUFF.

The SPEAKER also laid before the House the bill (H. R. 14477) granting a pension to John Bruff, with Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

SARAH E. MORROW.

The SPEAKER also laid before the House the bill (H. R. 11594) granting an increase of pension to Sarah E. Morrow, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

MATHIAS CUSTERS.

The SPEAKER also laid before the House the bill (H. R. 14957) granting an increase of pension to Mathias Custers, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

JOHN BLACKLER.

The SPEAKER also laid before the House the bill (H. R. 11623) granting an increase of pension to John Blackler, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, the beneficiary is dead, and I move that the bill be laid on the table.

The motion was agreed to.

COAL.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution No. 388.

Whereas it is claimed that conditions exist involving great hardship, suffering, and distress by reason of the unprecedented scarcity of coal, and it is claimed that combinations or conspiracies exist in and concerning said trade tending to restrain interstate and foreign commerce: Therefore, be it

Resolved, That the Committee on the Merchant Marine and Fisheries be, and is hereby, directed to investigate these said facts, charges, and necessities; to inquire into the elements and conditions involved in said coal trade, the cost of coal, the methods and facilities and cost of transportation and distribution of the same, and the reasons or causes of such scarcity and distress; that said committee make such investigations and report the testimony, with their conclusions thereon, as soon as possible, and that said committee have power and authority to send for persons and papers, to administer oaths, to employ or have the services of stenographers, clerks, and messengers, and incur such other expenses as may be deemed necessary; that meetings of the said committee be held in the Capitol building in Washington and in such other places as the committee shall determine, and the necessary expenses shall be paid out of the contingent fund of the House, on the usual vouchers," approved by the chairman of said committee: *Provided*, That said committee is authorized to sit during the session of the House, and may proceed to discharge the duties assigned either by the committee or by one or more subcommittees, and the action of the subcommittee of said committee shall be as valid as though done by the full committee.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, if I understand the effect of this resolution, it is to add to the powers given to the committee under the resolution which passed the House on yesterday.

Mr. GROSVENOR. On Monday.

Mr. RICHARDSON of Tennessee. It authorizes the committee, as I understand, to take testimony by a subcommittee as well as by the full committee.

Mr. GROSVENOR. And furthermore, it gives power to sit during the sessions of the House, which was not in the former resolution.

Mr. RICHARDSON of Tennessee. It does not extend the right to sit during the recess at all?

Mr. GROSVENOR. Not at all. Of course it is understood its power will fall with the session of Congress.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Does the gentleman not think his resolution should provide that the committee should report before the adjournment of Congress?

Mr. GROSVENOR. It provides that they shall report as speedily as possibly.

Mr. FITZGERALD. But that is ineffective.

Mr. GROSVENOR. If the gentlemen will allow me, it must report before the adjournment of Congress, because it has no power after adjournment; and, furthermore, the gentleman will understand that the House will have entire control over the action of the committee so far as compelling a report or discharging the committee.

Mr. FITZGERALD. Yes, but under the rules of the House it would be impossible to bring that question before the House unless the gentleman's side desire it.

Mr. GROSVENOR. I hope the gentleman will have confidence in the good faith of the committee.

Mr. FITZGERALD. I have, but I suggest to the gentleman that he might relieve whatever of suspicion there might be if he amends his resolution by providing that the committee should report before Congress adjourns.

Mr. GROSVENOR. That is the legal effect of the resolution as it stands.

Mr. FITZGERALD. I do not concur sometimes in the gentleman's legal conclusions.

The SPEAKER. The Chair hears no objection. The question now is on agreeing to the resolution.

The question was taken and the resolution was agreed to.

On motion of Mr. GROSVENOR, the motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MOODY of North Carolina indefinitely on account of sickness.

REBATE ON COAL.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House, No. 381, have considered the same and recommend that it be agreed to, with an amendment, inserting in line 2, after the letters "H. R.," the number "16649," and also an amendment inserting after the word "consider," in line 2, the words "in the House."

"*Resolved*, That immediately on the adoption of this rule it shall be in order to consider H. R. ——, providing for a rebate of duties on coal; that debate thereon shall continue for not more than one hour, one-half hour on each side; that on the conclusion of the debate the previous question shall be considered as ordered, and vote taken upon the passage of the bill without delay or intervening motion.

Mr. DALZELL. Mr. Speaker, on the adoption of that rule, I ask the previous question.

The previous question was ordered.

Mr. DALZELL. Mr. Speaker, the bill referred to in the rules is a very short one, and I will read it. It is entitled "A bill to provide rebate of duties on coal."

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and required to make full rebate of duties imposed by law on all coal of every form and description imported into the United States from foreign countries for the period of one year from and after the passage of this act.

The purpose of this bill, it will be observed, is really to put coal of all kinds on the free list during a period of one year subsequent to the passage of the act. There has been so much misrepresentation with respect to the duty on anthracite coal, and with respect to the manner with which it was imposed, that I think this is a favorable occasion, perhaps, to correct the misrepresentations that have been made, and to put in the RECORD a true statement by reciting the legislative history of the duty on coal.

When the Dingley bill was reported to the House in the first instance it contained a provision that coal, bituminous and shale, should pay a duty of 75 cents a ton, coal slack or culm 30 cents, and coke 20 cents. On the free list was this provision: "Coal, anthracite, and coal stores of American vessels, but none shall be unloaded."

The bill passed the House in the identical shape in which it had been reported, and was reported to the Senate in this form: "Coal and shale, 75 cents per ton; coal slack and culm, 30 cents per ton: *Provided, however*, That the duty on coal and shale shall be 60 cents per ton, and on coal slack or culm 15 cents per ton when imported from any country that does not impose on coal or coal slack or culm a higher rate of duty than those named in this proviso. Coke 20 cents." The free list read, "Coal stores of American vessels, but none shall be unloaded or discharged."

That was the shape in which the bill was reported to the Senate. As it passed the Senate it was amended so as to read this way:

Coal, bituminous, and all coals containing less than 92 per cent of fixed carbon, and shale, 67 cents per ton. Coal slack or culm, 15 cents per ton.

Then there was a proviso with respect to coal for fuel aboard vessels which I need not read. The free list read: "Coal stores of American vessels, but none shall be unloaded or discharged."

Now it will be observed that this provision for a duty on coal containing less than 92 per cent carbon was in the bill as it passed the Senate, and, of course, there could not be any concealment of the matter under that condition of things. But the bill was further amended in conference so as to read: "Coal, bituminous, and all coals containing less than 92 per cent of fixed carbon, and shale, 67 cents per ton." The free list read: "Coal, anthracite, not specially provided for in this act, and stores of American vessels, but none shall be unloaded."

In other words, it was undertaken to give a definition to anthracite coal, and it was provided that all coal, whether it was called anthracite or bituminous, that contained less than 92 per cent of carbon, should pay a duty of 67 cents a ton.

Now, this provision was not only not put in secretly, but was debated on the floor of the Senate. It was put in at the instance of representatives in the Senate and House from the Pacific coast in order to provide against coal brought in on the Pacific coast from Australia and British North America. In point of fact, so far as I know, there is no real anthracite coal in the world outside of Pennsylvania, unless possibly it be in China, and the anthracite coal of Pennsylvania contains more than 92 per cent of carbon, and is, therefore, now on the free list.

I need not say anything, Mr. Speaker, as to the necessity or the propriety of the passage of this bill at this time. The great coal strike in Pennsylvania is a matter of lamentable history. I learn this morning by a statement from an authentic source that during the five months of that strike the country was deprived of a supply of anthracite coal amounting to 24,000,000 tons. There could be only one result from such a condition of things; and that result has followed—a scarcity of coal, great and widespread suffering in the heart of midwinter, and a high price for the commodity.

Now, I want to say here and now, speaking for myself, that I do not believe that this legislation will introduce into the market an additional pound of coal. I do not believe that any coal will be imported that would not have been imported without the passage of this bill. I do not believe that it will have any appreciable effect upon the price of coal. I do not believe that any legislation can affect the greed and avarice of the cormorants who are taking advantage of the present condition to oppress people already oppressed. But it will do one thing—it will satisfy the great public that believes that Congress can do something; and it will show the disposition of Congress to do everything that it can do to alleviate this distress.

A friend near me suggests that it will satisfy the belief of the public; and whatever the result may be, Congress will at least have relieved itself of its responsibility. And the responsibility, let me say, rests with us right here, because under the Consitution the power to originate revenue legislation rests with the people's representatives in this House, and rests nowhere else.

Now, I am not disposed to take up any time in the further discussion of this bill. I hardly think it possible that anyone will want to consume time, to delay the passage of an emergency

measure such as this, which is expected to bring relief to a suffering people. I can not conceive that under the circumstances anyone here or elsewhere will be disposed to talk politics.

Mr. Speaker, I reserve the balance of my time.

Mr. JONES of Washington. Will the gentleman from Pennsylvania allow me a suggestion before he takes his seat?

Mr. DALZELL. Certainly.

Mr. JONES of Washington. I agree with the gentleman in doubting whether this measure will bring any relief; but I think it will very injuriously affect the Pacific coast. Therefore I ask whether there is any reason why the operation of the bill should not be limited to the importation of coal into the Atlantic ports and the ports of the Great Lakes or the Gulf. If this bill would relieve the suffering now existing here in the East, I know my people would favor it. It will not; but, on the contrary, will threaten a great industry of my State and bring in competition with our well-paid labor the product of Chinese labor of Canada, and unless the operation of this bill can be confined to the Atlantic and lake ports I shall feel compelled to vote against it.

Mr. DALZELL. I think such legislation would be contrary to the constitutional provision which says that taxes shall be uniform throughout the United States.

Mr. JONES of Washington. As I understand, this is a rebate proposition—the tax is to be collected and then returned. Of course, in effect it amounts to the same thing.

Mr. DALZELL. It is in effect a discount. You may call it whatever you please. It in fact puts coal on the free list for a year.

Mr. JONES of Washington. That is the effect of it, certainly.

Mr. DALZELL. I doubt now—speaking only for myself—whether or not we can make a provision of that kind applicable to the Atlantic ports and not applicable to the Pacific coast.

Mr. JONES of Washington. That would be the objection to a proposition of that kind?

Mr. DALZELL. Yes, sir.

Mr. MONDELL. I wish to ask the gentleman from Pennsylvania [Mr. DALZELL] whether the committee considered the proposition of limiting the operation of the provisions of this bill to six months rather than a year, and I ask this question because, in my opinion, the passage of the bill will very injuriously affect the coal industry of my State without being any relief to any of the people now suffering. The gentleman himself has already stated that he does not believe it would bring any relief——

Mr. RICHARDSON of Tennessee. We should like very much to hear what the gentleman from Wyoming [Mr. MONDELL] is saying. I hope we shall have order.

The SPEAKER. All gentlemen will be seated, and will cease conversation.

Mr. MONDELL. I understand fully the demand for this legislation, but in view of the fact that, in the gentleman's opinion, this measure will bring no relief, and the further fact that it will injuriously affect great interests, I ask him whether or not the committee has considered the propriety of limiting the operation of the law to six months. Much less injury would come from a bill so limited.

Mr. DALZELL. Mr. Speaker, in reply to the gentleman from Wyoming, I will say that the committee did consider that question, and that in the first instance it was intended——

Mr. RICHARDSON of Tennessee. We can not hear a word that the gentleman is saying.

The SPEAKER. The House will come to order.

Mr. DALZELL. The committee did consider the question of time, and in the first instance was of opinion, pretty generally, I think, that six months would be a proper period. But after further consideration, taking into account all the facts, the committee came to the conclusion that it would be better that this legislation should expire while Congress was in session. If limited to six months the effect of the law would end when Congress is not in session. It is absolutely impossible for us to tell what is going to happen in the future with respect to the coal trade.

Mr. LIVINGSTON. Mr. Speaker, if the committee considers the fact of its being a good measure for twelve months I would ask the gentleman if the committee considered the further fact of its being a good measure for all time?

Mr. DALZELL. Well, the committee was very thoroughly of the opinion that it would not be a good measure for all time. Of course I understand now that the gentleman is simply violating, as I assumed a while ago would not be done, a rule which I assumed would be adopted; that is to say, to avoid playing politics on this emergency measure.

Mr. LIVINGSTON. There is no politics in it.

Mr. DAYTON. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. DALZELL. Yes.

Mr. DAYTON. I would ask if the committee in looking into this matter did not find that the greatest trouble was to secure the transportation of coal to the markets where it was needed, and if considering it in that light they took into consideration a plan to suspend temporarily the operations of the interstate-commerce law which would permit the coal-hauling railroads to haul coal to the exclusion of other freight without being subjected to the penalty of that law?

Mr. DALZELL. I will say to my friend that that matter was not considered by the committee or brought to its attention. Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON of Tennessee. Mr. Speaker, the gentleman from Pennsylvania has correctly stated what would be the effect of the adoption of the pending rule. It will be to bring the House without amendment to an immediate vote after one hour of general debate upon the bill which makes a rebate on all coal for a period of twelve months. I believe, as the rule is drawn, Mr. Speaker, if the present occupant of the chair holds as he has held on former occasions similar to this, that it will even prevent a motion to recommit this bill with instructions to the Committee on Ways and Means. The resolution is so drawn as to prevent any amendment whatever to be offered to the measure, and it will also prevent, as I have stated, a motion to recommit the bill to the Committee on Ways and Means with instructions that some different legislation may be proposed. In this respect, Mr. Speaker, it is a most unusual rule. I grant you that rules somewhat similar have been adopted heretofore by the House of Representatives, but when the great question of taxation is before the House and the country, and a live question as it is to-day, such a rule ought not to be invoked.

Now, then, as to the effect of this bill, if it shall pass. It is interesting, Mr. Speaker, to note the differences of opinion entertained and expressed by the great doctors of economy on the other side of the House. The able gentleman who presents this rule tells us that it will not have any effect whatever upon the importation of coal into this country, that it will not affect the price, that it will not have any effect upon the importation of coal, while equally learned doctors on that side arise in their place and tell us that it will destroy the coal industry in their respective States, or greatly damage it. They not only say so on the floor here, but they say so in the public prints, if we are to depend upon what we see published in the newspapers of this morning.

Mr. MONDELL. Mr. Speaker, will the gentleman yield to a question?

The SPEAKER. Does the gentleman yield?

Mr. RICHARDSON of Tennessee. Yes.

Mr. MONDELL. As I understand it, this legislation is intended to relieve a condition which exists throughout the Eastern and Atlantic States. When I stated that the legislation would injure the industry in my State, I spoke what I believed to be the truth. There has been no demand for a reduction of duty in that region, and there is no one asking any relief there, even admitting that this measure will bring relief anywhere, which I do not.

Mr. RICHARDSON of Tennessee. The gentleman asked me to yield for a question and not for a speech. Now, I will ask him a question. Does he believe that this rebate or this taking the tariff tax off coal will reduce the price of coal in his State?

Mr. MONDELL. I do not believe it will.

Mr. RICHARDSON of Tennessee. Then how will it injure your coal producers?

Mr. MONDELL. It will have the effect of allowing Chinese-mined Canadian coal to seek the market now held by the coal mined in my State.

Mr. RICHARDSON of Tennessee. Will it reduce the price of coal to your people?

Mr. MONDELL. No, sir.

Mr. RICHARDSON of Tennessee. Then what is the objection to other coal coming in?

Mr. MONDELL. It will place in competition with our coal in the markets——

Mr. RICHARDSON of Tennessee. Well, but the gentleman stated it would not reduce the price.

Mr. MONDELL. Canadian-mined coal—and reduce our markets.

Mr. RICHARDSON of Tennessee. Answer the question: Will it reduce the price of coal? And if not, why does the gentleman object to other coal coming in?

Mr. MONDELL. It will possibly reduce a little the price of our coal in some of the markets which it seeks, but I doubt it. It will, however, even though the price is not reduced, let in a large quantity of Canadian coal, thus reducing our market.

Mr. RICHARDSON of Tennessee. That is all right. This admission is all we ask. Then we have that much confessed even by a protective-tariff man, that if you reduce the tax and reduce the tariff on an article it reduces the price to the consumer. [Applause.] This is Democratic doctrine and is common sense. I congratulate the gentleman on this confession.

I am glad to notice that some of this applause comes from the Republican side. I want to tell you, Mr. Speaker, that as this rule is drawn, the gentleman from Wyoming [Mr. MONDELL] will be denied the opportunity to offer his amendment to this bill, limiting the time of injury to his constituents to six months. They must stand it for twelve months. And yet when the gentleman goes home he will say to his constituents, "Why, I could not help it. We could not offer an amendment to the bill reducing the time you are to be injured." They may not think to ask him why he could not offer an amendment, but if they do, he will have to tell them that the reason he could not offer an amendment to stop this injury at the end of six months was because he voted to tie his own hands, to prevent himself from offering such an amendment. [Applause on the Democratic side.] Now are you going to do that?

Mr. MONDELL. Will the gentleman allow me for a moment?

Mr. RICHARDSON of Tennessee. Why, certainly, if you want to ask a question, not to make a speech.

Mr. MONDELL. I will also say to them that if I voted with gentlemen on the other side against the rule it would result in an attempt at an amendment that would give us not free coal for a year, but free coal for all time to come. [Applause on the Democratic side.]

Mr. RICHARDSON of Tennessee. I am very much obliged to my friend, Mr. Speaker. I could not have stated it better than that. The gentleman's side of the House has about 200 members. We have about 160 on this side. What does the gentleman say? That but for this ironclad rule, but for this severe rule, enough Republicans on that side of the House would have their consciences so moved and operated upon that they would join with gentlemen on this side of the House and give relief to a suffering people. [Applause on the Democratic side.] Now, is not that a beautiful position for gentlemen on that side of the House to take and voluntarily place themselves in? That is just what I was going to argue, Mr. Speaker, as a Democrat and as a Representative sitting upon this side of the Chamber, but the gentleman from Wyoming [Mr. MONDELL], voicing the sentiment of his people, has saved me from arguing at length that view of the case.

But the gentleman from Pennsylvania [Mr. DALZELL] says that it will not affect the market, that it will have no effect upon coal importations.

Mr. Speaker, not only does the gentleman from Wyoming differ from my friend from Pennsylvania, but other Republicans in this country differ from him. The great Republican Secretary of the Treasury differs radically with my friend from Pennsylvania. Why do I say that? Because in the month of October, when the exigency was upon this country, when the coal strike was prevailing, and an important election pending, the Secretary of the Treasury, in effect, substantially gave direction to the customs officers of this country to repeal or to nullify the present tariff law laying a tax upon coal. I say he substantially nullified it. He directed them, in effect, not to administer the law on the statute books, and placed there by the Republican party. So that when the Secretary of the Treasury wanted to give a little relief to a suffering people he found it necessary to nullify the Republican law on the statute books, which ought to be repealed to-day in full. If the repeal of this tax on coal would not help the people who consume coal, why did the Secretary of the Treasury give orders for its virtual suspension?

I say, Mr. Speaker, that this bill does not go far enough. We say that instead of a suspension or a rebate for twelve months the entire law should be repealed and the people given the relief which the Secretary of the Treasury undertook to give them by nullifying the law, and which the gentleman from Wyoming [Mr. MONDELL] says they will get under this law if it is passed.

In the Committee on Ways and Means we undertook to pass amendments to the pending bill. We sought to indefinitely extend the twelve months' limit. That was voted down. We sought to solve the problem by placing coal upon the free list. That was voted down. With the bill presented to us in this shape there is nothing for us to do but vote for it as a final resort. We can not and would not defeat it if we could by our votes, but, Mr. Speaker, when there are great exigencies in this country, when there are great emergencies, when great afflictions come, it is interesting to note the fact that the Republican party always resort to Democratic theories of government in order to bring relief to a suffering people. [Applause on the Democratic side.]

I am not outside of history when I tell you that when we have great fires in this country, as we had in a city in Maine at one time, and as we had in the great city of Chicago in 1871, when the people there were smitten by Providence, and great distress prevailed, the Republican party at once resorted quickly to Democratic measures of relief in order to assist the suffering people. [Applause.] They provided at once as a measure of relief for those afflicted that all the supplies necessary for rebuilding should be placed upon the free list. And, mark you, that was when we had too much fire. But now, Mr. Speaker, when we can not get any fire at all, and the people are freezing to death, the Republican party again rushes to Democratic theories in order to afford relief. [Applause on the Democratic side.] The country will yet find that only in Democratic theories and policies is there perfect safety for the Republic at all times and under all conditions.

Now, why not do what we ought to do? Why not do what many Republicans on that side of the House promised their people in the campaign last year they would do, and that is give the people some relief from the onerous taxes under which they suffer? But instead of coming forward as you should have done at this session and passed a tariff bill reducing the tariff, so as to give relief to many industries of this country, thereby destroying, or at least reducing, the power of trusts to oppress the people, you come forward now, when you are compelled to modify the tariff, and you do it in this indirect, halting, and insincere way. You are afraid to permit amendments to be offered to the bill, as the gentleman from Wyoming says if you give a chance to amend this measure the people's representatives might vote more relief than you give in the pending bill.

Now, Mr. Speaker, I am not going to undertake to tell here, for I have not time, how this provision got into the Dingley tariff law. My friend from Pennsylvania found it necessary this morning, when no one had made a statement on this floor to-day, to come to the relief of the framers of this law. Well, now, he need not undertake to get up a wrangle or a row with anyone on this side of the House upon that question. I quote the language of an able and honorable gentleman who for years occupied a seat on that side of the Chamber, personally known to us all as an honorable and able man. In debate, as he was reported at the time, in the State of Michigan, I think it was, he said that this provision for coal was "sneaked" into the Dingley tariff bill.

Now, he has never denied that statement, so far as I know, and it has been published far and wide over this country. It was "sneaked," he said, "in a cowardly manner into the Dingley bill." If you want your row, take it with the Secretary of the Navy. It seems that nobody has denied the allegation that this provision was sneaked into the Dingley bill, but whether it was or not, Mr. Speaker, it is not necessary now to discuss. The question is, Ought it to be there? And these gentlemen by their action now come forward and are compelled to confess that it ought not to be there in the present exigency, and they themselves ask relief from their own law for a period of twelve months.

How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has five minutes remaining.

Mr. RICHARDSON of Tennessee. Now, Mr. Speaker, I can not go further in a discussion of this question. I only want to say this, that in my judgment this House ought to vote down this rule in order that we may present this measure in a better shape for the people. We can not offer to amend it under the rule; we can not make any change whatever in the bill, and must take it as it is if we adopt this resolution. The rule is unnecessary. The bill is itself privileged, and could have been called up under the rules at any time, but under the rules when so called up it would be open to amendment. This rule is only designed and intended to prevent the offering of amendments. Therefore we should vote down the rule, in order that the people of this country may have absolute and complete relief from the oppression of this "sneaking provision" in the Dingley tariff bill. Let us put coal where it ought to be—on the free list. [Loud applause on the Democratic side.] I yield five minutes to the gentleman from Mississippi.

The SPEAKER. The gentleman has four minutes.

Mr. WILLIAMS of Mississippi. Mr. Speaker, this is either a good bill or it is a bad bill. If it is a good bill, it is because after its passage the price of coal is going to be reduced to the people who are now suffering. If the price of coal is going to be reduced to the people now suffering, it will be because the tariff tax has been removed. Now, I believe that all men of common sense, when they are faced with an actual situation, do believe that a reduction of a tariff tax will have a tendency to cheapen in the market the article upon which the tax has been levied. I can not conceive that anybody would oppose a bill of this sort in an emergency like this, unless he were one of the class of people who think that it is better that a great number of men and women and children should freeze, or be acold at any rate, than that a few people should make less profit upon invested capital for a very short while.

Now, Mr. Speaker, such extreme haste to do a thing so long delayed, and so unjustifiably delayed, has seldom been witnessed. The gentleman from Pennsylvania tells us that this is an emergency measure, and so it is; but it is no new emergency. It is not a sudden emergency. It has been an emergency since the House

met upon the first Monday of December. [Applause.] Gentlemen can not now wait or delay long enough to let the House vote upon an amendment; can not wait long enough to let the representatives of the people propose or vote upon amendments. Now, the people themselves understand how things certainly are, and yet they have waited with their hands folded from the 1st day of December until now, to do what? To do partially and haltingly, hesitatingly and apologetically, as the gentleman's remarks bear witness, that which the Democratic party and that which all sound-thinking people of this country have been calling upon them to do ever since Congress met—to take the tariff off anthracite coal. True, the bill removes or suspends the tax for only a year. But going that far admits the principle for which we have contended and the efficacy of the remedy which we have suggested.

Now, Mr. Speaker, perhaps the severest possible arraignment of the authors of existing industrial conditions and policies consists in the statement, which is true, that this bill—poor, halting thing—"lame and impotent conclusion" as it is, is infinitely better than the present condition of things. We live in one of the richest countries of the world. We live in a country which has sent anthracite coal—at any rate the late Assistant Secretary of the Treasury, Mr. Vanderlip, says so—to Newcastle itself. And yet we have by our laws gotten ourselves—mining coal of that sort as cheaply as we have mined it—into a position where men in the most highly civilized cities of the world to-day, New York, Chicago, Boston, and Philadelphia, are shivering not only with physical cold, but with anxiety for their wives and their children, and when the relief was begged this House and the Senate sat idly by until a month and a half of winter is gone and its accompanying sufferings been experienced before they give it, and then give it but temporarily and haltingly. It is now the 14th of January. No coal will come from abroad for a month and——

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. DALZELL. How much time has the other side occupied, Mr. Speaker?

The SPEAKER. The other side has occupied all of their time.

Mr. DALZELL. How much time have I remaining?

The SPEAKER. The gentleman has seven minutes.

Mr. DALZELL. I yield two minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I shall vote for this rule, but I shall vote against the proposed legislation. I vote for the rule knowing that the gentlemen on the Democratic side who vote against it do so with the hope and expectation of being able to pass legislation through the House placing coal upon the free list. I shall do all that I can when the time comes to prevent the passage of the bill, but I prefer to have the measure considered as it now stands, rather than to court the danger of permanently placing coal on the free list as desired by the gentlemen on the Democratic side.

Mr. DALZELL. Mr. Speaker, it will be useless at this time to undertake to enter into a tariff discussion, or to undertake to answer the threadbare argument that comes from gentlemen on the other side on that subject. When they passed their measure of perfidy and dishonor it contained a duty on coal. There is no distinction between the theories of the two parties on that subject; it is merely a question of a few cents in amount of duty.

Now, it is less than fair for the gentleman from Tennessee to repeat here the alleged words of the Secretary of the Navy with respect to the duty on coal. The Secretary of the Navy, subsequent to making that speech, made another speech in New England in which he conceded that he had been misled and in which he has put himself right. Now, mark the attitude of the other side. The gentleman from Mississippi is full of haste, but the gentleman from Tennessee complains that we will not let him play politics here; allow him to put in the time that ought to be spent in passing this bill in offering fruitless amendments that could amount to nothing, and then, after they had all been voted down, permit him to make a motion to recommit. The hypocrisy of the attitude of the gentlemen on the other side was never more apparent than it is as demonstrated by the gentleman from Tennessee to-day. Mr. Speaker, I ask for a vote. [Applause on the Republican side.]

The SPEAKER. The question is on agreeing to the amendments to the resolution.

The question was taken; and the Speaker announced that the ayes had it.

Mr. RICHARDSON of Tennessee. I demand a division, Mr. Speaker.

As the House was proceeding to divide,

Mr. RICHARDSON of Tennessee. Mr. Speaker, is this vote upon the amendment?

The SPEAKER. It is.

Mr. RICHARDSON of Tennessee. Then I withdraw my demand.

The SPEAKER. The gentleman from Tennessee withdraws his demand. The ayes have it, and the amendment is agreed to. The question now is on agreeing to the resolution as amended.

The question was taken; and there were on a division (demanded by Mr. RICHARDSON of Tennessee)—ayes 136, noes 110.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand the yeas and nays on the passage of the resolution.

The yeas and nays were ordered.

The question was taken; and there were—yeas 144, nays 116, answered "present" 6, not voting 88; as follows:

YEAS—144.

Adams,	Draper,	Hull,	Powers, Me.
Alexander,	Driscoll,	Irwin,	Powers, Mass.
Allen, Me.	Dwight,	Jones, Wash.	Prince,
Aplin,	Eddy,	Kahn,	Reeves,
Babcock,	Emerson,	Ketcham,	Schirm,
Bartholdt,	Esch,	Knapp,	Scott,
Bates,	Fletcher,	Kyle,	Shattuc,
Beidler,	Foerderer,	Lacey,	Shelden,
Bingham,	Fordney,	Landis,	Showalter,
Blackburn,	Foss,	Lawrence,	Sibley,
Blakeney,	Foster, Vt.	Lessler,	Skiles,
Boutell,	Fowler,	Littauer,	Smith, Ill.
Brandegee,	Gardner, Mass.	Littlefield,	Smith, Iowa
Brick,	Gardner, Mich.	Lovering,	Smith, H. C.
Bromwell,	Gardner, N. J.	McCall,	Smith, S. W.
Brown,	Gibson,	McCleary,	Southwick,
Brownlow,	Gill,	McLachlan,	Sperry,
Burke, S. Dak.	Gillet, N. Y.	Mahon,	Steele,
Burkett,	Gillett, Mass.	Mann,	Stevens, Minn.
Burleigh,	Graff,	Marshall,	Stewart, N. J.
Burton,	Greene, Mass.	Martin,	Sulloway,
Butler, Pa.	Grosvenor,	Mercer,	Sutherland,
Cannon,	Grow,	Metcalf,	Tawney,
Capron,	Hamilton,	Miller,	Tayler, Ohio
Conner,	Haskins,	Minor,	Thomas, Iowa
Coombs,	Haugen,	Mondell,	Tirrell,
Cooper, Wis.	Heatwole,	Morgan,	Van Voorhis,
Corliss,	Hedge,	Morrell,	Vreeland,
Cromer,	Hemenway,	Morris,	Wachter,
Crumpacker,	Henry, Conn.	Moss,	Wadsworth,
Currier,	Hepburn,	Mudd,	Wanger,
Dahle,	Hildebrant,	Otjen,	Warner,
Dalzell,	Hill,	Overstreet,	Warnock,
Deemer,	Hitt,	Parker,	Watson,
Dick,	Holliday,	Patterson, Pa.	Woods,
Douglas,	Howell,	Payne,	Wright.

NAYS—116.

Adamson,	Flanagan,	Lindsay,	Ryan,
Allen, Ky.	Fleming,	Little,	Scarborough,
Bartlett,	Flood,	Livingston,	Shackleford,
Bell,	Gaines, Tenn.	Lloyd,	Shafroth,
Belmont,	Gaines, W. Va.	McClellan,	Shallenberger,
Benton,	Gilbert,	McCulloch,	Sheppard,
Billmeyer,	Glass,	McDermott,	Sims,
Brantley,	Glenn,	Maddox,	Slayden,
Breazeale,	Goldfogle,	Maynard,	Small,
Burgess,	Gooch,	Mickey,	Smith, Ky.
Burleson,	Green, Pa.	Miers, Ind.	Snodgrass,
Caldwell,	Griffith,	Moon,	Snook,
Candler,	Hay,	Naphen,	Stark,
Cassingham,	Henry, Tex.	Neville,	Stephens, Tex.
Clark,	Hooker,	Padgett,	Sulzer,
Clayton,	Howard,	Patterson, Tenn.	Swann,
Cochran,	Jett,	Perkins,	Tate,
Conry,	Johnson,	Pierce,	Taylor, Ala.
Cooney,	Jones, Va.	Randell, Tex.	Thayer,
Cooper, Tex.	Kern,	Reid,	Thomas, N. C.
Cowherd,	Kitchin, Claude	Rhea,	Trimble,
Davey, La.	Kitchin, Wm. W.	Richardson, Tenn.	Vandiver,
Davis, Fla.	Kleberg,	Rixey,	Wheeler,
De Armond,	Kluttz,	Robb,	White,
Dinsmore,	Lamb,	Robertson, La.	Williams, Ill.
Dougherty,	Latimer,	Robinson, Ind.	Williams, Miss.
Elliott,	Lester,	Rucker,	Wilson,
Feely,	Lever,	Ruppert,	Wooten,
Fitzgerald,	Lewis, Ga.	Russell,	Zenor.

ANSWERED "PRESENT"—6.

Barney,	Dayton,	Jenkins,	Kehoe.
Broussard,	Griggs,		

NOT VOTING—88.

Acheson,	Cushman,	Lewis, Pa.	Reeder,
Ball, Del.	Darragh,	Long,	Richardson, Ala.
Ball, Tex.	Davidson,	Loud,	Roberts,
Bankhead,	Dovener,	Loudenslager,	Robinson, Nebr.
Bellamy,	Edwards,	McAndrews,	Rumple,
Bishop,	Evans,	McLain,	Selby,
Boreing,	Finley,	McRae,	Sherman,
Bowersock,	Foster, Ill.	Mahoney,	Smith, Wm. Alden
Bowie,	Fox,	Meyer, La.	Southard,
Bristow,	Gordon,	Moody, N. C.	Sparkman,
Brundidge,	Graham,	Moody, Oreg.	Spight,
Bull,	Hanbury,	Mutchler,	Stewart, N. Y.
Burk, Pa.	Henry, Miss.	Needham,	Storm,
Burnett,	Hopkins,	Nevin,	Swanson,
Butler, Mo.	Hughes,	Newlands,	Talbert,
Calderhead,	Jack,	Norton,	Thompson,
Cassel,	Jackson, Kans.	Olmsted,	Tompkins, N. Y.
Connell,	Jackson, Md.	Palmer,	Tompkins, Ohio
Cousins,	Joy,	Pearre,	Underwood,
Creamer,	Knox,	Pou,	Weeks,
Crowley,	Lanham,	Pugsley,	Wiley,
Curtis,	Lassiter,	Ransdell, La.	Young.

So the resolution was adopted.

The following pairs were announced:
For the session:
Mr. DAYTON with Mr. MEYER of Louisiana.
Until January 15:
Mr. JENKINS with Mr. LANHAM.
Until January 25:
Mr. DOVENER with Mr. BROUSSARD.
Until further notice:
Mr. NEEDHAM with Mr. RANSDELL of Louisiana.
Mr. LOUDENSLAGER with Mr. RICHARDSON of Alabama.
Mr. CURTIS with Mr. MCANDREWS.
Mr. RUMPLE with Mr. ROBINSON of Nebraska.
Mr. JACK with Mr. FINLEY.
Mr. BOWERSOCK with Mr. BURNETT.
Mr. BOREING with Mr. KEHOE.
Mr. HOPKINS with Mr. SWANSON.
Mr. LONG with Mr. NEWLANDS.
Mr. LESSLER with Mr. BURGESS.
Mr. BARNEY with Mr. THOMPSON.
Mr. ACHESON with Mr. SPARKMAN.
Mr. SOUTHARD with Mr. NORTON.
Mr. DAVIDSON with Mr. SELBY.
Mr. MOODY of Oregon with Mr. BELLAMY.
Mr. MOODY of North Carolina with Mr. FOX.
Mr. EVANS with Mr. FOSTER of Illinois.
Mr. STORM with Mr. PUGSLEY.
Mr. LOUD with Mr. GRIGGS.
For this day:
Mr. WM. ALDEN SMITH with Mr. EDWARDS.
Mr. SHERMAN with Mr. MUTCHLER.
Mr. BISHOP with Mr. BRUNDIDGE.
Mr. REEDER with Mr. MAHONEY.
Mr. BULL with Mr. CROWLEY.
Mr. LEWIS of Pennsylvania with Mr. TALBERT.
Mr. BALL of Delaware with Mr. BALL of Texas.
Mr. CALDERHEAD with Mr. BOWIE.
Mr. CONNELL with Mr. BUTLER of Missouri.
Mr. COUSINS with Mr. CREAMER.
Mr. GRAHAM with Mr. HENRY of Mississippi.
Mr. CUSHMAN with Mr. GORDON.
Mr. HANBURY with Mr. JACKSON of Kansas.
Mr. HUGHES with Mr. MCLAIN.
Mr. JOY with Mr. UNDERWOOD.
Mr. KNOX with Mr. LASSITER.
Mr. NEVINS with Mr. POU.
Mr. YOUNG with Mr. MCRAE.
Mr. OLMSTED with Mr. SPIGHT.
Mr. STEWART of New York with Mr. WILEY.

Mr. GRIGGS. Mr. Speaker, I wish to ask whether the gentleman from California, Mr. LOUD, has voted?

The SPEAKER pro tempore (Mr. HEPBURN). He has not.

Mr. GRIGGS. Then I wish to withdraw my vote and be recorded "present."

Mr. GRIGGS was so recorded.

Mr. SWANSON. I desire to be entered "present," and to state that I am paired with the gentleman from Illinois, Mr. HOPKINS. If he were present, I should vote "no."

The SPEAKER pro tempore. Did the gentleman from Virginia [Mr. SWANSON] answer when his name was called?

Mr. SWANSON. I did not.

The SPEAKER pro tempore. The Chair thinks that under those circumstances the gentleman's name can not be entered.

Mr. SWANSON. I simply wanted to be entered "present."

The SPEAKER pro tempore. If the gentleman could be entered as "present," he could then change that response to a vote. The gentleman does not state that he was listening when his name was called and failed to hear it.

Mr. SWANSON. It was my impression that ever since the Fifty-first Congress the rule has been that a member present has the right to be entered "present."

The SPEAKER pro tempore. When a quorum fails to vote that would be the rule.

Mr. SWANSON. The simple question is as to the right of a member who is present to be entered "present." I understand the Chair to rule that, unless the member was listening when his name was called and failed to hear it, he can not be entered "present."

The SPEAKER pro tempore. The Chair so understands.

The result of the vote was announced as above stated.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and required to make full rebate of duties imposed by law on all coal of every form and description imported into the United States from foreign countries for the period of one year from and after the passage of this act.

Mr. PAYNE. Mr. Speaker, I would ask the Chair to call my attention to the fact after I have occupied ten minutes.

The SPEAKER pro tempore. Without objection, the Chair will recognize the gentleman from New York [Mr. PAYNE] to control the time on one side and the gentleman from Tennessee [Mr. RICHARDSON] to control the time in opposition. [After a pause.] The Chair hears no objection.

Mr. PAYNE. Mr. Speaker, it is useless, of course, to comment upon the lamentable strike that occurred last summer.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I did not hear the statement of the Chair in respect to the division of time. Will the Chair please repeat?

The SPEAKER pro tempore. The Chair said that he would recognize the gentleman from New York [Mr. PAYNE] to control the time in favor of the bill and the gentleman from Tennessee [Mr. RICHARDSON] to control the time in opposition.

Mr. RICHARDSON of Tennessee. Mr. Speaker, the only correction I desire to make to the statement of the Chair is that I do not control any time in opposition to the bill. I control one-half of the time, and I accept it as one-half of the time; but I can not accept it as one-half of the time in opposition to the bill, for I am not opposed to it, nor is any other gentleman on this side of the House, so far as I know.

The SPEAKER pro tempore. The gentleman will be recognized.

Mr. PAYNE. Gentlemen well know, Mr. Speaker, that the coal strike continued for a period of five months, that it covered nearly the whole anthracite region of the country, and that during that time very little coal was produced, so that out of the 67,000,000 tons annually mined in the anthracite regions, there was a shortage of at least 24,000,000 tons as has been recently stated. This amounts to nearly 8 per cent of the entire production of coal in the United States, both anthracite and bituminous. When this session commenced, or after it had commenced, several bills were introduced for the abolition of the duty, or the suspension of it, for sixty or ninety days or six months, for a drawback of the duty, and presenting other propositions, and I think that occasionally there were perhaps one or two bills introduced for the entire repeal of the duty upon coal; but the situation then was not so acute as it has become since.

Every day since operations have been resumed at the mines the situation has grown more acute. At first we were told we would have plenty of coal when the mines were in full operation. So far as my own locality is concerned the situation there has been growing better. There is more coal, and I am informed to-day that every man can have coal delivered at $6.50 a ton, which is but 75 cents a ton higher than it was a year ago; so that there has not been this emergency for the passage of any bill until since we met after the holiday recess. The Ways and Means Committee took the matter up and concluded that the best form and the best way to meet this emergency was by a bill granting a rebate upon duties for the period of a year. As has been said, in the case of the Chicago fire a rebate of all duties was granted upon everything used in building there except lumber, and in the case of the Eastport, Me., fire a rebate of duties was granted upon lumber alone. Those were emergencies.

The gentleman from Tennessee [Mr. RICHARDSON] says that we adopted Democratic doctrines. Why, no; to meet an emergency is not Democratic doctrine. It was not Democratic doctrine to meet an emergency even when the floods devastated the South and destroyed life and property there. The appropriations we then made were not in accord with Democratic doctrine. The Democrats voted for it then, and at the same time they were talking about the Constitution and the constitutional rights of Congress to appropriate money to aid sufferers in the South. The Republican party has always stood to aid these people whenever the necessity occurred, and they have dragged some Democrats into voting with them upon these questions, but it was not Democratic doctrine. I did not intend, however, Mr. Speaker, and should not have said a word about those matters, if politics had not been brought in by the other side. I simply want to know whether this bill is sufficient to meet the emergency in this case.

I do not believe we are going to get more coal into this country or that we are going to get it cheaper in this country. It may be that while a few benevolent people have clubbed together in some towns and are importing coal direct and bringing it into this country and selling it at cost, that they will sell that coal to the poor people in their localities with the duty taken off, but the difficulty with the price of coal to-day is that there are so many men in the United States who are willing and anxious to make money out of the necessities of their fellows. Now, I do not know where we can place the blame in this case. The gentleman from West Virginia [Mr. DAYTON] says that he blames it upon the interstate-commerce law. That is the first time I have heard that idea suggested.

I understand that the railroads lay the blame upon the independent mine operators, that they are charging too much for their coal, and that the mine operators lay the blame upon the people in the locality—the retail dealers in coal. I think it may be that all of them are somewhat to blame, and all of them are more or less seeking the opportunity to make something out of the sufferings of their fellow-men and out of the scarcity of coal. I am willing, in order to relieve the situation in the way that some people believe it can be relieved, to go to the extent of the passage of this emergency bill.

Mr. COCHRAN. Mr. Speaker——

Mr. PAYNE. Mr. Speaker, I can not be interrupted. I have only ten minutes.

The SPEAKER pro tempore. The gentleman from New York declines to be interrupted.

Mr. COCHRAN. The gentleman does not seem to be anxious to hear what I have to say.

Mr. PAYNE. Now, Mr. Speaker, when I was interrupted I was about to say that the imports of coal into the United States during the past two years were 2,000,000 tons per year. They were about double what they were after our friends put a 40-cent duty upon it in 1894. They have increased that much under the increased duty of the Dingley law. And while we are importing this amount of coal, a large portion of which has come from the British North American possessions, we have been exporting into Canada and into the other British possessions, mainly into Canada, some 6,000,000 tons a year.

We have not exported so much there this year because of the strike, which cut off the supply of anthracite coal. They are feeling the scarcity of coal in the British possessions north of us. Similar conditions, though not to a degree of famine, obtain there, and I do not look for a large supply of coal under any circumstances from the British North American possessions. We may get some from the United Kingdom. Possibly this may in some way bring more coal to us from the United Kingdom. If that is so, I shall rejoice as heartily as anyone over the success of this measure in that direction. But we bring it forward simply as an emergency measure. We do not bring it forward as expressing our ideas upon the question whether there shall be a duty upon coal. We do not bring it forward with that idea, Mr. Speaker, because of the conditions on the Pacific coast, because of the conditions in the State of Wyoming, because of the conditions where our white labor in the mines is brought into direct competition with the Chinese labor in the British North American and Western possessions. I add some figures with reference to the exports and imports of coal.

Coal, anthracite and bituminous, imported from United Kingdom, Dominion of Canada (Nova Scotia, New Brunswick, etc.; Quebec, Ontario, Manitoba, etc., and British Columbia), Mexico, Japan, British Australasia, Germany, and Chinese Empire, and total United States imports, for the years ending June 30, 1894-1902, inclusive.

IMPORTS OF ANTHRACITE AND BITUMINOUS COAL, 1894-1902, BY COUNTRIES.

FROM UNITED KINGDOM.

Year.	Anthracite (free).		Bituminous (dutiable).	
	Tons.	Value.	Tons.	Value.
1894	69,748	$186,268	119,450	$340,082
1895	76,420	195,564	100,615	315,228
1896	148,120	340,846	75,128	213,850
1897	85,628	196,021	54,469	150,909
1898	5,455	12,826	136,032	314,313
1899	409	1,895	106,860	263,294
1900			126,766	350,064
1901			54,160	200,455
1902	286	1,844	100,906	387,476

FROM DOMINION OF CANADA.

(1) Nova Scotia, New Brunswick, etc.

1894	222	$1,260	57,965	$109,546
1895	78	277	77,910	127,841
1896	384	1,723	123,404	216,698
1897	428	2,088	193,539	342,429
1898	191	949	99,157	127,921
1899			122,603	159,950
1900			569,918	734,605
1901			580,256	748,300
1902			669,820	1,077,960

(2) Quebec, Ontario, Manitoba, etc.

1894	2	$14	39,306	$94,665
1895	502	1,819	30,337	71,301
1896	1,244	3,851	39,987	91,932
1897	903	4,748	41,302	94,438
1898	186	908	36,921	80,409

Coal, anthracite and bituminous, imported, etc.—Continued.

FROM DOMINION OF CANADA—continued.

(2) Quebec, Ontario, Manitoba, etc.—Continued.

Year.	Anthracite (free).		Bituminous (dutiable).	
	Tons.	Value.	Tons.	Value.
1899	192	$789	55,008	$125,609
1900	37	156	31,819	74,287
1901	1	6	26,351	64,390
1902	3	16	29,203	72,936

(3) British Columbia.

1894			674,035	$2,570,313
1895			721,174	2,684,816
1896			627,257	2,322,188
1897	17	$57	607,657	2,225,710
1898	19	46	618,041	2,179,835
1899			652,926	2,450,850
1900			750,205	2,864,237
1901			905,539	3,480,942
1902			783,233	2,826,536

FROM MEXICO.

1894			49,949	$117,120
1895			54,419	109,674
1896			72,056	146,813
1897			98,356	210,293
1898			108,103	201,428
1899			120,105	234,884
1900	117	$543	75,084	144,914
1901			33,843	67,637
1902			4,887	9,155

FROM JAPAN.

1894	5	$17	13,206	$29,000
1895			11,769	23,006
1896			3,972	7,397
1897	2	9	1,579	3,928
1898			2,675	8,075
1899			7,552	21,412
1900			10,177	38,691
1901			7,011	17,341
1902			17,124	50,987

FROM BRITISH AUSTRALASIA.

1894			190,071	$433,207
1895			262,384	512,651
1896			302,159	558,329
1897			286,329	510,973
1898			268,877	481,384
1899			191,998	335,436
1900			140,771	261,566
1901			366,298	790,019
1902			334,862	880,438

FROM GERMANY.

1894				$2
1895	3,004	$6,199		
1896			619	1,538
1897			520	1,489
1898			250	595
1899			292	816
1900			100	428
1901			1,516	6,151
1902			898	3,339

FROM CHINESE EMPIRE.

1894	10	$40	2,500	$6,105
1895			40	149
1896				
1897			1,645	4,715
1898			2,264	4,867
1899				
1900			350	2,100
1901			655	1,945
1902				

NOTE.—There was very little importation from countries not stated above.

TOTAL IMPORTS INTO THE UNITED STATES (GENERAL IMPORTS).

1894	69,987	$187,599	1,148,454	$3,704,113
1895	80,004	203,859	1,260,109	3,848,365
1896	149,748	346,420	1,243,835	3,559,283
1897	86,978	202,923	1,287,977	3,553,876
1898	5,851	14,729	1,273,311	3,401,301
1899	601	2,684	1,258,784	3,595,793
1900	156	704	1,707,076	4,476,032
1901	1	6	1,977,238	5,381,474
1902	302	1,958	1,941,422	5,310,450

Coal, anthracite and bituminous, imported from and exported to British North America for the months of November, 1901 and 1902, and for the eleven months ending November, 1901 and 1902.

COAL IMPORTED FROM BRITISH NORTH AMERICA.

	Anthracite.		Bituminous.	
	Tons.	Value.	Tons.	Value.
For the month of November—				
1901			132,602	$338,321
1902 (total United States)	34,659	$163,402	153,386	428,528
For the eleven months ending November—				
1901			1,333,156	3,718,367
1902	53,428	251,447	1,495,316	4,013,861

COAL (DOMESTIC) EXPORTED TO BRITISH NORTH AMERICA.

For the month of November—				
1901	108,465	$496,299	237,138	$551,607
1902	129,466	679,266	285,131	753,212
For the eleven months ending November—				
1901	1,821,858	8,177,650	2,972,573	6,621,459
1902	750,835	3,526,767	3,386,365	8,632,585

COAL IMPORTED FROM BRITISH NORTH AMERICA, JULY-NOVEMBER, 1902.

July, 1902	(a)	(a)	131,417	$313,722
August, 1902	(a)	(a)	122,139	308,089
September, 1902	(a)	(a)	137,350	367,671
October, 1902	(a)	(a)	143,201	396,553
November, 1902	(a)	(a)	153,386	428,528

[a] Not separated. See total imports into the United States below.

TOTAL COAL IMPORTED INTO THE UNITED STATES.

July, 1902			175,222	$430,501
August, 1902	2	$10	156,944	410,199
September, 1902	485	2,287	191,173	538,525
October, 1902	18,266	85,634	234,948	663,235
November, 1902	34,659	163,402	411,248	1,254,794

Importations of bituminous coal, dutiable.

NOTE.—Anthracite not returned by countries.

Imported from—	July.			
	1901.		1902.	
	Quantity.	Value.	Quantity.	Value.
	Tons.		Tons.	
United Kingdom	443	$1,867	423	$2,966
British North America	120,454	338,150	131,417	313,722
All other countries	39,954	102,710	43,382	113,813
Total	160,851	442,727	175,222	430,501

Imported from—	August.			
	1901.		1902.	
	Quantity.	Value.	Quantity.	Value.
	Tons.		Tons.	
United Kingdom	11,038	$45,105	8,728	$35,853
British North America	106,105	271,066	122,139	308,089
All other countries	24,719	66,374	26,077	66,257
Total	141,862	382,545	156,944	410,199

Imported from—	September.			
	1901.		1902.	
	Quantity.	Value.	Quantity.	Value.
	Tons.		Tons.	
United Kingdom	6,547	$26,258	21,076	$84,034
British North America	117,852	316,348	137,350	367,671
All other countries	27,649	74,178	32,747	86,820
Total	152,048	416,784	191,173	538,525

Imported from—	October.			
	1901.		1902.	
	Quantity.	Value.	Quantity.	Value.
	Tons.		Tons.	
United Kingdom	9,235	$35,494	59,604	$180,980
British North America	90,161	235,917	143,201	396,553
All other countries	16,378	42,723	32,143	85,702
Total	115,774	314,134	234,948	663,235

Importations of bituminous coal, dutiable—Continued.

Imported from—	November.			
	1901.		1902.	
	Quantity.	Value.	Quantity.	Value.
	Tons.		Tons.	
United Kingdom	17,997	$64,481	246,669	$796,369
British North America	120,450	292,770	143,386	428,528
All other countries	35,341	93,831	21,193	29,897
Total	173,788	451,082	411,248	1,254,794

NOTE.—Figures for November, 1902, are preliminary advance figures, Treasury Department.

Coal importations into the United States.

	Anthracite (free).		Bituminous (dutiable).	
	Quantity.	Value.	Quantity.	Value.
	Tons.		Tons.	
Twelve months ending June 30—				
1900	156	$704	1,707,076	$4,476,032
1901	1	6	1,977,238	5,381,474
1902	302	1,958	1,941,422	5,310,450
July 1901			160,851	442,727
July 1902			175,222	430,501
August 1901			141,862	382,545
August 1902	2	10	156,944	410,199
September 1901			152,048	416,784
September 1902	485	2,287	191,173	538,525
October 1901			115,774	314,134
October 1902	18,266	85,634	234,948	663,235
November 1901			173,788	451,082
November 1902	34,659	163,402	411,248	1,254,794

NOTE.—The figures for November, 1902, are from advance sheets, Bureau of Statistics, Treasury.

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. Mr. Speaker, I have been listening very carefully to the chairman of the Ways and Means Committee [Mr. PAYNE], and also to the gentleman on the Committee on Rules [Mr. DALZELL]. The gentleman from Pennsylvania [Mr. DALZELL] charged the gentleman from Tennessee [Mr. RICHARDSON] with playing the hypocrite. If you gentlemen over there believe what you have said, and if I understand what the term "skullduggery" means, that is exactly what you have been guilty of in this measure. [Laughter.] You come in here proposing as an emergency measure to relieve the people, as you say, and at the same time insisting that it will not do so. Now what do you think about that for hypocrisy? Have they not got cheek? They say, "We are satisfied it is not going to do any good. We know it will not reduce the price of coal, but nevertheless it is an emergency measure, and we do not expect that anybody will stand in the way. In other words, we will just shove it right through, at the same time stating that it is going to do no good, and that it will not reduce the price of coal."

What about that for hypocrisy? That is another one of those deceptions of the people, doing no good, not expected to do any; and yet you propose to fool the people into thinking that you are going to do something for them. I think when the gentleman from Pennsylvania [Mr. DALZELL] stated that it would not have any immediate effect on the price of coal, he was correct in his statement; for when coal is selling in Washington to-day at $8 a ton wholesale, and retailing anywhere from $10 to $15 a ton, I can not understand why people in Canada and elsewhere do not import their coal into this country and pay the tariff thereon. That is the strange thing to me, if that is true. It shows that the trouble is evidently somewhere else—perhaps the railroads.

But, Mr. Speaker, when we stand in this House to-day and insist on putting coal upon the free list, I want it understood that so far as I am concerned, at least, one Democrat knows that it requires revenue to run this Government; that we have got to levy a tax or a tariff upon something in order to produce sufficient revenue to run the country. I know that; but I undertake to say that if the experience of this country in the last twelve months has taught us anything, it is that coal ought to be on the free list. Gentlemen have done well, so far as that is concerned, in extending this time until the meeting of the next Congress. I agree with them on that. How do we know that in less than three months this strike will not be again repeated?

I notice in the newspapers this morning, and also from the statements of the gentleman from Pennsylvania [Mr. DALZELL] and of the gentleman from New York [Mr. PAYNE], that 24,000,000 tons of coal that ought to have been mined and now available in the country is not there, and has not been mined, by reason of a strike of the coal miners. Who knows when this strike is going to begin again? How do you know that it may not occur next

year, or this year, and be more extensive than it ever has been? And if there is one thing that the people must have, that one thing is coal. It is an absolute necessity. If there was nothing more in it than to provide other places where we may get coal while these strikes are on, we ought to have coal on the free list, so that we can get it from somewhere. We can not compel these people to dig coal. They will dig coal if they want to, or they will let it alone.

This thing had gone so far that it was proposed in some quarters by some of the ablest men in this country that the Government should take hold of this matter and condemn these coal mines and operate them for the public welfare.

The trouble about it is that you do not extend it long enough. In my judgment it ought to be on the free list, to counteract just such a condition as exists to-day. [Applause on the Democratic side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Missouri.

Mr. COCHRAN. Mr. Speaker, it would be interesting to know precisely where the gentleman from New York [Mr. PAYNE] first felt the thrill of sympathy for shivering humanity which led to the explosion we have just listend to. Possibly had the magnitude of the emergency he talks about impressed itself upon him earlier, he could have told us about it without such a display of vehemence, not to say of emotion. However, it is commendable that even at this late date he has come to a realization of the fact that it is our duty to at least try to relieve that situation. Over thirty days ago, I think as much as forty days ago, I introduced a joint resolution precisely similar in import to the measure now before the House.

I went to the chairman of the Ways and Means Committee [Mr. PAYNE] and asked him if his committee did not regard it as advisable to consider and favorably report that resolution. An appalling danger threatened millions of people in his own State, yet a smile and an insinuation that there was no likelihood of any such action was his reply. It seems to have required numerous deaths from cold and exposure and the clamor of his own people for justice to arouse him, and now he comes here and says that while he does not think the passage of this resolution will do any good, he believes that Congress should do all within its power. Six months ago, not now, was the time for action.

The failure of the President to do his duty then made certain the appalling situation of to-day. When he was galloping over the country talking about regulating the trusts, he knew that his Attorney-General, although in possession of evidence enough to convict the lawbreakers who manage the coal combine in Pennsylvania, was making no efforts to protect the people from the great injury they have suffered. The fat fryers to whom you gentlemen owe your seats [applause on the Democratic side] are in charge of the Government, and who believes that fat fryers and their beneficiaries will ever move effectively against monopoly?

The President and his Attorney-General know as well as they know they are living that three or four railroads own the anthracite coal mines in Pennsylvania and are carrying on business in direct violation of the statutes of that State and the antitrust laws of the United States. Everybody knows that if the sheriffs and marshals would lay their hands upon these rich lawbreakers as they do in the case of petty lawbreakers, the atmosphere could be cleared in thirty days.

And think of the proposition that the interstate-commerce law is accountable for the distress resulting from the anthracite coal strike! Why, when the interstate-commerce bill was passed, the Supreme Court, that immaculate tribunal which, we are told, must not be criticized, forthwith drew its teeth and claws by depriving it of all useful plenary powers, and its most vital features were thereby destroyed. Every report of the Interstate Commerce Commission from that day to this has asked Congress to amend the law so as to empower the Commission to deal with just such lawlessness as that practiced by this coal trust, but the law remains unamended.

Presidents have found time to make loud declamations against trusts and combinations, but they have never found time to call upon Congress to perform this plain duty. The organization of monopolies goes on, publicly and notoriously, with not a finger lifted to prevent it. Gentlemen, monopoly means extortion, and the extent of its outrage will always be measured by the possibilities of the situation.

Ordinarily, monopoly means inordinate profits. In situations such as we are dealing with it means barefaced robbery. Meantime, I reiterate the statement that lawbreakers like Mr. Baer, the great and good men who claim to hold the right to operate monopolies by divine right, go unwhipped.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COCHRAN. In one-half minute more I want to say if this measure will not affect the price of coal, why not put it on the free list permanently? [Loud applause on the Democratic side.]

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from New York [Mr. GOLDFOGLE].

[Mr. GOLDFOGLE addressed the House. See Appendix.]

The SPEAKER pro tempore (Mr. HEPBURN). The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BURLESON. Mr. Speaker, the gentleman from Pennsylvania [Mr. DALZELL], acting for the dominant party, has presented and caused to be adopted a rule, not alone limiting debate on this bill, but also providing that after debate the vote shall be taken and no intervening motion or amendment shall be allowed. Now, what is the real purpose of this rule?

Was it adopted because the well-known leaders on the left lack confidence that the members of their party would fail to vote down any amendment or motion they did not want? Oh, no; it was adopted to prevent record votes, indicating opposition to tariff revision, and also for the purpose of enabling members, when they return to outraged constituents, to hide behind the proposition that this rule had been adopted and that they had voted for the best measure of relief offered.

It is thus year after year the people are deceived. Mr. Speaker, I do not believe in the abdication of legislative functions on the part of Congress at any time or in any measure, but it has often been the policy of the dominant party to embody in tariff laws some such provision as this, which I will read, and after I have read it I want to ask the gentleman from New York [Mr. PAYNE], who has charge of this measure, why he did not add such a provision as an additional section to this bill:

SEC. 2. The President shall have the power and it shall be his duty if at any time after the expiration of one year after the passage of this act, he shall be satisfied that any agreement or combination has been entered into or understanding reached by and between the railroad companies engaged in the transportation of coal, or the owners or operators of the coal mines, or by reason of any strike or strikes, the effect of which is to increase the price of coal, to immediately suspend the duty prescribed in section 1415, Schedule N, of the tariff act of July 24, 1897.

Why do you not place anthracite coal on the free list?

Next year winter will come again, and the same conditions, the same combinations, the same indifference to public opinion, the same disregard of the public good which brought about the present deplorable conditions may present themselves, and again suffering and death will follow.

Why do you not make provision for permanent relief?

I will answer for you; for the same reason that the gentleman did not embody a section like that I have read in this bill. Because the great monopoly that controls coal in this country would not stand for it. The servants of the trusts did not dare to go against the bidding of their masters.

The question which has been raised by this extortion practiced by the coal monopoly presents only a phase of the trust issue. You have approached it haltingly. Such conduct on your part was to be expected. It is natural that you should deal with the trust issue hesitatingly and haltingly. You have full knowledge that the interests of the great masses of the people are arrayed on one side of this issue and the interests of those who put you in control of this Government's affairs and retain you there are on the other. You are between the devil and the deep blue sea. You can not run with the hare and at the same time stay with the hounds.

In the case in hand, when a remedy was really sought it seems there was but little trouble in finding it. The gentleman from New York [Mr. PAYNE] says he don't know where we can place the blame in this case. He hesitates between the railroads, the mine operators, and the retail dealers. If he is in doubt, he need not be. I will tell him where to place it. The real responsibility rests at the door of the Republican party.

Its absolute refusal to correct conditions which have resulted in rapid trust breeding within the past few years brings all these troubles. You are afraid to deal honestly with this great problem.

Within six days of the adjournment of the first session of the Fifty-sixth Congress you rushed through this House an antitrust measure which possessed some good features. We on the right then charged that you were insincere—that the measure would die where it was intended it should die, in the Senate end of this Capitol. During the national campaign which followed, this bill was constantly referred to as what the Republican party proposed to do with the trust question, but when the short session came it was not even remotely alluded to by any member of the dominant party. However, it served its purpose.

Your record on this issue is one of hesitancy and double dealing. The only statute on the books relating to trusts bears the

name of a Republican who voted against it, and it in fact, is in the main, the handiwork of a distinguished Democrat.

Surely there should be no hesitancy to take action against trusts, these menaces to the public good when one is brought to a full realization of the rapidity with which they are increasing, not alone in numbers, but in their ability to do harm.

The venerable senior Senator from Massachusetts, however poor he may be in practice, has lost none of his power to preach of the evil manifestations in our body politic. He has recently pointed out what the modern trust means. He says it means:

1. Destruction of competition;
2. The management of local industries by absentees in the interest of absentee capital;
3. Destruction of local public spirit;
4. Fraudulent capitalization;
5. Secrecy;
6. Management for the private benefit of the officials;
7. The power to corrupt elections, and in some cases to corrupt the courts;

And which he might have added, is often used, conspicuously in the Presidential contests of 1896 and 1900.

8. The want of personal responsibility to public sentiment;

And he might have added disregard of the public good.

9. The absence of personal liability for contracts or wrongdoing;
10. The holding of vast properties in mortmain—in the "dead hand," if we may use the ancient phrase of the English law. But it has life enough for all purposes of power to serve the will that wields it. It is dead only to the influence of any nerve which comes from the brain or heart of the people.

Congress will enact this measure of temporary relief as against one of these cruel monopolies, but what will you do to relieve the people from the oppression of the horde of "infant industries" which have developed into giant trusts and are feeding upon them? Let us examine the recent utterances of the chief exponent of your party's views and see if we can gather light.

One of two conclusions is forced upon any intelligent person who attempts to follow the development of the President's views on this great question.

Either he has no settled convictions regarding a correct remedy for this great evil, or he is afraid to announce his real views and seeks to mislead or involve in doubt anyone who attempts to ascertain the bent of his mind.

From the time we find him speaking so glibly in Minneapolis, in September, 1901, about "shackling, cunning, etc.," to his latest utterances on this subject, in his message sent to Congress at the beginning of this session, we find him, if the press has quoted him correctly, advocating different remedies at different times. At one time he urges the immediate adoption of a constitutional amendment increasing the power of the General Government to deal with this subject.

This suggestion, after the scathing denunciation of same by the junior Senator from Massachusetts, who emphatically stated that it was thoroughly impractical if not absurd, seems to have been at once abandoned. Next we find him advocating publicity as the real cure-all to be resorted to; but a careful reading of his message would indicate that some influence had been brought to bear which brought about on his part a change of faith in that policy as a remdial measuere.

When the suggestion is made that a revision of the tariff so as to reduce all tariff charges which serve "to shelter monopoly" might afford a remedy, the President rushes forward with a suggestion that we create "a permanent tariff commission," whose duty would be, I suppose, to intelligently advise Congress of changes necessary to be made in our existing tariff laws.

When the attention of the country was directed to the futility of this suggestion by recalling our experience with a tariff commission under the administration of President Arthur, when not a single recommendation made by it was observed, then we hear no more of a "permanent tariff commission" to advise Congress. But the suggestion of "a permanent tariff commission" involved the idea that some change in our tariff laws should be made, yet when it is shown that if revision is what is really wanted and that a tariff commission would result in nothing but delay, was in other words a mere subterfuge and a fraud, then we find the President undergoing still another change of mind. We find in his message that he says:

> Many of the largest corporations, many of those which should certainly be included in any proper scheme of regulation, would not be affected in the slightest degree by a change in the tariff, save as such change interfered with the general prosperity of the country.

I am satisfied he must have had in mind the steel trust, the consolidated or amalgamated steel companies. They would not be affected in the slightest degree in their profits by a revision of the tariff; of course not; and hence their complete indifference to this suggestion of tariff revision.

The President in his message says further:

> The only relation of the tariff to big corporations as a whole is that the tariff makes manufactures profitable, and the tariff remedy proposed would be in effect simply to make manufactures unprofitable.

I am quite sure he must have had in mind the steel trust again, or may be the agricultural implement trust, both of which, after paying ocean freight, undersell similar goods manufactured in free-trade England, and of course they are selling at a loss; it is the generous way of our Yankee trader!

Our President further states in his message that—

> To remove the tariff as a punitive measure directed against trusts would inevitably result in ruin to the weaker competitors who are struggling against them.

Now, I know he must have had in mind the steel trust, because it is well known to us all how many weak competitors are struggling against this giant monopoly, which at all times commands the best talent for its service not alone within its factories but elsewhere, even on the floor of this House.

The President makes the statement, which one would think was decisive of his attitude on this question, that—

> The question of regulation of the trusts stands apart from the question of tariff revision.

And yet, Mr. Speaker, anticipating that the people would demand relief from the cruel exactions of the coal trust, and knowing that when the pinch of cold was felt the people would not tolerate any equivocation, or temporizing with their just demands, the President in effect contradicts himself in his message by recommending that the tariff on anthracite coal should be removed.

He also said in this message, speaking of the revision of the tariff, that—

> There must never be any change which will jeopardize the standard of comfort, the standard of wage of the American wage-worker.

By this I take it he meant to convey the idea that a reduction of the coal tariff would reduce the wages of the coal laborers. Now, if the regulation of the coal trust stands apart from the question of the repeal of the tariff on coal, why does the President, when the crisis comes, when he knows that action must be taken, when the period arrives when the trust can not longer be served without outraging the people to such an extent that it would arouse their active resentment, why does he urge the removal of the duty, and why do you, the leaders of the Republican party on this floor, come with laggard steps, it is true, offering the same remedy?

> Oh, what a tangled web we weave
> When first we practice to deceive!

Mr. Speaker, what brought about the conditions which make this bill, which ought to permanently repeal the duty on anthracite coal, necessary? A few months ago the thousands of laborers who are engaged in mining anthracite coal requested an increase of wages, stating that the wage they were receiving was so scant that it did not enable them to give proper food and clothing to their wives and children. This request was denied, the same heartless instrumentality speaking for the coal trust then that now, in its efforts to recoup its losses, permits suffering on the part of the poor of this country.

As a result of this denial a strike was ordered—the only means offered organized labor to protect itself against the greed, the rapacity, and the brutality of consolidated wealth.

This strike continued for months, and notwithstanding the suffering it must have entailed on the families of the unfortunate coal miners, they conducted themselves with creditable forbearance. Finally, by stress of public opinion, the coal operators and railroads engaged in transporting coal, which together constitute the coal trust, were forced to accept propositions of arbitration, and coal mining was resumed.

Now, while the matters of dispute are still under consideration the coal trust attempts to recoup itself, and the price and supply of coal is such as to occasion intense suffering on the part of the people. What remedy do you, the membership of the dominant party, propose? The emergency is upon you. You must act. Notwithstanding your obligation to the trust, your disinclination to do anything inimical to their interests, you realize the people demand action. They insist that something be done by you to take them out of the clutches of this trust, which now sorely distresses them.

You offer to do what Democrats contend will in all such cases bring the consumers in this country relief. You offer the remedy of tariff revision. Yet from your standpoint you are pitiably inconsistent, and you know it.

What becomes of your stock argument that the tariff duty is a tax levied for the protection of American labor against the pauper labor of Europe? You have often sung the song, but now you are driven, looking at it from the orthodox Republican standpoint, to open the door to coal mined by pauper labor in England and Chinese labor in the Dominion of Canada, as was so plaintively described by the gentleman from Wyoming a moment ago, and that, too, when the unfortunate miner is most in need of this vaunted protection against the pauper labor referred to.

Either you were hypocritical when you resorted to this argument or you are cruel now to the coal miners, who need all the help they can get to recover from the distress occasioned by the long strike.

You are not cruel. Your hearts are gentle and kind. This condition only serves to expose the rank hypocrisy of the Republican party on this tariff issue.

It has never been claimed by even its strongest partisans that the Republican party is other than a party of expediency. Your actions to-day once again accentuates this fact, for you recognize a sentiment is growing in this country in favor of tariff revision as an effective means of destroying monopolies, especially monopolies controlling the necessities of life.

No cry of "stand pat" can check it. No specious plea for "a nonpartisan tariff commission" to be appointed by a partisan of the high-protective policy will be permitted to delay it. No promise of "a revision of the tariff by its friends" will be accepted. This sentiment is not of a day's growth. Long ago it manifested itself in the great agricultural State of Iowa, as I had occasion to state during the last session of Congress, when I quoted from the governor of that State to the effect that he opposed "any tariff which afforded a shelter for monopoly." It was on yesterday again echoed by the junior Senator from that State. In fact, it has gathered such force and momentum that it has swept from office another distinguished son of that State, the presiding officer of this august body.

Mr. Speaker, in my opinion, we have outgrown the fetich of protection, especially protection which fosters monopoly and permits our own people to be pillaged in order that a trust may undersell those engaged in the same line in foreign markets, and that, too, at a price lower than we are charged at home for the same product.

The people will not longer be led astray by false and specious arguments. They are at last beginning to realize that they have been made the victims of injustice and extortion. They desire a revision of our outrageously oppressive tariff laws. They will demand a return of those days when equal rights were accorded to all and special privileges granted to none. Then the consumers of this country will be no longer taxed for the benefit of trusts and monopolies.

When this demand is earnestly made by the people, then the Republican Party will certainly go out of power. [Applause on the Democratic side.]

Mr. RICHARDSON of Tennessee. I hope that gentlemen on the other side will use some of their time. We have had four speeches on this side.

Mr. McCALL. I should like to ask the gentleman from New York [Mr. PAYNE] a question.

The SPEAKER pro tempore. Does the gentleman from New York yield?

Mr. PAYNE. Yes, sir.

Mr. McCALL. I should like to ask whether in the gentleman's opinion the rebate provided by this bill would apply to coal in bond at the time of the passage of the bill?

Mr. PAYNE. I think undoubtedly it would do so, because this rebate is a full rebate, a full discount on all coal coming into the United States; and the duty is not due until it is taken out of bond and enters into consumption. So that I have no doubt in answering the gentleman's question.

Mr. RICHARDSON of Tennessee. About how much coal is now in bond?

Mr. PAYNE. I will ask unanimous consent of the House to publish in the RECORD some tables on that subject. They have been prepared by the clerk of the committee, and are interesting. I ask unanimous consent for that purpose.

Mr. RICHARDSON of Tennessee. I ask that such leave be extended so that all members may have leave to print remarks in the RECORD on this bill for five days.

Mr. PAYNE. I have no objection to that.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. RICHARDSON] asks unanimous consent that all members may have leave for five days to print in the RECORD remarks on this question. Is there objection? The Chair hears none.

Mr. PAYNE. I will put those figures in the RECORD. I yield two minutes to the gentleman from West Virginia [Mr. DAYTON].

Mr. DAYTON. Mr. Speaker, representing a large coal-producing State, I want to say that I am satisfied that every man in that State would gladly do anything and everything in his power to relieve the famine and the distress that has come to the country on account of the scarcity of coal. At the same time I do not believe, nor can I by any logical process reach the conclusion, that this measure will afford a particle of relief. If it was possible for coal that was selling before the strike at 80 cents at the mines to be brought in competition with foreign coal simply by the release of a 67-cent duty, no man can tell me that, under the present extraordinary conditions, coal selling at the mines and commanding a price of from $3 to $4 a ton will be affected by this duty.

It seems to me, sir, that if the House wants to accomplish a remedy it can be done in a more practical way, and I say, simply as a suggestion, that if you will suspend for sixty days the provision of the interstate-commerce law which prohibits railroad companies from discriminating in the carrying of freight the miners in the coal-producing States will bring this famine to an end by producing a sufficient amount of coal.

I know it to be true that to-day the mines in my section are not running more than half time, simply because the railroads can not possibly handle the coal that is offered to them. It is simply an impossibility for them, with the motive power and the cars at their command, to move in one month's time an amount of coal that requires under ordinary conditions six months' time. Allow the coal roads for a limited period to refuse or discriminate against all other freight and devote all, or nearly all, their cars and engines to the transportation of coal and I am sure, so far as soft coal at least is concerned, the famine will end. This they can not, as I understand, do under the requirements of the interstate-commerce law.

[Here the hammer fell.]

Mr. PAYNE. I yield two minutes to the gentleman from West Virginia [Mr. GAINES].

[Mr. GAINES of West Virginia addressed the House. See Appendix.]

Mr. PAYNE. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has seventeen minutes remaining.

Mr. PAYNE. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I am opposed to this measure, first, because I do not believe it will afford the relief desired and expected, for if foreign coals could be had in great enough quantity to break the present coal famine throughout the East, those coals would now be seeking and reaching our shores regardless of the 67 cents per ton tariff, in view of the fact that coal is selling all the way from $1 to $5 above its normal price.

I believe this legislation will utterly fail of its object. We are told that it is demanded by a strong public sentiment; that there is much popular clamor for it, largely brought about, in my opinion, by the extravagant statements of those Democratic doctrinaires who favor placing coal upon the free list; but its futility in relieving the situation and its efficacy before the expiration of the period for which it runs in depriving American miners of the opportunity of employment will be clearly demonstrated.

Foreign coals will not come to our Eastern ports under present conditions under this bill any more freely than they do now, but before a year shall have passed, during the summer season, when the demand is less, then foreign cargoes seeking markets will come into competition with our coal and will divide the trade, even though there be no reduction in price below the average or normal price at such season, and our mines will in that way be deprived of a considerable portion of their market.

It will not necessarily follow that the price of coal at the seaboard will be lowered by the abolition of the duty, provided foreign coals are relieved of the payment of the duty. Without a reduction in the normal or ordinary price of coal, our coal mines will lose a large portion of their trade and our miners a corresponding portion of their employment by the operation of the well-understood rule of trade that two articles of similar quality and character competing for the trade will, at an equal price, divide the market.

In the second place, I am opposed to the bill because it threatens to deprive the mines of my State of a large part of their market.

The coals of my State largely come in competition with coals which pay a less freight haul than we pay, mined by Chinamen in the mines of Canada, and; though there be no reduction in the present price of coal in the markets we supply, our coal will be largely displaced by foreign coals by the operation of the rule I have referred to. It is not necessary to reduce the price of coal in any market which the coals of Wyoming reach in order to deprive those coals of a large proportion of their market, providing, as under the provisions of this bill, you relieve the foreign shipper of the payment of duty.

Relieve him of 67 cents per ton of duty, and while he will not necessarily reduce the price of his coal, he will be able to meet the price our operators now make, and by so doing at least secure a large portion of our trade. A considerable portion of the five and one-half million tons of coal mined annually in my State now finds markets which will be sought under the provisions of this bill by coal mined in British Columbia and on Vancouver Island.

We have recently enacted a bill which keeps from our shores the Celestial, but by the passage of this act we open our seaports to his products. It will not reduce the price, and I wish the gentleman from Tennessee [Mr. RICHARDSON] to understand me on this point, because he does not seem to have done so. It will not reduce the price, in my opinion, one penny to the purchaser in the

markets that our coals now find, but by relieving the foreign coal of the payment of the 67 cents duty, it will allow them to come into our markets on more than even terms, and secure a very considerable portion of our trade.

I appreciate the fact that if the gentlemen on the other side were given the opportunity they would attempt to place coal on the free list, the result of which would be to absolutely wipe out a large portion of the industry in my State and in the adjoining States in the West.

The gentleman from Tennessee, the leader and spokesman of the minority, as well as all the gentlemen who have spoken on the Democratic side, has assured us that if his party were given the oportunity they would place coal permanently on the free list, and I thank God, as I desire the growth and development of my State and the prosperity of its people, that the time seems far distant when they shall have a majority in this House and an opportunity to destroy our industries.

They talk eloquently of their solicitation for the welfare of our people, but whenever an opportunity offers to strike at an industry giving employment to large numbers of people they never fail to do it.

My party has been dragooned into this futile and foolish application of a homeopathic dose of free trade because our Democratic friends, taking advantage of a temporary condition of real distress and coal shortage, have convinced a lot of unthinking people that the coal tariff is responsible for it. We know it is not, and we should stand by our convictions.

I sympathize with those poor people who are paying exorbitant prices for coal as much as any member of this House, but I am opposed to opening our splendid markets to foreigners in a futile attempt to relieve the situation at the expense of our own mine workers.

No people in the Union are more vitally interested in this legislation than those I represent.

When we seek a market at San Francisco or Puget Sound points we find there not only Japanese and English coals, brought over in ballast, but coals mined by Chinese labor on Vancouver Island, which reach our ports with a water freight which is but a fraction of the railway rates we pay to reach the same market.

In the States north and northwest of us, where we find large markets, we come in competition with coal mined at Gault, Lethbridge, and other points in British Columbia. These coals are also mined by Chinese labor of the lowest type. They have no greater, and in some cases a less, freight haul than our coals, so that we are at a disadvantage both in cost of mining and in freight rates.

The tariff alone makes it possible to hold our markets against Canadian coals.

We have thousands of square miles of coal territory in my State. Coal mining is one of our most promising industries. Under the Republican policy of protection the industry has prospered, and I deeply regret that our party in the House of Representatives has been stampeded into the advocacy, even as an emergency measure, of this un-Republican legislation.

My only consolation in the present situation I find in the fact that the Republican majority of the House stands firmly by the doctrine of a protective duty on coal, which assures me that after the expiration of this measure, if it become a law, and the passing of the popular error which demands it, we may be assured that there will be no further tinkering with the coal tariff; and I cherish the hope that the damage threatened the labor and the capital of my State by this legislation will be minimized by reason of the fact that, should it be enacted, it will only be in force a year, and will therefore hold out no inducement to our Canadian competitors to open new mines or largely increase their output.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MONDELL. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

Mr. PAYNE. I would state that that has already been granted. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. GROW].

Mr. GROW. Mr. Speaker, the history of anthracite coal production for a number of years shows that the production during the winter months, and I mean by that the entire production in anthracite, is not equal to the consumption for those months. Heretofore there has been a surplus at the end of the summer months of from fifteen to twenty millions of tons. The trouble to-day is that if the anthracite coal mines since the strike produced to their full capacity and the miners worked every day, which they have not done, the production would not equal the consumption heretofore during the winter months.

That permits the dealers who have coal to ask what price they please. There is no combination between the producers of coal. The Reading Railroad imposes upon its agents the condition that they shall not sell their coal for more than about $7 a ton. But they do not and can not produce enough to meet the market. Now, there is the trouble. So there is no occasion for this declamation against men honorable in business that they combine to make money out of the distresses of women and children. The charge is too often made by men ignorant of the facts in business.

Mr. Speaker, that is all I desire to say, that the state of things results from existing facts, and it results because the miners last summer did not produce a ton of coal during the period when they would ordinarily have provided a surplus for this winter of from 15,000,000 to 16,000,000 tons of coal.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who informed the House that the President had approved and signed bills of the following titles:

On January 13, 1903:

H. R. 179. An act to amend the internal-revenue laws;

H. R. 1347. An act granting an increase of pension to Charles H. Webb;

H. R. 2440. An act granting an increase of pension to William D. Smith;

H. R. 2598. An act granting an increase of pension to Adrian M. Snyder;

H. R. 3513. An act granting an increase of pension to James W. Young;

H. R. 3745. An act granting an increase of pension to George Kerr;

H. R. 3825. An act granting an increase of pension to Lizzie I. Rich;

H. R. 4262. An act granting an increase of pension to Thomas P. May;

H. R. 5038. An act granting an increase of pension to William H. Hudson;

H. R. 5480. An act granting an increase of pension to John C. Nelson;

H. R. 5758. An act granting an increase of pension to Newton W. Elmondorf:

H. R. 5883. An act granting a pension to Martha A. Hollingshead;

H. R. 5888. An act granting an increase of pension to Potter Poutney;

H. R. 5951. An act granting an increase of pension to Ole Thompson;

H. R. 6970. An act granting an increase of pension to Monora Stimson;

H. R. 7109. An act granting an increase of pension to Stanton L. Brabham;

H. R. 7618. An act granting an increase of pension to Thomas Sheridan;

H. R. 7878. An act granting an increase of pension to William J. Remington;

H. R. 8145. An act granting an increase of pension to Harvey B. Linton:

H. R. 8146. An act granting an increase of pension to Thomas H. Owens;

H. R. 8414. An act granting an increase of pension to George Atkinson;

H. R. 9219. An act granting an increase of pension to Colmore L. Newman;

H. R. 9691. An act granting an increase of pension to James H. Joseph;

H. R. 9807. An act granting an increase of pension to Hiram Janes;

H. R. 9883. An act granting an increase of pension to William Kelley;

H. R. 10005. An act granting an increase of pension to William A. Henderson;

H. R. 10263. An act granting an increase of pension to Daniel J. Byrnes;

H. R. 10325. An act granting an increase of pension to Joseph Stonesifer;

H. R. 10462. An act granting an increase of pension to Mary A. Munson;

H. R. 10679. An act granting an increase of pension to James H. McKnight;

H. R. 11579. An act granting an increase of pension to John A. Wright;

H. R. 11890. An act granting an increase of pension to James Brown;

H. R. 12009. An act granting an increase of pension to George Baker;

H. R. 12165. An act granting an increase of pension to Caroline M. Stone;

H. R. 12632. An act granting an increase of pension to Bailey O. Bowden;

H. R. 12777. An act granting an increase of pension to George H. Young;
H. R. 13052. An act granting an increase of pension to Charles K. Batey;
H. R. 13352. An act granting an increase of pension to Charles E. Brown;
H. R. 13457. An act granting an increase of pension to John S. Crosser;
H. R. 13467. An act granting a pension to Joseph H. Woodruff;
H. R. 13646. An act granting an increase of pension to John G. Heiser;
H. R. 13690. An act granting an increase of pension to Freeman R. Gove;
H. R. 13848. An act granting an increase of pension to James H. Chedester;
H. R. 13943. An act granting an increase of pension to Charles M. Grainger;
H. R. 14055. An act granting an increase of pension to Samuel Brown;
H. R. 14098. An act granting an increase of pension to Albert M. Scott;
H. R. 14144. An act granting an increase of pension to Fannie S. Cross;
H. R. 14355. An act granting an increase of pension to Timothy Donohoe;
H. R. 14377. An act granting an increase of pension to Jennett Stewart;
H. R. 14421. An act granting an increase of pension to John Q. A. Rider; and
H. R. 14732. An act granting an increase of pension to Grace M. Read.

REBATE ON COAL.

Mr. PAYNE. I reserve the balance of my time, and ask the gentleman from Tennessee [Mr. RICHARDSON] to exhaust his.

Mr. RICHARDSON of Tennessee. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has eleven minutes remaining.

Mr. RICHARDSON of Tennessee. How much has the other side?

The SPEAKER pro tempore. Ten minutes.

Mr. RICHARDSON of Tennessee. I yield six minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, the distinguished gentleman from Pennsylvania [Mr. DALZELL] has given the House his confirmed judgment that this measure will be productive of no good. In that state of the case it would seem to be incumbent upon him or somebody else entertaining the same view to give the House and the country a reason for its passage. Upon any theory that calls for its passage or for similar legislation it is incumbent upon those who control legislation in this body and in the one at the other end of the Capitol to say to the people of the United States why the legislation has been delayed, why six weeks have passed without any action. And later on perhaps it may be as pertinently inquired why are other weeks permitted to pass without any definite action.

But the question whether this measure, passed at this time, in this form, will or will not be productive of substantial good is not the real question that lies at the bottom of the whole contention. Suppose that such a measure as this, or, better still, one of a permanent nature, relating to the same subject, had been upon the statute book a year ago, had been upon the statute book when the coal famine began, when people were unable to lay in their ordinary supply of winter fuel. Who doubts that then fuel would have come in gradually from abroad to meet a growing necessity, and that the condition of things which now exists would have had no existence whatever in this country? It is not a question whether this legislation, so tardily and grudgingly brought forward, will be productive of much good, but the real question is whether or not such a law as would relieve this prime necessary of life from an onerous burden would or would not be productive of good to the general American public. With such a law upon the statute book, with the great necessaries of life relieved from burdens placed upon them for the benefit of a few selfish producers, who can doubt in the light of experience, both of the present and the past, that very much of good would come to the American people?

It is safe to predict that even with this law—limited and circumscribed in its terms as it is, and to last for but a single year—upon the statute book no such state of distress will arise or exist in this country next year as we have now. Because if there be next year, as there was last year, an extraordinary demand for fuel, with the source of supply cut off in this country, owing to causes that I have not time to discuss, or to any other cause, the lack will be supplied from abroad. Gentlemen need not fear that in the good year 1903 there will be the distress and anxiety on account of the scarcity of fuel in this country which the past year, 1902, witnessed. If there be a blockade, from whatever cause, if there be a denial to the people of a reasonable supply of this or other necessary articles at reasonable cost, and if the artificial barriers be removed, if the opportunity be given the people to supply themselves from abroad, there will be no danger, no ground of apprehension, that suffering will exist such as is broadspread to-day.

This legislation, or legislation on this subject, ought to have been enacted the very first day of the assembling of this Congress. Aye, if regard had been shown for the necessities of the American people, if any of the leaves of experience in this country's history in times of distress had been read, such legislation would have had a permanent place in the law long ago.

This legislation will serve in its small way as an object lesson; and because it will, because gentleman upon the other side realize that it will, they are so reluctant to furnish the material for the lesson.

But the lesson is taught, the lesson will be conned, the lesson will be learned; and I believe, in the light of bitter experience, of suffering in the pinching cold, in the horrors of zero weather without fuel, the American people will determine that it is not good for them to bar themselves from sources of supply which nature has given, which only the artificial laws of man interfere with or shut off; and that in their wisdom, learning out of bitter necessity the lesson which went unheeded in times of less stress, they will call upon you, gentlemen, call upon their legislators of whatever party, to give them an opportunity to get the things which they are bound to have if they would escape great suffering, and, in some instances, if they would preserve life itself—to give them an opportunity to get those things without paying exorbitant prices and without unnecessary and hurtful hindrance. Gentlemen can not push back the ocean that is pouring in upon them. They can not stay investigation and experience by talk. [Loud applause on the Democratic side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from New Jersey.

[Mr. McDERMOTT addressed the House. See Appendix.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PAYNE. Has the other side exhausted their time?

The SPEAKER pro tempore. The time on the other side is exhausted.

Mr. PAYNE. I yield the remainder of my time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, the policy of the Democratic party as represented upon this floor seems to be to oppose this measure by bitter denunciation, attacking the friends of the bill; by assailing their motives and purposes in bringing in the bill, and then hide behind an affirmative vote in favor of the bill, and thereby attempt to play politics in the hour of the country's trouble and peril.

I may say to the gentleman from New Jersey that, so far as my vote in favor of the report of this bill and in favor of the rule under which it is being considered, and the vote which I shall give in favor of the bill upon its passage, it is not a measure, and not intended by me to be, an invitation to any country to come here to destroy a great industry in the United States. This measure is a measure of expediency and emergency; and if it be true, as the gentleman says, that there will be no relief under it, at the end of a year the precedent conditions will of themselves go into operation, and there will be no further trouble about them, but if the gentleman wants to carry on a scheme intended to destroy the industries of this country—those that we already have—he will not find me, and I do not believe any considerable number of Republicans on this side of the House, with him in his enterprise. I am still a protectionist, and have unlimited faith in the triumph of our own people.

We can produce our own coal when conditions reestablish themselves. We have more coal in the United States than all the world, so far as discovered. Four-fifths of the coal of the United States lies in a virgin condition, and we have the labor and capital, the machinery and genius to furnish our markets at a fair price, and American business men in the long run, or in the shorter run, will settle all these questions.

The gentleman from Tennessee assaults the Republican party because we have any tariff on coal, and wants to know why we did not put the article perpetually on the free list. Well, I might answer the gentlemen by asking him how he came to vote for a tariff of 40 cents a ton, and that, too, on a short ton, apparently a not much lower tariff than the present tariff of 60 cents a ton. Why did he do that; why did the Democratic party in both branches of Congress in 1894 perpetrate such an outrage as that,

if it is an outrage, by passing a 40-cent tariff on the short ton in the Wilson bill?

Something has been said by the gentleman from West Virginia [Mr. DAYTON] about suspending the operation of the interstate-commerce law. I join him in a benediction upon that subject. I was one of the 26 in this House that voted against the passage of the law originally, and I have no sort of doubt I did right.

Mr. GAINES of West Virginia. Will the gentleman yield?

Mr. GROSVENOR. If the question is not too long.

Mr. GAINES of West Virginia. I wanted to say that my colleague is only in favor of the suspension of the law. Neither he nor I are opposed to the interstate-commerce law. I, for my part, believe in that law, but believe that its operation ought to be so far suspended for a period of sixty or ninety days that prosecutions could not be had under it by roads diverting——

Mr. GROSVENOR. Oh, I understand the gentleman.

Now, Mr. Speaker, the Baltimore and Ohio Railroad, that enters the great coal fields of West Virginia, long ago issued an order which I have read, and which I presume the gentleman from West Virginia [Mr. DAYTON] fully understands, to receive nowhere along their line any full car freight, excepting coal, and that great system of railroad is to-day carrying coal exclusive of all other freights in so far as carload lots are concerned. I do not believe in the interference with the Interstate Commerce Commission. It has done no good; it is a powerless Commission: a Commission without power and without efficacy, and has worked out precisely what its opponents charged it would when it was up before the House for final passage. It has stood in the way and blocked by inelastic rules the natural action of the great law of supply and demand in the traffic of the country. I would repeal the interstate-commerce law to-day and create a commission within the Department of Commerce, the bill which is pending here. I would create a power there that could give some efficacy in remedying these troubles, an aid to the President in his work in this direction.

Now, the Republicans in this House have brought this measure here as an experiment, and with a hope that good may come of it. I shall neither give an opinion that it is going to be worthless or that it is going to be effective. I hope for the best. It is enough to say that there seems to have been a demand from all over the country for everything to be done that could be done to bring about some relief of the pinch of this coal famine. It will not affect the price of soft coal by competition anywhere this side of the Missouri River, unless possibly in New England. It could not do that, except possibly the cheaper and poorer coal of Nova Scotia may crowd the market at a later day in the summer in those States.

But, Mr. Speaker, lest I forget it, I would like to admonish my friends of the East, and the authorities in the East, that there are some things besides grumbling about railroad combinations that they might do to remedy their condition. If I was going to make a suggestion that would do more to relieve the people of the Eastern States from the chances and dangers of a repetition of the coal famine, I should advise them to take off the statute book the laws which they have passed; take out the regulations by city ordinances of the cities, which discriminate against bituminous coal. That is where they got themselves into the trouble that they are laboring under now. They worked this indirectly to create a power in this monopoly in hard coal and the effect is now being realized.

Let the people understand once and for all that the building up of a monopoly does not always exist necessarily in the combination of railroads, but the arguments that are made to the people about the cleanliness and the healthfulness of hard coal, and the bad effects of soft coal, by which law after law and ordinance after ordinance have been launched against this commodity, has done more than all else to prevent the accumulation of a supply of coal during the summer of 1902. Get rid of all these discriminations and let the people burn that fuel which they see fit to burn, and do not be alarmed about a little uncleanliness as the result of the use of the commodity, and you will have a great deal more coal a year from now than you have at the present time.

Now, Mr. Speaker, I am not going to argue the case of the coal railroads of Pennsylvania that deliver this coal in New York. An investigation has been started at each end of this Capitol to try to find out what is the real trouble, and premature opinions are unwise. I predict now—and I give the prediction for the benefit of the gentleman from Missouri [Mr. COCHRAN]—I predict that it will be discovered that the combination that he attacks and charges with being criminal, and the combination whose members the gentleman from New York [Mr. GOLDFOGLE] says ought to be in the penitentiary, will be found to be the least important element in connection with this trouble.

The SPEAKER pro tempore. The time of the gentleman has expired. The time allowed for debate on this bill has expired.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The SPEAKER pro tempore. The question is now on the passage of the bill.

Mr. RICHARDSON of Tennessee. On that question I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 260, nays 5, answered "present" 3, not voting 86; as follows:

YEAS—260.

Adams,	Eddy,	Kleberg,	Robb,
Adamson,	Elliott,	Kluttz,	Roberts,
Alexander,	Emerson,	Knapp,	Robertson, La.
Allen, Ky.	Esch,	Kyle,	Robinson, Ind.
Allen, Me.	Feely,	Lacey,	Rucker,
Aplin,	Finley,	Lamb,	Ruppert,
Babcock,	Fitzgerald,	Landis,	Russell,
Barney,	Flanagan,	Latimer,	Ryan,
Bartlett,	Fleming,	Lawrence,	Scarborough,
Bates,	Fletcher,	Lessler,	Scott,
Bell,	Flood,	Lester,	Shackleford,
Belmont,	Foerderer,	Lever,	Shafroth,
Benton,	Fordney,	Lewis, Ga.	Shallenberger,
Billmeyer,	Foss,	Lewis, Pa.	Sheppard,
Bingham,	Foster, Vt.	Lindsay,	Showalter,
Boutell,	Gaines, Tenn.	Littauer,	Sibley,
Brandegee,	Gardner, Mass.	Little,	Sims,
Brantley,	Gardner, Mich.	Littlefield,	Skiles,
Breazeale,	Gardner, N. J.	Livingston,	Slayden,
Brick,	Gibson,	Lloyd,	Small,
Bromwell,	Gilbert,	Lovering,	Smith, Ill.
Brown,	Gill,	McCall,	Smith, Iowa
Brownlow,	Gillet, N. Y.	McCleary,	Smith, Ky.
Brundidge,	Gillett, Mass.	McClellan,	Smith, H. C.
Burgess,	Glass,	McCulloch,	Smith, S. W.
Burke, S. Dak.	Glenn,	McDermott,	Snodgrass,
Burkett,	Goldfogle,	McLachlan,	Snook,
Burleigh,	Gooch,	Maddox,	Southwick,
Burleson,	Graff,	Mahon,	Sperry,
Burton,	Green, Pa.	Mann,	Stark,
Butler, Pa.	Greene, Mass.	Marshall,	Steele,
Caldwell,	Griffith,	Martin,	Stephens, Tex.
Candler,	Grosvenor,	Maynard,	Stevens, Minn.
Cannon,	Grow,	Mercer,	Stewart, N. J.
Capron,	Hamilton,	Metcalf,	Sulloway,
Cassingham,	Haskins,	Mickey,	Sulzer,
Clark,	Haugen,	Miers, Ind.	Swann,
Clayton,	Hay,	Miller,	Tate,
Cochran,	Heatwole,	Minor,	Tawney,
Conner,	Hedge,	Moon,	Tayler, Ohio
Conry,	Hemenway,	Morgan,	Taylor, Ala.
Coombs,	Henry, Conn.	Morrell,	Thayer,
Cooney,	Henry, Tex.	Morris,	Thomas, Iowa
Cooper, Tex.	Hepburn,	Moss,	Thomas, N. C.
Cooper, Wis.	Hildebrant,	Mudd,	Tirrell,
Corliss,	Hill,	Mutchler,	Trimble,
Cowherd,	Hitt,	Naphen,	Vandiver,
Cromer,	Holliday,	Neville,	Van Voorhis,
Crowley,	Hooker,	Otjen,	Vreeland,
Crumpacker,	Howard,	Overstreet,	Wachter,
Currier,	Howell,	Padgett,	Wadsworth,
Dahle,	Hull,	Palmer,	Wanger,
Dalzell,	Irwin,	Parker,	Warner,
Darragh,	Jackson, Kans.	Patterson, Tenn.	Warnock,
Davey, La.	Jackson, Md.	Payne,	Watson,
Davis, Fla.	Jenkins,	Perkins,	Weeks,
De Armond,	Jett,	Pierce, Tenn.	Wheeler,
Deemer,	Johnson,	Powers, Mass.	White,
Dick,	Jones, Va.	Prince,	Williams, Ill.
Dinsmore,	Joy,	Randell, Tex.	Williams, Miss.
Dougherty,	Kahn,	Reeder,	Wilson,
Douglas,	Kern,	Reeves,	Woods,
Draper,	Ketcham,	Reid,	Wooten,
Driscoll,	Kitchin, Claude	Rhea,	Wright,
Dwight,	Kitchin, Wm. W.	Richardson, Tenn.	Zenor.

NAYS—5.

Cushman,	Jones, Wash.	Mondell,	Patterson, Pa.
Gaines, W. Va.			

ANSWERED "PRESENT"—3.

Broussard,	Griggs,	Kehoe.

NOT VOTING—86.

Acheson,	Creamer,	Loudenslager,	Schirm,
Ball, Del.	Curtis,	McAndrews,	Selby,
Ball, Tex.	Davidson,	McLain,	Shattuc,
Bankhead,	Dayton,	McRae,	Shelden,
Bartholdt,	Dovener,	Mahoney,	Sherman,
Beidler,	Edwards,	Meyer, La.	Smith, Wm. Alden
Bellamy,	Evans,	Moody, N. C.	Southard,
Bishop,	Foster, Ill.	Moody, Oreg.	Sparkman,
Blackburn,	Fowler,	Needham,	Spight,
Blakeney,	Fox,	Nevin,	Stewart, N. Y.
Boreing,	Gordon,	Newlands,	Storm,
Bowersock,	Graham,	Norton,	Sutherland,
Bowie,	Hanbury,	Olmsted,	Swanson,
Bristow,	Henry, Miss.	Pearre,	Talbert,
Bull,	Hopkins,	Pou,	Thompson,
Burk, Pa.	Hughes,	Powers, Me.	Tompkins, N. Y.
Burnett,	Jack,	Pugsley,	Tompkins, Ohio
Butler, Mo.	Knox,	Ransdell, La.	Underwood,
Calderhead,	Lanham,	Richardson, Ala.	Wiley,
Cassel,	Lassiter,	Rixey,	Young.
Connell,	Long,	Robinson, Nebr.	
Cousins,	Loud,	Rumple,	

So the bill was passed.

The following additional pairs were announced:

For the vote:

Mr. PEARRE with Mr. LANHAM.

For the balance of the day:

Mr. BURK of Pennsylvania with Mr. MAHONEY.

Mr. BARTHOLDT with Mr. UNDERWOOD.

Mr. SHERMAN with Mr. TALBERT.

Mr. SWANSON. Mr. Speaker, I am paired with Mr. HOPKINS, of Illinois. I would vote "aye" if he were present.

The SPEAKER. That statement is not in order.

Mr. POWERS of Maine. Mr. Speaker, I would like to vote.

The SPEAKER. Was the gentleman present and listening for his name?

Mr. POWERS of Maine. I do not think I can state that.

The SPEAKER. The gentleman can not vote, under the rule.

Mr. BROUSSARD. Mr. Speaker, I would like to know if the gentleman from West Virginia, Mr. DOVENER, has voted?

The SPEAKER. He has not voted.

Mr. BROUSSARD. I am paired with the gentleman.

The SPEAKER. Call the gentleman's name.

The Clerk called Mr. BROUSSARD'S name and he answered "present."

Mr. GRIGGS. Mr. Speaker, I am paired with the gentleman from California, Mr. LOUD. He is not present and I wish to withdraw my vote.

The SPEAKER. Call the gentleman from Georgia.

The Clerk called Mr. GRIGGS's name and he voted "present."

The result of the vote was announced as above recorded.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16567) making appropriations for the support of the Army for the fiscal year ending June 30, 1904.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill, with Mr. BOUTELL in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

ADJUTANT-GENERAL'S DEPARTMENT.

For contingent expenses at the headquarters of the several military departments, including the staff corps serving thereat, being for the purchase of the necessary articles of office, toilet, and desk furniture, binding, maps, books of reference, professional newspapers and periodicals, and police utensils, to be allotted by the Secretary of War, and to be expended in the discretion of the several military department commanders, $7,500.

For contingent expenses of the military information division, Adjutant-General's Office, including the purchase of law books, books of reference, periodicals and newspapers, and of the military attachés at the United States embassies and legations abroad, and of the branch office of the military information division at Manila, to be expended under the direction of the Secretary of War, $10,000: *Provided*, That section 3682, Revised Statutes, shall not apply to the expenditure of this appropriation so far as it relates to the offices of the military attachés abroad and to said branch office at Manila: *And provided further*, That section 3648, Revised Statutes, shall not apply to subscriptions for newspapers and periodicals to be paid for from this appropriation.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Iowa [Mr. HULL] what is the meaning of the proviso that section 3648, Revised Statutes, shall not apply to subscriptions for newspapers and periodicals to be paid for from this appropriation, so far as it relates to the officers of military attachés, etc., at Manila? I ask the question in good faith.

Mr. HULL. It is to provide for little purchases of periodicals and matters for the department headquarters that have to be paid for in advance and come here and be approved. I will get the section in a minute. I will state to the gentleman that the department has requested a still further proviso, which I will submit in a few moments. The section provides that "no moneys appropriated for contingent, incidental, or miscellaneous purposes shall be expended or paid for official or clerical compensation." This allows them to pay their clerks there, as I understand it. By reference to page 132, Book of Estimates, there will be found the following:

It is desired that section 3682, Revised Statutes, shall not apply to the expenditure of this appropriation, in order that the military attachés and the officer in charge of the branch office at Manila may be enabled to employ natives to temporarily perform clerical services, as they can be obtained at very low rates of compensation.

Foreign book dealers and publishers as a rule refuse subscriptions to newspapers and periodicals without payment in advance, as they do not understand our methods; and it is desired that section 3648, Revised Statutes, shall not apply to these subscriptions, in order that the officer making them will not have to advance private funds and wait until the expiration of the terms of subscription for reimbursement, or have his accounts disallowed by the accounting officers of the Treasury Department.

Mr. CANNON. This does not change the law except for the year, then?

Mr. HULL. That is all.

Mr. CANNON. I very much doubt the wisdom, I will say to the gentleman, of suspending these two sections of the Revised Statutes. If they are necessary here in the United States, where we are under the white light of public criticism, and it was found to be necessary to enact this legislation into permanent law which stood at the codification of the Revised Statutes away back a generation ago and still stands, much more is it necessary that there should not be a division or bureau—and I do not say that there will be—put at the discretion alone of whoever may be in command there, and this general appropriation available for their payment.

Mr. HULL. I would say to the gentleman that it does not increase the appropriation. They must administer it with proper economy, or they will run out of funds entirely. The appropriation is just the same, and according to the statement of the Adjutant-General it will be a matter of economy to permit them to hire these parties; and it is a matter of almost absolute necessity at Manila to allow them to purchase these newspapers and periodicals without advancing the money out of their own pockets.

Mr. CANNON. I want to call my friend's attention later on to the fact, if I understand it, that all this detail in the Army bill is largely deceptive; that there is a provision here that puts it all into one sum, I think, and that while they are seemingly specific——

Mr. HULL. That is for the pay of the Army only. That is my recollection.

Mr. CANNON. It does not apply then, to this?

Mr. HULL. It does not apply to these parts at all. I think if you will look you will see that it is for the pay of the Army—that is, all that the Paymaster-General disburses. I have not looked at it recently, but that is my understanding, that it is only what the Paymaster-General disburses. He has nothing to do with this.

Mr. CANNON. I will submit to the gentleman if he does not think it wise, if these sections of the statutes are suspended, that reports be made.

Mr. HULL. I assume that reports are made to the Secretary of War of the disbursement of every dollar of this fund.

Mr. CAPRON. That must be done under the general provision in the law.

Mr. CANNON. It may be made to the Secretary of War, but I do not know how much Congress may know of it.

Mr. HULL. I would say to the gentleman from Illinois that I would not raise any objection to an amendment, if he desires to offer it, providing that all such expenditures at Manila or by military attachés abroad shall be reported to Congress. If he will propose such an amendment as that I shall have no objection whatever to it. These sums are very small, as a rule, and I doubt if Congress would ever look at them.

Mr. CANNON. It seems to me that it is safer to have it done.

Mr. HULL. Suppose we pass this over without prejudice, and let my friend prepare the amendment.

Mr. CANNON. No; I want my friend to do that.

Mr. HULL. I do not like to prepare amendments.

Mr. CANNON. Suppose you pass it over for the present, then.

Mr. HULL. I have no objection to passing it over for the present. The Clerk can read.

The Clerk read as follows:

OFFICE OF THE CHIEF SIGNAL OFFICER.

Signal Service of the Army: For expenses of the Signal Service of the Army as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary meteorological instruments for use on target ranges; war balloons; telephone apparatus (exclusive of exchange service) and maintenance of the same; electrical installations and maintenance at military posts; maintenance and repair of military telegraph lines and cables, including salaries of civilian employees, supplies, and general repairs, and other expenses connected with the duty of collecting and transmitting information for the Army, by telegraph or otherwise, $160,000.

Mr. HEPBURN. I should like to ask the gentleman in charge of the bill [Mr. HULL] at what place he thinks it would be proper for me to offer the amendment I suggested to the gentleman?

Mr. HULL. I would suggest that he offer it when we come to pay the Signal Service. That deals with the officers.

The Clerk read as follows:

For the purchase, installation, operation, and maintenance of a submarine cable for connecting the headquarters Department of the Columbia with military garrisons in southeastern Alaska, said cable to extend from a point at or near Fort Lawton, Seattle, Wash., via Sitka, Alaska, to Juneau, Alaska, to be immediately available and to remain available until expended, $485,000.

Mr. CANNON. I want for the present, until I can ask about this, to reserve a point of order on this paragraph.

The CHAIRMAN. The gentleman from Illinois reserves the point of order on the paragraph.

Mr. CANNON. I must confess that I am not familiar with the service now from the headquarters of the Department of the Columbia to Alaska. This seems to be for the purchase, installation, operation, and maintenance of this line. I may withdraw the point of order when I understand about it. I suppose private parties own this line now. Why should we buy it?

Mr. HULL. Mr. Chairman, I will say to the gentleman that the only line we have to connect with our military telegraph in Alaska is by way of the Dominion of Canada, and the Chief Signal Officer sent to the committee a very full statement as to the

reasons why this should be done. It was considered somewhat confidential, and the clerk did not bring it in. In other words, we have a large extension of lines in Alaska which it was necessary for the Government to take up or else have our men isolated and the Government unable to communicate with them during a large part of the year. We are now dependent upon another government entirely to reach those lines. It is proposed to build a line between the Department of the Columbia and our military lines in Alaska, and have the connections made entirely under the control of the American Government. That, in brief, is the reason for it.

Mr. CANNON. I call my friend's attention to the fact that this is not for construction, but for the purchase, installation, operation, and maintenance, and so on.

Mr. HULL. It is for the purchase of wire; it is not for the purchase of a line now built.

Mr. CANNON. Is not there a line already opened, in whole or part?

Mr. HULL. Not making this connection. There is a line connecting all our posts in Alaska, for which we had an appropriation in this bill three years ago and continued it, but it is not a line that connects the Department of Columbia with Alaska in any way whatever.

Mr. CANNON. Is there a submarine cable that we propose to buy in whole or part?

Mr. HULL. My understanding, it is not. I will give you the information outside of a letter of the Secretary.

Mr. CANNON. I do not desire to embarrass anybody.

Mr. HULL. The gentleman can read it, or anybody else. The map shows the part proposed to be built. It is intended simply to connect this Government over its own lines.

Mr. CANNON. Where is the headquarters of the Department of Columbia? Is that on the map?

Mr. HULL. I understand the Department of California is San Francisco, and then the Department of Columbia includes the States of Oregon and Washington, and I think is at Vancouver.

Mr. PARKER. The hearings on page 23 cover this.

Mr. CANNON. I will say to the gentleman that this is a matter of legislation, and in the absence of real necessity ought not to come up on a bill of this kind. I will suggest to the gentleman that he let it pass over until the bill is completed, and in the meantime examine it himself, because I am quite sure that my friend would not desire to purchase a submarine line.

Mr. HULL. We are not purchasing it.

Mr. PARKER. We buy the cable and lay it ourselves.

Mr. HULL. It will be laid by the Government of the United States. It will be constructed exactly as the line was constructed by the Signal Corps of the Army and used by the Government for its business, and I presume be opened for business outside.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. HULL. Certainly.

Mr. BARTLETT. I could not catch what the gentleman has been saying. I understand the gentleman from Illinois reserves the point of order. Do I understand that this will be an entirely new project, not work that we had already undertaken and is being continued?

Mr. HULL. It is a continuation, practically, of the Alaskan telegraph system.

Mr. BARTLETT. Now owned by the Government?

Mr. HULL. Now owned and operated by the Government. Over 1,100 miles in Alaska have been built by the Signal Corps upon appropriations made in the Army bill three years ago. I will read this much of the letter:

> Without the present telegraph system of Canada, and until a cable is laid to Alaska from some point in the United States, the extensive Alaskan system of the Signal Corps, consisting of 1,121 miles, connecting military posts, is strategically left in the air.

Thus we have built nearly 1,200 miles of telegraph lines in Alaska and are now dependent on another government to allow us connection. I think, and very properly in my judgment, the Department thinks that it is an addition that we ought to at once build through our own territory and connect with our own line and our own country.

Mr. BARTLETT. I understand the gentleman to say that there are 1,100 miles in Alaska?

Mr. HULL. Over 1,100 miles.

Mr. BARTLETT. Owned by the Government?

Mr. HULL. Owned by the Government.

Mr. CAPRON. Built by the Signal Corps.

Mr. HULL. Mr. Chairman, I have no objection to letting this pass over, so that parties may examine it, without prejudice.

The CHAIRMAN. Without objection, the point of order is reserved and the section is passed over. The Clerk will read.

The Clerk read as follows:

> For extra pay to expert riflemen, $12,000: *Provided*, That expert riflemen, hereafter qualifying as such, shall receive $1 a month in addition to their pay.

Mr. CANNON. I just reserve the point of order. This changes the law, as I understand. What is the necessity for it? What is to be its cost? Why should we pay expert riflemen; if so, why not all other experts?

Mr. HULL. Mr. Chairman, I will in answer say that the Navy Department does give their expert riflemen additional pay. There is a feeling all over the United States in the National Guard and in the Regular Army to encourage in every way possible those in the service to become expert shots.

This is new legislation subject, to point of order. The committee realize that, but believe it is in line of good administration, and it can not cost a very large amount of money. Twelve thousand dollars is appropriated here, and by the having an additional dollar, of course, afterwards it will increase, but it can not amount to a very large sum of money, and will largely increase the efficiency of the Army, in my judgment. I think the committee was unanimously in favor of the provision, and I think the people of the country are unanimously in favor of it, so far as we have heard from military organizations. It gives the expert riflemen of the Army the same pay that it gives the expert shots in the Navy.

Mr. GILLETT of Massachusetts. What determines the expert?

Mr. HULL. The board that examines the record of marksmanship contests.

Mr. CANNON. What is the pay now?

Mr. HULL. He is a private soldier. They start in at $13 a month and get extra pay for each year's service up to $18 a month.

Mr. CANNON. Glancing through this bill, Mr. Chairman, it is considerably a legislative bill in this and many other provisions.

Mr. HULL. About the same as usual, including those reported by my friend from Illinois.

Mr. CANNON. I do not think so. On the contrary, I will say to my friend, in the kindliest manner in the way of observation, that it is much easier to legislate by a provision like this, and touching the cable, and quite a number of other matters in this bill—it is much easier to legislate in connection with a general appropriation bill than it is to report and have each item considered on its merits. And in the general nature of things we tend constantly to increased legislation in connection with appropriations, I think to a greater extent touching naval affairs in the naval bill.

Mr. HULL. They report no other bill, and so they do all of their legislation upon that.

Mr. CANNON. Yes; but it seems to me that the tendency grows with the Military Committee, and I say it without any criticism, for it is in the nature of things. I do not think I would be justified in making the point of order if the committee was unanimous. I have no knowledge about expert riflemen; whether it is to end in an increase all along the line I do not know. Perhaps it ought to; I am not here to say.

Mr. HULL. If the gentleman from Illinois wishes, I will have read what the Secretary of War said on the subject.

Mr. CANNON. I would sooner have the opinion of my friend here and of his committee, with all due respect.

Mr. PARKER. Mr. Chairman, if the gentleman from Illinois will permit me, I will say a word about this matter. We already have a provision by general law for $2 a month extra pay for marksmanship to coast artillerymen. This law is thoroughly stated by Secretary Root in a letter which is annexed to the report of the Military Committee. The committee has been utterly frank in the statement that this is new legislation, and has stated the reason for it. It is by special request of the Secretary of War.

When we remember that about every 200 shots go astray in every battle to one that hits, one expert who can hit every time is worth 200 men. To be able to shoot is the important thing in the Army. In the Navy all sorts of rewards are offered for expert shooting. They do not appear upon the naval bill for the simple reason that in the naval appropriation bill it has always been recognized that the President was the commander in chief of the Navy, as he is said by the Constitution to be the commander in chief of the Army, and all that the naval bill does is to appropriate a gross sum of money for the pay of the Navy, while the President by regulation can change from time to time, and fixes the amount that shall be paid to the various sailors for long service and for good service. The pay of the gunners and master's mates and all the various grades in the Navy are fixed from time to time according to the exigency of the service, and thereby they obtain expert shots by paying them for it.

It is possible that we should have a better Army if organized in the same way, but we only pay by strict military law. We pay the private so much pay, as fixed by statute, with a rise for his length in service; we pay the corporal so much, and the sergeant so much, and not a dollar more can we pay him although he is as valuable as 20 men. When we want to pay a little more to a man who, in time of war will be worth 20 other men, and want to

encourage expert efficiency with the rifle by an increase of pay, we have to come to Congress, and because a special bill would have little chance of being heard, we have to come by way of the general appropriation bill. We only ask to do what was done by special bill for the coast artillery, and is done without a bill all through the naval administration. I do hope the gentleman from Illinois will not only withdraw his objection, but say that he thinks it is a change that ought to be made for the good of the Army.

Mr. HEPBURN. I hope the gentleman from Illinois [Mr. CANNON] will not insist upon this point of order, for two reasons: First, because I think this is a most meritorious piece of legislation; and second, because I do not want the habit of objection to become chronic with my friend from Illinois. I have an amendment that I want to offer very soon, and I know it is subject to a point of order, and therefore I do not want this habit of objection confirmed so as to reach my case. [Laughter].

Mr. Chairman, I think a great deal may be said in favor of the proposition; this provision is one of the most important in this bill; and I should like it better if, instead of making provision for additional pay at the rate of $1 a month, it provided for five times that much.

In the Army we used to spend days and weeks and months in drilling the troops. The regiment of which I was once a member spent, I know, months of its time in attempting to perfect the soldiers in mere matters of evolution; and we became so expert after a while that we could perform with reasonable accuracy every evolution known to cavalry tactics. And yet, so far as practical use is concerned, we never used a half dozen different movements in all the real service that we performed. A half dozen movements will cover all that any regiment of infantry performed during any war that we have had on this continent. Yet we spent months in drill of that kind, and very little time in target practice. My regiment never expended a cartridge of the Government in target practice authorized by the authorities. It has been shown that in the engagements of the Mexican war our army expended 70 cartridges in order to produce a result.

At the battle of Murfreesboro the Federal troops expended 119 cartridges to kill or wound a man. Yet as an illustration of the contrary experience we have a case where a perfectly drilled army—that is, an army drilled in target practice—was engaged in the battle of New Orleans, and 2,600 men engaged in that battle in resisting the attack of Pakenham's forces killed or wounded nearly 2,600 men. The first rank fired but three times; the second rank but twice. Every two and one-half shots produced a result. Those men were marksmen; they were drilled; they were men who could shoot the eye of a squirrel when he was in the top of a tree. They had learned their business. I think we can develop the efficiency of our troops by bringing into prominence this matter of target practice, striving to secure emulation among the men so that they will be what a great majority of men might be with practice.

Mr. CANNON. Mr. Chairman, in the presence of a unanimous Committee on Military Affairs, who believe this legislation ought to be had, and in view of the remarks of the gentleman from Iowa [Mr. HEPBURN], who heartily agrees with the committee, and who has had some practical knowledge about this matter, I will say that while the provision is clearly subject to a point of order, I think it behooves me, as I have but very little practical knowledge in the premises, not to insist on the point of order.

The CHAIRMAN. The point of order being withdrawn, the Clerk will resume the reading of the bill.

The Clerk read as follows:

Engineer battalion, $262,116.

Mr. HULL. In that paragraph there is a typographical error. The word "battalion" should be "battalions." I ask that the "s" be inserted.

The CHAIRMAN. Without objection, the correction indicated by the gentleman will be made by the Clerk.

There was no objection.

The Clerk read as follows:

Additional pay for length of service, $13,080.

Mr. HEPBURN. I move to amend by inserting after the paragraph just read the provision which I send to the Clerk.

The Clerk read as follows:

Provided, There shall be added to the Signal Corps of the Army, as now authorized by law, 1 colonel, 2 lieutenant-colonels, 4 majors, 8 captains, 8 first lieutenants: *Provided further*, That the vacancies thus created or caused shall be filled, first by the promotion of officers of the Signal Corps, according to seniority, and thereafter by detail from the line of the Army in accordance with existing law.

Mr. HAY. I rise to make a point of order against this amendment.

Mr. HEPBURN. I hope the gentleman will not make the point of order.

Mr. HAY. Well, I reserve the point.

The CHAIRMAN. The point of order will be reserved.

Mr. HEPBURN. Mr. Chairman, it will be observed that this amendment does not add any commissioned officers to the Army. The vacancies which will exist, should this provision become a law, will be filled, first, by promotion from the Signal Corps, and, secondly, by detail from the line. The only additional expense will be the greater compensation of one colonel, two lieutenant-colonels, and four majors, as compared with the compensation of a corresponding number of captains.

Now, there is a necessity for this increase. It grows out of the disproportion that now exists in this corps between the officers of the grade of field officers and those of the grade of line officers. In the Adjutant-General's corps all of the officers are above the grade of captain. The same is true in the Inspector-General's Office and in the Judge-Advocate-General's Office. In the Quartermaster's Department the percentage of field officers to total strength is 36.8; in the Subsistence Department, 37.2; in the Medical Department, 25; in the Pay Department, 51.9; in the Corps of Engineers, 30.8; in the Ordnance Department, 30.1; in the Signal Corps, 18.3.

If this addition should be made, the proportion of field to other officers would still be less in this corps than in any other. The present deficit places them at a disadvantage in all of the departments where the corps is represented on the general staff, and it ought not to be for that reason. Besides, there is a constant demand for the service of these officers, a constantly growing demand. This is becoming the scientific corps of the Army. Not only that, but with the new armament that we have, with the difficulty and impossibility of the use of cavalry, these officers are becoming the eyes of the Army. They are the means of information, they are the means of carrying and disseminating information, and this corps is rapidly becoming one of the most important in the Army. Therefore, as there is no opportunity of getting this in any other way, and as it is asked for and approved, as I am told, by the Secretary of War—certainly by the Chief Signal Officer—and as it is approved by the chairman of the committee and by other members of the committee with whom I have conferred, I do hope that my friend will not insist upon his objection and will allow us to have a vote on the matter.

Mr. HULL. Mr. Chairman, I want to say but one word or two. I understand the gentleman from Virginia reserves his point of order. The House, when it passed the reorganization bill, gave the Signal Corps almost what is proposed by this amendment, though not quite. The Senate reduced it to the point at which it stands in the law now. I want to say that a few days ago, when I learned that my colleague proposed to offer an amendment increasing the Signal Corps, I called on the Secretary of War and talked with him in regard to the matter, and while I did not know the number which was proposed, and that was not definitely talked over, he stated that he had become convinced that there should be an increase in the officers assigned to the Signal Corps. It is a matter that the committee has not investigated, except as it investigated it under the old reorganization act. That gave, I think, two lieutenant-colonels, as proposed by the gentleman from Iowa [Mr. HEPBURN] at this time. It gave an increase of majors, as proposed now, but I think not quite so many. I do not recall just what it was.

Mr. HEPBURN. If the gentleman will permit me, my recollection is that the only difference is that here there is a provision for an additional colonel.

Mr. HULL. With the same number of majors?

Mr. HEPBURN. I think that is so.

Mr. HULL. Be that as it may, I have no doubt in my mind but that the work the Signal Corps is performing, the amount of duties that devolve upon it, and the large scope of country they are serving in all cry out for an increase in this corps. I know that one gentleman with whom I am acquainted has been in the Philippine Islands and Cuba constantly since our Army landed in Cuba. The reason is that he could not be returned home because there were no officers to take his place.

Mr. HAY. I would like to ask the gentleman a question. Is it not a fact that General Greely, the general of the Signal Corps, was before the Committee on Military Affairs and did not ask for any increase?

Mr. HULL. Yes; that is my recollection, but he was not interrogated.

Mr. HAY. Well, my experience is that one does not have to interrogate these gentlemen in order for them to ask for something.

Mr. HEPBURN. If the gentleman will refer to General Greely's report, he will find that substantially this amendment is asked for.

Mr. HULL. And I think, if the gentleman will remember, General Greely, when the question of the number of Signal Corps was before the committee, was very urgent that we should not agree to the Senate amendment.

Mr. HEPBURN. I hope the gentleman will let us have a vote upon it.

Mr. HAY. Mr. Chairman, I do not wish to appear in the rôle of interfering in a matter of this sort, but the Committee on Military Affairs had General Greely before it and he never asked for anything of the sort. The gentleman from Iowa [Mr. HEPBURN] says that it does not increase the officers in the Army. I do not so understand his amendment. It does increase the officers in the Army, and the Army is already topheavy with officers.

Mr. HEPBURN. Will the gentleman permit me to read a portion of the amendment which he undoubtedly did not hear?

Provided further, That the vacancies thus created or caused shall be filled, first by promotion of officers of the Signal Corps according to seniority and thereafter by details from the line of the Army, in accordance with existing law.

Mr. HAY. To what vacancies does the gentleman refer?

Mr. HEPBURN. As these men are pushed up there will be vacancies below, first lieutenants, that will be detailed from the Army.

Mr. HAY. Of course, but the first——

Mr. HEPBURN. I want to call the gentleman's attention, if he will allow me, to the fact that there is scarcely a possibility of the promotion of these gentlemen who are now captains and lieutenants in the Signal Corps. One gentleman who stands, I think, ninth or tenth, will not be promoted in the ordinary course of matters until 1926. He will have had to serve as a captain twenty-eight years before he is promoted. I submit that that is not fair, that that is not the incentive that ought to be held out to men, and I hope that the gentleman will allow this amendment.

Mr. HAY. I want to know where the officers are to come from who are to be added to the Signal Corps at once by the amendment of the gentleman.

Mr. HEPBURN. There are three officers to a company, say, of infantry. There will be some vacancies. They are not vacancies to be filled by appointment, but vacancies in the immediate discharge of duties there. There will be details, as details are now made.

Mr. HAY. You provide for the immediate appointment of colonels, majors, and captains to the Signal Corps. Where are they coming from, unless they are appointed?

Mr. HEPBURN. They will come from the line, as this provides.

Mr. HAY. Very well. Who takes the places of these officers of the line?

Mr. HEPBURN. Their places will not be filled.

Mr. HAY. It just shows that we can not consider sensibly in the Committee of the Whole an amendment of that sort, and therefore I must insist——

Mr. STEELE. I hope the gentleman will allow me to say one word.

The CHAIRMAN. Does the gentleman from Virginia yield?

Mr. HAY. Yes.

Mr. STEELE. If you will allow the adding of the words—

Provided, That this shall not increase the number of officers in the Army,

It will certainly not do so. There are a great many officers serving at these large posts who can be spared for temporary details. Therefore, in order to increase the number of officers in the Signal Corps you would only decrease the number in the line.

Mr. HULL. Mr. Chairman, if the gentleman will yield——

Mr. SLAYDEN. I will ask the gentleman if it is not a fact——

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Texas?

Mr. HULL. Oh, yes.

Mr. SLAYDEN. Is it not a fact that the net result of the amendment if adopted will be to increase the number of commissioned officers in the Army?

Mr. HULL. Mr. Chairman, under the general law, when an officer is detailed, his place in the line is filled from the lower grades. Others are promoted, and it increases the number of second lieutenants.

Mr. HEPBURN. If there is any doubt about this, I am willing to modify the amendment so as to make it certain.

Mr. HAY. I will withdraw the point of order if the gentleman from Iowa will add to the provision that there shall be no increase in the officers, either of the line or staff of the Army.

Mr. HEPBURN. Certainly.

Mr. HULL. If the gentleman does that he ought to strike out the part referring to the detail as now provided by law.

Mr. HEPBURN. No; I think not.

Mr. HULL. Just strike out the words "as now provided by law" and fill by detail only, for the reason that the law now provides that when an officer is detailed to the staff, the officers of the line are promoted up, and a new officer is put in, until the same number of men are serving as before. As they come back and forth after they are once detailed, the number of second lieutenants is not decreased, and, as things are now, there must, in the nature of things, be some increase whenever an officer of the line is detailed to the staff corps.

Mr. HEPBURN. Mr. Chairman, I move to strike out the words in the amendment offered by me, "in accordance with existing law," and add, "*Provided further*, That no addition to the number of officers in the Army shall be created by the foregoing provision."

The CHAIRMAN. Without objection, the modification will be made.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment submitted by the gentleman from Iowa.

The question was taken; and the amendment was agreed to.

Mr. HULL. Now, Mr. Chairman, I ask unanimous consent of the House that the amendment just adopted may be inserted after line 23, on page 12; and I do that for the reason, at the place inserted here (I did not want to raise that question at the time when the amendment was offered), we are legislating for the enlisted corps of the Army, while on page 12 we are legislating for the officers of the Signal Corps of the Army.

Mr. HEPBURN. I certainly have no objection to that on my part.

The CHAIRMAN. Without objection the amendment will be inserted as suggested by the gentleman from Iowa, after line 23, page 12.

There was no objection.

The Clerk read as follows:

RETIRED OFFICERS.

For pay of officers on the retired list and for officers who may be placed thereon during the current year, $1,000,700.

Mr. HULL. Mr. Chairman, there is an error of the printer there or an error in making up the bill. That should be $700,000.

The CHAIRMAN. Without objection the Clerk will make the correction.

There was no objection.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman from Iowa how many retired officers have we?

Mr. HULL. I have not counted them up lately. This appropriation is simply for those who are there, who are on the retired list by law, and all that we do when the Department furnishes the estimate for the amount, is to appropriate the amount.

Mr. GAINES of Tennessee. Will the gentleman inform me how many were on the retired list when he was last informed?

Mr. HULL. I have not kept track of the retired list, but assume them to be there, and when the Department says that this is the number, we cut the amount some thousand dollars, with the idea that some will die. Of course there is no certainty that they will, and there may be a deficiency in this item.

The Clerk read as follows:

For pay of forty-two veterinarians, at $1,500, $63,000,

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman from Iowa, or my colleague on my left, if we had 42 veterinarians during the recent war. In other words, has the number been diminished now that we have peace?

Mr. HULL. This is the number provided for in the reorganization bill, and all of them are employed. They have two with each regiment of cavalry and a certain number with the artillery, and it is the number provided for by existing law.

Mr. GAINES of Tennessee. Well, does it require as many veterinarians now when our Army is about 59,000, when we have peace, as it did when it was 100,000 and in active operation?

Mr. HULL. We have not reduced the number of regiments of cavalry or batteries of artillery.

Mr. GAINES of Tennessee. As you reduce the number of cavalry you would reduce the number of horses, would you not?

Mr. HULL. We do not reduce the number of regiments, companies, or posts.

The Clerk read as follows:

For expenses of courts-martial, courts of inquiry, and compensation of reporters and witnesses attending the same, $20,000.

Mr. HULL. Mr. Chairman, there is another amendment, left out by inadvertence, that is in the law heretofore and should be now. Insert after the word "inquiry," line 20, the words "military commissions;" so that it will read: "For expenses of courts-martial, courts of inquiry, military commissions, etc."

The Clerk read as follows:

In line 20, page 14, after "inquiry," insert "military commissions."

The amendment was agreed to.

The Clerk read as follows:

For additional pay to officer in charge of public buildings and grounds at Washington, D. C., $1,000.

Mr. LITTLE. Mr. Chairman, I would like to inquire what rank this officer held?

Mr. HULL. I think he is a captain in the Regular Army.

Mr. LITTLE. My understanding has always been when they go to fight they were given more pay than when they were put to civilian employment.

Mr. HULL. The gentleman does not understand this question at all.

Mr. LITTLE. That is the reason why I ask for information.

Mr. HULL. For the Superintendent of Public Buildings and Grounds it was provided by a law passed a great many years ago that while so serving he should have the rank and pay of a colonel.

Mr. LITTLE. That is the existing law?

Mr. HULL. That is the existing law, and has been for a great many years. This simply covers the difference in pay between the real rank and the rank of colonel; and if he were a major it would not require this amount.

Mr. LITTLE. I simply wanted an explanation, for information.

Mr. HULL. Since I have been in Congress there has only been one bill passed where there was no provision of this kind, and that was while Colonel Wilson, of the Engineer Corps, was Superintendent of Public Buildings and Grounds, and while so serving he became a colonel and this was left out.

Mr. LITTLE. This has been the current bill?

Mr. HULL. Certainly. It is the law.

The Clerk proceeded with the reading of the bill, and read as follows:

PHILIPPINE SCOUTS.

Fifty first lieutenants, $80,000.
Fifty second lieutenants $75,000.

Mr. GAINES of Tennessee. Mr. Chairman, will the gentleman from Iowa please tell us if these Philippine scouts cooperate with our army in the Philippine Islands, or what connection they have with our Army? Are they a part of the army sent from the United States, or are these scouts natives?

Mr. HULL. The enlisted force are natives, but the officers are not. The law provides that all the field officers shall come from the Regular Army by assignment, the captains from the Regular Army, but the first and second lieutenants may come from the Regular Army or from civil life.

Mr. GAINES of Tennessee. How many scouts are there?

Mr. HULL. About 5,000.

Mr. GAINES of Tennessee. How large is the army that it is intended to keep in the Philippine Islands?

Mr. HULL. All I know about that is what the gentleman himself knows.

Mr. GAINES of Tennessee. It is about 23,000, says Mr. Secretary Root in his last report, if I remember correctly.

Mr. HULL. I think they are going to reduce it below that. I will say to the gentleman, however, that that is a question which may be agreed upon to-day and changed to-morrow. It is at the discretion of the President at all times.

Mr. GAINES of Tennessee. How much does it cost to maintain a soldier in the Philippine Islands, and how much in the United States?

Mr. HULL. That is a question that I have not figured out. With the scouts it would cost less than in this country. With the soldiers it is more, because we pay them 20 per cent more than if they served in this country. So it would cost 20 per cent more, besides the freight for taking his supplies over there from this country.

Mr. GAINES of Tennessee. Why I asked the question, Mr. Chairman, is because the last information I had was from General Breckinridge's report of last year. He stated that it cost $1,285 a year for every soldier to maintain and equip him, exclusive of armament. I was informed a few days ago by the gentleman from Virginia [Mr. HAY] that there was an increased amount paid the soldier in the Philippine Islands, making the cost per soldier with equipment about $1,500 a year. I wanted to get at the exact facts if I can.

Mr. HULL. The only way the gentleman can do that is to call upon the War Department and have their best mathematicians figure it out.

The Clerk proceeded with the reading of the bill, and read as follows:

Hereafter, in all payments to be made under the provisions of Army appropriation acts, when the rate of compensation is annual payment, shall be made monthly at the rate of one-twelfth of the annual rate, and of such monthly rate and of all other monthly rates of compensation one-thirtieth shall be the daily rate for computation of pay for fractional parts of a month; and for the purposes of this act each and every month shall be held to consist of thirty days, whether the actual number of days be greater or less.

Mr. CANNON. Mr. Chairman, reserving the point of order on that paragraph, I want to ask the gentleman from Iowa wherein it changes existing law.

Mr. HULL. Mr. Chairman, the Army pay tables for almost fifty years have been in exact compliance with this provision in the bill. It has passed the Treasury during all these years without a question being raised. It is entirely satisfactory to the Army, both the officers and the men, but the present Comptroller of the Treasury holds that, in the absence of law specifically stated, this method of computation can not be allowed; that they must change the method of payment and pay only for the actual days, regardless of thirty days in the month.

In other words, for February they could only pay for twenty-eight days and for March they must pay for thirty-one days. It changes the entire computation tables of the War Department. It make a difference in the method of paying the Army which has prevailed for more than fifty years and simply enacts into law a measure that will enable them to pay as they have all of these past years.

Mr. CANNON. The difference being that without this proposed legislation they get paid for three hundred and sixty-five days a year. With this the pay is for three hundred and sixty days for the year, and then the five days are paid besides.

Mr. HULL. My understanding of this is that they are paid so much a month of thirty days. The year is divided into twelve equal parts. If a man serves a year he gets exactly the same pay as he would by the other method.

Mr. CANNON. How are the men in the Navy paid and the people in civil life?

Mr. HULL. I understand the commercial law is largely like this provision of thirty days to the month. We pay so much a month where you pay a yearly salary. It is one-twelfth of the salary every month, same as is the case with members of Congress.

Mr. CANNON. This legislation, as I understand, is in harmony with the practice of the Government for a half century.

Mr. HULL. Yes; it is exactly in harmony with the way members of Congress are paid. Now, Mr. Chairman, I move to strike out the comma in line 1, page 17, after the word "payment," and insert it after the word "annual."

The CHAIRMAN. The gentleman from Iowa moves to amend, and the Clerk will read the amendment.

The Clerk read as follows:

Strike out the comma after the word "payment" and insert it after the word "annual."

The amendment was agreed to.

The Clerk read as follows:

That section 37 of the act of February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," is hereby repealed, and the Secretary of War is directed to muster out the Porto Rico Provisional Regiment of Infantry of the United States service on or before July 1, 1903: *Provided*, That the officers and enlisted men of the Porto Rico Provisional Regiment of Infantry shall, upon being mustered out, be paid two months' extra pay, to be paid out of the appropriation for pay of the Army: *Provided further*, That officers of the Regular Army serving with the Porto Rico Provisional Regiment of Infantry when mustered out of said regiment shall return to their lineal rank in the Regular Army and shall be paid for service with said regiment only for time actually in such service.

Mr. COWHERD. I want to reserve a point of order on that paragraph.

The CHAIRMAN. The gentleman from Missouri [Mr. COWHERD] reserves a point of order against the paragraph.

Mr. HULL. I want to say to the gentleman from Missouri——

Mr. COWHERD. Permit me to say that I reserve this point simply because I want to get some information.

Mr. HULL. The law creating this regiment provided that it should be retained in service until such time as Congress might take further action. It was not regarded as a permanent part of the military establishment. We have now reached the time when all authorities seem to agree that this regiment is no longer needed. It is maintained at the expense of the Government, but has absolutely nothing to do.

The coast defense or batteries there furnish a certain number of artillery; but the evidence before the committee, as submitted by the Secretary of War, was to the effect that without any United States soldiers peace could be maintained, good order preserved, and property and lives be protected by the civil authorities of Porto Rico alone. Therefore the committee struck out the appropriation for this regiment and inserted this provision, so that we might not have the anomaly of continuing this organization without providing for its pay.

Mr. COWHERD. Then, if I understand the gentleman, this will simply reduce the appropriation by that much, and reduce the Army to a corresponding extent.

Mr. HULL. It reduces the Army by this much, and reduces correspondingly the appropriation.

Mr. COWHERD. I should like to have read at the desk a paper which has been submitted to me upon this proposition. It is quite short.

The CHAIRMAN. The paper sent to the desk by the gentleman from Missouri will be read, if there be no objection.

There was no objection.

The Clerk read as follows:

Troops must always be kept in the island, and the Porto Rico regiment is by far the cheapest and most desirable. It can be sustained far more cheaply than a regiment of Americans, because the men do not draw "foreign-service pay."

It is composed of Porto Ricans of the middle class, the most loyal of all to the United States Government. It is efficient—highly so—as every inspector

has said for three years. The men are proud of the service, of the uniform, and the regiment.

They believe themselves to be a part of the Government, paid by it, and entrusted with the protection of the homes of their kindred against internal danger or possible foreign invasion. There has been more real, honest, loyalty bred in Porto Rico by the influence of the soldiers of the regiment than by all other causes combined. The people look upon the regiment as their own, and are loyal to the Government which garrisons their towns with their own sons instead of sending down regiments of another race.

The men are being given systematic daily instruction in the English language, and through them the knowledge and influence of the tongue is being spread over the island. They are being trained to fit them for duties of importance in their communities when they shall retire from the service. They are acquiring executive ability, "of which there is a woeful lack among the people," and will be able to render valuable service in civil life in positions requiring knowledge of the control of men and the best method of carrying on public work.

As a strong binding link between the common people of Porto Rico and the Government of the United States and as a public educator, the regiment is worth twice its cost. With a population in Porto Rico of 1,000,000 people, of mixed races upon a small tropical island, considerably more than one-half illiterate, ignorant, and barely self-sustaining, the actually vicious and dangerous element is naturally very large.

The excitable and revengeful disposition of the mixed Latin races makes it almost certain that under unusual excitement, or when large numbers of people are unemployed and ill fed, riots and dangerous disturbances are bound to occur. The American property interests are large and constantly growing, and are of the very kind that would suffer most severely in case of riots.

The insular police force, as it is now organized and must continue to remain, can not be depended on to cope with even a moderate emergency. Its officers are natives, untrained in the command and instruction of large bodies of men. The force is, and must be, so widely scattered that there is no chance for systematic and continued instruction in the use of firearms or even the rudiments of drill which must be used to meet a great emergency.

Under the circumstances, a state of discipline and efficiency can not be secured to make it possible for the officers to control their men and so direct their efforts as to make their service of proper effect if they had to be united in one organization for offensive or defensive purpose. Organized under political auspices, appointed by a political board, owing its existence to political support, it must always be an ally to the party in power.

The Government must always maintain an artillery force to garrison the fortifications, but under no circumstances could the men be withdrawn from the forts for the protection of property or life in the interior. The American business interests will always require and demand the presence of troops available for duty in case of trouble.

Mr. COWHERD I want simply to say——

The CHAIRMAN. Does the gentleman withdraw the point of order?

Mr. COWHERD. I withdraw it, but wish to say just one word. It has seemed to me that if we were going into the question of holding these island possessions according to the English custom, we could do nothing better than raise armies according to that custom, from the natives, in order to instill some kind of loyalty into those people. But I do not pretend to put my knowledge of the situation down there against that of the Committee on Military Affairs, if they think this regiment unnecessary.

Mr. HULL. There is no objection to such a regiment being recruited as part of the Army, but to support this regiment there as has been done is an utterly uncalled-for expense to the Government. As soon as the Committee of the Whole resumes its session, after rising informally to receive a message from the Senate, I will offer an amendment which I think will meet the gentleman's views.

Mr. COWHERD, I withdraw the point of order.

Mr. HULL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BOUTELL reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 16567) making appropriations for the support of the Army for the fiscal year ending June 30, 1904, and had come to no resolution thereon.

REBATE OF DUTY ON COAL.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments the bill (H. R. 16649) to provide rebate of duties on coal in which the concurrence of the House was requested.

Mr. PAYNE. I ask unanimous consent that this amendment of the Senate be concurred in.

Mr. RICHARDSON of Tennessee. We would like to have the amendment read, so that we may know what it is.

The SPEAKER. Undoubtedly; the Chair would not submit the amendment without its being read.

Mr. RICHARDSON of Tennessee. But I did not hear any request that it be read.

The SPEAKER. The Chair will submit the request of the gentleman from New York. The gentleman asks unanimous consent to take up the amendment of the Senate to what is known as the "coal bill," for the purpose of moving concurrence in the amendment which the Clerk will read.

The Clerk read as follows:

Amendment to House bill (H. R. 16649) to provide rebate of duties on coal. After line 7 insert:

"SEC. 2. That the provisions of paragraph 415 of the tariff act of July 24, 1897, shall not hereafter be construed to authorize the imposition of any duty upon anthracite coal."

Amend the title so as to read: "An act to provide rebate of duties on coal, and for other purposes."

[Applause.]

The SPEAKER. As the Chair is advised, the request of the gentleman from New York [Mr. PAYNE] was to take up this amendment and concur in it.

Mr. PAYNE. That was the request.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. I only want to say that I think the gentleman ought to have accorded to this side of the House the right to make that request. There is no objection on this side. [Renewed applause.]

The SPEAKER. In the absence of objection, the amendment of the Senate is concurred in.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the amendment was concurred in was laid on the table.

ARMY APPROPRIATION BILL.

On motion of Mr. HULL, the House again resolved itself into Committee of the Whole on the state of the Union (Mr. BOUTELL in the chair) and resumed the consideration of the Army appropriation bill.

Mr. HULL. Mr. Chairman, in order to get it in the RECORD, I ask unanimous consent that the Clerk read, in my time, Exhibit B, to be found in the report of the committee.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to have read the statement which is sent to the Clerk's desk. Without objection, the Clerk will read.

There was no objection.

The Clerk read as follows:

WAR DEPARTMENT, *Washington, January 2, 1903.*

SIR: In my annual report of the operations of the War Department for the year of 1902 I remarked as follows concerning the organization known as the Porto Rico provisional regiment:

"PORTO RICO REGIMENT.

"The act of February 2, 1901, provides that the Porto Rico regiment shall be continued in service until further directed by Congress. I recommend that the discontinuance of that regiment be now directed, and that at the same time the right of enlistment in the Regular Army be extended to citizens of Porto Rico. There is no longer occasion for maintaining a special and peculiar force in the island at the expense of the United States outside of the coast-defense fortifications. Under the prosperous conditions which have followed the very liberal treatment of the island by the United States, the insular government is well able to support a police force adequate to preserve internal peace and order, and there is no more reason for maintaining a special United States force in addition to the Regular Army to protect Porto Rico against external attack than there is to maintain such a force to protect any part of our territory on the Atlantic coast. The people of Porto Rico should, however, have an opportunity to share in the general defense of the Government to which they owe allegiance and of the institutions which they enjoy."

I have now the honor to invite your attention to the foregoing remarks and recommendations, to which nothing can be added in the way of argument, and, as it is in the interest of economy, resulting in large saving, I request that provision for the discharge of this regiment be embodied in the appropriation bill now before Congress for the support of the Army for the year 1903-4, and be disposed of at this session of Congress.

In mustering out and disbanding the volunteer regiments organized for the war with Spain, leaves of absence for the officers and furloughs for the enlisted men were given by the Department for periods of one and two months, and Congress, in act of January 12, 1899, granted in lieu of leaves of absence and furloughs two months' extra pay to volunteer organizations thereafter mustered out of the service who served beyond the limits of the United States. I think a similar gratuity should be given to the Porto Rico regiment, and I so recommend.

Very respectfully,

ELIHU ROOT,
Secretary of War.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
House of Representatives.

Mr. PERKINS. Mr. Chairman, I send an amendment to the desk, which I will ask to have read.

The Clerk read as follows:

After line 2, page 17, insert the following:

"*Provided further*, That the Secretary of War is authorized to appoint officers of the said regiments to corresponding positions in the Regular Army, if, in his judgment, the public service requires."

Mr. PERKINS. Mr. Chairman, I would say, in addition to what was said by the gentleman from Missouri [Mr. COWHERD], that I have received several letters from people living in Porto Rico questioning the wisdom of the measure abolishing the Porto Rican regiments; but, Mr. Chairman, I have no desire to oppose the judgment of the Secretary of War and of the Committee on Military Affairs. It seems, however, Mr. Chairman, that here are a number of officers who have served in the Porto Rican regiments who are not members of the Regular Army. If they are qualified officers, if they have given good service, why should not the Secretary of War be authorized—I do not ask that he be directed—but why should he not be authorized to use those officers for appointment in the Regular Army? That is the object of the amendment, and the only object.

Mr. HULL. Mr. Chairman, it seems to me that this is exceedingly bad legislation. I doubt very much, if the amendment is passed, if the Secretary of War would act under it in any case whatever.

Mr. PERKINS. He is not obliged to.

Mr. HULL. This is the proposition, as I understand the amendment as read from the desk: Here are men who have been taken from subordinate positions in the Regular Army to fill what were known when they accepted the places as high positions, as a temporary regiment. By this legislation we particularly say to the Secretary of War and to the people that we are in favor now of continuing these men in the higher offices that they have been filling, as permanent places in the Regular Army.

As a matter of fact, every captain in the Regular Army was willing and anxious to be the colonel of a provisional regiment, whoever may be the man that secured the position, and he secured it because, I suppose, he convinced the Secretary of War that he was the best man of his rank for that assignment. But every member of this committee will certainly recognize that it would be outrageously unfair to say to the Secretary of War that in the judgment of Congress these men might be appointed as colonels in the Regular Army in the permanent regiments, going over the heads of men of permanent rank in the line of the Army who may have served two or three times as long as they and be of higher rank than they.

There is a provision now of the general law that all these officers selected from the Regular Army for this temporary duty shall go back to their regular places in the line of the Army when this regiment shall be mustered out. They have had the advantage of additional rank, additional pay, and additional emolument by this service, something that was a favor to them, and now this amendment would say that Congress believes the favor should be made a permanent benefit. I can see where there is some reason in the gentleman's amendment, when applied to those officers who come in from civil life, if it were necessary to enable them to become second lieutenants. But it is not necessary.

Mr. PERKINS. That is what I said it applied to.

Mr. HULL. There are some of those; but under the present law they could be ordered up for examination, and hardly a month passes that opening would not be had for them to be appointed as second lieutenants in the regular establishment. They are eligible for that now. To provide higher rank for them would be unjust to every man now in the Regular Army.

Mr. PERKINS. Mr. Chairman, just a moment in reply. The object of my amendment was somewhat misunderstood, probably because I am not sufficiently familiar with the practice to draw it properly. I understood from the bill that the officers in the Porto Rican regiments who are now officers in the Regular Army would be returned to the service in the Regular Army. Such is the provision of the bill. I intended to cover the case, Mr. Chairman, as here suggested by my friend from Iowa, of the officers of the Porto Rican regiments who are not officers of the Regular Army at all, and for whom there is no provision in this bill.

It seems to me just, Mr. Chairman, that those who are not in the Regular Army, but who have served satisfactorily in the Porto Rican regiment, should be eligible to appointment in the Regular Army, and should not be thrown out of military service by reason of the disbandment of the Porto Rican regiment.

Mr. HULL. Mr. Chairman, that same thing applied to every one of our volunteer regiments, and applied with particular force to every one of our 30 provisional regiments that had actual service in the Philippines; and yet we made no such provision for them. They came in under the general law, and many of them have been appointed to lieutenancies in the Regular Army, as these men can be appointed to lieutenancies in the Regular Army.

Mr. PERKINS. Mr. Chairman, if there is no objection, I would ask to amend my amendment by striking out the word "corresponding," so that they shall be eligible to appointment in the Regular Army, but not to corresponding positions.

The CHAIRMAN. Without objection, the Clerk will make that amendment to the proposed amendment.

Mr. GILLETT of Massachusetts. Is not that the law now?

Mr. PERKINS. If it is, it will do no harm.

Mr. CRUMPACKER. According to my understanding of the law as it is now, these officers of the provisional Porto Rican regiment who are natives of Porto Rico would not be eligible to appointment.

Mr. HULL. There are no natives who are officers, I think.

Mr. CAPRON. No; none but noncommissioned officers.

Mr. CRUMPACKER. The commissioned officers are citizens of the United States.

Mr. HULL. All, I think, are citizens of the United States.

Mr. CRUMPACKER. Then I misapprehended the fact.

Mr. PERKINS. They are officers of the regiment, but not officers of the Regular Army.

Mr. CRUMPACKER. And in addition to that, the privates in the Porto Rican regiment are not eligible to enlistment in the Regular Army.

Mr. HULL. The Secretary of War recommends that they be allowed to enlist in the Regular Army.

Mr. CRUMPACKER. Since the gentleman has entered upon the field of legislation upon this subject, why did he not incorporate that provision in this bill?

Mr. HULL. The only reason was that it was a doubtful question as to whether any of the Porto Ricans would be willing to enlist to go out of the country; and there is a question in my mind whether it is not true, if they are a part of the citizenship of the United States, they can not now enlist in the Regular Army from the Territories here as well as from the States, whether they can not enlist as it is. The gentleman is a better lawyer than I am, and he can tell.

Mr. CRUMPACKER. According to the law as interpreted by the Supreme Court, if I understand the interpretation, they are not citizens of the United States, while the inhabitants of the Territories are, and therefore the inhabitants of the Territories are eligible to enlistment in the Regular Army. It seems to me that it would show some deference to these people and give them at least that privilege, even though it would never be exercised; and it occurs to me that the suggestion of the Secretary of War ought to have been embodied in this measure.

Mr. HULL. A proviso added to this, that natives of Porto Rico may be enlisted in the Regular Army, will cover that. I have no objection to it. We will have to dispose of the pending amendment first.

Mr. PERKINS. I should like to ask the chairman of the committee what objection there is to a provision which should authorize the Secretary of War to take a citizen of this country who has been an officer of the Porto Rican regiment, but who is not an officer of the Regular Army, and appoint him an officer of the Regular Army?

Mr. HULL. I would say that unless it was limited to second lieutenants I should object to it, because it will throw the burden on the War Department and start a war on all of us to go there and get some man a good office. In my judgment it is bad legislation. Now, if you limit it to that, the Secretary of War has the same power now to appoint these men second lieutenants, if they can pass the examination, that he had to appoint the men who served during two years of actual hostilities in the Philippines who were volunteers of the provisional regiments. They were appointed by the President. They were in what were known as two-year regiments. These men went into regiments known to be temporary. Why should we turn around now and legislate specifically on that, when under the general law, if they can pass the examination these other officers have had to pass, they can be appointed?

Mr. PERKINS. We do not legislate specifically, but merely authorize the Secretary of War in his discretion, if in his judgment the public service will be promoted, to appoint them.

[Here the hammer fell.]

Mr. HULL. I call for a vote.

The amendment was rejected.

Mr. CRUMPACKER. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert at the end of line 22, page 17, the following:

"*Provided further*, That citizens of the island of Porto Rico shall be eligible to enlistment in the Regular Army."

Mr. HULL. There is no objection to that that I know of.

The amendment was agreed to.

The Clerk read as follows:

Incidental expenses: Postage; cost of telegrams on official business received and sent by officers of the Army; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster's Department, in the erection of barracks, quarters, and storehouses, in the construction of roads and other constant labor for periods of not less than ten days, and as clerks for post quartermasters at military posts, and for prison overseers at posts designated by the War Department for the confinement of general prisoners; for expenses of expresses to and from frontier posts and armies in the field, of escorts to paymasters and other disbursing officers, and to trains where military escorts can not be furnished; expenses of the interment of officers killed in action or who die when on duty in the field, or at military posts, or on the frontiers, or when traveling under orders, and of noncommissioned officers and soldiers; and in all cases where such expenses would have been lawful claims against the Government reimbursement may be made of expenses heretofore or hereafter incurred by individuals of burial and transportation of remains of officers, including acting assistant surgeons, not to exceed the amount now allowed in the cases of officers, and for the reimbursement in the cases of enlisted men not exceeding the amount now allowed in their cases, may be paid out of the proper funds appropriated by this act, and the disbursing officers shall be credited with such reimbursements heretofore made; but hereafter no reimbursement shall be made of such expenses incurred prior to the 21st day of April, 1898; authorized office furniture; hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, or guides for the Army; compensation of clerks and other employees to the officers of the Quartermaster's Department, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit; and no greater sum than $50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of $5 to each dishonorably discharged prisoner upon his release from confinement, under court-martial sentence, involving dishonorable discharge; for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be

mounted, the authorized number of officers' horses, and for the trains, to wit: Hire of veterinary surgeons, purchase of medicines for horses and mules, picket ropes, blacksmith's tools and materials, horseshoes and blacksmith's tools for the cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movements and operations of the Army, and at military posts, and not expressly assigned to any other department, $2,200,000.

Mr. LACEY. Mr. Chairman, I move to strike out the last word. I do this for the purpose of inquiring of the chairman of the committee as to what arrangements there are in this bill and what provision for the supplying of flagstaffs for the various fortifications of the Army where the same have been accidentally destroyed or destroyed by storm. In this connection I wish to say that the American flag is not flying from Fort Sumter. All the people of that vicinity rejoice to see that flag there now, and they ought to have an opportunity of seeing it, and the visitors to that fortification ought to have the same opportunity. That flagstaff has been destroyed by a cyclone and not replaced. It may be a sentimental matter, but there ought to be some provision for supplying deficiencies of that kind.

Mr. BARTLETT. It was accidental?

Mr. LACEY. Purely accidental.

Mr. HULL. It was purely accidental. It was destroyed by a storm. Flagstaffs at the different posts of the Army come under this appropriation, under the head of "incidentals." They can buy a new one any time it is called to the attention of the Department.

Mr. LACEY. I wish to call the attention of the Military Committee and the War Department to the fact; and while it is a matter of sentiment, it is one that all parts of the country rejoice in seeing given proper consideration at this time at that particular place.

Mr. McCLELLAN. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. I should like to ask the chairman of the committee as to what is meant on page 23, line 18, by "spies," and how much of the appropriation could be used for the purpose of hiring spies, and whether the whole appropriation is to be used for that purpose?

Mr. HULL. No; it is one of the things for which appropriations have been made for forty years, and they are carried every year by the bill.

Mr. McCLELLAN. Carried every year by the bill?

Mr. HULL. Carried every year, and probably not one year in twenty any of it is used for that purpose.

Mr. McCLELLAN. Even in time of peace?

Mr. HULL. It is one of those provisions that have been in the bill for at least forty years, and it is carried along when there is no idea that any of them will be hired.

Mr. McCLELLAN. In time of peace?

Mr. HULL. At any time. If it should go out of the bill in time of war a point of order would be raised on the committee. [Laughter.]

The Clerk read as follows:

Barracks and quarters: For barracks and quarters for troops, storehouses for the safe-keeping of military stores, for offices, recruiting stations, and for the hire of buildings and grounds for summer cantonments, and for temporary buildings at frontier stations, for the construction of temporary buildings and stables, and for repairing public buildings at established posts, including the extra-duty pay of enlisted men employed on the same: *Provided*, That no part of the moneys so appropriated shall be paid for commutation of fuel or for quarters to officers or enlisted men: *Provided further*, That the number of and total sum paid for civilian employees in the Quartermaster's Department, including those paid from the funds appropriated for regular supplies, incidental expenses, barracks and quarters, Army transportation, clothing, camp and garrison equipage, shall be limited to the actual requirements of the service, and that no employee paid therefrom shall receive a salary of more than $150 per month, except upon the approval of the Secretary of War, $4,750,000; one-half of this amount to be immediately available.

Mr. CANNON. Mr. Chairman, I make the point of order on line 25, "one-half of this amount to be immediately available." It is in the nature of legislation first, and second it does not belong to a bill making provision for the service for the coming year. It is really for the service of the current year and belongs upon the deficiency appropriation bill.

Mr. HULL. Mr. Chairman, as to the point of order I very much doubt whether it is well taken. It is a direction in regard to an appropriation that to my mind can hardly be considered as new legislation to the extent of being obnoxious to the rule. I want to say to the gentleman from Illinois that this was put in at the request of the Department in conversations after the hearings had been had. On page 59 of the hearings General Ludington, in answer to a question of the chairman as to why it should be made immediately available, says:

I will try to explain that, which I think I can do to your satisfaction. As it stands now, we can not begin any construction work until the 1st day of July, and in that way we lose some of the best building months, We lose April, May, and June of each year. We can not start in July and complete the buildings before the next year. It will save the Government money if contractors can have the advantage of all the best building months to do their work.

It does not increase the amount asked for upon the hearings; and in my judgment, at the time when they are making every effort possible in order to make enough buildings to completely furnish barracks and quarters for the enlarged army, and especially the Coast Artillery, if they can get the advantage of lettiny the contract when the bill becomes law and use part of the moneg in advance it will be a benefit to the Government in every way you may take it. Even if the point of order is good, I trust the gentleman will not insist upon it.

Mr. CANNON. I will say to my friend I shall insist upon it. Purely and simply, it does not lie in the mouth of the Secretary of War or the Quartermaster-General to dictate by an examination to the House of Representatives how it shall conduct its business. Now, the rule of the House provides for the creation of the committees. The gentleman is familiar with it. It creates the military committee. Clause 3, Rule XI:

3. To appropriation of the revenue for the support of the Government, as herein provided, viz: For legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for the District of Columbia; for pensions; and for all deficiencies—to the Committee on Appropriations.

Now, then, this item legitimately appears under the title of barracks and quarters in the first instance, beginning as the bill does with this appropriation, but it goes further, it increases the appropriation and it is for the current year $1,400,000. That is legitimate and the gentleman has, and his committee under the rules of the House have, the jurisdiction to report any amount that in the judgment of his committee should be so reported. But when it provides that one-half of this amount is to be immediately available it becomes in its very nature a deficiency appropriation. This bill provides for the expenses of the next year and provides over $2,000,000 for the current year for barracks and quarters, and it is a deficiency, so that this bill becomes at once a deficiency bill, as well as a bill to provide for the expenses of the coming fiscal year.

Now, then, if it be necessary for the service that an additional appropriation should be made for barracks and quarters over the present item until and including the 30th of June next, let the Secretary of War in a formal way, as the law directs, through the Secretary of the Treasury, send the estimate and receive its proper reference under the rules of the House. The committee that prepares the deficiency bill for the consideration of the House would have jurisdiction of the subject-matter, and all matters of deficiency then appear upon one bill, as the rule of the House contemplates. If we go into this method of appropriation, mixing together the coming fiscal year and the current year, you do not know where to look for anything if you want to get accurate information. Therefore, while it may be necessary that provision should be made for the current year for this service, about which I express no opinion at all until it shall have been examined, it can be seen at once, for the reasons assigned, that an orderly conduct of the business would dictate that the various rules of the House should be observed. Otherwise you have things mixed and in a condition that breeds confusion, if not disorder.

Mr. CAPRON. Mr. Chairman, may I ask the gentleman a question?

Mr. CANNON. Certainly.

Mr. CAPRON. I would like to ask my friend if he considers it a deficiency when the plans and specifications have been prepared, and are pretty well completed, for barracks and quarters at the different coast-defense stations, as well as those for the troops returning from the foreign stations, and they have a certain amount appropriated for that purpose merely because they ask to be allowed to commence work on this in the month of May rather than to commence it on the 1st day of July? Is that a deficiency, or is it simply carrying out the work because the fiscal year does not adjust itself to the working year for this kind of construction?

Mr. CANNON. In reply to the gentleman from Rhode Island, I will say that a deficiency appropriation means, in the spirit of the rule, an additional appropriation for the current year. Now, the current year began on the 1st of July last and ends on the 30th of June next. Any appropriation for that service means a deficiency, if it is made during the current year. That is in the meaning of the rule. Now, then, the gentleman's statement whether it would be wise to begin on the 1st day of May or not is not important. I will say to him that it is quite in the power of the House, if the committee having jurisdiction to recommend a deficiency in the regular bill fails to do so, it is quite within the power of the House, on the motion of any member, to include the amount; and if the service requires this sum to be expended during the current year it can be done just as readily in a regular and orderly bill as it can be in this bill, and quite as soon. So there is no reason, from the standpoint of the public service, that I should withdraw the point of order, and there is every reason why I should insist on the point of order, so as to keep these bills separate, as the rule intended it should be.

Mr. HULL. I want to say to the gentleman from Illinois that neither the Secretary of War nor the Quartermaster-General undertook to dictate what we should do. The Quartermaster-General

presented the reasons why they would like the words put in. The Secretary of War said nothing about it.

Mr. CANNON. If my friend will allow me, I find on inquiry that no estimate for deficiency for additional money for barracks or quarters has been submitted.

Mr. HULL. If the gentleman had waited a minute, I was going to state that precise point. It is not a deficiency in any sense whatever, for the reason that no contract has been let for the work, and no attempt has been made to saddle on the Government a deficiency. They have gone within the appropriation made in the last bill, and the only object of these words was to enable them to let contracts a little sooner than they otherwise would. It does not increase the expense, and if it did, it would go to the gentleman's committee.

Mr. CANNON. Does it not provide money for the current year?

Mr. HULL. It provides that some of it may be used this fiscal year, and that has been done repeatedly in this House, with all due respect to the gentleman from Illinois.

Mr. CANNON. Never without a violation of the rules.

Mr. HULL. It may be that attention was not called to it.

The CHAIRMAN. The Chair is prepared to rule on the question.

Mr. HULL. Let the Chair rule.

The CHAIRMAN. The bill under consideration is the general annual Army appropriation bill for the fiscal year beginning July 1, 1903, and ending June 30, 1904. The general appropriation for the present fiscal year of 1903 was made in the bill last year. It seems to the Chair that any expenditure for the Army during the current year must necessarily be considered as an expenditure to make up deficiencies in the Army appropriation bill for the fiscal year 1903, or the current year. Any bill, therefore, whether this bill or any other measure providing for the appropriation of the sums so used, must be considered as a deficiency bill, and the appropriation itself, whether made in this measure or in a measure with another title, would be an appropriation to make good a deficiency—an amount not provided for in the Army appropriation bill for the current fiscal year. Being a deficiency appropriation, it should be included in a deficiency bill; and under clause 3 of Rule XI the deficiency bill would be a bill referred to and coming from the Committee on Appropriations. As it seems to the Chair that this is to make good a deficiency, the Chair is constrained to sustain the point of order.

Mr. HULL. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 24, page 25, insert the following:

"*Provided further*, That the sum of $6,000 of this appropriation, or so much thereof as may be necessary, may be used for the payment of any assessment against the property of the United States arsenal at Indianapolis, Ind., and the cost of appraisement of said reservation in connection with its sale."

Mr. CANNON. I feel constrained to make a point of order against this amendment.

Mr. HULL. I hope the gentleman will simply reserve the point. This is not from the committee.

Mr. CANNON. I will do so out of respect to my friend's request; but I will say to him that there is a whole troop—yes, more, a division—of similar claims running against almost every public building and reservation in the country.

Mr. HULL. Mr. Chairman, I fully understand that there are a large number of claims against the Government of the United States for special assessments in cities—running more especially against cities having post-office buildings, where expenses have been incurred without securing appropriations in advance of incurring the expense. This, however, is a little different from the others in this: In the last Congress we passed a bill providing for the sale of this ground in the city of Indianapolis, and that the money should be paid into the Treasury, and at the same time located a post near the city. The Secretary of War, in selling the ground, finds this special assessment standing against the property. This charge would not have any effect as against the Government of the United States; but it is such a cloud upon the title that a private individual would not desire to purchase this land unless this charge could be waived or obviated. If there is no objection on the part of the gentleman from Illinois, I will ask to have read a letter from the Assistant Secretary of War covering this point.

The CHAIRMAN. Without objection, the letter will be read.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, January 8, 1903.

SIR: In carrying into execution the clause of the current act of appropriation for the support of the Army (act of June 30, 1902, 32 Stats., 507, 515), which authorizes the sale of the military reservations at Indianapolis, Ind., Columbus, Ohio, and Buffalo, N. Y., I find that there is a sewer assessment outstanding against the arsenal property at Indianapolis. The amount of the assessment is $4,712.56; and the expense was incurred, with the approval of the Department, in order to furnish a sewer connection for the barracks and quarters for the troops constituting the garrison. There will also be some expense in connection with the appraisement of the Indianapolis reservation, which was provided for, in connection with its sale, in the current appropriation bill.

With a view to cancel these outstanding obligations and to give a clear title to the property, it is suggested that the cost of the sewer construction and the expenses of appraisement be authorized to be paid from the sum realized from the sale of the lands and improvements constituting the military reservation at Indianapolis, Ind.; and I remain,

Very respectfully,

WM. CARY SANGER,
Acting Secretary of War.

The CHAIRMAN OF THE COMMITTEE ON MILITARY AFFAIRS,
House of Representatives.

Mr. HULL. I yield to the gentleman from Indiana [Mr. OVERSTREET].

Mr. OVERSTREET. Mr. Chairman, as stated by the Chairman of the Committee on Military Affairs, Congress has already, by law, authorized the sale of what is called the military reservation or arsenal at Indianapolis, Ind. Under the law giving this authority the Secretary of War was directed to sell the property for not less than the appraised value, and to make the ordinary deed of transfer. Under that authority he has, through proper channels, organized a board of appraisers, which has fixed an appraised value upon the property.

A scheme of sale is now under consideration by the Department, and I have no hesitancy in saying that in all probability within the next forty-five days the sale will be consummated, as parties stand ready to make the purchase. Unless Congress by some provision similar to that now under consideration shall authorize the payment of the expenses of the board of appraisers, they will not receive any compensation. That is a small matter, and they, of course, raise no criticism as to that. The item of expense, $4,712.56, is for the expense of a sewer constructed for the purpose of benefiting this identical property. The work was performed in the proper legal way under the laws of that State, and is necessarily a benefit to the property. It is therefore a charge against it in proportion to the amount as assessed.

The law under which this sale will be made provides specifically that the sum for which the property shall be sold shall be paid into the General Treasury. All that this amendment does is to provide that the General Treasury shall discharge that obligation. It is true there may be other similar charges, but the Government will be embarrassed in the sale of this property unless some provision shall be made to discharge this obligation.

In my judgment, the property will sell for more than the appraisement; but if sold for less than the appraisement, there would be no provision for the discharge of this obligation, and the purchaser would be compelled to pay it. Gentlemen will remember that while the Government is relieved from this charge, yet when the title passes from the Government to the individual purchaser this assessment becomes a charge against him. There is nothing but equity in this provision. It may be subject to the point of order, but the Government aims to deal fairly. If the property were not about to be sold, to pass into private hands—if the Government were not making provision immediately for this sale—then I would think the point of order ought properly to be made and acted upon in favor of the Government.

Mr. BARTLETT. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. OVERSTREET. Yes.

Mr. BARTLETT. I understand that this is a debt, if it is a debt at all, due to the city of Indianapolis for a matter of improvement to the streets or the building of a sewer.

Mr. OVERSTREET. It is not in favor of the city. It is in favor of the contractor who put in the sewer.

Mr. BARTLETT. But the contractor did it at the instance of the city?

Mr. OVERSTREET. It is done under the law of the city and for the interests of this property and other property adjacent to it desiring and needing sewer connection.

Mr. BARTLETT. The same kind of debt would exist in case of assessment for pavement in front of property.

Mr. OVERSTREET. Except, I think, all parties agree that sewer improvements are even more important improvements than sidewalks.

Mr. BARTLETT. It is under the same sort of law.

Mr. OVERSTREET. Oh, unquestionably.

Mr. BARTLETT. Does the gentleman take the position that the United States Government or its property is liable as an adjacent landowner when improvements of that sort are made?

Mr. OVERSTREET. Oh, it is not liable under the law. Congress must authorize it.

Mr. BARTLETT. The reason which leads me to ask the question is this, that such improvements of that kind were made in my city, adjacent to property owned by the Government, and the Government, I think properly, took the position that it was not liable to pay its portion under that sort of law.

Mr. OVERSTREET. The peculiar justice in adopting this

amendment lies in the fact that the Government has obtained authority to sell this property and have the money covered into the Treasury, and if it shall be sold then this charge will rest against the owner of the property when the transfer shall be made. I realize in all probability that it is subject to the point of order. I think under the circumstances, and the recommendation of the War Department showing that it is to be paid out of money which is yet to be paid for the property, that Congress can well afford to let the amendment pass.

Mr. CRUMPACKER. I would like to ask my colleague a question. Has it not been the uniform policy of the Government to pay its equitable and pro rata share for street and sewer improvements in cities?

Mr. OVERSTREET. I so understand, but such payments are always made under direct authority of Congress.

Mr. CRUMPACKER. Of course; they have to be.

Mr. OVERSTREET. But the practice is just as the gentleman has stated.

Mr. CRUMPACKER. I understand it to be so.

Mr. MANN. Is it not possible to sell this property subject to this claim?

Mr. OVERSTREET. I do not so understand from the War Department's construction of the law under which they are going to sell.

Mr. MANN. But the statement of the gentleman is that this is not a claim against the property as it now stands, but that it will be a claim against the property when it goes into the hands of a private owner.

Mr. OVERSTREET. Not quite that.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. MANN. Well, Mr. Chairman, may I ask the gentleman what the position is then in reference to that?

Mr. OVERSTREET. It is a claim against the Government for that improvement, and if the regular channel were pursued, a special bill would necessarily be introduced in the House and the matter referred to the Committee on Claims.

Mr. HAY. Mr. Chairman, I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAY. Has the gentleman from Illinois withdrawn his point of order?

The CHAIRMAN. The gentleman from Illinois has reserved his point of order.

Mr. CANNON. Mr. Chairman, I want to make just one statement, if my colleague will allow me. Property of the Government is not subject to local taxation, or taxation by the State. This was not. If any assessments were levied, they were absolutely void, and are now, and are no lien whatever upon the property. For at least a quarter of a century, certainly twenty years, the practice has been that the Government has not appropriated for the payment of taxes to the municipality or the State. In my own town they went through the form of levying this same kind of a tax. Finally the city council appropriated the money to pay it, but this is a small matter of itself, and I know that the gentleman from Iowa [Mr. HULL] and the gentleman from Indiana [Mr. OVERSTREET], when I state it, will realize that I do not single this out to make the point of order upon it. The fact is, however, that there are hundreds of claims which gentlemen present to the Committee on Appropriations saying that there is substantial equity in them. The practice of Congress, however, has been the other way, and I am compelled to insist upon the point of order. If it is the sense of Congress now to have another policy, why, that is all right.

Mr. OVERSTREET. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Certainly.

Mr. OVERSTREET. The gentleman does not want to be understood as saying there are hundreds of claims where the property is about to be sold?

Mr. CANNON. Oh, that does not make any difference. It is absolutely void. Any assessment is void. It is no cloud upon title, I submit to the gentleman. However, I do not know that I ought to say that, because I am not as good a lawyer as my friend. But let that be as it may, the fact that the Government sells makes no difference. It is the same thing in principle, and I do it a little for peace on the part of the Committee on Appropriations, because if this goes, all ought to go.

Mr. OVERSTREET. All similarly situated?

The CHAIRMAN. Does the gentleman from Illinois renew the point of order?

Mr. CANNON. I can not withdraw it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MERCER. Mr. Chairman, I desire to submit an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 25, line 24, after the word "dollars," add the following: *Provided*, That of the above amount the sum of $9,000, or so much thereof as may be necessary, may be used by the Secretary of War to purchase additional ground adjacent to the present Omaha quartermaster's depot reservation in Omaha, Nebr., for the purpose of enlarging said reservation to admit the erection thereon of the quartermaster's warehouse building.

The amendment was agreed to.

The Clerk read as follows:

Transportation of the Army and its supplies: Transportation of the Army, including baggage of the troops when moving either by land or water, and including also the transportation of recruits and recruiting parties heretofore paid from the appropriation for "Expenses of recruiting;" of supplies to the militia furnished by the War Department; of the necessary agents and employees; of clothing, camp and garrison equipage, and other quartermaster stores, from Army depots or places of purchase or delivery to the several posts and Army depots, and from those depots to the troops in the field; of horse equipments and subsistence stores from the places of purchase, and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of draft and pack animals and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other vessels and boats required for the transportation of troops and supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters and other employees; extra-duty pay of enlisted men driving teams, repairing means of transportation, and employed as train masters, and in opening roads and building wharves; transportation of funds of the Army; the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific oceans; for procuring water, and introducing the same to buildings at such posts as from their situation require it to be brought from a distance, and for the disposal of sewage and drainage, and for constructing roads and wharves; for the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this act a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service: *Provided further*, That the number of draft animals purchased from this appropriation, added to those now on hand, shall be limited to such numbers as are actually required for the service, $15,000,000.

Mr. HAY. I offer the amendment which I send to the Clerk's desk.

Mr. FITZGERALD. I desire to reserve a point of order on all contained between line 14, page 27, and line 20, page 28.

The CHAIRMAN. The gentleman from New York reserves the point of order against the paragraph mentioned. Does the gentleman from Iowa wish to discuss it?

Mr. HULL. Oh, not at all. There is nothing in it.

Mr. HAY. What is the point of order?

Mr. FITZGERALD. The point of order is that it is new legislation.

Mr. HULL. Mr. Chairman, it has been enacted every year for a great many years; I do not know how many years back. If the gentleman will compare it, he will find that it is line for line with a provision that has been carried in the appropriation bill for a very long time.

Mr. FITZGERALD. I reserved the point of order for the purpose of getting an explanation of it.

Mr. HULL. The gentleman will find that there has not been a change of a word in this provision in years. I ask for a decision on the point of order.

The CHAIRMAN. Does the gentleman from New York renew the point of order?

Mr. FITZGERALD. I reserved it only for the purpose of being informed about the provision.

Mr. HULL. It is so clearly in order that I did not propose to discuss it.

The CHAIRMAN. The gentleman from New York withdraws the point of order.

Mr. HAY. I offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 23, page 28, add the following proviso:

"*Provided*, That no action looking to the discontinuance of the transport service shall be taken without further action of Congress."

The amendment was agreed to.

Mr. SHAFROTH. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report."

The Clerk read as follows:

After the word "oceans," in line 11, page 27, insert the following:
"No steamship in the transport service of the United States shall be sold or disposed of without the consent of Congress having been first had and obtained."

Mr. HULL. Mr. Chairman, I am inclined to think that is subject to a point of order.

Mr. SHAFROTH. I have no doubt that it is; but in view of the speech that the gentleman made on yesterday, which was a most elaborate demonstration of the usefulness of these transports, and in view of the fact that the sales that have been made heretofore have been made for very small sums of money, it seems to me that there ought to be unanimity on the part of the members of the House in sustaining that service.

Mr. HULL. Let me ask the gentleman if he does not think the amendment already passed is sufficient?

Mr. SHAFROTH. No; it is not. That applies to the discontinuance of the transport service.

Mr. HULL. I shall make no point upon it.

Mr. SHAFROTH. I want to call the gentleman's attention to this point.

Mr. HULL. Go ahead. I have not made any point at all.

The CHAIRMAN. The question, then, is on the amendment offered by the gentleman from Colorado.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Clothing, and camp and garrison equipage: For cloth, woolens, materials, and for the manufacture of clothing for the Army, for issue and for sale at cost price, according to the Army Regulations; for altering and fitting clothing and washing and cleaning, when necessary; for equipage, and for expenses of packing and handling, and similar necessaries; for a suit of citizen's outer clothing, to cost not exceeding $10, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence involving dishonorable discharge; for indemnity to officers and men of the Army for clothing and bedding, etc., destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons, $4,000,000.

Mr. HAY. Mr. Chairman, I move to strike out the paragraph.

Mr. HULL. What paragraph was it?

Mr. HAY. I just want to do it so we may adjourn.

Mr. HULL. I hope the gentleman will not raise the question of no quorum at this time. It has been the general understanding that we would go on for a few minutes longer before the House adjourns.

Mr. HAY. At what hour?

Mr. HULL. It will not be more than ten minutes, and we will be that much further along with the bill. Now, I hope the gentleman will not insist on his point. We can not adjourn in Committee of the Whole.

Mr. HAY. We can find out whether we can adjourn.

Mr. HULL. If we read a couple of more pages there will be no further trouble.

Mr. HAY. There is no trouble now.

The Clerk read as follows:

Construction and repair of hospitals: For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including also all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., except quarters for the officers and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, $475,000: *Provided*, That $60,000 of this amount may be used for the construction at Vancouver Barracks, Wash., of a modern hospital for 48 beds, necessary to accommodate the sick of the contemplated increase of the garrison at that post to one regiment of infantry and two light batteries of artillery.

Mr. CANNON. Mr. Chairman, I would be glad to ask the gentleman not to dispose of this paragraph.

Mr. HULL. I am willing to pass that over until to-morrow.

Mr. HAY. I object.

The CHAIRMAN. The gentleman from Virginia objects.

Mr. HULL. Well, Mr. Chairman, it seems that the disposition of the House is so overwhelmingly in favor of quitting that I will move that the committee do now rise, although the agreement was that we should run until half past 5.

The CHAIRMAN. The gentleman from Iowa moves that the committee do now rise.

The question was taken; and the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16567 and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 6326. An act for the relief of Hiram C. Walker.

The message also announced that the Senate had insisted upon its amendment to the amendment of the House of Representatives to the bill (S. 2296) to amend an act approved March 2, 1895, relating to public printing, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLATT of New York, Mr. ELKINS, and Mr. JONES of Arkansas as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 13594. An act granting an increase of pension to Robert Hargreaves;

H. R. 5321. An act granting a pension to Lillie May Fifield;

H. R. 9977. An act granting a pension to Minerva Robinson;

H. R. 12575. An act granting a pension to Edward A. Branham;

H. R. 13479. An act granting a pension to Ira P. Smith;

H. R. 13565. An act granting a pension to Mary V. Scriven;

H. R. 3868. An act granting an increase of pension to Isadora F. Maxfield;

H. R. 3672. An act granting a pension to Emily S. Barrett;

H. R. 2542. An act granting an increase of pension to Lysander D. Trent;

H. R. 1453. An act granting an increase of pension to Thomas Kirwan;

H. R. 7021. An act granting an increase of pension to Henry Forcht;

H. R. 325. An act granting an increase of pension to John Compton;

H. R. 699. An act granting an increase of pension to Robert Miller;

H. R. 636. An act granting an increase of pension to Benjamin S. Bogardus;

H. R. 11748. An act granting an increase of pension to Samuel Ashmore;

H. R. 10494. An act granting an increase of pension to Jonathan H. Slocum;

H. R. 1530. An act granting an increase of pension to Eliza A. Rickards;

H. R. 3755. An act granting an increase of pension to Lawson Williams;

H. R. 14024. An act granting an increase of pension to John R. Curry;

H. R. 13505. An act granting an increase of pension to William F. Stanley;

H. R. 14058. An act granting an increase of pension to Emil Pfeiffer;

H. R. 13510. An act granting an increase of pension to James P. Thomas;

H. R. 13529. An act granting an increase of pension to Francis C. Baker;

H. R. 13621. An act granting an increase of pension to Anson Greenman;

H. R. 13143. An act granting an increase of pension to Susan Parker;

H. R. 12155. An act granting an increase of pension to Joseph W. Robertson;

H. R. 12700. An act granting an increase of pension to Eberhard P. Lieberg;

H. R. 3304. An act granting an increase of pension to William Burke;

H. R. 5887. An act granting an increase of pension to Morris M. Comstock;

H. R. 6897. An act granting an increase of pension to William G. Buchanan;

H. R. 1528. An act granting an increase of pension to Charles Dalrymple;

H. R. 8237. An act granting an increase of pension to John Robinson;

H. R. 12039. An act granting an increase of pension to Nelson Brown;

H. R. 14136. An act granting an increase of pension to John D. Thompson;

H. R. 12132. An act granting an increase of pension to Allen C. Davis;

H. R. 14312. An act granting an increase of pension to John W. Huckelberry;

H. R. 13815. An act granting an increase of pension to James J. Wilson;

H. R. 11180. An act granting an increase of pension to Henry W. Gaskill;

H. R. 14067. An act granting an increase of pension to John Wright; and

H. R. 16649. An act to provide rebate of duties on coal, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6257. An act granting an increase of pension to Mary B. Keller—to the Committee on Pensions.

S. 6182. An act granting an increase of pension to Lila L. Egbert—to the Committee on Pensions.

S. 1131. An act granting an increase of pension to Sydda B. Arnold—to the Committee on Invalid Pensions.

S. 6467. An act granting an increase of pension to Sarah E. Ropes—to the Committee on Pensions.

S. 5850. An act granting an increase of pension to Herbert Whitworth—to the Committee on Invalid Pensions.

S. 6219. An act granting an increase of pension to Nannie Cushman—to the Committee on Invalid Pensions.

S. 5963. An act granting a pension to Sarah Jane Gibson Ogden—to the Committee on Pensions.

Mr. HULL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 28 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the chief of Division of the Revenue-Cutter Service submitting an estimate of additional appropriation for new revenue steamer at Philadelphia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for buildings at Fort Brady—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, relating to improvement of the post-office buildings at Atlanta, Ga.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. STEELE, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 3095) for the relief of gaugers, storekeeper gaugers, and storekeepers, reported the same with amendment, accompanied by a report (No. 3152); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RUCKER, from the minority of the Committee on Election of President, Vice-President, and Representatives in Congress, to which was referred the bill of the House (H. R. 16063) to punish frauds at elections of Representatives and Delegates in Congress and of electors for President and Vice-President, and for other purposes, submitted the views of the minority (being part 2 of Report No. 2969); which said views were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FOSTER of Vermont, from the Committee on Claims, to which was referred the bill of the Senate (S. 3546) for the relief of L. A. Noyes, reported the same without amendment, accompanied by a report (No. 3150); which said bill and report were referred to the Private Calendar.

Mr. SNODGRASS, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 11544) to correct the military record of Thomas J. Morman, reported the same without amendment, accompanied by a report (No. 3151); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. BURGESS: A bill (H. R. 16720) for establishing a light-vessel near Healds Bank, off Galveston Harbor, Texas—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: A bill (H. R. 16721) to authorize the abandonment of W street northeast, Washington, D. C.—to the Committee on the District of Columbia.

By Mr. SULZER: A bill (H. R. 16722) to provide for the erection of a bronze statue to the memory of the late Samuel J. Tilden, at Washington, D. C.—to the Committee on the Library.

By Mr. JENKINS: A bill (H. R. 16723) to prohibit the wearing or use of official badges or decorations of the Union Veteran Legion and other military and civil societies duly organized in the District of Columbia and in the Territories of the United States, and making the unlawful wearing or use of such a misdemeanor, providing punishment therefor—to the Committee on Military Affairs.

By Mr. LESSLER: A bill (H. R. 16724) to provide for an additional judge of the district court of the United States for the southern district of New York—to the Committee on the Judiciary.

By Mr. KAHN: A bill (H. R. 16725) to increase the limit of cost for the erection of a custom-house building at San Francisco, Cal.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16726) to define the meaning of an act approved May 9, 1876 (19 Stat. L., p. 52), relinquishing the interests of the United States in certain lands to the city and county of San Francisco, State of California—to the Committee on Military Affairs.

By Mr. CONRY: A bill (H. R. 16727) for the erection of a light-house in Boston Harbor—to the Committee on Interstate and Foreign Commerce.

By Mr. SWANSON: A bill (H. R. 16728) to increase the limit of the appropriation for a public building at Martinsville, Va.—to the Committee on Public Buildings and Grounds.

By Mr. DAYTON: A joint resolution (H. J. Res. 250) authorizing railroads and transportation companies engaged in interstate commerce to transport coal from the mines to the market for a period of sixty days in preference to all other freight—to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota: A concurrent resolution (H. C. Res. 70) to authorize the printing of 600 additional copies of the Report of the Commissioner of Navigation for 1902—to the Committee on Printing.

By Mr. JENKINS: A resolution (H. Res. 389) that the Committee on the Judiciary be directed to investigate and report to the House the opinion of the committee as to the power of Congress to declare that a necessity has arisen for taking possession of all coal, coal beds, and coal mines in the United States—to the Committee on Rules.

By Mr. POWERS of Maine: A resolution (H. Res. 390) that immediately upon the adoption of this resolution it shall be in order to consider the bill S. 6216—to the Committee on Rules.

By Mr. FOSTER of Vermont: Memorial of the legislature of the State of Vermont, asking for recognition of the service of Gen. William F. Smith—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BALL of Delaware: A bill (H. R. 16729) to correct the military record of Thomas W. Ferree—to the Committee on Military Affairs.

By Mr. BELL (by request): A bill (H. R. 16730) for the relief of certain settlers on lands in Pueblo County, Colo.—to the Committee on the Public Lands.

Also, a bill (H. R. 16731) permitting the town of Montrose, Colo., to enter 160 acres of land for reservoir and water purposes—to the Committee on the Public Lands.

By Mr. BROMWELL: A bill (H. R. 16732) granting an increase of pension to Caroline Heinzmann—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: A bill (H. R. 16733) granting an increase of pension to Edward M. Tappen—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 16734) to provide an American register for the steamer Beaumont—to the Committee on Interstate and Foreign Commerce.

By Mr. FOWLER: A bill (H. R. 16735) granting an increase of pension to Joseph J. Sparling—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 16736) granting an increase of pension to Albert B. Harryman—to the Committee on Pensions.

Also, a bill (H. R. 16737) granting an increase of pension to Ira Stout—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16738) granting a pension to Henry Pritchard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16739) to correct the military record of Lewis Gannon—to the Committee on Military Affairs.

Also, a bill (H. R. 16740) granting an increase of pension to Isom Wilkerson—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 16741) granting a pension to William Behrmann—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 16742) granting an increase of pension to William Woodcock—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 16743) for the relief of the estate of Claham Blackman, deceased, late of Claiborne County, Miss.—to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 16744) to correct the record of Charles Ellis, late of the United States Navy—to the Committee on Naval Affairs.

By Mr. KYLE: A bill (H. R. 16745) granting a pension to Harriet E. Green—to the Committee on Invalid Pensions.

By Mr. NEVILLE: A bill (H. R. 16746) to place John Tempany, veterinarian, Ninth United States Cavalry, on the retired list of the United States Army—to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 16747) for the relief of the heirs of Michael Holoran—to the Committee on War Claims.

By Mr. PIERCE: A bill (H. R. 16748) for the relief of William B. Booker—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 16749) granting an increase of pension to Henry P. Mesick—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 16750) granting a pension to Laura Ann Willis—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 16751) granting a pension to C. E. Snyder—to the Committee on Invalid Pensions.

By Mr. VANDIVER: A bill (H. R. 16752) granting a pension to Anton Sauthoff—to the Committee on Invalid Pensions.

By Mr. WILSON: A bill (H. R. 16753) removing the charge of desertion from the military record of Thomas T. Inslee—to the Committee on Military Affairs.

By Mr. MARTIN: A bill (H. R. 16754) granting an increase of pension to Benjamin F. Hughes—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 16755) granting an increase of pension to Fannie T. Fisher—to the Committee on Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 16756) granting an increase of pension to John Brown—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Petitions of Eli T. Hosmer and other retail druggists of Buffalo, N. Y., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BELL: Resolution of the Chamber of Commerce of Leadville, Colo., asking for the restoration of duty on manganese iron—to the Committee on Ways and Means.

Also, resolution of the Bent County Farmers and Live Stock Growers' Association, Las Animas, Colo., in favor of the proposition to lease the public domain—to the Committee on the Public Lands.

By Mr. BENTON: Petition of Charles L. Wright and other druggists of Webb City, Mo., for the enactment of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BROWN: Petition of druggists of Hurley, Wis., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. CASSINGHAM: Petition of the Wooster Brush Works, of Wooster, Ohio, favoring House bill 15368, amending the customs-drawback law—to the Committee on Ways and Means.

Also, petitions of druggists of Canal Dover, New Philadelphia, Smithville, and Wooster, Ohio, and vicinity, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. CRUMPACKER: Petition of E. C. Zahrt, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. EDDY: Resolution of the St. Paul Chamber of Commerce, for the repeal of all import duties on anthracite and bituminous coal—to the Committee on Ways and Means.

By Mr. FLETCHER: Resolution of the St. Paul, Minn., Chamber of Commerce, for the repeal of the duties on coal—to the Committee on Ways and Means.

By Mr. FOWLER: Petitions of the Woman's Christian Temperance unions and citizens of Chatham, Succasuna, and Elizabeth, N. J., to prohibit liquor selling in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Morris County, N. J., asking for the removal of the tariff on certain glass products—to the Committee on Ways and Means.

Also, petitions of retail druggists of Morristown, Washington, Rahway, Westfield, and Dover, N. J., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petitions of the Women's Missionary Society of the Presbyterian Church of Hackettstown; the Westminster Presbyterian Church, of Phillipsburg; Presbyterian Society of Danville; Presbyterian Church of Stanhope; Presbyterian Church Society of Greenwich; Women's Missionary Society of Delaware, and Presbyterian Society of Andover, N. J., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. GRIFFITH: Papers to accompany House bill for increase of pension of Isom Wilkerson—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Albert D. Harryman—to the Committee on Pensions.

Also, papers to accompany House bill to correct the military record of William Burke—to the Committee on Military Affairs.

Also, paper to accompany House bill granting a pension to Henry Pritchard—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 16154, granting an increase of pension to David Ennis—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Resolutions of Farmers' Institute, Amesville, Ohio, favoring the improvement of public roads and certain other pending bills—to the Committee on Agriculture.

Also, petition of the Woman's Christian Temperance Union of Athens, Ohio, for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. HEATWOLE: Resolution of the St. Paul (Minn.) Chamber of Commerce, for the repeal of the duties on anthracite and bituminous coal—to the Committee on Ways and Means.

By Mr. McCLEARY: Resolution of the St. Paul Chamber of Commerce, for the repeal of import duties on coal—to the Committee on Ways and Means.

By Mr. MOON: Petition of retail druggists of Sparta, Tenn., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MORRIS: Resolution of the St. Paul (Minn.) Chamber of Commerce, for the repeal of all import duties on anthracite and bituminous coal—to the Committee on Ways and Means.

By Mr. NAPHEN: Petition of the Fore River Ship and Engine Company, favoring House bill 15368—to the Committee on Ways and Means.

By Mr. NEVILLE: Petition of Gorton Brothers, of Cody, Nebr., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. PADGETT: Affidavit relating to the claim of P. H. Haloran and Mary Kenedy, heirs of Michael Haloran—to the Committee on War Claims.

By Mr. ROBERTSON of Louisiana: Petition of H. B. Benjamin, of Baton Rouge Parish, La., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RUPPERT: Resolution of Schiller Lodge, No. 51, I. O. P. B., of New York, for a modification of the methods and practice pursued by the immigration officers at the port of New York—to the Committee on Immigration and Naturalization.

Also, petition of the Merchants' Association of New York, favoring the passage of the Elkins bill to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of A. B. Calisher & Co., New York, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolutions of the Manufacturers' Association of New York, favoring an educational qualification for immigrants as embodied in House bill 12199—to the Committee on Immigration and Naturalization.

Also, resolutions of the American Free Trade League, asking

that beef and coal be placed on the free list—to the Committee on Ways and Means.

Also, resolutions of the National German-American Alliance, favoring the appointment of an immigration commission—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Petitions of the New York Produce Exchange and the National Live Stock Association, favoring certain amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, petition of the legislative board of Locomotive Firemen of New York, for the passage of the eight-hour law, the conspiracy and anti-injunction bill, and Senate bill 3560—to the Committee on the Judiciary.

Also, resolutions of Local Union No. 369, Brotherhood of Carpenters and Joiners, of North Tonawanda, N. Y., favoring the repeal of the stone, timber, desert land, and homestead commutation acts—to the Committee on the Public Lands.

By Mr. SHALLENBERGER: Petition of C. F. Linehart and others, of Norman, Nebr., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, papers to accompany House bill 4175, granting an increase of pension to Alpheus D. Brown—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Paper to accompany House bill granting an increase of pension to Henry P. Mesick—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: Resolutions of the Ocala (Fla.) Board of Trade, asking for appropriate legislation for the Territory of Alaska—to the Committee on the Territories.

Also, resolutions of Kit Carson Post, No. 26, Grand Army of the Republic, St. Petersburg, Fla., for the establishment of a branch home for disabled soldiers, sailors, and marines in the State of Florida—to the Committee on Military Affairs.

By Mr. SULZER: Resolutions of the New York Board of Trade and Transportation, in relation to the selection of a new post-office site in the city of New York—to the Committee on the Post-Office and Post-Roads.

By Mr. TAWNEY: Resolution of the St. Paul Chamber of Commerce, for the repeal of all import duties on anthracite and bituminous coal—to the Committee on Ways and Means.

By Mr. THAYER: Petition of citizens of Worcester, Mass., asking for the removal of the tariff on certain glass products—to the Committee on Ways and Means.

Also, petitions of retail druggists of Southbridge, Mass., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of B'nai Joseph Lodge, No. 275, Order of B'rith Abraham, of Worcester, Mass., relative to immigration—to the Committee on Immigration and Naturalization.

By Mr. VANDIVER: Papers to accompany House bill granting a pension to Anton Southoff—to the Committee on Invalid Pensions.

By Mr. WEEKS: Petition of J. F. Holden, Joseph Schauber, and others, of Mount Clemens and vicinity, Michigan, favoring House bill 178—to the Committee on Ways and Means.

By Mr. WILLIAMS of Illinois: Petition of E. Musgrave & Co., Raleigh, Ill., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

SENATE.

THURSDAY, *January 15, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BERRY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

A. A. WADE.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of A. A. Wade, administrator of S. L. Carpenter, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 325) granting an increase of pension to John Compton;

A bill (H. R. 624) granting a pension to Dorcas McArdle;

A bill (H. R. 636) granting an increase of pension to Benjamin S. Bogardus;

A bill (H. R. 699) granting an increase of pension to Robert Miller;

A bill (H. R. 1328) granting an increase of pension to Gotthard Koerner;

A bill (H. R. 1453) granting an increase of pension to Thomas Kirwan;

A bill (H. R. 1528) granting an increase of pension to Charles Dalrymple;

A bill (H. R. 1530) granting an increase of pension to Eliza A. Rickards;

A bill (H. R. 1733) for the relief of John A. Mason;

A bill (H. R. 2223) granting an increase of pension to John Laughlin;

A bill (H. R. 2224) granting an increase of pension to David T. Nuttle;

A bill (H. R. 2542) granting an increase of pension to Lysander D. Trent;

A bill (H. R. 2849) granting an increase of pension to Charles S. Ely;

A bill (H. R. 3269) granting a pension to Ida M. Kinney;

A bill (H. R. 3304) granting an increase of pension to William Burke;

A bill (H. R. 3514) granting an increase of pension to Theresia Ziegenfuss;

A bill (H. R. 3672) granting a pension to Emily S. Barrett;

A bill (H. R. 3755) granting an increase of pension to Lawson Williams;

A bill (H. R. 3868) granting an increase of pension to Isadora F. Maxfield;

A bill (H. R. 4184) granting an increase of pension to John Glenn;

A bill (H. R. 4454) granting an increase of pension to James H. Watts;

A bill (H. R. 4509) granting an increase of pension to Eliza Knight;

A bill (H. R. 4983) granting an increase of pension to Lucy G. Smith;

A bill (H. R. 5159) granting a pension to William A. Miller;

A bill (H. R. 5205) granting an increase of pension to Hiram S. Leffingwell;

A bill (H. R. 5321) granting a pension to Lillie May Fifield;

A bill (H. R. 5869) granting an increase of pension to Benjamin White;

A bill (H. R. 5887) granting an increase of pension to Morris M. Comstock;

A bill (H. R. 6006) granting an increase of pension to John Canty;

A bill (H. R. 6727) granting an increase of pension to Remembrance J. Williams;

A bill (H. R. 6897) granting an increase of pension to William G. Buchanan;

A bill (H. R. 7021) granting an increase of pension to Henry Forcht;

A bill (H. R. 7239) granting an increase of pension to William Christian;

A bill (H. R. 8237) granting an increase of pension to John Robinson;

A bill (H. R. 8309) granting an increase of pension to Sylvester Holiday;

A bill (H. R. 8542) granting an increase of pension to Parmenas F. Harris;

A bill (H. R. 8576) granting a pension to John S. Upshaw;

A bill (H. R. 8707) granting an increase of pension to James R. Ambrose;

A bill (H. R. 9016) granting an increase of pension to Jane Brosnan;

A bill (H. R. 9402) granting an increase of pension to Alexander Curd;

A bill (H. R. 9977) granting a pension to Minerva Robinson;

A bill (H. R. 10010) granting a pension to Mina Weirauch;

A bill (H. R. 10339) granting an increase of pension to John L. Moore;

A bill (H. R. 10494) granting an increase of pension to Jonathan H. Slocum;

A bill (H. R. 11180) granting an increase of pension to Henry W. Gaskill;

A bill (H. R. 11212) granting an increase of pension to James D. Sims;

A bill (H. R. 11286) granting a pension to Ellen F. Pook;

A bill (H. R. 11311) granting an increase of pension to Andrew J. Hertzog;

A bill (H. R. 11748) granting an increase of pension to Samuel Ashmore;

A bill (H. R. 12039) granting an increase of pension to Nelson Brown;
A bill (H. R. 12109) granting an increase of pension to Frederick Benefeldt;
A bill (H. R. 12132) granting an increase of pension to Allen C. Davis;
A bill (H. R. 12155) granting an increase of pension to Joseph W. Robertson;
A bill (H. R. 12424) granting an increase of pension to Wallace K. May;
A bill (H. R. 12430) granting a pension to Abner H. Lester;
A bill (H. R. 12575) granting a pension to Edward A. Branham;
A bill (H. R. 12700) granting an increase of pension to Eberhard P. Lieberg;
A bill (H. R. 12745) granting an increase of pension to Edmond Likes;
A bill (H. R. 12968) granting an increase of pension to John T. Mull;
A bill (H. R. 13000) granting an increase of pension to Magnus J. Cohn;
A bill (H. R. 13143) granting an increase of pension to Susan Parker;
A bill (H. R. 13174) granting an increase of pension to Ransford T. Chase;
A bill (H. R. 13227) granting an increase of pension to Elizabeth J. Emery;
A bill (H. R. 13324) granting an increase of pension to John J. Cross;
A bill (H. R. 13332) granting an increase of pension to William G. Cantley;
A bill (H. R. 13411) granting an increase of pension to Clarence D. Hess;
A bill (H. R. 13479) granting a pension to Ira P. Smith;
A bill (H. R. 13505) granting an increase of pension to William F. Stanley;
A bill (H. R. 13510) granting an increase of pension to James P. Thomas;
A bill (H. R. 13529) granting an increase of pension to Francis C. Baker;
A bill (H. R. 13565) granting a pension to Mary V. Scriven;
A bill (H. R. 13594) granting an increase of pension to Robert Hargreaves;
A bill (H. R. 13621) granting an increase of pension to Anson Greenman;
A bill (H. R. 13669) granting an increase of pension to James H. McVicker;
A bill (H. R. 13727) granting a pension to Fannie E. Strohauer;
A bill (H. R. 13815) granting an increase of pension to James J. Wilson;
A bill (H. R. 13891) granting a pension to Hiram A. Sheldon;
A bill (H. R. 14024) granting an increase of pension to John R. Curry;
A bill (H. R. 14058) granting an increase of pension to Emil Pfeiffer;
A bill (H. R. 14067) granting an increase of pension to John Wright;
A bill (H. R. 14136) granting an increase of pension to John D. Thompson;
A bill (H. R. 14242) granting a pension to Charles E. Peake;
A bill (H. R. 14312) granting an increase of pension to John W. Huckelberry;
A bill (H. R. 14831) granting an increase of pension to Robert Clark;
A bill (H. R. 15392) granting an increase of pension to Harry C. Fay;
A bill (H. R. 15588) granting an increase of pension to Samuel S. Smith; and
A bill (H. R. 16649) to provide rebate of duties on coal, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of Carpenters and Joiners' Local Union No. 1107, of Gloversville; of Local Union No. 151, of Binghamton; of Local Union No. 340, of New York; of Typographical Union No. 443, of Herkimer; of Carpenters and Joiners' Union No. 1261, of Ilion, and of Laborers' Protective Union No. 8856, of Middletown, all of the American Federation of Labor, in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented memorials of the United Indurated Fiber Company, of Lockport; of the Hammond Typewriter Company, of New York; of G. W. Mandrill, of Gloversville, and of the Hubbard & Eldredge Company, of Rochester, all in the State of New York, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented the petition of William R. Woodbridge, of Salamanca, N. Y., and the petition of F. G. Clarke, of Oxford, N. Y., praying for the enactment of legislation to recognize and promote the efficiency of Army chaplains; which were referred to the Committee on Military Affairs.

He also presented petitions of Ludwig Nissen & Co., of New York; of James Thompson & Co., of Valley Falls; and, of Cluett, Peabody & Co., of Troy, all in the State of New York, praying for the establishment of a department of commerce; which were ordered to lie on the table.

He also presented a petition of the Merchants' Association, of New York City, N. Y., and a petition of the Buffalo Lumber Exchange, of Buffalo, N. Y., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. DRYDEN presented a petition of James B. Morris Post, No. 46, Department of New Jersey, Grand Army of the Republic, of Long Branch, N. J., praying for the enactment of legislation to increase the pensions of the soldiers and sailors of the war of the rebellion; which was referred to the Committee on Pensions.

He also presented a petition of the Innkeepers' Protective Association, of Hoboken, N. J., praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which was ordered to lie on the table.

He also presented the memorial of Thomas J. Mead, of Newark, N. J., remonstrating against the issuance of revenue stamps on eighth kegs of beer; which was referred to the Committee on Finance.

He also presented the memorials of Louis A. Thebaud, of Morristown; of A. G. Keasby, of Newark; of Caroline Phoenix, of Mendham; of William B. Lord, of Morristown; and of Robert H. McCurd, of Morristown, all in the State of New Jersey, remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

He also presented the memorial of A. T. Smith, of New York, N. Y., and the memorial of Edward C. Lyon, of Montclair, N. J., remonstrating against the enactment of legislation giving to Port Arthur, Tex., all the privileges of a port of entry; which were referred to the Committee on Commerce.

He also presented petitions of the Brotherly Benevolent Association, of Hudson County, and of the Hebrew Sick Benefit Association, of Bayonne, all in the State of New Jersey, praying for the enactment of legislation to modify the methods and practice pursued by immigration officers at the port of New York; which were ordered to lie on the table.

He also presented the petitions of H. L. Roberts, of Riverside; of H. L. Roberts, of Jersey City; of the George Jonas Glass Company, of Minotola, and of P. Rielly & Son, of Newark, all in the State of New Jersey, praying for the establishment of a Department of Commerce; which were ordered to lie on the table.

He also presented the memorials of Rev. J. E. Davis, of Bound Brook; of William K. Richman, of Daretown; of Allan A. Foster, of Daretown; of Thomas Hartman, of Paulsboro; of J. B. S. Haledon, of Paterson; of John C. Sunderlin, of Blairstown; of Nathaniel Butler, of Glenridge; of Ella Carloon, of Camden; of Dr. F. D. Vreeland, of Paterson, and of the congregations of the Beulah Methodist Protestant and Knox Presbyterian churches, of Kearney, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented petitions of Local Union No. 133, International Brotherhood of Stationary Firemen, of Bayonne; of Division No. 53, Brotherhood of Locomotive Firemen, of Jersey City; of Council No. 184, of Newark; of Viola Council No. 20, of Penngrove; of General Putnam Council, No. 137, of Newark, all of the Junior Order of United American Mechanics; of P. J. Grace, of Newark; of the Wagon Workers' International Union, of Trenton; of the Machine Printers and Color Mixers' Association, of Brunswick; of the Metal Polishers, Buffers, Platers, Brass Molders, and Brass Workers' Union, of Newark; of Carpenters and Joiners' Local Union No. 131, of Bridgeton; of the Bricklayers and Plasterers' Local Union, of Long Branch; of the American Federation of Labor, of Englewood; of the Carpenters and Joiners' Local Union, of Vineland; of the Painters, Decorators, and Paperhangers' Local Union, of Newark; of the Coopers' International Union, of Harrison; of the Carpenters and Joiners' Local Union, of East Orange; of the Garment Workers' Local Union, of Rosenhayne; of the Bricklayers and Masons' Local Union, of Newark; of the Central Labor Union of Hoboken; of the Cigar Makers' Local Union, of Trenton; of the Carpenters and Joiners' Local Union, of Paterson; of the United Trades and Labor Council of Paterson; and of the Painters, Decorators, and

Paperhangers' Local Union, of Passaic, all of the American Federation of Labor; of I. P. Towne, of Jersey City; of the Prohibition Alliance, of Jersey City; and of Fred P. Meeks, of Edgewater, all in the State of New Jersey; of the Woman's Christian Temperance Union of Evanston, Ill.; and of the Central Labor Union, American Federation of Labor, of Washington, D. C., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a memorial of the Mutual Trust Company, of Orange, N. J., remonstrating against the enactment of legislation to restrict immigration; which was ordered to lie on the table.

He also presented a memorial of the Angle Lamp Company, of New York City, N. Y., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented the petition of John B. Rhoads, of Philadelphia, Pa., praying for the adoption of an amendment to the bill to promote the efficiency of the militia so as to provide an exemption clause based on conscientious scruples; which was ordered to lie on the table.

He also presented a petition of the Paint Grinders' Association, American Federation of Labor, of Chicago, Ill., praying for the enactment of legislation providing a uniform classification of freight rates; which was referred to the Committee on Interstate Commerce.

He also presented the petition of G. E. M. Carleton, of Malden, Mass., praying for the enactment of legislation to increase the pensions of soldiers and sailors who lost limbs in the service; which was referred to the Committee on Pensions.

Mr. PERKINS. I present a joint resolution adopted by the senate of the State of California, in opposition to the passage of the bill relating to jurisdiction on appeals in the court of appeals in the District of Columbia and transcripts on appeal in that court to quiet title to public lands. I move that the joint resolution be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the joint resolution was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

SACRAMENTO, CAL., *January 14, 1903.*

Hon. GEORGE C. PERKINS,
Senator, Washington, D. C.:

In accordance with instructions, I send you copy of senate joint resolution No. 1, adopted this day senate. Senate joint resolution No. 1.

Introduced by Senator Belshaw, January 13, 1903.

Made special order for Wednesday, January 14, 1903, after reading of Journal.

Senate joint resolution No. 1, relative to House resolution 14898, entitled "An act relating to jurisdiction on appeals in the court of appeals in the District of Columbia, and transcripts on appeal in said court, and to quiet title to public lands."

Whereas a bill introduced in the first session of the Fifty-seventh Congress, known as House resolution 14898, entitled "An act relating to jurisdiction on appeals in the court of appeals in the District of Columbia, and transcripts on appeal in said court, and to quiet title to public lands," did on the 17th day of June, 1902, pass the House of Representatives, and was referred to the Judiciary Committee of the Senate of the United States; and

Whereas such bill in our judgment, if enacted into law, would become a menace to the mineral industry of our State, particularly to the petroleum mining industry; Now, therefore, be it

Resolved by the senate and the assembly of the State of California jointly, That our Congressmen be requested and our Senators instructed to use all honorable means to prevent the passage of said bill.

Resolved, That the secretary of the senate be, and he is hereby, instructed to transmit a copy of this resolution, by telegraph, to our Senators and Representatives in Congress.

The above is a true copy of senate joint resolution No. 1, as adopted by the senate and assembly this 14th day of January, 1903.

FRANK J. BRANDON,
Secretary of Senate.

Mr. FOSTER of Washington presented a petition of Local Union No. 1060, United Brotherhood of Carpenters and Joiners, of Spokane, Wash., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. LODGE. I present a memorial of 85 fishermen, captains of fishing vessels of Boston, Mass., remonstrating against the ratification of the Hay-Bond treaty with Newfoundland on account of the disastrous effect it would have on their business. I move that the memorial be printed as a document, and referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. MITCHELL presented sundry papers in support of the bill (S. 6405) granting an increase of pension to Mortimer Hallett; which were referred to the Committee on Pensions.

He also presented the petition of Israel Benner, of Portland, Oreg., praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Baker City, Oreg., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. CLAPP presented memorials of the John Hauenstein Brewing Company, of New Ulm; of the Duluth Brewing and Malting Company, of Duluth; of the Fergus Falls Brewery, of Fergus Falls; of the Standard Brewing Company, of Mankato; of the C. Birkhofer Brewing Company, of Minneapolis; of the Iron Range Brewing Association, of Tower; of the Minneapolis Brewing Company of Minneapolis; of the Gluck Brewing Company, of Minneapolis; of A. Fitger & Co., of Duluth; of the Schuster Brewing Company, of Rochester; of Drewry & Sons, of St. Paul; of the Glencoe Brewing Company, of Glencoe; of the Brainerd Brewing Company, of Brainerd; of the Jacob Schmidt Brewing Company, of St. Paul; of the Theo. Hamm Brewing Company, of St. Paul; of Albert Minars, of Browerville, and of W. Schellhas, of Winona, all in the State of Minnesota, remonstrating against the issuance of revenue stamps on eighth kegs of beer; which were referred to the Committee on Finance.

Mr. KEAN presented the memorial of Edward Q. Keasbey, of Morristown, N. J., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Chevrah Ohav Sholem Aushe Sfard, of Bayonne, N. J., praying for the enactment of legislation to modify the methods and practice pursued by immigration officers at the port of New York; which was referred to the Committee on Immigration.

He also presented petitions of the United Trades and Labor Council of Paterson; of Local Union No. 185, International Brotherhood of Blacksmiths, of Perth Amboy; of the Central Labor Union of Hudson County, all in the State of New Jersey, and of the Angle Lamp Company of New York City, N. Y., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented memorials of John C. Sunderlin, of Blairstown, of J. Byron Stagg Haledon, and sundry other citizens of Paterson; of Thomas W. Hartman, of Paulsboro, of Dr. George H. Fitch, of Daretown, and of Rev. George B. Shaw, of Plainfield, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

Mr. DEPEW presented petitions of Local Union No. 232, International Brotherhood of Blacksmiths, of Norwich; of Waiters' Local Alliance No. 196, of Buffalo; of Local Union No. 74, Journeymen Plumbers, Gasfitters, and Steamfitters, of Geneva; of Defender Union, No. 100, of New York City; of Wire and Cable Workers' Local Union No. 9847, of Schenectady; of Ship Carpenters and Joiners' Local Union No. 7, of Port Richmond; of Local Branch No. 620, Amalgamated Society of Engineers, of Troy; of Coopers' Local Union No. 2, of New York City; of Dyers and Finishers' Local Union No. 271, of Jamestown; of Brewery Workers' Local Union, of Rochester; of Wood Workers' Local Union No. 636, of Troy; of Stove Mounters' Local Union No. 3, of Geneva; of the Central Textile District Council, of Jamestown; of Laborers' Protective Union, No. 9512, of Ticonderoga; of Pulp, Sulphite, and Paper Mill Workers' Union, of Ticonderoga, and of Metal Polishers and Brass Workers' Local Union No. 41, of Dunkirk, all in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. KITTREDGE presented a petition of Cigar Makers' Local Union No. 387, of Yankton, S. Dak., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. FRYE presented a memorial of the Humane Society of Colorado, remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

Mr. QUAY. I present a memorial of 629 adult members of the Seneca Nation of New York Indians, remonstrating against the passage of House bill No. 12270, to provide for the allotment of the lands in severalty to the Indians in the State of New York, and to extend the protection of the laws of the United States and of the State of New York over such Indians, and for other purposes. I move that the memorial be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. QUAY. I also present a memorial of 12 adult members of the general council of the Tuscarora Indians of New York, remonstrating against the passage of House bill No. 12270, to provide for the allotment of the lands in severalty to the Indians in the State of New York, and to extend the protection of the laws of the United States and of the State of New York over such Indians, and for other purposes. I move that the memorial be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

STATEHOOD BILL.

Mr. QUAY. I present two telegrams in reference to the statehood bill, which I ask may be read.

There being no objection, the telegrams were read, and ordered to lie on the table, as follows:

[Telegram.]

RATON, N. MEX., *January 14, 1903*

Hon. M. QUAY,
United States Senator, Washington, D. C.:

People of Raton a unit for omnibus bill. Senate committee report grossly partial as to existing conditions in New Mexico.

CHARLES M. BAYNE, *Mayor.*
J. LEADHY, *District Attorney.*

[Telegram.]

TUCSON, ARIZ., *January 12, 1903.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

There is no division of sentiment here regarding omnibus bill. Everyone favors it.

M. P. FREEMAN,
President Consolidated National Bank.

Mr. BATE. I present some telegrams on the subject of the statehood bill, and I ask that two of them, which I will indicate, may be read.

There being no objection, the Secretary read as follows:

[Telegram.]

PHOENIX, ARIZ., *January 12, 1903.*

Senator WILLIAM B. BATE, *Washington, D. C.:*

People of Arizona are entitled to statehood and are anxious for it. Committee's report is unjust and misleading. We petition Senate to pass omnibus bill unamended.

R. L. MCDONALD,
Superintendent Phoenix Schools.

[Telegram.]

TUCSON, ARIZ., *January 12, 1903.*

Hon. W. B. BATE, *United States Senate, Washington, D. C.:*

Failure to pass omnibus bill in view of misleading report of majority Committee on Territories would be regarded as confirmation of indictment, and would be of incalculable injury to invested capital and every interest in this Territory. There is no division of sentiment among the people on this subject.

N. P. Freeman, president Consolidated National Bank; J. Knox Corbett, postmaster; John B. Wright, city attorney; B. M. Jacobs, president Arizona National Bank; H. M. Fenner, M. D.; William Angus, county school superintendent; John H. Bauman, receiver United States land office; M. R. Moore, register United States land office; Mark A. Rodgers, M. D.; E. F. Burton, M. D.; L. H. Manning, president Chamber of Commerce; Geo. Selby, rector Grace Church; David B. Loofbourrow, pastor Methodist Church; H. K. Booth, pastor Congregational Church; C. F. Schumacher, mayor of Tucson; Fred. Roustadt, board of supervisors.

The PRESIDENT pro tempore. The telegrams will lie on the table.

Mr. BATE. I beg to state that there are a good many of these telegrams of similar import, and I call attention especially to the last one. They are signed by officers generally, superintendents of schools, sheriffs of counties, presidents of chambers of commerce, etc. I ask that they be inserted in the RECORD without reading.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

[Telegram.]

PHOENIX, ARIZ., *January 13, 1903.*

Senator WILLIAM B. BATE, *Washington, D. C.:*

People of Arizona are entitled to statehood and anxious for it. In our own rights gross injustice is done our interest by committee's misleading report. We petition Senate to pass omnibus bill unamended.

W. W. COOK, *Sheriff Maricopa County.*

[Telegram.]

PHOENIX, ARIZ., *January 12, 1903.*

Senator WILLIAM BATE, *Washington, D. C.:*

Arizona asks for statehood without being joined to any other Territory. Committee's report is grossly unfair to our best interests. We call on you to stand for omnibus bill unamended.

C. H. AKERS,
President Phoenix Mining Exchange.

[Telegram.]

PHOENIX, ARIZ., *January 13, 1903.*

Senator WILLIAM B. BATE, *Washington, D. C.:*

Committee's report does our best interests gross injustice by its misleading statements. Our people are anxious for statehood and entitled to it. We petition Senate to pass omnibus bill unamended.

E. B. GAGE,
President Phoenix National Bank.

[Telegram.]

PHOENIX, ARIZ., *January 10, 1903.*

Senator WILLIAM B. BATE, *Washington, D. C.:*

People of Arizona are anxious for statehood and entitled to it. Committee's report is unjust and misleading. We petition Senate to pass omnibus bill unamended.

A. H. FULTON,
School Superintendent Maricopa County.

[Telegram.]

TUCSON, ARIZ., *January 12, 1903.*

Hon. W. B. BATE, *United States Senate, Washington, D. C.:*

I most earnestly plead for your best efforts to pass omnibus bill. In view of injuriously misleading report of majority of committee failure to pass the bill would be disastrous to every industry in existence or projected.

O'BRIEN MOORE.

ISTHMIAN CANAL COMMISSION.

Mr. MORGAN. I present certain communications from the Secretary of State and the Secretary of the Treasury relative to the expenditures of the Isthmian Canal Commission. I move that the communications be printed as a document and referred to the Committee on Interoceanic Canals.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the amendment submitted by Mr. ELKINS on the 12th instant, proposing to increase the amount to be appropriated for expenses of compiling, preparing, and indexing the Congressional Directory from $1,200 to $1,800, intended to be proposed to the legislative, executive, and judicial appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 15449) to increase the efficiency of the Army, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 11621) to correct the military record of H. J. Rowell, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. COCKRELL. I am also instructed by the Committee on Military Affairs, to whom was referred the bill (S. 552) for the relief of Levi Jones, to ask that the claim therein made be not allowed, and that the bill be postponed indefinitely.

The report was agreed to.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 15767) to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 15711) to authorize the construction of a bridge across the Clinch River, in the State of Tennessee, by the Knoxville, Lafollette and Jellico Railroad Company, reported it without amentment.

He also, from the same committee, to whom was referred the bill (S. 6569) to authorize the construction of a bridge across the Missouri River at a point to be selected within 10 miles of the corporate limits of the city of St. Charles, in St. Charles County, Mo., and in St. Louis County, Mo., and to make the same a post route, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 143) to authorize the construction by the Wadley and Mount Vernon Railroad Company of a bridge across the Oconee River, in the State of Georgia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 6847) to increase the number of light-house districts, reported it without amendment, and submitted a report thereon.

Mr. BERRY. I am also directed by the Committee on Commerce, to whom was referred the bill (H. R. 13208) to authorize the United States and West Indies Railroad and Steamship Company, of Florida, to construct a bridge across the Manatee River, in the State of Florida, to report it adversely. I will state that it is an exact copy of a bill passed at the last session, which was approved on the 7th of May, 1902. The committee recommend that the bill be indefinitely postponed.

The report was agreed to.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (H. R. 15510) to promote the efficiency of the Philippine constabulary, to establish the rank and pay of its commanding officers, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6358) to permit officers of the United States Army to serve as chief and assistant chiefs of the constabulary of the Philippine Islands, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. LODGE. Do I understand that the bill in regard to the Philippine constabulary has been indefinitely postponed?

Mr. SCOTT. I will state to the Senator from Massachusetts that we have reported favorably a House bill, which passed the House.

Mr. LODGE. That is all right.

Mr. SCOTT. The House bill is exactly the same as the Senate bill.

Mr. LODGE. I understand.

Mr. QUARLES, from the Committee on Military Affairs, to whom was referred the bill (S. 2402) to remove the charge of desertion from the military record of William F. Barrett, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. ALGER, from the Committee on Military Affairs, to whom was referred the amendment submitted by himself on the 14th instant, proposing to appropriate $128,400 for the construction of barrack accommodations for four companies of infantry at Fort Brady, Mich., to replace those destroyed by fire, intended to be proposed to the urgent deficiency appropriation bill, reported it with an amendment as an amendment to the general deficiency appropriation bill, and submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (S. 6666) for the relief of Joseph M. Simms, captain, United States Revenue-Cutter Service (retired), reported it without amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Commerce, to whom was referred the bill (S. 6848) to establish a life-saving station at Cape Nome, Alaska, reported it with an amendment, and submitted a report thereon.

Mr. ELKINS, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. QUARLES on the 12th instant, providing for the appointment of surgeons and assistant surgeons for the Revenue-Cutter Service, intended to be proposed to the legislative, executive, and judicial appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. NELSON, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. FRYE on the 13th instant, proposing to appropriate $150,000 for improving the harbor of San Luis d'Apra, Island of Guam, intended to be proposed to the naval appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Naval Affairs, and printed; which was agreed to.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. HALE. I report back from the Committee on Appropriations, without amendment, a little deficiency bill, which I ask may be considered and passed. It embraces small routine items.

The PRESIDENT pro tempore. The bill will be read to the Senate.

The Secretary read the bill (H. R. 16642) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VALUE OF NICARAGUA CANAL AND FUTURE OF THE PACIFIC.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the resolution submitted by Mr. MORGAN on the 5th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate, That there be reprinted for the use of the Senate the "Views of Commodore George W. Melville, Chief Engineer of the Navy, as to the strategic and commercial value of the Nicaraguan Canal, the future control of the Pacific Ocean," etc.

And in connection therewith an article by the same author published in the North American Review of March, 1898, "On the future of the Pacific."

EARLY MISSIONARY WORK IN OREGON.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the resolution submitted by Mr. MITCHELL on the 6th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed for the use of the Senate 2,500 additional copies of Senate Executive Document No. 37, Forty-first Congress, third session, the same being a letter from the Secretary of the Interior to Hon. Schuyler Colfax, President of the Senate, of date February 8, 1871, directing the Secretary of the Interior to furnish any information in the possession of his Department pertaining to the "early labors of the missionaries of the American Board of Commissioners for Foreign Missions in Oregon, commencing in 1836."

REPORT OF GOVERNOR OF ALASKA FOR 1902.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed from stereotyped plates 1,500 additional copies of the report of the governor of Alaska for 1902 for the use of the Department of the Interior.

RECORD OF DEEDS, ETC., IN INDIAN TERRITORY.

Mr. JONES of Arkansas. I am directed by the Committee on Indian Affairs, to whom was referred the amendment of the House of Representatives to the bill (S. 5678) providing for record of deeds and other conveyances and instruments of writing in the Indian Territory, and for other purposes, to report it back with the recommendation that the House amendment be disagreed to and a conference asked.

The PRESIDENT pro tempore. The Senator from Arkansas moves that the Senate disagree to the House amendment and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. STEWART, Mr. PLATT of Connecticut, and Mr. JONES of Arkansas were appointed.

BILLS INTRODUCED.

Mr. CLARK of Montana introduced a bill (S. 6951) to cancel certain taxes assessed against the Kall tract; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BERRY introduced a bill (S. 6952) for the relief of W. H. Chambers; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6953) for the relief of the estate of B. L. Armstrong, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. DEBOE (by request) introduced a bill (S. 6954) to provide for the purchase of a series of parchments, 13 in number, executed by Nestore Leoni, of Rome, Italy; which was read twice by its title, and referred to the Committee on the Library.

Mr. KEARNS introduced a bill (S. 6955) to establish Salt Lake City, in the State of Utah, as a port of entry in the customs collection district of Utah, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FOSTER of Washington introduced a bill (S. 6956) authorizing the issuance of a certificate of merit to Robert Williams; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. DRYDEN introduced a bill (S. 6957) granting a pension to Frances Cowie; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6958) granting a pension to Grace Ashton Negley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6959) to increase the speed of ocean steamships; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL introduced a bill (S. 6960) for the relief of Charles W. Howard; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GAMBLE introduced a bill (S. 6961) to authorize the construction of a bridge across the Missouri River between the city of Chamberlain, in Brule County, and Lyman County, in the State of South Dakota; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL introduced a bill (S. 6962) granting an increase of pension to James J. Wheeler; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6963) granting an increase of pension to Israel A. Benner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES of Arkansas introduced a bill (S. 6964) for the relief of Moses Stroop; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 6965) to regulate the making of contracts for constructing an isthmian canal under the act of June 28, 1902; which was read twice by its title, and referred to the Committee on Interoceanic Canals.

Mr. BACON introduced a bill (S. 6966) for the relief of the estate of C. C. Adams, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6967) for the relief of the estate of C. E. Rosser, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURTON introduced a bill (S. 6968) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona; which was read twice by its title and referred to the Committee on Public Lands.

COMMISSION ON PENSION LAWS.

Mr. SCOTT submitted an amendment intended to be proposed by him to the joint resolution (S. R. 133) creating a commission to investigate the present pension laws; which was referred to the Committee on Pensions, and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MITCHELL submitted an amendment proposing to appropriate $29,500 for the construction of new buildings at the Indian Training School at Chemawa, Oreg., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment relative to the ratification and confirmation of an agreement entered into with the Klamath and Modoc tribes and Yahooskin Band of Snake Indians, in the

State of Oregon, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. CLAPP submitted an amendment proposing to appropriate $5,000 for the appointment of a commission to investigate the claim of the Pillager Band of Chippewa Indians concerning land ceded by them to the United States, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HOAR submitted an amendment proposing to appropriate $25,000 to enable the Commissioner of Labor to collect and report to Congress the statistics of and relating to marriage and divorce in the several States and Territories and in the District of Columbia since January 1, 1887, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. MCLAURIN of Mississippi submitted an amendment authorizing a complete roster to be made of the officers and enlisted men of the Union and Confederate armies, intended to be proposed by him to the legislative, executive, and judical appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CONDITIONS IN ISLAND OF GUAM.

Mr. HOAR. Yesterday I introduced a resolution of inquiry of the President of the United States, and I suppose it will be adopted this morning without any objection. I ask the Chair to lay it before the Senate.

The PRESIDENT pro tempore laid before the Senate the resolution submitted yesterday by Mr. HOAR, as follows:

Resolved, That the President be requested, so far as shall be, in his judgment, not inconsistent with the interests of the public service, to inform the Senate what government is existing in the island of Guam, and through what executive department the powers of such government are now in fact executed and administered;

What, according to his present information, is the number of inhabitants in said island;

Whether there be any persons imprisoned or detained in said island against their will by the authority of the United States;

If so, under what law such persons are detained, and by whose order such persons are detained;

And especially whether any person not an inhabitant of said island of Guam be detained there by the power of the United States against his will; if so, for what offense, and whether there has been any trial or conviction of such offense, or any charge made against such person, and whether the nature or character of such charge has been communicated to such person;

And whether any person is so therein detained for any alleged political offense, or any refusal to take an oath of allegiance to the United States;

And especially whether an inhabitant of the Philippine Islands named Mabini has been detained and be now therein detained, and if so, under what circumstances, for what alleged offense, and whether such person has been tried for the same;

And, further, whether said Mabini was, according to the President's information, an inhabitant of the Philippine Islands and a Spanish subject on the 11th day of April, 1899, and then a resident in said islands; and whether he be included within the provisions of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of the civil government of the Philippine Islands, and for other purposes," being chapter 1369 of the Statutes of 1902; and

Whether as such he is now deprived of liberty without due process of law; whether he has enjoyed the right to be heard by himself and counsel to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf; whether he has been held to answer for any criminal offense without due process of law, and whether he be denied the right of bail as provided in said act.

Also, whether any oath of allegiance be now required of any such inhabitant of the Philippine Islands to be taken beyond the limits of said islands as a condition of being released from imprisonment, or of being permitted to return thereto; and if so, by what authority said oath of allegiance is required.

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

The resolution was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 14th instant approved and signed the following acts:

An act (S. 2210) relating to Hawaiian silver coinage and silver certificates; and

An act (S. 6439) for the refund of certain tonnage taxes.

The message also announced that the President of the United States had on this day approved and signed the act (S. 6119) to authorize the Pensacola, Alabama and Tennessee Railway Company to erect, maintain, and operate a railway bridge across the Alabama River in Wilcox County, in the State of Alabama.

ANTHRACITE COAL.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. VEST on the 5th instant, as follows:

Resolved, That the Committee on Finance be instructed to prepare and report a bill amending "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, so that the tariff duty shall be removed from anthracite coal and the same be placed on the free list.

Mr. TILLMAN. Mr. President, the fact that the Senate yesterday evening passed the House bill removing the duty on anthracite coal would appear to take the subject out of discussion. Although I have never intended to discuss that phase of the coal famine, and so indicated in my remarks yesterday, I, of course, will not expect anything except a smile from the uninformed because I continue to discuss a different subject upon the same resolution, the subject of which has already been disposed of. As I began on the Vest resolution, I want to finish on it.

When the morning hour expired yesterday and I had to yield the floor I had reached that part of my argument or presentation of facts where the cause or causes of the coal famine were under consideration. I was reading from the report of the Industrial Commission some statements in regard to the condition in the anthracite coal region, upon which I am basing the charge that the monopoly which exists and which is causing all this misery and robbery could have been prevented by the Attorney-General. I will proceed to give some additional quotations from the report of the Industrial Commission. I read on page 459 of volume 19:

> The elimination of the independent coal operators was attempted in a second way, namely, by securing forfeit of their independence of action by means of long-time shipping contracts with the railroads. Reference has already been made to the fact that the proportion of tidewater price allowed had been increased from 55 to 60 per cent by contracts made some years ago. Most of these contracts terminating in 1901, it was proposed by the railroads that a uniform new contract be offered in renewal by all the railroads jointly, on the basis of an increase of the percentage to 65 per cent of tidewater price. On the other hand, in return for this decidedly favorable offer, the operators were to bind themselves to ship over no other roads during the entire life of their properties; that is to say, until the mines should have been entirely worked out. This is a notable departure from all previous forms of contract, which had been made for a definite term of years. Inasmuch as the proportion of independent coal output has been decreasing for many years, such contracts as this would finally dispose of the small fraction now in existence. It would forever remove a most disturbing factor in any attempt by the railroads to fix among themselves both the amount of output and the price.

Right here, Mr. President, I will pause to comment on the effort which is now being made by Mr. Cassatt, the president of the Pennsylvania Railroad Company, and others, in the reports of the evidence being taken before the Senate Committee on the District of Columbia as to the causes of this coal famine, upon the great hue and cry which has been raised against the "independent operators" as being the extortionists, the vampires who are sucking the blood of the poor. Here is the evidence, which I shall show more clearly and in a fuller way later on, that there are no independent operators except the owners of possibly 2 or 2½ per cent of the anthracite coal field. The railroad companies are absolutely in the saddle. They mine and market coal, and they fix the price without regard to a solitary independent operator alive. The way in which the newspapers are lending themselves to this effort to befuddle the minds of the people and to deceive them into the idea that the roads are now willing and anxious to relieve the distress, but that somebody somewhere called an independent operator is responsible, I say this effort or this willingness by the newspapers to be prostituted is an infamy.

I will go more in detail after a little and marshal some further evidence, but I want to continue and get through with the Industrial Commission's report in regard to the coal trust, its origin and its present status. Mentioning some evidence which has been referred to, the Commission goes on to say:

> On the basis of this evidence, the importance of the consolidation of the Reading and the Central of New Jersey becomes at once apparent. It is confirmed, furthermore, by the last annual report of the Reading Company, which concludes with the following complacent statement to its stockholders, that—
>
> "The acquisition of the control of the Jersey Central is not only of enormous advantage because of the additional facilities given to the system, but through its acquisition the Reading system now owns and controls about 63 per cent of all the unmined anthracite coal in the State of Pennsylvania."

COMMUNITY OF INTEREST.

> It is not clear, either from testimony before the Industrial Commission or from other information available, what degree of actual consolidation by exchange of stock holdings prevails among the other roads in the anthracite field. Considerable evidence tends to show that effective control by unity of stock ownership is given to a large proportion of the entire output of the field. Thus, the Lehigh Valley Railroad, since J. P. Morgan & Co. took up their option on the stock of that company held by the Packer estate, is quite certainly controlled by the same financial interest which entirely dominates the Reading Company. The Erie system also is understood to be a Morgan road, despite rumors to the effect that the Hill interests in the Northwestern transcontinental lines had secured control.
>
> The Erie road, through its acquisition of the Susquehanna and Western, and the purchase of the Pennsylvania Coal Company, now controls more than 11 per cent of the total output. The Lackawanna road, with its 12 per cent of shipments in 1900, is an important factor, but its definite relation to the Morgan interests has not been made clear. Its substantial unanimity of interest with the roads previously named is, however, apparent. While for many years the Pennsylvania Railroad has persisted in independent action, and while the Delaware and Hudson Company is usually credited with Vanderbilt affiliation, the proportion of the total output more or less directly controlled by the Morgan interests is probably from two-thirds to three-fourths of the entire shipment. The only roads which, it is maintained with showing of authority, are entirely independent are the Ontario and Western, and the firm of Coxe Brothers, which owns the Delaware, Susquehanna, and

Schuylkill. These two roads together, however, control but slightly over 7 per cent of the total shipments.

Here we have testimony on top of testimony, evidence unimpeached and indisputable, showing that there has been a consolidation under some scheme of community of interest and interchange of stock or by the purchase or lease of practically the entire anthracite coal field, and J. P. Morgan & Co. are the men who have been primarily instrumental in bringing this about.

The attempt had been made to secure this monopoly, but it remained for the genius of this modern Crœsus to accomplish what others had failed to do. I therefore do not hesitate to say in the face of the facts as herein set forth that J. Pierpont Morgan is to-day the deus ex machina, the man behind the curtain, pulling the wires, manipulating, controlling, and directing this whole scheme for the robbery of the millions, in order to add to his wealth, already so great that he does not know how rich he is, and nobody else can even do anything more than guess.

I call attention to a fact in our recent history which will be a comment on this condition, and that is that after the President of the United States had sent for these coal operators, although it was outside of his official duty and beyond his official power, and had exerted himself to the utmost by pleadings and arguments to induce the owners or presidents of the coal roads to come to some terms which would cause the strike to stop, he was treated almost with contempt and insulted by Mr. Baer. They spurned his pleadings for compromise or arbitration, but when Mr. Root, as the papers stated, took it upon himself to go to New York and apply to the king, Morgan, we find that Mr. Baer, Mr. Thomas, and their confrères began to see things in another light, and, therefore, an agreement was reached, by which the matters in difference between the miners, the operators, and the railroads were to be submitted to this commission or board of arbitration, which is now sitting and examining into the facts.

The President failed, although the Senator from Iowa [Mr. DOLLIVER] gave him so much credit in his speech the other day for having brought about such a condition as would ameliorate and prevent the disaster from assuming any greater proportions. The President deserves no credit except for his attempt. The actual fact is that J. Pierpont Morgan gave orders to his coconspirators, or servants, or whatever you may call them, and therefore we have this attempted arrangement or agreement between the monopoly and the strikers; while in the meantime, by reason of the strike and the scarcity of coal produced by the depletion of the accumulated stock, the people to-day are face to face with and are suffering from the lack of fuel to warm their houses, to cook, or to do anything else for which anthracite coal has been used heretofore.

Mr. President, I have been dealing somewhat in generalities. I have been marshaling evidence that the combination has been in process of completion. The monopoly has been born. The birth has been going on for several years. The absorption of properties by these coal roads began away back thirty or more years ago.

I now propose to come down to some particulars to show why the Attorney-General is derelict, criminal, and why he is essentially the man at whom the people of this country can point and say: "You have murdered all those who have frozen to death; you are the man who deserves the opprobrium and the hate of the poor and the oppressed of this land."

It will be recalled that some ten days or more ago a resolution calling for certain evidence and testimony in a case begun by William R. Hearst, in which a petition was filed with the Attorney-General, was called for, and the evidence demanded in order that the Senate and the country might see whether there was any essential reason to censure the Attorney-General. Senators were quick to spring up and say, "It would be wrong policy for the Senate to interfere with the judicial arm of the Government"—the Attorney-General—no; not the judicial department, but the Department of Justice. It is a pity they are not always synonymous. But the declaration was made and the argument was used that we ought not to interfere with the Attorney-General in the discharge of his duties; that he was and is an honorable man, clean, patriotic, and to be trusted. I confess on its face that was a proper contention; but the question is, whether the facts will bear out the idea that the Attorney-General has done his full duty and whether he is be trusted.

Mr. Hearst, when approached by some one—a friend, not me, but it came to me—sent a statement over his own signature that in October last he filed a petition, accompanied by evidence, showing this monopoly, this attempt to fix prices and interfere with interstate commerce, which, under the antitrust law, would make the parties indictable and would warrant the issuance of an injunction. He filed this information along with the petition of which mention has been made. I am informed that that testimony is in the hands of the district attorney in New York, Mr. Burnett, and that the papers have never been sent to Washington because orders came from here not to forward them. At the same time Mr. Hearst began——

Mr. SPOONER. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Wisconsin?

Mr. TILLMAN. Certainly; with pleasure.

Mr. SPOONER. Does the Senator make that statement on his own responsibility?

Mr. TILLMAN. What responsibility?

Mr. SPOONER. On your responsibility.

Mr. TILLMAN. What statement?

Mr. SPOONER. The statement that the papers have never been returned, and have not been returned because of an order from here not to return them.

Mr. TILLMAN. Not returned here. They are in the hands of the district attorney awaiting the action of the Attorney-General, and they are held under his orders.

Mr. SPOONER. Where?

Mr. TILLMAN. In the district attorney's office in New York.

Mr. SPOONER. By order of the Attorney-General?

Mr. TILLMAN. Yes; that is what I have said.

Mr. SPOONER. Does the Senator make himself responsible for that?

Mr. TILLMAN. How can I be responsible for some other man's statement? I gave the authority upon which I make that statement. That man is a member-elect of the other House, and without proof we have no right to impugn his honesty. I will give his letter setting forth the facts.

NEW YORK, *January 6, 1903.*

DEAR SIR: My attention has been called to certain insinuations that the evidence offered by me to the Attorney-General in re the coal trust had not been filed until within a few days of the date upon which Senator JONES introduced his resolution calling upon the Attorney-General for the matters pertaining to the petition.

The petition in question was filed with the Attorney-General on October 4, 1902. Two days later I received a communication signed by "H. M. Hoyt, Acting Attorney-General," advising me to this effect: "I have sent the petition to the United States attorney for the southern district of New York, with instructions to receive the evidence in support of your allegations, which you or your counsel have to offer, or any other evidence bearing on the situation, and to report promptly the result to the Attorney-General for such action as the latter may determine to take on your petition."

On the same day I received United States District Attorney Henry C. Burnett's acknowledgment of the receipt of the Attorney-General's instructions, and notice that he was ready to proceed. On October 9 my attorney, Mr. Clarence J. Shearn, appeared before District Attorney Burnett and began the presentation of the evidence in support of my petition, continuing from day to day until October 16, on which date the bulk of all the evidence was in the district attorney's hands, which evidence included the complete set of the Temple Iron Company's contracts, which had been unearthed by me, and which conclusively establish over the seal of the coal companies and the hands of their presidents the illegal combination complained of.

At the request of the district attorney, supplementary evidence was submitted from time to time up to October 30, when the preparation of the case was concluded.

I am credibly informed that District Attorney Burnett's report has been ready since the first week in November, but has been withheld on instructions from Washington.

WILLIAM RANDOLPH HEARST.

Mr. SPOONER. What I want to know is, is Mr. Hearst responsible for the statement?

Mr. TILLMAN. Mr. Hearst is responsible for that statement.

At the same time that Mr. Hearst through his attorney made this effort to secure the aid and obtain the action of the Attorney-General—for be it understood that all action under the antitrust law must come from the Attorney-General's order, and that no district attorney dare to proceed or move in any case until he has had the sanction and authority of the head of the Department of Justice——

Mr. PLATT of Connecticut. Will the Senator yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Connecticut?

Mr. TILLMAN. With pleasure.

Mr. PLATT of Connecticut. Did not the resolution that was introduced here some time ago, to which the Senator has referred, recite the fact that the district attorney had sent his report to the Attorney-General's Office?

Mr. TILLMAN. I do not know what the resolution recited, but I think the language of the resolution was that a considerable time or a protracted period had elapsed since the filing of the petition. The Senator can get the resolution and quote it if he sees fit. It is not a question of whether the Jones resolution stated the exact facts or not; it is not a question of whether Mr. Hearst's statement in regard to the present status of the case was exactly correct or not. The point that I want to call to the attention of the Senate and the country is that evidence backing up the facts as set forth in the Industrial Commission's report, which I have already quoted, shows that this combination was in process of final completion and adjustment to begin its work of squeezing the people, and that it has been going on for three or five years, with Attorney-General Griggs fully cognizant of the

action, because he had been the attorney of the combine, or one of them, and that the Department of Justice, under the predecessor of the present Attorney-General and under the present Attorney-General, has done nothing. That is the burden of my indictment. We are not going to be brushed aside by any little errors in my statement. I am not going to make any mistakes if I can help myself. I am going to state the plain truth as I understand it and believe it, and nothing more.

But here is an official document. As I was going to state when interrupted, when the move was made in the district court before the district attorney by forwarding or filing a petition and presenting such evidence as would prove the facts, a move was begun by Mr. Hearst before the attorney-general of the State of New York, at Albany, at the same time to have the machinery of justice of that great Commonwealth set in motion under the antimonopoly law, so as to take cognizance of the situation and to prevent the harm and wrong and misery that would follow.

Before putting in this petition I will state that I have here the argument in that case, where all the facts are marshaled, where the basis of the evidence is presented, and where the case is argued, and I shall read a little from it. The same case is now before the attorney-general of the State of New York, Mr. Cunneen, the former attorney-general, Mr. Davies, having gone out of office. Mr. Hearst renews his effort to have the machinery of the law in New York State set to work to at least do what can be done at this late day to relieve the suffering, and if not to relieve the suffering, because that appears to be impossible, to at least hold up to the gaze of the country the men primarily responsible, and let the odium and punishment that ought to follow come to them.

I will file this paper, as it is too long to read, mainly for the reason that it is more full and complete in all its recitals and details than the argument that was made in October. I prefer to read that argument and merely put in this petition in the matter of the application of William Randolph Hearst to the attorney-general of the State of New York for the institution of an action against the Philadelphia and Reading Coal and Iron Company and others, under the antitrust law. The petition was filed January 6 of this year. I suppose lawyers prosecuting a case would hold on to this petition and argue from it. But, as I said, not being a lawyer, and not being as thoroughly familiar with the evidence and the facts as I should desire to be, I shall lend myself—and not feel in the slightest degree that Senatorial dignity has been shocked or injured—to give voice to the argument and the presentation of the facts made by Mr. Shearn in the case last October. If Senators would like to have Mr. Hearst's petition read I have no objection, but they can read it in the RECORD, and therefore I will ask to have it inserted.

The PRESIDENT pro tempore. Without objection, the paper referred to by the Senator will be inserted in the RECORD.

Mr. TILLMAN. As part of my speech, right in the body of it. I mean I want it to come in right where I am.

The PRESIDENT pro tempore. It will be inserted as the Senator requests.

The paper referred to is as follows:

Before the attorney-general. In the matter of the application of William Randolph Hearst to Hon. John Cunneen, attorney-general of the State of New York, for the institution of an action against the Philadelphia and Reading Coal and Iron Company and others under the antitrust law. Reading Company, Philadelphia and Reading Coal and Iron Company, Central Railroad Company of New Jersey, Lehigh and Wilkesbarre Coal Company, Lehigh Valley Railroad Company, Erie Railroad Company, Pennsylvania Railroad Company, New York, Susquehanna and Western Railroad Company, Temple Iron Company, Delaware and Hudson Company, New York, Ontario and Western Railroad Company, Delaware, Lackawanna and Western Railroad Company, Pennsylvania Coal Company.

Take notice that, pursuant to authority this day granted by the Hon. John Cunneen, attorney-general of the State of New York, and upon the annexed verified petition of William Randolph Hearst, application will be made to said attorney-general, at his office in the capitol, in the city of Albany, N. Y., on the 12th day of January, 1903, at 10 o'clock in the forenoon, that proceedings and an action be instituted against you, the above-named corporations, in the name and on behalf of the people of the State of New York, under the provisions of chapter 690 of the laws of 1899, and that a hearing will then and there be had upon said application.

New York, January 6, 1903.

EINSTEIN, TOWNSEND, GUITERMAN & SHEARN,
Attorneys for Petitioner. Office and Post-Office Address, Mutual Life Building, 32 Nassau Street, New York City.

The Hon. JOHN CUNNEEN,
Attorney-General of the State of New York:

The petition of William Randolph Hearst respectfully shows:

That your petitioner, a citizen of the State of New York, residing in the city of New York, hereby makes application, upon the facts hereinafter recited, that you institute proceedings and an action under chapter 690 of the laws of 1899, in the name and on behalf of the people of the State of New York, against the Reading Company, the Philadelphia and Reading Coal and Iron Company, Central Railroad Company of New Jersey, Lehigh and Wilkes-Barre Coal Company, Lehigh Valley Railroad Company, Lehigh Valley Coal Company, Pennsylvania Coal Company, Delaware, Lackawanna and Western Railroad Company, Pennsylvania Railroad Company, New York, Susquehanna and Western Railroad Company, and Temple Iron Company, all of which are foreign corporations engaged in business within the State of New York, and against the Delaware and Hudson Company, New York, Ontario and Western Railroad Company, and Erie Railroad Company, domestic corporations, and against persons who are the officers, managers, directors, and agents of said corporations, to restrain and prevent the said corporations, their respective officers, managers, directors, and agents, from doing in this State any act in, toward, or for the making or consummation of the contracts, agreements, combinations, and arrangements herein set forth, and from doing business in the State of New York pursuant to such contracts, agreements, combination, and arrangements, and to vacate, annul, and set aside the certificates procured by any of the said foreign corporations from the secretary of state pursuant to section 15 of the general corporation law authorizing said corporations to do business in the State of New York.

That the only available source for the supply of anthracite coal, an article of common use and a necessity of life, to the inhabitants of the State of New York is a limited region in the State of Pennsylvania known as the anthracite coal field, comprising an area of about 477 square miles, and the only practical means of transporting coal from said coal field to the inhabitants of the State of New York are the railroads above mentioned, all of which penetrate said coal field and provide transportation for coal to points within the State of New York.

That although none of the said railroads except the Delaware, Lackawanna and Western Railroad Company and the Delaware and Hudson Company is permitted by its charter, or by the laws of the State under which it is incorporated, to operate coal mines, all of said railroad companies except the Delaware, Lackawanna and Western Railroad Company and the Delaware and Hudson Company, which own their own coal mines, engage extensively in the business of mining anthracite coal and in the business of selling the same within the State of New York, and elsewhere, by means of subsidiary corporations entirely owned, controlled, and directed by said railroad companies.

For example: Said Reading Company owns and operates coal mines through a subsidiary company called the Philadelphia and Reading Coal and Iron Company, the entire capital stock of which is owned by said Reading Company; and, although there are two separate corporate entities, the only distinction between the said Reading Company and said coal company is an artificial one, the companies having substantially the same officers and directors and the coal company being the absolute property of the Reading Company to do with as it sees fit. The Central Railroad Company of New Jersey owns and operates coal mines through a subsidiary company called the Lehigh and Wilkes-Barre Coal Company, and the entire capital stock of which is owned by said railroad company. Similarly the Lehigh Valley Railroad Company owns and operates coal mines by means of a subsidiary company called the Lehigh Valley Coal Company; as does the Erie Railroad Company, by means of the Pennsylvania Coal Company and the Hillside Coal and Iron Company, and as does the Pennsylvania Railroad Company by means of the Susquehanna Coal Company.

That for several years past of the entire area of said anthracite coal field, 97.5 per cent thereof was owned by said railroad company and said subsidiary companies in the following proportions:

	Per cent.
Reading	42.25
Central Railroad of New Jersey	17.30
Lehigh Valley	16.87
Delaware, Lackawanna and Western	6.55
Erie	5.18
Delaware and Hudson	2.29
Pennsylvania	6.24
New York, Ontario and Western	.28
New York, Susquehanna and Western	.54

That the annual productive capacity of said anthracite coal field has been for many years past about 60,000,000 tons, and that the annual production for several years past has been as follows:

	Tons.
1896	48,523,287
1897	46,974,715
1898	47,663,076
1899	53,944,647
1900	51,221,353
1901	60,242,560

That for several years prior to 1901 of the total output of said anthracite coal field, about 70 per cent thereof was mined and sold by the Reading Company, Central Railroad Company of New Jersey, Lehigh Valley Railroad Company, Delaware, Lackawanna and Western Railroad Company, Delaware and Hudson Company, Pennsylvania Railroad Company, New York, Susquehanna and Western Railroad Company, Erie Railroad Company, and New York, Ontario and Western Railroad Company, either directly or through their said subsidiary companies, and that the balance of the said output was mined by individual companies, independent of said railroad companies.

That during the year 1895 the average selling price per ton f. o. b. New York Harbor of stove coal was $3.12, as compared to $3.60 per ton for 1894 and $4.19 per ton for 1893, said low price of $3.12 being due to the fact that there existed at said time some competition, both between said railroad companies themselves and between said railroad companies on the one hand and the said individual operators on the other, in the business of mining and selling anthracite coal.

That in January, 1896, in order to raise the selling price of anthracite coal at tide water, and to restrain and limit, and as far as possible prevent, competition in the business of mining and selling anthracite coal, the Delaware, Lackawanna and Western Railroad Company, the Delaware and Hudson Canal Company (now the Delaware and Hudson Company), the Erie and Wyoming Valley Railroad Company (owning the Pennsylvania Coal Company, both companies being now owned by the Erie Railroad Company), Erie Railroad Company, New York, Susquehanna and Western Railroad Company, the New York, Ontario and Western Railroad Company, Pennsylvania Railroad Company, Lehigh Valley Railroad Company, and the Central Railroad Company of New Jersey and Philadelphia and Reading Railroad Company (since succeeded by Philadelphia and Reading Railway Company, which is owned by the Reading Company) entered into and upon an agreement with one another at the city of New York, wherein and whereby it was mutually agreed that, beginning February 1, 1896, the total tonnage of anthracite coal to be transported annually from said anthracite coal field should be divided into fixed proportions and allotted as follows:

	Per cent.
Delaware, Lackawanna and Western	13.35
Delaware and Hudson Canal Company	9.60
Erie and Wyoming Valley Railroad	4
Erie Railroad	4
New York, Susquehanna and Western	3.20
New York, Ontario and Western	3.10
Pennsylvania Railroad	11.40
Lehigh Valley Railroad	15.65
Delaware, Susquehanna and Schuylkill	3.50
Central Railroad of New Jersey	11.70
Philadelphia and Reading Railroad	20.50

That during the year 1896 the total output of anthracite coal was transported by said railroad companies, pursuant to said agreement, by each of them in the proportion fixed and allotted by said agreement, and, as a result thereof, the output for the year 1896 was reduced by more than 3,000,000 tons, and the selling price per ton f. o. b. at New York Harbor increased from $3.12 to $3.79 for stove coal.

That since 1896 said companies and their successors in interest have, by agreement and combination among themselves, maintained substantially the same percentages of anthracite coal transported, although the annual output has increased from 48,523,287 tons in 1896 to 60,242,560 tons in 1901, during which time the average selling price, f. o. b., New York Harbor, for stove coal has been as follows:

1896	$3.79
1897	4.01
1898	3.79
1899	3.70
1900	3.94
1901	4.32

That in 1896 and 1897 all of the said railrad companies except the Erie and Wyoming Valley Railroad Company maintained, by agreement between themselves, a uniform rate of freight between said coal field and tidewater which amounted to as much as 40 per cent of the f. o. b. price of coal at tidewater.

That during the year 1898 a majority of the independent coal operators in the anthracite coal field actively cooperated with one another in an endeavor to procure a lower rate of freight for coal, but the said railroad companies refused to lower the rate. That thereupon the majority of the independent coal operators in the coal field known as the Wyoming region organized a railroad corporation called the New York, Wyoming and Western Railroad Company, for the purpose of constructing and operating an independent railroad route from said coal field to tidewater. That practically all of the independent coal operators in said Wyoming region pledged the entire output of their respective mines to said New York, Wyoming and Western Railroad Company, and measures were taken to procure rights of way and a terminal for said projected railroad company. That among the independent coal operators who pledged the output of their mines to said New York, Wyoming and Western Railroad Company were Clarence D. Simpson and Thomas H. Watkins, composing the firm of Simpson & Watkins, of Scranton, Pa., owning controlling interests in eleven collieries. That said Simpson & Watkins were the most active and influential supporters of the said New York, Wyoming and Western Railroad Company, which company would, if completed, have resulted in competition in the sale of anthracite coal in the State of New York between said independent coal operators and said railroad companies.

That in January, 1899, the Delaware, Lackawanna and Western Railroad Company, Central Railroad Company of New Jersey, Reading Company, Lehigh Valley Railroad Company, Erie Railroad Company, and New York, Susquehanna and Western Railroad Company, hereinafter referred to for the sake of brevity as the "six companies," acting in concert and combination, and for the purpose of preventing competition in the sale of anthracite coal in the State of New York which would have resulted from the construction of the said independent railroad, purchased the charter of the Temple Iron Company, a corporation organized under the laws of Pennsylvania in 1873 and then operating an iron furnace at Reading, Pa. That at the time of the said purchase the capital stock of the said Temple Iron Company amounted to only $240,000, and said company was not engaged in the business of coal mining.

That on January 19, 1899, said six companies, acting in concert and combination and for the purpose aforesaid, procured the said firm of Simpson & Watkins to enter into a contract with the said Temple Iron Company for the sale to the said Temple Iron Company of all their interest in said eleven collieries, whose output was, as hereinabove alleged, pledged to the said projected independent railroad company. That said six companies in February, 1899, acting in concert and combination and for the purpose aforesaid, caused the capital stock of the said Temple Iron Company to be increased to $2,500,000, and an issue of bonds of the said Temple Iron Company to be authorized amounting to $3,500,000, and on February 27, 1899, said six companies entered into a written agreement with one another and with the said Temple Iron Company and with the Guaranty Trust Company of New York, a corporation existing under the laws of the State of New York, whereby said six companies agreed to guarantee yearly dividends of 6 per cent on the entire capital stock of the said Temple Iron Company, and also payment of principal of and interest on all of the bonds of the said Temple Iron Company, to the extent of and in the following proportions, to wit:

	Per cent.
Lehigh Valley Railroad Company	22.88
Central Railroad Company of New Jersey	17.12
Delaware, Lackawanna and Western	19.52
Erie Railroad Company	5.84
New York, Susquehanna and Western Railroad Company	4.68
Reading Company	29.96

That on the said day, to wit, February 27, 1899, pursuant to said agreements of January 19, 1899, and February 27, 1899, said firm of Simpson & Watkins transferred to the said Temple Iron Company all their interests in the aforesaid eleven collieries, and received therefor $2,250,000 of the capital stock of the said Temple Iron Company, and $2,100,000 of the bonds of the said Temple Iron Company, guaranteed by said six companies as aforesaid, whereupon said Simpson & Watkins entered into a written agreement with said Guaranty Trust Company of New York to transfer to said Guaranty Trust Company of New York all of the said bonds and stock of the said Temple Iron Company in consideration of the delivery to them of the sum of $3,238,396, and the delivery and issuing to them by said Guaranty Trust Company of New York of certificates of beneficial interest in the capital stock of the Temple Iron Company in respect of $1,000,000 of such capital stock. That by the purchase of the said collieries of Simpson & Watkins, in the manner aforesaid, said six companies prevented the building of the said projected New York, Wyoming and Western Railroad Company, and the competition in the selling of anthracite coal in the State of New York that would have resulted from the building and operation of the said road.

That said six companies have, since February, 1899, acting in concert and combination as aforesaid, and for the purpose of preventing competition in the sale of anthracite coal in the State of New York, controlled and operated the aforesaid eleven collieries, purchased from Simpson & Watkins as aforesaid through the medium of the said Temple Iron Company.

That in said agreement of February 27, 1899, between said six companies and the Temple Iron Company and the Guaranty Trust Company of New York, said six companies purchased the entire capital stock of the said Temple Iron Company then outstanding, in the proportions represented by the foregoing table of percentages, and agreed to purchase all additional amounts of stock of the said Temple Iron Company thereafter issued, and that pending the delivery of said stock, the same should be held by the said Guaranty Trust Company of New York, as trustee, with all the rights of owner thereof, both as to votes and dividends, said six companies only receiving certificates of a beneficial interest in said stock. That the aforesaid agreements between the said six companies, the Temple Iron Company, the Guaranty Trust Company of New York, and Simpson & Watkins constituted an illegal scheme and arrangement whereby competition in the sale of anthracite coal within the State of New York is restrained and prevented.

That the president of the said Temple Iron Company is George F. Baer, who is also the president of the Reading Company, the Philadelphia and Reading Railway Company, the Philadelphia and Reading Coal and Iron Company, and of the Central Railroad Company of New Jersey. That the directors of the said Temple Iron Company are the respective presidents of the said railroad companies, being as follows: George F. Baer, president of the Reading Company and of the Central Railroad Company of New Jersey; Eben B. Thomas, president of the Lehigh Valley Railroad Company and chairman of the board of directors of the Erie Railroad Company; F. D. Underwood, president of the Erie Railroad Company; William H. Truesdale, president of the Delaware, Lackawanna and Western Railroad Company; R. M. Olyphant, president of the Delaware and Hudson Company; Thomas P. Fowler, president of the New York, Ontario and Western Railroad Company; Irving A. Stearns, president of the Delaware, Susquehanna and Schuylkill Railroad Company.

That the coal area controlled by the said railroad companies, whose officers constitute the board of directors of the said Temple Iron Company, amounts to 89.51 per cent of the entire anthracite coal field of the State of Pennsylvania. That the railroads of which the said George F. Baer and Eben B. Thomas are the presidents control 86.42 per cent of the total anthracite area in the State of Pennsylvania, and transport annually 76.42 per cent of the total tonnage of anthracite coal out of said coal fields.

That the meetings of the board of directors of the said Temple Iron Company are, and have been since 1899, held at the office of the Central Railroad Company of New Jersey, at No. 143 Liberty street, New York City. That said meetings while ostensibly those of the board of directors of the Temple Iron Company are, and have been since 1899, in reality meetings of and conferences between the presidents of the said respective railroad companies held for the purpose of fixing a uniform selling price for anthracite coal and for the regulation of the output of anthracite coal.

That subsequent to the purchase of the colleries of Simpson & Watkins by said six companies, in the manner aforesaid, and during the year 1899, a large number of independent coal operators in said Wyoming region, who had pledged the output of their mines to the said New York, Wyoming and Western Railroad Company, the completion of which was prevented as aforesaid, among whom was then included the Pennsylvania Coal Company, cooperated with one another in a further attempt to procure a lower rate of freight for anthracite coal, and, failing to obtain the same, caused to be organized a railroad company called the Delaware Valley and Kingston Railroad, for the purpose of constructing an independent railroad from said coal field to Kingston, N. Y., on the Hudson River, and in pursuance thereof applied to the board of railroad commissioners of the State of New York for a charter. That the granting of said charter and the building and operation of said railroad would have resulted in competition in the sale of anthracite coal in the State of New York between said independent coal operators and the railroad companies.

That the granting of the said charter was opposed by the New York, Ontario and Western Railroad Company and by the Erie Railroad Company both before the said board of railroad commissioners and in the courts, but said charter was granted by said board of railroad commissioners in May, 1900, and sustained by the court in September of the same year. That the chief support of the said Delaware Valley and Kingston Railroad Company was the aforesaid Pennsylvania Coal Company. That immediately after the charter of the said Delaware Valley and Kingston Railroad Company had been sustained in the courts the aforesaid Erie Railroad Company entered into a contract with the firm of J. P. Morgan & Co., of the city of New York, for the purchase by said J. P. Morgan & Co., and the sale by said company to said Erie Railroad Company, of the entire capital stock of the said Pennsylvania Coal Company and of said Delaware Valley and Kingston Railroad Company, and in January, 1901, said contract was carried out and said Erie Railroad Company became, and is to-day, the owner of the entire capital stock of the said Pennsylvania Coal Company and of the said Delaware Valley and Kingston Railroad Company.

That at the same time the majority of the capital stock of the said Central Railroad Company of New Jersey was purchased by the Reading Company, and George F. Baer, president of the Reading Company, was elected president of the said Central Railroad Company of New Jersey. That at the same time, to wit, January, 1901, the majority of the capital stock of the Reading Company was, and had for some time prior thereto, been deposited in a voting trust consisting of Messrs. J. Pierpont Morgan, of said firm of J. P. Morgan & Co., C. L. W. Packard, and Frederick P. Olcott, and a majority of the stock of the Erie Railroad Company was deposited in a voting trust consisting of the aforesaid J. Pierpont Morgan, Louis Fitzgerald, and Sir Charles Tennant. That the aforesaid purchase of the Pennsylvania Coal Company and Delaware Valley and Kingston Railroad Company was for the purpose of, and resulted in, preventing the building of the said projected independent railroad to tide water, and thus preventing competition in the sale of anthracite coal within the State of New York.

That in March, 1901, in order to prevent any further attempts on the part of the remaining independent operators to build an independent railroad to tide water and thus compete with the said railroad companies in the sale of anthracite coal, the Reading Company, Lehigh Valley Railroad Company, Central Railroad Company of New Jersey, and New York, Ontario and Western Railroad Company, through their respective subsidiary companies, and the Delaware, Lackawanna and Western Railroad Company entered into an agreement with one another, and with practically all of the remaining independent coal operators, for the purchase by said companies of the independent coal operators of all coal mined by said operators in terms substantially as follows: That said independent coal operators should sell to said railroad companies, or their subsidiary coal companies, the entire product of their mines for all future time for 65 per cent of the f. o. b. price of coal at tide water, the railroad companies, or their subsidiary companies, however, agreeing to purchase of said independent coal operators only such "a just proportion of the entire quantity of coal agreed to be purchased by the buyer, measured by the colliery capacity of the respective sellers."

That in the manner and by the means hereinabove set forth there was consummated in March, 1901, in the hands of the aforesaid six companies and of the Delaware and Hudson Company, New York, Ontario and Western Railroad Company, and the Pennsylvania Railroad Company an absolute monopoly in the production and transportation of anthracite coal, and in the sale thereof within the State of New York, with absolute power arbitrarily to fix output, freight rate, and selling price.

That since March, 1901, there has been no competition between any of the said companies in the sale of anthracite coal, the proportionate output being determined by the said agreement of January, 1896, the freight rate and selling price by agreement between said companies.

That since March, 1901, said six companies, the Delaware and Hudson Company, New York, Ontario and Western Railroad Company, and the Pennsylvania Railroad Company have by agreement between themselves, and

contrary to law, fixed and maintained a uniform price for coal within the State of New York, and that all of said railroad companies, either individually or through their subsidiary companies, have since March, 1901, sold and delivered coal within the State of New York pursuant to said illegal agreement. That the prices fixed by said companies for the year 1901 were higher than would have prevailed in the absence of a combination or agreement between said companies, and were higher than the rates prevailing in 1900, thus involving great hardship and loss upon the inhabitants of the State of New York. That in October, 1902, said companies arbitrarily and uniformly by agreement between themselves, increased the price of coal 50 cents a ton over the price fixed and maintained by said companies during the year 1901. That while said increase means an addition of $30,000,000 a year to the revenues of the said railroad companies, it represents a corresponding loss to the consumers of coal, greatly to the detriment of business, and entailing suffering and hardship upon the poor.

To the end, therefore, that the power existing in the said railroad companies by virtue of the aforesaid combination and agreement between them may not be further abused by another increase in the price of this necessary of life, and in order that the said combination may be adjudged to be illegal and may be disrupted and destroyed, your petitioner earnestly prays that proceedings be instituted against said corporations pursuant to the antimonopoly law of this State.

WILLIAM RANDOLPH HEARST.

COUNTY OF NEW YORK, *ss:*

WILLIAM RANDOLPH HEARST, being duly sworn, says: That he is the petitioner above named; that he has read the foregoing petition and application, and that the same is true according to the deponent's information and belief, That the sources of deponent's knowledge of and the grounds of his belief in the truth of the allegations of the petition, all of which are made upon information and belief, are investigations made by petitioner's agents, reports of duly appointed committees of the United States House of Representatives and of the Senate of the United States and of the senate of the State of New York, based upon certain testimony taken by said committees, together with the reports of experts, Government officials, and other persons in a position to be familiar with the facts in the petition set forth.

WILLIAM RANDOLPH HEARST.

Sworn to before me this 6th day of January, 1903.

IRA E. MILLER,
Commissioner of Deeds, city of New York.

Mr. TILLMAN. Mr. President, the argument from which I am going to read is that of Clarence J. Shearn before the attorney-general of the State of New York on the 15th day of last October. It relates to same statement of facts. Of course, in my desire to condense what I am going to say, or want to say in support of my assertions that the Attorney-General is responsible, it would be better if I read all of it; but I have tried to go through and select such parts as are most essential to my purpose, and therefore it may have some little breaks in it.

I will state that the railroads embraced in the bill of complaint are what are known as the nine coal roads, together with the Pennsylvania Railroad Company and two or three others which are in alliance with them, and that in this hearing only the Pennsylvania Railroad Company and the Delaware and Hudson Canal Company appeared by attorney, all the other railroads merely filing their answers to the complaint.

There is some little colloquy here once in a while between the lawyers, which I will read because it is necessary to the elucidation of the statement of facts and arguments. I make that statement to show why other men appear, so that there will be no confusion. Mr. Shearn said:

Fortunately in this proceeding I shall be able not only to bring before you evidence of a nature from which inferences may be drawn, but also evidence in the shape of contracts over the hands and seals of many of these corporations in this combination, which shows conclusively and upon their face the existence of an actual combination between them to an end which is apparent from the paper itself.

Going on to discuss the basis of his contention that there was a combination, he says:

We find that the only available source of supply for the State of New York and for the entire Eastern and Northern States for anthracite coal is a limited area of some 477 square miles in the State of Pennsylvania—a little strip of 170 miles long and varying from a mile to two miles and a half in width.

There is all of the anthracite coal that is available for use in the Northern and Eastern States, and in fact for the whole country, because the small supply of anthracite coal in Colorado is but a drop in the bucket, and, of course, does not enter into this proceeding at all, because it is impossible for anyone to get it in competition with Pennsylvania coal.

I have shown to you, by testimony from the Industrial Commission's report, that these assertions of fact are based upon other evidence than the contention of Mr. Hearst's plea, and that they can not be disputed.

Now, we find that this supply of coal is owned and controlled absolutely by the corporations named in this petition, and in certain well-marked and readily ascertainable proportions, to wit: That the Philadelphia and Reading controls 42.25 per cent of the entire supply of anthracite coal; the Central Railroad of New Jersey controls 17.30 per cent; the Lehigh Valley 16.87 per cent; the Delaware, Lackawanna and Western, 6.55; the Delaware and Hudson, 2.29; the Pennsylvania Railroad Company, 6.24; the Ontario and Western, 0.28; and the Susquehanna and Western, 0.54.

So that out of the entire supply all but 2.59 per cent was, before this combination became effective, in the absolute control and in the hands of the parties to this combination; and of the balance, the supply was owned by a few independent operators, among whom the most important, previous to the consummation of this agreement and combination, was the Pennsylvania Coal Company.

The next step in outlining this situation, showing the opportunity for combination, is the determination of how it is possible to get that coal to market, and we find that the only means of access to these coal mines for the people of the State of New York are nine railroads, which, curiously enough, are the same corporations which control the price of coal.

And, considering the tonnage that has been carried over these railroads during a great many years past, we find that the Reading has carried 20.70; the Central Railroad, 11.77; Lehigh Valley, 15.32; Erie, 8.50; Delaware, Lackawanna and Western, 13.33; Delaware and Hudson, 8.81; Pennsylvania, 11.46; New York, Ontario and Western, 3.68; New York, Susquehanna and Western, 2.95.

In other words, not only have the corporations named controlled the available supply of coal, but they have handled its tonnage and have transported and carried it to the extent of 96.52 per cent of all the coal carried.

* * * * * * *

"So that, bearing in mind that these railroad companies, these mining companies, control the source of supply, and that they control the only means of getting coal to market, it is perfectly clear to the lay mind, and established to a certainty in any legal mind, that the opportunity for this combination exists, and that it is an unusual opportunity."

I have said that the sources of supply are controlled by these railroad companies and these coal-mining companies, but that even is susceptible to further limitation. How? We find that it may be limited to the railroad companies alone, because the railroad companies own the entire capital stock of the coal-mining companies, which are the legal owners of these various mining properties.

No one would think for a moment that, in the case of any railroad corporation other than one such as the Delaware and Hudson where there was a special provision in its charter authorizing it, for the benefit of the people of New York, at an early day in the mining industry, to invest its capital in the stock of coal mines, any railroad corporation would be permitted to control and own the means of producing that which they transported; because it affords the readiest means of discrimination against those who naturally would compete with the railroads.

We find that that sentiment that would be expressed in principles of public policy has, in the State of Pennsylvania, been embodied in the State constitution; that the constitution of 1873 expressly prohibits railroad companies from engaging directly or indirectly in mining coal; and a subterfuge has been resorted to (for it is a subterfuge, a device, a pretext which, from cases where the matter has been under advisement it is obvious that courts will at once brush aside), they have resorted to this device—to organize a holding company and then own all the capital stock of that company.

He goes on to say:

So we see that these corporations named, by virtue of the geographical situation, by virtue of the fact that they furnish the only means of access to these mines, and by the device of dividing that whole territory, and through the schemes of these subsidiary or holding companies, have the opportunity of creating an absolute monopoly in the production and sale of anthracite coal.

Now, whether that combination exists for these purposes may be very well arrived at preliminarily by consideration of what happened in the earlier attempt to monopolize this coal supply. I refer to the attempt known as the McLoud attempt in 1892, which was an attempt to obtain for the Reading Railroad Company a lease of the Central Railroad Company of New Jersey, and of the Lehigh Valley Railroad Company, thus consolidating under one management over 60 per cent of the total supply of anthracite coal.

In that case Chancellor McGill, of the New Jersey supreme bench, rendered a decision which I here insert, in which he declared that these conditions are intolerable because they are against public policy and public right, and he brushed aside the lease as absolutely worthless, and for a time the people were protected against monopolies.

In one of the New Jersey reports Chancellor McGill said:

There are peculiar features in the transaction now considered that evinces a public danger much more serious than the mere transfer of corporate duties to performance by a foreign corporation. The real lessor and lessee here are extensive producers and carriers of anthracite coal. They constitute two of the six great coal carriers from the coal regions of Pennsylvania to this and adjoining States. It is disclosed that the real lessee has secured the lease of the Lehigh Valley Railroad, and that thereby and by the lease in question it controls three of the six great coal carriers referred to; and also, with the alliance thus formed, now controls, through the instrumentality of coal companies, the capital stock of which these combined carriers own, more than one-half of the anthracite coal fields in Pennsylvania.

Moreover, as an indication of the tendency of the combination, the Attorney-General presents a report by the lessor defendant to its stockholders, in which it congratulates them upon the alliance, which, with the cooperation of other large coal-producing companies, will insure them "greater uniformity in prices of coal" and the "avoidance of needless and expensive competition between producers."

The proofs show that there are localities in this State which formerly had the advantage of competition between these allied roads, but now are subject to the monopoly which this lease affords. It is true the cooperation of the remaining roads, which is necessary to a complete monopoly, has not yet been secured.

It has to-day.

By this lease only one competitor is silenced and only a little more than one-half of the entire coal region is controlled. It is only the second step in the direction of monopoly, the first step being the lease of the Lehigh Valley Railroad. To say that these conditions do not tend to a disastrous monopoly in coal would be an insult to intelligence.

I have here also a letter written in 1892 by William H. Joyce, general freight agent, to S. R. Holden, chairman of the anthracite rate committee of New York, in which a statement is made that the rate committee of the conjoined railroads must conform to an agreement which had been reached, to the effect that the independent coal operators should receive 60 per cent of the selling price at tide water. They had previous to that been getting less; and therefore we have evidence away back yonder of a combination and a monopoly by this coal trust.

APRIL 18, 1892.

DEAR SIR: Referring to the discussion at the recent meeting in New York of the representatives of the anthracite coal carrying companies, at which the question of transportation rates on anthracite coal was considered, I now desire to reiterate the statements I then made.

As you are aware, during the past year the Lehigh Valley Railroad Company, directly or through its coal organization, the Lehigh Valley Coal Company, made with individual operators contract for the purchase of their coal upon a percentage of the prices realized at tide. Other railroad interests transporting coal from the same region have also been transporting coal under the same general or similar arrangements. Lately the Reading Railroad Company, directly or through its coal organization, the Reading Coal

and Iron Company, have effected like arrangements with a number of miners and shippers of anthracite coal, and, as a consequence of these contracts, it became necessary for our road, if it was to retain the product of collieries it has been transporting for a number of years past, to enter into similar arrangements. This change in the manner of dealing with the anthracite coal traffic necessarily requires an adjustment of rates for such transportation upon the basis of contracts to which I have already referred, for the reason that the amount received for the transportation must necessarily be the difference between the percentage agreed to be paid for the coal and the prices for the coal, including freight, realized at destination.

The terms of these contracts have been published repeatedly as being 60 per cent of the selling price at tide for prepared sizes, and at different percentages for sizes lower than prepared. The average price at tide on prepared sizes is now, say, $3.60 per ton, 40 per cent of which, representing the transportation rate, would be $1.44, while our present rate, as you are aware, is $1.70. It is, therefore, necessary for us to name a rate of $1.44 to seaboard at New York, which we will now do. I would further state, however, that if the prices of coal are changed, the transportation rates will be decreased or increased correspondingly, in the same ratio of 40 per cent of the selling price at tide.

Yours, truly,

WILLIAM H. JOYCE,
General Freight Agent Pennsylvania Railroad.

E. R. HOLDEN,
Chairman Anthracite Rate Committee, New York.

We have further here quotations from the report of the Congressional committee made to Congress in 1893, in which the statement appears:

The committee, after a careful investigation, has come to the conclusion that the railroad companies engaged in mining and transporting coal are practically in a combination to control the output and fix the prices which the public pays for this important and necessary article of consumption. The combination is not confined to the Philadelphia and Reading and the Lehigh Valley, but embraces all the railroads connecting the anthracite region with tidewater. There is substantially no competition existing between these companies. The only limitation to their demands is the indisposition on the part of the public to buy their product at an exorbitant price.

That was in reference to the conditions nine years ago. Now Mr. Shearn goes on to ask:

Now what is the situation? The same situation precisely, except that it is more aggravated. They have attempted to get around the law by this subterfuge. They have bought the control of the stock of the Central Railroad of New Jersey. The Reading Company now owns a majority of the stock of the Central Railroad of New Jersey. The officials of the Central Railroad of New Jersey resigned. All of its directors resigned; but we find now in that new order of things the president of the Reading is the president of the Central. The offices are in the same building. The directors are the same men. They are engaged in the same line of business, but there is no more competition between them; and they have accomplished by virtue of the buying up of the stock of the Central the same thing that Chancellor McGill denounced and that the Congressional committee found resulted in a combination in restraint of trade in 1893.

Mr. Shearn goes on to recite many other facts, and I ask permission to insert in my speech any parts of his argument that I may see fit.

The PRESIDING OFFICER (Mr. WELLINGTON in the chair). Does the Senator from South Carolina make that request?

Mr. TILLMAN. I make the request.

The PRESIDING OFFICER. The Senator from South Carolina requests permission to insert in his remarks such portions of the argument of Mr. Shearn as he sees proper. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. TILLMAN. Mr. Shearn goes on, after speaking about the McLoud attempt to secure this monopoly, to recite a more recent attempt, and he tells the story of how the independent operators, in their desperation at being in the grasp of the railroad monopoly, organized an effort to build an independent railroad out of the coal fields so as to reach the markets. He speaks of it as follows:

As the result of the setting aside of this Central Railroad lease in 1893, the Lehigh Valley lease was surrendered, and a period ensued—and as the result of the setting aside of those leases a new plan came into operation and lasted for something like six years, to wit, a community of interests scheme; and during that period the independent operators negotiated with Mr. McLoud, negotiated for the sale of their coal to the coal companies for 60 per cent of the prices that were realized for coal at tide water.

Those contracts were uniform and they were all identical, and under that plan there was a truce for some years, and the business went on without exciting any further comment until the Lexow investigation of 1897 or thereabouts.

During those years the prices of coal were substantially uniform at tide water and were fixed, as has been established by testimony taken before the Industrial Commission last year, at monthly meetings of sales agents of the respective railroads held at the city of New York. These agents got together once a month and agreed upon the prices of coal for the succeeding month and issued their circulars to the trade, and those were the prices; and there was unanimity in the price paid for transportation and unanimty in the prices realized for coal; but no substantial agreement shown between the companies and nothing further shown except a tacit agreement between them.

Those 60 and 40 per cent contracts were, many of them, drawing to a close in 1899 and 1900; and in the year 1899 there was a revolt among the independent producers of coal at the exorbitant prices which the railroad companies demanded for transportation.

As I have said, the producer of coal received only 60 per cent of the prices realized at tide water, and the railroad had 40 per cent; and by reason of the revolt, an organization was effected between the independents and they selected as their representative one E. B. Sturgis and one E. L. Fuller, who lived in the coal-mining region, and who undertook to make a different arrangement for them with the railroads.

Those attempts failed, and in desperation the independents got together and organized an attempt at an independent line from the coal mines to tide water. That railroad was chartered and called the New York, Wyoming and Western; and to show you the strength of that movement, every individual operator pledged his output to that projected railroad.

Well, there was a situation! Competition was about to take place in the sale of anthracite coal. That would of course result in a lessening of the price of coal. What did the combination of railroads do then? They went to work and bought up the chief supporter of this independent movement.

The chief supporter of this independent movement was a firm called Simpson & Watkins. They had some fifteen collieries, with a large output. The companies felt that there would be competition. How could it be stopped? Why, obviously, by going behind the backs of these independents and stealing away their chief supporter. What happened? Simpson & Watkins sold all their collieries and abandoned the enterprise and it died stillborn. To whom did they sell? The coal roads could not trust a sale to be made to any one of them. They did not have such confidence in one another at that time as would allow them to consent to the holding of those collieries by any one railroad company. They could not organize under a new agreement under the laws of any of the States and hold those collieries, because they would run up against the constitutional provision of 1873, that I have alluded to. So they must needs rake up an old charter, the charter of a company which had never accepted the provisions of the Pennsylvania constitution, but which had been formed under the act of 1869, which permitted corporations to loan their credit to mining enterprises. The name of that company was the Temple Iron Company. It was not a coal company at all. It was a little picayune concern that operated a little furnace at Reading. I will show you a photograph of the furnace, and you will see from that the character of the enterprise.

These railroads, these vast railroads, were engaged in the joint attempt to buy it up, and you will wonder what could possibly be the reason for the interest of the railroad companies in this little Temple Iron Company. You will not wonder when I tell you that the way in which they purchased the property of Simpson & Watkins was by the use of stock and bonds of the Temple Iron Company, all secured by a joint agreement between the railroad companies.

Between what railroads? Between these competing railroads, or supposedly competing railroads, the Lehigh Valley Railroad Company, the Central Railroad Company of New Jersey, the Delaware, Lackawanna and Western Railroad Company, the Erie, the New York, Susquehanna and Western, and the Reading Company.

And there, sir—

Laying it on the desk of the Attorney-General—

is one of the bonds issued in pursuance of that scheme—a bond of the denomination of $1,000, bearing on its face this very significant indorsement:

"This bond is entitled to the guarantee as set forth in the agreement dated February 27, 1899, between the Temple Iron Company, Guaranty Trust Company of New York, the Lehigh Valley Railroad Company, the Central Railroad Company of New Jersey, the Delaware, Lackawanna and Western Railroad Company, the Erie Railroad Company, the New York, Susquehanna and Western Railroad Company, and the Reading Company."

Now, the indorsement on the back of the bond, referring to the agreement between these companies, appears to be significant, and the significance is further apparent when we find who the officers and directors of the Temple Iron Company were in 1899 and are to-day.

The directors include the following: George F. Baer, president of the Philadelphia and Reading, and president of the Central of New Jersey—the Reading, as I have stated, controlling 42 per cent of the supply of anthracite coal; another member is Eben B. Thomas, chairman of the Central Railroad of New Jersey, controlling 17 per cent; another is F. D. Underwood, of the Erie, controlling 2.59; William H. Truesdale, president of the Delaware, Lackawanna and Western, controlling 6.55 per cent; Mr. Alfred Walter, president of the Lehigh Valley Railroad Company, controlling 16.87 per cent; Mr. R. M. Olyphant, of the Delaware and Hudson, controlling 2.29 per cent; Thomas P. Fowler, of the New York, Ontario and Western, controlling 0.28 per cent, and Irving A. Stearns, of the Delaware, Susquehanna and Schuylkill, controlling 1.38 per cent.

And so on. Here you have the bond of the trust, indorsed on its back by the constituent partners of the trust, the relative responsibility being the relative holding in coal lands and tonnage shipments, showing the combination, the organization, the monopoly. Mr. Shearn goes on to speak about the agreement of February 27, 1899, under which the Temple Iron Company was organized, and how this arrangement and division and agreement for responsibility came about.

The agreement recites the purchase of the collieries of Simpson & Watkins, and provides for the issue of stock and bonds in payment therefor, and then contains a provision absolutely guaranteeing the dividends upon that capital stock and guaranteeing the payment of the principal and interest on those bonds in a certain proportion, and I beg to call your attention to the proportion because it is a most significant part of this contract.

He goes on to give the percentages, which are the relative percentages so often mentioned here as to the relative ownership and tonnage. He says:

That is not the only agreement that was executed at that time. There was also a general agreement executed by all those railroad companies, a copy of which I have here, and another syndicate agreement providing for the holding of the stock that was issued to Simpson & Watkins in payment for those mines in trust by the Guaranty Trust Company, and the issuing to Simpson & Watkins and others of certificates of a beneficial interest in those shares; and thus you see that we have here the old form of trust. We have the stock of this corporation, which is the right arm of the combination and which carries out its decrees, held in trust by the Guaranty Trust Company and the Guaranty Trust Company issuing certificates of a beneficial interest therein. I have exact copies of each of those contracts. The terms of the two latter contracts in detail I can not state at this time, because the contracts were given to me by United States District Attorney Burnett, who procured them at my suggestion from the Guaranty Trust Company.

Mr. Shearn did not want to show that part of the Government's hand which District Attorney Burnett had been instrumental in securing or the information upon which the district attorney was acting.

Further, he says:

Now, then, there is a case complete when you consider these three elements of it:

First. The opportunity for a combination, which I have discussed at great length.

Second. The fact that in 1899 competition was threatened; that Simpson & Watkins were parties to a scheme which, if successful, would result in competition.

Third. Eliminate Simpson & Watkins and eliminate all competition. How? By a joint agreement of these railroad companies.

And there, sir, is as complete a case against a trust, a combination, and monopoly as has ever been presented in any court—an absolute monopoly of source of supply, competition threatened, the throttling of competition by the purchase of the threatening competitors, paying for their properties with stock and bonds unitedly guaranteed by these companies.

We could rest our case and rest any case, civil or criminal, on the evidence furnished by that bond and by these facts.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. TILLMAN. With pleasure.

Mr. CULBERSON. I have not heard the entire argument of the Senator from South Carolina this morning, and I should like to ask him if the paper from which he is reading shows that there was not only a combination as to the mining of coal, but as to its transportation, directly or indirectly, into other States than Pennsylvania?

Mr. TILLMAN. Mr. President, the story of the absorption of the anthracite coal fields by the various railroads entering into it is a long one, and I am not entirely familiar with all the details or even any considerable number of them. But there are documents in this Capitol that go to show that this trust, this monopoly, began its work of absorption and control of the coal fields thirty or forty years ago, or even at an earlier date than that; that they have by contracts and agreements among themselves always maintained more or less of a combination which throttled competition; that the only bar to their absolute monopoly was the ownership of mines by independent operators; that these independent operators have in the last few years been brought to the verge of bankruptcy and despair, to the point where their mines were worthless because of the control of the means of transportation by these roads; that these roads have therefore forced on the operators contracts which give them absolute control of the output of nearly every independent operator at a fixed rate or price of 60 per cent to the operator and 40 per cent to the railroad transporting the product; that the combination of railroads themselves own the stock in the so-called coal-mining companies absolutely, and that these coal-mining companies and railroad companies are synonymous; that there is no difference in the ownership of stock; that when the board of directors of the railroad company meets and adjourns they can call a meeting of the board of directors of the coal-mining company and not another man will come in and not a man will go out.

Those are the facts, and these roads are necessarily engaged in interstate commerce because their product is not entirely consumed in Pennsylvania, but is sent broadcast all over the Northeastern part of the country and all over the Southern and Western parts where anthracite coal is consumed. Have I answered the Senator from Texas?

Mr. CULBERSON. I think so.

Mr. TILLMAN. Mr. Shearn says:

There are many other significant facts that go to fortify the impregnable position that we have taken in reference to these contracts. What are they? You observe what they have done in the case of these independent operators. There were some who were left in the lurch when Simpson & Watkins got under cover of the Temple Iron Company. Among them was the Pennsylvania Coal Company, a large factor in the anthracite coal situation, and among them were some fifteen or twenty other independent operators, whose output together was no inconsiderable factor.

They could not remain content under those old contracts of 60 and 40 per cent, and they resolved that they would carry out what had been earlier attempted; and therefore the Pennsylvania Coal Company met a representative, Mr. Fuller, representing all those remaining independent coal miners, "and entered into an arrangement with them whereby they all pledged their output to the Pannsylvania Coal Company if the Pennsylvania Coal Company would build a road to tidewater. That the Pennsylvania Coal Company undertook to do, and the result of that would have been competition in the supply of coal to the city of New York."

When there is competition in supplying the city of New York there is competition throughout the Eastern part of the country. I am only reading from the argument made before the attorney-general of the State of New York, and therefore this appears.

Mr. Shearn goes on:

How was that undertaken? I may say that I will submit to you contracts between the Pennsylvania Coal Company and these independent operators.

There was a route available for them—the bed of the old Delaware and Hudson Canal. They surreptitiously went to work, as they had to do—you have to work in the dark and under cover against a combination like this—and got Mr. Cuykendall, at Rondout, to secure terminal facilities there, and went to work and obtained rights of way along the old canal; and, having procured the terminal and rights of way, they applied for a charter to the State board of railroad commissioners.

What happened there? A significant fact—the railroad companies lined up in opposition to this charter, a charter that would result in competition.

The railroads fought it, but the railroad commission granted the charter. Then they carried it into the courts, and the supreme court of New York sustained it, and therefore they were at liberty to build their road. And then what happened?

There were the independents again in a position to make competition possible and available to the people of the State of New York; and the Pennsylvania Coal Company ordered 7,000 tons of rails and got ready to lay down this road, and then what happened? Mr. J. P. Morgan loomed up on the scene. He was, curiously enough, one of the three voting trustees of the Reading Company's stock, which controlled not only the Reading, but the Central Railroad of New Jersey. Mr. Morgan was also chairman and one of the three members of the voting trust of the Erie Railroad Company. Those three companies together controlled 63 per cent of the coal trade.

Mr. Morgan stepped in and did just what the combination had done the year before with Simpson & Watkins. He bought out the Pennsylvania Coal Company and transferred it, at a profit to himself of $3,400,000, to the Erie Railroad Company, and that was completed in January, 1901, and coincident with that the Reading Company bought the capital stock of the Central Railroad Company of New Jersey.

And there you are. In January, 1901, with the last effort at independence blotted out and with the supply of coal and the business of coal carrying and coal selling in the hands of the Reading, the Delaware, Lackawanna and Western, the Central Railroad of New Jersey, the Lehigh Valley, and the Erie, with the Delaware and Hudson trailing on.

That was the situation in 1901, said Mr. Shearn.

Right here I will call attention to the fact which I stated yesterday evening—I can not repeat it too often—that I am informed that during these active years, when the coal trust was completing its process of encircling and throttling and destroying and swallowing its competitors, Mr. Griggs, the Attorney-General, whose duty it was to stop it—who must have been in possession of full information, because he could hardly help it, because he had been the attorney of the combination when he went into the Attorney-General's office—did absolutely nothing.

Mr. Shearn goes on to relate that the few remaining operators, thwarted twice in their efforts to get transportation facilities, were face to face with a hopeless situation and they therefore accepted the conditions offered by the railroads to enter into contracts giving the railroads full power and control to manipulate the output of their mines. Here is one of the clauses of the contract which the railroads forced these people to sign:

First. The seller hereby sells, and agrees to deliver on cars at breaker to the buyer (the railroad company), all the anthracite coal hereafter mined from any of its mines now open or operated, or which it may hereafter open or operate on the premises intended to be covered by this contract, and any which shall be reclaimed from culm banks on such premises, as follows: Shipment to be made from time to time as called for by the buyer. The quantity to be ordered monthly shall be a just proportion of the entire quantity of coal agreed to be purchased by the buyer, measured by the colliery capacity of the respective sellers.

In other words, the miner of coal turns over for all time to the railroad company the entire output of his mine, puts it into their absolute control; and what do they agree to buy of him? Not his entire product, but a just proportion, measured by the capacity of his colliery, and taken into consideration with the entire amount agreed by the railroad companies to be purchased.

In other words, if the railroad companies wish to curtail the supply of coal, get it down from 60,000,000 to 40,000,000, the independent producer is obliged, by force of these contracts, to have the proportion of coal taken out of his mines allotted in precisely the proportion which the railroad companies decide to cut down the price of coal.

So there, if your honor please, you see that there are in addition to these written contracts of guaranty of the bonds of the Temple Iron Company, and to the other contracts made at the same time to which I have adverted, common contracts, identical in terms, executed by these various railroad companies with producers of coal, which, on their face, are in restraint of trade, because they make it possible for the purchaser to determine absolutely the amount which shall be taken out of each mine. The man who owns coal and mines it has nothing whatever to say about it. Cut the supply of coal down one-half, if you please, in order to raise prices, and the independent producer must have his independent output diminished one-half. He is a slave to this system, and those contracts on their face are in direct violation of the antimonopoly law of this State.

And yet we want more law; we have not enough; we can not do anything; the Attorney-General is powerless and helpless, he says. Mr. Shearn goes on to pile up evidence, evidence on top of evidence, to show the combination, furnishing the circulars of the Reading Company, the incubator. He speaks about the great amount of profit there was in the deal for Simpson & Watkins, all of which I will insert.

Now, when we arrive at that stage, what situation appears? Why, not only that they are acting in concert and combination, by reason of their control of the Temple Iron Company, and by reason of these agreements; that they maintain a common price for the purchase of coal, a common rate for the transportation of coal, and the only thing needed to make a monopoly plain and complete and obvious to the eyes of all is the result on prices; and we find that during this period prices were maintained that were uniform. That is admitted in every answer that is filed here before you to-day.

I have procured copies of the price circulars issued by some of the railroads, and it is significant, too, that the circular issued on March 1, 1901, which, as you see, was immediately after this new contract went into effect—immediately after this conference in New York and immediately after the killing of the independent movement by the purchase of the Pennsylvania Coal Company—is headed "Circular No. 1" for each of these different companies, and the price as given by these circulars thereafter was uniform.

The ATTORNEY-GENERAL. You claim the independent movement was killed. You mean it sold out—as fast as they formed independent companies they sold out.

Mr. SHEARN. The backbone of it sold out. In every case the party on whom the main financial reliance was placed sold out. Simpson & Watkins, for instance, had a great big output; they were important, and sold out.

The next time competition showed up the Pennsylvania Coal Company was the backbone of it—they possessed capital. That property was sold for $22,000,000; they left in their treasury $14,000,000 in cash. There was a great big force to be dealt with, and if the movement succeeded there would be competition in the State of New York, and they bought out the backbone of that, leaving a few independents.

There are still a few independents; there are perhaps a dozen men who say that they are independent to-day. But how are they independent? They can't get their coal to tide water unless these railroads will carry it. The railroads are obliged to carry their coal or their charters would be forfeited; but the railroads fixed the price and the price they fixed is 35 and 65; that is, the rate of 35 per cent.

Bear with me one moment in answer to the inquiry which I think is in your

mind right there. Put yourself in the position of an independent miner of coal. You have an output and you wish to sell it, but you do not wish to sacrifice your manhood and independence. You propose to sell your coal in New York yourself. You take your coal to the railroad company and it accepts it and brings it to New York and charges you, not a rate of so much per ton per mile, but a rate based upon the price which coal is bringing at tide water, to wit, 35 per cent of the price that is prevailing at tide water, which, by the way, is from two to two and one-half times the freight rate for bituminous coal.

Now you pay that 35 per cent, but the answer is, "Yes, but so do all the other coal companies pay 35 per cent. The bookkeeping charge is made against the Reading Coal and Iron Company of 35 per cent by the Central of New Jersey, against the Lehigh and Wilkesbarre of 35 per cent, and that rate is common and uniform." Is it?

That 35 per cent at tide water includes the cost of demurrage at the docks and includes the cost of selling coal in New York, which has been estimated to amount on an average to 5 per cent. So there, if you wish to sell your own coal in New York yourself, if you wish to remain independent, you have got to pay to the railroad 35 per cent of the price your coal brings at tide water for mere transportation, and you have got to stand the expense of 5 per cent in addition for demurrage at tide water and for the cost of selling.

Therefore, a club is held over the head of every independent. He gets 5 per cent more of the price of coal at tide water by selling his coal to the railroad company at the breaker instead of bringing it to tide water; and how independence can be expected to be maintained under such an arrangement it is hard to see. There are, as I say, a few hard-headed owners left; for instance, John C. Haddock, who, it is said, has pocketed thousands of dollars of losses year in and year out because he refused to sell his manhood and independence to the coal roads.

Now, as I say, the answers of these corporations admit, by not denying, that the prices at tide water are uniform. It is a fact; the circulars will establish it; and not only do the circulars show a community of price on their face, but, curiously enough, each circular has at the bottom a statement of discount that is allowed; and for the month of March, say circular No. 1, it will show a discount of 40 cents a ton.

By some marvelous coincidence, if you would believe the answers of these defendants, every other railroad company's circular shows a discount of 40 cents from the face price for that month. The next month there will be a discount of 35. All show 35.

Here are circulars, bear in mind, that all come out within twenty-four hours of each other. In order to throw dust in the eyes of the public one circular will be dated the 31st day of March and the other the 1st of April, so they don't appear on the same day, but within twenty-four hours of each other, every one bearing the same discount, month in and month out.

Now, then, I say that where you have the control of the supply in their hands, which is admitted by these answers; where you have the means of transportation absolutely in their hands, which is admitted by all these answers; where you have a common price for the purchase of coal maintained by all these companies, which is admitted in these answers; where you have a common form of contract for transportation, which is admitted in these answers, and where you have at the city of New York a common price for coal——

Mr. WILLCOX (interrupting). You don't mean to say that that contract—that we have ever made any such contract, or that Mr. Hough's client ever made any such contract?

Mr. HOUGH. I suppose the contracts he has mentioned will speak for themselves. The Pennsylvania never made any such contract.

Mr. SHEARN. I do maintain, and I do believe it can be established to your satisfaction, that even the railroads that are not parties to the Temple Iron Company agreement, to wit, the Delaware and Hudson Company and the Pennsylvania Railroad Company, which, curiously enough, are the only ones that appear in answer to this petition to-day, maintain the same rate for the transportation of coal, and that it is based upon prices prevailing at the destination, that they charge the same rate per ton per mile that these other corporations do, and the letter of the traffic manager of the Pennsylvania Company that I read showed that they agreed to do that back in 1892, and that they have been doing it within the past two years, the testimony before the Industrial Commission, if you choose to read it, will satisfy your mind amply.

Mr. WILLCOX. I think you are wandering away from what I suggested to you. You have stated that contracts of this character have been made by all the parties. I think you are in error, because our answer does not admit anything of the kind, and there is no such fact. In regard to freight rates, the interstate-commerce act forces the railroads to charge the same freight rate. There is no mystery about that.

Mr. SHEARN. There is no mystery about it at all.

Mr. WILLCOX. They all have to charge the same rates between the same points. That is what the commerce act is meant to do, to stop competition. These are questions principally of interstate commerce that you have been arguing. Excuse my interrupting you.

Mr. SHEARN. With great respect, Mr. Willcox, I maintain that the existence of these contracts—that the prevalence of that same rate, and the fact that it was arrived at and fixed upon by the representatives of these companies, other than your company and the Pennsylvania Railroad Company—furnishes significant evidence of a concert and combination between these companies.

I do not say that it is illegal for these railroad companies to maintain the same rate of freight from a given point to a given point, but I do say it is illegal for them to get together and agree to do it as the price of people giving up their independence, as the price of stifling competition.

Mr. WILLCOX. That would be a question under the head of Federal jurisdiction, wouldn't it?

Mr. SHEARN. I don't think it would. This matter has already come under the Federal jurisdiction on this same state of facts, but justice can be measured out in the State of New York and by the Federal Government according to the facts in each particular case.

But the existence of these contracts entered into in the manner and at the time I have stated to you and for the purpose, as the evidence all shows, for the purpose of eliminating this threatened competion of the independents, is significant evidence of the existence of concert and combination between them—if any were needed—after we put in evidence contracts jointly executed by them, all identical; or, if any were needed, after we show that there is a common price of coal at tide water—or, if any is needed after we show that they have absolutely in their control the whole source of supply of coal, and they alone have the means of transporting it to market.

Now, what the purpose of this organization is, of this combination, may be arrived at from all the sources to which I have adverted. The testimony of some of the members of it—for instance, Mr. Thomas, the chairman of the Erie—testified before the Industrial Commission that the greatest danger that the public have to apprehend is from unrestrained and unrestricted competition.

In explaining the part that he and his road had taken in this gigantic scheme, and as an apology for it, he tells that Commission that the greatest danger that the public has to fear is from unrestrained and unrestricted competition.

Now, if he believed that that was the danger, if that was something that he was trying to avoid because it was a danger, it is a significant fact in aiding you to arrive at the purpose of these corporations in this concerted action.

Now, just a few words more (I have trespassed a great deal upon your time). That is the situation as far as the facts are concerned. What is the law? The law governing these proceedings and governing these facts is perfectly well settled.

In the first place, no possible argument can be raised now to discourage you from entertaining this proceeding because of the possible unconstitutionality of this law, because you yourself have fought that question out in the ice-trust case and carried it successfully through to the highest courts in this State, and the procedure has been determined upon as constitutional and the act has been held to be constitutional, and nothing is to be feared in that direction.

Whether these facts constitute a combination with the law, eliminating the Temple Iron Company agreement (because there can be no doubt about that at all, that is sufficient for one proceeding), but bearing upon all these corporations, for instance, Mr. Willcox's and Mr. Hough's clients, who have not been shown to have actually participated in or signed that Temple Iron Company agreement—where similar instances have been before the courts—in the case of Arnot *v.* Pittson and Elmira Coal Company (68 N. Y., 558), what was said by the court there is very apt and pertinent here, it seems to me.

"Every producer or vender of coal or other commodities has the right to use all legitimate efforts to obtain the best price for the article in which he deals. But when he endeavors to artificially enhance prices by suppressing or keeping out of market the product of others (bear in mind that language in connection with the purchase of Simpson & Watkins) and to accomplish that purpose by means of contracts binding them to withhold their supply (as these contracts do) such arrangements are even more mischievous than combinations not to sell under an agreed price. Combinations of that character have been held to be against public policy and illegal. If they should be sustained the prices of articles of pure necessity, such as coal, flour, and other indispensable commodities, might be artificially raised to a ruinous extent far exceeding any naturally resulting from the proportion between supply and demand. No illustration of the mischief of such contracts is perhaps more apt than a monopoly of anthracite coal, the region of the production of which is known to be limited."

Now, then, take the case of the Morris Run Coal Company *v.* Barclay Coal Company, in the supreme court of Pennsylvania, which Attorney-General Knox discussed last night in his great speech on this general question.

The court says: "The important fact is that these companies control this immense coal field (this referred to bituminous only); that is the great source of supply of bituminous coal to the State of New York and large territories westward; that by this contract they control the price of coal in this extensive market and make it bring sums it would not command if left to the natural laws of trade; that it concerns an article of prime necessity for many uses; that its operation is general in this large region, and affects all who use coal as a fuel, and this is accomplished by a combination of all the companies engaged in this branch of business in the large region where they operate. The combination is wide in scope, general in its influence, and injurious in effects. These being its features the contract is against public policy, illegal and therefore void.

He speaks here of the meeting of the board of directors of the Temple Iron Company, this humbug, this sham, which they created, or which they bought, for it existed prior to the adoption of the last constitution of Pennsylvania, and in the answers they admit nearly all of the allegations of fact, but deny that there is any cooperation or combination. The Temple Company when it meets is composed of the presidents of the coal roads.

I recall a time in my political career when a somewhat similar condition of affairs existed in South Carolina. The Alliance was very strong in my State and in our State matters, because we had no difference of opinion or fight over the national attitude of the Democratic party, the Alliance would be called to meet in a certain place on a certain day and at a certain hour. The Democratic club of that precinct would be assembled an hour and a half later by notice. The Alliance would meet in secret and promulgate among its own members the policy to be followed by the Democratic party in that precinct. The Alliance would adjourn. Nobody would know what it had done.

The Democratic club would meet, and its resolutions would be passed or its delegates elected or whatever it would want to do was performed; and yet everybody, at least those who cared to talk about it, was proclaiming that the Alliance was not in politics, could not engage in it, and that it did not. But when the "Alliance" and the "Democracy" were synonymous, as they were in that instance, you can readily see that there was some humbuggery in the contention. And when the presidents of the coal roads, who are the presidents of the coal-mining companies, owned by the roads, meet as directors of the Temple Iron Company, which is immune from the Pennsylvania constitution forbidding railroads from engaging in mining, the contention is put forth that the Temple Iron Company is not engaged in any monopoly and therefore the railroads are not combined, but that they merely "exchange statistical information," and so on.

I do not think it worth while to read any further, or to present any additional facts along the line of proof that Mr. Hearst offered, except a statement here made by Mr. Shearn in his argument before the attorney-general of New York, that a similar statement of facts, with the evidence, had been presented to the attorney-general of New York; and Mr. Hearst says that he had furnished proofs and made petition to that district attorney to move, under the instructions of the attorney-general, to stop this monopoly from its hellish work.

Now, then, what do we find? To my mind a conclusive case is

made. The evidence and the facts are unanswerable. The law is plain. I yesterday quoted and cited the sections of the antitrust act which would apply. I have before me, in relation to trusts and monopolies, a clipping from the opinion of the Supreme Court in the Addyston pipe case:

Total suppression of the trade in the commodity is not necessary in order to render the combination one in restraint of trade. It is the effect of the combination in limiting and restricting the right of each of the members to transact business in the ordinary way, as well as its effect upon the volume or extent of the dealing in the commodity, that is regarded.

I can pile up opinions here, in the Trans-Missouri Traffic Association case, even in the Knight case in New Jersey, where the sugar trust was indicted and was not punished or restrained because of the fact that the evidence before the court only showed the manufacture. But the opinion of the Chief Justice of the Supreme Court (I believe it was Mr. Fuller who rendered the opinion) is replete with arguments going to show why if so and so had been so and so the court would have been compelled to act. The law is too plain for anybody to dispute it. But I have a case in point to which I wish to allude which is especially pregnant. I allude to the Debs case. As I understand the facts in that case, the American Railroad Union, composed of about 150,000 men, became involved in a strike because of the difference between the Pullman Car Company and its employees.

A general strike was ordered on all the roads entering Chicago unless they ceased to haul Pullman cars, which they refused to do. Trade was paralyzed; riots followed; men were shot; things were in a very critical and dangerous condition; the mails were stopped.

An appeal was made to Judge Woods for relief. Who made that appeal? The railroads, of course. Then Edwin Walker, the attorney for the general managers of the trunk lines entering Chicago, was employed by the Department of Justice to aid and assist the district attorney in filing the complaint and obtaining from Judge Woods, of the circuit court, an injunction. I have that injunction here.

Mr. President, as my time is limited to 2 o'clock, and the Senator from Ohio [Mr. FORAKER] is very anxious to go on and I am very anxious to complete my remarks, I will simply ask to have the Debs injunction printed as a part of my speech, as though I read it right now. I was prepared to read it and to comment on it and refresh my own mind as to what it contains, but I will state, in general, that it enjoins Eugene Debs and some thirty or forty others, "and all persons whomsoever," from doing thirty or forty things which would be an obstruction of commerce and an obstruction of railroad trains carrying the mails.

The troops were sent to Chicago to back up the court, notwithstanding Governor Altgeld contended that he was master of the situation.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield?

Mr. TILLMAN. With pleasure.

Mr. BEVERIDGE. Does the Senator impugn the motives of Judge Woods in issuing that injunction?

Mr. TILLMAN. Now, if Judge Woods is one of your constituents, I do not think you need to fret about what I am going to say.

Mr. BEVERIDGE. He is not now. He is not now alive. His memory, however, is precious to me, as it is to all the people of Indiana. I understood the Senator to reflect somewhat harshly upon the injunction, upon which I am not going to have any debate with the Senator, but I am sure the Senator did not mean to be understood as impugning the motives of that distinguished jurist, however much he might differ from the conclusions he reached; and I rose merely to call the Senator's attention to that, in order that he might not be misunderstood.

Mr. TILLMAN. The Senator is entirely wrong in imagining that I had any purpose of criticising Judge Woods in any angry or contemptuous way.

Mr. BEVERIDGE. I thought not.

Mr. TILLMAN. But I did not know that he was dead, and I am glad to be informed of it, because if I had had any such purpose, long since among the little Latin I learned was a phrase that I have considered of great use and benefit to me—De mortuis nil nisi bonum.

Mr. SPOONER. He does not need that protection.

Mr. BEVERIDGE. If the Senator is satisfied to take that attitude, I am satisfied to have him take it.

Mr. TILLMAN. Here, again, my friend from Wisconsin wants to leap into the arena, and he says that Judge Woods does not need that protection. I did not even intimate that he did need it, because, as I said a little while ago, I have no purpose to deal with Judge Woods in any critical spirit. He did go very, very far, very far beyond anything that had ever been contemplated by any American judge before, and he labored very ably in his opinion to find justification for his action, and law for it, in laying it on the antitrust act as a conspiracy and a combination in restraint of commerce among these railroad employees. I will put his opinion, or that part of it to which I alluded, in my speech, when it is printed. It is as follows:

It is therefore the privilege and duty of the court, uncontrolled by considerations drawn from other sources, to find the meaning of the statute in the terms of its provisions, interpreted by the settled rules of construction. That the original design to suppress trusts and monopolies created by contract or combination in the form of trust, which of course would be of a "contractual character," was adhered to, is clear; but it is equally clear that a further and more comprehensive purpose came to be entertained, and was embodied in the final form of the enactment. Combinations are condemned, not only when they take the form of trusts, but in whatever form found, if they be in restraint of trade. That is the effect of the words "or otherwise." It may be that those words should be deemed to include only forms of like character; that is to say, some form of contract as distinguished from tort; but if that be so, it only emphasizes and makes imperative the inference, which otherwise it seems to me would be sufficiently clear, that the word "conspiracy" should be interpreted independently of the preceding words. It is hardly to be believed that the words "or otherwise" were used simply for the purpose of giving fuller scope to the antecedent words "contract" and "combination," and then "conspiracy" added merely for the same purpose. Construed literally, the terms used in the body of this act forbid all contracts or combinations in restraint of trade or commerce, but that construction is controlled by the title, which shows that only unlawful restraints were intended. But what constitutes an unlawful restraint is not defined, and, under the familiar rule that such Federal enactments will be interpreted by the light of the common law, I have no doubt but that this statute, in so far as it is directed against contracts or combinations in the form of trusts, or in any form of a "contractual character," should be limited to contracts and combinations such, in their general characteristics, as the courts have declared unlawful. But to put any such limitation upon the word "conspiracy" is neither necessary nor, as I think, permissible. To do so would deprive the word, as here used, of all significance. It is a word whose meaning is quite as well established in the law as the meaning of the phrase "in restraint of trade" when used—as commonly, if not universally, that phrase has been used—in reference to contracts. A conspiracy, to be sure, consists in an agreement to do something; but in the sense of the law, and therefore in the sense of this statute, it must be an agreement between two or more to do by concerted action something criminal or unlawful, or it may be to do something lawful by criminal or unlawful means. A conspiracy, therefore, is in itself unlawful, and, in so far as this statute is directed against conspiracies in restraint of trade among the several States, it is not necessary to look for the illegality of the offense in the kind of restraint proposed; and, since it would be unnecessary, it would be illogical to conclude that only conspiracies which are founded upon, or are intended to be accomplished by means of, contracts or combinations in restraint of trade, are within the purview of the act. It would be to make tautologous words which have distinctly different meanings, and to deprive the statute in a large measure of its just and needful scope. Any proposed restraint of trade, though it be in itself innocent, if it is to be accomplished by conspiracy, is unlawful. A distinction has been suggested between the phrase "in restraint of trade" and the phrases "to injure trade" and "to restrain trade." Though perceptible, the distinction does not seem to me so significant that the use of one expression rather than the other should vary the interpretation of this statute. Any contract, combination, or conspiracy to be "in restraint of trade" must involve the use of means of which the effect is "to injure" or "to restrain" trade. A contract, combination, or conspiracy in restraint of trade is therefore a contract, combination, or conspiracy to restrain or to injure trade. It would not, I suppose, be enough in an indictment to charge conspiracy in restraint of trade in the language of the statute, but it would be necessary, unless the proposed restraint be shown to be in itself unlawful, to allege the illegal means intended to be used in order to effect the restraint; and whether the means should be averred to have been used "in restraint of" or "to restrain" trade could hardly be important. There are many cases, doubtless, in which the rule that every word of a statute should be given effect is inapplicable, because when synonymous words are used the court is powerless to give them different meanings, but when words of different significance are employed the rule forbids that the scope of the statute be compressed within the limits of the narrower word.

The injunction in the Debs case, which is one of the most remarkable documents in our jurisprudence and the forerunner of many instruments of that kind, is given in full. Judge Woods here set the pace, and judges, both Federal and State, have been not slow to reach out in the exercise of power, so that "government by injunction" has become a phrase in our politics, about which there has been and will continue to be angry discussion.

UNITED STATES CIRCUIT COURT, DISTRICT OF INDIANA.

The President of the United States of America to Eugene V. Debs, George Howard, Charles C. Clark, J. W. Mann, Denis J. Wren, W. Carroll, Judson Lamphier, T. S. Griffy, J. R. Church, Orey W. Fishback, A. C. McKelvey, C. C. Arnold, Peter Hughes, J. M. Jackson, L. R. Kirkpatrick, R. A. Robuck, Albert Rachwitz, W. P. Shackle, R. W. Underhill, W. H. Whitaker, J. H. Walters, W. H. Lesorr, Charles T. Fate, Leo S. Harding, L. N. Mellon, D. Mitchell, John Buck, —— Moriarty, L. F. Hawkins, H. B. Shaler, R. W. Sproston, W. H. Hamilton, J. K. Smith, F. P. Baily, H. Pence, Charles W. Shaw, William Mack, Joseph Mullinix, Harry Webber, D. J. Mett, Elmer Stoddard, W. C. Middaugh, T. H. Middaugh, Joseph Tobler, William Myers, William Ostermeyer, A. Wilkerson, William Young, J. T. Brennan, J. L. Vancamp, and the American Railway Union, and all other persons combining and conspiring with them, and to all other persons whomsoever:

You are hereby restrained, commanded, and enjoined absolutely to desist and refrain from in any way or manner interfering with, hindering, obstructing, or stopping any of the business of any of the following-named railroads:

The Pittsburg, Cincinnati, Chicago and St. Louis Railway,
The Pennsylvania Company,
The Terre Haute and Indianapolis Railway,
The Cleveland, Cincinnati, Chicago and St. Louis Railway,
The Lake Erie and Western Railway,
The Louisville, New Albany and Chicago Railway,
The Cincinnati, Hamilton and Indianapolis Railway,
The Evansville and Terre Haute Railway,
The Terre Haute and Logansport Railway,
The Wabash Railway,
The Lake Shore and Michigan Southern Railway,

The Michigan Central Railway,
The Chicago and Erie Railway,
The Baltimore and Ohio Southwestern Railway,
The Indianapolis Union Railway,
The Belt Railroad and Stock Yards Company,
The Grand Rapids and Indiana Railroad,
The New York, Chicago and St. Louis Railroad,
The Chicago and Eastern Illinois Railroad,
The Indianapolis, Decatur and Western Railway,
The Baltimore and Ohio and Chicago Railway,
The Chicago and Grand Trunk Railway,
The Louisville and Nashville Railroad,

As common carriers of passengers and freight between or among any States of the United States, and from in any way interfering with, hindering, obstructing, or stopping any mail trains, express trains, whether freight or passenger, engaged in interstate commerce, or carrying passengers or freight between or among the States, and from in any manner interfering with, hindering, or stopping any trains carrying the mail, and from in any manner interfering with, hindering, obstructing, or stopping any engines, cars, or rolling stock of any of said companies engaged in interstate commerce, or in connection with the carriage of passengers or freight between or among the States; and from in any manner interfering with, injuring, or destroying any of the property of any of said railroads engaged in or for the purposes of, or in connection with, interstate commerce, or the carriage of the mails of the United States or the transportation of passengers or freight between or among the States; and from entering upon the grounds or premises of any of said railroads for the purpose of interfering with, hindering, obstructing, or stopping any of said mail trains, passenger or freight trains engaged in interstate commerce, or in the transportation of passengers or freight between or among the States; or for the purpose of interfering with, injuring, or destroying any of said property so engaged in or used in connection with interstate commerce, or the transportation of passengers or property between or among the States; and from injuring or destroying any part of the tracks, roadbed, or road, or permanent structures of said railroads; and from injuring, destroying, or in any way interfering with any of the signals or switches of any of said railroads; and from displacing or extinguishing any of the signals of any of said railroads, and from spiking, locking, or in any manner fastening any of the switches of any of said railroads, and from uncoupling or in any way hampering or obstructing the control by any of said railroads or any of the cars, engines, or parts of trains of any of said railroads engaged in interstate commerce or in the transportation of passengers or freght between or among the States, or engaged in carrying any of the mails of the United States; and from compelling or inducing, or attempting to compel or induce, by threats, intimidation, persuasion, force, or violence, any of the employees of any of said railroads to refuse or fail to perform any of their duties as employees of any of said railroads in connection with the interstate business or commerce of such railroads, or the carriage of the United States mail by such railroads, or the transportation of passengers or property between or among the States; and from compelling or inducing, or attempting to compel or induce, by threats, intimidation, force, or violence, any of the employees of said railroads who are employed by such railroads and engaged in its service in the conduct of interstate business, or in the operation of any of its trains carrying the mail of the United States, or doing interstate business, or the transportation of passengers and freight between and among the States, to leave the service of such railroads, and from preventing any persons whatever, by threats, intimidation, force, or violence, from entering the service of any of said railroads and doing the work thereof, in the carrying of the mails of the United States or the transportation of passengers and freight between or among the States; and from doing any act whatever in furtherance of any conspiracy or combination to restrain either of said railroad companies in the free and unhindered control and handling of interstate commerce over the lines of said railroads, and of transportation of persons and freight between and among the States; and from ordering, directing, aiding, assisting, or abetting, in any manner whatever, any person or persons to commit any or either of the acts aforesaid.

The only reason I have said what I have about Judge Woods or brought the Debs injunction into this discussion was to point to the difference in the action of our Department of Justice in dealing with men and its action in dealing with property. When the injunction was issued, covering everything, because it has been called a blanket injunction, embracing not only Debs but everybody who might by possibility be chargeable with disobeying it, Judge Woods followed it up, at the instance of the attorney of the railroads who had been employed by the Government of the United States, by arresting the so-called conspirators, by putting them into jail, and in the final adjustment of the case by imprisoning them for contempt.

If Judge Woods was justifiable, as the Senators would have us suppose, and for the purposes I am contending for I am ready to acknowledge that he was, in putting the machinery of the law in motion to suppress a combination of laborers who were interfering with interstate commerce, I ask in the name of justice and common sense how it is and why it is that the machinery which shall drive the poor man into submission falls powerless and is paralyzed when a big thief or a big culprit or a big conspirator is involved?

Why is J. Pierpont Morgan any more immune with his co-conspirators from the proceedings of our courts of justice than Eugene Debs if he is guilty of the same offense? Some men will say he is too rich; that he hires too many able lawyers; that he has a sanctity thrown around his person by owning so many millions; that nobody knows how many he owns, and that to imprison such a man as that would cause the stars to get out of their courses and the sun to stand still, or something like that.

But whatever be the cause, I have pointed out one reason, for my judgment, why things are as they are; that the district attorneys are hampered by the law and the influences which obtain at the other end of the avenue and in the Department of Justice are altogether plutocratic, altogether subservient to wealth and capital, indifferent to the sufferings of the poor, and as long as the poor, besotted, benighted, ignorant slaves, the voters, continue to put such people in power, then, so help me God, I hope you will grind them to powder! Screw down your taps, like the nobility of France did before the French revolution! Let the Attorney-General contend, as he does in his argument or in his presentation to the Judiciary Committee, that a monopoly once completed and in full possession of the field is no longer amenable to law; that it does not break any law after it has been able to get full possession and there are no competitors.

Let it be understood that the franchises and privileges of such men are immune from prosecution, that the men are immune from punishment, that no longer anyone who is worth several million dollars or can have fifty or one hundred million dollars at his back is to be brought into our courts, but that the courts are only for the poor and the laborers, and you will, in my judgment, be laying the foundations for a condition of affairs in the near future at which in some miserable period of poverty and hard times and inability to obtain work and opportunities to earn a living you will be face to face with hundreds of thousands of hungry men who will disobey not only your injunctions, but will be ready to take up arms to defend their rights and to have that equality of the law which our Constitution guarantees and which our courts are here to enforce.

People will ask me or will want to know how it is and why it is that I mention the President. The President is simply the man who appointed Mr. Knox. He is the boss of Knox. He orders Knox, he commands Knox, and, therefore, if Knox is responsible, he has either misled President Roosevelt or somebody else has misled him, and therefore primarily the President is responsible, or secondarily he is responsible, while Knox is primarily responsible. You can take choice of either horn of the dilemma.

I am too much pressed for time to do any summing up or attempt a review of the law and the facts. There is not much need, but still I would have been glad to have pointed out some of the, to my mind, unanswerable reasons for my contention, that we have law enough already. All we need is honest and incorruptible officials to enforce it.

I ask permission to print anything in the way of documents or connecting explanation I may care to insert. I will not abuse the privilege as was done once before by indulging in anything that I would not say here.

The PRESIDENT pro tempore. What is the exact request of the Senator?

Mr. TILLMAN. The request is that I may insert as portions of my speech, as though I had read them, such documentary evidence or quotations from the matter I have as may be relevant and respectful.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Carolina? The Chair hears none, and the order is made.

APPENDIX A.

The following documentary evidence and copies of correspondence between the officers of the joint committee of the American Anti-Trust League and District Assembly 66, Knights of Labor, demonstrates conclusively that proofs of violations of law on the part of numerous trusts and combines were placed in the hands of Attorney-General Knox and President Roosevelt, and that both of those officials promised to take the cases up, and that although a year and more has elapsed since they made verbal and written pledges to act on the cases involved they have done nothing.

The original documents and letters I have seen and can produce them here if anyone doubts their authenticity.

The greater part of this evidence and statement of facts has already appeared in the CONGRESSIONAL RECORD of June 26, 1902, in a speech by the Hon. W. G. WOOTEN of Texas. He obtained leave to print, being unable to get the floor of the House, and it therefore has never attracted the attention it deserves, because Congress had adjourned before it appeared. I add it to my speech as cumulative and corroborative evidence to show neglect of duty by the Attorney-General.

The first document is the letter of the antitrust committee to Attorney-General Knox announcing their purpose to "institute civil and criminal proceedings against the United States steel trust and others," and requesting the aid of the Attorney-General in enforcing the law against these lawless combines.

OFFICE OF JOINT COMMITTEE AMERICAN ANTI-TRUST LEAGUE AND DISTRICT ASSEMBLY NO. 66, KNIGHTS OF LABOR, FOR THE CIVIL AND CRIMINAL PROSECUTION OF THE UNITED STATES STEEL TRUST AND OTHERS,
Washington, D. C., August 19, 1901.

Hon. P. C. KNOX, *Attorney-General United States:*

SIR: We have the honor to request that you afford us all the information that you are possessed of or can obtain concerning an agreement or agreements made between the constituent companies and individuals who organized the United States Steel Corporation, commonly known as the steel trust.

The trust or syndicate agreement which we especially desire is the one which President C. M. Schwab, of the United States Steel Corporation, refused to furnish to the United States Industrial Commission when on the witness stand before that body.

Our request is founded upon information and belief that at the time that this contract or contracts was or were made you were, in some way, officially connected with the Carnegie Steel Company, which institution is one of the principal companies in the United States Steel Corporation. As this information is doubtless in your possession or conveniently at hand, you will greatly oblige this committee by giving us the substance thereof in your own language, or, if possible, a copy thereof.

This request is to cover any other contracts of a similar kind with which

you are acquainted or which you can obtain for us. Our object is to prevent the failure of justice in certain legal proceedings which we contemplate in the near future.

Hoping that you will find it convenient to comply with this request, we remain,

Very respectfully, yours,

H. B. MARTIN, *Chairman.*
WILLIAM L. DEWART, *Secretary.*

To this letter the Attorney-General returned the following evasive reply, in which reply he, however, admitted that he had been the attorney of the Carnegie Steel Company, the principal constituent company of both the armor plate trust and the United States steel trust:

OFFICE OF THE ATTORNEY-GENERAL,
Washington, D. C., August 20, 1901.

Mr. H. B. MARTIN,
Chairman Joint Committee American Anti-Trust League, etc., City.

SIR: I have the honor to acknowledge the receipt of your letter of August 19, 1901, in which you request me to obtain for you certain information with reference to certain alleged "agreement or agreements made between the constituent companies and individuals who organized the United States Steel Corporation." You ask me to afford you all the information that I may "possess or can obtain," and you specifically refer to an alleged "trust or syndicate agreement," which you state the president of the United States Steel Corporation, Mr. C. M. Schwab, "refused to furnish to the United States Industrial Commission when on the witness stand before that body;" and you further state that your request for information is to be understood as covering "any other contracts of a similar kind with which you are acquainted or which you can obtain for us."

You also state that your request for information is "founded upon information and belief that at the time this contract or these contracts was or were made" that I was "in some way officially connected with the Carnegie Steel Company," and you therefore assume that the information which you request must be in my "possession or conveniently at hand." I am, therefore, requested to give you the substance, or, if possible, a copy thereof.

Primarily, permit me to say that your request is founded upon an erroneous assumption. I do not know who the individuals are who organized the United States Steel Corporation. If they are the persons usually named in the newspapers as the promoters of that organization, with the single exception of Mr. C. M. Schwab, I do not know, never saw, and was never in any way connected with any one of them. I never heard of any agreement between them and the constituent members of the steel corporation.

Neither at the time of the formation of the United States Steel Corporation, nor at any time, was I officially connected with the Carnegie Steel Company. I was formerly one of its legal advisers in the conduct of its manufacturing business, but was never consulted with reference to the formation of the United States Steel Company, nor in relation to the sale to that company of the shares of stock held by the stockholders of the Carnegie Company.

I have never seen the papers or agreements to which you refer, nor have I been informed of their contents. I have no knowledge whatever of their existence, terms, or scope. I am thus specific, as I desire to cover both the spirit and the letter of your inquiry.

I may say, moreover, that I have no access to the agreement or papers to which you refer. I know nothing of the one to which you especially refer, and do not even know that such an agreement is in existence. The information which you request, therefore, is not in my possession or "conveniently at hand," as you assume, and it is therefore impossible for me to comply with any of the requests set forth in your letter. All this information you could at any time have acquired through the usual method of direct personal inquiry, thereby avoiding the doubtful propriety of addressing me through the medium of an open letter which you concurrently delivered to the press.

Whether, if such papers were accessible to me, it would be my duty to obtain them and furnish them for use in legal proceedings to which you are a party, and the nature of which you do not explain, is a question which I do not care at this time to discuss.

If I may regard the letter as addressed to me officially, I will say:

If this Department is under obligations to furnish information to prospective litigants in undisclosed proceedings, its responsibilities and labors are necessarily greater than they have ever been imagined from the time of its formation. Indeed, as there are generally two parties to every controversy, it would be difficult to discharge such alleged duty to both parties in view of conflicting interests. This Department was not called into being to furnish information to private litigants. Its duty and its object is to enforce the Federal statutes as interpreted by the courts wherever there is probable cause for believing that they have been violated.

Very respectfully,

P. C. KNOX, *Attorney-General.*

Chairman H. B. Martin, of the antitrust committee, promptly replied as follows:

"The letter addressed to me as chairman of the joint committee of the American Anti-Trust League and District Assembly 66, Knights of Labor, by Attorney-General P. C. Knox to-day, in reply to our letter of August 19, asking him for copies of certain incriminating documents affecting the steel trust, which we believed were in the possession of or accessible to the Attorney-General, and which he denies possessing and which he intimates that he might not allow to be used in a civil or criminal prosecution against the steel trust even if he had them in his possession, certainly raises some very important questions.

"After making his denial of being in possession of the evidence which we were seeking, the Attorney-General makes this complaint, which seems to indicate that the publicity of our action was irritating to him. He says: 'All this information you could at any time have acquired through the usual method of direct personal inquiry, thereby avoiding the doubtful propriety of addressing me through the medium of an open letter, which you concurrently delivered to the press.'

"We were not aware that there was any impropriety in a citizen or body of citizens publicly addressing the chief prosecuting officer of the United States in reference to grave violations of law that were being committed to the great injury of the people of the United States.

"Such a matter is in no sense a private matter, to be settled by personal and private interviews or conferences between the Attorney-General and a citizen; but it is a public matter, in which all the people of the United States have a right to the fullest and freest knowledge of all action that is taken.

"Attorney-General Knox says: 'Neither at the time of the formation of the United States Steel Corporation nor at any time was I officially connected with the Carnegie Steel Company.' This looks like a very sweeping denial on the part of the Attorney-General as to the many charges that have been made in the public press to the effect that he was formerly connected with the Carnegie Company or the steel trust. But the force and effect of this denial are entirely destroyed by the remarkable admission which the Attorney-General makes in the next sentence, when he says: 'I was formerly one of its legal advisers in the conduct of its manufacturing business.' This language of the Attorney-General certainly looks evasive in view of the fact that it is currently believed that the members of the steel combine selected one of their former attorneys for Attorney-General in order that they might have a friend at court in time of popular clamor for the enforcement of the law against trusts.

"Our letter itself contained the statement at the beginning that ours was a 'committee for the civil and criminal prosecution of the United States steel trust and others.' Is this language ambiguous? Does it leave any doubt in the mind of the Attorney-General as to the nature of the legal proceedings we are about to undertake?

"Furthermore, does the Attorney-General desire to put himself in a position before the people of the United States of saying that if the papers containing the incriminating evidence of the violations of the law of the United States, which he is sworn to enforce and punish violators of, were accessible to him, that it is a question whether he would furnish them for use in legal proceedings instituted by citizens for the purpose of punishing violators of the law? And yet the Attorney-General intimates to us that there is a question whether, if he possessed these incriminating documents, that he would either use them himself or permit anyone else to use them to secure the conviction of the great trust criminals who are violating the Federal statute against the organization of trusts, destroying freedom of competition in the business world, driving competitors into bankruptcy, crushing labor organizations with an iron hand, and instituting a reign of terror in the iron and steel industry which threatens to involve the country in a civil war.

"Now, the people of the United States can not afford to have any doubt or uncertainty as to whether their Attorney-General, who enjoys the honors and emoluments of that high office and draws his pay from the taxes exacted from the wealth producers, is willing or unwilling to perform the duties of his position and enforce the laws, as his oath of office requires him to, against the criminal trusts. Mr. Knox's letter intimates that there is a doubt about this. Can he afford to rest under the cloud which that doubt raises?

"We will give him an opportunity now to reassure the people as to his desire and intention to enforce the law against trusts. Will Attorney-General Knox offer a reward for the production of the incriminating evidence against the trusts for which we asked and which he says he does not possess? Will he announce to-morrow that the Department of Justice of the United States will pay a substantial reward to any person or persons who will produce evidence that will lead to the arrest and conviction of any person or corporation guilty of violating the Federal statute against trusts?

"Let him do this and institute vigorous proceedings against trust lawbreakers, and the people will no longer have doubts as to his faithfulness to his oath of office. And he will no longer be the target for criticism, inuendo, and invective on the part of the press, because of the fact that while the trusts ride roughshod over the people the Attorney-General, who is the sole officer under the Federal law who is vested with authority to prosecute them, refuses to take any action."

The Attorney-General having stated in his first letter that it was the duty of his Department "to enforce the Federal statutes wherever there is probable cause for believing that they have been violated," the committee took him at his word, and promptly filed the following petition, evidence, and affidavit:

ANTI-TRUST LEAGUE'S PETITION TO ATTORNEY-GENERAL KNOX.

WASHINGTON, D. C., *September 6, 1901.*

Hon. PHILANDER C. KNOX,
Attorney-General of the United States, Washington, D. C.

SIR: In response to your communication of August 20, 1901, in which you say the duty of your Department and its "object is to enforce the Federal statutes as interpreted by the courts wherever there is probable cause for believing that they have been violated," we herewith hand you the inclosed petition, in which the "probable cause" demanded is set forth for your action.

Very respectfully, yours,

H. B. MARTIN, *Chairman,*
WILLIAM L. DEWART, *Secretary,*
Joint Committee American Anti-Trust League and District Assembly 66, Knights of Labor.

Hon. PHILANDER C. KNOX,
Attorney-General of the United States:

1. Your petitioners would respectfully show that the American Anti-Trust League is an organization nonpartisan in its character, numerous in its membership in various parts of the United States, having for its object, among other things, to secure the enforcement of the existing State and Federal statutes against trusts and monopolies, and furnish such evidence of the violation of such statutes to the officers whose duties are to enforce these laws, and to cooperate with such prosecuting officers of the various States and the United States for the enforcement of these laws; and that District Assembly 66, Knights of Labor, is also a nonpartisan body, engaged in various trades and crafts within the District of Columbia, whose object is to protect the rights and interests of the wage-working wealth producers from unlawful aggressions and encroachments on the part of great combinations of capital, whether in the form of a trust or otherwise. The said District Assembly 66 is also associated with various other branches of organized labor throughout the United States.

2. Your petitioners would show that the United States Steel Corporation seems to your petitioners to exist, subsist, and persist in violation of law, and that its principals, agents, promoters, and managers are a combination who conspire to restrain—and they do restrain—and monopolize and attempt to monopolize trade and commerce between the States and Territories and the District of Columbia and in the Territories and in the District of Columbia and with foreign nations.

3. Your petitioners further say that at various times prior to February 23, 1901, certain alien capitalists, aided by American coconspirators, among whom are and were Andrew Carnegie; J. P. Morgan & Co., American agents of the house of Rothschild; Charles C. Cluff, William J. Curtis, Charles MacVeagh, John D. Rockefeller, Charles M. Schwab, Henry C. Frick, and others, did, under the alleged protection of the State of New Jersey, in violation of the Constitution and laws of the United States, enter into the following unlawful

"ARRANGEMENT."

In violation of the "antitrust law," as it is commonly called, which was enacted July 2, 1890, the interstate-commerce law of 1887, and the act to reduce taxation and provide revenue for the Government, and other purposes, which became a law in 1894, the coconspirators made an "arrangement," contract, combination, and conspiracy in restraint of trade and commerce among the States and with foreign nations, attempted to monopolize and combined and conspired together and with other persons to monopolize a very great part of the trade and commerce among the several States and with foreign nations, and made a contract, agreement, and combination in the form of a trust and otherwise and a conspiracy in restraint of trade and commerce among the States and in a Territory and Territories of the United States and in the District of Columbia, and in restraint of

trade and commerce between one Territory and another, one State and another, and with the District of Columbia and foreign nations; that the syndicated conspiracy includes certain American capitalists who unite and combine with the European capitalists to share with them the spoliation of the people of the United States, based upon the "acquisition of the holdings of the said Andrew Carnegie" and the stock and bonds of the Carnegie Company, and the stocks and bonds of the following companies, to wit:

Of the Federal Steel Company, of the American Steel and Wire Company of New Jersey, of the National Tube Company, of the American Tin Plate Company, of the National Steel Company, of the American Steel Hoop Company, and of the American Sheet Steel Company, which, on his oath before the United States Industrial Commission, the said Charles M. Schwab deposed to be a "consolidation" of artificial and other persons in the shape of the United States Steel Corporation by agreement between it and the above-named seven constituent companies, to none and to neither of which does the incorporating certificate grant such a right to consolidate. The said "consolidation," therefore, being illegal, and the said United States Steel Corporation being, therefore, nonexistent by law and subject to the dissolution by a court having jurisdiction; and that the conspirators agreed that whenever by the consummation of the proposed "arrangement" the amount of dividends shall cease to be substantially increased the greater stability of investment will be assured by "necessarily increasing the prices of manufactured products," all of which facts appear in the prospectus of the syndicate managers, J. P. Morgan & Co., dated March 2, 1901, as Exhibit 1, on page 455 of a public document entitled "Testimony, Trusts and Industrial Combinations," herewith filed as part of Exhibit A, for reference, and also in Exhibit 2 of said document, which is a copy of the amended certificate of incorporation of the United States Steel Corporation, as the other part of Exhibit A, in which the said State of New Jersey, excepting herself from the operation of said law by forbidding the corporation to operate or maintain railroads and canals within her own borders, assumes to give eminent domain to the corporation everywhere else in the country except in New Jersey, and further subjects a greater part of the metal and mineral products in the United States and Territories, and manganese (and imported metaloid), and every transport thereof by land and water to the corporation and its extension and "business," contrary to the Constitution and laws of the United States and of each of them, and contrary to "public policy," private rights, and the stability of the Republic of America.

4. As is further shown by the testimony of President Charles M. Schwab, of the United States Steel Corporation, delivered before the United States Industrial Commission May 11, 1901, reported on page 465 of their "Testimony, Trusts and Industrial Combinations," where he states, in reply to the following question by Commissioner Farquhar:

Q. What have you to say to the public expression that the United States Steel Corporation controls 80 per cent of the whole manufactured product of this country?

A. (Interrupting.) Seventy per cent.

And on page 455, same sworn testimony, in answer to a question by Commissioner Phillips:

Q. Can you give the per cent of the Carnegie Works?

A. Well, I could figure it out. I know the Carnegie people exported 70 per cent of all the steel exported, but I could not give you the tons, etc.

And on page 470, in answer to a question by Commissioner Litchman:

Q. I understood you to say that the United States Steel Corporation controls about 80 per cent of the ore of the United States?

A. Well, I would modify that some if I said the United States; I think I made a mistake; I would say it controls about 80 per cent of the ores in the Northwest, which are those most largely used; in fact, nearly altogether used for steel products in the United States, etc.

And continuing on page 471, in answer to a question by Commissioner Harris, as follows:

Q. In transportation of your raw materials, do you own your own roads and steamboats?

A. We own all of our steamboats—not quite all—and we own all our railroads; the constituent companies own their railroads from the mines to the lakes, and we own one railroad from the lakes to the manufactories.

Q. You practically control the transportation of your raw materials, then?

A. On the lakes; yes.

5. Your petitioners respectfully submit that in view of the fact that the Carnegie Company is only one of the constituent companies of the United States Steel Corporation, that President Schwab's testimony, which is hereinbefore quoted, is almost conclusive evidence that the aforesaid steel trust is monopolizing, or attempting to monopolize, a part of the trade or commerce among the several States and with foreign nations.

6. And your petitioners further respectfully show that there are certain other combinations and conspiracies, in the form of trusts and otherwise, who are monopolizing, attempting to monopolize, combining and conspiring to monopolize part of the trade and commerce, and combining, contracting, and conspiring in restraint of trade and commerce among the several States and Territories and the District of Columbia, and with foreign nations; and that among those who have and are thus conspiring, as aforesaid, in the form of trusts and otherwise, are the armor-plate trust or combination, which has been for some years past composed of the Carnegie Steel Company and the Bethlehem Steel Company.

7. And your petitioners further show that the said armor-plate trust and its constituent members and its managers have combined and conspired not only to monopolize the trade, commerce in armor plate among the several States and Territories and the District of Columbia and with foreign nations, but it and its constituent members and managers thereof, among whom are the aforesaid Andrew Carnegie, Charles M. Schwab, Henry C. Frick, and others, have conspired and combined to so monopolize the commerce in armor plate among the several States and with foreign nations that they have been able to and did extort from the people and Government of the United States such an exorbitant price from the National Government and the people of the United States that they sold armor plate which cost less than $200 per ton to the said Government of the United States for the sum of $520 per ton.

8. And your petitioners further show that the said Carnegie Company and the said Bethlehem Company, who combined and conspired to form the said armor-plate trust, conspiracy, or combine, are now combined in violation of law of the United States into the hands of one combination, and they are the same combination which now controls the United States Steel Corporation, and that they are still monopolizing the trade and commerce in armor plate and still charging the Government the aforesaid exorbitant prices as a result of their being able to monopolize the trade and commerce in armor plate.

9. And we herewith submit the following from the official report of Hon. Hilary A. Herbert, Secretary of the Navy, for the year 1897:

"My impression is that there is and has been for some time at the least a friendly understanding among armor contractors both in Europe and America as to the prices to be charged for armor. This impression, I find, prevails abroad, certainly among some of the persons who have inquired into the subject.

* * * "These natural promptings to such a combination are mentioned only as persuasive to show, when taken in connection with what follows, and that a world-wide combination or understanding does exist.

* * * "An inspection of the prices paid, as shown by the diagram before referred to, will indicate what is not denied, that the Carnegie and Bethlehem companies agreed with each other as to prices. They have divided the contracts of this Government between themselves, each bidding lower than the other for one-half of the armor required at any time by the Government.

* * * "In 1895 Russia was in the market for harveyed nickel armor The Bethlehem and Carnegie companies in the United States were then both well established and neither had sufficient orders from this Government to employ its plant continuously. There was sharp competition for the order from Russia, and the Bethlehem Company secured the contract for manufacturing armor for one ship at the very low price of $249 per ton, this armor to be both nickeled and harveyed and to be delivered in Russia, the company agreeing at the same time to manufacture the armor for two other ships, if required, at the same price. The Russian Government afterwards did require for the other two ships, and taken altogether the armor for the three amounted to about 1,400 tons.

* * * "I am informed upon authority which I believe to be good that about or perhaps before the time of the last contract of the Bethlehem Company with Russia there was a meeting in Paris of the representatives of the principal, if not all, of the armor manufacturers of Europe and America.

* * * "These facts seem to lead to the conclusion that there is at least a friendly understanding or agreement among the principal armor manufacturers of the world that prices shall be maintained at or about a certain level.

* * * "In June, 1896, a board of officers, consisting of Lieuts. Karl Rohrer, Kossuth Niles, and A. A. Ackerman, was assembled with instructions to make a careful estimate of the actual cost in labor and material for the manufacture of armor now being provided for our battle ships. The board submitted a report on July 3, 1896.

* * * "The Department is inclined to give the greater weight to the estimated cost formed by the board, and it is believed to be just to both the manufacturers and to the Government to take average of the estimates to be $185.88 for single-forged and $197.78 for reforged armor."

10. And your petitioners further respectfully show that in addition the aforesaid violators of the United States statutes against trusts and monopolies, part of the aforesaid individuals, including John D. Rockefeller and others and the Standard Oil Company, among the managers, directors, and officers of which are John D. Rockefeller, H. M. Flagler, H. H. Rogers, John D. Archbold, William Rockefeller, and others, who have combined, contracted, and conspired together under the name of the Standard Oil Company, the Home Oil Company, the National Transit Company, and otherwise, to monopolize and restrain the trade and commerce among the States and Territories and the District of Columbia and foreign nations in crude and refined petroleum and its by-products.

11. And your petitioners further show that the anthracite coal combine and its members, among whom are the aforesaid J. P. Morgan, William Rockefeller, and others, have combined and conspired together to restrain and to monopolize the trade and commerce among the several States and Territories and the District of Columbia and with foreign nations in anthracite coal.

12. And your petitioners further respectfully show that the aforesaid J. P. Morgan & Co., the American agents of Rothschild, John D. Rockefeller, and William Rockefeller, also William K. Vanderbilt, James J. Hill, E. H. Harriman, George J. Gould, Russell Sage, A. J. Cassatt, and numerous railroad corporations, their owners, managers, and directors, including the Delaware, Lackawanna and Western, the New York Central Railroad, the New York, New Haven and Hartford Railroad, the Pennsylvania Company, or Pennsylvania Railroad Company, the Chicago and Northwestern Railroad Company, the Chesapeake and Ohio Railroad Company, the Missouri Pacific Railroad Company, the Union Pacific Railroad Company, the Southern Pacific Railroad Company, the Atchison, Topeka and Santa Fe Railroad Company, the Northern Pacific Railroad Company, the Great Northern Railroad Company, the Southern Railroad Company, the Louisville and Nashville Railroad Company, the Wabash Railway Company and the Erie Railway Company, the Boston and Albany Railroad Company, and numerous others, and their principal stockholders, directors, and managers and officers, and certain bankers, including the firm of J. P. Morgan & Co., the National City Bank of New York, Kuhn, Loeb & Co., the First National Bank of New York, and the First National Bank of Chicago, and others, have conspired and combined to restrain and monopolize the railroad trade and commerce among the several States and Territories and the District of Columbia of the United States and with foreign nations.

13. As evidence of the existence of the said combination of railroads, and as further evidence of the existence of a conspiracy entered into by the aforesaid railroad managers, stockholders, and manipulators, for the purpose of monopolizing and restraining the railroad trade and commerce among the several States and Territories and the District of Columbia, of the United States, and with foreign nations, your petitioners submit herewith, and make a part hereof, two sentences from the opinion handed down by Judge Hazel, sitting in equity in the case of the Lackawanna Railroad against 61 ticket scalpers, in which case the aforesaid railroad company prayed the United States court at Buffalo to restrain and inhibit the defendant ticket scalpers from dealing in Pan-American excursion tickets. Judge Hazel threw the case out of court, his decision that the aforesaid railroad company was not entitled to the protection of the laws being based upon the reasons in the following two sentences from his opinion:

"It appears that the complainant is a party to a combination which is engaged in pooling railroad rates and in fixing fares in order to avoid competition between the several lines constituting the association known and distinguished as the Trunk Line Association.

"Can the aid of a Federal tribunal be invoked to protect the complainant in the issuance of a ticket which is the culmination as well as the evidence of an agreement between railroad corporations specifically forbidden by an act of Congress which has been sustained by the Supreme Court of the United States?"

Judge Hazel thus decided that, sitting in equity, he could do nothing for a complainant who "does not come into court with clean hands."

Your petitioners further represent that the decision of Judge Hazel, of the United States court at Buffalo, as above quoted, certifies that a document was produced in his court which was the culmination as well as the evidence of an agreement between the railroad corporations, specifically forbidden by an act of Congress, which has been sustained by the Supreme Court of the United States.

And we submit that this evidence produced in Judge Hazel's court is ample and sufficient evidence and "probable cause" on which the Attorney-General may institute proceedings under the statute.

14. Your petitioners would further show unto your honor that numerous other trusts exist than those herein mentioned; that they can furnish evidence of the existence of such other trusts if necessary; that their existence is so open and notorious to the minds of the people of the United States that it seems unnecessary and would lengthen this petition to furnish more specific evidence at this time; that this other evidence will be furnished, if requested, by the Attorney-General; that the existence of the trusts is

admitted by the public editorials and articles in every leading newspaper in the United States; that during the last session of Congress their existence was admitted by the declaration of every member of Congress who addressed himself to the subject; and that an act was passed by the House of Representatives which purported to further restrict their operations in the United States, as is evidenced by a copy filed herewith and for identification, marked "Exhibit B."

The existence of these dangerous combinations is further proven by facts known to all men that in the platforms of the Republican, Democratic, and Populist parties adopted at their last national convention they all recognized the existence of these illegal combinations and vigorously denounced them.

It therefore being thus stated by men of all parties, by the executive and legislative departments of the Government, and having been recognized by the judicial department of the Government in various opinions rendered by the Supreme Court, and also having been recognized by a large number of States in their constitutions by incorporating clauses therein denouncing these monopolies, trusts, and combinations and providing laws for inflicting upon them civil and penal punishment.

15. Your petitioners would further show unto your honor that, even though it should be denied that these combinations exist, or that they are now violating the law enacted by Congress, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," that it is the duty of the Attorney-General to prevent and restrain a contemplated violation of the said law whenever and wherever there is probable cause for instituting such proceedings as are provided for by said section 4 of the aforesaid act, which reads as follows:

"The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney-General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition, the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises."

16. Your petitioners further respectfully represent unto your honor that they will cheerfully furnish evidence now in their possession, and gladly assist you by furnishing you, through their organizations, whatever information and aid you may desire from them.

Your petitioners therefore pray that you either institute yourself, in the proper courts, prosecutions against these violators of the law or that you may authorize in the various districts of the United States your subordinates, the respective district attorneys in these districts, to at once commence prosecution for the past violations of this law in their respective districts, and at the same time instruct them at once to file before the various courts of the United States petitions such as are provided for by the terms of said law in equity to restrain and prevent impending and future violations of this law.

That these and all other and general proceedings may be taken against the aforesaid trusts, combinations, as to you may seem meet, your petitioners in duty bound will ever pray, etc.

H. B. MARTIN, *Chairman*,
WILLIAM L. DEWART, *Secretary*,
Joint Committee American Anti-Trust League and District Assembly 66, Knights of Labor.

F. S. Monnett, of Ohio; A. A. Lipscomb, of District of Columbia; R. S. Tharin, of District of Columbia; L. R. Via, of West Virginia, counsel for petitioners.

OFFICE OF L. C. STRIDER, JUSTICE OF THE PEACE,
Washington, D. C.

Henry B. Martin, who being first duly sworn, says that he has read the foregoing petition or heard the same read, and that the grounds of belief therein stated as probable cause for the proceedings of the Attorney-General against the persons of all kinds therein mentioned and accused are clearly, in his opinion, good and sufficient to furnish ample grounds for the prosecution of the accused, as in duty bound under the Attorney-General's direction, by such assistant or district attorney as may be lawful and right.

HENRY B. MARTIN.

Subscribed and sworn to before me this 6th day of September, 1901.
[SEAL.] L. C. STRIDER, *Justice of the Peace.*

On September 11, 1901, the joint committee received the following reply from Attorney-General Knox:

OFFICE OF THE ATTORNEY-GENERAL,
Washington, D. C., September 11, 1901.

H. B. MARTIN AND OTHERS,
1229 Pennsylvania avenue, Washington, D. C.

SIRS: I have your letter of September 6, inclosing a copy of what is properly known as the "Sherman antitrust act," a copy of the testimony of Mr. Charles M. Schwab before the Industrial Commission, and a petition addressed to me requesting legal proceedings to be taken against the trusts and combinations referred to therein. *I will examine these papers with care at as early a date as is possible, and communicate to you my conclusions.*

Very respectfully, yours,

P. C. KNOX, *Attorney-General.*

After the receipt of this definite written promise of Attorney-Geeneral Knox that he would take up the cases "at as early a date as is possible" the committee waited hopefully for many weeks. But no action was taken by the Attorney-General, and his promise to communicate his conclusions was never fulfilled. After waiting nearly three months, on November 25, the committee addressed the following letter to President Roosevelt:

THE AMERICAN ANTI-TRUST LEAGUE, NATIONAL OFFICE,
1229 PENNSYLVANIA AVENUE, SECOND FLOOR,
Washington, D. C., November 25, 190–.

Hon. THEODORE ROOSEVELT,
President, White House, Washington, D. C.

SIR: I am instructed by the joint committee of the American Anti-Trust League and District Assembly 66, Knights of Labor, to address to you a letter of inquiry, asking you to name a date within the next five days when you could give our committee an opportunity to present to you in person certain facts in reference to violations of Federal law by certain great trusts, and also with reference to a certain petition of complaint against these trusts which we filed with the Attorney-General of the United States some two months ago.

It is of great importance that we should have the opportunity to present this matter to you on or before November 29.

Earnestly hoping that in the pressure of your many other duties you will be able to find time to grant us this request, I am,

Very respectfully, yours,

H. B. MARTIN,
Chairman Joint Committee the American Anti-Trust League and District Assembly 66, Knights of Labor.

To which the President caused the following reply to be sent:

THE PRESIDENT'S REPLY.

WHITE HOUSE, *Washington, November 26, 1901.*

MY DEAR SIR: In reply to your letter of the 25th instant I would state that the President has expressed a desire to have matters of the kind to which you refer submitted to him in writing. This is because of the great pressure upon his time which renders it impossible for him to receive all of those who wish to call upon him.

Assuring you that I shall be glad to see that anything you may decide to forward is given prompt attention, believe me,

Very truly, yours,

GEO. B. CORTELYOU,
Secretary to the President.

Mr. H. B. MARTIN,
National Secretary, etc., 1229 Pennsylvania Avenue, Washington, D. C.

The committee at once forwarded to the President a full presentation of the cases with the following letter:

THE AMERICAN ANTI-TRUST LEAGUE, NATIONAL OFFICE,
1229 PENNSYLVANIA AVENUE, SECOND FLOOR,
Washington, D. C., November 30, 1901.

Hon. THEODORE ROOSEVELT,
President, White House, Washington, D. C.

SIR: Your letter of 26th instant, per George B. Cortelyou, secretary to the President, at hand. Pursuant to the suggestion contained therein, we herewith submit to you the documents relating to the petition of the joint committee of the American Anti-Trust League and District Assembly 66, Knights of Labor, to Attorney-General Knox, in which we laid before that officer the "probable cause" asked for by him as a basis of instituting proceedings against five of the great trusts who are operating in violation of the Federal statute of July, 1890.

We desire to call your attention also to the fact that we not only submitted "probable cause" for prosecution, but also positive proof of the violations of the Federal statute against trusts by at least two combines, viz, the armor-plate trust and the railroad combine, which latter succeeded the Joint Traffic Association and continued the illegal practices of that trust after it was ordered dissolved by the Supreme Court of the United States in 1898.

Recent events in connection with the organization of a railroad trust known as "The Northern Securities Company" by the same offenders who were enumerated in our petition to Attorney-General Knox, dated September 6, 1901, have aroused the indignation of the people of five of the great Northwestern States to such an extent that the governors of States are calling special sessions of legislatures to take action to prevent the consummation of this conspiracy against the public welfare.

The course of Attorney-General Knox in neglecting or refusing to take action against the parties of whose guilt proofs were submitted to him in our petition and his failure to keep the promise made in his letter of September 11 to take action and render a decision as to "his conclusions at the earliest possible date," make it our duty to call your attention to his culpable inactivity in these matters.

The neglect on the part of Attorney-General Knox to enforce the law of 1890 against trusts and combinations has resulted in such grave injury to the interests of the people of the United States that we deem it our duty to bring to your notice these facts, in order to secure that prompt and necessary action which the emergency demands.

Very respectfully,

H. B. MARTIN, *Chairman*,
WILLIAM L. DEWART, *Secretary*,
Joint Committee American Anti-Trust League and District Assembly 66, Knights of Labor.

To which the President responded as follows:

WHITE HOUSE, *Washington, December 2, 1901.*

MY DEAR SIR: I beg to acknowledge the receipt of your letter of November 30, with inclosures, and to state that by direction of the President it has been brought to the attention of the Attorney-General.

Very truly, yours, GEO. B. CORTELYOU,
Secretary to the President.

Mr. H. B. MARTIN,
Chairman, etc., 1229 Pennsylvania Avenue, Second Floor, Washington, D. C.

Notwithstanding this statement from President Roosevelt that he had brought the matter to the attention of the Attorney-General, that officer has utterly neglected and even positively refused to take a single step looking toward action against the trusts, of whose violations of law the committee had furnished him ample proofs.

On November 25, 1901, the antitrust committee made demand on the Attorney-General for a definite reply on or before November 30 as to what action he intended to take in the cases. As no reply was received from Mr. Knox, and as the committee had become convinced that Mr. Knox's antecedents and his neglect and refusal to perform the duties of his office made him an unfit person to fill the position of Attorney-General, they, on the opening of Congress early in December, filed written charges and protests with the Senate against his confirmation.

The evidence against Knox was of so serious a character that his nomination instead of being instantly confirmed, as is the custom with Cabinet officers, was referred to the Judiciary Committee of the Senate for investigation. The chairman of that committee having informed the chairman of the antitrust committee that Mr. Knox had attempted to defend himself to the committee against the charge of neglect to perform his duty by the excuse that he had promised the antitrust committee that "he would take up their cases right away after the meeting of Congress," the committee sent the following letter to the chairman of the Judiciary Committee, and filed proofs of their statement that the Attorney-General had not made such a promise:

THE AMERICAN ANTI-TRUST LEAGUE,
NATIONAL OFFICE, 1229 PENNSYLVANIA AVENUE, SECOND FLOOR,
Washington, D. C., December 10, 1901.

Hon. GEORGE F. HOAR,
Chairman Senate Committee on the Judiciary.

SIR: Referring to the conversation we had with you yesterday, in which you stated that P. C. Knox, acting Attorney-General of the United States, had informed you that he "had notified our committee that he would take up our cases right away after the meeting of Congress," we beg to inform

you that our committee has never received any such notice whatever in any form from Mr. Knox.

We further call your attention to the fact that the charges against Mr. Knox, which we have filed with the Senate, not only refer to his dereliction of duty in the cases which we filed with him, but also bear upon his antecedents and his admitted intimate relations and his collusion with the criminal practice of the armor-plate trust, which institution. we are informed by members of the Senate, robbed the Government of millions of dollars annually during the time that Mr. Knox was their associate and adviser.

We submit that the record of such a man should be thoroughly investi gated before he is confirmed in the office of Attorney-General, where one of his principal duties will be to prosecute those great criminals whom he admits were his former friends and employees.

Very respectfully, yours,

H. B. MARTIN, *Chairman*,
WILLIAM L. DEWART, *Secretary*,
Joint Committee American Anti-Trust League and District Assembly 66, Knights of Labor.

The Judiciary Committee referred the case to a subcommittee, who gave a hearing to the antitrust committee in support of the charges against the Attorney-General, and after having the matter in their hands until December 16, they reported the case to the Senate, where Mr. Knox was confirmed. Senators will recall the circumstances and the debate on that occasion.

The antitrust men then waited from December 16 till January 29 in hopes that the Attorney-General would keep to the promise he claimed to have made that he would take up the case right away after the meeting of Congress. After waiting another month and a half for the Attorney-General to act and getting no results, the antitrust committee filed the following memorial with the Senate of the United States, which was referred to the Judiciary Committee, where it now rests. In view of the fact that another year has elapsed and the Attorney-General still fails to act, I suggest that it would be eminently proper for that committee to take some action or make some report on this memorial.

After the confirmation the committee addressed the following communication to the Senate asking for an investigation of the Attorney-General's Department:

WASHINGTON, D. C., *January 29, 1902.*

To the honorable the Senate of the United States, Washington, D. C.

GENTLEMEN: At a meeting of the joint committee of the American Anti-Trust League and District Assembly No. 66, Knights of Labor, held on Monday, January 27, 1902, the following resolutions were unanimously adopted and directed to be presented to the Senate of the United States:

"Whereas on four separate occasions, viz, August 20, 1901, September 11, 1901, November 25, 1901, and January 23, 1902, covering a period of over five months, the joint committee of the American Anti-Trust League and District Assembly 66 of the Knights of Labor did urge upon the attention of Attorney-General P. C. Knox complaints and evidence of violations of the laws of the United States against trusts and monopolies and conspiracies in restraint of trade; and

"Whereas, despite the assurance given us in his letter of September 11, 1901, by said Attorney-General P. C. Knox that he would 'examine these papers with care at as early a date as is possible and communicate to you my conclusions,' nevertheless five months have passed and we have not yet received his promised conclusions as to these complaints of violations of law on the part of the unlawful trusts enumerated in our petition, viz: The United States Steel Corporation, the Standard Oil Company, the armor-plate trust, the railroad combine, the anthracite-coal trust, and the Northern Securities Company; and

"Whereas, during the five months which have elapsed since we first made our complaint to Attorney-General P. C. Knox of these violations of the Federal statutes against trusts, numerous other and flagrant violations of the law of the United States have been committed by the same offenders charged in our petition and complaint to the Department of Justice; and

"Whereas these gross violations of law are well known not only to us but to the public, and especially to the said Attorney-General P. C. Knox and other officials of the Department of Justice; and

"Whereas great and irreparable injury to the welfare and interests of the people of the United States and grave scandal and disgrace to a department of the Government results from this apparent collusion between the officials of the Department of Justice and the great trust criminals; and

"Whereas it is a well-known and scandalous fact that the predecessor of P. C. Knox in the Attorney-General's office, John W. Griggs, went from the service of the coal trust to the head of the Department of Justice, and that during his term of four years in that office he permitted the laws of the United States to be trampled under foot by the criminal trusts, and when he left the Attorney-General's office it was to publicly reenter the service of the railroad combine and other trusts, and on this very day, January 27, 1902, said ex-Attorney-General Griggs appeared before the Supreme Court of the United States as the servant of the Northern Securities Company, a branch of the railroad trust now being tried on charges preferred by a sovereign State; and

"Whereas the equally scandalous condition now exists that P. C. Knox, the present Attorney-General, went into the Department of Justice directly from the service of the criminal armor-plate trust and the Carnegie Steel Company, the main factor in the steel trust, and that he, like his predecessor, Griggs, has persistently neglected and refused to perform the sworn duties of his office as regards the prosecution of trusts, combines, and monopolies operating in open violation of the law; and

"Whereas the Attorney-General is the sole officer of the United States who is clothed with authority to prosecute these trust-law breakers: Therefore,

"*Resolved*, That the attention of the Senate and House of Representatives and of the President of the United States is hereby called to this condition of affairs now prevailing and to the palpable appearance of illicit relations existing between the Attorney-General of the United States and the most dangerous class of lawbreakers now at large in this Republic; and

"*Resolved*, That we, the joint committee of the American Anti-Trust League and District Assembly 66 of the Knights of Labor, hereby call upon the Senate, the House of Representatives, and the President of the United States to at once institute a searching and thorough investigation of the Department of Justice and the official conduct of that Department by Attorney-General P. C. Knox.

"Respectfully submitted."

H. B. MARTIN, *Chairman*,
WILLIAM L. DEWART, *Secretary*,
Joint Committee of the American Anti-Trust League and District Assembly 66, Knights of Labor.

APPENDIX B.

Failing to secure any favorable action by the Attorney-General in suppressing the monstrous trusts with which he was personally and professionally connected, the antitrust people filed a mass of convincing documents against another illegal combination, the Eastern Railroad Association, with President Roosevelt on December 21, 1901, which the President referred to the Attorney-General.

Those documents are here submitted in full, because they are valuable in themselves as an exhaustive presentation of the law, and because they show conclusively that the present Administration does not intend to suppress or punish any unlawful trust or conspiracy against trade so long as the Republican party lives and thrives by their substantial support in all its compaigns and elections.

The following are the documents presented by the joint committee of the American Anti-Trust League to the President and Attorney-General of the United States, and which to this date have not received even a respectful hearing:

EXHIBIT A.

THE EASTERN RAILROAD ASSOCIATION,

This association is a combination, voluntarily formed under a secret written agreement, of nearly all railroad corporations in the fifteen Atlantic coast States to secure by unity of action arbitrary control over all patented inventions applicable for use on railroads. It is without doubt the oldest illegal trust in the United States. It was formed in 1866, and has successfully pursued its iniquity for some thirty-five years.

The association's annual reports from 1867 to 1883 are on file in the United States Patent Office library; but since 1883, which is approximately the date of the present agitation against unlawful combinations, no reports have been allowed to reach the public.

Its membership in 1868 embraced 57 railroad corporations in Maryland, Pennsylvania, New York, and in the New England States. In 1883 the membership had increased to include 255 railroad corporations. The present membership is not actually known, inasmuch as the affairs of the association since 1883 have been kept secret. However, it is believed that the membership now includes at least 600 or 700 railroad corporations.

The headquarters of the combine was originally at Springfield, Mass.; afterwards, in 1878, at the Boston and Lowell station in Boston; then, in 1880, at the Grand Central Station in New York; and finally a permanent base of operations was established at Washington, D. C., the association, in 1886, purchasing for $25,000 the premises No. 614 F street NW., to be held "in trust for the sole use and benefit of the members of a certain association known as the Eastern Railroad Association."

On reference to the "Memorandum of deed in trust" (see Exhibit G), it will be seen that the conveyance was made to three members of the executive committee of the association and in a form which "has ever been held most sacred in equity." The building which is now the headquarters of the association contains large fireproof vaults with combination locks and within which are guarded the secret archives.

The railroad corporation members prior to December 4, 1878, operated under a written agreement, called a constitution, adopted February, 1867, a copy of which is not available. On the above date an amended constitution was adopted. This latter constitution was revised some time prior to 1887. (See Exhibit E.)

It will be seen on reference to the constitution that all the affairs of the association are turned over to and managed by nine governors called an executive committee. The names of the committee and the officers of the association have been published from time to time in the Travelers' Official Guide. In the Guide for June, 1902, the following list of the officials is given:

"*Eastern Railroad Association.*—General offices—614 F street NW., Washington, D. C. Hon. W. D. Bishop, president, Bridgeport, Conn.; Theodore N. Ely, vice-president, Philadelphia, Pa.; Albert A. Folsom, treasurer, Boston, Mass.; Robert J. Fisher, general counsel, Washington, D. C.; John J. Harrower, secretary, Washington, D. C.

"Executive committee: William D. Bishop, New York, New Haven and Hartford Railroad Company; Theodore N. Ely, Pennsylvania Railroad Company; Henry F. Kenney, Philadelphia, Wilmington and Baltimore Railroad Company; John R. Kenly, Atlantic Coast Line Railroad Company; Samuel E. Williamson, New York Central and Hudson River Railroad Company; Frank S. Gannon, Southern Railway Company; F. D. Casanave, Baltimore and Ohio Railroad Company; John J. Turner, Pennsylvania Company; William G. Besler, Central Railroad Company of New Jersey."

The meaning and force of certain articles in the amended constitution were explained to the 53 corporation members in the twelfth annual report of the president (Exhibit C), and reveals the true nature and character of the association.

Litigation is asserted to be the association's most important business. It is stated that section 4 of the constitution is "tyrannical," and deprives "members of the liberty of individual and independent action in the settlement of claims;" that members are forbidden to settle claims independently of the permission of the executive committee, for "the money thus paid enables the party making the unjust claim to prosecute other members, which in most cases he would otherwise be unable to do;" that the members of "the association must act as a unit," and that "it is believed that this unity of action has been the true cause of our success heretofore."

In fact, this report furnishes conclusive evidence that the association was at the time, as it is now, a criminal conspiracy at common law. In State *v.* Burnham (15 N. H., 396, 1840), Judge Gilcrist said:

"Combinations against law or against individuals are always dangerous to the public peace and to public security. But the law by no means intends to exclude society from the benefits of united effort for legitimate purposes and such as promote the well-being of individuals or the public. It uses the word "conspiracy" in its bad sense. An act may be innocent without being indictable where the isolated acts of an individual are not so injurious to society as to require the intervention of the law. But when innocent acts are committed by members in furtherance of a common object, and with the advantage and strength which determination and union impart to them, they assume the grave importance of a conspiracy, and the peace and order of society require their repression."

"The general principle on which the crime of conspiracy is founded is this, that the confederacy of several persons to effect any injurious object creates such a new and additional power to cause injury as requires criminal restraint, although none would be necessary were the same thing proposed or even attempted to be done by any person singly." (7 Rep. Crim. Law Com., 1843, p. 90.)

"The concentrated energy of several combined wills operating simultaneously and by concert upon any one individual is dangerous even to the cautious and circumspect. It is therefore the business of the law to protect individuals from such conspiracies. All combinations in society to effect an evil purpose are dangerous, and when their object and purpose are to cheat an individual by whatever means, they are obnoxious to the criminal law." (Twitchell *v.* Comm., 9 Pa. St. R., 211.)

"I take it, then, a combination is criminal wherever the act to be done has a necessary tendency to prejudice the public or to oppress individuals by unjustly subjecting them to the power of confederates and giving effect to the purposes of the latter, whether of extortion or mischief." (Judge Gibson, Comm. *v.* Carlisle, Brightly's Rep., Pa. 36, 1821.)

"An association may be formed, the declared objects of which are innocent and laudable, and yet they may have secret articles or an agreement

communicated only to the members by which they are banded together for purposes injurious to the peace of society; such would undoubtedly be a criminal conspiracy on proof of the fact, however meritorious and praiseworthy the declared objects might be." (Comm. *v.* Hunt, 4 Metcalf, 1845.)

Some time between 1878 and 1887 a further change in the constitution, as above stated, was made (Exhibit E), and in accordance with which the association has since carried on its business and exploited inventors and owners of patents.

The real purpose of the combination can be ascertained from an inspection of Articles V, VI, and VII of the constitution.

From section 1, Article V, it appears that an inventor or owner of a patent can not deal directly with any member of the association. He must deal with the executive committee, persons who never wish to purchase. The executive committee determines the validity of the patent and the expediency of contesting the claim, and the railroad corporation directly interested is deprived of individual freedom of action.

Under section 2 the executive committee arbitrarily fix the basis of settlement, if fixed at all. The individual member interested has no voice in the matter.

Under section 3 the individual member sued can not settle a claim or defend the suit. The executive committee manage the suit, and corporation members in no way interested are compelled to contribute aid.

Under section 4 each member is deprived of the right of individual opinion and freedom of action.

Under section 5 the individual member is forced to accept the judgment of the executive committee when "for the best interests of the association," whatever may be the interests of the individual member. If a claim is settled the inventor receives pay from those not using the invention. The sole condition of settlement is that such settlement is cheaper for the association than "carrying on the litigation."

Article VI fixes the penalty for violating the agreement.

Article VII authorizes the unlawful "maintenance" of suits where a majority of the members are not directly or indirectly interested and where no member of the association is a legal defendant of record.

These articles provide for the suppression of competition between the corporate members in the purchase of licenses and interests in letters patent, and restrict freedom in the settlement of claims for the infringement of patents; and also for the fixing of the price by the executive committee when any interest in a patent may be purchased or any claim is to be settled, provided "such settlement or purchase can be effected at less expense to the association than the cost of carrying on the litigation."

Under its constitution and by-laws the association exists in violation of the antitrust act. The facts and law showing this to be true are fully set forth in a "statement" filed in 1900 with the Attorney-General of the United States and which accompanied a request that he direct a suit in equity to be instituted under section 4 of the act to restrain and enjoin the association. A copy of the "statement" and certain exhibits, as well as the reply of Attorney-General Griggs defending the association, are herewith submitted. (Exhibits B and H.)

The principal business of the association under and outside of its unlawful constitution and by-laws appears to embrace, first, reports upon patents, and, second, litigation.

Reports upon patents are prepared by the general counsel and a slip attached stating that they are of "no effect or binding on the association until approved by the executive committee." All applications for information by a corporate member must be made through an authorized person named by the board of directors of the corporation. The reports on the validity of patents are preserved in secret, and the inventors or owners of the patents and the general public as well never learn their substance unless accidentally. Inasmuch as there is no competition and that the reports are generally made to railroad officials unfamiliar with the art and the patent laws, and hence incompetent to criticise, it is maintained with truth that the said reports are as a rule superficial and arbitrary. Several reports have been seen which disclosed great ignorance of the particular arts and which prevented the introduction of very desirable safety devices upon railroads.

However incomplete, arbitrary, capricious, and unjust these reports may be, the association members are in practice bound to adopt and follow them. Any official who should ignore the report would be dismissed from service. By these secret reports it is within the power of the association to destroy the property right in a patent created by the Government, or to give value to a worthless or invalid patent if some one on the inside is adequately remunerated.

It is obviously against public policy for a combination of corporations, each exercising a public office, affected with a public use, and performing the function of the government, to agree and covenant that they will be bound by secret decisions and reports relative to the validity or invalidity of patents for such appliances as are discovered and invented from time to time, and are adapted for cheapening, hastening, and rendering safer the transportation of freight and passengers on railroads.

Litigation is another and the most important business in which the association is engaged. (See Exhibit C.) According to one of the association's reports, it had in its treasury in 1882 the sum of $50,028.98. Of this amount immediately available for litigation and corrupt uses, $33,655 was invested in convertible bonds and stock and $10,000 loaned on call. A much larger sum is now doubtless immediately available for "running down a poor inventor with an invalid patent" who has the audacity to bring suit against a corporation member. The members of the association are domiciled in four judicial circuits. An owner of a patent commences suit in equity against a railroad corporation member in a certain district. The general counsel of the association appears for the defendant and unlawfully maintains the suit, the other corporate members of the association refusing to lawfully intervene, so they may not be bound by any judgment rendered within that district.

When the complainant takes his proofs he must pay his witnesses and railroad fares. The general counsel travels to the place of examination on a railroad pass, cross-examines the witnesses at great length to increase the per diem charges of the witness for his services and to increase the cost of printing the testimony by the complainant. When the general counsel takes testimony for the defense he rides on a pass and secures witnesses free, who also travel on passes, from among railroad employees, who are always willing to testify as instructed. The testimony may be taken in any part of the country which will entail the greatest possible expense for the complainant in railroad fares.

The general counsel secures perjurous testimony, manufactured evidence, and avails himself of all means, honest or dishonest, to defeat the suit. When the case comes on to be heard it may be before a Federal judge who has a railroad pass in his pocket. Then comes a series of appeals. Should the complainant be successful he can but seldom prove profits or damages, as the association has by its ingeniously contrived constitution prevented the establishment of a license fee. Upon application for an injunction in another judicial circuit against a railroad corporation which had participated in the defense, the general counsel will again appear and assert new defenses and allege a different claim or demand and the case must be tried anew.

Without entering into details, it is a truthful statement of fact to say that the ordinary citizen is absolutely precluded from prosecuting in any Federal court a suit against a railroad corporation for infringing a patent with any hope of success.

The association is above citation in any court of justice, and in fact possesses a power superior to that exercised by any circuit court of the United States. In the annual report for 1882 the president says:

"The association has so increased in strength and usefulness that it may be likened in one respect to a judicial authority or tribunal, to which all interested can apply for advice respecting patented inventions in any way relating to railroads, and with the assurance that the advice given, if followed, will be supported and sustained with all the combined force and power of our membership."

In closing the thirteenth annual report, 1879, the general counsel uttered this boast:

"It appears to be the fact that during the whole period of thirteen years, during which the association has been in existence, no suit defended by it has resulted in a judgment against a member on appeal to the highest court; and that while some claims have been settled after suit was brought, no member defended by the association has yet, by process of law under execution, attachment, or otherwise, been compelled to pay anything on account of infringement of letters patent."

For thirty-five years this association has stripped owners of patents and inventors of their property as effectively and completely as the uncircumcized Philistines of old stripped Saul on Mount Gilboa. As stated by the Scientific American March 12, 1902: "Legislation is certainly needed to put a stop to combinations like the Eastern Association for the express purpose of nullifying the privileges granted to inventors by Congress."

[Extracts from the association's annual reports.]

In the first report it is stated that persons who claim damages for the infringement of their patents are "cormorants."

In the third report it is said that the usefulness of the association is becoming apparent. Members enjoy freedom from applications of "patent agents." Our relations to the Western Railroad Association, of Chicago, are such as to secure to each party the full benefit of investigations conducted at the expense of the other.

Fourth report: That under the quiet influence of our own and the Western Railroad Association the business of dealing in railroad patents is fast becoming legitimate and respectable. Owners of patents making claims against railroads are aptly denominated "patent sharks."

Sixth report: That after six years, of all the suits brought against members of the association only one has been pressed to trial, and in that case the defendant was successful, "and a fraudulent claim was permanently overthrown." Referring to certain attempts to secure extensions of patents from Congress, it is stated that "the poor inventor was employed to stand around as a figurehead and recite his misfortunes to members of Congress for the purpose of eliciting sympathy." "It is deemed a part of prudence for the association to be properly represented at Washington during the session of Congress to watch the speculators in these defunct patents and report their earliest appearance."

Seventh report: That the association saves to the companies many hundreds of thousands of dollars annually. That during the seven years' experience of the association only three cases have actually been heard by the courts.

Eighth report: "The executive committee presents its eighth annual report with a feeling of lively satisfaction at the success which continues to attend the organization."

Ninth report: "The kindly relations hitherto existing between the executive committee of this and the Western Railroad Association are still maintained."

Eleventh report: "It has been thought advisable to accept of a low compromise rate offered by the owners of one or two patents whose claims have upon investigation been found to be valid." Data is given of 20 suits defended by the association.

Thirteenth report: It is stated that attention is called to a bill before Congress providing for a commission, appointed by the President of the United States, to examine patented improvements applicable to railroads, with power to decide which of such improvements shall be used and the amount to be paid to the owner. "But the provisions of the bill were so manifestly unconstitutional I did not think it necessary to appear as a remonstrant."

Fifteenth report: "The association can no longer be said to be an experiment. With fifteen years' experience and the resulting accumulation of valuable records and tangible assets in the form of invested securities shown by the reports of the counsel and secretary and the treasurer, it must be admitted to be an established institution, and that it has proved a success far exceeding the expectations of its founders.

"It has fully subserved the object which was intended to be accomplished, and has so increased in strength and usefulness that now it may be likened in one aspect to a judicial authority or tribunal, to which all interested can apply for advice respecting patented inventions in any way relating to railroads, and with the assurance that the advice given, if followed, will be supported and sustained with all the combined force and power of our membership.

"All are apt to be blind when their own interests are concerned, but it is worthy of remark, and a subject of congratulation, that whatever may be the individual interests of our members here we meet as a brotherhood, on a common level, for a common purpose, and without respect to persons or individuals, whatever may be their circumstances or pretensions.

"It may be proper to remind you that the association makes use of no legal power or authority against its members; we are bound by no other ties than those of honor and mutual benefit. There has been some discussion as to the desirability of our acquiring the powers of a corporation. Your committee has not so far discovered any necessity for making such a radical change in the organization of the association."

H. B. MARTIN,
National Secretary.
F. E. STEBBINS,
Of Counsel American Anti-Trust League.

EXHIBIT B.

In re the Eastern Railroad Association.

STATEMENT ACCOMPANYING A REQUEST, FILED WITH THE ATTORNEY-GENERAL, THAT SUIT IN EQUITY BE INSTITUTED AGAINST THE EASTERN RAILROAD ASSOCIATION.

"In an effort to avoid the condemnation of the law, shelter has been sought under what has ever been held most sacred in equity, a trust, a thing over which equity, to prevent fraud, has asserted and exercised an exclusive jurisdiction. The same combinations to prevent competition, condemned already by the law, are attempted to be worked out at the footstool of the chancellor, concealed in the form there most favored. It is like the outlaw grasping the horns of the altar for security, but, unlike him, it conceals its guilt and demands protection, protesting its innocence while pursuing its iniquity."

The act is the culmination of corporate insolence and deceit." (Ray, Contractual Limitations, under the head of "Corporate combinations to prevent fair competition.")

STATEMENT.

The agreement of the Eastern Railroad Association set forth in its constitution and by-laws, and its doings in accordance therewith, constitute violations of the "Act to protect trade and commerce against unlawful restraints and monopolies." (26 Stat. L., chapter 647.)

I.

The constitution of the Eastern Railroad Association is a contract in restraint of trade or commerce among the several States.

THE AGREEMENT.

Prior to the 4th day of December, 1878, 53 railroad corporations, chartered under the laws of and doing business in 15 separate States—to wit, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, and South Carolina—had entered into an agreement by which they constituted themselves an association to be known as the Eastern Railroad Association. On December 4, 1878, "after due discussion and deliberation," and at a special meeting of the association, an amended constitution was adopted.

Under date of March 24, 1879, the president of the association made the twelfth annual report to the railroad corporation members, and therein called "particular attention" to, and explained the meaning of, certain provisions of the amended constitution.

During the year 1883 the railroad corporation members to the agreement numbered 255, and operated over 19,198 miles of track in 15 States. (Exhibit D, Report in Patent Office Library.)

In 1894 and at the present time, as far as can be learned, the membership of the association embraces some 700 railroad corporations, having 34,000 miles of track and $2,820,000,000 capital.

About 1887 the members of the association adopted a revised constitution, which each railroad company signed and by which it agreed to be bound. (Exhibit E.)

Article I of the constitution recites the purpose of the association, to wit:

"While having for its general purpose the promotion of railway interests, its leading object shall be the protection of its members against unjust claims made for patented inventions."

By Article II the members agree that any railroad company approved by the executive committee and subscribing to the articles and contributing to the expense of the association may become a member. Each company is to be represented by a duly authorized person.

By Article III the members agree that the affairs of the association shall be turned over to and managed by nine governors, called the executive committee, who shall be elected each year by the representatives of the railroad corporations at the annual meeting of the association, held in the city of New York. (By-laws, Article I.) That the executive committee shall elect a president, vice-president, and treasurer, selected from among themselves, and shall also elect a general counsel and secretary, and that the officers shall be the officers of the association. That the committee shall have power to elect other officers and employees, to appoint legal counsel, fix salaries and compensation for themselves and other employees, to prescribe the duties of all officers, agents, and employees, and to make by-laws for its own government.

By Article IV the members agree that annual meetings of the association shall be held; that special meetings shall be called at the request of two members of the executive committee and upon written request of the representatives of not less than five companies; that each company shall be entitled to one vote.

By Article V the members agree that the executive committee shall determine the validity or invalidity of any patent submitted for examination by any railroad corporation member; that the executive committee shall determine the expediency of contesting any claim for compensation made upon any railroad corporation member for the use of a patented invention which it has appropriated; that should the executive committee conclude (1) that a patent is valid or (2) that it is inexpedient to contest a claim for compensation made against one of the railroad members of the association, it shall be the duty of said executive committee, at the request of an associate member, to (1) negotiate for the use of the patent or (2) for a settlement of the claim of compensation; that if the railroad member declines to accept the terms fixed by the executive committee for the use of the patent, the association will not be responsible for the defense of any suit against such member.

That if the railroad member declines to accept the basis of settlement fixed by the executive committee when claim for compensation is made for the use of an invention, the association will not thereafter be responsible for the expense of litigation growing out of the case. That when the owner of a patent brings suit at law or in equity against a railroad member for infringing his patent adjudged invalid by the executive committee, said member shall report the suit to the secretary, and the executive committee shall manage the same thereafter at the expense of the association. That when the owner of a patent brings suit at law or in equity against a railroad member for the use of a patent which the executive committee has reported upon as valid and for the use of which the executive committee has also fixed the price, accepted by the railroad member but not by the owner of the patent, the said railroad member shall report the suit to the secretary and the executive committee shall thereafter manage the defense at the expense of the association.

That no member shall settle a suit or claim against it after being advised that a similar suit or claim is in charge of the association for defense against another member, except with the consent of the general counsel and president of the association. That when the executive committee decide it inadvisable to assume or continue the expense of litigation arising out of a report which it has adopted, it may so notify the member against which suit has been brought. But the executive committee may compromise or settle the claim for compensation made by the owner of the patent or purchase a license for the member at the expense of the association: *Provided*, The settlement or purchase can be effected at less expense to the association than the cost of carrying on the litigation.

By Article VI the members agree: That expulsion shall be the penalty when any member willfully violates "these articles."

By Article VII the members agree: That the executive committee shall confer with the officers of similar associations in the United States relative to the settlement of patent claims and the trial of patent cases; meaning by "similar associations" especially the Western Railroad Association, which embraces some 81 railroad corporations distributed among the Western States. And that they will contribute from the trust fund to maintain the defense of suits.

By Article VIII the members agree: That they shall be assessed annually according to mileage and gross receipts "for any expenses incurred or hereafter to be incurred" in behalf of the association; and that payment of the assessments shall be enforced under penalty.

By Article IX the members agree: That any company may withdraw from the association by giving notice in writing.

The provisions recited in the by-laws and standing resolutions of the association are intended to aid in carrying out and making effective the agreement set forth in the constitution.

It should be noted that Article V of the constitution of 1887 is substantially identical with Article VI of the constitution of 1878, and that the explanation of said Article VI by the President of the association in the twelfth annual report (Exhibit C) applies to Article V of the constitution of 1887. The explanation is as follows and reveals the true purpose and object of the agreement:

Your committee, however, think it proper here to refer to some of the provisions of the constitution as amended:

Particular attention is called to Article VI, which is designed to regulate the action of all concerned when a claim is made for the use of a patented invention and said claim is submitted to the association for action.

Section 1 of this article makes it the duty of the executive committee to negotiate with an inventor or patentee whose claim it is considered inexpedient to contest; but attention is drawn to the fact that the committee must first be requested to do so by a member. In this respect the section differs from section 3 of Article VII of the old constitution. Section 2 is substantially the same as section 4 of Article VII of the old constitution; but it will be observed that if a member fails to acknowledge receipt of notice sent by the committee for fifteen days after its date, the terms of settlement proposed shall be considered as accepted by such member.

Attention is also called to section 3 of this article, as by its terms the members, in order to avail themselves of the services of the association for defense or in settlement of claims, must notify the secretary of any suit or claim brought against them. And if any member has previously declined, or shall subsequently decline, the basis of settlement recommended by the executive committee, the association will not be responsible for any expenses for litigation such member may incur.

Section 4 prohibits any member settling any suit or claim brought against it, after being advised by the secretary that a similar suit or claim is in charge of the association for defense in behalf of any of its members, without the consent of the secretary, indorsed by the president.

This provision of the Constitution may appear tyrannical, and it does to a certain extent deprive members of the liberty of individual and independent action in the settlement of claims; but the subject has been well considered, and the rule is believed to be essential to the successful carrying out of the main object of the association, to wit, the protection of its members against unjust claims made for patented inventions.

One member may find it expedient to settle a claim under special inducements; but the money thus paid enables the party making the unjust claim to prosecute other members, which in most cases he would otherwise be unable to do. Again, the weaker members of the association might be unduly influenced in the settlement of such claims when they learned that a more powerful member had found it expedient to settle.

Such methods of influencing the settlement of claims are well known to those engaged in the manipulation of fraudulent patent claims, and, if allowed to prevail, the influence and salutary effect of the association would be destroyed. To obtain the best results, the members of the association must act as a unit, and it is believed that this unity of action has been the true cause of our success heretofore.

As further revealing the association's estimate of the character of its agreement, as embodied in its constitution, the following extracts from the president's annual report,[a] March 9, 1882, are reproduced, to wit:

The association "has so increased in strength and usefulness that now it may be likened in one respect to a judicial authority or tribunal,[b] to which all interested can apply for advice respecting patented inventions in any way relating to railroads, and with the assurance that the advice given, if followed, will be supported and sustained with all the combined force and power of our membership."

There has been some discussion as to the desirability of our acquiring the powers of a corporation. Your committee has not so far discovered any necessity for making such a radical change in the organization of this association.

THE ANTITRUST LAW.

An act to protect trade and commerce against unlawful restraints and monopolies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 3. Every contract, combination in form of trust or otherwise, or conspiracy in restraint of trade or commerce in any Territory of the United States or the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 4. The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney-General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

[a] On file in the United States Patent Office library.

[b] It is not within the power of individuals or corporations to create judicial tribunals for the final and conclusive settlement of controversies. (102 Ind., 262, 1885.)

SEC. 5. Whenever it shall appear to the court before which any proceeding under section four of this act may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpœnas to that end may be served in any district by the marshal thereof.

SEC. 6. Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section one of this act, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

SEC. 7. Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

SEC. 8. That the word "person," or "persons," wherever used in this act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

Approved, July 2, 1890.

ARGUMENT.

Section 1 of the antitrust act states:

"Every contract * * * in restraint of trade or commerce among the several States * * * is hereby declared to be illegal."

The law assumes that trade and commerce among the several States shall be free, and that this freedom shall extend to all persons, natural as well as artificial, and also embrace all subjects-matter, whether corporeal or incorporeal, which can be bought, sold, or exchanged.

Chief Justice Fuller, in United States v. Knight (156 U. S., 11), said:

"The Constitution does not provide that interstate commerce shall be free, but, by the grant of this exclusive power to regulate it, it was left free except as Congress might impose restraints."

No limitation has ever been fixed by the Supreme Court to the phrase "commerce among the States." Its narrowest definition at least embraces "the conduct of individuals" "in buying and selling or barter."

On argument in Gibbon v. Ogden (9 Wheaton) it was claimed that navigation was not included within the meaning of the term; and the court remarked, at page 190:

"The mind can scarcely conceive of a system for regulating commerce (between the States) which shall * * * be confined to prescribing rules for the conduct of individuals in the actual employment of buying and selling or of barter."

Other deliverances on the subject are as follows:

"Commerce is undoubtedly traffic. But it is also something more; it is intercourse." (Gibbon v. Ogden, 9 Wheat., 181.)

"Sale is the object of importation, and it is an essential element of commerce." (Brown v. Maryland, 12 Wheat., 419.)

"Commerce is intercourse; one of its most ordinary ingredients is traffic." (Brown v. Maryland, 12 Wheat., 446.)

"Commerce is a term of the largest import. It comprehends intercourse for the purpose of trade in any and all of its forms, including the transportation, purchase, sale, and exchange of commodities between the citizens of our country and the citizens of other countries, and between the citizens of different States." (Welton v. State of Missouri, 1 Otto, 275.)

"Commerce with foreign countries and among the States, strictly considered, consists in intercourse and traffic, including in these terms navigation and the transportation and transit of persons and property, as well as the purchase, sale, and exchange of commodities." (County of Mobile v. Kimball, 102 U. S., 702.)

"The negotiation of sales of goods which are in another State, for the purpose of introducing them into the State in which the negotiation is made, is interstate commerce." (Robbins v. Shelby Taxing District, 120 U. S., 497.) (1886.)

"While the completely internal commerce of a State is reserved to the State itself, because never surrendered to the General Government, commerce, the regulation of which is committed by the Constitution to Congress, comprehends traffic, navigation, and every species of commercial intercourse or trade between the United States, among the several States and the Indian tribes." (Interstate Commerce Commission v. Brimson, 154 U. S., 447.) (1894.)

"Definitions as to what constitutes interstate commerce are not easily given, so that they shall clearly define the full meaning of the term. We know from the cases decided in this court that it is a term of very large significance. It comprehends, as it is said, intercourse for the purpose of trade in any and all its forms, including transportation, sale, purchase, and the exchange of commodities between the citizens of different States." (Justice Peckham in Hopkins v. United States, October 24, 1898, 171 U. S., 597.)

(See United States v. Addyston Pipe and Steel Company, 54 U. S., App. 723 et seq. Supreme Court decision December 4, 1899, 175 U. S., 211.)

From the above definitions it may be said that the transfer by a person domiciled in one State to a person domiciled in another State of any interest in a patent by assignment, grant, or license, or negotiations preliminary or preparatory to such transfer, constitute trade or commerce among the several States.

The Congress by positive enactment has declared that there shall be freedom of trade or commerce in patents for inventions and interests therein throughout the United States. Section 4898, Revised Statutes of the United States, reads:

"Every patent or any interest therein shall be assignable in law by an instrument in writing; and the patentee or his assigns or legal representatives may, in like manner, grant and convey an exclusive right under his patent to the whole or any specified part of the United States."

There are three classes of persons in whom the patentee can vest an interest of some kind in the patent. They are an assignee, a grantee of an exclusive sectional right, and a licensee. (Potter v. Holland, 4 Blatchford, 406.)

The courts have repeatedly affirmed the existence of a free and open market for patent property throughout the United States. Justice Davis, of the Supreme Court of the United States, in ex parte Robinson, 2 Biss., 309 (1870), a case arising under an act of the State of Indiana "regulating the sale of patent rights," said:

"The property in inventions exists by virtue of the laws of Congress, and no State has a right to interfere with its enjoyment or to annex conditions to the grant. If the patentee complies with the laws of Congress on the subject, he has a right to go into the open market anywhere within the United States and sell his property."

It has repeatedly been held that the acts of State legislatures which attempt to direct the manner in which patent rights shall be sold in the States are void. (See Helm v. Bank, 43 Indiana, 167; Robinson on Patents, section 46, note 4, and section 1242.)

In Holiday v. Hunt (70 Illinois, 113) the court recognized that the purchase and sale of a patent right constituted "traffic," and remarked of the State law:

"It is a marked discrimination against the traffic in patent rights, which can not fail to seriously prejudice and impair the rights of patentees and their assignees."

A State can not impose a license tax upon the sale of a patent. (State v. Butler, 3 Lea., 222.) (1879.)

An act respecting foreign corporations and their agents does not apply to an agent selling patented inventions. (Grove & Baker Sewing Machine Company v. Butler, 53 Ind., 454 (1876); Shock v. Singer Company, 61 Ind., 520.) (1878.)

The necessary effect of the agreement entered into by the railroad corporations, members of the Eastern Railroad Association, is the restraint of trade or commerce in patent property among the several States.

In United States v. The Trans-Missouri Freight Association (166 U. S., p. 341) Justice Peckham, referring to the agreement there under consideration, said:

"The question is one of law in regard to the meaning and effect of the agreement itself. The necessary effect of the agreement is to restrain trade or commerce, no matter what the intent was on the part of those who signed it."

The true meaning of the agreement is to be gathered, according to the well-known rule, from the four corners of the agreement itself. (Judge Chitty in Mills v. Dunham, 1 Ch., 580; 1891.)

I do not think an averment is necessary as to what has been done under it (the agreement) or as to any mischief which it has actually produced. We are to consider what may be done under it and what mischief may thus arise. (Lord Campbell in Hilton v. Eckersley, 6 E. & B., 65.)

Whether the nature of the combination is injurious is to be determined by a construction of the provisions of the agreement constituting the combination, and not by its effects in actual operation. (Salt Company v. Guthrie, 35 Ohio State, 678; Atcheson v. Mallon, 43 N. Y., 149 (1870); Richardson v. Buhl, 43 N. W., 1102; 77 Mich., 632; Anderson v. Jett, 41 Alb. L. J., 104; 89 Ky., 375.)

From the plain terms of the constitution of the Eastern Railroad Association it appears to be the fact that the several hundred railroad corporations, members thereof, have entered into a mutual contract and agreement one with another whereby they have voluntarily abolished competition among themselves in the negotiations for the purchase of any interest in patents for inventions; that for securing "unity of action" they have handed over to a committee of nine persons, called the executive committee, all control over all their business relating to the purchase of patent rights and licenses; that each and every of them has surrendered its liberty of individual and independent action in dealing with inventors and owners of patents; and especially in negotiating settlements of claims made for the use of patented inventions; that they have delegated and surrendered to the said executive committee the power of fixing the price or prices to be paid for the use of any patented invention, and the price in payment for any unlawful appropriation of a patented invention, and the price to be paid for a license to use any patented invention, and the price to be paid for any patent or assignment thereof (assuming that in any case they intend to pay anything at all), and have bound themselves by penalties to abide by the articles of agreement and the decisions of the executive committee.

The several hundred railroad corporations, members of the association, and parties to the agreement, are organized under the laws of fifteen or more States. The owner of a patent domiciled in any of the States is, under the agreement, debarred from negotiating with any one of the railroad corporation members for the sale of an interest in a patent, or for the settlement of any claim for compensation against any railroad member that has infringed a patent.

As between an individual patentee or owner of a patent and the corporation members of 14 States the negotiations involve trade or commerce among the States.

In Hammerstein v. Parsons (38 Mo. App., 333) (1889) the court remarked:

"The constitution and by-laws of an association constitute a contract between the members."

It can not be gainsaid that the constitution and by-laws of the Eastern Railroad Association constitute a contract in restraint of trade or commerce among the several States, and thus violate section 1 of the antitrust act.

Had the agreement as set forth in the association constitution given the executive committee power only to report on the validity or invalidity of a patent, and then left such railroad company to its own individual and independent judgment as to whether it would purchase a license, or settle for an infringement, or defend any suit brought against it, the agreement would perhaps not be illegal. But had the agreement been so limited it would have been useless. If each company should be allowed to act independently in dealing with owners of patents the whole agreement might as well be rescinded. The president in explaining the provisions of the constitution (Exhibit D) reveals the real nature and essential purpose of the agreement when he says:

"To obtain the best results the members of the association must act as a unit, and it is believed that this unity of action has been the true cause of our success heretofore."

Justice Peckham, in United States v. The Joint Traffic Association (171 U. S., 505), referring to an analogous agreement, said:

"If one company is allowed, while remaining a member of the association, to fix its own rates and be guided by them, it is plain that as to that company the agreement might as well be rescinded. This result was never contemplated."

The defense in the joint traffic case endeavored to differentiate the agreement there involved from that in the trans-Missouri case by asserting that in the former the rates were made by the several companies and in the latter by the association. Both agreements were held to be violations of the antitrust act.

The conditions imposed upon railroad members by Section V of the constitution, aside from the provision of the remaining sections, render the agreement unlawful. In the Inter-Ocean Publishing Company v. The Associated Press (184 Ill., 438), 1900, the supreme court of Illinois decided that—

"The restrictions attempted to be imposed by the Associated Press through its contracts and by-laws upon the rights of members to purchase news from other agencies which such corporation may declare to be antagonistic are null and void as tending to create monopoly and restrict competition." (See Exhibit IX.)

II.

The combination and confederacy of the railroad corporations composing the association to oppose individual patentees and owners of patents in the negotiations of interests in their property, and the agreement of said corporations to use certain unlawful means set forth in their constitution in so opposing, as well as their unlawful acts in pursuance thereof, constitute the association a conspiracy in restraint of trade or commerce among the several States.

By the first section of the antitrust law not only are contracts in restraint of trade which impose binding obligations upon parties to the agreement not

to compete illegal, but also conspiracies in restraint of trade, which cover a well-known class of cases where the confederacy proposes or attempts to prevent others from freely carrying on their trade.

The Congress intended to embrace within the statutory prohibition all conspiracies which would be illegal at common law. Illustrations of such cases are: Commonwealth *v.* Carlyle (Br. Rep., 36), where a combination of employers conspired to depress the wages of journeymen, and in respect to which Judge Gibson remarked:

"An association is criminal when its object is to depress the price of labor (commodity) below what it would bring if it were left without artificial excitement by either masters or journeymen, to take its chances in the market" (p. 42).

Mogul Steam Company *v.* McGregor, Grow & Co. (appeal cases, 25). (See Judge Taft's remarks on this decision (54 U. S. App., 211). People *v.* Everest (51 Hunn., 19). Wright, Criminal Conspiracy, pp. 144-181; American and English Encyclopedia of Law, Vol. IV, p. 608; First Edition Stephen's History of Criminal Law; Ray, Contractual Limitations.)

First. The combination under the constitution and by-laws constitutes the conspiracy though nothing be done in pursuance thereof. In Woodworth *v.* Sherman and same *v.* Cheever and 18 others, 3 Story, 172 (1844), Justice Story, who at that time had served thirty-five years on the bench, remarked during the course of the case:

"That he observed that the bills contained a charge of an actual combination to resist the patent. That it was a question of much importance what would be the legal effect of such a combination. That he did not intend to express any opinion on this part of the case, but that in a former case he had occasion to declare that it seemed to approach very near, if it did not actually reach, a criminal conspiracy. That in many cases it was lawful for individuals to do what could not lawfully de done by a combination. That an individual patentee might successfully resist an individual, but it was much more difficult to resist the combined force of a great number of persons united to oppose a patent."

An inspection of the agreement will disclose that the associated railroad companies, organized under the laws of 15 States, have conspired together for the purpose of restraining individual owners of patents, domiciled in the several States, from freely negotiating sales of interests in their patents and from collecting compensation from any member of the association who has appropriated a patented invention.

Second. The agreement by the association to use unlawful means in opposing owners of patents in their attempts to negotiate interests in their property constitutes the association a criminal conspiracy.

A conspiracy has been defined as:

"A combination of two or more persons by concerted action to accomplish a criminal or unlawful purpose, or some purpose not in itself criminal or unlawful, by criminal or unlawful means." (Pettibone *v.* United States, 13 Supreme Court Reporter 542 (1893).)

The unlawful means which the association agrees to use are: (1) The unawful maintenance of suits brought against any one of its members (Art. V, secs. 3 and 5, Art. VII). (2) The boycott. The members of the association agree by Article V not to individually negotiate with the owner of a patent for an interest therein and not to settle a suit or claim when a similar suit or claim against another member is being maintained by the association, for, as the president of the association said in the twelfth annual report, "the money thus paid enables the party making the unjust claim to prosecute other members, which in most cases he would be otherwise unable to do." He further remarked that "this unity of action has been the true cause of our success heretofore."

Third. The acts of the association, its res gestæ, through a series of years in opposing individual patentees and owners of patents, prove the association to be a permanent conspiracy in restraint of trade or commerce among the several States.

The methods and means, unlawful under the common law and by statute, employed by the association embrace: [a]

(1) The unlawful maintenance of suits and without legal intervention. (See article "Intervention," A. and E. Enc. of Pleading and Practice, Vol. XI, p. 494.)

(2) Impeding, obstructing, and defeating the due course of justice. (Sec. 5407, R. S., U. S.)

(3) Manufactured evidence.

(4) Perjury. (Sec. 5392, R. S., U. S.)

(5) Subordination of perjury. (Secs. 5393, 5440, R. S., U. S.)

(6) Oppression. (Sec. 5508, R. S., U. S.)

The association violates, and has violated, the first section of the antitrust act within the meaning of the conspiracy clause thereof.

III.

The members of the association have combined and conspired to monopolize part of the trade or commerce among the several States appertaining to the purchase and sale of interests in patents, and have consequently violated section 2 of the act.

By the agreement, as set forth in the constitution, the members turn over to the executive committee of nine governors the sole control of all purchasing of licenses from owners of patents, the settlements of claims made against individual members of the association for the appropriation of patented inventions, and the maintenance of all suits. In the twelfth annual report (Exhibit D) the president states that "this unity of action has been the true cause of our success heretofore."

By suppressing competition among the members and delegating to the executive committee the power to fix prices, the sole buying by the corporation members in 15 States and the selling by the individual owners of patents domiciled in the several States, Territories, and District of Columbia is effectively controlled, and a monopoly of part of the commerce or trade among the several States or Territories is established.

Had not the main purpose of the association been the creation and acquiring of a monopoly, the constitution would have provided that after the executive committee had reported upon the validity or invalidity of a patent each member should be left free to exercise its own individual and independent judgment as to the advisability of purchasing an interest in or license under the patent or settling a claim made for the use of an invention. Deprive the association of the power of compelling or agreeing upon "unity of action," and it would fall to pieces immediately.

It may be further asserted that under the provisions of Article VII of the constitution the attempt is made to further extend the monopoly to all the trade or commerce in patent rights in all the States which may be carried on, or attempted to be carried on, between railroad corporations and owners of patents for inventions.

But it is immaterial whether an attempt is made to monopolize the whole or any part of trade or commerce among the States. In United States *v.* Knight Company (156 U. S., 16) Chief Justice Fuller said:

"Again, all the authorities agree that in order to vitiate a contract or combination it is not essential that the results should be a complete monopoly. It is sufficient if it really tends to that end and to deprive the public of the advantages which flow from free competition."

Combining or conspiring to monopolize trade or commerce among the several States may be defined as a conspiracy of two or more persons by concerted action to acquire the sole, or an excessive, power to control trade or commerce among the several States which others have the legal right to engage in independently.

Tested by this definition, the association has violated section 2 of the antitrust act.

As the headquarters of the association are in the District of Columbia, it might be shown that it violates section 3 of the act. It is at least within the jurisdiction of the supreme court of the District of Columbia, and that court is authorized by section 4 to apply the third section to corporations (see section 8) doing business within the District of Columbia and bound by contract or conspiring to restrain trade locally in the District of Columbia, or between the District of Columbia and any State or Territory.

THE SCOPE OF THE ANTITRUST ACT.

Six decisions only have thus far been rendered by the Supreme Court in cases under the act, to wit: United States *v.* E. C. Knight Company, 156 U. S., 1; United States *v.* Trans-Missouri Freight Association, 166 U. S., 290; United States *v.* The Joint Traffic Association, 171 U. S., 505 (decided October 24, 1898); Hopkins et al. *v.* United States, 171 U. S., 578; Anderson et al. *v.* United States, 171 U. S., 604; Addyston Pipe and Steel Co. et al. *v.* United States, 175 U. S., 211.

It was decided in United States *v.* E. C. Knight Company that the act did not apply to "monopolies in manufacture even of a necessary of life," but to monopolies in restraint of interstate or international trade or commerce."

The Chief Justice remarked in that case:

"What the law struck at was combinations, contracts, and conspiracies to monopolize trade and commerce among the several States or with foreign nations; but the contracts and acts of defendants related exclusively to the acquisition of the Philadelphia refineries and the business of sugar refining in Pennsylvania, and bore no direct relation to commerce between the several States or with foreign nations."

In this suit the Government neglected to secure evidence of a restraint of interstate commerce, and consequently failed.

In the United States *v.* Trans-Missouri Freight Association it was held:

That the antitrust act applied to railroad companies.

That the true meaning and intent of the statute was that it should apply, and did apply, to "every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States," irrespective of whether the contract, combination, etc., was in reasonable or unreasonable restraint of trade or commerce.

"While the statute prohibits all combinations in the form of trusts or otherwise, the limitation is not confined to that form alone. All combinations which are in restraint of trade or commerce are prohibited, whether in the form of trusts or in any other form whatever. We think, after a careful examination, that the statute covers, and was intended to cover, common carriers by railroad." (326.)

"We are of opinion that the language used in the title refers to and includes, and was intended to include, those restraints and monopolies which are made unlawful in the body of the statute." (327.)

"Contracts in restraint of trade have been known and spoken of for hundreds of years, both in England and in this country, and the term includes all kinds of those restraints which, in fact, restrain or may restrain trade." (328.)

"When, therefore, the body of an act pronounces as illegal every combination or contract in restraint of trade or commerce among the several States, etc., the plain and ordinary meaning of such language is not limited to that kind of contract alone, which is in unreasonable restraint of trade, but all contracts are included in such language, and no exception or limitation can be added without placing in the act that which has been omitted by Congress." (328.)

"Why should not a railroad company be included in general legislation aimed at the prevention of that kind of agreement, made in restraint of trade, which may exist in all companies, which is substantially of the same nature wherever found, and which tends very much toward the same results, whether put in practice by a trading and manufacturing or by a railroad company." (322.)

"It is entirely appropriate, generally, to subject corporations or persons engaged in trading or manufacturing to different rules from those applicable to railroads in their transportation business, but when the evil to be remedied is similar in both kinds of corporations, such as contracts which are unquestionably in restraint of trade, we see no reason why similar rules should not be promulgated in regard to both, and both be covered in the same statute by general language sufficiently broad to include them both." (324.)

In The United States *v.* The Joint Traffic Association, it was held:

That the differences between the provisions contained in the Trans-Missouri and Joint Traffic agreements were not of a material and fundamental nature; and that the decision in the former case was a precedent for the latter. That the act was constitutional. That the decision of the Trans-Missouri case was not erroneous.

In Hopkins et al. *v.* The United States it was held:

That certain rules and regulations of a live-stock exchange "are not agreements affecting interstate commerce within the meaning of the antitrust law, having no direct or necessary relation to such commerce."

It appears from this decision that the members after they entered into such association "still continued their individual business in full competition with each other and that the association itself, as an association, does no business whatever."

Justice Peckham here remarked:

"The contract condemned by the statute is one whose direct and immediate effect is a restraint upon that kind of trade or commerce which is interstate.

"There must be some direct and immediate effect upon interstate commerce in order to come within the act."

In Anderson et al. *v.* United States it was held:

"That an association of dealers who buy and sell cattle in competition with each other in a particular market, where it is open to all similar dealers, and where no attempt is made to control prices or the number of cattle bought, nor in any manner to prevent full competition between its members, is not in violation of the antitrust act, although the members are engaged in interstate commerce."

In Addyston Pipe and Steel Company *v.* United States it was held:

"That a combination and conspiracy among six companies in regard to the manufacture and sale of cast-iron pipe, by which they agreed that there should be no competition between themselves in some 36 States and Territories and by which prices were to be fixed for each contract by the association, was in violation of antitrust act."

From these decisions it is apparent—

That any agreement (whether contract, combination, in the form of trust

[a] Statement of facts under oath now on file in the office of the Attorney-General support these charges.

or otherwise, or conspiracy) in direct restraint of trade or commerce among the several States is illegal.

That the act is not restricted to any particular subject-matter of the buying or selling or trade or commerce among the several States.

That, further, the act is not limited in its application to any particular persons, natural or artificial, who may enter into any agreement to restrain trade or commerce among the several States.

The decision of the court of appeals for the fifth circuit in United States v. Addyston Pipe and Steel Company (54 U. S. App., 723) is especially noteworthy in positively disclosing that the scope of the antitrust act is not restricted to contracts, combinations, or conspiracies to restrain the transportation or delivery of the corpus (iron pipe) from one State to another, but extends to contracts, combinations, etc., in restraint of negotiations and sales which precede delivery of the corpus across State lines (or not). Sections 4 and 5 of the act confer jurisdiction over and power of reaching persons, companies, and corporations who have entered into agreements or combinations to hinder, interrupt, restrain, or in any way prevent full, free, and unrestricted negotiations or sales preliminary to the delivery of the corpus.

Section 6 reaches the corpus when it is in process of transportation, provided the corpus is of such a character or nature that it can be seized.

It is worth while here to observe that by the construction of the antitrust act in the Trans-Missouri and joint traffic cases it is not necessary to prove that an agreement actually restrains trade in practice or in operation to render it violative of the act. The defense of the joint traffic case attempted to show the opposite, and instanced in support of its view a State statute of New York (1830), and cited three cases tried under the act, to wit, People v. Fisher, 14 Wend., 9; Hooker v. Vandewater, 4 Denio, 347; Stanton v. Allen, 5 Denio, 434.

Under section 4, moreover, courts of equity have jurisdiction and power to issue injunctions for the purpose of and which may result in restraining the commission of crime. (United States v. Trans-Missouri Freight Association; United States v. Joint Traffic Association; Ellenbecker v. Plymouth County, 134 U. S., 31; United States v. Alger, 62 F. R., 824; United States v. Elliott, 64 F. R., 27; United States v. Debs, 64 F. R., 724.) In fact, this act seems to revive, in a measure, the ancient criminal jurisdiction of the court of chancery. (See Spence's Equity Jurisdiction of Court of Chancery, Vol. I, page 684.)

PATENTS FOR INVENTIONS ARE PROPERTY AND FORM THE SUBJECT-MATTER OF TRADE OR COMMERCE AMONG THE STATES.

(I) Patents are property.

"An invention secured by patent is property, and as much entitled to protection as other property." (Cammemyer v. Newton, 94 U. S., 225.)

"Patents when rightfully issued are property, and are surrounded by the same rights and sanctions which attend all other property." (Densmore v. Scofield, 102 U. S., 375.)

"By the laws of the United States the rights of a party under a patent are his private property." (Brown v. Duchesne, 19 Howard, 197.)

"The Government has no more power to appropriate a man's property invested in a patent than it has to take his property invested in real estate." (Solomon v. United States, 137 U. S., 346.)

"The power, therefore, to issue a patent for an invention and the authority to issue an instrument for a grant of land emanate from the same source, and * * * are of the same nature, character, and validity." (United States v. A. B. T. Co., 128 U. S., 358-359.)

Robinson on Patents, section 752 et seq.

The distinction between a patent for an invention and the physical thing, as machine, article of manufacture, etc., which embodies the invention set forth in the patent, should not be overlooked.

In Webber v. Virginia (103 U. S., 349) the court clearly distinguished between "the right to an invention or discovery—the incorporeal right—which the State can not interfere with," and the "tangible property," which is subject to the tax laws of the State.

"The purchase of an implement or machine for the purpose of using it in the ordinary pursuits of life stands on different ground from the purchase of the right of making and using the article." (Bloomer v. McQuewan, 14 Howard, 439.)

"There is manifest distinction between the right of property in the patent, which carries with it the power on the part of the patentee to assign it, and the right to sell the property resulting from the invention or patent." (11 Bush., 311 Ky. See also Welch v. Phelps, 14 Nebr., 134, where many cases are cited. Robinson on Patents, section 46, note 4, and section 1242.)

(II) Patents are not, properly speaking, monopolies.

Inventions were not recognized as property at common law. The Crown undertook to secure the exclusive right by patent, the same instrument as was used to create a monopoly. Thus the English courts fell into the habit of calling a patent a monopoly—one allowed and not forbidden by the statute of 21 James I. The unreflecting confounded and still confound the word and the thing.

"Now, patents (for inventions) are not monopolies, as the counsel have well said, because a monopoly is that which segregates that which was common before and gives it to one person or to a class for use and profit." (Singer v. Walmsley, 1 Fish., 363; Seymour v. Osborne, 11 Wall., 516.)

(III) Patents form the subject-matter of trade or commerce among the several States.

Section 4898, Revised Statutes of the United States, reads:

"Every patent or any interest therein shall be assignable in law by an instrument in writing, and the patentee or his assigns or legal representatives may in like manner grant and convey an exclusive right under his patent to the whole or any specified part of the United States."

A judgment debtor may be compelled to execute and deliver an assignment of an interest in a patent to a receiver. (Ager v. Murray, 105 U. S., 126.)

If the patentee complies with the laws of Congress on the subject, he has the right to go into the open market anywhere within the United States and sell his property. (Justice Davis, of the Supreme Court of the United States, in ex parte Robinson, 2 Biss., 309.)

Property can not be defined without enumerating seizure, use, and alienation. (Wynehamer v. People, 13 N. Y., 396, where the entire subject is exhaustively discussed.)

See also section 5046, Revised Statutes of the United States.

CONTRACTS, COMBINATIONS, OR CONSPIRACIES TO LOWER PRICES IN NO WISE DIFFER IN CHARACTER FROM SIMILAR CONTRACTS, ETC., TO RAISE PRICES WHEN THE PURPOSE IS THE SAME.

Lieber, in his Political Ethics, volume 2, book 4, chapter 37, has briefly and intelligently discussed this subject.

See also Commonwealth v. Carlyle (Br. Rep., 36), where it is stated that "a combination of employers to depress the wages of journeymen below what they would be if there were no recurrence to artificial means by either side is criminal."

People v. Fisher (14 Wendell, 1): "Combinations and conferences to enhance or reduce the price of labor or of any articles of trade or commerce are injurious."

Moore v. Bennet (29 N. E., 888): "To stifle or prevent competition, and thereby enhance or diminish prices to a point above or below what they would have been if left to the influence of unrestricted competition," is unlawful.

In United States v. Knight Company (156 U. S.) Chief Justice Fuller, at page 16, remarked:

"Contracts, combinations, or conspiracies to control domestic enterprise in manufacture, agriculture, mining, production in all its forms, or to raise or lower prices or wages, might undoubtedly tend to restrain external as well as domestic trade." * * *

Wharton's Criminal Law, tenth edition (1896), section 1365:

"To prejudice the public or government generally, as, for instance, by unduly elevating or depressing the prices of wages or toll or of any merchantable commodity."

Section 1370:

"To suppress competition at public auction."

(Comm. v. Haines, 15 Phila. Rep., 363; Huntzinger v. Connecticut, 10 Weekly Notes, Pa., 98; Texas Standard Oil Company v. Ardoue, 83 Tex., 650; Journeymen Tailors' Case, 8 Mod., 10; Comm. v. Hunt, 4 Metcalf, 111; The Queen v. Rowlands, 17 Q. Bench, 671; Hilton v. Eckersley, 6 Ellis & B., 47.)

In the statutes of Great Britain and Ireland, Volume I, page 64 (31 Edw. III), is found a law relating to merchants who by covin do abate the price of wools.

In Leiber Assissarum (27 Edw. III, 138) is specified, among other conspiracies to be investigated, that of—

"Merchants who by alliance and covin among themselves in any year put a certain price on wools which are to be sold in the country, so that none of them will buy, or otherwise pass in the purchase of wools beyond the certain price which they themselves have ordained, to the great impoverishment of the people."

(See Statutes at Large, 7 and 8 Victoria (vol. 84), chap. 24, Section IV.)

Senator HOAR, who aided in formulating the antitrust act, gives the following definition of a trust:

"I understand that a trust, technically and legally, means the case of having one or more persons commit to others or to a combination of others their business or the control of their business or the management of some portion of their business, such as the selling portion or the fixing the price or the hiring of labor, with the understanding that these powers are to be exercised by the corporation or combination to whom it is committed in a manner to operate for the benefit of the persons committing to them that power ordinarily by the depression or putting up of prices." (CONGRESSIONAL RECORD, June 28, 1897.)

A contract, combination, or conspiracy in restraint of trade among the States, which lowers prices of whatever is to be purchased, undoubtedly violates the antitrust act; and further, any contract, combination, or conspiracy to lower prices in the District of Columbia, and thus restrain local trade, violates section 3 of the act.

THE RELATION OF QUASI-PUBLIC CORPORATIONS TO THE ANTITRUST LAW.

The subject is fully discussed in United States v. Trans-Missouri Freight Association (166 U. S.), where numerous authorities are cited and the conclusion reached that:

"The business which the railroads do is of such a public nature that it may well be doubted, to say the least, whether any contract which imposes any restraint upon its business would not be prejudicial to the public interest."

That "while, in the absence of a statute prohibiting them, contracts of private individuals or corporations touching upon restraint in trade must be unreasonable in their nature to be held void, different considerations obtain in the case of public corporations like those of railroads," etc.

See Inter-Ocean Publishing Company v. The Associated Press (184 Ill. Rep., 438) (1900) (Exhibit IX), and also note that the by-laws of the Associated Press—declared to be illegal—are identical in force with several articles of the Eastern Railroad Association constitution.

A railroad corporation performs the function of the State (Olcott v. The Supervisors, 16 Wall., 678), and all its property is a trust fund for the sovereign power which created it. The incidental interests and profits of individuals are accidents, both in theory and in practice (Talcott v. Township of Pine Grove, 1 Flippin, 144) (1872).

In people v. Chicago Gas Trust Company it was said:

"Whatever tends to prevent competition between those engaged in a public employment or business impressed with a public character is opposed to public policy, and therefore unlawful."

The Constitution (Art. I, sec. 8, clause 8) empowers Congress to promote the progress of the useful arts by securing, for limited times, to inventors the exclusive right to their discoveries, and the Congress has repeatedly enacted laws to that end.

Patents for inventions are granted under the authority of the Constitution for the promotion of a Federal purpose. (Board of assessors of Brooklyn v. Edison Ill. Co., 156 N. Y., 417, 1898.)

The Congress also passed an act approved March 2, 1893, "to promote the safety of employees and travelers on railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, and their locomotives with driving-wheel brakes, and for other purposes."

In a message recommending this legislation, President Harrison said:

"It is a reproach to our civilization that any class of American workmen should, in the pursuit of a useful and necessary vocation, be subjected to peril of life and limb as great as that of a soldier in time of war."

Yet there exist two combinations of railroad corporations, one of them embracing practically all the companies in the 15 Atlantic Coast States and the other 81 corporations, each bound together under a written agreement, entered into voluntarily by each corporation, to "act as a unit" not only in subverting and negativing the laws enacted to promote the progress of the useful arts, but also in delaying and obstructing the enforcement of the act approved March 2, 1893.

The restriction of the introduction of patented inventions by anyone is against public policy and the public interests, and especially reprehensible when practiced by a public corporation, or a combination of 700 public corporations.

Agreements between common carriers, whether by land or by water, whereby a company covenants not to use such inventions and appliances as are discovered or invented from time to time, and are adapted to cheapening, hastening, and rendering safer the transportation of freight and passengers, are against the most obvious public policy. (Wiggins Ferry Company v. Chicago and Alton Railroad, 5 Mo. App., 347.)

In Hopkins v. Oxley Stave Company (28 C. C. App., 83 F. R., 912) the court remarked, in the course of its decision:

"Another object of the conspiracy, which was no less harmful, was to deprive the public at large of the advantages to be derived from the use of an invention."

The common law will not permit individuals or corporations to legally place themselves in a position by contract where they are required to do or not to do a particular thing, when the thing to be done or omitted is in any

degree injurious to the public. (W. Va. Trans. Co. *v.* Ohio R. P. L. Co., 22 W. Va., 617; W. U. Teleg. Co. *v.* Am. U. P. Co., 65 Ga., 160; Watson *v.* Harlem and N. Y. Nav. Co., 52 How., Pr. 348. See Ray Contractual Limitations, p. 276; Partial restriction of trade not permissible by corporations; and p. 261, Corporate Combinations to Prevent Fair Competition. Beach, Trust and Monopolies.)

By reason of the influence of the Eastern and Western Railroad Associations innumerable old methods and devices are now in use on railroads which, had competition not been suppressed, would long ago have been cast aside and replaced by improved methods and life and labor saving devices.

FREE COMPETITION IS THE GENERAL PUBLIC POLICY OF THE BODY POLITIC OR NATION.

"Competition, free and unrestricted, is the general rule which governs all the ordinary business pursuits and transactions of life." (United States *v.* Trans-Missouri Freight Association, quoting Judge Shiras, 166 U. S., 337.)

"The public policy of the Government is to be found in its statutes, and where they have not directly spoken, then in the decisions of the courts and the constant practice of the Government officials; but where the lawmaking power speaks upon a subject, over which it has constitutional power to legislate, public policy in such case is what the statute enacts." (United States *v.* Trans-Missouri Freight Association, 166 U. S., 340.)

The entire body of the laws may be subdivided into—

(1) The Constitution, treaties, and statutes of the United States.
(2) The constitutions and statutes of the several States.
(3) The common law as interpreted by the Federal courts.
(4) The common law as interpreted by the State courts.

The first constitutes supreme national law, and the third and fourth subsidiary national law. A United States court, when the law governing a case is common law, follows its own judgment in the interpretation to be placed upon the law, and not the interpretation of a State court, and the State courts thereafter follow such interpretation. In this way the common law has, in fact, acquired the character of a national system and is kept substantially uniform.

To determine the public policy of the nation relative to free competition, it is only necessary to consult (1) the Constitution, treaties, and Federal statutes, and decisions of the United States courts in cases arising under the same; and (2) the decisions of the Federal courts and State courts in cases at common law.

I. The Constitution empowers the Congress only to interfere at all with free competition (other than purely local within a State) in what may properly be called industrial or commercial pursuits. Thus far the coining of money (Article I, section 8, clause 5) and the postal business (clause 7) have been completely monopolized, but in connection with the latter, section 3950, Revised Statutes, requires free competition in making contracts for carrying the mails. The power, under clause 3, to regulate (not monopolize) commerce has been exercised mainly in the direction of preserving freedom of interstate trade and commerce. Note the interstate-commerce law, and in particular section 5, which forbids "pooling" by common carriers, and the antitrust act.

Whatever industrial or commercial enterprises may in the future be conducted on a limited scale or be monopolized by the General Government under the authority of Article I, section 8, clauses 1 and 18, it is a fact that so far the power has for the most part been held in abeyance. The decisions of the United States courts in cases involving the construction of the Constitution or arising under the statutes have ever been in the line of preserving and promoting commercial freedom and free competition.

NOTE.—The Interstate Commerce Commission *v.* Railway Company (167 U. S., 479), where it was held that the Commission has no power to prescribe traffic rates for common carriers "to evolve as it were out of its own consciousness the satisfactory solution of the difficult problem of just and reasonable rates for all the various roads in the country." United States *v.* Trans-Missouri Freight Association; United States *v.* Joint Traffic Association.

In Chicago and Northwestern Railway Company *v.* Osborne (52 Fed. Rep.) Justice Brewer said:

"Congress has not attempted to require that tariffs on all roads be uniform, nor has it attempted to place a limit in figures beyond which no company may go in its charges. The laws of business and competition have as yet been deemed sufficient restraint in that direction."

Nearly all States have legislated against the consolidation of competing lines of railroads. In a case arising under a State law (Pearsall *v.* Great Northern Railway Company, 161 U. S., 646) Justice Brown remarked:

"Whether the consolidation of competing lines will necessarily result in an increase of rates or whether such consolidation has generally resulted in a detriment to the public is beside the question. Whether it has that effect or not, it certainly puts it in the power of the consolidated corporation to give it that effect; in short, puts the public at the mercy of the corporation. There is and has been for the past three hundred years, both in England and in this country, a popular prejudice against monopolies in general, which has found expression in innumerable acts of legislation. We can not say that such prejudice is not well founded. It is a matter on which the legislature is entitled to pass judgment. There are, moreover, thought to be other dangers to the moral sense of the community incident to such aggregations of wealth, which, though indirect, are even more insidious in their influence, and such as has awakened feelings of hostility which have not failed to find expression in legislative acts."

In Van Patten *v.* Chicago, Milwaukee and St. Paul Railway (81 F. R., 545) the judge said that "the controlling element in regulating prices, values, and rates in general commercial and manufacturing business of the country" is "self-interest controlled by free competition."

"The fact that Congress has not legislated upon the subject of interstate commerce is equivalent to the declaration that it shall remain free and untrammeled." (Welton *v.* Missouri, 91 U. S., 275; In re Debs, 158 U. S., 564.)

"Again, all the authorities agree that in order to vitiate a contract or combination it is not essential that its results should be a complete monopoly; it is sufficient if it really tends to that end and to deprive the public of the advantages which flow from free competition." (United States *v.* Knight Company, 156 U. S., 16.)

II. The decisions of the Federal and State courts in suits involving the interpretation of the common law have almost without exception condemned all agreements the main objects of which were the restraint or destruction of free competition. Those who before the courts and in the public press have denounced "free competition self-destructive" have been able to support their contentions by about six decisions, to wit:[a] (1) Perkins *v.* Lyman, 9 Mass., 522 (1813); (2) Kellog *v.* Larkin, 3 Pinney, 123 (1851); (3) Schrainka *v.* Scharringhausen, 8 Mo. App., 522 (1880); (4) Leslie *v.* Lorrilard, 110 N. Y., 519 (1888); (5) Manchester and Lawrence Railroad *v.* Concord Railroad, 20 Atlantic R., 383 (1890); (6) National Company *v.* Hospital Company, 45 Minn., 275.

These decisions, however, have but little weight when carefully studied. They are only minor and temporary reverse currents which have lost their way in the general onward flow of the main stream.

[a] Ex parte Koehler, 21 Am. and English Rid. Cas., 57. But pooling is now forbidden by the interstate-commerce act.

Free competition is to fix prices in all cases except where the nature of the business renders it inoperative and creates a "virtual monopoly," and there the "police power" may be exercised (subject, however, to the provisions of the fifth and fourteenth amendments to the Constitution) in establishing "reasonable rates" or charges. (Granger cases, 94 U. S.; Munn *v.* Illinois, 94 U. S., 113; Railway Company *v.* Minnesota, 134 U. S., 418; Smyth *v.* Ames, 169 U. S., 466; Budd *v.* New York, 143 U. S., 517; Spring Valley Water Works *v.* Schlotter, 110 U. S., 347.)

As confirmatory of the proposition expressed, there may be here introduced the testimony of two eminent jurists:

"The advantages of unrestricted competition are apparent to the public in industrial life all about us, and while in some kinds of business this is sharp, yet selfishness is sufficiently active and sufficiently intelligent to prevent its becoming ruinous." (Judge T. M. Cooley in Railway Review, January 8, 1887.)

"As long as the principle of competition by private contract is recognized by our social philosophy as regulative of industrial relations, the law has done all it can when, as with us, it breaks down the cast of hereditary privileges, sweeps away the law of primogeniture, and establishes that equality of opportunity which secures to every individual all that he can, according to his capacity, achieve and acquire for himself and his without infringing upon the equal right of his neighbor. The law can do no more than, as an impartial judge, keep a free and fair field, clear from all obstruction, and let the winner win." (Justice Matthews in New York Independent, July 10, 1879.)

As a summary of the benefits of free competition see the remarkable article in Lalor's Cyclopedia of Political Science, Vol. I, page 642, written by the eminent economist, Coquelin:

"We would not," it is remarked, "have the reader imagine that in what we have just said our object was to defend industrial or commercial competition against the puerile attacks which have so frequently been made on it. It has always seemed to us as ill-becoming economists to stoop to defend such a principle; it is too entirely inherent in the primary conditions of social life; it is at the same time too great, too elevated, too holy, and in its general application too far above the attempt of the pigmies who threaten it, to need any defense. We do not defend the sun, although it sometimes burns the earth, which it should only illuminate and warm; neither is there any need to defend competition, which is to the industrial world what the sun is to the physical world. Competition was not born in 1789; it was born in the very cradle of human society, which it has led step by step, from its state of primitive barbarity, to the point of civilization which it has now reached."

It may be truthfully stated that where competition is free no person, natural or artificial, can gain an advantage over others except by rendering more effective and efficient service to the community in quality, quantity, or time, or in some of these combined, unless resort be had to force or fraud.

The Eastern Railroad Association has, by its "combined force and power" and by fraud, for more than twenty-five years oppressed and robbed inventors and owners of patents. Since July 2, 1890, it has existed and pursued its iniquity, in violation of the antitrust act. It is unquestionably the duty of the Attorney-General, as directed by section 4 of the act, to instruct the proper district attorney forthwith to file a petition in equity praying that further violations of the law be enjoined and prohibited.

THE ATTORNEY-GENERAL, INDEPENDENT OF HIS POWER AND DUTY AS SPECIFIED UNDER SECTION 4 OF THE ANTITRUST ACT AND REPRESENTING THE GOVERNMENT OF THE UNITED STATES, HAS AUTHORITY TO AND SHOULD INSTITUTE SUIT IN EQUITY FOR THE PURPOSE OF RESTRAINING THE EASTERN RAILROAD ASSOCIATION.

The United States can assert its prerogative of parens patriæ and enter suit in its own courts in behalf of the public when there is an interference with the exercise of any exclusive power or function granted by the Constitution and over which the Congress by positive enactments has assumed control. (In re Debs, 158 U. S., 599; United States *v.* American Bell Telephone Company, 159, U. S., 670.)

The legislative branch of the Government vested with power and authority granted by Article I, section 8, paragraph 8, of the Constitution has enacted certain patent laws.

Patent rights are granted under the Federal Constitution and necessarily for the promotion of a Federal purpose. (Grant *v.* Raymond, 6 Peters, 218, 241; Ames *v.* Howard, 1 Sumner, 482; Blanchard *v* Sprague, 3 Sumner, 535.)

In People ex rel Edison Illuminating Company *v.* The Assessors (156 N.Y.R., 417); the court remarked:

"The next step is that patent rights being created under the Federal Constitution and laws for a Federal purpose, the States are without the right to interfere with them."

A State has no power to obstruct or impose conditions upon or to interfere with the sale of State, county, or town rights or individual licenses under a United States patent. (Ex parte Robinson, 2 Biss., 209; Holliday *v.* Hunt, 70 Ill., 109; Helm *v.* First National Bank, 43 Ind., 167; Patterson *v.* Kentucky, 97 U. S., 501; Webber *v.* Virginia, 103 U. S., 304, etc.)

Regarding an interference with interstate commerce the Supreme Court, in re Debs (158 U. S., 564), expressed itself as follows:

"If a State with its recognized power of sovereignty is impotent to obstruct interstate commerce, can it be that any mere voluntary association of individuals within the limit of that State has a power which the State itself does not possess?"

By parity of reasoning a voluntary association of railroad corporations in 15 States has no lawful authority to erect a "judicial tribunal" for the determination of all questions "respecting patented inventions in any way relating to railroads." (See p. 10.)

The executive branch of the Government must guard the Constitution and enforce the laws. The President "shall take care that the laws be faithfully executed." (Constitution, Article II, section 3.)

By act of Congress certain Executive Departments have been created to aid the President in the performance of his duties and to act by his authority.

The circuit courts, a part of the judicial branch of the Government, have jurisdiction of actions to which the United States is a party (18 U. S. Stat., 470, act March 3, 1875), and can exercise their equity jurisdiction at the suit of the Attorney-General to prohibit acts which interfere with any subject-matter over which Congress, by power granted, has assumed control, and to restrain or annul obstructions interposed by private persons or corporations in the way of the full and free exercise of privileges lawfully granted by said legislative branch of the Government. (In re Debs, 158 U. S., 599; United States *v.* A. B. T. Co., 128 U. S., 359.)

Justice Brewer, in re Debs, summed up the conclusions of the court in a case involving an interference with interstate commerce by a voluntary association. Substituting for the clauses thereof relating to commerce among the States those relating to the promotion of useful arts by patents, for inventions, the decision reads:

"Summing up our conclusions, we hold that the Government of the United States is one having jurisdiction over every foot of soil within its territory, and acting directly upon each citizen; that while it is a government of enumerated powers, it has within the limits of those powers all the attributes of

sovereignty; that to it is committed power 'to promote the progress of science and useful arts by securing for limited time to * * * inventors the exclusive right to their * * * discoveries;' 'that the powers thus conferred upon the National Government are not dormant, but have been assumed and put into practical exercise by the legislation of Congress; that in the exercise of those powers it is competent to remove all obstructions,' 'natural or artificial,' to the progress of science and useful arts and to the free exercise by every citizen of the privileges guaranteed under the patent laws; that while it may be competent for the Government (through the executive branch and in the use of the entire executive power of the nation) to forcibly remove all such obstructions, it is equally within its competency to appeal to the civil courts for an inquiry and determination as to the existence and character of any alleged obstructions, and if such are found to exist, or threaten to occur, to invoke the powers of those courts to remove or restrain such obstructions; that the jurisdiction of such courts to interfere in such matters by injunction is one recognized from ancient times and by indubitable authority; that such jurisdiction is not ousted by the fact that the obstructions are accompanied by or consist of acts in themselves violations of the criminal law; that the proceeding by injunction is of a civil character."

And the court further stated that its decision in this case rested upon "broader ground" than the antitrust act.

See the following authorities:

The United States may bring an injunction bill, in the proper circuit court, to protect improvements which she is making under the authority of Congress in navigable waters from injury which will be caused by works of internal improvement within State limits and by State authority. (United States *v.* City of Duluth et al., 1 Dillon, 469 (1870).)

According to the principles of equity, as recognized in the courts of the United States, a State can obtain relief by a bill in equity filed by the attorney-general of the State. (Coosaw Mining Company *v.* South Carolina, 144 U. S., 564 (1892), citing United States *v.* Gear, 3 Howard, 120, and City of Georgetown *v.* Alexandria Canal Company, 12 Peters, 91.)

When a corporate excess of power tends to the public injury or to defeat public policy, it may be restrained in equity at the suit of the Attorney-General. (Stockton *v.* Central Railroad Company, 50 N. J. Eq. Rep., 52 (1892).)

"Remedies against corporations—bill by Attorney-General to prevent corporations from entering into agreements and combinations to prevent competition or monopolize trade, or for continuing in, or carrying out, such agreements and combinations." (Note to People *v.* Milk Exchange, page 485 of American Railroad and Corporation Reports, Volume XI.)

"When the managing body are doing or about to do an ultra vires act of such a nature as to produce public mischief, the Attorney-General, as the representative of the public and of the Government, may maintain an equitable suit for preventive relief." (Pomeroy, Equity Jurisprudence, sec. 1093. See also the last paragraph of the decision, United States *v.* Trans-Missouri Freight Association, 166 U. S., 290.)

The unlawful agreement relating to patents for inventions entered into by the railroad corporations of the 15 Atlantic coast States under the style of the Eastern Railroad Association and the many unlawful acts of the association in enforcing its unlawful agreement are fully set forth in the foregoing statement and accompanying exhibits.

The Attorney-General should, independent of his duty as designated in the antitrust act, direct the filing of a civil information in equity in the proper United States circuit court praying for an injunction to issue restraining the Eastern Railroad Association and for a dissolution of the unlawful trust combination and conspiracy.

F. E. STEBBINS.

EXHIBIT C.

Twelfth annual report of the executive committee of the Eastern Railroad Association to the members, 1878–79.

Membership.—Ashuelot; Baltimore and Ohio; Boston and Albany; Boston, Concord and Montreal; Boston, Clinton, Fitchburg and New Bedford; Boston, Lowell and Nashau; Boston and Maine; Boston and Providence; Catasauqua and Fogelsville; Central (of New Jersey); Central, Vermont; Cheshire; Concord, Manchester and Lawrence; Connecticut River; Connecticut Western; Danbury and Norwalk; Delaware and Hudson Canal Company; Eastern; Fitchburg; Housatonic; Lehigh Valley; Long Island; Maine Central; Naugatuck; New York Central and Hudson River; New York, New Haven and Hartford; New Haven and Northampton; New London Northern; New York and New England; North Pennsylvania; Northern Central; Northern (New Hampshire); Northeastern (of South Carolina); Norwich and Worcester; Ogdensburg and Lake Champlain; Old Colony; Passumpsic; Pennsylvania; Philadelphia and Baltimore Central; Philadelphia and Reading; Philadelphia, Wilmington and Baltimore; Providence and Worcester; Providence, Warren and Bristol; Raleigh and Gaston; Richmond, Fredericksburg and Potomac; Richmond and Petersburg; Seaboard and Roanoke; Stonington and Providence; Troy and Boston; Vermont Valley; Wilmington, Columbia and Augusta; Wilmington and Weldon; Worcester and Nashua.

Executive committee.—Strickland Kneass, assistant to president Pennsylvania Railroad Company; J. B. Winslow, agent Boston and Lowell Railroad Company; Frank Thomson, general manager Pennsylvania Railroad Company; J. N. DuBarry, representing Northern Central Railroad Company; E. D. Worcester, secretary New York Central and Hudson River Railroad Company; William D. Bishop, director New York, New Haven and Hudson River Railroad Company; James Moore, general superintendent Central (of New Jersey) Railroad Company; A. A. Folsom, general superintendent Boston and Providence Railroad Company; D. L. Harris, president Connecticut River Railroad Company.

Officers.—President, Strickland Kneass, Philadelphia, Pa.; Treasurer, A. A. Folsom, Boston, Mass.; Secretary, A. McCallum, Boston, Mass.; secretary's office, room No. 15, Boston and Lowell passenger station, Boston, Mass.

REPORT.

OFFICE OF THE EASTERN RAILROAD ASSOCIATION,
Boston, Mass., March 24, 1879.

To the Members of the Eastern Railroad Association.

GENTLEMEN: In submitting this the twelth annual report, your committee congratulates the members on the continued prosperity of the association. On referring to the reports of the secretary and treasurer herewith, it will be seen, from the details of the business transactions therein set forth, that the association has proved of increased usefulness to its members, while financially its condition is very satisfactory.

Your committee also congratulates the members on the successful results of the litigation assumed by the association on their behalf, as noted in that part of the secretary's report devoted to this the most important branch of the business of the association. In view of the results obtained in this respect, your committee is fully impressed with the conviction that very large sums of money have been saved to the members, and to railroads generally, by the determined and persistent opposition made to what was believed to be "unjust claims for patented inventions." In this regard it must be a matter of great satisfaction to the members to know that no case which has been opposed by the association has yet been declared against them on final adjudication to the Supreme Court of the United States.

Since the last annual meeting several important changes have occurred which call for particular notice.

With much regret your committee accepted the resignation of Messrs. Isaac Hinckley as president, D. L. Harris as secretary, and John B. Winslow as treasurer. The resignation of these gentlemen, who so long and so ably filled their responsible positions, is felt to be a great loss; but we have the satisfaction of knowing that, while unable longer to continue the active duties of their former positions, they still take a deep interest in the welfare of the association, and continue to aid in its administration by their valuable counsel.

We have also to note the resignation of S. M. Whipple, esq., who has heretofore acted as expert and general agent of the association to investigate and report on patent claims and to prepare for defense in contested cases.

Under the new constitution such services require to be performed under supervision of the secretary, and form part of his duties. It is therefore believed that, with the addition to the clerical force of the secretary's office already made, the office of expert and general agent as heretofore existing may be dispensed with. Several important changes have been effected by the amended constitution, which, after due discussion and deliberation, was adopted at the special meeting of the association on the 4th day of December, 1878.

Copies of the amended constitution, and also of the by-laws, were forwarded to the members, and their representatives have doubtless made themselves familiar with the same.

Your committee, however, think it proper here to refer to some of the provisions of the constitution as amended.

Particular attention is called to Article VI, which is designed to regulate the action of all concerned when a claim is made for the use of a patented invention and said claim is submitted to the association for action.

Section 1 of this article makes it the duty of the executive committee to negotiate with an inventor or patentee whose claim it is considered inexpedient to contest; but attention is drawn to the fact that the committee must first be requested to do so by a member. In this respect the section differs from section 3 of Article VII of the old constitution.

Section 2 is substantially the same as section 4 of Article VII of the old constitution; but it will be observed that if a member fails to acknowledge receipt of notice sent by the committee for fifteen days after its date, the terms of settlement proposed shall be considered as accepted by such member.

Attention is also called to section 3 of this article, as by its terms the members, in order to avail themselves of the services of the association for defense, or in settlement of claims, must notify the secretary of any suit or claim brought against them. And if any member has previously declined, or shall subsequently decline, the basis of settlement recommended by the executive committee, the association will not be responsible for any expenses for litigation such member may incur.

Section 4 prohibits any member settling any suit or claim brought against it, after being advised by the secretary that a similar suit or claim is in charge of the association for defense in behalf of any of its members, without the consent of the secretary, indorsed by the president.

This provision of the constitution may appear tyrannical, and it does to a certain extent deprive members of the liberty of individual and independent action in the settlement of claims; but the subject has been well considered, and the rule is believed to be essential to the successful carrying out of the main object of the association, to wit, the protection of its members against unjust claims made for patented inventions.

One member may find it expedient to settle a claim under special inducements; but the money thus paid enables the party making the unjust claim to prosecute other members, which in most cases he would otherwise be unable to do. Again, the weaker members of the association might be unduly influenced in the settlement of such claims when they learned that a more powerful member had found it expedient to settle.

Such methods of influencing the settlement of claims are well known to those engaged in the manipulation of fraudulent patent claims, and, if allowed to prevail, the influence and salutary effect of the association would be destroyed. To obtain the best results, the members of the association must act as a unit, and it is believed that this unity of action has been the true cause of our success heretofore.

Your committee also think it proper to direct attention to the fact that by the amended constitution the duties and responsibilities of the secretary's office have been increased. (See section 2, Article V.) One of the objects sought to be attained by extending the duties of the secretary so as to include the management of litigated cases was economy. Heretofore the executive committee, as a matter of necessity, had to employ counsel whenever suits were brought against any of the members and pay whatever bills were presented without full knowledge of the actual services rendered. As a remedy for this unsatisfactory state of affairs it was thought advisable to employ as secretary an attorney having experience in the practice of the patent law and who could, if necessary, practice in any of the United States courts having jurisdiction in patent cases. For particulars respecting the present method of carrying on the business of the association we refer to the accompanying report of the secretary.

On referring to said report it will also be found that the secretary is prepared to furnish information respecting several subjects not specially inquired of, but of general interest to the members, such as the early histories of the "electric telegraph," "power brakes," "sleeping cars," etc.; but as the regular duties of his office have proved onerous, it is not to be expected that he can give much attention to the collection of such general information. It is therefore suggested that when anything of interest in this connection comes to the knowledge of any members the same be communicated to the secretary, so that, under the direction of your committee, he may be enabled to distribute such information to the other members.

We also call attention to the suggestions of the secretary as to the formation of a scientific library by voluntary donations of spare books by the members, to which end your committee have appropriated a limited amount to secure a complete set of the drawings of patents relating to railroads and such reports on patent cases as will materially aid in carrying out the objects of the association, as well as to the importance of collecting models with a view to the formation of a museum of inventions. Your attention is particularly called to the means suggested to prevent the grant of fraudulent patents.

Recent developments show that our members can not be too careful, when taking a license, to see that the language of the agreement or license affords them proper protection in the use of the patented invention for which the license is given; and in this connection the following suggestions may be acceptable:

1. Be sure that the party who gives the license has a legal title to the patent. This can be ascertained by making application to the Commissioner of Patents for a certified abstract of the assignments of the particular patent for which the license is to be given.

2. Be sure that the license covers the right to use the invention, any improvements thereon which the inventor may have made and patented, or for which patents may hereafter be obtained by the inventor or his assignees.

3. Be sure that the license covers the right to use the patented device, not only on your own roads, but on any roads and branches which may be leased, or otherwise connected therewith, during the life of the patent or patents.

4. Be sure that the license covers the right to use the patented device during the entire period for which letters patent are or may be granted or extended, including any reissue of the same.

Attention is respectfully called to the resolutions adopted at the meeting of your committee December 4, 1878, a printed copy of which was sent to the members at that time. Said resolutions are to the effect that the association can not, under the constitution, undertake to defend the members against claims for infringement of letters patent until said claims have been examined and reported on by the executive committee; so that when suits are brought previous to such examination and report the expenses incurred in defending the suit must be borne by the individual members sued, unless said suit, upon examination, be accepted by the executive committee, in which case all expenses will be assumed by the association.

This does not prohibit the secretary from giving all the information on the subject at issue which may be in his possession, or from rendering aid in the proper defense of such suit prior to the action of your committee. Such services are at all times available to the members, but anything that may be done or any expense that may be incurred is subject to the approval of the executive committee.

On referring to the report of the treasurer it will be found that the account up to December 31, 1878, stands as follows:

Balance from preceding year	$17,958.44
Collections under assessments	17,819.85
Collection of interest	460.00
Total	36,238.29
Less expenditures	15,678.21
Balance	20,560.08

Respectfully submitted.
By order of the executive committee.

STRICKLAND KNEASS, *President.*

EXHIBIT D.

Membership of the Eastern Railroad Association for the year ending March, 1883.

	Miles.
Allegheny Valley and branches	259
Baltimore and Ohio and branches, also 18 other railroad corporations	1,495
Boston and Albany and branches, also 4 other railroad corporations	372
Boston, Concord and Montreal and branches, also 2 railroad corporations	166
Boston and Lowell, also 6 railroad corporations	197
Boston and Maine and branches, also 6 railroad corporations	606
Boston and Providence and branches, also 1 railroad corporation	67
Boston, Barre and Gardener and branches	37
Camden and Atlantic and branches, also 1 railroad corporation	70
Carolina Central and branches	241
Catasauqua and Fogelsville and branches	25
Cental Railroad of New Jersey, also 2 railroad corporations	545
Central Vermont Railroad, also 5 railroad corporations	353
Cheshire Railroad, also 2 railroad corporations	80
Connecticut and Passimpsic, also 1 railroad corporation	147
Concord Railroad, also 4 railroad corporations	142
Connecticut Railroad, also 1 railroad corporation	80
Concord and Claremont, also 1 railroad corporation	71
Danbury and Norwalk	37
Delaware and Hudson Canal and Railroad, also 10 railroad corporations	568
Eastern Railroad, also 7 railroad corporations	283
Fitchburg Railroad, also 1 railroad corporation	151
Housatonic Railroad, also 4 railroad corporations	126
Hartford and Connecticut Western, also 2 railroad corporations	105
Lehigh Valley Railroad, also 2 railroad corporations	306
Long Island Railroad, also 11 railroad corporations	325
Manchester and Lawrence, also 1 railroad corporation	26
Maine Central, also 3 railroad corporations	470
Naugatuck Railroad, also 1 railroad corporation	66
New York Central and Hudson River Railroad, also 2 railroad corporations	1,118
New York, New Haven and Hartford Railroad, also 2 railroad corporations	203
New York, Philadelphia and Baltimore, also 2 railroad corporations	82
New Haven and Northampton, also 1 railroad corporation	137
New London Northern, also 1 railroad corporation	121
New York and Lake Erie, also 5 railroad corporations	452
Northern Central, also 5 railroad corporations	343
Northern (N. H.), also 1 railroad corporation	100
Northeastern Railroad, also 5 railroad corporations	102
Ogdensburg and Lake Champlain	118
Old Colony, and 2 railroad corporations	477
Pennsylvania, also 23 railroad corporations	2,401
Pennsylvania Company, also 7 railroad corporations	864
Pittsburg, Cincinnati and St. Louis Railroad, also 7 railroad corporations	1,507
Philadelphia and Reading, also 2 railroad corporations	847
Philadelphia, Wilmington and Baltimore, also 8 railroad corporations	383
Pennsylvania and New York canal and railroad, also 1 railroad corporation	95
Portland and Ogdensburg	94
Providence and Worcester, also 3 railroad corporations	66
Petersburg	63
Providence, Warren and Bristol	15
Raleigh and Gaston, also 1 railroad corporation	196
Richmond, Fredericksburg and Potomac, also 2 railroad corporations	82
Richmond and Allegheny, also two railroad corporations	235
Rome, Watertown and Ogdensburg, and 2 railroad corporations	265
Seaboard and Roanoke	80
Sullivan Company	26
Troy and Boston, also two railroad corporations	46
Vermont Valley	24
West Jersey, also 4 railroad corporations	163
Wilmington, Columbia and Augusta	192
Wilmington and Weldon	198
Worcester and Nashua, also 1 railroad corporation	95
Total	19,198

Two hundred and fifty-five corporations.

EXHIBIT E.

Constitution and by-laws of the Eastern Railroad Association, now in force.

CONSTITUTION.

ARTICLE I.

This association shall be called "The Eastern Railroad Association." While having for its general purpose the promotion of the railway interests, its leading object shall be the protection of its members against unjust claims made for patented inventions.

ARTICLE II.

This association shall be composed of railroad companies of New England and any others, at the discretion of the executive committee, subscribing to the articles and contributing to the expenses of the association. Each company to be represented by a duly authorized person; but no railroad company whose earnings are mainly derived from the transportation of passengers upon an elevated railroad within the limits of a city shall be admitted as a member of the association, except upon such terms and conditions as may be prescribed by the executive committee.

ARTICLE III.

SECTION 1. The affairs of the association shall be managed by an executive committee of nine members, who shall be elected every year at the annual meeting of the association. They shall submit at each annual meeting of the association a report of the operations of the past year and of its financial condition, and any member of that committee ceasing to be the representative of the company for which he is appointed shall cease to be a member of said committee; and in all cases where a member of the executive committee is absent from two consecutive stated meetings of said committee, unless such absence is caused by sickness or absence from the country, it shall be equivalent to a resignation of said member, and it shall be the duty of the executive committee to fill the vacancy thus created at the next stated meeting following.

SEC. 2. Said committee shall organize by the election of a president, vice-president, general counsel, secretary and treasurer (the president, vice-president, and treasurer to be selected from its own members), who shall also be president, vice-president, general counsel, secretary and treasurer of the association. A majority shall constitute a quorum for the transaction of business. They shall also appoint such standing committees as they may deem requisite.

SEC. 3. Said committee shall provide a suitable place for the general office of the association, where all models, books, papers, and documents may be deposited for safe-keeping.

SEC. 4. Said committee shall have power to elect such other officers and employees, and appoint such legal counsel, as may be necessary for the interests of the association, and fix salaries and compensation, and prescribe the duties of all officers, agents, and employees; shall fill vacancies in its membership, and make by-laws for its own government.

SEC. 5. Meetings of the executive committee may be called at any time by the president, or shall be when requested by any two members of the committee.

ARTICLE IV.

SECTION 1. The annual meeting of the association for the election of the executive committee and for the transaction of other business shall be held on the second Wednesday in May, at such hour and place as may be designated by the executive committee, and the fiscal year of the association shall terminate on the 31st of December.

SEC. 2. Special meetings of the association shall be called by the president upon the request of two members of the executive committee, or at the written request of the representatives of not less than five companies. Notice of any meeting of the association shall be given by a written or printed notice directed to each member, and deposited in the post-office at least ten days prior to the day of such meeting.

SEC. 3. The representatives of ten companies shall constitute a quorum at all meetings of this association. Each company shall be entitled to one vote.

ARTICLE V.

SECTION 1. Whenever, in the opinion of the executive committee, a patent submitted for examination by any member is valid, or whenever it is deemed inexpedient to contest any claim made upon a member of the association for the use of a patented invention, it shall be the duty of said committee, at the request of any of the associate members, to negotiate either for the use of said patent or for a settlement of the claim preferred, and, when effected, to report the same to each associate member for acceptance.

SEC. 2. If any member declines accepting the basis of settlement so offered (and a failure to acknowledge receipt of said notice for fifteen days after its date shall be deemed an assent to the terms thereof), the association shall not be responsible for the defense of any suit or for the expenses of any litigation against that company, and growing out of that case, incurred subsequent to date of said notice.

SEC. 3. Whenever a suit is brought against any member of the association for infringing upon a patent reported upon as invalid, or whenever a claim is made against any member for the use of a patent reported upon as valid, and for which a basis of settlement has been agreed upon as aforesaid, it shall be the duty of that member to make a report of such suit or claim to the secretary, and thereafter the said committee shall manage the same at the expense of the association, provided the member so reporting has not previously declined or shall not subsequently decline such basis of settlement as has been or may be recommended by the executive committee.

SEC. 4. Members of the association shall not settle any suit or claim against them after being advised by the general counsel that a similar suit or claim is in charge of the association for defense in behalf of any of its members without the consent of the general counsel, indorsed by the president.

SEC. 5. Whenever the executive committee shall adopt a report relating to a patent, and shall not deem it for the best interests of the association to assume or continue the expenses of litigation growing out of such report, it may at its discretion so notify the member to whom such report is made, and the association shall not hereafter be at any legal or other expense on account thereof; but said committee may compromise and settle the claim, or purchase a license for such member at the expense of the association: *Provided*, That in the opinion of said committee such settlement or purchase can be effected at less expense to the association than the cost of carrying on the litigation in behalf of such member.

ARTICLE VI.

Any member willfully violating these articles may be stricken from the roll of membership by a vote of two-thirds of the members present at any annual or special meeting, provided due notice of such proposed action shall be given in the call of said meeting.

ARTICLE VII.

The president of the executive committee shall confer with the officers of similar railroad associations in the United States in relation to the settlement of patent claims and the trial of patent cases, and said committee may,

if they deem it advisable, contribute from the funds of the association to aid in the defense of any patent case the issue of which involves the interests of the members of the association.

ARTICLE VIII.

The executive committee shall have the power, and it shall be their duty from time to time, as often as they judge the interests of the association require, to make assessments upon members of the association, one-half, as nearly as practicable, in proportion to their gross receipts for the fiscal year preceding the making of the assessment, and one-half in proportion to the length of their roads, for any expenses already incurred or hereafter to be incurred, which, in the opinion of the committee, should be borne by this association. If any company shall neglect to make the proper returns called for by the treasurer after assessment is made, or neglect to pay the treasurer the sum assessed upon it before the 31st day of December thereafter occurring, it shall be deemed to be in default and shall not be entitled to the privileges of membership, and if it shall fail to pay the sum assessed upon it within three months after notice of default from the treasurer, it shall thereupon cease to be a member of the association.

ARTICLE IX.

Any company may withdraw from this association by giving notice in writing to the secretary, provided such company shall, nevertheless, be liable for its proportion of the expenses of the association for the fiscal year ending December 31 next ensuing.

ARTICLE X.

This constitution may be altered or amended by a vote of two-thirds of the members present at any regular or special meeting, provided due notice of said proposed alteration or amendment shall have been given in notice for said meeting.

BY-LAWS.

ARTICLE I.

The annual meeting of the association and the election of an executive committee shall be held in the city of New York, and the stated meetings of the executive committee shall be held on the second Thursday of the months of March, September, and December and on the second Wednesday of the month of May in each year, at such place and hour as the committee may from time to time designate. Special meetings of the executive committee shall be called in the same manner as provided in the constitution for the meetings of the association.

ARTICLE II.

The general office of the association shall be located, until further action by this commitee, at Washington, D. C.

ARTICLE III.

The executive committee shall, at its first meeting after election, organize by election from its own number a president, vice-president, and treasurer; a secretary and general counsel, not members of the committee, and also a finance committee, to be composed of three members of the executive committee. All elective officers shall serve for the ensuing year, or until their successors be elected.

ARTICLE IV.

Five members of the committee shall constitute a quorum for the transaction of business, which shall be in the following order:

1. Minutes of the last meeting read.
2. Report of treasurer.
3. List of applications for membership made since last meeting.
4. Report of general counsel.
5. Other business.
6. Reports on patents, etc.

ARTICLE V.

SECTION 1. It shall be the duty of the president or vice-president to preside at all meetings of the association. In the absence of the president or vice-president, a president pro tem. may be appointed. The presiding officer shall name or appoint all special committees, unless otherwise ordered by the association, and the president shall be ex officio a member of all committees.

SEC. 2. The vice-president, when called upon, shall assist the president in the performance of his duties, and during the absence or at the request of the president shall officiate in his place.

SEC. 3. The general counsel shall give his time exclusively to the service of the association, and receive therefor such salary as the executive committee may fix. He shall make all required examinations and reports as to scope and validity of letters patent and questions of infringement of same, and prepare cases for defense before the courts. He shall answer all inquiries from members of the association relative to patent matters, and furnish them with written information regarding patents or patent claims that may be in the possession of the executive committee. He shall keep the minutes of the meetings of the association and of the executive committee; shall have charge of the office, models, archives, and property not pertaining to the investments or finances of the association, and perform such other duties as the executive committee may direct.

SEC. 4. The secretary shall give his time exclusively to the service of the association, and receive therefor such salary as the executive committee may fix. He shall keep the books of the association, excepting those in charge of the treasurer; shall notify the members and the executive committee of all meetings of their respective bodies. He shall have charge of the rooms of the office building in the city of Washington, D. C., not occupied by the association, rent same, collect the rents, and account to the treasurer therefor. He shall assist the general counsel, and perform such duties as may be designated by him, and, in the absence of the general counsel he shall take charge of the office, models, archives, and property not belonging to the finances of the association, and perform such other duties as the executive committee may direct.

SEC. 5. The treasurer shall collect all assessments as made by the executive committee, and disburse all the moneys of the association, under the direction of the executive committee. He shall keep a regular set of books containing the accounts of the association, and of all the funds that may pass through his hands, and keep a separate account as treasurer at such bank or banks as the executive committee may approve. He shall make report at each stated meeting of the executive committee of his receipts and disbursements in such form as the said committee may direct, and at the stated meeting in March shall submit a general statement of the financial condition of the association, and a detailed statement of receipts and expenditures of the past fiscal year, duly audited by the finance committee. All payments shall be made by orders of the treasurer, audited by the secretary, and approved by the president.

ARTICLE VI.

No alteration or amendment shall be made in these by-laws until presented at a stated meeting and adopted at a subsequent meeting by a majority of the whole committee.

STANDING RESOLUTIONS.

Resolved, That the secretary be instructed that in making reports to members, as directed by section 3, article 5, of the by-laws, previous to being submitted to the executive committee, he append thereto a printed notice to the effect that said reports are of no effect or binding upon the association until approved by the executive committee.

Adopted March 12, 1879.

Resolved, That the secretary be instructed to notify all railroad companies, members of this association, that hereafter all applications from such company asking for information from the association in regard to any patent device must be made through the president, vice-president, general manager, or superintendent of such company, or such officer or agent of said company as may be thereto specially authorized by resolution of the board of directors of said company.

Adopted March 10, 1880.

Resolved, That the executive committee be authorized to fix upon and establish an entrance fee that shall be chargeable to all companies desiring to connect themselves with the Eastern Railroad Association after this date, said entrance fee being intended to cover the proportional interest in funds of the association now invested.

Adopted at annual meeting, May 11, 1881.

Resolved, That it is not thought advisable for the association to introduce or, as an association, advocate legislation in Congress; but its members should promote any bill that may be offered to amend the patent laws so as to require the patentee or owner of a patent to give notice of any claim for infringement, and to commence suit thereon within a reasonable time after such notice is given.

Adopted December 14, 1881.

Resolved, That this association will, through its general counsel, furnish to any of its members any information it may be able to give in relation to the legal construction, effect, and bearing of any license or assignment made by the inventor or owner of any patent to one of the members; but, inasmuch as such licenses and assignments have been drawn or accepted by the officers or counsel of such members without action by or consultation with this association, the association can not properly take charge of or assume the expense of any litigation growing out of or connected with such licenses or assignments.

Adopted December 15, 1881.

Resolved, That the secretary notify all persons applying to the association for the privilege of making oral argument before the executive committee relating to patents that such privilege can not be granted, but that the executive committee will receive and consider any argument in writing that may be presented to it.

Adopted December 13, 1883.

Resolved, That in all future patent suits against members of this association the secretary be, and is hereby, instructed to require from the plaintiffs bonds or security for the costs, when such security can be legally demanded.

Adopted March 13, 1884.

In the matter of reports called for by members respecting inventions for which applications for patents are pending in the Patent Office,

On motion, it was—

Voted, That the general counsel be directed to notify the members making such inquiries that the association can not, consistently with its constitution and by-laws, give any advice or express any opinion in regard to any invention for which application for letters patent has been made and is pending in the Patent Office.

Adopted May 12, 1886.

Resolved, That the office of general counsel and secretary, created by resolution adopted May 12, 1880, be discontinued, and that the offices of a general counsel and a secretary be created in accordance with amendments to by-laws.

EXHIBIT F.

The following extracts from the technical journals represent the consensus of public opinion regarding the character of said Eastern Railroad Association, to wit:

[From the Railroad Car Journal, December, 1892.]

RIGHTS OF PATENTEES AND INVENTORS.

We have several times previously given space in this journal to the publication of the circumstances and proceedings in the suit of W. K. Tubman against the Watson Manufacturing Company for infringement of his patent. We have given unusual prominence to the case for the reason that it has brought up a much wider issue than the mere damage sustained by the owner of the patent—an issue of vital interest to inventors or owners of patented railroad appliances.

It would appear from the testimony that Tubman in his suit encounters a more formidable opponent than the actual defendants. He claims that the Eastern Railroad Association is maintaining the defense with the object of defeating his claim, and that with such an organization in existence, pursuing the methods it does, a poor inventor can not possibly hope to maintain his rights to a patented device which the association chooses to advise its members to use without the payment of royalty. The testimony, which we print in another column, of Mr. Andrew McCallum, the counsel of the association, can not be regarded as in any way rebutting the serious charges made against the association by Tubman. We quite fail to see why the proceedings of the Eastern Railroad Association should not be made public. The owner of a patent should certainly be entitled to learn the substance of the association's report to its members upon his invention; for railroads are becoming notorious by reason of the frequency with which they appropriate the ideas of inventors without compensation. The testimony in Tubman's case will be read with interest by inventors or owners of patents on railroad devices.

[From the World's Progress, March, 1892.]

APPROPRIATING PATENTS.

In another article in this issue we have discussed briefly the exercise of a practically assumed right by the Government to appropriate to its own use, without compensation, any patented article or invention it may please to want. That form of appropriation will have attention, and then will be duly regulated by law, just as soon as the abuse becomes so common as to produce public outcry. The sole reason why this law has not been made is that the number of those harmed is comparatively small. So far as the need in equity and justice for such a law is concerned, it seems to be commonly admitted that it is now urgent.

But there is another form of this appropriation which is more common, and consequently more aggravating. It is where a rich and powerful corporation deliberately takes and uses a patented device or invention and then says, coolly and impudently, to the patentee: "Help yourself if you can." Then the issue so made is almost invariably governed by the length of the purse, and in the end the single-handed inventor finds himself outwinded by the long delays he can not prevent and the large expenses he is forced to pay

to carry on his suit. We have now in mind a particular form of this organization that is accustomed to use any patented invention in the line of its business that it pleases to appropriate. We refer to the railroad associations, of which there is one at the East and one at the West. Ostensibly these associations are for self-protection against causeless litigation and the annoyance of importunate and unreasonable inventors. So far as this protective idea goes, the motive of these associations is very proper; but when these associations go further and assume the right to appropriate any invention they wish to use, and thus force the inventor into the courts to endeavor to get redress, these associations are all wrong.

The consequence is that the single-handed inventor rarely wins in any such suit. It must be said, in justice to these associations, that they allege that they always pay for the use of any and all really new and valuable improvements. But this assertion is hotly denied by the body of inventors who have, as they assert, been ruthlessly defrauded of their rights.

It seems to us that some law can be framed that will secure justice to both parties; that, on the one hand, will enable the inventor to contest his rights with some show of a fair trial, and, on the other, protect the parties who do not wish to be causelessly annoyed by every inventor who is willing, properly or improperly, to invoke the aid of the law. Under the new patent law in Germany, a wanton infringement is made a criminal act. We do not say this is the way to deal in this country with the matter, but it is one way, and the existence of that law proves that the abuse of which we now write has already begun to attract deliberate attention. The attention of the House Committee on Patents has been called to the matter and an earnest attempt made to secure some legislation by Congress to prevent the alleged abuses.

[From the Scientific American, March 12, 1892.]

Legislation is certainly needed to put a stop to combinations formed like the Eastern Association for the express purpose of nullifying the privileges granted to inventors by Congress.

[From Locomotive Engineering for November, 1892. Angus Sinclair, editor, 912 Temple court, New York.]

PROPERTY RIGHTS IN PATENTS.

A decision was rendered last month by the United States Court of Appeals in a suit brought by the Edison Electric Light Company against the United States Electric Light Company that is of interest to many people who are not in any way concerned in proprietary rights in electrical appliances. Edison was the original inventor of the incandescent lamp, where light is produced by the electric current passing through a resisting medium inclosed in a vacuum. Several parties imitated this invention, and have been selling incandescent lamps which seemed to avoid the Edison patents. The court has now decided that every known form of incandescent lamp, and every possible form of this lamp, infringes the Edison patents.

This means practically that when an inventor secures a foundation patent for any device, the imitations which obtain the same results by different mechanical arrangements are infringements. The decision is a little more emphatic than several others previously made of the same tenor. The well-known decision on the Richardson safety-valve patents was substantially the same as that now rendered concerning electric lights.

This decision ought to be of direct interest to many railroad companies, for there is no class using mechanical appliances more given to patronizing articles that are notoriously pirated imitations of patents. The great variety of functions demanded of railway machinery presents an unparalleled field for inventive genius, and it is industriously cultivated. But no sooner does an inventor produce an appliance or improvement which promises to be in demand than there is a host of imitators doing their best to produce something which will do the same functions and avoid infringing the original patent. The principal work done by the mechanical engineers employed by some railroad companies is the designing of forms of patented articles which shall perform the functions of the original without incurring the liability to pay royalty. This is a small, mean business, and is nothing more than dishonesty; for it is stealing a man's ideas and dressing them so that their identity may be disguised.

The plain decisions of the courts ought to discourage this sort of industry. The only reason why railroad companies are not paying royalties on numerous patents that they are using illegitimately is the delay and expense that must be incurred in lawsuits for infringements of patents. Law's delays are so notoriously tedious in patent suits that those who have been injured patiently suffer wrong rather than engage in the long and expensive fight. We have recently heard of a movement among men of means to purchase the orignals of patents that have been largely imitated by railroad companies. Should this be done, some of the companies are likely to have to pay damages that will put the money paid to settle the Tanner brake suits far into the shade.[a]

That in the years 1877 and 1878 the said Eastern Railroad Association, in combination with a similar association in the West, endeavored to secure legislation in Congress which would enable the members of the association to appropriate patented inventions without being compelled to pay for them. The following selections from "Arguments before the Committees on Patents, Forty-fifth Congress, second session, Miscellaneous Document No. 50," represent the views of many reputable patent attorneys and others regarding the railroad combination to appropriate patent property, to wit:

W. C. Dodge, esq., Washington, D. C.:

"On the part of the railroads it is a demand that they shall be allowed to appropriate any invention they please, and then to have the law so changed as practically to prevent their being compelled to pay for them" (p. 69).

"Or, which of these public-spirited railroad companies, now asking you to change the patent laws for their special benefit, would invest their capital in building their roads if, when built, the dividends were to go into other pockets than their own?" (p. 70).

"That resolution was introduced by a member whose firm had been made to pay quite an amount in damages for the use of a patented invention which they had appropriated without leave or license of the owner; and it is a striking coincidence that this movement to change our laws was inaugurated by the railroad combination, who, as they tell you, have in like manner been mulcted in heavy damages for a similar appropriation of patented inventions, and which the owners would gladly have sold or licensed them to use for far less than the sum awarded by the courts. As proof of this it is stated that the owner of the swage block patent, for the use of which these companies complain they have been made to pay an exorbitant price—over $100,000—offered to let the same company have the use of his patent for its whole term for $1,000, which they agreed to pay, but when the papers were to be executed the company insisted on the party taking pay in the bonds of the company, worth only 90 cents on the dollar, and because the owner of the patent refused to be thus swindled out of one-tenth of the price agreed upon they refused to complete the arrangement, and told him they would use it in spite of him, and he might help himself if he could. I submit that it does not become parties who have acted thus to now come here crying like a whipped schoolboy and ask Congress to change the law simply to relieve them from the consequences of their own willful violation of the law" (p. 72).

J. J. Storrow, esq., counsel for the Bell Telephone Company:

"There will be cases undoubtedly where defendants will willfully infringe patents. Nay, there will be cases where rich defendants will band themselves together and say to the patentee unless he will sell his invention to them at a price agreeable to them, that they will drag him for ten years through the courts, at an expense which is a flea-bite to them, but ruinous to him" (p. 135).

W. W. Hubbell:

"These railroad companies infringed a patent beyond all question, and they knew the inventor was poor and could not bring suits all over the United States against these different railroad companies, and they have taken a rule upon him for security of costs, and he, in his inability to furnish it, has been barred and thrown out of court. This was done over here in Baltimore. The Baltimore and Ohio Railroad Company did that to my knowledge, where they infringed a patent" (p. 163). (See standing resolution No. 7 in constitution.)

G. H. Christy, esq., counsel for Westinghouse Air Brake Company:

"I think, further, that it is a dangerous remedy to put into the hands of a wrongdoer, particularly if he is a wealthy party or corporation, and I use the word corporation not in any ill sense, for it is one of the most honest and legitimate ways of carrying on business; but it is especially dangerous to give the power to seventy or eighty wealthy corporations to pounce down on an inventor and snatch from him all his just rights, as was the case with Goodyear, and reduce him to absolute beggary; and as was the case with Pullman when he was jacking up houses in Chicago; or as with Westinghouse, who was not able to pay me his firs t fee for his first caveat.

"Now, if it is good to put in the handsof an associated power representing such a consolidated amount of wealth, and with the unscrupulous character for which railroads are noted (I speak of it only as an entity, and not in regard to its officers)—I say it is a very dangerous thing to put such a grant of power into the hands of such an organization in order that they may sit down on and squelch an inventor without any money to fight them. Now, then, if I have got seventy or eighty railroad companies at the back of me with their capital and their employees, it is a very singular circumstance if I can not cook up some testimony among them.[a] I do not say that Brother Raymond would, but I do not know who his successor might be. It is putting a dangerous remedy in the hands of a most dangerous class—the wealthy part of our country, who want to use an invention without paying for it" (pp. 254, 255).

Hon. Elisha Foote, ex-Commissioner of Patents:

"You might as well do directly what this section does indirectly, and pass an act that every railroad which is not making profits or dividends shall have the privilege of taking any patents they please with impunity; and, if you make the thing entirely consistent and rational, you should also say that they may enter upon anyone's land and cut their ties, and go into rolling mills and take their rails, or any other property they choose to take, and they shall have them without responsibility to anybody.

"Take the case of this Westinghouse brake, which, I understand, the patentee manufactures himself and puts onto cars at a very reasonable price. Now, suppose any of these Chicago railroads, making no money, should think it desirable for them to take and use this brake without paying anything for it. This section would undoubtedly authorize them to do so without any compensation, and they could grab any amount of property with impunity" (p. 413).

"What chance would the poor inventor have against these powerful corporations? None but a very wealthy person could enter into such a controversy. The roads would not need the other provisions of the bill. This would enable them to take and use any patent they please with impunity, and no one would dare to sue them" (p. 415).

"Suppose any of these wealthy corporations should call upon a poor inventor to commence a suit against them, and to encounter a big railroad combination, with all their able and learned counsel in their employ? It would be impracticable; he would have to give up his patent" (p. 418).

Albert H. Walker, esq., author Walker on Patents:

"Now suppose the Baltimore and Ohio Railroad Company see the wonderful invention, and think that is a good thing, and a good deal cheaper than coal, and say: 'We will proceed to infringe Mr. Vance's patent, and we will fight him ten or fifteen years, if he sues us, with the probable result of his exhausting his means before he gets a decree.' Such a course of defiant infringement is, in many cases, the deliberate purpose of railroad men. It was the avowed practice of H. E. Sargent, the superintendent for many years of the Michigan Central Railroad, and one of the members of the Western Railroad Association. He has avowed it as his universal principle never to pay anything voluntarily to a patentee. He says: 'Whenever our attention is called to a patent of value, we use it, and in a few cases we are made to pay, by plucky inventors; but, in the aggregate, we pay much less than if we took licenses at first.' I admit the railroad companies do not generally avow such a plan of action, but I know they entertain such ideas" (p. 396).

7. That the substance of the following article, which correctly sets forth the character, objects, and methods of the Eastern Railroad Association, was published in the Railway Age in 1891, to wit:

The Eastern Railroad Association should be broken up, because:

1. It is a secret society, with a secret constitution and by-laws, organized, not like most voluntary associations, for charity or mutual assistance in times of sickness, poverty, or distress, nor for moral or intellectual culture, nor for the promotion of science or the arts, nor for the advancement of man's estate, but, judged by its actions for many years, for the spoliation of the property of inventors. It has no charter. It does not report annually to any commonwealth. Its right to exercise its franchises is a usurpation. It is not based upon any contract with the people of any State. It is an irresponsible body. It is organized selfishness.

2. It is a permanent conspiracy, inasmuch as its constitution requires unity of action by all its members in opposing individual patentees, and this whether each member (railroad) is directly interested or not in the particular controversy. It is well-established law that a combination to attain an end, even lawful in itself, constitutes a conspiracy when such combination subjects the individual to its combined and concentrated power.

3. The members of the association intermeddle in what is none of their business. The precepts of international law do not allow a disinterested nation to intermeddle in a contest between two other nations. Our National Government can not intermeddle with the local affairs of a State. The man who interferes with his neighbors' quarrels receives no sympathy if he gets his head broken. Boys in their sports cry: "Hands off!" "Fair play!" The courts have well-defined rules as to when and how interested parties may intervene in suits. But this association will not ask leave to intervene.

4. The association violates section 8, Article VIII, of the Constitution of the

[a] In the Tanner brake suit the railroad associations manufactured evidence which was of such an outrageous character that even the counsel of the Western Association discarded it. A. H. Walker, esq., of Hartford, Conn., author of "Walker on Patents," can give particulars. The Supreme Ruler only knows how much of the testimony in this case was "cooked up."

[a] In 1889 the association "*reissued*" a patent, with an added drawing, from its office on F street, in Washington. The reissue then was introduced in evidence for the purpose of securing a narrow construction of a patent claim

United States: "To promote the progress of science and useful arts by securing for limited times to * * * inventors the exclusive right to their * * * discoveries."

Mr. W. S. Huntington, in the National Car Builder some time ago, speaking of the Eastern and Western Railroad Associations, remarked: "The inventors are now practically in their power." "Many inventors who had labored to improve railway appliances abandoned the field and exercised their ingenuity in other directions, where there were fewer obstacles."

5. It is a trust; the most powerful and wealthy trust in the United States—the Standard Oil is an infant beside it—more powerful than any that has had being since the enactment of Statute 21, James I, abolishing monopolies. This statute has been called the Magna Charta for British industries, and may equally be called the same for American, inasmuch as it established legitimate competition. "This statute," Hume said, "contained a noble principle and secured to every subject unlimited freedom of action, provided he did no injury to others nor violated statute law." This association closes the market against inventors and owners of patents, and prevents free competition.

6. It interferes with the administration of justice in the courts. Its methods are somewhat as follows: If a railroad wishes to use a patented invention, the matter is referred to the general counsel of the association. He investigates and sees what is most expedient to do. He ascertains whether the owner of the patent is a poor man, without means to bring a suit, or a wealthy and influential citizen; whether it is cheaper to pay a small license fee or to appropriate the invention and fight the owner through the court of last resort. If appropriated and the owner brings suit against the railroad infringer, the entire strength and means of the association are brought to bear to crush him, so as to terrify other patentees from bringing suit for the spoliation of their property, and every member of the association joins in the defense against him, whether using the invention or not. It closes the market against the patentee by the first report on his patent. Its constitution forbids any member paying anything to the owner, because such payment would serve to establish a measure of damages should the owner ultimately win his suit. In one of the association's reports the president exhorts the members to "act as a unit," and says: "This unity of action has been the true cause of our success heretofore." Its general counsel in 1879 boasted that the association had never been compelled to pay anything for infringement of letters patent. The seal of the United States on a patent has no significance in its eyes. The little building 614 F street is bigger than the United States Patent Office.

All suits against any member of the association are defended by its general counsel, who travels on passes while taking evidence and at all other times in defending the suit, and he avails himself of every means within his power per fas per nefas to defeat the suit. Delays, obstructions, manufactured evidence, appeals, and all sorts of trickery are resorted to as occasion demands.

If the complainant is finally successful he can seldom prove "profits" or "damages," and as his patent has generally expired before a final judgment is secured, an injunction will not issue. The complainant has been to great expense and trouble and, after having won his suit, can not collect a cent. It is "more expedient" and cheaper to pay costs than to take licenses in the first instance.[a]

The following boast was made by the association's general counsel, A. McCallum, in closing the thirteenth annual report to the members of the association, to wit: "It appears to be the fact that during the whole period of thirteen years, during which the association has been in existence, no suit defended by it has resulted in a judgment against a member on appeal to the highest court; and that while some claims have been settled after suit was brought, no member (railroad) defended by the association has yet, by process of law, under execution, attachment, or otherwise, been compelled to pay anything on account of infringement of letters patent."

EXHIBIT G.

[Memorandum. Alexander T. Britton et ux. Mary, William C. McIntire et ux. Frances B., to William D. Bishop, of Bridgeport, Conn.; Theodore N. Ely, of Altoona, Pa.; Albert A. Folsom, of Boston, Mass. Deed in trust, dated June 18, 1886. Recorded June 26, 1886.]

Consideration, $25,000.

Parts of lots 17 and 18, in square 456.

Beginning on the north line of said lot 18, distant 49 feet west of the northeast corner thereof on F street, and run thence south 159 feet 1½ inches to a public alley, thence west 24 feet 4½ inches, thence north 159 feet 1½ inches to north line of lot 17, and thence east 24 feet 4½ inches to the beginning.

To hold unto the only use and benefit of parties of second part, their heirs, and to the survivors and survivor of them and the heirs and assigns of the survivor.

In and upon the following trusts:

First. In trust for the sole use and benefit of the members of a certain association known as the Eastern Railroad Association.

Second. The said parties of the second part, or any of them, shall at any and all times and from time to time convey the same land and premises, or any part thereof, to such person or persons to such uses and purposes and in such quantity or quality of estate or estates, whether in fee simple absolute or by way of trust or mortgage as the executive committee of said association shall name, limit, or appoint, such limitations or appointments to be deemed sufficiently evidenced by the signature of the secretary for the time being of said association affixed to the instrument of conveyance, and on any conveyance or conveyances being made as aforesaid the grantee or grantees in any such conveyance or conveyances shall take the title, discharged from all responsibility on the part of the grantee or grantees to see to or account for the due application of the purchase money, or any part thereof.

General warranty to parties of second part.

Recorded in Liber 1189, folio 253.

EXHIBIT H.

Letters from Whitney, Olney, and Griggs.

DEPARTMENT OF JUSTICE,
Washington, D. C., August 23, 1893.

WILLIAM K. TUBMAN, Esq., *Baltimore, Md.*

SIR: Your petition of August 18 in relation to the Eastern Railroad Association has received careful attention.

The facts stated in your petition, so far as material to the relief asked, are that you are bringing suit in the Federal courts in Connecticut and Pennsylvania, respectively, against two railroad companies for infringement of letters patent for an improvement in railway car windows; that these suits are being defended in the name of the defendant corporations by the Eastern Railroad Association; that one of the objects of this association is to combine all the railroad companies of this part of the country for the purpose of dealing with patentees, it being provided by the constitution of the association that negotiations with patentees should be carried on by the executive committee of the association; that no royalties should be paid, except with the consent of the executive committee, and that all suits for infringements should be defended by the association.

Your claim is that this combination is a violation of the antitrust law of July 2, 1890, and you ask me to direct the United States attorneys for the districts in which the suits are pending immediately "to institute proceedings in equity to restrain the Eastern Railroad Association from continuing in force against yourself the provisions of its constitution above referred to."

The antitrust law provides that every "contract, or combination in the form of a trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations" is illegal, and that every "person who shall monopolize or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several States or with foreign nations" is guilty of a misdemeanor. I do not think that the combination you refer to comes within the purview of the act.

A patentee is the owner of a monopoly of the right for seventeen years to the sole manufacture, use, and sale of the article which he has invented. In this instance the article invented is one that can only be used by railway companies. You are the only producer and they are the only consumers. You allege that all the possible consumers of the article in a certain territory combine against the sole producer for the purpose of preventing its price being raised above the figure which they are willing to pay. It may be that this combination abuses its power, and, as you aver, either reduces the royalty to a grossly inadequate figure or violates the patentee's rights alto gether, relying upon its ability to tire him out in litigation. These evils, however, are not those which the antitrust law was enacted to remedy, and their redress must be found elsewhere. I do not think that a combination of present consumers of a given commodity effects a restraint or a monopoly of trade or commerce within the meaning of the act.

Moreover, I do not perceive that you can not obtain, by proceedings in your own name, whatever remedy, if any, could be afforded by the suit you ask to be brought. It has been the opinion of this Department that the right of a person injured to sue for violation of the act of 1890 is not to be regarded as denied because, by the express terms of the statute, the United States may initiate an equivalent proceeding. General considerations of public policy require that private parties with ample remedies for the redress of their alleged wrongs in their own hands are not to be encouraged to expect Governmental interposition in their behalf. For these reasons the prayer of your petition must be denied.

Respectfully,

EDWARD B. WHITNEY,
Acting Attorney-General.

DEPARTMENT OF JUSTICE,
Washington, D. C., December 11, 1893.

WILLIAM K. TUBMAN, Esq.,
Baltimore, Md.

SIR: Your communication of November 27, asking a reconsideration of your petition for the bringing of suit against the Eastern Railroad Association, under the antitrust law act of 1890, has received careful examination. I am unable to perceive, however, that the matter was not properly disposed of by the Acting Attorney-General in his letter of August 23 last.

The remarks of Congressmen quoted by you as to the depression of prices by middlemen in order that they may obtain an undue share of the profit between producer and consumer do not apply to combinations of the consumers themselves to obtain a reduction of prices. You do not refer to any authorities holding such combinations to be illegal in case of purely private sales; nor have I been able to find any.

Nor do I think that my refusal to direct suit in the name of the Government precludes you from relief. I am aware that the late Judge Billings decided last winter in a case in Louisiana that a private person could not sue for relief under section 4 of the act. His opinion, however, contains no reasons for the decision, and it does not appeal to my judgment, and I do not think that his decision alone should be controlling in a matter of so great magnitude. The Department of Justice has but a limited appropriation for maintenance of suits, and it has never been considered that the Attorney-General should commence suit except with the belief that he had a fair prospect of winning it. I do not think that Congress intended to conclude by the Attorney-General's opinion parties believing themselves to be injured.

In your communication you charge that officers of the Eastern Railroad Association are guilty of various acts which are crimes independent of the antitrust law. If you are possessed of evidence which will establish such crimes, it should be submitted to the district attorney for the proper district.

In acting upon your communications it has been assumed that you are the owner of a lawful patent which has been infringed by the railroad companies, although a Federal court has decided that you have no rights in the premises, a decision which might be held to dispose of your application.

Respectfully,

RICHARD OLNEY,
Attorney-General.

DEPARTMENT OF JUSTICE,
Washington, D. C., May 23, 1900.

F. E. STEBBINS, *Washington, D. C.*

SIR: In the matter of the application of William K. Tubman, requesting me to institute proceedings under the act of July 2, 1890, commonly know as the antitrust law, against the Eastern Railroad Association, having waited a reasonable time for Hon. J. M. Wilson to appear, I must infer from his failure to appear that he does not care to add anything to the argument you have submitted, and I therefore proceed to dispose of the matter.

The complaint is that a large number of railroad companies have formed this association for the purpose of advising its members with respect to the purchase or use of railway patent rights and of assisting them in the defense of claims for the infringement of such patents. It is urged that patent rights are the subject of interstate commerce and that the association constitutes a combination in restraint of trade or commerce among the several States.

The same application has been twice made to the Department and twice denied, first by Acting Attorney-General Whitney, in a carefully considered communication under date of August 23, 1893, and afterwards by Attorney-General Olney, in his letter of December 11, 1893.

In addition to the considerations mentioned by them, the following are in point:

A patent right is essentially a monopoly. The patentee is granted the exclusive right, for a term of years, to make, use, or vend the patented article. This right is absolutely within his control. He may omit to use it himself and refuse to permit anybody else to use it. He may permit one person to use it and without assigning any reason refuse to permit another to do so. He may sell the right in parcels, giving one person license to use the patent in one place and another license to use it elsewhere.

[a] The theory of the association regarding patent property is somewhat analogous to that held by the defendant in Campbell Printing Press and Manufacturing Company *v.* Manhattan Railway Company, 60 O. G., 894, decided March 9, 1892.

Such being the nature of a patent right, may not the association complained of be considered as a reasonable and fair arrangement for the mutual benefit and protection of railroads in transactions relating to patents? Before a railroad company can safely purchase a patent right or use an invention, it must be assured that the patent is valid and its use will not operate as an infringement. So, too, if a claim for infringement is made, the company has a right before paying it to make a full investigation, and may do this individually or through others. In what way does it unlawfully interfere with the rights of the patentee for the railroads to create a board of experts which shall be furnished with all the information they have respecting patents, and to which shall be referred for investigation and report all questions relating to patents? A man who offers a patent for sale does not enter the open field of competition. If his patent is valid there can be no competition.

The patent is a monopoly which no person can lawfully infringe, and which he can refuse to sell at all or sell for what he pleases. There is no competition to fix a reasonable price for patent rights. The patentee may demand a thousand or a million dollars. It is worth what he can get for it. If it is infringed, he has his remedy in the courts. If he makes a claim for damages because of infringement, he can not object to the person or corporation threatened seeking advice and information from any source before paying or resisting it.

Another thing to be considered is, that to provide the safest service and to secure the best results railroads must be built and equipped in a uniform manner throughout the United States. Passengers and employees are alike interested in this, and Congress has recognized the need by requiring automatic couplers and other safeguards on interstate railroads.

For these reasons a patented appliance for use on railroads may be of general concern, in which event one railroad can not safely adopt it without consulting the others. This of itself makes the creation of an association, with a board of experts, to which patents may be referred for investigation and report, of exceptional propriety and benefit.

The application must therefore be denied.

Respectfully,

JOHN W. GRIGGS, *Attorney-General.*

This letter was written by Solicitor-General Richards and signed by Griggs, who prepared the answer to the bill in equity in the case of United States *v.* The Northern Securities Company et al.

EXHIBIT I.

OPINION OF WILLIAM E. CHANDLER, MARCH 24, 1902.

A combination of all or a large number of railroads to contest patents on all articles required for railroad use, in which each railroad agrees not to settle with any patentee without the consent of a committee of the combination, nor while any claim is pending against any other member of the combination, and by which the combination agrees to defend all suits against each railroad and to pay the expenses of such defense and pay any judgments which may be recovered, is an illegal conspiracy in restraint of trade under the act of Congress of July 2, 1890 (26 Stats., 209).

The object is to enable the combination to control and fix the prices to be paid as royalties upon all inventions, and does not allow each railroad to make its own settlements with the patentees. It is a conspiracy to get lower prices for what the combination buys, as contradistinguished from a conspiracy to get higher prices for what a combination produces and sells; and both are obnoxious to the law against monopolies.

Patents are property created by express national law. A patented article has attached to it a special value growing out of the patent. Congress having decided that it is for the public good that inventive genius shall be stimulated by patent monopolies, all patents and all patented articles are proper subjects of trade and commerce, and as such are protected by all the laws which protect other merchandise. If it is desirable that they shall exist, it is desirable that there shall be unhindered trade therein, and such trade can not be lawfully lessened by combinations and conspiracies to diminish the value thereof through lawsuits, to fix the prices which shall be paid therefor, and to otherwise prevent free traffic therein.

The railroads can no more combine to fix low prices which they shall pay than an association of patentees can combine to fix high prices which they shall charge.

The fact that the patentees are for a limited period legal monopolists gives no right to the railroads to establish an illegal combination to limit the monopolies. Congress can abolish patents; the railroads can not.

All the above propositions seem clear and not doubtful. The facts in the case of the Eastern Railroad Association are all of record in their own books and reports, and are too plain to need recital. The association is formed expressly for the purpose above supposed, and for no other purpose. To be sure, it is stated that its object is only to resist illegal patents, but that recital does not change the avowed purpose to allow no patents to be settled for by any one member of the association except with the assent of a committee of all the railroads, and to defend any claims against any member and to pay the expenses and the judgment, if any is recovered. The Joint Traffic Association contended that its object was not to fix and maintain unreasonable rates, but only rates which should be reasonable. The subterfuge did not avail with the Supreme Court, and the subterfuge that the open combination of all the railroads to control the settlement for all patents is only intended to apply to illegal patents will be equally worthless.

It is difficult to believe that an illegal combination so plain and evident should have existed during all these thirty years last passed. It can not be doubted that the President and the Attorney-General, when they know the facts, will act with as much promptness and vigor as they have in the case of the Northern Securities Company, where the facts and the law are not so clear and plain as in the present case, because in the first the purpose is not stated in words, while in the latter it is openly and expressly avowed.

The foregoing opinion is given in full view of the letter of Acting Attorney-General E. B. Whitney, of August 23, 1893, and the letter of Attorney-General Olney of December 11, 1893. Those gentlemen were members of Mr. Cleveland's Administration, and, like Attorney-General Judson Harmon, were doubtless influenced in their opinion by their close relations to their President, of whom Mr. William J. Bryan, on March 21, 1902, spoke as follows:

"For four years he stood between the people and reform; for four years he made the White House the rendezvous of cunning and crafty representatives of predatory wealth; for four years the corporations and syndicates controlled his Administration."

Insensibly to themselves, perhaps, Mr. Whitney and Mr. Olney were controlled by surroundings like these, and Messrs. McKenna and Griggs mistakenly refused to reverse the decisions of their predecessors, doubtless overcome by the lingering malaria of the late Administration. But there is no such atmosphere now in the White House or in the Department of Justice. President Roosevelt and Attorney-General Knox are the friends of the people and reform, and not representatives of predatory wealth, and it is impossible that they should not suppress a combination so evidently illegal as that of the Eastern Railroad Association.

WM. E. CHANDLER.

EXHIBIT J.

OPINION OF UNITED STATES SENATOR TURNER.

UNITED STATES SENATE CHAMBER,
Washington, D. C., May 17, 1902.

H. B. MARTIN, Esq.,
Secretary Anti-Trust League, Washington, D. C.

DEAR SIR: From the papers submitted to me it appears that the Eastern Railroad Association is a trust formed by several hundred railway companies operating east of the Mississippi River, whereby each company contributes to a fund controlled by trustees, engages to be bound by the action of the trustees, and to do nothing whatever in the matters committed to the said trustees; and under and by virtue of the trust agreement the fund thus created is to be used by the trustees—

First. To investigate concerning the validity and utility of all patents granted for improvements and devices to be used in connection with the operation of the railways.

Second. To defend all suits brought by patentees against railways, members of the trust, for using any such improvements and devices.

Third. To compromise such suits when, in the opinion of the trustees, the patent is valid, provided the sum paid by the way of compromise be not more than it would cost to litigate the suits.

Fourth. When patent rights are found to be both valid and useful, to negotiate and purchase the same for the benefit of the members of the trust, and upon such terms as the trustees may determine.

The companies agree that they will not negotiate or deal with patentees either in the matter of purchase or by way of compromise for illegal use, but that all such negotiations and dealings shall be by the trustees. The effect of the agreement is far-reaching, as a moment's reflection will readily show, upon the value of the property of patentees and upon their ability to vend the same throughout the several States covered by the agreement. The patentees, as to all such States, are reduced to the necessity of dealing with a single purchaser. This purchaser is armed with a large fund to fight in the courts all patents which it can not purchase on its own terms. It is an impudent bully which takes any property that it pleases upon such terms as it pleases, and is armed with a club to beat its victims to death if they decline to submit.

Since the trust is interstate in its scope and operations, has for its object the restraint of trade in patent rights, is created by contract, has taken and maintained the trust form, and is, moreover, a criminal conspiracy at common law, thus presenting all the features denounced by section 1 of the act of July 2, 1890, it necessarily follows that it is illegal if, first, a patent right is property which may be said to enter into and form a part of trade and commerce; and, second, if a combination to lower the value of property entering into interstate commerce is as much "in restraint of trade," within the meaning of the act of 1890, as a combination to raise the value of such property would be.

It does not require either profound consideration or an extended examination of authorities to see that the question of correctness of both the foregoing subjunctive propositions must be answered in the affirmative.

First. A patent right is property. It is created by statute, and the freedom of vending it in all the States is declared by statute. The fact that it is incorporeal in character and intangible does not change its character as property. Justice Davis, of the Supreme Court of the United States, in ex parte Robinson, 2 Biss., 309, uses the following language concerning the character of patents and the free right to vend them within the United States:

"The property in inventions exists by virtue of the laws of Congress, and no State has a right to interfere with its enjoyment or to annex conditions to the grant. If the patentee complies with the laws of Congress on the subject he has the right to go into the open market anywhere within the United States and sell his property."

Inventions secured by patents have been specifically declared to be property by the Supreme Court of the United States in the following cases: Brown *v.* Duchesne, 19 Howard, 197; Cammeyer *v.* Newton, 94 U. S., 225; Densmore *v.* Schofield, 102 U. S., 375; Soloman *v.* United States, 137 U. S., 346.

Being property and the right to freely vend them in the several States being secured by statute, why are not patented inventions as much within the spirit and purpose of the act of 1890 as any other species of property? It is impossible to conceive of any reason why they are not. There is no such reason. Indeed, as to many tangible articles of property covered by patents, the patented idea involved in and connected with them constitutes a great part of their value, and in some instances the greater part. The protection which the law carries for such articles against combinations in restraint of trade therein is a protection for both the value of the articles considered simply as manufactured articles and the value of the patent right which inheres in and belongs to them. We see, then, that the law does include within its purview the patent right when connected with tangible, physical, property, and it is impossible to conceive why it should not be taken to include the patent right when disconnected with the tangible, physical property.

Second. Is it not a combination to lower the value of property entering into interstate commerce "in restraint of trade" within the meaning of the act of 1890? The evil most in the public mind at the time of the passage of that act was the existence of trust combinations formed to increase the price of manufactured articles, but that combinations might be formed for the opposite purpose could not have escaped the intelligence of Congress, and that combinations and conspiracies had existed in the past for that purpose, and constituted indictable crimes at common law, was well known to the members of both Houses. The terms of the act are general. They are "every contract, etc., in restraint of trade or commerce among the several States," etc. Since it is as much in restraint of trade to depress the value of articles of property as it is to enhance them, and indeed more so, and since the history of the law showed that conspiracies for the first purpose were as likely to occur as conspiracies for the second, and that they were equally as injurious as the second kind, it is impossible, in view of the broad and comprehensive language employed, to conclude that Congress did not have both kinds of contracts and conspiracies in view.

It is true that only contracts and conspiracies of the second kind have been before the courts since the passage of the act of 1890, but that is no argument against the view here taken. The law has been in force a comparatively short time and it requires much time for cases involving every phase of any law to arise and be adjudicated. It may be observed, however, of these cases which have been adjudicated that the reasoning on which the judgments proceeded was as applicable to the one case as to the other, and that in none of the opinions is there the most remote suggestion that the law was not intended to cover both classes of cases. Can anyone doubt that if all the grain dealers in the United States should enter into a combination to commit the purchase of all corn bought in the United States to the hands of one firm or corporation, thereby compelling the farmers whose necessities compel them to sell to sell at any price this firm or corporation might fix, that such combination would be declared to be in restraint of trade and commerce within the meaning of the act of 1890? If such a combination would be in restraint of trade and commerce, then this combination is in restraint of

trade and commerce. The only difference in the two cases is one of degree in the number of individuals affected and the public injury inflicted.

These considerations do not appear to have occurred to Acting Attorney-General Whitney, Attorney-General Olney, or Attorney-General Griggs when they declined to intervene against this trust combination at the request of Mr. Tubman. Mr. Whitney contents himself with declaring that he did not think a "combination of present consumers of a given commodity effects a restraint or a monopoly of trade or commerce within the meaning of the act." Why such a combination does not have such an effect he does not undertake to show, unless his general statement that a patentee is the owner of a monopoly and that the railroads are the sole consumers and the patentee the sole producer can be taken as a reason in favor of his contention. The considerations stated by him appear to be entirely foreign to his conclusion. The latter is a complete *non sequitur*.

Attorney-General Olney does not discuss the questions involved at all, and it is evident that he gave them only perfunctory consideration, if he gave them any consideration. Attorney-General Griggs evidently did not see the features of this combination which enabled it to kill competition and to control at will the prices to be paid inventors for their patented inventions. He speaks of it as if its sole purpose was to keep in touch with new inventions affecting railway business and to examine and report concerning their validity, utility, and value. He does make one statement which bears on the subjects I have been discussing, but it is nothing but a bare statement, and, moreover, it is palpably incorrect. He says "if his patent is valid there can be no competition." There can be competition between railways for the purchase of valuable railway patents. Suppose there was only one line of railroad from the Atlantic to the Pacific coast having the right to use the Westinghouse air brake, would not that line of railway have a great advantage over its competitors in the matter of passenger traffic, and if such a patent right were put up for sale for the exclusive use of two or more competing lines of railways, would there not be keen competition for its purchase? If the free right to vend patented inventions were not broken down and destroyed by this combination, there would be such inventions for which rival lines of railways would compete.

I have not thought it necessary to quote from the contract by which the Eastern Railroad Association was formed. That contract, and the constitution and by-laws of the association made to carry it out, shows its objects and purposes to be what I have stated. If I have committed an error, it is in understatements rather than overstatements. Neither have I deemed it necessary to quote from, or refer to, the several cases construing and applying the act of 1890. They are too well known to the profession to require more than the mention I have made of them.

In conclusion, I think that the question of the character of this association may well be again submitted to the Attorney-General for examination, and for the action of the Department after such examination, with the confident hope and expectation that that examination will induce a different opinion, and cause different action to be taken from that reached and taken when the matter was before under consideration in the Department of Justice.

Very respectfully,

GEO. TURNER.

EXHIBIT K.

Circuit court of the United States, district of Massachusetts. In equity. No. 2471. William K. Tubman *v.* Wason Manufacturing Company. Affidavit of John J. Harrower. Filed February 10, 1894.

I, John J. Harrower, of Washington, in the District of Columbia, make oath and say that I am secretary of the Eastern Railroad Association, whose office is at 614 F street NW., in said Washington; that Robert J. Fisher, counsel of said association, has directed me to appear on his behalf for the purpose of having forwarded to him for use in a cause in equity now pending in the circuit court of the United States for the eastern district of Pennsylvania, brought by the same complainant, Tubman, against the Pennsylvania Railroad Company (the said Eastern Railroad Association having carried on the defense in both of said causes on behalf of the defendants therein), certain exhibits, being models introduced as evidence by said defendant per said association, entitled in the printed record of this cause as follows: Defendant's Exhibit, "Defendants' car;" defendants' Exhibit," "Roberts's car;" which said models are now in the custody of the clerk of this court.

JNO. J. HARROWER.

Sworn to before me this 10th day of February, A. D. 1894.

ALEX. H. TROWBRIDGE,
Clerk United States Circuit Court, Massachusetts District.

I respectfully request that the said exhibits be forwarded by the clerk of this court to Robert J. Fisher, esq., counsel for the said Eastern Railroad Association, on the condition that they be carefully preserved in their present condition so that they can be returned to the custody of the clerk of this court whenever an order of court may be made requiring such return.

Very respectfully,

JNO. J. HARROWER.

ORDER.

[February 10, 1894.]

Colt, J. Ordered that said exhibits be delivered as prayed for, subject to the further condition that they be kept or used in the said court of Pennsylvania, subject to the order for return to this court.

By the court:

ALEX. H. TROWBRIDGE, *Clerk.*

FEBRUARY 10, 1894.

Models forwarded to Robert J. Fisher, esq., per Adams Express.

Hearing no further from the President or the Department of Justice, the following correspondence occurred, which closes the chapter of this consistent refusal upon the part of the Administration to act upon the plain facts presented:

THE AMERICAN ANTI-TRUST LEAGUE, NATIONAL OFFICE,
1229 PENNSYLVANIA AVENUE, SECOND FLOOR,
Washington, D. C., April 3, 1902.

Hon. GEORGE B. CORTELYOU,
Secretary to the President.

SIR: You will doubtless remember that on March 26 we placed in your hands an opinion by the Hon. William E. Chandler relative to the violation of the Federal antitrust law by the Eastern Railroad Association, and requested that the same be delivered to the President.

On December 21, 1901, we submitted to the President in person and filed certain printed documents and papers, among them being a copy of the associations' unlawful agreement and a "statement" relating to the legal aspects of the same, and the President promised that he would give the matter careful consideration and call the attention of the honorable Attorney-General to it. Since the above date we have not received any communication from either the President or the Attorney-General relating thereunto.

We would be pleased to have the opportunity of discussing this matter with the President in person if you can make arrangements for us to do so.

Respectfully, yours,

H. B. MARTIN, *Chairman,*
F. E. STEBBINS, *of Counsel,*
Joint Committee Anti-Trust League and D. A. 66, Knights of Labor.

EXHIBIT L.

WASHINGTON, D. C., *May 27, 1902.*

Hon. THEODORE ROOSEVELT,
President of the United States.

SIR: On December 21, 1901, the undersigned placed in your hands certain evidence in the form of papers and documents showing that the Eastern Railroad Association, a voluntary combination of nearly all railroad corporations in the fifteen Atlantic coast States, exists and pursues its iniquity in violation of the Federal antitrust law. You received the papers and stated that you would give the matter careful consideration and call the attention of the Attorney-General to it.

On January 23, 1902, we addressed a communication to the honorable Attorney-General, asking what action, if any, had been taken in the matter. Thus far the Attorney-General has failed to make any reply whatsoever.

On March 26, 1902, we placed in the hands of your secretary, Mr. G. B. Cortelyou, to deliver to you in person, a legal opinion by the Hon. William E. Chandler to the effect that the Eastern Railroad Association was an "illegal conspiracy," Mr. Chandler having carefully examined a substantial duplicate of the evidence filed with you on December 21, 1901.

On April 3, 1902, we addressed a letter to Mr. Cortelyou relative to the disposition made of Mr. Chandler's opinion and expressed the desire for a personal interview with the President, and in reply received the following letter from your secretary:

WHITE HOUSE,
Washington, April 5, 1902.

MY DEAR SIR: I have your letter of the 3d instant, and in reply would say that your previous communication was by the President's direction brought to the attention of the Attorney-General on March 27. I would suggest that you communicate with Mr. Knox on the subject.

Very truly, yours,

GEO. B. CORTELYOU,
Secretary to the President.

Mr. H. B. MARTIN,
American Anti-Trust League,
1229 Pennsylvania avenue, Washington, D. C.

On May 21, 1902, we called at the Department of Justice and was told by the secretary to the Attorney-General that he was at the White House and that we could call up the Attorney-General's office by telephone at 2 o'clock p. m., and arrange for an interview. Upon leaving we gave the secretary a copy of a legal opinion, prepared with great care by the Hon. GEORGE TURNER, showing that the Eastern Railroad Association was an illegal trust, and requested the secretary to hand the same to the honorable Attorney-General. At 2 o'clock Mr. Martin communicated with the secretary by telephone as agreed and was informed that "the Attorney-General will not be able to take up the case." Mr. Martin replied: "Will not take up the case at all?" and the secretary responded: "He says he will not be able to take it up at all."

Mr. Martin: "We called to see him at the suggestion of the President." The secretary: "He says he will not be able to take it up at all." On the morning of May 22, Mr. Martin received through the mail, and in a Department of Justice envelope, the copy of the opinion by Hon. GEORGE TURNER, delivered to the secretary on the previous day, and which was the sole paper inclosed in the envelope. The postmark indicated that the opinion had been returned very soon after its delivery to the Attorney-General's secretary.

Believing in the law, "the very least as feeling her care, and the greatest as not exempted from her power," and that it should not be suspended and the courts closed, we again request consideration of our petition and that the Attorney-General be directed to institute suit in equity against the Eastern Railroad Association.

Among the papers filed with you on December 21, 1901, is a true copy of the constitution and by-laws of the association, which alone is ample ground for a suit. The decisions in United States *v.* The Trans-Missouri Freight Association and United States *v.* The Joint Traffic Association were rendered solely upon the agreements themselves. We will at any time furnish the Attorney-General with the original copy of the Eastern Railroad Association's agreement and proofs of its authenticity, and submit additional evidence of the association's unlawful and criminal acts and doings. The opinions of Hon. William E. Chandler and Hon. GEORGE TURNER should not be disregarded, as they embody the views of most eminent publicists, gentlemen learned in the law, both of them "too wise to be deceived, and too good to do wrong. The Hon. GEORGE F. HOAR has also verbally expressed the opinion that the Eastern Railroad Association violates the antitrust act and it is believed he will reiterate his belief if solicited so to do. The late Hon. Jeremiah Wilson, some two years ago reviewed all the evidences submitted by us on December 21, 1901, and repeatedly in person visited the Department of Justice for the purpose of soliciting the Attorney-General to bring suit.

We submit this communication with the confident belief that if you once fully understand the nature and character of the Eastern Railroad Association you will direct proper action to be taken by the Department of Justice.

In an article written by yourself and published in the Cosmopolitan, November, 1895, "Taking the New York police out of politics," are statements which apply to the enforcement of the antitrust law:

"Our enforcement of the Sunday excise law caused most disturbance. Up to the time we took office no official had ever made a serious and consistent effort to enforce the law. Almost all men of much experience insisted that the law could not be enforced. After carefully considering the matter, however, we came to the conclusion that it could be enforced, and that in any event we had no alternative save to try and enforce it if we wished to retain our self-respect or obey our oaths of office.

"We stood on the principle that the law should be honestly and fairly enforced while it remained on the statute books.

"It is a lamentable thing when the people and the public officials grow to think that laws should only be enforced as far as the officers of the law think that public opinion demands their enforcement. It is such a belief that inevitably leads to lynching, white capping, and all kindred forms of outrage."

In view of all the foregoing facts in this case we are compelled to appeal to you, Mr. President, to take the steps necessary in this emergency to compel your immediate subordinate, the Attorney-General, to proceed at once to enforce the Federal antitrust law against the Eastern Railroad Association. This case has been for months before the Attorney-General, and we believe that further delay can only be subversive of justice.

Respectfully submitted.

H. B. MARTIN, *Chairman,*
F. E. STEBBINS, *of Counsel,*
Joint Committee American Anti-Trust League and District Assembly 66, Knights of Labor.

Mr. SPOONER. As there are several Senators who desire to speak upon this resolution—among others, I think, the Senator from Iowa [Mr. ALLISON]—before it is disposed of I ask unanimous consent that it may go over without losing its privilege.

The PRESIDENT pro tempore. The Senator from Wisconsin asks that the resolution may retain its place on the table. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOAR. The request is for one day?

Mr. SPOONER. For one day.

Mr. VEST subsequently said: I understand that the Senator from South Carolina has finished his remarks upon the resolution which I had the honor to submit some time ago on the coal question. If that be so, and if no other Senator wishes to speak on the resolution, I simply rise to move its indefinite postponement.

The PRESIDENT pro tempore. There are several Senators who have indicated a desire to speak, and by unanimous consent the resolution still lies on the table.

Mr. VEST. I wanted to indefinitely postpone it.

The PRESIDENT pro tempore. The Senator from Wisconsin [Mr. SPOONER] asked unanimous consent that it might lie on the table, and his request was granted.

Mr. VEST. I beg pardon; some one was talking to me at the time and I did not hear the request. Very good; let it lie on the table.

S. R. GREEN.

Mr. SIMON. I ask unanimous consent for the present consideration of the bill (S. 5561) for the relief of S. R. Green. It is a very small bill and it will take but a moment to dispose of it.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to S. R. Green, of Clackamas County, Oreg., $85, the same being the amount deposited by him, in the names of James Tracy and S. R. Green, in the First National Bank of Portland, Oreg., on September 1, 1897, to the credit of the United States Treasurer for office fees in connection with the survey of the Della, Lone Grave, Idle Fancy, and Cyclone quartz-mining claims in Lane County, Oreg., which survey was duly abandoned, and although a demand made for the return of the $85 so deposited, the sum was covered into the Treasury of the United States

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. FORAKER. Mr. President, this bill as it has come to us from the House provides for the admission to statehood of the Territories of Oklahoma, New Mexico, and Arizona. That part of the bill which admits Oklahoma to statehood contains this provision:

Provided, That the constitutional convention provided for herein shall, by ordinance irrevocable, express the consent of the State of Oklahoma that Congress may at any time, or from time to time, attach all or any part of the Indian Territory to the State of Oklahoma after the title to said lands in said Indian Territory is extinguished in the tribes now claiming the same, and the same assigned in severalty and subject to taxation.

A majority of the Senate Committee on Territories have reported adversely upon this bill, and they have recommended in their report that we adopt a substitute which they at one time introduced and subsequently withdrew. I do not know whether it has been again introduced or not.

Mr. BEVERIDGE. No; we withdrew it with notice that we would reintroduce it.

Mr. FORAKER. I understand it has not yet been reintroduced, but that notice has been given that it will be reintroduced at some time in the future. So we may consider it as really before us. They have recommended, I say, that we adopt a substitute, which they have thus brought before us for consideration, consolidating the Indian Territory with the Territory of Oklahoma and providing for the admission of the two Territories as one State, to be known as the State of Oklahoma.

Now, inasmuch as I propose to say very little about Oklahoma, I shall speak of that first. Standing alone, considered on its merits, without regard to the other Territories mentioned, I think all will concede that Oklahoma is entitled to statehood. She has a sufficient area; she has sufficient property to enable her, without burdensome taxation, to support a State government, and she has a sufficient population, both in numbers and intelligence and with respect to every other quality that should be considered in this connection.

There are those, however, who are opposed to the admission of Oklahoma, notwithstanding she possesses these qualities, if, to admit her, they must, at the same time—as passing the House bill would do—admit the other Territories of New Mexico and Arizona, to the admission of which they are opposed for reasons that I shall consider presently.

There are others, and I am one of them, opposed to the admission of the Territory of Oklahoma to statehood if it must be now consolidated with the Indian Territory, as proposed by this substitute measure. I do not object to its ultimate consolidation, as the bill which has come to us from the House proposes and provides. I think it is manifest to all that they are so situated, being contiguous to each other, and one being so much the complement of the other, that they ought to be united. It would not make a State of too great area, and of course it would not make a State of too much wealth or too much population or too much intelligence.

But, Mr. President, the difficulty about consolidating these Territories at this time, as proposed by the substitute measure, is that it is impracticable to do it, as I understand the facts, without doing injustice to the people of Oklahoma Territory.

In order that I may present what is in my mind, in that connection I call attention to the fact, which has already been commented upon by those who have addressed the Senate upon this bill, that all the lands in the Indian Territory originally belonged to the Indian tribes; that they have had no Territorial government in the Indian Territory such as the other Territories have had; that they have had, so far, no school system established. I believe the Senator from Minnesota [Mr. NELSON] told us yesterday that there are but sixteen schools in the Indian Territory, and they are private schools, as contradistinguished from public schools. He told us in that same connection that in consequence of this condition there is great illiteracy in the Indian Territory, and he appealed to us in the closing sentences of his speech to admit the Indian Territory to statehood because there was that illiteracy, and because they had up to this time no government whatever except only that provided by the Indian tribes, forgetting, apparently, that in the opening sentences of his speech he had appealed to us to reject the petition of Arizona for statehood on the ground of illiteracy and similar unsatisfactory conditions.

Attention should be called also to the absence of other conditions. They have, as I am told, no roads whatever, at least none worthy of serious mention, in the Indian Territory, not even the most common, ordinary highways. If you want to go about through the Territory, you must follow Indian trails or bridle paths, and there are no bridges over the rivers or streams. That is what I am told. The Senator from Wisconsin [Mr. QUARLES] smiles incredulously. If I am in error, I will be obliged if he will correct me.

Mr. QUARLES. Mr. President, inasmuch as the Senator has appealed to me and inasmuch as I have some personal knowledge of the situation there, and I know the Senator wishes to keep exactly within the line of fact, I will state the fact is that they have many good highways, but they have absolutely no system. They have no legal method of acquiring any new highways. They have good highways and good bridges, and the character of the Territory is such that roads are very easily made and require very little expense in making them.

Mr. FORAKER. Mr. President, I am very much obliged to the Senator from Wisconsin for imparting that information. Perhaps I should have made the statement that there was no system of highways.

Mr. QUARLES. That is quite right.

Mr. FORAKER. Where four or five hundred thousand people are living there is no doubt some way to get from one settlement to another, or of getting about over the country, but I have been told by people who live there and people who have a right to speak from knowledge of the conditions there—I have been told this within the last twenty-four hours—that they have no road system whatever, and if you go about over the Territory you go in some such way as I have indicated.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. FORAKER. Certainly.

Mr. BEVERIDGE. One circumstance alone, I will say to the Senator, will show the inaccuracy of the statement that there are no roads, although of course there is no system of roads.

Mr. FORAKER. I said there was no system of roads.

Mr. BEVERIDGE. I know. I refer to the very large volume of domestic commerce which exists there. It is very large; indeed, as large as that of Oklahoma.

Mr. FORAKER. Mr. President, while the statement as I originally made it was strictly in accord with the information which had been given me, yet the modification which the information now imparted requires does not change the purpose I had in view in referring to it.

What I wanted to call the attention of the Senate to is that if

the Indian Territory be now admitted to statehood, it will be necessary for the State government to provide funds for the construction of highways, if not to the full extent I indicated, yet to a very considerable and a very expensive extent. My informant told me it would cost more than $16,000,000, as had been estimated, to make the necessary highways the Territory ought to have to enable it to be anything like equal in that respect to Oklahoma as it is now. In addition to that, Mr. President, it will be necessary to establish a school system and provide support for it. Now, where is the support for the school system, and where is the money for the construction of the highways to come from? In addition to that, it will be necessary to establish all kinds of ordinary public institutions, benevolent institutions, penal institutions, and asylums. Where will the money come from?

Every Senator here knows, or should know, that the lands of the Indian Territory are not taxable except in a very small part. Originally they all belonged to the Indian tribes and were nontaxable. Under the legislation of recent years there has been an attempt to dissolve the tribal relations and get rid of the tribal title. In that behalf we have provided for allotments in severalty to the members of the various Indian tribes, but the statutes providing for the allotment of these lands provide that they shall not be taxable after an allotment in the hands of the allottees for a period of twenty-one years, in at least most cases, and that if the allottee see fit to sell, having first the approval of the Secretary of the Interior, he may do so after five years, and his lands so sold shall be taxable only in the hands of the allottee.

Now, in addition to that, town sites are taxable, but the town sites that are taxable and the lands that have passed into hands, as I have indicated, where they are taxable are comparatively but a very insignificant portion of the territory embraced within the boundaries of the Indian Territory; that is to say, only an inconsiderable portion of these lands are taxable. Personal property there is taxable, I suppose, but practically the lands are not taxable.

In other words, then, there is no public domain whatever in the Indian Territory. There never has been. There are no lands there that can be thrown open to preemption by homestead settlement. There are no lands there that can be set apart for the endowment of a school system, as in other Territories has been done. There are no lands there that can be set apart for the endowment of penal and benevolent institutions, as was done in the Territory of Oklahoma and other Territories, and there are no lands there that can be set apart for the endowment and maintenance of institutions of higher education, such as State universities, as was done in the case of Oklahoma, and as has been done in other cases.

I call attention to that particularly because the Senator from Minnesota, in his closing sentences on yesterday, told us it would be no hardship upon the people of Oklahoma to unite the Indian Territory with Oklahoma at this time because, in the first place, the bill made provision for the endowment of the common school system in the Indian Territory, just as has heretofore been done in Oklahoma and in other Territories.

I call the attention of the Senate to what the provision is that is thus referred to. I find it at section 7 of the substitute, page 53 of the print, which I have before me. It reads as follows:

SEC. 7. That upon the admission of the State into the Union sections numbered 16 and 36 in every township in Oklahoma Territory, and other lands, equivalent to sections 16 and 36, in every township in Indian Territory, shall be granted from the public domain in Oklahoma Territory, in lieu of sections 16 and 36 in every township of Indian Territory, except sections 16 and 36 in either Territory, or parts thereof, that have been reserved, sold, or otherwise disposed of by or under the authority of any act of Congress: *Provided*, That said indemnity lands, in lieu of sections 16 and 36 of the townships in the Indian Territory, shall be selected in such manner as the legislature may provide, with the approval of the Secretary of the Interior, and shall be granted for the support of the common schools of said proposed State of Oklahoma; etc.

In other words, Mr. President, the provision which has been brought before the Senate in this substitute, and which was commented upon by those who have spoken in support of the substitute, is one that, as I have said, is absolutely impracticable. It is a provision that means, if it means anything, that inasmuch as there is no public domain in the Indian Territory out of which land can be set aside for the purposes of education, we shall set aside, out of the public domain in Oklahoma Territory, an equivalent to two sections for every township in the Indian Territory. How many acres would that require? That would be 1.280 acres for every section, or every square mile, in the Indian Territory. There would have to be that much set aside to put the Indian Territory on an equality with the Territory of Oklahoma. That is what the substitute bill proposes to do. But, inasmuch as the Indian Territory has no public domain, it is proposed to go to the public domain of Oklahoma to get it; and we are asked to accept that kind of a proposition as doing justice as between the Indian Territory and Oklahoma Territory in the matter of endowing a common school system.

The area of the Indian Territory is about 31,000 square miles, I believe. So there would have to be something more than 3,000,000 acres set aside under that provision out of the public domain of Oklahoma. But that is not to be set aside out of the public domain of Oklahoma, according to the provisions of this bill, until there shall have been first set aside out of that same public domain 1,450,000 acres specifically provided for, and provided for not only in the bill which came to us from the House of Representatives, but provided for also in the substitute reported by the majority of the committee. These 1,450,000 acres are to be set aside for the following purposes:

For the benefit of the Oklahoma University, 200,000 acres; for the benefit of the Agricultura land Mechanical College, 250,000 acres; for the benefit of the Colored Agricultural and Normal University, 100,000 acres; for the benefit of normal schools, 250,000 acres, and 650,000 acres to be disposed of as the legislature may provide, said lands to be selected in such manner as the legislature may provide, with the approval of the Secretary of the Interior.

Mr. President, recognizing that to set aside such large bodies of land—1,450,000 acres—to meet these specific purposes, and something more than 3,000,000 acres to meet the general purposes I have spoken of, and not to allow them to be entered upon by settlers or taken possession of or developed—recognizing that that would be a serious drawback in the development of that Territory, the committee have provided in their substitute that all these lands shall be offered for sale to the highest bidder at not less than $10 an acre. In that way they propose creating a fund out of which to provide education for those poor people of the Indian Territory, of whom we heard so much spoken yesterday in commiseration, and to provide for these institutions of higher learning and for the penal institutions and the benevolent institutions necessary to statehood. Naturally, one would be rather pleased with the fairness of that proposition as it reads on its face; and I thought, inasmuch as the Indian Territory had no public domain, it was a right and proper thing for the United States Government to take all these lands from its domain elsewhere, and from nowhere else so appropriately as from Oklahoma, and thus make good the deficiency that existed. But I wanted to see how it would work out, and therefore I went to the office of the Commissioner of Public Lands and got his last official report—that made last year. I wanted to see how much of the public domain the United States Government yet has in the Territory of Oklahoma. At page 198 of this report I find a table, the title of which is as follows:

Statement, by States, Territories, and land districts, and also counties where practicable, showing the area of land unappropriated, etc.

I look at the table there found as to Oklahoma, and I find that there are yet, or were last June, when this report was made—it does not show anything later than that—there were then yet in Oklahoma of unappropriatad lands only 3,789,976 acres. It is therefore out of that 3,789,976 acres that all this appropriation must come, and all the lands so set aside are to be sold at $10 an acre. I thought that that was a pretty good price for wild land, and I thought I would like to know what kind of land it was, and so I made inquiry as to that. I have not had an opportunity to get any official report upon it, but I learn from the report of the Commissioner of Public Lands that 3,000,000 acres of this land is in Beaver County.

I looked on the map and I found that Beaver County was what was known a few years ago as "No Man's Land." It runs across the upper end of Texas, intervening between Texas and Kansas and Colorado; the Cherokee Strip, I believe it was originally called. That is Beaver County. Three million acres of that remnant of the public domain of Oklahoma are in Beaver County. Then I pursued the inquiry so as to learn what kind of land it is which is to sell at $10 an acre to the highest bidder, with which to endow a common school system, and I learned that there was not an acre there, in all probability, that would bring as much as $1, and a great deal of it would not bring anything. A great many homesteaders at first went in and made homestead entries there, but they have practically all been abandoned because it is a dry, arid, rocky, and objectionable kind of soil. It is also topographically objectionable, and the soil is filled with gypsum and other ingredients that make the water so objectionable that the land is not suitable for either men or beasts, and it has been practically abandoned.

Well, that narrows the thing down a good deal. There is not an acre in Beaver County of the whole 3,000,000, more or less, that could be sold, according to the information I have, for one dollar—not one—and there are vast areas of it that could not be sold for anything.

That is the kind of a bill, Mr. President, the majority of this committee have brought here and have asked the Senate of the United States to accept, upon their recommendation, as a provision for the endowment of a common-school system, needed more there, according to the representation of the Senator from Minnesota [Mr. NELSON], made in this Chamber yesterday, than in any other place in the United States—a mere barren provision that will bring nothing.

Now, look a little further. Deducting that 3,000,000 acres, we have 789,976 acres left, or less than enough to make the specific appropriation provided for the State university, for the benevolent and penal institutions, and for other specified purposes. So there would not be one acre left for a school system for the Indian Territory of that which is even passably good land; but there is a great deal of the remaining 789,976 acres that is not good.

In Woodward County, which lies next to Texas and immediately south of the Cherokee Strip, they have practically the same kind of soil, and if you will look at the reports on file you will see there are no settlers there. The Government has had even to withdraw the land office from Beaver County.

Three hundred and forty-nine thousand acres of this residue are situate in Woodward County, which were to be devoted to school purposes in the Indian Territory, to be put up and sold at auction, according to the Senator who addressed us yesterday, at $10 an acre, to create a fund for the support of the common-school system, and all of the same general quality.

I might run through this table and point out other lands of the same nature belonging to this residue, but if you will go south on the map you will see that the county next below Woodward is Roger Mills County, and the one next below is Greer County, and nearly all this remnant of land is in the counties of Greer, Roger Mills, Woodward, and Beaver, and all of that land that remains unappropriated is comparatively valueless land. I doubt if you can find an acre in the whole of it that is worth $10; very little that has any present value whatever.

Mr. BEVERIDGE. Are those western counties?

Mr. FORAKER. They are western counties, running down the line.

Mr. BEVERIDGE. And the land gets progressively bad as you move west?

Mr. FORAKER. Yes, until you come to New Mexico. [Laughter.] I shall speak of that presently.

I am talking now, Mr. President, about the substitute bill which the majority of the committee have brought in here as a result of their visit to these Territories and of an "investigation on the ground." They recognize—and the Senator from Minnesota dwelt upon it yesterday at great length—that in the Indian Territory there is an abnormal degree of illiteracy, and that there is an unusual necessity for statehood, in order that a common school system may be established, and that those people may be prepared for citizenship in the United States; and this is the way that it is proposed to do it.

Mr. President, I commenced by saying that I would not say much about Oklahoma, and I will not. I have said all this to support the statement I made, namely, that it is impracticable at this time to consolidate the Indian Territory with Oklahoma and admit the two as one State without doing a violent injustice to the people of Oklahoma. No man will question but that in the Indian Territory there must be highways, and persons have suggested, in giving me information, that that will be a very burdensome expense to the State government. We all agree that there must be a system of education of some kind established; and no system is as good as the common school system, and that, we know, will be burdensome.

If you unite the Indian Territory with Oklahoma Territory at this time, you do it when, practically, there are no lands subject to taxation in the Indian Territory; you do it when unusual burdens must be borne by somebody; and if these unusual burdens are to be borne, by whom can they be borne except only by the people of the Territory of Oklahoma?

Yesterday the Senator from Minnesota, in closing, said also—and seemed rather to congratulate himself on that fact—that, although he had spoken many days in addressing the Senate, and had gone at great length and with great elaboration into this whole subject, he had not found it necessary to speak one harsh or unkind word of anybody. That was his parting consolatory remark.

Mr. President, I have some hesitation about saying what I had in my mind to say in answer to that suggestion by the Senator. I will not say what I had it in mind to say, but I will say that the Senator in making that remark was not justified by the record which he himself had made.

Now, I shall pass that with this simple remark and come to what I want more particularly to say, that in this bill providing for the admission of Oklahoma to statehood is found a provision that I read in my opening sentences, a provision that is fashioned after the provision that was embodied in the law making Oklahoma a Territory. Oklahoma and the Indian Territory were at one time one Territory, and Oklahoma was carved out of the Indian Territory. The provision of that law was that Oklahoma should be added to from the Indian Territory as from time to time the Congress of the United States might see fit to add. The provision in this House bill is that Oklahoma shall now irrevocably give her consent that she may be added to from time to time from the Indian Territory as her lands are freed from present conditions and are made taxable. We have full power as to the Territory, and the purpose of that provision is that we may avoid the necessity of tying on to Oklahoma a Territory for which Oklahoma will have to bear the burden of government without having any help, practically and comparatively speaking, from the Indian Territory.

If we admit the Territory of Oklahoma with the obligation on the part of Oklahoma to put into her constitution such a provision, irrevocable in its character, we can, as these lands are alloted and as they are aliened and come into the hands of people who will have to pay taxes on them, from time to time add from the territory of the Indian Territory, and ultimately the entire Indian Territory can be combined with Oklahoma Territory, and we will have one State of the two Territories, as it seems to me manifestly we should have, and only one; but it would be an injustice to do it now.

Now, Mr. President, I want to pass from Oklahoma. I want to speak about New Mexico and Arizona, but before I speak as to the merits of these two Territories I want to speak a word or two as to the political aspects of this question.

PLATFORM DECLARATIONS.

The Senator from Minnesota opened his speech with a reference to our Republican national platform declarations concerning the admission of these Territories, and in that connection announced that he did not feel bound by them and called the attention of Senators to the fact that they were not made under oath. [Laughter.] They were not made under oath, although I heard a good deal of swearing at Philadelphia; not, however, at the platform. But I appreciate what the Senator said; no, I do not appreciate it either, but I note what he said.

Mr. President, it is not necessary, I trust, that a platform declaration should be sworn to in order to command credibility. I can understand, however, how it is that a Senator who simply sat in the convention at Philadelphia, thinking about who should be nominated for the Presidency or the Vice-Presidency, or what the declaration of the platform should be in regard to the tariff or the money question, might pay but little attention to what would be said about the admission of Territories to statehood. I can understand how he might regard that as not a vital matter, and how he might not pay any attention to it at all, not knowing even what declaration was made at the time he voted for the adoption of the platform. I can understand how a man might even belong to the general committee on resolutions and not have accurate knowlege, or feel bound by a declaration of that kind in the sense in which he would feel bound by a declaration in regard to some matter that was directly in issue before the people; but that is not the case with a man who helped draft it.

It was my fortune to be not only a member of the committee on resolutions in the National Republican Convention of 1896, but I was also chairman of that committee, and I was a member of the subcommittee and chairman of the subcommittee that drafted that platform. I knew then exactly what we were putting in that platform. We put it in after giving a hearing to everybody who wanted to be heard; we put it in there, thinking it would strengthen the cause of Republicanism throughout the West. It was not an idle thing; it was not an ill-considered thing on the part of those who did it; it was carefully considered, and it was done after it had been thoroughly discussed.

When we came to Philadelphia in 1900 I was not chairman of the committee, nor the chairman of the subcommittee, but I was a member of the committee and a member of the subcommittee that drafted that platform. In 1896 we put in a qualified declaration. Let me read it:

> We favor the admission of the remaining Territories at the earliest practicable date, having due regard to the interests of the people of the Territories and of the United States. All the Federal officers appointed for the Territories should be selected from bona fide residents thereof, and the right of self-government should be accorded as far as practicable.

In 1900 we dispensed with all qualifications and boldly and unqualifiedly declared as follows:

> We favor home rule for, and the early admission to statehood of, the Territories of New Mexico, Arizona, and Oklahoma.

Now, Mr. President, if we are to be told that is not binding because it was not under oath, or if we are to be told that for any reason whatever we are now to disregard it; if, in other words, insincerity is to be written across that declaration of the Republican national platform, it shall not be written by my hand.

I can understand how a man might think even in 1896 or in 1900 that these Territories ought to be admitted to statehood and might now think differently, but before any man has a right to change his mind he must profess to have new light of some kind or other. I have no new light. I was in earnest then. I knew what I was doing, and every other member of that committee knew what he was doing. There was a careful hearing. That declaration was not put in there to help the opposition. It was

put in there to help the Republican party; and we put it there because we thought it was right. I feel to-day just as I did then, and I intend to vote now when it is not a mere platform proposition as I voted then, because I am in earnest now as I was then.

Having said that much, I want now to speak particularly about the Territories of

NEW MEXICO AND ARIZONA.

When you come to consider the question whether or not any particular Territory is entitled to statehood, there are three general propositions to be considered. One is area. Is the Territory sufficiently large, or is it too large? Nobody objects to area in this case. The area of New Mexico and the area of Arizona are large; but nobody claims that the area of either Territory is too large, and certainly nobody has claimed that it is not large enough. So I pass area by. So far as mere acreage is concerned, mere extent of territory, these Territories are quite acceptable according to every precedent that we have established.

There are only two other general questions remaining. One is, have the people wealth enough within that Territory, sufficient property, to support statehood without unduly burdening themselves by taxation in order to raise revenue? If they have, then the remaining question, and the only question remaining, is one of population. Is that sufficient, and is it of proper quality?

In the report made by the majority of the committee, presented to the Senate by the Senator from Indiana, a great deal is said, to which I shall make response presently, about the rule established by the ordinance of 1787. He speaks in that connection of the rule established as to population, and he seems to argue and contend that we ought to be governed by whatever our fathers, wisely considering the question, saw fit to establish as a rule at that time. I call his attention, and I call the attention of the Senate, to the fact that in the ordinance of 1787, to which he has thus appealed, there is not one word as to how much property a Territory shall have. Except Vermont, Maine, and Texas, all the Territories that we have created into States have come into the Union after having had the ordinance of 1787 applied in their government, or under our treaties with France, Spain, or Mexico.

Mr. CLAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. FORAKER. Certainly.

Mr. CLAY. I desire to ask the Senator from Ohio if it is not true that we have admitted heretofore 13 States with less taxable wealth than either Arizona or Mexico now possesses?

Mr. FORAKER. Yes, I believe so.

Mr. CLAY. And is it not true that Indiana at the time she came into the Union had less taxable wealth than either of these Territories and that Minnesota had less taxable wealth?

Mr. FORAKER. Mr. President, the railroads alone in the Territory of New Mexico are worth more than twice all of the taxable property of both Indiana and Ohio at the time those two States were admitted.

PROPERTY QUALIFICATION.

What I was going to call attention to, however, is that this ordinance of 1787 does not say anything about property; what it speaks about is "free inhabitants." Whenever there are a certain number of free inhabitants, certain rights shall follow; not when there are so many millions of property.

When you come to the treaties with France, Spain, and Mexico, under which we have admitted all the remaining Territories into the Union of States, there is talk about the inhabitants, but there is no talk about wealth or the property that would be subject to taxation.

The theory under which the framers of the ordinance of 1787 proceeded, doubtless, was that whenever there was a requisite number of free inhabitants, citizens of the United States, in a given Territory, they would have all the other things necessary; and it was not necessary for them to be enumerated to enable them to maintain statehood.

But, passing that, and speaking of it as though it is something that we are compelled by precedent to consider, what is the fact as to property in New Mexico and Arizona? I do not want to be too tedious about this, but, as I said awhile ago, if we look no further than the railroads, they have got more property than many of our Territories had when they were admitted.

On page 13 of Senate Document 2206, part 2, entitled "Views of Mr. QUAY," appears a statement as to the property in New Mexico that would be subject to taxation. I do not want to read it, but I will ask to have it inserted in the RECORD just as it appears here. If there is no objection, I will ask that it be put into my speech at this place. I call attention to the fact, however, that it is an itemized statement showing the railroads, showing the acreage fit for agriculture, showing the mines, showing the stock, showing the general products, and showing all the other kinds and classes of property to be found in the Territory, and that the aggregate, according to this statement, is $283,000,000.

The evidence presented before this committee, roughly tabulated, shows the present property of the Territory that will be subjected to taxation when it is admitted as a State as follows:

7,000,000 acres of railroad land, with its coal, iron, and timber, at $5	$35,000,000
7,000,000 acres of private patented land grants, with its timber and, in some instances, its minerals, at $5	35,000,000
2,000,000 acres of agricultural land, at $10	20,000,000
3,000 miles of railroad, with its franchises, equipment, machinery, shops, etc., at $20,000	60,000,000
Patented mines and plants	25,000,000
7,000,000 sheep and goats, at $2	14,000,000
21,000,000 pounds of wool, at 8 cents	1,680,000
1,700,000 head of cattle, at $20	34,000,000
50,000 head of horses, at $10	500,000
100,000 head of burros, at $2	200,000
City lots and buildings	25,000,000
Stocks of goods	12,500,000
Household furniture of all kinds	4,120,000
Jewelry	2,000,000
Cash, bonds, stocks, mortgages, etc	5,500,000
Produce of mines—coal, iron, gold, silver, copper, lead, etc	5,000,000
Produce of farms—alfalfa, wheat, and other crops	2,500,000
All other kinds of property	1,000,000
Total	283,000,000

I have read the report of the governor of New Mexico, and that report sustains all that is said here. I have read the speech of the Senator from Vermont [Mr. DILLINGHAM], and that practically sustains all that is said here. I do not think there can be any difference of opinion, Mr. President, as to the truth of the proposition that they have at least two hundred millions of taxable property in the Territory of New Mexico. That is very conservative. Now, if they have $200,000,000 of property in the Territory of New Mexico, that is, as I said a while ago, much more than we have had as a rule in other Territories which have been admitted to statehood, and there is no question—every man can take a pencil and figure it for himself—that it is sufficient to sustain the burdens of statehood without any undue rate of taxation.

Mr. President, how far are we to go in this matter? We sat here and listened hour after hour to a very interesting and very able narration of facts and data compiled by Senators who have addressed us to show of what the property in those Territories consisted; to show that there was only a certain percentage of lands suitable for agriculture without irrigation, and only a certain percentage that could be irrigated, and that the products of the mines were only of such and such value, and other data like that. All that is not any concern of ours. All we are concerned about is whether or not there is enough property there in the aggregate subject to taxation to support statehood without any unreasonable burden. It does not make any difference whether it consists of agricultural land, of mineral products, of manufactures, of banking capital, or what not. The accidental remark, "banking capital," recalls to my attention something that is not included in this report, I believe; something, however, I saw in the governor's report, that in the Territory of New Mexico they have 14 national banks—I believe that is the number—and 12 Territorial banks or private banks, with an aggregate resource for the whole number of banks of about $10,000,000 and with a surplus of seven and a half millions. And yet Senators talk about a community which has banking establishments of that character and such industries as that represents not being entitled to statehood!

Consider, now, the railroads. According to the governor's report, made early in the year, they had over 2,000 miles of railroad. I do not recall the exact figures. If anyone is curious to know the exact figures by reference to his report he can get them. I saw the statement only a day or two ago that during the present year they have added to it until now they have about 2,600 miles of railroad in the Territory of New Mexico.

I do not take time to consult figures and give them accurately, because it does not matter what the exact figures would show, whether a few miles more or less. All we need to know is what are the aggregates. Details may be interesting, but they are not essential.

What, now, is the value of the railroads constructed and put into operation in the Territory of New Mexico? I saw a statement somewhere, made, I think, by the Senator from Minnesota, that he estimated the railroads as of the value of $7,500 per mile. I made inquiry of the railroad commissioner to know what was the probable average cost of railroads in New Mexico and in that Western country, and his answer was that the railroads in New Mexico and that Western country cost on the average, according to the statistics they had, about $81,000 a mile. That is the response of the commissioner of railroads. That seemed to me very high. But, with the limited knowledge I have about the cost of railroad construction and the value of railroad property after it has been constructed and put into operation, I suppose it would be a conservative estimate to say that these railroads are worth $30,000 a mile. I do not believe they could be constructed and equipped, as all these are, and put into operation for any such sum of money. Mr. President, I know enough about it to know that they could not be. Every Senator here who has made any

observation at all must know that fact. If they have 2,600 miles of railroad worth $30,000 a mile in New Mexico, you see at once what a great aggregate of value it makes.

Now, turn to the speech made by the Senator from Vermont, who is opposed to the admission of New Mexico, and who was arguing to show that New Mexico did not have sufficient industrial development to entitle her to admission, and you will find that he says that the annual product of Arizona—it is not the taxable property in Arizona, but the annual product—consisting of copper and silver and gold and other minerals, and agricultural products, is $33,567,537, or twice as much, in all probability, as all the property in Indiana subject to taxation was worth when it was admitted into the Union in 1810, far more than all the property in Ohio was worth when it was admitted, and a great deal more than all the property in Tennessee was worth when it was admitted. That is not the aggregate value; it is the annual product in dollars and cents, and it is not the annual product as I give it, but the annual product as given by an opponent of this measure, the distinguished Senator from Vermont, who made a most able and interesting speech on this subject, so far as the facts are concerned. And this was his statement as to Arizona, the smallest in population of these three Territories.

Now, Mr. President, admitting, however, as the Senator from Vermont did and the Senator from Minnesota did, that New Mexico and Arizona have the property values of which I speak, they say, to use the language employed by the Senator from Minnesota yesterday, that they are now in a stagnant condition; there is no development; there is no going ahead; and there is no prospect as there was a prospect for Indiana and Ohio and Illinois and the other Territories when they were admitted into the Union.

Mr. President, a grosser injustice could not be done to that people. Let us see if they are not going ahead. I have here a statement which shows that during the past twelve months, ending on the 31st day of last December, there were constructed and put into operation within the Territory of New Mexico 358 miles of railroad. Does that look like stagnation? I do not know how many miles were built in Indiana, but I doubt if so many were built there. There may have been. We will all hope so. But it is a pretty lively community in which there is that amount of railroad building going on.

Now, let me call attention to something else. Here are the internal-revenue receipts collected from New Mexico. In 1890 she paid $37,671.19 internal-revenue taxes into the Treasury of the United States. Of course since then the war taxes have come, but they do not account for all the growth. In 1901, the latest year for which I have the statistics, she paid $58,609.31. Here are her post-office receipts. Now, please note what has been done in this stagnant community. In 1890 her total post-office receipts amounted to $45,639.62. In 1902 they amounted to $93,684.17. Since June 30, 1900, when the census was taken, they have established in New Mexico 76 new post-offices, as the post-office authorities have certified. I have their letter to that effect.

It is very difficult for me to keep Arizona and New Mexico apart, and it just occurs to my mind that it is not necessary I should do so. They run naturally together. I think I am safe in saying that if I give the data as to New Mexico, you can assume that everything which has occurred there has occurred also in Arizona in the same proportion that the population of the one Territory bears to the population of the other—practically the same. That will save me the trouble of going into all this in detail as to both. But inasmuch as I have it before me, let me show you what great growth there has been in Arizona in the matter of post-office receipts. This table, sent me by the Third Assistant Postmaster-General, shows that for the year ending June 30, 1890, the post-office receipts in Arizona amounted to $28,416.06 and for the year ending June 30, 1902, to $129,267.95. The internal-revenue receipts from Arizona in 1892 were $17,965.90, and in 1901 they were $61,698.96.

Mr. President, does that look like a stagnant community? But that is not all. We have heard a great deal about the undesirability of the agricultural lands in New Mexico. I have some figures here which will show that they are at least sought after by people who are hunting for homes in that far distant frontier country. From June 30, 1900, when the last census was taken, down to the 20th day of December, 1902, there were entered at the various land offices in New Mexico, most of them being homestead entries, 1,271,517 acres.

Mr. BEVERIDGE. Mr. President——

Mr. FORAKER. In just a moment.

Then I have, written January 1, coming later than that, a letter from one of the registers—the one at Roswell. In this letter, dated January 1, 1903, addressed to Hon. B. S. RODEY, Washington, D. C., the writer says:

DEAR SIR: I have only time to report that this office had 205 homestead entries in December.

That was during the last month alone.

This ought to mean 205 settlers.

J. L. GEYER.

Now I will hear the Senator from Indiana, if he desires.

Mr. BEVERIDGE. It was not very important. I was going to ask the Senator whether he meant to have the Senate infer from this million or two acres of land entered that that many homesteads had been taken up in the sense that farms had been located and farmers located on them, because the Senator will, I am sure, bear me out when I state that many of these so-called homestead entries are made for the purpose of grazing in conjunction with grazing ranches; mere water holes. That is the point.

Mr. FORAKER. The information I have, and it comes from the representatives of the Government, from the Government officers there who made the entries, is that most of the entries are for actual settlers who propose to live on them.

Mr. BEVERIDGE. What is that?

Mr. FORAKER. Most of them, I say, are for actual settlers.

Mr. BATE. I will suggest there that if these lands are taken for grazing and stock purposes, is it not necessary for some one to be there?

Mr. FORAKER. Certainly. The statement I have here is that eight-tenths of these entries are for homesteads of a hundred and sixty acres each. About a million and a quarter acres of land have been entered since the census was taken. The Senator suggests that possibly some of this land thus entered was not to be devoted to agriculture as we understand it in this part of the country.

Mr. BEVERIDGE. I think the Senator is going to say just exactly what I was going to suggest. I have not the slightest doubt that some, perhaps many, of these homestead entries in the neighborhood of Roswell or in the district irrigated about there were taken up as farms by actual settlers. But the point to which I called the Senator's attention was that many others of them were taken up as portions of grazing ranches. He will recall the testimony of Professor Newell, that last year, in going over a great district of such homestead entries, he found the water holes dry.

Mr. FORAKER. Suppose he did find the water holes dry?

Mr. BEVERIDGE. They are not farms.

Mr. FORAKER. It is very interesting to know about the rivers that dry up and the rivers that do not dry up, and the artesian wells that flow and the artesian wells that do not flow, but what has that to do with the general proposition? What I am talking about is, first, that there is enough property there to sustain statehood, and when the Senator makes the point that they have uninviting conditions in New Mexico, he but emphasizes the right of these people to the reward of statehood. From the beginning of this Government down to this time we have put a premium upon the action of adventuresome and aggressive men who would go out, contending against the conditions of nature, to subdue nature, and make it a suitable place for people to live.

Mr. BEVERIDGE. I am not going to interrupt the Senator again——

Mr. FORAKER. I do not care how much the Senator interrupts me. I am always glad to hear him.

Mr. BEVERIDGE. Thank you.

Mr. FORAKER. I want to debate this question.

Mr. BEVERIDGE. The Senator misunderstood the point.

Mr. FORAKER. I was going on to answer the remark of the Senator.

Mr. BEVERIDGE. The point is that on many of these so-called homestead entries there is not anybody, and therefore there is no person of adventuresome spirit or of any other kind of spirit for the Government to encourage or otherwise. That is the point.

Mr. BATE. If I may be permitted to make a suggestion——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. FORAKER. Certainly.

Mr. BATE. They have to have some one, a family, there before they can make a homestead entry. The law requires it.

Mr. BEVERIDGE. Not a family.

Mr. FORAKER. I call attention to what this officer of the Government says:

I have only time to report that this office had 205 homestead entries in December. This ought to mean 205 settlers.

He does not say it does mean it, but he understood it meant it. What I want to say is that that does not matter for the purposes I have in view in this connection. I am coming to the question of population presently, and I will say something about how many people there are there. For the present I am discussing the question whether they have enough taxable property in the Territory to maintain statehood without being unduly burdened with a rate of taxation. I think I have abundantly shown it; and now I am answering the charge that although they may have enough to support statehood, they are not growing; that they are "stagnant."

Mr. President, a greater libel was never uttered against a brave

and intelligent and patriotic people than that which has been repeated over and over again in this Chamber ever since this report came in here. I cite you to the post-office receipts, I cite you to the establishment of new post-offices, I cite you to the internal-revenue receipts, I cite you to the construction of railroads to show that they are anything but stagnant. There is as much business activity there, for the number of people, as you can find among 200,000 American citizens anywhere where the flag of America floats. Nowhere will you find greater activity. It is the very opposite of stagnation.

Now they say, "Yes. these entries have been made"—a million and a quarter acres; 205 homesteads in one land district in one month in New Mexico—"but how do you know that they are not intended for grazing purposes? Nobody will live upon them." I do not care as to that for present purposes. We have been told over and over again since this debate began about the arid wastes of New Mexico; about the millions and millions of acres that are to be found there unsuited to agriculture and which it is impossible to irrigate, and how it is all in consequence of no value.

Mr. President, my information, and I believe it is reliable, is that there is practically not an acre in New Mexico that is not capable of being utilized by that community for their own good, and especially for the good of this whole people. The good Lord in His providence made the arid lands of New Mexico for just the purpose they are subserving. That is to be the great meat supply for the hundreds of millions of people that are to occupy this country in the years to come. There, on those lands, which we are told are of no value, are to be found to-day millions of stock, consisting of horses and cattle and sheep. The majority of the committee do not know it. They did not stop in the Territory long enough to find it out. But that is the fact; the records show it, and every man who is informed knows it. And that is not all. The herds are increasing. More and more the cattle and other stock multiply, and all to our great good. I say all honor to the man who goes into that Territory, braving its hardships, submitting to its privations, engaging in any business he may find there lawful and proper to engage in, whether it be mining or manufacturing or an agricultural pursuit, or the grazing of horses and cattle and sheep.

As I said a few minutes ago, and I do not want to be diverted from that, the committee have proceeded upon the theory that because the people of New Mexico have peculiarly difficult conditions to contend against they ought to be denied statehood. They do have peculiarly difficult conditions to contend against. But all the greater is the reason, when they have surmounted those difficulties, when they have bravely contended against them, that we should remember that they have a right to govern themselves, according to the principles of the American Constitution. That is all we are contending for. That is what will be denied them if this bill fails—something that is not only due them upon general principle, according to general precedent, but which is due them according to contract obligations as solemn as one nation ever entered into with another.

Now I come to another point, Mr. President. Perhaps I have said enough on that topic. The point I wanted to make was that these Territories have a sufficient area, that they have sufficient property subject to taxation, to enable them to sustain statehood without being unduly burdened. In the next place, I have tried to show, answering the remarks of the Senator from Minnesota particularly in that regard, that they are not stagnant, as has been charged, but that they are alive, that they are growing. No community in the United States—and the Senator from Indiana can not find one when he comes to address the Senate and point it out—can show a greater development of an industrial character than that of New Mexico. I mean that he can not find one where among 200,000 people, situated as that people are, there has been an equal growth of post-offices and postal receipts and of internal-revenue receipts and of land entries during the same period of time. And all this is true and equally true, in proportion, of Arizona.

Now, Mr. President, I come to something else. I said a moment ago that there were three general questions which should be considered. One was area, about which there is no contention, and another is wealth and taxable property, and I have dwelt upon that sufficiently. It is all right, although the ordinance of 1787 did not require it, nor did any of the treaties under which we acquired territory require it, to consider whether or not the inhabitants there are progressive and aggressive, developing their resources and multiplying their wealth; and if I have spoken to any purpose I have shown that they are doing that in both New Mexico and Arizona.

POPULATION.

Now I come to the question of population, and before I take it up specifically let me make some general observations. In the first place, the Senator from Minnesota told us with great particularity how long it has been since the first settlements were made in Arizona and in New Mexico, and then he commented upon that and called attention to it and repeatedly called attention to the fact that they were among the oldest settled Territories in the United States; and then he pointed to the fact that notwithstanding they had been settled for two or three hundred years they have only this population, insufficient, as he claimed, to entitle them to statehood.

Mr. President, why is it there has been this backwardness in the growth of population? You do not need to go outside of the speech of the Senator from Minnesota to find the answer. He pointed it out when he told us that New Mexico and Arizona were until only a very few years ago inhabited by wild and savage Indians, and he might have added Indians against whom for our people there the Government did not interpose any sufficient protection. Being thus overrun by Indians, people would not go there until it was made safe, when they could go to some other place where the tide of population was running. But that is not all. Take New Mexico. We acquired that Territory from old Mexico. We entered into a stipulation with respect to private property there—that all rights should be protected and titles be made secure. But how did we discharge that obligation? Not until 1891, I believe it was, did we take any effective steps or measures to settle the disputed Spanish land-grant titles in New Mexico. We then created a court, the Court of Private Land Claims, and set it to work. It is now completing its labors. I believe the time in which it was to complete its labors was extended at the last session until June, 1903. At that time its work will be concluded.

I have here the report of the United States attorney for that court. According to it it appears—I will not stop to read it—that that court has heard and has settled the title to more than 20,000,000 acres. These Spanish land grants, long years ago made, overlapping each other and duplicating each other, made it almost impossible for anybody to go into New Mexico and get a good title. Out of about 26,000,000 acres that were involved in these Spanish land-grant claims the court rejected all except about 2,000,000 acres, thus returning more than 20,000,000 acres to the public domain.

It has been only within the last two or three years that a man going into New Mexico had any assurance that he could acquire a good title to land when he went there. That was enough to keep people out. Did the committee which visited that Territory tell us anything about that? There is report after report on file in the Interior Department and in the Department of Justice as to the effect of this condition on the Territory, retarding development there, retarding settlement there, keeping back the growth of population; and report after report as to the good effect that would follow from their adjudication; and the good effects are following.

It is because these claims have been settled that men can go there now and get title which they could not heretofore, and for that reason they are going. It is for that reason that their post-offices are multiplying, their postal receipts growing, their internal-revenue receipts growing. It is no wonder that the population has not grown more rapidly. The only wonder to me is that it has grown as rapidly as it has grown.

ORDINANCE OF 1787.

Now, Mr. President, let us speak of the question of population. The committee in their report, to which I have already referred, undertake to tell us that the ordinance of 1787 lays down a rule as to the population necessary to entitle a Territory to admission to statehood, and they undertake to state what that rule is. The committee seem to have gone through the ordinance of 1787 as they are reported to have gone through the Territory—too rapidly to have gained a just comprehension as to what the ordinance does provide. The ordinance of 1787 does not establish any such rule as the committee has deduced from it, and there is no warrant whatever for their deduction.

I had before me the speech of the Senator from Vermont [Mr. DILLINGHAM], which has been printed in pamphlet form and in which I marked what I wanted to read.

Mr. BEVERIDGE. Here it is.

Mr. FORAKER. But I had one here which was marked. As I remarked, I had before me awhile ago the speech made by the Senator from Vermont [Mr. DILLINGHAM]. In that speech he quoted from the report of the committee as to what the committee says as to this rule, and with approval unqualifiedly stated that the ordinance of 1787 did establish the rule as laid down in the report of the majority of the committee. Here is what I refer to, said on that subject by the committee. I will read from the report:

> The last work performed by the Continental Congress relates to this, and, as Daniel Webster declared, is second in the importance, value, and wisdom of its provisions only to the Constitution itself. This was the famous ordinance of 1787 for the government of the Northwest Territory.
>
> This ordinance provides for the future division of said Territory into not more than five nor less than three States, and it fixed the boundaries of three of them, namely, Ohio, Indiana, and Illinois. The fifth article of that ordinance provides that—
>
> "Whenever any of said States shall have 60,000 free inhabitants therein

such State shall be admitted, by its delegates, into the Congress of the United States on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government."

The committee then go on:

It is thus seen that the fathers, even in the eighteenth century, provided—

First. For very large States as to area and resources (for it was then well known that the Northwest Territory was rich in agricultural resources and the natural home of a mighty population); and

Second. That each of these States must have a population which, in comparison with the population of the rest of the Republic at that time, was very heavy indeed.

This rule was referred to by President Washington in his message transmitting to Congress the constitution of Tennessee, and President Washington added that—

"As proofs of the several requisites to entitle all the Territories south of the Ohio River to be admitted as a State into the Union, Governor Blount has transmitted a return of the enumeration of its inhabitants, etc."

"SIXTY-THOUSAND RULE" BASIS FOR SLIDING SCALE.

This number, however, was not intended to be a permanent requisite, but a standard referring to the population of the rest of the nation at the time. By comparing 60,000 (the number of people required for statehood in 1787) with the population of the nation at that time we find the ratio which statesmen of that day deemed essential as between communities applying for statehood and the nation itself. At that time the population of the United States was less than 4,000,000. If 60,000 were required as the first requisite for statehood when the population of the nation was less than 4,000,000, the same rule would require a population at the present time of over 1,153,000; and every reason supporting the rule of 60,000 established by the fathers' ordinance of 1787 requires as many more than 60,000 now as the population of the nation itself at present is larger than it was one hundred and fifteen years ago.

They go on at considerable length to further discuss the matter, but I have read enough to show what they claim is the rule established by the ordinance of 1787.

Mr. President, the committee did violence to the ordinance of 1787 when they made that quotation as the expression of that ordinance upon the subject they undertook to discuss. The ordinance of 1787 does state a rule, but it is not the rule of the committee. The only rule that is established by the ordinance of 1787 is that which is found at the conclusion of the declarations which precede the ordinance proper, the whereases, I will call them. There, speaking of the purposes for which that Territory was to be organized and civil government established over it, they say, among other things:

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these Republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions and governments, which forever hereafter shall be formed in the said territory; to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the Federal councils on an equal footing with the original States at as early periods as may be consistent with the general interest.

That is the rule established by the ordinance of 1787. No other rule was ever laid down by that ordinance except the one to which I now call attention.

Mr. BEVERIDGE. The Senator does not mean to say, I hope, that the quotation in the committee's report from the ordinance of 1787 is not in that ordinance?

Mr. FORAKER. No; I do not. The quotation made by the committee from the ordinance of 1787 is correctly made, so far as it goes; but the Senator omitted, when he was undertaking to deduce a rule from the ordinance of 1787, that which was more controlling in the matter of establishing a rule than that which he quoted. When the Senator quoted from the ordinance of 1787 he but partly quoted, and he omitted to quote a proviso which limits and controls that which he did quote. I invite the attention of the Senate to this. Here is the whole clause from which, only in part, the Senator quoted. Now, let us see what it is, the whole of it.

And whenever any of the said States shall have 60,000 free inhabitants therein—

It does not say anything about having railroads, banks, and taxable property besides—

and whenever any of the said States shall have 60,000 free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever, and shall be at liberty to form a permanent constitution and State government: *Provided*, The constitution and government so to be formed shall be republican and in conformity to the principles contained in these articles; *and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than 60,000.*

The last part of this clause was not quoted by the Senator when he was establishing his rule.

But is not that a part of what the ordinance said on the subject with respect to which the committee made the quotation? I submit, Mr. President, that if our attention is to be invited to the ordinance of 1787, there ought to be a fair quotation, and if we are to have a quotation from it at all, we ought to have all that properly relates to the subject.

Now, Mr. President, from that the Senator argues in his report that this ordinance required that there should be 60,000 people before statehood could be allowed. This he says was the rule of our fathers. They did not require any such thing. What they required was not that there should be 60,000 people for statehood, but that there should be statehood for 60,000 people.

In other words, Mr. President, the framers of the ordinance of 1787 laid it down as a rule that the Territories of the Northwest should be admitted to statehood whenever that could be done consistently with the general interest, whether they had 60,000 people or not, but that whenever they should have 60,000 people they should have an absolute right to come into the Union; that they should not be kept out any longer.

It was not a percentage that they were trying to establish. The Senator proceeds, after having laid down that rule, to argue that 60,000 was but a certain percentage which he figures out of the then population of 4,000,000, and that, according to that percentage, established by the ordinance of 1787, there ought to be 1,153,000 people in any given Territory to-day to entitle it under that rule to admission. His whole percentage idea is untenable. It finds no warrant in the ordinance.

Mr. President, that ordinance was adopted in 1787. There was practically not a white man living, as a settled inhabitant, in the territory northwest of the river Ohio at that time. The first settlement, with the institution of civil government that followed, was at Marietta, Ohio, in 1788. It was known by the framers of the ordinance that it would be probably fifteen or twenty years, as it was, before there would be any Territory in the Northwest Territory having 60,000 free inhabitants within it to apply for admission, and they knew that the rest of the country would be growing in population in the meanwhile.

They knew then just as well as they knew later that Ohio would not have 60,000 people until some fifteen or twenty years afterwards, and that there would be a growth for fifteen or twenty years of the 4,000,000 then inhabiting the 13 original States before she could apply for statehood; and the percentage of 60,000 would not then be of 4,000,000, but of whatever the population might be at that time.

They knew more. They knew that probably Ohio would be the first, as she was, and that Indiana would probably be the second, Illinois the third, and that of the two other States created out of that Territory, Michigan and Wisconsin, it would be, as it was, probably sixty years after the ordinance of 1787 before the last of them could be admitted. They knew that what they were doing was not to establish a percentage, but that they were laying down an iron-clad contractual obligation for the benefit of the people who might go into those Territories, that whenever they might have 60,000 free inhabitants, no matter if there were 50,000,000 in the United States, they would have not only a right to ask for admission but a right to be admitted. That is what they knew; that is the rule they established; that is the rule they afterwards recognized and followed. Ohio was the first case. She was admitted in 1802, long before she had 60,000 free inhabitants.

She was not admitted as a matter of right, because she had not yet reached the point where she could demand admission, but she was admitted because, according to the rule laid down in the ordinance of 1787, our fathers found it to be consistent with the general public interest to admit her without regard to her population, and so they admitted her when she had only 42,000 free inhabitants.

Indiana was admitted in 1816 and Illinois in 1818. Indiana had more than 60,000 when admitted, though considerably less at the then last census preceding. Illinois had but 34,000 when she was admitted in 1818. Michigan was admitted in 1837, and Wisconsin was not admitted until, I believe, 1848; and when Wisconsin was admitted we had, according to the census taken a year or two afterwards, in 1850, a population of 31,000,000 people.

Mr. SPOONER. The whole country?

Mr. FORAKER. The United States, I say, had a population at the next census, following only a year or two afterwards, that of 1850, of 31,000,000 people.

So the rule laid down by the fathers when they framed the ordinance of 1787 was that any one of these five Territories might be admitted at any time if it should be found consistent with the public interest, without regard to whether it had 60,000 free inhabitants or not; but whenever it had 60,000 it had a right to admission; and the idea underlying the rule was that it was due to 60,000 Americans living in a Territory that we should be willing to give them the right to govern themselves, as a reward for that which they had done for the whole country in going out into the wilderness and conquering it, driving out wild beasts and the still more wild, savage men.

Now, that is not all. Wisconsin had a right to come in when she did in 1848 if she had had only 60,000 people. She had more than that number; but if she had had only 60,000 she would have had a right to come in. The fathers looked forward to that and so provided. In doing so, they were not striking a percentage of 4,000,000 as a basis, for they contemplated only 60,000 in the Territory and 31,000,000 in the United States.

FAMILIAR HISTORY.

Let me here digress a moment to recall some familiar history with respect to our territory.

The ordinance of 1787 applied to the territory northwest of the river Ohio, now the States of Ohio, Illinois, Indiana, Michigan, Wisconsin, and part of Minnesota. Shortly afterwards, in May, 1790, the Congress passed an act extending the provisions of the ordinance of 1787 to the territory south of the river Ohio, expressing in that act that the inhabitants of that territory south of the river Ohio should by virtue of that act become invested with all the rights and privileges guaranteed by the ordinance of 1787.

Two or three years afterwards—I have forgotten exactly the date; in 1794, I believe it was—Tennessee, which was a part of the territory south of the river Ohio, applied for admission into the Union.

Mr. BATE. In 1796.

Mr. FORAKER. Yes; in 1796. First, Vermont was admitted. Let me correct what I have said. The territory south of the river Ohio embraced what are now the States of Kentucky, Tennessee, Alabama, and Mississippi. The first Territory admitted was that of Vermont, which had belonged to New York. There was no stipulation in that case as to the time when she would have a right to enter the Union; but there was a stipulation in the ordinance of 1787 as to all the territory northwest of the river Ohio, and by virtue of extending it to the territory south of the river Ohio the same rights of admission accrued to Kentucky, Tennessee, Alabama, and Mississippi.

Mr. BACON. I will correct the Senator, with his permission. At that time Alabama and Mississippi were not Territories of the United States, but territory of the State of Georgia.

Mr. FORAKER. Yes; they were a part of the State of Georgia, as Kentucky was a part of the State of Virginia and Tennessee was a part of the State of North Carolina.

Mr. BATE. She was independent.

Mr. FORAKER. Alabama and Mississippi were a part of Georgia and South Carolina.

Mr. BACON. Kentucky and Tennessee, I understand, were Territories.

Mr. BATE. The State of Tennessee was the State of Franklin about that time.

Mr. FORAKER. That is true. I do not mean that they were a part of those States in the sense that they were included within the State government. They were territories belonging to those States.

Mr. BATE. Afterwards Franklin came in as a part of the territory of North Carolina.

Mr. FORAKER. For my purposes——

Mr. BACON. That is not true as to the State of Georgia. The jurisdiction of the State of Georgia extended to the Mississippi River in the original grant.

Mr. FORAKER. I think so, but there is a strip across the northern end of both Alabama and Mississippi that belonged to South Carolina. I remember that. I once had occasion to examine it. I did not think this was an important matter and I was not trying to quote accurately. I simply want to say that the provisions of the ordinance of 1787 were extended to the territory south of the river Ohio, and thus came to apply to all this territory.

TENNESSEE.

The first to act under it was the Territory of Tennessee. How did she do? The Senator from Indiana in his report alludes to the message of George Washington in that connection as though George Washington was approving the rule for which he contends. The record refutes the claim.

The State of Tennessee proceeded, without any enabling act being first passed by the Congress of the United States authorizing it to do so, to hold a convention and frame a constitution and adopt it, and to choose a legislature and elect Senators and Congressmen.

Mr. BEVERIDGE. And to take a census.

Mr. FORAKER. I will come to that in a minute. She did that, and she sent her representatives here with a notice to the General Government that on a certain date the Territorial government which the Congress had established for her would go out of existence and the State government would come in.

When the Constitution was submitted to George Washington he transmitted it to the Congress of the United States, calling attention to the provision of the ordinance of 1787, which had inured to the benefit of Tennessee by reason of extending the ordinance to the territory south of the river Ohio, and saying, in that connection, that they claimed to have the requisite population, and they did have 60,000 free inhabitants. They had 54,000 whites and 6,000 free negroes, and, so far as the record shows, they did not have anything more. I do not know how much property they had; but there was nothing said about manufacturing establishments, nothing about banks. I do not suppose that there was a bank of issue at that time in the Territory. Of course we know that there was not. There was but little of anything.

Mr. CARMACK. The taxes were paid in 'coon skins.

Mr. FORAKER. The taxes were paid in 'coon skins, as the Senator says. At any rate, we know, Mr. President, that the only question as to Tennessee was, "Do you have 60,000 free inhabitants?" And she answered, "Yes; we have counted them." She did not let us count them. She did not consult the National Government. They said, "We stand on our right, under the ordinance of 1787. We have the right to come into the United States whenever we have 60,000 free inhabitants and we find that we have them; we are entitled to statehood, and here we are." George Washington conceded their right as far as he could. I wish to read what he said—and will do so in a moment.

The point I am contending for in this connection is that what the ordinance of 1787 conferred was a right to demand admission whenever there were 60,000 people. The Senator will remember that the ordinance of 1787 was afterwards extended to Oregon, and Oregon demanded admission on the same ground. She was allowed admission before she had the 60,000, but it was agreed, without any dissent whatever, that because of the conferring upon her of the rights enumerated in the ordinance of 1787 she would be unquestionably entitled to admission whenever she had 60,000.

I read now from House report, first session Fiftieth Congress, 1887–88, volume 4, the committee report, by Mr. Harrison, to accompany Senate bill 967. I call attention to the following as to the State of Tennessee. In this report Mr. Harrison reviewed the history of the different acts of admission of Territories by Congress to statehood:

The following extract from Hough's American Constitutions (vol. 2, p. 318) shows the course taken by the people of Tennessee:

"A convention, elected for preparing a State constitution, met at Knoxville January 11, 1796, and the next day a committee of two from each county was appointed to prepare a constitution. A bill of rights was reported on the 15th, and a frame of government on the 27th, by Daniel Smith, chairman of this committee. Their labors being completed, on the 6th of February an engrossed copy was read and passed; on the 19th an engrossed copy was forwarded to the President, with a notification that on the 28th day of March, at which time the legislature would meet to act on the constitution, the temporary government established by Congress would cease. This notification, with accompanying documents, was received by the President February 28, and laid by him before Congress on the 8th of April. The claims of the new State for admission were not recognized by all, but, after an energetic discussion, the bill became a law on the 1st of June, 1796. The principal grounds of opposition were that the proceedings had not been authorized by an enabling act of Congress; that the census being taken by those most interested in showing a large return might be liable to error; and that it belonged to Congress to decide whether one or more States should be formed in the ceded Territory, and to establish the time and manner of organization."

The message of President Washington, transmitting the constitution to Congress, is so full of interest that we copy it in full:

"Gentlemen of the Senate and House of Representatives: By an act of Congress passed on the 26th of May, 1790, it was declared that the inhabitants of the territory of the United States south of the river Ohio should enjoy all the privileges, benefits, and advantages set forth in the ordinance of Congress for the government of the territory of the United States northwest of the river Ohio; and that the government of said territory south of the Ohio should be similar to that which was then exercised in the territory northwest of the Ohio, except so far as was otherwise provided in the conditions expressed in an act of Congress passed the 2d of April, 1790, entitled 'An act to accept a cession of the claims of the State of North Carolina to a certain district of western territory.'

"Among the privileges, benefits, and advantages thus secured to the inhabitants of the territory south of the river Ohio appear to be the right of forming a permanent constitution and State government, and of admission as a State by its delegates into the Congress of the United States on an equal footing with the original States in all respects whatever when it should have therein 60,000 free inhabitants:

"*Provided*, The constitution and government so to be formed should be republican, and in conformity to the principles contained in the article of the said ordinance.

"As proofs of the several requisites to entitle the territory south of the river Ohio to be admitted as a State into the Union, Governor Blount has transmitted a return of the enumeration of its inhabitants, and a printed copy of the constitution and form of government on which they have agreed, which, with his letters accompanying the same, are herewith laid before Congress.

"G. WASHINGTON.

"UNITED STATES, *April 8, 1796.*"

That led to a debate in which some of the most distinguished statesmen of that day participated. Mr. Madison spoke, and he said:

The inhabitants of that district of country were at present in a degraded situation: they were deprived of a right essential to freemen—the right of being represented in Congress.

As far back as that in our history the right of self-government seems to have been greatly appreciated.

Laws were made without their consent, or by their consent in part only. An exterior power had authority over their laws: an exterior power appointed their executive, which was not analogous to the other parts of the United States, and not justified by anything but an obvious and imperious necessity. He did not mean by this to censure the regulations of this provisional government, but he thought where there was doubt Congress ought to lean toward a decision which should give equal rights to every part of the American people.

Mr. Macon said:

"There appeared to him only two things as necessary to be inquired into: First, was the new government republican? It appeared to him to be so; and, secondly, were there 60,000 inhabitants in the Territory? It appeared to him there were; and if so, their admission as a State should not be considered as a gift but as a right."

Mr. Gallatin said:

"The people of the Southwestern Territory became ipso facto a State the moment they amounted to 60,000 free inhabitants, and that it became the duty of Congress, as part of the original compact, to recognize them as such and to admit them into the Union whenever they had satisfactory proof of the fact. * * * Either you must acknowledge that their admission depends

solely on the condition of the compact being fulfilled, to wit, their having the number required, or you declare that it rests upon another act, which may be done or refused by the other party; that Congress have the power, by neglecting to lay them out into one or more States, or by refusing to pass a law to take a census, to keep them forever in their colonial state."

He cites some others; but I have read enough to show the character of the debate, and to show that Tennessee, when she presented herself, did not come as a petitioner, but came as one having a right, demanding that she be recognized, that she be admitted, and she did not ask in vain when she applied to George Washington, then President of the United States, for a recognition of her right. He transmitted her constitution to Congress, calling the attention of Congress to the fact that under the provisions of the ordinance of 1787 she appeared to have a right to admission, because she had 60,000 free inhabitants.

MICHIGAN.

Later this question again arose when Michigan, in 1837, applied for admission. I do not want to weary the Senate, but I want to read briefly from one or two of these cases.

Michigan repeatedly asked to be admitted, and admission was denied her. Finally she proceeded without any authority from Congress, or any permission from Congress, organized a State government, and then sent on her Senators and Representatives to Washington; and they demanded recognition, and here is what occurred——

Mr. BEVERIDGE. I think it is pertinent to ask the Senator a question at that point. Do I understand him to indorse the position that Michigan and Tennessee took, that they had a right to declare their Territorial governments terminated by their own act and come here and demand, whether the Congress of the United States saw fit or not, to be admitted into the Union? Is that the Senator's position?

Mr. FORAKER. Mr. President, it is not material whether I indorse that position or not. I think that is a debatable proposition; but the ablest men representing this Government in Congress at that time, Mr. Madison, Mr. Gallatin, and such men, took that position, and George Washington took that position.

Mr. BEVERIDGE. Did he?

Mr. FORAKER. Yes, he did; and I have just read what he said in his message, that Tennessee appeared to have a right to organize a State government and be admitted when she had 60,000 free inhabitants.

Mr. BEVERIDGE. The reason I asked the question of the Senator was that I have listened with care to the Senator's able argument, and it seems to me the point he is now addressing himself to is that a Territory may, whenever it has a certain number of inhabitants, terminate its Territorial government of its own motion, and declare, as in the case of Tennessee, that it ceases to exist in that condition, and becomes a State by its own action without reference to the action of Congress. It is important to know whether that is the position of the Senator.

Mr. FORAKER. It is not important to know, for I am not making any such contention; but I will answer the Senator with all courtesy and respect if he will just give me the chance to do so.

Mr. BEVERIDGE. I will.

Mr. FORAKER. No Territory can cease to be a Territory and enter upon the enjoyment of the rights of a State until Congress acts concurrently with it by the recognition of its Representatives, but a Territory can do as was done in the case of Tennessee, take the position that there was a contractual obligation between the United States and that Territory that it should be admitted to statehood whenever it had 60,000 free inhabitants. That position was taken later in the case of Michigan, and the claim was recognized in both instances, after an able debate in each case. It was said in the debate in respect to Michigan:

They have taken a census of the Territory; they have formed a constitution, elected their officers, and the whole machinery of a State government is ready to be put in operation; they are only awaiting your action. Having assumed this attitude, they now demand admission as a matter of right; they demand it as an act of justice at your hands.

So the debate goes on. I read this, Mr. President, in order that I may support myself in denying, as I have done, that any such rule as that contended for by the committee was laid down in the ordinance of 1787. No such rule was ever heard of, thought of, or even suggested until in this instance, so far as I have been able to discover.

I have read enough to show it was contended in every instance, when the question arose, just as I have contended here, that whenever a Territory to which the ordinance of 1787 applied asked for admission, Congress was free to admit it, whether it had 60,000 free inhabitants or not; but that it was compelled to admit it if it did have that population, or violate its plighted obligation. Not only was that claim made, but in every instance that right was recognized until it became an established rule.

OREGON.

The ordinance of 1787 was extended to Oregon, and when Congress came to admit Oregon the same argument was made. I will not stop to read it, but it is embodied in the same report, and anybody can read it who desires to do so.

I want to pass to something else. I want to quit that, however, with this general statement; and if I have talked to any effect I am warranted now in making the statement that the rule laid down by the ordinance of 1787 was not a rule of percentage. That ordinance did not say, or say anything in the nature of such a thing, that a Territory whenever it might have such a percentage of population within its limits of the whole population of the United States as 60,000 bore to 4,000,000 it should be entitled to admission, but it said that whenever 60,000 free inhabitants are found within any Territory they ought to be given statehood, that they should have statehood. That is what they obligated themselves to give, and what they did give in every instance; and where there was any question in the admission of a Territory to statehood after it had 60,000 inhabitants, it was because of some of the phases of the very troublesome question then uppermost in American politics—the question of slavery. There was a time when there was an effort to balance State against State, when States were admitted together, as, for instance, when Missouri and Maine came in together; and in so far as there was any delay in recognizing this plighted obligation, it was due to facts of that character, and to nothing else.

Mr. SPOONER. Will the Senator permit me to ask him a question only for information?

Mr. FORAKER. Certainly.

Mr. SPOONER. The Senator is very familiar with the history of the admission of Territories into the Union. I was at one time, but I am not now. Does the Senator remember any instance, except, perhaps, in the case of Nevada, where a Territory was admitted into the Union which did not possess, excluding Indians not taxed, a population equal to the then ratio of representation in the House of Representatives?

Mr. FORAKER. Mr. President, there are instances of that kind——

Mr. SPOONER rose.

Mr. FORAKER. If the Senator will allow me, I was about coming to discuss that rule.

We have had two rules, and only two.

Mr. SPOONER. But what is the fact?

Mr. FORAKER. I am speaking of a fact now, and I will come to the other facts in a minute. It is not material to follow it out, but I will tell the Senator we have had two rules as to the population requisite. One rule was that establised by the ordinance of 1787, and the other rule was that established by our treaty with France, which we followed in our treaty with Spain when we acquired Florida, and subsequently followed, with a parenthetical modification, in our treaty with Mexico. I will speak of that presently.

In every instance where the ordinance of 1787 applied, or was extended so that it did apply, to a new Territory, the rule prescribed by it was followed and was determined to be the one that should govern as to its admission—and that was that Congress might admit it whenever it saw fit, whether there were 60,000 inhabitants in the Territory or not, but that that Territory had a right to demand admission whenever it might have 60,000 people.

TREATIES.

The other rule was this: In 1803 we made the Louisiana purchase under a treaty entered into with France; a treaty with which all Senators are familiar. There occurred in that treaty language that I want to quote in this connection. Article III of the treaty with France provided:

ARTICLE III.

The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution—

"According to the principles of the Federal Constitution"—that is a phrase to which I call special attention—

to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

While I am about it I will call attention to the next treaty in which that occured in connection with territory ceded to us, which was the treaty with Spain entered into February 22, 1819:

ARTICLE VI.

The inhabitants of the territories which His Catholic Majesty cedes to the United States by this treaty shall be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

Then followed, in 1848, the treaty of Guadalupe-Hidalgo, the ninth article of which reads as follows:

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted, at the proper time (to be judged of by the Congress of the United States), to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution.

Senators will observe that the language is practically the same that I have read from the treaties with France and Spain, and different in effect as to the treaty with Mexico only as it is made different by the parenthetical clause that Congress should have the right to judge as to the time of admission.

ARKANSAS.

Under the first treaty with France we took all that vast domain of territory that has since been erected into so many States and Territories. Arkansas was one of the Territories of the Louisiana purchase admitted to statehood; and in connection with the admission of Arkansas the question arose what was meant by the phrase "admitting her to statehood according to the principles of the Federal Constitution." Everybody, almost, agreed that admitting her according to the principles of the Federal Constitution meant admitting her when she might have a population equal to the unit of representation in the House of Representatives, whatever that unit might be at the time; that in this free, popular Government of ours representation was an essential part of all legitimate government; and that whenever a people inhabiting an area we had designated as a Territory reached the point in the development of population where they were equal to the unit of the ratio of representation, they were entitled to be admitted to the Union. That was the position taken.

Now, Mr. President, I want the attention of the Senator from Indiana to this fact: Not only was that the contention in the case of Arkansas, but it was the contention in the case of Florida as well. She was admitted under the treaty with Spain. In that debate the contention was that she had a population equal to that unit of representation; and she was admitted. The question arose, in connection with numerous other Territories when they applied for admission to statehood, and notably years afterwards, in connection with the application of Kansas to be admitted to statehood.

On this point Mr. Douglass said, in a minority report made by him:

While the Constitution of the United States does not, in terms, prescribe the number of inhabitants requisite to form a State of the Union, yet, in view of the fact that representation in the House of Representatives is to be in the ratio of Federal population, and that each State, no matter how small its population, is to be allowed one representative, it is apparent that the rule most consistent with fairness and justice toward the other States and in harmony with the general principles of the Federal Constitution is that which, according to the ratio of population for the time being, is sufficient for a representative in Congress. A reference to the debates which have occurred in all the cases touching the sufficiency of population in the admission of a State will show that the discussion has always proceeded on the supposition that the rule I have indicated was the true one; and the effort has been, on the one side, to prove that the proposed State had sufficient population, and on the other, that it has not the requisite numbers to entitle it to admission in substantial compliance with that rule. (Page 55, minority report by Mr. Douglass, February 18, 1858. Senate reports, first session Thirty-fifth Congress.)

Mr. BEVERIDGE. And then the rule of 60,000 inhabitants was abandoned.

Mr. FORAKER. The sixty-thousand rule was not abandoned. The sixty-thousand rule was not invoked because the ordinance of 1787 never applied to the Louisiana purchase. What I contend is that while as to all the Territories to which the ordinance of 1787 applied the sixty-thousand rule did apply, and was recognized as applying, whenever it came to territory outside of that purchase to which the ordinance of 1787 was not extended then the unit of representation was the rule, and that in such cases it was adopted and followed.

Mr. BEVERIDGE. Does the Senator agree to that rule of representation now?

Mr. FORAKER. Yes, I do.

Mr. BEVERIDGE. Then what will the Senator say as to Arizona?

Mr. FORAKER. Now, Mr. President, the Senator has asked me a question which he thinks is bothersome.

Mr. BEVERIDGE. No, I do not.

Mr. FORAKER. The rule which I tell the Senator has always been contended for is this, that Congress could, in every instance, admit to statehood when the Territory was under the ordinance of 1787, without regard to the fact whether it had 60,000 inhabitants or less, but when it had 60,000 it was governed by that rule, and Congress had to admit as a matter of right or disregard our obligation; and that when it came to a Territory organized out of territory acquired under these treaties they could admit before they had a population equal to the ratio of representation if Congress so desired, but that it was the duty of Congress to admit when the population was equal to the ratio. Congress, acting upon this rule, has admitted, in many cases, before the population was equal to the ratio. In fact, in only a very few cases did they wait to admit a Territory until it had a population equal to the unit of representation. In a number of cases they did, but in quite a number they did not. Now, let me read as to that. Here is what John Quincy Adams said—and I call the attention of the distinguished Senator from Massachusetts to it—in the Arkansas case. He said:

I can not, consistently with my sense of obligations as a citizen of the United States and bound by oath to support their Constitution—I can not object to the admission of Arkansas into the Union as a slave State: I can not propose or agree to make it a condition of her admission that a convention of her people shall expunge this article from her constitution. She is entitled to admission as a slave State, as Louisiana and Mississippi and Alabama and Missouri have been admitted by virtue of that article in the treaty for the acquisition of Louisiana, which secures to the inhabitants of the ceded Territories all the rights, privileges, and immunities of the original citizens of the United States, and stipulates for their admission, conformably to that principle, into the Union.

And throughout this debate it was conceded, as in all the other debates substantially, that whenever a Territory which belonged to any of these cessions and was governed, therefore, by that clause of the treaty, had a population equal to the unit of representation, it was entitled as a matter of right to admission.

Mr. HOAR. Mr. President, may I ask the honorable Senator a question, that I may understand his very interesting proposition?

Mr. FORAKER. Certainly.

Mr. HOAR. I ask the Senator whether by the term "territory," when he speaks of a Territory having certain rights, he means Territory organized under the laws of the United States or whether he means a tract of territory?

Mr. FORAKER. I mean simply what I have been talking about. I have been reading from the record, and I have been showing what was said and what was done in the case of Tennessee and in the case of the other Territories that were governed by the ordinance of 1787. There it was held that they might be admitted to statehood earlier than the time when they had 60,000 inhabitants, but that they had a right to claim admission and to have it conceded to them when they did have 60,000. When it came to the other class of territory, that which we acquired by treaty under cession from France, cession from Spain, and cession from Mexico, the rule has been just as invariable as it has been under the ordinance of 1787, that whenever Congress might see fit to do so it could admit organized Territories from this territory to statehood, but that it was under obligation to do so, whether it discharged that obligation or not, whenever the Territory had a population equal to the ratio of representation.

Mr. HOAR. The Senator will allow me in one sentence to make my meaning clear. I do not rise for any argument or any delay, but only to understand what I regard as one of the most interesting and important doctrines that could be laid down in debate here.

I understand the Senator—without going into the historical question at all now—to claim that there is an obligation now resting upon the Congress of the United States to admit a Territory which contains a population equal to the unit of representation.

Mr. FORAKER. Whenever such a case is made out.

Mr. HOAR. That is the claim which the Senator is supporting by these historical citations. Now, when he lays down that proposition as to our present obligations to a Territory, does he mean an organized Territory with a legislature or does he use the word "territory" in the other sense of a tract of country containing that population?

Mr. FORAKER. Well, Mr. President, I mean a Territory established by the United States Government, carved out of territory governed by the ordinance of 1787 in the one case or acquired under treaty in the other.

Mr. HOAR. Then that question is preliminary to another, if the Senator will understand——

Mr. FORAKER. I do not object to interruptions, except that it is getting late.

Mr. HOAR. I will not burden the Senator. He may be quite sure I shall endeavor not to do so.

Then does the Senator doubt that if there be an organized Territory of the United States, with 60,000 people and a legislature, the United States have the absolute power and right, if they think the public interests require, to abolish that Territory, cut it up into a half dozen Territories, or to annex it to some other Territory containing half a dozen times its population?

Mr. FORAKER. Well, Mr. President, I do not know that I comprehend in full the question of the Senator; but whether I do or not, I do not understand the purpose of it. In this case is involved the question—and I do not know whether the Senator has reference to that or not—whether the Indian Territory shall be added to Oklahoma. If so, it is a practical question.

Mr. HOAR. My question is this: I want to test the Senator's argument that there is a right creating an obligation on the part of Congress to admit a Territory when it has a population equal to the unit of representation. Now, I wish to test that argument by inquiring whether the Senator doubts that this being called a Territory which has that right is a being which at any moment can lawfully be abolished by Congress, lawfully be cut up into half a dozen smaller ones, or lawfully be annexed to a larger one with ten times its number, because it seems to me——

Mr. FORAKER. I object, Mr. President, to being any longer interrupted. I want to conclude my remarks.

Mr. HOAR. Very well.

Mr. FORAKER. I do not see the pertinency of the question, but I shall answer what I understand it to be.

I have been standing here for two hours arguing intelligent propositions, and not hesitating to tell people what I had reference to—not putting anything theoretically. I have been saying that under the ordinance of 1787 a right arose as to the Territories to which that ordinance applied as the organic government. I have been saying that under treaties with Spain, France, and Mexico a right arose as to the inhabitants of the territory ceded by those treaties, and I have been telling what that right is. I am not talking about abstract propositions. I do not know whether the Senator from Massachusetts has in mind Guam, Tutuila, or the Philippines, or what; but whatever he has in mind, I answer him that I am discussing the contractual obligations of this Government, with a view to making application of them to the case before the bar of the Senate.

Mr. HOAR. So was I.

Mr. FORAKER. Now, if the Senator in asking me a question will tell me what he has in mind, I will take pleasure in answering him, but I do not want to be involved in theoretical discussions.

I was about proceeding to show to the Senator from Indiana [Mr. BEVERIDGE] that in the debate with respect to Oregon this question arose, and Mr. Harrison calls attention in that connection to this fact. One of the members, Mr. Clark, said:

> I claim that Oregon has a right to come in under the ordinance of 1787, and that it is the duty of Congress to admit her on the same principle and according to the same rule established in that ordinance for the Northwest Territory.

Mr. Harrison, after citing quotations from all the leading debaters in that debate, adds the following:

> It is worthy of remark here that in this debate it was conceded on both sides that the possession of a population equal to the ratio of representation in the House of Representatives was all that could be demanded of a Territory applying for admission.

That is the rule, and there never was a departure from it until this late day. What I have been contending for is simply this, that when we come to a Territory that was a part of the Louisiana purchase, which we have seen fit to organize, or a Territory that was part of the purchase from Spain, the rule was not 60,000 inhabitants, as fixed by the ordinance of 1787, but the unit of representation, whatever it might happen to be at the time. That being the rule, it was followed as to every Territory, nobody disputing it in any serious way; that was the rule that obtained, that a Territory had a right to be admitted whenever she could show that she had a population equal to the ratio of representation and show that she belonged in the territory acquired by either the Spanish or the French cession.

TREATY WITH MEXICO.

I come now to the cession from Mexico. It is said with respect to that cession that the rule which we applied as to the cession from France and the cession from Spain does not apply, because there was interpolated in the treaty the parenthetical clause to which I have already referred. The article reads as follows:

> The Mexicans who, in the Territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution.

Now, it is said that because that parenthetical clause is inserted—"to be judged of by the Congress of the United States"—the same rule does not apply to territory acquired from Mexico, which it was conceded by everybody, until very recently, applied to territory acquired from France and territory acquired from Spain. Now, that does modify it. There is no question about that. So far as the naked legal obligation is concerned, it gives the Congress a right to postpone indefinitely admission to statehood. But history, concurrent with the negotiation and ratification of that treaty, shows conclusively that it was understood by the representatives of this Government who framed it and secured its ratification that it meant the admission to statehood of New Mexico, just as California was admitted to statehood, in the then near future, and there was no thought of waiting fifty years for such admission.

I might quote here at very great length, but it is enough for me to quote on that point from the messages of President Polk and President Taylor. President Polk said, in his annual message of December 5, 1848, page 641 of the Messages and Papers of the Presidents, speaking of the slavery question and the difficulties arising as to its right to go into the Territories and be there established:

> It is fortunate for the peace and harmony of the Union that this question is in its nature temporary, and can only continue for the brief period which will intervene before California and New Mexico may be admitted as States into the Union.

That is one expression. President Taylor said, in his annual message of December 4, 1849, page 19 of volume 5 of the Messages and Papers of the Presidents, after discussing California:

> The people of New Mexico will also, it is believed, at no very distant period present themselves for admission into the Union. Preparatory to the admission of California and New Mexico the people of each will have instituted for themselves a republican form of government, laying its foundation in such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.

I might read at much greater length, but I am hurrying through, to conclude, if I can, this afternoon. Then at page 27 of the same volume, in a special message dated January 23, 1850, President Taylor said:

> With a view to the faithful execution of the treaty so far as lay in the power of the Executive, and to enable Congress to act at the present session with as full knowledge and as little difficulty as possible on all matters of interest in these Territories, I sent the Hon. Thomas Butler King as bearer of dispatches to California, and certain officers to California and New Mexico, whose duties are particularly defined in the accompanying letters of instruction addressed to them severally by the proper departments.

Thus he lay before Congress the claims of these two Territories, the claims of New Mexico as well as the claims of California, to admission to statehood under the treaty of Guadaloupe Hidalgo, concluded in 1848.

At that time, Mr. President, no one had a thought but that the same rule was to be applied to New Mexico that was applied to California and that had been applied—I mean the same rule of right—under the treaties with France and the treaties with Spain. While, therefore, under the parenthetical clause the legal effect is changed and Congress has a right to judge and has not broken any strictly legal obligation, yet it is in violation of our moral obligation to that people that we have not given them statehood ere this.

So, then, I claim with respect to New Mexico, it being a Territory organized by us, that she has reached a point, as shown by the last census, where her population is sufficiently large to indicate that she is entitled to admission to statehood as a strict moral right under the treaty by which she was ceded by Mexico to the United States. Such being the case, New Mexico has a right to the benefit of the rule arising under the treaties. I want now on that point to read one thing further from Mr. Harrison's report contending for the rule that whenever a Territory shows it has a population equal to the unit of representation it is entitled to statehood. He concludes the discussion with this statement:

> It may be said of this rule that it is not arbitrary, but founded on reason. It preserves an equality of representation. If we go beyond this, it becomes a matter of arbitrary caprice, of whim, or of party emergency.

That seems to me to be good, sound doctrine. It seems to me to be the announcement of a rule safe to follow. We know that it is a rule which has been recognized in every debate with respect to statehood since this Government was inaugurated and Territories commenced to be admitted. Mr. Harrison called attention to the fact that in the case of Oregon it was conceded by everybody, on both sides, that that was the rule of right which should obtain where they had come in under the treaty, and the right was to be admitted "according to the principles of the American Constitution." That clause was so construed by Mr. Madison, by Mr. Gallatin, by all the great men of the early days of the Republic, and has been followed in an unbroken line of cases from that time until this, so far as recognizing and admitting it may be concerned, although it has not always been acted upon.

So I say while Congress is all powerful and not required to follow any rule, except the general interest, yet when it seeks to follow a rule of right, there are but two that have ever been recognized. One is that a Territory shall be admitted, if it come under the ordinance of 1787, when it has 60,000 people, without regard to how great the population of the whole country has become. The other is when it has a population equal to the unit of representation, it is entitled to come in.

Mr. President, at this point, if it is agreeable to the Senate, I should like to suspend until to-morrow, at which time I will conclude my remarks, if the Senate will allow me to do so.

I desire to state, so that nobody will think I am going to take an undue amount of time, that it will require for me to say all I want to say, in addition, not more than three-quarters of an hour at the outside. I shall look over my notes and conclude my remarks to-morrow.

ADJOURNMENT TO MONDAY.

Mr. ALDRICH. I move that when the Senate adjourn to-day it be to meet on Monday next.

The PRESIDENT pro tempore. The Senator from Rhode Island moves that when the Senate adjourns to-day it be to meet on Monday next.

Mr. QUAY. Mr. President, if I may have the indulgence of the Senate, I desire to say that I have consulted with the senior member of the minority of the Committee on Territories in relation to the statehood bill, and there is no objection to an adjournment until Monday on this occasion if it is the desire of the Senate to do so. But hereafter any adjournment of that character will be resisted.

Mr. BEVERIDGE. Just one word.

Mr. ALLISON. If I may say a word, I had hoped the Senator having charge of the unfinished business would suggest that we hold a session to-morrow. Of course nobody after this Thursday

will make a proposition to adjourn over from Thursday until Monday.

Mr. ALDRICH. I think this will be the last motion of the kind.

Mr. BATE. Undoubtedly.

Mr. ALLISON. It will be resisted if it is made.

Mr. BEVERIDGE. On behalf of the majority of the committee—and the suggestion is brought out by the statement of the Senator from Pennsylvania—I merely desire to state that of course it is immaterial to us, as we are prepared to go on at any time.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Rhode Island, that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

POST-OFFICE AT INDIANOLA, MISS.

Mr. McLAURIN of Mississippi. Mr. President, I rise to a question of privilege. On the 3d day of this month a statement was published in the Washington Post purporting to be a statement made by Secretary Cortelyou for the President in reference to the suspension of business in the Indianola post-office in the State of Mississippi. In that statement I find this language:

The postmaster recently forwarded her resignation to take effect on January 1, but the report of inspectors and information received from various reputable white citizens of the town and neighborhood show that the resignation was forced by a brutal and lawless element purely upon the ground of her color, and was obtained under terror of threats of physical violence.

Immediately after seeing this I telegraphed to Hons. T. R. Baird and P. C. Chapman, of Indianola, and asked them for a full statement of the facts. Mr. Baird was not in town. Mr. Chapman sent me a statement, which I will presently read. I have not before presented this to the Senate because of the fact that the Senate has been engaged in discussing some very important measures, both in the morning hour, and thereafter the regular order of business, the statehood bill, which is now under discussion, and for the further fact that my time has been engaged mostly in an effort to obtain a reopening of the post-office, which was closed, I believe, on the 2d day of this month; probably on the 1st day of the month.

It will be noticed that this statement alleges that "the resignation was forced by a brutal and lawless element purely upon the ground of her color, and was obtained under terror of threats of physical violence." In my efforts to obtain the reopening of this post-office I have been treated with very great courtesy by both the President and the Postmaster-General, but I have failed to obtain the reopening of the office, and I believe now that the President is acting upon misinformation and is ill advised about the matter.

Mr. Chapman is a lawyer of standing and reputation in that community. He is an ex-representative in the legislature of that State. He served a term of four years, commencing in January, 1896, in the legislature as the representative of Sunflower County, in which county Indianola is situated. This is his statement; but before I read it I want to say, lest it escape my attention, that I know the people of that community, and they are not a lawless nor a brutal element. They are a high-toned, chivalrous, intelligent, industrious, and thrifty people, and a law-abiding people.

This is dated at Indianola, January 6, 1903:

Hon. A. J. McLAURIN, *Washington, D. C.*

DEAR SIR: Your telegram of the 5th just delivered, and I take pleasure in giving you the facts as to resignation of the postmistress—

It will be observed that in this letter she is called the "postmistress," an office that does not exist in the United States, the office being postmaster—

Your telegram of the 5th just delivered, and I take pleasure in giving you the facts as to resignation of the postmistress. The facts are, briefly stated, that about the 1st of October the citizens of Indianola held a meeting and appointed a committee of three to circulate a petition asking Minnie Cox to resign; this petition was to be returned at a meeting of the citizens to be held a week later. The petition was circulated and was signed by a large number of citizens of Indianola. Wayne Cox, husband of Minnie Cox, on the evening of the second meeting, called at my office and said he desired to have me state to the mass meeting that night that he had discovered that the citizens of Indianola did not wish his wife to act as postmistress any longer, and he would therefore request that I read the inclosed resignation of his wife as postmistress to the mass meeting that night, which resignation he delivered to me.

The resignation was signed by his wife. The only request made in regard to the resignation was that his wife should have time to get her reports ready and get the office in shape so that she might get out with a perfect settlement of the affairs with the Government. He stated further that he had been a citizen of this county for years, and that the white people were his friends and had always treated him properly, and that he and his wife did not wish to hold the office when a petition had been freely signed by the citizens of Indianola, asking for her resignation. This resignation was read to the mass meeting, as requested, the resignation was accepted, and the time named for the resignation to take effect was January 1, 1903.

I was present at both of the meetings and can state of my personal knowledge that no threats or intimidations were made by any party at these meetings, no committee was appointed to notify Minnie Cox, and no official representative from either of these meetings had any communications with Wayne Cox or the postmistress relative to her resignation.

I can state further that I have not heard of any intimidations or threats made by any citizen of Indianola or Sunflower County against the postmistress. I can state further that the kindest feeling exists between the citizens of Indianola and the postmistress. She being an intelligent negro and not wishing to retain the position of postmistress after this petition asking her to resign, readily consented to tender her resignation to take effect on the 1st of January and deliver the office to a successor. There has not been any rough-and-tumble element, intimidating and threatening Minnie Cox, or Wayne Cox, but on the other hand everything is quiet and peaceable and no excitement whatever in the town of Indianola, and we, the citizens of Indianola, are much surprised and shocked at the reports appearing in the different newspapers, there being no foundation for these reports and there being no facts stated in them as to threats, intimidations, etc.

There were a number of newspaper correspondents here yesterday, and they were much surprised to see the condition of affairs here, nothing except ordinary usual business being seen upon the streets, except the great inconvenience caused by the closing of the post-office. Our town is not composed of the rough element, but, generally speaking, we have one of the best towns in the Delta for quietude, gentility, and conservativeness, and we can not understand how it is that the President and his Cabinet should desire to punish the people of this community by taking our mail service away from us, because we recognize that we have done nothing in violation of the law, and have simply asked for the resignation of an official. I have even heard where petitions were circulated asking for the resignation of a preacher, in this community and in others, yet I can state that the resignation, as asked for by the people of Indianola, of the postmistress was as genteel and as polite as a resignation asking for the vacancy of a pulpit. What I have stated in this letter can be substantiated by affidavit from 50 of the best men in this community; in other words, if the Department should require this affidavit it can be had right here in this town of the representative element of citizens, and of the rough element, if a tough element exists here.

I especially ask that you who have been so kind as to make inquiry into the matter bend every energy to have our post-office opened. It is a great handicap upon us. It affects the business of each and every one here, and it presents to the world a feature that causes criticism to be heaped upon one of the best elements of society in the South.

A number of citizens join with me in asking that you forward a copy of all correspondence sent to Washington, in order that we may see and learn how it was that such reports appeared in the newspapers. If such a thing can be done, we respectfully ask that you secure them for us, as we know that no honorable gentleman would deliberately falsify against his own citizens and neighbors. We feel assured that the reports have been sent from other places than Indianola.

Let me hear from you at your earliest convenience, Hon. Thomas R. Baird being out of the city.

I am, yours, truly, P. C. CHAPMAN.

This was sent to me by a lawyer of standing in the community, as I have just said, by a man who served the county as a representative in the State legislature for four years, and his statements in reference to this matter, I feel sure, are entitled to full credence.

The advice to the President was, and the statement that goes out from his secretary is, that "the resignation was forced by a brutal and lawless element" and "was obtained under terror of threats of physical violence." It will be seen by this letter that instead of its being forced by "a brutal and lawless element" the resignation was given because a meeting of the citizens, peaceable and lawful, had selected three committeemen to obtain signers to a petition to the postmaster to resign; that this petition was circulated and signed; that it never had been presented to the postmaster; but upon her knowledge of the fact, which came to her from rumor, as I suppose, that it was being circulated, she sent, within less than a week, her resignation, to be read to the next meeting, which was to convene just a week later.

So if these threats were made at all the threats were made between these two meetings; and if the threats were made there must have been some threatener or threateners. If so, they ought to be tangible, and it ought to be that they can be pointed out and the threats they uttered can be named, so that the people of Indianola may have an opportunity to meet them. As I have shown by the letter I have just read——

Mr. SPOONER. I wish to suggest to the Senator that in rising to a question of privilege he gives no one any opportunity to reply to him. If the Senator will get this matter in some way before the Senate so that——

Mr. McLAURIN of Mississippi. Mr. President, ever since I have been a member of the Senate I have seen this done, and I was a member of the Senate in 1894. When newspaper charges were made I have seen Senators get up on the floor and make their answers to them. I have seen it done within the last thirteen months in this Chamber, and I have never before heard it questioned. If the Senator from Wisconsin wants to reply, I have no objection to his replying, and if any Senator wants to follow up this indictment and make any charge against these people, I am ready to respond to it. I merely want to say that I am not arraigning anybody; I am not attacking anybody; I do not attack the President or anything he said. I do not attack the Postmaster-General for abolishing the office. I do not think it ought to have been abolished; I do not think that there was ground for it, but that is not a question which has been brought before the Senate—surely not by me. It has not been brought before the Senate, as far as I know, by anybody.

The point I want to get at is that these people have been charged with being lawless and brutal, and have been charged with making threats of violence against the postmaster, and when that charge has gone out with all the force and effect of an utterance of the secretary of the President, I want my constituents to have an opportunity to be heard in their defense, and this is the only

way they can get their case before the country as fully as the charge is made by the secretary. That is all I want. I do not arraign anybody, but I deny that those people are a lawless people. I deny that they are a brutal people. I deny that they have made any threats which have been made tangible, that have been made palpable, that I can find. I have tried to find what threats were made and by whom.

As I said before, in my efforts to obtain the reopening of the post-office I have been treated with the utmost deference and consideration by both the President and by the Postmaster-General, and I think that this comes up from the fact that the President has been misadvised as to the state of affairs there.

There is this further statement in the Washington Post article:

The mayor of the town and the sheriff of the county both told the post-office inspector that if she refused to resign they could not be answerable for her safety, although at the same time not one word was said against her management of the office.

I have the statement, not written to me, but over the signature of the sheriff of the county, from which I quote this in reference to that point. It is under date of the 11th of this month:

No notice of lawlessness has been brought to my attention, and if there had been any I would have been the proper official to communicate with. And in any event, regardless of color or previous condition of servitude, my services have always been at the command of the citizens of this county and State.

I will further state that I was present at the citizens' meeting held in the court-house, and the only thing we stand charged with is that the citizens exercised their rights as American citizens to request a resignation of the postmaster. No threats were made or implied—simply a request. The Constitution gives every citizen his right to express his views on any subject.

In this county the population, according to the last census, is 16,084. These figures are considerably short of the total, but at any rate the negroes represent about 75 per cent of the population, and without making a close canvass of the records in my office, I will say that while they represent the above proportion of the population, they pay about 10 per cent of the taxes—paid to maintain the government. Under the above conditions the taxpayers should at least have the privilege of making a request or offering suggestions as to who should be their public servants.

A. C. COX, *Sheriff and Tax Collector.*

This letter of the sheriff from which I have just read is in the Memphis Morning News of January 12.

Now, then, I have a letter from the county superintendent of education, who is a lawyer, a gentleman of standing. He says:

INDIANOLA, MISS., *January 10, 1903.*

A. J. MCLAURIN,
United States Senate, Washington, D. C.

DEAR SENATOR: I have watched your course in defending the people of Indianola, Miss., with a great deal of pleasure. The interest that you have taken in our behalf, in trying to undo the wrong and injury inflicted on us as a community by the closing of our post-office by order of the President and the Post-Office Department, has endeared you to our people. The people of Indianola feel that the President and Cabinet acted on erroneous information, it matters not from what source it may have come to their knowledge. There is no community in the Union more free from "hoodlumism and lawlessness" than Indianola and its vicinity. Our people recognize in the President a man who has the courage of his convictions, and now that the facts are being printed rather than the inflammatory articles of the daily press, as was the case a few days ago, we feel that he owes it to us, as well as himself, to undo the injury he has done us. The opinion of the people here is that, since Minnie Cox has repeatedly assured the public that under no conditions would she enter the office again, there is but one manly course to be pursued by the authorities, and that is to undo as nearly as lies in their power the wrong and injury inflicted on the people here.

There has been no trouble in reference to Minnie Cox's resignation. She found that the people desired a change in the office and of her own volition placed her resignation in the hands of the Department. Whether or not she entertained any fears for her safety in the event that she reopened the office on January 1, I am unable to say, further than her every statement belies any such state of affairs, or, rather, I should say that she has repeatedly said both in Indianola and Birmingham, if the interviews are to be relied upon, that in no case would she serve as postmistress here again. She remained in Indianola four or five days after the office had been closed and walked the streets with as much freedom as any citizen in the town. She was and is absolutely safe, in my opinion, in returning to Indianola and remaining here as long as she wishes to do so and conducts herself as any citizen should.

There has been absolutely no feeling among the races here. Everything has been perfectly peaceable and quiet here, and but for the daily press no one would have ever noticed anything of an unusual nature. The people have been attending to their usual business as though nothing had occurred, and absolute quiet has prevailed at all times. We of Indianola feel that we have gotten quite a lot of cheap advertisement and notoriety that we did not seek and did not want.

We send our mail twice a day to Heathman, Miss., which is 4 miles west of here. If you can not get the office here reopened, we would appreciate the mail's being put off at Heathman rather than at Greenville. Crawford, the postmaster at Heathman, has two clerks in his store there, and assured me on Thursday of this week that he could handle the mail for Indianola without inconvenience.

The people generally of Indianola join me in thanking you for the tireless energy and interest you have expended in our behalf and for your defense of the good order and civilization of the community.

With every expression of regard, yours, very truly,

D. M. QUINN.
County Superintendent of Education.

Heathman is 4 miles west of Indianola; Greenville is about 30 miles west of Indianola on the same line of railroad; and that is what he means about wanting it put off at Heathman or have it put off at some place rather than put off at Greenville.

Some of these letters contain matter that is irrelevant, but, as was said by the Senator from Missouri [Mr. COCKRELL] the other day, in having an article read as a lawyer it is not proper to withhold any part of a communication from the Senate.

One of the State senators from that district, W. B. Martin, is a man of fine standing there. He is a very reputable physician, and, as I said, is one of the representatives of the district in the State senate, being a man of high character. He says:

INDIANOLA, MISS., *January 9, 1903.*

Senator A. J. MCLAURIN,
Washington, D. C.

MY DEAR SENATOR: On the part of Indianola, and myself especially, I want to thank you for your efforts in our behalf. Yes, you can always hereafter count on us for any cause you espouse. I sincerely hope that you will soon succeed in convincing the authorities that our situation is deplorable, very inconvenient, and injurious from every standpoint. You will see a letter over my own signature that will set us right before the world.

I suppose he refers to some letter that has been published by him in some newspaper which I have not had the opportunity to obtain:

If you think best a deputation from this place can come to Washington and give what testimony or help you need. Thanking you again for your efforts, with my best wishes, subscribe myself,

Always your friend, W. B. MARTIN.

What I intended to show is that this man, who is a bondsman of the postmaster, who is a State official representing the district in the State senate, is ready to say at any time that there is no danger to this postmaster, and that there is no lawless element that has ever interfered with her.

I believe that these are about the only documents I want to read to the Senate now. These people, as I have said before, have had no way of putting themselves properly before the country and before the world in answer to the charge that this woman was forced out by a lawless and brutal element of that county, and that she was compelled to resign by reason of threats of violence. There has never come to my knowledge—and I have tried to investigate the matter impartially—any threat that has ever been made by anybody.

It can be seen from this document that the people feel that they have been misrepresented to the President and to the Post-Office Department, and that they have a right through somebody to present their case, and no one, I suppose, could better do it than one of their representatives, either in the Senate or in the House of Representatives, who could put it in the CONGRESSIONAL RECORD, so that it may go out in answer to the charge that they are a lawless or a brutal element of people, or that they had offered any threats of violence.

I stated to the President this morning that I intended to present these documents here in defense of the people against any charge of lawlessness or brutality, or of forcing the resignation of the postmaster by threat of violence.

I thank the Senate for its attention.

STATEHOOD BILL.

Mr. FAIRBANKS. Mr. President——

Mr. HOAR. With the leave of the Senator from Indiana, I desire to say that I put to the honorable Senator from Ohio [Mr. FORAKER] just now a question which he declined to answer, and that I desired very much when he left the floor to state the proposition on which that question was based, which I did not. I still think it was a pretty important consideration in reference to the argument he was making, and I informed him that when the Senator from Mississippi had concluded I should like to state the proposition, and that I thought he would probably find it one which was worthy his attention, and that of the Senate—

The Senator from Ohio has left the Chamber, and I will not at this late hour in the afternoon undertake to ask the Senate to wait that I may make the statement now; but I shall seek the earliest opportunity, either before the Senator from Ohio proceeds or afterwards, to state that point to the Senate.

REGULATION OF IMMIGRATION.

Mr. FAIRBANKS. Mr. President, I wish to give notice that on Monday morning, after the routine morning business, I shall ask the Senate to take up and consider the bill (H. R. 12199) to regulate the immigration of aliens into the United States. I hope that we may be able to consider it and dispose of it. It is an important measure.

DISTRICT OF SABINE, TEX.

Mr. BAILEY. Mr. President, I ask the unanimous consent of the Senate for the present consideration of a bill which I send to the desk.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent for the present consideration of a bill which will be read.

Mr. KEAN. What is the Calendar number?

Mr. BAILEY. It has no Calendar number. It has not been reported.

The SECRETARY. A bill (S. 6039) to create the district of Sabine, in the State of Texas.

The PRESIDENT pro tempore. This bill is not now before the Senate.

Mr. BAILEY. I perfectly understand that.

The PRESIDENT pro tempore. It was referred to the Committee on Commerce.

Mr. BAILEY. And I am asking unanimous consent to bring it before the Senate.

Mr. LODGE. It will be necessary to discharge the committee.

Mr. BAILEY. It will be a mere matter of form as to whether you discharge the committee. It was not my desire to submit that motion. This bill has been before the committee almost a year. It has held four or five meetings to consider it. It is a small matter, proposing to create a district in the State of Texas. The session is now drawing to a close, and I had just as well abandon it unless I can get it before the Senate. My purpose is to ask for the consideration of the bill by the Senate without a report.

The PRESIDENT pro tempore. The Chair is of opinion that that can not be done without discharging the committee from its further consideration.

Mr. BAILEY. I was of the opinion that unanimous consent would suspend any rule. If I am put to that necessity, of course I would have to move to discharge the committee, but I think that any request for unanimous consent can be submitted.

The PRESIDENT pro tempore. The Chair will submit the request for unanimous consent. The Senator from Texas asks unanimous consent for the consideration of the bill (S. 6039) to create the district of Sabine, in the State of Texas. Is there objection?

Mr. HANNA. I object.

The PRESIDENT pro tempore. Objection is made.

EXECUTIVE BUSINESS.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until Monday, January 19, 1903, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 15, 1903.

COLLECTOR OF CUSTOMS.

Charles H. Marchant, of Massachusetts, to be collector of customs for the district of Edgartown, in the State of Massachusetts. (Reappointment.)

PROMOTION IN THE ARMY.

Col. Edward M. Hayes, Thirteenth Cavalry, to be brigadier-general, January 15, 1903, vice Johnston, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 15, 1903.

POSTMASTERS.

ARIZONA.

F. W. Smith, to be postmaster at Williams, in the county of Coconino and Territory of Arizona.

SOUTH CAROLINA.

Jefferson F. Richardson, to be postmaster at Greenville, in the county of Greenville and State of South Carolina.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 15, 1903.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

The SPEAKER. The correction will be made.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16507) making appropriations for the Army.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BOUTELL in the chair.

Mr. HULL. Mr. Chairman, when we adjourned last night we had under consideration the paragraph relating to the construction and repair of hospitals. I want to move an amendment, to insert after the word "officers," line 19, page 29, a comma.

The CHAIRMAN. The gentleman from Iowa offers an amendment which the Clerk will report.

The Clerk read as follows:

Line 19, page 27, after the word "officers," insert a comma.

The amendment was agreed to.

The Clerk read as follows:

And hereafter purchases of ordnance and ordnance stores and supplies may be made by the Ordnance Department in open market, in the manner common among business men, when the aggregate of the amount required does not exceed $200. And hereafter all funds received as the value of military stores transferred by the several staff departments of the Army to the insular government of the Philippines shall be deposited in the Treasury of the United States and remain available for the procurement of like military stores to replace those so transferred.

Mr. CANNON. Mr. Chairman, I desire to reserve a point of order commencing at the word "and," in line 10, to and including line 15. I reserve it for the reason that Congress is left entirely without knowledge as to the amount of this round-robin appropriation, and I am not speaking of it disrespectfully. I suspect that it is very apt and proper that military stores should be transferred to the insular government in the Philippines, reimbursements coming from the insular revenues, as I understand it.

I only desire to know what amount of such transfers have been made. But to continue my remarks in the shape of a query to the gentleman in charge of the bill, I question very much the other provision in the clause, namely, that the amount received from this transfer shall be deposited in the Treasury of the United States. This is proper and is, as I understand it, the law now, but he adds these words, "and remain available for the procurement of like military stores and supplies thus so transferred."

To illustrate what I mean, suppose a million dollars' worth of stores were transferred to the Philippines. As it is the Philippine revenues would reimburse or pay for that transfer and it would go into the Treasury. Now, this takes this amount and reappropriates it. In other words, the United States weekly, or monthly, or yearly, as the case may be, transfers the stores to the Philippines, being reimbursed therefor from the Philippine revenues, and it goes into the Treasury, and this provision, as I understand it, reappropriates not only for the coming year, but hereafter—makes it a permanent law.

It seems to me we lose all track of it. In one sense it is in the nature of a permanent appropriation. I think all permanent appropriations are vicious and all laws that appropriate money that render it practically certain that that is not the end of it, because in the fullness of time abuses grow up and scandal comes and we lock the door after the horse is stolen. It may be that in this particular instance it is not subject to that particular criticism, but I submit that that would in time probably be the result and therefore I reserve the point of order in time and call the gentleman's attention to it, so that if he can make any statement that makes it necessary I can withdraw it.

Mr. HULL. Mr. Chairman, on page 90 of the hearings before the Military Committee this matter was gone into quite fully. I will say to the gentleman from Illinois that in the Subsistence Department of the Army the same provision applies. They furnish subsistence at cost to the Government, and it is deposited in the Treasury and is always available for the purchase of like supplies, whether of the same amount or not, to replace those sold under authority of law. In the Philippines we are arming the constabulary; we make the provision for the manufacture of arms for the Regular Army and for the purpose of accumulating the surplus of arms for this Government—something every member of Congress cordially approves of. During the last year the amount used in the Philippines was so great that they came to Congress for a deficiency, and on the deficiency bill, enacted under the gentleman's lead, this provision was put in:

All funds received as the value of military stores transferred by the several staff departments of the Army to the insular government of the Philippines shall be deposited in the Treasury of the United States and remain available during the fiscal year 1903, for the procurement of like military stores to replace those transferred.

By that means money that was appropriated could be used for the purpose for which Congress made the appropriation. Some members of the committee were in favor of largely increasing the appropriation for the Ordnance Department, and many of them believed that at the rate at which we are going in the gradual accumulation of reserve supplies it will take too many years for us to accumulate enough improved arms to issue to the National Guard and to the volunteer troops when they are called into action.

Now, it seems to me this is no worse legislation for the Ordnance Department than it is for the Subsistence Department, as to which legislation of this kind has been on the statute book for a long time. And I will say to the gentleman from Illinois that the Committee on Military Affairs has such faith in his good judgment and ability as chairman of the Committee on Appropriations that when we found he had adopted in the deficiency bill substantially the same thing now proposed in this bill, we had no hesitation whatever in making this provision applicable to the Ordnance Department.

Mr. CANNON. Will the gentleman allow me a word just there? As to subsistence, the reappropriation made is quite limited.

Mr. HULL. It amounts sometimes—has amounted within the

last few years—to fifty or sixty thousand dollars a year; sometimes more than that.

Mr. CANNON. Generally not nearly so much as that. But if a provision of this kind is vicious, the practice in respect to it ought to be changed rather than be followed as a precedent. My friend will notice the language—

All funds received, etc., shall be deposited, etc., and remain available during the fiscal year 1903.

Mr. HULL. Limited to that year.

Mr. CANNON. Limited to that year. Now, I have no recollection of the item to which the gentleman refers. I will say that in the matters confided to the committee over which I have the honor to preside mistakes have been made from time to time. I will not say they would fill a library, but they might fill a big book. My committee has not the idea that when it dies wisdom will have departed—by no manner of means.

Mr. HULL. But it is expected that you will educate others to follow you.

Mr. CANNON. But observe that the very appropriation to which my friend calls attention as a precedent was for this fiscal year—limited to this year, and thereby confessing and asserting that it ought to be limited.

But my friend (using classic language which he will understand) "sees" the Committee on Appropriations and "goes better" without limit hereafter—for all time [laughter]; not for the coming fiscal year, but the year after, and all the years this "round robin" appropriation is to be made. Now, that just raises the salary, because there is no way of "calling" it. [Laughter.]

Now, I will put to my friend the question whether he believes it important, in the present status of the public service, that there should be a reappropriation of the amounts. Would it not be well to confine the appropriation to the coming fiscal year? Because my friend must admit with me that such an appropriation is along the lines of vicious practices—not corrupt practices, but vicious practices—in making appropriations. The former appropriation was along that line, and this goes much further.

Mr. HULL. Mr. Chairman, in this case, where we are undertaking to meet a great condition in the Philippines, where the Government of the United States is going to furnish these guns, which are to be paid for out of the insular treasury, and where we appropriate for specific purposes, I am hardly willing to admit that it is a "vicious practice" to allow the money they pay for the exact purposes for which we appropriate money, and in the exact amounts in which we appropriate the money, to be applied in the specified way. I am inclined to think that if my friend will look further into this question he will agree with the Committee on Military Affairs that it is better to provide this money and make the appropriation in such a form that we shall not have to put it in the bill every year hereafter, than it is to make it apply to one fiscal year at a time. The result will be the same either way.

We are trying to build up a reserve supply of arms. We appropriate money for that purpose, and we divert part of the proceeds of that money for another purpose—the arming of the constabulary in the Philippines. Now, when they pay for those guns—when they pay for the munitions we furnish them, either in ordnance or powder, or whatever it may be, certainly no harm can come to the Government from taking that money and immediately applying it as fast as received for the specific purpose for which the Government of the United State has appropriated it.

The gentleman from New Jersey [Mr. PARKER] was anxious to increase all these appropriations, and I gladly yield to him for anything he may desire to say on this subject.

Mr. PARKER. Might I not ask whether it was not brought out in the hearings that as between the different departments these transfers were credited as regards goods given to the States, but not as regards the Philippines? My recollection is that the hearings brought that out.

Mr. HULL. We have it here on page 90 of the hearings. I called attention to that before the gentleman came in.

Mr. CANNON. Mr. Chairman, I wish to submit to my friend, if he thinks it important in view of the fact that very large advances will be made to the Philippines, if it would not be well to strike out——

Mr. HULL. The word "hereafter?"

Mr. CANNON. No. Make it apply as to this fiscal year.

Mr. HULL. If the Chair holds the point of order well taken, I was going to offer that.

Mr. CANNON. Well, I think it is well taken to each.

Mr. HULL. I think it is.

Mr. CANNON. But I do not want to embarrass the gentleman in any way.

Mr. HULL. I realize that it is subject to the point of order.

Mr. CANNON. I think we better keep track of it.

Mr. HULL. If the gentleman prefers it, I will move to strike out all after the word "dollars" in line 10, page 37, down to and including the word "transfer," on the same page, in line 15, and insert the following:

All funds received as the value of military stores transferred by the several staff departments of the Army to the insular department of the Philippines shall be deposited in the Treasury of the United States and remain available during the fiscal year 1904 for the procurement of like military stores to replace those so transferred.

Mr. CANNON. I would suggest that the Chair sustain the point of order, and then the gentleman can move the amendment and I will not seek to make any point of order upon that.

The CHAIRMAN. The gentleman from Illinois makes the point of order and the Chair sustains his point of order. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all after the word "dollars," in line 10, page 37, down to and including the word "transfer," same page, and insert:

"All funds received as the value of military stores transferred by the several staff departments of the Army to the Insular Department of the Philippines shall be deposited in the Treasury of the United States and remain available during the fiscal year 1904 for the procurement of like military stores to replace those so transferred."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

And hereafter details for service in the Ordnance Department under the provisions of the act of February 1, 1901, may be made, from the Army at large, from the grade in which the vacancy exists, or from the grade below: *Provided*, That no officer shall be so detailed except upon the recommendation of a board of officers serving in the Ordnance Department, senior to the eligible grade, and after at least one examination, which shall be opened to competition: *And provided further*, That officers so detailed for service in the Ordnance Department in grades below that of lieutenant-colonel shall not be again eligible for such detail until after they shall have served for at least one year out of that department: *Provided further*, That the Secretary of War is hereby authorized and empowered to accept the sum of $10,000, tendered the Government by Chaplain C. C. Pierce, United States Army, and the Daughters of the American Revolution, for the purpose of erecting a memorial building, for the physical and moral welfare of the enlisted men, at such Army post as the Secretary of War may approve.

Mr. CANNON. Mr. Chairman, I desire to reserve the point of order upon the last proviso, commencing on line 3 and ending on line 10.

Mr. HULL. Mr. Chairman, there is no question but that it is subject to the point of order. The reason that the committee put it in was this: The Daughters of the American Revolution have raised a fund of $10,000 for the purpose of erecting a memorial building at Fort Myer, where a large number of people from all over the world visit every year. It costs the Government nothing: they have abundance of ground; the War Department has said that no harm could come to the Government by reason of accepting it. It is a voluntary tribute of the patriotic women of the United States, and the committee, without any dissent, put it in the bill, realizing that if any member of Congress objected to it it would have to go out on a point of order.

Mr. CANNON. Mr. Chairman, I want to ask my friend a question or two. This is a sum of $10,000 for a memorial building. What is it to cost when done—half a million?

Mr. HULL. It is to cost just $10,000 and no more.

Mr. CANNON. Are we not to be called on to supplement it?

Mr. HULL. Not a dollar.

Mr. CANNON. Are we not to be called upon to fill it with memorials, at the cost of half a million?

Mr. HULL. As to that, Congress could do what it pleased. I will read what the Secretary of War says about it, if the gentleman desires to hear it.

Mr. CANNON. Is it long?

Mr. HULL. No.

Mr. CANNON. Very well.

Mr. HULL. He requested that we put this proviso in, and then says:

Permission has already been given by the act of May 31, 1902, to the Young Men's Christian Association, and by earlier legislation to other bodies interested in a broad way in the welfare of our men, for the erection of similar buildings, and the establishment of such buildings has been attended by very beneficial results. While it is true that the Government is not dependent upon grants of funds from individual citizens, it seems well to foster such patriotic impulse as has prompted these public-spirited women to seek this means of proving their interest in our soldiers. The society has made in writing a full and perfect tender of the funds, and does not propose to retain any semblance of control over the proposed building. The ladies concerned are of considerable prominence and influence in public affairs, and I would deem it good policy to give this approval to their benevolent proposition.

Should the Congress grant the authorization I suggest for the acceptance of the fund in question, the Department is prepared to make use of the same in such way as will promote the welfare and contentment of our soldiers.

Very respectfully,

ELIHU ROOT, *Secretary of War.*

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
House of Representatives.

Mr. CANNON. Still, Mr. Chairman, that does not give us any information as to what is to be expended upon this memorial building.

Mr. HULL. Mr. Chairman, my understanding is that absolutely nothing is to be expended by the Government, and if in the future any additional expenditures should be called upon to be made by the Government, they would certainly have to come to Congress and get the approval of this body before anything of the kind could be done. I am not authorized to state here, would not have the power or the right to say, that under no possible contingency of the future Congress might never be called upon to appropriate anything for it. I should assume that Congress would have to appropriate to keep it in repair. I should assume that, but the expenditure is so remote and so exceedingly contingent on improbabilities that I can not see any objection to the Government accepting the proposition.

Mr. CANNON. Now, Mr. Chairman, I want unanimous consent for just two minutes.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the gentleman shall have such time as he may desire.

Mr. CANNON. Oh, two minutes is enough. I want to say this. It is a little ungracious to make a point of order against a proposed donation for a memorial building. This does not say where it is to be placed, but the gentleman locates it at Fort Myer, and in the name of adding to the contentment and the enjoyment of those who are artistically inclined in the service of the country.

Mr. HULL. Before the gentleman goes on, I want to suggest that the gentleman from New Jersey calls my attention to the fact that it is specifically stated in the papers that this is for a gymnasium and reading room.

Mr. CANNON. That is good. Why not say for a gymnasium and reading room? But let that be as it may, I want to take this occasion to say that in my judgment the United States, with its 80,000,000 people, prosperous, independent, just, is quite able to pay its own bills where it desires to embark upon an expenditure.

This is a very small matter, and out of deference to the magnificent body of our citizens known as the Daughters of the American Revolution, in whom we all have great pride, some of us individually and all of us in the aggregate, I shall not insist upon this point of order.

But various donations are made by eminent citizens. I have one in mind now. Mr. Carnegie has made great and many donations to libraries. That is his privilege. I do not desire to criticise him for it. He made one here. I see that he gives notice of making now a donation for branch libraries to be scattered over the District. If there is anything we in the District of Columbia are rich in, now that we have the Carnegie Library and the Library of Congress, it is books. What I desire is that no eminent citizen or citizens throughout the length and breadth of the country shall by donation shape the policy of Congress. We are quite able to pay from the Treasury, from the people's money, all that is necessary for the General Government and for its citizens; and for one, speaking for myself, I should be gratified if, from this time forward, so far as the General Government is concerned, no donations should be offered in charity or otherwise by any citizen or citizens for the purposes of the United States.

That which Congress raises by taxation is a burden upon all, and that which is appropriated for is an expenditure for all, and, upon the whole, in my judgment, the manhood of all the citizenship is better conserved by the line of policy that I have indicated.

Now, you say, Why not insist upon this point of order? Simply because, I suppose, I feel that it would be ungracious to do so. This is $10,000, and I subside, so far as I am concerned, in favor of the donation from this great body of American women.

The CHAIRMAN. The gentleman from Illinois withdraws his point of order.

Mr. HULL. Mr. Chairman, we passed over some matters yesterday, at the request of the gentleman from Illinois. I think the first one is on page 4.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to recur to page 4, where a point of order was reserved.

Mr. HULL. I do not think it takes unanimous consent. I think we must recur to it.

The CHAIRMAN. The gentleman from Iowa is correct. The paragraph was passed over by unanimous consent. The point of order was reserved.

Mr. HULL. The gentleman from Illinois yesterday reserved the point of order, and asked time to investigate the matter a little more fully. I have here a little brief on the subject that I will submit to the committee.

Section 3682, which is the first one suspended, provides that no clerks shall be paid from contingent funds. It was evidently meant to apply to the ordinary contingent funds of departments. As the word "contingent" is used in the bill, section 3682 holds and prevents a military attaché abroad, no matter what the emergency may be, from spending any of his allotment for clerical assistance. The case presents to my mind very conclusive arguments why this provision should be waived for military attachés and for the Philippine Islands, because it is impossible for them to have regular clerks allotted them, and it is a matter of economy for them to employ them on the ground.

Section 3648 provides that no supplies purchased shall be paid for until such supplies are received. The military information division subscribes for the principal military papers and periodicals published all over the world, and a large portion of our military information is derived from them. The accounting officers of the Treasury have decided that under section 3648 such subscriptions, which all over the world must always be paid in advance, can not be so paid by us, and this causes much embarrassment to the Department.

I will say, further, that from information received since yesterday from the War Department I learn that during the progress of the war in South Africa the military information division subscribed for papers in Europe, especially copies of the London Times and for the editions of the New York Herald, and made up scrapbooks from them, so that they were able to prepare maps following the movements of the war, and were able to give to the Secretary of War information on the subject whenever called upon to do so. They could not, under the recent ruling of the Treasury, have subscribed for any of these periodicals if the provision had prevailed that they must subscribe for them and pay in advance out of their own pockets.

Mr. CANNON. I have listened to the gentleman and have examined the clause very closely. It seems to me that the exception applies only to this appropriation. I think the law is a very wise one as a whole and ought not to be repealed or permanently modified in part. But owing to the condition in the Philippines, largely a terra incognito, I do not feel like insisting on the point of order, as this is restricted to this proposition alone.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order to the proviso on page 4.

Mr. HULL. Mr. Chairman, the next point reserved, as I remember now, commences at the beginning of line 25, on page 5, and refers to the cable connecting the Department of the Columbia with Alaska.

Mr. CANNON. Is that provision broad enough?

Mr. HULL. The gentleman suggests that it is hardly broad enough. I will say that it is the same language, practically, under which we built all our line of cable in Alaska.

Mr. CANNON. It says:

For the purchase, installation, operation, and maintenance of the necessary line.

I was made to believe from the language that it was proposed to buy a submarine cable——

Mr. HULL. Not at all.

Mr. CANNON. Already laid in whole or in part.

Mr. HULL. If you want to make it perfectly clear, you can say for the purchase of material.

Mr. CANNON. I do not want to have it modified. Is there a submarine cable belonging to private parties in the waters where you propose to operate by virtue of this appropriation?

Mr. HULL. Not by this Government.

Mr. CANNON. By anybody?

Mr. HULL. Nor by any government.

Mr. CANNON. By any individual?

Mr. HULL. Nor by any individual.

Mr. CANNON. Or corporation?

Mr. HULL. Nor corporation. There is a Canadian line coming from the port of Vancouver that connects with Alaska. Then we have a land line of telegraph connecting with Vancouver, but there is no cable line that connects even the British possessions with our cable line. It is an overland wire, as I understand now, that the Canadian government has established.

Mr. CANNON. What I want to get at is this. Is it proposed by virtue of this appropriation to purchase a telegraph line or a submarine cable from anybody?

Mr. HULL. It is not. It is proposed by this to purchase the material, lay the cable, and control it entirely by the United States Government, connecting the Department of Columbia with Alaska. The Government now controls in Alaska over 1,100 miles of cable, but we have no connection with this from this country at all.

Mr. CANNON. I do not desire to insist on the point of order. I am willing that the House should dispose of it.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order.

Mr. HULL. Mr. Chairman, I do not remember of any other point of order.

The CHAIRMAN. The Chair will state that the Clerk has no record of any other.

Mr. HULL. That is all I recollect. Then I move that the committee rise and report the bill with amendments to the House,

with the recommendation that the amendments be adopted and that the bill do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16567, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be adopted, and the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will submit them to the House in gross.

No separate vote was demanded.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to in gross.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill was passed was laid on the table.

DEPARTMENT OF COMMERCE AND LABOR.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report.

The SPEAKER. The gentleman from Pennsylvania calls up a privileged report from the Committee on Rules, which the Clerk will read.

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution No. 374 have had the same under consideration, and report the following in lieu thereof:

"*Resolved*, That immediately after the adoption hereof the bill (S. 569) to establish a department of commerce shall be the special and continuing order of business until the same shall be finally disposed of, not, however, to interfere with appropriation bills, conference reports, or other special orders heretofore made, or matters of privilege under the rules, and said bill shall be considered in Committee of the Whole House on the state of the Union."

Mr. DALZELL. Mr. Speaker, the House is aware that some time ago the Senate passed a bill creating a department of commerce and Labor. That bill came to the House and was referred to the Committee on Interstate and Foreign Commerce. That committee had considered the bill, and the result was a report by that committee of a substitute bill. It is the purpose of this resolution to call up that bill now for consideration. No provision is made for any curtailment of debate or of amendment or anything of the kind. It is simply made a continuing order until it shall have been disposed of, subject, however, to appropriation bills and other privileged matters in the House. I assume there is no disposition to debate this resolution, and therefore I ask for a vote.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of an act (S. 569) to establish the department of commerce and labor, with Mr. GILLETT of Massachusetts in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report by title.

The Clerk read as follows:

An act (S. 569) to establish the department of commerce and labor.

Mr. HEPBURN. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection.

Mr. HEPBURN. I presume that the time for debate will be controlled on the other side of the House by the gentleman from Alabama [Mr. RICHARDSON], who was one of those making the minority report. I ask unanimous consent that the time for general debate may be controlled by myself and by the gentleman from Alabama, and to be equally divided.

The CHAIRMAN. The gentleman from Iowa asks that the time for general debate be equally divided between the two sides of the House, to be controlled on the one side by the gentleman from Iowa and on the other side by the gentleman from Alabama [Mr. RICHARDSON]. Is there objection? [After a pause.] The Chair hears none.

Mr. HEPBURN. Now, Mr. Chairman, I would like to make some arrangement with the gentleman from Alabama as to the time for general debate. How many hours does the gentleman desire?

Mr. RICHARDSON of Alabama. Had we not better let it run for a while—say until this evening—and then agree upon the time?

Mr. HEPBURN. If the gentleman prefers that, I am willing. I will now yield to the gentleman from Illinois [Mr. MANN] who reported the bill.

Mr. MANN. Mr. Chairman, I think the members of the House are so well acquainted with the sentiment of the country at large in reference to the establishment of the proposed new department that it is not necessary to make any extended remarks upon the merits of the proposition. And yet, Mr. Chairman, there have been practically but two new departments of the Government created in more than one hundred years, the heads of which departments have been treated as Cabinet officers.

In the first organization of the Government the great Executive Departments which were created were purely administrative offices. It was necessary to have a Department of State to carry on the details of affairs with foreign countries. It was necessary to have a Treasury Department to collect and disburse the public revenues. It became necessary to have a War Department to administer the affairs of the Army. It became necessary to have a Navy Department as an administrative office to administer the affairs of the Navy.

All of the original Executive Departments at the time of their creation were purely of an administrative character. The creation of the Department of Agriculture was in a sense a departure from the previous policy of the Government. But the Department of Agriculture became not merely an administrative office, but it became an office for research and scientific investigation. In its nature it had nothing to do with, and was not required in order to carry on, the ordinary details of the Government; but the Department of Agriculture has shown to the country that an office created for that purpose may become of vast assistance to the people of the country. No doubt the success of the Department of Agriculture has had much to do with the demands or requests on the part of the commercial and manufacturing interests of the country for the creation of a department which should be devoted primarily to the promotion and consideration of questions relating to transportation and the industries of the country.

The only provisions in the Constitution in regard to Executive Departments of the Government are found in section 2 of Article II, wherein it is provided that the President "may require the opinion, in writing, of the principal officer in each of the Executive Departments upon any subject relating to the duties of their respective offices;" and, again, that "Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments."

Just what constitutes an "executive department" or the "head of a department" has not been fully determined. It is quite certain, however, that the head of such department shall not necessarily be called into the President's Cabinet in order to constitute the department an executive department within the meaning of the Constitution.

The President's Cabinet is extraconstitutional. It is not provided for by law, but exists voluntarily and by force of custom. It has become the custom, however, that when a department is created and the head thereof is denominated "secretary" or "general" to consider him as a Cabinet officer. There is, of course, nothing to prevent the President from requesting the head of any other department to attend the meetings of what is called the Cabinet. But the force of custom as it now exists is very strong. No departure from it is likely to soon occur.

The meetings of the Cabinet necessarily exercise a tremendous influence upon the policies of the Executive. A department which is represented in the Cabinet is thereby given a great advantage.

The creation of a new executive department, the head of which shall be a member of the Cabinet, is no light matter. Only two additions to the Cabinet have been created by Congress in over a century. The Departments of State, War, Treasury, and Navy, and the Attorney-General and Postmaster-General were established during the eighteenth century and during the first ten years of the existence of our Government under the present Constitution.

EXISTING EXECUTIVE DEPARTMENTS.

The State Department was the first executive department created and was established under the title of the Department of Foreign Affairs by act of July 27, 1789, the title of the Department being changed to Department of State by act of September 15, 1789.

The Department of War was created by act of August 7, 1789.

The Department of the Treasury was created by act of September 2, 1789.

A salary for the Attorney-General of the United States was provided for in the act of September 23, 1789, and the office of Attorney-General was created in the last section of the act of September 24, 1789. The Attorney-General has always been one of the President's family of advisers, known as a Cabinet officer, although his office was not in terms referred to as an executive office until the act of June 22, 1870, establishing the Department of Justice.

A temporary Postmaster-General was provided for by the act

of September 22, 1789, and by the act of May 8, 1794, a general postoffice was established at the seat of the Government, with a Postmaster-General in charge. The Postmaster-General became undoubtedly the head of one of the Executive Departments of the Government, but the law did not in terms so refer to him until the act of June 8, 1872, establishing an executive department to be known as the Post-Office Department.

The Postmaster-General was not originally a member of the President's Cabinet. When Andrew Jackson became President, in March, 1829, Hon. John McLean was then Postmaster-General. He was not in sympathy with the idea of President Jackson that removals and new appointments of postmasters should be made on partisan lines. President Jackson desired that persons in the postal service who were not adherents of his Administration should be removed and his partisan followers appointed in their stead. Jackson therefore named McLean as an associate justice of the Supreme Court, and appointed William T. Barry, of Kentucky, as Postmaster-General on March 9, 1829.

By invitation of the President Mr. Barry became a member of the Cabinet, and the Postmaster-General has ever since been considered a member of the Cabinet and occupied a seat at the table of the President's family of advisers.

The Department of the Navy was created by act of April 30, 1798.

The six departments referred to above were all established practically at the commencement of the Government under the Constitution.

There have been many requests for the creation of new executive departments of the Government in behalf of various interests since that time, but Congress has been very conservative about granting such requests.

By the act of March 3, 1849, the Department of the Interior was established, but the name given to it in the title of the original act was a "Home Department." The Department of the Interior was intended as a "home" department. It was to have charge of those internal affairs which needed representation in the President's Cabinet. The Interior Department is one of the greatest departments of the Government in extent of its varied interests and the number of its employees. Many of its different bureaus or branches, however, have no connection or relationship to each other, and it is not a homogeneous department.

The Department of Agriculture was established by act of May 15, 1862, and placed in charge of a Commissioner of Agriculture, who was not, however, considered as a Cabinet officer.

By act of February 9, 1889, it was provided that the Department of Agriculture should have a Secretary of Agriculture at its head, and the Secretary of Agriculture is considered a member of the Cabinet.

The Commissioner of Agriculture, within the meaning of the Constitution, was as much the head of a department as the Secretary of Agriculture. He might as readily have been called to attend the meetings of the Cabinet; but it never has been the policy of the President to unduly extend the size of his Cabinet. To add greatly to its numbers would destroy its efficiency. It never has been the policy, therefore, of Congress to easily create a new head of an executive department who, under the custom, would be entitled to the courtesy of a seat in the Cabinet.

RECLASSIFICATION OF ATTACHED BUREAUS.

The desire to restrict the number of executive departments represented in the President's Cabinet has caused Congress to place in various existing departments many subjects not at all related to the original purpose of the department. For instance, under the Department of the Treasury we have the office of Supervising Architect, the Bureau of Statistics, the Life-Saving Service, the Office of Steamboat Inspection, the Light-House Board, the Coast and Geodetic Survey, the National Bureau of Standards, and the United States Health Service.

Under the Department of War we have the improvement of rivers and harbors as aids to navigation.

Under the Department of the Navy we have the Hydrographic Office, the Naval Observatory, the Director of the Nautical Almanac.

While outside of any of the principal Executive Departments we have the Interstate Commerce Commission, the Department of Labor, the Civil Service Commission, the Commissioner of Fish and Fisheries, and the Smithsonian Institution, including under its control such scientific divisions as the National Museum, the Bureau of American Ethnology, the National Zoological Park, and the Astrophysical Observatory.

It is quite apparent from a casual examination that a proper rearrangement of the various divisions and branches of the Government service might in some cases be of considerable benefit. It is also apparent that those things which grow can never have the same degree of uniformity and regularity as do those things which are made to order.

The study which your committee has made of this subject, however, convinces us that a rearrangement and reclassification of the different bureaus and divisions of the public service devoted to scientific pursuit might well be made with great resulting benefit.

The original six Executive Departments were each created because of a necessity and propriety which was apparent. The Interior Department was created because at the time it seemed very desirable to relieve some of the other departments of what were to them excrescences, and also create an official adviser to the President who would give particular attention to the growth and development of our country internally.

The Department of Agriculture was established from a sense of eminent fitness, and its work has more than justified the most ardent prophecies of those who urged its creation.

The same may be said of all the scientific divisions in the different departments. The Weather Bureau, for instance, is the foremost meteorological institution in the world. The Geological Survey is not equaled in any other country. The Coast and Geodetic Survey is the envy of all other nations. The Naval Observatory and the Nautical Almanac direct the course of the shipping of the world. Equal praise might well be given to many other scientific branches of the Government.

It is very evident, however, that some of the statistical or other scientific bureaus of the Government have no special connection with the general purpose of the departments in which they happen to be respectively located.

REASONS FOR NEW DEPARTMENT.

Having in view the conservatism of Congress in regard to creating new seats in the Cabinet, the committee has carefully examined the proposition to create a new department of commerce and labor. We have had called to our attention the fact that interested and public-spirited persons are now urging Congress to establish several new Cabinet positions by creating various new departments, such as the department of commerce, the department of labor, the department of mines and mining, the department of education, etc. It is evident that not more than one new department of the Government is likely to be created at this time in view of our past policy, but it has seemed to your committee that the enormous interests in our country not engaged in agriculture, but now engaged in trade and transportation, in manufacturing and mechanical pursuits, might well have gathered together into one new executive department of the Government those branches of the public service clearly related to their interests and which could easily be detached from the departments in which they now are. We think also that the Government might well give special consideration to the home industries of our country by giving them direct representation in the Cabinet as well as by the creation of some new bureaus devoted to their interests.

INDUSTRIAL GROWTH.

The growth of business and laboring interests of our country in recent years has been enormous, as shown by the following table:

	1870.	1880.	1890.	1900.
Persons engaged in—				
Trade and transportation	1,229,399	1,866,481	3,326,122	4,778,233
Manufacturing and mechanical pursuits	2,679,278	3,784,726	5,678,468	7,112,987
Total	3,908,677	5,651,207	9,004,590	11,891,220

The following table shows the growth of various industries of the United States from 1860 to 1900:

Internal industries.

	1860.	1890.	1900.
Manufactures:			
Number of establishments	140,433	355,415	512,339
Average number of employees and salaried officials	1,311,246	4,712,622	5,713,976
Wages and salaries	$378,878,966	$2,283,216,529	$2,732,921,528
Value of products	$1,885,861,676	$9,372,437,283	$13,014,287,498
Railways:			
Miles in operation	30,626	166,654	194,321
Number of passengers carried		492,430,865	576,865,230
Tons of freight carried		636,541,617	1,101,680,238
American vessels:			
In domestic trade....tons	2,807,631	3,477,802	4,338,145
On the Great Lakes..do	467,774	1,033,063	1,565,587
Postal growth:			
Number of post-offices	28,498	62,401	76,688
Receipts of Post-Office Department	$8,518,067	$60,882,097	$102,354,579
Telelgraph messages		55,878,762	63,167,783

Internal industries—Continued.

	1860.	1890.	1900.
Production compared:			
Gold	$46,000,000	$32,845,000	$79,171,000
Silver	$150,000	$70,485,714	$74,535,495
Coal.....tons	18,513,123	140,836,931	240,965,917
Petroleum.....gallons	21,000,000	1,924,552,224	2,661,233,568
Pig iron.....tons	821,223	9,202,703	13,789,242
Steel.....do		4,277,071	10,188,329
Copper.....do	7,200	115,966	270,588
Wool.....pounds	60,264,913	276,000,000	288,636,621
Wheat.....bushels	173,104,924	399,262,000	522,229,505
Corn.....do	838,792,740	1,489,970,000	2,105,102,516
Cotton.....bales	4,861,292	7,311,322	9,436,416
Sugar.....tons	190,040	135,503	149,229
Tin plates.....pounds		a13,646,719	677,969,600
Vessels passing through Sault Ste. Marie Canal...tonnage	403,657	8,454,435	22,315,834

a For 1892.

GROWTH OF FOREIGN COMMERCE.

The following table shows the growth of foreign commerce of the United States from 1860 to 1900:

	1860.	1890.	1900.
Merchandise:			
Imports	$353,616,119	$789,310,409	$849,941,184
Exports	$333,576,057	$857,828,684	$1,394,483,082
Gold and silver:			
Imports	$8,550,135	$33,976,326	$79,829,486
Exports	$66,546,239	$52,148,420	$104,979,034
Manufactures of iron and steel:			
Imports	$21,526,594	$41,679,591	$20,478,728
Exports	$5,703,024	$25,542,208	$121,913,548
Cotton:			
Imports of raw cotton..pounds	2,005,529	8,606,049	67,398,521
Exports of domestic cotton..do	1,767,686,338	2,471,799,853	3,100,583,188
Receipts from customs	$53,187,512	$229,668,585	$233,164,871

FURTHER COMPARISONS.

It may be hardly fair to make a comparison of the present with a century ago, but a comparison of the present with a period immediately preceding the civil war seems apt and proper.

The population of our country in 1860 was 31,443,321; in 1900, 84,233,069; the population at the present time is estimated at 87,233,000.

The true valuation of the real and personal property of the country, constituting its wealth, was, in 1860, $16,159,616,000, and in 1900, $94,300,000,000.

The total number of depositors in savings banks in 1860 was 693,870; in 1900, 6,107,083. We have no record of the total deposits in banks in 1860, but in 1880 they amounted to $2,306,000,000; in 1890, $3,998,000,000, and in 1900 to $7,464,000,000.

The number of farms in 1860 was 2,044,077; in 1890, 4,564,641, and in 1900, 5,739,657.

The total value of farm animals was, in 1860, $1,089,329,915, and in 1900, $2,981,722,945.

The total value of farm products was, in 1870, $1,958,030,927, and in 1900, $3,764,177,706.

Our exports of domestic cotton in 1860 amounted to 1,767,686,338 pounds, but after the abolition of slave labor the amount of export cotton fell, in 1870, to 958,358,523 pounds.

For the fiscal year of 1902 our exports of domestic cotton amounted to 3,500,778,763 pounds.

The above figures exhibit an unparalleled industrial and commercial growth.

But there remains much to be done in the future. The industrial development of our country is far from having reached maturity. For instance, last year we exported 3,500,000,000 pounds of cotton. Much, if not most, of this ought to have been manufactured in mills in our own country into cotton goods before shipment abroad.

The manufacturing industries of the country produce to-day a value in their products of nearly $14,000,000,000, many times more than the total agricultural products of the country. The justification for the creation of the new department is that the business of the country warrants that the Government shall carry on some of the investigations, some of the scientific research, which it can easily do with the facilities at its command and which can be used when known by all classes of the people and all of the people upon even terms, but which now are carried on in secret by the employees of some of the great corporations and used exclusively for the benefit of those corporations. But we find that in the growth of the administrative business of the country there has come up in various departments of the Government different branches of scientific investigation and diifferent bureaus devoted to the work of collecting and distributang statistical information. And one of the purposes of the creation of this department is to gather together all of the different bureaus now engaged in the collection of statistical information, so that the duplication in the collection of statistics which now exists may be done away with, to the benefit both of the Treasury of the country and the people who make use of the statistics.

For instance, we have in the State Department a Bureau of Foreign Commerce primarily engaged in collecting and distributing information of a commercial and statistical nature, gathered through the consular service from foreign countries. As an example of the apparent if not absolute duplication of statistical work, I may call the attention of the committee to the fact that the Bureau of Foreign Commerce of the State Department publishes quarterly a document known as "Exports Declared," which gives the declaration of exports at the different foreign ports. Now, when goods are being shipped abroad to this country, the consignor makes out a duplicate copy of the invoice of the goods. One copy of the invoice is sent by the consul to the State Department in Washington, from which the "Exports Declared" are made up by consular districts or ports abroad. When the person importing the goods in this country receives his invoice and makes his declaration of entry at the custom-house here, he attaches the invoice to the declaration, and the customs officers make up their report of the goods received, based in most cases upon the invoice, and the Bureau of Statistics of the Treasury Department makes its report of the importation of goods, based upon the invoice; and they publish their set of statistics. So that the Bureau of Foreign Commerce publishes one set of statistics, based upon the copy of the invoice which it receives, and the Bureau of Statistics of the Treasury Department publishes another set of statistics based upon the duplicate copy of the invoice. I do not mean to say that this may not be a proper publication, because they are arranged upon a different basis; but even in that case they ought to be arranged with a scientific knowledge of the proper relationship of the two reports.

In addition to the Bureau of Foreign Commerce of the State Department, we have the Bureau of Statistics of the Treasury Department, the Bureau of Immigration of the Treasury Department, the Census Office, and several other offices, primarily engaged in the collection of statistics. We propose to consolidate all these offices in the new department, so that the collection of statistics may be proceeded with on a scientific basis.

SIMILAR DEPARTMENTS IN OTHER COUNTRIES.

In the peaceful but fierce struggle for supremacy in the markets of the world our people ought not to be handicapped by reason of having no one to specially speak for their interests among the advisers of the President. Other countries have cabinet officers especially devoted to industries and commerce. The United States is almost the only one of the leading nations which fails to have an executive department to promote the interests of commerce and industry.

England has her board of trade, whose president is a cabinet officer, and her supremacy in the world's commerce is largely owing to the influence of her board of trade.

Germany has a minister of commerce.

France has a minister of commerce.

Belgium has a minister of industry and labor.

Austria has a minister of commerce and national economy.

Hungary has a minister of industry and commerce.

Russia has a special imperial cabinet of four sections, one of which is devoted to agriculture and manufacture.

The Netherlands has a minister of public works and commerce.

Spain has a minister of agriculture and commerce and public works.

Portugal has a minister of public works, industry, and commerce.

Switzerland has a minister of agriculture and industry.

Italy has a minister of industry and commerce.

Persia has a minister of commerce.

Most of the Spanish-American countries have cabinet officials whose functions are distinctly commercial in character.

EFFECT OF NEW DEPARTMENT.

Our people should be given every facility in their efforts to extend their influence in the markets of the world. Our people at home should also have the benefits which may come from the application of scientific investigation and scientific principles in the manufacture and transportation of the commodities which they use.

It is very evident to all that the General Government must, in some way and manner, enter upon the regulation of the modern corporation which, with immense capital, seeks absolute control of the markets for its own commodities.

Such regulation, if wise, will benefit and not injure the manufacturing and transportation industries; but if the attempt to regulate be made without due caution and be carried on with bitterness and without wisdom, it may cause a far greater injury to

our people and the industries of our country than the evil which we seek to combat.

The Home or Interior Department was created in 1849. Following its creation came the homestead and some other land laws which have done so much toward the rapid upbuilding of the Far West.

Within its few years of active development the Agricultural Department, through its scientific bureaus, has been of inestimable benefit.

We believe that similar results can be accomplished through a department of industries which will seek, through statistical and other scientific investigation, both at home and abroad, to furnish information which will result in inestimable advantage to our people. The manufacturing and commercial interests of our country, now swollen to such enormous proportions, urgently request that they be given the consideration of a department especially devoted to the acquirement of information which will be useful to all people engaged in those pursuits.

With a proper person, of liberal mind, broad information, the acquaintance of a lifetime with subjects of trade, labor, and commerce, with a knowledge of the wants and needs of business, named by the President as the head of a new department of industries, the development of our country, both commercially and industrially, during the next few years will be accelerated to a degree not now believed possible.

If a department of industries be created, Congress ought, in order to make it most useful and effective, to transfer to it those existing branches and departments of the public service germane to the subject of commerce, manufactures, and other industries, so far as they can be transferred without too great friction and without crippling other departments of the service.

BUREAUS OMITTED.

The bill as it came to your committee from the Senate proposed to transfer to the new department the following:

From the State Department, the Bureau of Foreign Commerce.

From the Treasury Department, the Life-Saving Service, the Light-House Board, the Light-House Service, the Marine-Hospital Service, the Steamboat-Inspection Service, the Bureau of Navigation, the United States Shipping Commissioners, the Bureau of Immigration, the Bureau of Statistics.

From the Interior Department, the Census Office.

It also transferred the independent Department of Labor and the office of Commissioner of Fish and Fisheries.

Your committee has concluded, after investigation, that some of these transfers, if made under the pending bill, would create considerable confusion without corresponding benefit.

The Life-Saving Service is at the present time dependent to a certain extent upon the Revenue-Cutter Service, and the Revenue-Cutter Service is a part of the customs service, so that no transfer could be made without making provision for other inspectors of the Life-Saving Service and without various changes in existing law. It seems, however, certain that in so far as the Life-Saving Service is now a collector of marine statistics its duty in this respect ought to be transferred to the new department, which it is proposed to make the center of statistical information in the Government.

The United States Health Service, formerly termed the Marine-Hospital Service, has certain duties to perform in connection with quarantine which might produce a conflict of authority with the Treasury Department if that service should be transferred from the Treasury Department to the new department.

Possibly the Steamboat-Inspection Service might be transferred without great injury to the public interests, but that Bureau has largely to do with collectors of customs at the different ports, and it has not been thought wise by your committee at this time to recommend its transfer.

There are some very strong reasons in favor of the transfer of the Bureau of Navigation and the United States shipping commissioners from the Treasury Department to the new department. The title of the Bureau of Navigation, however, is not an entirely correct description of the duties of that office. The Bureau has to do with the collection of tonnage taxes. The tonnage taxes are collected from a ship on her entry from a foreign port through a collector of the port. The act of Congress provides that on all questions of interpretation growing out of the laws as to the question of tonnage taxes and the refund of such taxes when collected erroneously or illegally the decision of the Commissioner of Navigation shall be final.

While, therefore, the collection of the tonnage tax is made by the collector of customs, the legality or accuracy of any tax goes to the Bureau of Navigation for determination. It is very evident that in order to preserve symmetry in the matter of the collection of tonnage taxes it would be necessary to have a revision of the laws upon the subject before a transfer of the Bureau of Navigation could safely be made from the Treasury Department. We have not, therefore, included the transfer of the Bureau of Navigation to the new department in the bill as recommended by your committee for passage.

The United States shipping commissioners are officers of the Treasury Department, located at the principal ports, engaged in supervising the affairs of seamen. All seamen who enlist as members of crews of vessels are required to enter into a contract with a proper officer or owner of a vessel before a United States shipping commissioner. He looks after them to see that no unfair advantage is taken of them and generally looks after their welfare. These commissioners report directly to the Bureau of Navigation and through the Bureau of Navigation to the Secretary of the Treasury. The Commissioner of Navigation exercises a sort of appellate jurisdiction over the contracts or form of contracts entered into by the seamen.

While it would seem desirable, for some reasons, to have the United States shipping commissioners under the control of a department of commerce and labor, yet, under existing laws, their duties are so affected by their relationship to the Bureau of Navigation and the collectors of customs at the various ports that it is not deemed desirable at the present time to recommend the transfer of the Bureau from the Treasury Department.

BUREAUS TRANSFERRED TO NEW DEPARTMENT.

The Light-House Service is maintained as an essential aid to commerce. It is an establishment by itself, not closely interwoven with other branches of the Treasury Department, and may well be placed in the new department.

The newly created National Bureau of Standards is a bureau which necessarily goes into a department primarily devoted to manufacturing and commercial interests. This Bureau is destined to exercise great influence upon the development of business and commerce of our country.

The Coast and Geodetic Survey is essentially a scientific bureau, and its work is mainly for the benefit of commerce or science.

The Bureau of Statistics presents some difficulties in the way of transfer from the Treasury Department. That Bureau derives its statistics in the first instance from collectors of customs; but its scope has been recently greatly broadened. The Treasury Department is not primarily a department devoted to the collection of statistics. Statistical information is of primary value to labor, commerce, and manufacturing. We think, too, that all of the branches of the public service directed to the collection and dissemination of statistics ought to be, as far as possible, gathered under one head.

The Census Office has recently been made a permanent bureau.

Your committee therefore recommends that the Light-House Service, the National Bureau of Standards, and the Coast and Geodetic Survey be transferred from the Treasury Department and placed in the new department. We also propose that the Bureau of Statistics be transferred from the Treasury Department, the Bureau of Foreign Commerce from the State Department, the Census Office from the Interior Department, and all placed in the new department of commerce and labor, in order that the collection of statistical information, to which all three are primarily devoted, may be properly systematized and duplication of statistics may be omitted.

We recommend also the transfer of the Bureau of Immigration, including the jurisdiction of the Treasury Department over Chinese immigration, from the Treasury Department to the new department of commerce and labor. The question of immigration is of particular importance to the labor interests of the country. The Bureau of Immigration ought to be in some department in connection with the Commissioner of Labor.

DEPARTMENT OF LABOR.

Your committee recommends that the Department of Labor, as now constituted, be made a part of the new department of commerce and labor.

There has been some opposition to this proposition. Some of the leaders of organized labor who have expressed an opinion upon the subject have opposed the placing of the present Department of Labor in the new department. The opposition has been based upon the idea that whoever might be selected as secretary of the new department would be a representative of capitalistic influence and not of labor. In view of the opposition of some of the labor leaders to the inclusion of the Department of Labor in the proposed new department, we have given the subject careful and considerate examination. We are satisfied that the opposition is based upon a natural misunderstanding of the situation and a misapprehension as to the effect of such action.

The Department of Labor as now organized has its duties defined by statute. The statute provides that it shall be presided over by a Commissioner of Labor, to be appointed by the President. It is not proposed to make any change in these provisions of the statute. If the Department of Labor is included in the new department, the secretary of the new department will not have the power to appoint the Commissioner of Labor, nor will

he have power to prevent the Commissioner of Labor from discharging the duties now imposed upon that office by the present act of Congress.

It is impossible to see, therefore, how there can come any injurious effect from including the Labor Department in the new department of commerce and labor. As the law now exists, the President can, at any time, name some one for appointment as Commissioner of Labor who may be adverse to labor and favorable to capital as against labor. It is not likely that any President will ever do this, and it is equally unlikely that he would do it if the Department of Labor were made a part of the department of commerce and labor.

One of the reasons which has been urged why the Labor Department should not be included in the new department is that there ought to be created a secretary of the Labor Department, with a seat in the Cabinet. Whether this is likely to be done in view of the conservative action in creating new Cabinet officers in the past, is not now the question. But it will be as easy to create a secretary of labor if the Department of Labor is, for the present, included in the new department as it would be if the Labor Department is left out by itself. In fact, it seems much more likely that the Labor Department will grow in the scope of its work, and hence be more likely to warrant the creation of a new Cabinet officer to represent labor interests if the proposed action is taken than would be the case if the Labor Department is left as it now is.

It has been a natural fear on the part of some of the labor leaders that the new secretary of commerce and labor would have a bias in favor of capital and against labor. Granting, for the sake of argument, that this may be true, it still would leave the Labor Department as well off as it now is. No bias of the secretary of commerce and labor could control or affect a Commissioner of Labor, who is not subject to removal by him and whose actions and reports are not subject to his control.

It may very properly be asked, then, why should the Department of Labor be included in the new department if the secretary of the new department will have no control over the Commissioner of Labor? The duties of the Commissioner of Labor largely relate to the collection of information and publication of labor statistics. The Labor Department has a force of statistical experts. Congress occasionally, at the suggestion of the Labor Department, directs that department, by resolution, to gather, compile, and publish certain statistical information of interest to labor. This work is done in addition to the ordinary performance of duties of the Labor Department. There is much information of great value to labor and laboring men which the Department of Labor has not been able to gather, but which it might well and easily obtain if it could help to lay out and plan the work of the permanent Census Office.

The Department of Labor as now constituted is principally a statistical department. Most of its duties pertain to the gathering of statistical and other information. If the Department of Labor and the permanent Census Office are in one new department of the Government it will be an easy and natural thing for the Department of Labor to avail itself of the experts in the Census Office for the collection of statistics in addition to what are now collected, and which the Department of Labor can properly arrange for publication. I believe that the value of the Department of Labor in the collection and publication of information will be increased many fold by including in it the same general department of the Government which contains the permanent Census Office and the other statistical bureaus of the Government.

Including the Department of Labor in the new department will also call attention in a public manner to much information which is now collected, but not made much use of. The Department of Labor has collected since its organization much useful information in reference to labor legislation. Very little of this information has ever been called to the attention of members of Congress in an effective way. It is a burden upon every member of Congress to endeavor to make an examination of the annual reports of the different general departments. A statement or recommendation included in the President's message is sure to be noticed. A statement or recommendation in the annual report of one of the Cabinet officers is likely to attract some attention; but the opinion or recommendation of the head of a branch of the service not connected with one of the general departments is apt to be overlooked—not from design, not from thoughtlessness, not from lack of interest, but from lack of time and endurance.

If the Commissioner of Labor is under the secretary of commerce and labor, he will make a report to the secretary of commerce and labor. That report will be published with the annual reports of the department. If the secretary of commerce and labor approve of recommendations made by the Commissioner of Labor, he will so state in his annual report, and probably the matter will be called to the attention of the President, to go in his annual message. If the secretary of commerce and labor disapproves the recommendation made by the Commissioner of Labor, he will say so in his report, and that will call attention to and advertise the recommendation of the Commissioner of Labor in a way which will call it to the attention of Congress. Undoubtedly, our National Government is behind many other countries in the way of some kind of labor legislation.

I do not favor the inclusion of labor in the new department for the purpose of suppressing labor information and agitation, but for the purpose of advancing the interests of labor, and so that the need of labor legislation may properly be called to the attention of Congress.

The Commissioner of Fish and Fisheries, as well as the jurisdiction of the Treasury over the fur seal, salmon, and other fisheries in Alaska, should be placed in and conferred upon the new department of commerce and labor.

DUTIES OF THE NEW DEPARTMENT.

Section 3 of the act provides that—

It shall be the province and duty of said department to foster, promote, and develop the foreign and domestic commerce; the mining, manufacturing, shipping, and fishery industries; the labor interests; the transportation facilities, and the insurance business of the United States.

BUREAU OF MANUFACTURES.

It is proposed to create in the new department a new bureau, to be called the bureau of manufactures, the chief of which shall be appointed by the President. The province and duty of said bureau shall be to foster, promote, and develop the various manufacturing industries of the United States, and markets for the same at home and abroad, domestic and foreign, by gathering, compiling, publishing, and supplying all valuable and useful information concerning such industries and such markets, and by such other methods and means as may be prescribed by the secretary or provided by law.

BUREAU OF INSURANCE.

The insurance interests of our country have become so great, and the business of insurance is so essentially a matter of interstate business, and hence largely beyond any effectual control by State authorities, that your committee has recommended the establishment of a bureau of insurance, the chief of which shall be appointed by the President. It is proposed that the duty of said bureau shall be to exercise such control as may be provided by law over insurance companies transacting business in the United States, and to foster, promote, and develop the various insurance industries of the United States by gathering, compiling, publishing, and supplying valuable and useful information concerning insurance companies and the business of insurance, and by such other methods and means as may be prescribed by law.

The fire loss in our country in 1901 amounted to over $160,000,000. Undoubtedly much of this loss could have been prevented through the publication of proper information, and undoubtedly one effect of a bureau of insurance will be to gradually secure greater uniformity in building laws and ordinances, with a view to prevent the enormous waste now suffered annually by fire.

Some idea of the magnitude of insurance interests in our country may be obtained by a reference to the business of the life insurance companies in the single State of Connecticut. During the year 1901 the 30 life insurance companies of Connecticut received in premiums $337,911,766, and received a total income of $425,083,858. The assets of these companies on December 31, 1901, amounted to $1,858,241,350, and the amount of insurance in force on the same date was $8,747,226,743.

The accident, casualty, fidelity, surety, and miscellaneous insurance companies doing business in Connecticut in the same year had an income of $30,402,353 and carried insurance with a risk of $5,164,309,834.

Eighty-five domestic fire and marine insurance companies of the United States and 30 fire and marine companies of foreign countries, doing business in the United States, received, during the year 1901, premiums to the amount of $148,917,206, and had a total of income amounting to $175,261,787, and paid losses to the amount of $91,280,379, and had insurance risks in force December 31,1901, to the amount of $22,507,245,944. These figures do not include all of the insurance companies doing business in our country and do not include a majority of the mutual companies.

It seems evident from figures cited that it is time for the National Government to take such notice of and exercise such control over insurance companies as it may be entitled to under the Constitution, to the extent, at least, of the publication of information of general interest.

The insurance business has grown up in the country since the birth of the country. It is practically but a few years old. It has become a business of enormous proportions. Nearly all of the insurance business of the country is carried on where the insured is a resident of one State and the insurer a resident of another State. Whether it can be called interstate commerce in

the language of the Constitution is a subject which is yet undisposed of by the Supreme Court. But we propose in this bill to authorize the Bureau of Insurance to gather information concerning insurance and present methods of insurance companies, which shall be made public to the world. As matters now stand, every State in the Union has different provisions for the gathering of information in relation to insurance companies, and very little of that information is made public in such a way as to reach the people most in need of it. We do not propose to interfere in any way whatever with the authority of the States over their local insurance business. That in the end the creation of an insurance bureau and the publication of scientific information, or information made upon a scientific basis, concerning insurance companies may result in similar or uniform insurance laws throughout the States is not only probable but is very desirable.

BUREAU OF CORPORATIONS.

We also recommend the creation of a new bureau, to be called the bureau of corporations, the province and duty of which bureau shall be to gather, compile, publish, and supply useful information concerning such corporations doing business within the limits of the United States as shall engage in interstate commerce or in commerce between the United States and any foreign country, and to attend to such other duties as may be hereafter provided by law.

The creation of this bureau will make it the duty of an officer of the Government to deal with the matter of corporation information, and to acquire knowledge and report recommendations concerning the manner and extent to which corporation transactions in interstate commerce shall be subjected to the influence of national legislation. We believe that this is a practical step toward the legitimate control of corporations engaging in commerce among the States.

We have not recommended any extended or specific legislation in regard to the character of information to be obtained or the manner of obtaining it, but have left that matter to await further legislation.

In the discussion which has generally been going on of late, and especially in those bills which have been introduced in Congress in relation to the securement of information from corporations, it has been generally suggested or provided that the collection of such information shall be had through the Interstate Commerce Commission.

The Interstate Commerce Commission is a semiexecutive and semijudicial commission. It is engaged solely with transportation companies and with shipping interests. To place under its control the collection of all information in regard to corporations transacting interstate commerce would be to divert it from its present very onerous duties, which are sufficient to take up all of the time of the Commissioners, and would be to place a purely executive duty upon a Commission principally engaged in exercising semijudicial authority.

There is no doubt that at the present time, when the Congress and the country are seeking methods of curbing the greed and the rapacity of great corporations, which we choose to call "trusts," there ought to be under the Executive some bureau or department of the Government which can be utilized in the study of the subject, and to which can be committed by Congress the jurisdiction and authority which Congress may choose to confer upon the Executive in relation to the control of these corporations or in relation to the obtainment from them of information to be made public to the country. That can not best be done through a commission; it can not best be done through any office outside of one of the great Executive Departments. Such duties and such power ought to be conferred, when conferred, under the control of the chief of a great Executive Department, and there ought to be a bureau which shall be devoted primarily to these purposes.

TRANSFER BY PRESIDENT OF OTHER BUREAUS.

It is certainly desirable to have the collection of statistical information under the control of one department of the Government so far as practicable. It is also highly desirable that some other branches of the public service, such as a portion of the work of the Geological Survey, be transferred to the new department, provided that transfer can be made without undue friction or injury to the department from which the transfer is proposed.

We have therefore recommended a section in the act authorizing the President to transfer, by order in writing, at any time, to the new department of commerce and labor any branch of the public service engaged in statistical or scientific work.

It is not unlikely that this section of the bill will result in the transfer of the statistical end of the Educational Bureau to the new department. Under this section of the bill it is probable that a bureau of mines and mining will grow up out of the transfer of a portion of the work of the Geological Survey to the new department. Other changes and transfers will suggest themselves to the executive department which will result in the more thorough system of scientific investigation and in a great saving of work which is at present duplicated in different branches of the public service.

Mr. GRAFF. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. Certainly.

Mr. GRAFF. Relative to the provision authorizing the President to transfer statistical bureaus in the other departments of the Government to this department of commerce and labor, is it obligatory upon the President to do this or is it done when his discretion moves him to do it?

Mr. MANN. It is not obligatory upon him and is not intended to in any way make the transfer of the statistical branch of the Agricultural Department. I suppose that is what the gentleman had in his mind.

Mr. GRAFF. That is true.

Mr. MANN. I do not suppose that under this provision of the law that transfer will ever be made, and certainly it will not be made unless it should be a matter recommended by the Agricultural Department itself; but there are various branches of the public service engaged in the collection of statistics where that collection is a duplication practically of the work done in the Census Office, and it is desirable to permit that work to be done by the new department. If we did not authorize the transfer it would throw out of gear the machinery of the Government, if the work were to be done in the new department and stopped in the old department, which would be the other way of getting at the same results. This provision also will permit the President to transfer to the new department, if it shall be his will, the main portion of the Geological Survey, scientific in its character, but which we could not well transfer in this bill because a portion of the work is devoted primarily to the land surveys and it would have produced a confusion to make a transfer of the entire survey.

Mr. MADDOX. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. Certainly.

Mr. MADDOX. My question relates to the transfer of these statistical bureaus from the other departments. Is there anything in this bill now that proposes to do away with this duplicate work, or, in other words, are we to carry on this duplicate work by two or three sets of men gathering different kinds of statistics?

Mr. MANN. This bill incorporates into the new bureau the five chief branches of the Government service engaged in statistical work. It proposes to authorize the President to transfer to the bureau other branches of the service engaged in statistical work. I can not say how far that may be done. For instance, here is the Commissioner of Education. A large portion of his work is not statistical; a large share of the work now performed by his office is statistical. A great deal of the work performed by his office is also performed practically and to a large degree by the Census Office. This bill would permit the President to transfer to the new department the statistical work done by the Commissioner of Education, if he chooses to do so. It would permit the statistical work done by the Interstate Commerce Commission to be transferred to this department. The Interstate Commerce Commission has certain divided duties, one of those duties, and the principal one, being semijudicial in its character. It relates to railroad rates and discriminations, and to the punishment of those who receive rebates. Another of its duties is purely statistical.

Mr. MADDOX. The gentleman does not seem to get my idea.

Mr. MANN. I will say to the gentleman that the purpose of the bill is to do away with the duplication of statistics.

Mr. MADDOX. That is what I wanted to know.

Mr. MANN. And we try to reach that in the bill so that we will do away with the duplication of statistics entirely.

Mr. MADDOX. That is the object of the bill?

Mr. MANN. That is one of the main objects of the bill.

Mr. MADDOX. Well, that is a good purpose if that is what it means.

Mr. LACEY. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. I yield to the gentleman from Iowa.

Mr. LACEY. I notice that it transfers the seal and salmon fisheries in Alaska to this new department. Now, under the present arrangement, the law is enforced through the Revenue-Cutter Service. This will take away from the Secretary of the Treasury the control of this business, transferring it to another department, which will have no machinery with which to enforce the law. Is there not danger of that, and has that matter been considered by the committee?

Mr. MANN. I will say to my friend from Iowa that I understand that the transfer of this branch of the service meets the

approval of the Treasury Department. I am not certain but that the gentleman may be correct as to the need of the Revenue-Cutter Service in order to properly protect the seal and salmon fisheries of Alaska. I promise the gentleman that I will look into the matter further. I am not personally acquainted with the service.

Mr. LACEY. Mr. Chairman, if the Revenue-Cutter Service is not needed in connection with these fisheries, what is there for the Revenue-Cutter Service to do in Alaska? As I understand it, the principal work that they have been performing there has been to look after the seals and salmons.

Mr. MANN. The gentleman knows my views upon the subject of the Revenue-Cutter Service and perhaps that is the reason he asks the question.

Mr. LACEY. I was not asking for the gentleman's views. I was delving for facts. I wanted to ascertain what arrangement there is to protect the seals and the fisheries there if we transfer this business to a department that has not anything afloat with which to look after these various matters. Seriously, it seems to me, that this transfer ought not to be made, and there ought to be some good reason for making it, if it is transferred to a department that has not anything in the world with which to enforce the law.

Mr. MANN. Mr. Chairman, the gentleman from Iowa [Mr. LACEY] has given a good deal of consideration, as I remember it, to the subject, not only of game, but of fisheries, in Alaska and elsewhere, and there is no one in this body for whose opinion upon that subject I have greater respect; and I will invite his attention to this thought: The seal business of Alaska amounts to but little now. We all know the regulations in regard to it, and we all know the difficulties about enforcing any regulations which we may seek to make; but the fishery business of Alaska is of great importance. The Alaska fisheries are of value. The Alaska seals are not of much value now.

The gentleman from Iowa well knows that there is danger that the salmon-fishing business of Alaska will be wiped out of existence. The gentleman from Iowa well knows that the other Alaska fisheries are now threatened with extinction for lack of proper regulation and control. The Treasury Department is not engaged and can not be engaged in the protection of the industrial interests of the country. The Treasury Department has the great questions of finance, of income and disbursements, upon its shoulders. It has the questions of currency which agitate us so often. But here is a department which we propose shall devote itself primarily, after the collection of information, to the protection of the industries of the country, so that it may make to Congress proper recommendations and reports upon these subjects; and no doubt when the Alaska fisheries are transferred to the new department of commerce, and the secretary of that department, through his subordinate officials, gives to this subject his best attention, we will have presented to Congress in some proper and forcible manner the need of legislation, for lack of which the fisheries are in danger of becoming extinct.

Mr. Chairman, with the transfer of the Bureau of Immigration to the new department, we have proposed the transfer of the control over the subject of the exclusion of Chinese. We have endeavored to guard this matter very carefully. The provision in the Senate bill has been changed, but I am not sure yet whether the gentleman from California [Mr. COOMBS] may not desire to present some further amendment upon that subject for the consideration of the committee.

I believe, Mr. Chairman, that if we create this department we will find that it meets the approval of all the interests of all our country. While in the end it will undoubtedly entail some additional expense upon the country, it will in some of its particulars restrict the present expenditures, and our country, which is growing great so rapidly, can afford at this time to create a branch of the service, the head of which shall have a seat in the President's Cabinet, devoted to the industries of the country, devoted to furnishing information for the benefit of the people of our country engaged in industrial pursuits, a department which, like the Department of Agriculture, will take its place among the scientific branches of public service in the world.

No branch of our public service anywhere stands so high abroad for its scientific work as our Department of Agriculture does. May we hope in the future that the department of commerce and labor may occupy a position upon an equally high plane. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. HEPBURN having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who informed the House that the President had approved and signed bill of the following title:

On January 15, 1903:

H. R. 16649. An act to provide rebate of duties on coal, and for other purposes.

DEPARTMENT OF COMMERCE AND LABOR.

The committee resumed its session.

Mr. RICHARDSON of Alabama. Mr. Chairman, I think it advisable at this stage of the discussion for me to explain as well as I can the position of the minority on the question of this department of commerce and labor. At the proper time I will move to strike out from the title of the bill and from each section in the bill the words "and labor," so that it will read, "To establish the department of commerce." I can not understand, Mr. Chairman, why there is such an anxiety to include the present Department of Labor in the department of commerce and labor. It is readily and easily understood, it seems to me, and will be readily comprehended by any gentleman on the floor of the House who will take the trouble to read the extensive hearings before the Committee on Interstate and Foreign Commerce on the subject, that whenever that is done, the independent Department of Labor as it is to-day, created by an act of Congress, will be placed in an overshadowed and subordinate position.

I repeat, Mr. Chairman, that if anyone will read carefully, calmly, and dispassionately the hearings on this subject it will be perfectly manifest that that will be the position of labor in this department of commerce and labor. It will occupy a subordinate and overshadowed position. This bill in effect strips the Department of Labor of the dignity it has earned and deserves. Any man that is fair in this House would see, if he would think of the matter for a moment, that the secretary of this department of commerce and labor is in no wise likely to be a representative of labor, either organized or unorganized. You may say that a secretary ought not to represent the interests of any class. So do I say that. But can any man shut his eyes to the overwhelming probabilities, yea, certainty, in this matter? Who is asking for the Department of Labor to be included in this new department of "commerce and labor?" I propound that question, and I ask that it be answered in the discussion of this bill. Labor is not asking it, but is earnestly protesting against it. I am not here, Mr. Chairman, in the most indirect manner to indulge or engage in "pyrotechnics" or so-called demagogism of any kind whatsoever, but to present a fair, just, and proper consideration of this great subject. I am not here to ignore that which is right and ought to be done. The Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen, the Order of Railway Conductors, the Order of Railway Trainmen, the American Federation of Labor, and the Seaman's Union all have entered an earnest protest against the passage of this bill with the Departpartment of Labor included in it. The recent report of the United States Industrial Commission shows that the number of employees engaged in railway service—which these railway labor organizations represent—approximate fully 1,000,000 employees, upon whom 5,000,000 people are dependent.

These are the people who protest most solemnly and earnestly against this transfer of the Department of Labor to the new department of commerce and labor, giving good and solid reasons for it. Mr. Chairman, it can be safely said that more than 10,000,000 of our people are engaged in manual labor, earning their subsistence from daily wages. It is not necessary for me to enter into these details and statistics. Then, I ask again, who are the people and what are the interests, in the face of this protest, that demand that the transfer of the Department of Labor be made? We know that the labor interests object. Why, Mr. Chairman, that great interest of the employers, who in a comprehensive sense are synonymous with commercial men, among whom friction upon the question of labor arises. They are the people who are asking that labor be transferred to this department. I say, if any friction arises, judging from the past, it arises exactly with those interests, those enterprises, and those industries to which labor will be subordinated in this new department of commerce.

Will not such a forced and unwilling and incompatible relation create on the part of labor suspicion, distrust, and discontent, and measurably destroy the usefulness and efficiency of the new department? Now, Mr. Chairman, I will refer briefly to the character of the interests and the representatives that ask that labor be included in the proposed new department, and in doing so I in no manner desire to reflect upon the intelligence, the sincerity, or the patriotism of the representatives of those interests. I accord to them full honesty. The first I notice is the statement of the president of the Manufacturers' Association of the United States. He said before the committee:

> The creation of an additional Federal department of the character suggested, with representation in the Cabinet of the President, would be of great advantage to the business interests of the country, and would thus promote the material welfare of the nation. There are innumerable problems which very vitally concern the manufacturing and commercial interests of the country, the consideration of which would properly come within the scope of the proposed department.
>
> To cite a single specific function which would properly fall to that department, I need only point out the enormous importance of the export trade of the United States in manufactured products. During the calendar year 1901

the total exports from the United States amounted to $1,438,000,000, of which $495,000,000 consisted of manufactured products, equal to over 27 per cent of the total.

In the last ten years our exports of manufactured products have increased more than threefold, and to everyone who has studied the possibilities of our export trade it must be apparent that the growth of the next ten years in this particular direction will probably exceed very largely the increase of the past decade.

It should be the function of such a department as is proposed in the pending bill to assist in every feasible way in the extension of the export trade of our manufactures.

We had also the statement of Mr. Noyes, of Chicago, Mr. Anderson, of Pittsburg, Pa., both of whom were highly cultivated commercial gentlemen, and Mr. Bass, a manufacturer of machinery in New York and an exporter, together with Mr. Prince, of New Mexico, and Mr. Butler, of San Francisco, who jointly represented the trans-Mississippi Congress. There were several other representatives who also made statements before the committee, but these serve to illustrate and define clearly the interests and influence urging the passage of this bill and the submergence of labor in the new department. But yet it has been earnestly contended by many of the representative gentlemen whom I have referred to, and indeed by gentlemen on this floor, that they knew better what was to the interests of labor than the laboring classes or labor organizations knew. Mr. Chairman, it is but the impulse of human nature to look shyly on the motives of those who protest that they love and look after our interests and our welfare better than we can look after our own interests. They freely ignore the accepted idea that self-interest is the first law of nature. In this connection, Mr. Chairman, I will read from the statement of Mr. A. Furuseth, representative of the Seaman's Union, which expressses most forcibly the opinion of labor on this subject:

The CHAIRMAN. Give the committee your idea now of that class of advice, that class of consultations between the President and the head of this great department; for instance, on the subject of commerce that would be inimical to labor, or on the subject of labor that would be inimical to commerce, as it would be considered by the head of a great department like this.

Mr. FURUSETH. Well, I have not personal experience or personal knowledge enough about either to be able to say what kind of advice a Government officer gives, but I want to say this:

I have no knowledge of what a Cabinet officer's duties are, but what I am concerned in, and what labor above all other things is concerned in, in my opinion, as I know it, is that the information furnished the public, furnished to Congress for its use, dealing with the condition of the working people as to the hours of work, as to the time, as to the pay that they receive for it, as to the prices of things that they have got to buy to live, their actual everyday living conditions—that which touches us every morning when we go to work and touches us again at night when we come from work—these questions are to us everything in the world, because upon the condition that we have there depends our whole life. It determines what kind of education our children shall have. It determines what kind of clothes our wives shall wear. It determines the hopes and aspirations we may have for ourselves and our posterity.

The CHAIRMAN. But is not that common to all the people?

Mr. FURUSETH. It is; but not in the same degree that it is common to labor. Since you have asked the question I might as well state a word more—one that I said in the labor committee about a year ago. There is in the minds of the working people, as I know it, a fear, not only that the condition is not going to be better, but that the condition is going to be worse. There is a fear that in the changing of the industrial system that is taking place the working people are to be again placed by legislative act and assisted by legislation, in the relation to industrial appliances, in the same position that they once were placed with reference to land. There is a fear of that. Whether that is justified or not is a question, but that the fear is there and that they look upon and look toward every step taken as either a step from that fear or toward that danger, there is no question at all.

The Labor Bureau is a department which has been organized for the specific purpose of giving to the people the truth officially—the truth as to the actual conditions of the working people—to the end that the statesmen may use that in order to arrive at better and better conditions without disruption of existing forms of society. When the workingman finds that this is to be covered in something else in such a way as to take away its strength, its efficiency, its reliability, he is at once full of suspicion—he fears it. He fears it as he fears arbitration laws. He fears it as he fears injunctions. He fears it as he fears those combinations that make it possible for one man to say how much I shall get a day and how many hours of labor I shall work, or whether I shall work at all or not.

He feels it. He feels it every day and fears it, and through those fears and apprehensions there runs the sentiment of the working people, something that very few men who have not been among the working people, who do not live there and feel there all the time, can grasp or get hold of. It is a fear that at the present time is almost nameless, because it is not understood even among themselves; but the fear is there, and anything that is done toward creating a stronger fear, anything that is done that will add to that apprehension, will have a disquieting influence and will be disastrous to the confidence that the working people would so gladly continue to have in the legislative branches of the Government of the United States.

Can anyone read the above statement made by the president of the Manufacturers' Association of the United States and not plainly see that he thinks that the chief function of the department of commerce and labor would be to look after our export trade? Do you or anyone else believe that the Manufacturers' Association would accept a representative of labor as a suitable man for secretary of such a department? Why, no. The next that I call attention to is the statement of the general counsel of the National Business League, Mr. John W. Ela:

Mr. RICHARDSON. Now, I am not understating the importance of the manufactures of this country, but I am calling your attention to the fact that while you are laying a great deal of stress—and properly—on the manufacturing interests, does not labor occupy a position equally important, and would it not be of as much importance as the manufacturing interests?

Mr. ELA. I certainly think so, and I think the interests of labor will be much better taken care of in this department than if they were left in a bureau by themselves.

I refer now to the statement of Mr. George H. Barbour, representing the Western manufactures.

Mr. BARBOUR. I am simply here to represent the Western manufactures, which you of course all know during the last twenty-five years have become very prominent. In my own city, Detroit, we excel in some particular lines of manufacture. In the line which I represent, stoves, we do one-fifth of the business of the whole United States, $5,000,000 of products, and there are $30,000,000 to $35,000,000 of products in the United States.

To mention some other varieties of manufacture, 21,000 wooden cars are turned out by the American Car Company, at a value of over $13,000,000, giving employment to over 4,000 people.

Now, Mr. Chairman, what is the situation in this case? Why, sir, this is no new question. It has been under discussion for many, many years. By an act of Congress of June 27, 1884, a Bureau of Labor was created and placed in the Department of the Interior and was under the charge of a Commissioner of Labor with a salary of $3,000 a year. Afterwards, on the 13th day of June, 1888, Congress passed an act to establish a Department of Labor. The Bureau of Labor assigned to the Interior Department was by this last act abolished. Under the act of 1888 labor was elevated and accorded more dignity and more position by putting it in an independent department. The authority of the Commissioner of Labor and the scope of the authority and province of the Department of Labor was greatly enlarged by reason of the very beneficial work that the Bureau of Labor had done for years past. The work performed by the Department of Labor in its independent capacity and free from the control of any of the great departments of our Government is in every respect creditable. Congress has manifested its confidence in the Department of Labor by the passage of joint resolutions and otherwise calling for valuable information. I will call the attention of the committee to a few of such instances.

Joint resolution No. 29, August 2, 1886:

The Commissioner of Labor is hereby authorized and directed, under the direction of the Secretary of the Interior, to make a full investigation as to the kind and amount of work performed in the penal institutions of the several States and Territories of the United States and the District of Columbia, as to the methods under which convicts are or may be employed, and as to all the facts pertaining to convict labor and the influence of the same upon the industries of the country, and embody the results of such investigation in his second annual report to the Secretary of the Interior.

Bill of appropriations for the fiscal year ending June 30, 1896, contained the following item:

The Commissioner of Labor is hereby authorized to make an investigation relating to the economic aspects of the liquor problem, and to report the results thereof to Congress.

Joint resolution No. 43, August 15, 1894:

The Commissioner of Labor is hereby authorized and directed to investigate and report upon the effect of the use of machinery upon labor and the cost of production, the relative productive power of hand and machine labor, the cost of manual and machine power as they are used in productive industries, the effect upon wages of the use of machinery operated by women and children, and whether changes in the creative cost of products are due to a lack or to a surplus of labor or to the introduction of power machinery.

Bill of appropriations for the fiscal year ending June 30, 1888, contained the following item:

To enable the Commissioner of Labor to collect and report to Congress the statistics of and relating to marriage and divorce in the several States and Territories and in the District of Columbia, $10,000.

Second special, Labor Laws of the United States: This report, published in 1892, was prepared at the request of the Committee on Interstate and Foreign Commerce of the House of Representatives, to which had been referred a resolution of the House "providing for the compilation of the labor laws, etc., of the various States and Territories and the District of Columbia." By concurrent resolution of March 5, 1896, 5,000 additional copies were ordered to be printed—

and the Commissioner of Labor is hereby authorized to revise said report to include the labor legislation subsequent to the year 1891, and to annotate the report with reference to decisions of courts under the laws comprehended therein.

Senate resolution of December 4, 1890:

The Commissioner of Labor is hereby directed to examine and report the extent of the phosphate industry in the United States, the number of laborers employed, and the opportunities for the employment of labor in the future development of the phosphate deposits.

Joint resolution No. 22, July 20, 1892:

The Commissioner of Labor is hereby authorized and directed to make a full investigation relative to what is known as the slums of cities, confining such investigation to cities containing 200,000 inhabitants and over, as shown by the Eleventh Census. The investigation shall relate to the occupations, earnings, sanitary surroundings, and other essential facts necessary to show the condition of residents of such localities, and to show so far as it may be done the condition of such residents compared with residents of cities of similar size in other countries.

Statistics of cities, chapter 546, section 1, Laws of 1898:

The Commissioner of Labor is authorized to compile and publish annually, as a part of the Bulletin of the Department of Labor, an abstract of the main features of the official statistics of the cities of the United States having over 30,000 population.

IN THE SENATE OF THE UNITED STATES,
April 29, 1897.

Resolved, That the Commissioner of Labor be, and is hereby, directed to send to the Senate a statement of the cost per thousand feet, board measure, of producing white pine lumber in the United States and in Canada, respectively; the statement to include the cost of lumbering, or the work in the woods, and the cost of manufacturing, or the millwork, in two separate items, including also the cost of stumpage.

IN THE SENATE OF THE UNITED STATES,
June 26, 1897.

Resolved, That the Commissioner of Labor be, and is hereby, directed to collect from official sources, or otherwise if necessary, information relating to total cost and labor cost of production in fifteen of the leading industries common to this country, Great Britain, France, Belgium, and Germany, and report the results of his inquiries to the Senate as soon after the meeting of the second session of the Fifty-fifth Congress as possible: *Provided*, That the inquiries hereby authorized shall be carried on under the regular appropriations made for the Department of Labor.

WM. R. COX, *Secretary.*

A report on the "effect of the international copyright law of the United States" was made in compliance with a resolution of the United States Senate on Jauuary 23, 1900, as follows:

Resolved, That the Commissioner of Labor be, and is hereby, directed to investigate the effect upon labor, production, and wages of the international copyright act approved March 3, 1891, and report the results of his inquiries to the Senate or through the Bulletin of the Department of Labor: *Provided*, That the investigation hereby authorized shall be carried out under the regular appropriations made for the Department of Labor.

The data furnished heretofore refer to publications already issued. There is now in the hands of the printer a report of the Commissioner of Labor on Hawaii, to be known as "Senate Document No. 169, first session of the Fifty-seventh Congress," prepared in accordance with the following provisions of an act approved April 30, 1900:

It shall be the duty of the United States Commissioner of Labor to collect, assort, arrange, and present in annual reports statistical details relating to all departments of labor in the Territory of Hawaii, especially in relation to the commercial, industrial, social, educational, and sanitary condition of the laboring classes, and to all such other subjects as Congress may by law direct. The said Commissioner is especially charged to ascertain, at as early a date as possible, and as often thereafter as such information may be required, the highest, lowest, and average number of employees engaged in the various industries in the Territory, to be classified as to nativity, sex, hours of labor, and conditions of employment, and to report the same to Congress.

All that the Department of Labor lacks now is to have a secretary to take a seat in the Cabinet of the President. Why should this independent Department of Labor, that is off to itself, and has accomplished such great good—which the record clearly shows—why should it be transferred to the department of commerce along with the Bureaus of Fish and Fisheries, Light-House Service, Coast and Geodetic Survey, and so on? It is now an independent department, doing good service for the country, and why change it? Again, Mr. Chairman, I think I have the right, on an occasion of this kind, when this great subject is under discussion, without being charged with being alarmed at the "rustling of the overalls," as some gentlemen are willing to say, to refer to the action of the two great political parties of this country on the subject of labor. It is true that a distinguished gentleman at the other end of the Capitol, the Senator from Pennsylvania, in commenting on the platform of the Republican party of 1900 favoring the early admission to statehood of the Territories of New Mexico, Arizona, and Oklahoma, said that he hoped that this certain paragraph in his platform was "not a lie," yet the Senate, controlled by the Republicans, received many months since the omnibus bill passed by the House for the admission of these Territories to statehood. The spectacle is now daily witnessed of the Republican Senate seeking every parliamentary device to kill the bill. I hope that no great political party in this country will ever again stand in that attitude before the people. These platforms ought to speak the truth and express the sentiments that the framers entertain. The country is tired of duplicity and of meaningless platitudes. The people are honest and they have the right to demand and expect honest, plain, fair ealing from both of the great political parties that seek supremacy in the Government.

The Republican platform of 1900, in telling the country what the Republican party would do if retained in power, said:

In the interests of our expanding commerce, we recommend that Congress create a department of commerce and industries in charge of a secretary, with a seat in the Cabinet.

The Republican party, in the same platform, emphasizes its high regard for labor just before the last national election by saying relative to the wage-earners of our country:

Their constantly increasing knowledge and skill have enabled them to finally enter the markets of the world.

Mr. Chairman, if labor has accomplished this great work, hampered as it has been in the past—if it has aided so materially in making our Government a "world power" among the nations of the world, is it just and right, is it a fulfillment of the Republican platform pledge, to reduce the independent Department of Labor to the position of a bureau, and as such put its light under a bushel in the department where the magnates of commerce and the leaders of great industries will be the supreme rulers?

Would it not be more to the interests of all the people of our country—would it not be promotive of the peace, happiness, and prosperity of the great laboring classes of our country to recognize their just rights and accord to labor a separate department, with a secretary in the Cabinet of the President? The answer to this question rests alone in the hands of the leaders of the Republican party. The Democratic party stands ready and willing to redeem its pledge, made in good faith, and now at this time join enough Republicans and vote for a separate department of labor with a secretary in the Cabinet of the President. We will then cheerfully join you in creating a department of commerce of the same dignity and importance. The responsibility for failure will abide with the Republican party. You may say that commerce enters into and pervades all the varied and broadening interests of our people. You are bound to concede the same functions to labor. They face each other with equal dignity and importance, and are alike entitled to Congressional recognition. I yield to no gentleman on the floor of this House a more sincere and patriotic desire to aid and contribute to the development and growth of our foreign commerce than I possess myself. I am buoyant with hope for the increase of our trade with the Orient. It means the increase of production, industries, and enterprises to the people of all sections of our country. It means a multiplication of the cotton mills of the South, and I accept it as a long stride in the ultimate commercial supremacy of the South. That day is not far distant.

The laws of nature fashioned and are directing this supremacy. It will partake of no sectionalism. My own native State, Alabama, is conceded now to be the "iron State" of the Union, and the position of being the "iron State" of the world will yet be accorded to this great and promising commonwealth, and her sister States of the Union will find glory and pride in her wealth and power. It is a startling fact that Alabama, with not one-quarter of the population of the great Empire State of New York, has, in the last few years, increased her railway mileage until she now has 50 per cent of that of the State of New York. The grand old State of North Carolina, teeming with proud memories and populated by a thrifty, enterprising people, having a population about equal to that of the State of New Jersey, but possessed of but few of the manufacturing interests and facilities that New Jersey has, to the amazement of the world has developed and increased her railway systems and tracks until to-day North Carolina has 50 per cent more railway mileage than New Jersey. Georgia, the Empire State of the South has twice as much railway mileage as the great State of Massachusetts, and Arkansas has three times as much as Connecticut.

What does this mean? What significance has it to the man who is looking for remunerative investment? These Southern States are but instances of what the Southern States all are doing. But a few years since these same States that I have specially mentioned were poor and needy and commercially inaccessible. It is their great natural and undeveloped mineral resources, their rich and cheap lands, their manufacturing advantages and superiority, that has invited and secured this wonderful development of their transportation facilities. Men interested in railroads are not given to the construction of lines merely for health or pleasure; but they build them as they ought to build them, for the purpose of making money. All of this is but a precursor of the future prosperity of the South. When we remember that it is the laborer and the wage-earner that makes the foundation of this great development—is the key to the arch of our prosperity—it behooves us to mete to labor its just rewards by giving it its proper recognition.

But it is said, Mr. Chairman, that no one came before the Interstate and Foreign Commerce Committee bearing authentic credentials to speak for labor as a class in opposition to including the Department of Labor in the department of commerce. I submit the following:

Mr. FULLER. Mr. Chairman and members of the committee, I have a credential here showing whom I represent, a copy of which I will leave with the committee.

CLEVELAND, OHIO, *December 2, 1901.*

To whom these presents may concern, greeting:

This is to certify that the bearer hereof, Mr. H. R. Fuller, whose signature appears below, has been duly chosen to serve as the representative of the above-named organizations at Washington, D. C., during the sessions of the Fifty-seventh Congress, in matters pertaining to national legislation.

P. M. ARTHUR,
Grand Chief Engineer Brotherhood of Locomotive Engineers.
F. P. SARGENT,
Grand Master Brotherhood of Locomotive Firemen.
E. E. CLARK,
Grand Chief Conductor Order of Railway Conductors.
H. P. PERHAM,
President Order of Railway Trainmen.

I wish to say first that I desire it to be understood by the committee that I do not come here to oppose any of these bills creating a department of commerce; but I come here to oppose all provisions which may appear in any of them which seek to put the present Department of Labor under this new

proposed department. This is my prime motive, but I want to say, however, in addition to this, that I wish to urge upon the members of the committee the necessity of also giving labor a distinct and separate place in the President's Cabinet, free from any other department whatever. I listened here yesterday to the friends of this bill, and was very much interested in what they said, and I want them to thoroughly understand my position. We are not here opposing their bill in the least.

Why is this department of commerce asked for, Mr. Chairman? It is because it will advance and facilitate and promote our commercial interests with the world. These interests have grown and increased so wonderfully in the last ten or fifteen years that this department of commerce is necessary to maintain and represent these great interests. This is doubtless true, and it should be gratifying to the country to know that it is true, and I have no doubt but a department of commerce will be of vast benefit in promoting our export and foreign trade. "Their constantly increasing knowledge and skill has enabled them to finally enter the markets of the world," is what the Republican party says about labor.

If that paragraph in the Republican platform is true and Republicans propose to stand by it, then by parity of reasoning the department of labor should be created just as well as the department of commerce.

The Democratic platform, Mr. Chairman, of 1900, says:

In the interests of American labor and the upbuilding of the workingman as the corner stone of the prosperity of our country we recommend that Congress create a department of labor in charge of a secretary, with a seat in the Cabinet, believing that the elevation of American labor will bring with it increased production and increased prosperity to our country at home and to our commerce abroad.

I have presented the platform declarations of the two great political parties of this country on the subject as to the position labor should hold in our Government. Their record is clearly before the country. Antielection promises are readily and cheaply made. I repeat, now is the accepted time to recognize labor according to its merits and seek by proper legislation to avert the lamentable and disastrous strikes of the recent past.

If there had been a secretary of labor in the Cabinet of the President, having authority to speak for labor and to confer with the President, the President could have avoided the necessity of inviting Mr. Mitchell and other labor leaders to join the coal operators with him in conference in an effort to adjust the differences of the great anthracite coal strike. More than that, had there been such a secretary then by the President, the creation of the strike commission, admitted to be unauthorized by law, would have been avoided.

Mr. GILBERT. What did you read from?

Mr. RICHARDSON of Alabama. I read from the Democratic platform of 1900. The majority of the committee in their report, Mr. Chairman, substantially concede that, in view of the "conservative action in creating new Cabinet officers in the past," if the department of commerce and labor is established now the Department of Labor will not have much chance for a long time to come to have a Cabinet officer. Any gentleman knows, and there can be no dodging about this matter, that when you create a department of commerce and labor, with a secretary in the Cabinet of the President, representing, as he will and as he is bound to do under all the conditions and circumstances surrounding us, not organized or unorganized labor, but representing, as I believe he will unconsciously do, judging from the past history of our country, the interests with which labor comes in conflict, when you pass this bill with labor in it, subordinating, overshadowing, and clouding it, it is farewell to any department of labor with a secretary in the Cabinet of the President. I sincerely believe that no one can fairly question that fact. It is true in every respect.

I think I am right when I state there have been only two departments with a secretary in the Cabinet created within the last sixty-two years.

Mr. MADDOX rose.

Mr. MANN. For the last one hundred and two years.

Mr. RICHARDSON of Alabama. I think I am right about that, but I am not positive. Now, Mr. Chairman, I will yield to the gentleman from Georgia.

Mr. MADDOX. I would like to ask the gentleman what is the purpose of establishing three new bureaus—the bureau of manufactures, the bureau of insurance, and the bureau of corporations? Who are they intended to benefit?

Mr. RICHARDSON of Alabama. Not labor, I think. The bureau of insurance is intended to benefit and uphold the insurance interests of the country, investigating, promoting, and advancing them.

Mr. MADDOX. How about the corporations?

Mr. RICHARDSON of Alabama. If you can tell me what statutes and laws of the country apply to and govern many of our colossal corporations I would be glad to be informed. I do not know of any. It seems that they have been above the law, or a law unto themselves.

Mr. MADDOX. I wanted to ask you something about that, and if you thought they were not able to take care of themselves.

Mr. RICHARDSON of Alabama. I think corporations have demonstrated their ability to take care of themselves, but I do not believe that labor will be able to take care of itself, surrounded by insurance, corporation, and other different bureaus.

Mr. MADDOX. Does not the gentleman think the corporations run the whole concern and take care of all of us now, and that they do not need any bureau?

Mr. RICHARDSON of Alabama. To a casual observer it appears that way, judging from the worried anxiety of the Republican party to do something in the name of regulating the great trusts and combinations of which the country so loudly complains.

Mr. Chairman, I am not prone to turn to the monarchical powers of the world for lessons of instruction touching matters of public policy relating to the welfare of our Government. This may arise from that natural prejudice that we imbibe from the spirit of our free institutions against monarchical forms of government. It can not be denied that the history and the progress of the wage-earner in England are worthy of the closest study of the men who seek, without bias or prejudice, to establish by law the highest and best standard for friendly relations between capital and labor.

The policy of the laws of Great Britain is to promote among the laboring classes industrial independence and worthy and honorable citizenship. This is evidenced by exemption from strikes as compared with our own country. England has a board of trade whose president holds a seat in the ministry. Germany has a minister of commerce. France has a minister of commerce. Russia has a special imperial cabinet with four bureaus, one of which is devoted to agriculture and manufactures. In neither of these great Governments is commerce and labor under the control of the same department. The experiment of keeping capital and labor free from the domination of either, in the same department, has proved successful in these foreign Governments.

Mr. Chairman, I am opposed to the passage of this bill as it comes from the committee—

First. Because it practically reduces the now independent Department of Labor to a bureau in this proposed new department.

Second. Because the interests of labor will be overshadowed by the engrossing and absorbing interests of expanding foreign commerce.

Third. Because practically all of the laboring classes and labor organizations that have given expression on this subject have earnestly protested against the Department of Labor being included in the same department with commerce.

Fourth. Because the present Department of Labor has contributed greatly to the uplifting and industrial independence of the working classes of our people.

Fifth. Because, if included in this department, the laboring people will become suspicious and jealous of a fair recognition of their rights, and thus impair the usefulness and efficiency of the department.

Sixth. Because I believe the true function of a department of commerce is to promote the interests of our export and foreign trade, and the efficiency to that end will be hampered by the interests of labor.

Seventh. Because I believe that the laboring interests of this country are entitled to a separate department with a secretary in the Cabinet of the President.

Mr. Chairman, in conclusion, I submit as a part of my remarks the views of the minority:

VIEWS OF THE MINORITY.

The undersigned members of the Committee on Interstate and Foreign Commerce are unable to agree with the committee in its favorable action on Senate bill No. 569, entitled "A bill to create the department of commerce and labor." We do not believe that it will promote the interests and welfare of the laboring classes, or the interests of the country, to transfer or include the Department of Labor in the proposed new department of commerce. It must be patent to the most casual reader of the evidence given in the hearings by the committee on this subject that the interest and care of labor in this proposed new department would be subordinate to other interests, and we can safely predict that the secretary of the department would not be a representative of either organized or unorganized labor.

The laboring classes are not asking for this transfer, but strong and earnest protests have been made against it, but the demand comes from other sources. By the act of Congress of June 27, 1884, the Bureau of Labor was established and placed in the Department of the Interior, which act provided for the appointment of a Commissioner of Labor. On the 13th of June, 1888, an act entitled "An act to establish a Department of Labor" was approved. This act of Congress provided that there shall be at the seat of government a Department of Labor. The Bureau of Labor organized and conducted in the Department of the Interior was abolished and the independent Department of Labor was created and the authority of the Department and the Commissioner were enlarged as to all industrial interests and kindred subjects.

We do not hesitate to say that after a careful examination we believe that the record made by the Department of Labor since its establishment by Congress is highly creditable and has been of great benefit in the distribution of practical and useful information among all classes of people in all matters pertaining to labor in its most comprehensive sense. It has contributed to the uplifting of the working class of our people. It is not our purpose to clothe labor with any distinctive or particular interest and thus create a class antagonistic to some other special interest or class. The genius and

theory of our Government is opposed to such legislation. However, we insist that no conditions or relations should be created by law that tend to promote or invite friction between the interests of capital and labor, but everything should be done to place them as near in accord as practicable.

The bill, to which we object, practically reduces the present Department of Labor to the position of a bureau in the new department of commerce and labor. This subordinate and overshadowed position that the Bureau of Labor will occupy in the proposed new department will be such a discrimination as leads us to fear that distrust and suspicion will result in friction or create such relations as would seriously impair the usefulness and efficiency of the Department.

For these and other reasons we dissent to the report of the majority of the committee.

WILLIAM RICHARDSON.
ROBT. W. DAVIS.

Now, Mr. Chairman, I ask that every gentleman may be allowed to print or extend his remarks in the RECORD.

Mr. HEPBURN. For how long—five days?

Mr. GAINES of Tennessee. I hope the gentleman will make it ten days.

Mr. HEPBURN. Say ten days.

Mr. RICHARDSON of Alabama. Very well, ten days.

The CHAIRMAN (Mr. CAPRON). The gentleman from Alabama asks unanimous consent that everyone who speaks on the bill may be allowed to extend his remarks in the RECORD for ten days. Is there objection?

There was no objection.

Mr. RICHARDSON of Alabama. Now, Mr. Chairman, I yield to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, I have not had the opportunity to investigate this bill thoroughly, nor did I know until a moment ago that I would be expected to discuss it. But I take the floor for the purpose of trying, at least, to get at some of the reasons why we should absorb, in this way, the "commerce" of the States—that which is not Federal commerce.

It is proposed in this bill that we take charge of the functions of the States, drawing them, as it were, pell mell here to Washington, to be run by the heads of these different Federal departments. I want to promote commerce, but legally always. Since I have been in Congress, I hope, I have not done anything to retard its legitimate growth; but we certainly should promote it within constitutional limitations, not by running roughshod over the States.

Sir, take as an illustration the insurance bureau, which we are proposing to create by this bill. Why, sir, this provision is directly in the face of the adjudications of the Supreme Court of the United States, reaffirmed time and time again—to the effect that "insurance is not commerce," that it is a contract between individuals, and is not susceptible of control by Congress. Yet this report, strange to say, says "insurance business" is "essentially a matter of interstate business."

This whole question—that is, whether insurance is interstate commerce, or is even commerce of any sense—was raised in the case of Hooper *v.* California (155 U. S. Reports, 648), in which the opinion of the court was delivered by Mr. Justice White. I turn to that decision and briefly read this language from page 665:

> The business of insurance is not commerce. The contract of insurance is not an instrumentality of commerce. The making of such a contract is a mere incident of commercial intercourse; and in this respect there is no difference between insurance against fire and insurance against the perils of the sea.

Citing and affirming cases from Paul *v.* Virginia and others, on down to the day of this decision in 1894.

This question arose in a case where the State of California had made it unlawful for its inhabitants to enter into an insurance contract with any foreign corporation till that corporation had complied with the laws of that State.

The corporation in question was a foreign marine insurance corporation, which, of course, the State had the right to "exclude entirely." That insurance is not commerce was clearly settled in that case. This is old law. In the earlier decisions of this court, and coming down to recent years, it has been declared that a State has the right to exclude entirely a foreign corporation from doing business within the State, or can admit it and regulate it. But we see the decision in this case goes on and clearly and succinctly, without equivocation, declares and holds that "insurance is not commerce."

Mr. Justice White referred to and quotes from the case of Paul *v.* Virginia, in which case the court through Mr. Justice Field said:

> Issuing a policy of insurance is not a transaction of commerce. The policies are simple contracts of indemnity against loss by fire, entered into between the corporations and the assured, for a consideration paid by the latter. These contracts are not articles of commerce in any proper meaning of the word. They are not subjects of trade and barter, offered in the market as something having an existence and value independent of the parties to them. They are not commodities to be shipped or forwarded from one State to another, and then put up for sale.
>
> They are like other personal contracts between parties which are completed by their signature and the transfer of the consideration. Such contracts are not interstate transactions, though the parties may be domiciled in different States. The policies do not take effect—are not executed contracts—until delivery by the agent in Virginia. They are, then, local transactions, and are governed by the local law. They do not constitute a part of the commerce between the States any more than a contract for the purchase and sale of goods in Virginia by a citizen of New York whilst in Virginia would constitute a portion of such commerce.

This language was reiterated in the case of the Philadelphia Fire Insurance Company *v.* New York.

Now, the opinion in Hooper *v.* California was approved in a noted antitrust case, Pierce Oil Company *v.* The State of Texas, decided a few years ago.

I submit that if you can adopt legislation of this kind under the limitations of the Constitution—if you can reach down into the jurisdiction of a State and drag up her commerce and take charge of it, should we do it? If insurance is a local contract—and that is what the court here declares—if it is a contract between individuals within the State, will you tell me what right the Government of the United States has to take charge of and meddle with that contract?

In such action, Mr. Chairman, are we undertaking to absorb, by the right of might, if you please, the powers and rights of the State? Is not such legislation an invitation for the Government of the United States to rush down and undertake to attend to all the varied business of the States and crush the latter? If we continue to do this—and we see the great tendency toward it—how soon will it be before the States are destroyed—the States that created the Union? Without the States we should have no United States, as the court said in the case of Texas *v.* White, a noted case—without the States we should have no United States, but a United State. I may add, how soon, if this matter of insurance, about which there is no complaint, is taken away from the police powers of the States in this way and hoisted here to Washington to be regulated—it matters not how you regulate it, whether by good legislation or bad—before all commerce of all kinds will be in the hands of Congress?

I have heard no complaint on the floor of this House during the discussion of this question that the States have failed to control insurance companies, though I did not have the pleasure of hearing the gentleman from Illinois [Mr. MANN]. If such a policy is pursued, how long will it be before we have the same kind of laws extended in almost every direction, to the detriment and infringement of the rights of the States—their utter prostration? I submit we should stop and think, and think seriously, just here.

Here is a plain proposition. The courts have settled that insurance is a local matter and that it is "not commerce;" yet we are proposing to take the pitchfork of Federal legislation and dig up this business, take it out of the control of the States, and out of the hands of private individuals controlled by the laws of the States and bring it here to Washington, whether it is commerce or not. And heaven knows, if we are going to enforce such a law as this if enacted as we are enforcing some other Federal laws that have been placed on the statute book, such as that undertaking to help the States in the matter of trusts, no good will come of it.

We have one trust statute, alluded to by my friend from Iowa [Mr. HEPBURN] in his resolution appropriating $50,000 a few days ago, to execute a provision incorporated in the Wilson tariff law and carried in the Dingley tariff act, which is a law to-day, but under which not a solitary suit has yet been filed. The antitrust act of 1890 is left unenforced while the people are robbed of food and coal right in this city to-day.

We hear no complaint about the laws of the States being insufficient on that subject or that they are not being executed. We hear no complaint from the people.

I am opposed to wild-cat insurance companies and want to exclude them from the use of the mails and am preparing a bill for that purpose that may become law. That we can legally do. I say, if you waive the question of constitutional power and assume that we have this power to go down into the States and dig up State commerce, why should we do so?

Passing from that question and coming to the question as to the propriety of creating a bureaucracy, I say, with all due respect to the gentlemen who have joined in reporting this bill, why should we create more bureaus for the purpose of doing through Federal power that which has been done heretofore by the States and in regard to which there is no complaint?

Why should we create these additional offices? Of course, there are people who want offices, and always will be; and if offices are created, competent citizens, of course, have the right to fill them. But such a measure as this must involve increased expense. It necessarily involves increased taxation and increased burdens upon the people and the Congress of the United States—burdens altogether unnecessary to be assumed, as I contend. Now, why should we do it?

Again, the insurance companies are not suffering. We know that the State laws are all stringent and that it is the rarest exception when the Federal court ever holds that a State law on the

subject of insurance is contrary to good morals or to the fundamental laws of the State or of the United States. It is the rarest occasion it is done. Insurance companies are able to take care of themselves, the living and dead, and to print all of their reports, and they do so.

There is not a decent insurance concern in the United States to-day that does not publish and send out to the people throughout the United States a report of the condition of its business. These reports are published in the newspapers; they are published by private letters, and we are constantly getting them through the mails under 1-cent postage stamps; we are constantly getting them in the shape of catalogues. Here is publicity, if you please, and yet we destroy this; we take charge of that and say, "Now, we will promote your business."

Let us see what the language of the bill is on this point:

That there shall be in the department of commerce and labor a bureau to be called the bureau of insurance, and a chief of said bureau, who shall be appointed by the President, and who shall receive a salary of $4,000 per annum, and such clerical assistants as may from time to time be authorized by law.

Increasing Federal patronage and, therefore, the power of the President for good or bad—good, I hope. I read further:

It shall be the province and duty of said bureau, under the direction of the Secretary, to exercise such control as may be provided by law over every insurance company, society, or association transacting business in the United States outside of the State, Territory, or District wherein the same is organized, and to foster, promote, and develop the various insurance industries of the United States by gathering, compiling, publishing, and supplying all available and useful information concerning such insurance companies and the business of insurance, and by such other methods and means as may be prescribed by the Secretary or provided by law.

"Provided by law!" What law? Where is the power in Congress to control State business; insurance being a local business, the courts say.

I submit, Mr. Chairman, in all candor, that to say this promotion is to be carried on by "gathering, compiling, publishing, and supplying all available and useful information concerning such insurance companies and the business of insurance" is unnecessary. That is already done. Nobody will deny that. Nobody objects to it, and everybody is informed. The States can exclude these insurance companies. They can admit them. The States can prohibit their people from negotiating or contracting with foreign corporations unless they are legalized by the States to operate within the limits of the State.

Now, why shall Congress take an individual private business, exploit its profits, its deposits, its loans, and the manner in which it conducts its business and republish that, when these very concerns which have thousands and possibly millions of dollars are publishing this very data and glad to do so? Why tax the people to do this? Why should we destroy their business by taking the strong arm of the Federal Government and saying, "We will publish that for you?" This is wrong. This thing of reaching down and helping those people that are plenty able to help themselves, helping them by the strong arm of the Federal Government, when that arm is raised and made strong and mighty and just by the taxgathered money of this country, is wrong.

It may be that this board can be empowered to sit here and say to an insurance company in New York, "You shall not go to Tennessee and transact business; you are a foreign corporation, and you shall not go across the State line;" but the Supreme Court, it seems to me, in this case held that the question of insurance itself was not commerce; thence not interstate commerce.

Now, then, I say that, even conceding the possibility that this bureau can control foreign corporations in their transit from one State to another and better our condition, it is very doubtful whether it can do it under these decisions.

Again, Mr. Chairman, I agree with my distinguished friend from Alabama [Mr. RICHARDSON] on the question of creating a bureau of commerce and uniting with that the Bureau of Labor.

Why, Mr. Chairman, should this great ocean of commerce, this bureau of commerce, takes charge of and absorb the Bureau of Labor, this institution which has grown up in the United States since the Democratic party in 1868—the first party to do so—recognized labor unions or labor organizations in its platform? We have all united in building up this Labor Bureau, because labor was in existence before commerce; man was here before commerce, and we say that we can not have any commerce unless we have labor.

Commerce is selfish. We are all more or less selfish. It is natural for one to take care of his own and himself. The Good Book teaches us that, but I say commerce, this unholy greed, this thing to-day that is mastered by the "cormorants," as they were yesterday designated by the gentleman from Pennsylvania, is controlling to-day very largely the interstate commerce of this country and trying to control labor, and that commerce is the only commerce that this bureau has the right to take charge of and control.

Why should this great ocean of commerce, this great chasm of selfishness, backed by these "cormorants," take charge of the Bureau of Labor and the laborers of this country? The question is, Which one would survive—the laborers and their bureau or the cormorants and theirs? I say that commerce would overshadow the other and soon crowd out this Bureau of Labor.

I am willing to aid commerce and labor, too, but I am not, as I am now advised about the provisions of this bill and the possibility of this friction and ill feeling arising, willing to unite the "cormorants" of the country with the laborers of the country. I think it is bad policy.

If this bill is to be of any account at all, if it is to be as serviceable as it should be, this department will have all it can do when it gathers up the things that are commerce, leaving labor to take care of itself.

When did labor get to be "commerce?" It is property. I believe it has been announced by the courts—possibly in dissenting opinion—that the right to lease or sell one's labor is a personal right and therefore is property; but I am not sure that any court, dissenting or otherwise, has ever declared that labor per se is "commerce."

The propriety of this policy of amalgamating labor in this manner is very doubtful in view of the danger that peace will not be maintained as it should be between commerce and labor. For the present, at least, Mr. Chairman, I shall oppose the proposition and the insurance clause and trust to regulating wild-cat insurance companies in another and legal manner.

Mr. RICHARDSON of Alabama. I yield such time as he desires to the gentleman from New Jersey [Mr. STEWART], a member of the committee.

Mr. STEWART of New Jersey. Mr. Chairman, I do not desire to discuss the merits of this bill, as I have found it necessary to disagree with the majority of the committee as to the wisdom and necessity of its passage, and I ask the Clerk to read my views as expressed in my minority report.

The Clerk read as follows:

VIEWS OF MR. STEWART.

I am reluctantly constrained to differ fundamentally with the majority of the committee with reference to the wisdom and necessity of establishing a separate and distinct Cabinet department of "commerce and labor," or a distinct department of either commerce or labor.

A proper consolidation of existing statistical divisions scattered through the great departments of the Government in one division under an existing department would, in my opinion, fulfill all the conditions required by the proposed new department.

The alarming feature of the bill is that it will result, in my judgment, in transferring all the vexed questions of capital and labor which for years have harassed and embarrassed our State governments and municipalities to the arena of Federal discussion and agitation.

Being opposed to the whole scheme of a separate department of commerce or labor, it is unnecessary for me to discuss what I consider the objectionable provisions of the bill.

JAMES F. STEWART.

Mr. STEWART of New Jersey. I yield back my time to the gentleman from Alabama.

Mr. RICHARDSON of Alabama. Mr. Chairman, I now yield to the gentleman from Florida [Mr. DAVIS], a member of the committee, such time as he desires.

Mr. DAVIS of Florida. Mr. Chairman, I shall occupy the attention of the committee for but a brief time. I joined my distinguished friend the gentleman from Alabama [Mr. RICHARDSON] in a minority report against the bill for the establishment of a department of commerce and labor, and I am frank to say that I did it chiefly because of the persistence of the committee that reported the bill in including labor in that department.

Per se I have no objection on earth to the creation of a department of commerce. So far from objecting to it, I favor it. I believe that the great commercial interests of this country ought to be represented in a separate department, and that it ought to have a member of the President's official family to represent it and look after its interests. I want to say that I am just as fully impressed with the idea that the great labor interest also should be distinctly and directly represented there, and I have no hesitancy in asserting that when the Congress of the United States fails to give the labor interest of this country a representative of its own in the Cabinet it fails to do justice to the interest of labor.

For years and years we have heard the demand for a department of labor, and more recently a demand for a department of commerce. I want to show to the members of my own party on this side of the Chamber that they are, by their own party declaration, bound to afford labor an independent department. The last Democratic national platform, adopted at Kansas City, said this:

A DEPARTMENT OF LABOR.

In the interest of American labor and the uplifting of the workingman, as the cornerstone of the prosperity of our country, we recommend that Congress create a department of labor, in charge of a secretary, with a seat in the Cabinet, believing that the elevation of the American laborer will bring with it increased protection and increased prosperity to our country at home and to our commerce abroad.

As a Democrat, I should want to be consistent with the platform of my party, even if I were not so fully impressed (as I am) with the intrinsic merits of the proposition for the creation of a department of labor.

It may be said that we are not here discussing a separate department of labor. I grant you that; but we are here discussing the proposition to create a new department of government to be called commerce and labor, in which labor is practically subordinated, and which bill, in my humble judgment, is a blow at the labor interest. No one who reads this bill can form any other rational conclusion. In the report of the majority of the committee—and I call the attention of my distinguished friend from Illinois [Mr. MANN], who wrote this report, to the fact that although he says the existing Department of Labor would not be interfered with should the pending measure become a law, he shows later in the same report that it would be subordinated. Here is what the majority report says at one point:

It has been a natural fear on the part of some of the labor leaders that the new secretary of commerce and labor would have a bias in favor of capital and against labor. Granting, for the sake of argument, that this may be true, it still would leave the labor department as well off as it now is. No bias of the secretary of commerce and labor could control or affect a Commissioner of Labor who is not subject to removal by him and whose actions and reports are not subject to his control—

Yet, before they have finished that report, we find them using this language as an argument why labor should be made a part of the bill:

If the Commissioner of Labor is under the secretary of commerce and labor, he will make a report to the secretary of commerce and labor. That report will be published with the annual reports of the department. If the secretary of commerce and labor approves of recommendations made by the Commissioner of Labor, he will so state in his annual report, and probably the matter will be called to the attention of the President to go in his annual message. If the secretary of commerce and labor disapproves the recommendation made by the Commissioner of Labor he will say so in his report, and that will call attention to and advertise the recommendation of the Commissioner of Labor in a way which will call it to the attention of Congress.

So that although they undertake to say in one part of their report that the status of the present Labor Department will not be changed or hampered, in another part of the same report they distinctly show that it is subordinated. It is known to us all that the Labor Department is now an independent department of this Government, although the Commissioner has no seat in the Cabinet. But the Department of Labor is independent and is attached to no other department of the Government. We propose here, instead of recognizing and dignifying labor, instead of listening to the demands of the laboring classes to give them a department, we propose to make them worse off than they now are. They ask for bread and we give them a stone. They have an independent department as the law stands, amenable to no other department of the Government, and this we propose to take away from them. We propose to subordinate them to another great interest. We propose to make their present department a mere bureau for, after all that has been said, that is practically what we do if we pass this bill.

Mr. ROBB. Will the gentleman allow me to ask him a question?

Mr. DAVIS of Florida. Yes, sir.

Mr. ROBB. Is not the Commissioner of Labor usually selected from the laboring class—that is, some one who is identified with labor?

Mr. DAVIS of Florida. He certainly ought to be.

Mr. ROBB. Then, I will ask, what in all probability will be the result if this department of commerce and labor be established?

Mr. DAVIS of Florida. If my friend will permit me, I am going not only to say something on that point, but to read what the labor representatives tell us about that; and perhaps, having had my attention called to it, now is as good a time as I will have to do it.

We had before the Committee on Interstate and Foreign Commerce a number of hearings on the subject of the creation of this new department. Gentlemen came before us representing commercial interests and representing laboring interests. Among the latter was Mr. Thomas F. Tracy, representing the American Confederation of Labor, an organization consisting of 90 national and international unions located throughout the United States, 22 State bodies, 300 local and central bodies, and 1,200 federated unions, of all organizations of labor throughout the country, and he undertook to speak before us for this vast number of laboring people of this country. He said this:

We have no particular objection to the creation of the department of commerce, but we ask that in the creation of that department there shall also be created the other department independent of that, known as the department of labor. We feel that in the President's official family, where the interests of organized labor are being discussed, that advice and counsel should be given by a man who is in close touch with organized labor and who knows and realizes what its needs are.

We are not committed or opposed to any of the bills that have been submitted along the line of creating this department of commerce; but when the bill that passed the Senate, the Nelson bill, was under consideration we wanted to ask that the Department of Labor be left entirely without the scope of that bill, and without taking up the time of the committee I would read a letter that was addressed by Mr. Gompers, the president of the American Federation of Labor, to Senator FRYE, President pro tempore of the Senate, when that bill was under consideration:

JANUARY 20.

Hon. WILLIAM P. FRYE,
President pro tempore United States Senate.

DEAR SIR: The bill pending before your honorable body, Senate bill 569, is, as you know, to establish a department of commerce, with the creation of an office to be known as secretary of the department of commerce. A perusal of the bill shows that it proposes to transfer the Department of Labor to the proposed department of commerce, and it is to this particular feature to which your attention is respectfully directed.

As you know, the Bureau of Labor Statistics was created at the earnest solicitation of the organized labor movement of America, and subsequently changed to the higher position of the Department of Labor. This, too, in response to the earnest request of the American Federation of Labor, and the hope has been long entertained that time would demonstrate the wisdom of an independent executive department and its chief officer a secretary with a voice in the councils of the President affecting matters particularly relating to the great interests of labor.

No keen observer disputes that the all-absorbing and burning question of our time is expressed in the terms, the labor question. In the effort to establish the rightful relation of the workers to society, in the production of wealth, and in its just distribution is encompassed all the complex questions of our lives.

That justice should be meted out to all the workers no thoughtful man will deny.

Anything which is not based upon ethical considerations for all no intelligent trade-unionist asks.

Questions often arise in the official family of the President of the United States in which justice, fair dealing, ethics, and the law and its administration must frequently be under consideration, and unless there is some representative of the workers competent to speak in their name, to advocate their cause, to convey to the Executive head and his advisers the laborers' side of labor's contention, he and they must be deprived of valuable and far-reaching information. It is to supply this present deficiency that the American Federation of Labor has asked, and should repeat and increase its efforts to secure, the enactment by Congress of a law creating a department of labor, with a secretary who shall have a seat in the President's Cabinet.

The creation of a department of commerce with the provision for the subordination of the Department of Labor will minimize the importance of labor's interests and minimize the present Department of Labor. Against such a procedure, in the name of American labor, I enter my most solemn protest.

There can be no question that the members of a President's Cabinet are representatives of the employers' and business men's side of industry, commerce, and finance. Our ambassadors and consuls to foreign countries are agents and advocates of the same interests, and there can be no good reason for the creation of a department of commerce, particularly when the Department of Labor, which was created for a particular purpose in no way germane to a department of commerce, and which it is purposed shall be absorbed thereby to the detriment of the interests of all our people.

It is therefore urgently requested that in the event that the honorable Senate should deem it wise to enact Senate bill No. 569, that the Department of Labor, as now constituted, may be eliminated from its provisions. I trust, too, that you may extend the courtesy of submitting this communication to the Senate of the United States.

I have the honor to remain, yours, very truly,

SAMUEL GOMPERS,
President American Federation of Labor.

I want to read a little further from Mr. Tracy's testimony before the committee.

The CHAIRMAN. We have had only two additions to the Presidential family in fifty-three years, and these departments are created usually at long intervals. Your contention would involve the addition of two members, when it is altogether possible, and to my mind more than probable, that your purpose would be met by the establishment of one.

Mr. TRACY. I would say that the labor organizations have been agitating this question for thirty-five years. We have not reached the point yet where we can have a representative in the Cabinet, but we hope to some day, and we intend to keep on, because the influence of labor is of sufficient importance in this country for it to have a representative in the President's official family.

Mr. RICHARDSON. Do you not believe that if the department of commerce was established the manufacturing interests, as has been illustrated here already, would overshadow the labor part of it?

Mr. TRACY. Unquestionably so.

Mr. DAVIS. And you think that if the President selected a man whose education fitted him peculiarly to overlook the labor interests, the commercial interest would kick?

Mr. TRACY. Undoubtedly, and vice versa.

Mr. DAVIS. And if the President suggested a man peculiarly fitted to overlook the interests of commerce the labor interests would undoubtedly feel neglected?

Mr. TRACY. They certainly would.

Mr. COOMBS. You think that your interests would be so lost that they would not develop to the extent of demanding a separate department?

Mr. TRACY. I beg your pardon.

Mr. COOMBS. I say, do you think that your interests would be so lost and absorbed that they would not develop further, and would not be able to assert themselves as they do now?

Mr. TRACY. Yes, sir.

Mr. COOMBS. You are afraid of getting lost?

Mr. TRACY. In the shuffle; yes, sir.

Now, there is what is said by this gentleman representing the large labor organizations which I have named. I want to read you what another laboring man said before that committee. H. R. Fuller, representing the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen, the Order of Railway Conductors, the Brotherhood of Railroad Trainmen, and the Order of Railroad Telegraphers said this in his argument before us.

Now, we object, first, Mr. Chairman, on general grounds. We know this, that the people, with all respect to them, who have asked for the creation of this new department are commercial men, and, secondly, employers of labor. We can safely say that in regard to this question the words "employer" and "commercial men" are synonymous terms.

Now, we tkink, just as it was stated by the chairman of the Manufacturers' Association of the United States here yesterday, that a department to be beneficial to the interests that it represents should devote its whole energy—those are the words that he used—to that end. Now, energy means something more than simply interest.

I wish to stop there for a moment and digress to say that these people who have asked for the creation of this department are employers of labor, and should this bill become a law, or this new department be created, it does not matter whether you folks see fit to strike the Labor Department from it or not. Every member of this committee has had experience enough in political affairs to know that these influences which have brought about the passage of this bill can consistently claim of the President that they are entitled

to recognition in the selection of this man to be placed at the head of this department.

They do do it; they do do it in the other departments. When there is a vacancy on the Interstate Commerce Commission, for instance, the railroads of the country get together and select a man, and, usually, he is put there to fill that vacancy. And we feel that even if you allow this bill to go through as passed by the Senate, calling this the department of commerce and labor, they will claim the right—not the absolute right—but a right to this extent, at least, that the President will listen to their claims. We do not dispute that right. If they have brought about this agitation that creates the department, I will not say that they have not a right to do that.

Now, then, so far, I want to say that a man who represents those interests, if he is selected to represent this department in the Cabinet, although he may be honest, and I have reason to believe that he would be—we have no reason to believe that any man is otherwise until we find him so—is not competent to represent labor. He is not competent to sit down at the Cabinet table with the President when something very vital is up before that council in which labor is interested, and to speak. It is simply that he is like the laboring man—a man of environments. His whole life has been spent in something else—in furthering the interests of employers—and consequently he is not capable to speak for labor, even though he felt honestly disposed to do so, and I believe that he would be.

And during the examination of Mr. Fuller by the committee, this colloquy ensued:

Mr. RICHARDSON. In that connection, do you believe you represent the entire sentiment of labor in this country when you say that this labor department ought to be put under a commerce department?

Mr. FULLER. I think so, from my experience among the men and my talks with them.

Mr. DAVIS. Do you not think it would be unfortunate, both for labor and for capital, to undertake to combine them in one general head this way?

Mr. FULLER. I do.

Mr. DAVIS. Do you not think it would produce future distrust and bickerings?

Mr. FULLER. I do. As I stated yesterday, Mr. Davis, I said that a man representing capital was not competent to represent labor in this department; that I also thought that the ordinary representative labor man could not represent all of the interests that are merged under this department of commerce.

Mr. DAVIS. Aside from that, Mr. Fuller, do you not think when the President commenced to form his Cabinet there would naturally be a contest between capital and labor as to which one of the two classes would capture this Cabinet office?

Mr. FULLER. I think so.

Mr. DAVIS. And do you not think if the President should appoint a capitalist who is not thoroughly familiar with labor conditions it would displease labor?

Mr. FULLER. It certainly would.

Mr. DAVIS. And that if he should select a laboring man it would displease capital?

Mr. FULLER. It certainly would. After I had concluded my remarks on this point yesterday a representative of capital came to me and said he thought I was right on it.

Mr. RICHARDSON. Do you think from the spirit and trend of this bill that the manufacturing interests would have largely the advantage in securing a secretary?

Mr. FULLER. I think so. I stated that yesterday. If this department is created they can claim the credit for its creation, because they are the ones who have asked for it.

Now, Mr. Chairman, these extracts which I have read speak more forcefully than I could possibly do.

Mr. HEPBURN. Will my colleague permit me to ask a question?

Mr. DAVIS of Florida. Certainly.

Mr. HEPBURN. The gentleman stated, or read, I think, the sources of information that one of these gentlemen had as to the conditions of labor. Now, I want to ask you if any of the men who appeared before that committee professed to have been authorized by any organized body of labor? They said they represented that number and this number and the other number, but did any man say that any set of men had sent them here?

Mr. DAVIS of Florida. In reply to my friend I will say that so far as anybody coming before us with credentials, no; so far as any man coming before us exhibiting authority to represent any particular body, no. But they who spoke for labor spoke with as much authority as they who spoke before us in the interest of commerce. And my friend, the distinguished chairman of the committee, knows that they were credible gentlemen; they said they represented labor in sentiment, and I believed and believe they did.

Now, Mr. Chairman, I have said all that I care to say on this bill. I want to repeat that if the word "labor" in the title and all through this bill, wherever it occurs, can be stricken out, as will be moved by my friend from Alabama [Mr. RICHARDSON] as an amendment to the bill, I shall have no objection to its passage. I shall be glad to cast my vote for the measure. I am willing to see the commercial interests of this country represented in the President's family. I repeat that, in my judgment, this great interest ought to be represented there; but I do not believe that, when labor has been standing up for more than thirty years asking for a representative in the President's family, we ought to insult that element by making the present Department of Labor what will be tantamount to a mere bureau in the department of commerce. I hope the House of Representatives will not go on record as doing so. [Loud applause.]

Mr. RICHARDSON of Alabama. Mr. Chairman, I now yield five minutes to my colleague [Mr. CLAYTON].

Mr. CLAYTON. Mr. Chairman, I had not intended to take any part in this discussion; but the question propounded by the gentleman from Iowa [Mr. HEPBURN], the chairman of the committee, who reported this bill, can be easily answered by reference to the report of the committee accompanying this measure. On page 10 of the report I think that, so far as he is concerned and so far as concerns the majority who have reported this bill, his question is answered, against what I take to be his contention.

The distinguished chairman seems, by his question, to dispute the proposition that organized labor is opposed to being taken under the wing of this so-called department of commerce. The distinguished chairman by his question challenges the assertion of the gentleman from Florida [Mr. DAVIS] that organized labor is opposed to playing "second fiddle" to the department of commerce. Organized labor, so far as any member here knows from private correspondence or private conversation, is opposed to this measure. It does not lie in the mouth of the chairman of the committee to dispute that proposition. I read now from the report of the committee, page 10:

There has been opposition to this proposition. A majority of the leaders of organized labor who have expressed any opinion upon the subject have opposed the placing of the present Department of Labor in the new department.

There is an admission that the majority of the leaders of organized labor who have expressed any opinion upon the subject are opposed to placing this Department of Labor in the department of commerce.

Mr. HEPBURN. Will the gentleman allow me a moment?

Mr. CLAYTON. Certainly.

Mr. HEPBURN. My recollection is that four gentlemen representing labor, or connected with labor organizations, appeared before our committee. The gentleman is correct in saying that three of them expressed their opinions in the way he has stated. The point I was trying to make—as the gentleman, if he had paid close attention to my remarks, might perhaps have known—was this: While I do not dispute the fact that certain gentlemen came there and assumed to speak for labor, I say that no man came there with credentials or pretending that any body of labor had sent him to represent their views. That is what I said.

Mr. CLAYTON. I was not present, of course, at the hearing of the committee; I do not know personally about this matter; but I take it that what the gentleman says is true. I can not doubt it. That, however, Mr. Chairman, does not affect the controversy. The fact is—and this report shows it to be a fact—every man who has discussed this proposition admits it to be a fact—that organized labor is opposed to being placed in the department of commerce.

Now, the report of the committee undertakes to answer that fact. It concedes it to be a fact, and tries to argue away from it. Now let us admit this fact. Let us not inquire into whether these men who testified before the committee had credentials properly signed, or whether they meet all the red-tape requirements of the most fastidious gentleman who has served on committees of credentials in conventions.

[Here the hammer fell.]

Mr. CLAYTON. Just one more minute.

Mr. RICHARDSON of Alabama. I yield five minutes more to the gentleman from Alabama.

Mr. CLAYTON. Thank you. The gentleman admits in his report the fact to be that organized labor is opposed to being taken into the department of commerce, and the admission which I have already quoted is strengthened by the argument which is made in the report in an endeavor to nullify that position of organized labor, for the report goes on to say:

The opposition has been based upon the idea that whoever might be selected as secretary of the new department would be a representative of capitalistic influence and not of labor. In view of the opposition of some of the labor leaders to the inclusion of the Department of Labor in the proposed new department, your committee has given the subject careful and considerate examination. We are satisfied that the opposition is based upon a natural misunderstanding of the situation and a misapprehension as to the effect of such action.

The Department of Labor as now organized has its duties defined by statute. The statute provides that it shall be presided over by a Commissioner of Labor, to be appointed by the President. It is not proposed to make any change in these provisions of the statute. If the Department of Labor is included in the new department, the secretary of the new department will not have the power to appoint the Commissioner of Labor, nor will he have power to prevent the Commissioner of Labor from discharging the duties now imposed upon that office by the present act of Congress.

It is impossible to see, therefore, how there can come any injurious effect from including the Labor Department in the new department of commerce and labor. As the law now exists the President can, at any time, name some one for appointment as Commissioner of Labor who may be adverse to labor and favorable to capital as against labor. It is not likely that any President will ever do this, and it is equally unlikely that he would do it if the Department of Labor were made a part of the department of commerce and labor.

Now, Mr. Chairman, that admits the contention of my colleague from Alabama [Mr. RICHARDSON] and the gentleman from Florida [Mr. DAVIS], that the laboring people are opposed to having the Department of Labor merged into the department of commerce. They are jealous of surrendering whatever independence that department may have to an officer who may be controlled entirely by commercial influences, and who may not be in touch and sympathy with the great laboring masses of the country. Therefore

I shall support the amendment offered by my colleague from Alabama. The Department of Labor, instead of being a mere bureau in another department, subordinate to some Cabinet officer, ought to have an officer in the Cabinet. The laboring interests of this country are as important as the interests of commerce.

Indeed, Mr. Chairman, everybody knows that we could not conduct commerce, that the great industries of the country would stand still, were it not for the laboring people, and they are jealous of the supervision of people who may not be in sympathy with them. The better proposition would have been, and the better proposition now is, to defer to their wishes and not only to create this department of commerce, if you wish it, and if that is to be created, to create also a department of labor, with a Cabinet officer, so that labor may have a representative in the Cabinet to voice the wishes and the sentiments of that great class of our people. [Applause.]

Mr. RICHARDSON of Alabama. Will the gentleman from Iowa now use some of his time?

Mr. HEPBURN. I yield twenty minutes to the gentleman from Michigan [Mr. CORLISS].

Mr. CORLISS. Mr. Chairman, I am very heartily in favor of the general provisions of this bill. When the last department was created, in 1862, our people were principally engaged in agriculture. That was the great branch of industry in our country, and the creation of the Agricultural Department has demonstrated the great usefulness of such branches of our executive office. Since the creation of that Department we have constructed vast railroads, telegraph and telephone lines, until every part of our great country is supplied with rapid communication and transportation. Since that time there has been developed in almost every city, village, and hamlet in our country institutions for the manufacture of our natural resources, until the products of the farm and the factory far exceed the capacity of our people to consume them. We are to-day forced into a greater field. Hereafter we must pursue a broader view and endeavor to expand our influence in foreign commerce. From the time when the first nation was created down to the present time commerce has been king.

All things created by God or man have their infancy and grow and expand until they reach the zenith of their influence, then wither and die. This is as true of nations as of men. Therefore if our nation is to go on and its power and influence in the world is to be extended, we must meet the growing demands of the people by the creation of a department of commerce to assist its growth. The greatest interests, influence, and wealth of the people to-day are embraced in industrial enterprises and commerce. I therefore think that this measure is most opportune and wise.

Now, with reference to the Department of Labor being incorporated, there has developed in this country an aggregation of capital, a combination of interests, many of which are wise and beneficial, and they are associated intimately with labor. The organization of capital has not gone forward more rapidly than the organization of labor. The effect of these two combinations of labor and capital upon our great interests may be likened unto the two hands of man. Capital is necessary and labor is indispensable to the success of our people and our nation. Great progress has been made recently toward the union of these great interests. The creation of the Civic Federation and the establishment of the Coal Commission by the President are doing much toward the advancement of the interest of labor.

I appreciate the fact that many of the labor organizations do not desire the Bureau of Labor to be incorporated as a part of the commerce department, and I hesitate to vote against their wish in the matter. I believe, however, that if labor is to go on and derive the just benefits to which it is entitled, it must be recognized as a part of the industrial and commercial interests of our country, inseparably and forever united, and I look forward to the time when capital and labor engaged in all character of industries and commerce will be united in harmony and their differences settled by the just tribunal of arbitration.

It is suggested that a secretary of commerce and labor appointed under this measure might be disposed to favor commerce rather than labor; but our recent experience under President Roosevelt leads me to think that under the present Administration, at least, labor will be protected and her interest guarded far better than in a separate bureau.

We have gone on for years appropriating vast sums of money for the improvement of our rivers and harbors. We have been occupied for many years in the discussion of the great isthmian canal, and have authorized the expenditure of millions of dollars to develop this highway of commerce, and the time is ripe for the extension of our foreign trade and the expansion of our commerce with foreign countries. No department of our Government to-day has jurisdiction thereof or can give to our industrial and commercial interests the information that is necessary to enable our people to take advantage of the markets of foreign countries.

In the last session of Congress we appropriated, I think, nearly half a million dollars for the benefit of a private or State institution located at Philadelphia, for the purpose of building up a bureau of information to enlighten our manufacturers with reference to foreign markets. If that was wise, it is certainly better that the Government expend such money in a bureau or in a department especially created for the benefit of commerce and labor.

Mr. Chairman, there is one provision of this bill to which I must make objection. Section 6 authorizes the creation of a new bureau of insurance. The business of insurance is not commerce. A contract of insurance is not an instrumentality of commerce, and the creation of this bureau is unnecessary and, in my judgment, unwise. The insurance companies of our country, located in different States, are properly regulated by State laws. There is no complaint that any investor in insurance, whether it be life, marine, or fire, is not furnished with all the information necessary with reference to the stability of the corporation, the character of its policies, statistics with reference to losses, etc., in the statistics now published by the corporations themselves. You might as well create a bureau for the investigation of the value of securities that our people desire to purchase, such as railroad bonds and industrial stocks and things of that kind into which people put their money.

I want to call the attention of the House to the decision of the Supreme Court of the United States with reference to insurance. Congress has no power to regulate the insurance business. It is a useless expenditure of the public money. Let me read from the opinion of Justice Field with reference to any kind of insurance:

> Issuing a policy of insurance is not a transaction of commerce. The policies are simple contracts of indemnity against loss by fire entered into between the corporations and the assured for a consideration paid by the latter. These contracts are not articles of commerce in any proper meaning of the word. They are not subjects of trade and barter offered in the market as something having an existence and value independent of the parties to them. They are not commodities to be shipped or forwarded from one State to another and then put up for sale. They are like other personal contracts between parties which are completed by their signature and the transfer of the consideration. Such contracts are not interstate transactions, though the parties may be domiciled in different States. The policies do not take effect—are not executed contracts—until delivered by the agent in Virginia.

That opinion was written in the case of Paul *v.* Virginia.

Mr. HEPBURN. When?

Mr. CORLISS. It is reported in 8 Wallace, 168. I can not tell the year when it was rendered.

Mr. PERKINS. Back in the sixties, I think.

Mr. CORLISS. I am reading from 155 United States Reports, in which that opinion is quoted, and that was of later date, 1894. Justice White, now on the Supreme Bench, in rendering the opinion in the case of Hooper *v.* California, said:

> The business of insurance is not commerce. The contract of insurance is not an instrumentality of commerce. The making of such a contract is a mere incident of commercial intercourse, and in this respect there is no difference whatever between insurance against fire and insurance against "the perils of the sea."

I will also call attention to the case of Fire Insurance Company against New York (119 U. S. Reports, p. 110):

> Insurance is not commerce; it is not a contract over which Congress has any control under the Constitution.

Why, then, burden the people by a creation of a department and the appointment of officers and the payment of salaries merely for the purpose of giving employment to some one? It can have no beneficial effect. Congress can not regulate it. If you find that the great insurance companies of New York are speculating on Wall Street, and thereby endangering the interests of the policy holder, Congress has no power to stop it. Congress has no jurisdiction over it. Therefore I submit that paragraph in this bill should be stricken out.

I believe that the Department of Commerce will become the greatest power and influence for good of any department of our country. I would perhaps personally go further, and incorporate other interests. The bill as it came from the Senate incorporated too many bureaus, and the committee has been wise in narrowing the measure down to the proper administration of that branch of our Government. Capital is only labor combined. Labor and commerce are indispensable to each other. They should be enlarged and advanced by every influence. I am therefore heartily in favor of the bill, with the exception mentioned.

Mr. CRUMPACKER. Before the gentleman takes his seat, I would like to ask him a question or two with reference to the insurance proposition.

Mr. CORLISS. I would be glad to answer any questions that the gentleman may ask.

Mr. CRUMPACKER. Is there any bureau or division in any bureau of the department that has jurisdiction of the subject of insurance now?

Mr. CORLISS. I think not, sir.

Mr. CRUMPACKER. I understand that statistics relating to insurance, fire and life, are collected by the Census Department.

Mr. CORLISS. There is no doubt but what the Census Department and some other departments have obtained statistics upon that subject. Certainly the Census Department has gathered statistics pertaining to it.

Mr. CRUMPACKER. This bill as it is now provides for the creation of an independent bureau devoted exclusively to the subject of insurance, as I understand.

Mr. CORLISS. And the publication of information pertaining thereto.

Mr. GAINES of Tennessee. I will ask the gentleman to read those words.

Mr. CORLISS (reading):

It shall be the province and duty of said bureau, under the direction of the Secretary, to exercise such control as may be provided by law—

And there can be no provision by law, under the Constitution—

over every insurance company, society, or association transacting business in the United States outside of the State, Territory, or District wherein the same is organized, and to foster, promote, and develop the various insurance industries of the United States—

How?—

by gathering, compiling, publishing, and supplying all available and use ful information concerning such insurance companies and the business of insurance, and by such other methods and means as may be prescribed by the Secretary or provided by law.

Now, my point is this: I believe that under the Constitution of our country we have no jurisdiction over insurance. We can not hereafter pass laws affecting it. You may develop all the information you possibly can and it will be of no benefit to the people. They are furnished the information now in the States.

[Here the hammer fell.]

Mr. HEPBURN. Mr. Chairman, I yield to the gentleman from Georgia such time as he may desire to use.

Mr. ADAMSON. Mr. Chairman, though I was not originally very enthusiastic for the creation of a new department, I have, during the hearings and investigation of the subject, reached the conclusion that if a department including commerce is to be established the title of the present bill was wisely retained by the Senate and equally wisely retained by the House committee.

If anybody is jealous as to the use of names or terms or the particular place of names in the titles of bills, I am perfectly willing to transpose the names in the title of this bill, and denominate it "the department of labor and commerce." I did not, until the agitation of this bill came up, understand that there was any very loud demand throughout the country for a department of commerce. There had been a demand for a department of labor, and I know that the demand was in at least one platform of my party.

Now, if some gentleman should move to strike out "commerce" and leave this the "department of labor," there might be some reason for supporting that on this side of the Chamber. I do not propose to consent, by the establishment of this new department, to a declaration of war, declaring or recognizing by law a state of war between capital and labor. I am quite sure, and it is not denied here, that those representatives of labor who appeared before the committee, objecting to placing labor in this new department, were actuated by the sole reason that they expected as soon as this department was established to use it as an additional argument for the establishment of another department—a department of labor.

Mr. DAVIS of Florida. What representative of labor made that remark before the committee?

Mr. ADAMSON. I do not remember the name of the particular gentleman, and I did not say that any man made that remark before the committee. I said I so understood it, and it has not been denied here. But while my distinguished friend was speaking I remember either hearing him read or say something that sounded very like such an admission.

Mr. DAVIS of Florida. What I said and what I read from the remarks was that the gentleman hoped that at some time labor would be separately and independently represented.

Mr. ADAMSON. I have no doubt, Mr. Chairman, that that is the reason of the objection by the representatives of labor—of all who did object—that they expect immediately to procure the establishment of a department of labor. I stated to my colleagues on the committee, and I reiterate the opinion here, that if labor should be stricken from this bill, and the department of commerce alone left, that would come before the proper committee of this House and secure the report of a bill establishing a department of labor, and it would become the law of the land before this bill received the signature of the President, in my humble judgment.

Mr. RICHARDSON of Alabama. May I ask the gentleman a question?

Mr. ADAMSON. With great pleasure.

Mr. RICHARDSON of Alabama. If labor were to do that and secure a separate and distinct department, would the gentleman be opposed to it?

Mr. ADAMSON. I would vote for it, and so would you. I just stated that if you struck commerce from the bill, there would be more sense in it than in striking out labor.

Mr. RICHARDSON of Alabama. I understood the gentleman to say that if labor is left in the bill, he would vote against the department of commerce and labor?

Mr. ADAMSON. No; I support the bill as reported. If you strike out labor, I have not stated what I would do.

Mr. RICHARDSON of Alabama. I understood that to be the position of the gentleman.

Mr. ADAMSON. I may have said in committee that if labor were stricken out, I would vote against it, but I have not said it here.

Mr. RICHARDSON of Alabama. I understood the gentleman to say that if labor was left in the bill as it is now the gentleman would vote for the bill, but that if labor was stricken out he would not vote for the bill.

Mr. ADAMSON. The deponent has not stated what he would do if labor were stricken out, but when the roll is called I will try and vote loud enough for the gentleman to understand without any mistake. I have not agreed to vote for the bill if you strike out labor. I do not believe it would be as wise a bill, and I do not believe there is as great demand for the department of commerce as there is for a department of labor. I believe that every executive department of the Government is more or less devoted now to the interests of commerce.

Mr. GAINES of Tennessee. Will the gentleman allow an interruption?

Mr. ADAMSON. Certainly.

Mr. GAINES of Tennessee. Does the gentleman think that we should have the insurance bureau?

Mr. ADAMSON. I do not believe the Federal Government should interfere with insurance or any business of the citizens of the States beyond a possible bureau of information.

Mr. GAINES of Tennessee. Have we not already all the information we need about insurance?

Mr. ADAMSON. I do not know. I opposed at first the suggestion that the Federal Government take jurisdiction over insurance for the reason that I feared it might be taken advantage of by spurious companies to defeat the precautions and protection which the States have inaugurated for the defense of their citizens.

Mr. GAINES of Tennessee. Would not the reports be frankable, and so relieve the insurance companies of that burden?

Mr. ADAMSON. It might be of some corresponding advantage to citizens who deal with insurance companies. I would go far enough to say that as to any of these matters the Federal Government, with its superior advantages and facilities, might be able to get up more satisfactory information and disseminate it throughout the country. That far I have been willing to go on all these questions; but this bill, as I understand it, in so far as it provides for an insurance bureau, emphasizes the idea that it is to be a bureau of information.

Now, I was going on to say that every existing department of the Government is more or less now devoted to the interests of commerce. It might have been that a reclassification or collocation of the different bureaus might have obviated the necessity for this department, but there came from all over the country demands for this department. The only word of discord heard was an occasional reference to the differences, purely artificial, that exist between different interests and the manifest jealousy, foolish and wicked, between labor and capital.

I have no patience on the face of the earth with differences of that sort. I see no sense in transferring to the Cabinet surrounding the President a chronic row, entirely artificial on its face and vicious in its vitals, and which always ought to be discouraged rather than encouraged.

If it can not be composed in a department, if it can not be discouraged there, I can not see how the situation could be rendered less acute by dignifying the position of both parties and placing the warriors at the Cabinet table.

I do not know how to draw these lines, anyway. I do not know many men who can tell whether they are laborers or whether they are capitalists, whether they are employers or employees. Most men manage to keep about even, and owe as many people as owe them. Most men are willing to hire hands if they need them and can pay them. Most men are willing to hire out to anybody else who will pay them. Most men who are now capitalists have been reared as laborers, and if now they do not labor assiduously with their own hands, if in lieu thereof they are able to employ the industry of other men, it is their good fortune that they have been able to economize and save their earnings and have developed judgment enough to utilize the labor of others as well as

their own; and they are no less the men of brawn and industry because they have saved their wages and improved their fortunes than when they were daily laborers themselves. It were well with them if they "forget not the rock whence they were hewn," and few of them do.

Mr. Chairman, I believe that, in so far as this Government bestows a bounty upon any particular business, it ought to recognize the particular interests which are engaged in the production of wealth under that bounty; and for that reason I have often urged the doctrine that wherever labor and capital are engaged in a business which enjoys profit by reason of protection, the Government ought to see that in such a case the bounty of the Government is fairly shared and divided between the laborers and the owners of the capital operated upon. I believe that, in so far as it is proper for the Federal Government to take part in the adjustment of disputes and hear the complaints of this man or that man or the other man engaged either in labor or in lending money or investing money in manufactures, the Government ought to regard them as fellow-citizens, with common and reciprocal interests, and do nothing and say nothing, enact no legislation, that will authorize any of them to forget that all labor and all manufacture and all production and all trade is commerce.

Commerce is trading together. Labor produces. Manufactures take the product and change its form and character and value. Other people, engaged in merchandising, in importing and exporting, take the products and the raw material and transport them to the uttermost parts of the earth, and in another form of commerce convert them into other things that the original laborer and intermediary manufacturer most need. These products, whether raw material or finished by skill, go from one end of the country to the other, or from one country to another; and it is all commerce. And the man who would stand up and undertake to differentiate between the different citizens and classes of his country, and seek to encourage the divorcing of interest from interest, seek to promote bickerings and strife to the point of making a legal declaration recognizing a condition of existing warfare between the different citizens of his country, is not performing the part of a patriot, no matter what his intentions and motives may be. [Applause.]

I believe, Mr. Chairman, the part of wisdom now is to pass this bill as reported by the committee; to say to those laborers who have, fortunately, gotten rich, "You are still laborers, though the character of your employment may have changed;" to say to the poor man, the man at work with the overalls on, "Every mayor, every Congressman, every governor, every Senator, every dignitary, every capitalist in the land, with few exceptions, was once just such as you. Do not show your littleness, do not show your envy, do not confess your inferiority by going round with a chip on your shoulder begging somebody to insult you and discriminate against you. Stand up and do your duty as a man; take your growth, and some day you will be one of these same capitalists that you are now trying to get the chance to fight." But you will be no more honorable in the eyes of honesty and intelligence than now, when you are not ashamed to work. [Great applause.]

Mr. Chairman, I had not intended to speak so long. I thank the committee for its close attention.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HEPBURN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 5678) providing for record of deeds and other conveyances and instruments of writing in Indian Territory, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEWART, Mr. PLATT of Connecticut, and Mr. JONES of Arkansas as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 15345. An act to promote the efficiency of the militia, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 16642. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903.

DEPARTMENT OF COMMERCE AND LABOR.

The committee resumed its session.

Mr. RICHARDSON of Alabama. Mr. Chairman, I yield to the gentleman from Missouri [Mr. SHACKLEFORD], a member of the committee, so much time as he may desire.

[Mr. SHACKLEFORD addressed the committee. See Appendix.]

[Mr. COCHRAN addressed the committee. See Appendix.]

The time of Mr. COCHRAN having expired, Mr. RICHARDSON of Alabama yielded to him ten minutes more.

Mr. HEPBURN. Mr. Chairman, I appeal to my friend that he fix some time for the termination of this debate.

Mr. COCHRAN. I decline to be taken off the floor.

Mr. HEPBURN. The gentleman's side has occupied two hours and four minutes, and one hour and ten minutes has been occupied on this side.

Mr. RICHARDSON of Alabama. We are not going to object to any length of time. As I understand, it is unlimited. There was no limit put upon debate.

Mr. HEPBURN. Your proposition was that at 4 o'clock we would agree on some time.

Mr. RICHARDSON of Alabama. About 4 o'clock, yes; that we would try to agree; and I am ready to fulfill my proposition now. I will try to agree.

Mr. COCHRAN. This is not coming out of my time, I hope.

The CHAIRMAN. No; the gentleman's time will be preserved.

Mr. RICHARDSON of Alabama. I think we had better take the vote to-morrow, say, at 3 o'clock.

Mr. HEPBURN. To-morrow will be otherwise occupied.

Mr. RICHARDSON of Alabama. I am ready to comply with my proposition to the gentleman that we should try to agree.

Mr. HEPBURN. Suppose we close debate after four and one-half hours?

Mr. RICHARDSON of Alabama. General debate?

Mr. HEPBURN. Yes.

Mr. RICHARDSON of Alabama. When will that stop the general debate? You do not propose to close it this afternoon, do you?

Mr. HEPBURN. I should like to close debate about 5 o'clock. We want upon this side a half hour more of time. That will give an hour and forty minutes to this side. You have already had two hours and four minutes. Now, will ten minutes more satisfy gentlemen on that side?

Mr. RICHARDSON of Alabama. I should not like to agree on that, because there are other gentlemen here who want to speak and I do not desire to cut them out of the opportunity of speaking. I am disposed to think that we ought to adjourn about 5 o'clock and let it go over until to-morrow.

Mr. LAMB. To-morrow is war claims day.

Mr. RICHARDSON of Alabama. My proposition strikes me to be very reasonable.

Mr. HEPBURN. I think the general debate ought to be concluded to-night.

Mr. COCHRAN. I call for the regular order. I should like to proceed with my remarks. I do not think gentlemen are going to reach an agreement now. I shall finish in ten minutes and then they can finish their colloquy.

[Mr. COCHRAN addressed the committee. See Appendix.]

Mr. HEPBURN. I ask now unanimous consent that general debate be concluded in thirty-five minutes, ten minutes to be controlled by the gentleman from Alabama [Mr. RICHARDSON] and twenty-five minutes by myself. That will make two hours and twenty-four minutes on the other side and one hour and thirty-five minutes on this side.

Mr. RICHARDSON of Alabama. I want to yield now to the gentleman from Texas.

Mr. HEPBURN. Why can not the gentleman agree to that now?

Mr. RICHARDSON of Alabama. I will agree if no one else wishes to speak after the gentleman from Texas concludes.

Mr. HEPBURN. If the gentleman does not know of anyone else who wishes to speak, what precludes him from agreeing to the proposition now?

Mr. RICHARDSON of Alabama. Because I am afraid that some one might want to speak.

The CHAIRMAN. The gentleman from Iowa asks that general debate be concluded in thirty-five minutes, ten minutes to be controlled by the gentleman from Alabama and twenty-five minutes by himself. Is there objection?

Mr. RICHARDSON of Alabama. I object. I will yield ten minutes to the gentleman from Texas [Mr. WOOTEN].

Mr. HEPBURN. I yield ten minutes to the gentleman from Texas. I have the floor.

The CHAIRMAN. The gentleman from Texas [Mr. WOOTEN] is recognized for ten minutes, as the Chair understands.

Mr. WOOTEN. I do not think I shall consume that much time.

Mr. HEPBURN. I yield the gentleman from Texas ten minutes.

Mr. RICHARDSON of Alabama. Then I yield to him ten minutes additional, making twenty minutes in all.

The CHAIRMAN. The gentleman from Iowa [Mr. HEPBURN] yields to the gentleman from Texas.

Mr. RICHARDSON of Alabama. I thought the gentleman from Iowa had taken his seat.

The CHAIRMAN. The gentleman from Texas is recognized for ten minutes in the time of the gentleman from Iowa.

Mr. WOOTEN. Mr. Chairman, I have no desire to further prolong this discussion at this late hour; but I feel like going on record against this bill. I believe the bill to be, in its practical purposes and its inevitable tendencies, wrong. I think the very title of the bill itself, taken in connection with its contents, is misleading and misrepresents the real purposes and effects of the measure. This is entitled "An act to establish the department of commerce and labor."

Now, I have searched in vain through the various sections of this act to find a single reference to labor as such, or to a department or bureau of labor, except so far as section 4 incorporates and consolidates with this proposed department the old Department of Labor now existing. There are provisions in this act for a bureau of insurance, a bureau of corporations, a bureau of manufactures, and the head of the department is denominated, in general terms, "the secretary of commerce and labor;" but nowhere in the bill is there any provision made, or any duty imposed, or any function defined that can be reasonably related to the cause and the interests of organized labor in this country.

The party to which we on this side of the House belong demanded in its last national platform a department of labor as one of the independent departments of this Government; and by so doing it recognized the necessity for a department that should be wider in its scope, more efficient in its operation, and more intelligent in its action upon these questions than the existing Department of Labor. Yet this act simply incorporates the old Department of Labor, inadequate and inefficient as it has heretofore proven, and even destroys what little virtue there was in that department by rendering it subordinate and subsidiary to the jurisdiction of this misnamed department of commerce and labor. So far as labor is concerned in this country it is not recognized.

The gentleman from Georgia [Mr. ADAMSON] intimated that he would not recognize any conflict or antagonism between capital and labor. Mr. Chairman, I fail to understand or appreciate the peculiar intellectual and moral attitude of any man who, in view of the history of this country for the last twelve months, can say there does not exist a radical and a critical antagonism between these two departments of industry and enterprise. For the last nine months one of the greatest necessities of this country, one of the great factors in the civilization and the commerce and even the very existence of our people—the fuel supply of the country—has been paralyzed by this antagonism.

For the last sixty days, nearly, a joint high commission, appointed by even the President himself, has been seeking to solve this dangerous and critical antagonism. And yet gentlemen come here and say that labor can afford to lie in an unequal and subordinate position in a department organized simply and purely in the interest of commerce and the commercial interests.

I undertake to say that the laboring people of this country have asked for bread, and this bill gives them a stone. They have asked for representation in an adequately organized and efficiently conducted department of the Government, and this bill takes away from them even the poor pittance that they now enjoy under the Department of Labor as it now exists.

More than that, I am opposed to this bill on principle, and on what I conceive to be sound considerations of public policy. Under this bill almost every important function of this Government, so far as our domestic affairs are concerned, is consolidated and centralized under this new department. The bill seeks to take from nearly every other department all statistical operations. It consolidates here a mass and a complexity of interests and functions that will render it in many respects the most important and far-reaching department of the entire Federal Government. And the result of it is simply to nationalize and federalize and centralize every interest and industry in this country in the hands of a Federal department of this Government and to leave practically nothing for Congress to do, nothing for the people to be heard upon.

This bill belongs to that school of political philosophy, that school of commercial exploitation, to which we have been subjected under the dominant political party for a number of years past, whose policy it has been to nationalize all these interests of the people, practically to abrogate and abolish the functions of their representatives on this floor, and to turn them over to a congeries of bureaus and boards to be administered without regard to the interests of the people. That is what the bill means in its practical effects, and that is what it will accomplish, and it was intended to accomplish that result.

I wish, as I said, to go on record against the bill, as being hypocritical, deceptive, and misleading in its attempt to answer the demands of labor; and in the next place, on account of the fact that the bill itself is vicious in all its tendencies, and, in my judgment, is calculated simply to hasten the day when the real interests of the people will be relegated to a lot of boards in this capital, surrounded by that sort of environment and subject to that sort of influence that furthest remove them from a response to the real burning needs of the Republic. [Applause on the Democratic side].

Mr. HEPBURN. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. SCOTT].

Mr. WOOTEN. Mr. Chairman, I understand that I have some time left out of the time yielded to me. I would like to yield that to somebody else.

The CHAIRMAN. The gentleman has not the right to yield time which has been yielded to him.

Mr. SCOTT. Mr. Chairman, I had not expected to ask for any time in the debate upon the pending measure, and I should not do so now were it not that I feel impelled to place on record my very emphatic dissent from some of the views which have been expressed here this afternoon.

Nearly all those who have expressed opposition to this bill have based that opposition upon the declaration, in substance if not in set terms, that the interests of labor are so divergent from if not absolutely antagonistic to the interests of commerce that it would be wholly illogical to include both these interests in one executive department. It has been declared here in effect that this new department, if created, would be dominated so completely by the capitalistic interests that labor would receive but scant consideration, if indeed the interests of labor were not actually sacrificed and betrayed.

To all such expressions, Mr. Chairman, I must emphatically dissent. I have no sympathy whatever with the sentiment which assumes the division of the people of America into distinct and necessarily and inevitably antagonistic classes. It is utterly repugnant to all my instincts as an American citizen to hear "labor" spoken of as a distinct and clearly marked class, and "the interests of labor" alluded to as something wholly differentiated from and necessarily hostile to other American interests. There is no such distinction in fact and there certainly ought to be none in legislation.

To strike out from this bill that part of it which provides for the incorporation in the proposed department a labor bureau, with the plain purpose, as we all perfectly understand, of hereafter demanding the establishment of a separate executive department devoted to labor alone, is in effect for this Congress officially to declare that the alleged conflict between capital and labor is not only inevitable, but irreconcilable, and that the best the statesmanship of the future can hope to do is to give these two classes a fair field and no favors and let them fight it out.

I can not subscribe to that sentiment. I believe that the interests of commerce and labor are mutual and not antagonistic, and I shall support this bill because I believe it will do more than any measure that has yet come from this House to demonstrate this mutuality of interests, and in that way help to hasten the good day which, however long it may be delayed, we all hope is coming, when strikes and lockouts and boycotts as weapons of industrial and commercial warfare will be as obsolete as the crossbow and the catapult are as weapons of physical warfare. [Applause,]

Mr. HEPBURN. Mr. Chairman, I now ask unanimous consent that general debate be closed in twenty-five minutes.

Mr. RICHARDSON of Alabama. That is agreeable.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that general debate be closed in twenty-five minutes. Is there objection?

There was no objection.

Mr. HEPBURN. Mr. Chairman, so far as I have been able to observe, the opposition to this measure is not to the bill in its entirety, but to a single section or paragraph of the bill. I think that the greater number of gentlemen upon that side of the House are quite content that this department of commerce should be created, but they are unwilling that the present Department of Labor should be included in that department. That opposition to my mind is based upon two erroneous propositions: First, that there is antagonism between the interests of labor and the interests of employers that we here as a part of the lawmaking power of the United States ought to recognize.

Gentlemen, I believe that that is a fallacy. I do not believe that the Government of the United States should recognize in any official way antagonism or warfare between those two great interests, those two great classes in the United States. [Applause.] The interests of labor and the interests of that capital which employs labor must be identical. They are identical. Their interests must move side by side; they must be joined hand in hand if this Government of ours is to be all that we hope it may.

Gentlemen assume that the officer called upon to preside over this great department would be hostile to the interests of labor. Why do you assume that? What right have you from experience or observation to make statements of that kind? To-day we have an anomalous sort of organization called the Department of Labor, for whatever it is worth; not so much as it should be, not so much as it will be if this union is effected. It has been presided over by one man, and with all the changes of politics in the administration of national affairs no change has been made in the head of that department.

Democrats and Republicans alike have retained the same officer. He meets all the requirements, I am told, of the labor organizations. They are content that he should remain there. The capitalist is content that he should remain there. The laborers are content, the employers are content. May we not learn something from that experience as to what will probably be the result if this department is created? This is to be the department of commerce and labor. You gentlemen seem to feel it necessary that you should, in speaking that sentence, always emphasize commerce. It is as much the department of labor as it is of commerce. A gentleman says, "Why, labor is referred to only in the most casual way."

I am glad to know that that gentleman is from Texas. I understand that if he had read the law first creating the Bureau of Labor and then the Department of Labor, he would have learned that there was much in the statutes upon that subject, and that whatever there was is continued, and whatever powers are lodged in that Bureau first, and that Department finally, are to be lodged in it still. The only difference is that there will be one other man, one superior, whose genius, whose talents, whose patriotism will augment the qualities possessed by the gentleman who now presides over the Department of Labor.

You take nothing from the Department of Labor; you add to the Department of Labor by another with more power, with more influence, and probably with qualities that will enable some additions of usefulness to be made. This proposition is not in derogation of labor. It is not subordinating in any sense the Department of Labor. It is adding to, it is augmenting, it is enlarging the scope and the power of this department. It places this department, that now has no voice in the Cabinet, in the councils of the President, as high as the highest. It will have the same place as the interests that cluster around the State Department, or the Interior Department, or the Post-Office Department have. Labor will have its own representative in the Cabinet.

Mr. RICHARDSON of Alabama. Will the gentleman from Iowa allow me to interrupt him?

Mr. HEPBURN. For a question; yes.

Mr. RICHARDSON of Alabama. Is it not a fact that no other civilized government or power of the world has undertaken to organize the department of labor in the language and with the title that this bill does?

Mr. HEPBURN. Well, I do not know; I am not a linguist.

Mr. RICHARDSON of Alabama. Is it not a fact that in many of the great foreign powers a department of commerce exists, single and alone, without mentioning the department of labor?

Mr. HEPBURN. That may be. This is an improvement upon the effete nations on the other side of the Atlantic.

Mr. RICHARDSON of Alabama. Then why should this Government depart from the experience of the world on that subject and create a department that will be different from any other that ever has been created, touching the interests of labor?

Mr. HEPBURN. Mr. Chairman, the people of this country have on many occasions taken the liberty of passing beyond the precedents that had been established on the other side of the Atlantic. I think our fathers did it when they established this Government.

[Applause on the Republican side.]

Mr. ADAMSON. Will the gentleman allow a question?

Mr. HEPBURN. Certainly.

Mr. ADAMSON. Do you know anything in this bill or any reason elsewhere that would prevent the President, if so disposed, from designating as the secretary of this new department a man friendly to labor?

Mr. HEPBURN. Why, surely there is nothing in it that would prevent him from doing that, and there is no inclination, probably, existing anywhere that would deter the President of the United States from appointing a man to this office who would be entirely acceptable to all the labor interests of the United States. The President of the United States, no matter who he may be, will be large enough to know what the labor interests of the United States are to our past, to our present, to our future. He will be large enough to know that these men of whom we speak sometimes as the labor interests are the creators of our wealth; that they are the bulwark of our nation; that they are the men who make progress possible. The President of the United States will know that it is as much his duty, his pleasure, as it is that of every other citizen of the United States, to augment, to honor, to promote, to dignify labor.

We have long passed, and so has the man who will be President of the United States long passed, that age or period when men look upon labor as a badge of degradation, as a mark that was put upon one to show the wrath of God. Ah, no! We recognize, all of us, the fact that it is labor that creates the State, that it is labor that does all in the great race of progress and in the promotion of the civilization that we enjoy and of which we are so proud.

Gentlemen, how can you, with the ideas of the American, constantly prate as you do upon the differences and distinctions between labor and capital, giving in all instances to labor the inferior place and the place with the least of power? There is no logic, there is no patriotism, there is no Americanism in a proposition of that kind. [Loud applause.] Labor stands first among all true Americans; and so we propose to place it here. We are going to augment, to add to, if it is possible, the dignity of labor by giving it a department.

Mr. FITZGERALD. Will the gentleman permit a question?

Mr. HEPBURN. Yes; I will yield for a question.

Mr. FITZGERALD. I wish to ask the gentleman if there was any proposition before his committee which, if these departments had been separate, would have been compelled—the President—to appoint any different character of man as the head of the labor department than he would as the head of the department of commerce?

Mr. HEPBURN. I do not think there was. I think that the committee recognized the fact that the President of the United States chooses the heads of departments for their fitness—for their capacity to attend to the details of their business and as his constitutional advisers.

Mr. FITZGERALD. The point I wanted to bring out was, would not the objection that the head of the department of commerce and labor would be hostile to labor apply equally to the head of the department of labor?

Mr. HEPBURN. Why, I think so. If there is a fear that the President might make an appointment hostile to the interests of labor under the provisions of this bill, might not we fear, and ought not the fear to obtain, that if there had been a separate department he would yield to the same influences and bend to the same hostile views on labor?

Mr. Chairman, considerable discussion has been had with reference to the provision of the bill creating a bureau of insurance. Learned gentlemen have discussed the constitutional power of this body to legislate upon this subject. I do not care to enter upon that discussion. I will simply hazard this humble opinion: That whenever the question is brought before the Supreme Court of the United States on a question upon an insurance policy—a marine insurance policy, covering merchandise that is a part of interstate commerce—the Supreme Court, in my judgment, then will hold that it is commerce, that it is interstate commerce, and that the Congress of the United States have the power to legislate in regard to it.

Why, gentlemen may talk about this particular interest not constituting commerce. Maybe in some phases it does not; but I want to remind you, Mr. Chairman, of this fact: Obliterate the insurance of the United States and you obliterate largely the commerce of the United States. I undertake to say that it would languish wonderfully if you destroy insurance. Who would venture, who would send his cargoes and his vessels upon the high seas, subject to the storms and the vicissitudes of ocean travel, save for the consolations of his insurance policy? Who would engage in interstate commerce among the States if it were not for the possibilities of insurance? Who would engage in the various businesses that make commerce possible if it were not for insurance?

Insurance of three kinds interests every citizen, almost, in the United States. It is an interest colossal. Think of it! There are three insurance companies in the United States that in the aggregate of their assets are worth more than a billion of dollars. Think of the multitude of men, women, and children whose interests are bound up in that colossal interest! This body which we propose to create here is simply one of publicity, of inquiry, to find out the facts, to publish those facts to the world, to put the innocent upon their guard. Here in my hand I hold a list of more than 150 bogus insurance companies doing business in the various States of the Union. It is not the duty of any State, of anybody, to search, to inquire, to ascertain with regard to the status of these companies. No one takes the trouble upon themselves. There is no publicity that is reliable, and hence, in my judgment, infinite good will come from this provision in this law.

Somebody will inquire, somebody will find out, it will be the

duty of somebody to place in the public journals, or in the public reports, the character of these unworthy candidates for public favor, who, day by day and year by year, are fleecing the public out of thousands and tens of thousands of dollars for insurance that is not worth the paper upon which it is written.

Mr. Chairman, it is exceedingly difficult, as any gentleman will see who has given any attention to the subject, to prepare a bill of this character, to determine just what bureaus and divisions of the Government shall be placed within it. Some that would strike one gentleman as a proper subject of transfer to this department, upon a little further investigation would be found was so connected, was so interwoven in their duties with another department, that the change from one to the other would be a dislocation of the public business that would be harmful in the extreme. Then, again, there are certain interests in the departments, perhaps; men had their attachments, they were located in one particular place, they had been accustomed for a long time to doing business right there, and strenuous efforts were made, as my colleagues will bear me out in saying, to prevent these changes that many of us thought ought to be made.

We have done the best we could. We do not assume that the bill is perfect, but it is the groundwork, the basis, and there is within it a provision giving to the President of the United States ample authority for the transfer of a division or a bureau that will in the course of time make it what it ought to be. I confess that it does not exactly suit me; I do not think it exactly suited any member of the committee, but it is the best we could do, and while gentlemen have said "Who asks for this?" it was not, I am glad to say, a member of the committee who made that inquiry, for members of the committee know that from one end of the land to the other there were demands by letter, by memorial, by petition, by the personal presence of eminent men from all over this country, for the creation of this department.

Mr. WOOTEN. May I ask the gentleman a question?

Mr. HEPBURN. Certainly.

Mr. WOOTEN. What objection has the gentleman to an independent department of labor. Would the gentleman favor it?

Mr. HEPBURN. I would not.

Mr. WOOTEN. Why not?

Mr. HEPBURN. At this time it is not necessary. I would not do it certainly if I believed as the gentleman from Texas does. His idea, as I understand it, and the reason why he wants an independent department of labor, is because there are antagonisms, there is hatred, there is wrath, between him who would be the head of the department of commerce and him who will be at the head of the department of labor. As I understand it, Mr. Chairman, we do not want to introduce quarrels, contests, and fights into the councils of the Chief Executive. Of all places, there we want peace.

Mr. WOOTEN. The gentleman does not state my position. I have not said that there was any hatred; I said there was antagonisms and diversity of interests. I ask the gentleman if he thinks there has not been antagonism in this country between capital and labor?

Mr. HEPBURN. I believe on the part of ignorant men there is a feeling that the gentleman speaks of. [Laughter.] I do not want to be offensive to the gentleman, but I do mean to say——

Mr. WOOTEN. Does the gentleman mean by "ignorant men" the laboring men of this country?

Mr. HEPBURN. No; I do not mean the laboring men; I mean the inferior class of laboring men of this country. I have never talked with an intelligent laboring man in my life who has not been ready to say that there was no real antagonism between labor and capital. [Applause.] That is the opinion of the intelligent laboring men of the land. It is only where ignorant men have their passions played upon by demagogues that this feeling of hatred exists. [Applause on the Republican side.]

Mr. WOOTEN. Will the gentleman permit another question?

Mr. HEPBURN. The gentleman can see that I have only a minute. Yes; I will yield.

Mr. WOOTEN. The gentleman speaks of the inferior class of laboring men. Will he define what he means by "inferior class?"

Mr. HEPBURN. I do not hesitate to answer that. I mean the sort of creatures that year by year we are allowing to come into the country from the south and east of Europe. That is what I mean.

Mr. WOOTEN. Why don't you shut them out?

Mr. HEPBURN. I would if I could have my way, but I have found whenever a contest was made every Democrat voted against it. [Applause on the Republican side.] If we could abolish the Democratic party, we could abolish this evil. [Applause and laughter on the Republican side.]

Now, Mr. Chairman, I ask that the reading of the bill be commenced.

The Clerk read the first section of the bill, as follows:

Be it enacted, etc., That there shall be at the seat of government an executive department to be known as the department of commerce and labor, and a secretary of commerce and labor, who shall be the head thereof, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of $8,000 per annum, and whose term and tenure of office shall be like that of the heads of the other Executive Departments.

Mr. HEPBURN. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GILLETT of Massachusetts reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (S. 569) to establish the department of commerce and labor, had come to no resolution thereon.

ENROLLED BILL PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bill of the following title:

H. R. 16066. An act to amend an act entitled "An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory," approved June 6, 1900.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 13411. An act granting an increase of pension to Clarence D. Hess;

H. R. 13000. An act granting an increase of pension to Magnus J. Cohn;

H. R. 11286. An act granting a pension to Ellen F. Pook;

H. R. 5205. An act granting an increase of pension to Hiram S. Leffingwell;

H. R. 13332. An act granting an increase of pension to William G. Cantley;

H. R. 8707. An act granting an increase of pension to James R. Ambrose;

H. R. 11212. An act granting an increase of pension to James D. Sims;

H. R. 4509. An act granting an increase of pension to Eliza Knight;

H. R. 13669. An act granting an increase of pension to James H. McVicker;

H. R. 6006. An act granting an increase of pension to John Canty;

H. R. 15399. An act granting an increase of pension to Harry C. Fay;

H. R. 13174. An act granting an increase of pension to Ransford T. Chase;

H. R. 14831. An act granting an increase of pension to Robert Clark;

H. R. 3514. An act granting an increase of pension to Theresia Ziegenfuss;

H. R. 7239. An act granting an increase of pension to William Christian;

H. R. 11311. An act granting an increase of pension to Andrew J. Hertzog;

H. R. 2223. An act granting an increase of pension to John Laughlin;

H. R. 12745. An act granting an increase of pension to Edmonds Likes;

H. R. 10339. An act granting an increase of pension to John L. Moore;

H. R. 12109. An act granting an increase of pension to Frederick Benefeldt;

H. R. 13227. An act granting an increase of pension to Elizabeth J. Emery;

H. R. 2849. An act granting an increase of pension to Charles S. Ely;

H. R. 4184. An act granting an increase of pension to John Glenn;

H. R. 5869. An act granting an increase of pension to Benjamin White;

H. R. 8542. An act granting an increase of pension to Parmenas F. Harris;

H. R. 6727. An act granting an increase of pension to Remembrance J. Williams;

H. R. 2224. An act granting an increase of pension to David T. Nuttle;

H. R. 12968. An act granting an increase of pension to John T. Mull;

H. R. 1328. An act granting an increase of pension to Gotthard Goerner;

H. R. 8309. An act granting an increase of pension to Sylvester Holiday;
H. R. 9016. An act granting an increase of pension to Jane Brosnan;
H. R. 12424. An act granting an increase of pension to Wallace K. May;
H. R. 4454. An act granting an increase of pension to James H. Watts;
H. R. 9402. An act granting an increase of pension to Alexander Curd;
H. R. 4983. An act granting an increase of pension to Lucy G. Smith;
H. R. 624. An act granting a pension to Dorcas McArdle;
H. R. 12430. An act granting a pension to Abner H. Lester;
H. R. 14242. An act granting a pension to Charles E. Peake;
H. R. 8576. An act granting a pension to John S. Upshaw;
H. R. 5159. An act granting a pension to William A. Miller;
H. R. 15588. An act granting an increase of pension to Samuel S. Smith;
H. R. 13727. An act granting a pension to Fannie E. Strohauer;
H. R. 10010. An act granting a pension to Mina Weirauch;
H. R. 13891. An act granting a pension to Hiram A. Sheldon;
H. R. 1733. An act for the relief of John A. Mason;
H. R. 11594. An act granting an increase of pension to Sarah E. Morrow;
H. R. 14416. An act granting an increase of pension to Albert H. Phillips;
H. R. 14957. An act granting an increase of pension to Mathias Custers;
H. R. 14478. An act granting an increase of pension to Luman Fuller;
H. R. 14477. An act granting a pension to John W. Bruff;
H. R. 15006. An act to establish Portal, N. Dak., a subport of entry, and extend thereto the privileges of the first section of the act approved June 10, 1880;
H. R. 6326. An act for the relief of Hiram C. Walker; and
H. R. 15852. An act granting an increase of pension to Cyrus G. Norton.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4374. An act granting an increase of pension to Abraham Sheeves;
S. 473. An act granting an increase of pension to Mabry A. Presley;
S. 921. An act granting a pension to Joanna Rodgers;
S. 1299. An act granting an increase of pension to Ambrus U. Harrison;
S. 2646. An act granting a pension to Justus L. Denton;
S. 3035. An act granting an increase of pension to Elias Brewster;
S. 3365. An act granting an increase of pension to Eliza M. Miller;
S. 3397. An act granting an increase of pension to Eliza A. Walker;
S. 3508. An act granting an increase of pension to James M. Thomas;
S. 3661. An act granting an increase of pension to George W. Edmonds;
S. 4043. An act granting an increase of pension to Catharine A. Carroll;
S. 4075. An act granting a pension to Harry R. Gibbs;
S. 4093. An act granting an increase of pension to William Barrett;
S. 5774. An act granting a pension to Asa E. Sampson;
S. 5812. An act granting an increase of pension to Wallace Fairbank;
S. 5814. An act granting a pension to Preston W. Burford;
S. 5816. An act granting a pension to Etta A. Whitehouse;
S. 484. An act granting an increase of pension to Fletcher J. Walker;
S. 1300. An act granting a pension to Judson N. Pollard;
S. 1479. An act granting an increase of pension to Thomas L. Coughey;
S. 1739. An act granting an increase of pension to William S. Frost;
S. 2353. An act granting an increase of pension to Almond Partridge;
S. 2545. An act granting a pension to William Johnson;
S. 4528. An act granting an increase of pension to Corydon Millard;
S. 4718. An act granting an increase of pension to Sarah A. Whitecomb;
S. 4809. An act granting an increase of pension to Henry J. McFadden;
S. 4811. An act granting an increase of pension to John W. Dick;
S. 4866. An act granting an increase of pension to Sarah D. Bereman;
S. 4941. An act granting an increase of pension to William Nichol;
S. 4943. An act granting an increase of pension to Abraham Park;
S. 5019. An act granting an increase of pension to Hannah E. James;
S. 5403. An act granting an increase of pension to Lyman Hotaling;
S. 5431. An act granting a pension to Daniel Dougherty;
S. 5639. An act granting a pension to William H. Durham;
S. 5660. An act granting an increase of pension to George W. Berry;
S. 5944. An act granting an increase of pension to Fredrick W. Willey;
S. 6151. An act granting an increase of pension to Henry E. Burton;
S. 6101. An act granting an increase of pension to Reuben Andrews;
S. 6123. An act granting an increase of pension to Thomas L. Collins; and
S. 6330. An act granting an increase of pension to Allen M. Ripley.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LEWIS of Pennsylvania, for two days, on account of important business.

To Mr. CONNELL, for two weeks, on account of important business.

To Mr. SUTHERLAND, for one week, on account of important business.

To Mr. PATTERSON of Pennsylvania, indefinitely, on account of sickness in his family.

To Mr. KNAPP, for four days, on account of sickness in his family.

And then, on motion of Mr. HEPBURN (at 5 o'clock and 8 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of W. T. Dodd, administrator of estate of William Shadrick, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Constant P. Wilson, administrator of estate of Mary A. Wilson, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Nancy C. Bell (née Hill), executrix of estate of Isaac S. Hill, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. D. Edge, administrator of estate of Jane Edge, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Jesse Addington against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joseph J. Metoyer, administrator of estate of F. Azenor Metoyer, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the engineer officer in charge, a recommendation in relation to the completion of the highway bridge across the Potomac—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DICK, from the Committee on Military Affairs, to which

was referred the bill of the House (H. R. 14375) authorizing the President to appoint Brig. Gen. H. C. Maman to the grade of major-general in the United States Army on the retired list, reported the same with amendments, accompanied by a report (No. 3154); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15243) to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army, reported the same with amendments, accompanied by a report (No. 3155); which said bill and report were referred to the Private Calendar.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 14192) to correct the military record of Palmer G. Percy, reported the same without amendment, accompanied by a report (No. 3156); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. SHACKLEFORD: A bill (H. R. 16757) for the purchase of a national forest reserve along the big Niangua River, to be known as the National Niangua Forest Reserve—to the Committee on Agriculture.

By Mr. CONNELL: A bill (H. R. 16758) to regulate interstate traffic in adulterated, misbranded, and imitation foods and drugs, and for other purposes—to the Committee on the Judiciary.

By Mr. MANN: A bill (H. R. 16759) providing for additional officers in the district of Chicago, in the collection district of Indiana and Illinos—to the Committee on Ways and Means.

By Mr. LACEY: A bill (H. R. 16760) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona—to the Committee on the Public Lands.

By Mr. BABCOCK: A bill (H. R. 16761) providing for advances from the Treasury of the United States for the support of the government of the District of Columbia—to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: A bill (H. R. 16775) establishing United States courts at Duncan and Maryetta, Ind. T.—to the Committee on the Judiciary.

Also, a bill (H. R. 16776) in relation to pharmacy in the Indian Territory—to the Committee on Indian Affairs.

By Mr. JOY: A concurrent resolution (H. C. Res. 71) directing the Committees on Naval Affairs of the House of Representatives and of the Senate to prepare and submit to Congress a bill providing for the construction of 25 additional battle ships, for the purpose of increasing the efficiency of the Navy of the United States—to the Committee on Naval Affairs.

By Mr. BROWNLOW: A resolution (H. Res. 391) for the consideration of the bill to establish the National Appalachian Forest Reserve—to the Committee on Rules.

By Mr. DALZELL: A resolution (H. Res. 392) concerning the consideration of the department of commerce bill—to the Committee on Rules.

By Mr. COOPER of Wisconsin: A resolution (H. Res. 393) for the consideration of the bill (H. R. 15520) to establish a standard of values and to provide for a coinage system in the Philippine Islands—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. FLANAGAN: A bill (H. R. 16762) granting a pension to Josephine Colbath—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 16763) to enable Jennie Arnold, a Caddo Indian, to sell certain land for an addition to the town site of Fort Cobb, Okla.—to the Committee on Indian Affairs.

By Mr. HITT: A bill (H. R. 16764) granting an increase of pension to Thomas Morgan—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: A bill (H. R. 16765) granting an increase of pension to Samuel Elliott—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 16766) granting an increase of pension to Edwin W. Reed—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 16767) for the relief of the heirs at law of Samuel G. Curtis and Elizabeth G. Curtis—to the Committee on War Claims.

By Mr. McCALL: A bill (H. R. 16768) granting a pension to Rebecca E. Maccarty—to the Committee on Pensions.

By Mr. McLACHLAN: A bill (H. R. 16769) granting an increase of pension to Edward M. McCook—to the Committee on Invalid Pensions.

By Mr. TRIMBLE: A bill (H. R. 16770) granting an increase of pension to W. W. Rowlett—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 16771) for the relief of Mrs. E. W. Williams—to the Committee on War Claims.

Also, a bill (H. R. 16772) granting a pension to Charles K. Knox—to the Committee on Pensions.

By Mr. DAYTON: A bill (H. R. 16773) granting an increase of pension to Calvin H. Morris—to the Committee on Invalid Pensions.

By Mr. GOOCH: A bill (H. R. 16774) granting an increase of pension to Coleman Reynolds—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolution of the Union Mine Workers' Union No. 558, of McDonald, Pa., indorsing the proposed eight-hour law—to the Committee on Labor.

Also, petition of the Redstone Presbytery, of Kenneth, Pa., favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. BURKETT: Petition of Beghtol Brothers, Bennet, Nebr., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. CASSINGHAM: Papers to accompany House bill 16665, granting a pension to John Wilhelm—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: Petition of retail druggists of Clinton, Wis., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. CROMER: Resolution of Lodge No. 8785, Federation of Labor, Bluffton, Ind., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. DAYTON: Petition of George W. Johnson and others, in behalf of the Home Guards of West Virginia, that they may be put on a pensionable basis—to the Committee on Military Affairs.

By Mr. DRAPER: Petition of E. P. Bacon and others, favoring the passage of the Elkins bill to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. DRISCOLL: Petition of Olivet Baptist Church, Syracuse, N. Y., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. EDWARDS: Petition of M. Whipp and 48 other citizens of Kalispell, Mont., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HEMENWAY: Petition of R. T. Williams and other citizens of Evansville, Ind., for the improvement of the Ohio River—to the Committee on Rivers and Harbors.

By Mr. JACKSON of Kansas: Papers to accompany House bill granting an increase of pension to Samuel Elliott—to the Committee on Invalid Pensions.

Also, petition of retail druggists of Girard, Kans., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. KERN: Resolutions of local unions No. 169, of East St. Louis, and No. 480, of Freeburg, Ill., Brotherhood of Carpenters and Joiners, for the repeal of the desert-land law and the commutation clause of the homestead act—to the Committee on the Public Lands.

Also, petitions of Team Drivers' Union of Belleville, and St. Clair Lodge, No. 353, International Association of Machinists, favoring an eight-hour work day as the legal work day in contracts to which the United States Government is a party—to the Committee on Labor.

Also, petition of Peyton P. Aikin, favoring bill to pension the blind—to the Committee on Pensions.

By Mr. KNOX: Resolutions of the Chamber of Commerce of Boston, Mass., in favor of a tariff commission—to the Committee on Ways and Means.

Also, petition of W. H. Willis and A. W. Danforth, of Reading, Mass., for a reduction of the tax on alcohol to 70 cents per proof gallon—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of the Merchants' Association of New York, favoring the passage of bills to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Church & Dwight Company and Ludwig, Nissen & Co., New York, urging the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

Also, petition of Flandrau & Co., New York, in favor of the bill to create a bureau of public roads—to the Committee on Agriculture.

Also, petitions of various commercial, mercantile, manufacturing, and agricultural interests of the United States, favoring certain amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Manufacturers' Association of New York, in relation to the enlargement of the Interstate Commerce Commission and against the compulsory adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. LITTAUER: Petition of citizens of Ogdensburg, N. Y., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. LIVINGSTON: Petition of John N. Swift, of Dekalb County, Ga., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MANN: Petition of Marshall Field & Co. and 12 other business firms of Chicago, Ill., for the establishment of a naval office at the port of Chicago—to the Committee on Naval Affairs.

By Mr. MAYNARD: Papers to accompany House bill 12292, relating to the claim of Thomas G. Wright—to the Committee on War Claims.

Also, papers to accompany House bill relating to the claim of the heirs of Samuel G. Curtis, deceased—to the Committee on War Claims.

By Mr. McCALL: Petition of the Associated Charities of Boston, Mass., for the repeal of the duties on coal—to the Committee on Ways and Means.

By Mr. McLACHLAN: Papers to accompany House bill, being synopsis of the civil and military services of Gen. Edward M. McCook—to the Committee on Invalid Pensions.

By Mr. NEVILLE: Petition of Ed. McComas and others, of Brokenbow, Nebr., favoring House bill 178—to the Committee on Ways and Means.

By Mr. RYAN: Resolutions of the Manufacturers' Association of New York, against the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of the Manufacturers' Association of New York, and the Chamber of Commerce of Milwaukee, Wis., favoring the passage of the Elkins bill, to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Board of Trade of Savannah, Ga., favoring the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

By Mr. SHALLENBERGER: Petition of A. W. Buchheit and other druggists of Grand Island, Nebr., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. SHEPPARD: Petition of J. B. Boyd and others, of Texarkana, Tex., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SOUTHWICK: Petition of C. S. Holman and others, of Albany County, N. Y., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. SPERRY: Resolutions of Brass City Lodge No. 240, Order of B'rith Abraham, Waterbury, Conn., relative to immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Meriden, Conn., favoring the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SWANN: Papers to accompany House bill 12359, granting a pension to George F. Flinn—to the Committee on Invalid Pensions.

By Mr. STEWART of New York: Petition of Schenectady Lodge, No. 210, Schenectady, N. Y., favoring the repeal of the desert-land law—to the Committee on the Public Lands.

Also, papers to accompany House bill 10500, granting a pension to Margaret A. Weaver—to the Committee on Invalid Pensions.

By Mr. THAYER: Petition of E. E. Wood and 2 other retail druggists of Millbury, Mass., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. TIRRELL: Petitions of C. L. Curtis, Charles W. Perry, and others, urging the reduction of the tax on alcohol used in medicinal preparations—to the Committee on Ways and Means.

By Mr. YOUNG: Resolution of the Baptist Ministers' Union of Huntington, Pa., favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

Also, paper of W. H. Smith, of San Francisco, suggesting an amendment to section 4921 of the patent law—to the Committee on Patents.

Also, petition of John Farr and 2 others, committee of West India Trade, in relation to the treaty with Cuba—to the Committee on Foreign Affairs.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 16, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

DIRECTOR OF COLUMBIA INSTITUTION FOR DEAF AND DUMB.

The SPEAKER directed the Clerk to read the following announcement.

The Clerk read as follows:

Mr. MCCLELLAN is to be appointed a Director of the Columbia Institution for the Deaf and Dumb, in place of Mr. Lanham, who has resigned.

ORDER OF BUSINESS.

Mr. MAHON. Mr. Speaker. I move that the House resolve itself into Committee of the Whole House to consider bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House (Mr. HEMENWAY in the chair).

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering claims on the Private Calendar.

WILLIAM P. MARSHALL.

The first business on the Private Calendar was the bill (H. R. 647) for the relief of William P. Marshall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money not otherwise appropriated, the sum of $200 to William P. Marshall, late a private in Company H, One hundredth Pennsylvania Volunteer Infantry, being the amount due him for bounty.

Mr. MAHON. I move that the bill be laid aside, to be reported to the House with a favorable recommendation.

The motion was agreed to.

HAMILTON M. SAILORS.

The next business on the Private Calendar was the bill (H. R. 5070) for the relief of Hamilton M. Sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Hamilton M. Sailors, late Company K, One hundred and first Indiana Volunteers, the difference of pay and allowances between those of a private and those of a second lieutenant from May 26, 1863, to October 10, 1863, he having performed the duties of said office, under proper appointment and assignment, during that period.

On motion of Mr. MAHON, the bill was laid aside, to be reported to the House with a favorable recommendation.

OWNERS OF BARGE CHARLIE.

The next business on the Private Calendar was the bill (H. R. 1937) for the relief of the owner or owners of the barge *Charlie.*

The bill was read, as follows:

Be it enacted, etc., That the claim of the legal owner or owners of the barge Charlie, of Douglassville, Augustus B. Miller, master, alleged to have been damaged by collision with the United States steamship Eutaw, in the Potomac River, below Alexandria, Va., on or about the 3d day of July, 1863, be referred to the Court of Claims, to hear and determine the same to judgment, with the right of appeal as in other cases: *Provided*, That no suit shall be brought under the provisions of this act after six months from the date of the passage thereof.

Mr. MAHON. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

MRS. TELLISSE W. WILSON.

The next business on the Private Calendar was the bill (H. R. 5036) for the relief of the heirs of Mrs. Tellisse W. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the heirs of Tellisse W. Wilson, late a resident of Corinth, Miss., the sum of $4,419.15, out of any money in the Treasury not otherwise appropriated, as compensation for property taken and used by the United States Army at Corinth, Miss., during the war of the rebellion.

Mr. PAYNE. Mr. Chairman, I would like to hear an explanation of this bill.

Mr. MAHON. Mr. Chairman, I yield to the gentleman from Iowa [Mr. HULL].

Mr. HULL. Mr. Chairman, this is a case where the property of these parties, Mrs. Tellisse W. Wilson and two daughters, she being a widow without anyone to look after her interests, was taken near Nashville, and the affidavit of General Dodge and other officers established her loyalty. The amount in the bill is the exact amount proven up before the Court of Claims a great

many years ago, but this woman, not understanding business, did not realize that she had to prove up her loyalty in order to make it a legal claim, and while the amount was rendered as found by the Court of Claims, exactly as put in the bill, it was left for several years afterwards for them to establish their loyalty. As soon as their attention was called to that they at once secured the evidence of Gen. Grenville M. Dodge and his staff and established their claims fully under the law, both as to the property being destroyed and as to the loyalty of the claimant during the war. I think that is all there is in the bill.

Mr. MAHON. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

SEWELL B. CORBETT.

The next business on the Private Calendar was the resolution (H. Res. 91) for the relief of the representatives of Sewell B. Corbett, deceased.

The resolution was read, as follows:

Resolved, That the bill (H. R. 6511) for the relief of personal representatives of Sewell B. Corbett, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the "Tucker Act."

Mr. MAHON. Mr. Chairman, I move that the resolution be laid aside with a favorable recommendation.

The motion was agreed to.

B. F. MOODY & CO.

The next business on the Private Calendar was the bill (H. R. 2672) for the relief of B. F. Moody & Co., or their legal representatives.

The bill was read, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money not otherwise appropriated, the sum of $8,446.65, in full liquidation of a balance due said firm under their contract of date September 30, 1861, executed by Cyrus Busey, agent, under authority of Maj. Gen. John C. Frémont, acting for the United States, for the equipment of the Third Iowa Cavalry.

Mr. MAHON. Mr. Chairman, I yield fifteen minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, this claim is presented to the House by Congressman RUMPLE, of the Second Iowa district, who is lying seriously, and, I fear, dangerously, ill, and who has requested me to briefly present the claim to the committee. In 1861 the Third Iowa Cavalry was raised. Colonel Bussey, at that time aid-de-camp to Governor Kirkwood, of Iowa, made a requisition upon the quartermaster's department at St. Louis for the equipment of this regiment. The requisition was not honored because of the fact that, 300,000 men having recently been called into service, that department was unable to supply this regiment with its equipment.

General Frémont wrote a letter to Governor Kirkwood, of Iowa, which was carried by the distinguished Iowa Congressman, Colonel HEPBURN, directing him to equip this regiment at the expense of the Government. At the time that this order or letter was received the governor was not actually present at the seat of government. The letter was transmitted by his private secretary to Colonel Bussey, who telegraphed General Frémont the situation, and General Frémont directed Colonel Bussey to himself equip the regiment immediately. The letter to the governor was on the 14th of September, 1861. At that time there was great disturbance in northeast Missouri, and it was important that this regiment be hurried to the front. It was therefore necessary that it be equipped immediately, and Colonel Bussey, within sixteen days thereafter, signed a contract with these claimants, Moody & Co., for the equipment of the regiment, the entire equipment to be furnished within forty days.

Moody & Co. went to Chicago, to New York, to Boston, everywhere, seeking houses that could promptly supply these goods, and within the time limit, forty days, all of the goods were delivered and inspected by the quartermaster of the regiment and accepted by the Government. After this had all been done questions arose as to the administration of General Frémont at St. Louis and a commission was appointed, with Hon. David Davis as chairman, to investigate claims in that department. This commission reported, not that there was any fraud in the contract with Moody & Co. (and I do not think anyone will want to claim that Colonel, afterwards Brevet Major-General, Bussey, and one of the heroes of Pea Ridge, was in fact guilty of any fraudulent conduct in connection with this transaction), but it was claimed that General Frémont had no legal authority to contract with Moody & Co., or to authorize a contract with Moody & Co., but that the contract should have been made through the quartermaster's department.

Upon this technical ground this claim was cut down intentionally about $8,000 and unintentionally by a mistake in calculation about $400 more. The contract between Moody & Co. and Colonel Bussey provided that the payment for these goods should be made within thirty days from their delivery, and they were all delivered by about the 10th of November, 1861. Moody & Co. received no pay whatever until April, 1862, at a time when interest charges were excessive in that region. They suffered incalculable loss in various ways from the failure of the Government to perform its contract, but they ask now only that the Government pay to them the balance expressly stipulated in the contract, without interest and without any other charges whatever.

It is said here by one of my associates that they receipted in full for their claims. It is true that under the direction of this commission, refusing to pay them any portion of their money until a receipt in full was signed, with bankruptcy staring them in the face if they failed to obtain at least a portion of this money to apply on their large contracts they had made in Chicago, New York, and Boston, they did sign a receipt; but there is absolutely no dispute that the full amount mentioned in this bill is due them under the terms of the contract, without interest and without any form of damages for all this long delay.

It is further true that immediately after this trouble the books of Moody & Co. were destroyed by fire and, in ignorance the fact that other and sufficient records existed, they failed to prefer this claim to Congress until the Fiftieth Congress. It was then presented to the Committee on War Claims and unanimously reported favorably. It has been favorably reported in substantially every Congress from that day to this, but has never up to this time been reached upon the Calendar.

Mr. HEDGE. Mr. Chairman, this is a typical war claim. It is a reminiscence, not of the service and honor of the war, but of the greed and rapacity that took shelter under the darkness of those days.

I ask the patient attention of the House. My voice is not strong and I have something to say about this case from the record that I think will be interesting.

As my colleague [Mr. SMITH of Iowa] has said, these transactions have their beginning, so far as the record shows, on the the 14th of September, 1861. This is a claim for supplies for the equipment of the Third Iowa Cavalry. As my colleague has told you, Cyrus C. Bussey was its colonel. Lieutenant Rankin, afterwards Colonel Rankin, was its honest and efficient quartermaster. About the time that I have stated, Colonel Bussey telegraphed—I am simply speaking from the record in the report of the committee of the Fifty-third Congress and other records which I will produce—Colonel Bussey telegraphed to General Frémont, who was then commander of the Department of Missouri, for authority to make a contract to equip this regiment.

General Frémont gave him that authority, or attempted to give him that authority, by telegraph. The firm of B. F. Moody & Co. had been organized, composed of B. F. Moody, some one else unknown to me, and Oscar Kaiser. These were the confessed members of the partnership. Oscar Kaiser was the brother-in-law of Cyrus C. Bussey. General Bussey, under this authority given him by General Frémont, proceeded to make a contract with his brother-in-law's firm without advertisement, without notice, without concurrence of the quartermaster of his own regiment, whose duty it was to make such contracts and to attend to such business. Thus, secretly he permitted Moody & Co. to take this contract, practically on terms prescribed by them.

Mr. SMITH of Iowa. Will the gentleman allow me to ask him a question?

Mr. HEDGE. Yes.

Mr. SMITH of Iowa. Do you say that the quartermaster of that regiment had any vestige of authority from any mortal man to buy any of those goods?

Mr. HEDGE. I say it was the duty of the quartermaster of the regiment to purchase supplies for the regiment.

Mr. SMITH of Iowa. Was not the authority, as you well know, granted to Colonel Bussey, and did not Colonel Rankin, to whom you refer, inspect and approve all of those goods?

Mr. HEDGE. He may have approved the goods after they were purchased.

Mr. SMITH of Iowa. Yes.

Mr. HEDGE. But he had nothing whatever to do with the purchase of the goods.

Mr. SMITH of Iowa. And no authority to purchase them.

Mr. HEDGE. No; he did not have any authority from General Frémont. The gentleman is right. I answer his question affirmatively that Colonel Bussey did make this contract by permission of John C. Frémont, and John C. Frémont had the same right and authority to authorize that contract that a St. Louis alderman to-day has, in jail or out of jail, and no more.

I will read as a part of my remarks a brief paragraph from the report of this commission that my colleague has called attention to—a commission called into existence when the Government ascertained that around my friend's city of St. Louis the thieves were gathering; that almost all the contracts there made were tainted with fraud, contracts made under this same authority,

with the same brothers-in-law. Let me read what David Davis said, and this is his language signed by himself as chairman of the committee, and also signed by Joseph Holt, who afterwards became Attorney-General, and his associate, Hugh Campbell, a retired merchant of St. Louis, whose intelligence and integrity in that neighborhood nobody ever doubted. This is their language, taken from Executive Document No. 94, Thirty-seventh Congress, included in a letter addressed to Galusha A. Grow, Speaker of the House of Representatives, by Edwin M. Stanton.

I herewith transmit the report of the commission.

And this is what David Davis and Joseph Holt and Hugh Campbell are telling this House. They tell us that here to-day.

On the 14th of September, 1861, General Frémont, by telegraphic dispatch, authorized Colonel Bussey, of the Third Iowa Cavalry, upon his request, to make a contract for the entire equipment of his regiment. No reason has been assigned why this most responsible duty, which the law imposes upon the quartermaster's department, was thus assigned to one who had no peculiar fitness for its discharge, and who might encounter interests and temptations to abuse the trust.

Colonel Rankin had bought all the horses for the regiment, and he bought them for $40,000 less than any other regiment was able to secure them, and better horses. It was the best mounted regiment of cavalry in the Northwest.

Mr. SMITH of Iowa. Will the gentleman allow me to interrupt him?

Mr. HEDGE. Yes, sir.

Mr. SMITH of Iowa. I want to say that every horse of this regiment was bought by Mr. Bussey, and not by Colonel Rankin.

Mr. HEDGE. David Davis and Joseph Holt say otherwise.

Mr. SMITH of Iowa. They say so from testimony that was before them when you know that Colonel Bussey was away in the Pea Ridge campaign and not able to testify.

Mr. HEDGE. I am not talking about Colonel Bussey's conduct at Pea Ridge. I am talking about Colonel Bussey at St. Louis.

Mr. SMITH of Iowa. You were talking about testimony taken when he could not be present to testify.

Mr. HEDGE. As to the fine qualities of Colonel Rankin, the commission says:

Colonel Rankin, the then quartermaster of this regiment, we have had occasion to present in another connection as an officer as distinguished for his efficiency as he is for his integrity, but as these qualities would have stood in the way of the speculators, the commanding general was prevailed on to thrust him aside. Colonel Bussey accordingly, without having given any notice or inviting competition, entered into a contract for this purpose with three persons residing at Keokuk, one of whom was his brother-in-law. He did this at Chicago, having gone there with some of these parties and ascertained that the equipments could there be obtained on reasonable terms. A firm of Chicago merchants have deposed before us that they would have sold the equipments to the Government at lower rates than they were in fact contracted for by these parties; but as this would have deprived his brother-in-law and friends of the large commission on these purchases, amounting to upward of $100,000, which they proposed charging the Government, the Colonel did not feel justified in permitting it. The bills being before us, and the case so strongly portraying the evils which have grown out of the commanding general virtually superseding in his administration the Quartermaster's Department and the Ordnance Bureau, we concluded to inquire how far our views of the illegality of such a course were sustained by officers of high rank and large experience in the military service.

They go on and give the testimony of Colonel Andrews, a paymaster of the Army, an officer of the Regular Army for forty years, who testifies to the illegality and the want of authority in General Frémont in assuming this right. We do not wish to dig up this chapter of history. We all want to forget the fuss and feathers, pomp and circumstance, the drums and kettledrums, which betrayed the General's notion of the realities and essentials of war. But it is necessary for us, in order that we may understand this case, that we should know what his own sense of responsibility was, what his measure of his duty was to his country, standing as he did not only in command as a soldier, but also with the general interests of his country in the State of Missouri in his charge. Here is a conversation with Mr. Shepley in connection with him on this very question:

He spoke pleasantly, but said: "The people of the United States were in the field: that he was at their head; that he meant to carry out such measures as they (the people) expected him to carry out, without regard to the red tape of the Washington people."

This man had been dizzied by his elevation. He regarded himself as something more than a man of destiny. I charge no corruption against him personally, but I do charge that through his carelessness and through his vanity he gave indulgences to brothers-in-law all over St. Louis to break the eighth commandment.

But there is another point. As I said, this commission was appointed, composed of David Davis, Joseph Holt, and Hugh Campbell, and they say to you to-day that they carefully and diligently, and with particularity and conscientious scrutiny examined all these claims. Will any gentleman, will my colleague from Iowa, doubt the ability, the integrity, of David Davis or Joseph Holt? Was not David Davis able to examine an account, and was not he the sort of man that would tell the truth about it after he had examined it?

Now, here is the account. Here is the certified copy of the original bill in four vouchers with a general heading. Here are the items: Overcoats, jackets, and pants. An overcoat, jacket, and pair of pants cost the Government $29 apiece and was charged at $29. If I had the time I would like to tell the story about a case where, in Des Moines County, Iowa, a man was up, being charged with stealing a valise full of clothing. The punishment depended upon the value of the goods, and so it was important to ascertain their value. A witness for the State testified to the contents of the valise—that there were three shirts, worth $2 apiece, a pair of pantaloons valued at $4. What else was there in it? A Bible. What was that worth? About a dollar. That is all. The Des Moines County jury, on the suggestion of the attorney, perhaps, disregarded and rejected the testimony of that witness because he valued a pair of breeches above the Word of God. [Laughter.] Now, I do not charge that against these patriots whose patriotism was limited and defined by their notion of their own self-interest, these patriots who when the boys of this country, rising to the demands of the highest duty to serve their country, became recruits, these fellows, with the desire that the country should serve them, became contractors. [Laughter.]

Here are the bills literally copied from the original bill now on file in the Treasury Department. Here are the deductions made from them, recorded in red ink and signed by David Davis, president, by J. S. Fullerton, secretary. Each voucher is signed. These vouchers amounted to $8,200 that they had overcharged in the estimate of that commission who took testimony, as I am informed by one who was there, one whose word will never be doubted by the Fifty-seventh Congress. They took testimony of the best men and the most intelligent merchants in St. Louis and Cincinnati and other cities. The commission decided that these deductions were proper.

Mr. MILLER. When did the commission decide it?

Mr. HEDGE. I do not know, but——

Mr. SMITH of Iowa. In 1862.

Mr. HEDGE (continuing). I know that on the 11th of April, 1862, B. F. Moody accepted the decision, for on that day he signed a receipt at St. Louis, dated April 11, 1862, to Maj. Robert Allen, quartermaster, United States Army, and it is signed B. F. Moody & Co.

Now, then, these claimants, as the report will show—and I ask the attention of every member of the House to the report—my friend has said that their books were burned soon after this event. I should think there was brimstone enough in them to produce spontaneous combustion. [Laughter.] Listen to their excuse. The books were burned, and therefore they were passive, patient, and quiet from 1862. They did not claim, before 1886, that they ever took exception to the finding of the commission or complained of the allowance of their claim. But in 1886 Mr. Benton J. Hall was a member from that First Iowa district, a lovely gentleman, an able lawyer, and he told them if they had a claim against the Government they could find a statement of their account, evidence of their claim, on file here. What a grand surprise that was to these men! Take any merchant of any town in which you live, if he loses his savings-bank book, if it is burned up, and he waits quietly and patiently until twenty-four years after, when some lawyer tells him that the bank keeps books, too. [Laughter.] Did the gentlemen have the slightest suspicion that any of these claims were not on file in the city of Washington? Further than that, they lived in Keokuk, Iowa, the moral seat of government for many years, a little town of not more than 10,000 people. Everybody knew everybody else.

They were near neighbors of Gen. W. W. Belknap, an able lawyer, the Secretary of War, a most generous and accommodating man, who would have been more than willing to render them any assistance to obtain justice from this "oppressive" Government. No suggestion is made that their neighbor, General Belknap, was ever told about this claim. J. B. Howell, the editor of their town paper and their postmaster, was Senator along about 1870 for two or three years. There is not a sign that Howell ever heard about this claim, and he had a "nose for news." George W. McCrary was a member of this House, a resident of Keokuk, practicing law there, and intimately acquainted with all these men. He was a member of this House for at least six years, possibly eight. Afterwards he was Secretary of War. Not a suggestion on the part of anybody that George W. McCrary was ever approached for assistance in securing justice at your hands. They knew McCrary, and is it uncharitable for me to think that they did not approach McCrary or Belknap or Howell, because they knew that McCrary and Belknap and Howell knew Kaiser?

Not till 1886 was the suggestion ever made. Not until 1894 was ever any claim presented before the Committee on Claims. What Fabian patience! Now Davis was dead; Campbell was dead; Holt was dead.

Mr. SMITH of Iowa. If the gentleman will yield, I will ask whether he does not know that in the Fiftieth Congress there was a favorable report upon this case.

Mr. HEDGE. It is of your own report that I am talking. I do not doubt but you have knowledge that I can never dream of possessing.

Mr. SMITH of Iowa. I have the report before me. It says that in the Fiftieth Congress the claim was reported unanimously, and in every Congress since.

Mr. HEDGE. How long ago was that?

Mr. SMITH of Iowa. That was not in 1894.

Mr. HEDGE. Perhaps it was twenty minutes earlier. [Laughter.] But David Davis was dead; Joseph Holt was dead, and Mr. Campbell was dead. Everybody who could possibly testify about this thing, or who had personal knowledge of the reasons why the Government reduced this claim, was dead. Then their "patience ceases to be a virtue." Not until all the best evidence is gone do these men dare to galvanize the corpse which the just judgment had condemned into a vindictive vitality. [Laughter.] It so happens that the reporter of that commission is now here. There was no printed record of the case, because, as the gentleman from Illinois [Mr. HITT], to whom I refer, can tell you, President Lincoln and Secretary Stanton did not want a publication showing the rascality that was dominant even then in St. Louis, for fear it would dishearten the people.

Mr. SMITH of Iowa. Will the gentleman allow me a moment? I hold in my hand every scintilla of testimony taken before that commission, officially reported, and a part of the archives of the Treasury Department. That record is complete in every respect as to everything heard before that commission.

Mr. HEDGE. I know it——

Mr. SMITH of Iowa. Instead of the matter not being now accessible, here lies the testimony of every witness who testified as to the merits of this claim.

Mr. HEDGE. I did not say it was not accessible; you did not understand me. My voice was not good enough to reach your understanding. [Laughter.]

Mr. SMITH of Iowa. You said that Lincoln wanted to obscure it——

Mr. HEDGE. No; I said it does not appear in print, and I said the reason it was not printed was probably——

Mr. SMITH of Iowa. This is a public record.

Mr. HEDGE. Because Lincoln and Stanton and other men here in Washington, plain people—different from John C. Frémont—feared that it might dishearten the people.

Mr. Chairman, I thank the House for its attention. I am happy that I have one here who can corroborate every fact I have stated, whether he can agree with my conclusions and opinions or not. If I have any time left, I would ask the permission of the gentleman from Illinois [Mr. HITT] to yield to him as much of it as he may want. [A pause.] Mr. Chairman, I reserve the remainder of my time.

The CHAIRMAN. The gentleman's time has expired.

Mr. MAHON. I want to give these other gentlemen some time——

Mr. SMITH of Iowa. Mr. Chairman, I do not care to enter into any discussion——

Mr. HEDGE. I yield to the gentleman from Illinois [Mr. HITT].

Mr. SMITH of Iowa. I beg the gentleman's pardon. The Chair announced that his time had expired. I do not want to prevent the gentleman from Illinois from addressing the House. I shall be delighted to hear him.

Mr. HEDGE. I do not understand under what rule my time could have expired.

The CHAIRMAN. The Chair understood the gentleman from Pennsylvania to yield to the gentleman from Iowa [Mr. HEDGE]. The gentleman from Illinois can be recognized in his own right, but the time of the gentleman from Pennsylvania has expired.

Mr. HEDGE. I took the floor in my own right.

Mr. MAHON. Oh, no; I had the floor.

The CHAIRMAN. The Chair was doubtful about that. The gentleman from Illinois [Mr. HITT] takes the floor in his own right. The gentleman from Pennsylvania [Mr. MAHON], as the Chair understood, yielded him time. It does not make any difference, as the gentleman from Illinois can be recognized in his own time.

Mr. HITT. Mr. Chairman, since the debate arose my attention has been called for, I may say, the first time in forty years to the work of the Holt-Davis commission in examining into Frémont's administration in 1861. I have looked a moment at this brief printed report which has been handed to me, and recall vividly the faithful, arduous work of those men. I took down all the evidence in their long investigation of irregularities and disheartening frauds at St. Louis, and the huge manuscript which the gentleman from Iowa [Mr. SMITH] has brought to the House and raised in his hand is, I suppose, in my writing, though I have not yet seen it, and is a part of that unprinted report. Since it has been called up, I now remember the claim for the equipment of this Third Iowa Cavalry Regiment by the colonel's brother-in-law, because it differed from the others in its irregularity. The extravagance and fraud in furnishing clothing was a great item in the investigations at St. Louis by that commission.

Mr. Joseph Holt, one of the members of the commission, had just come from Washington, where he had been Secretary of War and was perfectly familiar with all the details of the equipment of troops, while Mr. Campbell was a great merchant of many years' experience in Philadelphia and St. Louis. Judge Davis you all know. They sat during the day in the United States building. The claims presented by mercantile houses of Cincinnati, Chicago, and St. Louis for furnishing goods, clothing, hardware, and other articles were severely scanned, and a great amount of testimony was taken on the true market value of such articles as make up this claim of B. F. Moody & Co. That testimony was applied to claims such as that now before the House, and the reductions and adjustments were made in the evening in a room in the Planters' Hotel when I was present. I read over to the three judges the essential testimony that had been given which was directly in point on a case or a claim when called or a class of claims.

A great deal of testimony was applicable to a claim which had not been given by the persons who were the claimants or who were directly or personally connected with the particular claim or the manner in which it accrued. Those frauds were not alike in all the cases, but the facts, especially of true market values, were applicable to many in reducing them to truth and justice. These reductions were made immediately, upon going over the testimony in the evening, by these three judges; the reductions were indorsed on the bills, and before the final adjournment of the commission these various vouchers, scaled down and accepted, were presented to the claimants and they signed receipts, as Moody & Co. have done on these vouchers, for the money then paid them in settlement. The amount that was taken off the Frémont administration claims ran up into many millions. The circumstances, to which the gentleman from Iowa on my right [Mr. HEDGE] referred, in the extraordinary conduct of General Frémont, are painfully true. General Frémont seemed to have lost all idea of subordination in the Government; he paid little attention to the regulations; he constantly said he did not care for red tape, and he was superseded in command upon a visit by the then Secretary of War, who found his methods, whatever might be the motive, to be intolerable and extravagant. The expenditures were examined into, and these millions of deduction were the result.

Now, it is only a few moments since I looked at this report and I can not say anything in reference to the items of this particular deduction; but I can say that I was present and made the synopsis of the testimony for those judges in every claim among the many hundreds that were there as long as my health enabled me to work, for I broke down by and by; and I believe that the House can repose confidence in the intelligence and integrity of Joseph Holt, David Davis, and Hugh Campbell, three men whose patriotism and whose arduous diligence were so often tried.

I remember well the fact referred to by the gentleman in regard to the publication of these scandals, peculations, and irregularities. At first publication was allowed of the proceedings until Judge Davis said it would make the people despair to know what was going on. Secretary Holt and Mr. Campbell agreed with him and the doors were closed to all reporters and correspondents. The disclosures every day met were exasperating. For example, I remember at this moment of a farmer who came from Edgar County, Ill., near where, I believe, Mr. CANNON lives. He with his neighbors gathered together all the good horses 'round about, and he brought them down and offered them for sale at the lowest price possible in order that the boys might be mounted—their own sons, who were down in Missouri in arms. He testified before us that the horses were refused to be looked at and he was kept waiting to beat down his price until all the money he had was used in paying for their keep; and then they were sold at a low price, I think at $70 or $71 apiece, and vouchers given him to sign for $119.50 apiece; and thus nearly half of the price was retained by the cheats who were swindling the Government.

Now, is it wonderful that the commission scaled them down? Is it wonderful that David Davis wrote to Mr. Lincoln that nothing ought to be said to dishearten the people more in those sad days of 1862, for those good farmers out in Edgar County would not eagerly send more horses down. That is why that huge manuscript was never printed. I handed it to Mr. Stanton and Mr. Stanton said, sorrowfully, "We have no money to spare for anything but the war, none for the printing of documents, and I understand it is not well that this be printed for it would have a discouraging effect." That is why that great bundle of faded manuscript lies there now on the gentleman's desk unprinted and tied with the red tape which I suppose was put around it in 1862. [Applause.]

Mr. MAHON. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, it is no part of my intention to suggest any lack of ability or fidelity in the great commission which passed upon these claims. It is no part of my intention to enter upon any defense of the administration of St. Louis by John C. Frémont. It is no part of my intention to enter into any discussion as to the legal authority of John C. Frémont to authorize this contract. Suffice it to say that the governor of Iowa, Samuel J. Kirkwood, believed that this authority existed and sent Col. W. P. HEPBURN, a member of this House, to St. Louis to obtain authority. Colonel HEPBURN is a fair lawyer, and if Colonel HEPBURN and Governor Kirkwood thought that John C. Frémont could give this order, and a valid order, then possibly these merchants and Colonel Bussey may have been justified in believing that he could give a valid order.

It is no answer to the just claim of Moody & Co. to say that there were frauds at St. Louis and therefore there must have been frauds at Keokuk. General Bussey's character in Iowa is not the subject of impeachment. No man is more respected by the people of that State than he is. It is true that General Bussey's brother-in-law had a trifling interest in the firm of Moody & Co.; but the interest of Moody was more than two-thirds of all, and the interest of Hosmer was more than three-fourths of the balance. This contract was let in strict accordance with instructions from St. Louis, that were believed to be valid by Governor Kirkwood, assumed to be valid by Colonel HEPBURN, assumed to be valid by General (then Colonel) Bussey. This contract was performed with wondrous speed and rapidity, at a time when the Government needed prompt service, but when so much of corruption was being discovered in John C. Frémont's administration, men were only too ready to credit the idea that there might have been corruption here.

As I have stated, in interrupting my friend from Iowa [Mr. HEDGE], General Bussey was absent in the discharge of his official duties and could not testify before this commission; but the committees of five Congresses have reported to this House that even computing this upon the basis fixed by the commission a clerical error was made against these claimants, and that upon the very basis of the finding of this commission about $400 additional ought to have been paid to them. But there was not a finding by this commission that this claim was fraudulent in any sense. The commission never said it was fraudulent. They said it was technically not binding because of lack of authority of John C. Frémont, and therefore they cut the claim down.

There has never been a finding by any commission anywhere that this claim was fraudulent in law or in fact. It was found that technically there was no authority to bind the Government, even though Samuel J. Kirkwood and WILLIAM P. HEPBURN and General Bussey all thought the authority existed, and on that technical ground this claim was cut down because the contract was not binding, although these men spent their money like water in going from place to place-seeking manufacturers who in the crowded condition of the market at that time could supply this vast amount of goods within forty days.

This claim is just, and it is no assault upon the distinguished commission that passed upon these claims to say that it is. It is no assaut upon the their ability; it is no assault upon their integrity; it is no assault upon their industry. The most important witnesses for this claim were all in the South at the time of this hearing. The members of this regiment were in the South.

Mr. HEDGE. What could they have testified to?

Mr. SMITH of Iowa. They could have testified to the quality of these goods, as Colonel Rankin could have testified to the quality of the goods.

Mr. HEDGE. Will the gentleman allow me to ask him a question?

Mr. SMITH of Iowa. I will, with pleasure, and will answer it if I can.

Mr. HEDGE. Did not the commission learn what the real value of these goods was?

Mr. SMITH of Iowa. The commission found——

Mr. HEDGE. Did they not undertake to learn?

Mr. SMITH of Iowa. I think the commission tried to find out what some goods that were not there were worth; yes.

Mr. HEDGE. And did they not allow what they supposed to be the value of those goods?

Mr. SMITH of Iowa. They did their duty faithfully as they understood it, and as best they could; but the goods were not there. They were not subjected to inspection by the witnesses. There was no means of ascertaining the truth at that time in full, by reason of the absence both of the clothes and the other equipments furnished, and by reason of the absence of the witnesses who knew as to their quality.

Mr. MAHON. Mr. Chairman, I simply want to state as briefly as possible that this bill has been reported time and again. The Committee on War Claims went all through that package of papers which they had from the War Department. There is no criticism to make, with this exception: There is no charge against these people that they delivered goods that were fraudulent and not up to the standard. The committee acted on this theory, that General Frémont was an officer of the Government, that General Bussey was an officer of the Government. They were Army officers, and as such they authorized these men to furnish these uniforms. These men did their duty. Now, the simple question is just this: It appeared that General Frémont had no authority and was technically wrong, and these officers, in ordering these uniforms for this regiment, were technically wrong, because the authority should have come from a regular quartermaster of the United States Army, when probably there was not a quartermaster within two or three hundred miles of this place. But these were merchants, and not knowing the niceties that grow up in Army regulations, they in good faith furnished these goods, and, as the evidence shows, the goods were all right.

Now, this commission, which nobody is going to criticise, arbitrarily reduced the item on uniforms alone of $8,000. This claim was originally for $50,000, and the War Claims Committee has reported the bill giving them $8,000. The committee has no special interest in the bill, and therefore, to bring it to a vote, I move that the bill be laid aside with a favorable recommendation.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. SMITH of Iowa. I call for a division.

The committee divided; and there were—ayes 30, noes 70.

Mr. HEDGE. Mr. Chairman, I move that the bill be reported to the House with the recommendation to strike out the enacting clause.

The CHAIRMAN. The gentleman proposes that the bill be laid aside with an unfavorable recommendation.

Mr. HEDGE. That it be reported to the House with the recommendation to strike out the enacting clause.

The CHAIRMAN. The gentleman's motion would not be in order. A motion to report the bill to the House with the recommendation that it be laid on the table would be in order.

Mr. HEDGE. I make that motion.

The CHAIRMAN. Does the gentleman desire to be heard?

Mr. HEDGE. No.

The CHAIRMAN. The question is, Shall the bill be reported to the House with the recommendation that it lie on the table?

The question was taken; and the motion was agreed to.

Mr. MAHON. I move that the next number, 74 on the Calendar, be passed without prejudice.

Mr. CALDWELL. I could not hear the motion of the gentleman.

Mr. MAHON. We have in the committee a resolution to send a lot of these claims to the Court of Claims.

Mr. CALDWELL. With the understanding that this is to go into the omnibus resolution, let it be passed without prejudice.

Mr. MAHON. Yes.

There was no objection, and the request was agreed to.

CHRISTIAN CHURCH OF HENDERSON, KY.

The next business on the Private Calendar was the bill (H. R. 288) for the relief of the Christian Church of Henderson, Ky.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Christian Church of Henderson, Ky., the sum of $1,500, for rental of and damages to said church while occupied by United States troops during the war of the rebellion.

The amendments recommended by the committee were read, as follows:

In line 5 strike out the words "one thousand," and in line 6 strike out the words "and damages to."

Mr. PAYNE. Mr. Chairman, I would like to have an explanation of this bill.

Mr. MAHON. I yield ten minutes to the gentleman from Kentucky.

Mr. ALLEN of Kentucky. Mr. Chairman, the evidence in this case shows that during the years 1864 and 1865 the fully constituted military authorities of the United States under the commands of Col. John W. Foster and Colonel Glenn took possession of and occupied for a period of a year the Christian Church in Henderson, Ky. During that time the congregation were entirely deprived of the use of the house; that by reason of the occupation great damage resulted to the plastering, to the pews, to the pulpit, and to the floors of the house and to the house in general. The evidence in the case shows that the damage amounted to about $1,500 or $1,800, as the report shows, but the committee have seen fit to disallow any claims for damages, but thought $500 to be a very reasonable and low rent for the house for the time that it was occupied by the Federal authorities.

Mr. SCHIRM. How long was it occupied?

Mr. ALLEN of Kentucky. For about a year. This is a unanimous recommendation of the whole committee, and has been

reported for the last five or six Congresses favorably, but not until now reached on the Calendar.

Mr. SCHIRM. And the services were suspended during that time?

Mr. ALLEN of Kentucky. They were entirely.

Mr. PAYNE. After the precedent that was adopted here several years ago in a noted case, I do not think it is worth while to interpose further opposition.

Mr. MAHON. It is only a little church matter. I move that the bill be laid aside with a favorable recommendation.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

T. A. WOODRESS.

The next business on the Private Calendar was the bill (H. R. 1488) for the relief of T. A. Woodress.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay T. A. Woodress, of Grundy County, Mo., the sum of $135.60, to cover expenses and transportation paid out by said T. A. Woodress, to convey his son, A. C. Woodress, late a private of the Third United States Cavalry, in the Spanish war, from Jefferson Barracks, Mo., to the insane asylum at St. Joseph, Mo., and thence back to Jefferson Barracks, Mo., including the cost of attendants, and a sum sufficient to pay said amount is hereby appropriated.

Mr. PAYNE. I would like to have an explanation of that bill.

Mr. MAHON. I yield to the gentleman from Missouri.

Mr. RUCKER. Mr. Chairman, I think there can be no reasonable objection to the passage of this bill, which provides for the payment of one hundred and thirty-five dollars and some cents to T. A. Woodress, the father of A. C. Woodress, who was a soldier in the Spanish war and who, while at Jefferson Barracks, Mo., became temporarily insane. The officers in charge notified the soldier's father and requested him to take his son to an asylum, which he did. He took him to the insane asylum at St. Joseph, Mo., where he remained a few months, until his reason was restored. Then, upon the recommendation and request of the officers, he was reconveyed back to the barracks. This bill is for the actual cost of transportation of the soldier and the attendance, nothing for the father's attention. The payment has been recommended by the officers in charge and by the Auditor for the War Department at Washington. I will be glad if the Clerk will read the report of the committee in this case, which sets forth all the facts and is very brief, if the gentleman from New York desires to hear it.

The report by (Mr. KEHOE) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1488) for the relief of T. A. Woodress, beg leave to submit the following report, and recommend that said bill do pass without amendment:

This is a bill enacting that the Secretary of the Treasury be authorized and directed to pay to T. A. Woodress, of Grundy County, Mo., the sum of $135.60, to cover expenses and transportation paid out by said T. A. Woodress to convey his son, A. C. Woodress, late a private of the Third United States Cavalry, in the Spanish war, from Jefferson Barracks, Mo., to the insane asylum at St. Joseph, Mo., and thence back to Jefferson Barracks, including cost of attendants.

The claim was filed with the chief quartermaster, Department of the Missouri, for settlement. The case was referred to the officer commanding at Jefferson Barracks for report. February 10, 1899, the officer in command submitted the following report:

JEFFERSON BARRACKS, MO., *February 10, 1899.*

Respectfully returned to the adjutant-general Department of the Missouri.

Mr. Woodress made two trips to this post, as far as I know. First was on June 10, 1898, when he came after his son; second, December 17 1898, when he brought his son to be examined by surgeon. On account of the condition of his son the visits were necessary. No transportation was issued to father or son on either occasion. Under the circumstances, it appears to be a just claim and should be paid.

J. H. SMITH,
Lieutenant-Colonel Twelfth Infantry, Commanding.

The claim was then referred to the Quartermaster-General of the Army for instructions. That officer on February 27, 1899, referred the claim to the Auditor for the War Department for his action on the case. The Auditor for the War Department, on October 25, 1899, disallowed the claim for the following-named reasons, viz: There is no law authorizing the reimbursement claimed.

Your committee is of the opinion that the claimant should be reimbursed, and recommend the passage of the bill.

Mr. PAYNE. Mr. Chairman, there are a large number of claims from all over the country for the services of physicians in attending soldiers of the Spanish war after they had returned to the town from which they were recruited and before they were discharged, some having become sick and remaining ill even for weeks after their regiment had been mustered out. I understand that these claims have not been paid, on the ground that the Government provided a regimental surgeon, whose services they might have had during this sickness, but as they proposed to take their own family doctors, etc., they must pay the family physician for the attendance during this time. Now, there is not a great deal of difference between this case and the cases which I have mentioned, except that in this case, I understand, it was a case of insanity, which could not properly be taken care of by the Government, and therefore the soldier was removed to a State hospital for the insane in Missouri by his parent, and treated thereat, and that this bill is simply for the transportation of this father and his soldier son to that hospital and return. That is the whole claim.

Mr. MAHON. Mr. Chairman, as the gentleman from New York said, there are quite a number of those claims before our committee, and we have been asked to report some general law, but we have refused to do so. We have taken the position that all these cases should stand each on its own merits.

The bill was laid aside to be reported to the House with a favorable recommendation.

GRIFFITH W. PAXSON.

The next business on the Private Calendar was House resolution 109 (in lieu of H. R. 10014), referring the claim of Griffith W. Paxson to the Court of Claims.

The Clerk read the resolution.

Mr. MAHON. Mr. Chairman, I move that that be passed without prejudice.

The motion was agreed to.

MAURICE F. CAWLEY.

The next business on the Private Calendar was the bill (H. R. 2490) for the relief of Maurice F. Cawley.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Morris F. Cawley, late surgeon, Fourth Regiment Pennsylvania Infantry Volunteers, the sum of $200 for the loss of a horse in the Porto Rican campaign during the Spanish-American war.

Mr. PAYNE. Mr. Chairman, I would like to inquire of the gentleman from Pennsylvania if we have paid any other claims in other wars under similar circumstances?

Mr. MAHON. Yes; but not in all cases.

Mr. GREEN of Pennsylvania. Mr. Chairman, there can be no question of the righteousness of this claim, but there is a question as to the amount the Government should pay Surgeon Cawley.

The facts are brief and I sketch them for the information of the House, although they have been fully set forth in the committee's unanimous report.

Mr. Cawley was a surgeon in the National Guard of Pennsylvania, and when war had been declared by the United States against Spain, like many thousand brave men of the Keystone State, especially such as were at the time connected with the several regiments of the State National Guard, he stepped forward at the call of his Government for volunteers, and, regardless of business sacrifices or family considerations, took the oath and was mustered into the service of Uncle Sam.

The regiment to which he belonged, the Fourth, was ordered forward into the field, and as a mounted officer he was ordered to take his horse—which was his own private property and the one he used at home in the practice of his profession—along with him, which he did.

He used him in the Army until the Fourth Regiment was ordered forward to Porto Rico to take part in that campaign. Cawley and his horse went on the transports provided by this Government. During the unloading of this transport, the *Massachusetts*, at Ponce the horse sustained such severe injuries that he was killed by order of the military authorities there.

He seeks to recover the value of the horse. The committee, fearing that his moderate claim of $200 might be excessive, on general principles undertook to cut the amount claimed to $150. This action of theirs, which they say is usual, in this case is most unjust to the claimant, and I will ask that the amendment of the committee be disagreed to and the original amount of $200 be allowed to stand.

From the information which has been furnished me in this case I am satisfied that the horse could not be replaced for $300. The amount asked for, $200, was so fixed because that was the limit allowed by the act of March 3, 1849, and subsequent legislation which amended and changed some of its provisions.

In fairness to the claimant I will read a short letter received from him:

ALLENTOWN, PA., *January 6, 1903.*

Hon. HENRY GREEN, *Washington, D. C.*

DEAR SIR: I have your letter of December before me and note its contents. I appreciate the fact that you have done as much as possible in the matter of my claim. I hardly know what to say or think about the reduction of the amount to $150. I am certainly not pleased with it. I have been trying to replace the horse ever since, but have not been able to find his equal. Two years ago I purchased a combination driving and saddle horse, the price of which at public sale was $275, but it is not as good a saddle horse nor as fast a driver as the one I lost. I purchased another last year at a cost to me of $435. A year before I bought him a friend paid $505 for him at public sale. Neither of these horses is equal to the one I lost in Porto Rico.

I do not ask for the value of the horse. I claim the customary $200. I have not been able to replace him for $435. I consider $200 a very modest claim. Why should it be cut down from $200 to $150, when $200 was far below his value? It is not right. The honorable gentlemen composing the committee would not like to be treated in the same way if I were in their place and they in mine. I write in this manner to you, not in the spirit of censure or complaint, but to give you information with which you might prevail upon

the committee to place the amount at the original figure. I am not in a position wanting to get as much as I can out of the Government nor to take what I can get. I simply want justice.

Very truly, yours, MORRIS F. CAWLEY.

Mr. MAHON. I suggest to the gentleman from Pennsylvania that the committee was unanimous in reporting this bill, and that he let it be laid aside with a favorable recommendation.

Mr. GREEN of Pennsylvania. I hope the committee will allow it to be raised to $200, and let this claim pass. I ask that the amendment for $150 be voted down and the bill pass at $200 as presented. I hope there will be no objection to it.

Mr. MAHON. All I can say is that the horse was not worth more than $150.

Mr. GREEN of Pennsylvania. He was worth over $300, and he cost the man more than asked. I speak for the claimant. He says if he can not get what the horse is worth, if he can get but $150, why, all he can do is to take it; but he thinks he ought to have $200. When the bill was presented it was presented for only $200, the ordinary allowance. If the House decides that he can only receive $150, why, he will have to take it, but it is absolutely an honest claim and ought to be paid in full. We may boast much of our Volunteer Army, admire the patriotism and self-sacrifice of the men who constituted it, but when it comes to pay one of them a trifling sum for an actual loss, you pare it until the blood comes.

The liberality of Congress never encouraged sacrifices in time of war, and the merchant and speculator in the rear was always the favored man when claims were paid.

Mr. Cauley has waited five years for this money, and it is a shame that there is not some tribunal before whom these claims can be prosecuted and the full amount recovered. And a worse shame if this $200 is not paid him.

Mr. Chairman, I ask a vote on the amendment.

The amendment recommended by the committee was agreed to.

The bill was laid aside to be reported with a favorable recommendation.

FIRST BAPTIST CHURCH OF CARTERSVILLE, GA.

The next business on the Private Calendar was the bill (H. R. 1147) for the relief of the First Baptist Church of Cartersville, Ga.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any moneys in the Treasury not otherwise appropriated, to pay to D. W. K. Peacock, J. G. M. Montgomery, J. H. Gilreath, and M. L. Pritchett, deacons of said church, or their successors in office, in trust for the use and benefit of the First Baptist Church of Cartersville, Ga., the sum of $5,000, in full for all the damages claimed by said church, or any person heretofore or hereafter claiming to represent said church, for brick and all other building materials taken and used by the Army of the United States during the late war between the States; and the acceptance by said trustees of this sum shall be in full satisfaction of all claims of every name and nature for the said use or occupation of said church, or the appropriation and use of the materials of the same, or in any manner arising or growing out of the use thereof.

Mr. PAYNE. I hope, Mr. Chairman, there will be an explanation of this bill.

Mr. MAHON. The bill, Mr. Chairman, was offered by the gentleman from Georgia [Mr. MADDOX], and I think that any war claim bill that he would stand for will go through the House. I yield to the gentleman from Georgia.

Mr. MADDOX. Mr. Chairman, I only want time to have the report read. The report gives a full explanation of the facts in the case.

The Clerk read the report (by Mr. KEHOE), as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1147) for the relief of the First Baptist Church of Cartersville, Ga., beg leave to submit the following report, and recommend that said bill do pass without amendment:

The proof filed in support of the bill shows that in the year 1864, while the Army of the United States were in possession of said town of Cartersville, the Baptist Church building was torn down by them and the brick and lumber of said church building was used by said United States soldiers in building for themselves quarters and in building chimneys to their tents. The brick and lumber taken and used by the Army was valued at the time at $5,000.

When buildings are torn down, if the materials are taken to erect other buildings for the use of the Army, such materials thereby become supplies, and their value, as materials for the purpose for which they are used, is paid to the owner. It is a very inadequate compensation to him. But this rule, which allows only for the materials as supplies, and nothing for damage to the building from which they are obtained, has been acted upon uniformly for many years, and is regarded as an established usage not to be departed from.

Capt. George A. Clarke, late provost-marshal, makes the following affidavit:

"That from July 5 to November 12, 1864, he was captain of Company H, Fourth Minnesota Volunteer Infantry, and provost-marshal of the Third Division of the Fifteenth Army Corps, United States Army, and was stationed and in charge at Cartersville, Ga., and was well acquainted with the circumstances of the destruction of the First Baptist Church of said city. That about the last of the month of September or the first part of the month of October, 1864, a portion of the cavalry troops belonging to the command of General McCook were stationed in said city, and they took and carried away, for the construction of huts and shelters for themselves, the seats and pews of said church, and also stabled their horses in said church, and that afterwards, during the same fall, said troops and other United States troops tore down the walls of said church and used the brick and other materials of said building for the erection of chimneys to their huts and tents, and for their use and comfort. That said church was the property of the Baptist Church of said city to the best of deponent's knowledge and belief, and was used by them as a place of worship, and was a nice brick church worth from $5,000 to $7,000. That said United States troops received the full benefit of the materials of said church buildings and the use thereof.

"GEORGE A. CLARKE,
"*Late Captain, Fourth Minnesota Volunteer Infantry,*
"*and Provost-Marshal Third Division, Fifteenth Army Corps,*
"*United States Volunteers.*

"Sworn to and subscribed before me this June 24, 1899.

"F. M. DURHAM,
"*Clerk Supreme Court, Bartow County, Ga.*"

Your committee recommend the passage of the bill.

Mr. PAYNE. Mr. Chairman, I would like to know why the bill provides for the payment to be made to certain individuals, named in the bill as deacons of the church, and then afterwards that this payment is to be made to, and a receipt in full taken from, the trustees. Why not pay it to the trustees of the church, who represent the legal corporation, and not to the deacons?

Mr. MADDOX. I think that is exactly what the bill provides. The bill says: "To pay to D. W. K. Peacock, J. G. M. Montgomery, J. H. Gilreath, and M. L. Pritchett, deacons of said church, or their successors in office, in trust for the use and benefit of the First Baptist Church of Cartersville, Ga."

Mr. PAYNE. And then afterwards it says that the trustees shall receipt for it.

Mr. MADDOX. Yes; it says: "And the acceptance by said trustees of this sum shall be in full satisfaction of all claims of every name and nature."

Mr. PAYNE. The trustees have not been named. Why not pay it to the trustees?

Mr, MADDOX. The trustees are the deacons of the church.

Mr. PAYNE. The deacons are not trustees necessarily.

Mr. MADDOX. They are the trustees of the Baptist Church.

Mr. PAYNE. Trustees usually have charge of the temporal affairs of the church, while the deacons have charge of the spiritual affairs.

Mr. MADDOX. Mr. Chairman, I would be willing to accept the opinion of the gentleman from New York on a question of tariff, but I doubt very much his knowledge about church affairs. [Laughter.]

Mr. PAYNE. As my friend from Georgia has become so far converted as to accept my opinions about the tariff, I do not know but I ought to be content. [Laughter.] Still, I think this bill ought to be amended by striking out the names of these individuals and inserting "trustees."

Mr. MADDOX. It is wholly immaterial.

Mr. LACEY. I want to suggest another amendment, to which I hope the gentleman from Georgia will agree. I wish to move to strike out, in line 13, the words "between the States." It is all right on the floor of the House for us to talk about "the war between the States," but there never was any such war, and if there was, the States, not the United States of America, would have to settle these bills. We have not heretofore used that phrase in any act of Congress, so far as I know. I move to strike out those words. I hope my friend from Georgia will agree to the amendment.

Mr. SIMS. What does the gentleman from Iowa [Mr. LACEY] propose to insert in lieu of the words stricken out?

Mr. LACEY. I would insert "the war of the rebellion," but I am afraid it would hurt the gentleman's feelings. I am willing, therefore, to let it read "the late war."

Mr. MADDOX. I will accept the gentleman's amendment. The other question we will discuss at some other time. [Laughter.]

The amendment of Mr. LACEY was read, as follows:

In line 13 strike out the words "between the States;" so as to read "the late war."

A MEMBER. That would mean the Spanish war.

Several MEMBERS. Oh, no.

The question being taken on the amendment of Mr. LACEY, it was agreed to.

Mr. PAYNE. I move further to amend by striking out, in line 5, these words: "D. W. K. Peacock, J. G. M. Montgomery, J. H. Gilreath, and M. L. Pritchett, deacons of;" so as to read, "pay to such church."

Mr. MADDOX. Not the church. If you pay this money to the church, you must pay it to the trustees.

Mr. PAYNE. We might make it read "corporate authorities of the church."

Mr. VANDIVER. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. VANDIVER. It is that we have no order. We can not hear what is going on.

The CHAIRMAN. The committee will come to order and gentlemen will take their seats.

Mr. PAYNE. I move to amend by striking out in lines 5 and 6 on the first page of the bill the words "D. W. K. Peacock,

J. G. M. Montgomery, J. H. Gilreath, and M. L. Pritchett, deacons," and insert in lieu thereof "the trustees."

Several MEMBERS (to Mr. PAYNE). Say "legal representatives."

Mr. PAYNE. Very well; I modify my amendment so as to insert "trustees or other legal representatives of said church."

The amendment of Mr. PAYNE as modified was agreed to.

The bill as amended was then laid aside to be reported favorably to the House.

WILLIAM C. O'BRIEN.

The next business on the Private Calendar was House resolution 110, a resolution (in lieu of H. R. 5042) referring the claim of William C. O'Brien to the Court of Claims.

Mr. MAHON. I ask that this resolution be passed over without prejudice.

Mr. JACKSON of Kansas. For what reason?

Mr. MAHON. Because we have a resolution which includes all these claims.

Mr. JACKSON of Kansas. All right; I have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania [Mr. MAHON]? The Chairs hears none; and it is ordered accordingly.

PROPELLER TOWBOAT COMPANY, OF SAVANNAH.

The next business on the Private Calendar was the bill (H. R. 11127) for the relief of the Propeller Towboat Company, of Savannah.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury shall pay to the Propeller Tow Boat Company, of Savannah, the sum of $2,929.45, for the damage done the steam tugboat Cynthia, belonging to the said company, by the transport ship Chester, belonging to the United States, in the Savannah River on the 30th day of November, 1898, for which the United States is liable.

Mr. DALZELL. I should like to hear some explanation of this bill.

Mr. MAHON. This bill was introduced by Judge LESTER, of Georgia, who is thoroughly familiar with the case, but on account of the condition of his voice he is unable to make an explanation to the House. I ask that the report be read.

The Clerk read as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 11127) for the relief of the Propeller Tow Boat Company, beg leave to submit the following report and recommend that said bill do pass without amendment:

This is a bill enacting that the sum of $2,929.45 be paid to the Propeller Tow Boat Company, of Savannah, Ga., for the damage done the steam tugboat *Cynthia*, belonging to said company, by the transport ship *Chester*, belonging to the United States, in the Savannah River on the 30th of November, 1898.

The evidence submitted shows that the collision occurred through the threatened grounding of the *Chester*, to prevent which her pilot gave a sudden order to her engineer to reverse her engines and go astern at full speed, before he communicated such order to the *Cynthia*, which was lashed to the port quarter of the *Chester*, whereby the lines between the tug and *Chester* were broken and the tug was drawn by the suction created by the *Chester's* propeller under the quarter of the *Chester*, where the tug suffered considerable damage.

It also discloses that there was no negligence or want of care displayed by the tug or those aboard of her, and that nothing they did contributed toward the collision, and nothing they could have done would have prevented it.

The pilot of the *Chester* had absolute command of her and her tugs, and was the Government's agent, the collision being, therefore, due directly to his orders, and the contact of the boats arose through their not receiving the same command simultaneously.

The owners of the tugboat presented their claim to the depot quartermaster at Savannah, Ga., for settlement, and it was referred to the Quartermaster-General for decision and instructions relative to the settlement of this claim. The Quartermaster-General reported that there is no appropriation under his control applicable to payment of such a claim, and referred the case back to the depot quartermaster at Savannah for report as to the custom in the mercantile service for adjustment of such cases and recommendation as to the justness of this claim.

The following is the reply of the depot quartermaster:

OFFICE DEPOT QUARTERMASTER,
Savannah, Ga., June 10, 1899.

Respectfully returned to the Quartermaster-General, Washington, D. C.

The following is the law bearing on this case:

First. In Federal Cases, No. 8645, where in the case of the *Lyon* was adopted the following decision from the case of the *Gypsey King* (2 W. Rob. Admy., 537), where it was held: "A vessel in charge of a licensed pilot, although under the tow of a steam tug, is to be considered as navigated by the pilot and not by the tug."

Also see Desty's Shipping and Admiralty, section 390, edition 1879.

Second. For the responsibility of the owners for tortious collisions, where the vessel is in the hands of pilots, see the *Merrimac* (14 Wallace, 199) and the *China* (7 Wallace, 53), where it is held:

"The fact that a steamship is in charge and under the control of a pilot taken on board conformably to the laws of the State is not a defense to the proceeding in rem against her for a tortious collision."

Third. For the liability of the owners for damage done to either tug or tow resulting from the giving of improper commands, or the failure to give proper and timely commands to either or both, see the *C. P. Raymond* (26 Federal Reporter, 281, 284).

Fourth. For the fact of the Government's ownership of the vessel does not change in any manner the responsibility which maintains in the case of a mercantile vessel, see the *Siren* (7 Wallace, p. 152), where it was held:

"A claim for a damage exists against a vessel of the United States guilty of a maritime tort as much as if the offending vessel belonged to a private citizen."

It will be seen from the inclosed affidavits—

First. That the *Cynthia* was lashed to the *Chester*, and that the relationship of tug and tow maintained.

Second. That the responsibility of the owners of the *Chester* was intensified, due to the fact that she was using her own steam. (See the *Virginia*, 3 Bissell, p. 48.)

Third. That a licensed pilot was on board the *Chester* and was giving all commands necessary for the movement of both tug and tow.

Fourth. That he acknowledges to have given the command which caused the *Chester*, while moving forward, to suddenly reverse her engines at full speed, but did not give the proper orders to the tug until, as he states in his affidavit, "as soon as possible thereafter."

The pilot should have cautioned the tugs before making such a movement, and if this were not practicable, owing to the conditions which existed, the owners of the vessel are liable for and should assume the damage done to the tugs.

Having personally gone over the cases referred to above, as well as others bearing on this matter, and having maturely considered them in relation to the facts of this case, I am of the opinion that the Department is liable for this damage.

I have prepared and forwarded herewith vouchers covering the repairs actually made upon the tug, according to the inclosed affidavits, and vouchers for the service of the tug while she was being repaired, for approval for payment, which I recommend.

Considering all the facts of the case, the bills, both for repairs and time, are quite reasonable.

J. B. BELLINGER,
Major and Depot Quartermaster.

Your committee, in view of the foregoing statement of facts, recommend the passage of the bill.

Mr. MAHON. I move that this bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

DAMAGES AT MANASSAS ENCAMPMENT, ETC.

The next business on the Private Calendar was the bill (H. R. 9632) for the allowance of claims of certain citizens of Virginia for damages to their property incident to the encampment at Manassas and march from Camp Alger to Thoroughfare Gap, Virginia, as recommended by a board of officers appointed for the consideration of claims for damages to property by volunteer soldiers during the war with Spain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to claimants in this act named the several sums appropriated herein, the same being in full for and the receipt of the same to be taken and accepted in each case as a full and final release and discharge of their respective claims, namely:

VIRGINIA.

To B. F. Adams. of Prince William County, $157.
To David J. Arrington, of Prince William County, $84.
To Albert G. Beckwith, of Fairfax County, $38.
To William Beverly, of Fauquier County, $33.
To George C. Bleight, of Prince William County, $255.
To A. M. Brady, of Prince William County, $18.30.
To Joseph Brent, of Fairfax County, $38.50.
To G. H. Burke, of Fairfax County, $46.17.
To R. A. Burke, of Fairfax County, $64.50.
To James W. Carr, of Prince William County, $25.
To Shedrick Carter, of Prince William County, $10.
To William Chloe, of Fairfax County, $9.
To S. W. Cooksey, of Prince William County, $9.
To Mrs. J. W. Cooksey, of Fairfax County, $39.50.
To Dr. A. G. Coumbe, of Fairfax County, $6.
To W. G. Crewe, of Prince William County, $50.
To R. R. Crosen, of Fairfax County, $38.75.
To William A. Crouch, of Fairfax County, $23.55.
To Robert H. Davis, of Prince William County, $15.
To John L. Ditweiler, of Fairfax County, $33.37.
To S. H. Ditweiler, of Fairfax County, $30.
To Albert A. Dewey, of Fairfax County, $30.
To T. E. H. Dickens, of Prince William County, $49.50.
To C. C. Dulaney, of Prince William County, $50.
To Robert Dulaney, of Prince William County, $50.
To J. F. Dyer, of Fairfax County, $25.
To B. F. Fairfax, of Fairfax County, $27.50.
To Elvira C. Finn, of Fairfax County, $3.
To Mrs. Margaret M. Fitzhugh, of Fairfax County, $37.75.
To J. T. Flaherty, of Prince William County, $19.50.
To Thomas Fletcher, of Fairfax County, $42.45.
To J. W. Fletcher, of Prince William County, $30.
To Mrs. Jane R. Foley, of Prince William County, $33.
To Mary Gaskins, of Fairfax County, $9.
To James Griffith, of Prince William County, $30.
To Peter Grigsby, of Prince William County, $4.
To John B. Hart, of Fairfax County, $54.65.
To Spencer Hoskins, of Prince William County, $6.25.
To Miss Ollie Hinson, of Prince William County, $31.
To Mrs. B. J. Holden, of Fairfax County, $14.95.
To David J. Hottenstein, of Prince William County, $31.
To Henry James, of Prince William County, $3.
To Peyton Johnson, of Prince William County, $40.
To Thornton Johnson, of Prince William County, $22.50.
To R. A. Jones, of Prince William County, $49.
To J. A. Kinchloe, of Fairfax County, $50.
To W. S. Kinchloe, of Fairfax County, $24.
To J. P. Leachman, of Prince William County, $11.
To Mack Lewis, of Prince William County, $40.
To Charles Lions, of Prince William County, $32.
To Samuel Lloyd, sr., of Prince William County, $22.49.
To Joseph Long, of Prince William County, $3.75.
To Miss Dollie Lynch, of Prince William County, $8.
To Charles L. Marshall, of Fairfax County, $16.50.
To Robert E. Marshall, of Fairfax County, $262.
To Joseph Mayhugh, of Prince William County, $9.75.
To James J. McGahey, of Fairfax County, $82.10.
To Andrew Nelson, of Fairfax County, $41.95.
To Charles Parker, of Fairfax County, $21.75.
To C. B. Parker, of Fairfax County, $9.
To R. T. Payne, of Prince William County, $25.40.
To Frantz Peters, of Prince William County, $7.50.
To Bell Phillips, of Fairfax County, $10.
To William Pinn, of Prince William County, $58.
To Miss C. Pullin, of Prince William County, $7.

To Dr. L. W. Ritchie, of Fairfax County, $43.75.
To F. P. Rittenour, of Fairfax County, $60.
To Milton A. Rollins, of Prince William County, $18.
To Alvin H. Rouse, of Prince William County, $56.75.
To James Shirley, of Prince William County, $9.
To J. T. Smallwood, of Prince William County, $5.
To Joseph L. Speakes, of Prince William County, $85.65.
To Henry E. Spittle, of Prince William County, $25.10.
To John Sutfin, of Prince William County, $11.
To Mrs. M. C. Swart, of Prince William County, $75.
To Pat. Sweeney, of Prince William County, $50.
To C. F. Swetnam, of Fairfax County, $38.05
To H. G. Thornton, of Prince William County, $16.
To T. B. Whedbee, of Prince William County, $18.
To David Williams, of Fairfax County, $103.50.
To E. N. Woodyard, of Prince William County, $7.
To G. B. Wright, of Fairfax County, $5.
To William H. Wrenn, of Fairfax County, $127.

Mr. MAHON. Mr. Chairman, this bill carries an appropriation of a little over $3,500. During the Spanish war the Secretary of War appointed a board of officers to go down into that country and investigate claims that had been filed in the Quartermaster's Department. Those claims were all thoroughly investigated and the board made its report. That board was composed of Lieut. Col. Frank A. Cook, Maj. F. J. Deffry, Maj. Chase Doster, and First Lieut. W. H. Simons. Now, this bill represents in detail the amount allowed to these people whose property had been taken for camps, and the Department asks that this bill be passed. In fact, the Department drew the bill.

Mr. BARTLETT. Mr. Chairman, I would like to ask a question of the gentleman from Pennsylvania. I understand from the title of this bill that it is a bill which provides payments of certain amounts for damages done to property in the State of Virginia, reported by the board of officers appointed under the provision in the sundry civil bill in the latter part of 1900. The duties of that board were prescribed by that bill and were to investigate claims of citizens of the United States for damages to property taken or damages done to property during the Spanish war. Is that correct?

Mr. MAHON. Yes.

Mr. BARTLETT. I do not rise for the purpose of opposing this bill, but I want to make some inquiry about other claims of a like nature. The commission that was appointed reported a number of claims that grew out of contracts. They have been paid by an omnibus bill. That commission also reported that under the provisions of the sundry civil bill which authorized the appointment of the commission and prescribed its duties and powers it had no power to find or to assess damages because of torts. I have not the report before me, but I am familiar with it. The report goes on and classifies the claims, certain claims arising by reason of contract and by reason of tort, and because they were torts this commission was not authorized to find against the Government claims which originated in that way. Therefore the commission did not report in their favor. It simply found the facts. There are a number of cases reported by this commission where it found the Government to owe the money, but on account of those claims arising out of torts committed by the United States soldiers that commission had no right to pass upon them.

Now, I have no objection to gentlemen in Virginia, or any citizen of the United States, who has a tortious claim against the Government because of damage done to his property by reason of the encampment of soldiers, or in any way, if it be valid, having it paid; but I desire to ask the gentleman from Pennsylvania, the chairman of this committee, a question. There are in that same report numbers and numbers of cases reported by this committee of damages done to property in various other States. There have been a number of bills filed before that committee asking for the payment of damages. Those bills were referred to this commission, and this commission has reported upon them. Now, I want to know why it is that only those claims which originated in the State of Virginia, where the soldiers were encamped, were embraced in one bill and the claims of other citizens of the United States, which that same commission investigated, were not also taken up and considered?

Mr. MAHON. I would state, Mr. Chairman, that there are no claims in this bill that have been allowed where soldiers went out and raided a saloon or a chicken coop, or any such thing as that.

Mr. BARTLETT. I am not referring to that kind of claim.

Mr. MAHON. Those are torts that have never been passed by Congress, and perhaps never will be. But here are cases where, for instance, the soldiers were encamped over night in a field of rye, worth, say $150, and which was destroyed by reason of that fact. That is not a tort, but it is the taking of property. These are claims of that character. The gentleman from Tennessee [Mr. GIBSON] had this matter in charge, and I will ask him to explain further.

Mr. GIBSON. Mr. Chairman, I will state to the gentleman from Georgia [Mr. BARTLETT] that the Secretary of War authorized special agents to investigate the claims in other States, and they are doing so now—the claims, for instance, in Georgia, in Alabama, and in my own district, the claims in Pennsylvania and in other places where there were camps of United States soldiers during the Spanish-American war. These claims, being in the vicinity of the city of Washington, were first investigated and first reported. In due time, I will say to the gentleman, the committee, when the reports from the Secretary of War come in, will report the bills for payment of all claims that have been approved by the Secretary of War.

Mr. BARTLETT. That answers my inquiry. I wanted to know why this was given special preference, and this in a measure answers the inquiry, but the gentleman from Tennessee is mistaken in some respects, because the very report from which the gentleman gets these items contains items of damages to property done in the State of Georgia and elsewhere, my recollection is. I have not read it recently, but I was at one time very familiar with it. It contains instances of damages done to property and people in the manner suggested by the gentleman from Pennsylvania [Mr. MAHON]. For instance, they would go in and take property and injure the land. There is a large claim pending before that commission by a citizen of my own town.

Mr. MAHON. Will the gentleman allow me to suggest that the Secretary of War——

Mr. GIBSON. We have passed a bill, which is now a law, providing for the payment of a great many of these claims, including a claim from the State of Georgia.

Mr. BARTLETT. I understand that.

Mr. GIBSON. And perhaps many from the State of Georgia.

Mr. BARTLETT. Yes.

Mr. GIBSON. I remember that while the bill was here under discussion, in consequence of the smallness of the amount allowed to a citizen of Georgia, his Representative got up and refused to receive the amount.

Mr. BARTLETT. That is true, because the commission reported that only $300 was due that citizen arising out of the contract, and that the other amount which had been found for damage that had been done to his property by the soldiers while in camp was a matter of tort, and the committee did not report for that because the commission reported that they had no authority to pass on matters of tort. It was very much like this case.

Mr. GIBSON. All we have done is to follow the report of the Secretary of War.

Mr. BARTLETT. I understand.

Mr. GIBSON. Not feeling justified in going behind that report.

Mr. MAHON. A committee of this House could not examine into these questions of tort. We drew the distinction there, and so an act was passed authorizing the Secretary of War to appoint boards to investigate all these cases in your State and every State, which they are now doing. All our committee knows is from the statement made by the War Department and the bill which accompanies it. Of course they pared down all these claims nearly one-half.

Mr. BARTLETT. The gentleman knows very well that if a bill like this passes we shall at once have inquiries made of us, What has become of the other claims which are also pending? I am not opposing this bill and do not intend to, because I take it for granted that the committee that reported the bill, as they have said, would not have reported it unless they had gone into the circumstances very thoroughly. The answer given by the gentleman from Pennsylvania [Mr. MAHON], and the gentleman from Tennessee [Mr. GIBSON], a member of the committee, is no doubt the proper answer as to why these other cases have not yet been passed. That is, that the committee arrived at a conclusion about this first, and that the others will, in due time, be favorably reported.

On motion of Mr. MAHON, the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

GARDNER & LAKE.

The next business on the Private Calendar was the bill (H. R. 10936) for the relief of the legal representatives of Gardner & Lake.

The bill was read.

Mr. MAHON. Mr. Chairman, that case has gone to the Court of Claims, and I move that the bill be passed over.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that this bill be passed without prejudice. Is there objection?

There was no objection.

LEANDER C. M'LELLAND, DECEASED.

The next business on the Private Calendar was the bill (H. R. 8650) for the relief of the estate of Leander C. McLelland, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of Leander C. McLelland, deceased, late of Cobb County, Ga., out of any money in the Treasury not

otherwise appropriated, the sum of $12,020, with interest from May 1, 1865, being for cotton taken by or furnished to the military forces of the United States for hospital purposes during the late war for the suppression of the rebellion.

The following amendment, recommended by the Committee on War Claims, was read:

In lines 7 and 8 strike out "$12,020, with interest from May 1, 1865," and insert in lieu thereof "$5,500."

Mr. MAHON. I move the adoption of the amendment.

Mr. LACEY. I ask the gentleman from Pennsylvania to give us an explanation of the bill.

Mr. MAHON. This bill was reported by the gentleman from Alabama [Mr. THOMPSON], and I can not make any clearer statement than his report makes, and I ask to have it read.

The Clerk read as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 8650) for the relief of Leander C. McLelland, deceased, beg leave to submit the following report, and recommend that said bill do pass with amendments:

This is a bill enacting that the sum of $12,020, with interest from May 1, 1865, be paid to the estate of Leander C. McLelland, late of Cobb County, Ga., being for cotton furnished to the military forces of the United States for hospital purposes during the war for the suppression of the rebellion.

The committee find that the decedent and his family were loyal to the Government of the United States throughout the war of 1861-1865; that in the month of June, 1864, General Sherman's army was needing material for beds in the many hospitals at Marietta, Ga., and took from the decedent 22 bales of cotton, which was used in said hospitals as bedding for sick and wounded soldiers, which at the time and place of taking were reasonably worth ——, and no payment has been made therefor.

The proof shows by affidavit of R. M. Goodman, who was a resident of the town of Marietta for forty years, and was living there during the war between the States, that the late Leander C. McLelland was the largest cotton buyer in the town during the war, and that he had cotton on hand in the town at the time the army under General Sherman passed through the town; that said McLelland was a man of high character, was a Union man and was opposed to secession, and that his cotton was taken by Sherman's troops.

Also, affidavit of Carrie Shepard, the wife of an old colored man, Ben Shepard, who worked for said McLelland during the war, and who remembers that fully 10,000 Union soldiers were buried at Marietta, Ga.; that a battle was fought at Kenesaw Mountain and that a great many soldiers were killed and wounded in the battle; that the Union soldiers used the churches in Marietta as hospitals; that she worked in the churches and waited on the soldiers, and that her husband, Ben Shepard, hauled the cotton that was used by the Federal Army, and that the cotton belonged to said L. C. McLelland, and that he hauled to the hospitals 22 bales of cotton belonging to Mr. McLelland.

Also, of Mr. Humphrey Reid, stating that he was a citizen of Marietta during the war; that the town was almost deserted, and that the Federal troops burned nearly the whole town before they left. During their stay they used all the public buildings for hospital purposes.

Mr. LACEY. Mr. Chairman, I should like to ask the gentleman from Pennsylvania to explain two points connected with this bill: First, why the amount should be cut down a little more than one-half, if it is a valid claim; and, second, why the claim has not been paid by proceedings against the Government in the Court of Claims, or in connection with the various commissions that have had charge of matters of this kind in the past; in short, why this now comes to Congress at this late day, instead of having been disposed of years ago. I should like to hear the gentleman on both those points.

Mr. MAHON. First, as to the cutting down of the claim. This claim was made up of items and the price fixed. The value of the cotton was placed at the New Orleans market. The committee took the trouble to ascertain what the cotton was worth in the city of New York, and we adopted the New York market as being the better market of the two, because it was an open market.

Mr. LACEY. Ought it not to be cut a great deal more than that?

Mr. MAHON. No.

Mr. LACEY. It would take off the value of the cotton shipped to New York. Why give the New York price on cotton in Georgia?

Mr. MAHON. We took the price of cotton delivered in New York, which is less the freight. We went to the trouble of ascertaining what the freight was.

Mr. SIMS. I wish to explain to the gentleman that the difference between the value of this cotton in New York and New Orleans was about one-half.

Mr. MAHON. Yes, sir; I went to the Congressional Library and got the reports of the cotton market in New Orleans, and we adopted the New York price, because New York was an open market with cotton coming in all the time, and took that market in preference of New Orleans which was a hard market to enter. We therefore took the price of the cotton in New York with the freight.

Mr. LACEY. In other words, gave only for the cotton with the difference in the freight.

Mr. MAHON. We deducted the freight.

Mr. SIMS. Is not it a fact that we further cut down the price to about 50 cents upon every dollar?

Mr. MAHON. That is right.

Mr. LACEY. Why should you still further cut it down if it was a just claim?

Mr. MAHON. We cut it down, because we wanted to satisfy the House that we did not want to make the appropriation so large. We have to do that in handling claims of this character.

Mr. LACEY. Is it not a little suspicious circumstance that the claim has been going on for so long?

Mr. MAHON. The lady is really entitled to the value, $12,000, and she insisted on having that amount, but I took responsibility as chairman of the committee and insisted that this cut be made. This lady was a minor, a very young girl, and when she became of age and got to be about 30 or 40 years of age she had this claim and came to Congress, and I think that no man could fairly urge against her the doctrine of laches. She has used all her means so as to get this claim paid.

Mr. LIVINGSTON. If the gentleman will permit me a short answer to the second question. The old man died pretty soon after the cotton was delivered, and until this lady became of age no one attempted to collect the amount. She came to Congress, and I introduced this bill for her.

Mr. MAHON. I want to say further, that the lady came to me and the committee took charge of the case for her. She is a stranger in the city and she has no attorney. The gentleman from Georgia and my colleagues on the committee took charge of the case, and I ask that the bill be laid aside with a favorable recommendation.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ORDER OF BUSINESS.

Mr. MAHON. Mr. Chairman, we have two matters in which every member of the House is interested. The committee instructed me at this time to make a motion to take up a case, and I will explain that after a bill I shall ask to call up. We have what is known as the omnibus resolution, sending a large number of cases to the Court of Claims, and then one or two other minor matters, and then we will go back to the Calendar again. I now move that the committee take up Senate bill 1902 (Calendar No. 681) and my reason is this: This is a bill for an old lady here in this city, with a claim that everybody agrees ought to be paid, and out of kindness to her, considering her old age, we want to take this bill up.

The CHAIRMAN. The gentleman from Pennsylvania moves that Senate bill 1902 be taken up. If there is no objection, this order will be made. The Chair hears none, and the Clerk will report the bill.

FLORA A. DARLING.

The next business laid before the House was the bill (S. 1902) for the relief of Flora A. Darling.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mrs. Flora A. Darling, out of any money in the Treasury not otherwise appropriated, the sum of $5,683, in full satisfaction of all claims growing out of her arrest, imprisonment, and the seizure of her property by military authority at the city of New Orleans, in January, 1864, while on a flag-of-truce boat under protection of a safe-conduct given her by Maj. Gen. N. P. Banks, then commanding the Department of the Gulf.

Mr. MAHON. I yield to the gentleman from Wisconsin [Mr. OTJEN].

Mr. OTJEN. Mr. Chairman, this claim has been before Congress since 1871. It has been favorably reported ten different times by committees of this House. It has passed this House several times, and on two occasions has passed the Senate, and is a claim for the payment to Flora Adams Darling of a sum amounting to $5,683. This claim was referred to the Court of Claims on April 15, 1884, and on May 31, 1887, the Court of Claims found a finding of facts. The facts are these: Mrs. Darling was born and brought up in the State of New Hampshire. Just previous to the breaking out of the civil war, or in 1859, she married a man by the name of Edward I. Darling and moved to Louisiana. After the war broke out she went North to her native State. Some time later, her husband being wounded, she applied for a permit or flag of truce, in order to care for her husband, and she was sent from Washington to Richmond and then to Dalton, Ga., and there she nursed her husband until he died, in 1863.

After the death of her husband she applied to General Bragg for a flag of truce to come back to her home. He gave her a letter to Gen. Dabney Maury, then at Mobile, Ala. He applied to Gen. N. P. Banks, who then had command of New Orleans and the Department of the Gulf, and sent a boat to Pascagoula, where she was sent, taken on board the flag of truce boat, the *Alice McGuigan*, with her baggage and maid. The boat started for New Orleans, and when it got within 6 miles of the city the boat stopped at a place called Hickocks Landing, and the captain went to the city, telling her to remain aboard and he would send a carriage to take her to the city. While she was on the boat, and some two hours later, a United States sergeant came aboard and demanded the keys of her trunk, took her trunk, put her under arrest, and she was imprisoned in New Orleans for seven or eight days.

She was later released on parole and finally sent North on a troop ship to New York, and she has always resided in New York

since. There was nothing found against her. She had nothing in her trunk in the least connected with the war. In her trunk were $5,000 in notes of the banks of Louisiana and Tennessee. There was $28 in gold and $15 in silver and some personal jewelry, amounting to something over $600. These were taken and never returned to her. Her trunk was later on returned to her.

According to all international law it is the duty of the government where they have received persons under a flag of truce to give them proper protection with their baggage. It seems to me all the rules of honesty and fair dealing require that this woman should have refunded to her this sum of $5,683.

Mr. LACEY. What was the value of these bonds?

Mr. OTJEN. The Confederate bonds were entirely cut out of this claim.

Mr. LACEY. What were the value of the other bank notes?

Mr. OTJEN. They were put in at their face value, the bank notes being good.

The bill was laid aside to be reported to the House with a favorable recommendation.

OMNIBUS CLAIM RESOLUTION.

Mr. MAHON. Mr. Chairman, I have been instructed by the committee to ask unanimous consent to take up out of order House resolution 362.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to take up out of its order House resolution 362. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the resolution, as follows:

Resolved, That the bills (H. R. 6511, H. R. 9380, H. R. 10014, H. R. 5042, H. R. 8262, H. R. 9479, H. R. 5717, H. R. 5720, H. R. 10127, H. R. 10128, H. R. 10081, H. R. 1764, H. R. 2211, H. R. 8377, H. R. 3276, H. R. 10123, H. R. 10867, H. R. 5564, H. R. 8330, H. R. 12030, H. R. 8265, H. R. 8006, H. R. 13965, H. R. 5493, H. R. 5491, H. R. 5502, H. R. 5507, H. R. 5508, H. R. 5484, H. R. 11143, H. R. 12747, H. R. 12748, H. R. 13603, H. R. 13603, H. R. 8264, H. R. 10349, H. R. 6715, H. R. 3279, H. R. 7421, H. R. 12445, H. R. 13518, H. R. 13521, H. R. 3423, H. R. 5976, H. R. 14901, H. R. 3613, H. R. 3719, H. R. 1773, H. R. 7438, H. R. 11041, H. R. 2951, H. R. 8223, H. R. 13050, H. R. 13648, H. R. 10709, H. R. 13965, H. R. 2517, H. R. 5493, H. R. 5491, H. R. 5502, H. R. 5507, H. R. 5508, H. R. 11143, H. R. 12747, H. R. 12748, H. R. 13603, H. R. 8144, H. R. 13903, H. R. 6722, H. R. 6395, H. R. 4199, H. R. 10584, H. R. 8607, H. R. 12711, H. R. 10284, H. R. 8372, H. R. 3537, H. R. 5087, H. R. 2949, H. R. 15017, H. R. 11643, H. R. 2795, H. R. 3803, H. R. 7861, and H. R. 10995) for the relief of the legal representatives of Sewell B. Corbett, deceased; Sarah Grissom; Griffith W. Paxson; William C. O'Brien; Thomas R. Hill; William B. Payne; Sam M. Nally; Fannie Pemberton; heirs of Richard F. Wasson, deceased; heirs of Benjamin Lillard, deceased; William T. Trammell; John J. Vincent; Washington College; Amos L. Griffith; Sophie Gustin and Helen G. Logan; Bettie Linder; Louis Levy; Henry Judge; St. Andrew's Lodge, No. 18, Free and Accepted Masons, of Cynthiana, Ky.; Lucy C. Lee, E. S. Lee, John G. Lee, Fannie Lee, and Maria Frazier; Mrs. B. Taylor; Martha E. West; legal representatives of James Smith, deceased; Willis Cornwell; heirs of J. W. Cloyd, deceased; heirs of John B. Baird, deceased; heirs of Robert Hallum, deceased; J. M. Sparkman; Wesley W. Elam; John Smith; Mary J. Moody; John Mincey; estate of Kinchen Bell, deceased; John D. Youell; W. G. Anderson; Daniel Mans; James N. Kennett; Kellet A. Abercrombie; estate of August Heberlein; Mrs. A. E. Harding; Julia A. Pierce and John Pierce, heirs of John C. Pierce, deceased; legal representatives of H. S. Thompson, deceased; Louis Scofield, jr.; William E. Cummin; legal representatives of W. L. Gordon, deceased; William B. Bayless; heirs of William Freeman, deceased; heirs of James Goodloe, deceased; R. H. Dunaway; Alfred Griffith; T. L. Owens, administrator of T. G. Owens, deceased; John A. Bates; Baptist Church of Flemingsburg, Ky.; Elizabeth Redmon and others, heirs of John Redmon, deceased; C. C. Huckabee; James Smith; William I. Way; Willis Cornwell; J. W. Cloyd; John B. Baird; Robert Hallum; J. W. Sparkman; Wesley W. Elam; John Smith; Mary J. Moody; John Mincey; Kinchen Bell; H. W. Rookwood; John D. Youell; estate of Michael Haak, deceased; Agnes and Maria De Leon; heirs of Melchisedec Robinson, deceased; estate of Eben N. Davis, deceased; estate of Daniel H. Avery, deceased; legal representatives of Jo. C. Stark, deceased; heirs of M. H. Wells, deceased; J. B. Roberson, administrator of J. P. Roberson, deceased; S. P. Martin, and T. P. Salyer, with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims for a finding of facts under the terms of the act approved March 3, 1887, and generally known as the Tucker Act.

The following amendment, recommended by the Committee on War Claims, was read, as follows:

On page 3, line 21, insert:
"estate of C. G. Raleigh, deceased; Peyton Atkins; estate of S. M. Davidson, deceased; heirs of Mrs. Susan L. Bailey, deceased; John Barfield; estate of John Kirk; trustees of the Cumberland Presbyterian Church, of Charlotte, Tenn."

Mr. COWHERD. Mr. Chairman, I want to offer an amendment to the bill.

Mr. MAHON. I ask that the gentleman withhold his amendment for a moment.

The CHAIRMAN. The amendment will be considered as pending.

Mr. OTJEN. Mr. Chairman, this resolution includes 85 different claims. They are all for stores and supplies, claims of one character, and they have all heretofore been favorably reported by the committee, and are separately upon this Calendar. The total amount carried by all of these claims, or what is claimed in these claims, amounts to $391,886.

Now, the Court of Claims for a number of years past has been allowing at an average rate of about 8 per cent of the claims of this character. So if all these claims are sent to the Court of Claims with the usual result that has taken place within the last few years this bill would mean a sum of money amounting to a little over $31,000; but even if 10 per cent was allowed it would amount to only $39,000. It will take all of these claims off the Calendar and we shall get rid of them and they will be sent to the Court of Claims, where I think they properly belong, for adjudication.

Mr. MAHON. Mr. Chairman, I think this is the proper way to dispose of these claims. As the gentleman from Wisconsin has stated, at Congress after Congress members present these bills, they come to the committee, they have got to be taken care of, and all the papers filed, and when Congress adjourns they go back to the file room. The examination which our committee have made since the war of all the claims that have been sent to the Court of Claims shows that the average amount allowed on the whole of the claims is 14¼ per cent. That is the actual fact.

Now, probably in some of these cases 50 per cent will be allowed, in others probably 40 per cent, and in perhaps one-half of them nothing will be allowed; but this is the history of taking these claims to the Court of Claims. The committee has the right to do it under the Bowman Act, and we have sent up hundreds of claims. When they get into the Court of Claims, where they must face a court of seven judges, where they must produce their witnesses to be cross-examined by the attorneys of the Government, over one-half of these people who have bills in this Congress abandon their claims, and that is the end of it. They never go into the court. Now, we are perfectly safe in referring these cases to that court, admittedly a court which investigates claims as thoroughly as any court we have in this country, having at heart the interest of the Government and taking that into consideration as well as the interests of the claimants.

Now, Mr. Chairman, the gentleman from Missouri [Mr. COWHERD] has an amendment. We have left out a few of these claims which have been down there since the bill was reported. The committee has examined the claims, and we have no objection to those of the three or four gentlemen who wish to offer an amendment coming in. I want to say, further, we have not put in all of the claims which come to our committee. The committee examined these claims, and quite a large number we have refused to include in this resolution, because we thought they were utterly without any merit, not even enough to burden the docket of the court with them, and we selected only such as we thought had merit and that ought to go to the Court of Claims. The committee has no objection to such a claim as is proposed in the amendment to be offered by Mr. COWHERD.

Mr. COWHERD. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Chair will state that the several committee amendments ought first to have consideration, and the question, therefore, is upon the committee amendments.

Mr. LACEY rose.

The CHAIRMAN. Does the gentleman desire to oppose the committee amendments?

Mr. LACEY. Yes. I want an explanation from the chairman of the committee as to the effect of this reference upon the statute of limitations, whether or not any laches of the claimants in the past are to be deemed waived by reason of this reference to the Court of Claims—the effect, in short, of this reference, under the Tucker Act, of these old claims.

Mr. RICHARDSON of Tennessee. I would suggest to the gentleman that a House resolution could not waive the statute of limitations.

Mr. HENRY C. SMITH. Mr. Chairman, I would state, in reply to the gentleman from Iowa [Mr. LACEY], that that is one purpose in making the reference to the Court of Claims, to remove the bar which, by act of Congress, otherwise would obtain by reason of the failure to present the claim within the time under the statute. Is that what the gentleman desires to know?

Mr. LACEY. Mr. Chairman, there seems to be a disagreement between the gentleman from Tennessee [Mr. RICHARDSON] and the gentleman from Michigan [Mr. HENRY C. SMITH]. One of them informs us that the effect of the resolution would not be to in any way remove the bar of the statute of limitations, while the other says that the object of the reference to the Court of Claims is to remove the bar of the statute of limitations. I would like to have some harmony between these gentlemen in support of the bill, or some explanation by which we could arrive at the actual legal effect of this reference.

Mr. HENRY C. SMITH. There can not be any doubt about the law, I imagine. The statute provided that these claims were to be presented within a certain number of years. They were not presented within the time provided by the act of Congress, because of the failure of the parties in interest to present them as they should have been presented. In some cases the parties were insane, in other cases there were minors, and there were things of that sort which appealed to the committee to remove the bar, and that the claimants now should have an opportunity of a hearing in the court on the merits of their claims.

Mr. LACEY. Mr. Chairman, I find under section 14 of the Tucker Act in the reference of this matter the statement that the Court of Claims should be asked to report "any facts bearing upon the question whether the bar of any statute of limitations should be removed, or which shall be claimed to have excused the claimants for not having resorted to any established legal remedy." Now, that language, I presume, has been construed. I asked for light from the gentlemen connected with the committee, because no doubt in their investigations of these claims they are entirely familar with the Tucker Act and the construction which has been put upon it.

Mr. MAHON. I will say to the gentleman that all claims under the act can be referred direct where the statute of limitations has not barred them, because otherwise it would be useless if the plea were raised by the United States attorney. The passage of this resolution removes the bar—the mere fact that Congress passes the resolution referring it to the Court of Claims, that court has construed, lifts the bar and that Congress has sent it there to be investigated by that court. The court is not, however, to enter judgment, but to find the facts.

Mr. PAYNE. I have not the record before me, but I do not recollect any case where there has been a resolution adopted referring 100 or more bills at one time to the court.

Mr. MAHON. I have had such resolutions passed by the House.

Mr. PAYNE. If so, it seems to me it is a very bad practice. The House can not be informed as to the merits of these numerous bills. The House, if it understood the merits of the different cases, might differ with the committee as to the propriety of removing the bar of the statute. I do not think we should by a general resolution remove the bar of the statute of limitations in respect to a number of claims without the House being informed as to the merits of each case. I do not mean to question the action of the committee, but I think that the House ought to have some information about the facts in each case, and of course that would be impracticable if 100 bills are to be acted upon in a lump. I think it a bad practice for a resolution of this kind to be brought in here and passed, taking up 100 or more bills and removing the bar of the statute, and reopening cases which may have been closed for different reasons.

Mr. OTJEN. This has been done heretofore. In the Fifty-fifth Congress, I believe, a resolution of this kind covering 44 cases was passed.

Mr. MAHON. In the Fifty-third Congress the question was raised whether a resolution of this kind——

Mr. PAYNE. We are not responsible for the legislation of that Congress.

Mr. MAHON. Still, I had a great admiration for the Speaker of that House.

Mr. PAYNE. But he did not bring in the bill.

Mr. MAHON. Speaker Crisp, following a number of decisions which had been rendered, decided that this could be done. It has been the practice of the Committee on War Claims for many years to bring in resolutions of this kind.

Now, there are reasons for action of this kind. The House can not take up a body of bills of this class one by one and consider them. It saves time to take them up in this way and get them into the court, where they may have a hearing.

Mr. PAYNE. Yes, and it would "save time" for us to make general appropriations without limit.

Mr. MAHON. We are not making any appropriation in these cases.

Mr. RICHARDSON of Tennessee. Ninety-five per cent of the claims referred in this way are disallowed by the Court of Claims.

Mr. MAHON. I move that the bill be laid aside to be reported favorably to the House.

The CHAIRMAN. The first question is on the amendment of the committee.

The amendment was agreed to.

Mr. COWHERD. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by inserting between the number 10995 and the word "for," in line 8 of page 2, the following:
"H. R. 3435, H. R. 3438, and H. R. 16417."
And on page 4, after the word "Sulzer," insert "heirs of Alexander Bradshaw, heirs of Andrew J. Surber, and heirs of O. H. Cogswell."

Mr. COWHERD. I will simply say that these bills are identical in character with the other bills included in the resolution. They are for supplies furnished to the troops during the civil war; and a resolution referring them to the Court of Claims has been reported by the committee. So that they stand "on all fours" with the other cases.

Mr. PAYNE. I wish the gentleman would go a little further and explain what the other bills are.

Mr. COWHERD. As I have said, they are all bills for supplies furnished to troops during the civil war—bills which have not been heretofore referred to the Court of Claims; and this amendment is simply to refer them to the court in order that it may pass on the question as to whether anything is due, and how much.

Mr. PARKER. Were these claims before the Commission on Claims which sat just after the war?

Mr. COWHERD. Had they been filed before the War Department at that time they would have been referred by the committee under the Bowman Act without the necessity of a resolution of the House.

Mr. PAYNE. What reason is there that these claims have not been presented heretofore? What excuse was there for waiting until now?

Mr. COWHERD. The Tucker Act seems to have been passed for the very purpose of giving to claims of this kind a day in court upon resolution of either House.

Mr. PAYNE. That was passed a generation ago.

Mr. COWHERD. There are some of these cases in which the parties did not know of the limitation imposed by the act of Congress. One of the cases which I represent has been pending ten or twelve years.

Mr. LACEY. As I understand the gentleman, there is a resolution on the Calendar to refer these three cases.

Mr. COWHERD. Yes, sir.

Mr. LACEY. Why not take up that resolution when we reach it regularly?

Mr. COWHERD. Because it would not be reached at this session. I simply offer it as an amendment to this bill, which was first reported last session with certain claims on it, and to which the committee has added other claims. Now, I simply move to insert these additional claims which have already received the same action at the hands of the committee.

Mr. LACEY. Why not add all of these bills that they have favorably reported?

Mr. COWHERD. That the committee has reported? I have no objection and I do not understand that the committee has any objection to the including of the bills that it has reported.

Mr. LACEY. In the opinion of the gentleman, would this be a safe form of legislation, for the sake of convenience as to the Calendar of the House, to take up a bill that is somewhere else on the Calendar and attach it to the bill under consideration, in order that it may be acted upon earlier?

Mr. COWHERD. Most assuredly it would in a case of this kind. This bill is brought in as an omnibus bill, to include all cases of this kind, identical in character, that have been reported by the committee, referring them at once to the Court of Claims. And most assuredly if you bring in an omnibus bill to refer all that have been reported, a bill that has been reported a few days after the others is entitled to the same consideration if it is identical in character and if it has a similar favorable report.

Mr. LACEY. The gentleman's argument would be a good argument to address to the committee, but addressed to the Committee of the Whole it is a different proposition. If this is a proper matter of amendment, the Committee on War Claims ought to move it.

Mr. COWHERD. The gentleman probably did not understand that they accept it.

Mr. LACEY. I did not.

Mr. OTJEN. The Committee on War Claims assented to putting this in.

Mr. THOMAS of North Carolina. I have an amendment which I desire to offer.

The CHAIRMAN. The Clerk will report it.

Mr. COWHERD. Is this an amendment to the amendment?

The CHAIRMAN. It is an amendment to the amendment, as the Chair understands.

Mr. THOMAS of North Carolina. Yes; it is to be inserted after the other amendment.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Insert after the former amendment the following:
"Also, the bills (H. R. 4253, 6391, 7083, 12258, 4251, 12895, 14640, 4252, 4250, 4249, 4248, 4246, 3496) for the relief of the First Baptist Church, North Carolina; the estate of Frederick J. Jones; the heirs of John H. Richardson; the heirs of D. W. Morton; James M. Howard, administrator of Thomas S. Howard, deceased; C. G. Perkins, Joseph B. Banks, D. S. Barrus and others; Henry R. Bryan; O. H. Perry, administrator of the estate of George W. Perry; Richard Berry."

Mr. MAHON. Mr. Chairman——

Mr. THOMAS of North Carolina. Will the gentleman permit me to make a statement?

Mr. MAHON. Mr. Chairman, the bills included in this original resolution have all been examined by the committee and favorably reported to go to the Court of Claims. The bills included in

this amendment have never been acted upon by the committee. They are not on the Calendar, and are claims of a different character altogether. The committee want to be fair to the House. We have only one class of claims here, for stores and supplies, and only those that the committee have considered and favorably reported are included in this resolution. I oppose the amendment.

Mr. THOMAS of North Carolina. Mr. Chairman, I do not want to throw any obstacle in the way of the passage of the resolution. I am in favor of it. I have introduced a number of war-claim bills in behalf of citizens of my district, and some of them are included in this resolution. There are some ten or twelve war-claim bills introduced by me which I have incorporated into this amendment to the amendment of the gentleman from Missouri, and if I can get them also in this resolution I would like to do so now. I think that all the claims included in my amendment are for stores and supplies. It is true some of them have not been reported upon by the committee. Some of them, however, have been reported by committees in previous Congresses, according to my best recollection. These are simply claims which have been omitted by the committee, and I hope the gentleman from Pennsylvania [Mr. MAHON] will allow them to come in and let them go to the Court of Claims. It is just a question of the court passing upon the merits and facts of the cases, and I trust that the gentleman will not object to including them in the pending omnibus resolution. I am simply making an effort on behalf of my constituents in order to get these additional claims considered without antagonizing the pending resolution.

Mr. MAHON. I should like to accommodate the gentleman if I could. This is an omnibus resolution and the House can not examine it as they can a printed bill. The Committee on War Claims aim to be absolutely fair with the House when it comes to a proposition of this kind and to tell the House exactly what is in it. The bills included in our resolution are solely measures for stores and supplies, bills which have been sent to the committee, which the committee have examined, in which they believe there is merit. A great many others have no merit and they did not include them. Now, I can not allow that that item shall go into this resolution, because if they are all put in this resolution will be loaded down with amendments; and I want to be perfectly frank with the commitee and say that as chairman of the committee I will oppose it.

Mr. DALZELL. Let me ask the gentleman a question?

Mr. MAHON. Certainly.

Mr. DALZELL. I understand the amendment offered by the gentleman from Missouri is to include claims which had been passed on by the committee and were not included in the resolution?

Mr. MAHON. Yes.

Mr. DALZELL. And that the proposition here is to put on this bill as an amendment a number of bills that have never been passed on by the committee and never reported. Is that it?

Mr. MAHON. On a different class of claims.

Mr. DALZELL. We may as well put all the bills on the Private Calendar in it, then.

Mr. THOMAS of North Carolina. The papers have been duly filed. These are simply some that have been omitted. However, if these claims do not go into this bill, I hope that they will go in some other bill, and I will withdraw the amendment at this time.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from North Carolina will be withdrawn.

Mr. COWHERD. Can I have a vote on my amendment?

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri.

Mr. PAYNE. I want to discuss the amendment?

The CHAIRMAN. The gentleman from New York.

Mr. PAYNE. The amendment offered by the gentleman from North Carolina differs only in degree as to the badness of the whole bad practice under this resolution. I do not believe that we ought to go back and follow the precedent of the Fifty-third Congress in regard to these claims. It does not strengthen the position any to say that the Fifty-third Congress did something of this kind. I think when the House is called upon to vote upon a proposition to take away the bar of the statute of limitation as to any claims, the House ought to know something more than that it is simply to be informed of the number of the bill and the fact that in the past the bill has been favorably reported to the House. You might just as well give the whole legislation of this House to the Committee on Claims.

Now, I want something more than to have a list of claims; just what this resolution is. It tells the number of the bills; that the bills are H. R. 6511, H. R. 9380, and so on, mentioning 85 bills, as they say, and the House knows nothing, even about the title, of any of these bills, and yet we are called upon not simply to refer them to the Court of Claims, but we are called upon to waive the bar of the statute of limitation now running against all these claims; and some of these claims have been presented to the accounting officers; some of them have been reported as presented to some commission—the Southern Claims Commission—that they might have adjudication upon them, and they have adjudicated upon them and rejected them.

It opens up claims which have been rejected and refers them back to the Court of Claims with the statute removed against them, some of them only commenced within a few years, and with not only the statute running against them years ago, but a statute which has been again and again extended by Congress to enable these claimants to come in. Now they gather up a number of stale claims in which the claimants have had an opportunity to go before this or that commission or to present their case before this or the other department of the Government, and they bring nothing now but the proposition alone that a committee has favorably reported the bills, and on that we are asked to remove the bar of the statute of limitation. I do not think it ought to be done. If it was done in the Fifty-third Congress, so much the worse for the Fifty-third Congress.

I do not believe in omnibus bills anyway. It is a class of legislation which ought not to be indulged in by Congress. There are too many opportunities of logrolling, too much interest the Representative has in the claimant who lives in his district. We ought not to indulge in this thing, and I hope this House will throw the resolution out and let the committee bring in these claims one by one, and let the House say whether we shall remove the bar and refer the case.

Mr. VANDIVER. Will the gentleman allow me to ask him a question? The gentleman says that these bills should be brought in one by one. Would the gentleman favor bringing in a tariff bill to consider each schedule one by one? [Laughter.]

Mr. PAYNE. I do not think the question requires an answer.

Mr. RICHARDSON of Tennessee. You voted for the omnibus public buildings bill that carried $20,000,000.

Mr. PAYNE. I protested against it coming in.

Mr. GAINES of Tennessee. I would like to ask the gentleman from New York a question. If these bills are to be brought in, each on its own merits, would the gentleman be willing to bring in a rule so that members could get up here and have consideration on their merits?

Mr. PAYNE. I am only one member of the House.

Mr. GAINES of Tennessee. You are the whole thing very often. [Laughter and applause.]

Mr. HENRY C. SMITH. Mr. Chairman, in reply to the argument made by the gentleman from New York, on behalf of myself at least, as a member of the committee, I desire to say that there is nothing blind in this bill. There is no bill in this resolution which has not had a report made and filed upon it. If the gentleman or any other member of this House be in ignorance as to the character of each particular bill, it is within his power to inform himself as to the merit or want of merit of every bill embodied in this resolution, for every bill has been reported upon and a thorough consideration given, based on evidence, and a report has been made and filed in this House, and the bills are upon the Calendar, every one of them; so gentlemen may discover whether they are unjust, and each member of the House may know every item, and know the merit or want of merit in every bill which is now under consideration. If it is desired to consider each of these bills separately, an opportunity is given any member of this House to do so. All he needs to do is to call for the reading of the report of each particular bill mentioned in the omnibus resolution, that the House may have full and ample information as to each item.

Mr. PAYNE. If the gentleman will allow me, I am willing to adopt his suggestion and after the amendment is voted upon—of course there is only five minutes upon each side for this—I shall ask for the reading of the report if I am recognized by the Chair, that the House may be informed as to these various bills.

Mr. HENRY C. SMITH. I want to say another thing. I have heard the gentleman from New York [Mr. PAYNE] suggest many times to some of us who might temporarily have some doubt as to the merits of some measure before the House, "Follow the committee. You ought to have confidence in the committee." [Laughter.]

Mr. PAYNE. When did the gentleman ever hear me say that?

Mr. HENRY C. SMITH. So I say "follow the report of the committee." The committee having charge of these bills has not been logrolled or lobbied with any more than other committees of this House have been logrolled or lobbied with. We have made a thorough investigation, throwing out, I presume, 90 per cent of the bills presented to the committee.

Mr. PAYNE. Have you ever reported one adversely?

Mr. HENRY C. SMITH. Oh, yes; many of them.

Mr. PAYNE. Where is there one on the Calendar?

Mr. MAHON. They do not go to the Calendar.

Mr. HENRY C. SMITH. They do not go upon the Calendar.

I am complimented to be able to instruct the gentleman from New York through the chairman of our committee. We have cut out every one we thought had no merit in it. The most of these are rendered necessary through some technical failure to comply with the law. I recall one in which it failed to have consideration in court because there was a failure to appoint a guardian ad litem. The Government took advantage of the technicality to bar the suit and set the claim aside. We thought it was only fair to relieve the claim of that technicality and give the claimant an opportunity to be heard in some court.

Mr. SIMS. Mr. Chairman, I want to heartily approve of all that the gentleman from New York has said about omnibus bills in general. But I want to call the attention of the House to the fact that when for the first time in the history of this country there was an omnibus public building bill the Committee on Rules brought in a rule, and the House adopted it, and we heard not a word of objection to it by the gentleman from New York. I thought it was very bad legislation, and if the gentleman from New York had opposed it we could have beaten it.

Mr. GAINES of Tennessee. Mr. Chairman, "it seems to me, howe'er it be," that only a few days ago the distinguished gentleman from New York [Mr. PAYNE] referred an omnibus bill of claims to the Court of Claims for a crowd of millionaires who had paid tariff duties on steel rails. The amount involved in that bill amounted to many hundred thousands of dollars. Nobody ever heard of the claim until the gentleman approved of that kind of a bill, until he approved that measure, until it was sent to the Court of Claims through the United States Congress with an order in the bill on the Treasury to pay the judgment of the Court of Claims in each case.

Again, there was another bill a few days ago of a similar nature—I can not call to mind the title of it now—but the distinguished gentleman who protests against this little bill that will not give everybody relief, but which will give some people somewhere in the United States some relief that has been long deferred——

Mr. PAYNE. The gentleman from Tennessee ought to know, as a member who keeps track of my record and who is so accurate about it, that I resisted that bill that he speaks of——

Mr. GAINES of Tennessee. The gentleman did not resist it on the ground that there was anything "omnibus" about it. [Laughter.] The gentleman did not make his usual omnibus arraignment of the bill.

Mr. PAYNE. I objected to it and resisted it on its merits.

Mr. GAINES of Tennessee. Why did not the gentleman object to it on that ground? It was an omnibus bill, was it not?

Mr. PAYNE. I think I resisted it on both grounds; that it was an omnibus bill, and because the items, which I knew or had discovered something about, were thoroughly bad.

Mr. GAINES of Tennessee. Does the gentleman mean to say that he knows everything about everything that passes through this House? [Laughter.]

Mr. PAYNE. No; I will leave that to the gentleman from Tennessee. [Laughter.]

Mr. GAINES of Tennessee. I think I look more closely into some things than my friend does.

Ordinarily, Mr. Chairman, I think omnibus bills are objectionable forms of legislation, but circumstances alter cases. And particularly when these adverse circumstances, Mr. Chairman, are brought about by somewhat cruel, strong, and unwieldy rules that are made every day by the gentleman from New York [Mr. PAYNE]. They go out in the Speaker's office and manufacture a rule in a minute or two that would hold down Napoleon's army in this House, and yet the gentleman from New York does not modify these rules so that bills can be brought up here, each bill on its own merit, as he suggests. I hope the rules will be so modified that we shall have no more omnibus bills here.

Mr. GREEN of Pennsylvania. Mr. Chairman, I move to amend the amendment by adding "House bill 6723" to the end of the number, and the words "Berks County Agricultural Society" to the title. I will state that this bill is recommended by the committee and stands on all fours with these other bills. It was omitted, I understand, by mistake, from this bill, and it is a bill for supplies.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Insert "House bill 6723," and after the word "Coggswell" in the amendment insert the words "Berks County Agricultural Society."

Mr. MAHON. Mr. Chairman, I hope that amendment will not be agreed to.

Mr. PAYNE. Mr. Chairman, I want to be recognized to oppose the amendment to the amendment.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] is recognized.

Mr. PAYNE. I would like to have read by the Clerk, in my time, the report on House bill 6511.

Mr. MAHON. Mr. Chairman, I make a point of order against this amendment. It is not germane to the bill, and I ask the Chair so to rule.

The CHAIRMAN. The bill reported from the Committee on War Claims recites by number different bills. There is nothing in the bill indicating the class of bills included in this omnibus bill. The gentleman from Pennsylvania offers as an amendment a bill designated by number. So far as the Chair is informed or can be informed upon the bill pending and an amendment offered, the bill offered as an amendment is germane. Therefore the point of order is overruled.

Mr. MAHON. This bill refers to claims filed under the act of 1887, generally known as the "Tucker Act." Now these claims of the gentleman from Pennsylvania are not filed under the Tucker Act at all.

Mr. GREEN of Pennsylvania. Very well, I will withdraw the amendment. But I want to have this bill considered.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GREEN] asks leave to withdraw his amendment. Is there objection? The Chair hears none.

The question being then taken on the amendment of Mr. COWHERD, it was agreed to; there being on a division—ayes 72, noes 19.

Mr. PAYNE. I move to strike out "H. R. 6511;" and in support of that motion I desire to have the Clerk read the report on that bill.

The Clerk read as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 6511) for the relief of personal representatives of Sewell B. Corbett, deceased, beg leave to submit the following report:

The evidence offered in support of this claim is in the form of ex-parte affidavits, and your committee have no opportunity of subjecting the witnesses to a cross-examination, and are therefore of the opinion that this claim should be referred to the Court of Claims, where depositions can be taken in the usual manner prescribed by law, counsel for the Government and for the claimant having the right to cross-examine the witnesses making such depositions; and when the facts shall have been determined by the court upon the legal testimony thus taken and submitted, said facts to be reported to Congress for its consideration; and report herewith a resolution to that effect, and recommend its adoption.

Mr. PAYNE. Now, Mr. Chairman, I submit that this report furnishes no reason whatever for removing the bar of the statute of limitations in this case. Nothing is presented showing any excuse for the laches in failing to bring the claims before the proper tribunals provided by law in proper time. And such being the case, I have confidence to believe that the House will adopt my amendment and strike this case from the resolution. I presume that my friend, the chairman of the committee [Mr. MAHON], does not desire to have this resolution loaded down with a claim which the report does not show any reason for including in this resolution removing the bar of the statute. I appeal to him to favor my motion.

Mr. MAHON. "The chairman of the committee" understands the motive of the gentleman from New York [Mr. PAYNE] as well as the House does. His purpose is to kill this bill by killing time.

Mr. PAYNE. No; I am seeking for information.

Mr. MAHON. Well, Mr. Chairman, I am only applying the same rule which the gentleman applied on a public bill passed the other day—the bill to remove the duty on coal, which affected the interests of a great many thousands of people. What data did the gentleman furnish in his report in regard to that bill? The Committee on Ways and Means brings in here bills to put on a duty or take it off; and although they may have taken testimony running up into hundreds of pages, they never include it in their report. In fact, the shortest reports coming into this House are those from the Ways and Means Committee, though they affect the gravest questions.

Now, the gentleman does not want these facts, and I do not propose to argue the matter. If he wants to kill this bill, all right. There is not a claimant affected by these bills who lives within a thousand miles of where I reside. In this matter I am simply acting as the chairman of the committee, believing with the committee that these people should be allowed to go to the Court of Claims and have their cases heard. Whether they get there or not is personally a matter of no moment to me whatever.

If the gentleman does not want to take, even if he is serious, the action of the committee, I can not give him the light on the floor of this House that he is after, unless we go out to the file room, bring in all the evidence, affidavits, and everything, and have them read. Now, in the future, if he will give to this House all the evidence that he takes before his committee as chairman, I will agree to produce all the evidence before my committee on everything that comes in here. We simply report the facts, and in every one of those reports the court has found, as he will find printed, whether these people have been guilty of laches or not, and the reason why. As far as I am concerned, I have no personal interest in this bill. If I had constituents who were interested in it and I could get the men to stand around me, I

would stay here until to-morrow morning until 6 o'clock and give the gentleman all he wants.

Mr. PAYNE. Mr. Chairman, I move to strike out the last word. I have no objection to staying here with the gentleman all night. I do not know but I have been in worse company more than once. [Laughter.]

Mr. HENRY C. SMITH. Both of the gentlemen would be in good company.

Mr. PAYNE. I would have no objection to that if I could get a little light on the situation by remaining with the gentleman so long as that, but I do not seem to be able to get any light. I called for the reading of the report and that shows nothing. The gentleman answers my inquiry by saying that the report on the coal bill was a short report. I fancy that stated pretty much the whole case, if it was short. I was rather "stuck" on that report myself, because it stated the whole thing in so few words. We had no evidence before the committee, as the gentleman seems to think, but we relied upon the general information of the House.

Mr. MAHON. And we are relying on the general good sense of the House.

Mr. PAYNE. But take this bill. After a while the report is found and read. It furnishes no reason for removing the statute. I appeal with tears in my voice to the chairman of the Committee on War Claims [Mr. MAHON] for some reason, so that I can satisfy my conscience in voting for these claims, but he gives none. Further than that, he says he can not give any.

Mr. MAHON. Whenever I see the tears I will give it. [Laughter.]

Mr. PAYNE. Why, they were in my voice. Of course the gentleman could not see them. He can not give any information, he can not give any reason why this bill should be taken up and the bar of the statute removed. Now, I have been looking around for reports. I have had half the force of the House looking for reports. They come back to me one after another and say that no report was ever made on this bill. Still, these claims have found their way into this resolution. How does that happen, Mr. Chairman?

Mr. MAHON. The reports are in the file room.

Mr. PAYNE. Has there been a sort of love feast here, and claimants invited to put in their bills, whether the committee has considered them or not? How did they get in here?

Mr. MAHON. What bills?

Mr. PAYNE. Why, we were assured, in the first place, they could not find any reports on the first ten bills, and finally we have found one.

Mr. MAHON. Does the gentleman tell me these reports are not in the document room?

Mr. PAYNE. I have been told so.

Mr. MAHON. Who told the gentleman?

Mr. PAYNE. One of the employees of the House.

Mr. MAHON. Well, if they are legislating for the House, then we will withdraw.

Mr. HENRY C. SMITH. They are all noted on the Calendar.

Mr. PAYNE. I am speaking only of the difficulty of getting any information on the subject.

Mr. MAHON. Send it to the Court of Claims and that court will get the information for you.

Mr. PAYNE. Yes; but in the meantime we remove the bar of the statute. That is the evil of it. If you do not remove the bar of the statute, I do not care how many of them you send to the court, but you remove the defense of the Government in this case. Time has removed their witnesses, time has sealed the facts to the Government, and the Government does not have a fair chance to make its defense. So we are left open to these claimants——

Mr. MAHON. Let the gentleman be fair.

Mr. PAYNE. By the action of the War Committee, which does not even know the reason for it.

Mr. MAHON. If the gentleman could have sat in the Court of Claims, which sits in this city, and has for the last twenty-five years, and listened to the cases with reference to stores and supplies, rents, and that sort of thing, he would know full well that the Government calls no witnesses. It has none to call. The claimant calls his witnesses to support his claim and the Government makes its defense simply by cross-examination.

Mr. PAYNE. I am glad to have the gentleman agree with me that the Government has no witnesses.

Mr. MAHON. If the witnesses are all dead, then the witnesses for the claimants as well as for the Government are dead.

Mr. PAYNE. They are all dead, and these claims come in here.

Mr. MAHON. If the witnesses are all dead that is bad for the claimants, because it is necessary for the claimants to make out their case.

Mr. PAYNE. There is no reason stated in the report, and I venture the assertion that there is no reason in the mind of the chairman or in the mind of any member of the committee, why the statute of limitations should be removed from this case covered in the bill H. R. 6511. I call for a vote on the motion to strike out 6511.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. PAYNE. Division, Mr. Chairman. I want to locate these things.

The committee divided; and there were—ayes 24, noes 68.

Accordingly, the motion to strike out was rejected.

Mr. GAINES of Tennessee. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 2, line 7, after "H. R. 3803," insert the following: "H. R. 3639." On page 4, line 1, after "T. P. Salzer," insert "Payne, James & Co."

Mr. GAINES of Tennessee. Mr. Chairman, I desire to explain this. This bill has been reported in every Congress since the Fiftieth.

Mr. OTJEN. May I ask the gentleman a question?

Mr. GAINES of Tennessee. Yes.

Mr. OTJEN. Are these bills now on the Calendar, favorably reported by the Committee on War Claims of this Congress?

Mr. GAINES of Tennessee. I am not advised of the fact if it is.

Mr. OTJEN. Then I will have to object to this going into this resolution, because this resolution contains claims for stores and supplies——

The CHAIRMAN. Does the gentleman yield?

Mr. GAINES of Tennessee. Not for a speech. I will yield for a statement.

Mr. OTJEN. This resolution is for claims for stores and supplies. Every one of these bills has been favorably reported, and is on the Calendar. If the bill referred to by the gentleman has not been so reported, I must object to that going in.

Mr. HENRY C. SMITH. I make the point of order against it.

Mr. GAINES of Tennessee. Too late.

The CHAIRMAN. The gentleman is too late, because the bill has been discussed. The gentleman from Tennessee has been discussing it.

Mr. GAINES of Tennessee. Now, Mr. Chairman, this is a bill that provides for the payment of a claim that matured in 1862 in the city of Nashville. The right of recovery against the Government grows out of the fact that the military authorities took charge of the large warehouse of Payne, James & Co., in which there were more than $200,000 worth of dry goods. They were ordered to take those goods out. The goods were thrown out upon the public square in the rain in April of that year and greatly damaged. They remained out for several days in the rain, and the reason why this warehouse was ordered by Gen. John F. Miller, afterwards a member of Congress, to be taken was because the place where over 2,000,000 rounds of ammunition and war supplies were stored was in an unsuitable building—the roof had caved in, the chimney had fallen down, and the rains were pouring in and ruining the ammunition. Immediate possession was demanded and at once given.

These gentlemen were loyal men. Here are reports from the Fiftieth Congress down to this, made in Democratic Congresses and Republican Congresses, in which, without a single variation or equivocation, they state that these merchants were not only loyal to the Union but that they were of great service to the United States Government at that time.

Now, Mr. Chairman, I hold in my hand a favorable report made April 20, 1890, by Mr. Simonds, a Republican from Connecticut. I hold in my hand a favorable report made by Mr. Herman, a Republican from Oregon, March 2, 1895. I hold in my hand a favorable report made by Mr. DAVIDSON, a Republican, in 1898. I hold in my hand a favorable report made by Mr. Pugh, a Republican, in 1896. I hold in my hand a favorable report by Mr. Enloe, a Democrat, in 1892, and one, favorable, by Mr. Stone, a Democrat, of Kentucky, in 1888, and one, favorable, by Mr. HENRY, a Democrat, to the Fifty-sixth Congress.

"I have stated all these parties were loyal and that they were of great service to the Government," said General Miller, who was then in charge at Nashville. That this claim is a meritorious claim has been stated in elaborate reports, and official records are produced showing the taking of the goods and the various other items including in loss from damage, from rent, moving, etc. Every item is fully proven. Not only did the claimants move out once, Mr. Chairman (and these officers stated it was a great accommodation to the Government for this to be done), but they "moved four times," and in each instance they were put to a great expense and loss. There was a great loss to their trade. For the loss of trade they lay no claim; but they do ask for just compensation for the actual damage to their storehouse, the loss

of rent, the loss of a great deal of their property that was made perfectly worthless, as well as that partly damaged. As to all this the proof is clear and unmistakable, and so are all the reports from the Fiftieth Congress down to this.

Mr. Chairman, if there is any member of this House who has the slightest suspicion that these parties were not loyal—and not only loyal, but did not do great service otherwise to the Government—I stand here ready with the official documents of the military forces, taken at that time and taken subsequently by the Government of the United States and by the parties at interest in this matter, to disprove such contentions. I challenge inquiry. I would read the evidence, but my time is too brief and it is unnecessary, and I do not want to delay the passage of this resolution.

Now, here were these rich merchants of forty years ago, faithful to the Union, gave up their storehouses willingly, by order of United States officers, whereby their goods were destroyed, their property taken, and because of this afterwards lived and died in penury. They who survive and their children now ask for just compensation and you would at this late day deny them. To deny them is an outrage and a shame.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. Mr. Chairman——

Mr. GAINES of Tennessee. I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania, the chairman of the committee, is recognized.

Mr. PAYNE. I hope the gentleman will not object to the gentleman from Tennessee continuing his remarks. I hope he may ask that he may have five minutes more. I will ask it myself. I ask that the gentleman from Tennessee may have five minutes more.

Mr. MAHON. With the understanding that the gentleman will not consume any more time, I will not object.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Tennessee may have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Mr. Chairman, I shall not use all this time, but shall be brief as possible. Most of these original claimants have gone to their final resting place, leaving widows, tottering with old age, penniless but still honored and respected: while others survive, but in need, with large responsibilities and decrepitude with which to battle. By honorable means have they urged this would be, and should be, generous and just Government to reimburse them, but without success—a sad commentary on our Republic and Congress. But it is true, and why? There has never been the least charge or intimation of fraud or demerit about this claim by any man, woman, or child of which I ever heard. Not a single finger of suspicion was ever pointed at it or these claimants, past or present.

Why, then, deny justice longer? Death will soon claim the balance of the old people. Already we have waited too long.

Let me read from one of these reports:

The report of Mr. Simonds, of Connecticut, states:

> The subsequent result was that Buckner H. Payne died in an almshouse at Nashville, Tenn.; Robert A. Barnes died at Nashville, old and poor, leaving a widow who is now gaining a living by her needle, and John D. James is now an old man in poor circumstances, living in Orange County, Cal.

Proud history for a just Republic!

Mr. Chairman, that is all I shall have to say on that point. The gentleman from Pennsylvania, chairman of this committee [Mr. MAHON] knows all about these facts as well as I. He will not deny a single one of them. Furthermore, he knows that I have made all of the insistence in this matter that I could to have this claim reported and paid, and finally, as a last resort, that I urged that it be placed in this resolution and finally disposed of by the courts. Now, I ask you to put this claim in this omnibus bill and send it to the Court of Claims, where the facts can be found, and let that which is found to be due to these people of the $82,750 they claim be paid to them and their children, so that they may not die in the poorhouse and that their bones may not be interred in the potter's field.

Mr. MAHON. Mr. Chairman, I move the debate upon this section and amendment be limited to one minute.

Mr. PAYNE. On this section? Mr. Chairman, I move to strike out one "minute" and insert "three hours."

Mr. MAHON. All right; we will take a vote on it.

The CHAIRMAN. The gentleman from Pennsylvania moves to limit debate on the section and amendment to one minute, and the gentleman from New York moves to amend by inserting "three hours." The question is on the amendment.

The question was taken; and the Chairman announced the noes seemed to have it.

Mr. PAYNE. Division, Mr. Chairman.

The committee divided; and there were—ayes 32, noes 59.

So the amendment was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from Pennsylvania to limit debate to one minute.

Mr. PAYNE. I move to amend by inserting "two hours" instead of "one minute." All I want is a reasonable debate.

Mr. RICHARDSON of Tennessee. I make the point of order that the motion is not debatable.

The CHAIRMAN. The motion is not debatable. The question is on the motion of the gentleman from New York to limit debate to two hours.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PAYNE. Division, Mr. Chairman.

The committee divided; and there were—33 ayes and 66 noes.

So the amendment to the amendment was rejected.

Mr. PAYNE. Mr. Chairman, I now move to strike out "one minute" and insert "one hour."

Mr. RICHARDSON of Tennessee. I make the point of order, Mr. Chairman, that that motion is dilatory.

Mr. PAYNE. I ask to be heard upon that.

Mr. RICHARDSON of Tennessee. The motion is not debatable.

Mr. PAYNE. But the point of order is debatable.

Mr. RICHARDSON of Tennessee. If the motion is not debatable, the point of order would not be debatable.

The CHAIRMAN. The point of order is debatable. If the gentleman from New York wishes to be heard, the Chair will hear him.

Mr. PAYNE. Mr. Chairman, no man in this House can believe from the motion I have made that I am doing anything except to get a fair debate upon a proposition to remove the bar of the statute of limitation from 85 claims.

Mr. MAHON. Mr. Chairman, I want to call the gentleman's attention to the fact that he is not discussing the point of order.

Mr. PAYNE. I should think that what I have said thus far would appeal to the intelligence of the gentleman from Pennsylvania. Of course if this is dilatory, it is because of the action of those who are seeking to pass this scandalous bill here in the House. When I say I first offered three hours, and then two hours, and then a motion for one hour, it shows that I am simply seeking to get time for a fair discussion as to the merits, if it has any merits, or the demerits, of this resolution now before the House. Of course I am aware that three hours, or two hours, or one hour is not sufficient to satisfy any man in this House to vote for this bill who has not some interested constituents, because there is no man in the House that knows the character of this bill.

Amendments are offered here. An amendment was offered just now by the gentleman from Tennessee [Mr. GAINES], and I am informed that that amendment is one of the bills that the committee has reported adversely. That has not been stated to the committee, but I was so informed by a member of the committee. There is nothing to guide the members of the House in their votes for this proposition. Now, Mr. Chairman, I am simply asking for debate—not unlimited debate, not dilatory debate, but a debate on the merits of this proposition—and for some reason or other gentlemen here fear debate and fear the light upon this proposition which is brought before the House. What their reason is, what their interest is, why they wish to vote this bill through blindfolded, why the friends of the bill wish to do that, I am at a loss to determine. It is almost impossible to find the reports, because when the officers go to look for reports they find it is not the bill that is reported, but some resolution—100 on bill No. 6000—and so they are blinded in finding the reports. When I asked that the report be read they could not find one for the first five bills in the resolution.

The reports are not upon the bills, but upon resolutions, and I want to find out if there is any reason—if there is a single claim in the resolution that the committee can give any reason to the House for removing the bar of the statute of limitations from; and so I contend that I am acting fairly with the House in trying to get some chance for debate on this question.

Mr. GAINES of Tennessee. Mr. Chairman, I was out of the Hall on an important matter—one of my bills—for a minute. I understand that the gentleman from New York [Mr. PAYNE] stated that the bill which I discussed before the House a few moments ago had been adversely reported this session.

Mr. PAYNE. I was so informed by a member of the committee, Mr. HENRY C. SMITH.

Mr. GAINES of Tennessee. That, of course, can not be so, because it has not been reported at this Congress. It has been reported in every other Congress since the Fiftieth Congress.

Mr. PAYNE. The statement was made to me that it had been reported adversely.

Mr. GAINES of Tennessee. That statement is not true, because it has not been reported at all. The papers have been in the hands of the chairman of the committee for a long time, and I

have urged him time and again to report it last session and this session and as late as a few days ago; indeed, as late as yesterday.

Mr. HENRY C. SMITH. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Michigan wish to discuss the point of order?

Mr. HENRY C. SMITH. I think so, Mr. Chairman. I desire to say that in what I said to the gentleman from New York I perhaps misstated what is known technically as the report. The committee considered the bill and put it in the pigeonhole. It was determined that it was not a proper bill to report to the House.

Mr. PAYNE. Is that the way your committee report claims adversely?

Mr. HENRY C. SMITH. Well, sometimes it is not worth while to have a bill printed where the committee determine that it is not worthy of consideration.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. A point of order is pending. If the gentleman desires to discuss the point of order, the Chair will hear him.

Mr. GAINES of Tennessee. I was unaware of that. Mr. Chairman, I want to say this: The statement of the gentleman from Michigan is the first that I have heard of any opposition to this bill from any source whatever.

Mr. LACEY. Mr. Chairman, just what is happening at this time illustrates that this is not a dilatory motion. Here is a proposition for time enough to ascertain the facts about 85 different and separate claims. The proposition is made to limit debate to one minute, and an amendment is offered to extend it to one hour. The claim is made that it is a dilatory motion. It seems to me that this shows of itself that the motion is not dilatory. We have found out indirectly why the point of order should not be sustained. We have found out that this claim which is offered as an amendment has been adversely acted upon; and that we could not have found out in one minute's debate.

Mr. PARKER. Will the gentleman answer one question? How much is involved in this bill?

Mr. MAHON. The amendment now offered is no part of this bill. It is offered independently of the committee. The committee will take care of that amendment and will give the necessary information to the House in half a minute. It will not take three hours.

Mr. PARKER. Will the gentleman answer me?

Mr. PAYNE. The motion of the gentleman from Pennsylvania was to close all debate on this section and all amendments. If he simply wishes to close debate on this amendment, I have not the slightest objection.

The CHAIRMAN. The House will be in order. The Chair asks the gentleman from Pennsylvania [Mr. MAHON] whether his motion was to close debate on this amendment or upon the section and all amendments?

Mr. MAHON. My amendment was to close debate on the section and all amendments pending. The gentleman from Pennsylvania has not got his amendment in yet.

Several MEMBERS. Oh, yes, he has.

Mr. PARKER. As to this question, whether the motion now made is dilatory, I want to ask the gentleman from Pennsylvania, so that the House may understand the matter, how many thousand dollars are involved in this amendment. Can the chairman of the committee give me that information?

Mr. BARTLETT. I rise to a point of order, which is that the discussion now going on and the question asked have no relevancy to the point of order now presented to the Chair.

The CHAIRMAN. The Chair is ready to rule on the question of order.

The gentleman from Tennessee makes a point of order that the motion of the gentleman from New York to limit debate to one hour is dilatory. The Chair, taking into consideration the character of this bill, which includes 85 bills, each one having a separate report, thinks that one hour would not be too much time in which to debate these several questions, and therefore thinks that the motion of the gentleman from New York is not dilatory, and is in order. The question is upon the motion of the gentleman from New York to amend the motion of the gentleman from Pennsylvania.

The question being taken, there were on a division (called for by Mr. PAYNE)—ayes 41, noes 66.

So the amendment was rejected.

Mr. PAYNE. I do not know whether it is the purpose of the committee to shut off all debate, but I will offer an amendment to close debate in thirty minutes.

Mr. MAHON. I will accept twenty minutes.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] moves to amend by inserting "thirty minutes."

Mr. MAHON. I move to amend the amendment by making it twenty.

The question being taken, the amendment to the amendment was agreed to; and the amendment as amended was adopted.

Mr. PAYNE. I rise to oppose the amendment offered by the gentleman from Tennessee.

The CHAIRMAN. The question now arises on the original motion.

Mr. PAYNE. Well, I rise to oppose the amendment of the gentleman from Tennessee.

The CHAIRMAN. The gentleman from Tennessee has offered no amendment. The question is on the original motion as amended.

The motion was agreed to.

The CHAIRMAN. Debate is limited to twenty minutes.

Mr. PAYNE. Mr. Chairman, I am sorry to be obliged to oppose the amendment offered by my friend the gentleman from Tennessee. It has seemed to me desirable that we should get as much light as possible——

Mr. GAINES of Tennessee. Will the gentleman allow me to interrupt him a moment?

Mr. PAYNE. Certainly.

Mr. GAINES of Tennessee. I desire to ask unanimous consent to withdraw my amendment. I see where this bill is going; I see this effort to block the passage of this bill with or without my amendment, and rather than defeat the bill by urging my amendment I ask permission to withdraw my amendment.

Mr. PAYNE. I have no objection to the withdrawal of the amendment.

The CHAIRMAN. Is their objection?

There being no objection, the amendment of Mr. GAINES of Tennessee was withdrawn.

Mr. PAYNE. Mr. Chairman, I now move to strike out "H. R. 9380;" and I ask the Clerk to read the report in that case. But before the report is read I want to call attention (for I am trying to get all the light possible on this subject) to a statement in this resolution which shows something about the longevity of the running of a statute of limitations upon these claims. Of course, they all go back to the war of the rebellion. They are all forty years old, more or less. But I did not suppose that any of them had such extreme antiquity as I find by a glance at the resolution; for I discover that among other persons to be relieved from the running of the statute of limitations are Agnes and Maria, heirs of Melchisedec. [Laughter.] I have not been able to find the report on the case of Melchisedec.

A MEMBER. It went up in the Ark.

Mr. PAYNE. But I am going to send for a Bible and have some portion of that read; or I would do so, if it would not discomfort my friend from Pennsylvania. Still, I would like to know what reason this committee has for removing the bar of the statute from Melchisedec.

Mr. MAHON. Because they are old Melchisedec's children.

Mr. PAYNE. Just now I am seeking light upon the second bill, and while I have industriously sent out for these reports, and while I have tried to find out the reasons in any one case that I may present it to this committee as to why the Committee on War Claims asked to have this statute of limitations removed, I can not find any reason anywhere in any of their reports.

Mr. BARTLETT. Mr. Chairman, may I interrupt the gentleman a moment?

Mr. PAYNE. It would not interrupt me.

Mr. BARTLETT. Then may I ask the gentleman a question?

Mr. PAYNE. Certainly.

Mr. BARTLETT. The gentleman has said something in reference to the statement that this bill or resolution which we are about to pass does something which changes the statute of limitations which runs in favor of the Government if it runs at all against these claims. Now, the gentleman does not want to convey that impression, I apprehend, unless it is correct?

Mr. PAYNE. Well, I want to say to the gentleman that I get that from the learned gentlemen who are on this Committee on War Claims. I suppose they are thoroughly posted as to the law, because I know they are able lawyers. They might make poor jurors on a question of fact, however.

Mr. BARTLETT. I do not doubt they are good lawyers, but if the gentleman understood the members of the committee to say that there is anything in this resolution which changes the law with reference to the statute of limitations now upon the statute books with respect to these claims, he is mistaken. I would call his attention to section 14 of the Tucker Act, under which these bills are to be referred.

Mr. PAYNE. I want to say to my friend that that matter was gone over before he came in an hour or two ago.

Mr. MAHON. I would state to the gentleman from Georgia [Mr. BARTLETT] that under the Tucker Act claims not barred by the statute can be referred direct by the committee, but if they are barred by the statute of limitations it can only be lifted by a resolution of this House.

Mr. LITTLEFIELD. These are here because they are barred, so that the gentleman is a trifle in error.

Mr. BARTLETT. I do not think I am.

Mr. LITTLEFIELD. That is what the chairman of the committee says.

Mr. BARTLETT. Well, people can differ in respect to these questions.

Mr. PAYNE. Now, I would ask that the Clerk read the report which I called for a while ago.

The Clerk proceeded with the reading of the report.

During the reading,

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DALZELL. Mr. Chairman, if I can be recognized I will have the report read in my time.

The CHAIRMAN. The gentleman from Pennsylvania is recognized unless some one desires to be recognized in opposition.

Mr. CALDWELL. Mr. Chairman, for the information of the gentleman from New York [Mr. PAYNE], I will state that I introduced the bill in lieu of which this resolution is now on the Calendar and also incorporated in the omnibus resolution. The claimant in this case is a widow woman, not a millionaire. Her husband did not deal in the manufacture of gunboats, was not connected with any corporation under the sun, that I know of, and she is a poor woman.

The bill that I introduced was to give the relief that I thought that poor constituent ought to have and that I still think she should have. The report provides only that the claim named in this resolution be referred to the Court of Claims, a coordinate branch of this Government, where justice can be done, I believe, the poor and the rich alike. For that reason I have favored the reference of this claim and similar claims to the Court of Claims, believing that in that court at least justice could be had to the poor and the rich alike. Therefore this report was offered by me referring the claim in the resolution to the Court of Claims.

Mr. PAYNE. Mr. Chairman, I move to strike out the last word. I am glad even for as much information as the gentleman has given as to one of these claims. As I understand, it is presented by the gentleman because she is a poor widow woman. That is an item of merit which I did not suspect existed in these claims at all, but I am glad to get that much information. As to what the claim is about, of course the gentleman has not seen fit to enlighten the committee. We have no knowledge upon the subject. I have the report before me, and the report reads suspiciously like the report I had the Clerk read before. It is as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 9380) for the relief of Sarah Grisson, beg leave to submit the following report:

The evidence offered in support of this claim is in the form of ex parte affidavits, and your committee have no opportunity of subjecting the witnesses to a cross-examination, and are therefore of the opinion that this claim should be referred to the Court of Claims, where depositions can be taken in the usual manner prescribed by law, counsel for the Government and for the claimant having the right to cross-examine the witnesses making such depositions; and when the facts shall have been determined by the court upon the legal testimony thus taken and submitted, said facts to be reported to Congress for its consideration; and report herewith a resolution to that effect, and recommend its adoption.

Now, while that report is exhaustive upon the merits of this claim and detailed them most fully and thoroughly, and while the committee must have labored hard to get up such a report as that, they have omitted the important fact that this claimant is a poor widow woman. [Laughter.]

Mr. MAHON. Will the gentleman allow me to make a suggestion?

Mr. PAYNE. Yes.

Mr. MAHON. Probably it would cost this Government more to print the evidence taken about this little claim than the claimant will get on her claim when it is referred to the court. Now, the gentleman ought to be fair. If he had the power to prevent it, he would not consent that the Committee on War Claims should pile up expense upon this Government, amounting to thousands and thousands of dollars, for printing about these small resolutions referring claims to the Court of Claims for adjudication—printing that the House would not read if it had it.

Mr. PAYNE. I want another minute, Mr. Chairman.

Mr. HENRY C. SMITH. Let me yield it. This report says:

The evidence offered in support of this claim is in the form of ex parte affidavits.

Now, does not that show as plainly as can be that there is evidence before that committee, and that it is in the form of an ex parte affidavit? The committee think that while that makes out a case, there ought to be some tribunal to cross-examine the witnesses.

Mr. PAYNE. Well, Mr. Chairman, I do not know but that is all the information the House is entitled to from that committee, that there is evidence in the form of ex parte affidavits; but still, being somewhat of an inquiring mind, it would have satisfied me still further if they had stated some of the facts in the case as fully as the gentleman informed the committee who introduced the bill into the House.

But there is another point raised by the chairman of the committee about which I want to say a brief word. The gentleman says it would cost the Government so much to print adverse reports in these cases.

Mr. MAHON. Oh, no; favorable reports.

Mr. PAYNE. Some one else advanced the idea that they did not want to go to the expense of printing adverse reports in these cases. Why, did the committee ever stop to think, when they were recommending a bill here to pay some claim of $30 or $40, that the cost to the Government was a good deal more, perhaps, than the claim itself?

On the other hand, Mr. Chairman, the House has a right to the information. It has just as good a right to an adverse report as the claimant has to a favorable report, and the committee ought to present the facts and place them upon the files of the House, showing the reasons for an adverse report, so that after they have decided adversely upon a case the claimant can not come into the next Congress and warm up his claim and revamp it and revivify it after it has been in the hands of some claim agent near or far from the Capitol, to present it in some shape that may deceive some future Congress into passing these very claims upon which there has been an adverse conclusion.

I do not agree that it is economy not to print these reports. On the other hand, I believe it would save the Government of the United States thousands upon thousands of dollars if that committee, in every case where they come to a conclusion against the claimant, should spread their conclusion upon the records of the House of Representatives, so that each party might know the reason why the committee came to that conclusion. Then, if they would go a little further, and not be too economical about printer's ink, and would print some reasons and present to the House some reasons why these claims should be referred to the Court of Claims, and given the breath of life which they have not now—which they can not have because of their antiquity—I should be satisfied; so that I should be able conscientiously to vote with my friend, the chairman of the committee, the gentleman from Pennsylvania [Mr. MAHON], and these other gentlemen who are interested in these claims.

I have a right, and every other member of the House has a right, to information upon this subject in order that our consciences may be guided and that our votes may be given in the right direction when they bring a claim here against the Government.

Mr. GIBSON. Mr. Chairman——

The CHAIRMAN. The gentleman from Tennessee.

Mr. GIBSON. Mr. Chairman, I want to call the attention of the House to the object of this resolution. In the first place, we have in this city a Court of Claims composed of five judges. Congress has heretofore passed a law which has been on the statute book nearly twenty years, providing that when Congress, or a committee of Congress, desires to have a question of fact investigated, to have a claim presented by a bill or resolution fully investigated, that Congress or the committee has the right to refer that bill or resolution to the Court of Claims, to the end that the court may fully investigate the facts of the claim, and ascertain what merits or demerits there may be in it.

Mr. Chairman, the War Claims Committee has before it about 4,000 bills for war claims. It is a physical impossibility for the committee to go through these 4,000 claims and determine their merits; so we have adopted the rule of examining a claim, not thoroughly, for that is another physical impossibility, but enough to see that there is probable merit in the claim; not enough manifest merit for us to report the bill to the House for payment and passage upon ex parte testimony, claims often involving $4,000, $6,000, $8,000, or $10,000; but the committee culls out all of the cases that are prima facie meritorious and refers them to the Court of Claims, to the end that the Government may have a chance to be heard, and that the witnesses may be cross-examined and the facts thoroughly sifted.

That has been the practice of the War Claims Committee and the House for many years. There are now on the Calendar or before the committee many bills asking direct appropriations for war claims. The committee, instead of recommending these bills, and asking for immediate and direct appropriations, recommend that these bills be referred to the Court of Claims in order that the Court of Claims may investigate into the facts and merits of the cases and make their reports to Congress. When these reports come in we can better determine the justness of the claims.

Mr. Chairman, in the last twenty years there have been referred to the Court of Claims war claims aggregating about $24,000,000, and of that amount about $2,000,000 have been allowed. Nearly 90 per cent of these claims have been rejected, and it is safe to say that out of the eighty-odd claims proposed to be referred to the Court of Claims by the pending resolution there will not

be twenty of them favorably reported on by that court, and even when they are favorably reported only a small per cent of the amount is allowed. The average of the gross amount of the claims allowed for the last twenty years is about 11 per cent—eleven dollars out of every hundred dollars.

Mr. RICHARDSON of Tennessee. Then they have got to come back to this House for appropriation?

Mr. GIBSON. Then they have to come back here in the shape of reports from the Court of Claims for further investigation and allowance. The findings of the Court of Claims are examined by the Committee on War Claims before they are reported for payment. Then is the time to fight the claims on which the Court of Claims have reported favorably; those unfavorably reported, the vast majority, are never heard of again.

Now, a word as to the lapse of time. Where was the outcry of the honorable gentleman from New York and the honorable gentleman from Pennsylvania, who have antagonized this resolution because of the staleness of the claims—where was their outcry when the big gunboat claims were referred to the Court of Claims [loud applause]; gunboat claims old and stale, twice paid, twice examined by boards or commissions, and after two payments again referred to the Court of Claims, with the approval and aid of the honorable gentleman from New York and the honorable gentleman from Pennsylvania; and, Mr. Chairman——

Mr. PAYNE. Are you entirely sure about that?

Mr. GIBSON. Now, Mr. Chairman, I want to know where the honorable gentleman from New York was——

Mr. PAYNE. Let me answer you.

Mr. GIBSON (continuing). When the claims for French spoliations were here, claims nearly one hundred years old——

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. I ask that the gentleman have two minutes more, and in that two minutes I want to tell him where I was.

Mr. GIBSON. I move to strike out the last word.

Mr. PAYNE. I ask unanimous consent that the gentleman have two minutes more.

Mr. GIBSON. I have it. Now, I want to know where these gentlemen were when these ancient French spoliation claims were referred to the Court of Claims and afterwards paid, amounting to millions of dollars.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GIBSON. But I have moved to strike out the last word.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. Now, I ask unanimous consent that the gentleman have five minutes more.

Mr. MAHON. I object. Have the twenty minutes expired?

The CHAIRMAN. Two minutes of that time are remaining.

Mr. MAHON. I agree that he have two minutes.

The CHAIRMAN. But the two minutes go to the other side.

Mr. MAHON. Then I object.

Mr. GIBSON. I will take the floor again at another opportunity.

Mr. PAYNE. I am very sorry my friend from Pennsylvania objected. I think if the gentleman had not looked at me so vigorously in the face he would have discovered where I was "at" and changed somewhat the tone of his comments. I am very sorry to have stopped him in the midst of a burst of eloquence which ought to have been heard by the House. I now call for a vote on my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. PAYNE. I ask for a division.

The committee divided; and there were—ayes 37, noes 73.

So the amendment was rejected.

Mr. RUCKER. Mr. Chairman, I offer an amendment which I hand to the Clerk.

The Clerk read as follows:

On page 2, after the words "seventy-eight hundred and sixty-one," insert "(H. R. 1493);" and on page 4, after the word "Salyer," insert the words "The heirs of William Heryford, deceased."

The CHAIRMAN. The question is on the amendment. The time for debate is exhausted.

Mr. RUCKER. I merely want to say that this has been reported favorably many times.

Mr. PAYNE. Mr. Chairman, the motion of the gentleman was on the section and pending amendment.

The CHAIRMAN. There is one section to the bill, and closing debate on the section certainly closes debate. There can be no further debate in that case.

Mr. PAYNE. I think that certainly is the case when the motion is to close debate on the bill and all amendments; but it was limited to the pending amendment, and the debate was closed on that amendment.

The CHAIRMAN. The Chair will state to the gentleman from New York that the reporters' notes show that the gentleman moved to close debate on the section and amendments.

Mr. PAYNE. Do I understand the Chair that the reporters' notes show that the motion of the gentleman from Pennsylvania was to close all debate on the section and amendments thereto? The Chair asked the gentleman from Pennsylvania what his motion was.

The CHAIRMAN. Yes; and the gentleman afterwards said it was on the section and pending amendments, but, as a matter of fact, the motion was to close debate on section and amendments thereto.

Mr. PAYNE. But the House was bound and informed by the last statement of the gentleman. It was as if he had modified the amendment. It was on the understanding that it was to close debate on the section and pending amendments, and it was in reply to a question asked.

Mr. MAHON. The question was asked by the Chair whether it was on the pending amendments or amendments, and my reply was, "On the amendments."

Mr. PAYNE. Previous to that we all heard the gentleman say "pending amendment."

The CHAIRMAN. The motion was to close debate on the section, and after closing debate on the section there can be no further debate on any amendment offered to the section. The question is on the amendment offered by the gentleman from Missouri [Mr. RUCKER].

The motion was taken; and on a division (demanded by Mr. PAYNE) there were 60 ayes and 34 noes.

So the amendment was agreed to.

Mr. OTJEN. Mr. Chairman, I offer an amendment to simply correct a clerical error.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 5, strike out "H. R. 330" and insert in lieu thereof "H. R. 8830."

Mr. RICHARDSON of Tennessee. Mr. Chairman, I desire to add to the amendment an amendment changing the number 10127 in the third line to 10129, a mere typographical error.

Mr. KEHOE. Mr. Chairman, I would like to offer an amendment changing the spelling of a name in line 18, page 2.

The CHAIRMAN. The amendment offered by the gentleman from Tennessee [Mr. RICHARDSON] is not germane to the amendment offered by the gentleman from Wisconsin [Mr. OTJEN]. The amendment of the gentleman from Tennessee will be considered separately. The question now is on the amendment offered by the gentleman from Wisconsin [Mr. OTJEN].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Tennessee [Mr. RICHARDSON], which the Clerk will report.

The Clerk read as follows:

In line 3, page 1, change the number 10137 to 10139.

The amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Kentucky [Mr. KEHOE], which the Clerk will report.

The Clerk read as follows:

In line 18, page 2, change the spelling of the word "Frazier" so it will read "Frazee."

The amendment was agreed to.

Mr. MAHON. Mr. Chairman, I now move that the bill be laid aside to be reported to the House with a favorable recommendation.

The question on the motion was taken; and on a division (demanded by Mr. PAYNE) there were—ayes 62, noes 35.

Mr. MAHON. Mr. Chairman, I move that the committee do now rise and report the bills to the House.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. HEMENWAY, Chairman of the Committee of the Whole House, reported that that committee had had under consideration various bills on the Private Calendar, and had directed him to report the same back with a favorable recommendation. Also, that that committee had had under consideration House bill 2672, and had directed him to report the same back with the recommendation that it lie on the table.

The SPEAKER. The gentleman from Indiana, Chairman of the Committee of the Whole House, reports that that committee has had under consideration certain bills and directs him to report them back with a favorable recommendation; and that the committee has also had under consideration House bill 2672 and has directed him to report the same back with the recommendation that it lie on the table.

Mr. MAHON. Mr. Speaker, I move the previous question on all these bills.

Mr. PAYNE. I hope the gentleman will not do that. I make the point of order, Mr. Speaker, that the gentleman can not move the previous question on all of them at once.

Mr. MAHON. Well, if the gentleman from New York objects I do not care to press it.

The SPEAKER. The Clerk will report the first bill.

The Clerk read as follows:

The bill (H. R. 2682) for the relief of B. F. Moody & C., with the recommendation that it lie on the table.

The SPEAKER. If there is no objection this bill will be laid on the table. [After a pause.] The Chair hears no objection, and it is so ordered.

PRIVATE BILLS AND RESOLUTIONS PASSED.

House bills of the following titles, reported from the Committee of the Whole House without amendment, were severally taken up and ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

A bill (H. R. 647) for the relief of William P. Marshall;

A bill (H. R. 5070) for the relief of Hamilton M. Sailors;

A bill (H. R. 1937) for the relief of the owner or owners of the barge *Charlie;*

A bill (H. R. 5036) for the relief of the heirs of Mrs. Tellisse W. Wilson;

A bill (H. R. 1488) for the relief of T. A. Woodress;

A bill (H. R. 11127) for the relief of the Propeller Towboat Company, of Savannah; and

A bill (H. R. 9632) for the allowance of claims of certain citizens of Virginia for damages to their property incident to the encampment at Manassas and march from Camp Alger to Thoroughfare Gap, Va., as recommended by a board of officers appointed for the consideration of claims for damages to property by volunteer soldiers during the war with Spain.

House bills of the following titles, reported from the Committee of the Whole House, with amendments, were severally taken up, the amendments agreed to, and the bills as amended ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

A bill (H. R. 288) for the relief of the Christian Church at Henderson, Ky.;

A bill (H. R. 3940) for the relief of Morris F. Cawley;

A bill (H. R. 1147) for the relief of the First Baptist Church of Cartersville, Ga.; and

A bill (H. R. 8610) for the relief of the estate of Leander C. McLelland.

The bill (S. 1902) for the relief of Flora A. Darling, reported from the Committee of the Whole House without amendment, was taken up, ordered to a third reading, read the third time, and passed.

House resolution 91 (in lieu of H. R. 6511) for the relief of the representatives of Sewell B. Corbett, deceased, favorably reported from the Committee of the Whole House, was taken up and adopted.

WAR CLAIMS REFERRED TO COURT OF CLAIMS.

The next business reported from the Committee of the Whole House was House resolution No. 362.

The amendments reported from the Committee of the Whole were agreed to.

The SPEAKER. The question is on the adoption of this resolution as amended.

Mr. PAYNE called for the yeas and nays.

The yeas and nays were ordered, there being—ayes 34, noes 79.

The question was taken, and there were—yeas 97, nays 52, answering "present" 13, not voting 191; as follows:

YEAS—97.

Adams,	Gardner, N. J.	Maddox,	Showalter,
Allen, Ky.	Gibson,	Mahon,	Sims,
Allen, Me.	Gooch,	Mahoney,	Slayden,
Bartlett,	Gordon,	Mickey,	Small,
Billmeyer,	Green, Pa.	Miers, Ind.	Smith, Ill.
Boreing,	Griffith,	Minor,	Smith, Iowa
Bowie,	Haugen,	Moon,	Smith, Ky.
Brandegee,	Holliday,	Mudd,	Smith, H. C.
Brantley,	Howard,	Otjen,	Snook,
Burleson,	Jackson, Kans.	Padgett,	Stark,
Caldwell,	Johnson,	Pou,	Steele,
Candler,	Kehoe,	Reid,	Stephens, Tex.
Clark,	Kern,	Richardson, Tenn	Sulzer,
Clayton,	Kitchin, Claude	Rixey,	Taylor, Ala.
Corliss,	Kitchin, Wm. W.	Robb,	Thomas, N. C.
Cowherd,	Kluttz,	Robinson, Nebr.	Tompkins, Ohio
Crowley,	Kyle,	Rucker,	Trimble,
Davis, Fla.	Lamb,	Russell,	Vandiver,
Dinsmore,	Lester,	Ryan,	Weeks,
Dougherty,	Lever,	Scarborough,	White,
Esch,	Lewis, Ga.	Schirm,	Williams, Ill.
Feely,	Little,	Shackleford,	Williams, Miss.
Fleming,	Lloyd,	Shelden,	Woods,
Fordney,	McLachlan,	Sheppard,	Young.
Gaines, Tenn.			

NAYS—52.

Boutell,	Deemer,	Howell,	Parker,
Brown,	Draper,	Jones, Wash.	Payne,
Burkett,	Dwight,	Kleberg,	Reeder,
Burton,	Fletcher,	Lacey,	Smith, S. W.
Cannon,	Foss,	Landis,	Southwick,
Capron,	Gaines, W. Va.	Lawrence,	Stevens, Minn.
Conner,	Gillet, N. Y.	Lovering,	Tayler, Ohio
Cooper, Wis.	Greene, Mass.	McCall,	Thomas, Iowa
Cromer,	Haskins,	Mann,	Tirrell,
Crumpacker,	Hedge,	Marshall,	Van Voorhis,
Currier,	Hemenway,	Martin,	Wachter,
Dalzell,	Henry, Conn.	Overstreet,	Warner,
Darragh,	Hill,	Palmer,	Warnock.

ANSWERED "PRESENT"—13.

Cassel,	Griggs,	Richardson, Ala.	Sparkman,
Coombs,,	Heatwole,	Robinson, Ind.	Swanson,
Finley,	McClellan,	Snodgrass,	Wanger.
Glass,			

NOT VOTING—191.

Acheson,	Davey, La.	Jett,	Pierce,
Adamson,	Davidson,	Jones, Va.	Powers, Me.
Alexander,	Dayton,	Joy,	Powers, Mass.
Aplin,	De Armond,	Kahn,	Prince,
Babcock,	Dick,	Ketcham,	Pugsley,
Ball, Del.	Douglas,	Knapp,	Randell, Tex.
Ball, Tex.	Dovener,	Knox,	Ransdell, La.
Bankhead,	Driscoll,	Lassiter,	Reeves,
Barney,	Eddy,	Latimer,	Rhea,
Bartholdt,	Edwards,	Lessler,	Roberts,
Bates,	Elliott,	Lewis, Pa.	Robertson, La.
Beidler,	Emerson,	Lindsay,	Rumple,
Bell,	Evans,	Littauer,	Ruppert,
Bellamy,	Fitzgerald,	Littlefield,	Scott,
Belmont,	Flannagan,	Livingston,	Selby,
Benton,	Flood,	Long,	Shafroth,
Bingham,	Foerderer,	Loud,	Shallenberger,
Bishop,	Foster, Ill.	Loudenslager,	Shattuc,
Blackburn,	Foster, Vt.	McAndrews,	Sherman,
Blakeney,	Fowler,	McCleary,	Sibley,
Bowersock,	Fox,	McCulloch,	Skiles.
Breazeale,	Gardner, Mass.	McDermott,	Smith, Wm. Alden
Brick,	Gardner, Mich.	McLain,	Southard,
Bristow,	Gilbert,	McRae,	Sperry,
Bromwell,	Gill,	Maynard,	Spight,
Broussard,	Gillett, Mass.	Mercer,	Stewart, N. J.
Brownlow,	Glenn,	Metcalf,	Stewart, N. Y.
Brundidge,	Goldfogle,	Meyer, La.	Storm,
Bull,	Graff,	Miller,	Sulloway,
Burgess,	Graham,	Mondell,	Sutherland,
Burk, Pa.	Grosvenor,	Moody, N. C.	Swann,
Burke, S. Dak.	Grow,	Moody, Oreg.	Talbert,
Burleigh,	Hamilton,	Morgan,	Tate,
Burnett,	Hanbury,	Morrell,	Tawney,
Butler, Mo,	Hay,	Morris,	Thayer,
Butler, Pa.	Henry, Miss.	Moss,	Thompson,
Calderhead,	Henry, Tex.	Mutchler,	Tompkins, N. Y.
Cassingham,	Hepburn,	Naphen,	Underwood,
Cochran,	Hildebrant,	Needham,	Vreeland,
Connell,	Hitt,	Neville,	Wadsworth,
Conry,	Hooker,	Nevin,	Watson,
Cooney,	Hopkins,	Newlands,	Wheeler,
Cooper, Tex.	Hughes,	Norton,	Wiley,
Cousins,	Hull,	Olmsted,	Wilson,
Creamer,	Irwin,	Patterson, Pa.	Wooten,
Curtis,	Jack,	Patterson, Tenn.	Wright,
Cushman,	Jackson, Md.	Pearre,	Zenor.
Dahle,	Jenkins,	Perkins,	

The following pairs were announced:

Until further notice:

Mr. GROSVENOR with Mr. ROBINSON of Indiana.

Mr. HOPKINS with Mr. SWANSON.

Mr. LONG with Mr. NEWLANDS.

Mr. LESSLER with Mr. BURGESS.

Mr. BARNEY with Mr. THOMPSON.

Mr. ACHESON with Mr. SPARKMAN.

Mr. KETCHAM with Mr. SNODGRASS.

Mr. METCALF with Mr. WHEELER.

Mr. SOUTHARD with Mr. NORTON.

Mr. DAVIDSON with Mr. SELBY.

Mr. MOODY of Oregon with Mr. BELLAMY.

Mr. MOODY of North Carolina with Mr. FOX.

Mr. LOUD with Mr. GRIGGS.

Mr. STORM with Mr. PUGSLEY.

Mr. EVANS with Mr. FOSTER of Illinois.

Mr. BOWERSOCK with Mr. BURNETT.

Mr. JACK with Mr. FINLEY.

Mr. LOUDENSLAGER with Mr. RICHARDSON of Alabama.

Mr. NEEDHAM with Mr. RANSDELL of Louisiana.

Mr. CURTIS with Mr. MCANDREWS.

Mr. HILDEBRANDT with Mr. MAYNARD.

For the session:

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. HAMILTON with Mr. MCCLELLAN.

Mr. COOMBS with Mr. DAVEY of Louisiana.

Mr. BROWNLOW with Mr. PIERCE.

Mr. HEATWOLE with Mr. TATE.

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. KAHN with Mr. BELMONT.

Mr. BINGHAM with Mr. JONES of Virginia.

Mr. WANGER with Mr. ADAMSON.
Mr. SHERMAN with Mr. RUPPERT.
Until January 25:
Mr. DOVENER with Mr. BROUSSARD.
For this day:
Mr. JOY with Mr. COCHRAN.
Mr. LITTLEFIELD with Mr. MCDERMOTT.
Mr. RUMPLE with Mr. MUTCHLER.
Mr. BURLEIGH with Mr. BRUNDIDGE.
Mr. BULL with Mr. UNDERWOOD.
Mr. WADSWORTH with Mr. NEVILLE.
Mr. WRIGHT with Mr. DE ARMOND.
Mr. GARDNER of Massachusetts with Mr. HOOKER.
Mr. JENKINS with Mr. RANDELL of Texas.
Mr. MERCER with Mr. FITZGERALD.
Mr. BUTLER of Pennsylvania with Mr. SWANN.
Mr. TAWNEY with Mr. BENTON.
Mr. LEWIS of Pennsylvania with Mr. TALBERT.
Mr. HUGHES with Mr. MCLAIN.
Mr. CONNELL with Mr. BUTLER of Missouri.
Mr. WM. ALDEN SMITH with Mr. EDWARDS.
Mr. GRAHAM with Mr. FLOOD.
Mr. GRAFF with Mr. FLANAGAN.
Mr. COUSINS with Mr. CREAMER.
Mr. CALDERHEAD with Mr. COONEY.
Mr. POWERS of Massachusetts with Mr. CONRY.
Mr. VREELAND with Mr. COOPER of Texas.
Mr. WATSON with Mr. ZENOR.
Mr. SULLOWAY with Mr. WOOTEN.
Mr. SHATTUC with Mr. WILSON.
Mr. BURK of Pennsylvania with Mr. WILEY.
Mr. BRICK with Mr. THAYER.
Mr. BLAKENEY with Mr. SPIGHT.
Mr. BURKE of South Dakota with Mr. ROBERTSON of Louisiana.
Mr. BISHOP with Mr. SHALLENBERGER.
Mr. BEIDLER with Mr. RHEA.
Mr. BARTHOLDT with Mr. BREAZEALE.
Mr. BALL of Delaware with Mr. BALL of Texas.
Mr. BABCOCK with Mr. LIVINGSTON.
Mr. SUTHERLAND with Mr. BELL.
Mr. OLMSTED with Mr. BANKHEAD.
Mr. PATTERSON of Pennsylvania with Mr. SHAFROTH.
Mr. DOUGLAS with Mr. ELLIOTT.
Mr. CUSHMAN with Mr. GLASS.
Mr. DICK with Mr. MCRAE.
Mr. DRISCOLL with Mr. GLENN.
Mr. EMERSON with Mr. GILBERT.
Mr. FOSTER of Vermont with Mr. GOLDFOGLE.
Mr. PEARRE with Mr. HENRY of Mississippi.
Mr. GARDNER of Michigan with Mr. HENRY of Texas.
Mr. GILL with Mr. JETT.
Mr. HITT with Mr. MCCULLOCH.
Mr. KNAPP with Mr. NAPHEN.
Mr. HULL with Mr. HAY.
Mr. LITTAUER with Mr. LINDSAY.
Mr. HEPBURN with Mr. PATTERSON of Tennessee.
Mr. MORRELL with Mr. LASSITER.

Mr. ROBINSON of Indiana. Mr. Speaker, I desire to inquire if the gentleman from Ohio, Mr. GROSVENOR, has voted?

The SPEAKER. He has not.

Mr. ROBINSON of Indiana. Then I desire to withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the name of the gentleman.

The name of Mr. ROBINSON of Indiana was called, and he answered "present."

Mr. HEATWOLE. Mr. Speaker, I am paired with the gentleman from Georgia, Mr. TATE. I desire to withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

Mr. HEATWOLE'S name was called, and he answered "present."

Mr. SWANSON. Mr. Speaker, I desire to state that I am paired with Mr. HOPKINS of Illinois. If he were present, I would vote "aye."

The SPEAKER. That is not a proper statement to make. On this question the yeas are 97, nays 51, answering "present" 13; total 161. No quorum has voted.

Mr. MAHON. Mr. Speaker, we are short of a quorum between thirty and forty. When war claims has another day the status of this bill will be unfinished business and it will come up first. I therefore move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 46 minutes p. m.) the House adjourned until 12 o'clock to-morrow.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting papers in relation to the claim of E. Peck & Co.—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 16651) to fix the time for holding the United States district and circuit courts in the northern and middle districts of Alabama, reported the same without amendment, accompanied by a report (No. 5157); which said bill and report were referred to the House Calendar.

Mr. WARNER, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 3287) to fix the salaries of certain judges of the United States, reported the same with amendments, accompanied by a report (No. 3159); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. MERCER, from the Committee on Public Buildings and Grounds, to which was referred the resolution of the House (H. Res. 344) requesting the Secretary of the Treasury to transmit to the House of Representatives copies of bids relating to interior work of the public building now being constructed at Chicago, reported the same adversely, accompanied by a report (No. 3158); which said resolution and report were ordered to lie on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FITZGERALD: A bill (H. R. 16777) to encourage, promote, and to develop the merchant marine of the United States—to the Committee on Ways and Means.

By Mr. MORRIS: A bill (H. R. 16778) to extend the provisions of chapter 8, Title XXXII, of the Revised Statutes of the United States, entitled "Reservation and sale of town sites on the public lands," to the ceded Indian lands in the State of Minnesota—to the Committee on Indian Affairs.

By Mr. NAPHEN: A bill (H. R. 16779) to establish a light-house depot for the Second light-house district, Boston Harbor, Massachusetts—to the Committee on Interstate and Foreign Commerce.

By Mr. BLACKBURN: A bill (H. R. 16780) providing for an additional circuit judge in the fourth judicial circuit—to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: A bill (H. R. 16781) to provide for the erection of a public building at Pierre, in the State of South Dakota—to the Committee on Public Buildings and Grounds.

By Mr. MCLACHLAN: A bill (H. R. 16782) to authorize the issue of national-bank currency secured by clearing-house certificates of reserve cities, and to force its prompt retirement—to the Committee on Banking and Currency.

By Mr. SHEPPARD: A bill (H. R. 16783) to enlarge and strengthen the works of the Division of Statistics, in the Department of Agriculture—to the Committee on Agriculture.

By Mr. BARTHOLDT: A joint resolution (H. J. Res. 251) to create a commission to examine into the subject of immigration—to the Committee on Immigration and Naturalization.

By Mr. MANN: A joint resolution (H. J. Res. 252) authorizing the Secretary of War to loan certain tents for use at Knights of Pythias encampment, to be held at St. Louis, Mo., August 24 to 31, 1903—to the Committee on Military Affairs.

By Mr. JENKINS: A resolution (H. Res. 394) that immediately upon the adoption of this order the remainder of this day shall be set apart for the consideration of bills by the Committee on the Judiciary—to the Committee on Rules.

By Mr. SULZER: A resolution (H. Res. 395) that the Secretary of the Treasury be, and he hereby is, respectfully requested to report to the House of Representatives the names of all the

national banks which have held United States deposits—to the Committee on Banking and Currency.

By Mr. BULL: A memorial of the general assembly of Rhode Island, requesting the members of Congress from that State to secure the passage of an act placing coal on the free list—to the Committee on Ways and Means.

By Mr. CAPRON: A memorial of the general assembly of Rhode Island, requesting the members of Congress from that State to secure the passage of an act placing coal upon the free list—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRICK: A bill (H. R. 16784) granting an increase of pension to Michael Howe—to the Committee on Invalid Pensions.

By Mr. APLIN: A bill (H. R. 16785) granting an increase of pension to Collins W. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16786) granting an increase of pension to John C. Sauther—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16787) granting an increase of pension to R. G. Hanscom—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 16788) for relief of the Methodist Church of Kossuth, Miss.—to the Committee on War Claims.

By Mr. CROWLEY: A bill (H. R. 16789) granting an increase of pension to E. G. Rutherford—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 16790) for the relief of Mary Montville—to the Committee on Claims.

Also, a bill (H. R. 16791) for the relief of Wesley C. Howeon—to the Committee on Military Affairs.

By Mr. DWIGHT: A bill (H. R. 16792) granting an increase of pension to William H. Ballard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16793) granting an increase of pension to Frank S. Smith—to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 16794) for the relief of the heirs of Jenkins & Havens—to the Committee on Claims.

By Mr. KETCHAM: A bill (H. R. 16795) to authorize the President of the United States to appoint William Neher a second lieutenant in the Army—to the Committee on Military Affairs.

By Mr. McANDREWS: A bill (H. R. 16796) granting a pension to Jennie S. Miner—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 16797) to pay the claim of Samuel O. Randall, administrator of the personal estate of Richard Ralph Randall, deceased—to the Committee on Claims.

By Mr. PEARRE: A bill (H. R. 16798) for the relief of Sampson Kinna—to the Committee on War Claims.

Also, a bill (H. R. 16799) for the relief of Andrew Jackson Mondy—to the Committee on War Claims.

By Mr. REEDER: A bill (H. R. 16800) granting an increase of pension to Robert A. Stuart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16801) granting an increase of pension to David C. Stotts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16802) granting a pension to Mary M. Yates—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 16803) for the relief of the legal representatives of the estate of Robert Herstein, deceased—to the Committee on War Claims.

By Mr. RYAN: A bill (H. R. 16804) granting an increase of pension to August Strick—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 16805) granting a pension to Mary E. Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16806) to restore James Scovey to the pension roll—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 16807) for the relief of C. W. Reid and Sam Daube—to the Committee on Claims.

By Mr. TOMPKINS of Ohio: A bill (H. R. 16808) to correct the military record of James H. Ackerman, and granting his widow, Sarah J., a pension—to the Committee on Military Affairs.

Also, a bill (H. R. 16809) to correct the military record of James A. Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 16810) to correct the military record of Carlos H. Cady—to the Committee on Military Affairs.

Also, a bill (H. R. 16811) to correct the military record of Charles H. Jessup—to the Committee on Military Affairs.

Also, a bill (H. R. 16812) granting an increase of pension to Carl Glass—to the Committee on Pensions.

Also, a bill (H. R. 16813) granting a pension to Lillian G. Elkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16814) granting an increase of pension to H. Berkstresser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16815) granting an increase of pension to Mary J. McKim—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16816) granting a pension to Anna L. Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16817) granting a pension to Ray E. Kline—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16818) granting an increase of pension to William R. Milot—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16819) granting an increase of pension to James Donnelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16820) granting a pension to Mary C. Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16821) granting an increase of pension to George W. Recob—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16822) granting an increase of pension to Joseph O. Hasson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16823) granting an increase of pension to Zilpha Fisk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16824) granting a pension to George Gardner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16825) granting an increase of pension to A. C. Pindell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16826) to remove charge of desertion against Alexander Lawyer—to the Committee on Military Affairs.

Also, a bill (H. R. 16827) to amend the military record of William G. Alspach—to the Committee on Military Affairs.

Also, a bill (H. R. 16828) to remove the charge of desertion against Peter C. Lawyer—to the Committee on Military Affairs.

Also, a bill (H. R. 16829) to correct the military record of John Marlow—to the Committee on Military Affairs.

Also, a bill (H. R. 16830) granting an increase of pension to William R. Milot—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16831) granting an increase of pension to Israel Gayman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16832) granting an increase of pension to James P. Waldorf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16833) granting a pension to Sarah R. Dewland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16834) granting an increase of pension to Joshua R. Gouldy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16835) granting an increase of pension to Clara J. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16836) granting an increase of pension to Lewis Spurgeon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16837) granting a pension to Emma J. Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16838) granting a pension to Eliza J. Karns—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 16839) granting a pension to John Rockett—to the Committee on Pensions.

Also, a bill (H. R. 16840) granting a pension to Martin W. Bond—to the Committee on Pensions.

Also, a bill (H. R. 16841) granting a pension to William W. Garvin—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolution of the Presbytery of Butler, Pa., favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. BABCOCK: Petition of A. H. Errickson, of Soldiers Grove, Wis., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BARTHOLDT: Petition of the Friedman Shoe Company, St. Louis, Mo., favoring House bill 15368, amending the customs-drawback law—to the Committee on Ways and Means.

Also, resolutions of Iron Molders' Helpers' Union, No. 7413, Federation of Labor, of St. Louis, Mo., favoring the repeal of the stone, timber, desert-land, and homestead commutation acts—to the Committee on the Public Lands.

Also, petition of Kenrick Council, No. 686, Knights of Columbus, in favor of a bill to make the anniversary of the discovery of America a legal holiday—to the Committee on the Judiciary.

Also, resolutions of the National German-American Alliance, favoring a commission to examine all questions affecting immigration before final action is taken on the pending bill—to the Committee on Immigration and Naturalization.

Also, petitions of A. A. Eberson & Co. and Purdy & Kent Paint Company, of St. Louis, Mo., favoring the passage of the Elkins bill, to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of several hundred citizens of St. Louis, Mo.,

urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of the board of directors of the Merchants' Exchange of St. Louis, Mo., in favor of legislation to remove all restrictions upon the right of alienation (except homesteads) of all lands in the Indian Territory—to the Committee on the Territories.

By Mr. BURKETT: Petition of Ed S. Lovely, of Palmyra, Nebr., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BURLESON: Papers relating to the transportation of mail by Barney Harris—to the Committee on the Post-Office and Post-Roads.

By Mr. CAPRON: Protest of the Providence (R. I.) Woman's Christian Temperance Union against repealing the anticanteen law—to the Committee on Military Affairs.

By Mr. CANNON: Petition of citizens of Danville, Ill., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. CONRY: Petition of Division 157, Order of Railway Conductors. Boston, Mass., in favor of the passage of the safety appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Eli Goun Lodge, No. 234, O. B. A., of Boston, Mass., for a modification of the methods and practice pursued by the immigration officers at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. COOMBS: Resolution of El Capitan Division, No. 115, Order of Railway Conductors, San Francisco, Cal., in favor of Senate bill 3560, to promote the safety of employees and travelers on railroads—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMPACKER: Resolution of Lafayette Salzman Lodge, No. 211, I. O. P. B., of Lafayette, Ind., for a modification of the methods and practice pursued by the immigration officers at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. DOVENER: Paper to accompany House bill 706, granting a pension to J. P. Fox, of Mount Clare, W. Va.—to the Committee on Pensions.

By Mr. ESCH: Petition of various organizations, favoring the passage of bills to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE of Massachusetts: Petition of R. H. Woodhouse and other citizens of Bristol County, Mass., asking for the removal of the tariff on certain glass products—to the Committee on Ways and Means.

By Mr. HAMILTON: Petitions of E. W. Pendleton and other retail druggists of Sturgis and Otsego, Mich., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HILL: Petition of H. A. Dupee and other retail druggists of Bridgeport, Southport, and Stratford, Conn., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HOWELL: Petition of the Chamber of Commerce of Denver, Colo., presenting needs for a public building at that place—to the Committee on Public Buildings and Grounds.

By Mr. LACEY: Paper to accompany bill granting a pension to Garret H. Wilber, a soldier of the Mexican war—to the Committee on Pensions.

By Mr. LAMB: Resolutions of the Chamber of Commerce of Richmond, Va., favoring certain modifications in the financial and currency system of the country—to the Committee on Banking and Currency.

Also, petition of the heirs of Mary Dunn, deceased, late of Dinwiddie County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. LITTLE: Petition of R. P. Chitwood and other retail druggists of Magazine, Ark., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. McLACHLAN: Circular in relation to the national-bank act—to the Committee on Banking and Currency.

By Mr. PADGETT: Papers to accompany House bill 16747, for the relief of the heirs of Michael Halloran, deceased, for property destroyed during the rebellion—to the Committee on War Claims.

By Mr. RUPPERT: Petition of R. E. Douglas and 100 citizens of the State of New York, urging the passage of House bill 12203—to the Committee on Invalid Pensions.

By Mr. RYAN: Petitions of Buffalo Lumber Exchange, Manufacturers' Association of Jamestown, N. Y., Michigan State Millers' Association, and Board of Trade of Chicago, Ill., to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SHACKLEFORD: Paper to accompany House bill 11958, granting a pension to H. H. Windes—to the Committee on Invalid Pensions.

By Mr. SHELDEN: Petitions of retail druggists of Rockland and Menominee, Mich., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SLAYDEN: Petition of Alamo Lodge, Order of B'rith Abraham, of San Antonio, Tex., relative to immigration—to the Committee on Immigration and Naturalization.

By Mr. HENRY C. SMITH: Petitions of J. J. Valade, of Newport, and C. A. Wright and other druggists of Tecumseh, Mich., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SAMUEL W. SMITH: Petitions of Perry H. Peters and other druggists of Davison, Smith & Leiseuring and others, of Pontiac, Mich., for the enactment of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. STARK: Protests of Rev. W. H. Kearnes, John W. Merrill, and others, of Beatrice, Nebr., against repealing the anticanteen law—to the Committee on Military Affairs.

Also, petitions of G. L. Pritchett, of Fairbury, and A. Buckley and other retail druggists of Liberty, Nebr., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. SULZER: Resolutions of the executive committee of the Interstate Commerce Law Convention, favoring the passage of the Elkins bill, to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of John Farr and two others, committee of West India trade, in relation to the treaty with Cuba—to the Committee on Foreign Affairs.

Also, resolutions of the American Free Trade League, Boston, Mass., asking that beef and coal be placed on the free list—to the Committee on Ways and Means.

Also, petition of the National Retail Grocers' Association, favoring the passage of the pure-food bills—to the Committee on Interstate and Foreign Commerce.

Also, circular consisting of statements favoring the passage of House bill 14488, relating to the manufacture and marking of shoddy goods—to the Committee on Ways and Means.

By Mr. TAYLOR of Alabama: Petition of the Ministers' Conference, Mobile, Ala., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. TOMPKINS of Ohio: Paper to accompany House bill granting an increase of pension to Lewis Spurgeon—to the Committee on Invalid Pensions.

By Mr. WEEKS: Petition of retail druggists of Port Huron and Minden City, Mich., asking for favorable action upon the bill reducing the tax on alcohol—to the Committee on Ways and Means.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill granting a pension to Edwin E. Musgrave—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to Andrew J. Miller—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to Elisha Riley Bond—to the Committee on Pensions.

Also, papers to accompany House bill granting a pension to William W. Gowin—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 17, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. McCLEARY, from the Committee on Appropriations, reported the bill (H. R. 16842) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. RICHARDSON of Tennessee. I desire to reserve all points of order on the bill, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee reserves all points of order.

Mr. McCLEARY. I desire to give notice that I shall call this bill up for consideration at the earliest possible opportunity.

DICEY WOODALL.

The SPEAKER laid before the House the bill (H. R. 622) granting a pension to Dicey Woodall, with Senate amendments thereto.

The Senate amendments were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The Senate amendments were concurred in.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 16642. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 8309. An act granting increase of pension to Sylvester Holiday;

H. R. 13621. An act granting increase of pension to Anson Greenman;

H. R. 14136. An act granting increase of pension to John D. Thompson;

H. R. 13332. An act granting increase of pension to William G. Cantley;

H. R. 13000. An act granting increase of pension to Magnus J. Cohn;

H. R. 13411. An act granting increase of pension to Clarence D. Hess;

H. R. 1328. An act granting increase of pension to Gotthard Koerner;

H. R. 12968. An act granting increase of pension to John T. Mull;

H. R. 6727. An act granting increase of pension to Remembrance J. Williams;

H. R. 8542. An act granting increase of pension to Parmenas F. Harris;

H. R. 13227. An act granting increase of pension to Elizabeth J. Emery;

H. R. 12109. An act granting increase of pension to Frederick Bennefeldt;

H. R. 10339. An act granting increase of pension to John L. Moore;

H. R. 12745. An act granting increase of pension to Edmund Likes;

H. R. 2223. An act granting increase of pension to John Laughlin;

H. R. 11311. An act granting increase of pension to Andrew J. Hertzog;

H. R. 7239. An act granting increase of pension to William Christian;

H. R. 3514. An act granting increase of pension to Theresia Ziegenfuss;

H. R. 15588. An act granting increase of pension to Samuel S. Smith;

H. R. 5205. An act granting increase of pension to Hiram S. Leffingwell;

H. R. 14831. An act granting increase of pension to Robert Clark;

H. R. 13174. An act granting increase of pension to Ransford T. Chase;

H. R. 15399. An act granting increase of pension to Harry C. Fay;

H. R. 6006. An act granting increase of pension to John Canty;

H. R. 13669. An act granting increase of pension to James H. McVicker;

H. R. 4509. An act granting increase of pension to Eliza Knight;

H. R. 11212. An act granting increase of pension to James D. Sims;

H. R. 8707. An act granting increase of pension to James R. Ambrose;

H. R. 4983. An act granting increase of pension to Lucy G. Smith;

H. R. 9402. An act granting increase of pension to Alexander Curd;

H. R. 4454. An act granting increase of pension to James H. Watts;

H. R. 12424. An act granting increase of pension to Wallace K. May;

H. R. 5869. An act granting increase of pension to Benjamin White;

H. R. 4184. An act granting increase of pension to John Glenn;

H. R. 2849. An act granting increase of pension to Charles S. Ely;

H. R. 3304. An act granting increase of pension to William Burke;

H. R. 6897. An act granting increase of pension to William G. Buchanan;

H. R. 5887. An act granting increase of pension to Morris M. Comstock;

H. R. 1528. An act granting increase of pension to Charles Dalryample;

H. R. 8237. An act granting increase of pension to John Robinson;

H. R. 12039. An act granting increase of pension to Nelson Brown;

H. R. 13324. An act granting increase of pension to John J. Cross;

H. R. 12132. An act granting increase of pension to Allen C. Davis;

H. R. 14312. An act granting increase of pension to John W. Huckelberry;

H. R. 13815. An act granting increase of pension to James J. Wilson;

H. R. 13594. An act granting increase of pension to Robert Hargraves;

H. R. 11180. An act granting increase of pension to Harry W. Gaskill;

H. R. 14067. An act granting increase of pension to John Wright;

H. R. 13143. An act granting increase of pension to Susan Parker;

H. R. 12155. An act granting increase of pension to Joseph W. Robertson;

H. R. 12700. An act granting increase of pension to Everhard P. Lieverg;

H. R. 2542. An act granting increase of pension to Lysander D. Trent;

H. R. 3868. An act granting increase of pension to Isadora F. Maxfield;

H. R. 1453. An act granting increase of pension to Thomas Kirwan;

H. R. 7021. An act granting increase of pension to Henry Forcht;

H. R. 325. An act granting increase of pension to John Compton;

H. R. 699. An act granting increase of pension to Robert Miller;

H. R. 636. An act granting increase of pension to Benj. S. Bogardus;

H. R. 11748. An act granting increase of pension to Samuel Ashmore;

H. R. 10494. An act granting increase of pension to Jonathan H. Slocum;

H. R. 1530. An act granting increase of pension to Eliza A. Rickards;

H. R. 3755. An act granting increase of pension to Lawson Williams;

H. R. 14024. An act granting increase of pension to John R. Curry;

H. R. 13505. An act granting increase of pension to William F. Stanley;

H. R. 14058. An act granting increase of pension to Emil Pfeiffer;

H. R. 13510. An act granting increase of pension to James P. Thomas;

H. R. 13529. An act granting increase of pension to Francis C. Baker;

H. R. 9016. An act granting increase of pension to James Brosman;

H. R. 2224. An act granting increase of pension to David T. Nuttle;

H. R. 624. An act granting pension to Dorcas McArdle;

H. R. 3269. An act granting pension to Ida M. Kinney;

H. R. 3672. An act granting pension to Emily S. Barrett;

H. R. 5159. An act granting pension to William A. Miller;

H. R. 5321. An act granting pension to Lillie May Fifield;

H. R. 8576. An act granting pension to John S. Upshaw;

H. R. 9977. An act granting pension to Minerva Robinson;

H. R. 11286. An act granting pension to Ellen F. Pook;

H. R. 13891. An act granting pension to Hiram A. Sheldon;

H. R. 10010. An act granting pension to Mina Weirauch;

H. R. 13727. An act granting pension to Fannie E. Strohauer;

H. R. 14242. An act granting pension to Charles E. Peake;

H. R. 12430. An act granting pension to Abner H. Lester;

H. R. 12575. An act granting pension to Edward A. Branham;
H. R. 13479. An act granting pension to Ira P. Smith;
H. R. 13565. An act granting pension to Mary V. Scriven; and
H. R. 1733. An act for the relief of John A. Mason.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

An act (S. 5953) granting a pension to Ann M. Green—to the Committee on Invalid Pensions.

An act (S. 6614) granting an increase of pension to Bertha R. Koops—to the Committee on Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. GILBERT, for ten days, on account of important business.
To Mr. RANDELL of Texas, for two days, on account of sickness.

THOMAS J. GEORGE.

By unanimous consent, the Committee on Pensions was discharged from the further consideration of the bill (S. 1194) granting an increase of pension to Thomas J. George, and the same was referred to the Committee on Invalid Pensions.

PENSIONS FOR FREEDMEN, ETC.

By unanimous consent, the Committee on Pensions was discharged from further consideration of the bill (H. R. 11404) to provide pensions for freedmen, etc., and the same was referred to the Committee on Invalid Pensions.

DEPARTMENT OF COMMERCE AND LABOR.

Mr. HEPBURN. Mr. Speaker, I desire to call up the special order.

The SPEAKER. The gentleman from Iowa calls for the regular order, which is Senate bill 569. The Chair is of the opinion that the better and safer form is to move that the House resolve itself into Committee of the Whole.

Mr. HEPBURN. Mr. Speaker, I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill S. 569.

The motion was agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 569) to establish a department of commerce and labor, with Mr. HULL in the chair.

Mr. HEPBURN. Mr. Chairman, the first paragraph of this bill was read and then an adjournment took place, cutting off the gentleman from Alabama [Mr. RICHARDSON] from offering an amendment which he proposed. I ask unanimous consent to return to that paragraph, in order that the gentleman may offer that amendment.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the committee return to the first paragraph of the bill. Is there objection?

There was no objection.

Mr. RICHARDSON of Alabama. Mr. Chairman, I move to strike out the words "and labor."

Mr. HEPBURN. Mr. Chairman, if the gentleman from Alabama will allow me, I understand that the first paragraph that was read was of the Senate bill, which our committee have recommended to be stricken out. Now, I ask unanimous consent that the reading of the Senate bill be dispensed with, and that the reading of the amendment proposed by the House committee be taken up.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the reading of the Senate bill under the five-minute rule be dispensed with and that the reading of the House amendment be taken up in lieu thereof. Is there objection?

There was no objection.

Mr. HEPBURN. Now if the Clerk will read, then the gentleman can offer his amendment.

The Clerk read as follows:

That there shall be at the seat of government an executive department to be known as the department of commerce and labor, and a secretary of commerce and labor, who shall be the head thereof, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of $8,000 per annum, and whose term and tenure of office shall be like that of the heads of the other Executive Departments; and section 158 of the Revised Statutes is hereby amended to include such department, and the provisions of Title IV of the other Revised Statutes, including all amendments thereto, are hereby made applicable to said department.

Mr. RICHARDSON of Alabama. Mr. Chairman, I move to strike out the words "and labor" where they occur in lines 20 and 21, in the section of the bill just read.

The CHAIRMAN. The gentleman from Alabama moves to strike out the word "and," in line 20, and the word "labor," at the beginning of line 21.

Mr. RICHARDSON of Alabama. Mr. Chairman, I shall detain the committee but a very few minutes in the remarks that I propose to make on this subject. I believe that this amendment is the gist, at least, of the objection of a great many gentlemen on this side to this bill, and I also believe that a great many gentlemen on the other side of this Chamber coincide with me and those that I think that I represent upon this motion.

The objection, Mr. Chairman, that I myself have to this creation of a new department of commerce and labor is the inclusion of the Department of Labor in this new department of commerce and labor. As I have said before, I do not believe that it is in the interest either of labor or of commerce to include the independent Department of Labor in this new department proposed, with a secretary in the Cabinet of the President. I do not hesitate to say that I am not individually opposed to the establishment of a proper department of commerce, if the Department of Labor is not included; but, as I said just now, I do not think it is necessary or to the interest of labor or to the advancement of the commercial interests of our country to transfer the independent Department of Labor as it is now organized and operated and the good that has been accomplished by it, and submerge it and overshadow it as I believe conscientiously it will be when placed in the department of commerce and labor.

Now, I have been somewhat surprised, Mr. Chairman, at the contention that has been made by gentlemen on the other side of the Chamber, particularly, contending that labor should be transferred to this new department, and notably surprised at the remarks made by the distinguished chairman of the Interstate and Foreign Commerce Committee, the gentleman from Iowa [Mr. HEPBURN], who with extraordinary earnestness and zeal, and with his usual ability, contends that any action on the part of Congress of this character, leaving the Department of Labor out of the department of commerce, will be on the part of the law a recognition of an antagonism and a warfare between the interests of capital and labor. Mr. Chairman, I do not believe that legislation of that kind will have that effect at all. This was not the effect of the act of Congress creating the present independent Department of Labor. The bill recently passed to take tariff off coal did not recognize antagonism or warfare.

I believe, as I think every gentleman believes on this floor, that labor and capital should always go hand in hand with each other and that the very best and most cordial relations should be maintained between those two great conflicting interests as near as can practically be done; and I believe that any legislation upon the part of the Congress of the United States that tends to prevent any friction in the future between the great interests of labor and capital should be accepted by Congress and will be accepted by the country as a harbinger of peace instead of a recognition of warfare and antagonism. We may say what we please; we may contend on this floor in the most earnest and emphatic terms that the English language affords that the law ought not to recognize any antagonism or conflict between capital and labor. That does not make it so. We confront a condition and not an impracticable theory. I believe, Mr. Chairman——

Mr. THAYER. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. RICHARDSON of Alabama. Not for the present.

I believe, Mr. Chairman, that labor and capital will go hand in hand on peaceful terms as long as the process of production is going on. But whenever you come to the point of coming to a division of the products of labor there you will find one man seated on one side of the table who is seeking, according to the laws of nature, to appropriate to himself the greatest benefits from his labor; you will find the other man seated on the other side of that table, the capitalist, who is seeking to appropriate to himself the largest benefit from furnishing the money to labor to create these products. Hence I say that the principle of self-interest has been planted in all these things in the bosom of man. Self-interest is the first law of nature. Why, then, chase these shadows and rainbows about, the law not recognizing the natural conflicts between the interests of labor and capital.

[Here the hammer fell.]

Mr. SHACKLEFORD. Mr. Chairman, I do not care to say much more in addition to what I have already said; but we have heard the maxim from our youth that "Labor dignifies all things." Now, I appeal to my colleagues on this side of the House, at least, let us dignify labor by heeding its demands. Labor has said in unmistakable terms that it does not want to be incorporated into this department. Let us now see that labor gets just what it needs, and let us regard the views of labor and not thrust it into a department where it has said it does not want to go. I appeal to everybody who is interested in this question at this time to adopt the amendment proposed by the gentleman from Alabama, and say to the laboring people of this country that the Congress of the United States is willing to consider their interests and wishes in the enactment of law.

Mr. MANN. Mr. Chairman, there is no proposition before the

House for the creation of a department of labor with a secretary in the Cabinet at this time. The proposition before the House is whether the Labor Department of the Government shall be advanced one step higher up. The gentlemen on the other side of the House are refusing to give the attention to labor which it deserves and are claiming that they are the friends of labor and at the same time seek to strike down this effort to raise up labor.

The truth of the matter is, Mr. Chairman, that the Department of Labor as now organized is a statistical department. It is engaged in gathering and distributing statistics in regard to labor. The conditions in that office are well set forth by the Commissioner of Labor himself. All of the gentlemen friendly to labor in the country, friendly to the organized labor, and particularly those affiliated with the American Federation of Labor, express the highest degree of satisfaction with Carroll D. Wright, the present Commissioner of Labor, and with the manner in which he conducts that office. Mr. Wright has stated, and his statement is in the hearings of our committee:

> The Department can determine many things by the statistical method, and it must work emphatically on that method. It is often said that it should undertake the agitation of certain features of reform; in other words, that it should become the instrument of propagandism. But when this proposition is made the question should be asked, Whose ideas of reform should be adopted, of what propositions should it become the propagandist, and to what extent should it argue for or against the platforms of this or that party or organization? It seems to me that all men who comprehend the value of accurate knowledge must see at once that for the Department to enter upon such a course would result in its immediate abolition; that should it become the advocate of any theory, it would thereby become partisan in its work and thus destroy its own efficiency.

Those are the words of the present Commissioner of Labor, with whom laborers are perfectly satisfied. They are perfectly satisfied not only with his words, but with his work. He says the duties of the Department of Labor are statistical. What do we propose to do? We are organizing a great statistical branch of the Government. The Commissioner of Labor has stated repeatedly that he is unable to furnish as much statistical information as he will be able to if we give him greater facilities at his command. We will give the Commissioner of Labor the facilities of all statistical branches of the Government. We will give him the use of the Census Office. We will give him the use of the Bureau of Statistics. We will give him the use of all the statistical information which the Government collects, and he can prepare his reports as freely and as independently then as he can now.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks that his time be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. The original opposition to the proposition was presented through a misapprehension of the facts. Some of the gentlemen who appeared before our committee, representing in part the American Federation of Labor, a great and powerful labor organization, stated that they based their opposition upon the proposition that the Commissioner of Labor would become a mere clerk of the secretary of commerce and labor.

But, Mr. Chairman, the Commissioner of Labor will remain as independent, if he is included in this department, as he now is. He will still be appointed by the President and confirmed by the Senate in the same manner in which he is now appointed. His duties will still be defined by the same law that is now upon the statute books. We take nothing away from his power; we confer additional responsibilities and power upon him, because we give him additional facilities. And since, Mr. Chairman, this has been made plain to the leaders of organized labor, they are not asking that the Department of Labor be taken out of this bill. I deny that organized labor desires to have the Department of Labor stricken out of this bill. They are content with the bill as it now stands.

The gentlemen on the other side of the aisle are simply seeking to agitate labor for the purpose of gaining the possibility of votes in the future, knowing that labor itself is satisfied with the report of the committee and with the bill before the House.

Mr. Chairman, I sent a copy of the bill presented to the House with the report of the committee, giving the reasons for including the Department of Labor in this new department, to the Federation of Labor at Chicago, one of the principal constituent companies of the American Federation of Labor, and asked for their opinion on the subject.

I have this morning a letter from the Chicago Federation of Labor, affiliated with the American Federation of Labor, and one of the chief labor organizations in the country, in which they express the hope that the effort to pass this bill will prove successful. They know that the Republican party has never stricken—as gentlemen on the other side would indicate—have never endeavored to strike down the interests of labor. If we had before us a proposition to organize a department of labor, the question might be different. But here is a proposition to place labor alongside with commerce, upon equal terms, upon an equal footing, with the same chance and preferment in the new department of the Government, the third department of Government created in more than a hundred years.

Mr. RICHARDSON of Alabama. Will the gentleman allow me to interrupt him a moment?

Mr. MANN. Certainly.

Mr. RICHARDSON of Alabama. The gentleman will recollect, as a member of the committee, that the statement of Mr. Theodore C. Search, the president of the Manufacturing Association of the United States, was accepted by the committee as one of the most important statements outlining the functions and province of this new department. Now, I ask the gentleman from Illinois whether he does not concur with Mr. Search in saying that this which I am about to read states the principal function of the department that we are asking now to have created? Mr. Search says:

> It should be the function of such a department as is proposed in the pending bill to assist in every feasible way in the extension of the export trade of our manufactures.

Now, I ask the gentleman whether that is not the scope and purpose and principal object and function of this new department of commerce, and wherein and how does the Labor Department become interested in that matter, when Mr. Search has stated that the principal function of this new department is to promote our export trade? Why not, as the gentleman says, let the Department of Labor——

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. SHACKELFORD and Mr. RICHARDSON of Alabama asked that the time of Mr. MANN be extended for five minutes.

There was no objection.

Mr. RICHARDSON of Alabama. Let me complete my question. If the gentleman says that the Department of Labor is simply one of statistics, and if it has accomplished great good in the past, why does he, in opposition to the interests of labor and the laboring classes in all parts of the country, desire to take it from the field where it has been accomplishing good and put it in a department of at least doubtful efficiency in this connection?

Mr. MANN. Mr. Chairman, in the first place, we do not propose to place it in a field where its power or efficiency will be doubtful. We give to it additional facilities by placing it in this department. It has done much good undoubtedly, but I will say that, in my opinion, there is not one member in twenty-five, possibly not one in fifty, on the floor of this House who has read the report of the Commissioner of Labor for last year. It would be far better for labor if the reports of the Commissioner of Labor were brought home to the House through the report of a secretary of a department, and possibly through the President's message. Sometimes legislation is suggested in the report of the Commissioner of Labor, but with the many duties which the members of this House have to perform they do not see his report.

Mr. SHACKLEFORD. Will the gentleman yield for a suggestion?

Mr. MANN. I should be glad to do so, but I have not yet answered the question of the gentleman from Alabama. Still, I yield to the gentleman.

Mr. SHACKLEFORD. The gentleman has assumed that the secretary of this new department would bring before the House what the Labor Bureau might report. But suppose that the secretary should not be pleased with what the chief of the Bureau had reported, would he return it to the House, with the possibility that there might be brought up here in discussion views and arguments which he did not approve?

Mr. MANN. If the head of one of the great Departments of the Government should refuse to call attention to the suggestions of one of the divisions or bureaus under him, it would elicit more information on the floor of the House than if he did call attention to it, because it would be a gross abuse of the power lodged in the secretary.

Mr. MORRIS. Would not that very fact tend to call the attention of the public to the matter, leading men to study the question more closely than they would have done otherwise?

Mr. MANN. The gentleman from Minnesota [Mr. MORRIS] has reached the kernel in the shell. If the secretary of commerce and labor should be so opposed to organized labor or labor interests that he would refuse to present in his annual report suggestions made by the Commissioner of Labor, either with or without approval, it would be such an abuse that it would produce a revolution practically in administrative affairs, and the attention of the public and of all members of Congress would necessarily be called to the situation.

Now, the gentleman from Alabama [Mr. RICHARDSON] has

asked whether I do not think that the statement of Mr. Search represents the scope of this department. I do not think so at all. I do not think that any gentleman who appeared before the committee and stated his particular or peculiar views concerning the duties of this department has begun to outline the scope of its work.

I do not see how this department shall be devoted particularly to the export trade. The duties of this department, as defined in this bill, will be, first, to gather information for the benefit of the whole country and its people. That information may relate to manufactures; it may relate to foreign commerce; it may relate to labor. This will not be a partisan department. It will be a department of information; and I hope, Mr. Chairman, that included in that department of information, as one of its principal divisions, will be the department organized to aid the progress of labor and work in the interest of labor—the present Department of Labor.

Mr. PALMER. Will the gentleman allow me one question before he sits down?

Mr. MANN. Very gladly, if I have time.

Mr. PALMER. You will get the time. You say that the labor organizations want this bill passed, and the gentleman from Alabama [Mr. RICHARDSON] says they do not. Now, on what evidence does the gentleman from Illinois [Mr. MANN] base his statement? I hope he will be allowed time to answer that question.

The CHAIRMAN. If there is no objection, the gentleman will proceed for one minute.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more. It is an important part of this discussion.

Mr. MANN. I think that one minute will be sufficient.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the gentleman from Illinois may proceed for five minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I stated that I sent to the Chicago Federation of Labor, which I believe is the largest organization of labor in the country affiliated with the American Federation of Labor, a copy of the bill as reported to the House and a copy of the report of the committee giving the reasons why the Department of Labor should be included in the department of commerce and labor, and I have this morning a reply in the shape of a letter from the Chicago Federation of Labor, stating that they have received the bill and report, that they appreciate the favor of sending them to them, and hope that the efforts to pass the bill will prove successful. I know of no better instance that can be given of the actual feeling of labor than a letter of this sort from probably the greatest body of organized labor in the country.

Mr. TAWNEY. Before taking his seat, will the gentleman permit me to ask him a question, which I desire to ask in view of the statement of the gentleman from Alabama [Mr. RICHARDSON] in regard to the statement of Mr. Search before your committee? Is it not a fact that an intimate knowledge of the labor situation and condition of labor is a very essential element in the matter of promoting our export trade, and is that not a reason why the department of commerce should have control of that situation?

Mr. MANN. Mr. Chairman, of course, as the gentleman from Minnesota suggests, everyone knows that all commerce, all manufacturing, all business depends for its foundation upon labor, and that you can not promote or injure one without promoting or injuring the other. [Applause on the Republican side.]

Mr. SPARKMAN. Mr. Chairman, I rise for the purpose of expressing my approval of the amendment just offered by the gentleman from Alabama [Mr. RICHARDSON] and to say that I will vote for that and all other amendments offered for the purpose of striking out all reference to the Department of Labor where those words may appear in the bill.

I wish to say, however, at the outset, that I am not opposed to the establishment of a department of commerce. On the contrary, I think that the time has come in our commercial growth and development when such a department is desirable if not imperatively demanded. But I do not think it wise to incorporate the Department of Labor with a department of commerce, as is sought to be done in this bill. I do not believe that the two great industrial forces of labor and capital are so closely allied as to make it advisable to commit their in some respects divers interests to one and the same departmental head.

I know it is sometimes said—indeed, it was said by the gentleman from Iowa who has charge of this bill—that their interests are and in the very nature of things must be identical. To this proposition I agree in part, but it is only true in a general and limited sense. In the abstract the proposition is sound enough, but in the concrete we find it untrue. In matters of detail we see many conflicts arising between these two great forces. This is true also of other interests as well, and is the result of a law, a natural law, as old as humanity itself. The interest of the producer and consumer, of the vender and the purchaser, while in a general sense identical, are nevertheless antagonistic in other respects. The desire of the producer or the vender is to obtain as much as possible for what he sells, whilst it is within certain limits to the interests of the consumer or purchaser to buy as cheaply as possible.

So, too, with labor and capital, with the employer and employee. In a general way what benefits the one may and often does help the other. When capital is prosperous, labor is more apt to be so, too, but all this does not alter the fact that in the daily contact of these two forces many conflicts arise; often growing out of the natural desire of each to obtain the best price for what he has to sell. But whatever the cause the conflict is ever being waged and will go on until our civilization has reached a higher point in its upward march than that which it has ever yet attained.

Why, Mr. Chairman, we are constantly reminded of this truth. Witness the strikes that are every day occurring; the great coal strike, for instance, one of the greatest and one of the most disastrous in the history of the country, has just ended; and a little more than a year ago one harmful in some respects occurred in my own town—the city of Tampa—which for nearly six months kept in paralyzed condition the business of that enterprising city of 25,000 people. So frequent have these conflicts become between these two great forces in the world's development that one of the serious problems of the age, one with which statesmen have to grapple, is to find some way of adjusting the differences between labor and capital, differences which give rise to these strikes.

Some have advised, and in these views I concur, that a board of arbitration should be created to consider and decide all questions between labor and capital when conditions between them have reached that acute stage which threatens a strike. But that is only one of the details. I believe there should be an executive department of labor as well as one of commerce, and I believe the necessity is as great for the establishment of a department of labor as it is for the establishment of that of commerce.

The utterances of the Democratic party in its last national platform speak in no uncertain tones on that subject. They declare unequivocally in favor of the establishment of a department of labor. But while I admit the necessity for the establishment of a department of commerce, for the reasons above given and for others which time will not permit me to mention, I am unalterably opposed to the uniting of the two departments under one head.

Labor, Mr. Chairman, is one of the most important of the world's economic forces, and I would not like to give my vote in favor of a measure that would dwarf its dignity, that would minimize the importance of the Department of Labor, as this bill would if it should pass unamended.

I may add that these are the views of the labor organizations throughout the country, as I gather them from the expressions of representatives of those bodies as shown in the reports of the hearings before the Committee on Commerce when this bill was under consideration, and if I had no other reasons for supporting the amendment that consideration alone would be sufficient, as I should and do attach much weight to the views and wishes of those most intimately concerned in labor legislation, and who, therefore, are supposed to be as well if not better able to judge of what will work to their benefit as members upon this floor. I shall, therefore, Mr. Chairman, vote for the amendment.

Mr. HEPBURN. Mr. Chairman, I ask for a vote.

Mr. WOOTEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That is not in order. The Chair will state that the Committee of the Whole is considering the amendment to the Senate bill. There is one amendment pending to the amendment, so that no further amendments are in order until this is disposed of. The question is on the amendment to the amendment offered by the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr. RICHARDSON of Alabama) there were—ayes 52, noes 93.

Mr. RICHARDSON of Alabama. I ask for tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. RICHARDSON of Alabama and Mr. HEPBURN.

The committee again divided; and the tellers reported—ayes 56, noes 103.

Accordingly the amendment was rejected.

Mr. MANN. I have an amendment to the first section of the committee amendment.

The CHAIRMAN. The gentleman from Illinois offers the following amendment to the first section.

The Clerk read as follows:

Amend section 1 by adding at the end thereof the following:

"Said secretary shall cause a seal of office to be made for the said department, of such device as the President shall approve; and judicial notice shall be taken of the said seal."

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. That there shall be in said department an assistant secretary of commerce and labor, to be appointed by the President, who shall receive a salary of $5,000 a year. He shall perform such duties as shall be prescribed by the secretary or required by law. There shall also be one chief clerk and a disbursing clerk and such other clerical assistants as may from time to time be authorized by Congress; and the Auditor for the State and other Departments shall receive all accounts accruing in or relative to the department of commerce and labor and examine the same, and thereafter certify the balance and transmit the accounts, with the vouchers and certificate, to the Comptroller of the Treasury for his decision thereon.

Mr. MANN. I offer the following committee amendment.

The Clerk read as follows:

Amend section 2 by striking out of said section all of lines 16, 17, and 18, on page 9, and inserting in place thereof the following:

"And certify the balances arising thereon to the Secretary of the Treasury in the same manner as the balances on similar accounts are certified under existing law."

Mr. MANN. Mr. Chairman, that is simply to conform to existing law.

The amendment was agreed to.

Mr. WOOTEN. Mr. Chairman, I move to strike out the last word. The gentlemen on the other side of the House, in endeavoring to escape the inevitable and logical results of their proposition in this bill, are seeking to impose upon this side of the House, by misstatements of the record and of the history of matters that have taken place in this House, the responsibility for attempting to exclude labor from this bill.

The gentleman from Iowa [Mr. HEPBURN], in closing the general debate on this bill day before yesterday, and when there was no opportunity for replying to his statements, with a degree of recklessness that even exceeded his usual habit of unfairness in debate, made a statement in regard to the attitude of this side of the House on the question of immigration as related to labor that is absolutely falsified by the record in the House.

It will be remembered that in the course of his remarks I asked the question whether he was in favor of an independent department of labor, and if not, why not? The colloquy between us occurs on page 856 of the RECORD of January 15. He replied that he was not in favor of it, because he did not consider it necessary; that he did not recognize the existence of any antagonism between capital and labor except, as he stated, among "ignorant men;" and when I insisted on what he meant by "ignorant men," he said he meant "the inferior classes of labor," "laborers of the sort that come to this country from the south and east of Europe;" that they were the cause of all the agitation and antagonism in this country between capital and labor. And when I then asked him the question why he did not shut them out, as that side of the House has had the power to do for these many years, he made the statement to which I now desire to reply, and to which I had no opportunity to reply at that time, which was as follows:

Mr. HEPBURN. I would if I could have my way; but I have found that whenever a contest was made, every Democrat voted against it. If we could abolish the Democratic party we could abolish this evil.

Now, Mr. Chairman, as a matter of fact, when the debate on the immigration bill took place in this House last May, as may be found by consulting the RECORD, it was on this side of the House and by leading and prominent members of this side of the House that the chief efforts and the leading speeches were made looking to the restriction of immigration upon an educational basis, and for the purpose of securing just what this gentleman says we ought to have—an intelligent class of labor.

I find that the gentleman from Alabama [Mr. UNDERWOOD] made a very able speech and advocated an amendment imposing an educational qualification upon immigration to this country, in order to exclude this inferior and ignorant class of whom the gentleman from Iowa so contemptuously spoke in his remarks the other day. I find that the gentleman from Missouri [Mr. BARTHOLDT] was the leading opponent of any such restriction, and was ably aided and abetted by other Republicans on that side of the House.

I find that two distinguished Missouri gentlemen [Mr. COCHRAN and Mr. CLARK], both Democrats, made able speeches here at length in favor of a rigid discrimination against the ignorant and the lawless and the incompetent classes from the Old World, and that they were met by opposition on the other side of the House. These proceedings are all reported in the CONGRESSIONAL RECORD under dates May 21, 22, 29, on pages 5768, 5813, 5989, and following.

There was no recorded vote here upon the bill, but I state, as a fact that can be verified by the personal observation of every member of this House, that when the vote was taken upon that immigration bill nearly every member on this side voted in favor of restricted immigration. And I will call attention to another fact. That bill passed this House. It has been in a Republican Senate ever since and lies there unacted upon, when, if it was the desire of the Republican party of this country to restrict immigration, as the gentleman from Iowa thinks it ought to be, it could have been readily done.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTHOLDT. Will the gentleman yield to me for a question?

Mr. JONES of Virginia. I ask unanimous consent that the time of the gentleman from Texas may be extended for ten minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the time of the gentleman from Texas be extended for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTHOLDT. I would like to ask the gentleman a question—whether I understood him to say that I was opposed to the educational test as a matter of principle?

Mr. WOOTEN. I did not hear the gentleman.

Mr. BARTHOLDT. I want my friend to say whether I am correct in understanding him to claim that I was opposed to the educational test?

Mr. WOOTEN. You made a speech of great length on the subject, which speaks for itself.

Mr. BARTHOLDT. My view on the matter was this——

Mr. WOOTEN. The gentleman can not make a speech in my time.

Mr. BARTHOLDT. The gentleman will not do me an injustice.

Mr. WOOTEN. I do not care to have my time taken up in that way. The gentleman was heard at great length on the subject. I decline to yield.

The CHAIRMAN. The gentleman from Texas has the floor.

Mr. WOOTEN. Now, I say that the statement made by the gentleman from Iowa, and which has been inferentially attempted to be confirmed by the gentleman from Illinois [Mr. MANN], who spoke a little while ago upon another amendment, that this side of the House has ever taken any other position than that of favoring such a restriction as to the immigration of laboring classes into this country as would restrict it to such persons as were competent to become intelligent American citizens, or that we have ever taken any other position than that labor is a coordinate branch of individual enterprise in this country, which ought to be independently recognized by Congress, is not correct.

The position occupied by that side of the House and by the Republican party at large upon this issue is one of alternate cajolery and contempt for the laboring classes and one of consistent duplicity and deceit in dealing with their vital interests. They may deny that there is any sort of antagonism between organized and incorporated capital and organized labor, and they may seek by vague, generic definitions of labor, as including all classes of industries, to reason away and theorize out of existence the significant facts that they are dealing with; but they can not by speculation and sophistry destroy the status that is recognized by everybody as it exists in the controversy between syndicated capital and organized labor. They try to ignore that, but they can not thereby remove or remedy the evil that overshadows all other problems at this time in this country.

Now, Mr. Chairman, it is not necessary nor does it follow as a logical result that because a man calls attention to the existence of a fact he is thereby indorsing the condition represented by that fact. I am not here nor is any man on this side of the House here ready to indorse or encourage any sort of hostility or antagonism between these classes. But I do say that no man on this floor on either side of the House can deal candidly and courageously with himself or the country without recognizing the fact, however much he may deplore it as a fact, that there is a conflict between corporate capital and organized labor; that it is a fact that has come to stay until the conditions are taken away that have built up the fact. And I want to say that bills like this and that legislation like this, which seek to subordinate and to practically ignore the great interests of labor, are not calculated to remove the conditions, but simply to emphasize the hostility between these classes.

The bill itself recognizes this distinction. It calls the proposed department a "Department of Commerce and Labor." Why should the two words be used if, as the gentleman from Illinois undertakes to reason, commerce covers all labor? I understand that theory of government which is favored on that side of the House, that commerce is synonymous with civilization; I understand that school of political thought which believes that the commercial interests are the only interests that ought to be considered in this House; but I want to say that I have no sympathy with it, and whenever the opportunity arises I desire to raise my voice against any such vicious and ruinous policy of administering this Government.

Now, Mr. Chairman, when we come to hunt the origin and history of this bill and of this measure, you will find them by referring to the Republican platform of 1900; there is where you will find them properly designated and their character properly defined. I find upon reference to the Republican platform of 1900 this plank:

Department of commerce.

That is what it was headed. They did not then undertake to deceive the country by including "labor." They said:

A department of commerce.

And here is what they demanded:

In the interest of our expanding commerce—

Not in the interest of "organized labor;" not in the interest of settling these irreconcilable conflicts that are arising daily between corporate capital and organized labor; but "in the interest of our expanding commerce we recommend that Congress create a department of commerce and industries," etc.

Not "labor." Now, we all know what "industry" means. Industry simply means that kind of enterprise that results in the production of any commodity of commerce, whether by mental or manual energy; and in that sense it includes every product of human effort and ingenuity. It does not signify labor in the sense here meant and for which I contend. We all know and we have all read in the metropolitan journals and magazines who the "captains of industry" are.

Such men as Morgan and Frick and Baer and those who represent to-day the organized greed and tyranny and oppression of corporations and capital in this country. This is the kind of a department that the Republican party asked to be created, and this is the kind of department that the gentlemen are now seeking to create by this bill. In contrast with the Republican platform on this subject, which is embodied in the pending measure, I prefer to stand by the demand of the Democratic party in its last national platform, which was in these words:

A DEPARTMENT OF LABOR.

In the interest of American labor and the uplifting of the workingman as the corner stone of the prosperity of our country, we recommend that Congress create a department of labor, in charge of a Secretary, with a seat in the Cabinet, believing that the elevation of the American laborer will bring with it increased prosperity to our country at home and to our commerce abroad.

This is what Democrats believe in, and in default of which I must decline to accept this compromise measure, which is in fact a deliberate attempt to deny to the American laborer his just participation and protection in the organization of the Government. The other side of this House seem determined to refuse to labor even the small right it enjoys under the so-called Department of Labor now existing, and to swallow it up in the proposed commercial bureau here deceitfully denominated "a Department of Commerce and Labor." They have hypocritically yoked up in the bill the name of labor, without recognizing in any form the interests of labor or the rights and responsibilities of that great class of our people. I do not believe that in all its career of unblushing iniquity and fraud and hypocrisy the Republican party ever presented to this country a more infamous and hypocritical measure than this. [Applause on the Democratic side.]

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 3. That it shall be the province and duty of said department to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, the labor interests, the transportation facilities, and the insurance business of the United States; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service hereinafter specified, and with such other powers and duties as may be prescribed by law.

Mr. MANN. Mr. Chairman, by direction of the committee, I offer the following amendment:

Amend by adding to section 3 at the end thereof the following:

"All unexpended appropriations, which shall be available at the time when this act takes effect, in relation to the various offices, bureaus, divisions, and other branches of the public service, which shall, by this act, be transferred to or included in the department of commerce and labor, or which may hereafter, in accordance with the provisions of this act, be so transferred, shall become available, from the time of such transfer, for expenditure in and by the department of commerce and labor, and shall be treated the same as though said branches of the public service had been directly named in the laws making said appropriations as parts of the department of commerce and labor, under the direction of the secretary of said department."

The amendment was considered and agreed to.

Mr. PALMER. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee a question. In line 23 are the words "including the insurance business of the United States." I would wish to know for what reason or purpose the insurance business of the United States is covered into the department of commerce and labor.

Mr. HEPBURN. Mr. Chairman, it was believed by a majority of the committee that it would be a wise provision of law to have some department charged with the duty of securing proper information in regard to this immense business. The insurance business of the United States is colossal. The wealth of the insurance companies is greater than all of the values of all property in the United States at the time this Government was formed. The business of the insurance companies is greater in volume per dollars and cents than all of the combined business of all regions of this country at the end of the Revolutionary war. It is colossal. There are three corporations doing business in one single city in the United States whose assets aggregate more than $1,000,000,000.

Now it has come to pass that all commercial business is in a large measure dependent upon insurance. As I said the other day, if you were to obliterate the insurance of the United States you would well-nigh obliterate the commerce of the United States.

The business of commerce could not be undertaken were it not for the protection and influence of insurance. It is of wonderful importance to the people, and there is nobody, no authority in the United States, charged with the collection of information and its proper dissemination. There are certain of the States that collect statistics with regard to companies that do business in their States and disseminate it in their States, yet there is no one charged with the duty of securing information in regard to all of the insurance companies that are candidates for business and allowing the people to know as to them.

Three times we have, at periods of ten years distant, required the Census Office to secure some information bearing upon this subject, but at intervals of ten years. I might say here, in passing, that the information gathered by the present census force for the Twelfth Census is not yet in print. I submitted the day before yesterday a paper containing a list of 150 bogus insurance companies that were doing business in the United States and were perpetrating their robberies and fraud upon innocent and ignorant people. The committee, I think, with almost unanimity regard this provision as a most important one. I hope that there will be no disposition upon the part of this committee to strike it out.

Mr. PALMER. The gentleman has answered my question, as I understand, by stating that the insurance business is covered into the department of commerce and labor, because it is desired to collect information in regard to the insurance companies of the United States.

Mr. HEPBURN. Yes.

Mr. PALMER. I call the gentleman's attention to the fact that the words of the section are "to promote and develop the foreign and domestic commerce" and "promote and develop the insurance business of the United States." I wish to ask the chairman of the committee what right or power or authority he claims for the Federal Government over the insurance business of the United States?

Mr. HEPBURN. Well, Mr. Chairman, I do not care to attempt to make an argument upon that question just now. I know that the Supreme Court of the United States in two or more cases where they were discussing interests that were involved in building, in insurance of that kind, have held in the form of obiter dicta that that kind of insurance was not permitted.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CORLISS. Mr. Chairman, I have two amendments covering this subject that I desire to have read now, and I include section 6, as it is the same subject-matter.

The Clerk read as follows:

Strike out in line 23, page 9, the words "and the insurance business of the United States."

Mr. CORLISS. Mr. Chairman, I discussed briefly this provision yesterday. I read three authorities of the Supreme Court upon the subject. I was surprised that the chairman of the committee ventured the prediction that the Supreme Court would, in case of a marine insurance contract being submitted, hold it to be interstate commerce.

I hold in my hand a decision of the Supreme Court of the United States rendered in 1894 by Justice White, commenting upon all the other decisions bearing upon fire insurance and life insurance, but deciding the question raised specifically upon a marine insurance policy; and this was the case of Hooper *v.* California, which appears in the record. The court there said:

The contention here is that inasmuch as the contract was one of marine insurance—

That is a matter of interstate commerce—the very identical question to which the chairman of the committee referred when he predicted that the Supreme Court would decide that it was commerce. In rendering this opinion the court stated positively that a marine insurance policy and the business of marine insurance are not commerce; that the contract of insurance is not an instrumentality of commerce.

Now, I submit that it is not within the control of Congress to undertake to legislate upon this subject; that the insurance business is not commerce; that the Constitution does not permit us

to control it; and that to do so or attempt to do so is a dangerous step. To-day the insurance companies are vast; their influence is great; they are controlled by laws of the several States; they are taxed in the States properly. Every State requires insurance companies to deposit a large sum of money, or to give a heavy bond, to protect the insured. Should Congress undertake to recognize this business as commerce, the right of the several States to tax the insurance business may be affected. When insurance business becomes commerce and such contracts are held to be interstate commerce, the State will lose control. The business of telegraph companies and of telephone companies has been held to be interstate commerce, and the Supreme Court has decided that the State has no right to specifically tax it.

I therefore say that this is an unwise step, an illegal step; that it is the creation of a bureau for no purpose whatever but to give publicity to facts which are now published broadcast over the land. You might as well establish a bureau to collect statistics and other information with reference to stocks and bonds issued by different corporations.

The chairman of the committee calls attention to the fact that there are 60 fraudulent insurance companies. Why, Mr. Chairman, how many fraudulent mining companies are there that are scattering their stock broadcast over the country?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CORLISS. Being a member of the committee, I ask for five minutes more.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. STEWART of New Jersey. Has the Supreme Court of the United States ever decided that insurance contracts with reference to merchandise which are the subject of interstate commerce is not itself commerce?

Mr. CORLISS. The case to which I refer was upon a marine-insurance contract relating to a subject of interstate commerce.

Mr. STEWART of New Jersey. Was the subject-matter of the contract a subject of interstate commerce?

Mr. CORLISS. It could not be otherwise. The articles in question were being transported into the State of California on the sea. The court held that the transportation was commerce, but that a contract of marine insurance did not embrace the element of commerce.

Now, Mr. Chairman, it seems to me unwise to create this bureau for another reason. You are imposing an additional burden upon the people. You are creating unnecessary bureaus. You have here authorized a chief of bureau at $4,000 a year, and a number of clerks. What for? To investigate facts which are now well known all over this country, facts which are published broadcast by the different States; and the benefit which is expected to be derived from this is that it furnishes information to the investor. That is all. The investor in an insurance policy may desire to know whether a particular company is fraudulent or not. Can the chief of this bureau ascertain such information under this proposed law? I submit not. The insurance companies are great corporations. What right has the chief of a United States bureau to go into a State and investigate the affairs of a corporation to ascertain facts not voluntarily given?

I submit, Mr. Chairman, that we are creating an unnecessary bureau where unnecessary expense will be incurred, and I fear these great corporations may avail themselves of the opportunity to get into the courts a case upon which they may secure a decision that an insurance contract upon products in transportation is commerce. You then deprive the States of the power of controlling and regulating the insurance business. Mr. Chairman, I reserve the balance of my time.

Mr. MANN. Mr. Chairman, with very great respect for the distinguished gentleman from Michigan [Mr. CORLISS], who is my friend, it seems to me that in his speech he has simply been batting the air. There is not a line or a word in this bill which purports to confer on this department or upon the Government jurisdiction over insurance as interstate commerce. I do not yet know that the Congress or the Government of the United States has jurisdiction over the weather, but still we maintain an expensive weather department to publish information. I have yet to discover that the National Government has jurisdiction over the farmers' soil, and yet we maintain an expensive establishment, called the Division of Soils, for the purpose of making an examination of the soil; not soil belonging to the National Government, not soil over which the National Government has jurisdiction, but for the purpose of publishing information.

I have yet to learn that the National Government has jurisdiction over the cotton crops, but the distinguished gentlemen on the other side of the aisle who are so interested in the cotton crop properly ask that the National Government shall obtain and publish information concerning the cotton crop and statistics in regard to its amount and its quality. The same thing is true of insurance. I do not know whether insurance is interstate commerce or not. This body can not decide that question. That question will be disposed of when reached by the Supreme Court of the United States. We do not assume that jurisdiction, but we say that in a business which has grown to the great volume that insurance business has it is proper for the National Government to voluntarily obtain and publish in a way that every person can receive it information concerning the insurance companies and the class of insurance business. Not only that, but the insurance department of the Government may obtain and publish information concerning the companies which will be of value in other countries where our companies are transacting business.

Mr. Chairman, the insurance business is simply enormous. It is beyond conception almost. Last year nearly thirty life insurance companies in the one State of Connecticut received in premiums $337,000,000, and they received a total income of $425,000,000. The assets of those companies a year ago amounted to $1,858,000,000. Those assets are not owned for the benefit of the insurance companies. They are owned for the benefit of the people who are insured.

Mr. BARTLETT. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. I yield to the gentleman from Georgia.

Mr. BARTLETT. Section 6, on page 13 of this bill, which provides for this department of insurance, uses the following language:

> It shall be the province and duty of said bureau, under the direction of the secretary, to exercise such control as may be provided by law over every insurance company, society, or association transacting business in the United States outside of the State, Territory, or district wherein the same is organized, and to foster, promote, and develop the various insurance industries of the United States by gathering, compiling, publishing, and supplying all available and useful information concerning such insurance companies and the business of insurance, and by such other methods and means as may be prescribed by the secretary or provided by law.

Now, I would ask if the word "control" as there used does not begin to inaugurate a system, whether it is done in this bill or not, as to which future Congresses, taking this as a cue, can pass laws for the purpose of giving the Federal Government under this department the right to regulate and control the business of these insurance companies everywhere? Is not that in contravention of the laws of the various States controlling and regulating the business of insurance in those States?

Mr. MANN. I think not. The words in the bill provide for control as may be provided by law. There is no one in the House, and so far as I know no one in the country, who desires to have the power conferred upon the National Government, even if it could be constitutionally conferred, to regulate the insurance business and take it away from the control of the States. But those words are usual in creating a department; they ought to be in the bill. They mean nothing unless hereafter in some way some power is conferred upon the department. It might be a power simply to collect statistics, as we confer power upon the Census Office; but it is not the purpose and not the meaning of the law to take away the power of the State and confer it upon the National Government.

Mr. BARTLETT. May I ask the gentleman another question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. DE ARMOND. Mr. Chairman, this, I think, is rather a remarkable provision. It is to "foster, promote, and develop" the insurance business of the United States, a business which, as the chairman of the committee stated to the House a short time ago, is already an enormous business. Yet we are to foster, promote, and develop it through the agencies of this new department of commerce and labor. Why is not this called the department of commerce and insurance? Why do you not tack onto the name the word "insurance" as well as the word "labor?" Certainly the insurance interests will be satisfied with the substance, and you propose to satisfy, if you can, labor interests with a jingle of words. What reason there is upon the earth for a department in this Government to foster, promote, and develop insurance, until the discovery was made by the gentlemen who project this bill, was a mystery to the world. This clause is an addition to what was in the Senate bill. Those who refer to section 3 of the Senate bill, proposed to be stricken out to make way for this amendment, will find that it contains nothing in relation to fostering, promoting, and developing insurance.

The gentleman from Illinois [Mr. MANN] suggests that these harmless words "foster, promote, and develop" will have no weight and can do nothing unless there be other legislation. Does the gentleman, in the simplicity of his soul, suppose that it is intended that there shall be no other legislation? Can he not with the eye of fancy see a bureau presided over by a chief and an assistant chief and a chief clerk, assistant clerks, and a horde of useful employees, to "foster, promote, and develop" the insurance business of the United States, and incidentally—I might say principally and primarily—to foster, promote, and develop the interests of themselves and of those who put them into these fat but useless offices?

There are a great many things in this bill the absence of which would be an improvement; but striking and unique in these samples of strange legislation is this feature:

To foster, promote, and develop the insurance industry in the United States.

If this were not serious legislation, it would lack but little of being a roaring farce—creating a department of the Government, having an officer in the Cabinet of the President to foster, promote, and develop the insurance business of the United States, and not to leave him alone and unassisted, not to burden him with overwork, but to supply him with an abundance of subordinates so that he and they, colaboring, putting their massive intellects and their great industry into operation, may effectually and satisfactorily to those interested that way, foster, promote, and develop the huge, the enormous insurance business of the United States.

This provision did not straggle in by accident. It did not get in through some fortuitous circumstances. I think it is due to the House that those who know how it got into this bill, that those who know who got it into the bill, that those who know who are to profit primarily and directly from the putting of it into the bill ought, in a generous burst of confidence, to impart a little of the information to the House. It would not occur to the ordinary man in the ordinary way, the ordinary promoter of commerce, the ordinary friend of labor in words—it would hardly as a mere matter of accident, as a matter of fortuitous inspiration, occur to any of these to light upon this scheme to provide for fostering, promoting, and developing the insurance business of the United States. I think we can see following this the organization of some huge Federal insurance companies. I think we may witness the power of organized wealth banded together in the various insurance companies taking possession so far as they please of the machinery of the Government, using it to throw out of gear and to destroy the machinery of the States, perfected to a considerable degree for the control of the insurance interests and business.

[Here the hammer fell.]

Mr. GROSVENOR. Mr. Chairman, I want to make two suggestions in regard to the argument of the gentleman from Missouri [Mr. DE ARMOND]: First, as to the use of the language "foster, promote, and develop."

Those words are used not in their ordinary meaning, and certainly not in the meaning that the gentleman from Missouri has given to them. The purposes covered by the enactment have received complete explanation and limitation by the words that follow in the bill itself. He is to "foster, promote, and develop the various insurance industries of the United States." How? By any such means or measures as the gentleman has spoken of? Certainly not; but by exactly the same processes that the gentleman from Illinois [Mr. MANN] has already explained in regard to the cultivation and growth of cotton, the production and propagation of fish, the control of the weather, and all of the other things that are covered by this bureau of information, by the Government.

Mr. DE ARMOND. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. GROSVENOR. I have not quite stated my point. It is to be done—

by gathering, compiling, publishing, and supplying all available and useful information concerning such insurance business. And to this end it shall be vested with jurisdiction and control of the departments, bureaus, and branches of the public service hereinafter specified, and with such other powers and duties as may be prescribed by law.

So the whole action of this bureau in the matter of insurance is limited. First, its power and purpose are described, and then limited by the act itself.

The CHAIRMAN. Does the gentleman now yield?

Mr. GROSVENOR. I do.

Mr. DE ARMOND. The gentleman now has given his explanation of the meaning of foster, develop, and promote the insurance industry of the United States.

Mr. GROSVENOR. By the processes and means laid down in the statute, and limited expressly to those processes and those powers, and none other.

Mr. DE ARMOND. Will the gentleman permit a question?

Mr. GROSVENOR. Certainly.

Mr. DE ARMOND. What fostering, promoting, or developing does the insurance business of the United States need at this time?

Mr. GROSVENOR. Well, I call the gentleman's attention to one matter which I think he has lost sight of. It has not been quite one year since there was pending in this House a most important measure, calling upon the Federal Government of the United States to interfere to protect the vested rights and interests of three of the greatest insurance companies of the world in a foreign country, and the State Department was invoked, and had been for years before, to supervene in the matter of the wrongs that were said to be done to those companies by the legislation or regulations of the Empire of Germany. And so it was that the President of the United States put on foot, through the State Department, examinations, and reports came, and the President's messages referred to them on two different years. So there was one matter of the greatest importance that no State could have interfered with or had anything to do with. This department of insurance, had it been in existence at that time, would have had that information, all the facts that would have been necessary to have settled that matter in a very few months. As it was, two, at least, of our insurance companies suffered enormous loss of business while the pendency of insurance regulations were being attended to.

Now, Mr. Chairman, the main answer to it all, as supplementary to what the gentleman from Illinois has said about this interest of insurance, of vast importance to every man, woman, and child interested in it, that there shall be a systematic means of knowledge open to all the people of the country when there is any future legislation. There is no attempt by this measure to control the action of the State, nor to prohibit the action of a State, nor to act in place of a State. It is simply to transfer or to give power to this department to make such investigations as will give to the people of all countries, our own country as well, all necessary information whenever they have occasion to use it.

Mr. GARDNER of New Jersey. Mr. Chairman, let us neither deceive ourselves nor be deceived by any doubts of jurisdiction on the one hand or disclaimers of intent on the other. If the gentleman from Michigan is right in his legal contention, this provision, together with section 6, ought to go out of this bill. If the gentleman from Iowa is right, then more emphatically both provisions ought to go out of the bill.

It is in vain to say here to intelligent men who know anything about the history of bureaus of government, particularly any man who has any knowledge of what has been called the "hogging of jurisdiction" from the States, that the foundation here laid does not disclose the purpose of this bill. A part of the insurance capital of the country has for more than a half a century been aggressively seeking to escape State regulation.

Whenever they have had an opportunity in a case having apparently interstate commerce features it has been carried to the courts of the United States; and there has not been a year since I can remember that legislation like this would not have been here for enactment had anybody been able to offer assurance of success in either House of Congress. It has not been here because there was no encouragement to bring it here. But now a sentiment has arisen for the creation of a department of commerce and labor it is seized upon as a vehicle to carry into the domain of national legislation and jurisdiction a question that they would not risk standing alone.

This bill provides for an insurance bureau, and the words now under consideration are the foundation for the rest of the purpose. The provision is, "shall exercise such jurisdiction and control as may hereafter be provided by law." Does anybody who knows anything about the history of bureaus of the departments not know that very bureau will from now on report necessary additions to its power, and that the secretary of the department will recommend it, and that it is intended that the whole matter of interstate insurance shall be beaten into such shape under the Congressional hammer that it will become interstate commerce and directly under the control of the national bureau?

If this bill passes this session the year 1904 will not come until litigation arises thrusting this question of regulation of insurance into inextricable confusion in every State having an insurance department. Gentlemen tell us how gigantic this business has become. It is a prosperous and great business. Has it grown up under national control? No; but under State regulation. Every State, or all of the older States, have insurance departments, under competent men. They provide certain conditions under which companies may do business in the States, and the kind of information that this bureau can give is already in the hands of the States for every insurer.

That is not what they seek in this bill, Mr. Chairman. The kernel in this nut is that most of the States require certain conditions for the transaction of insurance business within their limits. And one of them is that they require a deposit of bonds or securities with their financial officer, and thus provide an amount of money within the State for those who suffer losses within the State, and in case of a suit and judgment there is something within the State to be reached by execution. That is the thing from which escape is sought, and it is one of the chief motives for pressing this measure.

Mr. SHACKLEFORD. Mr. Chairman, I think this bill contains no feature more dangerous than that relating to insurance. It says "it shall be the province and duty of said bureau, under the direction of the secretary, to exercise such control as may be provided by law."

As has been very well expressed by the gentleman from New Jersey [Mr. GARDNER], the great insurance companies of this

country would be very glad to have provided by law some regulations that would keep the States from controlling them as they now do. The gentleman from Illinois [Mr. MANN] had much to say about information for the benefit of the people. In the State from which I come we have an insurance bureau, whose duty it is to know the exact condition of every insurance company that does business within its borders, and to compel that company to exhibit its affairs for the inspection of that commissioner and let him say whether or not it is solvent and sound. Every insurance company within the boundaries of the State of Missouri is compelled to show its condition, and in doing so they find it sometimes an embarrassment to them, and to escape this embarrassment they want to come here under some sort of blanket law that will take away from the States the powers they now exercise.

As I said in a speech yesterday, in the State of Missouri we have some insurance regulations which were violated by the companies doing business in our State. We called them before the courts and took away their charters and they were not permitted to do business again until they paid fines to the State amounting to more than $100,000. They do not want to do that. They do not want to comply with the regulations of the State law. They come here with this insidious measure, and are now attempting to get Federal control where they are now controlled well by the States in the interests of the people. Every State in the Union to-day has a good insurance law and good insurance regulations, or can have them.

Now, Mr. Chairman, I am opposed to any provision of Federal legislation that has for its object to take away from the States this wholesome and healthy control of the insurance companies doing business within their borders. A few years ago they were driven from Kansas because they would not comply with the State laws. A few years ago they threatened the State of Arkansas that they should have no insurance in that State unless they repealed the insurance laws. They tried to override the laws in my State. As has been said by the gentleman from New Jersey [Mr. GARDNER], this is the first step in the march of the insurance companies to the goal where the States will have no control over their affairs. To-day the insurance companies would have the questions adjudicated by a Federal tribunal. They do not want to submit to the judgment of the State courts. [Applause.]

Mr. MANN. Mr. Chairman——

Mr. HAY. Mr. Chairman, I make the point that debate is exhausted on this amendment.

The CHAIRMAN. The time for debate has expired. The question now is on the amendment offered by the gentleman from Michigan.

Mr. PADGETT. Mr. Chairman, I suggest to the gentleman that he should not include in his amendment to strike out the words "in the United States," because that refers to other business above mentioned.

Mr. CORLISS. I think that is a good suggestion and I will adopt it.

The CHAIRMAN. The Clerk will read the amendment as modified.

The Clerk read as follows:

In line 23, strike out the words "and the insurance business."

The question was taken; and on a division (demanded by Mr. HEPBURN) there were—ayes 59, noes 40.

Mr. HEPBURN. Tellers, Mr. Chairman.

Tellers were ordered.

The Chair appointed as tellers Mr. CORLISS and Mr. HEPBURN.

The House again divided; and the tellers reported that there were 70 ayes and 65 noes.

So the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 4. That the following-named offices, bureaus, divisions, and branches of the public service, now and heretofore under the jurisdiction of the Department of the Treasury, and all that pertains to the same, known as the Light-House Board, the Light-House Service, the National Bureau of Standards, the Coast and Geodetic Survey, the Bureau of Immigration, and the Bureau of Statistics, be, and the same hereby are, transferred from the Department of the Treasury to the department of commerce and labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named department; and that the Census Office, and all that pertains to the same, be, and the same hereby is, transferred from the Department of the Interior to the department of commerce and labor, to remain henceforth under the jurisdiction of the latter; that the Department of Labor, and the Office of Commissioner of Fish and Fisheries, and all that pertains to the same, be, and the same hereby are, placed under the jurisdiction and made a part of the department of commerce and labor; that the Bureau of Foreign Commerce, now in the Department of State, be, and the same hereby is, transferred to the department of commerce and labor and consolidated with and made a part of the Bureau of Statistics, hereinbefore transferred from the Department of the Treasury to the department of commerce and labor, and the two shall constitute one bureau, to be called the Bureau of Statistics, with a chief of the bureau; and that the secretary of commerce and labor shall have complete control of the work of gathering and distributing statistical information naturally relating to the subjects confided to his department; and to this end said secretary shall have power to employ any or either of the said bureaus and to rearrange such statistical work and to distribute or consolidate the same as may be deemed desirable in the public interest; and said secretary shall also have authority to call upon other departments of the Government for statistical data and results obtained by them; and said secretary of commerce and labor may collate, arrange, and publish such statistical information so obtained in such manner as to him may seem wise.

That the official records and papers now on file in and pertaining exclusively to the business of any bureau, office, department, or branch of the public service in this act transferred to the department of commerce and labor, together with the furniture now in use in such bureau, office, department, or branch of the public service, shall be, and hereby are, transferred to the department of commerce and labor.

Mr. MANN. Mr. Chairman, by direction of the committee, I offer several formal amendments to this section.

The Clerk read as follows:

Amend section 4 by striking out of line 8, page 10, the word "service" and insert in place thereof the word "establishment."

Amend section 4 by inserting in line 9, page 10, after the word "survey," the words "Commissioners of Immigration."

Amend section 4 by inserting, after the word "immigration," in line 9, the words "immigration service at large."

Insert in line 18, page 10, after the word "labor," the words "Fish Commission."

Strike out, in line 5, page 11, the word "complete."

Amend section 4 by striking out of said section all after and including the word "and," in line 7, page 11, down to and including the word "interest," in line 11 of said page, and inserting in place thereof the following:

"And the secretary of commerce and labor is hereby given the power and authority to rearrange the statistical work of the bureaus and offices confided to said department, and to consolidate any of the statistical bureaus and offices transferred to said department."

The CHAIRMAN. Without objection the amendments will be submitted together.

Mr. CRUMPACKER. Mr. Chairman, I desire to address the House briefly upon the amendment proposed by the gentleman from Illinois [Mr. MANN] authorizing the secretary of the department of commerce and labor to rearrange and coordinate the statistical work of that department, and to merge and consolidate statistical bureaus and offices wherever and whenever considerations of economy and desirability may require it. The functions of the new department, when created, will be chiefly the gathering and dissemination of statistical and other information that may advise the people of the country respecting the condition of commerce and labor in their various relations, and suggesting methods by which their interests may be promoted. The department will have no power to regulate and control either commerce or labor. Authority is conferred by the Federal Constitution upon Congress to regulate interstate and foreign commerce, and to this extent the department may administer laws enacted by Congress that bear upon this class of commerce. Beyond this the functions of the department will be purely ministerial and advisory in their character.

The original departments of the Government deal with essential governmental functions. The executive power of the Government is primarily vested in the President, and to enable him to satisfactorily administer that power various departments have from time to time been created. Until the Department of Agriculture was established every administrative department of the Government whose chief officer was honored with a seat in the council of the President's advisors was created expressly to assist the President in executing powers of government that were imposed upon him by the Federal Constitution. The Secretary of State conducts diplomatic negotiations and has control of general intercourse with foreign nations; the Secretary of the Treasury collects the revenues and conducts the fiscal operations of the Government; the Secretaries of War and Navy have to do with matters of public defense and the control of general military operations; the Attorney-General is at the head of the legal department; the Postmaster-General administers the vast and complicated postal system of the Government, and the Secretary of the Interior administers public lands, pensions, patents, and relations with the Indian tribes.

All of these functions are inherently governmental, and the propriety of distributing them among the several departments and of making the heads of the respective departments members of the President's Cabinet is natural and obvious. If the President shall successfully administer the vast interests that pertain to the executive branch of the Federal Government, it is but natural that heads of departments having control of these several branches of administrative service should meet with him and impart information respecting their condition and needs.

The first departure from the logical arrangement of the executive business of the Government was in the creation of the Agricultural Department. The Federal Government has no authority over the subject of agriculture at all, and the Secretary of that important Department can not be presumed to supply the President with information in relation to the duties imposed upon the Chief Magistrate by the Federal Constitution, because agriculture is not one of those duties.

The importance, however, of the agricultural interests became so great, and the fact that agriculture is generally known to be the bedrock of civilization, were sufficient to justify Congress in elevating the Bureau of Agriculture to the dignity of a Department and making the head of that Department eligible to admission into the President's council of advisors. But this action of Congress did not and could not change or add to the powers of the Chief Executive.

Following the precedent of the Agricultural Department, it is now proposed to create a department of commerce and industry, placing it, as far as it can be placed by legislation, upon the same footing, in relation to dignity and authority, as the other great Departments of Government. Its duties are not governmental. Commerce during all time has been, and probably for many generations in the future will continue to be, the subject of purely private enterprise, but the transcendent importance of commerce and labor in relation to the welfare and advancement of civilization make these subjects worthy of the high consideration they will receive in the creation of an independent department dedicated to their promotion.

It is of great importance to the country to have accurate information respecting conditions and methods of commerce, not only here but in other lands, and also to know of the true interests and relations of labor in the numerous productive activities of the country. It is expected that the new department will gather and disseminate all the information that can be gotten in relation to these highly important subjects. This information will be of incalculable value to individuals and private enterprises in suggesting improvements of methods of production and better conditions of life. It may also be made the basis of information necessary to intelligent legislation upon the part of Congress and the several States. I am in favor of creating the new department and believe if it is properly organized and administered it will many times repay the cost of its establishment and maintenance.

But, as I said at the outset, the functions of the department will be chiefly in the gathering and the distribution of statistical information, and it ought to be so organized and conducted as to supply such information, not only for the people of the country, but for the use of all of the other departments of the Government, as far as it is possible to do so. Every statistical bureau, office, and division in all of the departments should be included in the department of commerce and labor, in order that this great work may be conducted scientifically and in a businesslike manner. One general statistical bureau, with a competent chief and a sufficient number of statistical experts, with a trained corps of assistants and a sufficient number of ministerial officers, can more efficiently and economically gather and disseminate statistics than if the work shall be apportioned among ten or a dozen bureaus and offices scattered around among the various departments of the Government, each acting independent of the others.

There are now nine different bureaus and offices for which appropriations are made expressly for the purpose of collecting and distributing statistical data, each one presided over by a high-salaried chief and an efficient and highly trained corps of staff officers. One such organization ought to be sufficient for the entire work. I refer now to statistics for general use and those that may be used by the several departments of Government in administering their functions. I admit that statistical information respecting the administration of some of the subdivisions of the departments that is of peculiar value to those departments can better be collected by the departments themselves in some instances than by a general bureau, but in most instances there is no need for more than one bureau with a chief and staff of experts for the collection of statistics.

Under existing conditions the work of collecting and distributing statistics is duplicated and reduplicated, as high as four times in some instances, and hundreds of thousands of dollars are wasted every year by such unnecessary work. It is the natural tendency of every department to enlarge, ramify, and extend its functions so as to make itself as nearly independent of all other departments as possible, and to this end a department which may require statistical information, instead of going to a statistical bureau for it, organizes a division of its own, and employs a corps of clerks to collect the information. If there were one statistical bureau, properly equipped to enter upon all general fields of statistical and scientific research and investigation, charged with the duty of supplying all the other departments with such information as may be necessary to enable them to administer their several functions, it would be a long step toward simplifying and putting upon a common-sense basis the administration of the Government.

The pending bill proposes to include within the department of commerce and labor the Census Office, the Bureau of Statistics, and several other offices whose duty is chiefly the collection and distribution of statistical information. It does not include the Bureau of Education. I am unable to understand why this Bureau was omitted. Its work is peculiarly statistical. That Bureau has no authority over the schools of the country. It has no power to regulate or control their work, but can only collect useful information to be distributed throughout the country for the information of those engaged in school work generally. There is no occasion for maintaining an independent bureau for that work under the control of a high-salaried chief with a corps of expert assistants. It could as well be included in the Census Office—since that office has been made permanent—as a division, without in any respect impairing its usefulness, and a great saving would thus be accomplished. I would insist upon an amendment to the measure, including that Bureau, if it were not that authority is expressly conferred upon the President to transfer from other departments bureaus and offices engaged in statistical work, wherever he deems it for the public interest to do so. I sincerely hope and believe that at an early date the Educational Bureau will be transferred to the department of commerce and labor.

During the last session of Congress the Census Office was made permanent with the expectation that it should become the chief bureau for the collection and dissemination of statistical information for the entire Government. It was thought wise to make it a permanent institution, and from time to time charge it with the duty of making investigations relating to the activities of the country with this end in view. It was urged in support of the bill making that office a permanent bureau that in the course of time a sufficient force of trained experts and clerks would so systemize and perfect the methods of collecting statistics that more reliable and trustworthy information could be obtained.

Mr. SHACKLEFORD. Could not that work be done now by referring it to the Census Bureau as established at the last session, leaving that Bureau just where it is?

Mr. CRUMPACKER. The object of making the Census Office a permanent bureau was principally to create one bureau for the collection of statistics, with the expectation that all statistical work would ultimately be transferred to that office.

Mr. SHACKLEFORD. Could not this business be all put in that Bureau?

Mr. CRUMPACKER. It can all be put in control of that Bureau, provided the amendment to which I have referred shall be adopted. The bill as it now stands transfers the Bureau of Statistics, the Census Office, and several other statistical bureaus into the department of commerce and labor with their functions and organization unimpaired, and it provides that these several bureaus shall continue to perform the duties respectively imposed upon them by existing law. There is no authority in the bill for the elimination of a single one of these statistical bureaus, but, on the other hand, the bill expressly makes them administrative units in the new department and continues them in existence as they are to-day.

The effect of the pending amendment will be to authorize the secretary of the department of commerce and labor to reorganize that branch of the service and to merge and consolidate all of the statistical bureaus into one and thus dispense with a number of unnecessary organizations. A department of the magnitude of the one about to be created will necessarily be very imperfect at the beginning. It will require time and experience to coordinate the several administrative units that are included in it, and to reduce its work to a business basis. It is necessary that the pending amendment be passed in order that the methods of administration may be perfected and cheapened.

But to recur to the question of reduplication, the Geological Survey and the Census Office are engaged at this time in securing statistics in relation to mines and mining of identically the same character. Under the law the Census Office is charged with collecting and distributing these statistics. A like duty is imposed upon the Geological Survey. So each of these bureaus is sending special agents into the country to the same localities for the purpose of securing identically the same information to transmit to their respective offices, which will be classified, tabulated, and published in independent reports by these two bureaus. There is duplication of work between the Census Office and the Commissioner of Navigation and the Bureau of Statistics in the Treasury Department, the Chief of Engineers of the United States Army, the Division of Statistics in the Agricultural Department, the Department of Labor, the Bureau of Education, and the Bureau of Public Health and Marine-Hospital Service. There is duplication in the work of these several bureaus to such an extent that the same information is collected, published, and disseminated in some instances by four separate offices, each operated independently of the others.

In many respects the methods of collecting and tabulating the information are different, and it leads to confusion and uncertainty. In other instances there are vast discrepancies in the statistics collected by these several agencies, acting independently as they do. The whole situation illustrates the utter want of business methods in this branch of administration.

The Census Office, under the law of 1899, was required to collect and report the crop statistics of the country for the year 1899, which it did. The Statistical Division of the Department of Agriculture is engaged in collecting and distributing crop statistics every year.

For the year 1899 there were vast discrepancies in the reports of those two bureaus. For instance, the Statistical Division of the Agricultural Department showed 588,296,276 bushels of corn less than the quantity shown by the Census Office, 147,211,375 less bushels of oats than were shown by the reports of the Census

Office, 111,230,252 bushels of wheat less than the amount shown by the Census Office, 27,355,543 less tons of hay and forage than were shown by the reports of the Census Office. These are a few of the most glaring discrepancies in the reports of the statistical offices. They are such as to discredit in a large degree the result of the whole system. The idea that a difference of nearly 600,000,000 bushels of corn produced in the country in a single year shown by the official reports of two statistical bureaus is certainly not to be reconciled with anything like respectable administration. These discrepancies give rise to controversies and friction among the several statistical offices.

The Census Office, having been made permanent, is naturally the agency by which statistics can best be collected and distributed for the whole Government. It is one of the very best organized bureaus connected with the Government. The work of that office in taking the Twelth Census, in relation to all that goes to make a census valuable, has never been equaled in the history of the country. It was organized by one whose capacity for executive work is acknowledged by all, and it is now composed of trained and skilled statisticians and experts, and with but little, if any, addition to its force, it can easily collect, classify, and distribute all of the statistics that may be required.

The other offices, in my judgment, should be merged into the Census Office. This is the logical thing to do, and it will dispense with a number of bureaus with high-salaried chiefs, avoid a duplication of work and the publication of numerous reports containing the same matter, and thereby save hundreds of thousands of dollars to the Government and greatly simplify and facilitate the statistical methods of the Government.

I will append to my remarks tables and documents showing the number of statistical bureaus and offices now engaged in that work, extracts from laws showing in part duplications of the work, the duplication of reports, and a table showing discrepancies between the Statistical Division of the Agricultural Department and the Census Office in relation to their crop reports for the year 1899.

APPENDIX.

Estimate of appropriations for the fiscal year ending June 30, 1904.

Offices, bureaus, etc.	Officials and employees.	Amount.
Census Office	661	$1,178,660
Bureau of Statistics (Treasury Department)	48	[a] 73,350
Bureau of Navigation (Treasury Department)	21	26,480
Department of Labor	80	184,220
Bureau of Statistics (Agricultural Department)	[b] 36	[b] 46,960
Collecting agricultural statistics	[b] 39	[b] 109,200
Report on Mineral Resources (Geological Survey)	33	50,000
Bureau of Education	43	52,940
Bureau of Foreign Commerce	6	8,000
Public Health and Marine-Hospital Service, statistical branch (Treasury Department)	3	4,000
Total	970	1,733,810

[a] Includes $11,000 for the collection of facts relative to internal and foreign commerce of the United States and the collection and compilation of statistics of the foreign commerce and productions of Porto Rico and the Philippine Islands prior to 1898.

[b] A total of 75 employees and $156,160 for statistics of the Agricultural Department.

DUPLICATION AS SHOWN BY THE LAWS.

As shown by the following quotations from the laws establishing these bureaus, there is necessarily a duplication in their work if the provisions of the law are complied with.

MINES AND MINING.

Geological Survey.

"Procuring of statistics in relation to mines and mining other than gold and silver."

Census Office.

"To collect statistics relating to * * * mines, mining, quarries, and minerals * * * including gold and silver."

Director of the Mint.

"For the collection of statistics relative to the annual production and consumption of the precious metals of the United States."

AGRICULTURAL STATISTICS.

Division of Statistics, Agricultural Department.

"Collecting domestic and foreign agricultural statistics."

Census Office.

"A census of the agricultural products."

"Collect the statistics of the cotton production of the country."

"Any additional special collection of statistics relating to agriculture * * * that may be required by Congress."

MANUFACTURES.

Department of Labor.

"To compile * * * an abstract of the main features of the official statistics of cities of the United States having over 30,000 population."

"To establish a system of reports by which * * * he can report the general condition, so far as production is concerned, of the leading industries of the country."

"And such other facts as may be deemed of value to the industrial interests of the country."

Census Office.

"To collect statistics of manufactures" at five-year periods.

"Social statistics of cities."

Bureau of Statistics, Treasury Department.

"And such other statistics relative to the trade and industry of the country."

"And arrange for the use of Congress the statistics of the manufactures of the United States, their localities, sources of raw material, markets, exchanges with the producing regions of the country, transportation of products, wages."

Census Office.

Collects and publishes statistics concerning wages, manufactures, agricultural products, and arranges them in a convenient form for publication.

FREIGHT RATES.

Interstate Commerce Commission.

"Such reports shall also contain information in relation to rates or regulations concerning fares or freights."

"Schedules furnished by common carriers shall show rates, fares, and charges."

Division of Statistics, Agricultural Department.

"The freight charges for the chief agricultural products upon the principal lines of railroads."

Transportation by water—Comparisons, United States census and publications of Commissioner of Navigation, Bureau of Statistics, Treasury Department, and Chief of Engineers, United States Army.

United States census.	Commissioner of Navigation.	Bureau of Statistics, Treasury Department.	Chief of Engineers, United States Army.
Vessels, number, kind, and tonnage.	Vessels, number, kind, and tonnage.	Coastwise commerce on the Great Lakes, kind and quantity, by months.	Appropriations and expenditures for waterways.
Geographical distribution with construction during year, and whether in foreign or coastwise trade.	Geographical distribution, with construction during year, and whether in foreign or coastwise trade.	Clearances and arrivals by ports and tonnage.	Commerce of Ohio River, name of boat, terminal point, tons of freight, passengers.
Number of seamen.	Number of seamen.	Coastwise shipments and receipts at various leading ports, by kind and quantities.	Freight and passengers through Portage Lake and Lake Superior canals.
Crews of Great Lake steamers.	Crews of Great Lake steamers.	Coastwise coal shipments from New York, Philadelphia, and Baltimore.	Commercial statistics of American and Canadian canals at Sault Ste. Marie.
Division of labor.	Division of labor.	Railroad-tie shipments from Brunswick, Ga.	Similar statistics for many parts of the United States.
Average wages.	Nationality of men.	Shipments from Southern ports of specified kinds.	
Total wages.	Average wages.	Shipments of flour and grain from New Orleans and Galveston.	
Average tonnage under foreign flags.	Age of seamen.	Texas petroleum shipments.	
Capital invested.	American tonnage under foreign flags.	Phosphate shipments to domestic and foreign designations.	
Cost of operation.	Average freight rates.		
Miles traversed.	American steamship reports.		
Total income.			
Commerce on the Great Lakes, kind and quantity.			
Coastwise receipts and shipments.			
Appropriations and expenditures for waterways.			
Statistics of canals.			

Agriculture—Comparison of United States census and publications of the Division of Statistics, Department of Agriculture.

United States census.	Division of Statistics, Department of Agriculture.
Number, location, size, and value of farms.	"No important change in the crop-reporting system will be recommended until the approaching Federal census shall have furnished the Department with a new and definite statistical basis as to the distribution of crop areas." (P. 54, Yearbook, 1899.)
Farms classified by area, income, value of products, tenure, and color and race of farmer.	* * * "Such a statistical basis as is furnished by the census being indispensable to any proper system of crop reporting." (P. 73, Yearbook, 1900 [as to Hawaii and Porto Rico].)
Value of all kinds of farm products; number and value of all kinds of farm animals.	"Information as to the condition, prospects, and harvests of the principal crops, and of the numbers, condition, and values of farm animals, through separate corps of county, township, and cotton correspondents and individual farmers, and through State agents, each of whom is assisted by a corps of local reporters throughout the State." (P. 668, Yearbook, 1899; and also of other years.)
Farm labor and wages.	"It collects, tabulates, and publishes statistics of agricultural production, distribution, and consumption that authorized data of governments, institutes, societies, boards of trade, and individual experts." (P. 668, Yearbook, 1899; and also of other years.)
Farm machinery.	"It issues a monthly crop report." * * * (P. 668, Yearbook, 1899; and also of other years.)
Series of reports of cotton production from returns of ginners.	Acreage, production, value, and distribution of farm crops, by States. Estimate of the cotton crop, by States and Territories.
	Monthly report of estimated condition of growing cotton crop.
	December report of estimated probable production of cotton for the year.

Publications of different bureaus containing a reproduction or partial reproduction of other reports.

Bureau of Statistics, Treasury Department.	Commissioner of Navigation, Treasury Department.	Geological Survey.	Division of Statistics, Department of Agriculture.
"These statistics * * * to an increasing extent from official reports made by this and other divisions of the public service." (P. 1017, Summary, October, 1902.) Chief of Engineers, U. S. A. United States Commission of Fish and Fisheries. Treasurer of the United States. Comptroller of the Currency. Director of the Mint. Division of Insular Affairs, War Department.	Bureau of Statistics, Treasury Department. United States census. United States Hydrographic Office, Navy Department. Revenue-Cutter Service. Light-House Board.	United States census. Bureau of Statistics, Treasury Department. Commissioner of Navigation. Director of the Mint. United States Engineers.	United States census. Commissioner of General Land Office. Bureau of Foreign Commerce, State Department. "Tables showing the acreage and production of potatoes, hay, and cotton in 1901, left blank in this book, and the number and value of farm animals on January 1, 1901 and 1902, not given now, will shortly be published in circular form. Their nonappearance in the present Yearbook is due to the fact that that revision of the Department's estimates which usually follows upon the publication of the reports of the decennial census, and which has been made in the case of cereals, could not be completed in time for the Yearbook without unduly delaying its publication." (Note on p. 740, Yearbook, 1901.)

Comparisons of United States census and publications of Department of Labor.

United States census.	Department of Labor.
Social statistics of cities. Industrial combinations. Manufacture of gas. Electric light and power plants. Special inquiry concerning street railways. Special report on glass. Special report on iron and steel. Special report on textiles. All four volumes of manufactures. Special report on rates of wages. Special inquiry concerning mines and quarries.	Statistics of cities. Industrial combinations. Water, gas, and electric-light plants. Convict labor. Railroad labor. Cost of production of textiles and glass. Cost of production of iron and steel and the materials of which iron is made. Work and wages of men, women, and children. Rates of wages and hours of labor in commercial countries (compilation of Department figures and data from reports of labor bureaus and other official sources). The Alaskan gold fields.

Mines and quarries—Comparisons of United States census and publications of Geological Survey.

United States census.	Geological Survey.
Character of organization. Capital stock, bonds, and dividends. Persons employed, above and below ground. Total paid in wages or salaries. Number of employees at specified daily rates of pay. Average number. Time in operation. Contract work. Total cost of materials and supplies. Miscellaneous expenses. Total quantity mined. Power owned or rented. Classification, quantities, and value of products, same as Geological Survey. Special reports on petroleum, coke, clay products, and salt.	Total quantity produced. Total value. Number of mines. Tons of coal shipped. Coal sold to local trade or used by employees. Used at mine for steam and heat. Made into coke. Number and kind of machines and firms using machine-mined coal. Average price of coal per ton. Average number of days active. Average number of employees. Coal mined by counties. For most all other minerals only quantity and value. Classification, quantities, and values of products, same as Census Office. Statistics of petroleum, coke, clay products, and salt.

Vital statistics—Comparisons of United States Census Office and publications of the Public Health and Marine-Hospital Service, Treasury Department.

United States census.	Public Health and Marine-Hospital Service.
Number of births, by States, color, and parentage. Number of deaths, by locality, age, sex, occupations; percentage and cause. Annual reports of vital statistics to be made under census act.	Reports of deaths in States and cities with number by contagious diseases. Weekly mortality table for cities of United States, statistics for which are returned on schedules sent out for the purpose. Special statistical treatment of smallpox, plague, cholera, and other contagious and infectious diseases.

Deaf and blind—Comparisons of United States census with publications of Bureau of Education.

United States census.	Bureau of Education.
Sex, age, nativity, occupation, color, conjugal condition of deaf, and cause of deafness. Can person hear with tube, trumpet, or mechanical appliance? Has he attended or does he now attend school? If yes, where? Kind of school, if special, to be specified; if other, write "common school," "high school," etc. Substantially the same for the blind.	Statistics of State institutions for the education of the deaf. Number of institutions by States and Territories. Instructors by sex. Methods of teaching—articulation; auricular perception; industrial department. Number of pupils by sex and by what method taught; number of graduates. Volumes in library. Annual cost per capita. Value of scientific apparatus. Value of grounds and buildings. Expenditures for buildings and improvements. Expenditures for support. Statistics of public and private schools for the deaf. Statistics of the blind, substantially the same as for deaf.

Comparative statistics of the census and the Statistical Division of the United States Department of Agriculture, 1899.

Products.	Unit of measure.	Census.	Agricultural Department.	Difference, using census figures as the basis.
Barley	Bushels	119,634,877	73,382,000	− 46,252,877
Buckwheat	do	11,233,515	11,094,473	− 139,042
Corn	do	2,666,440,279	2,078,144,000	−588,296,279
Cotton	Bales	[a] 9,524,707	[a] 9,142,838	− 391,869
Flaxseed	Bushels	19,979,492	20,086,000	+ 106,508
Hay and forage	Tons	[b] 84,011,299	[b] 56,655,756	− 27,355,543
Hops	Pounds	49,209,704	42,354,000	− 6,850,704
Oats	Bushels	943,389,375	796,178,000	−147,211,375
Potatoes	do	273,328,207	228,783,232	− 44,544,975
Rye	do	25,568,625	23,962,000	− 1,606,625
Sugar beets	Tons	793,353	794,658	+ 1,305
Tobacco	Pounds	[c] 868,163,275	[c] 868,163,275	
Wheat	Bushels	658,534,252	547,304,000	−111,230,252

[a] Comparison made in commercial bales.
[b] The Department of Agriculture did not include forage.
[c] The Department of Agriculture used figures of the census.

Mr. CRUMPACKER. Mr. Chairman, I would ask if there has been an order made for the extension of remarks in the RECORD?

Mr. HEPBURN. There has been such an order made.

The CHAIRMAN. The Chair is informed that a general order has been made to that effect.

Mr. CRUMPACKER. Then I will avail myself of that order to put in shape these various tables which I have.

The CHAIRMAN. Without objection, the amendments will be considered together.

There was no objection.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois.

The amendments were agreed to.

Mr. COWHERD. Mr. Chairman, I offer an amendment which I will send to the desk and ask to have read.

The Clerk read as follows:

Insert in line 18, page 10, after the word "latter," the following: "The Director of the Census to receive a salary of $4,000 per annum."

Mr. MANN. Mr. Chairman, on that I make the point of order.

Mr. COWHERD. I supposed the gentleman would do so. I desire to be heard on that, Mr. Chairman, if the gentleman from Illinois does not desire to discuss his point.

The CHAIRMAN. Does the Chair understand that the gentleman from Illinois reserves the point of order?

Mr. MANN. I am perfectly willing to reserve it.

Mr. COWHERD. I wish to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I take it that that amendment is not germane to this bill. The only reference in the bill to the Census Office is to transfer the Census Office bodily from the Interior Department to the proposed new department. It is not a

bill fixing salaries or regulating salaries in any way whatever in the sense it is offered, and I do not see how a proposition to review the law creating the Census Bureau would be germane to a bill merely proposing to transfer an entire department from one executive branch of the Government to another.

Mr. CRUMPACKER. Mr. Chairman, I would suggest an additional thought on that question. This bill is for the purpose of creating a department of commerce. As was said by the gentleman from Illinois, it does not go into the subject of revising salaries at all. It became necessary to fix the salaries for the new offices created, and to that extent it deals with the salary question. Beyond that it does not go. The Census Office is incorporated into the department of commerce with its functions and organization unimpaired. The salaries are fixed by an independent law, and it occurs to me that the proposition now to go into the subject of revising salaries in the Census Bureau, or the salary of the Director of the Census or any of the officers included within that Bureau, is not germane. It is an incidental subject. As well might we go into the subject of fixing the salaries of the chiefs and subordinates of all the other bureaus that are transferred to the department of commerce by the force of this bill. The idea of the bill is first to create a department of commerce and to provide what bureaus shall become parts of that department and, second, to define the functions of the department and these respective bureaus included therein and to create salaries simply for the new officers that are made necessary to carry out the purpose of the bill. Therefore the subject of amending the laws and fixing the salaries that are already fixed, it appears to me, is clearly out of order.

Mr. COWHERD. Mr. Chairman, the gentleman must understand that this is not a general appropriation bill. This is a bill creating a new department. This is original legislation.

This bill takes the Census Bureau as it stands now and transfers it to this department and puts it under another head. And they might add other official duties to that Census Bureau by that bill, or they might take them away. They do take them away. In this particular bill they provide for a bureau that shall have charge of manufactures and the gathering of manufacturing statistics, taking it directly away from the Census Bureau, as it stands to-day. They provide for the gathering of statistics in regard to corporations. That is done in part by the Census Bureau to-day. Will the gentleman pretend to say that they will come here with a bill that creates a bureau, regulates it, and may increase it or diminish it, and yet that you can not fix a salary?

This bill fixes salaries. It fixes the salary of the head of nearly every other bureau in that department except this one Bureau of the Census, and it does not fix that salary because the salary is already so high that they know they can not fix it any higher.

Now this is on the point of order, and I say that this House has the right when this bill is up before it, and this proposition for original legislation is up before it, that the majority of this House has the right to change, alter, or amend that salary, or any part of that census law affecting his duties, in any way it pleases.

The CHAIRMAN (Mr. LAWRENCE). This is a bill to establish a department of commerce and labor. It is not a general appropriation bill; it is new legislation. It creates new offices and fixes salaries. It transfers certain departments and certain officials to this new department of commerce. In section 12 it gives the Secretary of State the power to designate a certain person who shall perform certain duties, and in that connection gives him the rank and salary of a chief of a bureau. It is new legislation, creates new officials, creates new salaries, and the Chair is of the opinion that an amendment changing the salary of any official who is transferred to this bureau is in order. The Chair therefore overrules the point of order.

Mr. COWHERD. Mr. Chairman, I want to be heard just for a moment on the merits of the amendment. As I have said, this bill creates several bureaus in this department, several different bureaus of statistics. To each of these officials it gives a salary. Here is the head of the great Bureau of Labor transferred to this new department of commerce. That Bureau of Labor has charge of possibly the most important matter, in the number of people affected, in the amount involved as far as money is concerned, if we take into consideration the compensation paid for labor. The head of that great Bureau, with the great responsibility imposed upon him, is given $4,000 per annum. Here is the bureau of manufactures, a bureau of great importance, if it is to amount to anything.

Mr. HEPBURN. Do I understand the gentleman to say that the compensation of the Commissioner of Labor is $4,000?

Mr. COWHERD. Four thousand dollars or $4,500, I do not remember which.

Mr. HEPBURN. Is it not $6,000?

Mr. COWHERD. In this bill?

Mr. HEPBURN. No, sir; provided for by law and not changed in this bill.

Mr. COWHERD. I understand it is in this bill, if I remember rightly.

Mr. HEPBURN. Oh, no.

Mr. COWHERD. I may be mistaken with regard to that. I would not pretend to the familiarity that the gentleman has with the bill.

Mr. HEPBURN. I think there is no salary fixed in this bill, excepting for the new officers.

Mr. MANN. If the gentleman will pardon me——

Mr. COWHERD. If the gentleman says that is true, I will accept his statement, because I know he is far more familiar than I am with the provisions of the bill.

Mr. MANN. The salary of the Commissioner of Labor is fixed by the act creating the Department of Labor at $5,000, and that salary is not interfered with.

Mr. COWHERD. Then that salary will stand at $5,000 for that great officer; and the man who has charge of gathering the census statistics, a large part of which are taken away from him in this bill, is to get $6,000. If gentlemen want to support that kind of discrimination and distinction——

Mr. LITTLE. Against labor.

Mr. COWHERD. A distinction against labor, as suggested by my friend on my left, why, then, they can do it. Here is the bureau of insurance, but that I believe has gone out. Here is the bureau of manufactures, the head of which receives the salary of $4,000. Here is the bureau of corporations with a salary of $4,000. I do not know what others are included, as I have not had opportunity to go over the bill for the purpose of collating these fact. The point I make——

Mr. MANN. There is nothing else.

Mr. COWHERD. The point I make is this: That here are all these great bureaus in this department, and not one of them, so far as I can find, has the salary or anything like the salary given the head of the Census Bureau. Now, what reason can be given that this officer should have so much greater salary than any other head of a bureau?

Mr. JONES of Washington. I want to suggest to the gentleman that in section 2 the assistant secretary gets $5,000.

Mr. COWHERD. I was looking for that. I was looking for the assistant's salary created and provided for in this very bill; and he is to receive a salary of $5,000 as provided in section 2, that we have already passed. I submit to the House that the House in creating this department can not afford to make these distinctions in the very department itself. There never was a good reason for giving the head of a bureau $6,000. It is unfair to all the other heads of the great bureaus of this Government, and we can not correct it on an appropriation bill. We know we will never be given a chance to do so in an original bill brought in by the committee in charge of the Census Bureau; and therefore let us take the opportunity when it is here and make the proper correction in this salary. [Applause.]

Mr. MANN. The gentleman from Missouri is mistaken in the last statement he makes, because it is in the power of Congress at any time, on an appropriation bill, practically to reduce the amount of salary, notwithstanding what the law may provide; and we remember that on appropriation bills constantly there is carried a smaller amount of salary than the law provides shall be paid. So that it is within the power of Congress at any time, and this identical question was raised before this House less than a month ago upon the legislative appropriation bill by the same gentleman who raises it now. We have not proposed in this bill to disturb or rearrange a salary. It is not the province of the committee which reports the bill to do that. It ought not to be the duty of the House to do it upon the consideration of this bill. It is immaterial to me what the salary of the Director of the Census shall be, except so far as may be proper for the public good. This is not the time or place——

Mr. COWHERD. Will the gentleman yield to me for a question?

Mr. MANN. Why, certainly.

Mr. COWHERD. I understand the gentleman says that I made the motion to reduce the salary before, and it was held good on an appropriation bill. Now, I ask the gentleman if it is not a fact that the gentleman from Indiana, and, I think, the gentleman from Illinois, made the argument that even if on an appropriation bill you did reduce the salary in making the appropriation, that the party still under the law would be entitled to $6,000 and could go into the Court of Claims and get a judgment for it?

Mr. MANN. If the gentleman wants my recollection, my recollection is that they did not make that argument.

Mr. COWHERD. On the floor of this House.

Mr. MANN. But whether they did or not, it is not a correct statement. There are plenty of cases upon the statute books now where an appropriation is made for less than the amount provided by law on salaries, and on every one of the appropriation bills, and the appropriation bill which we were considering, it is

provided that the gentleman who takes the salary should receive it in full, and the chairman of the committee, upon the gentleman's motion, decided that it was in order. So that the gentleman's contention is entirely erroneous.

Mr. COWHERD. The gentleman does not touch the point. He decided it was in order to vote a less amount of money in an appropriation bill to pay the salary. The point made was that you can not change the existing law, which fixed the salary at that amount, on an appropriation bill; and in that decision he decided that you can not change the law, but it was simply a matter of appropriation. [Applause.]

Mr. MANN. The gentleman from Cincinnati, with his usual high knowledge on great questions of appropriations, applauds the idea of the distinguished gentleman from Missouri. Every appropriation bill contains a provision that the person taking the salary shall receive it in full.

Mr. SHATTUC. Will the gentleman yield to me for a question?

Mr. MANN. I am always delighted to yield to the distinguished gentleman.

Mr. SHATTUC. Some time ago when we were making provision for the Civil Service Commission, it was decided by all the constitutional lawyers on that side of the House that if you cut out the salaries of that Commission they could go to the court and get their salaries. The gentleman from Ohio [Mr. GROSVENOR] proclaimed that as correct, and I have as much confidence in his judgment as I have in the gentleman's judgment.

Mr. MANN. The gentleman says that he confides in the judgment of the gentleman from Ohio as better than mine. If his judgment on other questions were half as good as is his judgment as to our respective judgments, his judgment in this case would be changed. [Laughter.] It is undoubtedly true that if any salary were stricken out of the appropriation bill the officer could go to the Court of Claims to have the salary allowed as fixed by law; but when he receives the reduced salary it is taken in full. Now, I appeal to the House not to enter upon the question of fixing salaries upon this bill. That is a matter within the control of the House at any time. It is unfair to all gentlemen interested, not only to the most able Director of the Census, but all other gentlemen interested in the salaries of the different departments to enter upon that question upon this bill; and I hope the amendment of the gentleman will not prevail. [Applause.]

Mr. MORRIS. Mr. Chairman, it does not make any difference to me whether the salary of an officer can be changed in an appropriation bill at any time or not. The question before the House is whether or not on this bill the salary of the Director of the Censur shall be reduced from $6,000 to $4,000 per annum.

Now, Mr. Chairman, when we organized the permanent Census Bureau that question was fully and fairly and completely discussed in the House. The important duties and responsibilities of that officer were carefully gone over and his salary was fixed, after careful consideration by this House, at the amount at which it now stands. It seems to me to be eminently unfair and eminently improper that when a measure is brought in here dealing with an entirely different subject, and having nothing to do with the salaries of any officers except those created by the bill, you should single out that most efficient officer, whose management of that Bureau is universally recognized as the best it has ever had, the Director of the Census, to be the man whose salary is to be cut down in a bill in which it can be given no proper consideration. I protest that this should not be done.

Mr. HAY. Mr. Chairman, I simply want to say that I do not see why the Director of the Census should be chosen for the purpose of having his salary reduced in this bill. There are others whose salaries are equally as high. The duties of the Director of the Census are most important. He has under his control a very large number of clerks, and the argument of the gentleman from Missouri that certain statistics are to be taken from him and placed under some other bureau, I do not think, upon examination of this bill, can be maintained. All of the statistics which the Director of the Census now has he will retain, and in all probability a great many more will be placed under his charge.

Now, the Director of the Census is not the only man in the Government bureaus who gets $6,000 a year for presiding over a bureau, some of very much less importance than that which is presided over by him. I do not think it fair in a bill of this character to inject an amendment for the purpose of reducing one man's salary and not others. If you want to make them all uniform, introduce an amendment making them all uniform, and do not pick out one man and undertake to make him suffer for I know not what.

Mr. CRUMPACKER. Mr. Chairman, I have a few figures that I want to submit on this amendment. The gentleman from Missouri instituted a comparison between the work of the Census Bureau and the Bureau of Labor, which he said was of vastly more importance than the Census Bureau. I have before me the number of employees in these respective bureaus. To-day the Census Office has 661 employees or clerks and subordinates, over whom the Director has control, and the Commissioner of Labor has charge of 80 employees only. Everybody in the House knows something about the stupendous work of the Census Bureau.

Mr. COWHERD. Will the gentleman allow me an interruption?

Mr. CRUMPACKER. Certainly.

Mr. COWHERD. How many men has the Chief of the Bureau of Pensions under him?

Mr. CRUMPACKER. I do not know—fifteen or sixteen hundred, I believe.

Mr. COWHERD. Double as many as the Chief of the Census Bureau, and he does not get as much salary.

Mr. CRUMPACKER. There is a radical difference between the functions of the Director of the Census and the Commissioner of the Bureau of Pensions. The Pension Office is ministerial from beginning to end, while the Director of the Census in a large degree exercises discretionary functions. His work is of vast and varied character, relating to all of the activities of our civilization, almost, and every member of this committee knows the arduous and responsible work required in organizing the Census Office for the purpose of taking the recent census, when there were for several years in that department over 3,500 clerks.

If I have any correct appreciation of the value of this measure, it will result in combining practically all the statistical work in the Census Office. It is to be essentially a statistical department. The head of the bureau that collects statistics will occupy a more responsible and important and more onerous position than the head of the department or of most any other bureau.

Mr. TAWNEY. Will the gentleman allow me a question?

Mr. CRUMPACKER. Yes.

Mr. TAWNEY. The gentleman from Indiana is a member of the Census Committee. Can he state to the House how the present Census Bureau, under the present Director, compares with the previous Census Bureau, both as to the time in which it did the work and the manner in which it was done?

Mr. CRUMPACKER. The judgment of all the interests of the country is that it far surpasses the work of the Eleventh Census, and has never been excelled, if ever equaled, by any census that the Government has taken.

Mr. BURLESON. I would like to ask the gentleman if it is not a fact that it has been more expeditious and accurate than any other census we have taken?

Mr. CRUMPACKER. That is a fact.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Missouri [Mr. COWHERD].

The question was taken; and on a division (demanded by Mr. COWHERD) there were 26 ayes and 73 noes.

Mr. COWHERD. Mr. Chairman, I move now to amend by adding after the word "latter," in line 18, page 10, the words "the Director of the Census shall receive $5,000 per annum."

Mr. HAY. I rise to a point of order. This amendment, I understand, is the same as one already voted on.

Mr. COWHERD. Oh, no. The other amendment proposed a salary of $4,000; this is for $5,000.

Now, Mr. Chairman, just one word upon this proposition. I presume the gentlemen who have reported this bill do not wish to provide for a Director of the Census as a subordinate of this Assistant Secretary and to give him a larger salary.

A MEMBER. Why not?

Mr. MANN. Let me say for the gentleman's information that there are a great many officers connected with the Treasury Department, and under the Assistant Secretary of the Treasury, who receive a much larger salary than that officer.

Mr. COWHERD. What do the chiefs of bureaus receive generally? What is the general salary?

Mr. MANN. There is no such thing as a general salary. Some receive $3,000, some $4,000, some $5,000, some $6,000.

Mr. COWHERD. Is not the average salary of a chief of bureau $2,500 or $3,000?

Mr. MANN. The Commissioner of Internal Revenue receives $6,000; and even the Librarian of Congress receives $6,000.

Mr. HEPBURN. Allow me to ask the gentleman from Missouri [Mr. COWHERD] whether he did not vote for the legislation which fixed the salary as it is now fixed for this officer?

Mr. COWHERD. I really do not remember. I do not know that there was any formal vote.

Mr. HEPBURN. We did not have the yeas and nays upon the question; there was an attempt made to secure the yeas and nays, and only a few gentlemen in the House rose in favor of that demand.

Mr. COWHERD. My remembrance is, as I was against the bill creating the permanent Census Bureau, that I voted in the negative on this question.

Mr. BURLESON. If the gentleman did vote to fix the salary at the present figure, why does he now seek to cut it down, when the labors of the Bureau are being constantly increased?

Mr. COWHERD. I do not believe the gentleman's statement

that the labors of this officer are constantly increasing can be borne out by the fact.

Mr. BURLESON. The records of Congress sustain the proposition.

Mr. COWHERD. I believe, if the facts were known, it would appear that the labors of this bureau are at this time exceedingly light.

Mr. BURLESON. They are being constantly increased.

Mr. COWHERD. They are not increased, but decreased by this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. COWHERD].

The question being taken, the amendment was rejected, there being, on a division—ayes 42, noes 56.

The CHAIRMAN. The Clerk will now read the next section of the bill.

The Clerk read as follows:

SEC. 5. That there shall be in the department of commerce and labor a bureau to be called the bureau of manufactures, and a chief of said bureau, who shall be appointed by the President, and who shall receive a salary of $4,000 per annum. There shall also be in said bureau one chief clerk and such other clerical assistants as may from time to time be authorized by Congress. It shall be the province and duty of said bureau, under the direction of the secretary, to foster, promote, and develop the various manufacturing industries of the United States, and markets for the same at home and abroad, domestic and foreign, by gathering, compiling, publishing, and supplying all available and useful information concerning such industries and such markets, and by such other methods and means as may be prescribed by the secretary or provided by law. And all consular officers of the United States, including consuls-general, consuls, and commercial agents, are hereby required, and it is made a part of their duty, under the direction of the Secretary of State, to gather and compile, from time to time, useful and material information and statistics in respect to the subjects enumerated in section 3 of this act in the countries and places to which such consular officers are accredited, and to send, under the direction of the Secretary of State, reports as often as required of the information and statistics thus gathered and compiled, such reports to be transmitted through the State Department to the secretary of the department of commerce and labor.

Mr. MANN. I offer the amendment which I have sent to the desk.

The Clerk read as follows:

Amend section 5 by striking out in lines 3 and 4, on page 12, the words "one chief clerk and," and in line 4 the word "other."

The amendment was agreed to.

Mr. SULZER. I desire to offer an amendment; and I ask unanimous consent for ten minutes to address the committee upon it.

The CHAIRMAN. The gentleman from New York [Mr. SULZER] asks unanimous consent to address the committee for ten minutes. Is there objection? The chair hears none.

Mr. SULZER. Mr. Chairman, I now offer the amendment which I ask the Clerk to read. I propose that it come in as section 6.

Mr. CORLISS. I make the point that the sixth section has not yet been read.

The CHAIRMAN. The Chair will state that section 6 has not yet been read.

Mr. SULZER. This is designed to follow section 5.

The CHAIRMAN. Then the gentleman offers it as a new section.

Mr. SULZER. Yes, sir.

The Clerk proceeded to read the following amendment proposed by Mr. SULZER:

SEC. 6. That there shall be established in the department of commerce and labor a bureau called the bureau of corporations, and a chief of said bureau, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of $4,000 per annum. There shall also be in said bureau one chief clerk and one auditor and such number of examiners as shall be needed to carry out the purposes of this act. Said auditor and examiners shall be expert accountants, and shall be paid salary and necessary expenses. There shall also be such other clerical assistants as may from time to time be authorized by Congress. It shall be the province and duty of said bureau of corporations, under the direction of the secretary of commerce and labor, to inspect and examine all corporations engaged in interstate or foreign commerce by gathering, compiling, publishing, and supplying all available and useful information concerning such corporations, including the manner in which their business is conducted, and by such other methods and means as may be prescribed by the said secretary.

Every corporation governed by this act shall make annual reports in writing to the said auditor of said bureau, and such report shall in all cases include:

(a) Capital authorized and issued; the amount paid up in cash or otherwise, with a statement of the method of paying where it is not in cash.

(b) Debts, including details as to the amount thereof and security given therefor, if any.

(c) Obligations due from officers, which shall be separately stated.

(d) A statement of assets and the method of valuing the same, whether at cost price, by appraisal, or otherwise, and of the allowance made for depreciation. Small items of personal property included in a plant may be described by the term "sundries" or like general term.

(e) Gross earnings for the period covered by the report, all deductions necessary for interest, taxes, and expense of all sorts, the surplus available for dividends, and dividends actually declared.

(f) Increase of assets since the last statement, with a showing in what way such increase has been secured.

(g) The names and addresses of stockholders, with the number of shares held by each at the date of the report.

(h) The amount of stock disposed of and the amount of property taken for stock sold since the last report, with all facts necessary to show the results of the transaction.

(i) A statement showing that the corporation in question has not, during the period covered by the said report, received any rebates, drawbacks, special rates or discriminations, advantages or preferences, by money payments or otherwise, from any railroad, pipe line, water carrier, or other transportation company, or if any such have been received or given, stating when, from whom, on what account, and in what manner they were so received, with all other details necessary to a full understanding of the transaction or transactions.

(j) The names and addresses of all officers; location of transfer or registry offices, wherever located.

(k) A statement that the corporation has not fixed prices, or done any other act with a view to restricting trade or driving any competitor out of business.

(l) A statement that the corporation is or is not a party to any contract, combination, or conspiracy in the form of trust or otherwise in restraint of trade or commerce among the several States or Territories or with foreign nations.

(m) A statement of the proportion of goods going into interstate commerce.

That it shall be the duty of the auditor to prescribe the form of the reports before mentioned. He may in his discretion require additional reports at any time when he may see fit, upon reasonable notice; but his determination shall be prima facie proof that the notice is reasonable. He may also require supplemental reports whenever, in his judgment, the report rendered is in any particular or particulars insufficient, evasive, or ambiguous. He may prescribe rules so as to avoid undue detail in making reports, but no detail of the business of the corporation shall be considered private so as to be exempt from the examination of the auditor whenever he may demand report thereon. He shall make public in his reports, which shall be issued annually, all the information contained in the reports so made to him. When a report has been made by a corporation, and, with all supplemental and additional reports required by the auditor, shall have been approved by him, the corporation making such report or reports shall publish the same in a daily newspaper, after the usual custom in such cases, with the auditor's minutes of approval, and shall file with the auditor proof of such publication by the publisher's certificate.

That if any corporation shall fail to make a report when required, either by the terms of this act or when required by the auditor, as herein provided, said corporation shall be fined not less than 1 per cent or not more than 10 per cent of its last annual gross earnings for each offense. Every day of failure after a written demand has been made by the auditor shall constitute a separate and distinct offense. In case of failure, also, each of the directors of the said corporation shall be ineligible, for the year succeeding the next annual meeting, to hold either directorship or any other office in the said corporation. If such report is false in any material respect, the corporation shall be fined not less than 2 per cent and not more than 20 per cent of its last annual gross earnings, and each false statement in any material matter shall constitute a separate offense. All fines and penalties imposed by this act shall be recovered or enforced in any court of competent jurisdiction.

That it shall be the duty of examiners, under the direction of the auditor, to make examinations of any corporation governed by this act. Any of said examiners presenting his official credentials shall be furnished by the officers of the corporation every facility for complete and full examination, not only of the books, but of all property, records, or papers of the corporation which may be necessary, in the judgment of the examiner, for a complete knowledge of the affairs of the concern. Such examinations shall not be at fixed periods, but shall be at such times as the auditor shall fix and without notice. Examiners shall have the power to examine under oath all officers or employees of a corporation, or any other persons having any knowledge of its affairs, and to send for, demand, and inspect books, papers, and any other matter of evidence whatever which is in the possession or control of the said corporation. For the purpose of this act examiners shall have power to require, by subpœna, the attendance and testimony of witnesses under oath and the production of all books, papers, contracts, agreements, and documents relating to any matter under investigation. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. And in case of disobedience to a subpœna the examiner may invoke the aid of any court of the United States in requiring such attendance.

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any corporation subject to the provisions of this act, or other person, issue an order requiring such corporation or other person to appear before said examiner and produce books and papers, if so ordered, and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence or testimony shall not be used against such person on the trial of any criminal proceeding. The auditor shall likewise have all the authority of an examiner in any case wherein he chooses himself to act. No examiner shall be assigned to examine any corporation who is himself interested in the business thereof, or any competing concern, or who has relatives who are so interested.

That it shall be unlawful for an examiner to divulge private business, except by his report to the auditor. But such report, or the substance thereof, shall be opened for public inspection. Each examiner shall follow the rules, regulations, and directions which the auditor may from time to time lay down or communicate to him as to the method of examination, the form of report, the matters to be covered by the said examination, and all matters pertaining to his duties. Said examinations and reports shall always cover, among others, the following questions:

(a) Has the said corporation, during the period covered by the examination and report, received any rebates, drawbacks, special rates, or other discriminations, advantages, or preferences, by money payments or otherwise, from any railroad, pipe line, water carrier, or other transportation company?

(b) If there have been such preferences, when were they received, from whom, on what account, and in what manner, giving all details necessary to a full understanding of the transaction?

(c) Is the said corporation a member of any combination having or intending to secure a monopoly of any commodity other than such monopolies as are legally granted by patent or otherwise?

(d) Has the said corporation any such monopoly, or does it use methods tending to secure such monopoly?

(e) Has it made any contracts or agreements tending to secure any such monopoly to itself or any other concern, whether owned by an individual or individuals, a corporation, or some combination of individuals and corporations?

(f) Is such corporation a party to any contract, agreement, or combination, in the form of a trust or otherwise, in restraint of trade or commerce among the several States or with foreign nations?

(g) Has the corporation purchased or does it hold the stock of any corporation for the purpose of controlling its management?

Said reports of examiners shall be prima facie true and may be introduced in evidence in all courts to prove the facts therein set forth. Copies certified by the auditor shall be admissible with like effect and under the same circumstances as the original. The word "corporation" wherever used in this

act shall be deemed to include associations existing or authorized either by the law of the United States, the laws of any State, or the laws of any foreign country.

Mr. MANN (before the reading of the amendment was concluded). I ask the attention of the gentleman from New York [Mr. SULZER].

Mr. SULZER. I decline to be interrupted during the reading of the amendment.

The CHAIRMAN. The Clerk will finish the reading of the proposed amendment.

Mr. MANN. I ask the courtesy of the gentleman from New York——

Mr. SULZER. I must decline. An interruption now would simply take up my time.

Mr. MANN. I am sorry that the gentleman has not read the bill.

The CHAIRMAN. The Clerk will resume the reading of the amendment.

The reading of the amendment was resumed and concluded.

Mr. SULZER. Mr. Chairman, regarding this amendment I want to say that on the 2d day of May, 1902, I introduced in this House a bill to establish a department of commerce, and the amendment just read is section 5 of that bill. The bill was referred to and considered by the Committee on Interstate and Foreign Commerce. I appeared before that committee in favor of my bill to establish a department of commerce, and so did a number of distinguished gentlemen representing commercial bodies, labor organizations, the American Anti-Trust League, and other associations which are in favor of publicity in regard to the great trusts of our land.

All of these gentlemen advocated my bill or the incorporation in the department of commerce bill of a provision similar to the amendment just offered by me. The committee did not see fit to do that. They left it out of the bill they reported and now before the House. I simply ask at this time to have that amendment read, so that every member and the country may understand it. I ask now unanimous consent to have it considered as pending, so that the members of the House may have an opportunity to read it in the RECORD to-morrow.

Mr. HEPBURN. Mr. Chairman, that goes into the RECORD.

Mr. SULZER. I know it does, but I want it pending for a time to give members a chance to read and study it.

Mr. MANN. The gentleman asked to have it be considered as pending.

Mr. SULZER. I ask unanimous consent that the amendment be considered as pending, so that members can read it in the RECORD and vote on it intelligently.

The CHAIRMAN. To be voted upon after the reading of the bill is concluded?

Mr. SULZER. Yes; that is my request.

The CHAIRMAN. Let the Chair state the request. The gentleman from New York asks unanimous consent that the amendment which he has offered may be considered as pending, to be voted upon when the reading of the bill is concluded. Is there objection?

Mr. MANN. Mr. Chairman, to what portion of the bill is the amendment offered?

The CHAIRMAN. It is offered as a separate section.

Mr. MANN. Mr. Chairman, as the gentleman can offer his amendment at the proper place at any time, if he is in his seat, I object to the request.

Mr. SULZER. I only ask it in order to give every member an opportunity to familiarize himself with it.

The CHAIRMAN. Objection is made. The question is on the amendment offered by the gentleman from New York.

Mr. SULZER. Mr. Chairman, one moment; has my time expired?

The CHAIRMAN. It has not.

Mr. SULZER. Then, Mr. Chairman, I desire to state briefly that this amendment brings before the House, as clearly and as positively as any proposition can, the question of whether the members of this House are in favor of publicity regarding the trusts or not. If we are sincerely in favor of publicity regarding the trusts we can not, it seems to me, object to this amendment. If we want publicity we can not object to the establishment of this bureau of corporations in the department of commerce and labor, for it is something which will create publicity and secure the information the Attorney-General says he wants in order to enforce the antitrust laws.

In my opinion it is the best plan for publicity yet devised, and will secure the information that every citizen wants regarding the conduct and the management of the great trusts of our country, and go far, in my judgment, to prevent the trusts from violating or evading the law now on the statute books against trusts and monopolies. It has been stated by those more competent to judge perhaps than myself that if this amendment were a law no trust in this country, no corporation, no monopoly, would or could violate the law.

Besides, it would secure all the information desired, and if the laws were violated the Attorney-General would have officially the facts to proceed forthwith and punish such violations. It would prevent the excuse now offered by the Department of Justice.

I think this amendment ought to be adopted. It will be if those who oppose trusts and monopolies and want publicity regarding them, so that the truth shall be known, vote for it. So I offered this amendment to find out and have the country know the names of the members who are sincerely in favor of publicity and who are not. Let the record tell. Now is the time to stand by your professions and live up to your promises. [Applause.]

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from New York.

Mr. MANN. Mr. Chairman, the report of the bill from the committee provides for a bureau of corporations for the very purpose of providing an executive agency on publicity. Probably this side of the House would not always feel disposed to accept the language arranged by the gentleman from New York [Mr. SULZER] in reference to the method of obtaining publicity.

Very likely the other side of the House will accept the leadership of the gentleman from New York on this question. If so, we shall be content, but the committee which reported the bill has been rather inclined to await the report of the gentlemen from the Judiciary Committee, from both sides of the House, who are engaged in endeavoring to find a proper solution of the method of publicity. There is no disposition on the part of the committee which reported the bill, no disposition on the part of this House, to refuse proper legislation to effect publicity, but, with all due respect to the distinguished gentleman from New York [Mr. SULZER], I trust that we may be forgiven if we do not always adopt his views upon this subject.

Mr. HENRY C. SMITH. Mr. Chairman, I desire to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. Certainly.

Mr. HENRY C. SMITH. The section to which the gentleman refers as creating this bureau of corporations, I take it, is section 7?

Mr. MANN. Section 7.

Mr. HENRY C. SMITH. I would ask the gentleman's construction as to what powers such a bureau would have. I have read the section hastily and it seemed to me that it did not give the bureau very much, if any, power to get the information.

Mr. SULZER. That is quite true.

Mr. MANN. There is no doubt whatever, Mr. Chairman, that section 7, as it reads in the bill, will not confer upon the bureau of corporations the power to compel the giving of information, and in that respect it might be said to be defective and clearly would be defective if it were not the purpose to follow it up with additional legislation; but we all know that the members of this House and the members of this Congress are proposing to have additional legislation, and if this bill becomes a law and this bureau of corporations is created, undoubtedly there will be conferred either upon the bureau itself or upon the department the necessary powers to carry out the idea for which the bureau is created.

If it is the preference of the House to take the suggestions—admirable in their nature, but more or less crude in the drawing of the language—of the gentleman from New York, very good; but I should prefer that the House should have the information which comes from the distinguished Judiciary Committee of this House, which intends, as I understand, to report some kind of a bill to the House covering ground like this.

Mr. SULZER. Oh, yes; they will doubtless report a bill some time, some how, some way, and too late in the closing days of this session of Congress ever to pass before we adjourn. You may pass some kind of a bill through the House only to die in the Senate. It is the old, old story.

Mr. THAYER. Mr. Chairman, I have been waiting in this House for three years to see what action would be taken that would amount to anything to clip the wings of the trusts, and it is immaterial to me whom I am following if the road is clear, whether it be the gentleman from New York [Mr. SULZER] or the gentleman from Illinois [Mr. MANN]. I am here to help do something to curtail the increasing power of the trusts, and it is immaterial to me who leads in this, to my mind, good work.

Here is an amendment which proposes some practical legislation to make public the acts and doings of the great trusts and combines of this country, and the gentleman from Chicago [Mr. MANN] fails entirely to point out in this amendment anything which he thinks even is obnoxious, or is not in accordance with his views. He simply wishes to put off the matter to a more convenient time. It is the same old plea. We have been told, from the President of the United States down, that something should be done to make public the conduct of the trusts. Publicity is the great question which the public is demanding to-day of these corporations. Now, if the gentleman from Illinois [Mr. MANN] can not find any fault with this amendment, if he is simply waiting

for something better, why not point out what is wrong in this bill, which is specific, directing, and comprehensive? We are confronted with the proposition now whether we shall do something or continue to do nothing, as we have for the last three years. Let us not dodge or evade our responsibility. The country is looking and waiting to see if we will keep our promises and do something to give publicity to the working of the trusts.

Mr. MANN. The gentleman will pardon me for saying that while it possibly is negligence on my part, I never have read the proposition of the gentleman from New York. It may be heavenly for aught I know. It may be perfect; but I should prefer to have it presented to the House in such a way that it can be properly considered by the committee.

Mr. THAYER. Unless the gentleman from Illinois is deaf, he must have heard the reading of it, line by line and word by word, with the last ten minutes.

Mr. MANN. Well, I am not as smart as the gentleman from Massachusetts, if he can understand it from hearing it read.

Mr. THAYER. I hope the opportunity will be granted for gentlemen of this House to discuss and analyze this amendment. I think it comes nearer to the bull's-eye than anything that has been presented. I had occasion to vote with the majority of this House for a constitutional amendment in the last Congress which it was never intended should be passed by the coordinate branch at the other end of this building and which I had very grave doubts about our right to pass; but I want to do something while I am a member of this House or help others in doing something that will make public the acts of the trusts, a proposition which all parties agree is needed, and something that will in some measure satisfy the public. This amendment provides for the very thing we have been discussing here for the last four years. The opportunity is now here. Now is the accepted time; now is the day of salvation for those who do not believe in permitting these trusts to go on in the way they have been going.

Mr. SULZER. Mr. Chairman, I desire to say just a few words more. In discussing this amendment after it was offered the gentleman from Illinois [Mr. MANN] said it was crude. That is the word I believe he used. Subsequently, in answer to the gentleman from Massachusetts [Mr. THAYER], the gentleman from Illinois said he never read the amendment, that he had not heard it read, that he knew nothing whatever about it. It seems to me, sir, it comes with very bad grace for the gentleman from Illinois to characterize an amendment as crude that he has never read and never heard read. But it is characteristic of the gentleman, and shows how much reliance should be given his speech.

And yet, Mr. Chairman, this amendment has been pending before his committee ever since the 2d day of last May. And further, sir, he was present in the Committee on Interstate and Foreign Commerce when a delegation of the distinguished and representative gentlemen with myself went before his committee and urged a favorable report on my bill, or at least the incorporation of this amendment, being section 5 in my bill, in a bill creating a department of commerce. He heard every word of that discussion. He asked questions of the gentlemen on that occasion. That discussion is printed. Any member can get a copy of it. It is a part of the records of the Committee on Interstate and Foreign Commerce on this bill.

It is too late for him now to say that he never read, or heard read, the amendment. In my opinion, he knows all about it, or he would not now oppose it so tenaciously. But if he says it is crude, let me say to him that it has been submitted to some of the greatest lawyers in all this land—lawyers not employed by the trusts—and to men who have studied this trust question, not in the interest of the trusts, but in the interests of all the people, and they have all approved it. They say it will absolutely establish publicity, and do it in the only logical and legal way.

Again, sir, this amendment has been favorably passed on by the labor organizations, by the American Anti-Trust League, by leading thinkers and political economists, and by the honest folk of the land who are earnestly and honestly and fearlessly opposed to trusts and monopolies. The independent press of the country ask for publicity. In editorial after editorial they favor this amendment. The President asks for publicity. The Democrats ask for publicity and will vote to a man for this amendment. The people of the land, from one end of it to the other, demand publicity. The Republicans—that is, a few Republicans—say they want publicity; they say it, but they are afraid to vote for publicity. [Applause.]

The Republicans say they are going to give the people publicity as to the trusts some time, some way, somehow; but the days are going on. This Congress will adjourn on the 4th of next March. The time, gentlemen, is short, and I undertake to say that if this amendment is not adopted now, if it is not put in this bill and kept there, that there will be no antitrust legislation, no law for publicity passed during this session of Congress. The President, the Attorney-General, and all of the distinguished Republicans, including my friend from Maine [Mr. LITTLEFIELD], will keep on talking against the trusts, but they will do nothing against them.

The people will not and can not be deceived much longer in this matter. The record here to-day on this amendment will tell the tale. It will show whether the Republicans or the Democrats are sincere. It will tell the world who is for and who is against publicity—who are the friends of the trusts and who are the enemies of monopoly. An ounce of performance is worth a ton of promise. If gentlemen on the other side are sincerely in favor of what the people want, if they favor publicity, you will give the people this ounce of performance to-day, and in my judgment it will truly establish publicity and go far to do away with trust evils.

With publicity—like a searchlight, exposing to public view every violation of law—the trusts and monopolies would hesitate a long time ere they violated the law; and if the Attorney-General promptly enforced the law against them, violations of law would soon cease entirely. But the Attorney-General says substantially in his Pittsburg speech that he can not enforce the law against the trusts because he can not get the evidence of violations of law. Make this amendment a law as a part of this bill and the Attorney-General will have no difficulty in getting the facts—the evidence—to successfully prosecute every trust that is violating the law.

The law now on the statute books against trusts is clear and plain, and the highest court in the land has passed on its validity and sustained the constitutionality of its provisions. The antitrust act of 1890 declares that every contract or combination in the nature of a trust in restraint of trade and commerce among the several States and Territories or with foreign nations is a conspiracy, illegal and void, and punishable by fine and imprisonment.

Under this antitrust act it seems to me every trust in the United States can be prosecuted for violation of law, the charter annulled, and the men behind it punished for conspiracy. Every trust by its very nature is in restraint of trade and commerce and in violation of this law.

If you will read the antitrust act of 1890 and the decisions of the United States Supreme Court in the trans-Missouri freight case and the Addyston Pipe Line case, the conclusion will be irresistible to the logical mind that the fault is not so much with the law as it is with the men who are sworn to enforce the law.

In my opinion—and I say so advisedly—the Department of Justice under the present law can institute and successfully maintain actions against every trust doing business in the United States. The law is clear and plain, and the facts are within the knowledge of all.

Now, adopt this amendment offered by me for publicity regarding the trusts and monopolies, make it a part of this bill, so that it will soon be a law, and the Attorney-General will get all the facts he wants, and official facts that will be evidence sufficient to prosecute and sufficient to win every case against every trust violating the law. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. SULZER].

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. SULZER. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 63, noes 88.

Mr. SULZER. I ask for tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The Chair will appoint as tellers the gentleman from New York [Mr. SULZER] and the gentleman from Illinois [Mr. MANN].

The committee again divided, and the tellers reported—ayes 75, noes 90.

So the amendment was rejected.

Mr. SULZER. Mr. Chairman, I desire now to say one thing. All the Republicans voted against this amendment for publicity and all the Democrats voted for it. That tells the story and the whole story. [Applause on the Democratic side.]

The Clerk read as follows:

SEC. 6. That there shall be in the department of commerce and labor a bureau to be called the bureau of insurance, and a chief of said bureau, who shall be appointed by the President, and who shall receive a salary of $4,000 per annum, and such clerical assistants as may from time to time be authorized by law. It shall be the province and duty of said bureau, under the direction of the secretary, to exercise such control as may be provided by law over every insurance company, society, or association transacting business in the United States outside of the State, Territory, or District wherein the same is organized, and to foster, promote, and develop the various insurance industries of the United States by gathering, compiling, publishing, and supplying all available and useful information concerning such insurance companies and the business of insurance, and by such other methods and means as may be prescribed by the secretary or provided by law.

Mr. CORLISS. Mr. Chairman, I move to strike out section 6 from lines 1 to 17, inclusive, on page 13.

The Clerk read as follows:

Strike out all of section 6, from line 1 to line 17, inclusive.

Mr. CORLISS. Mr. Chairman, when we were considering

section 3 the words "insurance business" were stricken out by the committee, it is true, by a close vote, but it seems to me that this section should also go out of the bill. The question has been fully discussed, and the creation of this bureau is an unnecessary and useless expenditure of public money in view of the decision of the Supreme Court, holding that marine, fire, and life insurance, or any other kind of insurance, is not commerce and that a contract embracing such insurance does not embrace any of the elements of commerce.

Mr. TAYLER of Ohio. Mr. Chairman, the remark which was just made by my friend from Michigan [Mr. CORLISS] would seem to indicate that there was a larger interest in this subject on the part of those who support this amendment than one would think necessary under the circumstances. However, if the Supreme Court has held that this is not a subject of national legislation, then no harm can be done by the invasion of the State such as alarms so much my friend from New Jersey [Mr. GARDNER]. This is a provision for investigating, for compiling all information respecting the subject of insurance. I was surprised that my friends who were so alarmed over here in reference to States rights in this section pertaining to insurance should not have been similarly alarmed when section 5 was under consideration. If it be an outrage upon the rights of the States to "foster, promote, and develop the various insurance industries of the United States by gathering, compiling, and publishing, and supplying all available and useful information concerning such insurance companies," surely it is a greater outrage upon the rights of the States that the same department should have power to foster, promote, and develop the various manufacturing industries of the United States by doing exactly the same thing that section 6 provides may be done respecting the fostering and developing of the insurance business. I take it that the manufacturing business is just as important as the insurance business; and if the Supreme Court has held that we can not invade by national legislation the domain of insurance, we may be sure that we could no further invade the domain of manufacturing. At least the courts have not gone so far in that respect, and we have all through our States manufactures just as much threatened in the method in which they are carried on as insurance business can be affected by the identical provision respecting insurance which we find in this act.

Mr. BARTLETT. Will the gentleman yield to me for a question.

Mr. TAYLER of Ohio. If I had time I would be glad to yield to the gentleman.

Mr. BARTLETT. It is just a question about what the gentleman has stated. Whereabout in section 5 do you find such words as would give to the secretary of commerce or the bureau of manufactures the right to exercise such control over manufacturers as it does over the insurance business?

Mr. TAYLER of Ohio. I want to ask my friend what authority does section 6 give to the secretary to authorize control? How much?

Mr. BARTLETT. It gives such as it now has or may be given by law.

Mr. TAYLER of Ohio. Why, we can pass a law at any time. It gives it really no authority at all. It merely proceeds to say, in an unlegislative sort of a way, that if we pass a law some time in the future giving the secretary power, he can exercise that power under the law which has given it to him.

Will the gentleman permit me to call his attention and the attention of the gentleman from Michigan to the fact that section 5, which provides for fostering and promoting and developing the various manufacturing industries in various ways as may be prescribed by the secretary or as provided by law, is in identically the same language. The point, Mr. Chairman, that I was making was that the provision respecting the insurance department is exactly the same as the provision respecting all other departments, and it is folly, it is an imposition upon the intelligence of this House, to assume that by this act an effort is being made to do something more for the insurance business than is sought to be done respecting the business of manufacturing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CORLISS. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended three minutes.

The CHAIRMAN. The gentleman from Michigan asks that the time of the gentleman from Ohio be extended three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CORLISS. I would like to ask the gentleman a question. The manufactured products enter into commerce, do they not?

Mr. TAYLER of Ohio. I am willing to admit that for the sake of the argument.

Mr. CORLISS. And the courts have held that all kinds of products of the farm and the factory are subject to the control of Congress when in the course of transportation from one State to another. Therefore Congress has control to a certain extent over manufactures, but in this instance—and I ask the gentleman the question in order that he may draw the distinction—in the case of insurance contracts the court has held that the contract is not commerce. You can not make it commerce, and the Federal power of our Government does not extend to that subject. How can you hold that it is anolagous to the power of Congress to control manufactured products that are invariably engaged in commerce?

Mr. TAYLER of Ohio. If the court has so held, this provision is harmless. It can not be useless in that it gathers and gives to the country useful information respecting that subject. But Congress has absolutely no power, although my friend intimates that it has, over the subject of manufactures; absolutely none, for that has a locus within the sovereign State, and Congress can in no wise exercise control over the mere operation of manufacturing, whatever it may do with the product of that manufacture.

Mr. DE ARMOND. Mr. Chairman, I think the gentleman from Ohio hardly gives sufficient weight to a part of this provision sought to be stricken out. I take it that this provision is in for a purpose, that the words are put into it for office, that they are not merely idle and incidental. Here is what is said in section 6, among other things.

> It shall be the province and duty of said bureau, under the direction of the Secretary, to exercise such control as may be provided by law over every insurance company, society, or association transacting business in the United States outside of the State, Territory, or District wherein the same is organized.

The gentleman makes the point that this does not contain the legislation for carrying into full effect that provision. But it contains the provision, it provides for a bureau to exercise this function, to have control and to adopt rules and regulations for every insurance company or association, life, fire, marine, or of whatever kind, doing business outside of the State or Territory of its organization.

Now, every State in this Union, I presume—certainly nearly all of them—have laws regulating the operation, fixing the responsibilities, protecting the patrons of insurance companies organized beyond their borders and doing business within the several States. That power—however wholesome, constitutional, well organized, exercised with judgment, satisfactory to the people for the protection of patrons—is to be minimized, if not swept away, so far as it may be in the power of Congress to do it, by creating a bureau organized and authorized to provide means and make rules and regulations and to control and direct the operations of these various companies whenever they carry on business outside of the immediate jurisdiction which created them.

What is to become of the State laws in that case? Are the State laws, when in conflict with the regulations and rules prescribed by this bureau, to control, or are they to give way? Is there to be a conflict to be settled by the courts? Evidently and clearly the proposition of the framers of this provision is to give to this bureau, a bureau of this new department, the control of the vast and complex insurance business of the whole United States. Because it is a fact that a large per cent of all the companies not only exist and do business within the States and Territories or districts in which they are incorporated, but in other States and Territories and districts. Here is the provision intended to place all of them under the control, subject to the jurisdiction, of a bureau in this new department of commerce.

It is idle to say that legislation is not lacking to enable the chief of this bureau to accomplish all that in the creation of the bureau it is designed shall be accomplished. If there is reason to provide for this bureau, with authority and power and scope and purpose in it to exercise these functions, then there is reason also for following with legislation furnishing the necessary machinery to do it. How idle it is to talk about creating this bureau of supervision and control of the insurance business of the country and say that you have no purpose to legislate further to carry this out.

The purpose, clear and distinct, is to follow this with legislation which shall subject the entire insurance business of the United States to the dominion of a bureau chief in the city of Washington. [Applause.]

[Here the hammer fell.]

Mr. HEPBURN. I move that all debate on the amendment and the section close in ten minutes.

The motion was agreed to.

Mr. GARDNER of New Jersey. Mr. Chairman, the gentleman from Missouri [Mr. DE ARMOND] is right when he assumes that this legislation is not proposed to be passed, and the foundation distinctly here laid for future legislation, without the expectation of making this a bureau in Washington to control the insurance business of the United States. That is its object. Neither the gentleman from Ohio nor other gentlemen ought to be permitted to mislead this House by making disclaimers and talking of limitations of power, about which I much fear my distinguished friend from Michigan [Mr. CORLISS] is mistaken.

Will the members of this House look at that bill and tell me what reason can be discovered for not incorporating this bureau in the bureau of corporations, except the object be, as shown on its face, to give the Washington bureau more extreme power over insurance corporations than you propose to give any bureau over any other corporation in the United States—trust or not. The declaration of the bill is specific—that this bureau is to exercise such control as may be provided by law. What will be the natural source of law on this subject?

The distinguished gentleman from Ohio is a sincere, earnest, and aggressive man. He has made it known to this House that he believes the insurance business of the United States ought to be controlled by a Washington bureau, and that much of it can constitutionally be so controlled. He has put his belief in form in this proposed legislation. He presides over the committee from which such legislation would naturally come here. Why, sir, here is an able, distinguished, and truthful source of such legislation suggested, and here, in all probability, it will remain a potent factor—in the Committee on Interstate Commerce—until that unhappy day for mortals when he takes his seat amid the everlasting glories of the cherubim. [Laughter.]

Why, Mr. Chairman, of what are gentlemen dreaming if they do not believe that is the object of this provision? The distinguished gentleman from Ohio, in citing instances in which the proposed bureau might be useful, has referred to conditions which might arise in which this bureau would have jurisdiction, not alone in Ohio, Pennsylvania, New Jersey, but in the Empire of Germany and Austria. That is where the difficulty he instanced was located, and it was the only instance cited in which such a bureau might have been utilized.

The question presented to this House by the proposed legislation is whether you will here lay the foundation, build the machinery, with a power behind it to accomplish the ultimate purpose, to take absolute national control of the insurance business, to supersede and destroy the insurance department of every State. As I said this morning, I know that the belief and the hope is, with this bill as a foundation, to escape State regulation, and that this whole question, the opinion of the gentleman from Michigan to the contrary notwithstanding, can be beaten into such shape as to be clearly matter of interstate commerce.

Look at the peculiar language of this bill. In the section that creates a bureau of corporations the corporations are specifically limited to doing the things recited by the gentleman from Ohio—collecting statistics and disseminating useful information; not one word of power or the suggestion of power, except, perhaps, the last line—"and such other duties as may hereafter be prescribed by law."

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEPBURN rose.

Mr. GARDNER of New Jersey. I would like to have one minute more.

The CHAIRMAN. The gentleman from Iowa [Mr. HEPBURN] is recognized.

Mr. HEPBURN. Mr. Chairman, in my judgment, if the gentleman from New Jersey [Mr. GARDNER] had more of courage and more of hope he would not be so timorous with regard to this bill. He has not been able to discover how harm could possibly result to any individual under the present proposed legislation. His only claim and the only contention that he makes is that in some later day, by usurpation, by unjust legislation, Congress may indulge in an enactment that may harm the State interest and State control over insurance companies.

Mr. Chairman, is not this the trouble: The gentleman is afraid of a control that will bring publicity into the doings of those vile and infamous corporations that are created so lavishly by his State, and from which his State derives an annual revenue of millions of dollars? [Applause.] I do not blame him for looking out for the moneyed interests of his State, while it is creating these bogus corporations to operate and prey upon the people of the other States.

Mr. GARDNER of New Jersey. That is an absolute misstatement, and it has no application to this question. We have not organized an insurance company there.

Mr. HEPBURN. Oh, well, I did not say "insurance company;" I said "company."

Mr. GARDNER of New Jersey. Then the expression had no application; and it is not true.

Mr. HEPBURN. Do not interrupt me, if you please.

Mr. GARDNER of New Jersey. I will not; but if you state as fact what is not so, I must correct you.

Mr. HEPBURN. I want to say that these fears of my friend from New Jersey are entirely groundless. What are the limitations of this bill? What can be done under it?

It shall be the province and duty of said bureau, under the direction of the Secretary, to exercise such control as may be provided by law over every insurance company, society, or association transacting business in the United States outside of the State, Territory, or District wherein the same is organized.

Mr. GARDNER of New Jersey. May I ask the gentleman a question?

Mr. HEPBURN. No, sir. The only control is that which is authorized by law, by the law of Congress, by what this House at some future time may do. Now, then, let me go a little farther—"to foster, promote, and develop the various insurance industries of the United States." How? How? By exempting them from taxation? No! By intefering with the powers of the States? No! But how? Simply by gathering information as to how they are conducting their business, as to what is their solvency, what right they have to appeal to the confidence of the people and to publish it to the world. That is the limitation. That is all that they can do under this statute, and any statement to the contrary is to mislead, to humbug somebody, to aid the gentleman to protect and foster the peculiar methods that his State has of paying its expenses by turning loose a flood of cormorants to prey upon the balance of mankind. [Applause.] Mr. Chairman, I ask for a vote.

Mr. SHACKLEFORD. Mr. Chairman, may I ask a question of the gentleman before he takes his seat?

Mr. HEPBURN. I call for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

Mr. THAYER. Mr. Chairman, what is the amendment?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk read as follows:

Strike out all of section 6.

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by several members) there were—ayes 88, noes 78.

Mr. HEPBURN. Mr. Chairman, I demand tellers.

Tellers were ordered.

The committee again divided; and the tellers reported—ayes 98, noes 81.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 8. That the jurisdiction, supervision, and control now possessed and exercised by the Department of the Treasury over the fur-seal, salmon, and other fisheries in Alaska, as well as over Chinese immigration, including the authority conferred by the various acts in relation to the exclusion of Chinese upon collectors of customs, be, and the same hereby are, transferred to and vested in the department of commerce and labor; and the secretary of commerce and labor shall designate officials of his department to perform the duties and exercise the authority now conferred upon collectors of customs or other officials of the Treasury Department (who are not hereby transferred to the department of commerce and labor) in regard to Chinese exclusion and immigration.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I will send to the desk and ask to have read.

The Clerk read as follows:

Amend by striking out all of section 8 and inserting in place thereof the following:

"SEC. 8. That the jurisdiction, supervision, and control now possessed and exercised by the Department of the Treasury over the fur-seal, salmon, and other fisheries of Alaska, and over the immigration of aliens into the United States, its waters, territories, and any place subject to the jurisdiction thereof, are hereby transferred and vested in the department of commerce and labor. That the authority, power, and jurisdiction now possessed and exercised by the Secretary of the Treasury by virtue of any law in relation to the exclusion from and the residence within the United States, its territories, and the District of Columbia, of Chinese and persons of Chinese descent, are hereby transferred to and conferred upon the secretary of commerce and labor, and the authority, power, and jurisdiction in relation thereto now vested by law or treaty in the collectors of customs and the collectors of internal revenue are hereby conferred upon and vested in such officers under the control of the Commissioner-General of Immigration as the secretary of commerce and labor may designate therefor."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. DE ARMOND. Mr. Chairman——

The CHAIRMAN. The Chair has recognized the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I am perfectly willing to yield to the gentleman from Missouri. I may say, however, that this is an amendment which was originally prepared by the gentleman from California [Mr. COOMBS] in connection with the Commissioner-General of Immigration, and it simply safeguards the provisions in reference to the exclusion of Chinese, so that the proper transfer of authority from the Treasury Department to the proposed department of commerce is made and protected. There is no other purpose in making the amendment.

Mr. LACEY. Mr. Chairman, I would ask the gentleman if this proposed amendment changes the effect in any way of the law in relation to the fur-seal fisheries?

Mr. MANN. It does not.

The CHAIRMAN. The gentleman from Missouri [Mr. DE ARMOND] will now be recognized, if he desires to speak. The

question now is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. STEWART of New Jersey. Mr. Chairman, I ask unanimous consent to return to section 7 in order to supply an evident omission.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to return to section 7 of the bill. Is there objection?

Mr. MANN. For what purpose?

Mr. STEWART of New Jersey. For the purpose of offering an amendment.

Mr. HEPBURN. What is the amendment?

Mr. STEWART of New Jersey. The appointing power is not inserted. It is an evident omission. The words "who shall be appointed by the President" should be inserted.

Mr. MANN. Mr. Chairman, there should be a provision in the section providing that he shall be appointed by the President. I have no objection to returning to the section for that purpose.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to return to section 7 for the purpose of submitting the amendment he has referred to. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I have the amendment already prepared. Let it be offered as coming from the gentleman from New Jersey.

The CHAIRMAN. The gentleman from New Jersey offers the amendment which the Clerk will report.

The Clerk read as follows:

Insert in line 20, page 13, after the word "bureau," the following: "shall be appointed by the President and."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 9. That the secretary of commerce and labor shall annually, at the close of each fiscal year, make a report in writing to Congress, giving an account of all moneys received and dispersed by him and his department and describing the work done by the department in fostering, promoting, and developing the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, the transportation facilities, and insurance business of the United States, and making such recommendations as he shall deem necessary for the effective performance of the duties and purposes of the department. He shall also from time to time make such special investigations and reports as he may be required to do by the President, or by either House of Congress, or which he himself may deem necessary and urgent.

Mr. DE ARMOND. I move to strike out, in line 2, page 15, the words "and insurance business."

The Clerk read as follows:

Page 15, line 2, after the word "facilities," strike out the words "and insurance business."

Mr. MANN. We are perfectly willing to have that amendment adopted.

The amendment was agreed to.

Mr. MANN. I move to amend, by inserting in line 1 of the same page, before the word "the," the word "and."

The amendment was agreed to.

Mr. MANN. Mr. Chairman, the same amendment ought to be inserted in section 3.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to section 3 for the purpose of offering the amendment which he has stated. Is there objection?

There was no objection.

The Clerk read as follows:

Page 9, line 22, after the word "interests" and before the word "the," insert "and."

The amendment was agreed to.

Mr. GAINES of Tennessee. Mr. Chairman, I desire to offer an amendment to the bill in the nature of a new section.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

That said department shall investigate and report to the Postmaster-General of the United States the name of any corporation, company, person, or persons who are carrying on the business of insurance and have failed to comply with all the laws of the State or States or Territories where such business is carried on, including the State or Territory creating such corporation or licensing such companies, person, or persons, and upon the filing of such information with the Postmaster-General of the United States he is authorized and directed to exclude such corporation, company, person, or persons from the use of the mails in carrying on its or his insurance business, under penalty of $5,000 and imprisonment for each offense, in the discretion of the court.

Mr. GAINES of Tennessee. Mr. Chairman, I am just as anxious to curb "wild-cat insurance" as the gentleman who reported this bill, or the gentleman from Iowa [Mr. HEPBURN]. The gentleman knows that I objected to that section in the bill because "insurance is not commerce." The highest court in the land, the Supreme Court of the United States, said so in the Hooper case (155 U. S. Reports), which I cited in my speech on this subject two days ago.

Now, I invoke another power that knows no State lines, and that is the post-office power of the Federal Government. There are no State lines or powers involved in that exclusive grant of power. All there is in the Constitution on this power is "that the Congress shall have the power to establish post-offices and post-roads." From this flows our mail service.

We have excluded from the use of the mails all obscure literature, etc., whether in letters or papers, and many other things in derogation of public morals and good society. This we all know, and the courts uphold such laws. We excluded the Louisiana lottery from the mails and drove it out of the United States.

Now, my amendment is simply a new section, which says in substance that when the department of commerce shall investigate to find, and if it does find, that any person, insurance company, or corporation has failed to comply with the laws of the State or Territory authorizing them to operate, or the laws of the State or Territory in which they are operating, then this fact is to be reported to the Postmaster-General of the United States, who by this amendment is authorized and directed to exclude such concerns or persons from the use of the mail.

This measure strikes at all lawless insurance concerns, but especially those who have no agents, but procure insurance through the mail. They often do this.

First. They get out a charter, a charter only in one State—say New Jersey. They do nothing more. They fail to comply with the "operating" laws of New Jersey. They say: "We are not going to operate in New Jersey."

Second. They then go to Chicago, say, and get an office and possibly a license. They do not want to insure in Illinois, so they do not comply with the operating laws of Illinois, hurt no one in Illinois, so the State authorities let them off with or without a license.

Third. They then from Chicago, by mail and not by agents, get insurance in Tennessee. The ignorant are their victims. They insure this class, and others, too, sometimes, I know. A loss occurs. Premiums paid through the mail. The insurer is, and was from the start, bankrupt and robber, and nothing can be collected even if the insurer can be found.

Thus using the mails, the State insurance commissioner does not know of the insurer until too late. Why? Because the whole transaction has been done through the mails, over which he has no control. The operators are unseen. The loss occurs because the insurer stealthily avoids complying with all State laws of New Jersey, Illinois, and Tennessee.

This Department can by vigilant action discover such an insurer and report the facts to the Postmaster-General of the United States, and then he will exclude the guilty party from the use of the mail.

The recent insurance commissioners' convention approve of such a law as here proposed, and passed resolutions to that effect, calling on Congress to act.

I may add, further, that the treasurer of the State of Tennessee, Mr. R. E. Folk, who is a distinguished brother of our distinguished prosecuting attorney in St. Louis, Hon. Joseph Folk, late of Tennessee, I may add, urges the passage of such a measure. He explained this evil to me last summer and recently.

I have incorporated in this amendment the judgment of that great insurance body, Mr. Folk's, as well as my own. I have shown to you that the law is with us, the Constitution of the United States is with us, precedents are with us, and we can exclude from the mails such corporations and these people who rob the humble citizens of this country, who know nothing of the lawlessness of the monsters they are dealing with or their irresponsibility.

Mr. LIVINGSTON. May I ask the gentleman a question?

Mr. GAINES of Tennessee. Yes.

Mr. LIVINGSTON. As you have excluded all jurisdiction over insurance from the bill, how can the department of commerce ascertain anything about it?

Mr. GAINES of Tennessee. I will say to my friend I did that because the Supreme Court of the United States held that "insurance is not commerce;" hence we had no jurisdiction under the commerce clause, but here I invoke another power of Congress—the right to "establish post-offices and post-roads"—that is under the exclusive control of Congress; and if this department say that these wild-cat insurance companies or persons are carrying on a business unlawfully to the detriment of the public they shall not use the mails.

Mr. LIVINGSTON. But you have excluded from the bureau that jurisdiction.

Mr. GAINES of Tennessee. Oh, no; I am giving jurisdiction by a new section of the bill, by which authority is given to the bureau to investigate and find out whether any one of the parties named are conducting a wild-cat insurance business or

not, and, if so, the Postmaster-General shall say "you shall not use our mails to rob the people of this country."

Mr. SHACKLEFORD. Mr. Chairman, I have never heard a stronger or a sounder argument made against any question than that made here to-day about this insurance clause on this bill. The amendment offered by the gentleman from Tennessee is open to the same objection. In the good old State of Missouri we are able to determine for ourselves whether an insurance company shall have our business or not, and I believe it would be unsound to confer upon the secretary of commerce any power to determine whether an insurance company was conducting its business in a lawful or unlawful manner.

Mr. GAINES of Tennessee. Will the gentleman tell us how the people in Tennessee will be able to determine whether a company is a wild-cat enterprise that is not complying with the laws in your State; simply because its agents come into my State with a lot of stock?

Mr. SHACKLEFORD. In reply to the gentleman, I will tell him how we do that, and how Tennessee can do. The insurance commissioner is clothed with authority and power to compel an insurance company to exhibit everything in connection with it, to make a complete showing to the insurance commissioner, and under the laws of our State our commissioner has the power and authority to go into the State where the insurance company is incorporated to examine the books and securities; and it must exhibit everything that we call for, so that when the commissioner has made his examination our people know precisely whether they want that company to do business in our State or not. I am not willing to do anything that will be an invitation to the Federal Government to take away our power to determine that for ourselves.

Mr. GAINES of Tennessee. Have the States any control over the mails?

Mr. SHACKLEFORD. That is foreign to the point I am talking about. The gentleman's amendment proposes that the secretary of commerce shall determine whether insurance companies are lawful or unlawful. I say I do not want the people of my State put in the position where the secretary of commerce will have the power to determine for them whether an insurance company is being lawfully conducted or otherwise. Our people will determine that for themselves. Our State authorities will determine for themselves. We have ample laws authorizing our insurance commission to determine whether the insurance company is conducting a lawful business, and they come into our State to do business only as a matter of grace. We confer that grace upon none that fail to comply with our laws. But if you permit the secretary of commerce to sit in judgment as to whether a certain insurance company is conducting a lawful or unlawful business, you have taken the first step toward the goal of Federalism, to which the insurance companies are attempting to lead us.

Mr. GAINES of Tennessee. Just a moment, Mr. Chairman.

Mr. MANN. I make the point of order that debate is exhausted.

The CHAIRMAN. The gentleman from Illinois makes the point of order that debate is exhausted.

Mr. GAINES of Tennessee. I move to strike out the last word.

The CHAIRMAN. A motion to strike out the last word is not in order.

Mr. GAINES of Tennessee. Then, Mr. Chairman, I ask unanimous consent that I may have two minutes to reply to the gentleman.

The CHAIRMAN. The gentleman asks unanimous consent that he may have two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Now, I want to say to my good friend from Missouri, that I was standing with our State commissioner of insurance, Mr. Folk, a brother of your Mr. Folk, and an insurance agent from your State, and both asked me to urge this amendment.

Now, the gentleman talks about State rights. There is nothing about State rights in this question. The Government controls absolutely the mails, and the gentleman knows that the people in his State have not the money to send out their agents to Ohio, New Hampshire, and New York, to find out whether it is a wild-cat or other insurance company, and it is not until the little cabin is burned down that the people find, when it is too late, that this company is a fraud, stealing the people's money, and their insurance of no value.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

The Clerk proceeded with the reading of the bill, and read as follows:

SEC. 13. That the President is hereby authorized to transfer, by order in writing, at any time, any office, bureau, division, or other branch of the public service engaged in statistical or scientific work, and not herein transferred to or included in the department of commerce and labor, to said department of commerce and labor; and in every such case the duties and authority performed by and conferred upon such office, bureau, division, or other branch of the public service so transferred shall be transferred with such office, bureau, division, or other branch of the public service, and all power and authority conferred by law upon the department from which such transfer is made, or the secretary thereof, shall immediately, when such transfer is so ordered by the President, be fully conferred upon and vested in the department of commerce and labor, or the secretary thereof, as the case may be.

Mr. MANN. Mr. Chairman, by direction of the committee, I offer the following amendment:

Amend by striking out section 13 as printed and inserting in place thereof the following:

"SEC. 13. That the President be, and he is hereby, authorized, by order in writing, to transfer at any time the whole or any part of any office, bureau, division, or other branch of the public service engaged in statistical or scientific work, to the department of commerce and labor; and in every such case the duties and authority performed by and conferred by law upon such office, bureau, division, or other branch of the public service, or the part thereof so transferred, shall be thereby transferred with such office, bureau, division, or other branch of the public service, or the part thereof which is so transferred. And all power and authority conferred by law, both supervisory and appellate, upon the department from which such transfer is made, or the Secretary thereof, in relation to the said office, bureau, division, or other branch of the public service, or the part thereof so transferred, shall immediately, when such transfer is so ordered by the President, be fully conferred upon and vested in the department of commerce and labor, or the secretary thereof, as the case may be, as to the whole or part of such office, bureau, division, or other branch of the public service so transferred."

Mr. OVERSTREET. Mr. Chairman, I desire to offer an amendment to the amendment, but in the absence of any printed copy of the amendment offered by the gentleman from Illinois I am unable to state the particular line to which my amendment should be offered. I have my amendment prepared for the present bill as printed. I move to amend the amendment by inserting, after the word "labor," in line 5 of the written amendment——

Mr. MANN. That would be in line 14 of the printed bill.

Mr. OVERSTREET (continuing). These words "or the Interstate Commerce Commission."

Mr. MANN. May I ask the gentleman from Indiana whether his purpose is to permit the transfer by the President of the Interstate Commerce Commission to this department?

Mr. OVERSTREET. That is precisely the object of it.

Mr. MANN. I think, then, the gentleman has got it in the wrong place.

Mr. OVERSTREET. I did not have an opportunity to read the amendment offered by the gentleman from Illinois, but prepared my amendment with reference to the printed bill.

Mr. MANN. The gentleman's amendment should apply after the word "service" in the fourth line.

Mr. OVERSTREET. The gentleman is in error, because the words "other branch of the public service engaged in statistical or scientific work"——

Mr. MANN. The gentleman is correct. It should be after the word "work."

Mr. OVERSTREET. I am quite agreeable, Mr. Chairman, that the amendment should be considered at its proper place.

The CHAIRMAN. The amendment offered by the gentleman from Indiana will be modified to that extent.

Mr. OVERSTREET. Mr. Chairman, the effect of this amendment is clearly to authorize the President, by Executive order, to transfer to the department of commerce the Interstate Commerce Commission. The only purpose of the organization of this department is to extend, as far as possible, complete supervision by the Government over commerce, and to dignify commerce by a position in the Cabinet through a representative. It seems to me, Mr. Chairman, that the organization of the bureau of commerce, or the department of commerce, without covering into that department the Interstate Commerce Commission, would be equal to an attempt to perform the play of Hamlet without that distinguished Shakespearean character. The only branch of the public service to-day that has, by authority of law, any supervision of commerce, is the Interstate Commerce Commission. Leaving it as an independent branch of the service, without the supervision of any officer of the department, would lead, in my judgment, not only to confusion, but result in conflict of authority. It would duplicate important work, and greatly increase expense in both departments.

In the third section of this bill provision is made in the enumeration of the duties of this department that "it shall be the duty of said department to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, the labor interests, the transportation facilities." And yet there is no provision for the transportation facilities to be gathered through the Interstate Commerce Commission nor from it to that department.

In section 9 of the bill the secretary of commerce and labor is directed to place in his annual report certain information which has been obtained relative to "transportation facilities." The great proportion of the commerce of this country is conducted over and by means of transportation lines. The failure of this House to cover this Commission, which to-day exercises a peculiar and almost complete control, so far as law is permitted by

Congress over transportation lines into the new department, would be to omit the most important factor of the department of commerce.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. LITTLEFIELD. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to complete his remarks.

Mr. OVERSTREET. I supplement that, Mr. Chairman, by asking that we have thirty minutes debate on this question.

Mr. MANN. If the gentleman will permit me, I want to say that we have no objection, at least I have no objection, and I think the committee has no objection to the introduction of this provision into the amendment, if there is any question as to the language of the bill permitting this transfer. Of course the gentleman's amendment is not now in order.

Mr. OVERSTREET. I am not sure of that.

Mr. MANN. I am very sure, because the committee has offered an amendment to the amendment, and the gentleman can not offer an amendment to that amendment. I am willing that the gentleman should ask unanimous consent to put it in and I hope it will be granted.

Mr. OVERSTREET. Then, Mr. Chairman, if there is no objection to the amendment, I do not care for further discussion.

Mr. MANN. As this is a committee amendment, I am not authorized to modify it. The committee thought that the present language would be sufficient. If there is any doubt about it, of course I presume there will be no objection to a suitable modification.

Mr. OVERSTREET. I would like to continue my remarks for not more than three minutes.

Several MEMBERS. Five minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Indiana be extended for five minutes. Is there objection? The Chair hears none.

Mr. OVERSTREET. Mr. Chairman, I was about to suggest that when the Interstate Commerce Commission was created it was placed in the Interior Department. Later, on account of the doubt of certain officers of that Department as to the propriety of the supervision of the Commission by the head of the Interior Department, it was thought advisable to make this an independent commission, and it was given that independence. This amendment now proposes that in the organization of this new department particularly applicable to commerce, we shall cover this Commission into this new department.

I have certainly no objection to such change of position in the amendment as shall be thought proper to accomplish the object; but certainly members of the House will appreciate the importance of this Commission being a part of the new department.

Mr. DE ARMOND. Mr. Chairman, so far as I am concerned, this is a first-blush proposition; in other words, it is a thing that I have not anticipated and have not considered. The conclusion I reach about it is one reached hastily—one which, of course, as hasty conclusions often are, may be incorrect. It seems to me, however, that it would not be wise to put the Interstate Commerce Commission into this department under this control. This Commission has peculiar functions to perform. The members are supposed to be selected on account of their large acquaintance with affairs and their fine legal equipment. It is a quasi-judicial body. Now, to make this Commission occupy a small pigeonhole in a large cabinet is practically, it seems to me, to rob it of all the useful functions that it at present has or performs. The Labor Department, by being shoved into this department, although the name is preserved in the title, instead of being increased or exalted in dignity or importance, is lessened, is minimized, is made a comparatively trifling thing.

The Interstate Commerce Commission was created for very important purposes, and while limited in its power and circumscribed perhaps too much in the exercise of such power, and falling far short, possibly, of what it would be desirable to have accomplished and what, perhaps, its members attempt to accomplish, is yet a useful agency of the Government, and its usefulness, in my judgment, can not be increased or enhanced by this change.

Now it is independent; it stands out by itself. Make this change, and it becomes a small part—comparatively an insignificant part—of a very considerable whole. Its prestige, in large part, will vanish. Its powers, instead of being augmented or perfected, will likely be diminished; and the members of that Commission, instead of being regarded, as they are now, as able lawyers, selected on account of their ability, will drop to the level of ordinary bureau employees. By this remark I by no means intend to reflect upon anybody in bureau employment or anybody in any Government employment; but I say that this body will lose in dignity, lose in importance, lose in power, lose in usefulness by transferring it to this department and placing it under this control.

That is my impression at first blush, as I say, not having given the subject consideration, as perhaps the gentleman from Indiana [Mr. OVERSTREET] has done. But it seems to me that my impression is based upon fundamentals, a consideration of which, for whatever length of time, would only tend to confirm and strengthen the impression.

This Commission had better be left standing where it is. Leave it by itself. There is enough already provided in this bill for this minister and this minister's aids and assistants to discharge and perform. Let this Commission stand out to be as useful as it may be; and when you make changes concerning it, increase its scope and power, rather than diminish them, as would be done, I think, by the adoption of this amendment.

The CHAIRMAN. The question is on the amendment to the amendment as offered by the gentleman from Indiana [Mr. OVERSTREET].

Mr. OVERSTREET. I do not know but that in the present parliamentary position the amendment might strictly be out of order. Perhaps it would be proper to ask that it be considered in order by unanimous consent.

The CHAIRMAN. The Chair would rule that an objection at this time would come too late. The question is on the amendment of the gentleman from Indiana.

The question being taken, there were—ayes 72, noes 74.

Mr. OVERSTREET. I call for tellers.

Tellers were ordered; and Mr. OVERSTREET and Mr. DE ARMOND were appointed.

The committee again divided; and the tellers reported—ayes 99, noes 88.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is upon the amendment as amended.

The question was taken, and the amendment as amended was agreed to.

The Clerk read as follows:

SEC. 14. That this act shall take effect and be enforced from and after its passage.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I will send to the desk and ask to have read.

The Clerk read as follows:

Amend section 14 by inserting after the word "passage," in line 2, page 18, the following:

"*Provided, however*, That the provisions of this act in relation to the transfer of any existing office, bureau, division, officer, or other branch of the public service or authority now conferred thereon to the department of commerce and labor shall take effect and be in force on the 1st day of July, 1903, and not before."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the substitute as amended.

The question was taken, and the substitute as amended was agreed to.

Mr. HEPBURN. Mr. Chairman, I move that the committee do now rise and report the substitute to the House as amended with the recommendation that the bill with the amendment in the nature of a substitute do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker pro tempore [Mr. DALZELL] having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 569) to establish the department of commerce and labor and had directed him to report the same back with an amendment in the nature of a substitute, with the recommendation that the substitute be agreed to, and that the bill as amended do pass.

Mr. HEPBURN. Mr. Speaker, I move to strike out all after the word "that" in the first section and insert the following, which I will send to the desk and ask to have read, and upon that question and upon the substitute to its passage I demand the previous question.

The SPEAKER pro tempore. The gentleman from Iowa moves to amend the substitute, as reported from the Committee of the Whole, in words as follows, which the Clerk will now report.

Mr. ADAMSON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ADAMSON. I desire to ask if we will be shut out from asking for separate votes upon the various amendments agreed upon in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. The Chair will state to the gentleman from Georgia that there are no amendments upon which separate votes could be had. The report of the Chairman of the Committee of the Whole House was upon an amendment in the nature of a substitute which had been perfected.

Mr. ADAMSON. Then rather than strangle and bottle the Interstate Commerce Commission, we will have to vote against the bill.

Mr. RICHARDSON of Alabama. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICHARDSON of Alabama. I desire to know, as representing the minority on the committee, what would be the proper time, parliamentarily speaking, for me to offer a motion to recommit with certain instructions.

The SPEAKER pro tempore. After the third reading of the Senate bill. The Clerk will report the amendment offered by the gentleman from Iowa.

Mr. CORLISS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CORLISS. The motion, as I understand it, is to substitute the bill or measure proposed by the chairman of the committee in lieu of the one which has been considered and amended in the Committee of the Whole. Is that right?

The SPEAKER pro tempore. The motion of the gentleman from Iowa is to amend the substitute reported by the Committee of the Whole House on the state of the Union in the words that the Clerk will now report.

Mr. HEPBURN. Mr. Speaker, for the purpose of saving time, if the gentleman will permit me——

Mr. CORLISS. Yes; I would like to understand.

Mr. HEPBURN. The only change in this amendment that I have made from the substitute as it has been amended is the restoration of the words "insurance," etc., and the restoration of the sixth section.

Mr. CORLISS. I submit that we have a right to a separate vote on that question. It was impossible to ascertain the purpose of the gentleman because the amendment has not been read. Now, we demand a separate vote upon that question.

The SPEAKER pro tempore. Of course the House will vote on the motion of the gentleman from Iowa.

Mr. CORLISS. I submit that under the rules we have a right to a vote on each amendment; but as I understand the proposition, it is to put all these things in and vote on the bill as a whole with them in.

Mr. HEPBURN. You can vote on my motion.

Mr. CORLISS. But your motion includes all these things.

The SPEAKER pro tempore. The Chair will state the parliamentary situation: The Senate passed a bill (S. 569) to establish a department of commerce and labor and sent it to the House. The House sent the bill to its Committee on Interstate and Foreign Commerce. That committee reported the bill to the House, striking out all after the enacting clause, and offering one single amendment by way of a substitute. The Committee of the Whole, in the consideration of that amendment by way of substitute, perfected it by various amendments, but of those amendments the House knows nothing. The House knows nothing except what it has learned from the report of the Chairman of the Committee of the Whole, and he reported that the Committee of the Whole had agreed upon an amendment in the nature of a substitute to the Senate bill.

The gentleman from Iowa now moves to amend the substitute reported by the Committee of the Whole by striking out all after a certain word and inserting the following language, and upon that the House will have an opportunity to vote when the amendment has been read.

Mr. CORLISS. One further inquiry. Has not the House the right to vote upon the amendment reported by the Committee of the Whole before being forced to vote upon the whole measure as amended? I raise that parliamentary inquiry and object to the substitution of a measure which reincorporates into the bill the very provisions which we have stricken out in the Committee of the Whole.

The SPEAKER pro tempore. It is in the power of the House to affirm the action of the Committee of the Whole by voting down the amendment. The Clerk will report the amendment.

The Clerk began the reading of the amendment.

Mr. HEPBURN (interrupting the reading). I ask unanimous consent that the reading may be dispensed with. The only change is in section 3 and in the sixth section—the insurance section—which was stricken out.

Mr. DE ARMOND. Pending that request, I should like to understand whether the gentleman has also asked the previous question, so as to cut off all debate on that proposition.

Mr. HEPBURN. I have tried to.

The SPEAKER pro tempore. The gentleman will have to be recognized for that motion after the amendment has been read.

Mr. ADAMSON. I should like to ask the gentleman from Iowa if the language proposed to be read includes this provision to transfer the Interstate Commerce Commission?

Mr. HEPBURN. It does.

The SPEAKER pro tempore. The Clerk will report the amendment.

Mr. HEPBURN. I think there was no objection to suspending the reading.

Mr. DE ARMOND. Mr. Speaker, if the time that would be consumed in reading this may be devoted to debate, with other reasonable time added to it, I think there will be no objection. If, however, the object is to cut off all debate, I think we had better have it read.

Mr. HEPBURN. I withdraw the request.

Mr. CORLISS. A parliamentary inquiry. When section 6 is reached in this reading, is it not in order to move to strike that out of the proposed amendment?

The SPEAKER pro tempore. That would be an amendment in the third degree. There is nothing in order now but the reporting of the amendment.

The Clerk resumed the reading of the amendment, as follows:

Strike out all after the first word, "That," in the substitute amendment proposed by the Committee of the Whole House on the state of the Union and insert in lieu thereof the following: "there shall be at the seat of government an executive department to be known as the department of commerce and labor, and a secretary of commerce and labor, who shall be the head thereof, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of $8,000 per annum, and whose term and tenure of office shall be like that of the heads of the other Executive Departments; and section 158 of the Revised Statutes is hereby amended to include such department, and the provisions of title 4 of the Revised Statutes, including all amendments thereto, are hereby made applicable to said department. The said secretary shall cause a seal of office to be made for the said department of such device as the President shall approve, and judicial notice shall be taken of the seal.

"SEC. 2. That there shall be in said department an assistant secretary of commerce and labor, to be appointed by the President, who shall receive a salary of $5,000 a year. He shall perform such duties as shall be prescribed by the secretary or required by law. There shall also be one chief clerk and a disbursing clerk and such other clerical assistants as may from time to time be authorized by Congress; and the Auditor for the State and other Departments shall receive all accounts accruing in or relative to the department of commerce and labor and examine the same, and certify the balances arising thereon to the Secretary of the Treasury in the same manner as the balances on similar accounts are certified under existing law.

"SEC. 3. That it shall be the province and duty of said department to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, the labor interests, the transportation facilities, and the insurance business of the United States; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service hereinafter specified, and with such other powers and duties as may be prescribed by law. All unexpended appropriations, which shall be available at the time when this act takes effect, in relation to the various offices, bureaus, divisions, and other branches of the public service, which shall, by this act, be transferred to or included in the department of commerce and labor, or which may hereafter, in accordance with the provisions of this act, be so transferred, shall become available, from the time of such transfer, for expenditure in and by the department of commerce and labor, and shall be treated the same as though said branches of the public service had been directly named in the laws making said appropriations as parts of the department of commerce and labor, under the direction of the secretary of said department.

"SEC. 4. That the following-named offices, bureaus, divisions, and branches of the public service, now and heretofore under the jurisdiction of the Department of the Treasury, and all that pertains to the same, known as the Light-House Board, the Light-House Establishment, the National Bureau of Standards, the Coast and Geodetic Survey, the Commissioner-General of Immigration, the Commissioners of Immigration, the Bureau of Immigration, the immigration service at large, and the Bureau of Statistics, be, and the same hereby are, transferred from the Department of the Treasury to the department of commerce and labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named department; and that the Census Office, and all that pertains to the same, be, and the same hereby is, transferred from the Department of the Interior to the department of commerce and labor, to remain henceforth under the jurisdiction of the latter; that the Department of Labor, the Fish Commissioner, and the office of Commissioner of Fish and Fisheries, and all that pertains to the same, be, and the same hereby are, placed under the jurisdiction and made a part of the department of commerce and labor; that the Bureau of Foreign Commerce, now in the Department of State, be, and the same hereby is, transferred to the department of commerce and labor and consolidated with and made a part of the Bureau of Statistics, hereinbefore transferred from the Department of the Treasury to the department of commerce and labor, and the two shall constitute one bureau, to be called the bureau of statistics, with a chief of the bureau; and that the secretary of commerce and labor shall have control of the work of gathering and distributing statistical information naturally relating to the subjects confided to his department; and the secretary of commerce and labor is hereby given the power and authority to rearrange the statistical work of the bureaus and offices confided to said department, and to consolidate any of the statistical bureaus and offices transferred to said department; and said secretary shall also have authority to call upon other departments of the Government for statistical data and results obtained by them; and said secretary of commerce and labor may collate, arrange, and publish such statistical information so obtained in such manner as to him may seem wise.

"That the official records and papers now on file in and pertaining exclusively to the business of any bureau, office, department, or branch of the public service in this act transferred to the department of commerce and labor, together with the furniture now in use in such bureau, office, department, or branch of the public service, shall be, and hereby are, transferred to the department of commerce and labor.

"SEC. 5. That there shall be in the department of commerce and labor a bureau to be called the bureau of manufactures, and a chief of said bureau, who shall be appointed by the President, and who shall receive a salary of $4,000 per annum. There shall also be in said bureau such clerical assistants as may from time to time be authorized by Congress. It shall be the province and duty of said bureau, under the direction of the secretary, to foster, promote, and develop the various manufacturing industries of the United States, and markets for the same at home and abroad, domestic and foreign, by gathering, compiling, publishing, and supplying all available and useful information concerning such industries and such markets, and by such other methods and means as may be prescribed by the secretary or provided by

law. And all consular officers of the United States, including consuls-general, consuls, and commercial agents, are hereby required, and it is made a part of their duty, under the direction of the Secretary of State, to gather and compile, from time to time, useful and material information and statistics in respect to the subjects enumerated in section 3 of this act in the countries and places to which such consular officers are accredited, and to send, under the direction of the Secretary of State, reports as often as required of the information and statistics thus gathered and compiled, such reports to be transmitted through the State Department to the secretary of the department of commerce and labor.

"SEC. 6. That there shall be in the department of commerce and labor a bureau to be called the bureau of insurance, and a chief of said bureau, who shall be appointed by the President, and who shall receive a salary of $4,000 per annum, and such clerical assistants as may from time to time be authorized by law. It shall be the province and duty of said bureau, under the direction of the secretary, to exercise such control as may be provided by law over every insurance company, society, or association transacting business in the United States outside of the State, Territory, or district wherein the same is organized, and to foster, promote, and develop the various insurance industries of the United States by gathering, compiling, publishing, and supplying all available and useful information concerning such insurance companies and the business of insurance, and by such other methods and means as may be prescribed by the secretary or provided by law.

"SEC. 7. That there shall be in the department of commerce and labor a bureau to be called the bureau of corporations, and the chief of said bureau shall be appointed by the President and shall receive a salary of $4,000 per annum. There shall also be in said bureau such clerks and assistants as may from time to time be authorized by law. It shall be the province and duty of said bureau, under the direction of the secretary of commerce and labor, to gather, compile, publish, and supply useful information concerning such corporations doing business within the limits of the United States as shall engage in interstate commerce or in commerce between the United States and any foreign country, and to attend to such other duties as may be hereafter provided by law.

"SEC. 8. That the jurisdiction, supervision, and control now possessed and exercised by the Department of the Treasury over the fur-seal, salmon, and other fisheries of Alaska, and over the immigration of aliens into the United States, its waters, territories, and any place subject to the jurisdiction thereof, are hereby transferred and vested in the department of commerce and labor. That the authority, power, and jurisdiction now possessed and exercised by the Secretary of the Treasury by virtue of any law in relation to the exclusion from and the residence within the United States, its Territories, and the District of Columbia, of Chinese and persons of Chinese descent are hereby transferred to and conferred upon the secretary of commerce and labor, and the authority, power, and jurisdiction in relation thereto now vested by law or treaty in the collectors of customs and the collectors of internal revenue are hereby conferred upon and vested in such officers, under the control of the Commissioner-General of Immigration, as the secretary of commerce and labor may designate therefor.

"SEC. 9. That the secretary of commerce and labor shall annually, at the close of each fiscal year, make a report in writing to Congress, giving an account of all moneys received and disbursed by him and his department, and describing the work done by the department in fostering, promoting, and developing the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, the transportation facilities, and insurance business of the United States, and making such recommendations as he shall deem necessary for the effective performance of the duties and purposes of the department. He shall also from time to time make such special investigations and reports as he may be required to do by the President, or by either House of Congress, or which he himself may deem necessary and urgent.

"SEC. 10. That the secretary of commerce and labor shall have charge, in the buildings or premises occupied by or appropriated to the department of commerce and labor, of the library, furniture, fixtures, records, and other property pertaining to it or hereafter acquired for use in its business; and he shall be allowed to expend for periodicals and the purposes of the library, and for the rental of appropriate quarters for the accommodation of the department of commerce and labor within the District of Columbia, and for all other incidental expenses, such sums as Congress may provide from time to time: *Provided, however*, That where any office, bureau, or branch of the public service transferred to the department of commerce and labor by this act is occupying rented buildings or premises, it may still continue to do so until other suitable quarters are provided for its use: *And provided further*, That all officers, clerks, and employees now employed in any of the bureaus, offices, departments, or branches of the public service in this act transferred to the department of commerce and labor are each and all hereby transferred to said department at their present grades and salaries, except where otherwise provided in this act: *And provided further*, That all laws prescribing the work and defining the duties of the several bureaus, offices, departments, or branches of the public service by this act transferred to and made a part of the department of commerce and labor shall, so far as the same are not in conflict with the provisions of this act, remain in full force and effect until otherwise provided by law.

"SEC. 11. That all power and authority heretofore possessed or exercised by the head of any executive department over any bureau, office, branch, or division of the public service by this act transferred to the department of commerce and labor, or any business arising therefrom or pertaining thereto, whether of an appellate or revisory character or otherwise, shall hereafter be vested in and exercised by the head of the said department of commerce and labor. And all acts or parts of acts inconsistent with this act are, so far as so inconsistent, hereby repealed.

"SEC. 12. A person, to be designated by the Secretary of State, shall be appointed to formulate, under his direction, for the instruction of consular officers, the requests of the secretary of commerce and labor; and to prepare from the dispatches of consular officers, for transmission to the secretary of commerce and labor, such information as pertains to the work of the department of commerce and labor; and such person shall have the rank and salary of a chief of bureau, and be furnished with such clerical assistants as may from time to time be authorized by law.

"SEC. 13. That the President be, and he is hereby, authorized, by order in writing, to transfer at any time the whole or any part of any office, bureau, division, or other branch of the public service engaged in statistical or scientific work or the Interstate Commerce Commission, to the department of commerce and labor; and in every such case the duties and authority performed by and conferred by law upon such office, bureau, division, or other branch of the public service, or the part thereof so transferred, shall be thereby transferred with such office, bureau, division, or other branch of the public service, or the part thereof which is so transferred. And all power and authority conferred by law, both supervisory and appellate, upon the department from which such transfer is made, or the Secretary thereof, in relation to the said office, bureau, division, or other branch of the public service, or the part thereof so transferred, shall immediately, when such transfer is so ordered by the President, be fully conferred upon and vested in the department of commerce and labor, or the secretary thereof, as the case may be, as to the whole or part of such office, bureau, division, or other branch of the public service so transferred.

"SEC. 14. That this act shall take effect and be in force from and after its passage: *Provided, however*, That the provisions of this act in relation to the transfer of any existing office, bureau, division, officer, or other branch of the public service, or authority now conferred thereon, to the department of commerce and labor shall take effect and be in force on the 1st day of July, 1903, and not before."

After the reading of section 8,

Mr. GROSVENOR. Mr. Speaker, I desire to ask unanimous consent that the further reading of this amendment may be dispensed with.

Mr. DE ARMOND. Mr. Speaker, I am satisfied that will be distasteful to the chairman of the committee, and I think it had better go on.

The Clerk resumed and concluded the reading of the amendment.

Mr. HEPBURN. Mr. Speaker, I demand the previous question——

Mr. RICHARDSON of Tennessee. I desire to make a point of order——

Mr. HEPBURN (continuing). Upon that motion.

Mr. RICHARDSON of Tennessee (continuing). Against this amendment in the nature of a substitute.

Mr. HEPBURN. I demand the previous question.

Mr. RICHARDSON of Tennessee. I want to make a point of order against the substitute offered now by the gentleman from Iowa.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. RICHARDSON of Tennessee. The point of order I make, Mr. Speaker, is this: The Committee of the Whole House on the state of the Union perfected a substitute, a substitute reported by the chairman of the Committee on Interstate and Foreign Commerce. They reported it as a substitute. Now, Mr. Speaker, that substitute has been perfected, so to speak. It has been considered and amended. Now the gentleman comes and undertakes to offer a substitute for that substitute. I say he can not do it. There can be but one substitute at one time.

Now, Rule XIX provides how substitutes shall be considered. It is not necessary to quote the language of the rule, but there can be but one substitute pending except by unanimous consent. Unanimous consent has not been given for two substitutes, and now the one substitute having been perfected and presented to the House for consideration, for action, it is not in order to move another independent substitute for the substitute already perfected.

I think that is clear, and the gentleman's motion is simply a substitute; it is nothing but a substitute. The gentleman, I believe, used the word "substitute," although I am not sure about that. But whether he did or not, he undertakes to substitute one bill for another bill, so I care not if the sections are identical in language, and I understand he said they were. But that is immaterial. It is an independent proposition. It is an independent substitute, and there can be but one substitute pending. That has been perfected and we are entitled to a vote upon it.

The SPEAKER pro tempore. The Chair is ready to rule. The Committee on Interstate and Foreign Commerce reported to the House a Senate bill with an amendment in the nature of a substitute. The Chairman of the Committee of the Whole House on the state of the Union reported that that committee had had under consideration the amendment in the nature of a substitute and had perfected it, and recommended that the bill as amended do pass. The motion of the gentleman from Iowa now is clearly an amendment to the substitute recommended by the Committee of the Whole House to the House, and is certainly in order. The question of admitting such an amendment to a substitute was settled as long ago as 1836 by Mr. Speaker Polk.

The gentleman from Iowa is recognized.

Mr. HEPBURN. I demand the previous question.

Mr. CORLISS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CORLISS. Is it in order to offer an amendment striking out section 6 and other provisions with reference to insurance?

The SPEAKER pro tempore. It is not.

Mr. RICHARDSON of Tennessee. A parliamentary inquiry. If in the vote on the demand upon the previous question made by the gentleman from Iowa we vote down the demand, will it not be in order to offer the amendment offered by the gentleman from Michigan?

The SPEAKER pro tempore. The gentleman can answer that question as well as the Chair.

Mr. RICHARDSON of Tennessee. I submit the question to the Chair.

Mr. GROSVENOR. I make the point of order that the gentleman has no right to ask such a question.

Mr. RICHARDSON of Tennessee. I will answer if the Chair will not. It will be in order.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Iowa, demanding the previous question.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. CORLISS and Mr. DE ARMOND. Division!

The House divided, and there were—ayes 78; noes 100.

So the demand for the previous question was rejected.

Mr. HEPBURN. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Iowa.

Mr. CORLISS. Mr. Speaker——

Mr. RICHARDSON of Tennessee. Mr. Speaker, I make the point of order that the Chair can not recognize the gentleman from Iowa now.

The SPEAKER pro tempore. The gentleman does not need to make the point of order. The Chair recognizes the gentleman from Michigan.

Mr. CORLISS. Mr. Speaker, I ask to have a vote on the amendment adopted by the Committee of the Whole.

Mr. PAYNE. I make the point of order upon that.

Mr. CORLISS. And upon that I demand the previous question.

Mr. PAYNE. I make the point of order against that.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN. If the gentleman from Michigan will give his attention. As I understand the situation, the Committee of the Whole perfected one amendment?

The SPEAKER pro tempore. Yes.

Mr. MANN. And the only vote that can be taken in reference to the amendment adopted in the committee is whether the perfected amendment shall be adopted. The vote which is now due to the House, in case there is no discussion, is simply this amendment of the gentleman from Iowa, offering a substitute inserting in the bill as perfected by the committee two provisions in reference to insurance. I suppose, Mr. Speaker, that if that substitute is voted for, then that brings it before the House as the amendment; if it is voted down, the amendment perfected by the Committee of the Whole House comes before the House and it does not require the motion of the gentleman from Michigan.

The SPEAKER pro tempore. The gentleman from Illinois has correctly stated the parliamentary situation.

Mr. CORLISS. Mr. Speaker, I understood the vote was on the substitute offered by the gentleman from Iowa instead of upon ordering the previous question. I therefore moved to amend the amendment of the gentleman from Iowa by striking out section 6 and the language in section 3 embracing the insurance business.

The SPEAKER pro tempore. The gentleman's amendment is not in order, because it is an amendment in the third degree and is not admissible under the rules.

Mr. RICHARDSON of Tennessee. Mr. Speaker, the parliamentary status is that the amendment offered by the gentleman from Iowa [Mr. HEPBURN] is before the House. That amendment includes, if I may have the attention of the gentleman from Michigan——

The SPEAKER pro tempore. The Chair submits that this is a very important matter, and to an intelligent understanding of it we must have order. The House will please be in order.

Mr. RICHARDSON of Tennessee. The House having voted down the demand for the previous question does not preclude the right to have a vote upon the amendment offered by the gentleman from Iowa [Mr. HEPBURN]. His amendment, having been held by the Chair to be in order, is now to be voted upon in the form in which it has been read and submitted by the gentleman from Iowa. The gentleman from Michigan made a motion to strike out the sixth section, or so much as relates to the insurance bureau, and the Chair holds that that is not in order because it is an amendment in the third degree; and that ruling is correct, as it seems to me. Therefore the proposition comes to us now to accept the amendment offered by the gentleman from Iowa as a whole or to vote it down. If we accept it as a whole, we accept it with the provision for the insurance bureau, which the committee has on two or three separate occasions voted out of the bill.

Now, all we need to do, those of us who believe that that ought not to be in the bill—all we need to do is to stand together and vote against the amendment offered by the gentleman from Iowa. It has been demonstrated repeatedly to-day that we have votes enough to vote it out, and when that is voted down, then the gentleman from Michigan would have the right to demand the previous question on the measure as it came from the Committee of the Whole House on the state of the Union. Now, let us vote down the amendment offered by the gentleman from Iowa.

Mr. PAYNE. Mr. Speaker, the gentleman from Tennessee is correct, and under that statement I do not see why, led by the gentleman from Tennessee, the House voted the previous question down.

Mr. RICHARDSON of Tennessee. It does not matter who led; there were votes enough coming from that side of the House to vote it down. We have not votes enough on this side. Patriotic Republicans voted with us.

Mr. PAYNE. I was only illustrating the folly of the gentleman from Tennessee and the folly of members on this side following him. [Laughter.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Iowa [Mr. HEPBURN].

The question was taken; and on a division (demanded by Mr. HEPBURN) there were—ayes 66, noes 75.

So the amendment was lost.

Mr. CORLISS. Mr. Speaker, I now move the previous question on the bill as reported to the House.

The SPEAKER pro tempore. The gentleman from Michigan asks the previous question on the bill to its passage.

The question was taken; and the previous question was ordered.

The SPEAKER pro tempore. The question now is on the amendment in the nature of a substitute.

The question was taken; and the amendment was agreed to.

The SPEAKER pro tempore. The question now is on the third reading of the Senate bill.

The question was taken; and the bill was ordered to be read a third time, and was read the third time.

Mr. RICHARDSON of Alabama. Mr. Speaker, I have a motion to recommit the bill with instructions, which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the pending bill be recommitted to the Committee on Interstate and Foreign Commerce with instructions to report a bill or bills to the House to create and establish two separate departments, a department of labor and a department of commerce, each of the same dignity as existing departments and each with a secretary in the Cabinet of the President, and to assign to each of the departments proper and relative bureaus; with instructions also to strike out section 7 of the bill and insert the following as section 7:

SEC. 7. That there shall be established in the department of commerce a bureau to be called the bureau of corporations, and a chief of said bureau, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of $4,000 per annum. There shall also be in said bureau one chief clerk and one auditor and such number of examiners as shall be needed to carry out the purposes of this act. Said auditor and examiners shall be expert accountants, and shall be paid salary and necessary expenses. There shall also be such other clerical assistants as may from time to time be authorized by Congress. It shall be the province and duty of said bureau of corporations, under the direction of the secretary of commerce, to inspect and examine all corporations engaged in interstate or foreign commerce by gathering, compiling, publishing, and supplying all available and useful information concerning such corporations, including the manner in which their business is conducted, and by such other methods and means as may be prescribed by the secretary.

Every corporation governed by this act shall make annual reports in writing to the said auditor of said bureau, and such report shall in all cases include—

(a) Capital authorized and issued; the amount paid up in cash or otherwise, with a statement of the method of paying where it is not in cash.

(b) Debts, including details as to the amount thereof and security given therefor, if any.

(c) Obligations due from officers, which shall be separately stated.

(d) A statement of assets and the method of valuing the same, whether at cost price, by appraisal, or otherwise, and of the allowance made for depreciation. Small items of personal property included in a plant may be described by the term "sundries" or like general term.

(e) Gross earnings for the period covered by the report, all deductions necessary for interest, taxes, and expense of all sorts, the surplus available for dividends, and dividends actually declared.

(f) Increase of assets since the last statement, with a showing in what way such increase has been secured.

(g) The names and addresses of stockholders, with the number of shares held by each at the date of the report.

(h) The amount of stock disposed of and the amount of property taken for stock sold since the last report, with all facts necessary to show the results of the transaction.

(i) A statement showing that the corporation in question has not, during the period covered by the said report, received any rebates, drawbacks, special rates or discriminations, advantages or preferences, by money payments or otherwise, from any railroad, pipe line, water carrier, or other transportation company, or if any such have been received or given, stating when, from whom, on what account, and in what manner they were so received, with all other details necessary to a full understanding of the transaction or transactions.

(j) The names and addresses of all officers; location of transfer or registry offices, wherever located.

(k) A statement that the corporation has not fixed prices, or done any other act with a view to restricting trade or driving any competitor out of business.

(l) A statement that the corporation is or is not a party to any contract, combination, or conspiracy in the form of trust or otherwise in restraint of trade or commerce among the several States or Territories or with foreign nations.

(m) A statement of the proportion of goods going into interstate commerce.

That it shall be the duty of the auditor to prescribe the form of the reports before mentioned. He may in his discretion require additional reports at any time when he may see fit, upon reasonable notice; but his determination shall be prima facie proof that the notice is reasonable. He may also require supplemental reports whenever, in his judgment, the report rendered is in any particular or particulars insufficient, evasive, or ambiguous. He may prescribe rules so as to avoid undue detail in making reports, but no detail of the business of the corporation shall be considered private so as to be exempt from the examination of the auditor whenever he may demand report thereon. He shall make public in his reports, which shall be issued annually, all the information contained in the reports so made to him. When a report has been made by a corporation, and, with all supplemental and additional reports required by the auditor, shall have been approved by him, the corporation making such report or reports shall publish the same in a daily newspaper, after the usual custom in such cases, with the auditor's minutes of approval, and shall file with the auditor proof of such publication by the publisher's certificate.

That if any corporation shall fail to make a report when required, either by the terms of this act or when required by the auditor, as herein provided,

said corporation shall be fined not less than 1 per cent or not more than 10 per cent of its last annual gross earnings for each offense. Every day of failure after a written demand has been made by the auditor shall constitute a separate and distinct offense. In case of failure, also, each of the directors of the said corporation shall be ineligible, for the year succeeding the next annual meeting, to hold either directorship or any other office in the said corporation. If such report is false in any material respect, the corporation shall be fined not less than 2 per cent and not more than 20 per cent of its last annual gross earnings, and each false statement in any material matter shall constitute a separate offense. All fines and penalties imposed by this act shall be recovered or enforced in any court of competent jurisdiction.

That it shall be the duty of examiners, under the direction of the auditor, to make examinations of any corporation governed by this act. Any of said examiners presenting his official credentials shall be furnished by the officers of the corporation every facility for complete and full examination, not only of the books, but of all property, records, or papers of the corporation which may be necessary, in the judgment of the examiner, for a complete knowledge of the affairs of the concern. Such examinations shall not be at fixed periods, but shall be at such times as the auditor shall fix and without notice. Examiners shall have the power to examine under oath all officers or employees of a corporation, or any other persons having any knowledge of its affairs, and to send for, demand, and inspect books, papers, and any other matter of evidence whatever which is in the possession or control of the said corporation. For the purpose of this act examiners shall have power to require, by subpœna, the attendance and testimony of witnesses under oath and the production of all books, papers, contracts, agreements, and documents relating to any matter under investigation.

Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. And in case of disobedience to a subpœna the examiner may invoke the aid of any court of the United States in requiring such attendance. And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any corporation subject to the provisions of this act, or other person, issue an order requiring such corporation or other person to appear before said examiner and produce books and papers, if so ordered, and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence or testimony shall not be used against such person on the trial of any criminal proceeding. The auditor shall likewise have all the authority of an examiner in any case wherein he chooses himself to act. No examiner shall be assigned to examine any corporation who is himself interested in the business thereof, or any competing concern, or who has relatives who are so interested.

That it shall be unlawful for an examiner to divulge private business, except by his report to the auditor. But such report, or the substance thereof, shall be opened for public inspection. Each examiner shall follow the rules, regulations, and directions which the auditor may from time to time lay down or communicate to him as to the method of examination, the form of report, the matters to be covered by the said examination, and all matters pertaining to his duties. Said examinations and reports shall always cover, among others, the following questions:

(a) Has the said corporation, during the period covered by the examination and report, received any rebates, drawbacks, special rates, or other discriminations, advantages, or preferences, by money payments or otherwise, from any railroad, pipe line, water carrier, or other transportation company?

(b) If there have been such preferences, when were they received, from whom, on what account, and in what manner, giving all details necessary to a full understanding of the transaction?

(c) Is the said corporation a member of any combination having or intending to secure a monopoly of any commodity other than such monopolies as are legally granted by patent or otherwise?

(d) Has the said corporation any such monopoly, or does it use methods tending to secure such monopoly?

(e) Has it made any contracts or agreements tending to secure any such monopoly to itself or any other concern, whether owned by an individual or individuals, a corporation, or some combination of individuals and corporations?

(f) Is such corporation a party to any contract, agreement, or combination, in the form of a trust or otherwise, in restraint of trade or commerce among the several States or with foreign nations?

(g) Has the corporation purchased or does it hold the stock of any corporation for the purpose of controlling its management?

Said reports of examiners shall be prima facie true and may be introduced in evidence in all courts to prove the facts therein set forth. Copies certified by the auditor shall be admissible with like effect and under the same circumstances as the original. The word "corporation" wherever used in this act shall be deemed to include associations existing or authorized either by the law of the United States, the laws of any State, or the laws of any foreign country.

Mr. OVERSTREET (before the reading of the amendment was concluded). Mr. Speaker, this amendment has already been read to the House, when offered by the gentleman from New York. I therefore ask unanimous consent that the further reading of the amendment be dispensed with.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that the further reading of the amendment be dispensed with. Is there objection? The Chair hears none.

Mr. MANN. I make this point of order against the motion to recommit, that it directs the Committee on Interstate and Foreign Commerce to report a bill creating a department of labor, which, under the rules of the House, can not be done by this committee. The Committee on Interstate and Foreign Commerce has not jurisdiction, and could not have jurisdiction, of a bill to organize a department of labor.

Mr. PAYNE. And besides it is not germane.

Mr. RICHARDSON of Tennessee. In answer to the gentleman from Illinois [Mr. MANN], if he has concluded his statement——

Mr. MANN. I make the further point that a bill to create a department of labor is not germane as an amendment to the bill pending before the House.

Mr. RICHARDSON of Tennessee. In reply to the point of order of the gentleman from Illinois, I desire only to say that it is competent for the House of Representatives to refer a bill to any committee that it choose. A particular committee might not have jurisdiction in the first place without the direct action of the House. A bill might inadvertently be referred to a committee not having jurisdiction of the subject under the rules, and the House might correct such reference, because under the rules the bill would not go there. But it is competent for the House in its majesty, as the House sits here this evening, to refer this or any other bill to the Committee on Interstate and Foreign Commerce.

The SPEAKER pro tempore. The Chair is very clearly of opinion that the view expressed by the gentleman from Tennessee [Mr. RICHARDSON] as to the power of the House to refer this matter to the Committee on Interstate and Foreign Commerce states correctly the situation. The Chair will hear the gentleman from Illinois [Mr. MANN] on the other proposition—that the motion is not germane.

Mr. UNDERWOOD. A provision for the establishment of a department of labor was part of the original bill.

Mr. MANN rose.

Mr. SHACKLEFORD. May I put an interrogatory to the gentleman from Illinois? I want to ask him this question: If this proposition is not germane, how was it that it was contained originally in this bill? There is nothing embraced in the motion to recommit that is not already contained in some form in the bill as reported.

Mr. MANN. Well, Mr. Speaker, it may be beyond the comprehension of some people—it certainly is not beyond the lucid comprehension of the gentleman from Missouri [Mr. SHACKLEFORD]—that a certain provision which may be in a bill may come properly before a committee which has jurisdiction of the whole subject-matter of the bill, while it would not have jurisdiction of another proposition, because that other proposition would not be germane.

Here is a proposition to create two departments. On the same theory on which this proposition is defended this motion might be a direction to the committee to provide for the creation of a department of mines and mining, and a department of transportation, and a department of interstate and foreign commerce, and forty other departments of the Government.

Now, it does not seem to me (although I do not care to detain the House upon the question) that the proposition is germane to the bill before the House.

Mr. LIVINGSTON. The original bill was a proposition to establish a department of commerce and labor. The motion to recommit proposes simply to have two separate departments instead of one. The motion is just as germane as anything could be.

The SPEAKER pro tempore. There is no question in the mind of the Chair as to the power of the House to authorize the Committee on Interstate and Foreign Commerce to report a bill creating a department of labor, if the House sees fit to refer that subject to that committee. This is a bill creating a department of commerce and labor. The proposition contained in the motion is to return this bill to that committee with instructions to separate the two branches of the subject, and to report instead of a measure for one department a measure for two departments, covering the same subjects as are now covered in the bill pending before the House. The Chair holds that the motion is germane. The point of order is therefore overruled. The question is on the motion of the gentleman from Alabama [Mr. RICHARDSON] to recommit the bill with instructions, as read by the Clerk.

The question having been put,

The SPEAKER pro tempore. The noes seem to have it.

Mr. SULZER. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 86, nays 116 answered "present" 13, not voting 138; as follows:

YEAS—86.

Aplin,	Green, Pa.	Mahoney,	Slayden,
Bartlett,	Griffith,	Maynard,	Small,
Benton,	Hay,	Mickey,	Smith, Ky.
Breazeale,	Henry, Tex.	Moon,	Snook,
Brundidge,	Jackson, Kans.	Naphen,	Stark,
Candler,	Johnson,	Neville,	Stephens, Tex.
Clark,	Jones, Va.	Padgett,	Sulzer,
Clayton,	Kehoe,	Patterson, Tenn.	Talbert,
Cochran,	Kern,	Pou,	Tate,
Cowherd,	Kitchin, Claude	Randell, Tex.	Thayer,
Crowley,	Kleberg,	Richardson, Ala.,	Thomas, N. C.
Davis, Fla.	Kluttz,	Richardson, Tenn.,	Tompkins, N. Y.
De Armond,	Lamb,	Robb,	Underwood.
Dinsmore,	Latimer,	Robertson, La.	Vandiver,
Dougherty,	Lever,	Robinson, Nebr.	Wheeler,
Feely,	Lewis, Ga.	Rucker,	White,
Fleming,	Little,	Russell,	Wiley,
Flood,	Livingston,	Ryan,	Williams, Ill.
Gaines, Tenn.	Lloyd,	Scarborough,	Wooten,
Glass,	McAndrews,	Shackleford.	Zenor.
Gooch,	McClellan,	Shafroth,	
Gordon,	McCulloch,	Sheppard,	

NAYS—116.

Adams,	Deemer,	Hughes,	Powers, Me.
Alexander,	Draper,	Jones, Wash.	Powers, Mass.
Allen, Me.	Driscoll,	Joy,	Reeder,
Babcock,	Dwight,	Kyle,	Reeves,
Bartholdt,	Eddy,	Lacey,	Roberts,
Bates,	Esch,	Landis,	Scott,
Boreing,	Fletcher,	Lawrence,	Shattuc,
Brantley,	Fordney,	Littlefield,	Shelden,
Brick,	Foster, Vt.	Loudenslager,	Showalter,
Brown,	Gaines, W. Va.	McCall,	Sibley,
Brownlow,	Gardner, Mich.	McCleary,	Smith, Ill.
Burk, Pa.	Gardner, N. J.	McLachlan,	Smith, Iowa
Burke, S. Dak.	Gibson,	Maddox,	Smith, H. C.
Burkett,	Gill,	Mann,	Smith, S. W.
Burleigh,	Graff,	Marshall,	Southwick,
Burton,	Greene, Mass.	Martin,	Stevens, Minn.
Cannon,	Grow,	Miller,	Stewart, N. J.
Capron,	Haskins,	Minor,	Stewart, N. Y.
Cassel,	Heatwole,	Morgan,	Sulloway,
Conner,	Hedge,	Morris,	Tawney,
Coombs,	Hemenway,	Mudd,	Tayler, Ohio
Cooper, Wis.	Henry, Conn.	Nevin,	Thomas, Iowa
Corliss,	Hepburn,	Otjen,	Tirrell,
Cromer,	Hildebrant,	Overstreet,	Van Voorhis,
Crumpacker,	Hill,	Palmer,	Vreeland,
Currier,	Hitt,	Parker,	Warner,
Dahle,	Holliday,	Payne,	Warnock,
Dalzell,	Howard,	Pearre,	Watson,
Darragh,	Howell,	Perkins,	Woods.

ANSWERED "PRESENT"—13.

Adamson,	Emerson,	Kitchin, Wm. W.	Swanson.
Barney,	Finley,	Rixey,	
Boutell,	Griggs,	Snodgrass,	
Bromwell,	Haugen,	Steele,	

NOT VOTING—138.

Acheson,	Cushman,	Jett,	Pugsley,
Allen, Ky.	Davey, La.	Kahn,	Ransdell, La.
Ball, Del.	Davidson,	Ketcham,	Reid,
Ball, Tex.	Dayton,	Knapp,	Rhea, Va.
Bankhead,	Dick,	Knox,	Robinson, Ind.
Beidler,	Douglas,	Lassiter,	Rumple,
Bell,	Dovener,	Lessler,	Ruppert,
Bellamy,	Edwards,	Lester,	Schirm,
Belmont,	Elliott,	Lewis, Pa.	Selby,
Billmeyer,	Evans,	Lindsay,	Shallenberger,
Bingham,	Fitzgerald,	Littauer,	Sherman,
Bishop,	Flanagan,	Long,	Sims,
Blackburn,	Foerderer,	Loud,	Skiles,
Blakeney,	Foss,	Lovering,	Smith, Wm. Alden
Bowersock,	Foster, Ill.	McDermott,	Southard,
Bowie,	Fowler,	McLain,	Sparkman,
Brandegee,	Fox,	McRae,	Sperry,
Bristow,	Gardner, Mass.	Mahon,	Spight,
Broussard,	Gilbert,	Mercer,	Storm,
Bull,	Gillet, N. Y.	Metcalf,	Sutherland,
Burgess,	Gillett, Mass.	Meyer, La.	Swann,
Burleson,	Glenn,	Miers, Ind.	Taylor, Ala.
Burnett,	Goldfogle,	Mondell,	Thompson,
Butler, Mo.	Graham,	Moody, N. C.	Tompkins, Ohio
Butler, Pa.	Grosvenor,	Moody, Oreg.	Trimble,
Calderhead,	Hamilton,	Morrell,	Wachter,
Caldwell,	Hanbury,	Moss,	Wadsworth,
Cassingham,	Henry, Miss.	Mutchler,	Wanger,
Connell,	Hooker,	Needham,	Weeks,
Conry,	Hopkins,	Newlands,	Williams, Miss.
Cooney,	Hull,	Norton,	Wilson,
Cooper, Tex.	Irwin,	Olmsted,	Wright,
Cousins,	Jack,	Patterson, Pa.	Young.
Creamer,	Jackson, Md.	Pierce,	
Curtis,	Jenkins,	Prince,	

So the motion to recommit was lost.

The following pairs were announced:

For the session:

Mr. KAHN with Mr. BELMONT.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. BROWNLOW with Mr. PIERCE.

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. WANGER with Mr. ADAMSON.

Mr. SHERMAN with Mr. RUPPERT.

Until the end of the week:

Mr. EMERSON with Mr. GILBERT.

Until further notice:

Mr. NEEDHAM with Mr. RANSDELL of Louisiana.

Mr. JACK with Mr. FINLEY.

Mr. BOWERSOCK with Mr. BURNETT.

Mr. EVANS with Mr. FOSTER of Illinois.

Mr. STORM with Mr. PUGSLEY.

Mr. LOUD with Mr. GRIGGS.

Mr. MOODY of North Carolina with Mr. FOX.

Mr. MOODY of Oregon with Mr. BELLAMY.

Mr. DAVIDSON with Mr. SELBY.

Mr. SOUTHARD with Mr. NORTON.

Mr. KETCHAM with Mr. SNODGRASS.

Mr. ACHESON with Mr. SPARKMAN.

Mr. LESSLER with Mr. BURGESS.

Mr. BARNEY with Mr. THOMPSON.

Mr. LONG with Mr. NEWLANDS.

Mr. HOPKINS with Mr. SWANSON.

Mr. GROSVENOR with Mr. ROBINSON of Indiana.

For this day:

Mr. GARDNER of Massachusetts with Mr. BILLMEYER.

Mr. STEELE with Mr. MIERS of Indiana.

Mr. JENKINS with Mr. BANKHEAD.

Mr. DICK with Mr. DAVEY of Louisiana.

Mr. HAUGEN with Mr. ALLEN of Kentucky.

Mr. CURTIS with Mr. JETT.

Mr. PRINCE with Mr. CALDWELL.

Mr. BUTLER of Pennsylvania with Mr. CONRY.

Mr. SUTHERLAND with Mr. GOLDFOGLE.

Mr. PATTERSON of Pennsylvania with Mr. TAYLOR of Alabama.

Mr. LOVERING with Mr. LESTER.

Mr. MORRELL with Mr. ELLIOTT.

Mr. SPERRY with Mr. MCRAE.

Mr. RUMPLE with Mr. MUTCHLER.

Mr. KNAPP with Mr. NAPHEN.

Mr. BISHOP with Mr. FITZGERALD.

Mr. BALL of Delaware with Mr. BALL of Texas.

Mr. DOUGLAS with Mr. REID.

Mr. CONNELL with Mr. BUTLER of Missouri.

Mr. MAHON with Mr. WILLIAMS of Mississippi.

Mr. SKILES with Mr. BURLESON.

Mr. BULL with Mr. WILSON.

Mr. CUSHMAN with Mr. FLANAGAN.

Mr. FOERDERER with Mr. GLENN.

Mr. FOSS with Mr. HENRY of Mississippi.

Mr. HULL with Mr. HOOKER.

Mr. LITTAUER with Mr. LINDSAY.

Mr. MONDELL with Mr. LASSITER.

Mr. OLMSTED with Mr. SIMS.

Mr. SCHIRM with Mr. RHEA.

Mr. WACHTER with Mr. SHALLENBERGER.

Mr. WADSWORTH with Mr. SWANN.

Mr. WRIGHT with Mr. MCDERMOTT.

Mr. YOUNG with Mr. SPIGHT.

Mr. LEWIS of Pennsylvania with Mr. BELL.

Mr. CALDERHEAD with Mr. COONEY.

Mr. COUSINS with Mr. CREAMER.

Mr. BINGHAM with Mr. COOPER of Texas.

Mr. BEIDLER with Mr. BOWIE.

Until January 25:

Mr. DOVENER with Mr. BROUSSARD.

For this bill:

Mr. METCALF with Mr. RIXEY.

Mr. IRWIN with Mr. TRIMBLE.

Mr. HAMILTON with Mr. MCLEAN.

Mr. WM. ALDEN SMITH with Mr. EDWARDS.

Mr. SWANSON. Mr. Speaker, I see that I am paired with the gentleman from Illinois [Mr. HOPKINS]. I voted "aye," and I desire to withdraw that vote and to answer "present."

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. SWANSON and he voted "present."

The result of the vote was announced as above recorded.

Mr. THAYER. Mr. Speaker, does the RECORD show, as a matter of fact, that every Democrat who answered to his name voted "aye," and every Republican voted "no?"

The SPEAKER pro tempore. The gentleman's question is not a parliamentary inquiry. The question now is upon the passage of the bill.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. MADDOX. Division, Mr. Speaker.

The House divided; and there were—ayes 114, noes 27.

Mr. DE ARMOND. Mr. Speaker, no quorum present.

The SPEAKER. The gentleman makes the point of no quorum present.

Mr. MANN. Who raised the point of no quorum?

The SPEAKER pro tempore. The gentleman from Missouri raises the point that no quorum is present.

Mr. MANN. Then, Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 135, nays 42, answered "present" 9, not voting 167; as follows:

YEAS—135.

Alexander,	Burkett,	Darragh,	Gibson,
Allen, Me.	Burleigh,	Deemer,	Gill,
Aplin,	Burton,	Draper,	Glass,
Babcock,	Cannon,	Driscoll,	Gordon,
Bartholdt,	Capron,	Dwight,	Graff,
Bates,	Cassel,	Eddy,	Greene, Mass.
Boreing,	Conner,	Esch,	Griffith,
Boutell,	Conry,	Feely,	Grow,
Brantley,	Coombs,	Fleming,	Haskins,
Breazeale,	Cooper, Wis.	Fletcher,	Hedge,
Brick,	Corliss,	Fordney,	Hemenway,
Brown,	Cromer,	Foster, Vt.	Henry, Conn.
Brownlow,	Crumpacker,	Gaines, W. Va.	Hepburn,
Burk, Pa.	Currier,	Gardner, Mich.	Hildebrant,
Burke, S. Dak.	Dalzell,	Gardner, N. J.	Hitt,

Holliday,	Mahoney,	Payne,	Stewart, N. Y.
Howell,	Mann,	Pearre,	Sulloway,
Johnson,	Marshall,	Pou,	Sulzer,
Jones, Wash.	Martin,	Powers, Me.	Swanson,
Joy,	Maynard,	Powers, Mass.	Tawney,
Kyle,	Mickey,	Reeves,	Tayler, Ohio
Lacey,	Miller,	Roberts,	Thomas, Iowa
Lamb,	Minor,	Robertson, La.	Thomas, N. C.
Landis,	Moon,	Ryan,	Tirrell,
Lawrence,	Morris,	Scott,	Tompkins, Ohio
Littlefield,	Mudd,	Shelden,	Van Voorhis,
Livingston,	Naphen,	Showalter,	Vreeland,
Loudenslager,	Nevin,	Sibley,	Warner,
McAndrews,	Otjen,	Small,	Warnock,
McCall,	Overstreet,	Smith, Ill.	Watson,
McCleary,	Padgett,	Smith, Iowa	Wiley,
McClellan,	Palmer,	Smith, H. C.	Williams, Ill.
McCulloch,	Parker,	Smith, S. W.	Woods.
McLachlan,	Patterson, Tenn.	Southwick,	

NAYS—42.

Bartlett,	Dougherty,	Maddox,	Slayden,
Benton,	Gaines, Tenn.	Randell, Tex.	Snodgrass,
Brundidge,	Howard,	Richardson, Ala.	Snook,
Candler,	Jones, Va.	Richardson, Tenn.	Stark,
Clark,	Kern,	Robinson, Nebr.	Stephens, Tex.
Cochran,	Kitchin, Claude	Rucker,	Tate,
Cowherd,	Kitchin, Wm. W.	Russell,	Vandiver,
Crowley,	Kluttz,	Scarborough,	Wooten,
Davis, Fla.	Lever,	Shackleford,	Zenor.
De Armond,	Little,	Shafroth,	
Dinsmore,	Lloyd,	Sheppard,	

ANSWERED "PRESENT"—9.

Barney,	Finley,	Grosvenor,	Steele,
Bromwell,	Griggs,	Heatwole,	Stewart, N. J.
Emerson,			

NOT VOTING—167.

Acheson,	Dick,	Ketcham,	Reid,
Adams,	Douglas,	Kleberg,	Rhea,
Adamson,	Dovener,	Knapp,	Rixey,
Allen, Ky.	Edwards,	Knox,	Robb,
Ball, Del.	Elliott,	Lassiter,	Robinson, Ind.
Ball, Tex.	Evans,	Latimer,	Rumple,
Bankhead,	Fitzgerald,	Lessler,	Ruppert,
Beidler,	Flanagan,	Lester,	Schirm,
Bell,	Flood,	Lewis, Ga.	Selby,
Bellamy,	Foerderer,	Lewis, Pa.	Shallenberger,
Belmont,	Foss,	Lindsay,	Shattuc,
Billmeyer,	Foster, Ill.	Littauer,	Sherman,
Bingham,	Fowler,	Long,	Sims,
Bishop,	Fox,	Loud,	Skiles,
Blackburn,	Gardner, Mass.	Lovering,	Smith, Ky.
Blakeney,	Gilbert,	McDermott,	Smith, Wm. Alden
Bowersock,	Gillet, N. Y.	McLain,	Southard,
Bowie,	Gillett, Mass.	McRae,	Sparkman,
Brandegee,	Glenn,	Mahon,	Sperry,
Bristow,	Goldfogle,	Mercer,	Spight,
Broussard,	Gooch,	Metcalf,	Stevens, Minn.
Bull,	Graham,	Meyer, La.	Storm,
Burgess,	Green, Pa.	Miers, Ind.	Sutherland,
Burleson,	Hamilton,	Mondell,	Swann,
Burnett,	Hanbury,	Moody, N. C.	Talbert,
Butler, Mo.	Haugen,	Moody, Oreg.	Taylor, Ala.
Butler, Pa.	Hay,	Morgan,	Thayer,
Calderhead,	Henry, Miss.	Morrell,	Thompson,
Caldwell,	Henry, Tex.	Moss,	Tompkins, N. Y.
Cassingham,	Hill,	Mutchler,	Trimble,
Clayton,	Hooker,	Needham,	Underwood,
Connell,	Hopkins,	Neville,	Wachter,
Cooney,	Hughes,	Newlands,	Wadsworth,
Cooper, Tex.	Hull,	Norton,	Wanger,
Cousins,	Irwin,	Olmsted,	Weeks,
Creamer,	Jack,	Patterson, Pa.	Wheeler,
Curtis,	Jackson, Kans.	Perkins,	White,
Cushman,	Jackson, Md.	Pierce, Tenn.	Williams, Miss.
Dahle,	Jenkins,	Prince,	Wilson,
Davey, La.	Jett,	Pugsley,	Wright,
Davidson,	Kahn,	Ransdell, La.	Young.
Dayton,	Kehoe,	Reeder,	

So the bill was passed.

The following additional pairs were announced:

Mr. SHATTUC with Mr. KLEBERG, on this bill.

On this vote:

Mr. HEATWOLE with Mr. CLAYTON.

Mr. ADAMS with Mr. MCCULLOCH.

Mr. CRUMPACKER with Mr. TALBERT.

Mr. REEDER with Mr. LATIMER.

Mr. BLAKENEY with Mr. WHEELER.

Mr. BRANDEGEE with Mr. FLOOD.

Mr. BRISTOW with Mr. GOOCH.

Mr. WEEKS with Mr. GREEN of Pennsylvania.

Mr. KNOX with Mr. HAY.

Mr. JACKSON of Maryland with Mr. HENRY of Texas.

Mr. HANBURY with Mr. JACKSON of Kansas.

Mr. GRAHAM with Mr. KEHOE.

Mr. GILLET of New York with Mr. LEWIS of Georgia.

Mr. GILLETT of Massachusetts with Mr. SMITH of Kentucky.

Mr. BLACKBURN with Mr. WHITE.

Mr. MERCER with Mr. ROBB.

Mr. TOMPKINS of New York with Mr. UNDERWOOD.

The result of the vote was then announced as above recorded.

On motion of Mr. CORLISS, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. WILLIAM W. KITCHIN. Mr. Speaker, I desire to ask unanimous consent to change my vote from "present" to "yea" on the motion to recommit. I voted "present" under the impression that I was paired with the gentleman from New York [Mr. LESSLER].

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to change his vote as recorded on the motion to recommit, and to vote "yea" now.

Mr. PAYNE. I think that would not be a good precedent to establish.

Mr. RICHARDSON of Tennessee. It has never been objected to; it does not change the result.

Mr. PAYNE. I know; but it is not the usual practice. I never knew it before, and therefore I shall be constrained to object.

The SPEAKER pro tempore. The gentleman from New York objects.

Mr. PAYNE. The gentleman will get the benefit of his statement in the RECORD.

Mr. CORLISS. I move that the House do now adjourn.

The SPEAKER pro tempore. Pending the motion, the Chair submits the following change of reference:

A bill (S. 1131) granting an increase of pension to Sydda B. Arnold, from the Committee on Invalid Pensions to the Committee on Pensions.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. CAPRON obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Joseph P. Manton, no adverse report having been made thereon.

LEAVE TO PRINT.

By unanimous consent, Mr. GOOCH was given leave to print on the bill under discussion this day (S. 569), relating to the department of commerce.

LEAVE OF ABSENCE.

On request of Mr. CORLISS, Mr. HAMILTON was granted leave of absence indefinitely on account of illness.

The SPEAKER pro tempore. The gentleman from Michigan moves that the House do now adjourn.

The motion was agreed to.

And accordingly (at 6 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George W. Frith, administrator of estate of Thomas I. Frith, against The United States; to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the General Superintendent of the Life-Saving Service submitting an amendment of estimate of appropriation for Life-Saving Service; to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for shooting galleries and ranges at Fort Crook; to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MCCLEARY, from the Committee on Appropriations, to which was referred the bill of the House (H. R. 16842) making appropriations to provide for the support of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes, reported the same without amendment, accompanied by a report (No. 3160); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6502) relating to ceded lands on the Fort Hall Indian Reservation, reported the same without amendment, accompanied by a report (No. 3161); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. POWERS of Massachusetts, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 14047) for the relief of the clerks of circuit and district courts of the United States, reported the same without amendment, accompanied by a report (No. 3162); which said bill and report were

referred to the Committee of the Whole House on the state of the Union.

Mr. KAHN, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 16599) amending chapter 591 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis.," reported the same without amendment, accompanied by a report (No. 3163); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PEARRE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 13630) to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, reported the same without amendment, accompanied by a report (No. 3164); which said bill and report were referred to the House Calendar.

Mr. WHEELER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 3100) providing for the conveyance of Widows Island, Maine, to the State of Maine, reported the same without amendment, accompanied by a report (No. 3165); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 15621) granting an increase of pension to Louise Ward—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11404) to provide pensions for freedmen, etc.—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. McCLEARY, from the Committee on Appropriations: A bill (H. R. 16842) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes—to the Union Calendar.

By Mr. BELL: A bill (H. R. 16843) to prevent extortion, and for other purposes—to the Committee on the Judiciary.

By Mr. FLYNN: A bill (H. R. 16844) to amend an act entitled "An act to supplement existing laws relating to the disposition of lands, and so forth," approved March 3, 1901—to the Committee on the Public Lands.

By Mr. COOPER of Texas: A bill (H. R. 16845) appropriating $25,000 to exterminate the boll weevil—to the Committee on Agriculture.

By Mr. LOVERING: A bill (H. R. 16846) to promote education in the public marine schools—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMSON (by request): A bill (H. R. 16847) to enlarge the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. POWERS of Massachusetts: A bill (H. R. 16848) providing for the purchase of ground and the erection of a new custom-house at the port of Boston, Mass.—to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CAPRON: A bill (H. R. 16849) granting an increase of pension to Richard E. Bouldin—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 16850) granting an increase of pension to St. Clair T. Burton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16851) granting an increase of pension to William H. H. Buchanan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16852) granting an increase of pension to Charles R. Korn—to the Committee on Invalid Pensions.

By Mr. MERCER: A bill (H. R. 16853) granting a pension to David Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16854) granting an increase of pension to Rufus G. Tole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16855) granting an increase of pension to William Kelly—to the Committtee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 16856) granting a pension to John Burke—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 16857) granting an increase of pension to Oliver H. Kile—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 16858) granting an increase of pension to James P. Foster—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Nebraska: A bill (H. R. 16859) granting a pension to Florence M. Stout—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 16860) for the relief of Arlington C. Denike—to the Committee on Naval Affairs.

By Mr. SIMS: A bill (H. R. 16861) for the relief of Mary W. Ridley—to the Committee on War Claims.

By Mr. THOMAS of North Carolina: A bill (H. R. 16862) for the relief of William H. Bucklin—to the Committee on War Claims.

By Mr. TRIMBLE: A bill (H. R. 16863) granting an increase of pension to Samuel D. McMeekin—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 16864) granting an increase of pension to Jasper Richey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16865) granting a pension to Rebecca J. H. Rupe—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 16866) granting a pension to George W. Boyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16867) granting a pension to John T. Cotton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16868) granting a pension to Thomas W. Dickey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16869) granting an increase of pension to John Ripperdan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16870) granting a pension to Cuma Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16871) granting an increase of pension to Fredrick Baker—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 16872) granting an increase of pension to Samuel Rollins—to the Committee on Invalid Pensions.

By Mr. ROBB: A bill (H. R. 16873) granting an increase of pension to Thomas L. Judd—to the Committee on Invalid Pensions.

By Mr. APLIN: A bill (H. R. 16874) granting an increase of pension to James L. Davenport, alias Dexter Davis—to the Committee on Invalid Pensions.

By Mr. PEARRE: A resolution (H. Res. 396) referring H. R. 16798, with all accompanying papers, to the Court of Claims—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. APLIN: Petitions of retail druggists of Grayling and Bay City, Mich., for a reduction of the tax on alcohol to 70 cents per proof gallon—to the Committee on Ways and Means.

By Mr. BARNEY: Petition of F. W. Thieman and five other druggists of Sheboygan, Wis., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BELL: Petition of Typographical Union of Colorado Springs, Colo., favoring the repeal of the desert land and homestead commutation acts—to the Committee on the Public Lands.

By Mr. CORLISS: Petition of the Central Drug Company, Detroit, Mich., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of Robert A. Hance, of Philadelphia, Pa., favoring House bill 178—to the Committee on Ways and Means.

By Mr. DINSMORE: Paper to accompany House bill to correct the military record of Willis S. Henderson—to the Committee on Military Affairs.

By Mr. DRAPER: Petition of D. G. Nesbit and 2 other delegates, asking for the passage of a bill for the relief of ex-prisoners of war—to the Committee on Pensions.

By Mr. GRIFFITH: Resolutions of Brotherhood of Locomotive Engineers No. 39, of Seymour, Ind., in favor of House bill 15990—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: Petition of Local Union No. 3, International Brick, Tile, and Terra Cotta Workers' Alliance, of Blue Island, Ill., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. LANDIS: Petition of Edward F. Beall, of Frankfort, Ind., and heirs at law of L. C. Beall, deceased, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. LAWRENCE: Petition of John T. Harper and others, of Great Barrington, Mass., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MAHONEY: Petition of the Searle & Hereth Company, favoring the Lovering drawback customs bill—to the Committee on Ways and Means.

By Mr. NEVIN: Paper to accompany House bill granting an increase of pension to Samuel Rollins—to the Committee on Invalid Pensions.

By Mr. PAYNE: Resolutions of the Auburn (N. Y.) Business Men's Association, asking for appropriate legislation for the Territory of Alaska—to the Committee on the Territories.

By Mr. ROBERTS: Resolutions of the city government of Chelsea, Mass., to place beef and coal on the free list—to the Committee on Ways and Means.

By Mr. RYAN: Petition of the New York Produce Exchange, favoring the passage of certain bills to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. P. Werner and 62 other citizens of Buffalo, N. Y., favoring House bill 178—to the Committee on Ways and Means.

By Mr. SIBLEY: Resolution of the Presbytery of Erie, Pa., favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. HENRY C. SMITH: Petition of S. M. Sackett and six other druggists of Monroe, Mich., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: Papers relating to the claim of W. H. Bucklin—to the Committee on War Claims.

By Mr. TRIMBLE: Paper to accompany House bill for increase of pension of Samuel D. McMeekin—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill granting an increase of pension to George W. Boyer—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to John T. Cotton—to the Committee on Invalid Pensions.

Also, papers to accompany bill for a pension to James M. Blades—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to John Ripperdan—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Frederick Baker—to the Committee on Invalid Pensions.

By Mr. YOUNG: Circular of George Marshall in relation to readjusting the currency—to the Committee on Banking and Currency.

Also, petition of D. G. Nesbit and other delegates of Grand Army of the Republic posts in relation to pensioning ex-prisoners of war—to the Committee on Pensions.

SENATE.

MONDAY, *January 19, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

POTOMAC RIVER HIGHWAY BRIDGE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from Lieut. Col. Charles J. Allen, Corps of Engineers, recommending, for reasons stated, that the time for completing the highway bridge across the Potomac River in the city of Washington, D. C., be extended to February 12, 1906; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

MAIL CONTRACTS PRIOR TO MAY 1, 1861.

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster-General, transmitting a number of items and the total amount due individuals for carrying mails prior to May 1, 1861, in cases where the Confederate records failed to show payment by the Confederate Government; which, with the accompanying papers, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

SAFETY APPLIANCES ON RAILROADS.

The PRESIDENT pro tempore laid before the Senate a communication from the Interstate Commerce Commission, transmitting copies of the reports of its inspectors showing the conditions and defects of train or power brakes on certain railroads of the United States; which, with the accompanying papers, was referred to the Committee on Interstate Commerce, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Olive Branch*, Jonathan Moulton, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Industry*, J. Lambert, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

HARRIETT MILES.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings filed by the court in the cause of Harriett Miles *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MATHILDA M. FAIREX.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings filed by the court in the cause of Mathilda M. Fairex, administratrix of Daniel Fairex, deceased, *v.* The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings filed by the court in the cases of Angeline Bibber, administratrix of Charles Bibber, deceased, and sundry other claimants *v.* The United States; Sarah A. McMurtrie, widow of Daniel McMurtrie, deceased, and sundry other claimants *v.* The United States; Thomas Bennett and sundry other claimants *v.* The United States; Mary E. Braine, widow of Daniel L. Braine, deceased, and sundry other claimants *v.* The United States, and of Henry M. Cleveland, administrator of Lewis Kingsley, deceased, *v.* The United States, which cases were referred to the Court of Claims by resolution of the Senate of June 4, 1902, referring the bill (S. 5959) for the relief of certain naval officers and their legal representatives to that court; which, with the accompanying papers, were referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 1902) for the relief of Flora A. Darling.

The message also announced that the House had passed with an amendment the bill (S. 569) to establish the department of commerce and labor in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 622) granting a pension to Dicey Woodall.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 288) for the relief of the Christian Church, of Henderson, Ky.;

A bill (H. R. 647) for the relief of William P. Marshall;

A bill (H. R. 1147) for the relief of the First Baptist Church of Cartersville, Ga.;

A bill (H. R. 1488) for the relief of T. A. Woodress;

A bill (H. R. 1937) for the relief of the owner and owners of the barge *Charlie;*

A bill (H. R. 2490) for the relief of Morris F. Cawley;

A bill (H. R. 5036) for the relief of the heirs of Mrs. Telisse W. Wilson;

A bill (H. R. 5070) for the relief of Hamilton M. Sailors;

A bill (H. R. 8650) for the relief of the estate of Leander C. McLelland, deceased;

A bill (H. R. 9632) for the allowance of claims of certain citizens of Virginia for damages to their property incident to the encampment at Manassas and march from Camp Alger to Thoroughfare Gap, Va., as recommended by a board of officers appointed for the consideration of claims for damages to property by volunteer soldiers during the war with Spain;

A bill (H. R. 11127) for the relief of the Propeller Towboat Company, of Savannah; and

A bill (H. R. 16567) making appropriation for the support of the Army for the fiscal year ending June 30, 1904.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 473) granting an increase of pension to Maberg H. Presley;

A bill (S. 484) granting an increase of pension to Fletcher J. Walker;

A bill (S. 921) granting a pension to Joanna Rodgers;

A bill (S. 1299) granting an increase of pension to Ambrus U. Harrison;

A bill (S. 1300) granting a pension to Judson N. Pollard;

A bill (S. 1479) granting an increase of pension to Thomas L. Caughey;

A bill (S. 1739) granting an increase of pension to William S. Frost;

A bill (S. 2353) granting an increase of pension to Almond Partridge;

A bill (S. 2545) granting a pension to William Johnson;

A bill (S. 2646) granting a pension to Justus L. Denton;

A bill (S. 3035) granting an increase of pension to Elias Brewster;

A bill (S. 3365) granting an increase of pension to Eliza M. Miller;

A bill (S. 3397) granting an increase of pension to Eliza A. Walker;

A bill (S. 3508) granting an increase of pension to James M. Thomas;

A bill (S. 3661) granting an increase of pension to George W. Edmonds;

A bill (S. 4043) granting an increase of pension to Catharine A. Carroll;

A bill (S. 4075) granting a pension to Harry R. Gibbs;

A bill (S. 4093) granting an increase of pension to William Barrett;

A bill (S. 4374) granting an increase of pension to Abraham Schreener;

A bill (S. 4528) granting an increase of pension to Corydon Millard;

A bill (S. 4718) granting an increase of pension to Sarah A. Whitcomb;

A bill (S. 4809) granting an increase of pension to Henry J. McFadden;

A bill (S. 4811) granting an increase of pension to John W. Dick;

A bill (S. 4866) granting an increase of pension to Sarah D. Bereman;

A bill (S. 4941) granting an increase of pension to William Nichol;

A bill (S. 4943) granting an increase of pension to Abraham Park;

A bill (S. 5019) granting an increase of pension to Hannah E. James;

A bill (S. 5403) granting an increase of pension to Lyman Hataling;

A bill (S. 5431) granting a pension to Daniel Dougherty;

A bill (S. 5639) granting a pension to William H. Durham;

A bill (S. 5660) granting an increase of pension to George W. Berry;

A bill (S. 5774) granting a pension to Asa E. Sampson;

A bill (S. 5812) granting an increase of pension to Wallace Fairbanks;

A bill (S. 5814) granting a pension to Preston W. Burford;

A bill (S. 5816) granting a pension to Etta A. Whitehouse;

A bill (S. 5944) granting an increase of pension to Frederick W. Willey;

A bill (S. 6101) granting an increase of pension to Reuben Andrews;

A bill (S. 6123) granting an increase of pension to Thomas L. Collins;

A bill (S. 6151) granting an increase of pension to Henry E. Burton;

A bill (S. 6330) granting an increase of pension to Allen M. Ripley;

A bill (H. R. 6326) for the relief of Hiram C. Walker;

A bill (H. R. 11594) granting an increase of pension to Sarah E. Morrow;

A bill (H. R. 14416) granting an increase of pension to Albert H. Phillips;

A bill (H. R. 14477) granting a pension to John W. Bruff;

A bill (H. R. 14478) granting an increase of pension to Luman Fuller;

A bill (H. R. 14957) granting an increase of pension to Mathias Custers;

A bill (H. R. 15006) to establish Portal, N. Dak., a subport of entry and extend thereto the privileges of the first section of the act approved June 10, 1880;

A bill (H. R. 15852) granting an increase of pension to Cyrus G. Norton; and

A bill (H. R. 16642) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903.

CREDENTIALS.

Mr. BACON presented the credentials of ALEXANDER STEPHENS CLAY, chosen by the legislature of the State of Georgia a Senator from that State for the term beginning March 4, 1903; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented a petition of Division No. 352, Brotherhood of Locomotive Engineers, of Martinsburg, W. Va., praying for the passage of the so-called anti-injunction and conspiracy bill; which was ordered to lie on the table.

He also presented a petition of Mineral State Lodge, No. 326, Brotherhood of Boiler Makers and Iron Shipbuilders, of Grafton, W. Va., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. FOSTER of Washington presented a petition of Carpenters and Joiners' Local Union No. 98, American Federation of Labor, of Spokane, Wash., praying for the enactment of legislation to repeal the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a memorial of the Woman's Christian Temperance Union of Fremont, Wash., remonstrating against the enactment of legislation to restore the sale of malt beverages and light wines on any transport or at any post exchange; which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Fremont, Wash., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of Shipwrights, Calkers, and Ship Joiners' Local Union No. 8828, American Federation of Labor, of Seattle, Wash., and a petition of the Musicians Mutual Protective Union, No. 76, American Federation of Labor, of Seattle, Wash., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. QUARLES presented a petition of the Cudahy Brothers Company, of Milwaukee, Wis., praying for the ratification of the so-called Hay-Bond treaty; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Wisconsin Humane Society, of Milwaukee, Wis., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Cigar Makers' Local Union No. 168, American Federation of Labor, of Oshkosh, Wis., praying for the enactment of legislation to repeal the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a memorial of the Federated Trades Council, American Federation of Labor, of Milwaukee, Wis., remonstrating against the adoption of certain amendments to the so-called eight-hour bill; which was ordered to lie on the table.

He also presented memorials of the Marinette Iron Works Manufacturing Company, of Marinette; of the Thomas B. Jeffery Company, of Kenosha, and of the Kaukauna Fiber Company, of Kaukauna, all in the State of Wisconsin, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of the Gilbert Paper Company, of Menasha; of the Chain Belt Company, of Milwaukee; of the Racine Wagon and Carriage Company, of Racine; of the Giddings & Lewis Manufacturing Company, of Fond du Lac; of the J. Thompson & Sons Manufacturing Company, of Beloit; of the O. L. Packard Machinery Company, of Milwaukee, and of the Manasha Wooden Ware Company, of Manasha, all in the State of Wisconsin, praying for the establishment of a department of commerce; which were ordered to lie on the table.

Mr. PLATT of New York presented a petition of the Society of Friends of Cayuga County, of New York, praying for the adoption of an amendment to the bill to promote the efficiency

of the militia so as to provide an exemption clause based on conscientious scruples; which was ordered to lie on the table.

He also presented petitions of the New Kurlander Lodge, No. 95, Order of B'rith Abraham; of G. Richter Lodge, No. 192, Order of B'rith Abraham, and of Lewinthan Lodge, No. 306, Order of B'rith Abraham, all of New York City, in the State of New York, praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

He also presented a petition of United Garment Workers' Local Union No. 46, American Federation of Labor, of Buffalo, N. Y., and a petition of the Carpenters and Joiners' Local Union, American Federation of Labor, of New York City, N. Y., praying for the enactment of legislation to repeal the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

He also presented petitions of J. R. Stine & Co., of New York; of H. B. Roelker, of New York; of the Gilbert Manufacturing Company, of New York; of the Bailey Jones Company, of Jamestown; of the Lockport Felt Company, of Lockport; of the Fort Miller Pulp and Paper Company, of Fort Miller; of Edward F. Jones, of Binghamton; of the Church & Dwight Company, of New York; of the A. S. Cameron Steam Pump Works, of New York, and of the Bausch & Lomb Optical Company, of Rochester, all in the State of New York, praying for the establishment of a department of commerce; which were ordered to lie on the table.

He also presented petitions of Livery Employees' Local Union No. 7026, of Troy; of the Japanners and Finishers' Local Union No. 9096, of Jamestown; of Federal Labor Union No. 9781, of Wellsville; of the Paper Makers' Local Union, of Ticonderoga; of Local Union No. 121, of Troy; of Local Union No. 134, of Geneva; of Journeymen Barbers' Local Union No. 150, of Troy, and of Loomfixers' Local Union No. 270, of Jamestown, all of the American Federation of Labor, in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of the Bickford & Francis Belting Company, of Buffalo; of the J. Hungerford Smith Company, of Rochester; of the Moody & Gould Company, of Oneonta; of the Leather Belting Company, of New York; of the J. L. Mott Iron Works, of New York; of the Buffalo Pitts Company, of Buffalo; of the Carriage and Wagon Manufactory of Thomas Callister, of Queens; of the E. D. Clapp Manufacturing Company, of Auburn; of the Carvin Machine Company, of New York; of the Bausch & Lomb Optical Company, of Rochester; and of the Seneca Falls Manufacturing Company, of Seneca Falls, all in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of sundry citizens in the State of New York, praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which were ordered to lie on the table.

Mr. CULLOM presented the memorial of Frank Chapin Bray and 24 other citizens of Chicago, Ill., remonstrating against the passage of the bill to promote the effciency of the militia; which was ordered to lie on the table.

He also presented a petition of Local Union No. 63, American Federation of Labor, of Bloomington, Ill., praying for the enactment of legislation to repeal the so-called desert-land law, and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented petitions of the Wholesale Drug House Employees Union of Chicago; of Local Union No. 3, of Streator; of Local Union No. 17, of Moline; of Local Union No. 697, of East St. Louis; of Local Union No. 169, of East St. Louis; of Mattress Makers' Local Union No. 6899, of Chicago; of Cigar Makers' Local Union No. 191, of Morris; of Local Union No. 127, of Chicago; of the Trades and Labor Council of Streator, and of Local Union No. 850, of Dawson, all of the American Federation of Labor, in the State of Illinois, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented the memorial of Patrick Edgeworth, of Chicago, Ill., and the memorial of the Greenlee Bros. & Co., of Chicago, Ill., remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. ALDRICH. I present a memorial of the Fisheries Company, remonstrating against the ratification of the Newfoundland treaty. The memorial represents the views of an important body of fishermen on the Atlantic coast, and I move that it be printed as a document and referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. DEPEW presented petitions of Local Union No. 186, of Auburn; of Local Union No. 747, of Oswego; of Local Union No. 498, of Jamestown; of the Central Federation of Labor, of Troy; of Coal Employees' Local Union No. 6380, of Troy; of Local Union No. 12, of Troy; of Local Union No. 835, of Seneca Falls; of Local Union No. 1, of Lockport; of Car Painters' Local Union No. 535, of Albany; of Local Union No. 39, of Rochester; of Broommakers' Local Union No. 14, of Amsterdam, and of Carpenters and Joiners' Local Union No. 24, of Batavia, all of the American Federation of Labor, in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a memorial of the Carvin Machine Company, of New York City, N. Y., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. McCUMBER presented the petition of Horace E. Browning, superintendent of Browning boarding school, of Elbowoods, N. Dak., praying for the enactment of legislation pertaining to Indian traders and the correction of errors in double Indian allotments; which was referred to the Committee on Indian Affairs.

Mr. BEVERIDGE presented a petition of the Lake Mohonk Twentieth Annual Conference of Friends of the Indians of the United States, praying for the enactment of legislation to provide for the allotment of lands in severalty to the Indians in the State of New York and extend the protection of the laws of the United States and the State of New York over such Indians, and for other purposes; which was referred to the Committee on Indian Affairs.

He also presented a petition of the legislative board of the Brotherhood of Locomotive Engineers of Wabash, Ind., praying for the passage of the so-called employers' liability bill; which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 599, American Federation of Labor, of Hammond, Ind., praying for the enactment of legislation to repeal the so-called desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a petition of Lodge No. 211, Order of Brith Abraham, of Lafayette, Ind., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

He also presented a petition of Local Union No. 35, American Federation of Labor, of Indianapolis, Ind., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a memorial of the Manufacturers' Club, of Indianapolis, Ind., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. MARTIN presented petitions of sundry citizens of Albemarle County, Va., praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which were ordered to lie on the table.

Mr. KITTREDGE presented a petition of the Lead City Miner's Union, of Lead, S. Dak., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. CLAPP presented a petition of Capitol Lodge, No. 93, Order B'rith Abraham, of St. Paul, Minn., praying for the enactment of legislation to regulate the methods and practice pursued by the immigration officers of the port of New York; which was referred to the Committee on Immigration.

Mr. GALLINGER presented a memorial of the Brightwood Park Citizens' Association of the District of Columbia, remonstrating against the extension of additional streets in the District of Columbia outside of the city limits at the expense of the taxpayers, etc.; which was referred to the Committee on the District of Columbia.

He also presented a petition of the North Capital and Eckington Citizens' Association of the District of Columbia, praying for the enactment of legislation to provide better police protection in that section of the city; which was referred to the Committee on the District of Columbia.

He also presented a petition of the North Capital and Eckington Citizens' Association of the District of Columbia, praying for the enactment of legislation relative to the opening of streets, etc., in that section of the city; which was referred to the Committee on the District of Columbia.

He also presented a petition of the North Capital and Eckington Citizens' Association of the District of Columbia, praying for the enactment of legislation to advance to the District the money necessary for the extraordinary items of expense, to be returned by installments at future dates; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Milford, N. H.; of the Woman's Christian Temperance Union of Epping, N. H., and of the General Assembly of the Presbyterian Church of Pittsburg, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings and immigration stations; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Manchester City Lodge, No. 264, Order of Brith Abraham, of Manchester, N. H., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

Mr. FAIRBANKS presented a petition of the Commercial Club of Indianapolis, Ind., praying for the enactment of legislation to afford such relief as is possible from the present coal situation; which was referred to the Select Committee on Investigating the Coal Deficit.

He also presented a petition of the American Bar Association, praying that an appropriation be made for the erection of a building for the exclusive occupancy and use of the Supreme Court of the United States; which was referred to the Committee on Public Buildings and Grounds.

He also presented petitions of Local Union No. 59, United Brotherhood of Leather Workers, of Evansville; of South Bend Typographical Union, No. 128, of South Bend; of Protective Gas Workers' Union No. 10166, of Evansville; of Central Labor Union of Evansville; of Local Union No. 431, United Brotherhood of Carpenters and Joiners, of Brazil; of Local Union No. 652, United Brotherhood of Carpenters and Joiners, of Elwood; of Local Union No. 1110, United Brotherhood of Carpenters and Joiners, of East Chicago; of Local Union No. 599, United Brotherhood of Carpenters and Joiners, of Hammond; of Local Union No. 752, of Newburg; of Local Union No. 19, Amalgamated Wood Workers' International Association, of Elwood; of Local Union No. 380, of South Bend; of Local Branch No. 35, United Brotherhood of Leather Workers, of Indianapolis, and of Local Union No. 205, Carpenters and Joiners, of Terre Haute, all in the State of Indiana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented memorials of the Dodge Manufacturing Company, of Mishawaka; of the Manufacturers' Club, of Indianapolis, Ind.; the Federal Manufacturing Company, of Indianapolis; of Nordyke & Marmon Company, of Indianapolis; of Reeves Pulley Company, of Columbus; of Showers Brothers Company, of Bloomington; of the L. C. Thompson Manufacturing Company, of Indianapolis; of Chandler & Taylor Company, of Indianapolis; of W. D. Allison Company, of Indianapolis; of the North Baltimore Bottle Glass Company, of Terre Haute, all in the State of Indiana, and of Terstegge, Gohmann & Co., of Louisville, Ky., remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. HALE presented a petition of Local Union No. 407, United Brotherhood of Carpenters and Joiners, of Lewiston, Me., praying for the repeal of the desert-land law and commutation clause of the homestead act; which was referred to the Committee on Public Lands.

Mr. DOLLIVER presented a petition of the Commercial Club, of Fort Dodge, Iowa, praying for the establishment of a department of commerce; which was ordered to lie on the table.

He also presented petitions of Local Union No. 154, United Mine Workers, of Keb; of Local Union No. 62, United Brotherhood of Leather Workers on Horse Goods, of Des Moines; of Maple Leaf Lodge, No. 90, International Association of Machinists; of Local Union No. 242, United Mine Workers, of Avery, and of Central Lodge, No. 110, Brotherhood of Railway Carmen, of Marshalltown, all in the State of Iowa, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. KEAN presented a petition of the Millers' National Association, of Milwaukee, Wis., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented the petition of Daniel J. Camp, of Deerfield, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Botany Worsted Mills, of Passaic, N. J., praying for the establishment of a department of commerce; which was ordered to lie on the table.

He also presented a memorial of the New Jersey School Church Furniture Company, of Trenton, N. J., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented petitions of the Central Trades Council, of Bridgeton; of Stove Mounters' Local Union No. 28, of Dover; and of Glass Bottle Blowers' Association No. 6, of Salem, all of the American Federation of Labor in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented memorials of N. Reeves, of Pleasantville; of 10 citizens of Bound Brook; of A. S. Bailey, of Lakewood; of Anna Padgett, of Bridgeton; of Jacob Fisher, of Dunellen; of Harry B. Tyler, of Camden; of S. A. Lewis, of Norwood; of Samuel L. Bailey, of Trenton; of the Woman's Christian Temperance Union, of Salem; of W. P. La Tourette, of Morristown; of the Society of Christ Church, of Atlantic City; of Milton Wickward, of Camden; of H. C. Neary, of Point Pleasant; of Oscar L. Pruden, of Morristown; of J. G. Demarest, of Tenafly; of Norman Fox, of Morristown; of the Woman's Christian Temperance Union, of Medford, and of Harry F. Peters, of Camden, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

Mr. HEITFELD presented a memorial of sundry citizens of Idaho, remonstrating against the repeal of the timber and stone act, or any change therein; which was referred to the Committee on Public Lands.

He also presented the petition of E. J. Northcutt, of Idaho, praying that he be granted compensation for losses sustained by the Rogue River Indians in the year 1855; which was referred to the Committee on Indian Affairs.

Mr. McCOMAS presented a memorial of the Chesapeake Bay Fishermen's Protective Association, of Maryland, remonstrating against the ratification of the so-called Hay-Bond treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition of Pioneer Council, No. 135, Junior Order United American Mechanics, of Baltimore, Md., praying for the passage of the so-called immigration bill; which was ordered to lie on the table.

He also presented a petition of Potomac Lodge, No. 2, Amalgamated Iron, Steel, and Tin Workers, of Cumberland, Md., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Maryland, praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which was ordered to lie on the table.

He also presented a petition of Baltimore City Lodge, No. 118, Order of B'rith Abraham, Baltimore; of Maryland Lodge, No. 96, Independent Order of B'rith Abraham, of Baltimore, and of Benjamin Szold Lodge, No. 211, Independent Order of B'rith Abraham, of Baltimore, all in the State of Maryland, praying for the enactment of legislation to regulate the methods and practice pursued by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

Mr. FRYE. I present resolutions adopted by the legislature of the State of Maine, remonstrating against the ratification of the Hay-Bond treaty. I ask that the resolution be printed in the RECORD, and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

STATE OF MAINE, OFFICE OF SECRETARY OF STATE.

I hereby certify that the paper to which this is attached is a true copy from the records of this office.

In testimony whereof I have caused the seal of the State to be hereunto affixed. Given under my hand at Augusta, this 14th day of January, A. D. 1903, and in the one hundred and twenty-seventh year of the Independence of the United States of America.

[SEAL.] BYRON BOYD, *Secretary of State.*

Resolves, protesting against the Hay-Bond treaty.

Whereas the fishing industry is one of the most important interests of this State, giving employment, as it does, to 25,000 men, having an invested capital of $3,000,000, with an annual product valued at $5,000,000; and

Whereas our own market takes by far the greater part of the catch of the New England fishing fleet, which alone makes it possible for that fleet to maintain its existence; and

Whereas there is now pending in the Senate of the United States, with a view to obtaining the advice and consent of that body to its ratification, a convention between the Governments of the United States and Great Britain for the improvement of commercial relations between the United States and His Britannic Majesty's colony of Newfoundland, signed at Washington on the 8th day of November, 1902; and

Whereas Article II of said convention provides that certain produce of the Newfoundland fisheries shall be admitted into the United States, free of duty: Therefore, be it

Resolved by the senate and house of representatives of the State of Maine in legislature assembled, That the ratification of the aforesaid convention by the Government of the United States will work irreparable injury to this great industry, by opening our home market to a competitor which, by reason of cheaper labor and smaller cost of building and maintaining its fleet, can land its product in the Atlantic ports of the United States at one-third less cost than the New England fleet is able to do; that it will render valueless many millions of capital now profitably employed in the fishing industry; that it will deprive many thousand men of employment in a business in which they are skilled; that it will deprive the naval and merchant vessels of the United States of a great training school for sailors; that the concessions granted by said convention to importations from the United States are trifling in comparison and wholly inadequate to compensate the people of the United State for the practical destruction of a great national industry. And be it further

Resolved, That this legislature, in behalf of the people of this State, tenders its thanks to its Senators and Representatives in Congress for their steadfast and zealous opposition to the ratification of said treaty, and that a copy of this joint resolution be transmitted to the Hon. WILLIAM P. FRYE, President pro tempore of the Senate of the United States, for presentation to the Senate in such manner as he may determine.

IN HOUSE OF REPRESENTATIVES, *January 14, 1903.*

Read and passed finally.

O. F. FELLOWS, *Speaker.*

IN SENATE, *January 14, 1903.*

Read and passed finally

HARRY R. VIRGIN, *President.*

JANUARY 14, 1903.

Approved.

JOHN F. HILL, *Governor.*

Mr. FRYE presented a petition of Carpenters and Joiners' Local Union No. 407, American Federation of Labor, of Lewiston, Me., praying for the enactment of legislation to repeal the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a petition of the legislative representative of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, Brotherhood of Railroad Trainmen, and Order of Railroad Telegraphers, of Washington, D. C., praying for the passage of the so-called Grosvenor anti-injunction and conspiracy bill; which was ordered to lie on the table.

STATEHOOD BILL.

Mr. QUAY. I present sundry telegrams and resolutions relating to the statehood bill; which I ask may be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table, and to be printed in the RECORD, as follows:

[Telegram.]

RATON, N. MEX., *January 16, 1903.*

Hon. M. S. QUAY, *Washington, D. C.:*

We, business men of Raton, a town of 5,000, the third city in population in New Mexico, and wholly American, earnestly pray that the omnibus statehood bill may pass. The subcommittee on Territories in its flight through New Mexico ignored several of the most progressive towns and sections, among them Raton. Its report does this Territory injustice. We recommend that Senators read the late report of Governor Otero to the Secretary of the Interior and learn true condition of affairs here.

W. F. Denger, Wm. Arknell, C. Sandusky & Co., S. E. Leeman, A. C. Price, C. A. Whited, M. R. Mendelson, Cohn Bros., Joe Israel, Fry Bros., W. S. Connetta, M. D.; M. B. Dawson, cashier Citizens Bank; C. N. Blackwell, cashier First National Bank; C. E. Stivers, editor Range.

[Telegram.]

PRESCOTT, ARIZ., *January 15, 1903.*

Senator MATTHEW S. QUAY, *Washington, D. C.:*

You hold the unbounded gratitude of Arizona for your efforts supporting the omnibus statehood bill. The Senate committee made no investigation. Their report is misleading in every particular. We sincerely trust the bill will pass.

C. P. HICKS, *Probate Judge.*

[Telegram.]

SILVER CITY, N. MEX., *January 15, 1903.*

Hon. M. S. QUAY, *Washington, D. C.:*

The Silver City Commercial Club, an organization of about 100 members, including the leading business men of the county, desire to extend our hearty thanks to you, as well as our unqualified support in your efforts in behalf of the omnibus statehood bill. We represent the banner county of the Territory from a mining, live stock, and sanitarian standpoint, as well as the metropolis of this southern half of it. We were not visited by the Senatorial committee, although we cordially invited them to our city. We are solid for statehood, and wish you Godspeed in your efforts in our behalf.

Very respectfully, yours,

THE SILVER CITY COMMERCIAL CLUB,
Per E. L. WOODS, *President.*

Attest:

HOWARD H. BETTS, *Secretary.*

Copy of resolution No. 56.

Whereas there is now pending in the Congress of the United States a bill designated as "the omnibus statehood bill," which provides for the admission of the Territory of New Mexico into the Union of the States; and

Whereas it is the unanimous sentiment of the city council of the city of Las Vegas, San Miguel County, N. Mex., sitting as a representative body of the citizens of said city, and as such voicing the sentiment of said citizens, that said bill be passed as speedidly as possible and at the present term of said Congress: Now, therefore, be it

Resolved by the city council of the city of Las Vegas, as such council and as the representative body of the citizens of said city, That it is the sentiment, wish, and desire of said council that said omnibus statehood bill providing for the admission of New Mexico as a State be passed at this term of Congress, and that the Hon. B. S. RODEY, the Delegate in Congress from said Territory, be requested and urged to do all in his power to secure the passage of said bill.

Duly adopted this 4th day of June, A. D. 1902.

K. D. GOODALL, *Mayor.*

Attest:

CHAS. TAMME, *City Clerk.*

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 6960) for the relief of Charles W. Howard, reported it without amendment, and submitted a report thereon.

Mr. MCLAURIN of Mississippi, from the Committee on Public Lands, to whom was referred the bill (S. 6779) to quiet certain land titles in the State of Mississippi, reported it without amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 6437) granting a pension to Frederick S. Woodward, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2783) granting a pension to William Dixon, reported it without amendment, and submitted a report thereon.

Mr. MORGAN, from the Committee on Coast and Insular Survey, to whom was referred the bill (S. 6683) to enable the State of Michigan to utilize certain dock facilities at the Straits of Mackinac, and to aid in providing for a memorial monument adjacent thereto, reported it without amendment, and submitted a report thereon.

Mr. CULLOM. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 16021) making appropriations for the the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, to report it with amendments, and to submit a report thereon. I give notice that I will ask the Senate to take up the bill to-morrow morning or as soon thereafter as I may have an opportunity.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2591) granting an increase of pension to George W. McComb;

A bill (S. 2626) granting an increase of pension to Ardemia Dillon; and

A bill (S. 5053) granting a pension to Deborah Edwards.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3632) granting an increase of pension to Frank E. Freeman;

A bill (S. 4892) granting an increase of pension to John Doberrer;

A bill (H. R. 11280) granting an increase of pension to Henry J. Feltus; and

A bill (H. R. 12701) granting an increase of pension to Milton Noakes.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1617) granting an increase of pension to Margaret A. Osborn;

A bill (H. R. 3907) granting an increase of pension to John A. Sare;

A bill (H. R. 4437) granting an increase of pension to Absalom Case;

A bill (H. R. 8175) granting an increase of pension to John W. Covey;

A bill (H. R. 13262) granting an increase of pension to James M. Spencer;

A bill (H. R. 14262) granting a pension to Harriet Robinson; and

A bill (H. R. 14518) granting an increase of pension to James D. Kiper.

Mr. GALLINGER. From the Committee on Pensions I report adversely the following pension bills. In each case the proposed beneficiary has died since the bills were introduced, and I ask that they be indefinitely postponed.

The bills, on which adverse reports were submitted, were postponed indefinitely, as follows:

A bill (S. 954) granting an increase of pension to Fordyce M. Keith;

A bill (H. R. 3371) granting an increase of pension to Elizabeth P. Searcy;

A bill (H. R. 2115) granting an increase of pension to Benjamin W. Howard;

A bill (H. R. 7529) granting an increase of pension to Philip Atwood;

A bill (H. R. 10114) granting an increase of pension to Charles H. Ferguson;

A bill (H. R. 12028) granting an increase of pension to Henry C. Helphinstine;

A bill (H. R. 10222) granting an increase of pension to Benjamin E. Morgan;

A bill (H. R. 13083) granting a pension to Lockie W. Reeves;

A bill (H. R. 2817) granting an increase of pension to John Beeson;

A bill (H. R. 4990) granting an increase of pension to George F. Gregg;

A bill (H. R. 10105) granting an increase of pension to Thomas Fleming; and

A bill (H. R. 7731) granting an increase of pension to Richard Owens.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2596) granting an increase of pension to Israel F. Barnes;

A bill (S. 5006) granting a pension to Annie P. Pinney;

A bill (S. 6748) granting an increase of pension to Ann M. Haskell;

A bill (S. 6632) granting an increase of pension to Frank Cleaves;

A bill (S. 6631) granting an increase of pension to Mitchell Hunt;

A bill (S. 6798) granting an increase of pension to Charles F. Sheldon; and

A bill (H. R. 16224) granting an increase of pension to William Montgomery.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6413) granting a pension to Harold P. Waldo;

A bill (S. 6795) granting an increase of pension to Hannah J. G. Hopkins;

A bill (S. 6586) granting an increase of pension to Othniel P. Parcher;

A bill (S. 2130) granting a pension to Margaret A. Munson; and

A bill (S. 14) granting a pension to George F. Howe.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6842) granting an increase of pension to Stephen R. Swett;

A bill (S. 5792) granting an increase on pension to Andrew J. Reeves;

A bill (H. R. 13472) granting an increase of pension to Lewis E. Wilcox;

A bill (H. R. 13127) granting a pension to Nancy Works;

A bill (H. R. 12981) granting a pension to Sarah A. Waltrip;

A bill (H. R. 15549) granting an increase of pension to John Wright;

A bill (H. R. 15063) granting an increase of pension to William R. Thompson;

A bill (H. R. 15874) granting an increase of pension to Rebecca R. Greer;

A bill (H. R. 15433) granting an increase of pension to William Heywood;

A bill (H. R. 14185) granting an increase of pension to Albert Blood;

A bill (H. R. 15682) granting an increase of pension to Jared P. Hubbard;

A bill (H. R. 15441) granting an increase of pension to Josiah Stackpole;

A bill (H. R. 12812) granting an increase of pension to Otis T. Hooper;

A bill (H. R. 12683) granting a pension to Sarah L. Bates;

A bill (H. R. 8447) granting an increase of pension to John McArthur; and

A bill (H. R. 12877) granting an increase of pension to James N. Gates.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4429) granting a pension to Alvira Randall;

A bill (S. 6623) granting an increase of pension to Gilbert E. Bushnell; and

A bill (S. 6668) granting an increase of pension to Charles Graham.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 6845) granting an increase of pension to Martin G. Cushing, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5007) granting an increase of pension to James W. Messick;

A bill (H. R. 11694) granting an increase of pension to Dennis F. Andre;

A bill (H. R. 12215) granting an increase of pension to Henry M. Posey;

A bill (H. R. 15229) granting a pension to James T. Jackson; and

A bill (H. R. 15729) granting an increase of pension to Abner M. Judkins.

Mr. McCUMBER (for Mr. PRITCHARD), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4029) granting a pension to Mary J. Parker;

A bill (S. 5568) granting an increase of pension to Emma R. Cropsey; and

A bill (S. 6096) granting an increase of pension to Hester A. R. Landers.

Mr. McCUMBER (for Mr. PRITCHARD), from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2302) granting a pension to Rose Crummett;

A bill (S. 6305) granting an increase of pension to James B. Taylor; and

A bill (S. 6703) to restore to the pension roll the name of Henrietta V. West.

Mr. McCUMBER (for Mr. PRITCHARD), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11339) granting a pension to Augustus Blount;

A bill (H. R. 9611) granting a pension to Maria M. C. Smith; and

A bill (H. R. 5718) granting an increase of pension to James M. Blades.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (S. 1128) granting an increase of pension to Lyman Matthews, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4807) granting an increase of pension to Emmett C. Hill; and

A bill (S. 6191) granting an increase of pension to Samuel L. Thompson.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 6731) granting an increase of pension to Benjamin N. Bond, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3929) granting an increase of pension to L. A. Brace;

A bill (S. 6063) granting an increase of pension to Orson Nickerson; and

A bill (S. 6641) granting an increase of pension to Sophie S. Shaffer.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6431) granting an increase of pension to James Greenman;

A bill (H. R. 7680) granting an increase of pension to David C. Yakey; and

A bill (H. R. 12413) granting an increase of pension to William Zickerick.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the amendment submitted by himself on the 15th instant, proposing to appropriate $25,000 to enable the Commissioner of Labor to collect and report to Congress the statistics of and relating to marriage and divorce in the several States and Territories and in the District of Columbia since January 1, 1887, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. PLATT of Connecticut, from the Committee on the Judiciary, to whom was referred the bill (H. R. 10300) conferring jurisdiction upon the circuit and district courts for the district of South Dakota in certain cases, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. SIMON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1939) granting an increase of pension to John M. Drake; and

A bill (S. 4760) granting an increase of pension to John Hamilton.

Mr. SIMON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13955) granting an increase of pension to Jesse A. McIntosh;

A bill (H. R. 14265) granting an increase of pension to Helen N. Packard;

A bill (H. R. 14751) granting an increase of pension to Regina F. Palmer; and

A bill (H. R. 9776) granting an increase of pension to Alice A. Fitch.

Mr. GIBSON, from the Committee on Public Lands, to whom was referred the bill (S. 5279) authorizing the Secretary of the Interior to restore to public entry lands embraced in whole or in part within segregations for reservoirs, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 1168) to restore Edward L. Bailey to the United States Army and to place him on the retired list with the rank of captain of infantry, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10219) granting an increase of pension to J. Banks Hunter;

A bill (H. R. 15385) granting an increase of pension to Alfred J. Sellers; and

A bill (H. R. 15416) granting an increase of pension to William Thompson.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2256) granting an increase of pension to Andrew J. Pennel;

A bill (S. 3542) granting an increase of pension to William H. Shaw;

A bill (S. 5932) granting an increase of pension to William Kirkpatrick; and

A bill (S. 6192) granting an increase of pension to Austin H. Patterson.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 5507) granting an increase of pension to Jarratt F. Rigg, reported it with amendments, and submitted a report thereon.

Mr. BURTON, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (H. R. 11997) granting to the Hawaii Ditch Company, Limited, the right of way over public lands in the districts of North and South Kohala, in the island of Hawaii, for the purpose of constructing and maintaining ditches or canals and the necessary reservoirs, dams, and the like for irrigation and domestic purposes in said districts, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2974) granting an increase of pension to Samuel J. Boyer;

A bill (S. 5123) granting an increase of pension to James McMorrow; and

A bill (S. 5991) granting an increase of pension to William Barrett.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (S. 6530) granting an increase of pension to Austin L. Tapliff, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8721) granting an increase of pension to Joseph Westbrook; and

A bill (H. R. 11485) granting a pension to Julia McCarthy.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6373) granting an increase of pension to Joseph D. Lockhart; and

A bill (S. 6694) granting an increase of pension to Burrel G. Wood.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (H. R. 623) granting a pension to Susan Kennedy, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14373) granting an increase of pension to William H. Loyd; and

A bill (H. R. 14913) granting an increase of pension to Ann M. Morrison.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 10522) to provide for laying a single electric street railway track across the Aqueduct Bridge, in the District of Columbia, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. BLACKBURN, from the Committee on the Judiciary, to whom was referred the bill (H. R. 14275) providing for additional terms of court in the western judicial district of the State of South Carolina, reported it without amendment.

Mr. TURNER (for Mr. PATTERSON), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5967) granting an increase of pension to Mary E. Craig;

A bill (S. 4544) granting an increase of pension to Phineas L. Squires;

A bill (S. 4379) granting an increase of pension to George Davis;

A bill (S. 3249) granting an increase of pension to Charles W. Scherzer; and

A bill (S. 4087) granting a pension to Lemuel Kingsbury.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (H. R. 13200) granting an increase of pension to Charles B. Greely, reported it without amendment, and submitted a report thereon.

Mr. HANNA, from the Committee on Commerce, to whom the subject was referred, submitted a report, accompanied by a bill (S. 7034) providing for the expenditure of money hitherto appropriated for the improvement and maintenance of Ashtabula Harbor, Ohio; which was read twice by its title.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8238) for the relief of the heirs of Mary Clark and Francis or Jenny Clark, deceased, and for other purposes; and

A bill (H. R. 7664) providing for the compulsory attendance of witnesses before registers and receivers of the land office.

REPORT OF SUPERINTENDENT OF INDIAN SCHOOLS.

Mr. PLATT of New York. I am directed by the Committee on Printing to report a resolution, which I ask may be read.

The resolution was read, as follows:

Resolved. That the Public Printer be, and he is hereby, authorized and directed to print from stereotyped plates 1,000 additional copies of the Report of the Superintendent of Indian Schools for 1902, for the use of the Department of the Interior.

Mr. PLATT of New York. I ask for the present consideration of the resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. BAILEY. I object to any unanimous consent at this time.

The PRESIDENT pro tempore. The resolution will be placed on the Calendar.

COURTS IN ARKANSAS.

Mr. PETTUS. By authority of the Committee on the Judiciary, I report back with an amendment the bill (S. 6719) to change and fix the time for holding the district and circuit courts of the United States for the eastern division of the eastern district of Arkansas, and I ask for its present consideration. The bill has been somewhat delayed in the committee.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The PRESIDENT pro tempore. The Committee on the Judiciary reports in favor of striking out section 2 of the bill.

Mr. BERRY. What is section 2?

The section was read, as follows:

SEC. 2. That this act shall take effect and be in force from and after its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN MISSOURI.

Mr. HOAR. From the Committee on the Judiciary I am directed to report an original bill, and I ask unanimous consent that it may be considered now. It is a bill to amend an act entitled "An act to create a new division in the western judicial district of the State of Missouri."

Before I submit the report, I ask leave to state that a bill amending that act passed both Houses. It enacted that the original act which it amended should be amended so as to read as follows, and the first three sections were changed in the new reading so as to assign certain counties to one judicial division and others to another. But the bill did not repeal the later sections of the original act which provided for process and where parties should be tried for crime, and where civil cases should be tried. So the President called the attention informally of the committee to the fact that the bill might be construed to repeal those later sections and leave no law upon the subject. Thereupon the Senate requested a return of the bill, and I now report a new bill which

merely reenacts the old law with the change which the Senate has already agreed to. I ask that it may be now considered.

The bill (S. 7033) to amend an act entitled "An act to create a new division in the western judicial district of the State of Missouri," approved January 24, 1901, was read twice by its title.

The PRESIDENT pro tempore. The Senator from Massachusetts reports this bill from the Committee on the Judiciary and asks for its present consideration.

Mr. BAILEY. I object to the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from Texas objects, and the bill goes to the Calendar.

Mr. HOAR. It only hurts Missouri, and various parties there, and not anybody else.

CENTRAL ARIZONA RAILWAY.

Mr. BURTON. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 6968) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona, to report it without amendment.

I desire to ask for the present consideration of this bill. I will state that a bill like it in every part has already passed at the present session of Congress, but it was vetoed by the President under a misapprehension of the facts, and I introduced it again. I hope that objection will not be made to its consideration.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent for the present consideration of the bill.

Mr. BAILEY. I object.

The PRESIDENT pro tempore. Objection is made, and the bill goes to the Calendar.

COURTS IN VIRGINIA.

Mr. CULBERSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 6595) fixing the times and places for holding regular terms of the United States circuit and district courts in the western district of Virginia, and for other purposes, to report it favorably with an amendment.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Texas.

The PRESIDENT pro tempore. The Senator from Virginia asks unanimous consent for the present consideration of the bill. It will be read to the Senate for its information.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. LODGE. Mr. President, if there is to be an abolition of unanimous consent I think it had better be uniform, and I object.

The PRESIDENT pro tempore. Objection is made, and the bill goes to the Calendar.

Mr. MARTIN. I am very sorry that the Senator from Massachusetts proposes to visit on me his retaliation against another Senator, but of course he has the power to do it.

Mr. LODGE. The Senator knows very well I have no objection in the world to the bill, but if objections are to be made to all requests for unanimous consent, I do not think that they ought to be confined to one side of the Chamber.

Mr. BAILEY. Mr. President, I wish to say very frankly that nobody on this side is responsible for objections against the requests of that side except me. I take the entire responsibility, and I intend to continue the objection.

The reason why I discriminate is that every Democrat on the committee conceded the right of the Texas Senators to settle a question of rivalry between two Texas towns, and it would therefore be the sheerest nonsense to attempt retaliation against those who recognized a rule that has stood as long as the Senate itself has existed.

If it be possible that gentlemen from New York can project themselves into a contest between two rival Texas towns and overrule the Senators from that State, the sooner we know it the better. I am myself as little disposed to interrupt the ordinary and agreeable course of business in the Senate Chamber as any member of it. The rule which recognizes the right of Senators to settle purely local matters is not merely one of courtesy, but it has a better foundation. It rests upon the solid ground that if the Senators from a State make a mistake in matters relating to that State the people of it can punish them. But if Senators from other States undertake to settle questions relating to States which they do not represent, the people affected are powerless ever to punish them.

Mr. HOAR. May I ask the Senator a question before he sits down?

Mr. BAILEY. Certainly.

Mr. HOAR. I should like to ask the Senator if in his judgment it promotes the establishment of the doctrine that the Senators from a State are to settle such local matters to object to a bill introduced and promoted by the two Senators from Missouri to settle a local matter there, which has just happened in regard to a measure greatly concerning the convenience of suitors in an important judicial district of Missouri.

Mr. BAILEY. I answer the Senator frankly that it does not promote it; but I intend that the same rule shall be applied to others which has been applied to me. I do it very reluctantly, but very firmly.

Mr. DEPEW. Mr. President, of this matter I think the Senate should be advised. I think my friend the Senator from Texas takes an extreme view of the situation. It is not a partisan question in any sense before the committee, nor will it be when it comes here for the Senate to act upon it.

This is a question relating, it is true, to two places in the State of Texas in an effort to have a port of entry made of one or the other. So far as Texas citizens are concerned, they have done little for either place. Capitalists in New York have spent many million dollars at one place and capitalists from Chicago have spent many million dollars at the other place. This port of entry affects territory partly in Texas and partly in Louisiana, in which there is expected to be——

Mr. BAILEY. If the Senator will permit me, the whole of Louisiana included in the bill was stricken out upon the suggestion of the Senator from Louisiana. I said to him frankly that I would not propose to include against his will any of the State which he represents, and as I asked unanimous consent Thursday evening, the whole of the Louisiana part was stricken out. It is purely a Texas matter.

Mr. DEPEW. I understand; but the recommendation of the Treasury Department was that a part of Louisiana should be included in the operations of the bill.

The merits of this bill have been discussed repeatedly before the Committee on Commerce, and it was supposed that at the meeting last Thursday a vote could be had upon the question. The Senator very frankly then as now claimed that it was a matter which belonged exclusively to the Senators from Texas, and that they were the ones upon whom the responsibility would rest for the action in establishing a port to which the navigation and the commerce of the whole country and the whole world would go, and that the committee and the Senate had practically nothing to say on the subject. I do not want to misstate the Senator, but that, I understand, is his position here.

Now, I will state what occurred, and I am not revealing any secrets of the committee. There was a bare quorum present. Precisely how the vote would have been, if one had been taken, I do not know. There was a bare quorum present, and in view of what the Senator from Texas had said and because of the friendly feeling toward the Senator in the committee, it was thought, and in fact asked, that the question should not be decided then, when it might have been decided against him. Therefore it was unanimously agreed that the matter should be put over until the regular meeting on Thursday, when a notice should be sent to each member of the committee, that then and there a vote should be taken upon the report of the bill in which the Senator from Texas displays this interest.

Mr. BAILEY. Does the Senator from New York tell the Senate that that was unanimously agreed to?

Mr. DEPEW. It was, so far as I remember, unanimously agreed that the vote should be taken at the next meeting.

Mr. BAILEY. The Senator is mistaken.

Mr. CLAY. Will the Senator from New York permit me just one minute?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Georgia?

Mr. DEPEW. Certainly.

Mr. CLAY. I desire to state that, as an original proposition, I should not have been in favor of making Port Arthur a general port of entry. Citizens from Georgia were opposed to it and presented their objections to it. But I yielded to the wishes of the Senator from Texas and I was in favor of the Senators from Texas governing their own affairs.

Now, I think the Senator from New York is mistaken in one respect. I am sure that the vote was not unanimous in favor of the continuance of this matter. It is true that there was a bare quorum present, and I am sure that a majority of the Senators thought that we ought to have a full meeting at the time the matter was voted upon. But I know that there were two or three Senators who did not vote in favor of the continuance. I do not wish to go into what transpired in the committee room. In this matter I was governed from the beginning to the end by the wishes of the Senators from Texas. Otherwise, I should have voted in favor of the wishes of those from Georgia, who have great interest in this matter.

I am sure the Senator from New York on reflection will remember that two or three of us were not in favor of the further continuance of the bill before the committee.

Mr. BAILEY. Mr. President, the Senator from New York

himself furnishes a very forcible illustration of the wisdom of leaving these matters to the Senators from the State affected. He says Chicago capitalists invested at one place and New York capitalists invested at another. Naturally, therefore, the New York Senators are for the New York capitalists and the Illinois Senators are for the Chicago capitalists. That would happen as certain as the matter was to be decided in that way.

As the Senator from Georgia very properly and very naturally says, Georgians being interested with New Yorkers at Sabine Pass, he would vote to establish the port there. Thus he would have Senators not responsible to the State in which these offices are to be located deciding the question merely upon their personal relations with constituents who are interested.

It is true that a firm of New York bankers have large interests at Sabine Pass. They appeal to the Senator from New York to protect them against the Senators from Texas, and the Senator from New York proceeds with his Republican majority on the committee to do so.

Now, Mr. President, in order that the Senate may understand the matter, and still without divulging the proceedings within the committee room, I will state that this was the third meeting at which I have appealed to the committee to report the bill. I would rather have had it reported adversely than to be confronted with a situation where I was powerless to secure from a committee of the Senate a report on a bill creating a port of entry in the State which I in part represent.

The Senator from New York says that a port of entry is not a local matter. I wonder how it would be if a Senator from another State should undertake to control the appointment of the collector of the port of the great State of New York. I remember a time when two Senators from that State resigned their seats in this body because they could not control that appointment, if newspaper reports at that time can be relied on.

If the officer is local, then surely the office must be local, and there is not a Senator on that side of the Chamber who would not, as a matter of self-respect, stoutly protest against the interference of a Senator from any other State in the naming of a customs officer to serve at the port of the State which he represents.

I need only repeat that it is impossible that the officer can be local and the office general.

Mr. DEPEW. Mr. President——

The PRESIDENT pro tempore. This debate is proceeding by unanimous consent. There is nothing before the Senate. The Senator from New York.

Mr. DEPEW. Mr. President, so far as the port of New York is concerned, there are three great revenue officers, the greatest that there are in the service of the Government in its revenue capacity. Ever since I can remember Senators from other States have not only taken an interest in, but they have frequently succeeded in having their choice made one of those three officers. The custom-house of New York has always had a large representation from almost every State in the Union of employees placed there by Senators from other States.

So far as the port of New York is concerned, the appropriations which are made for improvements in that port are subjects of consideration, of advice, and of action, friendly or adverse, by Senators from States who are upon the Committee on Commerce, and the Senators from all the States when it is a matter of controversy here.

In regard to this matter, I do not wish to differ in any way, nor do I think I do, with my friend from Georgia [Mr. CLAY]. As always happens in committee—I am not revealing the particular secrets of the committee—there was the informal discussion with a bare quorum, which was about to be lost by the retirement of one Senator; and while my friend from Georgia expressed the same view as he did here upon the floor, when I made the suggestion that, in justice to the Senator from Texas and all the interests represented, we should have a full meeting, with notice to each member that this question was to be decided, it was passed without a vote in that informal way in which things are done in committee.

In regard to this being a purely local matter, as a distinguished candidate for the Presidency on the Democratic side once said of the tariff, it is a great Government matter. The United States has already expended over $3,000,000 at Sabine Pass, and the question is whether Port Arthur shall be made a port of entry instead of Sabine Pass, and whether the Government shall spend three or four or more million dollars, raised by taxation upon the whole country, for Port Arthur. Sabine Pass is on the border and has been regarded a subport of entry for many years. The Government has there established its custom-house, has built its wharves, and made an expenditure of some three and a half millions of dollars.

Now, then, these gentlemen from Chicago—all strong men—in the development of their interests have become established at Port Arthur, where a canal has been built from the present port to a cow pasture 9 miles up, to where a port is to be established and a harbor established at the expense of the United States.

Mr. BAILEY. Will the Senator from New York tell me if he was ever at Port Arthur?

Mr. DEPEW. Never.

Mr. BAILEY. And yet the Senator makes that statement in reference to it?

Mr. DEPEW. I make it from the testimony before the committee.

Mr. BAILEY. You make that statement to the Senate upon the mere information of people interested. I tell the Senator that Port Arthur is nearly twice as large as Sabine Pass. I tell the Senator instead of the Government having built its custom-house at Sabine Pass and not at Port Arthur, they both to-day enjoy precisely the same privileges as subports of entry, but both of them are 160 miles from the main port of entry at Galveston. It is therefore desirable to make one a port of entry and the other a subport of entry.

I shall not discuss the relative merits of these two towns at this time; but I am a little surprised that the Senator from New York should undertake to describe a Texas town which he has never seen on information furnished him by boomers.

Mr. CULLOM. Mr. President——

Mr. DEPEW. Just one moment. The information was public testimony submitted before the committee at our last day's session. I make these assertions for the purpose of having the Senate understand that it is not purely a little local matter, which should be reported from the committee at the request of the Senator from the particular State in which it happens to be located, without the consideration and judgment of the committee.

Mr. CULLOM. Regular order, Mr. President.

The PRESIDENT pro tempore. Reports of committees are still in order. If there be no further reports, the introduction of bills and joint resolutions is in order.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. MARTIN. On behalf of my colleague [Mr. DANIEL], who is unavoidably detained from his seat, I introduce a number of bills, which are introduced "by request."

The bills were severally read twice by their titles, and referred to the Committee on Claims, as follows:

A bill (S. 6969) for the relief of the estate of Susan Richards, deceased;

A bill (S. 6970) for the relief of the estate of Jacob Cook, deceased;

A bill (S. 6971) for the relief of the estate of Zachariah F. Calbreath, deceased; and

A bill (S. 6972) for the relief of Mary E. Heller and the estate of David Heller, deceased.

Mr. TURNER introduced a bill (S. 6973) authorizing the city of Nome, a municipal corporation organized and existing under chapter 21, Title III, of an act of Congress, approved June 6, 1900, entitled "An act making further provision for a civil government for Alaska, and for other purposes," to construct a free bridge across the Snake River, at Nome City, in the Territory of Alaska; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HARRIS introduced a bill (S. 6974) granting an increase of pension to Fidelia Palmer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 6975) for the relief of the heirs of William A. Redman, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6976) for the relief of gaugers, storekeeper-gaugers, and storekeepers; which was read twice by its title, and, with the accompanying paper, referred to the committee on Finance.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6977) granting a pension to John R. McCullough (with the accompanying papers);

A bill (S. 6978) granting a pension to Benjamin F. Brockett; and

A bill (S. 6979) granting a pension to Orville T. Lee (with the accompanying papers);

Mr. GALLINGER introduced a bill (S. 6980) to provide for the care and treatment of persons who are suffering from insanity in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6981) granting an increase of pension to Lorenzo P. Duncklee;

A bill (S. 6982) granting an increase of pension to Linda F. Moulton;

A bill (S. 6983) granting an increase of pension to Gilman B. Johnson;

A bill (S. 6984) granting an increase of pension to Maria A. Marden; and

A bill (S. 6985) granting an increase of pension to George Cummings.

Mr. McENERY introduced a bill (S. 6986) for the relief of the legal representatives of Eliza E. Barrow, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6987) for the relief of Marianne Morse; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCOMAS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6988) granting an increase of pension to John W. Boulden (with the accompanying papers);

A bill (S. 6989) granting a pension to George E. Henneberger (with the accompanying paper);

A bill (S. 6990) granting an increase of pension to Mary E. Campbell; and

A bill (S. 6991) granting an increase of pension to Michael Murphy.

Mr. McCOMAS introduced a bill (S. 6992) to appoint Daniel Clarke, of Maryland, a captain of cavalry in the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6993) for the relief of the Hagerstown and Middleburg Turpike Company, of Washington County, Md.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CULBERSON introduced a bill (S. 6994) for the relief of Michael W. Loeb and Frederick Manzenheimer; which was read twice by its title, and referred to the Committee on Claims.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6995) granting a pension to Salina T. Helms;

A bill (S. 6996) granting an increase of pension to Allen S. Conner (with the accompanying paper);

A bill (S. 6997) granting an increase of pension to William C. Shortridge;

A bill (S. 6998) granting an increase of pension to James H. Welch;

A bill (S. 6999) granting an increase of pension to Washington Duke; and

A bill (S. 7000) granting a pension to Lewis Gwinnup.

Mr. BEVERIDGE introduced a bill (S. 7001) to remove the charge of desertion from the military record of Henry L. Mitchell; which was read twice by its title, and, with accompanying papers, referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 7002) for the relief of the contractor, or his legal representatives, for the construction of the light-draft monitor Etlah; which was read twice by its title, and referred to the Committee on Claims.

Mr. BARD introduced a bill (S. 7003) granting an increase of pension to Sarah C. Merrell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 7004) to extend the time for the completion of a bridge across the Missouri River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TALIAFERRO introduced a bill (S. 7005) for the relief of the estate of Cyprian T. Jenkins, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 7006) for the relief of C. W. Moffatt; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7007) granting an increase of pension to Fannie T. Fisher; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 7008) granting an increase of pension to Jesse Maurer; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7009) to provide for fixing a uniform standard of classification and grading of wheat, flax, corn, oats, barley, rye, and other grains, and for other purposes; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. HOAR introduced a bill (S. 7010) granting a pension to Catherine McGuinn; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7011) for the relief of Catherine Grace; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of Connecticut (for Mr. HAWLEY) introduced a bill (S. 7012) granting an increase of pension to Thomas Davis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 7013) to amend sections 34, 40, 66, 69, 72, 75, 77, 82, and 86 of an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, and for other purposes; which was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

He also introduced a bill (S. 7014) to provide for the purchase of a site and the erection of a public building thereon at Honolulu, island of Oahu, Territory of Hawaii; which was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

He also introduced a bill (S. 7015) to provide for the purchase of a site and the erection of a public building thereon at Hilo, island of Hawaii, Territory of Hawaii; which was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

Mr. BURTON introduced a bill (S. 7016) to correct the military record of Edward Van Antwerp; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7017) granting an increase of pension to Martin L. Barber;

A bill (S. 7018) granting a pension to Mary K. Hudson;

A bill (S. 7019) granting an increase of pension to John A. McCloud; and

A bill (S. 7020) granting an increase of pension to T. N. Rackhold.

Mr. PERKINS introduced a bill (S. 7021) granting a pension to Gen. Edward M. McCook; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS (for Mr. PENROSE) introduced a bill (S. 7022) granting an increase of pension to Louise Ward; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 7023) to correct the military record of William P. Fitzpatrick; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7024) granting an increase of pension to Charles M. Clark (with the accompanying papers);

A bill (S. 7025) granting a pension to Ada L. Carpenter (with the accompanying papers); and

A bill (S. 7026) granting a pension to Mary E. Darcey (with the accompanying paper).

Mr. FRYE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7027) granting an increase of pension to Honorah Murray (with the accompanying paper); and

A bill (S. 7028) granting an increase of pension to George H. Chase (with the accompanying paper).

Mr. HALE introduced a bill (S. 7029) authorizing the appointment of Daniel Clarke to be a captain of cavalry, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HANSBROUGH introduced a bill (S. 7030) for the relief of pensioners of the Metropolitan police fund; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 7031) granting a pension to David D. Jones; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 7032) to restore American citizenship to any woman whose citizenship has been lost or suspended by marriage with a foreigner; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. TILLMAN introduced a bill (S. 7035) for the relief of William M. Bird, James F. Redding, Henry F. Welch, and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a joint resolution (S. R. 153) to enlarge the scope of an act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893; which was read twice

by its title, and referred to the Committee on the District of Columbia.

He also introduced a joint resolution (S. R. 154) to prevent the location of buildings within the limits of Massachusetts avenue extended, District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MASON introduced a joint resolution (S. R. 155) authorizing the Secretary of War to loan certain tents for use at Knights of Pythias encampment to be held at St. Louis, Mo., August 24 to 31, 1903; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. GALLINGER submitted an amendment relative to the condemnation of Massachusetts avenue extended NW., between Joliet street and Fairview Heights subdivision, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. BARD submitted an amendment proposing to appropriate $100,000 for the purchase and improvement of a suitable site for the establishment of a military post in the vicinity of Los Angeles, Cal., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted an amendment relative to the removal of the Mission Indians of California and their reestablishment upon such tract or tracts of land as may be acquired, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PLATT of Connecticut submitted an amendment proposing to appropriate $39,795.34 to pay the claim of the Cuban Submarine Telegraph Company for expenses incurred in repairing damage done to its cables by United States war vessels during the recent war between the United States and Spain, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Relations with Cuba, and ordered to be printed.

Mr. MITCHELL submitted an amendment proposing to appropriate $4,000 for completing the post-office building and approaches to the same at Salem, Oreg., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also submitted an amendment proposing to appropriate $3,000 for the purchase, from Francis B. Heitman, of the manuscript of the Historical Register of the United States Army from 1789 to 1901, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $15,000, to be divided equally between the Department of Agriculture and the Department of the Interior, to enable the Secretary of Agriculture to examine into all matters concerning agriculture, forestry, and public roads of the Territory of Hawaii, and to enable the Secretary of the Interior to examine the laws of Hawaii relating to its public lands, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

He also submitted the following amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

An amendment proposing to appropriate $100,000 to enable the Secretary of War to make a survey and estimate for the construction of a breakwater from the ocean along Blonde Reef to Cocoanut Island, for the protection of the harbor at Hilo, island of Hawaii, Territory of Hawaii; and

An amendment proposing to appropriate $250,000 to enable the Secretary of War to improve the entrance to the harbor at Honolulu, Hawaii.

He also submitted the following amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

An amendment proposing to appropriate $10,000 for the construction of a first-class light-house upon the point of Mokepuw, Island of Oahu;

An amendment proposing to appropriate $20,000 for the construction of a new light-house at Kaluhui, island of Maui;

An amendment proposing to appropriate $10,000 for the construction of a new light-house on the coast of Puna, island of Hawaii;

An amendment proposing to appropriate $10,000 for the construction of a new light-house on Leleiwi Point, island of Hawaii;

An amendment proposing to appropriate $5,000 for the construction of a new light-house at Kailua, on the island of Hawaii;

An amendment proposing to appropriate $5,000 for the construction of appropriate commercial lights at Barbei Point, island of Oahu;

An amendment proposing to appropriate $5,000 for the construction of appropriate commercial light at Keahole, North Kona; and

An amendment proposing to appropriate $5,000 for the construction of two new lights in Honolulu Harbor, island of Hawaii.

He also (for Mr. CLAPP) submitted an amendment proposing to appropriate $2,000 for director of the laboratory in the Department of the Interior to study the criminal, pauper, and defective classes, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. QUAY submitted an amendment relative to the adjudication by the Court of Claims of any claim the Chippewa Indians of the State of Minnesota, or any band thereof, may have against the United States, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the bill (H. R. 12270) to provide for the allotment of lands in severalty to the Indians in the State of New York, and for other purposes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate $11,000 for the purchase of 260 acres of land adjoining the Government reservation at Monterey, Cal., to complete military camp and target grounds, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $360,000 to enable the Secretary of War to purchase 24,000 acres of land in the Nacimiento ranch, in Monterey and San Luis Obispo counties, California, for the purpose of establishing a permanent camp ground for the instruction and maneuvering of troops of the Regular Army and National Guard, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. FRYE submitted an amendment intended to be proposed by him to the bill (S. 6098) to regulate the retirement of veterans of the civil war; which was referred to the Committee on Military Affairs, and ordered to be printed.

DISCRIMINATION AGAINST PRODUCTS OF THE UNITED STATES.

Mr. LODGE. I offer the resolution which I send to the desk.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, First, that the Committee on Finance be instructed to inquire and report to the Senate whether any, and if so what, countries discriminate against any article or articles the growth or product of the soil or industry of the United States by levying upon such article or articles duties, imposts, excises, or taxes in excess of those levied upon similar articles imported from other countries, or, further, in any way fail to admit the products of the United States on terms as favorable as those accorded to any other nation.

Second, that if it should appear that any country or countries discriminate against the United States in the manner aforesaid the Committee on Finance shall report to the Senate whether it is not advisable that a suitable law should be enacted by which maximum and minimum rates of duty shall be established in such manner as to give preference and advantage in rates of duty to the products of those countries which do not discriminate against the products of the soil or industry of the United States, but admit them on an exact equality with similar articles the products of other countries and on the terms and at the rates of duty accorded to the most favored nation.

Mr. LODGE. Mr. President, I will ask that the resolution be referred to the Committee on Finance, or that any diposition may be made of it which is agreeable to the chairman of the committee, the Senator from Rhode Island [Mr. ALDRICH].

Mr. ALDRICH. I should like to make a brief statement in regard to some of the matters referred to in the resolution, but in view of the notice given by the Senator from Illinois [Mr. CULLOM], I shall refrain from doing so this morning, and ask that the resolution may lie on the table, to be called up to-morrow morning.

The PRESIDENT pro tempore. The resolution will go over under the rule.

CONCORDAT BETWEEN COLOMBIA AND POPE LEO XIII.

Mr. MORGAN. I submit the resolution which I send to the desk, and ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That there be printed, for the use of the Senate, the concordat between Colombia and Pope Leo XIII, promulgated February 24, 1888, and article 34 of law 30 of 1888 of said Republic of Colombia.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent for the present consideration of the resolution. Is there objection?

Mr. LODGE. I did not hear the reading of the resolution.

The PRESIDENT pro tempore. The resolution will be again read.

The Secretary again read the resolution.

Mr. LODGE. I have no objection.

The resolution was considered by unanimous consent, and agreed to.

Mr. MORGAN. I ask that the concordat between the Republic of Colombia and Pope Leo XIII may also be printed in the RECORD. It is short and very important.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order will be made.

The concordat referred to is as follows:

Mr. Walker to Mr. Bayard.

No. 95.] LEGATION OF THE UNITED STATES,
Bogota, March 7, 1888. (Received April 6.)

SIR: As a subject which may be of interest to the State Department and important to some of our citizens coming to this country to reside, I have the honor to inclose herewith a copy, in Spanish, of the "Concordat" recently celebrated between the Holy See of Rome and the Colombian Government, with a careful translation. In making this translation I regretted that I did not have access to the original Latin text in which it was drawn up and signed, but had to content myself with the Spanish translation, which in some of the articles is vague and ambiguous. The first clause of the seventeenth article is so much so that in my translation I was forced to be paraphrastic rather than literal.

As a part of the same subject I herewith transmit a copy, with translation, of law 30, passed by the legislative council on the 25th of February last, which virtually annuls all civil marriages celebrated at any time in the past, unless the ceremony was also performed canonically. The annulment of the marriage, however, does not illegitimatize the children of such marriage.

I am, sir, etc.,

JNO. G. WALKER.

[Inclosure 1 in No. 95.—Translation.]

CONCORDAT ENTERED INTO BETWEEN POPE LEO XIII AND THE REPUBLIC OF COLOMBIA.

[Concluded December 31, 1887. Ratified by the legislative council of Colombia February 24, 1888.]

In the name of the most holy and indivisible Trinity, the Supreme Pontiff, Leo XIII, and the most excellent Rafael Nuñez, President of the Republic of Colombia, by their respective representatives, to wit, on the part of His Holiness, the most eminent Monsignore Mariana Rampolla del Tindaro, cardinal presbyter of the most holy church of St. Cecelia and papal secretary of state; and on the part of the Republic, His Excellency Joaquin Vélez, envoy extraordinary and minister plenipotentiary near the Holy See, who, after a mutual exchange of credentials, have concluded the following convention:

ART. 1. The Catholic, Roman, Apostolic is the religion of Colombia, the public authorities of which shall recognize it as an essential element of social order, and they bind themselves to protect it in all its rights and privileges, and to cause it and its ministers to be respected.

ART. 2. The Catholic Church shall be free and independent of the civil authority and shall freely exercise all its spiritual authority and jurisdiction, conforming in its administrative government solely to its own laws.

ART. 3. Canonical legislation shall be free of the civil, and shall form no part of the latter, but will be respected by the latter.

ART. 4. The church, represented by its hierarchical authorities, is recognized by the state as a true and legitimate entity, with capacity to exercise and enjoy all rights pertaining to such.

ART. 5. The church has the right of acquiring, possessing, and administering real and personal property, in accordance to general laws, and its lands and establishments shall be no less inviolable than those of the citizens of the Republic.

ART. 6. Ecclesiastical property may be taxed in the same manner and to the same extent as the property of private individuals, except edifices for public worship, theological seminaries, and the residences of the clergy, which are exempt from all taxation, occupation, or appropriation to other uses.

ART. 7. The secular and regular clergy shall not be required to perform public duties incompatible with their ministry and profession, and at all times shall be exempt from military service.

ART. 8. The government shall enact such laws as will protect the sacerdotal dignity whenever, for any cause, a minister of the church may figure in criminal trials.

ART. 9. Diocesan bishops and parish priests may claim from the faithful the emoluments and ecclesiastical fees canonically and equitably established, either by the immemorial custom of the diocese or by the rules of religious services; and in order that such acts and obligations may produce civil effects, and that the temporal authority may lend its support, the bishops shall proceed in accord with the government.

ART. 10. Competent ecclesiastical authority has the right in Colombia to establish religious orders of both sexes, to be governed by suitable constitutions. But in order to secure the enjoyment of the rights of a lawful corporation and the protection of the laws, they must present to the civil authorities the canonical authorization issued by their ecclesiastical superior.

ART. 11. The Holy See will lend its support and cooperation to the Government for the establishment in Colombia of religious institutions, giving preference to those for charitable purposes, for missions, for the education of youth, and for general education, and to other works of public utility and beneficence.

ART. 12. Public education and instruction in universities, colleges, schools, and in other centers of instruction shall be organized and directed in conformity with the dogmas and moral teachings of the Catholic Church.

ART. 13. Consequently, in such centers of instruction the respective diocesan bishops, either by themselves or by special delegation, shall exercise the right, in whatever concerns religion and morals, to inspect and revise the text-books in use in the same.

The archbishop of Bogotá shall prescribe the text-books relating to religion and morals to be used in the universities; and to insure uniformity of teaching on those subjects, said prelate, in connection with other bishops, shall choose the text-books for the other schools of official instruction.

The Government shall see that no lectures are delivered on literary, scientific, or general subjects in any branch of learning that inculcate ideas contrary to Catholic dogmas or calculated to lessen the respect due to the church.

ART. 14. If, in spite of the orders and precautions of the Government, the moral and religious teaching (in universities, colleges, etc.) shall not conform to Catholic doctrines, the respective diocesans may withdraw from the offending professors and masters the privilege of teaching in such branches.

ART. 15. The Holy See has the right to fill vacancies in the archbishopries and bishoprics, but the Holy Father, as an evidence of special deference and to the end of preserving perfect harmony between the church and the state, agrees that in filling such vacancies the previous consent of the President shall be obtained. To that end, when such vacancies occur, the President may recommend directly to the Holy See such ecclesiastics as in his judgment unite in themselves the gifts and qualifications necessary for the episcopal dignity; and the Holy See, on its part, before making the appointment, shall always communicate the names of the candidates for promotion in order to ascertain whether or not the President considers the candidates civilly or politically disqualified for such positions. Vacancies in the bishoprics to be filled as soon as possible, and in no case to remain unfilled for more than six months.

ART. 16. The Holy See may erect new dioceses, or change the limits of those existing, whenever it is thought opportune and useful for the better care of souls, previously consulting the Government and admitting such suggestions as may be reasonable and just.

ART. 17. All persons professing the Catholic religion, desirous of contracting marriage, should have the ceremony performed according to the rites of the church.

The civil effects of marriage, in respect to the persons and property of the contracting parties and their descendants, can only be secured when the marriage is performed in accordance with the prescriptions of the Council of Trent. This celebration shall be witnessed by the functionary who may be designated by law for the sole purpose of verifying the entry of the marriage in the civil registry. But in cases of marriage *in articulo mortis*, when this formality might be difficult of observance, it may be dispensed with, and other proof substituted.

It being the business of the contracting parties to secure the intervention of the civil functionary for the registry, the duty of the clergyman is limited to an admonition as to the requirements of the civil law.

ART. 18. In order to give marriages celebrated at whatever period, according to the prescriptions of the Council of Trent, civil effect, suppletory evidence of ecclesiastical origin will be given preference.

ART. 19. Matrimonial causes affecting the married relation, cohabitation, and the validity of espousals pertain exclusively to the ecclesiastical authority, the civil consequences of marriage to the temporal.

ART. 20. The armies of the Republic shall enjoy the indulgences known as castrenses, to be regulated by the Holy Father in a separate act.

ART. 21. Following the divine offices there shall be offered up in all the churches of the Republic the following prayers: Domine salvam fac Rempublicam; Domine salvum fac Præsidem ejus et supremas ejus auctoritates.

ART. 22. The government of the Republic recognizes in perpetuity as a consolidated debt the value of the redeemed annuities (censos) now in the treasury, and of the estates belonging to the church fraternities, charitable foundations, chapels, establishments for instruction and benevolence erected by the church, which at any time may have been inscribed in the public debt of the nation. This recognized debt is to bear interest without diminution at the annual rate of 4½ per cent, payable every six months.

ART. 23. The income arising from sequestrated benefices and tithings pertaining to charitable institutions, chapels, monasteries, and other separate foundations is recognized and shall be paid to those who have the right to receive them, or to their legal representatives. This payment shall be made without diminution, as is provided for in the last preceding article, to commence with year 1888. In case any such bodies have become extinct, the amounts due them by a previous arrangement with the Government shall be applied to pious and charitable objects, without in any case contravening the intention of the founders.

ART. 24. In view of the present condition of the national treasury of Colombia and the benefit derived by the church from the observance of this convention, the Holy See makes the following relinquishments:

(*a*) The value of the principal of the sequestered property belonging to the aforesaid extinct convents and religious bodies of both sexes, not included in the foregoing articles, and which has not in any manner been recognized. (*b*) Whatever is due to such extinct organizations for rents or interest already accrued, or in whatever manner resulting, from said sequestration previous to the 31st of December, 1887.

ART. 25. In consideration of the foregoing favor the Government of Colombia agrees to secure, in perpetuity, an annual net sum, hereby fixed at 100,000 Colombian dollars, to be increased when the said treasury is in a better condition, said payments to be applied to the uses of the dioceses, chapters, seminaries, missions, and such other civilizing works of the church, and in such manner as may be agreed upon between the high contracting parties.

ART. 26. The surviving members of the extinct religious communities shall continue in the enjoyment, for their maintenance and other necessities, of such revenues as may have belonged to them by virtue of previous laws and decrees.

ART. 27. In like manner shall be paid the rents and incomes set aside by anterior laws and decrees for the support of public worship in churches, chapels, and other religious places not included in article 22. If concerning this point there should be doubt or difficulty, the Government shall communicate with the competent ecclesiastical authorities, to the end that a good understanding may be arrived at.

ART. 28. The Government shall return to religious bodies such of their sequestrated property as has no distinct destination; but if the owner does not come forward, or if he fills no ecclesiastical office, it may be sold and the proceeds applied to pious and benevolent objects, according to the most pressing needs of each diocese, the proceeding in such cases to be in accord with the ecclesiastical authorities.

ART. 29. The Holy See, in order to secure public tranquillity, declares, for its part, that persons who purchased ecclesiastical property during the past changes in Colombia, or who have redeemed annuities (censos) in the national treasury, according to the provisions of the civil law at the time in force, shall not be disturbed in any manner by the ecclesiastical authorities, a favor extended not only to those who performed the acts, but to those who, in the exercise of whatsoever functions, may have taken part in the same, in such manner that the first purchasers, as well as their legal successors and those who have redeemed annuities (censos), shall enjoy in peace and security such property, its products and emoluments, stipulating, however, that the Republic shall not in future repeat similar acts of seizure.

ART. 30. The Government of the Republic shall arrange with the respective diocesan bishops all that relates to cemeteries, reconciling the exigencies of their civil and sanitary character with the veneration due the sacredness of such places and with ecclesiastical prescriptions. In case of misunderstandings on such subjects they will be arranged between the Holy See and the Government.

ART. 31. Agreements between the Holy See and the Government of Colombia for fostering Catholic missions among the barbarous tribes shall not require the after approval of Congress.

ART. 32. The present convention repeals and renders null and void all laws, orders, and decrees, in whatsoever mode or period they were promulgated,

in such parts as may contradict or are inconsistent with this convention, which shall remain the permanent law of the State.

ART. 33. The ratification of this convention shall take place within six months from the date of its signature, or sooner, if possible.

In faith whereof the said plenipotentiaries sign and seal this convention.

Done at Rome the 31st day of December, 1887.

M. CARDINAL RAMPOLLA.
JOAQUIN F. VÉLEZ.

NATIONAL LEGISLATIVE COUNCIL,
Bogota, February 24, 1888.

Considering (1) that in the celebration of the foregoing convention the Government has acted within the powers conferred upon it by article 56 of the fundamental law of the Republic;

(2) That by this agreement, which satisfactorily and consistently settles all pending questions between the church and the state in conformity with the new national régime, and at the same time responds to imperious necessity and public well-being, which demanded the definition of the mutual relations between the civil and the ecclesiastical powers: and

(3) That its stipulations conform strictly to the provisions of articles 38, 41, 47, 53, 54, and 55 of the constitution.

It is decreed—

ART. I. That the foregoing convention is hereby approved and incorporated in the present law.

ART. II. The amount to be paid out of the treasury of the Republic to fulfill its obligations thereby created is hereby appropriated, and will be included in the budget of the present fiscal period.

Given at Bogotá this 24th day of February, 1888.

CARLOS CALDERON. R.,
President.
JOSÉ MARIA RUBIO. F.,
Vice-President.
ROBERTO DE NARVAEZ,
MANUEL BRIGARO,
Secretaries.

EXECUTIVE GOVERNMENT,
Bogotá, February 27, 1888.

Let it be published and executed.

RAFAEL NUÑEZ.

[L. S.]
(Countersigned.)
VICENTE RESTREPO,
Minister of Foreign Affairs.

[Inclosure 2 in No. 95—Translation—Extract from law 30, of 1888.]

ART. 34. A marriage contracted in conformity with the rites of the Catholic religion annuls ipso jure a purely civil marriage previously entered into with another person.

ART. 35. For purely civil effects, the law recognizes the legitimacy of the children conceived previously to the annulment of the civil marriage, in accordance with the provisions of the last preceding article.

ART. 36. The man who after having contracted a civil marriage, afterwards marries another woman according to the rites of the Catholic Church is required to provide subsistence to the woman and his children by her until she marries canonically.

ATTORNEYS' FEES BEFORE SPANISH CLAIMS COMMISSION.

Mr. HALE. I offer the following resolution, and ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the clerk of the Spanish Treaty Claims Commission be directed to inform the Senate what contracts appear from the papers on file to have been made with attorneys to pay fees for the prosecution of the claims, and what action, if any, has been taken or recommendations made by the Commissioners, or any of them, on the subject of the fees of attorneys.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. HALE. I do not know, Mr. President, but as a matter of form the resolution should be directed to the Spanish Treaty Claims Commission itself, and not to its subordinate official, the clerk. I think that form is better.

The PRESIDENT pro tempore. The resolution will be so modified. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

DEPARTMENT OF COMMERCE AND LABOR.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendment, in the nature of a substitute, of the House of Representatives to the bill (S. 569) to establish a department of commerce and labor.

Mr. NELSON. I move that the Senate disagree to the amendment of the House of Representative and ask for a committee of conference with the House, the Chair to appoint the conferees.

Mr. SPOONER. I hope the Senator will allow the amendment to be printed. We may want to amend the amendment of the House of Representatives.

Mr. NELSON. I ask that the bill may be printed as it has been amended by the House of Representatives.

The PRESIDENT pro tempore. And no further action taken to-day?

Mr. SPOONER. I hope the Senator will not ask for the appointment of a committee of conference to-day. The Senate may want to amend the House amendment.

Mr. CULLOM. Let it go over.

Mr. NELSON. I think the usual course in such cases is to appoint a committee of conference.

Mr. ALDRICH. The amendment of the House of Representatives is a very short one, I suppose, and I suggest that it be read, and then it will appear in the RECORD.

Mr. NELSON. The amendment is in the form of a substitute for the Senate bill.

Mr. ALDRICH. Will it take long to read the House substitute?

Mr. NELSON. Yes; it will take quite a while.

Mr. ALDRICH. Then I withdraw the request.

Mr. SPOONER. Do I understand the Senator from Minnesota to ask for action on this matter to-day?

Mr. NELSON. Not at all. I simply moved to disagree to the amendment of the House of Representatives and ask for a committee of conference. I do not intend to bring the matter up this morning.

Mr. BAILEY. Mr. President, I desire to ask a question in regard to a parliamentary matter. If that motion should be agreed to, would the amendment of the House of Representatives be open to amendment afterwards if the conference committee report it?

Mr. ALDRICH. It would be after the report of the conference committee, if——

Mr. BAILEY. The report of a conference committee must be adopted or rejected as a whole, as I understand.

Mr. ALDRICH. That is, if they come to a final agreement.

Mr. BAILEY. Yes.

Mr. ALDRICH. If they come to a partial agreement on the matters in dispute, it would still be amendable.

Mr. BAILEY. That is my understanding. Of course, either House can agree to an amendment of the other House with an amendment, or as long as the matter is open between the conferees, then it is open between the Houses. When it is closed by the conferees, then either House, both Houses indeed, must accept it as a whole or reject it as a whole.

Mr. HALE. Undoubtedly.

Mr. BAILEY. And it looks to me like it is rather a dangerous proposition for the Senate to put it in a position where we must reject it all or accept it all.

Mr. HALE. I hope the Senator from Minnesota will not now ask the Senate to send this matter to a committee of conference. It is a very important bill, and very important amendments have been made by the House. Before it goes to a committee of conference, with the tremendous power that such a committee has, the Senate ought to be able to see it, and if any Senator desires it he should be given an opportunity to vote upon concurring in certain House amendments. Otherwise the whole scope and power of dealing with this important subject is left to the conference committee, and when it reports we are substantially helpless here. As the Senator from Texas has said, if the committee agrees in conference we can only accept or reject the report. Senators know how difficult it is on a conference report to make any change whatever. It is not in the interest of delay, nor of anything unfair, to ask the Senator to let this matter stand over.

I think the bill, with the House amendments, had better be printed, so that Senators can see what is in it, and then, if any Senator desires to move to concur, it can be done. After that, after it has passed through that proper crucible, then, of course, it will go to the conference committee.

I ask that the bill go over and be printed with the House amendments, in order that the Senate may see it.

Mr. ALDRICH. Have it printed in the RECORD.

Mr. HALE. Let it be printed in the RECORD. That is better still.

Mr. COCKRELL. And also as a bill, so that we may have it before us.

Mr. HALE. I ask that it be printed in the RECORD, and also as a bill.

The PRESIDENT pro tempore. The Senator from Maine asks that the bill may lie on the table——

Mr. HALE. Yes.

The PRESIDENT pro tempore. That it lie on the table and be printed as a bill, and also in the RECORD.

Mr. HALE. With the House amendments.

The PRESIDENT pro tempore. With the House amendments? Is there objection to the request? The Chair hears none, and that order is made.

Mr. ALLISON. Before this question passes away, I wish to state that I understand that the House has passed a substitute for the Senate bill. Therefore everything that is in either bill or that is projected in either bill will be within the control of the conferees on the part of the two Houses, substantially giving them the power to make a new bill. So I think it very well for us to ascertain what the differences are, and if in some way we can have the bill printed, so that we can see at a glance what the House have agreed to that was in the original bill and what they propose to substitute for the text in other places, I think it would be advantageous. I do not know that it can be done.

Mr. HALE. I fancy the clerks, in their aptitude in all such matters, can present to us to-morrow morning in print what will show the original Senate bill and the changes proposed by the

House, so that at a glance every Senator will be informed as to the situation.

The PRESIDENT pro tempore. The Chair is informed that there is great demand for this bill, and suggests to the Senator from Maine, if he will allow the Chair to do so, that he ask for the printing of an additional number.

Mr. HALE. I think that is a very good suggestion. We had better have 500 additional copies.

The PRESIDENT pro tempore. Five hundred?

Mr. ALLISON. A thousand.

Mr. HALE. A thousand,

The PRESIDENT pro tempore. The Senator from Maine asks that a thousand additional copies of the bill be printed. Is there objection? The Chair hears none, and it is so ordered.

Mr. NELSON. On account of the opposition to the bill going into conference, I think it had better be referred to the Committee on Commerce; and I move that it be referred to the Committee on Commerce, with the amendments.

Mr. HALE. There is no objection to that course, Mr. President.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Minnesota that the bill be referred to the Committee on Commerce.

Mr. COCKRELL. And be printed, as a matter of course.

The PRESIDENT pro tempore. That order has already been made. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to.

The bill as passed by the Senate and the substitute therefor proposed by the House of Representatives are as follows:

An act (S. 569) to establish the department of commerce and labor.

Be it enacted, etc., That there shall be at the seat of government an executive department to be known as the department of commerce and labor, and a secretary of commerce and labor, who shall be the head thereof, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of $8,000 per annum, and whose term and tenure of office shall be like that of the heads of the other Executive Departments; and section 158 of the Revised Statutes is hereby amended to include such department, and the provisions of title 4 of the Revised Statutes, including all amendments thereto, are hereby made applicable to said department.

SEC. 2. That there shall be in said department an assistant secretary of commerce and labor, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of $4,000 a year. He shall perform such duties as shall be prescribed by the secretary or required by law. There shall also be one chief clerk and a disbursing clerk and such other clerical assistants as may from time to time be authorized by Congress; and the Auditor for the State and other Departments shall receive all accounts accruing in or relative to the department of commerce and labor and examine the same, and thereafter certify the balance and transmit the accounts, with the vouchers and certificate, to the Comptroller of the Treasury for his decision thereon.

SEC. 3. That it shall be the province and duty of said department to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, the labor interests, and the transportation facilities of the United States; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service hereinafter specified, and with such other powers and duties as may be prescribed by law.

SEC. 4. That the following-named offices, bureaus, divisions, and branches of the public service, now and heretofore under the jurisdiction of the Department of the Treasury, and all that pertains to the same, known as the Life-Saving Service, the Light-House Board, and the Light-House Service, the Marine-Hospital Service, the Steamboat-Inspection Service, the Bureau of Navigation and the United States Shipping Commissioners, the Bureau of Immigration, and the Bureau of Statistics, be, and the same hereby are, transferred from the Department of the Treasury to the department of commerce and labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named department; and that the Census Office, and all that pertains to the same, be, and the same hereby are, transferred from the Department of the Interior to the department of commerce and labor, to remain henceforth under the jurisdiction of the latter; that the Department of Labor, and the office of Commissioner of Fish and Fisheries, and all that pertains to the same, be, and the same hereby are, placed under the jurisdiction and made a part of the department of commerce and labor; that the Bureau of Foreign Commerce, now in the Department of State, be, and the same hereby is, transferred to the department of commerce and labor and consolidated with and made a part of the Bureau of Statistics, hereinbefore transferred from the Department of the Treasury to the department of commerce and labor, and the two shall constitute one bureau to be called the bureau of statistics with a chief of the bureau and one assistant; and that the secretary of commerce and labor shall have complete control of the work of gathering and distributing statistical information naturally relating to the subjects confided to his department; and to this end said secretary shall have power to employ any or either of the said bureaus and to rearrange such statistical work and to distribute or consolidate the same as may be deemed desirable in the public interest; and said secretary shall also have authority to call upon other Departments of the Government for statistical data and results obtained by them; and said secretary of commerce and labor may collate, arrange, and publish such statistical information so obtained in such manner as to him may seem wise.

That the official records and papers now on file in and pertaining exclusively to the business of any bureau, office, department, or branch of the public service in this act transferred to the department of commerce and labor, together with the furniture now in use in such bureau, office, department, or branch of the public service, shall be, and hereby are, transferred to the department of commerce and labor.

SEC. 5. That there shall be in the department of commerce and labor a bureau to be called the bureau of manufactures, and a chief of said bureau, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of $3,000 per annum. There shall also be in said bureau one chief clerk and such other clerical assistants as may from time to time be authorized by Congress. It shall be the province and duty of said bureau, under the direction of the secretary, to foster, promote, and develop the various manufacturing industries of the United States, and markets for the same at home and abroad, domestic and foreign, by gathering, compiling, publishing, and supplying all available and useful information concerning such industries and such markets, and by such other methods and means as may be prescribed by the secretary or provided by law. And all consular officers of the United States, including consul-generals, consuls, and commercial agents, are hereby required, and it is made a part of their duty, under the direction of the Secretary of State, to gather and compile, from time to time, useful and material information and statistics in respect to the commerce, industries, and markets of the countries and places to which such consular officers are accredited, and to send, under the direction of the Secretary of State, reports quarterly, or oftener if required, of the information and statistics thus gathered and compiled, such reports to be transmitted through the State Department to the secretary of the department of commerce and labor.

SEC. 6. That the jurisdiction, supervision, and control now possessed and exercised by the Department of the Treasury over Chinese immigration, and over the fur-seal, salmon, and other fisheries in Alaska, be, and the same hereby is, transferred to and vested in the department of commerce and labor.

SEC. 7. That the secretary of commerce and labor shall annually, at the close of each fiscal year, make a report in writing to Congress, giving an account of all moneys received and disbursed by him and his department, and describing the work done by the department in fostering, promoting, and developing the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, and the transportation facilities of the United States, and making such recommendations as he shall deem necessary for the effective performance of the duties and purposes of the department. He shall also, from time to time, make such special investigations and reports as he may be required to do by the President, or by either House of Congress, or which he, himself, may deem necessary and urgent.

SEC. 8. That the secretary of commerce and labor shall have charge, in the buildings or premises occupied by or appropriated to the department of commerce and labor, of the library, furniture, fixtures, records, and other property pertaining to it, or hereafter acquired for use in its business; and he shall be allowed to expend for periodicals and the purposes of the library, and for the rental of appropriate quarters for the accommodation of the department of commerce and labor within the district of Columbia, and for all other incidental expenses, such sums as Congress may provide from time to time: *Provided, however*, That where any office, bureau, or branch of the public service transferred to the department of commerce and labor by this act is occupying rented buildings or premises, it may still continue to do so until other suitable quarters are provided for its use: *And provided further*, That all officers, clerks, and employees now employed in any of the bureaus, offices, departments, or branches of the public service in this act transferred to the department of commerce and labor are each and all hereby transferred to said department at their present grades and salaries, except where otherwise provided in this act: *And provided further*, That all laws prescribing the work and defining the duties of the several bureaus, offices, departments, or branches of the public service by this act transferred to and made a part of the department of commerce and labor shall, so far as the same are not in conflict with the provisions of this act, remain in full force and effect until otherwise provided by law.

SEC. 9. That all power and authority heretofore possessed or exercised by the head of any executive department over any bureau, office, branch, or division of the public service by this act transferred to the department of commerce and labor, or any business arising therefrom or pertaining thereto, whether of an appellate or revisory character, or otherwise, shall hereafter be vested in and exercised by the head of the said department of commerce and labor. And all acts or parts of acts inconsistent with this act are, so far as so inconsistent, hereby repealed.

SEC. 10. A person, to be designated by the Secretary of State, shall be appointed to formulate, under his direction, for the instruction of consular officers, the requests of the secretary of commerce and labor, and to prepare from the dispatches of consular officers, for transmission to the secretary of commerce and labor, such information as pertains to the work of the department of commerce and labor, and such person shall have the rank and salary of a chief of bureau, and be furnished with such clerical assistance as may be deemed necessary by the Secretary of State.

SEC. 11. This act shall take effect and be in force from and after its passage.

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
January 15, 1903.

Resolved, That the bill from the Senate (S. 569) entitled "An act to establish the department of commerce and labor" do pass with the following amendment:

Strike out all after the enacting clause and insert:

"That there shall be at the seat of government an executive department to be known as the department of commerce and labor, and a secretary of commerce and labor, who shall be the head thereof, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of $8,000 per annum, and whose term and tenure of office shall be like that of the heads of the other Executive Departments; and section 158 of the Revised Statutes is hereby amended to include such department, and the provisions of title 4 of the Revised Statutes, including all amendments thereto, are hereby made applicable to said department. The said secretary shall cause a seal of office to be made for the said department of such device as the President shall approve, and judicial notice shall be taken of the said seal.

"SEC. 2. That there shall be in said department an assistant secretary of commerce and labor, to be appointed by the President, who shall receive a salary of $5,000 a year. He shall perform such duties as shall be prescribed by the secretary or required by law. There shall also be one chief clerk and a disbursing clerk and such other clerical assistants as may from time to time be authorized by Congress; and the Auditor for the State and other Departments shall receive all accounts accruing in or relative to the department of commerce and labor and examine the same, and certify the balances arising thereon to the Secretary of the Treasury in the same manner as the balances on similar accounts are certified under existing law.

"SEC 3. That it shall be the province and duty of said department to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, the labor interests, and the transportation facilities of the United States; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service hereinafter specified, and with such other powers and duties as may be prescribed by law. All unexpended appropriations, which shall be available at the time when this act takes effect, in relation to the various offices, bureaus, divisions, and other branches of the public service, which shall, by this act, be transferred to or included in the department of commerce and labor, or which may hereafter, in accordance with the provisions of this act, be so transferred, shall become available, from the time of such transfer, for expenditure in and by the department of commerce and labor, and shall be treated the same as though said branches

of the public service had been directly named in the laws making said appropriations as parts of the department of commerce and labor, under the direction of the secretary of said department.

"SEC. 4. That the following-named offices, bureaus, divisions, and branches of the public service, now and heretofore under the jurisdiction of the Department of the Treasury, and all that pertains to the same, known as the Light-House Board, the Light-House Establishment, the National Bureau of Standards, the Coast and Geodetic Survey, the Commissioner-General of Immigration, the commissioners of immigration, the Bureau of Immigration, the immigration service at large, and the Bureau of Statistics, be, and the same hereby are, transferred from the Department of the Treasury to the department of commerce and labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named department; and that the Census Office, and all that pertains to the same, be, and the same hereby is, transferred from the Department of the Interior to the department of commerce and labor, to remain henceforth under the jurisdiction of the latter; that the Department of Labor, the Fish Commissioner, and the Office of Commissioner of Fish and Fisheries, and all that pertains to the same, be, and the same hereby are, placed under the jurisdiction and made a part of the department of commerce and labor; that the Bureau of Foreign Commerce, now in the Department of State, be, and the same hereby is, transferred to the department of commerce and labor and consolidated with and made a part of the Bureau of Statistics, hereinbefore transferred from the Department of the Treasury to the department of commerce and labor, and the two shall constitute one bureau, to be called the Bureau of Statistics, with a chief of the bureau; and that the secretary of commerce and labor shall have control of the work of gathering and distributing statistical information naturally relating to the subjects confided to his department; and the secretary of commerce and labor is hereby given the power and authority to rearrange the statistical work of the bureaus and offices confided to said department, and to consolidate any of the statistical bureaus and offices transferred to said department; and said secretary shall also have authority to call upon other departments of the Government for statistical data and results obtained by them; and said secretary of commerce and labor may collate, arrange, and publish such statistical information so obtained in such manner as to him may seem wise.

"That the official records and papers now on file in and pertaining exclusively to the business of any bureau, office, department, or branch of the public service in this act transferred to the department of commerce and labor, together with the furniture now in use in such bureau, office, department, or branch of the public service, shall be, and hereby are, transferred to the department of commerce and labor.

"SEC. 5. That there shall be in the department of commerce and labor a bureau to be called the bureau of manufactures, and a chief of said bureau, who shall be appointed by the President, and who shall receive a salary of $4,000 per annum. There shall also be in said bureau such clerical assistants as may from time to time be authorized by Congress. It shall be the province and duty of said bureau, under the direction of the secretary, to foster, promote, and develop the various manufacturing industries of the United States, and markets for the same at home and abroad, domestic and foreign, by gathering, compiling, publishing, and supplying all available and useful information concerning such industries and such markets, and by such other methods and means as may be prescribed by the secretary or provided by law. And all consular officers of the United States, including consuls-general, consuls, and commercial agents, are hereby required, and it is made a part of their duty, under the direction of the Secretary of State, to gather and compile, from time to time, useful and material information and statistics in respect to the subject enumerated in section 3 of this act in the countries and places to which such consular officers are accredited, and to send, under the direction of the Secretary of State, reports as often as required of the information and statistics thus gathered and compiled, such reports to be transmitted through the State Department to the secretary of the department of commerce and labor.

"SEC. 6. That there shall be in the department of commerce and labor a bureau to be called the bureau of corporations, and the chief of said bureau shall be appointed by the President and shall receive a salary of $4,000 per annum. There shall also be in said bureau such clerks and assistants as may from time to time be authorized by law. It shall be the province and duty of said bureau, under the direction of the secretary of commerce and labor, to gather, compile, publish, and supply useful information concerning such corporations doing business within the limits of the United States as shall engage in interstate commerce or in commerce between the United States and any foreign country, and to attend to such other duties as may be hereafter provided by law.

"SEC. 7. That the jurisdiction, supervision, and control now possessed and exercised by the Department of the Treasury over the fur-seal, salmon, and other fisheries of Alaska and over the immigration of aliens into the United States, its waters, territories and any place subject to the jurisdiction thereof, are hereby transferred and vested in the department of commerce and labor. That the authority, power, and jurisdiction now possessed and exercised by the Secretary of the Treasury by virtue of any law in relation to the exclusion from and the residence within the United States, its territories and the District of Columbia, of Chinese and persons of Chinese descent, are hereby transferred to and conferred upon the secretary of commerce and labor, and the authority, power, and jurisdiction in relation thereto now vested by law or treaty in the collectors of customs and the collectors of internal revenue are hereby conferred upon and vested in such officers under the control of the Commissioner-General of Immigration as the secretary of commerce and labor may designate therefor.

"SEC. 8. That the secretary of commerce and labor shall annually, at the close of each fiscal year, make a report in writing to Congress, giving an account of all moneys received and disbursed by him and his department, and describing the work done by the department in fostering, promoting, and developing the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, and the transportation facilities of the United States, and making such recommendations as he shall deem necessary for the effective performance of the duties and purposes of the department. He shall also from time to time make such special investigations and reports as he may be required to do by the President, or by either House of Congress, or which he himself may deem necessary and urgent.

"SEC. 9. That the secretary of commerce and labor shall have charge, in the buildings or premises occupied by or appropriated to the department of commerce and labor, of the library, furniture, fixtures, records, and other property pertaining to it or hereafter acquired for use in its business; and he shall be allowed to expend for periodicals and the purposes of the library, and for the rental of appropriate quarters for the accommodation of the department of commerce and labor within the District of Columbia, and for all other incidental expenses, such sums as Congress may provide from time to time: *Provided, however*, That where any office, bureau, or branch of the public service transferred to the department of commerce and labor by this act is occupying rented buildings or premises, it may still continue to do so until other suitable quarters are provided for its use: *And provided further*, That all officers, clerks, and employees now employed in any of the bureaus, offices, departments, or branches of the public service n this act transferred to the department of commerce and labor are each and all hereby transferred to said department at their present grades and salaries, except where otherwise provided in this act: *And provided further*, That all laws prescribing the work and defining the duties of the several bureaus, offices, departments, or branches of the public service by this act transferred to and made a part of the department of commerce and labor shall, so far as the same are not in conflict with the provisions of this act, remain in full force and effect until otherwise provided by law.

"SEC. 10. That all power and authority heretofore possessed or exercised by the head of any executive department over any bureau, office, branch, or division of the public service by this act transferred to the department of commerce and labor, or any business arising therefrom or pertaining thereto, whether of an appellate or revisory character or otherwise, shall hereafter be vested in and exercised by the head of the said department of commerce and labor. And all acts or parts of acts inconsistent with this act are, so far as so inconsistent, hereby repealed.

"SEC. 11. A person, to be designated by the Secretary of State, shall be appointed to formulate, under his direction, for the instruction of consular officers, the requests of the secretary of commerce and labor; and to prepare from the dispatches of consular officers, for transmission to the secretary of commerce and labor, such information as pertains to the work of the department of commerce and labor; and such person shall have the rank and salary of a chief of bureau, and be furnished with such clerical assistants as may from time to time be authorized by law.

"SEC. 12. That the President be, and he is hereby, authorized, by order in writing, to transfer at any time the whole or any part of any office, bureau, division, or other branch of the public service engaged in statistical or scientific work, or the Interstate Commerce Commission, to the department of commerce and labor; and in every such case the duties and authority performed by and conferred by law upon such office, bureau, division, or other branch of the public service, or the part thereof so transferred, shall be thereby transferred with such office, bureau, division, or other branch of the public service, or the part thereof which is so transferred. And all power and authority conferred by law, both supervisory and appellate, upon the department from which such transfer is made, or the secretary thereof, in relation to the said office, bureau, division, or other branch of the public service, or the part thereof so transferred, shall immediately, when such transfer is so ordered by the President, be fully conferred upon and vested in the department of commerce and labor, or the secretary thereof, as the case may be, as to the whole or part of such office, bureau, division, or other branch of the public service so transferred.

"SEC. 13. That this act shall take effect and be in force from and after its passage: *Provided, however*. That the provisions in this act in relation to the transfer of any existing office, bureau, division, officer, or other branch of the public service or authority now conferred thereon, to the department of commerce and labor shall take effect and be in force on the 1st day of July, 1903, and not before."

SAFETY APPLIANCES UPON RAILROADS.

Mr. FORAKER. I ask for a reprint of Report No. 1930, Fifty-seventh Congress, first session, regarding the safety of employees and travelers upon railroads.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Ohio?

Mr. COCKRELL. That would provide for the usual number, and they would be distributed just as the others were. I suppose the Senator wants them for distribution.

Mr. FORAKER. I was told that the document was exhausted; that there were no more left.

Mr. COCKRELL. It would give a great many more if the Senator would ask to have it reprinted for the use of the Senate and placed in the Senate document room.

Mr. FORAKER. Very well. I ask that it be reprinted for the use of the Senate.

Mr. COCKRELL. That a thousand copies of it be reprinted for the use of the Senate.

Mr. FORAKER. A thousand copies.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Ohio? The Chair hears none, and the order is made.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 15th instant approved and signed the act (S. 1359) to increase pension for total deafness.

The message also announced that the President of the United States had on the 16th instant approved and signed the act (S. 4616) to grant title to the town of Juneau, Alaska, of lands occupied for school purposes, and for other purposes.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 288) for relief of the Christian Church, of Henderson, Ky.;

A bill (H. R. 647) for the relief of William P. Marshall;

A bill (H. R. 1147) for the relief of the First Baptist Church of Cartersville, Ga.;

A bill (H. R. 1488) for the relief of T. A. Woodress;

A bill (H. R. 1937) for the relief of the owner or owners of the barge *Charlie;*

A bill (H. R. 2490) for the relief of Morris F. Cawley;

A bill (H. R. 5036) for the relief of heirs of Mrs. Tellisse W. Wilson;

A bill (H. R. 5070) for the relief of Hamilton M. Sailors;

A bill (H. R. 8650) for the relief of the estate of Leander C. McLelland, deceased;

A bill (H. R. 9632) for the allowance of claims of certain citizens of Virginia for damages to their property incident to the encampment at Manassas and march from Camp Alger to Thoroughfare Gap, Virginia, as recommended by a board of officers appointed for the consideration of claims for damages to property by volunteer soldiers during the war with Spain; and

A bill (H. R. 11127) for the relief of the Propeller Tow Boat Company, of Savannah.

The bill (H. R. 16567) making appropriation for the support of the Army for the fiscal year ending June 30, 1904, was read twice by its title and referred to the Committee on Military Affairs.

ADAM STUBER.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5118) granting an increase of pension to Adam Stuber.

Mr. GALLINGER. I move that the Senate disagree to the amendment of the House of Representatives and request a conference on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. BURTON, and Mr. TURNER were appointed.

ANTHRACITE COAL.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day.

The Secretary read the resolution submitted by Mr. VEST on the 5th instant, as follows:

Resolved, That the Committee on Finance be instructed to prepare and report a bill amending "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, so that the tariff duty shall be removed from anthracite coal and the same be placed on the free list.

Mr. CULLOM. I hope the resolution will go over. The Senator from Missouri [Mr. VEST] is not present.

Mr. COCKRELL. In the absence of my colleague, let the resolution go over, retaining its place.

The PRESIDENT pro tempore. The Senator from Missouri asks that the resolution may lie on the table, retaining its place. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. FAIRBANKS. Mr. President, before the question is taken on the motion, I should like to make a statement. Last Thursday I gave notice that I would this morning move that the Senate proceed with the consideration of the immigration bill, but owing to the desire of the Senator from Illinois to have an executive session, I will not now press the motion, but will take early opportunity to bring the matter to the attention of the Senate.

Mr. BAILEY. Mr. President, I desire to submit a parliamentary inquiry. There is a standing order of the Senate that at a certain time the Senate shall proceed to the consideration of what is known as the omnibus statehood bill. If the motion of the Senator from Illinois should prevail and the Senate determines to go into executive session and should be in executive session at 2 o'clock, would the Senate then resolve itself back into open session and consider the statehood bill without motion, or could the executive session continue and thus destroy the privilege of the statehood bill for the day?

The PRESIDENT pro tempore. The executive session could continue through the entire day without having any effect upon the unfinished business any more than an adjournment over would have. The next day at 2 o'clock the unfinished business would be laid before the Senate as usual.

Mr. BAILEY. And the Senate could again go into executive session——

The PRESIDENT pro tempore. It could——

Mr. BAILEY. And again displace it? That was my understanding——

The PRESIDENT pro tempore. It would not displace it.

Mr. BAILEY. And therefore I shall not vote for the motion.

The PRESIDENT pro tempore. Going into executive session does not displace the unfinished business. It retains its place.

Mr. BAILEY. I mean displace it for the day.

The PRESIDENT pro tempore. For the day.

Mr. ALDRICH. Whenever the Senate resumes legislative business, if it be after 2 o'clock, of course the unfinished business would be the order of business.

The PRESIDENT pro tempore. If the Senate should resume legislative business at 2 or 3 or 4 or 5 o'clock, the Chair would lay before the Senate the unfinished business.

Mr. HALE. More than that, Mr. President, in executive session a majority at any time can go into legislative session and proceed with the unfinished business.

Mr. QUAY. Mr. President, I desire——

Mr. BATE. Is it not necessary, in executive session, to make a motion to go back into legislative session?

The PRESIDENT pro tempore. It is not necessary, unless a majority of the Senate desires to resume the consideration of the statehood bill at 2 o'clock. If nothing is done in relation to it and the Senate continues in executive session for the entire day, the statehood bill is not disturbed in the slightest degree. It remains the unfinished business.

Mr. BATE. It is not necessary, then, to make a motion to that effect in executive session?

Mr. BAILEY. Yes, a motion must be made.

Mr. BATE. That is what I am asking.

The PRESIDENT pro tempore. A motion must be made in executive session, providing the Senate wishes to come out from executive session at 2 o'clock and take up the bill.

Mr. COCKRELL. Or at any other time.

The PRESIDENT pro tempore. But it is not necessary to come out from executive session in order to save the rights of the statehood bill.

Mr. BATE. The inquiry I make is whether at 2 o'clock that motion must be made, or is it necessary to make it now?

The PRESIDENT pro tempore. It need not be made at all, unless the Senate desires to proceed to consider the statehood bill at that time.

Mr. BAILEY. Mr. President——

Mr. QUAY. Mr. President, I trust I may have recognition. I have some interest in the statehood bill, as the President pro tempore knows.

The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. QUAY. I desire to give notice that at 2 o'clock, in accordance with the unanimous-consent arrangement, I shall move, if the motion of the Senator from Illinois prevails, that the Senate proceed to the consideration of legislative business. I trust the Senator from Illinois will not antagonize the motion. I am in favor of his treaty——

Mr. CULLOM. I desire to say that the understanding between the Senator from Pennsylvania and myself is that when 2 o'clock arrives, in view of the fact that the Senator from Ohio [Mr. FORAKER] is in the middle of a speech, so far as I am concerned I shall be willing to come back into legislative session.

Mr. BAILEY. With that statement, I have no objection to the motion.

Mr. QUAY. So far as I am concerned, in view of the fact that the statehood bill is the regular order under the unanimous-consent agreement at 2 o'clock, even if the Senator from Ohio were not in the midst of a speech, I should make a motion to return to legislative session.

Mr. FORAKER. I rise to make a suggestion to the Senator from Illinois. It is only thirty minutes now until 2 o'clock. We can hardly get into executive session and get started until we shall have to go back into legislative session, and if there is no objection, I would rather proceed now with my speech. It will not take me long to conclude, and then we can go into executive session and remain as long as we will.

Mr. CULLOM. I desire to get an order for the printing of the treaty and to do one or two other things, as well as to have the treaty read. Does the Senator from Ohio desire to go on now?

Mr. FORAKER. I think it would be more convenient for the entire Senate——

Mr. CULLOM. I am entirely willing.

Mr. FORAKER. As it would be for me if I could proceed now.

Mr. CULLOM. If the Senator from Ohio is anxious to proceed now, I will yield.

REPORT OF EXPERIMENT STATIONS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Agriculture and Forestry, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the annual report of the Office of Experiment Stations, prepared under the direction of the Secretary of Agriculture, which includes a report on the work and expenditures of the agricultural experiment stations in the United States for the fiscal year ended June 30, 1902, in accordance with the act making appropriations for the Department of Agriculture for the said fiscal year.

The attention of Congress is called to the request of the Secretary of Agriculture that 5,000 copies of the report be printed for the use of the Department of Agriculture, and that provision be made to print such a report annually.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 19, 1903.*

EXECUTIVE SESSION.

Mr. CULLOM. I think I will insist upon my motion for an executive session.

Mr. FORAKER. I desire to withdraw my suggestion, Mr. President, that I proceed at this time.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Illinois that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened.

BUREAU OF ANIMAL INDUSTRY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Agriculture and Forestry, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report, by the Secretary of Agriculture, of the operations of the Bureau of Animal Industry of that Department for the fiscal year ended June 30, 1902, in compliance with the requirements of section 11 of the act approved May 29, 1884, for the establishment of that Bureau.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 19, 1903.*

BRITISH STEAMSHIP EASTRY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Acting Secretary of State, with accompanying papers, relating to the claim of Messrs. Sivewright, Bacon & Co., of Manchester, England, British subjects, for compensation for damages sustained by their vessel, the British steamship *Eastry*, in consequence of collisions in June, 1901, at Manila, with certain coal hulks belonging to the United States Government.

I recommend that as an act of equity and comity provision be made by the Congress for reimbursement to the firm of the money expended by it in making the repairs to the ship which the collisions rendered necessary.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, January 19, 1903.

REPORTS OF CONSULAR AND DIPLOMATIC OFFICERS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Printing:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, accompanying the Commercial Relations of the United States for the year 1902, being the annual and other reports of consular and diplomatic officers upon the industries and commerce of foreign countries. In view of the importance of these reports to our business interests, I approve the recommendation of the Secretary of State that Congress authorize the printing of an edition of 10,000 copies of the summary entitled "Review of the World's Commerce," and of 5,000 copies of Commercial Relations (including this summary), to be distributed by the Department of State.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, January 19, 1903.

LANDING PIER AT PONCE, P. R.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on December 3, 1902, with the approval of the governor thereof, granting to J. H. D. Luce, his heirs, executors, administrators, and assigns, the right to construct and operate a landing pier or wharf on the east side of the harbor of Ponce and on the shores thereof, and for other purposes.

This ordinance was approved by the President of the United States on January 8, 1903.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 19, 1903.*

AMENDMENT OF PRINTING ACT.

Mr. PLATT of New York submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the bill (S. 2296) to amend an act approved March 2, 1895, relating to the public printing, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the amendment of the House, and agree to the same.

T. C. PLATT,
S. B. ELKINS,
JAMES K. JONES,
Managers on the part of the Senate.
JOEL P. HEATWOLE,
VINCENT BOREING,
F. C. TATE,
Managers on the part of the House.

The report was agreed to.

STATEHOOD BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. FORAKER. Mr. President, when I yielded the floor for our last adjournment, I had just finished the remarks I desired to make upon the rules as to population in so far as any have been claimed or recognized, at least so far as I am aware, applicable to the question of admitting a Territory to statehood.

Senators will remember that I was making that contention in answer to the claim of the majority of the Senate Committee on Territories, their claim being that a rule as to population had been laid down by the ordinance of 1787, which they desired to have applied to these Territories. Their contention was that the rule of the ordinance of 1787 was in effect a rule of percentage, and that before these Territories or any other Territories at this time could be held to be, as to population, qualified for admission, they must have, each of them, 1,153,000 population.

I undertook to show, and I believe I did show, that the ordinance of 1787 does not announce any such rule, and that there was no warrant for such a contention in anything to be found in the ordinance of 1787, and certainly not in that part of it which was quoted by the Committee on Territories.

I undertook to make it plain that by the ordinance of 1787 it was provided that Territories, the ones there named, should be admitted to the Union as States at the earliest moment possible consistent with the general interest, and that there was no other general rule prescribed. All that was said on that subject in addition was that whenever these Territories should have 60,000 free inhabitants they should be entitled to admission into the Union, and then there was an express provision to the effect that they might be admitted before they had 60,000 if Congress in its wisdom and judgment would see fit so to permit.

I pointed out further that this rule has been claimed and recognized, not only with respect to the territory then a part of the Northwest, but with respect to all the Territories of the United States to which the ordinance of 1787 has been extended as an organic law. I pointed out what was claimed and what was conceded in the case of Tennessee, and in the case of Michigan, in both of which cases, having 60,000 inhabitants, the Territories organized State governments, sent their representatives to Washington, and demanded a recognition of their rights. George Washington in the one case, in his message, practically conceded the right, as did Andrew Jackson in the other case.

The language of George Washington I cite particularly in order that I may answer a deduction made by the Senate Committee on Territories as to his interpretation of the ordinance of 1787 in that regard. He said in his message that it appeared that according to the provisions of the ordinance of 1787, which had been extended to Tennessee, the people of that Territory having 60,000 free inhabitants, had a right to organize a State government and be admitted as a State into the Union. Practically the same thing was said and the same thing done as to Michigan; and later that rule was invoked and recognized as to Oregon, which was admitted before she had a population of 60,000 and before she had a population equal to the unit of representation in the House of Representatives at that time.

Then, Mr. President, I undertook to show that as to all the territory which we have acquired under cessions made to us by treaties with France and Spain a different rule prevailed. The language of those treaties is in that respect that the inhabitants of the territory ceded shall be admitted into the Union. I am not undertaking to give it exactly, but simply to give its legal effect, "according to the principles of the Federal Constitution." I undertook to show that the phrase "admitted into the Union, according to the principles of the Federal Constitution." has always been interpreted to mean that that territory, subdivided as we might see fit to subdivide it into States, should have the right, each and every subdivision of it, when created into a Territory preparatory to statehood, to be admitted to statehood whenever it might have a population equal to the unit of representation.

Mr. SPOONER. And republican in its form of government.

Mr. FORAKER. Yes. Mr. President, I am not undertaking to quote that part of the treaty stipulation about which there is no controversy; I am confining myself, if the Senator will pardon me, to only that part about which there may be some difference of opinion, or some room for argument.

Mr. SPOONER. The Senator commented upon the language "according to the principles of the Constitution," and said the Territories should have a certain population to entitle them to admission as States. I simply added the requirement that they should have a republican form of government.

Mr. FORAKER. The Senator is quite right, and if I had been undertaking to quote with accuracy the whole stipulation I should, of course, have quoted that; but I was confining myself

to that part of it about which there has been some difference of opinion, and there may be a difference of opinion again, though, according to the precedents, there is not much room for it, as I understand them.

Then I undertook to show that our treaty with Mexico, under which treaty we acquired certain territory, contains that same stipulation, with the modification that expressly invested Congress with the discretion to judge as to the time when it should be admitted to the Union, imposed a moral obligation that has practically ripened into a legal obligation, if we want to carry out the spirit of that treaty at this time.

In that behalf I quoted from the messages of President Polk and President Taylor—men who had the most to do with the ratification and execution of the treaty—to show that it was their understanding that the faithful execution of the treaty required that New Mexico should in a very brief time be admitted to statehood.

Mr. President, the rule is, therefore, as to these Territories, if I am right in these premises and in this conclusion, that the Territory of New Mexico and the Territory of Arizona are entitled, as a matter of right, to statehood, if they are to be treated as other Territories have been, whenever they can show that they have a population equal to the unit of representation; and that Congress has the right, exercising its judgment and discretion, to admit them to statehood before they have such population as will equal the unit of representation. In that behalf I called the attention of the Senate to the fact that repeatedly Territories that come under this last rule have been admitted to statehood before they had a population equal to the unit of representation.

Nebraska, for instance, was admitted March 1, 1867, when she had a population of only 60,000. The ratio of representation at that time was 127,381. Kansas was admitted January 29, 1861, when she had a population of 107,206, just before, by legal enactment, the ratio was changed from 93,423 to 127,381. She was admitted at a time when a census had been taken, and when everybody knew that a new ratio was to be in the immediate future determined upon that would be higher than her population would reach or equal.

Florida was admitted March 3, 1845, when she had a population of 54,477, and when the ratio was 70,680. Oregon was admitted February 14, 1859, with a population of 52,465, when the ratio was 93,423. Nevada was admitted October 31, 1864, with a population of 6,857, when the ratio was 127,381; and Congress, in both Houses, by a large majority, passed a bill in 1866 admitting Colorado to statehood when she had a population of only 30,000, or less than 30,000, and when the ratio was 127,381.

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Maine?

Mr. FORAKER. Certainly.

Mr. HALE. Let me ask the Senator if he does not recognize a very important distinction between the cases where States have been admitted with a population less than the unit of representation, but where the then growth and the assured future of such proposed States to a much larger population was certain, and States like Nevada, which gave no promise of ever possessing population enough to entitle them to admission?

I do not think anybody can say anything in the Nevada case nor in any of the cases where not only was the population small, not intrinsically large enough for admission on the unit rule, but where there was no prospect of there ever containing such a population; but it seems to me that does not apply either to the States of which the Senator is speaking or to the older cases of admission of Indiana and Ohio and Illinois, where it was a moral certainty they were speedily to contain population enough to make them great commonwealths. Does not the Senator see any distinction between that class of cases and cases like that of Nevada?

Mr. FORAKER. Mr. President, I am very much obliged to the Senator from Maine for interrupting me to ask those questions and to make the points which he has made. Presently I shall come to discuss precisely what he has precipitated. I am undertaking at the present moment to show only this, that, in accordance with the rule for which I have been contending, it is at all times within the discretion of Congress to say whether or not a Territory with less than the unit of representation shall be admitted to statehood.

Mr. HALE. No doubt.

Mr. FORAKER. The Senator concedes it. That being true, Mr. President, and that being the rule for which I have contended, I was simply undertaking to show that precedents sustain the rule for which I was contending; that Congress has done that thing. Congress did it in the case of Nebraska, in the case of Kansas, in the case of Nevada, in the case of Oregon, and in all the other cases I have recited. Congress in doing it exercised its discretion. Now, what I am going to contend for is that those were, in the opinion of Congress, proper cases in which to admit before the population equaled the unit of representation. So, too, is Arizona a case where it is proper for Congress to admit, in the discretion of Congress, before the population reaches the unit of representation.

Mr. BEVERIDGE. Will the Senator permit a brief interruption?

Mr. FORAKER. Certainly.

Mr. BEVERIDGE. Mr. President, the point, as I understand it, which was made by the Senator from Maine [Mr. HALE], was that the action cited by the Senator from Ohio, where there had been admission before the population was as great as the unit of representation, was in anticipation of an immediate large population, which even then was flowing in. An examination of the figures which I have, in common with the Senator from Ohio [Mr. FORAKER] before me, shows that to be the case, as, for instance, in the case of Nebraska, which was admitted March 1, 1867; the next census, three years later, gave it a population of 122,993; and Colorado, which was admitted in 1867, at the next census had a population of 194,327; and Indiana, which was admitted, as the Senator says, with even a less population than 60,000——

Mr. FORAKER. No; with more than 60,000.

Mr. BEVERIDGE. Well, with something in the neighborhood of 60,000.

Mr. FORAKER. Indiana had 63,000.

Mr. BEVERIDGE. Yes; and at the next census, four years later, the population was 147,178. So we might run through those States whose then present conditions were such as to guarantee, not as a matter of speculation, but as a matter of absolute certainty, that the population would immediately be above anything the rule required, because of the physical conditions, the fertility of the soil, the nature of the rainfall, the well watering of the Territory, etc.; in other words, conditions which attracted and invited a large population.

Mr. FORAKER. Mr. President, I do not object to these interruptions, but I take it as not at all complimentary to me for Senators to assume that I did not think of all these things, and did not intend to meet these very suggestions. I was coming to them.

Mr. BEVERIDGE. I mean always, so far as I am able, to compliment the Senator, because I think he always deserves it, except as to his attitude in this particular case.

Mr. FORAKER. Mr. President, as I remarked a moment ago, in reply to the interruption of the Senator from Maine—I had been, up to that point, simply contending for the rule, and I have not heard of anybody conceding the rule that I have been contending for—I had been contending that the precedents and the authorities show that Congress has the right to admit before the unit of representation is reached by the population of a Territory, and that there is an obligation—perhaps it is only moral in this case, but legal in others—to admit when the population does equal the unit of representation. Then, having pointed out the precedents on this point I relied on, I was proceeding to make application of these rules to the Territories now under consideration. The Territory of New Mexico comes under another rule. But let me dispose of New Mexico first. The last census showed the population of New Mexico amounted to 195,301, and the ratio of representation is 193,000.

Mr. BEVERIDGE. One hundred and ninety-four thousand and some odd hundreds.

Mr. FORAKER. I thought it was 193,000.

Mr. BEVERIDGE. No.

Mr. FORAKER. But whatever it may be, the ratio of representation is less than the population of New Mexico according to the last census.

Mr. BEVERIDGE. A few hundred.

Mr. FORAKER. So that so far as New Mexico is concerned we are not called upon to exercise such discretion as we might feel bound to exercise if she had a population less than the ratio of representation. I call attention to the case of New Mexico, which is not only now above the ratio of representation, but the ratio of representation will remain fixed for the next ten years; there will be no change in the ratio until 1911. In the meanwhile New Mexico will be growing. Her population is greater than the ratio now, and ten years from now, or previous to ten years, I may say, her population will be far beyond the ratio of representation.

The Senator from Maine [Mr. HALE] asked if I did not draw a distinction between Territories which promise an immediate increase of population and Territories which do not. Certainly I do, Mr. President. I recognize that Nebraska, Ohio, Indiana, Illinois, Wisconsin, and Minnesota were Territories that everybody knew would fill up rapidly; settlements had been established, the population was increasing, and everyone could foresee that there would be a rapid and very great increase, just as there has

been. But who knows, Mr. President, that a like result will not follow in New Mexico?

I want to separate the two Territories for a moment. What has been happening in New Mexico? I pointed out the other day that the Territory is complained of because the population has not rapidly grown, and yet in the speeches that we have heard that complaint of the Territory made we have been told that they have unusual conditions, not only of nature, but of other kinds. They had for years, and until quite recently, savage bands of Indians roaming over their territory. Who was going down into that country where there was no protection by the Army, when he could go with the tide of population into other Territories where the people were protected and where they could be safe from harm of that nature? But a more difficult trouble in New Mexico even than the Indians was in the fact that the best lands of New Mexico were all clouded as to their titles by the Spanish land grants—Spanish land grants involving clouded titles to nearly 30,000,000 acres, as I find by reference to the record since I was speaking here a day or two ago.

Immediately after we acquired New Mexico we ought to have established what we waited until 1891 to establish—and established then only under compulsion, as it were—namely, a Private Land Claims Court, into which these titles could be carried for adjudication and settlement. Until 1891 no homesteader could go and settle on any land and preempt it with any assurance that he could get title; no man could go there with his savings and invest them in lands with any assurance that he would get title. The Spanish land grants overlapped and duplicated each other and had extravagant, exaggerated, and unknowable boundaries, until the whole subject of land grants was in such doubt and in such difficulty that nobody would undertake to get a home there.

In 1891 the pressure had become so great from people who had gone there, notwithstanding the difficulties, and from other people who wanted to go, but were deterred by the conditions there existing, that Congress yielded to the demand that was made and provided the Private Land Claims Court. Their final report shows that they have settled titles to over 20,000,000 acres of the best lands in New Mexico, and have turned that amount of good land back into the public domain, where it is now subject to homestead entry.

What is the consequence? I read to you the other day the report of the various land offices in New Mexico—four of them altogether—and every one of them gave us an account that shows the greatest activity on the part of homestead preemptors who are going into New Mexico and making homestead entries of land. In one office 205 of these entries were made in the month of December last alone. What does that indicate, Mr. President? To my mind it is no surprise that the population of New Mexico has not increased more rapidly, but it is a surprise that her population has increased as it has increased. Let me call your attention to it, Mr. President, and you will see that the population of New Mexico has, according to percentages, about kept pace, notwithstanding all these difficulties, with the general population of the country.

According to the census of 1870, they had in New Mexico a population of 91,874; in 1880 it had increased to 119,565; in 1890 to 153,593; in 1900 to 195,310; and it is claimed—and upon what seems to me very plausible, not to say very good, grounds—that the census shows a much less population than they really had. I want to refer to only one fact in that connection, which seems to me to justify that claim and conclusion.

In the Territory of New Mexico last year the number of registered voters was 63,769. Every man here knows that in our most populous cities, and even in our country districts, we never have a full registration and never have a full casting of the vote which is registered. If they had 63,769 registered voters in New Mexico at the last election, it is perfectly safe to assume, Mr. President, that they had 75,000 voters who had a right to register; but there the discrepancy between those registered and those entitled to be registered would be much larger than it would be here.

The election in New Mexico was not an exciting one, and therefore when we remember the character of the country which has been described to us, the long distances, the kinds of occupation of the men scattered over those vast plains, herding stock, mining, etc., the trouble that it was to them to go these long distances to register, and afterwards to vote, we can safely assume that the percentage would be larger that did not register and did not vote than it would be with us. A fair allowance for all this indicates that there were at least 75,000 voters in New Mexico entitled to register. But if there were 75,000 voters it is safe, I suppose, to assume that there were four people to every voter.

Mr. HALE. Does the Senator think that would apply in a frontier Territory?

Mr. FORAKER. I do; because the census shows that it would in all probability apply there.

Mr. HALE. I think the Senator must——

Mr. FORAKER. The Senator forgets, if he will allow me, that a large part of this population—I am coming to that presently—is a Mexican population, and that they have an unusually large number of children in their families.

Mr. HALE. I was going to call the attention of the Senator—because that is one feature of the opposition—to the fact that it is not the kind of population that will assimilate into a State. And is it not undoubtedly true, so far as the white population is concerned in any frontier border, new State, the percentage of men is much larger than it is in the old States; and that having a population of 10,000 in any of those States does not in any way represent such a population as a voting population of 10,000 does in the older States, the reasons for which are, I think, apparent?

Mr. FORAKER. I appreciate what the Senator has suggested, and I want to say in answer to that that in the first place the general rule is five people to every voter. That is the rule by which we estimate population based on the vote here in this part of the country and the part of the country where I live, but to give a margin, for the very reason which the Senator has suggested, my estimate is four for every voter, which would make a population at this time of 300,000.

But the Senator will find, if he will study the statistics of the census returns as I have studied them, that there is no reason why we should give any margin at all. There was a time, when the Indians were running about over the plains of New Mexico, when life was constantly in danger, that men greatly predominated in point of numbers, and a different rule in computing the population based on the vote would have to be observed at that time from what would be observed now.

But, Mr. President, I do not intend to rest this case upon the proposition that there is a greater number of people in New Mexico than the census shows there are. There is a natural increase since the census was taken. That was, now, nearly three years ago. There has been, I suppose, the average rate of growth during these last three years. I presume that will be conceded. But, Mr. President, the growth has been far greater in proporportion during the last three years than it was during any three years of the preceding decade, which has been due to the causes I referred to a moment ago, the land titles being settled, etc. With the natural increase New Mexico now has a population of, perhaps, 225,000 or 230,000. That is not far out of the way, assuming that the census is accurate; and that is sufficient for all purposes.

Having that kind of a population and there being seven or eight years yet to run before the ratio will be changed, the population of New Mexico is abundantly large enough to entitle her to admission, and therefore I say it is a moral right, on her part at least, that she be admitted to statehood.

I shall speak of the character of the people of New Mexico presently. For the present I want to speak of Arizona. There the case is different. Arizona had, according to the last census, only 122,931 population. I want to say again, Mr. President, that I do not believe the census return is accurate there, as I will show presently, but I am willing to accept it as it has been made. I have a right to go further than to say that I do not believe it is accurate. I know that it is inaccurate.

The Senator from Minnesota [Mr. NELSON] the other day in his speech demonstrated that fact conclusively as to the Indians. He showed to us conclusively that the enumerator of the census, in undertaking to count 30,000 Indians penned up in the reservations, missed, in round numbers, about 5,000. If the enumerators missed 5,000 in undertaking to count 30,000 under such circumstances, we certainly have a right to assume that they missed somebody when they were counting 100,000 other people scattered over that vast domain of territory, embracing people engaged in herding out on the plains, people engaged in the mills, and people working down in the mines.

I am told, it is not an official fact, and perhaps I should not refer to it, but my informant is a man so situated that he knows from personal knowledge, and he tells me that in one of the mining towns of Arizona the total number of people returned by the census enumerator was less than the number of miners working at that very hour down in the mines in that town, as shown by the pay rolls of the operators. I think it is pretty safe to assume, taking the discrepancy in the count of the Indians as a basis, that the census report ought to have been at least 20,000 more instead of what is recorded.

Mr. BEVERIDGE. Will the Senator tell me to what mine he refers?

Mr. FORAKER. I can not now, but I shall take great pleasure in giving it to the Senator later.

Mr. BEVERIDGE. Thank you.

Mr. FORAKER. Those names are not familiar to me and I did not charge my memory with them, but I think it was Bisbee. [Mr. SMITH, Delegate from Arizona, indicated that he was the

authority.] Now, the Senator knows my authority, and I observe that the Senator from Idaho is also coming to my rescue.

Mr. DUBOIS. If the Senator will allow me, and I know he has this information, I will make the suggestion that the population of Wyoming in 1890 was 60,705, and the population of Wyoming in 1900 was 92,531. The Congressional apportionment in 1893 was 173,90f. Wyoming was admitted in 1890.

The population of Idaho in 1890 was 84,385, and in 1900 it was 161,772, the Congressional apportionment being 173,901.

Mr. FORAKER. I am very much obliged to the Senator from Idaho for giving me that information. My examination of the statistics was necessarily hurried, having so many other things to do, and I had not observed the figures as to those States. I supposed that I had called attention to all the States that had been admitted with a population less than the unit of representation.

Mr. DUBOIS. I understand that nine years after admission neither State came near having what the Congressional apportionment required, and Wyoming was very far from it.

Mr. FORAKER. Yes.

Mr. CARMACK. The point of the Senator is that the State grew very rapidly in population after admission to statehood.

Mr. FORAKER. Yes.

Mr. BEVERIDGE. That is not his point. He will make that point, but that is not the point in this instance.

Mr. FORAKER. I will make that point presently, and when I do the answer will be that Congress simply made a mistake about it; that is, that Congress never would have admitted these States if it had not supposed that immediately after admission they would rapidly grow in population and come to be great, powerful commonwealths such as our States ought to be, except for other reasons.

Not only in the cases mentioned by the Senator from Idaho, but in a number of other cases there has been the same kind of disappointment. The truth is that when the admission to statehood was hurried for the States of Nebraska, Kansas, Colorado, and other States of the Far West, the men who then had a majority in the two Houses of Congress had something more in their minds than the subsequent growth of population. They knew, of course, that population would grow, but those States were admitted during and just after the war. You will remember that there was an attempt to admit Colorado, as I said a while ago, when she had a population of only 30,000, and when the ratio was a hundred thousand and something more.

I have forgotten what it was at that time, but it was beyond that. There was no pretense that it was equal to the unit of representation. The idea was to get States into the Union that would support the policies of the Government which were then being carried out. It was a policy with which I fully sympathized. I believed in the policies of the party then in power, and I believed that they should strengthen themselves by taking into statehood the Territories that were then admitted to statehood.

I believed it and indorsed it, and I thought that Congress had acted within its discretion, because in the judgment of the Congress it was essential to the general public welfare that those Territories should be then admitted to statehood. They were doing just what I propose to insist we have a right to do in our judgment and discretion now. It was a great national emergency that hurried up the admission of those Territories to statehood. There is no such emergency as that upon us at this time, but the rule is not different on that account. It is for the Congress to determine now as then.

Mr. HALE. Mr. President, I think as a matter of political history the Senator from Ohio is wrong in reference to the admission of Kansas and Nebraska. I think it is true with reference to the admission of Nevada.

Mr. FORAKER. And Colorado.

Mr. BEVERIDGE. That was a war measure, practically.

Mr. HALE. It was a measure never justified, accompanied by what may be called political scandal, and I hold utterly inexcusable. I do not agree with the Senator that there was justification for it, even in conditions. I think it was the intrusion into the great family of States of a Territory that neither then nor afterwards ever justified its admission. I think, also, that the separation of West Virginia from Virginia was a measure not justified; that it was an emergency—an emergency which afterwards came back to trouble us.

I should like to see the Senate now take the conservative attitude and not admit any more States that do not promise in the near future to become real, alive, growing, great Commonwealths. I do not apologize for the admission of the State of Nevada; it was as bad as it could be; it never ought to have been done, and it can not be justified, and the secret history of the transaction is a wrong one. The admission of that State does not redound to the credit of anyone who was engaged in it.

Mr. FORAKER. The Senator from Maine, when he interrupts, always throws light on a discussion, and he is therefore always a welcome interrupter, but at the same time he did not comprehend with exact correctness the remark I made. What I said was that I was in sympathy with the policy the party in power was pursuing when it was undertaking to strengthen itself by the admission of these new States. What I was contending for—that being only a side remark—was that the Congress exercised that discretion because in the judgment of the Congress at that time it was for the public welfare to admit those Territories to organized statehood.

They were simply exercising this power of discretion. They did not admit Nevada, they did not admit Colorado, they did not admit a number of these other States, on the theory that they were going shortly to grow so tremendously in population that they would be substantially equal to the great States of Vermont and New Hampshire and Rhode Island and Delaware. [Laughter.] I do not mean Delaware, but only the other States that are leading in this opposition. Delaware will be represented here after a while I suppose, and when she does come, I expect her to throw up her hands in holy horror against the outrage on the great States of the Union of admitting Arizona and New Mexico to statehood as proposed. She has 184,000 population, less than New Mexico, and probably not any more, on a fair count, than they have in Arizona, in my opinion.

Mr. BEVERIDGE. How many people does the Senator from Ohio think there are in Arizona?

Mr. FORAKER. If I could be let alone a little while I would tell. I started on a calculation——

Mr. BEVERIDGE. I do not desire to interrupt the Senator if he does not wish to be interrupted.

Mr. FORAKER, Oh, Mr. President, I do not care how much the Senator interrupts me. Of course, I expect it to be a polite interruption, as it always is, when it comes from the Senator from Indiana, but I was just in the midst of a computation when the Senator from Maine interrupted me, and having answered him, I was just taking it up again when the Senator from Indiana interrupted.

Mr. BEVERIDGE. I could not possibly, from anything the Senator had said, have foreseen that, because the Senator had just said, before I had interrupted him, that by fair count Arizona had as many people as Delaware has now, which is a hundred and eighty-seven thousand and some.

Mr. FORAKER. A hundred and eighty-four thousand.

Mr. BEVERIDGE. Then I asked him what population he thought Arizona has.

Mr. FORAKER. And I answered the Senator by saying that if he would only let me alone a little while I would tell him.

Mr. BEVERIDGE. I will let him alone until he does tell me, and then I shall interrupt him for a moment, provided he makes the estimate which I think he will.

Mr. FORAKER. The census shows that they had 122,931. The Senator from Minnesota has established the fact that there was a discrepancy of nearly 5,000 in the count of Indians. They missed that many in trying to count a lot of Indians penned up on the reservations. If they missed 5,000 in undertaking to count 30,000 under such circumstances, I assume that they would miss quite a number in undertaking to count a hundred thousand scattered all over that vast domain of territory and engaged in all kinds of occupations—men in factories, men in mills, men in mines, who are working hundreds and perhaps more than hundreds of feet under the ground.

I do not believe they got everybody, and if they failed to get all in one place, I think we have a fair right to assume that they did not get everybody in other places. So I would add 20,000 as conservative to the return of the enumerators as my estimate of the number of people there at the time when the enumeration was taken, thus making a hundred and forty-two thousand.

It is now three years since that census was taken. From 1890 to 1900, according to the census, they doubled their population. That is something I want to call to the attention of the Senator from Maine. Has the Senator from Maine examined the census statistics? If so, why does he talk about Arizona being a Territory that is without any promise of future growth?

Mr. President, the Territory of Arizona had, according to the census of 1890, only 59,000 people in round numbers. According to this census she has a population of 122,000; and I do not think all were counted. But all might not have been counted before. Assuming that the census was right in both instances, what is the result? The population has grown more than 100 per cent in ten years. How much would the Senator from Maine expect a population to grow in ten years to give a promise of growth in the ten years to come? Is there that growth in Maine? Is there that growth in Delaware? Is there that growth in Vermont, or New Hampshire, or Rhode Island, or Indiana? There is no such growth anywhere in the United States as there has been in the Territory of Arizona. Yet Senators stand here and tell us, as the Senator from Minnesota did the other day, that he objects to the admission of this

Territory to the Union on many grounds, but principally because of the stagnant conditions there.

The 122,000 people, in which number the Indians referred to are regarded as included always, are doing a business in that Territory which, according to the figures given by the Senator from Vermont, show an annual output of products—agricultural, mining, and manufacturing—amounting to $33,000,000 and more. Are there any 100,000 people anywhere in the United States, situated anything like the 100,000 people there are, doing anything like so well?

Can you point to any community where there is such activity, where there is such promise of future growth. For all the official and other reports that come to us from that country are to the effect that the great mining interests are but commencing to be developed. With the new processes for treating ores and the new facilities for mining them, they are rapidly increasing the output of the mines they have, and in the meanwhile they are rapidly multiplying the mines they have heretofore had.

So, Mr. President, while there is no great national emergency which would justify our admitting a Territory with a population less than the unit of representation, as there was thought to be by the Congress that admitted the Territories about which we have been talking, yet there is this promise of future growth to justify it, which was the only justification in the case of Ohio, and the only justification in the case of Illinois, when those two States were admitted with less than 60,000.

This ratio, as I have said, is to continue until 1911. It has seven or eight years yet to run. In Arizona they have, I believe, at this time a population equal, if it had been fairly counted, judging from the election returns and from other sources of information, and from the testimony given before the committee, almost equal to the ratio. But whether it be greater than I have indicated, 140,000 or 150,000, it is increasing at such a rapid rate—at the rate of 100 per cent in ten years, at the rate of 10 per cent annually—that long before there is another ratio fixed by Congress the population of Arizona will be far above and beyond the present unit of representation.

These are not fanciful visions of the future. They are based on the conditions now existing, only recently established as they exist, which are conducive to the inflow of population and to the development of the industry and to the multiplication in every way of that which is important in that Territory.

But, Mr. President, who knows that that Territory will not be teeming with population in a few years to come? This is not the first time we have heard in the Senate Chamber great statesmen proclaim that this and that particular section of the country had no promise of future growth and development.

This is not the first time that great sections of our country have been pronounced valueless. When we acquired the Louisiana Purchase there were some statesmen who did not appreciate the worth of that purchase. When we came to establish the State of Louisiana there was one statesman in particular whose words I want to read. Mr. Josiah Quincy, representing the State of Massachusetts, said on that occasion some things to which I want to call attention. Mr. Quincy was an honest, upright man with a badly mistaken opinion. I quote from a descriptive account of his speech on that occasion:

> Mr. Quincy then went on to prove that not only had no power been given to Congress to admit States out of the original bounds, but that the idea of so doing had not even occurred to the framers of the Constitution. They were not madmen. They had not taken degrees at the hospital of idiocy. "I have heard," said he, "of six States, and some say more, that will surely be formed beyond the Mississippi. It has even been said that the day is coming when the mouth of the Ohio will be far to the east of the center of empire. It is impossible such a power could be granted. It was not for these men that our fathers fought. It was not for them the Constitution was adopted. You have no right," he argued, "to throw the liberties and property of this people into hotchpotch with the wild men on the Missouri, nor with the mixed, though more respectable, race of Anglo-Hispano-Gallo-Americans who bask on the sands at the mouth of the Mississippi."

This reads like an extract from the speech of the Senator from Minnesota:

> "Do you suppose"—

He continued—

> "Do you suppose the people of the Northern and Atlantic States will or ought to look with patience and see Representatives and Senators from the Red River and Missouri pouring themselves on this and the other floor, managing the affairs of a seaboard 1,500 miles at least from their residence?"

Perish the thought! What a calamity it would be to the interests of the State of Massachusetts if there were to come to Washington, representing independent commonwealths, men who would have a right to a voice in legislation regulating the affairs of the seaboard, 1,500 miles away from their homes!

> The bill, he asserted, if it passes, is a deathblow to the Constitution. It is my deliberate opinion that if this bill passes the bonds of this Union are virtually dissolved.

That is how serious it was to him. Yet he was an honest man, he was a sincere man, he was an able man, he was a patriotic man, he was conscientiously performing his duty as he saw his duty. The trouble was with his light. He did not have a good vision. I read this, Mr. President, to show how greatly men may be mistaken. Mr. Quincy was mistaken.

Now I call attention to another case. When it was undertaken to establish a Territorial government for Oregon, a great debate arose in the Congress of the United States. There were men who did not think Oregon was worth enough to the United States of America to warrant us in establishing a Territorial government there. Let me read what was said in that debate by Mr. Bates, from Missouri:

> "Now, what will be the consequences," said a member from Missouri, "supposing we pass this bill and give a social existence to the country? Consider where the region is. From the Atlantic to the Missouri is 1,300 miles."

Just think of it! Thirteen hundred miles!

> "From the mouth of the Missouri to the head of navigation is 2,500 more. Then there is the rugged and almost impassable belt of the Rocky Mountains, while between the Missouri and the Pacific, save a strip of culturable prairie not above two or three hundred miles wide, the region is waste and sterile, no better than the Desert of Sahara and quite as dangerous to cross. Near the mountains the country is composed of rocky and stony ridges, dotted with spots giving life to nothing but the spruce, the hemlock, and trees of that description."

I will omit a part of what is reported here and go to the last sentence or two:

> "But suppose the object of this bill accomplished. Suppose the infant settlement, fostered by the paternal care of Government, has grown into a vigorous maturity. Does any man imagine that a brotherhood of affection, a community of interest, could bind that distant and solitary member of the family in the far West to those held together by the firmest of political ties in the East? The very name of the place is expressive of its poverty and sterility, for it comes from 'oregano,' a word applied by the Spaniards to an herb resembling pennyroyal and growing near the coast."

That was the estimate of that Representative as to the Oregon conntry. He was not alone. I am reading from the fifth volume of McMaster's History of the People of the United States, at pages 480 and 481. Quite a number of the members of the House and Senate are quoted from to the same effect. There were others who took a different view, but so overwhelming in the Congress of the United States was the sentiment that Oregon was not worth enough to justify providing a Territorial government that the bill was not allowed to go to a third reading, but was rejected, which was the equivalent of voting it down. At any rate, no government was established for Oregon at that time.

Mr. President, all Senators are familiar with the fact that when we yielded to the contention of Great Britain and agreed that our Northern boundary line in the Oregon country should be at the forty-ninth degree of north latitude instead of "54.40 or fight," it was done largely because such distinguished statesmen as Daniel Webster were of the opinion that the Oregon country was so valueless that it was not worth having a controversy about, and thus through the entertainment of that kind of an opinion by such representative and strong and capable statesmen of this country British Columbia was lost to us, and as a consequence Great Britain interposes now with a coast line extending from the northwestern corner of Washington to our possessions in Alaska.

That is not all. I have before me a book entitled "The Works of Daniel Webster." I read from volume 5, at page 398. The Senate of the United States had before it a bill to admit California to statehood. California had held a convention. She had adopted a constitution. She had elected Senators and Representatives, and the question was whether or not they should be recognized by the Congress of the United States and her Representatives be given seats.

The constitution as it had been framed was objected to by Senators from the South on the ground—it was before the war time, you will remember—that the constitution provided that there should be no slavery in California. It was pointed out that by the Missouri Compromise of 1820 there was to be slavery, if the people so desired, south of 36° 30′ north latitude. They were being denied the right to have slavery in California when they thought they were entitled to it. Mr. Webster, in answering that argument, undertook to satisfy the people of the South that in yielding and accepting the constitution of California, which prohibited slavery in lower as well as in northern California, they were not yielding anything of value, and here are his reasons. After making a great many points in his argument, he said:

> Then there is another consideration. If you separate south California from north California, what will be the value of south California by itself? Why, look upon the map and the question will be answered. Suppose we run the line to 36° 30′ from the sea across to New Mexico, what have you? You have mountains and you have those vast tracts of land east of the mountains; but from the best information I can obtain—and I have consulted what I suppose everyone concedes is the best authority—there can not be at most within what would constitue the territory of south California more than 5,000 square miles of good land?
>
> Beyond that all is desert lands and mountains. I speak now of lands that may be tilled and cultivated. We must, as I have said, look at climate as well as the surface of the land. Gentlemen will please to remember that in this part of California eight months in every year roll on without a drop of rain falling, and there is not within the whole of it any land whatever that can be cultivated without irrigation. So small are the streams, when you depart from those two rivers, the Sacramento and the San Joaquin, that

they do not supply water for the cultivation of the very small portion of the land that otherwise might be made tillable.

What, then, will be the value of this territory? The gentleman from Louisiana contended for the rights of the South in regard to it. Where is there any value in it? Is it anything more than a mere nominal right, if it be that? Can it be of any use whatever? Could the South make any use of that territory, if it were now a Territory and free from any restraint whatever, which they can not make of it as part of a State? I think, therefore, that it is a dispute where there is no substantial value in the matter contested.

Now, I want to read some quotations from Congressmen as to another acquisition. In the second volume of Mr. Blaine's work entitled Twenty Years of Congress, at page 335, he gives an historical account of the debate which occurred when the acquisition of the district of Alaska was under consideration. I will not stop to read it, but I will ask that what Mr. Cadwalader C. Washburn, General Butler, and Mr. Peters said on that occasion may be inserted in the RECORD as I shall mark the extracts. I ask that privilege in order that I may not unduly take the time of the Senate.

Mr. Cadwalader C. Washburn answered the speech of General Banks on the succeeding day (July 1, 1868). He assumed the leadership of the opposition to the treaty. He proposed to demonstrate to the satisfaction of the House five distinct propositions: "First, that at the time the treaty for Alaska was negotiated not a soul in the whole United States asked for it; second, that it was secretly negotiated, and in a manner to prevent the representatives of the people from being heard; third, that by existing treaties we possess every right that is of any value to us without the responsibility and never-ending expense of governing a nation of savages; fourth, that the country ceded is absolutely without value; fifth, that it is the right and duty of the House to inquire into the treaty, and to vote or not vote the money, according to its best judgment." Mr. Washburn made an able speech in support of his radical propositions.

General Butler sustained Mr. Washburn's position in a characteristic speech, especially answering General Banks's argument that we should pay this amount from a spirit of friendship for Russia. "If," said General Butler, "we are to pay this price as usury on the friendship of Russia, we are paying for it very dear indeed. If we are to pay for her friendship, I desire to give her the $7,200,000 in cash and let her keep Alaska, because I think it may be a small sum to give for the friendship if we could only get rid of the land, or rather, the ice which we are to get by paying for it." He maintained that it was in evidence before the House officially "that for ten years the entire product of the whole country of Alaska did not exceed $3,000,000."

Mr. Peters of Maine pronounced the territory "intrinsically valueless, the conclusive proof of which is found in the fact that Russia is willing to sell it." He criticised the action of the Senate in negotiating the treaty. "If the treaty-making power can buy, they can sell. If they can buy land with money, they can buy money with land. If they can buy a part of a country, they can buy the whole of a country. If they can sell a part of our country, they can sell the whole of it!"

What they contended for was that Alaska was without any value whatever. Not very many years have since passed, but time enough has elapsed to establish of what incalculable value to the people of the United States is the acquisition of Alaska. Nobody would think of surrendering it to-day.

Mr. President, I have gone to the trouble to read these authorities, anticipating somewhat the course of my argument in doing so, in order that I might answer the Senator from Maine [Mr. HALE], whose contention seems to be that we ought not to exercise our discretion in favor of Arizona, she being below the mark of the unit of representation, because there is no future for Arizona. These citations show how statesmen may be mistaken as to the future development of a country or section. I have already pointed out that the population of Arizona has doubled, and more than doubled, during the last ten years.

If it doubles during the next ten years, and there is no reason that I know of why it should not, she will have a population of 250,000 people, according to the census alone. That looks to me like promise. It is a vast, magnificent domain. They have manufacturing, they have mining, they have stock raising. They are an active, busy, energetic people. They are an important part of this country by reason of that which they contribute to her general welfare, and they are entitled, Mr. President, if we exercise a sound discretion, to our favorable consideration of their claim.

Now, I want to insist why I think they ought to come in as a State. They have been under Territorial government ever since 1863, and New Mexico ever since 1851. It is true that these two Territories are only a part of our acquisition from Mexico as the result of the Mexican war; that out of that acquisition were created first the Territories of Utah and Nevada and afterwards the States of Utah and Nevada. To that extent we have redeemed our obligation to admit the inhabitants of the ceded territory to statehood.

But, Mr. President, we can not excuse ourselves from admitting the rest of that Territory, and the rest of the inhabitants residing there, to statehood on the ground that we have admitted a part; that we have done a part of that which we have agreed to do. It was our promise and stipulation in the treaty with Mexico that we would admit all of the inhabitants of that Territory to statehood. We have admitted a part. We have delayed fifty years and more to act as to New Mexico and Arizona. We created these Territories, we carved them out of that general territory, and we told them to wait a while. They have waited long enough.

In New Mexico and Arizona they have had unnatural conditions to contend with. Both these Territories have now reached a point where they have a splendid population and where they have done things which give promise that they will be a credit as Commonwealths of this Union to the whole country if we admit them to statehood.

I now call attention to their school system. This does not look like a stagnant community. It does not look like an idle and an indifferent community. The school population of New Mexico in 1901, according to the statistics, was 62,864. The enrollment of pupils in all schools was 42,925.

The Senator from Minnesota [Mr. NELSON] called attention to the fact that not all the school population is in attendance upon the schools. Not all the school population is in attendance upon the schools in any State of this Union. The testimony discloses that these Mexican young men, as a rule, because of the poor circumstances into which they are born, quit the schools when they are 16 or 17 years of age. They are still a part of the school population, but, just like young men so situated in other communities, they quit school when the necessities of the family to which they belong require that they should, and as soon as they are able to help make a living. They are not all studying to be lawyers, with the hope in their breasts that they will at some time occupy seats in the Senate of the United States, and therefore they cut their education a little bit short.

This table goes on to show that they have 1,046 teachers; that they have 726 schools, and the annual receipts for school purposes—money that they tax themselves for and pay—amounts to $838,018.70, and they expended last year $723,048.32. They have school property, which they have acquired and paid for by taxing themselves, to the value of $2,071,702.25. I ask that this statement may be inserted in the RECORD as a part of my speech. I have commented on it sufficiently to call attention to the salient points of it and to show that the people in the Territory of New Mexico are giving a proper attention to the matter of education, and as a result of it, as some one has already quoted in the progress of this debate, the percentage of illiteracy has been steadily declining until it is now only about one-third what it was ten or twelve years ago. That is the kind of promise they are giving.

The statement referred to is as follows:

NEW MEXICO SCHOOL SUMMARY, STATISTICS FOR SCHOOL YEAR 1900-1901.

School population, 62,864; increase over previous year, 9,856, or 18.6 per cent.

Enrollment of pupils in all schools, 42,925; average daily attendance, 29,825.

Number of teachers employed, 1,046; number of schools, 726.

Annual receipts, $838,018.70; annual expenditures, $723,048.32.

Value of all school property in New Mexico, $2,071,702.25.

Enrollment in public schools proper: Year 1899, 21,761; year 1900, 31,510; year 1901, 35,227.

Enrolled in city schools, 7,243; enrolled in rural schools, 27,984; enrolled in Territorial institutions, 907.

Expended in improvements on public school property during year, $242,617.60.

Present value of public school property, $1,239,153.25.

Average annual cost of educating children in the schools, per capita, $4.94.

Average annual cost of educating pupils enrolled in Territorial institutions, per capita, $159.66.

Mr. FORAKER. The Senator from Minnesota told us the other day that all their proceedings in the legislature were conducted in the Spanish language, and the court records, I understood him to say, were also in the Spanish language. I have before me here a statement from which I want to read, and I ask that it may all be incorporated in the RECORD. It is a statement prepared by Hon. B. S. RODEY, the Delegate in the House of Representatives from New Mexico. Mr. RODEY says:

EXPLANATION AS TO THE USE OF INTERPRETERS IN THE COURTS, CONVENTIONS, AND LEGISLATURES OF NEW MEXICO.

Legislature.—There has been little or no need of an interpreter in the legislative assemblies of New Mexico for about ten years last past, as every member of both houses could understand and speak English reasonably well. Such an officer was employed though, because the organic act of the Territory provides for the office, and attaches a good salary to it, and therefore there were always applicants for the place, and sometimes interpretations took place as much for the benefit of the spectators as otherwise, some of the latter not understanding English well.

There will be no need of an interpreter in the coming legislative assembly, the members for which are now elected. The council (senate) is unanimously Republican, all are scholars of a high order, and a short description of the personnel thereof is as follows:

Now, I call the attention of the Senate to the character of the men who constitute the senate in the Territorial legislature of New Mexico. As I read this description of the men, you will see whether or not there is any justification for that which has been said in criticism of the people of that Territory so far as their legislature is concerned.

Col. J. F. Chaves: Present superintendent of education; late colonel New Mexico Volunteers during civil war; member G. A. R.; Delegate several times from New Mexico to Congress of United States; a linguist and scholar of very high attainments, and one of the best parliamentarians in the nation; a native of New Mexico.

Thomas Hughes: A scholar of fine attainments; publisher and editor of the Daily Citizen, of Albuquerque, N. Mex., a newspaper of almost metropolitan proportions, work on it set up with linotype machines; a man of large experience as a legislator; a resident of New Mexico for more than twenty years.

George F. Albright: A scholar of high attainments; publisher and editor of The Daily Journal-Democrat, of Albuquerque, N. Mex., also a newspaper

of almost metropolitan proportions, using linotpye in its preparation; formerly of Missouri; has resided in New Mexico more than twenty years.

W. H. Andrews: Miner and railroad builder; formerly of Pennsylvania; one of our most enterprising citizens; a man well versed in statecraft and politics generally; late a State senator of Pennsylvania; resident of New Mexico past eight years.

C. A. Spiess: A lawyer of considerable attainments; present district attorney for fifth district of New Mexico; formerly an educator; a man of large experience as a legislator; has lived in New Mexico about twelve years.

James S. Duncan: A railroad and irrigation contractor and builder; a man of vast experience and high attainments generally; has lived in New Mexico about eighteen years.

Albert B. Fall: Late associate justice of the supreme court of New Mexico; a lawyer of high attainments and large experience; late a captain in the Rough Riders.

W. A. Hawkins: A lawyer of exceptionally high standing; represents some of the largest interests in the Southwest.

M. Martinez: Ranchman and stock raiser; a good scholar and linguist; has had large experience as a legislator; a native of New Mexico.

V. Jaramillo: Ranchman and stock raiser; a young man of education and high social attainments; graduate of Notre Dame College, Indiana; a native of New Mexico.

Amado Chaves: A native of New Mexico; ranchman and stock raiser; late Territorial superintendent of education; late mayor of the city of Santa Fe; a scholar of a very high order and large experience as a legislator.

Saturnino Pinard: A native of New Mexico; linguist and scholar of considerable attainments; a man who has been prominent in his section of the Territory for many years, having held many official positions.

As to the house, it stands 21 Republicans to 3 Democrats, the membership and a description of which is as follows: Every one of them speaks English. An interpreter will probably be entirely dispensed with in the coming legislative assembly, and the money therefor covered back into the National Treasury; at least a movement is on foot now to have that done.

McIvers.
M. B. Stockton.
C. Sanchez: Speaks English and Spanish well.
W. F. McCash.
Antonio Lucero: Teacher in Las Vegas schools; fine English scholar.
Gregorio Gutierres: Fine English scholar.
Pedro Romero: Fine English scholar.
Celso Baca: Fine English scholar.
William Kirkpatrick.
R. L. Baca: Scholar of high order.
Pedro Sanchez: Speaks English moderately.
Granville Pendleton.
David Martinez: Good English scholar.
Antonio D. Vargas: Good English scholar.
Celso Sandoval: Good English scholar.
Nestor Montoya: Linguist, educator, and editor of high attainments.
Alexander Bowie: Civil engineer.
H. H. Howard: Editor.
W. H. H. Llewellyn: District attorney.
A. W. Pollard.
C. A. Dallies.
Martin Sanchez: Speaks English well.
E. C. Holman.
A. A. Sedillo: An accomplished linguist.

I have read that entire, in order that I may call the attention of the Senate to the fact that they have for the legislative senate in New Mexico a body of men in whom every man knows the interests of that Territory will be safe as legislators—safer, Mr. President, than they can possibly be in our hands, for in order that there may be intelligent and satisfactory legislation there must be not only natural ability, but there must be acquaintance with the subject about which we seek to legislate, and it is not possible for us to have the familiarity about the subjects concerning which they must legislate in New Mexico which the men of the character who are now members of the senate of New Mexico have. They not only compare favorably with the senate of any Territory we have ever had when admitted to statehood, but they compare favorably with the senate of any State in this Union, and I think they would compare favorably with some people who get into Congress.

Now, as to the courts, a great deal has been said to the effect that interpreters must be used in all the courts, and it is sought to create the impression that Spanish is spoken everywhere and that everything is transacted in Spanish. Mr. President, the records of the courts throughout the Territory are kept, not in the Spanish language, but in the English language, and they are nowhere kept more neatly and satisfactorily than they are in the courts of New Mexico. The only place where court records are kept in the Spanish is in the courts of the justices of the peace. There they are kept in both Spanish and English accordingly as the parties interested may be Spanish or English.

I have a statement here furnished by Mr. RODEY to which I wish to call attention. Under the head of "courts," he says:

As to our counties, nine of them—

They have 21 counties in New Mexico all told:

Courts.—As to our counties, nine of them, that is, (1) Chaves, (2) Colfax, (3) Eddy, (4) Grant, (5) Luna, (6) McKinley, (7) Otero, (8) San Juan, (9) Sierra, are inhabited by a class of people mostly from the States, so thoroughly American and English speaking as that interpreters are never used at all in the counties, save in rare instances when a witness is called who can not speak English, and then an interpreter is used to interpret his evidence only to the court and jury.

As to six other counties—that is, (10) Bernalillo, (11) Guadalupe, (12) Lincoln, (13) Santa Fe, (14) Socorro, (15) Union—are inhabited about equally by "Americans" and "natives;" although the vast majority of them speak English, still interpreters are used about half the time. This would not be necessary were it not for the decided disinclination of the "Americans" to do jury duty. They make all sorts of efforts to avoid such duty, while the "natives," not being otherwise so extensively engaged as the "Americans," like such duty. The result is that in these six counties interpreters are necessary a portion of the time, when if the "Americans," so called, did not make such efforts to avoid their jury duty the necessity for interpreters could be avoided.

As to the other six counties—that is, (16) Donna Ana, (17) Mora, (18) Rio Arriba, (19) San Miguel, (20) Taos, (21) Valencia—the inhabitants are about three-fourths "natives," although a good three-fifths of them speak English well. Still, because of the reasons last above mentioned, that is "Americans" avoiding jury duty, these counties have interpreters all the time in the courts. The "natives" make very good jurors, and no complaint is ever heard from their verdicts.

I will not weary the Senate to read longer, but I shall ask that the whole statement may be incorporated in the RECORD.

The remainder of the paper is as follows:

It will thus be seen that in nine counties of the Territory interpreters are never used as court officials, and in six other counties they are used only a portion of the time, and are only used continuously in six counties.

There is not a single county in New Mexico where, if the court exercised a little care in the selection of the jurors so as to secure "natives" who speak English, and who are abundant and could easily be procured, it would be necessary to have an interpreter for any purpose other than interpreting evidence of a witness for the court and jurors. The necessity for interpreters is growing less and less every day, and it will be but a few years when the reasons for such an officer will have entirely disappeared.

As above set forth, there is no necessity for one in the legislature at the present time.

Conventions.—The "hearings" of the subcommittee of the United States Senate on Territories with reference to the statehood bill have it that interpreters are necessary in political conventions. That is true, because in such conventions there are often present a number of "natives" who do not understand English very well. The statement of the fact that interpreters are needed in such conventions is misleading, because it conveys the idea that they are necessary in all conventions at all times, which is not true.

Many conventions are held where no interpreters are necessary. Many a time an interpreter is elected and acts because it has been a custom in the country for so many years, when as a matter of fact every delegate and person present can understand English well. The old custom which is prevalent in all political conventions of conferring honors upon people by making them vice-president, assistant secretary, temporary chairman, etc., is enlarged in New Mexico, and very often a politician is given prominence by being elected interpreter when there is no need of his services.

It is subject to proof and can be substantiated that in New Mexico to-day more than three-fourths of the people understand and speak the English language reasonably well. There is hardly anybody to be found anywhere in the Territory, old or young, but what understands more or less English, and in the nature of things it could not be otherwise after fifty-six years of "American" government there.

To make a statement baldly, as is made by the subcommittee of the United States Senate, that a majority of the people of New Mexico understand nothing but the Spanish language refutes itself and needs no contradiction. It would have been an impossibility for New Mexico to have been in contact with this nation and under its flag for fifty-six years, as it has been, without all its inhabitants having learned more or less of the English language. The statement that the majority of the people of New Mexico do not understand English or speak it is absolutely not so.

B. S. RODEY.

Mr. FORAKER. Now, Mr. President, this statement of Mr. RODEY is fully justified by the testimony taken by the majority of the Committee on Territories in the Senate when they made their visit to the Territory. I have read that over very carefully. Every judge who was interrogated on the subject took occasion to say that it was true, just as Mr. RODEY states, that Americans dislike jury duty and always seek to be excused as a rule, and that Mexicans like the duty, and they are as a rule accepted and the Americans excused. But every judge testified also that the Mexicans make good jurors. They said they are carefnl, thoughtful men, and there was seldom occasion to disturb one of their verdicts.

Something else was testified to—speaking now of the character of these people—by these judges and by others, whose words we have a right to accept without any qualification, and that is that there is no more than the ordinary amount of crime in New Mexico or in Arizona—I mean no more than the ordinary amount of crime as compared with the States of the Union. There is no more crime in Arizona, there is no more crime in New Mexico, than you will find in Ohio, Pennsylvania, and other States; and the crimes as a rule are not of an unusual character. Now and then there is a murder, just as there is anywhere.

There is more or less of cattle stealing, stock thieving, and there are other petty offenses not necessary to be enumerated. But one thing which attracted my attention was the statement, made repeatedly in the course of this testimony, that throughout New Mexico and Arizona they are so free from crime, particularly the crime of burglary and larceny, that you rarely find anyone locking and bolting his doors at night. Doors are left open. There is no thought of there being a necessity to take the ordinary precaution which we would not think of dispensing with, of locking and bolting our doors against all comers at nightfall or when we retire for the night.

That is the character of that community. There are, of course, some bad people there. There are some bad people in every other community. I have never known one where they did not have a reasonably fair share. But in Arizona and New Mexico in every community you will find the church, and not only one church, but if it be a community of any size you will find practically all the churches represented—the Catholic church and the Protestant churches, the Methodist, the Presbyterian, and the Baptist. Everybody seems to belong to some church. The churches are well sustained. And throughout New Mexico and Arizona you will find in every community a schoolhouse, and

you will find it well attended and well arranged, and you will find good effects resulting from it.

In Arizona they have a system of compulsory education. They do not ask a boy there whether he wants to go to school, but he is compelled to attend. They are far in advance of many communities in the States in that respect. In short, they place a proper estimate on religion, morality, and education, the three great essentials to good government in this country.

That is not all, Mr. President. They are a patriotic people. In the civil war they responded promptly beyond their proportion when the country made its call for defenders. Three regiments were organized in New Mexico who went into the Union Army and rendered conspicuous service. Their record is one of heroism and gallantry not surpassed by the regiments of any of our States, so far at least as the average is concerned.

In the recent war with Spain both Arizona and New Mexico responded promptly at the first call, and from there came the gallant men who as a part of the Rough Riders helped to make history and helped to make a President of the United States. When McKinley fell by the hand of an assassin and it was by somebody suggested that there should be a fund raised by voluntary subscription with which to build a memorial monument and such call was issued, that country responded by contributing more per capita than any other State or Territory in the United States.

These are not wild barbarians, not bummers, schemers, promoters, and politicians hunting places, but civilized Americans, representing our best citizenship. They are a busy people, developing a great country, contending against the difficulties and the obstacles of nature, and contributing at the same time, Mr. President, to build up a commonwealth which will be a credit to the United States.

They are not a people to be rejected because they speak two languages. We heard more than an hour of the time of this body taken the other day in an undertaking to prove that they speak two languages. Well, Mr. President, it is better to be able to speak two languages than not to be able to speak one.

I never heard of it being urged as a disqualification for anything that a man can speak two languages. Especially it should not be heard as an objection on this application now for statehood, that these citizens of the United States can speak also the Spanish language. We have been making some Spanish acquisitions. There is a demand for people who can speak the Spanish language.

There always has been a propriety in understanding and speaking the Spanish language, so great a propriety that at both our governmental academies, the Naval Academy at Annapolis and the Military Academy at West Point, it is a part of the course, and every officer graduated from there is required to be able to speak, write, and understand the Spanish language.

Neither is it a disqualification that they are foreigners. We heard a large part of the Senate's time taken up in urging that these people ought not to come into the Union because they were not all American citizens. We have a number of communities in this country where the foreign element is very largely represented, and I am going to call attention to one. I refer to Minnesota. There is no State now in the Union where they have a more loyal, faithful, capable, creditable population than they have in Minnesota. That is not in spite of the fact that they have foreigners, but because the foreign element is sometimes a very valuable mixture.

Let me call your attention to what the statistics show as to the State of Minnesota. There is no better State in the Union, but what I call attention to shows that a representative of that State is the last one to question the fitness for statehood of a people on the ground that a large percentage of them are foreigners.

It is contended that a large part of the inhabitants of New Mexico are Spaniards and Mexicans. The truth about that is that a majority are of the Spanish-Mexican race, some of them living there before the Territory was ceded to us, some of them coming there from Mexico since, most of them, however, born there. Nearly all of them, while speaking their own language by preference, are able, however, to speak and understand our language, and those people are aiding the Americans who have gone there to develop that country and build it up and make it a great, strong, wealthy, capable Commonwealth, such as it is rapidly becoming.

But listen now about Minnesota. The total population of the State according to the census of 1900 was 1,751,394. Total native born population 1,246,076. Total foreign-born population 505,318. The foreign born population consists of—

Austrians	8,872
Bohemians	11,147
Canadians	47,578
Danes	16,299
English	12,022
French	1,449
Germans	117,007
Dutch	2,717
Hungarians	2,182
Irish	22,428
Italians	2,222
Mexicans	24
Norwegians	104,895
Polanders	11,361
Russians	5,907
Scotch	4,810
Swedes	115,476
Swiss	3,258
Welsh	1,288
Other countries too numerous to be mentioned	14,876

If they should all talk at once the Tower of Babel would not be worthy of mention.

Mr. BATE. How many natives?

Mr. FORAKER. This table shows the native population to be 1,246,076.

Now, Mr. President, with that admixture of foreigners, as I said, they have had enough good sense to have built up a great Commonwealth, to have made a proud record for themselves, and to have sent to this body as their representative the distinguished Senator who has addressed us in opposition to the admission of New Mexico to statehood.

Mr. CLAY. I will ask the Senator from Ohio if he is reading a statement of the population of Minnesota at the present time or at the time she was admitted.

Mr. FORAKER. I was reading from the population of Minnesota according to the census of 1900.

Mr. CLAY. I will ask the Senator what proportion of the population of Minnesota were foreigners at the time Minnesota was admitted to the Union. Is it not true that about 45 per cent of them were foreigners at that time?

Mr. FORAKER. I regret to say that I am unable to answer that question. I did not think to look at that. But what I want to say is that Minnesota is one of the best States in this Union. Her population, as everybody knows, is an intelligent, patriotic, busy, and capable population. They have never made any mistake in selecting Representatives to the Congress of the United States in either House, certainly not beyond the average number made by States as a rule. Their whole record is a creditable one, and I cite the fact that they have this foreign-born population to show that it does not follow because there are foreign-born citizens in the Territory of New Mexico that that Territory is disqualified for admission to statehood.

I want to say something else here. I say it does not follow because a population is small as compared with that of other States in the Union that they are not capable of doing good work as Commonwealths in this Union. In that respect, I call attention to the fact that the smaller States in this Union have almost invariably given us able statesmen as their contribution to the statesmanship of this country.

Look about this Chamber; look at Vermont, at New Hampshire, at Rhode Island, the representatives of which now appear in opposition to this bill. Here they are, the smallest of the States; but as they are among the most ably represented here now, so, too, is it a fact that they have ever been among the most ably represented in this body. That is not all. Not only have Vermont and New Hampshire and Rhode Island and Delaware—although Delaware is not represented here now—and Maryland and these other smaller States always been ably represented but the great States of the Union were as ably represented when they were in their infancy, relatively as to population, as they are now.

Go back to the history of my own State, and no abler, no more distinguished, patriots than were the early Senators from that State have ever represented the State in this body; and as there was that kind of representation at the beginning, so there was that kind of representation through all the early life of our great State. When she had a population of only two or three hundred thousand she never made a mistake in electing a Senator.

In other words, Mr. President, the lesson of this fact is that an intelligent and small electorate can always, as a rule, be depended upon to select able and capable men to represent them in the Congress of the United States. It was so as to Indiana. No greater names are on the roll of statesmen showing membership in this body than those who represented Indiana in the early days of that State; no greater than those that represented the State of Illinois in her early years of statehood.

I will not say they were abler than the men who represent those States now; I would not do that; but I mean to say, and that is sufficient, that they compare favorably with their ablest representatives. We have never suffered on account of small States. Therefore, when Senators stand here and say, "Oh! we can not afford to let any more of these small States into the Union; it is an outrage that 250,000 people in New Mexico or Arizona should be invested with statehood, and be given two Senators on the floor of this Chamber to have the same voting power as New York and Pennsylvania"—when Senators say that, I call their attention to the fact that it has never been required, in determining the

qualifications for statehood, that there should be equality of population to the end that there might be equality of representation here in this body, but only that there should be the basis of representation for one Representative in the House of Representatives.

Each one of the American States is provided for by the Constitution as to this Chamber. Here there is an equality of States; and until you can show that the legislation of this country has suffered because small States have been allowed to have two Senators here the argument can not avail as against the provisions of the Constitution and the precedents of this Government from the very beginning.

Mr. President, in this connection I want to call attention to something else in favor of these people. So much has been said to their disparagement that it is pleasant for me to be able to point to the records and statistics to show something that is to their credit.

I called attention to the growth of their post-offices, to the growth of the internal-revenue receipts, to their land entries, and to other things that showed that there was great industrial development going on, that there was a great increase in population, and now I want to call attention to something that reflects upon their morals—something which I take from the finance reports for 1890, 1891, and 1892, which show that in New Mexico for the year 1890 there were 7 tobacco factories, and that there was an increase of the number to 1900, when there were 16. At the same time it is shown that in 1890 there were in New Mexico 5 distilleries, and that there has been a gradual decrease until at this time there are but 2. In 1890 there were 7 breweries, and in 1900 there had been such a decrease that there were but 2.

So, Mr. President, while they have been growing in population, while they have multiplied their industries, while they have been diving down into the mines, bringing up rich mineral, and adding to the wealth of the country, while they have added to the prosperity of the Territory, while they have been on the frontier, as the Senator from Maine [Mr. HALE] suggested, yet at the same time, while building their churches and building their schoolhouses, they have been abolishing and dispensing with their distilleries and breweries; and some of the Senators who represent States on this floor can not show as good a record in these respects; and no Senator can show a better as to his State.

Practically the same has been the result in Arizona. In 1890 they had ten breweries; now they have only three. Figures are so tedious that I dislike to stop to deal with them. But, Mr. President, I have said enough and I have detained the Senate much longer than I intended when I commenced. It was my purpose to show why it is that I am making this contention, not in accord, perhaps, with the majority of my party, in regard to this question. I have no election about it.

I supposed it was a settled proposition when we came out of the national Republican convention of 1900 that the Republican party of this country proposed to do what we had promised to do to bring these Territories into statehood. I supposed we had so settled it. I have been in favor of the unqualified admission of these Territories from that time until now. I helped draft that declaration, and I helped to secure its adoption. Without new light I could not repudiate it now, and, Mr. President, I have had no light except only that which has strengthened me in the belief that I was right then and that I am in the right now.

I believe that New Mexico is entitled, according to a fair interpretation of our treaty obligations, to admission without regard to any question, excepting only that of population, she having more than the equal of the unit of representation. I believe that in the exercise of our authority and sound discretion the Congress is justified in admitting Arizona, although at this present moment she does not have a population, perhaps, equal to the unit of representation. I believe we are justified in that, because I do not believe with the Senator from Minnesota that it is no injustice to those people and no hardship to those people to continue them under a Territorial government.

It is an injustice and it is a hardship. "Oh," they tell them, "you have good judges sent to you, and the President selects good governors to rule over you." Let it be conceded that that is all true, Mr. President. I have no disposition to raise a question that will involve personalities; but let it be conceded that that is true, and yet the spirit of every American revolts at the idea that he is not to be allowed to select his own judge and his own governor and his own other representatives, whether high or low. That has been the spirit of Americans from the beginning.

We believe in self-government, Mr. President. Every man who has left his home in the East, where he was living in comfort and peace, and has gone down to this frontier life and taken up his habitation in one of these Territories has gone there with the promise handed out to him by our unbroken precedents that, as soon as they have a population equal to the unit of representation, or substantially so, and it is consistent with the general interests, they shall have the reward of statehood.

That is the promise made to every man who goes there and, Mr. President, this Government has got value received for that promise. It was to the interest of this nation to encourage people to go into the Territories to subdue the forest, to drive out wild beasts, and to drive away the redman, and to make there a habitable home for American citizens; it is to the interest of this people to have men induced to do that, and for that reason we said, having popular representation, in the other House, we will give you equal representation by giving you statehood in the Senate of the United States; we will give you statehood in order that you may elect not only your governors and your judges but your legislatures who are to legislate for you.

Mr. President, what do we know about what the law should be in New Mexico in regard to mining and other industries peculiar to that Territory? We know only as the information is brought to us. Those people are there; they are on the ground; they are intelligent and capable; they know what their interests require; and they know, Mr. President, how to subserve their own interests.

Mr. BEVERIDGE. Mr. President——

Mr. FORAKER. In a moment.

Moreover, every man and every citizen of this country who has fought in two wars especially desires that he may be allowed to participate in the selection of a President and Vice-President of the United States.

Mr. BEVERIDGE. I understood the Senator to make the point that the people there know better what local laws they need than we do here. Is it not true that the Territorial legislature passes all the local laws the people of the Territory need as much as it is true of a State?

Mr. FORAKER. Yes; it is true that they pass laws of a local character, subject to revision and repeal by the Congress of the United States.

Mr. BEVERIDGE. But has Congress revised or repealed any of the laws passed by the legislature of New Mexico except——

Mr. FORAKER. No; because their ability as legislators has been so pronounced and acceptable that Congress has not cared to do so.

Mr. BEVERIDGE. Then is there any complaint from that source?

Mr. FORAKER. Yes, of course there is. Who wants the Government of the United States supervising what the legislature does, and does so capably that we do not think of taking exception to it? The very fact that there has never been occasion to interfere with the work of the legislature of New Mexico is conclusive that the people of that Territory are capable of statehood and State government. That is the very point I want to make.

Mr. President, there are very many other reasons I might give why a Territorial government is not acceptable, as compared with statehood, to a people like that. For more than fifty years they have patiently waited our action. They should not be required to wait any longer.

This bill provides that all three of these Territories shall be admitted together. It might be that if I had had the original drafting of the bill or if I had had the initiation of this matter I should have provided differently, but it was thought, according to the judgment of those having it in charge, that this was the best and most acceptable way in which to do it, and I see no objection, certainly no objection that any Republican has a right to make in view of our party's declaration and our party's record upon the subject, and I therefore see no valid reason for the exclusion of these Territories from statehood longer. Consequently I shall vote with the greatest pleasure for the omnibus bill.

Mr. BURNHAM. Mr. President, with the leave of the Senate, I wish to postpone the remarks I intended to make upon this bill until to-morrow.

Mr. QUAY. Mr. President, I ask for the regular order if there is nothing more to be said.

The PRESIDENT pro tempore. The bill is in the Senate as in Committee of the Whole and open to amendment.

Mr. BEVERIDGE. Mr. President, I understood the Senator from New Hampshire [Mr. BURNHAM] to state that he proposes to address the Senate upon the pending measure to-morrow, and I understood him to make the request that he be permitted to do so.

Mr. BURNHAM. That was my intention.

Mr. QUAY. I did not so understand the Senator. Probably he was approaching that point, Mr. President.

The PRESIDENT pro tempore. The Chair did not understand the request of the Senator from New Hampshire.

Mr. BURNHAM. I will state my request again. It is that I may proceed with my remarks to-morrow.

The PRESIDENT pro tempore. The Senator from New Hampshire proposes to proceed with his remarks on the pending bill to-morrow.

Mr. QUAY. He gives notice that he will proceed to-morrow.

The PRESIDENT pro tempore. The Senator from New Hampshire gives notice to that effect.

Mr. QUAY. There is no objection to that; but in the meantime some one else should proceed this afternoon. It is not proper that the time of the Senate, with so much public business pressing upon us, should be wasted, throwing away a quarter of the afternoon, and that we should defer the discussion of this debate until to-morrow morning.

Mr. BEVERIDGE. I will say to the Senator from Pennsylvania that there is no design to waste any fraction of the time of the Senate; and I so served notice upon the Senate and the Senator from Pennsylvania when the last adjournment occurred.

The Senator from New Hampshire [Mr. BURNHAM] is the next Senator who will address the Senate upon this question, and he made this request, because, I suppose, he has been taking notes of what the Senator from Ohio [Mr. FORAKER] has said. It was also understood, Mr. President, without any express agreement, as the Senator well knows, of course, and as I know, it was the general understanding that there was to be an executive session this morning——

Mr. QUAY. There was no objection to that.

Mr. BEVERIDGE. And that we should come out of executive session at 2 o'clock, when the Senator from Ohio would conclude his remarks; and then it was generally understood—at least I so understood it, although I am willing to admit I had no authority for it—that after the Senator from Ohio had concluded his remarks the Senate would resume the consideration of executive business. For that reason the Senator from New Hampshire might not be as ready to proceed now as he might be to-morrow morning. However, if it is necessary, we can accommodate the Senator from Pennsylvania.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business, if the Senator yields the floor.

Mr. QUAY. I had the floor, I supposed.

The PRESIDENT pro tempore. The Senator from Indiana [Mr. BEVERIDGE] has the floor. Does he yield?

Mr. BEVERIDGE. I yield.

Mr. CULLOM. I renew my motion that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The Senator from Illinois moves that the Senate proceed to the consideration of executive business.

Mr. CULLOM. I do not want to take the Senator from Indiana off the floor——

Mr. BEVERIDGE. Not at all.

Mr. CULLOM. But as he seems to be hesitating about proceeding, I move that the Senate proceed to the consideration of executive business.

Mr. QUAY. Mr. President, if we can not have a vote on this bill I have no objection to expediting the public business as far as possible this afternoon.

Mr. BAILEY. The trouble about that is that the omnibus statehood bill has been here a long time before any treaty, and I think it but fair that the omnibus bill should be in due order taken out of the way before the time of the Senate is devoted to a treaty. If the opponents of the statehood bill expect to dispose of the other business properly coming before the Senate, they ought to make up their minds that they must dispose of the statehood bill.

The PRESIDENT pro tempore. The motion made by the Senator from Illinois [Mr. CULLOM] is not debatable.

Mr. HOAR. Mr. President——

Mr. CULLOM. I yield to the Senator from Massachusetts.

The PRESIDENT pro tempore. Does the Senator from Illinois withdraw the motion for an executive session?

Mr. CULLOM. I withdraw the motion temporarily, to enable the Senator from Massachusetts to make some remarks.

Mr. HOAR. I should like to say about three or four sentences in reply to one thing said by the honorable Senator from Ohio [Mr. FORAKER] if he will give me his attention.

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. HOAR. The Senator from Ohio, in the course of his very earnest and eloquent speech, quoted some language of Josiah Quincy, of Massachusetts, in regard to the admission of Louisiana. Of course, no man could take any exception to that quotation or to what the Senator said in reference to it. It seems very naturally to be one of the strange things in our history that a man like Josiah Quincy should have occupied that attitude. Mr. Quincy was the president of Harvard when I was a student there. He was the very dear and intimate friend of my kindred of my own name of the previous generation, and I feel in regard to his memory almost as I would in regard to the memory of a father or of a very near kinsman. I think, therefore, what Mr. Quincy said ought not to be quoted without calling attention to the conditions then existing.

Mr. Quincy was, I think, one of the foremost and loftiest examples of noble civic virtue which the Republic, rich in such examples, has had in its history. He was the son of the famous orator, patriot, and martyr of Revolutionary time, whose name, like those of Sam Adams and John Adams, of Massachusetts, the Gadsdens and Pinckneys, of South Carolina, and those of the great Virginia constellation, is on every man's lips.

Mr. Quincy spoke at a time when the telegraph and steam were unknown, and the declaration of the statesmen of that day that it was impossible to keep and maintain the Union with States upon the Pacific coast, or even in the heart of the continent, was simply the result of the fact that they could not foresee those two great marvels. I think it was in Mr. Jefferson's Administration, when Lewis and Clark came back, they reported having stopped at a trading post named St. Louis, on the Mississippi River, and, if I mistake not, it was a journey of several months from there to the Eastern seaboard. I have forgotten whether it was three months or six months, but I dare say there are Senators in abundance who will remember. At any rate, the method of communication was very slow.

In regard to Mr. Quincy's earnestness upon the subject, it must be remembered that Mr. Jefferson himself declared that this measure was unconstitutional; and that was the opinion of the statesmen of that time generally. Mr. Quincy, who was a man of honor, had taken an oath, had held up his hand before God and sworn by the most sacred obligation that humanity can take upon itself, that he would not violate that Constitution. With him it was a little matter of an oath. That is all. Whatever anybody else may have done, or whatever anybody else may be pardoned for doing, I do not think the time has yet come when any man's memory is to be held in dishonor because alone and by himself he kept the honor and sacredness of his oath.

Mr. FORAKER. Mr. President——

Mr. HOAR. The Republic has many honored and illustrious names of men who thought they could or fancied they could, with real public advantage, break the great obligation which is in the end the security of the Republic against tyranny and against anarchy. For one I mean to stand by Josiah Quincy.

Mr. FORAKER. Mr. President, I only rise to call the attention of the Senator from Massachusetts and of the Senate to the fact that in quoting what Josiah Quincy said on the occasion referred to, I took occasion to say that he was a man of ability, that he was a patriotic man, that he was a conscientious man, and that he was speaking in accordance with his sense of public duty. The point I was making in quoting from him and from others was that as good men as Josiah Quincy and Daniel Webster might be mistaken as to the future of a section that we were proposing to admit into the Union.

Mr. HOAR. I so understood the Senator.

Mr. FORAKER. Very well.

Mr. HOAR. I did not understand the Senator to have said anything in disparagement of Mr. Quincy. I only said that I thought that in referring to what seemed extraordinary language on his part—for it was extraordinary language the Senator was quoting—it should be remembered that it was before the time of steam when it seemed impossible to anybody that we could hold together an empire extending across the continent, and also that what he said was inspired by his reverence for his oath of office.

LAND TITLES IN MISSISSIPPI.

Mr. McLAURIN of Mississippi. Mr. President, there was reported unanimously this morning, from the Committee on Public Lands, without amendment, a short bill, entirely local in character, for which I ask unanimous consent that it may now be considered. It is the bill (S. 6779) to quiet certain land titles in the State of Mississippi.

The PRESIDENT pro tempore. The Senator from Mississippi asks unanimous consent for the present consideration of the bill named by him. Is there objection? The Chair hears none, and the bill will be read to the Senate for information.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration, as follows:

Be it enacted, etc., That in all cases in which lands in the State of Mississippi have heretofore been sold by authority of the State of Mississippi, or by claim of authority of the State of Mississippi, and the right to make such sales was claimed to be by virtue of an act of Congress approved September 28, 1850, entitled "An act to enable the State of Arkansas and other States to reclaim the 'swamp lands' within their limits," the said lands so sold as aforesaid shall be held to be of the class and kind mentioned in said act of Congress, and said sales are hereby ratified and confirmed, and the titles to said lands are hereby validated and vested in the purchasers, respectively, thereof as if the date of said sales in all respects as if title of the United States had passed by such sales.

SEC. 2. That where any of said purchasers has conveyed any of the land as purchased by him or her, his or her vendee or subvendee shall be vested with title as if the title of such purchaser had been perfect by such original purchase.

SEC. 3. That this act take effect and be in force from and after the date of its approval.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 20, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 19, 1903.

COLLECTORS OF CUSTOMS.

Walter Fifield, of New Jersey, to be collector of customs for the district of Great Egg Harbor, in the State of New Jersey. (Reappointment.)

Richard G. Banks, of Virginia, to be collector of customs for the district of Norfolk and Portsmouth, in the State of Virginia. (Reappointment.)

MARSHALS.

Thomas F. McGourin, of Florida, to be United States marshal for the northern district of Florida. (A reappointment, his term having expired January 9, 1903.)

Frank W. Wait, of Michigan, to be United States marshal for the western district of Michigan, vice A. Oren Wheeler, term expired.

PROMOTIONS IN THE NAVY.

1. Commander Harrie Webster, to be a captain in the Navy from the 4th day of January, 1903, vice Captain Charles W. Rae, an additional number in grade.

2. Lieut. Commander John M. Robinson, to be a commander in the Navy from the 4th day of January, 1903, vice Commander Charles W. Rae, promoted.

3. Lieut. William S. Smith, to be a lieutenant-commander in the Navy from the 4th day of January, 1903, vice Lieut. Commander John M. Robinson, promoted.

1. Surgeons Lloyd W. Curtis and Henry B. Fitts, to be surgeons in the Navy, with the rank of lieutenant-commander, from the 2d day of December, 1902.

3. P. A. Surgs. Washington B. Grove and Raymond Spear, to be passed assistant surgeons in the Navy, with the rank of lieutenant, from the 7th day of November, 1902.

5. Chaplain John P. S. Chidwick, to be a chaplain in the Navy, with the rank of commander, from the 11th day of September, 1902.

6. Chaplain Harry W. Jones, to be a chaplain in the Navy, with the rank of commander, from the 14th day of November, 1902.

7. Civil Engineer Luther E. Gregory, to be a civil engineer in the Navy, with the rank of lieutenant, from the 6th day of April, 1902.

8. Gunner Hugh Sinclair, to be a chief gunner in the Navy from the 5th day of August, 1902, in accordance with the provisions of an act of Congress approved March 3, 1899.

POSTMASTERS.

CALIFORNIA.

Thomas A. Nelson, to be postmaster at Stockton, in the county of San Joaquin and State of California, in place of Thomas A. Nelson. Incumbent's commission expired February 11, 1902.

FLORIDA.

Thomas S. Harris, to be postmaster at Liveoak, in the county of Suwanee and State of Florida, in place of Thomas S. Harris. Incumbent's commission expired December 20, 1902.

William H. Northup, to be postmaster at Pensacola, in the county of Escambia and State of Florida, in place of Rix M. Robinson. Incumbent's commission expired January 10, 1903.

ILLINOIS.

Frederick P. Burgett, to be postmaster at Keithsburg, in the county of Mercer and State of Illinois, in place of Frederick P. Burgett. Incumbent's commission expires January 31, 1903.

William H. Pease, to be postmaster at Harvey, in the county of Cook and State of Illinois, in place of Martin A. Gilson, deceased.

M. H. Spence, to be postmaster at Elmwood, in the county of Peoria and State of Illinois, in place of John Clinch. Incumbent's commission expired January 12, 1903.

INDIANA.

Asa M. Ballinger, to be postmaster at Upland, in the county of Grant and State of Indiana, in place of Asa M. Ballinger. Incumbent's commission expires January 27, 1903.

John W. Hill, to be postmaster at Red Key, in the county of Jay and State of Indiana, in place of Benjamin J. Clevenger. Incumbent's commission expired February 16, 1902.

IOWA.

William H. Crooks, to be postmaster at Adair, in the county of Adair and State of Iowa, in place of William H. Crooks. Incumbent's commission expires January 27, 1903.

David M. Rowland, to be postmaster at Marengo, in the county of Iowa and State of Iowa, in place of David M. Rowland. Incumbent's commission expired January 7, 1903.

David H. Scott, to be postmaster at Griswold, in the county of Cass and State of Iowa, in place of David H. Scott. Incumbent's commission expired December 21, 1902.

KANSAS.

Austin Brown, to be postmaster at Cedar Vale, in the county of Chautauqua and State of Kansas, in place of Austin Brown. Incumbent's commission expired January 17, 1903.

August Kuhlmann, to be postmaster at Hanover, in the county of Washington and State of Kansas. Office became Presidential January 1, 1903.

KENTUCKY.

Miles M. J. Williams, to be postmaster at Eminence, in the county of Henry and State of Kentucky, in place of Miles M. J. Williams. Incumbent's commission expires January 23, 1903.

MASSACHUSETTS.

Samuel R. Moseley, to be postmaster at Hyde Park, in the county of Norfolk and State of Massachusetts, in place of Samuel R. Moseely. Incumbent's commission expired January 10, 1903.

Edwin F. Wyer, to be postmaster at Woburn, in the county of Middlesex and State of Massachusetts, in place of Edwin F. Wyer. Incumbent's commission expires January 26, 1903.

MINNESOTA.

Frank E. Bentley, to be postmaster at Montevideo, in the county of Chippewa and State of Minnesota, in place of Frank E. Bentley. Incumbent's commission expires January 27, 1903.

William E. Easton, to be postmaster at Stillwater, in the county Washington and State of Minnesota, in place of William E. Easton. Incumbent's commission expires January 19, 1903.

Charles E. Fuller, to be postmaster at St. James, in the county of Watonwan and State of Minnesota, in place of Charles E. Fuller. Incumbent's commission expires January 27, 1903.

Anders Glimme, to be postmaster at Kenyon, in the county of Goodhue and State of Minnesota, in place of Anders Glimme. Incumbent's commission expires January 27, 1903.

Julius E. Haycraft, to be postmaster at Madelia, in the county of Watonwan and State of Minnesota, in place of Julius E. Haycraft. Incumbent's commission expires January 27, 1903.

Florence A. Vanderpoel, to be postmaster at Park Rapids, in the county of Hubbard and State of Minnesota, in place of Florence A. Vanderpoel. Incumbent's commission expires January 19, 1903.

MISSOURI.

A. T. Hollenbeck, to be postmaster at Westplains, in the county of Howell and State of Missouri, in place of Joseph L. Van Wormer. Incumbent's commission expired January 13, 1903.

NEW HAMPSHIRE.

Clarence N. Garvin, to be postmaster at West Derry, in the county of Rockingham and State of New Hampshire, in place of Elizabeth A. Wheeler, resigned.

NEW JERSEY.

Frank A. Brown, to be postmaster at Cranbury, in the county of Middlesex and State of New Jersey. Office became Presidential October 1, 1902.

NEW YORK.

James S. Graham, to be postmaster at Rochester, in the county of Monroe and State of New York, in place of James S. Graham. Incumbent's commission expired January 13, 1903.

NORTH DAKOTA.

Charles H. Potter, to be postmaster at Enderlin, in the county of Ransom and State of North Dakota. Office became Presidential January 1, 1903.

OHIO.

John A. Birkimer, to be postmaster at New Lexington, in the county of Perry and State of Ohio, in place of John A. Birkimer. Incumbent's commission expires January 28, 1903.

Edward P. Flynn, to be postmaster at South Charleston, in the county of Clark and State of Ohio, in place of Edward P. Flynn. Incumbent's commission expires January 24, 1903.

Wirt Kessler, to be postmaster at West Milton, in the county of Miami and State of Ohio. Office became Presidential January 1, 1903.

William H. H. Masters, to be postmaster at Scio, in the county of Harrison and State of Ohio, in place of William H. H. Masters. Incumbent's commission expires January 19, 1903.

PENNSYLVANIA.

Abel H. Byers, to be postmaster at Hamburg, in the county of Berks and State of Pennsylvania, in place Abel H. Byers. Incumbent's commission expires January 28, 1903.

Alfred W. Christy, to be postmaster at Slippery Rock, in the

county of Butler and State of Pennsylvania, in place of Alfred W. Christy. Incumbent's commission expires January 31, 1903.

John H. Dunn, to be postmaster at Parkesburg, in the county of Chester and State of Pennsylvania, in place of John H. Dunn. Incumbent's commission expires January 31, 1903.

John C. F. Miller, to be postmaster at Rockwood, in the county of Somerset and State of Pennsylvania. Office became Presidential January 1, 1903.

Levi Sparr, to be postmaster at Williamsburg, in the county of Blair and State of Pennsylvania. Office became Presidential January 1, 1903.

John S. Wilson, to be postmaster at Columbia, in the county of Lancaster and State of Pennsylvania, in place of Amos R. Hougendobler. Incumbent's commission expires January 31, 1903.

TEXAS.

Robert A. Gaulden, to be postmaster at Mansfield, in the county of Tarrant and State of Texas. Office became Presidential January 1, 1902.

E. R. Williams, to be postmaster at Hamilton, in the county of Hamilton and State of Texas, in place of Richard O. Misener, deceased.

UTAH.

Thomas Braby, to be postmaster at Mount Pleasant, in the county of Sanpete and State of Utah. Office became Presidential January 1, 1901.

VERMONT.

Edward W. Bisbee, to be postmaster at Barre, in the county of Washington and State of Vermont, in place of Edward W. Bisbee. Incumbent's commission expires January 19, 1903.

Albert L. Ransom, to be postmaster at Castleton, in the county of Rutland and State of Vermont. Office became Presidential January 1, 1903.

VIRGINIA.

John R. Waddy, to be postmaster at Norfolk, in the county of Norfolk and State of Virginia, in place of John R. Waddy. Incumbent's commission expired January 17, 1903.

WASHINGTON.

Dan W. Bush, to be postmaster at Chehalis, in the county of Lewis and State of Washington, in place of Dan W. Bush. Incumbent's commission expired January 13, 1903.

WISCONSIN.

Morris F. Barteau, to be postmaster at Appleton, in the county of Outagamie and State of Wisconsin, in place of Morris F. Barteau. Incumbent's commission expires January 28, 1903.

Francis R. Dittmer, to be postmaster at Seymour, in the county of Outagamie and State of Wisconsin, in place of Francis R. Dittmer. Incumbent's commission expires January 28, 1903.

Fitz James Hamilton, to be postmaster at Sturgeon Bay, in the county of Door and State of Wisconsin, in place of Fitz James Hamilton. Incumbent's commission expired January 10, 1903.

Thomas Hill, to be postmaster at Spring Green, in the county of Sauk and State of Wisconsin, in place of Thomas Hill. Incumbent's commission expires January 28, 1903.

William R. McCutcheon, to be postmaster at Thorp, in the county of Clark and State of Wisconsin. Office became Presidential January 1, 1903.

William White, to be postmaster at Algoma, in the county of Kewaunee and State of Wisconsin, in place of William White. Incumbent's commission expired January 10, 1903.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 7, 1903.

POSTMASTERS.

IOWA.

William H. McClure, to be postmaster at Fontanelle, in the county of Adair and State of Iowa.

Simon J. Mak, to be postmaster at Inwood, in the county of Lyon and State of Iowa.

Asahel B. Chrysler, to be postmaster at Lake Park, in the county of Dickinson and State of Iowa.

Daniel P. Ellsworth, to be postmaster at Lohrville, in the county of Calhoun and State of Iowa.

Francis H. Farley, to be postmaster at Sloan, in the county of Woodbury and State of Iowa.

Executive nominations confirmed by the Senate January 19, 1903.

MARSHAL.

Frank W. Waite, to be marshal for the western district of Michigan.

PROMOTION IN THE NAVY.

Pay Inspector Lawrence G. Boggs, to be a pay director in the Navy from the 28th day September, 1902.

COLLECTORS OF CUSTOMS.

Charles H. Marchant, of Massachusetts, to be collector of customs for the district of Edgartown, in the State of Massachusetts.

Edwin Baker, of Arizona, to be collector of customs for the district of Arizona, in the Territory of Arizona.

REGISTER OF THE LAND OFFICE.

John B. West, of Idaho, to be register of the land office at Lewiston, Idaho.

SURVEYOR OF CUSTOMS.

Thomas B. Stapp, of Tennessee, to be surveyor of customs for the port of Chattanooga, in the State of Tennessee.

APPOINTMENT IN THE MARINE-HOSPITAL SERVICE.

Holcombe McG. Robertson, of Virginia, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

APPOINTMENT IN THE REVENUE-CUTTER SERVICE.

George M. Kohler, of New York, to be a second assistant engineer, with the rank of third lieutenant, in the Revenue-Cutter Service of the United States.

POSTMASTERS.

CONNECTICUT.

Aaron S. Chapman, to be postmaster at Simsbury, in the county of Hartford and State of Connecticut.

George A. Warner, to be postmaster at Bristol, in the county of Hartford and State of Connecticut.

Edwin F. Tomlinson, to be postmaster at Plainville, in the county of Hartford and State of Connecticut.

INDIANA.

William H. Burris, to be postmaster at Milford, in the county of Kosciusko and State of Indiana.

Albert D. Peck, to be postmaster at Morocco, in the county of Newton and State of Indiana.

Alexander Abernathy, to be postmaster at National Military Home, in the county of Grant and State of Indiana.

KENTUCKY.

Frank H. Bristow, to be postmaster at Elkton, in the county of Todd and State of Kentucky.

Woodbury Tinsley, to be postmaster at Hartford, in the county of Ohio and State of Kentucky.

James W. Thomason, to be postmaster at Uniontown, in the county of Union and State of Kentucky.

MAINE.

Charles A. Paine, to be postmaster at Eastport, in the county of Washington and State of Maine.

MASSACHUSETTS.

Edward B. Sherman, to be postmaster at Franklin, in the county of Norfolk and State of Massachusetts.

MISSISSIPPI.

John F. Williams, to be postmaster at Biloxi, in the county of Harrison and State of Mississippi.

Mellicent R. McInnis, to be postmaster at Moss Point, in the county of Jackson and State of Mississippi.

NEW HAMPSHIRE.

Clarence N. Garvin, to be postmaster at West Derry, in the county of Rockingham and State of New Hampshire.

NEW JERSEY.

Charles S. Day, to be postmaster at New Market, in the county of Middlesex and State of New Jersey.

Adam Kandle, to be postmaster at Elmer, in the county of Salem and State of New Jersey.

NORTH CAROLINA.

William J. Flowers, to be postmaster at Mount Olive, in the county of Wayne and State of North Carolina.

William H. Long, to be postmaster at Roxboro, in the county of Person and State of North Carolina.

OHIO.

John A. Lowrie, to be postmaster at Seville, in the county of Medina and State of Ohio.

Joel P. De Wolfe, to be postmaster at Fostoria, in the county of Seneca and State of Ohio.

W. J. Swisher, to be postmaster at Wadsworth, in the county of Medina and State of Ohio.

Charles C. Chappelear, to be postmaster at Circleville, in the county of Pickaway and State of Ohio.

Rolla A. Perry, to be postmaster at Plain City, in the county of Madison and State of Ohio.

Ernst H. Weber, to be postmaster at Brooklyn, in the county of Cuyahoga and State of Ohio.

Ezra L. Gill, to be postmaster at Sunbury, in the county of Delaware and State of Ohio.

James Stoops, to be postmaster at Waynesville, in the county of Warren and State of Ohio.

SOUTH DAKOTA.

John H. Dobson, to be postmaster at Alexandria, in the county of Hanson and State of South Dakota.

TENNESSEE.

John L. Murray, to be postmaster at Lexington, in the county of Henderson and State of Tennessee.

Arthur W. Parker, to be postmaster at Sparta, in the county of White and State of Tennessee.

John D. McCarley, to be postmaster at Somerville, in the county of Fayette and State of Tennessee.

Evan T. Warner, to be postmaster at Lafollette, in the county of Campbell and State of Tennessee.

COMMERCIAL CONVENTION WITH CUBA.

The injunction of secrecy was removed January 19, 1903, from a commercial convention between the United States and Cuba, signed at the city of Habana on December 11, 1902, and also from the amendments proposed to said convention by the Committee on Foreign Relations.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 19, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read, corrected, and approved.

RAILWAY THROUGH FORT SILL RESERVATION.

Mr. HAY. Mr. Speaker, I am authorized by the Committee on Military Affairs to call up the bill (H. R. 9503) to authorize the Oklahoma and Western Railroad Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes, and to move to suspend the rules and pass the bill with amendments.

The SPEAKER. The gentleman from Virginia moves to suspend the rules and pass the bill H. R. 9503 with the amendments.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Oklahoma City and Western Railroad Company, a corporation created under and by virtue of the laws of the Territory of Oklahoma, be, and the same is hereby, empowered to survey, locate, construct, and maintain a railway, telegraph, and telephone line through Fort Sill Military Reservation, in the Territory of Oklahoma, upon such a line as may be determined and approved by the Secretary of War.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, telegraph, and telephone line, and for no other purpose, a right of way 100 feet in width through said Fort Sill Military Reservation, and a right to take and use a strip of land in said reservation 200 feet in width, with a length of 3,000 feet, in addition to right of way, for stations, with the right to use such additional ground when cuts and fills may be necessary for the construction and maintenance of the roadbed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no part of the lands herein authorized to be taken shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines; and when any portion thereof shall cease to be used, such portion shall revert to the United States, from which the same shall be taken: *Provided further*, That the said right of way shall be parallel with and contiguous to the right of way granted to the Chicago, Rock Island and Pacific Railroad by the act of Congress approved January 31, 1900; that no more space on the military reservation be given to the said Oklahoma and Western Railroad Company than was given to the Chicago, Rock Island and Pacific Railroad under the terms of the act of January 31, 1900; that the Oklahoma and Western Railroad Company will fence its right of way and lay and maintain sufficient fence equal to that built by the Chicago, Rock Island and Pacific Railroad and will provide and maintain suitable crossings opposite those already provided by the said Chicago, Rock Island and Pacific Railroad; that the said Oklahoma and Western Railroad Company will build and maintain a suitable station house near the station of the Chicago, Rock Island and Pacific Railroad, and distant not more than half a mile from the flagstaff at Fort Sill; that the Oklahoma and Western Railroad Company will provide suitable and sufficient side track at their station and will construct and maintain a side track from their station to the quartermaster and commissary storehouses at Fort Sill; that the Oklahoma and Western Railroad Company will construct and maintain sufficient stock pens and provide sufficient facilities for loading and unloading cattle and horses on the ground set apart for their station: *Provided further*, That the said Oklahoma and Western Railroad Company shall comply with such other regulations or conditions as may from time to time be prescribed by the Secretary of War: *And provided further*, That this act shall not be considered to grant any title to the lands selected for such right of way, but that the right to take and use such lands for said purpose shall be revocable at will by the Secretary of War.

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

Mr. PAYNE. Mr. Speaker, for the purpose of having some explanation, I demand a second, and I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New York demands a second, and asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. HAY. Mr. Speaker, the gentleman from Oklahoma, who introduced the bill, will explain it.

Mr. FLYNN. Mr. Speaker, this bill provides for the confirmation of a right of way already granted by the Secretary of War to this railroad across the Fort Sill Military Reservation. The road is already built and in operation under this temporary permit. It is merely confirming the right of way permitted by the Secretary of War to this company.

Mr. HULL. If the gentleman from Oklahoma will allow me, I will say that I understand this is the same grant that has been given to other roads.

Mr. FLYNN. It is the customary right of way across this reservation.

Mr. LACEY. May I ask the gentleman——

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Iowa?

Mr. HAY. I do.

Mr. LACEY. I want to ask the gentleman from Oklahoma whether, in the Rock Island right-of-way grant it was provided that it was revocable at the pleasure of the Secretary of War?

Mr. FLYNN. No.

Mr. LACEY. I want to ask the gentleman if he does not think it a mistake to put in such a clause that it might be revoked by a hostile Secretary of War?

Mr. FLYNN. I am glad the gentleman asks that question, because it was never put in any other bill. The committee referred the bill to the Secretary of War and his report was received, and the committee reported on the bill before I had an opportunity to examine into it. After conference with the Secretary of War he suggested certain other changes, but it was deemed advisable by the chairman of the committee to pass the bill as it now is and have the changes made in the other branch.

Mr. LACEY. As I understand, the suggestion I make was raised as an objection before the committee, and their idea is to take care of that somewhere else?

Mr. HULL. That is hardly a fair statement. The Rock Island bill had in it the provision that it might be revoked by the power of Congress to take possession of it whenever the Government might need it.

Mr. LACEY. Why not make this bill the same way?

Mr. HULL. The danger, Mr. Speaker, of the Secretary of War acting from pique, or anything of that kind, is so remote that I can see no earthly objection to leaving it where it is. In fact, in many ways I would rather leave it, as all of these revocable permits are left, where the law places it, with the Secretary of War, who is certainly too large a man to act from pique or any petty reasons.

Mr. LACEY. Mr. Speaker, I want to suggest to the gentleman from Iowa that we have the same question pending in this House in another form. The Committee on Public Lands reported in favor of granting a right of way through the San Francisco Forest Reservation, and the bill was vetoed because of a general law that previously existed. In this general law the Secretary of the Interior was authorized, at his will, to revoke the permit, and the parties furnishing the money to buy the right refused to furnish it. Now, that being so, it resulted in a failure to build the road——

Mr. FLYNN. But this road is already built.

Mr. LACEY. So much the worse to put such a clause in after they have put their money into the road.

Mr. HULL. I do not think there is any objection to it.

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

The question was taken, and, in the opinion of the Chair, two-thirds having voted in favor thereof, the bill was passed.

USE OF COURT-HOUSES AT SCRANTON AND WILLIAMSPORT, PA.

Mr. DEEMER. Mr. Speaker, I am directed by the Committee on Public Buildings and Grounds to move a suspension of the rules for the passage of the joint resolution which I send to the desk.

The Clerk read as follows:

Joint resolution (H. J. Res. 216) extending the provision granting to the State of Pennsylvania the use of the court-house at Scranton and Williamsport, Pa.

Resolved, etc., That the provisions of the "Joint resolution granting the State of Pennsylvania permission to use the United States court-house at Scranton, Pa., and at Williamsport, Pa.," approved December 23, 1895, are hereby continued with respect to the United States court-house at Williamsport, Pa., for the further period of five years from the date of the expiration of the permission therein referred to, upon the same terms and conditions as stated in said joint resolution, and that concurrent jurisdiction, so far as is necessary, over said property be, and the same is hereby, ceded to the State of Pennsylvania, so that the sessions of the superior court of said State in said Federal building and rooms thereof may be, during said period, fully legalized.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

Mr. RICHARDSON of Tennessee. On that motion I demand a second.

Mr. DEEMER. I ask unanimous consent that a second be considered as ordered.

There was no objection; and it was ordered accordingly.

The SPEAKER. Does the gentleman from Tennessee [Mr. RICHARDSON] desire to discuss this question?

Mr. RICHARDSON of Tennessee. As the bill was read at the desk I could not understand its effect. I should like the gentleman from Pennsylvania to tell us what it does.

Mr. DEEMER. The object of this resolution is simply to continue an existing agreement between the State of Pennsylvania and the Federal Government for the use of the United States court room at the city of Williamsport for the term of five years from the date of expiration of the previous resolution at the same price and upon the same terms as has been in operation heretofore, the rental being $100 a year without any expense whatever on the part of the Government. The resolution provides that these arrangements shall be so made that the holding of court by the State in this building shall not interfere or conflict with the business of the United States court.

This is an arrangement which has been in force for more than five years, and the effect of the resolution is simply to renew the agreement which has existed heretofore.

Mr. RICHARDSON of Tennessee. What committee reported the bill?

Mr. DEEMER. The Committee on Public Buildings and Grounds.

Mr. RICHARDSON of Tennessee. Is it a unanimous report?

Mr. DEEMER. Yes, sir; and the Treasury Department has assented to it and is perfectly satisfied to have it continued.

Mr. DALZELL. Mr. Speaker, the United States Government has a court-house at Williamsport and a court-house at Scranton. Some years ago a new court was created in Pennsylvania known as the superior court, and an arrangement was made whereby the superior court, which meets only once a year, should be allowed to hold its meetings in the Federal court-houses at Scranton and Williamsport, paying to the Government a rent therefor.

The term of the original agreement expired some time ago. That fact, however, was overlooked, and the superior court of Pennsylvania has continued to occupy those buildings at its yearly meetings. The present proposition is to continue that agreement for five years upon the same terms as were embodied in the original agreement. The measure has the approval of the Treasury Department.

The question being taken on the motion to suspend the rules and pass the bill, it was agreed to (two-thirds voting in favor thereof).

LIEUT. FRANCIS S. DAVIDSON.

Mr. LAWRENCE. I move to suspend the rules and pass the bill (S. 1115) for the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry.

The bill was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to revoke General Court-Martial Orders No. 93, War Department, Adjutant-General's Office, Washington, November 15, 1875, approving and confirming the proceedings, findings, and sentence of the general court-martial which convened at Fort Brown, Tex., September 18, 1875, dismissing First Lieut. Francis S. Davidson, Ninth Cavalry, and to issue to him a certificate of discharge of that date, and to nominate and, by and with the advice and consent of the Senate, to appoint said Francis S. Davidson, a first lieutenant, mounted, in the United States Army, and to place him upon the retired list with the rank of first lieutenant: *Provided*, That no pay, compensation, or allowance shall be paid him from the date of his dismissal to the date of the passage of this act, and the retired list is hereby increased by one for said purpose.

The SPEAKER. The question is on the motion to suspend the rule and pass the bill.

Mr. RICHARDSON of Tennessee. On that motion I demand a second.

Mr. LAWRENCE. I ask unanimous consent that a second may be considered as ordered.

Mr. MOON. I object.

The SPEAKER appointed as tellers upon seconding the motion Mr. LAWRENCE and Mr. MOON.

The House divided; and the tellers reported—ayes 87, noes 5.

So the motion was seconded.

The SPEAKER. The Chair recognizes the gentleman from Massachusetts [Mr. LAWRENCE] and the gentleman from Tennessee [Mr. MOON] to control the time for and against this motion.

Mr. LAWRENCE. Mr. Speaker, this is a bill for the relief of Francis S. Davidson, late first lieutenant of the Ninth United States Cavalry. It proposes to place him on the retired list with the rank of first lieutenant. The bill was introduced in the Senate by the senior Senator from Massachusetts; it was recommended by the Committee on Military Affairs of the Senate, and passed by that body. It then came to the House and was considered by the Committee on Military Affairs of the House and favorably reported.

Lieutenant Davidson is a graduate of West Point, and in 1875 was in command of Company 9, United States Cavalry. He was ordered to proceed with his company to a place called "El Louz ranch," Texas. Upon his arrival there he was arrested upon charges relative to the inspection of his company, upon which charges he was acquitted, they being very easily disproved.

The officer who had been sent to relieve him then preferred further charges against him of breach of arrest and gambling. He was tried by court-martial and convicted. That conviction, in the opinion of officers and members of committees who have investigated the subject, was unwarranted by the facts. The report of the committee states:

He did not leave the ranch of El Louz or his company and did not violate the order of arrest, and the court erred in its finding as to fact and law. The only assertion as to gaming was that he threw a twenty-dollar bill on a monte table that a Mexican had in front of one of the huts of this ranch. Even that assertion was disproved by the evidence.

Judge-Advocate-General Dunn, in his report dated May 13, 1878, says that the new evidence submitted may be deemed to cast a doubt upon the guilt of the accused of the charge of gambling with enlisted men. He closes his report by saying that his reappointment to the Army would not, it is believed, be prejudicial to the interests of military justice. A careful investigation leads, is seems to me, irresistibly to the conclusion that he was not guilty of such a breach of arrest, as he did not at any time leave the ranch where he was told to remain with his company, and that the evidence as to gambling has been disproved.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I can not hear the gentleman's statement.

The SPEAKER. Does the gentleman yield?

Mr. LAWRENCE. Certainly.

Mr. RICHARDSON of Tennessee. Does the gentleman say that the accused was acquitted of the charge of gambling?

Mr. LAWRENCE. He was not acquitted, but was found guilty of gambling in the presence of enlisted men.

Mr. RICHARDSON of Tennessee. Was he acquitted of the charge of violating the order of arrest?

Mr. LAWRENCE. He was found guilty on both charges and discharged the service of the United States; but subsequently additional testimony was presented which has convinced impartial judges that he was wrongly convicted, and a bill for his relief was reported by the House Committee on Military Affairs as far back as the Fifty-fourth Congress.

Mr. RICHARDSON of Tennessee. I have not the report before me. Did the accused appeal to the President? Was the judgment of the court-martial affirmed or approved by the President?

Mr. HULL. If the gentleman will permit——

The SPEAKER. Does the gentleman yield to the gentleman from Iowa?

Mr. LAWRENCE. Certainly.

Mr. HULL. Without any appeal, the bill will naturally go to the President, and he will have to approve it before it could be executed.

Mr. LAWRENCE. There are several testimonials here from officers with whom he was associated and from officers who knew of him and his military record, testifying to his character as an officer and a gentleman. Among these testimonials are letters from General Lawton, General Hatch, General Bacon, General Hamilton, and others, which are attached to and printed as part of the report. It seems to me that a grave act of injustice was done a brave officer. He has been deprived of his commission upon charges shown to be without foundation. That has been the opinion of every committee that has considered the bill, and I therefore ask the House, as an act of justice long deferred, to suspend the rules and pass the bill to place Lieutenant Davidson upon the retired list. I reserve the balance of my time.

The SPEAKER. The gentleman from Massachusetts reserves the balance of his time, and the gentleman from Tennessee [Mr. MOON] is recognized.

Mr. MOON. Mr. Speaker, I do not care to speak to the bill.

Mr. PARKER. Mr. Speaker, I think it is due to the House to state that the gentleman from Minnesota [Mr. STEVENS] and myself have made a minority report on this case. The report is very short, and simply says that we think the charge of breach of arrest to be more than technical and that we do not agree with the conclusion that the offenses were not proved. The papers are not with the report—are not printed with them—but I have sent for them from the files, and I think I can state from memory, subject to correction by the gentleman who introduces this bill——

Mr. RICHARDSON of Tennessee. Mr. Speaker, I can not hear what the gentleman says. Inasmuch as he signed a minority report I would ask him if he now concurs in the motion?

Mr. PARKER. No. I am speaking to give the House information.

My recollection of the case, subject to correction by the gentleman who brought in this bill, is this: Lieutenant Davidson served as an Army officer from 1867 to 1878. He was then charged with gambling, I believe. He was put under arrest, which meant confinement to the camp. The camp was a Western camp, with rather loose boundaries, and while under arrest he went one night a short distance away from it to a ranch in the neighborhood, where they had a dance the greater part of one night. He was then charged with breach of arrest.

The papers, which have now been brought in, you see are somewhat too voluminous to refer to. I can not speak further than that, but I think it is due to the House to say that while the majority of the committee, all but two, were convinced by the very voluminous and numerous testimonials in his favor from such officers as General Lawton and men of the very highest rank, who expressed the thought that he had been punished too much and ought to be allowed to come back in 1878, 1879, and 1880, the minority of the committee was convinced of two things: First, we thought that the charges were proved. We are only two, and we may be wrong about that. But, second, we were likewise convinced that if anything ought to be done for the officer now it should be by way of simply giving him an honorable discharge, and that after a man has been for twenty-four years out of the Army he has not rendered the service which entitles him to a place upon the retired list.

Mr. LACEY. How long did he serve?

Mr. PARKER. He served, I think, eleven years.

Mr. LAWRENCE. Mr. Speaker, I now yield to the gentleman from Rhode Island [Mr. CAPRON] who reported the bill.

Mr. CAPRON. Mr. Speaker, the bill before the House had most careful consideration in the Committee on Military Affairs. The applicant had served his county for something like twelve or more years, and it will be observed that he was most of the time on the frontier and serving against hostile Indians. He was ordered with his company on a scout, to make camp at a water hole called El Louz Ranch. The officer who inspected his company preferred charges against him because of the condition of his wagons. An officer was sent to relieve him, and he was placed under arrest. It was not close arrest.

Any man who has been in the military service knows that the mere placing under arrest does not deprive the officer so placed of the privileges of going about the camp. This was out at a water hole in the far western desert district of this country, and it was charged that while so under arrest he was guilty of gambling. Now observe just what the Judge-Advocate-General who tried the case says in regard to it. Judge-Advocate-General Dunn, in his report of the case, dated May 13, 1878, says:

> The new evidence submitted may be deemed to cast a doubt, if not a reasonable doubt, upon the guilt of the accused of the principal offense of which he was convicted, viz, gambling with enlisted men in public. In view of this doubt and of the testimony produced by Mr. Davidson, this Bureau is now inclined to the opinion that the sentence of the accused was probably too severe a one. He has suffered under this sentence two and a half years, and his reappointment to the Army would not, it is believed, be prejudicial to the interests of military justice.

This officer was a graduate of West Point. His service was as honorable as that of any man in the Army. The technical offense charged against him was not proven, and the charge of gambling was the only serious offense, as the judge-advocate says, against him. It was afterwards proved that he did not gamble with enlisted men, but that there was some little irregularity in the matter, and that is all there is against this man. It seemed to the committee as though it was a punishment altogether disproportionate to the offense, considering that the officer had served honorably and faithfully for so many years.

Mr. TALBERT. Will the gentleman allow me to ask him a question?

The SPEAKER. Does the gentleman yield to the gentleman from South Carolina?

Mr. CAPRON. Certainly.

Mr. TALBERT. Was this officer restored to his rank after this evidence came in?

Mr. CAPRON. He was not restored to his rank.

Mr. TALBERT. He never made any effort to get back into the Army?

Mr. CAPRON. He has been making a continuous effort to get back into the Army, and the only method by which he could get back was by Congressional action.

Mr. TALBERT. Why did he not appeal his case? Why did he not take the regular course of appeal?

Mr. CAPRON. He took the regular course of appeal, so far as there was any, and the appeal was not favorably granted, for a reason which is not shown.

Mr. TALBERT. The appeal was refused, then?

Mr. CAPRON. I do not know that it was refused or granted. At any rate, he was told that his recourse was to come to Congress for his restoration, and he has the recommendation of many officers—General Lawton and other inspectors-general in the Army—stating that he had been unjustly condemned, and that it would be an honor to the country if he should be restored.

Mr. RICHARDSON of Tennessee. Will the gentleman allow me to ask him a question?

Mr. HULL. I was going to ask the gentleman a question.

Mr. RICHARDSON of Tennessee. I will wait until the gentleman from Iowa has asked his question.

Mr. HULL. I have no time under my own control, but you control twenty minutes.

Mr. RICHARDSON of Tennessee. There will be no trouble about the time. I do not take the floor to antagonize the bill.

The SPEAKER. The gentleman from Rhode Island yields to the gentleman from Iowa, in order that he may answer a question.

Mr. HULL. The gentleman from Tennessee controls the time on that side, and he says he will grant time.

Mr. RICHARDSON of Tennessee. We will do something about that. I want to ask this question. I am not as familiar as I ought to be, probably, with bills of this character. I know the gentleman who is chairman of the Military Committee is familiar with them. The proviso reads:

> That no pay, compensation, or allowance shall be paid him from the date of his dismissal to the date of the passage of this act; and the retired list is hereby increased by one for said purpose.

Now, is it the object and purpose to increase the retired list by one in order that no pay, compensation, or allowance shall be given?

Mr. HULL. Mr. Speaker, in reply to the gentleman, I want to say that there was really no use for that language in the bill. The House will understand, or should understand, that if the bill pass and the President nominates him to the Senate, and the Senate confirms him, he will receive from that time the full pay of retired officer of that grade. It simply cuts off any claim for pay from the date of his discharge from the service until the date of his reentering the service, and that was not necessary.

Mr. RICHARDSON of Tennessee. I probably did not make myself understood. The language is: "That no pay, compensation, or allowance shall be paid him from the date of his dismissal to the date of the passage of this act, and the retired list is increased by one for said purpose." For what purpose? In order that he may receive no pay, compensation, or allowance?

Mr. HULL. If Congress passes the bill it increases the retired list, which is limited in this class of cases, and these words are put in the bill so that it may be increased by one.

Mr. RICHARDSON of Tennessee. But the language is, "the retired list is hereby increased by one for said purpose." Does that mean that it is to be increased by one so that he may receive no pay, compensation, or allowance?

Mr. HULL. I understand the gentleman's contention is that the way the bill reads is that the retired list is increased by one in order that by that arrangement he should have no pay or allowance.

Mr. RICHARDSON of Tennessee. It says so.

Mr. HULL. My idea is that he will get no pay from the date of his discharge until he is reinstated and put on the retired list, which by the bill is simply increased by one. It may not be fortunately expressed.

Mr. SULZER. Mr. Speaker, I desire to say just one word, if the gentleman will permit me.

The SPEAKER. The Chair must advise the gentleman from Iowa that he is using time of the gentleman from Rhode Island.

Mr. HULL. I beg my friend's pardon.

Mr. CAPRON. I am very glad to yield to the gentleman from Iowa, chairman of the committee, who is more familiar with these cases than I.

The SPEAKER. Does the gentleman from Rhode Island yield to the gentleman from New York?

Mr. LAWRENCE. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has seven minutes remaining.

Mr. LAWRENCE. I yield to the gentleman from New York such time as he may desire.

Mr. SULZER. Mr. Speaker, just a few words regarding this case. As a member of the Committee on Military Affairs, I rise for the purpose of saying that the committee has had under advisement this bill, has carefully considered it, and we believe it is one of the most meritorious bills of this character ever reported from that committee. Mr. Davidson, in my opinion, was unjustly treated. The facts in the case demonstrate that he never should have been court-martialed; that he never should have been dismissed from the Army, and that he should be restored. The bill, sir, ought to go further than it does. This brave and gallant soldier ought to receive all his pay for the time he has been out of the Army, and while he was trying to get back—that is, reinstated. I think we ought to grant this tardy relief. It is an act of simple justice. I think every man here who favors fair play, who loves justice, who wants to right the wrongs of a brave soldier who has been illtreated, ought to vote for this bill. I shall, and in all my life I never cast a more conscientious vote. The bill should pass without a dissenting vote, and I hope it will.

Mr. LAWRENCE. I am ready for a vote.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken, and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

PROPERTY DESTROYED IN SUPPRESSING THE BUBONIC PLAGUE IN HAWAII.

Mr. POWERS of Maine. Mr. Speaker, I move to suspend the rules and pass the Senate bill No. 6216.

The SPEAKER. Is this by authority of the committee?

Mr. POWERS of Maine. By authority of the committee, unanimously.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 6216) to pay in part judgments rendered under an act of the legislative assembly of the Territory of Hawaii for property destroyed in suppressing the bubonic plague in said Territory in 1899 and 1900, and authorizing the Territory of Hawaii to issue bonds for the payment of the remaining claims.

Be it enacted, etc., That the sum of $1,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay in part the judgments rendered under an act of the legislative assembly of the Territory of Hawaii by the fire claims commission of that Territory for property destroyed in the suppression of the bubonic plague in said Territory in the years 1899 and 1900.

SEC. 2. That the governor and secretary of said Territory are hereby authorized to issue the bonds of that Territory in such sum, not exceeding $500,000, as, together with the money hereby appropriated, may be sufficient to pay all of said judgments. Said bonds shall be payable in gold coin of the United States of America of the present standard weight and fineness, shall bear interest at the rate of 4 per cent per annum, payable semiannually, and be redeemable in not less than five years, and payable in not more than fifteen years from the date of issuance. The principal and interest of all bonds shall be exempt from any and all taxes, and the payment thereof shall constitute a charge on the revenues of the Territory of Hawaii. Said bonds shall be sold at not less than their face value, and the proceeds thereof shall be applied to the payment of the judgments aforesaid, and to no other purpose, and they shall be of such form and denominations and be issued and sold under such rules and regulations as the Secretary of the Interior shall prescribe.

SEC. 3. That under no circumstances shall any such judgment claimant, or anyone claiming through him, be required to pay, nor shall any attorney or agent be entitled to charge, demand, or receive, directly or indirectly, more than 10 per cent upon the amount recovered as compensation for services or labor of any kind or character in the prosecution or establishment of the claim, and in cases of contracts or agreements providing for payment of less than 10 per cent the payment shall not be increased above the percentage so agreed upon. Before any such judgment shall be paid hereunder the governor of said Territory must certify that the same is genuine and was duly rendered in pursuance of the act of the legislative assembly of the Territory; and the payment of said judgments shall be in full satisfaction and discharge of any and all claims or demands against said Territory or the United States on account of any property destroyed in the said suppression of the bubonic plague.

SEC. 4. That this act shall take effect from and after its passage.

Mr. MOON. Mr. Speaker, I demand a second.

Mr. POWERS of Maine. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Maine asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The Chair will recognize the gentleman from Maine and the gentleman from Tennessee [Mr. MOON] to control the time.

Mr. POWERS of Maine. Mr. Speaker, this is a bill of considerable importance; important to the more than 6,000 claimants, many of whom had the last dollar's worth of property destroyed; important also in the sum that it takes from the United States Treasury. If the House will give me its attention, I will endeavor very briefly to explain the situation and some of the facts within the time allowed me which have induced a unanimous report on the part of the subcommittee the Senate sent over to investigate these fire claims and the unanimous report of the Senate Committee on Insular Affairs, and also a unanimous report on the part of the Committee on Territories of the House.

The Sandwich Islands, by virtue of a treaty, became a part of the United States July 7, 1898. The wisdom of this acquisition is no longer a subject of discussion. One of the provisions of the resolution passed by Congress making them a part of the United States is as follows. I wish gentlemen to give their attention while I read it:

Until Congress shall provide for the government of said islands, all the civil, judicial, and military powers exercised by the officers of the Government of said islands shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct, and the President shall have the power to remove said officers and fill the vacancies so occasioned.

While the islands were thus governed, before any Territorial government was established, in December 12, 1899, bubonic plague in a virulent and epidemic form broke out in those islands and continued until the 1st of April. It was very fatal. Of 71 cases, 61 died. Consternation and fear seized upon all the white inhabitants of the islands. Especially was this true of those living in the city of Honolulu, where most of the cases were located. The only method known to effectually stamp ou tthe plague is to burn everything, including dwellings, in the infected section. This was done, and all of that part of the city known as Chinatown was burned.

It had never been there before. At the time it broke out the transport *Warren* was in the harbor with over 800 United States troops on their way to the Philippines. It was a place where three-quarters of the commerce from New York, Seattle, and San Francisco to the far East stopped. Nearly all transports carrying troops to and from the Philippines call there for coal, water, and provisions. It was very necessary, indeed, that the plague should be eradicated and thoroughly stamped out, and, as I have stated, the only method known for doing it effectually is to burn and destroy by fire. This burning was resorted to by the board of health, with the approval, advice, and assistance of the consul-general of the United States, under instructions received from Washington. I will read you one of the instructions from the Secretary of State:

DEPARTMENT OF STATE,
Washington, January 23, 1900.

Hon. SANFORD B. DOLE, *Honolulu:*

In view of the importance of thorough and immediate measures for the sanitary protection of Honolulu and of any other spot in the Hawaiian Islands threatened with contagion, the President directs me to say to you that all proper expenditures authorized by the council of state of Hawaii, under the provisions of section 6 of article 81 of the Hawaiian constitution, for the purpose of eradicating the bubonic plague, will meet with the President's full approval.

JOHN HAY.

The plague continued until April. All business was suspended. The citizens formed themselves into committees and spent their time, for which nothing is asked. They built detention camps, placed in them some 5,000 people, fed them there, and surrounded them with a fence and a cordon of United States soldiers and guards, and finally eradicated the plague after some four months.

In the course of the burning, at one time the fire got beyond the control of the fire department and burned more buildings than was intended; but I think, and the committee thinks, that it was really a good move, as it succeeded more quickly in stamping out the plague. Just after the plague had been eradicated, and before it was known how much damage had been done, and before the fire commission authorized by the President to report had investigated and determined the amount of damage, Congress, in June, 1900, passed an organic act organizing the islands as a Territory, and in that act, they transferred all the revenues of the islands resulting from customs duties and internal-revenue assessments from the treasury of the island to the Treasury of the United States.

In paying the large expense arising in the suppression of this plague, up to June, 1900, the island had the benefit of the revenues, customs, etc., and they paid from their treasury for food, for maintenance, and concentration camps over $800,000. After that time, as the revenues had been transferred to the United States, it became impossible for them to pay, as they were prohibited from borrowing, and it would impoverish them to raise so large a sum by taxation. This property was not only burned, as I have stated, but when the plague broke out on adjacent islands the United States war vessel *Iroquois* was sent down by the consul, and they burned the whole place. In short, this eradication of the plague was done under the direction of the United States Government, when the President, under instructions from Congress, representing the dignity, authority, and power of the United States, was the sole authority.

Before transferring these revenues, the Government authorized the establishment of a commission of five persons. I might read, but I have not the time, the instructions sent by Secretary Hay to these people appointed as a fire commission. That commission passed upon these claims. It was composed of honorable men. One was a banker, one was a leading merchant, one was a leading attorney, whom we had before our committee, and all were gentlemen of character; and opposition to the claims was represented by counsel for the islands. After a careful hearing, claims to the amount of 43 per cent of the amount claimed were allowed, but they have not been paid.

There are over $1,400,000 of these claims allowed. Now, they ask that under these circumstances, when it would produce such great hardship and when in fact they can not pay them themselves, that the United States will assume $1,000,000 of the claims passed upon, and that they will permit the Territory of Hawaii to issue bonds for whatever amount not exceeding $500,000 that is necessary to pay the rest, which is all the islands can afford to pay.

Mr. FINLEY. Mr. Speaker, I would like to ask the gentleman if it is not true that at the time the fire claims commission was formed, and at the time of their deliberations in passing on these claims, it was understood and expected that the Territory of Hawaii would be able to pay these claims, and subsequently found themselves unable to do so?

Mr. POWERS of Maine. That is true. When this commission was acting, they supposed they would have the revenues and have to pay them out of their own treasury. I have no question, and neither has the committee, from the examination of one gentleman who sat upon that commission and from other evidence that these claims have been cut down, that they are honest and that they are not larger than they ought to be and in many cases smaller than they ought to be.

Mr. MADDOX. Mr. Speaker, the gentleman spoke of some gentleman appearing to oppose the claim.

Mr. POWERS of Maine. I do not know about that. This is a claim for a large amount, and it was up here as an amendment put on by the Senate to an appropriation bill a year ago.

Mr. MADDOX. I understand that, but I understood the gentleman to say that these claims were opposed before the committee. I should like to know who opposed them.

Mr. POWERS of Maine. No. When the claims were brought before the fire commission, there was an attorney who opposed every one of the claims, or rather he scrutinized them before this commission of five, so as to understand them and see that nothing was allowed but what was right.

Mr. MADDOX. That was on the island?

Mr. POWERS of Maine. That was on the island. He simply scrutinized them and saw that nothing was allowed that should not be.

Mr. MADDOX. The islands were not then annexed to the United States?

Mr. POWERS of Maine. The islands were annexed the summer before, but this property was burned during the transition period between the time that the islands were annexed under a treaty, or by resolution of Congress, and the time that the organic act was passed by Congress organizing them into a Territory.

Mr. MADDOX. Now, it is proposed for the United States Goverment to assume $1,000,000 of this debt?

Mr. POWERS of Maine. Yes; and among the equities why they should assume it, let me state one or two. In the first place, we assumed $4,000,000 of their bonded debt, and at the time of annexation we obtained as a consideration for so doing property amounting to $4,685,000, according to an appraisal which, as I am informed and as our committee was informed, would sell for some $6,000,000 to-day to private parties if the Government would part with it.

Again, of the net revenues up to the 1st day of last January, after deducting the expenses of collection, after deducting everything that has been paid to judges, governor, and other official persons there, we have received and now have in the Treasury the sum of $2,585,099, since they were organized as a Territory and the revenues were collected by the United States.

Mr. MADDOX. As I understand, our Government having assumed possession of all the income of that island, which now goes into our Treasury, the government there has now no method or means for paying this indebtedness.

Mr. POWERS of Maine. No method but by taxation; and to pay the whole of that sum by taxation would be, considering the number of people and the amount of property in the island, almost confiscation.

This was a matter of great national importance. With the transports carrying our troops, going backward and forward and calling at Hawaii for water on their way to the Philippine Islands, it deeply concerned all the people of the United States.

Mr. MADDOX. Could the authorities there tax the people for the payment of this debt without the authority of Congress?

Mr. POWERS of Maine. They could not issue bonds and raise the money; but they ask the authority of Congress to issue bonds to an amount not exceeding $500,000. As has been already stated, the existing law does not permit them to create this charge upon the people. The organic law prohibits the issuing of bonds unless under special authority of Congress.

Mr. SNOOK. Will the gentleman allow me a question?

Mr. POWERS of Maine. Certainly.

Mr. SNOOK. In the letter which you have read, from some officer of the United States to some officer in the Sandwich Islands——

Mr. POWERS of Maine. It is from Secretary of State Hay to Governor Dole.

Mr. SNOOK. In that letter the officer refers to some act or regulation of the islands under which this shall be done. What act or regulation?

Mr. POWERS of Maine. It was an act of the islands asking the creation of a commission to act on these fire claims.

Now, in addition to the great equity of this claim and the necessity of providing for paying it, in addition to the fact that it has been unanimously approved by every committee that has investigated it, it seems to me that every principle of equity and justice demands that it shall be paid. If gentlemen will look at the last message of the President of the United States they will find him calling attention to this matter in the following language:

I commend to the favorable consideration of the Congress the Hawaiian fire claims, which were the subject of careful investigation in the last session.

When interrupted a moment ago I was about to say that this matter came to us from the Senate one year ago tacked on to an appropriation bill, and the House refused concurrence in the amendment, the gentleman from Illinois, chairman of the Committee on Appropriations [Mr. CANNON], saying, and saying rightly, that whatever merit there might be in the claims they had never been investigated and passed upon by a committee of this House. Since that time they have been carefully investigated and passed upon by the Committee on the Territories, and that committee is unanimous in the belief that it is a measure of equity and justice, and that these claims should be paid, and has authorized me to so state.

Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore (Mr. DALZELL). Six minutes.

Mr. POWERS of Maine. I reserve the balance of my time.

Mr. THAYER. Mr. Speaker, as the gentleman from Maine [Mr. POWERS] has very clearly stated, this bill has met the approbation of the special committee that went out to Hawaii. It has also met the approval of the Senate committee and of the Senate and has received the unanimous vote of the House Committee on the Territories. I think that for us to fail to pass this bill would be a breach of good faith on the part of our Government. By reason of the terrible plague which raged in the Hawaiian Islands in 1899 property to the value, in round numbers, of $1,500,000 was destroyed. The President of the United States was notified of the conditions which prevailed there, and through Mr. Hay, Secretary of State, sent a telegram to Mr. Dole, saying:

In view of the importance of thorough and immediate measures for the sanitary protection of Honolulu and of any other spot in the Hawaiian Islands threatened with contagion, the President directs me to say to you that all proper expenditures authorized by the council of state of Hawaii, under the provisions of section 6 of article 81 of the Hawaiian constitution, for the purpose of eradicating the bubonic plague will meet with the President's full approval.

I undertake to say that this, if not in terms, was in essence an assurance to the people there that when the exact amount of the loss shold be determined, or determined as nearly as possible, the Government here would make reimbursement. A commission consisting of five impartial men was appointed to appraise the property destroyed and ascertain as nearly as possible its value. The value of the property amounted, as I have said, to a million and a half of dollars. The Hawaiian people expended, in round numbers, $800,000 for putting a stop to this terrible plague. They now ask that the Government pay to them $1,000,000 out of the $2,500,000 of revenue which we have received from the islands, and that then they may be authorized to issue bonds to pay the remaining half million themselves, we to pay two-thirds of the loss and they one-third.

I feel that it is not only a matter of justice to the people three, but it is also a matter of justice to ourselves, that this bill should pass. I have failed yet to find any person, before our committee or elsewhere, who has been opposed to the bill. It is preeminently a matter of justice to those unfortunate islanders and a duty we owe them, which duty we assumed when the President sent the telegram heretofore referred to. I earnestly hope the bill will pass.

The SPEAKER pro tempore. The question is, Shall the rules be suspended and the bill passed?

Mr. MOON. Mr. Speaker, having made the motion demanding a second, the control of the time in opposition to the bill passed to me. I desire to ask gentlemen on this side and on the other side of the House if any of them desire to speak in opposition to the bill. If anyone does, I think it proper for me to yield the gentleman time. I do not desire now to oppose the bill, and if no gentleman desires to speak in opposition we are ready for a vote.

Mr. SULZER. Mr. Speaker, I would like just a second.

Mr. MOON. I yield to the gentleman from New York.

Mr. SULZER. Mr. Speaker, I only want to say that the gentleman from Indiana [Mr. ROBINSON], a member of this committee, was called away last week on account of a death in his family. Before he left he asked me to state to the House when this bill came up for consideration that as a member of the committee he voted to report this bill, that he was absolutely in favor of it, and that he thought it was a very just and meritorious measure and ought to pass. In addition, I know the facts in this case and shall vote for the bill. I say, too, it is meritorious and a matter of justice.

The SPEAKER pro tempore. The question is, Shall the rules be suspended and the bill passed?

The question was taken; and, in the opinion of the Chair, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

ELASTIC CURRENCY.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent to withdraw report No. 3148 for the purpose of correcting some figures in two of the paragraphs and for a reprint of the report, adding to the report in the reprint the bill itself for the convenience of the members of the House.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent to withdraw, for the purpose of correction, report No. 3148, from the Committee on Banking and Currency, for the purpose of having a reprint, and that the bill may be printed with the report. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. FOWLER. Mr. Speaker, the minority were allowed time in which to file their report. That time, I believe, would expire to-day. I ask unanimous consent that that time may be extended two days, unless the bill should be called up.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent that the leave granted to the minority of the committee to file its report be extended two days. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

EFFICIENCY OF THE MILITIA.

The SPEAKER pro tempore laid before the House the bill (H. R. 15345) to promote the efficiency of the militia, and for other purposes, with Senate amendments.

The Senate amendments were read.

Mr. DICK. Mr. Speaker, I move that the Senate amendments be concurred in by the House.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Ohio, that the House concur in the Senate amendments.

Mr. UNDERWOOD. Mr. Speaker, as a matter of information, I would ask from what Calendar this bill came?

The SPEAKER pro tempore. It is a House bill with Senate amendment and comes from the Speaker's table.

Mr. UNDERWOOD. Was it originally from the Union Calendar? In other words, Mr. Speaker, I make the point of order that this bill is not one of those bills which can be properly laid before the House until it has first been referred to the committee having it in charge, unless unanimous consent is given.

The SPEAKER pro tempore. Will the gentleman from Alabama indicate any amendment which involves discussion in the Committee of the Whole, because the amendments are the test, of course, of the rule?

Mr. UNDERWOOD. The entire bill comes from the Union Calendar. It creates changes of office and, as I understood it, some of the amendments affect those sections of the bill which provide for the creation of offices.

The SPEAKER pro tempore. The bill is not under consideration, the Chair will say to the gentleman, only the amendments of the Senate to the House bill, and unless those amendments involve charges upon the Treasury——

Mr. UNDERWOOD. Or the creation of an office.

The SPEAKER pro tempore. Or the creation of an office, it does not require consideration in Committee of the Whole.

Mr. UNDERWOOD. As I understand, Mr. Speaker, I gathered from the reading of the amendments that some of them affect sections of the bill which create offices.

The SPEAKER pro tempore. The Chair will send the bill to the gentleman for his inspection.

Mr. UNDERWOOD. Whether they strike them out or create them, it is the same thing. In other words, the House passes a bill creating certain offices. The Senate strikes that out and it comes back here with that stricken out. I do not mean to say that I am opposed to the striking of it out, but it can not be properly considered, as the sections that are now before the House affect——

The SPEAKER pro tempore. If the gentleman from Alabama will examine the amendments and specify which particular amendment he has reference to, the Chair will then be able to pass upon the question.

Mr. UNDERWOOD. The bill is just before me for the first time since it came back, but my understanding was that the Senate amendments have stricken out certain provisions in this bill creating offices and affecting the section creating offices.

The SPEAKER pro tempore. A diminishing of the officers provided for in the House bill would not carry the bill to the Committee of the Whole, because instead of being an additional charge upon the Treasury, it would be a relief to the Treasury.

Mr. UNDERWOOD. With all due respect to the opinion of the Speaker pro tempore on that question, I must beg to differ, because when the House takes up a section that carries a bill to the Union Calendar, or that should properly be considered on the Union Calendar, the fact that the Senate strikes that provision out does not relieve it from the effect of the rule, because the House may want to return that section to the bill; and if they do want to return it, it should first be considered in Committee of the Whole, and it may be that the amendments in themselves do not create an office. As a matter of fact, they strike out some offices.

The SPEAKER pro tempore. The Chair will have the Clerk read section 3 of Rule XXIII, and then Rule XX.

The Clerk read as follows:

3. All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

The SPEAKER pro tempore. The Clerk will now read Rule XX.

The Clerk read as follows:

RULE XX.

OF AMENDMENTS OF THE SENATE.

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall be first considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

The SPEAKER pro tempore. Now, will the gentleman from Alabama indicate what particular amendment here necessarily carries this bill to the Committee of the Whole under Rule XX?

Mr. UNDERWOOD. Mr. Speaker, as I understand this bill, the eighth amendment strikes out this provision:

SEC. 24. That for the purpose of providing a reserve force of trained men which shall be ready for immediate service whenever called for and organized under authority of Congress, the Secretary of War is authorized to apportion among the several States and Territories and to enroll not exceeding 100,000 men, who shall have served in the Regular or Volunteer armies of the United States or in the organized militia. Such reserve force shall be designated as the National Volunteer Reserve, and when called forth by the President shall serve wherever ordered, within or without the territory of the United States. Such enrollment shall in each case continue for a period of five years, but in the event they shall be called into the service of the United States, other than for the purpose of drill, inspection, and instruction, they shall be entitled to be discharged at the close of the war or after nine months' service. The persons so enrolled shall report for drill, inspection, and instruction at such times and places to be specified and under rules and regulations to be prescribed by the Secretary of War, and each person so reporting shall, during the time of such service, be subject, as far as practicable, to the regulations and discipline governing the military establishment and shall be entitled to the same pay and allowances as are or may be provided by law for the Army of the United States, to be paid out of the appropriation for the pay of the Army, but in time of peace, except in case of threatened invasion, said National Volunteer Reserve shall not be required to perform military duty to exceed ten days in any one year.

Whenever a volunteer force shall be called for by authority of Congress, and the members of any companies, troops, batteries, battalions, or regiments of the organized militia shall enlist in the Volunteer Army in bodies, such companies, troops, batteries, battalions, or regiments shall be received as the first organizations of such volunteer force. Whenever a volunteer force shall be called for by authority of Congress exceeding in number the companies, troops, batteries, battalions, and regiments of the organized militia which shall enlist in bodies pursuant to the provisions of section 6 of the act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898, the persons so enrolled as a reserve force of trained men, or so many thereof as shall be required, shall be organized in the manner provided for the organization of the volunteer force by section 12 of the act entitled "An act for increasing the efficiency of the Army of the United States, and for other purposes," approved March 2, 1899: *Provided*, That the President of the United States, in time of peace, may by order fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps: *Provided further*, That no person shall belong to both organizations at the same time.

In other words, the original bill goes on to provide for the creation not only of offices, but of an army. Well, now, my only objection to it is that I say it is in conflict with the rule invoked to lay this bill before the House as a privileged matter. All I desired to do was to see that the bill should come properly before the House, so that the minority could be protected; but since I have been on my feet I have been informed that the minority of the committee have considered the question and are willing that this section should go out. Therefore I am not opposed to it, but I think it ought to be submitted by unanimous consent, and not as a privileged matter.

The SPEAKER pro tempore. Is the language that the gentleman from Alabama has read stricken out by the Senate amendment?

Mr. UNDERWOOD. It is.

The SPEAKER pro tempore. The Chair understands that it has been ruled, times without number, and it would be tedious to restate the number of times it has been ruled, that a Senate amendment which is a modification merely of a House proposition, like the increase or decrease of an amount, and so forth, and that does not involve new and distinct expenditures, is not required to be considered in Committee of the Whole. The Chair therefore overrules the point of order, and the gentleman from Ohio [Mr. DICK] moves to concur in the Senate amendments.

The motion was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HITT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of appropriation bills, with a view of calling up the diplomatic and consular appropriation bill.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House bill 16604, the diplomatic and consular appropriation bill.

The question was taken, and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PARKER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16604) making appropriations for the diplomatic and consular service of the United States for the next year. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 16604) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1904.

Mr. HITT. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

Mr. McCLELLAN. I have no objection to that, if I can have five minutes.

Mr. HITT. We will come to general debate a moment later.

Mr. McCLELLAN. With that understanding I have no objection.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. HITT. Mr. Chairman, this bill makes the provision that is usual, and which we pass annually in support of our ministers, consuls, and other officers in foreign parts. It appropriates $1,929,000 and upward—not as much as the bill of last year of the same title; but there was a subsequent bill for our service in the Republic of Cuba, and also in a deficiency bill there were certain appropriations made, which I will call attention to and bring before the committee when we come to those points.

The whole body of appropriations last year amounted to a little above $2,000,000. The estimates that have been sent to the House by the Department this year recommend the expenditures of $2,145,000. That is $216,000 more than we appropriate in the bill. Now, if the additions are made that I have just indicated as necessary to support the service in Cuba and provide for those officials who were in a separate bill last year, it will add $16,500, making this bill $1,945,000 and upward. There is a considerable reduction in this appropriation bill below what we appropriated last year. It is because in that bill we provided $60,000 for the erection of a legation building in Pekin, China. It is not necessary to repeat that appropriation this year. There was $5,000 then appropriated for costs in extradition cases, now provided for in other legislation, and $3,000 last year for the Red Cross convention at St. Petersburg, now over, which in all is $69,000 not in this bill.

There is a considerable number of increases in this bill, and, to be frank about it, nearly all are subject to the point of order, so that any gentleman who chooses to can have any such particular item thrown out.

The increases to which I refer can all be very briefly stated. The committee, on the repeated recommendation of the Department of State, has provided for a secretary of legation at Switzerland, where heretofore the minister has been the only officer representing the United States.

For a considerable part of each year he had to be absent, or was absent under the rules, and there ought to be an officer there all the time. The secretary is necessary to help him at other times and is our chargé d'affaires when the minister is absent. There has been an addition to the compensation given to our consul-general at Cape Town, in South Africa. The case was urgent. It was not only a complaint, such as we are accustomed to hear, that prices were high, and the man wanted more, or did not get as much as somebody else. The fact is, no one was willing to stay there at the compensation allowed. The last one resigned, and no one fit for it would take his place with the same pay, so we have raised it $2,000.

There is a $500 increase in the salary of the consuls-general at Canton, $500 at Marseilles, $500 at Auckland, and $500 at Singapore. These are exceptionally meritorious cases, increasing commercial business requiring large expenditures. There is an addition of $500 to the salary of the consuls at Pretoria, a post which the Department has not been able to fill at all times because of the low pay; at Bombay, where the compensation is not enough for the service; and at Sydney, New South Wales, which the gentleman from New York [Mr. DOUGLAS], who is present, explained very fully to the House last year as a post inadequately paid; at Hull; at Tamsui, in the island of Formosa, where a man can not live on the pay; at Yarmouth, Ceiba, Gaspé Basin, and Stanbridge.

These last are posts where the consul is now being paid a thousand dollars a year. By the rules of the State Department an officer who is paid only $1,000 is allowed to do business. That may lead to very undesirable results. The consul, if he is a member of a firm, and he generally becomes a member very soon, may spy on the business of the other firms, seeing all their invoices, and it is not a fair or just thing to business to have one trader in a place officially clothed with power to look into the business of all the other firms. So we have raised Ceiba, Gaspé Basin, and Stanbridge from $1,000 to $1,500.

That bars them from doing other business, and they are required to devote all their time to their duties as consuls. We have increased the allowances to various posts for clerk hire by small sums, $200 and upward, amounting in all to $2,300. There were a great number of recommendations made by the Department for increase of compensation of various officers, but the committee have not adopted them. They have only selected a few posts where the cases seemed so clear that it was not likely any member of the House would raise a point of order against them.

The items that are not subject to a point of order I will move as we reach them, being those provided for last year in the supplemental bill. I do not wish to consume further time in general debate, and I would ask my friend from Arkansas if he desires to make any arrangement about general debate?

Mr. DINSMORE. I do not desire to say anything myself, but there are two gentlemen on this side who want to use a little time, and I suggest that we let the matter run along a little, when debate will soon exhaust itself.

Mr. HITT. Then, Mr. Speaker, I will reserve the balance of my time.

Mr. DINSMORE. I yield to the gentleman from New York [Mr. McCLELLAN].

Mr. McCLELLAN. Mr. Chairman, in approaching any matter that is reported from the Committee on Foreign Affairs, it behooves one to tread circumspectly, with hat in hand. For a tradition has grown up in this House—that almost amounts to a fetich—that the Committee on Foreign Affairs can do no wrong; and in speaking of this committee I use the word in the sense in which it is usually employed on the other side, to include only the members of the majority of the committee, for, thanks to the oppressive rules under which we operate, the distinguished and able gentlemen in the minority are in the same position as are the members of the minority of most of the great committees—they are more ornamental than useful. And so I realize that it requires some temerity to criticise anything that comes from that committee. Probably what I say will be entirely ignored.

It may be that if I interrupt the chairman of the committee for a sufficient length of time from the reception of the admiration of his followers, he will cast a contemplative glance over the edge of the pedestal upon which his committee sits enthroned, and in so doing see me buzzing around the base of the pedestal. [Laughter.] He will then brush me aside in his invariably courteous way—for the gentleman from Illinois can not be any thing but courteous—in the invariable courteous manner that he employs, saying that I know nothing whatever about the bill before the House, and then he will crush me with the statement that the bill has been unanimously reported.

In both of these statements the gentleman from Illinois will be absolutely correct. The bill has been reported unanimously from the Committee on Foreign Affairs, as every bill is reported from that committee, for the very good reason that the majority members of the committee must be of one mind, having but one, and that is the mind of the gentleman from Illinois. [Laughter.] It will be equally true that I know nothing whatever about the bill before the House. I flatter myself that I possess an ordinary average intelligence and a certain amount of industry. I have tried to fathom the depths and to explore the width and length of this bill, without success. Having thrown it aside discouraged, I turned to the report of the committee, and I found the report as unsatisfactory as the bill. It is less than a page long, although the bill carries $2,000,000 of appropriation. It is the only appropriation bill that is ever reported to the House of which the House is not permitted to know anything.

The great Committee on Appropriations is so fair and kind to us that it takes the House into its confidence long enough at least to make a comparative statement of each item appropriated for the current year, each item carried on the bill, and the items recommended by the Department. The report accompanying this bill simply states the total carried on the bill, and the total carried for last year, and the total recommended by the Department, with a list, or what purports to be a list, of what are the increased salaries recommended and the new position created, and furnishes a conclusive argument in favor of the new position and the increase of salaries by saying that the committee is unanimously in favor of them. However difficult it may be at times to locate the position of our beloved Committee on Foreign Affairs on any subject, there is one question upon which we always know where to find it. Whenever a recommendation or a proposition is made to create a new office or to increase a salary, the Committee on Foreign Affairs is always unanimously in favor of such increase. [Laughter.]

I take it, Mr. Chairman, that in this matter-of-fact age of dollars and cents the chief purpose of the diplomatic service, as well as of the consular service, is the fostering of commerce. If the diplomatic and consular services are economically managed—if the total cost is low in proportion to the total amount of commerce—then it is a fair conclusion that we have an efficient diplomatic and consular service, and that the Committee on Foreign Affairs has done its duty. If, on the other hand, the diplomatic and consular services are extravagantly managed—if they are

overmanned and underpaid—then it is a fair conclusion that our diplomatic and consular services are not well organized or well managed, and that the Committee on Foreign Affairs has failed to do its duty.

The diplomatic officials of the United States—I speak of the heads of embassies and legations—are worse paid than the similar officers of any other country. If we are to be represented at all, we must place our diplomatic officers in a position to accept and return courtesies and to assume and discharge social obligations; but we expect them to do this with very small salaries. The result of this is that, in so far as our embassies are concerned, a poor man or a man of moderate wealth can not afford to represent the United States. In Great Britain, when a faithful patriot has loyally replenished the exchequer of his party by contributing large campaign funds, he is sooner or later rewarded with a seat in the House of Lords, where he does comparatively little harm. In the United States we have no House of Lords, and accordingly faithful financial service to party is rewarded with an embassy, if one is vacant, or if not, with a large mission.

The result is that in this country, where we are in the habit of saying that every newsboy in the street may some day aspire to the Presidency, all of the people, with the exception of the very rich, are excluded entirely from one branch of the public service. We have, in fact, one important branch of the public service that is reserved entirely for one small class in the community. I do not mean to suggest that our diplomatic officers are not efficient, for many of them are, nor that all of them have made large campaign contributions, for many of them have not. What I mean is that both parties frequently reward financial services with embassies, and that an American, to be an ambassador and properly maintain the dignity of the office, must be rich.

The United States has 7 ambassadors, against Great Britain's 8, Germany's 8, and France's 10. We have 26 envoys extraordinary and ministers plenipotentiary, against 26 for France, 15 for Germany, and 16 for Great Britain. We have 2 ministers resident, against 10 in Great Britain and 9 in Germany; a total of heads of legations and embassies of 37, against 48 for Great Britain, 36 for France, and 31 for Germany. We have 39 secretaries of all grades, against 72 for Great Britain, 45 for Germany, and 61 for France; or a total of diplomatic officers of all grades of 76 for the United States, 120 for Great Britain, 76 for Germany, and 97 for France.

The consular service is equally poorly paid in salaries, but there is also a system of fee compensation which is so complicated, so involved, and so mysterious that I have never been able to understand it. That system permits our consuls to at least eke out a decent living.

While our consular service is underpaid, it is overmanned. We have more consular officials of all grades than any other nation on earth, and our budget is almost as large as that of any other on earth. We have to-day 45 consuls-general, against 43 for France, 27 for Germany, and 39 for Great Britain. We have 239 consuls, against 257 for France, 88 for Germany, and 226 for Great Britain; or a total of salaried consular officers of 284, against 261 for Great Britain, 257 for France, and 115 for Germany. In other words, we have more salaried consular officers than any nation on earth.

In feed officers we again lead the list, France and Germany having none, Great Britain 413, and the United States 757, or a total in the consular service of 1,041 officials paid salaries and fees against 678 for Great Britain, 257 for France, and 115 for Germany. In other words, it takes nearly two Americans to do the work of one Englishman; nearly four Americans to do the work of one Frenchman; and nearly ten Americans to do the work of one German.

There is nothing contained in the report of the committee to show that the budget includes all the expenditures for our diplomatic and consular services. For all we know, there may be items on other appropriation bills, that do not appear and are not referred to here. The budget of the United States as now before us amounts to $1,929,025. The budget of France amounts to only $1,856,480, which includes not only salaries for diplomatists and consuls, but rent and entertaining allowances as well. The budget of Germany amounts to $2,126,925, and that of Great Britain to $2,450,260.

The proportion of expenditures on the consular and diplomatic services compared with the total commerce of the four great commercial nations is equally instructive. Our total commerce amounts to $2,310,937,156. The cost of our diplomatic and consular services in proportion to the total commerce of the United States is eighty-three one-thousandths of 1 per cent. That of Great Britain is the least. With a commerce of $4,349,272,330, her diplomatic and consular budget is fifty-six one-thousands of 1 per cent; that of Germany is seventy-eight one-thousandths of 1 per cent of her commerce of $2,681,606,000; that of France the highest, one-tenth of 1 per cent of her commerce of $1,776,142,600. It is a fair estimate of the relative cost of the services to compare the cost of maintaining the commerce between any two countries—that is, the cost of the diplomatic and consular services, for example, of Germany and the United States, or of France and the United States.

It would be unfair to compare Great Britain with the United States, for there are so many more posts in Great Britain that we must fill than Great Britain must fill in the United States. Thus with the same commerce, of course, between the two countries, the United States has in France a total of 20 salaried consular officers and 56 feed, amounting to 76 in all, with salaries of $47,100 and fees of $15,766, or $62,866 in all, as against a total of 10 paid officials on the part of France, drawing salaries of $50,400, or $12,000 less. The same result appears with Germany. We have in Germany 35 salaried consuls and 61 feed, or a total of 96, at a cost of $78,700 in salaries and $31,270 in fees, or $109,970 in all, as against a total for Germany in the United States of 12 consular officers, with salaries amounting to $63,250. So much for generalities.

This bill carries amendments numbering, I think, 16, against which points of order will lie. The proposed increases of consular salaries are not as excessive as they appear upon the surface, for the reason that living is high in all the ports for which increases are recommended, and salaries paid by us are much less than the consuls of other great powers receive. The provision for a new secretary of legation in Switzerland, however, stands on an entirely different basis. It is said that without this new official there is no one to act in case our minister to Switzerland goes away, the suggestion being that the United States minister in Switzerland is so devoted to his duty that he never leaves his post.

Until lately there was no secretary of legation in Belgium or in Holland or in Norway and Sweden, and we have none to-day in Denmark or Portugal or Persia, or in several of the South American countries; yet, Mr. Chairman, there is no case of an American minister who has not with patriotic regularity taken advantage of the departmental rules and taken at the same time his annual leave of absence. It is also a fact that until 1891, I think it was, in Switzerland we had only a minister resident, at a salary of $5,000 a year, who performed also the functions of a consul-general at Berne. The salary was then raised to $7,500 and the consular functions were conferred on the consul at Berne, who was a new official, and the consul at St. Gall was made consul-general.

Great Britain, which is famous for the large salaries which she pays to her diplomatic representatives, and who always uphold the dignity of the country as far as the externals are concerned, has an envoy at Berne who receives the lowest salary of any envoy in the British service—$7,250. He has no secretary of legation nor unpaid attaché, and yet he succeeds in performing his duties with apparent satisfaction to Great Britain. It can not be that the commerce with Switzerland involves so many diplomatic questions that a secretary is essential, for, while the United States is only fifth in its commerce with Switzerland, it has to-day six salaried consuls and ten feed vice-consuls and agents, while Germany, who heads the list of countries trading with Switzerland, does her whole consular work with one consul-general and one consul.

France, which is No. 2, does the work with two consuls-general and one consul, while Great Britain, which is No. 3, requires four feed consuls and one feed vice-consul. So that that can not be the reason for this increase. The only possible purpose for the creation of this new office is that it is intended to increase the importance and the dignity of the individual who is to fill the mission. Now, I have absolutely no doubt that the gentleman who has lately been nominated as minister to Switzerland will fill the important functions of his position with great satisfaction to the United States, but it scarcely seems to me that it is wise legislation, that it is patriotic legislation, to add one office, even an insignificant secretary of legation, and to still further swell the burdens of the people, though it be but by $1,500 a year, for the purpose of adding importance and dignity to the gentleman lately sent to the Republic of Switzerland.

I realize that if we should not agree to this amendment the Senate will doubtless restore it, but such is my admiration and respect for the Committee on Foreign Affairs that I should prefer to see the Senate assume the responsibility, and I shall at the proper time relieve our committee of assuming it. So, Mr. Chairman, in what little I have had to say I have tried to treat the great Committee on Foreign Affairs with all due respect. If I have seemed disrespectful I can only fall back upon the time-honored doctrine that the man in the street is entitled to his opinions of his betters, and that even a cat may look at a king. [Laughter and applause.]

Mr. DOUGLAS. I have listened with some surprise to the statements of the gentleman from New York, and before he sits down I should simply like to ask him whether he is really in favor

of decreasing the salaries of the consuls of the United States, or whether he is in favor of raising the salaries and reducing the force?

Mr. MCCLELLAN. I am sorry that I have not made myself understood by the gentleman. I certainly intended to say, and I think I did say, that I considered our consular service underpaid and overmanned. The salaries that we pay, as I explained at the beginning of my remarks, are lower than any paid by any of our great trade rivals, while it requires double, treble, and five times as many men to do the work as are required to do the work for other countries. In other words, I would reduce the number and increase the salaries.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the Chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

S. 5561. An act for the relief of S. R. Green.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House of Representatives to the bill (S. 2296) to amend an act approved March 2, 1895, relating to public printing.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 5118) granting an increase of pension to Adam Stuber, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. BURTON, and Mr. TURNER as the conferees on the part of the Senate.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The committee resumed its session.

Mr. DINSMORE. Mr. Chairman, as a member of the Committee on Foreign Affairs, I want to thank my good friend from New York [Mr. MCCLELLAN] for the valuable information which he has furnished for the RECORD in connection with the consular service. My friend from New York never addresses the House upon any subject that he does not add to the information of the House, and that which ought to be useful and profitable to us at all times. And I want to say to my friend that as a member of the Committee on Foreign Affairs, I shall study the statistics which he has furnished with much care. But I can not consent to have the gentleman from New York make some of the statements which he did make with reference to the Committee on Foreign Affairs without a challenge as to the correctness of those statements.

Mr. MCCLELLAN. If the gentleman will pardon me, he does not want to do me an injustice. I expressly excepted from my statement the distinguished members of the minority of the committee.

Mr. DINSMORE. Nevertheless—I would not do my friend an injustice at any time—his statement was that there always came from the Committee on Foreign Affairs unanimous reports; that the members of the minority, however respectable and ornamental they might be to the committee, were not supposed to have any other function or duty to perform there except to assent to the reports made by the majority.

Mr. Chairman, my friend who is usually so accurate and correct is not accurate in this respect, because, if he will reflect, that committee has among its membership my robust friend from Missouri [Mr. CLARK], and my very vigilant and active friend from Texas [Mr. SLAYDEN], and a number of other gentlemen who succeed in making themselves at least heard in that committee, and who are charged with and who feel the responsibility imposed upon them as members of the committee and would convey at least a message to this House if there lurked in the bill anything which was dangerous to the welfare of the country.

I want to call your attention, furthermore, to what appears to me to be another error on the part of my friend and very industrious legislator. He knows all the avenues that lead to information. He said he had not been able to inform himself with reference to the items of this bill or the facts connected with it. Indeed, I believe he said it was the only appropriation bill which comes to this House upon which members of the House could not be informed.

Mr. Chairman, I take it that there is so little of change in this bill from the bills which have been passed hitherto, and therefore so little to explain, that my friend has from this very fact suspected that there might be something dangerous behind it.

The report from the committee gives every item in detail. Every increase is mentioned specifically except the clerk hire, a little over $2,000, in the whole consular service of the United States, where the particular clerkships are not mentioned. And if this is not sufficient, my friend could have had access at any time to the estimates furnished by the Department for increases.

But the gentleman from New York [Mr. MCCLELLAN] has said that if at any time there comes to the Committee on Foreign Affairs a proposal to increase a salary or create a new office that there is universally a unanimous report to the House. I will take very great delight in furnishing my friend the estimates of the State Department to the Committee on Foreign Affairs, that he may see the suggestions made by the Department of State as to increases and things which that Department wants to have done, and nearly all of which the committee has denied. Why, my friend, if he is agitated with the small increases made in the bill, would have paralysis if he could read the estimates of the State Department, which he could have read at any time.

Now, let me say a word in conclusion, when I have not expected to say any word at all, that all the items of increase mentioned here and which are stated in the report have been considered carefully by the whole Committee on Foreign Affairs and all agreed to by every member of the minority as proper and right. They are insignificant, because the foreign service grows, the business of the different consulates grows, and in some of the legations the business grows. We did give to the legation at Switzerland a secretary. I think it was right. I think he ought to have one. If I did not think so I would not have consented to it. I am not one of those who desire to dwarf the foreign service. My friend suggests it ought to be reformed. I know it needs reform, but not such as is contained in a bill which ere long will be reported to this House providing that the foreign service shall be put under the civil service. There is not one item to which the gentleman has referred in this matter of reform.

Mr. VANDIVER. Will the gentleman allow me to ask him a question?

Mr. DINSMORE. Certainly.

Mr. VANDIVER. In view of the experience and well-known acquaintance with the subject which the gentleman possesses, I would like him to give us his opinion of the general proposition announced by the gentleman from New York, as to the advisability of increasing the salaries and decreasing the number of people connected with the consular service?

Mr. DINSMORE. I will say, in answer to that, I was about to make a brief observation upon that subject. I am not sure that there are consulates that ought to be dispensed with. I think not. There may be some, but I am decidedly in favor of substituting a system of salaries for that of fees, permitting them to be paid by notarial fees. I think it ought to be done, and I think it would improve the service.

Now, Mr. Chairman, I only arose to say a word in defense of the minority members of the committee who were embraced in the criticism of my distinguished friend from New York, and to make the explanation which I have made with reference to this bill and its provisions. The changes are infinitesimal, but each year there are some slight changes made in the appropriation bill for the foreign service. Every year brings a slight increase, and the demands of the service seem to require that they shall be made in this bill.

Mr. BURLESON. Mr. Chairman, I am free to admit that, like the gentleman on the left [Mr. DOUGLAS of New York], at the conclusion of the remarks of the distinguished gentleman from New York [Mr. MCCLELLAN] I was left in doubt as to whether he was in favor of a reduction of the salaries of the consular and diplomatic officers or an increase. This appropriation bill now pending before you for consideration carries no substantial increase. In fact, every single increase embodied in this bill was recommended by the State Department, and substantial reasons were given why the increase should be made.

The gentleman from New York [Mr. MCCLELLAN] would inferentially have you believe that the consular and diplomatic service of the United States needs reform. It may be that the remarks interjected by the gentleman from New York are not for the purpose of affecting this bill, but for the purpose of influencing you on a bill to be introduced here within a few days for the purpose of reforming the consular service of the United States and placing it under civil-service regulations, as it were, notwithstanding the fact, Mr. Chairman and gentlemen of the committee, that every publicist of a foreign conntry that has investigated the consular service of the United States has uttered only words of praise concerning the same; notwithstanding the fact that the Yankee consular officer has developed the trade of the United States more rapidly than consular officers of any other country have the trade of their country within the past two or three decades. With one notable exception, notwithstanding that I am a partisan Democrat, I unhesitatingly assert that the diplomatic service of the State Department of the United States for the past four years has reflected distinguished credit upon itself and the people of the United States.

I can not understand the purpose of the insinuation made by the gentleman from New York; his insinuations go beyond his assertions, but he asserts that the minority membership of the Committee on Foreign Affairs at all times assents or consents to increases

of salary. I assert, and challenge his contradiction of the proposition, that no increases of salaries or allowances have been made without substantial reasons having been given for the increase. I defy him to dispute this assertion. With reference to the salary of the secretary of the legation to Switzerland, I will state to the gentleman that that has been recommended by the State Department. The minister being sometimes called away, and the necessity being apparent that some representative of the United States should be there to take his place during his absence, the creation of the position of secretary was recommended. In reference to the additional consular officers and the increases of salaries of other consuls and for clerks, if the gentleman had taken the trouble and time to investigate he would have found that substantial reasons have been given for every increase that has been made.

Mr. McCLELLAN. Will the gentleman permit me to ask him a question?

Mr. BURLESON. Certainly.

Mr. McCLELLAN. In the matter of the increases of salaries for clerks, to which he refers, the report simply gives the names of the places and the amount as $2,300, and that is all.

Mr. HITT. Will the gentleman permit me to answer the gentleman from New York.

Mr. BURLESON. Certainly.

Mr. McCLELLAN. I simply ask for information.

Mr. BURLESON. I will ask if you desire that they should not be paid and want to strike them out?

Mr. McCLELLAN. I take it that the committee knew what they were doing when they put them there.

Mr. BURLESON. If there is any objection the gentleman can raise the point of order and strike them out.

Mr. HITT. I will answer the gentleman from New York if he desires it. The committee authorized one of the members to prepare that report, and in preparing the report he set out in detail every change made in the existing law where it involved a sum above what was paid, except where it was a very small amount, as in cases of little increases of allowance. The committee very carefully and sparingly made increases of $200 or $250 and similar small amounts in consulates where investigation showed that there was work done to warrant it. This bill was gone over by the committee without recognizing or knowing—I say it to the honor of my colleagues—there were Democrats or Republicans on that committee.

Mr. McCLELLAN. If the gentleman will permit me. As to the items that are spoken of, with the exception of Cape Town, no explanation is made of the increased importance of the business at the place. The committee merely says with reference to the other items "they are believed to be meritorious."

Mr. HITT. "The items of increase," the report reads, "made because of enlarged business, higher rate of living, or increased duties," and these increased duties and higher rates of living and other reasons are set out at great length in a volume I hold in my hand, which has just been printed, giving reports from all our consuls, and was before the committee; and if the gentleman from New York will refer to it, he will find in great detail the business of every consulate we have in the world.

Mr. BURLESON. Mr. Chairman, I believe I have concluded what I desired to say. As far as cutting down the number of consular officers is concerned, I am not in favor of it. As far as the increase of pay beyond the amount set forth in the bill is concerned, I am opposed to that. If the gentleman from New York is in favor of cutting down their number and increasing their pay, he may have an opportunity to give reasons for the faith that is in him when the bill for reforming the consular service is presented to this House for consideration. [Applause.]

Mr. DOUGLAS. Mr. Chairman, coming from the city of New York, which is the greatest shipping port from which American goods go abroad, I am very much surprised to have heard the statements of another gentleman who also represents our city on the floor of this House. I might say I listened with much regret and great dissatisfaction to his remarks, because I believe the merchants of New York doing an enormous export trade are decidedly in favor of a different position on the consular question, and their Representatives should take a firm stand in their interest.

There is no doubt whatever but that the consular service of America has been justly criticized for many years, and that we need greater efficiency. I do not care to throw any blame on men who have often ably while in the Government's service aided this country to increase our export trade in foreign lands, but I do say, and do not believe anybody can question it, that in many cases men have gone abroad who are not fitted to represent us as consuls; not because some of them were not men of intelligence and education, but their commercial training was unfortunately frequently absolutely nil. They had had no ability whatever to properly understand the requirements and the necessities of a country growing as fast as we are and gradually assuming the commercial supremacy of the world.

I have talked with many consuls myself, my firm having for many years done an export trade running into millions of dollars per annum, and these gentlemen have often asked for information, statistics, and details as to the handling of their positions, which no man leaving this country to represent us in so important a capacity should have to ask, but rather should be thoroughly posted regarding.

Last year when I made a few remarks on this point some gentlemen questioned, and stood up nobly for the consuls, but they misinterpreted the intention of my statements. I believe men should be trained for the consular service and be sent well equipped to their duties. The ministers can do largely the social duties, and the consuls should work intelligently to aid our commerce.

Mr. DINSMORE. May I ask the gentleman from New York a question?

Mr. DOUGLAS. Certainly.

Mr. DINSMORE. I understood the gentleman from New York to say that he believes that men should be trained in the consular service. I would like to ask where he would have them trained?

Mr. DOUGLAS. I will answer the question by saying that the gentleman from Texas who spoke said he understood that there was shortly to be introduced in the House a bill leading up to the betterment of consular conditions. Now, personally, I will say to the gentleman who has spoken that I am in favor of having a college to educate young men for the consular service of this country just the same as we educate them to-day for the Army or the Navy.

I regard the commercial supremacy of this land as of far more importance than the supremacy of the Army or the Navy. I believe as a peacemaking power we will accomplish more for the world's good by increasing our trade intercourse with others, through the instrumentality of the consular and diplomatic service, backed up by our merchants, than we will by building up armies and a navy to destroy. I favor having young men carefully trained who will be sent abroad and take their place in minor positions, either under ministers or general consuls, and who can work their way up by study and merit. I do not care whether they are protected by the civil service or not. The gentleman from Texas seemed to have a horror that they might be put under the civil service. That point I have never considered.

Mr. DINSMORE. I wanted the gentleman to express his opinion as to how they should be educated, because no such suggestion is made in the bill to which the gentleman refers and which will come into the House later. The establishment of a school has not been suggested to us, and I wanted to see to what extent the gentleman might be desirous of going.

Mr. DOUGLAS. I am disposed to go to the extreme on that subject.

Mr. DINSMORE. I have observed that, since the gentleman said it was more important to build up the consular service than it is to build up an army and navy. I have understood there was quite a value attached to the action of Congress on the other side of this House; but I did not before know that gentlemen there put it above everything else.

Mr. DOUGLAS. I certainly put peace above war always.

The statement is often made that the consuls of the United States have been largely instrumental in building up the enormous trade that this country enjoys to-day. I wish to say, from an observation of twenty-five years in the export trade, that that is not a statement that can be borne out by facts. The merchants of this country, the men who have taken an interest in the export trade, have built up that trade mostly by their own efforts, sending their emissaries throughout the world at an enormous expense. In that way they have largely created the business.

I do not want to take away from any consul his fair share of deserved gratitude, but make plain that our consuls do not deserve all of the credit by any means. The men who have gone into the export business of this country have shown just as much energy and just as much determination in advancing that trade as the manufacturer in this country has shown in building up our magnificent home business.

Mr. DINSMORE. Will the gentleman allow me one more question? I do not wish to disturb him at all, but I would like him to state to the House whether he knows of any other country in the world which he thinks has a more efficient corps of consular officers than the United States.

Mr. DOUGLAS. I wish to say that I think there are several. I think that the Germans and the English have a much more efficient service.

Mr. DINSMORE. More capable consular officers?

Mr. DOUGLAS. I did not say more capable personally, but as a branch of the service for the promotion and the advancement of trade I consider that they are much more efficient as a class and more energetic than the average American consul. I do not wish to be forced on the floor of the House to-day into stating anything

that may be considered really detrimental to the consuls from this country, but when a leading question of this kind is put to me I must come out fairly and say that I do think other countries in this respect have decidedly the advantage over us.

In regard to salaries, the gentleman from New York [Mr. MCCLELLAN] appeared to think that some of these officers are well paid, but I consider there is hardly a salary paid to-day to a United States consul in a tropical country in any part of this world which is not inadequate and absolutely niggardly. These salaries ought to be doubled; and when you criticise a small appropriation of a little over $2,000,000 for the trade protection of 80,000,000 of people, I contend that instead of having a $2,000,000 appropriation we ought to have a consular appropriation of at least $5,000,000.

Mr. DALZELL. Make it ten.

Mr. DOUGLAS. I would with pleasure "make it ten" if the gentleman from Pennsylvania would allow me and the amount was necessary, because I believe that on the floor of this House in many cases we throw away $10,000,000 and more when it would be far better spent in improving the consular service; and I think the business men handling the grand industries of the State of Pennsylvania and the manufacturing enterprises of the entire country would stand with me rather than with the gentleman from Pennsylvania on that statement,

But, gentlemen, I did not intend to take up the time of the House to the extent that I have done. I had prepared no remarks and did not propose to speak on this bill, but I was stirred up by my colleague from New York; and I hope, therefore, he will excuse me for the reply I have made. I certainly have not intended to say anything to his personal detriment.

I will conclude by saying a word in reference to two places where salaries have been advanced—Cape Town, South Africa, and Sydney, New South Wales. These salaries I spoke about last year when the diplomatic and consular bill was discussed, but was not successful in obtaining adequate increases at the time. I have since interviewed the State Department and the chairman of this committee, to whom my thanks are due for his courtesy, and who, with great judgment and consideration, has considered that the arguments which were advanced by me last year were justifiable; and Cape Town has now been placed in a higher rank in the consular service and the salary at Sydney advanced, and the increase is just, proper, and wise. To-day this country is doing yearly from twenty-five to thirty million dollars' worth of trade with South Africa, and the business is increasing faster than our trade with any other country in the world.

Sydney is a city of nearly 350,000 people. Seven to eight million dollars' worth of American merchandise is exported there every year. Surely the consul of the United States at that place ought to have a salary of at least $2,500; and I will say that I propose to go further and fight for our representative there—I do not even remember his name—until I get his salary still further raised, if possible, to at least $4,000 or $5,000. He can not live there decently, go into society to the extent necessary, and deport himself among other consuls in a proper way without this fair and reasonable amount.

The upbuilding of our consular service, the placing of men of business experience and expert training in all the important places abroad, and especially South America, South Africa, Federated Australia, China, Japan, India, New Zealand, etc., with payments sufficient to enable them to live like gentlemen, should be agreeable to all in this House, and will undoubtedly meet with the warm approval of the entire country. It should not be a political issue between the two parties, but treated in a broad-minded, liberal manner for the good of our country and the further building up of our industries, and we can well afford a couple of millions more each year to place this department on the high level of usefulness and efficiency so necessary for our benefit.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, sundry messages, in writing, from the President of the United States were communicated to the House of Representatives, by Mr. BARNES, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

On January 15, 1903:

H. R. 15480. An act granting an increase of pension to William S. Barker.

On January 19, 1903:

H. R. 1733. An act for the relief of John A. Mason.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The committee resumed its session.

Mr. SLAYDEN. Mr. Chairman, there is now under consideration by a committee of this House a bill, the purpose of which is to work a much-needed reform in the consular service of the country. I do not anticipate that it will become a law, and I greatly fear that during this Congress it will not even reach the stage for discussion. For that reason, and because they are more or less pertinent to the bill now before the House, I shall submit a few observations on the character of service our business interests get from American representatives abroad.

I do not cavil at politicians. In honor, in honesty, in character, and in ability I believe politicians usually rank as high as their critics. I do not object to having consular and diplomatic posts filled by politicians, but I do believe that the best and most capable politicians available should be chosen when appointments are to be made. But it has not always been done. Such appointments have been made matters of patronage for this or that Senator or Representative, and broken down and worthless politicians have thus too often been chosen to fill them.

Having watched with interest the career of Police Commissioner and Civil Service Commissioner Roosevelt, I thought surely when he came to the Presidency that the reign of purity in politics had begun. But in spite of his great ability and good intentions the President has been, in such matters, a distinct disappointment to many of his friends, some of whom are in the Democratic party. His appointments have not all been up to the standard. There are glaring exceptions, of course, but, Mr. Chairman, if those of his appointees that have come within the range of my observation are samples of the best men in the Republican party, the limit of righteous men needed to save Sodom has been amended and reduced.

I realize how impossible it is for the President to know the character of all the men to whom he issues commissions, and for that reason I shall favor a law which will partly relieve him of the responsibility of appointment, and the result of which will be, I hope, an improvement of the service.

I know that the President is beset with importunities and hedged about with lies, and perhaps that is the reason so many appointments have been made, both at home and abroad, which reflect no credit either upon him or the country.

But I shall refer more particularly to some of the foreign appointments. The chief work of our consuls is to keep an eye open to the commercial situation in the countries to which they are sent and to report what they see and learn for the benefit of our merchants, manufacturers, and farmers. To do this work well one would naturally think that they should be familiar with the language of the country in which they are to reside, but that qualification never seems to be insisted upon nor considered.

I believe it is the exception to send out consuls who speak the language of the people whose business affairs they are to report. And, indeed, Mr. Chairman, the diplomatic appointments are frequently no better in that respect. Men high in diplomatic rank have been known to spend years in foreign countries without acquiring even a speaking acquaintance with the language of the people among whom they have lived for so long.

Whether that is due to stupidity or indifference I do not know, but either way it is a fact that reflects discreditably upon our country and causes us to be laughed at by other nations.

Certain consular places appear to have been attached to particular States, Representatives, or Senators for purposes of patronage. Time and again the same consulate has been filled from the same State and, beyond all doubt, upon the recommendation of the same men. There is no reason to believe that these States and statesmen have a monopoly of the sort of talent required to fill such offices, yet they seem always able to control them. If it is not conspicuous talent it must be resistless influence which secures these appointments.

The system of appointment by favor works so very badly that I sincerely hope that when the bill to reform the consular service does come before the House it will, in some shape or other, receive the support of every member who believes that merit, not influence, should control in the selection of such officers.

I have often had occasion to visit Mexico. I go to enjoy the beauty of the climate and to prosecute business ventures. These visits have been made annually for several years, and I have come to know Mexico fairly well from the Pacific to the Gulf, and from Arizona to the southern boundary. I have found her people uniformly courteous and anxious to cultivate friendly relations and to do business with the United States. Mexico is sending her sons and daughters to the United States to study our language and our business methods. At home the young Mexicans are trying to learn the language of this country. This has gratified me because I have wanted to see our trade with Mexico developed. There is certainly more for us in the trade of Mexico and Central and South America than in far-off Asia, and yet we seem to have scorned it, and sometimes through the incivility and incapacity of our officers to have repelled the Mexican overtures for friendship and for trade.

Our consular officers ought to be our first and most active agents in the development of this trade, and, to do justice to worthy men, some of them are, notably our present consul-

general in the City of Mexico, Mr. Barlow, whose work has come under my observation. But I regret to say there are some of the other sort.

Last summer, when I was in Saltillo, the American colony was, just as it happened to strike them, interested in, amused at, or disgusted by recent happenings at the consulate of the United States in that city.

That consulate for years appears to have been made an asylum for invalids and drunkards. If the same sort of appointments are to be made hereafter, the regulations of the State Department should demand a certificate of graduation from the Keeley cure before issuing a commission.

It makes an American blush to hear the stories that are told about the antics of some of our official representatives. According to these stories, those that were respectable were too far gone with consumption to attend to business, and the others were unfit for it because they were generally bordering on or recovering from a case of delirium tremens.

I was told of this condition of affairs by men of character and substance, by men who stand as high there and at home as anybody, and I believe that every word they told me was the truth.

A few days before I arrived in Saltillo the acting American consul was the central figure in a most disgraceful affair. The local papers were making him a feature in each issue. He was a yellow-journal prize of the first rank.

There is a newspaper published in Saltillo called "El Siglo XX" (The Twentieth Century). In its issue of the 21st of August, 1902, it directed the attention of the police to the fact that the proprietor of a certain American hotel was in the habit of hanging soiled bedclothes on the front balcony, and in language that was not at all impolite suggested that the exhibition was unsightly; that it was on the principal street of the city, directly in front of the normal school for girls, and that it should not be permitted to continue. I read the article, and so far as I could see there was nothing in it to cause serious offense.

But the acting consul of our Government did not take that view of it. Although he did not own the hotel, he decided to resent the affront to his country and to his countryman who did own it.

In El Siglo XX issued on the 24th of August the story of how he sought to protect the dignity of his country was told. Conspicuously displayed on the front page was an article with this heading: "Our editor on the point of being assassinated by the consul of the United States—Assault at the office of the Twentieth Century." Then followed a card by the publishers of the paper. I have translated it, and will read to the House what this Mexican publisher had to say about our representative:

At every step the North Americans refer to their assumed superiority over our race, and express their contempt for our penal laws, but their presumption and incivility each day illustrate the character of our people who know the value of our laws and the energy and rectitude of our authorities.

A very sensational assault was committed the day before yesterday at the place of publication of our newspaper by the consul of the United States, who with arms in his hands and accompanied by two more North Americans entered the office of El Siglo XX, approached our editor, and placing a pistol at his breast uttered obscene words.

This treacherous assault had for its origin the publication of an item in which, as our readers will remember, we denounced to the police the habit of a certain American hotel of having bed clothes exposed on the outside balcony on one of the principal streets of the city.

Notwithstanding its criminal character, this ferocious lawlessness had a curious and amusing side, and that is this: Mr. Fuentes Fragoso, when he saw himself committed to an altercation, by raising his hand to his belt where the pistol is usually carried, pretended to have arms, at which rapid gesture the two companions of the consul of the United States took to flight, while the latter apologized for carrying weapons. Seeing the timidity of his assailants, our editor had them sent to the police station. They were punished by the authorities with a fine, reserving to Mr. Fragoso the right to prosecute criminally. This act, as can be well understood, is in itself a grave offense, because it is a lawless and criminal deed, premeditated and treacherous, and was done by an individual who is invested by his nation with a mission, noble and elevated, who has misconceived his duties in doing these things. We will give our readers the benefit of any further incidents that may occur.

I hope it has not often happened that editors in foreign countries have been called upon to comment upon the representatives of our Government in such a manner. Mr. Chairman, I have sometimes criticised our authorities, and particularly those who serve us through the State Department, for their failure to protect American interests abroad. We have had, and I will venture to say, still have men representing us in Mexico who utterly fail to do their duty in the way of protecting American citizens residing and doing business in that country. But in my indignation at their failure to do a plain duty I have never ventured to suggest that American consuls and diplomatic agents should play the part of bully.

Mr. ADAMS. Will the gentleman permit a question?

The CHAIRMAN. Does the gentleman yield?

Mr. SLAYDEN. Just for a question.

Mr. ADAMS. Have any charges been preferred against this man at the State Department?

Mr. SLAYDEN. I have not mentioned any man. If the gentleman will wait until I get through, perhaps we will develop his man. Charges have been made repeatedly against the diplomatic representative of our Government in Mexico, and I will say in that connection to the gentleman from Pennsylvania that I have a large personal acquaintance among the Americans residing in the Republic of Mexico, thousands of them, Republicans and Democrats, and I have yet to find one of either party who has confidence in or respect for that representative of this Government. Yet the charges against him have been disregarded.

Mr. ADAMS. The gentleman has not yet answered my question. I asked if there had been any charges made against him in respect to the matter referred to—any charges laid before the State Department?

Mr. SLAYDEN. I did misunderstand the gentleman, I am sorry to say. I will state that that particular man left one evening after sundown and before sunrise the next morning while I was in the city.

Mr. ADAMS. Were any charges against him presented to the State Department?

Mr. SLAYDEN. I really do not know. He did not wait for them to be made. He left.

Mr. ADAMS. The gentleman was criticising the State Department, saying that they took no notice of the conduct of the officers and servants, and I simply wish to ask the gentleman if any charges have been preferred.

Mr. SLAYDEN. I made no such statement that the State Department took no notice of charges made against officers. The State Department always does take some notice of it, but rarely, I regret to say, acts on it in the way I think it should.

Already the Spanish-American people look upon us with suspicion. Not only are they annoyed by the uncivil assertion of superiority referred to by the editor of the Twentieth Century, but they think that we are seeking occasion to seize their territory and sovereignty. They think that we are most dangerous when we undertake the rôle of peacemaker, and protestations of philanthropic designs do not calm them.

So it is easy to be seen, Mr. Chairman, that a consul who acts as our representative in Saltillo did can do more harm to our trade in one day than 50 commercial travelers can undo in a month.

We seem to have been specially unfortunate on more than one occasion in having as our representatives in Mexico men with an uncontrollable thirst. The country still remembers the special envoy sent down by a Democratic President some years ago. He got drunk at El Paso, on the northern frontier, and painted a broad red streak down to the City of Mexico, more than a thousand miles to the south.

I will state, further, Mr. Chairman, that they do say in the City of Mexico, where that spree is still held up as the standard of excellence which it is possible to attain in that particular line of work, that the atmosphere was lurid about the capital for a week after his arrival. [Laughter.] Now, I have told you about a Democratic spree and I have something to tell you about another.

I was told by an American commercial traveler in Mexico of another of our consular representatives whose thirst, unfortunately, was altogether disproportioned to his income. His money was sometimes exhausted, but his desire for drink never. One day he felt that he must have a cocktail, but the price of the beverage was not at hand. However, to a resourceful American that was a trifling obstacle. He took his country's flag, "Old Glory," as some of our friends love to call it, and pawned it for 40 cents. I have been told that for 40 cents judiciously handled one can keep very drunk in Mexico for a couple of days.

When Cecil Rhodes was released from the besiegers of Ladysmith he went to Cape Town, where, after the custom of all English-speaking people, his restoration to liberty was celebrated by a banquet. He made a speech in which he said that the greatest commercial asset in the world was the British flag. Yet, I daresay that in the whole history of that banner there can be found no instance where its actual commercial value has been so convincingly demonstrated as was done by our consul in Mexico. I congratulate the country that he has been out of the service for many years.

Mr. Chairman, since I have committed these remarks to type I have received some further information from Mexico. A few days ago there occurred in the city of Saltillo a robbery of a carload of coal. This occurred so short a time ago, I will say to my friend from Pennsylvania [Mr. ADAMS], that I fancy time enough has hardly elapsed in which to transmit charges, if anyone desires to make charges, from that city to the Secretary of State here. A carload of coal was stolen. And in passing I will say, Mr. Chairman, in consideration of the peculiar difficulties which surround us in the city of Washington at this time, and in view of the fact that my own coal bunkers are very low, I might ordinarily find it in my heart to forgive this man at least a part of that offense, but, being a high official and representative of the United States

Government, the offense with which, as you see, he is charged is too serious to be overlooked or treated with levity.

Here is a paper called "Las Noticias," printed also in the city of Saltillo, in which there is a reference to the theft of a carload of coal from the railway station of the Mexican National Railway Company. Here is an English paper printed in the city of Monterey, called "The Monterey News," which alludes to the matter and which has this humiliating headline:

Theft of coal in Saltillo—Four prominent Americans are implicated.

Mr. Chairman, I regret to say that this paper says that one of the four Americans implicated in the theft of that coal is what it is pleased to call the "high diplomatic functionary" of the United States, now vice-consul in the city of Saltillo. The Spanish paper contained an article which I this morning translated.

Mr. LANDIS. Mr. Chairman, I would like to ask the name of that vice-consul.

Mr. SLAYDEN. I will give it to the gentleman in a moment. I will read the translation:

THE COAL ROBBERY AT THE NATIONAL.

The legal proceedings in the minor court No. 2 relative to the robbery of coal from the National Railroad has been followed eagerly. The author of the robbery has not yet been caught. The declarations of the carters who hauled the coal away and of various employees of the company have been taken. Some of these declarations point to a certain high diplomatic functionary of this city.

Now, Mr. Chairman, here is a communication which reached me yesterday, advising me of the fact that there had been sent by registered mail a package of affidavits and court documents, taken from the court records, which I regret to say have not yet turned up; but in that communication I find a reference to the man who ran away last summer between darkness and daylight, and to the present acting consul down there. Speaking of the previous unfortunate incidents in connection with the consulate and the untimely death of two or three men sent down there, this gentleman says:

Consul Williams's place was filled by Mr. Hanna appointing Dr. Samuel Bennett, a dentist living and practicing in Saltillo, acting vice-consul, pending the arrival of Mr. Williams's successor.

Whether the statement as to the method of appointment is technically correct I am not prepared to say. It possibly means that the man was appointed on the recommendation of the consul-general. I am not familiar with the procedure and do not know. Anyway, he was appointed and was acting when I arrived in the city last year. The letter of my correspondent continues:

Dr. Bennett was an unlettered, an untutored, idiot, the object of contempt of the resident Americans and the subject of ridicule by the natives. See Exhibits B, C, and D—

Those, unluckily, are in the batch of documents which have been sent by registered mail and have not yet arrived—

which will give an idea of his ignorance. He left Saltillo between two suns to escape prosecution for defamation of character, to which purpose he prostituted the consular office.

Now I will give you the name of the present acting consul—

Dr. T. N. Jeffries was appointed acting vice-consul by Mr. Hanna, vice Dr. Bennett, who resigned after his episode with the editor of The Twentieth Century. See that paper, date August 24, 1902, inclosed.

Dr. Jeffries is reputed—

And this refers to his reputation anterior to his coming to Mexico. My correspondent goes further into details, but as they are only suspicions I will not repeat them, but I will get down to what are alleged to be facts and susceptible of proof in the city of Saltillo.

He is now mixed up in a public scandal, growing out of the robbery of a carload of coal from the Mexican National Railroad, in which he figures as "particeps criminis" in the robbery, being of the "four well-known Americans" alluded to in the Monterey News of January 1, 1903, and is the "functionario diplomatico" of which The Twentieth Century of December 20, 1902, writes.

Dr. Jeffries is a scandalmonger of the first water, and as a fomenter of enmity and discord among the Americans residing at Saltillo his equal can not be found anywhere on earth. He is a low-down gambler, is respected by no one, and is despised by natives and by foreigners of every nationality as a shameless disgrace to the office he holds and the Government he represents.

He is now owing (and will be sued for it within the next few days) $300, money loaned him to pay his losings at "craps," and which loan he repudiates as a gambling debt.

Think of it, Mr. Chairman and gentlemen of the House! We had a distinguished ambassador once who introduced the real American game, that of poker, to the effete monarchies of the Old World, but think of having gone from poker down to "craps." And he is not even our representative in Haiti or Santo Domingo.

His nightly diversion is to play at "craps" until 2 or 3 o'clock.

Mr. Chairman, in this morning's Washington Post there is a little paragraph on the editorial page, which part of that publication I read with pleasure every day, and, meaning no disparagement to the distinguished gentleman who writes the leaders, which I also read with interest, I must confess that I get particular pleasure from these paragraphs. It says:

This thing of sitting behind a cinch Speakership hand must be becoming rather monotonous to the Hon. JOE CANNON.

While the metaphor may not appeal to the understanding of everybody here, I dare say that most of us are more or less familiar with what is called in this paper a "cinch hand," and would like to be even more familiar with it. But imagine that paragraph writer having to go to the game of craps to get his metaphor!

Mr. MANN. Some of us think as much of one game as we do of the other.

Mr. SLAYDEN. Well, de gustibus non est disputandum.

Mr. MANN. I never play either, and you would be better off if you never had.

Mr. SLAYDEN. I am going to ask permission to print with my remarks one or two of these documents, and before closing I want to say that very recently, while reading a book published by the late Mr. Matias Romero, who was for many years the distinguished and able representative of his Government in this country, I ran across this paragraph in the conclusion to his introduction. In that paragraph he said:

I shall be well satisfied if I succeed in my purpose of placing in the reach of the people of the United States a knowledge of Mexican affairs, which is the result of many years of experience and of an intimate acquaintance with the condition of things in my own country, and will feel still more pleased if I succeed in accomplishing my object of contributing to establish a lasting friendship between the two sister Republics.

Mr. Romero was a great statesman and a good man. His aspirations were for the legitimate development of his country, and he thoroughly recognized the fact that that could best be done by friendly commercial intercourse between his country and ours.

Neither friendship nor trade can be promoted by sending incompetent and uncivil representatives to Mexico. It is high time that we recognized the fact that the presence of so much of our capital and so many of our people in Mexico is likely to produce many controversies and business complications which will have to be handled in a diplomatic way, and in that work we ought to employ men who will not only command the respect of the Mexican Government, but the confidence of our people who are engaged in business in Mexico, which, I regret to say, is not the case now. [Applause on the Democratic side.]

Mr. ADAMS. Mr. Chairman, I have listened to the remarks of the gentleman from New York and the gentleman from Texas with infinite satisfaction, as it shows that interest is gradually growing in a subject which I and others have been presenting to the attention of our colleagues for many years, namely, the importance of reorganizing our consular service. I regret to say that criticisms have been made of those of us who favor that measure. I am somewhat worried about the health of the gentleman from New York; for, laboring as he does under the heavy weight of the Committee on Ways and Means, with the fatherly care that he assumes over the Committee on Military Affairs, on which he served with such distinction, I must admit, now he has gathered under his wing the Committee on Foreign Affairs.

I am worried, Mr. Chairman, at the great stress that the gentleman labors under. In fact, so great is that stress that he does not take the time to look into the subject discussed with that care he usually does, and that is the reason I am worried at his far reaching out. He began his remarks with the statement that the diplomatic and consular service had all to do with the expansion of our commerce. I would call his attention to the fact that the diplomatic service has nothing whatever to do in its functions with reference to the expansion of our commerce. The consular service has. He then finds fault with the report of the Committee on Foreign Affairs. He thinks that this report of 30 pages in extent, which is nothing but routine in character, gives no information to the House, and that he can not understand it; that no items were set forth, and no information, such as is proper, was submitted to the House in explanation of our report. That, coming from a younger member of the House, might be inquired about, but coming from a gentleman who has served so long as has the gentleman from New York is a most astonishing utterance. In reporting the consular and diplomatic appropriation bill to the House every item is given. The salary of every minister, secretary, and consul is set forth. There is probably no appropriation bill that comes before this House that gives so much of the details as the one now under consideration.

The gentleman then criticised the committee and undertook to find fault with the increases of salaries, and before concluding his remarks stated that every increase in salaries submitted by the Committee on Foreign Affairs received his approbation. Our distinguished chairman has already called his attention to the Book of Estimates, that covers hundreds of pages, which is submitted to us by the State Department, and very few of the increases recommended are granted. And yet the gentleman complains of the shortness of our report. And then scarcely had this criticism passed away from the lips of the gentleman until he announced that our service was underpaid and favored an increase of the salaries. That is the difficulty of the proposition that he

submits to the committee. In the first part of his remarks he criticises the raising of salaries and then announced that they should be raised.

Mr. HENRY C. SMITH. Will the gentleman permit a question?

Mr. ADAMS. Certainly.

Mr. HENRY C. SMITH. I would like to be informed if any of our representatives are able to live on the compensation received by them?

Mr. ADAMS. Some of them are able to do so. Others are most inadequately paid.

Mr. HENRY C. SMITH. Is it not generally the fact that the men who go to foreign posts must be men of considerable wealth and large means in order to entertain and fill the position in the diplomatic service?

Mr. ADAMS. There is scarcely a post in our service, I will say to the gentleman, in my judgment, where the salary is adequate and the compensation sufficient to enable our representatives to live in such a way as is becoming to our Republic.

Mr. HENRY C. SMITH. Does the gentleman believe that that is a fair proposition? Does not the gentleman believe that there ought to be sufficient compensation to enable a man of character, a man of merit, and not only of money, to occupy these places?

Mr. ADAMS. I most certainly do; and there is nothing in my remarks from which to draw any other conclusion on the bill reported by the Committee on Foreign Affairs.

Another charge of the most extraordinary character made by the gentleman from New York is that the Committee on Foreign Affairs has never taken cognizance of the want of reorganization and improvement in our consular service, notwithstanding the fact that in the last three Congresses our committee has reported a bill for the reorganization of the consular service. We have never been able to get consideration of it, and very largely because the sentiment of the House seems not to favor that proposition sufficiently forcefully to bring it up, and not because the Committee on Foreign Affairs has not reported thereon. But I will state for the information of the gentleman from New York that to-day or to-morrow there will be filed another bill from that Committee, which has received its careful consideration, but which, I regret to say, the representatives of his party in the committee have seen fit to line themselves up against and propose to file a minorty report. So there is a splended chance for the gentleman from New York to do missionary work on his side of the Chamber.

Mr. McCLELLAN. Will the gentleman assure the House that the House will have an opportunity to vote upon his bill?

Mr. ADAMS. Yes; if I can get it. If the gentleman will join with those interested in the movement and bring pressure upon those upon his side and show that it is the desire of the House to pass such a bill, he knows that in time it will take place, as the desires of the majority in this House are always acceded to.

Mr. Chairman, in regard to the remarks of the gentleman from Texas, he has furnished perhaps one of the strongest illustrations of the great need of some reorganization of the consular service. The man who advocates this stands somewhat in an embarrassing position, because he is at once turned upon and asked, Do you mean to say that we have no good consuls in our service?

Not at all, Mr. Chairman; there are as able and efficient consuls in the service of our country as there are in those of any nation in the world, and to them all honor and all credit. But stop one moment and think of the difference between our service and that of other countries. Is there any assurance that these efficient consuls whom these gentlemen hold up to the credit of our service will be retained? Not at all. On the contrary, the chances are that the political changes that control our Government, or even with a continuance of the same party in power, these efficient consuls may be removed. What inducements to-day, under the present conditions, are there for a man to endeavor to become an efficient consul? Will his study bring him the required retention in office? Will his acquirement of the language of the country to which he is sent, in order that he may gain additional information and collect statistics and the requirements of the people in relation to commerce—will he be rewarded for it by retention in office? Probably not. At least he has no such assurance.

The trouble with the consular service of our country is not limited to the personnel of the service—it is in the very system itself. When I tell the House there has been no legislation on this, perhaps the most important, branch of the service, under our Government for developing the trade and commerce of the country, which, after all, means the wealth and happiness and well doing of our people—when I tell the House that there has been no legislation scarcely worth speaking about since its inception at the beginning of our Government, the time is come when it is necessary to do something, for in the great struggle that is going on in the cheapening of commodities, in the cheapness of transportation, and the competition that is going on in all lines of steamships, the time is coming when it is absolutely essential that we have every information, every facility, placed at the hands of our manufacturers and merchants in order that they may hold their own against the competition of countries represented efficiently elsewhere.

Now, Mr. Chairman, the great lack in our service is this: While we have these good consuls, to whom we can point with pride, they are unfortunately where we do not need them. They are in the leading cities of Europe, where the boards of trade, and chambers of commerce, and branch houses of business firms will develop trade of its own volition. Where we need competent consuls is at the positions where trade has not developed, where there are no chambers of commerce, where there are no boards of trade, but where these men are sent to gather statistics, to be able to read the reports of the country, the daily press and all periodicals and reports that relate to the development of trade, and do so, and forward them to the State Department.

The gentleman from Texas gave us a fearful example of the lack of such men. It is in South America, it is in the East where we have not the good consuls that we need, it is there that the defect of the system is most apparent. We should have an organization in the consular service that means a tenure of office, that when a man enters it he knows he will be rewarded for his service and promoted to a higher place and higher salary. There should be an inducement for young men to prepare themselves to enter this service. The gentleman from Arkansas [Mr. DINSMORE] asked if there was any school in this country where such young men could fit themselves. I will state for his information that last year, when there was a prospect of the consular-service bill coming before the House, two of the great universities wrote asking for the probability of its becoming a law, as they wished to institute special courses fitting men for this service. There are such schools already that would help prepare men, but they have no actual specific course. But if you establish the service there will follow this special course, just as young men fit themselves if they see a chance to earn a competence during their entire life.

Mr. DINSMORE. Will the gentleman yield for a question?

Mr. ADAMS. Certainly.

Mr. DINSMORE. My friend from Pennsylvania says there are schools in which these young men may be educated. I ask him if he would have a law enacted so as to require the applicant to have a diploma from one of these schools before he would admit him to the foreign service?

Mr. ADAMS. Not at all. The examination which will be held in the State Department will be the sole test of the efficiency of the applicant.

Mr. DINSMORE. That is what I wanted to arrive at. We all know that the gentleman from Pennsylvania has been very much interested in this subject, and has several times prepared a bill with great labor and investigation. I wanted to get from him the statement where he would have these young men educated, and whether he would require any other certification of their ability than that of the board of examiners to be appointed by the authority of the State Department.

Mr. ADAMS. That is the requirement prescribed in the bill of the Committee on Foreign Affairs, which has been placed in my charge. The only requirement is that they shall successfully pass the examination as laid down by the board of examiners under the direction of the State Department.

But it certainly would be an advantage if our young men would prepare themselves at some school which would fit them in a peculiar and special degree for the duties which they are to assume; because they, like every other man who expects to succeed in his profession, should not rest simply on a diploma, but should take special courses of study and fit themselves to succeed and make a mark in their profession.

When interrupted by the gentleman from Arkansas I was saying something in regard to the sad case which has been alluded to by the gentleman from Texas. Let me say that I made inquiry at the State Department about this matter. It appears that when the consul at Saltillo went away the consul-general appointed a temporary man by the name of Thomas N. Jefferis, who is still acting as vice-consul. So far as the State Department knows he has performed his duties properly. No charges have been preferred against him. The appointment is only temporary. This case, as I have said, emphasizes to an extraordinary degree the necessity for a trained service, so as to fit men to hold these places as life positions. We could not have had these three changes, one after another, that have taken place in that Mexican town if we had had there men who stood high and had entered the service as a life position. As such the office would have been deemed so valuable that they would not dare to participate in frauds or to do other dishonest acts such as have been mentioned here. The very value of the office would put it beyond the possibility that such things could occur.

Now, Mr. Chairman, I had no idea of speaking on this subject. I rose only for the purpose of expressing my great gratification at the evidence which seems to be cropping out in the House each year that there is required only a little more pressure and a little more evidence as to the importance of some measure of this kind before it shall receive the deliberation and favorable consideration of the House. We can already begin to see that public sentiment and investigation are giving to this matter an interest which foreshadows that the commercial countries that certainly know the needs and requisite characteristics of consuls better than any other class of our people, will make their influence felt, so that a reorganization and improvement in this respect shall take place in the consular service of our country.

Mr. HITT. I now ask that the Clerk proceed to read the bill by paragraphs for amendment.

The CHAIRMAN. If there be no further general debate the bill will be taken up under the five-minute rule. [A pause.] The Clerk will read.

The Clerk, proceeding to read the bill, read the following:

Secretaries of legations to Argentine Republic, Venezuela, and Peru, at $1,800 each; Liberia and Korea (who shall be consul-general to Seoul), and Switzerland, at $1,500 each, $9,900.

Mr. McCLELLAN. Mr. Chairman, I make a point of order against the words "and Switzerland" in the paragraph just read, because those words propose to create a secretary of legation at Switzerland, which is new legislation, and contravenes the rule against legislation on an appropriation bill.

Mr. HITT. I submit the question to the Chair without argument.

The CHAIRMAN. Does the gentleman from New York insist on the point of order?

Mr. McCLELLAN. I do.

The CHAIRMAN. The Chair will have to rule that the words "and Switzerland" must go out of the bill.

Mr. HITT. Then, I call attention to a slight change in the phraseology which is necessary in view of the fact that the point of order has been sustained.

The Clerk read the proposed amendment of Mr. HITT, as follows:

On page 5, in line 5, insert "and" after the word "each;" and at the end of the paragraph strike out "$9,900" and insert "$8,400."

The CHAIRMAN. If there be no objection, the amendment will be considered as agreed to.

There was no objection.

The Clerk read as follows:

Total, $80,150.

Mr. HITT. Mr. Chairman, that sum of $80,150 will have to be changed. I move to amend by inserting in line 6, page 6, instead of "eighty thousand one hundred and fifty dollars," the words "seventy-eight thousand six hundred and fifty dollars."

The CHAIRMAN. Without objection, the change will be made in accordance with the proposed amendment.

There was no objection.

The Clerk read as follows:

CONTINGENT EXPENSES, FOREIGN MISSIONS.

To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, postage, telegrams, furniture, messenger service, clerk hire, compensation of kavasses, guards, dragomen, and porters, including compensation of interpreter, guards, and Arabic clerk at the consulate at Tangiers, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State, and for loss on bills of exchange to and from embassies and legations, $175,000.

Mr. HITT. I offer the following amendment, which I will send to the desk and ask to have read:

The Clerk read as follows:

In lines 3 and 4, page, 8, strike out the word "seventy-five" and insert the word "eighty;" so that it will read: "One hundred and eighty thousand dollars."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The Clerk read as follows:

INTERNATIONAL UNION OF AMERICAN REPUBLICS.

Commercial Bureau of American Republics, $36,000: *Provided*, That any moneys received from the other American Republics for the support of the Bureau, or from the sale of the Bureau publications, from rents, or other sources shall be paid into the Treasury as a credit in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the Bureau: *And provided further*, That the Public Printer be, and is hereby, authorized to print an edition of the Monthly Bulletin, not to exceed 5,000 copies, for distribution by the Bureau every month during the fiscal year ending June 30, 1904.

INTERNATIONAL BUREAU OF THE PERMANENT COURT OF ARBITRATION.

To meet the share of the United States in the expenses for the year 1902 of the International Bureau of the Permanent Court of Arbitration, created under article 22 of the convention concluded at The Hague, July 29, 1899, for the pacific settlement of international disputes, $1,250.

PUBLICATION OF DIPLOMATIC, CONSULAR, AND OTHER COMMERCIAL REPORTS.

Preparation, printing, publication, and distribution by the Department of State of the diplomatic, consular, and other commercial reports, $40,000; and of this sum the Secretary of State is authorized to expend not exceeding $5,500 for services of employees in the Bureau of Foreign Commerce (formerly the Bureau of Statistics), Department of State, in the work of compiling and distributing such reports; the sum of $2,000 for the cost of cablegrams in instructing consular officers to report upon matters of immediate importance to commerce and industry, and of cablegrams of consuls on such subjects; also to defray the extra expense imposed upon consular officers in collecting certain data where it seems to be warranted; and not exceeding $250 in the purchase of such books, maps, and periodicals as may be necessary to the editing of diplomatic, consular, and other commercial reports: *Provided*, That all terms of measure, weight, and money shall be reduced to and expressed in terms of measure, weight, and coin of the United States, as well as in the foreign terms; that each issue of diplomatic, consular, and other commercial reports shall not exceed 10,000 copies.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I have not a copy of the bill before me, but, as I understand, that concludes the reading of the section.

Mr. HITT. It does.

Mr. RICHARDSON of Tennessee. I would like to inquire of the gentleman in charge of the bill if it is not new legislation, and if so, I reserve the point of order against it, which provides for annual printing in the diplomatic bill?

Mr. HITT. I will state to the gentleman that the bill is reprinted exactly in accordance with existing law in that respect.

Mr. RICHARDSON of Tennessee. All printing is provided for regularly by law, and it occurs to me that it would be a very bad practice to get into the habit or custom of providing in a general appropriation bill for such an amount of printing as is contemplated in that section.

Mr. HITT. That language is the language which has been standing in the bill for years.

Mr. RICHARDSON of Tennessee. I thought it was new language.

Mr. HITT. It is not.

Mr. RICHARDSON of Tennessee. As I say, it seems to me that it is not a good practice for annual appropriation bills to provide for printing.

Mr. MANN. Mr. Chairman, I would like to direct the attention of the chairman of the Committee on Foreign Affairs [Mr. HITT] to the fact that if the department of commerce is created in accordance with the bill which passed the House the other day, the Bureau of Foreign Commerce which does most of this printing will be transferred to the department of commerce, although I suppose that makes no difference with reference to the appropriation. It may make a difference, however, when it comes from the Senate, and therefore I speak of it in order that it may be called to the attention of the chairman of the Committee on Foreign Affairs.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I do not see the able chairman of the Committee on Appropriations [Mr. CANNON] present, but there is a provision in this section which it seems to me ought not to be made. I refer to the following:

Provided, That any moneys received from the other American republics for the support of the bureau, or from the sale of the bureau publications, from rents, or other sources shall be paid into the Treasury as a credit in addition to the appropriation and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the bureau.

In my judgment, that is bad legislation. I do not think that there ought to be this kind of an appropriation to be used in the discretion of any executive officer. It is what the able chairman of the Appropriations Committee calls a "slush fund." I believe it is denominated as a "slush fund" in most all of the bureaus and departments, and inasmuch as the law provides that all moneys shall be regularly appropriated, it seems to me that we ought to insist that that rule should apply here, that for every purpose where money is to be used it shall be regularly appropriated from the Treasury.

Now, this provision is that money may be drawn from the Treasury after it is paid in, that it may be drawn out by the Secretary of State and used again. We see it very often illustrated. It used to be, I may say, in the Government Printing Office, where they were authorized to sell certain things, refuse of different kinds, leather scraps, waste paper, etc. The money realized therefrom was put into the Treasury and drawn out again and used for the purpose of the Government Printing Office. That was abolished upon the very idea that I have advanced, that it makes a slush fund and may be used two or three times or a half dozen times during the year, and you can not keep up with appropriations where the money is thus duplicated. After it is put into the Treasury it ought to stay there, and then if it is necessary to use it again it ought to be reappropriated by Congress. I am not inclined to make any motion to change this by amendment, but I call attention to it and comment upon it because in my judgment it is a very unwise way of making appropriations.

Mr. HITT. Mr. Chairman, I move to strike out the last word. The fund the gentleman speaks of can hardly be called a "slush

fund," which means a fund not controlled or audited, if nothing worse. This is a composite fund raised from many nations, and the expenditure is controlled in all its details from month to month by an executive committee which is composed of representatives of the United States and the foreign countries, a committee selected by all the representatives of the United States and all the republics of this continent.

Mr. RICHARDSON of Tennessee. Is not my friend mistaken in that? It says money arising from the sale of Bureau publications, from rents, or other sources.

Mr. HITT. All those are turned in and reported by the officer who is in charge of this Bureau to that executive committee, which is composed of these ministers and ambassadors. The ambassador to Mexico has been on that committee for many years. That is an executive committee which has control of the details and it must approve everything all the way through, and we have not thought it was giving them a "slush fund" to allow them to have control of the money contributed by the United States in the same way as is contributed by the other countries.

This fund is supplemental to and completing a fund which is raised by contributions from all the republics on the continent in proportion to their population. It is a joint stock bureau; and while undoubtedly if the details of expenditure were prescribed particularly in the law, they would be followed, we have thought heretofore that this was enough, and this language has stood for years in the bill, under both parties. Mr. Forbush, I remember, was a gentleman who gave his views very fully on this whole subject in the committee when he was in charge of that bureau.

I withdraw the formal amendment.

The Clerk read as follows:

CLASS IV.

At $2,500 per annum.
Aix la Chapelle, Germany.
Annaberg, Germany.
Athens, Greece.
Bahia, Brazil.
Barbados, West Indies.
Birmingham, England.
Bombay, India.
Bremen, Germany.
Brussels, Belgium.
Buenos Ayres, Argentine Republic.
Chemnitz, Germany.
Ciudad Juarez, Mexico.
Cologne, Germany.
Dundee, Scotland.
Edinburgh, Scotland.
Huddersfield, England.
Jerusalem, Syria.
Lourenço Marquez, Africa.
Mainz, Germany.

Mr. HITT. I move to amend by inserting on page 18, after "Mainz, Germany," the words "Odessa, Russia."

The Clerk read as follows:

On page 18, in line 21, after the words "Mainz, Germany," insert the words "Odessa, Russia."

Mr. HITT. That is an error in existing law, which was reprinted in the bill.

The amendment was agreed to.

The CHAIRMAN. Is the spelling of Lourenço, in the previous line, correct?

Mr. HITT. I will say that the act furnished by the State Department gives the name in that curious spelling, which, I believe, is taken from that of the country, and so it should stand as it is.

The Clerk proceeded with the reading of the bill.

Mr. HITT. Mr. Chairman, on page 21, in line 13, the words "Odessa, Russia," should be stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 21, in line 13, strike out "Odessa, Russia."

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

Total, salaries of consuls, $469,500.

Mr. HITT. Mr. Chairman, that total should be corrected so as to read $470,000. I move to strike out "sixty-nine thousand five hundred" and insert "seventy thousand."

The Clerk read as follows:

In lines 3 and 4, page 26, strike out "sixty-nine thousand five hundred" and insert "seventy thousand."

The amendment was agreed to.

Mr. ADAMS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GROSVENOR. Mr. Chairman, I move to strike out the fourth line, on page 26. I do it for the purpose of stating to the committee that should it be the misfortune of the House of Representatives to be confronted with a bill based upon the attacks that have been made upon the consular and diplomatic service of the United States here to-day, seeking a reformation which has for its importance and significance the slanders that have been uttered against the efficiency of the United States consular and diplomatic forces abroad, I shall take occasion to try and convince the House of Representatives, first, that these assaults are unjustifiable in whole and in part, so far as they affect unfavorably the standing of the consular force of the United States; and I shall attempt further to show, by evidence of practical men, and men who have practical knowledge of the standing of our consular service abroad, that not only are these criticisms unjust and derogatory to the high character of the American people, but that they are absolutely without foundation in fact.

I will try to show a fact which exists, that the consular service of the United States to-day is by far the best consular service in the world; so much so that it has been recognized over and over again by the leading publicists of foreign countries, whose words I will bring here, that the most reliable and valuable service rendered in this behalf by any nation of the earth is rendered to-day by the consular service of the United States.

I make these remarks now simply to let it be understood that I repel and condemn these assaults, made for the purpose of carrying forward to establishment in another branch of the Government that so-called beneficial system which to-day is costing this Government more than $200,000,000 per annum, money thrown away, catering to a fad that has benefited nobody except the exponents of the misinformed theorists.

The CHAIRMAN. Does the gentleman from Iowa withdraw his amendment?

Mr. GROSVENOR. I withdraw the amendment.

The Clerk read as follows:

Barmen, Berlin, Bordeaux, Bremen, Brussels, Chemnitz, Crefeld, Frankfort, Hamburg, Havre, Kobe, Lyons, Marseille, Montreal, Ottawa, Rotterdam, Vienna, and Yokohama, at $1,200 each, $21,600.

Mr. HITT. Mr. Chairman, I offer an amendment in line 9 by inserting the letter "s," so as to make the word read "Marseilles."

The Clerk read as follows:

In line 9 insert the letter "s" after "Marseille," making it "Marseilles."

The amendment was agreed to.

Mr. DOUGLAS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

The Clerk read as follows:

Kehl, $500.

Mr. HITT. On page 28, line 8, I wish to insert the following amendment: "Cienfuegos, Kehl, and Santiago de Cuba, at $500 each, $1,500."

The Clerk read as follows:

On page 28, line 8, amend so that it will read Cienfuegos, Kehl, and Santiago de Cuba, at $500 each, $1,500.

The amendment was agreed to.

The Clerk read as follows:

Total clerk hire, $92,950.

Mr. HITT. Mr. Chairman, I desire to amend, on line 12, the footing, so that instead of $92,000 it shall read $93,000.

The amendment was agreed to.

The Clerk resumed, and concluded the reading of the bill.

Mr. HITT. Mr. Speaker, I move to amend line 12, page 31, by striking out "five" and inserting the word "fifteen."

The Clerk read as follows:

In line 12, page 31, strike out "five" and insert "fifteen."

Mr. HITT. I will say, Mr. Chairman, that this amendment, and all the others that I have just been presenting in succession, are provisions that are in the existing law, but were not in the last appropriation bill. They were embraced in the Cuban supplemental bill and in the deficiency bill, and are not subject to the point of order.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

Mr. HITT. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be adopted and that the bill as amended do pass.

The CHAIRMAN, The gentleman from Illinois moves that the committee do now rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having resumed the chair as Speaker pro tempore, Mr. PARKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16604) making appropriations for the diplomatic and consular service, and had directed him to report the same to the

House with sundry amendments, with the recommendation that the amendments be adopted, and that the bill, as amended, do pass.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them to the House in gross.

No separate vote was demanded.

The amendments were agreed to in gross.

The bill as amended was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMMERCIAL RELATIONS.

The SPEAKER pro tempore laid before the House the following message from the President; which was read, ordered to be printed, and referred to the Committee on Printing:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State, accompanying the Commercial Relations of the United States for the year 1902, being the annual and other reports of consular and diplomatic officers upon the industries and commerce of foreign countries. In view of the importance of these reports to our business interests, I approve the recommendation of the Secretary of State that Congress authorize the printing of an edition of 10,000 copies of the summary entitled "Review of the World's Commerce," and of 5,000 copies of Commercial Relations (including this summary), to be distributed by the Department of State.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, January 19, 1903.

LANDING PIER IN THE HARBOR OF PONCE, P. R.

The SPEAKER pro tempore laid before the House the following message from the President; which was read, ordered to be printed, and referred to the Committee on Insular Affairs:

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on December 3, 1902, with the approval of the governor thereof, granting to J. H. D. Luce, his heirs, executors, administrators, and assigns, the right to construct and operate a landing pier or wharf on the east side of the harbor of Ponce, and on the shores thereof, and for other purposes.

This ordinance was approved by the President of the United States on January 8, 1903.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 19, 1903.*

DAMAGE TO BRITISH SHIP EASTRY.

The SPEAKER pro tempore also laid before the House the following message from the President; which was read, ordered to be printed, and referred to the Committee on Claims:

To the Senate and House of Representatives:

I transmit herewith a report from the Acting Secretary of State, with accompanying papers, relating to the claim of Messrs. Sivewright, Bacon & Co., of Manchester, England, British subjects, for compensation for damages sustained by their vessel, the British steamship *Eastry*, in consequence of collisions in June, 1901, at Manila, with certain coal hulks belonging to the United States Government.

I recommend that, as an act of equity and comity, provision be made by the Congress for reimbursement to the firm of the money expended by it in making the repairs to the ship which the collisions rendered necessary.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, January 19, 1903.

AGRICULTURAL EXPERIMENT STATIONS.

The SPEAKER pro tempore also laid before the House the following message from the President; which was read, ordered to be printed, and so much as refers to experiment stations referred to the Committee on Agriculture, and so much as refers to printing to the Committee on Printing:

To the Senate and House of Representatives:

I transmit herewith the annual report of the Office of Experiment Stations, prepared under the direction of the Secretary of Agriculture, which includes a report on the work and expenditures of the agricultural experiment stations in the United States for the fiscal year ended June 30, 1902, in accordance with the act making appropriations for the Department of Agriculture for the said fiscal year.

The attention of Congress is called to the request of the Secretary of Agriculture that 5,000 copies of the report be printed for the use of the Department of Agriculture, and that provision be made to print such a report annually.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 19, 1903.*

BUREAU OF ANIMAL INDUSTRY.

The SPEAKER pro tempore also laid before the House the following message from the President of the United States, which was ordered to be printed and referred to the Committee on Agriculture:

To the Senate and House of Representatives:

I transmit herewith a report, by the Secretary of Agriculture, of the operations of the Bureau of Animal Industry of that Department for the fiscal year ended June 30, 1902, in compliance with the requirements of section 11 of the act, approved May 29, 1884, for the establishment of that Bureau.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 19, 1903.*

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. MCCLEARY. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16842) making appropriations for the District of Columbia for the fiscal year ending June 30, 1904. And, pending that motion, I would like to ask my colleague on the committee, Mr. BENTON of Missouri, if it will be agreeable to him to fix a time for the close of general debate.

Mr. BENTON. My impression is that we can close it about 2 o'clock to-morrow, and then open up under the five-minute rule. I believe that will be time enough. I think two hours on this side will be ample.

Mr. BARTLETT. But that will only give one hour for the other side.

Mr. BENTON. Then let us say 3 o'clock to-morrow afternoon.

Mr. MCCLEARY. Could not the gentleman get through by 2 o'clock as he first suggested?

Mr. BENTON. We can if there is no desire for general debate on that side. My suggestion is, however, to let it run along with the idea that we will close as soon as we can, and certainly I think we will close by 3 o'clock to-morrow.

Mr. MCCLEARY. Very well, Mr. Speaker, I am content to accept the suggestion of the gentleman from Missouri that we let the debate run along without fixing any time for the present.

The motion of Mr. MCCLEARY was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GROSVENOR in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16842) making appropriations for the support of the government of the District of Columbia for the fiscal year ending June 30, 1904, and the Clerk will read the bill.

The Clerk read the title to the bill.

Mr. MCCLEARY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Minnesota asks that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. MCCLEARY. Mr. Chairman, this is the bill making appropriations for the District of Columbia for the coming fiscal year. This is the seat of the National Government. The problem of making a bill for its expenditures has all the difficulties attending the making of such a bill or schedule for any city, with the additional complication of its being the seat of government.

Under the act of 1878, known as the organic act, one-half of the appropriations in the District are payable out of the general Treasury, and one-half out of the revenues of the District.

Every member of the committee desires to treat this District well, as the capital of the country, and in treating it well we had two thoughts in mind. In the first place, we desired to make the appropriations as generous as they could be made under the circumstances of the case, to go as far as possible to make this indeed a worthy capital of a great nation. In treating it well we had also in mind that we should not, if possible, exceed the current income, believing that it is not well for individuals or corporations or communities to run into debt, if debt be avoidable.

We had this situation before us: Last year a change was made in the taxing laws of the District of Columbia by which the income of the District was largely increased. The revenues of the District for the coming fiscal year from the taxation within the District is, according to careful estimates, $5,419,000. We find fixed charges as follows:

Advances have been made from the general Treasury amounting to $1,901,726.15, payable in three years, in equal installments of the principal, beginning with this coming year, the one for which we are appropriating. One-third of that sum, with interest at 2 per cent, amounts to $671,943.33.

A highway bridge was by law provided for to cross the Potomac near the old "Long Bridge," and the limit of cost was $998,000, of which sum $568,000 is to be appropriated the coming year. Of this sum the District is to pay one-half, or $284,000.

A bill now in conference provides for a union railway station, to cost $3,770,000, the share of the District being $1,855,000. This is to be paid in five years, one-fifth the coming year, making a charge of $371,000 against the revenues of the District for the coming year.

A municipal building was provided for in the act of last year, and $300,000 was estimated as the sum that should be expended upon the building the coming year. One-half of this, or $150,000, is payable out of the revenues of the District.

In other bills that have passed the House, or are pending and likely to pass, there is appropriated $90,043.

So that we found in approaching this matter that there were, for these purposes, what may be called "fixed charges" amounting

to $1,566,986.23, leaving for other purposes a balance of $3,852,013.77. This bill makes an appropriation which will take from the District revenues $3,810,470.50, being $42,000 within the income of the District; and we believe the amounts appropriated will cover the needs of the District without sacrificing any material interest in the District.

How was this economy effected? Gentlemen will note on page 3 of the report of the committee that $410,000 in round numbers in the bill for the current year does not appear in this bill. This is because the several projects are completed or provided for and need no further appropriations.

Reductions made in appropriations for this year amount to $554,678. Observe the items. For books for the public library, a reduction from $40,000 to $5,000. That would seem to be an unkind and unnecessary reduction in appropriation were it not for the fact that of the $40,000 appropriated for last year a large sum remains unexpended, and it is deemed that this $5,000 appropriated this year will give practically all the new books which the library can get into place to be made use of.

For paving city streets we have made a reduction from $150,000 to $50,000. That reduction is based upon this idea: We found by personal examination that many of the estimates were for changing the character of the pavements from Belgian blocks or granite blocks to asphalt. Under all the circumstances we concluded that such changes were not imperative and could be dispensed with, and that $50,000 would meet the real demands of the District for the paving of new streets.

On county roads and streets the reduction is from $151,000, the amount appropriated last year, to $54,500 this year. This will furnish such improvements as we deem imperative. We went over the schedule carefully and provided for all the improvements that we deemed imperatively necessary for the coming year.

The appropriation for new school buildings is reduced from $234,000 in round numbers to $155,000 in round numbers. This is due to the fact that we made such large appropriations for new school buildings in last year's bill and the bill of the preceding year that this sum of $155,000 will, in our judgment, be ample to meet the growing needs of the District. In fact, it gives, in general, all that is estimated for, namely, two eight-room buildings, at a cost of $60,000; one four-room addition to an existing building, at a cost of $20,000, and $75,000 toward the erection of the Business High School.

Another item on which a great reduction was made was for interest and sinking fund, the reduction being in round numbers $238,000. This is due to the fact that the outstanding indebtedness of the District in 6 per cent and 7 per cent bonds has been extinguished, or will be at the end of this year, so that there will remain out only the 3.65 bonds. Hence the reduction stated.

As I have already indicated, we believe that we have fully met the real needs of the District. We have provided for the extension of streets; we have provided an increase of 40 men in the number of policemen to guard the city, being the total increase estimated for; we have provided an increase of 45 in the teaching force of the District, this being also the total increase estimated for; we have provided the increase called for, amounting to $400,000, for extending the sewage-disposal system.

We have provided the increase called for for the purification of the water; that is, for the continuance of the construction of the filtration plant, the increase being $600,000, the full amount asked for. And for the care of the streets we have provided the full $200,000 asked for by the Commissioners. In other words, we believe that by exercising prudence we have in this bill furnished the city all the things that are imperatively needed, and withheld nothing except what is not essential. We believe that with the financial condition of the District as it is, we have gone to the limit in furnishing it the things needed, and have been cautious only in relation to those things which could be got along without.

Mr. Chairman, I reserve the balance of my time.

Mr. BENTON. Mr. Chairman, this bill, when presented by the Commissioners of the District, carried almost $11,000,000 in recommendations. The statement made by the chairman of the committee will, I believe, be borne out when the bill is examined; that all the requirements or necessities of the case have been met, while the frills have been cut off.

There are two very important matters in which Congress, no less than the people of the District of Columbia, is interested; I refer to the sewage system and good water. It was recommended to us that we appropriate $1,400,000 for the completion of the filtration plant. Colonel Miller, of the United States Army, in charge of the work, has reported to us how much he thought would be needed, and we have put into this bill every dollar that he indicated would be necessary or could be used during the coming fiscal year.

So far as the sewage system is concerned, we have appropriated every dollar that was recommended to be appropriated. It was suggested and indeed earnestly recommended by the Commissioners that we report to this House in favor of the advancement of $10,000,000 to the District of Columbia, the indebtedness to run until 1923, bearing a small rate of interest. We were of the opinion that the revenues of the District of Columbia, together with the equal amount contributed by the General Government, would meet the ordinary requirements of the District and leave enough of margin to meet the extraordinary expenses which will be incurred in carrying on the affairs of the District, so that we cut all those things out, and refused to authorize an advancement by the Government to the District in the sum of $10,000,000.

To be brief, gentlemen, I am of the opinion that we propose to appropriate in this bill about all the money necessary to carry on the government of the District of Columbia fairly and liberally. We have appropriated money for everything that is needed, and enough of it. I need not add anything further than to say that in my opinion this is the best bill that the committee has reported to the House in several years.

Mr. McCREARY. Does the gentleman from Missouri [Mr. BENTON] desire to reserve the balance of his time?

Mr. BENTON. Yes, sir. I want to say that I told my colleague from Missouri [Mr. COCHRAN] that this bill would probably not come up this evening, and he has left the House. I promised to give him three-quarters of an hour. So far as our side of the House is concerned, there is nobody now present who wants to occupy any time.

Mr. SMITH of Kentucky. Mr. Chairman, I rise to make a suggestion, that by unanimous consent we take up the bill under the five-minute rule and proceed for the rest of the evening, and then to-morrow continue with the general debate. It is too early to adjourn. We ought to get along with this bill and make some progress.

Mr. BENTON. I have no objection to that course.

Mr. SMITH of Kentucky. What does the chairman of the committee say?

Mr. McCLEARY. I think that is hardly the usual procedure.

Mr. SMITH of Kentucky. I know it is not, but it is practical and will save time. I do not see any reason for not doing so.

The CHAIRMAN. The Chair will state that by unanimous consent there can be no objection to proceeding in that manner.

Mr. SMITH of Kentucky. That is my suggestion.

Mr. McCLEARY. Then, Mr. Chairman, would it not be advisable to limit the time of general debate to-morrow?

Mr. BENTON. Yes; I think it would. I have had requests from two gentlemen, Mr. Chairman, one of whom wants to occupy forty-five minutes' time and the other said not more than thirty minutes. Those are all the requests for time that I have had. I would like to accommodate those gentlemen. Beyond that I have no desire to occupy further time, and we might be able to get through by 3 o'clock all right. If there is no demand for time on the other side, I think probably we can.

Mr. McCLEARY. Mr. Chairman, I suggest to the gentleman from Missouri, my colleague on the committee, that we agree upon two hours of general debate to-morrow.

Mr. BENTON. I will agree to that.

Mr. McCLEARY. Then, Mr. Chairman, I ask for unanimous consent that the time for general debate to-morrow be limited to two hours and that we now proceed to the reading of the bill under the five-minute rule, with that understanding.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that general debate be now suspended and that the committee proceed to the consideration of the bill under the five-minute rule; that when the committee shall resume its session to-morrow, general debate shall be limited to two hours. Is there objection?

There was no objection.

The Clerk proceeded with the reading of the bill.

Mr. McCLEARY. I ask unanimous consent to go back to page 4, line 10.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to return to page 4, line 10, for the purpose of offering an amendment, which the Clerk will report.

The Clerk read as follows:

On page 4, line 10, before the word "in," insert "messenger, six hundred dollars."

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McCLEARY. This was merely an oversight in printing. It was intended to be there.

The amendment was agreed to.

The Clerk proceeded with the reading of the bill.

Mr. HEPBURN. Mr. Chairman, I ask unanimous consent to go back to page 10 for the purpose of making an inquiry from the gentleman in charge of this bill. I notice there are appropriations here aggregating $35,000 for free public library, all apparently except $5,000 being for the care of a free public library. I desire to ask what library that is?

Mr. McCLEARY. It is the library known as the Carnegie Library, over on Seventh street.

Mr. HEPBURN. Is it expected that that library will be a permanent tax upon the people of this District at the rate of about $30,000 a year, without any reference to additions of books? That seems to be the sum here.

Mr. BURKETT. It is only $18,400.

Mr. HEPBURN. It is $18,440, and then another item for purchase of books, $5,000; printing, $3,000, and so on, aggregating in all $17,000, $5,000 of which is for the purchase of books; so that there will be $12,000 and $18,000 apparently for the care of the library.

Mr. McCLEARY. And the replenishment and rebinding of books and the magazines that are donated.

Mr. HEPBURN. That is an item of $3,000, leaving $27,000 then for the care of that library.

Mr. BURKETT. The second item that the gentleman refers to includes the fitting up of this building. Probably hereafter that item will be very much less. That includes the fuel, lighting, fitting up of building, and other contingent expenses.

Mr. HEPBURN. Yes. Then there would be $18,440, besides the expense of the building hereafter?

Mr. BURKETT. The $18,440 refers to the salaries of the persons necessarily employed in the building.

Mr. HEPBURN. Then the cost of fuel and lighting, and so on, and repairs, and all expenses of that kind, will be in addition to the $18,400?

Mr. BURKETT. That amounts to $17,000, making about $35,400; but that will be decreased hereafter, as I understand, because the fund for fitting up the building this year is necessarily larger than it will be hereafter.

Mr. HEPBURN. What was the evidence before the committee as to the probable cost of fuel, lighting, and so on, eliminating that other item of fitting up the building? I want to know how much of a blessing the people of this District are to credit to Mr. Carnegie.

Mr. McCLEARY. In the hearings, on page 135, is a statement as follows:

Approximate items of public library contingent fund estimate.

Miscellaneous supplies, building (Mr. Greene's estimate last year)	$1,000
Electric lighting (Mr. Greene's estimate last year)	2,500
Heating, on basis of present consumption (5 months' coal, $5 per ton). (Impossible to make close estimate on account of uncertainty as to price.)	2,250
Furniture, library equipment, fitting up	$3,000 to 2,000
Stationery, library cards, etc (In 1902, $647.47.)	$250 to 500
Printing	$500 to 250
Repairs, fitting up, etc	500
Miscellaneous library items, ice, stamps, etc (Last year, $630.)	600
Total	9,600

(The estimate is $9,000.)

Mr. HEPBURN. Then there is something in excess of $7,000 that will probably be an annual charge, in addition to the eighteen thousand four hundred and forty.

Mr. McCLEARY. I have not made the computation.

Mr. HEPBURN. I did it hastily, as you read, and I made it something over $7,000.

Mr. McCLEARY. I think the gentleman is probably nearly correct.

In that connection I simply desire to say, Mr. Chairman, that the usual condition upon which Mr. Carnegie makes these donations to other places, and a very proper condition it is, is that the community availing itself of his liberality shall furnish a suitable site and a maintenance fund equal to 10 per cent of the amount he gives for the building. He did not make that condition with the District, but simply made the condition that it should be suitably supported.

Mr. HEPBURN. Has the gentleman any idea of the value of that site contributed by Congress in order to get the donation?

Mr. McCLEARY. It was not estimated. It was public property.

Mr. HEPBURN. It is worth at least a million dollars, is it not?

Mr. McCLEARY. I do not know. It was simply, Mr. Chairman, used as a public park. It would never have been used for producing revenue. It was not utilized except for the pleasure of the people of the District. It is now used for both their pleasure and their profit.

The Clerk read as follows:

Of the Bennings (white), Bennings (colored), Bunker Hill, Chevy Chase, Good Hope, Grant Road, Hamilton, High Street, Langdon, Kenilworth, Orr, Petworth, Potomac, Reservoir, Takoma Park, and Threlkeld buildings, 16 in all, at $240 each.

Mr. MADDOX. Mr. Chairman, I move to strike out the section.

Mr. McCLEARY. I would like to ask the gentleman from Georgia which section he referred to?

Mr. MADDOX. Let it be read.

The Clerk read as follows:

Strike out lines 9 to 13 on page 32.

Mr. McCLEARY. What is the objection to it?

Mr. MADDOX. I do not know.

The CHAIRMAN. The Chair will inform the gentleman from Georgia that it is not a section. The gentleman from Georgia moves to strike out the paragraph beginning with line 9, page 32, and ending with line 13.

Mr. MADDOX. Mr. Chairman, my object in making the motion was simply to demonstrate the fact that there is no quorum in this House, and under the Constitution it requires a quorum to do business. It is now 5 o'clock, and there are not to exceed 25 members in the Chamber at this time.

Mr. BABCOCK. Mr. Chairman, I want to suggest to the gentleman from Georgia that I will join with him in an adjournment of the House in case there is any debate or any amendments that are necessary to be considered. But time is valuable now, and in an hour the gentleman from Minnesota can finish his bill. I think it is especially desirable at this time that he be permitted to do so. I am here for the purpose of watching the reading of this bill, and am certainly as much interested as the gentleman to see that there is no improper legislation in connection with it.

Mr. MADDOX. I want to say in reply to that that we may just as well let our people understand what the situation is here. It is just as much their duty as it is our duty to be in the House, as you and I are. We are here, probably about 25 of us, and I think that we would be here until morning if necessary, but other gentlemen do not see proper to stay here, and if we are going to do business you ought to require a quorum, and let them understand that if we are to do business.

The CHAIRMAN. Does the gentleman make the point of order that there is no quorum present?

Mr. MADDOX. I certainly do.

The CHAIRMAN. Then the Chair will count and ascertain.

Pending the count,

Mr. McCLEARY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having resumed the chair as Speaker pro tempore, Mr. GROSVENOR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16842, and had come to no resolution thereon.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 5561. An act for the relief of S. R. Green—to the Committee on Claims.

WITHDRAWAL OF PAPERS.

Mr. CAPRON, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Joseph P. Manton, Fifty-sixth Congress, no adverse report having been made thereon.

Mr. RUMPLE, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of John Albright, Fifty-seventh Congress, no adverse report having been made thereon.

SALARIES OF CERTAIN JUDGES OF THE UNITED STATES.

Mr. SMITH of Kentucky, by unanimous consent, was granted leave to file the views of the minority of the Committee on the Judiciary on the bill of the Senate (S. 3287) to fix the salaries of certain judges of the United States.

Mr. McCLEARY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Industry*, J. Lambert, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John B. Howard, administrator of estate of Joseph H. Howard, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of

J. P. Newkirk, administrator of estate of James H. Newkirk, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Olive Branch*, Jonathan Moulton, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for survey of boundary line between Idaho and Montana—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Christian Smith against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for Government Hospital for the Insane—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for addition to the post-office building at Detroit—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 16724) to provide for an additional judge of the district court of the United States for the southern district of New York, reported the same with amendment, accompanied by a report (No. 3166); which said bill and report were referred to the Committee of the Whole House on the state on the Union.

Mr. FLEMING, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 15595) ceding jurisdiction to the State of Arkansas over certain lands in the city of Fort Smith, in said State, reported the same with amendments, accompanied by a report (No. 3167); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OVERSTREET, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 5914) establishing a regular term of United States district court in Addison, W. Va., reported the same without amendment, accompanied by a report (No. 3168); which said bill and report were referred to the House Calendar.

Mr. SMITH of Kentucky, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 16202) fixing the times and places for holding regular terms of the United States circuit and district courts in the western district of Virginia, and for other purposes, reported the same without amendment, accompanied by a report (No. 3169); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 16775) establishing United States courts at Duncan and Maryetta, Ind. T., reported the same with amendments, accompanied by a report (No. 3171); which said bill and report were referred to the House Calendar.

Mr. DE ARMOND, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 14798) to establish a laboratory for the study of the criminal, pauper, and defective classes, reported the same with amendment, accompanied by a report (No. 3172); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 16099) to cancel certain taxes assessed against the Kall tract, reported the same without amendment, accompanied by a report (No. 3173); which said bill and report were referred to the House Calendar.

Mr. SMITH of Kentucky, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 3287) to fix the salaries of certain judges of the United States, submitted the views of the minority, to accompany report (No. 3159, part 2); which said views were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. REID, from the Committee on Claims, to which was referred the bill of the House (H. R. 13520) for the relief of the creditors of the Deposit Savings Association of Mobile, Ala., reported the same without amendment, accompanied by a report (No. 3170); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8107) granting a pension to John M. Lawton, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FOSS: A bill (H. R. 16875) to establish a naval militia and define its relations to the General Government—to the Committee on Naval Affairs.

Also, a bill (H. R. 16876) to provide for the enrollment and organization of a United States naval reserve—to the Committee on Naval Affairs.

By Mr. RUSSELL: A bill (H. R. 16877) to amend and construe existing pension laws so as to prevent the drawing of pensions by citizens of foreign countries—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 16878) for the erection of a public building at Atlanta, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. MAYNARD: A bill (H. R. 16879) to appropriate $10,000 in addition to the amount already appropriated for the purchase of a site for a post-office building in Portsmouth, Va.—to the Committee on Public Buildings and Grounds.

By Mr. GAINES of Tennessee: A bill (H. R. 16880) to amend "An act to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes," so as to apply the provisions of the act to persons or concerns seeking to do the business of fire, life, and other insurance without proper authority from the State or Territory wherein is located their domicile or headquarters—to the Committee on the Post-Office and Post-Roads.

By Mr. CLAYTON: A bill (H. R. 16881) to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River, in Geneva County, Ala.—to the Committee on Interstate and Foreign Commerce.

By Mr. NAPHEN: A bill (H. R. 16882) to establish a light-house depot for the Second light-house district, Boston Harbor, Massachusetts—to the Committee on Interstate and Foreign Commerce.

By Mr. COCHRAN: A bill (H. R. 16883) to fix the limit of cost and provide for the erection of an extension of the public building at St. Joseph, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. WILEY: A bill (H. R. 16884) to fix the fees of court criers, bailiffs, and witnesses in attendance upon the United States courts in Alabama—to the Committee on the Judiciary.

By Mr. WADSWORTH: A bill (H. R. 16885) to extend to the port of Niagara Falls, N. Y., the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement—to the Committee on Ways and Means.

By Mr. SNODGRASS: A bill (H. R. 16909) to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901—to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: A joint resolution (H. J. Res. 253) declaring the Van Buren tunnel under the Chicago River, in the city of Chicago, an obstruction to navigation—to the Committee on Interstate and Foreign Commerce.

By Mr. CROWLEY: A resolution (H. Res. 397) to pay Marcellus Butler for services rendered as janitor to the Committee on Invalid Pensions—to the Committee on Accounts.

By Mr. CRUMPACKER: A resolution (H. Res. 398) calling for information respecting the resignation of the postmaster at Indianola, Miss., and the failure to accept said resignation and appoint a successor—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL (by request): A resolution (H. Res. 399) that John K. Rice be appointed special messenger to the members of the press on the floor of the House—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CLARK: A bill (H. R. 16886) granting a pension to John W. Hunter—to the Committee an Invalid Pensions.

By Mr. DAVEY of Louisiana: A bill (H. R. 16887) for the relief of Omer Baudry—to the Committee on War Claims.

By Mr. DE ARMOND: A bill (H. R. 16888) granting an increase of pension to Culvin V. Porter—to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 16889) granting a pension to George S. Boyd—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 16890) for the relief of Jennie Jackson, formerly Jennie Meagher—to the Committee on Indian Affairs.

By Mr. GIBSON: A bill (H. R. 16891) granting a pension to Hiram Baird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16892) granting a pension to Thomas Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16893) granting a pension to Ezekiel Newport—to the Committee on Invalid Pensions.

By Mr. LESSLER: A bill (H. R. 16894) for the relief of Lieut. David H. Cortelyou, United States Army—to the Committee on Military Affairs.

By Mr. MAYNARD: A bill (H. R. 16895) for the relief of E. J. Leeds—to the Committee on Claims.

By Mr. NEVIN: A bill (H. R. 16896) granting an increase of pension to Hugh Mooney—to the Committee on Invalid Pensions.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 16897) for the relief of Plains Lodge, No. 135, Free and Accepted Masons, of East Baton Rouge, La.—to the Committee on Claims.

By Mr. RODEY: A bill (H. R. 16898) granting a pension to Jose Gutierrez y Garcia—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16899) granting a pension to Julian Lujan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16900) granting a pension to William Reagan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16901) for the relief of William H. Hugo—to the Committee on Military Affairs.

By Mr. STORM: A bill (H. R. 16902) granting a pension to Moritz Pinner—to the Committee on Invalid Pensions.

By Mr. SWANN: A bill (H. R. 16903) granting a pension to Susan J. Lawrence—to the Committee on Invalid Pensions.

By Mr. THOMAS of Iowa: A bill (H. R. 16904) granting an increase of pension to Clark Robinson—to the Committee on Invalid Pensions.

By Mr. BRANDEGEE: A bill (H. R. 16905) granting a pension to Dudley R. W. Williams—to the Committee on Pensions.

By Mr. LEWIS of Georgia: A bill (H. R. 16906) granting a pension to Ellender C. Miller—to the Committee on Pensions.

Also, a bill (H. R. 16907) granting a pension to Udariah English—to the Committee on Pensions.

Also, a bill (H. R. 16908) granting an increase of pension to Matilda Burks—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN of Maine: Petition of the Sunday School Association of Scarboro, Me., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. BROWN: Petition of retail druggists of Pembine, Wis., for a reduction of the tax on alcohol to 70 cents per proof gallon—to the Committee on Ways and Means.

By Mr. BROWNLOW: Petition of J. A. Parsons, of Washington County, Tenn., heir at law of Josiah Pugh, deceased, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. CASSINGHAM: Paper to accompany House bill 15467, granting a pension to James Carr—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of A. H. Bond, favoring the passage of House bill 15008, relating to the separation and utilization of public and private lands—to the Committee on the Public Lands.

Also, resolution of the Association of Fully Disabled Union War Veterans, Brooklyn. N. Y., asking for the passage of Senate bill 4850—to the Committee on Invalid Pensions.

Also, petition of the National Hay Association, protesting against placing the Interstate Commerce Commission in the department of commerce bill—to the Committee on Interstate and Foreign Commerce.

By Mr. EMERSON: Papers to accompany House bill 16609, granting a pension to James Monty—to the Committee on Invalid Pensions.

By Mr. GIBSON: Papers to accompany House bill granting an increase of pension to Sallie Ramsey—to the Committee on Invalid Pensions.

Also, paper relating to the claim of William Lewis, Knoxville, Tenn.—to the Committee on War Claims.

By Mr. GRAHAM: Petition of the Woman's Foreign Missionary Society of Christ Methodist Episcopal Church, Pittsburg, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Wallis Huidekoper, favoring House bill 15008, providing for the better separation and utilization of public and private lands within the limit of railroad land grants in the arid regions—to the Committee on the Public Lands.

Also, petition of Gleghorn Pharmacal Company, Allegheny, Pa., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of the American Humane Association, Toledo, Ohio, protesting against amending section 4386 of the Revised Statutes, which will make legal the confining of live stock in cars forty hours without food, water, or rest—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Hay Association, relating to an amendment to the department of commerce bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HILL: Petition of Lake Torpedo Boat Company, of Bridgeport, Conn., praying for unrestricted competition and certain legislation for submarines—to the Committee on Naval Affairs.

By Mr. JACKSON of Kansas: Petition of R. B. Bird and other druggists of Winfield, Kans., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. LACEY: Resolutions of the Commercial Club of Muscatine, Iowa, in favor of improving the Mississippi River channel from St. Paul to St. Louis—to the Committee on Rivers and Harbors.

By Mr. LEWIS of Georgia: Paper to accompany House bill granting a pension to Green Hightower—to the Committee on Pensions.

By Mr. LINDSAY: Petition of the Odessa Benevolent Society, Gate of Prayer, of Brooklyn, N. Y., protesting against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. MANN: Resolutions of the Illinois Lumber Dealers' Association, Chicago, Ill.; National Hardwood Lumber Association, and the National Lumber Manufacturers' Association, St. Louis, Mo., favoring the establishment of a national forest reserve in the Southern Appalachians—to the Committee on the Public Lands.

By Mr. MAYNARD: Petition of E. J. Leeds, of Portsmouth, Va., relating to claim for damages upon land adjacent to the Government navy-yard at Norfolk, Va.—to the Committee on Claims.

By Mr. McCLEARY: Letter of F. H. Miller, of Minneapolis, Minn., against the repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. MORRIS: Remonstrances of citizens of Duluth and West Superior, Minn., against the repeal of the stone, timber, desert land, and homestead commutation acts—to the Committee on the Public Lands.

By Mr. NEVILLE: Petition of H. C. Blickensderfer and 3 other druggists, of North Platte, Nebr., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Louisville, Ky., for the improvement of the Ohio River—to the Committee on Rivers and Harbors.

By Mr. OTJEN: Resolutions of Wisconsin Lodge, No. 80, Milwaukee, Wis., favoring a commission to examine all questions affecting immigration before final action is taken on the pending bill—to the Committee on Immigration and Naturalization.

By Mr. PALMER: Petition of William M. Longstreth, J. P. Willits, and others, of Philadelphia, Pa., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. RODEY: Resolutions of the Commercial Club of Albuquerque, N. Mex., for an illiteracy test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of the Commercial Club of Albuquerque, N. Mex., asking for appropriate legislation for the Territory of Alaska—to the Committee on the Territories.

By Mr. RUPPERT: Resolutions of Harlem Lodge, No. 84, Order of B'rith Abraham, urging a modification of the methods and practices of the immigration officials at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. SHERMAN: Petition of citizens of Utica, N. Y., favoring House bill 178—to the Committee on Ways and Means.

By Mr. HENRY C. SMITH: Petition of Adrian (Mich.) Federation of Labor, favoring the repeal of the desert-land and homestead commutation acts—to the Committee on the Public Lands.

By Mr. SNOOK: Resolutions of the Ohio Horse Breeders' Association and Ohio State board of agriculture, favoring House bill 16656, providing for the free importation of pure-bred live stock for breeding purposes—to the Committee on Ways and Means.

Also, resolutions of the Ohio State board of agriculture, favoring a just and liberal appropriation for new buildings for the Agricultural Department—to the Committee on Agriculture.

By Mr. SPERRY: Petition of Woman's Christian Temperance Union, of East Haven, Conn., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, resolutions of the Connecticut Lodge, No. 189, of New Haven, Conn., Order of B'rith Abraham, favoring a modification of the methods and practice of immigration officers at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. STARK: Petitions of Ben L. Terry, Frank Harris, and others, of Ohiowa, Nebr., and vicinity, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Petition of citizens of Sunset and Abilene, Tex., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. THOMAS of Iowa: Papers to accompany House bill for an increase of pension to Clark Robinson—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Petition of Thomas P. Powell and other druggists of Vienna, Metropolis, Ills., and vicinity, for the enactment of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

SENATE.

TUESDAY, *January 20, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. FAIRBANKS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved. It is approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 1115) for the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry; and

A bill (S. 6216) to pay in part judgments rendered under an act of the legislative assembly of the Territory of Hawaii for property destroyed in suppressing the bubonic plague in said Territory in 1899 and 1900, and authorizing the Territory of Hawaii to issue bonds for the payment of the remaining claims.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 15345) to promote the efficiency of the militia, and for other purposes.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 9503) to authorize the Oklahoma and Western Railroad Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes;

A bill (H. R. 16604) making appropriation for the diplomatic and consular service for the fiscal year ending June 30, 1904; and

A joint resolution (H. J. Res. 216) extending the provision granting to the State of Pennsylvania the use of the court-house at Scranton and Williamsport, Pa.

PETITIONS AND MEMORIALS.

Mr. WETMORE presented a petition of the board of directors of the Slater Trust Company, of Pawtucket, R. I., praying for the enactment of legislation authorizing national banks to issue asset currency; which was referred to the Committee on Finance.

Mr. FAIRBANKS presented a petition of the legislative board of the Brotherhood of Locomotive Engineers of Indiana, praying for the passage of the so-called employers' liability bill; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Trades and Labor Council, American Federation of Labor, of Kokomo, Ind., remonstrating against the enactment of legislation to repeal the issuance of the revenue-stamp tax on eighth kegs of beer; which was referred to the Committee on Finance.

He also presented a petition of the Studebaker Brothers Manufacturing Company, of South Bend, Ind., praying for the enactment of legislation which will insure a volume of currency in proportion to the demand and supply; which was referred to the Committee on Finance.

He also presented a petition of the Studebaker Brothers Manufacturing Company, of South Bend, Ind., praying for the enactment of legislation relative to the system of post-check currency; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the State Bureau of Child and Animal Protection of Denver, Colo., and a memorial of the Humane Society, of South Bend, Ind., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

He also presented petitions of Local Union No. 8785, of Bluffton; of Carpenters and Joiners' Union, No. 205, of Terre Haute, all of the American Federation of Labor, and of Good Will Lodge, No. 52, Brotherhood of Locomotive Firemen, of Logansport, all of the State of Indiana, praying for the enactment of legislation to repeal the so-called desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

He also presented a petition of Lodge No. 23, Brotherhood of Railroad Trainmen, of Elkhart, Ind., praying for the passage of the so-called anti-injunction and conspiracy bill; which was ordered to lie on the table.

He also presented a petition of the National Drain Tile Company, of Terre Haute, Ind., and a petition of the Mohawk Cycle Company, of North Indianapolis, Ind., praying for the establishment of a department of commerce; which were ordered to lie on the table.

He also presented a petition of the congregation of Cedar Church, of the Society of Friends, of Farmland, Ind., and a petition of the Monthly Meeting of Friends, of Kokomo, Ind., praying for the adoption of an amendment to the bill to promote the efficiency of the militia so as to provide for an exemption clause based on conscientious scruples; which were ordered to lie on the table.

Mr. LODGE presented a petition of the National Association of Naval Veterans of Salem, Mass., praying for the enactment of legislation granting a pension to George K. Knowlton; which was referred to the Committee on Pensions.

Mr. HOAR presented a petition of the American Bar Association of the United States, praying that an appropriation be made for the erection of a building for the use of the Supreme Court of the United States; which was referred to the Committee on Public Buildings and Grounds.

Mr. QUAY. I present the petition of Red Horse, a Yankton Sioux Indian, and sundry other Indians, praying for the passage of the bill (S. 6598) authorizing the Secretary of the Interior to correct errors where double allotments of land have erroneously been made, to correct errors in patents, and for other purposes. I move that the petition be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. BACON. I present a petition from a number of colored people in the State of Georgia, relative to the loss by them of money by the failure of the Freedman's Saving Bank and Trust Company, and praying for further legislation looking to their reimbursement in part. I do not know to what committee the petition belongs, but I ask that it may be appropriately referred, so that the matter may have due attention.

The PRESIDENT pro tempore. The petition will be referred to the Committee on Finance, who have that matter in charge.

Mr. BACON presented a petition of the Board of Trade of Brunswick, Ga., praying for the passage of the so-called pure-food bill; which was ordered to lie on the table.

Mr. KEAN presented a petition of Columbia Council, No. 8, Daughters of Liberty, of Jersey City, N. J., and a petition of Essex Council, No. 161, Junior Order of United American Mechanics, of Newark, N. J., praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

He also presented the memorials of P. Leonard Rice, of Bridgeton; of W. W. Ammerman, of Delaware; of E. L. Welling, of Atlantic Highlands; of J. B. Hammond, of Atlantic Highlands; of T. J. Todd, of Dunellen, of Mrs. M. Peal, of Bayonne; of W. W. Fry, of Trenton; of L. B. Parsells, of Gloster, and of T. C. Bodine, of Dunellen, all in the State of New Jersey, remonstrating against the enactment of legislation to repeal the present anticanteen law; which were referred to the Committee on Military Affairs.

Mr. NELSON presented petitions of Lodge No. 331, Order of B'rith Abraham, of St. Paul; of Lodge No. 119, Order of B'rith Abraham, of Minneapolis, and of Lodge No. 93, Order of B'rith

Abraham, of St. Paul, all in the State of Minnesota, praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

He also presented petitions of Cigar Makers' Local Union No. 294, of Duluth; of the Trades and Labor Council of Mankato; of the Trades and Labor Assembly of St. Paul; of Local Union No. 106, of Duluth, and of Local Union No. 23, of Minneapolis, all of the American Federation of Labor, in the State of Minnesota, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. PROCTOR presented a memorial of the Humane Society of Burlington, Vt., and a memorial of the Humane Society of Springfield, Vt., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

He also presented petitions of Marble Workers' Local Union No. 23, of Brandon; of the Central Labor Union of Middlebury, and of Local Union No. 264, of Rutland, all of the American Federation of Labor, in the State of Vermont, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. CLARK of Montana presented petitions of Bricklayers and Masons' International Union No. 1, of Butte; of Stationary Engineers' Local Union No. 83, of Butte; of the Miners' Local Union of Chestnut, and of Carpenters and Joiners' Local Union No. 744, of Red Lodge, all of the American Federation of Labor, in the State of Montana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. FRYE presented a petition of Order of B'rith Abraham, Lodge No. 271, of Portland, Me., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

He also presented a petition of the Sunday School Association of Scarborough, Me., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

OKLAHOMA AND INDIAN TERRITORY.

Mr. NELSON. I present a petition of the business committee of the Western Miami tribe of Indians of the Quapaw Agency, Ind. T., praying for the passage of House bill 12543 in such form as to provide for the creation of the Territories of Oklahoma and Indian Territory into a single State and to admit them into the Union at once. I ask that the petition may be read and referred to the Committee on Territories.

There being no objection, the petition was read, and referred to the Committee on Territories, as follows:

To the Senate and House of Representatives of the United States of America in Congress assembled:

We, the undersigned, business committee of the Western Miami tribe of Indians, of the Quapaw Agency, Ind. T., now assembled in council, do most respectfully petition your honorable assembly to pass the H. R. 12543, as reported to the Senate by Senator NELSON on the 3d day of December, A. D. 1902, providing for the creation of the Territories of Oklahoma and Indian Territory into a single State and admitting them into the Union at once. We and our people are bitterly opposed to any legislation providing for the admission of the Territory of Oklahoma as a State and the gradual absorption by it of the Indian Territory by piecemeal. We desire to have a voice in the adoption of a constitution and the enactment of laws which will govern us, perhaps, for generations to come. If it be the ultimate intention of your honorable assembly to merge the Indian Territory and Oklahoma into one sovereign State we earnestly petition you that it be done at one and the same time; or, if it be deemed most expedient to postpone the admission of the lands occupied by the Five Civilized Tribes into a State, we very earnestly petition you that the lands comprised within the limits of the Quapaw Indian Agency be formed into a county and be admitted as such into statehood with the Territory of Oklahoma.

Our people are for advancement in civilization, industry, and education, etc., and our Territory needs some laws relating to a public-school system, public roads, bridges, and laws regulating the running at large of live stock, and in a general way we need laws to better protect us in the enjoyment of our lives and property. We are anxious to make final settlement with the Government of the United States and become citizens, with all of the rights, privileges, and benefits incident thereto. We feel sure that it will be better for every person concerned, and for any data or particulars concerning our tribal affairs or the existing condition of our country we very heartily refer you to our faithful friend and adviser, Thomas F. Richardville, late principal chief of our tribe, and at present chairman of the business committee, the office of chief having been abolished by act of our council held on the 19th day of September, A. D. 1901, at the solicitation and upon the recommendation of said Thomas F. Richardville, late chief of our said tribe, and who has been so faithful and diligent and untiring in his efforts for the uplifting, advancement, and enlightenment of his people.

Trusting that the foregoing petition will receive your most careful and considerate attention, the same is very repectfully submitted.

G. W. LEONARD,
C. W. RICHARDVILLE,
HENRY LAFALIER,
W. THEODORE DOLLAR,
Business Committee.

Attest:

W. THEODORE DOLLAR, *Clerk.*
THOMAS F. RICHARDVILLE, *Chairman.*

Witnesses:
L. L. MCMANAMAN.
M. B. POOLER.

GEN. WILLIAM F. SMITH.

Mr. PROCTOR. I present resolutions of the general assembly of the State of Vermont, praying that Gen. William F. Smith be commissioned a major-general in the Regular Army. I ask that the resolutions be read and referred to the Committee on Military Affairs.

There being no objection, the resolutions were read, and referred to the Committee on Military Affairs, as follows:

Whereas there has recently been placed in our capitol at Montpelier a tablet with portrait medallion commemorative of the military fame and services of William Farrar Smith, brevet major-general, United States Army, which was presented to Vermont by soldiers from other States who admire so much her great soldier son.

This tablet bears, as a part of its inscription, the following extracts from a letter addressed to General Grant under date of December 31, 1863, by the Assistant Secretary of War, Charles A. Dana:

* * * "The surest means of getting the rebels altogether out of East Tennessee is to be found in the Army of the Potomac. * * * This naturally led to your second proposition, namely, that either Sherman or W. F. Smith be put in command of that army. * * * Both the Secretary of War and General Halleck said: 'Gen. W. F. Smith would be the best person to try.' * * * The President, the Secretary of War, and General Halleck agree with you in thinking that it would be on the whole much better to select him." * * *

The verdict here recorded shows not only the opinion entertained by Lincoln, Grant, and Stanton in respect to General Smith's conspicuous soldierly abilities, but also serves most forcibly to direct attention to the neglect and indifference which of late years have been suffered to obscure the memory of his brilliant and patriotic services.

General Smith, now 78 years of age, is one of three or four corps commanders of the Union Army who still survive, and yet this brave old veteran, concerning whom General Grant in recommending his promotion to be a major-general, wrote: "He is possessed of the clearest military head in the Army; is very practical and industrious; no man in the service is better qualified than he is for our highest commands," is to-day on the retired list with no higher rank than that of a major of engineers: Therefore

Resolved by the senate and house of representatives, That it is the profound belief of the general assembly of the State of Vermont that the country owes it to its own reputation for justice and gratitude to make such reparation for past neglect as is now within its power, and to this end we respectfully urge that General Smith be commissioned a major-general in the Regular Army with the emoluments of a retired officer of that rank.

It is further resolved that a copy of this memorial and resolution be transmitted to the President of the United States, to the presiding officer of each House of Congress, and to each member of the Vermont delegation therein, and they are earnestly requested to use every honorable effort to secure the favorable action of Congress in respect thereto.

JOHN H. MERRIFIELD,
Speaker of the House of Representatives.
ZED S. STANTON.
President of the Senate.

STATE OF VERMONT, OFFICE OF THE SECRETARY OF STATE.

I hereby certify that the foregoing is a true copy of the joint resolution memoralizing Congress in respect to the rank of Maj. Gen. William Farrar Smith, as appears by the files and records of this office.

Witness my signature and the seal of this office at Montpelier, this 18th day of November, 1902.

[SEAL.] FREDERICK G. FLEETWOOD,
Secretary of State.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (S. 4530) for the relief of settlers on lands in Sherman County, in the State of Oregon, reported it with an amendment, and submitted a report thereon.

Mr. WETMORE, from the Committee on the Library, reported an amendment proposing to appropriate $2,000 for the purchase of a marble bust of General Lafayette, by David D'Angers, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the joint resolution (S. R. 136) authorizing the purchase of a marble bust of General Lafayette, executed by David D'Angers, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (H. J. Res. 16) to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Generals Francis Nash and William Lee Davidson, of North Carolina, reported it without amendment, and submitted a report thereon.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 5756) for the relief of the officers and crew of the United States steamer *Charleston*, lost in the Philippine Islands November 2, 1899, reported it without amendment, and submitted a report thereon.

Mr. BARD, from the Committee on Public Lands, to whom was referred the bill (S. 1270) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 9867) for the relief of the estate of Henry C. Nields, deceased, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 6367) granting an increase of pension to

Edmund P. Fox, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 6649) for the relief of Julius A. Kaiser, reported it without amendment, and submitted a report thereon.

Mr. DIETRICH. I am directed by the Committee on Public Lands, to whom was referred the joint resolution (S. R. 146) to extend the time for construction of the Akron, Sterling, and Northern Railroad, in Alaska, to report it without amendment, and submit a report thereon. The joint resolution has the unanimous indorsement of the committee.

The PRESIDENT pro tempore. The joint resolution will be placed on the Calendar.

REPORT OF SUPERINTENDENT OF INDIAN SCHOOLS.

Mr. PLATT of New York. I ask for the consideration of the resolution providing for the printing of additional copies of the Report of the Superintendent of Indian Schools for 1902, which was reported yesterday from the Committee on Printing.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution reported yesterday from the Committee on Printing, as follows:

Resolved, That the Public Printer be, and he is hereby, authorized and directed to print from stereotyped plates 1,000 additional copies of the Report of the Superintendent of Indian Schools for 1902, for the use of the Department of the Interior.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. BAILEY. I object.

The PRESIDENT pro tempore. Objection is made to its consideration.

STATUE OF GEN. HENRY LEAVENWORTH.

Mr. HARRIS. From the Committee on Military Affairs I report back favorably, without amendment, the joint resolution (S. R. 138) authorizing the Secretary of War to furnish condemned cannon for a life-sized statue of Gen. Henry Leavenworth, at Leavenworth, Kans., and I ask unanimous consent for its present consideration.

The Secretary read the joint resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. PLATT of New York. I object.

The PRESIDENT pro tempore. Objection is made. The joint resolution goes to the Calendar.

BILLS INTRODUCED.

Mr. MALLORY introduced a bill (S. 7036) granting an increase of pension to Aaron Daniels; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 7037) granting an increase of pension to Henry G. Hammond; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 7038) to provide for an additional judge of the district court of the United States for the southern district of New York; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. FAIRBANKS introduced a bill (S. 7039) to correct the military record of Allen F. Godwin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7040) granting an increase of pension to Alfred M. Poundstone (with the accompanying papers);

A bill (S. 7041) granting an increase of pension to William R. Lawrence (with the accompanying papers); and

A bill (S. 7042) granting an increase of pension to James M. Roszell (with the accompanying papers).

Mr. LODGE introduced a bill (S. 7043) to establish a lighthouse depot for the Second light-house district, Boston Harbor, Massachusetts; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 7044) to authorize the President to detail officers of the Revenue-Cutter Service as superintendents or instructors in the public marine schools; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 7045) granting an increase of pension to Augustus J. Norwood; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7046) granting a pension to Rebecca E. Maccarty; which was read twice by its title, and referred to Committee on Pensions.

Mr. CLAPP introduced a bill (S. 7047) to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. JONES of Arkansas introduced a bill (S. 7048) granting a pension to Mary A. Curnutt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 7049) for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala.; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRIS introduced a bill (S. 7050) granting an increase of pension to Henrietta Meek; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 7051) to extend the limit of cost for the United States post-office building at Marblehead, Mass.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FRYE introduced a bill (S. 7052) granting an increase of pension to George Peno; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted two amendments, one proposing to increase the salary of the United States consul at Odessa, Russia, and the other proposing to increase the salary of the United States consul at Amsterdam, Netherlands, intended to be proposed by him to the diplomatic and consular appropriation bill; which were referred to the Committee on Commerce.

Mr. HALE subsequently said: I wish to correct the reference just made, by which certain amendments touching consular offices and increasing salaries were referred to the Committee on Commerce. The amendments ought to go to the Committee on Foreign Relations, to be by them reported as amendments to the diplomatic and consular appropriation bill if they receive favorable action.

Mr. NELSON. The amendments relate to consuls only and should go to the Committee on Commerce.

Mr. HALE. No.

Mr. NELSON. The Committee on Commerce has jurisdiction over consular appointments.

Mr. HALE. But not over their salaries.

Mr. NELSON. But not over their salaries.

Mr. CULLOM. All such bills come from the Committee on Foreign Relations.

Mr. NELSON. Let the amendments go to the Committee on Foreign Relations.

Mr. HALE. Let them go to the Committee on Foreign Relations, that they may report them as amendments to the diplomatic and consular appropriation bill.

The PRESIDENT pro tempore. The amendments submitted by the Senator from Minnesota will be printed and referred to the Committee on Foreign Relations.

Mr. CLAPP submitted an amendment proposing to increase the salary of the Third Assistant Postmaster-General to $5,000, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was ordered to lie on the table and be printed.

Mr. CULBERSON submitted an amendment proposing to appropriate $100,000 to enable the Secretary of War to establish a permanent camp ground for the instruction and maneuvering of troops of the Regular Army and National Guard in the vicinity of Fort Sam Houston, in the State of Texas, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. MORGAN submitted an amendment proposing to increase the salary of the first assistant in the document room of the Senate from $1,800 to $2,000, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. STEWART submitted an amendment proposing to appropriate $100,000 for the reconstruction and completion of the old Providence Hospital building, in the District of Columbia, etc., intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying paper, was ordered to be printed, and referred to the Committee on the District of Columbia.

He also submitted an amendment directing the issuance of patents in fee, severally, to certain Cheyenne and Arapaho Indians for land heretofore allotted to them in the Territory of Oklahoma, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $10,000 for grading and macadamizing Grant street,

between Eighteenth and Nineteenth streets, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment providing for the establishment of a nurse corps of trained women nurses for the United States Navy, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. PERKINS submitted an amendment relative to the charter of Army transports belonging to the Quartermaster's Department of the United States Army, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HOAR submitted an amendment proposing to appropriate $5,000 for the purchase and preservation of the battlefield of Balls Bluff, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CULLOM submitted an amendment proposing to appropriate $1,500 for the salary of secretary of legation at Switzerland, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

POWER OF PRESIDENT TO NEGOTIATE TREATIES.

Mr. CLAY. In the Forty-eighth Congress, second session, Mr. Tucker, chairman of the Judiciary Committee of the House, made a very valuable report on the power of the President to negotiate treaties with foreign governments. The copies of that report have been practically exhausted. It is of importance, and on a subject which is now before the Senate to be discussed, and I ask that the report be printed as a document.

The PRESIDENT pro tempore. The Senator from Georgia asks that a certain paper be printed as a document. Is there objection? The Chair hears none, and the order is made.

SALARIES OF POSTMASTERS IN MAINE.

Mr. FRYE submitted the following resolution; which, with the accompanying paper, was ordered to be printed, and referred to the Committee on Post-Offices and Post-Roads:

Resolved by the Senate, That the Postmaster-General be, and hereby is, directed to report to the Senate the amounts of salaries of all postmasters in the State of Maine, for the terms of service specified, whose names and terms of service appear on the schedule of such cases in said State hereto attached, adjusted under the act of 1854, and the amount of the salary of each such postmaster adjusted and paid under the act of 1884, so that the difference between the salary paid and the amount of salary ordered paid by the act of 1883 shall appear in each case specified on the said schedule.

HOUSE BILLS REFERRED.

The bill (H. R. 9503) to authorize the Oklahoma and Western Railroad Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes, was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 16604) making appropriation for the diplomatic and consular service for the fiscal year ending June 30, 1904, was read twice by its title, and referred to the Committee on Appropriations.

The joint resolution (H. J. Res. 216) extending the provision granting to the State of Pennsylvania the use of the court-house at Scranton and Williamsport, Pa., was read twice by its title, and referred to the Committee on the Judiciary.

ANTHRACITE COAL.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. VEST on the 5th instant, as follows:

Resolved, That the Committee on Finance be instructed to prepare and report a bill amending "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, so that the tariff duty shall be removed from anthracite coal and the same be placed on the free list.

Mr. CULLOM. The Senator from Missouri [Mr. VEST] is not in his seat. I hope that the resolution may be laid aside without prejudice.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the resolution may lie on the table, holding its place. Is there objection? The Chair hears none, and the order is made.

DISCRIMINATION AGAINST PRODUCTS OF THE UNITED STATES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. LODGE, as follows:

Resolved, First, that the Committee on Finance be instructed to inquire and report to the Senate whether any, and if so what, countries discriminate against any article or articles the growth or product of the soil or industry of the United States by levying upon such article or articles duties, imposts, excises, or taxes in excess of those levied upon similar articles imported from other countries, or, further, in any way fail to admit the products of the United States on terms as favorable as those accorded to any other nation.

Second, that if it should appear that any country or countries discriminate against the United States in the manner aforesaid the Committee on Finance shall report to the Senate whether it is not advisable that a suitable law should be enacted by which maximum and minimum rates of duty shall be established in such manner as to give preference and advantage in rates of duty to the products of those countries which do not discriminate against the products of the soil or industry of the United States, but admit them on an exact equality with similar articles the products of other countries and on the terms and at the rates of duty accorded to the most favored nation.

Mr. ALDRICH. I ask that the resolution may lie on the table. I do not ask that it be given any particular place, but I ask that it may lie on the table until I can have an opportunity to call it up.

The PRESIDENT pro tempore. The Senator from Rhode Island asks that the resolution may lie on the table, subject to his call. Is there objection? The Chair hears none, and it is so ordered.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16021) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. CULLOM. I ask that the formal reading of the bill be dispensed with, that the bill be read, and that the amendments proposed by the committee may be considered as the reading progresses.

The PRESIDENT pro tempore. The Senator from Illinois asks that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. The Chair hears no objection, and that order is made. The Secretary will read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Legislative," on page 2, line 6, to increase the appropriation for the salary of telegraph operator in the office of the Vice-President from $1,400 to $1,500, and in line 8, to increase the total appropriation for the office of the Vice-President from $5,660 to $5,760.

The amendment was agreed to.

The next amendment was in the items for the office of Secretary, on page 3, line 5, after the word "each," to insert "clerk, $1,800;" and in line 9, before the word "hundred," to strike out "two" and insert "four;" so that the clause will read "assistant in stationary room, $1,000, and $400 additional while the office is held by the present incumbent; two messengers, at $1,440 each;" and in line 13, to increase the total appropriation for the office of the Secretary from $69,586 to $71,586.

The amendment was agreed to.

The next amendment was, on page 4, line 1, after the word "dollars," to insert "and $1,000 additional while the office is held by the present incumbent;" so as to read:

Clerks and messengers to committees: For clerk of printing records, $2,220; clerk to the Committee on Appropriations, $3,000, and $1,000 additional while the office is held by the present incumbent, etc.

The amendment was agreed to.

The next amendment was, under the heading "Clerks and messengers to committees," in the appropriations of the Senate, on page 5, line 22, after the word "Tributaries." to insert "Organization, Conduct, and Expenditures of the Executive Departments."

The amendment was agreed to.

The next amendment was, on page 6, line 2, to increase the total appropriation of the Senate for clerks and messengers to committees from $124,540 to $127,760.

The amendment was agreed to.

The next amendment was, on page 6, after line 4, to insert:

For additional amount for the clerk to the Committee on Rules, for revising and preparing for publication, biennially, under the direction of the committee, the Senate Manual, $1,000.

The amendment was agreed to.

The next amendment was, on page 6, line 9, to reduce the number of clerks to committees from 20 to 19; and in line 10, to reduce the total appropriation for clerks to committees at $1,800 each from $36,000 to $34,200.

The amendment was agreed to.

The next amendment was, on page 6, line 25, after the word "room," to insert "to be selected by the official reporters;" on page 7, line 6, after the word "dollars," to insert "two skilled laborers, at $900 each;" in line 12, before the word "dollars," to

strike out "seven hundred and twenty" and insert "nine hundred;" in line 14, before the word "laborers," to strike out "four" and insert "two;" in line 16, before the word "laborers," to strike out "twenty-nine" and insert "twenty-eight;" and in line 22, before the word "dollars," to strike out "fifty-seven thousand two hundred and twenty-four" and insert "fifty-six thousand nine hundred and eighty-four;" so as to make the clause read:

Office of Sergeant-at-Arms and Doorkeeper: For Sergeant-at-Arms and Doorkeeper, $4,500; horse and wagon for his use, $420, or so much thereof as may be necessary; for clerk to Sergeant-at-Arms, $2,000; assistant doorkeeper, $2,592; acting assistant doorkeeper, $2,592; 3 messengers, acting as assistant doorkeepers, at $1,800 each; 47 messengers, at $1,440 each; 2 assistant messengers on the floor of the Senate, at $1,440 each; messenger to official reporters' room, to be selected by the official reporters, $1,440; messenger in charge of storeroom, $1,440; upholsterer and locksmith, $1,440; 3 carpenters to assist him, at $960 each; skilled laborer, $1,000; 2 skilled laborers, at $900 each; 2 janitors, at $900 each; laborer in charge of private passage, $840; 2 female attendants in charge of ladies' retiring room, at $720 each; 2 telephone operators, at $900 each; telephone page, $600; press gallery page, $720; 2 laborers, at $840 each; 24 laborers, at $900 each; 28 laborers, at $720 each; 16 pages for the Senate Chamber, at the rate of $2.50 per day each during the session, $8,280; in all, $156,984.

The amendment was agreed to.

The next amendment was, on page 8, line 7, to increase the appropriation for salary of assistant in folding room from $1,200 to $1,400; in line 9, to increase the appropriation for the salary of the foreman in the folding room from $1,200 to $1,400; in line 10, to increase the number of folders, at $840 each, from 13 to 14; and in line 12, to increase the total appropriation for the maintenance of the folding room from $26,280 to $27,520.

The amendment was agreed to.

The next amendment was, on page 8, line 17, before the word "conductors," to strike out "seven" and insert "eight;" in line 18, after the word "each," to strike out "machinist and assistant conductor of elevators, $1,000;" in line 21, before the word "dollars," to insert "four hundred;" in line 24, before the word "hundred," to strike out "twenty-five thousand nine" and insert "twenty-six thousand five;" so as to make the clause read:

Under Superintendent of the Capitol Building and Grounds: For chief engineer, $2,160; four assistant engineers, at $1,440 each; eight conductors of elevators, at $1,200 each; machinist and electrician, $1,400; three firemen, at $1,095 each; six laborers, at $720 each; in all, $26,525.

The amendment was agreed to.

The next amendment was, on page 8, line 25, to increase the number of annual clerks to Senators who are not chairmen of committees from 30 to 35; and on page 9, line 2, to increase the appropriation for salaries of annual clerks to Senators who are not chairmen of committees from $45,000 to $52,500.

The amendment was agreed to.

The next amendment was, on page 9, line 19, to increase the appropriation for fuel, oil, and cotton waste and advertising, for the heating apparatus, exclusive of labor, from $20,000 to $25,000.

The amendment was agreed to.

The next amendment was, on page 10, line 2, to increase the appropriation for miscellaneous items, exclusive of labor, from $50,000 to $100,000.

The amendment was agreed to.

The next amendment was, on page 10, line 5, to increase the appropriation for miscellaneous items on account of the Maltby Building from $16,840 to $18,480.

The amendment was agreed to.

The next amendment was, on page 10, after line 18, to insert:

To enable the Committee on Claims to complete the preparation of a record and index of private claims introduced in the Senate during the Fifty-sixth and Fifty-seventh Congresses, $2,000, or so much thereof as may be necessary, to be paid upon vouchers approved by the chairman of the committee; and said sum or any part thereof, in the discretion of the chairman, may be paid as additional compensation to any officer or employee of the United States, and shall be immediately available. Said work shall be completed and reported to the Senate on the first day of the first regular session of the Fifty-eighth Congress, and the usual number of copies shall be printed ready for distribution on said date.

The amendment was agreed to.

The next amendment was, on page 12, line 6, to increase the appropriation for expenses of compiling, preparing, and indexing the Congressional Directory from $1,200 to $1,600.

The amendment was agreed to.

The next amendment was, on page 16, line 4, to increase the appropriation for janitor to the Committee on Appropriations, House of Representatives, from $720 to $1,000.

The amendment was agreed to.

The next amendment was in the appropriations for the House, on page 16, line 16, after the word "each," to insert "assistant clerk to the Committee on the Judiciary, $1,600."

The amendment was agreed to.

The next amendment was, on page 17, line 6, to increase the total appropriation for clerks and messengers of committees, House of Representatives, from $88,040 to $89,920.

The amendment was agreed to.

The next amendment was, under the subhead "Library of Congress," on page 24, line 22, after the word "dollars," to strike out "one stenographer and typewriter, $1,000," and insert "two stenographers and typewriters, at $1,000 each;" and on page 25, line 2, before the word "thousand," to strike out "seventeen" and insert "eighteen;" so as to make the clause read:

General administration: For Librarian of Congress, $6,000; chief assistant librarian, $4,000 chief clerk, $2,500; Librarian's secretary, $1,800; one clerk (assistant to chief clerk), $1,000; two stenographers and typewriters, at $1,000 each; one messenger, $840; in all $18,140.

The amendment was agreed to.

The next amendment was, on page 25, line 4, to increase the appropriation for the salary of assistant in charge of Mail and Supply Division, Library of Congress, from $1,200 to $1,500; and in line 6, to increase the total appropriation for the maintenance of the Mail and Supply Division, Library of Congress, from $2,460 to $2,760.

The amendment was agreed to.

The next amendment was, on page 25, line 20, after the word "dollars," to insert "two assistants, at $2,000 each;" in line 21, before the word "assistants," to strike out "five" and insert "three;" and on page 26, line 9, before the word "hundred," to strike out "eighty-seven thousand seven" and insert "eighty-eight thousand one;" so as to make the clause read:

Catalogue and shelf: For chief of division, $3,000; 2 assistants, at $2,000 each; 3 assistants, at $1,800 each; 7 assistants, at $1,500 each: 6 assistants, at $1,400 each; 12 assistants, at $1,200 each; 6 assistants, at $1,000 each; 14 assistants, at $900 each; 4 assistants, at $800 each; 13 assistants, at $720 each; 3 assistants, at $600 each; 10 assistants, at $540 each; 4 assistants, at $480 each; 6 messengers, at $360 each; in all, $83,140.

The amendment was agreed to.

The next amendment was on page 26, line 15, before the word "dollars," to strike out "two thousand five hundred" and insert "three thousand;" in line 16, before the word "hundred," to strike out "two" and insert "four;" in line 17, after the word "dollars," to insert "one stenographer, nine hundred dollars;" and in line 20, before the word "hundred," to strike out "six thousand five" and insert "eight thousand one," so as to make the clause read:

Bibliography: For chief of division, $3,000; 1 assistant, $1,400; 2 assistants, at $900 each; 1 assistant, $720; 1 stenographer, $900; and 1 messenger boy, $360; in all, $8,180.

The amendment was agreed to.

The next amendment was, on page 27, line 25, to increase the appropriation for the salary of one assistant of the Division of Documents, Library of Congress, from $1,200 to $1,400; and on page 28, line 4, to increase the total appropriation for the maintenance of the Division of Documents from $6,180 to $6,380.

The amendment was agreed to.

The next amendment was, on page 28, line 10, to increase the appropriation for the salary of the chief of division, Maps and Charts, from $2,500 to $3,000; in line 12, to increase the appropriation for the salary of one assistant in the Division of Maps and Charts from $1,200 to $1,400; and in line 15 to increase the total appropriation for the maintenance of the Division of Maps and Charts from $6,580 to $7,280.

The amendment was agreed to.

The next amendment was, on page 28, line 23, to increase the appropriation for the salary of one assistant in the Division of Prints from $1,200 to $1,400, and, on page 29, line 1, to increase the total appropriation for the maintenance of the Division of Prints from $5,360 to $5,560.

The amendment was agreed to.

The next amendment was, on page 31, line 16, to increase the appropriation for purchase of books for the Library of Congress, and for freight, commissions, etc., from $80,000 to $100,000.

The amendment was agreed to.

The next amendment was, on page 32, line 5, to increase the total appropriation for the general administration of the Library of Congress from $91,300 to $111,300.

The amendment was agreed to.

The next amendment was, under the head of "Botanic Garden," on page 34, line 24, to increase the appropriation for assistants and laborers under the direction of the Joint Committee on the Library of Congress from $12,093.75 to $12,593.75.

The amendment was agreed to.

The next amendment was, under the head of "Executive," on page 35, line 24, after the word "dollars," to insert "laborer, $600;" and on page 36, line 1, before the word "hundred," to strike out "one" and insert "seven;" so as to make the clause read:

For compensation to the following in the office of the President of the United States: Secretary, $5,000; 2 assistant secretaries, at $3,000 each; executive clerk, $2,500; executive clerk and disbursing officer, $2,000; 2 clerks, at $2,000 each; 6 clerks of class 4; 1 clerk of class 4, who shall be a telegrapher; 4 clerks of class 3; usher to the President, $1,800; steward, $1,800; chief doorkeeper, $1,800; 8 doorkeepers, at $1,200 each; 4 messengers, at $1,200 each; 5 messengers, at $900 each; watchman, $900; 1 fireman; laborer, $720; laborer, $600; in all, $65,740.

The amendment was agreed to.

The next amendment was, under the head of "Civil Service

Commission," on page 36, line 22, to increase the total appropriation for the maintenance of the Civil Service Commission from $163,660 to $164,060.

The amendment was agreed to.

The next amendment was, under the head of "Department of State," on page 37, line 16, before the word "dollars," to strike out "one hundred" and insert "two hundred and fifty;" in line 21, before the word "clerks," to strike out "seven" and insert "eight;" in line 22, before the word "clerks," to strike out "twenty-six" and insert "twenty-seven;" and on page 38, line 4, before the word "thousand," to strike out "sixty-nine" and insert "seventy-three;" so as to make the clause read:

For compensation of the Secretary of State, $8,000; Assistant Secretary, $4,500; Second and Third Assistant Secretaries, at $4,500 each; chief clerk, $3,000; assistant solicitor of the Department of State, to be appointed by the Secretary of State, $3,000; law clerk, and assistant, to be selected and appointed by the Secretary of State, to edit the laws of Congress and perform such other duties as may be required of them, at $2,500 and $1,500, respectively; 8 chiefs of bureaus, at $2,250 each; 2 translators, at $2,100 each; additional to Chief of Bureau of Accounts as disbursing clerk, $200; private secretary to the Secretary, $2,500; 12 clerks of class 4; 8 clerks of class 3; 13 clerks of class 2; 27 clerks of class 1, one of whom is to be a telegraph operator; 5 clerks, at $1,000 each; 12 clerks, at $900 each; chief messenger, $1,000; 2 messengers; 15 assistant messengers; packer, $720; and for temporary typewriters and stenographers, to be selected by the Secretary, $2,000; in all, $173,400.

The amendment was agreed to.

The next amendment was, on page 38, line 8, to increase the appropriation for the purchase of books and maps for the library of the Department of State from $2,000 to $2,500.

The amendment was agreed to.

The next amendment was, on page 38, line 16, to increase the total appropriation for contingent expenses of the Department of State from $3,500 to $4,000.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 39, line 1, to increase the appropriation for the salary of Government actuary under the control of the Treasury from $2,000 to $2,250; in the same line to increase the number of clerks of class 2 in the office of the Secretary of the Treasury from one to two; and in line 4, to increase the total appropriation for the maintenance of the office of the Secretary of the Treasury from $44,180 to $45,830.

The amendment was agreed to.

The next amendment was, on page 39, line 15, to increase the number of clerks of class 3 in the office of chief clerk and superintendent from two to three; in line 16, to reduce the number of clerks of class 1 from four to three, and on page 41, line 3, to increase the total appropriation for the maintenance of the office of chief clerk and superintendent from $184,100 to $184,500.

The amendment was agreed to.

The next amendment was, on page 41, line 18, to increase the number of clerks of class 1 in the Division of Customs from two to three, and in line 21, to increase the total appropriation for the maintenance of the Division of Customs from $32,290 to $33,490.

The amendment was agreed to.

The next amendment was, on page 43, line 9, after the word "and," to strike out "one laborer" and insert "two laborers;" in line 10, after the word "all," to strike out "twenty-one thousand four hundred and sixty" and insert "twenty-two thousand one hundred and twenty," and in line 11, after the word "dollars," to insert:

Provided, That from and after the approval of this act the probationary term of cadets in the Revenue-Cutter Service shall be three years instead of two years, as now provided by law.

So as to make the clause read:

Division of Revenue-Cutter Service: For assistant chief of division, $2,400; 1 clerk of class 4; 4 clerks of class 3; 2 clerks of class 2; 3 clerks of class 1; 2 clerks, at $1,000 each; 2 clerks, at $900 each, and 2 laborers; in all, $22,120: *Provided*, That from and after the approval of this act the probationary term of cadets in the Revenue-Cutter Service shall be three years instead of two years, as now provided by law.

The amendment was agreed to.

The next amendment was, on page 43, line 19, after the word "three," to insert "1 clerk of class 2;" in the same line, before the word "of," to strike out "2 clerks" and insert "1 clerk;" and in line 22, before the word "hundred," to strike out "twelve thousand nine" and insert "thirteen thousand one;" so as to make the clause read:

Miscellaneous division: For chief of division, $2,500; assistant chief of division, $2,000; 1 clerk of class 4; 1 clerk of class 3; 1 clerk of class 2; 1 clerk of class 1; clerk, $1,000; clerk, $900, and 1 assistant messenger; in all, $13,120.

The amendment was agreed to.

The next amendment was on page 47, line 19, after the word "Spain," to insert "transferred to the classified service under the provisions of section 3 of the legislative appropriation act, approved April 28, 1902;" so as to make the clause read:

For continuing the following additional force rendered necessary because of increased work incident to the war with Spain transferred to the classified service under the provisions of section 3 of the legislative appropriation act, approved April 28, 1902: seven clerks of class 4; 13 clerks of class 3; 8 clerks of class 2; 30 clerks of class 1; 10 clerks, at $1,000 each; 10 clerks, at $900 each, and 3 laborers; in all, $101,580.

The amendment was agreed to.

The next amendment was, on page 48, line 18, after the word "Spain," to insert "transferred to the classified service under the provisions of section 3 of the legislative appropriation act approved April 28, 1902;" so as to make the clause read:

For continuing the following additional force rendered necessary because of increased work incident to the war with Spain, transferred to the classified service under the provisions of section 3 of the legislative appropriation act approved April 28, 1902: Two clerks of class 3; 3 clerks of class 2; 4 clerks of class 1; 6 clerks, at $1,000 each; and 4 clerks, at $900 each; in all, $21,800.

The amendment was agreed to.

The next amendment was, on page 50, line 5, to increase the number of clerks of class 3 in the office of the Auditor for the Post-Office Department from 60 to 62; in line 6, to increase the number of clerks of class 2 from 81 to 83; in line 7, to increase the number of clerks of class 1 from 102 to 104; in line 9, to increase the number of clerks at $900 each from 70 to 71; and in line 15, to increase the total appropriation for the maintenance of the office of the Auditor for the Post-Office Department from $666,310 to $675,610.

The amendment was agreed to.

The next amendment was, on page 51, line 9, before the word "clerks," to strike out "twenty-nine" and insert "thirty;" in line 10, before the word "clerks," to strike out "seventeen" and insert "eighteen;" in line 11, before the word "clerks," to strike out "sixty-three" and insert "sixty-five;" in line 12, before the word "expert," to strike out "fifty" and insert "fifty-two;" in line 16, after the word "charwomen," to insert "foreman of pressmen, $1,500;" in line 17, before the word "pressmen," to strike out "twelve" and insert "eleven;" and in line 23, before the word "dollars," to strike out "eighty-three thousand two hundred and ten" and insert "eighty-eight thousand seven hundred and fifty;" so as to make the clause read:

Office of the Treasurer: For Treasurer of the United States, $6,000; assistant treasurer, $3,600; deputy assistant treasurer, $3,200; cashier, $3,600; assistant cashier, $3,000; chief clerk, $2,500; 7 chiefs of division, at $2,500 each; assistant chief of division, $2,250; vault clerk, $2,500; principal bookkeeper, $2,500; assistant bookkeeper, $2,100; 2 tellers, at $2,500 each; 2 assistant tellers, at $2,250 each; clerk for the treasurer, $1,800; 25 clerks of class 4, 17 clerks of class 3; 14 clerks of class 2; coin clerk, $1,400; 30 clerks of class 1, 18 clerks, at $1,000 each; 65 clerks, at $900 each; 52 expert counters, at $720 each; 9 clerks, at $700 each; mail messenger, $840; 7 messengers; 6 assistant messengers; 30 laborers; 9 charwomen; foreman of pressmen, $1,500; 11 pressmen, at $1,400 each; 24 separators, at $660 each; 17 feeders, at $660 each; compositor and pressman, $1,400; machinist, $900; in all, $388,750.

The amendment was agreed to.

The next amendment was, on page 52, line 13, to increase the appropriation for the salary of the Assistant Register of the Treasury from $2,250 to $2,500; and, in line 20, to increase the total appropriation for maintenance of the office of the Register of the Treasury from $72,910 to $73,160.

The amendment was agreed to.

The next amendment was, on page 52, line 24, after the word "Spain," to insert "transferred to the classified service under the provisions of section 3 of the legislative appropriation act approved April 28, 1902;" so as to make the clause read:

For continuing the following additional force rendered necessary because of increased work incident to the war with Spain transferred to the classified service under the provisions of section 3 of the legislative appropriation act approved April 28, 1902: Three clerks of class 1; and 3 clerks at $1,000 each; in all, $6,600.

The amendment was agreed to.

The next amendment was, on page 53, line 6, to increase the appropriation for the salary of the Deputy Comptroller of the Currency from "$2,800" to "$3,000;" and in line 17 to increase the total appropriation for the maintenance of the of the office of the Comptroller from "$112,420" to "$112,620."

The amendment was agreed to.

The next amendment was, on page 54, line 4, after the word "macerator," to insert "and for procuring information relative to banks other than national;" so as to make the clause read:

For expenses of special examinations of national banks and bank plates, of keeping macerator in Treasury building in repair, and for other incidental expenses attending the working of the macerator, and for procuring information relative to banks other than national, $5,000.

The amendment was agreed to.

The next amendment was, on page 55, line 6, after the word "dollars," to insert "bookkeeper, $1,800;" in line 7, before the word "of," to strike out "two clerks," and insert "one clerk;" and in line 17, after the word "thousand," to insert "two hundred;" so as to make the clause read:

Light-House Board: For chief clerk, $2,400; title and contract clerk, $2,000; accountant, $2,000; bookkeeper, $1,800; 1 clerk of class 3; 3 clerks of class 2; 6 clerks of class 1; 2 clerks, at $1,000 each; 10 clerks, at $900 each: 1 clerk, $840; 1 clerk, $720; 2 assistant messengers; 1 laborer; assistant civil engineer, $2,400; draftsman, $1,800; draftsman, $1,560; draftsman, $1,440; draftsman, $1,200; in all, $44,260.

The amendment was agreed to.

The next amendment was, on page 55, line 20, after the word

"dollars," to insert "and $500 additional while the office is held by the present incumbent;" on page 56, line 3, after the word "dollars," to strike out "one assistant messenger," and insert "two assistant messengers;" and in line 6, before the word "dollars," to strike out "forty-four thousand six hundred and eighty," and insert "forty-five thousand nine hundred;" so as to make the clause read:

Office of Life-Saving Service: For General Superintendent of Life-Saving Service, $4,000, and $500 additional while the office is held by the present incumbent; assistant general superintendent, $2,500; principal clerk, $2,000; topographer and hydrographer, $1,800; civil engineer, $1,800; draftsman, $1,500; 4 clerks of class 4; 5 clerks of class 3; 4 clerks of class 2; 5 clerks of class 1; 2 clerks, at $1,000 each; 1 clerk, $900; 2 assistant messengers; and 1 laborer; in all, $45,900.

The amendment was agreed to.

The next amendment was, on page 56, line 24, before the word "dollars," to strike out "three thousand five hundred" and insert "four thousand;" on page 57, line 7, after the word "messenger," to strike out "one assistant messenger" and insert "two assistant messengers;" and in line 11, before the word "dollars," to strike out "sixty thousand three hundred and fifty" and insert "sixty-one thousand five hundred and seventy;" so as to make the clause read:

Bureau of Statistics: For officer in charge of the Bureau of Statistics, $4,000; chief clerk, $2,250; statistical clerk, $2,000; 4 clerks of class 4; 3 clerks of class 3; 1 clerk, expert in foreign statistics and languages, to compile Statistical Abstract of the World, $1,600; stenographer and typewriter, $1,500; 7 clerks of class 2; 10 clerks of class 1; translator, $1,200; 10 clerks, at $1,000 each; 2 copyists; 1 messenger; 2 assistant messengers; 1 laborer; and 1 female laborer, $480; in all, $61,570.

The amendment was agreed to.

The next amendment was, on page 57, line 15, to increase the appropriation for payment of the services of experts and for other necessary expenditures connected with the collection of facts relative to the internal and foreign commerce of the United States from $4,000 to $5,000.

The amendment was agreed to.

The next amendment was, on page 59, line 14, before the word "dollars," to strike out "seven hundred and twenty" and insert "eight hundred and forty;" so as to make the clause read:

For fuel for heat, light, and power; office expenses, stationery, printing, and binding; traveling expenses; expenses of the visiting committee; expenses of attendance of American member at the meeting of the International Committee of Weights and Measures; rent of building at 235 New Jersey avenue as temporary laboratory, not to exceed $840; and contingencies of all kinds, $10,000.

The amendment was agreed to.

The next amendment was, on page 60, line 18, before the word "Surgeon-General," to strike out "Supervising;" in line 20, before the word "Surgeon-General," to strike out "Supervising;" in line 21, before the word "dollars," to strike out "two hundred and fifty" and insert "five hundred;" and on page 61, line 4, before the word "dollars," to strike out "two hundred and ninety" and insert "five hundred and forty;" so as to make the clause read:

Office of Surgeon-General of Public Health and Marine-Hospital Service: For Surgeon-General, $5,000; chief clerk, $2,000, and $500 additional as disbursing agent for the Public Health and Marine-Hospital Service; 2 clerks of class 4; 5 clerks of class 3; 5 clerks of class 2; 5 clerks of class 1; clerk and translator, $1,200; 3 clerks, at $900 each; 1 messenger; and 5 laborers, at $540 each; in all, $39,540, the same to be paid from the permanent appropriations for the Marine-Hospital Service.

The amendment was agreed to.

The next amendment was, on page 61, line 16, after the word "dollars," to strike out "and $250 additional for services while acting as Commissioner of Immigration;" in line 21, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand;" in line 23, before the word "hundred," to strike out "six" and insert "eight;" and on page 62, line 3, before the word "dollars," to strike out "and twenty-six" and insert "one hundred and seventy-six;" so as to make the clause read:

Bureau of Immigration: For Commissioner General of Immigration, $4,000; chief clerk, $2,500; confidential clerk, $1,800; statistician and stenographer, with power to act as immigrant inspector, $2,000; 1 supervising immigrant inspector, to be attached to this Bureau in Washington for special work outside, $1,800; 1 messenger; 1 assistant messenger; 1 clerk of class 2; for the following, to be immediately available: One clerk of class 1; 1 clerk, at the rate of $1,000 per annum; and 1 copyist; in all, $19,176, which, together with other expenses of regulating immigration, including the cost of the Federal Reporter, shall be paid from the permanent appropriation for expenses regulating immigration.

The amendment was agreed to.

The next amendment was, on page 62, line 20, to increase the appropriation for newspapers, law books, city directories, and other books of reference relating to the business of the Treasury Department from $1,200 to $1,500.

The amendment was agreed to.

The next amendment was, on page 63, line 11, to increase the appropriation for purchase of horses and wagons for office and mail service, to be used only for official purposes, etc., from $3,500 to $4,000.

The amendment was agreed to.

The next amendment was, on page 63, line 20, to increase the appropriation for purchase of coal, wood, engine oils and grease, grates, etc., from $9,500 to $12,000.

The amendment was agreed to.

The next amendment was, on page 64, line 2, to increase the appropriation for purchase of gas, electric current for lighting and power purposes, gas and electric light fixtures, etc., from $14,000 to $15,000.

The amendment was agreed to.

The next amendment was, on page 65, line 2, to increase the appropriation for purchase of carpets, carpet border and lining, linoleum, mats, rugs, etc., from $4,000 to $4,500.

The amendment was agreed to.

The next amendment was, under the subhead "Independent Treasury," on page 66, line 22, before the word "clerks," to strike out "two" and insert "four;" in line 24, before the word "clerks," to strike out "three" and insert "four;" on page 67, line 1, after the word "dollars," to insert "watchman and porter, $720;" in line 2, before the word "vault," to strike out "three" and insert "two;" and in line 4, before the word "thousand," to strike "twenty-three" and insert "twenty-seven;" so as to make the clause read:

Office of assistant treasurer at Baltimore: For assistant treasurer, $4,500; cashier, $2,500; 3 clerks, at $1,800 each; 4 clerks, at $1,400 each; bookkeeper and 4 clerks, at $1,200 each; 2 clerks, at $1,000 each; messenger, $840; watchman and porter, $720; 2 vault watchmen, at $720 each; in all, $27,800.

The amendment was agreed to.

The next amendment was, on page 67, line 10, after the word "each," to insert "assistant receiving teller, $1,600;" in line 16, before the word "clerks," to strike out "two" and insert "three;" and in line 23, before the word "hundred," to strike out "thirty-eight thousand nine" and insert "forty-one thousand seven;" so as to make the clause read:

Office of assistant treasurer at Boston: For assistant treasurer, $5,000; chief clerk, and paying teller, at $2,500 each; assistant paying teller, $2,200; vault clerk and receiving teller, at $2,000 each; assistant receiving teller, $1,600; first bookkeeper, $1,800; second bookkeeper, $1,400; specie clerk, $1,800; assistant specie clerk, and money clerk, at $1,500 each; redemption clerk, and one clerk, at $1,400 each; 3 clerks, at $1,200 each; clerk, $1,100; 3 clerks at $1,000 each; clerk, $800; messenger and chief watchman, $1,060; stenographer and typewriter, $1,000; 3 watchmen and janitors, at $850 each; in all, $41,710.

The amendment was agreed to.

The next amendment was, on page 68, line 4, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand;" in line 5, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand;" in line 8, before the word "hundred," to strike out "seven" and insert "eight;" in line 9, after the word "dollars," to strike out "bookkeeper, $1,500," and insert "two bookkeepers, at $1,500 each;" in line 11, before the word "coin," to strike out "three" and insert "four;" in line 16, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred;" and in line 19, before the word "dollars," to strike out "fifty-three thousand one hundred and twenty" and insert "fifty-six thousand eight hundred;" so as to make the clause read:

Office of assistant treasurer at Chicago: For assistant treasurer, $5,000; cashier, $2,500; vault clerk, $2,000; paying teller, $2,000; assistant paying teller, $1,500; assorting teller, $1,800; receiving teller, $1,800; clerk, $1,600; 2 bookkeepers, at $1,500 each; 4 coin, coupon, and currency clerks, at $1,500 each; 20 clerks, at $1,200 each; 1 detective and hall man, $1,100; messenger, $840; stenographer, $900; janitor, $600; and 3 watchmen, at $720 each; in all, $56,800.

The amendment was agreed to.

The next amendment was, on page 68, line 22, before the word "dollars," to insert "two hundred and fifty;" on page 69, line 1, after the word "dollars," to strike out "one clerk, $1,200," and insert "three clerks, at $1,200 each;" in line 8, before the word "dollars," to strike out "nineteen thousand three hundred and sixty" and insert "twenty-two thousand and ten;" so as to make the clause read:

Office of assistant treasurer at Cincinnati: For assistant treasurer, $4,500; cashier, $2,250; bookkeeper, $1,800; receiving teller, $1,500; 2 clerks, at $1,200 each; interest clerk, $1,200; 3 clerks, at $1,200 each; 2 clerks, at $1,000 each; 1 clerk and stenographer, $720; clerk and watchman, $840; night watchman, $600; day watchman, $600; in all, $22,010.

The amendment was agreed to.

The next amendment was, on page 69, line 13, to increase the number of clerks in the office of the assistant treasurer at New Orleans from five to six, and in line 19 to increase the total appropriation for the maintenance of the office of the assistant treasurer at New Orleans from $22,890 to $24,090.

The amendment was agreed to.

The next amendment was, on page 72, line 10, before the word "hundred," to strike out "two" and insert "four;" in line 12, before the word "hundred," to strike out "two" and insert "four;" in line 16, after the word "and," to strike out "messenger" and insert "clerk;" and in line 20, before the word "hundred," to strike out "three" and insert "seven;" so as to make the clause read:

Office of assistant treasurer at St. Louis: For assistant treasurer, $4,500; cashier and chief clerk, $2,500; first teller, $2,000; second teller, $1,800; third

teller, $1,600; fourth teller, $1,400; assorting teller, $1,800; coin teller, $1,400; bookkeeper, $1,500; 3 assistant bookkeepers and 3 clerks, at $1,200 each; assistant coin teller, stenographer and typewriter, and clerk, at $1,000 each; 3 day watchmen and coin counters, at $900 each; night watchman, $720; and janitor, $600; in all, $32,720.

The amendment was agreed to.

The next amendment was, under the head of "Mints and assay offices," on page 79, line 16, to increase the appropriation for the salary of the assayer in charge, who shall also perform the duties of melter at the assay office at Seattle, Wash., from $2,500 to $3,000; and in line 21 to increase the total appropriation for the maintenance of the assay office at Seattle, Wash., from $10,000 to $10,500.

The amendment was agreed to.

The next amendment was under the subhead "Government in the Territories," on page 82, after the word "dollars," to insert the following proviso:

Provided, That that portion of an act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, approved April 28, 1902, which provides that the legislative assembly of the Territory of Oklahoma shall not make any appropriation or enter into any contract for a capitol building, or any other public building, shall not apply to the Territorial Normal School at Edmond, in said Territory.

The amendment was agreed to.

The next amendment was, on page 83, line 4, after the word "dollars," to insert "for traveling expenses, $134.50; in all $5,134.50;" so as to make the clause read:

Territory of Porto Rico: For salary of the resident commissioner from Porto Rico to the United States, authorized by the act temporarily to provide revenues and a civil government for Porto Rico, approved April 12, 1900, $5,000; for traveling expenses, $134.50; in all, $5,134.50.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 84, line 11, after the word "Spain," to insert:

as were transferred to the classified service under the provisions of section 3 of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, approved April 28, 1902, and.

In line 21, after the word "exigencies," to strike out "of the needs;" and in line 23, after the word "dollars," to strike out:

Persons in the classified service of the Government shall not be eligible to appointment under this appropriation or other appropriations for additional employees because of increased work incident to the war with Spain, or to be transferred from any position in the classified service to positions paid under this or said other appropriations.

So as to make the clause read:

For continuing the employment of such additional temporary force of clerks, messengers, laborers, and other assistants, rendered necessary because of increased work incident to the war with Spain, as were transferred to the classified service under the provisions of section 3 of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, approved April 28, 1902, and as in the judgment of the Secretary of War may be proper and necessary to the prompt, efficient, and accurate dispatch of official business in the War Department and its bureaus, to be allotted by the Secretary of War to such bureaus and offices as the exigencies of the service may demand, $541,430.

The amendment was agreed to.

The next amendment was, on page 85, line 20, after the word "four," to insert the following proviso:

Provided, That under the direction of the Secretary of War the Chief of the Record and Pension Office shall compile, from such official records as are in the possession of the United States and from such other authentic records as may be obtained by loan from the various States and other official sources, a complete roster of the officers and enlisted men of the Union and Confederate armies.

The amendment was agreed to.

The next amendment was, on page 90, line 22, to increase the appropriation for rent of building for Ordnance and Signal Offices from $2,100 to $2,500; in line 24, to increase the appropriation for rent of building for War Department from $6,000 to $7,200, and, on page 91, line 2, to increase the total appropriation for rent of buildings for the use of the War Department from $15,600 to $17,200.

The amendment was agreed to.

The next amendment was, under the head of "Public Buildings and Grounds," on page 92, line 8, to increase the appropriation for the salary of day watchmen in the public parks of the District of Columbia from $720 each to $780 each; and in line 9, to increase the total appropriation for the salaries of day watchmen in the public parks of the District of Columbia from $15,120 to $16,380.

The amendment was agreed to.

The next amendment was, on page 92, line 15, to increase the appropriation for the salary of 10 night watchmen in the public parks of the District of Columbia from $720 each to $780 each; and in line 15, to increase the total appropriation for the salaries of 10 night watchmen referred to, from $7,200 to $7,800.

The amendment was agreed to.

The next amendment was, on page 93, line 1, before the word "dollars," to strike out "twenty-nine thousand one hundred and thirty-five" and insert "thirty thousand and sixty-five;" so as to make the clause read:

Of the foregoing amounts appropriated under public buildings and grounds the sum of $30,065 shall be paid out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "State, War, and Navy Department building," on page 93, line 5, after the word "class," to strike out "one" and insert "two;" in line 7, before the word "hundred," to strike out "two" and insert "four;" in line 9, before the word "hundred," to strike out "two" and insert "four;" in line 14, before the word "dollars," to strike out "seven hundred and twenty" and insert "eight hundred and forty;" and in line 21, before the word "dollars," to strike out "twenty-eight thousand three hundred" and insert "twenty-nine thousand three hundred and eighty;" so as to make the clause read:

STATE, WAR, AND NAVY DEPARTMENT BUILDING.

Office of the superintendent: For 1 clerk of class 2; stenographer and typewriter, $900; chief engineer, $1,400; 9 assistant engineers, at $1,000 each; captain of the watch, $1,400; 2 lieutenants of the watch, at $840 each; 58 watchmen; carpenter, $1,000; electrician, $1,000; plumber, 3 machinists, and painter, at $900 each; 4 skilled laborers, at $840 each; 29 firemen; 10 conductors of elevators, at $720 each; 19 laborers; 81 charwomen; 1 gardener, $720; and 2 telephone operators, at $600 each; in all, $129,380.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," on page 94, line 7, to increase the number of clerks of class 1 in the office of the Secretary of the Navy from three to four; and in line 11, to increase the total appropriation for the maintenance of the office of Secretary of the Navy from $50,030 to $51,230.

The amendment was agreed to.

The next amendment was, on page 103, line 12, after the word "Dispensary," to insert "and janitor;" so as to make the clause read:

Bureau of Medicine and Surgery: For chief clerk, $2,000; one clerk of class 4; one clerk of class 3; one clerk of class 2; one clerk of class 1; one clerk, $1,000; two copyists, at $840 each; one laborer; driver for Naval Dispensary, and janitor, $900, and one laborer, $480 (for Naval Dispensary); in all, $12,420.

The amendment was agreed to.

The next amendment was, on page 103, line 22, before the word "books," to insert "and technical;" so as to make the clause read:

For contingent expenses of the Navy Department, namely: For professional and technical books and periodicals for Department library, $2,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," on page 105, line 23, to increase the appropriation for clerk in charge of documents in the office of the Secretary from $2,000 to $2,100; on page 106, line 1, to increase the appropriation for the salary of custodian in the office of the Secretary from $2,000 to $2,100; and on page 107, line 3, to increase the total appropriation for maintenance of the office of Secretary of the Interior from $318,730 to $318,930.

The amendment was agreed to.

The next amendment was, on page 107, after line 4, to insert:

For pay of one clerk, to be appointed by the Secretary of the Interior, to sign, under the direction of the Secretary, in his name and for him, his approval of all tribal deeds to allottees and deeds for town lots made and executed according to law for any of the Five Civilized Tribes of Indians in the Indian Territory, $1,200, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 111, line 25, after the word "four," to insert "additional to one clerk of class 4, acting as special disbursing agent, $200;" on page 112, line 4, before the word "clerks," to strike out "eleven" and insert "twelve;" in line 7, before the word "clerks," to strike out "twenty-six" and insert "twenty-seven;" in line 8, before the word "clerks," to strike out "fourteen" and insert "fifteen;" in line 11, before the word "copyists," to strike out "seventeen" and insert "sixteen;" and in line 15, before the word "hundred," to strike out "forty thousand seven" and insert "forty-three thousand six;" so as to make the clause read:

Indian Office: For the Commissioner of Indian Affairs, $5,000; Assistant Commissioner, who shall also perform the duties of chief clerk, $3,000; financial clerk, $2,000; 2 chiefs of division, at $2,000 each; principal bookkeeper, $1,800; 4 clerks of class 4, additional to 1 clerk of class 4 acting as special disbursing agent, $200; 15 clerks of class 3; stenographer, $1,600; stenographer, $1,400; 12 clerks of class 2; draftsman, $1,600, draftsman, $1,500; architect, $1,500; 27 clerks of class 1; 15 clerks, at $1,000 each; 1 clerk, $1,200, and 1 stenographer and 1 clerk, at $1,000 each, to superintendent of Indian schools; 16 copyists; 1 messenger; 4 assistant messengers; 3 laborers; messenger boy, $360; and 4 charwomen; in all, $143,620.

The amendment was agreed to.

The next amendment was, on page 114, line 9, to increase the appropriation for the salary of the captain of the watch in the Pension Office from $840 to $900, and in line 12, to increase the total appropriation for the maintenance of the Pension Office from $1,962,210 to $1,962,270.

The amendment was agreed to.

The next amendment was, on page 117, line 7, to increase the appropriation for purchase of professional and scientific books and expenses of transporting publications of patents issued by the Patent Office to foreign governments from $2,000 to $3,000.

The amendment was agreed to.

The next amendment was, on page 121, line 11, before the word "dollars," to strike out "eight hundred;" in the same line, after the word "dollars," to insert "assistant draftsman, eight hundred dollars;" so as to make the clause read:

Office of the Superintendent of the Capitol Building and Grounds: For Superintendent of the Capitol Building and Grounds, $4,500; chief clerk, $2,000; chief electrical engineer, $2,400; draftsman, $1,000; assistant draftsman, $800.

The amendment was agreed to.

The next amendment was, on page 122, line 17, after the word "Department," to strike out "seven hundred and fifty" and insert "one thousand two hundred and fifty;" and after the word "dollars," in line 18, to insert "of which sum $500 may be used for the Civil Service Commission;" so as to make the clause read:

For professional and scientific books, law books, and books to complete broken sets, periodicals, directories, and other books of reference relating to the business of the Department, $1,250, of which sum $500 may be used for the Civil Service Commission.

The amendment was agreed to.

The next amendment was, on page 123, line 1, to increase the appropriation for rent of building for the Civil Service Commission from $4,000 to $5,000, and in line 3, to increase the total appropriation for rent of buildings for the Department of the Interior from $51,400 to $52,400.

The amendment was agreed to.

The next amendment was, on page 123, line 15, to increase the appropriation for clerks in the office of the surveyor-general of the district of Alaska from $4,000 to $5,000, and in the same line, to increase the total appropriation for the maintenance of the office of the surveyor-general of Alaska from $8,000 to $9,000.

The amendment was agreed to.

The next amendment was, on page 125, line 1, to increase the appropriation for the salaries of clerks in the office of the surveyor-general of Idaho from $8,500 to $9,000, and in line 2, to increase the total appropriation for the maintenance of the office of the surveyor-general of Idaho from $10,500 to $11,000.

The amendment was agreed to.

The next amendment was, on page 125, line 17, to increase the appropriation for salaries of clerks in the office of the surveyor-general of Minnesota from $2,000 to $2,500, and in the same line, to increase the total appropriation for the maintenance of the office of the surveyor-general of Minnesota from $3,800 to $4,300.

The amendment was agreed to.

The next amendment was, on page 126, line 5, to increase the appropriation for the salaries of clerks in the office of the surveyor-general of Nevada from $2,000 to $3,000; and in line 6, to increase the total appropriation for the maintenance of the office of the surveyor-general of Nevada from $3,800 to $4,800.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," on page 128, line 22, to increase the appropriation for the salary of the appointment clerk in the office of the Postmaster-General from $1,800 to $2,000; and, on page 129, line 5, to increase the total appropriation for the maintenance of the office of the Postmaster-General from $36,720 to $36,920.

The amendment was agreed to.

The next amendment was, on page 129, line 11, to increase the number of clerks of class 2 in the office of the Assistant Attorney-General for the Post-Office Department from 1 to 2; in the same line, to reduce the number of clerks of class 1 from 2 to 1, and in line 13, to increase the total appropriation for maintenance of the office of Assistant Attorney-General for the Post-Office Department from $13,670 to $13,870.

The amendment was agreed to.

The next amendment was, on page 129, line 16, to increase the appropriation for the salary of the First Assistant Postmaster-General from $4,500 to $5,000; in line 18, to increase the appropriation for the salary of the Superintendent of the Money-Order System in the office of the First Assistant Postmaster-General from $3,000 to $3,500; in line 19, to increase the appropriation for the salary of the chief clerk of the Money-Order System from $2,000 to $2,500, and on page 130, line 14, to increase the total appropriation for the maintenance of the office of the First Assistant Postmaster-General from $308,500 to $310,050.

The amendment was agreed to.

The next amendment was, on page 130, line 19, after the word "Spain," to insert "as were transferred to the classified service under the provisions of section 3 of the legislative appropriation act approved April 28, 1902, and;" so as to make the clause read:

For continuing the employment of such additional temporary force of clerks and other employees rendered necessary because of increase of work incident to the war with Spain as were transferred to the classified service under the provisions of section 3 of the legislative appropriation act approved April 28, 1902, and as in the judgment of the Postmaster-General may be proper and necessary to the prompt, efficient, and accurate dispatch of the business in the office of the First Assistant Postmaster-General, $20,000.

The amendment was agreed to.

The next amendment was, on page 134, line 23, after the word "two" to insert "1 clerk of class 1;" so as to read:

Office of disbursing clerk: Disbursing clerk and superintendent of buildings, $2,250; bookkeeper and accountant, $1,800; 1 clerk of class 2; 1 clerk of class 1; engineer, $1,400; 8 assistant engineers, at $1,000 each; etc.

The amendment was agreed to.

The next amendment was, on page 135, line 15, to increase the total appropriation for maintenance of the office of disbursing clerk in the Post-Office Department from $2,330 to $4,530.

The amendment was agreed to.

The next amendment was, on page 135, line 20, to increase the appropriation for stationery and blank books, including amount necessary for the purchase of free penalty envelopes in the Post-Office Department, from $7,000 to $8,000.

The amendment was agreed to.

The next amendment was, on page 135, line 25, to increase the appropriation for gas and electric lights in the Post-Office Department from $1,000 to $2,000.

The amendment was agreed to.

The next amendment was, on page 136, line 2, to increase the appropriation for telegraphing for the Post-Office Department from $4,000 to $5,000.

The amendment was agreed to.

The next amendment was, on page 136, line 9, to increase the appropriation for the Post-Office Department for furniture, including $1,500 for the office of the Auditor for the Post-Office Department, from $5,000 to $6,000.

The amendment was agreed to.

The next amendment was, on page 136, after line 9, to insert:

For furnishing a complete system of steel document and letter files for the classification division of the office of the Third Assistant Postmaster-General, $2,800.

The amendment was agreed to.

The next amendment was, on page 136, line 23, before the word "hundred," to strike out "one" and insert "two;" so as to read:

For miscellaneous items, including $2,500 for the office of the Auditor for the Post-Office Department, $18,000, of which sum not exceeding $3,985 may be expended for telephone service, and not exceeding $900, including $200 for the office of the Auditor for the Post-Office Department, etc.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," on page 138, line 24, before the word "clerks," to strike out "three" and insert "two;" on page 139, line 2, before the word "appointment," to strike out "additional for disbursing clerk, $500," and insert "disbursing clerk, $2,750;" in line 6, after the word "dollars," to insert "one messenger;" in line 7, before the word "assistant," to strike out "eight" and insert "seven;" and in line 17, before the word "dollars," to strike out "eighty-three thousand five hundred and seventy" and insert "eighty-four thousand six hundred and forty;" so as to make the clause read:

DEPARTMENT OF JUSTICE.

Office of the Attorney-General: For compensation of the Attorney-General, $8,000; * * * 2 clerks of class 4; attorney in charge of pardons, $2,400; disbursing clerk, $2,750; appointment clerk, $2,000; 6 clerks of class 3; 3 clerks of class 2; 6 clerks of class 1; telegraph operator and stenographer, $1,200; 9 copyists; 1 chief messenger, $1,000; 1 messenger; 7 assistant messengers; 4 laborers; 3 watchmen; engineer, $1,200; 2 conductors of the elevator, at $720 each; 8 charwomen; superintendent of building, $250; and 3 firemen; Division of Accounts: Chief of division of accounts, $2,500; 4 clerks of class 4; 5 clerks of class 3; 6 clerks of class 2; 6 clerks of class 1; 2 copyists; 1 packer, $840; in all, $184,640.

The amendment was agreed to.

The next amendment was, on page 140, line 7, after the word "provisions," to insert "of the act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof or supplemental thereto, and;" and in line 13, after the word "ninety," to insert "and all acts amendatory thereof or supplemental thereto;" so as to make the clause read:

That for the enforcement of the provisions of the act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof or supplemental thereto, and of the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, and all acts amendatory thereof or supplemental thereto, and sections 73, 74, 75, and 76 of the act entitled "An act to reduce taxation, to provide revenue for the Government, and other purposes," approved August 27, 1894, the sum of $500,000, to be immediately available, is hereby appropriated, out of any money in the Treasury not heretofore appropriated, to be expended under the direction of the Attorney-General in the employment of special counsel and agents of the Department of Justice to conduct proceedings, suits, and prosecutions under said acts in the courts of the United States.

The amendment was agreed to.

The next amendment was, on page 141, line 13, to increase the appropriation for the rent of buildings and parts of buildings in the District of Columbia used by the Department of Justice from $20,100 to $20,400.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," on

page 143, line 25, to increase the appropriation for the salary of the marshal of the Supreme Court of the United States from $3,000 to $3,500.

The amendment was agreed to.

The next amendment was, on page 144, line 4, to increase the total appropriation for the maintenance of the Supreme Court of the United States from $107,900 to $108,400.

The amendment was agreed to.

The next amendment was, on page 144, line 9, to increase the appropriation for the salary of clerks of circuit courts of appeals from $3,000 to $3,500 each, and in line 10 to increase the total appropriation for the salaries of nine clerks of circuit courts of appeals from $27,000 to $31,500.

The amendment was agreed to.

The next amendment was, on page 144, line 13, to increase the total appropriation for circuit courts of appeals from $185,000 to $189,500.

The amendment was agreed to.

The next amendment was, on page 145, line 14, to increase the appropriation for reporter, court of appeals, District of Columbia, from $1,200 to $1,500.

The amendment was agreed to.

The next amendment was, in the items for court of appeals, District of Columbia, on page 145, after line 16, to insert:

For crier, $900.

The amendment was agreed to.

The next amendment was, on page 145, line 20, to increase the total appropriation for the court of appeals of the District of Columbia from $25,920 to $27,120.

The amendment was agreed to.

The next amendment was, in section 3, on page 148, line 14, before the word "incapacitated," to strike out "incompetent or" and insert "permanently;" so as to make the section read:

SEC. 3. That the appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons permanently incapacitated for performing such service.

The reading of the bill was concluded.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. Shall the vote on the amendments be taken in the Senate in gross? The Chair hears no objection.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HENRY M. HOLMES.

Mr. LODGE. I ask unanimous consent for the consideration of the bill (H. R. 1193) to correct the military record of Henry M. Holmes.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, in line 7, after the word "organization," to insert "as of the date of July 31, 1862;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the records of the War Department in the case of Henry M. Homes, late of Company A, First New Mexico Cavalry Volunteers, and issue to him an honorable discharge from said organization as of the date of July 31, 1862: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time, and passed.

AMENDMENT OF BANKRUPTCY ACT.

Mr. HOAR. I move that the Senate proceed to the consideration of the bill (H. R. 13679) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898. I merely desire to have the bill read. I do not propose to ask action upon it now.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The Secretary read the bill.

Mr. QUAY. I now ask for the regular order.

Mr. HOAR. I gave notice that I would not ask for the passage of the bill to-day, and I certainly shall not if there be any objection now, or if any Senator wishes to be heard.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The bill is before the Senate as in Committee of the Whole.

Mr. HOAR. If no Senator desires to have it delayed, I will ask that it be put on its passage. If any Senator desires to be heard, of course I do not press it.

Mr. QUAY. I feel it to be my duty to object to it at present.

Mr. HOAR. Very well; let it go over.

Mr. PETTUS. I hope the Senator from Massachusetts will not insist upon a vote on the bill this morning.

The PRESIDING OFFICER. The Chair understands that it has been read for information and is now in the Committee of the Whole, and goes over.

Mr. BEVERIDGE. I believe the unfinished business is now up.

STATEHOOD BILL.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. QUAY. Mr. President, I ask for a vote.

Mr. BEVERIDGE. Does the Senator want a vote before the Senators who desire to address the Senate upon this measure have an opportunity to be heard?

Mr. QUAY. I should like to have a vote, whether there is another word spoken on the bill or not. I believe a majority of the Senate are in favor of the bill and ready to vote now.

Mr. BEVERIDGE. So the Senator said at the end of the last session. He further said on the floor of the Senate at the end of the last session that he and those with him did not care for further information. So I am not surprised at the attitude of the Senator to-day, which is but a repetition of the attitude taken here at the close of the last session.

I thought then, Mr. President, and I think now, that in a matter of such large consequence as the admission of new States into the Union—an act which will endure through the ages this Government endures—it was a remarkable position that Senators should assume, that they would care to state upon the floor of the Senate that they desired no investigation of a question so important and did not care for any further information on so vital a business.

Therefore the remark of the Senator that he wants a vote, whether anybody wants to speak or not, whether any person has any argument to adduce or not, is but a repetition of what was said here in the warm days of last June, just before the adjournment. At any time the Senator desires to discuss that peculiar feature of the situation I am sure that the Senator can be accommodated.

I will remark further, Mr. President, before I proceed, that it is a peculiar situation which confronted us then and which confronts us now; that repeatedly we had it stated in this the last forum of free speech in this world that there is no desire that Senators sent here to discuss great measures—discuss them as nearly as they can as statesmen should discuss them—shall not proceed with such debate, but that, counting votes as votes are counted in combinations in conventions, we shall proceed to pass measures of the gravest consequence to the nation not only for the present, but for all the future, without doing that very thing for which the Senate was first established and ordained; without doing that very thing, Mr. President, which gives the Senate of the United States to-day the great respect in which the Senate is held by the American people.

Mr. QUAY arose and addressed the Chair.

Mr. BEVERIDGE. Mr. President, what is it——

Mr. QUAY. Will the Senator allow me to interrupt him?

Mr. BEVERIDGE. Certainly.

Mr. QUAY. Do I understand the Senator from Indiana to be taking the floor to discuss the bill?

Mr. BEVERIDGE. Yes, sir.

Mr. QUAY. The reason for making the inquiry is that on yesterday the Senator from New Hampshire [Mr. BURNHAM] gave notice that at 2 o'clock to-day he would proceed to discuss the bill.

Mr. BEVERIDGE. I am aware of that, and if the Senator had not suggested that—despite any Senator desiring to proceed, despite the fact that any Senator might want to discharge what he considers his duty upon this floor, the Senator desired a vote—I should have gone ahead and asked the Senator from New Hampshire to yield to me for a few brief minutes while I make some observations that it seems pertinent to me that I should make at this particular juncture, and that, too, with the express desire, as I should have stated, not to infringe upon the valuable time of the Senator from New Hampshire longer than was necessary.

When I rose to speak, Mr. President, while I was on my feet and had addressed the Chair, and even before my first word asking the Senator from New Hampshire to yield, had been

uttered, the Senator from Pennsylvania announced that he desired a vote, and when I asked, "What! even before a Senator who is on his feet desiring to address the Senate on the pending measure has spoken?" "Yes," said the Senator, "we have the votes, and we want to vote anyhow."

Mr. QUAY. That is true; we have the votes to pass the bill. The majority of the Senate are in favor of it, and it is being willfully—I was about to use the adjective——

Mr. BEVERIDGE. Go ahead; I hope the Senator will use the adjective.

Mr. QUAY. Willfully obstructed by discussion, as no one knows better than the Senator from Indiana.

Mr. BEVERIDGE. Mr. President, let us put that question to the test of the facts. Since the Senator raises that question at this particular juncture, nothing can be more useful to the Senate and to the country than to find out who really is obstructing.

Mr. QUAY. You can discover that by a vote.

Mr. BEVERIDGE. I yield to the Senator.

Mr. QUAY. I say you can discover that by a vote.

Mr. BEVERIDGE. Ah, I am very familiar, everybody is very familiar, even a young and inexperienced man in politics like myself, is familiar with that old and familiar trick of campaign and convention tactics—the trick of declaring "we have the votes and we are going to win." It was of some force when first uttered, perhaps, upon the minds of men, because it contained the psychic suggestion of victory and the consequent suggestion that people should get on the band wagon. Everybody fully understands the philosophy of that kind of tactics. The Senator, however, has worn out the force of it by constant repetition. He has assured us and the country, and he referred to rumors going through the corridors, and we have heard those rumors going through the corridors until we could not escape them, that the Senator from Pennsylvania had the votes whether or no, and that the Senator from Pennsylvania was invincible, and a whole lot of those things, until nobody pays much attention to them any more.

Mr. President, no person has a greater admiration for the political skill and management of the Senator from Pennsylvania than I have. I recognize my inefficiency even to express my appreciation of his surpassing cleverness as a political tactician. But since the Senator (and that is a subject upon which I had not intended to speak) has said that there is being willful obstruction here, I think there can be no more useful or opportune time, since the Senator himself gives the cue for it, than to discuss just what that means.

Here, Mr. President, we have before us an extraordinary measure, a measure which I believe (and I hope if I am wrong some Senator will correct me) is without precedent except once in the history of the United States, where three States of varying conditions, varying populations, not akin in any circumstance of nature, not related in resources, population, production, or development, with dissimilar merits and demerits, heterogeneous unlike, full of contrasts and all but antagonistic in their elements, are, nevertheless, all bunched together in a bill called an "omnibus" bill, a bill which might more properly be named from the point of view of political science or from the point of view of legal construction as a "mongrel" bill. We have that bill, backed, as the Senator himself says, by a combination formed at least many months ago, the core of which is impervious to argument and indifferent to investigation, disdainful of information; we have that bill pressed upon the Senate with uncommon persistence and impetuosity, and this, Mr. President, in spite of the fact that the consequences of this act, if passed, will remain as long as the Republic itself shall endure. Now, upon that measure——

Mr. QUAY. Mr. President, will the Senator allow me to interrupt him?

Mr. BEVERIDGE. Certainly.

Mr. QUAY. I desire merely to ask the Senator if the Senator objects to my asking for a vote and to the daily recurrence of that suggestion? I have a request to make now to which I should like to have his assent. I ask unanimous consent that a vote upon this bill be taken on Saturday, the 24th instant.

Mr. BEVERIDGE. While I yield to the Senator and every Senator——

Mr. QUAY. I am not sure——

Mr. BEVERIDGE. For all interruptions and questions when I am debating a measure here, and I not only yield, but I welcome such interruptions, I submit——

Mr. QUAY. Then do you object?

Mr. BEVERIDGE. That the interruption of the Senator now, and the question he propounds to me while I am discussing the subject he himself has suggested is hardly pertinent, and therefore I do not have to answer it, and that, too, within all possible courtesy to the Senator from Pennsylvania.

Mr. QUAY. I am not asking of the Senator anything to which he shall assent especially. I am asking the Senate.

Mr. BEVERIDGE. I am rather inclined to think that if there was unanimous consent it probably would have to include even the Senator from Indiana.

Mr. QUAY. Well, does the Senator from Indiana object?

Mr. BEVERIDGE. Mr. President, I answer that that question at this point of the discussion precipitated by the Senator from Pennsylvania himself is not pertinent, and therefore I may be within the limits of all possible courtesy in declining——

Mr. QUAY. I ask that the request be put to the Senate.

The PRESIDING OFFICER. The Senator from Indiana declines to yield except for a question.

Mr. BEVERIDGE. Or for any interruption which may throw light upon this controversy.

The PRESIDING OFFICER. Therefore the request of the Senator from Pennsylvania is not in order at this time.

Mr. QUAY. I will renew it when the Senator from Indiana has concluded his remarks.

Mr. BEVERIDGE. I have not any doubt that the Senator will renew it. There is one quality among many others which for years I have admired, and never so much as now, in the Senator from Pennsylvania, and that is an unfailing persistence. I have no doubt we may fairly look for a renewal of the request, and no doubt, Mr. President, when it comes we shall know how to take care of it, having due regard, to use the language of the Republican platform of 1896, to the interests of the people of the Territories and the interests of the people of the Republic, whose agents we are.

Now, Mr. President, let me pursue the question as to who is obstructing, and willfully obstructing. Let us find out whether or not debate of this most important matter (for it has wrapped up in it, in a measure, the determination of all questions of national policy, now and for all time to come) has been unduly prolonged.

By far the most serious measure of the session is before the Senate in this bill, and yet upon it we have had only two speeches on each side. My service in the Senate has been brief, only three or four years, and yet during that time measures of considerable consequence have been determined, but each of them measures of less moment than this. And yet debate has gone on freely, without any attempt on the part of the majority, who admittedly had the votes to pass any measure, to coerce the other side to a vote. Discussion has gone on uninterruptedly until Senators standing here and representing their States and doing their constitutional duty had presented to the Senate their opinions upon the subject.

I recall the Philippine tariff bill at the beginning of the last session. That bill was not profoundly vital. It did not contain a fraction of the importance which this measure contains. And yet the Senate discussed that bill for three or four weeks, or perhaps longer, and nobody heard anything about a suggestion that we were willfully obstructing legislation.

Does the Senator propose to change that which exalts and even sanctifies the Senate of the United States in the eyes of the nation and the world as nothing else does, to wit, the freedom of its rules of speech? I call the Senator's attention to the fact which I stated a moment ago, that on all this round globe to-day the only absolute forum of free discussion and debate, without cloture, without rules of limitation, where Senators may speak their minds and give to the country and to their associates their opinions without reserve, is the Senate of the United States.

Is it a fortunate or hopeful note to free institutions or the dignity of this body that is sounded by the Senator from Pennsylvania when he wants that ancient rule abolished, because he has a measure here which with precipitous haste he desires to have passed? Have I been immoderate in the use of the phrase "precipitous haste?" No one who will recall the history of the strategy adopted during the last session will say so. The Senator returned when the chairman of the Committee on Territories was away for a day or two and moved, without consultation with the chairman even, or his Republican associates upon the Territories Committee, that the committee be discharged, in order that this bill might be rushed through. I recall now, since the Senator has assumed the position of a prophet and says he has the votes to pass the bill and will pass the bill, that the Senator stated with a gravity which amounted to emphasis on the floor last session in discussing his motion to discharge the committee that, in his judgment, unless he could pass his omnibus bill at the last session it never would be passed. Is that still the opinion of the Senator?

Now, Mr. President, let us see who is obstructing legislation. The remark I quoted from the Senator from Pennsylvania a moment ago calls to the mind of all of us on both sides who were here at that time the attitude of the Senator, which was that he had a combination formed before debate was had, formed before men knew the facts in the case except as they were then known, formed before that investigation had taken place, and that with that combination he proposed to stop the consideration of all business——

Mr. SPOONER. And before the committee had reported.

Mr. BEVERIDGE. And before the committee had reported at the end of last session. That attitude upon the part of the Senator from Pennsylvania I distinctly remember called forth from the Senator from Wisconsin [Mr. SPOONER] an indignant protest that while he agreed to the arrangement that the committee should report on the 3d of December, he did not do it under duress of the threat of the Senator from Pennsylvania. That, Mr. President, was the beginning of the obstruction in this case.

Now, what is the exact situation? If I make any misstatement, I will stop in the course of it that the Senator may refute it. It is this, Mr. President: I do not know how long ago—there are manifestations that the heart of the organization existed a long time ago—but it became apparent in this Chamber some eight months ago, and I think was not denied, but even asserted with some pride by the Senator from Pennsylvania, that he had a combination of votes formed here whose heart and center was impervious to the assaults of reason; that he proposed to put through this measure, regardless of argument or fresh information; and that, unless the Senate of the United States submitted to the wishes of his combination in support of a bill which, with one exception, is without precedent in this body or in the Congress of the United States, no measure would be permitted to be passed.

Mr. QUAY. That statement of the Senator from Indiana is entirely false. I withdraw the word "false," and I will say untrue.

Mr. BEVERIDGE. I am glad to be corrected.

Mr. QUAY. I make that correction.

Mr. BEVERIDGE. Then I may ask the Senator whether it is true that he secured, before he made the motion to discharge the committee, before the committee had reported, before it had time to make an investigation of this question—is it true that he had (I will wipe out the word "combination," if that is distasteful to the Senator, although I should imagine it would not be).

Mr. QUAY. The entire statement is untrue. The word "combination" is no more offensive than the remainder of the statement.

Mr. BEVERIDGE. Very well. Mr. President, let us see. Then the Senator's statement was that there were a sufficient number of Senators pledged to vote for his measure to pass it, that he proposed to pass it, and that, unless it was passed, no business up to the time we finally agreed was to be transacted. Was that the case?

Mr. QUAY. That is not true.

Mr. BEVERIDGE. Then the Senator did not have the pledges?

Mr. QUAY. I am not talking about pledges, Mr. President.

Mr. BEVERIDGE. That is what I am talking about.

Mr. QUAY. The Senator from Indiana was as busy as any Senator on this floor——

Mr. BEVERIDGE. I was. The Senator made me busy.

Mr. QUAY. In getting pledges.

Mr. BEVERIDGE. No, Mr. President, I was busy as soon as I returned, having heard—I was about to quote what the Senator quoted from the conspiracy of Catiline at the beginning of this session, familiarity with which upon his part does not surprise me at all—the Senator had a sufficient number of votes, as he said—if he does not like the word "pledges" I will say votes. Anyway, he says he got them. I returned and found that out, and immediately I will say that the Senator did make me very busy indeed, seeing Senators in order to see that his votes did not remain with him; and I think, Mr. President, with some considerable measure of success.

Mr. QUAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Pennsylvania?

Mr. BEVERIDGE. Certainly.

Mr. QUAY. I do not see, then, why the Senator from Indiana should complain of my doing exactly that which he states he himself did.

Mr. BEVERIDGE. I did not get pledges from Senators to block legislation, or the consequence of which pledges meant that legislation should be blocked.

The Senator calls attention to the fact that I was busy at the same business. The Senator made me busy at the same business, Mr. President. The Senator asserted that he had certain votes. Well, it was my business as the chairman of the committee which he was attempting to discharge from the consideration of this matter to see that he did not have those votes if I could help it. I think, Mr. President, we helped it. So we reached an agreement—a pretty hard agreement it was, to be sure—an agreement fixing such an early date for the report as compelled this committee to work in this investigation immediately after the campaign, as few committees of either the Senate or the House of Representatives have ever worked, with conscientiousness and devotion, and, I trust, results.

Mr. President, I am glad to see the Senator weaken in his faith in the number of pledges of votes that he may have. That, however, was the first step in this business of obstruction. I have only to appeal to the CONGRESSIONAL RECORD upon that question; I have only to appeal to the recollection of every Senator upon this floor on either side upon that question; I have only to appeal to the common understanding of the country upon that question—the question of the Senator's attitude at the end of the last session. And, Mr. President, if I did not carefully and conscientiously desire that no personalities should be introduced into this debate, but that it should be carried on in the high and statesmanlike manner in which the Senator from Ohio [Mr. FORAKER] carried it on, I would demonstrate to the Senator from Pennsylvania, by editorial utterances of the press of this country upon both sides of this question, what they think now and thought then as to who were obstructing legislation.

Mr. President, we understand the inception of this business; we understand how this thing—not how, but when, it was born. And we have beheld that strange creature before us ever since, not growing as most children grow, but rather diminishing, I am very glad to say. So that I am not so sure whether the Senator has his votes, of which he so earnestly and vigorously—and I could use another adjective—boasted at the end of the last session and has boasted ever since; and upon which votes has rested the Senator's chief argument.

That was the situation at the end of the last session. Now, what is the situation to-day? The Senator day after day--I had hoped he would not do it any more, but he did it again just as I was beginning to discuss this bill—has referred to the willful obstruction of legislation—and by us. That is not offensive to me, though sometimes I think perhaps those statements that the Senator's colleagues are willfully obstructing legislation, in view of the facts, is a little audacious. It reminds me of what Danton said to his followers: "Pour les vaincres il nous faut de l'audace, encore de l'audace, toujours de l'audace, et la France est sauvée"—"To overcome them we need only audacity, and again audacity, and always audacity, and France is saved." Mr. President, I have thought many times that I could imagine the Senator from Pennsylvania in the midst of the councils of his allies rising and saying to them, "Let us say we demand a vote; we care not for argument; we care not for investigation; we care not for information; all we need to overcome them is audacity, and again audacity, and always audacity, and the omnibus bill is saved!"

Mr. President, I do not think that that tactics, however potent it may be in convention halls, will work in the Senate of the United States.

I have been a reverent student, though I have no doubt not a profound one, of the discussions which gave rise to the adoption of the Constitution of the United States with respect to the establishment of the Senate in our scheme of government. I know what those great men, who saw further, perhaps, into the future than any statesman ever saw, thought and meant when they established the Senate of the United States and fixed its term of service and the manner of selecting Senators. Every precaution possible was thrown around this body in order to prevent just such tactics as that from prevailing.

Now, then, here is the situation: The Senator says, "I have the votes; I want a vote;" and even when a Senator is on his feet he says "I want a vote." With this array of votes—I trust and believe many of them have yielded to argument and new information—the Senator from Pennsylvania comes before the Senate of the United States and says, "Give us what we demand, or no legislation shall pass this body."

Obstructors of legislation! Mr. President, we are willing at any moment to take up any legislation; we are willing to pass appropriation bills; we are willing to take up the treaty; we are willing to take up trust legislation, Philippine legislation, pure-food legislation, labor legislation; in short, we are willing to take up anything which immediately affects the country's welfare, and which, if done now and unwisely done, we can undo at the next Congress. If the Senator is anxious to pass legislation which is blocked here by the situation which the Senator from Pennsylvania himself has created, let us agree to take up these other questions and pass them. But the burden is not upon us, Mr. President, nor shall it be permitted to rest upon our shoulders, that we obstruct because we debate a needful measure needfully.

"Let the galled jade wince, our withers are unwrung."

Let the Senate and the country understand what they do understand now, that the real obstructors of this legislation, if obstruction occurs, as it has not yet, are not those Senators who stand here in good faith and debate this measure, and who have debated it thus far much more briefly than any measure of like or even of half the importance has even been debated, but the Senator who, day by day, announces that he has got the votes and will pass this bill, or the country will not be permitted to have any other needful legislation at present.

Why is it, Mr. President, that we are willing to take up other

measures, and that we are willing only to debate this subject until debate shall be exhausted, until every Senator upon both sides of this Chamber shall have been heard by his associates and by the country? This is the reason: Because, Mr. President, if any other measure is passed which we find harmful to the country, that measure can be repealed by the next Congress; but if this measure should prove unwise—and at least there is a question of it since there is such a sharp and profound difference of opinion regarding it—and the Senator should succeed in passing it, it is a thing which is done forever, and even the Senator himself with all his votes could not undo it if he so willed. He would find it a Frankenstein, which would constantly grow and grow, and if it was in the end a mistake it would finally devour him. Therefore, is it unreasonable that men whose minds and consciences and all the elements that inspire public men to action compel them to be against this bill should do the very thing for which our States sent us here; that we should do the very thing for which this Senate was established in the first instance—discuss a measure until discussion has discovered its merits or demerits, until debate had sifted the dross from the gold, and until we were finally able to give by our votes an informed and intelligent opinion?

These reasons might appeal even to the Senator from Pennsylvania. And, if this is true, Mr. President, who is it that is obstructive—those who wish to do their duty or those who say "Give us a vote or you can not have any legislation?"

Since the Senator has raised the issue—and I did not expect to utter a word upon this question, because I knew how the country and the Senate felt about it—I knew how the country felt about it from those who have talked to me; I knew how the country felt about it from the editorials which have appeared in Republican papers, in Democratic papers, and in independent papers upon this very question which, if the Senator had any doubt about it, I would introduce if I had them here at this time were it not for the fact that, so far as I am concerned, personalities shall not enter into this debate—since, I say, the Senator has raised the question of obstruction, let the blame rest where it belongs.

Mr. President, that is all I have to say upon this question, which is an immediate question of great importance, I will admit. As to who is obstructing legislation and as to who will be responsible for the defeat of the country's much-needed laws, I think the country will understand; and if a brand is to be placed, I think the country will place the brand accurately where it belongs, nor do I think they will permit the Senator from Pennsylvania to divert that burning iron from its proper object.

Mr. President, in all I had intended to say in my very brief answer to some of the points made by the Senator from Ohio, I should not have occupied the time which the Senator from Pennsylvania has compelled me to occupy on this question of obstruction. And in view of the fact that I do not desire to trespass upon the time of my friend the Senator from New Hampshire [Mr. BURNHAM] longer than is necessary, I will proceed immediately, and as briefly as possible, to an examination of two or three statements which I think are proper to lay before the Senate in connection with the remarkably able and uncommonly high-of-tone argument of the Senator from Ohio [Mr. FORAKER] yesterday. I was very greatly impressed with it. I listened to it with admiration, because I admire the Senator as much as I deplore his position upon this question.

Mr. President, let us put the touchstone of the comparative facts to the vigorous argument of the Senator from Ohio, the second argument which has been made in behalf of the omnibus bill championed by the Senator from Pennsylvania.

I do not intend to go into a full discussion of the excellent speech of the Senator from Ohio, but I do intend at this particular time, because what he said so well is fresh upon the minds of all of us, to call attention to what seems to me to be an unintentional extravagance of expression. I have no doubt, Mr. President, that the vigor of brilliant advocacy in which the Senator from Ohio found himself as he made his argument robbed his speech somewhat of its judicial nature.

The first thing to which I desire to call the attention of the Senate is in the CONGRESSIONAL RECORD, page 951, where I find this statement by the Senator from Ohio:

> Mr. President, the Territory of Arizona had, according to the census of 1890, only 59,000 people in round numbers. According to this census she has a population of 122,000; and I do not think all were counted. But all might not have been counted before. Assuming that the census was right in both instances, what is the result? The population has grown—

And I beg attention of Senators to this—

> The population has grown more than 100 per cent in ten years. How much would the Senator from Maine expect a population to grow in ten years to give a promise of growth in the ten years to come? Is there that growth in Maine? Is there that growth in Delaware? Is there that growth in Vermont, or New Hampshire, or Rhode Island, or Indiana? There is no such growth anywhere in the United States as there has been in the Territory of Arizona.

Mr. President, if that is true, it is a powerful argument to sustain the proposition that in Arizona, as was the case in Indiana and Ohio and Iowa and Illinois and Missouri and other like States, there is an immediate natural assurance of an immense increase of population. But what are the facts? These are the facts: There is shown by the census of 1900 an increase of 100 per cent in the population of Arizona over the census of ten years before, because nearly 30,000 Indians were included in the last census that were not included in the previous census. The Senator from Ohio [Mr. FORAKER] nods his head. Does the Senator think that that is a fair method to compute an increase of population?

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Ohio?

Mr. BEVERIDGE. Certainly.

Mr. FORAKER. I did not nod my head.

Mr. BEVERIDGE. I beg the Senator's pardon. I thought he did.

Mr. FORAKER. Not in assent to the Senator's suggestion. I was nodding my head in assent to the information he was giving.

Mr. BEVERIDGE. Well, in any event, here it is stated, and an argument of weight and eloquence built upon the statement, that there has been an astounding increase of population in Arizona; and when we come to apply to it the test of the comparative figures, we find that increase is accounted for in large part by the fact that some twenty-eight or thirty thousand Indians were not counted in the census ten years ago who were counted in the last census. Does that show a tide of immigration into Arizona from which the Senator draws his well-drawn inference upon the facts he states? I have no doubt perhaps that the Senator did not know that fact. Of course he did not know that fact. He goes on to state from that:

> There is no such growth anywhere in the United States as there has been in the Territory of Arizona.

Well, let us see about that, Mr. President. The Senator was arguing at considerable length—and, of course, I do not want to take up very much time in calling attention to other statements, but that is the very heart and gist of them—that there was as great growth in the increased population of Arizona as there had ever been in any Territory of this country, certainly as there is now. Well, here is the statement from the census, not given in figures only, but in the language of the census report itself:

> The population of the Territory of Arizona is 122,212 (final report 122,931), as compared with a population in 1890 of 59,620. This shows an increase during the decade of 62,592, or 104.9 per cent. This large increase is due in part to the fact that there were *28,469 Indians and 154 other persons, or a total of 28,623 persons, on Indian reservations, etc., in Arizona who were specially enumerated in 1890 under the provisions of the census act, but were not included in the general population of the Territory at that census.* (*Census of 1900, Bulletin No. 6, p. 1.*)

Let us see, Mr. President, whether or not there has been as great growth anywhere else in the United States. At several places in his speech the Senator called my particular and personal attention to his statements, though that is never necessary in order that I shall give all my attention to the Senator whenever he speaks. He says:

> There is no such growth anywhere in the United States as there has been in the Territory of Arizona.

I say that that was a statement made in the heat of advocacy, because here is the statement of the 1900 Census Population Report, volume 1, page xxvi:

> Among the several States and Territories Oklahoma shows the largest per centage of increase since 1890. Oklahoma was organized as a Territory in May, 1890, and at the census taken one month later had a population of 78,475, including 16,641 Indians and other persons specially enumerated but not included in the general report on population at that census. At the census of 1900 it had a population of 398,331, or an increase since 1890 *of 407.6 per cent; in other words, its population in 1900 is more than five times as large as the entire population returned in 1890.*

And yet the Senator says that the increase in the population of Arizona, even counting Indians who had not been included before, is not equaled anywhere else in the United States, whereas Oklahoma, lying right next to it, within a stone's throw of it, geographically speaking, has an increase of over 407.6 per cent. Does that show that, with all our respect for the Senator, we must give very much consideration to any argument built upon that statement?

The latter part of the Senator's argument was based——

Mr. FORAKER. If the Senator does not object to my interrupting him——

Mr. BEVERIDGE. No; I yield to the Senator gladly, for I do not want to misrepresent him.

Mr. FORAKER. The statement made by me in a broad way should be modified. I did not think for the moment of the great and rapid growth of Oklahoma and the Indian Territory. I had in mind, when I was using the expression, the United States otherwise than in the Territories. Is there any State where there has been any such increase or any such percentage of increase as the census indicated, as I quoted the census, namely, 100 per cent?

Mr. BEVERIDGE. Of course the Senator will modify his statement as to the 100 per cent now?

Mr. FORAKER. Of course I will have to modify it in view of what the Senator says, if the Senator is correct, as no doubt he is from what he says; but still the percentage would be——

Mr. BEVERIDGE. Thirty-nine per cent.

Mr. FORAKER. How much?

Mr. BEVERIDGE. Thirty-nine per cent.

Mr. FORAKER. No; it is an increase of over 57 per cent as the Senator gave the figures just now.

Mr. BEVERIDGE. Yes; perhaps it is.

Mr. FORAKER. Which shows that the increase of population in Arizona during the last decade was, according to the corrected figures as given by the Senator, more than 57 per cent. I doubt if there is any State in the Union that can show a like increase of population by percentage.

Mr. BEVERIDGE. Now, then, Mr. President, that is a fair and frank modification. Let us put that to the touchstone. Is it not a better, because a more comparative and juster comparison of information elicited, to ask the question whether or not we can point to any Territory which for ten years before its admission showed a like increase. Because that comparison between a State and a Territory eliminates the very essential difference that the Senator argues about? I will give the Senator some figures upon that.

Mr. FORAKER. Mr. President, the Senator must know that for the moment when I made that statement I did not have Oklahoma in mind. I had been discussing Oklahoma and calling attention to its tremendous growth. I was speaking of the United States for the moment.

Mr. BEVERIDGE. Well, let us go ahead to some other States and see what their percentage of increase was before their admission. Let us take the Indian Territory, which shows an increase in the same time of 117 per cent—no; it is more than that. Let us take Washington, admitted November 2, 1899, with a population of 349,390 by the census of 1890. Ten years before, Washington had a population of 75,116, the percentage of increase being more than 450.

Let us take Nebraska——

Mr. FORAKER. Is that for the last decade?

Mr. BEVERIDGE. No; for the decade immediately before its admission.

Mr. FORAKER. From 1880 to 1890?

Mr. BEVERIDGE. Yes.

Mr. FORAKER. Well, I was speaking of the last decade. I say, including the last decade there had not been in the United States—there may have been; I may have been in error in making the statement, and I should like to have the Senator tell me of some State in which there was an increase of more than 100 per cent in population.

Mr. BEVERIDGE. I can not inform the Senator now, because I do not know. I did not intend to go into an extended argument upon the Senator's speech, or I would have had that. But I thought it would be a juster comparison in the Senator's argument to find out what was the percentage of increase in the other Territories that had been admitted as States during the decade immediately preceding their admission; because that is the situation in which Arizona is.

Mr. FORAKER. Of course, the Senator speaks advisedly——

Mr. BEVERIDGE. I do not know about the other States.

Mr. FORAKER. But the statement I made was as to the last decade, for you can find numerous cases where a Territory being admitted to statehood had a rapid rush of population to it.

Mr. BEVERIDGE. Before admission?

Mr. FORAKER. Yes; in some cases before, and in many cases immediately afterwards. I was simply speaking of the general growth of the country. Of course, I will correct the figures if the Senator thinks I am wrong.

Mr. BEVERIDGE. I think that is a fair interpretation of what I read of what the Senator says. Nevertheless, I think that the argument of comparison is better for Territories that were admitted as States, the increase for the decade immediately preceding, because that is what you are proceeding on in Arizona. I think the Senator will agree it is a fair interpretation to put upon it. As to the growth in the States, I do not know.

Nebraska was admitted March 1, 1867. By the nearest census, that of 1870, she had a population of 122,993. By the previous census, that of 1860, she had a population of 28,841. The percentage of increase was 450.

Montana was admitted November 2, 1889. By the nearest census, that of 1890, she had a population of 132,159. By the census of 1880 she had a population of 39,159. The percentage of gain was more than 350.

Minnesota was admitted May 11, 1858. The population by the nearest census, that of 1860, was 172,023. The population by the previous census, that of 1850, was 6,077. The percentage of gain was 2,800; and so on.

I am not pretending to speak accurately about the figures I am now going to quote, but I think, Mr. President, in even the little and overcrowded State of Delaware there was an increase of population, notwithstanding immigration from it of perhaps 10 per cent. The point is that there was no rush into this Territory, such as occurred in these other States, and such as was justly anticipated in the case of the Territories which were afterwards formed into the States of the Mississippi Valley—such as was the case in Nebraska, and Minnesota, and the Dakotas.

While I am on the question of Indians, I wish to call the Senator's attention to one fact. The Senator says that there was in the speech of the Senator from Minnesota a discrepancy; that the census showed so many Indians and that the Indian Department's enumeration showed so many more, and he said:

> They missed that many (nearly 5,000) in trying to count a lot of Indians penned up on the reservations.

From that we are to infer, of course, that here are a large number of Indians penned up in a very small area. How small an area, Mr. President? These Indian reservations are only 26,397 square miles in area; and I ask the Senator whether he does not think it is a little bit harder to get Indians, most of whom do not even wear any civilized clothes or dress, in an area of 26,397 square miles, in the neighborhood of a third of the area of the whole Territory, than it is to get civilized people who are in towns, cities, and mining camps? So we see as to the accuracy of that.

While I am on this subject, I may quote from the census as to the population of Arizona. The total population of Arizona was 122,931. I call the attention of the Senate to these figures. Of this number there were whites 92,903, divided as follows: Native whites—native parents, 44,830; native whites—foreign parents, 25,678; foreign white, 22,395. So we have a total of foreign born and of foreign immigrants of nearly 48,000 out of this population of 122,000, of which, according to the Senator's own figures, nearly 30,000 were Indians untaxed. If you take out those two elements how much does it leave? There remains a colored population of 30,028, of which 1,848 are negroes, 1,419 Chinese, 281 Japanese, and 24,644 Indians untaxed, and Indians taxed, 1,836, making the total of the census figures.

One other point in the Senator's address. He speaks of the marvelous growth in the business activity of these two Territories, and again issues a challenge for us to show any portion of the United States with an equal number of people that surpasses the business activity of Arizona and New Mexico. He gives the post-office receipts here——

Mr. FORAKER. I said "similarly situated."

Mr. BEVERIDGE. "Similarly situated." That introduces an element into this discussion which is very——

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Ohio?

Mr. BEVERIDGE. Yes.

Mr. FORAKER. The Senator does not want to misrepresent what I said?

Mr. BEVERIDGE. I do not.

Mr. FORAKER. I was very careful in making that statement. I did not mean to compare the people in those Territories with an equal number of people in New York City or in some other city or situated as we are in this part of the country.

Mr. BEVERIDGE. "Similarly situated."

Mr. FORAKER. Yes.

Mr. BEVERIDGE. The Senator did say "similarly situated," but the question of the similarity of the situation is the crux of this whole business. "Similarly situated." I do not know whether or not the words "similarly situated" bear out the Senator's other statements concerning the natural advantages of New Mexico, because the Senator went much further than Governor Ross did some years ago in his remarkable report. The Senator stated in the course of his address that he doubted if there was hardly an acre of the Territory of New Mexico unfit for the uses of man. He made statements similar to the statements made in the report brought into the Senate by Mr. Faulkner some four or five years ago concerning Arizona, in which he said something to this effect: That no State in the Union had resources that equaled, or anything like equaled, those of the Territory of Arizona.

Now, Mr. President, I have prepared and will put in without reading, because I want to hurry on, a statement of the internal-revenue receipts and post-office receipts and their increase (because that is what the Senator from Ohio gave) as to New Mexico and Arizona on the one hand and some little towns throughout the country on the other hand. I will read one or two, in order that the Senator may see the comparisons. In 1890 New Mexico's post-office receipts were over $45,000. In 1902 they were $93,684.17. Now, let us see whether any other portion of the country can show equal results. The post-office receipts for the city of Fort Wayne, Ind., were, in 1890, $48,912.53 and in 1902

they were $145,030.97. That is a little city of perhaps one-fourth the population of New Mexico whose increase, Mr. President, is immensely above that of the entire Territory of New Mexico, with its vastly larger population.

Here are Oklahoma, Oklahoma City, Guthrie, in Oklahoma Territory; Scranton, Pa. In 1890—I turn to the Senator from Pennsylvania—the Scranton post-office receipts were sixty-one thousand and some hundred dollars. In 1902 they were $232,879; and perhaps the Senator from Pennsylvania can tell me what the population of Scranton is. I ask that the rest of this paper be inserted in my remarks without reading.

The PRESIDENT pro tempore. The Chair hears no objection, and the paper will be inserted in the RECORD.

The paper referred to is as follows:

Internal-revenue receipts in some States and Territories.

	1890.	1901.
New Mexico	$37,671.19	$58,609.31
Vermont	23,819.02	166,786.10
Washington	137,364.81	802,387.31
Montana	105,034.44	486,173.03
Utah	55,592.40	227,543.71
District of Columbia	169,957.33	790,986.96
Maryland	2,896,944.75	8,562,771.72
Rhode Island	273,858.11	1,287,035.61

	1892.	1901.
Arizona	$17,965.90	$61,698.96
Maine	39,955.48	286,581.33
Mississippi	31,014.21	94,991.48
Oklahoma	8,864.10	95,598.27
Indian Territory	5,728.41	26,789.17

Mr. BEVERIDGE. On post-office receipts the Senator said:

In 1890 New Mexico's post-office receipts were $45,639.62, and in 1902 they were $93,684.17.

Now, consider a few comparisons.

The post-office receipts for the city of Fort Wayne, Ind., were in 1890 $48,912.53, and in 1902 were $145,030.97.

The post-office receipts for the city of Elkhart, Ind., were in 1890 $21,996.04, and in 1902 were $74,856.58.

The post-office receipts for the Indian Territory were in 1890 $3,348.85, and in 1902 were $136,406.44.

The gross post-office receipts for Arizona in 1890 were $28,416.06, and in 1902 were $129,267.95.

Or take some Ohio towns and compare the increase of their post-office receipts with New Mexico's.

	1890.	1902.
Akron, Ohio	$50,394.84	$136,946.07
Springfield, Ohio	73,695.04	142,453.26

or consider the post-office receipts in the following places:

Oklahoma		$267,417.45
Oklahoma City		54,546.04
Guthrie		26,801.05
Scranton, Pa	$61,324.03	232,879.43
Allegheny, Pa	68,467.86	213,022.19
Schenectady, N. Y	19,284.33	112,000.67

I had marked in the Senator's instructive speech several other points to which I intended to call attention, but the time is going on, and I do not wish to consume more than I must, and so I will pass them over to some future time when I will try to give them further and more extended attention.

But there is one more thing to which I desire to call the Senate's attention before I conclude this afternoon, and that is as to the Senator's argument concerning the rule deduced by the committee from the ordinance of 1787. I think the Senator is right in his construction of that. I have examined it, and I make no quarrel on that. But in order to understand that we must understand some further facts to which no reference was made; and when these further facts are understood the Senate will see that after all the rule deduced by the committee is accurate for the purposes for which it was deduced.

Why did the committee refer to the fact that the fathers of the ordinance of 1787 fixed 60,000 as the number of people when, as the Senator says, a State might demand admission? Why did the committee refer to the unit rule of representation? Why did we refer to anything which went to show the opinion of any statesman in the past concerning how many people a State must have? It was because we wanted to show that a Territory claiming admission as a State must show some fair proportion of population to the population of the rest of the country.

We do not contend arbitrarily for the rule of 60,000 as applied to the population of the country to-day. We do not contend for the rule of the unit of representation arbitrarily. We contend for no arbitrary rule, but these things are used as illustrations to show that you can not rightfully admit a Territory which seeks admission as a State with a population of ten or fifteen or twenty or a hundred or five hundred, but it must bear some just and reasonable proportion to the rest of the Republic.

Mr. President, what were the circumstances which led to the proviso which the Senator read in the ordinance of 1787, to wit, that if at any time with a fewer number a Territory could be admitted consistently with the welfare of the country, it might be admitted? It was the fact that the first ordinance which Virginia presented to the Congress of the United States for the cession of the Northwest territory provided that instead of being five States, as was finally determined by the Congress of the United States, there should be ten, and that instead of 60,000 there should be 20,000. One of the reasons—and I will come to the other presently—why that proviso was put in was because the Congress of the United States rejected the first draft of the ordinance of Virginia, ceding the Territory to the United States, and providing for its government in 1787, which ordinance had in it a provision that 20,000 should be sufficient to admit a State into the Union. The Congress thought that was not enough. They thought that number was absurd, and so they fixed it at 60,000. But in view of 20,000 being fixed in the ordinance, they said "provided," and then follows the proviso referred to by the Senator from Ohio.

What was the other reason? It is a historical reason. It was the fact that those Territories were then being settled, and in Ohio at that time, or very soon thereafter, there were a large number of soldiers of the Revolution. Washington refers to them in one of his letters. He says in substance and effect:

"I know these men well. They were the men who helped establish the Constitution of the United States. They were the men who in the various colonies helped to ratify it by their votes."

Aye, Mr. President, those men who were going into those new States, and many of whom were there when the ordinance was passed, were the men who had first helped to unfurl our banner to the breeze and who had kept it there by baring their breasts in the front of battle. They were swarming over the mountains, they were filling the plains and the savannas of Ohio and Indiana and Illinois; and Washington, in speaking of them, said that in his opinion no colony had ever been established on earth under such favorable auspices or with such excellent material.

And so the two reasons for the proviso to which the Senator refers are that the ordinance of 1787, as presented by Virginia, contained a provision for 20,000, and the Congress of the United States thought it was absurd and fixed 60,000. Even Thomas Jefferson, with all his enormous power over Congress—a very proper power it was, too—could not force that ordinance through. The Congress returned it. The ordinance first presented to Congress provided for ten States out of the Northwest territory instead of five, as finally adopted. The Congress of the United States thought that even coming from that great statesman it was absurd, and they reduced it. First the proposition was to reduce to two States all of the territory now constituting Indiana, Ohio, Illinois, Michigan, and Wisconsin, and finally it was not less than three nor more than five.

The first draft of the ordinance of Virginia contained ten States and their names were as follows: Sylvania, Michigania, Cherronesus, Assenisipia, Metropotamia, Illinoia, Saratoga, Washington, Polypotamia, Pelisipia. Those were the States Virginia first proposed. That was the ordinance as presented. The Senator might have stated those facts. They were fair facts as showing the reason why they put in that proviso.

Now, the purpose of the committee, as stated in our report, in referring to the rule established in the ordinance of 1787 and in referring to the other rules was to show that it is submitted to the good sense of Congress that there must be some fair proportion of population in a Territory seeking admission to the Union compared to the rest of the population of the nation.

Mr. President, just one other point, and I am through. The Senator from Pennsylvania [Mr. QUAY] several times, in language as harsh as the language of the Senator from Ohio [Mr. FORAKER], in referring to the same point yesterday, was respectful and considerate to his associates, has referred to the Republican platform, and time and again we who are honored by belonging to that great party have been belabored with the Territorial plank in the platform of 1900. It has been wielded by a masterful hand, but the whip was not very effective. We were in the position of a man being thrashed with a straw in the hands of a giant as I shall show in a moment.

Mr. President, to what extent do party platforms bind the mind and conscience of United States Senators? I think we all agree—I do not think there will be any disagreement upon this side of the

Chamber nor upon my own side of the Chamber with this statement—that a party platform is binding as to laws upon which we as Senators are called on to vote when they involve an issue of which the convention that adopted it knew, of which the people were informed by discussion, and upon which they voted at the polls. You can not by implication say, as you would in a lawsuit, that because it is in a platform therefore the delegates must be held to know it was there. The rule of legal implication does not rest upon the voters of the United States if they never had it in mind at all. We are not bound here, in voting upon questions, by the narrow rules of legal interpretation that are invoked in court. These are great questions of public policy.

Now, I think everybody will agree, as a matter of common sense, that a party platform ought to be binding upon us in the votes we shall give upon a great measure before us when the utterances of that platform states an issue which was debated before the people and which was voted upon by the people and which was deciced by the people. As, for example, could any Republican Senator, with any possible self-respect, have voted against the principles of the protective tariff or the gold standard or any other question which constituted an issue in this campaign or in any campaign? No. I say that, Mr. President, notwithstanding that I have in mind the fact that when the Constitution was adopted the political party, as we understand it to-day, did not exist; and that a party convention in this country was not called for nearly a half century after the Constitution was adopted, and that party platforms did not lay down the law to the Senate of the United States or the Congress of the United States for nearly a half century after the Constitution was adopted and this Congress had been in operation.

I state that by party platforms we, as honorable men, are bound, when acting as Senators of the United States upon great issues that the people understand, notwithstanding the fact that one of the chief reasons, argued and argued again by those who had to do with the establishment of the Senate, was that it should be so constituted as to put a modifying and a moderating check upon temporary expressions of popular will. But if there is an issue here, then we are bound by it.

Was there then any issue on statehood? Was there a speech made upon the subject? In the address of the permanent or of the temporary chairman of the convention was the question mentioned? Was it talked about even in the lobbies of hotels where delegates gathered?

Mr. CLAY. Will the Senator from Indiana allow me?

Mr. BEVERIDGE. Certainly.

Mr. CLAY. The Senator, as I understand him, says there was no issue between the two parties, and that this question was not discussed——

Mr. BEVERIDGE. Yes.

Mr. CLAY. In either the Republican or the Democratic convention in fixing the platforms.

Mr. BEVERIDGE. I did not say it, but I do say it now.

Mr. CLAY. Then I call the Senator's attention to the platforms of the two political parties in 1888.

Mr. BEVERIDGE. I was myself going to do that.

Mr. CLAY. Just one minute. I want to call the Senator's attention to the resolution that was passed on June 6, 1888, at the time Mr. Cleveland was nominated for President and Allen G. Thurman for Vice-President. The national Democratic convention was the first in that year to make nominations.

Mr. BEVERIDGE. What year was that?

Mr. CLAY. Eighteen hundred and eighty-eight. The resolution provides:

> That a just and liberal policy should be pursued in reference to the Territories; that right of self-government is inherent in the people and guaranteed under the Constitution; that the Territories of Washington, Dakota, Montana, and New Mexico are by virtue of population and development entitled to admission into the Union as States, and we unqualifiedly condemn the course of the Republican party in refusing statehood and self-government to their people.

Mr. BEVERIDGE. Mr. President——

Mr. CLAY. Now, one minute.

Mr. BEVERIDGE. Oh, well; you denounced us in 1900.

Mr. CLAY. The Republican convention met seven or eight days after this platform was adopted by the Democratic convention; and the Republican convention, in enunciating its platform in 1888, provided:

> The Republican party pledges itself to do all in its power to facilitate the admission of the Territories of New Mexico, Wyoming, Idaho, and Arizona to the enjoyment of self-government as States.

Now, I want to ask the Senator, is it not true that the Democratic convention convened on the 5th day of June, in 1888, and provided in their platform for the admission of these Territories and condemned the Republican party for failing to carry out its pledges, and that the Republican convention convened seven or eight or ten days afterwards and unanimously indorsed a platform which provided for the admission of those Territories?

Mr. BEVERIDGE. Does the Senator say we are bound by the platform of 1888? Why does the Senator resort to ancient history? We have had later conventions.

Mr. CLAY. I call the Senator's attention to the fact that the planks of the platforms of the conventions which convened in 1892 and 1896 and 1900, having reference to these Territories, provide for their admission as States.

Mr. BEVERIDGE. In practically the same language?

Mr. CLAY. Not exactly in the same language, but practically in the same language.

Mr. BEVERIDGE. I will put the question to the test, and I will ask the Senator from Georgia this question. He is a prominent Senator and one of the leaders of his party, as everybody admits, and an honorable gentleman. I want to ask the Senator this question: Did the Senator know the language of the Democratic platform itself, adopted at the last national convention, before he looked it up in the book at this session?

Mr. CLAY. I desire to say to the Senator from Indiana——

Mr. BEVERIDGE. What was it? Can the Senator quote it?

Mr. CLAY. Not exactly.

Mr. BEVERIDGE. No.

Mr. CLAY. But I know the substance of it. I desire to say to the Senator that I read every word and line in the platforms of 1888, of 1892, of 1896, and of 1900.

Mr. BEVERIDGE. Will the Senator state what was the substance of the last platform?

Mr. CLAY. I can give——

Mr. BEVERIDGE. No; do not look at the book. [Laughter.]

Mr. CLAY. Do you mean in the platform of the late Democratic convention?

Mr. BEVERIDGE. Yes, sir. What was its substance?

Mr. CLAY. In substance, the platform of the last Democratic convention provided for the early admission of these Territories to statehood. I want to say this to the Senator——

Mr. BEVERIDGE. Hold on! The Senator does not state it nearly so strong as it was. Your platform provided for the immediate, not the early, admission of the Territories, and you further denounced our perfidy in not admitting them. I will ask the Senator if he made one single speech upon that subject or uttered one word on that subject in any of his speeches?

Mr. CLAY. I did not.

Mr. BEVERIDGE. No.

Mr. CLAY. I did not believe it was an issue between the two political parties. When the Republican convention assembled, representing at that time probably a majority of the people of the United States, and announced that that convention, representing the Republicans, was in favor of the admission of those Territories as States, and when a Democratic convention did likewise, I believed there was no issue between the two parties, and we turned our attention to the discussion of questions as to which there were issues. We believed that platforms meant what they said.

Mr. BEVERIDGE. Yes; I know——

Mr. CLAY. And there was no difference between the two parties on this question.

Mr. BEVERIDGE. Then why did the Senator's platform denounce us for bad faith? If you did not mean to denounce us, why did you put it in? And if you did put it in, why did you not speak about it?

Mr. CLAY. Because you had not kept your promise.

Mr. BEVERIDGE. Why did you not speak about it to the people as an issue?

Mr. ALDRICH. Will the Senator from Indiana allow me to ask the Senator from Georgia a question?

Mr. BEVERIDGE. Certainly.

Mr. ALDRICH. I should like to ask the Senator from Georgia if he feels bound by all the provisions of all the Democratic platforms since 1888?

Mr. CLAY. I will ask the Senator from Rhode Island whether the Republican party has carried out any portion of the platform that it provided in 1900?

Mr. BEVERIDGE. That is a counterclaim. It is a plea of confession and avoidance.

Mr. CLAY. I will ask the Senator this——

Mr. ALDRICH. I answer that I have to confess that I have never read the Republican platform of 1900.

Mr. CLAY. I will say to the Senator from Rhode Island that the Republican platform of 1900 provided for the admission of these Territories as States. It provided that there should be a remedy for the evils existing by reason of the trusts now in this country, and the Senator knows there has been no effort upon the part of Congress to carry out either of those provisions in the platform of 1900.

Mr. ALDRICH. I have had more or less experience and knowledge as to how platforms are constructed both by Democratic conventions and Republican conventions, and I must confess that

that knowledge and that experience rather lessens my loyalty to their provisions.

Mr. CLAY. I did not catch that.

Mr. BEVERIDGE. If the Senator from Georgia will permit me, I will proceed. I am always glad to yield, and I am very much obliged for his interruption, because he always illuminates any subject to which he addresses himself.

He says he did not denounce us, although the platform did, because he thought there was no issue, although the platform denounced us because it thought there was an issue. The Senator from Wisconsin [Mr. SPOONER] suggests to me that they had become so accustomed to denouncing us that they had to pen a denunciation anyhow.

I ask the Senator's attention to this particular point. Let us agree, then, that there was in the campaign of 1900 no issue between the two parties (although the platform of one convention denounced the other party) because both substantially agreed upon the same thing. Very well. One session of Congress was held after 1900. This was in 1902. This bill was up, as it was claimed, in accordance with the provisions of both platforms. A very stubborn committee, even under the lashing of the party whip by the Senator from Pennsylvania [Mr. QUAY], failed to make its report. We were denounced upon this floor as having gone back upon the expressions of our platform. Between the time that Congress adjourned and the time when it reconvened there was a campaign through all this country. There was the opportunity for an outraged people to rise and denounce in their wrath the party which had deceived them. There was an opportunity for the Senator from Georgia to unloose the flood gates of his eloquence in denunciation of that act of political perfidy.

Now, did the Senator from Georgia do it? Did the Senator from Georgia, during the campaign of 1902, make a remark before any of his audiences upon the question of the admission of the Territories?

Mr. CLAY. I will say to the Senator from Indiana that the Senator's party in its previous platform had promised that it would admit these Territories to statehood. They did not do it. They came back and made another promise.

Mr. BEVERIDGE. When?

Mr. CLAY. You made a promise. You promised——

Mr. BEVERIDGE. When?

Mr. CLAY. In 1888.

Mr. BEVERIDGE. Oh, 1888.

Mr. CLAY. You made a promise in 1892.

Mr. BEVERIDGE. Where did we make a promise in 1892?

Mr. CLAY. In the convention which named the candidates for President and Vice-President.

Mr. BEVERIDGE. In 1902?

Mr. CLAY. In 1892.

Mr. BEVERIDGE. I am stating the Senator's position logically and frankly. The Senator says there was substantially no issue between the parties in 1900 because their two platforms, after all, substantially agreed. I point out to the Senator, then, that notwithstanding our platform, we did not admit those States in the last session, immediately after the campaign of 1900, and after that and before the present session there intervened a political campaign in which the Senator from Georgia took a part. We had then, according to the Senator from Georgia and the Senator from Pennsylvania and other Senators who take that position, violated our platform prior to the campaign of 1902. Now, then, did the Senator from Georgia make a single speech or give utterance to a single sentence in any speech with respect to that neglect of duty on our part? There was an issue according to your position in the last campaign after we had not fulfilled, as you say, our platform pledges of 1900. Why did you not avail yourself of it?

Mr. CLAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Georgia?

Mr. BEVERIDGE. Certainly.

Mr. CLAY. I desire to suggest to the Senator from Indiana a fact with which he is probably familiar. It is not proper to refer to what has occurred in the House, but I will state that my understanding is that the House of Representatives went so far as to pass this bill providing for statehood——

Mr. BEVERIDGE. Undoubtedly.

Mr. CLAY. Just one moment.

Mr. BEVERIDGE. Certainly—two minutes.

Mr. CLAY. Carrying out the platform of the Republican party. I understand that a bill for the admission of New Mexico has passed six different times in the House. It has been reported three different times in the Senate. A political party may meet in convention and promulgate a platform and be unable to get its measures through Congress by reason of the pressure of other business, notwithstanding the fact that the platform provides for such legislation. I understand, I will say to the Senator, that there have been four different reports made by the Committee on Territories in the Senate in favor of the admission of New Mexico to statehood.

Mr. BEVERIDGE. Yes, and some day I intend to examine the statements in those reports, too, because it was probably those reports that the committees on resolutions of the two parties had before them when they enunciated these planks. But the Senator does not answer my question. It is no answer to say that the House passed this measure. Does the Senator consider himself bound to vote for a bill because the House passes it? If so, we had better have only one House. Mr. Conkling made the observation in debate on the floor of the Senate, and Mr. Thurman seconded his remark, that if we were to consider ourselves bound to pass a bill because the House had passed it, we might as well have only one House.

Is there any weight to the argument of the Senator from Georgia? I put the question again to the Senator from Georgia. It takes the two Houses to pass a measure in this Government. Having violated the platform pledges of 1900, as the Senator says, by not passing this measure at the last session of Congress (because the Senator from Pennsylvania said they had the votes to pass it and therefore our failure to pass it must have been a violation of our platform, according to the Senator from Georgia) having done that, having failed to keep that platform pledge, the campaign came on in which the Senator from Georgia took part. Did he mention in any one of his speeches that failure on the part of the Republican party? I pause for a reply. The Senator does not answer.

I thought perhaps the Senator from Tennessee, whom I see there, my good friend, and able and brilliant Senator, might have done so. I happen to know——

Mr. CARMACK. Will the Senator repeat what he said?

Mr. BEVERIDGE. Do not interrupt me until I conclude what I am going to say about the Senator, which I assure him will always be agreeable.

Mr. CARMACK. Is the Senator speaking of me or of my colleague?

Mr. BEVERIDGE. I include both; but I was particularly speaking of the handsome, young, and brilliant Senator who just arose to address me, and whose consciousness of the fact that he was addressed led him to arise and make the inquiry.

I happen to know that the Senator from Tennessee [Mr. CARMACK] had a great deal to do with the management of the last Democratic campaign of 1902, and in that good humor which always distinguishes his contests he baited us a good deal in private conversation about violating this platform. So he went into the preparation of the campaign book, which I have here on my desk, with full knowledge that here was this party simply filled with perfidy upon this question in not having done it. He was making an issue, in helping to make this campaign book, for his party before the people. The Senator can tell us, and I pause for a reply, whether he put one word in the campaign book of 1902, or whether any of his associates did, concerning this violation of the platform pledge by the Republican party.

Mr. CARMACK. Mr. President, it was impossible to insert in that campaign book the various infidelities of the Republican party. We found that they were as numberless as the sands of the sea.

Mr. BEVERIDGE. Now, Mr. President, there is a moderate statement for you.

Mr. CARMACK. It was impossible for us to include them in any one book of reasonable size. We had to omit a great many.

Mr. BEVERIDGE. So the Senator omitted this one, and the Senator confined his opportunity——

Mr. BATE. Will the Senator allow me to make a suggestion there?

Mr. BEVERIDGE. I am always delighted to hear the Senator.

Mr. BATE. For this very statehood bill the Republicans of the House had voted before the election.

Mr. BEVERIDGE. Why, Mr. President, the Senator from Pennsylvania got up here and claimed with a good deal of vigor that we were not carrying out our platform pledges. He read the whole proceedings of that convention. He read the names of those of us who had been there, and he held us up to public scorn, if we did not pass this omnibus measure right then and there.

Mr. CLAY. I will ask the Senator——

Mr. BEVERIDGE. Wait a minute. Yet, Mr. President, in spite of that fact, in spite of that appeal by the able and influential Senator from Pennsylvania to his party colleagues, coupled with the suggestion to them that they were not carrying out their party platform, in spite of giving that ammunition to the enemy during the campaign, there was not a word said about it even in the Democratic campaign book prepared by the vigilant and handsome and able young Senator from Tennessee.

Mr. CLAY. Will the Senator permit me to ask him a question?

Mr. BEVERIDGE. Certainly.

Mr. CLAY. Is it not true that the bill we are now considering, this bill providing for the admission of these three Territories to statehood, passed the House previous to the last campaign in the United States between the parties——

Mr. BEVERIDGE. Yes.

Mr. CLAY. Practically without any opposition; and it came to the Senate, and had been referred to the Committee on Territories?

Mr. BEVERIDGE. Yes.

Mr. CLAY. And is it not true that the senior Senator from Pennsylvania had moved to discharge the committee?

Mr. BEVERIDGE. He had, much to my regret.

Mr. CLAY. I understand that. I am not surprised that you regret it. I have seen every evidence of that that I possibly could for the last two or three months.

Mr. BEVERIDGE. No; not so much as you did at the time.

Mr. CLAY. I wish to say to the Senator that the Senate, both sides of the Chamber, agreed, and the motion to discharge the committee was not pressed to a vote. The Senator from Indiana resisting it, and the Senator from Pennsylvania insisting upon it, both sides agreed that this measure should be taken up early in the present session, I believe the third or fourth day of the session. I am not certain as to the date. Is it not true?

Mr. BEVERIDGE. No; that is not true. The agreement was that the report should be made.

Mr. CLAY. On the tenth. Is it not true that the bill was to be taken up then and passed upon——

Mr. BEVERIDGE. No.

Mr. CLAY. And did not the Senator from Indiana and those associated with him——

Mr. BEVERIDGE. How many questions is the Senator going to ask?

Mr. CLAY. I am going to ask some that the Senator can not answer, I think.

Mr. BEVERIDGE. The Senator's questions are like the shot from a mitrailleuse or a Gatling gun—they come so thick and fast. I have to pick out his questions and——

Mr. CLAY. The trouble is that the Senator says no without even waiting to know what I am going to ask him.

Mr. BEVERIDGE. I know what you have asked. Nobody can tell what the Senator is going to ask.

Mr. CLAY. There was no issue between the two parties so far as the action of Congress was concerned at the last session. Is it not true that both parties agreed to take this matter up on the 10th of December and discuss it, and that the bill came here late in the session, and it was not really an issue between the two parties at the last session?

Mr. BEVERIDGE. I hope the Senator will read the RECORD to-morrow, and he will find that he has put to me ten or fifteen questions without giving me a chance to answer any one of them.

Mr. President, I direct the attention of the Senator from Pennsylvania to the question put to me by the Senator from Georgia. As near as I can remember the last section of it—it goes like trains on the Pennsylvania Railroad when it has heavy traffic, in sections—it was that both parties agreed to take the bill up and dispose of it. I had hoped that we might take it up and dispose of it, but the Senator at the beginning of my remarks this afternoon indicated that he wanted a vote without any discussion. Does the Senator from Georgia agree that we shall discuss it now?

Mr. CLAY. As I said to the Senator, every Senator in this Chamber is entitled to discuss a question under the rules of the Senate.

Mr. BEVERIDGE. Of course.

Mr. CLAY. I believe the Senator from Minnesota has discussed the bill for a week.

Mr. BEVERIDGE. And very ably.

Mr. CLAY. And any other Senator may discuss it for a week who wants to do it.

Mr. BEVERIDGE. The Senator from Minnesota discussed it very ably, and I am very glad to receive, as I was sure I should, the adherence of the Senator from Georgia to the ancient and venerable rule of the Senate which keeps it to-day the only arena of free speech left on this earth.

Now, Mr. President, as a matter of fact, in answer to the Senator's other questions, so far as I can gather them all together (because they came like a flight of arrows, and a man must put up his shield and get their general force, he can not get their specific intent, and purport) I must say no, it was not agreed; on the contrary, it was stated by the Senator from Pennsylvania that we were not carrying out our party pledge; and that statement by the Senator from Pennsylvania was highly enjoyed by his allies upon this side of the Chamber, although not all on this side are his allies now I hope, and consternation was thrown into the midst of those of us who are always inspired by great fear when anything comes from any one of those two sources about our party policies.

Now, that denunciation was made. It was stated in private conversation, perhaps in jest, upon this side of the Chamber that we were going back upon our party platform. It was stated by the Senator from Pennsylvania that if the bill did not pass then, in his judgment it never would pass; and I think his judgment was most excellent upon that question at that time.

So there was an issue presented to the parties. Now, Mr. President, we come to the campaign that immediately followed and we find that not a speech was made upon it, not even by the eloquent Senator from Georgia. I myself took some part in that campaign, and for a long period. I met a very large number of speakers belonging to our party, both old and young, and talked with them about the subjects which should be discussed before the people. Not one word was said on either side, so far as I ever heard or read—and I was an attentive reader of the daily literature during that campaign—upon this outrage which we were perpetrating in violating our own pledges. Not one word was uttered by the eloquent Senator from Georgia. Not one word was uttered or written by the Senator from Tennessee [Mr. CARMACK], whose alertness and vigilance for the interests of his party are almost abnormal, and he deserves credit for that. He went to New England and all but prevented a unanimous Republican majority up there by speeches devoted to the subject of imperialism, but not one word did he utter upon our bad faith toward the Territories.

Here, Mr. President, are the campaign books. Here is the national Democratic campaign book for 1900, in which you denounce us for not having kept our pledges; and yet, notwithstanding the fact that we were denounced, notwithstanding the book is, as you see, a volume of considerable size, notwithstanding the fact that every issue before the people was exhaustively discussed, in this campaign book which went to the party speakers in order to give them information and in order to guide them upon what they should speak upon before the people, not one word is uttered in this about what you in your platform say is our perfidy in not admitting these States.

I say, "not one word," Mr. President. I will take that back. In reading it over I found there was one man who was sufficiently awake to the enormity of our position. I see that there was one master of vigilance who did detect us, and that was the only thing of the kind in this book of several hundred pages closely printed. That was Mr. RICHARDSON, the present leader of the Democratic side of the House, who, as I understand, is in some straits on account of his leadership now. He said in making his speech on this subject that we declared in our platform in favor of doing this and we had not done it; and then the imaginative mind of the Democratic leader in the House foresaw that we were actually going to erect a tariff wall between this country and the Territories of New Mexico and Arizona.

That fantastic speculation, Mr. President, is the only thing which the Democratic campaign book of 1900 indulges itself in upon this question of the Republicans not having lived up to their platform. Here is all there is on the subject—four short lines. Mr. RICHARDSON says:

> Under the wicker rule of law as now applied by the Republican party in some of our Territories they may at an early date find erected between themselves and the balance of the Union a tariff wall which will serve to pauperize them while it enriches others.

And that was the extent of the Democratic statesmanship before the people concerning the nonadmission of the Territories of New Mexico, Arizona, and Oklahoma. Was an issue then discussed before the people in 1900 and voted upon by them?

Here is the Republican campaign book for 1900. There is not a word in it upon the subject. Here is the Republican campaign book for 1902, after we had failed to pass this bill, and there is not one word in it upon the subject. Here is the Democratic campaign book for 1902, which my friend, the junior Senator from Tennessee, helped prepare, and there is not one word in it upon this subject.

Mr. President, I defy any Senator upon the other side of this question to find a single newspaper in the United States outside of the Territories themselves or neighboring States which discussed this measure before the people either in the campaigns of 1900 or 1902. I defy him to find a single speaker who addressed himself to this subject. If it was not argued before the people, if it was not discussed in the press, if it was not mentioned even in the Democratic and Republican campaign text-books, was there an issue presented? Did the people vote upon the question at either of those elections?

They had the opportunity, Mr. President. Most of the Republican platforms of the States were adopted after we adjourned, after we had committed this repeated perfidy in not living up to our platform. There was certainly an opportunity—nay, more,

there was an occasion—for the Republican party throughout the United States at least to call attention to the fact that we had not done what we had promised and they wanted us to give it attention. Well, here is the list of them. I will not read them over again, because not one single platform, with one exception, to which I will call attention, and I wish the Senator from Washington [Mr. FOSTER] was here to hear me, had a word in it about the admission of the Territories, and that, too, in spite of the fact that this was the only one of our campaign pledges that we had not attempted to carry out, but, on the contrary, had stood in the way of.

Now, all the rest of them were silent upon the subject. Not one of the States of the Union in Republican convention assembled in 1902 had a word to say upon the subject. Does that look as though it was upon the minds of the people? Does that look as though it was a larger committee, as the Senator from Pennsylvania said at the last session, "the electorate of the American people" who had passed upon this question? Does it look as though it was in the minds of the people? And if it was not, was it an issue? And if it was not an issue is it binding upon us here, especially when since then an investigation has been held?

Now, Mr. President, the only exception to this that I have been able to find (and if hereafter anybody finds I have made an error about it I hope they will call my attention to it) was the State of Washington, whose Republican platform was adopted September 10, 1902. It says:

We favor the admission of those Territories now seeking admission into the Union *when they shall have become as populous as was the State of Washington when admitted.*

I wonder if the Senator from Pennsylvania is willing to have the Senator from Washington controlled by his platform pledge, the writing of which I think the Senator from Washington knew something about? If so, we will have to wait until New Mexico and Arizona each have nearly 349,000 people.

Now, Mr. President, if it was an issue in the last campaign, surely the Republican Congressional campaign secretary would know it. I thought perhaps I had overlooked some fact. If it was a question upon which people were electing Congressmen, and to which their attention had been specifically called, because the fight involved by the attempt to discharge the Committee on Territories had gone broadcast throughout the country and was before those conventions, the secretary of the Republican campaign committee would know it. So I asked him for a written statement upon that subject, and here it is:

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., January 13, 1903.

Hon. A. J. BEVERIDGE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In answer to your communication of this date I am pleased to advise you that during the campaigns of 1898, 1900, and 1902, Hon. J. W. BABCOCK was chairman and I was secretary of the national Republican Congressional committee. Together with our associates, we conducted the Congressional campaigns of those years. In such conduct we had correspondence and conferences with the various Congressional organizations throughout the country and with gentlemen who accepted assignments for speaking under our management. In neither one of these campaigns was the question of statehood of the Territories considered in any such correspondence or conference with either officers of organizations or speakers, nor was such subject regarded by any of us as an issue in either one of said campaigns.

During the campaign of 1902 I began the compilation of the platforms of the different parties adopted by the various State conventions, primarily with the view of publishing the same in pamphlet form. I abandoned the plan before I had secured a great many copies of such platforms. My recollection is that I secured and read platforms adopted by both parties in fifteen or twenty of the States. There was no allusion to the statehood question in either one of the platforms in the fifteen or twenty States which I examined.

Believing that this letter contains the information you have requested, I remain,

Yours, respectfully, JESSE OVERSTREET.

So we find, Mr. President, that in the campaign of 1900 and in the campaign of 1902——

Mr. QUAY. Will the Senator from Indiana permit me?

Mr. BEVERIDGE. Certainly.

Mr. QUAY. The reason, I suggest to the Senator from Indiana, why there was no debate upon the statehood question during the last campaign or in other previous campaigns was that the position of the two great parties was identical upon the subject. There was no necessity for going to the people about it.

Mr. BEVERIDGE. I said that was undoubtedly an excuse for 1900, but the Senator himself called attention to the fact that, unless we passed his bill at the end of the last session, we were violating the platform of our party, and, therefore, the conventions held after that had had their attention called specifically to that fact. Yet they did not put a word in their platforms concerning it. So there was the issue presented. We were standing here at that time, as the Senator said, opposing it. As a matter of fact we had not made up our minds to oppose it until after the investigation. If we violated our pledge, as the Senator from Pennsylvania said last June, why did not a single Republican State convention say a word about it? Why did no speaker or newspaper discuss it?

Now, Mr. President, I think it very useful that this question has come up, because it shows that in adopting political platforms, as in all other business, public and private, greater care should be used. We should devote our political efforts to practical matters, but to ideals as well, Mr. President. The party which is not practical is ineffective; but the party whose purposes are not inspired by ideals is dead. Let us take a lesson from this, and in our conventions of both parties quit accommodating delightful gentlemen on side issues, and with the accuracy of conservatism pronounce for the welfare of the nation according to the facts, or, if we are in doubt of the facts, let us be silent upon them. Whatever others may do we can not afford to play politics. It is a game at which we have never won, and can not win, and never will win. Our strength and our glory and our victory heretofore have been in adherence to and the maintenance of principle and right.

Now, then, how was it that the platform of 1900 differed from the platform of 1896? The platform of 1896 was singularly statesmanlike, and it was as follows:

We favor the admission of the remaining Territories at the earliest practicable date, having due regard to the interests of the people of the Territories and of the United States.

Is there anything objectionable to any open mind in those two limitations, "having due regard to the interests of the people of the Territories and of the United States?" That was the first McKinley platform, and I call the attention of the Senator from Pennsylvania, as I would call the attention of the Senator from Ohio [Mr. FORAKER] if he were here, to the fact that that language was evidently used by a man who was a lawyer, because it is substantially taken from one of the great writers upon our Constitution, who says that "the government of Territories and all things concerning them, in so far as Congress has anything to do with them, shall be done having due regard to the interests of the people of the Territories and of the United States."

Now, that was the platform of 1896 upon which William McKinley became President the first time. Is it not a sane, wise, and conservative utterance? Why should any person object to those two provisions? And yet in the convention of 1900 we find the following. I can not explain it; perhaps the Senator from Pennsylvania can explain it.

We favor the home rule for, and the early admission to statehood of, the Territories of New Mexico, Arizona, and Oklahoma.

Leaving out the two statesmanlike provisions, whose presence certainly could not injure any just cause, but whose presence might prove an obstruction to any bill that anybody might attempt to rush through Congress.

Mr. QUAY. Will the Senator from Indiana allow me to interrupt him?

Mr. BEVERIDGE. Certainly.

Mr. QUAY. I think, Mr. President, the Senator from New Hampshire [Mr. GALLINGER] was the chairman of the subcommittee of the committee on resolutions who drafted that, and he can probably furnish the Senator from Indiana the information he requires.

Mr. BEVERIDGE. I should be glad to have it from any source, Mr. President. I want to know the reason for omitting that. Did they have as full information as we have now? Did they have different information from that which was had by the platform committee of 1896? If they had different information, what was it? The only information that was had in 1896 and in 1900 were the reports from the governors of Territories and the statements made in the various Senate committee reports that had heretofore been presented to the Senate.

At some future time, when I come to examine that subject, I will demonstrate to the Senator's own satisfaction how grotesque, inaccurate, and absurd many of the fundamental statements of those Senate reports to this body were. Did you have any additional information? Was there any difference in the information before the committee in 1896 and the committee in 1900? I merely call attention to this because I think that both parties on side issues, the party of my friends over here as well as our own, and every other party should, upon minor details of a platform be as careful as they are upon great fundamental questions of the platform.

There is too much of a disposition, and has been in the past (now happily growing less as the accuracy of method in all matters all over the world increases) to oblige gentlemen whom you like—and many of us like very much, indeed, the gentlemen who are urging the passage of this bill—upon matters upon which we are uninformed and upon which we think it does not make very much difference anyhow. There has been too much of a disposition to say to friends, "Oh, well, we will put it in. It don't

amount to anything." And the public does not pay any attention to it and then it turns out that it does amount to something after all.

Now, the question is whether, that being the case, when new information has come before this body, when earnest and vigorous investigation has been had, when a volume of testimony for the first time in the history of the discussion of this question has been laid before the Senate of the United States, we are to be bound by that incidental utterance, which leaves out the two wise and statesmanlike provisions of preceding platforms, which even then did not become an issue either in the campaign of 1900 or the campaign of 1902.

Mr. SPOONER. Will the Senator allow me to ask him a question for information?

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. BEVERIDGE. Certainly.

Mr. SPOONER. I desire to ask the Senator whether he does not think those words are necessarily implied?

Mr. BEVERIDGE. Mr. President, that is a new and most illuminative thought. I do think so. I never thought of it before, but that only illustrates the fact that the Senator from Wisconsin thinks of many things that many of us never thought of before; but I think so.

Mr. SPOONER. I did not ask the Senator for compliments. I wanted information.

Mr. BEVERIDGE. I am bound to give the Senator a compliment whenever I answer him, if I tell the truth.

Mr. President, I am not going to detain the Senate any longer. I am perfectly amazed that I have detained it so long. I simply wish to say on this question, let us be true to the traditions of this Senate, and, instead of attempting to throttle, let us encourage free discussion. It is that upon which the usefulness of the Senate depends. It was for that, among other things, and principally for that, that this Senate was constituted as a part of our system of government.

I beg that the Senatar from Pennsylvania, who is a very great reader, as everybody knows, will read the entertaining and instructive utterances of the great constructive statesman who placed the Senate of the United States in our scheme of government. He will find, as I said in the beginning of my remarks, that in terms of office, in the methods of selection, in the times of going out, keeping a continuous body here all the time, the very purpose of the ordination of this great and exalted body was that we should have free and untrammeled discussion of every issue, great and small, to the end that even the temporary passions of the people, as some of the greatest of our statesmen—Madison and Hamilton and others—stated, should be checked, until their sober second thought should clarify the situation, and that upon all questions nothing should be rushed through until it had been given the best thought, under his oath, of every Senator who stands here representing not only his State, but representing the United States. For the Senator here is not the Senator of Pennsylvania or the Senator of Indiana; he is the Senator *of* the United States *from* Pennsylvania or Indiana, and the welfare of the nation is as dear to us, and we speak as much for it as we do for that of our own States. But for whomever we speak, it was the purpose of the establishment of this great body that we should do the very thing the Senator from Pennsylvania now objects that we shall do.

Mr. President, let it be understood that utterances unwise and uninformed even of party platforms shall not suppress the mind and conscience of the American Senate; let it be understood that convention methods shall not prevail in this historic and exalted body; let the confidence of the American people in their Senate, the greatest legislative body in the world, as we have so proudly said, be renewed and reestablished and revitalized by our action upon this measure—the action of a Senate untrammeled by private pledges made to some other Senator before investigation, the action of a Senate unawed by combinations or by threats—the action of a Senate brave and true and free and worthy of the great purposes of its great founders.

Mr. QUAY. Mr. President——

Mr. CLAY. Will the Senator from Indiana allow me to ask him a question?

Mr. QUAY. Does the Senator from Georgia desire to address the Senate?

Mr. CLAY. I do not; I simply desired to ask the Senator from Indiana a question before he took his seat.

Mr. BEVERIDGE. Certainly.

Mr. CLAY. I believe the Senator from Indiana is perfectly familiar with this legislation, and I desire to ask the Senator this question: The bill providing for the admission of these three Territories to statehood passed the House at the last session and came to the Senate a few weeks before it adjourned?

Mr. BEVERIDGE. Yes.

Mr. CLAY. And went to the Committee on Territories?

Mr. BEVERIDGE. Yes.

Mr. CLAY. And there had been no report made by the Committee on Territories at the time we adjourned?

Mr. BEVERIDGE. No.

Mr. CLAY. And there never had been any adverse report on the bill providing for the admission of these three Territories at the time we adjourned?

Mr. BEVERIDGE. No.

Mr. CLAY. So there was no issue between the two parties at that time?

Mr. BEVERIDGE. That is the way the Senator construes it. As I have pointed out, I fear with the monotony of iteration, notice was served most conspicuously upon the Republican party and the Democratic party throughout the nation by the Senator from Pennsylvania in his very forceful remarks, in which he arraigned all of us who were members of that convention, that it was necessary that we should pass this bill; and he stated if it did not pass then, in his judgment, it would never pass. I say notice was thus served, because it went out in all the papers of the United States that something of this kind was going on here, and there was an opportunity for both parties to express themselves in their platforms in last fall's campaign.

Mr. RAWLINS. Do I correctly understand the Senator to say that his party had already violated its promise to admit these Territories before the adjournment of Congress, and that the Democrats were derelict during the last campaign in failing to charge the Republicans with that violation?

Mr. BEVERIDGE. I do not know what the Senator understands; but if he understands that to be my statement, the Senator does not display great understanding at all, because, of course, I never said anything of the kind. The Senator, as a matter of fact, is trying to do one of those pleasant things he indulges in and put his conclusions in my mouth. Of course I decline to permit him to do so.

Mr. QUAY. Mr. President, I now recur to the proposition I was about to submit to the Senate during the absence of the present occupant of the chair, for the fixing of a day upon which a final vote upon this question may be taken. I have one or two propositions to make that will occupy the time of the Senate but a moment or two, and then the discussion may proceed.

I first ask the unanimous consent of the Senate that a final vote may be taken on the pending bill on Saturday, the 24th instant.

The PRESIDENT pro tempore. At what hour?

Mr. QUAY. I have not fixed the hour.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that the final vote on this bill, on the then pending amendments, and amendments then offered shall take place on Saturday——

Mr. QUAY. The 24th instant, I will say, at 2 o'clock p. m.

The PRESIDENT pro tempore. On the 24th of January, at 2 o'clock p. m. Is there objection?

Mr. BEVERIDGE. I object, Mr. President.

Mr. QUAY. Then I ask unanimous consent of the Senate that the final vote be taken on Friday, the 30th instant, a week later, at the same hour.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that the final vote on this bill, on the then pending amendments, and amendments then offered, may be taken on Friday, the 30th instant, at 2 o'clock p. m. Is there objection?

Mr. BEVERIDGE. I will state in reference to that series, and any similar series of requests, that, of course, at this stage——

Mr. LODGE. Before the Senator from Indiana says that, I think the Senator from Pennsylvania has not observed that for that day a special order has been assigned.

Mr. QUAY. What is the order?

Mr. LODGE. Eulogies on the late Senator McMillan.

Mr. QUAY. That is on February 4, I understand.

Mr. LODGE. I thought the Senator named January the 30th.

Mr. QUAY. Yes.

Mr. LODGE. Well, that is the date fixed for eulogies on the late Senator McMillan.

Mr. QUAY. Then I will say on Saturday, the 31st of January.

Mr. LODGE. We have a special order also for that day. Special orders have been fixed for both days named by the Senator.

Mr. QUAY. Then, Mr. President, I will say on Thursday, the 29th instant.

Mr. BEVERIDGE. I will say with reference to the entire series——

Mr. QUAY. I will deliver the series first, if the Senator will permit me.

Mr. BEVERIDGE. Did you not propose a date?

Mr. QUAY. Yes.

Mr. BEVERIDGE. Did you expect me to say anything on it or not?

Mr. QUAY. No, but I expect the Senate probably to give unanimous consent to vote on that day.

Mr. BEVERIDGE. Then your expectations will be, like some other great expectations, unfulfilled.

Mr. SPOONER. I hope the Senator from Indiana will allow the Senator from Pennsylvania to read his schedule without interruption.

Mr. BEVERIDGE. All right. That is correct. I am willing to listen to the Senator's schedule.

The PRESIDENT pro tempore. What is the last request of the Senator from Pennsylvania?

Mr. BEVERIDGE. I ask the Senator to complete his schedule, but it must not be taken for granted that any part of his schedule is agreed to until he gets through with the whole thing, and then I will express my assent or dissent.

Mr. QUAY. I desire the question put to the Senate on each of the propositions.

The PRESIDENT pro tempore. What is the Senator's last request?

Mr. QUAY. That the vote be taken on Thursday, the 29th of January.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that the final vote on the pending bill, on the then pending amendments, and the amendments then offered shall take place on the 29th of January.

Mr. QUAY. At 2 o'clock p. m.

The PRESIDENT pro tempore. At 2 o'clock p. m. Is there objection?

Mr. BEVERIDGE. I object; and on that objection I wish to say a word.

Mr. QUAY. I hope the Senator will wait until I get through with the series of propositions I wish to present.

Mr. BEVERIDGE. But what is the use?

Mr. QUAY. There will be probably something else——

Mr. BEVERIDGE. Let the Senator——

Mr. QUAY. I decline to yield the floor, Mr. President.

Mr. BEVERIDGE. The Senator wants to finish the schedule.

The PRESIDENT pro tempore. The Senator from Pennsylvania declines to yield.

Mr. QUAY. I then ask that the final vote be taken on Wednesday, February 4.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that the final vote on the pending bill, on the then pending amendments, and amendments then offered shall be taken on Wednesday, February 4, at 2 o'clock p. m. Is there objection?

Mr. BEVERIDGE. I deeply regret, Mr. President, that I can not possibly agree to this, for the reason that the debate is just now in progress and it is quite beyond my power, or the power of any Senator, to say when we can reach a time when all Senators shall have spoken who desire to speak upon this measure. Of course I should be happy to accommodate the Senator if I could, but that is the situation at the present time.

Mr. QUAY. Then I ask unanimous consent of the Senate that the vote be taken on Tuesday, February 10, at 2 o'clock p. m.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that the vote on the pending bill, the amendments then pending, and the amendments then offered be taken on February 10 at 2 o'clock p. m. Is there objection?

Mr. BEVERIDGE. Mr. President, I make the same suggestion in reference to that; and I state right now that it is impossible for me, as chairman of the Committee on Territories, to agree to fix a date at this time for the future. That impossibility is just as apparent to the Senator from Pennsylvania as it is to anybody else. The Senator can go on and read his schedule clear down to the last, but no such proposition was ever made that I have ever heard of before in this body, and I can not now foretell on just what date the vote can be taken, and it is impossible for me now to agree upon a date.

Mr. QUAY. Mr. President——

Mr. McCUMBER. I ask the Senator from Pennsylvania to yield to me that I may ask a question of the Senator from Indiana.

Mr. BEVERIDGE. Certainly.

Mr. QUAY. I would prefer that the Senator from North Dakota should wait.

Mr. McCUMBER. It is a question pertaining to this same matter.

The PRESIDENT pro tempore. The Senator from Pennsylvania declines to yield.

Mr. QUAY. I will yield the floor in a moment.

I believe the last item in the schedule was February 10, was it not?

The PRESIDENT pro tempore. That was the last.

Mr. QUAY. That was objected to. Now I propose that the vote be taken on Monday, February 16; that is, within ten days or two weeks of final adjournment. If the vote is not taken then the bill must fail.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that the final vote on the pending bill, on the then pending amendments, and on the amendments then offered shall be taken on Monday, February 16.

Mr. QUAY. At 2 o'clock p. m.

The PRESIDENT pro tempore. At 2 o'clock p. m. Is there objection?

Mr. BEVERIDGE. Mr. President, as I stated before, it is perfectly impossible for me at this time to agree to a specific date, as the Senator from Pennsylvania no doubt knows, and in my position he would do the same as I am doing.

We have many other matters before us now, and there are many other Senators who have expressed to me a desire to speak on the pending bill. I can not say when they will get through, and so it is impossible for me at this time to fix a date or to agree upon any time for voting.

The PRESIDENT pro tempore. Objection is made.

Mr. QUAY. I then feel it my duty——

Mr. BATE. Will the Senator from Pennsylvania allow me to say a word?

Mr. QUAY. Certainly.

Mr. BATE. I desire to say, as one of the minority of the Committee on Territories—and I think I voice the wishes of the minority of that committee, as well as I do of my party on this side of the Chamber—that they will agree now to any one of the propositions to which the Senator from Pennsylvania has made as to the final vote on this bill. I am authorized to say that.

Mr. QUAY. Mr. President, I feel it my duty to give notice that to-morrow, at the conclusion of the morning business, I shall move to take up the pending statehood bill, and I may ask the Senate to continue in session until it is disposed of or until an agreement is arrived at fixing some day for a vote.

Mr. BEVERIDGE. I will accept service of the notice, but I do not think the Senator will gain anything by that.

Mr. HANNA. Mr. President, by the courtesy of the Senator from New Hampshire [Mr. BURNHAM], I want to say a few words upon this question, not that I have any desire to enter into the merits of the case before the Senate, but because an element has been brought into this discussion of rather a political nature, and we have drifted into a somewhat political discussion. I did not expect that an issue of that character would be brought into the Senate on a question which I consider so important that it should be discussed entirely upon its merits. I refer to the question about the platform of the Republican national convention in 1896. I shall not go back beyond that convention, with whose proceedings I was familiar.

The text of that plank in the platform has been repeatedly read; so it is unnecessary for me to read it again. I will only say that I happen to know that, so far as any discussion went upon that occasion affecting Territorial affairs, growing out of the importunities of those who were interested in the question—I will not say from selfish motives, but from a desire, from their standpoint, to advance the interests of their communities that it appealed only to those in the councils of the party; that it was a question nonpolitical, that if adopted as a resolution, even although it might invite party discussion and party differences, any such expression from any party should be safeguarded with due respect to the interests of the whole country; and that was what the platform of 1896 sought to do, and did do so far as the responsibility of the Republican party was concerned.

I believe that in the following campaign the platform of 1900 had scarcely a thought, to say nothing about serious consideration, upon that question, outside of those who seemed to have been interested in the subject. Certainly, whatever may be the language of that resolution, there is nothing contained in it that breaks down the barrier of the safeguards of the resolution of 1896, reaffirming that declaration without regard to anyone's material interest, but expressing simply a public policy.

I do not understand, Mr. President, that there is enough politics in this situation to invite partisan discussion. I do not think from the standpoint of American citizenship that there is a member of this body but who is willing to undertake to defend the proposition that these infant Territories, ambitious to become States, anxious to enjoy all the privileges of statehood and the good that comes from it, should be permitted to do so when their condition justifies it. There should be no division of sentiment or opinion upon that proposition; but they should be admitted only with due regard to the interests of the United States and of the States upon whom rests the responsibility of ascertaining the facts as to whether these Territories are in a condition which makes them fit to become States.

It is not the most important matter in this question as to how many people there are in either of these Territories. To be sure, that is a factor, and it is of necessity to be taken into consideration;

but to my mind there are other and more important factors that go to make up fitness for statehood, to entitle a people to be represented and to take part in the councils of the nation, no matter how fit may be the representatives sent here. But the great principle of cooperative legislation, the good of the whole country, depends upon the responsibilities of the representation that is behind the delegate. Therefore, I say, I will not undertake to go into a discussion of the merits of this question.

I was perfectly willing to wait and hear the discussion from members of the committee who, in the ordinary routine of business affairs in the Senate, take upon themselves the responsibility of that sort of work, and, owing to that which went before in these discussions, went so far as to go personally into these Territories, to study the conditions and all the things which should go to make up the qualifications for statehood. When special committees, who, feeling the responsibility not only as to their colleagues in the Senate, but as to the country everywhere, conscientiously and thoroughly do their work of investigation and bring here a report from witnesses under oath and otherwise, and when as a result of that knowledge, obtained from that effort, they rise in their seats and give to the Senate and to the country the result by forcible and convincing argument, such as the speeches of the Senator from Vermont [Mr. DILLINGHAM] and the Senator from Minnesota [Mr. NELSON], that is the sort of information the country wants, and if this discussion should be protracted for weeks to come, the responsibility attached to our duty and oath of office does not make it less binding upon us that we hear it.

I disclaim, Mr. President, that the Republican party, either in 1896 or 1900, and, so far as my information goes, in both of the Congressional campaigns intervening, regarded this question as an issue. It was never made an issue even to the slightest degree from a national standpoint. I was somewhat familiar with those two national campaigns, and certainly in 1900 this subject was not mentioned upon the rostrum within the limits of any Territory from which I heard. Whether it was or not, whether the people of this country wanted to hear about the Territories or not, it seemed to be necessary that they might obtain the information wanted which should be satisfying as to the future, because the responsibility of never being able to undo such legislation as is now proposed made it necessary that the people should be satisfied as to the future. In all that campaign, whether because other issues overshadowed this question or not, it was a fact that it was not made a political question.

In that connection, as to the feeling and sentiment which dominates this country to-day, I want to say that the discussions upon this floor have not only been necessary and effective, but they have filled a demand which is increasing every day the discussion goes on, and so far as I am able to understand and diagnose the sentiment of this country the feeling of confidence is growing stronger every day in the judgment and intelligence of the members of this body who are acting from a conservative standpoint. Feeling and appreciating the importance of this question, they do not propose to hurry it or to be hurried in its conclusion.

It makes no difference to the Democratic party or to the Republican party as to the sentiments of a political character which may be injected into this discussion. If I were in a position to argue upon the merits of this question, I would feel justified in appealing to every member upon the other side of this Chamber upon that question of merit alone. The dignity of this country and its future greatness and prosperity are just as dear to the hearts of one class as to another. There can be no political issue injected into a question which so nearly affects the principles upon which we are supposed to build our future.

The Republican party in that resolution at St. Louis voiced a sentiment which was brought there by the elements that are behind this measure. They heard and gave consideration to the men coming from the Territories, members of that party, and who, whatever their motive, were entitled to consideration; but in giving consideration to those who are knocking at the door of the Union we have said that we must safeguard that so that this matter can go before the proper tribunal; and when the question comes to be considered, it must be decided upon its merits. This matter was not intended, by being placed as a plank in the platform, to be made a party issue, and it can not or ought not to be such to-day.

I am absolutely opposed to the omnibus bill, Mr. President, because it seems to me to be in the nature of a compact between those who are behind this measure to avail themselves of the opportunity of uniting in its support influence and power. There must be a weak spot somewhere; there must be some feature of this bill that needs the support of a stronger element to win for it votes enough to make States out of these three Territories. In order that this body and the people of this country may have the opportunity to judge for themselves, we want this discussion to proceed along the lines it has, coming, as it does, from the men whom this body delegated to gather that information, who realize the responsibilities of that task and the obligations of their oaths to obtain that information. We want this discussion to go on until the whole question is laid bare, not only before the United States Senate, but before the country, and, so far as my opportunities enable me to judge of the results, I feel perfectly safe in saying that, in my judgment, public opinion, the highest and best arbiter of all public questions, is to-day forming a sentiment which justifies the report of the committee and justifies the statements that have been made by every member of that committee who has spoken upon the subject.

I do not want to see this legislation hurried at an unseemly rate, or to occupy a position in this body where it shall in any way retard the business of importance which is coming before us. I do not believe there is any disposition to delay among those who, from a full realization of their responsibility and duty, want to have this debate go on so long as it develops new information, so long as it brings to the surface new thoughts and facts which will enable us to vote rightly upon the question. I do not believe it is the intention, and I will not believe it is the feeling in this body on the part of anybody on either side of the Chamber to filibuster, as I understand the term, or unnecessarily to delay action when the time arrives at which a man, fully advised, can vote as his conscience dictates.

Therefore, Mr. President, as the debate goes on, I hope the sentiment which seems to have been manifest to-day with reference to the arbitrary position of one side or the other, or the drastic measures which may be imposed by one side or the other, will not again appear in any shape or form or result in an effort that will in the slightest degree interfere with the important business which we have before us, no matter what may be the individual ambition of any man or set of men living in those Territories or desiring to represent them in the halls of Congress. While that ambition and desire may be perfectly laudable and can not be charged as entirely selfish, still it sinks into insignificance on an occasion like this. Therefore what I have to say is not so much in the line of argument as of an appeal to the Senators of this body to let this important discussion proceed, developing any new matter and facts and arguments that may change the opinion of any man who has the right to vote, and then let the majority decide, not influenced by passion or prejudice or selfish motives, but acting on our calm and deliberate judgment, formed as the result of those arguments and facts which should influence the minds of men in our position.

Mr. BURTON. May I interrupt the Senator from Ohio for a moment?

Mr. HANNA. Certainly.

Mr. BURTON. In order hatt there may be full opportunity for discussion, do you not think it would be wise to agree upon a day, far in the future, at which the vote should be taken? Then it will not interfere with any other business, if there is to be a vote.

Mr. HANNA. I do not propose to take any responsibility out of the hands of the gentlemen who have charge of this measure. I do not think they need any defense as to the attitude they have taken and the course they are pursuing in this matter. The fact that an insinuation may have been thrown out as to their motives with respect to dilatory tactics does not justify the inquiry, neither does it justify the method pursued by the other side to call upon a Senator to answer a question which ought not to be answered under present conditions and until the members of the committee are satisfied as to the discussion itself.

Mr. BURTON. If the Senator will allow me, I did not ask the question in order to cast reflection upon anybody.

Mr. HANNA. No; I did not so understand it.

Mr. BURTON. I simply asked the opinion of the Senator as to whether that is not the easiest way to get a determination of this question.

Mr. HANNA. Yes, the easiest way, I may say in reply to the Senator, to accommodate an opposition is to surrender. That is the easiest way.

Mr. BURTON. Then I understand the Senator is not in favor of ever coming to a vote.

Mr. HANNA. No; you do not understand anything of the kind, because I do not propose to have you understand it in that way. But whether I be on the affirmative or the negative side of this proposition, in view of the importance of this measure and of the policy involved, I would consider it unfair to agree upon a time to vote before the members of the committee who have charge of the measure, who have investigated the subject, who came here to make reports for the information of the Senate and the country, have exercised the right and privilege of giving, in their own way and at their own time, those facts to the Senate and to the country.

I am not seeking to excite anyone. I would rather produce a feeling which would lead to the condition suggested by the Senator from Kansas. I claim that this subject is of enough importance to demand deliberation and calm judgment. In my short service in this body I have seen time wasted day after day and week after week upon measures far less important. So I do not have any qualms of conscience in urging that this discussion shall go on legitimately and fairly, because I believe, so far as the evidence has been given and so far as statements have been made, which are uncontroverted, that public opinion in this country, which is crystallizing around the subject, and which must be made manifest sooner or later, will convince the majority of this body that there is danger in hasty action; that there is danger of doing an act which can not be undone, as the Senator from Indiana [Mr. BEVERIDGE] has so ably said, no matter how much the regret and no matter how much harm may result to the country.

I have heard it argued that the Republican party should be held up to its responsibility for having committed an unwise act in the Spanish war. Two wrongs never made a right. If, as charged by the advocates of that proposition at the time, we were wrong, and it shall be found from experience that we acted hastily, it is no reason why those who are not implicated in past actions with reference to the admission of other Territories and who are not responsible either to their party or their country for that act, should not investigate to the utmost every fact and condition which can properly and legitimately be brought to bear in forming their judgment upon this question.

I simply rose, Mr. President, to protest against the assumption that this question should be considered absolutely from a political standpoint or that, because there may have been a difference in the wording of the platforms of 1896 and 1900, any representative in this body connected with the Republican party should be charged with and held accountable for the wording of the platform, before there had been any public discussion, before it had ever been made an issue which called for public discussion for the enlightenment and intelligence of the people. I am not willing that the Republican party shall rest under such a charge, nor am I prepared to charge the party on the other side of the Chamber with any other intent than to protect the interests of the United States and of the States, for when you consider a proposition to confer equal power upon a Territory yet in its infancy, no matter by what standard you measure its virtues and its material interests, it involves a community of interest as to which in the last analysis we must determine what is right, and do it.

Mr. BURNHAM obtained the floor.

Mr. CULLOM. It is getting late, and the Senator from New Hampshire would hardly be able to proceed very far with his speech this evening. I suggest to him that he take the floor and yield to me; and if he does so, I will move an executive session.

Mr. BURNHAM. I yield to the Senator from Illinois.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 37 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 21, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 20, 1903.

COMMISSIONER OF THE GENERAL LAND OFFICE.

William A. Richards, of Wyoming, now Assistant Commissioner of the General Land Office, to be Commissioner of the General Land Office, to take effect February 2, 1903, vice Binger Hermann, resigned.

ASSISTANT COMMISSIONER OF THE GENERAL LAND OFFICE.

John H. Fimple, of Carrollton, Ohio, to be Assistant Commissioner of the General Land Office, vice William A. Richards, nominated to be Commissioner.

COLLECTOR OF CUSTOMS.

James Low, of New York, to be collector of customs for the district of Niagara, in the State of New York. (Reappointment.)

PROMOTIONS IN THE NAVY.

Commander Charles W. Rae, to be a captain in the Navy from the 4th day of January, 1903, vice Capt. Franklin Hanford, retired.

Lieut. Commander John K. Barton, to be a commander in the Navy from the 4th day of January, 1902, vice Commander Harrie Webster, promoted.

PROMOTIONS IN THE ARMY.

Cavalry Arm.

Lieut. Col. Samuel M. Swigert, Ninth Cavalry, to be colonel, January 16, 1903, vice Hennisee, Fifth Cavalry, retired from active service.

Maj. Edward A. Godwin, Tenth Cavalry, to be lieutenant-colonel, January 16, 1903, vice Swigert, Ninth Cavalry, promoted.

Capt. Robert D. Read, jr., Tenth Cavalry, to be major, January 16, 1903, vice Godwin, Tenth Cavalry, promoted.

First Lieut. Charles T. Boyd, Fourth Cavalry, to be captain, January 16, 1903, vice Read, Tenth Cavalry, promoted.

Artillery Corps.

First Lieut. Peter C. Hains, jr., Artillery Corps, to be captain, December 30, 1902, vice McManus, detailed as quartermaster.

Second Lieut. Tilman Campbell, Artillery Corps, to be first lieutenant, December 30, 1902, vice Hains, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 20, 1903.

UNITED STATES ATTORNEYS.

Morgan H. Beach, of the District of Columbia, to be United States attorney for the District of Columbia.

Timothy F. Burke, of Wyoming, to be United States attorney for the district of Wyoming.

REGISTER OF THE LAND OFFICE.

Archibald W. Munger, of Eau Claire, Wis., to be register of the land office at Eau Claire, Wis.

MARSHALS.

J. Duncan Adams, of South Carolina, to be United States marshal for the district of South Carolina.

Frank A. Hadsell, of Wyoming, to be United States marshal for the district of Wyoming.

POSTMASTERS.

GEORGIA.

Nemie F. Awtrey, to be postmaster at Lagrange, in the county of Troup and State of Georgia.

KANSAS.

Caddie Smith, to be postmaster at Lebanon, in the county of Smith and State of Kansas.

Sydney W. Gould, to be postmaster at Weir, in the county of Cherokee and State of Kansas.

OREGON.

John M. Parry, to be postmaster at Moro, in the county of Sherman and State of Oregon.

TEXAS.

Wilber H. Webber, to be postmaster at Lampasas, in the county of Lampasas and State of Texas.

William T. Black, to be postmaster at Mount Pleasant, in the county of Titus and State of Texas.

Harry H. Cooper, to be postmaster at Nacogdoches, in the county of Nacogdoches and State of Texas.

Theodore Miller, to be postmaster at Rusk, in the county of Cherokee and State of Texas.

George S. Ziegler, to be postmaster at Eagle Lake, in the county of Colorado and State of Texas.

Bayles E. Cobb, to be postmaster at Canyon, in the county of Randall and State of Texas.

William Drawe, to be postmaster at Cuero, in the county of Dewitt and State of Texas.

James M. Kindred, to be postmaster at Amarillo, in the county of Potter and State of Texas.

Henry T. Canfield, to be postmaster at Wichita Falls, in the county of Wichita and State of Texas.

C. E. Littlefield, to be postmaster at Luling, in the county of Caldwell and State of Texas.

William D. McCaslin, to be postmaster at Detroit, in the county of Red River and State of Texas.

Ella O. Vawter, to be postmaster at Timpson, in the county of Shelby and State of Texas.

Isham H. Nelson, to be postmaster at Snyder, in the county of Scurry and State of Texas.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 20, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH, from the Committee on Agriculture, reported the bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904; which was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Tennessee reserves all points of order on the bill.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. McCLEARY. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16842) making appropriations for the District of Columbia for the fiscal year ending June 30, 1904.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, Mr. GROSVENOR in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of the House 16842. By unanimous consent, general debate is to begin at this time and continue for two hours.

Mr. McCLEARY. Mr. Chairman, on yesterday, by unanimous consent, as the Chair has stated, we deferred general debate until this morning, owing to the fact that the gentlemen who were to take part in the general debate, understanding that the bill would not come up until this morning, were absent from the room. The gentleman from Missouri [Mr. BENTON] advises me that they will require about an hour and a quarter on that side, and I desire to reserve the remaining part of the two hours for myself.

Mr. BENTON. Mr. Chairman, I now yield thirty minutes to the gentleman from Texas [Mr. SHEPPARD].

Mr. SHEPPARD. Mr. Chairman, with hesitation that may be pardoned and with embarrassment that may be condoned, I rise for the first time to address this historic body. I would not dare to break the silence in which a new member is supposed to be entombed were I not prompted by a sense of duty to my constituents which my diffidence can not conquer nor my timidity repress. I can not witness the passing of another session of Congress without protest against Republican inaction on the question of the trust.

The Republican party is writing the most shameful and humiliating chapter in American history. Six years of Republican supremacy have marked the establishment of an industrial tyranny more powerful than all the thrones and empires of the past. Within this period the wealth of the country has been concentered in the hands and coffers of the few to such an extent that the people are threatened with economic vassalage. Republican enactments and policies have facilitated the creation of monopolistic organizations in almost every important industry—monopolies which are crushing labor, corrupting legislation, destroying competition, controlling production, confiscating the fruitage of the people's toil, and stifling the ambitions of youth. [Applause.]

The latest and most dangerous form which monopoly has assumed in America is popularly known as the trust. In a sense strictly technical a trust is a combination of corporations acting through a representative board. But in the political lexicon of the hour the term "trust" includes every organization of individuals or of companies which through combination, merger, purchase, destruction of rival enterprises, or other means obtains, or attempts with varying degrees of success to obtain, exclusive control of a given industry or commodity whereby prices are arbitrarily fixed, production limited, competition abolished, natural causes interrupted, and the consumer pillaged. In some instances the organization extends no further than a mere agreement or pool by which these results are secured. This modern trust is the fortress of greed in the twentieth century. It is the most powerful agency for the concentration of wealth in the economic annals of the world. It is the most menacing feature of the time. It represents the barbarism of wealth, the anarchy of avarice. [Applause.]

Since the beginning of Republican ascendency in 1897 the trusts have grown enormously in numbers and in power. More trusts have been formed since March 4, 1897, the date of McKinley's accession to the Presidency, than in all the previous history of the country. There are more than 300 industrial trusts in the United States with a total capitalization of over seven billions—an amount which stupefies the imagination, an amount which exceeds the entire stock of money in the United States both in circulation and out of circulation by more than four and one-half billions. They control almost every article and commodity which the people use in the maintenance of civilized life. [Applause.]

Before the first inauguration of McKinley an organization with a capital of ten millions was regarded as unusual. But since January 1, 1899, 82 trusts have been established, not one of which has less than ten millions of capital, many of which possess from three to ten and twenty times ten millions, while towering like a helmeted Colossus above them all is the monarch of combinations, the steel trust, with a startling capitalization of over one billion three hundred and fifty millions. The trusts exist in utter defiance of all justice and all law. Secure in the knowledge of the fact that the Republican party will not enforce the laws which sleep ingloriously on the statutes, and that this party of monopoly and empire dares not enact more stringent legislation, they continue with an insolence which cries to God for punishment to oppress the land and to consume the substance of the people.

In no way have the Republicans, including the President himself, attempted more shrewdly to shield the capitalistic freebooters and to confuse the people than in the endeavor to establish the impression that the present clamor against the trusts is a hasty and ill-considered attack on corporations because they are unprecedentedly large; that "the big corporations," to use an elusive expression of our once strenuous Chief Executive, are alleged to be the main offenders regardless of monopolistic attributes. We say that it matters not how large or how small an enterprise may be. If it has the character of monopoly in any effective degree it is a trust. It is the principle involved which concerns the Democratic party as the stay and refuge of the people and not the size or extent of the organization.

The Democratic party is not opposed to honest wealth. It condemns neither individuals nor companies whose business affairs may be conducted on a large, or even a gigantic scale, on account of the mere size of their holdings and transactions. Individuals and companies may engage in extensive enterprises with tremendous capital and achieve marked success without the aid or design of monopoly and without special privilege from the Government. The Democratic party stands upon the demand that the entire business of the country shall be conducted in a pure and legitimate way It is against the injustice and piracy in modern establishments that it would direct the popular wrath. It is monopoly, an evil which threatens the extinction of American liberty, that it would fling from the Tarpeian Rock of public indignation. Let me quote the words of Mr. Russell Sage concerning the steel trust, the most notable type of the modern industrial combination.

In an article in the North American Review which appeared when the steel trust was in process of formation and when its capital was reputed to be $1,000,000,000, Mr. Sage said:

> The steel combination now forming, we are told, is to start off with a capital of $1,000,000,000. It will be seen, therefore, that this company's issue of securities will represent practically one-half the entire volume of money in America. In a year or two, if precedents count for anything, this capital will be very largely increased, and that in spite of the fact that the stockholders in the steel company, which was the basis of the new combination, got three shares of stock in the new company for one in the old, scores of millions being thus added to the interest-bearing securities of the United States by merely the stroke of a pen. When wealth is created in that way what security is there for the whole scheme? Not another furnace added to the plant, simply a lifting process, and what was one million before is three millions now.

When we know that Mr. Sage underestimated the capital of the steel trust by more than three hundred and fifty millions; when we know that the properties of this company in actual value do not exceed five hundred millions, but little more than one-third of its capitalization, we may begin to grasp the appalling fraud which permeates the entire system. We may reasonably infer from this instance that practically one-half the seven billions of capital represented by the dividend-bearing securities of the industrial trusts is purely fictitious. It is certain, at any rate, that the amount of imaginary capital on which the American people must pay exorbitant interest in the shape of arbitrary prices is so enormous as to constitute the most flagrant example of public plunder by private monopoly in human history. [Applause.]

It is not, therefore, a matter of surprise that the owners and beneficiaries of the trusts are rapidly absorbing the entire wealth of the people; that an aristocracy has arisen which dominates the industrial and social world. This aristocracy may be perpetuated by the transmission of trust stock from father to son. The power which the trusts have centered in the gilded few is astounding. Mr. Sage, in speaking of the oil trust, said:

> The chief owners of the Standard Oil business have become so enormously wealthy that in their individual as well as their corporate capacity they dominate wherever they choose to go. They can make or unmake almost any

property, no matter how vast. They can compel any man to sell them anything at any price.

These are the words of a man whose authority on this and kindred subjects is universally respected. It is difficult to conceive a more alarming condition. The income of Mr. John Davis Rockefeller, the principal owner of the oil trust, was in 1901 about $100,000,000. He is soon to become the first billionaire in the history of the world. This inconceivable wealth has been acquired within fewer than thirty years. The story of his triumphs over all competitors, of their submission or their ruin, of his successful evasion and defiance of all law, until he had established the most invincible monopoly earth ever saw, will, if ever written, form a gloomy commentary upon the age.

There were 9,000 civil suits pending against this economic despot at one time—a suit in almost every county of every State in the American Union. But the people and the people's laws were helpless, and to-day he towers above Congress, above the President, above the legislatures and the courts, above the people, a silent symbol of industrial tyranny. [Applause.] Associated with him is Mr. J. Pierpont Morgan. These two men are the most commanding figures of contemporary history. Mr. Morgan controls over three billions of railroad securities and nearly two billions of corporation securities. An illustration of his power may be found in the recent coal strke. It was within his will to stop that terrible conflict at any time; a conflict which resulted in suffering so universal and intense that the poor have been compelled to burn the pictures of their dead for fuel, and in some instances to steal. A petition was addressed to President Roosevelt from the citizens of Wilkesbarre, the storm center of the strike, which concluded as follows:

Mr. Morgan has placed a ban upon us which means universal ruin, destitution, and bloodshed. Is J. P. Morgan greater than the people? Is he mightier than the Government? Will he be permitted to retain this menacing power? We appeal to you, Mr. President, to stay the juggernaut which crushes us. We appeal from the king of the trusts to the President of the people.

This appeal is the saddest and most significant occurrence since Republican rule began. It shows the overshadowing power of organized wealth. Connected with Rockefeller and Morgan are an increasing number of multi-millionaires, and together they constitute an omnipotent oligarchy of gold. They are the Vandals, Goths, and Visigoths of our modern time. They are the economic tyrants of the United States and their increasing strength is a menace to every principle and every institution of popular government. [Applause.]

Republicans, have I overdrawn the picture? Let me direct your attention to a speech delivered by Mr. Theodore Roosevelt at Minneapolis on Labor Day of 1901, shortly before he became the official head of the nation. In reference to the trusts he said:

We shall find it necessary in the future to shackle cunning as in the past we have shackled force. The vast individual and corporate fortunes, the vast combinations of capital which have marked the development of our industrial system, create new conditions and necessitate a change from the old attitude of the State and nation toward property.

The glory of San Juan Hill is in these sentences.

If a Democrat had made a statement half so sweeping he would have been denounced as an anarchist, an agitator, and a demagogue. Let us analyze these utterances of the most prominent Republican in the country. He says that it will become necessary in the future to shackle cunning as in the past we have shackled force. Now, the entire history of the world is the story of the long struggle of the common people to put shackles on force. Think of all the oppressions of the past! Think of the conquerors who have ravaged the world! Think of the thrones that have been built upon the necks of serfs! Think of the woes of the people in the shadowy centuries of the crown and sword! Think how they passed like chattels with the soil! Think how they cowered in the shelter of mediæval castles to do obeisance for their lives! Think how hunger and despair aroused them to revolt! Think of the blood, the sorrow, and the tears they paid for freedom—for the shackling of force! Think how we are told by Mr. Roosevelt that as in the past it was necessary to shackle force, so in the future it will become necessary to shackle cunning.

Then tell me how a Democrat can overdraw the picture. But this is not all. Mr. Roosevelt evidently believed that the hour for the shackling of the trusts had struck, because he further said that the vast individual and corporate fortunes and the vast combinations of wealth had created new conditions and that they necessitated a change from the old attitude of the State and nation toward property. If human greed through the industrial trust is oppressing, or is about to oppress, the people as in the past they have been oppressed by force—if these modern aggregations have become so dangerous as to necessitate a revolution in established relations between the state and property—then the situation must be black with peril.

The echoes of this courageous declaration of Mr. Roosevelt had hardly died, the applause of the people who believed a new David had arisen was still ringing from the mountains to the seas, when a hush fell upon the world. A pistol's lips spoke death to McKinley and pronounced Theodore Roosevelt President of the United States. Was it destiny? The preacher whom Mr. Roosevelt invited to deliver at Oyster Bay a sermon on the anniversary of McKinley's death thought that it was. The preacher practically said on that occasion that God raised up an assassin to take the life of the revered McKinley in order to give Theodore Roosevelt an opportunity to forge the Minneapolis philippic into the avenging thunderbolts of the law. So, I ask again, was it destiny?

If it was, destiny for once made a gigantic mistake. When Theodore Roosevelt assumed the Presidency, a marvelous transformation seems to have occurred. He seems to have put the people out of his heart. In the light of his record as Chief Executive with regard to trusts, his Minneapolis speech is a disheartening mockery. Has he shackled the trusts? For more than a year he has been charged by solemn oath with the execution of his country's laws, and yet the trusts have multiplied and prospered. [Applause.]. He chose for Attorney-General, the nation's right arm in the enforcement of the nation's laws, Mr. Philander Knox, of the steel company, the most prominent trust attorney in the United States. Thus the Republican President has paralyzed the law.

While pretending to seek new remedies, he has neglected to enforce existing ones. His messages and speeches on the subject of the trusts have been models of apology and evasion. And yet the New York Herald calls him the people's antitrust candidate for the Presidency in 1904. It is the most colossal jest of the time. His course in this matter is typically Republican, for the Republican party is equally chargeable with failure to restrain the trusts. Bills have been introduced, but never passed. A favorite trick is to pass an antitrust bill through the House, and send it to a quick death in the catacombs of the Senate.

It is a laughable fact that not one of the measures proposed by Republicans is as vigorous as the remedies already provided by the national statutes. The criminal clause of the present Federal law has been absolutely ignored. Its enforcement would do much to shackle cunning. But it is a neglected law, and it will so remain as long as the Republican party controls the Government. If a poor man takes that which is not his he is pronounced a thief and promptly punished. But if a great industrial combination monopolizes an article and robs the people in plain defiance of the law, the directors are applauded and called the kings and captains of our industries. In his message at the beginning of the present session of Congress the President speaks of the "big aggregations" as "inevitable developments of modern industrialism," and adds that their destruction "would work the utmost mischief to the entire body politic."

In a recent speech in the United States Senate the senior Senator from Massachusetts spoke tenderly of the "great private virtues" of the modern plunderers, of their "public spirit, sagacity, patriotism, and large civic wisdom." For what relief can the people hope when Republicans indulge in utterances of this character? In another part of his speech the senior Senator from Massachusetts summarizes the efforts of the Republican Administration to control the trusts. Coming from so high and so Republican a source, this summary may be taken as a complete presentation of the record of the Administration on this subject. The venerable and eloquent Senator states that the Administration has destroyed the Addystone pipe combination, the beef trust, and a pooling arrangement among Southern railroads.

He states that the Attorney-General has brought fourteen suits in equity against another railroad combination, obtaining injunctions which are still in force, and that he has also brought a suit in equity against a proposed merger of transcontinental railroads. This is the Republican record as presented by a Republican. When we think of the hundreds of monopolies that have arisen under Republican domination, when we know that these vultures are fattening to-day as never before, these efforts appea rso feeble as to excite the profoundest ridicule and contempt.

In the attempt to divert the attention of the people of the North from the record of the Republican party on the question of the trust, the President and his advisers have reopened and aggravated the unhappy race issue in the South. It means that Republicans regard the situation as desperate when for political advantage they deem it advisable deliberately to humiliate the proud and loyal people of the South and to awaken passions born in the flaming hours of fratricidal conflict, passions which should be permitted to die in an era of reconciliation and peace. The people of the North are too intelligent and too generous to be influenced by such deplorable tactics. On the essential phases of the race problem the great common people of the North are in sympathy with the people of the South.

One touch of nature makes the whole world kin.

Sectional divisions in America are no more. Every problem

which confronts any portion of the people or any part of the country is an American problem. We are brothers of a common country. Not as a Texan, although I worship that imperial State; not as a Southerner, although I adore that chivalrous land; but as an American who loves every star on the flag I pronounce such action unnecessary and unjust. [Applause.]

It is useless to hope that the Republican party will destroy or curb the trusts. For six years it has controlled every branch of the American Government. It has failed to resist the incursions of marauding capital. It has made the American Republic a spectacle for the pity of the historian and the compassion of the philosopher. In the endeavor to conceal its real attitude with regard to trusts it presents the supremest illustration of human insincerity since Metternich preserved a throne with intrigue and Talleyrand taught that lips were made to lie. It has polluted the temples and desecrated the altars of authority. The trusts are flourishing in contempt of law. They prosecute their merciless schemes of spoliation undisturbed. There is but one conclusion—the Republican party is the shield and ally of the trust. If the trust is to be abolished, if industrial Cæsarism is to be destroyed, the Republican party must be whipped from power by the scorn and anger of a plundered people. [Applause.] A vote for the Republican party is a vote for economic slavery, a vote for stupendous wrong, a vote for criminal capital, a vote for the inhumanity and communism of lawless wealth. [Loud and prolonged applause on the Democratic side.]

During the delivery of the foregoing remarks the time of Mr. SHEPPARD expired.

The CHAIRMAN. The gentleman's time has expired.

Mr. COOPER of Texas. Mr. Chairman, I ask unanimous consent that my colleague have time to conclude his remarks.

The CHAIRMAN. The Chair will state to the gentleman that the time on that side can be yielded by the gentleman from Missouri.

Mr. COOPER of Texas. By unanimous consent it can be granted.

Mr. BENTON. I would be very glad to yield the gentleman further time, but the time at my disposal has already been apportioned.

The CHAIRMAN. It changes the hour of closing general debate.

Mr. COOPER of Texas. I then ask unanimous consent that the hour at which debate is to be closed be changed to a different time, fifteen minutes later.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time for closing general debate be extended until fifteen minutes after 2, the time to be awarded to the gentleman from Texas. Is there objection? [After a pause.] The Chair hears none.

Mr. SHEPPARD. I thank my colleague for his kindness.

Mr. BENTON. Mr. Chairman, I would like to ask the gentleman from Minnesota if he desires to use any of his time now?

Mr. McCLEARY. I would prefer that the gentleman from Missouri use up his time first.

Mr. BENTON. Then, Mr. Chairman, I will yield the balance of my time to the gentleman from Missouri [Mr. COCHRAN].

[Mr. COCHRAN addressed the committee. See Appendix.]

Mr. McCLEARY. Mr. Chairman, I do not see the gentleman from Missouri at present, but I understood him that he yielded the balance of his time to the gentleman from Missouri [Mr. COCHRAN] who has just closed. I now yield five minutes to the gentleman from Wisconsin [Mr. OTJEN].

Mr. OTJEN. Mr. Chairman, on Saturday last this House passed a bill for the purpose of creating a department of commerce, and by a vote of this House the Interstate Commerce Commission was placed under this department. Recently there was held in St. Louis a convention in which there were represented over 100 commercial organizations, and an executive committee was appointed by this convention for the purpose of securing legislation increasing the powers of the Interstate Commerce Commission. This executive committee believes that the placing of the Interstate Commerce Commission under any department would be unwise, and I ask to have read the telegram which I send to the Clerk's desk.

The Clerk read as follows:

MILWAUKEE, WIS., *January 19, 1903.*

HON. THEO. OTJEN,
House of Representatives, Washington, D. C.:

I am instructed by the executive committee of interstate commerce law convention, representing over 100 commercial organizations in movement to secure legislation strengthening Interstate Commerce Commission, to petition Congress against converting that Commission into bureau of any department.

E. P. BACON.

Mr. HEPBURN. Mr. Chairman, will the gentleman allow me a question?

Mr. OTJEN. Certainly.

Mr. HEPBURN. This paper or telegram is signed by whom?

Mr. OTJEN. The chairman of the executive committee appointed at a convention held at St. Louis.

Mr. HEPBURN. When did the convention assemble?

Mr. OTJEN. Some time during the year past.

Mr. HEPBURN. How large is the executive committee?

Mr. OTJEN. I think there are five members.

Mr. HEPBURN. How many of them reside in Milwaukee?

Mr. OTJEN. I do not know, but I do not think all of them.

Mr. HEPBURN. Do any of them reside there, except one?

Mr. OTJEN. I think, probably, he is the only one that resides there.

Mr. HEPBURN. Is it not true that this legislation that is protested against was had here on the 17th day of the month?

Mr. OTJEN. Last Saturday; yes.

Mr. HEPBURN. And Sunday intervened between that day and the date of this telegram. Is it probable that there has been any meeting of that committee since Saturday?

Mr. OTJEN. It may be that there may have been telegraphic communication between them.

Mr. HEPBURN. I ask the gentleman for this purpose: I received a telegram from some gentleman who places himself at the head of the Hay Dealers' Association, I think it is, of the United States, and he speaks in the name of his association. I have no objection to any gentleman speaking for himself, but multiplying himself in this way is perhaps a work of supererogation.

Mr. McCLEARY. Mr. Chairman——

Mr. HEPBURN. Mr. Chairman, I would be glad if the gentleman from Minnesota would yield five minutes to me.

Mr. McCLEARY. I will yield five minutes to the gentleman from Iowa.

Mr. HEPBURN. Mr. Chairman, I have sought these five minutes for the purpose of replying to the suggestion made by the gentleman from Missouri [Mr. COCHRAN]. He has characterized what he claims to be an unauthorized surrender of a very meager strip of territory away up to the northward by the present Administration as one of the crimes of the century. That, perhaps, is not his language, but he has intended to characterize that action as a crime of the greatest enormity. He says there is a surrender. I say not. He says there is a surrender of that undisputed territory. I say the territory is in dispute.

But I want to call his attention to another act of an Administration in the United States in connection with our Northwestern Territory that he has said nothing about. And yet it was the surrender of a vast scope of territory about which, perhaps, the Democratic party could not claim there was a dispute, that was equal to and is equal to very many of the larger States of the Federal Union. It was a surrender of all that territory lying between the forty-ninth parallel and 54° 40′, and between the Lake of the Woods and the Pacific Ocean, a territory sufficient in subdivision to make 12 of the largest States of the Federal Union.

Mr. COCHRAN. Will the gentleman yield?

Mr. HEPBURN. Yes.

Mr. COCHRAN. The gentleman says I made no reference to that.

Mr. HEPBURN. As a crime.

Mr. COCHRAN. I said that no American citizen had ever justified it.

Mr. HEPBURN. Mr. Chairman, it will be remembered by all readers of history of this country that the Democratic party made a campaign in 1844, using this as their shibboleth, "fifty-four forty or fight;" that is, we would have all of the Northwestern Territory that we claimed up to 54° 40′ or we would fight the power of Great Britain. No dispute then about our ownership! Let us see what the Democratic party said:

Resolved, That our title to the whole of the territory of Oregon is clear and unquestionable; that no portion of the claim ought to be ceded to England or any power, but that the reoccupation of Oregon and the reannexation of Texas at the earliest practicable period are great American measures which this convention recommends to the cordial support of the Democracy of the United States.

Mr. COCHRAN. That is good doctrine yet.

Mr. HEPBURN. I read from the first message of President Polk:

Though entertaining the settled conviction that the British pretensions of title could not be maintained to any portion of the Oregon territory upon any principle of public law recognized by nations, yet in deference—

and so on. He was content that another course should be pursued. But here is the explicit declaration that the pretensions of title on the part of Great Britain could not be maintained to any portion of the Oregon territory. And again he says:

With this conviction, the proposition of compromise which had been made and rejected was by my direction subsequently withdrawn, and our title to the whole of the Oregon territory asserted, and, as is believed, maintained by irrefragible facts and arguments.

[Here the hammer fell.]

Mr. COCHRAN. I should like to ask the gentleman from Iowa one question.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. McCLEARY. I yield the gentleman ten minutes more.

Mr. HEPBURN. I shall not want that much time.

Mr. COCHRAN. I should like to inquire of the gentleman from Iowa whether at the time the contention of the United States for 54° 40′ was surrendered, Daniel Webster was not Secretary of State?

Mr. HEPBURN. Do not make a speech; I understood the gentleman wanted to ask a question.

Mr. COCHRAN. It was the action of a Whig Administration which had succeeded on the death of the President.

Mr. HEPBURN. Ah, yes! "A Whig administration," was it? Who were the envoys that negotiated the treaty of surrender? James Buchanan was one. Was he a Whig?

Mr. COCHRAN. Who was Secretary of State at the time?

Mr. HEPBURN. Who approved of that treaty? James K. Polk. Who ratified it? A Democratic Senate, surrendering 12 States of this country.

Mr. COCHRAN. Who was Secretary of State?

Mr. HEPBURN. But that is not all. Mr. Chairman, I call the attention of the gentleman to the language of this resolution of the Democratic party that I have read, which demanded the "reannexation" of Texas. The gentleman knows what this language means.

Mr. COCHRAN. Who was the Secretary of State?

Mr. HEPBURN. The gentleman knows that we owned Texas, that it was a part of the Louisiana purchase, but that James Monroe, a Democrat, in 1819, when he purchased the Floridas for $19,000,000, surrendered Texas—gave it back to Spain. And so the gentleman will find that the legislation for the recognition of Texas as one of the States of the Union was entitled "A bill for the reannexation of Texas." It had been annexed; it had been surrendered; it was now reannexed. Who surrendered it? A Democratic Administration. They surrendered it as they surrendered Oregon; they surrendered what would make four or five average States in Texas, and what would have made twelve great States in the Northwestern Territory. And now the gentleman comes forward and says that this possible surrender of a narrow strip of this territory away up near the sixtieth parallel of latitude is one of the crimes of the century, unparalleled, and calls for the condemnation of the whole Republican party.

Mr. COCHRAN. I call attention to the fact that the gentleman has taken his seat without answering my question, although he had ten minutes additional time in which to do it.

Mr. HEPBURN. What was the question?

Mr. COCHRAN. Whether Daniel Webster was not Secretary of State during the negotiations that culminated in settling the boundary dispute in the Northwest.

Mr. HEPBURN. Mr. Polk was President of the United States. He appointed James Buchanan, then his Secretary of State, our negotiator, who did negotiate the treaty. Mr. Polk approved it; Mr. Polk sent it to a Democratic Senate, and a Democratic Senate ratified it. [Applause on the Republican side.]

Mr. COCHRAN. I will take occasion to call this matter up a little later and to correct some of the gentleman's statements of historical fact.

Mr. McCLEARY. Mr. Chairman, the time for general debate allotted to the other side having expired, and there being no further request for time on this side, I ask unanimous consent that the time for general debate be now considered closed and that we proceed with the reading of the bill.

The CHAIRMAN. If there be no objection, the time for general debate will be considered as closed.

There was no objection.

The Clerk read as follows:

For furniture for new school buildings and additions to buildings, as follows: For 4 eight-room buildings, at $1,750 each; addition to Cranch Building, $875; and 5 four-room buildings, at $875 each; in all, $12,250.

Mr. SULZER. Mr. Chairman, I move to strike out the last word. I want the floor for a few moments. I was very much interested, Mr. Chairman, in listening to the remarks of the gentleman from Missouri [Mr. COCHRAN] and the gentleman from Iowa [Mr. HEPBURN] a little while ago regarding the Alaskan boundary. The gentleman from Missouri substantially charged that the Administration was surrendering, or intended to surrender, American territory in Alaska to the Canadian government. He submitted facts to prove this that seem to me to be conclusive; but it needed no proof from him and no eloquent words to demonstrate that to me.

I have been to Alaska several times. I have been over this boundary line. I have talked to people there who know, and I say without fear of successful contradiction that since gold was discovered in the Klondyke the Northwest mounted police, acting, we must assume, for the Canadian government, have moved the boundary monuments that the Russians set up years ago, marking the boundary line of the territory that Russia ceded to the United States under the treaty, miles and miles nearer the Pacific Ocean and more and more on American territory. If anyone here doubts it, let me say that there are several people in Washington at this time from Alaska who can give unimpeachable testimony to the fact.

There is no doubt the original boundary line between Canada and southeastern Alaska has been changed by the Canadians during the past few years. What does the gentleman from Iowa say in regard to the allegations made by the gentleman from Missouri? He says, as I understand it, that some time ago, some way, somehow, away back in 1844, an Administration gave up 54° 40′. That was wrong; but two wrongs do not make a right. That surrender is no reason why we should surrender now. No man in this country has ever deprecated the surrender of "fifty-four forty or fight" more than myself. We should have stood by the verdict of the people then. I have traveled some in the great Northwest. I know to some degree what we lost there.

It is one of the grandest countries in all the world—rich beyond the dreams of avarice—a country that can support a population of 50,000,000 people; a country rich in agricultural resources, rich in timber and rich in untold mineral wealth. I am sorry short-sighted statesmanship lost it to us years ago. It was a crime against us and against generations yet unborn. But those in authority did not know then what we know now. One of the greatest Secretaries of State we ever had—a myriad-minded man, a patriot—Daniel Webster, made the surrender of all the territory from the forty-ninth parallel to the fifty-fourth parallel of latitude westward from the Lake of the Woods because he did not know. He knew all about Massachusetts, but very little about the great Northwest, and when I say that I mean the great Northwest of Canada; but because he then surrendered this territory to Great Britain, because he thought it more or less valueless, that is no reason why the present Secretary of State should surrender an inch of Alaskan territory to Great Britain now. We must maintain our rights in Alaska. We must not give up or let go a rod of American soil there.

Let me say that one of the schemes involved in this alleged boundary dispute is simply this: The Canadian government—and by that I mean, of course, Great Britain—has no port of entry on the Pacific Ocean to the Klondike and to the great Yukon territory. The Canadians want a port of entry on the Lynn Canal, near Skagway or near Dyea, so they can take their goods, wares, and merchandise through without duty. That is what they want. And to accomplish it they have moved the boundary line at Telegraph Creek on the Stickine River several miles westward on American territory, and they have moved the boundary line at Skagway and at Dyea several miles westward on American territory. There is no doubt about this. Witnesses living can testify to it. The Canadian maps will show it. Everybody in Alaska knows it. The boundary line must be put back where it belongs.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SULZER. Mr. Chairman, I ask that my time be extended. I desire to make this matter plain to the House.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his time be extended. Is there objection?

There was no objection.

Mr. SULZER. I thank the House. Now, sir, if it had not been for patriotic American citizens at Skagway a few years ago the Northwest mounted police, acting under instructions, no doubt, from the Canadian government, would have taken Skagway and raised the British flag over our custom-house there. They moved their line within a few miles of Skagway, destroyed the Russian monuments, and raised the British flag. Then it was that our loyal American citizens in Skagway, at Dyea, and in Sitka began to arm, and notified the Northwest mounted police that if they moved one foot farther on American soil there would be war in the great Northwest, and such a war as brave American citizens would fight who know their rights and dare maintain them.

The Northwest mounted police stopped, and fortunately for them they did, and the customs flag of the Canadian government has remained there, but it must go back to the original line. The feeling at that time in Alaska was so intense regarding this matter that the Secretary of State and the ambassador of the United States to Great Britain entered into an agreement with the British foreign office, or, more particularly speaking, into what is known as the "modus vivendi." The Secretary of State agreed to that, and from that day to this, under the modus vivendi, everything is supposed to be in statu quo—supposed to be suspended—suspended like Mahomet's coffin, somewhere between heaven and earth. Where it is and what it is nobody who is somebody seems to know, but it appears to be enough to put us all to sleep. We must not sleep, however. If the Americans are not alert, if they are not vigilant, if we do not maintain our rights, I say it is only

a question of time when the Canadian government will creep on a little more and more until it will get a port of entry on the Lynn Canal.

The Canadian government is willing, and nobody knows it better than the gentlemen on the Joint High Commission between the United States and Canada, to concede to the United States practically everything in dispute regarding our fisheries, commercial matters, and all other things in dispute, provided the Government of the United States will give the Canadian government a port of entry in Alaska. They are willing to take Dyea, an abandoned town on the Lynn Canal, where all the houses stand empty to-day, mute witnesses of its desertion, as a port of entry—anything in fact so long as they can get a port on the Pacific in Alaska. When the Yukon and White Pass Railroad was built, Skagway became the western terminal and the port of entry to the Yukon, and Dyea, just across the canal, was abandoned and deserted.

The Canadian scheme of pushing through United States territory to an outlet on the Pacific Ocean may lead some day to serious results. "Fifty-four forty or fight" is not yet dead. It may be the shibboleth of another great political campaign, and no back down.

The Alaskan boundary question is brought up again and again by reports that Canadian officers have removed established monuments. There should be no Alaskan boundary question at all. The boundary line was settled absolutely in the treaties between Great Britain and Russia, and Russia and the United States; and it was not disputed for nearly seventy-five years. We bought certain territory which it was conceded that Russia owned and we paid for it; and no United States official should ever have dared to treat the matter as open to doubt or discussion.

The claim set up by Canada, through Great Britain, is a barefaced fraud; the controversy on the matter was a piece of unspeakable folly on our part; and the adoption of the modus vivendi was the first step in some mysterious scheme which may mean the loss of a strip of our Pacific coast line. Great Britain never had any title to the Pacific coast, but she succeeded in bullying us out of that part of it known as British Columbia. I say again we should have stood by the declaration, "Fifty-four forty or fight;" but we lacked the foresight. Seward did something, all that was possible, to retrieve that weakness when he bought the whole Pacific coast northward, and day by day our diplomatists have been preparing the way for another surrender of our plain rights. President Roosevelt, we are told, means to look into this matter himself and act.

Let us hope so. Unless all estimates of his character are astray his course will be to say politely that there is no Alaska boundary question; that it was settled by treaties long ago; and that there is nothing to do but lay down the line described in the treaties.

Thomas W. Balch, in the Journal of the Franklin Institute for March, has made an exhaustive historical study of the Alaskan boundary, and has shown that the recent Canadian claim is entirely manufactured and without the support of any treaty or any map, except those made recently in Canada as a basis for a claim to an outlet to the sea through United States territory, and for a demand for arbitration. On this demand Mr. Balch says:

> There is no more reason for the United States to allow its right to the possession of this unbroken Alaskan territory to be referred to the decision of foreign judges than would be the case if the British Empire advanced a claim to sovereignty over the coast of Georgia, or the port of Baltimore, and proposed that this demand should be referred to the judgment of subjects of third powers.
>
> Whether the Alaskan frontier should pass over a certain mountain top or through a given gorge is a proper subject for settlement by a mutual survey. But by no possibility has Canada any right to territory touching tide water above 54 degrees and 40 minutes. The United States should never consent to refer such a proposition to arbitration.

And I say we never shall while we have an American in the White House.

Now, Mr. Chairman, those familiar with this subject are aware that the Canadians are willing to take Dyea as a port of entry on the Alaskan Pacific and, in substance, give us everything in dispute between the two countries. But the American people will never consent to it. The sooner Canada understands this the better. The only question in dispute to-day, I believe, that the Canadian Commissioners and the United States Commissioners can not agree on is this Alaskan boundary question. And on that we stand on our rights. We will not arbitrate, and will never back down.

The Lynn Canal is a great body of water—a magnificent arm of the Pacific Ocean—almost as large, and for strategical and commercial purposes, as important as Long Island Sound. If the Canadians could once get a port of entry there, they could take in all their goods and merchandise into the vast Yukon territory without let or hindrance. They could fortify it and bid us defiance at some critical time when we least expected it. They would then have a port on the Pacific Ocean in the great Northwest, a port that would bring them hundreds and hundreds of miles nearer the Orient than they are to-day. That is what they want, that is what they are after, and that is about the whole question involved in this boundary dispute.

Mr. HEPBURN. Will the gentleman allow me to ask him a question?

Mr. SULZER. Certainly. I always yield to my distinguished friend.

Mr. HEPBURN. Is it not entirely practicable now for a Canadian importer to take his merchandise through any port of the United States, in bond, to any port in Canada?

Mr. SULZER. Yes; to a certain extent.

Mr. HEPBURN. Then they can avoid paying duty now.

Mr. SULZER. They can and they do, and that is another thing that ought not to be permitted in Alaska. That is another thing that the Alaskans are kicking about, and if you will talk to some of the Alaskans who are here in Washington——

Mr. HEPBURN. Do they not do it in Portland, do they not do it in New York, your own city, and are the New Yorkers kicking as you say the Alaskans are?

Mr. SULZER. Let me tell you that every American citizen in the Klondike who comes out with gold dust he has worked hard to get must pay to the Canadians a duty on it and he has got to pay a tax besides. If you went up there you would soon find out these things. The Alaskans believe in fair play. They believe that what is sauce for the goose is sauce for the gander. They believe that if the Canadians get all these rights from the United States, the citizens of the United States in the Yukon territory ought to get some rights from the Canadians. I have looked into this matter carefully and knowing the facts as I do, I say here and now that I am opposed to a surrender of 1 inch of American territory in Alaska. I want to see the Secretary of State dissolve the modus vivendi and the Administration speedily compel Great Britain to recognize the title and the boundary in Alaska as it came to us from Russia. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. STEELE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 6719. An act to change and fix the time for holding the district and circuit courts of the United States for the eastern division of the eastern district of Arkansas; and

S. 6779. An act to quiet certain land titles in the State of Mississippi.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For extension of police-patrol system, including purchase of new boxes, purchase and erection of the necessary poles, cross arms, insulators, pins, braces, wire, cable, conduit connections, extra labor, and other necessary items, $5,000.

Mr. HEPBURN. I move to strike out the last word. Mr. Chairman, I am very glad to hear the concluding statement of the gentleman from New York [Mr. SULZER]. I am glad to find that there is at least one Democrat, a very eminent Democrat, one who speaks, I think, by authority, who certainly ought to be permitted to speak by authority, saying that he is opposed to pulling down the American flag from an inch of our territory. I am glad to know that the Democratic party is changing its attitude with regard to the Philippine Islands. I am glad to know that he approves now of the course of the Administration. I am glad that he gives his adhesion, late as it is, to the policy of holding on, of civilizing, of doing something for those people in the great uplift of mankind. I am glad he is on that tenable ground. But I was sorry to hear the disparaging remarks that he made about Daniel Webster.

I knew that he would not make similar disparaging remarks about Henry Clay, because everybody recognizes the great resemblance between the gentleman from New York and the distinguished savant from Kentucky. [Laughter and applause.] But I confess I do not know exactly what he means when he speaks of Daniel Webster in the belittling way that he does, when he says that Daniel Webster did not know much out of the State of Massachusetts. I do not know whether he meant to say that Daniel Webster knew nothing or but little except those things that were intimately connected with Massachusetts, or whether he meant to say that when Daniel Webster passed the boundary line of Massachusetts his great intellect at once shrunk, and that vast reservoir of information that he had been filling for so many years became of inconsiderable value.

I wish the gentleman would be a little more explicit when he has five minutes in his own time to discuss this—to discuss this subject, and tell us just how he does regard Daniel Webster, and just how his opinion as to Daniel Webster is to be affected;

whether it is territorially or personally; whether it inheres in Daniel himself or in Daniel's travels. The American people would be glad to hear the gentleman re-form this opinion that he has expressed, so that they would know exactly what he did mean. [Applause and laughter.]

Mr. SULZER. I move to strike out the last two words.

The CHAIRMAN. The Chair will apologize to the committee for sitting by and consenting by silence to a plain violation of the rules of the House. This general debate has been extended into the five-minute time, and both sides have been about equally guilty, and the Chair will enforce the rule of the House until the close of the reading of this bill under the five-minute rule.

Mr. SULZER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from New York moves to strike out the last two words.

Mr. SULZER. Mr. Chairman, in reply to the gentleman from Iowa [Mr. HEPBURN], regarding Daniel Webster——

The CHAIRMAN. The Chair will inform the gentleman that general debate must not continue.

Mr. HULL. I ask unanimous consent that the gentleman from New York may have five minutes.

The CHAIRMAN. Very well.

Mr. PAYNE. For general debate?

Mr. HULL. Five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from New York may continue general debate. Is there objection? [After a pause.] The Chair hears none.

Mr. SULZER. Mr. Chairman, I desire, briefly, to reply to the gentleman from Iowa [Mr. HEPBURN]. In the first place, I want to say that I made no reflection on the great ability and intellectuality of Daniel Webster. No man in this country respects his great name more than I do. But what I did say, and what I meant to say, and what I want everybody to distinctly understand I did say, was this: That Daniel Webster knew nothing about the vast domain in the great Northwest. Neither did others of his day, and even later—much later. Read Benjamin F. Butler's speech against the purchase of Alaska when the bill was passing this House for its purchase for $7,200,000. Benjamin F. Butler voted against the bill, denounced it, and said, "We were buying an iceberg," whereas the climate of southeastern Alaska is milder and more genial than the climate of Washington.

At Sitka, supposed by some to be a frozen iceberg, the records kept by the Russians and Americans down to the present day show that the thermometer never reaches zero; and farther south in the great archipelago the climate in winter is much warmer, and delightfully cool and invigorating in summer. Alaska is a great land, a vast empire, and no one can tell to-day how rich it is in mineral, timber, and agricultural wealth. We are only on the threshold of knowledge concerning it, and I reiterate that we ought to be very careful about surrendering any part of it. Now is the time to be careful. It is better to be sure than be sorry. The experience of the past should be the light to guide us now and in the future. I want to see the American people hold fast to every inch of Alaskan domain, just as it came to us from Russia.

Now, one other thing, Mr. Chairman. The gentleman from Iowa has said that he is glad to know I am opposed to pulling down the flag. It is kind of him to say that. I am opposed to hauling down the flag when the flag is right. I have never advocated hauling down the flag on American territory, and I never will. [Applause.] I favored taking down the flag in Cuba, because we were pledged to do it, because we said to all the world that just so soon as we established peace and a stable government in Cuba we would get out and leave Cuba to the Cubans. I was in favor of keeping our word. I was in favor of taking down the flag in the Philippines and bringing it home with honor, because I sincerely and patriotically believed to keep it there with shot and shell and force would dishonor it and all that it stands for.

I was in favor then, and am now, of treating the Filipinos just the same as we treated the Cubans, and some day history will say I was right. I still believe in the principles of the Declaration of Independence. I still love the memories of our better days, and I believe the Filipinos are just as capable of self-government as the Cubans. Be that, however, as it may, I will not discuss it further now. I have not the time. I am talking about Alaska, and I will not be diverted by the gentleman from Iowa.

There is no question, I maintain, about our title to Alaska or about the loyalty and the patriotism of the Americans there. There is no question either, in my judgment, about the boundary, the original boundary which was agreed to by England and Russia almost a century ago, and which never was disputed in any way by anybody or any country until gold was discovered in the Klondike.

I tell you, and you know it, and the history of the world proves it, that wherever gold is found England is always on hand trying to secure all or some of the territory. In Alaska the land in dispute in the boundary question is rich in gold and other precious metals, and England is trying to get all of it she can. If we are foolish enough to let her do it, we should not unjustly blame England; we should blame ourselves. I want to call a halt now and insist once and for all on our rights in Alaska. Is that too much? Should I be blamed for that? Let my friend answer. While we supinely sleep under the narcotic influence of Mr. Choate's modus vivendi, Canada is awake and creeps on apace, and in time it will be too late. This is a live, a momentous question, and we should be up and doing, not wait, not delay.

The Secretary of State must stand by our rights in Alaska. The modus vivendi must end, and the land we got from Russia, and the boundary marks she put there must forever be our land, and the Russian monuments on the mountain ranges 10 marine leagues from the mainland must be as it used to be—the true boundary line. Alaska belongs to us; we bought it; our people are there; they want to stay there; our flag is there; it must stay there, and we must stand by the patriots, those noble, brave, and gallant men who went there from our States. That is what we should do; that is the way I feel on this subject.

If we do not do it—if we sacrifice an inch of our domain in Alaska, the Alaskans will denounce us now, and future generations will execrate our memory as we to-day criticise, to use no stronger term, the men who surrendered the great Northwest after the people had determined by an election that it must be ours, that it must be fifty-four forty or fight. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

FOR METROPOLITAN POLICE.

For major and superintendent, $4,000; captain and assistant superintendent, $1,800; 4 captains, at $1,500 each; chief clerk, who shall also be property clerk, $2,000; clerk, $1,500; clerk, $900; 2 clerks, at $720 each; 4 surgeons of the police and fire departments, at $540 each; additional compensation for 14 privates detailed for special service in the detection and prevention of crime, $3,360, or so much thereof as may be necessary; 10 lieutenants, at $1,320 each; 35 sergeants, at $1,140 each; 350 privates, class 1, at $900 each; 240 privates, class 2, at $1,080 each; 40 privates, class 3, at $720 each; 3 telephone operators, at $600 each; 24 station keepers, at $840 each; janitor for police headquarters, $720; 13 laborers, at $600 each; laborer in charge of the morgue, $680; messenger, $700; messenger, $500; major and superintendent, mounted, $240; captain, mounted, $240; 51 lieutenants, sergeants, and privates, mounted, at $240 each; 64 sergeants and privates, mounted, on bicycles, at $40 each; 24 drivers, at $600 each; and 3 police matrons, at $600 each; in all, $743,100.

Mr. FITZGERALD. Mr. Chairman, I make a point of order against the language in line 4, page 37, "for major and superintendent, $4,000," on the ground that it changes existing law; and also against line 20, commencing, "40 privates, class 3, at $720 each," on the same ground.

Mr. McCLEARY. Mr. Chairman, the gentleman from New York raises two points of order, and we will take them one at a time.

Mr. FITZGERALD. I wish to have it understood that they are pending, so that I may not surrender any rights.

Mr. McCLEARY. In relation to the first point of order, fixing the salary of the major and superintendent, the act of June 20, 1878, paragraph 2, contains the following language:

Said Commissioners are hereby authorized to fix the salaries to be paid to the officers and privates of the Metropolitan police until otherwise provided by law.

The appropriation heretofore has been $3,300, but that does not necessarily fix the salary by law. The provision under consideration places a sum at the disposal of the Commissioners for the purpose of fixing the salary. Therefore it would seem not to be subject to a point of order.

Mr. FITZGERALD. Mr. Chairman, it is true that the act of June 20, 1878, authorized the Commissioners to fix the salary of the privates and officers of the department, unless otherwise fixed by law. I understand the Commissioners have not fixed the salary, and in the hearings before the committee considering this bill one of the Commissioners said that the Commissioners did not ask for any increase of salary for the chief of police. The salary provided for the superintendent of police for some years has been thirty-three hundred dollars, carried in the appropriation act. I call attention of the Chair to the case in Hinds's Parliamentary Precedents, page 322, where the present distinguished chairman of the Committee on Appropriations [Mr. CANNON] made the point of order that where salaries were not fixed by law the salary fixed in the previous appropriation act was the salary under the law, and any attempt to increase that amount was subject to a point of order.

The point raised by the gentleman at that time, in the Fifty-fifth Congress, second session, was sustained by the Chair. There is no doubt but that is the rule in the House at present. I have here the appropriation acts for four years past, showing that they carried for this officer a salary of $3,300, and this is an increase of $700, and subject to the objection that it changes existing law.

Mr. McCLEARY. Mr. Chairman, the burden rests upon the

gentleman from New York to show affirmatively that the salary has been fixed by law.

The CHAIRMAN. The Chair understands the gentleman from Minnesota to say that the salary heretofore fixed by the District Commissioners is $3,300.

Mr. McCLEARY. The amount carried in the appropriation bill, Mr. Chairman, has been for several years $3,300. There is no other legislative provision concerning it.

The CHAIRMAN. The practice of the Chairmen of the Committee of the Whole House on the state of the Union has been against, I may say, the opinion quite often expressed by the present occupant of the chair, that when an appropriation bill of the preceding year fixed a salary that that was the salary provided by law and that an addition to that salary was a change of existing law.

It seems to the Chair that the citation by the gentleman from New York is pertinent. This was in 1898. The preceding appropriation bill had provided a salary of $1,400 for the assistant professor at the Naval Academy, and the gentleman from Ohio [Mr. NORTON] moved to increase that to $1,800, and the chairman of the Committee on Appropriations [Mr. CANNON] made the point of order that if there was no statute providing for the salary of this office, then the salary appropriated for from year to year in appropriation bills was to be regarded as the legal salary, and the Chair sustained the point of order. Following the precedent, the Chair will sustain the point of order.

Mr. McCLEARY. Mr. Chairman, the Committee on Appropriations realized that this might be subject to a point of order. The great excellence of the services of him for whom the additional salary was provided and the feeling that no one failed to recognize that excellence, and that therefore no one would raise the point of order, is our justification for inserting it in the bill.

The CHAIRMAN. The gentleman from New York makes a further point of order against the provision in lines 20 and 21.

Mr. FITZGERALD. Mr. Chairman, the provision in lines 20 and 21—"40 privates, class 3, $720 each." Under the law organizing the department there are but two classes, a first class and a second class, and this provides a new class and fixes the salary at $720 each. It is clearly new legislation and subject to a point of order.

Mr. McCLEARY. Mr. Chairman, the law to which the gentleman refers is chapter 623 of the statutes of the Fifty-sixth Congress, and reads as follows:

The Metropolitan police force shall consist of 1 major and superintendent, 1 captain and assistant superintendent, and such number of captains, lieutenants, sergeants, privates of class 2, privates of class 1, desk sergeants, and others as Congress may from time to time provide.

We claim that this class 3, the need of which is easy to establish, comes under the expression "and others," and therefore is not subject to a point of order.

The CHAIRMAN. The statute, as it appears, has undertaken to settle how many classes of policemen there shall be—class 1 and class 2—and then there is a designation of lieutenants, sergeants, etc. It seems to the Chair that it would be a stretch of the words "and others" to say that those words authorize the creation of a third class. The Chair sustains the point of order.

Mr. BABCOCK. I desire to offer an amendment, to come in in line 19 of page 3, to strike out the word "forty" and insert in lieu thereof the word "eighty." The effect of this will be to provide 280 policemen of the class named instead of 240, thus providing for the 40 that have been stricken out on a point of order.

Mr. McCLEARY. An amendment is being prepared which will cover this point, and I believe be clearly within the rule. It will be ready in a moment. [A pause.] Mr. Chairman, for the language which has gone out on a point of order I offer the amendment which I send to the desk.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. BABCOCK] offer his amendment?

Mr. BABCOCK. I understand this is offered as an amendment to the amendment.

Mr. McCLEARY. It is offered as a substitute for the amendment offered by the gentleman from Wisconsin. It will accomplish the same result.

The Clerk read as follows:

Insert in line 20, after the word "each," the following:
"For 40 additional privates of class 1, who shall receive $720 per annum each."

Mr. FITZGERALD. I make a point of order against this amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FITZGERALD. It changes existing law. The salary of privates of class 1 is at present, I believe, $900. This amendment proposes to change the salary to $720.

The CHAIRMAN. The Chair will call attention to the fact that this is a reduction of salary, not an increase.

Mr. BABCOCK. Do I understand the gentleman from New York [Mr. FITZGERALD] to make the point of order that the amendment offered by the gentleman from Minnesota [Mr. McCLEARY] is a change of existing law?

The CHAIRMAN. The gentleman has made that point of order, and the Chair is ready to rule on it. The Chair overrules the point of order. Now, the Chair desires to know what becomes of the amendment of the gentleman from Wisconsin [Mr. BABCOCK]?

Mr. BABCOCK. I understand the amendment of the gentleman from Minnesota is offered as a substitute for my proposition.

The CHAIRMAN. Very well; the question then is on the amendment offered by the chairman of the committee [Mr. McCLEARY].

Mr. FITZGERALD. I wish to call attention to what is proposed by this amendment. There are at present two classes of policemen in this District, known as classes 1 and 2. This amendment provides for 40 additional privates of a class now receiving $900 a year, but who under this amendment will receive $720 a year. Is that the amendment?

Mr. McCLEARY. The amendment enlarges the number in this class and reduces the salary for the added number. It is clearly within the rule.

Mr. FITZGERALD. I submit to the Chair that this is practically creating a new class, and is subject to the same objection.

The CHAIRMAN. The Chair has overruled that point of order. The question is now on the merits of the amendment.

The question being taken, the amendment of Mr. McCLEARY was agreed to.

Mr. BABCOCK. The substitute proposed by the gentleman from Minnesota being now agreed to, as I understand, I withdraw my proposition.

The CHAIRMAN. The Clerk will read.

Mr. PEARRE. Mr. Chairman, I ask unanimous consent that we return to page 6 to consider the clause between lines 14 and 20. My purpose is to ask some information from the chairman of the committee.

The CHAIRMAN. The gentleman from Maryland [Mr. PEARRE] asks unanimous consent to return to lines 14 to 20, on page 6, for the purpose of asking information of the chairman of the committee. Is there objection? The Chair hears none.

Mr. McCLEARY. It is understood that this consent is granted for the single purpose of enabling the gentleman to ask a question?

The CHAIRMAN. That is all.

Mr. PEARRE. I should like to ask the chairman of the committee what the receipts of the office of sealer of weights and measures are?

Mr. McCLEARY. I have not the figures at hand; I simply remember that the office is self-supporting.

Mr. PEARRE. As I recall the figures, the receipts last year were something like $6,670. Now, I should like to know the gross salaries paid to this bureau, if I may so call it.

Mr. McCLEARY. The amount is named in the bill which the gentleman has before him—$6,080.

Mr. PEARRE. So that the receipts barely pay all the expenses of the bureau.

Mr. McCLEARY. They covered the expenses of the bureau and more.

Mr. PEARRE. I would ask the gentleman whether he does not think that the salary of the sealer of weights and measures is too high, when he considers that the receipts of the office just barely pay him and his assistants, or whether he has not too many assistants; in other words, whether the expenses of this bureau are nor greater than the services rendered are worth?

Mr. McCLEARY. The point raised by the gentleman may or may not be well taken, but the committee has no option. The salary is fixed by law.

Mr. PEARRE. The committee has the right to recommend the reduction of those salaries by an amendment.

Mr. LIVINGSTON. Not where it is fixed by law.

Mr. PEARRE. I would say to the chairman of the committee that I would have offered an amendment to this section if I had been here at the time that portion of the bill was read. I merely now suggest to the committee that it might be well to reduce those salaries or curtail the number of assistants.

The Clerk read as follows:

That hereafter the disbursing officer of the District of Columbia is authorized to advance to the major and superintendent of the Metropolitan police, upon requisitions previously approved by the auditor of the District of Columbia, sums of money, not exceeding $300 at one time, to be used only for the prevention and detection of crime, and to be accounted for monthly on itemized vouchers to the accounting officers of the District of Columbia.

Mr. FITZGERALD. Mr. Chairman, I make the point of order against that paragraph, commencing at line 3 and ending with line 10. I wish to say to the gentleman in charge of the bill that if he will frame an amendment to make this money available for the purpose of bringing into the District fugitives from justice,

which I understand is the object of the provision, I will make no objection to it.

Mr. LIVINGSTON. That is just what this section does. It was framed for that very purpose and that is just what it does.

Mr. FITZGERALD. But it makes this money available for other purposes. If says "for the prevention and detection of crime." If they can use $300 at a time without any restriction upon the amount during the fiscal year, it is apt to lead to abuses which it would be better to prevent right now.

Mr. LIVINGSTON. The sum of $300 was named. It is a mere nominal sum.

Mr. FITZGERALD. I will say to the gentleman from Georgia that under the language of this provision $300 could be demanded and drawn every day.

Mr. LIVINGSTON. But does not the gentleman remember to have heard read the provision of the section that this money must be accounted for on proper vouchers?

Mr. FITZGERALD. Yes; but the language of this provision is "for the prevention and detection of crime." That covers a very, very wide field.

Mr. CANNON. And of course we are against the detection of crime and its prevention!

Mr. FITZGERALD. I do not know what the gentleman is opposed to, but I am opposed to putting this provision in in this way. The hearings before the committee show the purpose for which this money is wanted, and nobody has asked for this appropriation for the purpose stated in the bill.

Mr. McCLEARY. We recognize, Mr. Chairman, that it is subject to the point of order if the gentleman determines to press it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BURKETT. Mr. Chairman, I would suggest just a word to the gentleman from New York, as his remarks seem to indicate he has a wrong impression of what this is for. Now, if a crime is committed in the District, as was explained to the committee, and the criminal flees and gets outside of the District, there is no fund with which to send a man after him and bring him back into the District. The money will not be advanced under the law as it is now until the criminal is within the District, within the jurisdiction of the officers and the courts of the District.

Now, if an officer goes after the criminal, he must necessarily advance his own expenses until he gets the criminal back, or else somebody must advance those expenses to bring back the criminal. Then whoever advances the money is reimbursed. Now, it was explained to the committee that by making $300 available to send a man out to bring back a criminal, that sum would be reimbursed; and that $300 turns over and over and does the work throughout the whole year. It is for the apprehension and bringing back of criminals into the District, where the law will provide for the recoupment of this fund. In short, it is for the detection and apprehension of criminals, and that is the only way we could see by which to express it.

Mr. FITZGERALD. I stated at the beginning of what I said that I had no objection to an item for that purpose, but I do object to the present provision in the bill. I stated that if the gentleman in charge of the bill would prepare an amendment——

Mr. BURKETT. In what way does the gentleman desire to express it?

Mr. FITZGERALD. If the gentleman in charge of the bill would prepare an amendment which would make this money available for the expenses of men detailed to go out of the District to bring back fugitives from justice, there would be no objection on my part; but this makes it possible to secure an advance of $300 for the "prevention and detection of crime."

Mr. BURKETT. Oh, no.

Mr. FITZGERALD. And it is customary in a great many cities of the country, I will say to the gentleman from Nebraska [Mr. BURKETT], to use money for the purpose of instigating criminals to act in order to bring charges against them. It has grown to be a great abuse in some of the great cities of the country, and it is quite unnecessary to give to the present police officials of this city the same opportunity and power to abuse discretion placed in them.

Mr. BURKETT. Now, Mr. Chairman, has the gentleman any other way of expressing it? We expressed it as clearly as we could possibly express it.

Mr. FITZGERALD. I believe the gentleman in his statement said this money was to be advanced for the purpose of paying the expenses of officers sent out of the District to bring back fugitives from justice. I think that is very clearly stated.

Mr. BURKETT. There is nothing else contemplated. There is another place in the bill and another fund——

Mr. FITZGERALD. If there is nothing else contemplated, why not limit it to that by stating it in that language?

Mr. BURKETT. What way does the gentleman suggest?

Mr. FITZGERALD. The gentleman has already stated it and I have repeated it.

Mr. BURKETT. Will the gentleman send up his amendment?

Mr. FITZGERALD. Why, I am not desirous of perfecting the bill.

Mr. BURKETT. I suggest that we pass this temporarily and let the gentleman prepare an amendment such as he suggests.

Mr. FITZGERALD. I will say to the gentleman that I will not prepare an amendment. It was not put in there by me.

Mr. McCLEARY. I think that by changing the phraseology slightly the objection to the rule will be removed. I move to strike out in line 3, page 39, the word "hereafter," and insert instead thereof the words—

In expending the foregoing sum—

So that this will be a limitation upon the expenditure of the foregoing sum; so that it will read—

That in expending the foregoing sum the disbursing officer of the District of Columbia is authorized—

And so forth.

The CHAIRMAN. Will the gentleman send up the amendment, so that the Clerk can read it to the committee?

The Clerk reads as follows:

In line 3, page 39, strike out "hereafter" and insert in lieu thereof "in expending the foregoing sum."

Mr. McCLEARY. That makes it a limitation upon the expenditure of the appropriation.

The CHAIRMAN. The question is upon the amendment proposed.

Mr. FITZGERALD. I have made a point of order against the whole section as it stands, and I insist on the point of order. I submit to the Chair that no amendment can be offered to a provision with a point of order pending. The Chair must determine that question.

The CHAIRMAN. The Chair has ruled out the entire paragraph. It is no longer a part of the bill. The gentleman from Minnesota [Mr. McCLEARY] now proposes to insert a paragraph at the same point in the bill where the obnoxious one was stricken out.

Mr. FITZGERALD. If the Clerk will report that amendment, then we will be able to determine about it.

The CHAIRMAN. The Clerk will report the amendment for the information of the committee.

The Clerk read as follows:

That in expending the foregoing sum the disbursing officer of the District of Columbia is authorized to advance to the major and superintendent of the Metropolitan police, upon requisitions previously approved by the auditor of the District of Columbia, sums of money, not exceeding $300 at one time, to be used only for the prevention and detection of crime, and to be accounted for monthly on itemized vouchers to the accounting officers of the District of Columbia.

Mr. FITZGERALD. I make the point of order against the amendment.

The CHAIRMAN. The Chair overrules the point of order. The Chair regards this proposition now as a limitation upon the expenditure of the money heretofore appropriated in the bill.

Mr. FITZGERALD. But I call the attention of the Chair to the fact that the money heretofore authorized to be expended is all of it specifically appropriated for some other purpose.

The CHAIRMAN. Then there will be no money available to expend under this. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

For flags and halyards for station houses, $125.

Mr. BABCOCK. Mr. Chairman, I move to strike out, in line 12, page 39, the words "twenty-five" and insert "fifty." Before that amendment is put, I desire to ask the chairman of the committee in charge of this bill [Mr. McCLEARY] a question. How much does this bill appropriate for the opening and improving of Sixteenth street?

Mr. McCLEARY. I would answer the gentleman by saying that it appropriates nothing.

Mr. BABCOCK. Mr. Chairman, it is with considerable embarrassment that I criticise my colleagues for their action in reporting this bill, but there is hardly a gentleman in this House who is not familiar with Sixteenth street and who does not know of the years that that legislation has been considered before this House. I want to say that we have just paid the sum of $629,000 for right of way for opening that street, which leads from the front door of the White House to the District line, and for two years practically nothing has been appropriated to open or grade that great thoroughfare, which is intended to be the most magnificent boulevard in the city of Washington, if not in the world.

Gentlemen are constantly coming to the Committee on the District of Columbia and asking what they shall do with their property, saying that the street runs through it; that they want to build; that they want to improve what they have left. The only answer I can make is that no appropriation has been made for removing the buildings or grading and improving the street.

Now, gentlemen of the committee, I desire to call your attention to some other items in this bill. Here is the estimate for the necessary amounts required for the streets and avenues, $200,000; the amount appropriated in the committee bill is $50,000. Another item, construction of county roads, estimated at $200,000; the amount appropriated, $54,500. For the improvement of Rock Creek Park, $100,000.

Why, Mr. Chairman, time and again I have driven through that beautiful park and wondered and wondered why it was allowed to remain in its natural state when the opportunity for developing it into one of the most beautiful parks in this section of country is afforded; and now, Mr. Chairman, for the maintenance and improvement of that park an appropriation is made of $2,500. Think of it! Twenty-five hundred dollars! Why, other cities, the cities of the great States of Illinois, New York, and Ohio, are appropriating not only hundreds of thousands of dollars, but millions of dollars, for purposes of this character and the benefit of the people who reside there. What is Congress doing for the poor that have no public parks to go to—$2,500! Think of it! Rock Creek Park requires the sum asked for, $100,000. The amount appropriated is $2,500. I do not want to take up the time of the committee, but I want to call the attention of the House to the general policy that has been pursued in reporting this bill. I find that this bill carries $600,000 for the filtration plant, while I believe the Commissioners asked for something like $1,400,000. Take the provision for sewerage, another extraordinary appropriation. It is $47,000.

Now, Mr. Chairman, I would like attention just a moment. I want to make this point here: That the policy in reporting this bill is——

Mr. CANNON. Will the gentleman allow me just at that point?

Mr. BABCOCK. I hope the gentleman will not interrupt me until I conclude my statement. I would be glad to answer a question.

Mr. CANNON. Does not the gentleman know that for the filtration plant, on a revised estimate and full information, that the gentleman in charge of the expenditure of the money says that this bill carries every dollar that can be expended in the coming fiscal year? And does not the gentleman know, further, that this appropriation for the sewerage system covers every cent that can be expended for the coming fiscal year for the sewerage system, the heart of it, that must be done before this system can be utilized?

Mr. BABCOCK. The gentleman misunderstands my remarks. I was calling attention to the extraordinary expenditures. What I said in reference to the Rock Creek Park was entirely in a different line.

Mr. CANNON. Well, it is all that was asked for.

Mr. BABCOCK. I have no criticism on the appropriation for those projects. I criticised the park appropriation for maintenance and improvement, and then I was starting in to show that other items were necessarily made small on account of the extraordinary appropriations, but the gentleman interrupted me before I had time to explain my position.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. CANNON. I ask unanimous consent that the time of the gentleman be extended, because I would like to ask him another question right there.

The CHAIRMAN. The Chair will remind the committee that this is general debate on the bill. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Wisconsin be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BABCOCK. I call attention, Mr. Chairman, to the filtration plant and the sewage disposal system, $1,247,000, as an extraordinary appropriation, an appropriation that is not in the class of the ordinary expenses of the city, and the bill also carries in addition other sums that I have not time to discuss and which it is not necessary for me to point out at this time. But the policy of the committee that has reported this bill, Mr. Chairman, is the point on which I wish to speak, and that is, that no appropriation shall be made until the tax levy has first been made up and the money raised to pay it. Am I correct?

Mr. McCLEARY. We are trying to keep the District from going further into debt. The gentleman is correct as to that point.

Mr. BABCOCK. I am correct on that.

Now, Congress has appropriated for several other large and extensive improvements—the sewerage system, the filtration plant, the municipal building, the union station, and some others carrying large sums of money, amounting in gross to a number of millions of dollars.

I want to say, Mr. Chairman, that if we pursue this policy that these large appropriations, the extraordinary appropriations must be met out of the current revenues of the District, and it means that within ten years grass will be growing in the streets of Washington; it means, further, that we will be like a country town instead of setting a pattern to the world as the greatest capital of the greatest nation on earth.

I want to say further, Mr. Chairman, that I never knew of a constituent of a member of this House who would criticise his member's action or his vote for a liberal, decent appropriation for this great capital. When they come here they say, "This is our capital." And the Committee on the District of Columbia has stood here to maintain it as the capital of the 80,000,000 people of this country. I say, Mr. Chairman—and I regret to criticise my colleague—this is a cheeseparing policy that means necessary shrinking and shriveling and retarding the development of this great city.

Why, Mr. Chairman, I hold in my hand a statement, and I will have it inserted in the RECORD, showing something like 100 items, from $1,000 up to $250,000, that have been cut out of the estimates, when more than half of them are absolutely necessary to the welfare and the development of the city. I want to say that if this policy is pursued, these extraordinary appropriations must be paid out of the current revenues, and that necessary appropriations will have to be cut down and eliminated from this and future District of Columbia appropriation bills. There are dozens and dozens of items here that are eliminated from the bill, and I do not believe there is a member of the committee who would say that they ought not to be appropriated for if there were funds to do so.

Now, Mr. Chairman, I desire to offer this statement in connection with my remarks, and to give notice at this time that the Committee on the District of Columbia has reported an amendment to the present law which will be called up in this House at a later day, and which covers this whole subject in detail, giving the amount of all the revenues of the District, the amount of the projects that are provided under law, etc., and the proposed legislation authorizes the National Government to advance to the District of Columbia such sums as are appropriated by Congress that the current revenues do not supply. The General Government has already advanced to the District of Columbia about $2,000,000, and the resolution provides that the total sum advanced shall not exceed $10,000,000, to be repaid at the rate of $500,000 a year for twenty years, with interest at the rate of 2 per cent.

The CHAIRMAN. The time of the gentleman has expired.

The following is the statement referred to:

Items cut down and omitted, District appropriation bill, 1904.

	Recommended by Commissioners.	Approved by subcommittee.
Surveyor's office	$21,484	$17,800
Resurvey District boundary line	1,500	No.
Purchase of Latimore field notes	7,500	No.
Putting in shape records of permit clerk's office	500	No.
Assessment and permit work	175,000	145,000
Work on streets and avenues	200,000	50,000
Grading streets, alleys, and roads	10,000	8,000
Condemnation streets, alleys, and roads	1,000	No.
Opening alleys	25,000	10,000
Construction of county roads	200,000	54,500
Repairs to county roads	100,000	80,000
Connecticut avenue bridge	100,000	No.
Reconstructing Anacostia bridge	100,000	No.
Continuing Arizona avenue sewer	75,000	No.
Sewage disposal, pumping station	125,000	25,000
Ivy City trunk sewer	50,000	No.
Takoma Park sewer	150	No.
Draining 10 houses in District into Takoma, Md., sewer	100	No.
Parking commission	40,000	25,000
Care of grounds around municipal buildings	1,000	No.
Rock Creek Park	100,000	2,500
Contingent expenses, water department	3,000	2,500
Office inspector of buildings, additional employees asked for	5	1
Draftsman and clerk, inspector of plumbing	2	No.
Streets:		
Sprinkling, sweeping, and cleaning	205,000	100,000
Cleaning snow and ice	5,000	1,000
Disposal of city refuse	102,460	115,000
Collection of ashes from business establishments	35,000	----------
Harbor and river front	8,480	3,000
Electrical department:		
Rebuilding grounded and worn-out police patrol circuits	20,000	7,500
Lighting	219,700	200,000
Electric arc lighting	77,400	76,000
Washington Aqueduct:		
Building combined storehouse and stable at Great Falls	3,000	----------
Surveys for additional conduit from Great Falls	8,000	----------
Filtration plant	1,468,495	600,000
Public schools:		
Rent of school buildings and repair shop	17,000	15,684
Repairs to school buildings and grounds	75,000	55,000
Grading, paving, and draining school yards	5,000	----------
Purchase of tools, machinery, etc., for manual training schools	20,000	15,000
Contingent expenses	45,000	35,000
Repairing school furniture	3,000	----------

Items cut down and omitted, District appropriation bill, 1904—Continued.

	Recommended by Commissioners.	Approved by subcommittee.
Public schools—Continued.		
Vacation schools	$2,000	
Public playground	7,028	
Medical inspectors of public schools	5,500	
Construction Business High School	175,000	$75,000
Extension McKinley Manual Training School	135,000	
Purchase of lot adjoining McKinley Manual Training School	5,000	
Purchase of lot 25, square 553, adjoining Armstrong Manual Training School	3,933	
Construction of building in second division	48,000	
Construction of building in sixth division	48,000	
4-room addition to Takoma School	27,000	20,000
4-room manual training school, northwest corner Seventh and G streets SE	25,000	
Police department:		
Rent of police department headquarters and property storerooms	2,700	2,400
Roadway and protection wall along east side seventh precinct station house	500	
Remodeling rooms in first, second, third, fourth, sixth, seventh, eighth, and ninth precinct station houses	25,000	
Janitor for police headquarters	720	
Station house at Tenallytown	10,000	
NOTE.—The Commissioners deem that all appropriations for the harbor master's force, and for all expenditures incident to the service under the surveillance of that office, be made under the head of "Harbor patrol" and immediately follow the item for "Miscellaneous expenses," etc., of the police department and embrace the following:		
For harbor patrol:		
For 1 captain in the police department, who shall also be harbor master for the District of Columbia	1,800	
For 2 sergeants, who shall be licensed pilots, one for day and one for night work, at $1,080 each	2,160	
For 2 engineers, at $900 each	1,800	
For 2 firemen, at $480 each	960	
For 1 janitor	480	
For desk sergeant	1,080	
For fuel, construction, maintenance and repairs, labor, and incidentals	2,000	
And the major and superintendent of the Metropolitan police shall hereafter be charged with the enforcement of all laws and regulations relating to the harbor, and employ the captain, force, and means provided for this service in the execution of the duties appertaining thereto.		
Fire department:		
Repairs to engine houses, etc	10,000	7,500
Fuel	7,500	4,500
Forage	17,000	12,000
Contingent expenses	18,000	14,000
Chemical Engine Company in Benning, D. C	23,000	
Purchase chemical engine and hose wagons	10,000	6,000
Health department:		
Enforcement of provisions of act to prevent spread of scarlet fever, diphtheria, etc	30,000	25,000
Traveling expenses of sanitary and food inspectors	1,500	1,000
Enforcement of provisions of act for the removal of weeds	5,000	
Purchase of site for pound and stable	10,000	
Erection and equipment of pound and stable	15,000	
Erection and equipment of stable for the smallpox hospital	1,000	
Writs of lunacy	5,000	1,500
Charities and corrections:		
Washington Asylum—		
Repairs to buildings, plumbing, etc	3,500	2,000
Continuing erection of workhouse for males	102,000	
Erection of municipal almshouse	125,000	
Erection of temporary building for treatment of patients suffering from tuberculosis	10,000	
Reform School—		
Repairs	2,000	1,500
New family building	25,000	
Furnishing new building	1,500	
Reform School for Girls—		
Building to house men employees	6,000	
Garfield Hospital	19,000	
Providence Hospital	19,000	
Children's Hospital	12,000	10,000
Central Dispensary and Emergency Hospital	16,000	15,000
Erection of municipal hospital	250,000	
Board of Children's Guardians—		
Maintenance of feeble-minded children	12,000	11,000
Board and care of children	40,000	35,000

Mr. CANNON. Mr. Chairman, I ask unanimous consent that the gentleman from Minnesota [Mr. MCCLEARY] have such time as he desires, say, ten minutes, or fifteen minutes.

Mr. MCCLEARY. Ten minutes will be sufficient.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Minnesota have ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MCCLEARY. Mr. Chairman, I appreciate the spirit in which the gentleman from Wisconsin [Mr. BABCOCK] speaks. The members of the Committee on Appropriations are just as desirous that this shall be a beautiful city, worthy to be the capital of this great nation, as he or anyone else can be. But we have seen money expended in cities all over the country to their great embarrassment in the future. I was struck by an expression in an editorial of the Post the other morning, which immediately followed one rather criticising the committee for the smallness of the appropriation. In the editorial occurs this suggestive thought: "The one thing we leave to our children is debt." It was speaking of customary municipal management. The committee desires to avoid that, if it can be done without cramping the growth of the city and without "cheeseparing."

My friend from Wisconsin was quite facetious regarding the parks. If there is anything in which this city glories, it is its parks. If there is anything with which it is well furnished, it is with parks. You can not walk ten blocks in any direction without coming upon one or more beautiful parks.

My friend spoke rather slightingly of our estimate of the value of Rock Creek Park, mentioning the fact that we had appropriated for that park only $2,500. Anyone who drives up in Rock Creek Park will discover that a large part of it, that part below the military road, is in good condition.

Mr. BABCOCK. I want to say to my friend that the pineries in Wisconsin were in good condition before the ax of man ever touched them.

Mr. MCCLEARY. Below this military road, I was saying, the drives are good, and, as my friend suggests, the pineries of his State were beautiful before they were touched. The illustration is "not half bad." We believe that in "nature unadorned" is much of beauty, and that man sometimes takes away rather than adds to the beauty by trimming and cutting too much.

But the point I desire to make, Mr. Chairman, is this: The work upon that park is done by inmates of the workhouse. The appropriation of $2,500 made in the bill is for administration purposes. We do not need to provide large sums for carrying on the work itself, because that is done by those we are caring for by public bounty and whose expenses are met in another part of the bill.

My friend speaks slightingly of our dealing with the city in the matter of streets. Permit me to remind him that by personal inspection we discovered that streets were estimated for which are now paved in a way which would be regarded in any other city in the world as splendid. What was the proposition? To tear up the present pavement and substitute another. Take, for example, Louisiana avenue between Fifth and Seventh, which stood either first or second on the list, as arranged "in order of importance." When you reach the fountain going home to-night, where Seventh street crosses the Avenue, turn and look toward the court-house and see what kind of a pavement it is.

It is a fine block pavement, in excellent condition, and the proposition was to take up that excellent pavement—and I use the word advisedly, an excellent pavement—take that up and substitute for it another kind of pavement. I would be willing to leave it to the membership of this House, if they will go and examine it, as we did; and I would be willing to offer an amendment to the bill such as the gentleman from Wisconsin seems to want if 95 per cent of this House did not say that is a good pavement and ought to be allowed to remain as it is. If there are 5 per cent of the membership of this House who will say that we did wrong in cutting out any such change as that, then I shall be willing to accept an amendment from my friend to make the change he suggests.

This is not "cheeseparing," Mr. Chairman; it is simply square, honest prudence, such as we exercise in our own personal affairs, that this committee has tried to exercise in the affairs of this District.

When, in going down Pennsylvania avenue, you reach the corner of Tenth street and look south on Tenth street, down toward the Smithsonian Institution, you will find on that piece of street a piece of pavement that was marked as the most imperative among the wants of the District for improvement. Look at the street; it is splendidly paved with granite blocks. What is that part of the street used for? For the business of commission houses—for heavy draying. What better pavement than the very granite blocks which are already there? And it is in good condition, barring a few places where there has been excavation, I judge, for sewers or something of that kind.

If gentlemen of this House could go with us and examine one by one the streets that we have passed upon, I feel confident that invariably, or at least ninety-five times out of a hundred, they would say that the committee did wisely and well.

My friend the chairman of the Committee on Appropriations [Mr. CANNON] very properly directed attention to the extension of the water system—for the filtration of the water—and pointed out that, while it is true that $1,400,000 is needed for the completion of the plant, no one proposes to complete that plant this

year. It could not be done if all the money were placed at the disposal of the gentleman in charge of the improvement, Colonel Miller, of the War Department. We brought him before us and asked him how much money he could use properly and prudently this year.

Mr. BABCOCK. I made no criticism at all on that improvement.

Mr. McCLEARY. Why did you mention it, then?

Mr. BABCOCK. Because it was for extraordinary purposes, outside of the usual expenses of the District, and because it was argued that as you had to appropriate this large sum of money, therefore it was necessary to cut down these ordinary appropriations. That appropriation is all right; I made no criticism of it at all. It had to be made.

Mr. McCLEARY. I agree with the gentleman when he states as a general proposition that extraordinary expenses which can not be met from the revenues of a given year, and yet which must be provided for, should be provided for by spreading the expenditure over a series of years. This can be done, either by saving from an income from year to year till the required sum is "saved up," or by borrowing money payable through a series of years.

But when we have the money—when we have $5,419,000 of District funds raised by taxation—why borrow, especially when we remember that the taxes thus raised are only 1½ per cent on a two-thirds valuation, amounting practically to 1 per cent, a burden that is not grievous at all, a burden less than we carry in our own home towns. For this taxation covers everything—covers what would be counted in our homes under the heads of State, county, municipal, school, all the items of taxation. All these expenses in this District, as I have said, amount to only 1½ per cent on a two-thirds valuation, which is equivalent to 1 per cent.

Now, I repeat, when we have right in our own hands the means with which to provide reasonably for extraordinary expenses as they come along and provide reasonably for current expenses, why deliberately run in debt? The policy of the committee is to treat this city generously. We are just as proud as anyone can be of this city as the capital of this country. We want it to be a great and glorious and beautiful city, and we believe that twenty years hence the men who then reside here will be grateful to us for being prudent to-day in expenditures.

Mr. Chairman, I yield the balance of my time to my colleague, the gentleman from Nebraska [Mr. BURKETT].

Mr. BURKETT. Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman from Minnesota [Mr. McCLEARY] has five minutes remaining.

Mr. BURKETT. I think that will be enough. Mr. Chairman, in these five minutes I want to reply briefly and directly to the statement of the gentleman from Wisconsin [Mr. BABCOCK]. His main criticism in support of his $10,000,000 loan proposition, which he tells us he will call up soon, has been upon the Appropriations Committee charged with the preparation of this bill, for leaving out, as he says, a great many items that should have been attended to and appropriated for.

Now, Mr. Chairman, this committee maintains that there is ont a single dollar of appropriation that should have been made for the care of the lives and property and the welfare and comfort and protection of the people of the District of Columbia that has not been appropriated. This is not a "cheeseparing bill," as he denominates it.

Mr. BABCOCK. How about Sixteenth street?

Mr. BURKETT. I will tell the gentleman all about that. I will read every one of these items that he mentions and discuss their merits.

We have not "skimped" in any particular. And let me say further that within the revenue now available for the District of Columbia there is almost $5,000,000 that can be devoted and will be devoted to permanent improvements within the District. In this bill, carrying something over $7,000,000 for running this District, there is included over one and three-fourths million dollars in the way of street extension, in the way of sewer building and extension, in the way of extending and improving the waterworks system and filtration plant, in building schoolhouses, and adding books to the library, and that sort of thing.

Now, the gentleman from Wisconsin has brought in here a statement of several items, and has filed it and made it a part of his remarks, which he says we ought to have appropriated for, and did not. I will begin at the first. For instance, he says that in the surveyor's office, where the Commissioners have recommended an appropriation of $22,484, we have appropriated only $17,800. Ah! a misstatement by the juggling of figures or possibly a misapprehension of the facts. We appropriated every dollar that the Commissioners asked for, aside from raise in salaries. But we declined to appropriate it in the manner that they asked. And now gentlemen come in here and juggle with the figures for the purpose of making the House and the people of this District believe that we have not provided properly for that office.

Now, why? Turn over here in the Book of Estimates and you will find that the Commissioners wanted to load onto the District by way of salaries the difference between $17,000 and $21,000, $4,000 worth of salaried officers, and put them on the salary list. The committee says, "We will leave them as they have been for years. The law has provided who are salaried officers and who shall be on the salary list. These others you can employ on a per-diem basis as you need them," and we appropriated that amount of money and put it into the contingent fund, thus permitting them to employ those people on a per-diem basis.

Mr. BABCOCK. I would call the gentleman's attention to the fact that I made no mention of that item.

Mr. BURKETT. But it is in the list here.

Mr. BABCOCK. Every item in the bill is in the list.

Mr. BURKETT. Now, take the next one. The next item that he criticises us for not appropriating for is $1,500 to resurvey the District boundaries. We had a hearing on this particular matter. What is this? They propose that somebody should make a resurvey, should go around the District and set stones down along the District line which will be thicker than the stones there now. We asked if there were not there stones occasionally now marking the boundary. "Yes; but whenever a man goes out to survey from the District line," was the reply, "he has to go away over there and find the stone before he knows where the line is." It is only a question of how many stones we put out there. That is the whole business. They know where that line is; it is already marked; it can be found whenever it is wanted. In fact, we pay these surveyors for that purpose, and when they go out to find the District line they can find it. It is possible for them to find it by hunting for it, from the stones already there.

Mr. McCLEARY. And by not going very far, either.

Mr. BURKETT. Yes; by not going very far either, as the evidence shows. The next proposition is for the purchase of the Lattimore field notes, $7,500, and he criticises the committee for not appropriating that. Now, what are the Lattimore field notes?

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCLEARY. I ask unanimous consent that the time of the gentleman from Nebraska be extended for ten minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman be extended for ten minutes. Is there objection?

There was no objection.

Mr. BURKETT. Now, as I was about to say, there is a man named Lattimore who is employed down here in the surveyor's office. He has an old set of field notes that, as the evidence shows, was of more or less value when they went into that particular portion of the city to look up some old title, but for years, ever since he has been employed in the District office, the District has been using these field notes. That fact probably has been taken into consideration in respect to his employment in fixing his salary. In the judgment of the committee that was not wise, it was not necessary, it was not proper at this time to appropriate to buy those field notes, because resurveys are being made, and in the course of time they may not be needed at all.

Now, the next proposition which the gentleman criticises the committee for is because it does not appropriate $500 for putting in shape the records of the permit clerk's office. That is allowed in the contingent fund. It is under the executive department, and they can put those records in shape out of that contingent fund. The next proposition is for not allowing $175,000 under assessment and permit work. Now, we allowed $145,000, which is current law, the same as we allowed last year. In the appropriation bill of last year we increased the sum $5,000. The year before it had been $140,000 and we raised it to $145,000, and this year we allowed current law.

Mr. BABCOCK. Will the gentleman permit me to ask him a question? What is the annual increase in growth in taxation in the city of Washington?

Mr. BURKETT. Well, it was a good deal last year, under the tax law, which some people did not like.

Mr. BABCOCK. No; but for a period of years—say the past five or ten years.

Mr. BURKETT. I have not it.

Mr. BABCOCK. It exceeds 10 per cent, the appropriation does, practically, every year; 5 to 10 per cent.

Mr. BURKETT. What does?

Mr. BABCOCK. The increase in the appropriations—the natural growth of the city. Does the gentleman expect to maintain an appropriation which was fixed last year or five years ago or ten years ago, indefinitely?

Mr. BURKETT. We do, probably, on this sort of special work, because we are completing this work—the special work—every year. It does not grow any more one year than another. That is the growth; that is what this $145,000 represents.

Mr. BABCOCK. The total estimates, including water department, for 1893, were $6,717,865.43, and the total estimates for 1903, including the water department, were $10,707,497.97.

Mr. BURKETT. That is on account of the $1,500,000 tax law that we put on in connection with this bill last year.

Now, the next proposition is $200,000 that was asked for streets and avenues, on which we allowed $50,000. That is considerable of a cut, but the streets of Washington are paved according to a schedule made several years ago. When the Commissioners came before the committee, we asked if that was the schedule they would follow. We thought possibly conditions might change and there might be some streets that would come into prominence or would come into a condition of being necessary to be paved, which a few years ago had not been.

So we asked the Commissioners to revise the list of streets that should be paved in this District, that we might see what were the most important, and we said: "Put in your list the streets that need paving the most, the most important street first, the second most important street next, and so on." And when they brought us that revised list, what do you suppose the first one was? The first one on the list was Louisiana avenue, paved with granite-block pavement, going down the hill southwest from the city offices. The committee went over and investigated, and they said that if that was the most important thing to be paved, when we needed our money and could better use it in other directions, it was not proper to permit a bonding or a borrowing scheme for this District in order to tear up granite-block pavement and substitute asphalt for it.

One of the streets was down here in the wholesale district—Tenth street from Pennsylvania avenue south. We went down there and we never saw a thing but drays and wagons, wholesale houses, a lot of little manufactories, and that sort of thing. Any business man who would go down and investigate it to see what it ought to be paved with would say that it ought to be paved with granite blocks. So we did cut down this item. We thought if that was the most important thing they needed in the way of pavements we could use the money to better advantage in extending the sewers, which the gentleman from Wisconsin [Mr. BABCOCK] criticised us for doing.

Now, the next thing was the grading of streets and alleys. They asked for $10,000 and we allowed $8,000 for the extending and grading of streets and alleys. That is another one of these things that is carried along every year for the growth and development of the city, and we gave current law. So I might go on down through the list, but I am not going to take the time to do so.

Mr. BABCOCK. Get down to the parks.

Mr. BURKETT. Yes, I will get down to the parks. The gentleman called special attention to Rock Creek Park, and then he threw in those few sympathetic words for the poor people of the District of Columbia. But he has not suggested, and the Commissioners of the District have not suggested, a single improvement in Rock Creek Park that would be for the benefit of the poor people of the District of Columbia. What are the improvements contemplated? They are the building of driveways that you can roll over with your magnificent carriages and teams. There is not an improvement contemplated in Rock Creek Park that is for the benefit of the poor people that the gentleman from Wisconsin is so anxious about.

Now, with reference to this parking matter, we did not appropriate as much as they asked us for the improvement of Rock Creek Park. That is true, but we have appropriated for parks all over this District. There are parks from one end of it to the other.

Mr. BABCOCK. In this bill?

Mr. BURKETT. Yes; in this bill. We have appropriated for the care and the maintenance and the beautifying of every park in this District. The committee also appropriated as much as they thought was necessary for the care of Rock Creek Park.

Mr. BABCOCK. Will the gentleman call attention to the different items of appropriation for the parks of this city in the bill?

Mr. BURKETT. We appropriated $25,000 in this bill for the parking commission.

Mr. BABCOCK. But not for the parks.

Mr. BURKETT. Then, in the sundry civil bill there is also carried——

Mr. BABCOCK. The gentleman stated that they had appropriated for all the parks in the city in this bill. I should like to have him show us a single item.

Mr. BURKETT. We have appropriated for everything that belongs in this bill.

Mr. BABCOCK. That is another proposition.

Mr. BURKETT. And what we did not appropriate for in this bill will be taken care of in the sundry civil bill. The gentleman would not want us to duplicate in both bills, I think.

Another thing they criticise us for is the item for cleaning off ice and snow. The Commissioners asked $5,000 and the committee reported $1,000. Why? Because whenever there is any ice or snow on the streets of this city Congress is always in session. Rather than make an appropriation of $5,000, to be carried after next July until December, we simply appropriate $1,000 in case of a little emergency. That is the way we have done for years.

Mr. BABCOCK. In case of a snowstorm the gentleman would suggest a special appropriation?

Mr. BURKETT. That is the way it has been done for years, and it has only been required occasionally; but whenever we have a severe snowstorm Congress is always in session, and it does not take very long to make provision. Now, here is one thing I want to call attention to, because it is along the same line of argument that they are making.

A man came to me on Saturday evening last, after hearing some such arguments and said he thought that there was a terrible calamity visited upon the District, that we had cut down the appropriations to such a degree as to be very disastrous to the District. When I told him that we had not cut down the appropriations for the water, for sewerage, for the repair of streets or cleaning them, or anything of that sort of thing he was surprised. When I told him that we had appropriated for every schoolhouse, and that when they had come and asked us for 40 policemen at $50 we gave them 40 at $60, he was surprised. When I told him that we had appropriated for all the fire apparatus that was asked for, he was amazed, for he had been misinformed.

There were some officers that asked to have some salaries raised, and it appears in the statement of the Commissioners before the subcommittee that, as a general proposition, they thought we should raise the salaries of the heads of departments first. The committee took another view of the matter.

Mr. BABCOCK. I do not think the gentleman wants to do me an injustice. I know I made no criticism about the salaries.

Mr. BURKETT. You have it right here in your paper as to what the committee did in the raise of the salaries.

Mr. BABCOCK. I made no criticism of that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCLEARY. Mr. Chairman, our friend from Nebraska has shown a few details that we had rather expected to keep until next Monday, when the proposition for lending the District ten millions is to come up. It is well enough to do it now, and we will have some more of the same kind then.

Mr. BABCOCK. I hope it will be in the same line, Mr. Chairman.

Mr. McCLEARY. We will be with you.

The CHAIRMAN. The gentleman from Minnesota asks that the time of the gentleman from Nebraska be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BURKETT. These Commissioners came and they asked and they argued, that the salaries of each of the heads of the bureaus and departments might be raised. We did not raise these salaries. I do not think there are three exceptions to that statement. We have not raised any of the high-salaried clerks and officers of this District to speak of. What did we do? We took the drivers and laboring men who were receiving $30 and $40 a month and we raised them all up to $50 a month. These are the only salaries, I will say, gentlemen, with possibly three exceptions, that this committee are recommending to raise.

Now, here is another item to which I desire to call attention. That out of an appropriation of $125,000, as recommended by the Commissioners (that is, in this written statement), we only recommend $25,000. Now, the Commissioners estimated that $125,000. It was for the sewerage-disposal plant down here. When the Commissioners came before us and we asked the Engineer Commissioner how much money of last year's appropriation he had on hand, he began to figure, and he was surprised to find out how much money he had, and almost questioned whether he could expend it all in another year, and said that $25,000 more would be all that he could expend and we gave the $25,000.

In short, in conclusion, let me say we have appropriated on all of these improvements that the District has started on by legislation; we have appropriated every dollar—every dollar that has been asked for by the officers in charge of any of these public works. And let me say to the gentleman we have taken into consideration the amounts that it is going to cost for terminals, the highway bridge, the amount that it is going to cost for the District building, for the filtration plant, and the amount for all these things we have started out to build, and still we have enough revenue to-day to carry on the District business.

We are appropriating one and three-quarter millions for permanent improvements in this bill and three more millions of dollars are left for the other projects planned, of permanent improvements in the District. At that rate annually for the next twenty years, that the gentleman proposes to give the District to

pay off the $10,000,000 loan, we will have $80,000,000 to appropriate for permanent improvements over and beyond what it will cost to run the District alone.

Mr. McCLEARY. Mr. Chairman, did the gentleman from Wisconsin present his amendment to the paragraph in seriousness?

Mr. BABCOCK. Mr. Chairman, I will withdraw the amendment.

The Clerk read as follows:

FOR THE FIRE DEPARTMENT.

For chief engineer, who shall have had at least five years' actual experience as a member of some organized municipal fire department, $2,000; 3 assistant chief engineers, at $1,200 each; clerk, $1,000; fire marshal, $1,200; machinist, $1,000; 26 foremen, at $1,000 each; 14 engineers, at $1,000 each; 14 firemen, at $900 each; 7 tillermen, at $900 each; 27 drivers, at $900 each; 186 privates, at $840 each; 26 watchmen, at $600 each; and 1 laborer, at $480; in all, $264,320.

Mr. MUDD. Mr. Chairman, I make the point of order against the words in line 6, "who shall have had at least five years' actual experience as a member of some organized municipal fire department." I make it on the ground that it is new legislation, and in support of that I have last year's appropriation bill before me in which the language used is, "for chief engineer, $2,000," precisely the same as the words in this bill, with the exception of the words against which I make the point of order. It is clearly a change of existing law and is new legislation on an appropriation bill.

Mr. McCLEARY. Mr. Chairman, I think the gentleman's point of order is well taken.

The CHAIRMAN. The Chair will sustain the point of order.

Mr. McCLEARY. I have an amendment, Mr. Chairman, to offer which I think will meet the objection of the gentleman from Maryland.

The Clerk read as follows:

On page 40, line 8, insert, after the word "dollars," the following: "This sum shall not be available to pay a chief engineer who has not had at least five years' experience as a member of some organized municipal fire department."

Mr. MUDD. Mr. Chairman, I make the same point of order against that amendment. If it were permissible to put in words in that way, by indirection or as a subterfuge, nothing would come of any point of order against language in a general appropriation bill amounting to new legislation or a change of existing law. It is not in any sense a limitation on the amount to be expended, and that is the only sense in which such a provision can be put upon an appropriation bill. The gentleman knows that it will accomplish the same thing. It is the same provision in new language. It is seeking to incorporate in a general appropriation bill new legislation, and the gentleman's amendment is the same as the words I object to, only in a modified form.

Mr. McCLEARY. I do not understand the gentleman from Maryland to question the wisdom of some such provision. He is objecting to the form of the phraseology. I am trying to meet his wishes rhetorically and bring this so it will be within the well-known rule whereby a limitation of an expenditure is in order. It is upon that ground I offer the amendment.

The CHAIRMAN. The Chair is of opinion that the effect of this language proposed in this amendment is the same as that which by consent was ruled out on a point of order. Going back as far as the able opinions delivered on this particular question by Chairman Dingley, the object sought is the real question, and the form of words is unimportant. In their form, in the opinion of the Chair, this language is a limitation upon the expenditure of money and legitimately proper. And while the present form is a much better one than the other, and less likely to challenge quotation in the future, the Chair would have overruled the point of order in the first instance, and he certainly does so now. [Laughter.] The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken and the amendment was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. WARNOCK having taken the chair as Speaker pro tempore a message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bill of the following title:

On December 20, 1903:

H. R. 16642. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

The Commissioners of the District of Columbia are authorized to acquire by purchase or condemnation additional land in rear of the present site of the truck house in square No. 926, in the southeast section of the city, at an expense not exceeding $2,000, to be paid out of the appropriation heretofore made for said truck house.

In all, $39,500.

Mr. McCLEARY. Mr. Chairman, for the purpose of correcting a verbal error, I offer an amendment which I send to the desk.

The Clerk read as follows:

On page 41, line 23, strike out the word "twenty-six" and insert in lieu thereof the word "twenty-five."

The amendment was agreed to.

The Clerk read as follows:

For the necessary traveling expenses of sanitary and food inspectors while traveling outside of the District of Columbia for the purpose of inspecting dairy farms, milk, and other dairy products, $1,000, or so much thereof as may be necessary.

Mr. COCHRAN. Mr. Chairman, I move to amend by striking out the last word. A few minutes ago in discussing the Alaskan boundary, the distinguished and learned and generally accurate gentleman from Iowa [Mr. HEPBURN] said that a paltry amount of territory——

Mr. McCLEARY. Mr. Chairman, I invite attention to the fact that the gentleman from Missouri is not discussing matters germane to the bill, and I raise the point of order.

Mr. COCHRAN. The time I occupied was in the general debate; the time occupied by the gentleman from Iowa was in the five-minute debate. I will observe, however, in closing, that this point is generally made after a Republican orator has delivered himself, but never at any other time.

Mr. BURKETT. Let me correct the gentleman. The last orator to whom we have listened was on the Democratic side of the House.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Justices of the peace: For ten justices of the peace, at $2,000 each, and the further sum of $250 each for rent, stationery, and other expenses; in all, $22,500.

Mr. DALZELL. Mr. Chairman, I make a point of order against the paragraph just read. By the District code bill, which was passed in the last Congress or the Congress preceding, provision was made for ten justices of the peace in the District of Columbia, and their salaries were fixed at $3,000 a year. Now, the paragraph just read is either a change of existing law or it is a perfectly useless proceeding, because if it be not a change of exising law it simply relegates these justices to the Court of Claims to recover in each case $1,000 salary not appropriated for.

It seems to me, Mr. Chairman, that this is a very great piece of injustice against these justices of the peace, who accepted office in the face of the pledge of the law that they were to be paid $3,000 a year. The code prohibits their practicing law, and compels them to turn into the District treasury all the fees and emoluments of their offices. They are therefore entirely dependent upon their salaries. While it is true that $250 is allowed them for rent, stationery, and other expenses, it will be perfectly apparent to anybody who lives in the city of Washington that an allowance of $250 a year to pay office rent, stationery, and other expenses is a mere bagatelle. I am told—of course I speak only from information—that after these justices are paid their salaries, cut down as provided for in this bill, they will receive no more in a year than a deputy marshal does who is occupied in keeping peace in their office.

And it is to be borne in mind that these gentlemen accepted these offices with the understanding that according to the reading of the law their salary was to be $3,000 a year. I can not speak as to all of them, but I do know some cases where they entirely changed their mode of living, where they gave up the business that they had been previously pursuing, upon the faith of this $3,000 salary. To cut down the salary in this way is an injustice to these gentlemen which I do not believe the Appropriations Committee wants to inflict.

Some gentlemen say, "Well, there ought not to be ten justices of the peace in the District of Columbia." I think perhaps that is true; but the proper way of making an amendment to that effect is by a revision of the law creating these ten justices, and not by violating the rules of the House in legislating on an appropriation bill.

What is the saving to be accomplished by this reduction? We save the sum of $10,000 by cutting down the salaries of ten justices, when, as my friend representing the District Committee has assured us, the District treasury is just overflowing with money, so that there is a surplus of $5,000,000. Under these circumstances the Committee on Appropriations wants to save $10,000 by taking it out of the pockets of ten justices of the peace. Now, aside altogether from any question of order, I appeal to the sense of justice of the House to appropriate for these gentlemen what the law provides they shall receive.

I withdraw any pretense of a point of order, and I move to amend by inserting in line 2, page 47, the word "three" instead of the word "two" before the words "thousand dollars each." I move also to amend the total of the paragraph by adding to the amount $10,000.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DALZELL] moves to strike out "two" in line 2, page 47, and insert "three," so that the paragraph will read:

For ten justices of the peace, at $3,000 each.

The gentleman moves further to amend by making the footing correspond with the amendment just stated.

Mr. McCLEARY. Mr. Chairman, the gentleman from Pennsylvania [Mr. DALZELL] withdrew his point of order because he is too good a parliamentarian not to know that it would not lie, in view of the words "in full" in the opening paragraph of the bill. The bill appropriates "in full" for the purposes named. Therefore, whatever may be appropriated is all that the gentlemen could get and no more.

On the 30th of June, 1902, a little over six months ago, we passed a revised code for this District. In that revision a provision was adopted reducing the number of these justices from ten to six. Why that reduction? Simply because it was felt that six is a sufficient number. The salaries of six justices, at $3,000 a year, would amount to $18,000 to be expended for this purpose. Under this bill we propose to expend $20,000—a larger amount—for ten justices. The reduction of number provided for in the code is to take effect gradually, as the incumbents of these ten offices may resign or die. Not desiring to legislate any of these justices out of office, we provided for continuing the number; but, in view of the meagerness of the duties, we believe that a salary of $2,000 is ample.

Mr. DALZELL. Mr. Chairman, my friend from Minnesota [Mr. McCLEARY] has not answered my proposition, that these gentlemen are entitled to be appropriated for in accordance with the law. I differ with him entirely as to the duties of these officers being "meager." As far as I am concerned, I know only of the case of one of these gentlemen, but I know that his duties are onerous and that he earns the whole of the salary as fixed by law.

It may be that six justices are a sufficient number; I have no doubt that such is the fact; but, as I have said, the proper way to provide for the reduction in the number of justices is by revising the law. It is no proper function of an appropriation committee to undertake to adjust salaries, to put them up and put them down. A little while ago the gentleman from Maryland [Mr, MUDD] inquired of my friend the chairman of the subcommittee if he did not think the salary of the sealer of weights and measures was too high. The gentleman replied that that might be so, but that his committee had no alternative, that the law fixed the salary and it was their duty to make the appropriation.

Now, the same rule that applies there applies here. But I do not care anything about technicalities. I appeal to the sense of justice of this House and assert that men who accepted office upon a pledge written in the statute books that they would receive a certain amount of money per annum for their services are entitled to have that amount of money. The gentleman of whom I speak was appointed after the passage of the code and accepted office on the face of the code. I hope my amendment will prevail.

Mr. SHAFROTH. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield?

Mr. DALZELL. Yes.

Mr. SHAFROTH. How long has it been that the appropriation bills have carried $2,000 per annum instead of $3,000?

Mr. DALZELL. Last year and now this proposed here.

Mr. SHAFROTH. Those are the only two?

Mr. DALZELL. Yes.

Mr. CANNON. Mr. Chairman, I should not have said a word about this matter were it not that I served upon the subcommittee last session of this Congress on the bill for the first appropriation, as I recollect, after the enactment of the code. We took up this matter and investigated it fully. We were much surprised to find that provision was in the code. Gentlemen understand how the District code is revised and how it was revised. We did it in a hurry—I do not know how many hundred pages there are, some one says 600 pages—and in about forty minutes' consideration. I doubt if the gentlemen who had charge of the code knew many things that were in it. We have been finding them out to our sorrow ever since, and I have no doubt that there are others to still follow after.

When we took up the first appropriation bill to provide for these ten justices of the peace, who had theretofore, as I recollect it, been feed officers, and not salaried officers, imagine our surprise to find that they wanted $3,000 each for these ten justices of the peace, in addition to $250 to pay the rent and for the stationery. We investigated the matter, and we found that six were more than there ought to be; so that, as I recollect it, we placed some provision upon the law which has been construed to mean that as these gentlemen go out of office the number shall be reduced to six, an ample number. We thought, as their stationery and office rent were paid—$250, making in all $2,250—that $2,000 was a sufficient salary for a man that, ordinarily, is like necessity—knowing no law. [Laughter.]

I must confess that I should not have said a word about it except in justification of our action then. I feel quite sure that before this legislation was had the salary was more than enough, from the many, many applications by mail and in person which I had—not from an army, but enough to make a respectable-sized company in a regiment which was agonizing to serve the country in this respect. I do not want to do any injustice, and did not when I figured this legislation—in effect, legislation reducing the number to six, as I have indicated, and reducing the salary for the current year to $2,000. That is all they are getting now, and this proposed for the coming year that it shall be at $2,000, with $250 more. I have no doubt that my friend from Pennsylvania [Mr. DALZELL] knows one very worthy man. I wish that we might reduce the number to four, which would be quite enough, and give the one worthy man my friend knows a little more and the others a little less.

Mr. DALZELL. I do not know him, I know of him.

Mr. CANNON. Yes? Well, upon the whole, I submit that $2,250 is enough to pay by way of annual salary to a justice of the peace, when we have ten and do not need six.

Mr. DALZELL. My friend from Illinois [Mr. CANNON] will agree with me that the proper place to amend that legislation is in the bill itself, and not in an appropriation bill.

Mr. CANNON. Well, we have already amended it by cutting the number down to six, to take effect when the first four go out of office. We amended it this year so that they will receive $2,000 for the current year, and this proposes, not subject to a point of order, to continue that $2,000 for the coming year. That is all I want to say.

Mr. DALZELL. Mr. Chairman, I think my friend from Illinois [Mr. CANNON] will agree with me that it is no proper function of the Committee on Appropriations to cast aside the law and fix salaries, putting them up and putting them down, in their discretion. I agree with him and I am willing to concede that the code bill was passed hastily and perhaps without any very accurate knowledge on our part, but two wrongs do not make a right, and if we were guilty of carelessness in that case we ought to remedy that carelessness in the proper way.

Mr. CANNON. After all, I will say to my friend the gentleman from Pennsylvania, the main question is, first, have we the power for the coming fiscal year to continue the salary as it is this year? The answer is yes. Second, on the everlasting merits, or rather on the merits as they exist now, is $2,250 enough?

[Here the hammer fell.]

Mr. DALZELL. Let us have a vote.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. DALZELL) there were—ayes 19, noes 36.

Accordingly the amendment was rejected.

The Clerk read as follows:

INTEREST AND SINKING FUND.

For interest and sinking fund on the funded debt, $975,408.

Any excess of said sum or of sums hereafter appropriated for this purpose, over and above the amount required for the payment of the interest on the funded debt of the District of Columbia, shall be applied by the Treasury of the United States to the purchase and redemption of the bonds of the District of Columbia: *Provided*, That should the Treasurer of the United States at any time be unable to secure bonds of the District of Columbia at a price which he may deem advantageous, he is hereby authorized to invest the amount available for the said sinking fund in bonds of the United States, the bonds so purchased to be registered in the name of the Treasurer of the United States, trustee for the sinking fund of the District of Columbia, and it shall be the duty of the Treasurer of the United States to collect the interest, when due, on the bonds so held, and to invest the same for account of said sinking fund: *Provided further*, That the Treasurer of the United States is hereby authorized, by exchange or by sale and reinvestment, to substitute bonds of the District of Columbia for the bonds of the United States so held when he shall deem it to be to the interest of the said sinking fund to do so.

Mr. COCHRAN. Mr. Chairman, I move to strike out the last two words. The precision with which the appropriation contained in this paragraph is stated would lead to the supposition that the amount was arrived at by a mathematical calculation, for it appropriates the sum of $975,408. Why it should appropriate this sum in such precise figures it is hard to understand, unless it was reached by a mathematical computation of some liability and unless provision was made for enough money to meet it.

Mr. McCLEARY. Does the gentleman desire an answer?

Mr. COCHRAN. Not right now. I assume, however, that such is not the case; for if that were true certainly there would be no necessity for the elaborate provision which is contained in the next paragraph, a provision which says that in the event that a surplus remains out of this appropriation, or out of any similar appropriation in the future, that surplus shall be used in purchasing the outstanding securities of the District of Columbia; and then it provides that if such securities can not be purchased at a

figure satisfactory to the Secretary of the Treasury such surplus shall then be invested in United States bonds and held as a trust fund against the public debt of the District of Columbia.

Mr. LIVINGSTON. May I suggest to the gentleman one thing just there?

Mr. COCHRAN. Yes.

Mr. LIVINGSTON. The purchase of the bonds of the District of Columbia is provided for here, but there are only a few of them and they are in the hands of strong men who could put up the price of those bonds to whatever point they pleased and force the District to pay that sum.

Mr. COCHRAN. Oh, I have no objection to purchasing those bonds, but I am at a loss to understand why we should appropriate a sum of money which leaves a surplus to be devoted to this purpose.

Mr. LIVINGSTON. A surplus is not appropriated, but in case there is a surplus then we take care of it.

Mr. COCHRAN. Assuredly if this large sum of $975,408 is arrived at by computing a liability which must be met by the Treasury of the United States, then it is certainly true that if it is even approximately correct no considerable surplus can arise, and what should be the manner of its disposition, I was going to say, would be a matter almost of indifference.

But the care with which this provision is drawn and the elaborateness of its form would indicate that there is in this section provision having in view a surplus to be applied in this way. Now, I should like to ask the gentlemen of the committee a question. Can the gentleman in charge of the bill state in precise figures the amount of interest on indebtedness of the District of Columbia which is to be met out of this appropriation—the amount of the interest?

Mr. McCLEARY. I prefer to answer the gentleman in my own way after he is through.

Mr. COCHRAN. I want an answer now. I am not through. The gentleman took the floor, and I supposed he wanted to be interrogated.

Mr. McCLEARY. I thought you were just about through.

Mr. COCHRAN. Well, I am not through.

Mr. McCLEARY. I will explain the paragraph when the gentleman takes his seat.

Mr. COCHRAN. I have no doubt the gentleman can explain it, and to the end that he may do it completely I will ask him to state separately how much of this will be applied upon the payment of an interest obligation. Does this paragraph have in view a surplus; and if so, how much? If the interest can be arrived at exactly, I ask why the Appropriations Committee did not bring in a bill appropriating precisely enough to pay the interest? What is the object in creating a surplus to buy at a premium the public debt of the District of Columbia in advance of its maturity?

Mr. McCLEARY. Mr. Chairman, my friend from Missouri evidently did not read the title of this subdivision of the bill. It says:

Interest and sinking fund.

Now, we must provide in this bill enough money to pay the interest on the obligations of the District and in addition thereto a certain sum to serve as a sinking fund with which to meet the principal when it becomes due, a certain sum year by year to apply upon the principal. Now, that is the "excess" that the gentleman did not understand, or appeared not to understand.

As to the exactness of these figures, I desire to say that we had the actuary of the Treasury make this computation, and it is a mathematically correct computation.

I repeat, then, this appropriation covers the interest for this year on the debt of the District. It also makes provision for a part of the principal. And it tells what shall be done with the sum collected toward the payment of the principal. The committee will understand that the debt of the District consists of 3.65 bonds, 6 per cent and 7 per cent bonds. The 6 and 7 per cent bonds are about extinguished. After this year there will be only 3.65 bonds.

The Treasurer is required to invest the sum raised for the sinking fund for the benefit of the District. The law requires that the sinking fund be invested in the bonds of the District. Hereafter, under existing law, he can invest only in the three-sixty-fives. But the amount of the outstanding indebtedness in that form is limited. It is in the hands of comparatively few people, who know when the Treasurer has some money which must be invested. Suppose they could know that he could invest only in that one thing. What would you do, Mr. Chairman, if you had such a situation before you? What would anyone naturally do who had such bonds? The natural thing to do would be to hold the bonds at a pretty stiff price.

Now, to keep the Treasurer from being imposed on as to the price of the three-sixty-fives, we have given him in this bill the alternative under which he can temporarily invest the sinking-fund part of the money herein appropriated in United States bonds bearing 2 per cent, the interest of which shall accrue to the sinking fund. When these people who hold the three-sixty-fives find that they can not squeeze the Government they will be more likely to sell the bonds at a fair price. Provision is made, further, that when he can get 3.65 bonds at a price which he deems just and fair to the District he can convert the United States bonds into 3.65 bonds, and set them aside as part of the sinking fund.

I trust the explanation is satisfactory to the gentleman from Missouri.

The CHAIRMAN. Without objection, the pro forma amendment offered by the gentleman from Missouri will be withdrawn. The Chair hears no objection. Without objection, the Chair will direct that the note incorporated on pages 60 and 61 and the top portion of 62 be stricken out. It is no part of the bill. The Chair hears no objection.

The Clerk read as follows:

For revenue and inspection branch: For water registrar, who shall also perform the duties of chief clerk, $1,800; 2 clerks, at $1,400 each; 2 clerks, at $1,000 each; chief inspector, $936; 8 inspectors, at $900 each; messenger, $900.

Mr. PALMER. I move to strike out the last word for the purpose of making an inquiry. These sums are appropriated to be paid wholly from the revenues of the District. I wish to inquire where the money is to come from that you appropriate for the filtration plant.

Mr. McCLEARY. All these items, Mr. Chairman, are payable one-half from the revenues of the District and one-half from the United States Treasury.

Mr. PALMER. About what year of the Christian era do you apprehend this filtration plant will be completed?

Mr. McCLEARY. Next year, Mr. Chairman.

Mr. PALMER. According to Colonel Miller it will be a year from next December; that is, in December, 1904.

Now, there was some question raised here last year as to the location of this filtration plant and as to the cost of the land provided for it. It was stated that the land was purchased at a price of $18,000 an acre out in the neighborhood of the Soldiers' Home. It was suggested that it would have been more economical to go out into the country some place where the land is cheaper to obtain land for this purpose. I observe that the committee had Colonel Miller before them and interrogated him on that subject, and from his testimony it appears that a board of experts recommended that the land for a filtration plant should be bought 8 miles outside of the city.

Now, I would be glad to inquire how it was, when the board of experts recommended that this land be bought outside of the city at probably two or three hundred dollars an acre, that the property was bought within the city limits at $18,000 an acre, making an expense of over $600,000?

Mr. McCLEARY. While my friend was reading what he has quoted as being in part what Colonel Miller said, why did not he read the rest of Colonel Miller's statement? The Colonel made quite a full explanation of the matter.

Mr. PALMER. I read the whole of what Colonel Miller said, and I am bound to say that his explanation is not at all satisfactory. He said the reason why they did not buy the ground up toward the falls was because the filtered water running through a pipe might be deteriorated.

Mr. BURKETT. That the filtered water running through a ditch might be deteriorated, and that if we proposed to run it a long distance it would have to be run in an open ditch.

Mr. PALMER. With your filter up 30 miles you would not have to run an open ditch. Moreover, it is far less than 30 miles to the point on the river where the water is taken out.

Mr. BURKETT. It is not 30 miles. He said if he had to pump his filtered water up there he would have to pump the water to get the water into the filter, because filtered water requires to have a head and it would cost more to transport all the supplies, and so on, and all these things were taken into consideration.

Mr. PALMER. Pumping filtered water is no more expensive than pumping the raw water and filtering it after it has been pumped into the filter.

Mr. BURKETT. This thing has been gone over before either the gentleman or I became a member of Congress. It has been settled. Whether it is right or wrong, nobody inquired of the balance that were here five or six years ago.

Mr. PALMER. It seems to me that this filtration plant and buying land for it is under nobody's supervision or control, although I suppose it is under the jurisdiction of the Secretary of War, and Colonel Miller no doubt is a very intelligent officer detailed by the Secretary to do this work. Now, it seems from the testimony that Colonel Miller has very magnificent ideas—as, for example, he asked $3,000 to build a tool house at the Great Falls.

Mr. BURKETT. We did not give it to him.

Mr. PALMER. He did not get it; no. Colonel Miller wanted $3,000 for a house to cover up a scraper, a plow, and a horse; and he wanted $8,000 for making a survey for a new conduit pipe. You did not give it to him. But I only mentioned it to show the magnificent ideas of Colonel Miller.

I suggest to the committee that they inquire into it and see if there can not be some plan devised by which a filtration plant costing two or three million dollars to the Government can not be built for about what it would cost a private company if engaged in business. These filtration beds are to cost seventy-five or eighty thousand dollars each, and it will take thirty of them to filter this great amount of water—75,000,000 gallons needed, according to Colonel Miller's estimate, to supply Washington. It will run up into enormous figures. I suggest that the next time the committee gets Colonel Miller before them they find out what he is doing, who is making the contract, and who is making the money out of this work, as well as why $600,000 was paid for land at $18,000 per acre.

Mr. BURKETT. But he has kept within the estimate all the while.

Mr. PALMER. Yes; but who made the estimate?

Mr. BURKETT. And he has kept within the appropriation.

Mr. PALMER. Colonel Miller made the estimate and made the plans. I attribute nothing wrong to him, but am of the opinion that there should be some other plan adopted to carry on work of such magnitude.

Mr. BURKETT. They were made several years ago.

Mr. PALMER. It makes no difference whether they were made several years ago or several minutes ago. The question is whether the work is costing too much.

Mr. McCLEARY. Mr. Chairman, I ask unanimous consent to strike out the matter on pages 64 and 65—namely, the notes.

The CHAIRMAN. The Chair will state to the gentleman that that has already been done by direction of the Chair.

Mr. McCLEARY. Mr. Chairman, I move that the committee do now rise and report the bill to the House as amended with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GROSVENOR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House bill 16842, making appropriations for the District of Columbia for the fiscal year ending June 30, 1904, and had directed him to report the same back with sundry amendments with the recommendation that as amended the bill do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will submit them in gross to the House.

There was no demand for a separate vote.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. McCLEARY, a motion to reconsider the last vote was laid on the table.

AN ACT RELATING TO PUBLIC PRINTING.

Mr. HEATWOLE. Mr. Speaker, I desire to submit a conference report to be printed under the rule.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the bill S. 2296, entitled "An act to amend an act approved March 2, 1895, relating to the public printing," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the amendment of the House and agree to the same.

JOEL P. HEATWOLE,
VINCENT BOREING,
F. C. TATE,
Managers on the part of the House.

T. C. PLATT,
S. B. ELKINS,
JAMES K. JONES,
Managers on the part of the Senate.

The statement is as follows:

The effect of the accompanying report is to allow to the Sergeant-at-Arms of the Senate 20 extra copies of the CONGRESSIONAL RECORD for the use of the Senate.

JOEL P. HEATWOLE,
VINCENT BOREING,
F. C. TATE,
Managers on the part of the House.

PHILLIPINE COINAGE BILL.

Mr. DALZELL. Mr. Speaker, I submit the following privileged resolution.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House No. 393, have had the same under consideration and report the same herewith with an amendment inserting in line 5, after the words "and after," the words "not more than," with the recommendation that as amended the resolution be agreed to.

"*Resolved*, That, upon the adoption of this report, it shall be in order to consider H. R. 15520, entitled 'A bill to establish a standard of value and to provide for a coinage system in the Philippine Islands,' in Committee of the Whole House on the state of the Union, and, after five hours' general debate, to be equally divided between the friends and opponents of the bill, it shall be in order to consider it under the five-minute rule, and the motion to go into the Committee of the Whole House on the state of the Union to consider the said bill shall remain privileged until the said bill shall have been reported from the said Committee of the Whole."

Mr. DALZELL. Mr. Speaker, the purpose of this rule is to call up for consideration the Philippine coinage bill. The rule simply provides that it shall be in order, and limits the general debate to five hours—a length of time which the Committee on Rules was led to understand was agreed upon by the representatives of the two sides. Except in these particulars, the rule makes no change in the conduct of the bill. I understand there is no objection to it.

Mr. LLOYD. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Missouri?

Mr. DALZELL. Certainly.

Mr. LLOYD. What effect will the adoption of the rule have upon the special order for to-morrow, the Alaskan Delegate bill?

Mr. DALZELL. That is a question the Chair will have to determine. I do not feel called upon to take any responsibility upon that matter.

Mr. LLOYD. I would like to inquire of the Chair what will be the effect.

The SPEAKER. The general rule governing such matters is that the order first made shall be the order that will govern the action of the House. The order first made was the one to consider the Alaskan Delegate bill, and the Chair is of opinion that the only method would be by raising the question of consideration. The Chair was unwilling to let the House lose an hour or two this afternoon. We may possibly reach an understanding between this and to-morrow.

Mr. LLOYD. It seems to me there ought to be some understanding in regard to the consideration of these two bills, so that there may be no conflict.

The SPEAKER. There can be no understanding unless the friends of the two measures can reach some agreement. The bill which has been fixed for consideration under the Cushman order, as it is called, will be entitled to consideration to-morrow, unless the question of consideration should be raised and the House should decide against consideration.

Mr. RICHARDSON of Tennessee. Mr. Speaker, as I understand, this rule is acceptable to both sides of the House. It simply makes this particular bill privileged; and there is no opposition, as I understand, on the part of members of the minority.

Mr. COOPER of Wisconsin. Mr. Speaker, I should like exceedingly that in beginning the consideration of an important question like that presented in the pending rule it should be entered upon without the possibility of conflict with any other bill. If an understanding is to be reached, I think we ought to reach it now before the consideration of the bill comes up.

The SPEAKER. The House can not stand still, without proceeding with the business before it, when it has so much to do. The only question now before the House is on the adoption of the proposed rule.

Mr. DALZELL. I do not believe there will be any difficulty in making an arrangement so that both bills will be considered. I presume that the advocates of the Alaska bill will not care whether that bill be considered one or two hours earlier or later. What they want is consideration, and that can be secured.

Mr. LLOYD. I think I can say for the Committee on the Territories that their only desire is that this bill shall not lose its privileged position. So far as I am concerned—the chairman of the committee is not present just now—I am perfectly willing that the consideration of the bill named in the pending resolution should be proceeded with, but I do not wish the other bill to be displaced.

Mr. DALZELL. The gentleman would be satisfied, then, that we should go ahead with this bill, and that the other bill should follow?

Mr. LLOYD. If our bill is not thereby displaced.

The SPEAKER. The House has already indicated its willingness to have the Alaska bill considered.

Mr. LLOYD. In order to settle the question, I ask unanimous consent that immediately following the consideration of the bill named in the resolution the bill providing for a Delegate from Alaska shall be considered.

The SPEAKER. The gentleman from Missouri [Mr. LLOYD] asks unanimous consent that immediately after the disposition of the bill provided for in the pending resolution the order in regard to the Alaska bill shall become operative. Is there objection to this request? The Chair hears none, and it is so ordered. The question is now on the amendment of the Committee on Rules to the proposed resolution.

The amendment was agreed to; and the resolution as amended was adopted.

PERSONAL EXPLANATION.

Mr. BARTHOLDT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BARTHOLDT. I ask unanimous consent to made a personal explanation.

The SPEAKER. The gentleman from Missouri asks unanimous consent to make a personal explanation. Is there objection? The Chair hears none.

Mr. BARTHOLDT. In an editorial in this morning's Post I am credited with the authorship of a quixotic scheme, namely, with the intention of calling the Germans of this country together "to protest"—I follow the language of the editorial—"against the irresponsible utterances of ill feeling toward Germany."

The editorial quotes a Philadelphia paper, and is based, I take it, upon a report emanating from a press agency here, which report, however, I have not seen, and I am, consequently, unable to judge whether and to what extent I have been misrepresented. The mere statement that I myself should have proposed to call such a meeting is a misrepresentation.

The fact is that I have received a number of letters from prominent Americans of German birth and extraction, in which a conference is suggested on Washington's birthday for the purpose of emphasizing the fact that a continuance of the old-time friendship between the United States and the German Empire is near and dear to the heart of every German, ethnologically speaking, in the country, and for the further purpose of protesting against that jingoism which aims at undermining it. While this is a good American purpose—if it is not, it ought to be—I did not encourage the project, and the suggestion that I should act as chairman of such a conference I rejected without a moment's reflection.

The meeting, possibly, will never be held, but if it should take place I shall attend it and tell my friends that the criterion in such matters is not the sporadic press comment but the attitude of the Government itself, and that the attitude of the present Administration during the Venezuela affair, for instance, and on all other occasions, was dignified, conservative, and in pleasing contrast with the jingoism displayed in many public prints.

What my correspondents complain of, and what really prompted them to make the above suggestion, was what I believe to be a syndicate letter, of several columns, published in a number of daily papers, containing a description of an imaginary naval battle between the United States and Germany. That article seemed designed to prepare the public mind for the eventuality of such a war, and one of my constituents wrathfully suggests that "if perfidious Albion had paid for that article, they could not have made a more hellish investment, but the man who wrote it should be tarred and feathered."

In this connection I want to go on record as saying—and I say it with all the earnestness that is within me—that to talk about a war between the United States and Germany is, in my judgment, nothing more nor less than a crime, and in protesting against such talk my correspondents would be backed, as I firmly believe, by enlightened American sentiment. In fact, there ought to be a law to punish those who try to stir up mischief between nations and who violate the sacred injunction of peace, the same as there is a law against disloyalty in war, the former kind of disloyalty being every bit as dangerous as the other, if not more so.

"A friend in time of need is a friend indeed," and the old fatherland was such a friend to us at a very critical period of American history.

Frederick the Great was the true friend of the colonies in the war for independence. He was one of the first to recognize the independence of the colonies, and went so far as to forbid the crossing of his territory by the Hessians, those unfortunate subjects of small greedy rulers who were sold to England to fight the colonies, but the majority of whom, I am happy to say, espoused the cause of liberty and independence as soon as they understood what the war was for.

In the civil war Bismarck was the only friend we had in Europe. From the very first he sided with the defenders of the Union, and at the very time when Gladstone declared in the British Parliament that the South would surely be victorious Bismarck authorized the purchase of Federal bonds by the financiers of Berlin and Frankfort. This was after we had knocked in vain at the doors of the English as well as the French Governments. There is nothing of this in American schoolbooks; but, nevertheless, these are historical facts which neither this nor any future generation should forget.

In conclusion, I desire to thank the Washington Post for doing me the justice of vouching for my Americanism. My sentiments in that respect, I am happy to state, are those of the vast majority of American Germans. While they may have been born under another flag, to-day they are nothing unless one and all, heart and soul, Americans, and they have no flag besides "Old Glory."

On some public questions they may entertain opinions differing from those of others, and they may vote nearly as a unit on them. They are opposed to prohibition, because prohibition is impossible and because they believe it to be a humbug, but to think so is their privilege as American citizens. They are against a too radical restriction of immigration, because in fairness they do not want to deny to others the privilege which they themselves enjoyed. They are for sound money, not because they brought their theories from the old country, as some of our friends on the other side erroneously suppose——

Mr. COCHRAN. Mr. Speaker, I fail to see anything privileged in a discussion of the financial question. [Laughter.]

The SPEAKER. The gentleman was given unanimous consent by the House to make a personal explanation.

Mr. BARTHOLDT (continuing). But because of their innate and intelligent conservatism.

They are, one and all, for peace, for the maintenance of amicable relations, a continuance of the traditional friendship between the United States and Germany, and even in this, it seems to me, they occupy good American ground.

But let me say it once for all, peace or war, they are Americans, and their fortunes are linked, like those of every other citizen, to the fortunes of the American Republic, inseparably and forever.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 15345. An act to promote the efficiency of the militia, and for other purposes; and

H. R. 622. An act granting a pension to Dicey Woodall.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1902. An act for the relief of Flora A. Darling.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 14478. An act granting an increase of pension to Luman Fuller;

H. R. 11594. An act granting an increase of pension to Sarah E. Morrow;

H. R. 14416. An act granting an increase of pension to Alber H. Philips;

H. R. 14957. An act granting an increase of pension to Mathias Custers;

H. R. 15852. An act granting an increase of pension to Cyrus G. Norton;

H. R. 6326. An act for the relief of Hiram C. Walker;

H. R. 14477. An act granting a pension to John W. Bruff;

H. R. 15206. An act to establish Portal. N. Dak., a subport of entry and extend thereto the privileges of the first section of the act approved June 10, 1880; and

H. R. 16642. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIX, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6779. An act to quiet certain land titles in the State of Mississippi—to the Committee on the Public Lands.

S. 6719. An act to change and fix the time for holding the district and circuit courts of the United States for the eastern division of the eastern district of Arkansas—to the Committee on the Judiciary.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Interstate and Foreign Commerce was discharged from the further consideration of the bill (H. R. 16734) to provide for an American register for the steamer *Beaumont*, and the same was referred to the Committee on the Merchant Marine and Fisheries.

PHILIPPINE COINAGE.

Mr. COOPER of Wisconsin. I move that the House resolve itself into Committtee of the Whole on the state of the Union for the consideration of House bill 15520, known as the Philippine coinage bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. TAWNEY in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk proceeded with the reading of the bill.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with and that it be printed in the RECORD for the information of the House.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the further reading of the bill be dispensed with and that it be printed in the RECORD for the information of the House. Is there objection?

Mr. JONES of Virginia. Mr. Chairman, I have no objection to that, but in connection with that request I ask unanimous consent that the bill (H. R. 16657) to extend the coinage system of the United States in the Philippine Islands may be also printed in the RECORD for the information of the House. That is the bill which I shall offer on the part of the minority of the Committee on Insular Affairs as a substitute for the bill now under consideration, at the proper time, and I make this request.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the bill H. R. 16657 be also printed in the RECORD in connection with the bill H. R. 15520, as presented by the gentleman from Wisconsin. The Chair will submit both requests together. Is there objection?

There was no objection.

The bills are as follows:

COMMITTEE BILL.

Be it enacted, etc., That the gold dollar of the United States, consisting of 25.8 grains of gold, nine-tenths fine, as defined by section 3511 of the Revised Statutes of the United States, shall be the standard unit of value in the Philippine Islands; and the lawful money of the United States shall be legal tender in the Philippines for all debts, public and private: *Provided*, That for amounts under 100 pesos the silver currency of said islands authorized by this act shall, when demanded, be paid.

SEC. 2. That in addition to the coinage authorized for use in the Philippine Islands by the act of July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," the government of the Philippine Islands is authorized to coin, for use in said islands, a coin of the denomination of 1 peso, and one of the weight of 416 grains, and the standard of said silver coins shall be such that of 1,000 parts, by weight, 900 shall be of pure metal and 100 of alloy, and the alloy shall be of copper.

SEC. 3. That the Philippine peso authorized by this act and the silver coins issued under authority of the aforesaid act of July 1, 1902, shall be received for all dues to the Government of the Philippine Islands, unless otherwise specifically provided by law, at the rate of 2 pesos for $1 of the lawful money of the United States.

SEC. 4. That the coinage authorized by this act shall be subject to the conditions and limitations of the provisions of the act of July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," except as herein otherwise provided; and the government of the Philippine Islands may adopt such measures as it may deem proper, not inconsistent with said act of July 1, 1902, to maintain the value of the Philippine peso at the rate of 2 pesos for $1 of the lawful money of the United States; and in order to maintain such parity between said Philippine pesos and the lawful money of the United States may issue temporary certificates of indebtedness, bearing interest at a reasonable rate, payable at periods of three months or more, but not later than one year from the date of issue, which shall be in the denominations of $50 or 100 pesos, or some multiple of such sum, and shall be redeemable in gold coin of the United States, or in lawful money of said islands, according to the terms of issue prescribed by the government of said islands; but the amount of such certificates outstanding at any one time shall not exceed $5,000,000.

SEC. 5. That the Mexican silver peso now in use in the Philippine Islands, and the silver coins heretofore issued by the Spanish Government for use in said islands, shall be receivable for public dues at a rate to be fixed from time to time by the proclamation of the civil governor of said islands until such date, not earlier than the 31st day of December, 1903, as may be fixed by public proclamation of said civil governor, when such coins shall cease to be so receivable: *Provided*, That the public offices of the government of said islands may at any time refuse to receive such coins which appear to be counterfeit or defective.

SEC. 6. That the treasurer of the Philippine Islands is hereby authorized, in his discretion, to receive deposits of the standard silver coins of 1 peso, authorized by this act to be coined, at the treasury of the government of said islands or any of its branches in sums of not less than 20 pesos, and to issue silver certificates therefor in denominations of not less than 5 pesos, and coin so deposited shall be retained in the treasury and held for the payment of such certificates on demand and used for no other purposes. Such certificates shall be receivable for customs, taxes, and for all public dues in the Philippine Islands, and when so received may be reissued, and when held by any banking association in said islands may be counted as a part of its lawful cash reserve.

SEC. 7. That the Secretary of the Treasury, the Comptroller of the Currency, and the Director of the Mint of the United States are hereby authorized and directed, when requested by the government of the Philippine Islands, to make and prepare any drawings, designs, and plates, and execute any coinage, engraving, or printing of notes and certificates authorized by this act, and to make a proper charge for the same, covering as nearly as may be the actual cost, which shall be defrayed from the revenues of said islands.

SEC. 8. That all acts or parts of acts inconsistent with the provisions of this act, and all provisions of law in force in the Philippine Islands making any form of money legal tender after December 31, 1903, except as provided in this act, are hereby repealed.

PROPOSED MINORITY SUBSTITUTE.

Be it enacted, etc., That the lawful money of the United States shall be legal tender in the Philippine Islands for all debts, public and private, and the coinage laws of the United States are hereby declared to be in full force and effect in the said islands.

SEC. 2. That for the purpose of retiring the silver coinage of the Philippine Island, and substituting therefor the coins of the United States, the Secretary of the Treasury is hereby authorized to redeem, on presentation in the Philippine Islands, all the Mexican silver pesos now in use in the Philippine Islands, the silver pesos and subsidiary silver coins issued under the authority of the Spanish Government, not including any Mexican silver pesos that may be imported into the Philippine Islands after the 15th day of March, 1903, at their bullion value, the same to be declared from time to time by the government of the Philippine Islands, and the silver and minor coins authorized by the act of July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," shall be redeemed at the rate of two pesos for $1 of the lawful money of the United States; and from and after six months from the date when this act shall take effect no coins shall be a legal tender, in the payments of debts thereafter contracted, for any amount, in the Philippine Islands, except the coins of the United States; and whatever sum may be required to carry out the provisions hereof and to pay all expenses that may be incurred in connection therewith is hereby appropriated, and the Secretary of the Treasury is hereby authorized to establish such regulations and employ such agencies as may be necessary to accomplish the purposes hereof: *Provided*, That all debts, except those otherwise provided for in the contract, owing on the date when this act shall take effect or contracted within six months thereafter shall be payable in the silver coins now in circulation in the Philippine Islands, or in the lawful money of the United States at the rate of exchange prescribed at the time by the Philippine Commission.

SEC. 3. That the silver coins issued under the authority of the act of July 1, 1902, shall be received for all dues to the government of the Philippine Islands at the rate of 2 pesos for $1 of the lawful money of the United States and upon such receipt shall not be reissued until recoined into denominations of dollars, halves, quarters, and dimes, of the weight, fineness, and value now fixed for said coins by the coinage laws of the United States.

SEC. 4. That the Mexican silver pesos now in use in the Philippine Islands and the silver coins heretofore issued by the Spanish Government for use in said islands shall be receivable for public dues and in the discharge of all debts, public and private, at their bullion value, to be declared from time to time by the government of the Philippine Islands, until the 1st day of January, 1904, when such coins shall cease to be so receivable for public dues; but such coins shall continue to be so receivable at such rate for the payment of private debts contracted in such money before six months from and after the date this act goes into force and effect, and all of said coins coming into the treasury shall not be reissued as such, but shall be recoined into silver coins of the denominations, weight, fineness, and value now authorized by the coinage laws of the United States.

SEC. 5. That the mint authorized under the act of July 1, 1902, to be established at Manila shall coin American gold and silver coins under the supervision, regulation, and control of the Secretary of the Treasury, and the said mint shall be taken over by the United States Government upon terms agreed upon by the Secretary of the Treasury and the Philippine Commission.

SEC. 6. That all acts or parts of acts inconsistent with the provisions of this act and all regulations, rules, and enactments of the Philippine Commission which may now be in force in the Philippine Islands and inconsistent herewith are hereby repealed.

Mr. COOPER of Wisconsin. Mr. Chairman, this bill does not differ in principle from the coinage provisions of the Philippine civil government bill which passed the House last June. It proposes that there shall be coined in the Philippines a silver coin to be called a peso and that it shall be received at the ratio of two to one for the United States gold dollar, which gold dollar is to be made the standard of value in the archipelago. There has been in some quarters an entire misapprehension as to the character of the bill. It has been called revolutionary, radical, unusual.

Other adjectives, I may say epithets, have been applied to it of a more or less critical character. The bill is not revolutionary. It is conservative. It does not call for anything in the way of untried experiment. It simply proposes to follow out the policy which England adopted with success in India when she made stable the ratio of the silver rupee with the gold sovereign at 15 to 1; that is, 15 rupees to 1 sovereign, and the rupee to be taken arbitrarily at 16d. It is the same principle which is embodied in the financial legislation of the Netherlands in Java.

The first suggestion for this legislation for the Philippines was in the report of the Taft Philippine Commission in 1900, their first report. Governor Taft, in testifying before the Committee on Insular Affairs, said that—

What the Commission were anxious to bring about, if possible, was a suspension of the fluctuations of the value of the silver dollar, from which bankers were the only persons who seemed to make any profit.

On the other hand—

I read from his testimony—

we were exceedingly anxious not to disturb the coinage as it now exists in the islands among the Filipinos.

I mean this, that we are exceedingly anxious not to disturb the values of oriental peoples; and the Filipinos, who do not differ from other oriental peoples in that respect, have a great regard for traditions and names. Therefore we thought if we could devise a system by which the standard could be as little subject to fluctuation as possible—that is, it should be a gold standard and at the same time have a silver coinage so near to the present silver coinage as to not make any difference by reason of names in the minds of the people—that that would be the best coinage to adopt.

The committee will observe that that is a very conservative suggestion, not to change the names and appearance and size of the coins now in use among the people generally throughout the archipelago, and he follows it up with this statement:

I am very certain that to attempt to adopt as a whole the coinage of the United States in those islands would be productive of nothing but disaster.

Mr. Chairman, in view of the bill which the gentleman from Virginia [Mr. JONES], a few minutes ago, announced that he should offer to-morrow as a substitute for the pending measure, I desire again to call the attention of gentlemen, and especially of gentlemen upon the opposite side of the House, to the concluding sentence which I have just read:

I am very certain that to attempt to adopt as a whole the coinage of the United States in those islands would be productive of nothing but disaster.

Mr. HILL. Mr. Chairman, may I inquire when that statement was made?

Mr. COOPER of Wisconsin. That statement was made last spring, but I have a recent letter from Governor Taft, and more than one, in which he reiterates that sentiment. Here is what he said in a letter to me which I received the latter part of October:

Since I have found the difficulties that present themselves in all business and industrial relations in these islands due to the fluctuations in silver, I am convinced that the enactment into law of the House plan for a gold standard in these islands is second in importance only to the provision for a legislative assembly.

He has written a letter since that time in which he corroborates that, and in even stronger language.

The War Department, soon after this report of the Philippine Commission in 1900, sent to the islands Mr. Charles A. Conant, who, as the committee well knows, is one of the world's foremost gold-standard advocates, a man who has written books on the subject of coinage and of banking, a recognized authority in finance the world around, now connected with the Morton Trust Company of the city of New York.

He went to the archipelago, and, as I said last summer, I inferred from conversations which I had with him that he went there predisposed to favor the enactment for the Philippines of a coinage law similar to that of the United States of America. He came back and reported to the War Department, in an exceptionally able document, his entire accordance with the suggestions of the Philippine Commission for the coinage of a Philippine peso, the ratio of which was to be made stable at 2 to 1 with the gold dollar of the United States.

Not only do the Philippine Commission and Mr. Conant favor the plan which is embodied in the pending bill, but Lyman J. Gage, when Secretary of the Treasury, cordially approved it. In Appendix F to the report of the Secretary of War in 1900 is a note by the then Secretary of the Treasury, Lyman J. Gage, in which he says, after speaking of the bad financial system in the islands:

The evident cure is to establish their domestic money in a fixed relation to the world's money, or what might better be called the selling-house standard, London or New York. Can this be done? Probabably it can. How? By following, in a modified way, what is now in vogue in the United States—that is to say, let the island government, or our own Government, as may be thought the wiser, buy silver bullion and coin 412½ grains, nine-tenths fine, into pesos or Filipino dollars. Pay them out for all goods bought or service rendered, at the ratio of 2 silver pesos to $1 of gold, and redeem them from the holder at the same ratio, namely, $1 in gold for 2 silver pesos (or Filipino dollars). At the present price of silver bullion there would be a nominal profit of about 5 per cent to the Government in thus buying bullion and coining money.

The Secretary then declares that there are two possible objections to this plan. After analyzing these, he says:

These two objections, however, are more nominal than real, because they would tend to be self-corrective. * * * It seems imperatively necessary to open the way to an increased supply of the circulating medium there. No method seems to be so direct and immediate as to reopen the mint at Manila for the coinage of silver under the conditions and limitations above set forth, or, as an alternative, to the unlimited coinage of pesos, or dollars, of about the weight and fineness of the Mexicans, for the public. * * * One or the other of the courses pointed out ought to be adopted. In my opinion, the method first above described is greatly to be preferred.

In other words Secretary Gage "greatly prefers" the plan proposed in the bill now under consideration.

We have increased the number of grains in the peso from 412½, which was the number proposed in the House bill of last Spring, to 416, because of the subsequent decline in the value of silver bullion, it having gone down approximately 30 per cent. The idea all the time of course has been to have this practically a token coin. Its limitation in coinage and the fact that it is to be received for public dues and for private debts will hold it at par, as, under similar conditions, have the silver dollar in this country, the silver thaler in the Netherlands, and the rupee in India.

We had before the Committee on Insular Affairs Henry W. Peabody, a business man of wide repute, the head of a great commercial house in Boston which has establishments in Boston, New York, London, Manila, Yucatan, South Africa, and all around the world. He strongly indorsed the plan proposed by the pending bill, except that he thought it would be better, as a matter of practical detail, to have the standard of value a gold peso of half the value of our gold dollar. That is, he would cut the gold dollar in two, call one of these halves a Philippine gold peso, and then have the ratio between it and the Philippine silver peso 1 to 1.

This question was asked him:

Your proposed amendment would amount to nothing more than a matter of practical detail; it would not change essentially the principle of the pending bill?

Mr. PEABODY. The principle of the bill and most of the provisions of the bill would be unchanged.

This man, of wide business experience, and perfectly familiar with business conditions in the Philippine Islands, was asked whether the Philippine government could maintain the parity of the coins as provided by the bill. This is the question propounded to him:

Do you believe that the resources of the government are such that it can without much difficulty maintain the gold standard?

To which he replied:

There would be no difficulty in doing so, because there would be something like 35 per cent cost of silver that is gold redemption.

You mean seigniorage?

Mr. PEABODY. Yes; that would suffice to make what most people would call an ample redemption fund.

Aside from this distinguished authority, we have the report of Professor Jenks, who was sent as an expert to the Orient to study and report on financial conditions there. He visited the Orient, made an exhaustive study of the situation in the Philippines, the Straits Settlements, in Java and India, and in a report to the Secretary of War last fall indorsed the coinage plan proposed in this bill as the one best adapted to the Philippine Islands. After enumerating the different reasons which have led him to his conclusions, he says:

For all these reasons, therefore, it seems on the whole best that the Filipinos be given a fixed rate of exchange for their currency as compared with the gold standard of the United States.

Then he adds a statement which is of great significance, gentlemen of the committee—especially so because of the announcement made here a short time since by the gentleman from Virginia that he would offer as a substitute a bill providing for the United States coinage system complete in the islands.

It is, however, desirable, whenever any country is to establish a new system of currency, that the value of the coins most common in circulation be changed as little as possible.

Now let us stop right there. How much does the pending bill propose to change the value of the Philippine silver coins now in use? How much would the substitute bill of the gentleman from Virginia change the value of these coins? We propose a silver peso of the size now in use, which shall be equivalent to 50 cents in gold. To-day its bullion value is about 37 cents—a margin of 13 to 14 cents. The gentleman from Virginia would have a silver dollar smaller in size than the coin now in use, but which shall be equivalent to 100 cents in gold, although its bullion value would be 36 or 37 cents—a margin of 63 to 64 cents.

Professor Jenks says that it would be unwise abruptly to make a change like that in the coinage of any people and especially of an oriental people.

The wages of labor and prices already fixed are to a considerable extent matters of custom. If a monetary unit is introduced of considerably more value than the one abandoned, it will be necessary to make a nominal reduction of wages and prices. The consequence is that laborers and less well-informed sellers of produce will feel that their income is being arbitrarily lessened and great dissatisfaction is almost certain to be the result. One can easily see how a sudden action of that kind on the part of a government might produce even a revolution among people not well informed on monetary matters.

Governor Taft testified that, in his opinion, the arbitrary introduction of the American coinage system into the archipelago would result in nothing but disaster. And Professor Jenks in effect strongly indorses this view. He says:

One can easily see how a sudden action of that kind (the introduction of a monetary unit of high value) on the part of the government might produce even a revolution among people not well informed on monetary matters.

He then makes his recommendations:

It seems, therefore, the wisest plan for the United States, if it intends to act in the interest of the native Filipinos and not exclusively for the interest of a comparatively few exporters and bankers, to adopt the gold standard and adopt the system of coinage recommended, which will produce as little disturbance as any that has been proposed. It is extremely unfortunate that the system could not have been adopted before the last fall in silver, as in that case there would have been no disturbance that would have been noticed.

The professor said in his report, as we all know, that the government of India made stable the ratio between the silver rupee and the gold sovereign at 15 to 1, and that it has maintained the ratio without trouble since. He says that in 1900 the demand for the rupees in India became stronger than ever before, so that the government, after purchasing all the silver it could, telegraphed to London to buy and send out more silver. The prophecy was made, when India proposed to go on a gold standard that fixed a ratio between the rupee and the sovereign, that there would be a dearth of gold and that the treasury would be drained of that metal. But the professor says that on the contrary the demand was for more silver instead of for more gold.

Mr. STEWART of New Jersey. Will the gentleman allow me an interruption?

Mr. COOPER of Wisconsin. Certainly.

Mr. STEWART of New Jersey. The gentleman states in the report that silver depreciated 30 per cent last year. Now, the American dollar and the India rupee depreciated to a larger extent. How can the gentleman by legislative fiat, or by legislative command, make a certain standard? Will he alter it or stop the fluctuation?

Mr. COOPER of Wisconsin. The gentleman forgets an acknowledged law of monetary science, that a limited coinage of a token coin, which coin is received for public dues and for private debts, will hold it at par. It is the unlimited coinage of a token coin which leads to the fluctuation. For example, our silver dollar here has never been redeemable, at least up to 1900, nor has it ever been at a discount. Why? Because subsequent to 1873 we have not had free coinage, and the supply has not gone beyond the demand. The limited coinage of the silver dollar, the fact that it is received for debts, public and private, and that it is legal tender have held it at par.

Mr. STEWART of New Jersey. The gentleman knows that that was largely due to the intelligence of the American people. Will the same principle prevail among the Filipinos? Will they take the coin at a double ratio? It has worked in the United States, but it does not work in India with the rupee, and it will not work in the Philippines.

Mr. COOPER of Wisconsin. What does the gentleman mean by saying that it does not work in India, when every witness that has been before our committee, when questioned on the subject, says that it does work? Has the gentleman been in India—has he any foundation for his assertion?

Mr. STEWART of New Jersey. I think it has caused trouble at different times.

Mr. COOPER of Wisconsin. There was at the outset a slight difficulty, but it passed away. It was but temporary. Since that time there has been no difficulty whatever. The treasury has been filled with gold and the rupee has circulated at the ratio mentioned.

Mr. HILL. Will the gentleman allow me a suggestion?

Mr. COOPER of Wisconsin. Yes.

Mr. HILL. Does the gentleman think it entirely fair to quote the example of India? India found herself in the position of a silver-standard country and had to make the best of conditions. It stopped the coinage and is now trying by exchangeability to maintain the parity of the two methods. But the silver circulation of India to-day is $1.58 per capita and of the United States $8.50, and this bill on the House side authorizes an unlimited coinage and on the Senate side a per capita coinage of over $12. There is the difference between your illustration and the facts.

Mr. COOPER of Wisconsin. The gentleman from Connecticut is entirely mistaken if he supposes there is to be unlimited coinage.

Mr. HILL. Is there any limit in the bill?

Mr. COOPER of Wisconsin. It is left entirely with the government there, just as it is in India.

Mr. HILL. Is not that unlimited coinage?

Mr. COOPER of Wisconsin. Does the gentleman suppose that the government out there is going to enter upon unlimited coinage?

Mr. HILL. Does the gentleman suppose that any government that ever issued fiat paper money intended to go beyond the possibility of redemption? And yet there has never been a case in the history of the world where a country entering upon that policy did not exceed the limit and go beyond the possibility of redemption.

Mr. COOPER of Wisconsin. The gentleman is making statements which strike me as unfounded in fact. At least I have been unable to find a solitary authority—and I have read everything obtainable on the subject—which substantiates what the gentleman has said. Here I have the statement of Professor Jenks, the last expert who went there and studied this question, in which he says:

> While there is no strong demand for gold for circulation in India, the government seems to have succeeded in establishing a gold basis for the currency, and in maintaining without serious difficulty a fixed rate of exchange

He says further:

> According to the opinion of both business men and bankers in India, the fixing of a rate of exchange has lessened the opportunity of the bankers for gains from their exchange business.

Later in his report he says, speaking of Netherlands-India:

> Although the standard is a gold standard, and although the exchange has been kept substantially fixed throughout the entire period of the relative fall in the price of silver, gold is practically not at all in circulation in Netherlands-India.

That seems to be the case also in India. In Java the bank holds a large reserve of gold, but it is not paid out on demand. By reason of the limitation in coinage, and of the fact that the coin is received for public dues and private debts and that it is a token coin, it has been kept at par.

The silver dollar of the United States, of which there are hundreds of millions, has always floated at par. The bullion in it has run down so as to be worth less than 40 cents, yet it passes everywhere current as a dollar. It is received for public dues and private debts. The limitation in the coinage, the uses to which it can be put, and the demand for it keep the token coin at par. That is the rule of finance which is not denied.

Mr. HILL. Let me ask the gentleman this question: If he were starting out with a new financial system in the United States, would he adopt a system which included six hundred millions of full legal-tender silver dollars as an initiatory step?

Mr. COOPER of Wisconsin. Other things being equal I would not presume that I knew more about what ought to be done for the Philippine Islands than does the Taft Commission; than does Professor Jenks, who went upon the ground and studied the subject; than does Charles A. Conant, one of the foremost gold advocates of the world. I would not think that I, so far away, was as competent as those men to judge of what ought to be done in the Philippines, especially where their opinion is corroborated by so distinguished a financier as Lyman J. Gage, and by the experience of the government of India, which has adopted this system; and by the Netherlands, which has established it in Java.

Mr. HILL. Does the gentleman think that is an answer to my question, whether, if he were initiating a new system of finance in the United States he would start out with six hundred millions of legal tender silver dollars?

Mr. COOPER of Wisconsin. You ask me to answer a question which is not germane to the issue now in hand; which, in my judgment, has no relevancy whatever.

Mr. HILL. Is it not germane in this respect: You are proposing to provide a new system of finance for an archipelago 7,000 miles away, not nearly so strong financially as the United States, and are proposing to give it a system which you would not establish in the United States if you could.

Mr. COOPER of Wisconsin. I would establish it in the United States if this country were situated similarly to the Philippine Archipelago.

Mr. HILL. Suppose there were precisely as good authorities on the other side?

Mr. COOPER of Wisconsin. I have not been able to find them.

Mr. HILL. Perhaps you will before you get through with this debate.

Mr. COOPER of Wisconsin. I alluded by way of illustration to the history of the silver dollar in the United States, saying that it has been kept at par simply because the coinage has been limited and the dollar can be used for the purposes I have mentioned. Now, let me say that the United States Treasury Department has issued a pamphlet (circular No. 113) giving "information concerning United States bonds, paper currency, coin," etc., in which I find this statement on page 18:

> Gold coins and standard silver dollars, being standard coins of the United States, are not redeemable.

Here we have the Treasury of the United States, in the year 1900, notifying the world that the silver dollars of the United States are not redeemable. Yet, although the bullion in them was worth but from 40 to 50 cents, they passed current for 100 cents. Why? Because of the indisputable law of finance that a limited coinage of a token coin, if you give that coin the uses I have mentioned, will float at par. Such is the history of finance everywhere. Here we have the Treasury of the United States notifying the world, four years after the great campaign of 1896, that silver dollars were not redeemable; that if you brought them to the Treasury the Department reserved the option of giving you gold or not.

Mr. HILL. I should dislike very much indeed to have the statement go out to the country, and especially to the world, that the United States silver dollar is not redeemable. The Treasury Department since the passage of the gold-standard act of March 14, 1900, has held and holds to-day that it is in duty bound to exchange gold for silver or silver for gold, and is doing it every day and has been doing it since 1900, notwithstanding there is no specific law to that effect.

Mr. COOPER of Wisconsin. Permit me to ask the gentleman from Connecticut this question: Prior to the law of 1900, which the gentleman has just mentioned, were the silver dollars at a discount?

Mr. HILL. In my judgment, prior to the law of 1900——

Mr. COOPER of Wisconsin. Were they at a discount?

Mr. HILL. The Treasury Department was in duty bound under the parity clause of the Sherman Act to exchange silver dollars for gold; and it was the statement of the Secretary of the Treasury in 1893, that if called upon to redeem the paper of the United States he would redeem it, not in gold, but in silver, that helped to bring on the panic.

Mr. COOPER of Wisconsin. Nevertheless in 1900 the Treasury Department of the United States in an official document, which I hold in my hand, says, "The silver dollars of the United States are not redeemable;" and prior to 1900 there were hundreds of millions of those dollars in circulation in the United States, all at par. What kept them at par? The undeniable rule of finance which I have mentioned and apparently can not repeat too often, that a token silver coin of limited coinage, an unlimited tender for private debts and receivable for public dues, keeps at par with

gold. It is the rule in India; it is the rule in the United States; it is the rule in the Netherlands.

I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15520, the Philippine coinage bill, and had come to no resolution thereon.

And then, on motion of Mr. COOPER of Wisconsin (at 5 o'clock and 4 minutes p. m.), the House adjourned until 12 o'clock to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, recommending an appropriation for a tidal indicator in the Maritime Exchange, New York City—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting petition of Emilio Aguinaldo y Famy asking legislation for the establishment of an agricultural bank in the Philippine Islands—to the Committee on Insular Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16697) granting a pension to Ellen Johnson, reported the same without amendment, accompanied by a report (No. 3174); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16499) granting an increase of pension to Charles S. Wainwright, reported the same with amendments, accompanied by a report (No. 3175); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5511) granting an increase of pension to Cyrus V. Gorrell, reported the same with amendment, accompanied by a report (No. 3176); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15358) granting a pension to John Snodgrass, reported the same with amendments, accompanied by a report (No. 3177); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15617) granting an increase of pension to William Keith, reported the same with amendments, accompanied by a report (No. 3178); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16344) for the relief of Lucinda Lawrence, reported the same with amendments, accompanied by a report (No. 3179); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5280) granting a pension to Dollie Cosens, reported the same without amendment, accompanied by a report (No. 3180); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5244) granting an increase of pension to William H. Maxwell, reported the same without amendment, accompanied by a report (No. 3181); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 252) granting an increase of pension to Levi H. Peddycoard, reported the same without amendment, accompanied by a report (No. 3182); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6155) granting an increase of pension to William Markle, reported the same without amendment, accompanied by a report (No. 3183); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6361) granting a pension to Emma Dean Powell, reported the same with amendment, accompanied by a report (No. 3184); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16591) granting an increase of pension to James Mattingly, reported the same without amendment, accompanied by a report (No. 3185); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16358) granting an increase of pension to Benjamin W. Walker, reported the same with amendments, accompanied by a report (No. 3186); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16512) granting an increase of pension to John Dinneen, alias John J. Davidson, reported the same with amendments, accompanied by a report (No. 3187); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15438) granting an increase of pension to Thomas E. Peabody, reported the same without amendment, accompanied by a report (No. 3188); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15585) granting an increase of pension to Solomon S. Shaner, reported the same with amendments, accompanied by a report (No. 3189); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16058) granting a pension to John Corbett, minor heir of John Corbett, reported the same with amendments, accompanied by a report (No. 3190); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16522) for the relief of Caleb C. Van Sickell, reported the same with amendments, accompanied by a report (No. 3191); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15437) granting an increase of pension to Sarah A. Gerry, reported the same without amendment, accompanied by a report (No. 3192); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16492) granting a pension to Wilson G. Gray, reported the same with amendments, accompanied by a report (No. 3193); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16269) granting a pension to Annie W. Coit, reported the same with amendments, accompanied by a report (No. 3194); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15443) granting a pension to Eudora Wells, reported the same without amendment, accompanied by a report (No. 3195); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15483) granting a pension to Lucinda J. Pratt, reported the same with amendment, accompanied by a report (No. 3196); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16271) granting an increase of pension to Gustavus W. Peabody, reported the same with amendments, accompanied by a report (No. 3197); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15733) granting an increase of pension to M. G. Cole, reported the same with amendments, accompanied by a report (No. 3198); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14475) granting an increase of pension to David E. Lawton, reported the same with amendment, accompanied by a report (No. 3199); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6670) granting a pension to Hercules H. Price, reported the same with amendment, accompanied by a report (No. 3200); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12411) granting an increase of pension to Joseph Bart, reported the same with amendment, accompanied by a report (No. 3201); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13316) granting an increase of pension to Benjamin F. Olcott, reported the same with amendments, accompanied by a report (No. 3202); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12991) granting a pension to Gustavus S. Perkins, reported the same with amendments, accompanied by a report (No. 3203); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11682) granting a pension to Mary E. Winterbottom, reported the same with amendments, accompanied by a report (No. 3204); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5281) granting a pension to P. H. Mahan, reported the same with amendments, accompanied by a report (No. 3205); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12492) granting an increase of pension to Callie West, reported the same with amendment, accompanied by a report (No. 3206); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11616) granting an increase of pension to Isaac Harris, reported the same with amendments, accompanied by a report (No. 3207); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8812) granting an increase of pension to Henry Staff, reported the same with amendment, accompanied by a report (No. 3208); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10175) granting a pension to Mary R. Bagley, reported the same with amendments, accompanied by a report (No. 3209); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7895) granting an increase of pension to Sarah Bowen, reported the same with amendment, accompanied by a report (No. 3210); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4632) granting an increase of pension to William P. Rhodes, reported the same with amendments, accompanied by a report (No. 3211); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7844) granting a pension to Alonzo Pendland, reported the same with amendments, accompanied by a report (No. 3212); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5898) granting an increase of pension to Reuben F. Carter, reported the same with amendments, accompanied by a report (No. 3213); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5010) granting an increase of pension to James W. Pace, reported the same with amendment, accompanied by a report (No. 3214); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3569) granting an increase of pension to Joseph A. Buckholz, reported the same with amendment, accompanied by a report (No. 3215); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2614) granting a pension to John Sullivan, reported the same with amendments, accompanied by a report (No. 3216); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1644) granting an increase of pension to L. P. Bryant, reported the same with amendments, accompanied by a report (No. 3217); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1024) granting a pension to James R. Ward, reported the same with amendment, accompanied by a report (No. 3218); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2473) granting an increase of pension to James Billingsley, reported the same with amendment, accompanied by a report (No. 3219); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4059) granting an increase of pension to Julia A. Cook, reported the same with amendment, accompanied by a report (No. 3220); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referrred the bill of the Senate (S. 4515) granting an increase of pension to Alfred O. Blood, reported the same without amendment, accompanied by a report (No. 3221); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2084) granting an increase of pension to Samuel E. Ewing, reported the same without amendment, accompanied by a report (No. 3222); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3250) granting an increase of pension to Winfield S. Piety, reported the same without amendment, accompanied by a report (No. 3223); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3298) granting an increase of pension to William A. Kimball, reported the same without amendment, accompanied by a report (No. 3224); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4401) granting an increase of pension to Frederick Kropf, reported the same without amendment, accompanied by a report (No. 3225); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3730) granting an increase of pension to Jonas Olmstead, reported the same without amendment, accompanied by a report (No. 3226); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1903) granting an increase of pension to Hamline B. Williams, reported the same without amendment, accompanied by a report (No. 3227); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1614) granting an increase of pension to Nelson W. Carlton, reported the same without amendment, accompanied by a report (No. 3228); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3970) granting an increase of pension to Mary Elizabeth Fales, reported the same without amendment, accompanied by a report (No. 3229); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5976) granting an increase of pension to Milton Frazier, reported the same without amendment, accompanied by a report (No. 3230); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1482) granting an increase of pension to John A. Smith, reported the same with amendments, accompanied by a report (No. 3231); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3752) granting a pension to John E. Pichard, reported the same with amendments, accompanied by a report (No. 3232); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3353) granting an increase of pension to John Kehn, reported the same with amendments, accompanied by a report (No. 3233); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1016) granting a pension to Charles S. F. Hilton, reported the same with amendment, accompanied by a report (No. 3234); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which

was referred the bill of the House (H. R. 12052) granting an increase of pension to Franklin T. Miller, reported the same without amendment, accompanied by a report (No. 3235); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13881) granting a pension to W. M. Wilson, reported the same with amendments, accompanied by a report (No. 3236); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13088) granting an increase of pension to Hiram D. Deming, reported the same with amendment, accompanied by a report (No. 3237); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2987) granting an increase of pension to Charles A. Rittenhouse, reported the same with amendments, accompanied by a report (No. 3238); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2136) for the relief of Lawrence H. Rousseau, reported the same with amendments, accompanied by a report (No. 3239); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 659) increasing the pension of Winfield Pierce, reported the same with amendments, accompanied by a report (No. 3240); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10355) granting an increase of pension to William W. Smithson, reported the same with amendment, accompanied by a report (No. 3241); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8617) granting a pension to Sabina Lally, reported the same with amendments, accompanied by a report (No. 3242); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9072) granting an increase of pension to George W. Steffey, reported the same without amendment, accompanied by a report (No. 3243); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10869) granting an increase of pension to Michael K. Strayer, reported the same without amendment, accompanied by a report (No. 3244); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15889) granting an increase of pension to Chester A. Abbott, reported the same with amendments, accompanied by a report (No. 3245); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15670) granting an increase of pension to Joseph M. Richardson, reported the same with amendment, accompanied by a report (No. 3246); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15387) granting an increase of pension to Lot Van Nordstrand, reported the same with amendments, accompanied by a report (No. 3247); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14758) granting an increase of pension to Mary A. Talbott, reported the same with amendments, accompanied by a report (No. 3248); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16465) granting an increase of pension to William H. Knepple, reported the same with amendments, accompanied by a report (No. 3249); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16272) granting an increase of pension to Enoch Dodd, reported the same with amendments, accompanied by a report (No. 3250); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16534) granting an increase of pension to James H. Durham, reported the same with amendment, accompanied by a report (No. 3251); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15186) granting an increase of pension to Isaac J. Nichols, reported the same with amendments, accompanied by a report (No. 3252); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6526) granting an increase of pension to Orin T. Fall, reported the same without amendment, accompanied by a report (No. 3253); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3504) granting a pension to Grace Ashton Negley, reported the same with amendments, accompanied by a report (No. 3254); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5642) granting an increase of pension to Nicholas Smith, reported the same without amendment, accompanied by a report (No. 3255); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3940) granting an increase of pension to Eliza C. Deery, reported the same without amendment, accompanied by a report (No. 3256); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3773) granting an increase of pension to Leroy Roberts, reported the same without amendment, accompanied by a report (No. 3257); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5355) granting an increase of pension to George A. King, reported the same with amendment, accompanied by a report (No. 3258); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11379) granting an increase of pension to Sarah S. Long, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WADSWORTH, from the Committee on Agriculture: A bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904—to the Union Calendar.

By Mr. DICK: A bill (H. R. 16911) providing for the expenditure of money hitherto appropriated for the improvement and maintenance of Ashtabula Harbor, Ohio—to the Committee on Rivers and Harbors.

By Mr. BROWNLOW: A bill (H. R. 16912) for the disposition of school lands in Oklahoma Territory—to the Committee on the Public Lands.

By Mr. THOMAS of North Carolina: A bill (H. R. 16913) to increase the limit of cost of the United States post-office at Goldsboro, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. PATTERSON of Tennessee: A bill (H. R. 16914) to prevent combinations of corporations engaged in interstate or foreign commerce—to the Committee on the Judiciary.

By Mr. WILEY: A bill (H. R. 16915) authorizing the commissioners' court of Escambia County, Ala., to construct a bridge across Conecuh River at or near a point known as McGowans Ferry, in said county and State—to the Committee on Interstate and Foreign Commerce.

By Mr. GLENN: A resolution (H. Res. 400) for the consideration of S. 6502, relating to ceded lands on the Fort Hall Indian Reservation—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. APLIN: A bill (H. R. 16916) granting an increase of pension to Isaac D. Toll—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 16917) granting an increase of pension to Milton B. Williamson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16918) granting an increase of pension to S. E. Lemon—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 16919) granting an honorable discharge to William H. H. Thompson, late acting master's mate, United States Navy—to the Committee on Naval Affairs.

By Mr. DWIGHT: A bill (H. R. 16920) granting an increase of pension to Jennie E. Baldwin—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 16921) granting an increase of pension to Milton C. Dunbar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16922) granting an increase of pension to George E. Hubbard—to the Committee on Invalid Pensions.

By Mr. GREENE of Massachusetts: A bill (H. R. 16923) granting a pension to Rebecca J. Tompkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16924) for the relief of Edna Mabel Eldridge—to the Committee on Claims.

By Mr. HAUGEN: A bill (H. R. 16925) granting an increase of pension to John A. Sherwood—to the Committee on Invalid Pensions.

By Mr. HEATWOLE: A bill (H. R. 16926) granting a pension to Benjamin P. Barber—to the Committee on Invalid Pensions.

By Mr. HOWELL: A bill (H. R. 16927) for the relief of the widow and children of Henry C. Murphy, deceased—to the Committee on Claims.

By Mr. JOY: A bill (H. R. 16928) granting an increase of pension to Samuel S. Merrill—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 16929) granting an increase of pension to William H. Trites—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 16930) granting a pension to Josephine Drinkwater—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 16931) granting an increase of pension to James P. Wallace—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 16932) granting an increase of pension to Alfred A. Burrell—to the Committee on Invalid Pensions.

By Mr. RHEA: A bill (H. R. 16933) for the relief of G. W. Dunford and James Blair, sureties of S. C. Bralley, late postmaster at Redbluff, Va.—to the Committee on Claims.

By Mr. SIMS: A bill (H. R. 16934) to remove the charge of disobedience of orders against William W. Kirby—to the Committee on Military Affairs.

By Mr. WATSON: A bill (H. R. 16935) granting a pension to John Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16936) granting a pension to Phoebe Tilson—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 16937) granting an increase of pension to Calvin W. Birg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16938) granting an increase of pension to Granville E. Stout—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16939) granting an increase of pension to Alexander T. Sullenger—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 16940) for the relief of the estate of Andrew J. Kincaid—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. APLIN: Circular relating to and favoring the semicentennial anniversary of building the first ship canal between Lake Huron and Lake Superior at St. Marys Falls—to the Committee on Interstate and Foreign Commerce.

Also, petitions of retail druggists of East Tawas and Rogers, Mich., for a reduction on the tax on alcohol to 70 cents per proof gallon—to the Committee on Ways and Means.

By Mr. BROMWELL: Resolutions of Metal Trades Association and Business Men's Club, of Cincinnati, Ohio, concerning joint resolution 220—to the Committee on Rivers and Harbors.

Also, resolutions of Manufacturers' Club of Cincinnati, Ohio, protesting against the enactment of House bill 3076—to the Committee on Labor.

Also, petition of Alexander Fries & Brother and others, of Cincinnati, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BULL: Resolution of the Rhode Island Society for the Prevention of Cruelty to Animals, protesting against the passage of the bill to amend the Revised Statutes relating to the transportation of live stock—to the Committee on Interstate and Foreign Commerce.

Also, protest of the same society, against the passage of House bill 15991—to the Committee on the Judiciary.

Also, petition of the Central Labor Union of Newport, R. I., in favor of the passage of the anti-injunction bill and the prison-labor bill—to the Committee on Labor.

Also, resolutions of Local Union No. 176, Brotherhood of Carpenters and Joiners, Newport, R. I., favoring the repeal of the desert-land and homestead-commutation acts—to the Committee on the Public Lands.

By Mr. BURKETT: Petition of H. S. Schwake and other citizens of Nebraska City and George Barbee, of Syracuse, Nebr., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. CAPRON: Petition of the Rhode Island Automobile Club, in favor of the bill to create a bureau of public roads—to the Committee on Agriculture.

Also, petitions of D. C. Stott & Co. and others, of Westerly, R. I., and D. B. Griffin and other druggists of Rhode Island, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of Rev. W. Ashton Thompson, of Woonsocket, R. I., in favor of the passage of House bill 16503, relating to Army chaplains—to the Committee on Military Affairs.

Also, resolution of the Rhode Island Society for the Prevention of Cruelty to Animals, protesting against the passage of the bill to amend the Revised Statutes relative to the transportation of live stock—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Local Union No. 176, of Newport, R. I., Brotherhood of Carpenters and Joiners, for the repeal of the desert-land law and the commutation clause of the homestead act—to the Committee on the Public Lands.

By Mr. CASSINGHAM: Petitions of citizens of Orrville, Ohio, in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, resolution of Ohio Horse Breeders' Association, urging the passage of House bill 16656, for the free importation of pure-bred live stock for breeding purposes—to the Committee on Ways and Means.

By Mr. COUSINS: Petition of Prairie Grove quarterly meeting of Friends, Marietta, Iowa, against the repeal of the anti-canteen law—to the Committee on Military Affairs.

By Mr. CREAMER: Petition of Fully Disabled Union Veterans of Brooklyn, N. Y., asking for increase of pension—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: Papers to accompany House bill granting a pension to John F. Mitchell—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: Petition of Ira M. Hawkins and other citizens of New York, favoring antipolygamy amendment to the Constitution—to the Committee on the Judiciary,

By Mr. ESCH: Petition of retail druggists of Galesville, Wis., for a reduction of the tax on alcohol to 70 cents per proof gallon—to the Committee on Ways and Means.

Also, petition of John Flinn Post, No. 77, Grand Army of the Republic, Department of Wisconsin, indorsing House bill 15456, providing for the establishment of a branch soldiers' home in Florida—to the Committee on Military Affairs.

By Mr. FOSS: Petition of Local Union No. 3, International Brick, Tile, and Terra Cotta Workers' Alliance, of Blue Island, Ill., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. GRAHAM: Petition of Brown Chapel African Methodist Episcopal Church, Allegheny, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, resolution of the American Protective Tariff League, in relation to reciprocity—to the Committee on Ways and Means.

By Mr. GREENE of Massachusetts: Petition of Rebecca J. Tompkins for restoration of pension—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Edna Mabel Eldridge—to the Committee on Claims.

By Mr. GRIFFITH: Paper to accompany House bill to correct the military record of William Burke—to the Committee on Military Affairs.

By Mr. HILL: Petition of S. Alexander and others of South Norwalk, Conn., concerning immigration—to the Committee on Immigration and Naturalization.

By Mr. HULL: Protest of Seattle Federation of Woman's Christian Temperance Union, Seattle, Wash., to prohibit liquor selling in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. JOY: Papers to accompany House bill granting an increase of pension to Samuel S. Merrill—to the Committee on Invalid Pensions.

By Mr. KEHOE: Petition of citizens of Louisville, Ky., for the improvement of the Ohio River—to the Committee on Rivers and Harbors.

By Mr. KERN: Resolutions of Federal Labor Union No. 7087, Federation of Labor, of Belleville, Ill., for the repeal of the desert-land law and the commutation clause of the homestead act—to the Committee on the Public Lands.

Also, papers to accompany bill for a pension to Mrs. Susan Lasley—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Protest of Long Island Lodge, No. 232, order of B'rith Abraham, Brooklyn, N. Y., against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. MAYNARD: Papers to accompany House bill granting a pension to Mrs. Josephine Drinkwater—to the Committee on Invalid Pensions.

By Mr. MAHONEY: Paper to accompany bill for a pension to Charles E. Mahew—to the Committee on Invalid Pensions.

By Mr. MOON: Petition of community of Hiwassee College, Tenn., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Sarah Crabtree, of Chattanooga, Tenn., praying reference of war claims to the Court of Claims—to the Committee on War Claims.

Also, petition of T. J. Townsend, pastor of Baptist Church at Decherd, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. OTJEN: Petition of J. J. Hosemueller and others, favoring House bill 178—to the Committee on Ways and Means.

By Mr. ROBINSON of Indiana: Petition of Deems & Raber, of Laud, Ind., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SWANN: Papers to accompany House bill 16903, granting a pension to Susan J. Lawrence—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill for increase of pension to A. T. Sullenger—to the Committee on Pensions.

Also, papers to accompany House bill for increase of pension of Granville E. Stout—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting an increase of pension to Calvin W. Birg—to the Committee on Invalid Pensions.

By Mr. ZENOR: Papers to accompany House bill No. 5763 granting a pension to Anna Beauchamp—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *January 21, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. ELKINS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

DEPARTMENT OF COMMERCE AND LABOR.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Comptroller of the Currency calling attention to the language in section 2, page 9, of the bill to establish the department of commerce and labor in regard to the methods of accounting by the proposed new department, and suggesting a substitute therefor in accordance with the provisions of the act of July 31, 1894; which, with the accompanying paper, was referred to the Committee on Commerce, and ordered to be printed.

AGRICULTURAL BANK IN THE PHILIPPINES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting the petition of Emilio Aguinaldo y Famy, formerly leader of the Philippine insurrection, praying for the enactment of legislation for the establishment of an agricultural bank in the Philippine Islands; which, with the accompanying petition, was referred to the Committee on the Philippines, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. FOSTER of Washington presented a petition of the First National Bank, of Hoquiam, Wash., praying for the enactment of legislation providing for a revision of the banking and currency laws; which was referred to the Committee on Finance.

He also presented a petition of Local Union No. 44, American Federation of Labor, of Spokane, Wash., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a petition of the Journeymen Stone Cutters' Association, of Seattle, Wash., American Federation of Labor, of Seattle, Wash., and a petition of Central Labor Council, American Federation of Labor, of Whatcom, Wash., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Columbia, Wash., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union of Columbia, Wash., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in United States immigrant stations; which was referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Washington, praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which were ordered to lie on the table.

Mr. PERKINS presented petitions of the Carriage and Wagon Workers' Local Union of San Francisco; of Bakers and Confectioners' Local Union No. 120, of Stockton; of the Metal Polishers, Buffers, Brass Molders, and Brass Workers' Local Union of San Francisco; of Carpenters and Joiners' Local Union No. 304, of San Francisco; of Local Union No. 152, of San Francisco; of Local Union No. 68, of San Francisco; of Cigar Makers' Local Union No. 469, of Bakersfield; of Carpenters and Joiners' Local Union No. 981, of Petaluma, and of Carpenters and Joiners' Local Union No. 483, of San Francisco, all of the American Federation of Labor, and of Lodge No. 73, Brotherhood of Railroad Trainmen, of Golden West, all in the State of California, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. CULLOM. I present a telegram which I have just received from sundry citizens of Chicago, Ill., in opposition to the placing of the Interstate Commerce Commission under the control of and within the department to be designated the department of commerce and labor. I ask that the telegram may be read and referred to the Committee on Commerce.

There being no objection, the telegram was read, and referred to the Committee on Commerce, as follows:

[Telegram.]

CHICAGO, Ill., *January 20, 1903.*

Hon. SHELBY M. CULLOM,
United States Senate, Washington, D. C.:

The following preamble and resolutions were adopted this day by the directors of the Chicago Board of Trade:

Whereas it is proposed to place the Interstate Commerce Commission under the control and within a department to be designated the "department of commerce and labor;" and

Whereas by the act of 1887 to regulate commerce it is specifically provided that the said Commission be nonpartisan; and

Whereas to include the said Commission within the proposed new department would place a purely executive duty upon a commission principally engaged in exercising semijudicial authority; and

Whereas the object of the act to regulate commerce is not so much to promote commerce as it is to regulate and control its chief instrumentality, viz, transportation; and

Whereas the Interstate Commerce Commission was originally under the jurisdiction of the Interior Department and was removed from the Department by reason of the recommendations of at least two of its Secretaries:

Resolved, That the board of directors of the Board of Trade of the city of Chicago respectfully and earnestly protest against merging the Interstate Commerce Commission within the proposed department of commerce and labor.

Resolved, That a copy of this preamble and resolution be telegraphed to President Roosevelt and Senators NELSON, ELKINS, CULLOM, and MASON, and to Representatives HEPBURN and MANN.

R. G. CHANDLER, *President.*

Mr. CULLOM presented petitions of the Trades and Labor Assembly of Morris; of Federal Labor Union No. 7241, of Dundee; of Cigar Makers' Local Union No. 41, of Aurora; of Cigar Makers' Local Union No. 394, of Sycamore, and of Local Union No. 85, of Kensington, all of the American Federation of Labor, in the State of Illinois, praying for the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

He also presented the petition of Marshall Field and sundry other citizens of Chicago, Ill., praying for the establishment of a naval office in connection with the customs-house at the port of Chicago; which was referred to the Committee on Commerce.

He also presented petitions of Lodge No. 375, Brotherhood of Railroad Trainmen, of Chicago; of Lodge No. 4, Brotherhood of Railroad Trainmen, of Chicago; of Local Union No. 703, of Ridge Prairie; of Cigarmakers' Local Union No. 80, of Danville; of Iron Molders' Local Union No. 178, of Peoria; of Carpenters and Joiners' Local Union No. 1338, of Utica; of Cigarmakers' Local Union No. 41, of Aurora; of the Tri-City Labor Congress of Rock Island, and of Local Union No. 41, of Catlin, all of the American Federation of Labor, in the State of Illinois, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. KITTREDGE presented a petition of the Trades and Labor Assembly of Sioux Falls, S. Dak., and a petition of Miners' Union No. 68, of Galena, S. Dak., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. BEVERIDGE presented a memorial of the Lumbermen's Club of Indianapolis, Ind., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of the legislative board of the Friends' Church of America, praying for the adoption of an

amendment to the bill to promote the efficiency of the militia, so as to provide an exemption clause, based on conscientious scruples; which was ordered to lie on the table.

He also presented a petition of Local Union No. 8785, American Federation of Labor, of Bluffton, Ind., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a petition of the Old Soldiers' Republican Club, of Evansville, Ind., praying for the enactment of legislation granting a service pension to all honorably discharged soldiers and sailors of the war of the rebellion; which was referred to the Committee on Pensions.

He also presented petitions of Local Union No. 19, of Elwood; of Carpenters and Joiners' Local Union No. 1110, of East Chicago; of Typographical Union No. 128, of South Bend, and of Local Union No. 355, of West Terre Haute, all of the American Federation of Labor, in the State of Indiana, and of the Central Labor Union, American Federation of Labor, of Washington, D. C., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a memorial of the Trades and Labor Council, American Federation of Labor, of New Albany, Ind., remonstrating against the enactment of legislation relative to the internal-revenue tax on fermented liquors; which was ordered to lie on the table.

Mr. LODGE presented a petition of the board of directors of the Associated Charities of Boston, Mass., praying that the duty on coal may be permanently removed; which was ordered to lie on the table.

Mr. McCOMAS presented a petition of King Solomon Lodge, No. 97, Order B'rith Abraham, of Baltimore, Md., and a petition of Monumental Lodge, No. 78, Order B'rith Abraham, of Baltimore, Md., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

Mr. BURROWS presented petitions of the Central Labor Union of Saginaw; of Local Union No. 514, of Ann Arbor; of Local Union No. 770, of Muskegon; of the Pattern Makers' Association of Grand Rapids; of Local Union No. 1226, of Manistee; of the Pattern Makers' Association of Detroit; of Typographical Union No. 168, of Muskegon; of Local Union No. 105, of Saginaw; of Carpenters and Joiners' Local Union No. 651, of Jackson, and of Local Union No. 229, of Detroit, all of the American Federation of Labor, in the State of Michigan, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented memorials of the Michigan Manufacturers' Associaton, of Ostego; of W. E. Hill & Co., of Kalamazoo; of Salliotte & Furgason, of River Rouge; of the Lilies Cigar Company, of Kalamazoo; of the American Blower Company, of Detroit, and of E. Tanis & Son, of Kalamazoo, all in the State of Michigan, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. HEITFELD presented a memorial of the Business Men's Association of Moscow, Idaho, remonstrating against the repeal of the present timber and stone law; which was referred to the Committee on Public Lands.

Mr. MILLARD presented petitions of sundry citizens of Bingham, Alliance, Keano, Mullen, Hecla, Pullman, Chadron, Whitman, Lena, Lakeside, Orlando, Hyannis, Bridgeport, Hemingford, Antioch, Rushville, Luella, Dalton, Keystone, Lilac, Tryon, Thedford, Seneca, and Irwin, all in the State of Nebraska, praying for the enactment of legislation providing for the leasing of the vacant public domain suitable for grazing in the State of Nebraska; which were referred to the Committee on Public Lands.

Mr. QUARLES. I present a telegram in the nature of a memorial signed by E. P. Bacon, chairman of the executive committee of the Interstate Commerce Law Convention at Milwaukee, Wis., representing over 100 commercial organizations in a movement to secure legislation strengthening the Interstate Commerce Commission, and remonstrating against converting that Commission into a bureau of any department. As the telegram is very brief, I ask that it may be printed in the RECORD, and referred to the Committee on Commerce.

There being no objection, the telegram was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

[Telegram.]

MILWAUKEE, WIS., *January 19, 1903.*

Hon. J. V. QUARLES,
United States Senate, Washington, D. C.:

I am instructed by the executive committee of Interstate Commerce Law Convention, representing over 100 commercial organizations in movement to secure legislation strengthening Interstate Commerce Commission, to petition Congress against converting that Commission into bureau of any department. Please present to Senate.

E. P. BACON, *Chairman.*

Mr. DUBOIS presented a memorial of the Business Men's Association of Moscow, Idaho, and a memorial of 300 citizens of Wallace, Idaho, remonstrating against the repeal of the so-called desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

Mr. FAIRBANKS presented a memorial of the Trades and Labor Council, American Federation of Labor, of New Albany, Ind., remonstrating against the enactment of legislation relative to the internal-revenue tax on fermented liquors; which was referred to the Committee on Finance.

He also presented a petition of the State Agricultural Convention, Columbus, Ohio, praying that a liberal appropriation be made for the erection of a suitable building for the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the State board of agriculture, Columbus, Ohio, praying for the adoption of certain amendments to the tariff law relative to the importation of pure-bred animals; which was referred to the Committee on Finance.

Mr. FRYE presented a memorial of the Monthly Meeting of Friends, of Durham, Me., remonstrating against the passage of the so-called militia bill, and praying for the adoption of an amendment to that bill so as to provide an exemption clause based on conscientious scruples; which was ordered to lie on the table.

He also presented a petition of the Alaska Territorial Club, of Ketchikan, Alaska, praying for the enactment of legislation providing self-government for that Territory; which was referred to the Committee on Territories.

REPORTS OF COMMITTEES.

Mr. BACON, from the Committee on Foreign Relations, reported an amendment proposing to appropriate $12,000 to pay to Ellen B. Buck one year's salary of her late husband, Alfred B. Buck, late minister plenipotentiary to Japan, intended to be proposed to the diplomatic and consular appropriation bill; which was ordered to be printed, and, with the accompanying memorandum showing precedents for the proposed legislation, referred to the Committee on Appropriations.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. NELSON on the 20th instant, proposing to increase the salary of the United States consul at Amsterdam, Netherlands, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. FRYE on the 13th instant, proposing to increase the salary of the United States consul at Sydney, Nova Scotia, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. FRYE December 16, 1902, proposing to increase the salary of the United States minister to Norway and Sweden, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 20th instant, proposing to appropriate $1,500 for secretary of legation to Switzerland, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. ALLISON, proposing to increase the salary of the United States consul at Monterey, Mexico, and to increase the allowance for clerk hire at that consulate, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the Committee on Foreign Relations, reported an amendment proposing to appropriate $12,000 to pay the salaries of 8 consular clerks, at $1,500 each, and also $6,000 to pay the salaries of 5 consular clerks, at $1,200 each, intended to be proposed to the diplomatic and consular appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, reported an amendment proposing to appropriate $15,000 to enable the Secretary of State to supply working libraries at such embassies and legations of the United States abroad as he may deem necessary, intended to be proposed to the diplomatic and consular appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, reported an amendment proposing to increase the allowance for clerk hire at the consulate at Hongkong from $1,600 to $2,200, intended to be proposed to the diplomatic and consular appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, reported an amendment proposing to increase the salary of the consul-general at Munich from $2,000 to $2,500, intended to be proposed to the diplomatic and consular appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, reported an amendment proposing to increase the salary of the consul at Odessa, Russia, from $2,500 to $3,000, intended to be proposed to the diplomatic and consular appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, reported an amendment proposing to appropriate $7,500 to pay the salary of an envoy extraordinary and minister plenipotentiary to Siam, and also proposing to appropriate $4,000 to pay the salary of the consul-general at Bangkok, Siam, intended to be proposed to the diplomatic and consular appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. GAMBLE on December 17, 1902, proposing to increase the salary of the United States consul at Beirut, Syria, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself December 11, 1902, proposing to appropriate $3,000 for preparing and reprinting a new edition of the Consular Regulations, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, reported an amendment proposing to increase the salary of the United States consul at Lourenço Marquez, Africa, intended to be proposed to the diplomatic and consular appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15396) granting an increase of pension to George H. Stone; and

A bill (H. R. 16011) granting an increase of pension to Morton A. Leach.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7766) granting an increase of pension to John Huffman; and

A bill (H. R. 15648) granting an increase of pension to Lester H. Salsbury.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (H. R. 12324) granting a pension to Cora E. Brown, reported it with an amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom the subject was referred, reported a bill (S. 7054) to provide a government for the island of Tutuila and the islands adjacent thereto within the jurisdiction of the United States; which was read twice by its title.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10757) granting an increase of pension to Lewis Fishbaugh; and

A bill (H. R. 13463) granting an increase of pension to Hiram A. Hober.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (H. R. 13944) granting a pension to Margaret Ann West, reported it with an amendment, and submitted a report thereon.

DIGEST OF COURT OF CLAIMS DECISIONS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 126) to provide for the printing of a digest of the decisions of the Court of Claims, together with the rules of practice of and the statutes relating to that court, to report it favorably with amendments, and I ask for its present consideration.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Printing were, in line 12 on page 1, before the word "copies," to fill the blank with "one thousand;" and in line 3 on page 2 to fill the blank before "dollars" with "two thousand five hundred;" so as to make the joint resolution read:

Resolved, etc., That there be printed a digest of the decisions of the Court of Claims, including the statutes relating to, and the rules of practice of, that court, prepared by Chapman W. Maupin; that there be printed 500 copies for the use of the Treasury Department, 2,000 copies for the use of the Attorney-General, 250 copies for the use of the War Department, 250 copies for the use of the Navy Department, 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for public sale, the whole edition to be bound in sheep; said digest to be printed under the editorial supervision of Chapman W. Maupin, the preparation and editing of said digest by him to be paid for, out of any money in the Treasury not otherwise appropriated, at a price not to exceed the sum of $2,500, which sum is hereby appropriated in full payment for said work, except the cost of printing and binding the same, and shall not be payable until said work shall have been printed; nor shall any money be paid out on account of said work until the Court of Claims, or some member thereof, shall certify that the work, as completed, is satisfactory to that court.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. ELKINS introduced a bill (S. 7053) to further regulate commerce with foreign nations and among the States; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. COCKRELL introduced a bill (S. 7055) granting a pension to Vina Lindenbower; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Mrs. Vina Lindenbower praying for a pension for nursing and caring for Union soldiers, together with the affidavits of Dr. S. H. Melchoir and S. D. Galbraith. I move that the bill and the accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. FORAKER introduced a bill (S. 7056) to provide for the disposition of church lands in Porto Rico, and for other purposes; which was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

Mr. McCOMAS introduced a bill (S. 7057) granting an increase of pension to John Brown; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7058) granting a pension to Abbie M. Jones; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7059) granting an increase of pension to Mary H. Casler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 7060) granting an increase of pension to Ann M. Jackman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 7061) granting an increase of pension to Napoleon J. Smith; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 7062) amending the statutes relating to patents, relieving medical and dental practitioners from unjust burdens imposed by patentees holding patents covering methods and devices for treating human diseases, ailments, and disabilities; which was read twice by its title, and referred to the Committee on Patents.

Mr. CLAPP introduced a bill (S. 7063) permitting the building of a dam across the St. Croix River at or near the village of St. Croix Falls, Polk County, Wis.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 7064) granting a pension to Amanda L. Mardin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VEST introduced a bill (S. 7065) for the relief of the heirs of the late Joseph E. Montgomery; which was read twice by its title, and referred to the Committee on Claims.

Mr. FAIRBANKS introduced a bill (S. 7066) correcting the military record of Boniface Meyer; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 7067) granting an increase of pension to James H. Mount; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7068) granting an increase of pension to John Sexton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. JONES of Arkansas introduced a bill (S. 7069) for the

appointment of an additional judge in the Indian Territory; which was read twice by its title.

The PRESIDING OFFICER (Mr. WELLINGTON in the chair). The bill will be referred to the Committee on the Judiciary.

Mr. JONES of Arkansas. The bill relates to matters in the Indian Territory. I am not quite sure whether bills of this sort have gone to the Committee on the Judiciary or to the Committee on Indian Affairs. It is a matter relating to internal affairs down there. However, I believe it is immaterial.

The PRESIDING OFFICER. If the Senator from Arkansas thinks the bill should be referred to the Committee on Indian Affairs, and if he is informed as to that reference, the Chair will order it to be referred to that committee.

Mr. JONES of Arkansas. Let the bill go to the Committee on the Judiciary.

Mr. FAIRBANKS. I think under the rule bills of this character go to the Committee on the Judiciary.

The PRESIDING OFFICER. That was the opinion of the Chair.

Mr. JONES of Arkansas. Most bills relating to the appointment of judges do go to that committee, I know, but in matters relating to the Indian Territory I am not quite sure whether bills for the appointment of practically local judges there have been referred to the Committee on the Judiciary or not. I have no objection to the bill going to the Judiciary Committee.

Mr. FAIRBANKS. I would suggest that the bill go to the Committee on the Judiciary.

The PRESIDING OFFICER. The bill will be so referred.

Mr. TILLMAN introduced a bill (S. 7070) granting an increase of pension to William G. Cantley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7071) granting an increase of pension to Francis N. Bonnean; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced a joint resolution (S. R. 156) dedicating to the city of Columbus, in the State of Ohio, for uses and purposes of the public streets, part of property conveyed to the United States by Robert Neil by deed dated February 17, 1863, recorded in deed book 76, page 572, and so forth, Franklin County records; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CLARK of Montana submitted an amendment proposing to appropriate $2,000 for improving Kansas avenue from Trenton to Utica streets, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CLAPP submitted an amendment authorizing the sale of tracts of land, not to exceed 160 acres to each individual, in the Red Lake Indian Reservation, Red Lake County, Minn., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $75,000 to aid in the reconstruction of the building for the Homeopathic Hospital, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. HARRIS, it was

Ordered, That J. W. Reser have leave to withdraw his petition and papers from the files of the Senate, in connection with Senate bill No. 2580, first session Fifty-fifth Congress, there having been no adverse report thereon;

Ordered, That Elijah A. Gilbert have leave to withdraw his petition and papers from the files of the Senate, in connection with Senate bill No. 829, first session Fifty-sixth Congress, there having been no adverse report thereon;

Ordered, That Charles A. Bess have leave to withdraw his petition and papers from the files of the Senate, in connection with Senate bill No. 2759, first session Fifty-sixth Congress, there having been no adverse report thereon.

REPORT OF COMMISSIONER OF EDUCATION FOR PORTO RICO.

Mr. FORAKER submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed, as it originally appeared in the report of the Secretary of the Interior of the United States, but with the addition of 50 full-page illustrations, 7,000 copies of the report of the commissioner of education for Porto Rico, of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, 2,500 for the use of the Commissioner of Education of the United States, and 1,500 for the use of the commissioner of education for Porto Rico.

IMPROVEMENT OF COLUMBIA RIVER, WASHINGTON.

Mr. FOSTER of Washington submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination to be made of the Columbia River, in the State of Washington, between Wenatchee and Kettle Falls, with a view to removing obstructions to navigation, and to submit plans and estimates of cost therefor.

PUGET SOUND AND LAKES WASHINGTON AND UNION CANAL.

Mr. TURNER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to transmit to the Senate the report of the board of engineers appointed to determine the feasibility of constructing a canal, with necessary locks and dams, connecting Puget Sound with Lakes Washington and Union, as provided by the act of Congress entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 16842) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes; in which it requested the concurrence of the Senate.

ANTHRACITE COAL.

Mr. QUAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator rise to morning business?

Mr. QUAY. I rise to inquire whether the morning business is closed?

The PRESIDENT pro tempore. It is not yet closed. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. VEST on the 5th instant, as follows:

Resolved, That the Committee on Finance be instructed to prepare and report a bill amending "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, so that the tariff duty shall be removed from anthracite coal and the same be placed on the free list.

The PRESIDENT pro tempore. What is the desire of the Senate as to this resolution?

Mr. QUAY. As I understand it, the Chair rules that the resolution of the Senator from Missouri comes in under the order of morning business and is a part of the order.

The PRESIDENT pro tempore. It is a part of the order, and the Chair desires to know what the Senate wishes to do with the resolution. It has been laid over from morning to morning, retaining its place.

Mr. ALLISON. I hope it will go over another day.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the resolution may retain its place on the table. Is there objection? The Chair hears none, and it is so ordered.

Mr. SPOONER. I wish to ask the Senator from Missouri if he has any objection to a reference of the resolution to the committee?

Mr. VEST. I have not.

Mr. SPOONER. I have a conviction, Mr. President, that it is not in the power of the constitution of the Senate to originate a bill which increases a tariff rate, or reduces a tariff rate, or removes a tariff rate; and for the purpose of securing from the committee a report upon that subject—and it would be as well for that purpose to secure a report upon this resolution as any other measure—with the consent of the Senator from Missouri, I move the reference of the resolution to the Committee on Finance.

The PRESIDENT pro tempore. It has just been laid on the table by unanimous consent.

Mr. SPOONER. I ask unanimous consent, then, that the resolution be referred to the Committee on Finance.

Mr. HOAR. Why should it go to the Committee on Finance and not to the Committee on Privileges and Elections? If it is a mere question of the privilege of the Senate, the Finance Committee has no jurisdiction over it.

Mr. SPOONER. It relates to the tariff.

Mr. HOAR. I am aware of that; but if it is referred for the purpose of ascertaining what are the privileges of the Senate, as I understand the Senator to state that it is to be referred for that purpose, it should go to the Committee on Privileges and Elections.

Mr. ALDRICH. The Finance Committee have at various times made reports upon this subject. There is no objection, certainly, to the Committee on Privileges and Elections also making a report if they should see fit to make it.

Mr. SPOONER. If the Senator from Massachusetts desires to perform that labor, I should be very glad to have him do it.

Mr. HOAR. I do not make the suggestion because of a desire to perform any labor. I desire to retain the proper jurisdiction in the different committees of the Senate; that is all. I think the question of the constitutional right of the Senate to originate

certain measures is a question which belongs to the Committee on Privileges and Elections, if there be any question belonging to it.

Mr. ALDRICH. This is a resolution proposing to instruct the Committee on Finance in regard to a certain matter in relation to tariff duties. Certainly, if the resolution has any reference at all, it should go to the Committee on Finance.

The PRESIDENT pro tempore. Will Senators allow the Chair, if possible, to get the resolution back before the Senate? Is there unanimous consent that the unanimous consent given by which the resolution was tabled be reconsidered?

Mr. HOAR. What was the unanimous consent?

The PRESIDENT pro tempore. The request for unanimous consent was that the resolution should lie on the table, retaining its place. That was agreed to. Now, is there unanimous consent——

Mr. HOAR. Has not the agreement by unanimous consent exhausted itself by the resolution going over until this morning?

The PRESIDENT pro tempore. It was done this morning—five minutes ago. Is there unanimous consent that that action shall be considered? The Chair hears no objection, and the resolution is now before the Senate.

Mr. CULLOM. I hope a motion will now be made to refer it to some committee.

The PRESIDENT pro tempore. The question is on the motion made by the Senator from Rhode Island to refer the resolution to the Committee on Finance. That is the pending motion.

Mr. SPOONER. Very well.

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 16842) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

STATEHOOD BILL.

The PRESIDENT pro tempore. The morning business is closed.

Mr. QUAY. I now move that the Senate proceed to the consideration of the omnibus statehood bill. I have not the number at hand.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves that the Senate proceed to the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. BEVERIDGE. Mr. President, there will be no objection upon our side to proceeding immediately with the consideration of the statehood bill. We are quite ready to proceed.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Pennsylvania.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. BURNHAM. Mr. President——

Mr. PETTUS. I wish to ask the indulgence of the Senate to consider a bill relating to Alabama courts.

The PRESIDENT pro tempore. The Senator from Alabama desires to ask consideration for a bill on the Calendar touching courts in Alabama. Does the Senator from New Hampshire yield to the Senator from Alabama?

Mr. BURNHAM. I yield to the Senator from Alabama.

Mr. PETTUS. I ask unanimous consent for the present consideration of the bill (H. R. 14839) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September of each year.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. QUAY. Mr. President, I object for the present, and I will object, as at present advised, for some time to any request for unanimous consent for the intrusion of any other business into the belly of the discussion of the statehood bill.

I will say to my friend from Alabama, however, who seems interested in the speedy passage of this measure, that later in the day, if possible, I will withdraw the objection.

Mr. HOAR. I hope the Senator from Pennsylvania will be willing at the same time to allow a vote to be taken upon the bankruptcy bill, if that can be done without debate. The bill has been read, and I think there will be no objection to its passage.

Mr. QUAY. If the time occurs when I can withdraw the objection to the bill of the Senator from Alabama, I will certainly not object to acceding to the suggestion of the Senator from Massachusetts.

The PRESIDENT pro tempore. The Senator from Pennsylvania objects, and the bill called up by the Senator from Alabama will be returned to the Calendar.

Mr. BURNHAM addressed the Senate. After having spoken for nearly three hours, he said:

Mr. President, I believe those who have preceded me have not occupied much more time than I have done, and I should like to suspend for the present, resuming to-morrow.

Mr. QUAY and Mr. CULLOM addressed the Chair.

The PRESIDENT pro tempore. The Senator from New Hampshire yields the floor.

[Mr. BURNHAM'S speech will be published entire after it shall have been concluded.]

Mr. QUAY. I understand the Senator from New Hampshire to state that he does not desire to proceed further this evening, but will go on to-morrow. I gave notice yesterday, first, that I would move to proceed to the consideration of the statehood bill at the conclusion of the morning business to-day; and second, that I would ask the Senate to remain in session continuously until it was disposed of.

I do not desire to impose upon my distinguished friend from New Hampshire. If he desires to postpone the delivery of the remainder of his remarks until to-morrow, that course is entirely satisfactory, I have no doubt, to many upon this floor who have been listening with the greatest interest to what he has said. But if he is not going to speak, then I will have to ask an opponent of the statehood bill, or some person in favor of the statehood bill who desires to be heard, to take his place on the floor.

Mr. BEVERIDGE. Mr. President, I sincerely hope the Senator will not adhere to that position. It is a novel one, certainly an extraordinary measure, an uncommon device. The other day when the Senator from Ohio [Mr. FORAKER] was delivering his very able argument and at a certain hour desired to quit for the day and conclude on the next day, no objection whatever was raised to that course.

Mr. QUAY. No; the Senator does not understand me. I have no objection to the Senator from New Hampshire yielding the floor for the day.

Mr. BEVERIDGE. I am coming to that. Nor was there a suggestion that anybody should interject into the midst of the remarks of the Senator from Ohio a speech of his own. That in itself would have been a discourtesy to the Senator from Ohio.

I think it must be clear to the judgment of every Senator here that when a Senator is making a closely knit and continuous argument, very carefully prepared, as the Senator from New Hampshire is making, it will not add anything to the understanding of the question being discussed, for some other Senator, for the mere purpose of talking, to interject a speech in the midst of it.

What we are trying to do, Mr. President, is to debate the question before Senators whose minds are open, in order that each one of us may have the most light possible. What we are attempting to do is not merely to waste time. Yet the Senator must see that if what he suggests were done it would be nothing but the wasting of time. It could not afford any good results to any person who desires to be informed upon this question to interject into the midst of the careful argument of a Senator, very thoroughly prepared, some discursive remarks by some one else, merely for the purpose of taking up time.

I therefore trust that the Senator will not insist upon his somewhat anomalous request.

Mr. CULLOM. Mr. President——

Mr. QUAY. I will insist upon my request.

Mr. CULLOM. As I have stated once or twice before, I am very anxious that the subject of the treaty with Cuba, which is now in the Senate, should be taken up and acted upon as speedily as is consistent with its proper consideration. We have now but a couple of weeks or less remaining before the end of this month, and at that time, by the terms of the treaty, it expires. I should like very much, if the Senator from Pennsylvania would allow me, to move an executive session.

Mr. QUAY. I can not prevent that.

Mr. CULLOM. I know you can not prevent my making the motion, for I have a right to make it; but I should be glad if the Senator would consent to it without any contest. The Senator from New Hampshire [Mr. BURNHAM] has concluded for the day a long speech, and, being weary, he does not desire to speak further this evening. I do not know whether the speech yet to be delivered is very long, but I think, in ordinary courtesy to the Senator from New Hampshire, he should be allowed to discontinue his remarks for the day and commence them again to-morrow without any interruption; but whether he does or not,

I think the Senator from Pennsylvania having charge of the statehood bill will get along just as well without contesting the question of having an executive session this afternoon as by contesting it.

So far as I am concerned, I have been trying to get along without any controversy between myself and that Senator, as he knows, and I thought, when I told him a while ago that I desired to make this motion, that he certainly would consent to it if the Senator from New Hampshire felt that he ought not to be expected to proceed further to-day. I hope the Senator from Pennsylvania will now allow me to make the motion without any controversy.

Mr. QUAY. Mr. President, I regret to say that I am not able to assent to the proposition of the Senator from Illinois, and that I must adhere to the notice I gave yesterday. As the Senator knows, I am in favor of the treaty, and I have no doubt it will be ratified, but he will obtain but an hour for its consideration by going on this afternoon, and in order to accommodate him this afternoon we shall have to break off the arrangement of the friends of the statehood bill that the Senate be kept in session. So I feel it to be my duty to antagonize the motion, and I ask that it be voted down.

Mr. CULLOM. I think I will make the motion so as to see whether the Senate, under the circumstances, desire to stay here and do nothing, rather than to go into executive session and consider the treaty. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The Senator from Illinois [Mr. CULLOM] moves that the Senate proceed to the consideration of executive business. The question is on that motion. [Putting the question.] The ayes appear to have it.

Mr. QUAY. Mr. President, I suggest that there is not a quorum of the Senate present.

The PRESIDENT pro tempore. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Clark, Wyo.	Heitfeld,	Pettus,
Alger,	Clay,	Hoar,	Platt, N. Y.
Allison,	Culberson,	Jones, Ark.	Quay,
Bacon,	Cullom,	Jones, Nev.	Rawlins,
Bate,	Dietrich,	Lodge,	Simmons,
Berry,	Dubois,	McComas,	Simon,
Beveridge,	Foraker,	McCumber,	Spooner,
Blackburn,	Foster, La.	McLaurin, Miss.	Stewart,
Burnham,	Frye,	Mallory,	Taliaferro,
Burrows,	Gamble,	Mason,	Turner,
Burton,	Gibson,	Millard,	Vest.
Carmack,	Hanna,	Morgan,	Wellington.
Clapp,	Hansbrough,	Nelson,	
Clark, Mont.	Harris,	Perkins,	

Mr. MCLAURIN of Mississippi. My colleague [Mr. MONEY] is unavoidably absent because of sickness.

Mr. SIMMONS. I desire to announce that my colleague [Mr. PRITCHARD] is unavoidably detained from the Senate by illness.

The PRESIDENT pro tempore. Fifty-four Senators have responded to their names. There is a quorum present.

The Chair announced that the motion for an executive session was carried, but he will, of course, regard that as an open question, under the circumstances, and will again put the question on the motion of the Senator from Illinois [Mr. CULLOM], that the Senate proceed to the consideration of executive business.

Mr. QUAY. I demand the yeas and nays upon the motion.

The yeas and nays were ordered.

Mr. BEVERIDGE. What is the question, Mr. President?

The PRESIDENT pro tempore. The question is on the motion of the Senator from Illinois, that the Senate proceed to the consideration of executive business.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I am paired with the Senator from Kansas [Mr. HARRIS]. He not being in the Chamber, I withhold my vote.

Mr. CULBERSON. I understand that by arrangement the Senator from Illinois [Mr. CULLOM] who has just voted in the affirmative is paired with my colleague [Mr. BAILEY], who is absent.

Mr. CULLOM. I am reminded by the announcement of the Senator from Texas [Mr. CULBERSON] that I am paired with his colleague [Mr. BAILEY]. I agreed with the Senator from Pennsylvania [Mr. QUAY] this morning to stand paired with the Senator from Texas for to-day. I will transfer that pair, by the leave of the Senate, to the Senator from Connecticut [Mr. PLATT], and will therefore let my vote in the affirmative stand.

Mr. QUAY. If the Chair will allow me to make an inquiry, I should be glad to know who is the standing pair on the other side of the Chamber with the Senator from Connecticut [Mr. PLATT]?

The PRESIDENT pro tempore. The Chair is informed that he has no pair.

Mr. DUBOIS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL], but I understand that the pair has been transferred to the Senator from Wisconsin [Mr. SPOONER]. I will ask the Senator from Wisconsin if that is correct?

Mr. SPOONER. That transfer was requested of me this morning upon the statement that the Senator from Oregon [Mr. MITCHELL] had no pair.

Mr. QUAY. The Senator from Idaho [Mr. DUBOIS] and the Senator from Oregon [Mr. MITCHELL] are on the same side on this question.

Mr. DUBOIS. I understand the Senator from Oregon and his regular pair are agreed on this question. Then, if it be satisfactory to the Senator from Wisconsin, I will vote. I vote "nay."

Mr. HANSBROUGH (when his name was called). I have a general pair with the Senator from Virginia [Mr. DANIEL], but I will take the liberty of transferring that pair to the Senator from Wyoming [Mr. WARREN] and vote "nay." I think that arrangement will also release the Senator from Washington [Mr. TURNER].

Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. He is detained, I understand, by illness. If he were present, I should vote "nay."

Mr. MCENERY (when his name was called). I have a pair with the junior Senator from New York [Mr. DEPEW]. If he were present, I should vote "nay."

Mr. MCLAURIN of Mississippi (when Mr. MONEY'S name was called). My colleague [Mr. MONEY] is detained from the Senate by illness, as I have stated. He is paired with the Senator from Iowa [Mr. DOLLIVER]. If my colleague were present, he would vote "nay."

Mr. QUAY (when Mr. PENROSE'S name was called). My colleague [Mr. PENROSE] upon this question is paired with the senior Senator from New York [Mr. PLATT], as I am informed.

Mr. PLATT of New York (when his name was called). I am paired on this question with the senior Senator from Pennsylvania [Mr. PENROSE].

Mr. SIMMONS (when Mr. PRITCHARD'S name was called). I desire to announce that my colleague [Mr. PRITCHARD] is unavoidably absent from the Senate on account of sickness. My colleague has a general pair with the Senator from South Carolina [Mr. MCLAURIN].

Mr. QUAY (when Mr. SCOTT'S name was called). I understand that the Senators from West Virginia are paired with each other on this question. I have been so informed.

Mr. SPOONER. I agreed with the Senator from Pennsylvania [Mr. QUAY] to pair for the day upon all questions relating to the statehood bill with the Senator from Oregon [Mr. MITCHELL], but I transfer that pair to the Senator from New Jersey [Mr. DRYDEN], who is absent without a pair.

Mr. QUAY. Is the Senator sure of that?

Mr. SPOONER. I am not, but I am so informed.

Mr. QUAY. I am inclined to think he would vote "yea," if present.

Mr. SPOONER. I do not know how he would vote. Then, Mr. President, I transfer my pair with the Senator from Oregon [Mr. MITCHELL] to the Senator from New Jersey [Mr. DRYDEN] and will vote. I vote "yea."

Mr. TALIAFERRO (when his name was called). I am paired with the junior Senator from West Virginia [Mr. SCOTT], but I understand it has been arranged to transfer that pair to the senior Senator from West Virginia [Mr. ELKINS]. I will therefore vote. I vote "nay."

Mr. BEVERIDGE. Did I understand the Senator to say an arrangement had been made?

Mr. TALIAFERRO. That was my understanding.

Mr. BEVERIDGE. I had not so understood it. Of course, if anybody knows about it, it is all right.

Mr. TALIAFERRO. The assistant sergeant-at-arms gave me the information.

Mr. BEVERIDGE. Very well, The Senator from New Jersey [Mr. KEAN], who happens to be absent to-day, has charge of these matters, and I have not heard before of the arrangement suggested by the Senator from Florida [Mr. TALIAFERRO], but if the assistant sergeant-at-arms says so, of course I have no objection, because the junior Senator from West Virginia and the senior Senator from West Virginia are on opposite sides on this question.

Mr. TALIAFERRO. I do not know that it is material that the Senator has not heard of it, Mr. President.

Mr. BEVERIDGE. Not at all.

Mr. QUAY (when Mr. TELLER'S name was called). The Senator from Colorado [Mr. TELLER] is paired on this question with the Senator from Connecticut [Mr. HAWLEY].

Mr. TILLMAN (when his name was called). I have a general pair with the junior Senator from Vermont [Mr. DILLINGHAM]. In his absence, I withhold my vote.

Mr. TURNER (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN], but

I understand he has been paired with another Senator on this question. I therefore feel free to vote, and vote "nay."

Mr. CLARK of Wyoming (when Mr. WARREN'S name was called). I desire to announce that my colleague [Mr. WARREN] is unavoidably absent. He is paired on this question with the Senator from Virginia [Mr. DANIEL]. I make this announcement as to all votes which may be had during the remainder of the day.

The roll call was concluded.

Mr. DOLLIVER. I have a general pair with the junior Senator from Mississippi [Mr. MONEY], who is absent, but I transfer that pair to the senior Senator from New Jersey [Mr. KEAN], and vote "yea."

Mr. LODGE. I ask that the pairs may be stated. There seems to have been a good deal of confusion in regard to them.

The PRESIDENT pro tempore. The pairs will be stated before the vote is announced.

Mr. BEVERIDGE. I inquire how the junior Senator from California [Mr. BARD] is recorded as voting?

The PRESIDENT pro tempore. The Chair is informed that he is recorded in the affirmative.

Mr. LODGE. Can the pairs not now be stated, Mr. President?

The PRESIDENT pro tempore. The Reporter will read a statement of the pairs.

The Reporter read the pairs which had been announced during the progress of the vote.

Mr. LODGE. Is it not possible to have the list of all the pairs stated? No doubt the Reporter has correctly read the pairs as announced, but I want to hear read the list of all the pairs as they stand. I have known it frequently done on occasions where there was confusion in regard to the pairs. What I want is an actual statement of all the pairs as they now stand.

Mr. DUBOIS. Mr. President, there is some confusion in regard to the pairs of the Senator from Wisconsin [Mr. SPOONER] and myself, and I think the record does not show the precise situation. If I may be pardoned, I will state that the Senator from Oregon [Mr. MITCHELL] and myself have a general pair. My pair with the Senator from Oregon was transferred to the Senator from Wisconsin. Afterwards the Senator from Wisconsin transferred that pair to the Senator from New Jersey [Mr. DRYDEN]; so that eventually the Senator from Oregon stood paired with the Senator from New Jersey, and the Senator from Wisconsin and myself were both released from our pairs and voted.

Mr. CULBERSON. Mr. President, I desire to inquire what was the statement of the record with reference to the pair of my colleague [Mr. BAILEY]? That was omitted just now in the statement which was read.

The PRESIDENT pro tempore. The Chair is informed that the Senator from Texas [Mr. BAILEY] is paired with the senior Senator from New Jersey [Mr. KEAN].

Mr. CULBERSON. The senior Senator from New Jersey [Mr. KEAN] stands paired with another Senator, as announced by the Senator from Iowa [Mr. DOLLIVER] a moment ago, who transferred his pair with the Senator from Mississippi [Mr. MONEY] to the senior Senator from New Jersey [Mr. KEAN].

Mr. BERRY. Mr. President, the senior Senator from New Jersey [Mr. KEAN] is paired with both the Senator from Mississippi [Mr. MONEY] and the Senator from Texas [Mr. BAILEY], according to the announcement.

Mr. LODGE. The Senator from Connecticut [Mr. PLATT] is paired with the Senator from Texas [Mr. BAILEY].

Mr. DRYDEN. Mr. President, I have just entered the Chamber with the expectation of voting; but I understand that the roll has been called and that I have been paired. I desire to know with whom I have been paired.

Mr. QUAY. I did not catch the remark of the Senator from New Jersey.

The PRESIDENT pro tempore. The Senator from New Jersey states that he came into the Chamber with the expectation of voting, and finds that he is paired with the Senator from Oregon [Mr. MITCHELL], which was the pair transferred by the Senator from Wisconsin [Mr. SPOONER].

Mr. SPOONER. I withdraw my vote, Mr. President. That leaves the Senator from New Jersey the right to vote.

The PRESIDENT pro tempore. The Senator from Wisconsin withdraws his vote.

Mr. DRYDEN. Then, Mr. President, I vote "yea."

Mr. BEVERIDGE. With whom has it been announced, if at all, that the junior Senator from Utah [Mr. KEARNS] and the Senator from South Dakota [Mr. KITTREDGE] are paired? Have they been announced as being paired? Both would vote "yea" upon this proposition if here.

Mr. QUAY. Now, Mr. President, I ask for the regular order.

Mr. SPOONER. I transfer my pair with the Senator from Oregon [Mr. MITCHELL] to the Senator from Utah [Mr. KEARNS], and vote "yea."

Mr. BEVERIDGE. He would vote "yea," if present.

Mr. SPOONER. Therefore I have a right to vote; and I vote "yea."

Mr. LODGE. Now let the pairs be read from the desk.

Mr. McLAURIN of Mississippi (after voting in the negative). I desire to inquire if the Senator from Washington [Mr. FOSTER] is recorded as voting?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. McLAURIN of Mississippi. I desire to inquire whether he has been announced as paired?

The PRESIDENT pro tempore. The Chair is informed that no pair has been announced for the Senator from Washington [Mr. FOSTER].

Mr. McLAURIN of Mississippi. Then I withdraw my vote. [A pause.] I am now informed that the Senator from Washington, if he were present, would vote the same way I do; and so I will let my vote stand.

Mr. LODGE. Mr. President, can not the pairs now be read?

The PRESIDENT pro tempore. The regular order has been called, which is the announcement of the vote.

Mr. LODGE. I thought it was part of the regular order to announce the pairs.

The PRESIDENT pro tempore. The Secretary will read the list of pairs.

The Secretary read as follows:

Mr. WARREN with Mr. DANIEL.
Mr. HALE with Mr. FOSTER of Washington.
Mr. PLATT of New York with Mr. PENROSE.
Mr. KEARNS with Mr MITCHELL.
Mr. SCOTT with Mr. ELKINS.
Mr. HAWLEY with Mr. TELLER.
Mr. DILLINGHAM with Mr. TILLMAN.
Mr. KEAN with Mr. MONEY.
Mr. KITTREDGE with Mr. PATTERSON.
Mr. DEPEW with Mr. MCENERY.
Mr. PLATT of Connecticut with Mr. BAILEY.
Mr. PRITCHARD with Mr. MCLAURIN of South Carolina.

Mr. JONES of Arkansas. I understand the Senator from Washington [Mr. FOSTER] is absent without a pair, so I transfer my pair with the Senator from Maine [Mr. HALE] to the Senator from Washington [Mr. FOSTER], and vote. I vote "nay," and I understand the Senator from Washington if present would vote "nay."

The result was announced—yeas 27, nays 37; as follows:

YEAS—27.

Aldrich,	Clapp,	Frye,	Nelson,
Alger,	Cullom,	Gamble,	Proctor,
Allison,	Deboe,	Hanna,	Quarles,
Bard,	Dietrich,	Hoar,	Simon,
Beveridge,	Dolliver,	Lodge,	Spooner,
Burnham,	Dryden,	McComas,	Wetmore.
Burrows,	Fairbanks,	Millard,	

NAYS—37.

Bacon,	Culberson,	Jones, Nev.	Rawlins,
Bate,	Dubois,	McCumber,	Simmons,
Berry,	Foraker,	McLaurin, Miss.	Stewart,
Blackburn,	Foster, La.	Mallory,	Taliaferro,
Burton,	Gallinger,	Martin,	Turner,
Carmack,	Gibson,	Mason,	Vest,
Clark, Mont.	Hansbrough,	Morgan,	Wellington.
Clark, Wyo.	Harris,	Perkins,	
Clay,	Heitfeld.	Pettus,	
Cockrell,	Jones, Ark.	Quay,	

NOT VOTING—24.

Bailey,	Hale,	McLaurin, S. C.	Platt, N. Y.
Daniel,	Hawley,	Mitchell,	Pritchard,
Depew,	Kean,	Money,	Scott,
Dillingham,	Kearns,	Patterson,	Teller,
Elkins,	Kittredge,	Penrose,	Tillman,
Foster, Wash.	McEnery,	Platt, Conn.	Warren.

So the Senate refused to proceed to the consideration of executive business.

Mr. QUAY. Now, Mr. President, before proceeding further, during the morning hour, about the time when this bill was taken up, the Senator from Massachusetts [Mr. HOAR], the Senator from Alabama [Mr. PETTUS], and the Senator from Virginia [Mr. MARTIN] asked unanimous consent for the consideration of three measures on which they pledged themselves there would be no discussion. I objected, but said at the same time that I thought during the day an occasion would arise when that legislation might be disposed of. That time has now arrived, and I am ready to give way to those three Senators for the purpose of calling up their bills, with the understanding that they shall not be discussed. I withdraw my objection, leaving it open to them to ask unanimous consent.

Mr. BERRY. Without displacing the regular order.

Mr. QUAY. Without displacing the regular order.

AMENDMENT OF BANKRUPTCY ACT.

Mr. HOAR. I ask unanimous consent that the unfinished business may be temporarily laid aside and that we may proceed

with the consideration of the bill to amend the bankruptcy act. I will state that I have consulted with the gentlemen who so far as I can ascertain are opposed to the bill, and none desire to debate it. It merely corrects an injustice. The bill has been already read.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 13679) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898.

The PRESIDENT pro tempore. Is there objection?

Mr. QUAY. I withdraw the objection made in the morning hour, with the understanding that the bill will elicit no discussion. If it provokes discussion, I shall renew the objection.

The PRESIDENT pro tempore. The bill will be read.

Mr. HOAR. It has been read.

Mr. QUAY. It has been read.

Mr. HOAR. It was read yesterday.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PETTUS. There are objections to the bill which ought to be considered in the Senate, and for the time being I shall have to object to it, as I want to offer an amendment. I would not object on any occasion when there is time to consider it at all.

Mr. HOAR. May I be allowed to say that I made the statement I did to the Senate on the understanding that nobody desired to discuss the bill? But if the Senator from Alabama, who I understand does not desire to discuss it, wishes to offer an amendment, certainly I do not want to press it now.

The PRESIDENT pro tempore. The Senator from Alabama objects.

Mr. HOAR subsequently said: I understand the Senator from Alabama makes no further objection to the present consideration of the bill to amend the bankruptcy act.

The PRESIDENT pro tempore. The Chair is informed that the Senator from Alabama withdraws his objection to the consideration of the bill called up by the Senator from Massachusetts. The Chair will now ask if there is objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The first amendment of the Committee on the Judiciary was to strike out section 1 as follows:

That clause 15 of section 1 of an act enlitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, be, and the same is hereby, amended so as to read as follows:

"(15) A person shall be deemed insolvent within the provisions of this act whenever the aggregate of his property, exclusive of any property which he may have conveyed, transferred, concealed, or removed, or permitted to be concealed or removed, with intent to defraud, hinder, or delay his creditors, or which is exempt from being taken on execution under the laws of the United States or of the State or Territory in which the proceedings in bankruptcy were begun shall not, at a fair valuation, be sufficient in amount to pay his debts;"

The amendment was agreed to.

The next amendment was, on page 2, line 6, to strike out "SEC. 2."

The amendment was agreed to.

The next amendment was on page 2, line 11, after the word "services" to insert "but not at a greater rate than in this act allowed trustees for similar services;" so as to make the clause read:

(5) Authorize the business of bankrupts to be conducted for limited periods by receivers, the marshals, or trustees, if necessary in the best interests of the estates, and allow such officers additional compensation for such services, but not at a greater rate than in this act allowed trustees for similar services.

The amendment was agreed to.

The next amendment was on page 2, line 14, to change the number of the section from 3 to 2.

The amendment was agreed to.

The next amendment was on page 2, line 18, after the word "for" to strike out "or been put in charge of a receiver or trustee" and insert "a receiver or trustee for his property or because of insolvency a receiver or trustee has been put in charge of his property," and in line 22, before the word "Territory" to strike out "or" and insert "of a;" so as to make the clause read:

Or (4) made a general assignment for the benefit of his creditors, or, being insolvent, applied for a receiver or trustee for his property or because of insolvency a receiver or trustee has been put in charge of his property under the laws of a State, of a Territory, or of the United States.

The amendment was agreed to.

The next amendment was, on page 2, line 23, to change the number of the section from "4" to "3," and in the same line, before the word "section," to insert "subdivision b of;" so as to read:

SEC. 3. That subdivision b of section 4 of said act be, and the same is hereby, amended so as to read as follows:

The amendment was agreed to.

The next amendment was, at the top of page 3, to strike out:

SEC. 4. Who may become bankrupts. a Any natural person and any unincorporated company owing debts shall be entitled to the benefits of this act as a voluntary bankrupt.

b Any corporation engaged prrincipally in manufacturing, trading, printing, publishing, mining, or mercantile pursuits shall be entitled to the benefits of this act as a voluntary bankrupt, on petition of an officer or stockholder of such corporation, duly authorized at a meeting of stockholders held for that purpose by the vote of a majority in amount of the total stock of the corporation.

The amendment was agreed to.

The next amendment was, on page 3, line 12, to change the lettering of the subdivision in section 3 from "c" to "b."

The amendment was agreed to.

The next amendment was, on page 3, line 22, to strike out the quotation marks at the end of the paragraph.

The amendment was agreed to.

The next amendment was, on page 3, line 23, to strike out the letter "d" at the beginning of the subdivision.

The amendment was agreed to.

The next amendment was, on page 4, line 1, to change the number of the section from "5" to "4."

The amendment was agreed to.

The next amendment was, on page 4, line 13, after the word "credit," to strike out:

Upon a materially false statement in writing made by him to any person for the purpose of obtaining credit, or of being communicated to the trade or to the person from whom he obtained such property on credit.

And insert:

From any person upon a materially false statement in writing made to such person for the purpose of obtaining such property on credit.

In line 19, after the word "or," to strike out:

(4) Made a fraudulent transfer of any portion of his property to any person.

And insert:

(4) At any time subsequent to the first day of the four months immediately preceding the filing of the petition transferred, removed, destroyed, or concealed, or permitted to be removed, destroyed, or concealed any of his property with intent to hinder, delay, or defraud his creditors.

On page 5, line 1, before the word "been," to strike out "or denied" and insert "in voluntary proceedings;" in line 3, before the word "proceedings," to strike out "his" and insert "the;" and in the same line, before the word "refused" to insert "in bankruptcy;" so as to make the subdivision read:

"b The judge shall hear the application for a discharge, and such proofs and pleas as may be made in opposition thereto by parties in interest, at such time as will give parties in interest a reasonable opportunity to be fully heard, and investigate the merits of the application and discharge the applicant unless he has (1) committed an offense punishable by imprisonment as herein provided; or (2) with intent to conceal his financial condition, destroyed, concealed, or failed to keep books of account or records from which such condition might be ascertained; or (3) obtained property on credit from any person upon a materially false statement in writing made to such person for the purpose of obtaining such property on credit; or (4) at any time subsequent to the first day of the four months immediately preceding the filing of the petition transferred, removed, destroyed, or concealed, or permitted to be removed, destroyed, or concealed, any of his property with intent to hinder, delay, or defraud his creditors; or (5) in voluntary proceedings been granted a discharge in bankruptcy within six years; or (6) in the course of the proceedings in bankruptcy refused to obey any lawful order of or to answer any material question approved by the court."

The amendment was agreed to.

The next amendment was, on page 5, line 6, to change the number of the section from 6 to 5.

The amendment was agreed to.

The next amendment was, on page 5, line 13, before the word "obtaining," to strike out "frauds, or;" so as to read:

SEC. 17. Debts not affected by a discharge.—a A discharge in bankruptcy shall release a bankrupt from all of his provable debts, except such as (1) are due as a tax levied by the United States, the State, county, district, or municipality in which he resides; (2) are liabilities for obtaining property by false pretenses or false representations, or for willful and malicious injuries to the person or property of another, or for alimony due or to become due, or for maintenance or support of wife or child, or for seduction of an unmarried female, or for criminal conversation;

The amendment was agreed to.

The next amendment was, on page 5, line 24, to change the number of the section from 7 to 6.

The amendment was agreed to.

The next amendment was, on page 6, line 9, before the word "days," to strike out "ten" and insert "fifteen," and in line 16, after the word "be," to strike out "not more than twenty days after the first publication" and insert "ten days after the last publication unless the judge shall for cause fix a longer time;" so as to read:

a Upon the filing of a petition for involuntary bankruptcy, service thereof, with a writ of subpœna, shall be made upon the person therein named as defendant in the same manner that service of such process is now had upon the commencement of a suit in equity in the courts of the United States, except that it shall be returnable within fifteen days, unless the judge shall for cause fix a longer time; but in case personal service can not be made, then notice shall be given by publication in the same manner and for the same time as provided by law for notice by publication in suits to enforce a legal or equitable lien in courts of the United States, except that, unless the judge shall otherwise direct, the order shall be published not more than once a

week for two consecutive weeks, and the return day shall be ten days after the last publication unless the judge shall for cause fix a longer time.

The amendment was agreed to.

The next amendment was, on page 6, line 21, after the word "petition," to strike out "on or before" and insert "within five days after;" so as to make the clause read:

b The bankrupt, or any creditor, may appear and plead to the petition within five days after the return day, or within such further time as the court may allow.

The amendment was agreed to.

The next amendment was, on page 6, line 23, to change the number of the section from 8 to 7.

The amendment was agreed to.

The next amendment was, on page 7, line 7, to strike out the following:

That the wife shall not be so examined except as to business transactions to which she is or has been a party, and she may be examined to determine that fact.

And insert:

That the wife may be examined only touching business transacted by her or to which she is a party, and to determine the fact whether she has transacted or been a party to any business of the bankrupt.

So as to make the proviso of section 7 read:

Provided, That the wife may be examined only touching business transacted by her or to which she is a party, and to determine the fact whether she has transacted or been a party to any business of the bankrupt.

The amendment was agreed to.

The next amendment was, on page 7, line 14, to change the number of the section from 9 to 8.

The amendment was agreed to.

The next amendment was, on page 7, line 23, before the word "section," to insert "and;" and in the same line, after the words "subdivision e," to strike out "and section 70, subdivision e;" so as to make section 8 read:

SEC. 8. That subdivision b of section 23 of said act be, and the same is hereby, amended so as to read as follows:

"b Suits by the trustee shall only be brought or prosecuted in the courts where the bankrupt whose estate is being administered by such trustee might have brought or prosecuted them if proceedings in bankruptcy had not been instituted, unless by consent of the proposed defendant, except suits for the recovery of property under section 60, subdivision b, and section 67, subdivision e."

The amendment was agreed to.

The next amendment was, on page 8, line 1, to change the number of the section from 10 to 9.

The amendment was agreed to.

The next amendment was, on page 8, line 5, before the word "dollars," to strike out "twenty" and insert "fifteen;" in line 7, before the word "cents," to strike out "fifty" and insert "twenty-five," and in line 11, after the word "moneys," to strike out "received and paid out" and insert "disbursed to creditors;" so as to make section 9 read:

SEC. 9. That subdivision a of section 40 of said act be, and the same is hereby, amended so as to read as follows:

"a Referees shall receive as full compensation for their services, payable after they are rendered, a fee of $15 deposited with the clerk at the time the petition is filed in each case, except when a fee is not required from a voluntary bankrupt, and 25 cents for every proof of claim filed for allowance, to be paid from the estate, if any, as a part of the cost of administration, and from estates which have been administered before them 1 per cent commissions on all moneys disbursed to creditors by the trustee, or one-half of 1 per cent on the amount to be paid to creditors upon the confirmation of a composition."

The amendment was agreed to.

The next amendment was, on page 8, after line 14, to insert:

SEC. 10. That section 47 is hereby amended by adding thereto the following subdivision:

"c The trustee shall, within thirty days after the adjudication, file a certified copy of the decree of adjudication in the office where conveyances of real estate are recorded in every county where the bankrupt owns real estate not exempt from execution, and pay the fee for such filing, and he shall receive a compensation of 50 cents for each copy so filed, which, together with the filing fee, shall be paid out of the estate of the bankrupt as a part of the cost and disbursements of the proceedings."

The amendment was agreed to.

The next amendment was, on page 9, line 5, before the word "dollars," to strike out "ten" and insert "five;" in line 8, after the word "moneys," to strike out "received and paid out" and insert "disbursed;" in line 10, after the word "exceed," to strike out "ten" and insert "six," and in line 11, after the word "less," to strike out:

Five per cent on the next $1,000 or part thereof, 3 per cent on the next $8,500 or part thereof, and 1 per cent on such moneys in excess of $10,000. In the event of the confirmation of a composition after the qualification of a trustee, the court may allow such trustee not more than one-half commissions on the moneys or property received by him.

And insert:

Four per cent on moneys in excess of $500 and less than $1,500, 2 per cent on moneys in excess of $1,500 and less than $10,000, and 1 per cent on moneys in excess of $10,000. And in case of the confirmation of a composition after the trustee has qualified the court may allow him, as compensation, not to exceed one-half of 1 per cent of the amount to be paid the creditors on such composition.

So as to make the section read:

SEC. 11. That subdivision a of section 48 of said act be, and the same is hereby, amended so as to read as follows:

"a Trustees shall receive for their services, payable after they are rendered, a fee of $5 deposited with the clerk at the time the petition is filed in each case, except when a fee is not required from a voluntary bankrupt, and from estates which they have administered such commissions on all moneys disbursed by them as may be allowed by the courts, not to exceed 6 per cent on the first $500 or less, 4 per cent on moneys in excess of $500 and less than $1,500, 2 per cent on moneys in excess of $1,500 and less than $10,000, and 1 per cent on moneys in excess of $10,000. And in case of the confirmation of a composition after the trustee has qualified the court may allow him, as compensation, not to exceed one-half of 1 per cent of the amount to be paid the creditors on such composition."

The amendment was agreed to.

The next amendment was, on page 10, line 10, before the word "have," to strike out "or section seventy, subdivision c;" so as to make section 12 read:

SEC. 12. That subdivision g of section 57 of said act be, and the same is hereby, amended so as to read as follows:

"g The claims of creditors who have received preferences, voidable under section 60, subdivision b, or to whom conveyances, transfers, assignments, or incumbrances, void or voidable under section 67, subdivision e, have been made or given, shall not be allowed unless such creditors shall surrender such preferences, conveyances, transfers, assignments, or incumbrances."

The amendment was agreed to.

The next amendment was, on page 11, line 3, after the word "required," to strike out "or permitted, or, if not, from the date when the beneficiary takes notorious, exclusive, or continuous possession of the property transferred;" so as to read:

"a A person shall be deemed to have given a preference if, being insolvent, he has, within four months before the filing of the petition, or after the filing of the petition and before the adjudication, procured or suffered a judgment to be entered against himself in favor of any person, or made a transfer of any of his property, and the effect of the enforcement of such judgment or transfer will be to enable any one of his creditors to obtain a greater percentage of his debt than any other of such creditors of the same class. Where the preference consists in a transfer, such period of four months shall not expire until four months after the date of the recording or registering of the transfer, if by law such recording or registering is required.

"b If a bankrupt shall have given a preference, and the person receiving it, or to be benefited thereby, or his agent acting therein, shall have had reasonable cause to believe that it was intended thereby to give a preference, it shall be voidable by the trustee, and he may recover the property or its value from such person. And, for the purpose of such recovery, any court of bankruptcy, as hereinbefore defined, and any State court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction."

The amendment was agreed to.

The next amendment was, on page 11, line 16, before the word "clause," to strike out "subdivision a and;" and in line 18, before the word "hereby," to strike out "are" and insert "is;" and after line 18 to strike out:

"a The court shall order the trustee to pay all taxes legally due and owing by the bankrupt to the United States, State, county, district, or municipality, except such taxes as are a lien on a homestead claimed by or set off to him as exempt from being taken on execution, in advance of the payment of dividends to creditors, and upon filing the receipts of the proper public officers for such payment he shall be credited with the amount thereof, and in case any question arises as to the amount or legality of any such tax, the same shall be heard and determined by the court."

On page 12, line 7, after the word "recovered," to insert "for the benefit of the estate of the bankrupt;" and in line 9, after the word "such," to strike out "creditors in so doing" and insert "recovery;" so as to make section 14 read:

SEC. 14. That clause 2 of subdivision b of section 64 of said act be, and the same is hereby, amended so as to read as follows:

"(2) the filing fees paid by creditors in involuntary cases, and, where property of the bankrupt, transferred or concealed by him either before or after the filing of the petition, shall have been recovered for the benefit of the estate of the bankrupt by the efforts and at the expense of one or more creditors, the reasonable expenses of such recovery."

The amendment was agreed to.

The next amendment was, on page 12, after line 10, to insert as a new section the following:

SEC. 15. That subdivision b of section 65 be, and the same is hereby, amended so as to read as follows:

"The first dividend shall be declared within thirty days after the adjudication, if the money of the estate in excess of the amount necessary to pay the debts which have priority and such claims as have not been, but probably will be, allowed equals 5 per cent or more of such allowed claims. Dividends subsequent to the first shall be declared upon like terms as the first and as often as the amount shall equal 10 per cent or more and upon closing the estate. Dividends may be declared oftener and in smaller proportions if the judge shall so order: *Provided*, That the first dividend shall not include more than 50 per cent of the money of the estate in excess of the amount necessary to pay the debts which have priority and such claims as probably will be allowed: *And provided further*, That the final dividend shall not be declared within three months after the first dividend shall be declared."

The amendment was agreed to.

The next amendment was, on page 13, line 4, to change the number of the section from 15 to 16.

The amendment was agreed to.

The next amendment was, on page 13, line 12, to change the number of the section from 16 to 17.

The amendment was agreed to.

The next amendment was, on page 13, line 23, after the word "dockets," to strike out the comma and "as well as the indexes of judgments in the several courts of the United States;" and on page 14, line 1, after the word "corporations," to strike out "for

the purpose of transcription or otherwise;" so as to make the section read:

SEC. 17. That said act is also amended by adding thereto a new section, section 71, to read as follows:

"SEC. 71. That the clerks of the several district courts of the United States shall prepare and keep in their respective offices complete and convenient indexes of all petitions and discharges in bankruptcy heretofore or hereafter filed in the said courts, and shall, when requested so to do, issue certificates of search certifying as to whether or not any such petitions or discharges have been filed; and said clerks shall be entitled to receive for such certificates the same fees as now allowed by law for certificates as to judgments in said courts: *Provided*, That said bankruptcy indexes and dockets shall at all times be open to inspection and examination by all persons or corporations without any fee or charge therefor."

The amendment was agreed to.

The next amendment wass, on page 14, line 4, to change the number of the section from 17 to 18.

The amendment was agreed to.

The next amendment was, on page 14, after line 5, to strike out:

SEC. 72. *Provided*, That when the bankrupt in any State has waived his right to claim his exempt property, to his creditors, the bankruptcy court shall not set apart to him this exemption as against said creditors.

And insert:

SEC. 72. That neither the referee nor the trustee shall in any form or guise receive, nor shall the court allow them, any other or further compensation for their services than that expressly authorized and prescribed in this act.

So as to make the section read:

SEC. 18. That said act is also amended by adding thereto a new section, as follows:

"SEC. 72. That neither the referee nor the trustee shall in any form or guise receive, nor shall the court allow them, any other or further compensation for their services than that expressly authorized and prescribed in this act."

The amendment was agreed to.

The next amendment was, on page 14, after line 13, to insert as a new section:

SEC. 19. That the provisions of this amendatory act shall not apply to bankruptcy cases pending when this act takes effect, but such cases shall be adjudicated and disposed of conformably to the provisions of the said act of July 1, 1898.

The amendment was agreed to.

Mr. MALLORY. I should like to inquire if there has been a report made with this bill.

Mr. HOAR. There has been no written report. The changes in the bill are very simple. They are all in the line of ameliorating the condition of the bankrupt and diminishing the fees. Here is the main and important feature of the bill: The Supreme Court has decided by one majority that a creditor can not prove his claim if he has received a payment on any debt against the debtor; that is, if the debtor's property is not equal to his debts. Even if he received it innocently and without reason to believe the debtor's insolvency, he must surrender it before he can prove an undisputed claim. An important feature of the bill corrects that.

Mr. MALLORY. It seems, however, that this amends the present bankruptcy law in very many particulars; in fact, it seems to be a revision of the bankruptcy law. Of course I have not had an opportunity to give it consideration. This is the first time my attention has been called to it.

Mr. HOAR. The committee has given it very thorough inquiry and the minority, while they are not proposing to vote for it, gave notice that they did not desire to debate it or to make any opposition to it.

Mr. MALLORY. That is the attitude of the minority of the Judiciary Committee?

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JUDICIAL DISTRICTS IN TEXAS.

Mr. CULBERSON. I ask the Senator from Pennsylvania to yield to me to secure the passage of a short Texas court bill, containing not over a dozen sentences.

Mr. QUAY. I desire to say, in reply to the suggestion of the Senator from Texas, that I have no objection to his request, but I had assented to the reception by the Senate, if it were willing to do so, of the bills of the Senator from Alabama [Mr. PETTUS] and of the Senator from Virginia [Mr. MARTIN].

Mr. CULBERSON. I am perfectly willing to wait.

Mr. QUAY. Following the disposition of their legislation I will not object to the request of the Senator from Texas.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Texas after he recognizes the Senator from Alabama.

CIRCUIT COURT OF APPEALS AT MONTGOMERY, ALA.

Mr. PETTUS. I ask unanimous consent for the present consideration of the bill (H. R. 14839) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year.

The PRESIDENT pro tempore. The bill was read in full this morning. Is there objection to its consideration?

Mr. FOSTER of Louisiana. I object.

The PRESIDENT pro tempore. The Senator from Louisiana objects to the consideration of the bill.

Mr. PETTUS subsequently said: I understand, sir, that objection has been withdrawn to House bill 14839.

The PRESIDENT pro tempore. The objection made to the bill which the Senator from Alabama called to the attention of the Senate the Senator now informs the Senate has been withdrawn. The bill has been read. Is there objection to its consideration?

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WESTERN JUDICIAL DISTRICT OF VIRGINIA.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill (S. 6595) fixing the time and places for holding regular terms of the United States circuit and district courts in the western district of Virginia, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, on page 2, to strike out section 2, in the following words:

SEC. 2. That the circuit and district judges for the western district of Virginia shall appoint one clerk, who shall be clerk both of the circuit and district courts and shall reside and keep his office in the city of Roanoke; and shall appoint another clerk, who shall be clerk both of the circuit and district courts and shall reside and keep his office in the city of Charlottesville, said clerks in said respective cities to take charge and custody of the court records and papers, attending the sessions of the said courts, issuing all proper process, and discharging all the clerical duties in connection with the business of said courts.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JUDICIAL DISTRICTS IN TEXAS.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill (H. R. 15506) to amend section 14 of an act entitled "An act to divide the State of Texas into four judicial districts."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ASHTABULA HARBOR, OHIO.

Mr. QUAY. Now I ask for the regular order.

Mr. HANNA. I ask for the consideration of the bill (S. 7034) providing for the expenditure of money hitherto appropriated for the improvement and maintenance of Ashtabula Harbor, Ohio. I will state briefly that this is simply a change of the appropriation for Ashtabula Harbor; it is recommended by the Engineer Department; the contracts are about to be made, and it is very important that it should be acted upon now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that of the money appropriated for the improvement and maintenance of the harbor of Ashtabula, Ohio, in the act approved June 13, 1902, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, so much as may, in the discretion of the Secretary of War, be deemed desirable may be expended in the extension of the west breakwater.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

Mr. QUAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator rise to this bill?

Mr. QUAY. I do not. I just rose for the regular order.

The PRESIDENT pro tempore. Shall the bill pass?

The bill was passed.

Mr. QUAY. I ask for the regular order.

REGULATION OF IMMIGRATION.

Mr. FAIRBANKS. Will the Senator allow me to give a notice? I wish to give notice that after the routine morning business tomorrow I shall move that the Senate take up and proceed with the consideration of the bill (H. R. 12199) to regulate the immigration of aliens into the United States.

COURTS IN MISSOURI.

Mr. COCKRELL. There is a little bill here which was reported from the Committee on the Judiciary. It once passed the House and the Senate and went to the President and a mistake was discovered in it. It was reported by the Senator from Massachusetts [Mr. HOAR] the other morning and objected to by the Senator from Texas [Mr. BAILEY]. It is a very short bill. I hope the Senator from Pennsylvania will allow it to be passed by unanimous consent, laying the regular order temporarily aside.

Mr. QUAY. I will not object to the bill the Senator from Missouri desires to call up, but after it is disposed of I shall insist upon the regular order.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the bill (S. 7033) to amend an act entitled "An act to create a new division in the western judicial district of the State of Missouri," approved January 24, 1901.

The PRESIDENT pro tempore. The bill will be read.

Mr. COCKRELL. The bill has been read.

The PRESIDENT pro tempore. The bill has been read. Is there objection to its present consideration?

Mr. ALDRICH. Let it be read for information.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATEHOOD BILL.

The PRESIDENT pro tempore. The Senator from Pennsylvania demands the regular order. The regular order is the bill known as the statehood bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. QUAY. Mr. President, we are now ready to take a vote on this bill if nothing further is to be said upon it. Of course, I am not disposed to stop discussion in this highest tribunal of the world.

Mr. NELSON. The Senator from New Hampshire [Mr. BURNHAM] spoke for nearly three hours to-day. He has not had an opportunity to finish his speech. I submit in all fairness and courtesy he ought to have a chance to finish his speech in the morning, and that it is out of all reason to insist at this time, in view of these facts, that we shall go on with the bill.

Mr. QUAY. Well, that question was practically determined by a vote of the Senate. I as much as any other Senator upon this floor am disposed to be courteous to the Senator from New Hampshire, and I listened with much interest to his remarks. But it is patent to the distinguished Senator from Minnesota that if one Senator upon the part of the opposition to the statehood bill is to be allowed to occupy two or three days and if a very large multitude of them, as I understand the Senator from Indiana, are to occupy the floor on the question, it is not worth while to prosecute the bill any further.

A conclusion, no matter what it may be, ought to be reached upon the bill. If it is to be defeated I would be glad to have it done, in order that the brushwood may be cleared out of the front of important national legislation pending.

As to the immediate proposition of the Senator from Minnesota, I can not say that I will antagonize it, though it was my purpose when I came here to insist upon a session of the Senate continuously during the day and during the night. If the Senator from New Hampshire can not go forward, and if the Senator from Indiana is not prepared to furnish a substitute, I will have no objection to allowing the statehood bill to be put aside for the present informally, without disturbing its place, with the understanding that at the conclusion of the morning business I am going to move to take it up again, and that I will not yield to-morrow. I hope the Senator from Indiana [Mr. BEVERIDGE] will be prepared to put up his men.

ORDER OF BUSINESS.

Mr. SPOONER. I move that the Senate do now adjourn.

Mr. LODGE. No; let us have an executive session.

Mr. BURTON. I hope I may be allowed to call up a short bill.

The PRESIDENT pro tempore. The Senator from Wisconsin moves that the Senate adjourn.

Mr. SPOONER. I withdraw the motion.

Mr. LODGE. Let us have an executive session.

Mr. SPOONER. I move that the Senate proceed to the consideration of executive business.

Mr. BURTON. May I ask the Senator from Wisconsin to allow me to bring forward a bill which has already passed Congress once and was vetoed by the President under a misapprehension of the facts? It is a short bill of only one page.

The PRESIDENT pro tempore. Does the Senator withdraw his motion?

Mr. SPOONER. I withdraw the motion.

CENTRAL ARIZONA RAILWAY.

Mr. BURTON. I ask unanimous consent to call up Senate bill 6968, a bill of only one page.

Mr. ALDRICH. The Senator says the bill was vetoed.

Mr. BURTON. But it was done under a misapprehension. The Department formerly reported against the bill, but the Department is now satisfied with the bill and recommends it.

Mr. CULLOM. What is it about?

Mr. BURTON. It is a bill granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona. It passed both Houses of Congress.

Mr. CULLOM. What is the occasion for its being here now?

Mr. BURTON. The Committee on Public Lands recommended that the bill be passed over the President's veto, and instead of doing that I introduced a new bill.

Mr. CULLOM. Complying with the provisions of the veto?

Mr. BURTON. After submitting it to the Commissioner of the General Land Office and the Secretary of the Interior, I introduced a new bill.

Mr. SPOONER. Do they recommend it?

Mr. BURTON. I have not letters, but they stated that there is no objection to the bill.

Mr. SPOONER. Is there a written recommendation?

Mr. BURTON. No, sir; there is not a written recommendation.

Mr. CARMACK. The Committee on Public Lands reported the bill?

Mr. BURTON. Yes; the committee reported it. It has been very fully considered by the committee.

Mr. LODGE. It seems to me that, as the bill has been vetoed, we ought to have some information in regard to it.

Mr. BURTON. Our committee unanimously recommended that the bill be passed over the President's veto.

Mr. LODGE. It is conceivable that some one might differ with the committee.

Mr. BURTON. That is quite true, but it is a bill which consists of only a few lines and——

Mr. LODGE. Even Senators who are not on the committee, of course, have a right to look at the bill.

Mr. BURTON. Certainly. It is a short bill and I do not think there will be any objection to it, if you will hear the bill read.

Mr. LODGE. I have no objection to hearing the bill read, but I reserve the right to object.

Mr. HOAR. Does not the Constitution require us to take a vote on a bill which the President has vetoed? Can a committee simply substitute a new bill?

Mr. BURTON. We did not substitute a new bill; that is, I simply introduced a new bill.

Mr. HOAR. I understand.

Mr. CARMACK. Is it identical with the old bill?

Mr. BURTON. It is substantially identical. It is in the same line.

Mr. HOAR. Can we get away from the President's veto in that manner?

Mr. BURTON. The bill was vetoed, as I have stated, at the suggestion of the Commissioner of the General Land Office. Now the same office is satisfied with the bill. It is not in the exact language of the bill that has been passed. It was changed a little merely to make it a new bill. I preferred, and the committee preferred, a new bill rather than to take action on the old one.

Mr. SPOONER. I should like to ask the Senator whether it was so changed as to meet the objection which the President made to it, or is this an attempt by the introduction of a new bill to change it a little so as to make it nominally a new bill to go around the veto?

Mr. BURTON. In fact, to be candid, the object is to pass a new bill rather than to present the question on the veto.

Mr. SPOONER. I move that——

Mr. BURTON. I am satisfied that if Senators will hear the bill read there will be no objection to it. There were no objections to it in our committee.

Mr. HOAR. I do not want to interfere with the Senator's bill, and I shall not, but I should like to be allowed to say that I do not fancy the practice which has grown up, and for which the Senator from Kansas is not in the least responsible (I dare say we are all alike responsible), of stating what is the opinion of any head of a department or what is the opinion of the President of the United States himself about measures pending in this or the other House. There is a constitutional method by which the President conveys his approbation or disapproval of bills, and outside of that method I hold it to be contrary to the privileges of the Senate to have the opinion of the President of the United

States stated in legislation. The House of Commons or the House of Lords always resent it, and have in history done so for a great many years, when that statement is made about the Crown.

Now, when the President has formally communicated to us a veto and has not under his right to communicate to us his opinion and recommendation said anything else, I do not think it is within the limits of Senatorial privilege to say that the head of a department, or especially the head of a bureau like the Land Office, thinks the President made a mistake and after all we ought to pass the bill.

I do not care so much about that, but the great newspapers all over the country are informing us that certain bills are Administration bills, and that certain Senators have been at the White House and have arranged with the President of the United States what the Senate shall do about a treaty or about a trust bill, or about some other important matter of legislation. It is nobody's business to be arranging with the President of the United States what the Senate shall do. We are an independent body. The time for the President to make up his mind about statutes is after we have passed them, and not before, except when he avails himself of his constitutional privilege and makes a communication to the entire body by a message, as the Constitution provides.

Mr. SPOONER. The Senator from Massachusetts is absolutely right, of course. I move that the Senate do now adjourn.

Mr. BURTON. Will the Senator allow me to make a statement with regard to this bill?

The PRESIDENT pro tempore. The Senator from Wisconsin moves that the Senate do now adjourn.

Mr. BURTON. Will the Senator let me make a suggestion? I want to withdraw the bill and make a statement. Will the Senator permit me to do that for a moment?

Mr. SPOONER. For that purpose I withdraw the motion for a moment.

Mr. BURTON. Of course the motion to adjourn is not debatable, and I do not want to debate it.

Mr. President, in view of the fact that this bill seems to provoke discussion on the method in which it is brought here, so far as I am concerned I will not press it. It is not my measure at all, I will say; it is not personal to me in the least. I will not ask to have the bill considered at this time; but if Senators prefer that course, I will ask the consideration of the bill that has been vetoed. I have brought the bill forward in perfect good faith. I did not suppose there was any objection to the measure. But certainly I do not want to bring the bill forward under the rule of general consent when it would provoke discussion. Therefore I will not press the bill any further.

Mr. SPOONER I renew my motion that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 22, 1903, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 21, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

FUR-BEARING ANIMALS IN ALASKA.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent for the reprint of the bill (H. R. 13387) to prevent the extermination of fur-bearing animals in Alaska, with the accompanying report.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the reprint of the bill H. R. 13387, with the accompanying report. If there is no objection, this order will be made.

There was no objection.

PHILIPPINE COINAGE.

Mr. COOPER of Wisconsin. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15520, the Philippine coinage bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, with Mr. TAWNEY in the chair.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent that the gentleman from Virginia [Mr. JONES] may control one half of the time allowed for general debate and that I be allowed to control the other half.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the gentleman from Virginia [Mr. JONES] control one half of the time for general debate, and that he control the remaining half. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Chairman, how much time has been exhausted upon this side?

The CHAIRMAN. The gentleman from Wisconsin has consumed thirty-nine minutes of his time.

Mr. COOPER of Wisconsin. Mr. Chairman, yesterday I mentioned some of the objections which have been urged by experts and by others familiar with the conditions in the Philippines against the immediate introduction into the islands of the United States coinage system, complete. There was one objection which I omitted to mention yesterday—the danger of counterfeiting. That danger is easily understood upon an examination of the facts.

The pending bill provides for a Philippine silver peso, the bullion value of which would be approximately 37 cents and the face value 50 cents in gold, a difference of 13 cents. The proposed substitute bill provides for a silver dollar, the bullion value of which would be approximately 36 or possibly 37 cents, while its face value would be 100 cents in gold, a difference of 63 or 64 cents per dollar. That margin of 63 or 64 cents would offer a great inducement, so the experts told us, for the skilled mechanics and jewelers of China and Japan, where labor is very cheap, to indulge in the counterfeiting of the American silver dollar.

One of these men could make silver dollars in China or Japan and his detection would be almost impossible. Indeed, through the Straits Settlements and in Java to-day they are troubled with counterfeit silver coin, although there the difference between the bullion and face value is nothing like the difference which would result if we were to adopt the proposed substitute bill of the gentleman from Virginia. That, in the opinion of the Taft Commission, and especially of Governor Taft and of Vice-Governor Wright, both of whom have testified before the committee, is a most serious objection, under present conditions, to the establishing of the United States coinage system in the Philippine Islands.

There is another objection which was forcefully presented by Mr. Peabody. And for the information of gentlemen who were not present yesterday I desire to say that Mr. Peabody is not a mere theorist, but that, on the contrary, he is a practical business man, at the head of a firm which has establishments in Boston, New York, Yucatan, Manila, London, and South Africa—in fact, around the world; a man who has had commercial relations with the Philippine government through his house in Manila, and whose experience has given him an accurate and profound knowledge of the financial conditions and needs of the islands.

That man, a conservative New England business man, declared himself against the proposition to introduce the United States system of coinage complete into the Philippines.

I read from the record of his testimony:

Would the system proposed by the bill be preferable to the one providing for the introduction of the American money, the complete system?

He replied as follows:

The introduction of American coinage as a whole would work a great hardship and would be almost impossible to adjust.

That corroborates the statement of Governor Taft, which I read yesterday, wherein he declared, before our committee, that abruptly to attempt to introduce the American coinage system as a whole into the Philippines would result in nothing short of financial disaster. And this declaration of Governor Taft's is in turn corroborated by the statement of Professor Jenks, a part of which I read yesterday. And as this statement comes from an expert of world-wide repute, who visited the Philippines, the Straits Settlements, India, and Java for the purpose of investigating financial conditions, I desire once more to call it to the attention of members of the House.

Before reading it, Mr. Chairman, I desire again to remind members of the committee of the difference between these two bills; a margin of 13 or 14 cents only between the bullion and the face value of the silver pesos proposed by our committee bill, and a margin of 63 or 64 cents between the face and the bullion value of the dollar proposed by the minority substitute.

And, by the way, this substitute was never presented to the committee. There is no minority report. The substitute was not even introduced into the House until after the pending measure had been reported.

But, says Professor Jenks, the expert sent to the Orient by the War Department:

It is desirable, whenever a country is to establish a new system of currency, that the value of the coin most common in circulation be changed as little as possible. The wages of labor and prices already fixed are to a considerable extent matters of custom. If a monetary unit is introduced of considerably more value—

And the minority substitute would establish one of considerably more value—

than the one abandoned, it will be necessary to make a nominal reduction of wages and prices. The consequence is that laborers and less well-informed sellers of produce will feel that their income is being arbitrarily lessened and great dissatisfaction is almost certain to be the result. One can easily see how a sudden action of that kind on the part of a government might produce even a revolution among people not well informed on monetary matters.

Then he adds what I omitted to read yesterday:

If the new currency, however, is one whose monetary unit is substantially the same or only a trifle higher than the one already employed, no evil result will follow. There might even be a slight increase in the value of the monetary unit, which would inure to the benefit of the wage-earners and the local producers. The system of currency recommended in the first place by the Philippine Commission—

That is the system of the pending bill—

And afterwards formulated more completely by Mr. Conant, special commissioner of the War Department, follows out this principle. The new coin would be substantially equal in value to the Mexican dollar or peso formerly in use.

That is the coin of the pending bill, gentlemen. Then he adds:

It seems, therefore, the wisest plan for the United States, if it intends to act in the interest of the native Filipinos and not exclusively for the interest of a comparatively few exporters and bankers, to adopt the gold standard and adopt the system of coinage recommended, which will produce as little disturbance as any that has been proposed. It is extremely unfortunate that the system could not have been adopted before the last fall in silver, as in that case there would have been no disturbance that would have been noticed.

The House did propose to adopt this system, Mr. Chairman, prior to the late fall in silver. We passed a gold-standard bill through the House last June, which, if it had been enacted into law, would have saved that archipelago from its present financial distress. As you know, it was blocked in the Senate, which demanded the free coinage of silver. The House absolutely refused to accept that, and so the status quo remains.

Mr. BABCOCK. Will the gentleman permit a question?

Mr. COOPER of Wisconsin. Yes.

Mr. BABCOCK. What is the relative weight of the proposed Philippine peso as compared with the present standard silver dollar?

Mr. COOPER of Wisconsin. The present standard silver dollar has 412½ grains of silver and the peso would have 416 grains, the same as the Mexican dollar, the coin now principally in use in the islands.

In referring to the Straits Settlement, Professor Jenks says:

In 1897 a committee of the Chamber of Commerce of Singapore was appointed to prepare a report regarding the change of standard. A majority of the committee reported in favor of the adoption of a gold standard with the English sovereign as a basis, with a Straits silver dollar equivalent to 2 shillings of value, and in favor of some measure of maintaining this fixed rate of exchange.

The opposition came in part from the bankers, who have probably gained from the fluctuations in exchange. * * * The Chinese merchants favor the fluctuating silver currency.

In Java—

Says Professor Jenks—

its silver guilder is maintained at a fixed rate of exchange with gold, and its business men are free from the speculative influences and other disadvantages which accompany a violent fluctuating rate of exchange.

He says:

The standard is a gold standard, and although the exchange has kept substantially fixed throughout the entire period of the relative fall in the price of silver, gold is practically not at all in circulation in Netherlands India. A gold coin, even an English sovereign, is rarely seen. * * * The Java Bank holds a large reserve in gold, but it is not paid out on demand.

Mr. Chairman, I have recently received, as I understand members of the House have generally received, copies of the Manila Cable News, a daily paper published in Manila. I have here the second section of it, which contains a page devoted to an article under the headlines:

Wreck and disaster caused by depreciated currency in the Philippines—Business ruined and advancement retarded—The government has lost more than a million dollars—Loss to citizens incalculable—Views of prominent business men on the situation—The conditions clearly explained.

In the center is a picture of Governor Taft, and below it this statement:

Governor Taft believes that a stable currency is essential to the well-being of the Philippines. He favors the coinage of the Conant dollar and the issuance of treasury notes for the purchase of Mexican silver as bullion for coinage.

This article contains interviews with business men in Manila. One of them of prominence says:

Although I was one of the members of the American Chamber of Commerce who voted for gold alone, I believe the introduction of the gold and what is known as the Conant dollar would afford an impetus to the trade of the Philippines which we can not well do without.

He says:

Our business suffered from the change, as when the prices of articles were quoted to customers in gold and figured out in Mexican at the Government rate it seemed abnormally high to the natives, and in many cases they have turned on their heels and walked out of the store. Another phase of this: The native and the Chinaman, having been accustomed to the peso, often flatly refused to consider gold prices, and when a price was quoted to them in gold they offered double the amount of dollars in pesos, and when their attention was called to the rate of exchange, they ignored it and refused to purchase.

Another witness, Mr. Guamis, a Spaniard connected with a large business house in Manila, gave as his opinion that—

We want the gold standard, with an additional coin. This additional coin will be useful in the provinces, where the native has not yet been accustomed to the American money. It is simply impossible to convince the native from the start that an American 10-cent piece is worth as much as a peseta.

The peseta would be practically the same in size as a 20-cent piece in American money, but its value would be only that of an American 10-cent piece.

This man, speaking from experience, declares that—

It is practically impossible to convince the natives on the start that an American 10-cent piece is worth as much as a peseta.

Another witness, Mr. Cadwallader, connected with an extensive business house in Manila, says:

As to the "Conant" dollar, I believe it is just the thing for the Philippines. The straight gold will not do. The natives must have a coin similar to the Mexican dollar. They can not be made to understand that our money is worth just twice as much as the Mexican. I am heartly in favor of the introduction of the "Conant" dollar, and believe it to be the only solution of the problem. I have been here over four years, during which time I have had an opportunity to study the labor question, and I believe I understand it thoroughly. I have employed both Chinese and native labor and know just what to expect from them. When I say they will not accept the American money, I know what I am talking about. We must have an additional coin.

Other men who were interviewed say the same thing. There was one gentleman interviewed who told the newspaper that he thought we ought to introduce at once the American coinage system complete. Among other things, he said:

Now, suppose I owed a native a peseta, and I laid down a peseta and a 10-cent piece, side by side. He would pick up the peseta, of course; but if I refused to pay him in Mexican, and gave him the 10-cent piece, what would be the result? He would finger the dime suspiciously and grumble. However, when he went to a store, presented his 10-cent piece, and asked for that much rice he would receive a peseta's worth.

He begs the whole question in that. There would be "grumbling," as various witnesses, testify, but the man would not get the peseta's worth of rice. That is one of the troubles which it is expected would obtain in these islands if we arbitrarily force American money on them. Governor Taft has often said that it is of the utmost importance that no disturbing element be injected into the life of the Filipino people. Nothing could bring disquiet more quickly than to introduce a system of money, which a large portion of the people would imagine was doing them a great wrong.

Mr. Chairman, in conclusion, I wish to reiterate what I said a moment ago, that, in my opinion, if this bill does not pass the House and go to the Senate, there will be no coinage system enacted for the Philippine archipelago at this session. The reasons are plain. The time is too short, and the calendars too congested to admit of our beginning over again. Moreover, the Senate Committee on the Philippines would not report any such bill as that proposed by the gentleman from Virginia.

I do not wish to impute wrongful motives to anybody, but I can readily understand how some persons might wish all financial legislation for these islands to fail at this session. Bankers there would reap a great benefit as a result of such a failure. Business ruin would come to many others. That ruin would produce effects there and entail results political here which no man can foretell. In any event it would furnish a war cry upon the stump in this country which might be made very effective where people do not understand the circumstances.

But, Mr. Chairman, I, as a member of this House, would consider long and well before casting my vote to defeat the pending bill and to enact the substitute into law against the protest of the Philippine Commission, headed by such a man as is William H. Taft. Mr. Chairman, I reserve the balance of my time.

Mr. JONES of Virginia. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Virginia?

Mr. COOPER of Wisconsin. Certainly.

Mr. JONES of Virginia. Mr. Chairman, I want to ask the gentleman whether or not this system which is proposed in this bill is intended as a permanent system or as a temporary system for the islands?

Mr. COOPER of Wisconsin. As I understand it, we enact this law to meet conditions now pressing in the Philippines. It will, I think, be the coinage system of the archipelago for many years. That was the opinion of Mr. Peabody, and it is the opinion of every man who has thoroughly investigated the situation.

Mr. JONES of Virginia. I would like to ask whether or not in the system which you propose there is a provision for any coinage of less size than 10 cents?

Mr. COOPER of Wisconsin. The gentleman has evidently forgotten the Philippine civil government act of last July, in which we provided for subsidiary money for the archipelago.

Mr. JONES of Virginia. I think I know the provisions of that act.

Mr. COOPER of Wisconsin. It provides for the coinage of a 5-centavo, a centavo, and a half-centavo piece.

Mr. ROBINSON of Indiana. Before the gentleman takes his seat, I would like to ask him a question. I see in the report a statement that five of the banking houses in which there was sought an interview declined to give an interview. I would like to know if the gentleman has any knowledge why they refused, and if so, I would like to have him state it.

Mr. COOPER of Wisconsin. The gentleman from Indiana will discover, if he reads the evidence, that the witnesses who appeared before the Insular Committee and testified on this subject, and the experts who have reported specifically upon these propositions, say that the only people now in the islands who are making any money out of the financial disorganization are the bankers. They are, therefore, directly and peculiarly interested in maintaining the status quo.

Mr. PERKINS. I should like to ask the gentleman what is the currency—what is the amount of silver that is now current in the Philippines?

Mr. COOPER of Wisconsin. Mr. Chairman, they have about forty millions of silver, of which six millions is what is called the Spanish Filipino peso. The balance are Mexican pesos. The Mexican is a coin of 416 grains. The Spanish Filipino peso is somewhat lighter.

Mr. PERKINS. What is the current value of the Mexican peso now?

Mr. COOPER of Wisconsin. Well, the ratio is somewhere about 260.

Mr. PERKINS. What value is given to that by your bill?

Mr. COOPER of Wisconsin. Two to one.

Mr. PERKINS. In other words, you increase the value?

Mr. COOPER of Wisconsin. Yes, sir.

Mr. PERKINS. Then the result of this bill would be to increase the purchasing value of $40,000,000 of silver currency by about how many per cent?

Mr. COOPER of Wisconsin. The gentleman can figure that out himself.

Mr. PERKINS. Say 25 per cent?

Mr. COOPER of Wisconsin. We make a difference of 13 cents in the peso. It is now worth 37 cents; we make it worth 50 cents.

Mr. PERKINS. Then the result is that the holders of $40,000,000 of coin will by this bill have the value of that coin increased about 30 per cent?

Mr. COOPER of Wisconsin. I do not think it will amount to that when it comes to purchasing labor or products. The Commission is——

Mr. CRUMPACKER. Will my colleague on the committee allow me a suggestion?

Mr. COOPER of Wisconsin. Allow me to say that the Commission, by this bill, is allowed to fix the rate at which the Mexican coins are to be received in payment of obligations.

Mr. CRUMPACKER. Let me suggest to the gentleman from New York [Mr. PERKINS] that under this bill the current value of the pesos in the archipelago will not be increased a single farthing.

Mr. PERKINS. Why not?

Mr. CRUMPACKER. Because they pass at their commercial value and are received for taxes and public dues at a rate fixed by the insular government, and as they are so received they will be taken out of circulation and recoined into new pesos, which shall have a value of 50 per cent of a gold dollar.

Mr. PERKINS. In other words, the old pesos will have to be presented for recoinage before they have their value under this bill.

Mr. CRUMPACKER. Yes, sir. They have nothing but their commercial value until taken up and recoined, and the new coin is stabilized at 2 for 1 of the American gold dollar.

Mr. HILL. Why was the original provision of the Conant bill, submitted last year, which required the taking up of the Mexican pesos, now current in the island—why was that stricken out of this bill, so that that money is not to be taken up, so far as anything in the bill shows?

Mr. CRUMPACKER. The discretion of taking up that currency is left to the Commission.

Mr. HILL. Why was the provision put in the other bill and left out of this?

Mr. CRUMPACKER. It can make no kind of difference, because there was no provision in the other bill to exclude it from the archipelago. It would simply go there at the bullion value.

Mr. HILL. In the other bill it was distinctly provided that it should be taken up and recoined into the coin provided for in the bill. That is all left out here.

Mr. CRUMPACKER. My understanding is that in the other bill it was provided that this coinage should be received for public dues at a certain rate of exchange; that it should be recoined; and then (if the bill does not expressly say so the meaning is the same thing) that the Government should either coin the Mexican peso that has been received in the course of business or shall buy bullion and coin these new dollars. So that in effect the two bills on that proposition are the same.

Mr. HILL. Then it was left out accidentally, not intentionally?

Mr. CRUMPACKER. No, sir.

Mr. HILL. Not for any specific purpose?

Mr. CRUMPACKER. No; for no specific purpose. I think the matter is immaterial.

Mr. COOPER of Wisconsin. In view of the questions of the gentleman from Connecticut [Mr. HILL] and the gentleman from New York [Mr. PERKINS] I wish to call their attention to this provision of the bill:

That the Mexican silver peso now in use in the Philippine Islands, and the silver coins heretofore issued by the Spanish Government for use in said islands, shall be receivable for public dues and in the discharge of all debts, public and private, at a rate to be fixed from time to time by the proclamation of the civil governor of said islands until such date, not earlier than the 31st day of December, 1903, as may be fixed by public proclamation of said civil governor, when such coins shall cease to be so receivable for public dues; but such coins shall continue to be receivable at such rate for the payment of private debts contracted in such money before the 1st day of June, 1903: *Provided*, That the public offices of the government of said islands may at any time refuse to receive such coins which appear to be counterfeit or defective.

Now, in reply to the question of the gentleman from Connecticut, as to the conditions under which these Mexican coins will be coined, I refer him to the beginning of section 5, where it is provided—

That the coinage authorized by this act shall be subject to the conditions and limitations of the provisions of the act of July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes."

That is the Philippine civil government act.

Now, let me refer to this provision of that act:

The subsidiary silver coins authorized by the preceding section shall be coined under the authority of the government of the Philippine Islands, as such amounts may be determined, with the approval of the Secretary of War of the United States, from silver bullion purchased by said government.

Mr. HILL. The gentleman will not find in that act what he is looking for. It has been taken out.

Mr. COOPER of Wisconsin. What does the gentleman refer to?

Mr. HILL. The provision of the original act.

Mr. COOPER of Wisconsin. There never was any provision in the original bill for the complete redemption of the Mexican coins in the Philippine Archipelago.

Mr. HILL. I will ask the gentleman this question. In the original bill——

Mr. COOPER of Wisconsin. One moment. The gentleman has assumed that a fact existed which never did exist. There never was anybody who proposed to redeem all of the Mexicans in the Philippine Archipelago. The gentleman has assumed that in the question which he propounded to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. HILL. Not at all, not at all. I will ask the gentleman this question: In the original bill, as presented by Mr. Conant, and heard before the Philippine Committee, was there not a provision for taking up the Mexican coins in the archipelago and recoining them, together with the Spanish coin which was in the archipelago? Now then, in this bill, has not that provision been distinctly stricken out and the new coinage limited to purchases of bullion? Am I right, or am I not right?

Mr. COOPER of Wisconsin. That, as I understand, would not make the slightest difference in the world with the enforcement of the provisions of this law.

Mr. HILL. Am I right, or am I not right?

Mr. COOPER of Wisconsin. That may be right.

Mr. HILL. Yes; that is what I thought. What is the motive which has prompted that change from taking up the existing coinage to the purchase of additional American silver bullion?

Mr. COOPER of Wisconsin. One moment——

Mr. CRUMPACKER. I do not believe the gentleman from Connecticut [Mr. HILL] is right on the record.

Mr. HILL. The chairman of the committee admits that I am right on the record.

Mr. COOPER of Wisconsin. One moment. My impression is also that the gentleman from Connecticut [Mr. HILL] is entirely mistaken. The first question which he asked gave everybody, as I presume, as it did me, to understand that there was to be a redemption of the Mexicans in the islands.

Mr. HILL. Oh, no.

Mr. COOPER of Wisconsin. The gentleman will recall that he appeared before the Committee on Insular Affairs, that he made certain statements which so misled Mr. Conant that Mr. Conant arose and repudiated, as he thought, the suggestion of the gentleman.

Mr. HILL. In what respect?

Mr. COOPER of Wisconsin. That there should be a redemption of the Mexicans in the island. He said that could not be done; that Mexico coins the Mexican pesos; that they are not coined in the Philippine Archipelago, and nobody knows how many would be shipped there if we undertook to redeem them.

Mr. PERKINS. Mr. Chairman, I would like to ask the chairman of the committee a question, not by way of criticism, but entirely for information.

The CHAIRMAN. Does the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. PERKINS. It is contemplated that a large amount of silver pesos will be issued by the Philippine government. Where does the chairman of the committee suppose that the silver which is to be used will be obtained, and how will the silver be obtained which is to be used in the new coinage? I ask for information.

Mr. COOPER of Wisconsin. I think the bill amply covers that. It declares that the coinage provided for under it may be coined under the same conditions provided for in the act of last July. The act of last July contains the following language:

That said government may in addition and in its discretion recoin the Spanish Filipino dollars and subsidiary silver coins issued under the authority of the Spanish Government for use in said islands into subsidiary coins provided for in the preceding section.

Mr. HILL. Why, there is not any of that Spanish coin to amount to anything.

Mr. McDERMOTT. What becomes of your Mexican dollar under this bill?

Mr. HILL. You tell me. There is nothing in the bill to provide for it.

Mr. COOPER of Wisconsin. I reserve the balance of my time.

[Mr. JONES of Virginia addressed the committee. See Appendix.]

Mr. MADDOX. Mr. Chairman, the gentleman from Wisconsin [Mr. COOPER], the chairman of this committee, in concluding his speech a few moments ago, said to the House, although it was probably not understood on this side, but was to the members on the other side, that there was some attempt or at least some idea on the part of the majority of the committee to make political capital out of this bill. In other words, he said to the people on that side of the House, "Unless you pass this bill I offer, then there will be no bill passed at all," and that we, the minority, would be delighted to see it take that turn. I want to deny that absolutely, every word of it. So far as I myself am concerned, and so far as any member of the committee whom I have heard express himself on this question is concerned, there never has been any matter of partisanship or anything of that nature suggested, nor has there been any attempt to make any political capital out of it. We realize the condition in the Philippine Islands.

We understand and know that there must be some legislation there in order to correct the evils which are existing there, and I stand here to deny that assertion that we are attempting or have intimated by the position we take in this matter to make political capital out of it. Have we not done the same thing that we now offer for Porto Rico? Have we not done the same thing for Hawaii? Is there any political capital in that? I hope that gentlemen on that side of the House will disabuse their minds of any such idea. I wish to call attention to another fact. The chairman of the committee held up certain coins and undertook to explain to members on that side and upon this side of the House why it is that these Filipinos could not understand the difference between the sizes of these coins and their purchasing power. Now, I desire to read you something. He has been reading from the testimony of Mr. Peabody.

I wish to read you something which he asked Mr. Peabody, his own witness, in respect to that identical idea, and what the answer of Mr. Peabody was. Some of these theorists and some of these witnesses who have been over in the Philippine Islands and who were brought before our committee and some of whose reports were read, insisted that those people over there are ignorant. Who brought these witnesses here I do not know, but I suppose it was somebody who has an object to serve in having this bill framed in the manner in which it is submitted to this House today. As I say, they insist that those people over there are ignorant. In other words, if you have two silver dollars, one of which calls for 50 cents and the other for a dollar, that they can not understand or distinguish the difference between them, that they have not the capacity to do that. Recurring now to the testimony of Mr. Peabody given before our committee, the following took place:

Mr. CANNON. Is not an American silver dollar exchanged for two Mexicans, right there under his nose?

Mr. PEABODY. It would change for two and a half at present.

Mr. CANNON. Is not that done to-day?

Mr. PEABODY. But he is paid in the Mexican dollar.

Mr. CANNON. Precisely. Now, does he not understand that? Does not everybody understand that if he has an American dollar he can get two and a half Mexicans for it?

Mr. PEABODY. They know the value of the coin they receive; yes, sir; but the question would be whether the millions of wage-earners would be contented or willing to see that the purchasing power of 40 cents in American money was as much as that of a dollar in Mexican silver.

The committee will see that the whole turn of this is on this wage idea which has been advanced by my colleague on the committee all along the line. I continue to read:

The CHAIRMAN. Mr. Peabody, right there permit me to say this, and tell me what you think of it: Governor Taft and Governor Wright say, on that point, that back in the country, where the millions of these people live who are used only to silver in small quantities, if you were to take a silver piece of a certain size, the value of which they know to-day, and then take a piece of silver of practically the same size and the same weight with a little different stamp on it, and tell them that that coin of the same size and same weight was worth twice as much, there would be trouble. What do you think of that?

Now, mark that that is what the chairman says—that there would be trouble—suggesting that idea. And then he says: "What do you think of that?"

Mr. PEABODY. There would not be any trouble in any comparative value of the two coins in that way, because they would understand that. But if you attempted to change the rate of wages in two coins that looked exactly alike, and which appeared the same to them, and to withdraw one of them from circulation, there would be no opportunity of comparison after you had retired the Mexican dollar.

You see, they keep prominent the question of wages. Now, to go a little further, with Mr. Peabody still on the stand, Mr. CRUMPACKER takes him up:

Mr. PEABODY. But it would be a very much more simple problem to introduce a 50-cent peso in place of a 36-cent Mexican dollar than it would be to enforce a 100-cent United States dollar in place of a 36-cent peso.

Mr. CRUMPACKER. Now, Mr. Peabody, do you not believe that in the course of six months or a year, if we extended even the American system down there as it is to-day, the people of the islands would learn the increased purchasing power, and that all affairs would be adjusted to the new situation?

Mr. PEABODY. Yes, sir; I think the legal change of adjustment of values at a stated rate would be understood by the most ignorant of the islanders if it applied to everybody.

You will notice that the witness there said that this would be understood by the most ignorant of the islanders, it would be understood by all of them, and the truth about it is, if I understand the situation there to-day, that they do understand it; and why should they not? We have our garrisons perhaps in every town and at every crossroads, or have had. They have come in contact with this American money in every direction and everywhere. They are bound to know of its increased purchasing power. They do know it, and now gentlemen say that they are afraid! In other words, the chairman of this committee read to you to-day from that distinguished expert, Professor Somebody, that if we make this radical change down there in this currency it will bring on a revolution or will be likely to do so. Now, is not that the most perfect humbug that was ever attempted to be put upon the Congress of the United States? Have we not changed their flag, have we not changed everything on God Almighty's earth down there except their money? And they have got none to change, as my colleague on the right suggests.

Gentlemen, they say that in order to get rid of friction, in order to have a stable currency down there, the majority bill must pass. I trust I am talking to men who will consider this matter, men who are going to think about this question before they vote. I want to ask the chairman and the gentlemen on the committee on that side who propose to support this bill this question: If your bill passes and becomes a law, 2 pesos, containing 416 grains of silver each, 3½ grains heavier than our own silver dollar, are to pass for one of our dollars. Now, how in the name of high Heaven are you going to keep down the friction when we have our troops located there, in every part of the country, and are being payed off every month at the rate of not less than $2,000,000, putting the United States currency into circulation there, and it is coming in contact and being constantly compared with their money? How are you going to prevent it? It seems to me, gentlemen, it is impossible.

Now, we have the evidence of their expert witnesses that these people know the difference, that they know the purchasing power of the American dollar and know that it is worth far more than theirs. They want a stable currency. They are entitled to it. We have given it to Porto Rico. Why, if I remember correctly General Porter's report to the Committee on Porto Rico on this subject it was that if we hurriedly rushed into this business and substituted the United States currency down there we would have another revolution or disturbance of some sort. But we did it. We redeemed the currency, took up their Porto Rican dollar, substituted our own, and I have never heard one word of objection to it up to this hour. The same thing is done in Hawaii. We took up their money and substituted ours, but now when you get down to the Philippine Islands they must have a regular crazy-quilt currency in order to meet the ideas of that distinguished advocate of the gold standard, Mr. Conant. Well, we put the gold standard down there ourselves when we introduced the currency of the United States. One gentleman suggested that we ought to have a United States Filipino coin. Would not that be good? How would it sound to have a United States Georgia coin?

Now, these are the ideas of some of these experts, some of these theorists. Practice is one thing, theory is another. Plenty of gentlemen were ready to say that we were going to destroy everything in Porto Rico. Probably they thought the same thing about Hawaii; but when the thing was put in practice we found that it was not so, that it did not work out as they anticipated it would.

Now, these gentlemen propose another thing. It has been suggested here by the gentleman from New Jersey [Mr. McDERMOTT] that up to a certain time this Mexican coin, which is largely in circulation in these islands, shall be receivable for public dues and on private contracts, but nowhere does the majority bill propose to redeem and take up that currency that happens to be in the hands of the people of that country, either the business man or the laborer or anybody else. After a certain time it is to be absolutely outlawed so far as the laws of the country are concerned; it is to be worth no more than junk. Now, that is the proposition that they offer to the committee.

Another thing, gentlemen: In order to maintain the parity in this bill that is offered by the majority they authorized the Philippine Commission to issue interest-bearing certificates not to exceed the sum of $5,000,000. That is done in order to maintain the parity between the silver pesos that they have authorized here and the standard gold dollar, so they say. They propose to go into the certificate business again. I have a recollection of about $265,000,000 of bonds issued myself in order to maintain parity. At least that was claimed to be the purpose. Would gentlemen like to see this Government go into that business again? I do not, and I see no reason for it if our own currency is substituted for theirs. The fact is they have no currency to amount to anything, anyway.

Now, gentlemen, I have heard no one yet attempt to explain the question of maintaining the parity by issuing these certificates. Is there any reason for that? If they are redeemable in gold dollars, and with the United States behind them, there will never be any question or any necessity to maintain the parity as long as we have one standard. According to my ideas it is impossible for it to be otherwise. Now, I want to read this provision:

and in order to maintain such parity between said Philippine pesos and the gold coins of the United States may issue temporary certificates of indebtedness, bearing interest at a reasonable rate, payable at periods of three months or more, but not later than one year from the date of issue, which shall be in the denominations of $50 or 100 pesos, or some multiple of such sum, and shall be redeemable in gold coin of the United States, or in lawful money of said islands, according to the terms of issue prescribed by the government of said islands; but the amount of such certificates outstanding at any one time shall not exceed $5,000,000.

Now, I call your attention to that provision in this law which probably many of you have not read, and to which your attention has not been called. You can consider that when you come to cast your vote for the majority or minority bill.

Now, the distinguished gentleman on the other side, as my colleague has said, has been acting very largely upon the recommendations of these gentlemen who appeared before them in the committee. Who sent them before the committee I do not know.

Mr. THAYER. I would like to ask the gentleman a question.

Mr. MADDOX. Certainly.

Mr. THAYER. How do those who are in favor of permitting the issue of that bond understand that the money received from the bond is to maintain the parity?

Mr. MADDOX. That is exactly what I am listening to hear some one on that side get up and explain. I do not understand that. Now, what I am calling the House's attention to here is that the difference between the majority bill offered to the House and that which the minority offers is that we substitute the currency of the United States. One of the ideas that the gentlemen who advocate the majority bill advance for not substituting American coinage is that they are afraid that some one will counterfeit it.

Mr. HILL. I would suggest that you ask, supplemental to that question asked by the gentleman from Massachusetts, as to how the five million is to be paid, for it has got to be paid sometime or other.

Mr. MADDOX. That is an important question, and yet it has got to be paid, as suggested. I reckon some of them on that side will offer an explanation. I admit that I can not. They are offering as one of the reasons that they urge against adopting American coinage that it would be dangerous to do it, as that coin could be counterfeited.

Mr. GAINES of Tennessee. Can not they counterfeit the local coin too?

Mr. MADDOX. This peso that they propose to coin and pass into the currency of the country is nothing but a token coin, and yet for some reason and for some purpose, I do not know what, they have raised it 3½ grains because silver has declined. The idea occurred to them when they were arranging this bill that they were going to keep the two metals at a parity, but everybody knows that can not be done, that under existing laws silver vacillates every day.

The silver in that coin, according to their statement, is worth 36 cents, so there is a 14-cent margin between 36 cents and 50 cents in the token money. Would that be any inducement for a man to counterfeit it? That is quite a lively per cent; and the gentleman from Wisconsin speaks like these Chinese are adepts in this counterfeiting. But gentlemen need not travel over there to find counterfeiters. We can find enough of them at home. Is there anything in that? It is true that there is a greater inducement so far as the difference between the value of American dollar over the proposed pesos, which is one-half, but is there not sufficient inducement in that to cause counterfeiting to go on just the same? Then, I undertake to say this, that the danger will be far greater for them to counterfeit United States coin than there will be for them to attempt to counterfeit the 50-cent pesos issued by the islands. They would counterfeit this peso, with more silver in it, with a difference of 14 cents in it, rather than to risk counterfeiting the United States coin, with the power of this great nation behind it.

Mr. JONES of Virginia. I presume, Mr. Chairman, that we probably have used more time than the other side, and I suppose some gentleman over there will occupy some time now.

The CHAIRMAN. The other side, the Chair will state to the gentleman from Virginia, has already occupied more time than his.

Mr. JONES of Virginia. I yield five minutes to my colleague [Mr. PATTERSON of Tennessee].

Mr. PATTERSON of Tennessee. Mr. Chairman, I desire to occupy the time of the committee only a moment to state my views on this subject. The affairs of the Philippine Islands at the present time are in what may be called a transitory state. So far as the business between the Philippine Islands and this country is concerned, it amounts in the way of business, as measured at this day, to practically nothing.

Now, the question for the House to determine is whether it is better in this transition period, when no considerable business is done with these islands, that it should have this anomalous Philippine currency or have the currency laws and the coinage laws of the United States extended and give to the people of the archipelago a fixed and stable currency. I believe, Mr. Chairman, that if any considerable business between this country and the Philippine Islands should develop in the future that it is infinitely better, not only for this country, but for the people of those islands, to have our coinage laws extended there. If this bill as reported by the majority is to be temporary only the reason ought to be controlling, because if in the future it is to be supplanted by our coinage laws and our currency it will involve a greater disturbance than at the present time, when there is practically no business there, and the introduction of American money therefore would be comparatively easy. If the bill, however, is intended to be a permanent measure, then I take the position that this country ought to extend its coinage laws to every foot of land and to all the people within its control and dominions.

I believe the true policy of this country is to have free trade, absolutely, between all of its possessions and all and every part of the United States, and while I am opposed to the colony-holding business into which the Republic has been launched, yet, if we are to hold colonies, it occurs to me, in justice to ourselves and to them, our coinage laws should be extended to them, as well as free trade between our possessions and the United States.

I want to say another word, Mr. Chairman, and that is in answer to the criticism of the gentleman from Wisconsin [Mr. COOPER] that the minority was somewhat in fault in not having their bill at the time the majority bill was adopted by the committee. The fact was, as stated by the gentleman from Virginia [Mr. JONES], I was present, and I made the motion in committee that the coinage laws of the United States be extended to the Philippine Islands, and gave notice that a bill would be prepared in accordance with the motion then made. Now, Mr. Chairman, there are other gentlemen who wish to speak on this subject. I will yield, as I only wanted time to state my position thus briefly.

Mr. JONES of Virginia. Mr. Chairman, I would like to know how much time we have occupied on this side.

The CHAIRMAN. There is one hour and ten minutes remaining to the affirmative side and one hour and twenty-five minutes remaining on the side of the gentleman from Virginia.

Mr. JONES of Virginia. Mr. Chairman, I now yield fifteen minutes to the gentleman from Colorado [Mr. SHAFROTH].

[Mr. SHAFROTH addressed the Committee. See Appendix.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Virginia [Mr. JONES] is recognized.

Mr. JONES of Virginia. Mr. Chairman, we have used on this side as much time as has been used on the other, and I think the chairman of the committee should use some of his time now.

The CHAIRMAN. The Chair will state that there are seventy minutes remaining on each side.

Mr. COOPER of Wisconsin. Mr. Chairman, we desire to close the general debate on this side, and I would like to have the gentleman from Virginia proceed if he can.

Mr. JONES of Virginia. I realize, of course, that the gentleman will close the debate on that side, but I think he ought to use some of his time now. Several gentlemen on this side have spoken and, as yet, but one on that side.

Mr. COOPER of Wisconsin. I yield half an hour to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Chairman, the first question for consideration in the logical order of this debate is whether a change of standard in the currency of the Philippine Islands is desirable at this time. The other side of the Chamber seems to be divided upon that very important proposition. The minority members of the Committee on Insular Affairs recommend the adoption of a bill extending the American system of currency into the archipelago, and I assume that the majority of the opposition side will support that measure. The gentleman from Colorado [Mr. SHAFROTH] who has just addressed the committee, is opposed to any change at all, as I understand from his remarks.

Mr. SHAFROTH. I believe, if the gentleman will permit me, that the adoption of the American system is better than the proposed bill, but I am opposed to the passage of any bill.

Mr. CRUMPACKER. It seems, from the situation there and the testimony of men competent to judge of conditions, that a more stable currency is imperatively demanded by all of the interests of the islands. A stable currency is necessary to a prosperous business condition in any country, and the fact that the Republic of Mexico may have prospered to a considerable degree in spite of her currency system argues nothing against the principle that a sound currency is one of the indispensable requisites to the best and highest conditions of trade and commerce in any civilization.

In the Philippine Archipelago there has been great business disturbances on account of the constant downward tendency of silver. The standard of value is silver, and they have what we understand to be free coinage, and the currency of the archipelago goes at its bullion value.

When the Taft Civil Commission assumed control of affairs in the archipelago the rate of exchange between gold and the Mexican peso and the Spanish peso in the islands was about two to one. In view of the fact that the operations of this Government in the islands required a considerable volume of money, and large amounts were sent from here there, it was necessary to fix by governmental authority a ratio at which public officers might receive the current coins of the country.

The ratio was first fixed at 2 to 1. That was on the 1st day of December, 1901. Since then the ratio has been changed 7 times. On the 26th day of December, 1901, the depreciation of silver was such that the official ratio was fixed at 2.10. March 27, 1902, it was fixed at 2.27. July 7, 1902, it was fixed at 2.35. September 3, 1902, it was fixed at 2.40. October 22, 1902, it was fixed at 2.46. November 11, last, it was fixed at 2.50, and November 23, the last record that I have, the rate of exchange was fixed at 2.60.

These frequent and radical changes illustrate the disastrous effect of a currency that has such a rapid depreciation as Philippine silver has had during the last year, and the evidence before the Insular Committee shows that, notwithstanding the official rate of exchange is 2.60 to 1, the bank rate is, and has been for some time, from 2.68 to 2.72. The Government overvalues the current coin in its official rate, and is receiving the Spanish peso and the Philippine peso in lieu of gold at more than their real value, and during the last year it has lost over a million dollars in the depreciation of the coins that it has collected and received for public taxes and revenues in the archipelago.

Mr. SHAFROTH. If the gentleman will yield for a minute, does not the gentleman recognize that all taxes are practically paid by products, and that if the money depreciates it takes that much more of products?

Mr. CRUMPACKER. Oh, in its final analysis the gentleman may be theoretically correct; but when a government imposes a fixed rate of taxation and it is to be paid in current money, all of its estimates and calculations are based upon the supposition of a fixed purchasing power, and when such depreciation occurs between the time the tax rate is fixed and the time the tax is collected the loss is sustained by the government. In the Philippines it amounted to a net loss to the government of over $1,000,000 within less than a year's time, in the depreciation of the coins they received in the payment of taxes.

Mr. MANN. If it will not interrupt the gentleman, may I ask him a question? I do not wish to break in on the gentleman's argument.

Mr. CRUMPACKER. The gentleman may proceed.

Mr. MANN. What do you mean by saying that there is a net loss to the Philippine government of $1,000,000? They do not take in any less money, do they?

Mr. CRUMPACKER. They do not.

Mr. MANN. They do not pay out any gold for silver, do they?

Mr. CRUMPACKER. No.

Mr. MANN. They make no exchange?

Mr. CRUMPACKER. No.

Mr. MANN. You mean that the money that they take in is worth a million dollars less?

Mr. CRUMPACKER. Yes.

Mr. MANN. Do they not pay salaries with this same money?

Mr. CRUMPACKER. They do not as a rule.

Mr. MANN. What do they do with the money?

Mr. CRUMPACKER. They deposit it at the bank.

Mr. MANN. What object is there in depositing this money at the bank? Why do they not pay it out?

Mr. CRUMPACKER. Well, they deposit at a bank, and they do pay salaries on the official rate to provincial officers. They check against the account in the bank to pay salaries and expenses, and if they are paid in silver they are paid at the rate in force at the time of payment, which is much higher, as a rule, than the rate when the money was received.

Mr. MANN. Do you mean that all salaries are fixed on the gold basis?

Mr. CRUMPACKER. All salaries are fixed on the gold basis; but the government is required to use a great deal of money besides in payment of salaries, and in those uses the current value of silver is the basis, or, if the government insists on payment at the official rate, the difference is included in the price it is compelled to pay. The loss is the same, whichever way it is considered. The rate of exchange fixed by the government is not the current rate in private transactions.

Mr. MANN. That simply means loss after collection in depreciation of silver, and not really a loss of money. You say it is a million dollars. I do not see how it is possible to be a million dollars, but I have no doubt that you have authority for the statement.

Mr. CRUMPACKER. I have that information from J. H. Barrett, assistant insular treasurer. He gives the exact loss on account of the depreciations as $1,304,568.96.

Mr. MANN. What is the amount of the collection?

Mr. CRUMPACKER. I do not have that, but I think it is seven or eight million dollars altogether.

Mr. MANN. That would be one-seventh, notwithstanding they have made nine—I think the gentleman said nine—different changes in the ratio in about a year of time.

Mr. CRUMPACKER. The gentleman must bear in mind the important fact that a great deal of the money was on hand in the form of deposits received at our rate of exchange and paid out at a much higher rate. The government has coined balances amounting to six or eight million pesos, and had them on hand at the time rates were changed.

Mr. MANN. Did he state if it was put in the bank and held upon a gold basis?

Mr. CRUMPACKER. Oh, no; it was not on a gold basis in the bank always. Banks keep two kinds of accounts—gold and silver. All accounts were kept in silver until the insular government required gold accounts also.

Mr. MANN. If not deposited on a gold basis, there could be no loss on a gold basis.

Mr. CRUMPACKER. That is the situation of affairs, and it is stated by the officers there that there is a loss. A depositor who has a silver account in a bank must lose with the decline of the value of silver. It is somebody's loss, whether it is the customer's or the bankers' is not so material. That is a proposition of ethics that is not involved in the consideration of this bill.

Mr. MANN. The difficulty with me upon this point has been that whether the Philippine government would not do better by paying the salaries on a silver basis rather than undertaking to maintain a gold basis for salaries and a silver basis for other use.

Mr. CRUMPACKER. All the government operations are conducted on a gold basis.

Mr. SHAFROTH. I think a portion of the salaries are paid on a gold basis. Where Filipinos are employed they are paid upon a silver basis, and the Americans employed are paid upon a gold basis.

Mr. HILL. School-teachers, Army officers, and clerks are all paid in American money, and always have been; but insular officials are paid in insular money.

Mr. CRUMPACKER. Let me suggest the method of business. All the officers of the insular government proper are paid in gold, I think, but the provincial officers are paid in current money, upon the assumption that they are to be paid out of the provincial fund.

Mr. MANN. Upon a silver basis, you mean.

Mr. CRUMPACKER. Upon a silver basis.

Mr. SHAFROTH. Can not this all be remedied by having your import duties made upon a gold basis, instead of changing the entire silver coin to a gold basis? And would there be any loss whatever if these import duties were imposed in gold there?

Mr. CRUMPACKER. I have given the situation there now.

Mr. SHAFROTH. Why change the entire currency and the entire standard of value in the operations between individuals and the government when there is simply a shortage of revenue?

Mr. CRUMPACKER. They have silver currency, and all dues to the government are payable in gold, and to subserve the convenience of the people the government fixes a ratio between gold and silver so that public dues can be paid in either currency.

Mr. SHAFROTH. It would all have to be paid ultimately in products.

Mr. CRUMPACKER. That is refining the question beyond the point which it is required to go in this discussion.

Mr. SHAFROTH. I do not think so.

Mr. CRUMPACKER. Mr. Chairman, the opinion among business men and all who have thought upon the question is universal that the currency of the islands ought to be put upon the gold standard. The silver standard operates unjustly and disastrously. It is maintained by England in the Straits Settlement and in the Federated Malay States, because English people do the banking there and conduct a large commerce with people in silver countries. Men who are possessed of knowledge and experience are able to protect themselves, but the poor and the helpless are always at the mercy of the capable and the wise. The losses from fluctuations in currency are finally visited upon the ignorant and the helpless in all countries.

I quote from Professor Jenks's report in relation to the operation of the silver standard in East Sumatra, a Dutch colony, and he says the same condition exists in the Straits Settlements and the Federated Malay States. He says:

> There is probably no reason to doubt that under the somewhat peculiar circumstances of this colony of the East Coast the silver currency is, for the present at any rate, decidedly beneficial, not merely to the planters, but also to the productive and mercantile classes in general, while it would probably be difficult to show that the Chinaman, the laborer, is seriously, if at all, injured by his use of this coin, although it is he chiefly who bears the burden.
>
> Even, however, if it could be shown that the silver standard was maintained at his expense, it is still an open question as to whether the country should endeavor to enlighten the Chinaman, with the certainty that it would be deprived of a considerable part of his services if it were to undertake the task of enlightenment. It should be borne in mind that he is not a citizen; he is an exploiter in a small way who comes to take back to China with him most of his earnings.

That explains the attitude of Great Britain in maintaining the silver standard in many of her oriental colonies. Mining and agriculture are conducted there on a large scale, and almost all the labor is performed by Chinese coolies.

They go there under contract; they are accustomed to the use of the large silver dollar; they know what it means in Chinese trade and Chinese civilization; and Professor Jenks, in his report, says the coolies are so ignorant of the operation of economic law, that notwithstanding the depreciation—the decrease in the purchasing power of the dollar—they do not know where to locate the difficulty, and therefore the planters and the mine owners continue to employ them at a fixed price and to pay them with the constantly depreciating dollar, greatly increasing their profits by the operation.

Mr. HILL. Will the gentleman allow me a question?

Mr. CRUMPACKER. Certainly.

Mr. HILL. Is it possible that the gentleman from Indiana offers that statement as a justification for stabilizing the silver currency of the Philippines and exploiting it at the expense of the working people of the islands?

Mr. CRUMPACKER. I offer the statement to illustrate the hardship that the silver standard works upon the laboring people in the Orient. Is it not a correct application of an economic truth? Is it not an injustice to the ignorant coolies to be paid year after year in a depreciated coin at the same nominal rate? Do they not carry chiefly the burden of this very imperfect and most unsatisfactory system of coinage?

Mr. HILL. That is all true. And now the proposition in the bill of the majority is to stabilize that system. Does the gentleman advocate that? Is that what we are in the Philippine Islands for?

Mr. CRUMPACKER. The proposition of the majority is not to stabilize such a system at all, but to supersede this fluctuating, depreciating currency with a dollar or peso that will be worth as much next year as it is this year; that will be worth as much when the money is paid as it is when the price is agreed upon.

Mr. HILL. I admit that it is proposed to stabilize; but to stabilize what? To stabilize a condition reached after seventeen years of depreciation of silver.

Mr. CRUMPACKER. The gentleman is in accord with me respecting results, but we differ about methods. We are both for a coinage system that will benefit the people of the Philippine Islands and will especially protect the ignorant and helpless who are now the prey of the bankers, the money changers, and the merchants, the men who with a lead pencil write the prices of their commodities without consulting the interests of their patrons.

That is the situation now, and I do not know as it makes much difference where we stabilize the currency so we make its value permanent. The bill of the majority stabilizes the currency at the point where, by tradition and custom, the people of the archipelago associated it, so they will understand more readily its relation to commodities and the fixed standard of value than if we seek to double the traditional value.

Mr. ROBINSON of Indiana. May I ask the gentleman a question?

Mr. CRUMPACKER. Certainly.

Mr. ROBINSON of Indiana. Did my colleague understand and say that the incorporation of American money in the Philippine Islands will accomplish that result? Did not the gentleman vote for the Porto Rico and the Hawaiian currency bill? Eighty per cent of the people in the Hawaiian Islands are of the very class of those of the Philippines now.

Mr. CRUMPACKER. Mr. Chairman, the extension of the American currency might ultimately—I do not say it is a hopeless proposition—accomplish that result; but how long would it take? It occurs to me, from what I know of conditions down there, that the pathway to that eventuality is a rugged, rocky one, beset with a great many dangers and dire possibilities that this Government is not now prepared to encounter. It is true that we extended the American currency to the island of Porto Rico; but everybody who has investigated conditions there knows that it did disturb, that it did dislocate, local conditions. It could not help it.

Mr. ROBINSON of Indiana. I must deny that proposition.

Mr. CRUMPACKER. It is impossible to materially change the standard of value in any country without creating business disturbances, and in many instances working great hardship. That condition was created in Porto Rico by the change, but the difficulty would be multiplied many times in the Philippines, judging from the testimony of men who know and who are best calculated to give judgment on the question, and the situation there just now will not bear much more in the way of discord and friction.

Mr. HILL. Does the gentleman think that the conditions would be worse by a change of this kind in the Philippine Islands than they were in Porto Rico? Is he not aware that shortly after Porto Rico was taken we introduced the American money, and that for five years the American money has been circulating in every nook and corner of the Philippine Islands until to-day there is more American money in the Philippine Islands than there is of any other kind of currency, and that this money is going there to-day at the rate of $2,000,000 a month, right out of the Treasury of the United States?

Mr. CRUMPACKER. I know there is a large amount of American money in the Philippine Islands, principally in the city of Manila; it is in the treasury of the Government or in the vaults of the banks. But there is no American money in the interior among the people who do business on a small scale.

Mr. HILL. Do not the officers at every Army post, the soldiers at every encampment scattered all over the archipelago, receive their pay in American money?

Mr. CRUMPACKER. That is true enough; and that American money finds its way back to the banks. I am talking about the condition of the 6,000,000 natives outside of Manila. If we were legislating for the benefit of American officers, American soldiers, and American school-teachers there, I would believe with the gentleman from Connecticut that it would be the proper and intelligent thing to extend the American currency to the archipelago. But we are legislating for another class of people—a class of people who for generations have been transacting business with the Mexican dollars, with the Spanish pesos and pesetas and centavos, and all that sort of thing. That coinage is woven into the fabric of their business and their civilization.

Custom is infinitely stronger in the Philippine Islands than it is in this country. It is the observation of Professor Jenks that the Chinaman, who possesses fully as high a standard of intelligence and business acumen as the native Filipino insists upon receiving payment of his wages in the large round silver dollars year after year. He will not take anything else; and though they are constantly depreciating, he has not sufficient knowledge of the operation of economic law to know where to locate the difficulty.

Mr. HILL. Will the gentleman allow me to cite just a single fact in opposition to his suggestion that the Chinaman does not know what he is taking? Last year in China, at Pekin, I could exchange one dollar for eleven 10-cent pieces, the difference being simply the variation between subsidiary coinage and the full legal tender; and the "poor Chinaman," who is supposed to be so ignorant that he does not know the difference, had calculated that variation exactly, so that he would give to any comer eleven 10-cent pieces for a dollar merely on account of the fineness of the coin.

Mr. CRUMPACKER. I do not pretend to say that Chinamen are all ignorant and inexperienced, for they are not. There are many able, shrewd, capable business men in the great Empire of China and in all the marts of the Orient. But the difficulty with the gentleman from Connecticut is that he associated with none but intelligent business men; he did not go down into the provinces and pueblos back in the archipelago and come in contact with the native Filipino in his real home condition.

The gentleman did not associate with the Chinese coolie, who has no appreciation of economic law. It is true that Chinese business men are among the shrewdest business men on the face of the earth; it is likewise true that they go into Singapore and the Straits Settlements, and the Federated Malay States and impose these miserable dollars upon their ignorant countrymen who sweat and toil. British bankers say this is a wise policy. The spirit of Machiavellianism, a wise policy, indeed! They are not our citizens and it is not our business to educate and enlighten them as to the value of money; so they will go on receiving cheaper and cheaper coin, while the profits of the employer continue to grow larger and larger.

Mr. WILLIAMS of Mississippi. Is it not a fact—I ask for information—that in the city of Manila to-day you pass American silver at its parity value? Is it not true that the American silver dollar will be received in the city of Manila at virtually twice, and at the present time a little more than twice, the value of the Mexican silver dollar?

Mr. CRUMPACKER. That is true.

Mr. WILLIAMS of Mississippi. Then what disturbance to business would result if we simply made more American silver dollars to go out gradually farther and farther into the country there?

Mr. CRUMPACKER. I have been laboring for some time to demonstrate the reason why it should not be done. If we had only to legislate for the city of Manila we might extend American currency there without inflicting much hardship, because the people of Manila are fairly well informed in regard to the relative value of the several kinds of money. But by many times the larger portion of the inhabitants of the islands do not live in the city of Manila. They do not have the intelligence, they do not have the experience necessary for their own protection. They are slaves of tradition, custom, and superstition; and their whims and caprices are a factor in the successful operation of any money system.

It would be an egregious mistake to impose our system upon such a people. We must take into consideration the whole situation—the rinderpest, which destroyed the carabao and brought on a rice famine, the cholera, the locusts, the fact that the archipelago has recently been devastated by a dreadful war, and the consequent demoralization. If we add to the already aggravated situation may we not reasonably expect insurrection, and possibly revolution? Is it the time now, let me ask gentlemen on the other side of the Chamber, from a political standpoint, to further aggravate a situation that is already bad?

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield ten minutes more to the gentleman from Indiana.

Mr. HILL. Mr. Chairman, I would ask the gentleman this question, Whether the conditions in the Philippine Islands to-day are worse than they were in Porto Rico after the hurricane, when the island was practically destroyed, and it was about that time that we introduced the American money there. I supposed our genial friend, the delegate——

Mr. CRUMPACKER. I do not want to be discourteous to the gentleman, but I have only ten minutes more time and there are a number of questions which I desire to discuss.

The CHAIRMAN. The gentleman from Indiana declines to yield.

Mr. HILL. I would state, Mr. Chairman, that I have asked the delegate from Porto Rico if he would change back and he said he would not.

Mr. CRUMPACKER. Now, briefly, in answering that question I want to say that the conditions in the Philippine Islands to-day are infinitely worse than they ever were in the island of Porto Rico. There is no comparison. The sentiment of discontent, the disposition to ascribe to the American Government in the archipelago the responsibility for the distresses of the people, are such now that conditions are really serious and they will not bear any more aggravation. They are infinitely worse than they ever were in the island of Porto Rico.

Mr. ROBINSON of Indiana rose.

Mr. CRUMPACKER. Mr. Chairman, with all due respect to my colleague, I must decline to yield. I have but little time and have several propositions to consider.

The CHAIRMAN. The gentleman declines to yield.

Mr. CRUMPACKER. In the face of the testimony which was submitted to the committee which reported this bill, and in view of the character of the argument which was adduced by the various witnesses before the committee, I believe there is but one intelligent course for this country to pursue, and that is to establish the Conant system of currency, fixing the peso at 50 cents in gold and stabilizing it on that basis, so that business men and bankers and toilers may know, when they receive a peso, exactly what it is worth—so stabilize it that it will be worth as much next year as it is to-day, so that all can depend upon it. I would like to go further into that question, but I do not have the time.

The pending bill provides that the standard unit of value shall be the gold dollar. It has been suggested that the standard unit ought to be a fictitious peso, equal to one-half the gold dollar. If we were making a permanent system of currency for the archipelago and were going into the business of coining gold pesos, making the silver peso exchangeable for the gold peso, there would be force in the suggestion that the gold peso be made the standard unit of value, but no one pretends that either this Government or the government of the Philippine Islands shall coin any gold pesos.

If there is to be redemption or interchangeability, the redemption shall be by the American gold dollar and the interchangeability shall be with the American gold dollar. Therefore every consideration of logic and practicability suggests that the standard unit of value should be the American gold dollar. Redemption is to be in the American gold dollar and exchangeability shall be with the American gold dollar, and that ought to be a standard unit of value.

Now, the question about the ability of the archipelago to maintain the parity I have not time to go into at length, though I would like to do so. It does present, in my judgment, a question that is somewhat serious, but with a limitation upon the volume, and the power which is conferred upon the insular government to employ the usual safeguards, including the issuing of temporary certificates of indebtedness for the maintenance of a redemption fund, it is the judgment of men who are qualified to speak upon that question that there will be no difficulty on the part of the insular government in maintaining the parity of the coins.

Mr. HILL. Mr. Chairman, will it interrupt the gentleman if I ask him one question?

Mr. CRUMPACKER. I yield for a question.

Mr. HILL. Was not the bone of contention between the House and the Senate last session the absolute, unalterable position taken by the Senate that they could not do just what you are proposing to do?

Mr. CRUMPACKER. Yes, I understand that the Senate took the position that the Philippine government could not maintain the parity and the House took the other position, and the Senate, I understand, is converted to the position of the House, because a bill has been introduced and reported by the Philippine Committee of the Senate establishing the Conant system, substantially, as we provide for it here. They have changed base upon that question.

Now, in relation to the danger of authorizing an unlimited issue, that danger is always present in a fiat currency. It has been the temptation of governments in all times to abuse the power, to yield to the pressure to create fiat money when it can be done by simply printing and issuing; but I hope the American people have had sufficient experience so that they are able to safely handle that question, and I make the assertion that the insular government of the Philippine Islands, where the discretion is lodged by this bill, is safer upon that proposition than the United States Government itself.

Mr. HILL. I have thought that to be true.

Mr. CRUMPACKER. Safer than the Federal Government, because the insular government consists of the Philippine Commission, appointed by the President of the United States. They are in a position where they will not yield to a temporary frenzy in time of great depression for more money and cheaper money, where political clamor can not influence them, and their safety and conservatism are free from assault. They are free from conditions that move the Congress of the United States, a body which is very liable to reflect in its work the weaknesses as well as the virtues of popular opinion.

In times of great pressure and great distress in the country, in times of monetary panic, there is always a demand for more money and cheaper money, and if a Republican President had been elected in 1892 and the panic had come on the country as it did come, I have many times wondered if in 1896 Democracy, under the banner of free silver, would not have swept into power, and that abominable heresy have been inflicted upon the country. Who can tell?

I am not surprised, Mr. Chairman, that my friends on the other side of the Hall oppose the system that is proposed by the committee. I would not have been surprised at all, if the committee had proposed the bill that the minority report, the

minority had insisted upon the Conant plan. I presume that is the legitimate function of the opposition party.

I would not charge gentlemen in control of the minority measure with attempting to play politics with the situation—they never do that; but if the American system of currency as it exists here should be extended to the Philippines and should create further distress and disturbance who can tell what effect it might have upon the next Presidential election, how great a factor it might be, how effectively the argument might be used that the Administration lacked the ability to preserve and maintain peace and tranquillity in the islands after it has been once established there?

There is another proposition I want to refer to before I conclude, and that is involved in section 6 of this bill. An attempt was made to amend section 6 so as to preserve the rights of creditors in the discharge of debts that were contracted under the existing currency, to pay them off in that currency at its face value. On an analysis of that section I am satisfied that the committee did exactly what it did not intend to do.

If this bill shall pass, debts that have been contracted in the past and that are payable in Mexican coin and Spanish pesos today would be payable in the legal-tender money of the country at the time of payment, and this would add at least 25 per cent to every existing obligation. It was the intention of the committee to make provision so that debtors who now owe money might discharge their obligations in the currency in which the debts were contracted. And at the proper time I shall submit an amendment to that section which I think will accomplish what the committee desire to do. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. JONES of Virginia. I yield fifteen minutes to the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS of Illinois. Mr. Chairman, I do not know that I shall use all the time that has been allotted to me, as there are several gentlemen who desire to speak on this side. In fact, I had not intended to take any part in this discussion until I listened to some of the arguments advanced by gentlemen on the other side in support of the measure offered by the majority.

But when I observed from the closing remarks of the gentleman from Indiana [Mr. CRUMPACKER] that he had taken occasion to appeal to political considerations to secure the passage of this bill, it was evident to me that they were not willing to risk the passage of the bill upon its merits alone. It seemed to me, in listening to the chairman of the committee that the most of his argument, as well as the arguments of those distinguished gentlemen from which he quoted so extensively, were directed more against the financial situation in the Philippine Islands than in support of any particular measure for the relief of those conditions.

We admit that legislation of some kind is necessary. Now, Mr. Chairman, if I knew just how far we had proceeded along the route of incorporating the Philippine Islands into the United States as a part of the United States I might be better prepared to discuss this question. But I want to say that so long as the American Government continues to hold on to those islands as a part of the United States I believe that we should govern them the same as any other Territory of the United States, and I am not prepared to say that even the passage of this substitute offered by the minority is necessary to make American money a legal tender in the Philippine Islands.

There is no question but what there is a great deal of American money in the islands to-day. The report of the Schurman Commission, the evidence taken before the Committee on Insular Affairs, as well as the statements of the distinguished gentlemen who have visited those islands, all show that there is now a large volume of American money in circulation in those islands. Now, what will be the result if you pass the bill offered by the majority? In connection with that large volume of American money you will have another currency, entirely different, namely, that provided by this measure.

They will have the American dollar in the Philippine Islands and the Filipino peso, almost the same size, but with only half the value. One is to be exchanged for a hundred cents in gold and the other for 50 cents, and both issued by authority of the same Government. It will necessarily lead to confusion, a great deal more than if there were but one system of coinage for the islands. So long as we retain those islands, so long as they are occupied by the American Government, and I may say by the American people, a large amount of American money will be in circulation there, and I believe it will be better, not only for the Americans there, but natives as well, that they should have but one system of currency. A double system can but lead to confusion.

If there is anything that a person of but little intelligence and without any education learns more rapidly and more easily than anything else in this world it is the value of money, and it will only take them a short time to acquire this knowledge. If we are ever going to introduce American money into those islands, can you select a better time than now for that purpose? You admit they have a bad financial system. Why not supplant it with a better one? The bill offered by the majority is but an experiment at best. If you adopt it how long do you expect to continue it; one year, five years, or ten years? And if you do will you ever be in any better condition to introduce American money than now? It is said our money is more valuable and laboring men will refuse to work for a reasonable price.

There will never be a time in the history of those islands when there is more reason for an advance, and a great advance, in the rate of wages than at the present time. The amount of American capital going into those islands for their development will necessarily more than double—yes, more than treble—the demand for labor, and wages ought to increase. There is no better time for wages to increase in those islands, and therefore no better time to introduce money of a higher value than at the present time and under present conditions.

It is said that the laborer will refuse to take the American 50-cent piece as readily as the Filipino coin twice the size, though their value be the same. When he learns than an American coin half the size of a Filipino coin will buy just as many of the necessaries of life he will no longer hesitate to accept the American money at its full value. But the chairman of the committee says the merchant will endeavor to keep up the price of his goods and sell them higher on account of the introduction of American money. Will not the competition between the merchants in those islands regulate that matter there the same as it does at other places, and will it not be a very short time until the prices of the goods sold there will adjust themselves to the new American money, and when the laboring man sees that he can get just as many of the necessaries of life for 25 cents in American money as he could for 50 cents of the other money he will readily accept it.

Here is another suggestion I want to make, Mr. Chairman. It seems to me that this Government, when establishing a currency system in those islands differing from that in Porto Rico, differing from that in other territories of the United States, is discriminating against those people, and it will not help the establishment of friendly relations between the United States and the Filipinos. I should think their pride would be to be treated as nearly as possible the same as other citizens of the United States and that they would want the same kind of money as we have in other parts of the United States. I believe it would have a tendency to increase our trade there, and it certainly will not hinder it.

Here is another suggestion I want to make. Gentlemen on the other side took the position that those people were not capable of self-government. By the passage of this bill one of the greatest functions of a government is imposed upon them, that of maintaining parity between an unlimited amount of silver coin and gold coin. It is true it is limited, but only by the discretion of the Commission itself; and while it is a great Commission, while we all recognize that Judge Taft and his colleagues on that Commission are men of distinguished ability, I do not believe that Commission or any other commission is as capable of legislating and establishing a coinage system for the people of the Philippine Islands or any other people as the American Congress. I think here is where that question ought to be settled.

Now, what do you do by this bill? You provide that in order for them to maintain their parity, the Commission, officers who are foreign to that people, not a part of those people, shall have the power to issue gold certificates of indebtedness to the amount of $5,000,000. You can not have more than five millions in circulation at one time, but you can issue five millions every year, because these bonds are made payable in three months, and not more than one year. And at what rate of interest? At such reasonable rate as the Commission may fix. The Commission can issue them at any rate of interest which it considers reasonable.

Suppose this bill passes and we should have designing men in those islands, as we had in the United States a few years ago, who wanted to force the Philippine Government to issue five millions of gold certificates, could they not do so and produce the same endless chain for forcing the issue of gold bonds in the Philippine Islands that we had in the United States? Will you contend that that people, whom you claim are entirely incapable of self-government, and weak in finances, are able to take care of a condition as serious as the one we had in our own country a few years ago while trying to secure gold to maintain the parity of our two metals?

But that is not all. When this $5,000,000 is issued, the power of the Philippine Commission to maintain the parity is exhausted. How are you going to pay off that indebtedness? There is no provision made, and while it is outstanding no further indebtedness for this purpose can be created. Suppose under such conditions the two metals part company, suppose the parity disappears, what remedy have you then? None. I say it is a mistake. I care not

how sound this bill may be in other respects, it is a mistake to place upon the people in those islands, in their present weak condition, the burdon of maintaining the parity between the two metals as provided for in this bill. I think the safer plan is to extend to those people our own monetary system, as provided in the substitute offered by the minority.

Now, gentlemen talk about stabilizing the currency over there, and the word "stabilizing" seems to be rather fascinating to those on that side of the House—"stabilizing the currency." How do you stabilize it? By your bill you simply put it all in the discretion of the Philippine Commission. That is all. And, as was said by my colleague, you would have about as much legislation if you would simply pass a bill of a few lines authorizing the Philippine Commission to take charge of this whole question. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bills of the following titles in which the concurrence of the House of Representatives was requested:

H. R. 1193. An act to correct the military record of Henry M. Holmes; and

H. R. 16021. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 149) to provide for holding terms of court in the district of Utah, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOAR, Mr. BLACKBURN, and Mr. RAWLINS as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Senate concurrent resolution 53.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination to be made of the Columbia River, in the State of Washington, between Wenatchee and Kettle Falls, with a view to removing obstructions to navigation, and to submit plans and estimates of cost therefor.

PHILIPPINE COINAGE.

The committee resumed its session.

Mr. JONES of Virginia. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has fifty-five minutes.

Mr. JONES of Virginia. I yield twenty-five minutes to the gentleman from Connecticut.

Mr. HILL. Mr. Chairman, I am going to convert you to the gold standard. In 1861 the Philippines had a gold standard with a mint of their own. In 1876 the Mexican dollar, the cheaper money, drove out the gold and took possession of the country, but it has taken possession of it on a gold basis. Gold has always measured silver there on the basis of 16 to 1.

Now comes the proposition to substitute another standard, 32 to 1. We have had various authorities quoted to us why this should be done. The chairman of the Committee on Insular Affairs has given us what he calls many authorities. I give him the authority of the United States Senate, who say in as emphatic words as Governor Taft said, that it would be disastrous to the Philippine Islands to change the standard. They said so in their official report made to the United States last June. And now he comes in here with a proposition that proposes to change the standard from 16 to 1 to 32 to 1. It is not a proposition to adopt the gold standard in the Philippine Islands; it is a proposition to adopt the silver standard in the Philippine Islands on a basis of 32 to 1, saying to my silver friends from Colorado, "You shall never advance silver in this country beyond 32 to 1," and saying to the gold-standard friends, "We will try and hold it up by a reserve fund to 32 to 1." That is what this bill proposes to do; not to adopt a gold standard at all.

The gentleman from Wisconsin, the chairman of the committee, cites Japan among other cases. I want the members of the House to compare in their minds the difference between Japan and the gold standard at 32 to 1 and the Philippine Islands and a silver standard of 32 to 1. There is this difference: Japan, when she started in on the gold standard, had seventy-eight millions of full legal-tender silver, and what did she do with it? The first thing was to sell forty millions of it as bullion and recoin the other thirty-eight millions into subsidiary coin, and they have to-day a gold basis.

Look at the difference. The committee brings in a 32 to 1 standard, and what do they propose to do? Deliberately inject seventy-five millions, according to the Senate, and an unlimited amount, according to the House, of full legal-tender silver into the currency system to begin with—the very thing Japan disposed of before she went on a gold basis at all. The two conditions are radically opposite. The Senate bill proposes an imaginary unit of 12.9 grains. This bill does not propose any gold whatever. The entire system of coinage will be silver and nothing else. There is the difference between the two.

Gentlemen cite India. The difference is just as marked in India as in Japan. Why, sir, does any sane man believe that if India were starting a new system of coinage she would start in with several hundred millions of silver rupees? Not at all. The people of India found themselves in that condition, and they are doing the best they can. This is a proposition to begin over again, not to make the best of existing conditions. And it is proposed to drive out everything in the way of coinage over there and start anew; start where we are, in the United States, only 50 per cent worse. Would we to-day inaugurate a new coinage system in the United States with 600,000,000 legal-tender silver dollars? Not by any manner of means. Yet that is the proposition.

Gentlemen say that India is maintaining parity. It is true. But she is maintaining parity by exchangeability, and there is not a thing in this bill which says anything about exchangeability. India is paying out gold for silver and silver for gold. It is a very sad fact that India was able to do this last year by reason of the circumstance that six and a half millions of gold came in from the poor peasants who, on account of the famine and other hardships of life, were obliged to surrender their personal ornaments and turn them into the treasury of India.

Look at the difference. India has $1.58 per capita of silver. We have $8. The Senate bill starts off with the proposition to supply that little desolated archipelago over there with $75,000,000—$12.50 per capita—and the House bill makes no limit whatever; it leaves the matter entirely discretionary with the insular government—not with Governor Taft, but with the men who will succeed him after he has gone upon the Supreme Bench or become President of the United States. That is the difference. It is to be left entirely with them to coin all they please.

Next, Mr. Conant is quoted. I know Mr. Conant. He is an able man; and he is cited here as authority for this new patent hybrid currency system proposed to be started over in the Philippines. I want to ask the chairman of the committee for what has Mr. Conant received such great distinction in this and other countries? For a History of Banking—a magnificent work. He is an able gentleman. In that work he has gone into the banking system as existing in every country of the world. He submitted to this committee a banking system for the Philippine Islands, every word of which has been discarded from the bill and rejected. If gentlemen thought so highly of his currency system, why did they not think well of his banking system? But every word of the latter was rejected.

We have been referred to the Netherlands as an illustration of silver being maintained at par. It is true; but it is the coinage of the Netherlands in Europe that is being maintained at a parity, just as ours would be if we should adopt this minority proposition and introduce our coinage over there. There is no special silver coinage in the Netherlands; and all of the coinage of the Netherlands is maintained at parity to-day by a provision in their laws that if at any time the Government of the Netherlands should deem it wise, they may withdraw a large part of its silver coinage and melt it down into bullion, without waiting for the approval of their legislative authority. So, when the Netherlands are cited as a justification of this proposition, it is simply an argument in favor of the bill presented by the minority here.

Now, the chairman of this committee ought to be fair. He has presented here a paper which he and other gentlemen have received recently from the Philippine Islands, called the Cable News, and he has read a number of statements as to the desirability of this new system of coinage. He read a word or two from Mr. William H. Anderson, of the Pacific Oriental Trading Company, one of the largest importing houses in the islands, having agencies at Honkgong, India, and various seaport towns.

Let me read what the gentleman did not read from the expressions of this same gentleman:

The next house visited was the Pacific Oriental Trading Company, one of the largest importing houses in the islands, having agencies at Hongkong, Iloilo, Cebu, Tacloban, and other seaport towns. Mr. William H. Anderson, general manager of the company, said to the Cablenews representative:

"The currency of the Philippines is in awful shape. Commerce has been given a blow from which it will not recover soon. When the currency of a country is affected, the commerce, the life of any country, the mainstay of any nation, is also affected. Without commerce there can be no prosperity.

"Manila is rapidly coming in contact with the markets of the world, and the commerce of the Philippines had been making rapid strides until the depreciation of Mexican money began. Since that time commerce has retrogressed woefully. However bad the effect of the recent silver fluctuations have been upon the business community, Manila has not yet lost her standing with the other markets. Being, as we are, in contact with the other markets, our currency should be the same as theirs—gold. I do not believe

in the Conant dollar as a medium of exchange. Many claim that the American money will not be accepted by the natives. Why, the first thing a people learn—I don't care where they live or what kind of people they are—the first thing they learn from foreigners is their money. It is nonsense to say that the natives will not accept the American dime in place of a peseta."

Why, sir, an American nickel goes for gold anywhere in the world. A Japanese 'ricksha man, a Chinese cooly, will take an American nickel for gold anywhere. There are a dozen gentlemen on this floor who know that what I am saying is true, for they have had the knowledge of personal experience. I cite as one of these a gentleman immediately before me [Mr. GREEN of Pennsylvania].

Mr. Conant says the same thing in his testimony; yet gentlemen come in here and say that these natives in the Philippine Islands will not accept American money. Why, sir, only last week I called upon a colonel of the American Army, whom I met out there in the Philippines. He has been there two years. I said to him, "Give me your judgment as to what kind of currency would be acceptable in the Philippine Islands. Will those people take American money?" He said, "Yes." "Why," said I, "the natives would not know that an American 10-cent piece was equal to a 20-centavo piece of Philippine coinage." "Do you think so?" said he. "Why, sir, away up in the northern end of Luzon, away up in the woods, those people coming into my quarters would ask me to sell American coin at a premium over and above the rate fixed by the Commission. Why? Because, as they said, when they got American money, they knew where to find it, and when they had their own money, it was sometimes here and sometimes there."

And they were ready to pay a premium of 12 per cent, or 272 cents, for a dollar instead of $2.60, the rate fixed by the commission in order to get American money, and that is what they are doing to-day; and I shall go into that subject in a moment as to the facilities which they have for doing it.

Mr. Anderson adds:

It is nonsense to say that the native will not accept the American dime in place of a peseta. Of course you may go back into the interior, employ a native to do a certain thing, and he will naturally prefer to be paid in Mexican, simply because he is accustomed to that currency. Now, suppose I owed a native a peseta and I laid down a peseta and a 10-cent piece, side by side. He would pick up the peseta, of course; but if I refused to pay him in Mexican, and gave him the 10-cent piece, what would be the result? He would finger the dime suspiciously and grumble. However, when he went to a store, presented his 10-cent piece, and asked for that much rice, he would receive a peseta's worth. His education would then be complete. He would realize, through this simple object lesson, that American money is worth twice as much as the Mexican and would be satisfied with the former.

Aside from the losses which we sustain from the use of the peso there are other objections to it. It is the most cumbersome coin in existence. It can not be transported with the ease with which currency should be taken from one place to another. Frequently our losses from its use can be attributed solely to its cumbersomeness. For instance, a man sends in an order from the provinces, and we ship the goods on the next steamer. (Here is another obstacle in our way, but I will not dwell upon it. I mean transportation, or rather the lack of it.) It may be a month before the goods arrive, and, owing to the scarcity of paper money in the provinces, the merchant can not remit for his goods, even if he wants to do so, immediately. He must wait until some friend can carry the money for him, or he must make a special trip to pay for the goods, which is often impossible. The result is we wait from two to three months for the money. In the meantime the price of silver has fallen, and when the money finally arrives we find that we have sold the goods for about the amount they cost us plus the transportation and other expenses incurred in getting them here.

WE LOSE, IT MATTERS NOT IN WHAT COIN WE DEAL.

We have now put our business on a gold basis, but before this we lost heavily on such transactions. And now that we have begun doing business in gold our trade is falling off on account of the advanced prices which we quote in Mexican at the Government rate. We lose both ways. If prices are in Mexican we lose on exchange, and if our prices are in gold we lose in trade. So it is apparent that we lose, no matter in what coin we deal.

What we want is a stable currency, and it is absolutely necessary that we have it. Everybody is a victim of the present currency system. As I said before, I am not in favor of the Conant dollar, but its adoption would greatly relieve the situation, because it will be stable.

How was it in Porto Rico? I wish that our good friend, the Delegate from Porto Rico, was permitted to stand upon this floor and tell the experience of the people of Porto Rico with regard to their change of currency. I have here a letter, which I have not time to read, from Governor Hunt, of Porto Rico, in which he states that while there was trouble for about thirty days, owing to conditions down there, that the change was a wise one, and substantially saying that if he had it to do he would do it over again. I want to have one letter read, showing in a very few words the result of the change of the currency system from the irredeemable currency of Porto Rico to American money, and I will send it to the desk and ask to have it read.

The Clerk read as follows:

AMERICAN COLONIAL BANK OF PORTO RICO,
San Juan, August 15, 1901.

CHARLES A. CONANT, Esq.,
Special Commissioner to Philippine Islands, Manila.

DEAR SIR: Yours of the 25th July came duly to hand. The change in currency in this island was made easily and comparatively quickly, and did not result in hardship to the people to any great extent. At first the smaller merchants were disposed to ask dollars in place of pesos for their wares, but competition in business soon stopped that. Wages have risen slightly, but not as a result of the change of moneys, the cause being purely the result of better conditions and greater profits among the agricultural classes, save with the coffee growers. With them the destruction of crops, and in many cases of whole plantations, by the hurricane of 1899, has cheapened the price of labor. We do not think that harm resulted to anyone, save temporarily in a few cases, through change of money, and it has removed the fluctuation of value in the money of the country. American currency was at a premium most of the time, and values changed as much as 2 per cent in a single day. There is no more of that, much to our relief, and the people here appreciate the change from their cheap money to one that passes current the world over. We trust the same plans may be carried out in all of "Uncle Sam's" new dominions, as it does a good deal toward Americanizing the people of the country.

Truly, yours, E. L. ARNOLD, *Cashier.*

Mr. HILL. Now, Mr. Chairman, I want to have read also the opinion of the Secretary of the Treasury of the United States of America.

The Clerk read as follows:

And if in addition United States currency shall follow the flag, the time is not far distant when the prices current of all Asia will be written in United States money. Porto Rico suffered temporarily by a changed standard, but it took no longer to learn the purchasing power of the different denominations of United States money than it would to have learned a new system. Surely the world has as many kinds of money as it needs, but it has none so convenient as United States money. Let United States money be made as secure as the British pound, and its employment in the commerce of the world will become as universal as the use of the English language. They are both the natural servants of commerce.

Mr. HILL. I ask permission to insert in the RECORD the expression of opinion on this bill by a gentleman whose superiority on a question of coinage and currency over any other citizen of the United States will not be doubted by anybody in the country. I refer to Mr. Horace White, of New York. He declares as his opinion that this is simply a silver-purchasing bill. That opinion is as follows:

THE PHILIPPINE CURRENCY BILL.

Just before the holiday adjournment of Congress Senator LODGE reported from the Committee on the Philippines a bill (S. 6357) to regulate the currency of the islands. It provides, first, that the gold peso, equal to a half-dollar of our money, shall be the unit of value, but does not provide for any gold coinage. Instead of that, it makes the gold coins of the United States legal tender in the Philippines at the rate of $1 for 2 pesos. Next, it provides for a silver peso of full legal tender, to be coined from bullion bought by the Government, and of which the Government must coin twenty millions, and may coin seventy-five millions. Thirdly, it provides for subsidiary silver coins to be legal tender for $10.

The effect of this measure is to establish in the Philippines what is called the "limping standard," a phrase applied to countries which have the gold standard nominally, but also have a large amount of silver of full legal tender. Germany, France, and the countries of the Latin Union are in this category. The United States is in the same category. None of the countries named consider the condition a happy one. The European nations took the limping standard because they could not help themselves. They caught it as people catch the measles. They had large amounts of silver in circulation in the early seventies, when the gold standard swept over the civilized world, and they could not get rid of it. Germany made great efforts to sell hers, and did dispose of a part of it. In doing so she broke the price of the metal, so that when the Latin Union countries decided to stop coining silver they had no market on which to sell theirs. The United States is the only country which took this kind of measles voluntarily. We took it with our politics, but no political party is very proud of it now. Nor shall we have any reason to be proud if, after our experience with it and our knowledge of it in other lands, we inflict it upon a people who are under our legislative control.

The great objection to the limping standard is its uncertainty. Those who are under its régime never know where they may stand a year hence. A bill is now pending in Congress to remove the uncertainty which the limping standard entails—a bill to provide for the redemption of the silver dollar in gold. The act of March 14, 1900, recognized the uncertainty by a clause requiring the Secretary of the Treasury to keep the silver dollar at par with the gold dollar, but did not provide him any means to do so. Senate bill 6357 recognizes the same uncertainty attaching to this system in the Philippines, by authorizing the government of the islands to adopt such measures as it may deem proper to maintain parity between the gold and silver coins and to borrow $10,000,000 gold for that purpose. This clause of the bill expresses the fear of its framers that the equilibrium of the standard will not be maintained without extraneous and extraordinary efforts.

Looking at the details of the bill, it is very doubtful whether parity can be maintained if the government of the Philippines exercises all the powers conferred upon it. It must coin 20,000,000 and it may coin 75,000,000 silver pesos of full legal tender, at the ratio of 32 to 1, while the market ratio of silver to gold is 43 to 1. The line of prudence and safety under the limping standard lies in keeping the amount of the overvalued money (the silver pesos) no greater than the retail trade of the country can absorb, but the temptation will be ever present to overpass the limit. We know how this is ourselves. Unless the Philippine government is wiser than the Washington Government was we may expect to see the limit overpassed as it was under the Sherman Act.

In devising a new monetary system for the Philippines the simplest plan is the best. The gold standard, as provided in the bill before us, with a silver subsidiary coinage of the kind provided in the act passed by Congress last year, is quite sufficient. There is no good reason for thrusting in a third kind of money whose sole virtue will consist in its redemption in gold. These pesos would be both an element of danger and a needless expense. As the bill provides for issuing paper certificates for them like our silver certificates, why not issue the certificates in the first instance? The pesos are to circulate on the credit of the government, not on their intrinsic value. Our silver certificates would circulate just as well, perhaps better, if there was not a dollar of silver behind them. If the Filipinos prefer to handle silver rather than paper, give them plenty of half pesos, which the bill also provides for. The natives probably know that two halves are equal to a whole one.

As the pesos are quite unnecessary, the only visible object of coining them is to make a market for silver bullion. We trust that the Senate committee is not now trying to "do something for silver" at the expense of the Filipinos, but we recall the fact that the Senate bill of the last session did have that aim, since it contained a clause that the coins might be made at our mint, but that the silver bullion so coined should be of American production.

We are told by some people that if we introduce the single gold standard we shall increase the wages of labor in the islands. That depends upon the

ratio between gold and silver which may be taken as a starting point. Wages in the Philippines, although nominally the same as of old, have been actually reduced by the decline in the value of silver. The laborer, who gets a peso in wages, can not buy so much with it as before. As regards future wages, the question is, what shall the future peso be? The bill says it shall be an amount of gold equal to half of an American dollar. That is the ratio of 32 to 1. It is a fair starting point, since it was the market ratio when we took the islands. It was the ratio actually adopted by Japan in the same year. There has been a fresh drop in silver within a few weeks, which has cut the effective wages of labor still lower. The Filipino laborer has been thrown down by the force of circumstances, and Congress ought not to hold him down, but rather to lift him up and put him on his feet, especially since Congress neglected its duty in this particular last summer, when it might have avoided the major part of this trouble.

In addition to that, Mr. Chairman, I will submit a letter on this question from Governor William H. Taft, just received from the Philippine Islands, which I will ask the Clerk to read.

The Clerk read as follows:

MANILA, P. I., *November 25, 1902.*

Hon. E. J. HILL, M. C., *Washington, D. C.*

MY DEAR Mr. HILL: I thank you very much for your letter of the 15th of August. The monetary condition here is now dreadful. Exercising the authority which the Philippine act gave me, I have fixed the official ratio as 1 to 2.60; in other words, the Mexican dollar has lost in gold value in less than one year 30 per cent. This has inflicted a great deal of hardship upon the wage-earners, whose salaries do not change with the change in value of silver, while that which they buy and have to live on does change and follows the market for silver.

Mr. HILL. Just one moment there, Mr. Chairman. I want the members of this House to listen to that sentence. Eighteen years ago the Philippine Islands were on a gold basis, and wages paid accordingly. You can take the testimony of these commissions—the Schurman, the Taft—all of these commissions right straight through, and it will show you that while prices have advanced as silver has decreased, wages have been practically stationary, and these poor people there have been robbed by this depreciation in silver. Now, then, what does this bill propose to do? Where it started, sixteen or eighteen years ago, dollar for dollar and has gone down to one-fifty, two hundred, two-fifty, two seventy-two, this bill proposes, by power of governmental action, to take silver from two seventy-two and lift it up to two hundred and hold it there, and when it proposes that, it proposes to hold the wages of these poor people—never over 10 cents a day in any money—right there at two for one, and "if you do not do it, gentlemen," they say, "it means revolution!" I never yet heard of a people who started a revolution against their own increase in wages. [Laughter.]

Mr. CRUMPACKER. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Does the gentleman yield?

Mr. HILL. Certainly.

Mr. CRUMPACKER. Does the gentleman not know that since the American occupation of the Philippine Islands the wages of laboring men have doubled, nominally, in the coin of the country and in some instances trebled?

Mr. HILL. I know they have in Manila.

Mr. CRUMPACKER. I would like to know what the gentleman means by saying that they have remained stationary.

Mr. HILL. They have in Manila, and I am glad of it. But they are only now paid 10 cents in gold.

Mr. CRUMPACKER. Let me ask what the gentleman meant by stating to this committee that the wages had remained stationary during all these periods and that it was the purpose of the committee——

Mr. HILL. I said that was the purport of the testimony through every commission. I have read every word of it from beginning to end, and it shows that the effect of this fall in silver has come from the pockets, from the sweat and blood, of the poor working people of these islands, and I have very little doubt that that had as much to do with the Philippine insurrection as any other one thing. I say that as Republicans, anyhow, it does not lie in our mouths to say that we will refuse to pass a currency bill which will help in wages the laborer, increasing his pay from 10 cents a day upward. [Applause.] That is my doctrine.

Mr. CANNON. Will my friend allow me?

Mr. HILL. Certainly.

Mr. CANNON. This bill provides or attempts to provide, first, that the unit shall rest upon the United States gold dollar.

Mr. HILL. Well, this bill does. The Senate bill does not.

Mr. CANNON. Second, that 2 pesos shall be a legal tender, within certain limitations, for a dollar.

Mr. HILL. Yes.

Mr. CANNON. And that the peso is to have a weight of 416 grains.

Mr. HILL. Yes.

Mr. CANNON. That the money shall be maintained at a parity by redemption.

Mr. HILL. Yes.

Mr. CANNON. In gold.

Mr. HILL. Yes.

Mr. CANNON. Now, that gives the 2 pesos double the weight of our half dollar, and more.

Mr. HILL. Yes.

Mr. CANNON. And puts the burden upon the insular government to maintain the parity.

Mr. HILL. Yes.

Mr. CANNON. Now, so much for the bill. I would be glad to know what the gentleman would put in its place?

Mr. HILL. I would put American money in every possession of the American Government anywhere. Whenever we take them, I would let American money go with the American flag.

Mr. CANNON. That is to say, the gentleman would put the gold dollar there as the unit, and it would put the half dollar there not weighing half as much as the peso, and he would maintain that at a parity, would he not?

Mr. HILL. Oh, certainly.

Mr. CANNON. How much easier is it to maintain a half dollar at a parity with gold, when the half dollar does not weigh half as much and is not worth half as much intrinsically as the peso?

Mr. HILL. I stated some time ago, before the gentleman came in, that if the United States were to start a new system of coinage to-day not even the gentleman from Illinois [Mr. CANNON], with his antiquated notions in regard to money, would consent to have it start with 600,000,000 legal-tender silver dollars in our currency to-day. [Applause.] But this is a new proposition. This is to start off a new system of currency among a poor, ignorant people—amongst a low-down people, only half civilized.

Mr. CANNON. Will the gentleman allow me another question, because he switches——

Mr. HILL. Well, I am careful not to switch the gentleman from Illinois.

Mr. CANNON. Under this bill the insular government maintains the money at a parity. Now, who maintains the United States half dollar, under the gentleman's scheme, at a parity with gold in the Philippines?

Mr. HILL. Mr. Chairman, I will answer that question just as soon as we hear the rest of Governor Taft's letter, if you will hold it for a moment or two.

Mr. CANNON. I will hold it, but I should be glad to have an answer as to how that is to be maintained.

Mr. HILL. There is no trouble about that. I will come to that.

Mr. CANNON. I do not want declamation——

Mr. McCALL. But information.

Mr. CANNON. Yes.

The Clerk read as follows:

Moreover, those who have permanent investments—and there are quite a number in Manila and the islands—the income from which is payable in silver, are suffering greatly. The depression in agriculture is very great; 90 per cent of the carabaos have died, and they are almost indispensable in the cultivation of rice. Rice has gone from $4 Mexican to $7 a picul of 137½ pounds; and in many of the provinces, due to defective interisland transportation, it has reached $12 a picul. We have had to buy 300,000 piculs with the hope of steadying the price, and we expect to distribute it through the provinces.

We are very much in need of legislation that shall put us on a gold basis. I do not insist on the Conant plan, though I think that the most feasible.

Mr. HILL. Listen to that, gentlemen. One moment. I want the members of the House to listen to that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES of Virginia. I yield fifteen minutes more to the gentleman from Connecticut.

The CHAIRMAN. The gentleman from Connecticut is recognized for fifteen minutes more.

Mr. CANNON. But I should like to hear what Governor Taft says.

Mr. HILL. I am learning by experience, following the example of our friend from Illinois [Mr. CANNON], never to allow the thread of one's argument to be broken until one gets ready to have it.

Mr. CANNON. All right.

Mr. HILL. I want it distinctly understood by the members of this House that we have been told to-day that the adoption of American money in the Philippine Islands will prove disastrous to them, and will even create a revolution; and yet Governor Taft says to me, over his own signature, that he does not "insist" on that proposition; that all he wants is legislation giving us the gold standard.

Now, I ask the Clerk to go on with the reading, please.

The Clerk read as follows:

But some relief must be given us, and that at this session of Congress. I sincerely hope, too, that Congress will be generous and will reduce the Dingley rates from 25 per cent reduction to 75 per cent, so that agriculture may receive encouragement here. Neither the sugar crop nor the tobacco crop will reach America in sufficient quantities to influence the market, but, on the other hand, it will greatly aid us. Anything you can do to help us in this matter will be greatly appreciated.

I am, with great respect, sincerely, yours, WM. H. TAFT.

Mr. HILL. Now, Mr. Chairman, we were asked last night to give authorities, and we have tried to cite a few. I ask the

chairman why he does not quote his witness of six months ago—the Director of the Mint, Mr. Roberts, who appeared before the committee in favor of this proposition. He is now standing for American money only.

Mr. CRUMPACKER. What does he know about the condition of the Philippine Islands?

Mr. HILL. He knew six months ago, when he was your witness. I saw that from the investigation. If you inquire you can not find an officer of the Treasury Department of the United States, from the Secretary, the Treasurer of the United States, to the assistant treasurer of the United States, who is not to-day in favor of the introduction of American money. Gentlemen, you have not got to introduce it; it is there.

Mr. CANNON. But if my friend will allow me, because he has the courage of his convictions——

Mr. HILL. I know just exactly what the gentleman wants me to say, and I am ready to say it—that the United States has got to maintain the parity over there, and he does not believe in doing that.

Mr. CANNON. Yes.

Mr. HILL. I admit it, and I admit that we have got to maintain the parity of our money anywhere in the world, wherever it goes, less freight and insurance in transferring the gold.

Mr. CANNON. We get at the exact point of difference between us.

Mr. HILL. I am not ready to discuss it, but by and by I will take it up if I have time.

Mr. CANNON. It goes to the very gist of the matter.

Mr. HILL. Now, Mr. Chairman, the question is whether this will be a greater change for American money than if we adopt this system. Last summer when this matter was under consideration I went to the Treasury Department and inquired as to the amount of American money that had been sent there, and I found that the Pay Department had sent $24,000,000, the Quartermaster's Department sent $3,000,000, the Commissary Department $370,000, and was advised that other payments of the Pay Department would amount to $12,000,000 in drafts; so there were forty millions of American money we had sent there. The other day I asked Mr. Meline, the assistant treasurer, how much they were sending over there now, and he said on an average $2,000,000 a month was being sent there of American money.

Our friends of the Insular Committee recognized that situation last session and provided that American money should be a legal tender. But they have stricken that out now, leaving only gold as a legal tender there. So if you go on and adopt the provision in the insular bill you have got two tasks before you: First, to drive out the Mexican, and then to drive out the American money; and the last is not a good task for American representatives to be engaged in—to attempt to drive American money out of those islands. Whether we are going to keep them or not, and I think we are going to keep them, let us keep the American coin in circulation there, and it ought to be there to keep our trade in the same form of money. Talk about the peasants and natives not accepting American money! When I was there in Manila, I visited the Insular Cigar Manufactory, where they have 2,500 hands employed. The manager is an Englishman.

I asked him if a change to the coinage of the United States would be of advantage to him. He answered, "The trouble is, you didn't do it when you came here." He said, "You ought to have adopted American money immediately." He said, "The danger is in the delay in doing it." I asked him, "How do you pay your employees?" He said, "In anything; American dollars, Singapore dollars, Bombay dollars, Mexican dollars, anything I may happen to have, on the going ratio, and they take it just the same, according to the going ratio." They understand it, and they will understand it. The quickest thing one learns is to count in a foreign language and to reckon foreign money.

This is one of the tasks before you. Now, gentlemen, this bill is to establish the silver system in the Philippine Islands, to stableize the present rate of wages. That is what it means. My friend from Illinois wanted to ask me a question. Although my throat is very sore, I will endeavor to answer it if I can. Now, providing we have American money there, who is going to maintain the parity? Who is going to maintain the parity of this money?

Mr. CANNON. The insular revenues of the insular government. The silver half dollar contains over twice as much silver as the American.

Mr. HILL. Certainly; but who maintains the parity of the American dollar in the Philippine Islands? Answer me that.

Mr. CANNON. The American dollar in the Philippine Islands——

Mr. HILL. Who maintains the parity?

Mr. CANNON. It maintains itself.

Mr. HILL. That is what it will do if you make this change. [Applause and laughter.]

Mr. CANNON. Does my friend——

Mr. HILL. I will tell you how it will affect the gold coin. If your government which you have started—our government, pardon me—which we have started over there is able to maintain the parity under the terms of this bill, who is going to furnish the gold for commercial transactions under the terms of the bill which the gentleman has reported?

Mr. CANNON. Who furnishes it under your system?

Mr. HILL. The banks.

Mr. CANNON. The bank?

Mr. HILL. The bill provides that the government shall do it under your bill, and the very losses which are occurring now from the shrinkage of silver, which losses occur to the man who has got the Mexican dollar in his pocket, will be saddled on the government under the terms of your bill, and they have got the balance of trade against them all the time, and they can't do it, and the Senate told you so last June.

Mr. CANNON. If my friend will allow me right there. The Government of the United States, my friend will admit, practically maintains the parity of money. All the forces operating responsible for government, added to a full legal tender, and great blocks of it redeemable specifically in gold. My friend will admit that in the last analysis the Government here maintains silver that is intrinsically worth less than 40 cents at a parity with gold. We would have to-day the same thing there. He says whereas that burden under a wise administration ought to be borne by the insular government, in my judgment——

Mr. HILL. Now, gentlemen, if you have a full legal tender of American gold with a subsidiary coinage in the Philippine Islands, I would not be here opposing this bill. Why? Because it would be just like Canada. Her system is gold with a full legal tender and silver for subsidiary, and bank notes for commercial transactions. A man when he wants the gold goes to a bank, pays the rate of discount, and gets the gold. It is just the same in Hawaii. They had the gold and a full legal tender and a subsidiary coin for small money and bank money between the two. But these people have come in and injected a new feature, put a burden on this little weak government that has not yet started. Instead of giving it milk, they are putting upon it a full legal tender of silver.

Now the gentleman said, "Who is going to maintain the parity of the American money if we put it over there?" I will tell you how it will work. Suppose there was nothing but American money there and I wanted to pay a bill in New York. I would go to the bank and pay 1½ per cent premium and get the gold in American money. That is the way they did in Hawaii. They had to pay a premium of 1 per cent in gold. Why should they pay it? Because if I did not get it, I could take the American money, send it to San Francisco, and have the gold come back, and the cost would be the expense of the shipment and the interest while the transaction was going on. But under your system what do you get? Simply this: You have got seventy-five millions of legal-tender money, and it is all the money you have got; you have no gold-coinage system under this bill. But you want gold and you have got to have it in order to transact business. How are you going to get it? Gather up legal-tender silver and go to the Treasury and say you want gold for it. "But," they reply, "we can not give you gold for this." Where, then, is your parity? Do you suppose that legal-tender silver would be worth two dollars for one if you could not give one for two? I do not think so.

Now, then, suppose the government did the same thing which the bank does; and without violating any confidence, let me say that I had a conversation with Mr. Conant the other day as to the modus operandi of this measure. I asked him how we are going to maintain exchangeability. He said: "The government will charge exchange the same as a bank does." In other words, you propose to start out with that half-civilized people over there and put them in the banking business to begin with.

Mr. CRUMPACKER. Will not the banks have the same facilities under the Conant system as they have under the system you advocate?

Mr. HILL. Certainly; but do you suppose that anybody wanting $10,000 in gold would go to the bank and pay 1½ per cent exchange for it when they could go to the treasury of the Philippine Islands and get it for nothing? [Laughter.]

Consequently you transfer the whole burden of supplying the gold for the foreign business of the Philippine Islands from the banks and from the commercial transactions to the government. Your government is not strong enough for that.

Mr. CRUMPACKER. Would there be any exchange on gold with an adequate gold reserve in the treasury?

Mr. HILL. Certainly there would, because you have not a clause or a line or a syllable in this bill which proposes to make it obligatory on the government to pay gold. The matter is simply optional as you have fixed this bill. In the original Conant bill

you had a provision, which you have stricken out, that American money should be exchangeable and should be legal tender all the way down. But you have stricken out all that.

Mr. COOPER of Wisconsin. I do not wish to interrupt the gentleman——

Mr. HILL. Oh, there is no objection.

Mr. COOPER of Wisconsin. I wish simply to say that he is not stating the exact facts; that is all.

Mr. HILL. I am willing to be corrected.

Mr. COOPER of Wisconsin. The original Conant bill never contained any different provision with reference to redemption or exchangeability from that contained in the pending bill, which was drawn by Mr. Conant; at least, drawn when he was present.

Mr. HILL. There is nothing anywhere in this bill that requires exchangeability on the part of the government. Let me read the provision of the bill. We who are in the habit of discussing measures of this kind expect to have them drawn carefully. To-day, in the Banking and Currency Committee, I have had put upon a bill as an amendment a little proposition which I do not think anybody at the start considered for the moment to be essential; yet upon careful examination it was found to be vital. Let us see what provision there is in this bill for maintaining the parity of this money:

That the coinage authorized by this act shall be subject to the conditions and limitations of the provisions of the act of July 1, 1902.

I have looked that act through and through, and there is no provision there except as to the denominations of the coins. There were such provisions in the original Conant Act; but the act of July 1, 1902, was a compromise between the House and the Senate. I think it was intended to refer back to the act of July 1, 1902, as it was before the conference committee got to work upon it; but when the bill left the hands of the conference committee certain provisions which some gentlemen now seem to think are in that bill were stricken out:

That the coinage authorized by this act shall be subject to the conditions and limitations of the provisions of the act of July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," except as herein otherwise provided; and the government of said islands may adopt such measures as it may deem proper, not inconsistent with said act of July 1, 1902, to maintain the value of said peso at the rate of 2 pesos for $1 of the gold coins of the United States.

That is all the restriction there is; there is not anything else—"such measures as it may deem proper." They may exchange if they want to, and they need not exchange at all if they do not want to. What is the value of this silver coin under such circumstances?

And in order to maintain such parity between said Philippine pesos and the gold coins of the United States may issue temporary certificates of indebtednesss, bearing interest at a reasonable rate, payable at periods of three months or more, but not later than one year from the date of issue, which shall be in the denominations of $50, or 100 pesos, or some multiple of such sum, and shall be redeemable in gold coin of the United States or in lawful money of said islands, according to the terms of issue prescribed by the government of said islands.

How are they to be paid? We have been through one experience of that kind—one experience of trying to get gold to maintain the redemption of the greenback—and the United States to-day has $262,000,000 of bonds unpaid as the result of that experience.

Mr. Chairman, without detaining the committee further, I will say what else I may wish to add under the five-minute rule.

Mr. JONES of Virginia. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Fifteen minutes.

Mr. JONES of Virginia. How much is there remaining to the other side?

The CHAIRMAN. Thirty minutes.

Mr. JONES of Virginia. I should like the chairman of the Committee on Insular Affairs—of course he desires that his side shall close the debate—to state how many speakers he has in reserve, whether one speaker is to occupy the whole of the thirty minutes, or whether it is to be divided.

Mr. COOPER of Wisconsin. I think that one speaker will occupy the whole time.

Mr. JONES of Virginia. Then, Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. Mr. Chairman, to all, legislation on the subject of money and finance is difficult and in its application to conditions is shrouded in some degree of intricacy, uncertainty, and doubt. This may in some measure be attributed to our efforts to follow the specialist and the theorist, who has a pride for his own remedy for the financial ills that may from time to time confront us. It may come in part from the uncertain sea of industrial operation on which proposed new legislation is to embark. Difficulties are made still more perplexing by forces operating to promote legislation. One trouble comes by reason of the distance of our insular possessions and the difficulty of ascertaining and determining the real conditions, but the most dangerous and the most potent is the force looking to its own special interests. I stated on the floor but a few days ago on the consideration of the Hawaiian coinage bill that I favored American money in all the United States and in all the territory subject to its jurisdiction.

The measure proposed by the minority of the committee for Philippine relief is not an untried expedient; it is not an experiment. In it is found our legislation for Porto Rico. Under the Porto Rico financial act, passed in the face of predictions of disturbance and disaster to that island, prosperity came to all interests, and universal satisfaction prevails. This is not problematic or unproven. It is found in the history of Porto Rico since we sent our system of money there.

The statement of my colleague on the Insular Committee [Mr. CRUMPACKER], that the act resulted in disorders of a substantial nature, should not go unchallenged. It did not. My authority for this is the best, none other than the statement of Porto Rico's chosen representative, who now sits in this House.

We have the precedent of Porto Rico and of Hawaii to follow to justify our action in placing American money in American territory. What is there to make the Philippines exceptional? Do number of inhabitants change a principle of government? Porto Rico has a million people, and in force they are equal to several millions in the Philippines. Is it exceptional in the Philippines because of her oriental population? You find in Hawaii, in round numbers, 124,000, or four-fifths of her population, are Chinese, Japanese, and Hawaiians, the latter not as alert as the native Filipino, and yet American coinage was given by the legislation of this House only a few days ago to that oriental population.

The minority present in their substitute a safe and sure highway for insular financial legislation and do not venture on the new and untried pathway of exploration and exploitation as does the measure presented by the majority of the Insular Committee. Your measure changes their financial system; you have precedents for making it American; then why use this as a stepping-stone when it involves two changes instead of one, involves a departure from Americanism and a fleeing from American money?

This change of money in the Philippines proposed by the other side involves all the troubles, and no others, that would come from carrying American coin to the islands and is an unsafe and unwise departure from our policy of financial legislation.

Mr. JONES of Virginia. Mr. Chairman, I yield the ten minutes that remain to our side to the gentleman from Mississippi, Mr. WILLIAMS.

Mr. WILLIAMS of Mississippi. Mr. Chairman, the gentleman from Illinois [Mr. CANNON] a moment ago, receiving permission to interrupt the gentleman from Connecticut [Mr. HILL], asked a question, to which he received a reply; and afterwards I understood him to say that the advisability of this entire legislation turned upon the point which he had made by asking the question. He asked, "Who is going to maintain the parity out in the Philippine Islands?" and expressed the opinion that the insular government ought to do it. Now, if it be true—and he generally does know the salient point of a case—that this is the salient point of this case, we might just as well wrestle it out here.

Now, the Democratic substitute, or rather the minority substitute, offered here to-day—because this ought not to be a party question—does not change conditions so far as the volume of silver money is concerned, nor does the majority bill offered here make any change in that respect. So that what is left is this: Who shall maintain the parity of existing silver money? There will be no silver money in the Philippine Islands the parity of which is to be maintained except the silver money which we as the Congress of the United States have placed or shall place there, and it is just as absurd to say that the government of the Philippine Islands shall be held responsible for maintaining the parity of silver which we shall place there as it would be to say that the government of New Mexico should be held responsible to maintain the parity of American coins there.

In further answer to the gentleman's question I would like to ask another: Who now maintains the parity of existing American silver coin? There will be nothing outside of existing American coins, except a few recoined pesos which will take the place of the pesos authorized to be coined in the Philippine Islands under the act of January, 1902, by the Congress of the United States. Why, Mr. Chairman, there will be no expense attending the operation. The parity of our coins is maintained automatically. The parity of the American silver dollar is maintained in Manila now.

The gentleman from Indiana [Mr. CRUMPACKER] admitted on the floor to-day that at this time our silver dollar passes in the purchase of commodities and in payment of services upon the streets of Manila for two dollars and some odd cents worth of Mexican dollars; that it passes there now at its gold-parity value, whereas the Mexican dollar passes at its bullion value. I want to ask the

gentleman another question. Who maintains to-day the parity of the American silver dollar in London and in Paris and all around the world? Does the gentleman mean to tell me that the great Congress of a great Republic ought to authorize a coinage of any sort and still leave it to some little outlying dependency, some petty crown colony, and some subdued appendage, some subject appurtenance to maintain its value and our good faith with the nations and with the commerce of the world? Is that the salient point in this case, Mr. Chairman? If it is, it seems to me that the gentleman's argument rests upon very poor legs.

Not only that; I said a moment ago that that parity was now maintained everywhere, and that there is nothing either in the minority bill or in the majority bill so far as volume of silver goes to change existing conditions in that respect.

There is something, however, which threatens the maintenance of the parity of the Filipino silver coin which would be authorized to be issued under this majority bill if it shall pass here, because it would not be a United States silver coin, but nominally as well as actually a purely Filipino coin.

This morning the gentleman from Wisconsin [Mr. COOPER] said that wherever you had a limited coinage of silver, at the same time receivable for public dues and private debts, that the parity maintained itself. That is not true without conditions to the statement. It is true wherever you have a great Government like this, with an immense, gigantic commerce behind it, it is not the stamp printed upon the coin that gives it its value, but it is the demand for the coin back of the fiat, a demand changed, perhaps created, by the fiat. When a great government that collects countless millions of money every year in public dues, receives it for public dues, and when a great people who export and import immense amounts settle their private debts in the coin, and thereby make that demand for the coin, too, it is easy with a limited coinage, even at a very high token value above its bullion value, to maintain it. But that is altogether a different thing from saying that a little country like Mexico or Venezuela or the Philippine Archipelago, with very small receipts of public dues and a limited commerce, could do the same thing. As a matter of fact Mexico has tried it and has failed; and not Mexico alone, but a dozen little republics and kingdoms upon the surface of this earth.

So that there is danger under the gentleman's bill to the maintenance of the parity in the Philippine Islands, dependent as it is upon the Philippine government and Philippine commerce. There would be no more danger to the maintenance of the parity of American silver dollars in the Philippine Islands upon the passage of the minority bill than there would be to the maintenance of the parity of American silver dollars in New Mexico or in Arizona or in any other Territory of the United States.

Gentlemen of the Republican side, I wish you would think about this measure before you pass it. This measure has not been well considered. It has been long considered, much testimony has been heard, but the fundamental principles involved in it have been but little considered. This transcends in importance a mere coinage measure, even.

In my opinion it violates a fundamental principle. The coinage of money is the exercise of a Federal function. Are you, then, going to leave it to a Territory—aye, worse, a Territory from a Democratic standpoint, but a crown colony, a mere appurtenance from your standpoint? Are you going to leave the exercise of a great function, considered so National and so Federal by the framers of the Constitution that they denied it even to a State, to this nondescript? This bill is wrong fundamentally; it is also wrong as a matter of policy and expediency, and let me come to that just for a moment. I have already told you why I thought it was wrong on the financial ground—that the parity of silver issued under it and by the orders of the American Congress might possibly be endangered. But it is wrong as a mere expediency from another standpoint. It is always foolish to take two bites at a cherry if you know beforehand that you are going to eat the whole cherry. There is no particular sense in taking two bites at a quinine pill if you know you are going to swallow the whole pill.

Gentlemen tell us that this is a temporary measure, and that we will gradually approach the American coinage system and gradually put it into operation—that this is a sort of bridge bill. If that is true, then in God's name if it is a bridge bill, between the present state of coinage conditions and banking conditions in the Philippine Islands and those existing in the balance of the United States, why not make the bridge long enough to cover the chasm and be done with it?

Get rid of the Philippines the first chance, but while a part of the common domain, every principle of constitutional law, expediency, and equity demand that they shall have the benefit of uniform laws and equality of conditions in industry, commerce, and finance.

Gentlemen in their testimony before the committee here told you that it is easier and will cause less dislocation of business to substitute a "fiat" 50-cent peso, as they call it, for the same peso worth in bullion value 36 cents; that is easier to do that than it is to substitute a 100-cent American dollar. If that were true, is this easier first, to make a difference of 14 cents and afterwards make up the balance of the difference between your original 36 and your 100, taking two bites at two different times, causing two local disturbances and dislocations of business—is that easier than to do the whole business at once? There is not a man upon this floor who believes—I challenge a member of the majority to say so—that this is intended as a permanent bill for the Philippine Islands. All the testimony before the committee, all the conversations of members of the committee, the nature of the bill itself, everything goes to show, and they admit it, too, that it is intended for a temporary measure, a bridge, so to speak. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has thirty minutes remaining.

Mr. COOPER of Wisconsin. Mr. Chairman, the gentleman from Mississippi said that all the testimony before the Committee on Insular Affairs shows that this is a mere temporary, makeshift measure. That is about as accurate as many other statements which have been made in opposition to the pending bill. Mr. Peabody, in his testimony before the committee, said in answer to this question from Judge CRUMPACKER:

> Your idea is that this system proposed by this bill establishes a permanent system in the Philippines?
> A. Yes, sir.

Nothing has been said to the contrary. I simply said in reply to a question put to me in the debate that I did not know, but that I thought the system would stay there for many years. I was not prepared to say that it would not, as changing conditions might necessitate new legislation.

Mr. Chairman, the gentleman from Connecticut [Mr. HILL] was equally inaccurate, and even more positive in his inaccuracy. He said that this was a hybrid—"a hybrid, a new and patent system of coinage." I am amazed that a gentleman with all his learning and undoubted business knowledge should apparently be so ignorant of the facts.

I do not say that he is ignorant. I simply think that he forgot. It is not "new," "patent," nor "hybrid." Secretary Gage, in note "F" to the Secretary of War's report of 1900, indorsing the plan proposed in this bill, says:

> Pay them out for all goods bought or service rendered, at the ratio of 2 silver pesos to $1 of gold, and redeem them from the holder at the same ratio, namely, $1 of gold for 2 silver pesos (or Filipino dollars).
> * * * * * * *
> The evident cure—
>
> For the financial troubles in the Philippines—
>
> is to establish their domestic money in a fixed relation to the world's money, or what might be better called the settling-house standard, London or New York. Can this be done? Probably it can. How? By following in a modified way what is now in vogue in the United States.

The "patent" system, to which the gentleman from Connecticut was referring in contemptuous terms, is, says Secretary Gage, the system "now in vogue in the United States."

Mr. HILL. I did not know that we had a system of 32 to 1 coinage.

Mr. COOPER of Wisconsin. But that does not meet the point I am making at all, and nobody is aware of that fact better than is the gentleman from Connecticut. The principle is not changed whether you stabilize the ratio at 32 to 1 or 16 to 1.

For many years Java has had this "new, patent, hybrid system." India has this "new, patent, hybrid system." It is not an untried experiment. It is a system long successful in the Orient.

Mr. Chairman, the gentleman from Connecticut says that this bill does not propose that there shall be any gold in circulation, as if that fact were a subject for reproach. Professor Jenks, who has just returned from the Netherlands and India and the Straits Settlements, says, page 30:

> It is perfectly possible in Oriental dependencies to maintain a fixed rate of exchange between gold and silver without the necessity of bringing gold, to any great extent, into circulation.

Mr. Chairman, the gentleman from Connecticut [Mr. HILL] objects to this bill because, as he says, people in the Philippines would ask the government for gold; it might be refused, and then "what would become of your parity?" Now, the Bank of France will not pay gold on demand in exchange for other kinds of money except at its own pleasure.

It pays it or not in its discretion, which discretion it has always exercised. And yet does anyone pretend that there is not a parity between all kinds of money in France? The limitation of a coinage, together with the fact that it is responsible for public debt

and all debts public and private, and the consequent demand for it keeps it at par with gold.

The gentleman says that it is the great demand in France and other countries for silver which keeps it at a parity. Let us see what would be the demand for silver in the Philippine Islands? They have there to-day approximately 40,000,000 pesos valued at $20,000,000 in gold. We propose to give them instead 40,000,000 of other pesos valued at $20,000,000 in gold. Now, the revenues of the islands aggregate from ten to twelve millions of dollars in gold or twenty to twenty-four millions of pesos a year, so that 1 peso in every 2 passes through the custom-house or into the tax coffers of the government annually.

That demand of itself, together with the limitation in the coinage, is sufficient to stabilize this proposed ratio. So says Hollander, who was in Porto Rico when they made the change of standards in that island; so says Governor Taft; so says Mr. Conant; so says Roberts, the Director of the Mint; so say all of the witnesses who have appeared before the Committee on Insular Affairs.

Mr. Chairman, the gentleman from Connecticut [Mr. HILL] says that the proposition in this bill is to "stabilize a silver standard," and he asks, with a great deal of apparent force, "Do you propose to put that sort of a standard on this helpless people?" Now, what a complete perversion of terms, what a mistake, to put it mildly, the gentleman from Connecticut did make in that question. It embodies a fallacy which must be apparent, on reflection, even to him.

Stabilize a silver standard! Who proposes to "stabilize a silver standard?" Nobody. We have to-day in the United States a silver dollar, coined only in limited quantities, the bullion value of which is 37 cents and face value $1, and it circulates at par. Have we stabilized the silver standard here? No. Now, in the Philippines we propose to have a Filipino coin of silver worth 50 cents in gold, and to stabilize it with gold at that ratio.

Will that be "stabilizing the silver standard?" No; and it is a complete perversion of terms, a fallacy in reasoning, and a mistake in statement to assert the contrary. The gentleman was confused himself if he did not confuse anybody else. There is no attempt here, no proposition to stabilize the silver standard, and a financier like the gentleman from Connecticut, who so unsparingly ridicules the bill reported by the Insular Committee, should have known it.

The gentleman from Connecticut made another mistake and he received some applause for it. He said not a word is there in this bill about exchangeability. "They have stricken out the provision for exchangeability that was in the bill last spring." There was no provision in the bill of last spring making exchangeability compulsory.

Mr. HILL. But there was a provision in regard to exchangeability.

Mr. COOPER of Wisconsin. Not a compulsory provision. There is to-day in the pending bill a provision which on this point embodies essentially the provision of the bill of last spring. Says the bill:

> And the government of said islands may adopt such measures as it may deem proper, not inconsistent with said act of July 1, 1902, to maintain the value of said peso at the rate of 2 pesos for $1 of the gold coins of the United States.

For purposes of exchangeability and to maintain the parity, the Government could, under that provision, in its discretion, exchange gold for silver or silver for gold, transfer-current fund, in the Treasury of the Government to the coinage reserve fund; issue temporary certificates of indebtedness, buy gold coin or bullion, or sell drafts on their deposits in the United States.

These provisions were all set forth in the bill of last spring, but the language of the pending bill is broad enough to include them without specific enumeration. This is the opinion also of Mr. Conant as expressed to me.

So there is nothing in that point, or alleged point, of the gentleman from Connecticut. We have taken out nothing. There is nothing to hide. I thought that the gentleman tried to convey the impression that we of the Insular Committee, who do not pretend to be experts in finance, but are simply trying to carry out a plan which we deem best for the islands and in accordance with the recommendation of the Philippine Commission—I thought the gentleman was seeking to convey the impression that we, without consulting Mr. Conant, had weakened the bill of last spring and erred in the measure we now offer to the House. The fact is that we took his judgment upon every single proposition in the bill. He has approved everything in it. It contains nothing which has not received his cordial indorsement. This disposes of another of the alleged points of the gentleman from Connecticut.

Mr. Chairman, something has been said about the success of the experiment in Porto Rico. Now, there is a fallacy in that suggestion. An example or illustration is good in logic only when the attendant or surrounding circumstances are the same. Porto Rico is one island. The community is homogeneous. Its extent is about 40 miles by 90 miles. It has a million of people, peaceable and quiet. The Philippine Archipelago comprises hundreds of islands.

It contains, as gentlemen know, more territory than the combined area of New York, New Jersey, New Hampshire, Massachusetts, Connecticut, Rhode Island, and Vermont, and is peopled by scores of different tribes, speaking scores of different dialects and tongues.

Back in the interior are millions of people little accustomed to modern business methods. Professor Hollander, a recognized authority upon taxation and finance, was in Porto Rico representing the United States Government when the change in monetary standards was made in that island. He was before the Committee on Insular Affairs, and I will read from his testimony:

> The CHAIRMAN. Let me read you briefly what the Philippine Commission says upon this very point and see if it accords with your views:
> "Limitation of the quantity operates in regard to coin as in regard to commodities—the value is raised by scarcity. Upon this method of giving value to silver reliance is chiefly placed in the countries of the Latin Union, in Holland, and in the United States. The limitation of the coinage of silver to the amounts previously existing and to the amounts fixed by the Government has given an artificial value to silver coin of all these countries, keeping them at par with gold."
> Professor HOLLANDER. I am in entire agreement with that view.
> The CHAIRMAN. So, then, you think the plan proposed is entirely feasible; that is, the establishing of the American gold dollar as the standard of value, with a silver coinage limited in quantity which shall be received for public dues, that the demand for it will keep it at par with gold, and that has been the experience of other countries mentioned in this report?
> Professor HOLLANDER. That is my opinion.
> The CHAIRMAN. Would you think in a country in such a disturbed condition recently as the Philippines, where the restoration of confidence in the executive and government is of prime importance, that it would be advisable at once to force the American coinage system?
> Professor HOLLANDER. Unhesitatingly I should say no; it would be inadvisable.
> The CHAIRMAN. That being the condition in the Philippines, then, you would be opposed to the immediate introduction of the American system of coinage in the Philippines?
> Professor HOLLANDER. Yes.

Mr. Chairman, the gentleman from Georgia [Mr. MADDOX] read an extract from the testimony given before the Insular Committee by Mr. Peabody, and Mr. Peabody was made to say that the introduction of the American system of money in these islands would not be attended with difficulty. I heard that examination, and I was expecting that somebody would bring it up, but I supposed that the rest of the testimony would be read before making that quotation, because in and of itself it is so grossly misleading. After Mr. Peabody had given the testimony which the gentleman from Georgia has read, this further testimony was given:

> The CHAIRMAN. Mr. Peabody, in your reply to the questions of Judge CRUMPACKER, do I understand you to say that there would be no trouble, or hardly any trouble, about the immediate introduction of American money in the islands?
> Mr. PEABODY. Not American money; no, sir.
> The CHAIRMAN. That was what Judge CRUMPACKER was asking you; and that is what he induced you to say.
> Mr. PEABODY. I misunderstood his question, in that case. I intended my answer to refer to the new pesos.

A little farther in his testimony I find the following:

> The CHAIRMAN. Now, to end this and get your exact opinion, do you think it would be wise for us to enact a law extending the American system of money to the Philippine Islands, either immediately or at some definite time in the future to be arbitrarily fixed now by statute?
> Mr. PEABODY. I do not, sir. I think it is very important to continue a unit of money as nearly as possible that which they had always had in the form of silver.

Now, what becomes of the quotation read by the gentleman from Georgia, which in and of itself so completely perverted the meaning of the testimony of Mr. Peabody? Was that fair to the House; was it fair to the Insular Committee; was it fair to anybody who wishes to do what is right on the pending bill?

Mr. Chairman, I have it to-day from a man who knows, that a bill to establish the American system of coinage in the Philippines can not pass the Senate. Nobody knows it, Republicans of the House, better than do our political opponents on this floor.

They would be glad to be able to point with scorn at what we have failed to do for the poor people of that archipelago and to say: "Look at their pitiable financial condition; you have not given them a gold standard; you have not given them anything; you have only labored and brought forth nothing." That is exactly what will happen if the system proposed in the substitute bill be adopted by the House.

Mr. HILL. May I ask the gentleman a question?

Mr. COOPER of Wisconsin. Just a moment.

Mr. HILL. I was going to ask the gentleman's reason for making that statement. Who are the men? Where are the people who shall say that when the House of Representatives votes for American money it shall not go? Where is the opposition coming from?

Mr. COOPER of Wisconsin. It is coming from people who believe with Judge Taft when he declared that to establish the

American coinage system in these islands would produce only disaster, and who also believe that letter which the gentleman from Connecticut [Mr. HILL] had read to-day did not modify his testimony at all.

Mr. HILL. That does not answer my question.

Mr. COOPER of Wisconsin. Just one moment.

Mr. HILL. If the House of Representatives voted for American money, who is going to say nay?

The CHAIRMAN. The gentleman from Connecticut is out of order.

Mr. COOPER of Wisconsin. Gentlemen are going to oppose it in the Senate——

Mr. HILL. Ah, then, let them take the responsibility.

The CHAIRMAN. Does the gentleman yield to the gentleman from Connecticut?

Mr. COOPER of Wisconsin. I will answer the gentleman's question. Mr. Chairman, the House last spring passed a bill containing coinage provisions and embodying essentially the provisions of the pending bill. That bill went to the Senate and the Senate would have nothing but free coinage.

Mr. CRUMPACKER. And where was the gentleman from Connecticut then?

Mr. COOPER of Wisconsin. The gentleman from Connecticut [Mr. HILL] did not, I believe, very seriously oppose that bill last spring.

Mr. CRUMPACKER. We all voted for it.

Mr. COOPER of Wisconsin. I do not know whether he voted for it or not.

Mr. HILL. Will the gentleman permit a question?

Mr. COOPER of Wisconsin. Just a moment, I want to finish. The Senate absolutely refused to have anything but free silver, and the House reluctantly decided, or its conferees did, that rather than have free silver we would have nothing in the way of new coinage for the Filipinos. So we retained the status quo. We have seen what has followed. Since that time the Senate has receded from its position; at least, the Committee on the Philippines has, to the extent of reporting a bill, as we all know, which embodies practically the principle of the bill now here pending.

Mr. HILL rose.

Mr. COOPER of Wisconsin. Just a moment. Let me finish. Therefore, the Senate will not go back in this short session, with crowded Calendars in both Houses, reconsider entirely the whole proposition, and accept the American coinage system. I am sure, not only from what I know of human nature, but I have it to-day from a man in a position to speak with authority, that no such bill as the proposed substitute would be reported from that committee. Then why——

Mr. HILL. Does the gentleman offer that as an argument for the passage of this bill, that we are to be held up?

Mr. COOPER of Wisconsin. Not at all. There is no holding up about it.

Mr. HILL. If he does, I think it is time the House should assert itself.

Mr. COOPER of Wisconsin. Not at all. It is simply a proposition to get some legislation for the Philippine Archipelago, to help those people out of the Slough of Despond in which they now are.

Mr. FOWLER. But you propose what is wrong.

Mr. COOPER of Wisconsin. We do not propose to do what is wrong, we propose to do what we belive to be right, I will say to the gentleman from New Jersey [Mr. FOWLER] who interrupted me sotto voce. We propose to do what the Philippine Commission, headed by the gentleman's great and good friend, as the gentleman himself calls him, William H. Taft, says would be right.

The letter which the gentleman from Connecticut [Mr. HILL] had read here does not at all modify the position which Governor Taft took upon this proposition in his testimony before our committee. The gentleman from Connecticut had it read to convey the impression that Governor Taft had receded from his former position. I read Governor Taft's testimony wherein he said—and this is his language:

> In my opinion, to attempt to introduce the American system of coinage into the Philippine Archipelago would result in nothing short of disaster.

Has he modified that? Did the letter modify that? Not at all. The gentleman came very nearly misleading some members who spoke to me. What Governor Taft did say was:

> I do not insist on the Conant plan, but I think it is feasible.

He is a wise, high-minded man, who knows the duties of an executive and the duties of a legislator. "Insist" is a strong word. He does not "insist" before the American House of Representatives that any plan which he favors shall be adopted. "Insist" is a strong word, and I infer that the gentleman from Connecticut wrote to him and asked him if he "insisted" on the plan.

Mr. HILL. Mr. Chairman, the gentleman has no right to make any such inference.

Mr. COOPER of Wisconsin. I will ask the gentleman if he did not do that?

Mr. HILL. I sent to Governor Taft a copy of the amendments offered at the last session of Congress, providing for American coins, so that he might read it and fully understand it, and he replied that he does not insist upon the Conant proposition, but he thinks it would be the most feasible. That is all there is to it. He had it with the proposition for American coin squarely before him.

Mr. COOPER of Wisconsin. But did he indorse the plan? Not at all. He knew of the testimony of the gentleman from Connecticut before the Committee on Insular Affairs and therefore was well aware that the gentleman from Connecticut is a strenuous advocate of a system in which he, the governor, does not believe.

The governor adheres, in so far as his silence can be considered as adherence, to his testimony, which is that to attempt to establish that in those islands would result in nothing short of disaster. There is no modification of that statement. What consolation can the gentleman get from the epistle which he has had read here from Governor Taft?

The CHAIRMAN. The time of the gentleman has expired. The time for general debate has expired, and the Clerk will read.

The Clerk read as follows:

> *Be it enacted, etc.*, That the gold dollar of the United States, consisting of 25.8 grains of gold, nine-tenths fine, as defined by section 3511 of the Revised Statutes of the United States, shall be the standard unit of value in the Philippine Islands; and the lawful money of the United States shall be legal tender in the Philippines for all debts, public and private: *Provided*, That for amounts under 100 pesos the silver currency of said islands authorized by this act shall, when demanded, be paid.

The following committee amendments were read:

> In line 7 strike out the words "lawful money" and insert in lieu thereof the words "gold coins." In line 8, after the words "United States," insert "and the silver coins herein authorized."
>
> In line 9, after the word "in," strike out the words "the Philippines" and insert "said islands."
>
> In lines 10, 11, and 12 strike out all after the word "private."

The CHAIRMAN. The question is on the committee amendments.

Mr. HILL. Mr. Chairman, I move to strike out the last word.

I am in favor of the proposition submitted by the minority for the use of American coin in the Philippine Islands and the extending of our coinage system to those islands. When the proper time comes I shall offer this amendment, which I am satisfied is necessary to the rounding out and completion of the substitute offered by the minority. This amendment I shall offer at the end of section 1 of the substitute:

> And the Secretary of the Treasury is hereby authorized in his discretion to coin a half-cent coin of such form and with such devices as he may designate, and such half-cent coin shall be a legal tender up to the same amount as the 1-cent coin now authorized by law.

In other words, the proposition which I shall vote for and which I favor is the substitute bill offered by the minority, amended by adding to the coinage system of the United States, in the discretion of the Secretary of the Treasury, a half-cent coin.

Now, the gentleman has just stated that unless we adopt the proposition submitted by the majority members of the Insular Affairs Committee there will be no legislation at this session, and states that he is authorized or practically authorized to-day by somebody whom he does not mention to draw such a conclusion, if not to make such a plain statement. In the eight years that I have been a member of the House of Representatives I do not remember that any such threat has ever before been made to secure the passage of a bill upon the floor of this House, and it seems to me that it is our duty as members of the House of Representatives to vote our judgment upon this proposition, regardless of any action that may be taken anywhere else.

Now in regard to the feasibility of this proposition, we have done the same thing for Porto Rico, and we have voted to do the same thing in the Hawaiian Islands. It is simply a question as to the quickest way to give relief to those people in the Philippine Archipelago. Is it to authorize a new system of coinage, with new dies to be made, with new coins to be made, with a mint to be opened and started, and probably taking at least a year, or six months anyway, to get this new coinage into circulation, or shall we do as we did in the case of Porto Rico, send commissioners from the Treasury of the United States over there next week with an abundance of American money and take up their money, make the exchange, and we coin such as we see fit at our own option? Why, it seems to me that it is almost impossible to compute the advantage that would come to these people by our voting now to adopt American money and put it into use and operation over there, rather than to wait to establish a new system of coinage.

Mr. SHAFROTH. I move to strike out the last two words, Mr. Chairman.

One of two conditions, it seems to me, is bound to result if Congress pass the majority bill. Either the Philippine Islands

government must go into the banking business, providing a reserve in gold with which to redeem the silver pesos, or else it will have to maintain the parity of the silver peso with the gold by means of limiting the coinage of the pesos.

As to the first condition, it is plain that the difficulty is great, as the imports to the islands exceed the exports by over $7,000,000 a year. This balance of trade, which is now paid mostly in silver, must then be met in gold, as by this legislation you overvalue the silver peso. All of that portion of the gold which will go to the Orient will be dropped into that bottomless well from which it is never rescued, as the experience of the past century has shown. Gold which goes into the interior of China never appears again in commerce. This reserve will become the storehouse for the supply of gold to the Orient on account of its proximity and the fact that the expense and risk of bringing it to the islands will be borne by the Philippine government. That the endless chain will be worked by those desiring gold in the Orient, through their agents in Manila, can not be doubted. Under such conditions, it seems to me, the effort to establish the parity between the peso and gold will be too expensive to maintain.

The only other way of maintaining the parity between the silver peso and gold will be by limiting the coinage of silver pesos, so as to make them dear and thereby increase their value above the bullion value of the same; in other words, by the substitution of a managed or fixed currency as against an automatic currency which responds to the demands of commerce.

Now, Mr. Chairman, I submit that in either dilemma we will find the legislation detrimental—detrimental to the government if it maintains the gold reserve; detrimental to the people if the parity be established by limiting the currency sufficiently to raise the value of the peso above its bullion value. If you attempt to limit the number of silver pesos and in that manner elevate its value to gold, then you are not supplying a sufficient currency for the Philippine people, and that will be felt most seriously by the commerce of the islands. In other words, this bill substitutes for an automatic currency a proposition that the Commission shall determine how much money the people shall have. You say that five men appointed from the United States shall determine how much currency the Filipinos shall use.

Mr. Chairman, in that event it will result in this managed currency, which will not be adequate and will not be sufficient to supply the needs of commerce in the Philippine Islands, and consequently it will react upon the people and upon the industries of those islands. So either horn of the dilemma that we take, either position we assume, it seems to me in all likelihood will be detrimental to the business interests of the islands.

Now, Mr. Chairman, I am in favor of the substitute as against this proposition; but I do not believe that the substitute ought to pass. I believe the best thing to do is to let the system they have now alone, and not attempt to fix the ratio between the silver and the gold in these islands, because Mexico does not do it, Hongkong does not do it, the Straits Settlements does not do it, China does not do it, but they leave the settlement of balances in foreign trade upon the value of the metals in the open markets of the world, and they have no trouble in fixing the values and adjusting their balances in that manner. Why should we not do this in the Philippines? The very fact that the Commission has attempted to meddle with and fix the ratio there has been the cause of the difficulties in the islands. It has undervalued silver and then overvalued silver, and the result has been the exportation of silver or gold, depending upon the world's market value of the same, whereas if it had left their bullion value to be determined by the trade, we would have had the same condition as in Hongkong and Shanghai. Consequently my vote shall be in favor of the substitute as against this measure; and if the substitute is adopted for this measure then I shall cast my vote against it, because I think the existing condition is better than that which either one of these bills will produce.

The bad conditions in the Philippine Islands has not been caused by the silver standard, as other silver-standard countries would have been in the same condition.

Now, Mr. Chairman, as I showed this afternoon, the prosperity of Mexico, for instance, over what it was twenty or thirty years ago is almost unparalleled. Where we have doubled our exports in this country in the last thirty years, Mexico has quadrupled hers. While our banking deposits have increased largely in this country, the Mexican deposits have increased three times proportionately to ours. There is not a comparison that you can make upon any condition that existed in this country and that but what shows that the Mexican advance has been much greater than ours. Take the item of building railroads, for instance. It has increased in Mexico in the last thirty years three hundred fold, 30,000 per cent, while in ours it has only increased 100 per cent. Take the question of bank assets, and they have increased two hundred and seventy fold in Mexico, or 27,000 per cent. Take the silver deposits; they have increased one hundred fold, or 10,000 per cent. Take their deposits in the last eight years; they have quadrupled. [Loud applause.]

[Here the hammer fell.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, I want to call the attention of the House to a little incongruity between the arguments of the gentleman from Wisconsin and the gentleman from Indiana. This morning the gentleman from Wisconsin paid a very high tribute to the expertness and ingenuity of the Philippine people, because he said that if we had the American dollar out there, the bullion value of which was only about 36 or 40 cents, and coined it into a dollar which would pass for a hundred cents gold, that those people would counterfeit that dollar to an enormous extent. It follows from that one of two things is true. Either they have better machinery and better implements to counterfeit, or they are superior to our own people in their ingenuity and expertness in the counterfeiting business. That is a very high compliment to the ingenuity of these people.

Mr. COOPER of Wisconsin. If the gentleman will allow me, he misunderstood me. I did not say that the Filipinos would do the counterfeiting, but that the expert mechanics and jewelers of China and Japan would do it. So the witnesses said who appeared before our committee.

Mr. WILLIAMS of Mississippi. Then the expert jewelers of China and Japan have either better implements for counterfeiting or are more expert and ingenious than Americans are—that is, those living in the Philippine Islands. It seems to me that that argument answers itself. The temptation is as great to counterfeit silver coin in the United States as it possibly could be in the Philippines after the passage of this bill, and yet the temptation to coin on the part of mechanics in the United States is as great and the opportunity greater. The temptation to make money even dishonestly or criminally with his remarkable mechanical ingenuity and his great greed for money will carry the average citizen of the incalculable American nation as far as the next.

Mr. COOPER of Wisconsin. Will the gentleman from Mississippi permit a question?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. COOPER of Wisconsin. Granted that the temptation to counterfeit may be as great in the United States as in the Philippines, does not the gentleman know that the liability to detection is much less in the Philippines than in the United States?

Mr. WILLIAMS of Mississippi. Why, Mr. Chairman, this is the first time I ever heard that the liability of detection in a proconsular government with despotic power, where they have the right to enter houses, search the place, and do many things they would not have the right to do here, would be any less than on the continent of America.

Now, let me go ahead. A little while afterwards the gentleman from Indiana [Mr. CRUMPACKER] assumed exactly the opposite position. He argued that these people in our oriental appurtenance were such intolerable fools that they could not learn the difference between the purchasing power of an American silver dollar and a Mexican silver dollar; that it was a great injustice to send the American silver dollar out there because the poor fools would cheat themselves all over the islands. I asked if our dollars did not already circulate in the city of Manila at double parity with the Mexican dollar, ours going at their gold parity and the Mexican at their bullion value. I asked for information and he gave me the desired information in the affirmative. Now, if it be true that the two coins are circulating in Manila side by side, and that these people have learned their respective values, it must be because the people have been brought face to face with them and know the value of each. Now, if some more money should be put out it will go farther and farther from Manila, and they will learn more and more and further and further their respective values. I take it that every military post in the Philippine Islands to-day has put out American silver and American gold. I have been informed by gentlemen in the Philippine Islands that it is the case.

But I want to go further with the argument of the gentleman from Indiana [Mr. CRUMPACKER] by reading some of the testimony before the committee. He said this morning that that state of affairs was confined to the city of Manila. The distinguished and astute and ingenious gentleman, chairman of the Committee on Appropriations, the gentleman from Illinois [Mr. CANNON] asked in the committee room this question of Mr. Peabody, the chosen great expert who is vaunted so much by the gentleman from Wisconsin:

Mr. CANNON. Is not the American dollar exchanged for two Mexican dollars right there now under their noses?

Mr. PEABODY. It would change to-day for——

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS of Mississippi. The answer is "for more than two for one."

Mr. WILLIAMS of Mississippi. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. That motion is not now in order,

Mr. COOPER of Wisconsin. Mr. Chairman, I move that the committee do now rise.

Mr. WILLIAMS of Mississippi. I ask, Mr. Chairman, unanimous consent for three minutes longer to finish reading this extract.

The CHAIRMAN. The gentleman from Wisconsin moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15520) to establish a standard of value and to provide a coinage system in the Philippine Islands, and had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 15345. An act to promote the efficiency of the militia, and for other purposes; and

H. R. 622. An act granting a pension to Dickey Woodall.

SENATE RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate concurrent resolution was taken from the Speaker's table and referred to the Committee on Rivers and Harbors:

Senate concurrent resolution 56.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination to be made of the Columbia River, in the State of Washington, between Wenatchee and Kettle Falls, with a view to removing obstructions to navigation, and to submit plans and estimates of cost therefor.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to an enrolled bill of the following title:

S. 6216. An act to pay in part judgments rendered under an act of the legislative assembly of the Territory of Hawaii for property destroyed in suppressing the bubonic plague in said Territory in 1899 and 1900, and authorizing the Territory of Hawaii to issue bonds for the payment of the remaining claims.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL, from the Committee on Military Affairs, by direction of that committee, reported the bill (H. R. 16970) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904; which was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. RICHARDSON of Tennessee. I reserve all points of order on the bill, Mr. Speaker.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury and the Acting Attorney-General, submitting a report relative to the condition of the Federal building at Syracuse, N. Y.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting a revised estimate of appropriation for new building for Bureau of Engraving and Printing—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the secretary of the American National Red Cross, transmitting the annual report for the year 1902—to the Committee on Foreign Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ADAMS, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 16023) to provide for the reorganization of the consular service of the United States, reported the same with amendments, accompanied by a report (No. 3305); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOWLER, from the Committee on Banking and Currency, to which was referred the resolution of the House (H. Res. 395) requesting the Secretary of the Treasury to report to the House the names of all national banks which have held United States deposits, reported the same with amendment, accompanied by a report (No. 3306); which said resolution and report were referred to the House Calendar.

Mr. TALBERT, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 16228) providing for the issue and circulation of national-bank notes, submitted the views of the minority, to accompany report (No. 3148, part 2); which said views were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12316) granting an increase of pension to Weden O'Neal, reported the same with amendment, accompanied by a report (No. 3261); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1978) granting an increase of pension to Wesley S. Potter, reported the same without amendment, accompanied by a report (No. 3262); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4412) granting an increase of pension to John J. Rees, reported the same without amendment, accompanied by a report (No. 3263); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5412) granting an increase of pension to Henry E. Spring, reported the same without amendment, accompanied by a report (No. 3264); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6543) granting an increase of pension to David C. Morgan, reported the same without amendment, accompanied by a report (No. 3265); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1131) granting an increase of Pension to Sydda B. Arnold, reported the same without amendment, accompanied by a report (No. 3266); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3607) granting an increase of pension to Oliver P. Helton, reported the same without amendment, accompanied by a report (No. 3267); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4332) granting an increase of pension to Mary B. Heddleson, reported the same without amendment, accompanied by a report (No. 3268); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5835) granting an increase of pension to Joel C. Shepherd, reported the same with amendment, accompanied by a report (No. 3269); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5352) granting an increase of pension to William Flinn, reported the same without amendment, accompanied by a report (No. 3270); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6071) granting an increase of pension to Mary Manes, reported the same without amendment, accompanied by a report (No. 3271); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6182) granting an increase of pension to Lila L. Egbert, reported the same without amendment, accompanied by a report (No. 3272); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6257) granting an increase of pension to

Mary B. Keller, reported the same without amendment, accompanied by a report (No. 3273); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6467) granting an increase of pension to Sarah E. Ropes, reported the same with amendment, accompanied by a report (No. 3274); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6514) granting an increase of pension to Stephen J. Houston, reported the same without amendment, accompanied by a report (No. 3275); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6614) granting an increase of pension to Bertha R. Koops, reported the same without amendment, accompanied by a report (No. 3276); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6693) granting a pension to Mary J. Ivey, reported the same with amendment, accompanied by a report (No. 3277); which said bill and report were referred to the Private Calendar.

Mr. WILEY, from the Committee on Pensions, to which was was referred the bill of the House (H. R. 1377) granting an increase of pension to Bridget Agnes Tridel, reported the same with amendment, accompanied by a report (No. 3278); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2812) to pension Susan Kent, reported the same with amendments, accompanied by a report (No. 3279); which said bill and report were referred to the Private Calendar.

Mr. WILEY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6127) granting an increase of pension to Mrs. Catherine P. McLorinan, reported the same with amendments, accompanied by a report (No. 3280); which said bill and report were referred to the Private Calendar.

Mr. SHELDEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9237) granting a pension to John Wallace, reported the same with amendments, accompanied by a report (No. 3281); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9814) granting an increase of pension to Mary Williams, reported the same with amendments, accompanied by a report (No. 3282); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12771) granting a pension to William Kenney, reported the same with amendments, accompanied by a report (No. 3283); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13358) granting a pension to Elizabeth A. Wilder, reported the same with amendment, accompanied by a report (No. 3284); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14254) granting a pension to Mary L. Purington, reported the same with amendments, accompanied by a report (No. 3285); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14811) granting a pension to Amelia J. Robinson, reported the same with amendments, accompanied by a report (No. 3286); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14845) granting a pension to Margaret Snyder, reported the same with amendment, accompanied by a report (No. 3287); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14961) granting a pension to W. E. Sharp, reported the same with amendments, accompanied by a report (No. 3288); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15362) granting an increase of pension to Grace G. Harrington, reported the same with amendments, accompanied by a report (No. 3289); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15693) granting an increase of pension to Deletha Cook, reported the same with amendments, accompanied by a report (No. 3290); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15694) granting a pension to Bessie Ledyard, reported the same with amendments, accompanied by a report (No. 3291); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15757) granting a pension to Frances C. Broggan, reported the same without amendment, accompanied by a report (No. 3292); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15841) granting an increase of pension to John Da Silva, reported the same with amendments, accompanied by a report (No. 3293); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15735) granting an increase of pension to John H. Wheeler, reported the same with amendments, accompanied by a report (No. 3294); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16153) granting a pension to George W. Choate, reported the same with amendment, accompanied by a report (No. 3295); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16161) granting an increase of pension to Francis A. Tradewell, reported the same with amendments, accompanied by a report (No. 3296); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16217) granting an increase of pension to Julia E. Jones, reported the same with amendments, accompanied by a report (No. 3297); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16291) granting a pension to Laban McGahan, reported the same with amendments, accompanied by a report (No. 3298); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16391) granting a pension to Ella F. Shandrew, reported the same with amendments, accompanied by a report (No. 3299); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16564) granting an increase of pension to James Hunter, reported the same with amendments, accompanied by a report (No. 3300); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16711) granting a pension to Ann Gilbert, reported the same with amendment, accompanied by a report (No. 3301); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16313) granting an increase of pension to James L. Davenport, reported the same with amendments, accompanied by a report (No. 3302); which said bill and report were referred to the Private Calendar.

Mr. BOUTELL, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 948) for the relief of William Dugdale, postmaster at Noroton Heights, Conn., reported the same without amendment, accompanied by a report (No. 3303); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House H. R. 13148, reported in lieu thereof a resolution (H. Res. 402) referring to the Court of Claims the papers in the case of the personal representatives of John McCabe and Patrick McCabe, deceased, accompanied by a report (No. 3304); which said resolution and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 16734) to provide an American register for the steamer *Beaumont*—Committee on Interstate and Foreign Commerce discharged, and referred to the Committee on the Merchant Marine and Fisheries.

A bill (H. R. 16796) granting a pension to Jennie S. Miner—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PARKER: A bill (H. R. 16941) to amend an act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January, 1903—to the Committee on Militia.

By Mr. GARDNER: A bill (H. R. 16942) to prevent robbing the mail, to provide a safer and easier method of sending money by mail, and to increase the postal revenues—to the Committee on the Post-Office and Post-Roads.

By Mr. GROSVENOR (by request): A bill (H. R. 16943) to authorize the purchase of 1,000 copies of the History of the Live Stock Industry in the United States—to the Committee on Printing.

By Mr. BLAKENEY: A bill (H. R. 16944) authorizing the Secretary of War to make a survey of Colgate Creek, in the State of Maryland—to the Committee on Rivers and Harbors.

By Mr. EDDY: A bill (H. R. 16945) to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota—to the Committee on Indian Affairs.

By Mr. LACEY: A bill (H. R. 16946) to amend an act entitled "An act to extend the coal-land laws to the district of Alaska," approved June 6, 1900—to the Committee on the Public Lands.

By Mr. PUGSLEY: A bill (H. R. 16961) to continue the publication of the American Archives—to the Committee on the Library.

By Mr. HULL, from the Committee on Military Affairs: A bill (H. R. 16970) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes—to the Union Calendar.

By Mr. GARDNER of Massachusetts: A bill (H. R. 16971) to increase the appropriation for a Federal post-office building at Marblehead, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. RODEY: A joint resolution (H. J. Res. 254) for the printing of 5,000 copies of the Report of the Governor of New Mexico to the Secretary of the Interior for the year 1902—to the Committee on Printing.

By Mr. RIXEY: A joint resolution (H. J. Res. 255) asking for estimates for the improvement of Accotink Creek, in Fairfax County, Va.—to the Committee on Rivers and Harbors.

By Mr. ACHESON: A concurrent resolution (H. C. Res. 72) providing for the printing of 15,000 copies of Experimental Study of Children—to the Committee on Printing.

By Mr. GILLETT of Massachusetts: A concurrent resolution (H. C. Res. 73) for printing the statistics regarding the retirement of employees in the classified civil service of the Government—to the Committee on Printing.

By Mr. BEIDLER: A resolution (H. Res. 401) relating to the consideration of the bill (H. R. 4386) to amend an act for the prevention of exterminating fur-bearing animals in Alaska—to the Committee on Rules.

By Mr. MAHON, from the Committee on War Claims: A resolution (H. Res. 402) referring to the Court of Claims H. R. 13148—to the Private Calendar

By Mr. TAWNEY: A resolution (H. Res. 403) to pay Harrison Edelin for services as janitor to the Committee on Industrial Arts and Expositions—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. COOPER of Texas: A bill (H. R. 16947) granting an increase of pension to Moses Stewart—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts. A bill (H. R. 16948) granting an increase of pension to George R. Hanson—to the Committee on Pensions.

By Mr. GRIGGS: A bill (H. R. 16949) for the relief of George McDonald, administrator of the estate of E. McDonald—to the Committee on War Claims.

By Mr. HAUGEN: A bill (H. R.16950) for the relief of the State of Iowa—to the Committee on War Claims.

By Mr. HENRY of Connecticut: A bill (H. R. 16951) granting an increase of pension to Harrison W. Fox—to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 16952) granting an increase of pension to James H. Flanagan—to the Committee on Invalid Pensions.

By Mr. KLUTTZ: A bill (H. R. 16953) for the relief of the Bank of North Wilkesboro—to the Committee on Claims.

By Mr. LITTLEFIELD: A bill (H. R. 16954) granting an increase of pension to Almena S. Willoughby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16955) granting an increase of pension to Nellie P. Coyle—to the Committee on Invalid Pensions.

By Mr. MERCER: A bill (H. R. 16956) granting an increase of pension to John H. Morris—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 16957) granting permission to Capt. William E. Horton, United States Army, to accept a decoration tendered him by the President of the French Republic—to the Committee on Foreign Affairs.

By Mr. PUGSLEY: A bill (H. R. 16958) granting a pension to Peter Welsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16959) granting a pension to Margaret Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16960) to correct the military record of Anthony Connolly—to the Committee on Military Affairs.

By Mr. RIXEY: A bill (H. R. 16962) for the relief of the legal representatives of Charles W. Adams, deceased—to the Committee on War Claims.

By Mr. SHEPPARD (by request): A bill (H. R. 16963) for the relief of the legal representatives of the estate of Dr. Thomas B. Waters, deceased—to the Committee on War Claims.

By Mr. SHOWALTER: A bill (H. R. 16964) granting an increase of pension to J. S. Shook—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 16965) granting an increase of pension to Abraham J. Yeomans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16966) granting an increase of pension to John W. Hill—to the Committee on Invalid Pensions.

By Mr. TOMPKINS of New York: A bill (H. R. 16967) granting a pension to Anna P. Ewing—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 16968) for the relief of the estate of Redding Woolard—to the Committee on War Claims.

Also, a bill (H. R. 16969) to correct the military record of Wiley W. Woolard—to the Committee on Military Affairs.

By Mr. SULZER: A bill (H. R. 16972) for the relief of Pain's Fireworks Company—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of the Woman's Christian Temperance Union of Allegheny County, Pa., for the passage of the immigration bill, also favoring the McCumber bill—to the Committee on Immigration and Naturalization.

By Mr. BURKE of South Dakota: Petition of L. T. St. John, of Mitchell, S. Dak., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of South Dakota, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. CONNELL: Petition of the Woman's Christian Temperance Union of Nayaug, Pa., to prohibit liquor selling in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, resolutions of the American Free Trade League, to place beef and coal on the free list—to the Committee on Ways and Means.

Also, resolutions of the Paint Grinders' Association of the United States, urging legislation to empower the Interstate Commerce Commission to establish uniform freight classification and freights—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Texas: Petitions of Ambrose Johnson and others, of Rusk; Coswell-Preston Drug Company and others, of Beaumont, Tex., urging the passage of House bill for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of Rev. R. J. Young, of Pittsburg, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. DARRAGH: Papers to accompany House bill 13713, for increase of pension of Rebecca Randolph—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 16151, granting an increase of pension to Harmon P. Cole—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Charles Wood, suggesting that a monument be placed at the grave of the mother of George Washington, at Fredericksburg, Va.—to the Committee on the Library.

By Mr. BOWIE: Petition of the heirs of William Ogley, deceased, late of Shelby County, Ala., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ESCH: Petition of retail druggists of Eau Claire, Wis., urging the reduction of the tax on alcohol used in medicinal preparations—to the Committee on Ways and Means.

By Mr. FOERDERER: Petition of Nature's Remedy Company, of Philadelphia, Pa., favoring House bill 178—to the Committee on Ways and Means.

Also, petition of the Redstone Presbytery, of Kenneth, Pa., favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

Also, resolution of Mill Men's Union, No. 359, Carpenters and Joiners, of Philadelphia, Pa., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. GOLDFOGLE: Resolutions of the Odessa Mutual Relief Society, the Independent Kletzker Brotherly Aid Association, Joseph Meisels Lodge, No. 146, and Schewas Achim Brainsker Lodge, No. 322, Order of B'rith Abraham, relating to methods of the immigration bureau at the port of New York—to the Committee on Immigration and Naturalization.

Also, petition of the New York State legislative board of Brotherhood of Locomotive Firemen, urging the passage of the eight-hour bill, anti-injunction and conspiracy bill, and the safety-appliance bill—to the Committee on the Judiciary.

By Mr. GROSVENOR: Resolutions of the National Board of Trade, favoring encouragement of American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRAHAM: Petition of the Woman's Christian Temperance Union, of Allegheny County, Pa., for the passage of the immigration bill, also favoring the McCumber bill—to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Protests of citizens of Bedminster and East Millstone, N. J., against repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. HULL: Petition of A. W. Brandt and others, of Des Moines, Iowa, for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. KAHN: Resolutions of the Chamber of Commerce of San Francisco, Cal., favoring the construction of a building in China for the display of American manufactures—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same, favoring the construction by the War Department of a cable from the State of Washington to the district of Alaska—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same, favoring the purchase of the Naciamento Rancho, California, for a military instruction camp—to the Committee on Military Affairs.

By Mr. KNAPP: Papers to accompany House bill 16534, granting an increase of pension to J. H. Durham—to the Committee on Invalid Pensions.

By Mr. LEVER: Resolutions of the Chamber of Commerce of Charleston, S. C., in relation to amending the currency laws and the deposits of public moneys—to the Committee on Banking and Currency.

By Mr. LEWIS of Georgia: Petition of the Woman's Christian Temperance Union of Ellaville, Ga., opposing the repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. LITTLE: Petition of the heirs of Harriet F. Isaacs, deceased, late of Drew County, Ark., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. McANDREWS: Petition of Prophet Jecheskel Lodge, No. 76, Order of B'rith Abraham, Chicago, Ill., relative to immigration—to the Committee on Immigration and Naturalization.

By Mr. MERCER: Petition of legislative committee of Branch No. 148, National Association of Post-Office Clerks, South Omaha, Nebr., asking for the passage of Senate bill 4949—to the Committee on the Post-Office and Post-Roads.

By Mr. MIERS of Indiana: Resolutions of Brotherhood of Locomotive Engineers of Indiana, in favor of House bill 15990, known as the employers' liability bill—to the Committee on the Judiciary.

By Mr. PALMER: Petition of West Philadelphia (Pa.) Woman's Christian Temperance Union, favoring antipolygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. PRINCE: Petition of Trades and Labor Assembly of Galesburg, Ill., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. PUGSLEY: Papers to accompany bill relating to the correction of the military record of Anthony Connolly—to the Committee on Military Affairs.

Also, papers to accompany House bill granting a pension to Peter Welsh—to the Committee on Invalid Pensions.

By Mr. RIXEY: Petition of citizens of Fairfax County, Va., for the improvement of the channel of Accotink Creek, in Fairfax County—to the Committee on Rivers and Harbors.

By Mr. ROBINSON of Indiana: Petition of W. J. Tyree and 16 others, of Columbia City, Ind., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. ROBERTS: Petitions of C. A. Charles, F. A. Spencer, and other retail druggists, urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SIBLEY: Petitions of Caryville (Pa.) Grange, No. 1212, and Farmers Valley Grange, No. 1190, Patrons of Husbandry, of Pennsylvania, against the repeal of the anticanteen law—to the Committee on Military Affairs.

Also, petitions of the same for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. THOMAS of North Carolina: Paper to accompany House bill granting an increase of pension to Abraham J. Yeomans—to the Committee on Invalid Pensions.

By Mr. TOMPKINS of New York: Papers to accompany House bill granting a pension to Anna P. Erving—to the Committee on Invalid Pensions.

Also, petition of citizens of Nyack, N. Y., asking for the removal of the tariff on certain glass products—to the Committee on Ways and Means.

Also, petition of Arthur J. Drury and others, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. WOODS: Resolutions of the Chamber of Commerce, of San Francisco, Cal., urging the purchase of the Naciamento Rancho, California, for a military instruction camp—to the Committee on Military Affairs.

Also, resolutions of the same favoring the construction of a building in China for the display of American manufactures—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same, asking for the construction by the War Department of a cable from the State of Washington to the district of Alaska—to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG: Petition of the Pennsylvania Shoe Manufacturers Association, urging the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *January 22, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. NELSON. I ask unanimous consent to dispense with the further reading of the Journal.

Mr. KEAN. I object.

The PRESIDENT pro tempore. The Senator from New Jersey objects.

The Secretary resumed the reading of the Journal.

Mr. CULLOM. I ask that the further reading of the Journal be dispensed with.

Mr. KEAN. I object.

The PRESIDENT pro tempore. The Senator from New Jersey objects.

Mr. CULLOM. I did not know that there had been any objection before or I would not have made the request.

The Secretary resumed and concluded the reading of the Journal.

The PRESIDENT pro tempore. If there be no objection, the Journal will stand approved. The Journal is approved.

AMERICAN NATIONAL RED CROSS.

The PRESIDENT pro tempore laid before the Senate the third annual report of the American National Red Cross for the year ended December 31, 1902; which was referred to the Committee on Foreign Relations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented petitions of Maine Lodge, No. 545, Brotherhood of Railroad Trainmen, of East St. Louis; of Local Union No. 730, United Mine Workers, of Gillespie, and of Local Division No. 241, Amalgamated Association of Street Railway Employees, of Chicago, all in the State of Illinois, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. BLACKBURN presented petitions of sundry citizens of Kentucky, praying for the enactment of legislation to amend the internal-revenue law so as to reduce the tax on distilled spirits; which were ordered to lie on the table.

Mr. KEAN presented a petition of Hudson Lodge, No. 120, Order of B'rith Abraham, of Hoboken, N. J., praying for the enactment of legislation to modify the methods and practice pursued by immigration officers at the port of New York; which was referred to the Committee on Immigration.

He also presented a memorial of the Central Labor Union, American Federation of Labor, of Hoboken, N. J., remonstrating against the enactment of legislation to repeal the stamp tax on eighth kegs of beer; which was referred to the Committee on Finance.

He also presented a petition of Carpenters and Joiners' Local Union No. 349, American Federation of Labor, of Orange, N. J., and a petition of Local Division No. 85, Order of Railroad Telegraphers, of Trenton, N. J., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a memorial of the Trenton Potteries Company, of Trenton, N. J., and a memorial of J. Colyer & Co., of Newark, N. J., remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented the memorials of W. J. Hamilton, of Dunellen; of D. C. McGalliard and sundry other citizens of Windsor; of the congregation of the Baptist Church of Cedarville; of the congregation of the Wesleyan Methodist Church of Mays Landing; of D. G. Garabrant, of Bloomfield; of 20 citizens of Millstone and East Millstone; of the Woman's Christian Temperance Union of Millstone and East Millstone; of the congregation of the First Presbyterian Church of Vineland; of Charles Borten, of Mullica Hill; of S. Transue, of Delaware; of J. D. Huff, of Deerfield; of John B. Vallean, of Atlantic Highlands; of J. H. Tumey, of Vineland; of Harry C. Hown, of Vineland; of Clarence E. Lusk, of Vineland; of Charles Keiley & Sons, of Vineland; of A. H. Conklin, of Closter; of Nathan J. Taylor, of Newark; of the congregation of the Methodist Episcopal Church of Andover; of Franklin Patterson, of Atlantic Highlands; of W. H. Porter, of Atlantic Highlands; of W. E. Hughes, of Vineland; of W. T. Dungan, of Vineland; of Eugene C. Temple, of Vineland; of J. S. Winslow, of Vineland; of Charles G. Wansils, of Vineland; of James Heatlege, of Vineland; of Thomas M. Moore, of Passaic; of Miss Mary Heitfield, of Dunellen; of W. J. Hanlin, of Haddonfield; of Joshua Wilde, of Vineland; of Joshua T. Ballinger, of Haddonfield, and of the congregation of the South Vineland Methodist Episcopal Church, of Vineland, all in the State of New Jersey, remonstrating against the enactment of legislation to repeal the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented the petition of Norman Fox, of Morristown, N. J., praying for the enactment of legislation to recognize and promote the efficiency of Army chaplains; which was referred to the Committee on Military Affairs.

He also presented a memorial of the State Bureau of Child and Animal Protection, of Denver, Colo., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

Mr. DRYDEN presented a petition of Columbia Council, No. 8, Daughters of Liberty, of Jersey City, N. J., and a petition of Essex Council, No. 161, Junior Order of United American Mechanics, of Newark, N. J., praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

He also presented a petition of Lincoln Post, No. 11, Department of New Jersey, Grand Army of the Republic, of Newark, N. J., praying for the enactment of legislation providing for the retirement of veterans of the civil war; which was referred to the Committee on Military Affairs.

He also presented a petition of Carpenters and Joiners' Local Union No. 620, American Federation of Labor, of Vineland, N. J., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented the petitions of Dr. E. B. Reed, J. Parker Hickman, and George W. Pittenger, of Asbury Park, N. J., praying for the establishment of a bureau of public roads in the Department of Agriculture; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Botany Worsted Mills Company, of Passaic, N. J., and a petition of the Marine Engine and Machine Company, of Harrison, N. J., praying for the establishment of a department of commerce; which were referred to the Committee on Commerce.

He also presented a memorial of the New Jersey School and Church Furniture Company, of Trenton, N. J., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented petitions of Cigarmakers' Local Union No. 146, of New Brunswick, of the Central Trades and Labor Council of Bridgeton, and of Local Union No. 28, of Dover, all of the American Federation of Labor, in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented memorials of the Young Men's Christian Association of Trenton; of the Society of Christ of the Methodist Protestant Church of Atlantic City; of Jacob Fisher, of Dunellen, of Sarah H. Wagg, of Salem; of W. G. Brooks, of Deerfield; of P. Henry Moore, of Deerfield; of W. D. Voorhess, of Bound Brook; of B. F. Moore, of Deerfield; of the Woman's Christian Temperance Union of Pleasantville; of Anna Padgett, of Bridgeton; of Harry B. Tyler, of Camden; of A. S. Bailey, of Lakewood; of J. K. Williams, of Montclair; of S. A. Lewis, of Norwood; of J. L. Rice, of Bridgeton; of Thomas C. Bodine, of Dunellen; of W. T. Franklin, of Atlantic Highlands; of L. B. Parsell, of Closter; of G. B. Tompkins, of Paterson; of T. J. Todd, of Dunellen; of T. C. Lenard, of Atlantic Highlands; of Milton Wickaurd, of Camden; of P. M. Van Syckle, of Delaware; of S. L. Bailey, of Trenton; of W. P. Tourette, of Morristown; of J. Z. Demarest, of Tenafly; of Mrs. E. P. Kirkbridge, of Medford; of Rev. W. H. McCormick, of Dover; of Harry Peters, of Camden; of Oscar C. Pruden, of Morristown, and of H. W. Neary, of Point Pleasant, all in the State of New Jersey, remonstrating against the enactment of legislation to repeal the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented a petition of the James Reilly Repair and Supply Company, of New York, N. Y., praying for the enactment of legislation providing for the issuance and circulation of national-bank notes; which was referred to the Committee on Finance.

He also presented a petition of the executive committee of the Interstate Commerce Law Convention of Milwaukee, Wis., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented the petition of A. B. Bowers, of Washington, D. C., praying that he be granted an extension of patents; which was referred to the Committee on Patents.

Mr. GAMBLE presented a petition of Galena Miners' Union, No. 68, Western Federation of Miners, of Galena; of Federation of Labor No. 6906, of Yankton, and of Cigar Makers' Local Union No. 387, of Yankton, all in the State of South Dakota, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented the petition of Herbert B. Foster, professor of Greek in the University of South Dakota, Vermilion, S. Dak., praying for the enactment of legislation to provide an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented the petition of F. A. Brecht and sundry other citizens of Yankton, S. Dak., praying for the enactment of legislation to amend the revenue laws so as to reduce the tax on distilled spirits; which was ordered to lie on the table.

He also presented the petition of Rev. C. H. French and 87 other citizens of Huron, S. Dak., praying for the passage of the pending immigration bill, for the enactment of legislation providing an educational test for immigrants to this country, and also to prohibit the sale of intoxicating liquors in immigrant stations; which was ordered to lie on the table.

Mr. FOSTER of Washington presented a petition of Port Orchard Lodge, No. 290, Brotherhood of Boiler Makers and Ironship Builders, of Bremerton, Wash., and a petition of Nipsic Lodge, No. 282, International Association of Machinists, of Bremerton, Wash., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. PROCTOR presented the memorial of Henry M. Douglas and 12 other citizens of Brattleboro, Vt., remonstrating against the enactment of legislation authorizing the sale of malt liquors and light wines at post exchanges; which were referred to the Committee on Military Affairs.

He also presented a petition of the State Council of Vermont, Junior Order United American Mechanics, of Lunenburg, Vt., praying for the enactment of legislation to regulate the immigration of aliens into the United States; which was ordered to lie on the table.

Mr. MASON presented petitions of sundry citizens of the State of Illinois, praying for the enactment of legislation to amend the internal-revenue law so as to reduce the tax on distilled spirits; which were ordered to lie on the table.

He also presented petitions of Cigar Makers' Local Union No. 41, of Aurora; of the Trades and Labor Assembly of Morris; of Local Union No. 3, of Chicago; of Local Union No. 85, of Kensington; of Cigar Makers' Local Union No. 14, of Chicago; of Local Union No. 31, of Hegewisch; of the Carpenters and Joiners'

Local Union of Bloomington; of Local Union No. 94, of Chicago; of Cigar Makers' Local Union No. 191, of Morris; of Federal Labor Union, No. 7241, of Dundee; of Cigar Makers' Local Union No. 394, of Sycamore, and of Carpenters and Joiners' Local Union No. 189, of Quincy, all of the American Federation of Labor, in the State of Illinois, praying for the repeal of the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

He also presented a petition of the Ex-Slave Association of Ardmore, Ind. T., praying for the admission of that Territory into the Union as a State, with certain conditions relative to the holding of land and the protection of the negro in his constitutional rights; which was referred to the Committee on Territories.

Mr. SIMON. I present the affidavit of John M. Drake, formerly a citizen of the State of Oregon, but now a resident of San Jose, Cal., praying that he be granted an increase of pension. I ask that the affidavit be placed with the papers to accompany the bill (S. 1939) granting an increase of pension to John M. Drake, heretofore reported by me, and now on the Calendar.

The PRESIDENT pro tempore. It will be so ordered.

Mr. FRYE presented the menorial of C. T. Randall and A. E. Landfield, of Chicago, Ill., remonstrating against any reduction in the duty on tobacco and cigars imported from Cuba; which was referred to the Committee on Finance.

He also presented a memorial of the Board of Trade of Chicago, Ill., remonstrating against the merging of the Interstate Commerce Commission within the proposed department of commerce and labor; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 9503) to authorize the Oklahoma and Western Railroad Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes, reported it with amendments.

Mr. TURNER, from the Committee on Commerce, to whom was referred the bill (S. 261) providing for the establishment of a life-saving station in the vicinity of Cape Flattery or Flattery Rooks, on the coast of Washington, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13353) granting an increase of pension to George Thompson;

A bill (H. R. 15112) granting a pension to Matilda A. Marshall;

A bill (H. R. 15114) granting an increase of pension to Alonzo F. Canfield;

A bill (H. R. 15113) granting an increase of pension to John Murphy; and

A bill (H. R. 13997) granting an increase of pension to Lyman A. L. Gilbert.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (S. 4519) making an appropriation to construct a gravel road from Shiloh National Military Park to the city of Corinth, Miss., together with all necessary bridges, reported it without amendment, and submitted a report thereon.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (S. 6808) to extend the time granted to the Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in the said act to be done by said company, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (H. R. 14273) granting a pension to John H. Whidden, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 10826) granting an increase of pension to Josiah S. Fay, reported it with an amendment, and submitted a report thereon.

He also (for Mr. PATTERSON), from the same committee, to whom was referred the bill (H. R. 14836) granting a pension to Rebecca L. Chambers, reported it without amendment, and submitted a report thereon.

Mr. CULLOM, from the Committee on Foreign Relations, reported an amendment proposing to increase the salary of the United States consul at Warsaw, Poland, intended to be proposed to the diplomatic and consular appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

He also, from the same committee, reported an amendment providing that upon the approval of the diplomatic and consular appropriation bill by the President, the clause in said bill relating to the United States minister to Netherlands and Luxemburg be given immediate effect, intended to be proposed to the diplomatic and consular appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (H. R. 4923) granting a pension to William L. Whetsell, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6983) granting an increase of pension to Gilman B. Johnson;

A bill (S. 6985) granting an increase of pension to George Cummings;

A bill (S. 6984) granting an increase of pension to Maria A. Marden;

A bill (S. 6982) granting an increase of pension to Linda F. Moulton;

A bill (S. 6981) granting an increase of pension to Lorenzo P. Duncklee;

A bill (H. R. 15789) granting an increase of pension to Benjamin Cooper;

A bill (H. R. 14256) granting an increase of pension to Jessie R. Dewstoe; and

A bill (H. R. 12141) to amend an act entitled "An act amending section 4708 of the Revised Statutes of the United States in relation to pensions to remarried widows," approved March 3, 1901.

Mr. DEPEW. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 3517) to amend the law creating the district of Teche, Louisiana, to report it adversely. I will state that the report is not unanimous.

Mr. BERRY. I desire to state that there is a minority of the committee who do not agree to the report. I ask leave hereafter to file a minority report, and that the bill be placed on the Calendar with the report made by the committee.

The PRESIDENT pro tempore. The bill will be placed on the Calendar, and, without objection, the Senator from Arkansas can at any time file the views of the minority.

Mr. MCCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 7815) granting a pension to Nancy A. Killough, reported it with an amendment, and submitted a report thereon.

He also (for Mr. PRITCHARD), from the same committee, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3302) granting an increase of pension to Henry G. Wheeler; and

A bill (H. R. 15398) granting an increase of pension to Andrew W. Miller.

Mr. NELSON, from the Committee on Commerce, to whom the subject was referred, submitted a report, accompanied by a joint resolution (S. R. 157) providing for an extension of time for completing the highway bridge across the Potomac River at Washington, D. C.; which was read twice by its title.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10350) granting a pension to Rebecca Piper; and

A bill (H. R. 7130) granting a pension to Elizabeth Lowden.

Mr. LODGE, from the Committee on the Philippines, to whom was referred the bill (H. R. 15702) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902, reported it with amendments, and submitted a report thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 1152) to authorize certain persons who have intermarried with Cherokees to sue for their interest in certain moneys of the tribe from which they were excluded, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 7047) to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota, reported it without amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 156) dedicating to the city of Columbus, in the State of Ohio, for uses and purposes of the public streets, part of the property conveyed to the United States by Robert Neil by deed dated February 17, 1863, recorded in Deed Book 76, page 572, etc., Franklin County records, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6486) to provide for the appropriate marking of the graves

of the soldiers of the Confederate army and navy, and for other purposes, reported it with amendments, and submitted a report thereon.

JOSEPH'S BAND OF NEZ PERCES.

Mr. DUBOIS. I am directed by the Committee on Indian Affairs to report favorably and unanimously a resolution, and I ask for its consideration. It is very short.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the bill (S. 5311) entitled "A bill for the relief of Joseph's band of Nez Perce Indians," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of said act and report to the Senate what amount or amounts, if any, are legally or equitably due the said Joseph's band of Nez Perce Indians under the various items of claims set forth in said bill.

AUSTIN ALMY.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 6364) granting an increase of pension to Austin Almy, to report it with amendments, and I ask unanimous consent for its present consideration.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Pensions were, in line 7, after the word "State," to strike out "Volunteer;" in the same line, after the word "Infantry," to insert "war with Mexico," and in line 8, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Austin Almy, late of Company D, Tenth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 7072) granting an increase of pension to James A. Hoover; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7073) granting a pension to Thomas W. Coe; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7074) for the relief of Elias E. Barnes; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 7075) to provide for the erection in the city of Washington, D. C., of a fountain by Edward Kemeys; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 7076) granting an increase of pension to Charles L. Pinkham; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7077) granting an increase of pension to Cyrus B. Norris; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALGER introduced a bill (S. 7078) granting an increase of pension to Geneveive Ludlow; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7079) granting an increase of pension to James W. Ruff; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7080) granting an increase of pension to Moses Hill; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7081) granting an increase of pension to Orville V. Percy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 7082) granting an increase of pension to James Congdon; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7083) to provide for the enrollment and organization of a United States naval reserve; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 7084) to establish a naval militia and define its relations to the General Government; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. FOSTER of Washington introduced a bill (S. 7085) granting an increase of pension to Jane M. Watt; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7086) granting an increase of pension to Ebenezer H. Richardson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 7087) for the relief of Henry J. Hewitt; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 7088) for the extension of Eighth street northeast; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SPOONER introduced a bill (S. 7089) granting a pension to Joseph Ellmore; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate $100,000 for continuing the work on the Connecticut avenue bridge, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment relating to leave of absence to per diem employees of the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. QUARLES submitted an amendment proposing to appropriate $375,000 to establish a permanent military camp ground for the instruction and maneuvering of troops of the Regular Army and National Guard in the vicinity of Camp Douglas, in Juneau County, Wis., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $100,000 of the money now idle in the Treasury due the estates of deceased colored soldiers for the purpose of erecting in the District of Columbia a memorial national home for aged and infirm colored people; which was ordered to be printed, and, with the accompanying petition, referred to the Committee on Military Affairs.

Mr. BURROWS submitted an amendment proposing to increase the salary of the United States consul at Amherstburg, Canada, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

PARK SYSTEM OF THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That 500 copies of the report of the commission on the improvement of the park system of the District of Columbia be printed and bound in cloth for the use of the Senate.

TYPES OF BREECH MECHANISM.

Mr. GALLINGER. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of War and the Secretary of the Navy, respectively, be directed to furnish the Senate with a list of the types of breech mechanism for ordnance made by or for the War and Navy Departments since January 1, 1891, or at present in course of construction, together with the number of each type made since the date mentioned, or at present in course of construction.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. COCKRELL and Mr. PROCTOR. Let it be read again.

The Secretary again read the resolution.

The PRESIDENT pro tempore. Is there objection?

Mr. PROCTOR and Mr. SPOONER. Let it go over.

The PRESIDENT pro tempore. The resolution will go over under the rule.

STANDARD OF CLASSIFICATION AND GRADING.

Mr. McCUMBER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed 1,000 additional copies of S. 7009, "A bill to provide for fixing a uniform standard of classification and grading of wheat, flax, corn, oats, barley, rye, and other grains, and for other purposes," for the use of the Senate.

REGULATION OF IMMIGRATION.

Mr. FAIRBANKS. Mr. President, on yesterday I gave notice that after the conclusion of the routine morning business to-day I would move to proceed to the consideration of the immigration bill. Since then I have had some conversation with the junior Senator from Pennsylvania [Mr. QUAY], who also gave notice yesterday that he would move to take up the omnibus statehood bill at this time. I do not wish to unnecessarily antagonize the

Senator's motion. I understand it will be agreeable to my honorable friend if I move to take up the immigration bill in the morning hour to-morrow.

I therefore give notice that after the routine morning business to-morrow I shall move to proceed with the consideration of the bill (H. R. 12199) to regulate the immigration of aliens into the United States, and I trust that we will be able to dispose of it. The bill has been considered by the Senate, all the amendments have been agreed to, I believe, save one, and if we give to it our earnest attention to-morrow I think it can be disposed of. It certainly is of the utmost importance that this measure should be passed at the earliest possible date.

Mr. GALLINGER. Mr. President, in connection with the notice given by the Senator from Indiana, I ask unanimous consent to make a single observation.

The PRESIDENT pro tempore. The Chair hears no objection, and the Senator from New Hampshire will proceed.

Mr. GALLINGER. I wish to ask the Senator from Indiana if it is his purpose and the purpose of the committee to press the bill to a conclusion in the form in which it now is? I have noticed by the press a suggestion that the intention was to change it somewhat materially.

I will say, so the Senator may understand my position, that I am not at all satisfied with the bill in some of its features as it stands at the present time, and will take occasion to so state when it is up for consideration. But possibly the committee intends to so change it that it will meet with my concurrence.

Mr. FAIRBANKS. I will say to the Senator that I am not advised what notices he has seen in the press. It is the desire and intention of the committee to press the consideration of the bill as it is now reported to the Senate.

STATEHOOD BILL.

Mr. QUAY. Mr. President——

Mr. MASON. I ask the Senator from Pennsylvania to yield just one moment that I may call up a small measure for a very poor man involving only $140.

Mr. QUAY. What is the purpose of the Senator from Illinois?

Mr. MASON. It is to ask for the consideration of a bill which involves, as I said, only $140.

Mr. QUAY. I can not yield at present, I will say to the Senator from Illinois, but I will do so after the statehood bill is before the Senate.

Mr. MASON. All right.

Mr. QUAY. I move that the Senate proceed to the consideration of the statehood bill.

Mr. BEVERIDGE. There is no objection to that motion, Mr. President.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves that the Senate proceed to the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

The motion was agreed to.

Mr. MASON. I now ask that the statehood bill be temporarily laid aside that the Senate may consider House bill 3728, a copy of a bill which has already passed the Senate, and when the House bill is passed I shall ask that the Senate bill be indefinitely postponed.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the unfinished business be temporarily laid aside, and that the Senate consider the following bill.

Mr. QUAY. I will not object if the bill elicits no discussion. Otherwise I will object.

The PRESIDENT pro tempore. The bill will be read to the Senate.

Mr. COCKRELL. What is the order of business?

Mr. MASON. I am informed that I was mistaken about the bill having passed the House. I withdraw the request.

The PRESIDENT pro tempore. The request is withdrawn.

Mr. HANSBROUGH. I ask the Senator from Pennsylvania if he will not be kind enough to yield to me until I can call up a short bill?

Mr. QUAY. I was not attending to what transpired in relation to the bill the Senator from Illinois called up.

Mr. HANSBROUGH. It has been withdrawn.

Mr. QUAY. Then I yield to the Senator from North Dakota.

NELLIE ETT HEEN.

Mr. HANSBROUGH. I ask unanimous consent for the consideration of the bill (H. R. 12240) granting to Nellie Ett Heen the south half of the northwest quarter and lot 4 of section 2, and lot 1 of section 3, in township 154 north of range 101 west, in the State of North Dakota.

The PRESIDENT pro tempore. The Senator from North Dakota asks that the Senate proceed to the consideration of a bill which will be read in full to the Senate.

The Secretary read the bill.

Mr. KEAN. Is there a report?

Mr. HANSBROUGH. There is a written report coming from the Committee on Public Lands.

Mr. KEAN. Let us have the report read.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report submitted by Mr. CLARK of Wyoming (for Mr. HANSBROUGH) on the 7th instant.

Mr. HANSBROUGH. The report is quite lengthy, and if the Senate will indulge me for a moment I think I can explain the provisions of the bill.

Mr. COCKRELL. If the Senator will just have the middle part of the report read it will explain it fully.

Mr. LODGE. I ask for the reading of the report.

Mr. HANSBROUGH. Very well; I desired to economize the time of the Senate; that was all.

The Secretary resumed the reading of the report.

Mr. QUAY. If this bill is going to occupy much time, I shall be compelled to object to it. My understanding was that there would be no objection and no consumption of time.

Mr. COCKRELL. There are only a few more lines left of the report.

Mr. HANSBROUGH. I hope the Senator from Pennsylvania will allow the reading of the report to be concluded. It is not very long.

Mr. QUAY. Very well.

The Secretary resumed and concluded the reading of the report. The entire report is as follows:

Mr. CLARK of Wyoming (for Mr. HANSBROUGH), from the Committee on Public Lands, submitted the following report (to accompany H. R. 12240):

The Committee on Public Lands, to whom was referred the bill (H. R. 12240) granting to Nellie Ett Heen the south half of the northwest quarter and lot 4 of section 2, and lot 1 of section 3, in township 154 north, of range 101 west, in the State of North Dakota, having had the same under consideration, beg leave to report as follows:

Your committee recommend that the preamble be stricken out and that the bill do pass.

Lem A. Heen on the 28th day of May, 1895, made homestead entry for the south half of northwest quarter and lot 4 of section 2, and lot 1 of section 3, in township 154 north, of range 101 west, in the Minot land district, in the State of North Dakota. His application to enter was accepted and the entry placed of record, the filing fee accepted, and receipt duly issued therefor to the said entryman. He thereupon entered upon the said tract and has resided thereon continuously since said date and is still residing thereon with his family, and has complied fully with the law relative to residence upon, cultivation, and improvement of Government homesteads, and has valuable and substantial improvements thereon.

On the 14th day of July, 1900, Heen offered final proof for the tract. This was rejected on the 26th of September, 1901, for the reason that entryman was not a citizen of the United States; neither could he become one, being born in China and a Chinaman, and was not a qualified entryman, and patent could not issue to him. Heen, however, immigrated to the United States about 1876, prior to the date of taking effect of the Chinese-exclusion act, and married a white woman and a citizen of the United States, by name Nellie Ett Parker. There is issue of said marriage still living, but under the ruling of the United States Land Office patent can not issue to the entryman, nor to the wife of the entryman, nor to the child of the entryman. In consequence, a great hardship will be worked upon the entryman and his family and he will be deprived of a home and the fruits of his labor unless the pending legislation be passed.

The Secretary of the Interior and the Commissioner of the General Land Office report favorably, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 1, 1902.

SIR: I have the honor to acknowledge the receipt of your letter of the 24th ultimo, in which you inclosed a copy of H. R. 12240, entitled "A bill granting to Nellie Ett Heen the south half of the northwest quarter and lot 4 of section 2, and lot 1 of section 3, in township 154 north, of range 101 west, in the State of North Dakota," and asked for information or suggestions thereon.

In answer, I inclose a copy of the report on the bill by the Commissioner of the General Land Office under date of the 29th ultimo.

It is shown by the report that the preamble to the bill recites the facts substantially as they are of record, and as the matter is one within the discretion of the Congress the Commissioner has made no recommendation, but has stated that he has no objection to urge against the passage of the bill.

I concur in the report.

Very respectfully,
E. A. HITCHCOCK,
Secretary.

The CHAIRMAN OF THE COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 29, 1902.

SIR: I have the honor to acknowledge the receipt, by reference from you, for report in duplicate and return of papers, of a letter from Hon. JOHN F. LACEY (dated March 24, 1902), chairman of the Committee on the Public Lands House of Representatives, United States, together with a copy of H. R. 12240, entitled "A bill granting to Nellie Ett Heen the south half of the northwest quarter and lot 4 of section 2, and lot 1 of section 3, in township 154 north of range 101 west, in the State of North Dakota." Said bill reads as follows:

"Whereas one Lem A. Heen did, on the 28th day of May, A. D. 1895, make homestead entry for the following-described tract, to wit, south half of northwest quarter, and lot 4 of section 2, and lot 1 of section 3, in township 154 north of range 101 west, in the Minot land district, in the State of North Dakota, which application to enter was accepted and the entry placed of record, filing fee accepted, and receipt duly issued therefor to the said entryman Lem A. Heen, by the officials of the said United States land office at Minot, in the said State of North Dakota; and

"Whereas, under and by virtue of the same, the said entryman, Lem A. Heen, did thereafter enter upon said tract, and has resided thereon continuously since said date, and is now residing thereon with his family, and has complied fully with the law relative to residence upon, cultivation, and improvement of Government homesteads, and has valuable and substantial improvements thereon; and

"Whereas the said entryman did, on the 14th day of July, 1900, offer final proof for the tract above described, which proof was rejected on the 26th day of September, A. D. 1901, for the reason that the said entryman was not a citizen of the United States, neither could he become one, being born in China, and a Chinaman, and was not a qualified entryman and patent could not issue to him; and

"Whereas the said entryman did emigrate to the United States on or about the year 1876, prior to the date of taking effect of the Chinese-exclusion act, and did thereafter marry one Nellie Ett Parker, a white woman and a citizen of the United States, and that there is issue of said marriage now living, and that under the ruling of the said United States Land Office patent can not issue to the said entryman, nor to the wife of the said entryman, nor to the child of the said entryman, for the reasons stated aforesaid; and

"Whereas in this a great hardship will be worked upon the said entryman and his said family, and will deprive them of a home and of the fruits of their labor, for which under the law there is no remedy: Therefore,

"*Be it enacted, etc.*, That the following-described land is hereby granted to Nellie Ett Heen, to wit: The south half of the northwest quarter, and lot 4 of section 2, and lot 1 of section 3, in township 154 north, of range 101 west, situate in the Minot United States land district, in the State of North Dakota."

As the facts in this case are substantially set out in the preamble of this bill, and as the matter seems to be one for Congressional discretion, no recommendation will be made by this office, but I have no objection to urge against the passage of the bill.

The bill, with the accompanying letter, is herewith returned.

Very respectfully,

BINGER HERMANN, *Commissioner.*

The SECRETARY OF THE INTERIOR.

The following is the House report on the measure:

[House Report No. 2066, Fifty-seventh Congress, first session.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 12240) granting to Nellie Ett Heen the south half of the northwest quarter and lot 4 of section 2, and lot 1 of section 3, in township 154 north, of range 101 west, in the State of North Dakota, having considered the same, beg leave to submit the following report and recommend the passage of the bill:

The purpose of this bill is to grant to Nellie Ett Heen the above-described land (160 acres) for the reasons which are fully set forth in the preamble of the bill, and briefly stated are as follows:

Lem A. Heen, a Chinaman, legally married to Nellie Ett Heen, a white woman and citizen of the United States, made a homestead entry of the above-described lands on May 28, 1895, which application was accepted, entry placed of record, filing fee accepted and receipt regularly issued therefor to said entryman by the officials of the United States land office at Minot, N. Dak.

Thereafter said Lem A. Heen entered upon said land and resided continuously thereon since said date (and is now residing thereon) with his wife and children and has fully complied with the law relative to residence, cultivation, and improvement of Government homesteads, and has valuable and substantial improvements thereon.

And the said Lem A. Heen, on the 14th day of July, 1900, offered final proof for the tract above described, which proof was rejected on the 26th day of September, 1901, for the reason that the said entryman was not a citizen of the United States, neither could he become one, being born in China, of Chinese parents, and therefore not a qualified homesteader, and patent could not issue to him.

Therefore great hardship and injustice will be worked upon said entryman and his family, who entered upon the said land innocently and in good faith, supposing the entryman could perfect title, and they will, by reason of the law, be deprived of the fruits of their labor.

In view of all these circumstances, which are fully corroborated by the Secretary of the Interior, it is deemed a simple act of justice to the wife, Nellie Ett Heen, to grant her the lands (160 acres) embraced in the homestead, and for this the bill provides.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. The Chair hears none.

Mr. SPOONER. The Chair will hear one if I can be recognized.

The PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

Mr. SPOONER. I object to it.

Mr. HANSBROUGH. I hope the Senator from Wisconsin will allow a statement to be made concerning this matter, and then I do not think he will object to it.

Mr. SPOONER. I will state my objection; and if I am wrong, I shall be very glad to have the Senator correct me.

Mr. HANSBROUGH. I shall be glad to hear the Senator's reasons for objecting to the bill.

Mr. SPOONER. The homestead law has always excluded aliens.

Mr. HANSBROUGH. That is true.

Mr. SPOONER. It is impossible under the homestead law of the United States, based on wise public policy, for an alien to avail himself or herself of the homestead law. That has always been the rule, and I think it is based upon wise public policy.

Here is a proposition by a special act to confirm a homestead entry to an alien. If we begin this I do not know where we would stop it. I think it is a bill which really calls for more attention than it is liable to get, depending upon the very great courtesy even of the Senator from Pennsylvania.

Mr. HANSBROUGH. Mr. President, just a word, if the Senator from Pennsylvania will permit me. This is not to confirm a homestead to an alien. It is a grant of land to the wife of an alien who was a citizen of the United States.

Mr. SPOONER. The alien made the entry.

Mr. HANSBROUGH. The alien made the entry, the entry was accepted in the local land office, and the final proof was denied because he was an alien. He has lived on the land for seven years, has made improvements upon it, and, I submit, he has endured great hardships as a result of the action taken by the local land office.

Mr. SPOONER. A great many American citizens, who settled upon land in my State, spent years there, made improvements of great value, and cultivated the land, after selling the trees, and all that, were, by the action of the local land office, excluded from the benefit of the land. I know the power of precedent. If this old settler were living, Congress would not pass this bill.

Mr. HANSBROUGH. As I said in the beginning, in giving title to this land we are not giving the title to an alien, but giving it to his wife. They were married some fifteen or twenty years ago. They have one child. They have lived on that land seven years, and made improvements there. This is merely a grant of land to the wife of this alien, who came to this country prior to the passage of the Chinese-exclusion law.

Mr. GALLINGER. Is the alien living?

Mr. HANSBROUGH. He is living.

Mr. SPOONER. The man is alive?

Mr. HANSBROUGH. The man is alive, and his family live on the land at present.

Mr. SPOONER. Then I object to the bill.

The PRESIDENT pro tempore. Objection being made, the bill goes to the Calendar.

BRIG. GEN. H. C. MERRIAM.

Mr. PETTUS. I ask unanimous consent that the pending measure may be temporarily laid aside for the purpose of considering the bill (S. 5891) to authorize the President to appoint Brig. Gen. H. C. Merriam to the grade of major-general in the United States Army on the retired list. It is a bill for the promotion of General Merriam, which has the approval of the War Department, and quasi of the President. General Merriam is one of the great generals who was crowded out from any promotion when he was retired.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of a bill which will be read in full for the information of the Senate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, in line 6, after the word "Army," to insert "and place him;" so as to make the bill read:

Be it enacted, etc., that the President be, and he is hereby, authorized to appoint, with the advice and consent of the Senate, Brig. Gen. H. C. Merriam to the grade of major-general in the United States Army and place him on the retired list.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendwas concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the President to appoint Brig. Gen. H. C. Merriam to the grade of major-general in the United States Army and place him on the retired list."

MONUMENTS TO GENERALS NASH AND DAVIDSON.

Mr. SIMMONS. I ask unanimous consent for the present consideration of House joint resolution No. 16, for the erection of monuments to the memory of Gens. Francis Nash and William Lee Davidson, of North Carolina.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent that the unfinished business may be temporarily laid aside and that the Senate proceed to the consideration of the joint resolution referred to by him. Is there objection?

Mr. QUAY. Mr. President, I shall not object to the joint resolution of the Senator from North Carolina if it provokes no discussion, nor shall I object to a bill which I understand the Senator from South Carolina [Mr. TILLMAN] desires to call up; but after those bills shall have been disposed of I shall ask that the regular order be proceeded with.

The PRESIDENT pro tempore. The joint resolution will be read to the Senate for its information, subject to objection.

The Secretary read the joint resolution (H. Res. 16) to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Gens. Francis Nash and William Lee Davidson, of North Carolina.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. GALLINGER. Mr. President, as I understand, the Continental Congress appropriated a certain sum of money for the erection of monuments to a very considerable number of distinguished generals. During the last session we passed a bill appropriating, I think, $25,000 for the erection of a monument to one of those generals, who was singled out from the list—a Virginian. I recall the fact that the Senator from Connecticut [Mr. PLATT], not now in his seat, gave notice that Connecticut had distinguished generals in that list, and it seems to me improper that we should now take two more out of that list and pass an appropriation for the erection of monuments to them. If we are going into this business, we ought not to discriminate. So I shall have to object to the consideration of the joint resolution.

The PRESIDENT pro tempore. Objection is made.

Mr. SIMMONS. I ask the Senator from New Hampshire to permit me to make a short statement about this matter, and possibly his objection may be overcome.

Mr. GALLINGER. I will withdraw my objection for the present, so as to hear the statement of the Senator.

Mr. QUAY. Mr. President, if the joint resolution is to create controversy here, and to be discussed, I shall have to object.

The PRESIDENT pro tempore. Objection having been made, the joint resolution is not before the Senate.

Mr. SIMMONS. I ask unanimous consent to make a brief statement. It will take but a minute.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent to make a brief statement. Is there objection? The Chair hears none.

Mr. SIMMONS. Mr. President, a joint resolution providing for the erection of monuments to the memory of both these distinguished generals of the Revolutionary war, not only passed the Continental Congress, but there have been since that time a number of favorable reports, both in this body and in the body at the other end of the Capitol on this subject. In 1842 a favorable report was made in the Senate upon a similar joint resolution. In the Forty-fourth Congress a joint resolution to the same import was reported favorably to the Senate, and unanimously passed this body. In the next Congress a like favorable report was made to this body, but no action was taken thereon.

The amount proposed to be appropriated is exceedingly small, only $5,000, while the amount appropriated for the erection of a monument to the memory of General Mercer, referred to by the Senator from New Hampshire, which was made at the last session of Congress, was $25,000.

I do not desire to antagonize, and I shall not, of course, antagonize the erection of monuments to other generals, but these two generals were exceedingly gallant officers and I think this a specially meritorious proposition. One of them, General Davidson, fought at the battles of Brandywine, Monmouth, and Germantown. He was wounded at the battle of Calson, and finally killed in 1781 in the battle at Cowans Ford, on the Catawba River, in North Carolina.

I sincerely trust the Senator from New Hampshire will withdraw his objection to the present consideration of the joint resolution.

Mr. GALLINGER. Mr. President, in the absence of the Senator from Connecticut [Mr. PLATT], I feel constrained to insist upon my objection to the consideration of the joint resolution this morning.

The PRESIDENT pro tempore. Objection is made, and the joint resolution goes back to the Calendar.

COURTS IN SOUTH CAROLINA.

Mr. TILLMAN. Mr. President, by the kind indulgence of the Senator from Pennsylvania [Mr. QUAY], I ask unanimous consent for the present consideration of House bill 14275, relative to the terms of United States courts in South Carolina.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent to temporarily lay aside the unfinished business in order that the Senate may proceed to the consideration of the bill, which will be read for information.

The Secretary read the bill (H. R. 14275) providing for additional terms of court in the western judicial district of the State of South Carolina; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16021) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. HEMENWAY, and Mr. LIVINGSTON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the bill (S. 6216) to pay in part judgments rendered under an act of the legislative assembly of the Territory of Hawaii for property destroyed in suppressing the bubonic plague in said Territory in 1899 and 1900, and authorizing the Territory of Hawaii to issue bonds for the payment of the remaining claims, and it was thereupon signed by the President pro tempore.

THE STATEHOOD BILL.

Mr. QUAY. Now, Mr. President, I call for the regular order.

The PRESIDENT pro tempore. The regular order is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. QUAY. Before proceeding with the debate, I desire to send to the Secretary's desk the usual telegrams for insertion in the RECORD without reading.

The PRESIDENT pro tempore. The Senator from Pennsylvania presents certain telegrams in relation to the statehood bill and asks that they be printed in the RECORD. The Chair hears no objection.

Mr. LODGE. Let them be read.

The PRESIDENT pro tempore. The Senator from Massachusetts demands that the telegrams be read. They will be read.

The Secretary proceeded to read the telegrams, but was interrupted by

Mr. QUAY. Mr. President, I object to the further reading of the telegrams, if it is in order.

The PRESIDENT pro tempore. The Senator from Pennsylvania objects to the further reading of the telegrams.

Mr. BEVERIDGE. I thought the Senator from Pennsylvania requested the reading of the telegrams.

Mr. QUAY. I did not; I requested that they should be printed in the RECORD without reading.

Mr. KEAN. We should like to hear the telegrams read.

The PRESIDENT pro tempore. Unanimous consent was given, as the Chair understood, that they should be printed in the RECORD without reading.

Mr. BEVERIDGE. Did not the Senator from Pennsylvania request their reading?

Mr. QUAY. I did not.

The PRESIDENT pro tempore. The Senator from Pennsylvania did not request their reading, but he requested that the telegrams should be printed in the RECORD without reading, and there was no objection.

Mr. QUAY. There is no objection to their being read except the consumption of time.

Mr. KEAN. The Senator from Massachusetts [Mr. LODGE] asked that the telegram be read.

The PRESIDENT pro tempore. Unanimous consent having been given that the telegrams should go into the RECORD without reading, it is not for the Chair to rule what that may mean.

The telegrams referred to are as follows:

[Telegram.]

PHOENIX, ARIZ., *January 21, 1903.*

The UNITED STATES SENATE, *Washington:*

The twenty-second legislative assembly of the Territory of Arizona most respectfully represents that

Whereas the Territory of Arizona is one of the richest subdivisions of the Republic of the United States and its citizens as loyal patriots and intelligent as any 160,000 people who ever raised their voices for freedom; and

Whereas it is the unanimous wish and prayer of the legislative assembly of the Territory of Arizona this day assembled that Arizona be admitted as a State and become one of the United States of America: Therefore, be it

Resolved, That the Territory of Arizona is entitled under the provisions of the Constitution of the United States to be admitted as a State, and we most earnestly appeal to you to pass the omnibus statehood bill now pending in the United States Senate at the earliest possible day.

Resolved, That the chief clerk of the council transmit a copy of this resolution to the United States Senate by telegraph.

J. C. EVANS.

[Telegram.]

PHOENIX, ARIZ., *January 21, 1903.*

MATTHEW S. QUAY, *Senator, Washington, D. C.:*

The twenty-second legislative assembly of the Territory of Arizona most respectfully represents that—

Whereas the Territory of Arizona is one of the richest subdivisions of the Republic of the United States and its citizens as loyal patriots and intelligent as any 160,000 people who ever raised their voices for freedom; and

Whereas it is the unanimous wish and prayer of the legislative assembly of the Territory of Arizona, this day assembled, that Arizona be admitted as a State and become one of the United States of America: Therefore, be it

Resolved, That the Territory of Arizona is entitled, under the provisions of the Constitution of the United States, to be admitted as a State, and we most earnestly appeal to you to pass the omnibus statehood bill now pending in the United States Senate at the earliest possible day.

Resolved, That the chief clerk of the council transmit a copy of this resolution to Hon. MATTHEW S. QUAY by telegraph.

J. C. EVANS.

[Telegram.]

PHOENIX, ARIZ., *January 21, 1903.*

Hon. M. S. QUAY, *Washington, D. C.:*

The following resolution was offered and adopted:

Be it resolved by the council and house of representatives of the twenty-second legislative assembly of the Territory of Arizona, That we, as representatives of the citizens of the Territory of Arizona, hereby extend our sincere thanks to Hon. MATTHEW S. QUAY and his associates for their support of our constitutional right to become full citizens of the United States of America. Be it further

Resolved, That the chief clerk of the council transmit to Hon. MATTHEW S. QUAY by telegram a copy of this resolution.

J. C. EVANS, *Chief Clerk.*

[Telegram.]

FLAGSTAFF, ARIZ., *January 21, 1903.*

Hon. MATTHEW QUAY, *United States Senate, Washington, D. C.:*

In behalf of the citizens of the three Territories which are entitled to admission into the statehood of States, as you have so ably advocated, desire to thank you most heartily for your valuable services.

J. J. DONOHUE,
President of Flagstaff Board of Trade.

[Telegram.]

PHOENIX, ARIZ., *January 21, 1903*

Hon. MATTHEW QUAY, *United States Senator, Washington, D. C.:*

Be it resolved by the council and house of representatives of the legislative assembly of the Territory of Arizona (both concurring), That the proposed union of New Mexico and Arizona and their joint admisssion as a State is inimical to the interests of the people of Arizona, and that we emphatically oppose that proposal; and be it further

Resolved, That a copy of this resolution be transmitted to Hon. MARCUS A. SMITH and to Senator QUAY, with our urgent request to oppose such union and promote the passage of the omnibus bill.

T. T. POWERS, *Speaker of the House.*
EUGENE S. IVES, *President Council.*

[Telegram.]

FARMINGTON, N. MEX., *January 21, 1903.*

Senator M. S. QUAY, *Washington, D. C.:*

Farmington Board of Trade, composed of 50 members, authorize me to thank you for your effort in behalf omnibus bill. The Beveridge report is a slander.

E. K. B. SELLARS, *Secretary.*

Mr. BURNHAM addressed the Senate in continuation of the speech begun by him yesterday. After having spoken, with interruptions, for more than four hours,

Mr. PETTUS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Alabama?

Mr. BEVERIDGE. Certainly.

Mr. PETTUS. I desire to ask the Senator from Indiana if it will suit his convenience as well to proceed with his remarks in the morning?

Mr. BEVERIDGE. Certainly; I shall be very glad to do so. I was about through, anyway.

Mr. PETTUS. If the Senator will indulge me, I will, for certain reasons well known to us all, move that the Senate do now adjourn.

The PRESIDENT pro tempore. Will the Senator withdraw that motion for a moment to enable the Chair to lay before the Senate the action of the House of Representatives on the amendments of the Senate to the legislative appropriation bill?

Mr. PETTUS. Yes, sir.

[Mr. BURNHAM'S speech will be published entire after it shall have been concluded.]

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of of the Senate to the bill (H. R. 16021) making appropriations for the legislative, executive, and judicial expenses of the Goverment for the fiscal year ending June 30, 1904, and for other purposes, and asking for a conference with the Senate upon the disagreeing votes of the two Houses thereon.

Mr. CULLOM. I move that the Senate insist upon its amendments, disagreed to by the House of Representatives, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. CULLOM, Mr. WARREN, and Mr. COCKRELL were appointed.

EXECUTIVE SESSION.

Mr. PETTUS. I now renew my motion that the Senate adjourn.

Mr. KEAN. I ask the Senator from Alabama to yield to me that I may make a motion that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. Does the Senator from Alabama yield?

Mr. PETTUS. Yes, sir.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 23, 1903, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 22, 1903.

COLLECTOR OF CUSTOMS.

George A. Curran, of Maine, to be collector of customs for the district of Passamaquoddy, in the State of Maine. (Reappointment.)

ASSISTANT COLLECTOR OF CUSTOMS.

John Rotherham, of New Jersey, to be assistant collector of customs at Jersey City, N. J., in the district of New York, in the State of New York, to succeed Edward Fry, resigned.

REGISTER OF LAND OFFICE.

Lee Fairbanks, of Saguache, Colo., to be register of the land office at Del Norte, Colo., vice James H. Baxter, term expired,

PROMOTION IN THE MARINE CORPS.

Second Lieut. Lee B. Purcell, United States Marine Corps, to be a first lieutenant of the Marine Corps from the 23d day of July, 1901, to fill a vacancy existing in that grade on that date.

APPOINTMENTS IN THE NAVY.

1. Ernest H. Brownell, a citizen of Rhode Island, to be a civil engineer in the Navy, from the 24th day of October, 1902, to fill a vacancy existing in that grade on that date.

2. Ernest R. Gayler, a citizen of Missouri, to be a civil engineer in the Navy, from the 24th day of October, 1902, to fill a vacancy existing in that grade on that date.

3. Paul L. Reed, to be a civil engineer in the Navy, from the 28th day of October, 1902, to fill a vacancy existing in that grade on that date.

POSTMASTERS.

ALABAMA.

James T. Pitt, to be postmaster at Florence, in the county of Lauderdale and State of Alabama, in place of Felix G. Lambeth. Incumbent's commission expired December 20, 1902.

CALIFORNIA.

Lindley M. Baldwin, to be postmtster at Whittier, in county of Los Angeles and State of California, in place of Lindley M. Baldwin. Incumbent's commission expires February 10, 1903.

Thomas E. Byrnes, to be postmaster at San Mateo, in the county of San Mateo and State of California, in place of Thomas E. Byrnes. Incumbent's commission expires February 10, 1903.

William G. Hawley, to be postmaster at San Jose, in the county of Santa Clara and State of California, in place of William G. Hawley. Incumbent's commission expires February 14, 1903.

CONNECTICUT.

Alfred W. Converse, to be postmaster at Windsor Locks, in the county of Hartford and State of Connecticut, in place of Alfred W. Converse. Incumbent's commission expired March 16, 1902.

Willis W. Mildrum, to be postmaster at East Berlin, in the county of Hartford and State of Connecticut, in place of Willis W. Mildrum. Incumbent's commission expired June 22, 1902.

GEORGIA.

Cicero C. Alexander, to be postmaster at Harmony Grove, in the county of Jackson and State of Georgia. Office became Presidential January 1, 1903.

John B. Crawford, to be postmaster at Cairo, in the county of Thomas and State of Georgia. Office became Presidential January 1, 1903.

Alfred B. Finley, to be postmaster at Douglas, in the county of Coffee and State of Georgia. Office became Presidential January 1, 1903.

Newton T. Jones, to be postmaster at Pelham, in the county of Mitchell and State of Georgia. Office became Presidential January 1, 1903.

Jane A. McKinney, to be postmaster at Blackshear, in the county of Pierce and State of Georgia. Office became Presidential January 1, 1903.

John C. Massey, to be postmaster at Hartwell, in the county of Hart and State of Georgia. Office became Presidential January 1, 1903.

Job R. Smith, to be postmaster at Winder, in the county of Jackson and State of Georgia. Office became Presidential January 1, 1903.

Ida R. Wimberly, to be postmaster at Abbeville, in the county of Wilcox and State of Georgia. Office became Presidential January 1, 1903.

ILLINOIS.

John S. Goodyear, to be postmaster at Mattoon, in the county of Coles and State of Illinois, in place of John S. Goodyear. Incumbent's commission expired May 4, 1902.

Edward L. Welton, to be postmaster at Centralia, in the county of Marion and State of Illinois, in place of O. V. Parkinson, removed.

IOWA.

Joseph E. Howard, to be postmaster at Forest City, in the county of Winnebago and State of Iowa, in place of Joseph E. Howard. Incumbent's commission expired January 17, 1903.

KANSAS,

Edward J. Byerts, to be postmaster at Hill City, in the county of Graham and State of Kansas. Office became Presidential January 1, 1903.

KENTUCKY.

John S. Miller, to be postmaster at Greenville, in the county of Muhlenberg and State of Kentucky, in place of John S. Miller. Incumbent's commission expires February 6, 1903.

MAINE.

William T. Smart, to be postmaster at Lewiston, in the county of Androscoggin and State of Maine, in place of William T. Smart. Incumbent's commission expired January 10, 1903.

MARYLAND.

George E. Baughman, to be postmaster at Westminster, in the county of Carroll and State of Maryland, in place of Milton Schaeffer, deceased.

MASSACHUSETTS.

Kate E. Hazen, to be postmaster at Shirley, in the county of Middlesex and State of Massachusetts, in place of Jacob P. Hazen, deceased.

Carl Wurtzbach, to be postmaster at Lee, in the county of Berkshire and State of Massachusetts, in place of John E. Bosworth. Incumbent's commission expired January 10, 1903.

MICHIGAN.

Edgar B. Babcock, to be postmaster at Kalkaska, in the county of Kalkaska and State of Michigan, in place of Edgar B. Babcock. Incumbent's commission expires February 6, 1903.

Herbert E. Lindsey, to be postmaster at Clinton, in the county of Lenawee and State of Michigan, in place of D. M. Bainbridge. Incumbent's commission expires February 9, 1903.

Charles W. Pullen, to be postmaster at Milan, in the county of Washtenaw and State of Michigan, in place of Charles W. Pullen. Incumbent's commission expires February 9, 1903.

MINNESOTA.

Frank E. Gartside, to be postmaster at Winona, in the county of Winona and State of Minnesota, in place of Frank E. Gartside. Incumbent's commission expired January 19, 1903.

MISSISSIPPI.

Frank Fairly, to be postmaster at Mount Olive, in the county of Covington and State of Mississippi. Office became Presidential January 1, 1903.

MISSOURI.

August W. Enis, to be postmaster at Clyde, in the county of Nodaway and State of Missouri. Office became Presidential January 1, 1903.

NEBRASKA.

John F. Nesbit, to be postmaster at Tekamah, in the county of Burt and State of Nebraska, in place of Peter L. Rork. Incumbent's commission expired January 7, 1903.

Lee Van Voorhis, to be postmaster at Crawford, in the county of Dawes and State of Nebraska, in place of William H. Ketcham, removed.

NEVADA.

William W. Booth, to be postmaster at Butler, in the county of Nye and State of Nevada. Office became Presidential January 1, 1903.

NEW JERSEY.

Joseph Miller, to be postmaster at Salem, in the county of Salem and State of New Jersey, in place of Joseph Miller. Incumbent's commission expired January 19, 1903.

NEW YORK.

John H. Eadie, to be postmaster at New Brighton, in the county of Richmond and State of New York, in place of John H. Eadie. Incumbent's commission expired January 13, 1903.

Theodore C. Fletcher, to be postmaster at Babylon, in the county of Suffolk and State of New York, in place of Theodore C. Fletcher. Incumbent's commission expires January 24, 1903.

Lewis B. Jewell, to be postmaster at Ovid, in the county of Seneca and State of New York, in place of Lewis B. Jewell. Incumbent's commission expires January 28, 1903.

John L. Kyne, to be postmaster at East Syracuse, in the county of Onondaga and State of New York, in place of John L. Kyne. Incumbent's commission expired June 22, 1902.

Charles Schmeiser, to be postmaster at Stapleton, in the county of Richmond and State of New York, in place of Charles Schmeiser. Incumbent's commission expired January 13, 1903.

NORTH DAKOTA.

Ernest C. Eddy, to be postmaster at Fargo, in the county of Cass and State of North Dakota, in place of Almon L. Loomis. Incumbent's commission expired June 1, 1902.

OHIO.

Charles W. Brainerd, to be postmaster at Mantua Station, in the county of Portage and State of Ohio. Office became Presidential January 1, 1903.

Wesley J. Grant, to be postmaster at Middlefield, in the county of Geauga and State of Ohio. Office became Presidential January 1, 1903.

John Washington, to be postmaster at Sabina, in the county of Clinton and State of Ohio, in place of William B. Woodmansee. Incumbent's commission expired June 22, 1902.

OKLAHOMA.

John R. Tate, to be postmaster at Blackwell, in the county of Kay and Territory of Oklahoma, in place of George L. Lage. Incumbent's commission expires January 24, 1903.

PENNSYLVANIA.

Samuel H. Jackson, to be postmaster at Claysville, in the county of Washington and State of Pennsylvania, in place of Samuel H. Jackson. Incumbent's commission expires January 31, 1903.

Arthur M. Roy, to be postmaster at Wellsboro, in the county of Tioga and State of Pennsylvania, in place of Arthur M. Roy. Incumbent's commission expires January 31, 1903.

RHODE ISLAND.

George E. Gardner, to be postmaster at Wickford, in the county of Washington and State of Rhode Island, in place of George E. Gardner. Incumbent's commission expired January 10, 1903.

Warren W. Logee, to be postmaster at Pascoag, in the county of Providence and State of Rhode Island, in place of Warren W. Logee. Incumbent's commission expired January 10, 1903.

SOUTH DAKOTA.

James B. Barber, to be postmaster at Rapid City, in the county of Pennington and State of South Dakota, in place of James B. Barber. Incumbent's commission expired January 7, 1903.

TEXAS.

William D. Rathjen, to be postmaster at Canadian, in the county of Hemphill and State of Texas. Office became Presidential January 1, 1903.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 22, 1903.

PROMOTION IN THE ARMY.

General officer.

Col. Edward M. Hayes, Thirteenth Cavalry, to be brigadier-general, January 15, 1903.

SURVEYOR OF CUSTOMS.

Marcellus O. Markham, of Georgia, to be surveyor of customs for the port of Atlanta, in the State of Georgia.

RECEIVER OF PUBLIC MONEYS.

Alexander B. Kennedy, of Louisiana, to be receiver of public moneys at New Orleans, La.

SUPERINTENDENT OF MINT.

Hugh S. Suthon, of Louisiana, to be superintendent of the mint of the United States at New Orleans, La.

COLLECTORS OF INTERNAL REVENUE.

Joseph O. Thompson, of Alabama, to be collector of internal revenue for the district of Alabama.

William E. Howell, of Louisiana, to be collector of internal revenue for the district of Louisiana.

COLLECTOR OF CUSTOMS.

Richard G. Banks, of Virginia, to be collector of customs for the district of Norfolk and Portsmouth, in the State of Virginia.

ASSISTANT COLLECTOR OF CUSTOMS.

John Rotherham, of New Jersey, to be assistant collector of customs at Jersey City, N. J., in the district of New York, in the State of New York.

POSTMASTERS.

ALABAMA.

John S. Webb, to be postmaster at Tuskegee, in the county of Macon and State of Alabama.

James M. Hobson, to be postmaster at Greensboro, in the county of Hale and State of Alabama.

Charles Hays, jr., to be postmaster at Eutaw, in the county of Greene and State of Alabama.

Robert T. West, to be postmaster at Roanoke, in the county of Randolph and State of Alabama.

ARIZONA.

Julia Mahoney, to be postmaster at Winslow, in the county of Navajo and Territory of Arizona.

Milton Bohall, to be postmaster at Nogales, in the county of Santa Cruz and Territory of Arizona.

ARKANSAS.

John A. Dudgeon, to be postmaster at Corning, in the county of Clay and State of Arkansas.

William C. Bill, to be postmaster at Ozark, in the county of Franklin, and State of Arkansas.

CALIFORNIA.

George C. Folger, to be postmaster at Jackson, in the county of Amador and State of California.

Eli H. Wells, to be postmaster at Willits, in the county of Mendocino and State of California.

John H. Gregory, to be postmaster at Rocklin, in the county of Placer and State of California.

William W. Giddings, to be postmaster at Newman, in the county of Stanislaus and State of California.

Thomas A. Nelson, to be postmaster at Stockton, in the county of San Joaquin and State of California.

COLORADO.

Maude E. McLean, to be postmaster at Breckenridge, in the county of Summit and State of Colorado.

GEORGIA.

Alamo B. Harp, to be postmaster at Jackson, in the county of Butts and State of Georgia.

ILLINOIS.

S. H. Aldridge, to be postmaster at Plymouth, in the county of Hancock and State of Illinois.

Joseph H. Coffman, to be postmaster at Augusta, in the county of Hancock and State of Illinois.

IOWA.

R. G. Clark, to be postmaster at Webster City, in the county of Hamilton and State of Iowa.

Joseph D. Ball, to be postmaster at Mystic, in the county of Appanoose and State of Iowa.

Merritt S. Brown, to be postmaster at North English, in the county of Iowa and State of Iowa.

William H. Crooks, to be postmaster at Adair, in the county of Adair and State of Iowa.

David H. Scott, to be postmaster at Griswold, in the county of Cass and State of Iowa.

David M. Rowland, to be postmaster at Marengo, in the county of Iowa and State of Iowa.

KANSAS.

James J. Evans, to be postmaster at Hartford, in the county of Lyon and State of Kansas.

Jacob D. Hirschler, to be postmaster at Hillsboro, in the county of Marion and State of Kansas.

John Gilman, to be postmaster at Madison, in the county of Greenwood and State of Kansas.

Austin Brown, to be postmaster at Cedar Vale, in the county of Chautauqua and State of Kansas.

August Kuhlmann, to be postmaster at Hanover, in the county of Washington and State of Kansas.

MARYLAND.

Joseph H. White, to be postmaster at Easton, in the county of Talbot and State of Maryland.

Thomas R. Green, to be postmaster at Denton, in the county of Caroline and State of Maryland.

Mary J. Perkins, to be postmaster at Hancock, in the county of Washington and State of Maryland.

George C. Gardner, to be postmaster at Middletown, in the county of Frederick and State of Maryland.

John McFarland, to be postmaster at Lonaconing, in the county of Allegany and State of Maryland.

MASSACHUSETTS.

Samuel R. Moseley, to be postmaster at Hyde Park, in the county of Norfolk and State of Massachusetts.

Edwin F. Wyer, to be postmaster at Woburn, in the county of Middlesex and State of Massachusetts.

MISSISSIPPI.

John B. Collier, to be postmaster at Leland, in the county of Washington and State of Mississippi.

MISSOURI.

Charles R. Landrum, to be postmaster at Mount Vernon, in the county of Lawrence and State of Missouri.

John K. Martin, to be postmaster at Rich Hill, in the county of Bates and State of Missouri.

A. T. Hollenbeck, to be postmaster at Westplains, in the county of Howell and State of Missouri.

NEBRASKA.

Henry H. Campbell, to be postmaster at Osceola, in the county of Polk and State of Nebraska.

James C. Elliott, to be postmaster at Westpoint, in the county of Cuming and State of Nebraska.

Will A. Needham, to be postmaster at Bloomfield, in the county of Knox and State of Nebraska.

James H. Logan, to be postmaster at Ponca, in the county of Dixon and State of Nebraska.

William A. Rodgers, to be postmaster at Gibbon, in the county of Buffalo and State of Nebraska.

Ira E. Tash, to be postmaster at Alliance, in the county of Boxbutte and State of Nebraska.

William T. Spelts, to be postmaster at Wood River, in the county of Hall and State of Nebraska.

A. A. Hyers, to be postmaster at Havelock, in the county of Lancaster and State of Nebraska.

Valentine Zink, to be postmaster at Sterling, in the county of Johnson and State of Nebraska.

NEW MEXICO.

James Corry, to be postmaster at Springer, in the county of Colfax and Territory of New Mexico.

NEW JERSEY.

Frank A. Brown, to be postmaster at Cranbury, in the county of Middlesex and State of New Jersey.

NEW YORK.

Clark E. Churchill, to be postmaster at Arcade, in the county of Wyoming and State of New York.

Frank J. McNeil, to be postmaster at Dansville, in the county of Livingston and State of New York.

Jonas M. Preston, to be postmaster at Delhi, in the county of Delaware and State of New York.

Henry S. White, to be postmaster at Walton, in the county of Delaware and State of New York.

Charles E. Morgan, to be postmaster at West Winfield, in the county of Herkimer and State of New York.

Howard G. Britting, to be postmaster at Williamsville, in the county of Erie and State of New York.

Charles F. Shelland, to be postmaster at Oneonta, in the county of Otsego and State of New York.

Henry J. Pinneo, to be postmaster at Prattsburg, in the county of Steuben and State of New York.

Herbert J. Curtis, to be postmaster at Red Hook, in the county of Dutchess and State of New York.

Mary L. McRoberts, to be postmaster at Tompkinsville, in the county of Richmond and State of New York.

George R. Pettit, to be postmaster at Brocton, in the county of Chautauqua and State of New York.

James L. Taylor, to be postmaster at Dobbs Ferry, in the county of Westchester and State of New York.

Henry M. Haviland, to be postmaster at Jamaica, in the county of Queens and State of New York.

Charles W. Hatch, to be postmaster at Lockport, in the county of Niagara and State of New York.

James S. Graham, to be postmaster at Rochester, in the county of Monroe and State of New York.

SOUTH CAROLINA.

J. Frank Kneece, to be postmaster at Batesburg, in the county of Lexington and State of South Carolina.

TEXAS.

Robert A. Gaulden, to be postmaster at Mansfield, in the county of Tarrant and State of Texas.

E. R. Williams, to be postmaster at Hamilton, in the county of Hamilton and State of Texas.

UTAH.

Grant Simons, to be postmaster at Payson, in the county of Utah and State of Utah.

Thomas Braby, to be postmaster at Mount Pleasant, in the county of Sanpete and State of Utah.

VERMONT.

Frank T. Taylor, to be postmaster at Hardwick, in the county of Caledonia and State of Vermont.

Edward W. Bisbee, to be postmaster at Barre, in the county of Washington and State of Vermont.

Albert L. Ransom, to be postmaster at Castleton, in the county of Rutland and State of Vermont.

VIRGINIA.

Robert L. Poage, to be postmaster at Wytheville, in the county of Wythe and State of Virginia.

George T. Tilley, to be postmaster at Berkley, in the county of Norfolk and State of Virginia.

Willard B. Alfred, to be postmaster at Clarksville, in the county of Mecklenburg and State of Virginia.

Robert A. Anderson, to be postmaster at Marion, in the county of Smyth and State of Virgina.

Charles A. McKinney, to be postmaster at Cape Charles, in the county of Northampton and State Virginia.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 22, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ATTEMPTED CORRUPT INFLUENCE.

Mr. FOSS. Mr. Speaker, the Committee on Naval Affairs have instructed me to offer a privileged resolution, and to ask for its immediate consideration. I call for the reading of the resolution.

The Clerk read as follows:

Whereas information has come to the Committee on Naval Affairs, through a member of said committee, of an attempt to corruptly influence his action respecting proposed legislation pending before said committee and the House: *Resolved*, That the Committee on Naval Affairs, or such subcommittee thereof as said committee may appoint, be, and it is hereby, authorized and directed to fully investigate said matter, and for such purpose it is hereby authorized and empowered to send for persons and papers, to compel the attendance of witnesses, and to administer oaths. Said committee shall have authority to report at any time, and the expenses incurred hereunder shall be paid out of the contingent fund of the House on vouchers approved by the chairman.

Mr. FOSS. Mr. Speaker, I desire to say that this resolution is reported in accordance with a unanimous vote of the committee; and I move the previous question.

Mr. RICHARDSON of Tennessee. I could not fully hear the statement of the gentleman from Illinois [Mr. Foss]. I think he said that the resolution had been carefully considered——

A MEMBER. And that it is a unanimous report.

Mr. RICHARDSON of Tennessee. There is no name mentioned in the resolution?

Mr. FOSS. No name.

Mr. RICHARDSON of Tennessee. It occurred to me as I heard the resolution read that it is rather vague and uncertain; but if the committee is satisfied with it, I shall not interpose any objection. It does seem to me, however, that where you propose an investigation there ought to be something more definite and certain than a mere report that some member has been approached by somebody. As to what the purpose was, or who the member was, or when the incident occurred there is no hint in this resolution. With all deference to the committee, and to my friend its chairman, it seems to me that it is too vague and uncertain to say simply what this resolution says and then upon that enter upon an investigation. I certainly would be of opinion that the resolution ought to be more definite than it is. I do not, however, rise to object to the adoption of the resolution.

Mr. WHEELER. Does the gentleman expect that the Committee on Naval Affairs would set forth the evidence on which they have acted?

Mr. RICHARDSON of Tennessee. Not at all; but they might give the name of the member approached.

Mr. FOSS. I will say to the gentleman that the committee carefully considered this matter, and thought it better not to insert the name in the resolution. The resolution has been presented in pursuance of the unanimous vote of the committee. I move the previous question.

The previous question was ordered; and the resolution was agreed to.

On motion of Mr. FOSS, a motion to reconsider the last vote was laid on the table.

PHILIPPINE COINAGE.

On motion of Mr. COOPER of Wisconsin, the House resolved itself into Committee of the Whole on the state of the Union (Mr. TAWNEY in the chair) and resumed the consideration of the bill H. R. 15520, the Philippine coinage bill.

The CHAIRMAN. The Clerk will read the pending amendment—an amendment reported by the committee.

The Clerk read as follows:

In line 7, page 1, strike out "lawful money" and insert "gold coin."

Mr. FOWLER. I move to amend by striking out the last word.

The CHAIRMAN. There are pending, as the Chair understands, three amendments.

Mr. FOWLER. Then I rise to debate the committee amendment. I would like to ask the chairman of the committee a question.

Mr. COOPER of Wisconsin. Mr. Chairman, I think debate was closed last night on the pending amendment.

Mr. HILL. Oh, this is a new amendment. The gentleman from New Jersey [Mr. FOWLER] properly has the floor.

The CHAIRMAN. The Chair will state that debate on this amendment was not closed last evening, but no further amendments are in order at this time.

Mr. FOWLER. Mr. Chairman, I would like to ask the chairman of the committee a question. Is there any limitation whatever upon this coinage that is provided in this measure?

Mr. COOPER of Wisconsin. That question is easily answered. The bill provides that the Commission shall maintain the coin at parity with gold. That requirement absolutely precludes unlimited coinage. It is a fundamental law of finance that under that requirement there can not be unlimited coinage. Of necessity it requires a restricted amount of coinage, otherwise it can not be maintained at parity.

Mr. FOWLER rose.

Mr. COOPER of Wisconsin. If the gentleman will permit me one word more in reply, I will move to give him another five minutes.

Mr. FOWLER. Very well.

Mr. COOPER of Wisconsin. Mr. Chairman, the bill gives the entire discretion in the matter of the maintenance of parity to the Philippine Commission.

Mr. FOWLER. What can they do to maintain parity?

Mr. COOPER of Wisconsin. They can do what I suggested yesterday they are allowed to do under the provisions of the pending bill. They may do what they deem necessary to maintain parity and under that provision can, in their discretion, exchange gold for silver or silver for gold, or sell gold drafts on the United States or transfer any funds in the treasury of the government to the currency reserve fund, or issue temporary certificates of indebtedness.

Mr. FOWLER. Up to the amount of five million.

Mr. COOPER of Wisconsin. A previous chairman of the Coinage Committee of the House of Representatives, Hon. Mr. Walker, of Worcester, Mass., in a communication declares that he favors the system recommended by Mr. Conant, viz, two pesos for a gold dollar. As to the amount of the coin to be issued, he says:

What should be the limit of amount?

I should say the amount should by all means be limited, and that the limit should be at the discretion of the Secretary of Treasury of the United States.

Now, the Committee on Insular Affairs instead of giving this discretion to the Treasurer of the United States, 8,000 miles from the islands, has simply conferred it upon the Philippine Commission.

Mr. FOWLER. Mr. Chairman, last June I took occasion to use these words with reference to the pending legislation coming from this committee:

If I desired to call down upon the Philippine Islands the curse of curses, I should doom them to the silver standard, with the free coinage of silver. If I desired to raise a certain and complete bar to all progress and prosperity, I should subject them to the schemes and chicane of the bullion brokers, whose limit is measured by the last farthing of profit.

The free-coinage scheme contained in the Senate bill gives the lie to three of the most notable and glorious educational campaigns in American history, and reverses by legislative enactment three deliberate judgments rendered by the American people at the polls.

Instead of a brave advance, it is a cowardly retreat. May God grant that no such humiliating spectacle shall ever be charged to the Republican party, whose progress in monetary reform has been slow, but always onward and upward, and never backward and downward.

The coinage provisions of the House bill, though not without criticism, look in the right direction and are incomparably preferable to those in the Senate measure, which must prove, if enacted, an everlasting scourge and withering blight to that struggling people.

If American civilization is to be the salvation of the Filipino, you will lift him farther and faster by the adoption of American money than by any other force.

It will teach him the lessons of the flag and impress upon him the power and glory of the Republic, while the theoretical instruction of the schools is making comparatively slow progress; for through no American coin will he be filched of his legitimate gain.

Establish in the Philippine Islands the gold standard—the standard of the whole commercial world—thus placing them beyond a daily bullion tribute to the money changers, and you will start the Filipino on the sure road to a perfect confidence in the American people and in the justice and honor of our Government.

Now, Mr. Chairman, I shall discuss only one or two principles in connection with this subject. I undertake to say that the committee have reported a measure that would in effect amount to the free coinage of silver in the Philippine Islands, because, forsooth, it is only limited by the discretion of the Philippine Commission, as just stated by the chairman of the committee. I would like to have this House understand that at no time in the history of the world—at no time—has a government by its enforcement been successful in the management of the commerce of the country. I want to read now from an article contained in the Bankers' Magazine for December, written by Mr. Charles A. Conant, wherein he announced sound principles, and I think outlined the policy that we should pursue in this House, for I undertake to say that there are no political questions involved in such a matter as this. The laws of economics are as certain and immutable as the laws of gravitation, and when we, as legislators, cease to apply a patch here and a patch there, or a salve to some running sore, and apply ourselves to the adoption of sound economic principles, we will make some progress.

In this article Mr. Conant uses this language:

Another lesson blazed in burning letters over the history of State intervention in the money market is that the public credit should be kept separate from the commercial credit. If each is strong, it will stand alone. If

either is weak, it is more likely to drag down the other, if they are tied together, than to sustain it. The fiscal policy of the Government should stand toward the banking world in much the same position as that of any private firm or corporation. Its misfortunes need not then affect seriously the banking and commercial system of the country. A deficit should be covered by loans, if it can not be promptly met from taxation, but they should not be forced loans levied upon the public or the banks. If the Government undertakes to issue paper as a substitute for money, or if it seeks, by one remove from this process, to force the banks to do this to meet its needs, then a disturbing factor is introduced into all business calculations. The medium of exchange ceases to be the metallic standard of other commercial peoples and becomes the same object of speculation as interest-bearing securities.

While public credit and commercial credit remain separate, either may suffer shocks without impairing materially the steadiness of the other. Each may suffer somewhat in sympathy with the other, but not by any means to the same degree or with the same disastrous effects as where they are linked together. If a Government like that of Spain or Italy should cover its frequent deficits by the issue of bonds, even if compelled to sell them much below par, the commercial business of the country would be affected only indirectly. The metallic standard would be unshaken, the money in which contracts were executed would be the same as the money of other commercial states, and foreign capital could be obtained freely for solvent business enterprises. If, on the other hand, commercial credit should be shaken while public credit remained unimpaired, the restoration of sound conditions would be much more prompt; because the power of the state would enforce upon the banks conservative methods and the resumption of specie payments as soon as conditions would permit. The experience of the United States, where specie payments were quickly resumed by the banks after the panic of 1857, proves the benefit of independent public credit when commercial credit is impaired.

The time of Mr. FOWLER having expired, by unanimous consent, on motion of Mr. COOPER of Wisconsin, it was extended ten minutes.

Mr. FOWLER. I want to call the attention of the House to this fact, that while the bankers in 1857 resumed specie payments in the course of a year, when the United States Government left the gold standard in 1861 it remained seventeen years off from the gold standard. Mr. Conant further says:

The experience of France in the throes of her struggle with Germany and with the Commune proves the priceless value of a firm commercial credit when public credit is dragged in the gutter.

Now, gentlemen, these are the words of Mr. Conant in the December number of the Bankers' Magazine, and they state sound economic principles.

Apart from the establishment of the gold standard by this bill, I assert that it amounts to practically the free coinage of silver. I assert that there is not one single precedent in the history of the world that justifies tying the Philippine government to the maintenance of the parity of silver and gold, not one.

I want to call attention to one observation which was made here yesterday in favor of this bill, which was that there was great danger of counterfeiting. It ought to be understood that there are to-day about 800 teachers scattered all through the archipelago, that there are 15,000 American soldiers at 145 or 150 garrisons, which implies the current circulation throughout all that country of American money. That we are going to remain there so far as we now see, there is no doubt, so that American money is to continue to circulate through the Philippine Islands. Therefore, if there is one single scintilla of proof that they are going to counterfeit the money in case you adopt American money, that same fact exists to-day and will continue.

Now let me say right here, if it is true that American money is going to circulate in the Philippine Islands with the new form of money which this bill proposes you are going to supply the Philippine Islands, the people will be subject to the Chinese and Japanese money changers, not only every day, but every hour of the day. Gentlemen think that simply because these both are legal tender that the poor people, scattered as they are in the mountain fastnesses and out-of-the-way places, are going to be always ready to determine whether this money is worth this or that. The people always and at all times everywhere are subject to the chicane of the money changers, and there never was organized a scheme or plan that was so successful in taking the profits out of any people as a scheme where daily money changing is required; and I am in favor of some money that is the same at all times, and one money, so that there can be no comparison instituted by the money changers and money shavers of the Philippine Islands.

One more point and I have finished what I desire to say, and that is this: That when we pass a law by which we establish a system there the ostensible object of which is to throw the responsibility on the Philippine Islands, when you assume that we are relieving ourselves of the burden, I say that the burden will remain still upon the American people and that we are morally bound to see that the law works precisely as we declare it will work. We must save them harmless; and I say here and now that if this bill as reported by the majority should be passed and become a law there are men in this House who will be here when you will be called upon to cure the evils that that very law will bring to the Philippine people. I want to state to you that I am in favor of the substitute bill instead of the bill reported by the committee, and shall so vote. [Applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, I listened with interest to what the gentleman read from the article written by Mr. Conant. My interpretation of that article makes it nothing more nor less than an argument in favor of asset banking, and asset banking is a proposition strongly indorsed, as everybody knows, by the distinguished gentleman from New Jersey. That is the only interpretation to be put upon it. And with all respect to the gentleman, it does not appear to be germane to the subject before us. Being only an argument in favor of asset banking, what has it to do with the question of stabilizing the ratio in the Philippine Islands between silver and gold, as India and the Netherlands have done in their oriental dependencies? In my judgment nothing whatever.

But, Mr. Chairman, the gentleman from New Jersey says that the bill provides for free coinage in the Philippines. Now, a complete and perfect answer to that statement is to say that the requirement of the maintenance of the parity between gold and silver in the archipelago absolutely prohibits free coinage there. I note that since I read this extract from the letter by Mr. Walker a gentleman who seemed disposed to vote against the pending bill has entered the House, and I desire to read what Hon. J. H. Walker, the predecessor of the present chairman of the Committee on Coinage of this House, said about the proposition contained in this bill. Mr. Walker was chairman of the House Committee on Coinage and Banking one or two Congresses since, and is a man of wide experience in business affairs and an authority on finance. He says:

My impression is that it——

That is, the silver in the Philippines—

should be of the same weight as the silver coins of the United States, of course, to be legal tender in the Philippines at one-half, measured by our gold dollar.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I ask five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that he may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. Mr. Walker continues:

I should say the amount should be by all means limited, and that that limit should be at the discretion of the Treasury of the United States. Of course, he would, in coming to this conclusion, advise with the proper authorities in the Philippine Islands.

Now, is it not strange that Mr. Walker should be interpreted as being an advocate of the free and unlimited coinage of silver, a proposition he always denounced in unsparing terms on the floor of this House and in his public addresses throughout the United States. The gentleman from New Jersey [Mr. FOWLER], on reflection, will see that his interpretation is not the true one. That discretion must be lodged somewhere. The bill proposes to lodge it in the Philippine Commission, the government of the Philippine Islands.

As to the danger of counterfeiting, the gentleman from New Jersey says that there are 800 or 1,000 teachers now who are paid in our money.

Mr. HILL. Paid in American money.

Mr. COOPER of Wisconsin. Paid in American money. I came from the War Department this morning and was in the Bureau of Insular Affairs and was told that the teachers were not paid in American money, but in Filipino money at the gold ratio. In other words, they take the equivalent of the gold in Filipino money and pay it out among the people. The soldiers are paid in gold money which, however, finds its way quickly back to the banks. A comparatively small quantity of it circulates through the province of the archipelago. The teachers, they informed me this morning, the Filipino teachers, are paid in Filipino money taken from the municipalities by taxation. The American teachers are paid by the treasury of the island in Filipino money at its gold ratio. How does this practice familiarize the people of remote provinces with American money?

Now, about the danger of counterfeiting. The danger of counterfeiting the silver dollar would consist in this fact, that the counterfeit coin would be a perfect coin except that it would be made in the wrong place. It would not be like counterfeit coin of inferior quality and of less bullion value in this country, which, because of its perfect resemblance to the genuine coin, is made to pass current. Expert labor is cheap in China and Japan, and numbers of men could make silver dollars, absolutely perfect in weight, purity, and appearance, which would be much more dangerous than the average counterfeit in the United States. To this must be added the extreme difficulty there would be in preventing this work in China and Japan and in keeping the fraudulent coinage out of the Philippines.

Mr. WILLIAMS of Illinois. Mr. Chairman, the chairman of the Committee on Insular Affairs, in his argument before the committee, contended that one of the strongest arguments in favor of his bill, and against the substitute offered by the minority, was the danger of counterfeiting under the substitute, and he has

so much faith in that argument that he repeats it before the committee again this morning.

I desire to call the attention of the committee to the fact that whether you pass the bill of the majority or the substitute of the minority, the inducement for counterfeiting in the Philippine Islands will be substantially the same; because you have a large volume of American money there, now American silver there, and it will continue there and be used as money among the people, whichever bill is adopted, and that will be a sufficient inducement to engage in counterfeiting silver coin under either bill, if they are so disposed. When we take this fact into consideration, we see there is no force in the argument offered by the chairman of the Committee on Insular Affairs, that there is great danger of wholesale counterfeiting if the substitute passes.

Further, Mr. Chairman, if I understood the language of our distinguished chairman on yesterday, he charged the minority of the committee, as well as the minority of the House, with bad motives in presenting this substitute. The gentleman had no reason for making any such charges as this. Speaking for myself and other members of the minority, I can say that it is offered in good faith, and because we believe it is the best solution of this question. I was sorry to see our distinguished chairman depart so far from his usual course of fairness in debate to appeal to partisanship on his side of the House to secure the passage of this bill.

He abandoned, I say, the merits of his bill, and appealed to partisanship for support. Nor did he stop here; but he went even farther and brought from the Senate a serious threat which he held over the heads of the majority, that unless the House passed this bill there would be no legislation on this question at this session. Sir, I hope the time has not come when the great American House of Representatives has so far degenerated as to become entirely subservient to the Senate. It will be time enough to talk about a surrender after this bill has gone into conference. And I desire to call the attention of the chairman of the committee to the fact that this House is not here merely to register the opinion of witnesses who come before our committee on this question, whether Peabody or some other body; nor to register the opinion of the Senate, as the gentleman has learned it, as he claims, from one in authority, who, I suppose, is Senator HANNA, of Ohio.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent that I may be allowed to occupy ten minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio? The Chair hears none.

Mr. GROSVENOR. Mr. Chairman, the distinguished governor-general of the Philippines, Judge Taft, introduced his statement to the Committee on Insular Affairs by saying:

I want to say first that none of the members of the Commission are experts on coinage, and therefore they were able to be unanimous in their recommendation.

Practically the same reason has induced me to speak on this subject—because I know nothing about it. [Laughter.] Sir, whenever there is introduced into this House, or into the discussions of the country, a question that involves coinage or currency a crowd of witnesses arises in all directions and comes running with books, starting usually at Adam Smith and coming along down to the gentleman who figures in this report, Mr. Conant; and no one of them since I have been a member of this House has ever agreed with any other upon any proposition and given the same reasons for such agreement. I have known a Committee on Banking and Currency with thirteen members to have fourteen opinions upon a single question. [Laughter.]

Mr. HILL. No one of which agreed with that of the gentleman now speaking. [Laughter.]

Mr. GROSVENOR. No one of which was ever enacted into law by the vote of this House, nor did any one come anywhere near it. [Laughter.]

Now, Mr. Chairman, I will ask the Clerk to read certain marked passages from the report of this committee, for my benefit.

The Clerk read as follows:

I am very certain, with deference to Mr. HILL of Connecticut, that to attempt to adopt as a whole the coinage of the United States in those islands would be productive of nothing but disaster. The wages and prices of everything have increased very much in the islands. Wages have doubled and trebled. If the members will take the time to read the report of the meetings held by the Commission throughout the islands, in 39 different provinces and districts, I think it will be found that in every instance what they call the "jornal"—the daily wage—has doubled, and in many instances has trebled. Now, if you propose to introduce a system in which the American peso is to be the standard—it is called the dollar—then, certainly, those people who deal so much in names, the wage-earners, will insist on getting as large a proportion of the American dollar as they now do of the Filipino peso.

The storekeepers will insist on doubling their prices, and in that way, with a people where communication is not easy, with a people where they are more or less dependent on the tradesmen, where competition is not wide enough to enable the people to get the benefit of the law of supply and demand, we feel certain that prices will go up even beyond what they are now, and wages will go up. Mr. HILL said to me, "What is the disadvantage of having the wages go up; is it not well to increase the wages of the wage-earner?" I said, "Mr. HILL, if the manufacturers of Connecticut first had the wages there doubled or trebled, and then you introduced a coinage law that would again double or treble them, you would have disaster throughout your very prosperous State, and why put upon us that same burden?"

The CHAIRMAN. You draw a distinction between an actual rise in wages and the rise caused by a different standard?

Governor TAFT. Yes, sir.

The CHAIRMAN. One being natural and the other artificial?

Governor TAFT. Yes, sir; I think it is an artificial, arbitrary change, which does no good to either side.

Mr. WILLIAMS of Mississippi. It does a harm in this way. Does it not render it hard for men who have debts to meet in the immediate future to pay them?

Governor TAFT. Yes, sir.

Mr. WILLIAMS of Mississippi. Without opportunity to earn money under the new system?

Governor TAFT. Yes, sir. As you say, it destroys the relation between debtor and creditor, and also between the supplier and the consumer.

Mr. LOUD. Are the debts on the gold basis?

Governor TAFT. No, sir.

Mr. LOUD. On the silver basis?

Governor TAFT. Yes, sir.

Mr. LOUD. Your comparison between the State of Connecticut and the conditions which exist there is not applicable, because the State of Connecticut is only one State of the United States.

Governor TAFT. But I was trying to bring it home to Mr. HILL. I think the analogy is sufficiently correct to make the argument a strong one, that where you have the employer and the laborer, that that which suddenly changes their relations, which is not the result of normal influences, is apt to produce financial disaster.

Mr. LOUD. In a locality, perhaps; but if the change be general throughout the country, you can not say?

Governor TAFT. I think you can. I think it only means the disaster is wider spread. The labor trouble in the Philippines is much greater than it is in Connecticut. Labor is much more expensive in the Philippines than it is in Connecticut, and if you are going to double the value you only increase the difficulty.

Mr. WILLIAMS of Mississippi. You mean that labor is more expensive in the Philippines as to effectiveness?

Governor TAFT. Yes, sir.

Mr. WILLIAMS of Mississippi. You do not mean the daily wage?

Governor TAFT. No, sir; I mean in the amount that the unit of labor produces.

Mr. GROSVENOR. Mr. Chairman, that is the opinion of Governor Taft, in which, as I understand, he was joined by the entire Commission and supported by the unanimous sentiment of the people of the United States. This Congress is responsible for doing something. The demand is here, and the hour has come. We are charged with a duty. Now, how shall we perform it? After the testimony of the Philippine Commission comes the result of the laborious and patient effort of the Committee on Insular Affairs. I have profound respect for the learning and study of these gentlemen—the gentleman from Connecticut [Mr. HILL] and the gentleman from New Jersey [Mr. FOWLER]—but I am compelled now, in my ignorance and blindness, to decide what I shall do about voting. I am here now without time to follow out the ramifications of the scientific attainments of these gentlemen. I am, to use a slang expression, "up against" a proposition, and that proposition is how I am going to vote.

Well, Mr. Chairman, I am ready to state what I intend to do. I will take the preponderance of evidence, the greatest weight of the evidence, the evidence that is united, the evidence that is in compact form and which comes to us with the weight of authority, and that is the report of this Committee on Insular Affairs. I may be all wrong; but in the discharge of my duty I shall take it upon myself to follow them. I have listened to their arguments, I have read their reports, and I have listened to what has been said by these other gentlemen, and I give full weight and credit to the patriotic purpose of the gentleman from Illinois [Mr. WILLIAMS] on the other side, who has just taken his seat. But I must vote, and I will not vote to overshadow or weaken this measure by amendment, but will stand by the report of the committee, and I believe that in the long run it will be determined that the practical men in the Philippine Islands who have sent this message to us and the practical men who have worked out this measure in Congress are entitled to the credit in the end of having solved this proposition correctly. [Applause.]

Mr. HILL. Mr. Chairman, I move to amend by striking out the last word. If the gentleman who has just taken his seat votes according to the weight of evidence, if he votes according to the statement of the "practical men" in the Philippine Islands, he will vote for free and unlimited coinage of silver. All through the reports, as I showed yesterday, the statements of the witnesses from the Schurman Commission down to and including the Taft Commission have been uniformly in favor of the unlimited coinage of silver in the Philippine Islands. Every banker there, almost every merchant there—I mean those who were there before the American people went there—has been uniformly in favor of the continuance of the Mexican dollar. It is since American people have gone in there and have seen the operation of this system that they come now and demand a new system of coinage; and it is since Governor Taft himself has had experience in the matter that he writes, as in the letter which was read yesterday, that he does not "insist on his plan;" that all he wants is action by Congress.

What Governor Taft wants is action; what the Philippine Archipelago wants is action, and they do not want to be held up here

by anybody, as we were threatened yesterday, when it was intimated that if we did not pass this particular bill no legislation shall be enacted. The gentleman says that he is up against this proposition. I tell him no, no! The House of Representatives is up against the proposition that if they do not vote in a way in which they are told to vote by somebody else they shall have no legislation at all. [Applause.] That is the question we are up against, and nothing else. We have a right—a constitutional right—to vote according to our judgment here on the case as it is presented to us, no matter what the consequence may be, and to let anyone else—Executive, Senate, or anyone else—who chooses not to pass upon this proposition take the responsibility. Our duty is to do what our consciences and our judgment tell us we ought to do.

I want to say one word more. Yesterday I quoted from a speech of the Secretary of the Treasury. This morning I went to the Secretary of the Treasury and said to him that if any apology was necessary for quoting from a public speech I was there to make it. He said none was necessary; that he believed in this legislation, and told me furthermore, gentlemen, along the same line, that there is now in Washington from Mexico a gentleman endeavoring to arrange for an absolutely uniform system of coinage between Mexico and the United States, so that they may bring their coinage system exactly to ours. And why? Because as a neighboring state it will tend to increase the trade communications between the two countries; and I want to say to every one of these Representatives from the Pacific coast that whenever they vote to put a new and strange system of coinage in the Philippine Islands they are practically building a fence between the trade of those islands and the trade of that coast which will always prevail. Some of them who visited the Philippine Islands last year know absolutely the truth of the statements I have made. The uniform line of testimony by those who were in the Philippine Islands before we went there and by those who have been there since is in favor of the adoption of American money, holding it there with the American flag.

Mr. Chairman, there is no greater educator in American customs and American practices than the daily use of the American coin. The lesson is not a new one. We had it two thousand years ago, when a man came to the Master of us all and wanted to know where they should pay tribute, which meant allegiance and devotion. The Master took a coin in his hand and pointing to it said, "Whose image and superscription is this?" The man answered, "Cæsar's." "Then," said the Master, "render unto Cæsar the things that are Cæsar's." So that that lesson has come down to us, and every day when these people over in the Philippine Islands pass our coin among themselves it is an object lesson to them of the blessings and privileges which I hope will come to them under an American Government. [Applause.]

Mr. PAYNE. Mr. Chairman, I am a little surprised at the attitude of our friends on the other side of the Chamber in respect to this bill. They have led us to believe heretofore that they wanted us to get out of the Philippine Islands, and the quicker we did so the better. No matter if we left them to drift and look out for themselves, we must get out right off. Now they come in here with a proposition to fix upon these islands forever, not only the standard, but the coins of the United States.

Mr. JONES of Virginia. Mr. Chairman, may I ask the gentleman a question right there?

The CHAIRMAN. Does the gentleman yield?

Mr. PAYNE. If I get a little more time.

Mr. JONES of Virginia. I would like to ask the gentleman if he does not think by extending the coinage laws of the United States to the Philippine Islands and giving them our lawful money we could get out of there if we wanted to much more easily than if we gave them a distinctive currency which we would have to redeem and provide for?

Mr. PAYNE. Oh, on the other hand, I think it would look as though we meant to stay there forever, if we would give them our coinage. [Laughter on the Republican side.]

Mr. JONES of Virginia. Well, if we are to stay there forever, ought not they to have the coin of the United States?

Mr. PAYNE. And I note it as a sign of progress on the part of the Democratic party. [Laughter on the Republican side.] Then, too, I hope that no one will ever try to force my friend from Connecticut [Mr. HILL] into doing what he does not want to do. [Laughter.] He is making a great bugaboo here about the position of some one in the Senate, and he appeals to the House not to be forced in this matter. Well, I hope that the House will not be forced by anybody outside of the House, not even by the Secretary of the Treasury, to follow his views or other views upon this subject.

Now, Mr. Chairman, I am not an expert upon finance or upon coinage or upon any of these things. God forbid that I ever should be, because if I should join that crowd I should lose what little usefulness I have ever had in these matters as a member of the House. It was only when this matter was taken out of these committees, the Committee on Banking and Currency and the Committee on Coinage, Weights, and Measures, and referred to a few of us—you remember how that was—who had never served upon these committees and never had become experts, never had studied finance, never had studied coinage and banking and those things until we did not know anything else—it was not until it was referred to such a committee as that, that any practical legislation was ever gotten through the House.

Now, Mr. Chairman, we commenced last year upon this matter in the bill providing for a temporary government for the Philippine Islands, and the House approved substantially what is in this bill to-day; approved substantially the redemption of these pesos by the gold dollar, making a standardization of those pesos, making two of them equal to the gold dollar. We ran up against the Senate then, and I am not afraid of them now because we ran up against them then and were not able to force the House bill upon them. We did get something out of the Senate then, and I hope that when this measure goes to the Senate and finally comes back to conference we may get something practical out of it.

But we started in in the direction of making a new coin for the Philippine Islands. When that bill was finally becoming a law, and was agreed to by the House of Representatives, we started in to make what might be called a half peso, a 50-centavo piece, to be coined out of silver. We provided for everything except the standardization of that 50-centavo coin, and so we provided for all the minor coins down to the centavo in that act, and we provided that on the face of that coin should appear the statement that it was issued by the government of the Philippine Islands, but that on it should also appear the sovereignty of the United States of America; so that if the American money going over into the Philippine Islands will remind those people of the greatness and the goodness of the United States of America, the coins we provided for in that bill last summer will also remind them of the greatness of the United States of America.

Now, having gone that far, we are asked to take the back track; we are asked to turn around and take up that coinage which we provided for in the bill which we passed at the last session and to give them a new coinage, to wit, all the coins of the United States of America; and the gentleman from Connecticut [Mr. HILL] proposes to extend it a little and to provide for a half-cent coin to be used in the Philippine Islands, and I suppose also for the poor people of the United States, if they happen to get hold of them, so that we shall add that much to our coinage.

Mr. HILL. We will not add anything. We have always had authority for the half-cent coin, but we simply discontinued the coinage of it.

The time of Mr. PAYNE having expired, by unanimous consent, on motion of Mr. COOPER of Wisconsin, it was extended five minutes.

Mr. PAYNE. Now, this proposition on the part of the minority of the committee is that the Government of the United States shall purchase the bullion, and they appropriate in the bill sufficient money to pay the expense of purchasing the bullion and coining it for the Philippine Islands, United States coin to be used. Of course the seigniorage would go to the benefit of the United States under that bill, and not to the benefit of the Philippine Islands. The committee, on the other hand——

Mr. JONES of Virginia. The gentleman is entirely mistaken as to the proposition of the minority. We do not provide for that at all.

Mr. PAYNE (reading):

And whatever sum may be required to carry out the provisions hereof and to pay all expenses that may be incurred in connection therewith is hereby appropriated, and the Secretary of the Treasury is hereby authorized to establish such regulations and employ such agencies as may be necessary to accomplish the purposes hereof.

Mr. JONES of Virginia. That is to redeem the Mexican silver, and not to buy bullion.

Mr. HILL. That is the same language that was used in the Porto Rico act in making the transfer there.

Mr. PAYNE. Now, Mr. Chairman, if that does not authorize them to purchase bullion, I do not know very well how they could be authorized. There is no authority outside of that. It does not apply to bullion now on hand, which is already devoted by law to other purposes. It simply provides for coinage, and gives the Secretary of the Treasury an opportunity to coin and to pay all expenses out of the money not otherwise appropriated. If it does not provide that authority, as I have said, I can not understand the language which these gentlemen have used. Perhaps they are experts on this subject of coinage, and for that reason an average man can not understand what they mean.

Now, Mr. Chairman, this bill is simply to round out what we did a year ago. It is to provide that these people may have the same peso that they have been accustomed to, except that it is to give it value. It is no violent change for them; it makes no

violent change between the laborer and the employer, between the poor people of the islands and those who are more well to do. It makes no violent change in trade relations. It simply gets rid of the present condition, which is that a man does not know the next morning what a peso will be worth that he went to bed owning at night. It renders it equal to one-half of the gold dollar of the United States. Gentlemen say that we have provided for the free and unlimited coinage of silver pesos. We leave that to the Philippine Commission; we leave that to the same gentlemen who have so well governed the islands; we leave it to them to provide the amount of pesos which they shall have, and if it is unlimited, it is because these men do not exercise their judgment and do not exercise their discretion.

So far as I have been acquainted with these gentlemen, I would be fully as willing to leave it to them as to leave it to the great Committee on Coinage, Weights, and Measures of the House of Representatives of the United States, so we provide against disturbing the size of the pesos; and in so doing we are making no violent disturbance in the trade relations of those islands. And we go a little further than that. There is a provision here which I think would operate as a practical provision against counterfeiting the silver pesos. If we made them the size of our dollars and adopted the currency of the United States and sent it over there it would be a great incentive there to counterfeiting those dollars for dollars issued from our mints. These islands, 10,000 miles away, have no such facilities for the detection of counterfeiting as we have here in the United States.

They have no organized bureau to detect counterfeiting in those islands, among those ignorant people; and a people far scattered among the islands would afford a great chance of counterfeiting. They could go in there with your American dollar, bearing the stamp and impress of the United States of America, and when informed that it is only worth about 30 cents, they would ask why, and they would say, "Because some clever man has counterfeited the coin of the United States." Do you think it will be a proper measure or a popular measure among the people of those islands? But to give them a full-sized dollar for a peso, but only worth 50 cents, with very little to be made in the process of counterfeiting, you have a remedy against counterfeiting those coins.

For these reasons, Mr. Chairman—and we had the benefit of the learning of the gentleman from Connecticut when he was before the committee—for these reasons, coming from practical men who have been there for months and for years building up government in these islands, acquainted with all the trade in the islands, with all the various channels of trade, with all the lines of trade, with all the various conditions of trade that exist there, I shall vote, even if I dissent from the distinguished gentleman who is chairman of the Committee on Coinage, Weights, and Measures, in favor of the bill reported by the committee, favored by the House last session, and which we hope may become the law, and which the Senate kept from going on the bill a year ago.

Mr. WILLIAMS of Mississippi. Mr. Chairman, a moment ago the gentleman from New York twitted those of us who want to get out of the Philippines with some sort of imagined inconsistency because we were supporting the substitute bill. His ground is not well taken. Upon the other side, the cannon might be turned upon him, as it might be said of him and other men who want us to remain permanently in the Philippine Islands that he is very inconsistent indeed when he does not want to give the Philippines the benefit of the uniform coinage and banking laws of the United States.

If you are going to remain there, then the substitute which we have offered is right. If you are going to leave there, then the substitute which we have offered is yet right, and it is right for these reasons: If you leave the Philippine Islands, you want to leave behind you, if possible, a state of things which will increase American trade and commerce in the Philippines and in the entire Orient. Nothing will make as powerful an agency for that purpose as an extension of the circulation of American money in the Orient, and if it circulates among the Philippine people it may possibly circulate throughout all the adjacent Orient.

People acquainted with the history of this subject realize that the great financial stability and prosperity of France has been largely due to the fact of the formation of the Latin Union giving the weight and fineness and circulation of French coins to Switzerland, Italy, Belgium, and Spain.

Now, gentlemen, there is no question of politics involved here. This is not a question of getting out of or staying in the Philippine Islands. I believe with all my heart that a greater mistake was never made than ever having landed a man to stay upon the Philippine shore after the Spanish fleet was destroyed. I believe that the grandest efforts of American statesmanship might well be directed to the great purpose of formulating some sort of a scheme whereby we could honorably and safely get away from the Philippine Islands. But I claim that when we leave we should leave behind us American money as a stimulating agency for the expansion of American trade in the future.

One more word or two, Mr. Chairman, and I shall have done. The main argument made by gentlemen upon the other side and by witnesses before the committee was that if we attempted to introduce the American silver dollar it would lead to a great disturbance in business and especially in the wage rate; that the men who before were receiving certain wages would not receive a dollar of American money where he had been receiving two dollars in Mexican money, although the dollar in American money is worth two dollars of Mexican money, but that he would want two dollars of American money.

In other words, it would double the wages in the Philippine Islands. So much the better for them, and so much the better for American labor to come into some sort of competition with them. But, my friends, that argument is based on the assumption of absolute stupidity, irresistible—I hardly know what to call it—Gibraltar-like resistance to waves of knowledge, that gentlemen take for granted must be peculiar to the Orient.

Now, I want to say this—that it will cause less dislocation of business to introduce into the Philippine Islands, and less disturbance to the wage rate, the American dollar already partially known there, whose value is known and which passes at its face value, than it will to introduce an entirely new coin unknown to the commerce of the world, not identical in weight or appearance to any other coin on the surface of the earth.

If it be true that these people are so stupid that they can not learn the difference between 100 cents and 50 cents, they will be so stupid that they can not learn the difference between 50 cents and 36 cents. These gentlemen propose to coin a coin that will not circulate at its bullion value, as the Mexican dollar in the Philippines now does, not at 100 cents in gold, as the American dollar does, but differing from the American dollar only in this, that whereas it has 36 cents in it and is "fiated," as you Republicans say, at 50 cents, the American dollar is "fiated," as you claim, at 100 cents.

Now, I want to show you by reading this testimony that I am not mistaken about the actual circulation of the American silver dollar at its gold parity value in the Philippines. I tried to read this testimony yesterday.

Mr. CANNON. Is not an American dollar exchanged for two Mexicans, right there under his nose?

Meaning the nose of the Filipino—

Mr. PEABODY. It would change for two and a half at present.
Mr. CANNON. Is not that done to-day?
Mr. PEABODY. But he is paid in the Mexican dollar.
Mr. CANNON. Precisely. Now, does he not understand that? Does not everybody understand that if he has an American dollar he can get two and a half Mexicans for it?
Mr. PEABODY. They know the value of the coin they receive, yes, sir; but the question would be whether the millions of wage-earners would be contented or willing to see that the purchasing power of 40 cents in American money was as much as that of a dollar in Mexican silver.

And further along Mr. Peabody says:

If the two coins were in circulation, however, they would understand the value of the gold peso dollar.
Mr. CRUMPACKER. Now, Mr. Peabody, what is called the Conant plan, the plan outlined in the bill under consideration, would involve that same difficulty to a certain degree, would it not?
Mr. PEABODY. Yes, sir; I think it is open to the construction, as one reads it, that the United States dollar was intended to become a unit of trade, and the silver peso would be a coin for convenience.

Now, these are the facts. There is our dollar there already, partially known to the people, circulating at gold parity value, at that value in the purchase of commodities and paying labor, at the rate of two and a half dollars of Mexican money. Now, gentlemen say the objection is that the American dollar, circulating clear through the islands, would "disturb business" and "dislocate trade;" and in order not to "disturb business" and "dislocate trade" they want to coin an entirely new, hitherto unknown coin, like no other coin in the islands in denomination or weight, and giving it additional fiat value of the difference between 36 and 50 cents, and then rest the burden of artificially maintaining the parity by bond issues upon the Filipino people.

There is no government under the sun that can maintain a token dollar automatically, as we do, except a great, rich country. No small or poor country can do it. I say to-day that if you turn the Philippine Archipelago loose as an independent nation upon the earth, it can not by any legislation float a token coin. The United States can float it because the commerce of the United States floats it, because the public tax-receiving power of the United States floats it, because the debt-receiving power of the people of the United States—it being a legal tender for private debts—floats it, and because all these added together are a million times any imaginable amount of silver that the United States will ever have.

That is not true of Porto Rico, if you try to rest your burden upon her, or the Philippine Islands, if you try to rest your burden upon them, or of Mexico, which has tried to stand under such a burden and failed.

Now, Mr. Chairman, I hope the two arguments I have referred to are out of this case. It seems to me, gentlemen—and I hate to utter this thought—but it does seem to me as if the gentleman from Ohio had arisen, and the gentleman from New York had arisen, not so much to argue this case—for they have by no means argued it—as to make an impression upon that side of the Chamber that it is a political question, without quite saying as much. [Applause.]

Mr. JONES of Virginia. Mr. Chairman, I rise for the purpose of calling attention to the statement made by the distinguished gentleman from New York [Mr. PAYNE] with reference to the proposition of the minority. The gentleman distinctly stated that the minority bill gave to the Secretary of the Treasury unlimited power to purchase bullion silver. There is not one single line or sentence in this bill which will support any such statement as that. There is not a line in it upon which such a statement as that could be predicated. Nothing could possibly be further from the purpose and intent of the bill, and I can not understand how so well informed a gentleman could make so erroneous and absolutely unfounded and unjustifiable a statement as that. Mr. Chairman, the second section of this bill provides:

SEC. 2. That for the purpose of retiring the silver coinage of the Philippine Islands and substituting therefor the coins of the United States, the Secretary of the Treasury is hereby authorized to redeem, on presentation in the Philippine Islands, all the Mexican silver pesos now in use in the Philippine Islands, the silver pesos, and subsidiary silver coins issued under the authority of the Spanish Government, not including any Mexican silver pesos that may be imported into the Philippine Islands after the 15th day of March, 1903, at their bullion value, the same to be declared from time to time by the government of the Philippine Islands, etc.

Then it provides that whatever sum may be required to carry out the provisions hereof, and to pay all expenses that may be incurred in connection therewith is hereby appropriated, etc.

Whatever sum may be necessary to defray the cost of the recoinage of the Mexican coinage in circulation in the Philippine Islands and the Spanish coin in circulation there is to be appropriated out of the Treasury of the United States. There is not one single word, not one single syllable, not one single intimation in the measure in regard to the purchase of an unlimited or any other amount of silver bullion. On the other hand, let me call the gentleman's attention to the provisions of the bill which he supports. Under that bill the Philippine Commission can dispose of the Mexican and Spanish pesos as they may feel disposed. They can pile them up in the vaults of their treasury or sell them as old junk. It does not provide for the recoinage of one single one of them. On the contrary, it permits the Philippine Commission to go the world over and to buy silver bullion and coin an unlimited amount of silver currency. Not a word is said as to what disposal shall be made of the present silver currency when it comes into the treasury in payment of public dues. This alone is a fatal defect in the bill of the majority.

Think of such a proposition as that! Think of a bill intended to embrace the whole subject relating to coinage and omitting absolutely any reference to the recoinage of the silver which is to be received by the government, and leaving the disposition of it absolutely in the discretion of the Philippine Commission, but at the same time conferring upon that Commission the right and authority to buy silver bullion anywhere in the world and to coin it to any amount—even to the amount of five hundred million, if they so desire—and then to sell certificates of indebtedness in order to secure gold with which to maintain the parity between the silver so purchased and coined and the gold dollar of the United States.

Mr. Chairman, I am surprised that a gentleman who is so astute as to be able to discover in the bill of the minority what never was in that bill can overlook such fatal omissions and can approve such monstrous propositions as are to be found in the bill of the majority.

Mr. COOPER of Wisconsin. I yield to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I am a member of the Committee on Insular Affairs and gave something of attention to this bill—not so much as many other members of the committee—but, taking counsel of Governor Taft and General Wright and others, as well as the best judgment that I could bring to the consideration of the question, I agreed to the majority bill.

I must confess that the condition in the Philippine Islands, as I believe, from what they all represent and everybody acknowledges, is so serious that I am exceedingly anxious to get the best legislation that is practicable in order to remedy that condition. The condition does not rest, so far as responsibility is concerned, upon the House. If the House had had its way, we should have had a stable currency in the Philippines to-day. As the matter is now, you have there silver alone, and it fluctuates up and down, according to the real value of the bullion in the coins.

Now, I am frank to say that if I could not get anything better than the minority bill I would take the minority bill, because, in my judgment, it is better than the existing status. But I must say that the provisions of the majority bill seem to me to be better. All legislation that is had should be adopted with reference to the injury to be cured and the condition of the people upon whom it is to operate. Now, in the Philippines we have a civil government—quasi civil—civil in places, uncivil, perhaps, in other places. The Philippine Commission is substantially the government, and in the main will remain the government, I apprehend, for many years to come, under the direction of Congress.

Gentlemen on the other side—and I have something of sympathy with some of their propositions from time to time—have taken the position that the people of the Philippines should as rapidly as possible stand upon their own feet, should be educated along the lines of self-government. It seems the gentlemen think now that those people are not quite so competent for self-government, even with the aid of the Philippine Commission, as they were one year ago or two years ago. The truth of the matter is that up to this time they are not, taken as a whole, competent for self-government. They do not to any extent speak our language. For two or three hundred years they have been under a different form of government, so far as they have been governed. They are familiar with the status. Therefore it appeals to my judgment, when Governor Taft and other people charged with responsibility say that while the unit ought to rest upon gold and the American dollar, it would not be good policy to give the coinage that circulates a different name from what it has received heretofore. I can understand that. Why, sir, we have not adopted the metric system in the United States, and there is not enough courage in any Congress to enable us to adopt it.

Why? Because gentlemen on that side of the House, and some on this, time and again have talked about millimeters and centimeters, and lifted up their hands in holy horror and exclaimed, "Great heavens, millimeters!" Well, now, there is something in that. We have been always used to pounds and ounces and tons, and for fifty years the use of a highly civilized people, such as we have, of those terms has kept the metric system—which is the best possible theoretic system—away from the United States. Now, then, with that explanation by way of groundwork, what does this bill do?

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended ten minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Illinois be extended ten minutes. Is there objection?

There was no objection.

Mr. CANNON. It provides that the unit shall rest upon gold—the gold dollar. What next? That the coinage that is to be used in the Philippines under the government that we have there, full provision for which shall be made, shall be called, so far as the minor coinage and subsidiary coinage is concerned—instead of half dollars, quarters, dimes, and nickels—pesos, centavos, and so on. Well, I am a little mixed up now as to the exact difference between a centavo and a peso. I presume the centavo is the hundredth part of the peso—centum, a hundred—but I am not sure. [Laughter.] Is any one of my many friends upon that side or this absolutely sure about it? We can tell what it is by the provisions of this bill, but for popular use are many of us sure? When you read the bill, what do we find it does? We find now the Mexican coinage, the Spanish coinage, all kinds of silver money, circulating there, exchangeable in nothing—not maintained at a parity or at a stable value.

This bill provides that in lieu of the present coinage, within apt time and by proper provision, the silver bullion shall be coined into pesos and that each peso shall weigh 416 grains. In other words, that a peso shall have more silver in it than does the United States silver dollar, and that two pesos shall be legal tender equal to an American dollar. Now, the peso has double the amount of silver in it that the half dollar has, and I am looking at my dear friend from Connecticut [Mr. HILL], who is always afraid of anything passing for money unless intrinsically it is worth as much as it purports to be worth.

Mr. HILL. Is not the gentleman himself in the same position? Pardon me, so that I may be allowed just for a moment to read his own language.

Mr. CANNON. After all, I say so many things in different connections——

Mr. HILL. I read from what the gentleman says:

I only want to say this: Any provision, any legislation, any condition that would use cheap money to presume upon the ignorance of labor ought to be cut up by the roots.

[Applause.]

Mr. CANNON. Oh, so I say now. In just what connection I said that I do not know; but let me reply to the gentleman. If he calls the halves and the quarters of American money cheap money, and claims that that cheats labor—and that is practically

his position—then the peso, which stands in lieu of the half dollar, would make two half dollars, for it has enough bullion in it. I do not recollect in what connection I said what the gentleman has just quoted. I have said a great many things, but in this connection I say when you coin these pesos, in the language of Governor Taft, you coin a piece of money the name of which is familiar to the eight or ten millions of people in that country. It contains twice as much silver as the half dollar will contain if you adopt the House bill. True, at the present ratio it is worth only 36 cents if melted into bullion. That is true, but it is worth twice as much as the half dollar is worth to melt into bullion. Now, then, who coins these pesos? It is to be done by the Philippine government. Who gets the seigniorage in the coinage? The Philippine government, and it ought to get it. How can they be maintained at parity with gold? By various factors; one by exchanging it with gold. How else? By limiting the coinage. That is another factor. If you would only issue a half million or a million——

Mr. FOWLER rose.

Mr. CANNON. Oh, Mr. Chairman, I can not yield at this time.

Mr. FOWLER. I would like to ask the gentleman a question.

Mr. CANNON. A little later and I will yield to my friend.

Mr. FOWLER. But it is pertinent right here.

Mr. CANNON. Then I will yield.

Mr. FOWLER. I would like to have the gentleman tell the House where the Philippine government is going to get the gold to exchange for the silver and so maintain the parity.

Mr. CANNON. Under the authority of this law it is made the duty of the Philippine government by every factor within its reach to maintain it.

Mr. FOWLER rose.

Mr. CANNON. Hold on a moment. Let me answer one question before another one is asked. It is made the duty of the Philippine government by every factor within its reach to keep it at parity. What are the factors? The first factor is not to issue more than is required for the purpose of circulating money, and if you could get just that amount and no more it would circulate without any redemption or exchangeability. Everybody knows that that lies at the foundation of this whole matter.

That is one factor; and if this passes we have for governor of the Philippine Islands, cooperating with the Commission, in my judgment, a man of larger mold and greater wisdom than any man of my acquaintance. He is there on the ground; he has been there wrestling with these questions; he prays that Congress will speedily give a stable currency. He recommends a currency equal to gold to be maintained, and he recommends that it be called a peso, because every one of the 10,000,000 of people know what that is and it has a familiar sound to their ears. Now, what harm can be done? "How are we to get the gold?" says my friend. The bill provides——

Mr. FOWLER. How much—$5,000,000?

Mr. CANNON. The bill provides for $5,000,000, and, I have no doubt, properly limiting the coinage, for I can not tell how much there ought to be. I have no doubt that the $5,000,000 provision is ample for that purpose. Now, suppose it passes, what will happen? Governor Taft and the Philippine Commission, with full power of legislation, intelligent, being upon the ground, will begin. How will they begin? As this bill provides, by taking in the present coinage. They will take that coinage or have the power to take it, or have the power to buy additional bullion, one or both, according to the best interests of those people, and coin it into pesos, full legal tender. They will go into circulation. They are worth twice as much, to go into the melting pot, as the half dollar is. There is another factor. I have no doubt, with wise administration, that they will work it out. The seigniorage that comes from the coinage of the peso goes into the Philippine treasury, as it ought to go.

The time of Mr. CANNON having expired, by unanimous consent, on motion of Mr. COOPER of Wisconsin, it was extended five minutes.

Mr. CANNON. Well, they say, why not coin American money? That is American money. The peso becomes American money, and better American money, if you speak from the mere bullion standpoint, than our American half dollar. Under the authority of Congress the Commission upon the ground provides for its coinage and gets the seigniorage, and has full power in the premises, and it will be American money, sensibly made upon the ground by the Filipino government and adapted to the Filipino, adapted to the inhabitants of the lower archipelago, adapted to all of them. Oh, no, some gentlemen say, do not give them American money that they understand and that is adapted to their wants, but pry open their mouths with a crowbar and give them this American money of ours that we understand, whether they understand it or not. My God, what statesmanship! [Laughter.]

Mr. HILL. May I ask the gentleman a single question?

Mr. CANNON. In a minute. Of course, I want to say one other thing, and if I have any time left I will yield.

Now, let me address myself for just one second to the minority substitute. I have not time to read it. It makes the United States furnish the money. It empowers the United States to coin the money. The profit of coining less than 40 cents worth of silver into a dollar under this substitute goes into the Treasury of the United States, not into the treasury of the Filipinos; nay, nay.

Mr. PAYNE. Will they buy the bullion or take the bullion they have?

Mr. CANNON. Whether they buy the bullion or take the bullion they have, the profit, 60 cents on the dollar, goes to the United States. That is not quite fair. If there is profit in this monetary system, let it go to the people among whom the money circulates. Give them just as much as we can, with due regard to their language, with due regard to their civilization, with due regard to their religion, or want of it—and they have a good deal of both in the archipelago. Give them, just as fast as they can take it under the guidance of the Philippine Commission, a journey toward self-government.

Mr. HILL. Why did not you do it in Porto Rico?

Mr. CANNON. Why did not we do it in Porto Rico? Because Porto Rico is not on all fours with the Philippines. Porto Rico is at our doors, a little bit of an island, where you could almost stand in the center of it and with a sling throw a stone into the sea; an island thickly populated, entirely different. Because aloes is good for a horse when he has the colic, does it follow that aloes is good for a horse when he is sick all over with bots and everything else? Nay, nay. [Laughter.]

Now, I want to be entirely fair. The worst possible condition that we can have touching our money exists in the Philippines to-day, and Congress as a whole is responsible for it. I believe the majority bill is the better, largely from my own judgment and conclusively from the testimony of Governor Taft and Lieutenant-Governor Wright and the people who have had their feet upon the ground and have dealt with these people and with the economic and financial situation there.

Mr. JONES of Virginia. Mr. Chairman, I should like to know if debate is not exhausted on this.

Mr. CANNON. I should like half a minute.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for one minute.

Mr. JONES of Virginia. Half a minute.

Mr. CANNON. Half a minute is quite enough.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANNON. Now, then, I believe the majority bill is best. I believe the minority measure beats nothing by long odds. I shall vote against the minority measure, because I think the majority is the best, from all the testimony of people who have knowledge about it. If we can not get the majority measure, then I will vote for the minority measure. That is better than hell. [Laughter and applause.]

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CORLISS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House of Representatives was requested:

H. R. 13679. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 15506. An act to amend section 14 of an act entitled "An act to divide the State of Texas into four judicial districts;"

H. R. 14839. An act providing that the circuit court of appeals of the Fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year; and

H. R. 14275. An act providing for additional terms of court in the western judicial district of the State of South Carolina.

The message also announced that the Senate had passed joint resolution and bills of the following titles; in which the concurrence of the House was requested:

S. R. 126. Joint resolution to provide for the printing of a digest of the decisions of the Court of Claims, together with the rules of practice of and the statutes relating to that court;

S. 7034. An act providing for the expenditure of money hitherto appropriated for the improvement and maintenance of Ashtabula Harbor, Ohio;

S. 7033. An act to amend an act entitled "An act to create

a new division in the western judicial district of the State of Missouri," approved January 24, 1901; and

S. 6595. An act fixing the times and places for holding regular terms of the United States circuit and district courts in the western district of Virginia, and for other purposes.

PHILIPPINE COINAGE.

The committee resumed its session.

Mr. GREEN of Pennsylvania. Mr. Chairman, I have never changed my mind about our occupation of the Philippine Islands since I left those shores, homeward bound, in October, 1901.

I believe to-day, as I believed then, that "about face; forward, march home" will be the best orders this Government can give, and that it will eventually give them.

It will not be long before the taxpayers of the United States will be forced to appreciate that we are carrying on a very expensive foreign missionary enterprise.

The Commission itself has been forced to admit that its pathway is not so rosy as in the earlier stages of its occupation it assured the people of this country it would be.

With difficulty they raise sufficient money to carry on the expensive, elaborate, and Utopian government they have planned.

They come to Congress with numerous propositions, every one of which has for its purpose the raising of additional revenue to run the government we have imposed upon those simple people. First it was legislation to lower the tariff taxes, which was yielding practically nothing of income, as no goods were shipped to this country, and no customs were therefore paid back to the Philippine government. By a reduction of from 75 per cent to 25 per cent they thought this source of revenue would be increased. Second, we had the request for a grant of $3,000,000 to allay the dangers of famine, brought about from decreasing agricultural production. Then we have the proposition before us giving this Commission the right and power to at their own sweet will regulate the money of this archipelago. No member of this House can fail to appreciate how important as a revenue raiser such powers are, especially when there is a heavy margin for seigniorage and no limit placed upon the amount of coin which can be manufactured.

One great virtue will be found in the measure proposed by the Insular Committee, and to my mind the only one, and that is, if their scheme of coinage is enacted into law it will not act as a barrier to at any time in the future, near or remote, prevent our cutting loose from these troublesome and expensive possessions in the far-off Orient.

That those men belonging to the Democratic party of this country should be called upon to support the bill presented by the minority is hard for me to understand.

Only the fact that the Democratic party from the beginning were opposed to the subjugation of these islands, and would have treated them as allies and friends (such as they had shown themselves to be) instead of enemies, can furnish an explanation for this magnanimous proposition.

The Democratic people of this country realize the injustice and brutality we have heaped upon the heads of this generous, hospitable, and helpless people, and at every stage stand ready to help them and confer upon them substantial benefits.

Speaking for myself, let me say it is with great hesitation and reluctance that I will support the measure proposed by the minority, as, in my opinion, it will greatly interfere with and postpone the happy day when the American people will confer upon the Philippines that liberty, independence, and self-government they are entitled to.

Language and money are the two most powerful and lasting bonds which can bind the Philippines to the United States. They are, as well, the greatest and most lasting benefits we can confer upon them.

With a good start among the youth of this people, I believe the English language will become of universal use; and if the money of the United States is introduced and allowed to come into general use, its stability, convenience, and adaptability to their needs will make it a permanent institution—at least as long as it is backed by the credit of this great commercial nation.

I am not one of those who can be persuaded by the arguments brough forth in this debate that there is anything to prevent the introduction of the United States money into these islands and thus making it the exclusive circulating medium. That its introduction and use would create disaster and possible revolution are idle tales and foolish prophecies.

The truth is, long ago, from the beginning of American occupation, we have been introducing it, and the amount there now in the hands of the common people, could it be definitely ascertained, would be surprising.

United States coin and greenbacks are and for a long time have been hoarded by the more intelligent natives. Even the Moro people, by far the least intelligent, as a class, of the islands, as far back as the fall of 1901 seemed to fully understand the fact that an American 50-cent silver piece was not only equal but better than the largest and brightest Mexican dollar in circulation, but knew that a $1 United States silver certificate was equal to the two best Mexican dollars they could find, and, they assured me, much easier to carry about their persons.

At that time they were circulating at the rate of two Mexican for one American. When the Mexican dollar declined, it made it in fact as well as in their eyes only more desirable to keep and save as it increased in value and purchasing power. That is why they were hoarded.

Nor is it hard to understand which is the real situation prevailing in this country.

It seems so hard for some members of this House even to understand that the Filipino people are not ignorant savages. Such is not the case; they stand on a plane far above the average Oriental of the Tropics.

A member of this House who visited the Philippine Islands with me but a few days ago returned from a trip through Cuba and parts of Mexico, assured me that the common people in the Philippines were, in intelligence and culture, far superior to the Mexicans of the same class.

They live almost entirely along the shores of the islands and there come much more frequently in touch with foreigners and visitors than the people of this country, and this has been especially true during the four years of American occupation. This gave them frequent opportunity of getting, to some extent, acquainted with American money. During the entire time of American occupation we have had many thousands of soldiers living among them. They have been widely scattered, occupying as many as from 700 to 800 different stations at one time. These men were paid in United States money and used it in dealing with the natives until they became familiar with its appearance and value.

Thousands of school-teachers and public officials, both American and native, have freely circulated among these islanders, all to a greater or less extent using the lawful money of the United States.

With these exceptional opportunities, is it not hard to believe that disaster would result from the introduction and use of a money that from experience the people have found to be a superior money of greater purchasing power?

I hold it to be a truism that before the common people know how to read or write they learn to recognize the coin in circulation, to want it, and appreciate fully its purchasing power.

Then why are we met with such miserable, weak arguments when discussiug this important measure. What possible danger can there be of writing into the committee's bill the words that the lawful money of the United States shall be legal tender, receivable for debts, public and private, in those islands.

In view of the large amount of our money circulating and hoarded there now, this is but just. Do that, and in spite of your new coinage proposition American money will in a short time run out of general circulation your new coinage, and the evils of constant fluctuation will cease. There will not be any heavy exchange, such as will assuredly take place if we discredit our own lawful money, which we have circulated there and obtained full value for.

I do not believe that the people of those islands will ever cut any great figure in world growth and progress. Their part as assisting in the development of the Orient will be small.

The most we can expect of them is that they will very gradually advance in education and in thrift. They are isolated from the world, and for centuries will remain so.

Their commerce is limited to but a very few articles which will reach the trade currents of the world, and they are not susceptible to any great increase in amount.

They are not at all suited for the elaborate, expensive, and Utopian government we have set up there, and will soon fall back to one which will be simpler, less expensive, and more in accordance with their real requirements.

We must not forget that they are 10,000,000 of people bound together by the strongest tie which can bind a people—that of national kinship. Nor that we are at the most less than 10,000, to whom they have only feelings of antagonism when their real feeling are aroused.

We are 1 to 1,000. Under any system of government which is not a despotism pure and simple, who will be the real controlling factors when they become sufficiently well organized to assert their power?

They do not lack men both able and accustomed to lead. As soon as the present scheme of government gets into practical operation we will see the future native government shaping itself.

It can start with factions which may adroitly be played by us, one against the other.

Such a policy will not last long—like a solid wall you will find

the native opposing the work and influences and control of the intruding foreigner.

What of good we have conferred upon them will be accepted as due them and all obligations on their part will be repudiated.

We will be blamed for everything of mischief which we have wittingly or unwittingly introduced and the veriest shadow will be magnified.

The money of the American taxpayer which we have spent there from the time we paid the $10,000,000 installment until the time we cease to make further annual investments will never in kind or in commerce or in any other way be returned.

We will look upon this country as the great graveyard of our soldiers—officers and men alike. We will look upon it as the fertile source of the increase of our enormously expensive pension list. After every pensioner of the war of the rebellion shall have been gathered to his fathers we will find staring us in the face a pension list hardly less in amount than those years when it reached its high-water mark. [Loud applause.]

The CHAIRMAN. The question is on the adoption of the committee amendments to section 1. Is there any demand for a separate vote on any amendment? If not, the Chair will submit them in gross. The Chair hears no demand.

The amendments were agreed to.

Mr. JONES of Virginia. Mr. Chairman, I move to strike out all after the enacting clause and to substitute in lieu thereof the text of the bill numbered H. R. 16657.

Mr. HILL. Mr. Chairman, I ask the gentleman from Virginia to accept as an amendment to his text in the first section the following:

> And the Secretary of the Treasury is hereby authorized, in his discretion, to coin a half-cent coin of such form and with such devices as he may designate, and such half-cent coin shall be legal tender up to the same amount as the 1-cent coin now authorized by law.

I ask the gentleman to accept that as an amendment to the first section of his text.

Mr. JONES of Virginia. Mr. Chairman, I am willing to accept that as an amendment to my proposition, and I offer it all as one substitute.

The CHAIRMAN. Does the gentleman offer it as a substitute for section 1?

Mr. JONES of Virginia. My motion is to strike out everything after the enacting clause and to substitute the bill I have offered as an amendment, with the modification offered by the gentleman from Connecticut.

The CHAIRMAN (Mr. MANN). The gentleman from Virginia will understand that his motion is not in order at the present time. He can offer it and have it pending.

Mr. JONES of Virginia. My understanding, Mr. Chairman, is that this would be the proper time.

The CHAIRMAN. The gentleman offers a substitute to the entire bill, which may be considered as pending, but it can not be voted upon until the bill is perfected.

Mr. JONES of Virginia. I would ask the Chair if I can offer it as a substitute for the first section—to strike out everything after the enacting clause and offer it as a substitute for the first section.

The CHAIRMAN. The gentleman can offer his substitute for the bill at this time and have it pending.

Mr. JONES of Virginia. It would be regarded as pending, and the Chair will recognize me after the reading of the bill is finished to offer it as a substitute for the whole bill?

The CHAIRMAN. It will be considered as pending and the gentleman will be recognized.

Mr. JONES of Virginia. That will be satisfactory.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk proceeded to read the amendment.

Mr. JONES of Virginia (interrupting). Mr. Chairman, unless members of the House desire to have it read, I will state that this is the substitute which I stated at the beginning of the debate I should offer and which is printed in the RECORD of yesterday and which I suppose the House is familiar with. The only addition is the modification suggested by the gentleman from Connecticut [Mr. HILL].

Mr. COOPER of Wisconsin. Mr. Chairman, does the gentleman offer this by way of amendment to the first section, or as a substitute for the bill?

The CHAIRMAN. The gentleman from Virginia offers it as a substitute for the entire bill. His offer is submitted to the House and will be pending, but before the committee will take a vote on it the reading of the bill will be completed. Without objection, the reading of the substitute will be dispensed with.

Mr. HILL. Mr. Chairman, I think that all any of us want is a fair vote on this proposition. I ask that the first section of the bill be stricken out and the substitute be inserted in place of the first section. That is a parliamentary proposition which I have a right to make. And then I shall move to strike out each succeeding section without inserting anything in lieu of it. I do this so that we may get a vote without taking up time in voting upon propositions that will amount to nothing. I ask unanimous consent that I may be allowed to proceed in that way.

Mr. COOPER of Wisconsin. I object to that.

Mr. HILL. Then, Mr. Chairman, I move that the pending substitute be inserted in place of the first section of the bill. I move to strike out the first section of the bill and insert this substitute.

Mr. COOPER of Wisconsin. Mr. Chairman, I rise to a point of order against that amendment.

The CHAIRMAN. In the first place, the gentleman from Connecticut [Mr. HILL] is not authorized to offer the substitute.

Mr. HILL. I am authorized to offer an amendment, am I not?

The CHAIRMAN. A substitute has been offered by the gentleman from Virginia [Mr. JONES], and the matter is not within the control of the gentleman from Connecticut.

Mr. JONES of Virginia. I will say that the purpose I had in offering my bill as an amendment to the first section has been correctly stated. I understood the Chair to rule that it could not be done, and therefore I accepted the suggestion of the Chair. If it be permissible to move to strike out all after the enacting clause, or to strike out the first section and substitute therefor the minority bill, with the understanding that if this motion prevails I shall subsequently move to strike out the other sections of the majority bill, then I make that motion, if the Chair recognizes me to make it.

The CHAIRMAN. The gentleman from Virginia moves to substitute the amendment which he has sent to the Clerk's desk in place of section 1 of the pending bill, giving notice that if this motion be adopted he will move to strike out the other sections of the pending bill. Of course, the gentleman understands that if this motion should be submitted at this time, it will still require the reading of the rest of the bill for amendment.

Mr. JONES of Virginia. It would require it, I suppose, after this motion has been disposed of.

The CHAIRMAN. The Chair will submit the motion of the gentleman from Virginia that the pending section of the bill be stricken out and that a substitute offered by him be adopted. The Clerk will read the proposed substitute, unless the reading be dispensed with by unanimous consent. Is there objection to dispensing with the reading? The Chair hears none.

Mr. MCCALL. Mr. Chairman, I should like to say a few words to the committee upon the proposition involved in these two conflicting measures.

When the financial doctors disagree it is very difficult for me to come to a conclusion. We have ranged upon one side here the great lights of the Banking and Currency Committee of the House, and upon the other a former chairman of that committee and the members of the Committee on Insular Affairs, who have had special charge of this measure. Now, if I were in the frame of mind that some gentlemen are in—notably my friend from Colorado—I might say, "A plague on both your houses!" and vote against both propositions. But I think that Congress is under peculiar obligations to dissipate, if possible, or at any rate so far as it can, the financial chaos that now admittedly envelops the Philippine Islands. I do not think we are at liberty to reject both these propositions, because I believe that some measure looking in the direction of one or the other of the propositions now pending it is most important for us to pass.

I do not care to discuss the question what cause is responsible for the present condition of affairs in the Philippines—whether it is the loss of their domestic animals, or the failure of their food supply, or any of the other causes that have been mentioned here. There is one cause that has not been especially brought to the attention of the committee, and that is that those people have just passed through one of the most devastating and bloody wars of modern times, which I think would account in large part for the bad condition of affairs now existing there.

But undoubtedly they are suffering from the lack of some stable sort of currency, and I think that we should pass one or the other of these bills. I am rather inclined to favor (although I shall hold my mind open until the last argument upon it) the proposition championed by the gentleman from Connecticut [Mr. HILL], which makes the entire money of the United States a legal tender in the Philippine Islands, and does not discriminate in favor of any kind of our money. I do not believe that the fact that our national money is extended there will have any tendency to unite those islands permanently to the United States. If we extend our national system of finance there, and give those people the money that we have here and the right to use all of it that they can get, then they will have our American money, which passes not merely here but which passes in foreign countries. It will be a national money; and I should prefer, for my part, to have national money there than to have a coin made according to the bill of last summer—made expressly for those islands, and having impressed upon

it some mark of the sovereignty of the United States, which will chiefly be a badge of the servitude of those people.

Now, Mr. Chairman, I think that one great difficulty with the bill of the majority is that it proposes to impose upon the government of those islands the maintenance of a system of currency consisting of silver and gold at the ratio of 32 to 1, when the natural ratio is as 42 or 43 to 1. I admit that the gentlemen who represent the United States there exercise great powers; they are proconsular officers, exercising powers oriental in their character and magnificence, but I do not believe their powers are great enough under existing conditions to maintain in those islands the parity between gold and silver at the ratio or 32 to 1 when the natural ratio is 42 or 43 to 1.

That objection to the position of the majority is, to my mind, a very strong one, but I agree thoroughly with the gentleman from Illinois [Mr. CANNON]. I think one or the other of these measures should be adopted. From the light I now have I should vote for the proposition of the minority, which is supported by the gentleman from Connecticut [Mr. HILL] and the gentleman from New Jersey [Mr. FOWLER]; but if that should fail, then I should vote for the proposition of the majority.

Mr. CRUMPACKER. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CRUMPACKER. I rise to inquire whether the amendment proposed by the gentleman from Virginia is to be voted upon before the balance of the bill has been read. I desire to submit a few suggestions upon that proposition if the Chair has not clearly satisfied himself in regard to the matter.

The CHAIRMAN. The Chair will state to the gentleman that on the point of order the Chair has already held that the substitute offered by the gentleman from Virginia may be offered as a substitute to section 1 of the pending bill. That is the question now before the House.

Mr. GAINES of Tennessee. The bill reported by the committee is an experiment, a new system in our finance. If ever, we should not experiment with the finances of the Philippines in their present distressed condition.

The substitute offered is not an experiment. It is based on our present financial policy, a policy to which I do not subscribe. But as we must accept the one or the other, I choose the lesser evil, I hope and think, the substitute, rather than the one "we know not of."

It has been stated that the reason why we should adopt the substitute is that the Filipinos are not acquainted with the American money. Mr. Chairman, that statement I know to be incorrect. There is not a country anywhere around the world which is halfway civilized that is not fully acquainted with the purchasing power and the legal value of our money. There is not a jungle in the Philippine Islands, save possibly away back in the mountains where the uncivilized tribes are, where the people of the Philippine Islands are not perfectly familiar with every one of the American pieces of money, including our greenbacks and silver certificates.

If any member would in the least take issue with me on this point, I respectfully ask him to inquire of my colleagues who went with me to the Philippine Islands.

What does this bill propose to do? Not to give these people a money with which they are perfectly familiar, or ever used, but to give them an entirely new coin, a coin of which we know nothing ourselves. Mr. Chairman, gentlemen will remember when the fathers were discussing our money unit and the money question in the American Congresses away back in the infancy of our Republic, that Thomas Jefferson laid hold of the money with which the people were "most familiar" as the starting point, to wit, the silver dollar. He said the people "North and South" are "familiar" with this old dollar and he adopted it as the foundation of our money coins.

We have had for the past two or three years more than a hundred thousand soldiers in the Philippine Islands, each one of whom has been paid in American money, and a large part of that money has been expended in the Philippine Islands. You can not go into any hut or "shack" in the Philippine Islands where you will not find the keeper of such a store familiar with the American money—as a rule, has it in cash box. He hands you the correct change in a trade.

Again, we are keeping in the Philippine Islands a large army, a fixed institution there. Each soldier costs the United States Government to equip and maintain him per year $1,285. Multiply that by 23,000, which I believe is the size of the army now in the Philippine Islands—as stated by the gentleman from Wisconsin—and you have about $30,000,000 spent in this way, mostly in the Philippine Islands.

Then add to that the half price which is paid to 600 scouts that perambulate the highways and byways of the Philippine Islands, then add the money paid to the American navy which must float all over the Philippine Islands, not to-day, nor to-morrow, but as long as we hold the Philippine Islands, and you will understand how it is and why it is that the Filipino is perfectly familiar with the American money and knows why so much of our coin is in the Philippine Islands? Again, we pay our American teachers over there in the local currency. On this Professor Atkinson, in his last report (War Report, 1903, p. 949), said this:

Coupled with this difficulty was the depreciation of the Mexican currency in which the teachers were paid. The appropriation for the salaries of teachers is made by the Commission in this local currency; hence the disbursing clerk is compelled to make all checks payable in such money. All might have been well had the currency maintained its former ratio of $2 Mexican to $1 gold, but, on the contrary, it depreciated regularly. The postal authorities refused to accept it in payment of money orders on the States, and then the teachers were in a serious difficulty. Many of them had families at home dependent upon them, and others had incurred debts which they had to meet.

The matter was given most serious attention, and requests sent to the Civil Commission asking that some definite step be taken. In answer the following reply was received from Commissioner Ide, secretary of finance and justice, and sent out immediately in the form of a circular to the teachers:

"The difficulties referred to are fully appreciated by the Commission and by this office, but they are temporarily incident to the situation. The changed ratio for the next quarter will probably, before the quarter is through, operate to the advantage of civil employees, so that they will obtain more than their salary as fixed in gold. It will be necessary for all to be a little forbearing. It might be remarked that the Commissioners themselves are subject to precisely the same inconvenience as the writer of the within letter, and suffer the same pro rata loss. It is impracticable to make payment for the month of December in other than the currency that was appropriated for that purpose and that is available. The only method for immediately relieving the difficulty would be to require all customs receipts and internal-revenue taxes to be paid in the money of the United States, so that there might be money of that character available for all insular purposes; but in view of the early action of Congress on the currency, when it is expected the subject will be placed on a permanent basis, it is not considered advisable to make so radical a change as the one suggested, and one that would so seriously disturb the business of the islands."

To endeavor to equalize the ratio, the Commission fixed the legal ratio of Mexican currency to gold at $2.10 to $1 for the first quarter of 1902. The postal authorities, moreover, accepted the local currency at this ratio to the amount of $50, gold, per month from all civil employees. The commercial ratio, however, continued to increase rapidly, and for the second quarter of the year the ratio was established at $2.27 to $1; but almost immediately the parity was lost, and at times the commercial ratio was $2.50 to $1. The post-offices were forced to refuse Mexican currency at any ratio, in order to protect themselves, and the situation for a time was very embarrassing.

Gradually the ratio fell off, and with the beginning of the third quarter the ratio was established at $2.35 to $1, and, although this rate was only fixed positively for ten days and is subject to change at any time to preserve the ratio, yet it has remained steadily at that figure for nearly three months, until to-day the government ratio is a few points better than the commercial ratio, and the teachers and other civil employees are in a position to regain some of their losses during the first half year. The post-offices now accept Mexican currency in practically unlimited quantities from civil employees at the established ratio. The failure of Congress to pass legislation regarding the currency of these islands has been largely responsible for the peculiarly trying and unfortunate position in which all government officials and employees have been placed, and the Philippine Commission has exercised its full power to do justice to all.

With the policy of fixing the ratio for ten days and then continuing the ratio indefinitely a new complication has arisen of minor importance, but which is still causing some uneasiness among the teachers. While the ratio was unfavorable many teachers refused to sign vouchers made out in terms of American currency, but which were to be paid by checks for local currency at the established ratio. To meet this objection vouchers were changed to read "local currency." With the ratio fixed quarterly these could be made out and sent out in time to be received by the majority of the teachers by or before the last day of the month, upon which day they could be signed and returned to the central office for payment.

With the ratio fixed indefinitely, there is always the possibility of a change during the last few days of the month, and the amounts can not be inserted in the vouchers until the last day of the month, and consequently a delay of several days to two weeks or more results. If the original practice of making out the vouchers in terms of United States currency had not been objected to by the teachers, the present delay would have been entirely avoided, as salaries of all employees are fixed in terms of United States currency, but paid in local currency at the ratio fixed by the Commission.

These teachers were not employed to be paid in local currency. They were employed to be paid in American money. Now, as long as we keep American soldiers, the American Navy, and American teachers there, why should they not be paid in American money? This will take almost untold millions of American money into the Philippine Islands. Why should we have there a mixed money created by the order of Congress when we have our money uniform? Why should we not have all of it our full legal-tender money? Again, we are not "running" the Philippine Islands, I hope, for the American people only. I hate such a thought.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that my time may be extended for five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that his time may be extended five minutes. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. Now, why should we create a local and an entirely new coin? It is true that it will stay within the limits of the Philippine Islands. It is made legal tender only in the Phillippine Islands by the very words of this statute. The Filipino is a merchant, the Chinese are merchants, and the Japanese are merchants. Why should you give them a local coin to go

into Japan and China and the far Orient where it is not legal tender, in law or effect? Why should you do that? Why not give them the same legal-tender money which we have in this country? If we prosper under the gold standard, why deny them the same standard? Should we make flesh of ourselves and bone of them? Why should we not give them the same money that we have to take into the far Orient and buy their goods, whether it be a half dollar or silver certificate?

The silver dollar is a full legal tender, so far as its purchasing power goes, in the Orient. The great use and necessity for the American coinage is what makes it pass as tender in all civilized lands. Not so with the peso, this little coin which the Taft Commission will introduce in the Philippine Islands. It is necessarily confined in its operations to the limits of those islands. This peso is a money with which they are not acquainted—which will check business.

Why, Mr. Peabody alludes to that fact, and I understand somebody has read his statement here that we should have this little local chinquapin money over there for these people. Back in November, 1900, he says it will produce "confusion" with these people because they are not familiar with it, but after a while they might become acquainted with it. But they already know our money. Here is the letter of Mr. Peabody, in Document No. 160, Fifty-sixth Congress, second session.

So, now, if we want to give these people the same opportunities to become a great people that we have, or that the majority pretends it is going to give them, why not give them the same uniform money that we have?

It is true it will tie these people to us as possibly nothing else will. I do not want the Filipinos tied to us permanently, but let us be just and fair though the heavens fall.

As long as they are under the American flag and "within the jurisdiction of the United States," I say we should treat them with the same respect, and particularly in matters that concern their liberties and their civic and commercial welfare, that we confer upon ourselves. [Applause.]

Mr. COOPER of Wisconsin. The proposition to substitute the bill of the gentleman from Virginia [Mr. JONES] for the first section brings the whole question to a decision.

Before the vote is taken, I wish again to remind members of the House of the exact situation. The gentleman from Connecticut [Mr. HILL] repeated a few minutes ago the statement that the House was asked to yield to a threat which comes from the Senate. There is no threat. If I was understood as making a threat, I beg to retract what I said, because I had not the slightest intention that any utterance of mine should be susceptible of such an interpretation. I did, however, desire to call the attention of the House to the facts. What are they? The newspapers have acquainted every gentleman with the fact that the Senate is in a deadlock practically over the omnibus statehood bill. Trust legislation is about to come up. None of the great appropriation bills save only the pension appropriation bill has passed the Senate.

Mr. GROSVENOR. The legislative bill has passed the Senate.

Mr. COOPER of Wisconsin. And the legislative bill. All of the remaining great measures must be crowded into five weeks to pass the Senate and the House of Representatives. Should the substitute bill pass the House, it will, of course, go to the committee of the Senate which has Philippine legislation in charge. That committee last spring declared themselves in favor only of the free coinage of silver for the Philippine Archipelago; nothing else.

Now, they have reported a coinage bill similar in principle, though differing somewhat in detail, from the bill here pending. They will not—and this is not a threat—they can not be expected at this late day to go back to the beginning and to report and pass through the Senate at this session a bill like the proposed substitute, differing so utterly from anything they have heretofore recommended for the Philippines. When I said yesterday that I knew from one in authority that that is true, it was because of a recent conversation which I had had with a very distinguished Republican Senator, himself a friend of the gold standard.

Now, wherein does that simple statement of fact constitute a threat which should call for the vehement protest of the gentleman from Connecticut [Mr. HILL]? The gentleman was very earnest, indeed, about it, and apparently very indignant that a threat should be brought here. There is no threat. A statement of that kind, embodying a fact known to everybody, does not constitute a threat.

The time of Mr. COOPER of Wisconsin having expired, by unanimous consent at his request it was extended for five minutes.

Mr. COOPER of Wisconsin. Mr. Chairman, the gentleman from Connecticut [Mr. HILL] repeated in his last speech the statement that we are proposing to establish in the Philippine Archipelago a "strange system" of finance, and he appealed to the gentlemen from the Pacific coast not to vote for it for that reason. There is nothing strange about the proposed system. Secretary Gage, as I read yesterday, in his note, Appendix F to the report of the Secretary of War for the year 1900, declared that in principle it is essentially the system now in vogue in the United States.

Let us see what that statement of the Secretary means. What have we in the United States? A silver dollar the bullion value of which is 37 cents, stabilized at a dollar in gold. We simply propose by this bill to put into the Philippine Archipelago a peso, also worth 37 cents as bullion, and stabilize it at 50 cents in gold. Where is the difference in principle? What is there strange about it, and why does the gentleman from Connecticut reiterate that statement here? Here is what Governor Taft said on this proposition:

> We were exceedingly anxious not to disturb the coinage as it now exists in the islands among the Filipinos.

He did not think it was to be a strange system. On the other hand, "We were exceedingly anxious not to disturb the coinage as it now exists in the islands among the Filipinos."

The substitute proposes to take the silver coin of the islands and raise it abruptly from 37 cents to 100 cents.

> I mean that we are exceedingly anxious not to disturb the values of oriental peoples, and the Filipinos, who do not differ from other oriental peoples in that respect, have a great regard for tradition and names. Therefore we thought if we could devise a system by which the standard could be as little subject to fluctuations as possible—that is, should be a gold standard and at the same time have silver coinage so near to the present silver coinage as to not make any difference by reason of names in the minds of the people—that that would be the best coinage to adopt. * * *
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> I am very certain * * * that to attempt to adopt as a whole the coinage of the United States in those islands would be productive of nothing but disaster.

The gentleman from Mississippi [Mr. WILLIAMS] asked, as did also the gentleman from Massachusetts [Mr. MCCALL], "Where will they get the gold, and how can they maintain the parity?" Mr. Peabody and other witnesses declared that there would be no trouble, because the 35 per cent of seigniorage which would go into the treasury would constitute an ample redemption fund, and that it, together with the powers conferred upon the government by the bill would enable it easily to maintain the parity.

The gentleman from Connecticut read an extract from the testimony of the gentleman from Illinois, in which he said that he was opposed to cheap money in the Philippines. Now, I do not perceive how that could have the slightest effect in discrediting the statement made to-day by the gentleman from Illinois. Free coinage would make cheap money. But there is no proposition contained in the bill to give the archipelago cheap money. We propose a coin worth 37 cents as bullion, but to be equivalent to 50 cents in gold, and make it stable. That is not cheap money.

I would like to know wherein the gentleman from Connecticut contends that there is any contradiction in the two statements of the gentleman from Illinois.

Mr. HILL. Why, simply on this point. If the gentleman from Illinois wishes me to explain, I have not the slightest objection. The only argument brought forward in favor of this majority bill is in favor of money that can be circulated outside of the city of Manila for a dollar, and the gentleman from Illinois in his righteous indignation said that if there was any such proposition—this was months and months ago he said this, when perhaps he looked upon this question from a little less stringent force behind him than he does to-day, when he feels called upon to support a committee of which he was a member—if he were called upon to do that he would aid in rooting up such a system root and branch.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I shall only ask to be allowed five minutes more.

Mr. SHATTUC. Mr. Chairman——

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that his time may be extended for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. SHATTUC. I was addressing the Chair.

The CHAIRMAN. The Chair will hear the gentleman. Does the gentleman rise to a point of order?

Mr. SHATTUC. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHATTUC. How long does it take us to get at a vote on this subject?

The CHAIRMAN. The gentleman from Cincinnati will decide that question for himself. [Laughter.]

Mr. COOPER of Wisconsin. Mr. Chairman, for the information of the gentleman from Cincinnati—the gentleman from Ohio—I wish to say that I shall not discuss the question indefinitely, but only for five minutes more.

Mr. Chairman, the gentleman from Massachusetts said that he was opposed to placing a coin in the Philippine Islands having a superscription upon it which would be a badge of servitude to the Philippine people. Why, Mr. Chairman, before the Committee on Insular Affairs there were brought some designs for the coin proposed by the bill of last summer. The designs were executed by a native Filipino. They were done with rare skill, and we were told by the gentleman who brought them that the opportunity to draw a design for a Philippine coin which would be characteristic of the islands was a source of much pleasure to the artist and to the Philippine people generally. Neither he nor they looked upon the proposed superscription as a badge of servitude.

The gentleman from Mississippi said that we propose a coin the weight of which is not like that of any other coin on earth. And yet it is to contain 416 grains of silver, the identical weight of the Mexican peso, which is now and for many years has been the coin principally in use in the Philippine Islands. We propose to leave the coin exactly the same in size and weight and name as the coin they have to-day, and simply to make it stable at 50 cents in gold instead of at 100 cents in gold. Wherein consists any justification for the anathemas heaped upon the proposition of the bill? There is nothing strange in it. It has proven a success in Java and in India, is indorsed by distinguished experts, and asked for unanimously by the Philippine Commission.

Mr. TAWNEY. Mr. Chairman, as a member of the committee that reported this bill to the House, I wish to occupy the time of the committee just a moment. When providing a system of coinage for the Philippine Islands was first presented to the Committee on Insular Affairs, I believe I am safe in saying that every Republican member of that committee, like some of the Republican members of the House, favored the introduction in the Philippine Archipelago, not only the American system of coinage, but our denominations and nomenclature, some of us for a long time during the investigation insisting upon it, as much so as the gentleman from Connecticut [Mr. HILL] or the gentleman from New Jersey [Mr. FOWLER].

The Republican members of the committee, consisting of some of the leaders on this side of the House, I repeat, entertained the same idea that the gentleman from California [Mr. LOUD] and the gentleman from Indiana [Mr. CRUMPACKER] and myself entertained. But the more we investigated the question, the more testimony we received, and the more we heard from the witnesses with respect to industrial, financial, and commercial conditions in the Philippine Islands, the more we were convinced that to introduce our American system of coinage in toto, including denomination and nomenclature, would create more distress industrially than exists there to-day.

The members of this committee are not, as the gentleman said this morning, experts in the matter of coinage; but we applied to the conditions as they were testified to the committee our practical common sense, and reached the conclusion that recommendation of Governor Taft and his associates on the Philippine Commission, and the recommendations of other experts sent to the Philippine Islands by the War Department of our Government for the express purpose of investigating this question, should be followed rather than opinions based largely upon sentiment.

The idea that occupied the minds of many members of our committee, when we began the investigation of the question, was that of Americanism in the Philippine Islands, regardless of any industrial or commercial conditions. It was our belief, as the gentleman from Connecticut now contends, that the introduction of American coinage in denomination and in nomenclature would tend to Americanize the Philippine Islands.

But when we were told by General Taft that one of the greatest difficulties the Commission had to contend with in securing peace and order and maintaining it was to remove the suspicion in the minds of the Filipinos that the American Government had taken possession of the islands for the purpose of exploiting them and robbing the people as the Spaniards had done for centuries; that the principal effect that the introduction of American coinage with our denomination and nomenclature would be to create distrust, because the ignorant debtor class would be imposed upon by the creditor class, thereby creating dissentions and disturbance and afford the opportunity for the enemies of the American Government to sow the seeds of dissention among the native Filipinos, create insurrection—it was then that we adopted the plan suggested by the Commission.

In doing so we believed, as did the commissioners and Governor Taft, that it was not only just to the people of the islands, but it would tend to conciliate the natives of the archipelago more than any one thing the Government could do. The system of coinage proposed by this bill is the American system in every essential. It differs only in the fact that subdivisions of the coin and the names of the different pieces conform to that which they are acquainted with and know the value of, and in this way, Mr. Chairman, we protect the ignorant and unthinking from that imposition that will otherwise be meted out to him.

Those members of the committee who were guided partly by sentiment at the beginning of the investigation in favor of American coinage in the Philippines deferred to the judgment of the Commission, and especially to the judgment of Governor Taft, who had made a study of the conditions in the Philippine Archipelago. And I believe that if the members of this House would read the testimony of the men who appeared before our committee, those who entertain the idea that it is unwise for us to adopt this system of coinage would change their opinion and their judgment, just as the Republican members of the committee did after hearing the testimony, giving full consideration to the same. We are legislating for the Filipinos, not for the Americans. [Applause.]

[Here the hammer fell.]

Mr. JONES of Virginia. Mr. Chairman, I move that all debate on this proposition be closed in one minute.

Mr. SHAFROTH. I ask the gentleman to make it five minutes. I should like to be heard a few minutes.

Mr. TAWNEY. I move to amend the motion of the gentleman from Virginia by providing that all debate be now closed on this question.

Mr. SHAFROTH. Make it five minutes.

Mr. JONES of Virginia. I accept the amendment of the gentleman from Minnesota [Mr. TAWNEY].

Mr. SHAFROTH. I move as an amendment that the debate be closed in five minutes.

The question being taken on the amendment of Mr. SHAFROTH, it was not agreed to.

The motion of Mr. JONES of Virginia, as modified, was then adopted.

The CHAIRMAN. Debate being closed, the question is now on agreeing to the motion of the gentleman from Virginia, to strike out all after the enacting clause, in section 1, and substitute in place thereof the amendment offered by him.

Mr. TAWNEY. I rise to a parliamentary inquiry. Was the motion of the gentleman from Virginia to strike out all after the enacting clause of the bill and substitute that which he has offered?

The CHAIRMAN. The motion of the gentleman from Virginia is to strike out, in section 1, all after the enacting clause and insert in place of it the substitute which he has offered, he having given notice that he will move to strike out the other sections of the bill.

The question being taken on the motion of Mr. JONES of Virginia,

The CHAIRMAN. The noes appear to have it.

Mr. JONES of Virginia. I call for a division.

The question was again taken; and there were—ayes 115, noes 95.

Mr. COOPER of Wisconsin. I call for tellers.

Tellers were ordered; and Mr. COOPER of Wisconsin and Mr. JONES of Virginia were appointed.

The committee again divided; and the tellers reported—ayes 141, noes 118.

So the motion of Mr. JONES of Virginia was agreed to.

Mr. COOPER of Wisconsin. I give notice that I shall call for the yeas and nays on this question in the House.

The CHAIRMAN. The Clerk will read the next section of the bill.

The Clerk read as follows:

SEC. 2. That in addition to the coinage authorized for use in the Philppine Islands by the act of July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," the government of the Philippine Islands is authorized to coin, for use in said islands, a coin of the denomination of 1 peso, and one of the weight of 416 grains, and the standard of said silver coins shall be such that of 1,000 parts, by weight, 900 shall be of pure metal and 100 of alloy, and the alloy shall be of copper.

Mr. JONES of Virginia. I move to strike out the section just read.

Mr. RICHARDSON of Tennessee. I ask for order, so that we may hear what is going on.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. JONES].

Mr. JONES of Virginia. Mr. Chairman, I ask unanimous consent that a vote may be taken upon striking out all of the succeeding sections together.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the Committee of the Whole vote upon striking out all of the sections of the pending bill after section 1.

Mr. GROSVENOR and Mr. PAYNE objected.

Mr. JONES of Virginia. I move, then, to strike out this section.

Mr. PAYNE. Mr. Chairman, that question is debatable, of course.

The CHAIRMAN. It is debatable.

Mr. PAYNE. Mr. Chairman, according to the usage of parliamentary procedure in the House, when a motion is made to substitute, it is always in order first to perfect the original text before the substitute can be voted on. Owing to some confusion in the situation to-day, a motion was made to substitute an entire bill for the first section of the pending bill. Now, the gentleman from Virginia proposes to go ahead and strike out each of the remaining sections, without perfecting the text. I think it would be in order to first perfect the sections before a vote is taken on striking them out. I do not know whether there are committee amendments to this second section; I have not the bill before me. If there are committee amendments, I submit they should first be voted upon and the text perfected before any vote is taken on the motion to strike out.

Mr. GROSVENOR. Mr. Chairman, I objected to the proposition of the gentleman from Virginia for unanimous consent; and I did so because under the well-known principles of parliamentary procedure the control of this bill has passed to the other side; and it is for the gentleman from Virginia to make his own motions in his own way, he and his party associates having entire control of the bill itself and all amendments.

The CHAIRMAN (Mr. TAWNEY). The Chair questions the statement of the gentleman from Ohio [Mr. GROSVENOR] as to the control of the bill having passed to the gentleman from Virginia simply because of an adverse vote on one amendment to the bill. The position of the gentleman from New York, however, is parliamentarily correct, that the committee amendments to section 2 of this bill will have to be passed upon and the section perfected before a vote can be taken on the motion of the gentleman from Virginia.

Mr. JONES of Virginia. Mr. Chairman, I did not know there were any committee amendments.

The CHAIRMAN. The Clerk will report the committee amendments to section 2.

The Clerk read as follows:

In line 7, after the word "one," insert the word "Philippine;" and in line 8 strike out the words "and one."

The CHAIRMAN. The question is on the committee amendments.

The question was taken, and the amendments were agreed to.

Mr. JONES of Virginia. Mr. Chairman, I now move to strike out the whole of section 2 as amended.

The CHAIRMAN. The question is on the motion of the gentleman from Virginia to strike out the whole of section 2 as amended.

The motion was agreed to.

The Clerk read as follows:

SEC. 3. That the Philippine peso authorized by this act and the silver coins issued under authority of the aforesaid act of July 1, 1902, shall be received for all dues to the government of the Philippine Islands, unless otherwise specifically provided by law, at the rate of 2 pesos for $1 of the lawful money of the United States.

The committee amendment was read, as follows:

In line 18, strike out the words "lawful money" and insert the words "gold coins."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES of Virginia. Mr. Chairman, I now move to strike out the whole of section 3 as amended.

The CHAIRMAN. The question now is on the motion of the gentleman from Virginia to strike out the whole of section 3 as amended.

The question was taken; and on a division (demanded by Mr. JONES of Virginia) there were—ayes 116, noes 30.

So the motion was agreed to.

The CHAIRMAN. The Clerk will continue the reading of the bill.

Mr. WILLIAMS of Mississippi. Mr. Chairman, before anything more is read, it seems to me that this is rather an absurd situation. I ask unanimous consent that the balance of the sections of the original bill be considered as having been read, and that they be then voted upon together as amended.

Mr. PAYNE. If the gentleman will amend his motion so as to make it read also that the committee amendments be considered as adopted, I think there is no objection to that.

Mr. WILLIAMS of Mississippi. And the committee amendments be considered as adopted.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the remaining sections of the bill be considered as read and the amendments thereto adopted, and that the question be then taken upon the motion of whether they shall or shall not be striken out of the bill.

Mr. CRUMPACKER. Mr. Chairman, I desire to propose an amendment to section 6, which is not reported as a committee amendment. I shall therefore have to object.

Mr. WILLIAMS of Mississippi. Then, Mr. Chairman, I will change my request for unanimous consent and ask that that course be followed with all of the sections except section 6, and when that is reached the gentleman can offer his amendment.

The CHAIRMAN. The Chair will then submit the proposition of the gentleman from Mississippi, as already submitted, with the exception of section 6 of the bill. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. JONES of Virginia. Mr. Chairman, I now move to strike out all of the remaining sections of the bill.

Mr. PAYNE. I suggest that the gentleman wait until we have disposed of section 6, or perfected it.

The CHAIRMAN. The gentleman from Indiana can offer his amendment to section 6, perfecting it, and it can then be voted upon with the remainder of the section.

Mr. CRUMPACKER. Mr. Chairman, I offer the following amendment which I will send to the desk and ask to have read:

The Clerk read as follows:

Substitute for the second amendment, beginning on line 10, page 4, the following: "for public dues; but such coins shall be receivable at their face value for the payment of all private debts contracted before the 1st day of June, 1903, unless otherwise specifically provided in the contract."

Mr. JONES of Virginia. Mr. Chairman, there is no objection to that on this side.

The CHAIRMAN. The question, then, is on the amendment offered by the gentleman from Indiana.

Mr. SHAFROTH. Mr. Chairman, I would like to be heard on the amendment.

The CHAIRMAN. The gentleman from Indiana is first entitled to the floor, if he wishes to be heard.

Mr. CRUMPACKER. Mr. Chairman, just a few suggestions upon the amendment. Section 6 of the bill provides that the Mexican silver peso now in use in the Philippine Islands and the silver coins heretofore issued by the Spanish Government for use in the islands shall be receivable for public dues and in the discharge of all debts, public and private, at a rate to be fixed from time to time by the proclamation of the civil governor of said islands, until such date, not earlier than the 31st day of December, 1903, as may be fixed by public proclamation, etc.

Now, if this bill should be adopted, it will at once fix the new gold peso and American gold coin as the sole and only legal tender in the archipelago, and private debts contracted under the existing currency, with the understanding that they are to be paid in Mexican pesos and Spanish silver pesos at their face value, would have to be paid in the gold peso, and the effect of the adoption of this section will be to add at least 25 per cent to every obligation carried by any individual or corporation in the entire archipelago. The first committee amendment to that section ought to be defeated. It ought not to have been put in. The intention of the committee in putting in the second amendment was to save the rights of men who created obligations on or before the 1st day of June, 1903, to discharge their obligations in the currency that was recognized as legal tender, unless it were otherwise expressly provided in the contract.

The amendment that I have submitted saves to the debtors the right to pay their debts in the kind of currency in which they impliedly and equitably contracted them. If this amendment be not adopted, I repeat that it will add at least 25 per cent to every item of indebtedness in the entire islands. The amendment saves those who have by express stipulation provided for payment in a specific kind of money. If there be obligations payable in gold coin or in Mexican pesos specifically, they will still continue to be payable in gold coin or in Mexican pesos; but it would create a panic in any country to add 25 per cent by a specific item of legislation to all of the indebtedness of the people, and I regard it as highly important that this amendment be adopted.

Mr. BABCOCK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BABCOCK. I understood a few moments ago that by the decision of the present occupant of the chair all debate on this bill was closed.

The CHAIRMAN. The present occupant of the chair has not so ruled. It was only on the pending section, which was section 1.

Mr. BABCOCK. The motion was that debate on the pending bill be closed.

The CHAIRMAN. The Chair understood the motion to be on the pending section and amendments thereto.

Mr. SHAFROTH. Mr. Chairman, I should like to call the attention of the House to the fact that when people differ with relation to the monetary system which should exist in the Philippine Islands, as has been demonstrated here to-day by the speeches and votes upon the various propositions, it is wise statesmanship not to do anything until we know what is best to do. I submit that when the chairman of the Committee on Insular Affairs tells us

that calamity will result if we adopt the American coinage for the Philippine Islands, and then the gentleman from Connecticut rises and says that there will be untold misfortunes if the measure presented by the majority is adopted, it seems to me, we ought to hesitate as to whether we should impose upon those people either of these measures.

Mr. Chairman, investigation was made by the Senate Committee on the Philippines last year as to what should be the proper monetary system for the Philippine Islands. The majority of the Senate committee at first was in favor of the Conant system as it was presented. It provided for a light-weight silver dollar, which was to contain only 322 grains of silver—not the Mexican dollar of 416 grains, not the American dollar of 412½ grains, but a new dollar entirely. They started in with the idea that it would be best to adopt that kind of a dollar for the Philippine Islands. The House Committee on Insular Affairs also indorsed the Conant proposition. The investigation proceeded. Hearings were had, and the testimony of prominent men who knew something about the situation in the Orient was taken. Among them was the agent of the Hongkong and Shanghai bank which has branches all over the Orient, and the conclusion to which the Senate committee unanimously came was that the silver standard should exist, and not only that, but that the United States should open a mint for the unlimited coinage of silver pesos, exactly as Great Britain has done for the unlimited coinage of the British silver dollar for Hongkong and the Straits Settlements.

[Here the hammer fell.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, the aim sought to be accomplished by the gentleman from Indiana [Mr. CRUMPACKER] in his amendment to section 6 of the original bill has already been accomplished by the adoption of the substitute itself, which contains exactly the same provision. Now, Mr. Chairman, I want to say——

Mr. SHAFROTH. Mr. Chairman, has my time expired? I should like two minutes more.

Mr. WILLIAMS of Mississippi. I understand the gentleman from Colorado asks unanimous consent for two minutes more. I do not want to take him off his feet.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. SHAFROTH. Mr. Chairman, that Senate committee came to the conclusion that we should have an open mint, just as Great Britain now has for Hongkong and the Straits Settlements, and that country is not contemplating a change in the situation there. The proposition which I wish to make to this House is that we let the coinage question of the Philippine Islands alone for the present. When the Senate committee within the last year has indorsed two distinct currencies for the Philippine Islands, one of which was unanimously adopted by the Senate; when we have two propositions here different from each other and from each of the Senate measures—parties claiming serious disasters will result in the adoption of either measure—should we not better let the measures rest until they are thoroughly digested? Should we impose a currency for all time on Philippine people when Senators and members of this House have been changing their minds every session as to the proper financial system for the islands? The trade of the Philippine Islands will draw to those islands whatever money is the legal standard there, which is the Mexican dollar, and as an open mint exists in Mexico for the coinage of those dollars it makes an automatic currency for the Philippine Islands. If you will just simply call off those gentlemen over there who constitute the Commission and tell them to stop trying to fix a ratio arbitrarily by law between gold and silver, and let the values fixed in the world's markets prevail, you will have the same conditions existing as now exist between Mexico and Hongkong and the Straits Settlements and the gold nations of the world. So that there is no great necessity and no great emergency for the passage of any bill whatever respecting the Philippine coinage.

Now, Mr. Chairman, either one of these bills, if passed, will make in the Philippine Islands a storehouse for gold to furnish all the gold that will be needed in the Orient. We will have to send the gold there to meet balances of trade if we overvalue silver, which we do if this bill is passed. To adopt the American coinage will overvalue silver. We will make it impossible for the people over there to use it in settling their balances of trade, and they will have to pay them in gold instead of settling their balances in Mexican dollars; and if they have to settle in American gold the only way to get it is from the United States, and this will continually tend to deplete our gold reserve, for the balance of trade against the Philippine Islands is more than $7,000,000 a year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman——

Mr. CRUMPACKER. Mr. Chairman, I move that debate on the section and all pending amendments be now closed.

The CHAIRMAN. The gentleman from Indiana moves that debate on the section and all pending amendments be now closed.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I merely yielded to the gentleman from Colorado.

The CHAIRMAN. The gentleman yielded the floor to the gentleman from Colorado, and the gentleman from Indiana was next recognized.

Mr. CRUMPACKER. Mr. Chairman, let me correct my motion. I move that the debate upon the pending section and all pending amendments be limited to three minutes; and the gentleman can have that.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that debate on the pending section and amendments thereto be limited to three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I will not take the three minutes. All I want to say is that independent of all financial and coinage questions involved in this bill, I differ from my friend from Colorado [Mr. SHAFROTH]. The minority members of the Committee on Insular Affairs brought in the substitute bill because they believed that was the right legislation. They did not bring it in merely for political purposes and to fight the majority bill only. They thought it was right for this reason, because the opposite principle is wrong.

It is absolutely wrong to have one coinage system in Colorado and another in Mississippi, to have one banking system in New Mexico and another in New York, and to have one coinage and banking system in continental America and another in insular America, as long as there is any insular America. The principle would be wrong outside of all question of expediency and mere policies. In finances, as in other purely Federal affairs, we can not afford to have different standards. We take the position that the Federal authority has to be uniform throughout the Federal territory.

Mr. SHAFROTH. Would not that depend upon whether it was to the interest of the Filipino people?

Mr. WILLIAMS of Mississippi. I do not care whether it was to the interest of Colorado or Mississippi, for example, to have different coinage systems, I would not vote to give it to either whether it was or not. I am not going to vote to give Mississippi one coinage system and Colorado another.

Mr. SHAFROTH. Is it not a fact that Great Britain has two or three systems, one in her own country absolutely, and another, without any full legal tender, in Hongkong and the Straits Settlements?

Mr. WILLIAMS of Mississippi. Because she is an Empire, with a home-governing community and a lot of outlying governed communities, and because the laws of Great Britain, according to English principles, do not carry themselves to all places where subjects of the King live. The American principle is that our laws ought to carry themselves to all the citizens of the Republic everywhere, and that we can not have subjects anywhere. [Applause.]

Mr. SHAFROTH. Yes; because England thinks it is to the best interests of their people in the Orient that they shall have a silver standard instead of a gold standard.

The question was taken; and the amendment was agreed to.

Mr. JONES of Virginia. Now, I understand it is in order to move to strike out all the sections?

The CHAIRMAN. Under the unanimous consent that motion will be in order.

Mr. JONES of Virginia. I move to strike out the remaining sections.

Mr. CRUMPACKER. The committee amendment has not yet been agreed to.

The CHAIRMAN. The amendment by the committee was included in the unanimous consent.

Mr. PAYNE. But the unanimous consent excluded section 6.

Mr. CRUMPACKER. There are two amendments to section 6. I offered one.

The CHAIRMAN. The question is on agreeing to the amendment of the committee to section 6, which is not included in the unanimous consent.

The question was taken; and the amendment was agreed to.

Mr. PAYNE. I want to call attention to the fact that the committee amendments to section 1 have not been agreed to. I ask unanimous consent that the committee amendments to section 1 be agreed to.

Mr. JONES of Virginia. There is no objection to that.

The committee amendments to section 1 were agreed to.

Mr. JONES of Virginia. Now I renew my motion.

The CHAIRMAN. The question is on the motion of the gentleman from Virginia to strike out all of the remaining sections, including section 6, as amended.

The question was taken; and the motion was agreed to.

The CHAIRMAN. That completes the bill.

Mr. COOPER of Wisconsin. Is the bill completed? I move that the committee rise.

Mr. JONES of Virginia. I do not understand the motion. Was the motion to report the bill as amended?

The CHAIRMAN. To report the bill to the House.

Mr. JONES of Virginia. I move that the committee rise and report the bill, as amended by this substitute, to the House with a favorable recommendation.

The CHAIRMAN. If the gentleman from Wisconsin moves that the committee rise, that motion will take precedence over the motion of the gentleman from Virginia.

Mr. COOPER of Wisconsin. I withdraw the motion.

The CHAIRMAN. The question is on the motion of the gentleman from Virginia, that the committee do now rise and report the bill with sundry amendments to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15520) to establish a standard of value and to provide a coinage system in the Philippine Islands, and had directed him to report it back to the House with sundry amendments with the recommendation that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. JONES of Virginia. Mr. Speaker, I move the previous question on the bill and amendments to its passage.

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] not having demanded this, the Chair will recognize the gentleman from Virginia for that purpose.

Mr. TAWNEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAWNEY. If the previous question is ordered, does that cut off opportunity to move to recommit the bill after the third reading?

The SPEAKER. The Chair thinks not. The question is on ordering the previous question to the bill and amendments.

The question was taken, and the motion was agreed to.

The SPEAKER. Is there any demand for a separate vote on any amendment?

Mr. CRUMPACKER. Mr. Speaker, I think there is a desire for a separate vote on the substitute.

Mr. RICHARDSON of Tennessee. This is a bill now.

Mr. WILLIAMS of Mississippi. There is no substitute.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reported no substitute to the bill. The Chair is advised that there is amendment in the nature of a substitute pending to one of the sections of the bill, but that is an amendment. If a separate vote is demanded on that, the gentleman will state which amendment it is.

Mr. COOPER of Wisconsin. Mr. Speaker, I gave notice to the committee that I should ask a separate vote upon the amendment offered by the gentleman from Virginia.

The SPEAKER. That question is not now in the House. The House knows nothing about any notice in the committee. Any member of the House has an opportunity and the right to demand a separate vote on any amendment. Does the gentleman from Indiana demand a separate vote on any amendment? And if so, he will name the amendment.

Mr. PAYNE. Mr. Speaker, if the substitute is pending in the House I demand a separate vote on that.

The SPEAKER. There is no substitute pending reported by the committee.

Mr. OLMSTED. Mr. Speaker, I move for a separate vote on the amendment offered by the gentleman from Virginia [Mr. JONES] as a substitute to the first section of the bill.

The SPEAKER. That is a proper demand.

Mr. COOPER of Wisconsin rose.

The SPEAKER. For what purpose does the gentleman from Wisconsin rise?

Mr. COOPER of Wisconsin. I rise to say that I shall move to recommit, and therefore I did not make this motion.

The SPEAKER. That is not now before the House. The question is on the demand of the gentleman from Pennsylvania for a separate vote upon the first amendment, being the one offered by the gentleman from Virginia [Mr. JONES].

Mr. CANNON. Now, Mr. Speaker, we are somewhat in a tangle as far as I can see it. It seems to me that if what is called the substitute to the first section is voted down, then the amendments to the other sections, striking them out, ought to be voted down, and would be; but it seems to me that if the proposition of the gentleman from Virginia prevails, then the others would fall as a matter of course. Now, I think by agreement, or some other way, we ought to be able to get at it. I will, unless there can be an agreement as I understand it, demand separate votes on all amendments striking out the various sections, until I can see the fate of the amendment I have just referred to.

Mr. RICHARDSON of Tennessee. Mr. Speaker, may I be heard a moment?

The SPEAKER. The Chair will recognize the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. Mr. Speaker, the gentleman from Illinois has not stated the parliamentary situation correctly. The amendments to which he refers were amendments added to the original bill. The proposition now before the House is the substitute offered by the minority and which was carried in it for the entire perfected bill of the majority, and the question now before the House is the passage of the bill which is a substitute and without amendment. There were no amendments reported with the bill, and the question is on the passage of the substitute bill as reported to the House. There are no amendments to that.

The SPEAKER. The Chair sees no difficulty arising from any statement that has been made. There is only one question now, and that is the demand of the gentleman from Pennsylvania for a separate vote on the amendment offered by the gentleman from Virginia. That is the first amendment; it is not a substitute. It is an amendment by way of substitute to the first section. The only question is on agreeing to the first amendment, and the Chair will ask the Clerk to report the amendment.

The Clerk began the reading of the first amendment.

Mr. JONES of Virginia (before the reading was concluded). Mr. Speaker, I think the House is perfectly familiar with this substitute. I ask unanimous consent to dispense with the further reading.

The SPEAKER. Without objection, the further reading of the amendment will be dispensed with.

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

Mr. COOPER of Wisconsin and Mr. TAWNEY called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 127, answered "present" 6, not voting 73; as follows:

YEAS—147.

Adamson,	Gillet, N. Y.	Loudenslager,	Shackleford,
Allen, Ky.	Glass,	McCall,	Shafroth,
Babcock,	Glenn,	McClellan,	Shallenberger,
Ball, Tex.	Goldfogle,	McCulloch,	Shattuc,
Bankhead,	Gooch,	McDermott,	Sheppard,
Bartlett,	Gordon,	McLain,	Sims,
Benton,	Green, Pa.	McRae,	Slayden,
Bowie,	Griffith,	Maddox,	Small,
Brandegee,	Haugen,	Mahoney,	Smith, Iowa
Brantley,	Hay,	Maynard,	Smith, Ky.
Breazeale,	Hedge,	Mercer,	Smith, S. W.
Brundidge,	Henry, Conn.	Meyer, La.	Snodgrass,
Burgess,	Henry, Tex.	Mickey,	Snook,
Burleson,	Hill,	Miers, Ind.	Sparkman,
Caldwell,	Hooker,	Moon,	Spight,
Candler,	Howard,	Neville,	Stark,
Capron,	Hull,	Nevin,	Stephens, Tex.
Clark,	Jackson, Kans.	Padgett,	Sulzer,
Clayton,	Johnson,	Patterson, Tenn.	Swann,
Cooney,	Jones, Va.	Pierce,	Talbert,
Cooper, Tex.	Kehoe,	Pou,	Tate,
Cowherd,	Kern,	Prince,	Taylor, Ala.
Crowley,	Kitchin, Claude	Pugsley,	Thayer,
Cushman,	Kitchin, Wm. W.	Randell, Tex.	Thomas, N. C.
Davey, La.	Kleberg,	Reid,	Tompkins, N. Y.
Davis, Fla.	Kluttz,	Rhea,	Tompkins, Ohio
De Armond,	Lacey,	Richardson, Ala.	Trimble,
Dougherty,	Lamb,	Richardson, Tenn.	Vandiver,
Eddy,	Latimer,	Rixey,	Wadsworth,
Elliott,	Lester,	Robb,	Wheeler,
Feely,	Lever,	Roberts,	White,
Finley,	Lewis, Ga.	Robertson, La.	Wiley,
Fleming,	Lewis, Pa.	Robinson, Ind.	Williams, Ill.
Foster, Ill.	Lindsay,	Robinson, Nebr.	Williams, Miss.
Fowler,	Little,	Rucker,	Wooten,
Fox,	Livingston,	Russell,	Zenor.
Gaines, Tenn.	Lloyd,	Ryan,	

NAYS—127.

Acheson,	Butler, Pa.	Foss,	Hughes,
Adams,	Cannon,	Foster, Vt.	Irwin,
Alexander,	Cassel,	Gardner, Mass.	Jack,
Allen, Me.	Conner,	Gardner, Mich.	Jackson, Md.
Aplin,	Coombs,	Gardner, N. J.	Jones, Wash.
Bartholdt,	Cooper, Wis.	Gibson,	Ketcham,
Bates,	Corliss,	Gill,	Knapp,
Beidler,	Cromer,	Gillett, Mass.	Kyle,
Blakeney,	Crumpacker,	Graff,	Landis,
Boreing,	Courier,	Graham,	Lawrence,
Boutell,	Dalzell,	Greene, Mass.	Lessler,
Brick,	Darragh,	Grosvenor,	Littauer,
Bristow,	Dayton,	Grow,	Littlefield,
Brown,	Dick,	Hamilton,	McCleary,
Brownlow,	Douglas,	Haskins,	McLachlan,
Bull,	Draper,	Heatwole,	Mahon,
Burk, Pa.	Driscoll,	Hemenway,	Mann,
Burke, S. Dak.	Esch,	Hepburn,	Marshall,
Burkett,	Evans,	Hildebrant,	Martin,
Burleigh,	Fletcher,	Holliday,	Metcalf,
Burton,	Fordney,	Howell,	Miller,

Minor,	Payne,	Smith, H. C.	Thomas, Iowa
Mondell,	Pearre,	Southwick,	Van Voorhis,
Morgan,	Powers, Me.	Steele,	Vreeland,
Morrell,	Powers, Mass.	Stevens, Minn.	Wanger,
Morris,	Reeder,	Stewart, N. J.	Warner,
Moss,	Reeves,	Stewart, N. Y.	Warnock,
Mudd,	Scott,	Storm,	Weeks,
Olmsted,	Shelden,	Sulloway,	Woods,
Otjen,	Showalter,	Sutherland,	Wright,
Palmer,	Sibley,	Tawney,	Young.
Patterson, Pa.	Smith, Ill.	Tayler, Ohio	

ANSWERED "PRESENT"—6.

Barney,	Griggs,	McAndrews,	Swanson.
Cassingham,	Jenkins,		

NOT VOTING—73.

Ball, Del.	Curtis,	Jett,	Rumple,
Bell,	Dahle,	Joy,	Ruppert,
Bellamy,	Davidson,	Kahn,	Scarborough,
Belmont,	Deemer,	Knox,	Schirm,
Billmeyer,	Dinsmore,	Lassiter,	Selby,
Bingham,	Dovener,	Long,	Sherman,
Bishop,	Dwight,	Loud,	Skiles,
Blackburn,	Edwards,	Lovering,	Smith, Wm. Alden
Bowersock,	Emerson,	Moody, N. C.	Southard,
Bromwell,	Fitzgerald,	Moody, Oreg.	Sperry,
Broussard,	Flanagan,	Mutchler,	Thompson,
Burnett,	Flood,	Naphen,	Tirrell,
Butler, Mo.	Foerderer,	Needham,	Underwood,
Calderhead,	Gaines, W. Va.	Newlands,	Wachter,
Cochran,	Gilbert,	Norton,	Watson,
Connell,	Hanbury,	Overstreet,	Wilson.
Conry,	Henry, Miss.	Parker,	
Cousins,	Hitt,	Perkins,	
Creamer, .	Hopkins,	Ransdell, La.	

So the amendment was agreed to.

The following pairs were announced:

For the session:

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. KAHN with Mr. BELMONT.

Mr. SHERMAN with Mr. RUPPERT.

Mr. DEEMER with Mr. MUTCHLER.

Until further notice:

Mr. NEEDHAM with Mr. RANSDELL of Louisiana.

Mr. BOWERSOCK with Mr. BURNETT.

Mr. LOUD with Mr. GRIGGS.

Mr. MOODY with Mr. BELLAMY.

Mr. DAVIDSON with Mr. SELBY.

Mr. SOUTHARD with Mr. NORTON.

Mr. BARNEY with Mr. THOMPSON.

Mr. HOPKINS with Mr. SWANSON.

Mr. LONG with Mr. NEWLANDS.

Mr. CURTIS with Mr. MCANDREWS.

Mr. DWIGHT with Mr. FITZGERALD.

Until January 25:

Mr. DOVENER with Mr. BROUSSARD.

Until the end of the week:

Mr. EMERSON with Mr. GILBERT.

For this day:

Mr. SCHIRM with Mr. BILLMEYER.

Mr. DAHLE with Mr. EDWARDS.

Mr. FOERDERER with Mr. LASSITER.

Mr. WATSON with Mr. HENRY of Mississippi.

Mr. OVERSTREET with Mr. FLOOD.

Mr. COUSINS with Mr. CREAMER.

Mr. SKILES with Mr. NAPHEN.

Mr. WACHTER with Mr. COCHRAN.

Mr. TIRRELL with Mr. CONRY.

Mr. JENKINS with Mr. FLANAGAN.

Mr. HITT with Mr. DINSMORE.

Mr. WM. ALDEN SMITH with Mr. SCARBOROUGH.

Mr. SPERRY with Mr. WILSON.

Mr. CONNELL with Mr. BUTLER of Missouri.

On this vote:

Mr. JOY with Mr. UNDERWOOD.

Mr. BINGHAM with Mr. BELL.

Mr. BISHOP with Mr. JETT.

The result of the vote was announced as above stated.

The SPEAKER. The question is now on agreeing to the other amendments, on which, if there be no objection, the question will be taken in gross.

There was no objection.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and it was accordingly read the third time, and passed.

On motion of Mr. JONES of Virginia, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On January 21, 1903:

H. R. 16066. An act to amend an act entitled "An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory," approved June 6, 1900; and

H. R. 15345. An act to promote the efficiency of the militia, and for other purposes.

On January 22, 1903:

H. R. 15006. An act to establish Portal, N. Dak., a subport of entry and extend thereto the privileges of the first section of the act approved June 10, 1880;

UNITED STATES DEPOSITS IN NATIONAL BANKS.

Mr. SULZER. Mr. Speaker, I call up a privileged resolution, which has been favorably reported, which I will send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he hereby is, respectfully requested to report to the House of Representatives the names of all the national banks which have held United States deposits, other than deposits of disbursing officers, on the 31st day of December, 1892, and on each succeeding 31st day of December until the present time, with the amount of said deposits held by each of said banks on the 31st day of December in each year, the average amount of deposits held by each during each of said years, and the amount of interest which would have been paid by each bank in each of said years had the bank been required to pay interest on such deposits at the rate of 2 per cent per annum.

The following committee amendment was read:

In line 10, page 1, strike out all after the word "years," the whole of lines 11 and 12, and in line 1, page 2, strike out the words "of said years."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on agreeing to the resolution.

The resolution was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent that the House nonconcur in the amendments of the Senate to the legislative appropriation bill, and ask for a conference.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the House nonconcur in the amendments of the Senate to the legislative appropriation bill, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER announced the following conferees on the part of the House: Messrs. BINGHAM, HEMENWAY, and LIVINGSTON.

ALASKAN DELEGATE.

Mr. CUSHMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9865) providing for the election of a Delegate from the Territory of Alaska to the House of Representatives of the United States, defining citizenship and the qualifications of electors in the said Territory.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9865, the Alaskan Delegate bill, with Mr. SMITH of Iowa in the chair.

The Clerk proceeded with the reading of the bill.

Mr. CUSHMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. CUSHMAN. Mr. Chairman, on behalf of the Committee on Territories, I now give notice that at the proper time we shall move to substitute in place of the pending bill this bill (H. R. 16653), providing for the election of a Delegate from the Territory of Alaska to the House of Representatives, which I send to the desk, and which I ask unanimous consent to have read in lieu of the former bill.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that the bill which the Clerk will now read be considered as pending, being the substitute of the Committee on Territories.

The Clerk proceeded with the reading of the bill.

Mr. CUSHMAN. Mr. Chairman, I ask unanimous consent that the first reading of this bill be dispensed with, that the bill may be explained as the debate proceeds.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that the first reading of the substitute offered by the committee be dispensed with. Is there objection?

Mr. ROBINSON of Indiana. Mr. Chairman, I would ask the gentleman from Washington to incorporate in his request that it be printed in the RECORD, so that we can read it to-morrow.

Mr. CUSHMAN. It will be.

Mr. STEELE. Mr. Chairman, I think we better have it read.

The Clerk then proceeded with the reading of the bill.

During the reading,

Mr. STEELE. I withdraw the objection I made in respect to dispensing with the reading of the bill.

The CHAIRMAN. The Chair will submit the request of the gentleman from Washington, that this substitute be treated as pending, and that the first reading of it be dispensed with. Is there objection?

Mr. ROBINSON of Indiana. And that the same be printed in the RECORD.

Mr. CUSHMAN. I am willing to have that incorporated in the request.

The CHAIRMAN. The gentleman from Washington then asks unanimous consent that the substitute which has been partly read shall be treated as pending and printed in the RECORD, and that the first reading of the same be dispensed with. Is there objection?

There was no objection.

The substitute bill is as follows:

A bill (H. R. 16653) providing for the election of a delegate from the Territory of Alaska to the House of Representatives.

Be it enacted, etc., That a Delegate to the House of Representatives of the United States from the Territory of Alaska shall be chosen by the people thereof, who shall be a citizen of the United States, and who shall discharge like duties and be entitled to the same rights, privileges, and emoluments as are discharged, exercised, and enjoyed by Delegates from the several Territories of the United States in the House of Representatives: *Provided, however*, That such Delegate in lieu of all other allowances shall, in addition to his salary, receive the sum of $1,500 per annum, which shall cover all mileage and other expenses except the stationery allowance and compensation for clerk hire.

SEC. 2. That the first Delegate from the Territory of Alaska shall be chosen for that portion of the term of the Fifty-eighth Congress subsequent to the date of his certificate of election, and each succeeding Delegate shall be chosen for the full term of the Congress next succeeding his election; that the salary of the first Delegate so chosen shall begin with the date of his certificate of election.

SEC. 3. That the first election of such Delegate shall be held on the last Tuesday of September in the year 1903, and thereafter such elections shall be held on the last Tuesday of September in each year when the members of the House of Representatives are chosen. The term of office and the salary of all Delegates so chosen, after the first Delegate, shall begin on the 4th day of March next succeeding his election.

SEC. 4. That no person shall be a Delegate who shall not have attained the age of 25 years and been seven years a citizen of the United States, and who shall not, when elected, be a resident of the Territory of Alaska.

SEC. 5. That in order to be qualified to vote for said Delegate to Congress a person shall—

First. Be a male citizen of the United States and have resided in Alaska not less than 90 days immediately preceding the election at which he offers to vote.

Second. Have attained the age of 21 years.

Third. Be able to read and write the English or some other European language.

SEC. 6. That Alaskan natives residing in Alaska, or their descendants, members of the uncivilized tribes, may become citizens of the United States by petition by any such member for that purpose to the judges of the district court for the district of Alaska for the division in which such petitioner resides and proving to the satisfaction of any judge of said court that he is lawfully residing within said district of Alaska and has been so residing there for not less than five years immediately preceding the presentation of said petition, and that he has abandoned his tribal relations and adopted the habits of civilized life. Upon making satisfactory proof of these facts, said applicant shall declare, upon his oath, allegiance to the Government of the United States and take an oath to support the Constitution of the United States, and shall thereupon be admitted by the court as a citizen of the United States. Jurisdiction is hereby conferred upon said district court for Alaska to entertain petitions and do all things necessary in the premises, and the clerk of said court shall keep a full and correct record of all such proceedings. The fees and costs shall be the same as upon proceedings for naturalization in the courts of the United States.

SEC. 7. That no person acquiring citizenship under the provisions of this act shall be held to have thereby lost or waived any right he may have to tribal or other property.

SEC. 8. That each and every incorporated city or town within the Territory of Alaska, and every city or town that may hereafter be legally incorporated therein, shall, for the purposes of this act, constitute one voting precinct, and the boundaries of said incorporated city or town shall be the boundaries of said voting precinct.

The city council of each incorporated city or town, at least thirty days before each election day, shall select an election board for said precinct lying within said incorporated town; said election board to consist of two judges and two clerks of election. Not more than one of such judges and not more than one of such clerks shall belong to the same political party, as far as it shall be found practicable to obtain suitable persons of different political parties. Said city council shall at the same time decide where the polling place for said precinct shall be located. Said city council shall immediately thereafter issue a notice of said approaching election, which notice shall be given publicity by posting, publication, or otherwise as fully as may be throughout said city or town, which said notice, among other things, shall state the date of the election, the purpose thereof, the location of the polling place within said incorporated city or town, and the hours between which the polls will be open to voters.

SEC. 9. That every mining district in Alaska in which there is no incorporated city or town shall, for the purposes of this act, constitute one election district, and the boundaries of said mining district shall be the boundaries of said election district; and that in every such mining district of Alaska the commissioner of said district, who is ex officio recorder of said district, shall, in each year in which an election is to be held under the provisions of this act, at least sixty days before the next election day, give general public notice of said approaching election, which notice shall be given publicity by posting, publication, or otherwise as fully as may be throughout said district. In said notice, and as a part thereof, he shall call for a general miners' meeting for said district, at a time and place specified in said notice. The time of said meeting shall be at least thirty days before the next election day, and the place designated for said meeting shall be as near the center of the population of said district as may be, with reference to the conditions existing in said district. That all persons within said district who are or will be qualified to vote at the next election shall be entitled to participate in said meeting. Said meeting shall be organized by the selection by those present of a chairman and a secretary, after which those present at said meeting shall—

First. Divide all the territory lying within said mining district into such number of voting precincts as shall be necessary and convenient for the accommodation of those residing therein, and give to each voting precinct so established a name by which the same shall thereafter be known; also, decide upon and define the boundaries of each voting precinct by reference to natural objects and permanent landmarks or monuments in such manner that the boundaries of the same can be readily determined and generally known from such description.

Second. Decide where the polling place for each precinct shall be located.

Third. Select an election board for each of said precincts so established, each board to consist of two judges and two clerks, each of whom shall be qualified to vote at the next election. Not more than one of such judges, and not more than one of such clerks shall belong to the same political party, as far as it shall be found practicable to obtain suitable persons of different political parties.

That after said meeting has reached a decision upon the matters hereinbefore enumerated in this section, and before the adjournment of said meeting, public announcement shall be made by the chairman of said meeting of the number of voting precincts created by said meeting, the boundaries and name of each, the location of each polling place, and the names of the judges and clerks of election for each voting precinct.

That a written record of all the proceedings of said meeting shall be kept and signed by the chairman and secretary, and after the close of said meeting said record shall be by them delivered to the commissioner and ex officio recorder of said district, which said record shall be filed by him in his office and be subject to the inspection of all persons desiring to inspect or examine the same, and a certified copy of said record shall be by said commissioner transmitted to one of the judges of election in each of said precincts. After said election is held the commissioner of said district shall transmit by mail the original record of said meeting to the governor of said Territory.

That the judges and clerks of election for each precinct, so chosen, shall, immediately after their selection as said judges and clerks, give notice by posting, publication, or otherwise as fully as may be throughout their said precinct of said approaching election, the date and purpose thereof, the place where said precinct polling place will be located, and the hours between which the polls will be open to voters.

SEC. 10. That in every mining district in Alaska having therein one or more incorporated cities or towns, all of the territory within said mining district outside the limits of said incorporated cities or towns shall, for the purposes of this act, constitute one election district; and that in every such mining district of Alaska the commissioner of said district, who is ex officio recorder of said district, shall, in each year in which an election is to be held under the provisions of this act, at least sixty days before the next election day, give general public notice of said approaching election, which notice shall be given publicity by posting, publication, or otherwise as fully as may be throughout said district. In said notice, and as a part thereof, he shall call for a general miners' meeting of all the residents of said mining district who reside outside of any incorporated city or town at a time and place specified in said notice. The time of said meeting shall be at least thirty days before the next election day, and the place designated for said meeting shall be the place most convenient to the residents of said district living outside of incorporated cities or towns. That all persons residing within said district outside of any such incorporated city or town, and who are, or will be, qualified to vote at the next election, shall be entitled to participate in said meeting. Said meeting shall be organized by the selection by those present of a chairman and a secretary, after which the meeting shall be conducted as said meeting hereinbefore provided for in this act, excepting that in dividing the territory within said mining district into election precincts said meeting shall only divide into voting precincts that territory within said district lying outside of any incorporated cities or towns.

SEC. 11. That the election boards selected under and by virtue of the provisions of this act shall serve as the election boards in the different precincts to which they are assigned, and as such shall possess all the powers and perform all the duties usually possessed and performed by election boards. That the election precincts decided upon at said miners' meeting as herein provided shall be and remain legal voting precincts for the purposes of this act. *Provided, however*, That any miners' meeting, duly called as in this act provided, for any mining district in Alaska, shall have power to create new voting precincts or change or modify the boundaries of the said voting precincts.

SEC. 12. That the election officers hereinbefore named shall conduct the elections provided for in this act. They shall keep each polling place in every precinct open for the reception of votes from 8 o'clock a. m. to 6 o'clock p. m. on the day of election.

SEC. 13. In case the judges or clerks of election provided for in this act, or any of them, shall fail to appear and qualify at the time and place designated for the holding of the election for which they shall have been selected, the qualified voters present shall organize a meeting and choose a chairman and secretary of such meeting, and said meeting shall select a suitable person or persons to fill the vacancy or vacancies on such election board.

SEC. 14. That the judges and clerks of election shall, prior to entering upon the discharge of their duties, be sworn to honestly and faithfully perform the duties of their several positions; and said oath may be administered by any judge, clerk, commissioner, or notary public; but if no such officer be present or available, then any duly appointed or selected judge of election may administer the oath and all other oaths incident to the proper conduct of elections held under the authority of this act, and said judge shall afterwards in turn be sworn by one of the clerks of election, except that the judge of election shall administer any oath to the voter necessary or proper under this act.

SEC. 15. That all persons in Alaska who are qualified to vote at any election, but who reside in territory outside of any election precinct as defined in this act, shall be entitled to vote in the precinct nearest their residence.

SEC. 16. That at the election provided for in this act all voting shall be by written or printed ballot.

SEC. 17. That the election officers herein provided shall, at each polling place, as soon after the closing of the polls as may be, canvass the votes cast, make a certificate of the result thereof, duly signed by said election officers, and immediately transmit the same, together with the ballots cast at such election in said precinct, securely sealed, to the governor of said Territory of Alaska, and at the same time said election officers in each precinct shall transmit a certified copy of the result of said election in said precinct to the commissioner of their respective recording districts.

SEC. 18. That the governor of the Territory of Alaska shall, within ten days after the first day of November in each election year, canvass the returns and issue the certificate of election herein provided in accordance with the returns transmitted to and received by him to the person having received the greatest number of votes; and in case of a tie vote the person to whom the certificate shall be issued shall be determined by lot.

SEC. 19. That any person offering to vote may be challenged by any election officer, or any other person entitled to vote at the same polling place,

and when so challenged, before being allowed to vote he shall make and subscribe to the following oath: "You do solemnly swear (or affirm, as the case may be) that you are 21 years of age and a citizen of the United States, and that you have resided in the Territory of Alaska for ninety days immediately preceding said election day; that you are able to read and write the English or some other European language; that you have not voted at this election," and, further, naming the place from which the voter came immediately prior to his residence in the precinct or locality in which he offers to vote, and giving the length of time of his residence in the former place. And upon the voter swearing to such an affidavit he shall be allowed to vote; but if any person so challenged shall refuse or fail to take such oath, then his vote shall be rejected; and any person swearing falsely in any such affidavit shall be guilty of perjury, and shall on conviction thereof suffer punishment as prescribed by law for persons guilty of perjury.

SEC. 20. That any person who, by any means, shall hinder, delay, prevent, or obstruct any other person from qualifying himself to vote, or from lawfully voting at any election herein provided for, or who shall knowingly personate and vote, or attempt to vote, in the name of any other person, or who shall vote more than once at the same election, or shall vote at a place where or at a time when he may not lawfully be entitled to vote, or shall do any unlawful act to secure an opportunity to vote, for himself or for any other person, or who, by or through any force, threat, intimidation, bribery, reward or offer thereof, unlawfully votes himself, or procures another to vote, or prevents or induces another to refrain from exercising his right of suffrage, or induces by any such means any officer of an election to do any unlawful act or omit to do his duty in any manner, or who, directly or indirectly, in any manner shall fraudulently change or cause to be changed the returns or the true and lawful results of any election hereunder, or shall attempt to do the same, or who shall delay, cause to be delayed, or connive at the delay of election returns in any manner, or attempt to do so, shall be guilty of a crime, and upon the conviction thereof shall be punished by a fine of not more than $500 nor less than $100, or imprisoned not more than three years, or both, and pay the costs of the prosecution; and it is further provided that every officer of any election held hereunder who neglects to perform or violates any duty imposed upon him as such officer, or knowingly does any unauthorized act with the intent to affect the election or the result thereof, or who shall permit, make, or connive at any false count or certificate of election, or who shall conceal, withhold, destroy, or willfully delay the returns of election, or connive at the same being done, or who shall aid, counsel, or procure any person to do or attempt to do any act made a crime hereinbefore, or shall attempt to do any of the acts hereinbefore mentioned, shall be guilty of a crime, and upon conviction thereof shall be punished by a fine of not less than $200 nor more than $1,000, or by imprisonment of not more than five years, or by both, and shall pay all costs of the prosecution; and jurisdiction of all such matters is hereby conferred upon the district courts of Alaska.

SEC. 21. That this act shall take effect upon its passage.

The following is the bill in place of which the substitute bill is offered:

A bill (H. R. 9865) providing for the election of a Delegate from the Territory of Alaska to the House of Representatives of the United States, defining citizenship, and the qualifications of electors in said Territory.

Be it enacted, etc., That a Delegate to the House of Representatives of the United States from the Territory of Alaska shall be chosen by the people thereof, who shall be a citizen of the United States, and who shall discharge like duties and be entitled to the same rights, privileges, and emoluments as are discharged, exercised, and enjoyed by Delegates from the several Territories of the United States in the House of Representatives: *Provided, however*, That such Delegate shall only receive actual traveling expenses from his place of residence to Tacoma, in the State of Washington, and return; and that from there to the city of Washington he shall receive the usual mileage allowed Representatives in Congress.

SEC. 2. That the first Delegate from the Territory of Alaska shall be chosen for the remainder of the term of the Fifty-seventh Congress and for the full term of the Fifty-eighth Congress at the same election, and each succeeding Delegate shall be chosen for the full term of the Congress next succeding his election; that the salary of the first Delegate so chosen shall begin with the date of his certificate of election.

SEC. 3. That the first election of such Delegate shall be held on the second Tuesday of August in the year 1902, and thereafter such elections shall be held on the second Tuesday of August in each year when the members of the House of Representatives are chosen.

SEC. 4. That no person shall be a Delegate who shall not have attained the age of 25 years and been seven years a citizen of the United States, and who shall not when elected be a resident of the Territory of Alaska.

SEC. 5. That all citizens of the United States who were bona fide residents of the district of Alaska on the 1st day of September, A. D. 1900, are hereby declared to be citizens of the district of Alaska, and all citizens of the United States who shall hereafter in good faith reside in the district of Alaska for one year shall be citizens of Alaska.

SEC. 6. That Alaskan natives residing in Alaska or their descendants, members of the uncivilized tribes, may become citizens of the United States by petition by any such member for that purpose to the judges of the district court for the district of Alaska for the division in which such petitioner resides and proving to the satisfaction of any judge of said court that he is lawfully residing within said district of Alaska and has been so residing there for not less than five years immediately preceding the presentation of said petition, and that he has abandoned his tribal relations and adopted the habits of civilized life. Upon making satisfactory proof of these facts said applicant shall declare, upon his oath, allegiance to the Government of the United States and take an oath to support the Constitution of the United States, and shall thereupon be admitted by the court as a citizen of the United States. Jurisdiction is hereby conferred upon said district court for Alaska to entertain petitions and do all things necessary in the premises, and the clerk of said court shall keep a full and correct record of all such proceedings. The fees and costs shall be the same as upon proceedings for naturalization in the courts of the United States.

SEC. 7. That no person acquiring citizenship under the provisions of this act shall be held to have thereby lost or waived any right he may have to tribal or other property.

SEC. 8. That the judge of each judicial division of the Territory of Alaska shall, in each year in which a Delegate is to be elected, and by proper order to be entered of record in his respective division of the court, divide the district into such number of voting precincts as he may deem necessary, and also define the boundaries thereof by natural objects and permanent monuments or landmarks, as far as practicable, and in such manner that the boundaries of such election precincts can be readily determined and become generally known from such description; which order shall be given publicity by posting, publication, or otherwise, as said judge may direct, the necessary expense of the publication of such order to be allowed and paid as other court expenses. Said judge shall appoint one judge of election, one clerk, and three inspectors for each election precinct, not more than three of whom shall belong to the same political party, as far as it shall be found practicable to obtain suitable persons of different political parties. The judge shall also in the aforesaid orders establish a polling place for each election precinct, the location of which shall be described in such order. In case the judge, clerk, or inspectors, or any of them, shall fail to appear and qualify at the time and place designated for the holding of the election for which they shall be appointed, the qualified voters present may select a suitable person or persons to fill the vacancy or vacancies on such election board.

SEC. 9. That the judges of election, clerks, and inspectors shall be sworn to honestly and faithfully perform the duties of their several positions, and any judge, clerk, commissioner, or notary public, or, if no such officer be present or available, then any duly appointed or selected judge of election, may administer the oath and all other oaths incident to the proper conduct of elections held under the authority of this act, and said judge shall afterwards in turn be sworn by the inspector, except that the judge of election shall administer any oath to the voter necessary or proper under this act.

SEC. 10. That in order to be qualified to vote for said Delegate to Congress a person shall—

First. Be a male citizen of the United States and of Alaska, and have resided in Alaska not less than one year immediately preceding the election at which he offers to vote.

Second. Have resided in the election precinct in which he offers to vote not less than sixty days immediately preceding the election at which he offers to vote.

Third. Have attained the age of 21 years.

Fourth. Be able to speak, read, and write the English language.

SEC. 11. That any person offering to vote may be challenged by any election officer, or any other person entitled to vote at the same polling place, and when so challenged before being allowed to vote he shall make and subscribe to the following oath: "You do solemnly swear (or affirm, as the case may be) that you are 21 years of age and a citizen of the United States and of the district of Alaska, and that you have resided in the election precinct in which you offer to vote not less than sixty days immediately preceding the day of election, and that you have resided in the district of Alaska for one year immediately preceding said election day; that you are able to speak, read, and write the English language; that you have not voted at this election," and further naming the place from which the voter came immediately prior to the living in the precinct in which he offers to vote, and giving the length of time of his residence in the former place. And upon the voter swearing to such an affidavit he shall be allowed to vote; but if any person so challenged shall refuse or fail to take such oath, then his vote shall be rejected; and any person swearing falsely in any such affidavit shall be guilty of perjury, and shall on conviction thereof suffer punishment as is prescribed by law for persons guilty of perjury.

SEC. 12. That the election officers hereinbefore named shall conduct the elections provided for in this act. They shall keep the several polling places open for the reception of votes from 8 o'clock a. m. to 6 o'clock p. m. on the day of election.

SEC. 13. That the election officers hereinbefore provided at each polling place shall, as soon after the closing of the polls as may be, canvass the votes cast, make a certificate of the result thereof, duly signed by said election officers, and transmit the same, together with the ballots cast at such election, securely sealed, to the clerk of the court for the division within which such precinct is situated.

SEC. 14. That the clerks of the several divisions of the district court shall compile the returns received from the various polling places, ascertain the result, transmit such compilation and result, duly authenticated, to the governor of the Territory. Said clerks shall retain the ballots received from the various polling precincts for a period of six months, and in case a notice shall be served upon them, or either of them, of a contest arising out of said election, said ballots shall be further retained by said clerk or clerks to await the order of the tribunal having the final determination of such contest; otherwise such ballots shall be destroyed at the expiration of six months from the reception thereof.

SEC. 15. That the governor shall, within ten days after the 1st day of October in each election year, issue the certificate hereinbefore provided in accordance with the returns so received from the clerks of the district court.

SEC. 16. That the judges of election, clerks, and inspectors hereinbefore provided shall be appointed, and the voting precincts defined and polling places designated, by the judge of the court not later than the second Tuesday of June in any year in which an election for Delegate is to be held.

SEC. 17. That the election officers hereinbefore provided shall receive as compensation $5 each for their services upon election day; and the necessary expense of the transmission of the returns and ballots to the clerks of court, as hereinbefore provided, together with the expense of providing suitable buildings for holding the election, police protection, stationery, and other incidental and necessary expenses herein authorized, shall be certified to the clerk of the court within which such election officers are located and shall be allowed and paid as other court expenses.

SEC. 18. That the respective clerks of the court shall transmit the election returns received by them, and the result thereof, as hereinbefore provided, to the governor, so that he shall receive them not later than the 1st of October next succeeding.

SEC. 19. That any person who, by any means, shall hinder, delay, prevent, or obstruct any other person from qualifying himself to vote, or from lawfully voting at any election herein provided for, or who shall knowingly personate and vote, or attempt to vote, in the name of any other person, or who shall vote more than once at the same election, or shall vote at a place where or at a time when he may not lawfully be entitled to vote, or shall do any unlawful act to secure an opportunity to vote, for himself or for any other person, or who, by or through any force, threat, intimidation, bribery, reward, or offer thereof, unlawfully votes himself, or procures another to vote, or prevents or induces another to refrain from exercising his right of suffrage, or induces by any such means any officer of an election to do any unlawful act or omit to do his duty in any manner, or who, directly or indirectly, in any manner shall fraudulently change or cause to be changed the returns or the true and lawful results of any election hereunder, or shall attempt to do the same, or who shall delay, cause to be delayed, or connive at the delay of election returns in any manner, or attempt to do so, shall be guilty of a crime; and upon the conviction thereof shall be punished by a fine of not more than $500, nor less than $100, or imprisoned not more than three years, or both, and pay the costs of the prosecution; and it is further provided that every officer of any election held hereunder who neglects to perform or violates any duty imposed upon him as such officer, or knowingly does any unauthorized act with the intent to affect the election or the result thereof, or who shall permit, make, or connive at any false count or certificate of election, or who shall conceal, withhold, destroy, or willfully delay the returns of election, or connive at the same being done, or who shall aid, counsel, or procure any person to do or attempt to do any act made a crime hereinbefore, or shall attempt to do any of the acts hereinbefore mentioned, shall be guilty of a crime, and upon conviction thereof shall be punished by a fine of not less than $200 nor more than $1,000, or by imprisonment of not more than five

years, or by both, and shall pay all costs of the prosecution; and jurisdiction of all such matters is hereby conferred upon the district courts of Alaska.

SEC. 20. That this act shall take effect upon its passage.

DELEGATE IN CONGRESS FOR ALASKA.

Mr. CUSHMAN. The sole object of this bill now before us for consideration is to give to the people of the Territory of Alaska a Delegate in the House of Representatives of the American Congress, and incidentally to prescribe the manner of the election of such Delegate.

This is the first time that a bill to give the people of Alaska a Delegate in Congress has ever been considered on this floor. But let no man think that this measure is hasty and ill-considered legislation. The consideration of this bill to-day on this floor is the culmination of an effort that has extended over a period of the past ten years.

A bill of similar purpose was reported from the Committee on Territories of the House of Representatives in the Fifty-third Congress near its close, too late for action; and another in the Fifty-fourth Congress, which, for some reason, failed to become a law. A third time, in the second session of the Fifty-sixth Congress, a similar bill was introduced and unanimously reported by the Committee on Territories to the House, but this bill, on account of the press of business during the close of that session, failed of consideration in the House.

During the first session of this present Congress this bill, which we have now before us, was unanimously reported by the Committee on Territories of this House, and it has since that time been upon the Calendar of this House awaiting a time when it might be considered in this House.

I fully believe that the action taken by this House to-day on this bill will be favorable.

Before speaking in reference to the details of this bill, perhaps the first question to arise on the very threshold of this debate is, Are the people of Alaska entitled to representation on this floor in the person of a Delegate?

I believe there can be no difference of opinion on that point among reasonable men who are familiar with the situation in Alaska.

It occurs to me that there would be more propriety in my pausing a moment in the beginning of this debate and asking if any member on this floor can state any reason why the people of Alaska should not have representation in the form of a Delegate on this floor.

I am certain it would not take a tithe of the time to review the few small objections that might exist to the passage of this bill that it will take to marshal the facts and array the arguments in its favor.

Let me pause for a moment and call the roll of the States and Territories comprising the United States and the islands of the sea under the jurisdiction of the United States:

In the first place, there are the forty-five States of this Union. Each one of them has two Senators. In addition thereto, those States each have representation in this House according to the population of the State represented, said representation covering a range from the State of New York, having thirty-four Members on this floor, down to Nevada, Idaho, Utah, Montana, and Wyoming, each having one Member on this floor. Then come the three Territories on the mainland of the United States, Arizona, New Mexico, and Oklahoma, and each one of those Territories is now represented on this floor by a most able Delegate, each one of which is sojourning among us for a brief period before donning the Senatorial toga at the other end of the Capitol!

Then there is the island Territory of Hawaii, represented on this floor by an able Delegate in the person of a native Hawaiian.

Then there is the little island of Porto Rico. Porto Rico is under the jurisdiction of the United States. The act of April 12, 1900, provides for a "resident commissioner" from Porto Rico to the United States, to be elected every two years by the qualified voters of Porto Rico. His salary is $5,000 per annum. By the terms of the act granting to Porto Rico the resident commissioner to the United States that official was not granted a seat upon this floor nor the right of debate or vote in this body. Afterwards, on June 28, 1902, the resident commissioner of Porto Rico was, by the passage of House resolution 328, first session of Fifty-seventh Congress, given admission to the floor of the House of Representatives. The powers of this official are the most limited of any representative or quasi representative from any territory under the jurisdiction of the United States. The present resident commissioner is Mr. Frederico Degetau, a native Porto Rican, of San Juan, who is a most creditable commissioner.

Then there are the Philippine Islands—territory under the jurisdiction of the United States.

A bill passed Congress and was approved July 1, 1902, relating to the civil status and civil rights of the residents of the Philippine Islands, known as the Philippine civil government bill, and establishing for that archipelago a framework of civil government. Among other things in relation to the representation which that territory should have at the capital of the United States, said bill provides:

That at the first meeting of the Philippine legislature, and every two years thereafter, there shall be chosen by said Philippine legislature two resident commissioners to the United States, who shall be entitled to an official recognition as such by all departments upon presentation to the President of a certificate of election by the civil governor of said islands, and each of whom shall be entitled to a salary, payable monthly by the United States, at the rate of $5,000 per annum, and $2,000 additional to cover all expenses: *Provided*, That no person shall be eligible to such election who is not a qualified elector of said islands, owing allegiance to the United States, and who is not 30 years of age.

I have reviewed briefly the provisions of the law relating to the representation accorded to the various civil divisions of the United States, in order to emphasize the fact that in the matter of according representation the Territory of Alaska has been absolutely overlooked.

I state on this floor, now, that Alaska is the only bit of territory over which the American flag floats, populated by the Anglo-Saxon race, and not recently in a state of insurrection against the United States Government, that has not some kind of a representative at the capital of the American Republic. Of course I make an exception of the District of Columbia, a small area originally 10 miles square, which was reserved for the location of the capital of the United States.

ALASKA.

Here is this great region of Alaska, a mighty empire in proportions, and a veritable storehouse of natural wealth of the most vast and varied description; Alaska that cost us $7,200,000 in 1867; Alaska that has been an American possession for thirty-six years; Alaska with 600,000 square miles of territory within her borders, equal almost to the entire United States east of the Mississippi River; Alaska that stretches through 20 degrees of latitude and 50 degrees of longitude; Alaska with 26,000 miles of coast line; Alaska that forms alike our western boundary and western gateway, looking out toward the Orient, that theater of the commercial transactions of the twentieth century; Alaska, the only fur-producing region held by the United States; Alaska, that produces nine-tenths of the salmon of the known world; Alaska, whose output of fish in each of the late years has amounted to the stupendous figure of $7,000,000, or, in other words, a region that yearly pays for itself out of a single industry; Alaska, that great storehouse of precious metals whose recent productions of gold and silver have startled the financial world; Alaska, with mighty and matchless agricultural possibilities; Alaska, with a single fertile valley within her borders as big as the State of Ohio; Alaska, with navigable rivers wider than the Missouri, longer than the Mississippi, and deeper than the St. Lawrence.

Alaska with 100,000 population, composed of the cream of the Anglo-Saxon race, has no Delegate on this floor, and the only legal link that binds them to the Stars and Stripes is a Federal tax collector in the midst of their domain! [Applause.]

STATISTICS ON ALASKA.

The Bureau of Statistics, which Bureau is under the Treasury Department of the United States, has for its purpose the gathering, compiling, and publishing of various commercial statistics.

The field of inquiry of this Bureau was only extended to Alaska July 1, 1902. Prior to that time all the commercial statistics we have relating to Alaska are unofficial, and are in the nature of estimates gathered from various sources of more or less reliability. These statistics cover the period from July 1, 1902, up to and including November 30, 1902.

I have thought it well to include within the limits of these remarks some of the statistics and tables relating to Alaska which I have found in the course of my investigation on this subject.

These tables are not only interesting from the standpoint of containing general information, but this information is directly in point with the bill which we are now considering, because they show the magnitude of the commerce of this Territory.

I shall not attempt within the limits of this speech to review or analyze the figures contained in these tables of statistics, and simply content myself with the statement of one or two facts gleaned from these figures.

The estimated value of merchandise shipped from Pacific coast ports to Alaska during the last three years has been over a million dollars in value per month.

That the value of merchandise shipped out of Alaska—I am not talking about gold and silver now—but that the value of merchandise shipped out of Alaska in the last five months covered by these statistics is almost $2,000,000 per month.

That the revenues which this Government has received from Alaska since the date of our purchase from Russia aggregate the grand total of $8,907,952.60. These figures do not represent the profit which individuals have made during this same period from various business enterprises in Alaska. These figures simply represent the Goverment revenue received during this period.